

From: "██████████)" <██████████>
To: "██████████)" <██████████>
Cc: "██████████)" <██████████>
Subject: RE: █████ memo
Date: Tue, 07 Apr 2020 19:56:07 +0000

Sure, I'll cut that and see if █████ wants to add it back in. Will send now, cc'ing you guys. Thanks!

From: █████ <██████████>
Sent: Tuesday, April 7, 2020 3:55 PM
To: █████ <██████████>
Cc: █████ <██████████>
Subject: RE: █████ memo

Thank you for having that discussion, and for drafting (hilarious – though ultimately probably helpful – that she wanted you to draft their views rather than just sending us a paragraph). My only thought is that given the change in our views of █████ obstructive conduct (particularly with respect to destruction of materials) since they reviewed the Update Memo, would it be more straightforward to highlight just the large number of underage victims (and not the more outdated obstruction elements, as presumably many trafficking victims in other cases also conceal the schemes from police, and we don't ordinarily charge them)? Other than that, no additional thoughts, and thanks again.

From: █████ <██████████>
Sent: Tuesday, April 07, 2020 15:48
To: █████ <██████████>
Cc: █████ <██████████>
Subject: RE: █████ memo

I spoke with █████. Bottom line, she thinks it's a close call between making █████ take a felony plea and declining to prosecute, but she ultimately comes down in favor of a felony plea. She does not think we should charge █████ with sex trafficking.

█████ asked me to send her and █████ a draft of the summary of their views that we plan to send up to the brass. Below is what I'd propose:

Our Office's Human Trafficking Coordinators have reviewed the prosecution team's Update Memo as well as █████ submission, and are aware of the details of the Epstein investigation. In the Coordinators' experience, our Office ordinarily would decline to prosecute a victim-participant like █████ absent certain aggravating factors, such as the use of violence by the victim-participant on others, or the victim-perpetrator continuing to run a sex trafficking operation in the absence of her abuser. Because those aggravating factors are not present here, the Coordinators believe it is a very close call between declining to prosecute █████ and requiring █████ to enter a felony plea. Ultimately, though, the Coordinators support a felony plea disposition along the lines set forth in █████ submission given the unique circumstances of her case. In particular, the Coordinators believe that the large number of underage victims, together with █████ obstructive conduct, warrant a felony plea. The Coordinators support such a disposition, in part, because a plea will allow victims to gain a sense of closure and to have their voices heard at sentencing if they choose. Given the mitigating factors presented in █████ submission—most notably the sexual abuse she suffered at Epstein's hands—the Coordinators do not believe that our Office should charge █████ with sex trafficking.

What do you think?

EFTA00016245

From: [REDACTED] <[REDACTED]>
Sent: Monday, April 6, 2020 11:59 PM
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: RE: [REDACTED] memo

Great thanks

From: [REDACTED] <[REDACTED]>
Sent: Monday, April 06, 2020 23:11
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: Re: [REDACTED] memo

I have a call tentatively scheduled with [REDACTED] tomorrow afternoon. [REDACTED] has not confirmed whether she's joining.

On Apr 6, 2020, at 10:42 PM, [REDACTED] <[REDACTED]> wrote:

Have we heard anything from [REDACTED] and/or [REDACTED]? Russell's comments ask about that specifically so wanted to check.

[REDACTED]
Assistant U.S. Attorney
Southern District of New York
212.637.2415