

From: "Michele Dargan" <[REDACTED]>

To: <[REDACTED]>

Subject: Alexander Acosta's published letter

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Importance: normal

Priority: normal

Attachments: Alex_Acosta_letter.jpg; Acosta_letter_pg.2_.jpg; Acosta_letter_pg._3.jpg

Inline-Images: image.jpg; image(1).jpg; image(2).jpg; image(3).jpg

Hi Mr. Black,

I am following up on Alexander Acosta's letter, dated March 2011 that was published on Friday in the *Daily Beast*.

In the letter, Mr. Acosta makes references to you and the other attorneys representing Mr. Epstein regarding felony charges in 2007-2008 and the events surrounding Mr. Epstein's eventual guilty plea.

I have attached a copy of the letter to this e-mail. I would like a written response from you as to the allegations contained in Mr. Acosta's letter that were directed at Mr. Epstein's defense team.

Specifically, Mr. Acosta writes:

Over the next several months, the defense team presented argument after argument claiming that felony criminal proceedings against Epstein were unsupported by the evidence and lacked a basis in law, and that the office's insistence on jail-time was motivated by a zeal to overcharge a man merely because he is wealthy. They bolstered their arguments with legal opinions from well-known legal experts. One member of the defense team warned me that the office's excess zeal in forcing a good man to serve time in jail might be the subject of a book if we continued to proceed with this matter. My office systematically considered and rejected each argument, and when we did, my office's decisions were appealed to Washington. As to the warning, I ignored it.

The defense strategy was not limited to legal issues. Defense counsel investigated individual prosecutors and their families, looking for personal peccadilloes that may provide a basis for disqualification. Disqualifying a prosecutor is an effective (though rarely used) strategy, as eliminating the individuals most familiar with the facts and thus most qualified to take a case to trial harms likelihood for success. Defense counsel tried to disqualify at least two prosecutors. I carefully reviewed, and then rejected, these arguments.

Some may also believe that the prosecution should have been tougher in retaliation for the defense's tactics. The defense, arguably, often failed to negotiate in good faith. They would obtain concessions as part of a negotiation and agree to proceed, only to change their minds, and appeal the office's position to Washington. The investigations into the family lives of individual prosecutors were, in my opinion, uncalled for, as were the accusations of bias and / or misconduct against individual prosecutors. At times, some prosecutors felt that we should just go to trial, and at times I felt that frustration myself. What was right in the first meeting, however, remained right irrespective of defense tactics. Individuals have a constitutional right to

If you would be so kind to respond to the allegations made by Mr. Acosta, I would appreciate it. Thank you in advance.

Best,
Michele

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