

# Memorandum



Subject  
Memorandum seeking Travel Authorization  
**Operation Leap Year**

Date  
June 20, 2008

To  
Rolando Garcia, Deputy Chief  
Criminal Division

From  
A. Marie Villafañe  
Assistant U.S. Attorney

Karen Atkinson, Chief  
Northern Division

*KDA*  
*6/24/08*

## I. INTRODUCTION

This memorandum seeks travel authorization to travel to New York from June 19 to June 20, 2008, in connection with Operation Leap Year.

## II. THE PROPOSED TRAVEL AND ITS PURPOSE

As you know, we plan to present a final indictment to the grand jury in approximately two weeks. Since our original planned indictment, we have learned about a series of victims in New York and the possible involvement of Epstein's two New York-based assistants, [REDACTED] and [REDACTED]. The inclusion of New York victims would be a great benefit to the indictment, and we would like to interview some key people in New York in order to include that evidence in the indictment.

Accordingly, I propose to travel to New York on the afternoon of Thursday, June 19 to conduct interviews on Friday, June 20, 2008.<sup>1</sup> FBI Special Agents Nesbitt Kuyrkendall and Jason Richards also will be traveling, although they may stay longer.

First, we would like to interview [REDACTED]. She has been identified by two victims as someone who recruited numerous others to Epstein's New York residence. We know that Lacerda was going to Epstein's home when she was 14, and it is possible that she was going there as early as 13. This trip is contingent upon approval from the Justice Department of our immunity request for Lacerda. Yesterday I spoke with someone at the Witness Immunity Unit who stated that we

<sup>1</sup>I may decide to stay in New York on Friday night in order to see a college friend. If I do, I will pay for the hotel room on Friday night and any difference in the airfares.

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Case No. 08-80736-CV-MARRA

P-008379

EFTA00225378

should have the approval by early next week.<sup>2</sup>

In addition, a witness here in the Palm Beach area came forward recently to inform the FBI about a link between Epstein and the MC<sup>2</sup> Modeling Agency. The witness stated that Epstein and the head of MC<sup>2</sup>, Jean Luc Brunel, worked together to obtain fraudulent visas to bring potential models to the United States. The witness stated that Epstein selected some of the underage girls to come to the United States even though Brunel never intended to use them as models so that Epstein could engage in sexual activity with them. Brunel's name appears on several of the message pads recovered during the search of Epstein's home. Some of the messages describe young girls that he would like Epstein to meet (including a 16-year-old who would "teach Russian" to Epstein). The FBI previously tried to interview Brunel, but he refused to speak with them. The Palm Beach witness has told the FBI that a former MC<sup>2</sup> employee is willing to speak with the FBI about the fraud.

Yesterday, the FBI in New York arrested two Bear Stearns employees for securities fraud related to Bear Stearns hedge funds involved in the subprime loan crisis. Epstein has been reported as one of the creators of those hedge funds in financial news sources. The agents here are contacting the New York agents to determine if Epstein is a target/subject of the New York investigation and also to find out whether the two employees are cooperating and would be willing to speak with us.

For the foregoing reasons, I recommend that the Office approve the costs of a hotel room and a flight for my travel to New York.

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<sup>2</sup>Travel plans will not be made until the immunity is confirmed.

# UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

TO:



## SUBPOENA TO TESTIFY BEFORE GRAND JURY

FGJ 07-103 (WPB) - Tues. No. OLY-85/1

SUBPOENA FOR:

PERSON

DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE  United States District Court 701 Clematis Street West Palm Beach, Florida 33401	COURTROOM Grand Jury Room
	DATE AND TIME 7/1/2008 10:30 am

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):\*

ALL DOCUMENTS AND INFORMATION REFERENCED IN THE ATTACHMENT TO THIS SUBPOENA.

Please see additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

(By) Deputy Clerk



This subpoena is issued on application of the United States of America

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY  
Ann Marie C. Villafana, Assistant U.S. Attorney  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401-6235  
Tel: (561) 820-8711, ext 3047

\* If not applicable, enter "none"

**ATTACHMENT TO GRAND JURY SUBPOENA OLY-85/1**  
**ADDRESSED TO [REDACTED]**

PLEASE BRING THE FOLLOWING DOCUMENTS, ITEMS, AND INFORMATION WITH YOU TO YOUR GRAND JURY APPEARANCE:

1. Any and all notes, letters, cards, gifts, payments, photographs, or other items that you have received from Jeffrey Epstein, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], Lesley Groff, Ghislaine Maxwell, and/or any other employee or associate of Jeffrey Epstein.

2. Any and all photographs, whether printed or digital, of Jeffrey Epstein, [REDACTED], [REDACTED], [REDACTED], Cecilia Steen, [REDACTED], Ghislaine Maxwell, and/or any other employee or associate of Jeffrey Epstein.

3. Any and all e-mails, instant messages, chats, text messages, voicemails, or telephone messages that you have sent to and/or received from Jeffrey Epstein, [REDACTED], [REDACTED], [REDACTED], Lesley Groff, Ghislaine Maxwell, and/or any other employee or associate of Jeffrey Epstein.

4. A list of all telephone numbers (cellular and "land line"), e-mail addresses, screen names, addresses, and any other contact information that you have for the following persons during the period of January 1, 2003 to the present:

- a. yourself;
- b. Jeffrey Epstein;
- c. [REDACTED];
- d. [REDACTED];
- e. [REDACTED];
- f. [REDACTED];
- g. [REDACTED];
- h. Ghislaine Maxwell;
- i. any person(s) who introduced you to Jeffrey Epstein and/or Ghislaine Maxwell;
- j. any person(s) whom you introduced to Jeffrey Epstein and/or Ghislaine Maxwell;
- k. any person(s) who communicated with you to arrange appointments to meet with Jeffrey Epstein and/or Ghislaine Maxwell.

5. Any billing statements for telephone service (cellular and "land line") for any telephone you used during the period of January 1, 2003 to the present.

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Fernandez, Aida I. (USAFLS) <afernandez@usa.doj.gov>  
**Sent:** Monday, June 23, 2008 9:23 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: Grand Jury on 6/26 and 7/1

Ok – got it - thx

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Monday, June 23, 2008 9:19 AM  
**To:** Fernandez, Aida I. (USAFLS)  
**Subject:** RE: Grand Jury on 6/26 and 7/1

Hi Aida. Thank you for asking. We will be presenting the witness testimony after the indictment. (I would like to do the indictment in the morning and the witness in the afternoon, if possible.)

*A. Marie Villafaña*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

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**From:** Fernandez, Aida I. (USAFLS)  
**Sent:** Monday, June 23, 2008 9:18 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** Ball, Shawn (USAFLS)  
**Subject:** RE: Grand Jury on 6/26 and 7/1

I assume you will be presenting your witness testimony first? Pls advise so that I know the order in which to present them next week.

Pls advise.

Thx.

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Monday, June 23, 2008 9:09 AM  
**To:** Fernandez, Aida I. (USAFLS)  
**Cc:** Ball, Shawn (USAFLS)  
**Subject:** Grand Jury on 6/26 and 7/1

08-80736-CV-MARRA

EXHIBIT B-133

P-014979

Hi Aida – I think you already have this, but, if not:

Can you put me down for a half-hour on Thursday, 6/26, in the morning, for an indictment

And, on 7/1 can I have 2 hours in the morning for an indictment on Operation Leap Year. Witness will be Nesbitt Kuyrkendall, FBI. It will be sealed.

Also on 7/1, I will need 2 hours for witness testimony on Operation Leap Year. Witness will be [REDACTED]

Thank you!

*A. Marie Villafañá*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Senior, Robert (USAFLS) [REDACTED]  
**Sent:** Monday, June 23, 2008 10:06 AM  
**To:** Villafana, Ann Marie C. (USAFLS); Kuyrkendall, E N. (MM) (FBI); Richards, Jason R. (MM) (FBI)  
**Cc:** Atkinson, Karen (USAFLS)  
**Subject:** RE: Trip to New York, etc.

Ok. Marie, hoping to hear from DAG's office today giving the green light. Let's talk when that decision is made.

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Monday, June 23, 2008 9:15 AM  
**To:** Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)  
**Cc:** Atkinson, Karen (USAFLS); Senior, Robert (USAFLS)  
**Subject:** Trip to New York, etc.

We will not be interviewing [REDACTED] in New York. Her attorney gave a copy of the grand jury subpoena to Epstein's lawyers. They, in turn, promptly sent it on to Washington complaining, yet again, about me. So, I do not want to do an interview with him present, and we will have to put her in the grand jury.

Given that, let's take the New York section out of the indictment so we can present the indictment Tuesday morning. Then we can do [REDACTED] interview in the afternoon with plans to supersede. It probably makes sense to wait on the rest of the interviews until we hear what [REDACTED] has to say, so let's plan to do the New York trip in a few weeks.

Bob – I will revise everything accordingly and send it down to you. We have another girl from Florida, so I will replace our New York Jane Doe with her.

*A. Marie Villafaña*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

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**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Brendan White <brendan@whiwhi.com>  
**Sent:** Thursday, June 26, 2008 10:38 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Grand Jury Appearance

Dear Ms. Villafana:

I understand that there has been a recent development with respect to Mr. Epstein in that he intends to plead guilty in Florida state court on Monday pursuant to a deferred prosecution agreement with your office that has already been executed. Since this would seem to obviate any need for Ms. Lacerda to testify, please let me know what is going on with respect to this Tuesday. Do we still need to come down there and, if so, will she receive court-ordered immunity? Thanks.

Brendan White

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Brendan White  
**Sent:** Monday, June 23, 2008 2:09 PM  
**Subject:** RE: Grand Jury Appearance

Dear Mr. White:

Please feel free to make your own travel arrangements, but if you would like Ms. Lacerda's travel costs to be reimbursed, they must be made through the government's approved agency on the approved carriers.

Regarding the immunity, at this point, without a written proffer from you regarding the substance of her anticipated testimony, I believe that the more prudent course will be to question Ms. Lacerda to determine the limits of her Fifth Amendment exposure and, if necessary, to apply to the Court at that time. If you provide me with a written proffer that summarizes her anticipated testimony and explains how she will be exposed to criminal liability, then I can make the motion ahead of time. Your written statement would be treated as an attorney statement made in the course of confidential plea discussions and related negotiations, and would be governed by Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410.

*A. Marie Villafaña*  
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**From:** Brendan White [mailto:brendan@whiwhi.com]  
**Sent:** Monday, June 23, 2008 1:45 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** Ball, Shawn (USAFLS)  
**Subject:** Re: Grand Jury Appearance

We will be there, and I will make the travel arrangements. I am assuming that this will be done in connection with an order of immunity. Please let me know if that is correct so I can advise Ms. Lacerda. Thanks.

Brendan White

08-80736-CV-MARRA

P-014991

99

EXHIBIT B-134

EFTA00225385

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)

**To:** Brendan White

**Cc:** Ball, Shawn (USAFLS)

**Sent:** Monday, June 23, 2008 11:27 AM

**Subject:** Grand Jury Appearance

Dear Mr. White:

Ms. Lacerda will need to appear before the grand jury on July 1<sup>st</sup> to give testimony. Please contact my assistant, Shawn Ball, at 561 820-8711, ext. 3037, to make travel arrangements. I expect that Ms. Lacerda's testimony will begin either in the late morning or early afternoon, but she should be available for the whole day.

Thank you.

*A. Marie Villafaña*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

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**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>  
**Sent:** Thursday, June 26, 2008 10:55 AM  
**To:** Brendan White  
**Subject:** RE: Grand Jury Appearance

Dear Mr. White:

If Mr. Epstein enters a guilty plea in accordance with that agreement on Monday, then the subpoena will be withdrawn. At this point, I have not received confirmation that the change of plea is going to occur, nor have I received information confirming that the plea will be in conformance with our agreement. As such, at this time, I still intend to present Ms. Lacerda's testimony to the grand jury on Tuesday. With respect to the immunity question, I refer you to my e-mail of June 23<sup>rd</sup>, which is shown below.

If the situation changes, I will contact you.

Thank you.

*A. Marie Villafana*  
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Brendan White

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08-80736-CV-MARRA

P-014993

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08-80736-CV-MARRA  
103

P-014995

EFTA00225389

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Brendan White <brendan@whiwhi.com>  
**Sent:** Thursday, June 26, 2008 11:26 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Grand Jury Appearance

Thanks.

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Brendan White  
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**To:** Brendan White  
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P-014996

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Regarding the immunity, at this point, without a written proffer from you regarding the substance of her anticipated testimony, I believe that the more prudent course will be to question Ms. Lacerda to determine the limits of her Fifth Amendment exposure and, if necessary, to apply to the Court at that time. If you provide me with a written proffer that summarizes her anticipated testimony and explains how she will be exposed to criminal liability, then I can make the motion ahead of time. Your written statement would be treated as an attorney statement made in the course of confidential plea discussions and related negotiations, and would be governed by Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410.

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*A. Marie Villafaña*

Assistant U.S. Attorney

08-80736-CV-MARRA

P-014997

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**Villafana, Ann Marie C. (USAFLS)**

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**From:** Brendan White <brendan@whiwhi.com>  
**Sent:** Thursday, June 26, 2008 3:00 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Grand Jury Appearance

I've learned from Mr. Epstein's attorney that the plea is scheduled to take place on Monday morning. In understand, of course, that you need confirmation of this before withdrawing the subpoena, but it might make logistical sense to consider putting the contingent appearance off for another week at this point, to avoid our having to make an unnecessary trip to Florida. Although I am confident that things will proceed as scheduled, should there be a problem, we would then be able to appear at a later date.

Brendan White

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P-014999

Brendan White

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**To:** [Brendan White](#)  
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P-015000

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Assistant U.S. Attorney

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**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>  
**Sent:** Thursday, June 26, 2008 6:41 PM  
**To:** Brendan White  
**Subject:** RE: Grand Jury Appearance

Dear Mr. White:

I have not received any such confirmation. At this time, we are still on for July 1<sup>st</sup>. I recommend that you make your travel plans for Monday afternoon or evening and if things change, I will call you right away.

Thank you.

*A. Marie Villafana*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

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Brendan White

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Brendan White  
**Sent:** Thursday, June 26, 2008 10:55 AM  
**Subject:** RE: Grand Jury Appearance

Dear Mr. White:

If Mr. Epstein enters a guilty plea in accordance with that agreement on Monday, then the subpoena will be withdrawn. At this point, I have not received confirmation that the change of plea is going to occur, nor have I received information confirming that the plea will be in conformance with our agreement. As such, at this time, I still intend to present Ms. Lacerda's testimony to the grand jury on Tuesday. With respect to the immunity question, I refer you to my e-mail of June 23<sup>rd</sup>, which is shown below.

If the situation changes, I will contact you.

Thank you.

08-80736-CV-MARRA

P-015002

*A. Marie Villafaña*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

---

**From:** Brendan White [mailto:brendan@whiwhi.com]  
**Sent:** Thursday, June 26, 2008 10:38 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Grand Jury Appearance

Dear Ms. Villafana:

I understand that there has been a recent development with respect to Mr. Epstein in that he intends to plead guilty in Florida state court on Monday pursuant to a deferred prosecution agreement with your office that has already been executed. Since this would seem to obviate any need for Ms. Lacerda to testify, please let me know what is going on with respect to this Tuesday. Do we still need to come down there and, if so, will she receive court-ordered immunity? Thanks.

Brendan White

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Brendan White  
**Sent:** Monday, June 23, 2008 2:09 PM  
**Subject:** RE: Grand Jury Appearance

Dear Mr. White:

Please feel free to make your own travel arrangements, but if you would like Ms. Lacerda's travel costs to be reimbursed, they must be made through the government's approved agency on the approved carriers.

Regarding the immunity, at this point, without a written proffer from you regarding the substance of her anticipated testimony, I believe that the more prudent course will be to question Ms. Lacerda to determine the limits of her Fifth Amendment exposure and, if necessary, to apply to the Court at that time. If you provide me with a written proffer that summarizes her anticipated testimony and explains how she will be exposed to criminal liability, then I can make the motion ahead of time. Your written statement would be treated as an attorney statement made in the course of confidential plea discussions and related negotiations, and would be governed by Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410.

*A. Marie Villafaña*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

---

**From:** Brendan White [mailto:brendan@whiwhi.com]  
**Sent:** Monday, June 23, 2008 1:45 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** Ball, Shawn (USAFLS)  
**Subject:** Re: Grand Jury Appearance

08-80736-CV-MARRA

P-015003

We will be there, and I will make the travel arrangements. I am assuming that this will be done in connection with an order of immunity. Please let me know if that is correct so I can advise Ms. Lacerda. Thanks.

Brendan White

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)

**To:** Brendan White

**Cc:** Ball, Shawn (USAFLS)

**Sent:** Monday, June 23, 2008 11:27 AM

**Subject:** Grand Jury Appearance

Dear Mr. White:

Ms. Lacerda will need to appear before the grand jury on July 1<sup>st</sup> to give testimony. Please contact my assistant, Shawn Ball, at 561 820-8711, ext. 3037, to make travel arrangements. I expect that Ms. Lacerda's testimony will begin either in the late morning or early afternoon, but she should be available for the whole day.

Thank you.

*A. Marie Villafaña*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Brendan White [brendan@whiwhi.com]  
**Sent:** Monday, June 30, 2008 11:20 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Cancellation of Grand Jury Appearance

Thank you for letting me know. I will inform Ms. Lacerda.

Brendan

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Brendan White  
**Cc:** Ball, Shawn (USAFLS)  
**Sent:** Monday, June 30, 2008 10:59 AM  
**Subject:** Cancellation of Grand Jury Appearance

Dear Mr. White: At this time, the subpoena of Ms. Lacerda is withdrawn. If that should change, I will contact you.

*A. Marie Villafaña*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

EXHIBIT B-135

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, January 31, 2008 7:33 PM  
**To:** Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)  
**Subject:** Epstein

Hi Jeff and Alex – We just finished interviewing three of the girls. I wish you could have been there to see how much this has affected them.

One girl broke down sobbing so that we had to stop the interview twice within a 20 minute span. She regained her composure enough to continue a short time, but she said that she was having nightmares about Epstein coming after her and she started to break down again, so we stopped the interview.

The second girl, who has a baby girl of her own, told us that she was very upset about the 18 month deal she had read about in the paper. She said that 18 months was nothing and that she had heard that the girls could get restitution, but she would rather not get any money and have Epstein spend a significant time in jail.

The FBI's victim-witness coordinator attended and she has arranged for counseling for several of the girls.

Please reach out to Alice to make her decision. These girls deserve so much better than they have received so far, and I hate feeling that there is nothing I can do to help them.

We have four more girls coming in tomorrow. Can I persuade you to attend?

*A. Marie Villafana*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

Tracking:

1779

EXHIBIT C-1

08-80736-CV-MARRA

P-014573

EFTA00225400

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, March 19, 2008 2:30 PM  
**To:** Weinstein, David (USAFLS)  
**Subject:** RE: Epstein update

Why is this allowed to continue? At least put us out of our misery quickly if that is what is going to happen!

*A. Marie Villafana*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

---

**From:** Weinstein, David (USAFLS)  
**Sent:** Wednesday, March 19, 2008 2:29 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: Epstein update

Thank you for silently keeping me in the loop.  
Outrageous.

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, March 19, 2008 2:16 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)  
**Subject:** Epstein update

Hi Jeff and Bob – I am hoping that you have an update from Drew. I wanted to fill you in on recent events.

Yesterday we did the first half of the grand jury presentation on the indictment. Many of the grand jurors expressed thanks for our return. After a break as I walked into the room, I overheard one juror telling another that he had been concerned that we were going to “whitewash” this case and not charge it.

Epstein’s lawyers are using the civil lawsuits as an excuse to harass a number of the victims. One girl, who is a scholarship student at a local university, was hauled into the Dean of Students office to be served with a subpoena for a deposition. It is scheduled for Monday.

A national crime victims service organization has received a grant from the Justice Department to provide legal representation to victims. They have agreed to provide counsel for our victims. The only problem is that the lawyers are located in Maryland. But they will try to find pro bono lawyers here to help out.

I also told Bob that one of our victims tried to commit suicide last week. The FBI’s victim-witness coordinator is doing her best to get counseling for all of our needy victims, but I just can’t stress enough how important it is

for these girls to have a resolution in this case. The "please be patient" answer is really wearing thin, especially when Epstein's group is still on the attack while we are forced to wait on the sidelines.

Your guidance is needed.

Thank you.

*A. Marie Villafaña*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, March 19, 2008 4:34 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)  
**Cc:** Kuyrkendall, E N.  
**Subject:** Victim Subpoena

Hi everyone – I just spoke with the subpoenaed victim. The subpoena was issued in connection with the state criminal case, which, as you know, doesn't involve most of the victims in our case (including the girl who was subpoenaed). The state attorney's office told us from the beginning that their case has been resolved. He is going to plead to the solicitation of adults for prostitution charge, so this seems to be a clear effort to find out about our case through the state case.

*A. Marie Villafaña*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
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Tracking:

1313

EXHIBIT C-3

08-80736-CV-MARRA

P-014783

EFTA00225403

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Saturday, March 22, 2008 8:51 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)  
**Subject:** Epstein

Hi all – So sorry to bother you on a Saturday, but I am hoping that I can persuade you to reach out to Drew about Epstein's investigators harassing the girls. Nesbitt received a frantic call today about Epstein's investigators bothering the parents of one of the victims. According to the victim, he demanded to see the victim and when he saw her, he told the victim that they had video of the girl and were planning to put it on the internet. We don't believe that Epstein actually has video of any of the girls, and Nesbitt has calmed the girl down, but this activity seems to be getting more aggressive. Remember also that Epstein is using the state criminal case to subpoena depositions of victims in the federal case (who are not part of the state indictment) to get information about our investigation. These actions do not seem consistent with what Epstein's attorneys are supposed to be trying to work out with Drew in DC. Any chance Drew will ask Epstein's people to call off their dogs until he makes his decision?

*A. Marie Villafaña*  
Assistant U.S. Attorney  
561 209-1047  
Fax 561 820-8777

Tracking:

1256

08-80736-CV-MARRA

P-014790

EFTA00225404

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Saturday, March 22, 2008 9:43 PM  
**To:** Kuyrkendall, E N.  
**Subject:** Message from Jeff

Hi Nesbitt – I contacted Jeff and Bob about the harassment issue and Jeff also recommended calling the police. When Twiler calls on Monday can she provide the non-emergency police numbers for the local police departments where the girls are located and ask them to call the police directly if they are getting harassed? I think we should be documenting this stuff with someone other than you.

Thank you.

*A. Marie Villafaña*  
Assistant U.S. Attorney  
561 209-1047  
Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Atkinson, Karen (USAFLS)  
**Sent:** Wednesday, May 23, 2007 4:20 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: Jeffrey Epstein

Let's talk before this is sent, please.

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, May 23, 2007 3:45 PM  
**To:** Atkinson, Karen (USAFLS)  
**Subject:** FW: Jeffrey Epstein

Karen – What do you think?

Hi Jeff and Matt – I just want to again voice my disagreement with promising to have a meeting or having a meeting with Lefcourt or any other of Epstein's attorneys. As I mentioned, this is not a case where we will be sitting down to negotiate whether a defendant will serve one year versus two years of probation. This is a case where the defendant is facing the possibility of dozens of years of prison time. Just as the defense will defend a case like that differently than they would handle a probation-type case, we need to handle this case differently. Part of our prosecution strategy was already disclosed at the last meeting, and I am concerned that more will be disclosed at a future meeting.

My co-chair, John McMillan, who has prosecuted more of these cases than the rest of us combined and who actually worked on the drafting of some of the child exploitation statutes, also opposes a meeting. We have been accused of not being "strategic thinkers" because of our opposition to these meetings, but we are simply looking at this case as a violent crime prosecution involving stiff penalties rather than as a white collar or public corruption case where the parties can amicably work out a light sentence.

With respect to the "policy reasons" that Lefcourt wants to discuss, those were already raised in his letter (which is part of the indictment package) and during his meeting with Andy and myself. Those reasons are: (1) he wants the Petit policy to trump our ability to prosecute Epstein, (2) this shouldn't be a federal offense, and (3) the victims were willing participants so the crime shouldn't be prosecuted at all. Unless the Office thinks that any of those arguments will be persuasive, a meeting will not be beneficial to the prosecution, it will only benefit the defense. With respect to Lefcourt's promised legal analysis, that also has already been provided. The only way to get additional analysis is to expose to the defense the other charges that we are considering. In my opinion this would seriously undermine the prosecution.

The defense is anxious to have a meeting in order to delay the investigation/prosecution, to find out more about our investigation, and to use political pressure to stop the investigation.

I have no control over the Office's decisions regarding whether to meet with the defense or to whom the facts and analysis of the case will be disclosed. However, if you all do decide to go forward with these meetings in a way that is detrimental to the investigation, then I will have to ask to have the case reassigned to an AUSA who is in agreement with the handling of the case.

*A. Marie Villafana*  
Assistant U.S. Attorney

EXHIBIT C-4

500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

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**From:** Lourie, Andrew (USAFLS)  
**Sent:** Tuesday, May 22, 2007 6:33 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** FW: Jeffrey Epstein

fyi

---

**From:** Lourie, Andrew (USAFLS)  
**Sent:** Tuesday, May 22, 2007 6:32 PM  
**To:** 'Gerald Lefcourt'  
**Subject:** RE: Jeffrey Epstein

I have your letter. I think we are on the same page, but to be sure I do want to clarify that we spoke the other week and I did say that if you want to meet with me again, I am ready to do so. The wording of your letter, however, suggests implicitly that I agreed to contact you before a decision is made to seek an indictment of Mr. Epstein. If that was your understanding, then please allow me to clarify. Our investigation is ongoing and if we decide to seek an indictment, we don't intend to call Mr. Epstein's representatives to let him know that. Of course, in the interim, if you would like to make a presentation to us, we are willing to listen.

Along those lines, given the fact that we have already met once, with schedules being what they are, it makes sense for our criminal chief, Matt Menchel, to be included when you make another presentation, rather than working up the chain incrementally. I realize you were being respectful in not attempting to leapfrog over me, which I appreciate. I will pass on your request to meet with the U.S. Attorney as well, but can't commit for him one way or another. When you have some dates in mind, let me know and I will try to set up a meeting in Miami.

---

**From:** Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]  
**Sent:** Tuesday, May 22, 2007 2:05 PM  
**To:** Lourie, Andrew (USAFLS)  
**Cc:** Villafana, Ann Marie C. (USAFLS); Lilly Ann Sanchez  
**Subject:** Jeffrey Epstein

Andy, attached is a letter seeking meetings, as discussed with you, but with others if it is not resolved. Thanks for your attention. Could you email back so that I know you have received this letter?

---

Gerald B. Lefcourt  
Gerald B. Lefcourt, P.C.  
148 E. 78th Street  
New York, New York 10021  
7.0400  
Fax 212.988.6192  
[gbl@lefcourtlaw.com](mailto:gbl@lefcourtlaw.com)

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Menchel, Matthew (USAFLS)  
**Sent:** Monday, May 14, 2007 10:52 AM  
**To:** Villafana, Ann Marie C. (USAFLS); Lourie, Andrew (USAFLS)  
**Subject:** Re: Operation Leap Year

Marie,

You will not have approval to go forward tomorrow with an indictment or to proceed by complaint. Alex has your memo and lefcourt's letter but he is out of the district at the US Attorney's conference for the next several days.

I'm having trouble understanding - given how long this case has been pending - what the rush is. This is obviously a very significant case and alex wants to take his time making sure he is comfortable before proceeding.

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>  
**To:** Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; Menchel, Matthew (USAFLS) <MMenchel@usa.doj.gov>  
**Sent:** Mon May 14 10:38:15 2007  
**Subject:** Operation Leap Year

Good morning: I just received a call that Epstein's plane is flying from the Virgin Islands to Newark now, so it looks like Epstein is going to show up for his court appearance tomorrow. Can you let me know if the indictment is going tomorrow or, if not, whether we are authorized to proceed by Complaint?

Thank you.

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

EXHIBIT C-5

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Friday, October 05, 2007 4:48 PM  
**To:** Sloman, Jeff (USAFLS)  
**Subject:** FW: Proposed Letter to Special Master  
**Attachments:** PROPOSED Letter to Special Master.pdf; Special Master Proposal.pdf; Ltr from Lefkowitz to Villafana (Oct. 5, 2007)\_(12135690\_4).DOC

Hi Jeff – Can I please just indict him? Can you give me a call on my cell phone? 561 601-2301. Since they object to using a Special Master, we have two options – we can just choose the lawyer ourselves or as part of our selection process, we can deal with the Special Master ourselves and, upon receiving the Special Master's choice, provide that name to the defense, understanding that they may then reject the selection.

The other issues, regarding paying the attorney, clearly violate the terms of the agreement, which specifically state "if any of the individuals elects to file suit."

*A. Marie Villafana*  
Assistant U.S. Attorney  
561 209-1047  
Fax 561 820-8777

---

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Fri 10/5/2007 11:03 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** Lourie, Andrew; owlmgw@worldnet.att.net; glewis@lewistein.com  
**Subject:** RE: Proposed Letter to Special Master

Marie,

Attached is a letter responding to your latest proposals. For your convenience, I've also attached your prior e-mails and attachments regarding this matter so that you can easily see what I am responding to (see the chain below). If you are available, I'm free to talk at 5:30 this evening. We can use my usual call-in number at (866) 462-0164. The code is \*4464970\*.

Thanks,

Jay

"Villafana, Ann Marie C. (USAFLS)"  
<Ann.Marie.C.Villafana@usdoj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc  
Subject RE: Proposed Letter to Special Master

10/05/2007 07:48 AM

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

As far as the five attorney names that we will be providing, I propose Bert Ocariz, Katherine Ezell at Podhurst Orseck, Stuart Grossman, Ed Rogers, and Walter Cobath.

If you would like to use the same Special Master to resolve fees disputes as well as to handle the selection of the attorney, I would recommend that we use retired 11th Circuit Judge Joseph Hatchett instead of Judge [REDACTED] because of Judge [REDACTED] health problems.

(No one has contacted Judge Hatchett yet, but one of the District Judges in Miami mentioned him as a good choice.)

I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell (561 601-2301) and let me know which of those times works best for you.

Thank you.

---

From: Jay Lefkowitz [mailto:[JLefkowitz@kirkland.com](mailto:JLefkowitz@kirkland.com)]  
Sent: Wed 10/3/2007 4:26 PM  
To: Villafana, Ann Marie C. (USAFLS)  
Subject: Re: Proposed Letter to Special Master

Marie - I, too, am interested in speed. But I really need to go over this and then discuss with Jeffrey. So please do not send this to any Special Master before we discuss the next steps.

Thanks -- Jay

"Villafana, Ann Marie C. (USAFLS)" <[Ann.Marie.C.Villafana@usdoj.gov](mailto:Ann.Marie.C.Villafana@usdoj.gov)>

10/03/2007 04:24 PM

To  
"Jay Lefkowitz" <[JLefkowitz@kirkland.com](mailto:JLefkowitz@kirkland.com)>  
cc  
Subject  
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

A. Marie Villafana

Assistant U.S. Attorney

561 209-1047

Fax 561 820-8777

"Villafana, Ann Marie C. (USAFLS)"  
<[Ann.Marie.C.Villafana@usdoj.gov](mailto:Ann.Marie.C.Villafana@usdoj.gov)>

To "Jay Lefkowitz" <[JLefkowitz@kirkland.com](mailto:JLefkowitz@kirkland.com)>

cc

Subject Proposed Letter to Special Master

10/03/2007 04:24 PM

Hi Jay – To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

*A. Marie Villafaña*

Assistant U.S. Attorney

561 209-1047

Fax 561 820-8777

"Villafana, Ann Marie C. (USAFLS)"  
<[Ann.Marie.C.Villafana@usdoj.gov](mailto:Ann.Marie.C.Villafana@usdoj.gov)>

To "Jay Lefkowitz" <[JLefkowitz@kirkland.com](mailto:JLefkowitz@kirkland.com)>

cc

Subject Memo in PDF format

10/03/2007 03:18 PM

Hi Jay – In case you can't open the other version, here it is in pdf.

<<Special Master Proposal.pdf>>

*A. Marie Villafaña*

Assistant U.S. Attorney

561 209-1047

Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, October 23, 2007 5:58 PM  
**To:** Sloman, Jeff (USAFLS)  
**Subject:** RE: Letter from Jay Lefkowitz

Welcome to my world. I love the way that they want to interpret this agreement. First, during the negotiations, I repeatedly told Jay that we could not bind the girls to Epstein's desired out-of-court settlement strategy and, therefore, the agreement could not try to bind them in that way.

The \$50,000/\$150,000 thing is a complete red herring, and Jay keeps calling it a "limit," when it is actually a floor, not a ceiling.

It also looks like they are planning to ask for and receive a sentence far lower than the one we agreed to. Has anyone talked to Barry about this? Maybe this is the real reason for the delay in entering the guilty plea? We also have to contact the victims to tell me about the outcome of the case and to advise them that an attorney will be contacting them regarding possible claims against Mr. Epstein. If we don't do that, it may be a violation of the Florida Bar Rules for the selected attorney to "cold call" the girls.

Their complaint about the 24-year-old concerns me only because their continued dragging out of this matter is possibly going to foreclose other girls. The language of the agreement with Epstein and the letter to Judge [REDACTED] both refer to persons we have identified as victims as defined in 2255, it says nothing about whether the girls' claims are necessarily valid. I have no idea whether the girl who currently is 24 either wants to sue Epstein or has any viable state or other federal claims -- that is why we are TRYING to get them a lawyer. And they have always known that most of the girls are now over the age of 18 -- goodness -- the time period of the violations was from 2001 to 2005 and it is now the end of 2007!

Why don't we agree to mutual rescission and indict him?

---

**From:** Sloman, Jeff (USAFLS)  
**Sent:** Tue 10/23/2007 5:13 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** FW: Letter from Jay Lefkowitz

Wait to you see this one.

---

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Tuesday, October 23, 2007 4:57 PM  
**To:** Acosta, Alex (USAFLS)  
**Cc:** Sloman, Jeff (USAFLS)  
**Subject:** Letter from Jay Lefkowitz

Dear Alex and Jeff,

Here is my response to Jeff's email from late yesterday.

Please let me know if you want to speak later this evening. I am also available any time tomorrow.

Thanks -- Jay

\*\*\*\*\*  
The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [postmaster@kirkland.com](mailto:postmaster@kirkland.com), and destroy this communication and all copies thereof, including all attachments.  
\*\*\*\*\*

**Villafana, Ann Marie C. (USAFLS)**

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From: Sloman, Jeff (USAFLS)  
Sent: Monday, October 22, 2007 5:26 PM  
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)  
Subject: Fw: Epstein

Fyi

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Sloman, Jeff (USAFLS)  
To: 'JLefkowitz@kirkland.com' <JLefkowitz@kirkland.com>  
Sent: Mon Oct 22 17:23:30 2007  
Subject: Re: Epstein

I have not spoken to him but it was our intention to assign the decision to select a lawyer to Judge [REDACTED] not for him to represent the girls. We do not want to select the lawyer who represents the girls. I don't know who said he'd do it but it wasn't us.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jay Lefkowitz <JLefkowitz@kirkland.com>  
To: Sloman, Jeff (USAFLS)  
Cc: Acosta, Alex (USAFLS); Villafana, Ann Marie C. (USAFLS)  
Sent: Mon Oct 22 17:10:00 2007  
Subject: Re: Epstein

Jeff -- I will review these materials this evening and be in touch with you tomorrow with the expectation of wrapping this up by the end of the day. One question I have, however, is why you say that Judge [REDACTED] is a non-starter. I understood that he was ready, willing and able to serve as the attorney representative. If you have had conversations with him and that is not the case, please let me know.

I will go over the other issues you raise in your email and will look forward to speaking tomorrow.

Thanks -- Jay

"Sloman, Jeff (USAFLS)" <Jeff.Sloman@usdoj.gov>

10/22/2007 04:40 PM

To

"Jay Lefkowitz" <JLefkowitz@kirkland.com> cc  
"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>, "Villafana, Ann Marie C.  
(USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov> Subject  
Epstein

Jay,

The Judge [REDACTED] issue is a non-starter. We've beaten that horse to death. Regarding your contention that "the attorney representative be told clearly that Mr. Epstein has agreed to pay the lawyer's hourly rate only for the time he or she spends working to effectuate settlements for the identified women," Alex and I agree that paragraph 7C is sufficient, Regarding the other points, we have made the following concessions:

1. Regarding the language concerning a lawyer whose firm is sizeable enough to litigate multiple trials simultaneously, I have removed paragraph 4 on page 3 of the letter.
2. Regarding the 150k statutory limit language, I have included a footnote which should satisfy your concern.
3. Regarding language there may be discovery to test the claims of alleged "victims", please see new paragraph 4 on page 3 which now states as criteria that the firm should have "Experience litigating against large law firms and high profile attorneys who may test the veracity of the victims' claims."

I have attached the Addendum and the revised letter to Judge [REDACTED] Jay, this needs to be concluded. Alex and I believe that this is as far as we can go. Therefore, please advise me whether we have a deal no later than COB tomorrow, Tuesday, October 23, 2007. Thanks,

Jeff

-----Original Message-----

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
Sent: Friday, October 19, 2007 4:05 PM  
To: Sloman, Jeff (USAFLS)  
Subject: Re:

Jeff -

I have reviewed your proposed language and wanted to raise a few areas of concern.

First, I am not sure why we are not just asking Judge [REDACTED] to represent these women. If he is available, that would save us a whole additional layer of process. I had thought that was initially the idea. I am not sure why you seem to be moving in another direction.

I also cannot understand why the draft affirmatively requests that J [REDACTED] select a lawyer whose firm is sizeable enough to litigate multiple trials simultaneously. That seems to be directly at odds with the purpose of the agreement, which is to facilitate out of court settlements. Indeed, to the extent any woman were to elect to bring an action against Mr. Epstein, she would not only be free to select any lawyer of her choice, but would be restricted from using the lawyer representative in this capacity due to the conflicts of interests that would cause. This part of your proposed language is of significant concern to me.

Your letter also indicates the 150k statutory limit without reference to the pre-existing 50G limit. To be sure, any of the women are free to seek whatever settlement they want, but given the question that exists about the statutory amount, the letter should not state definitely that it will be 150k.

In addition, you have omitted a few important items from your proposal. Given that Judge [REDACTED] or any other potential attorney representative should understand the scope of the work, the language should make clear that there may be discovery to test the claims of alleged "victims."

Finally, I think it is important that the attorney representative be told clearly that Mr. Epstein has agreed to pay the lawyer's hourly rate only for the time he or she spends working to effectuate settlements for the identified women.

Jay

----- Original Message -----

From: "Sloman, Jeff (USAFLS)" [Jeff.Sloman@usdoj.gov]

Sent: 10/17/2007 01:58 PM AST

To: Jay Lefkowitz

Subject: RE:

<<071015 Special Master Letter2.wpd>> Jay,

Here's our proposed letter to the special master.

Jeff

-----Original Message-----

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]

Sent: Tuesday, October 16, 2007 9:26 AM  
To: Sloman, Jeff (USAFLS)  
Subject:

Jeff - is there a time today we can speak?

How about 430 pm?

\*\*\*\*\*  
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**EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA**

<b>Exhibit #</b>	<b>Date</b>	<b>Description</b>
1	5/1/2006	Letter from Chief Reiter to State Attorney Krischer
2	5/23/2006	File Opening Documents
3	7/3/2007-7/13/2007	Emails between Criminal Chief Matt Menchel and AUSA Villafaña regarding plea negotiations.
4	7/31/2007	Term Sheet for Epstein Non-Prosecution Agreement
5	Undated	File folder entitled "Meeting Timeline" with contents
6	7/24/2006	Letter from Chief Reiter to victims informing them of FBI investigation
7	7/26/2006	South Florida Sun-Sentinel Article Regarding Chief Reiter's referral of case to FBI
8	8/2/2007	Lilly Ann Sanchez email to Matt Menchel with attached letter containing counter-proposal for plea to two years of "supervised custody."
9	8/24/2006-10/24/2006	Emails between Jim Eisenberg and Marie Villafaña regarding #28
10	10/30/2006-10/31-2006	Emails between Marie Villafaña and Guy Lewis regarding Lewis' resrepresentation of Epstein
11	11/8/2006-1/8/2007	Emails between Marie Villafaña and Lilly Ann Sanchez regarding Sanchez's representation of Epstein
12	8/4/2006	Victim Notification Letters
13	8/11/2006	Victim Notification Letters
14	1/17/07-2/1/07	Correspondence between Lilly Ann Sanchez, Gerald Lefcourt, Andrew Lourie, A. Marie Villafaña, and John McMillan regarding 2/1/2007 Meeting
15	11/13/06-1/22/07	Subpoenas to Adriana Mucinska and research re 6001 immunity
16	9/26/2006	Memo regarding Changes to Child Exploitation Statutes in Title 18
17	2/6/2007	Transcript of Kuyrkendall Testimony
18	2/27/2007	Transcript of Kuyrkendall Testimony
19	3/15/2007	Victim Notification Letter
20	3/20/2007	Transcript of Kuyrkendall Testimony
21	4/24/2007	Transcript of Kuyrkendall Testimony
22	4/24/2007	Transcript of #37 Testimony
23	5/8/2007	Presentation Materials
24	5/8/2007	Transcript of Kuyrkendall Testimony
25	5/8/2007	Transcript of Richards Testimony
26	5/14/07-5/21/07	Emails between Andrew Lourie, Matt Menchel, Jeff Sloman, and Marie Villafaña
27	5/15/2007	Transcript of Kuyrkendall Testimony
28	5/22/07-5/24/07	Emails between Andrew Lourie, Gerald Lefcourt, Matt Menchel, Jeff Sloman, Marie Villafaña, Lilly Ann Sanchez, and Karen Atkinson regarding second meeting with counsel for Epstein
29	5/22/2007	Transcript of Kuyrkendall Testimony
30	6/7/2007	Victim Notification Letters
31	6/14/07-6/21/07	Emails between Marie Villafaña, Karen Atkinson, Andrew Lourie, Matt Menchel, and Jeff Sloman regarding addendum to Pros Memo, grand jury presentation, changes to indictment, and meeting with counsel for Epstein.
32	6/25/2007	Letter from Gerald Lefcourt to Jeffrey Sloman and Andrew Lourie regarding 6/26/2007 meeting and emails and notes regarding same.

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
33	7/6/2007	Letter from Gerald Lefcourt and Alan Dershowitz to Jeffrey Sloman and Andrew Lourie arguing against federal prosecution.
34	7/13/2007	Letter from Roy Black to Marie Villafaña with handwritten attorney Lourie notes
35	7/25/2007	Letter from Gerald Lefcourt and Alan Dershowitz to Matthew Menchel arguing that no charge can or should be made under 18 U.S.C. § 2422(b).
36	7/26/2007	Email from Marie Villafaña to Matt Menchel and Andrew Lourie regarding proposed changes to indictment.
37	7/27/2007 - 8/8/2007	Research regarding 18 U.S.C. § 2255
38	7/31/2007	Email from Marie Villafaña to Jeff Sloman, Matt Menchel, and Andrew Lourie summarizing proposed plea terms as per Menchel recommendation
39	7/31/07- 8/3/07	7/31/2007-8/3/2007 Emails between Jeff Sloman, Matt Menchel, Andrew Lourie, and Marie Villafaña regarding plea negotiations, including draft response to Epstein counsel regarding proposed agreement
40	8/2/2007	Letter from Lilly Ann Sanchez to Matthew Menchel containing counter-proposal of 2 years' supervised custody with two additional years of probation and internal correspondence regarding same.
41	8/3/2007	Letter from Matthew Menchel to Lilly Ann Sanchez rejecting counter-proposal, setting a deadline of 8/17/2007, and advising that USA Acosta was not inclined to meet with counsel for Epstein, and internal emails regarding same.
42	8/6/2007	Emails from Marie Villafaña to Cyndee Campos, Frederica Devlin, and Jeff Sloman to determine whether Matt Menchel's 8/3/2007 letter went out before he resigned from the U.S. Attorney's Office.
43	8/7/2007	Emails between Drew Oosterbaan, Andrew Lourie, Marie Villafaña, Alex Acosta, Jeff Sloman, and Cyndee Campos regarding request from Epstein's counsel for meeting with CEOS and background of case
44	9/4/07- 9/6/07	Emails between Jeff Sloman, Marie Villafaña, Andrew Lourie, Drew Oosterbaan, and Rolando Garcia regarding planned meeting with Epstein defense team and need to confer with victims.
45	9/10/2007	Emails between Jeff Sloman, Marie Villafaña, John McMillan, and Andrew Lourie regarding USA Acosta's inquiry regarding the state grand jury investigation
46	9/10/07- 9/19/07	Emails between Alex Acosta, Jeff Sloman, Andrew Lourie, Rolando Garcia, Karen Atkinson, Marie Villafaña, and John McMillan regarding plea negotiations
47	9/10/07- 9/11/07	Emails from Marie Villafaña to Gerald Lefcourt with proposed Non-Prosecution Agreements
48	9/11/07- 9/13/07	Emails between Marie Villafaña and Drew Oosterbaan regarding proposed Non-Prosecution Agreement, including research on proposed trust fund.
49	9/12/2007- 9/24/2007	Emails between Marie Villafaña and Jay Lefkowitz re plea negotiations
50	9/21/2007	Research re Florida Statutes
51	9/23/2007	Emails between Alex Acosta and Jay Lefkowitz re plea negotiations

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
52	9/24/2007	Signed non-prosecution agreement
53	6/18/2007	Letter to Gerald Lefcourt re subpoena to NES, LLC and June 26, 2007 meeting
54	5/21/2007	Email regarding guidance on grand jury presentation
55	12/3/2007	Emails from Marie Villafaña to Alex Acosta regarding research on proposed trust fund.
56	3/22/2007	Emails between Marie Villafaña and IRS supervisor regarding money laundering research
57		Case regarding money laundering and aiding & abetting
58	2/12/2007	Emails between Villafaña and Lilly Ann Sanchez regarding employee representation with Lourie and Villafaña handwritten notes
59	5/21/2007	Subpoena to Paul A. Lavery
60	6/18/2007	Subpoena to William Riley
61	6/18/2007	Subpoena to Riley Kiraly
62	7/18/2007	Email from Villafaña to Matt Menchel regarding Roy Black objection to subpoenas addressed to William Riley and Riley Kiraly
63	7/19/2007	Emails between Villafaña, Menchel, and Lourie regarding service of target letters.
64	7/26/2007	Email from Villafaña to Matt Menchel and Andrew Lourie regarding recommended revisions to indictment
65	8/1/2007-8/2/2007	Emails between Menchel and Villafaña regarding plea negotiations
66	9/10/2007	Proposed Non-Prosecution Agreement provided to Gerald Lefcourt on 9/10/2007
67	9/11/2007	Proposed Non-Prosecution Agreement incorporating Acosta edits provided to Gerald Lefcourt on 9/11/2007
68	6/18/2008-6/19/2008	Emails between Villafaña, Krischer, Atkinson, Senior, Acosta, Sloman, and Garcia regarding Epstein's case with state court and how it might breach the NPA
69	12/14/2007	Draft letter to Krischer from Acosta regarding Epstein filing as sex offender
70	9/16/2008-9/17/2008	Emails between Villafaña, Krischer, Belohlavek, Garcia, Sloman, and Atkinson regarding Palm Beach Daily News requesting copy of the NPA and discussion
71	6/30/2008	Email from Drew Oosterbaan re Epstein guilty plea
72	11/14/2007	Email from Villafaña to Sloman regarding meeting with State Attorney's Office about work release and sex offender registration
73	12/6/2007-12/7/2007	Emails between Lanna Belohlavek, Marie Villafaña, and Jeff Sloman regarding a factual proffer for state plea
74	12/14/2007	Email from Villafaña to Acosta and Sloman regarding Fl. Stat. 796.03 and 2255.
75	12/14/2007	Email from Villafaña to Acosta with three letters requested by Acosta
76	11/15/2007-11/16/2007	Emails between Richards, Villafaña, Sloman, Garcia, Acosta, and Atkinson regarding work release
77	6/27/2008-6/28/2008	Emails between Villafaña, Goldberger, and Black regarding issues with state plea agreement
78	6/17/2008	Email from Villafaña to Acosta, Sloman, Senior, Atkinson, and Garcia summarizing meeting with Krischer regarding Epstein's attempt to negotiate a new plea deal

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
79	6/27/2008	Email from Villafaña to Sloman summarizing conversation with Goldberger that Epstein would serve sentence in confinement "24-hours-a-day"
80	6/29/2008	Email from Kuyrkendall to Villafaña regarding work release
81	7/3/2008	Email from Villafaña to Sloman providing update on meeting with Col Gauger at PBSO regarding work release
82	11/20/2008-11/21/2008	Emails between Villafaña, Senior, Acosta, Sloman, Atkinson, and Garcia regarding Epstein work release
83	12/9/2008	Research materials regarding Epstein's work release application
84	12/11/2008	Villafaña letter to Capt. Sleeth, Palm Beach Sheriff's Office, regarding Epstein's work release application
85	6/9/2009	Villafaña Memorandum to Sloman, Senior, Garcia, and Atkinson seeking permission to declare breach with attachments and proposed breach letter
86	6/9/2009	Signed indictment package
87	6/12/2009	Villafaña letter to Goldberger providing notice of breach of NPA
88	6/15/2009	Villafaña letter to Lefkowitz, Black, and Goldberger regarding history of Epstein's performance under the NPA
89	6/17/2009	Villafaña letter to Lefkowitz regarding monitoring future performance under the NPA
90	9/1/2009	Black letter to Sloman seeking approval for Epstein to transfer community control to the Virgin Islands
91	9/18/2009	Villafaña letter to Black explaining Office's concerns about Epstein's application for transfer to the Virgin Islands
A-1		Timeline of Events
B-1		Chart addressing Question B.2
B-2	11/19/2007	Plea notification letter dated 11/19/2007
B-3	11/27/2007	Plea notification letter dated 11/27/2007 at 7:11 pm (formatting problem converting from Word Perfect)
B-4	11/28/2007	Victim notification letter prepared 11/28/2007 at 9:42 pm
B-5	12/1/2007	Victim notification letter prepared 12/1/2007 at 7:50 pm
B-6	12/7/2007	Victim notification letter prepared 12/7/2007 at 9:10 pm (formatting problem)
B-7	11/19/2007	Research re Florida Statute 921.143
B-8	11/28/2007	Email chain between Jay Lefkowitz and Jeff Sloman forwarded to Marie Villafaña
B-9	11/29/2007	Letter from Jay Lefkowitz to Alex Acosta re CVRA - victim notification letter
B-10	11/30/2007	Letter from Alex Acosta to Jay Lefkowitz re Victim Notification letter
B-11	12/5/2007	Letter from Ken Starr and Jay Lefkowitz to Alex Acosta requesting updated draft victim letters
B-12	12/6/2007	Letter from Jeff Sloman to Jay Lefkowitz attaching victim notification letter
B-13	12/6/2007-12/7/2007	Internal emails about need to notify victims of upcoming plea

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
B-14	12/7/2007	Victim notification letters and envelopes that were never sent
B-15	12/7/2007	Letter from Lilly Ann Sanchez with 1/4/2008 plea date
B-16	12/14/2007	Draft Victim Notification Letter prepared 12/14/2007 at 9:57 pm (formatting problem)
B-17	12/14/2007	Email from Marie Villafaña to Alex Acosta, Jeff Sloman, Rolando Garcia, and Karen Atkinson with victim letter attached
B-18	12/17/2007	Email from Marie Villafaña to Jeff Sloman reiterating concerns about failure to notify victims
B-19	12/19/2007	Emails between Alex Acosta, Jeff Sloman, and Marie Villafaña with draft and final letter to Lilly Ann Sanchez, including promise not to provide victims with notice of state change of plea hearing.
B-20	12/11/2007	Email from Marie Villafaña to Jeff Sloman and Alex Acosta regarding call with Jim Eisenberg
B-21	12/21/2007	Letter from Jay Lefkowitz to Alex Acosta re wanting to see victim list
B-22	12/26/2007	Letter from Jay Lefkowitz to Alex Acosta re right to review victim notification letter and belief that it should come from State Attorney's Office
B-23	3/10/2008-3/12/2008	Emails regarding Epstein attempts to contact victims and finding counsel for victims
B-24	5/15/2008	Letter from Drew Oosterbaan to Jay Lefkowitz denying challenge to federal prosecution
B-25	3/14/2008	Revised indictment package
B-26	3/18/2008	Grand jury presentation materials and transcript
B-27	3/14/2008	Emails between Marie Villafaña, Rolando Garcia, Karen Atkinson, Frederica Devlin, and Shawn Ball re complete indictment package for Robert Senior review
B-28	3/28/2008	Letter from Ken Starr to DAAG Sigal Mandelker with additional objections
B-29	4/29/2008	Summary chart and outline for grand jury presentation
B-30	4/29/2008	Draft Indictment
B-31	10/9/2007-3/25/2008	FBI Interview Reports of --- (10/05/2007, 3/20/2008, and 3/25/2008), #2 (10/10/2007), #14 (10/26/2007), #33 (10/02/2007), #20 (10/25/2007), #21 (10/03/2007), --- (10/03/2007), --- (10/02/2007), #40 (6/12/2007), and #35 (10/02/2007)
B-32	5/19/2008	Letter from Jeff Sloman to Jay Lefkowitz setting June 2, 2008 deadline to comply with terms and conditions of the NPA
B-33	5/19/2008-5/27/2008	Ken Starr/Whitley letters to Deputy Attorney General Mark Filip
B-34	5/27/2008-6/13/2008	Internal emails after CEOS letter rejecting appeal where Marie Villafaña asks to indict and Jeff/Alex advise Epstein will be given chance to perform
B-35	5/19/2008	Correspondence between Alex Acosta, Jeff Sloman, and Jay Lefkowitz
B-36	5/19/2008	Email from Alex Acosta to Jay Lefkowitz responding to Lefkowitz email
B-37	5/19/2008	Kirkland & Ellis LLP, Response to Letter by FAUSA Sloman dated 5/19/2008 - 10 pages (RFP8)
B-38	5/27/2008	Emails between Bob Senior, Jeff Sloman, Marie Villafaña, and Karen Atkinson regarding indictment review and no further plea negotiations
B-39	5/27/2008	Emails between Marie Villafaña and Karen Atkinson regarding report of new state plea deal

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
B-40	5/29/2008	Email from Jeff Sloman to Marie Villafana, Bob Senior, Karen Atkinson, E. Nesbitt Kuyrkendall, and Jason Richards informing them that DAG Filip agreed to review matter and that grand jury presentation was canceled
B-41	3/28/2008	Letter from Michael Danchuk to Marie Villafana regarding victim representation and filing suit against Epstein in state court
B-42	4/9/2008	Marie Villafana letter to Richard H. Willits (formatting problem)
B-43	6/18/2008	Marie Villafana handwritten notes re calls with Brad Edwards and Roy Black
B-44	6/23/2008	John Roth letter to Ken Starr and Jay Lefkowitz
B-45	6/24/2008	Emails between Roy Black, Jack Goldberger, and Marie Villafana re wrap up
B-46	6/25/2008	Email from Jeff Sloman to Marie Villafana regarding conversation about 2255 issue and entry of guilty plea
B-47	6/25/2008	Email from Jeff Sloman to Marie Villafana with attached revised victim notification letter
B-48	6/25/2008	Emails between Marie Villafana, Jeff Sloman, Bob Senior, Karen Atkinson, and Alex Acosta regarding draft of notification of victim list for Jeffrey Epstein counsel with attached drafts
B-49	6/23/2008	Emails between Jeff Sloman, Bob Senior, and Marie Villafana instructing Marie Villafana to inform Epstein's attorneys that he had until June 30 to enter a guilty plea and Villafana email to Lefkowitz re same.
B-50	6/26/2008	Fax from FBI with final victim list
B-51	6/27/2008	Confirmation from police and Epstein's counsel of plea on 6/30/2008
B-52	6/27/2008	Email from Villafana to Sloman inquiring about conversation with Chief Reiter.
B-53	6/28/2008	Emails between Villafana and Jeff Sloman regarding Chief Reiter providing notifications to victims.
B-54	12/7/2007	Email from Jeff Sloman to Marie Villafana instructing her not to send victim notification letter
B-55	6/30/2008	Notes from calls with attorneys M. Danchuk, R. Willets, J. Herman, B. Edwards, T. Leopold, and M. Dutko
B-56	6/30/2008	Draft notification of identified victims letters
B-57	7/8/2008	Letter from Marie Villafana to Jack Goldberger re victim notification letter
B-58	7/8/2008	Letter from Jack Goldberger to Marie Villafana that he will respond on 7/9/2008
B-59	7/9/2008	Email from Marie Villafana to Alex Acosta, Jeff Sloman, and Karen Atkinson re Goldberger letter
B-60	7/9/2008	Letter from Marie Villafana to Jack Goldberger regarding notification of identified victims
B-61	7/9/2008	Letter from Jack Goldberger to Marie Villafana re notification of identified victims
B-62	7/10/2008	Letter from Marie Villafana to Jack Goldberger informing him that victim notifications will be provided on a rolling basis
B-63	7/10/2008	Letter from Marie Villafana to Goldberger with final notification of identified victims

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
B-64	7/10/2008	Letter from Jack Goldberger to Marie Villafana requesting list of all victims
B-65	7/10/2008	Email from Jeff Sloman to Marie Villafana, Alex Acosta, Karen Atkinson, E. Nesbitt Kuyrkendall, and Jason Richards regarding proposed response to Jack Goldberger
B-66	7/9/2008	Victim Notification Letters to individuals #35 and 43
B-67	7/10/2008	Victim Notification Letters to individuals #3, 8, 17, 25, 26, 37, and 44
B-68	7/14/2008- 7/15/2008	Emails between Marie Villafana, E. Nesbitt Kuyrkendall, Jason Richards, and Twiler Smith re FBI victim notifications
B-69	7/18/2008- 7/21/2008	Emails between Marie Villafana, Jeff Sloman, E. Nesbitt Kuyrkendall, Jason Richards, Dexter Lee, and Karen Atkinson re preparation of victim notification letters and victim contact list and victims that Twiler still needs to make contact with
B-70	7/21/2008	Victim Notification Letters to individuals #1, 2, 4, 9, 13, 14, 21, 23, 30, 32, and 38
B-71	8/5/2008	Email from Marie Villafana to Alex Acosta, Jeff Sloman, Bob Senior, and Karen Atkinson regarding analysis of Jeffrey Epstein agreement, with attached 6/24/2008 email from A. M. Villafana to R. Black and J. Goldberger and attached Epstein agreement
B-72	8/5/2008	Email from Alex Acosta to Marie Villafana, Bob Senior, Jeff Sloman, Dexter Lee, and Karen Atkinson with attached suggestions to Superseding Non-Prosecution Agreement
B-73	8/7/2008	Email from Roy Black to Marie Villafana responding to 8/7/08 email providing notification of possible compelled disclosure of the Non-Prosecution Agreement
B-74	8/6/2008	Email response from Bob Senior to Marie Villafana regarding Roy Black's response to email
B-75	8/12/2008	Email response from Bob Senior to Marie Villafana to request for conference call prior to call with Roy Black
B-76	8/13/2008	Email from Bob Senior to Karen Atkinson, Alex Acosta, Jeff Sloman, Dexter Lee, and Marie Villafana regarding Epstein and call with Jay Lefkowitz
B-77	8/13/2008	Email response from Alex Acosta to Karen Atkinson, Bob Senior, Jeff Sloman, Dexter Lee, and Marie Villafana regarding final version of agreement
B-78	8/13/2008	Letter from Marie Villafana to Jay Lefkowitz regarding performance of the NPA
B-79	8/13/2008- 8/15/2008	Email chain between Alex Acosta, Karen Atkinson, Bob Senior, Jeff Sloman, Dexter Lee, and Marie Villafana regarding scope of Epstein agreement and correspondence and telephone conference with Jay Lefkowitz
B-80	8/14/2008	Email from Jay Lefkowitz to Marie Villafana and Karen Atkinson re follow up point regarding victims
B-81	8/15/2008	Email from Bob Senior to Alex Acosta, Marie Villafana, Jeff Sloman, Dexter Lee, and Karen Atkinson questioning whether offer should be withdrawn as opposed to considering it a nullity
B-82	8/15/2008	Email chain between Marie Villafana, Alex Acosta, Jeff Sloman, Bob Senior, Karen Atkinson, and Dexter Lee re draft response to 8/15/2008 email from Jay Lefkowitz regarding implementation of the NPA

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
B-83	8/15/2008	Letter from Marie Villafana to Jay Lefkowitz and Roy Black re terms of NPA
B-84	8/18/2008	Letter from Jay Lefkowitz to Marie Villafana regarding restitution
B-85	8/21/2008	Letter from Marie Villafana to Jay Lefkowitz and Roy Black re Special Master and draft Notification of Identified Victim
B-86	8/22/2008	Letter from Jay Lefkowitz to Marie Villafana regarding misstatements in 8/21/08 Villafana letter
B-87	8/26/2008	Letter from Marie Villafana to Jay Lefkowitz and Roy Black re victim's list
B-88	9/2/2008	Letter from Jay Lefkowitz to Marie Villafana agreeing that Goldberger should be listed as the contact person for civil suits and re victim representative Josefsberg's fees
B-89	9/2/2008	Mailed Amended Victim Notification letters to #1, #2, #3 (via Richard H. Willits), #4, #13, #8 (via Jeffrey Herman), #9, #10, #11, #14, #16, #17 (via Theodore Leopold), #20, #21, #23, #24, #25 (via Jeffrey Herman), #26 (via Jeffrey Herman), #30, #31, #32, #33, #37 (via Michael E. Dutko), #38, #44 (via Jeffrey Herman)
B-90	9/3/2008	Victim notification letters to #36, #35 (via Brad Edwards), #42, #43 (via Brad Edwards)
B-91	9/12/2008	Notification of Identified Victim letter: #39
B-92	9/15/2008	Mailed victim notification letters for #18 and #32
B-93	9/17/2008-11/4/2008	Emails and corespondence with The Florida Bar re victim notifications
B-94	11/14/2008	Notification of Identified Victim letters to #20, #40
B-95	12/4/2008	Email from Karen Atkinson to Marie Villafana in response to draft letter notifying victims of Epstein's work release
B-96	12/5/2008	Email from Marie Villafana to victim's attorneys with attached Work Release Notice
B-97	12/8/2008	Notification of Work Release letters to Spencer Kuvin, Jack Scarola, Michael Dutko, #11, #39 and #40
B-98	12/9/2008	Notification of Work Release letters to #4, #10, #16, #18, #23, #24, #33, #38, #30 (personal note), #42
B-99	12/12/2008-12/29/2008	Emails with attorneys for victims regarding Epstein work release
B-100	12/12/2008	Notification of Work Release letter to #42
B-101	12/12/2007	Emails between Marie Villafana, Frederica Devlin, and Bob Senior regarding planning indictment review
B-102	1/7/2008	Email from Marie Villafana to Alex Acosta, Jeff Sloman, Bob Senior, Karen Atkinson, and Rolando Garcia regarding proposed additional investigative steps in Epstein case
B-103	1/9/2008-1/14/2008	Emails between Marie Villafana, Drew Oosterbaan, Myesha Braden, Nesbitt Kuyrkendall, and Jason Richards regarding assigning a CEOS attorney to the investigation, meeting with the CEOS attorney and victims in Florida, the results of the meetings and planned additional meetings, and revisions to the indictment in light of the meetings
B-104	1/10/2008	Email chain between Myesha Braden and Marie Villafana regarding meeting on 1/11/2008
B-105	1/14/2008	Email chain between Myesha Braden, Marie Villafana, E. Nesbitt Kuyrkendall, and Jason Richards regarding meeting and additional 302s

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
B-106	1/17/2008	Agents compile evidence for Bob Senior indictment review
B-107	1/25/2008	Email chain between Myesha Braden and Marie Villafana regarding victim's names in indictment
B-108	1/31/2008	Additional grand jury subpoenas
B-109	1/28/2008-2/1/2008	Emails between Marie Villafana, Jeff Sloman, Alex Acosta, Nesbitt Kuyrkendall, Jason Richards, and Alan Santiago regarding results of additional victim-witness interviews and requesting intervention with CEOS to move review process along
B-110	2/12/2008-2/22/2008	Emails between Marie Villafana, E. Nesbitt Kuyrkendall, Jason Richards, and Myesha Braden re information for indictment/ongoing investigation
B-111	2/20/2008-2/21/2008	Emails between Drew Oosterbaan, Marie Villafana, Robert Senior, Jeff Sloman, Sigal Mandelker, Karen Atkinson, Alex Acosta, Rolando Garcia and Myesha Braden regarding status of CEOS plans to meet with counsel for Epstein and status of indictment review
B-112	2/25/2008	Email chain between Marie Villafana and Caroline [REDACTED] regarding use of Grand Jury
B-113	2/25/2008	Email from Marie Villafana to Jeff Sloman, Bob Senior, Rolando Garcia, Karen Atkinson, and Myesha Braden re staying with same grand jury or present to a different grand jury
B-114	2/26/2008	Email from Marie Villafana to Myesha Braden re CEOS independent review and concern about victim's names being released
B-115	2/26/2008	Email response from Marie Villafana to Jeff Sloman and Bob Senior with concerns regarding allowing Epstein to keep the same deal as before
B-116	2/27/2008	Email chain between Marie Villafana, David Weinstein, and Bob Senior re email to the Civil Rights Chief
B-117	2/28/2008	Email chain between Marie Villafana, Jason Richards, and E. Nesbitt Kuyrkendall regarding further investigation
B-118	2/29/2008	Emails between Jeff Sloman, Marie Villafana, Robert Senior, and David Weinstein regarding continuing investigation and status of CEOS review
B-119	3/12/2008	Email from E. Nesbitt Kuyrkendall to Marie Villafana re affidavit for memory cards
B-120	3/17/2008	Two search warrants for digital camera memory cards
B-121	3/5/2008	Emails between Marie Villafana and E. Nesbitt Kuyrkendall with attached email to Alex Acosta, Jeff Sloman, Drew Oosterbaan, Robert Senior, Myesha Braden, Rolando Garcia, and Karen Atkinson regarding meeting in DC, additional information to prepare for meeting, and new information from ongoing investigation
B-122	3/14/2008	Emails between Marie Villafana, Rolando Garcia, Karen Atkinson, Frederica Devlin, and Shawn Ball regarding complete indictment package for Robert Senior final review
B-123	6/3/2008	Letter from Jeff Sloman to Deputy Attorney General Mark Filip with attachments
B-124	4/21/2008-5/9/2008	Emails between Marie Villafana, Jeff Sloman, Karen Atkinson, Bob Senior, E. Nesbitt Kuyrkendall, Jason Richards, and Drew Oosterbaan re status of grand jury presentation, and ongoing investigation, and delay

EXHIBITS TO WRITTEN RESPONSE OF A. MARIE VILLAFANA		
Exhibit #	Date	Description
B-125	5/15/2008-5/27/2008	Emails between Marie Villafaña, Karen Atkinson, Bob Senior, Jeff Sloman, and agents regarding indictment review and status of investigation
B-126	5/30/2008	FBI-302 of 5/28/08 Interview of Individual #35
B-127	6/2/2008	6/2/2008 4:25 pm Draft letter from Jeff Sloman to Deputy Attorney General Mark Filip
B-128	6/3/2008	6/3/2008 10:40 am Draft letter from Jeff Sloman to Deputy Attorney General Mark Filip
B-129	6/6/2008	Emails between Villafaña and Kuyrkendall re subpoena issued to victim/witness and need for additional subpoenas
B-130	6/17/2008	Application for 6001 immunity for grand jury witness
B-131	6/24/2008	Letter from Matthew W. Friedrich, Acting Assistant Attorney General, authorizing application for a court order granting 6001 immunity
B-132	6/20/2008	Request to travel to ██████ York for witness interviews in June 2008 and subpoena
B-133	6/23/2008	Emails between A. Marie Villafaña, E. Nesbitt Kuyrkendall, J. Richards, K. Atkinson, and R. Senior regarding grand jury time, witness subpoena, and indictment
B-134	6/23/2008-6/26/2008	Emails between Marie Villafaña and attorney for grand jury witness regarding immunity and travel for grand jury appearance
B-135	6/30/2008	Emails between Marie Villafaña and attorney for grand jury witness withdrawing subpoena
C-1	1/31/2008	Email from Marie Villafaña to Jeff Sloman and Alex Acosta regarding victims
C-2	3/19/2008	Email chain between Marie Villafaña, David Weinstein, Jeff Sloman, Bob Senior, Karen Atkinson, and Rolando Garcia with Epstein update from grand jury presentation and grant from the Justice Department to provide legal representation to victims
C-3	3/19/2008-3/22/2008	Emails regarding victims being harassed by Epstein's investigators
C-4	5/22/2007-5/23/2007	Draft of email to be sent to Jeff and Matt stating that Villafaña disagrees with promising to have a meeting with Lefcourt or any of Epstein's other attorneys. Believes the prior meeting disclosed prosecution strategy and holding another meeting will disclose even more. If meeting is held, Villafaña will ask to have the case reassigned. Attached email correspondence between Andrew Lourie and G. Lefcourt
C-5	5/14/2007	Email from Matt Menchal to Marie Villafaña and Andrew Lourie regarding not having approval to proceed with an indictment or complaint
C-6	10/3/2007-10/5/2007	Email chain between Marie Villafaña, Jeff Sloman, and Jay Lefkowitz regarding appointing special master
C-7	10/16/2007-10/23/2007	Emails between Marie Villafaña, Jeff Sloman, Alex Acosta, and Jay Lefkowitz regarding Special Master

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
5/1/2006	State Attorney Barry E. Krischer	Michael S. Reiter, Chief of Police for Town of Palm Beach	Letter urging State Attorney to proceed with probable cause affidavits and case filing packages or to recuse himself	1
5/23/2006			File Opening Documents for Operation Leap Year	2
7/24/2006		Michael S. Reiter, Chief of Police for Town of Palm Beach	Letter noting that Palm Beach Police Chief was unhappy with State Attorney's handling of case and was referring matter to the FBI for investigation	6
7/26/2006			South Florida Sun-Sentinel Article Regarding Chief Reiter's referral of case to FBI	7
8/2/2006			Subpoena to Colonial Bank (return date 8/18/06)	
8/2/2006			Subpoena to Washington Mutual (return date 8/18/06)	
8/2/2006			Subpoena to Capital One (return date 8/18/06)	
8/2/2006			Subpoena to Chase (return date 8/18/06)	
8/2/2006			Subpoena to Hyperion Air, Inc. (return date 8/18/06)	
8/2/2006			Subpoena to JEGE, Inc. (return date 8/18/06)	
8/2/2006			Subpoena to David Neville Rodgers (return date 8/18/06)	
8/2/2006			Subpoena to DTG Operations d/b/a Dollar Rent-a-car (return date 8/18/06)	
8/2/2006			Subpoena to Royal Palm Beach Community High School (return date 8/18/06)	
8/2/2006			Subpoena to Custodian of Records 15th Judicial District (return date 8/18/06)	
8/4/2006			Victim Notification letters to Individuals #6, #9, #10, #11, #13, #15, #17, #18, #20, #23, #24, #25, #26, #27, #28, #29, #30, #31, #32, #38, #39, #41, #42, and #44	12
8/11/2006			Victim Notification letters to Individuals #4, #5, #6, #9, #12, #13, #15, #19, #26, #28, #29, #31, #32, #34, #38, #39, #43, and #44	13
8/15/2006			Subpoena to [REDACTED] (withdrawn) (return date 8/25/06)	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
8/15/2006			Subpoena to Individual #4 (return date 8/25/06)	
8/15/2006			Subpoena to Individual #28 (return date 8/25/06)	
8/15/2006			Subpoena to Individual #44 (withdrawn) (return date 8/25/06)	
8/23/2006			Subpoena to Individual #4 (return date 9/1/06)	
8/23/2006			Subpoena to Individual #28 (return date 9/1/06)	
8/23/2006			Subpoena to Reimer Employment Agency (return date 9/1/06)	
8/23/2006			Subpoena to Evidence Custodian Palm Beach Police Department (return date 9/1/06)	
8/24/2006	Villafaña	Jim Eisenberg	Email re Individual #28	9
8/28/2006			Subpoena to Custodian of Records State Attorney's Office (return date 9/15/06)	
8/28/2006			Subpoena to Custodian of Records 15th Judicial District (return date 9/15/06)	
9/13/2006			Subpoena to Good Samaritan Hospital (return date 9/22/06)	
9/21/2006			Subpoena to The Dalton School (return date 9/29/09)	
9/26/2006	Acosta, Mulvihill, Sloman, Noto, Waters, Lourie, Stefin, Atkinson, Garcia, Brown, Boscovich, Martinez	Villafaña	Memo regarding changes to Child Exploitation Statutes in Title 18	16
10/19/2006			Subpoena to Individual #28 (return date 10/27/06)	
10/24/2006			Email chain between Villafaña and Jim Eisenberg discussing Individual #28	9
10/30/2006	Villafaña	Guy Lewis	Email re representation of Jeffrey Epstein	10
10/31/2006	Villafaña	Guy Lewis	Email chain to set up call	10
11/8/2006	Lourie, Villafaña, cc: Menchel	Sloman	Email re Lilly Ann Sanchez/representation of Jeffrey Epstein	11

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
11/13/2006			Subpoena to Bill Hammond (pilot) (return date 12/1/06)	
11/13/2006			Subpoena to Larry Visoski (pilot)(return date 12/1/06)	
11/13/2006			Subpoena to Janusz Banasiak (property manager)(return date 12/1/06)	
11/13/2006			Subpoena to Adriana Mucinska (former assistant) (return date 12/1/06)	15
11/15/2006	A. Marie Villafaña	Lilly Ann Sanchez	Gerald Lefcourt from New York and Lilly Ann Sanchez will be dealing with the U.S. Attorney's Office in the Jeffrey Epstein matter	11
11/16/2006	Lilly Ann Sanchez	A. Marie Villafaña	Request for documents and information necessary to the investigation	11
11/17/2006			Subpoena to Extra Touch Flowers (return date 2/6/07)	
11/21/2006	Lilly Ann Sanchez	A. Marie Villafaña	Requesting a meeting to discuss 11/16/06 letter	11
11/29/2006	Lilly Ann Sanchez	A. Marie Villafaña	AUSA Villafaña will be out of district and will not be available for meeting during the proposed dates, but will schedule the meeting when she returns.	11
12/1/2006	A. Marie Villafaña	Lilly Ann Sanchez	Will check on the document requests and will schedule the meeting in the new year.	11
12/18/2006			Subpoena to Janusz Banasiak (property manager) (return date 1/12/07)	
12/18/2006			Subpoena to [REDACTED] (former assistant) (return date 1/12/07)	15
12/18/2006			Subpoena to Anthony Figueroa (return date 1/12/07)	
1/5/2007	A. Marie Villafaña	Lilly Ann Sanchez	Request for dates and times to schedule meeting	11
1/8/2007	Lilly Ann Sanchez	A. Marie Villafaña	Request for documents prior to setting meeting	11
1/17/2007	Lilly Ann Sanchez	Andrew Lourie	Client wants to cooperate with the investigation, but requests for documents were overly broad. Provided shortened and narrowed list and request for documents to be provided by 1/25/07, so they could be reviewed prior to 2/1/07 meeting.	14

**EPSTEIN INVESTIGATION TIMELINE**

Date	To	From	Re:	Exhibit #
1/18/2007	A. Marie Villafaña	Lilly Ann Sanchez	Because of the Palm Beach Police Department and the State Attorney's investigation for almost two years, Epstein hired counsel for all employees so contact Ms. Sanchez for contact information for the attorneys.	14
1/22/2007	Andrew Lourie	Lilly Ann Sanchez	Looking forward to the 2/1/07 meeting and expect to send documents previously provided to the Palm Beach County State Attorney's Office by 1/25/07.	14
1/22/2007			Research re NPAs and 6001 immunity	15
1/23/2007	Lilly Ann Sanchez	A. Marie Villafaña	Request for a list of the individuals who have accepted Epstein's offer of payment for representation and the names of their attorneys.	
2/1/2007	A. Marie Villafaña	Gerald B. Lefcourt	Talking points and documents for 2/1/07 meeting	14
2/5/2007	A. Marie Villafaña	Gerald B. Lefcourt	Production of debit/credit card statement regarding Epstein's birthday and a purchase at Guys and Dolls made by Individual #18.	
2/6/2007			Grand Jury Testimony of E. Nesbitt Kuyrkendall	17
2/12/2007	A. Marie Villafaña	Lilly Ann Sanchez	Emails between Villafaña and Lilly Ann Sanchez regarding employee representation with Lourie and Villafaña handwritten notes	58
2/14/2007			Subpoena to Colonial Bank (return date 3/6/07)	
2/14/2007			Subpoena to Palm Beach National Bank (return date 3/6/07)	
2/14/2007			Subpoena to Western Union (return date 3/6/07)	
2/14/2007			Subpoena to Western Union (return date 3/6/07)	
2/14/2007			Subpoena to JP Morgan Chase (return date 3/6/07)	
2/20/2007			Meeting (US: Andy Lourie, Marie Villafaña, and Junior Ortiz, DEF: Lilly Sanchez and Gerald Lefcourt)	
2/23/2007	A. Marie Villafaña	Gerald B. Lefcourt	Excerpts of drafts of transcripts from recorded interviews of various witnesses taken during state's investigation.	
2/27/2007			Grand Jury Testimony of E. Nesbitt Kuyrkendall	18
3/2/2007			Subpoena to Thomas Rofrano (return date 3/13/07)	
3/2/2007			Subpoena to Johanna Sjoberg (return date 3/13/07)	
3/2/2007			Subpoena to Christina [REDACTED] (return date 3/13/07)	
3/2/2007			Subpoena to Palm Beach County Health Dept (return date 3/13/07)	
3/2/2007			Subpoena to Perry Bard, DC (return date 3/13/07)	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
3/15/2007			Victim Notification letter to Individual #4	19
3/16/2007			Subpoena to Individual #29 (return date 3/27/07)	
3/20/2007			Grand Jury Testimony of E. Nesbitt Kuyrkendall	20
3/20/2007			Subpoena to Individual #32 (return date 4/3/07)	
3/22/2007	Villafaña	Stefan Cassella	Email re money laundering question	56
4/4/2007			Subpoena to Individual #37 (return date 4/17/07)	
4/16/2007			Subpoena to Chase Bank USA, NA Attn: Jeff Sehr (return date 4/24/07)	
4/16/2007			Subpoena to Adult Video Warehouse (return date 5/1/07)	
4/16/2007			Subpoena to Eve's Garden (return date 5/1/07)	
4/17/2007			Subpoena to Individual #28 (return date 5/1/07)	
4/20/2007			Subpoena to Adult Video Warehouse (return date 5/1/07)	
4/24/2007			Grand Jury Testimony of Special Agent E. Nesbitt Kuyrkendall	21
4/24/2007			Grand Jury Testimony of Individual #37	22
4/24/2007			Subpoena to New York Strategy Group, LLC Custodian of Records (return date 5/8/07)	
4/24/2007			Subpoena to Hyperion Air, Inc. Custodian of Records (return date 5/8/07)	
4/24/2007			Subpoena to JEGE, Inc. (return date 5/8/07)	
5/8/2007			Grand Jury presentation materials	23
5/8/2007			Grand Jury Testimony of E. Nesbitt Kuyrkendall	24
5/8/2007			Grand Jury Testimony of Jason Richards	25
5/10/2007	A. Marie Villafaña	Jack A. Goldberger	Response to subpoenas JEGE, Inc. and Hyperion Air, Inc..	
5/14/2007	Marie Villafaña and Andrew Lourie	Matthew Menchel	Email re Operation Leap Year with email from Villafaña to Lourie and Menchel (5/14/07) attached	26/C-5
5/15/2007			Grand Jury Testimony of Special Agent E. Nesbitt Kuyrkendall	27
5/16/2007			Subpoena to American Express TRS Co., Inc. (return date 5/29/07)	
5/17/2007	A. Marie Villafaña	Jack A. Goldberger	Extension of compliance deadlines until 5/29/07 for subpoena responses for JEGE, Inc. and Hyperion Air, Inc.	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
5/18/2007	Matthew Menchel	A. Marie Villafaña	Email informing Menchel of intent to subpoena Roy Black's private investigator and steps taken to obtain DOJ authorization	26
5/21/2007	Matthew Menchel and Jeff Sloman	A. Marie Villafaña	Email seeking guidance on grand jury presentation	26/54
5/21/2007			Subpoena to Paul A. Lavery (return date 5/29/07)	59
5/22/2007	Andrew Lourie	Gerald B. Lefcourt	Letter requesting to meet with Matthew Menchel and Jeffrey Sloman and Alex Acosta prior to an indictment being filed	28
5/22/2007	Matthew Menchel and Jeff Sloman; cc: A. Marie Villafaña	Andrew Lourie	Email re letter received from Gerald Lefcourt discussing a meeting to discuss Epstein investigation	28
5/22/2007			Grand Jury Testimony of Special Agent E. Nesbitt Kuyrkendall	29
5/23/2007	Karen Atkinson	A. Marie Villafaña	Draft of email to be sent to Sloman and Menchel stating that Villafaña disagrees with promising to have a meeting with Lefcourt or any of Epstein's other attorneys. Believes the prior meeting disclosed prosecution strategy and holding another meeting will disclose even more. If meeting is held, Villafaña will ask to have the case reassigned. Attached email correspondence between Andrew Lourie and G. Lefcourt	28/C-4
5/31/2007			Subpoena to J. Epstein Virgin Islands Foundation, Inc. (return date 6/21/07)	
5/31/2007			Subpoena to J. Epstein & Company, Inc. (return date 6/21/07)	
5/31/2007			Subpoena to Epstein Interests (return date 6/21/07)	
5/31/2007			Subpoena to Financial Trust Company, Inc. (return date 6/12/07)	
5/31/2007			Subpoena to Royal Palm Beach Community High School (return date 6/12/07)	
6/1/2007	Gerald B. Lefcourt	A. Marie Villafaña	Subpoenas for J. Epstein Virgin Islands Foundation, Inc., J. Epstein & Co., Inc., Epstein Interests, and Financial Trust Company, Inc.	
6/1/2007			Folder entitled "(Victims) Additional 302's" containing reports of interviews conducted in June 2007, October 2007, and March 2008	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
6/7/2007			Victim Notification letters to Individuals #3, #9, #31, #38, #40, and #43	30
6/7/2007			Subpoena to Park A. Cadillac Limo Service (return date 6/26/07)	
6/11/2007			Subpoena to Individual #40 (return date 6/26/07)	
6/11/2007			Subpoena to All Star Taxi and Limo Service (return date 6/26/07)	
6/11/2007			Subpoena to Airport Executive Towncar Service Dan Tischler (return date 6/26/07)	
6/12/2007	A. Marie Villafaña	Gerald Lefcourt	Production response to 5/31/07 subpoenas to J. Epstein Virgin Islands Foundation, Inc., J. Epstein & Co., Inc., Epstein Interests, and Financial Trust Company, Inc.	
6/13/2007			Subpoena to Majestic Theatre (return date 6/06/07)	
6/13/2007			Subpoena to Broward Center for the Performing Arts (return date 6/26/07)	
6/13/2007			Subpoena to Kravis Center for the Performing Arts (return date 6/26/07)	
6/14/2007			6/14/2007-6/21/2007 Emails between Marie Villafaña, Karen Atkinson, Andrew Lourie, Matt Menchel, and Jeff Sloman regarding addendum to Pros Memo, grand jury presentation and changes to indictment, and meeting with counsel for Epstein	31
6/18/2007	Gerald B. Lefcourt	A. Marie Villafaña	Letter thanking Lefcourt for accepting service of subpoena addressed to the Custodian of Records of NES, LLC and requesting acceptance of subpoena issued to New York Strategy Group, Inc.	53
6/18/2007			Subpoena to William Riley (return date 7/10/07)	60
6/18/2007			Subpoena to Riley Kiraly (return date 7/10/07)	61
6/18/2007			Subpoena to NES, LLC (return date 7/10/07)	
6/21/2007	Matthew Menchel	A. Marie Villafaña	Email re Meeting next week with emails from Menchel to Villafaña (6/21/07) and Villafaña to Menchel (6/21/07) attached	31
6/22/2007			Subpoena to Guys and Dolls (return date 7/10/07)	
6/25/2007	Jeffrey Sloman and Andrew Lourie	Gerald B. Lefcourt	Letter containing overview of position of Epstein's counsel and the materials planned to present at 6/26/07 meeting with handwritten attorney (Villafaña) notes	32

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
6/25/2007	Matt Menchel and Marie Villafaña	Andrew Lourie	Email entitled "Thoughts on Lefcourt's letter"	32
6/26/2007			Meeting (US: Jeff Sloman, Matt Menchel, Marie Villafaña, Junior Ortiz, Nesbitt Kuyrkendall, DEF: Alan Dershowitz, Roy Black, Gerald Lefcourt and Lilly Sanchez)	
6/27/2007			Subpoena to Live Nation Theatrical/Broadway Across America (return date 7/10/07)	
7/1/2007	Sanchez, Lefcourt	Villafaña	Email re outstanding subpoenas and planned meeting for 7/11/07	
7/3/2007			7/3/2007-7/13/2007 Email chain between Matt Menchel and Marie Villafaña regarding disagreement on Menchel's plea negotiations and written request for meeting between USAO management and victims	3
7/3/2007			7/3/2007-7/4/2007 Emails between Marie Villafaña and Andrew Lourie regarding extension of time to respond to subpoenas requested by Lilly Ann Sanchez and possible resolution of case	
7/6/2007	Jeffrey Sloman and Andrew Lourie	Gerald B. Lefcourt and Alan Dershowitz	Follow-up letter to 6/26/07 meeting including facts, law, and policy that should inform any decision made on how and whether to proceed	33
7/13/2007	Villafaña	Roy Black	Letter with handwritten attorney (Lourie) notes	34
7/13/2007	Matthew Menchel	A. Marie Villafaña	Email re Epstein with email from Menchel (7/5/07), Villafaña to Menchel (7/4/07) and Sloman to Villafaña (7/3/07) attached	3
7/16/2007	Black	Villafaña	Response to letter regarding subpoena to Paul Lavery for computer equipment removed from Epstein's residence	
7/16/2007	Matt Menchel and Andrew Lourie	A. Marie Villafaña	Email regarding correspondence from Roy Black and Motion to Quash Lavery subpoena	
7/17/2007			Motion of Jeffrey Epstein to Intervene and Quash Grand Jury Subpoenas and Incorporated Memorandum of Law	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
7/17/2007			Affidavit of Roy Black, Esq., in Support of Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Incorporated Memorandum of Law	
7/18/2007	Andrew Lourie and Matt Menchel	Marie Villafaña	Email from Villafaña to Matt Menchel regarding Roy Black objection to subpoenas addressed to William Riley and Riley Kiraly	62
7/19/2007	Villafaña	Mike Levy (USAPAE)	Email regarding comments to Rule 16 about disclosing identifying information about victims	
7/19/2007			Email chain between Marie Villafaña, Andrew Lourie, Matt Menchel, S/A Jason Richards and S/A Eliasib Ortiz regarding potential service of target letters	63
7/19/2007			Preparing Motion for Post-indictment protective order	
7/24/2007			Subpoena to Rachel Eve Lockwood (return date 8/14/07)	
7/25/2007	Matthew Menchel	Gerald B. Lefcourt and Alan Dershowitz	Document entitled: "Data that strongly supports the arguments made that no charge can or should be made under 18 U.S.C. § 2422(b)"	35
7/26/2007	Matt Menchel and Andrew Lourie	Marie Villafaña	Email regarding proposed changes to indictment	36/64
7/26/2007			Meeting where Criminal Chief Menchel announces that USA Acosta will offer a two-year state plea. Present: Matt Menchel, Marie Villafaña, Andy Lourie (phone), Valerie Parlave, Junior Ortiz, Nesbitt Kuyrkendall, and Jason Richards	
7/27/2007			Research re 18 U.S.C. § 2255	37
7/31/2007	Jeff Sloman, Matt Menchel, and Andrew Lourie	Marie Villafaña	Email summarizing proposed plea terms as per Menchel recommendation	4 and 38
7/31/2007			Meeting (US: Jeff Sloman, Matt Menchel, Marie Villafaña, Andy Lourie, Nesbitt Kuyrkendall and Jason Richards, DEF: Roy Black, Gerald Lefcourt and Lilly Sanchez)	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
7/31/2007			U.S. Response to Motion of Jeffrey Epstein to Intervene and to Quash Grand Jury Subpoenas and Cross-Motion to Compel and Sealed Document Tracking Form with Sealed, Ex Parte Declarations	
7/31/2007			7/31/2007-8/3/2007 Email chain between Jeff Sloman, Matt Menchel, Andrew Lourie, and Marie Villafaña regarding plea negotiations	39
8/1/2007			8/1/2007-8/2/2007 Emails between Menchel and Villafaña regarding plea negotiations	65
8/2/2007	Matthew Menchel	Lilly Ann Sanchez	As discussed at meeting, Epstein is prepared to resolve the matter via state forum. Proposal of 2 years supervised custody with two additional years of reporting to probation	8 and 40
8/2/2007			Emails between Matt Menchel, Jeff Sloman, Andy Lourie, and Marie Villafaña regarding letter received from Lilly Ann Sanchez	40
8/3/2007	Lilly Ann Sanchez	Matthew Menchel	2 year term of incarceration is a non-negotiable minimum and U.S. Attorney Acosta is not inclined to meet with counsel for Epstein. Epstein must advise of his decision by 8/17/07.	41
8/3/2007	Matt Menchel, Andrew Lourie, Jeff Sloman, Karen Atkinson	Marie Villafaña	Email regarding draft response to correspondence from Epstein counsel and planned investigative steps if agreement cannot be reached	41
8/6/2007	Cyndee Campos, Frederica Devlin and Jeff Sloman	Marie Villafaña	Emails regarding Matt Menchel's correspondence prior to his departure	42
8/6/2007			Subpoena to Individual #3 (return date 8/21/07)	
8/6/2007			Subpoena to Individual #43 (return date 8/12/07)	
8/7/2007	Andy Lourie	Marie Villafaña	Email regarding deadline set for Epstein plea and Epstein's plan to demand a meeting with CEOS	43
8/7/2007			Email chain between Marie Villafaña, Cyndee Campos, and Alex Acosta regarding meeting to discuss Epstein matter	43

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
8/7/2007			Email chain from Jeff Sloman to Andrew Oosterbaan, Marie Villafaña, and Alex Acosta regarding Epstein meeting	43
8/7/2007			Reply of Jeffrey Epstein to United States' Response to His Motion to Intervene and to Quash Grand Jury Subpoenas and Cross-Motion to Compel and Sealed Document Tracking Form	
8/8/2007	Andrew Oosterbaan	Marie Villafaña	Email regarding plea negotiations, guideline calculations, and assistance in preparing case for trial	43
8/8/2007			Research re 18 U.S.C. § 2255	37
8/15/2007			Subpoena to Bear Stearns (return date 9/4/07)	
8/16/2007			Subpoena to Adam Perrylang (return date 9/4/07)	
8/16/2007			Subpoena to Lesley Groff (return date 9/4/07)	
8/16/2007			Subpoena to Jean-Luc Brunel (return date 9/4/07)	
8/16/2007			Subpoena to Harry Beller (return date 9/11/07)	
8/16/2007			Subpoena to Eric Gany (return date 9/11/07)	
8/17/2007			Motion of William Riley and Riley Kiraly for an Extension of Time Nunc Pro Tunc to File Their Reply and Proposed Order	
8/17/2007			Reply of William Riley and Riley Kiraly to the Government's Response to the Motion to Intervene and to Quash Grand Jury Subpoenas and Cross Motion to Compel	
8/23/2007	A. Marie Villafaña	Gerald Lefcourt	Letter that he cannot accept service for Eric Gany	
8/28/2007	A. Marie Villafaña	Nathan Z. Dershowitz	Left messages with Sarah Kellen and [REDACTED] to request if he can accept service on their behalf	
8/30/2007	Jeff Sloman, Andrew Lourie, Drew Oosterbaan, John McMillan, Karen Atkinson	Marie Villafaña	Email regarding press coverage of meeting with Ken Starr	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
8/30/2007			United States' Surreply to Replies filed by Witness William Riley and Intervenor Jeffrey Epstein re Motion to Quash Grand Jury Subpoenas and Sealed Document Tracking Form and Supplemental Ex Parte Declaration	
8/31/2007			Meeting (US: Drew Oosterbaan, Marie Villafaña, Nesbitt Kuyrkendall and Jason Richards)	
9/4/2007	Jeff Sloman	Marie Villafaña	9/4/2007-9/6/2007 Emails between Jeff Sloman and Marie Villafaña regarding planned participation of FBI ASAIC at 9/7/07 meeting with Epstein defense team	44
9/6/2007	A. Marie Villafaña	Gerald Lefcourt	Beller and Gany are represented by Nat Dershowitz. NES is working on getting the extra documents requested and the certification.	
9/6/2007	Nathan Z. Dershowitz	A. Marie Villafaña	Questioning representation of Sarah Kellen and [REDACTED]	
9/6/2007	Nathan Z. Dershowitz	A. Marie Villafaña	Subpoena for Leslie Groff to appear for Grand Jury on 9/18/07 and anticipated topics	
9/6/2007	Nathan Z. Dershowitz	A. Marie Villafaña	Subpoenas for Harry Beller and Eric Gany to appear before GJ on 9/11/07.	
9/7/2007			9:31 am draft Plea Agreement	
9/7/2007			9:43 am draft Non-Prosecution Agreement	
9/7/2007			1:15 pm draft Non-Prosecution Agreement	
9/7/2007			1:17 pm draft Plea Agreement	
9/7/2007			Meeting (US: Alexander Acosta, Drew Oosterbaan, Jeff Sloman, Marie Villafaña, and John McMillan, DEF: Kenneth Starr, Jay Lefkowitz, and Lilly Sanchez)	
9/10/2007			5:17 pm draft Non-Prosecution Agreement	
9/10/2007	J. Sloman	A. Marie Villafaña	Email re negotiations	46
9/10/2007	J. Sloman, J. McMillan	A. Marie Villafaña	Email re state grand jury proceedings	45
9/10/2007	Jeff Sloman, Andrew Lourie	A. Marie Villafaña	Email re FBI	45
9/10/2007	Lefcourt	Villafaña	Email with 4 page NPA attached (RFP3)	47

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/10/2007			Proposed Non-Prosecution Agreement provided to Gerald Lefcourt on 9/10/2007	66
9/10/2007			9/10/2007-9/11/2007 Emails between Marie Villafaña, Alex Acosta, and Jeff Sloman regarding modifications to the proposed Non-Prosecution Agreement	46
9/10/2007			9/10/2007-9/14/2007 Emails between Marie Villafaña, Andrew Lourie, Jeff Sloman, Karen Atkinson, Rolando Garcia, Shawn Ball, and Alex Acosta regarding final plea negotiations, finalizing details with State Attorney's Office and final revisions to indictment package	46
9/11/2007	A. Lourie	A. Marie Villafaña	Email re meeting with G. Lefcourt with attached correspondence	46
9/11/2007	A. Lourie	A. Marie Villafaña	Email re revised Agreement with attached correspondence	46
9/11/2007	A. Marie Villafaña	A. Lourie	Email re scheduling a meeting regarding finalizing the agreement with attached correspondence	46
9/11/2007	A. Marie Villafaña	A. Oosterbaan	Email re negotiations with attached correspondence	48
9/11/2007	A. Marie Villafaña	Andrew Lourie	Email regarding revised agreement - Plea to the 3 specified charges, a 30 month sentence, split 20 in jail and 10 in "community control," and agree that the girls are victims for purposes of damages. Also includes deadlines for a plea and sentencing date	46
9/11/2007	A. Oosterbaan	A. Marie Villafaña	Email re status of negotiations with attached correspondence	48
9/11/2007	Lefcourt	Villafaña	Email with 4 page NPA attached	47
9/11/2007			Proposed Non-Prosecution Agreement incorporating Acosta edits provided to Gerald Lefcourt on 9/11/2007	67
9/11/2007			Emails between Marie Villafaña, John McMillan, Drew Oosterbaan, Nesbitt Kuyrkendall, and Jason Richards regarding changes to the draft indictment and status of plea negotiations	46
9/11/2007			2:13 pm draft Non-Prosecution Agreement	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/12/2007	A. Marie Villafaña	Nathan Z. Dershowitz	Ms. Groff will proceed by interview.	
9/12/2007			Meeting (US: Andy Lourie, Rolando Garcia and Marie Villafaña, DEF: Jay Lefkowitz, Gerald Lefcourt and Jack Goldberger, STATE OF FLORIDA: Barry Krisher and Lanna Belohlavek)	
9/12/2007	A. Marie Villafaña; cc: Andrew Lourie	Jay Lefkowitz	Email in response to A. Marie Villafaña's email stating that the Office is satisfied in principle with the agreement, but uncomfortable with the recommended federal charge due to jurisdiction. Response states that defense understands the concerns and will work to come up with a mutually acceptable solution.	49
9/13/2007	A. Acosta, J. Sloman, R. Garcia, K. Atkinson, A. Lourie	A. Marie Villafaña	Email re plea negotiations	46
9/13/2007	A. Lourie	A. Marie Villafaña	Email re plea negotiations with attached correspondence	46
9/13/2007	A. Lourie	A. Marie Villafaña	Email re charging strategy with attached correspondence	46
9/13/2007	A. Marie Villafaña	A. Lourie	Email re final negotiations with attached correspondence	46
9/13/2007	A. Marie Villafaña	A. Oosterbaan	Email re setting up trust fund	48
9/13/2007	A. Marie Villafaña	Jay Lefkowitz	Misdemeanors 403, 1512(d) and 47 U.S.C. 223(a)(1)(B)	49
9/13/2007	A. Marie Villafaña	Lourie	Assault on the plane or conspiracy	46
9/13/2007	A. Oosterbaan	A. Marie Villafaña	Email re trust agreement with attached correspondence	48

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/13/2007	Andrew Lourie, Alex Acosta, Jeff Sloman, Rolando Garcia, Karen Atkinson	Marie Villafaña	Emails regarding plea to federal charges recommending 18 U.S.C. 403 or 1512(d), or 47 U.S.C. 223(a)(1)(B); response that Epstein was only willing to plead to assault on the plane; and rejection of facts supporting assault on the plane charge	46
9/13/2007	K. Atkinson, S. Ball, J. McMillan	A. Marie Villafaña	Email re indictment package	46
9/13/2007	R. Garcia, J. sloman	A. Marie Villafaña	Email re conference call with J. Lefkowitz	46
9/13/2007			Subpoena to Wolf Camera (return date 9/25/07)	
9/13/2007			6:36pm draft Plea Agreement	
9/13/2007			6:55pm draft Information	
9/13/2007			9/13/2007-9/14/2007 Emails regarding Marie Villafaña research regarding victim trust fund set up in Alaska child exploitation case	48
9/13/2007			Additions to pros memo/indictment - Individuals #3, #43, #38, #26, and #39	
9/14/2007	A. Marie Villafaña	A. Lourie	Email re charging strategy with attached correspondence	46
9/14/2007	A. Marie Villafaña	Jay Lefkowitz	requesting draft to include 403 in lieu of 1512	49
9/14/2007	A. Marie Villafaña, A. Acosta, R. Garcia, A. Lourie, K. Atkinson, S. Ball	J. Sloman	Email re finalizing documents	46

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/14/2007	J. Sloman, A. Acosta, A. Lourie, R. Garcia, K. Atkinson, J. McMillan, S. Ball	A. Marie Villafaña	Email re plea negotiations	46
9/14/2007	Lefkowitz	Villafaña	Email - 1 page with two plea agreements attached, nine pages total	49
9/14/2007	Villafaña, Acosta, Garcia, Lourie	Sloman	Proposed plea agreement and information - Lourie will help finalize	46
9/14/2007			8:47 am draft Information	
9/14/2007			8:53 am draft Plea Agreement	
9/14/2007			9:38 am draft Information	
9/14/2007			9:48 am draft Plea Agreement	
9/15/2007			2:29 pm draft Information	
9/15/2007			2:46 pm draft Plea Agreement	
9/15/2007	Lefkowitz	Villafaña	Email with attached Information and Plea Agreement	49
9/16/2007	Lefkowitz	Villafaña	Email re 11th Circuit cases on simple assault and found language with attached Epstein Plea Offer	49
9/16/2007	Villafaña	Lefkowitz	Email with attached 5 page Agreement	49
9/16/2007			Email chain between Lefkowitz and Villafaña regarding changing the documents to 1512 and language in the plea agreement	46
9/16/2007			12:00 pm draft Information	
9/16/2007			12:09 pm draft Plea Agreement	
9/16/2007			12:21 pm Lefkowitz proposed Agreement	
9/16/2007			4:42 pm draft Plea Agreement	
9/17/2007	A. Acosta	A. Marie Villafaña	Email re negotiation	46
9/17/2007	A. Marie Villafaña	Alex Acosta	Please make sure Lefkowitz understands that the Non-Prosecution agreement provided is only a draft and will still need final approval.	46

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/17/2007	A. Marie Villafaña	Jay Lefkowitz	Email requesting obstruction proffer that is already drafted and inquiring whether deferred prosecution agreement would be made public	49
9/17/2007	A. Marie Villafaña and Roy Black; cc: Gerald Lefcourt, John McMillan, Karen Atkinson, and Andrew Lourie	Jay Lefkowitz	Response to email that Jenny from Judge Marra's office spoke with the Judge and he agreed to take the matter off the calendar. If a plea agreement is reached, USAO will withdraw the subpoena and Mr. Black will withdraw his Motion to Quash.	49
9/17/2007	A. Marie Villafaña, R. Garcia, A. Lourie, K. Atkinson, J. McMillan	A. Acosta	Email re draft Agreement with attached correspondence	46
9/17/2007	Jay Lefkowitz	A. Marie Villafaña	Options for plea: 1. Original agreement where Epstein pleads only to state charges and serves his time in state, except that we can agree to only 18 months imprisonment. 2. Epstein pleads guilty to the state charges and also pleads to either two obstruction counts or to one count of violating 47 U.S.C. 223(a)(1)(B), with a joint non-binding recommendation of 18 months, so that he can serve his time federally. 3. I go back to the U.S. Attorney and ask him to agree to an ABA-plea to a 371 count (conspiracy to violate 2422(b)) with a binding 20-month recommendation so that he can serve all of his time in a federal facility. 4. Epstein pleads guilty to one obstruction count and serves part of his time federally and part state.	49
9/17/2007	Lefkowitz	Villafaña	Email informing of removal of hearing on Motion to Quash from Judge Marra's calendar	49

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/17/2007	R. Garcia, A. Lourie	A. Marie Villafaña	Email re negotiation strategy	46
9/17/2007			11:39 am draft Non-Prosecution Agreement	
9/17/2007			11:42 am draft Non-Prosecution Agreement	
9/17/2007	Rolando Garcia and Andrew Lourie	A. Marie Villafaña	Email re Epstein providing update re plea negotiations	46
9/17/2007			9/17/2007-9/19/2007 Emails between Marie Villafaña, Rolando Garcia, Andrew Lourie, Alex Acosta, Karen Atkinson, and John McMillan regarding negotiations of a federal plea and a non-prosecution agreement	46
9/18/2007	A. Acosta, A. Lourie, R. Garcia, K. Atkinson, J. McMillan	A. Marie Villafaña	Email re negotiating strategy	46
9/18/2007	A. Marie Villafaña	Acosta, Lourie, Garcia	Epstein negotiations - you spent 12 hours working on drafts and you are advising that the end of negotiation is nearing	46
9/18/2007	A. Marie Villafaña	Jay Lefkowitz	Email chain regarding draft agreements. Lefkowitz suggests plead to one count of 1512, serve 12 months plus 1 year home confinement/supervised release, followed by 2 years of probation with 6 months being community control. Villafaña advises that USAO will not go below 18 months of prison/jail time.	49
9/18/2007			Rescheduled date for hearing on motion to quash subpoena for computer equipment (initially set for 9/13/2007)	
9/18/2007	Andrew Lourie, Rolando Garcia, Karen Atkinson	A. Marie Villafaña	Email re Draft Agreements with email from Jay Lefkowitz (9/18/07) attached	49
9/18/2007			10:45 am draft Plea Agreement	
9/18/2007			12:07 pm draft Plea Agreement	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/18/2007			12:22 pm draft Plea Agreement	
9/18/2007			1:37pm draft Information	
9/18/2007	Garcia, Villafaña	Lourie	Email stating new terms that Lourie negotiated with Lefkowitz	
9/19/2007	A. Lourie, R. Garcia, K. Atkinson	A. Marie Villafaña	Email re negotiating strategy with attached correspondence	46
9/19/2007	A. Marie Villafaña	A. Lourie	Email re Epstein with internal U.S. Attorney's Office emails attached	46
9/19/2007	A. Marie Villafaña	Jay Lefkowitz	Forwarded to Lourie and R. Garcia - draft plea agreement issues	46
9/19/2007	Andrew Lourie, Rolando Garcia, Karen Atkinson	A. Marie Villafaña	Email re Draft Plea Agreement with email from Lefkowitz to Villafaña (9/19/07) and Lefkowitz to Villafaña (9/19/07) attached	46
9/19/2007			Research re Federal Bureau of Prisons Designations	
9/19/2007			11:46 am draft Information	
9/20/2007	Belohlavek, Krischer	Villafaña	Email chain discussing proposed joint meeting with Epstein's counsel to finalize all agreements	
9/20/2007	Lourie	Villafaña	Email forwarding federal plea agreement incorporating Acosta and Lourie comments	
9/20/2017	Lourie	Villafaña	Email chain discussing factual proffer in support of federal plea	
9/20/2017	Acosta, Lourie	Villafaña	Email summarizing call with Lefkowitz in response to Lefkowitz call to Acosta	
9/20/2007			1:17pm draft Plea Agreement	
9/20/2007			3:52 pm draft Plea Agreement	
9/20/2007	Villafaña	Lourie	Email stating that Lefkowitz wants to remove registration requirement	
9/20/2007	Villafaña	Lourie	Email asking Villafaña to call Lefkowitz and inform him that Epstein must plead to registrable offense	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/21/2007	Lourie, Garcia	Villafaña	Email informing Lourie of conversation with Lefkowitz about sex offender registration issue	
9/21/2007	Villafaña, Belohlavek	Krischer	Email summarizing SAO negotiations with Goldberger, including Goldberger's request that Epstein not have to register as a sex offender	
9/21/2007	Lourie, Garcia	Villafaña	Email containing revised agreement incorporating some of Lefkowitz's language and highlighting 2255 negotiations	
9/21/2007			Research re Florida Statutory Authorities and Bibliography	50
9/21/2007			2:05 pm draft Non-Prosecution Agreement	
9/21/2007	Villafaña, Garcia	Lourie	Response to email about Lefkowitz's proposed language regarding immigration proceedings	
9/21/2007			4:47 pm Epstein state plea jpl edits (Lefkowitz)	
9/23/2007	Acosta, Lourie, Sloman, Villafaña	Lefkowitz	Email admitting that defense based their agreement to plead to 796.03 on a "mistaken assumption" and requesting that Epstein not have to register as a sex offender	51
9/23/2007	Lefkowitz, Lourie, Villafaña	Acosta	Email response to Lefkowitz instructing Lefkowitz to deal directly with Lourie and Villafaña in negotiating agreement	51
9/23/2007			3:56 pm draft Non-Prosecution Agreement	
9/23/2007			6:50 pm draft Non-Prosecution Agreement	
9/23/2007			8:49 pm draft Non-Prosecution Agreement	
9/24/2007	Sloman, Lourie, Garcia, Villafaña	Acosta	Email containing Acosta edits to Agreement	
9/24/2007	Villafaña	Lefkowitz	Email - 1 page with nine page NPA (3 signature pages) attached	49
9/24/2007	Weinberg, Lourie, Garcia	Villafaña	Email containing Acosta's final edits and asking to discuss potential victim representative	
9/24/2007	Acosta, Sloman, Lourie, Garcia, Atkinson	Villafaña	Email containing final agreement as approved by both parties	

**EPSTEIN INVESTIGATION TIMELINE**

Date	To	From	Re:	Exhibit #
9/24/2007			9:04 am draft Non-Prosecution Agreement	
9/24/2007			10:12 am draft Non-Prosecution Agreement	
9/24/2007			2:14 pm draft Non-Prosecution Agreement	
9/24/2007			4:20 pm draft Non-Prosecution Agreement	
9/24/2007			NPA signed	52
9/24/2007	Acosta, Garcia, Lourie	Villafaña	Email containing signed agreement	
9/25/2007			Scheduled date for Federal Indictment	
9/30/2007			9/30/2007-10/1/2007 Email chain between Villafaña and Lefkowitz re telephone call with attached emails from 9/23/07, 9/16/07, and 9/15/07	
10/1/2007			Folder entitled "(Victims) Additional 302's" containing reports of interviews conducted in June 2007, October 2007, and March 2008	
10/1/2007			10/1/2007-10/31/2007 Additional negotiations regarding selection of Special Master	
10/1/2007			10/1/2007-10/31/2007 JD#1 Notified regarding signing of NPA	
10/1/2007			10/1/2007-10/31/2007 Investigation continues to try to identify addl victims	
10/2/2007			Add'l client of Brad Edwards interviewed. She refuses to provide information. (She provides information on a later date).	
10/3/2007	Lefkowitz	Villafaña	Email - 2 pages with one page attachment, Proposal for Selection of Attorney to Represent Victims	C-6
10/5/2007	Villafaña	Lefkowitz	Email - 3 pages with four page unsigned letter from Lefkowitz to Villafaña	C-6
10/5/2007	Sloman	Villafaña	Email forwarding letter from Lefkowitz re special master process	C-6
10/7/2007	Villafaña	Sloman	Email chain including correspondence between Sloman and Sanchez	
10/8/2007	Sloman	Lilly Ann Sanchez	Letter - 3 pages	
10/9/2007	Villafaña	Sloman	Email attaching correspondence from Sanchez regarding Special Master Process	
10/9/2007	Lilly Ann Sanchez	Villafaña	Email - 1 page with two page letter from Villafaña to Sanchez attached	

**EPSTEIN INVESTIGATION TIMELINE**

Date	To	From	Re:	Exhibit #
10/9/2007-3/25/2008			FBI Interview Reports of ----- (10/05/2007, 3/20/2008, and 3/25/2008), #2 (10/10/2007), #14 (10/26/2007), #33 (10/02/2007), #20 (10/25/2007), #21 (10/03/2007), ----- (10/03/2007), ----- (10/02/2007), #40 (6/12/2007), and #35 (10/02/2007)	B-31
10/10/2007	Acosta	Lefkowitz	Letter - 6 pages	
10/16/2007-10/23/2007			Emails between Marie Villafaña, Jeff Sloman, Alex Acosta, and Jay Lefkowitz regarding Special Master	C-7
10/22/2007	Lefkowitz	Sloman	Email - 3 pages with four page draft letter to Judge [REDACTED], and two page Addendum to the NPA, attached	
10/23/2007	Acosta	Lefkowitz	Letter - 3 pages	
10/23/2007	Sloman, Villafaña	Acosta	Response to Lefkowitz's letter noting specific misrepresentation	
10/24/2007	Lefkowitz, Acosta, Villafaña	Sloman	Email - 1 page with two page Addendum to the NPA, and four page draft letter to Judge [REDACTED], attached	
10/25/2007	Lefkowitz	Cyndee Campos	Email - 1 page with letter to Judge [REDACTED] attached	
10/25/2007	The Hon. Edward B. [REDACTED]	Jeffrey Sloman	Background information to Special Master to appoint attorney for victims	
10/29/2007			Deadline date for Epstein's plea and sentencing according to Non-Prosecution Agreement	
10/30/2007	Villafaña	Sloman	Email attaching final addendum	
10/30/2007			Final executed Addendum to the Non-Prosecution Agreement	
10/31/2007	Lefkowitz	Sloman	Email - 2 pages	
11/1/2007			USAO extends deadline for Epstein's plea and sentencing per request of Epstein's counsel	
11/1/2007			Research re State Work Release	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
11/2/2007			Research re Florida Administrative Code Chapter 33-601. Classification of Central Records: 33-601.602 Community Release Programs and 33-601.606 Placement of Inmates into Community Release Programs	
11/5/2007	Lefkowitz	Sloman	Letter - 2 pages	
11/8/2007	Jeffrey Sloman	Jay Lefkowitz	response to 11/5/07 letter stating that Epstein is complying fully with the Non Prosecution Agreement (with Villafana handwritten notes)	
11/13/2007	Jay Lefkowitz	Jeffrey Sloman	Response to 11/8/07 letter stating that a guilty plea and sentencing more than two months beyond the original deadline is unacceptable. The agreement as to the terms of the plea and sentencing and the new date for the change of plea and sentencing is to be provided by 11/16/07.	
11/14/2007	Jeffrey Sloman	Villafaña	Email regarding meeting with State Attorney's Office about work release and sex offender registration	72
11/15/2007	Villafaña, Sloman, Garcia, Acosta, Atkinson	Jason Richards	11/15/2007-11/16/2007 Emails regarding research on work release	76
11/16/2007	Sloman	Lefkowitz	Email - 1 Page	
11/19/2007			Research re Florida Statute 921.143 Appearance of victim, next of kin, or law enforcement, correctional, or correctional probation officer to make statement at sentencing hearing; submission of written statement and Victim Notification Request Form	B-7
11/19/2007			Plea Notification Letter	B-2
11/23/2007			Unscheduled meeting between Jay Lefkowitz, Alan Dershowitz and Jeff Sloman. (Drop in by Lefkowitz and Dershowitz)	
11/26/2007	Jason Richards	PBSO D/S Harold Elliott	Research re work release: PBSO Post Orders for the Work Release Program	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
11/27/2007	Lefkowitz, Acosta, Villafaña	Sloman	Email responding to Lefkowitz's statement in his letter that he needs to conduct "due dilligence" on selection of Podhurst firm	
11/27/2007			Plea Notification Letter at 7:11 pm	B-3
11/28/2007	A. Marie Villafaña, A. Oosterbaan, R. Garcia	A. Lourie	Email re non-prosecution agreement with attached correpondence	
11/28/2007	Alice S. Fisher, Assistant Attorney General	Starr	Letter - 3 pages re 18 U.S.C. 2255	
11/28/2007	Lefkowitz, Acosta, Sloman, Lourie, Oosterbaan	Villafaña	Email regarding Epstein's plan to appeal to DC and proposed victim notification letter	B-8
11/28/2007			Victim notification letter prepared 11/28/2007 at 9:42 pm	B-4
11/29/2007	A. Marie Villafaña	Jeffrey Sloman	Request to draft letter that sets forth brief history and nature of the case, followed by a chronology of the plea negotiations and vetting with CEOS that results from those meetings, and how the civil resolution evolved.	
11/29/2007	A. Marie Villafaña	Jeffrey Sloman	Forward of email chain between Jeff Sloman and Andrew Lourie advising that defense backtracked on two issues: They originally agreed to plead to the state felony that they thought was unregistrable (but did not tell us knowing we thought it was), but then discovered they were wrong and tried to get out of it. They tried several times to knock down the jail time after agreeing to the time.	
11/29/2007	Acosta	Lefkowitz	Letter - 4 pages, 4 page CVRA proposed notice letter attached	B-9

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
11/30/2007	Jay Lefkowitz	R. Alexander Acosta	Need to confer with A. Marie Villafaña and Jeffrey Sloman regarding 11/29/07 letter. Counsel has objected to several steps taken by the USAO to effectuate the terms of the agreement and if Epstein is dissatisfied with the Agreement, we stand ready to unwind the Agreement.	B-10
11/30/2007	Kenneth Starr	Alex Acosta	Letter in response to 11/28/2007 letter to Assistant Attorney General Fisher. Outlines the history of negotiations with various counsel for Epstein illustrating how the Non-Prosecution Agreement was reached. Request to provide definitive statement signed by Epstein of his intention to abide by each and very term of the Agreement by close of business on 12/14/2007, or will proceed with prosecution.	
11/30/2007			Research re CVRA	
12/1/2007			Victim notification letter prepared 12/1/2007 at 7:50 pm	B-6
12/3/2007	Acosta	Villafaña	Emails regarding research on proposed trust fund	55
12/4/2007	Kenneth Starr	R. Alexander Acosta	Response to 11/28/07 letter regarding concerns of Non-Prosecution Agreement. The intent is to place the victims in the same position as they would have been had Epstein been convicted at trial.	
12/5/2007	R. Alexander Acosta	Kenneth Starr and Jay Lefkowitz	Epstein reaffirms Non-Prosecution Agreement. Have no knowledge of deadlines. Request for updated draft victim letters	B-11
12/6/2007	Jay Lefkowitz	Jeffrey Sloman	Concern about Epstein's failure to set a timely plea and sentencing date. Still have no received the terms of the Plea Agreement with the State Attorney's Office. There has been no contact with the press from our office or the FBI. Letters to victims will be sent through the mail. Attached revised crime victim's rights letter	B-12
12/6/2007	Lefkowitz	Acosta	Letter and facsimile transmission cover sheet re victim notification letters	B-12
12/6/2007	Lefkowitz	Sloman	Letter - 4 pages, 4 page CVRA proposed notice letter attached	
12/6/2007	Starr	Acosta	Letter - 7 pages	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
12/6/2007			Emails between Marie Villafaña, Andrew Lourie, Cyndee Campos, Jeff Sloman, Alex Acosta, Karen Atkinson, and Nesbitt Kuyrkendall regarding correspondence from Ken Starr, request for a meeting with Epstein counsel, and need to notify victims of upcoming plea	
12/6/2007			12/6/2007-12/7/2007 Emails between Marie Villafaña, Nesbitt Kuyrkendall, Jason Richards, Jeff Sloman, Cyndee Campos, Annette Castillo, Karen Atkinson, and Shawn Ball regarding request from State Attorney's Office for draft plea proffer	B-13
12/6/2007	Villafaña	Belohlavek	12/6/2007-12/7/2007 Emails between Villafana, Sloman, and Belohlavek regarding a factual proffer for state plea	73
12/7/2007	Acosta, Fisher, Sloman	Starr/ Lefkowitz	Letter stating the defense will respond to Acosta letter by 12/10/07, and attaching "the independent ethics opinions of Judge Herbert J. Stern and Joe D. Whitley"	
12/7/2007	Alan Dershwitz	Herbert J. Stern	Letter - 27 pages	
12/7/2007	Kenneth Starr	R. Alexander Acosta	Independent ethics opinions of Judge Herbert J. Stern and Joe D. Whitley regarding the federal investigation of this matter and the Section 2255 component of the Agreement.	
12/7/2007	Lilly Ann Sanchez	Jeffrey Sloman	Signed Affirmation of the Non-Prosecution Agreement and Addendum. Plea and sentencing hearing scheduled for 1/4/08 at 8:30 am before Judge Sandra McSorley.	B-15
12/7/2007	Sloman	Lilly Ann Sanchez	Letter - 1 pages with Affirmation signed by Epstein and Notice of Hearing, State of Florida [REDACTED] Jeffrey Epstein, attached	
12/7/2007			Victim notification letter prepared 12/7/2007 at 9:10 pm	B-6
12/7/2007			Unmailed victim notification letters	B-14
12/10/2007			Contacted counsel for JD#2/Individual #25 (paid for by Epstein) to determine if he still represented JD#2/Individual #25 and whether he should receive upcoming victim notification	B-19
12/11/2007	Sloman and Acosta	Villafaña	Email regarding call with Jim Eisenberg	B-20

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
12/11/2007	R. Alexander Acosta	Kenneth Starr and Jay Lefkowitz	2 separate letters to address problems with case. Letter 1 - Federal Investigators relied upon tainted evidence. Improper involvement and conduct of Federal authorities (specifically names Villafana). Letter 2 - Section 2255 and background of negotiations	
12/11/2007			Epstein counsel object to including JD#2/Individual #25 as "victim" and begin their appeals to Washington, DC	
12/12/2007			Complete indictment package marked "Originals 12/12/07"	
12/12/2007			Emails between Marie Villafaña, Frederica Devlin, and Bob Senior regarding planning indictment review	B-101
12/12/2007			Revised indictment package finalized	
12/13/2007	Lefkowitz	Villafaña	Letter - 5 pages	
12/14/2007	Alex Acosta, Jeff Sloman, Rolando Garcia, and Karen Atkinson	Marie Villafaña	Email with draft letters to State Attorney's Office and victims	B-17
12/14/2007			Draft Crime Victims' Rights - Notification of Resolution of Epstein Investigation letter	B-16
12/14/2007			Research re Florida Procurement and Sentencing Guidelines (745 So.2d 979, 761 So.2d 474397 So.2d 741, 715 So.2d 274, 919 So.2d 695, 701 So.2d 1181, 711 So.2d 1290)	
12/14/2007			Draft letter to Krischer from Acosta regarding Epstein filing as sex offender	69
12/14/2007	Acosta; Sloman	Villafaña	Email regarding Fl. Stat. 796.03 (procuring minors for prostitution) and 18 U.S.C. 2255	74
12/17/2007	Acosta	Lefkowitz	Email responding to inquiry from 12/14/07 meeting about why defense had waited so long to go to DC	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
12/17/2007	Acosta	Starr, Lefkowitz	110-page letter addressing inapplicability of procurement statute to Epstein's conduct, State Attorney's Office's belief that Epstein should not have to register inapplicability of 18 USC 2422 to Epstein's conduct; and reiteration of 2255 concerns. Attachment: 7/6/07 Lefcourt letter Sloman, Menchel, Lourie, and Villafaña with attachments	
12/17/2007	Jeff Sloman	Marie Villafaña	Email inquiring about case status and informing Sloman regarding agent concern about victim notification	B-18
12/19/2007	Alex Acosta, Jeff Sloman, and Janice LaClainche	Marie Villafaña	Email regarding challenge to state charge raised by Epstein counsel during 12/14/2007 meeting	B-19
12/19/2007	Lilly Ann Sanchez	Acosta	Follow up letter from 12/14/07 meeting	
12/20/2007			Emails between Marie Villafaña and Jeff Sloman regarding inquiries from State Attorney's Office regarding Epstein plea to state charge and facts supporting state plea	
12/21/2007	R. Alexander Acosta	Jay Lefkowitz	Knowledge of "list" of alleged victims is limited. Proposal deprives Epstein of his opportunity to test the validity of these women's claims that would have been extensively tested at trial.	B-21
12/26/2007	R. Alexander Acosta	Jay Lefkowitz	We do not object that some form of notice be given to the alleged victims. We request the opportunity to review the notification. Believe they should be sent by State Attorney's Office instead of USAO. More arguments about 2255 language.	B-22
1/2/2008	Alex Acosta and Jeff Sloman	Marie Villafaña	Email regarding renewed plea negotiations for federal plea agreement	
1/2/2008	Alex Acosta and Marie Villafaña	Jeffrey Sloman	Email regarding telephone conversation with State Attorney's Office about delay in Epstein state plea	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
1/2/2008			Emails between Alex Acosta, Marie Villafaña, and Jeff Sloman regarding requests from Alex Acosta to Marie Villafaña for information related to the handling of the investigation by the State Attorney's Office	
1/3/2008			Emails between Marie Villafaña, Alex Acosta, and Jeff Sloman regarding Alex Acosta telephone conference with Jay Lefkowitz where Lefkowitz admitted that he never intended to have Epstein plead guilty to an offense that required sex offender registration	
1/4/2008			Scheduled date for Epstein's self surrender according to the Non-Prosecution Agreement	
1/7/2008	Alex Acosta, Jeff Sloman, Robert Senior, Karen Atkinson, and Rolando Garcia	Marie Villafaña	Email regarding proposed additional investigative steps in Epstein case	B-102
1/8/2008			Trial date set for State of Florida vs. Epstein	
1/9/2008			1/9/2008-1/14/2008 Emails between Marie Villafaña, Drew Oosterbaan, Myesha Braden, Nesbitt Kuyrkendall, and Jason Richards regarding assigning a CEOS attorney to the investigation, meeting with the CEOS attorney and victims in Florida, the results of the meetings and planned additional meetings, and revisions to the indictment in light of the meetings.	B-103
1/10/2008			Email chain between Myesha Braden and Marie Villafaña regarding meeting on 1/11/2008	B-104
1/14/2008	Marie Villafaña, E. Nesbitt Kuyrkendall, Jason Richards	Myesha Braden	Email chain regarding meeting and additional 302s	B-105
1/17/2008			Agents compile evidence for Bob Senior indictment review	B-106

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
1/25/2008			Email chain between Myesha Braden and Marie Villafaña regarding victim's names in indictment	B-107
1/31/2008			Add'l grand jury subpoenas prepared and served	B-108
1/31/2008			1/28/2008-2/1/2008 Emails between Marie Villafaña, Jeff Sloman, Alex Acosta, Nesbitt Kuyrkendall, Jason Richards, and Alan Santiago regarding results of additional victim-witness interviews and requesting intervention with CEOS to move review process along	B-109
1/31/2008	Sloman, Acosta	Villafaña	Email regarding victims	C-1
2/12/2008			2/12/2008-2/22/2008 Emails between Marie Villafaña, E. Nesbitt Kuyrkendall, Jason Richards, and Myesha Braden re information for indictment/ongoing investigation	B-110
2/19/2008			Complete indictment package, including 3rd Supplement to Pros memo	
2/20/2008			2/20/2008-2/21/2008 Emails between Drew Oosterbaan, Marie Villafaña, Robert Senior, Jeff Sloman, Sigal Mandelker, Karen Atkinson, Alex Acosta, Rolando Garcia and Myesha Braden regarding status of CEOS plans to meet with counsel for Epstein and status of indictment review	B-111
2/25/2008	Lefkowitz	Sloman	Email providing deadline for Epstein to perform	
2/25/2008			Email chain between Marie Villafaña and Caroline Heck ██████ regarding use of Grand Jury	B-112
2/25/2008	Jeff Sloman, Bob Senior, Rolando Garcia, Karen Atkinson, and Myesha Braden	Marie Villafaña	Email re result of conferring with Caroline Heck ██████ about whether or not to continue presentation to same grand jury or present to a different grand jury	B-113
2/26/2008	Myesha Braden	Marie Villafaña	Email re CEOS independent review and concern about victim's names being released	B-114

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
2/26/2008	Sloman, Senior	Villafaña	Email response with concerns regarding allowing Epstein to keep the same deal as before	B-115
2/27/2008	Lefkowitz	Sloman	Email - 2 pages	
2/27/2008			Email chain between Marie Villafaña, David Weinstein, and Bob Senior re email to the Civil Rights Chief	B-116
2/28/2008			Emails between Marie Villafaña and Susan Roe regarding related investigation, potential investigatory leads, and CEOS review	
2/28/2008			Email chain between Marie Villafaña, Jason Richards, and E. Nesbitt Kuyrkendall regarding further investigation	B-117
2/29/2008	Acosta	Lefkowitz	Email - 1 page	
2/29/2008			Emails between Jeff Sloman, Marie Villafaña, Robert Senior, and David Weinstein regarding continuing investigation and status of CEOS review	B-118
3/1/2008			FBI Reports of March 2008 interviews of additional witness/victim located in New York	
3/1/2008			Folder entitled "(Victims) Additional 302's" containing reports of interviews conducted in June 2007, October 2007, and March 2008	
3/5/2008			Emails between Marie Villafaña and E. Nesbitt Kuyrkendall with attached email to Alex Acosta, Jeff Sloman, Drew Oosterbaan, Robert Senior, Myesha Braden, Rolando Garcia, and Karen Atkinson regarding meeting in DC, additional information to prepare for meeting, and new information from ongoing investigation	B-121
3/7/2008	Lefkowitz	Oosterbaan	Email - 2 pages	
3/10/2008	Lefkowitz	Oosterbaan	Email - 2 pages	
3/10/2008	Oosterbaan	Lefkowitz	Email - 1 page	
3/10/2008			3/10/2008-3/12/2008 Emails between Marie Villafaña, Robert Senior, Myesha Braden, Krishna Patel, Nesbitt Kuyrkendall, E.J. Yera, and Karen Atkinson about Epstein attempts to contact victims and finding counsel for victims	B-23
3/12/2008			Subpoena to ----- (return date 4/15/08)	
3/12/2008			Subpoena to [REDACTED] (return date 4/15/08)	
3/12/2008	Villafaña	Kuyrkendall	Email re affidavit for the memory cards	B-119

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
3/12/2008			3/12/2008-3/17/2008 Emails between Marie Villafaña, Nesbitt Kuyrkendall and E.J. Yera regarding search warrant application and execution of search warrant	
3/13/2008	Sigal Mandelker	Lefkowitz	Email - 2 pages (CEOS)	
3/14/2008			Emails between Marie Villafaña, Rolando Garcia, Karen Atkinson, Frederica Devlin, and Shawn Ball regarding complete indictment package for Robert Senior final review	B-27/B-122
3/14/2008			Revised indictment package	B-25
3/17/2008			Search warrants for digital camera memory cards	B-120
3/18/2008			Grand Jury presentation materials and testimony of Special Agent E. Nesbitt Kuyrkendall	B-26
3/19/2008			Email chain between Marie Villafaña, David Weinstein, Jeff Sloman, Bob Senior, Karen Atkinson, and Rolando Garcia with Epstein update from grand jury presentation and grant from the Justice Department to provide legal representation to victims	C-2
3/19/2008			3/19/2008-3/22/2008 Emails regarding victims being harassed by Epstein's investigators	C-3
3/20/2008	Villafaña	Richard H. Willits	Letter that he is representing Individual #3	
3/21/2008			Responses to add'l grand jury subpoenas received	
3/25/2008			Planned grand jury presentation (moved to 4/15/2008 then to 4/29/2008)	
3/28/2008	Sigal Mandelker	Starr	Letter - 5 pages (CEOS)	B-28
3/28/2008	Villafaña	Danchuk	Letter advising of representation of Individual #3 and that a lawsuit has been filed in Palm Beach County Circuit Court	B-41
4/1/2008	Jay Lefkowitz	Jeffrey Sloman	Draft letter regarding termination of agreement	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
4/2/2008			Emails between Marie Villafaña, Alex Acosta, Jeff Sloman, Karen Atkinson, Robert Senior, Rolando Garcia, and Nesbitt Kuyrkendall regarding efforts by Jay Lefkowitz and Ken Starr to speak with Alex Acosta and instructions to direct question to Marie Villafaña and Karen Atkinson	
4/8/2008	Sigal Mandelker	Starr	Letter - 4 pages (CEOS)	
4/9/2008	Willits	Villafaña	Letter in response to 3/28/08 letter from Willits	B-42
4/21/2008			4/21/2008-5/9/2008 Emails between Marie Villafaña, Jeff Sloman, Karen Atkinson, Bob Senior, E. Nesbitt Kuyrkendall, Jason Richards, and Drew Oosterbaan re status of grand jury presentation, and ongoing investigation, and delay	B-124
4/22/2008	Office of Professional Responsibility	A. Marie Villafaña	Letter re Self-Report of Allegation of Conflict of Interest	
4/28/2008	Sigal Mandelker	Starr	Letter - 4 pages (CEOS)	
4/29/2008			Operation Leap Year Revised Indictment Summary chart (by Victim) and Grand Jury presentation Operation Leap Year	B-29
4/29/2008			Draft Indictment	B-30
5/6/2008			Subpoena to Leigh Ann Murray (return date 5/6/08)	
5/14/2008	Asst Atty General Fisher	Starr	Letter - 4 pages (CEOS)	
5/15/2008	Jay Lefkowitz	Andrew G. Oosterbaan	Federal prosecution would not be improper or inappropriate.	B-24
5/15/2008			CEOS and DAAG Fisher complete review of Epstein's appeal	
5/15/2008			5/15/2008-5/27/2008 Emails between Marie Villafaña, Karen Atkinson, Bob Senior, Jeff Sloman, and agents regarding indictment review and status of investigation	B-125
5/19/2008	Acosta	Lefkowitz	Email - 3 pages	B-35
5/19/2008	Deputy Atty General Filip	Starr/Whitley	Letter - 8 pages	B-33

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
5/19/2008	Lefkowitz	Cyndee Campos	Email - 1 page with 5/19/08 letter attached	B-35
5/19/2008	Lefkowitz	Sloman	Letter - 6 pages	B-35
5/19/2008	Lefkowitz, cc: Sloman and Villafaña	Acosta	Response email to Lefkowitz's 5/19/08 email re Drew Oosterbaan letter, which is attached	B-36
5/19/2008			Kirkland & Ellis LLP, Response to Letter by FAUSA Sloman dated 5/19/2008 - 10 pages	B-37
5/19/2008	Lefkowitz	Sloman	Letter setting June 2, 2008 deadline to comply with terms and conditions of the NPA	B-32
5/27/2008	Honorable Mark Filip, DAG	Kenneth Starr	Request for independent review of Epstein matter	B-33
5/27/2008			Emails between A. Marie Villafaña and Karen Atkinson regarding report of new state plea deal for J. Epstein	B-39
5/27/2008			Emails between A. Marie Villafaña, Robert Senior, Jeff Sloman, and Karen Atkinson regarding potential renewed plea negotiations for J. Epstein and plans to review and review updated indictment package	B-38
5/27/2008-6/13/2008			Internal emails after CEOS letter rejecting appeal where Marie Villafaña asks to indict and Jeff/Alex advise Epstein will be given chance to perform	B-34
5/28/2008	Atkinson, Villafaña, Garcia	Sloman	Email chain regarding information from Barry Krischer, the State Attorney	
5/28/2008	Lefkowitz	Sloman	Email - 1 page	
5/28/2008	Sloman, Villafaña	Atkinson	Email chain regarding Epstein's request to do less time than 18 months	
5/29/2008	Villafaña, Senior; cc: Atkinson, Kuyrkendall, Richards	Sloman	Email regarding DAG decision to consider Epstein's "appeal" and that GJ for Tuesday is off	B-40

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
5/30/2008			FBI-302 of 5/28/08 Interview of Individual #35	B-126
6/2/2008	Villafaña	Sloman	Draft letter to DAG	B-127
6/3/2008	Honorable Mark Filip, DAG	Kenneth Starr	Submission with documents for independent review	
6/3/2008	Starr/Whitley	John Roth	Letter - 1 page	
6/3/2008	Honorable Mark Filip, DAG	Sloman	2nd draft letter to DAG	B-123
6/3/2008			Draft letter to Deputy Attorney General Mark Filip regarding reasons to approve continued prosecution of J. Epstein	B-128
6/6/2008			Emails between Marie Villafaña and E. Nesbitt Kuyrkendall and subpoena issued to victim/witness and need for additional subpoenas	B-129
6/17/2008			Application for 6001 immunity for grand jury witness	B-130
6/17/2008	Acosta, Sloman, Senior, Atkinson, Garcia	Villafaña	Email summarizing meeting with Krischer regarding Epstein's attempt to negotiate a new plea deal	78
6/18/2008	Villafaña	Senior	Email regarding call with Roy Black and response that Washington has not made a final decision	
6/18/2008			Emails between A. Marie Villafaña, Robert Senior, Alex Acosta, Jeff Sloman, Rolando Garcia, and Karen Atkinson regarding telephone conference with Roy Black about allowing J. Epstein to accept state plea to 60 days' imprisonment	68
6/18/2008			Notes from call to Brad Edwards, counsel for #43, and notes from message to Roy Black and message from Roy Black	B-43
6/19/2008	Barry Krischer; Karen Atkinson	Villafaña	Email re wrapping up the case	68

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
6/19/2008	Honorable Mark Filip, DAG	Kenneth Starr	Additional documents for independent review	
6/19/2008	John Roth	Stephanie D. Thacker	Letter - 14 pages	
6/20/2008			Request to travel to New York for witness interviews in June 2008 and subpoena	B-132
6/23/2008	Lefkowitz/ Starr	John Roth	Letter - 1 page	B-44
6/23/2008			Emails between Jeff Sloman, Bob Senior, and Marie Villafaña instructing Marie Villafaña to inform Epstein's attorneys that he had until June 30 to enter a guilty plea and Villafaña email to Lefkowitz re same	B-49
6/23/2008	Villafaña, Kuyrkendall, Richards, cc: Atkinson	Senior	Email regarding New York Jane Doe and awaiting a response from DAG's office	
6/23/2008			Emails between A. Marie Villafaña, E. Nesbitt Kuyrkendall, J. Richards, K. Atkinson, and R. Senior regarding grand jury subpoena to victim/witness, revisions to indictment, planned grand jury presentation, and plans to supersede indictment	B-133
6/23/2008			DAG Filip completes review of Epstein's appeal	
6/23/2008			6/23/2008-6/26/2008 Emails between Marie Villafaña and grand jury witness regarding immunity and travel for grand jury appearance	B-134
6/24/2008			Letter from Matthew W. Friedrich, Acting Assistant Attorney General authorizing application for a court order granting 6001 immunity	B-131
6/24/2008	Villafaña	Sloman	Email re discussion about going to the change of plea regarding Jeffrey Epstein	
6/24/2008	Villafaña; cc: Jack Goldberger	Roy Black	Email chain regarding wrap up call	B-45

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
6/25/2008	Villafaña	Sloman	Email regarding having telephone discussion about 2255 issue and to discuss plea	B-46
6/25/2008	Villafaña	Sloman	Email with revised victim notification letter	B-47
6/25/2008			Emails between A. M. Villafaña, J. Sloman, R. Senior, K. Atkinson, and A. Acosta regarding draft of notification of victim list for J. Epstein counsel with attached drafts	B-48
6/26/2008	Black and Goldberger	Villafaña	Email re proposed plea agreement and date and time of change of plea	
6/26/2008	Villafaña	Sloman	Email regarding factual proffer	
6/26/2008			Fax from FBI with victim list	B-50
6/27/2008	Black and Goldberger	Villafaña	Letter regarding plea agreement between Epstein and SA and that the proposed sentencing provision does not comply with the terms of the NPA	
6/27/2008	Black and Goldberger	Villafaña	Emails between Villafana and Black/Goldberger about problems with state plea agreement	77
6/27/2008			Counsel for Epstein advise USAO of Epstein state court change of plea on 6/30/08	B-51
6/27/2008			AUSA Villafaña notifies Attorney Edwards of upcoming change of plea and urges his clients to attend	
6/27/2008			USAO notifies Palm Beach Police Chief Reiter of upcoming change of plea. He states intention to notify as many victims as possible of hearing.	B-53
6/27/2008			Research re State Work Release	
6/27/2008	Sloman, Atkinson	Villafaña	Email inquiring about conversation with Chief Reiter	B-52
6/27/2008	Sloman	Villafaña	Email summarizing conversation with Goldberger that Epstein would serve sentence in confinement "24-hours-a-day"	79
6/28/2008			Emails between A. M. Villafaña, J. Sloman, A. Acosta, and R. Senior regarding correspondence with J. Goldberger and proposed change to state plea agreement	77
6/29/2008	Villafaña	Kuyrkendall	Email regarding work release	80

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
6/30/2008	Villafaña	Myesha Braden	Email chain regarding Epstein sentencing	
6/30/2008	Villafaña	Susan Roe	Email chain regarding news article	
6/30/2008	Villafaña	Ted Leopold	Email chain with response to 6/30/08 email from Villafaña with contact information	
6/30/2008			Emails between Marie Villafaña and attorney for grand jury witness withdrawing subpoena	B-135
6/30/2008			Epstein enters guilty plea in state court in accordance with NPA. JD#1/Individual #43, JD#2/Individual #25, and counsel do not appear. ASA and counsel for Epstein disclose to state court judge existence of NPA, which is later incorporated into state court record.	
6/30/2008			Notes from calls to Michael Danchuk and Richard Willets, Jeff Herman, Brad Edwards, Ted Leopold, and Mike Dutko	B-55
6/30/2008			Research re State Work Release	
6/30/2008			Draft notification of identified victims letters to Guy Lewis, Jack Goldberger, and Roy Black	B-56
6/30/2008	Villafaña	Oosterbaan	Email regarding Epstein guilty plea and sentencing	71
6/30/2008			2008-2009 Epstein serves prison term	
7/1/2008	Smachetti	Villafaña	Email response stating that Villafaña handled Epstein case but did not come up with the 18-month deal	
7/1/2008	Villafaña	Anne Schultz	Email regarding Epstein plea	
7/1/2008	Villafaña	Smachetti	Email chain regarding Epstein case	
7/3/2008	Col. M. Gauger, Palm Beach Sheriff's Office	A. Marie Villafaña	Email re Epstein work release with attachment	
7/3/2008	Sloman	Villafaña	Email re victim's lawyer	
7/3/2008	Villafaña	Brad Edwards and Jay Howell	Letter advising of representation of Epstein victims	
7/3/2008	Villafaña	Ted Leopold	Email advising client names	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
7/3/2008	Villafaña; cc: Acosta	Sloman	Email response to 7/3/08 email from Villafaña regarding victims' lawyer	
7/3/2008			Emails between A. M. Villafaña, J. Sloman, and A. Acosta regarding telephone conference with B. Edwards and regarding meeting with Sheriff's Office about work release program	81
7/7/2008			JD#1/Individual #43 files "Emergency Petition"	
7/7/2008			Notes from calls to Mike Dutko, Brian Poulton, ASA, and Ted Leopold	
7/7/2008			Notes of phone call with Roy Black held some time between 7/7/08 and 9/19/08	
7/8/2008	D. Lee, A. Acosta, J. Sloman	A. Marie Villafaña	Email regarding victim notification letter provided to counsel for J. Epstein on 11/28/2007 with attachment	
7/8/2008	Goldberger	Villafaña	Letter re victim notification letters	B-57
7/8/2008	Lee, Sloman, cc: Villafaña, Jacobus	Acosta	Email with attached second draft of response in Jane Doe case	
7/8/2008	Villafaña	Goldberger	Letter that he will respond on 7/9/08	B-58
7/9/2008	Acosta, Sloman, Atkinson; cc: Kuyrkendall and Richards	Villafaña	Email regarding response to Goldberger letter	B-59
7/9/2008	Goldberger	Villafaña	Response to Goldberger's 7/9/08 letter re notification of identified victims	B-60
7/9/2008	Lee, Villafaña, Acosta; cc: Atkinson, Jacobus	Sloman	Email chain regarding confidentiality provision and filing under seal for victim response	
7/9/2008	Villafaña	Goldberger	Letter re Notification of Identified Victims	B-61
7/9/2008			Victim Notification letters to Individuals #35 and #43 via Brad Edwards	B-66

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
7/9/2008			Govt responds to "Emergency Petition"	
7/10/2008	Goldberger	Villafaña	Letter stating that government will provide victim notifications on a rolling basis	B-62
7/10/2008	Villafaña	Goldberger	Letter requesting list of all victims	B-64
7/10/2008	Goldberger	Villafaña	Letter with final notification of identified victims	B-63
7/10/2008	Villafaña, Acosta, Atkinson, cc: Kuyrkendall, Richards	Sloman	Email regarding proposed response to Goldberger	B-65
7/10/2008			Victim Notification letters to Individuals #3 (via Richard H. Willits), #8 (via Jeffrey Herman), ##17 (via Theodore J. Leopold), #25 (via Jeffrey Herman), #26 (via Jeffrey Herman), #37 (via Michael E. Dutko), and #44 (via Jeffrey Herman)	B-67
7/11/2008			Hearing before Judge Marra	
7/14/2008			7/14/2008-7/15/2008 Emails between A. M. Villafaña, E. Nesbitt Kuyrkendall, J. Richards, and T. Smith regarding FBI victim notifications and guidance regarding language to use and information to provide	B-68
7/17/2008	Villafaña, Acosta, Atkinson, Lee	Sloman	Email chain with revised draft of Tein letter	
7/17/2008			Letter to Tein with attached fax cover sheet and transmission report	
7/17/2008	Tein and Goldberger	Villafaña	Letter re Notice of Continued Pendency of Federal Criminal Action	
7/18/2008			7/18/2008-7/21/2008 Emails between A. M. Villafaña, J. Sloman, E. Nesbitt Kuyrkendall, J. Richards, D. Lee, and K. Atkinson regarding preparation of victim notification letters, victim contact list, filing of victim notification letter in a civil proceeding, and contact by B. Edwards with one victim opining that sentence imposed was insufficient	B-69

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
7/19/2008			Emails with other AUSAs in other districts and documents regarding disclosing identifying information about victims	
7/21/2008	Goldberger	Villafaña	Letter with 11 additional victim notification letters	
7/21/2008	Villafaña	Goldberger	Letter with attached Motion for Return of Property	
7/21/2008	Villafaña	Kuyrkendall	Email with list of victims that Twiler still needs to make contact with	B-69
7/21/2008	Villafaña	Tein	Letter in response to 7/17/08 letter from Villafaña	
7/21/2008			Victim Notification letters to Individuals #1, #2, #4, #13, #9, #14, #21, #23, #30, #32, and #38	B-70
7/21/2008	Villafaña; cc: Senior	Sloman	Email response to Villafaña's 7/21/08 email regarding Motion for Return of Property in State Court	
7/22/2008	Villafaña	Kuyrkendall	Email chain regarding victim addresses	
7/22/2008			Emails between A. M. Villafaña, A. Acosta, J. Sloman, R. Senior, K. Atkinson, E. Nesbitt Kuyrkendall, and J. Richards regarding 7/21/2008 letter from M. Tein announcing plan to stay the civil suits against J. Epstein and notification that B. Reinhart is counsel of record for S. Kellen in civil suits	
7/23/2008			Emails between A. M. Villafaña and D. Lee regarding correspondence with counsel for J. Epstein and notice of breach	
7/25/2008			Emails between A. M. Villafaña and K. Atkinson regarding extension of grand jury to allow for continued representation of J. Epstein case	
7/30/2008	Villafaña	Atkinson	Email regarding contact with Roy Black	
7/30/2008	Villafaña	Roy Black	Email chain regarding call relating to the performance of the criminal Non-Prosecution Agreement	
8/1/2008	Lee, Acosta; cc: Villafaña, Jacobus, Senior	Sloman	Email chain regarding Jane Doe litigation	
8/2/2008	Lee, Villafaña	Acosta	Email re: Letter from Brad Edwards	
8/5/2008	A. Acosta, J. Sloman, R. Senior, and K. Atkinson	A. Marie Villafaña	Email regarding analysis of Jeffrey Epstein agreement, with attached 6/24/2008 email from A. M. Villafaña to R. Black and J. Goldberger and attached Epstein agreement	B-71

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
8/5/2008	Villafaña, Senior, Sloman, Lee, cc: Atkinson	Acosta	Email with attached suggestions to Superseding Non-Prosecution Agreement	B-72
8/6/2008	Villafaña, Acosta, Sloman, Atkinson	Senior	Email regarding filing in state court case	
8/7/2008	Villafaña	Roy Black	Email responding to 8/7/08 email providing notification of possible compelled disclosure of the Non-Prosecution Agreement	B-73
8/6/2008	Villafaña	Senior	Response regarding Roy Black's response to email	B-74
8/12/2008	Villafaña	Senior	Response to request for conference call prior to call with Roy Black	B-75
8/13/2008	Atkinson, Acosta, Sloman, Lee, cc: Villafaña	Senior	Email re Epstein and call with Jay	B-76
8/13/2008	Atkinson, Senior, Sloman, Lee, cc: Villafaña	Acosta	Email response regarding final version of agreement	B-77
8/13/2008	Lefkowitz	Villafaña	Letter regarding performance of the NPA	B-78
8/13/2008			Research re PBSO rules and regulations	
8/13/2008			8/13/2008-8/15/2008 Emails between A. Acosta, K. Atkinson, R. Senior, J. Sloman, D. Lee, and A. M. Villafaña regarding scope of Epstein agreement and correspondence and telephone conference with J. Lefkowitz	B-79
8/14/2008	Villafaña	Senior	Email response to 8/14/08 email from Villafaña advising Dexter disagrees with strategy	
8/14/2008	Villafaña, cc: Atkinson	Lefkowitz	Email re Follow up point regarding victims	B-80
8/14/2008			Status Conf before Judge Marra	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
8/15/2008	Acosta, Villafaña, Sloman, Lee, Atkinson	Senior	Email questioning whether offer should be withdrawn as opposed to considering it a nullity	B-81
8/15/2008			Email chain between Villafaña, Acosta, Sloman, Senior, Atkinson, and Lee re draft response to 8/15/2008 email from Jay Lefkowitz regarding implementation of the NPA	B-82
8/15/2008	Lefkowitz and Black	Villafaña	Letter re terms of NPA	B-83
8/15/2008	Villafaña, cc: Atkinson	Lefkowitz	Email re Follow up point with attached emails from 8/14/08	
8/18/2008	Villafaña	Lefkowitz	Letter re restitution	B-84
8/21/2008	Lefkowitz and Black	Villafaña	Letter re Special Master and draft Notification of Identified Victim	B-85
8/22/2008	Villafaña	Lefkowitz	Letter re misstatements in 8/21/08 Villafaña letter	B-86
8/22/2008			Draft Victim Notification letter to Michael E. Dutko re Individual #37	
8/25/2008			Emails between A. M. Villafaña, A. Acosta, J. Sloman, R. Senior, K. Atkinson, and D. Lee regarding letter received from J. Lefkowitz	
8/26/2008	Lefkowitz and Black	Villafaña	Letter re victim's list	B-87
8/26/2008	Villafaña, cc: Acosta, Senior	Sloman	Email regarding changes to letter to Jay	
9/2/2008	Villafaña	Lefkowitz	Letter agreeing that Goldberger should be listed as the contact person and re Josfsberg's fees	B-88
9/2/2008			Emails between A. M. Villafaña, D. Lee, R. Senior, and J. Sloman regarding revised victim notification	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
9/2/2008			Mailed Amended Victim Notification letters to Individuals #1, #2, #3 (via Richard H. Willits), #4, #13, #8 (via Jeffrey Herman), #9, #10, #11, #14, #16, #17 (via Theodore Leopold), #20, #21, #23, #24, #25 (via Jeffrey Herman), #26 (via Jeffrey Herman), #30, #31, #32, #33, #37 (via Michael E. Dutko), #38, #44 (via Jeffrey Herman)	B-89
9/3/2008			Victim notification letters to Individuals #36, #35 (via Brad Edwards), #42, #43 (via Brad Edwards)	B-90
9/8/2008	Villafaña	Susan Roe	Email chain regarding Epstein and recommendation on working with same team	
9/12/2008	Villafaña	Michael Danchuk	Letter requesting copy of the settlement agreement	
9/12/2008			Notification of Identified Victim letter: Individual #39	B-91
9/15/2008	Michael Danchuk	Villafaña	Letter in response to 9/12/08 letter from Danchuk	
9/15/2008			Mailed victim notification letters for Individuals #18 and #32	B-92
9/17/2008-11/4/2008			Emails and corespondence with The Florida Bar re victim notifications	B-93
9/16/2008-9/17/2008			Emails between Villafaña, Krischer, Belohlavek, Garcia, Sloman, and Atkinson regarding Palm Beach Daily News requesting copy of the NPA and discussion	70
9/17/2008	Lefkowitz, Black, and Goldberger	Villafaña	Letter re Palm Beach Daily News requesting information about the NPA	
9/17/2008	Villafaña, Acosta, Senior, Lee, Atkinson	Sloman	Email chain regarding obligation to sealing NPA	
9/19/2008			Notes of calls to Bob Josefsberg	
10/8/2008	Villafaña	Senior	Email agreeing with Villafaña's 10/8/08 email that a copy of the Response to Jane Does' Motion to Unseal the NPA should be mailed to Epstein's attorneys	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
10/8/2008	Villafaña	Sloman	Email response to Villafaña's 10/8/08 email advising to send a copy of pleading to Roy and Jay	
10/8/2008	Villafaña, Roy Black, cc: Atkinson, Lee	Lefkowitz	Email thanking Villafaña for forwarding United States' Response to Petitioners' Motion to Unseal the Non-Prosecution Agreement with attached email from 10/8/08	
10/16/2008	Villafaña, Roy Black, cc: Atkinson, Lee	Lefkowitz	Email thanking Villafaña for forwarding the reply brief filed by Brad Edwards with attached 10/16/08 email	
10/23/2008			10/23/2008-5/27/2008 ? Emails between A. Marie Villafaña, Nesbitt Kuyrkendall, and J. Richards regarding plans to meet to prepare for indictment presentation, service of grand jury subpoenas, interviews of additional witnesses, and plea negotiation issue	
10/27/2008	Villafaña	Myesha Braden	Email chain titled Things to do in West Palm	
11/4/2008	Villafaña	Senior	Email thanking Villafaña for her 11/3/08 email advising she spoke with the Florida Bar	
11/4/2008			Correspondence from Florida Bar Ethics Counsel regarding Florida Ethics Rules involved in distributing victim notification letters	
11/14/2008			Notification of Identified Victim letters to Individuals #20, #40	B-94
11/17/2008	Villafaña	Lefkowitz	Email chain regarding meeting	
11/19/2008	Villafaña; cc: Katherine W. Ezell and Amy Ederi	Robert C. Josefsberg	Email with list of Epstein victims and representation	
11/20/2008	Villafaña	Senior	Email response to Villafaña's 11/20/08 email advising that Epstein is on work release and request to indict him	82
11/21/2008	Villafaña, Acosta, Sloman, Atkinson; cc: Garcia	Senior	Email advising Jeff Sloman is in agreement with approach and next steps	82
11/24/2008	Roy Black	Villafaña	Letter re work release program and research	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
11/26/2008	Villafaña and cc: Atkinson	Roy Black	Email stating that Jeffrey Epstein has not breached his Non-Prosecution Agreement by performing work release	
11/26/2008			Emails between A. M. Villafaña, J. Sloman, and R. Senior regarding email from R. Black about work release	
12/3/2008	Villafaña	Lefkowitz	Email that he will not be attending meeting with Roy Black	
12/4/2008	Villafaña	Atkinson	Email with attached draft letter to notify victims of Epstein's work release	B-95
12/4/2008	Villafaña; cc: Sloman	Roy Black	Email with attached Motion to Correct Sentence	
12/5/2008	Brad Edwards, Esq.	Villafaña	Email with attached Work Release Notice	B-96
12/5/2008	Herman	Villafaña	Email with attached Work Release Notice	B-96
12/5/2008	Lefkowski, Villafaña; cc: Atkinson	Roy Black	Email response to 12/5/08 email from Villafaña advising that Brad Edwards filed the Non-Prosecution Agreement in the Jane Doe case and has asked the Court to unseal it	
12/5/2008	Robert C. Josefsberg	Villafaña	Email with attached Work Release Notice	B-96
12/5/2008	Ted Leopold	Villafaña	Email with attached Work Release Notice	B-96
12/5/2008	Villafaña	Sloman	Email advising no objections to the draft letter for work release notice attached to Villafaña's 12/4/08 email	
12/5/2008	Willits	Villafaña	Email with attached Work Release Notice	B-96
12/8/2008	Spencer Kuvin, Jack Scarola, Michael Dutko, #11, #39	Villafaña	Email with attached Work Release Notice	B-97
12/8/2008			Notification of Work Release Letter to Individual #40	B-97
12/8/2008			Florida Statute 796.03 Procuring person under age of 18 for prostitution	
12/8/2008			Florida Statute 775.0837 Habitual misdemeanor offenders	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
12/8/2008			Florida Statute 796.07 Prohibiting prostitution, etc.: evidence; penalties; definitions	
12/9/2008			Notification of Work Release letters to Individuals #4, #10, #16, #18, #23, #24, #33, #38, #30 (personal note), #42	B-98
12/9/2008			Research re false statements on Epstein's application for work release	83
12/10/2008	Villafaña	Senior	Email requesting to speak with Villafaña regarding article about Epstein's work release	
12/10/2008	Villafaña	Sloman	Email re Epstein work release letter	
12/11/2008	Captain David Sleeth, Palm Beach Sheriff's Office	A. Marie Villafaña	Letter regarding Work Release Application of Jeffrey Epstein stating that there are some inaccuracies and omissions in Mr. Epstein's file.	84
12/11/2008	Villafaña, cc: Senior	Sloman	Email advising a copy of the letter should be sent to Mr. Black	
12/11/2008	Villafaña, Sloman	Senior	Email chain regarding sending copy of letter to Mr. Black	
12/12/2008	Villafaña; cc: Mitch Kitroser	Spencer Kuvin	Email response advising he will consult with client in response to Villafaña's 12/11/08 email re: Epstein work release	
12/12/2008			Notification of Work Release letter to #42	B-100
12/12/2008-12/29/2008			Emails with attorneys for victims regarding Epstein work release	B-99
12/15/2008	Villafaña, Sloman, Atkinson, cc: Kuyrkendall, Richards	Senior	Email chain regarding articles about Epstein	
2/3/2009	Roy Black	Josefsberg	Email re payment	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
2/11/2009	Amy Ederl, Evelyn Sheehan, Katherine W. Ezell, Bert Patton	Josefsberg	Email chain regarding payment and client's position	
2/13/2009	Josefsberg	Lefkowitz	Letter re invoices are for services exceeding scope of services for which Epstein agreed to pay for	
2/20/2009	Lefkowitz	Josefsberg	Response to 2/13/09 Lefkowitz letter	
3/3/2009	Josefsberg	Lefkowitz	Response to 2/20/09 Josefsberg letter	
6/8/2009	Robert Critton	Katherine W. Ezell	Letter re payment	
6/9/2009	Slooman, Senior, Garcia, Atkinson	Villafaña	Memorandum re Operation Leap Year: Request to Provide Notification of Breach	85
6/9/2009			File folder entitled "6/9/09 Signed Indictment" containing signed indictment package dated 6/9/2009 with corrections	86
6/9/2009			Indictment package signed again for presentation on 6/16/2009	
6/11/2009	Villafaña	Katherine W. Ezell	Email re letter from Critton Denying any fees and hearing on 6/12/09	
6/12/2009	Goldberger	Villafaña	Letter re violation of NPA	87
6/12/2009	Villafaña	Lefkowitz	Letter re response to Villafaña 6/12/09 letter giving notice of breach with attached Defendant Jeffrey Epstein's Notice of Withdrawal of Arguments I through VII of the Defendant's Motion to Dismiss Plaintiff's First Amended Complaint	
6/12/2009			File folder entitled "6/12/09 Victim Notif. Log: containing chart with victim contact information and attorney notes regarding dates and type of contacts	
6/12/2009			Transcript of Motion Hearing before Judge Marra	
6/15/2009	Lefkowitz, Black, and Goldberger	Villafaña	Letter regarding history of Epstein's performance under the NPA	88

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
6/15/2009	Villafaña	Lefkowitz	Letter re Josefsberg's fees	
6/16/2009	Villafaña	Katherine W. Ezell	Email with attachment	
6/17/2009	Lefkowitz	Villafaña	Letter in response to Lefkowitz's 6/15/09 letter	89
6/19/2009	Villafaña	Lefkowitz	Letter re discussion regarding ongoing obligations per NPA	
7/6/2009	Villafaña	Spencer Kuvin	Letter requesting copy of NPA	
7/7/2009	Lefkowitz	Villafaña	Letter in response to 6/19/09 letter	
7/8/2009	Villafaña	Critton	Letter re NPA with attached Defendant Epstein's Motion to Dismiss Plaintiff's Complaint (Jane Doe #8)	
7/31/2009	Villafaña	Spencer Kuvin	Letter with follow up request for NPA	
8/4/2009	Spencer Kuvin	Villafaña	Letter in response to request for NPA	
8/5/2009			Respondent BB's Motion to Supplement the Record (4D09-2554)	
8/20/2009			Jeffrey Epstein's Response to Motion to Supplement the Record (4D09-2554)	
9/1/2009	Roy Black	A. Marie Villafaña	Draft of letter regarding breach of Non Prosecution Agreement with handwritten attorney (Villafaña) notes	
9/1/2009	Sloman	Roy Black	Letter re Epstein wanting to transfer his supervision from State of Florida to the Virgin Islands	90
9/17/2008			Draft of letter regarding transfer of supervision to the Virgin Islands with attorney	
9/18/2009	Black	Villafaña	Letter in response to transfer of supervision to the Virgin Islands (Villafaña) notes	91
9/29/2009	Hon. Jeffrey Colbath	Adam Horowitz	Letter that Epstein violated his No-Contact Order on 9/16/09 by coming within 10 feet of Horowitz's client, Individual #44, Jane Doe No. 4.	
10/21/2009	Villafaña	Roy Black	Response to 9/18/09 letter	
10/29/2009			Open file and request USAO# (2009R02690, Operation Stolen Globe)	

**EPSTEIN INVESTIGATION TIMELINE**

<b>Date</b>	<b>To</b>	<b>From</b>	<b>Re:</b>	<b>Exhibit #</b>
12/9/2009	Villafaña	Roy Black	Letter in response to 11/02/09 letter re Epstein's place of employment with attached Complaint against Scott Rothstein and Bradley J. Edwards	
1/4/2010	Villafaña	Spencer Kuvin	Letter re computer seized by FBI	
1/20/2010	Villafaña	Roy Black	Letter re attorney's fees	
1/21/2010	Villafaña	Roy Black	Email re 1/20/10 letter	
2/11/2010	Roy Black	Villafaña	Letter in follow up to meeting held week prior	
2/18/2010	Villafaña	Roy Black	Letter in response to 2/11/10 letter from Villafaña	
3/4/2010	Roy Black and Martin Weinberg	Critton	Letter on thoughts and issues concerning NPA	
3/5/2010	Sloman, Villafaña, Senior	Roy Black	Letter renewing request for clarity as to what legal issues civil counsel can litigated without causing breach of NPA	
3/29/2010	Sloman, Villafaña, Senior	Roy Black	Letter re Motion to Dismiss	
4/2/2010	Roy Black	Villafaña	Letter re obligation to victims	
7/1/2010			7/1/2010-7/31/2010 Epstein completed term of house arrest	
9/8/2010			Administrative Order closing case	
3/20/2011			Letter from Acosta re Epstein case	
7/29/2011	Villafaña	Lefkowitz	Letter in response to 7/27/11 letter from Villafaña	
8/1/2011			Emails between Richard Sudder, Assistant General Counsel, Executive Office for United States Attorneys, and Benjamin Greenberg, First Assistant U.S. Attorney, Southern District of Florida, regarding Formal Notice of Office-wide Recusal of Southern District of Florida dated July 28, August 3, August 24 and August 29, 2011	

**EPSTEIN INVESTIGATION TIMELINE**

Date	To	From	Re:	Exhibit #
8/24/2011	Wilfredo Ferrer (U.S. Attorney, SDFL), Robert O'Neill (U.S. Attorney, MDFL), Benjamin Greenberg (FAUSA, SDFL), and Lee Bentley (FAUSA, MDFL)	Richard Sudder	Email regarding Formal Notice of Office-wide Recusal of Southern District of Florida. Cc's David Margolis (ODAG), Jay Macklin (USAEO), Thomas Anderson (USAEO), [REDACTED] Tapken (USAEO), and James Read (USAEO)	

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FGJ 07-103(WPB)  
U.S. District Judge Donald M. Middlebrooks

IN RE:

GRAND JURY PROCEEDINGS

---

SEALED ORDER GRANTING APPLICATION FOR PERMISSION TO DISCLOSE  
GRAND JURY MATERIAL

THIS MATTER has come before the Court on the United States' Sealed Application for Permission to Disclose Grand Jury Material and for Entry of a Protective Order. The Court has considered the Motion and finds that:

(1) the United States has shown a "particularized need" for the limited disclosure of materials related to matters occurring before the Grand Jury;

(2) the United States has shown that the disclosure is "in connection with a judicial proceeding," that is, in connection with an administrative proceeding conducted by the Justice Department's Office of Professional Responsibility (OPR) arising out of a decision by United States District Judge Kenneth A. Marra in the matter of *Jane Doe 1 and Jane Doe 2* ■ *United States*, S.D. Fla. Case No. 08-80736-Civ-Marra;

(3) the materials are needed to avoid an injustice in another proceeding, that is, the OPR administrative proceeding and any referrals to state bar authorities, other government agencies for law enforcement purposes, courts, and grand juries in accordance with OPR's Policies and Procedures;

(4) the need for disclosure is greater than the need for continued secrecy; and

(5) the request is structured to cover only the needed materials.

Accordingly, the United States Attorney's Office for the Southern District of Florida, including Assistant United States Attorney A. Marie Villafañá, and the Justice Department's Office of Professional Responsibility may disclose to attorney Jonathan Biran matters occurring before the grand jury necessary to: (a) allow AUSA Villafañá to respond to OPR's written questions; (b) prepare for OPR's interview of AUSA Villafañá; and (c) participate fully in OPR's interview of AUSA Villafañá.

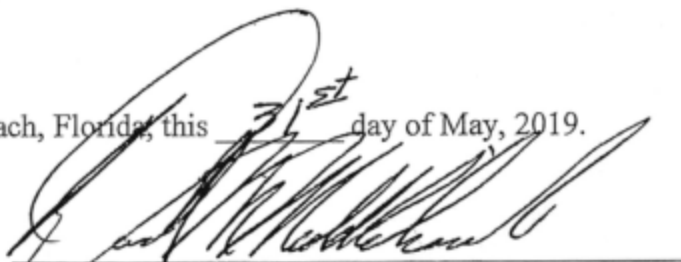
Disclosure shall be limited as set forth in the attached Protective Order.

To the extent that AUSA Villafañá's May 10, 2019 Response to OPR's written questions and any drafts thereof disclosed any material that arguably referred to matters occurring before the grand jury, this Order is entered *nunc pro tunc* to authorize those disclosures to Mr. Biran.

This Order and the attached Protective Order shall be SEALED, except that copies may be provided to the U.S. Attorney's Office for the Southern District of Florida, which may provide copies to OPR and attorney Jonathan Biran.

IT IS SO ORDERED.

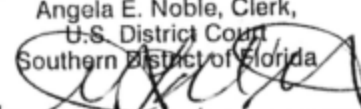
Done and Ordered in West Palm Beach, Florida, this 31<sup>st</sup> day of May, 2019.



DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

Certified Copies Furnished to:

AUSA A. Marie Villafañá

Certified to be a true and correct copy of the document on file	
Angela E. Noble, Clerk,	
U.S. District Court	
Southern District of Florida	
By 	Deputy Clerk
Date <u>5/31/19</u>	

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FGJ 07-103(WPB)  
U.S. District Judge Donald M. Middlebrooks

IN RE:

GRAND JURY PROCEEDINGS

---

SEALED PROTECTIVE ORDER

This matter came before the Court on the United States' Sealed Application for Permission to Disclose Grand Jury Material and for Entry of a Protective Order. Having granted the Application to Disclose Grand Jury Material in a separate Order, the Court hereby enters the following Protective Order, which governs the conditions for disclosure, maintenance, and destruction of any material containing "matters occurring before the grand jury" (hereinafter referred to as "grand jury material").

Accordingly, it is HEREBY ORDERED THAT:

1. The government is authorized *nunc pro tunc* to produce to attorney Jonathan Biran of Baker Donelson grand jury material relevant to his representation of Assistant U.S. Attorney A. Marie Villafañia that is necessary to: (a) allow AUSA Villafañia to respond to OPR's written questions; (b) prepare for OPR's interview of AUSA Villafañia; and (c) participate fully in OPR's interview of AUSA Villafañia.

2. The government and Mr. Biran shall make efforts to minimize the amount of grand jury material produced to or maintained by Mr. Biran. Mr. Biran shall not be given copies of subpoenas, documents produced in response to subpoenas, transcripts, proposed or completed indictments, prosecution memoranda, or items prepared for use in front of the grand jury, but these

items may be shown to Mr. Biran and discussed in preparation sessions and during interviews.

3. Any hard copies of grand jury material provided to Mr. Biran shall not be photocopied and shall be securely maintained.

4. Any digital copies of grand jury material provided to Mr. Biran shall be encrypted.

5. Any grand jury material provided to Mr. Biran can only be reviewed by him and not by anyone else in his firm.

6. At the conclusion of the OPR proceedings and any related proceedings wherein Mr. Biran represents AUSA Villafañá, all grand jury material in Mr. Biran's possession shall be destroyed. Hard copy documents must be shredded and electronic documents must be deleted and purged.

DONE AND ORDERED this 31<sup>st</sup> day of May, 2019, at West Palm Beach, Florida.

Certified to be a true and correct copy of the document on file	
Angela E. Noble, Clerk,	
U.S. District Court	
Southern District of Florida	
By <u>[Signature]</u>	Deputy Clerk
Date <u>5/31/19</u>	

[Signature]  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

I certify that I have read and agree to be bound by the terms of this Protective Order:

Date: \_\_\_\_\_

\_\_\_\_\_  
Jonathan Biran, Esq.  
Baker Donelson

**STATEMENT OF A. MARIE VILLAFANA IN RESPONSE TO  
APRIL 2, 2019 LETTER FROM JEFFREY R. RAGSDALE**

To the extent possible, I have provided all information relevant to your inquiry, including applicable documents. Due to the passage of time, updates to various software and hardware, and the crash of my work laptop several years ago, I no longer have every piece of relevant material and my memory may be imperfect.<sup>1</sup> I have organized the response to conform with the April 2, 2019 letter from Jeffrey R. Ragsdale to Jonathan Biran. Please note that there were numerous oral and written communications between others at the U.S. Attorney's Office and the Justice Department with counsel for Mr. Epstein. While in some cases I was told of the communications or cc'ed on emails or letters summarizing the communications, for many conversations, meetings, and emails, I do not have knowledge of what occurred.

**Introduction**

The investigation of Jeffrey Epstein and a series of co-conspirators, named "Operation Leap Year," officially began in May 2006. In theory, it was supposed to conclude on September 24, 2007 with the signing of a "Non-Prosecution Agreement" ("NPA").<sup>2</sup> As will be discussed below, the investigation presented several issues of first impression and challenges related to obtaining evidence and securing the cooperation of witnesses. Nonetheless, I felt certain that the agents, my co-counsel, and I had built a very strong case against Mr. Epstein and three of his personal assistants – [REDACTED] Adriana Ross, a/k/a "[REDACTED]" and [REDACTED].

The case was presented for federal investigation by the Palm Beach Police Department after they felt that Jeffrey Epstein's legal team had put inappropriate pressure on the Palm Beach County State Attorney's Office to file only misdemeanor charges. Allegations of misconduct had been leveled against the local detective and the Police Chief and they reported being followed and harassed. As described below, the defense attorneys employed the same tactics at the federal level against myself and the FBI.

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<sup>1</sup> With regard to the exhibits, whenever possible, I have used copies of original documents or "scanned" originals that were made at the time. In some cases, all that I have are the electronic documents (i.e., the Word Perfect letter that was printed, signed, and mailed or faxed). Because our computers no longer have Word Perfect, I have used "Quick Print" which has distorted the formatting. If I am providing something that I know is a "draft," I note that either in the text or in the exhibit list. The fact that something does not contain a signature does not mean that it is a draft, it just means that it was printed from the electronic version and I no longer have (or never had) a copy of the original. For example, I often drafted letters for the signatures of Andrew Lourie, Jeff Sloman, and Alex Acosta. Their assistants would have maintained the signed originals. In some cases, I would be provided with copies and sometimes I would not. I would usually notate my electronic files with "final" to know which was the final version, or the last-modified version.

<sup>2</sup> For reasons set forth below, the investigation continued due to Epstein's post-NPA conduct.

Once the USAO opened the file, Epstein took the same approach that had been used with the State – at each level of review, he hired an attorney with a personal connection to the AUSA/USA/DOJ Attorney who was conducting the review. The attorneys raised a series of challenges to the veracity of the victims and the veracity of the state investigators, as well as quasi-*Petite*-policy arguments. When those failed, more formal legal analysis and federalism policy arguments were presented.

Throughout this process, I wanted to keep my investigation as confidential as possible. For example, I did not see the benefit of telling Epstein’s counsel that we had uncovered additional victims, that we had been able to corroborate victims’ accounts, or the legal theories that we were pursuing. My objections to making these disclosures were all overruled. Also, unbeknownst to me, at least one supervisory AUSA was engaging in plea discussions with counsel for Epstein without consulting with me, the agents, or the victims. These discussions led to the creation of the NPA – an agreement that allowed Epstein to plead guilty to state charges in exchange for immunity for federal prosecution by the USAO for the Southern District of Florida.

After the NPA was signed on September 24, 2007, when I attempted to notify the victims and enforce the agreement, the attacks became more personal. Epstein’s attorneys raised the same policy arguments – which could have been raised prior to signing the NPA – as high as the DAG’s Office, and coupled them with claims of prosecutorial misconduct. As these attacks occurred, the USAO – U.S. Attorney Alex Acosta and later First Assistant U.S. Attorney Jeff Sloman offered Epstein the option of simply “unwinding”<sup>3</sup> the NPA – after all, he had never performed any part of it. In my mind it was unfathomable that Epstein would be allowed to spend months attacking not just the validity of our investigation and the validity of the NPA, but also making false allegations of prosecutorial misconduct against myself and FAUSA Sloman and *still* be allowed the benefit of what was, in my opinion, an unreasonably favorable agreement. Since everyone from the U.S. Attorney down to me agreed that the case was headed for a trial, the investigation continued, including identifying additional victims, conducting interviews, issuing grand jury subpoenas, drafting revised indictment packages, and presenting testimony to the grand jury. Epstein’s clear intent to go to trial was on display during this period as he deposed victims identified only through the federal investigation in the guise of taking discovery in the state case.

On June 23, 2008, John Roth in the DAG’s Office issued his letter denying Epstein’s final appeal. While USA Acosta allowed Epstein the benefit of the NPA, Epstein still tried to avoid several key parts of the NPA’s terms, and would have escaped them but for my insistence.

On June 30, 2008, Epstein entered his guilty plea in state court and was sentenced to 18 months’ in the county jail in accordance with the terms of his state plea agreement and the NPA. Not long thereafter, I learned that Epstein had applied for work release and the Palm Beach County Sheriff’s Office had granted the application. Prior to Epstein’s guilty plea, the issue of work release had been specifically discussed with Epstein’s counsel and they informed us that Epstein would not seek work release. The agents and I also met with the Sheriff’s Office in advance of the plea and had been told that Epstein would not be eligible for work release. Accordingly, I provided my Notice of Breach, but was told by defense attorney Roy Black that, despite those specific conversations, USA Acosta himself agreed that Epstein would be eligible for any program

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<sup>3</sup> “Unwinding” was USA Acosta’s term for mutual rescission – the USAO could file its charges and Epstein would have no obligations to plead guilty in state or federal court.

that the state offered, including work release. Because of this, I had to withdraw the Notice of Breach and could only write a letter to the Sheriff's Office pointing out all of the false statements contained in Epstein's application for work release and letters to the victims informing them that Epstein was in work release status. The Sheriff's Office never responded to or acknowledged my letter.

On June 9, 2009, I prepared what I believe was the last Memorandum requesting authorization to issue a Notice of Breach and to indict Epstein. The Office authorized issuance of the Notice of Breach, and the Indictment Packages was re-reviewed, approved, and signed, with arrest warrants for Jeffrey Epstein, [REDACTED], and [REDACTED]. The Notice of Breach was served on June 12, 2009 at a hearing on Epstein's Motion to Dismiss one of the civil suits filed by one of the victims identified during the federal investigation. Once again, Epstein was allowed to "cure" his breach, and we were not allowed to file the indictment.

There were strong internal disagreements on a number of subjects, including: the handling of the meetings with Epstein's counsel; plea negotiations; the NPA generally; the failure to consult with the victims; continuing plea negotiations in the face of Epstein's clear bad faith; the refusal to defend me against personal attacks from Epstein's attorneys; the agreement to put off seeking Epstein's computer equipment; the consultations with Epstein's attorneys regarding victim notifications; the handling of the "appeals" to Washington; allowing delays during those "appeals," while Epstein's attorneys were harassing the victims and their family members; attempts by Epstein to renegotiate the term of imprisonment; attempts by Epstein to renegotiate the payment of damages to the victims and attorneys' fees to their attorney representative; allowing Epstein to participate in the work release program after specifically discussing it during plea negotiations; and repeatedly allowing Epstein to "cure" intentional breaches of the NPA. These were kept internal as I tried to deal professionally with opposing counsel.

In the midst of all of the post-NPA back-and-forth with Epstein, was the *Jane Doe* [REDACTED] *United States* litigation.<sup>4</sup> Despite the Office's request to be recused from the case, the Justice Department decided that there was no conflict of interest and I was tasked with serving as co-counsel. The Office asserted attorney-client, executive, work product, and deliberative process privileges, so all of the internal disagreements, pros memos, and indictments were not disclosed while all of my communications with opposing counsel (often at the behest of supervisors) were disclosed. After an initial flurry of filings, Brad Edwards, as counsel for the named plaintiffs, stated on the record that he believed that setting aside the NPA would not benefit his clients, and he sued Epstein on behalf of a number of victims under the NPA. I did what I could to assist Mr. Edwards, other attorneys, including Mr. Josefsberg, the attorney selected by the Special Master, and the Court, to locate victims, provide signed copies of the NPA, and answer questions. After all of the civil suits between Epstein and the victims were settled through the spectre of breaching the NPA, Mr. Edwards re-initiated the *Jane Doe* [REDACTED] *United States* litigation, asserting that his clients wanted to

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<sup>4</sup> A few days after Jeffrey Epstein entered his guilty plea in state court, attorney Brad Edwards filed suit on behalf of one of the victims identified in the federal investigation (later expanded to include a second victim who had been identified in the state investigation), alleging violations of the Crime Victims' Rights Act. The suit, which is still pending, is captioned *Jane Doe 1 and Jane Doe 2* [REDACTED] *United States*, 08-80736-CV-KAM.

set aside the NPA and see Mr. Epstein federally charged due to violations of the Crime Victims' Rights Act.

In response to your questions, I have attempted to distill the past 13 years of emails, letters, research, pleadings, and conversations into a coherent document and attach the most relevant items. Given the sheer volume of materials involved here and the passage of time, while I have worked diligently to answer your questions as fully as possible, I certainly could have missed something amongst the thousands of pages of emails, drafts, and hard copy and electronic documents. If there are additional items or topics that need further explanation or more documentation, I can delve further.

#### **A. The Non-Prosecution Agreement**

- 1. Describe the circumstances under which the investigation of Jeffrey Epstein was referred to the USAO, including when, why, how, and by whom the referral was made. Explain why the USAO decided to initiate a federal grand jury investigation into this matter, including what federal interests were perceived to be involved, and identify the individuals participating in the decision.**

Some time in early 2006, FBI Special Agent E. Nesbitt Kuyrkendall approached me about an investigation being conducted by the Town of Palm Beach Police Department ("PBPD"). I do not know how or when S/A Kuyrkendall was first contacted about the matter.

The first mentions of the investigation were just passing comments during meetings on other matters. S/A Kuyrkendall and I were working on a number of different child exploitation matters at the time, along with ICE Special Agent David Malone. I remember generally that S/A Kuyrkendall mentioned an investigation of a wealthy man who lived on Palm Beach and recruited minors for sexual activity. During these casual conversations, I do not believe that Mr. Epstein's name was mentioned. If it was mentioned, it held no significance for me. I recall that S/A Kuyrkendall mentioned that PBPD had reached out to her because the Palm Beach County State Attorney's Office was leaning towards not charging the case at all or letting the defendant plead to a misdemeanor charge of solicitation of prostitution. At some point I told S/A Kuyrkendall that, if PBPD wanted to look into federal charges, I would need more information about the allegations and I encouraged her to set up a meeting. I recall S/A Kuyrkendall telling me that PBPD wanted to give the State Attorney's Office the opportunity to properly charge the case before presenting it for federal investigation and prosecution.

In May 2006, I met with S/A Kuyrkendall and PBPD Detective Joe Recarey in the 4<sup>th</sup> Floor Conference Room at the U.S. Attorney's Office in West Palm Beach. I do not recall whether S/A Malone was present. Detective Recarey summarized the investigation into state criminal sexual conduct involving Epstein and his personal assistants. Briefly, Epstein, through his personal assistants, recruited girls and young women<sup>5</sup> – mainly from a local high school – to travel to his residence on Palm Beach to perform erotic massages. Although they had no massage training, the

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<sup>5</sup> I use these terms deliberately. "Girls" refers to females under the age of 18 and "young women" refers to females over the age of 18. When I refer to both groups jointly, I will use the term "females."

girls and young women were coached to massage Mr. Epstein in various states of undress. The sexual activity varied and included: Mr. Epstein masturbating himself at the end of the massage; having the females masturbate him; Mr. Epstein fondling the females' breasts and genitalia; using sex toys on the females; digital penetration of the females; sexual intercourse with Mr. Epstein; and Mr. Epstein observing while one of the girls had sex with one of his assistants. At the end of each "massage" session, Mr. Epstein or one of his assistants would pay the female involved. If the female involved in the massage was brought to Mr. Epstein's residence by a "recruiter," then the "recruiter" also would be paid.

Detective Recarey did not have any information regarding any of the females traveling interstate or internationally to engage in sexual activity, but Det. Recarey reported that Mr. Epstein and his assistants traveled in and out of the Palm Beach International Airport on Epstein's private airplane. Det. Recarey stated that flight logs he had seen sometimes referred to passengers as "females," without names or ages, so it was possible that girls could have been on board, but Det. Recarey had not been able to confirm that. Det. Recarey stated that a search warrant had been executed on Mr. Epstein's residence and evidence had been seized, including message pads showing calls from females confirming that they would be coming to "work," which was the euphemism used for giving a "massage" – another euphemism for engaging in sexual activity for money. Det. Recarey also reported that it had appeared that Mr. Epstein had been "tipped off" about the coming search warrant because all of the computer CPUs had been removed from the residence – the keyboards and screens were still in place, just the CPUs had been taken. Det. Recarey also reported that some surveillance cameras were in place but they had only recovered a limited amount of surveillance video. Det. Recarey stated that between 20 and 30 females had been identified [NB: I believe that he told me the exact number, I just don't recall that number now].

S/A Kuyrkendall and Det. Recarey asked me whether there were federal criminal charges that could be pursued. I remember getting up from the conference room, walking to my office, and getting my code book and walking back. I looked through 18 U.S.C. §§ 2422 (enticement of minors into prostitution/illegal sexual activity) and 2423 (travel for purposes of engaging in illegal sexual conduct).<sup>6</sup> We talked through those statutes and the additional investigation that would be required to prove that they had been violated, but I told them that, if the evidence was there, it was a case that could be prosecuted federally.

Det. Recarey then told me that his boss – BBPD Chief Michael Reiter – was still pressing the State Attorney's Office to arrest Epstein. Det. Recarey had prepared a series of probable cause affidavits for the arrests of Jeffrey Epstein, [REDACTED], and [REDACTED], charging a large number of state criminal violations. Chief Reiter had asked the Palm Beach County State Attorney, Barry Krischer, to authorize the arrests and he had refused. According to Det. Recarey, pressure had been brought to bear on SA Krischer by Epstein's attorneys, who included Guy Fronstin and Jack Goldberger (two personal friends of Krischer), and Alan Dershowitz. Det. Recarey stated that he and Chief Reiter were concerned that Epstein would be charged only with a misdemeanor or perhaps would not be charged at all.

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<sup>6</sup> As the investigation progressed, I looked into other federal crimes, but at that first meeting, I only remember looking at §§ 2422 and 2423.

I recommended that we begin the process of investigating whether there was a jurisdictional basis for federal charges, and S/A Kuyrkendall and Det. Recarey concurred. Det. Recarey asked that Chief Reiter be given an additional opportunity to convince the State Attorney to charge Epstein.<sup>7</sup> I explained that opening a case file and beginning a federal investigation would not preclude the State Attorney from charging Epstein.

I then prepared the paperwork to open a file. The investigation was dubbed "Operation Leap Year" because there were approximately 29 young women and girls who had been identified through the State investigation.

There were several aspects of the case that involved federal interests. First, as to the substantive crimes that Epstein was accused of committing, they involved the victimization of minor females through the use of facilities of interstate commerce (telephones and airports); and Epstein was traveling interstate and internationally to come to the Southern District of Florida to commit those offenses. During the course of the investigation, I often said that, if there were a trial, I would tell the jury that Jeffrey Epstein traveled to Florida to use Royal Palm Beach High School as his personal brothel. Second, the removal of the computer equipment from Epstein's home prior to the execution of the search warrant suggested possible public corruption at the Palm Beach County courthouse (where the search warrant application was signed) and also raised the possibility that Epstein may have been involved in the manufacture and/or possession of child pornography. Eradication of child pornography was a particular focus of Project Safe Childhood; its production and storage on computer equipment involved the use of items produced in interstate and foreign commerce; and child pornography was often distributed through facilities of interstate and foreign commerce. Third, Det. Recarey was suggesting that political or other pressure was being placed on an elected official (the State Attorney) to avoid or minimize criminal exposure for a person who committed numerous state crimes related to the exploitation of girls and young women. Setting aside the issue of prostitution, the sexual activity involving girls under the age of 16 could be charged as sex battery in the state. Ignoring those crimes suggested possible public corruption or, at the least, a miscarriage of justice.

With regard to the logistics of opening the case file, the opening of files in West Palm Beach is relatively informal. In instances where an agent approaches a line AUSA directly (either because it is a duty matter or because the investigation is within the AUSA's area of expertise), the line AUSA will give his or her assistant the details of the case for the LIONS file-opening paperwork and then give a brief oral explanation of the case to his/her supervisor along with the paperwork. If the supervisor agrees that a file should be opened, he or she will normally sign the LIONS form on the spot and hand the file back to the AUSA. In this case, I prepared a file jacket; my assistant did the LIONS paperwork; I signed the conflict form; briefed my supervisor, Karen Atkinson; and she signed the LIONS paperwork assigning the case to me. This all occurred either on the day of the meeting with Detective Recarey and S/A Kuyrkendall or within a few days thereafter. Attached hereto as Exhibit 2 is the file opening paperwork and file jacket showing that the case was opened in LIONS on May 23, 2006.

I do recall that at some time relatively soon after the file was opened, I did something that I had never done before or since. I initiated a meeting with the U.S. Attorney and the First

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<sup>7</sup> Although I did not know it at the time, on May 1, 2006, Chief Reiter sent a letter to State Attorney Krischer asking Krischer to consider recusing himself from the case. (Exhibit 1.)

Assistant, Alex Acosta and Jeff Sloman, where I traveled to Miami and told them about the case. I recall that I explained the case and how the PBPD believed that Epstein had used political or other pressure to avoid serious punishment in Palm Beach County state court. That possibility troubled me greatly; hence, my request to meet with executive management. Messrs. Acosta and Sloman had the same reaction that I had the first time that Det. Recarey told me about Mr. Epstein – if I have never heard of him, how much influence could this person have? I remember specifically saying to them that I expected the case would be time and resource-intensive and I did not want to invest the time and the FBI’s resources if the Office would just back down to pressure at the end. Messrs. Acosta and Sloman assured me that, if there was sufficient evidence to support the case, Mr. Epstein would be charged appropriately.<sup>8</sup>

- 2. Describe in detail your role, and the role of each other person in the USAO, the Federal Bureau of Investigation (FBI), and elsewhere within the Department of Justice – collectively herein “the government” – who was involved in the assessment of the viability and strength of the federal case against Mr. Epstein and in the decision to negotiate a pre-indictment resolution of the case.**

### **My Role**

I was the line AUSA assigned to the case. In conjunction with the case agents, I handled all aspects of the grand jury investigation – deciding what subpoenas to issue; whom to interview; whom to call to testify before the grand jury; what lines of inquiry to pursue to support various legal theories; I conducted legal research to support charges; I reached out to others throughout the Department and the federal government for information on previous investigations of Mr. Epstein, and for legal guidance on various aspects of the case (e.g., OEO, CEOS, SEC, SDNY, and AFMLS); along with the FBI agents and the FBI Victim-Witness Coordinator, I had direct contact with victims via interviews, meetings, and consultations regarding safety/privacy/mental health concerns; and I handled all court proceedings related to the investigation. When I felt that sufficient evidence had been collected to prove Mr. Epstein’s guilt beyond a reasonable doubt, I drafted a prosecution memorandum, indictment, and related documents. I revised those documents in response to comments from those in the supervisory chain of command and, as explained below, after additional evidence was secured. I participated in some (but not all) of the meetings between members of the USAO and counsel for Jeffrey Epstein. I prepared briefing materials for management in preparation for those meetings and in response to issues raised during those meetings.

Normally the assigned line AUSA handles plea negotiations, and I recommended that I enter into negotiations that would result in a joint federal and state resolution (i.e., a plea to federal

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<sup>8</sup> I do not have a contemporaneous memorandum and cannot find the date of the meeting. In a July 13, 2007 email exchange between myself and Criminal Chief Matt Menchel, I describe the meeting as follows: “I summarized the case and the State Attorney’s Office’s handling of it. I acknowledged that we needed to do work to collect the evidence establishing a federal nexus, and I noted the time and money that would be required for an investigation. I said that I was willing to invest that time and the FBI was willing to invest the money, but I didn’t want to get to the end and then have the Office be intimidated by the high-powered lawyers. I was assured that that would not happen.” (See Exhibit 3.)

charges in federal court and a plea to state charges in state court). I was reprimanded for doing so. Thus, as will be discussed in more detail below, I played no role in the decision to enter into a Non-Prosecution Agreement in exchange for Jeffrey Epstein's entry of a guilty plea to a state charge requiring a sentence of 18 months' imprisonment or Epstein's plea to federal charges resulting in a maximum sentence of 18 months' imprisonment (as will be explained below, Epstein's counsel repeatedly changed their minds about whether to take the federal route or the state route). Although I was tasked with drafting the agreements and Information, all of the documents were repeatedly and substantively revised by various supervisors, and I was responsible for incorporating those edits. I also was asked to sign the Non-Prosecution Agreement.

When Epstein sought to have the Non-Prosecution Agreement set aside by "appealing" the matter to CEOS, the AAG, and the DAG, I handled the continued investigation of Epstein, including working with the FBI to identify additional victims, issue additional grand jury subpoenas, and prepare an updated indictment package. At the request of the U.S. Attorney, I also responded to inquiries from CEOS, the AAG, and the DAG's Office and drafted submissions on behalf of the USAO in response to arguments raised by Epstein's attorneys.

I believe that I prepared a first draft of the Addendum to the Non-Prosecution Agreement, but others took the laboring oar on that document. I drafted numerous victim notification letters and responded to defense objections to those letters. I drafted the letter to the Special Master with the USAO's recommendations for the qualities to look for in the attorney representative for the victims. I monitored Epstein's compliance with the Non-Prosecution Agreement and served several breach notices.

#### **U.S. Attorney's Office Personnel**

**AUSA Karen Atkinson (now retired):** AUSA Atkinson was my direct supervisor. She reviewed indictment packages and other court-related matters and provided guidance and served as a "sounding board" for many of my concerns. As will be explained below, AUSA Atkinson did not participate in many of the meetings between the USAO and Epstein's counsel because Epstein's counsel "skipped her" in the chain of command, directing their communications to MAUSA<sup>9</sup> Andrew Lourie, Criminal Chief Matt Menchel, First Assistant Jeff Sloman, and U.S. Attorney Alex Acosta. AUSA Atkinson did participate in meetings with the Palm Beach Sheriff's Office about Epstein's work release and several conference calls with defendant attorney Roy Black and others about Epstein's breaches of the Non-Prosecution Agreement.

**MAUSA Andrew Lourie (now in private practice):** MAUSA Lourie was my second-line supervisor and head of the West Palm Beach office. Over the objection of myself and my co-counsel, he granted the request of Epstein's attorneys to meet to allow Epstein's attorneys to argue that the USAO should decline the matter. That began the series of meetings between all levels of the USAO and Epstein's counsel. MAUSA Lourie reviewed my work; asked me to conduct some specific research; and reviewed drafts of our responses

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<sup>9</sup> The Managing Assistant U.S. Attorney ("MAUSA") is the head of the West Palm Beach Office.

to legal arguments raised by Epstein's counsel. MAUSA Lourie also participated in conversations with the State Attorney, and directly participated in negotiations of the language to be used in the Non-Prosecution Agreement, federal Plea Agreement, and Information. He had numerous conversations with counsel for Epstein outside of my presence when they objected to my refusal to agree with their changes. MAUSA Lourie also communicated with the U.S. Attorney about the negotiations. He would then communicate changes from the defense and the U.S. Attorney to me to incorporate. Later, when Epstein's attorneys appealed to AAG Alice Fisher, Mr. Lourie was on detail as AAG Fisher's Chief of Staff and facilitated the meeting between Epstein's counsel and the AAG. AAG Fisher's written response was issued while MAUSA Lourie was still her Chief of Staff. I do not know who drafted the written response.

**Acting MAUSA Rolando Garcia (still with the USAO):** When MAUSA Lourie was on detail with AAG Fisher's Office, Rolando Garcia was named the Acting MAUSA. He participated in at least one meeting with Epstein's attorneys and the State Attorney. Mr. Garcia also was involved in some of the negotiations regarding the language of the Non-Prosecution Agreement. He later reviewed at least one of the iterations of the indictment package and signed the indictment that was supposed to be presented to the grand jury in June 2009.

**Criminal Chief Matthew Menchel (now in private practice):** Criminal Chief Menchel was the third line supervisor of the matter. Generally, West Palm Beach indictments are reviewed and approved by the MAUSA and are not reviewed by Miami. However, unusual or especially significant indictments are reviewed by the Criminal Chief. Criminal Chief Menchel reviewed and commented on the first proposed indictment package. His comments were incorporated into a revised indictment, and he possibly reviewed those changes. Criminal Chief Menchel participated in numerous meetings on the case, and had private conversations regarding resolution of the matter with Lilly Ann Sanchez, counsel to Mr. Epstein. Ms. Sanchez had formerly served as Deputy Chief in the Major Crimes Section at the USAO while Mr. Menchel was Chief of Major Crimes. As discussed below, on July 26, 2007, Criminal Chief Menchel announced to the investigative team that U.S. Attorney Acosta had decided to offer a two-year plea to Mr. Epstein. On August 3, 2007, Mr. Menchel sent a letter to Ms. Sanchez regarding that plea offer. Mr. Menchel left the U.S. Attorney's Office on that date to become a partner at Kobre & Kim in New York.

**First Assistant Jeffrey Sloman (now in private practice):** FAUSA Sloman (later U.S. Attorney Sloman) was involved in telephone calls and meetings with counsel for Mr. Epstein; when Epstein's attorneys were dissatisfied with my proposed language for the Non-Prosecution Agreement, victim notification letters, letters to the Special Master, etc., they would frequently contact FAUSA Sloman directly to complain. FAUSA Sloman handled the bulk of the negotiations of the Addendum to the NPA. Epstein's attorneys later complained that FAUSA Sloman was biased because his daughter had been the victim

of a crime. One of Epstein's attorneys also falsely accused FAUSA Sloman (and me) of promising money to a victim in exchange for her willingness to accuse Epstein.

**U.S. Attorney R. Alexander Acosta (now Secretary of the U.S. Department of Labor):** USA Acosta served as the head of the U.S. Attorney's Office throughout the investigation of Jeffrey Epstein, including the decision to enter into a Non-Prosecution Agreement, negotiation of its terms, and attempts to enforce its terms. When Epstein's attorneys were dissatisfied with answers they received from me, MAUSA Lourie, and FAUSA Sloman, they would frequently contact USA Acosta directly. USA Acosta was directly involved in reviewing and revising the documents, including sending exact wording that he wanted incorporated into the agreement. There were some communications between USA Acosta and counsel for Epstein that I was not aware of at the time. For example, I did not know, until after I had sent a breach notice, that USA Acosta agreed that Epstein could be considered for work release. At some point after the NPA was signed, USA Acosta was recused from the Epstein matter.

**AUSA John McMillan (still at USAO):** Early in the investigation, I asked AUSA McMillan if he would serve as co-counsel on the case. Before I joined the West Palm Beach Office, AUSA McMillan had handled the bulk of the child exploitation cases in West Palm Beach. He and I discussed how to structure the investigation and he joined me in opposing meeting with Epstein's attorneys prior to the completion of the investigation. He attended some of the meetings with Epstein's attorneys. When the Office overruled our positions and when it appeared that the case was not going to be charged, AUSA McMillan decided that he should focus on other cases.

**AUSA Bruce Reinhart (now U.S. Magistrate Judge):** AUSA Reinhart was my office neighbor and colleague. At one point early in the investigation (I believe before I asked AUSA McMillan to serve as co-counsel), I sought AUSA Reinhart's counsel on strategies for how to handle Epstein's personal assistants – whether they should be charged or if we should seek immunity for them. Not long thereafter, AUSA Reinhart came to me and said that he was best friends with one of Epstein's attorneys, Jack Goldberger, and accordingly could not discuss the Epstein case with me any further. AUSA Reinhart left the U.S. Attorney's Office for private practice and later represented one of Epstein's assistants in the civil suits filed by Epstein's victims.

**AUSA Toni Barnes (now retired):** Asset Forfeiture AUSA assigned to the Epstein case. I had a few brief meetings with AUSA Barnes to talk about the asset forfeiture aspects of the case. We discussed the charges under consideration and Epstein's assets that could be subject to forfeiture. AUSA Barnes had direct contact with the agents and the FBI's asset forfeiture coordinator about information/evidence that she needed to pursue forfeiture. AUSA Barnes provided the asset forfeiture language in the proposed indictments.

**SLC Dexter Lee (still at USAO):** SLC Lee was not directly involved in the Epstein investigation or negotiation of the NPA, but he has been lead counsel in the *Jane Doe v. United States* litigation. SLC Lee had contact with USA Acosta regarding his recusal, and with FAUSA Sloman and myself regarding self-reports to OPR about accusations of misconduct raised by Epstein's counsel. I also had contact with SLC Lee regarding a Florida Bar Complaint filed by a civil attorney for some of the victims who complained that my victim notification letters amounted to inappropriate business referrals to the attorney selected by the Special Master.<sup>10</sup>

**Appellate SLC Anne Ruth Schultz (still at USAO):** SLC Schultz was not directly involved in the Epstein investigation or negotiation of the NPA. It is my understanding that USA Acosta asked SLC Schultz to check my legal analysis. I also understand that Criminal Chief Matt Menchel contacted SLC Schultz about moving me to Appeals after I pointed out actions that I considered to be in violation of the Ashcroft memo and victims' rights legislation. I also understand that SLC Schultz may have knowledge of USA Acosta providing my prosecution memorandum to Criminal Appellate Chief Patty Stemler at Main Justice.

**Shawn Ball (still at USAO):** My legal assistant during most of the Epstein investigation and its aftermath. She assisted with preparing indictment packages, victim notification letters, grand jury subpoenas, travel, expert witness contracts, and other items.

**Cyndee Campos/Annette Castillo (both still at USAO):** Executive assistants to AUSA Acosta and FAUSA Sloman. They compiled correspondence between the USAO and counsel for Epstein; scheduled meetings; and dealt with inquiries from the press and DOJ. They may have information related to correspondence or communications between the Executive Division and Epstein's counsel that I am unaware of.

### **FBI Personnel**

**S/A Nesbitt Kuyrkendall (retired from FBI):** Lead case agent on Operation Leap Year. She presented the case to the USAO, handled the bulk of the interviews, served subpoenas, and testified before the grand jury. She communicated directly with victims and hand-delivered the original victim notification letters. S/A Kuyrkendall also participated in meetings with some of the senior members of the USAO and counsel for Epstein.

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<sup>10</sup> The Florida Bar determined that my victim notification letters, which are included in the exhibits and advised the victims that they had the absolute right to select another attorney if they so desired, were not inappropriate solicitations and did not violate the Florida Bar Rules. The attorney who filed the complaint, Jeff Herman, later resigned from the Florida Bar due to disciplinary action taken against him.

**S/A Jason Richards (still at FBI):** Co-case agent with S/A Kuyrkendall. Became lead case agent during the post-guilty plea period (i.e., the interview of [REDACTED], responding to FOIA requests, etc.). He conducted interviews, prepared reports, analyzed records, and communicated directly with victims. S/A Richards also participated in meetings with some of the senior members of the USAO and counsel for Epstein.

**S/A Tim Slater (still at FBI):** Co-case agent with S/A Kuyrkendall until he was transferred to DC. He conducted interviews, including the original telephone interview with [REDACTED] where she asked that the FBI have no further contact with her. He also prepared reports and analyzed records.

**Group Supervisor Eliasib (“Junior”) Ortiz (still at FBI):** GS Ortiz supervised S/As Kuyrkendall, Richards, and Slater. He also participated in meetings with some of the senior members of the USAO and counsel for Epstein.

**ASAC Valerie Parlave (still at FBI):** ASAC Parlave supervised GS Ortiz. She attended the July 26, 2007 meeting where Criminal Chief Menchel announced the two-year plea offer.

**S/A [REDACTED] Pryor:** S/A Pryor participated in the interview of [REDACTED] in Australia.

**S/A Gavin Gumbiner (still at FBI):** S/A Gumbiner was the case agent on Operation Stolen Globe, which involved the investigation of Alfredo Rodriguez (Jeffrey Epstein’s butler), who tried to sell evidence to Brad Edwards.

**Group Supervisor Michael Donohoe (retired from FBI):** GS Donohoe replaced GS Ortiz as head of the violent crime group during the post-guilty plea period. He supervised S/As Richards, Pryor, and Gumbiner.

**Victim-Witness Coordinator Twiler Smith:** Ms. Smith sent letters to victims, met with them in person, and assisted in finding counseling and other services for them.

#### **Justice Department Personnel**

**CEOS Deputy Chief [REDACTED] Gelber (still at DOJ):** Ms. Gelber was part of the team that reviewed the case and the NPA when Epstein “appealed” to DOJ. Ms. Gelber also is familiar with my work from a prior case that she and I worked on together as well as other PSC cases where I have consulted with her.

**CEOS Chief Drew Oosterbaan (now private in-house counsel):** Mr. Oosterbaan reviewed and opined on the case and the NPA when Epstein “appealed” to DOJ. He also attended meetings in the SDFL with myself, the case agents, USAO supervisory staff, and

counsel for Epstein. I conferred with Mr. Oosterbaan about charging, staffing, and victim-related issues.

**CEOS Trial Attorney Myesha Braden (now at a non-profit):** I first had contact with Ms. Braden when conducting research regarding some of the legal issues raised by the case (she was the CEOS Duty Attorney on the day that I called). After AUSA McMillan left the case, I contacted Mr. Oosterbaan about having a CEOS Trial Attorney co-chair the case and asked if Ms. Braden was available. She participated in interviews, discussed case strategy, and reviewed pros memos and indictments.

**Criminal Appellate Chief Patty Stemler (still at DOJ):** At various times, I have heard that USA Acosta provided my pros memo to Chief Stemler and asked her to review my legal analysis. I have never asked Chief Stemler whether this actually occurred. SLC Anne Schultz may know whether this occurred.

**AAG Alice Fisher (now in private practice):** After CEOS rejected the “appeal” from Mr. Epstein’s attorneys, they asked for further review by AAG Fisher. She met with the attorneys and prepared a written opinion rejecting Epstein’s arguments.

**Senior Associate Deputy Attorney General John Roth (now private in-house counsel):** Following AAG Fisher’s rejection, Epstein’s attorneys asked for review by the DAG. I do not know whether Epstein’s counsel met with the DAG, but they did present arguments to Mr. Roth, who was Chief of Staff/Sr. Associate Deputy Attorney General. Mr. Roth wrote a letter rejecting Epstein’s arguments.

**Deputy Attorney General Mark Filip (now in private practice):** Mark Filip was the Deputy Attorney General to whom Mr. Epstein’s arguments were addressed. As noted above, I do not know if Mr. Filip met with Epstein’s counsel, or if the meetings were only held with Mr. Roth.

#### **Others Whose Counsel I Sought During the Case:**

**Assistant U.S. Attorney Susan Roe (still an AUSA in Seattle):** AUSA Roe was not involved in the Epstein investigation. During the pendency of the Epstein investigation, she began investigating David Copperfield, who was a friend of Epstein, and we conferred with each other about strategy. I informed AUSA Roe of the difficulties in convincing the Office to prosecute Epstein.

**Attorney Advisor Tammie Gregg (still at DOJ):** Ms. Gregg is a friend from my days at Dorsey & Whitney. She joined the Justice Department before I did and we have stayed in contact over the years. She had experience with USA Acosta when he was the head of the Civil Rights Section at Main Justice so I turned to her for advice in handling the Epstein situation.

**Assistant U.S. Attorney E.J. Yera (still at DOJ):** Mr. Yera and I were dating at the time of the Epstein investigation. (We are now married.) He was a more senior AUSA who was familiar with some of Epstein's counsel. I sought his advice on some of the issues – legal and non-legal – that arose during the case.

**Assistant U.S. Attorney Lynn Kirkpatrick (still at the USAO):** Ms. Kirkpatrick and I are friends from my time in Miami. She was a supervisor in Miami although not in my chain of command. I would often speak or email with her just for advice.

- 3. Explain fully the process and circumstances leading to the decision to resolve the case through a non-prosecution agreement (sometimes referred to by defense counsel and the government as a deferred prosecution agreement, but described herein as the non-prosecution agreement). Explain why the government initially prepared to resolve the case through a federal plea agreement, but ultimately did not require Mr. Epstein to enter a plea in federal court. The explanation should identify the parties involved in the decision, the individual(s) responsible for all final decisions regarding the non-prosecution agreement and its terms, and the basis for the decision to resolve the case through a non-prosecution agreement.**

Let me preface with some background on how I normally handle investigations and prosecutions. When undertaking investigations, my normal practice is to meet with agents, confer with them about an investigative plan, and work together until the case is ready for indictment. I update my supervisors along the way, seek advice or guidance from supervisors and colleagues if an issue is especially complex or novel, and get approval for actions as required by the USAM, but I have always focused on learning as much as possible about the subject area, the defendant, and the facts related to the alleged crime – I want to be the subject matter expert in the courtroom. Then, once all of those items are completed, I prepare a comprehensive prosecution memo and proposed indictment, which are submitted for review.

I believe strongly that investigations – especially child exploitation investigations – should be conducted as covertly as possible in order to protect the victims' privacy; to avoid harm to the accused's reputation if the accusation is determined to be false; and to maintain the sanctity of the investigation. In Mr. Epstein's case, these concerns were heightened for several reasons. First, victims identified during the state investigation had expressed fears of Epstein and building trust with them would require assurances that Epstein would not find out that they were talking with federal investigators. Second, the victims were between the ages of approximately 15 and 20<sup>11</sup> -- ages when women and girls might minimize or deny sexual abuse to avoid being labeled as "sluts." Third, Epstein had made allegations in the state case that the victims were only after money and that investigators were only after fame. Maintaining the investigation's confidentiality would delegitimize both of those allegations. It also would avoid interference/intimidation by Epstein and his counsel.

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<sup>11</sup> They had been 14 to 17 years old at the time of the sexual activity, but time had passed.

My confidentiality rule extends to pre-indictment communications with defendants and their attorneys. In cases where defendants are considered a flight risk, I generally have no contact pre-indictment. If proven, the crimes under investigation created a statutory presumption that the defendant was a risk of flight and a danger to the community, and Epstein had virtually unlimited resources to flee.<sup>12</sup>

Our effort to maintain the confidentiality of the investigation was thwarted almost immediately by PBPD Chief Reiter. On July 24, 2006, Chief Reiter sent letters to some of the victims identified in the state investigation informing them that the State Attorney's Office had decided to proceed on a single charge of solicitation of prostitution. (Exhibit 6.) Chief Reiter encouraged the victims to contact the State Attorney's Office with any complaints about the handling of the matter. Chief Reiter then felt the need to disclose that he did "not feel that justice has been sufficiently served by the indictment that has been issued. Therefore, please know that his [*sic*] matter has been referred to the Federal Bureau of Investigation to determine if violations of federal law have occurred." (*Id.*) While Chief Reiter did not mention the USAO, Epstein's counsel certainly understood that engaging the FBI meant engaging the USAO. Chief Reiter's actions were published in the local newspaper. (Exhibit 7.)

Because the federal investigation had been exposed by Chief Reiter, there was no ability to operate covertly, so we began serving subpoenas on persons and entities affiliated with Epstein. Beginning on August 2, 2006, a number of grand jury subpoenas were issued for bank information, information related to travel on Epstein's airplanes, school attendance records, rental car information, and other information that would corroborate statements made by victims (*see* Exhibit A-1). A subpoena also was issued for all of the evidence collected by the PBPD (*see id.*). Victim notification letters also were prepared that contained my contact information for the federal agents to provide to the victims identified during the PBPD investigation. (Exhibits 12 & 13.) As victims were interviewed by the federal agents, they would be provided with a copy of the notification letter. As additional victims were identified throughout the investigation, more letters were prepared. (Exhibits 19 & 30.) Subpoenas also were prepared for testimony and evidence from some victims who were believed to possess physical evidence that could corroborate contact with Epstein. (*See* Exhibit A-1.)

One of the subpoenaed victims was Individual #28, who is referred to as Jane Doe #2 in the *Jane Doe v. United States* litigation. When approached for an interview, Individual #28 refused to speak with the agents, and I remember S/A Kuyrkendall telling me that she felt that Individual #28 had tried to run over her foot as Individual #28 drove away. Individual #28 contacted Epstein when she received the letter and subpoena; Epstein put her in touch with his attorney, Jack Goldberger; and Goldberger had his friend, Jim Eisenberg, serve as Individual #28's lawyer while Epstein paid Eisenberg's fees. Individual #28 later told Brad Edwards that someone (Epstein, Goldberger, or Eisenberg) told her that "the government" planned to take away her baby. I don't know if that is true, but Eisenberg insisted that Individual #28 would not speak to us without 6001 immunity. (Exhibit 9.) Once it was granted, Individual #28 spoke of Epstein in glowing terms

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<sup>12</sup> To minimize the risk of flight, I conducted research on extradition and the FBI placed a travel watch Epstein, but especially in light of Epstein's ownership of an airplane capable of intercontinental travel and his foreign residences, the investigative team considered Epstein to be a substantial flight risk.

and in a way contradicted by other witnesses and evidence. The hiring of Eisenberg, the insistence on 6001 immunity – something that I had never faced before or since for a child victim – and the false exculpatory statements – all showed me how the defense would be approaching this case.

The subpoenas and interviews apparently concerned Epstein because soon after I began trying to set up Individual #28's testimony, Epstein hired former U.S. Attorney Guy Lewis, who began contacting me by phone and email, asking to meet with me. I declined to meet because it is my policy not to meet during the pendency of a child exploitation investigation. Mr. Lewis expressed his client's willingness to cooperate with the investigation. (Exhibit 10.)

When Mr. Lewis was unable to set a meeting, Epstein hired Lilly Ann Sanchez, another former AUSA from the Miami USAO. Ms. Sanchez began calling and emailing me in early November 2006. (Exhibit 11). Ms. Sanchez also expressed Epstein's interest in "cooperating" with the investigation. I knew that feigned cooperation would be used to ask for pre-trial release, so I tested the veracity of the offer of cooperation by asking for documents that would disprove many of Epstein's defenses.<sup>13</sup> Sure enough, Ms. Sanchez objected to the requests as "overbroad." I politely declined the request for a meeting and then delayed setting up the requested meeting so that I would have time to complete the investigation. My co-counsel, John McMillan, and I agreed that a meeting at this early stage offered no benefit for us and only benefitted the defense.

When Ms. Sanchez could not set a meeting with me, she skipped my immediate supervisor and contacted MAUSA Andy Lourie whom she knew from their time together in Miami. MAUSA Lourie told AUSA McMillan and me that he had agreed to meet with Ms. Sanchez and Gerald Lefcourt. AUSA McMillan and I told MAUSA Lourie that we had made a conscious decision not to meet with Epstein's attorneys and that we were opposed to a meeting. It was the first of many disagreements between management and the line AUSAs. MAUSA Lourie told us that we were "non-strategic thinkers" (his words) and that the meeting would result in convincing Sanchez and Gerald Lefcourt to bring Epstein in for an interview. It was condescending and, in our opinion, showed a lack of understanding of sex offenders generally and a lack of knowledge of *this* case. Gerald Lefcourt has represented Martha Stewart – the last thing he would do is bring his client in to face a possible "perjury trap."

In the middle of this period, which started in November 2006 and ran through January 2007, USA Acosta and I traveled to Washington, DC at the beginning of December 2006 for the inaugural Project Safe Childhood Conference. Although I did not attach much significance to this at the time, in preparing this response, I began wondering whether the following event was orchestrated by Epstein and his counsel. During one of the first presentations at the conference, I was in a large auditorium and the speaker asked the audience a question. A man in the row in front of me introduced himself as the State Attorney from Palm Beach County (Barry Krischer) and answered the question. I had never met Mr. Krischer. After the seminar ended, USA Acosta came over and we all introduced ourselves. Mr. Krischer proceeded to deride PBPD Chief Reiter and the victims in the Epstein case – referring to them by name and talking about how some were paid thousands of dollars, used alcohol and drugs, and looked over 18. I tried to guide the two out of

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<sup>13</sup> For example, Epstein claimed that the massages were legitimate "medical" massages, so I wanted to see if he was taking tax deductions for medical expenses and getting other complementary medical treatment. Epstein also claimed that he was traveling to Florida to visit family and to maintain Florida residency. I asked for calendars and other documentation.

the auditorium to a more private area because I did not think it was a conversation meant for public consumption but they would not move. As the PSC Coordinator, I had overseen the invitations for the law enforcement representatives from the S.D. Fla., and Mr. Krischer had not been on the list. So I now wonder whether this “random” meeting was staged by Epstein.

As you will see from the timeline (Exhibit A-1), in late January 2007, I created a file folder entitled “Research re NPAs and 6001 immunity.” (Exhibit 15.) This was not research related to Non-Prosecution Agreements in connection with resolving the case against Epstein. In November and December 2006, subpoenas were served on two other Epstein employees – Janusz Banasiak and [REDACTED]. Both initially asked for immunity. After speaking with Banasiak’s attorney, Mr. Banasiak was satisfied with a standard *Kastigar* letter, but Ms. Mucinska’s attorney was insistent on formal immunity, and as noted above, so was Individual #28. I don’t believe that, prior to this investigation, I had ever prepared a request for 6001 immunity, so I was researching the process.

The meeting with Ms. Sanchez and Mr. Lefcourt was set for February 1, 2007. As noted above, despite Ms. Sanchez’ statements of Epstein’s willingness to cooperate, she complained that my document requests were “overbroad,” so MAUSA Lourie and I drafted a more specific list (Exhibit 14).<sup>14</sup> Ms. Sanchez also asserted that Epstein had hired attorneys for *all* of his current and prior employees, but refused to provide me with a list of those employees and attorneys, wanting me to give her essentially a roadmap of my investigation. I refused (Exhibits 14 and A-1). Instead, the agents and I continued to press forward with our investigation and I continued my extensive legal research in preparation for the meeting with Sanchez and Lefcourt.

Although materials were supposed to be provided in advance, the “talking points” for the meeting with Sanchez and Lefcourt did not arrive until the morning of the February 1, 2007 meeting (Exhibit 14 at 8-32). The main themes were:

1. the PBPD investigation was biased;
2. the conduct at issue was “entirely local”;
3. Epstein did not know the victims were under 18;
4. none of the girls traveled in interstate commerce;
5. Epstein’s travel was not for the purposes of engaging in illegal sexual activity;
6. victim and witness credibility issues weighed against filing charges; and
7. the *Petite* policy precluded prosecution (*id.*).

While the letter covered all of these topics, I recall the meeting was focused primarily on challenges to the victims’ credibility (e.g., one victim’s MySpace page showed her smoking marijuana and posing provocatively); allegations of police overreaching; and the lack of evidence that Epstein knew the victims were under the age of 18.

MAUSA Lourie, AUSA McMillan, and I were unpersuaded by the letter and the presentation, but I agreed that I should carefully review transcripts of the recorded statements given to PBPD for *Brady* issues.<sup>15</sup> Since witness credibility was clearly at the fore, I undertook efforts

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<sup>14</sup> The requested documents and items were never provided.

<sup>15</sup> As the investigation continued and we located and identified more victims, we eventually made a strategic decision that the initial indictment should exclude the group identified by the

to corroborate our victim statements and to undermine Epstein's potential defenses through subpoenas for a wide variety of documents (*see* Exhibit A-1). Subpoenas also were issued to some victims for photographs, gifts, and other records of direct or indirect contact with Epstein (*see id.*). Presentation of background information to the grand jury began in February 2007 (Exhibits 17, 18, and 20).

I continued to research potential charges against Epstein. Again, knowing how Epstein's attorneys would likely approach any trial in this matter, I wanted to prepare both a strong offense – by including all relevant charges for jury consideration and possible plea negotiations – and a strong defense – by including charges that would allow the admission of the widest range of relevant evidence. With that mindset, I researched money laundering and racketeering offenses in Chapter 95 because I knew that prostitution was a racketeering offense (*see* Exhibit 56). In addition to the IRS, I conferred with an attorney at the Asset Forfeiture and Money Laundering Section in DC who opined that Epstein's conduct could be a violation of 18 U.S.C. § 1960 and 2 or another currency offense because he caused the interstate transmission of funds related to prostitution (*see* Exhibit 57).<sup>16</sup>

The investigation continued at a brisk pace with Epstein's attorneys frequently seeking reviews from Messrs. Lourie and Menchel (*see, e.g.,* Exhibit 58). [NB: They completely excluded my immediate supervisor, Karen Atkinson, throughout the process.] Because of this, and because the grand jury was very interested in the case, I tried to keep the Miami office up to date on what was happening. There also had been little feedback from Miami to the proposed indictment that had been provided in late April/early May. So, for example, on May 14, 2007, I emailed Menchel and Lourie about Epstein's travel and asked whether I would be permitted to present the indictment the following day or proceed by way of criminal complaint (Exhibit 26 at 1). Mr. Menchel made clear that neither would be allowed (*id.*).

That Friday, May 18, 2007, I emailed Chief Menchel again, notifying him that we had learned that the computers missing from Epstein's home at the time of the execution of the state search warrant were removed by a private investigator working for attorney Roy Black. After conferring with CCIPS, the Witness Immunity Unit at OEO, and my immediate supervisor, I planned to issue a grand jury subpoena for the equipment (*id.* at 2). I explained why the request was different than a subpoena to an attorney and how I would avoid seeking privileged information (*id.*). I specifically asked Mr. Menchel if he had any comments or concerns but received no response (*id.*)<sup>17</sup>

On Monday, May 21, 2007, I wrote to Chief Menchel and FAUSA Sloman for "guidance" and "a sense of the direction where we are headed" (*id.* at 3). Again, no response. On that day,

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PBPD and save them for a superseding indictment, if needed. At this point, however, the investigation was focused mainly on the same group.

<sup>16</sup> I mention this because my efforts to collect financial documents to support potential money laundering charges – and also to corroborate victim statements – were later used as evidence of my "overreaching."

<sup>17</sup> Again, I mention this because it would later be used – by Epstein's counsel *and* Chief Menchel – as evidence of overreaching.

having heard nothing in response to my 5/18/2007 email, I issued the subpoena to the private investigator (Exhibit 59).

The following day, May 22, 2007, Mr. Lefcourt sent a letter to MAUSA Lourie stating:

I understand from you that in the next month or two a decision will be made by your office whether to seek an indictment of Mr. Epstein. This will confirm that, prior to any such decision being made, I and other attorneys on behalf of Mr. Epstein will be given an opportunity to meet with you.

Additionally, . . . if our meeting does not resolve the matter, we would like an opportunity to make a presentation first to Matthew Menchel, Chief of the Criminal Division, and Jeffrey Sloman, First Assistant United States Attorney, and then, again, if no resolution is reached, the opportunity to meet with United States Attorney Alexander Acosta.

(Exhibit 28.)

AUSA McMillan and I were not part of the conversation where MAUSA Lourie disclosed the timeline to Mr. Lefcourt, so I was surprised by the letter, which sought multiple opportunities to meet with members of the Executive Division. Mr. Lourie responded, again, without meeting with AUSA McMillan or me, stating: "I think we are on the same page . . . I did say that if you want to meet with me again, I am ready to do so. The wording of your letter, however, suggests implicitly that I agreed to contact you before a decision is made to seek an indictment of Mr. Epstein. If that was your understanding, then please allow me to clarify. Our investigation is ongoing and if we decide to seek an indictment, we don't intend to call Mr. Epstein's representatives to let him know that. Of course, in the interim, if you would like to make a presentation to us, we are willing to listen. . . ." (*Id.*).

I strenuously objected and drafted an email setting forth the reasons why (*id.*). I shared it with my supervisor and she advised me not to send it. I orally advised MAUSA Lourie that I objected to meetings, delays, and strategic disclosures in a case like this one – a child exploitation case with a large number of victims. Nevertheless, the meeting was set for June 26, 2007. As I predicted, the defense asked Mr. Menchel for a list of our legal theories. I told him that I did not want to share them, and Mr. Menchel directed me to give the defense the list anyway. On June 18, 2007, I sent a letter to Gerald Lefcourt listing all the charges under investigation (Exhibit 53).

On June 14, 2007, I emailed the supervisory chain an addendum to the prosecution memo, asked about whether they wanted me to revise the indictment, and asked what materials they wanted prepared in advance of the June 26, 2007 meeting (Exhibit 31 at 1). I don't believe I received any responses.

On June 21, 2007, I emailed Chief Menchel again asking who would be attending the June 26, 2007 meeting and how I could best prepare (*id.* at 3-4). I noted that he had been communicating directly with Ms. Sanchez about the meeting (*id.*).

On June 25, 2007, Gerald Lefcourt provided written arguments for why Epstein should not be charged federally (Exhibit 32). The following day, Alan Dershowitz, Roy Black, Gerald Lefcourt, and Lilly Ann Sanchez presented their arguments to FAUSA Sloman and Chief Menchel. S/A Kuyrkendall, her supervisor, and I also attended (Exhibit 5). At some point during the

meeting, Chief Menchel told the defense attorneys that they needn't address the money laundering statutes. I think he referred to them as "silly," without even having the benefit of my conversations with IRS and AFMLS and my legal research.<sup>18</sup> So Epstein's counsel focused on the child exploitation statutes. They falsely insisted that the use of the internet was needed for a 2422(b) charge and that some sort of force, fraud, or coercion was required for a 1591 charge because 16- and 17-year-old girls were "adults." They stated that there was no federal law prohibiting sex with children and one would be unconstitutional.

After the meeting, MAUSA Lourie and I analyzed the materials (Exhibit 32). We both concluded that the defense had overstated the strength of their position (*id.*). MAUSA Lourie felt that the 2422(b) charges were stronger than the 2423(b) charges because we would need proof that having a sexual massage was a motivation for Epstein's travel (*id.*). My research showed that different circuits had different standards of proof on the "purpose of travel" element (*id.*). I never received any feedback from Chief Menchel or FAUSA Sloman regarding Lefcourt's written presentation, but after the June 26, 2007 meeting, I was left with the impression that we were continuing towards indictment.

On July 3, 2007, at 6:26 a.m., I sent an email to Jeff Sloman, Matt Menchel, and Andy Lourie advising them about calls I had received from Lilly Ann Sanchez seeking to delay subpoena responses and their plans to present our Office with additional analysis as well as their planned resolution with the State Attorney's Office (Exhibit 3). I informed everyone of my proposed response regarding the subpoenas and that I intended to invite Lilly Ann Sanchez to call me to discuss a resolution of the federal investigation that could include concurrent time, i.e., a plea to a federal charge with a recommendation that the federal sentence would run concurrently with the state sentence (*See id.*) I asked whether anyone had had different conversations with any attorneys for Epstein so that there would not be any miscommunication.

Later that afternoon, Matt Menchel sent me an email (using Jeff Sloman's Blackberry) that read, "I told Lily that a state plea with jail time and sex offender status may satisfy the usa. It was a non-starter for them Matt". (*Id.*) Because I was in trial, I did not see Mr. Menchel's email, so my proposed email to Ms. Sanchez went out on July 4<sup>th</sup> at 4:07p.m. (*Id.*) After my email to Ms. Sanchez went out, I saw Mr. Menchel's email, and I responded with a vehement objection, telling him that I believed his plea offer was "completely unacceptable to the FBI, ICE, the victims, and me [and that these] plea negotiations violate the Ashcroft memo, the U.S. Attorney's Manual, and all of the various iterations of the victims' rights legislation." (*Id.*) I asked for the opportunity to make a presentation addressing the strengths of the case and the points raised by Epstein's attorneys – I felt that it was unfair that Epstein had been given numerous opportunities to meet with the management of the USAO and the victims had never had a similar chance (*Id.*)

Mr. Menchel responded by reprimanding me, stating, "[a]s you well know, the US Attorney has not even decided whether to go forward with a prosecution in this matter, thus you should have respected his position before engaging in plea negotiations." (*Id.*) I had not engaged in any plea negotiations, Mr. Menchel had. Mr. Menchel also wrote, directly contrary to what USA Acosta and FAUSA Sloman told me at the initial meeting in Miami, "it was made clear to you by the US Attorney and the First Assistant from the time when you were first authorized to investigate Mr. Epstein that the office had concerns about taking this case because of petit [*sic*] policy and a

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<sup>18</sup> Epstein's lawyers seized on this later.

number of legal issues. Despite being told these things, you prepared a pros memo and indictment that included a definitive date for indictment.” (*Id.*) Mr. Menchel also told me that my arguments that he had violated the Ashcroft memo, the USAM and other policies were not well taken because, as “Chief of the Criminal Division, I am the person designated by the US Attorney to exercise appropriate discretion in deciding whether certain pleas are appropriate and consistent with the Ashcroft memo and the USAM – not you.” (*Id.*) Mr. Menchel also told me that I could not dictate a meeting. (*Id.*)

On July 6, 2007, Gerald Lefcourt sent another letter further explaining why Epstein should not be charged with violations of § 2422(b) (Exhibit 33). Most of the letter raised policy arguments and the letter ended by expounding on Mr. Epstein’s good works (*id.*).

On July 13, 2007, after I finished my trial, I responded to Mr. Menchel’s reprimand, noting my frustration over the Office’s failure to provide me with any guidance on its position on the matter.<sup>19</sup> I pointed out that I had handled this case the same as I had handled all of my other cases, by working with the agents to gather evidence and preparing an indictment package that established not just probable cause but proof beyond a reasonable doubt. I re-iterated that I was “asking to have the same courtesy that was extended to the defense attorneys extended to the FBI and an Assistant in the Office. . . . [And,] my first and only concern in this case . . . is the victims. If our personality differences threaten their access to justice, then please put someone on the case whom you trust more, and who will also protect their rights.” (*Id.*) Mr. Menchel never responded; nor did he allow me to make my requested presentation to USA Acosta. I do not know whether he shared my request with FAUSA Sloman or USA Acosta.

Also on July 13, 2007, I received a letter from Roy Black complaining about the grand jury subpoena seeking Epstein’s computer equipment (Exhibit 34). I shared the letter with MAUSA Lourie (his handwritten notes appear on the Exhibit) and together we drafted a letter in response (Exhibit 32 at 4). On July 16, 2007, Lilly Ann Sanchez sent my letter to Mr. Lourie, writing that “Gerald Lefcourt and I would like to speak to you further regarding [my letter] since we do not believe that Marie’s letter was responsive to the issues raised by Roy Black.” (Exhibit 32 at 1). Mr. Lourie and I had a conference call with Ms. Sanchez and Mr. Lefcourt and informed them that they would have to file a motion to quash the subpoena. We then advised Mr. Menchel of the history (Exhibit 62).

On July 19, 2007, I sent an email to MAUSA Lourie and Chief Menchel asking for permission to serve target letters on three of Epstein’s personal assistants and for guidance on language to be used in the target letters (Exhibit 63). Mr. Menchel responded that he was out of the District “but let’s hold off on these until we decide what course of action we are going to take on epstein which should happen next week” (*id.*).

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<sup>19</sup> For example, on May 21, 2007, I wrote to Chief Menchel and FAUSA Sloman: “I have time set aside with the grand jury tomorrow, and I am wondering if you have a sense of the direction where we are headed – i.e., approval of an indictment something like the current draft, a complaint to allow for pre-indictment negotiations, an indictment drastically different from the current draft? I am concerned about confusing the grand jury, which is never a good thing. Any guidance?” (Exhibit 54). I did not receive a response.

After these exchanges and being reprimanded by Criminal Chief Menchel for raising those objections, I was not consulted again about a pre-indictment plea. On July 26, 2007, agents and supervisory personnel from the FBI and I traveled to a scheduled meeting with Chief Menchel in Miami. That morning, before departing for Miami, I sent an email to Mr. Menchel and MAUSA Lourie that read, "in advance of our meeting this afternoon, I wanted to let you know my thoughts about some of the recommended changes [to the indictment] that we had discussed the last time I was in Miami . . ." (Exhibit 64). The FBI agents, their supervisor, their ASAIC, and I met with Mr. Menchel. Criminal Chief Menchel entered the meeting and announced to us that "Alex [Acosta] has decided to offer a two-year state plea." We were not asked our opinions and the meeting ended soon thereafter (*see* Exhibit 5). I remember feeling stunned. I don't remember saying anything at the meeting.

In an attempt to provide some benefits to the victims and protections to the public, I asked that two terms be added to this two-year deal: (1) that the victims be provided compensation via 18 U.S.C. § 2255 as a substitute for restitution because Epstein was pleading to state charges; and (2) that Epstein be required to plead guilty to an offense requiring sex offender registration. The Office agreed to add these two terms. On July 31, 2007, I finalized a term sheet, entitled "CONFIDENTIAL PLEA NEGOTIATIONS: TERMS OF EPSTEIN NON-PROSECUTION AGREEMENT." (Exhibit 4.) On the same date, it was provided to counsel for Epstein. Present at the meeting for the government were FAUSA Jeff Sloman, Criminal Chief Matt Menchel, MAUSA Andy Lourie, S/A Nesbitt Kuyrkendall, S/A Jason Richards, and myself, and for Epstein were Roy Black, Gerald Lefcourt, and Lilly Ann Sanchez. (*See* Exhibit 5.) At the meeting, counsel for Epstein stated that their client would not consider a plea that required state jail time. During the meeting, Matt Menchel suggested a plea to a federal charge that would allow Epstein the opportunity to serve his sentence in a federal facility.

I was told that USA Acosta did not want to do a federal plea that bound the court to a two-year prison term, so I would have to find a charge or charges that resulted in a two-year statutory maximum. On August 1, 2007, Mr. Menchel advised that the counter-offer that Epstein's attorneys had promised did not arrive, and I told him that I had found a federal charge that could result in a 2-1/2 year statutory maximum (Exhibit 65).

On August 2, 2007, Lilly Ann Sanchez sent a counter-proposal directly to Criminal Chief Matt Menchel and, in her email, stated that a copy would also be hand-delivered to USA Acosta (Exhibit 8.) The counter-proposal essentially called for home confinement, no sex offender registration, and an agreement to pay damages via 18 U.S.C. § 2255 (Exhibit 40). Ms. Sanchez also asked for a meeting with the U.S. Attorney (*id.*).

On August 3, 2007, Mr. Menchel sent a letter rejecting the counter-proposal, advising that a minimum of two years' imprisonment was needed to vindicate the federal interest, and that USA Acosta was not inclined to have a meeting (Exhibit 41). Mr. Menchel provided a deadline for August 17, 2007 to accept the plea offer (*id.*). That was Mr. Menchel's last day of employment with the USAO before he entered private practice in New York.

Mr. Epstein's attorneys were incensed that USA Acosta had set a deadline of August 17, 2007 and would not meet with them, so they demanded a meeting with CEOS Chief Drew Oosterbaan (Exhibit 43). Mr. Oosterbaan agreed to travel to Florida to meet with USA Acosta and Epstein's attorneys (*id.*). Mr. Oosterbaan also traveled to West Palm Beach to meet with the agents and myself to go through the evidence and our analysis of the statutes (Exhibit 5). Before he came

to West Palm Beach, I advised Mr. Oosterbaan that I had worked with CEOS Trial Attorney Myesha Braden on some of the legal issues and that, if there were a trial, I was hoping she might be able to assist (Exhibit 43).

In preparation for the planned meeting on September 7, 2007, FAUSA Sloman emailed me to ask what the status of the plea negotiations were. I wrote:

Here is the term sheet and guidelines calculation that we provided at the last meeting. You and Matt and I had also discussed a possible federal plea to an Information charging a 371 conspiracy, with a Rule 11 plea with a two-year cap, but I think Matt must have asked Alex about it and it was nixed. Just to be prepared for tomorrow, I was just starting to draft a Rule 11 Plea agreement in case Alex changes his mind and a formal non-prosecution agreement containing the state plea terms. . . . There are three concerns that I hope we can address tomorrow. . . . [including] that the agents and I have not reached out to the victims to get their approval, which as Drew politely reminded me, is required under the law.

(Exhibit 44).

On September 7, 2007, USA Acosta, FAUSA Sloman, CEOS Chief Oosterbaan, AUSA McMillan, and I met with Kenneth Starr, Jay Lefkowitz, and Lilly Ann Sanchez (Exhibit 5). At the meeting, Mr. Starr focused primarily on federalism/policy arguments, and Mr. Epstein's background. I remember Mr. Starr thanking me for bringing § 2255 to their attention and that it would allow a state resolution that still provided the equivalent of federal restitution.

Following the meeting, there were communications between Gerald Lefcourt, USA Acosta, and MAUSA Lourie that I was not privy to. The fact of the conversations was mentioned in later emails. Based upon those communications, on September 10, 2007, I was asked to send Mr. Lefcourt an office response to Lefcourt's counterproposal (*see* Exhibit 47 ("Gerry: As per your discussion with U.S. Attorney Acosta, I have attached the Office's written counterproposal.")). I sent Mr. Lefcourt a Non-Prosecution Agreement that required Epstein, *inter alia*, to:

- (1) plead guilty to three state felony offenses, including lewd and lascivious battery on a child; solicitation of minors to engage in prostitution; and engaging in sexual activity with minors at least sixteen years of age;
- (2) make a binding recommendation (with the State Attorney's Office) for the Court to impose a thirty-month sentence consisting of 20 months in prison followed by 10 months of community control;
- (3) waive his right to appeal his conviction and sentence;
- (4) concede that victims identified by the United States were victims for purposes of 18 U.S.C. § 2255; and
- (5) plead guilty by September 28, 2007 and be sentenced by October 15, 2007.

(Exhibit 66).

The following day, FAUSA Sloman forwarded to me USA Acosta's email with USA Acosta's revisions to the NPA (Exhibit 46). At FAUSA Sloman's request, I incorporated the changes and sent the new version to Mr. Lefcourt (Exhibits 47 and 67). On September 12, 2007, MAUSA Lourie, Rolando Garcia, and I met at the State Attorney's Office with State Attorney

Krischer, ASA Belohlavek, Jay Lefkowitz, Gerry Lefcourt, and Jack Goldberger (Exhibit 5). The purpose of the meeting was to finalize and coordinate the terms of the state and federal agreements. Mr. Lefkowitz still expressed some interest in having Epstein serve his time in a federal facility, rather than a state one, and I remember Mr. Goldberger saying that because Mr. Epstein's home was on Palm Beach Island and touching the Intracoastal Waterway, it was somehow in "international waters" and federal jurisdiction. Other items that were discussed were: (1) that the state crime that Epstein agreed to plead guilty to was one requiring sex offender registration; and (2) that Epstein would be incarcerated 24-7 during the 20-month period of imprisonment. We left the meeting with an understanding that Epstein's counsel would contact us about whether Epstein wanted to plead to federal charges pursuant to a plea agreement or proceed with the Non-Prosecution Agreement. With that in mind, on September 13, 2007, I sent an email to USA Acosta, FAUSA Sloman, MAUSA Lourie, Rolando Garcia, and Karen Atkinson advising them that I had researched three potential federal charges that could be used for Epstein, but they would all result in a 24-month maximum. If Epstein's counsel rejected those charges because of the 24-month exposure, I recommended reconsidering a binding Rule 11 plea "rather than try to create violations out of whole cloth" (Exhibit 46 at 19). I provided a proposed plea agreement and information containing two counts of violations of 18 U.S.C. § 403.

Mr. Lourie wrote to me later on September 13, 2007, "He is going to give us an assault on the plane or we can do conspiracy"<sup>20</sup> (Exhibit 46 at 21). I responded, "It would still have to be a conspiracy to commit an assault on a plane. I just want to make sure that we have something that is factually accurate. Just trying to plan ahead" (*id.*). At Jay Lefkowitz's request, MAUSA Lourie and I scheduled a conference call with him for early on the morning of September 14, 2007 (*id.* at 25). Mr. Lourie did not attend the conference call, and on the call, Jay Lefkowitz asked me to consider allowing Epstein to plead to charges that required only 12 months' imprisonment. I recommended 24 months' imprisonment. Lefkowitz said his client would plead to obstruction of a witness and one count of assault on an airplane (*id.* at 29). Despite Mr. Lourie's earlier agreement to the assault on an airplane charge, he then decided that the "assault sounds like a stretch and factually sort of silly" (*id.* at 31).

I then went back to Mr. Lefkowitz with four options: (1) a plea only to state charges with 18 months' imprisonment; (2) federal and state pleas with a recommendation for concurrent time so that Epstein could serve his time in a federal facility; (3) a § 371 plea with a binding recommendation of 20 months' imprisonment (if USA Acosta approved it); or (4) an agreement that had a plea to one federal charge followed by one state charge (*id.* at 33). We continued to negotiate issues about how to provide restitution to the victims, and each iteration of the agreements seemed to move us further apart. As shown in Exhibit 46, each time Mr. Lefkowitz tried to reduce the period of incarceration; he tried to replace the state charge with one that did not require sex offender registration; and he kept changing the damages/restitution provisions to make it more difficult for the victims to obtain compensation; he removed the appeal waiver; he included an agreement that we would recommend an incorrect calculation of the guidelines. It was simply bad faith negotiations. I would point out how terms that were specifically rejected were re-inserted, and the Office would just send me back to the table.

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<sup>20</sup> This somehow resulted in 18 months' imprisonment. I do not recall how the prison term was decreased from 20 months on September 11, 2007 to 18 months on September 13, 2007.

The agreement was finally completed and signed on September 24, 2007.

**4. Explain fully the process and circumstances leading to the development of the following terms of the non-prosecution agreement:**

**a. an 18-month period of incarceration in a state facility, including the basis for the determination that it sufficiently satisfied the federal interest in the case;**

As noted above, the only information that I received was from Mr. Menchel's announcement that USA Acosta had decided to offer a two-year state deal. I do not know how Messrs. Menchel and Acosta determined that two years' incarceration sufficiently satisfied the federal interest in the case. During one meeting, Epstein's attorneys raised the possibility of a state-court plea with home confinement. USA Acosta specifically rejected the suggestion, noting that confinement in Mr. Epstein's home was not equivalent to incarceration. As discussed above, the 24-month term was reduced to 20 months and then, finally, to 18 months.

**b. victim restitution, including why and how to address victims' rights through 18 U.S.C. § 2255;**

The federal crimes that were under investigation all called for mandatory or discretionary restitution under 18 U.S.C. §§ 3663 and 3663A.<sup>21</sup> ██████████ Gelber and Drew Oosterbaan from CEOS are experts in this area, but as PSC Coordinator, I knew that restitution in child exploitation cases was a hot-button issue at the time.

The District of Alaska USAO had a multi-victim child exploitation case with a wealthy defendant (Boehm) where they had set up a trust fund with a bank and a trustee. With Drew Oosterbaan's help, I explored setting up a similar situation in the Epstein case (Exhibit 48), in connection with using a guardian ad litem ("GAL") for the victims,<sup>22</sup> if there had been a plea to federal charges. In cases like the Epstein cases, using a GAL seemed the most prudent course because, to the extent that the victims' interests ever diverged from the government's, the GAL could advocate on behalf of the victims. Thus, there are several emails between myself and Jay Lefkowitz about the appointment of a GAL and the possibility of a restitution trust fund similar to the *Boehm* case out of Alaska. I obtained the trust fund agreement and spoke with the AUSA in

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<sup>21</sup> Mandatory restitution under § 3663A requires a conviction for a "crime of violence, as defined in [18 U.S.C. §] 16." At the time, these cases would have been considered crimes of violence because sex trafficking, even via fraud or coercion, would likely be considered to "involve[] a substantial risk that physical force against the person . . . or another may be used in the course of committing the offense." 18 U.S.C. § 16(b). Post-*Johnson v. United States*, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2551 (2015), a court might decide differently. See, e.g., *Menendez* ██████████ *Whitaker*, 908 F.3d 467 (9<sup>th</sup> Cir. 2018). Even if not a crime of violence, a Court has the authority to impose an order of restitution when sentencing a defendant convicted of any offense under title 18 for any losses sustained by a victim as a result of the offense. 18 U.S.C. § 3663(a)(1)(A), (B)(i)(I). And the court also can order restitution to persons other than the victim of the charged offense if the parties so agree. 18 U.S.C. § 3663(a)(1)(A).

<sup>22</sup> I had been the first prosecutor in the S.D. Fla. to apply to the court for guardians ad litem for victims in child exploitation cases, so I was familiar with the procedure.

Alaska. The trust fund agreement was very complex and required a bank to agree to serve as the holder of the corpus and a trustee to oversee the administration of the trust, as well as the Court to enter an order setting up the trust and a mechanism for resolving disputes amongst beneficiaries or between a beneficiary and the trustee.

In light of the amount of details and the number of victims involved, and the simple fact that, if there was only a state plea, there would be no federal judge to undertake the process, I knew that there was no way to accomplish a trust fund like *Boehm* within the confines of the NPA. In the *Boehm* case, there was a much smaller number of victims and, if I remember correctly, the victims were younger. The Alaska AUSA was able to confer with Boehm's victims and obtain their consent to the trust agreement procedure in advance of entering into the plea agreement. The Alaska AUSA also obtained the defendant's agreement to proceed *ex parte*. Our situation was quite different. There were more victims with disparate interests. In my emails, I made it clear that I could not bind the victims to such a procedure because I did not represent them. For example, how would the USAO decide on the size of the corpus of the trust? Would the USAO hire expert psychologists to evaluate the victims and economists to quantify their losses? If the USAO picked a number, would that preclude a victim from bringing a state tort claim? Would every victim receive the same amount? This is not how criminal restitution works – normally after a guilty plea, the Court's Probation Office works with victims to calculate losses, and issues are litigated at sentencing or within 90 days after sentencing. Lefkowitz was asking the USAO to pick a number virtually out of thin air to use as the corpus of the trust for a group of victims who were not clients of the USAO. We also would have to locate an independent bank to serve as the hold of the corpus. Given how difficult negotiating simple plea terms had been, I believed that creating an agreement of this sort was legally and logistically impossible.

When Epstein's attorneys approached USA Acosta in December 2007 and suggested that I rejected the Trust proposal for nefarious reasons, I outlined all of the concerns that I had previously expressed to Mr. Lefkowitz (Exhibit 55).

Once I was instructed that Epstein would be allowed to plead to state charges, I wanted to do what I could to place the victims and the community in the same position where they would have been in Epstein had pled to a federal offense. If Epstein had pled to one of the federal offenses under investigation, he would have been required to register as a sex offender and pay restitution to all victims of the federal offense. With regard to the restitution piece, I knew that the state investigation had not included all of the girls and young women whom we had identified and I was concerned that Epstein would avoid his restitution obligations if not forced to pay.<sup>23</sup>

As part of my duties as PSC Coordinator, on September 26, 2006, I had prepared a memo to management summarizing the Adam Walsh Child Protection and Safety Act of 2006 (the "Adam Walsh Act") (Exhibit 16). One of the provisions of the Adam Walsh Act that I noted was an amendment to 18 U.S.C. § 2255: "Section 2255 has been expanded to allow a person who, while a minor, was a victim of various child exploitation offenses, to pursue a civil action for personal injury damages – regardless of when the personal injury occurred. It also raises the presumptive damage amount to \$150,000." (*Id.* at 7.) Although this was an amendment, I was unaware of § 2255 prior to preparing this September 2006 memo. The first few times I brought it

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<sup>23</sup> In fact, the State Attorney's Office did not seek or obtain restitution for *any* victims in the state case, not even the two victims that were the basis of the state charges.

to the attention of others, they thought I was mis-citing 28 U.S.C. § 2255 and I had to explain that there actually was an 18 U.S.C. § 2255, which was a civil provision within the criminal code.

I do not know when I first discussed the possibility of using § 2255 as a replacement for the victims' lost restitution benefits, but I know that I conducted research on § 2255 cases on July 27, 2007 (Exhibit 37). That was the day after the meeting where Criminal Chief Menchel had announced that USA Acosta had decided to offer Epstein a two-year state plea (Exhibit 5).

Language regarding § 2255 was included in the plea agreement term sheet provided to Epstein's counsel on July 31, 2007 (Exhibit 38). The issue must have been raised in advance of the meeting, because that was the first meeting attended by Ken Starr, and he specifically thanked me for bringing § 2255 to their attention. On August 2, 2007, Lilly Ann Sanchez sent a letter to Criminal Chief Menchel making a series of counterproposals including: "Application of 18 U.S.C. § 2255" (Exhibit 40 at 2). Ms. Sanchez went on to explain:

18 U.S.C. 2255 provides that any minor who suffers injury as a result of the commission of certain offenses shall recover actual damages and the cost of any suit. It is important to note that Mr. Epstein is prepared to fully fund the identified group of victims which are the focus of the Office – that is, the 12 individuals noted at the meeting on July 31, 2007. This would allow the victims to be able to promptly put this behind them and go forward with their lives. If given the opportunity to opine as to the appropriateness of Mr. Epstein's proposal, in my extensive experience in these types of cases, the victims prefer a quick resolution with compensation for damages and will always support any disposition that eliminates the need for trial (*id.* at n.1).

Thus, the use of § 2255 as a replacement for restitution was not controversial – it was promoted by Epstein's own attorneys, including Mr. Starr. At one point during negotiations, Mr. Lefkowitz started advocating for a trust fund like the one used in *Boehm*, mostly, I believe, to try to place a cap on his damages exposure. I offered some potential solutions, including asking the federal court to appoint a guardian ad litem who could work with Epstein's counsel to see if the victims would be willing to agree to a Trust Fund, and I would facilitate those efforts, but I simply would not agree to something that I legally could not promise – a binding resolution for victims whom I did not represent.

Eventually, Mr. Lefkowitz made some changes to the § 2255 language but it remained quite close to the original proposal contained in the July 31, 2007 term sheet.

**c. immunity for co-conspirators, including unidentified co-conspirators;  
and**

In looking through the drafts of the agreements, the immunity provision does not appear in any of the federal plea agreements that I drafted. Its first appearance is in a version of the NPA proposed by Jay Lefkowitz along with a proposed promise that the government would not seek immigration sanctions against any of the co-conspirators. It was initially rejected, and then after several iterations, Lefkowitz revised it to the language that appeared in the final NPA.

The final language was: "In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any

criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED], Adriana Ross, [REDACTED], or [REDACTED]" (Exhibit 52 at 5). To the extent that there was a "criminal organization," the Office and the investigators considered Epstein to be the head of that organization. He was certainly the most culpable individual, and we did not foresee any scenario where we would defer prosecution against Epstein but proceed to prosecute his subordinates. Also, while the agreement included the language "including but not limited to," at the time that the NPA was signed, with the possible exception of Ghislaine Maxwell, the investigation had not disclosed any co-conspirators other than those listed.

I recall that there was extensive discussion of Lefkowitz's proposed immigration language, but I do not recall much discussion of this language for the reasons stated above.

**d. the October 2007 addendum, including its purpose.**

During the negotiation of the NPA, I had been admitted to the hospital for surgery. After the surgery, I returned to the office almost immediately to try to complete the negotiations. When the NPA was signed, I sought permission to take a leave of absence to address my health concerns. While I was away, the Addendum was negotiated. While I conducted some of the drafting, I believe that FAUSA Sloman handled the bulk of the negotiations and drafting.

My understanding was that the USAO wanted to formally assign its right to select the attorney representative for the victims to a Special Master. The NPA stated that the USAO would select the attorney representative in consultation with and subject to the good faith approval of Epstein's counsel. I had provided Epstein's counsel with a list of attorneys, none of whom I had ever met, that I had culled from consulting with one of the district judges<sup>24</sup> and some AUSAs, including Mr. Yera, who I was dating at the time. After getting that list of names, I did my own research to determine who would be good fits for the type of litigation that I expected they would face – both in terms of the tactics of Epstein's lawyers and the special challenges of dealing with emotionally fragile victims. I provided that culled list to Jay Lefkowitz and disclosed that, although I had no financial interest, the list included a friend of a good friend of mine (I did not describe Mr. Yera as my "boyfriend"). Even with that disclosure, Mr. Lefkowitz selected Mr. Yera's friend. Before the matter went any further, FAUSA Sloman decided that the Office should use a Special Master to make the selection, rather than pick anyone – even a panel of attorneys leaving the final selection to Epstein's counsel. Despite that, Mr. Lefkowitz and Guy Lewis – who knew both Mr. Yera and his friend – claimed that there was a financial interest and that I had tried to create the procedure for financial gain.<sup>25</sup>

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<sup>24</sup> Epstein's lawyers suggested that I had *ex parte* communications with a judge. I simply asked for recommendations from a judge that I was friendly with; I did not disclose anything about the background of the case.

<sup>25</sup> Mr. Lewis knew that Mr. Yera also was an AUSA and, therefore, was not partners with another lawyer. When that was patently obvious, Epstein's lawyers falsely claimed that they were "law school roommates." Both had graduated from law school more than fifteen years before, and had not been roommates. Ironically, one of the reasons why Epstein's legal team approved the selection of Robert Josefsberg was that Josefsberg and Alan Dershowitz were law school classmates – somehow there was no "financial interest" attributed to them.

Rather than simply elect to use a Special Master to exercise its right to make the attorney representative selection, the USAO believed that it should formalize the assignment in writing.

- 5. To the extent not evidenced in e-mails or other correspondence, identify and describe all interactions with defense counsel – such as phone conversations, meetings, or communications by private e-mail – that you or any other member of the government had regarding the investigation, potential prosecution, or negotiation of a resolution of this case. If at any point you became concerned about the nature of any member of the government's interaction with defense counsel, describe the interaction and explain when and why you became concerned.**

My communications with opposing counsel occurred primarily via email. Most of those communications were via office email, and some were from my home email. All of my home emails were collected and produced as part of the *Jane Doe* litigation. Negotiations were occurring at nights, on weekend, and while I was recuperating from surgery, and this occurred during a time when out of office access to email was very limited. I believe that only supervisors had Blackberry devices at that time.

The meetings that I attended are catalogued on the meeting timeline (Exhibit 5). I believe there was one other meeting soon after Epstein entered his guilty plea, when I went to Jack Goldberger's office and met with him and Mike Tein (Guy Lewis' law partner) about the victim list. Other than that, I do not recall any in-person meetings.

I had a couple of telephone conversations with Lilly Ann Sanchez and Guy Lewis at the start of the investigation that were very brief. Jeff Sloman and/or Andy Lourie was on some of these. I had telephone conversations later during the investigation with Lilly Ann Sanchez, Gerry Lefcourt, Roy Black, and Nate Dershowitz about subpoena responses. Karen Atkinson and Andy Lourie were on some of those calls. I had telephone conversations with Jay Lefkowitz about plea negotiations and scheduling meetings. Andy Lourie, Rolando Garcia, and Jeff Sloman were on some of those calls. I had numerous calls with Roy Black and Jack Goldberger about breaches of the NPA. Karen Atkinson was on most of those telephone calls.

From emails and conversations, I know that Messrs. Acosta, Sloman, Menchel, and Lourie had numerous emails and conversations (mostly via telephone and possibly some in person) with members of the defense team. USA Acosta had contact with Ken Starr, Jay Lefkowitz, Gerry Lefcourt, and Alan Dershowitz. FAUSA Sloman had contact with Alan Dershowitz, Gerry Lefcourt, and Lilly Ann Sanchez. Criminal Chief Menchel had contact with Lilly Ann Sanchez and Gerry Lefcourt. There may have been other meetings that I was unaware of. I was concerned about the level of contact and the lack of consideration of the sanctity of the investigation. It was imperative to keep the investigation confidential to protect not just the victims' privacy rights, but to keep them from the harassment of overly aggressive lawyers. I felt that there were leaks of case-related facts and strategy, as well as personal matters that undermined my ability to deal with the defense and that ultimately was used by the defense to defame me and Mr. Sloman with senior members of the Department of Justice.

- 6. Provide a detailed description of all settlement negotiations conducted in this matter in which you took part or of which you were otherwise aware, including all terms of settlement that were discussed, considered, and rejected during the negotiations. Identify all individuals who participated in those negotiations, including government personnel and defense counsel. In each case, identify all participants and describe the discussions that occurred.**

Please see my response to Question A.3.

- 7. Describe the interactions by you, or anyone else within the USAO, with any employees of the Palm Beach County State Attorney's Office concerning the federal or state investigation of Mr. Epstein, the terms of a proposed resolution of the case, and the terms of the federal non-prosecution agreement, including the terms of Mr. Epstein's incarceration.**

As noted above, my first interaction with anyone from the Palm Beach County State Attorney's Office about the Epstein case was at the Project Safe Childhood Conference in Washington, DC, when State Attorney Barry Krischer introduced himself to USA Acosta and me and started railing against the victims and the case.

My next interaction was with ASA Lanna Belohlavek at some later date. I was in her office, I believe on another matter, and I mentioned the case. She said that she "hated" the case and that she "hated" prostitution cases. She stated that some of the girls were not really victims because they had been paid "thousands of dollars." I was a bit taken aback because Ms. Belohlavek was the supervisor of the division charged with prosecuting child sex offenses, including child prostitution cases and, by definition, child prostitutes receive money.

Although not personal interactions, I also had collected and reviewed the state grand jury transcript, indictment, and the state investigative materials. I had conferred with former ASAs about the use of the grand jury in the case, which was very unusual. In Florida, only capital cases need to be presented to a grand jury – all other cases can proceed by Information – and one ASA in Palm Beach County handles the presentation of all of the cases to the grand jury. This case was unusual because it was presented to a grand jury unnecessarily and it was not presented by the regular grand jury ASA. The State Attorney also had told the press that a variety of charges had been presented to the grand jury and the jurors had selected the lowest charge of solicitation of prostitution (with no designation of age). The transcript gave no indication that multiple charging options were presented, and the jurors were only provided with evidence about one victim, not all of the victims who had been the subjects of the investigation.

I believe that the next interaction was on September 12, 2007, when I attended a meeting at the State Attorney's Office with Andy Lourie and Rolando Garcia. Jay Lefkowitz, Gerald Lefcourt, and Jack Goldberger attended on behalf of Mr. Epstein, and State Attorney Krischer and ASA Lanna Behlolavek were present. At some point in the past, one of Epstein's attorneys had falsely told State Attorney Krischer that a person from the USAO had referred to the SAO as "a joke." Messrs. Lourie and Garcia and I had to spend the first several minutes of the meeting convincing State Attorney Krischer that no one had ever said such a thing. After crossing that hurdle, we got to the core of the meeting, which was whether the SAO was in agreement with filing charges and seeking a sentence consisting with the terms of the NPA – that is, a plea to an

offense that required sex offender registration – namely, procuring a minor for prostitution in violation of Fl. Stat. 796.03; and a sentence totaling 18 or 20 months’ imprisonment.<sup>26</sup> I recall that either Mr. Lourie or I asked Ms. Behlolavek to confirm that § 796.03 required sex offender registration, and she said that it did. Epstein’s attorneys also said that it did. We also specifically discussed that Epstein would be confined for the term of imprisonment. State Attorney Krischer said that a term of imprisonment of longer than one year usually required placement in a state penitentiary, but there was a way to structure the sentence as a split sentence so that Epstein would be housed at the Palm Beach County Jail. And we again confirmed that Epstein would remain in custody at the jail, not home confinement or any other type of release and we were told that he would be in jail. We also discussed wrapping the matter up quickly because of the extensive delays.

On September 23, 2007, Jay Lefkowitz sent an email to Alex Acosta essentially admitting that, during the meeting on September 12, 2007, Epstein’s attorneys and Ms. Behlolavek all believed that a conviction for Fl. Stat. 796.03, procurement of minors for prostitution, did *not* require sex offender registration – despite our specific inquiries (*see* Exhibit 51 (“I write to follow up on our conversation on Friday and to ask you to reconsider your decision to require that Mr. Epstein plead guilty to a registerable state charge. It appears that there was a *misunderstanding* at the meeting I had with Messrs. Lourie, Krischer, Goldberger, Lefcourt, Ms. Villafana and Ms. Belohlavek. . . . *Before the meeting*, Mr. Krischer, and Ms. Belohlavek, a sex prosecutor for 13 years, told us that solicitation of a minor, under 796.03, is *not* a registerable offense. However, as it turned out, 796.03 is a registerable offense and our discussion at the meeting was based on a mistaken assumption.” (emphasis added))).

On December 6, 2007, ASA Behlolavek contacted me to draft a factual proffer and advised that Epstein would be entering a guilty plea on December 21, 2007 (Exhibit 73). I did some research on 796.03 and prepared a draft that I shared with FAUSA Sloman, but he decided not to share the information with Ms. Behlolavek (*see id.*).

While drafting this response, I searched my electronic files for Mr. Krischer’s name and discovered a document entitled “071214 Acosta Ltr to Krischer.wpd” (Exhibit 69). I do not recall drafting this letter, although I located a cover email stating that I drafted this and two other letters for USA Acosta’s signature that were directed to the State Attorney’s Office (Exhibit 75). I do not know if any of the letters were ever sent to Mr. Krischer.

In May 2008, Rolando Garcia had a discussion with State Attorney Krischer and Krischer advised that he and Jack Goldberger had reached a new agreement for Epstein of 90 days in jail (Exhibit B-39).

On June 17, 2008, Karen Atkinson and I spoke with State Attorney Krischer. He complained that we had not been communicating with him, and we told him that Epstein’s counsel had blocked the channels of communication (Exhibit 78). Krischer said that he and Jack Goldberger had reached a new agreement where Epstein would plead guilty to “attempted lewd conduct” and be sentenced to 60 days in the County Jail followed by two years of community confinement (*id.*).

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<sup>26</sup> As noted above, I do not recall the exact date when USA Acosta agreed that 18 months’ imprisonment was sufficient.

On June 19, 2008, I sent an email to State Attorney Krischer advising him that we had spoken with Roy Black about wrapping up both the state and federal cases (Exhibit 68). I reminded State Attorney Krischer that the signed NPA required a plea to the current state indictment and to an information charging an offense that requires sex offender registration, namely procuring minors to engage in prostitution, with a sentence of at least 18 months' imprisonment (*id.*).

I attended the change of plea on June 30, 2008 but did not have any contact with any member of the SAO that day. Later, when the issue arose regarding whether or not Epstein was taking the position that the NPA included USA Acosta's December 2007 letter, I contacted Ms. Behlolavek and SA Krischer to obtain a copy of what Epstein's counsel had filed in state court.

In September 2008, I had communications with Mr. Krischer about a suit filed in state court to unseal the NPA (Exhibit 70).

At some point, Mr. Krischer sent me an email about wanting to buy me a cup of coffee. I was not able to find the email while preparing this response, but with additional time, I can probably locate it. I don't believe I ever answered Mr. Krischer. I know I never met him for coffee.

I recall that in many of Epstein's letters to the Justice Department, there were complaints of a lack of coordination between the USAO and the SAO. That lack of coordination was not caused by the government agencies, but, rather, by the tactics of Epstein's counsel. For example, Epstein's counsel insisted that I should conduct a completely independent review of the evidence so that I would not be tainted by bias from the PBPD or the SAO. When I did so and reached a conclusion that they did not like, Epstein's attorneys insisted that Criminal Chief Senior and that CEOS conduct similarly sterile reviews free from the "taint" of me and the federal agents. If Ms. Atkinson and I or the agents and I reached out to the SAO to discuss how the NPA should be worded to insure that we were getting correct information from Epstein's attorneys, we were accused of "infringing on the SAO's discretion." Yet, that "lack of coordination" that Epstein's attorneys caused, was later held up to the DAAG, the AAG, and DAG, as violations of the *Petite* policy's state-federal coordination requirement.

**8. Describe any research conducted by you, or anyone else within the USAO, into law or policy regarding any of the following issues:**

- a. The propriety of permitting a person to plead guilty to state court charges in exchange for an agreement by the USAO to refrain from federal prosecution. In your response, you should identify any USAO or Department policies that were considered by the USAO, and any effort by the USAO to obtain guidance or approval from the Department to use a non-prosecution agreement to resolve this case.**

I did not do any research on this point. I do not know whether USA Acosta or Criminal Chief Menchel conducted any research or obtained any guidance or approval from the Department.

**b. The propriety of including in a non-prosecution agreement with Mr. Epstein a provision that the federal government would forgo prosecution of any potential co-conspirators of Mr. Epstein, including unidentified co-conspirators.**

I do not recall doing any research on this particular point, other than discussing with MAUSA Lourie that we would not pursue an investigation into Epstein's subordinates after closing the investigation of Epstein.

**c. The propriety of including in the non-prosecution agreement a provision incorporating 18 U.S.C. § 2255.**

As noted above, I became familiar with § 2255 through my work as the PSC Coordinator. I also was aware, as set forth in the victim notification letters that I prepared, that, under the CVRA, I was obligated to use my "best efforts" to protect the victims' rights to "full and timely restitution as provided in law." 18 U.S.C. § 3771(a)(6). As I discussed above, restitution in child exploitation cases was an issue of growing concern, so I was mindful that this plea mechanism that Criminal Chief Menchel had devised with Lilly Ann Sanchez would extinguish the victims' right to restitution. That was one of the reasons why, on July 4, 2007, I wrote to Mr. Menchel that I believed the plea proposal violated the victims' rights legislation.

When Mr. Menchel announced in late July that USA Acosta was going forward with the two-year state plea offer despite those concerns, I undertook my best efforts to still afford those restitution rights to the victims identified through the federal investigation. Immediately after the meeting where Mr. Menchel announced to me and the investigative team that USA Acosta intended to offer a state plea, I delved further into the requirements for claims under § 2255 (Exhibit 37). While § 2255 is a civil damages statute, not a criminal restitution provision, the criminal restitution statutory scheme recognizes that there is some overlap. *See* 18 U.S.C. § 3664(j)(2)(A), (l). Section 2255 also provides for attorneys' fees, just as courts can use court funds to appoint guardians ad litem for minor victims in criminal cases who can advocate for restitution for the victims. My review of the legislative history led me to conclude that the inclusion of a provision under § 2255 would be the best way to protect the victims' right to restitution. CEOS Chief Oosterbaan described the agreement as "a very significant result that will serve the victims well" (Exhibit 71).

I should note that a plea to one of the federal crimes under investigation – with a 24-month binding sentencing recommendation – would have achieved USA Acosta's desired outcomes (24 months' imprisonment<sup>27</sup> and sex offender registration); would have provided federally mandated restitution for the victims; and would have provided victims with court-funded representation via the guardian ad litem program for those who needed it. All of these contortions were brought about by the decision to use a state plea to resolve a federal investigation.

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<sup>27</sup> As noted above, I was never told the source of the 24-month figure. In my opinion, a straight § 371 plea, with a five-year statutory maximum, was a significant concession.

- d. How the Florida state judicial system would address issues pertaining to the terms of Mr. Epstein's incarceration, including designation of an appropriate facility, the availability of work release (or any similar release condition), and the availability of other privileges. Identify whether such research was conducted before or after the non-prosecution agreement was signed, and whether it was conducted before or after Mr. Epstein entered his state court plea. Describe any communications you or other USAO personnel had with representatives of the Palm Beach County State Attorney's Office, other law enforcement, or local corrections officials regarding these matters.**

One of my concerns about using a state forum to resolve this case was that it left our Office with no control over the process. We also did not have any members of our team who had experience with the Palm Beach County state courts – Criminal Chief Menchel had been a state prosecutor in New York before joining the USAO; I had been in private practice. Similarly, no one else involved in the process had been an ASA or even a criminal defense attorney in Palm Beach County. The defense team, on the other hand, included Roy Black and Jack Goldberger, who had extensive state court criminal experience in Palm Beach County. Any litigator will tell you that knowing the Court is a key component of success, so we were placed at a distinct disadvantage. It was exacerbated by defense counsel's tactics of prohibiting coordination between the USAO and the SAO – which somehow was successful.<sup>28</sup> It also required the USAO to place an inordinate amount of trust in the SAO, when one of the reasons for opening the federal investigation was the concerns that undue influence had been brought to bear on the State Attorney.<sup>29</sup>

The loss of control did not just end with the Court proceedings, it included how the sentence would be executed. Federal sentences are executed by the U.S. Marshals and the Bureau of Prisons. All are housed within the Department of Justice and have clearly written rules and regulations. BOP is used to housing wealthy, politically-connected offenders and would be less likely to be unduly influenced by Epstein.

I attempted to build some certainty back into the agreement through several provisions. First, I selected the state statutes that Epstein would have to plead guilty to and conducted my own research to confirm that they required sex offender registration. Second, I included language that

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<sup>28</sup> Epstein's team was equally successful in DC, where they dictated who could and could not participate in the "independent review" at CEOS. For example, Myesha Braden, who had not yet joined the Leap Year team, was excluded from consideration because she had disagreed with Lilly Ann Sanchez about the handling of an obscenity case while Ms. Sanchez was an AUSA.

<sup>29</sup> According to PBPD Chief Reiter, the State Attorney initially planned to file no charges against Epstein. Following complaints, the SAO planned to charge Epstein with a misdemeanor solicitation of adult prostitution charge. Then, after the police chief complained further, the State Attorney assertedly presented "multiple charges" to the grand jury, and they "elected" to return an indictment charging one felony count of soliciting adult prostitution. The State Attorney did not intend to charge an offense requiring sex offender registration and was only seeking a sentence of probation.

he would have to plead guilty, not nolo contendere. Third, I researched different terms that Florida courts would use that appeared to impose a term of incarceration, but really imposed something else, and prohibited those sentences (“Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, *without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment*” (Exhibit 52 at 3 (emphasis added))). Fourth, I included a waiver of the right to challenge the Information and an appeal waiver. Fifth, I included a requirement that Epstein would have to provide the USAO with a copy of his plea agreement with the SAO before he signed it. Sixth, I required Epstein to use his best efforts to enter his guilty plea within approximately 30 days and an agreement that that term (like all others) was material. Seventh, I included an agreement that Epstein would not be afforded any gain time benefits different from any other inmate, and that he would provide an accounting of gain time if asked. Finally, “breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses” (*id.* at 6).

In addition to the terms of the NPA, the agents and I also did our best to make sure that Epstein would be serving jail time like anyone else. Prior to the September 12, 2007 meeting at the State Attorney’s Office, I spoke with Andy Lourie and emailed Jeff Sloman about research I had conducted on Florida sentencing practices to avoid “trucks up the sleeves of the defense” (Exhibit 46 at 1.) Normally a defendant who is sentenced to a term of prison in excess of 12 months must go to a state prison. The Office did not object to “splitting” Epstein’s sentence into two pieces – 12 months followed by 6 months – so that he would be eligible to be housed at the Palm Beach County Jail. All of us were, however, insistent that Mr. Epstein would actually serve out his term at the jail like any other prisoner. At the September 12, 2007 meeting with the State Attorney’s Office, this issue was specifically addressed, and State Attorney Krischer assured us that Epstein would be at the Palm Beach County Jail (it is referred to as “Gun Club” because it is located on Gun Club Road). I remember that they discussed that Epstein would be kept in solitary confinement “for his own safety.”

After that meeting, the case agents went to meet with the jail about the issue of work release. I do not recall the exact date. On November 14, 2007, I sought FAUSA Sloman’s permission to meet with State Attorney Krischer after ASA Behlolavek stood up the agents a few times. The purpose of my meeting was “to clear up the issue regarding sex offender registration/work release and also should be able to tell us whether a plea and sentencing can be scheduled this month” (Exhibit 72). FAUSA Sloman and Acting MAUSA Rolando Garcia had conversations with the State Attorney and Jay Lefkowitz who both confirmed that Epstein would “be a sex offender and he’ll be treated like any other sex offender” (Exhibit 76 at 2). On November 16, 2007, the case agents met with ASA Belohlavek who said that Epstein would be housed at the Palm Beach County Jail, so the Palm Beach Sheriff’s Office would be in charge of whether Epstein would be eligible for work release (*id.* at 1). Special Agent Richards confirmed on November 16, 2007 that Epstein would not qualify for work release as a sex offender unless the judge specially ordered it (*id.*).

As noted above, when we learned that Epstein’s attorneys were negotiating a new deal with the State Attorney’s Office, Karen Atkinson and I firmly informed Epstein’s attorneys and the State Attorney’s Office that there was a signed agreement. While they were free to negotiate whatever they wanted, the terms they were discussing violated the NPA.

In June 2008, when Epstein had exhausted his appeals to the DAG, in accordance with the NPA, I asked to see the plea agreement that his attorneys had negotiated with the State Attorney's Office to insure that it was consistent with the NPA (Exhibit 77). After a number of requests to Roy Black and Jack Goldberger, I finally received the document (*id.*). After conferring with an AUSA who had previously worked at the Palm Beach County SAO, and with FAUSA Sloman, I informed Messrs. Goldberger and Black that the agreement was insufficient because it did not specify that the defendant was supposed to serve his sentence in a custodial setting (*id.*). After providing the written notice, Mr. Goldberger agreed to make the change (*id.*) Goldberger also called me and "swore" [his word] that Epstein would be in custody 24-hours-a-day during the community confinement portion of the sentence" (Exhibit 79).

The agents also confirmed with local officers that the language in the state plea agreement suggested that Epstein would be at the Palm Beach County Detention Center, a/k/a the Palm Beach County Jail, and that, during their meeting with PBSO Col. Gauger several months before, he had assured them that Epstein would be ineligible for work release (Exhibit 80). Nonetheless, we decided that we would go meet with the Colonel together. Karen Atkinson joined us, and we learned that, despite the language in the agreement, Epstein was housed at the stockade rather than the jail (a lower security "camp-style" facility) (Exhibit 81). Gauger also told us that Epstein would be eligible for work release and will be placed on work release – directly contradicting what he had told the agents a few months before (*id.*).<sup>30</sup> We asked Col. Gauger to let us know if Epstein did, in fact, apply for work release.

We never received any notice of Epstein's application. Instead, on November 20, 2008, when Gauger stopped by to see Karen Atkinson on another matter, he told her that Epstein had been on work release for the past few weeks (Exhibit 82). S/A Kuyrkendall spoke with the work release coordinator who told her that he was led to believe that the USAO and FBI knew that Epstein had applied for the program. He also said that he had been threatened with being sued if he didn't allow Epstein to participate (*id.*) I reviewed my emails and notes of conversations with Black, Goldberger, and other defense counsel about Epstein being incarcerated for the full 18 months (except for credit for "gain time"). Criminal Chief Senior advised me to determine if there was sufficient support to show a breach. After correspondence with Roy Black and a telephone conference with Mr. Black and Jay Lefkowitz, we were advised that USA Acosta had informed Mr. Lefkowitz<sup>31</sup> that Epstein could be considered for any program that was available to other prisoners. At that point, I was unable to press forward with a breach, so I conducted an in-depth review of Epstein's application and found numerous false statements that, in my opinion, should have made the Sheriff's Office reverse its position regarding work release. I drafted a letter cataloguing all of the misstatements and conflicts of interest (e.g., Epstein's work release supervisor was one of his employees who lived in New Jersey) and submitted it to the Sheriff's Office (Exhibits 83 and 84). I never received a response from the Sheriff's Office.

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<sup>30</sup> Gauger also said that Jack Goldberger had threatened that "Ken Starr and the whole crew" would sue the jail if Epstein received less favorable treatment than others (*id.*).

<sup>31</sup> I do not recall whether Alan Dershowitz or Ken Starr also was present for this meeting, but no one else from the USAO was present.

**9. Describe all efforts made by you, or by anyone else within the USAO, to ensure that Mr. Epstein complied with the terms of the non-prosecution agreement (including its addendum) that he signed. Include in your response a discussion of all breaches of the agreement by Mr. Epstein of which the USAO was aware, and explain why the USAO decided not to rescind the agreement as a consequence of such non-compliance, who was involved in that decision, and how the decision was made.**

Many instances of notices of breach have been catalogued throughout this letter, as well as my efforts to force Epstein to abide by the terms of the NPA prior to declaring a breach (e.g., resisting efforts to change the state plea to one that did not require sex offender registration; requiring Epstein's counsel to provide us with copies of the state plea agreement before the plea; requiring the appointment of the attorney-representative who representative the victims; etc.). The attempt to declare a breach in connection with Epstein's application for work release is discussed above.

In June 2009, Epstein and his lawyers tried to dismiss a lawsuit filed in the Southern District of Florida by the attorney-representative on behalf of one of the identified victims that raised a single claim under 18 U.S.C. § 2255. I prepared a lengthy memorandum analyzing why Epstein's actions were a breach and seeking permission to serve a breach letter (Exhibit 85). The Office approved the request to serve the breach letter. At the same time, the indictment package was re-reviewed and approved (Exhibit 86). The notice of breach letter was served on June 12, 2009 (Exhibit 87). Epstein promptly "cured" the breach, but I took the opportunity to catalogue his past breaches and advised that continuing on that course of conduct would no longer be tolerated (Exhibit 88). Perhaps sensing that the Office's patience had waned, perhaps having gained a greater understanding (through the civil litigation) of the strength of the potential criminal case, Epstein's counsel expressed a greater interest in avoiding problems. While I demurred on their request that I essentially offer "advisory opinions," I suggested that Mr. Epstein should "take all of his obligations seriously and elect to err on the side of caution in making decisions that relate to the performance of his duties" (Exhibit 89).

In consideration of my warnings, Mr. Black contacted the USAO to advise us in advance that Mr. Epstein was seeking to transfer his community control to the Virgin Islands and wanted our position (Exhibit 90). Having the experience of all of the false statements on Epstein's application for work release, I immediately sought the application from Mr. Goldberger, but it was never provided. I became concerned that Epstein's attorneys would use the delay engendered by Mr. Goldberger's failure to provide me with the application as a bar to any objection, so I provided a letter with preliminary objections (Exhibit 91). I noted that: "Throughout the negotiation of the NPA, representations were repeatedly made by you and your colleagues that Mr. Epstein would serve his complete sentence, including community control, in Palm Beach County. During his change of plea and sentencing, Mr. Epstein told the Court that he intended to remain in Palm Beach County during his period of community control – a fact that was important to Judge Pucillo in making her decision whether or not to accept the plea agreement. Mr. Epstein's presence in Palm Beach County was important to the Court, our Office, and, presumably, the State Attorney's Office, because it allowed all of these entities to monitor Mr. Epstein's performance of his obligations. Relocating to the Virgin Islands, where Mr. Epstein lives on a private island without any independent law enforcement presence, would eliminate that ability" (*id.*). Following my letter, Mr. Epstein did not follow through on his application to transfer to the Virgin Islands.

**10. Identify any cases in which you have been involved as an AUSA, or of which you were otherwise aware, that were resolved through a non-prosecution agreement.**

I have not been involved in, nor am I aware of, any other cases that have been resolved via a non-prosecution agreement. On one occasion, in my eighteen years with the Justice Department, I recommended a Pre-Trial Diversion agreement for a doctor who wrote and filled a small number of fraudulent opioid prescriptions that she took herself for her post-cancer pain. The recommendation was vetted and approved through the chain of command in accordance with Department policy (the USAM) and the USAO's Criminal Circular.

**B. CVRA Compliance**

- 1. Describe your understanding of any USAO, Department, or FBI policy or practice regarding victim notification rights, obligations, or procedures that were in effect from the time the federal investigation of Mr. Epstein began to the time that he entered his state plea, including the applicability of the CVRA to cases resolved through non-prosecution agreements, and identify the source(s) of such understanding. Explain when and how you became aware of such policy or practice. Describe your prior experience notifying victims under the CVRA. Explain whether and how victim notifications in the Epstein case departed from the USAO's general practice.**

My understanding of USAO/DOJ victim notifications policies that were in effect in 2006-2007 had come from my own work on PSC cases. I do not recall receiving any training from the USAO on the CVRA or the AG's Guidelines on Victims' Rights prior to the Epstein case. I was familiar with the CVRA, the Victims' Rights and Restitution Act, and other pieces of victims' rights legislation, primarily from two prior cases that I had handled. In *United States v. O'Neil*, I had litigated the Office's first case where a defendant objected to a victim impact statement. It was a case where a 41-year-old man gave a lethal overdose of heroin to his 23-year-old girlfriend. The victim's mother, other family members, and the owner of the rehab center where the defendant had recruited the victim all asked to address the Court. I cited the CVRA and other statutes to support the Court's authority to hear from them. The second case was *United States v. Oliver*, which was the Office's first case seeking the appointment of a guardian ad litem (GAL). Through these cases, I researched statutes, cases, the USAM, and the AG Guidelines. I recall that the Guidelines were often described themselves as a floor, not a ceiling. *See, e.g., Attorney General Guideline for Victim and Witness Assistance* (May 2005) at 8 ("A strong presumption exists in favor of providing rather than withholding assistance and services to victims and witnesses of crime."). Like most PSC prosecutors and investigators, the agents and I treated the AG's Guidelines as a floor and tried to provide a higher standard of contact.

That is why, during the Epstein investigation, victim rights notification letters were provided at the first meeting between the agents and victims encouraging victims to contact me directly with questions and concerns. Throughout the investigation, I tried to meet in person with as many victims as possible and talk through their concerns. Many were afraid of Mr. Epstein; many were afraid that their reputations would be ruined; almost all wanted to just put the episode(s) behind them. Some had not even told their parents about what had happened and did not want

their parents to know. Several girls needed counseling and at least one attempted suicide. S/As Kuyrkendall and Richards, Victim-Witness Specialist Smith, and I all worked to find counseling for those who wanted it through Palm Beach County Victim Services, and I reported the issues to Karen Atkinson, Andy Lourie (when he was still in West Palm Beach), and Jeff Sloman. I also recall sending and receiving emails regarding the emotional toll on the victims when agents and I enquired into the status of the indictment review.

With regard to specific office procedures at the time of the Epstein investigation, there was no victim-witness coordinator in West Palm Beach and no standardized way to do any victim notifications prior to indictment. Our Office's procedure – which was still being developed at the time of the Epstein investigation – required a victim list to be submitted along with the indictment package. That victim list would be used to notify victims of upcoming court proceedings – to the extent that those upcoming court dates appeared in the case tracking system used at the time. Conferring with victims regarding plea negotiations could not happen through that victim notification system, so my practice, when possible, was to ask agents to work with me to contact victims about a potential plea. I also asked agents to work with me to notify victims of court dates because I knew there was a delay with the victim notification system. For example, often a defendant will decide the day before or the day of calendar call or trial to plead guilty. If it is a case with victims, like a bank robbery case, the agents and I will do our best to contact the victims to advise and confer, and to invite the victims to appear at the change of plea if they wish. The victims also are informed that they will have the opportunity to give a victim impact statement for purposes of sentencing.

In child exploitations cases where there has been a lot of contact with the victims, these last-minute interactions are less likely. I usually discuss potential plea scenarios with the parents/victims/GALs in advance and the judges aren't as rushed. The exception is child pornography possession/distribution cases, where the victims often are not identified prior to the plea.<sup>32</sup> Especially during the time of the Epstein investigation, the procedures for identifying victims in child pornography cases were in their infancy. Now, victims from many child pornography "series" have been identified and have attorney contact information for purposes of restitution. CEOS' [REDACTED] Gelber is the national expert in this area.

To summarize, my understanding of my obligation was: to do my best to notify victims of upcoming court proceedings and to make them feel welcome to – but not obligated to – participate (unless subpoenaed, of course); to guard their privacy and help them navigate the process to come out as unscathed as possible; to insure their safety from interference from the defendant; to listen to their desires in terms of prosecution, plea, and sentencing and balance that with the other factors that go into prosecutorial discretion<sup>33</sup> in making decisions about the case; and to be mindful that decisions that I and the Office made would impact them. I understood that conferring with the victims did not mean that I had to agree with them or that they could override an Office decision. For example, in the *Oliver* case, we had a plea offer for a lengthy sentence. The victim's father believed that we should take the case to trial. The GAL and I did not believe that, given the age

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<sup>32</sup> These are cases where the defendant is not believed to be involved in the production of the child pornography.

<sup>33</sup> Those other factors include the need to do justice, to deter the defendant and others, and to consider the impact of the prosecution on the local and national community.

of the defendant, it made sense to put the victim, who was, I believe, 9 years' old at the time, through the stress of a trial. After conferring with my supervisor, we decided to go forward with the change of plea. The victim's father and the GAL made victim-impact statements and, in the end, the judge imposed a sentence of 140 years' imprisonment followed by lifetime supervised release.

With regard to the Epstein investigation in particular, the handling of victim notifications varied from my understanding and my practice in two significant ways. First, it never occurred to me that this was not a situation where conferring with the victims was required. I specifically informed the Office in writing on two occasions and orally on other occasions, that I thought the victims should be consulted before entering into the Non-Prosecution Agreement.<sup>34</sup> The first of these written reminders was in July 2007 when I learned that Criminal Chief Menchel had engaged in plea discussions with Lilly Ann Sanchez. (Exhibit 3.) The second was in early September 2007 after my discussion with CEOS Chief Drew Oosterbaan regarding this subject. (Exhibit 44.) Later, I believe after the NPA was already signed, Jeff Sloman told me that the Office had taken the position in other cases that there is no obligation to confer in the absence of the filing of a federal case, but I don't recall discussing that at the time.<sup>35</sup> I had never before used a non-prosecution

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<sup>34</sup> As I noted in my filings in the *Jane Doe* ■ *United States* litigation, I had concerns about informing the victims that part of the negotiations involved securing for them the right to obtain damages from Epstein until we knew that Epstein would, in fact, enter into and perform his obligations under the NPA. As stated above, during the State investigation, Epstein's counsel had frequently accused the victims of faking or exaggerating their statements for purposes of civil damages claims. In a deposition for one of the civil suits, one of Epstein's lawyers later falsely accused Jeff Sloman and me of telling a victim that she could get damages from Epstein if she told the FBI that Epstein had assaulted her. (I can locate and redact this transcript.) I nevertheless believed that we could and should have discussed other aspects of the NPA with them – that is, the state guilty plea, sex offender registration, and the sentence. The AG Guidelines specifically take into account situations like this, so I could have discussed jail time, sex offender registration, avoiding trial, the right to address the court at sentencing, but, applying my discretion, decided not to tell them about the monetary portion of the agreement. *See 2005 AG Guidelines* at 30 (“In determining what is reasonable [in notifying identified victims about prospective plea negotiations] the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including, but not limited to, . . . [w]hether the victim is a possible witness in the case and the effect that relating any information may have on the defendant's right to a fair trial.”).

<sup>35</sup> Regardless of that position, as noted earlier, the decision to resolve the case through a non-prosecution agreement was made by Chief Menchel, and his email of July 5, 2007 informed me that he was the person vested with the discretion to vary from any Department policy and that he had undertaken his actions with USA Acosta's knowledge. I relied upon their knowledge of the CVRA and exercise of discretion on this issue. (*See Exhibit 3; see also 2005 AG Guidelines* at 10-11 (“Pursuant to 42 U.S.C. § 10607(a), the Attorney General is request to designate persons in the Department of Justice who will be responsible for identifying the victims of crime and performing the services described in that section. These persons are referred to as ‘responsible officials’ in the statute and throughout these *AG Guidelines*. . . . Responsible officials may delegate their responsibilities under these *AG Guidelines* to subordinates in appropriate circumstances, but

agreement or deferred prosecution in favor of state prosecution in the way that the Epstein case was handled. I believed that the fairest course was to consult with the victims before the execution of any agreement.

The second significant departure from my regular practice was the victim notification procedure. Never before or since have I shared “drafts” of victim notifications with counsel for the defendants. The CVRA places the entire burden of complying with the Act on the government and the court and provides that a “person accused of the crime may not obtain any form of relief under this Chapter.” 18 U.S.C. § 3771(d)(1) (2004). But, in this case, I was required to provide draft victim notification letters, rewrite them due to objections from defense counsel, and refrain from sending them altogether. My protestations appear in my emails, and were shared with the agents, my legal assistant, and my supervisors.

With regard to FBI policies and practices, I understood that the FBI had its own victim notification procedures. I had previously worked with Twiler Smith on other cases (and worked with her on other cases after the Epstein investigation). I did not know the details of what FBI included in its letters or when they were sent. I did not instruct FBI on what to send or when to send it. My general rule is to tell agencies to follow their regular procedures. I don’t remember saying anything different in this case. I did not see any FBI letters in this case prior to collecting the FBI letters to Brad Edwards’ clients in connection with the *Jane Doe* ■ *United States* litigation. I did not instruct the FBI to include the language about the case being under investigation and that they should be patient.

**2. Identify all victims in this case to whom written or oral notifications were made, when and how each notification was made, and the contents of the notifications. Explain why notifications were made to some victims, and not to others, and who was responsible for those decisions.**

On the attached chart (Exhibit B-1), I listed all of the individuals identified as victims during the state investigation, the federal investigation, or after Epstein entered his state guilty plea, but who were brought to my attention by various attorneys. The chart lays out how and when each was contacted. Due to the passage of time, it is impossible for me to give exact dates and the exact content of each conversation. Also, there are some victims that I specifically remember meeting with. There are some that I know I did not meet with. There are others that I believe I met with, but I am not certain. I have qualified my answers on the chart accordingly.

On August 4, 2006, I prepared 24 Victim Notification Letters for victims who had been identified during the state investigation. (Exhibit 12.) These were provided to Special Agent Kuyrkendall to hand-deliver to victims during interviews. I decided to prepare these letters and I decided on the content of those letters.

On August 11, 2006, 18 amended letters were prepared. (Exhibit 13.) These letters clarified that the recipients were victims and/or witnesses, since we had not yet been able to confirm that they were minors during the time of their encounters with Epstein and we were still working to confirm federal jurisdiction. People who had already received the August 4, 2006

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responsible officials remain obliged to ensure that all such delegated responsibilities are discharged. The Attorney General designates the following responsible officials: . . . For cases in which charges have been filed—the U.S. Attorney in whose district the prosecution is pending.”))

letters did not receive August 11, 2006 letters. If an August 11, 2006 letter was prepared, I believe that meant that the agents had not yet made contact with the person and the agents discarded the August 4, 2006 letter. We included letters for witnesses who we knew were over the age of 18 to advise them to contact us if they felt they were being harassed because the agents had learned of potential harassment during the early set of interviews. I decided to prepare these letters after discussing the issue with Special Agent Kuyrkendall and I decided on the content of those letters.

Although I do not have a clear recollection of this, I believe that a new letter was issued for Individual #4 because the agents had difficulty interviewing her and did not want to provide her with a letter that was several months old. On June 7, 2007, I simply printed the same letter with a new date and signed it. (Exhibit 30.) I do not believe that the August 11, 2006 letter was ever provided to her. The same explanation applies for the June 7, 2007 letters for Individuals 9, 31, 38, and 43. (Exhibit 30.) Individuals 3 and 40 were not identified until several months into the federal investigation. Victim notification letters were prepared for them on June 7, 2007. (Exhibit 30.) I decided to prepare these letters after discussing the issue with Special Agent Kuyrkendall and I decided on the content of the letters.

As discussed above, in July 2007 and September 2007, I raised in writing the need to confer with the victims regarding the proposed agreement with Epstein. I also raised the issue in internal conversations with supervisors, agents, and others. I was told that I could not discuss the matter with the victims. (See Exhibits 3 and 44.)

After the Non-Prosecution Agreement was signed, I drafted a notification letter to inform the victims of the terms of the agreement and the date of the state court proceedings. After several delays, the state plea and sentencing date was set for December 9, 2007. On November 19, 2007, I prepared the draft notification that appears at Exhibit B-2 based upon my reading of the NPA and research I had conducted on state law. (See Exhibit B-7.) Several blanks appeared because we were still waiting for Epstein's counsel to confirm that Epstein would pay the fees of the attorney-representative selected by the Special Master.

A second draft of the plea notification letter was prepared on November 27, 2007 at 7:11 p.m. for Jeff Sloman's review. (Exhibit B-3.)<sup>36</sup> On November 28, 2007 at 9:42 p.m. a third draft was prepared for Jeff Sloman's review. (Exhibit B-4). This version was shared with counsel for Epstein. (Exhibits B-8). On November 29, 2007, Jay Lefkowitz, counsel for Epstein, objected to the victim notification letter in a letter to USA Acosta. (Exhibit B-9). USA Acosta asked Mr. Lefkowitz to discuss the matter with Jeff Sloman and me. (Exhibit B-10).

On December 5, 2007, Kenneth Starr and Jay Lefkowitz wrote a letter to USA Acosta requesting an updated victim notification letter incorporating their objections. (Exhibit B-11). On December 6, 2007, Jeff Sloman sent a letter to Jay Lefkowitz, which attached another proposed victim notification letter. (Exhibit B-12). There was significant internal correspondence regarding my concerns that the Government needed to meet its obligation to inform the victims of the upcoming plea. (Exhibit B-13). After providing a final draft to the Miami office on December 7,

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<sup>36</sup> This document was converted from Word Perfect, which caused the formatting problems.

2007, (Exhibit B-6<sup>37</sup>), later that day, my legal assistant and I prepared 32 victim notification letters and envelopes to send. (Exhibit B-14). At 5:08 pm, I received an email from Jeff Sloman that said, "Hold the letter" (Exhibit B-54).

On December 10, 2007, I contacted Jim Eisenberg, counsel for Individual # 28, who is Jane Doe #2 in the *Jane Doe v. United States* suit. As noted on the attached chart, Mr. Eisenberg was paid for by Mr. Epstein. I told Mr. Eisenberg that I was preparing victim notification letters and needed to know if he was still representing Individual #28. He said that he was and instructed me to send the letter to him. My continued designation of Individual #28 as a victim, based upon the statements of other witnesses and the documentary evidence collected by federal and state agents, was one of the main bases that Epstein's counsel used to support their allegations of prosecutorial misconduct with officials at the Department of Justice. (See Exhibit B-20.) Based upon those attacks, which relied upon the videotaped statement given by Individual #28, I was instructed by either Jeff Sloman or Alex Acosta, not to consider Individual #28 as a victim for purposes of the NPA because she was not someone whom the Office was prepare to include in an indictment.

On December 7, 2007, Lilly Ann Sanchez sent a letter to Jeff Sloman finally providing the USAO with the date and time of the change of plea for Mr. Epstein. (Exhibit B-15). Based upon that information, on December 14, 2007, I prepared another version of the victim notification letter. (Exhibit B-16<sup>38</sup>). I provided a copy via email to Alex Acosta, Jeff Sloman, Rolando Garcia, and Karen Atkinson. (Exhibit B-17). On December 17, 2007, I sent an email to Jeff Sloman inquiring about the status of the case and informing him that the agents also were expressing their concerns about the delays in victim notifications. (Exhibit B-18). Over my objection, my request to send the victim notification letter was not approved, and on December 19, 2007, USA Acosta sent a letter to Lilly Ann Sanchez stating, "I understand that the defense objects to the victims being given notice of [the] time and place of Mr. Epstein's state court sentencing hearing. I have reviewed the proposed victim notification letter and the statute. . . . We will defer to the discretion of the State Attorney to determine if he wishes to provide victims with notice of the state proceedings, although we will provide him with the information necessary to do so if he wishes." (Exhibit B-19.) Although I did not know it at the time, in preparing this response, I noticed that, in FAUSA Sloman's June 3, 2008 letter to DAG Filip, he stated that the quoted language was proposed by USA Acosta "in consultation with DAAG Mandelker." (Exhibit B-123 at 7.)

On December 21, 2007, attorney Jay Lefkowitz expounded on a new challenge – that Mr. Epstein had not been provided with a list of the victims and an opportunity to challenge the list prior to signing the NPA. I made clear verbally and in writing that I would not expose the victims to further harassment while Epstein was clearly trying to wheedle his way out of pleading guilty and going to prison. As I told Mr. Lefkowitz, I had devised a system to address this concern prior to the signing of the NPA; since Epstein's team of attorney's had not requested the right to see and challenge the list, I had not offered it. A few days later, Lefkowitz again wrote to the U.S. Attorney stating that he did not think our Office should provide *any* notifications; they should come only

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<sup>37</sup> This document was converted from Word Perfect, which caused the formatting problems.

<sup>38</sup> This document was converted from Word Perfect, which caused the formatting problems.

from the State Attorney's Office. Lefkowitz insisted on the right to review the letters. (Exhibit B-22).<sup>39</sup>

The matter was tabled while Epstein was allowed time to raise his federal jurisdiction, sufficiency, and prosecutorial misconduct challenges with CEOS, the DAAG, and the AAG. While everything was supposed to be "on hold" pending those reviews, I learned that Epstein was trying to contact some of the victims – victims who would have been represented if Epstein had performed his obligations under the terms of the NPA. I then worked to find pro bono counsel for those victims (Exhibit B-23).

On May 15, 2008, CEOS, DAAG Mandelker, and AAG Fisher completed their review, finding that our case against Epstein was neither improper nor inappropriate (Exhibit B-24). By that time, a revised indictment package had already been reviewed and approved (Exhibits B-25 through B-28). Additional victims also had been identified through the continued investigation (Exhibits B-29 through B-31).

On May 19, 2008, FAUSA Sloman wrote to counsel for Epstein giving Epstein two weeks to enter his guilty plea in state court in accordance with the terms of the NPA (Exhibit B-32).

Rather than performing, Epstein sought continued review, again alleging prosecutorial misconduct and challenging both the sufficiency of the evidence and the federal interest in the case. At this point, Epstein sought review from Deputy Attorney General Mark Filip (Exhibit B-33), and he hired Joe Whitley to join his defense team. I was informed that Epstein's deadline to enter his guilty plea would be extended again, and we continued preparing for indictment (Exhibits B-34 through B-37). So, on May 27, 2008, Bob Senior, who took Matt Menchel's place as Criminal Chief, Jeff Sloman, who had taken over for USA Acosta due to his recusal from the Epstein matter, Karen Atkinson, and I all had an email exchange agreeing that there would be no further negotiations and that the case would be indicted (Exhibit B-38).

At the same time, the agents heard that Epstein was trying to strike a new deal with the State Attorney's Office – one that would require less jail time (Exhibit B-39) (discussed below).

While the DAG completed his review, I was told that the grand jury presentation would be delayed again (Exhibit B-40). I was then tasked with drafting the USAO's letter to DAG Filip in response to Epstein's challenges.

While the case was being investigating and prepared for indictment, I did not prepare or send any victim notification letters – there simply was nothing to update. I did not receive any victim calls during this time. I did receive communications from two attorneys. In March 2008, I received a letter from attorney Richard Willits, advising me that he represented Individual #3 and that he had filed suit on her behalf against Epstein in Palm Beach County Circuit Court (Exhibit B-41). I responded, acknowledging his representation (Exhibit B-42). On June 18, 2008, I received a call from attorney Brad Edwards, who told me that he represented Individual #43, who is also Jane Doe #1 in the *Jane Doe v. United States* lawsuit. Mr. Edwards expressed an interest in assisting with the case. We were still waiting to hear about whether we would be moving

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<sup>39</sup> On the State side, Lefkowitz has consistently taken the position that there were only two victims related to the state offenses. Thus, if only the State provided notifications, only two victims would receive notices of the hearing and Epstein would avoid a full sentencing hearing.

forward to indictment. I invited him to send whatever information he could and expressed that time was of the essence (Exhibit B-43). Given the uncertainty of the situation – Epstein was still challenging our ability to prosecute him federally, pressing allegations of prosecutorial misconduct, and trying to negotiate better plea terms, while the agents, my supervisors, and I were all moving towards indictment – I did not feel comfortable sharing any information about the case. It also is my practice not to talk about status before the grand jury. For those reasons, and because I had never met Mr. Edwards, I listened more than I spoke.

Early on June 23, 2008, FAUSA Sloman emailed Criminal Chief Senior saying that, if the USAO received the go-ahead from the DAG's Office, I should immediately notify Epstein's attorneys that Epstein would only have until June 30<sup>th</sup> to comply with the September 24<sup>th</sup> agreement or be held in breach. Later that day, Mr. Senior responded, cc'ing me, instructing me to send out that notification (Exhibit B-49). On June 23, 2008, DAG Filip completed his review, and John Roth sent a letter to Attorneys Starr and Lefkowitz stating their finding that there was no abuse of discretion and no misconduct (Exhibit B-44). I immediately sent an email to Jay Lefkowitz in accordance with Mr. Senior's instructions (Ex. B-49). The following day, Roy Black and Jack Goldberger, as local counsel for Epstein, contacted me to wrap up the details of performing pursuant to the terms of the NPA (Exhibit B-45). On June 25 and 26, 2008, there were a series of internal communications regarding victim notification letters and providing Epstein with a final list of victims (Exhibits B-46, B-47, B-48). I provided my draft victim notification letter to FAUSA Sloman and USA Acosta (Exhibits B-47, B-48).<sup>40</sup> Since Mr. Acosta had agreed in December 2007 that we would not provide written notice of the state change of plea, the written victim notifications were prepared to be sent immediately following Epstein's guilty plea. The FBI was working on finalizing the victim list to disclose to Epstein (Exhibit B-50). I requested permission to make oral notifications to the victims regarding the upcoming change of plea, but the Office decided that victim notifications could only come from a state investigator, and Jeff Sloman asked PBPD Chief Reiter to assist (Exhibit B-52).

On Friday, June 27, 2008, we received notification that Epstein's change of plea and sentencing would occur the following Monday, June 30, 2008 (Exhibit B-51). I made two calls to try to spread the word about the state change of plea. Following up on FAUSA Sloman's call from the previous day, I called Chief Reiter and asked him to notify the victims (Exhibit B-53). I also called Brad Edwards as counsel for Individuals 35 and 43,<sup>41</sup> and strongly encouraged him and his clients to attend. He said that someone would try to be there. I had not been authorized by the Office to disclose the terms of the NPA, so I could not be more explicit in my conversation with him (Exhibit B-54).

After the change of plea on June 30, 2008, I made calls to the attorneys whom I knew represented identified victims in civil suits to confirm that they wanted me to send their clients' victim notification letters to the attorneys (Exhibit B-55). Also, as directed by my Office, I

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<sup>40</sup> Exhibits B-47 and B-48 consist of emails with draft victim notification letters attached. Due to changes in word processing systems, some of the attachments, as well as other drafts, have formatting issues when they were printed. My original draft was prepared on 6/25/2008 at 3:57 pm. I revised it at 5:23 p.m. that same day. I received a revised version from USA Acosta and FAUSA Sloman at 6:00 p.m. on June 25<sup>th</sup>.

<sup>41</sup> Mr. Edwards also was representing Individual #28 at the time, but I did not know that.

provided a draft of the proposed victim notification letter to counsel for Epstein (Exhibit B-56). I was concerned that Epstein and his counsel were again creating a potential problem. USA Acosta had taken the position that the final NPA consisted of three documents – the 9/24/2007 NPA, the 10/29/2007 Addendum, and the 12/19/07 letter from USA Acosta to Lilly Ann Sanchez. I prepared victim notifications (and, later, a Declaration in the *Jane Doe* litigation) based upon this understanding. When Epstein entered his guilty plea, Judge McSorley required him to file his federal Non-Prosecution Agreement with the Court since that formed part of the consideration for the state plea. I wanted to confirm that Epstein was taking a consistent position with the State Attorney's Office, Judge McSorley, and the USAO, so I asked for a copy of what was filed in the State Court. This led to multiple letters with counsel for Epstein before I could finalize the victim notification letters (Exhibits B-57 through B-65). On July 9, 2008, I finally sent the first two victim notification letters to two of Brad Edwards' clients, Individuals 35 and 43 (Exhibit B-66). Whenever I sent a victim notification letter, a redacted version of the letter also was sent to Jack Goldberger, counsel for Jeffrey Epstein. I was not authorized to send a victim notification letter to Individual # 28 or to include her on the list of persons provided to Epstein because she was not a person that the Office was prepared to name in an indictment.<sup>42</sup>

On July 10, 2008, I sent victim notification letters to a number of other represented victims, Individuals 3, 8, 17, 25, 26, 37, and 44 (Exhibit B-67). The FBI also asked for some assistance of language to use in its own victim notifications (Exhibit B-68), and I was waiting for contact information for the unrepresented victims (Exhibit B-69). On July 21, 2008, I sent victim notification letters to a group of unrepresented victims, Individuals 1, 2, 4, 9, 13, 14, 21, 23, 30, 32, and 38 (Exhibit B-70). There were some unrepresented victims who did not receive notification letters on July 21, 2008 because the FBI had not been able to confirm mailing addresses by that time – Individuals 10, 11, 16, 18, 20, 24, 31, 33, 36, 39, 40, and 42.

In August 2008, the issue of “which version of the NPA controls” finally came to a head. On August 5, 2008, in the context of a Notice of Breach, I pressed my Office to clarify the issue (Exhibit B-71). The decision was made to require Epstein to elect either the 12/19/07 letter or not, but to make it clear in writing (Exhibits B-73 through B-82). On August 15, 2008, I wrote to Roy Black and Jay Lefkowitz confirming their position that the final agreement consisted only of the NPA and Addendum (Exhibit B-83). By discarding USA Acosta's December 2007 modification, the original terms providing for the attorney representative for the victims came back into effect, and the victim notification letters for the unrepresented victims were even more important. Mr. Lefkowitz responded on August 18, 2008 with “objections” in advance to the language of the victim notifications (Exhibit B-84). On August 21, 2008, I responded to Mr. Lefkowitz with a draft victim notification letter corresponding to the language contained in the NPA and Addendum and noted the importance of promptly providing corrected information to the victims (Exhibit B-85). The following day, Mr. Lefkowitz sent a letter with indeterminate objections to the letter (Exhibit B-86). I responded by pointing out that the language in the victim notification letter was taken verbatim from the NPA and Addendum (Exhibit B-87).

On September 2, 2008, Mr. Lefkowitz finally confirmed that Mr. Goldberger would be the designated recipient for victim notifications and that Mr. Epstein would pay the attorney representative's fees (Exhibit B-88). I immediately started distributing victim notification letters.

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<sup>42</sup> That decision was made by USA Acosta and/or FAUSA Sloman. I do not know which.

On that date, Notification Letters were sent directly to Individuals 1, 2, 4, 9, 10, 11,<sup>43</sup> 13, 14, 16, 20,<sup>44</sup> 21, 23, 24, 30, 31, 32,<sup>45</sup> 33, and 38, and via counsel to Individuals 3, 8, 17, 25, 26, 37, and 44 (Exhibit B-89). On September 3, 2008, Notification Letters were sent via counsel to Individuals 35 and 43, and via FBI Legal Attaches to Individuals 36 and 42 (Exhibit B-90). On September 12, 2008, I sent a Notification Letter to Individual 39 (Exhibit B-91). On September 15, 2008, I sent Notification Letters to Individuals 18 and 32 (Exhibit B-92).

Soon thereafter, I received a letter from Jeffrey Herman, one of the civil attorneys who represented a number of victims, notifying me that he had complained to the Florida Bar that the Victim Notification Letters violated the Florida Bar rules against solicitation. He had filed complaints against myself and against Robert Josefsberg – the attorney-representative selected by the Special Master. On September 18, 2008, I wrote to the Florida Bar asking for an Ethics opinion (Exhibit B-93). I did not feel that I could send out any additional notifications until I received a response to that inquiry. The Florida Bar eventually issued a letter reviewing the relevant rules that (a) contacts with represented and unrepresented persons required by law are permitted and (b) business solicitation prohibitions are limited to those motivated by pecuniary gain. Thereafter, I issued notification letters to Individuals 20 and 40 on November 14, 2008 (Exhibit B-94).

I only issued one other set of victim notifications: when I learned that Epstein had been allowed out on work release. While it technically was not required, I knew that the State Attorney's Office had not provided the notice, so I wanted to provide the victims with at least the option to take advantage of "exclusionary zones."<sup>46</sup> On December 4, 2008, I drafted a work release notice, which was approved by my office (Exhibit B-95). The following day, I sent work release notices to attorneys for Individuals 1, 2, 3, 8, 13, 14, 17, 20, 21, 25, 26, 28, 31, 32, 35, 35, 43, and 44 (Exhibit B-96). On December 8, 2008, I sent work release notices to attorneys for Individuals 7, 9, 17, and 37, and I sent notices directly to Individuals 11, 39, and 40 (Exhibit B-97). On December 9, 2008, I mailed work release notices directly to Individuals 4, 10, 16, 18, 23, 24, 30, 33, and 38 (Exhibit B-98). On December 11, 2008, I followed up with the attorneys about whether any of their clients wanted to take advantage of the "Exclusionary Zone" option in Epstein's GPS unit (Exhibit B-99). There was a bit of correspondence and telephone calls about this, but ultimately none of the victims elected to participate in this. On December 12, 2008, I send the work release notice to Individual #42 (Exhibit B-100).

I am not aware of any other notices provided to victims in connection with this case.

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<sup>43</sup> The letter was returned on September 12, 2008, and Individual #11 was contacted by phone. She came to the office and picked up the letter in person on September 16, 2008.

<sup>44</sup> The letter was returned on September 15, 2008. A new letter was sent on November 14, 2008 to a corrected address.

<sup>45</sup> The letter was returned on September 11, 2008. A new letter was sent on September 15, 2008. At Individual #32's request, a copy was sent to her and with a copy to Jeffrey Herman, Esq.

<sup>46</sup> "Exclusionary zones" can be programmed into a GPS tracking unit to send an alarm if a prisoner on work release enters into a prohibited area – e.g., a four-block radius of a victim's residence.

**3. Identify all individuals within the USAO and FBI who had a role in determining whether, when, how, and to which victims to provide victim notifications in the Epstein case and explain what decisions were made and the basis for them.**

Greater detail is provided in the answer to Item B-2, above, and the exhibits referenced therein. Normally the line AUSA is the person who handles deciding who should receive victim notifications. Prior to indictment, the line AUSA has responsibility for those notifications, in conjunction with the case agents. Post-indictment, a victim list is provided to the victim-witness coordinator who is supposed to issue letters (again, I do not know how automated that was in 2006-2008). In this matter, I made the decision to make contact with victims early and I decided on the content of the introductory letters as well as the recipients of those letters. At the time of plea negotiations, Criminal Chief Menchel made the decision that he had the authority to vary from the general policy of conferring with victims before entering into a plea. I do not know the basis for that decision (*see* Exhibit 3). His email to me said that the decision was made with USA Acosta's concurrence. I do not know the veracity of that statement. I know that, even after Chief Menchel left the USAO, as the plea negotiations continued, when I re-raised the issue of conferring with the victims after discussing it with CEOS Chief Drew Oosterbaan (*see* Exhibit 44), the Office still did not confer. I do not know the basis for this decision.

Regarding providing notifications of the date of the change of plea, I drafted several iterations of a notification letter and also asked to provide oral notifications. USA Acosta decided that the USAO should not provide any notifications of a state court proceeding. From the correspondence that he drafted, the basis for doing so was that it was a state proceeding, not a federal one, so the notice should come from the State Attorney's Office.

With regard to the FBI, my understanding is that Twiler Smith, the victim specialist, in conjunction with Nesbitt Kuyrkendall, the case agent, had primary responsibility for making victim notifications and the content of those. I do not know if anyone else within the FBI played any role in those decisions, and, with regard to their standard victim notification letters, I do not believe that anyone from the USAO played any role. I know that the FBI deferred to the USAO, and to USA Acosta's decision not to confer with the victims in advance of signing the NPA. I also know that the FBI also deferred to USA Acosta's decision not to inform the victims of the state court plea.

**4. Identify any effort made by the government to notify the victims, either in writing or through other means, that it intended to enter into a non-prosecution agreement with Mr. Epstein, or had entered into such an agreement. For all such efforts, identify the victims notified, when, and by whom. If some or all of the victims were not notified about the non-prosecution agreement, explain why and identify the individuals responsible for the decision.**

Greater detail is provided in the answer to Item B-2, above, and the exhibits referenced therein. In short, while I requested permission to confer with the victims in advance of entering into the NPA, that permission was denied. So no one notified the victims that the government intended to enter into a non-prosecution agreement. Immediately after the government entered into the NPA, I prepared notification letters, but the U.S. Attorney decided that these letters also should not be sent out. The case agents made oral notifications to two identified victims in October

2007, but they became concerned that it appeared that Epstein was going to renege on the NPA. The agents suspected that, at trial, Epstein would allege that the agents had told the victims that they could get money from Epstein. So they decided to suspend the notifications until Epstein was indicted or his “challenges” to the NPA and the investigation were settled.

- 5. Explain why victims who received victim notification letters after the non-prosecution agreement was first signed in September 2007 were notified in the letters that the federal investigation of Jeffrey Epstein “is currently under investigation.” Explain whether you, or other government personnel, considered whether the statement was accurate in light of the non-prosecution agreement; describe the process leading to the decision to so advise the victims; and describe any discussions among government personnel concerning the statement and its accuracy, occurring before or after it was made.**

The letters containing the quoted language were prepared by FBI victim-witness specialist Twiler Smith and I was unaware of them until they were collected in connection with the *Jane Doe* United States litigation. I do not recall ever discussing the wording of the FBI’s letters prior to their distribution. The decision to issue the letters and the wording of those letters were exclusively FBI decisions.

Even though I was unaware of the language at the time, there is no doubt that from the perspective of the agents and myself the matter was, in fact, “currently under investigation.” The NPA was signed on September 24, 2007. The letters that Judge Marra referred to in his order were dated January 10, 2008 and May 30, 2008. During the period that the letters were sent, Epstein was asserting that: (a) there was insufficient evidence to charge him with any offense; (b) there was no basis for federal prosecution and that federal prosecution violated the *Petite* policy; (c) I had engaged in prosecutorial misconduct during the investigation and resolution of the matter; (d) Jeff Sloman had engaged in prosecutorial misconduct during the investigation and resolution of the matter; (e) Special Agent Kuyrkendall had engaged in misconduct during the investigation of the matter; and (f) the NPA violated public policy because of its inclusion of the provision for § 2255 damages in lieu of mandatory restitution. Setting aside items (a) through (e), if the Department agreed with item (f) or if Epstein accepted USA Acosta’s invitation to “unwind” the NPA and proceed to trial, we were faced with a target who had committed numerous identified crimes and had unlimited resources to flee the jurisdiction. The investigative team wanted to be prepared to arrest him as quickly as possible with the strongest criminal case at the ready. I also believed that either the U.S. Attorney or someone at DOJ would stop allowing Epstein to use the NPA as both a sword and a shield – attacking terms that Ken Starr had once thanked me for recommending while keeping the USAO from indicting Epstein.

On December 12, 2007, Criminal Chief Senior and I finalized a revised indictment package to present to the grand jury (Exhibit B-101). On January 7, 2008, I sent an email to my entire advisory chain – up to the U.S. Attorney – laying out a series of steps in furtherance of the investigation (Exhibit B-102). Next, I secured the assignment of a CEOS attorney, Myesha Braden, as co-counsel, and she immediately traveled to West Palm Beach to participate in interviews to familiarize herself with the case and to re-connect with the victims to prepare them for potential trial testimony (Exhibits B-103, B-104). On January 14, 2008, Ms. Braden and I went over charging and investigative strategy, as well as her next trip to West Palm Beach (Exhibit B-105). I also asked the agents to compile the evidence so that it would be more manageable for

Chief Senior's ongoing indictment review (Exhibit B-106). Ms. Braden, the agents, and I continued working on the best way to charge the case, and collecting evidence to corroborate witness statements (*see* Exhibit B-107). On January 31, 2008, another group of grand jury subpoenas was prepared and served (Exhibit B-108). On January 31 and February 1, 2008, Ms. Braden, the agents and I re-interviewed a series of victims (Exhibit B-109). As you can see from Exhibit B-109, it wasn't simply the agents and I who thought that the investigation was ongoing, the supervisory chain (up to and including the U.S. Attorney and the Chief of CEOS) was aware that: (1) victim and witness interviews were occurring; (2) grand jury subpoenas were being issued; and (3) an indictment package was being revised and reviewed.

In February 2008, I was focused on working with the agents and Ms. Braden to finalize a revised indictment package and having it reviewed and signed by my supervisors (Exhibit B-110). On February 20, 2008, I sent an email to USA Acosta, FAUSA Sloman, CEOS Chief Oosterbaan, Criminal Chief Senior, and others in the supervisory chain letting them know that I had provided the final indictment package to my immediate supervisor the previous day (Exhibit B-111). I also informed Ms. Braden that I reserved time with the grand jury on March 11, 2008 and asked her to attend on that date (*id.*). On February 25, 2008, I conferred with my immediate supervisor and with one of our Senior Litigation Counsel, who also was one of our Professional Responsibility Officers, about whether there was any reason to re-present the case to a different grand jury (Exhibit B-112). I provided the result of my inquiry to FAUSA Sloman, Criminal Chief Senior, the West Palm Beach supervisors, and Ms. Braden (Exhibit B-113). My supervisor completed her review the following day (*see* Exhibit B-114).

Also on February 26, 2008, FAUSA Sloman informed me that he had told attorney Jay Lefkowitz that, if CEOS rejected Epstein's position, Epstein would be allowed "one week to abide by the terms and conditions of the September 24, 2007 Agreement" (Exhibit B-115). I wrote to FAUSA Sloman telling him that I could not understand why Epstein would be allowed to plead to the same terms in light of Epstein's false allegations and in light of the new evidence we had uncovered, including six confirmed additional victims and three potential new victims in New York (*id.*). I don't recall receiving any response.

Despite that communication to Epstein's counsel, the Office continued towards indictment. On February 27 and 28, 2008, FAUSA Sloman, Criminal Chief Senior, Civil Rights Chief Weinstein, and I communicated about the USAM requirement that DOJ's Civil Rights Section be consulted when violations of 18 U.S.C. § 1591 are included in an indictment (Exhibit B-116). I continued reviewing records received in response to grand jury subpoenas and the agents continued working towards identifying additional witnesses and victims (Exhibit B-117). The following day, I advised the same gentlemen about identifying another New York witness/potential victim and her upcoming planned interview and inquired about the status of CEOS' review (Exhibit B-118).

In March 2008, there were several developments in the investigation. The case agent and I decided to present search warrants for memory cards that the Palm Beach Police Department had collected. They had been reviewed by the PBPD near the time they were collected and no images of child pornography had been seen, but a forensic examiner had recently opined that forensic examination might result in the recovery of deleted images. I advised that a new forensic examination would require search warrants, so they were prepared and executed (Exhibits B-119, B-120).

On March 5, 2008, I updated the Office supervisory chain and CEOS Chief Oosterbaan on a number of case developments (Exhibit B-121). In that email, I noted that, if we were not going to proceed, we needed to be mindful of the state statute of limitations, to allow the PBPD to present charges to the Palm Beach State Attorney's Office (*id.*). I also reported on the status of indictment review and my plan to start presenting to the grand jury on March 18, 2008, so that the grand jury would have sufficient time to hear all of the evidence and reflect on it before voting on an indictment (*id.*). On March 14, 2008, the head of the West Palm Beach office completed his review of the indictment package and it was forwarded to Criminal Chief Senior for final review and approval (Exhibits B-25, B-122). On March 18, 2008, I began my grand jury presentation (Exhibit B-26). The planned continued presentation to the grand jury was postponed while we awaited CEOS' review. I expressed my concerns about the impact on the ongoing investigation (Exhibit B-124).

In mid-May, 2008, CEOS completed its review, finding that a federal prosecution of Epstein's conduct was factually and legally sound (Exhibit B-24). The agents and I immediately prepared to go back to the grand jury (Exhibit B-125). My supervisors also immediately prepared to review and finalize an indictment incorporating the results of the continued investigation (Exhibit B-38). The agents continued locating and interviewing more victims (*see, e.g.*, Exhibit B-126). When DAG Filip agreed to consider Epstein's challenges, the planned grand jury presentation was canceled (Exhibit B-40).

Even after that delay, the agents and I pressed on. In June 2008, even as I was assisting with the USAO's submissions to DAG Filip (Exhibits B-123, B-127, and B-128), the agents and I were working on additional grand jury subpoenas and obtaining 6001 immunity for a witness (Exhibit B-129). On June 17, 2008, I applied for, and received permission to seek DOJ approval for 6001 immunity (Exhibit B-130). On June 24, DAAG Mandelker's designee granted the application (Exhibit B-131). I also received permission to travel to New York with the agents to conduct additional witness interviews (B-132). Time with the grand jury was scheduled and the supervisory chain was informed of those plans as well as the status of the application for 6001 immunity (Exhibit B-133). I also was corresponding with counsel for the witness about her travel for the grand jury appearance, which was scheduled for July 1, 2008 (Exhibit B-134). Even when the witness' attorney told me that Epstein would be pleading guilty on June 30, 2008, I would not release the witness (*id.*). I formally withdrew the subpoena on June 30, 2008, following Jeffrey Epstein's entry of his guilty plea in state court (Exhibit B-135).

These activities took us up to the time of Jeffrey Epstein's June 30, 2008 guilty plea. From September 2007 until the end of June 2008, the agents and I: collected additional evidence; reviewed that evidence; interviewed new victims and witnesses; re-interviewed previously identified victims and witnesses; identified new crimes and charges; developed new charging strategies; drafted supplemental pros memos; revised the indictment package; and presented new evidence and testimony to the grand jury. Although I did not know that Victim-Witness Specialist Smith's letters contained the language that the Epstein case was "currently under investigation," from my perspective, that language was absolutely true and, despite being fully advised of our ongoing investigative activities, no one in my supervisory chain ever told me that the case was not under investigation.

### **C. General**

- 1. As to all of the foregoing matters, identify any disagreements or concerns expressed by government personnel as to these matters, the parties involved, how the disagreements were resolved, and any concerns you had about any such resolution and the individuals, if any, with whom you discussed your concerns.**

I raised a multitude of concerns during the investigation, negotiations, and enforcement periods. They ranged from the explicit – my July 2007 email exchange with Matt Menchel about his violations of the USAM, CVRA, and Ashcroft Memo (Exhibit 3) – to the subtle – repeated requests to just meet with the victims. Here is one especially poignant request from January 31, 2008:

Hi Jeff and Alex - We just finished interviewing three of the girls. I wish you could have been there to see how much this has affected them.

One girl broke down sobbing so that we had to stop the interview twice within a 20 minute span. She regained her composure enough to continue a short time, but she said that she was having nightmares about Epstein coming after her and she started to break down again, so we stopped the interview.

The second girl, who has a baby girl of her own, told us that she was very upset about the 18 month deal she had read about in the paper. She said that 18 months was nothing and that she had heard that the girls could get restitution, but she would rather not get any money and have Epstein spend a significant time in jail.

The FBI's victim-witness coordinator attended and she has arranged for counseling for several of the girls.

Please reach out to Alice to make her decision. These girls deserve so much better than they have received so far, and I hate feeling that there is nothing I can do to help them.

We have four more girls coming in tomorrow. Can I persuade you to attend?

(Exhibit C-1.)

Many of the disagreements have been catalogued above, but I will try to collect them into general categories in chronological order.

- a. I did not want to meet with counsel for Epstein (Lilly Ann Sanchez and Gerald Lefcourt) prior to completing my investigation. My co-counsel (John McMillan) agreed with me. Our supervisor, Andrew Lourie, overruled us.
- b. AUSA McMillan and I did not want to have a subsequent meeting with another set of attorneys for Epstein, including Lilly Ann Sanchez, Gerald Lefcourt, Alan Dershowitz, and Roy Black, that would also include Criminal Chief Matt Menchel. Over my objections, Mr. Menchel also instructed me to provide defense counsel with a list of the federal statutes that we had under consideration. Mr. Menchel asked me to provide *all* of my evidence to the defense and only withdrew that instruction when I reminded him that federal statutes

protected child victims' identities. I told my supervisor, Karen Atkinson, my concerns and that I thought I should ask to have the case reassigned, and she counseled against it (Exhibit C-4).

- c. Ms. Atkinson, the agents, and I all tried to impress upon the others that, due to the nature of the crimes under investigation, time was of the essence – Epstein was accused of committing sexual offenses against dozens of minor girls. Our expert witness, as well as our own experience, led us to believe that Epstein would not cease his criminal behavior voluntarily. We also knew that Epstein was continuing to travel extensively using his private airplanes, and that he would have the ability to flee to a jurisdiction that did not extradite if he knew that charges were coming. At one point in May 2007, after the indictment had been reviewed on several levels, we knew where Epstein would be and I asked to arrest him on a criminal complaint. Criminal Chief Menchel responded that he was “having trouble understanding – given how long this case has been pending – what the rush is.” (Exhibit C-5). There was another instance a month or two later where we knew that Epstein was traveling to serve as a judge for a beauty contest and I again asked for permission to prepare a criminal complaint. Criminal Chief Menchel’s denial of the request was even more emphatic.
- d. In July 2007, Mr. Menchel and I exchanged strong words when he reported that he had engaged in plea negotiations without the input or knowledge of the agents, victims, or myself (Exhibit 3). My objections included:
  - i. The failure to meet and consult with the victims, agents, and me before deciding what plea offer to extend.
  - ii. Offering a plea to a state offense. There was never any explanation of why a federal investigation would be resolved with a state plea, and I understood that a state plea would remove all control over the plea and sentencing procedure.
  - iii. Starting the negotiations at only 24 months’ imprisonment, which was unreasonably low and not in keeping with any of the federal crimes under investigation.<sup>47</sup>
  - iv. Sending the message to defense counsel that plea negotiations would be handled by the executive division rather than the line prosecutor and the West Palm Beach supervisory team.
- e. From the beginning of the federal investigation, the agents and I had pushed to get the computer equipment that Epstein had removed from his home prior to the execution of the state search warrant. When Epstein’s counsel had stated that Epstein wanted to “cooperate” with the federal investigation, we asked that they turn it over voluntarily; they never did. We sought it via grand jury subpoena and they moved to quash the subpoena. Every time the matter was set for a hearing, Epstein’s counsel would ask the Office to agree

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<sup>47</sup> Mr. Menchel’s responsive email in July 2007, suggested that, in light of the statement by Ms. Sanchez that 24 months’ imprisonment was a “non-starter,” we would be able to re-set plea negotiations at a higher number, but that never happened.

to “continue” the hearing pending our “plea negotiations.” I repeatedly recommended moving forward on the computer equipment because it was obvious that they did not want to turn it over and the equipment likely contained hard evidence of travel, contact with victims, obstruction of justice, and possibly child pornography offenses. Instead, the Office continuously agreed to put off the hearing and even when Epstein’s attorneys tried to use the existence of the pending motion to quash as a basis to stay some of the victims’ civil suits.

- f. Once I was informed that I had to devise a plea agreement with a sentencing cap of 24 months’ imprisonment, I drafted a plea to a conspiracy to violate 18 U.S.C. § 2422, in violation of 18 U.S.C. § 371 – one of the crimes that had been the subject of the investigation and that was included in the indictment. That crime was a felony with a five-year statutory maximum, and the guidelines would have exceeded the five-year max, so the plea agreement would have had to be a binding plea pursuant to Fed. R. Crim. P. 11(c)(1)(C), which is what I drafted. I was informed by Mr. Lourie that USA Acosta did not want to do a (c)(1)(C) plea, so I had to find charges that would result in a two-year statutory maximum. This resulted in me having to research misdemeanors and find facts that would fit those misdemeanors. I thought it was totally inappropriate. Luckily, Andy Lourie finally stepped in and told Lefkowitz that we would not agree to a misdemeanor charge unrelated to the crimes that we had investigated.
- g. Throughout the drafting of the NPA, every time Jay Lefkowitz and I reached an impasse, he and/or Ken Starr would appeal to Andy Lourie, Jeff Sloman, or Alex Acosta, making it impossible to hold a firm line or keep a singular negotiating strategy. I tried to work from the Office’s standard plea agreement language, but even after language was agreed to, it would be rewritten by Mr. Acosta.
  - i. I strenuously objected to the reduction of the prison term from 24 months to 18 months.
  - ii. I objected to the clear efforts at delay for no reason other than delay (for example, going back and forth from a federal plea to a state plea and back to a federal plea – all the while asking me to provide copious drafts).
  - iii. At various points, it was apparent that Epstein was not engaging in good faith plea negotiations and I asked to terminate the negotiations and proceed to indictment. Every time, Mr. Acosta refused. For example, near the end of the negotiations, Mr. Lefkowitz tried to “slip in” a citation to a different state crime that did not require sex offender registration. When I brought this to Mr. Lefkowitz’s attention, he admitted that, despite their explicit agreement that Mr. Epstein would plead guilty to a crime that required sex offender registration, they originally believed that the crimes listed in the NPA did not require registration. When they realized their error – and the Epstein would, indeed, have to register, they tried to replace the statute with a different one. This was the clearest example of bad faith amongst many, yet I was told that I had to continue working with Mr. Lefkowitz to finalize the agreement. USA Acosta told me that he did not want to punish Epstein for the bad behavior of his attorneys – even though Epstein clearly was directing every aspect of his defense.

- iv. I told FAUSA Sloman and USA Acosta that I did not want to sign the NPA because I did not think that it was “my” agreement. USA Acosta asked me to sign it.
- h. After the NPA was signed, USA Acosta continued to concede points that had already been decided. For example, he agreed to the preparation of the Addendum. He then made a number of concessions regarding the letter to the Special Master, including a statement that we would not vouch for the veracity of the victims, despite the fact that these were victims that we intended to include in an indictment. These were all areas that were the subject of a signed, binding agreement. On October 5, 2007, and October 23, 2007, I again asked for permission to proceed to indictment (Exhibits C-6, C-7).
- i. After the Addendum was signed, USA Acosta wrote in the 12/19/2007 letter to Lilly Ann Sanchez that he had “considered defense counsel arguments regarding the Section 2255 portions of the Agreement. . . . During the course of negotiations [our] intent was reduced to writing in Paragraphs 7 and 8, which as I wrote previously, appear far from simple to understand.” (Exhibit B-19). I raised concerns about undermining an Agreement entered into by our Office and giving away one of the protections that had been negotiated for the victims – representation by an attorney selected by the Special Master.
- j. I raised concerns about delays in entering Epstein’s guilty plea and sentencing. These were portrayed as “professional courtesies” but it quickly became obvious that the NPA was signed with no intention of actual performance – it was simply a way for Epstein to buy time to avoid indictment and intimidate victims.
- k. I raised objections to the multiple “appeals” to DC and the delays that those entailed. USA Acosta explained that “every defendant” has the right to appeal to DC and raise federalism concerns. I explained that the objections should have been raised prior to signing the NPA, not after, and, if they were legitimate “policy questions,” Epstein should agree that he would not use the time to harass and intimidate victims.
- l. As detailed above, after the NPA was signed, the agents and I repeatedly raised concerns about the Office’s deference to the defense’s objections to providing notification to the victims of the resolution of the investigation and the date and time of the Epstein’s plea and sentencing.
- m. On February 26, 2008, I learned that, if CEOS conducted its review and concluded the federal prosecution of Epstein was appropriate, the Office was going to allow Epstein to plead guilty pursuant to the NPA with no additional terms or conditions, despite the fact that additional victims had been located during the ongoing investigation. I wrote to FAUSA Sloman and expressed my view that this was an unjust result (Exhibit B-115). I re-raised this objection every time the Office allowed Epstein another opportunity to maintain the benefits of the NPA even as he was attacking the NPA’s legitimacy.
- n. On March 19, 2008, I informed the supervisory chain up to FAUSA Sloman of the toll that the delay was taking on the victims and the grand jury. In particular, one of the grand jurors had told another that he was concerned that we were going to “whitewash” the case and not charge it. Epstein was using the delay to harass the victims, and one of the victims tried to commit suicide. I wrote how the “FBI’s victim-witness coordinator is doing her

best to get counseling for all of our needy victims, but I just can't stress enough how important it is for these girls to have a resolution in this case. The 'please be patient' answer is really wearing thin, especially when Epstein's group is still on the attack while we are forced to wait on the sidelines. Your guidance is needed." (Exhibit C-2) I followed up on March 19 and 22, 2008 to let everyone know that Epstein was subpoenaing victims and was using particularly aggressive means of service – having the Sheriff's Office serve the subpoenas at the places of work, calling them into the Dean's Office at their colleges, etc. I explained that Epstein was issuing these subpoenas in the context of the state criminal case – even though these victims were not named victims in the state criminal case, and I asked FAUSA Sloman to try to have Epstein's attorneys stop this contact as it was inconsistent with Epstein's alleged interest in resolving the matter (Exhibit C-3). I do not believe that anyone contacted Epstein's attorneys about this. I worked to secure pro bono counsel for as many victims as possible so that Epstein would only be able to contact them through counsel (*id.*). My concerns about the victims' mental health were brought to the attention of management in emails and telephone calls throughout the entire period from 2006 through 2008 and probably into 2009.

- o. Even after Epstein enter his guilty plea and was sentenced, there were a number of material breaches. Every time I tried to enforce the agreement and enforce the Office's authority to proceed to indictment, the Office would accept Epstein's excuse that he received "bad advice" from his attorneys and then he would "cure" the breach. With regard to the work release, either Roy Black or Jay Lefkowitz informed me that USA Acosta had agreed, after the NPA was signed, that Epstein would be allowed to participate in work release like any other state prisoner – in direct contravention of discussions and communications that Karen Atkinson and I had with the defense. I was not allowed to invoke this as a breach.

**2. Identify any occasion during which you were or felt pressured, intimidated, threatened, coerced, or in any other manner inappropriately influenced to take a position or action in the Epstein case with which you disagreed or which caused you concern, and the individuals, if any, with whom you discussed such concerns.**

Throughout this memo, I have listed a number of disagreements. In broad categories, I disagreed with: (1) meeting with defense counsel before the investigation was completed and disclosing to them our charging strategy; (2) members of the Executive Division engaging in plea and strategy discussions outside the presence of the prosecution team and encouraging defense counsel to avoid the prosecution team; (3) entering into pre-indictment plea negotiations; (4) agreeing to delay the litigation regarding Epstein's computer equipment while pursuing plea negotiations; (5) entering into an agreement deferring federal prosecution; (6) entering into any agreement that required a sentence of only 18 months' (or even 24 months') imprisonment; (7) agreeing to a length of a sentence and then trying to find a charge with a statutory max to match; (8) reaching an agreement without conferring with the victims, the agents, or even the prosecution team; (9) refusing to hear from/meet with the victims even after meeting repeatedly with Epstein's representatives; (10) during the drafting of the NPA, allowing Epstein's attorneys to complain directing to the First Assistant and U.S. Attorney when they were dissatisfied with answers from the line AUSA and West Palm Beach supervisors; (11) repeatedly overruling my efforts to hold Epstein to the original terms, including reducing the term of imprisonment from 24 months down to 18; (12) dismissing my repeated warnings that the attorneys were not negotiating in good faith

and were delaying for strategic reasons; (13) repeatedly ceding our discretion to the defense, for example, agreeing that they could review and comment on victim notification letters and decide whether or not we could provide notice; (14) even after the NPA was signed, continuing to water it down, with the Addendum, the 12/19/07 Acosta letter, and then later offering Epstein the option of not having to provide the attorney-representative for the victims; (15) refusing to allow the agents and I to notify the victims about the terms of the NPA and about the change of plea; (16) allowing Epstein to continue to enjoy the benefits of the NPA even after he failed to promptly perform its terms and filed specious delays in order to try to negotiate better terms or win a battle of attrition; (17) refusing to defend me from the false allegations of prosecutorial misconduct; (18) refusing to step in and protect the victims from harassment from Epstein's attorneys when Epstein was "appealing" to DC; and (19) allowing Epstein to repeatedly breach the NPA and then claim that he just got bad advice from his lawyers and "cure" the breaches.

At various times during the investigation, negotiations, etc., I spoke with a number of people about my disagreements with the Office, including my supervisor, Karen Atkinson, my co-counsel, John McMillan, Special Agents Kuyrkendall and Richards, AUSAs Lynn Kirkpatrick, Susan Roe, E.J. Yera, and DOJ Trial Attorneys Tammie Gregg and Myesha Braden. On several occasions, I drafted emails about re-assigning the case because the Office's handling of the matter was so contrary to my methods. I shared at least one of these with Ms. Atkinson (Exhibit C-4). She counseled against sending it. The agents asked me not to leave the case because they believed that, if I left, the case would simply disappear. I couldn't disagree with them.

Criminal Chief Menchel's response to my email in July 2007 was, in my mind, inappropriate and meant to intimidate. It is, quite frankly, unheard of, for a Criminal Chief to engage in plea negotiations without the line AUSA's knowledge, much less blessing. And the offer that was made was inexplicable. To this day, I do not understand the NPA – 24 months/18 months – it is a completely random amount of time. Allowing a federal defendant to plead guilty to state charges also is completely unheard of. No one has ever explained to me where the idea originated from. For Mr. Menchel to suggest that my judgment was questionable or that I was unable to handle "major" cases was obviously meant to "put me in my place." In my July 13, 2007 response to Mr. Menchel, I wrote:

With respect to your questions regarding my judgment, I will simply say that disagreements about strategy and raising concerns about the forgotten voices of the victims in this case should not be classified as a lapse in judgment. This Office should seek to foster spirited debate about the law and the use of prosecutorial discretion. I know of other instances where disagreements about the application of the law to different defendants and defense attorneys has resulted in a call for the resignation of the AUSA who dared to challenge the Executive Office's conclusions. I find that very disheartening. However, my first and only concern in this case (and my other child exploitation cases) is the victims. If our personality differences threaten their access to justice, then please put someone on the case whom you trust more, and who will also protect their rights.

After my response to Mr. Menchel, I know that he spoke with Anne Ruth Schultz, who was Chief of Appeals at the time, about moving me to the Appellate Section.

The results of the disagreements catalogued above were communicated to me (orally or via e-mail) as decisions of the Executive Division. They sometimes followed extensive debate. They

sometimes followed no debate. I was sometimes heard on the issue; other times I knew nothing about it until I received the directive. There were times that I learned of communications between defense counsel and the Executive Division where concessions were made only after the decision was made. Many of these decisions were incorrect, in my opinion, but I did not believe that they were illegal. As a line AUSA, I was duty bound to follow the directives of the U.S. Attorney, which I did. I do not know that following a direct order from the Executive Division would qualify as coercion – even if it follows very strong objections.

I felt strongly that we should have conferred with the victims before entering into the NPA and that we should have informed them of the change of plea and sentencing. I felt strongly that Epstein's attorneys were given unprecedented access to members of the Executive Division, and that the victims were given no access -- I could not even talk with them about plea negotiations or notify them about the plea hearing. At one point, my assistant and I had letters and envelopes ready to be stuffed and put through the franking machine and we received notice from Miami that they could not go out. While I felt that conferring was the right thing to do, as noted above, the AG Guidelines vest discretion in the U.S. Attorney, so I could not say that USA Acosta's decision was illegal. I also believed that, because the resolution of the federal case rested on Epstein's state guilty plea, the federal victims were entitled to notice of the state hearing. But I could not say that USA Acosta's decision that the CVRA was limited to notice of *federal* proceedings was illegal.

I think that pressure was brought in more subtle ways. For example, I believe that one of the reasons why USA Acosta did not take an aggressive stance against the prosecutorial misconduct claims against me was because he disliked my insistence on pushing the case forward.

After the NPA was signed, USA Acosta recommended that I transfer to the Civil Division. I agreed to meet with them and talk about their work. Despite USA Acosta's recommendation, I decided not to follow his recommendation, and I stayed in the criminal division.

Please advise if further information is needed.

Sincerely,

s/*A. Marie Villafaña*

A. Marie Villafaña

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May 10, 2019

**VIA EMAIL ONLY**

Laura Ingersoll  
Counsel, Office of Professional Responsibility  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W. – Room 3266  
Washington, D.C. 20530

**Re: OPR Investigation Relating to Jeffrey Epstein Federal Criminal Investigation**

Dear Ms. Ingersoll:

Attached please find the written response of Assistant United States Attorney A. Marie Villafaña to the letter of Jeffrey R. Ragsdale, dated April 2, 2019, regarding the criminal investigation of Jeffrey Epstein. AUSA Villafaña separately has sent you encrypted disks containing the exhibits referenced in her written response, and has emailed other exhibits that were not included on the disks.

Mr. Ragsdale's letter also requested background information concerning AUSA Villafaña's professional background and experience. The remainder of this letter provides that information.

A native of Minnesota, A. Marie Villafaña graduated from Cornell University and the University of California, Berkeley, School of Law. She was admitted to the California Bar in 1995, to the Minnesota Bar in 1997, and to the Florida Bar in 2005. She is currently an active member of the Florida Bar, and maintains inactive status in California and Minnesota.

Ms. Villafaña began her legal career as a judicial law clerk to the Honorable David F. Levi, United States District Judge for the Eastern District of California, from 1993 to 1994. Ms. Villafaña then worked in private practice for seven years, including as a litigation associate at Morrison & Foerster in San Francisco and a trial associate with Dorsey & Whitney, LLP, in Minneapolis, Minnesota, and London, England. Ms. Villafaña remained in civil practice, specializing in intellectual property litigation until 2001, when she was hired by the United States Attorney's Office in Miami.

While she enjoyed civil practice, Ms. Villafaña for many years had wanted to be an Assistant United States Attorney. Two early career mentors – Judge Levi and Portia Moore from Morrison & Foerster – had worked at U.S. Attorney's Offices and they, like many former

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AUSAs, described the job as the best of their careers. Ms. Villafaña also wanted to serve her community. She was in the first generation of her family to graduate from college. She is the only member of her family to get an advanced degree. Personal experiences left her deeply committed to wanting to create safer communities for victims of crime. After several years of waiting for an opening at the USAO in Minneapolis, when Ms. Villafaña's brother moved to the West Palm Beach area, she applied for a position at the U.S. Attorney's Office for the Southern District of Florida.

On September 10, 2001, Ms. Villafaña began serving as an Assistant United States Attorney in the Southern District of Florida. She did a rotation through the Appellate Section and then joined the Major Crimes Section from late September 2001 until January 2004. While in that unit, she handled reactive cases and short-term investigations and cases, including narcotics, firearms, child exploitation offenses, immigration matters, credit card fraud, bank robbery, violent offenses, and supervised release violations. While serving in that unit, she was also selected as one of the Southern District of Florida's first Project Safe Neighborhood prosecutors.

In January 2004, AUSA Villafaña transferred to the West Palm Beach Office. In 2006, the U.S. Department of Justice initiated Project Safe Childhood, and, in recognition of her expertise in child exploitation matters, AUSA Villafaña became the Southern District of Florida's first Project Safe Childhood coordinator. From 2004 through early 2009, AUSA Villafaña handled the bulk of the child exploitation cases in West Palm Beach, as well as other cases involving violent crime, gangs, narcotics, firearms, immigration, and white collar matters.

In March 2009, AUSA Villafaña was selected as the first Chief of the Special Prosecutions North Section, which was a new section in the Fort Lauderdale Office that would work on Project Safe Childhood and Project Safe Neighborhood prosecutions. In late 2010, when a new U.S. Attorney was sworn in, AUSA Villafaña asked that she be transferred back to the West Palm Beach Office, because the daily commute to Fort Lauderdale was both taxing and time consuming and it was exacerbating a then undiscovered medical condition from which she was suffering.

Since 2010, AUSA Villafaña has been assigned to the West Palm Beach Office and is now the liaison to the Greater Palm Beach County Health Care Fraud Task Force. Since returning to West Palm Beach, AUSA Villafaña's caseload has shifted more towards economic crimes, but she has worked on a wide array of cases including insurance fraud, varying types of health care fraud, human trafficking, drug diversion, and bank fraud.

According to CourtLink, AUSA Villafaña was counsel of record in 445 criminal matters in the Southern District of Florida. This number does not include all of the 2255 petition and appeals AUSA Villafaña has handled, but does include search warrants and pen registers that she sought. Of these approximately 445 cases, a number of matters are noteworthy:

As the Southern District of Florida's first Project Safe Childhood Coordinator, she personally handled dozens of child exploitation cases.

It appears from a review of Westlaw and Courtlink research, that AUSA Villafaña was the first prosecutor in the Southern District of Florida to convince the court to recognize the rights of a victim's family to appear and speak to the Court about the proper sentence:

- U.S. █. William Charles O'Neil, 04-Cr-80040

The victim's mother remains in touch with AUSA Villafaña to this day.

From Westlaw and Courtlink research, it appears that AUSA Villafaña was the first prosecutor in the Southern District of Florida to advocate for the appointment of a guardian ad litem for minor victims in connection with a criminal prosecution.

- U.S. █. Jimmy Oliver, 06-Cr-80023
- U.S. █. Marion Yarbrough, 07-Cr-80099

From Westlaw and Courtlink research, it appears that AUSA Villafaña was the first prosecutor in the Southern District of Florida to charge enticement of a minor based upon use of a cellular phone.

- U.S. █. McDaniel, 06-Cr-80058

From Westlaw and Courtlink research, it appears that AUSA Villafaña was the first prosecutor in the Southern District of Florida to charge a violation of the child pornography advertising statute.

- U.S. █. Frank Grasso, 05-Cr-80111

From Westlaw and Courtlink research, it appears that AUSA Villafaña was the first prosecutor in the Southern District of Florida to charge failure to register as a sex offender. AUSA Villafaña trained other prosecutors and agents on how to investigate and prosecute those cases.

- U.S. █. Alfonso Diaz Cardenas, 07-Cr-80108

AUSA Villafaña assisted in the drafting of Eleventh Circuit Pattern [Criminal] Jury Instructions related to child exploitation offenses, including clarifying that, in cases of actual contact with a child, there is no requirement of proving the defendant's knowledge of age.

According to inquiries with DOJ's Health Care Fraud Section, Ms. Villafaña was the first prosecutor in the nation to charge sex trafficking in connection with a health care fraud case.

- U.S. [REDACTED]. Kenneth Chatman, 17-Cr-80013 (subject of an American Greed episode, CNBC, Season 12, Episode 10 "Florida Rehab Gone [REDACTED]" July 2, 2018)

Chatman was the first of several cases to target fraud in connection with substance abuse treatment. To date, AUSA Villafaña has convicted 30 individuals, including six licensed medical or mental health professionals, for related offenses:

- U.S. [REDACTED]. Kenneth Chatman, et al., 17-Cr-80013
- U.S. [REDACTED]. Barry Gregory, 17-Cr-80033
- U.S. [REDACTED]. Richard Botero, et al., 17-Cr-80070
- U.S. [REDACTED]. Tovah Lynn Jaspersen, et al., 17-Cr-80194
- U.S. [REDACTED]. Jeffrey Williams, 17-Cr-80195
- U.S. [REDACTED]. Albert Jones Saye, 17-Cr-80229
- U.S. [REDACTED]. John Skeffington, et al., 18-Cr-80018
- U.S. [REDACTED]. Anthony Jackson, 18-Cr-80040
- U.S. [REDACTED]. Lanny Fried, 18-Cr-80100
- U.S. [REDACTED]. Bosco Vega, 18-Cr-80101
- U.S. [REDACTED]. Mark Hollander, 18-Cr-80102
- U.S. [REDACTED]. Larry Weisberg, 18-Cr-80108
- U.S. [REDACTED]. Kenneth [REDACTED]-Kolb, 18-Cr-80121
- U.S. [REDACTED]. Arman Abovyan, et al., 18-Cr-80122
- U.S. [REDACTED]. Hamilton Wayne, et al., 18-Cr-80165
- U.S. [REDACTED]. Ethan Wayne, 18-Cr-80168

The Chatman case resulted in AUSA Villafaña being awarded the 2018 Council of the Inspectors General on Integrity and Efficiency Award and the 2017 National Healthcare Anti-Fraud Association Investigation of the Year Award. This series of investigations has been nominated for this year's FBI Director's Award and the Florida Insurance Fraud Education Committee's Award.

At the request of DOJ's Office of Legislative Affairs, AUSA Villafaña has provided advice on Congress' recent legislation on fraud involving sober homes and treatment facilities.

AUSA Villafaña's prosecution of a member of Guatemala's Kaibil military branch led to war crimes investigations and prosecutions of numerous high-ranking military and political figures in Guatemalan and international courts, and resulted in her receipt of the Justice Department's 2011 National Crime Victims' Rights Service Award. The case was the subject of an award-winning documentary entitled "Finding Oscar" and numerous television shows and podcasts.

- U.S. [REDACTED] Gilberto Jordan, 10-Cr-80069

AUSA Villafaña prosecuted the leader and numerous members of the Krazy Locos street gang in Palm Beach County (an MS-13 affiliate) for two murders in connection with racketeering activity and numerous firearms, drug, and sex trafficking offenses.

- U.S. [REDACTED] Jonathan [REDACTED], et al., 09-Cr-80091
- U.S. [REDACTED] Ivan Santiago, 09-Cr-80135
- U.S. [REDACTED] Itzel Candela-Campos, 10-Cr-80042

AUSA Villafaña prosecuted 57 individuals, including 21 medical professionals, for charges related to staged accidents and chiropractic clinic fraud. According to information received from victim insurance companies, the prosecutions resulted in a 50% decrease in fraudulent auto insurance claims in Palm Beach County as well as changes to state legislation. AUSA Villafaña received the Attorney General's Award for Fraud Prevention and the [EOUSA] Director's Award for this series of cases. She also received Prosecutor of the Year awards from the Coalition Against Insurance Fraud and the Florida Insurance Fraud Education Committee for her work in these cases.

- U.S. [REDACTED] Vladimir Lopez, et al., 11-Cr-80106
- U.S. [REDACTED] Ketty [REDACTED], et al., 11-Cr-80211
- U.S. [REDACTED] Obelio Rodriguez, et al., 12-Cr-80107
- U.S. [REDACTED] Yuliet Tapanes, et al., 12-Cr-80108
- U.S. [REDACTED] [REDACTED] Adams, 12-Cr-80112
- U.S. [REDACTED] Iris Roca, 13-Cr-80109
- U.S. [REDACTED] Olinda Rodriguez, 13-Cr-80110

AUSA Villafaña successfully handled the appeal in the matter of U.S. [REDACTED] Damian Baston (14-14444 (11th Circuit)), arguing for full restitution for victims of sex trafficking and for the right of the United States to prosecute sex trafficking that occurred outside the United States but originated in the United States.

From Westlaw and Courtlink research, it appears that AUSA Villafañá was the first prosecutor in the Southern District of Florida to charge violations of the federal money transmitting statute.

- U.S. [REDACTED]. Nolaco-Argueta, 02-Cr-20465

Significant Sentences:

- 130 years' imprisonment for Jimmy Oliver, who had molested numerous female family members over several decades. (06-Cr-80023)
- Life plus 135 years for Jonathan [REDACTED], head of the Krazy Locos gang, for ordering two murders and an attempted murder in aid of racketeering and other offenses (09-Cr-80091)
- Life imprisonment plus 35 years for Manuel Medina for murder in aid of racketeering and other offenses (09-Cr-80091)
- 40 years' imprisonment for Marion Yarbrough, who had enticed a Florida girl to board a bus to Kentucky where he repeatedly abused her sexually (07-Cr-80099)
- 40 years' imprisonment for Mark Joseph Harvey, who was found in possession of over 1 million images of child pornography, organized in files by age and subject matter, and who had previously sexually abused family members (09-Cr-80023)
- 30 years' imprisonment for Ivan Isidro Santiago, co-head of the Krazy Locos gang, for his role in two murders and an attempted murder in aid of racketeering and other offenses (09-Cr-80091 and 09-Cr-80135)
- 27.5 years for Kenneth Chatman, who had forced female patients of his substance abuse treatment program into prostitution (17-Cr-80013)
- 25 years for Frank Grasso, who used social media to advertise for child pornography (05-Cr-80111)
- 20 years for Jonathan Earl Clark on charges of enticement of a minor and child pornography (08-Cr-80067)
- 20 years for Eric Runyan on charges of distribution of obscenity to a minor and enticement (12-Cr-80115)
- 19 years for Alejandro Tomas for aiding and abetting murder in aid of racketeering (09-Cr-80091)
- 15 years for Christopher [REDACTED]-Chamberlain on a charge of aggravated assault in connection with the Krazy Locos case (09-Cr-80091)
- 14 years for Lucas Phelps on charges of enticement of a minor and transmission of obscene material to a child. Phelps had previously been adjudicated delinquent on three counts of sexual battery. (05-Cr-80020)

**Laura Ingersoll**

May 10, 2019

Page 7 of 7

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- 12 years for John Walsh on charges of distribution of child pornography (05-Cr-80185)
- 11 years for Silverio Macedonio-Gregorio for aiding and abetting murder in aid of racketeering and other offenses (09-Cr-80091)
- 10 years for Thomas Bohannon on charges of enticement of a minor (05-Cr-80023)
- 10 years for Gilberto Jordan on charges of false statements on immigration application for failing to disclose his involvement in war crimes in Guatemala (10-Cr-80069)
- 8 years for Christopher Prindle for possession of child pornography (04-Cr-80156)

If you have any questions about any of the above information and the information included AUSA Villafaña's attached letter, please contact me at your convenience.

Very truly yours,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

/s/

Jonathan Biran

JB/smr

Enclosures/Attachment

cc: AUSA A. Marie Villafaña



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 10, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

THEODORE J. LEOPOLD, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM [REDACTED]  
JULY 10, 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, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401.

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 written documentation of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this investigation and express the heartfelt regards of myself and Special Agents Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:   
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00225549



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 10, 2008

VIA FACSIMILE AND U.S. MAIL

Theodore J. Leopold, Esq.  
Ricci-Leopold, P.A.  
2925 PGA Boulevard, Suite 200  
Palm Beach Gardens, FL 33410

Re: Jeffrey Epstein/Saige Gonzalez: NOTIFICATION OF  
IDENTIFIED VICTIM.

Dear Mr. Leopold:

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-009454AXXXMB and 2008-cf-009381AXXXMB) 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 1, 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



U.S. Department of Justice

**FILE COPY**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 10, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

EFTA00225551

JEFFREY HERMAN, ESQ.

NOTIFICATION OF IDENTIFIED VICTIM ANGELIQUE GARCIA (NÉE CAVALLARO)

JULY 10, 2008

PAGE 2 OF 2

rights to proceed under Section 2255 as she would have had, if Mr. Epstein 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] [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, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401.

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 written documentation of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this investigation and express the heartfelt regards of myself and Special Agents Kuyrkendall and Richards for the health and well-being of Ms. Garcia.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:   
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00225552



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July 10, 2008

VIA FACSIMILE AND U.S. MAIL

Jeffrey Herman, Esq.  
Herman & Mermelstein, P.A.  
18205 Biscayne Boulevard  
Suite 2218  
Miami, Florida 33160

Re: **Jeffrey Epstein/Angelique Garcia (née Cavallaro):**  
**NOTIFICATION OF IDENTIFIED VICTIM**

Dear Mr. Herman:

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] Garcia.

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-009454AXXXMB and 2008-cf-009381AXXXMB) 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 1, 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

EFTA00225553



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 10, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

RICHARD WILLITS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM [REDACTED] ANDRIANO  
JULY 10, 2008  
PAGE 2 OF 2

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, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401.

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 written documentation of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this investigation and express the heartfelt regards of myself and Special Agents Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:   
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00225555



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July 10, 2008

VIA FACSIMILE AND U.S. MAIL

Richard H. Willits, P.A.  
2290 10th Avenue North, Suite 404  
Lake Worth, FL 33461

Re: Jeffrey Epstein/Carolyn [REDACTED] NOTIFICATION OF  
IDENTIFIED VICTIM

Dear Mr. Willits:

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-009454AXXXMB and 2008-cf-009381AXXXMB) 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 1, 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 had been tried federally and convicted of an enumerated offense. For purposes

EFTA00225556



U.S. Department of Justice

FILE COPY

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 10, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

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EXHIBIT B-67

EFTA00225557

BRAD EDWARDS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM [REDACTED]  
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, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

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 Special Agents Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:   
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00225558



U.S. Department of Justice

FILE COPY

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.  
The Law Offices of Brad Edwards & Associates, LLC  
2028 Harrison Street, Suite 202  
Hollywood, Florida 33020.

Re: Jeffrey Epstein/Courtney [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-009454AXXXMB and 2008-cf-009381AXXXMB) 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 1, 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

EFTA00225559



U.S. Department of Justice

**FILE COPY**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 9, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

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BRAD EDWARDS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM [REDACTED] RIVERA  
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, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

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 Special Agents Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:   
A. MARIE VILLAFANA  
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  
(561) 820-8711  
Facsimile: (561) 820-8777

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.  
The Law Offices of Brad Edwards & Associates, LLC  
2028 Harrison Street, Suite 202  
Hollywood, Florida 33020.

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-009454AXXXMB and 2008-cf-009381AXXXMB) 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 1, 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:

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U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 9, 2008

**NOTIFICATION OF IDENTIFIED VICTIM**

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EXHIBIT B-66

EFTA00225563

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Sloman, Jeff (USAFLS)  
**Sent:** Thursday, July 10, 2008 5:15 PM  
**To:** Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)  
**Cc:** Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)  
**Subject:** Re: Proposed response to Goldberger's letter

Fine

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)  
**Cc:** Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)  
**Sent:** Thu Jul 10 17:12:26 2008  
**Subject:** Proposed response to Goldberger's letter

Please let me know if this is alright to fax out today. I can see no reason for us to disclose any of the additional information that they have requested.

The message is ready to be sent with the following file or link attachments:

080710 Response to Goldberger ltr re notification.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

indicated in your letter of December 13, 2007)?

Fifth, please recall that Mr. Sloman wrote to Judge [REDACTED] on October 25, 2007 that "The United States takes no position as to the validity of any such claim under this statute." To avoid any appearance that the United States is endorsing or encouraging litigation by the identified individuals, we believe that such a statement should be included in any notification letter.

I look forward to receiving your input on these issues. Until then, I remain,

Very truly yours,



Jack A. Goldberger

JAG/na

cc: Jeffrey E. Epstein

\* JOSEPH R. ATTERBURY

\*† JACK A. GOLDBERGER

JASON S. WEISS

\* Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

July 10, 2008

A. Marie C. Villafana, Esq.  
Assistant United States Attorney  
500 S. Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**  
**(561) 820-8777**

Re: Jeffrey E. Epstein

Dear Ms. Villafana:

Thank you for your letter of yesterday. Kindly allow me a few follow-up points.

First, we respectfully request a reasonable opportunity to review and comment on a draft of the modified notification letter you intend to mail before you send it.

Second, we respectfully ask that you provide us with the identity of the victims' rights organization described in your letter; the name and contact information of the person at that organization with whom the Government has been communicating; copies of any communications with that organization and the pro-bono lawyers/groups who were recommended by that organization; and a description of any non-written communications that the Government has had with that organization and the pro-bono lawyers/groups.

Third, while we appreciate your offer to disclose the names of the lawyers currently representing the individuals when you have finished compiling all of that information, we would be very grateful if you would provide any contact information you do have, on a rolling basis.

Fourth, would it be possible for you to advise us of the full name of the minor to whom you have referred by initials, as well as the identities of the three individuals whom the Government notified about the deferred-prosecution agreement shortly after its signing (as

EXHIBIT B-64

One Clearlake Centre, Suite 1400 250 Australian Avenue South West Palm Beach, FL 33401

p 561.659.8300 f 561.835.8691 www.agwpa.com

EFTA00225566

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 the individuals identified below are individuals whom the United States was prepared to name as victims of an enumerated offense.

**Identified Individuals**



Fayth Pentek



Sincerely, (

R. Alexander Acosta  
United States Attorney

By:



A. Marie Villafaña  
Assistant United States Attorney

cc: Karen Atkinson, AUSA



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 10, 2008

VIA CERTIFIED MAIL

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

**FINAL NOTIFICATION OF IDENTIFIED VICTIMS**

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-009454AXXXMB and 2008-cf-009381AXXXMB) 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 1, 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 had been tried federally and convicted of an enumerated offense. For purposes



U.S. Department of Justice

United States Attorney  
Southern District of Florida

**FILE COPY**

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July 10, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

EXHIBIT B-63

EFTA00225569



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

A. Marie Villafaña  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile (561) 820-8777

**FACSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: July 10, 2008

FAX NO. 561-835-8691

# OF PAGES: 2

PHONE NO. 561 659-8300

RE: Jeffrey Epstein

---

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

---

COMMENTS:

\* \* \* TRANSMISSION RESULT REPORT ( JUL.10.2008 5:26PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	5:26PM	5618358691	TES	0'24"	P. 2	OK		434

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A-: ASYNC MODE

C : CONFIDENTIAL  
@ : FORWARDING  
D : DETAIL  
1-: MIL\_STD MODE

P : POLLING  
E : ECM  
F : FINE  
G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July 10, 2008

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

In response to your letter of today's date, copies of the victim notifications are being mailed to you on a rolling basis. For those victims who have counsel, the attorneys' contact information will be included. As you will see, the letter makes clear that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation. The Office feels that is a sufficient statement of its position and we will not include the language that you have requested.

Also, a final list of victims has been sent to you today via Certified Mail. That list is identical to the draft provided to you on June 30th, except that it also includes the full name of the minor victim.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Marie Villafañá".

A. Marie Villafañá  
Assistant United States Attorney

cc: Karen Atkinson, AUSA

EXHIBIT B-62

EFTA00225572

(c) You eliminate from any notification any language that is currently contained in the "acknowledgment" section of the June 30, 2008 memorandum; and

(d) You supplement the notification with the Government's previously made representation that it is not vouching for the veracity of any claim by any identified individual. *See* Letter from J. Sloman to E. [REDACTED] (10/25/07).

*Second*, please note also that we do not understand your request that Mr. Epstein and his attorneys execute the rider / acknowledgment contained within your June 30 hand-delivered draft. Specifically, we do not believe that the Non-Prosecution Agreement requires Mr. Epstein's execution of any such additional stipulation. Because we want to ensure that Mr. Epstein continues to strictly comply with the letter of the parties' agreement, we respectfully ask that you explain why you believe that the Non-Prosecution Agreement requires execution of your stipulation.

Our understanding of the Non-Prosecution Agreement is that it does not require Mr. Epstein to "acknowledge" anything not already contained within the four corners of the written agreement. The agreement certainly contains no written term obligating that he "waive any evidentiary challenge to the introduction of a copy" of any "Notification of Identified Victims" in "any judicial proceeding between any identified individual" and Mr. Epstein, as your memorandum currently requests. Further, please note that your June 30 stipulation, as drafted, is not limited to Section 2255 proceedings. Rather, your June 30 draft requires Mr. Epstein to waive evidentiary challenges in "*any* judicial proceeding" - - which clearly exceeds the bounds of the parties' written agreement.

*Third*, I would respectfully request that you provide me with the names of the "pro bono lawyers" who, you indicated to me at our June 30 meeting at my office, were intending to represent certain persons identified on your June 30 draft notification, as well as any knowledge that the Government has as to how they were selected, and what communications the Government has had with them to date.

*Finally*, please know that it is Mr. Epstein's firm intent to fulfill strictly each term and condition of his Non-Prosecution Agreement with the Government. Nothing in this letter should be construed, however, as waiving any defense that may be available to Mr. Epstein under the parties' written agreement.

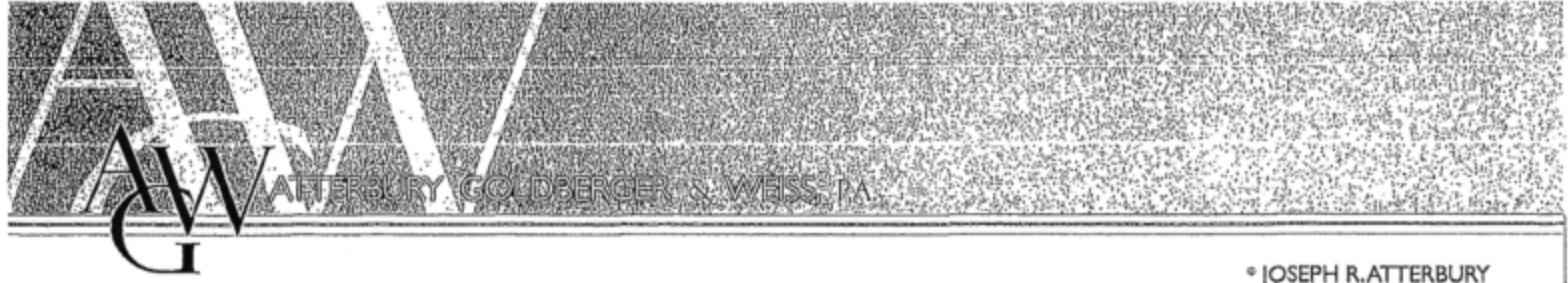
I look forward to your response. Until then, I remain,

Very truly yours,



Jack A. Goldberger

cc: Jeffrey Epstein



◦ JOSEPH R. ATTERBURY

◦† JACK A. GOLDBERGER

JASON S. WEISS

◦ Board Certified Criminal Trial Attorney  
† Member of New Jersey & Florida Bars

July 9, 2008

A. Marie C. Villafana, Esq.  
Assistant United States Attorney  
United States Attorney's Office  
500 South Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**  
**(561) 820-8777**

Re: Jeffrey E. Epstein

Dear Ms. Villafana:

Thank you for your letter to me dated July 8, 2008 and the draft document dated, e-mailed and faxed to me at my office on June 30, 2008, styled "Notification of Identified Victims." I would like to address a few related issues.

**First**, please note that we have several requests concerning any such notification. Specifically, we request that:

(a) Any notification be sent to any individual by mail (or served upon their attorney, to the extent known), and we respectfully object to any service by hand, a method of service which carries the concomitant risk of conversations regarding the notification that potentially would place the federal authorities in a position of being advocates for civil litigation;

(b) Any notification be effectuated by a separate mailing to each individual without the inclusion of any language that appeared on the second page of your June 30, 2008 memorandum; *i.e.* rather than including in each notification a large section listing "identified individuals" with redactions other than the name of the recipient (which we contend would be a clear and impermissible signal to any individual that the notification is a broad notification to numerous other alleged victims). Rather, a simple one page notification directed only to the recipient, and limited to the information currently on the first page of your draft memorandum would suffice.

\* \* \* TRANSMISSION RESULT REPORT ( JUL. 9.2008 4:05PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL. 9.	4:04PM	5618358691	TES	0'36"	P. 3	OK		412

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@ : FORWARDING  
D : DETAIL  
1-: MIL\_STD MODE

P : POLLING  
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G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

A. Marie Villafaña  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile (561) 820-8777

### FACSIMILE COVER SHEET

TO: Jack Alan Goldberger

DATE: July 9, 2008

FAX NO. 561-835-8691

# OF PAGES: 3

PHONE NO. 561 659-8300

RE: Jeffrey Epstein

---

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

---

COMMENTS:

JACK GOLDBERGER, ESQ.  
JULY 9, 2008  
PAGE 2

was prepared to include in an indictment. This means that, pursuant to Justice Department policy, these are individuals for whom the United States believes it has proof beyond a reasonable doubt that each of them was a victim of an enumerated offense. There will be no statement one way or the other regarding the validity of any claim.

You have asked for an explanation of why I believe the Acknowledgment portion is required by the terms of the Agreement. Under a strict reading of the Agreement, it is not required, other than to Acknowledge that the United States has performed its obligation of providing Mr. Epstein with a list of identified victims following his guilty plea and sentencing. The purpose of the Acknowledgment was to create one single document incorporating the parties' agreement on the single topic of the right to proceed under 18 U.S.C. § 2255. This would avoid litigation regarding the victims' rights to have access to the original Non-Prosecution Agreement. Without such an express Acknowledgment by Mr. Epstein that the Notice contains the substance of that Agreement, I believe that the victims will have a justification to petition for the entire agreement, which is contrary to the confidentiality clause that the parties have signed. If you believe that particular words are objectionable, I am happy to consider a modification.

As I mentioned to you last week, I will provide you with the names of the attorneys currently representing the victims when we have compiled all of that information. Some of the victims are represented by attorneys from the South Carolina Victim Assistance Network and the Maryland Crime Victims Resource Center, both of which were recommended by a victims' rights organization that receives grants from the Justice Department.

If you have any suggestions for a modification of the Acknowledgment, please let me know.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:



A. Marie Villafañe  
Assistant United States Attorney

cc: Karen Atkinson, AUSA

EFTA00225577



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 9, 2008

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

Thank you for your letter of today's date regarding the proposed Victim Notification. Let me address some of the items in your letter.

We have no objection to doing individual mailings. The Notification was drafted in that way in order to minimize the number of documents that Mr. Epstein would sign. Now that you have raised an objection to signing the Acknowledgment, each notification will list only the victim who is being notified.

In light of Mr. Epstein's refusal to sign the Acknowledgment, the Acknowledgment portion has been deleted and the notification has been slightly modified in order to provide more complete information and it has been formatted as a letter rather than a more formal "Notification" document.

We will not be including any statement that the U.S. Attorney's Office is not vouching for the veracity of any claim. As you know, the U.S. Attorney's modification of the 2255 portion of the Agreement now limits our victim list to those persons whom the United States

EXHIBIT B-60

EFTA00225578

**Recipient**

Acosta, Alex (USAFLS)  
Sloman, Jeff (USAFLS)  
Atkinson, Karen (USAFLS)  
Kuyrkendall, E N. (FBI)  
Richards, Jason R. (FBI)

**Read**

Read: 7/9/2008 1:26 PM  
Read: 7/9/2008 1:05 PM

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, July 09, 2008 1:04 PM  
**To:** Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)  
**Cc:** Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)  
**Subject:** Response to Goldberger Letter

Here are my thoughts:

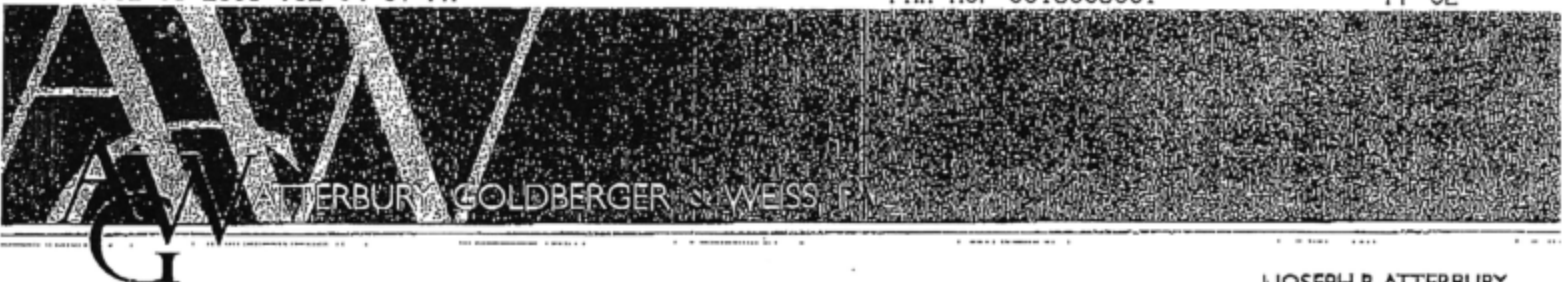
1. **Notification only by mail:** For those girls who are currently not represented (or for whom we do not know of any representation), we intend to contact the victims by telephone to tell them of the resolution and to get mailing addresses to send the written notification or to determine if they have secured counsel to send it to them. For the girls who are represented, contact will be made by telephone followed by the mailing of the notification. I think a "live" thank you is the least that is required at this point and a "check in" to make sure that girls who need counseling are getting it. (FBI has already arranged counseling for several girls.) In any written response to Mr. Goldberger, I would simply ignore this request.
2. **Separate mailings:** I have no objection to this change. The notice was drafted the way it was so that Epstein would only have to sign one document rather than 33. Since he isn't going to sign any, that change is fine with me.
3. **Notification limited to the information on the first page of the draft notification:** In light of Epstein's refusal to sign the acknowledgement, I think some additional explanation is required. I will prepare that revision and send to you shortly.
4. **Eliminate the Acknowledgement portion:** I have no objection to this.
5. **Supplement the notification with our previous statement that we are not vouching for the veracity of any claim:** I would reject this request and, in our response to Goldberger, state that we have limited our list to those whom we were prepared to name in an indictment and, accordingly, we believe that there is proof beyond a reasonable doubt that each was a victim of Epstein's.
6. **Explain why the acknowledgement is required:** In our response to Goldberger, I think we should explain that the acknowledgement language was meant to create a means for proving the existence of the agreement without having to provide copies of the Non-Prosecution Agreement, which contains a confidentiality clause. While I have no objection to revising the language, I think that Epstein's position will lead to litigation regarding the need to disclose the full agreement, which is contrary to the parties' interest in confidentiality. I agree that we cannot force him to sign the acknowledgement, but he must accept the consequences of that decision.
7. **Names of pro bono lawyers and information regarding their communications:** I have already advised Mr. Goldberger that I will provide him with the names and contact information of attorneys who represent the victims, so I have no objection to that. I also have no objection to telling him that they were recommended by the Crime Victims Rights Advocacy Group based upon a referral from the Justice Department. Other than that, I have no intention of disclosing any "communications" that I had with them.

I will take a crack at revising the victim notifications and drafting a response to Goldberger. Any other thoughts I should incorporate?

*A. Marie Villafana*  
Assistant U.S. Attorney  
561 209-1047

EXHIBIT B-59

Tracking:



JOSEPH R. ATTERBURY

JACK A. GOLDBERGER

JASON S. WEISS

† Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

July 8, 2008

A. Marie Villafana, AUSA  
U.S. Department of Justice  
United States Attorney  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

Re: Jeffrey Epstein

Dear Marie,

I am out of the office today. I will response to your fax of July 8, 2008 by return of fax tomorrow.

Very truly yours,

Jack A. Goldberger

Dictated but not read

JAG/na

ATTERBURY, GOLDBERGER & WEISS, P.A.  
 250 Australian Avenue South  
 Suite 1400  
 West Palm Beach, Florida 33401  
 (561) 659-8300  
 Fax: (561) 835-8691

**FAX TRANSMITTAL COVER SHEET**

**DATE:** July 8, 2008  
**TO:** A. Marie Villafana, Assistant U.S. Attorney  
**FAX NO.:** 561-820-8777  
**FROM:** Nayanira, Assistant to Jack A. Goldberger, Esquire  
**REMARKS:** Jeffrey Epstein  
**TOTAL PAGES:**  2 , including cover sheet

**\*\*\* PLEASE NOTE - CONFIDENTIALITY WARNING \*\*\***

**THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.** If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Mail Service. Thank you for your cooperation.

EXHIBIT B-58



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

A. Marie Villafaña  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile (561) 820-8777

**FÁCSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: July 8, 2008

FAX NO. 561-835-8691

# OF PAGES: 3

PHONE NO. 561 659-8300

RE: Jeffrey Epstein

---

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

---

COMMENTS:

\* \* \* TRANSMISSION RESULT REPORT ( JUL. 8.2008 2:11PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL. 8.	2:10PM	5618358691	TES	0'34"	P. 3	OK		398

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 S : STANDARD  
 P : PSYNC MODE

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 G : RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
 > : REDUCTION

835-8691

JACK GOLDBERGER, ESQ.  
JULY 8, 2008  
PAGE 2

to pursue damages. If the United States learns that a civil suit has been filed against Mr. Epstein and he has denied that one of these victims is entitled to proceed under 18 U.S.C. § 2255, that will be considered a breach of the Non-Prosecution Agreement and the United States will proceed accordingly.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:   
A. Marie Villafañe  
Assistant United States Attorney

cc: Karen Atkinson, AUSA



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

July 8, 2008

VIA FACSIMILE AND ELECTRONIC MAIL

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

In accordance with the terms of the Non-Prosecution Agreement, on June 30, 2008, the United States Attorney's Office provided you with a list of thirty-one individuals "whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein." Yesterday, I provided you with the identification of another victim whom I had erroneously left off of that list. At the time the list was provided, Special Agent Kuyrkendall and I impressed upon you the need to finalize this last piece of the agreement as quickly as possible so that we could fulfill our victim notification obligations. In deference to your vacation, we allowed you a week to provide us with any objections or requested modifications to the list and/or the Notification language. Yesterday, I contacted you via telephone and e-mail, but received no response.

Accordingly, the United States hereby notifies you that it will distribute the victim notifications tomorrow, July 9, 2008, to each of the thirty-two identified victims, either directly or via their counsel. A carbon copy of each notification will be provided to you, and the notification will list you as the contact person for any civil litigation, if the victim decides

EXHIBIT B-57

EFTA00225586

that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Roy Black, Esquire

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

**Identified Individuals**

[REDACTED]

[REDACTED]

[REDACTED]  
Smythe

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:  
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGMENT**

I have received this Notification from my attorney, Roy Black, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I understand

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Roy Black \_\_\_\_\_



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

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-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by eighteen months' of Community Control 1, the first six months of which must be served imprisoned at the Palm Beach County Detention Facility.

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 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."

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Roy Black \_\_\_\_\_



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Roy Black, Esquire

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

**Identified Individuals**

[REDACTED]

[REDACTED]

[REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGMENT**

I have received this Notification from my attorney, Roy Black, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I understand

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Roy Black \_\_\_\_\_



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
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Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

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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 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."

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Roy Black \_\_\_\_\_



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

NOTIFICATION OF IDENTIFIED VICTIMS  
JUNE 30, 2008  
PAGE 3 OF 3

that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Roy Black, Esquire

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

**Identified Individuals**

[REDACTED]

[REDACTED]

[REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:  
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGMENT**

I have received this Notification from my attorney, Roy Black, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I understand

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Roy Black \_\_\_\_\_



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

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-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by eighteen months' of Community Control 1, the first six months of which must be served imprisoned at the Palm Beach County Detention Facility.

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 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."

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Black

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Jack Goldberger, Esquire

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

**Identified Individuals**

[REDACTED]

[REDACTED]

[REDACTED] Schwegel  
[REDACTED] Zalis

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGMENT**

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Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Jack Goldberger \_\_\_\_\_



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Southern District of Florida*

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June 30, 2008

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Southern District of Florida*

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Guy Lewis, Esquire

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

**Identified Individuals**

[REDACTED]

[REDACTED]

[REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:  
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

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Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Guy Lewis \_\_\_\_\_



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Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Guy Lewis \_\_\_\_\_



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Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Guy Lewis, Esquire

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**Identified Individuals**

[REDACTED]

[REDACTED]

[REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

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U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

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Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Guy Lewis \_\_\_\_\_



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

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EXHIBIT B-56

EFTA00225610

June 30 -

✓ Michael Danchuk + Richard Willets

561 582-7600

Carolyn A

✓ Jeff Herman 305 931-2200

305 409-7371 -

Vanessa Zalis Michelle Licata

Antiqua Garcia Yolanda Lopez

Brad Edwards 954 294-9544

- left msg

✓ Ted Leopold ~~657 8300~~ 684-6500

561 371-1369 tleopold@riccilaw.com

561 697-2383

✓ Mike Dutko 954 764-2500

Haley Robson - left msg

650.<sup>822-</sup> 5111

EXHIBIT B-55



U.S. Department of Justice

---

Washington, D.C. 20530

June 23, 2008

Jay Lefkowitz, Esq.  
Kenneth Starr, Esq.  
Kirkland and Ellis LLP  
777 South Figueroa Street  
Los Angeles, CA 90017

Gentlemen:

This Office has completed a thorough review of the U.S. Attorney's handling of the matter involving your client, Jeffrey Epstein. We have received and reviewed your letters of May 19, June 3 and June 19, 2008, the attachments to the June 19 letter, as well as your submissions to the Criminal Division and the U.S. Attorney's Office. Additionally, we have reviewed an extensive set of materials provided by the U.S. Attorney's Office and conferred with a number of highly experienced Department attorneys about this matter. The Deputy Attorney General has also been briefed.

As you know, the Department of Justice vests considerable discretion in its U.S. Attorneys, and the Deputy Attorney General will intervene in only the most unusual of circumstances. We do not believe such intervention is warranted here. Even if we were to substitute our judgment for that of the U.S. Attorney, we believe that federal prosecution of this case is appropriate. Moreover, having reviewed your allegations of prosecutorial misconduct, and the facts underlying them, we see nothing in the conduct of the U.S. Attorney's Office that gives us any reason to alter our opinion.

Sincerely,

John Roth  
Senior Associate Deputy Attorney General

cc: Alex Acosta

6/24/08 ANCV e-mail to Black and  
Goldberger

EXHIBIT B-45

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, June 24, 2008 3:08 PM  
**To:** Roy BLACK  
**Subject:** RE: FW: Jeffrey Epstein

Hi Roy -- Is this the best number to call? (305) 371-6421

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

-----Original Message-----

**From:** Roy BLACK [mailto:RBLACK@royblack.com]  
**Sent:** Tuesday, June 24, 2008 3:02 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** jack goldberger  
**Subject:** Re: FW: Jeffrey Epstein

Marie that is a good time. I also want to conference Jack Goldberger into the call. This will be a wrap up call. Roy

>>> "Villafana, Ann Marie C. (USAFLS)"  
<[Ann.Marie.C.Villafana@usdoj.gov](mailto:Ann.Marie.C.Villafana@usdoj.gov)> 6/24/2008 12:23 PM >>> Dear Roy:

Jeff Sloman contacted me and asked me to return your call regarding the Epstein matter. I am forwarding to you an e-mail that I sent to Jay Lefkowitz last night.

Karen and I can call you at 3:30 to speak about your list of issues. If that time does not work, please let me know what times you are available.

Thank you.

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Monday, June 23, 2008 5:55 PM  
**To:** lefkowitz@kirkland.com; Jay Lefkowitz

Cc: Atkinson, Karen (USAFLS)  
Subject: Jeffrey Epstein

Dear Mr. Lefkowitz:

I understand that the Deputy Attorney General has completed his review of the Epstein matter and has determined that federal prosecution of Mr. Epstein's case is appropriate.

Accordingly, Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19th letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.

If you have any questions, please feel free to contact me at the number shown below.

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, June 24, 2008 4:05 PM  
**To:** Roy BLACK; Jack Goldberger  
**Cc:** Atkinson, Karen (USAFLS)  
**Subject:** Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

*A. Marie Villafana*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
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**Villafana, Ann Marie C. (USAFLS)**

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**From:** Roy BLACK <RBLACK@royblack.com>  
**Sent:** Tuesday, June 24, 2008 3:13 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: FW: Jeffrey Epstein

yes.

>>> "Villafana, Ann Marie C. (USAFLS)"  
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Hi Roy -- Is this the best number to call? (305) 371-6421

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Assistant U.S. Attorney  
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Cc: jack goldberger  
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## Villafana, Ann Marie C. (USAFLS)

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West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>  
**Sent:** Tuesday, June 24, 2008 9:14 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Jeffrey Epstein Agreement

Let's talk about going to the COP

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Roy BLACK <RBLACK@royblack.com>; Jack Goldberger <jgoldberger@agwpa.com>  
**Cc:** Atkinson, Karen (USAFLS)  
**Sent:** Tue Jun 24 16:04:55 2008  
**Subject:** Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

A. Marie Villafaña  
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West Palm Beach, FL 33401  
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Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>  
**Sent:** Wednesday, June 25, 2008 8:46 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Re: Jeffrey Epstein Agreement

I have a dr's apptmt @ 10:45 in ftm laud so call me on my cell.

----- Original Message -----

**From:** Villafana, Ann Marie C. (USAFLS)  
**To:** Sloman, Jeff (USAFLS)  
**Sent:** Wed Jun 25 08:39:31 2008  
**Subject:** RE: Jeffrey Epstein Agreement

Hi Jeff -- I think I have designed a solution to the 2255 issue and I will call you to discuss the plea. I am still finishing up these search warrants. As soon as they are done, I will give you a call.

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
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-----Original Message-----

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Fax 561 820-8777

EXHIBIT B-46

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>  
**Sent:** Wednesday, June 25, 2008 6:05 PM  
**Cc:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Fw: Revised Victim Notification  
**Attachments:** U.wpd

This simplifies it. What do u think?

----- Original Message -----

**From:** Acosta, Alex (USAFLS)  
**To:** Sloman, Jeff (USAFLS)  
**Sent:** Wed Jun 25 18:00:14 2008  
**Subject:** RE: Revised Victim Notification

What do you think

<<U.wpd>>

<<U.wpd>>

---

**From:** Sloman, Jeff (USAFLS)  
**Sent:** Wednesday, June 25, 2008 5:43 PM  
**To:** Acosta, Alex (USAFLS)  
**Subject:** FW: Revised Victim Notification

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, June 25, 2008 5:25 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)  
**Subject:** Revised Victim Notification

Hi Jeff-- I have tried to phrase it in a way that suggests that, since Epstein has performed certain provisions, it is now our turn to perform.

<< File: Revised Victim Notification.wpd >>

A. Marie Villafana  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

EXHIBIT B-47

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>  
**Sent:** Wednesday, June 25, 2008 6:05 PM  
**Cc:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Fw: Revised Victim Notification  
**Attachments:** U.wpd

This simplifies it. What do u think?

----- Original Message -----

**From:** Acosta, Alex (USAFLS)  
**To:** Sloman, Jeff (USAFLS)  
**Sent:** Wed Jun 25 18:00:14 2008  
**Subject:** RE: Revised Victim Notification

What do you think

<<U.wpd>>

<<U.wpd>>

---

**From:** Sloman, Jeff (USAFLS)  
**Sent:** Wednesday, June 25, 2008 5:43 PM  
**To:** Acosta, Alex (USAFLS)  
**Subject:** FW: Revised Victim Notification

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, June 25, 2008 5:25 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)  
**Subject:** Revised Victim Notification

Hi Jeff – I have tried to phrase it in a way that suggests that, since Epstein has performed certain provisions, it is now our turn to perform.

<< File: Revised Victim Notification.wpd >>

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

EXHIBIT B-48

08-80736-CV-MARRA

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P-014982

EFTA00225624

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>  
**Sent:** Thursday, June 26, 2008 8:31 AM  
**To:** Sloman, Jeff (USAFLS)  
**Subject:** RE: Revised Victim Notification

Jeff -- I am running off to grand jury. I will call as soon as I get back, probably around 9:45. Thanks.

A. Marie Villafana  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

-----Original Message-----

**From:** Sloman, Jeff (USAFLS)  
**Sent:** Wednesday, June 25, 2008 6:05 PM  
**Cc:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Fw: Revised Victim Notification

This simplifies it. What do u think?

----- Original Message -----

**From:** Acosta, Alex (USAFLS)  
**To:** Sloman, Jeff (USAFLS)  
**Sent:** Wed Jun 25 18:00:14 2008  
**Subject:** RE: Revised Victim Notification

What do you think

<<U.wpd>>

---

**From:** Sloman, Jeff (USAFLS)  
**Sent:** Wednesday, June 25, 2008 5:43 PM  
**To:** Acosta, Alex (USAFLS)  
**Subject:** FW: Revised Victim Notification

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Wednesday, June 25, 2008 5:25 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)  
**Subject:** Revised Victim Notification

Hi Jeff -- I have tried to phrase it in a way that suggests that, since Epstein has performed certain provisions, it is now our turn to perform.

08-80736-CV-MARRA

P-014983

<< File: Revised Victim Notification.wpd >>

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

08-80736-CV-MARRA

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P-014984

EFTA00225626



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July \_\_, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

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-009495AXXXMB and 2008-\_\_\_\_\_) and was sentenced to a term of eighteen months' imprisonment to be followed by \_\_ years of probation.

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 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 the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

08-80736-CV-MARRA

P-014985

EFTA00225627

**Identified Individuals**

Jane Doe #1	Jane Doe #11	Jane Doe #21
Jane Doe #2	Jane Doe #12	Jane Doe #22
Jane Doe #3	Jane Doe #13	Jane Doe #23
Jane Doe #4	Jane Doe #14	Jane Doe #24
Jane Doe #5	Jane Doe #15	Jane Doe #25
Jane Doe #6	Jane Doe #16	Jane Doe #26
Jane Doe #7	Jane Doe #17	Jane Doe #27
Jane Doe #8	Jane Doe #18	Jane Doe #28
Jane Doe #9	Jane Doe #19	Jane Doe #29
Jane Doe #10	Jane Doe #20	Jane Doe #30

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGEMENT**

I have received this Notification from my attorney, Roy Black, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida. I understand that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

08-80736-CV-MARRA

P-014986

EFTA00225628

NOTIFICATION OF IDENTIFIED VICTIMS  
JULY \_\_, 2008  
PAGE 3 OF 3

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed

by:

\_\_\_\_\_  
Roy Black, Esquire



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July \_\_, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

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-009495AXXXMB and 2008-\_\_\_\_\_) and was sentenced to a term of eighteen months' imprisonment to be followed by \_\_ years of probation.

In light of the entry of the guilty plea and sentence, and pursuant to the terms of the deferred prosecution agreement between Epstein and the United States Attorney's Office for the Southern District of Florida (hereinafter referred to as "the Office"), the Office hereby provides notice to Epstein that the following is a list of individuals whom the Office was prepared to name as victims in an Indictment charging Epstein with violations of federal statutes enumerated in Title 18, United States Code, Section 2255 (hereinafter referred to as "identified individuals").

The terms of the deferred prosecution agreement provide that the identified individuals shall have the same right to seek damages pursuant to Title 18, United States Code, Section 2255, as they would have had if Mr. Epstein had been tried and convicted of those enumerated offenses in a federal court. Section 2255 provides, in relevant part:

Any person who, while a minor, was a victim of a violation of section . . . 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee. Any person as described in the preceding sentence shall be deemed to have sustained damages of no less than \$150,000 in value.

Thus, pursuant to the deferred prosecution Agreement between the Office and

08-80736-CV-MARRA

P-014988

EFTA00225630

Epstein, the Office hereby provides Notice to the identified individuals that each of them is a person who, while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, committed by Epstein. The Office further provides Notice to the identified individuals that, pursuant to the Agreement between the Office and Epstein, a copy of this document may be introduced in a judicial proceeding between any such identified individual and Epstein, and that any judicial authority interpreting this Notification, including any authority determining what evidentiary burdens, if any, a plaintiff must meet, shall consider that it is the intent of Epstein and the Office to place the identified individuals in the same position as they would have been had Epstein been convicted of those federal offenses.

**Identified Individuals**

Jane Doe #1  
Jane Doe #2  
Jane Doe #3  
Jane Doe #4  
Jane Doe #5  
Jane Doe #6  
Jane Doe #7  
Jane Doe #8  
Jane Doe #9  
Jane Doe #10

Jane Doe #11  
Jane Doe #12  
Jane Doe #13  
Jane Doe #14  
Jane Doe #15  
Jane Doe #16  
Jane Doe #17  
Jane Doe #18  
Jane Doe #19  
Jane Doe #20

Jane Doe #21  
Jane Doe #22  
Jane Doe #23  
Jane Doe #24  
Jane Doe #25  
Jane Doe #26  
Jane Doe #27  
Jane Doe #28  
Jane Doe #29  
Jane Doe #30

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGEMENT**

I have received this Notification from my attorney, Roy Black, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the

United States Attorney for the Southern District of Florida. I understand that an exact copy of this Notification will be

08-80736-CV-MARRA

P-014989

NOTIFICATION OF IDENTIFIED VICTIMS  
JULY \_\_, 2008  
PAGE 3 OF 3

provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed

by:

\_\_\_\_\_  
Roy Black, Esquire

**Villafana, Ann Marie C. (USAFLS)**

---

From: Senior, Robert (USAFLS)  
Sent: Monday, June 23, 2008 5:30 PM  
To: Villafana, Ann Marie C. (USAFLS)  
Cc: Sloman, Jeff (USAFLS)  
Subject: FW: Epstein

I agree. Marie can you make this communication today please. Thank you.

-----Original Message-----

From: Sloman, Jeff (USAFLS)  
Sent: Monday, June 23, 2008 6:45 AM  
To: Senior, Robert (USAFLS)  
Subject: Epstein

Bob,

If we get the go-ahead, I think Marie should immediately notify Lefkowitz that JE has until COB Monday June 30 to comply with the 9/24 Agreement as modified by the USA's 12/17 letter otherwise the Office will deem him in breach. What say you?  
Jeff

EXHIBIT B-49

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Monday, June 23, 2008 5:55 PM  
**To:** 'lefkowitz@kirkland.com'; Jay Lefkowitz  
**Cc:** Atkinson, Karen (USAFLS)  
**Subject:** Jeffrey Epstein

Dear Mr. Lefkowitz:

I understand that the Deputy Attorney General has completed his review of the Epstein matter and has determined that federal prosecution of Mr. Epstein's case is appropriate.

Accordingly, Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19<sup>th</sup> letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.

If you have any questions, please feel free to contact me at the number shown below.

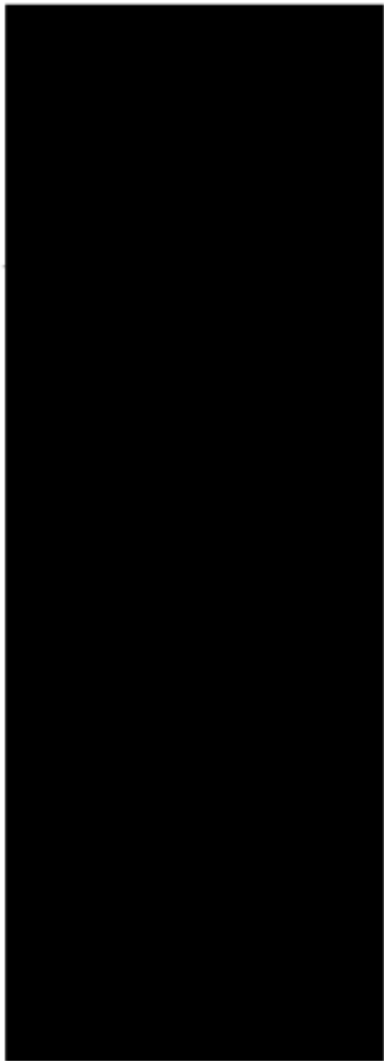
*A. Marie Villafaña*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

Tracking:

857

EFTA00225634

- 1 Amenold, Jennifer
- 2 Andriano, [REDACTED]
- 3 [REDACTED] Britany
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 Ewart,
- 10 Gonzalez,
- 11 [REDACTED]
- 12 Hedrick,
- 13 Henderson,
- 14 [REDACTED] Jennifer
- 15 Langley,
- 16 Licata,
- 17 Lopez,
- 18 [REDACTED]
- 19 Patrick,
- 20 [REDACTED]
- 21 Pitts, Jennifer
- 22 [REDACTED]
- 23 Roberts,
- 24 [REDACTED]
- 25 Schwegel,
- 26 Siciliano, Jennifer
- 27 Smythe, [REDACTED]
- 28 Velasco, Shady
- 29 Wild, Courtney
- 30 Zalis, [REDACTED]



- 31 Alvarez, Virginia \*\*\*  
[REDACTED] \*\*\*
- 32 [REDACTED] \*\*\*  
[REDACTED] \*\*\*



3/14 Recently identified. Law Enforcement has not interviewed.  
 17 No recollection regarding ever going to Epstein's residence or providing massage to Epstein  
 17 Original interview stated that she modeled lingerie for Epstein.  
 6/17 Uncooperative. Law Enforcement has not interviewed.  
 5/16 Uncooperative - confirmed age she provided massage but said Epstein did not touch her or masturbate.  
 17 Left 2 messages. Original interview to FBI stated that she was 18 and she did not admit to providing massages.  
 15 Inconsistent statements to Law Enforcement. Uncooperative.  
 n/a No contact with Epstein nor did she know anyone associated with Epstein.

TOTAL P.02

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Friday, June 27, 2008 3:48 PM  
**To:** Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Senior, Robert (USAFLS)  
**Cc:** Nesbitt Kuyrkendall (E.Kuyrkendall@ic.fbi.gov); Jason Richards (Jason.Richards2@ic.fbi.gov)  
**Subject:** Epstein Plea

Wow, am I good. Here it is already. I think our faxes crossed in cyber-space. Sorry for the poor quality, that is how it came to me.



Epstein  
Plea001.pdf

*A. Marie Villafana*  
*Assistant U.S. Attorney*  
561 209-1047

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Friday, June 27, 2008 3:40 PM  
**To:** Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)  
**Subject:** 080627 Goldberger Black ltr.pdf

Here is the letter that I just faxed over.

Police checked the docket and it is on at 8:30 for a "status conference." It also looks like the required procurement of minors charge has been filed. Will keep you posted.



080627  
lberger Black ltr.j

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Friday, June 27, 2008 10:14 AM  
**To:** Sloman, Jeff (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS)  
**Subject:** Still haven't heard anything

How did things go with Chief Reiter?

*A. Marie Villafaña*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

---

From: Sloman, Jeff (USAFLS)  
Sent: Saturday, June 28, 2008 12:56 PM  
To: Villafana, Ann Marie C. (USAFLS)  
Subject: Re: Chief reiter

Good

----- Original Message -----

From: Villafana, Ann Marie C. (USAFLS)  
To: Sloman, Jeff (USAFLS)  
Sent: Sat Jun 28 11:21:34 2008  
Subject: Chief reiter

Jeff. I spoke with the chief this morning. He is going to notify victims about the plea.

**Villafana, Ann Marie C. (USAFLS)**

---

From: Sloman, Jeff (USAFLS)  
Sent: Friday, December 07, 2007 5:08 PM  
To: Villafana, Ann Marie C. (USAFLS)  
Subject: Re: Epstein

Hold the letter

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Villafana, Ann Marie C. (USAFLS)  
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)  
Sent: Fri Dec 07 17:05:56 2007  
Subject: Epstein

Hello - Any word? Am I free to send out the victim notification letter? And, is it alright to send copies of the victim notification letter to Mr. Josefsberg?

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

June 18, 2008

Brad Edwards, counsel for Courtney Wild responded to my call regarding Tatum Miller. He would like to set up a meeting.  
Cell phone 954 294-9544

11:50 am Karen A. and I placed a call to Roy Black's office as per Rolando's instructions. Roy was "unavailable." We left a msg asking him to call back.

I gave Karen A. my request for immunity for Maricela L.

12:52 pm Roy Black leaves message on my voicemail asking me to call him.

EXHIBIT B-43

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Brad Edwards [be@bradedwardslaw.com]  
**Sent:** Thursday, June 19, 2008 11:34 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** Jeff Epstein

Hi Marie,

I have information and concerns that I would like to share. While I understand that you are limited in what you can discuss, I would like to meet with you and discuss my plans. This would be beneficial to you and me. Let me know if you are interested in meeting and talking. My schedule is free next Monday, Tuesday, and Wednesday, July 23-25. If any of those days are open for you, then I will go to you and can meet you at any time convenient for you. I am scheduling to meet with my client again next week in your area anyway, so it would be no problem for me to meet you on the same day. I look forward to hearing back from you.

Sincerely,

Brad Edwards, Esquire  
Law Office of Brad Edwards & Associates  
2028 Harrison Street  
Suite 202  
Hollywood, Florida 33020  
Telephone: 954-414-8033 (Broward)  
                  305-935-2011 (Miami-Dade)  
Facsimile: 954-924-1530(Broward)  
                  305/935-4227 (Miami-Dade)  
e-mail: [be@bradedwardslaw.com](mailto:be@bradedwardslaw.com)

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U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

April 9, 2008

VIA FACSIMILE

Richard H. Willets, Esq.  
Mr. Michael Danchuk  
2290 10th Avenue North, Suite 404  
Lake Worth, FL 33461

Re: Carolyn [REDACTED]

Dear Messrs. Willits and Danchuk:

Thank you for your letter of March 28, 2008, regarding [REDACTED] [REDACTED]. Pursuant to the strict rules of grand jury secrecy, I am not able to provide you with the information that you have requested. I believe that some of the information you are seeking is available from public sources on the internet. We also do not have any photographs of Ms. [REDACTED].

I regret that I cannot be of more assistance. I would appreciate it if you would keep me updated on the course of the civil litigation.

*Sincerely,*

R. Alexander Acosta  
United States Attorney

By:

A. Marie Villafaña  
Assistant United States

Attorney

cc: E. Nesbitt Kuyrkendall, FBI

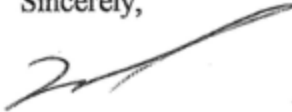
EXHIBIT B-42

A. Maria Dillafana, Esq.  
March 28, 2008  
Page 2

We look forward to hearing from you on whether you can assist us.



Thank you for your assistance.

Sincerely,



Michael Danchuk  
Legal Administrator/Paralegal  
MD/am

cc:

   
Richard H. Willits, Esq.

**Richard H. Willits, P.A.**

Board Certified Civil Trial Lawyer

2290 10th Avenue North, Suite 404  
Lake Worth, Florida 33461

Office: (561) 582-7600

Fax: (561) 588-8819

March 28, 2008

A. Maria Dillafana, Esq.  
US Dept. of Justice  
500 S. Australian Ave., Suite 400  
West Palm Beach, FL 33401

Re: Our Client: [REDACTED] [REDACTED]  
Defendant: Jeffrey Epstein

Dear Ms. Dillafana:

Please be advised we have been retained to represent [REDACTED] [REDACTED] as a result of a relationship with Mr. Epstein.

As we understand you are investigating this matter, we wanted you to be aware of our involvement.

We have filed a lawsuit in Palm Beach County Circuit Court under Ms. [REDACTED] initials, C.M.A. We are using the initials to try to keep publicity on this matter limited for Ms. Andriano's benefit.

Possibly, you can help us with one of the problems that we are having. We have not been able to serve Mr. Epstein, and his attorney will not accept service on his behalf.

We had discussed this with FBI Agent Elizabeth Kirkdale, and she suggested that we contact you to see if you could provide us the information we are requesting.

We are trying to locate Mr. Epstein's airplane "tail registration number" for the 727 plane that he has. If you have this information and can provide it to us, it would be greatly appreciated.

Also, we understand that either the FBI or your office may have photographs taken of Ms. [REDACTED] by [REDACTED] allegedly for Mr. Epstein.

If you do have these photographs, we, of course, would request that they be preserved and also copies made for us.

If there are any copy charges involved, we would be happy to reimburse your department.

EXHIBIT B-41

## Villafana, Ann Marie C. (USAFLS)

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**From:** Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>  
**Sent:** Thursday, May 29, 2008 9:29 AM  
**To:** Villafana, Ann Marie C. (USAFLS); Senior, Robert (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS); Kuyrkendall, E N. (MM) (FBI); Richards, Jason R. (MM) (FBI)  
**Subject:** RE: Epstein

No telling how long the DAG's office will take to decide. Tuesday is off.

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, May 29, 2008 9:03 AM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)  
**Subject:** Epstein

Hi Jeff and Bob. I received Jeff's e-mail stating that the DAG agreed to meet with epstein's people. Does this mean that Tuesday is off? I need to let the gj coordinator know.

Also, I am sure that you remember ██████ m. She was the person whom we initially classified as a victim until epstein's attorneys complained. Well, nesbitt has just interviewed a girl who was 14 or 15 when she first went to epstein's house who reports that epstein told her that he had sex with ██████. (██████ probably would have been 15 or 16 when this conversation occurred.) The girl also reports that she told epstein her true age and epstein told her that he doesn't care about age.

I know that epstein's people will, no doubt, continue to tell the dag and others that epstein didn't know about the girls' ages so I thought you should know.

Please let me know about tuesday so I don't needlessly spoil nesbitt's sunday. And, any chance the case was discussed with the ag when he was in town?

Thanks.

EXHIBIT B-40

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>  
**Sent:** Tuesday, May 27, 2008 1:20 PM  
**To:** Atkinson, Karen (USAFLS)  
**Subject:** Re: Epstein

Please tell me you that you are joking. Maybe we should throw him a party and tell him we are sorry to have bothered him.

----- Original Message -----

**From:** Atkinson, Karen (USAFLS)  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tue May 27 10:27:10 2008  
**Subject:** Epstein

Don't know what is up but Barry talked to Rolando and according to Rolando said something about 90 days in jail. Rolando is talking to Jeff-he said. K

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Senior, Robert (USAFLS) <RSenior@usa.doj.gov>  
**Sent:** Tuesday, May 27, 2008 5:09 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: Epstein

Perfect. Enjoy your trip. We're in good shape (so far).

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, May 27, 2008 3:56 PM  
**To:** Senior, Robert (USAFLS)  
**Subject:** Re: Epstein

Hi bob. I get back on saturday. I will spend sunday with nesbitt and monday with you. I will be there by 10:00 unless you need me there earlier.

----- Original Message -----

**From:** Senior, Robert (USAFLS)  
**To:** Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS)  
**Sent:** Tue May 27 15:24:50 2008  
**Subject:** RE: Epstein

Marie, are you back ? We need to spend some time together on the indictment. I was planning on Monday because I thought you were back that day but if you're already back let me know. By the way, Jeff and Alex have been very clear that we are not negotiating with this guy any more in any way.

Thx. Bob

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, May 27, 2008 2:54 PM  
**To:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS)  
**Subject:** Epstein

Hi jeff. Karen sent me an email about epstein wanting to do less time. I hope that his request will be denied. The original deal was supposed to be 2 years so he has already gotten a big break. Plus we have identified more victims since we agreed to the 18 months. Please keep me posted. Thanks.

EXHIBIT B-38

08-80736-CV-MARRA

P-014927

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>  
**Sent:** Tuesday, May 27, 2008 3:56 PM  
**To:** Senior, Robert (USAFLS)  
**Subject:** Re: Epstein

Hi bob. I get back on saturday. I will spend sunday with nesbitt and monday with you. I will be there by 10:00 unless you need me there earlier.

----- Original Message -----

**From:** Senior, Robert (USAFLS)  
**To:** Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS)  
**Sent:** Tue May 27 15:24:50 2008  
**Subject:** RE: Epstein

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**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Senior, Robert (USAFLS) <RSenior@usa.doj.gov>  
**Sent:** Tuesday, May 27, 2008 3:25 PM  
**To:** Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)  
**Cc:** Atkinson, Karen (USAFLS)  
**Subject:** RE: Epstein

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make an independent decision not adversely affected by conclusions that over and over have proven, witness by witness, allegation by allegation, to be inaccurate and unwarranted and not an appropriate basis for the exercise of federal prosecutorial authority.

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role. They said they would only advise on an abuse of discretion standard. Making the outcome a foregone conclusion. Furthermore, in response to the February 25 e-mail, which attempted to establish a schedule to limit the entire review process (the defense has repeatedly suggested that the misconduct was intertwined with the investigation and would therefore seek higher review), Mr. Lefkowitz e-mailed Mr. Acosta directly. On February 29, 2008, Mr. Sloman responded to Mr. Lefkowitz's e-mail to Mr. Acosta, stating that Mr. Sloman was acting out of frustration, but "[p]lease be assured that it has not, and never has been, this Office's intent to interfere or restrict the "review process" for either Mr. Epstein or CEOS. I leave it to you and CEOS to figure out how best to proceed and will await the results of that process." As stated above, CEOS determined that it would not review many of the defense's objections and as to the remainder of those objections, its review would be limited (contrary to Mr. Acosta's assurances), which left the need, supplemented by the defense's subsequent request, for a more thorough review of critical issues by others at the Department of Justice. Mr. Sloman's re-imposition of the (albeit modestly extended) timetable was an obvious attempt, in violation of his February 29 agreement, to thwart the request made by the defense to the Deputy Attorney general, to complete the review process that Mr. Acosta had promised.

### 11. "DELAY."

#### Mr. Sloman's Letter:

- In a section entitled "*Delay*," Mr. Sloman states that "the SDFL again agreed to accommodate Epstein's request to appear in state court for plea and sentencing on January 4, 2008."

*Id.*, p. 3.

#### The Truth:

- Curiously, Mr. Sloman fails to mention correspondence from the U.S. Attorney stating that delay of that date would be "inevitable" as the defense has raised "serious questions" about the propriety of the prosecution. Strikingly, in that same section, Mr. Sloman claims that "the Agreement *did not contemplate a staggered* 'plea and sentencing,'" despite quoting, three sentences earlier, from the Agreement's *staggered requirement* that Epstein plead and be sentenced by October 26, and "begin serving his sentence not later than January 4, 2008."

\* \* \*

We are, like most attorneys seeking Department review, without access to the USAO prosecution summaries or other submissions to the Department. Given the substantial issues that have been raised in this and other submissions, we request that you conduct a de novo review that goes beneath the face of any conclusions being advocated by the USAO; instead, we seek a review that is based on the transcripts of witness testimony themselves so that the reviewer can

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this same individual would nevertheless be entitled to engage an attorney paid for by Mr. Epstein to recover \$150,000 of damages from Mr. Epstein under § 2255 without ever alleging any injury. In fact, the defense was told that the only question Mr. Epstein would be permitted to ask before paying the girls is "have you ever met Epstein." Thus, the Deferred Prosecution Agreement places identified individuals in a far better position than they would be in if Mr. Epstein were convicted at trial.

### 9. ASSIGNMENT OF RIGHT TO SELECT LEGAL REPRESENTATIVE.

#### Mr. Sloman's Letter:

- "Prior to any issues arising concerning the implementation of the 2255 provision, the SDFL unilaterally agreed to assign its responsibility to select the attorney representative for the alleged victims to an *independent* third-party."

See Tab 1, May 19, 2008 Letter from J. Sloman, p. 4, f.3.

#### The Truth:

- That such an assignment was the SDFL's "*unilateral*" decision is false. Before the SDFL decided to assign selection of the "attorney representative" to an independent third party, AUSA Marie Villafana had already proposed an "attorney representative." She had proposed local products-liability lawyer, Humberto Ocariz, and claimed he had been recommended by a "good friend in the Appellate Division." Ms. Villafana's account was misleading, as it omitted that this "good friend" was her live-in boyfriend, and that Mr. Ocariz was his former law-school roommate. When we discovered this independently, we objected. Only then did the SDFL propose assigning the selection process to an independent special master and agree to amend the Deferred Prosecution Agreement. Thus, while it may be true that the SDFL assigned its selection responsibility to avoid the appearance of favoritism, it did not do it "*unilaterally*," but, rather, only after Epstein uncovered the Office's misleading disclosure and apparent conflict-of-interest.

### 10. TIMETABLE FOR MOVING FORWARD.

#### Mr. Sloman's Letter:

- "On February 25, 2008, I sent you an e-mail setting forth a timetable for moving forward in the event that CEOS disagreed with your position. That time is now."

*Id.*, p. 6.

#### The Truth:

- Mr. Sloman provides only part of the history of this case in order to justify his improper actions. He had stated he would close the investigation if CEOS told him to. However, CEOS at our very first contact said that under no circumstances did they see that as their

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8. ALL IDENTIFIED VICTIMS BE PUT IN SAME POSITION AS IF EPSTEIN HAD BEEN TRIED.

Mr. Sloman's Letter:

- "The Agreement provides for a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code Section, 2255."

*Id.*

The Truth:

- Mr. Sloman continues to mischaracterize the highly irregular provisions of the Deferred Prosecution Agreement. The SDFL did not merely attempt to preserve the compensation rights of those it identified as victims; it attempted to create compensation rights for those it identified, without imposing on them the burden of proving that they were in fact victims under § 2255.
  - In the Deferred Prosecution Agreement, the SDFL required Mr. Epstein to waive the right to contest liability under 18 U.S.C. § 2255 as to a list of individuals that the SDFL would not disclose to Mr. Epstein until after he was sentenced and to pay for an attorney to secure compensation under § 2255 for those undisclosed individuals, or if they decided to sue Mr. Epstein.
  - § 2255 ordinarily provides individuals with a right to recover minimum guaranteed damages of \$150,000, without having to prove actual damages, only if: (1) they were victims of an enumerated federal offense, including offenses under 18 U.S.C. §§ 2422 and 2423, (2) they were minors at the time of the offense, and most importantly (3) they were personally injured as a result of the offense.
  - The defense has confirmed examples of women who testified that they were not victims of Mr. Epstein and suffered no personal injury. These women were, nevertheless, on the list of "victims" identified by the government. . In fact, when confronted with the testimony of a women who denied both being a victim and incurring personal injury, Ms. Villafana actually acknowledged such testimony. To justify inclusion of that woman on the government's list, however, Ms. Villafana then challenged her own witness's credibility.
- For this reason, it is false to state that these "identified" individuals are in the same position that they would have been had Epstein been convicted at trial. Had there been a trial, Mr. Epstein would have had a right to confront these individuals through cross-examination. Any individual that did not establish that she was a minor victim of conduct that satisfied each element of an enumerated statute under § 2255, or that she suffered personal injury, would not qualify for any treatment under § 2255. However, under the Deferred Prosecution Agreement, as an "identified individual" on the government's list,

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Agreement to Defer Prosecution to the State, an agreement without precedent and fraught with substantial practical and legal hurdles to its implementation.

### 6. THE SDFL DID NOT DEFER TO THE STATE.

#### Sloman's Letter:

- “[T]he SDFL indicated a willingness to defer to the State the length of incarceration.”

*Id.*, p. 2.

#### The Truth:

- The SDFL neither deferred to the State, nor even discussed with the State, the length of Mr. Epstein's incarceration. In a letter to the defense, Criminal Division Chief, Matthew Menchel rejected the sentence contemplated by the State's plea agreement, writing that “the federal interest will not be vindicated in the absence of a *two-year term* of state imprisonment.” See Tab 40, August 3, 2007 Email from M. Menchel. Of course, this position is contrary to Section 9-2031D of the U.S. Attorney's Manual (indicating that the “result” of a state prosecution is “*presume[d]*” to have vindicated the federal interest). It is understandable, therefore, that Mr. Sloman might want to retreat from it now. Indeed, the final Deferred Prosecution Agreement (DPA) restricts the state-court judge from exercising any of his rightful discretion and to specifically prohibit the judge from offering probation, community control or any other alternative in lieu of incarceration. DPA, ¶ 2(a).

### 7. SUGGESTION OF ADDITIONAL STATE PLEA

#### Mr. Sloman's Letter:

- The parties considered: “as suggested by [the defense], a plea to state charges encompassing Epstein's conduct.” See Tab 1, May 19, 2008 Letter from J. Sloman, p.2, ¶ 2.

#### The Truth:

- It was the government, and not the defense, that suggested a plea to state charges to resolve the federal investigation. Andrew Lourie proposed declining prosecution in favor of the state. Although Mr. Epstein and the State Attorney's Office *had already reached a plea agreement*, in August 2007, Mr. Sloman and AUSA Marie Villafana warned that they intended to prosecute Epstein federally unless his counsel (*i.e.*, not the U.S. Attorney's Office) sought *more stringent conditions* to the State's proposed plea agreement. These stringent conditions included, among other things, the two-year prison term demanded by Mr. Menchel (discussed above) and a charge requiring him to register as a sex offender.

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describes the additional charge to which Mr. Epstein is required to plead guilty under the Deferred Prosecution Agreement as "procurement of minors to engage in prostitution" or "solicitation of minors to engage in prostitution." The former is an offense for which Mr. Epstein would be required to register, but one for which the state has no evidence to charge Mr. Epstein and the SDFL refuses or is unable to provide evidence that it claims it has. The latter requires no registration, but it is the offense which, over and over again, Ms. Villafana insisted upon including in the Deferred Prosecution Agreement, and is one which the State believes is appropriate. The inconsistency between the description of the offense required by the SDFL, the elements of an offense that can be justified on the facts of this case and the SDFL's requirement that the offense be a registrable one has created substantial confusion.

- As a result of this confusion, in December 2007, both the defense and the state requested that the SDFL provide the factual allegations to enable Mr. Epstein and the State to create a truthful factual recitation of a registrable offense required by the Deferred Prosecution Agreement, but, to date, the SDFL has failed to do so without any explanation.
- Mr. Sloman refuses to provide the requested factual allegations, which the State cannot furnish, and now demands a two week deadline to comply. Thus Mr. Sloman has unreasonably imposed a deadline with which he himself has made it impossible for Mr. Epstein to comply.

### 5. WAIVER OF APPEAL TO ASSISTANT ATTORNEY GENERAL FISHER.

#### Mr. Sloman's Letter:

- "[T]he SDFL provided you with 30 days to appeal the decision to the Assistant Attorney General of the United States Alice Fisher" and "you chose to forego an appeal to AAG Fisher."

*Id.*, p. 2.

#### The Truth:

- Mr. Acosta tolled an August 17 deadline, acknowledging that there were "serious issues" about the case that needed to be discussed, and scheduled a meeting with the defense for September 7, 2007. At the September 7, 2007 meeting, with Drew Oosterbaan in attendance, the government dismissed the defense's objections and set a September 21, 2007 deadline to finalize a non-prosecution agreement or the defense would face an already-drafted 53-page indictment, purportedly identifying 40 minors, with a guideline range of 188 months.
- Facing Ms. Villafana's threatened draconian indictment, without the claimed offer of the right to raise objections in an appeal to AAG Fisher, the defense chose to negotiate an

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evidence that Mr. Epstein routinely and daily receives massages from adults. Only a small percentage of the masseuses turned out to be minors. The majority of those minors interviewed by law enforcement admitted to lying directly to Epstein about their ages (not “unbeknownst to Epstein”), and inventing further false details to substantiate their lies. Indeed, the civil attorney for several of these women admitted at his recent press conference that they lied to Mr. Epstein about their ages. Numerous witnesses testified that Mr. Epstein asked that all masseuses be over the age of 18. Further, the evidence is undisputed that Mr. Epstein’s assistants scheduled the massages and Mr. Epstein did not know which masseuses his assistants had scheduled on a particular day, until the massage took place. We admitted that there was sexual conduct, and argued—not that it was “innocuous” as Mr. Sloman alleges—but that it was mostly Mr. Epstein’s own self-pleasuring, which did not satisfy the requisite federal element of criminal sexual conduct (which is, in turn, defined by state law). These are important distinctions and show that Mr. Sloman has misrepresented the record about the most basic part of our defense.

#### 4. **SLOMAN DEMANDS AN UNREALISTIC DEADLINE TO COMPLY WITH AN AGREEMENT HE UNILATERALLY MODIFIES.**

##### Mr. Sloman’s Letter:

- “Unless [Mr. Epstein] complies with all of the terms and conditions of the [Deferred Prosecution] Agreement, *as modified by the United States Attorney’s December 19, 2007 letter to Ms. Sanchez* by close of business on Monday, June 2, 2008, the SDFL will elect to terminate the Agreement.” *Id.*, p.1

##### The Truth:

- The Deferred Prosecution Agreement was **never** modified by U.S. Attorney Acosta’s December 19, 2007 letter. Oddly, Mr. Sloman acknowledges this on page 4 of his May 19 letter, where he writes that Mr. Acosta “proposed” this modification and that “[Mr. Lefkowitz] rejected these proposals.” Thus, Mr. Sloman is threatening to terminate the Deferred Prosecution Agreement, unless Mr. Epstein complies with a unilateral modification that Mr. Sloman concedes was never agreed to by defense counsel.
- Orchestrating the information, plea and sentencing requirements of the Deferred Prosecution Agreement within the extremely limited two-week timeframe imposed by Mr. Sloman’s June 2, 2008 deadline would have been difficult enough.
- More importantly, as explained below, the SDFL has refused to provide the defense with information it requires to enable Mr. Epstein to comply with the additional plea and sentencing requirements of the Deferred Prosecution Agreement (let alone, by the June 2 deadline arbitrarily imposed by Mr. Sloman).
  - The Deferred Prosecution Agreement requires Mr. Epstein to plead guilty to and be sentenced for an additional offense which requires that he be registered as a sex offender. In different places in his May 19, 2008 letter, Mr. Sloman

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See Tab 1, May 19, 2008 Letter from J. Sloman, p. 4, ¶ 1.

**The Truth:**

- The defense engaged in days of negotiation and made 14 separate *substantive* objections to the unprecedented notification letter that Mr. Sloman threatened to send to an undisclosed list of “victims.” The eventual transmission of this highly misleading letter was only halted by an appeal to AAG Fisher. Among those substantive objections (which related to far more than the “time and place” of the state’s sentencing hearing) were:
  - Sending the letter would contravene the government’s commitment to take no position regarding potential claims of government witnesses. See Tab 39, November 28, 2008 Email from J. Lefkowitz to J. Sloman.
  - The letter cited to an inapplicable statute (the Justice for All Act of 2004) as its justification for being sent. *Id.* AUSA Acosta later conceded that the citation to this statute as a justification was wholly incorrect.
  - The letter wrongly advised all recipients that Mr. Epstein would be required to register as “a *sexual predator* for the remainder of this life.”
  - The letter amounted to an invitation to civil litigation against Mr. Epstein, advising recipients that they had the right to seek civil damages from Mr. Epstein, and in an underlined instruction, stated that if they chose an attorney other than the one chosen by the government they would be required to pay his fees, but if they chose the government’s choice, Mr. Epstein would be required to pay the fees.

**3. MISCHARACTERIZATION OF OUR ARGUMENTS.**

**Mr. Sloman’s Letter:**

- Mr. Sloman’s letter misleadingly characterizes our substantive defense of the government’s investigation as, “the investigation merely produced evidence of relatively innocuous sexual conduct with some minors who, unbeknownst to Mr. Epstein, misrepresented their ages.”

See Tab 1, May 19, 2008 Letter from J. Sloman, p. 2.

**The Truth:**

- We never made such a claim. To the contrary, we argued that sworn statements we have taken of the alleged victims demonstrate that law enforcement has presented versions of their testimony that are necessarily sensationalized and fictionalized. We presented

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- The defense immediately raised concerns regarding the non-independence of the review when told that it would be Mr. Oosterbaan tasked with providing the review, but was told that when Mr. Oosterbaan rendered his prior opinion, “he was not really up to speed on the facts”
- CEOS’ review was not *de novo*:
  - By letter dated May 15, 2008 (four days before Mr. Sloman’s letter), Mr. Oosterbaan advised Mr. Lefkowitz that CEOS reviewed the matter only for *abuse of discretion*:

*[T]he question we sought to answer* was whether U.S. Attorney Acosta would *abuse his discretion* if he authorized prosecution in this case.

*See* Tab 38, May 15, 2008 Letter from D. Oosterbaan, p. 1 (emphasis added). *See also, id.*, p. 2 (“Mr. Acosta would not be *abusing his discretion* if he decided to pursue such a course of action.”); and p. 5 (“Mr. Acosta would not be *abusing his prosecutorial discretion* should he authorized federal prosecution of Mr. Epstein.”).

- For the factual record of its “abuse of discretion” review, CEOS relied on the very same prosecution memo that it had already reviewed in rendering its prior opinion, stating:

As you know, our review of this case is limited, both factually and legally. We have not looked at the entire universe of facts in this case.

*See Id.*, p. 1 (emphasis added).

- Nor did CEOS review any facts related to the irregular provisions in the Deferred Prosecution Agreement or the numerous complaints of prosecutorial misconduct, both of which are inextricably intertwined with the impropriety of the investigation. *Id.* at 1.

## 2. NOTIFICATION OF WITNESSES.

### Mr. Sloman’s Letter:

- Mr. Sloman dismissed the totality of the defense’s objections to the inappropriate notification the SDFL proposed to send to its witnesses, stating merely that:

“[Y]ou objected to victims['] being notified of *time and place* of Epstein’s state[-]court sentencing hearing.”

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Response to Letter by FAUSA Sloman Dated May 19, 2008

In a May 19, 2008 letter to Jay Lefkowitz (*See* Tab 1), SDFL First Assistant U.S. Attorney Jeffrey Sloman provided what purported to be a summary of the events that have occurred during the investigation of Mr. Epstein. Mr. Sloman's letter is fraught with inconsistencies, false and misleading characterizations and outright falsehoods. The comparison below between the false assertions in Mr. Sloman's letter and what actually transpired is only the tip of the iceberg. We respectfully submit that Mr. Sloman's letter alone demonstrates the degree to which the record of facts have been distorted and these distortions have permeated this unprecedented investigation.

1. "INDEPENDENT" AND "DE NOVO" REVIEW.

Mr. Sloman's Letter:

- "[W]e obliged your request for an independent *de novo* review of the investigation and facilitated such review at the highest levels of the Department of Justice." Tab 1, May 19, 2008 Letter from J. Sloman, p. 5, ¶ 3.

The Truth:

- CEOS' review, concluded in May 2008, was neither independent nor *de novo*.
  - CEOS' review was not "independent:"
    - Drew Oosterbaan, who conducted the review on behalf of CEOS, *had already reviewed the prosecution memo on this matter eight months earlier*. During a meeting with defense counsel at the United States Attorney's Office in Miami (the "USAO") in September of 2007, he opined that he so believed in the prosecution that he "*would try the case myself*."
    - Indeed, Mr. Sloman acknowledges that Mr. Oosterbaan had previously opined on this matter, stating:

This particular attack on this statute [18 U.S.C. § 2242(b)] had been *previously* raised and thoroughly considered *and rejected by . . . CEOS* prior to the execution of the [Deferred Prosecution] Agreement [in September 2007].

*Id.*, p. 5 (emphasis added).

- The statute Mr. Sloman referred to (§ 2422(b)) lies at the heart of the Epstein investigation. Thus, according to Mr. Sloman, Mr. Oosterbaan was tasked with *reviewing his own prior decision* regarding applying the key statute under which the SDFL proposed prosecuting Mr. Epstein.

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U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535



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WASHINGTON, D.C. 20535

**Letter from CEOS.TIF**  
**360K**

deliberately lied about their age because they knew Mr. Epstein did not want anyone under 18 in his house directly undercuts the claim that Mr. Epstein willfully blinded himself as to their ages. Willful blindness is not a substitute for evidence of knowledge nor is it a negligence standard. It requires proof beyond reasonable doubt of deliberate intent and specific action to hide one's knowledge. There is absolutely no such evidence of that here, so it is not even a jury issue. Furthermore, willful ignorance cannot constitute the required mens rea for a crime of conspiracy or aiding and abetting.

Through the recent witness statements, we have also discovered another serious issue that implicates the integrity of the federal investigation. We have learned that FBI Special Agent Kurkendayl attempted to convince these adult women, now in their twenties, that they were in fact "victims" even though the women themselves strongly disagreed with this characterization. This conduct, once again, goes to the heart of the integrity of the investigation. In a sworn statement, Ms. [REDACTED] was highly critical of the overreaching by federal law enforcement officers in this case. She testified—in no uncertain terms—that she does not, and never did, feel like a "victim," despite the fact that the FBI repeatedly tried to convince her otherwise.

I am mindful of the fact that we have a state court date of July 8 on which either to enter a plea or to commence trial. As I review the trial options with Mr. Epstein, I certainly want to make sure I do everything within my power to obviate a need for trial through a reasonable alternative resolution. Although it is clear that CEOS is not directing a prosecution here, and has stated only that you have the authority to commence such a prosecution, I am well aware that the decision whether to proceed, subject to any further process in Washington, is now within your discretion. I think the new facts should greatly influence your decision and accordingly, I hope you will agree to meet with me, both to discuss the new evidence and to discuss a resolution to this matter once and for all. I am available to meet with you at your earliest convenience subject to our mutual availability.

Respectfully,

Jay

\*\*\*\*\*  
The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.  
\*\*\*\*\*

paragraph, that he cannot conclude that a prosecution by you in this case "would be an abuse of discretion" is hardly an endorsement that you move forward.

Moreover, as you know, Drew made clear that the scope of his review did not extend to the other significant issues we have raised with you, such as the undo interest by some members of your staff with the financial and civil aspects of this matter, or with the inappropriate discussion one member of your Office had with a senior reporter at the New York Times. (In fact, I have met with that reporter and have reviewed copious notes of his conversation with Mr. Weinstein). At this stage, we have no alternative but to raise our serious concerns regarding the issues Drew refused to address with the Deputy or, if necessary, the Attorney General, because we believe those issues have significantly impacted the investigation and any recommendation by your staff to proceed with an indictment. That being said, it would obviously be much more constructive and efficient if we could resolve this matter directly with you in the advance of further proceedings in Washington.

Because it is clear that national policy, as determined by Main Justice, is not driving this case, the resolution of this matter is squarely, and solely, your responsibility. I know you want to do the right thing, and it is because you have made clear to me on several occasions that you will always look at all of the relevant and material facts that I call the following to your attention.

New information that has come to light strongly suggests that the facts of this case cannot possibly implicate a federal prosecutorial priority. Due to established state procedures and following the initiation of multiple civil lawsuits, Mr. Epstein's counsel was able to take limited discovery of certain women in this matter. The sworn statements provided by these women all confirm that federal prosecution is not appropriate in this case.

The consistent representations of witnesses such as ██████ M ██████ ██████ ██████ and the civil complainants and their attorneys, confirm the following key points: First, there was no telephonic communication that met the requirements of § 2422(b). For example, as many other witnesses have stated, Ms. ██████ testified in no unclear terms that there was never any discussion over the phone about her coming over to Mr. Epstein's home to engage in sexual activity: "The only thing that ever occurred on any of these phone calls [with Sarah Kellen or another assistant] was, 'Are you willing to come over,' or, 'Would you like to come over and give a massage.'" ██████ Tr. A at 15. Second, the underage women who visited Mr. Epstein have testified that they lied about their age in order to gain admittance into his home and women who brought their underage friends to Mr. Epstein counseled them to lie about their ages as well. Ms. ██████ stated the following: "I would tell my girlfriends just like ██████ approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." ██████ Tr. at 22. Third, there was no routine or habit suggesting an intent to transform a massage into an illegal sexual act. For instance, Ms. ██████ stated that Mr. Epstein "never touched [her] physically" and that all she did was "massage[ ] his back, his chest and his thighs and that was it." ██████ Tr. at 12-13. Finally, as you are well aware, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women.

The civil suits confirm that the plaintiffs did not discuss engaging in sexually-related activities with anyone prior to arriving at Mr. Epstein's residence. This reinforces the fact that no telephonic or Internet persuasion, inducement, enticement or coercion of any kind occurred.

Furthermore, Mr. Herman, the attorney for most of the civil complainants, was quoted in the Palm Beach Post as saying that "it doesn't matter" that his clients lied about their ages and told Mr. Epstein that they were 18 or 19. In short, the new evidence establishing that the women



Ann Marie Villafana &lt;[REDACTED]&gt;

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**Fw: confidential communication**

1 message

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**Villafana, Ann Marie C. (USAFLS)** <Ann.Marie.C.Villafana@usdoj.gov>Thu, May 22, 2008 at  
3:38 AM

----- Original Message -----

From: Acosta, Alex (USAFLS)

To: Sloman, Jeff (USAFLS); Campos, Cyndee (USAFLS); Villafana, Ann Marie C. (USAFLS)

Sent: Mon May 19 12:40:32 2008

Subject: FW: confidential communication

For your records.

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]

Sent: Monday, May 19, 2008 10:54 AM

To: Acosta, Alex (USAFLS)

Subject: confidential communication

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Dear Alex:

I am writing to you because I have just received the attached letter from Drew Oosterbaan. In light of that letter, and given the critical new evidence discussed below, I would like to request a meeting with you, mindful of our July 8 deadline, at your earliest opportunity. Given your personal involvement in this matter to date, and the fact that at this juncture it is clear that CEOS has referred the matter back to you, I respectfully request that you not shunt me off to one of your staff. You and I have both spent a great deal of time on this matter, and I know that we both would like to resolve this matter in a way that bestows integrity both on the Department and the process.

In our prior discussions, you expressed that you were "not unsympathetic" to our various federalism concerns, but stated that because you serve within the "unitary Executive," you believed your hands were tied by Main Justice. You were also extremely gracious in stating that you did not want the United States to be "unfair". Although CEOS limited its assessment to the federal statutes your Office had brought forth and to the application of those laws to the facts as presented, it is abundantly clear from Drew's letter that Main Justice is not directing this prosecution. In fact, CEOS plainly acknowledged that a federal prosecution of Mr. Epstein would involve a "novel application" of federal statutes and that our arguments against federal involvement are "compelling." Moreover, the language used by Drew in his concluding

EXHIBIT B-36

Conclusion

On February 25, 2008, I sent you an e-mail setting forth a timetable for moving forward in the event that CEOS disagreed with your position. That time is now. As you know, my February 25<sup>th</sup> email stated that I would give you one week to comply with the terms and conditions of the Agreement, as modified by the USA's December 19<sup>th</sup> letter to Ms. Sanchez. In light of the upcoming Memorial Day weekend, I have decided to extend that timetable to the close of business on Monday, June 2, 2008, which is a full two weeks.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:



Jeffrey H. Sloman  
First Assistant United States Attorney

cc: R. Alexander Acosta  
United States Attorney

A. Marie Villafana  
Assistant U.S. Attorney

Karen Atkinson  
Assistant U.S. Attorney

C. "Mr. Epstein Does Not Believe He Is Guilty Of The Federal Charges Enumerated Under Section 2255."

At our December 14, 2007 meeting at the U.S. Attorney's Office in Miami, counsel for Epstein announced, *inter alia*, that it was a "profound injustice" to require Epstein to register as a sex offender and reiterated that no federal crime, especially 18 U.S.C. Section 2422(b), had been committed since the statute is only violated if a telephone or means of interstate commerce is used to do the persuading or inducing. This particular attack on this statute had been previously raised and thoroughly considered and rejected by the SDFL and CEOS prior to the execution of the Agreement. You also argued that the facts were inapplicable to the contemplated state statutes and that Epstein should not have been allowed to have been induced into the Agreement because the facts were not what he understood them to be. It should be noted that the SDFL has never provided you with any evidence supporting its investigation. This is not, and has never been, an *Alford* plea situation (*see North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160 (1970)). Ultimately, you requested an independent review.

Subsequent to the above-mentioned meeting, the SDFL received three letters from you and/or Mr. Starr which expanded on some of the themes announced in the December 14<sup>th</sup> meeting. Essentially, you portrayed the SDFL as trying to coerce a plea to unknown allegations and incoherent theories. On December 17, 2007, you decreed that Epstein's conduct did not meet the requirements of solicitation of minors to engage in prostitution (Fl. Stat. Section 796.03) one of the enumerated crimes Epstein had previously agreed to plead guilty to; that Epstein's conduct does not require registration under Florida law; and the State Attorney's Office does not believe the conduct is registrable. On December 21, 2007, you rejected the USA's proposed resolution of the 2255 provision because you "strongly believe that the provable conduct of Mr. Epstein with respect to these individuals fails to satisfy the requisite elements of either 18 U.S.C. Section[s] 2422(b) ... or ... 2423(b)." In your December 26, 2007 correspondence you stated that "we have reiterated in previous submissions that Mr. Epstein does not believe he is guilty of the federal charges enumerated under section 2255" and requiring "Mr. Epstein to in essence admit guilt, though he believes he did not commit the requisite offense."

As the SDFL has reiterated time and time again, it does not want, nor does it expect, Epstein to plead guilty to a charge he does not believe he committed. As a result, we obliged your request for an independent *de novo* review of the investigation and facilitated such a review at the highest levels of the Department of Justice. It is our understanding that that independent review is now complete and a determination has been made that there are no impediments to a federal prosecution by the SDFL.

B. Method of Compensation and Notification.

During this same time period, you and others, including the former Solicitor General of the United States Kenneth Starr, took issue with the *implementation* of the methodology of compensation (hereinafter "the 2255 provision")<sup>3</sup> and the SDFL's intention to notify the victims under 18 U.S.C. Section 3771 (you objected to victims being notified of time and place of Epstein's state court sentencing hearing). In response, the SDFL offered, in my opinion, numerous and various reasonable modifications and accommodations which ultimately resulted in United States Attorney R. Alexander Acosta's December 19, 2007 letter to Lilly Ann Sanchez. In that letter, the United States Attorney tried to eliminate *all* concerns which, quite frankly, the SDFL was not obligated to address, let alone consider. He proposed the following language regarding the 2255 provision:

"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 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."

Regarding the issue of notice to the victims, USA Acosta proposed to notify them of the federal resolution as required by law; however, "[w]e will defer to the discretion of the State Attorney regarding whether he wishes to provide victims with notice of the state proceedings, although we will provide him with the information necessary to do so if he wishes." As you know, you rejected these proposals as well. *See* December 26, 2007 correspondence from Jay Lefkowitz to USA Acosta.

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<sup>3</sup> Prior to any issues arising concerning the implementation of the 2255 provision, the SDFL unilaterally agreed to assign its responsibility to select the attorney representative for the alleged victims to an independent third-party. This was done to avoid even the appearance of favoritism in the selection of the attorney representative. As a result, on October 29, 2007, the parties executed an Addendum wherein it was mutually agreed that former United States District Court Judge Edward B. [REDACTED] would serve as the independent third-party. Judge [REDACTED] selected the venerable law firm of Podhurst and Josefsberg to represent the approximately 34 alleged identified victims.

JAY P. LEFKOWITZ, ESQ.  
May 19, 2008  
PAGE 3 OF 6

of the guilty plea and sentence no later than October 26, 2007; and (5) the start of the above-mentioned sentence no later than January 4, 2008.

Furthermore, and significantly, Epstein agreed that he had the burden of ensuring compliance of the Agreement with the Palm Beach County State Attorney's Office and the Judge of the 15<sup>th</sup> Judicial Circuit and "*that the failure to do so will be a breach of the agreement*" (emphasis added).

#### Post-Execution of the Agreement

Within weeks of the execution of the Agreement, you sought to delay the entry of Epstein's guilty plea and sentence. After the SDFL agreed to accommodate your request, counsel for Epstein began taking issue with the methodology of compensation, notification to the victims, and the issues that had been previously considered and rejected during negotiations, *i.e.*, that the conduct does not require registration and the contemplated state and federal statutes have no applicability to the instant matter.

#### A. Delay.

The Agreement required that "Epstein shall use his best efforts *to enter his guilty plea and be sentenced not later than October 26, 2007*. The United States has no objection to Epstein self-reporting to begin serving his sentence not later than January 4, 2008." Agreement, pages 4-5, paragraph 11 (emphasis added). After the Agreement was executed, the SDFL accommodated your request to extend the October 26th plea deadline to November 20<sup>th</sup> based upon, what seemed to be, reasonable scheduling conflict issues.<sup>1</sup> By early November, you represented that the presiding state court judge would not "stagger the plea and sentencing as contemplated in the Agreement." Although the Agreement clearly did not contemplate a staggered "plea and sentencing," the SDFL again agreed to accommodate Epstein's request to appear in state court for plea and sentencing on January 4, 2008.<sup>2</sup>

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<sup>1</sup> "Accordingly, I have now confirmed with Mr. Epstein's Florida counsel that the state's attorney's office and the court will be available to have him enter his plea on November 20. So we will plan to proceed on one that date." October 18, 2007 email from Jay Lefkowitz to USA R. Alexander Acosta.

On the same day, Mr. Lefkowitz confirmed with First Assistant Jeffrey H. Sloman that this postponement "will not affect when Epstein begins serving his sentence."

<sup>2</sup> Correspondence from Jay Lefkowitz to FAUSA Sloman dated November 8, 2007 ("the judge has invited the parties to appear for the plea and sentencing on January 4<sup>th</sup>, we do not anticipate any delay beyond that date.")

### Background

The Agreement was the product of months of negotiations. Specifically, you requested and received numerous meetings, at the highest levels of the SDFL and DOJ's Child Exploitation and Obscenity Section (CEOS) concerning claims that (a) the investigation merely produced evidence of relatively innocuous sexual conduct with some minors who, unbeknownst to Epstein, misrepresented their ages; (b) the authorities investigating Epstein engaged in misconduct; (c) the contemplated federal statutes have no applicability to this matter; and (d) the federal authorities disregarded the fundamental policy against federal intervention with state criminal proceedings. After careful review, the SDFL ultimately rejected those claims. Subsequent to its decision, however, but before proceeding any further, the SDFL provided you with 30 days to appeal the decision to the Assistant Attorney General of the United States, Alice Fisher. As you recall, you chose to forego an appeal to AAG Fisher, and instead pursued a negotiated resolution which, ultimately, resulted in the execution of the Agreement.

### The Negotiation Phase

During negotiations, you tried to avoid a resolution that called for incarceration and registration as a sexual offender – both of which would be triggered by a successful federal prosecution. The SDFL believed and continues to believe that should this matter proceed to trial, your client would be convicted of the federal statutes identified in the Agreement. In order to achieve a global resolution, the SDFL indicated a willingness to defer to the State the length of incarceration; however, it remained adamant that Epstein register as a sex offender and that all victims identified during the investigation remain eligible for compensation. In order to achieve this result, the parties considered two alternatives, a plea to federal charges that limited Epstein's sentencing exposure, or, as suggested by you, a plea to state charges encompassing Epstein's conduct. Ultimately, the parties agreed to, *inter alia*, a plea to the state charges outlined in the Agreement, registration and a method of compensation.

### The Agreement

The crux of the Agreement defers in favor of the State federal prosecution of Epstein for his sexual conduct involving those minor victims identified as of September 24, 2007, in exchange for a guilty plea to a state offense that requires registration as a sex offender; a sufficient term of imprisonment; and a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code, Section 2255. Specifically, the Agreement mandates, *inter alia*, (1) a guilty plea in Palm Beach County Circuit Court to solicitation of prostitution (Fl. Stat. Section 796.07) and procurement of minors to engage in prostitution (Fl. Stat. Section 796.03) (an offense that requires him to register as a sex offender); (2) a 30-month sentence including 18 months' incarceration in county jail; (3) a methodology to compensate the victims identified by the United States; (4) entry



U.S. Department of Justice

United States Attorney  
Southern District of Florida

First Assistant U.S. Attorney

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DELIVERY BY FACSIMILE

May 19, 2008

Jay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Mr. Lefkowitz,

I am in receipt of your e-mail dated May 19, 2008 to the United States Attorney. The U.S. Attorney would like me to advise you that all communications and inquiries related to the Epstein matter, will be handled by AUSA Marie Villafana and/or her supervisor, Karen Atkinson, so he does not intend to respond to your e-mail or calls unless AUSA Villafana and/or her supervisors advise him otherwise. Furthermore, you make reference to "our July 8 deadline." Respectfully, the United States Attorney's Office for the Southern District of Florida ("SDFL") has never agreed to any such deadline. Should you decide to provide the SDFL with any additional information, please do so through AUSA Villafana, and, in her absence, AUSA Atkinson.

On September 24, 2007, your client, Jeffrey Epstein, in consultation with Gerald Lefcourt, Esq. and Lilly Ann Sanchez, Esq., as well as numerous other nationally-renowned lawyers, including but not limited to Harvard Law Professor Alan Dershowitz, former Independent Counsel and Solicitor General of the United States Kenneth Starr, just to name a few, entered into a global resolution of state and federal liabilities faced by your client ("the Agreement") with the SDFL. Although you and other members of the defense team have since claimed that the Agreement was the product of adhesion, the following facts demonstrate that Epstein knowingly and voluntarily entered into the Agreement in order to avoid a federal indictment regarding his sexual conduct involving minor victims. Despite the fact that by signing the Agreement, Epstein gave up the right to object to its provisions, the SDFL bent over backwards to exhaustively consider and re-consider your objections. Since these objections have finally been exhausted and Epstein has previously expressed his intent to not comply with several of the terms and conditions of the Agreement as set forth below, the SDFL hereby notifies you that unless he complies with all of the terms and conditions of the Agreement, as modified by the United States Attorney's December 19, 2007 letter to Ms. Sanchez by close of business on Monday, June 2, 2008, the SDFL will elect to terminate the Agreement.

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\*\*\* TX REPORT \*\*\*  
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U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

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FACSIMILE TRANSMISSION  
COVER SHEET

DATE: May 19, 2008

TO: Jay P. Lefkowitz, Esquire

FAX NUMBER: [REDACTED]

SUBJECT: Epstein

NUMBER OF PAGES, INCLUDING THIS PAGE: 7