

Dear Attorney General Thomas-Jacobs:

We represent Mr. Jeffrey Epstein, who is registered on the U.S. Virgin Islands sex offender registry. We have received a copy of your March 14, 2019 letter regarding substantial additional requirements that you now seek to impose on Mr. Epstein in connection with his future travel notifications to your office, and I have several questions regarding those requirements that I would like to discuss with you in person. In addition, I think it is important that you be made aware of recent events relating to Mr. Epstein's efforts, prior to the issuance of your March 14, 2019 letter, to notify your office regarding his international and domestic travel.

In accordance with the procedures authorized by Attorney General Frazer in August 2012, Mr. Epstein gave proper email notice on February 16, 2019 to Ms. Shani Pinney, the Territorial Sexual Offender Registry Program Manager, of his intended to travel for a day trip to the Dominican Republic on February 19, 2019. Mr. Epstein's attorney, Darren Indyke, was copied on that email notice, and received the email at the same time Mr. Epstein emailed it to your office. See Exhibit 1 attached. That notice included all international travel information necessary in order for the Department of Justice to give international jurisdiction to the Dominican Republic authorities the required advance notice of Mr. Epstein's arrival.

Mr. Epstein also emailed Ms. Pinney on February 18, 2019 regarding his obligation to annually renew his registration on March 5 and advised that after leaving at noon on February 19, 2019, Mr. Epstein anticipated being outside of the Territory until March 20, 2019. Mr. Epstein inquired in his email as to whether he should renew his registration before he left the next day or after he returned on March 20, 2019. Attorney Indyke was also copied on that email, and also received it when Mr. Epstein emailed it to Ms. Pinney. See Exhibit 2 attached.

Despite Mr. Epstein's timely and proper notice to the Department of Justice of his travel to the Dominican Republic, the Dominican Republic did not receive advance notice of Mr. Epstein's travel. As result, upon Mr. Epstein's arrival at the Dominican Republic on February 19, 2019, he was detained for several hours and ultimately denied entry. Having been refused entry, Mr. Epstein then traveled to his vacation home in Palm Beach, Florida, as his February 16, 2019 email notice advised he would do.

On February 21, 2019 at 9:57PM (EST), Attorney Indyke notified Ms. Pinney of a modification to Mr. Epstein's travel plans. As authorized by the travel notification procedures in effect prior to your March 14, 2019 letter, because Mr. Epstein was traveling and no longer in the Territory at that time, Attorney Indyke provided the changes to Mr. Epstein's itinerary by email to Ms. Pinney at the same email address that he has had previously used to transmit his messages successfully. See Exhibit 3 attached. All of the required information, including the required information for international travel, was included in that email.

Six days after Mr. Epstein emailed his February 16, 2019 travel notice, and three days after Mr. Epstein had been detained and refused entry to the Dominican Republic, Mr. Epstein received a response from Ms. Pinney. By email on February 22, 2019 at 9:11AM (AST), Ms. Pinney advised that:

Commented [e1]: Do we have proof of prior notifications via email that were received by Pinney? It might be helpful to show CTJ that we had successfully notified her previously via email.

2019-03-19 15:28:00

I am only now responding because I have been out of the office. Please note that an appointment is not needed to fulfill your registration obligation. In the future, report in person to DOJ to register and there will be Investigators that can assist in my absence.

Also, I have not received your travel details. As you are aware these details must be provided prior to your departure. Please provide by the end of business day.

See Exhibit 4 attached. Five minutes later, at 9:16AM (EST), Mr. Epstein re-sent to Ms. Pinney the email travel notice that he sent on February 16, 2019 and copied Attorney Indyke on the email he re-sent. See Exhibit 5. Ms. Pinney responded by email at 9:43AM (EST) that she searched her emails and could not find Mr. Epstein's original February 16, 2019 email travel notice. See Exhibit 6 attached. However, Ms. Pinney did receive Mr. Epstein's February 18, 2019 email and Mr. Epstein's 9:16AM (EST) email on February 22, 2019. See the email chains in Exhibits 4 and 6 attached. Ms. Pinney also stated that:

In the future, cc SOR Investigator Augustin to assure that the travel details are received. Agent Augustin has been cc'd in this email. Also, you are required to report on March 11th after your return to the USVI on March 9th to complete your yearly registration.

See Exhibit 6 attached.

In light of Ms. Pinney's advice that she had not received Mr. Epstein's emails, Mr. Epstein inquired as to whether she had received Attorney Indyke's February 21, 2019 email regarding the changes to Mr. Epstein's travel itinerary. Mr. Epstein sent Ms. Pinney four separate emails on February 22, 2019 asking for confirmation that Attorney Indyke's February 21, 2019 email had been received. Both Attorney Indyke and Agent Augustin were copied on all of them. See Exhibits 7, 8, 9 and 10 attached. Attorney Indyke received each of these emails at the time they were sent to Ms. Pinney. Attorney Indyke also sent emails to both Ms. Pinney and Agent Augustin on February 22, 2019, which included a copy of the February 21, 2019 email Attorney Indyke sent to Ms. Pinney. See Exhibits 11 and 12. Three days later, on February 25, 2019, Ms. Pinney emailed Mr. Epstein that she had not received any notices from Attorney Indyke. See Exhibit 13 attached. However, none of the emails sent by Attorney Indyke, or for that matter by Mr. Epstein, during the February 16, 2019 to February 28, 2019 period were returned as undelivered by the DOJ's email server, and Attorney Indyke and Ms. Pinney have communicated successfully by email for years.

Please contact me after you have had an opportunity to review these materials so that we can set a date and time to meet and discuss them, as well as your March 14, 2019 letter to Mr. Epstein. I look forward to hearing from you.

Respectfully,

Commented [e2]: Should we maybe footnote that at no point did JE receive an out of office notification? Nor had we ever been instructed to copy another person in the office on the notification emails?
ekellerhals@kelffer.com
2019-03-19 15:30:00

Commented [e3]: Should we include a paragraph regarding her being prepared to explain why the Frazer procedures are no longer in play. I question whether we should include more information on the original agreement that Frazer put into place whereby he waived some of the requirements due to JE's significant business travel.
ekellerhals@kelffer.com
2019-03-19 15:32:00

Erika Kellerhals