

From: [REDACTED]

To: [REDACTED]

Subject: FW: Victims' Rights

Date: Fri, 22 Feb 2019 23:59:24 +0000

Importance: Normal

Attachments: Epstein_Opinion_(CVRA)_(2019-02-21).pdf

From: [REDACTED]

Sent: Friday, February 22, 2019 2:29 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Victims' Rights

As a reminder, the Crime Victims' Rights Act applies in many if not most of our cases.

We most often deal with the CVRA by making sure that victims know about court appearances and are allowed to be heard at sentencing, but the CVRA also provides, *inter alia*, that victims have “[t]he right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.” 18 U.S.C. § 3771(a)(9).

In the attached opinion, a district judge in Miami found that victims’ rights were violated when the U.S. Attorney’s Office entered into a non-prosecution agreement without notifying them. (See pp. 25, *et seq.*)

This case is outside our Circuit, involved some unusual facts – including, arguably, actual deception of the victims, rather than mere failure to notify – and it does not order a remedy.

That said, it is a case of some notoriety (Jeffrey Epstein’s trafficking and sexual abuse of minors), so it is getting press attention and is likely to be on the minds of our judges. Please be mindful of the CVRA as you negotiate pleas, and talk to your supervisors about whether, how and when to inform victims. They don’t get to determine how we dispose of cases, but they’re generally entitled to notice.

Thanks,

[REDACTED]

[REDACTED]
Assistant U.S. Attorney
Deputy Chief, Criminal Division
Eastern District of New York

[REDACTED]
Brooklyn, NY 11201

EFTA00029443