

August 20, 2014

Wifredo A. Ferrer
United States Attorney
Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132

RE: *Jane Does* ■ and ■ v. *United States*
Case No. : 08-80736-Civ-Marra/Johnson

Dear Mr. Ferrer:

As you know, we have been in litigation for more than six years on a case under the Crime Victims' Rights Act – a case that involves decisions that were all made before you took office and that gave Jeffrey Epstein an expansive non-prosecution agreement. Several years ago you were nice enough to meet with us and one of our clients to discuss the case, which we really appreciated. More recently we contacted the line attorneys working on the case to see if we could reach some stipulated facts on various issues surrounding the case.

It is in that spirit of trying to avoid unnecessary battles that we wanted to alert you to a motion we are preparing to file to see whether this could be a stipulated motion. Our CVRA case is brought on behalf of two sexual assault victims – Jane Doe ■ and Jane Doe ■. We would like to add a third victim to the case – Jane Doe ■. Her true name is ■, although we would seek to keep her identity confidential during the proceedings. We contacted your office about prosecuting the crimes Jeffrey Epstein committed against her a couple years ago when we realized that she was not included in the NPA; however, we were told that despite not knowing about this particular victim when the agreement with Epstein was reached, the NPA was drafted so broadly as to preclude criminal charges for the crimes committed against her. Adding her to the case will not expand the issues in the case. Nor will it result in any new discovery or additional delay.

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Jane Doe [REDACTED] was sexually abused numerous times by Jeffrey Epstein. She is keenly interested in having our CVRA case fairly resolved. We also note that, under the CVRA, Justice Department prosecutors are obligated to use their "best efforts" to help protect crime victims' rights. As such, we ask for your stipulation to this amendment.

A copy of our soon-to-be-filed motion is attached. We wanted to show you what it looked like in hopes that you might be able to support it. We would, of course, be glad to consider making any changes to the motion that would help garner your support.

Thanks in advance for considering this request.

Very truly yours,

[REDACTED]

[REDACTED]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Johnson

JANE DOE ■ and JANE DOE ■

v.

UNITED STATES
_____ /

JANE DOE ■'S MOTION TO JOIN CVRA ACTION

COME NOW Jane Doe ■, by and through undersigned counsel, to move this Court to join this action. Because Jane Doe ■'s rights have been violated in the same way as the two other victims, and because the Crime Victims' Rights Act (CVRA) contains no statute of limitations, she should be allowed to join this action.

As the Court is aware, more than six years ago Jane Doe ■ filed the present action against the United States, alleging a violation of her rights under the CVRA, 18 U.S.C. § 3771. She alleged that Jeffrey Epstein had sexually abused her and that the United States had entered into a secret non-prosecution agreement regarding those crimes in violation of her rights. At the first court hearing on the case, the Court allowed Jane Doe ■ to also join the action. Both Jane Doe ■ and Jane Doe ■ specifically argued that the government had failed to protect their CVRA rights (inter alia) to confer, to reasonable notice, and to be treated with fairness. In response, the Government argued that the CVRA rights did not apply to Jane Doe ■ and Jane Doe ■ because no federal charges had ever been filed against Jeffrey Epstein.

Last June, the Court rejected the United States' position. The Court concluded that the CVRA extended rights to Jane Doe ■ and Jane Doe ■ even though charges were never filed. The Court explained that because the NPA barred prosecution of crimes committed against them by Epstein, they had "standing" to assert violations of the CVRA rights. DE 189. The Court deferred ruling on whether the two victims would be entitled to relief, pending development of a fuller evidentiary record.

Jane Doe ■¹ was sexually abused by Jeffrey Epstein more than twenty times in and after the summer of ■. Thereafter, in 2007, when the United States entered into its non-prosecution agreement with Epstein, the United States had identified more than 40 victims by name and knew that many more existed. Jane Doe ■ was unknown to the United States, yet the United States entered into an agreement with Epstein – the NPA – which purports to preclude prosecution against Epstein in the Southern District of Florida, even for serious sexual offenses against Jane Doe ■ that are not barred by the Statute of Limitations. Jane Doe ■ was never even contacted by the United States, yet the United States contracted away her rights.

Jane Doe ■ now moves to join the action filed by Jane Doe ■ and Jane Doe ■. She believes that her rights were violated in the same fashion as the other victims.

Adding her to this case will not prejudice the United States. Jane Doe ■ does not seek any additional discovery beyond that previously sought by Jane Doe ■ and Jane Doe ■. Accordingly, the United States will not be prejudiced or burdened by adding her to this case. Indeed, adding her to this case may simplify certain issues, as it appears that the United States

¹ Because she was sexually assaulted as a minor, Jane Doe ■ proceeds in this motion by way of a pseudonym.

made no effort whatsoever to inform her about the non-prosecution agreement and cannot possibly argue otherwise, in contrast to certain limited steps that the United States may argue to have taken with regard to Jane Doe ■ and Jane Doe ■.

The CVRA does not contain any statute of limitations for filing an action to enforce rights under the statute. Accordingly, her motion should be granted.

Jane Doe ■ and Jane Doe ■ support the motion. The United States [insert position xxxxxxxxxxxxxxxxxxxx].

CONCLUSION

Jane Doe ■ should be allowed to join this action. A proposed order allowing her to join is attached to this pleading.

DATED: August 20, 2014

Respectfully Submitted,





Attorneys for Jane Doe [redacted]

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on August 20, 2014, on the following using the Court's CM/ECF system:

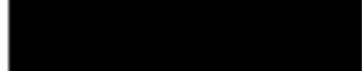


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Criminal Defense Counsel for Jeffrey Epstein

/s/ Bradley J. Edwards

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