

**Response to R4P #7  
Correspondence between BJE  
and US Government Regarding  
Epstein  
In BJE Possession**



October 9, 2008

██████████ AUSA  
United States Attorney's Office  
99 N.E. 4th Street  
Miami, Florida 33132

Re: Jane Doe # and Jane Doe #2 v. United States of America  
Case No.: 08-80736-CIV-MARRA/JOHNSON

Dear ██████████

I am writing to call to your attention two potentially false statements that the Government made, albeit inadvertently, in a sworn declaration submitted to the Court in connection with the above-captioned case. I request that your office file a corrected declaration and accompanying explanation.

The first statement is found at page 3 to 4 of the July 9<sup>th</sup>, 2008 declaration of ██████████. There a provision in a plea agreement with Mr. Jeffrey Epstein is recounted. As we understand the Government's current position in this case, it is that this provision is not in fact part of the plea agreement in this case. If our understanding is correct, then ██████████ has filed a false affidavit with the court, albeit inadvertently. We respectfully request that she file a new affidavit that corrects this false information, along with all other information relevant to understanding how the false information came to be provided to the court – and to the victims in this case. This correction should, in my view, include more details about how Epstein and his attorneys approved a submission of false information to the victims as you stated on Page 5, n.2 in your October 8, 2008 filing "Respondent's Opposition to Victims' Motion to Unseal Non-Prosecution Agreement" – presumably knowing that litigation surrounding the victims' rights issues was on-going and that such false information might be ultimately presented to the court. Such information is highly relevant to what remedy the victims might ultimately choose to seek for violations of their rights in this case.

The second statement may or may not be false, but may need some clarification. At page 4 of ██████████ declaration, she states that "[i]n October 2007, shortly after the agreement was signed, four victims [including ██████████] were contacted and *these provisions were discussed*" (emphasis added). Similarly at page 5, the declaration states: "After ██████████ had been notified of the *terms of the agreement* ....." (emphasis added). I write to inquire whether, in view of the fact that the provision noted above is not in fact (according to the Government's current view) part of the plea agreement, whether this was the provision that the government (inaccurately) discussed with the victims. Put another way, I am wondering whether the Government will now stipulate that it, at most, discussed with the victims a provision in the plea agreement that never was actually part of the plea agreement.

[REDACTED]  
United States Attorney's Office  
October 9, 2008  
Page Two

I continue to be interested in working out a joint stipulation of proposed facts in this case with the Government. If you would like to proceed in that direction, please give me a call. If, however, the Government is not willing to work out a joint stipulation of facts, then I need to have the record be as clear as possible, and at a minimum would request that the Government correct the inaccurate information it has provided to the court and clarify precisely how such inaccurate information came to be made a part of the record and the extent to which Mr. Epstein, through his attorneys, was culpable.

Sincerely,

[REDACTED]

BE/sg

Brad Edwards

[REDACTED]



[REDACTED] AUSA  
United States Attorney's Office  
October 15, 2008  
Page Two

(4) Is Epstein in compliance with his Non-Prosecution Agreement with the Government when he is now taking the legal position, through his attorneys, that he only has to pay the victims \$50,000 damages under § 2255?

Thank you for any clarification you can provide on these questions.

Sincerely,

[REDACTED]

BE/sg

Brad Edwards

cc: [REDACTED] AUSA  
United States Attorney's Office  
500 South Australian Avenue  
West Palm Beach, Florida 33401

[REDACTED]

*Brad Edwards*

AND ASSOCIATES

July 17, 2008

[REDACTED] AUSA  
United States Attorney's Office  
500 South Australian Avenue  
West Palm Beach, Florida 33401

Re: Proposed Stipulated Facts for *In Re Jane Doe*

Dear [REDACTED]

Thank you for your recent proposed stipulation of facts in this case. I believe that we have considerable common ground. At the same time, however, it appears to me that a few areas of potential disagreement are arising. In view of that, and to avoid any misunderstandings, I thought it might be useful to send a short letter outlining several requests and issues for resolution before I send you back my proposed stipulated facts.

1. I am working with two other attorneys on this case – Jay Howell in Jacksonville, Florida, and Professor Paul Cassell in Salt Lake City, Utah. Because they were not in court for the hearing last Friday, they will need to review a transcript of the hearing before our legal team can agree to any stipulated facts. I have requested a transcript, but the preparation of it will apparently take several weeks. Do you have any way of expediting the preparation of the transcript by requesting it yourself? Also, as you know, my clients are indigent. As part of the Government's responsibility to use its "best efforts to see that crime victims are . . . accorded[] the rights" in the CVRA, 18 U.S.C. § 3771(c)(1), I was wondering whether the Government would be willing to pay for the transcript.

2. Your proposed stipulation indicates that in September 2007 the U.S. Attorney's Office reached an agreement with Epstein to resolve the case, which was then modified in October and December of that year. While this seems plausible, to stipulate to the facts, I would obviously need to see copies of those three agreements. Moreover, because the circumstances surrounding the initial agreement and its later modification are now the subject of litigation, my client is entitled to see them. See 18 U.S.C. § 3771(a)(8) (victim's right to "be treated with fairness"). In addition, your proposed stipulation states that: "On July 9, 2008, AUSA [REDACTED] sent a victim notification to Jane Doe #1 via her attorney, Bradley Edwards, which is attached as Exhibit 6 to the [REDACTED] Declaration. That notification contains a written explanation of the *full terms* of the agreement between Epstein and the U.S. Attorney's Office." I am puzzled by this proposed stipulation, as your July 9 letter explicitly noted that it was covering only some of the provisions in the agreement. Perhaps the fact that I have not yet received the agreement is all just an oversight on your part, and you had intended to give me the "full terms" of the plea agreement that was ultimately reached. In any event, the simplest way to proceed at this point is for the plea agreement – and the earlier versions -- to be provided to me so that I can review

[REDACTED]

them with my clients. Of course, no possible harm to the Government can come from the release of the documents, as this criminal matter is now concluded – at least from the Government's perspective.

3. I am wondering about your position on the confidentiality provision in the agreement. As I understand things from your proposed stipulation, in September 2007 you "reached" an agreement with Epstein's attorneys that "contained an express confidentiality provision." Are you taking the position that this "express" provision barred disclosure of the substance of the agreement to my clients? And, if so, would you stipulate that the FBI agents and your office complied with the provision up through June 30 when, I assume, the confidential provision expired as Epstein entered his guilty plea in open court?

4. Your proposed stipulation indicates:

On October 26, 2007, [REDACTED] met in person with Jane Doe #1. The Special Agents explained that the investigation had been resolved, that Epstein would plead guilty to state charges, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages to the victims, including Jane Doe #1. During this meeting, Jane Doe #1 did not raise any objections to the resolution of the matter.

From the drafting of this proposed stipulation, it appears that you may be working from a Report of Interview with my client (i.e., an FBI 302). My client has a differing recollection of some aspects of that meeting. Of course, she did not take notes of the meeting. Therefore, I ask that you provide me (the relevant parts of) any report of this meeting as well as reports of any other meetings relevant to the matters at hand.

I believe that my client is entitled to a copy of (the relevant parts of) the reports of interviews with her. Of course, a criminal defendant would be entitled to such documents. See Fed. R. Crim. P. 16(a)(1)(A) & (B). As an innocent victim in this matter, my client should be treated with at least the same consideration. See 18 U.S.C. § 3771(a)(8) (victim's right to "be treated with fairness").

5. I am hoping that the Special Agents' and my client's recollections about one point of the October 26<sup>th</sup> meeting coincides: that she was never told that the agreement blocked all federal prosecution for the crimes at hand. Is a stipulation on that point agreeable?

[REDACTED]

6. You mention your assistance in securing pro bono counsel for Jane Doe #1 to help prevent harassment. I trust that you would be willing to stipulate that you did not mention the federal non-prosecution agreement to this counsel and that you did not mention that a plea agreement had already been reached. Professor Cassell has spoken to Meg Garvin, Esq., at the National Crime Victims' Law Institute, and that is her recollection of the events.

7. I think that your proposed stipulation regarding my contact with the office is somewhat abbreviated. I wonder what you would think about the following:

In mid-June 2008, Mr. Edwards contacted [REDACTED] to inform her that he represented Jane Doe #1 and, later, Jane Doe #2. Mr. Edwards asked to meet to provide information about the federal crimes committed by Epstein, hoping to secure a significant federal indictment against Epstein. AUSA [REDACTED] and Mr. Edwards discussed the possibility of federal charges being filed. At the end of the call, [REDACTED] asked Mr. Edwards to send any information that he wanted considered by the U.S. Attorney's Office in determining whether to file federal charges. Because of the confidentiality provision that existed in the plea agreement, Mr. Edwards was not informed that, in September 2007, the U.S. Attorney's Office had reached an agreement not to file federal charges. Mr. Edwards was also not informed that any resolution of the criminal matter was imminent.

On July 3, 2008, Mr. Edwards sent to [REDACTED] a letter, a true and correct copy of which is attached. In the letter, Mr. Edwards indicated his desire that federal charges be filed against defendant Epstein. In particular, he wrote on behalf of his clients: "We urge the Attorney General and our United States Attorney to consider the fundamental import of the vigorous enforcement of our Federal laws. We urge you to move forward with the traditional indictments and criminal prosecution commensurate with the crimes Mr. Epstein has committed, and we further urge you to take the steps necessary to protect our children from this very dangerous sexual predator." When Mr. Edwards wrote this letter, he was still unaware that a non-prosecution agreement had been reached with Epstein. Mr. Edwards first learned of this fact on or after July 9, 2008, when the Government filed its responsive pleading to Jane Doe's emergency petition. That pleading was the first public mention of the non-prosecution agreement and the first disclosure to Mr. Edwards and his clients.

8. I trust that you will agree that the Government had probable cause to file a multiple count federal indictment against Epstein, including an indictment charging crimes

[REDACTED]

[REDACTED], AUSA  
United States Attorney's Office  
Page 4

against Jane Doe #1 and Jane Doe #2. In asking for this stipulation, I realize that you have taken the position that you would not have filed an indictment involving Jane Doe #2, presumably because you thought that you could not carry the Government's burden of proof beyond a reasonable doubt. At the same time, though, I trust you will concede that the evidence in that case was strong enough to pass the probable cause standard.

9. Finally, in light of the fact that you have been sending letters to Jane Doe #2, which was obviously done because you believed her to be a "victim" in this case, and since she has been added in this matter as a victim, we would like some assurances that she will be protected, as the other victims have been, in your agreement with Mr. Epstein.

Thank you very much for considering these issues and concerns. I look forward to working with you to reach a stipulation that covers as much common ground as possible in this case. If you think that further discussions might be helpful, I would like to try and set up a conference call with you and my co-counsel to discuss these issues further.

Sincerely,

[REDACTED]  
Brad Edwards

BE/sg  
Enclosure

cc: [REDACTED] AUSA  
United States Attorney's Office  
99 N.E. 4th Street  
Miami, Florida 33132

EFTA01099842

*Brad Edwards*

AND ASSOCIATES

July 3, 2008

[REDACTED], AUSA  
United States Attorney's Office  
500 South Australian Avenue  
West Palm Beach, Florida 33401

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7007 2680 0002 5519 8503

Dear [REDACTED]

As you are aware, we represent several of the young girls that were victimized and abused by Jeffrey Epstein. While we are aware of his recent guilty plea and conviction in his State Court case, the sentence imposed in that case is grossly inadequate for a sexual predator of this magnitude. The information and evidence that has come to our attention in this matter leads to a grave concern that justice will not be served in this cause if Mr. Epstein is not aggressively prosecuted and appropriately punished. Based on our investigation and knowledge of this case, it is apparent that he has sexually abused more than 100 underage girls, and the evidence against him is overwhelmingly strong.

As former Assistant State Attorneys with seven years' prosecution experience, we believe that the evidence against Mr. Epstein is both credible and deep and that he may be the most dangerous sexual predator of children that our country has ever seen. The evidence suggests that for at least 4 years he was sexually abusing as many as three to four girls a day. It is inevitable that if he is not confined to prison, he will continue to manipulate and sexually abuse children and destroy more lives. He is a sexual addict that focused all of his free time on sexually abusing children, and he uses his extraordinary wealth and power to lure in poor, underprivileged little girls and then also uses his wealth to shield himself from prosecution and liability. We are very concerned for the health and welfare of the girls he has already victimized, and concerned that if justice is not properly served now and he is not imprisoned for a very long time, he will get a free pass to sexually abuse children in the future. Future abuse and victimization is obvious to anyone who really reviews the evidence in this case, and future sexual abuse of minors is inevitable unless he is prosecuted, tried and appropriately sentenced. Money and power should not allow a man to make his own laws, and he has clearly received preferential treatment at every step up to this point. If he were a man of average wealth or the abused girls were from middle or upper class families, then this man would spend the rest of his life in prison. In a country of true, blind justice, those distinctions are irrelevant, and we really hope he does not prove the point that a man can commit heinous crimes against children and buy his way out of it.

If the Department of Justice's recent commitment to the protection of our children from child molesters is to be more than rhetoric, then this is the time and the case where the Department must step forward. We urge the Attorney General and our United States

[REDACTED]

[REDACTED] AUSA  
United States Attorney's Office  
Page Two

Attorney to consider the fundamental import of the vigorous enforcement of our Federal laws. We urge you to move forward with the traditional indictments and criminal prosecution commensurate with the crimes Mr. Epstein has committed, and we further urge you to take the steps necessary to protect our children from this very dangerous sexual perpetrator. We will help you to do this in any way possible to ensure that true Justice is served in this case.

Sincerely,

[REDACTED]  
Brad Edwards, Esquire  
Jay Howell, Esquire

*Brad Edwards*

AND ASSOCIATES

July 3, 2008

[REDACTED] AUSA  
United States Attorney's Office  
500 South Australian Avenue  
West Palm Beach, Florida 33401

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7007 2680 0002 5519 8503

Dear [REDACTED]

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[REDACTED]

[REDACTED] AUSA  
United States Attorney's Office  
Page Two

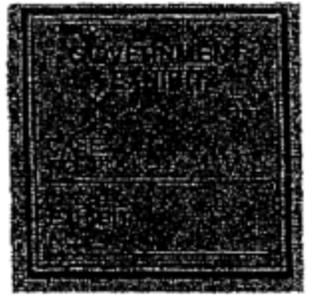
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Sincerely,

[REDACTED]  
Brad Edwards, Esquire  
Jay Howell, Esquire



U.S. Department of Justice

United States Attorney  
Southern District of Florida500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

June 7, 2007

DELIVERY BY HANDRe: Crime Victims' and Witnesses' Rights

Dear [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED] or [REDACTED] from the Federal Bureau of Investigation at [REDACTED]. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at [REDACTED]. That Office has a website at [www.ovc.gov](http://www.ovc.gov).

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

out

[REDACTED]  
JUNE 7, 2007

PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also may be entitled to restitution from the perpetrator. A list of counseling and medical service providers can be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to that person or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta  
United States Attorney

By: [REDACTED]

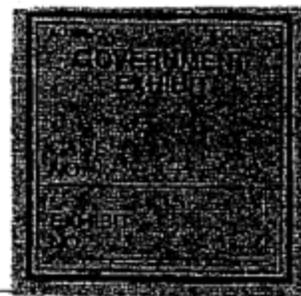
Assistant United States Attorney

cc: [REDACTED]



U.S. Department of Justice

United States Attorney  
Southern District of Florida



500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

[REDACTED]

August 11, 2006

DELIVERY BY HAND

[REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED] or [REDACTED] from the Federal Bureau of Investigation at [REDACTED]. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at [REDACTED]. That Office has a website at [www.ovc.gov](http://www.ovc.gov).

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

[REDACTED]  
AUGUST 11, 2006  
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also are entitled to restitution from the perpetrator. A list of counseling and medical service providers will be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact will not violate the law. However, if you are contacted, you have the choice of speaking to that person or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

[REDACTED]

Assistant United States Attorney

cc:

[REDACTED]



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401

January 10, 2008



Re: Case Number: [Redacted]

Dear [Redacted]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at 1-[Redacted]

[Redacted] In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number [Redacted] and [Redacted] anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is [Redacted]



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,

[REDACTED]

Victim Specialist



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401

[REDACTED]

January 10, 2008

James Eisenberg  
One Clearlake Center Ste 704 Australian South  
West Palm Beach, FL 33401

Re [REDACTED]

Dear James Eisenberg:

You have requested to receive notifications for [REDACTED]

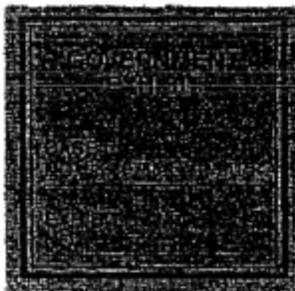
This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

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We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

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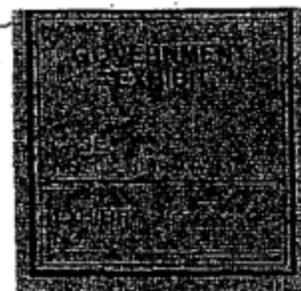
Sincerely,

[REDACTED]

Victim Specialist



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401



May 30, 2008

[REDACTED]

Re [REDACTED]

Dear [REDACTED]

Your name was referred to the FBI's Victim Assistance Program as being a possible victim of a federal crime. We appreciate your assistance and cooperation while we are investigating this case. We would like to make you aware of the victim services that may be available to you and to answer any questions you may have regarding the criminal justice process throughout the investigation. Our program is part of the FBI's effort to ensure the victims are treated with respect and are provided information about their rights under federal law. These rights include notification of the status of the case. The enclosed brochures provide information about the FBI's Victim Assistance Program, resources and instructions for accessing the Victim Notification System (VNS). VNS is designed to provide you with information regarding the status of your case.

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at [REDACTED]

[REDACTED] In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number [REDACTED] and [REDACTED] anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is [REDACTED]

[REDACTED]

[REDACTED]

If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



U.S. Department of Justice

United States Attorney  
Southern District of Florida

GOVERNMENT EXHIBIT
CASE NO. 08-80736-CV-MARRA
EXHIBIT NO. 6

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401



July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.

The Law Offices of Brad Edwards & Associates, LLC



Re: Jeffrey Epstein [REDACTED] NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, [REDACTED]

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454A XXXMB and 2008-cf-009381A XXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control I, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

BRAD EDWARDS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM  
JULY 9, 2008  
PAGE 2 OF 2

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Through this letter, this Office hereby provides Notice that your client [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, [REDACTED]

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and [REDACTED] for the health and well-being of [REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED]

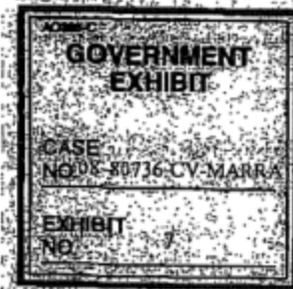
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

United States Attorney  
Southern District of Florida



500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.

The Law Offices of Brad Edwards & Associates, LLC

[Redacted]

Re: Jeffrey Epstein [Redacted] NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client [Redacted]

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454A XXXMB and 2008-cf-009381A XXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control I, with conditions of community confinement imposed by the Court.

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BRAD EDWARDS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM  
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PAGE 2 OF 2

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Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and [REDACTED] for the health and well-being of [REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED]

ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

March 20, 2011

To whom it may concern:

I served as U.S. Attorney for the Southern District of Florida from 2005 through 2009. Over the past weeks, I have read much regarding Mr. Jeffrey Epstein. Some appears true, some appears distorted. I thought it appropriate to provide some background, with two caveats: (i) under Justice Department guidelines, I cannot discuss privileged internal communications among Department attorneys and (ii) I no longer have access to the original documents, and as the matter is now nearly 4 years old, the precision of memory is reduced.

The Epstein matter was originally presented to the Palm Beach County State Attorney. Palm Beach Police alleged that Epstein unlawfully hired underage high-school females to provide him sexually lewd and erotic massages. Police sought felony charges that would have resulted in a term of imprisonment. According to press reports, however, in 2006 the State Attorney, in part due to concerns regarding the quality of the evidence, agreed to charge Epstein only with one count of aggravated assault with no intent to commit a felony. That charge would have resulted in no jail time, no requirement to register as a sexual offender and no restitution for the underage victims.

Local police were dissatisfied with the State Attorney's conclusions, and requested a federal investigation. Federal authorities received the State's evidence and engaged in additional investigation. Prosecutors weighed the quality of the evidence and the likelihood for success at trial. With a federal case, there were two additional considerations. First, a federal criminal prosecution requires that the crime be more than local; it must have an interstate nexus. Second, as the matter was initially charged by the state, the federal responsibility is, to some extent, to back-stop state authorities to ensure that there is no miscarriage of justice, and not to also prosecute federally that which has already been charged at the state level.

After considering the quality of the evidence and the additional considerations, prosecutors concluded that the state charge was insufficient. In early summer 2007, the prosecutors and agents in this case met with Mr. Epstein's attorney, Roy Black. Mr. Black is perhaps best known for his successful defense of William Kennedy Smith. The prosecutors presented Epstein a choice: plead to more serious state felony charges (that would result in 2 years' imprisonment, registration as a sexual offender, and restitution for the victims) or else prepare for a federal felony trial.

What followed was a year-long assault on the prosecution and the prosecutors. I use the word assault intentionally, as the defense in this case was more aggressive than any which I, or the prosecutors in my office, had previously encountered. Mr. Epstein hired an army of legal superstars: Harvard Professor Alan Dershowitz, former Judge and then Pepperdine Law Dean Kenneth Starr, former Deputy Assistant to the President and then Kirkland & Ellis Partner Jay Lefkowitz, and several others, including prosecutors who had formally worked in the U.S.

Attorney's Office and in the Child Exploitation and Obscenity Section of the Justice Department. Defense attorneys next requested a meeting with me to challenge the prosecution and the terms previously presented by the prosecutors in their meeting with Mr. Black. The prosecution team and I met with defense counsel in Fall 2007, and I reaffirmed the office's position: two years, registration and restitution, or trial.

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.

Despite this army of attorneys, the office held firm to the terms first presented to Mr. Black in the original meeting. On June 30, 2008, after yet another last minute appeal to Washington D.C. was rejected, Epstein pled guilty in state court. He was to serve 18 months imprisonment, register as a sexual offender for life and provide restitution to the victims.

Some may feel that the prosecution should have been tougher. Evidence that has come to light since 2007 may encourage that view. Many victims have since spoken out, filing detailed statements in civil cases seeking damages. Physical evidence has since been discovered. Had these additional statements and evidence been known, the outcome may have been different. But they were not known to us at the time.

A prosecution decision must be based on admissible facts known at the time. In cases of this type, those are unusually difficult because victims are frightened and often decline to testify or if they do speak, they give contradictory statements. Our judgment in this case, based on the evidence known at the time, was that it was better to have a billionaire serve time in jail, register as a sex offender and pay his victims restitution than risk a trial with a reduced likelihood of success. I supported that judgment then, and based on the state of the law as it then stood and the evidence known at that time, I would support that judgment again.

Epstein's treatment, while in state custody, likewise may encourage the view that the office should have been tougher. Epstein appears to have received highly unusual treatment while in jail. Although the terms of confinement in a state prison are a matter appropriately left to the

State of Florida, and not federal authorities, without doubt, the treatment that he received while in state custody undermined the purpose of a jail sentence

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 a defense. The aggressive exercise of that right should not be punished, nor should a defense counsel's exercise of their right to appeal a U.S. Attorney to Washington, D.C. Prosecutors must be careful not to allow frustration and anger with defense counsel to influence their judgment.

After the plea, I recall receiving several phone calls. One was from the FBI Special Agent-In-Charge. He called to offer congratulations. He had been at many of the meetings regarding this case. He was aware of the tactics of the defense, and he called to praise our prosecutors for holding firm against the likes of Messrs. Black, Dershowitz, Lefkowitz and Starr. It was a proud moment. I also received calls or communications from Messrs. Dershowitz, Lefkowitz and Starr. I had known all three individuals previously, from my time in law school and at Kirkland & Ellis in the mid 90s. They all sought to make peace. I agreed to talk and meet with each of them after Epstein pled guilty, as I think it important that prosecutors battle defense attorneys in a case and then move on. I have tried, yet I confess that has been difficult to do fully in this case.

The bottom line is this: Mr. Jeffrey Epstein, a billionaire, served time in jail and is now a registered sex offender. He has been required to pay his victims restitution, though restitution clearly cannot compensate for the crime. And we know much more today about his crimes because the victims have come forward to speak out. Some may disagree with the prosecutorial judgments made in this case, but those individuals are not the ones who at the time reviewed the evidence available for trial and assessed the likelihood of success.

Respectfully,

R. Alexander Acosta  
Former U.S. Attorney  
Southern District of Florida



December 10, 2010

Wifredo A. Ferrer  
United States Attorney  
Southern District of Florida  
[REDACTED]

Re: Request for Investigation of Jeffrey Epstein Prosecution

Dear Mr. Ferrer:

I am writing as someone with extensive experience in the federal criminal justice system – as a former Associate Deputy Attorney General, Assistant United States Attorney, federal judge, and currently criminal law professor – to alert you to what seems to be the most suspicious criminal case I have ever encountered. I ask that you investigate whether there were improper influences and actions during your office’s criminal investigation of Jeffrey Epstein, particularly regarding the decision to enter into a binding non-prosecution agreement blocking his prosecution for numerous federal sex offenses he committed over many years against more than thirty minor girls.

As I am sure you are well aware, in 2006 your office opened a criminal investigation with the FBI into allegations that for years Jeffrey Epstein sexual abused dozens of minor girls in his West Palm Beach mansion. The FBI soon developed compelling evidence that Epstein had in fact committed numerous federal sex offenses with more than 30 minor girls. And yet, your office ultimately entered into a plea arrangement which allowed Epstein escape with a non-prosecution agreement that ensured he would have no federal criminal liability and would spend no more than 18 months in state jail. For sexual offenses of this magnitude – in a case with more than 30 witnesses providing interlocking testimony, all made automatically admissible by virtue of Fed. R. Evid. 414 – this is an extraordinary outcome.

Why did your office enter into this highly unusual non-prosecution arrangement with Epstein? Suspicion begins with the point that Epstein is a politically-connected billionaire. But that wouldn’t be troubling without considerable other evidence that something went terribly wrong with the prosecution for other, improper reasons. Consider the following highly unusual facts:

First, it appears that Epstein was tipped off before the execution of a search warrant at his home. We know that lead state police officers -- [REDACTED] and Police Chief [REDACTED] -- complained that the house was “sanitized” by the time they arrived to serve a search warrant for child pornography. This sanitation was evident by the various computer wires hanging with no computers attached. Housekeeper Janusz Banasiak later testified in a civil

[REDACTED]

deposition that Epstein's assistant, [REDACTED] and another man (unknown) were instructed to remove, and did in fact remove, multiple computers from Epstein's home shortly before the search warrant was served. The fact that there could well have been a tip off is apparently suspected by federal authorities.

Second, there is evidence that one of the senior prosecutors in your office joined Epstein's payroll shortly after important decisions were made limiting Epstein's criminal liability – and improperly represented people close to Epstein. During the federal investigation of Epstein, [REDACTED] was a senior Assistant U.S. Attorney in your office. As we understand things, he was a direct supervisor of the line prosecutor handling the case and thus was well aware of details of the Epstein investigation and plea negotiations. We further believe that he was consulted on issues related to the prosecution of Epstein and Epstein's co-conspirators, including specifically issues related to whether Epstein employees and pilots should be prosecuted for their involvement in Epstein's sexual offense. We further believe that he personally and substantially participated in making such decisions about the course of the criminal investigation.

Within months after the non-prosecution agreement was signed by your office [REDACTED] left your office and immediately went into private practice as a white collar criminal defense attorney. His office coincidentally happened to be not only in the same building (and on same floor) as Epstein's lead criminal defense counsel, Jack Goldberger, but it was actually located right next door to the Florida Science Foundation -- an Epstein-owned and -run company where Epstein spent his "work release."

While working in this office adjacent to Epstein's [REDACTED] undertook the representation of numerous Epstein employees and pilots during the civil cases filed against Epstein by the victims – cases that involved the exact same crimes and exact same evidence being reviewed by the U.S. Attorney's office when he was employed there. Specifically, he represented [REDACTED] (Epstein's number one co-conspirator who was actually named as such in the NPA), his [REDACTED] [REDACTED], his pilots Larry Morrison, Larry Visoski, David Rogers, William Hammond and Robert Roxburgh. (Hammond and Roxburgh were not deposed but the others were.) Our understanding is that his representation of these individuals was paid for, directly or indirectly, by Epstein.

[REDACTED] was well aware of what evidence your office and federal investigator had collected against Epstein and about the minor girls who were his victims. As a consequence, he knew what evidence the attorneys for the victims were using. He also knew what each of those witnesses had said, if anything, to federal and state investigators during the criminal investigation.

We have been unable to place our fingers on the federal regulations governing such later representation. We do know, however, that such actions appear to be in direct contravention of the Florida ethical rules regarding attorneys who leave government employment. For

example, Florida R. Prof. Conduct 4-1.11(a) provides “[a] lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee unless the appropriate government agency consents after consultation.” Similarly, Florida R. Prof. Conduct 4-1.11(b) provides that “[a] lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person.” Both these rules appear to have been violated. But entirely apart from the details of ethical rules, the fact that one of your prosecutors was involved in making important decisions about the scope of criminal liability for Epstein and his associates and then – after criminal liability was significantly limited – representing numerous people at Epstein’s behalf raises serious questions. At the very least, there is the strong appearance that ██████ may have attempted to curry favor with Epstein and then reap his reward through favorable employment. At the very worst, there may have been advance discussions – we simply don’t know at this point.

Third, Epstein appears to have deliberately kept from victims in the case correspondence with your office and the Justice Department that might have shed light on improper influences. Along with other capable attorneys, I was involved in representing one of Epstein’s victims ██████ who filed a federal civil case against Epstein. Suspecting that Epstein may have improperly influenced your office, we immediately served discovery requests on Epstein for all the correspondence with your office regarding the plea negotiations. Eleven months of hard litigation ensued, in which Epstein made every conceivable argument against production. Finally, late in June of this year, his appeals exhausted, Epstein produced the correspondence to us. However, in violation of the court order, he redacted the correspondence so that he provided only emails and other statements *from* your office – not his emails and statements to your office. More significantly, even though he was under court order to produce all correspondence between his attorneys and your office, Epstein secretly withheld correspondence by several of his most high-powered attorneys – namely Ken Starr and Lilly Ann Sanchez. Epstein settled the case with ██████ within days after this limited production, and we did not realize the absence of what must have been critical discussions between your office and Starr and Snachez (among others). Epstein’s refusal to allow us to see that information raises the suspicion in our minds that there must have been unusual pressures being brought to bear during the plea discussions that would have been revealed had Epstein complied with his production obligations.

Fourth, there appears to have been an unprecedented level of secrecy between your office and the Federal Bureau of Investigation during this case. The FBI was responsible, along with state and local police agencies, for building the case against Epstein. They appear to have developed an overwhelming criminal against him. And yet, when your office signed the non-prosecution agreement with him, it is not clear to us that the FBI was consulted about this decision. Indeed, we have suspicions that the FBI was not informed of this decision until, perhaps, months later.

Supporting this suspicion is our on-going litigation regarding the treatment of the victims in this case. As you know from our draft pleadings that we have discussed with your office, we believe there is compelling evidence that the victims and their attorneys were deceived about the existence of a non-prosecution agreement for months in order to avoid what certainly would have been a firestorm of controversy about such lenient treatment of a repeat sex offender. Our impression from the evidence we have been able to obtain so far is that the FBI was similarly kept in the dark – not consulted about or even told about the NPA. While a certain amount of tension has always existed between federal prosecuting and investigating agencies, not even informing the FBI about the Epstein NPA seems highly unusual.

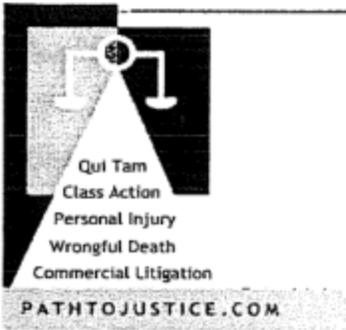
All of these strange facts -- as well as the facts that we are alleging in our crime victims' litigation -- lead us to think that there was something rotten with the way this case was handled. Epstein could have faced years and years in prison for numerous federal sex offenses. And yet he managed to contrive to walk away with no federal time at all (and only minimal state time). We respectfully ask you to investigate through appropriate and independent channels the handling of the Epstein (non)prosecution.

Thank you in advance for considering this request. I would be happy to provide any other additional information that would be useful to you.

Sincerely,

A large black rectangular redaction box covers the signature area.

Paul G. Cassell



# Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

March 22, 2011

[REDACTED]  
Assistant United States  
Southern District of Florida  
[REDACTED]

Re: Rule 26(a)(1) Disclosures in Jane Doe #1 and Jane Doe #2 vs. United States, No. 09-80736

Dear [REDACTED]

As you know, in the past you have asserted that the federal rules regarding civil cases cover Jane Doe #1 and Jane Doe #2's petition for relief under the Crime Victims' Rights Act. If you are correct that the civil rules apply, then both sides of the case are obligated to make voluntary initial disclosures under Rule 26(a)(1). We are writing to make our initial disclosures and ask you to promptly do the same.

## INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

Jeffrey Epstein, [REDACTED]  
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Prosecutors in the U.S. Attorneys Office who have handled the Epstein case, including [REDACTED], [REDACTED] and Alex Acosta.

FBI agents who have handled this case.
All attorneys and investigators involved in the Office of Professional Responsibility investigation related to this case.
L. Dennison Reed, Psy.D., [REDACTED] [REDACTED] 2
Larry Visoski, [REDACTED] [REDACTED]
[REDACTED]
Maximilia Cordero, C/O ATTORNEY WILLIAM UNROCH, [REDACTED]
[REDACTED]
[REDACTED]
Alfredo Rodriguez, [REDACTED] C/O Federal Public defender or Bureau of Prisons
Detective [REDACTED] Palm Beach Police [REDACTED]
Chief [REDACTED] Palm Beach Police, [REDACTED] [REDACTED]
Records Custodian of Palm Beach Police, [REDACTED] [REDACTED]
[REDACTED] c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] c/o Adam Horowitz, Mermelstein & Horowitz, P.A., [REDACTED] [REDACTED]
Antonio Figueroa [REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800, MIAMI, FL 33131
[REDACTED] c/o Spencer Kuvin, LEOPOLD KUVIN, PA, 2925 PGA BLVD, STE 200, PBG, FL 33410
[REDACTED], c/o Jack Scarola, SEARCY DENNEY, ET

[REDACTED]
Carolyn Morton Casey
[REDACTED]
Courtney Langley
Jane Doe #1 (C.W.), c/o Bradley Edwards, Esq., FARMER, JAFFE, WEISSING, ET AL., [REDACTED]
[REDACTED]
Georgia
[REDACTED], c/o Adam Horowitz, Mermelstein & Horowitz, P.A., [REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED]
[REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED]
[REDACTED]
[REDACTED], c/o Adam Horowitz, Mermelstein & Horowitz, P.A., [REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800, MIAMI, FL 33131
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800, MIAMI, FL 33131
[REDACTED], c/o Adam Horowitz, Mermelstein & Horowitz, P.A., 18205 Biscayne Boulevard, Suite 2218, Miami, FL 33160
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800, MIAMI, FL 33131
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED]

[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], c/o Bradley Edwards, Esq., FARMER, JAFFE, WEISSING, ET AL., [REDACTED] [REDACTED]
Jane Doe #2 (T.M.), c/o Bradley Edwards, FARMER, JAFFE, WEISSING, ET AL., [REDACTED] [REDACTED]
[REDACTED], c/o Adam Horowitz, Mermelstein & Horowitz, P.A., [REDACTED]
[REDACTED], c/o Adam Horowitz, Mermelstein & Horowitz, P.A., [REDACTED] [REDACTED]
[REDACTED], c/o Robert Josefsberg, Esq., PODHURST ORSECK, PA, [REDACTED] [REDACTED]
[REDACTED], c/o Adam Horowitz, Mermelstein & Horowitz, P.A., [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] c/o Isidro M. Garcia, Garcia Law Firm, P.A. [REDACTED] [REDACTED]
Mark Epstein, [REDACTED] [REDACTED]
Ghislaine Maxwell, c/o Brett Jaffe Cohen & Gresser, LLP, [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Justin Vanover [REDACTED] [REDACTED]
Alfredo Rodriguez, [REDACTED] C/O Federal Public defender or Bureau of Prisons
Leslie Wexner, [REDACTED]
Jean Luc Brunel, [REDACTED] [REDACTED]
Jennie Saunders

David Copperfield (David Seth Kokin), [REDACTED]
[REDACTED]
Harry Beller
[REDACTED]
Janusz Banasiak, [REDACTED]
[REDACTED]
Beata Banasiak, [REDACTED]
[REDACTED]
Juan Alessi, [REDACTED]
[REDACTED]
[REDACTED]
Lawrence Krauss
Mortimer Zuckerman [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Vadwon Cotrin
Patrick (former housekeeper)
[REDACTED] (former housekeeper)
[REDACTED] S/A Witness #160
[REDACTED] S/A Witness #152
[REDACTED]
[REDACTED], unknown South Africa
Ronald Baron
Glenn Dubin, [REDACTED]
[REDACTED]
[REDACTED], S/A Witness #149
[REDACTED]
Jeffrey Goldsmith [REDACTED]
[REDACTED]
Sandy Berger
Officer [REDACTED], Palm Beach Police, [REDACTED]
[REDACTED]
Officer [REDACTED] Palm Beach Police, [REDACTED]

[REDACTED]
Sgt [REDACTED] . PBPD Palm Beach Police, [REDACTED]
[REDACTED], S/A Witness #152
Ivan Robles
Lebet Johnson
All people on inmate visitor log
Arnold Paul Prospari, [REDACTED]
[REDACTED]
Joseph Pagnano - [REDACTED]
[REDACTED]
Stephan Kosslyn - [REDACTED]
[REDACTED]
Lynne DeRothchild
Roger Shank
Cecile Dejongh [REDACTED]
[REDACTED]
Tommy Mottola [REDACTED]
[REDACTED]
Kent Anderson
Harryloy Anderson
Dianne Porteaux
Whitney Taylor
Reddy Vonhool
Mike Sanka, [REDACTED]
[REDACTED]
[REDACTED], S/A Witness #105
William "Bill" Riley, [REDACTED]
[REDACTED]
Igor Zinoviev, [REDACTED]
[REDACTED]
Martin Nowak [REDACTED]
Howard Rubenstein [REDACTED]
[REDACTED]
Robert Meister, [REDACTED]
[REDACTED]
Todd Meister, [REDACTED]
[REDACTED]
Bill Clinton
Prince Andrew
William Hammond, [REDACTED]
Robert Roxburgh, [REDACTED]
[REDACTED]



Salaam Kahlid Monroe, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], USAO, 500 South Australian Ave., WPB, FL 33401
[REDACTED]
Sergio Cordero, [REDACTED]
[REDACTED], PALM BEACH VICTIM SERVICES, [REDACTED]
[REDACTED]
Steven Huffenberg
Michael Stroll
Ibrahim Tonargula, [REDACTED]
[REDACTED]
Douglas Shoettle, [REDACTED]
Records Custodian, Palm Beach Police Department
Records Custodian, FBI

<b><u>Documents and Tangible Things that Will Be Used to Establish Claims and Defenses</u></b>
Correspondence between the U.S. Attorney's Office and Jeffrey Epstein's Defense Counsel
Non-Prosecution Agreement (various copies)
Messages taken from message pads found at Defendant's home
Documents related to Jeffrey Epstein produced by Alfredo Rodriguez
Jeffrey Epstein flight logs
Jeffrey Epstein phone records
[REDACTED] phone records
Jail Visitation Logs
Jeffrey Epstein's probation file
All probable cause affidavits related to criminal investigation of Jeffrey Epstein

All evidence, information and documents taken or possessed by FBI related to criminal investigation of Jeffrey Epstein
Plaintiffs and other victims' statements to the FBI related to criminal investigation of Jeffrey Epstein
Video of Search Warrant of Jeffrey Epstein's home being executed
Application for Search Warrant of Jeffrey Epstein's home
All records of homes, properties, bank accounts and any and all records related to Jeffrey Epstein's assets
Jeffrey Epstein's passport (or copy)
Jeffrey Epstein's driver's license (or copy)
List of corporations owned by Jeffrey Epstein
All documents evidencing relationship between Jeffrey Epstein and Jean Luc Brunel
All documents evidencing relationship between Jeffrey Epstein and MC2 or any modeling agencies
Affidavit and Application for Search Warrant on Jeffrey Epstein's home
Tape recording or transcript of recording of conversation between Jeffrey Epstein and George Rush
Notepads found in Jeffrey Epstein's home and/or during trash pulls outside of his home during criminal investigation
The Palm Beach State Attorney's Criminal file against Jeffrey Epstein
All documents related to Jeffrey Epstein's 6/30/08 conviction
Jeffrey Epstein's criminal plea colloquy
Public records from the Department of Corrections related to Jeffrey Epstein
Records from the Florida Department of Law Enforcement related to Jeffrey Epstein
All statements made by Jeffrey Epstein
List of properties and vehicles in Larry Visoski's name
All of Jeffrey Epstein's Responses to Requests for Production, Requests for Admission, Answers to Interrogatories in this matter, and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092
All discovery related responses of Jeffrey Epstein in this matter and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092
Jeffrey Epstein's Answers and Affirmative Defenses in all civil cases against him
All Complaints in which Jeffrey Epstein was a plaintiff or defendant
Jeffrey Epstein's Deposition testimony and discovery responses in this case and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092
Jeffrey Epstein's Deposition testimony and discovery responses in State

Court cases LM v. Jeffrey Epstein, Case No. 502008CA028051XXXXMB AB and E.W. v. Jeffrey Epstein, Case No. 502008CP003626XXXXMB
Jeffrey Epstein Deposition Testimony and discovery responses in State Court case Jeffrey Epstein v. Scott Rothstein, et al. Case No. 502009CA040800XXXXMBAG
Probable Cause Affidavits prepared against Jeffrey Epstein and [REDACTED]
Audio tape of [REDACTED]
Photographs, videos and books taken in the search warrant of Jeffrey Epstein's home
Documents related to or evidencing Jeffrey Epstein's donations to law enforcement
Victim Notification Letter from US Attorney's Office to Plaintiff
Palm Beach Police Department Incident Report dated 4/20/06
All reports and documentation generated by Palm Beach Police Department related to Jeffrey Epstein
All Witness Statements generated by Palm Beach Police Department relating to Jeffrey Epstein
Passenger Manifests of Jeffrey Epstein's aircraft and private plane flight logs
Passenger lists for flights taken by Jeffrey Epstein
Letter from Jeffrey Epstein to Alberto Pinto regarding house island project
Jeffrey Epstein's bank statements
Jeffrey Epstein's tax returns
MC2 emails involving communications of Jeffrey Epstein, Jeff Fuller, [REDACTED], Pappas Suat, Jean Luc Brunel and Amanda Grant
DVD of plea and colloquy taken on 6-30-08
Transcript of plea and colloquy taken on 6-30-08
Massage Table
Lotions taken from Jeffrey Epstein's home during search warrant
Computers taken from Jeffrey Epstein's home during search warrant
Vibrators, dildos and other sex toys taken from Jeffrey Epstein's home during search warrant
No Contact Orders entered against Jeffrey Epstein
Criminal Score Sheet regarding Jeffrey Epstein
Documents evidencing Jeffrey Epstein's Community Control and Probation
Jeffrey Epstein's Sex Offender Registration
Jeffrey Epstein's Booking photograph
CAD calls to 358 EL BRILLO WAY, PALM BEACH FL 33480
List of Jeffrey Epstein's House contacts
Documents related to Jeffrey Epstein's investments
Letter from Chief [REDACTED] to [REDACTED]

List of planes owned by Jeffrey Epstein
Letter from Guy Fronstin to Assistant State Attorney dated 1-11-06
Letter from Guy Fronstin to Assistant State Attorney dated 1-13-06
Letter from Guy Fronstin to Assistant State Attorney dated 2-17-06
Letter from Guy Fronstin to Assistant State Attorney dated 4-6-06
Letter from Guy Fronstin to Assistant State Attorney dated 4-10-06
Letter from Goldberger dated 6-22-06
All subpoenas issued to State Grand Jury
Documents related to the rental of a vehicle for [REDACTED]
Documents related to property searches of Jeffrey Epstein's properties
Arrest Warrant of [REDACTED]
Police report regarding [REDACTED] picking up money dated 11-28-04
Alan Dershowitz Letter dated 4-19-06 and Statute 90.410
Guy Fronstin letter dated 4-17-06
Jeffrey Epstein Account Information
Jeffrey Epstein Criminal Closeout Sheet
Jeffrey Epstein Polygraph Test and Results
JEGE, Inc. Passenger Manifest
Hyperion Air Passenger Manifest
Flight information for [REDACTED]
Passenger List Palm Beach flights 2005
Jeffrey Epstein notepad notes
Pleadings of Jane Doe 1 and 2 v. US case
Jeffrey Epstein 5 <sup>th</sup> Amendment Speech
Reiter letter to [REDACTED] dated 5-1-06
Jail receipts of Jeffrey Epstein
[REDACTED] Police Report dated 11-28-04
Victim Notification letter dated 7-9-08
Police report of Juan Alessi theft at Jeffrey Epstein's home
All items listed on the Palm Beach Police Property Report Lists
All items taken in the execution of the search warrant of Jeffrey Epstein's home: 358 EL BRILLO WAY, PALM BEACH FL 33480
All copies of convictions related to Jeffrey Epstein
Jeffrey Epstein criminal records
All documents produced by Palm Beach Police Department prior to the deposition of Detective [REDACTED]

We believe that the Government has copies or, or immediate access to, all of these materials. As you know, we received the great bulk of these items from the Government. If you require assistance in locating any of them, please let us know.

We look forward to receive your similar disclosures as soon as possible, so that we may incorporate them in our pleadings that we will be filing in this case in reply to your response to our pending motions.

Sincerely,



*FOR* Bradley J. Edwards



*FOR* Paul G. Cassell

Co-Counsel for Jane Doe #1 and Jane Doe #2

The views expressed in this letter are solely those of its authors.

March 1, 2011

Wifredo A. Ferrer  
United States Attorney  
Southern District of Florida

Re: Jane Doe #1 and Jane Doe #2 vs. United States, No. 09-80736

Dear Mr. Ferrer:

We are writing to you personally on behalf of Jane Doe #1 and Jane Doe #2 in one last effort to try and narrow our range of difference in the pending Crime Victims Rights Act case regarding Jeffrey Epstein. We make two requests: First, we are requesting that you agree to our proposal for narrowing the range of disputes between your Office and the victims, Jane Doe #1 and Jane Doe #2. Second, if you are unable to agree to our proposal, we request that you agree not to withhold information in your Office's possession that would support their claims under the Crime Victims Rights Act (CVRA).

By way of background, as you know, we have been attempting to work with your Office for more than two-and-a-half years to reach a stipulated set for facts in this CVRA case that would avoid the need for any public battle between your Office and the victims. Indeed, we reached out to you for a personal meeting to try to avoid a fight, and you were kind enough to meet with Jane Doe #1 and her undersigned attorneys. During that meeting, we expressed our intention to go the extra mile to try and avoid any fight with your Office and to see if there was a way to fight only Jeffrey Epstein the sex offender, rather than the prosecutors who work for you.

Today we had a telephone conference call with two of your attorneys, [REDACTED] and [REDACTED] in which they told us that we would not be receiving any cooperation from your Office on our CVRA case and that, in short, we would have to "see you in court." We were also told that your Office was taking the position that it could, and would, withhold from the victims information in your Office's possession that would support their claims under the CVRA. After receiving approval from [REDACTED] and [REDACTED], we wanted to write to you personally in one last effort to see if we can narrow our differences on these two issues and avoid a disappointing battle.

Narrowing the Issues in Dispute

During today's conference call, it appeared that there was some confusion from Dexter and Marie as to precisely what the victims were proposing. Our proposal is simply this: that

your Office and Jane Doe #1 and Jane Doe #2 would stipulate to a set of facts to provide context for the Court while we litigate the legal issue in dispute, that is whether the CVRA applies even though no federal charges were ultimately filed. If your Office prevails on that issue, the victims would obviously have no claim under the CVRA. The victims would then pursue their appellate rights in the Eleventh Circuit. If, however, the victims prevail on that issue, then your Office would take “no position” on the remedy sought by the victims for the violation of their rights afforded them under the Act. Your Office would essentially stand aside and agree not to take any position on the victims’ request to set aside the NPA as a remedy for that violation of the victims’ rights.

We understood from our meeting with you in December that you wanted to do what you could to help the victims in this case. Yet as we understood ██████ and ██████ today, they were taking the position that we would receive no cooperation of any sort from your Office. And we further understood from them that your Office was now going to take the position that even if the victims’ congressionally-mandated rights were violated, there is simply no remedy for those violations and thus the victims should have no recourse for the violations.

On behalf of our clients, we want to once again reach out and make sure that your Office wants to move to an adversarial litigation posture on these issues. We simply don’t understand why your Office is now going to take a litigating position hostile to ours on issues beyond the legal question of when CVRA rights attached in this case. We appreciate that the Department has institutional concerns about the timing of CVRA rights. But we don’t understand why your Office is now going to fight against the victims in their efforts seeking to overturn a NPA that by any measure is unfair. This is not simply our view – the unfairness of the NPA has now attracted comment literally throughout the world, including serving as the basis for an unfavorable portrayal in a recent *Law and Order: Special Victim Episode* and a feature story yesterday in the London-based *Sunday Mail*. We are not asking your Office to join us in our efforts to throw out this unjust agreement. But can’t your Office simply stand on the sidelines and let us make our case against Epstein. Fighting a politically well-connected billionaire is difficult enough, without having the weight of the U.S. Attorney’s Office for the Southern District of Florida thrown against us too. We respectfully make one last request for you to move forward with our proposal for narrowing differences between us.

#### Withholding Favorable Evidence

If you feel that your Office must fight us in court on every possible issue, then we are respectfully writing to request that we resolve one issue outside of court: Whether your Office can withhold from the victims evidence in its possession that is favorable to their CVRA case. During our conference call with ██████ and ██████, we pointed out that if we were criminal defense attorneys representing criminals, your Office would promptly turn over to us all information in its possession that was helpful to these criminals under the *Brady* and *Giglio* decisions. We asked your Office to extend to the victims the same assistance that it would provide to criminals – i.e., we asked ██████ and ██████ to voluntarily provide to us information

in your Office's possession that was helpful the victims' CVRA case. We were informed that your Office will be taking the position in Court that it can and will withhold from the victims such information, apparently on the theory that victims lack due process or other "discovery" rights under the CVRA.

We believe that the position that your Office can suppress relevant evidence is legally unfounded for four reasons and, in any event, is unsound policy at odds with promises that the Attorney General has made to crime victims and to the public. With regard to the legal problems in this position, first, the CVRA promises victims of crime that they will be "treated with fairness." 18 U.S.C. § 3771(a)(8). The clear intent of Congress in passing this provision was to provide a substantive "due process" right to crime victims. As one of the CVRA's co-sponsors (Senator Kyl) explained, "The broad rights articulated in this section are meant to be rights themselves and are not intended to just be aspirational. One of these rights is the right to be treated with fairness. Of course, fairness includes the notion of *due process*. Too often victims of crime experience a secondary victimization at the hands of the criminal justice system. This provision is intended to direct Government agencies and employees, whether they are in executive or judiciary branches, to treat victims of crime with the respect they deserve." 150 CONG. REC. S4269 (Apr. 22, 2004) (emphasis added).

Because the CVRA extends a "due process" right to crime victims like Jane Doe #1 and Jane Doe #2, victims have a right to fair access to evidence to prove their case. The very foundation of the *Brady* obligation is due process: "[T]he suppression by the prosecution of evidence favorable to an accused . . . violates due process where the evidence is material either to guilt or to punishment." *Brady v. Maryland*, 373 U.S. 83, 87 (1963). It would similarly violate due process for the prosecution to suppress evidence favorable to a crime victim where the evidence is material either to proving a CVRA violation or to the remedy for a violation.

Second, entirely apart from whether the victims have a right to obtain such information, your Office has an affirmative obligation to disclose it to victims. The CVRA directly commands that "[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their *best efforts* to see that crime victims are notified of, and accorded, the rights described in [the CVRA]." 18 U.S.C. § 3771(c)(1) (emphasis added).<sup>1</sup> It is simply impossible for

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<sup>1</sup> As you can see from this language, the CVRA applies not only to the U.S. Attorney's Office for the Southern District of Florida but also to the relevant office of the FBI. We are "cc'ing" a copy of this letter to the FBI so that they can be informed of our view that they should provide assistance to the victims in this matter as well, rather than join your Office in any effort to withhold evidence. We understand that your Office represents the FBI on these issues, and are happy to continue our discussions with you regarding the FBI obligations in this area. At the appropriate time, however, if we are unable to reach agreement, we would like to have this discussion with a representative of the FBI to see whether they are in accord with your position. It is our understanding that the appropriate person would be the "special agent-in-charge of the division having primary responsibility for conducting the investigation." ATTORNEY GENERAL GUIDELINES FOR VICTIM AND WITNESS ASSISTANCE 11 (May 2005).

your Office to make its “best efforts” to accord victims their rights while simultaneously withholding evidence that would help them obtain those rights in court.

Third, the attorneys in your Office have duties of candor to the Court that would not permit it to present evidence or testimony that is known to be false. Fla. Bar Rule 4-3.3(a)(4). Allowing the victims access to evidence favorable to their claim will insure compliance with this rule. Similarly, in an ex parte proceeding, a lawyer must inform the court of all material facts known to the lawyer that will enable the court to make an informed decision “whether or not the facts are adverse.” Fla. Bar. Rule 4-3.3(d). If your Office is correct that we are not entitled to access to favorable evidence, then the proceedings involving that evidence are essentially ex parte – requiring your Office to make disclosure to the Court. Surely the more appropriate way to proceed is to simply disclose those materials in the first instance to the victims.

Fourth and finally, your Office has previously taken the position that the CVRA petition filed by the victims is covered by the civil rules. If so, then the victims can serve discovery requests as in any other civil cases. The victims can likewise take depositions of witnesses who possess relevant evidence to their claims. Indeed, under Fed. R. Civ. P. 26(a)(1)(A), your Office would be required to automatically produce such information.

For all these reasons, it is our considered opinion that your Office does not have a legally well-founded position to withhold evidence from the victims in this case. Even if the Office did have such a position, however, we are mystified as to why your Office would want to assert such a position. Attorney General Holder has recently publicly discussed the Department’s obligations regarding production of exculpatory information to criminals, explaining “We’re not here to win cases, but to do justice.” *Attorney General Holder Discusses Efforts to Improve Prosecutor Training*, WALL ST. J., Apr. 30, 2010. With all respect, we submit that your Office should seek to do justice not merely for criminals, but also for the victims of those criminals. We therefore respectfully request that you simply provide this information to us as a matter of justice, avoiding the need for us to litigate this question. To avoid burdening your Office, we would be happy to provide a specific list of the information that we believe is material to the victims’ CVRA case – a limited amount of information that could be swiftly located by your Office.

#### Conclusion

We frankly believe we have been very patient on this case and have gone to the extra mile to avoid an unnecessary fight with your Office. But our clients are asking us what the status of their case is, and we have an obligation to proceed diligently. Our first choice is to work something out with you. But if your Office is for some reason unwilling or unable to do that, we believe we have an overwhelming case of clear cut CVRA violations – a case that we will present to the Court.

As we told [REDACTED] and [REDACTED], even though your Office has refused to provide any accommodations to us, we will continue to discuss with them our proposed statement of facts, with the aim of removing information that they believe is damaging to your Office and that we can leave out as unessential to our case. We hope that you will favorably consider our requests in this letter and try to find an approach that will minimize our need to become embroiled in a court dispute between crime victims and the prosecutors who aim to protect them. If we are unable to do so, our intention is to file our "summary judgment" pleadings (which we provided in their entirety to your Office as a courtesy six months ago) on March 18, 2011.

Sincerely,

[REDACTED]  
Bradley J. Edwards

[REDACTED]  
Paul G. Cassell

Co-Counsel for Jane Doe #1 and Jane Doe #2

Cc:

Special Agent in Charge [REDACTED]  
Miami FBI Field Office

The views expressed in this letter are solely those of its authors.



U.S. Department of Justice

United States Attorney  
Southern District of Florida

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

99 N.E. 4 Street  
Miami, FL 33132

March 15, 2011

Paul G. Cassell  
Professor of Law  
S.J. Quinney College of Law  
University of Utah

RE: Letter of March 1, 2011  
*Jane Does 1 and 2 v. United States*

Dear Mr. Cassell:

As you have recognized in your letter of March 1, 2011, the Department of Justice has a variety of institutional concerns regarding the interpretations of the Crime Victims' Rights Act (CVRA) that you are advocating on behalf of your clients. While we have no desire to be involved in any litigation with your clients or to be in any position adverse to them, the positions that you are advocating on behalf of your clients have far-reaching implications that were never intended by the CVRA and that extend beyond the above-referenced matter and the interests of both your clients and Jeffrey Epstein. In fact, requiring victim consultation and involvement before everyday prosecutorial decisions can be made not to pursue federal investigations, not to file federal criminal charges on specific allegations, or to divert a matter/allegations to state and local authorities would bring federal prosecutorial functions to a virtual halt and would exhaust prosecutorial resources in all sorts of cases all across the country. The pre-charge victim consultation and involvement that you advocate are simply unworkable. Moreover, your positions are contrary to the Department of Justice's interpretation of the CVRA and are unsupported by the pertinent statutory provisions.

Nonetheless, as this Office has repeatedly attempted to make clear, we remain willing to cooperate with you, your clients, and other victims of Mr. Epstein's offenses. We have provided such cooperation in the past, and we will continue to do so. As you must surely understand, and as I mentioned to you and your client when we met this past December, the government simply cannot take legal positions in a spirit of cooperation that are contrary to law or that would hamper the government's prosecutorial ability to serve its citizenry, even if such positions would help accommodate certain individual crime victims in a particular matter.

Because, as a matter of law, the CVRA is inapplicable to this matter in which no federal criminal charges were ever filed, your requests for the government's agreement on a set of proposed

stipulated facts is unnecessary and premature. That is, because whether the rights in 18 U.S.C. § 3771(a) attach prior to the filing of a charge in a federal court is a matter of statutory interpretation, resolution of that question is not dependent upon the existence of any certain set of facts, other than whether a charging document was ever filed against Jeffrey Epstein in the United States District Court for the Southern District of Florida. And while this Office remains willing to cooperate, cooperation does not mean agreeing to facts that are not relevant to the resolution of the legal dispute at issue, or failing to defend a prerogative that has been entrusted, as a matter of law, solely to the Executive Branch.

With respect to your requests concerning information in the government's possession, we are fully aware of our legal and ethical obligations, have complied with those obligations, and will continue to do so in the future. But, contrary to your contentions, the law does not grant either you or your clients any right to discovery or unfettered access to information in the possession of the government, whether under the CVRA, the due process clause, or any other authority. Nonetheless, we remain willing to cooperate with you and your clients with any proper request for information, just as we would with any other person making such a request.

Your request that the government not defend the government's non-prosecution agreement with Mr. Epstein is also something to which we simply cannot accede. Although that non-prosecution agreement preceded my tenure as United States Attorney, this Office is legally bound to abide by that agreement and cannot legally or constitutionally engage in any action, direct or indirect, that seeks to undermine or circumvent that agreement and its terms, regardless of those contentions set forth in your March 1, 2011 letter that the non-prosecution agreement was unwise or unjust.

I recognize that the government's position in this matter is not what you and your clients would have desired. Be assured that this is not because the government and the members of this Office do not sympathize with the victims of Mr. Epstein's offenses or understand their concerns. Nonetheless, as I have tried to explain in a brief, summary fashion, deep-seated prosecutorial concerns and constitutional obligations that we are obliged to satisfy must guide the government's actions in these matters.

If you have any questions concerning any of the legal details regarding the government's position on these matters, please contact AUSAs [REDACTED] and Anne [REDACTED], who continue handling this matter on behalf of the United States and who have my complete confidence.

Sincerely,

[REDACTED]  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY







September 29, 2011

Wifredo A. Ferrer  
United States Attorney  
Southern District of Florida



Re: Follow-up on Jeffrey Epstein

Dear Mr. Ferrer:

As you know, Brad Edwards and I represent Jane Doe #1 and Jane Doe #2 in their efforts to protect their rights under the Crime Victims' Rights Act. You were nice enough to meet with Jane Doe #1 in December 2010 on that case, and we appreciate that. At the conclusion of that meeting, I also provided you with a letter presenting my grave concerns about possible improper influences being brought to bear on your Office during its negotiation of the Jeffrey Epstein non-prosecution agreement. (For your convenience, I attach a copy of that letter.) It was my understanding that you deemed my allegations serious enough to forward my letter to the Office of Professional Responsibility (OPR) for further investigation, and it was my impression that OPR was going to look into the allegations raised in my letter.

I must say that I was surprised to receive a letter five months later from OPR indicating that my concerns were not being investigated. On May 6, 2011, OPR stated that it was their policy "to refrain from investigating issues or allegations that were, are being, or could have been addressed in the court of litigation, unless a court has made a specific finding of misconduct by a DOJ attorney . . . or there are present other circumstances." OPR stated that my allegations fell into the category of allegations that were being litigated because Jane Doe #1 and Jane Doe #2 were raising these issues in their CVRA case. Accordingly, OPR indicated it was not going to review the allegations that I presented.

I am writing now to request the opportunity to meet with you further and to pass along additional information in support of my concerns. I wanted to follow up with you to make sure that *someone* was looking into my allegations about improper influences affecting your Office's decision to accord Jeffrey Epstein an extraordinarily lenient plea. It may well be that OPR has some policy precluding an investigation. But will your Office then investigate these issues?

I am also writing to alert you to additional information that continues to lead me to believe that something was rotten with the way this case was handled.

As you may know, [REDACTED] was a senior prosecutor and supervisor in your Office when the non-prosecution agreement with Jeffrey Epstein was approved. It is our impression that he was directly involved in supervising the Epstein investigation as the former Chief of the Criminal Division of your Office. It has been our understanding for quite some time that he frequently corresponded with Epstein's attorneys, especially Lily Ann Sanchez, during the plea discussions, and it is our understanding that he left your Office around the time the non-prosecution agreement was signed.

Our private investigator has recently learned that [REDACTED] left your office to work at a New York law firm representing white collar criminals. He also learned that [REDACTED] quite expensive apartment in New York City is located in close proximity to real estate properties (specifically condos) owned by Jeffrey Epstein. The location of Menchel's apartment, his role during the Epstein negotiations, and his departure immediately after the NPA was signed, leads us to believe that [REDACTED] and Epstein may have had a business or other relationship either during or after [REDACTED] time in the Office. If that is the case, then we would appreciate you providing the information that you have in that regard voluntarily, as opposed to us having to conduct formal discovery to get it.

As you also know, Judge Marra has recently ordered discovery to proceed in this case. We obviously would like for that process to go as smoothly as possible and want to avoid becoming involved in true adversary litigation with your Office. On behalf of our clients, we just want to get to the bottom of this, and we feel safe in assuming that you do too at this point.

For all these reasons, I am writing to request another chance to meet with you about our concerns and about making the discovery process go smoothly. Thank you in advance for considering this request. I would be happy to provide any other additional information that would be useful to you.

Sincerely,

[REDACTED]  
Paul G. Cassell

cc: Assistant U.S. Attorney [REDACTED]

cc: Assistant U.S. Attorney [REDACTED]



them with my clients. Of course, no possible harm to the Government can come from the release of the documents, as this criminal matter is now concluded – at least from the Government's perspective.

3. I am wondering about your position on the confidentiality provision in the agreement. As I understand things from your proposed stipulation, in September 2007 you "reached" an agreement with Epstein's attorneys that "contained an express confidentiality provision." Are you taking the position that this "express" provision barred disclosure of the substance of the agreement to my clients? And, if so, would you stipulate that the FBI agents and your office complied with the provision up through June 30 when, I assume, the confidential provision expired as Epstein entered his guilty plea in open court?

4. Your proposed stipulation indicates:

On October 26, 2007, Special Agents [REDACTED] and [REDACTED] met in person with Jane Doe #1. The Special Agents explained that the investigation had been resolved, that Epstein would plead guilty to state charges, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages to the victims, including Jane Doe #1. During this meeting, Jane Doe #1 did not raise any objections to the resolution of the matter.

From the drafting of this proposed stipulation, it appears that you may be working from a Report of Interview with my client (i.e., an FBI 302). My client has a differing recollection of some aspects of that meeting. Of course, she did not take notes of the meeting. Therefore, I ask that you provide me (the relevant parts of) any report of this meeting as well as reports of any other meetings relevant to the matters at hand.

I believe that my client is entitled to a copy of (the relevant parts of) the reports of interviews with her. Of course, a criminal defendant would be entitled to such documents. See Fed. R. Crim. P. 16(a)(1)(A) & (B). As an innocent victim in this matter, my client should be treated with at least the same consideration. See 18 U.S.C. § 3771(a)(8) (victim's right to "be treated with fairness").

5. I am hoping that the Special Agents' and my client's recollections about one point of the October 26<sup>th</sup> meeting coincides: that she was never told that the agreement blocked all federal prosecution for the crimes at hand. Is a stipulation on that point agreeable?



██████████, AUSA  
United States Attorney's Office  
Page 4

against Jane Doe #1 and Jane Doe #2. In asking for this stipulation, I realize that you have taken the position that you would not have filed an indictment involving Jane Doe #2, presumably because you thought that you could not carry the Government's burden of proof beyond a reasonable doubt. At the same time, though, I trust you will concede that the evidence in that case was strong enough to pass the probable cause standard.

9. Finally, in light of the fact that you have been sending letters to Jane Doe #2, which was obviously done because you believed her to be a "victim" in this case, and since she has been added in this matter as a victim, we would like some assurances that she will be protected, as the other victims have been, in your agreement with Mr. Epstein.

Thank you very much for considering these issues and concerns. I look forward to working with you to reach a stipulation that covers as much common ground as possible in this case. If you think that further discussions might be helpful, I would like to try and set up a conference call with you and my co-counsel to discuss these issues further.

Sincerely,

██  
Brad Edwards

BE/sg  
Enclosure

cc: ██████████, AUSA  
United States Attorney's Office  
99 N.E. 4th Street  
Miami, Florida 33132

*Brad Edwards*

AND ASSOCIATES

July 3, 2008

[REDACTED] AUSA  
United States Attorney's Office  
500 South Australian Avenue  
West Palm Beach, Florida 33401

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7007 2680 0002 5519 8503

Dear Ms. [REDACTED]:

As you are aware, we represent several of the young girls that were victimized and abused by Jeffrey Epstein. While we are aware of his recent guilty plea and conviction in his State Court case, the sentence imposed in that case is grossly inadequate for a sexual predator of this magnitude. The information and evidence that has come to our attention in this matter leads to a grave concern that justice will not be served in this cause if Mr. Epstein is not aggressively prosecuted and appropriately punished. Based on our investigation and knowledge of this case, it is apparent that he has sexually abused more than 100 underage girls, and the evidence against him is overwhelmingly strong.

As former Assistant State Attorneys with seven years' prosecution experience, we believe that the evidence against Mr. Epstein is both credible and deep and that he may be the most dangerous sexual predator of children that our country has ever seen. The evidence suggests that for at least 4 years he was sexually abusing as many as three to four girls a day. It is inevitable that if he is not confined to prison, he will continue to manipulate and sexually abuse children and destroy more lives. He is a sexual addict that focused all of his free time on sexually abusing children, and he uses his extraordinary wealth and power to lure in poor, underprivileged little girls and then also uses his wealth to shield himself from prosecution and liability. We are very concerned for the health and welfare of the girls he has already victimized, and concerned that if justice is not properly served now and he is not imprisoned for a very long time, he will get a free pass to sexually abuse children in the future. Future abuse and victimization is obvious to anyone who really reviews the evidence in this case, and future sexual abuse of minors is inevitable unless he is prosecuted, tried and appropriately sentenced. Money and power should not allow a man to make his own laws, and he has clearly received preferential treatment at every step up to this point. If he were a man of average wealth or the abused girls were from middle or upper class families, then this man would spend the rest of his life in prison. In a country of true, blind justice, those distinctions are irrelevant, and we really hope he does not prove the point that a man can commit heinous crimes against children and buy his way out of it.

If the Department of Justice's recent commitment to the protection of our children from child molesters is to be more than rhetoric, then this is the time and the case where the Department must step forward. We urge the Attorney General and our United States

[REDACTED]

[REDACTED] AUSA  
United States Attorney's Office  
Page Two

Attorney to consider the fundamental import of the vigorous enforcement of our Federal laws. We urge you to move forward with the traditional indictments and criminal prosecution commensurate with the crimes Mr. Epstein has committed, and we further urge you to take the steps necessary to protect our children from this very dangerous sexual perpetrator. We will help you to do this in any way possible to ensure that true Justice is served in this case.

Sincerely,

[REDACTED]

Brad Edwards, Esquire  
Jay Howell, Esquire

[REDACTED]

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<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee         </div> <div style="border: 1px solid black; padding: 2px;">           (name) C. Date of Delivery  <span style="font-size: 1.2em;">7/7/08</span> </div>
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;"> <b>United States Attorney's Office</b>  <b>500 South Australian Avenue</b>  <b>West Palm Beach, Florida 33401</b> </p> </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number: <i>(Transfer from service label)</i>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
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<div style="border: 1px solid black; padding: 5px; font-size: 1.2em;">             7007 2660 0002 5519 8503           </div>	
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*Brad Edwards*

AND ASSOCIATES

October 15, 2008

██████████, AUSA  
United States Attorney's Office  
99 N.E. 4th Street  
Miami, Florida 33132

Re: Jane Doe # and Jane Doe #2 v. United States of America  
Case No.: 08-80736-CIV-MARRA/JOHNSON

Dear Mr. ██████████:

I am writing to inquire about whether Mr. Epstein has violated his Non-Prosecution Agreement with the Government.

As you know, the Government has repeatedly described the Non-Prosecution Agreement as guaranteeing to the victims of Epstein's sexual abuse at least \$150,000 in civil damages. The Government has made these representations in reliance on a current provision in the U.S. Code – 18 U.S.C. § 2255(a) – which provides for an automatic amount of damages of at least \$150,000. At the time that the Non-Prosecution Agreement was drafted and signed, that was the law that was in effect.

In Epstein's latest filing in federal court, however, he takes the position that the pre-2006 Amendments version of the law applies. See Defendant Epstein's Motion to Dismiss, for More Definite Statement and To Strike Directed to Plaintiff Jane Doe's Complaint at 9, *Jane Doe v. Jeffrey Epstein*, No. 08-CIV-80893-Marra/Johnson (discussing § 2255 and stating that the "applicable version of the statute" is "pre-2006 Amendments"). The 2006 Amendments altered § 2255(a), by increasing the presumed minimum damages from \$50,000 to \$150,000. See Pub. L. 109-248, Title VII, § 707(b), (c), July 27, 2006, 120 Stat. 650.

In light of Epstein's latest filing, I write to ask several questions:

- (1) Would you stipulate that you told me several times that Epstein had agreed to pay at least \$150,000 to the identified victims of his abuse?
- (2) Did Epstein in fact agree to pay damages to the identified victims of his abuse at least \$150,000?
- (3) Did the Government tell victims, either directly or through counsel, that Epstein had agreed to pay his victims at least \$150,000?

