

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Follow up

Date: Fri, 21 Mar 2008 19:15:19 +0000

Importance: Normal

Hi [REDACTED] – Here is the info that I have. Jeopardy attaches at the start of the presentation of evidence at trial, so that should not be an issue.

The bigger problem is the statute of limitations. A defendant can waive his right to challenge the statute under Florida law, but I don't think that Epstein will be willing to do so.

At this point he also could demand a speedy trial. Once he has done so, if the trial is not held very quickly, he can move for "discharge." Once "discharged," Epstein cannot be prosecuted on the crime charged or any other crimes that could have been charged as a result of the same conduct or criminal episode. The State cannot avoid this bar by filing a "Nolle Prosequi" and then trying to re-file the same or different charges based on the same conduct or criminal episode.

Please let me know if you need anything else.

[REDACTED]

From: [REDACTED]

Sent: Friday, March 21, 2008 11:51 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Follow up

One more question – do you know when double jeopardy attaches under Florida law? More specifically, if the state charges were dropped now, could they be dropped without prejudice?

From: [REDACTED]

Sent: Thursday, March 20, 2008 4:39 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Follow up

Hi [REDACTED] – The state indictment is related to two girls. One of those girls is included in the federal indictment, the other is not. The state indictment charges solicitation of adult prostitution, it does not charge any child exploitation offense, despite the fact that, under Florida law, neither lack of knowledge of age nor affirmative misrepresentation of age by the victim is a defense.

The victim from the state case who is referenced in the federal indictment told Epstein her true age and he engaged in full sexual intercourse with her a few days shy of her 18th birthday. For that birthday, he gave her a series of gifts, including lingerie. The other 18 girls named in the current indictment are not part of the state indictment.

The state case currently has a trial date set for July. Before we got involved, the police were told that Epstein was going to plead to a misdemeanor and get no jail time. (That is one of the reasons why they asked the FBI to step in.) Since the federal investigation began, Epstein's counsel have continued the case repeatedly on the basis that they cannot resolve that case until the federal case is resolved. As part of the non-prosecution agreement that the Office put together with Epstein, the federal case was supposed to be resolved if Epstein agreed to three main terms: (1) he had to plead to a state offense for which sex offender registration was required, specifically, the procurement of minors to engage in prostitution; (2) he had to agree to an 18-month term of incarceration; and (3) he had to agree to pay restitution and damages to the victims. After the agreement was signed, he then tried to escape all three requirements.

He objected to pleading to the state charge, claiming that the facts did not apply, and asked to plead to a non-registerable offense instead. When we responded that there were four other registerable offenses where the facts certainly fit, those were rejected because (1) they required registration and (2) the state sentencing guidelines for those offenses were too high.

He tried to arrange to get out on work release, which would allow him to "work" anywhere he liked during the day and sleep in a halfway house, rather than a jail, at night. When he learned that sex offenders weren't allowed to be a part of the work release program, he started complaining about the jail time. He now wants to get a "suspended sentence" and/or home confinement, instead.

He complained that he should be able to fully litigate the issues of liability and damages with regard to the third term of the agreement, despite his agreement directly to the contrary.

With respect to the current status of the state case, other than the new trial date, all that I know is that Epstein is now subpoenaing victims for depositions who are not included in the state indictment. (Under Florida law, defense counsel are allowed to depose witnesses, including victims, prior to trial.) He seems to be trying to use that process to get information about the federal investigation. I do not know whether Epstein's misdemeanor deal is back on the table because the defense demanded that we have no contact with the State Attorney's Office, so I haven't spoken with the ASA in over 6 months.

I wish I had more information to give you. If you would like me to reach out to either the local detective on the state case or the Assistant State Attorney, please let me know. Or, if you would like their contact info, I can forward that to you, too.

Thank you. I will be back in the office tomorrow and you can call me there with any other questions.

From: [REDACTED]
Sent: Thursday, March 20, 2008 11:49 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Follow up

Two quick questions: Could you clarify whether any of the victims that are included in the state indictment would also be included in any federal indictment? If you know, what is the status of the state case?

Thanks,

From: [REDACTED]
Sent: Wednesday, March 19, 2008 7:17 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Follow up

I'm running out the door, but I wanted to get a response off. Sorry for not updating you sooner. The meeting went well – enough. They wanted to "complete the record" with some written material, which we expect to have by Monday. We're putting together our response to their arguments and we should be ready to issue it as soon as we get and digest their final submissions. Assuming we get the submissions by Monday, I expect to have our position to you by the middle of next week.

So far we've not had any questions we couldn't answer with the materials at hand, but we'll reach out to you promptly if we need to.

Thanks, [REDACTED]

From: [REDACTED]
Sent: Wednesday, March 19, 2008 6:30 PM
To: [REDACTED]
Subject: Follow up

Hi [REDACTED] – Sorry to bother you. I know you had mentioned that you might have some questions for me after your meeting. I am going to be out most of the day tomorrow and then back on Friday and then I will be out for a week, so I wanted to get stuff to you before I leave. Do you need anything from me or the investigators?

Thanks.

