

From: J <jeevacation@gmail.com>
To: [REDACTED] <[REDACTED]>
Subject: Fwd:
Date: Sat, 15 Dec 2018 22:31:56 +0000

----- Forwarded message -----

From: Ken Starr <[REDACTED]>
Date: Sat, Dec 15, 2018 at 11:24 AM
Subject: Re:
To: J <jeevacation@gmail.com>
Cc: Alan Dershowitz <[REDACTED]>

Here goes:

"Sweetheart deal! " So goes the critique of the resolution of a long-ago case involving our former client -- and now-friend -- Jeffrey Epstein. The critique is profoundly misplaced, supported neither by the law or the facts, nor by the structure of our constitutional republic. To the contrary, Jeffrey was subjected to an unprecedented federal intrusion into a quintessentially local criminal matter in south Florida. His offense to the social order -- involving sex for hire -- was entirely a matter entrusted to laws of the several States, not the federal government. His conduct -- a classic state offense -- was being treated exactly that way by able, honest prosecutors in Palm Beach County, but the overweening federal government intruded where it did not belong. And now, over ten years after the fact, the current assault on federal decision-makers at the time, including now-Secretary of Labor Alex Acosta (then the United States Attorney in south Florida), condemns the federal authorities for not going far enough.

The critics are entirely wrong. Neither the facts nor the law support the misguided criticisms being leveled by journalists and politicians at federal officials from over a decade ago -- including the highest levels of the Justice Department in Washington, D.C. .

Here are the key facts: Jeffrey Epstein, a successful self-made businessman with no prior criminal history whatever, engaged in illegal conduct that amounts to solicitation of prostitution. That was wrong, and it was reasonably viewed as a violation of Florida state law. Although no coercion, violence, alcohol, drugs and the like were involved, the unsavory facts were carefully assessed by experienced state prosecutors who aggressively enforce state criminal laws. No one turned a blind eye to potential offenses to the public order. To the contrary, the Palm Beach State Attorney's Office conducted an extensive 15-month investigation, led by the chief of the Sex Crimes Division. Mr. Epstein was then indicted by a state grand jury on a single felony count of solicitation of prostitution.

During that intense investigation, the state prosecutors extensively gathered and analyzed the evidence, met face-to-face with many of the asserted victims, considered their credibility -- or lack thereof -- and considered the extent of exculpatory evidence. Then, after months of elaborate negotiations, the state prosecutors believed they had reached a reasoned resolution of the matter that vindicated the public interest -- a resolution entirely consistent with that of cases involving other similarly-situated defendants.

Then, in came the feds. The United States Attorney's Office tried, to no avail, to fit Mr. Epstein's situation into its vision of what it viewed as a commercial trafficking ring targeting minors. This was anything but. At long last, the federal authorities acknowledged that stark reality and grudgingly agreed to defer prosecution to the state. But there was a huge catch. In the face of our arguments sharply condemning their overreach, the federal prosecutors insisted on many unorthodox requirements that tugged at fundamental values of due process. For example, the agreement required Mr. Epstein to pay an undisclosed list of asserted victims \$150,000 each. Even more, the feds insisted that Jeffrey pay for an attorney to represent such unidentified victims if any chose to file civil litigation against him. When asked what possible legal authority supported this extravagant exercise of national power, the feds lamely cited a wildly inapposite case from Alaska involving cocaine and forced on-the-street prostitution. Apples and oranges.

Under the federally-forced deal, Jeffrey was sentenced to jail. That would not have been the case under the agreed-upon state disposition of this non-violent, consensual commercial arrangement. Jeffrey complied, served that sentence, and in the process was treated exactly the same as other state-incarcerated individuals. His conduct was exemplary, and so characterized by the state custodial authorities. He continued his work, including his many philanthropic efforts.

Our friend Jeffrey Epstein has paid his debt to society. He has also paid out millions of dollars to the asserted victims and their highly-creative lawyers. For over ten years, he has lived an exemplary life, including carrying on his wide-ranging philanthropies. Those of us who represented him in the Florida proceedings -- for customary professional fees -- now count him as a trusted friend.

Our nation faces vitally important challenges, many involving the treatment of women and basic human dignity. Voices are rightly being raised speaking truth to power, especially about women in the workplace. But Jeffrey, an exemplary employer, has long since been called to account by the criminal justice system for his misdeeds of yesteryear. In the spirit of the bedrock American belief in second chances, that unhappy chapter in Jeffrey's otherwise-magnificent life should be allowed to close once and for all.

On Thu, Dec 13, 2018 at 4:24 PM J <jeevacation@gmail.com> wrote:

ken ,would take a stab at the article for the law journal. ? thx

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