

From: [REDACTED]

To: "Acosta, Alex (USAFSL)" <AAcosta@usa.doj.gov>, [REDACTED]
[REDACTED]

Bcc: [REDACTED]

Subject: FW: Jeffrey Epstein Agreement

Date: Tue, 05 Aug 2008 22:35:12 +0000

Importance: Normal

Attachments: Epstein_Agrmt001.pdf

Hi everyone – I still haven't heard from Roy, but in the meantime, I have been looking for correspondence that could be described as an assent to the modification in the December letter.

First, as set forth below, prior to the change of plea, we informed Epstein's counsel that we took the position that we already have a binding agreement and that nothing further was required. (This was a June 24 e-mail)

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.

We took the same position in the e-mails that [REDACTED] and I sent to Jay Lefkowitz notifying him of Epstein's need to promptly perform their obligations following the various DOJ decisions. This was the language we used:

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. [REDACTED]), 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.

(This was sent on June 23rd to Jay and June 24th to Roy.) Following this correspondence, Epstein entered his guilty plea.

On June 30th, a couple of hours after the change of plea, the agents and I went to Jack Goldberger's office and met with Jack and Mike Tein. We provided them with the proposed Notification of Identified Victims. On the first page of that notice, we wrote the following:

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.”

On July 9, 2008, Jack Goldberger wrote me a letter with some objections to the Proposed Notification. Although he had several requests for changes, he stated: “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.”

This, to me, is a written assent that the quoted language is, in fact, one of the conditions to which Epstein has agreed. So, I think that we do have a written, binding agreement comprised of the three documents that, as far as I know, were filed with the state court with Jack Goldberger’s approval. (I am waiting to hear back from the ASA.)

Here again is what I provided to the State Attorney’s Office, for your records.

<<Epstein Agrmt001.pdf>>

I am concerned that we were adamant before Epstein’s plea that we had a complete agreement and nothing more was necessary and now taking the position that we do not have an operative document (or set of documents).

■ does the Black and Goldberger correspondence described above allay your concerns? Or would you still like me to raise this issue with Roy whenever he gets back to me?

Thank you, sorry for the lengthy e-mail.

■
Assistant U.S. Attorney

Phone ■

Fax ■

From: ■
Sent: Tuesday, June 24, 2008 4:05 PM
To: 'Roy BLACK'; 'Jack Goldberger'
Cc: ■
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.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

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Phone

[REDACTED]

Fax

[REDACTED]

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