

B. Acosta Exercised Poor Judgment When He Failed to Ensure That Victims Identified in the Federal Investigation Were Informed of the State Plea Hearing

Although Acosta (or the USAO) was not required by law or policy to notify victims of the state's plea hearing, he also was not *prohibited* by law or policy from notifying the victims that the federal investigation had been resolved through an agreement that included pleas to state charges. As the contemporary records indicate, Acosta consistently expressed hesitancy to interfere in the state's processes or to "dictate" actions to the State Attorney. His decision that the USAO refrain from notifying victims about the state plea hearing and defer to the State Attorney's judgment regarding whether and whom to notify was consistent with this view. However, OPR found no evidence that Acosta's decision to defer victim notification "to the discretion of the State Attorney" was ever actually communicated to any state authorities or that Acosta recognized that the state, absent significant coordination with federal authorities, was unlikely to contact all of the victims identified in the state and federal investigations or that the state would inform the victims that it did notify that the state plea hearing was part of an agreement that resolved the federal investigation into their own cases.⁴²³

Even taking into account Acosta's views on principles of federalism and his reluctance to interfere in state processes, Acosta should have recognized the problems that would likely stem from passing the task of notifying victims to the State Attorney's Office and made appropriate efforts to ensure that those problems were minimized. Appropriate notification would have included advising victims identified in the federal investigation that the USAO had declined to bring charges and that the matter was being handled by the State Attorney, and, at a minimum, provided the victims with Belohlavek's contact information. Acosta could have interacted with the State Attorney, or instructed Villafañe or others to do so, to ensure the state intended to make notifications in a way that reached the most possible victims and that it had the information necessary to accomplish the task. Instead, Acosta deferred the responsibility for victim notification entirely to the State Attorney's discretion without providing that office with the names of individuals the USAO believed were victims and, apparently, without even informing the state prosecutors that he was deferring to them to make the notifications, if they chose to do so.

Epstein was required by the NPA to plead to only two state charges, and even assuming that each charge was premised on a crime against a different victim, and the solicitation charge involved three separate victims, there were thus only at most four victims of the charged state offenses. Without at least inquiring into the state's intentions, Acosta had no way of determining whether the state intended to notify more than those few victims. Moreover, the federal investigation had resulted in the identification of several victims who had not been identified by

inform the victim and to the extent that it will not interfere with the investigation." See 42 U.S.C. §§ 10607(c)(1)(B) and (c)(3)(A).

⁴²³ Through counsel, Acosta argued that OPR's criticism of him for "electing to 'defer' the notification obligation to the state" was inappropriate and "a *non sequitur*" because "where no federal notification obligation exists, it cannot be deferred." OPR's criticism, as explained further below, is not with the decision itself, but rather with the fact that although Acosta intended for the federal victims to be notified of the state plea hearing, and believed that they should receive such notification, he nonetheless left responsibility for such notification to the state without ensuring that it had the information needed to do so and without determining the state's intended course of action.

the PBPD during its investigation into Epstein's conduct. Absent information from the USAO, the state would not have been in a position to notify those additional victims of the state plea proceeding, even if the State Attorney had decided to include other victims identified during the state investigation. Furthermore, at the time he made his decision, Acosta had already been advised by Villafaña that Belohlavek, in November 2007, had requested that the USAO notify victims, presumably those identified during the federal investigation, about the state plea hearing.

Acosta told OPR that it had been his understanding at the time of Epstein's plea that the victims would be made aware of the proceeding and would have an opportunity to speak. Acosta also told OPR that he expected the state would have "notified [the victims] that that was an all-encompassing plea, that the state court sentence would also mean that the federal government was not proceeding." There is no evidence, however, that he verified this understanding with Sloman or Villafaña, let alone the State Attorney. OPR found no indication that Acosta ever communicated, or directed Sloman or Villafaña to communicate, his decision to the State Attorney or to provide the State Attorney's Office with a complete list of victims identified during the federal investigation. OPR located a draft letter to the State Attorney's Office that Villafaña prepared and forwarded to Acosta in December 2007, which did provide such information, but OPR found no evidence that the letter was ever sent, and it was not among materials publicly released from the State Attorney's Office.⁴²⁴ OPR also found evidence that both Sloman and Villafaña interacted with the State Attorney's Office in the months leading up to the June 30, 2008 plea hearing, but there is no indication that they discussed victim notification issues with that office, and Villafaña's last minute request to PBPD Chief Reiter to notify victims indicates that the USAO had not coordinated with the State Attorney's Office. Belohlavek told OPR that no one from the USAO provided her with a list of victims or coordinated any notification of victims to appear at the hearing.

Krischer and Belohlavek were thus evidently unaware that Acosta had decided to leave it to them to decide whether to notify victims about the state proceeding. In the absence of some discussion of which or how many victims the state intended to notify, what the state intended to tell them about Epstein's plea, and whether the state intended to let the victims speak at the plea hearing, Acosta had no way to ensure that his assumption about victim notification was accurate. In other words, Acosta failed to plan for how all of the identified victims of Epstein's crimes, both federal and state, "would be aware of what was happening in the state court and have an opportunity to speak up at the state court hearing."

OPR did not find evidence that Acosta acted for the purpose of excluding victims from the plea hearing, and Acosta's assumption that the state would handle victim notification appropriately was not unsupported. State prosecutors are subject to victim notification requirements under the Florida Constitution, and the state prosecution offices have victim witness personnel, resources, and processes to help accomplish notification. However, Acosta was aware—through the prosecution memoranda, the draft indictment, and email communications from Villafaña—that the USAO's investigation had expanded beyond those victims identified in the original PBPD

⁴²⁴ The text of the letter indicated that Epstein's attorneys asked the USAO not to inform victims of "any rights they may have as victims of the charges filed by the State Attorney's Office" and that the USAO was providing the State Attorney's Office with a list of the 33 identified federal victims "in case you are required to provide them with any further notification regarding their rights under Florida law."

investigation. Because the state indictment and information appeared to pertain to far fewer than the total victims identified in either the state or the federal investigation, and no one at the USAO was certain which victims were covered by the state charges, it should have been apparent to Acosta that without advance planning between the USAO and the State Attorney's Office, there was a substantial risk that most of the victims identified in the federal investigation would not receive notice of the hearing.⁴²⁵ Notification to the broadest possible number of identified victims could only have been successful if there was appropriate communication between the USAO and the state prosecutors, communication that had previously been lacking regarding other significant issues relating to Epstein. Villafaña and Sloman's hastily arranged effort to enlist in the notification process PBPB Chief Reiter, who likely played little role in complying with the state's victim notification obligations in a typical case, was not an adequate substitute for careful planning and coordination with the State Attorney's Office.⁴²⁶

Even if the State Attorney's Office had notified all of the identified victims of the upcoming plea hearing, there was no guarantee that such notification would have included information that the state plea was resolving not just the state's investigation of Epstein, but the federal investigation as well. The State Attorney was not obligated by state statutes to inform the victims of the status of the federal investigation, and there was little reason to assume Krischer, or one of his staff, would voluntarily do so, thereby putting the State Attorney's Office in the position of fielding victim questions and concerns about the outcome. Furthermore, as both the USAO and the defense had differing views as to who could lawfully participate in the state plea hearing, there is no indication that Acosta, Sloman, or Villafaña took steps to confirm that, if victims appeared, they could actually participate in the state court proceeding when they were not victims of the charged crimes.⁴²⁷

Through counsel, Acosta asserted to OPR that because Villafaña and Sloman both told OPR that they believed that state officials would notify the victims, "OPR identified no reason why Secretary Acosta should have distrusted his team on these points." Acosta's counsel further

⁴²⁵ Krischer told OPR that the state's notification obligation extended to all victims identified in the state investigation. Nonetheless, which victims were encompassed in the state's investigation was unclear. The PBPB's probable cause affidavit included crimes against only 5 victims, not the 19 identified in the state investigation. According to state records made public, the state subpoenaed to the grand jury only 3 victims. After Epstein's guilty plea, the state sent notification letters to only 2 victims. Belohlavek told OPR that because of the nature of the charges, she did not know whether "technically under the law" the girls were "victims" she was required to notify of the plea hearing.

⁴²⁶ The State Attorney's Office had its own procedures and employees who handled victim notification, and Belohlavek told OPR that the Chief of the Police Department would not regularly play a role in the state victim notification process.

⁴²⁷ Although Villafaña's notes indicate that she researched Florida Statutes §§ 960.001 and 921.143 when she drafted unsent letters to victims in November and December 2007 inviting them to participate in the state plea hearing pursuant to those statutes, the caselaw was not clear that all federal victims would have been allowed to participate in the state plea hearing. In Lefkowitz's November 29, 2007 letter to Acosta, he argued that the statutes afforded a right to speak at a defendant's sentencing or to submit a statement only to the victims of the crime for which the defendant was being sentenced. In April 2008, a Florida District Court of Appeal ruled against a defendant who argued that Florida Statute § 921.143(1) did not allow the testimony of the victim's relatives at the sentencing hearing. The court ruled that § 921.143(1) "should not be read as limiting the testimony Rule 3.720(b) allows trial courts to consider at sentencing hearings." *Smith v. State*, 982 So. 2d 69, 72 (Fla. Dist. Ct. App. 2008).

argued that Acosta should have been able to rely on his staff to accomplish the victim notification task, and thus had no responsibility to personally confirm that Chief Reiter would notify the victims of the hearing.⁴²⁸ Acosta is correct that under usual circumstances, USAO management played no role in the victim notification process; however, in this case, the issue of victim notification had been elevated from a rote administrative task to a major area of dispute with the defense. Acosta personally involved himself by resolving the notification dispute with defense counsel in his December 19, 2007 letter. Villafaña provided Acosta with a draft letter to state officials that would have opened a dialogue concerning the notification of all the victims identified in the federal investigation. OPR found no evidence, however, that Acosta sent the letter or any similar communication to the State Attorney's Office or that he provided Villafaña and Sloman with instructions concerning victim notification other than those contained in his December 19, 2007 letter. Having inserted himself into the notification process, Acosta had a responsibility to ensure that his expectation that the victims would be notified could be accomplished through the state process.

Many victims only learned of Epstein's state court pleas when they later received a letter from the USAO informing them that those pleas had resolved the federal investigation, and some victims only learned of the state court pleas and sentencing from the news media. In the end, although Villafaña and Sloman hastily attempted to ensure victim notification through Chief Reiter, their effort was too little and too late to ensure that victims had the opportunity to attend the plea hearing or were given sufficient information about its significance to their own cases.⁴²⁹ Although Acosta may have conferred with others about the decision to defer the responsibility for notifying victims to the State Attorney, Acosta was responsible for choosing this course of action. OPR concludes that under these unique circumstances, its criticisms are warranted because Acosta personally decided to change the process initiated by his staff, and although he expected that the federal victims would be notified, he did not take the necessary steps to ensure that they would be. Acosta could have authorized disclosure of the plea hearing to victims, even if he did not believe the CVRA required it, to ensure that the victims identified in the federal investigation were aware of the state court proceeding. Because the state pleas ended the federal investigation into Epstein's conduct, ensuring that the victims were notified of the state plea hearing would have been consistent with the Department's overarching commitment to treat victims with fairness, dignity, and sensitivity. Acosta's failure to prioritize notification and coordinate communication about the

⁴²⁸ As noted, in his comments on OPR's draft report, Acosta's counsel strongly objected to OPR's finding of poor judgment with respect to victim notification, arguing that OPR "unwarrantedly applies a standard never before expected of any US Attorney," and inappropriately criticizes Acosta for "not personally confirming that the State Attorney had the information needed" to notify the victims and for "not personally confirming" that Chief Reiter had actually notified the victims. For the reasons discussed, the issue is not whether Acosta "personally" took certain specific steps but that he stopped his staff from implementing a notification plan they had devised, and instead, shifted responsibility for notification to another entity while failing to consider how or even whether that entity would be able to accomplish the notification that Acosta expected to happen.

⁴²⁹ OPR notes that Villafaña contacted Reiter soon after the state plea hearing was scheduled, and the resulting window of time for Reiter to make any notifications was short. Had the USAO coordinated with the State Attorney at some point in time closer to Acosta's December 19, 2007 letter and decision, the USAO could have ensured that the State Attorney had an appropriate notification process in place to act quickly when the hearing was scheduled and that issues concerning the victims' appearance at the hearing were appropriately considered by state authorities. Similarly, if the USAO believed that Reiter should make the notifications, it could have coordinated with Reiter in the months that the matter was under review by the Department.

resolution of the case to ensure Epstein's victims were given an opportunity to attend the plea hearing, and to possibly speak about the impact of Epstein's crimes, presented a glaring contrast with Acosta's responsiveness to the demands of Epstein's attorneys, which included the unusual courtesy of allowing them to preview and respond to the USAO's draft victim notifications. This contrast added to the victims' perception that they had been treated unfairly, a view shared by the public.

Nothing in the documentary record suggests that Acosta thought through the issue of determining which victims would be notified by the state, or that he took any steps to ensure that all of the known federal victims received information about the state plea hearing. Instead, as with his decision to resolve the federal investigation through a state-based resolution, Acosta exercised poor judgment when he made critical decisions affecting the federal investigation and the victims, but also failed to consider the full consequences of those decisions or what was needed to implement them. Acosta's failure to consider these issues before simply leaving the responsibility for making notifications entirely to the State Attorney's discretion reflected poorly on the USAO and the Department as a whole. It left victims in the dark about an important proceeding that resolved the federal investigation, an investigation about which the USAO had communicated with victims for months. It also ultimately created the misimpression that the Department intentionally sought to silence the victims by keeping them uninformed about the NPA and the resulting state proceeding. Acosta failed to ensure that victims were afforded an opportunity to attend a hearing that was related to their own cases and thus failed to ensure that victims were treated with forthrightness and dignity.

V. VILLAFÑA DID NOT COMMIT PROFESSIONAL MISCONDUCT IN HER ORAL COMMUNICATIONS TO VICTIMS AND VICTIMS' ATTORNEYS, IN WHICH SHE DESCRIBED THE CASE AS "UNDER INVESTIGATION" BUT DID NOT DISCLOSE THE EXISTENCE OF THE NPA TO SOME VICTIMS

From September 24, 2007, when the NPA was signed, until after Epstein's June 30, 2008 state court plea, the case agents, acting under Villafña's direction, directly informed only three victims that the government had signed an NPA and that, if Epstein complied with its terms, the federal investigation would be closed. During this time period, Villafña and the case agents interacted with several victims and their attorneys, and Villafña contacted victims' attorney Bradley Edwards to encourage him to attend the state court plea hearing, but she did not inform victims or Edwards of the NPA or the resolution of the federal investigation.

As described in Part One of this chapter, after the NPA was signed, the FBI case agent and co-case agent began notifying victims about the NPA.⁴³⁰ After speaking to three victims, however, the FBI case agent became concerned that informing the victims about the NPA and the monetary damages provision would create potential impeachment material for the victims and the agent should Epstein breach the NPA and the case proceed to indictment and trial. As the case agent told OPR, "I would . . . have to testify that I told every one of these girls that they could sue Mr. Epstein for money, and I was not comfortable with that, I didn't think it was right." The case

⁴³⁰ Although Wild disputed that she was informed of the resolution of the federal case, the case agent's email to Villafña from this time period reflects that at least one victim understood that the federal case was resolved and that she was unhappy with the resolution.

agent and Villafaña consulted with the USAO's Professional Responsibility Officer about the matter, and thereafter stopped notifying the victims about the NPA and their ability to pursue monetary damages according to its terms.

Villafaña advised Sloman by email of her concerns regarding the potential impeachment evidence, telling him, "One thing I am concerned about is that, if we [file charges] now, cross-examination will consist of- 'and the government told you that if Mr. Epstein is convicted, you are entitled to a large amount of damages right?'" Explaining the decision in her later CVRA declaration, Villafaña said that after Epstein's attorneys "complained that the victims were receiving an incentive to overstate their involvement with Mr. Epstein in order to increase their damages claims," she "concluded that informing additional victims could compromise the witnesses' credibility at trial if Epstein reneged on the agreement." Acosta was aware of these concerns as he referred to them in an August 2008 email, "[W]e also believed that contacting the victims would compromise them as potential witnesses. Epstein argued very forcefully that they were doing this for the money, and we did not want to discuss liability with them, which was [a] key part of [the] agree[ment]."

The case agents interviewed victims in October and November 2007, but did not inform them about the NPA.⁴³¹ On January 31, 2008, the FBI agents, Villafaña, and the CEOS Trial Attorney interviewed three victims, including Courtney Wild, and they interviewed at least one more victim the next day.⁴³² Wild and two others had been contacted by the FBI in the fall of 2007 and may have been informed about the resolution of the federal investigation.

Villafaña told OPR that during the January 31, 2008 interviews, she did not specifically tell the victims that "there was a signed non-prosecution agreement that had these terms." She stated that she would not use "terminology" such as "NPA" because "most people don't understand what that means." Instead, with respect to the three victims who, according to Villafaña, had been informed by the FBI about the resolution, she stated that "an agreement had been reached where [Epstein] was going to be entering a guilty plea, but it doesn't look [like] he intends to actually perform . . . [and] now it looks like this may have to be charged . . . and may have to go to trial." Villafaña recalled telling some victims that Epstein "was supposed to enter a plea in state court" that would end the investigation, but she did not recall distinguishing between the "federal investigation versus a state investigation." Villafaña told OPR she explained "the case was under investigation," she and the agents "were preparing . . . again" to file charges, and they hoped "that charges would be brought." An email from Villafaña to Sloman and Acosta during this time period reflects that she had such discussions with at least one victim interviewed on this date: "The second girl . . . was very upset about the 18 month deal she had read about in the paper. . . . [S]he would rather not get any money and have Epstein spend a significant time in jail." Villafaña, however, did not recall telling all of the victims interviewed at this time of the state plea; rather, she likely only told those who knew about the resolution from the FBI. In her own 2015 CVRA-case declaration, Wild stated that she "was not told about any [NPA] or any potential resolution of

⁴³¹ FBI agents also interviewed victims in March and May of 2008, without prosecutors, and did not inform the victims of the NPA.

⁴³² Two additional victims were scheduled to be interviewed on February 1, 2008, but the evidence is unclear as to whether the interviews occurred.

the federal investigation I was cooperating in. If I had been told of a[n NPA], I would have objected.” Wild further stated in her declaration that, “Based on what the FBI had been telling me, I thought they were still investigating my case.”

Neither the CEOS Trial Attorney nor the FBI case agent recalled the specifics of the victim interviews. The FBI reports memorializing each interview primarily addressed the facts elicited from the victim regarding Epstein’s abuse and did not describe any discussion about the status of the case or the victim’s view about the prosecution of Epstein.⁴³³

When asked whether she was concerned that failing to tell victims about the NPA when she was interviewing them would mislead victims, as previously noted, Villafañá told OPR that she believed she and the agents were conducting an investigation because they continued “interviewing witnesses” and “doing all these things” to file charges and prepare for a federal trial. As Villafañá stated, “So to me, saying to a victim the case is now back under investigation is perfectly accurate.”

Villafañá was also aware that some victims were represented by counsel in connection with civil lawsuits against Epstein, but did not proactively inform the victims’ attorneys about the NPA. In a 2017 affidavit filed in the CVRA litigation, victims’ attorney Bradley Edwards alleged that during telephone calls with Villafañá, he “asked very specific questions about what stage the investigation was in,” and Villafañá replied that she could not answer his questions because the matter “was an on-going active investigation.” Edwards stated that Villafañá gave him “the impression that the Federal investigation was on-going, very expansive, and continuously growing, both in the number of identified victims and complexity.” Edwards also stated, “A fair characterization of each call was that I provided information and asked questions and Villafañá listened and expressed that she was unable to say much or answer the questions I was asking.”

In her written response to OPR, Villafañá stated that she “listened more than [she] spoke” during her interactions with Edwards and that due to the “uncertainty of the situation” and the possibility of a trial, she “did not feel comfortable sharing any information about the case.” Villafañá also told OPR that because of “all of these concerns and instructions that I had been given by Alex [Acosta] and Jeff [Sloman] not to disclose things further and not to have any involvement in victim notification,” she felt “prohibited” from providing additional information to Edwards.

Sloman told OPR that although neither the NPA terms nor the CVRA prevented the USAO from exercising its discretion to notify the victims, “[I]t was [of] concern that this was going to break down and . . . result in us prosecuting Epstein and that the victims were going to be witnesses and if we provided a victim notification indicating, hey, you’re going to get \$150,000, that’s . . . going to be instant impeachment for the defense.”⁴³⁴ Acosta told OPR that, because Epstein did

⁴³³ As noted above, the FBI agent’s notes for one victim’s interview reported that she wanted another victim to be prosecuted.

⁴³⁴ When asked why the USAO did not simply notify the victims of the change of plea hearing, Sloman responded that he “was more focused on the restitution provisions. I didn’t get the sense that the victims were overly interested in showing up . . . at the change of plea.”

not plead guilty in October 2007 as the USAO expected, it was a “very open question” whether the case would go to trial, and Acosta thought that “where there is no legal requirement[,] [t]here has to be discretion to judge how much you can tell the victims and when.”

Epstein’s attorneys’ conduct during the period between the signing of the NPA and Epstein’s entry of his state guilty pleas illustrated the risk that Acosta, Sloman, and Villafaña all identified. As Epstein’s counsel deposed victims related to the state court criminal charges and civil cases against Epstein, counsel suggested that the victims were motivated to testify against Epstein by the government’s promises of financial gain. For example, during a February 20, 2008 state deposition of a victim, defense counsel asked her whether the federal prosecutors or FBI agents told her that she was entitled to receive money from Epstein.⁴³⁵ In her 2017 declaration in the CVRA litigation, Villafaña identified that line of questioning as a motivating factor in the government’s decision to stop notifying the victims about the potential for 18 U.S.C. § 2255 recovery.

On June 27, 2008, the Friday before Epstein’s Monday, June 30, 2008 state court guilty plea hearing, Villafaña contacted Edwards to inform him about that upcoming hearing. Villafaña told OPR she “was not given authorization to contact” any victim’s attorney other than Edwards about the scheduled state plea hearing.⁴³⁶ In his 2017 affidavit prepared for the CVRA litigation, Edwards stated that Villafaña “gave the impression that she was caught off-guard herself that Epstein was pleading guilty or that this event was happening at all.”

Edwards said in a 2016 court filing that Villafaña told him only that “Epstein was pleading guilty to state solicitation of prostitution charges involving other victims—not Mr. Edward’s clients nor any of the federally-identified victims.” Villafaña stated in her 2017 declaration that she “never told Attorney Edwards that the state charges involved ‘other victims,’ and neither the state court charging instrument nor the factual proffer limited the procurement of prostitution charge to a specific victim.” Villafaña told OPR she “strongly encouraged [Edwards] and his clients to attend” the plea hearing but “could not be more explicit” because she was not “authorized by the Office to disclose the terms of the NPA.” In his 2017 affidavit, Edwards acknowledged that “Villafaña did express that this hearing was important, but never told me why she felt that way.” Edwards claimed that Villafaña’s failure to inform him that the “guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement” resulted in his clients not attending the hearing. Edwards himself was out of town and not able to

⁴³⁵ As previously noted, the defense used Florida criminal procedure to depose potential federal victims to learn information concerning the federal investigation even though those individuals were not involved in the state prosecution. For example, in a March 2008 email, Villafaña informed her managers that she spoke to a victim who had received a subpoena “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).” Villafaña further observed that because Epstein is “going to plead to the solicitation of adults for prostitution charge [in state court], [the act of subpoenaing the victim] seems to be a clear effort to find out about our case through the state case.”

⁴³⁶ Villafaña’s June 30, 2008 handwritten notes reflect that, at the time of Epstein’s state court guilty plea, Villafaña was aware of the identities of a least five other attorneys representing Epstein’s victims. In her written response to OPR, Villafaña stated, “I requested permission to make oral notifications to the victims regarding the upcoming change of plea, but the Office decided that victim notification could only come from a state investigator, and Jeff Sloman asked PBPD Chief Reiter to assist.” On Saturday, June 28, 2008, Villafaña emailed Sloman to inform him that PBPD Chief Reiter “is going to notify victims about the plea.” Sloman replied, “Good.”

attend the hearing. In his affidavit, Edwards asserted, “[T]here was no possible way I could have believed that this state plea could affect the federal investigation or the rights of my clients in that federal investigation.”

In *Wild*, the Eleventh Circuit panel stated that the government “seemingly” deferred to Epstein’s attorneys’ requests not to notify the victims about the NPA, and that in sending the January and May 2008 FBI letters, the government’s efforts “seem to have graduated from passive nondisclosure to (or at least close to) active misrepresentation.”⁴³⁷ Although both the appellate court and district court focused on the FBI’s letters for which OPR concludes that neither Villafaña, Sloman, nor Acosta was responsible, OPR considered the courts’ analyses in evaluating whether similar representations Villafaña made to the victims whom she interviewed on January 31 and February 1, 2008, and to Edwards, were misleading. Therefore, OPR considered whether Villafaña’s statements that the matter was “under investigation” and her failure to inform all of the victims whom she interviewed or Edwards about the NPA violated FRPC 4-4.1(a), 4-8.4(c), or 4-8.4(d).

FRPC 4-4.1(a) prohibits an attorney from “knowingly mak[ing] a false statement of material fact or law to a third person” during the representation of a client. The FRPC defines “knowingly” as “denot[ing] actual knowledge of the fact in question” and states that such knowledge may be “inferred from circumstances.”⁴³⁸ The comment to FRPC 4-4.1 states that “[m]isrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements.” The comment references FRPC 4-8.4 “[f]or dishonest conduct that does not amount to a false statement.” Like FRPC 4-4.1(a), Rule 4-8.4(c) requires evidence that the attorney knew the statement in question was false. Under FRPC 4-8.4(c), the intent requirement can be satisfied “merely by showing that the conduct was deliberate or knowing” and the “motive underlying the lawyer’s conduct is not determinative; instead the issue is whether he or she purposefully acted.”⁴³⁹ In *Feinberg*, the court concluded that the prosecutor violated FRPC 4-4.1 and 4-8.4(c) and (d) by deliberately making untruthful statements to a defense attorney, despite evidence that the prosecutor intended to help the defendant by making the statements.⁴⁴⁰ In this case, Villafaña was fully aware of the signed NPA when she interviewed the victims on January 31 and February 1, 2008, and when she spoke to Edwards on the telephone, but she did not inform them specifically of the signed NPA. The question is whether this omission amounted to a knowing false statement or misrepresentation.

One difficulty is determining what Villafaña actually said during conversations that participants were asked to recall many years later. With respect to three of the victims whom she interviewed in January and February 2008, Villafaña contended that she discussed the agreement with them, even if she did not specifically refer to it as the NPA or discuss all of its terms, and as

⁴³⁷ *Wild*, 955 F.3d at 1199-1200.

⁴³⁸ See R. Regulating Fla. Bar 4-Preamble: A Lawyer’s Responsibilities, “Terminology.”

⁴³⁹ *Florida Bar v. Schwartz*, 284 So. 3d 393, 396 (Fla. 2019) (citing *Florida Bar v. Berthiaume*, 78 So. 3d 503, 510 n.2 (Fla. 2011); *Florida Bar v. Riggs*, 944 So. 2d 167, 171 (Fla. 2006); *Florida Bar v. Smith*, 866 So. 2d 41, 46 (Fla. 2004)).

⁴⁴⁰ *Florida Bar v. Feinberg*, 760 So. 2d 933, 937-38 (Fla. 2000).

previously noted, there is some contemporaneous evidence supporting her assertion. Villafaña's mention of the agreement, even if not described in specific terms, would have been sufficient to apprise those victims of the status of the federal investigation.

Nevertheless, Villafaña did not recall discussing the NPA specifically or in general terms with other victims interviewed at that time, nor did she do so with Edwards or any other victim's attorney. OPR therefore considered whether the omission of information about the existence of the NPA during these interactions rose to the level of professional misconduct in violation of FRPC 4-4.1 or 4-8.4.⁴⁴¹

OPR evaluated Villafaña's conduct in light of the comment to FRPC 4-4.1:

A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements.

The victims and their attorneys were certainly not "opposing part[ies]" to the USAO, but the comment indicates that the rule recognizes that omissions made during discussions with third parties, even of relevant facts, are not always treated as false statements.

Here, the evidence does not show that Villafaña knowingly made an affirmative false statement to the victims or Edwards or that her omissions were "the equivalent of affirmative false statements" about material facts. First, Villafaña told OPR that she believed the investigation was ongoing and her statement to that effect truthful, and as discussed earlier in this Chapter, the evidence shows that Villafaña and the agents did continue to investigate the case until Epstein entered his guilty plea in state court in June 2008. Villafaña's email correspondence with her supervisors reflects her strong advocacy during that timeframe to declare Epstein in breach and to charge him. The evidence similarly does not show that Villafaña knowingly made any affirmative false statement to Edwards when she informed him of the state court plea, although she declined to provide additional information in response to his questions.⁴⁴²

Second, in reaching its conclusion, OPR considered the full context in which Villafaña interacted with the victims and Edwards. Prosecutors routinely make decisions about what information will be disclosed to witnesses, including victims, for a variety of strategic reasons. In many cases, prosecutors must make difficult decisions about providing information to witnesses,

⁴⁴¹ In *Florida Bar v. Joy*, the court affirmed a referee's conclusion that Joy violated FRPCs 4-4.1(a) and 4-8.4(c) "for making false statements by omission of material facts in his representations [to counsel]." *Florida Bar v. Joy*, 679 So. 2d 1165, 1166-68 (Fla. 1996). See also *Florida Bar re Webster*, 647 So. 2d 816 (Fla. 1994) (petition for reinstatement denied due to "misrepresentation by omission").

⁴⁴² In *Feinberg*, 760 So. 2d at 938, the court found that an Assistant State Attorney lacked candor and violated ethics rules when, after meeting with a defendant outside his attorney's presence, the prosecutor falsely stated to the defense attorney that he (the prosecutor) had not met with the defendant.

and they often cannot fully reveal either the facts or the status of an investigation, even with victims. The 2005 Guidelines advise that in consulting with a victim, prosecutors may be limited in their disclosures: "Because victims are not clients, may become adverse to the Government, and may disclose whatever they have learned from consulting with prosecutors, such consultations may be limited to gathering information from victims and conveying only nonsensitive data and public information."⁴⁴³

Villafañá's concern about generating potential impeachment evidence by informing victims of their potential to recover monetary damages from Epstein was not unreasonable. Indeed, the case agents initially raised the impeachment issue, and after considering the problem, Villafañá agreed with the agents' concerns. Villafañá raised those concerns with the USAO's Professional Responsibility Officer in October 2007 after the agents brought the issue to her attention, and she ultimately raised the issue with Sloman and Acosta as well, neither of whom advised her that those concerns were improper or unsound. OPR also considered that although Villafañá had sought to notify the victims in writing of the NPA soon after it was signed, her supervisor, the U.S. Attorney, had decided otherwise. When authorized to inform Edwards of the scheduled change of plea hearing, she did so. Although she did not inform Edwards that the plea was part of a global resolution that would end the federal investigation, the evidence does not show that Villafañá acted for the purpose of deceiving Edwards or preventing him from attending the hearing. Had she sought to exclude him from the state proceedings, she could have elected not to inform Edwards at all, or she could have discouraged him from attending the state proceedings. Rather, as Edwards confirmed, Villafañá told him the hearing was "important." Villafañá sought to strike a difficult balance of securing Edwards's (and his clients') attendance at the state court plea, while obeying her management's directive that informing victims of the resolution of the federal investigation should not be done until completion of the state plea.

Therefore, after carefully considering all of the circumstances, OPR concludes that the evidence does not establish that Villafañá violated her obligations under FRPC 4-4.1 or 4-8.4(c) or (d).⁴⁴⁴ Nonetheless, as discussed below, Villafañá's interactions with victims and victims' attorneys without informing them of the NPA and the potential conclusion of the federal investigation contributed to the likelihood that the victims would feel that the government was

⁴⁴³ 2005 Guidelines, Art. IV, ¶ B.2.c(1). As noted, some victims continued to express favorable views of Epstein during interviews with the government and they, or their attorneys, could have provided information to Epstein about the government's communications. For example, within a day of Villafañá contacting a victim's attorney about a potential victim notification letter, Starr complained to Acosta that the government had recently inappropriately provided "oral notification of the victim notification letter" to one girl's attorney, even though it was clear from the girl's recorded FBI interview that she "did not in any manner view herself as a victim."

⁴⁴⁴ The case most directly on point is *Smith*, 109 A.3d 1184, in which the Maryland Court of Appeals affirmed a violation of Maryland Rule of Professional Conduct 8.4(d) based on a prosecutor's failure to notify the victim of the resolution of a sex abuse case. However, as noted previously, in *Smith*, the criminal defendant had been arrested and charged before entering a plea, and various specific statutes afforded victims the right to receive notices and an opportunity to be heard concerning "a case originating by indictment or information in a circuit court." In this case, for the reasons previously discussed, Villafañá did not have a clear and unambiguous obligation to inform the victims or Edwards of the NPA.

intentionally concealing information from them and was part of a series of interactions with victims that led to condemnation of the government's treatment of victims.⁴⁴⁵

VI. THE GOVERNMENT FAILED TO TREAT VICTIMS FORTHRIGHTLY AND WITH SENSITIVITY WHEN IT FAILED TO TIMELY PROVIDE VICTIMS WITH IMPORTANT INFORMATION ABOUT THE RESOLUTION OF THE FEDERAL INVESTIGATION

Although OPR does not conclude that any of the subjects committed professional misconduct, either by failing to consult with the victims before the NPA was signed or in interactions afterwards, OPR's findings are not an endorsement of the government's course of action. The government's interactions with victims confused and frustrated many of the victims, particularly the two CVRA petitioners and the two victims who had unsuccessfully attempted to join in the CVRA litigation. As a result, the victims' and the public's perception of the matter is that the prosecutors worked with Epstein's attorneys to disenfranchise and silence the victims. It is unfortunate, and appears fundamentally unfair to the victims, that Acosta and Sloman (after Menchel and Lourie departed) took the unusual step of deciding to vet the USAO victim notification letters with the defense after the NPA was signed, but failed to go beyond the requirements of the CVRA or the 2005 Guidelines to consult with the victims before the NPA was signed. This result is contrary to the Department's intent, as set forth in the 2005 Guidelines, that Department employees work to "minimize the frustration and confusion that victims of crime endure in its wake." When considering the entirety of the government's interactions with victims, OPR concludes that victims were not treated with the forthrightness and sensitivity expected by the Department.

Wild's criticisms of the government's conduct were based on interactions that are similar to and generally representative of the government's interactions with other Epstein victims and that demonstrate an overall lack of sensitivity to the victims by the government. Wild experienced a series of confusing and inconsistent communications in her interactions with Villafañá and the case agents. Wild received Villafañá's letter in June 2007 stating inaccurately that she was a federal victim entitled to CVRA rights. She was interviewed by the FBI in August 2007 but was not told that a potential outcome was a state plea. Shortly after the September 24, 2007 signing of the NPA, the FBI contacted her to inform her of the resolution of the federal case. Nonetheless, on January 10, 2008, the FBI sent her a victims' rights letter indicating that the case was under investigation and that some of her CVRA rights may not apply until after the defendant was charged. On January 31, 2008, Villafañá re-interviewed Wild, along with a CEOS attorney and the FBI agents, and told Wild that the case was under investigation, but did not specifically mention the NPA, although she may have mentioned a possible resolution. In mid-June 2008, when Edwards contacted Villafañá on Wild's behalf, Villafañá informed him that the case was under investigation but did not mention the NPA. Just before Epstein's June 30, 2008 state court plea,

⁴⁴⁵ OPR notes that, similar to Villafañá, Sloman interacted with a victim's attorney during the time period between the signing of the NPA and Epstein's state guilty plea. In January 2008, Sloman received a telephone call from his former law partner, who represented one of the victims and who asked Sloman whether the federal government could bring charges against Epstein. Sloman, concerned about the potential for conflict of interest allegations due to his prior business relations with the attorney, refused to answer any questions regarding Epstein. Because Sloman refused to provide any information, OPR found no basis for finding that Sloman misled the attorney.

Villafaña informed Edwards about the state plea, but did not mention the NPA or the fact that the state pleas would resolve the federal investigation. Edwards then filed the CVRA petition and learned about the NPA signed months earlier and that the federal investigation of Epstein had concluded with Epstein's state guilty pleas. Wild only received access to the NPA when a judge permitted it in August 2008 pursuant to a protective order. After considering this series of interactions, it is not surprising that Wild came away from the experience feeling confused and believing she had been misled.

OPR did not find evidence supporting a conclusion that Villafaña, Acosta, Sloman, Menchel, or Lourie opted not to consult with the victims in order to protect Epstein or shield the NPA from public scrutiny. Although neither Sloman nor Acosta could recall a specific discussion of CVRA obligations before the NPA was signed, both recalled knowing that victim consultation was not required, and Menchel also told OPR that consultation was not required, at least not up to the point when he left the USAO. The evidence is clear that Villafaña sought at various points to consult with and to notify victims about the details of the NPA but was constrained before the NPA was signed by managers who either made a decision to not consult victims or did not address the issue after it was raised, and after the signing by her own concern about creating possible impeachment evidence that would damage the victims' credibility at a possible trial.

Nonetheless, a more open and straightforward approach with the victims, both before and after the signing of the NPA, would have been the better practice. Before the NPA was signed, victims could have been asked for their views about the general terms the USAO was contemplating offering, including that a plea to state charges was one of the options being considered; asked for their views in general about a guilty plea; or, at a minimum, asked to share their views of how the case should be resolved. Even if the USAO ultimately determined to proceed with the NPA, the government would have had the benefit of the victims' thoughts and concerns, particularly on the issue of punishment, and victims would have felt included in the process. OPR found no evidence that the benefits of victim consultation were discussed or considered before the NPA was signed.

After the NPA was signed, no one from the government explained the agreement to the majority of the victims until months later and only after the entry of Epstein's guilty plea. Although the evidence supports Villafaña's assertion that she acted from a good faith belief that Epstein might breach the NPA and a potential trial would be harmed if information about the NPA was divulged to the victims and their counsel, she, Sloman, and Acosta failed to consider how the desire to shield the victims from that potential impeachment might impact the victims' sense of the openness and fairness of the process. As Wild stated during the CVRA litigation, she believed she had been "mistreated in the process." When deciding not to inform the victims of the NPA to avoid creating impeachment evidence, Villafaña, Sloman, and Acosta do not appear to have carefully considered possible alternatives to, or all of the ramifications of, that decision, nor did they revisit the decision before Villafaña met the victims in person to discuss a potential trial or spoke to Edwards or other attorneys representing victims.⁴⁴⁶ Furthermore, more attention needed

⁴⁴⁶ It is not at all clear whether a court would have permitted impeachment of the victims concerning one provision in a plea agreement that otherwise could not be used as evidence. *See* Fed. R. Crim. P. 11(f) ("The admissibility or inadmissibility of a plea, a plea discussion, and any related statement is governed by Federal Rule of Evidence 410."). In any case, the victims could have been impeached regarding the possibility of their obtaining monetary damages through either a civil suit or through 18 U.S.C. § 2255 (if Epstein were convicted after a trial),

to be paid to the FBI's communications to ensure that the victims were receiving accurate and timely information that was consistent with the status of the case and with the USAO's communications with victims.⁴⁴⁷

The decision not to inform victims and their attorneys about the existence of the NPA gave victims and the public the misimpression that the government had colluded with Epstein's counsel to keep the agreement secret from the victims. Moreover, the lack of openness about the NPA gave the impression that the USAO lacked sensitivity for the victims in resolving the matter and undercut public confidence in the legitimacy of the resulting plea agreement. The overall result of the subjects' anomalous handling of this case left at least some of the victims feeling ignored and frustrated, failed to promote their healing process, and resulted in extensive public criticism. Although OPR credits Villafaña's statements that she wanted to go beyond her obligations in dealing with victims, the end result nonetheless was that communications with victims were not prioritized by the USAO. In part this was due to the fact that interactions with victims are generally handled by staff in the USAO and the FBI who are trained and have expertise in dealing with victims and other witnesses. However, decisions made by Acosta, Sloman, and Villafaña also contributed to the problems. The government, as it ultimately acknowledged in the CVRA litigation, could have, and should have, engaged with the victims in a more transparent and unified fashion.

OPR recognizes that the Epstein investigation occurred soon after the passage of the CVRA. In the years since, the Department's prosecutors and personnel have become more familiar with its provisions. OPR encourages the Department as a whole to take the issues discussed above into account when providing training and direction to its employees regarding victims' rights to ensure that in the future, Department attorneys' actions promote victim inclusion whenever possible.⁴⁴⁸ For example, although the division of responsibility between the FBI and the USAO for communicating with victims works efficiently and appropriately in the average case, the USAO failed to consider that in a case involving a pre-charge disposition, the victims were receiving inconsistent and confusing communications from the separate entities. In certain cases, such as the Epstein case, prosecutors may need to provide more oversight when multiple Department components are communicating with victims to avoid providing confusing and contradictory messages.

independent of the NPA provision. OPR also notes that impeachment regarding the NPA provision may have permitted the government to rehabilitate the victims through their prior statements to law enforcement. In other words, while the USAO's view concerning potential impeachment was not unreasonable, more extensive consideration of the case agent's concerns might have led the prosecutors to conclude that the risk of the information being used to significantly damage the credibility of the victims was low.

⁴⁴⁷ In addition to the FBI letters previously discussed, another example of the inconsistent communication can be seen in letters that were to be sent after Epstein entered his guilty plea to two victims residing in foreign countries. Although OPR was unable to confirm that the two victims actually received the letters, it appears from the records OPR reviewed that the government intended to provide them with a standard FBI letter stating that the case was under investigation while also providing them with a USAO letter stating that the case had been resolved through Epstein's state guilty plea.

⁴⁴⁸ OPR understands that the Department is in the process of revising the 2011 Guidelines.

CONCLUSION

In November 2018, the *Miami Herald* published an extensive investigative report about state and federal criminal investigations initiated more than 12 years earlier into allegations that Jeffrey Epstein, a wealthy financier with residences in Florida, New York, and other United States and foreign locations, had coerced girls into engaging in sexual activity with him at his Palm Beach, Florida estate. The *Miami Herald* reported that in 2007, the U.S. Attorney for the Southern District of Florida, R. Alexander Acosta, entered into an “extraordinary” deal with Epstein that permitted Epstein to avoid federal prosecution and a potentially lengthy prison sentence by pleading guilty in state court to “two prostitution charges,” immunized from prosecution Epstein’s co-conspirators, and concealed from Epstein’s victims the terms of the NPA.

Following the *Miami Herald’s* report, and after receiving a Congressional request to investigate, OPR initiated an investigation into the allegations that prosecutors in the USAO improperly resolved the federal investigation into the criminal conduct of Jeffrey Epstein by negotiating and executing the NPA. OPR subsequently included in its investigation allegations stemming from judicial criticism of the government’s conduct relating to federal prosecutors’ and law enforcement agents’ interactions with Epstein’s victims. In July 2008, a victim, later joined by a second victim, filed in federal court in the Southern District of Florida an emergency petition for enforcement of her rights under the CVRA. In February 2019, the district court found that the government violated the CVRA by failing to advise victims about its intention to enter into the NPA. The court also found that letters the government sent to victims after the NPA was signed, describing the investigation as ongoing, were misleading.

During the course of its investigation, OPR obtained and reviewed hundreds of thousands of records from the USAO, the FBI, and other Department of Justice components. The records included emails, letters, memoranda, and investigative materials. OPR also collected and reviewed materials relating to the state investigation and prosecution of Epstein, including sealed pleadings, grand jury transcripts, and grand jury audio recordings; examined extensive publicly available information, including depositions, pleadings, orders, and other court records; and reviewed media reports and interviews, articles, podcasts, and books relating to the Epstein case. OPR conducted more than 60 interviews of witnesses, including the FBI case agents, their supervisors, and FBI administrative personnel; current and former USAO staff and attorneys; current and former Department attorneys and senior managers; and the former State Attorney and Assistant State Attorney in charge of the state investigation of Epstein. OPR also interviewed or received written information from several victims and attorneys representing victims concerning victim contacts with the USAO and federal law enforcement.

OPR identified the following five former USAO attorneys as subjects of its investigation based on information indicating that each of them was involved in the decision to resolve the case through the NPA or in the negotiations leading to the agreement: former U.S. Attorney R. Alexander Acosta, and former AUSAs Jeffrey H. Sloman, Matthew I. Menchel, Andrew C. Lourie, and Ann Marie C. Villafaña. Each subject submitted written responses detailing their involvement in the federal investigation of Epstein, the drafting and execution of the NPA, and decisions relating to victim notification and consultation. OPR conducted extensive interviews of all five subjects. The subjects also submitted comments on OPR’s draft report.

OPR evaluated the conduct of each subject based on his or her individual role in various decisions and events and assessed that conduct pursuant to OPR's analytical framework. OPR found that Acosta made the pivotal decision to resolve the federal investigation of Epstein through a state-based plea and either developed or approved the terms of the initial offer to the defense that set the beginning point for the subsequent negotiations that led to the NPA. Although Acosta did not sign the NPA, he participated in its drafting and approved it, with knowledge of its terms. Therefore, OPR considers Acosta to be responsible for the NPA and for the actions of the other subjects who implemented his decisions.

Based on its extensive investigation, OPR concludes that the subjects did not commit professional misconduct with respect to the development, negotiation, and approval of the NPA. Under OPR's framework, professional misconduct requires a finding that a subject attorney intentionally or recklessly violated a clear and unambiguous standard governing the conduct at issue. OPR found no clear and unambiguous standard that required Acosta to indict Epstein on federal charges or that prohibited his decision to defer prosecution to the state. Furthermore, none of the individual terms of the NPA violated Department or other applicable standards.

As the U.S. Attorney, Acosta had the "plenary authority" under established federal law and Department policy to resolve the case as he deemed necessary and appropriate, as long as his decision was not motivated or influenced by improper factors. Acosta's decision to decline to initiate a federal prosecution of Epstein was within the scope of his authority, and OPR did not find evidence that his decision was based on corruption or other impermissible considerations, such as Epstein's wealth, status, or associations. Evidence shows that Acosta resisted defense efforts to have the matter returned to the state for whatever result state authorities deemed appropriate, and he refused to eliminate the incarceration and sexual offender registration requirements. OPR did not find evidence establishing that Acosta's "breakfast meeting" with one of Epstein's defense counsel in October 2007 led to the NPA, which had been signed weeks earlier, or to any other significant decision that benefited Epstein. The contemporaneous records show that USAO managers' concerns about legal issues, witness credibility, and the impact of a trial on the victims led them to prefer a pre-charge resolution and that Acosta's concerns about the proper role of the federal government in prosecuting solicitation crimes resulted in his preference for a state-based resolution. Accordingly, OPR does not find that Acosta engaged in professional misconduct by resolving the federal investigation of Epstein in the way he did or that the other subjects committed professional misconduct through their implementation of Acosta's decisions.

Nevertheless, OPR concludes that Acosta's decision to resolve the federal investigation through the NPA constitutes poor judgment. Although this decision was within the scope of Acosta's broad discretion and OPR does not find that it resulted from improper factors, the NPA was a flawed mechanism for satisfying the federal interest that caused the government to open its investigation of Epstein. In Acosta's view, the federal government's role in prosecuting Epstein was limited by principles of federalism, under which the independent authority of the state should be recognized, and the federal responsibility in this situation was to serve as a "backstop" to state authorities by encouraging them to do more. However, Acosta failed to consider the difficulties inherent in a resolution that relied heavily on action by numerous state officials over whom he had no authority; he resolved the federal investigation before significant investigative steps were completed; and he agreed to several unusual and problematic terms in the NPA without the consideration required under the circumstances. In sum, Acosta's application of federalism

principles was too expansive, his view of the federal interest in prosecuting Epstein was too narrow, and his understanding of the state system was too imperfect to justify the decision to use the NPA. Furthermore, because Acosta assumed a significant role in reviewing and drafting the NPA and the other three subjects who were supervisors left the USAO, were transitioning to other jobs, or were absent at critical junctures, Acosta should have ensured more effective coordination and communication during the negotiations and before approving the final NPA. The NPA was a unique resolution, and one that required greater oversight and supervision than Acosta provided.

OPR further concludes that none of the subject attorneys committed professional misconduct with respect to the government's interactions with victims. The subjects did not intentionally or recklessly violate a clear and unambiguous duty under the CVRA by entering into the NPA without consulting with victims, because the USAO resolved the Epstein investigation without a federal criminal charge. Significantly, at the time the NPA was signed, the Department did not interpret CVRA rights to attach unless and until federal charges had been filed, and the federal courts had not established a clear and unambiguous standard applying the CVRA before criminal charges were brought. In addition, OPR did not find evidence that the lack of consultation was for the purpose of silencing victims. Nonetheless, the lack of consultation was part of a series of government interactions with victims that ultimately led to public and court condemnation of the government's treatment of the victims, reflected poorly on the Department as a whole, and is contradictory to the Department's mission to minimize the frustration and confusion that victims of a crime endure.

OPR determined that none of the subjects was responsible for communications sent to certain victims after the NPA was signed that described the case as "under investigation" and that failed to inform them of the NPA. The letters were sent by an FBI administrative employee who was not directly involved in the investigation, incorporated standard form language used by the FBI when communicating with victims, and were not drafted or reviewed by the subjects. Moreover, the statement that the matter was "under investigation" was not false because the government in fact continued to investigate the case in anticipation that Epstein would not fulfill the terms of the NPA. However, the letters risked misleading the victims and contributed to victim frustration and confusion by failing to provide important information about the status of the investigation. The letters also demonstrated a lack of coordination between the federal agencies responsible for communicating with Epstein's victims and showed a lack of attention to and oversight regarding communication with victims.

After the NPA was signed, Acosta elected to defer to the State Attorney the decision whether to notify victims about the state's plea hearing pursuant to the state's own victim's rights requirements. Although Acosta's decision was within his authority and did not constitute professional misconduct, OPR concludes that Acosta exercised poor judgment when he failed to make certain that the state intended to and would notify victims identified through the federal investigation about the state plea hearing. His decision left victims uninformed about an important proceeding that resolved the federal investigation, an investigation about which the USAO had communicated with victims for months. It also ultimately created the misimpression that the Department intentionally sought to silence the victims. Acosta failed to ensure that victims were made aware of a court proceeding that was related to their own cases, and thus he failed to ensure that victims were treated with forthrightness and dignity.

OPR concludes that the decision to postpone notifying victims about the terms of the NPA after it was signed and the omission of information about the NPA during victim interviews and conversations with victims' attorneys in 2008 do not constitute professional misconduct. Contemporaneous records show that these actions were based on strategic concerns about creating impeachment evidence that Epstein's victims had financial motives to make claims against him, evidence that could be used against victims at a trial, and were not for the purpose of silencing victims. Nonetheless, the failure to reevaluate the strategy prior to interviews of victims and discussions with victims' attorneys occurring in 2008 led to interactions that contributed to victims' feelings that the government was intentionally concealing information from them.

After examining the full scope and context of the government's interactions with victims, OPR concludes that the government's lack of transparency and its inconsistent messages led to victims feeling confused and ill-treated by the government; gave victims and the public the misimpression that the government had colluded with Epstein's counsel to keep the NPA secret from the victims; and undercut public confidence in the legitimacy of the resulting agreement. The overall result of the subjects' anomalous handling of this case understandably left many victims feeling ignored and frustrated and resulted in extensive public criticism. In sum, OPR concludes that the victims were not treated with the forthrightness and sensitivity expected by the Department.

METHODOLOGY

A. Document Review

As referenced in the Executive Summary, OPR obtained and reviewed hundreds of thousands of pages of documents from the U.S. Attorney's Office for the Southern District of Florida (USAO), other U.S. Attorney's offices, the FBI, and other Department components, including the Office of the Deputy Attorney General, the Criminal Division, and the Executive Office for U.S. Attorneys (EOUSA). The categories of documents reviewed by OPR, and their sources, are set forth below.

1. USAO Records

The USAO provided OPR with access to all of its records from its handling of the Epstein investigation and the CVRA litigation. The records included, but were not limited to, boxes of material that Villafaña updated and maintained through the course of both actions, which contained pleadings from the Epstein investigation, the CVRA litigation, and other related cases; extensive compilations of internal and external correspondence, including letters and emails; evidence such as telephone records, FBI reports, material received from the state investigation, and other confidential investigative records; court transcripts; investigative transcripts; prosecution team handwritten notes; research material; and draft and final case documents such as the NPA, prosecution memoranda, and federal indictments.

The USAO also provided OPR with access to filings, productions, and privileged material in the CVRA litigation; Outlook data collected to respond to production requests in that case; a set of Epstein case documents maintained by Acosta and Sloman; computer files regarding the Epstein case collected by Sloman; Villafaña's Outlook data; Acosta's hard drive; and the permanently retained official U.S. Attorney records of Acosta held by the Federal Records Center.

2. EOUSA Records

EOUSA provided OPR with Outlook data from all five subjects and six additional witnesses. This information, dating back to 2005, included all inbox, outbox, sent, deleted, and saved emails, and calendar entries that it maintained. EOUSA provided OPR with over 850,000 Outlook records in total (not including email attachments or excluding duplicate records). OPR identified key time periods and fully reviewed those records. OPR applied search terms to the remainder of the records and reviewed any responsive documents.

After reviewing the emails, OPR identified a data gap in Acosta's email records: his inbox contained no emails from May 26, 2007, through November 2, 2008. This gap, however, was not present with respect to Acosta's sent email. OPR requested that EOUSA investigate. During its investigation, EOUSA discovered a data association error that incorrectly associated Acosta's data with an unrelated employee who had a similar name. Once the data was properly associated, EOUSA found and produced 11,248 Acosta emails from April 3, 2008, through the end of his tenure at the USAO. However, with respect to the remaining emails, EOUSA concluded that the emails were not transferred from the USAO when, in 2008 and 2009, Outlook data for all U.S.

Attorney's Offices was migrated to EOUSA's centralized system to be maintained. The USAO's data was migrated between March and June 2008.

EOUSA and OPR separately confirmed with the USAO that it was unable to locate any additional emails. OPR questioned Acosta, as well as numerous administrative staff, about the email gap. Acosta and the witnesses denied having any knowledge of the problem, or that they or, to their knowledge, anyone else made any efforts to intentionally delete the emails. In addition, at OPR's request, EOUSA conducted an analysis of records migrated from four other U.S. Attorney's Offices and found that each office provided data that also contained significant gaps in their U.S. Attorney email records, although the time periods varied for each office. OPR found no evidence indicating that the gap in Acosta's emails was caused by any intentional act or for the purpose of concealing evidence relating to the Epstein investigation and concludes that it was most likely the result of a technological error.

Although a gap in Acosta's email inbox from May 26, 2007, through April 2, 2008, remained, OPR was nonetheless able to examine a significant number of Acosta's emails from this time due to the extensive case files kept by the USAO; the availability of Acosta's sent email, which did not contain a similar gap; and the availability of emails of other USAO subjects and witnesses who were included on emails with Acosta.

3. Federal Bureau of Investigation Records

OPR worked with the FBI's Palm Beach Office, including with two case agents and the Victim Witness Specialist who worked on the Epstein matter, to obtain relevant FBI documents. In addition, the FBI searched its Automated Case Support system and also provided documentation concerning its victim notification system.

4. Criminal Division Records

The Office of the Assistant Attorney General for the Criminal Division provided OPR with Outlook data for the four individuals from that Office who examined issues connected to the USAO's Epstein investigation. The data included the individuals' inbox, outbox, sent, deleted, and saved emails, and calendar entries.

CEOS also provided OPR with Outlook data for the four individuals from that office who worked on, or examined issues connected to, the USAO's Epstein investigation. The data included the individuals' inbox, outbox, sent, deleted, and saved emails. CEOS also conducted a check of its shared hard drive and provided documents that were potentially relevant to OPR's investigation.

5. Office of the Deputy Attorney General Records

OPR obtained Outlook data for the three individuals from the Office of the Deputy Attorney who examined issues connected to the USAO's Epstein investigation, including the former Deputy Attorney General. The data included the individuals' inbox, outbox, sent, deleted, and saved emails, and calendar entries.

6. U.S. Attorney's Office for the Middle District of Florida Records

The U.S. Attorney's Office for the Middle District of Florida provided OPR with records related to its review of evidence against Epstein, after he concluded his Florida state sentence, when the Department recused the USAO in August 2011 from "all matters, to include the investigation and potential prosecution, relating to Jeffrey Epstein's alleged sexual activities with minor females," and assigned the matter to the Middle District of Florida U.S. Attorney's Office for further consideration. The records included a declination of the matter due to the NPA.

7. U.S. Attorney's Office for the Northern District of Georgia Records

The U.S. Attorney's Office for the Northern District of Georgia provided OPR with records related to its work on the CVRA litigation after the recusal of the USAO.

8. Public Records

OPR obtained and reviewed a variety of public records, including publicly released records of the Palm Beach Police Department, the State Attorney's Office for the 15th Judicial Circuit, and the Palm Beach Sheriff's Office; documents pertaining to the CVRA litigation and other court proceedings involving Epstein and related individuals; and books and media reports.

B. Information from Subjects, Witnesses, and Victims

1. Subjects

OPR requested that all five subjects provide written responses detailing their involvement in the federal investigation of Epstein, the drafting and execution of the NPA, and decisions relating to victim notification and consultation. In addition, OPR conducted extensive interviews of each subject under oath and before a court reporter. Each subject was represented by counsel and had access to relevant contemporaneous documents before the subject's OPR interview. The subjects reviewed and provided comments on their interview transcripts and on OPR's draft report.

2. Witnesses

OPR conducted more than 60 interviews of witnesses, including the FBI case agents, their supervisors, and FBI administrative personnel. OPR interviewed current and former USAO staff and attorneys and current and former Department attorneys and senior managers, including former Deputy Attorney General Mark Filip and former Assistant Attorney General for the Criminal Division Alice Fisher. OPR also interviewed former State Attorney Barry Krischer and former Assistant State Attorney Lanna Behllovick.

3. Communications with Victims and Victims' Attorneys

OPR contacted attorneys known to represent 26 victims among the 30 surviving individuals who were identified in the USAO's July 2008 listing of 32 victims the USAO was prepared to include in federal charges against Epstein and who accordingly were entitled to the benefits of the 18 U.S.C. § 2255 monetary damages provision of the NPA. OPR contacted the attorneys to invite

the victims to provide OPR with information regarding their contacts with, and notification received from, the FBI and USAO, during the period before the NPA was signed or before Epstein's state plea hearing, about the status of the federal investigation, about Epstein's state plea, or about the NPA. OPR received information from or pertaining to 13 victims.

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EXHIBIT 1

State Indictment

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INDICTMENT

A TRUE BILL

06-9454CF
A-2

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA

FILED
JUL 19 PM 2:43
SHARON A. BOCK, CLERK
PALM BEACH COUNTY, FLORIDA

For Palm Beach County, at the Spring Term thereof, in the year of our Lord Two Thousand and Six, to-wit:
The Grand Jurors of the State of Florida, inquiring in and for the body of said County of Palm Beach, upon their
oaths do present that JEFFREY E. EPSTEIN in the County of Palm Beach aforesaid, in the Circuit and State
aforesaid,

**COUNT ONE
FELONY SOLICITATION OF PROSTITUTION**

on or about or between the 1st day of August in the year of our Lord Two Thousand and Four and October 31,
2005, did solicit, induce, entice, or procure another to commit prostitution lewdness, or assignation, contrary to
Florida Statute 796.07(1) on three or more occasions between August 01, 2004 and October 31, 2005,
contrary to Florida Statute 796.07(2)(f) and (4)(c). (3 DEG FEL)(LEVEL 1)

against the form of the statute, to the evil example of all others, and against the peace and dignity of the State
of Florida:

I hereby certify that I have advised the Grand Jury returning this indictment as authorized and required by law.



STATE OF FLORIDA
I hereby certify that the
 foregoing is a true copy
 of the record in my office.
 THIS DAY OF JULY 2008
 SHARON A. BOCK
 CLERK & COMPTROLLER
 DEPUTY CLERK

[Signature]
Assistant State Attorney of the
Fifteenth Judicial Circuit of the State
of Florida, prosecuting for the said
State.

[Signature]
GRAND JURY FOREPERSON

[Signature]
DATE July 19, 2006

Jeffrey E. Epstein, Race: White, Sex: Male, DOB: [REDACTED] SS#: [REDACTED] Issue Warrant

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EXHIBIT 2

September 6, 2007
Draft Non-Prosecution
Agreement

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**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that Jeffrey Epstein (hereinafter "Epstein") is reported to have committed offenses against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his

Παγε 1 οφ 4

signature on this Agreement; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States and Epstein's own interest and the interest of justice will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set out below.

Should Epstein violate any of the conditions of this Agreement, the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the conditions of the Agreement which he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on page 1 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Neither this Agreement nor any other document filed with the United States Attorney as part of this Agreement will be used against Epstein, except for impeachment purposes, in connection with any prosecution for the above-described offenses.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") charging violations of the following Florida Statutes:
 - (a) lewd and lascivious battery on a child, in violation of Fl. Stat. 800.04(4);
 - (b) solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03; and
 - (c) engaging in sexual activity with minors at least sixteen years of age, in violation of Fl. Stat. 794.05.
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that Epstein serve at least two years in prison, without any opportunity for withholding adjudication or sentencing; and without probation or community control in lieu of imprisonment.

3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
4. Epstein agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423.
5. The United States shall provide Epstein's attorneys with a list of the identified victims, which will not exceed forty, after Epstein has signed this agreement and entered his guilty plea. The United States shall make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and Epstein's counsel may contact the identified victims through that counsel.
6. Epstein shall enter his guilty plea and be sentenced not later than September 28, 2007, and shall begin service of his sentence not later than October 15, 2007.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this

agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Civil Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this non-Prosecution Agreement and agrees to comply with them.

Dated: _____

Jeffrey Epstein

Dated: _____

Roy Black, Esq.
Counsel to Jeffrey Epstein

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By: _____
A. Marie Villafaña
Assistant United States Attorney

EXHIBIT 3

September 24, 2007
Non-Prosecution
Agreement

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**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in exchange for the benefits provided by this agreement, he agrees to comply with its terms, including undertaking certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County (Case No. 2006-cf-009495AXXXMB) charging one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07. In addition, Epstein shall plead guilty to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) 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; and
 - (b) Epstein shall be sentenced to a term of twelve (12) months of community control consecutive to his two terms in county jail as described in Term 2(a), *supra*.
3. This agreement is contingent upon a Judge of the 15th Judicial Circuit accepting and executing the sentence agreed upon between the State Attorney's Office and Epstein, the details of which are set forth in this agreement.
4. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
5. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence, except a sentence that exceeds what is set forth in paragraph (2), *supra*.
6. Epstein shall provide to the U.S. Attorney's Office copies of all

proposed agreements with the State Attorney's Office prior to entering into those agreements.

7. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States, in consultation with and subject to the good faith approval of Epstein's counsel, shall select an attorney representative for these persons, who shall be paid for by Epstein. Epstein's counsel may contact the identified individuals through that representative.
8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
9. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in paragraph (8), *supra*, neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.
11. 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.

12. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
13. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to do so will be a breach of the agreement.

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]

[REDACTED] Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued, and including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a 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.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury as to any such offense.

///

///

///

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

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

Dated: 9/24/07

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: 9/27/07

By: *Marie Villafana*
A. MARIE VILAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: 9/24/07

Gerald Lee Court
GERALD LEE COURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By:

A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

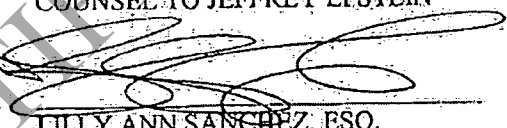
Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: 9-24-07


LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

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EXHIBIT 4

Addendum to the Non-Prosecution Agreement

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IN RE:

INVESTIGATION OF

JEFFREY EPSTEIN

ADDENDUM TO THE NON-PROSECUTION AGREEMENT

IT APPEARING that the parties seek to clarify certain provisions of page 4, paragraph 7 of the Non-Prosecution Agreement (hereinafter "paragraph 7"), that agreement is modified as follows:

- 7A. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.
- 7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph C, *infra*.
- 7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: 10/30/07

By:

Jeffrey Epstein FAUSA
for A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: 10/29/07

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: 10/30/07

By:

Jeffrey H. Epstein FAUSA
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: 10/29/07

Gerald LeCourt
GERALD LECOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: 10/30/07

By:

Jeffrey Epstein
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: 10-29-07

Lilly Ann Sanchez
LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

EXHIBIT 5

State Information

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, STATE OF FLORIDA
CRIMINAL DIVISION "W" (LB)

08 CF 9381

STATE OF FLORIDA

ARISES FROM BOOKING NO.:
2006036744

vs.

JEFFREY E EPSTEIN, W/M, [REDACTED]

INFORMATION FOR:

1) PROCURING PERSON UNDER 18 FOR PROSTITUTION

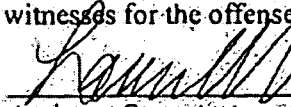
In the Name and by Authority of the State of Florida:

BARRY E. KRISCHER, State Attorney for the Fifteenth Judicial Circuit, Palm Beach County, Florida, by and through his undersigned Assistant State Attorney, charges that JEFFREY E EPSTEIN on or about or between the 1st day of August in the year of our Lord Two Thousand and Four and October 9, 2005, did knowingly and unlawfully procure for prostitution, or caused to be prostituted, [REDACTED] a person under the age of 18 years, contrary to Florida Statute 796.03. (2 DEG FEL)

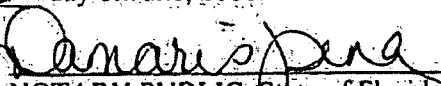

LANNA BELOHLAVEK
FL. BAR NO. 0776726
Assistant State Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

Appeared before me, LANNA BELOHLAVEK Assistant State Attorney for Palm Beach County, Florida, personally known to me, who, being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, that this prosecution is instituted in good faith, and certifies that testimony under oath has been received from the material witness or witnesses for the offense.


Assistant State Attorney

Sworn to and subscribed to before me this 26th day of June, 2008.


NOTARY PUBLIC, State of Florida

LB/dp



Danaris Pina
MY COMMISSION # 00560798 EXPIRES:
August 2, 2010
BONDED THRU TROT FARM INSURANCE, INC.

FCIC REFERENCE NUMBERS:

1) FELONY SOLICITATION OF PROSTITUTION 3699

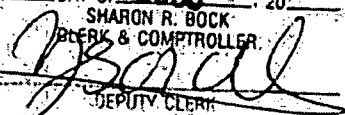


STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

JUL 22 2008
THIS DAY OF 2008

SHARON R. BOCK
CLERK & COMPTROLLER


DEPUTY CLERK

CA 11 IN 26

CA/Aronberg-000789

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK. 3/28/2023 2:22:44 PM

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Appendix 4

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IN THE FIFTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO.: 502008CA037319-XXXX-MB AB

B.B.,
Plaintiff,
vs.
JEFFREY EPSTEIN,
Defendant.

VOLUME I
VIDEO-TAPED DEPOSITION OF MICHAEL REITER
A WITNESS
TAKEN BY THE PLAINTIFF

DATE: November 23, 2009
TIME: 10:12 a.m. - 7:38 p.m.

The deposition of MICHAEL REITER, a witness in the above-entitled and numbered cause was taken before me, Vanessa G. Archer, Court Reporter, Notary Public for the State of Florida at Large, at 2925 PGA Boulevard, Palm Beach Gardens, Florida, on the 23rd day of November, 2009, pursuant to Notice in said cause for the taking of said deposition on behalf of the Plaintiff.

APPEARING ON BEHALF OF PLAINTIFF B.B.:
SPENCER T. KUVIN, ESQ.
LEOPOLD-KUVIN, P.A.
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, Florida 33410

APPEARING ON BEHALF OF PLAINTIFFS JANE DOES 2-8:
ADAM HOROWITZ, ESQ.
MERMELSTEIN & HOROWITZ, P.A.
18205 Biscayne Boulevard, Suite 2218
Miami, Florida 33160

APPEARING ON BEHALF OF PLAINTIFF C.A.
JACK HILL, ESQ.
SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409

APPEARING ON BEHALF OF PLAINTIFF:
ISIDRO GARCIA, Esq.
GARCIA LAW FIRM, P.A.
The Harvey Building
224 Datura Street, Suite 900
West Palm Beach, Florida 33401

I-N-D-E-X
November 23, 2009
MICHAEL REITER
DIRECT CROSS REDIRECT RECROSS
By Mr. Kuvin 8 352
By Mr. Garcia 155 364
By Mr. Critton 190

EXHIBITS
Marked
Plaintiff's Exhibit No. 1 16
(Palm Beach PD Intelligence Report 11/23/04)
Plaintiff's Exhibit No. 2 31
(Incident Reports)
Plaintiff's Exhibit No. 3 99
(Letter to Barry Krischer)
Plaintiff's Exhibit No. 4 131
(Photographs of El Brillo Way)
Plaintiff's Exhibit No. 5 132
(Photo of 358 El Brillo Way)
Defendant's Exhibit No. 6 218
(Subpoena Duces Tecum)
Plaintiff's Exhibit No. 7 356
(Money Transfers)
Plaintiff's Exhibit No. 8 357
(Flight Summary)
Certified Question: Page 160, Line 10
Letter to John Randolph, Esq.
Errata Sheets (to be forwarded upon completion)

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ALSO PRESENT: JEFFREY EPSTEIN

VIDEOGRAPHERS: MICHAEL D. DOWNEY
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1. (Pages 1 to 4)

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1 And at what point did you learn that
2 Mr. Epstein, in fact, did become aware of the
3 investigation?

4 A I think the point that I actually knew
5 that it was, it was reported to me by one of the
6 detectives that one of the victims had been
7 contacted by a private investigator that the
8 department believed was employed by a lawyer of --
9 employed by Mr. Epstein.

10 Q On that topic, at some point did you
11 become aware that Mr. Epstein was actually
12 investigating you?

13 MR. CRITTON: Form.

14 THE WITNESS: Yes.

15 BY MR. KUVIN:

16 Q Tell me about that?

17 A Well I heard through various individuals
18 that one of his lawyers, Mr. Dershowitz, had been
19 contacting private investigators in the area to
20 perform background investigations on me. I know
21 that there was a public records law demand filed by
22 several private investigators on the Town of Palm
23 Beach for my personnel records. And I actually ran
24 into one of the private investigators very early
25 on -- you asked me when I first became aware --

1 Q Yeah.

2 A -- that basically told me that. I also --
3 I mean I saw surveillance a number of times. I
4 didn't know precisely who had hired those persons,
5 but I mean I had surveillance for a fairly long
6 period of time.

7 Q There was surveillance you noticed on you?

8 A Yes.

9 Q Do you know why?

10 A No, no, I don't. It would be an
11 assumption. In general sense, you know, there's an
12 attack on the case and if that doesn't work there's
13 an attack on the investigators. I don't know. I
14 don't know. Shouldn't say that.

15 MR. CRITTON: Form, move to strike.

16 BY MR. KUVIN:

17 Q You were working as a police officer for
18 twenty-eight years and then as a chief -- well --

19 A And two years prior to that actually.

20 Q Right. During your entire history as a
21 police officer, can you ever recall someone going to
22 that length? In other words, a suspect conducting
23 an investigation on you such as the lengths that
24 occurred in this case which include surveillance on
25 you?

1 A No.

2 Q First time ever?

3 MR. CRITTON: Form.

4 BY MR. KUVIN:

5 Q First time you can recall it going to this
6 extent?

7 A The only time I ever recall anyone ever
8 going to this extent.

9 Q How long were you aware there was
10 surveillance on you personally?

11 A Well, you know, I just took the approach
12 that I have nothing to hide, and I just lived my
13 life so I tried not to look around every corner. I
14 felt like it was around three months.

15 Q At any time during the investigation, did
16 you become aware that investigators were also
17 surveilling and investigating potential victims?

18 A That had been reported to us by victims.
19 And the lead investigator in the case also felt like
20 he was being surveilled, people were picking up his
21 trash and so on.

22 Q Is that Detective Recarey?

23 A Yes.

24 Q So there was a time that your officers
25 became aware it was being investigated on?

1 MR. CRITTON: Form.

2 THE WITNESS: One officer, one detective.

3 BY MR. KUVIN:

4 Q To the extent they were picking up his
5 trash?

6 A Yes.

7 Q Were you aware of that ever occurring in
8 your career to officers working under you?

9 A I didn't say it never occurred to this
10 degree.

11 Q Got you.

12 A I think if you're asking the question do I
13 know of any other law enforcement officers who know
14 as part of their job somebody investigated them and
15 picked up their trash, not that I can specifically
16 recall.

17 Q Okay.

18 A Other than the police department itself,
19 we've had private investigators take trash at the
20 police department itself, we've caught people doing
21 that.

22 Q Obviously at some point Mr. Epstein was
23 tipped off as to the investigation because of the
24 investigators that you became aware of. Did you
25 ultimately know how he became tipped off?

1 Q How did you keep that information when you
2 were there?

3 A It was a letter that I received from the
4 U.S. Attorney.

5 Q Hang on, back up, you misunderstood my
6 question. I'm talking about the state, your
7 investigation. In other words, what did you match
8 the forty some odd victims in the U.S. Attorney's
9 letter with in your list? I'm looking for your
10 list.

11 A The incident reports.

12 Q Okay. How many incident reports did you
13 all generate?

14 A I don't recall if the latter victim, or
15 victims, generated a new case number or if they're
16 included in this. It seems like it probably
17 generated a new case number but I can't say for
18 sure. But Detective Recarey would know.

19 Q Okay. All right. Would all of the
20 potential victims that were being investigated by
21 your department prior to let's say July of 2006,
22 have been listed in this incident report we've
23 marked as Exhibit 2? Were there any additional
24 incident reports?

25 MR. CRITTON: Form.

1 we had no further involvement. So it wasn't
2 something that I would be completely informed about.

3 Q Okay. At any point did someone, anyone,
4 come to you and either formally or informally ask
5 you to back off the investigation, stop the
6 investigation, or alter your investigation in any
7 way?

8 A I had individuals suggest that the
9 department's approach to the investigation and my
10 referral of the investigation to the FBI was more
11 horse power than the investigation deserved. And I
12 had other individuals suggest that -- yeah, the term
13 back off probably fits, yes.

14 Q Who?

15 A I think that Barry Krischer would be
16 included in that description.

17 Q Who else?

18 A I had people in the community in Palm
19 Beach that either made comments directly to me or to
20 others who relayed them to me that I didn't need to
21 take the fact in the investigation that we did,
22 which is completely investigate it and then refer it
23 to the FBI after the state case was resolved.

24 Q Do you remember any of those people that
25 mentioned it either to you directly or through your

1 THE WITNESS: For the time period that
2 that covers --

3 BY MR. KUVIN:

4 Q Yeah. For the time period of January 27
5 of '05 through the last page of this Exhibit 2 is
6 July 12 of '06.

7 A I think there was only one report.

8 Q Okay.

9 A When you mention victims, and that's sort
10 of a subjective word, there were individuals that we
11 felt their activity had constituted a crime but they
12 were not cooperative.

13 Q Right.

14 A You know, they're not victims but they're
15 in here and the numbers change if you want to add
16 all them in.

17 Q Okay. And what I'm just trying to find
18 is, is in this particular report we've marked as
19 Exhibit 2, it has, if I recall, seventeen victims
20 listed and it goes through the date of July of '06.
21 Do you know how many girls approached the department
22 later on, total number?

23 A Definitely one and possibly more, I'm not
24 sure exactly. But once I realized that they had
25 been considered by the federal investigation, I knew

1 department?

2 A Well, it wouldn't be, I think, appropriate
3 for me to list individuals that I don't know
4 first-hand said that. I had many people relate
5 conversations of another on the cocktail party
6 circuit that suggested that we approach this in a
7 way that wasn't necessary. I had one individual who
8 actually came to see me a couple of times about
9 this.

10 Q Who was that?

11 A Jerry Goldsmith.

12 Q Okay. What did he say?

13 A He said that this wasn't necessary, this
14 was a case that really was very minor. The victims
15 had lifestyles that don't make them -- shouldn't
16 make them believable to the police department. And
17 he said that I shouldn't have referred it to the FBI
18 and Palm Beach solves its own problems, why did I do
19 that, why am I after Jeffrey Epstein. A couple of
20 occasions that was the general topic of the
21 discussion.

22 Q Did you know who Mr. Goldsmith was?

23 A Yes. I know them all.

24 Q Lives on the island?

25 A As far as I know, yes.

1 MR. CRITTON: Form.
 2 THE WITNESS: That's not my role as Police
 3 Chief.
 4 BY MR. KUVIN:
 5 Q How did you ultimately learn what was
 6 going to happen with respect to the federal
 7 investigation; who told you that for the first time?
 8 A Well it changed so many different times.
 9 The final outcome when it had been agreed upon,
 10 Assistant U.S. Attorney Marie Villafana shared with
 11 me in a general sense that there was a
 12 non-prosecution agreement and told me what
 13 Mr. Epstein would plea to in state court, and just
 14 in a very general sense.
 15 Q What were your thoughts about what
 16 occurred with respect to the federal investigation?
 17 MR. CRITTON: Form.
 18 BY MR. KUVIN:
 19 Q In other words, did you respond to her and
 20 tell her what you were thinking?
 21 MR. CRITTON: Form.
 22 THE WITNESS: I had been telling her what
 23 my thoughts were about the investigation and
 24 the prosecution all along. I don't think when
 25 she told me what was going to happen -- did I

1 make a comment about it?
 2 BY MR. KUVIN:
 3 Q Yes.
 4 A If that's what your question is, yes. All
 5 along my concern was that he would be classified as
 6 a sexual offender and all of the provisions that
 7 travel along with that so there wouldn't be
 8 opportunity, or be far less opportunity, for
 9 additional victims to take place. And I think I
 10 shared with her some sense of relief that that was a
 11 part of the plea. Beyond that, there really wasn't
 12 a need to say anything else.
 13 Q Did you discuss with her the fact that the
 14 feds were not going to prosecute; in other words,
 15 the federal government weren't going to prosecute
 16 the case?
 17 A You know, I guess I have to sort of pose
 18 this question that this is part of the, I suppose,
 19 the work product of the U.S. Attorney's Office. Is
 20 this the kind of thing that I should be talking
 21 about? I mean is this privileged from the federal
 22 end for me to talk about the conversations I had
 23 with the United States Attorney?
 24 MR. RANDOLPH: I think if you have any
 25 discomfort at all in regard to whether it is,

1 that you should not answer that question.
 2 BY MR. KUVIN:
 3 Q I certainly don't think once your
 4 investigation is closed that there's any problem
 5 with having the discussion if it's a closed
 6 investigation, which it is now.
 7 Well let me ask that. Is your
 8 investigation closed with respect to Mr. Epstein?
 9 A I'm retired. So as far as I know when I
 10 left it was a closed investigation, yes.
 11 Q Okay. So when you left, the investigation
 12 with respect to Mr. Epstein was closed?
 13 A Yes. I don't know if the federal
 14 investigation is closed.
 15 Q Fair enough.
 16 You didn't though learn of any new
 17 investigation with respect to the Town of Palm
 18 Beach's duties after you left, did you?
 19 A No.
 20 Q So as far as you know, as you sit here
 21 today, the Town of Palm Beach's investigation is
 22 over as far as you know?
 23 A Yes.
 24 MR. KUVIN: Then at that point, once the
 25 investigation's closed, I certainly don't see

1 that there's any privilege with respect to
 2 those communications that he may have had on a
 3 closed investigation.
 4 MR. RANDOLPH: He's not stating a concern
 5 in regard to the closed investigation of the
 6 town, he's stating his concern in regard to a
 7 federal investigation and stated he does not
 8 know whether there's any ongoing investigation
 9 in that regard, I believe, and he has concerns
 10 revealing that.
 11 BY MR. KUVIN:
 12 Q Well with respect to your communications
 13 with the U.S. Attorney's Office regarding your now
 14 closed investigation, do you recall discussing with
 15 them the non-prosecution agreement, let's just start
 16 there? Generally, did you discuss that with them?
 17 A Yes, I discussed that with them. And it's
 18 different iterations as it went along. They shared
 19 some portion of the information. I still today have
 20 not seen the non-prosecution agreement but they
 21 shared some of the provisions with me.
 22 Q Okay. Based upon what was shared with
 23 you, did you at any point discuss your
 24 dissatisfaction with that agreement in any regard?
 25 A Yes.

1 Q Why?

2 A Well I had been told by the U.S.
3 Attorney's Office that typically these kinds of
4 cases with one victim would end up in a ten-year
5 sentence. And they told me early on that they had,
6 I guess in earlier iterations of agreement, tried to
7 get some sort of a fund set up which I understand
8 there are provisions for in federal law to
9 compensate the victims. And I think I remember
10 asking that when they told me that the agreement had
11 been signed, and I think it was changed a time or
12 two and they told me that that was not a part of it.

13 Because I always felt that this case,
14 it was all about the victim, that's reason to do
15 this. And I did -- I think they told me that this
16 fund had not been a part of the final version and I
17 told them that I was disappointed in that. But they
18 didn't really give me the details of it, they gave
19 me an overall explanation and they said it was going
20 to be sealed.

21 And I understand it's been unsealed,
22 but I haven't -- I haven't read it. Along the way I
23 gave general comment when they would inform me about
24 parts of it. Because they asked for my input, I
25 would give them general comment about the parts of

1 any?

2 A No.

3 Q At some point you sent a letter to State
4 Attorney Barry Krischer. Let me show you what we'll
5 mark as Exhibit 3. Let me give you a chance to just
6 read through this letter again to help refresh your
7 recollection.

8 A I've read it.

9 Q At this point, in May of 2006, I'm
10 assuming based on what you told us before, that you
11 had had some conversations with Barry Krischer
12 directly at this point by phone, correct, prior to
13 this letter?

14 A I had conversations in person and by
15 phone.

16 Q Okay. But nonetheless in May, May 1,
17 2006, you felt the need to write this letter, is
18 that correct?

19 A Yes.

20 Q Can you tell us why?

21 A Well I felt the handling and just
22 continued to feel that the way the State Attorney's
23 Office handled this case was extremely unusual. I
24 felt that Mr. Krischer's -- I knew that Mr. Krischer
25 was making decisions about this case. I felt that

1 it that were important to me. And the part that was
2 important to me is the classification as a sexual
3 offender.

4 Q Okay. Did you, at any time, learn why
5 they entered into a non-prosecution agreement as
6 opposed to prosecuting the forty some odd cases?

7 MR. CRITTON: Form.

8 THE WITNESS: No.

9 BY MR. KUVIN:

10 Q Never gave you an explanation on that?

11 A No.

12 Q You know the name Ken Starr?

13 A Yes.

14 Q Did you learn that name with respect to
15 this investigation at all?

16 A From the news media. And I think maybe
17 the U.S. Attorney's Office mentioned to me that he
18 either represents or did represent Mr. Epstein.

19 Q Do you know what discussions were had with
20 Ken Starr regarding the federal investigation at
21 all; did you ever become aware of that?

22 A No.

23 Q Do you know what influence Mr. Starr may
24 have exerted on the U.S. Attorney's Office and the
25 DC Office at all regarding this investigation, if

1 his objectivity was lacking, and I felt that the
2 appropriate way after reading the statute that
3 governed the assignment of cases to other circuits,
4 I felt that his action met the standard. I used
5 some of the words from the statute in here. And I
6 attempted to call him and he wouldn't return my
7 phone calls.

8 The detective attempted to contact --
9 his contact in the State Attorney's Office, Lanna
10 Belohlavek, however you pronounce that, I apologize
11 if I have it wrong, and she wouldn't return his
12 calls. So I wrote the letter in hope that he would
13 think about his situation and realize that his
14 objectivity was insufficient to prosecute the case
15 and ask the governor to appoint someone else. And I
16 felt like that was necessary for a fair prosecution
17 of our case that we submitted to him.

18 Q Could you tell us, explain to us, why you
19 felt that his objectivity may be lacking in regards
20 to this prosecution?

21 MR. CRITTON: Form.

22 BY MR. KUVIN:

23 Q In other words, what evidence did you see
24 here uncover that you felt made it potentially
25 non-objective?

1 MR. CRITTON: Form.
 2 THE WITNESS: Well, early on I had -- when
 3 I first told him about the case and I realized
 4 that it was a serious case, there were multiple
 5 victims, that the suspect was very well known,
 6 I told him about it. And we were -- it was in
 7 person, I talked to him after a meeting that he
 8 and I were both involved in. And I had known
 9 him to be a victim advocate and to protect the
 10 rights of children. Well I know that he even
 11 wrote a portion of the statute that addresses
 12 those issues. And when I told him about it
 13 originally he said let's go for it, this is an
 14 adult male in his fifties who's had sexual
 15 contact with children of the ages of the
 16 victims. He said this is somebody who we have
 17 to stop. And whatever we need, he said, in the
 18 State Attorney's Office, we have a unit that's
 19 equipped to investigate and prosecute these
 20 kinds of cases. I think he probably mentioned
 21 Lanna's name to me and anything that you need
 22 and, you know, this is basically a case that
 23 needs to be prosecuted.
 24 And I didn't have too many facts early on
 25 when I talked with him, but I knew that there

1 were multiple victims and to our detectives
 2 they were believable. So when time went on and
 3 Mr. Epstein became aware of the investigation
 4 and his lawyers contacted the State Attorney's
 5 Office, they told me that.
 6 And from that point on, and I believe it
 7 was Mr. Dershowitz initially, the tone and
 8 tenor of the discussions of this case with
 9 Mr. Krischer changed completely. One point he
 10 suggested that we write him a notice to appear
 11 which would be for a misdemeanor. He just
 12 completely changed from not only our first
 13 conversation about this and he didn't know the
 14 name Jeffrey Epstein, till when he had been
 15 informed on Mr. Epstein's reputation and his
 16 wealth, and I just thought that very unusual.
 17 I feel like I know him or knew him very
 18 well, the State Attorney, and I just felt like
 19 he could not objectively make decisions about
 20 this case; that is why I wrote it.
 21 BY MR. KUVIN:
 22 Q Was there anything that you learned
 23 through discussions with him that led you to believe
 24 maybe his objectivity had been altered in some
 25 regards; in other words, anything he told you

1 directly?
 2 MR. CRITTON: Form.
 3 THE WITNESS: He told me that he had
 4 conversations with Mr. Dershowitz. I know Roy
 5 Black. At least the news media reporter was
 6 involved in this and I think that he said that
 7 he had a conversation with him. I think Roy
 8 Black had another case with that circuit around
 9 the same time and maybe even other lawyers that
 10 represented Mr. Epstein, and they were
 11 obviously discussing the case. And he
 12 basically told me that he looked at Facebook
 13 pages of some of the victims and that he felt
 14 like they were incredible.
 15 And I have never felt like prosecutions,
 16 evidence should be weighed outside of the
 17 judicial process. I just don't -- we wouldn't
 18 cover our ears and eyes when a person under
 19 investigation's lawyer would bring forward
 20 exculpatory evidence, but on the other hand
 21 we're not the weigher of fact in these things.
 22 We reach the standard of probable cause and
 23 beyond, and that's when a judge, or in this
 24 particular case a State Attorney, should make
 25 those decisions.

1 And he had been meeting with them without
 2 the presence of our investigators. I don't
 3 mean he personally but at least -- probably he
 4 personally but definitely members of his
 5 office, and he hadn't been sharing that
 6 information with us.
 7 He hadn't, you know -- he characterized it
 8 with me but he didn't show us the things, at
 9 least not exhaustively, that had been given to
 10 him by Mr. Epstein's attorneys. I just felt
 11 like that was wrong. Those are the reasons.
 12 BY MR. KUVIN:
 13 Q Have we exhausted the reasons why you felt
 14 that this case, at least you put in your letter,
 15 was the handling of this case was highly unusual?
 16 Was there anything else that you felt was highly
 17 unusual regarding the investigation?
 18 A Well the Dahlia Weiss being involved in
 19 this case with her husband as a lawyer for -- I'm
 20 not saying that anything happened there, but there's
 21 certainly an appearance of impropriety. I felt like
 22 that alone should have been reason enough. First of
 23 all for her to be disqualified as soon as she became
 24 aware that a law firm that -- not disqualified but
 25 removed from the case as soon as she became aware

<p style="text-align: right;">Page 105</p> <p>1 that her husband's law firm had represented Mr. 2 Epstein. And maybe even done damage to the point 3 that because that happened it should be handled by 4 another circuit. 5 This was a case that I felt 6 absolutely needed the attention of the State 7 Attorney's Office, that needed to be prosecuted in 8 state court. It's not generally something that's 9 prosecuted in a federal court. And I knew that it 10 didn't really matter what the facts were in this 11 case, it was pretty clear to me that Mr. Krischer 12 did not want to prosecute this case. 13 Q Did he, in fact, make that clear to you at 14 some point verbally? 15 A Not in those exact words. But the 16 suggestion that multiple victims and some of the 17 crimes, felonies, that he should write a notice to 18 appear for a misdemeanor and the scheduling of a 19 grand jury on an issue like this is extremely rare. 20 The fact that he and I had an 21 excellent relationship. I was the speaker at his 22 swearing in ceremony. And that he wouldn't return 23 my phone calls, I mean it was clear to me by his 24 actions that he could not objectively look at this 25 case.</p>	<p style="text-align: right;">Page 107</p> <p>1 record at 1:44. This is the beginning of tape 2 3. 3 BY MR. KUVIN: 4 Q Okay. When we left off we were talking 5 about Barry Krischer's office. And before I move on 6 from that subject I just have one other question. 7 Are you aware of any contact that was 8 made with Mr. Krischer's office from anyone in the 9 democratic party or the DNC at all? 10 MR. CRITTON: Form. 11 THE WITNESS: Relative to this case? 12 BY MR. KUVIN: 13 Q Yes, relative to the Epstein case? 14 A No. 15 Q Are all of the officers that were involved 16 in the investigation listed or contained within the 17 incident report that we've marked as Exhibit 2, and 18 were there any additional officers that were 19 involved that may not be listed in there? 20 A Typically and generally when you say 21 involved, I mean that could encompass all sorts of 22 different people. It might be -- I don't even know 23 that this was the case but it might ask the patrol 24 officer in the area to collect license tags from a 25 street or something like that. I mean if they</p>
<p style="text-align: right;">Page 106</p> <p>1 Q At some point, did you feel, or did you 2 become aware, that maybe he had been threatened in 3 some regard, either regarding his job or personally 4 in any regard? 5 A No. 6 MR. CRITTON: Form. 7 BY MR. KUVIN: 8 Q You're aware that obviously his position 9 is an elected position? 10 A I am aware. 11 Q Did you know whether or not he had had any 12 discussions with anyone about his political career 13 if this case did not go a certain way; did you ever 14 become aware of that in any regard? 15 MR. CRITTON: Form. 16 THE WITNESS: No. He had already publicly 17 announced he wasn't running for re-election. 18 MR. KUVIN: All right. This is actually a 19 good stopping point for a quick lunch if you 20 want to take a quick one, I just have to eat. 21 I'm hopefully not far from concluding. 22 THE VIDEOGRAPHER: We're off the record at 23 12:35. This is the end of tape 2. 24 (Recess) 25 THE VIDEOGRAPHER: We're back on the</p>	<p style="text-align: right;">Page 108</p> <p>1 aren't writing a report and they aren't doing 2 something that's probably important later on as a 3 witness, they might not appear in there. But the 4 detectives who conducted the investigation are 5 listed in there from what I recall the last time I 6 read it, and it's been a while, but as far as I 7 know. 8 Q At any point, did you have to remove for 9 any reason anyone in your department from the 10 investigation for any reason? 11 A No. It took place over a fairly long 12 period of time so people were transferred and so on, 13 but I didn't personally remove someone for any 14 reason. 15 Q And it may not have been you personally, 16 but just to make sure that it encompasses all 17 potential iterations of that question, was anyone 18 removed for any reason other than just someone 19 transferring out? 20 A Do you mean for -- I think you have to 21 explain that. 22 Q Were any of the investigating police 23 officers removed for any potential conflicts, 24 refusal to follow direction, any reason, other than 25 just a transfer out of the department for some</p>

27 (Pages 105 to 108)

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1 Q If we look at the bottom of page 67,
2 second paragraph down -- sorry, second paragraph
3 from the bottom, excuse me, it says here letter to
4 Mr. Dershowitz sent advised he was looking into the
5 allegation that one of the private investigators
6 used by the private attorneys of Epstein, attempted
7 to impersonate or state that they were police
8 officers from Palm Beach. Do you recall hearing
9 about that?
10 A I didn't recall, not till I read this.
11 Q Okay. Apparently there was a package sent
12 to both ASA Lanna Belohlavek and ASA Dahlia Weiss at
13 the State Attorney's Office. Do you see that?
14 A I see that sentence, yes.
15 Q Did you see that package that was sent?
16 A I don't remember that I did. I wouldn't
17 normally.
18 Q If we turn to page 73, top of the page it
19 has the name of a Dr. Perry Bard. Do you see that
20 in the first paragraph?
21 A I do.
22 Q Did you ever come to learn who Dr. Perry
23 Bard was other than what might be stated in here?
24 A I read this at one time so I was informed
25 of it, but I had not recalled the name until I read

1 it again here.
2 Q No additional information regarding
3 Dr. Bard?
4 A No.
5 Q And with respect to the next paragraph it
6 mentions a woman by the name of Johanna Sjoberg,
7 spelled S-J-O-B-E-R-G. Do you see that?
8 A I see it, yes.
9 Q Do you recall anything in particular with
10 respect to Ms. Sjoberg?
11 A No.
12 Q If we turn to page 74 for a moment, there
13 are, at the bottom of the page, last paragraph, four
14 separate telephone numbers listed for a Cingular
15 wireless, one of which is listed to a Janusz,
16 J-A-N-U-S-Z, Banasiak. Do you know who Janusz
17 Banasiak is?
18 A No. Only from what it says here.
19 Q No additional information though?
20 A No.
21 Q Christina Venero at the bottom of the
22 page, do you see that name?
23 A I see it.
24 Q Any additional information that you're
25 aware of regarding her?

1 A No.
2 Q If you turn to page 79, it appears that on
3 the date of February 16, 2006, there's a meeting
4 that takes place between the investigator Joseph
5 Recarey and two women, Joanna Harrison and a
6 Victoria Bean. Do you see that?
7 MR. CRITTON: Are we at 79?
8 MR. KUVIN: Yeah.
9 THE WITNESS: Yes.
10 BY MR. KUVIN:
11 Q Okay. Did you learn any additional
12 information regarding those two women other than
13 what might be in here, in the report?
14 A No, not personally.
15 Q This may go along with what you discussed
16 at the beginning with respect to not really
17 prosecuting what technically would be a criminal act
18 for prostitution in a home. But it appears from
19 this information here that these two girls were paid
20 for sexual contact with Mr. Epstein, at least
21 according to what Detective Recarey investigated.
22 Were there any additional
23 investigations ongoing regarding allegations of
24 prostitution at the home?
25 MR. CRITTON: Form.

1 THE WITNESS: The only way I can answer
2 that question is I don't consider
3 fifteen-year-olds, sixteen-year-olds who are
4 paid money to engage in sexual contact
5 prostitution, by the legal definition of the
6 law, for purposes of prosecuting them. I
7 really don't know what you're getting at beyond
8 that. I mean that's -- I don't know how else
9 to answer that.
10 BY MR. KUVIN:
11 Q Maybe I phrased it wrong. But these
12 girls, Ms. Bean and Ms. Harrison, were apparently
13 over the age of eighteen. These were girls that
14 were over the age of majority that were apparently
15 paid for sexual contact with Mr. Epstein.
16 Were there any ongoing investigations
17 regarding solicitation for prostitution against
18 Mr. Epstein regarding girls over the age of
19 eighteen?
20 A No. These kinds of situations are not
21 prosecutable. The State Attorney's Office some
22 years earlier even suggested that we no longer do
23 sting operations for prostitution because they
24 didn't want to prosecute them. This is a case where
25 you have willing participants after the fact and no

1 physical evidence.

2 No, the resources of the department
3 are not dedicated for these kind of semi-victimless
4 crimes in private residences unless it presents some
5 other problem.

6 Q Okay. If we turn to page 81, bottom of
7 the page dated April 10 of 2006. Second to last
8 paragraph it references --

9 MR. CRITTON: I'm sorry, Spencer, what
10 page?

11 MR. KUVIN: 81.

12 BY MR. KUVIN:

13 Q Additional subpoenas from the State
14 Attorney's Office requesting information from Dollar
15 Rent a Car and Jet Aviation. Do you see that?

16 A Yes.

17 Q Do you recall seeing any of the records
18 that were produced in response to this subpoena to
19 Dollar Rent a Car or Jet Aviation?

20 A No.

21 Q Turn to page 84 if you would. Top of page
22 84 there's discussion -- and this goes back to the
23 initial note as begun on April 14, 2006 and actually
24 begins on page 82 -- regarding grand jury subpoenas
25 and discussions with the State Attorney's Office.

1 offer an opinion on behalf of the department of
2 whether we think any deal is appropriate, that I
3 would want to reserve that for myself. So that's
4 what happened here.

5 Q Okay. All right.

6 Do you recall having direct
7 conversation with Barry Krischer about this
8 particular deal that's discussed here on pages 83
9 and 84?

10 In other words, it looks here on page
11 83 to be a deal where the offer is one count of
12 aggravated assault with intent to commit a felony,
13 five years probation with adjudication withheld,
14 which was conveyed to Mr. Epstein's attorneys at the
15 time, Guy Fronstin and Mr. Dershowitz.

16 A I always told Barry Krischer when we had
17 conversations about how this would resolve itself
18 that my biggest concern, really my main concern was
19 that Mr. Epstein be classified as a sexual offender
20 to reduce the likelihood that this would continue in
21 the future. I never formed an opinion or
22 communicated it to him about how many years of this
23 or how many years of that, so on, other than to tell
24 him that I felt like a Notice to Appear was not the
25 appropriate way to resolve this.

1 If we go to page 84 though, it talks
2 about the quote, unquote, deal being offered to
3 Mr. Epstein. And if you look at paragraph one here,
4 in the middle of the paragraph it says however, I
5 expressed that was only my opinion and that the
6 final approval would come from the Chief of Police.
7 She explained to have Chief Reiter call Barry
8 Krischer about the deal. Do you see that?

9 A I do.

10 Q Did Officer Recarey talk to you about the
11 deal?

12 A There were so many potential deals, deals
13 being the plea agreement, that had been suggested, I
14 don't know which one they're talking about here.

15 Q Bottom of page 83, if you read the last
16 paragraph it'll explain it, might help refresh your
17 recollection.

18 A Well after reading this it refreshed my
19 recollection on one of the different proposed
20 agreements, which --

21 Q Okay.

22 A -- I guess some of which they asked for
23 our input. And what this reflects is that in this
24 particular case with all of its unusual twists and
25 turns, I told Detective Recarey that he should not

1 Q Okay. All right. Bottom of page 84
2 there's a documented call with Officer Recarey,
3 Detective Recarey. Says here on May 3rd, 2006 at
4 approximately 2:54 p.m., I, meaning Detective
5 Recarey, received a telephone call from ASA Dahlia
6 Weiss on my cellular telephone. ASA Weiss advised
7 she has been taken off the Jeffrey Epstein case
8 because her husband is employed with Attorney Jack
9 Goldberger. Do you see that?

10 A Yes.

11 MR. CRITTON: Is there a date there,
12 Spencer, of reference?

13 MR. KUVIN: Yes, May 3rd, 2006.

14 MR. CRITTON: Thank you.

15 BY MR. KUVIN:

16 Q Is that the first time that -- or shortly
17 after that call that you became aware of the
18 relationship between ASA Weiss and Mr. Goldberger's
19 office?

20 A Like I said earlier, I became aware of the
21 relationship prior to learning of her being taken
22 off the case, so I would have known about the
23 relationship before this day.

24 Q It appears, and I don't want you to guess,
25 so all I want to know is whether you had a

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1 conversation with Detective Recarey about this,
 2 whether he said anything directly to you that she
 3 was removed as opposed to removing herself
 4 voluntarily from the case?
 5 MR. CRITTON: Form. You're asking him to
 6 speculate.
 7 MR. KUVIN: No, I'm not, I'm asking for
 8 any conversation he had with Detective Recarey.
 9 THE WITNESS: I don't remember.
 10 BY MR. KUVIN:
 11 Q Okay. Page 85, again going down to the
 12 date of May 15, 2006, there's a reference to a
 13 contractor by the name of David Norr, N-O-R-R, and
 14 apparently he was surveilled for a short period of
 15 time.
 16 A Let me find that.
 17 Q Sure. Middle of the page.
 18 A Okay.
 19 Q Do you recall whether your department
 20 obtained any records regarding the renovations that
 21 were going on at Mr. Epstein's home; blue prints,
 22 construction diagrams, anything like that, documents
 23 from the contractor?
 24 A No.
 25 Q No, you didn't, or no --

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1 A No, I don't recall. It would have been
 2 easily available to us from the building department.
 3 Q Right, building and zoning?
 4 A I have no idea if we did.
 5 Q Turn to page 86. Top of the page on May
 6 22nd, 2006, I received several phone calls
 7 throughout the day from Mr., and then it's blacked
 8 out; who stated he had been followed aggressively by
 9 a private investigator. Who was that?
 10 A I don't know.
 11 Q It appears if you go further down that the
 12 vehicle that was following this person was traced by
 13 Florida tag I35-XGA to a Mr. Zachary Bechard of
 14 Candor Investigations. Do you see that?
 15 A Yes.
 16 Q Did you come to learn anything about that
 17 particular investigative agency? Independent of
 18 what might be in the report.
 19 A No, not that I can recall.
 20 Q Page 87, last page. Middle of the page
 21 references Epstein's corporation attorney, a
 22 gentleman by the name of Darren Indyke, I-N-D-Y-K-E.
 23 Do you see that?
 24 A Not yet. Okay, yes.
 25 Q Do you recall having any conversations

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1 with Mr. Indyke?
 2 A No.
 3 Q There appear to be a number of
 4 corporations. El Zorro Ranch Corporation, New York
 5 Strategy Group, Ghislaine, G-H-I-S-L-A-I-N-E,
 6 Corporation, J. Epstein and Company and the
 7 Financial Strategy Group. Do you see those?
 8 A I do.
 9 Q Do you recall anything, seeing any
 10 documents or information regarding those companies?
 11 A I've read this report before. And if it's
 12 in the report I read it previously, but I don't have
 13 anything independent of the report, nor do I recall
 14 any more than what you've shown me here.
 15 Q I'm just looking to see whether or not you
 16 saw any corporate printouts or corporate documents
 17 or anything like that that might have been obtained
 18 online or through other sources?
 19 A I did not get involved in this
 20 investigation at that level.
 21 Q Okay. Last entry here of July 12, 2006,
 22 it says here Belohlavek -- and spelled for the
 23 benefit of the court reporter, we've used it before,
 24 but just for her sake it's B-E-L-O-H-L-A-V-E-K --
 25 stated State Attorney Barry Krischer made the

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1 determination to go to the Grand Jury to hear the
 2 case.
 3 Did you, or do you recall discussing
 4 directly with him why he was taking this to a Grand
 5 Jury as opposed to just charging Mr. Epstein, his
 6 office doing it themselves?
 7 A No.
 8 Q You agree with me that that would be out
 9 of the ordinary based on the charges that were
 10 brought?
 11 MR. CRITTON: Form.
 12 THE WITNESS: My experience, yes.
 13 BY MR. KUVIN:
 14 Q Do you agree with me that you learned that
 15 it was Mr. Krischer that made that decision himself?
 16 MR. CRITTON: Form.
 17 THE WITNESS: That's my understanding.
 18 BY MR. KUVIN:
 19 Q Did you ever get any explanation from
 20 anyone, not just him, but anyone, as to why they did
 21 that?
 22 MR. CRITTON: Form.
 23 THE WITNESS: Sometime after the fact, the
 24 Grand Jury, maybe even possibly long after the
 25 fact, he told me that it was a political -- not

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<p style="text-align: right;">Page 153</p> <p>1 a political, but it was a noteworthy 2 investigation, a noteworthy prosecution. And 3 in these kind of controversial situations, an 4 independent body of the Grand Jury, it was 5 appropriate to have them exam him. He called 6 other grand juries for things; I can't say 7 similar, but a homicide that had racial 8 overtones and so on, and he made reference to 9 that, that that was his choice to deal with 10 these kinds of things. That could have been as 11 recent as, you know, within the last year and a 12 half or so. 13 BY MR. KUVIN: 14 Q Do you recall your department being 15 involved in any other high profile type of 16 investigations; for example, the investigation that 17 involved a radio personality that lives in Palm 18 Beach and the investigation of a potential boater 19 fraud as a result of another author or radio 20 personality on Palm Beach, or was this the only high 21 profile investigation you can recall working on in 22 your history in the city, or the town? 23 A Involved in the department and personally 24 been involved in many high profile investigations. 25 Q Many being more than ten? I'm just trying</p>	<p style="text-align: right;">Page 155</p> <p>1 perspectives but not necessarily the news media 2 coverage. 3 BY MR. KUVIN: 4 Q Was it handled any differently than you 5 handled other high profile cases that you may have 6 handled in the past? 7 MR. CRITTON: Form. 8 BY MR. KUVIN: 9 Q From your perspective? 10 A I don't think it was handled any 11 differently by the Palm Beach Police Department than 12 from any of the other high profile cases. 13 Q Okay. I appreciate it. That's all the 14 questions I have at this point. I'm going to turn 15 it over to the other plaintiff attorneys who may 16 have a few for you. 17 MR. HILL: I don't have any. Thank you, 18 sir. 19 THE WITNESS: You're welcome. 20 MR. GARCIA: I just have a couple here. 21 CROSS-EXAMINATION. 22 BY MR. GARCIA: 23 Q Chief, my name is Sid Garcia, I represent 24 one of the plaintiffs in the case. I think we met 25 before in another case, another deposition years</p>
<p style="text-align: right;">Page 154</p> <p>1 to get an idea -- 2 A The standard rules don't really help me. 3 We used to joke about how very small things in Palm 4 Beach would become noteworthy in the news media, 5 that they would be meaningless everywhere else. 6 Q Right. 7 A If you mean national political interest, 8 at that level profile, yes, at least ten, probably 9 more than ten. 10 Q In your experience in dealing with even 11 those high profile investigations, was this one 12 different? 13 MR. CRITTON: Form. 14 THE WITNESS: It wasn't different in the 15 amount of, you know, at the level of profile of 16 had we been involved in that before where it 17 gets international news media coverage and all 18 of the things that come with that. It was 19 different in the respect that probably what 20 should have remained a state case had to become 21 a federal case, which they ended it and it all 22 ended in an agreed plea in the state case. It 23 was different for me in that I asked the State 24 Attorney to remove himself from the case, you 25 know. It was different from many different</p>	<p style="text-align: right;">Page 156</p> <p>1 ago. 2 Just want to ask you a few questions 3 beginning with the -- asking basically your opinion 4 as to why Mr. Krischer did not pursue the case with 5 the diligence that you thought he should have 6 pursued it with? 7 MR. CRITTON: Form. 8 THE WITNESS: I'm not sure I understand 9 the question. 10 BY MR. GARCIA: 11 Q In other words, you talked about that you 12 sent a letter to Mr. Krischer asking him to 13 disqualify his office from the case. Why do you 14 believe that he did not pursue the case with the 15 zeal that you thought he should pursue it with? 16 A I don't know. 17 MR. CRITTON: Form. 18 BY MR. GARCIA: 19 Q What is your opinion of why he didn't 20 pursue it that way? 21 MR. CRITTON: Form. 22 THE WITNESS: That's not my role. I 23 haven't formed an opinion on that, I don't know 24 why. 25</p>

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<p style="text-align: right;">Page 157</p> <p>1 BY MR. GARCIA:</p> <p>2 Q Did you think that -- were you aware or</p> <p>3 did you become aware at some point that Mr. Epstein</p> <p>4 was a contributor to the democratic party?</p> <p>5 A Yes.</p> <p>6 Q Are you aware that Mr. Krischer has ties</p> <p>7 to the democratic party?</p> <p>8 MR. CRITTON: Form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. GARCIA:</p> <p>11 Q Did you suspect at any point in time that</p> <p>12 there was a connection between Mr. Epstein's</p> <p>13 political connections with the democratic party and</p> <p>14 Mr. Krischer's refusal or neglect to prosecute in</p> <p>15 this case with the zeal he should have pursued it</p> <p>16 with?</p> <p>17 MR. CRITTON: Form.</p> <p>18 THE WITNESS: I didn't allow myself to</p> <p>19 explore that.</p> <p>20 BY MR. GARCIA:</p> <p>21 Q Did you have any discussions with Mr.</p> <p>22 Krischer about that issue, whether or not</p> <p>23 Mr. Epstein was receiving favorable treatment from</p> <p>24 the State Attorney's Office because of Mr. Epstein's</p> <p>25 political connections?</p>	<p style="text-align: right;">Page 159</p> <p>1 criminal charges against Mr. Epstein, correct?</p> <p>2 MR. CRITTON: Form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. GARCIA:</p> <p>5 Q This is not a situation where there was</p> <p>6 maybe a boyfriend/girlfriend situation, an age</p> <p>7 difference and the victim was not cooperating in the</p> <p>8 investigation; is that correct?</p> <p>9 MR. CRITTON: Form.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BY MR. GARCIA:</p> <p>12 Q Did you challenge him on that issue?</p> <p>13 A Yes.</p> <p>14 Q And what was his response?</p> <p>15 A He continued to reiterate that the case,</p> <p>16 that it was his ethical obligation. And he had told</p> <p>17 me this before about other cases that we had</p> <p>18 discussed, Palm Beach Police Department cases and</p> <p>19 other cases, that he has an ethical responsibility</p> <p>20 to feel -- to be reasonably certain that the case is</p> <p>21 winnable before he prosecutes it. And he said that</p> <p>22 because of all of those reasons and others involving</p> <p>23 some of the reputation and Facebook pages and so on</p> <p>24 of certain victims, that he couldn't feel that he</p> <p>25 could be successful in the prosecution.</p>
<p style="text-align: right;">Page 158</p> <p>1 MR. CRITTON: Form.</p> <p>2 THE WITNESS: I asked him why he was</p> <p>3 treating the case in the way that he did.</p> <p>4 BY MR. GARCIA:</p> <p>5 Q And what was his response?</p> <p>6 A His response was that the victims weren't</p> <p>7 credible in his mind. I don't know -- I don't mean</p> <p>8 all the victims weren't credible but some of the</p> <p>9 victims weren't credible. He didn't believe that --</p> <p>10 sixteen and seventeen-year-old victims, he told me,</p> <p>11 were -- he said it was the policy of the State</p> <p>12 Attorney's Office not to charge molestation type</p> <p>13 cases or even a sex type battery case when it was</p> <p>14 consensual. His answer to that question was about</p> <p>15 the merits of the case.</p> <p>16 Q So he told you it was the policy of the</p> <p>17 State Attorney's Office not to charge victims of</p> <p>18 lewd and lascivious who were sixteen and seventeen</p> <p>19 years old?</p> <p>20 A Well when it was a consensual -- I know</p> <p>21 it's kind of a misnomer because they can't legally</p> <p>22 consent to it, but he said when it was practically a</p> <p>23 consensual situation it was their general policy not</p> <p>24 to prosecute those kinds of cases, yes.</p> <p>25 Q But these victims were willing to press</p>	<p style="text-align: right;">Page 160</p> <p>1 Q Did he show you any of the Facebook pages</p> <p>2 that he had considered?</p> <p>3 A He did not.</p> <p>4 Q You said when he presented this case to</p> <p>5 the Grand Jury he gave you some explanation as to</p> <p>6 why he presented it that way. Did your detectives</p> <p>7 and investigators, were they subpoenaed to appear</p> <p>8 before the Grand Jury?</p> <p>9 A At least one detective was.</p> <p>10 Q You know who that was?</p> <p>11 A I have to ask my lawyer the question of</p> <p>12 whether or not I can answer that because Grand Jury</p> <p>13 material, I know, always remains sealed. I don't</p> <p>14 know if I do something improper by identifying that</p> <p>15 person alone without -- I don't know what they said,</p> <p>16 I wasn't in the Grand Jury.</p> <p>17 Q I think the testimony would remain</p> <p>18 privileged or confidential, but the Grand Jury did</p> <p>19 return an indictment; is that correct?</p> <p>20 A That's my understanding, yes.</p> <p>21 Q So I'm not asking you to -- you don't have</p> <p>22 access to the testimony I'm assuming?</p> <p>23 A That's correct.</p> <p>24 Q I'm just asking you for the identity of</p> <p>25 the person who was subpoenaed to appear before the</p>

40 (Pages 157 to 160)

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IN THE FIFTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO.: 502008CA037319-XXXX MB AB

B.B.,
Plaintiff,
vs.
JEFFREY EPSTEIN,
Defendant.

VOLUME II
VIDEO-TAPED DEPOSITION OF MICHAEL REITER
A WITNESS
TAKEN BY THE PLAINTIFF

DATE: November 23, 2009
TIME: 10:12 a.m. - 7:38 p.m.

1 I-N-D-E-X
2 November 23, 2009:
3 MICHAEL REITER
4 DIRECT CROSS REDIRECT RECROSS
5
6 By Mr. Kuvin 8 352
7
8 By Mr. Garcia 155 364
9
10 By Mr. Critton 190
11
12 EXHIBITS
13 Marked
14 Plaintiff's Exhibit No. 1 16
15 (Palm Beach PD Intelligence Report 11/28/04)
16 Plaintiff's Exhibit No. 2 31
17 (Incident Reports)
18 Plaintiff's Exhibit No. 3 99
19 (Letter to Barry Krischer)
20 Plaintiff's Exhibit No. 4 131
21 (Photographs of El Brillo Way)
22 Plaintiff's Exhibit No. 5 132
23 (Photo of 358 El Brillo Way)
24 Defendant's Exhibit No. 6 218
25 (Subpoena Duces Tecum)
Plaintiff's Exhibit No. 7 356
(Money Transfers)
Plaintiff's Exhibit No. 8 357
(Flight Summary)
Certified Question: Page 160, Line 10
Letter to John Randolph, Esq.
Errata Sheets (to be forwarded upon completion)

1 The deposition of MICHAEL REITER, a witness in the
2 above-entitled and numbered cause was taken before me,
3 Vanessa G. Archer, Court Reporter, Notary Public for the
4 State of Florida at Large, at 2925 PGA Boulevard, Palm Beach
5 Gardens, Florida, on the 23rd day of November, 2009,
6 pursuant to Notice in said cause for the taking of said
7 deposition on behalf of the Plaintiff.

8
9 APPEARING ON BEHALF OF PLAINTIFF B.B.:
10 SPENCER T. KUVIN, ESQ.
11 LEOPOLD-KUVIN, P.A.
12 2925 PGA Boulevard, Suite 200
13 Palm Beach Gardens, Florida 33410

14 APPEARING ON BEHALF OF PLAINTIFFS' JANE DOES 2-8:
15 ADAM HOROWITZ, ESQ.
16 MERMELSTEIN & HOROWITZ, P.A.
17 18205 Biscayne Boulevard, Suite 2218
18 Miami, Florida 33160

19 APPEARING ON BEHALF OF PLAINTIFF C.A.
20 JACK HILL, ESQ.
21 SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A.
22 2139 Palm Beach Lakes Boulevard
23 West Palm Beach, Florida 33409

24 APPEARING ON BEHALF OF PLAINTIFF:
25 ISIDRO GARCIA, Esq.
GARCIA LAW FIRM, P.A.
The Harvey Building
224 Datura Street, Suite 900
West Palm Beach, Florida 33401

1 (Pages 186 to 189)

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1 Q You're talking about a little over a year,
2 a dozen or so communications between at least calls
3 to or from Ms. Villafana to you?
4 A Right.
5 Q What are we talking about?
6 A Do you want me to guess about the number?
7 Q No, I asked for your best estimate and you
8 said approximately a dozen calls.
9 A The best estimate is a guess in this case.
10 Q So what did you do, did you call up and
11 say what's going on with regard to the Epstein
12 matter?
13 A Sometimes when we hadn't heard from them
14 for months or when Detective Recarey would call the
15 FBI and the FBI would say I'm not --
16 Q Oh, I'm sorry, he has to change the tape.
17 THE VIDEOGRAPHER: We're off the record at
18 5:50. This is the end of tape 5.
19 (Off the record)
20 THE VIDEOGRAPHER: We're back on the
21 record at 5:58. This is the beginning of tape
22 6.
23 BY MR. CRITTON:
24 Q Mr. Reiter, has there ever been an
25 occasion, another occasion, when you've been the

1 with them that you were disappointed with the manner
2 in which the State Attorney had prosecuted or had
3 handled the Epstein matter?
4 MR. HILL: Objection, asked and answered.
5 MR. KUVIN: Twice, join.
6 THE WITNESS: Yeah. I don't know that I
7 used that exact word. I didn't feel as though
8 justice had been sufficiently served.
9 BY MR. CRITTON:
10 Q Had there ever been another instance where
11 the State Attorney had either filed charges, had
12 gone to a Grand Jury, as they did in the Epstein
13 case, and then you subsequently contacted either the
14 FBI or the U.S. Attorney's Office and/or they
15 contacted you?
16 A I'll try to stay with you better this
17 time. Could you --
18 Q In this particular instance Mr. Krischer
19 took the Epstein charges, or the allegations, to a
20 Grand Jury, the Grand Jury came back with an
21 indictment and he subsequently was arrested. You
22 subsequently had contact with the FBI and the FBI
23 and the USAO did their own independent
24 investigation, correct?
25 A Yes.

1 Chief, when you were Chief of Police, where you went
2 to the FBI and/or the FBI called you about pursuing
3 a prosecution because you felt what the state had
4 done was not adequate or not acceptable to you?
5 A No.
6 Q This was the first and only occasion,
7 correct?
8 A Well that was kind of a complicated set of
9 situation, circumstances. But what you described,
10 this is the first time that I was not -- didn't
11 think that justice was sufficiently served and that
12 the FBI contacted me to initiate an investigation.
13 That unusual thing, yes, that's true.
14 Q And in fact you were in large part relying
15 on the report that had been done in the
16 investigation that had been done by the Palm Beach
17 Police Department?
18 A Yes.
19 Q Had there ever been an occasion where --
20 let me strike that.
21 At any time, did you tell the FBI not
22 to discuss the case with the State Attorney's
23 Office?
24 A No.
25 Q Did you tell the FBI when you first met

1 Q Had you ever had another circumstance like
2 that during the time that you had been the Chief or
3 the Assistant Chief or a police officer for the Town
4 of Palm Beach; that is, where the State Attorney had
5 filed either charges that you didn't agree with or
6 had taken it to a Grand Jury, Grand Jury had come
7 back and had returned an indictment and then you
8 went to the FBI or the FBI contacted you, or was
9 this the first and only occasion?
10 A This was the first occasion in which I
11 ever had a case go to a State Grand Jury that wasn't
12 a homicide. There have been other instances that
13 the case bogged down in the state prosecution and it
14 was clear that the most appropriate place to be
15 would be a federal prosecution. And the case was
16 eventually investigated by the FBI or the DEA or the
17 Secret Service or somebody being prosecuted by the
18 US Attorney.
19 Q In that particular situation though, did
20 the state work -- the State Attorney's Office work
21 with the FBI or the U.S. AO's office to bring the
22 federal charges because it got bogged down in the
23 state investigation and/or process?
24 A Yes, typically that's how it would go.
25 Q So the state was then actively involved

Appendix 5

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TOWN OF PALM BEACH POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



May 1, 2006

PERSONAL AND CONFIDENTIAL

Mr. Barry E. Krischer, State Attorney
Office of the State Attorney
Fifteenth Judicial Circuit
401 North Dixie Highway
West Palm Beach, FL 33401

Dear Mr. Krischer,

Please find enclosed the probable cause affidavits and case filing packages thus far resulting from the Palm Beach Police Department's investigation of Jeffrey Epstein, Sarah Kellen and Haley Robson. The submission of these documents are both in response to Assistant State Attorney Lanna Belohlavek's request for them and to serve as the Palm Beach Police Department's presentation for prosecution.

I know that you agree that it is our shared responsibility to seek justice and to serve the public interest by discharging our duties with fairness and accountability. I must renew my prior observation to you that I continue to find your office's treatment of these cases highly unusual. It is regrettable that I am forced to communicate in this manner but my most recent telephone calls to you and those of the lead detective to your assigned attorneys have been unanswered and messages remain unreturned.

After giving this much thought and consideration, I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases.

Sincerely,

Michael S. Reiter
Chief of Police

MSR:nt

OBTS Number		ARREST / NOTICE TO APPEAR		1. Arrest		3. Request for Warrant		Juvenile	
Agency ORI Number		Agency Name		Agency Report Number (N.T.A.'s only)		2. N.T.A.		4. Request for Capias	
FLO 5 0 0 6 0 0		PALM BEACH POLICE DEPARTMENT		7 6 1 1					
Charge Type		Check as many as apply		3. Misdemeanor		5. Ordinance		6. Other	
1. Felony		2. Traffic Felony		4. Traffic Misdemeanor		6. Other		7. Weapon Seized	
Location of Arrest (Including Name of Business)		Location of Offenses (Business Name, Address)		Enter Type		Multiple Clearance Indicator			
Date of Arrest		Time of Arrest		Booking Date		Booking Time		Jail Date	
Jail Time		Location of Vehicle							
Name (Last, First, Middle)		EPSTEIN, JEFFREY E		Alias (Name, DOB, Soc. Sec. #, Etc.)					
Race		Sex		Date of Birth		Height		Weight	
W. White		M. Male		6.1.2.05.3		6'0"		175	
B. Black									
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status		Religion		Indication of Alcohol Influence		Drug Influence	
						Y. Yes		N. No	
Local Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone	
358 EL BEMIO WAY		PALM BEACH		FL		33420		(561) 832-4117	
Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone	
34 E 61 ST		NY		NY		10021		()	
Business Address (Name, Street)		(City)		(State)		(Zip)		Phone	
45 MADISON AVE		NY		NY		10022		()	
DL Number, State		INS Number		Place of Birth (City, State)		Citizenship			
T430041133 USVI				NEW YORK		USA			
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1. Arrested	
								2. At Large	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		3. Felony	
								4. Misdemeanor	
Parent		Name (Last)		(First)		(Middle)		Residence Phone	
Legal Custodian								()	
Other								()	
Address (Street, Apt. Number)		(City)		(State)		(Zip)		Business Phone	
								()	
TOT JAC		Date		Time					
The above address was provided by		defendant and / or		defendant's parents. The child and / or parent was told		School Attended		Grade	
to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.		Yes, by: (Name)		No: (Reason)					
Property Crime?		Description of Property		Value of Property					
Yes		No							
Drug Activity		S. Sell		R. Smuggle		K. Dispense		M. Manufacture	
N. N/A		B. Buy		D. Deliver		C. Cultivate		Z. Other	
P. Possess		T. Traffic		E. Use					
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
UNLAWFUL SEX ACTS w/ MINOR		4		Y. Yes		79,4195		111	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
N		N		05.368		05.368		Bond	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
LEWD / LASCIVIOUS		1		Y. Yes		900194		115	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
N		N		05.368		05.368		Bond	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
				Y. Yes					
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
								Bond	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
				Y. Yes					
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
								Bond	
Institution No. 1		Mandatory Appearance in Court		Location (Court, Room Number, Address)					
Institution No. 2		You need not appear in Court but must comply with instructions on Reverse Side.		Court Date and Time		Month		Day	
				Year		Time		A.M.	
								P.M.	
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.									
Signature of Defendant (or Juvenile and Parent / Custodian)					Date Signed				
XLD for other Agency					Signature of Arresting Officer				
Name					Name Verification (Printed by Arrestee)				
1. Dangerous					2. Resisted Arrest				
3. Suicidal					4. Other				
5. Deputy					I.D.#				
Pouch					Transporting Officer				
					I.D.#				
					Agency				
					Witness here if subject signed with an 'X'				
					PAGE				
					OF				

DISTRIBUTION: WHITE — COURT COPY GREEN — STATE ATTORNEY YELLOW — AGENCY PINK — JAIL GOLD — DEFENDANT (N.T.A.'s ONLY)

CA/Aronberg-000808

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK. 3/28/2023 2:22:44 PM

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

Police Case#: 05-368 (1)

Defendant: Jeffrey Epstein
Race/Sex: White Male
DOB: 01-20-1953
Charges: Unlawful Sexual Activity with a Minor (4) counts
Lewd and Lascivious Molestation

From March 15, 2005, through February 2006, the Palm Beach Police Department conducted a sexual battery investigation involving Jeffrey Epstein, Sarah Kellen and Haley Robson. Sworn taped statements were taken from five victims and seventeen witnesses concerning massages and unlawful sexual activity that took place at the residence of Jeffrey Epstein, 358 El Brillo Way, Palm Beach. Several of the victims were recruited by and brought to the residence by Haley Robson to perform massages for Epstein, for which Robson received monetary compensation. During the visit they would be introduced to Sarah Kellen, Epstein's assistant, who in turn would record their telephone numbers and name. The victims would be brought to Epstein's bedroom to provide the massage. Epstein would enter the room and order the victims to remove their clothing to provide the massage. As the victims complied and provided the massages, Epstein would rub his fingers on their vaginas. On occasion, Epstein would introduce a massager/vibrator and rub the victims vaginas as they provided the massage. On three separate occasions, Epstein had intercourse and inserted his penis/fingers in the victims vaginas. At the conclusion of the massages the victims were paid sums of money ranging from \$200 - \$1,000. The facts, as reported, are as follows:

On 03/15/2005, A fourteen year old white female, hereinafter referred to as [REDACTED] dob [REDACTED] and her family reported unlawful sexual activity which occurred at a residence within the Town of Palm Beach. [REDACTED] reported that a subject known to her as "Jeff" had touched her vaginal area with a vibrator/massager while within his residence. "Jeff" was later identified as Jeffrey Epstein through a photo line up.

During a sworn taped interview, [REDACTED] stated that Haley Robson, dob 04/09/1986, a cousin of [REDACTED] boyfriend and classmate at [REDACTED], worked for a wealthy man and did sexual favors for him. She also admitted that Robson had offered her an opportunity to make money. During the beginning of the month of February 2005, [REDACTED] explained that she was first approached by Robson to go with her to Epstein's house. [REDACTED] stated that Robson along with a Hispanic female, later identified at [REDACTED] pick her up at her father's house on a Sunday. [REDACTED] was not sure of the exact dates but knew it was a Sunday. [REDACTED] told her father that they were going shopping but in reality Robson drove them to Palm Beach. During the drive a

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before me this 1st day of May, 2006 by
Det Joe Recarey, who is personally known to me.



Signature of Police Officer (F.S.S. 117.10)

State of Florida
County of Palm Beach



Signature/Arresting Officer

Date: 05/01/2006

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

conversation occurred between Robson and [REDACTED] whereas Robson reportedly told [REDACTED] that if Jeff asked her age, she should say she was eighteen. It was later confirmed by the [REDACTED] father that Robson picked his daughter up on February 6, 2005. According to [REDACTED] father, Robson drove a pick up truck.

[REDACTED] described Epstein's house as a two-story pink house with a Cadillac Escalade parked in the driveway. She recalled that Jeff's house was on a dead end street. Upon arriving at the house [REDACTED] stated that they walked up a driveway, past what appeared to be a small guard/security room. A male approaching them asking what they wanted. Robson stated they were there to see Epstein. The male allowed them to continue walking up to the house. [REDACTED] stated the man told them that Epstein was not there but was expected back. He allowed them to enter the house, via the kitchen. He offered them something to drink while they waited inside. Shortly thereafter, Epstein and his assistant, described as white female with blond hair and later identified as Sarah Kellen, entered the kitchen. Epstein introduced himself to [REDACTED] [REDACTED] described Epstein as being approximately forty-five years old, having a long face and bushy eyebrows, with graying hair.

Robson and Epstein left the kitchen leaving [REDACTED] alone in the kitchen. They returned a short time later. They all spoke briefly in the kitchen. [REDACTED] was instructed to follow Kellen upstairs. [REDACTED] recalled walking up a flight of stairs, lined with photographs, to a room that had a massage table in it. Upon entering the room there was a large bathroom to the right and a hot pink and green sofa in the room. There was a door on each side of the sofa. [REDACTED] recalled there being a mural of a naked woman in the room, as well as several photographs of naked women on a shelf. Kellen told the victim that Epstein would be up in a second.

Epstein entered the room wearing only a towel and told [REDACTED] to take off her clothes. [REDACTED] stated Epstein was stern when he told her to take off her clothes. [REDACTED] said she did not know what to do as she was the only one there in the room so she took off her shirt leaving her bra on. Epstein had removed his towel and told the [REDACTED] to take off everything. [REDACTED] stated Epstein was nude when he took his towel off, placing it on the floor as he laid down on the table. [REDACTED] stated she then removed her pants leaving her thong panties on. Epstein then instructed her to give him a massage pointing to a specific lotion for her to use. As [REDACTED] began to give Epstein the massage, he told her to get on his back. [REDACTED] stated she straddled herself on Epstein's back whereby her exposed buttocks were touching Epstein's bare buttocks. [REDACTED] said Epstein was specific in his instruction to her on how to massage him, telling her to go clockwise or counter clockwise. Epstein then turned over and instructed [REDACTED] to massage his chest. [REDACTED] was now standing on the ground and resumed massaging Epstein's chest area. [REDACTED] stated Epstein held onto the small of her back as she massaged his chest and shoulder area. Epstein then turned to his side and started to rub his penis in an up and down motion. Epstein then pulled out a purple vibrator and began to

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massage [redacted] vaginal area. [redacted] stated there was no penetration as the vibrator was on top of her underwear. [redacted] recalled Epstein ejaculating because he had to use the towel to wipe himself as he got off the table. Epstein then left the room and [redacted] got dressed. She went back downstairs where she met with Robson. [redacted] said she was paid three hundred dollars in cash from Epstein. Before she left, Epstein asked [redacted] to leave her phone number. As [redacted] Robson and [redacted] were leaving the house, Robson told [redacted] she received two hundred dollars that day for bringing her.

During the course of the investigation, parental consent was granted for [redacted] to assist with the investigation. At our direction [redacted] conducted controlled taped phone calls to Robson's cellular telephone 561-308-0282. [redacted] spoke with Robson in an attempt to arrange another meeting with Epstein. [redacted] asked Robson, what did she need to do to make more money. Robson stated, "the more you do, the more you get paid." Robson had subsequently called back [redacted] and left a voice mail message for her indicating that she had set up an appointment for [redacted] to go to Epstein's house at 11:00 am on April 5, 2005. This message was recorded from [redacted] voice mail.

Based on the above, trash pulls were established at Epstein's residence with Supervisor Tony Higgins of the Sanitation Bureau of the Town of Palm Beach. The trash pull from April 5, 2005 revealed a telephone message for Epstein which stated Haley and [redacted] name at 11:00 am. This was the time frame Robson had informed [redacted] to be ready to go work at Epstein's house.

On October 3, 2005, Sgt Frick and I went to Robson's residence and viewed her vehicle parked in the driveway, a red Dodge Neon. Sgt. Frick and I knocked on the door and met with Haley Robson. Robson was told that we were investigating a claim involving Jeffrey Epstein of El Brillo Way, in Palm Beach. Robson was asked if she would accompany us back to the police station for further questioning. She was also told that at the conclusion of the interview she would be returned home. Robson voluntarily came with us back to the Palm Beach Police Department.

Upon our arrival at the police station, Robson was brought to the interview room in the Detective Bureau where I obtained a taped, sworn statement. I began the interview by asking Robson how she became acquainted with Epstein. Robson stated that approximately two years ago, just after she turned 17 years of age, she was approached by a friend named Molly at the Canopy Beach Resort in Rivera Beach. Robson was asked if she wanted to make money. She was told she would have to provide a massage and should make \$200.00. Robson thought about the offer and agreed to meet with Jeffrey.

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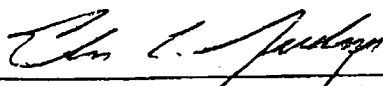
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Molly (Unknown last name) and Tony (Unknown last name) picked Robson up and she was taken to Epstein's house. Upon her arrival to the house she was introduced to Epstein in the kitchen of the house. She was also introduced to a white female known to her as Sarah. She was led upstairs to the main bedroom known to her as Jeff Epstein's bedroom. Sarah arranged the massage table and covered the table with a sheet. She brought out the massage oils and laid them next to the massage bed. Sarah, then left the room and informed Robson Jeff would be in, in a minute. Jeff entered the bedroom wearing only a towel. He removed the towel and laid nude on the massage table. He laid on the table onto his stomach and picked a massage oil for Robson to rub on him. During the massage, Robson stated "He tried to touch me and I stopped him." I asked how he tried to touch her. Robson stated that Epstein grabbed her buttocks and she felt uncomfortable. Robson told Epstein, I'll massage you but I don't want to be touched. Robson stated she performed the massage naked. At the conclusion of the massage, Epstein paid Robson \$200.

After the massage Epstein stated to Robson that he understood she was not comfortable, but he would pay her if she brought over some girls. He told her the younger the better. Robson stated she once tried to bring a 23 year old female and Epstein stated that the female was too old. Robson stated that in total she only remembers six girls that she brought to see Epstein, each time she was paid \$200. Robson stated she had brought the following girls: [REDACTED] (a 16 year old female), [REDACTED] (a 16 year old female) and [REDACTED]. Robson said that at the time she brought these girls to Epstein's house they were all 14 through 16 years of age. I asked Robson which one was the youngest. Robson advised [REDACTED] was the youngest as she was fourteen when the massage occurred. Robson stated every girl she brought knew what to expect when they arrived. They were told they would provide a massage, possibly naked, and allow some touching. I asked her if [REDACTED] was aware. She stated every girl she brought knew what to expect. She explained she knew that [REDACTED] wanted to make money. She approached [REDACTED] and explained about going to work for Jeff, [REDACTED] agreed and arrangements were made to bring her to Epstein's house on a weekend. Robson stated that she and [REDACTED] (Later identified as [REDACTED]) picked up [REDACTED] at her house. Robson stated that at that time she was driving a red pickup truck. They traveled to Epstein's house and entered through the kitchen door. They met with the house chef and Epstein's assistant Sarah. [REDACTED] was introduced to Epstein while they were in the kitchen area. Sarah led [REDACTED] upstairs and Epstein went upstairs. When the massage was over [REDACTED] returned to the kitchen area. Robson stated she was paid \$200.00 for bringing [REDACTED] to Epstein's house. Robson stated [REDACTED] told her she was paid \$300.00 for the massage.

Robson stated that [REDACTED] was the last person she brought to Epstein's house. She had changed her cellular number to avoid being contacted by Sarah. She continued stating that she had no direct contact with Epstein

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when he was going to travel to Palm Beach. Robson said when Epstein announces to his assistant, Sarah, that he is traveling to Palm Beach, Sarah would then contact Robson to arrange girls to "work" for Epstein. Robson stated that once her parents discovered that she was visiting Epstein, they disapproved of the encounters with him and she stopped. Robson further stated that Sarah still tries to call Robson's house and leaves messages.

Sgt Frick entered the room and explained to Robson that based on her own statements, she had implicated herself by bringing underage girls to Epstein's house. Robson provided cellular telephone numbers for the girls she had mentioned previously. Additionally, she also provided possible addresses and areas in which they lived.

As Robson was being taken home in the vehicle, a tape recorder was placed within the vehicle to record any conversations within the vehicle. During the drive back to her home, Robson made the comment "I'm like a Heidi Fleiss." (Hollywood Madam who sent girls to clients for sexual favors in California). Robson was dropped off at her house without incident.

On October 3, 2005, Sgt Frick and I went to speak with [REDACTED] a sixteen year-old female who was brought to Epstein's residence by Haley Robson. We met with [REDACTED] mother at their front door. We explained the ongoing investigation and asked to speak with [REDACTED] as we had information that she had "worked" for Jeff. Mrs. [REDACTED] introduced us to her husband and allowed us entry into the home. We sat in the dining room and met with [REDACTED] Date of Birth [REDACTED]. As she was under the age of eighteen, Mrs. [REDACTED] was advised we would be speaking with her. She expressed if her daughter had information, she wanted to assist. We interviewed [REDACTED] who denied having any inappropriate encounters with Jeff (Epstein). She stated she had gone to Jeff's house with Haley Robson approximately eight months ago and sat in the kitchen with the house chef, but nothing happened. As the parents were present during the interview, we felt that [REDACTED] was withholding information from us. She made several comments as to putting the entire incident behind her. I left my telephone number and advised should she wish to speak with me again to telephone me. Sgt Frick and I thanked Mrs. [REDACTED] for her time and left the area. She stated she would ask [REDACTED] again after we left as to what happened at Epstein's house. I informed her that [REDACTED] had my telephone number and hopefully she would call.

On October 4, 2005, Det Dawson and I drove to the [REDACTED] home and met with [REDACTED] and [REDACTED] dob [REDACTED]. During a sworn taped statement, [REDACTED] stated approximately a year ago when she was seventeen years old, she was taken to a house by Haley Robson. [REDACTED] stated she knows Robson because they both attend [REDACTED]. She was told she could make money working

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for Jeff. She was told she would have to provide a massage to Jeff. [REDACTED] stated upon her arrival to the house she was brought to the kitchen area by Robson. They met with the house chef who was already in the kitchen area. [REDACTED] stated Haley Robson would wait for her in the kitchen. [REDACTED] was introduced to Sarah, Jeff's assistant, who brought her upstairs to the master bedroom. Sarah prepared the room and massage table for a massage. Epstein entered the room wearing only a towel and she provided a massage. [REDACTED] stated she kept her clothes on during the massage. She advised sometime during the massage, Epstein grabbed her buttocks and pulled her close to him. [REDACTED] said she was uncomfortable by the incident involving Jeff. At the conclusion of the massage, she was paid \$200.00 for the massage. I asked [REDACTED] if she has any formal training in massages to which she replied no. I asked her if Robson received any monies for taking her to perform the massage. [REDACTED] stated Robson had received money for taking her there but was unsure in the amount. [REDACTED] stated she returned to Epstein's house on another occasion with Robson and another girl, [REDACTED]. [REDACTED] stated she waited in the kitchen with Robson, while [REDACTED] was taken upstairs by Sarah. [REDACTED] stated she only did the massage once as she was uncomfortable with the whole experience.

At the conclusion of the interview, the tape was stopped. I was informed that Sarah had attempted to reach [REDACTED] via cell phone. A voice mail message on October 4, 2005 at 10:59 am, revealed a female voice who identified herself as Sarah who requested [REDACTED] to call her back reference the police questioning. [REDACTED] provided the incoming telephone number as [REDACTED]. [REDACTED] stated she inadvertently told [REDACTED] about the police investigation because [REDACTED] had called her to tell her about how she just received a rental car from Jeff Epstein. [REDACTED] had called her to tell her that she was given a rental car, a 2005 Silver Nissan Sentra, to utilize to visit family and visit Epstein. [REDACTED] asked her what was going on at the house that the police would be asking questions. [REDACTED] stated [REDACTED] then called Jeff and Sarah and asked what was going on reference the ongoing police investigation. According to [REDACTED] Sarah has since then been trying to contact her to ask about the police questions. I instructed [REDACTED] not to contact Sarah and do not provide any more information to [REDACTED] as she would notify Jeff Epstein and Sarah what was transpiring.

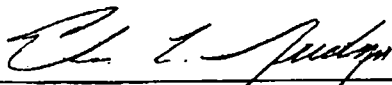
On October 4, 2005, I made telephone contact with [REDACTED] who had left several messages for me to contact her. During the message, she advised she was not completely truthful when we met in person but would like to speak with me to advise what had happened. She further advised she did not want to speak of this incident in front of her mother. At approximately 3:48 pm I made telephone contact with [REDACTED]. During a taped recorded statement [REDACTED] stated the following: approximately a year ago, when she was sixteen years of age, Robson took her to Epstein's house twice. She knows Robson because they both attend [REDACTED]. The first time she went, Haley Robson drove to the house. They entered through the kitchen area where she was

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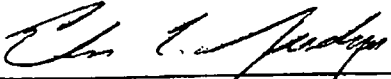

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introduced to Sarah and Epstein. She was taken upstairs to a bedroom by Sarah who set the room up with a massage bed and brought out the oils to use. Epstein then entered the room wearing a towel. He laid on the table and picked out a lotion for [REDACTED] to rub on him. At one point during the massage he tried to remove her shirt, at which point she became very upset and discontinued the massage. Both [REDACTED] and Epstein had a verbal disagreement, at which time she left without being paid. She got with Haley Robson who was sitting in the kitchen and told her "let's go." [REDACTED] advised she received no money for that day. [REDACTED] also said that Haley Robson had told her if she was uncomfortable with what was going on, to let him know and he'll stop. She knew that the more you do the more you get paid. [REDACTED] advised that several weeks later she agreed to be taken a second time by Haley Robson. Once they arrived at the residence, Haley Robson sat in the kitchen and Sarah took her upstairs to the master bedroom again. Sarah set the room up with a massage bed and brought out the oils to use. Epstein then entered the room wearing a towel. He laid on the table and picked out a lotion for [REDACTED] to rub on him. At one point during the massage he tried to touch her buttocks. As [REDACTED] was wearing tight jeans and had a tight belt on Epstein was unable to touch her buttocks. Epstein then rolled onto his back during the massage and then attempted to touch her breasts. [REDACTED] then became upset again and told Epstein she didn't want to be touched. [REDACTED] discontinued the massage and was paid \$200.00. [REDACTED] then went downstairs where Haley Robson was waiting for her. She told Robson she wanted to leave. [REDACTED] said she never returned to the house. [REDACTED] stated she is aware that her friend, [REDACTED] was also at the house and had a problem with Epstein.

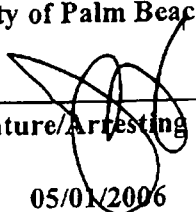
I later researched [REDACTED] dob [REDACTED] and met with her at her residence. During a sworn taped statement, [REDACTED] stated the following: on or about November 2004, she was approached at [REDACTED] by Haley Robson, a fellow student. Robson asked [REDACTED] if she wanted to make money. She agreed and was told she would provide a massage to wealthy man in Palm Beach. Robson picked her up and drove her to a house in Palm Beach. She was brought into the kitchen area of the house. She further stated that fellow [REDACTED] students [REDACTED] and [REDACTED] came with them. They were brought into the kitchen where she was introduced to Epstein and other females. [REDACTED] stated she was introduced to a female helper of Epstein, the female was described as white female (unknown name), with blond hair. She stated that the assistant was familiar with Robson. The assistant brought her upstairs into a master bedroom area. The assistant set up the massage table and put out lotions to be used. She told [REDACTED] Epstein would be available in a minute. Epstein entered the room wearing only a towel. Epstein removed his towel, and laid naked on the massage table and picked a lotion to rub on his thighs and back. [REDACTED] further stated during the massage, Epstein asked her to remove her clothes. She complied and removed her pants and blouse. [REDACTED] didn't remember if she had removed her bra but feels that she did. [REDACTED] was certain that she stayed in her thong underwear. [REDACTED] continued the massage and at one point she climbed onto the massage

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table, straddling Epstein to massage his back. While doing this her buttocks were touching Epstein's. [REDACTED] was instructed to return to the ground at which time Epstein turned to have his chest rubbed. [REDACTED] advised she was sure he was masturbating based on his hand movements going up and down on his penis area. [REDACTED] did not want to look at his penis area because she was uncomfortable. Epstein removed a large white vibrator which was next to the massage table and turned it on. [REDACTED] stated Epstein began rubbing the vibrator over her thong underwear on her vaginal area. Shortly thereafter, Epstein ejaculated and removed himself from the table. He walked over to where the shower was and opened the glass door. She waited as he was taking a shower in her direct view. When I asked [REDACTED] how old she was when this occurred, she stated she had just turned seventeen. At the conclusion of the shower [REDACTED] was paid either \$350.00 or \$400.00. She stated she wasn't sure, but knows it was close to \$400.00. [REDACTED] stated she never returned to provide a massage for Epstein.

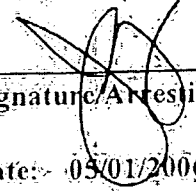
At approximately 2:10 pm, Det Dawson and I met with [REDACTED] dob [REDACTED] at her residence. As [REDACTED] was only seventeen years of age, I had notified her mother, that she would be interviewed reference an ongoing investigation in Palm Beach. I assured her that her daughter was not a suspect. I explained the possibility of her being either a witness or victim. Mrs. [REDACTED] advised she wanted [REDACTED] to cooperate and consented to the interview.

During a sworn taped statement, [REDACTED] stated the following: at the age of sixteen, during the month of September 2004, she was approached by Haley Robson for a chance to make money. [REDACTED] was friends with associates of Robson and knew the same people. [REDACTED] had been previously told by her friends from [REDACTED] what Robson did for Epstein. Robson called a person known to [REDACTED] as Sarah and scheduled the appointment. Robson picked [REDACTED] up and drove her to Palm Beach to a street called "Brillo Way". They drove to the end of the street and entered a large driveway. They entered the kitchen area of the house and met with Epstein. [REDACTED] was introduced to Jeff Epstein. Robson led [REDACTED] upstairs to the main bedroom area and set up the room with a massage table and set out the oils. [REDACTED] stated that while going up the stairs and into the bedroom she observed numerous photographs of naked young girls. Robson dimmed the lights and turned on soft music. Robson exited the room and Epstein entered the room wearing only a towel. Epstein picked oils and instructed her to rub his legs, under his buttocks, back and chest area. Epstein asked her to get comfortable. [REDACTED] advised she did not remove her clothes. She was wearing tight jeans and a cropped tank top exposing her belly area. During the massage, Epstein removed his towel and laid on the massage table naked. As [REDACTED] rubbed Epstein's chest area, he attempted to reach down her pants to touch her buttocks area however was unable to due so due to the tightness of the jeans and a tight belt. [REDACTED] advised Epstein began to masturbate as she rubbed his chest. Epstein moaned as she rubbed his chest. She observed he was continuing to masturbate and

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State of Florida
County of Palm Beach


Signature Arresting Officer

Date: 05/01/2006

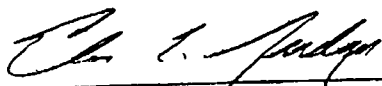
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attempted to reach up her tank top and touch her breasts. [REDACTED] pulled back and Epstein stopped, however he kept masturbating until he climaxed. He cleaned himself with the towel he was previously wearing. [REDACTED] was paid \$200.00 for the massage and left the area. She met with Robson who was waiting in the kitchen area and left the house.

[REDACTED] then explained she never provided another massage for Epstein. She did however, go to the house with Robson and [REDACTED] as they took another friend of Robson's. [REDACTED] advised she was present when [REDACTED] went to work for Epstein. She advised she rode over and sat in the kitchen area with Robson to wait for [REDACTED]. [REDACTED] advised while they waited for [REDACTED] the house chef prepared lunch for them as it was almost lunchtime when they went. When [REDACTED] was finished with the massage they left the area. I asked [REDACTED] if Robson ever told her what would be expected when she provided a massage. [REDACTED] stated yes, Robson told her that a massage would be expected, possibly naked and possibly some touching involved. [REDACTED] has no formal training in providing massages. [REDACTED] spoke about a third and last time she went to Epstein's house. Robson drove another girl, [REDACTED] (sixteen years of age) who is [REDACTED] friend, to Epstein's house. [REDACTED] stated [REDACTED] knew that [REDACTED] had made money massaging Epstein and wanted to make money herself. Robson took them in the kitchen area of the house and introduced [REDACTED] to Sarah. Robson and Sarah took [REDACTED] upstairs to the main bedroom. [REDACTED] advised she doesn't know what happened as [REDACTED] did not speak about what happened in the room. [REDACTED] received \$100.00 from Robson for going with her to Epstein's house and recommending [REDACTED].

On October 6, 2005, at 11:45 am, I met with [REDACTED] dob [REDACTED], at [REDACTED] and explained to her why we there to interview her. She advised she was aware of the ongoing investigation. [REDACTED] stated she had previously spoken with [REDACTED] who told her she was interviewed by detectives. During a sworn taped statement, [REDACTED] stated she knew that Haley Robson worked for Jeff Epstein in Palm Beach. [REDACTED] advised she originally had been taken to the Epstein house by Haley Robson, whom she met when they both attended [REDACTED]. She began going to the house when she was sixteen years of age and stated she had been there a lot of times to provide massages over the past two years. I asked her if she had formal training in providing massages, which [REDACTED] stated she had not. [REDACTED] advised she was told what was expected of her by providing massages and she would have to remove clothing but if she felt uncomfortable just to say so and Epstein would stop pushing the issue. [REDACTED] began providing massages and advised she kept her clothes on. She considered Epstein a pervert and he kept pushing to go further and further. [REDACTED] explained she would keep telling him she had a boyfriend and would not be right to her boyfriend. It wasn't until recently that [REDACTED] began removing her clothes and staying in her thong underwear to provide a massage. [REDACTED] explained

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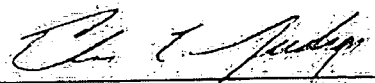
Epstein wanted to be rubbed on his back and recently he began turning over and have her rub his chest as he masturbated. He would try to touch her breasts as she rubbed his chest. [REDACTED] stated "Jeff would try to get away with more and more on each massage". [REDACTED] stated Epstein would try to touch her more and on one occasion he attempted to use a massager/vibrator on her. Robson drove [REDACTED] to the house for the original massage. [REDACTED] left Sarah her cell phone number and every time Epstein would come into town, Sarah would call her for an appointment to "work". Each time she went, Sarah would meet her at the kitchen door area. She would bring her upstairs and prepare the massage table. [REDACTED] advised Epstein would ask her questions about herself. Epstein knew she was a soccer player and would be attending [REDACTED]. I asked [REDACTED] if Epstein knew her real age [REDACTED] stated Epstein did and didn't care. The most recent massage she provided was on October 1, 2005. During the massage, she asked Epstein if she could borrow one of his vehicles to visit her family and boyfriend in Orlando, Florida. Epstein had told her she could borrow one of his vehicles but later stated he would rent her a car. She continued with the massage as Epstein grabbed her buttocks and caressed the buttocks cheeks. I asked [REDACTED] if she was wearing undergarments to which she replied her thong underwear. Once he tried to touch her breasts, she would pull away from him and he would stop. [REDACTED] was asked if he ever used a vibrator on her. [REDACTED] was aware of the vibrator but advised she never would allow him to use the vibrator on her. She described the vibrator as the large white vibrator with a huge head on the tip of the vibrator. She stated he kept the vibrator in a closet near the massage table.

[REDACTED] stated that on October 3, 2005, she was contacted by Epstein's assistant, Sarah, who informed her that Jeff Epstein had rented her a new Nissan Sentra and she should come by the house to pick it up. Sarah informed [REDACTED] she would have the car for a month. [REDACTED] stated Epstein knew her car was not working properly and that she had missed appointments in the past because of her car being inoperable. [REDACTED] explained the car is currently parked next to the [REDACTED] Gym field. I asked her if she ever took any one to the house. [REDACTED] explained she took [REDACTED] a friend of hers who attended [REDACTED], who has relocated to Orlando to attend college. I asked if she ever allowed another female in the room. [REDACTED] advised no one was brought into the room with her.

At the conclusion of the interview, Det Dawson and I went to the gym area of [REDACTED] and located the Silver Nissan Sentra bearing Florida tag X98-APM. The vehicle is registered to Dollar Rent a Car out of the Palm Beach International Airport. The vehicle was rented by Janusz Banasiack, later learned to be Epstein's houseman, and paid with Epstein's credit card.

On September 11, 2005, w/f [REDACTED], dob [REDACTED], was arrested by the Palm Beach Police Department.

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for misdemeanor possession of marijuana. During the arrest [REDACTED] told the arresting officer that she had information about sexual activity taking place at the residence of Jeffrey Epstein. Additionally, during the ongoing trash pulls from Epstein's residence, discarded papers were found which contained [REDACTED] name and cell phone number.

On October, 11, 2005, Det Dawson and I met with [REDACTED] and obtained a sworn taped statement. [REDACTED] explained she had been going to Epstein's house since 2002, when she was sixteen years of age. Since then she has gone to the house hundreds of times. [REDACTED] stated she became his "number one girl." She explained that on her first visit she was brought to the house by fellow [REDACTED] classmate, [REDACTED]. [REDACTED] said she was brought through the kitchen area where she met Sarah Kellen. for the first time. [REDACTED] was led to the master bedroom, Epstein's room. [REDACTED] explained that as she was walking up the stairs she observed several photographs of naked women along the walls and tables of the house. [REDACTED] further explained that she was brought into the bedroom, where Sarah prepared the room by setting up the massage table and provided the oils for her to rub on Epstein. [REDACTED] explained she remembered the steam room area, which contained two large showers. Epstein entered the room from the steam room area and introduced himself. Epstein lay on the table and told her to get comfortable. [REDACTED] removed her skirt and kept her shirt on. Epstein then instructed her to remove her shirt. [REDACTED] removed her shirt and remembered she was not wearing a bra. [REDACTED] stated she provided the massage wearing only her panties. She continued rubbing his legs, thighs and feet. [REDACTED] advised he turned over onto his back. Epstein touched her breasts and began to masturbate. Epstein ejaculated which meant the massage was over. At the conclusion of the massage, [REDACTED] was paid \$200.00. They walked together downstairs where Sarah Kellen and [REDACTED] were waiting. [REDACTED] stated [REDACTED] received an unknown amount of money for taking her to Epstein. Epstein instructed to leave her cellular telephone number so that he could contact her when he is in town.

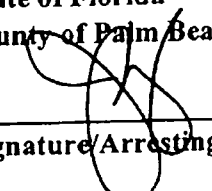
[REDACTED] stated that during her many visits a routine was established between her and Epstein. She would enter the house and get naked in the bedroom. She would then start with a back massage. Epstein would roll on to his back and allow her to massage his chest area. [REDACTED] stated Epstein would then began to masturbate himself and at the same time would insert his fingers in her vagina and masturbate her with his fingers. [REDACTED] explained Epstein would continue this process until he ejaculated. He would then utilize a vibrator/massager on her vagina until [REDACTED] climaxed. [REDACTED] advised that during her frequent visits, Epstein asked for her real age, [REDACTED] stated she was sixteen. Epstein advised her not to tell anyone her real age. [REDACTED] advised that things escalated within the home as Epstein would instruct and pay [REDACTED] to have intercourse with his female friend, Nada Marcinkova. [REDACTED] explained the intercourse included using strap on dildos, large rubber penis' and other devices that Epstein had at his disposal. Epstein would watch them have intercourse and masturbate himself. Occasionally, Epstein would then join in

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during the female on female intercourse and provide oral sex to both [REDACTED] and Marcinkova. This occurred during the time [REDACTED] was sixteen years of age.

[REDACTED] advised this continued to escalate during two years. The routine became familiar to [REDACTED] Epstein's assistant Sarah would telephone her every time Epstein was in the Town of Palm Beach and would place appointments for her to visit and work for Epstein. Each time something new was introduced, additional monies were produced and offered for [REDACTED] to allow the acts to happen. [REDACTED] consented to perform all these acts but was adamant that there was an understanding with Epstein that no vaginal penetration would occur with his penis. [REDACTED] explained that Epstein's penis was deformed. [REDACTED] explained that his penis was oval shaped. [REDACTED] claimed when Epstein's penis was erect, it was thick toward the bottom but was thin and small toward the head portion. [REDACTED] called Epstein's penis "egg-shaped." [REDACTED] stated Epstein would photograph Marcinkova and her naked and having sex and proudly display the photographs within the home. [REDACTED] stated during one visit to Epstein's house in which she provided a massage to Epstein, his female friend, Nada Marcinkova, was also present. [REDACTED] provided the massage in which Marcinkova and her would fondle each others breasts and kiss for Epstein to enjoy. Towards the end of this massage, Epstein grabbed [REDACTED] and turned her over onto her stomach on the massage table and forcibly inserted his penis into her vagina. [REDACTED] stated Epstein began to pump his penis in her vagina. [REDACTED] became upset over this. She said her head was being held against the table forcibly, as he continued to pump inside her. She screamed "No!" and Epstein stopped. She told him that she did not want to have his penis inside of her. Epstein did not ejaculate inside of her and apologized for his actions and subsequently paid her a thousand dollars for that visit. [REDACTED] stated she knows he still displays her photographs through out the house.

On October 12, 2005, Det Dawson and I met with [REDACTED] [REDACTED], dob [REDACTED] who stated during a sworn taped statement, that nothing happened between her and Epstein. [REDACTED] appeared nervous during the interview. I assured her that I have spoken with other people who advised differently. [REDACTED] stated on several occasions she provided a massage to Epstein. She stated she was brought to the Epstein house in March of 2005. [REDACTED] a classmate at [REDACTED] approached her and asked her if she wanted to "work." [REDACTED] made the arrangements with Sarah, Epstein's assistant. [REDACTED] who has no formal training in providing massages, stated she provided a massage, fully clothed for \$200.00. As I sensed hesitancy in her answers, I asked [REDACTED] if she had been contacted by anyone from Epstein's organizations or his house. [REDACTED] stated she was interviewed already by a private investigator for Epstein. He identified himself as "Paul" and inquired about the police investigation, and left his telephone number 305-710-5165 for additional contact. [REDACTED] provided no additional information, as it appeared her responses were almost scripted.

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On November 6, 2005, at approximately 3:30 pm, I met with [REDACTED] [REDACTED] dob [REDACTED], at the Palm Beach Police Department. [REDACTED] was identified as a potential witness/victim through information obtained during the trash pulls. During the sworn taped statement, [REDACTED] advised she was at Jeffrey Epstein's house one time, approximately two months ago. She was approached by a girl, [REDACTED], who was dating [REDACTED] roommate, for an opportunity to make some quick money. [REDACTED] advised she needed to make some quick cash to make the rent that month. She agreed to go to the house. She had been told by [REDACTED] that the massage would have to be done in her underwear. She advised [REDACTED] drove with her and brought her into the house. They walked into the kitchen area, and took the stairs upstairs. [REDACTED] further stated she was brought into a master bedroom area. She advised she recalled seeing portraits of naked women throughout the room. A massage table was already out near the sauna/shower area in the master bedroom. Epstein entered the room wearing only a towel and introduced himself as "Jeff." At Epstein's direction, [REDACTED] and [REDACTED] removed their clothing down to their panties, Epstein laid on his stomach area and they provided a massage on his legs and feet area. I asked [REDACTED] if she had any formal massage training and she replied "no." [REDACTED] advised she was topless and the panties she wore were the boy shorts lace panties. She and [REDACTED] continued the massage until the last ten minutes of the massage, Epstein, told [REDACTED] to leave the room so that [REDACTED] could finish the massage. [REDACTED] got dressed, and left the room as Epstein turned over onto his back. Epstein then removed the towel and laid naked. Epstein requested that [REDACTED] rub his chest area. [REDACTED] stated as she did this, Epstein, began masturbating. [REDACTED] stated Epstein pulled down her boy short panties, and he produced a large white vibrator with a large head. She stated it was within his reach in a drawer in his master bathroom. He rubbed the vibrator on her vaginal area. [REDACTED] advised he never penetrated her vagina with the vibrator. He continued to rub her vagina with the vibrator as he continued to masturbate. [REDACTED] stated she was very uncomfortable during the incident but knew it was almost over. Epstein climaxed and started to remove himself from the table. He wiped himself with the towel he had on previously and went into the shower area. [REDACTED] got dressed and met with [REDACTED] in the kitchen area. Epstein came into the kitchen and provided [REDACTED] \$200.00 for bringing [REDACTED] and paid \$200.00 to [REDACTED] for providing the massage. [REDACTED] was told to leave her telephone number with Sarah for future contact. [REDACTED] provided her cellular telephone number. [REDACTED] was asked if she was recently contacted about this investigation by anyone from the Epstein organization. She replied she was called but it was for work. She stated she was called by Sarah for her to return to "work" for Epstein. [REDACTED] stated "work" is the term used by Sarah to provide the massages and other things. [REDACTED] advised she declined as she was not comfortable in providing that type of "work."

On November 7, 2005, Det Sandman and I met with [REDACTED] [REDACTED] dob 0 [REDACTED] During a sworn taped statement, [REDACTED] stated she met Jeffrey Epstein through Haley Robson when they were still

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attending [REDACTED] Robson would approach females who wished to work for Epstein. [REDACTED] stated she was offered to work for Epstein but declined. [REDACTED] explained that "work" means give massages. She was asked about any formal training in providing massages which she said "no." [REDACTED] said she accompanied Robson and other females who were taken to Epstein's house to provide massages. [REDACTED] further stated she had been to the house approximately 4 or 5 times in the past year. She accompanied Robson with [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Each time the girls were taken over, they were previously told they would have to provide a massage, possibly naked. They were also told that should Epstein require them to do anything extra, and they were not comfortable just to tell him and he would stop. [REDACTED] stated Robson received \$200.00 for each girl she brought over to massage Jeffrey Epstein. When I asked which girl appeared to be the youngest, she replied, [REDACTED] who was really young, fifteen years old at the most. [REDACTED] further stated each time she went to the house, she sat in the kitchen and waited with Robson until the massage was over. She further stated that the cook would make lunch or a snack for them as they waited. I asked her if there was anything that caught her attention within the home. [REDACTED] stated there were a lot of naked girls in photographs throughout the house.

On November 8, 2005, at approximately 2:00pm, I met with [REDACTED] dob [REDACTED] at the Palm Beach Police Department. During a sworn taped statement, [REDACTED] stated she had met Epstein approximately two years ago when she was first approached by Haley Robson, a classmate at [REDACTED]. Robson approached her about working for Epstein and providing a massage to him for \$200.00. Robson had made the arrangements however was unable to take her the day the arrangements were made. Robson had [REDACTED] take [REDACTED] [REDACTED] also attended [REDACTED] and was familiar with Epstein. [REDACTED] recalled she was brought there and entered through the back kitchen door. She had met with an assistant Sarah and another assistant Adrianna. Sarah brought her upstairs as she observed several photographs of naked females throughout the house. [REDACTED] stated Epstein came in the room, wearing only a towel and laid on the table. [REDACTED] stated he picked out the oils he wanted her to use and requested she remove her clothing to provide the massage. [REDACTED] stated that on the first massage she provided she did not remove her clothing. [REDACTED] stated she had returned several times after that. Each time she returned it was more than a massage. Epstein would walk into the master bedroom/bathroom area wearing only a towel. He would masturbate as she provided a massage. [REDACTED] stated she was unsure if he climaxed as he masturbated under the towel. Additionally, she never looked below his waist. She claimed that Epstein would convince her to remove her clothes. She eventually removed her clothes and stayed in her thong panties. On occasion, Epstein would use a massager/vibrator, which she described as white in color and a large head. Epstein would rub the vibrator/massager on her vaginal area as he would masturbate. [REDACTED] stated she had been to the house

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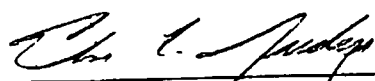
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numerous times. [REDACTED] added she has no formal training in providing a massage. [REDACTED] stated she brought two females during her visits to provide massages. [REDACTED] stated she brought a girl named [REDACTED] and [REDACTED] from [REDACTED]. [REDACTED] stated she received \$200.00 for each girl she brought.

On November 8, 2005, I met with [REDACTED], W/F, [REDACTED], at the Palm Beach Police Department. During a sworn taped statement, [REDACTED] stated she had met Jeffrey Epstein approximately one year ago. She was approached by a subject known to her as [REDACTED]. [REDACTED] had asked her if she wanted to make money providing massages to Epstein. [REDACTED] had heard that several girls from [REDACTED] were doing this and making money. She agreed and was taken to the house by [REDACTED]. [REDACTED] had introduced her to Sarah and Epstein and brought her upstairs to a master bedroom where a massage table was prepared and the proper oils were selected. [REDACTED] left the room and waited downstairs for her. [REDACTED] stated Epstein entered the room wearing a towel and laid on his stomach. She provided a massage wearing only her thong panties. [REDACTED] advised Epstein had masturbated every time she provided a massage. She stated Epstein continued to masturbate until he climaxed. Once that occurred the massage was over. She felt the whole situation was weird but she advised she was paid \$200.00 for providing the massage. She also stated [REDACTED] was paid \$200.00 by Epstein for bringing [REDACTED]. [REDACTED] stated she had gone a total of 15 times to Epstein's residence to provide a massage and things had escalated from just providing a massage. Epstein began touching her on her buttocks and grabbed her closer to him as he masturbated. Epstein also grabbed her breasts and fondled her breasts with his hands as she provided the massage. [REDACTED] stated on one occasion, while she was only seventeen years of age, he offered extra monies to have vaginal intercourse. She stated this all occurred on the massage table. [REDACTED] stated Epstein penetrated her vagina with his penis and began having intercourse with her until he reached the point of climax. Epstein removed his penis from her vagina and climaxed onto the massage table. [REDACTED] received \$350.00 for her massage. I asked her if she had any formal training in providing massages, [REDACTED] stated she did not. [REDACTED] continued to state on one other occasion, Epstein introduced his girlfriend, Nadia, into the massage. Nadia was brought into room with [REDACTED] to provide a massage. Epstein had them kiss and fondle each other around the breasts and buttocks as they provided a massage to Epstein. Epstein, watched and masturbated as this occurred. On other occasions, Epstein, introduced the large white vibrator/massager in the massage. Epstein stroked the vibrator/massager on [REDACTED] vagina as she provided the massage.

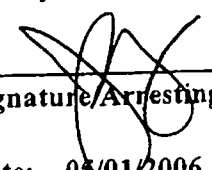
On November 14, 2005, Det Sandman and I met with [REDACTED], dob [REDACTED]. During a sworn taped statement she advised she started going to the house approximately one year ago and has been there approximately five or six times. [REDACTED] also stated she was sixteen years old when she first went to Epstein's house. On her first visit she was brought by a fellow student from [REDACTED] known to her.

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Palm Beach Police Department
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as [REDACTED] stated [REDACTED] brought her into the house and she was introduced to Sarah. Sarah then brought her upstairs into a master bathroom, located within the bedroom. [REDACTED] stated she met Epstein in the bathroom. He laid on the table and picked the massage oils. She provided the massage as he laid naked on the massage bed. She stated she rubbed his calves and back area. Upon the end of the massage, Epstein removed himself from the massage table and paid her \$300.00 for the massage. [REDACTED] said each subsequent time she went to the house, she was notified by Sarah Kellen that Epstein was in town and would like her to "work". [REDACTED] stated she returned to the house and was again led upstairs by Sarah. She provided the massage, clothed. [REDACTED] was asked if she ever removed her clothing to provide a massage. [REDACTED] stated it was not until the third time that she went that she removed her clothing. [REDACTED] stated she was notified by Sarah that Epstein wanted her to come to work. She arrived at the house and was led upstairs by Sarah. She started providing the massage when Epstein asked her to remove her clothing. [REDACTED] removed her pants, shirt and bra. She stayed in her thong panties and continued rubbing Epstein. Epstein turned over onto his back and she rubbed his chest area. [REDACTED] stated she knew he was masturbating himself as she providing the massage. [REDACTED] stated she believed he climaxed based on his breathing. She did not want to view either the climax or the fact that he was masturbating. [REDACTED] stated once the breathing relaxed he got up and told her to get dressed. She was paid \$300.00 for her services. [REDACTED] stated on the last time she went to provide a massage, she was notified by Sarah Kellen to come to the house and "work". [REDACTED] stated she was now dating her current boyfriend and did not feel comfortable going. She recalled it was approximately January 2005. She said she went, already thinking that this would be the last time. She went upstairs and went into the master bathroom. She met with Epstein, who was wearing only a towel, and laid onto the table. [REDACTED] stated Epstein caught her looking at the clock on several occasions. Epstein asked her if she was in a hurry. [REDACTED] stated her boyfriend was in the car waiting for her. [REDACTED] further stated that Epstein got upset as he wasn't enjoying the massage. She told him that she didn't want to continue and she would not be back. Epstein told her to leave as she was ruining his massage. [REDACTED] advised she had no formal training in providing any massages. [REDACTED] stated although she had a falling out with Epstein, she still received a Christmas bonus from Epstein. [REDACTED] stated she was wired money from Western Union for her Christmas bonus. Subpoena results from Western Union revealed money was sent from Jeffrey Epstein on December 23, 2004. [REDACTED] received \$200.00 from Epstein for her Christmas bonus.

On November 15, 2005, Det. Sandman and I met with [REDACTED], dob [REDACTED]. During a sworn taped statement, [REDACTED] stated she met Jeffrey Epstein over a year ago. She was sixteen years of age and was approached by [REDACTED] a fellow [REDACTED] student, who informed her that she could make \$200.00, providing a massage to Epstein. [REDACTED] had informed her that she would have to provide this

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Det Joe Recarey, who is personally known to me.


Signature of Police Officer (F.S.S. 117.10)

State of Florida
County of Palm Beach


Signature/Arresting Officer

Date: 05/01/2006

CA/Aronberg-000824

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Palm Beach Police Department
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massage topless. [redacted] made the arrangements with Epstein and his assistants and took [redacted] to the house. [redacted] stated [redacted] and she entered through a glass door that led into a kitchen. She was taken upstairs by [redacted] to a master bedroom. She recalled the master bathroom had a large pink couch, sauna and matching shower. Epstein entered into the room wearing only a towel. [redacted] and [redacted] removed their clothing remaining only in thong underwear. She further stated that Epstein laid on his chest on the table. The oils were selected on which ones to use. Both [redacted] and [redacted] provided the massage on his legs, back and feet. Forty minutes into the massage, Epstein turned over onto his back and requested [redacted] wait downstairs in the kitchen area for [redacted]. Epstein instructed [redacted] to finish the massage. As [redacted] got dressed, [redacted] starting rubbing Epstein's chest. [redacted] left the room, and Epstein began masturbating as [redacted] rubbed Epstein's chest. [redacted] stated Epstein continued masturbating until he climaxed on the towel he was wearing. When asked if he had removed the towel she stated he turned the towel around so that the opening would allow him to expose himself. After he cleaned himself off with the towel he instructed [redacted] the massage was done and to get dressed and meet with him downstairs. [redacted] got dressed and met with Epstein in the kitchen area. She was paid \$200.00 dollars for providing the massage. [redacted] stated she was aware that [redacted] also received monies for the same thing. The second time she went to the house she was again approached by [redacted]. [redacted] advised if she wanted to return to the house to provide another massage. [redacted] agreed and the arrangements were made by [redacted] for her to return to the house. [redacted] stated [redacted] drove her to the house and knocked on the same glass door which leads to the kitchen area. They were allowed entry into the house by one of the staff members. [redacted] led her upstairs to the master bedroom and master bathroom area. [redacted] left [redacted] this time to do the massage alone. Epstein entered the room again wearing only a towel. [redacted] began removing her clothing as she did the last time she was at the house. Epstein instructed her to get naked. He laid on the table onto his stomach as [redacted] began massaging his legs and back. As [redacted] finished with Epstein's back and legs, Epstein then turned over onto his back. [redacted] started to rub his chest and he began masturbating. As [redacted] rubbed his chest, Epstein leaned over and produced a massager/vibrator. He turned it on and began rubbing [redacted] vagina and masturbating himself at the same time. [redacted] stated she continued to rub his chest as this was occurring. She described the vibrator/massager as large grey with a large head. Epstein rubbed her vagina for approximately two to three minutes with the massager/vibrator. He then removed the vibrator from her vaginal area and concentrated on masturbating himself. [redacted] stated Epstein climaxed onto the towel again and informed her that the massage was done. [redacted] got dressed and met with [redacted] who was waiting in the kitchen area. She received \$200.00 for the massage. [redacted] said she never returned to the house and had no desire to return to the house. [redacted] was asked if she received any formal massage training. She advised she had no formal training. [redacted] was asked if Epstein knew her real age. [redacted] stated he knew, as he asked her questions about herself and high school. He was aware she attended, and is still attending [redacted].

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State of Florida
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Signature of Arresting Officer

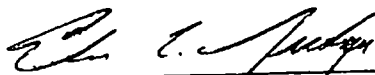
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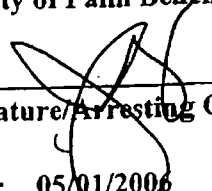
During the course of the investigation a search warrant was executed at Jeffrey Epstein's home located at 358 El Brillo Way in Palm Beach. While in the home I observed the pink and green couch within the master bedroom area just as the girls previously mentioned. The stairway, which is located from the kitchen area to the master bedroom area, is lined with photos of naked young girls. Additionally, numerous photographs of naked young females, some of which appeared to be the girls I previously interviewed, were on display throughout the house. Also located in the house were various phone message books. The telephone message books have a duplicate copy (Carbon Copy) which, once a phone message is written into the book, the top copy is then torn on the perforated edge and the carbon copy is left in the book. First names of girls, dates and telephone numbers were on the copy of the messages. I recognized various numbers and names of girls that had already been interviewed. The body of the messages were time of the day that they called for confirmation of "work." Other names and telephone numbers were located in which the body of the messages were, "I have girls for him" or "I have 2 girls for him." These messages were taken by Sarah Kellen, who signed the bottom of the messages. During the execution of the warrant, I located a [REDACTED] transcript for [REDACTED] in Epstein's bedroom desk. This desk had stationary marked Jeffrey E Epstein. I located a wood colored armoire beside Epstein's bed that contained a bottle of "Joy Jelly," which is used to provide a warm massage. Several massage tables were located throughout the second floor of the residence, including a massage table found in Epstein's bedroom. On the first floor of the residence I found two covert cameras hidden within clocks. One was located in the garage and the other located in the library area on a shelf behind Epstein's desk. A computer was located which was believed to contain the images from the covert cameras. The computer's hard drive was reviewed which showed several images of Haley Robson and other witnesses that have been interviewed. All of these images appeared to come from the camera positioned behind Epstein's desk.

On December 13, 2005, Det. Dawson and I met with [REDACTED], dob [REDACTED]. During a sworn taped statement, [REDACTED] stated that when she was sixteen years old she was taken to Epstein's house to provide a massage for money. [REDACTED] stated it was before Christmas last year (2004) when an associate, [REDACTED] approached her and asked if she needed to make money for Christmas. [REDACTED] made arrangements to take [REDACTED] to the house and drove [REDACTED] to the house to "work." They were encountered by a white female with long blond hair. [REDACTED] was unable to remember the name of the white female with blond hair but knew she was Epstein's assistant. She was led upstairs by the white female who explained that there would be lotions out already and Epstein would choose the lotion he wanted her to use. She was led through a spiral staircase which led to a master bedroom and bathroom. The massage table was already set up in the bathroom. [REDACTED] described the bathroom as a large spacious bathroom with a steam room and shower beside it. [REDACTED] was introduced to Epstein who was on the phone when she entered the room. Epstein was wearing a white towel and laid on his stomach so that [REDACTED] may

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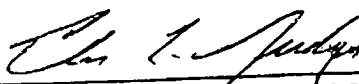
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massage his feet and calves. [REDACTED] started the massage with the oils Epstein chose and rubbed his feet and calves. Epstein got off the phone and requested she massage his back as well. [REDACTED] began rubbing his back and got to the small of his back. During the rubbing of his back, Epstein asked her to get comfortable. He requested she remove her pants and shirt. [REDACTED] removed her shirt and pulled her pants off. [REDACTED] stayed in her bra and thong panties. As she finished massaging the small of Epstein's back, he then turned onto his back. Epstein instructed [REDACTED] to rub his chest and pinch his nipples. As she began to rub his chest, Epstein asked her questions about herself. [REDACTED] remembered telling him she attended [REDACTED]. Epstein asked her if she was sexually active. Before [REDACTED] could answer, he also asked what sexual position does she enjoy. [REDACTED] stated she was shy and didn't like talking about those things. She continued rubbing his chest. Epstein reached up and unsnapped her bra from the front. [REDACTED] explained the bra she used had a front snapping device. Epstein rubbed her breasts and asked her if she like having her breasts rubbed. [REDACTED] said "no, I don't like that." Epstein then removed his towel and laid on the bed naked exposing his penis to [REDACTED]. He began touching his penis and masturbated as he touched her breasts. [REDACTED] explained Epstein then touched her vaginal area by rubbing her vagina with his fingers on the outside of her thong panties. [REDACTED] tensed up and stated Epstein was aware that she was uncomfortable. [REDACTED] stated that Epstein said to her, "Relax, I'm not going inside." She further explained Epstein commented to her how beautiful and sexy she was. Epstein then moved her thong panties to one side and began stroking her clitoris. [REDACTED] said, "He commented how hard my clit was." He then inserted two fingers in her vagina and was stroking her within her vagina. She tried pulling back to pull out his fingers from within her vagina. Epstein removed his fingers from within her vagina and apologized for putting his fingers inside her. During this time, he kept his hand on her vaginal area and continued to rub her vagina. [REDACTED] stated he rubbed her really hard as he was masturbating. [REDACTED] said he climaxed onto the towel he had been previously wearing and got up from the table. Epstein told her there was \$200.00 dollars for her on the dresser within the master bathroom. Epstein also told her that there was an additional \$100.00 that was to be given to [REDACTED] for bringing her there to massage him. Epstein told her to leave her telephone number with his assistant as he wanted to see her again. Epstein stated his assistant would contact her to work again soon. I asked her if she ever received any formal massage training to which [REDACTED] stated she did not. [REDACTED] stated it was the only time she ever went to work for Jeff and knew what happened to her was wrong. She further stated that she had never been contacted for any additional work.

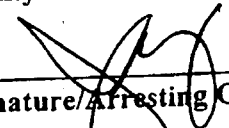
On January 9, 2006, I located and interviewed another victim, [REDACTED], dob [REDACTED]. [REDACTED] was identified as a potential victim/witness from information obtained during trash pulls from Epstein's residence. [REDACTED] stated she met Epstein when she was fifteen years of age. She was approached by a friend from [REDACTED] to be taken to Jeffrey Epstein's house to work. She was originally told she would be able

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to model lingerie for a wealthy Palm Beacher. [REDACTED] was taken to Epstein's house located on El Brillo Way. [REDACTED] introduced [REDACTED] to Jeffrey Epstein. Epstein had his personal chef prepare dinner for [REDACTED] and [REDACTED]. At the conclusion of dinner, [REDACTED] and Epstein brought [REDACTED] upstairs into a master bedroom area. [REDACTED] observed a large massage table with a sheet on it. Epstein entered through a door and exited wearing only a towel. [REDACTED] informed [REDACTED] that they were going to provide a massage on Epstein. [REDACTED] asked why were they doing this instead of modeling lingerie. [REDACTED] explained to [REDACTED] that this was his routine and to rub his calves and feet. Epstein had told [REDACTED] to get comfortable. [REDACTED] removed her pants and blouse. [REDACTED] stated she stayed only in panties as she did not wear a bra that evening. [REDACTED] stated while rubbing his calves and feet, Epstein turned over onto his back. Epstein told [REDACTED] to rub his chest and rub his nipples. [REDACTED] stated that as she started rubbing his chest, Epstein began masturbating himself. Epstein touched her breasts and stroked her vagina with his fingers. Epstein continued to masturbate himself as he stroked her vagina. Epstein ejaculated on his towel and paid [REDACTED] \$200.00 for the massage. Epstein told [REDACTED] that if she told anyone what happened at his house that bad things could happen. [REDACTED] and [REDACTED] were brought home by Epstein's houseman and [REDACTED] was afraid that Epstein knew where she lived. [REDACTED] stated that several days later she received a telephone call from Sarah Kellen who coordinated for [REDACTED] to return to "work." [REDACTED] returned to the house and was brought to Epstein's bedroom area by Sarah who prepared the room for the massage. Epstein entered the room wearing only a towel. Epstein had [REDACTED] remove her clothing and provide the massage naked. [REDACTED] began rubbing his feet and calves and Epstein turned over onto his back. Epstein rubbed her vagina with his fingers. Epstein began to masturbate himself with an upwards and downward motion on his penis. Epstein continued to touch her vagina with one hand and masturbate with the other hand. Once Epstein ejaculated onto the towel he was wearing, the massage was over. [REDACTED] was paid \$200.00 for the massage. Epstein again told [REDACTED] not to speak of what happened at his house or bad things would happen. [REDACTED] wanted to notify authorities however she was afraid of what would happen to either her or her family.

During the course of the investigation, several subjects were identified as a potential witness/victim through information obtained during the trash pulls, physical surveillance and telephone message books retrieved from the search warrant. While conducting research on the subjects, I discovered that the females were age eighteen or older. Interviews were conducted on the consenting adults whose statements provided the same massage routine when they went to "work" for Epstein. The females would be notified by Sarah Kellen, and made appointments for the females to "work" for Epstein. The females would come to Epstein's house and were led upstairs, through a stairwell from the kitchen area, by Sarah Kellen to Epstein's bedroom. Epstein would then enter the room wearing only a towel, and ask them to get comfortable. The females would then provide the massage naked as Epstein would either touch their vaginas with his fingers and/or utilize the massager/vibrator on

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their vaginal area. He would masturbate during the massage and upon his climaxing, the massage would end. The girls were then paid two or three hundred dollars for the massage.

On November 21, 2005 I interviewed Jose Alessi, a former houseman for Jeffrey Epstein. Alessi stated he was employed for eleven years with Mr. Epstein, from approximately 1993 through 2004. Alessi stated he was the house manager, driver and house maintenance person. It was his responsibility to prepare the house for Epstein's arrival. When asked about cooks or assistants, Alessi stated they traveled with Epstein on his private plane. I asked Mr. Alessi about the massages that have occurred at Epstein's home. Alessi stated Epstein receives three massages a day. Each masseuse that visited the house was different. Alessi stated that towards the end of his employment, the masseuses were younger and younger. When asked how young, Mr. Alessi stated they appeared to be sixteen or seventeen years of age at the most. The massages would occur in Epstein's bedroom or bathroom. He knew this because he often set up the massage tables. I asked if there were things going on other than a massage. Alessi stated that there were times towards the end of his employment that he would have to wash off a massager/vibrator and a long rubber penis, which were in the sink after the massage. Additionally, he stated the bed would almost always have to be made after the massage.

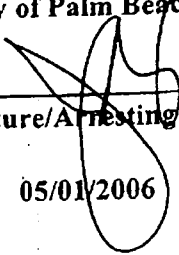
On January 4, 2006 I interviewed another former houseman, Mr. Alfredo Rodriguez. During a sworn taped statement, Mr. Rodriguez stated he was employed by Jeffrey Epstein for approximately six months, from November 2004 through May of 2005. His responsibilities as house manager included being the butler, chauffeur, chef, houseman, run errands for Epstein and provide for Epstein's guests. I asked Rodriguez about masseuses coming to the house. Rodriguez stated Epstein would have two massages a day. Epstein would have one massage in the morning and one massage in the afternoon everyday he was in residence. Rodriguez stated he would be informed to expect someone and make them comfortable until either Sarah Kellen or Epstein would meet with them. Rodriguez stated once the masseuses would arrive, he would allow them entry into the kitchen area and offer them something to drink or eat. They would then be encountered by either Sarah Kellen or Epstein. They would be taken upstairs to provide the massage. I asked Rodriguez if any of the masseuses appeared young in age. Rodriguez stated the girls that would come appeared to be too young to be masseuses. He stated one time under Epstein's direction, he delivered a dozen roses to [REDACTED] for one of the girls that came to provide a massage. He knew the girls were still in high school and were of high school age. I asked Rodriguez about the massages. He felt there was a lot more going on than just massages. He would often clean Mr. Epstein's bedroom after the alleged massages and would discover massagers/vibrators and sex toys scattered on the floor. He also said he would wipe down the vibrators and sex toys and put them away in an armoire. He described the armoire as a small wood armoire which was on the wall close to Epstein's

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bed. On one occasion Epstein ordered Rodriguez to go to the Dollar rent a car and rent a car for the same girl he brought the roses to, so that she could drive her self to Epstein's house without incident. Rodriguez said the girl always needed rides to and from the house.

Rodriguez produced a green folder which contained documents, and a note with Mr. Epstein's stationary with direction to deliver a bucket of roses to [REDACTED] after [REDACTED] high school drama performance. Also in that same note was direction to rent a car for [REDACTED] and direction to extend the rental contract.

During the course of the investigation, subpoenas were obtained for cell phone and home phone records from several victims and witnesses along with the cell phone records of Sarah Kellen. An analysis of these records was conducted which found numerous telephone calls were made between Sarah Kellen and the victims. These records indicate the dates the calls were made are consistent with the dates and times they victims/witnesses stated they were contacted. Specifically, The phone records showed Kellen called Haley Robson during the exact times and dates when victim [REDACTED] advised the incident occurred. Kellen also coordinated the encounters with [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] during the time frame the girls stated they occurred.

Pursuant to a lawful subpoena I obtained Epstein's private plane records for 2005 from Jet Aviation. The plane records show arrival and departure of Epstein's plane at Palm Beach International airport. These records were compared to the cell phone records of Sarah Kellen. This comparison found that all the phone calls Kellen made to Robson and the victims were made in the days just prior to their arrival or during the time Epstein was in Palm Beach.

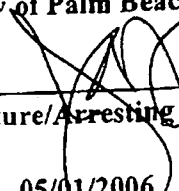
Therefore, as Jeffrey Epstein, who at the time of these incidents was fifty one years of age, did have vaginal intercourse either with his penis or digitally with [REDACTED], [REDACTED], [REDACTED] and [REDACTED] who were minors at the time this occurred, there is sufficient probable cause to charge Jeffrey Epstein with four counts of Unlawful Sexual Activity with a Minor, in violation of Florida State Statute 794.05(1), a second degree felony. As Epstein, who at the time of the incident was fifty two years of age, did use a vibrator on the external vaginal area of [REDACTED] a fourteen year old minor, there is sufficient probable cause to charge him with Lewd and Lascivious Molestation, in violation of Florida State Statute 800.04 (5), a second degree felony.

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OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest <input type="checkbox"/> 3. Request for Warrant <input type="checkbox"/> 2. N.T.A. <input type="checkbox"/> 4. Request for Capias <input type="checkbox"/>		3	Juvenile <input type="checkbox"/>
Agency ORI Number FLO: 5 0 0 6 0 0		Agency Name PALM BEACH POLICE DEPARTMENT		Agency Report Number (N.T.A.'s only) 7 6 1 1 1 1 1 1			
Charge Type Check as many as apply: <input checked="" type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator	
Location of Arrest (Including Name of Business)				Location of Offenses (Business Name, Address) 358 EL BENT WAY PALM BEACH FL			
Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle	
Name (Last, First, Middle) KELLEN SATALL LYNNE				Alias (Name, DOB, Soc. Sec. #, Etc.)			
Race W - White B - Black O - Oriental/Asian	Sex M - Male F - Female	Date of Birth 05/29/99	Height 508	Weight 120	Eye Color HAZ	Hair Color BRN	Complexion FAIR
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)				Mental Status		Religion	
Local Address (Street, Apt. Number)				(City)	(State)	(Zip)	Phone
Permanent Address (Street, Apt. Number)				(City)	(State)	(Zip)	Phone
Business Address (Name, Street)				(City)	(State)	(Zip)	Phone
DL Number, State 241534676 FL		Sec. Sec. Number		INS. Number		Place of Birth (City, State)	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other		Name (Last)		(First)		(Middle)	
Address (Street, Apt. Number)		(City)		(State)		(Zip)	
TOT/JAC		Date		Time		Residence Phone	
The above address was provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address. <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)				School Attended		Grade	
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property		Value of Property			
Drug Activity S. Sell N. N/A P. Possess		B. Smuggle D. Deliver E. Use		K. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate		2. Other N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other	
Charge Description Unlawful Possession		Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 792.41(3)	
Drug Activity N		Drug Type N		Amount / Unit 268(2)		Warrant / Capias Number	
Charge Description Unlawful Possession		Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 792.41(3)	
Drug Activity N		Drug Type N		Amount / Unit 368(1)		Warrant / Capias Number	
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number	
Drug Activity		Drug Type		Amount / Unit		Warrant / Capias Number	
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number	
Drug Activity		Drug Type		Amount / Unit		Warrant / Capias Number	
<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court. <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must comply with instructions on Reverse Side.		Location (Court, Room Number, Address)					
		Court Date and Time: Month _____ Day _____ Year _____ Time _____ A.M. _____ P.M.					
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.							
Signature of Defendant (or Juvenile and Parent / Custodian)				Date Signed			
HOLD for other Agency		Signature of Arresting Officer		Name Verification (Printed by Arrestee)			
Name		Name of Arresting Officer (Print)		(PRINT)			
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other		Transporting Officer		ID # _____ Agency _____			
Intake Deputy		ID # _____ Pouch		Witness here if subject signed with an "X" _____ OF _____			

DISTRIBUTION: WHITE — COURT COPY GREEN — STATE ATTORNEY YELLOW — AGENCY PINK — JAIL GOLD — DEFENDANT (N.T.A.'s ONLY)

CA/Aronberg-000831

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK. 3/28/2023 2:22:44 PM

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Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

Police Case#: 05-368 (2)

Defendant: Sarah Kellen
Race/Sex: White Female
DOB: 05-25-1975
Charges: Principal in the 1st Unlawful Sexual Activity with a Minor (4) counts
Principal in the 1st Lewd and Lascivious Molestation (1) count

From March 15, 2005, through February 2006, the Palm Beach Police Department conducted a sexual battery investigation involving Jeffrey Epstein, Sarah Kellen and Haley Robson. Sworn taped statements were taken from five victims and seventeen witnesses concerning massages and unlawful sexual activity that took place at the residence of Jeffrey Epstein, 358 El Brillo Way, Palm Beach. Several of the victims were recruited by and brought to the residence by Haley Robson to perform massages for Epstein, for which Robson received monetary compensation. During the visit they would be introduced to Sarah Kellen, Epstein's assistant, who in turn would record their telephone numbers and name. The victims would be brought to Epstein's bedroom to provide the massage. Epstein would enter the room and order the victims to remove their clothing to provide the massage. As the victims complied and provided the massages, Epstein would rub his fingers on their vaginas. On occasion, Epstein would introduce a massager/vibrator and rub the victims vaginas as they provided the massage. On three separate occasions, Epstein had intercourse and inserted his penis/fingers in the victims vaginas. At the conclusion of the massages the victims were paid sums of money ranging from \$200 - \$1,000. The facts, as reported, are as follows:

On 03/15/2005, A fourteen year old white female, hereinafter referred to as "[REDACTED]" dob [REDACTED], and her family reported unlawful sexual activity which occurred at a residence within the Town of Palm Beach. [REDACTED] reported that a subject known to her as "Jeff" had touched her vaginal area with a vibrator/massager while within his residence. "Jeff" was later identified as Jeffrey Epstein through a photo line up.

During a sworn taped interview, [REDACTED] stated that Haley Robson, dob 04/09/1986, a cousin of [REDACTED] boyfriend and classmate at [REDACTED], worked for a wealthy man and did sexual favors for him. She also admitted that Robson had offered her an opportunity to make money. During the beginning of the month of February 2005, [REDACTED] explained that she was first approached by Robson to go with her to Epstein's house. [REDACTED] stated that Robson along with a Hispanic female, later identified at [REDACTED], pick her up at her father's house on a Sunday. [REDACTED] was not sure of the exact dates but knew it was a Sunday. [REDACTED] told her father that they were going shopping but in reality Robson drove them to Palm Beach. During the drive a

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Signature of Police Officer (F.S.S. 117.10)

State of Florida
County of Palm Beach



Signature of Arresting Officer

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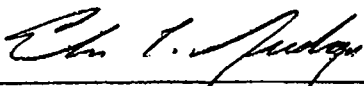
conversation occurred between Robson and [REDACTED] whereas Robson reportedly told [REDACTED] that if Jeff asked her age, she should say she was eighteen. It was later confirmed by the [REDACTED] father that Robson picked his daughter up on February 6, 2005. According to [REDACTED] father, Robson drove a pick up truck.

[REDACTED] described Epstein's house as a two-story pink house with a Cadillac Escalade parked in the driveway. She recalled that Jeff's house was on a dead end street. Upon arriving at the house [REDACTED] stated that they walked up a driveway, past what appeared to be a small guard/security room. A male approaching them asking what they wanted. Robson stated they were there to see Epstein. The male allowed them to continue walking up to the house. [REDACTED] stated the man told them that Epstein was not there but was expected back. He allowed them to enter the house, via the kitchen. He offered them something to drink while they waited inside. Shortly thereafter, Epstein and his assistant, described as white female with blond hair and later identified as Sarah Kellen, entered the kitchen. Epstein introduced himself to [REDACTED]. [REDACTED] described Epstein as being approximately forty-five years old, having a long face and bushy eyebrows, with graying hair.

Robson and Epstein left the kitchen leaving [REDACTED] alone in the kitchen. They returned a short time later. They all spoke briefly in the kitchen. [REDACTED] was instructed to follow Kellen upstairs. [REDACTED] recalled walking up a flight of stairs, lined with photographs, to a room that had a massage table in it. Upon entering the room there was a large bathroom to the right and a hot pink and green sofa in the room. There was a door on each side of the sofa. [REDACTED] recalled there being a mural of a naked woman in the room, as well as several photographs of naked women on a shelf. Kellen told the victim that Epstein would be up in a second.

Epstein entered the room wearing only a towel and told [REDACTED] to take off her clothes. [REDACTED] stated Epstein was stern when he told her to take off her clothes. [REDACTED] said she did not know what to do as she was the only one there in the room so she took off her shirt leaving her bra on. Epstein had removed his towel and told the [REDACTED] to take off everything. [REDACTED] stated Epstein was nude when he took his towel off, placing it on the floor as he laid down on the table. [REDACTED] stated she then removed her pants leaving her thong panties on. Epstein then instructed her to give him a massage pointing to a specific lotion for her to use. As [REDACTED] began to give Epstein the massage, he told her to get on his back. [REDACTED] stated she straddled herself on Epstein's back whereby her exposed buttocks were touching Epstein's bare buttocks. [REDACTED] said Epstein was specific in his instruction to her on how to massage him, telling her to go clockwise or counter clockwise. Epstein then turned over and instructed [REDACTED] to massage his chest. [REDACTED] was now standing on the ground and resumed massaging Epstein's chest area. [REDACTED] stated Epstein held onto the small of her back as she massaged his chest and shoulder area. Epstein then turned to his side and started to rub his penis in an up and down motion. Epstein then pulled out a purple vibrator and began to

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massage [REDACTED] vaginal area. [REDACTED] stated there was no penetration as the vibrator was on top of her underwear. [REDACTED] recalled Epstein ejaculating because he had to use the towel to wipe himself as he got off the table. Epstein then left the room and [REDACTED] got dressed. She went back downstairs where she met with Robson. [REDACTED] said she was paid three hundred dollars in cash from Epstein. Before she left, Epstein asked [REDACTED] to leave her phone number. As [REDACTED], Robson and [REDACTED] were leaving the house, Robson told [REDACTED] she received two hundred dollars that day for bringing her.

During the course of the investigation, parental consent was granted for [REDACTED] to assist with the investigation. At our direction [REDACTED] conducted controlled taped phone calls to Robson's cellular telephone 561-308-0282. [REDACTED] spoke with Robson in an attempt to arrange another meeting with Epstein. [REDACTED] asked Robson, what did she need to do to make more money. Robson stated, "the more you do, the more you get paid." Robson had subsequently called back [REDACTED] and left a voice mail message for her indicating that she had set up an appointment for [REDACTED] to go to Epstein's house at 11:00 am on April 5, 2005. This message was recorded from [REDACTED] voice mail.

Based on the above, trash pulls were established at Epstein's residence with Supervisor Tony Higgins of the Sanitation Bureau of the Town of Palm Beach. The trash pull from April 5, 2005 revealed a telephone message for Epstein which stated Haley and [REDACTED] name at 11:00 am. This was the time frame Robson had informed [REDACTED] to be ready to go work at Epstein's house.

On October 3, 2005, Sgt Frick and I went to Robson's residence and viewed her vehicle parked in the driveway, a red Dodge Neon. Sgt. Frick and I knocked on the door and met with Haley Robson. Robson was told that we were investigating a claim involving Jeffrey Epstein of El Brillo Way, in Palm Beach. Robson was asked if she would accompany us back to the police station for further questioning. She was also told that at the conclusion of the interview she would be returned home. Robson voluntarily came with us back to the Palm Beach Police Department.

Upon our arrival at the police station, Robson was brought to the interview room in the Detective Bureau where I obtained a taped, sworn statement. I began the interview by asking Robson how she became acquainted with Epstein. Robson stated that approximately two years ago, just after she turned 17 years of age, she was approached by a friend named Molly at the Canopy Beach Resort in Rivera Beach. Robson was asked if she wanted to make money. She was told she would have to provide a massage and should make \$200.00. Robson thought about the offer and agreed to meet with Jeffrey.

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Molly (Unknown last name) and Tony (Unknown last name) picked Robson up and she was taken to Epstein's house. Upon her arrival to the house she was introduced to Epstein in the kitchen of the house. She was also introduced to a white female known to her as Sarah. She was led upstairs to the main bedroom known to her as Jeff Epstein's bedroom. Sarah arranged the massage table and covered the table with a sheet. She brought out the massage oils and laid them next to the massage bed. Sarah, then left the room and informed Robson Jeff would be in, in a minute. Jeff entered the bedroom wearing only a towel. He removed the towel and laid nude on the massage table. He laid on the table onto his stomach and picked a massage oil for Robson to rub on him. During the massage, Robson stated "He tried to touch me and I stopped him." I asked how he tried to touch her. Robson stated that Epstein grabbed her buttocks and she felt uncomfortable. Robson told Epstein, I'll massage you but I don't want to be touched. Robson stated she performed the massage naked. At the conclusion of the massage, Epstein paid Robson \$200.

After the massage Epstein stated to Robson that he understood she was not comfortable, but he would pay her if she brought over some girls. He told her the younger the better. Robson stated she once tried to bring a 23 year old female and Epstein stated that the female was too old. Robson stated that in total she only remembers six girls that she brought to see Epstein, each time she was paid \$200. Robson stated she had brought the following girls: [REDACTED], [REDACTED], [REDACTED], [REDACTED] (a 16 year old female), [REDACTED] (a 16 year old female) and [REDACTED]. Robson said that at the time she brought these girls to Epstein's house they were all 14 through 16 years of age. I asked Robson which one was the youngest. Robson advised [REDACTED] was the youngest as she was fourteen when the massage occurred. Robson stated every girl she brought knew what to expect when they arrived. They were told they would provide a massage, possibly naked, and allow some touching. I asked her if [REDACTED] was aware. She stated every girl she brought knew what to expect. She explained she knew that [REDACTED] wanted to make money. She approached [REDACTED] and explained about going to work for Jeff, [REDACTED] agreed and arrangements were made to bring her to Epstein's house on a weekend. Robson stated that she and [REDACTED] (Later identified as [REDACTED]) picked up [REDACTED] at her house. Robson stated that at that time she was driving a red pickup truck. They traveled to Epstein's house and entered through the kitchen door. They met with the house chef and Epstein's assistant Sarah. [REDACTED] was introduced to Epstein while they were in the kitchen area. Sarah led [REDACTED] upstairs and Epstein went upstairs. When the massage was over [REDACTED] returned to the kitchen area. Robson stated she was paid \$200.00 for bringing [REDACTED] to Epstein's house. Robson stated [REDACTED] told her she was paid \$300.00 for the massage.

Robson stated that [REDACTED] was the last person she brought to Epstein's house. She had changed her cellular number to avoid being contacted by Sarah. She continued stating that she had no direct contact with Epstein

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when he was going to travel to Palm Beach. Robson said when Epstein announces to his assistant, Sarah, that he is traveling to Palm Beach, Sarah would then contact Robson to arrange girls to "work" for Epstein. Robson stated that once her parents discovered that she was visiting Epstein, they disapproved of the encounters with him and she stopped. Robson further stated that Sarah still tries to call Robson's house and leaves messages.

Sgt Frick entered the room and explained to Robson that based on her own statements, she had implicated herself by bringing underage girls to Epstein's house. Robson provided cellular telephone numbers for the girls she had mentioned previously. Additionally, she also provided possible addresses and areas in which they lived.

As Robson was being taken home in the vehicle, a tape recorder was placed within the vehicle to record any conversations within the vehicle. During the drive back to her home, Robson made the comment "I'm like a Heidi Fleiss." (Hollywood Madam who sent girls to clients for sexual favors in California). Robson was dropped off at her house without incident.

On October 3, 2005, Sgt Frick and I went to speak with [REDACTED], a sixteen year-old female who was brought to Epstein's residence by Haley Robson. We met with [REDACTED] mother at their front door. We explained the ongoing investigation and asked to speak with [REDACTED] as we had information that she had "worked" for Jeff. Mrs. [REDACTED] introduced us to her husband and allowed us entry into the home. We sat in the dining room and met with [REDACTED], Date of Birth [REDACTED]. As she was under the age of eighteen, Mrs. [REDACTED] was advised we would be speaking with her. She expressed if her daughter had information, she wanted to assist. We interviewed [REDACTED], who denied having any inappropriate encounters with Jeff (Epstein). She stated she had gone to Jeff's house with Haley Robson approximately eight months ago and sat in the kitchen with the house chef, but nothing happened. As the parents were present during the interview, we felt that [REDACTED] was withholding information from us. She made several comments as to putting the entire incident behind her. I left my telephone number and advised should she wish to speak with me again to telephone me. Sgt Frick and I thanked Mrs. [REDACTED] for her time and left the area. She stated she would ask [REDACTED] again after we left as to what happened at Epstein's house. I informed her that [REDACTED] had my telephone number and hopefully she would call.

On October 4, 2005, Det Dawson and I drove to the [REDACTED] home and met with [REDACTED] and [REDACTED], dob [REDACTED]. During a sworn taped statement, [REDACTED] stated approximately a year ago when she was seventeen years old, she was taken to a house by Haley Robson. [REDACTED] stated she knows Robson because they both attend [REDACTED]. She was told she could make money working

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for Jeff. She was told she would have to provide a massage to Jeff. [REDACTED] stated upon her arrival to the house she was brought to the kitchen area by Robson. They met with the house chef who was already in the kitchen area. [REDACTED] stated Haley Robson would wait for her in the kitchen. [REDACTED] was introduced to Sarah, Jeff's assistant, who brought her upstairs to the master bedroom. Sarah prepared the room and massage table for a massage. Epstein entered the room wearing only a towel and she provided a massage. [REDACTED] stated she kept her clothes on during the massage. She advised sometime during the massage, Epstein grabbed her buttocks and pulled her close to him. [REDACTED] said she was uncomfortable by the incident involving Jeff. At the conclusion of the massage, she was paid \$200.00 for the massage. I asked [REDACTED] if she has any formal training in massages to which she replied no. I asked her if Robson received any monies for taking her to perform the massage. [REDACTED] stated Robson had received money for taking her there but was unsure in the amount. [REDACTED] stated she returned to Epstein's house on another occasion with Robson and another girl, [REDACTED]. [REDACTED] stated she waited in the kitchen with Robson, while [REDACTED] was taken upstairs by Sarah. [REDACTED] stated she only did the massage once as she was uncomfortable with the whole experience.

At the conclusion of the interview, the tape was stopped. I was informed that Sarah had attempted to reach [REDACTED] via cell phone. A voice mail message on October 4, 2005 at 10:59 am, revealed a female voice who identified herself as Sarah who requested [REDACTED] to call her back reference the police questioning. [REDACTED] provided the incoming telephone number as 917-855-3363. [REDACTED] stated she inadvertently told [REDACTED] about the police investigation because [REDACTED] had called her to tell her about how she just received a rental car from Jeff Epstein. [REDACTED] had called her to tell her that she was given a rental car, a 2005 Silver Nissan Sentra, to utilize to visit family and visit Epstein. [REDACTED] asked her what was going on at the house that the police would be asking questions. [REDACTED] stated [REDACTED] then called Jeff and Sarah and asked what was going on reference the ongoing police investigation. According to [REDACTED] Sarah has since then been trying to contact her to ask about the police questions. I instructed [REDACTED] not to contact Sarah and do not provide any more information to [REDACTED] as she would notify Jeff Epstein and Sarah what was transpiring.

On October 4, 2005, I made telephone contact with [REDACTED] who had left several messages for me to contact her. During the message, she advised she was not completely truthful when we met in person but would like to speak with me to advise what had happened. She further advised she did not want to speak of this incident in front of her mother. At approximately 3:48 pm I made telephone contact with [REDACTED]. During a taped recorded statement [REDACTED] stated the following: approximately a year ago, when she was sixteen years of age, Robson took her to Epstein's house twice. She knows Robson because they both attend [REDACTED]. The first time she went, Haley Robson drove to the house. They entered through the kitchen area where she was

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introduced to Sarah and Epstein. She was taken upstairs to a bedroom by Sarah who set the room up with a massage bed and brought out the oils to use. Epstein then entered the room wearing a towel. He laid on the table and picked out a lotion for [REDACTED] to rub on him. At one point during the massage he tried to remove her shirt, at which point she became very upset and discontinued the massage. Both [REDACTED] and Epstein had a verbal disagreement, at which time she left without being paid. She got with Haley Robson who was sitting in the kitchen and told her "let's go." [REDACTED] advised she received no money for that day. [REDACTED] also said that Haley Robson had told her if she was uncomfortable with what was going on, to let him know and he'll stop. She knew that the more you do the more you get paid. [REDACTED] advised that several weeks later she agreed to be taken a second time by Haley Robson. Once they arrived at the residence, Haley Robson sat in the kitchen and Sarah took her upstairs to the master bedroom again. Sarah set the room up with a massage bed and brought out the oils to use. Epstein then entered the room wearing a towel. He laid on the table and picked out a lotion for [REDACTED] to rub on him. At one point during the massage he tried to touch her buttocks. As [REDACTED] was wearing tight jeans and had a tight belt on Epstein was unable to touch her buttocks. Epstein then rolled onto his back during the massage and then attempted to touch her breasts. [REDACTED] then became upset again and told Epstein she didn't want to be touched. [REDACTED] discontinued the massage and was paid \$200.00. [REDACTED] then went downstairs where Haley Robson was waiting for her. She told Robson she wanted to leave. [REDACTED] said she never returned to the house. [REDACTED] stated she is aware that her friend, [REDACTED] was also at the house and had a problem with Epstein.

I later researched [REDACTED] dob [REDACTED] and met with her at her residence. During a sworn taped statement, [REDACTED] stated the following: on or about November 2004, she was approached at [REDACTED] by Haley Robson, a fellow student. Robson asked [REDACTED] if she wanted to make money. She agreed and was told she would provide a massage to wealthy man in Palm Beach. Robson picked her up and drove her to a house in Palm Beach. She was brought into the kitchen area of the house. She further stated that fellow [REDACTED] students [REDACTED] and [REDACTED] came with them. They were brought into the kitchen where she was introduced to Epstein and other females. [REDACTED] stated she was introduced to a female helper of Epstein, the female was described as white female (unknown name), with blond hair. She stated that the assistant was familiar with Robson. The assistant brought her upstairs into a master bedroom area. The assistant set up the massage table and put out lotions to be used. She told [REDACTED] Epstein would be available in a minute. Epstein entered the room wearing only a towel. Epstein removed his towel, and laid naked on the massage table and picked a lotion to rub on his thighs and back. [REDACTED] further stated during the massage, Epstein asked her to remove her clothes. She complied and removed her pants and blouse. [REDACTED] didn't remember if she had removed her bra but feels that she did. [REDACTED] was certain that she stayed in her thong underwear. [REDACTED] continued the massage and at one point she climbed onto the massage

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table, straddling Epstein to massage his back. While doing this her buttocks were touching Epsteins. [REDACTED] was instructed to return to the ground at which time Epstein turned to have his chest rubbed. [REDACTED] advised she was sure he was masturbating based on his hand movements going up and down on his penis area. [REDACTED] did not want to look at his penis area because she was uncomfortable. Epstein removed a large white vibrator which was next to the massage table and turned it on. [REDACTED] stated Epstein began rubbing the vibrator over her thong underwear on her vaginal area. Shortly thereafter, Epstein ejaculated and removed himself from the table. He walked over to where the shower was and opened the glass door. She waited as he was taking a shower in her direct view. When I asked [REDACTED] how old she was when this occurred, she stated she had just turned seventeen. At the conclusion of the shower, [REDACTED] was paid either \$350.00 or \$400.00. She stated she wasn't sure, but knows it was close to \$400.00. [REDACTED] stated she never returned to provide a massage for Epstein.

At approximately 2:10 pm, Det Dawson and I met with [REDACTED], dob [REDACTED], at her residence. As [REDACTED] was only seventeen years of age, I had notified her mother, that she would be interviewed reference an ongoing investigation in Palm Beach. I assured her that her daughter was not a suspect. I explained the possibility of her being either a witness or victim. Mrs [REDACTED] advised she wanted [REDACTED] to cooperate and consented to the interview.

During a sworn taped statement, [REDACTED] stated the following: at the age of sixteen, during the month of September 2004, she was approached by Haley Robson for a chance to make money. [REDACTED] was friends with associates of Robson and knew the same people. [REDACTED] had been previously told by her friends from [REDACTED] what Robson did for Epstein. Robson called a person known to [REDACTED] as Sarah and scheduled the appointment. Robson picked [REDACTED] up and drove her to Palm Beach to a street called "Brillo Way". They drove to the end of the street and entered a large driveway. They entered the kitchen area of the house and met with Epstein. [REDACTED] was introduced to Jeff Epstein. Robson led [REDACTED] upstairs to the main bedroom area and set up the room with a massage table and set out the oils. [REDACTED] stated that while going up the stairs and into the bedroom she observed numerous photographs of naked young girls. Robson dimmed the lights and turned on soft music. Robson exited the room and Epstein entered the room wearing only a towel. Epstein picked oils and instructed her to rub his legs, under his buttocks, back and chest area. Epstein asked her to get comfortable. [REDACTED] advised she did not remove her clothes. She was wearing tight jeans and a cropped tank top exposing her belly area. During the massage, Epstein removed his towel and laid on the massage table naked. As [REDACTED] rubbed Epstein's chest area, he attempted to reach down her pants to touch her buttocks area however was unable to due so due to the tightness of the jeans and a tight belt. [REDACTED] advised Epstein began to masturbate as she rubbed his chest. Epstein moaned as she rubbed his chest. She observed he was continuing to masturbate and

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attempted to reach up her tank top and touch her breasts. [REDACTED] pulled back and Epstein stopped, however he kept masturbating until he climaxed. He cleaned himself with the towel he was previously wearing. [REDACTED] was paid \$200.00 for the massage and left the area. She met with Robson who was waiting in the kitchen area and left the house.

[REDACTED] then explained she never provided another massage for Epstein. She did however, go to the house with Robson and [REDACTED] as they took another friend of Robson's. [REDACTED] advised she was present when [REDACTED] went to work for Epstein. She advised she rode over and sat in the kitchen area with Robson to wait for [REDACTED] [REDACTED] advised while they waited for [REDACTED] the house chef prepared lunch for them as it was almost lunchtime when they went. When [REDACTED] was finished with the massage they left the area. I asked [REDACTED] if Robson ever told her what would be expected when she provided a massage. [REDACTED] stated yes, Robson told her that a massage would be expected, possibly naked and possibly some touching involved. [REDACTED] has no formal training in providing massages. [REDACTED] spoke about a third and last time she went to Epstein's house. Robson drove another girl, [REDACTED] (sixteen years of age) who is [REDACTED] friend, to Epstein's house. [REDACTED] stated [REDACTED] knew that [REDACTED] had made money massaging Epstein and wanted to make money herself. Robson took them in the kitchen area of the house and introduced [REDACTED] to Sarah. Robson and Sarah took [REDACTED] upstairs to the main bedroom. [REDACTED] advised she doesn't know what happened as [REDACTED] did not speak about what happened in the room. [REDACTED] received \$100.00 from Robson for going with her to Epstein's house and recommending [REDACTED]

On October 6, 2005, at 11:45 am, I met with [REDACTED] dob [REDACTED], at [REDACTED] and explained to her why we there to interview her. She advised she was aware of the ongoing investigation. [REDACTED] stated she had previously spoken with [REDACTED] who told her she was interviewed by detectives. During a sworn taped statement, [REDACTED] stated she knew that Haley Robson worked for Jeff Epstein in Palm Beach. [REDACTED] advised she originally had been taken to the Epstein house by Haley Robson, whom she met when they both attended [REDACTED]. She began going to the house when she was sixteen years of age and stated she had been there a lot of times to provide massages over the past two years. I asked her if she had formal training in providing massages, which [REDACTED] stated she had not. [REDACTED] advised she was told what was expected of her by providing massages and she would have to remove clothing but if she felt uncomfortable just to say so and Epstein would stop pushing the issue. [REDACTED] began providing massages and advised she kept her clothes on. She considered Epstein a pervert and he kept pushing to go further and further. [REDACTED] explained she would keep telling him she had a boyfriend and would not be right to her boyfriend. It wasn't until recently that [REDACTED] began removing her clothes and staying in her thong underwear to provide a massage. [REDACTED] explained

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Epstein wanted to be rubbed on his back and recently he began turning over and have her rub his chest as he masturbated. He would try to touch her breasts as she rubbed his chest. [REDACTED] stated "Jeff would try to get away with more and more on each massage". [REDACTED] stated Epstein would try to touch her more and on one occasion he attempted to use a massager/vibrator on her. Robson drove [REDACTED] to the house for the original massage. [REDACTED] left Sarah her cell phone number and every time Epstein would come into town, Sarah would call her for an appointment to "work". Each time she went, Sarah would meet her at the kitchen door area. She would bring her upstairs and prepare the massage table. [REDACTED] advised Epstein would ask her questions about herself. Epstein knew she was a soccer player and would be attending [REDACTED]. I asked [REDACTED] if Epstein knew her real age. [REDACTED] stated Epstein did and didn't care. The most recent massage she provided was on October 1, 2005. During the massage, she asked Epstein if she could borrow one of his vehicles to visit her family and boyfriend in Orlando, Florida. Epstein had told her she could borrow one of his vehicles but later stated he would rent her a car. She continued with the massage as Epstein grabbed her buttocks and caressed the buttocks cheeks. I asked [REDACTED] if she was wearing undergarments to which she replied her thong underwear. Once he tried to touch her breasts, she would pull away from him and he would stop. [REDACTED] was asked if he ever used a vibrator on her. [REDACTED] was aware of the vibrator but advised she never would allow him to use the vibrator on her. She described the vibrator as the large white vibrator with a huge head on the tip of the vibrator. She stated he kept the vibrator in a closet near the massage table.

[REDACTED] stated that on October 3, 2005, she was contacted by Epstein's assistant, Sarah, who informed her that Jeff Epstein had rented her a new Nissan Sentra and she should come by the house to pick it up. Sarah informed [REDACTED] she would have the car for a month. [REDACTED] stated Epstein knew her car was not working properly and that she had missed appointments in the past because of her car being inoperable. [REDACTED] explained the car is currently parked next to the [REDACTED] Gym field. I asked her if she ever took any one to the house. [REDACTED] explained she took [REDACTED], a friend of hers who attended [REDACTED], who has relocated to Orlando to attend college. I asked if she ever allowed another female in the room. [REDACTED] advised no one was brought into the room with her.

At the conclusion of the interview, Det Dawson and I went to the gym area of [REDACTED] and located the Silver Nissan Sentra bearing Florida tag X98-APM. The vehicle is registered to Dollar Rent a Car out of the Palm Beach International Airport. The vehicle was rented by Janusz Banasiack, later learned to be Epstein's houseman, and paid with Epstein's credit card.

On September 11, 2005, w/f [REDACTED], dob [REDACTED], was arrested by the Palm Beach Police Department

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before me this 1st day of May, 2006 by
Det Joe Recarey, who is personally known to me.



Signature of Police Officer (F.S.S. 117.10)

State of Florida
County of Palm Beach



Signature/Arresting Officer

Date: 05/01/2006

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for misdemeanor possession of marijuana. During the arrest [REDACTED] told the arresting officer that she had information about sexual activity taking place at the residence of Jeffrey Epstein. Additionally, during the ongoing trash pulls from Epstein's residence, discarded papers were found which contained [REDACTED] name and cell phone number.

On October, 11, 2005, Det Dawson and I met with [REDACTED] and obtained a sworn taped statement. [REDACTED] explained she had been going to Epstein's house since 2002, when she was sixteen years of age. Since then she has gone to the house hundreds of times. [REDACTED] stated she became his "number one girl." She explained that on her first visit she was brought to the house by fellow [REDACTED] classmate, [REDACTED]. [REDACTED] said she was brought through the kitchen area where she met Sarah Kellen. for the first time. [REDACTED] was led to the master bedroom, Epstein's room. [REDACTED] explained that as she was walking up the stairs she observed several photographs of naked women along the walls and tables of the house. [REDACTED] further explained that she was brought into the bedroom, where Sarah prepared the room by setting up the massage table and provided the oils for her to rub on Epstein. [REDACTED] explained she remembered the steam room area, which contained two large showers. Epstein entered the room from the steam room area and introduced himself. Epstein lay on the table and told her to get comfortable. [REDACTED] removed her skirt and kept her shirt on. Epstein then instructed her to remove her shirt. [REDACTED] removed her shirt and remembered she was not wearing a bra. [REDACTED] stated she provided the massage wearing only her panties. She continued rubbing his legs, thighs and feet. [REDACTED] advised he turned over onto his back. Epstein touched her breasts and began to masturbate. Epstein ejaculated which meant the massage was over. At the conclusion of the massage, [REDACTED] was paid \$200.00. They walked together downstairs where Sarah Kellen and [REDACTED] were waiting. [REDACTED] stated [REDACTED] received an unknown amount of money for taking her to Epstein. Epstein instructed to leave her cellular telephone number so that he could contact her when he is in town.

[REDACTED] stated that during her many visits a routine was established between her and Epstein. She would enter the house and get naked in the bedroom. She would then start with a back massage. Epstein would roll on to his back and allow her to massage his chest area. [REDACTED] stated Epstein would then began to masturbate himself and at the same time would insert his fingers in her vagina and masturbate her with his fingers. [REDACTED] explained Epstein would continue this process until he ejaculated. He would then utilize a vibrator/massager on her vagina until [REDACTED] climaxed. [REDACTED] advised that during her frequent visits, Epstein asked for her real age, [REDACTED] stated she was sixteen. Epstein advised her not to tell anyone her real age. [REDACTED] advised that things escalated within the home as Epstein would instruct and pay [REDACTED] to have intercourse with his female friend, Nada Marcinkova. [REDACTED] explained the intercourse included using strap on dildos, large rubber penis' and other devices that Epstein had at his disposal. Epstein would watch them have intercourse and masturbate himself. Occasionally, Epstein would then join in

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during the female on female intercourse and provide oral sex to both [REDACTED] and Marcinkova. This occurred during the time [REDACTED] was sixteen years of age.

[REDACTED] advised this continued to escalate during two years. The routine became familiar to [REDACTED] Epstein's assistant Sarah would telephone her every time Epstein was in the Town of Palm Beach and would place appointments for her to visit and work for Epstein. Each time something new was introduced, additional monies were produced and offered for [REDACTED] to allow the acts to happen. [REDACTED] consented to perform all these acts but was adamant that there was an understanding with Epstein that no vaginal penetration would occur with his penis. [REDACTED] explained that Epstein's penis was deformed. [REDACTED] explained that his penis was oval shaped. [REDACTED] claimed when Epstein's penis was erect, it was thick toward the bottom but was thin and small toward the head portion. [REDACTED] called Epstein's penis "egg-shaped." [REDACTED] stated Epstein would photograph Marcinkova and her naked and having sex and proudly display the photographs within the home. [REDACTED] stated during one visit to Epstein's house in which she provided a massage to Epstein, his female friend, Nada Marcinkova, was also present. [REDACTED] provided the massage in which Marcinkova and her would fondle each others breasts and kiss for Epstein to enjoy. Towards the end of this massage, Epstein grabbed [REDACTED] and turned her over onto her stomach on the massage table and forcibly inserted his penis into her vagina. [REDACTED] stated Epstein began to pump his penis in her vagina. [REDACTED] became upset over this. She said her head was being held against the table forcibly, as he continued to pump inside her. She screamed "No!" and Epstein stopped. She told him that she did not want to have his penis inside of her. Epstein did not ejaculate inside of her and apologized for his actions and subsequently paid her a thousand dollars for that visit. [REDACTED] stated she knows he still displays her photographs through out the house.

On October 12, 2005, Det Dawson and I met with [REDACTED], dob [REDACTED], who stated during a sworn taped statement, that nothing happened between her and Epstein. [REDACTED] appeared nervous during the interview. I assured her that I have spoken with other people who advised differently. [REDACTED] stated on several occasions she provided a massage to Epstein. She stated she was brought to the Epstein house in March of 2005. [REDACTED], a classmate at [REDACTED], approached her and asked her if she wanted to "work". [REDACTED] made the arrangements with Sarah, Epstein's assistant. [REDACTED] who has no formal training in providing massages, stated she provided a massage, fully clothed for \$200.00. As I sensed hesitancy in her answers, I asked [REDACTED] if she had been contacted by anyone from Epstein's organizations or his house. [REDACTED] stated she was interviewed already by a private investigator for Epstein. He identified himself as "Paul" and inquired about the police investigation, and left his telephone number 305-710-5165 for additional contact. [REDACTED] provided no additional information, as it appeared her responses were almost scripted.

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On November 6, 2005, at approximately 3:30 pm, I met with [REDACTED] dob [REDACTED], at the Palm Beach Police Department. [REDACTED] was identified as a potential witness/victim through information obtained during the trash pulls. During the sworn taped statement, [REDACTED] advised she was at Jeffrey Epstein's house one time, approximately two months ago. She was approached by a girl, [REDACTED], who was dating [REDACTED] roommate, for an opportunity to make some quick money. [REDACTED] advised she needed to make some quick cash to make the rent that month. She agreed to go to the house. She had been told by [REDACTED] that the massage would have to be done in her underwear. She advised [REDACTED] drove with her and brought her into the house. They walked into the kitchen area, and took the stairs upstairs. [REDACTED] further stated she was brought into a master bedroom area. She advised she recalled seeing portraits of naked women throughout the room. A massage table was already out near the sauna/shower area in the master bedroom. Epstein entered the room wearing only a towel and introduced himself as "Jeff." At Epstein's direction, [REDACTED] and [REDACTED] removed their clothing down to their panties, Epstein laid on his stomach area and they provided a massage on his legs and feet area. I asked [REDACTED] if she had any formal massage training and she replied "no." [REDACTED] advised she was topless and the panties she wore were the boy shorts lace panties. She and [REDACTED] continued the massage until the last ten minutes of the massage, Epstein, told [REDACTED] to leave the room so that [REDACTED] could finish the massage. [REDACTED] got dressed, and left the room as Epstein turned over onto his back. Epstein then removed the towel and laid naked. Epstein requested that [REDACTED] rub his chest area. [REDACTED] stated as she did this, Epstein, began masturbating. [REDACTED] stated Epstein pulled down her boy short panties, and he produced a large white vibrator with a large head. She stated it was within his reach in a drawer in his master bathroom. He rubbed the vibrator on her vaginal area. [REDACTED] advised he never penetrated her vagina with the vibrator. He continued to rub her vagina with the vibrator as he continued to masturbate. [REDACTED] stated she was very uncomfortable during the incident but knew it was almost over. Epstein climaxed and started to remove himself from the table. He wiped himself with the towel he had on previously and went into the shower area. [REDACTED] got dressed and met with [REDACTED] in the kitchen area. Epstein came into the kitchen and provided [REDACTED] \$200.00 for bringing [REDACTED] and paid \$200.00 to [REDACTED] for providing the massage. [REDACTED] was told to leave her telephone number with Sarah for future contact. [REDACTED] provided her cellular telephone number. [REDACTED] was asked if she was recently contacted about this investigation by anyone from the Epstein organization. She replied she was called but it was for work. She stated she was called by Sarah for her to return to "work" for Epstein. [REDACTED] stated "work" is the term used by Sarah to provide the massages and other things. [REDACTED] advised she declined as she was not comfortable in providing that type of "work."

On November 7, 2005, Det Sandman and I met with [REDACTED] dob [REDACTED]. During a sworn taped statement, [REDACTED] stated she met Jeffrey Epstein through Haley Robson when they were still

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attending [REDACTED] Robson would approach females who wished to work for Epstein. [REDACTED] stated she was offered to work for Epstein but declined. [REDACTED] explained that "work" means give massages. She was asked about any formal training in providing massages which she said "no." [REDACTED] said she accompanied Robson and other females who were taken to Epstein's house to provide massages. [REDACTED] further stated she had been to the house approximately 4 or 5 times in the past year. She accompanied Robson with [REDACTED], [REDACTED], and [REDACTED]. Each time the girls were taken over, they were previously told they would have to provide a massage, possibly naked. They were also told that should Epstein require them to do anything extra, and they were not comfortable just to tell him and he would stop. [REDACTED] stated Robson received \$200.00 for each girl she brought over to massage Jeffrey Epstein. When I asked which girl appeared to be the youngest, she replied, [REDACTED] who was really young, fifteen years old at the most. [REDACTED] further stated each time she went to the house, she sat in the kitchen and waited with Robson until the massage was over. She further stated that the cook would make lunch or a snack for them as they waited. I asked her if there was anything that caught her attention within the home. [REDACTED] stated there were a lot of naked girls in photographs throughout the house.

On November 8, 2005, at approximately 2:00pm, I met with [REDACTED], dob [REDACTED] at the Palm Beach Police Department. During a sworn taped statement, [REDACTED] stated she had met Epstein approximately two years ago when she was first approached by Haley Robson, a classmate at [REDACTED]. Robson approached her about working for Epstein and providing a massage to him for \$200.00. Robson had made the arrangements however was unable to take her the day the arrangements were made. Robson had [REDACTED] take [REDACTED]. [REDACTED] also attended [REDACTED] and was familiar with Epstein. [REDACTED] recalled she was brought there and entered through the back kitchen door. She had met with an assistant Sarah and another assistant Adrianna. Sarah brought her upstairs as she observed several photographs of naked females throughout the house. [REDACTED] stated Epstein came in the room, wearing only a towel, and laid on the table. [REDACTED] stated he picked out the oils he wanted her to use and requested she remove her clothing to provide the massage. [REDACTED] stated that on the first massage she provided she did not remove her clothing. [REDACTED] stated she had returned several times after that. Each time she returned it was more than a massage. Epstein would walk into the master bedroom/bathroom area wearing only a towel. He would masturbate as she provided a massage. [REDACTED] stated she was unsure if he climaxed as he masturbated under the towel. Additionally, she never looked below his waist. She claimed that Epstein would convince her to remove her clothes. She eventually removed her clothes and stayed in her thong panties. On occasion, Epstein would use a massager/vibrator, which she described as white in color and a large head. Epstein would rub the vibrator/massager on her vaginal area as he would masturbate. [REDACTED] stated she had been to the house

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numerous times. [REDACTED] added she has no formal training in providing a massage. [REDACTED] stated she brought two females during her visits to provide massages. [REDACTED] stated she brought a girl named [REDACTED] and [REDACTED] from [REDACTED]. [REDACTED] stated she received \$200.00 for each girl she brought.

On November 8, 2005, I met with [REDACTED] W/F, [REDACTED] at the Palm Beach Police Department. During a sworn taped statement, [REDACTED] stated she had met Jeffrey Epstein approximately one year ago. She was approached by a subject known to her as [REDACTED] had asked her if she wanted to make money providing massages to Epstein. [REDACTED] had heard that several girls from [REDACTED] were doing this and making money. She agreed and was taken to the house by [REDACTED] had introduced her to Sarah and Epstein and brought her upstairs to a master bedroom where a massage table was prepared and the proper oils were selected. [REDACTED] left the room and waited downstairs for her. [REDACTED] stated Epstein entered the room wearing a towel and laid on his stomach. She provided a massage wearing only her thong panties. [REDACTED] advised Epstein had masturbated every time she provided a massage. She stated Epstein continued to masturbate until he climaxed. Once that occurred the massage was over. She felt the whole situation was weird but she advised she was paid \$200.00 for providing the massage. She also stated [REDACTED] was paid \$200.00 by Epstein for bringing [REDACTED]. [REDACTED] stated she had gone a total of 15 times to Epstein's residence to provide a massage and things had escalated from just providing a massage. Epstein began touching her on her buttocks and grabbed her closer to him as he masturbated. Epstein also grabbed her breasts and fondled her breasts with his hands as she provided the massage. [REDACTED] stated on one occasion, while she was only seventeen years of age, he offered extra monies to have vaginal intercourse. She stated this all occurred on the massage table. [REDACTED] stated Epstein penetrated her vagina with his penis and began having intercourse with her until he reached the point of climax. Epstein removed his penis from her vagina and climaxed onto the massage table. [REDACTED] received \$350.00 for her massage. I asked her if she had any formal training in providing massages, [REDACTED] stated she did not. [REDACTED] continued to state on one other occasion, Epstein introduced his girlfriend, Nadia, into the massage. Nadia was brought into room with [REDACTED] to provide a massage. Epstein had them kiss and fondle each other around the breasts and buttocks as they provided a massage to Epstein. Epstein, watched and masturbated as this occurred. On other occasions, Epstein, introduced the large white vibrator/massager in the massage. Epstein stroked the vibrator/massager on [REDACTED] vagina as she provided the massage.

On November 14, 2005, Det Sandman and I met with [REDACTED] dob [REDACTED]. During a sworn taped statement she advised she started going to the house approximately one year ago and has been there approximately five or six times. [REDACTED] also stated she was sixteen years old when she first went to Epstein's house. On her first visit she was brought by a fellow student from [REDACTED] known to her.

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as [REDACTED] Esposito stated [REDACTED] brought her into the house and she was introduced to Sarah. Sarah then brought her upstairs into a master bathroom, located within the bedroom. [REDACTED] stated she met Epstein in the bathroom. He laid on the table and picked the massage oils. She provided the massage as he laid naked on the massage bed. She stated she rubbed his calves and back area. Upon the end of the massage, Epstein removed himself from the massage table and paid her \$300.00 for the massage. [REDACTED] said each subsequent time she went to the house, she was notified by Sarah Kellen that Epstein was in town and would like her to "work". [REDACTED] stated she returned to the house and was again led upstairs by Sarah. She provided the massage, clothed. [REDACTED] was asked if she ever removed her clothing to provide a massage. [REDACTED] stated it was not until the third time that she went that she removed her clothing. [REDACTED] stated she was notified by Sarah that Epstein wanted her to come to work. She arrived at the house and was led upstairs by Sarah. She started providing the massage when Epstein asked her to remove her clothing. [REDACTED] removed her pants, shirt and bra. She stayed in her thong panties and continued rubbing Epstein. Epstein turned over onto his back and she rubbed his chest area. [REDACTED] stated she knew he was masturbating himself as she providing the massage. [REDACTED] stated she believed he climaxed based on his breathing. She did not want to view either the climax or the fact that he was masturbating. [REDACTED] stated once the breathing relaxed he got up and told her to get dressed. She was paid \$300.00 for her services. [REDACTED] stated on the last time she went to provide a massage, she was notified by Sarah Kellen to come to the house and "work". [REDACTED] stated she was now dating her current boyfriend and did not feel comfortable going. She recalled it was approximately January 2005. She said she went, already thinking that this would be the last time. She went upstairs and went into the master bathroom. She met with Epstein, who was wearing only a towel, and laid onto the table. [REDACTED] stated Epstein caught her looking at the clock on several occasions. Epstein asked her if she was in a hurry. [REDACTED] stated her boyfriend was in the car waiting for her. [REDACTED] further stated that Epstein got upset as he wasn't enjoying the massage. She told him that she didn't want to continue and she would not be back. Epstein told her to leave as she was ruining his massage. [REDACTED] advised she had no formal training in providing any massages. [REDACTED] stated although she had a falling out with Epstein, she still received a Christmas bonus from Epstein. [REDACTED] stated she was wired money from Western Union for her Christmas bonus. Subpoena results from Western Union revealed money was sent from Jeffrey Epstein on December 23, 2004. [REDACTED] received \$200.00 from Epstein for her Christmas bonus.

On November 15, 2005, Det. Sandman and I met with [REDACTED], dob [REDACTED]. During a sworn taped statement, [REDACTED] stated she met Jeffrey Epstein over a year ago. She was sixteen years of age and was approached by [REDACTED] a fellow [REDACTED] student, who informed her that she could make \$200.00 providing a massage to Epstein. [REDACTED] had informed her that she would have to provide this

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message topless. [REDACTED] made the arrangements with Epstein and his assistants and took [REDACTED] to the house. [REDACTED] stated [REDACTED] and she entered through a glass door that led into a kitchen. She was taken upstairs by [REDACTED], to a master bedroom. She recalled the master bathroom had a large pink couch, sauna and matching shower. Epstein entered into the room wearing only a towel. [REDACTED] and [REDACTED] removed their clothing remaining only in thong underwear. She further stated that Epstein laid on his chest on the table. The oils were selected on which ones to use. Both [REDACTED] and [REDACTED] provided the massage on his legs, back and feet. Forty minutes into the massage, Epstein turned over onto his back and requested [REDACTED] wait downstairs in the kitchen area for [REDACTED]. Epstein instructed [REDACTED] to finish the massage. As [REDACTED] got dressed, [REDACTED] starting rubbing Epstein's chest. [REDACTED] left the room, and Epstein began masturbating as [REDACTED] rubbed Epstein's chest. [REDACTED] stated Epstein continued masturbating until he climaxed on the towel he was wearing. When asked if he had removed the towel she stated he turned the towel around so that the opening would allow him to expose himself. After he cleaned himself off with the towel he instructed [REDACTED] the massage was done and to get dressed and meet with him downstairs. [REDACTED] got dressed and met with Epstein in the kitchen area. She was paid \$200.00 dollars for providing the massage. [REDACTED] stated she was aware that [REDACTED] also received monies for the same thing. The second time she went to the house she was again approached by [REDACTED]. [REDACTED] advised if she wanted to return to the house to provide another massage. [REDACTED] agreed and the arrangements were made by [REDACTED] for her to return to the house. [REDACTED] stated [REDACTED] drove her to the house and knocked on the same glass door which leads to the kitchen area. They were allowed entry into the house by one of the staff members. [REDACTED] led her upstairs to the master bedroom and master bathroom area. [REDACTED] left [REDACTED] his time to do the massage alone. Epstein entered the room again wearing only a towel. [REDACTED] began removing her clothing as she did the last time she was at the house. Epstein instructed her to get naked. He laid on the table onto his stomach as [REDACTED] began massaging his legs and back. As [REDACTED] finished with Epstein's back and legs, Epstein then turned over onto his back. [REDACTED] started to rub his chest and he began masturbating. As [REDACTED] rubbed his chest, Epstein leaned over and produced a massager/vibrator. He turned it on and began rubbing [REDACTED] vagina and masturbating himself at the same time. [REDACTED] stated she continued to rub his chest as this was occurring. She described the vibrator/massager as large grey with a large head. Epstein rubbed her vagina for approximately two to three minutes with the massager/vibrator. He then removed the vibrator from her vaginal area and concentrated on masturbating himself. [REDACTED] stated Epstein climaxed onto the towel again and informed her that the massage was done. [REDACTED] got dressed and met with [REDACTED] who was waiting in the kitchen area. She received \$200.00 for the massage. [REDACTED] said she never returned to the house and had no desire to return to the house. [REDACTED] was asked if she received any formal massage training. She advised she had no formal training. [REDACTED] was asked if Epstein knew her real age. [REDACTED] stated he knew, as he asked her questions about herself and high school. He was aware she attended, and is still attending [REDACTED].

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During the course of the investigation a search warrant was executed at Jeffrey Epstein's home located at 358 El Brillo Way in Palm Beach. While in the home I observed the pink and green couch within the master bedroom area just as the girls previously mentioned. The stairway, which is located from the kitchen area to the master bedroom area, is lined with photos of naked young girls. Additionally, numerous photographs of naked young females, some of which appeared to be the girls I previously interviewed, were on display throughout the house. Also located in the house were various phone message books. The telephone message books have a duplicate copy (Carbon Copy) which, once a phone message is written into the book, the top copy is then torn on the perforated edge and the carbon copy is left in the book. First names of girls, dates and telephone numbers were on the copy of the messages. I recognized various numbers and names of girls that had already been interviewed. The body of the messages were time of the day that they called for confirmation of "work." Other names and telephone numbers were located in which the body of the messages were, "I have girls for him" or "I have 2 girls for him." These messages were taken by Sarah Kellen, who signed the bottom of the messages. During the execution of the warrant, I located a [REDACTED] transcript for [REDACTED] in Epstein's bedroom desk. This desk had stationary marked Jeffrey E Epstein. I located a wood colored armoire beside Epstein's bed that contained a bottle of "Joy Jelly," which is used to provide a warm massage. Several massage tables were located throughout the second floor of the residence, including a massage table found in Epstein's bedroom. On the first floor of the residence I found two covert cameras hidden within clocks. One was located in the garage and the other located in the library area on a shelf behind Epstein's desk. A computer was located which was believed to contain the images from the covert cameras. The computer's hard drive was reviewed which showed several images of Haley Robson and other witnesses that have been interviewed. All of these images appeared to come from the camera positioned behind Epstein's desk.

On December 13, 2005, Det. Dawson and I met with [REDACTED] dob [REDACTED]. During a sworn taped statement, [REDACTED] stated that when she was sixteen years old she was taken to Epstein's house to provide a massage for money. [REDACTED] stated it was before Christmas last year (2004) when an associate, [REDACTED] approached her and asked if she needed to make money for Christmas. [REDACTED] made arrangements to take [REDACTED] to the house and drove [REDACTED] to the house to "work." They were encountered by a white female with long blond hair. [REDACTED] was unable to remember the name of the white female with blond hair but knew she was Epstein's assistant. She was led upstairs by the white female who explained that there would be lotions out already and Epstein would choose the lotion he wanted her to use. She was led through a spiral staircase which led to a master bedroom and bathroom. The massage table was already set up in the bathroom. [REDACTED] described the bathroom as a large spacious bathroom with a steam room and shower beside it. [REDACTED] was introduced to Epstein who was on the phone when she entered the room. Epstein was wearing a white towel and laid on his stomach so that [REDACTED] may

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Agency ORI# FLO 500600

massage his feet and calves. [REDACTED] started the massage with the oils Epstein chose and rubbed his feet and calves. Epstein got off the phone and requested she massage his back as well. [REDACTED] began rubbing his back and got to the small of his back. During the rubbing of his back, Epstein asked her to get comfortable. He requested she remove her pants and shirt. [REDACTED] removed her shirt and pulled her pants off. [REDACTED] stayed in her bra and thong panties. As she finished massaging the small of Epstein's back, he then turned onto his back. Epstein instructed [REDACTED] to rub his chest and pinch his nipples. As she began to rub his chest, Epstein asked her questions about herself. [REDACTED] remembered telling him she attended [REDACTED]. Epstein asked her if she was sexually active. Before [REDACTED] could answer, he also asked what sexual position does she enjoy. [REDACTED] stated she was shy and didn't like talking about those things. She continued rubbing his chest. Epstein reached up and unsnapped her bra from the front. [REDACTED] explained the bra she used had a front snapping device. Epstein rubbed her breasts and asked her if she like having her breasts rubbed. [REDACTED] said "no, I don't like that." Epstein then removed his towel and laid on the bed naked exposing his penis to [REDACTED]. He began touching his penis and masturbated as he touched her breasts. [REDACTED] explained Epstein then touched her vaginal area by rubbing her vagina with his fingers on the outside of her thong panties. [REDACTED] tensed up and stated Epstein was aware that she was uncomfortable. [REDACTED] stated that Epstein said to her, "Relax, I'm not going inside." She further explained Epstein commented to her how beautiful and sexy she was. Epstein then moved her thong panties to one side and began stroking her clitoris. [REDACTED] said, "He commented how hard my clit was." He then inserted two fingers in her vagina and was stroking her within her vagina. She tried pulling back to pull out his fingers from within her vagina. Epstein removed his fingers from within her vagina and apologized for putting his fingers inside her. During this time, he kept his hand on her vaginal area and continued to rub her vagina. [REDACTED] stated he rubbed her really hard as he was masturbating. [REDACTED] said he climaxed onto the towel he had been previously wearing and got up from the table. Epstein told her there was \$200.00 dollars for her on the dresser within the master bathroom. Epstein also told her that there was an additional \$100.00 that was to be given to [REDACTED] for bringing her there to massage him. Epstein told her to leave her telephone number with his assistant as he wanted to see her again. Epstein stated his assistant would contact her to work again soon. I asked her if she ever received any formal massage training to which [REDACTED] stated she did not. [REDACTED] stated it was the only time she ever went to work for Jeff and knew what happened to her was wrong. She further stated that she had never been contacted for any additional work.

On January 9, 2006, I located and interviewed another victim, [REDACTED] dob [REDACTED] [REDACTED] was identified as a potential victim/witness from information obtained during trash pulls from Epstein's residence. [REDACTED] stated she met Epstein when she was fifteen years of age. She was approached by a friend from [REDACTED] [REDACTED], to be taken to Jeffrey Epstein's house to work. She was originally told she would be able

The foregoing instrument was sworn to or affirmed
before me this 1st day of May, 2006 by
Det Joe Recarey, who is personally known to me.



Signature of Police Officer (F.S.S. 117.10)

State of Florida
County of Palm Beach



Signature/Arresting Officer

Date: 05/01/2006

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

to model lingerie for a wealthy Palm Beacher. [REDACTED] was taken to Epstein's house located on El Brillo Way. [REDACTED] introduced [REDACTED] to Jeffrey Epstein. Epstein had his personal chef prepare dinner for [REDACTED] and [REDACTED]. At the conclusion of dinner, [REDACTED] and Epstein brought [REDACTED] upstairs into a master bedroom area. [REDACTED] observed a large massage table with a sheet on it. Epstein entered through a door and exited wearing only a towel. [REDACTED] informed [REDACTED] that they were going to provide a massage on Epstein. [REDACTED] asked why were they doing this instead of modeling lingerie. [REDACTED] explained to [REDACTED] that this was his routine and to rub his calves and feet. Epstein had told [REDACTED] to get comfortable. [REDACTED] removed her pants and blouse. [REDACTED] stated she stayed only in panties as she did not wear a bra that evening. [REDACTED] stated while rubbing his calves and feet, Epstein turned over onto his back. Epstein told [REDACTED] to rub his chest and rub his nipples. [REDACTED] stated that as she started rubbing his chest, Epstein began masturbating himself. Epstein touched her breasts and stroked her vagina with his fingers. Epstein continued to masturbate himself as he stroked her vagina. Epstein ejaculated on his towel and paid [REDACTED] \$200.00 for the massage. Epstein told [REDACTED] that if she told anyone what happened at his house that bad things could happen. [REDACTED] and [REDACTED] were brought home by Epstein's houseman and [REDACTED] was afraid that Epstein knew where she lived. [REDACTED] stated that several days later she received a telephone call from Sarah Kellen who coordinated for [REDACTED] to return to "work." [REDACTED] returned to the house and was brought to Epstein's bedroom area by Sarah who prepared the room for the massage. Epstein entered the room wearing only a towel. Epstein had [REDACTED] remove her clothing and provide the massage naked. [REDACTED] began rubbing his feet and calves and Epstein turned over onto his back. Epstein rubbed her vagina with his fingers. Epstein began to masturbate himself with an upwards and downward motion on his penis. Epstein continued to touch her vagina with one hand and masturbate with the other hand. Once Epstein ejaculated onto the towel he was wearing, the massage was over. [REDACTED] was paid \$200.00 for the massage. Epstein again told [REDACTED] not to speak of what happened at his house or bad things would happen. [REDACTED] wanted to notify authorities however she was afraid of what would happen to either her or her family.

During the course of the investigation, several subjects were identified as a potential witness/victim through information obtained during the trash pulls, physical surveillance and telephone message books retrieved from the search warrant. While conducting research on the subjects, I discovered that the females were age eighteen or older. Interviews were conducted on the consenting adults whose statements provided the same massage routine when they went to "work" for Epstein. The females would be notified by Sarah Kellen, and made appointments for the females to "work" for Epstein. The females would come to Epstein's house and were led upstairs, through a stairwell from the kitchen area, by Sarah Kellen to Epstein's bedroom. Epstein would then enter the room wearing only a towel, and ask them to get comfortable. The females would then provide the massage naked as Epstein would either touch their vaginas with his fingers and/or utilize the massager/vibrator on

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Signature/Arresting Officer

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Probable Cause Affidavit
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their vaginal area. He would masturbate during the massage and upon his climaxing, the massage would end. The girls were then paid two or three hundred dollars for the massage.

On November 21, 2005 I interviewed Jose Alessi, a former houseman for Jeffrey Epstein. Alessi stated he was employed for eleven years with Mr. Epstein, from approximately 1993 through 2004. Alessi stated he was the house manager, driver and house maintenance person. It was his responsibility to prepare the house for Epstein's arrival. When asked about cooks or assistants, Alessi stated they traveled with Epstein on his private plane. I asked Mr. Alessi about the massages that have occurred at Epstein's home. Alessi stated Epstein receives three massages a day. Each masseuse that visited the house was different. Alessi stated that towards the end of his employment, the masseuses were younger and younger. When asked how young, Mr. Alessi stated they appeared to be sixteen or seventeen years of age at the most. The massages would occur in Epstein's bedroom or bathroom. He knew this because he often set up the massage tables. I asked if there were things going on other than a massage. Alessi stated that there were times towards the end of his employment that he would have to wash off a massager/vibrator and a long rubber penis, which were in the sink after the massage. Additionally, he stated the bed would almost always have to be made after the massage.

On January 4, 2006 I interviewed another former houseman, Mr. Alfredo Rodriguez. During a sworn taped statement, Mr. Rodriguez stated he was employed by Jeffrey Epstein for approximately six months, from November 2004 through May of 2005. His responsibilities as house manager included being the butler, chauffeur, chef, houseman, run errands for Epstein and provide for Epstein's guests. I asked Rodriguez about masseuses coming to the house. Rodriguez stated Epstein would have two massages a day. Epstein would have one massage in the morning and one massage in the afternoon everyday he was in residence. Rodriguez stated he would be informed to expect someone and make them comfortable until either Sarah Kellen or Epstein would meet with them. Rodriguez stated once the masseuses would arrive, he would allow them entry into the kitchen area and offer them something to drink or eat. They would then be encountered by either Sarah Kellen or Epstein. They would be taken upstairs to provide the massage. I asked Rodriguez if any of the masseuses appeared young in age. Rodriguez stated the girls that would come appeared to be too young to be masseuses. He stated one time under Epstein's direction, he delivered a dozen roses to [REDACTED] for one of the girls that came to provide a massage. He knew the girls were still in high school and were of high school age. I asked Rodriguez about the massages. He felt there was a lot more going on than just massages. He would often clean Mr. Epstein's bedroom after the alleged massages and would discover massagers/vibrators and sex toys scattered on the floor. He also said he would wipe down the vibrators and sex toys and put them away in an armoire. He described the armoire as a small wood armoire which was on the wall close to Epstein's

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bed. On one occasion Epstein ordered Rodriguez to go to the Dollar rent a car and rent a car for the same girl he brought the roses to, so that she could drive her self to Epstein's house without incident. Rodriguez said the girl always needed rides to and from the house. Rodriguez produced a green folder which contained documents, and a note with Mr. Epstein's stationary with direction to deliver a bucket of roses to [REDACTED] after [REDACTED] high school drama performance. Also in that same note was direction to rent a car for [REDACTED] and direction to extend the rental contract.

During the course of the investigation, subpoenas were obtained for cell phone and home phone records from several victims and witnesses along with the cell phone records of Sarah Kellen. An analysis of these records was conducted which found numerous telephone calls were made between Sarah Kellen and the victims. These records indicate the dates the calls were made are consistent with the dates and times they victims/witnesses stated they were contacted. Specifically, The phone records showed Kellen called Haley Robson during the exact times and dates when victim [REDACTED] advised the incident occurred. Kellen also coordinated the encounters with [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] during the time frame the girls stated they occurred.

Pursuant to a lawful subpoena I obtained Epstein's private plane records for 2005 from Jet Aviation. The plane records show arrival and departure of Epstein's plane at Palm Beach International airport. These records were compared to the cell phone records of Sarah Kellen. This comparison found that all the phone calls Kellen made to Robson and the victims were made in the days just prior to their arrival or during the time Epstein was in Palm Beach.

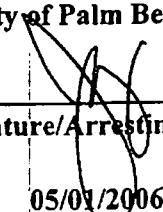
Jeffrey Epstein, who at the time of these incidents was fifty one years of age, did have vaginal intercourse either with his penis or digitally with [REDACTED], [REDACTED], [REDACTED] and [REDACTED], who were minors at the time this occurred, and who at the time of the incident was fifty two years of age, did use a vibrator on the external vaginal area of [REDACTED] a fourteen year old minor. Therefore, as Sarah Kellen coordinated and aided in the recruitment of minors to frequent Epstein's house so that sexual services were provided to Epstein, scheduled the said minors to return to the work for Epstein, secured their appointments for the purpose of sexual activity and lewd and lascivious acts and arranged the bedroom for said minors, there is sufficient probable cause to charge Sarah Kellen with four counts of Principal in the 1st degree Unlawful Sexual Activity with a Minor, in violation of Florida State Statute 794.05(1), a second degree felony and there is sufficient probable cause to charge her with Lewd and Lascivious Molestation, in violation of Florida State Statute 800.04 (5), a second degree felony.

The foregoing instrument was sworn to or affirmed
before me this 1st day of May, 2006 by
Det Joe Recarey, who is personally known to me.



Signature of Police Officer (F.S.S. 117.10)

State of Florida
County of Palm Beach



Signature/Arresting Officer

Date: 05/01/2006

Appendix 6

NOT A CERTIFIED COPY

INDICTMENT

A TRUE BILL

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA

For Palm Beach County, at the Spring Term thereof, in the year of our Lord Two Thousand and Six, to-wit:
The Grand Jurors of the State of Florida, inquiring in and for the body of said County of Palm Beach, upon their
oaths, do present that JEFFREY E. EPSTEIN in the County of Palm Beach aforesaid, in the Circuit and State
aforesaid,

COUNT ONE FELONY SOLICITATION OF PROSTITUTION

on or about or between the 1st day of August in the year of our Lord Two Thousand and Four and October 31,
2005, did solicit, induce, entice, or procure another to commit prostitution lewdness, or assignation, contrary to
Florida Statute 796.07(1) on three or more occasions between August 01, 2004 and October 31, 2005,
contrary to Florida Statute 796.07(2)(f) and (4)(c) (3 DEG FEL)(LEVEL 1)

against the form of the statute, to the evil example of all others, and against the peace and dignity of the State
of Florida.

I hereby certify that I have advised the Grand Jury returning this indictment as authorized and required by law.

[Signature]
Assistant State Attorney of the
Fifteenth Judicial Circuit of the State
of Florida, prosecuting for the said
State

[Signature]
GRAND JURY FOREPERSON

[Signature]
DATE

Jeffrey E. Epstein, Race: White, Sex: Male, DOB: January 20, 1953, SS#: 090-44-3348, Issue Warrant

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA, CRIMINAL DIVISION *W*

COURT CASE NO. *06-9454 CF A19*

AGENCY & CASE NO. *Palm Beach Police Dept. 05-368*

INVESTIGATING OFFICER NAME *Reaney*

ID # *7915*

TO: ALL SHERIFFS OF THE STATE OF FLORIDA YOU ARE COMMANDED TO ARREST

NAME *Jeffrey E. Epstein*

ADDRESS *358 Fl. Breeze Way Palm Beach FL 33480*

BUSINESS ADDRESS

PHONE (HOME) *(561) 832-4117* (BUSINESS)

RACE *White* SEX *Male* DOB *1/20/53* HEIGHT *6'0"* WEIGHT *180 lbs*

HAIR *Gray* EYES *Blue* SS# *5-11-10*

FOR APPEARANCE BEFORE THIS COURT TO ANSWER A CHARGE OF:

1) Felony Solicitation of Prostitution, F.S. 796.07(2)(f) and (4)(c).
(3rd Felony)

2)

3)

4)

5)

FCIC NCIC

EXTRADITION AUTHORIZATION: YES NO

CAPIAS

This capias is issued pursuant to an information filed by the State Attorney, Fifteenth Judicial Circuit, Palm Beach County, Florida.

APPEARANCE BOND set by Court Order per bond schedule.

WITNESS my hand and the seal of this Court on this: _____ day
of _____, 199__.

(SEAL)

DOROTHY H. WILKEN
CLERK OF COURT

BY _____
Deputy Clerk

ARREST WARRANT
BAIL ENDORSEMENT

The defendant is to be admitted to bail in the sum of

☒ PER SCHEDULE *LR*

☐ OWN RECOGNIZANCE

☐ OTHER \$ _____

returnable to this Court on the third Friday following the date of
arrest at 9:00 A.M. before the Judge assigned the case.

GIVEN UNDER my hand and seal on the *17* day of
2006 199__ at Palm Beach County,
State of Florida.

(SEAL)

JUDGE, FIFTEENTH JUDICIAL CIRCUIT

Executed on the _____ day of _____, 199__, by arresting the within named

By _____ I.D. # _____

Deputy Sheriff - Palm Beach County Public Records Request No. 17-295

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		Juvenile	
Age / ORI Number		Agency Name		Agency Report Number					
FLO: 5, 0, 0, 0, 0, 0		PALM BEACH COUNTY SHERIFF'S OFFICE		0, 6, 1					
Charge Type Check as many as apply		1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 6. Other		II Weapon Seized Enter Type:	
Location of Arrest (Including Name of Business)		3728 4th Club Rd, Palm Bch, FL		Location of Offense (Business Name, Address)				Multiple Clearance Indicator	
Date of arrest		Time of Arrest		Booking Date		Booking Time		Jail Date	
07.25.06		01:30						Jail Time	
								Location of Vehicle	
Name (Last, First, Middle)		Alias (Name, DOB, Soc. Sec. #, Etc.)							
Foster, Selwyn									
Race		Sex		Date of Birth		Height		Weight	
W - White B - Black O - Oriental/Asian		M		02.20.93		6.00		180	
Eyes Color		Hair Color		Complexion		Build			
Blue		Brown		Light		Medium			
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status		Religion		Indication of Alcohol Influence Drug Influence		Y N Unk	
None		S		None		Y N Unk		Y N Unk	
Local Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone	
356 123456		Palm Bch		FL		33480		(561) 633-3100	
Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone	
1111 1234 5678 9012 3456 7890		Palm Bch		FL		33480		(561) 633-3100	
Business Address (Name, Street)		(City)		(State)		(Zip)		Phone	
D/L Number, State		Soc. Sec. Number		INS Number		Place of Birth (City, State)		Citizenship	
						New York, NY		USC	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1. Arrested 2. At Large	
								3. Felony 4. Misdemeanor 5. Juvenile	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1. Arrested 2. At Large	
								3. Felony 4. Misdemeanor 5. Juvenile	
Parent / Legal Custodian / Other		Name (Last)		(First)		(Middle)		Residence Phone	
								()	
Address (Street, Apt. Number)		(City)		(State)		(Zip)		Business Phone	
								()	
Notified by (Name)		Date		Time		Juvenile Disposition		2. TOT HRS/DYS	
						1. Handled/Processed within Dept. and Released		3. Incarcerated	
Released To (Name)		Relationship		Date		Time			
The above address was provided by: <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone 352-9526) informed of any change of address.		School Attended		Grade					
<input type="checkbox"/> Yes, by: (Name)		<input type="checkbox"/> No (Reason)							
Property Crime?		Description of Property		Value of Property					
<input type="checkbox"/> Yes <input type="checkbox"/> No									
Drug Activity		S. Sell		R. Smuggle		K. Dispense/Distribute		M. Manufacture/Produce/Cultivate	
N. N/A		B. Barbiturate		C. Cocaine		H. Hallucinogen		P. Paraphernalia/Equipment	
P. Possess		T. Traffic		E. Use		A. Amphetamine		O. Opium/Deriv.	
								S. Synthetic	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
Taking a vehicle without owner's permission		1		CY CN		796110.2(2) F(1)(C)(3F)			
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
								Bond	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
								Bond	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
								Bond	
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #	
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
								Bond	
Location (Court, Room Number, Address)		Court Date and Time		Month		Day		Year	

Appendix 7

NOT A CERTIFIED COPY

Place in file

**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f); with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in exchange for the benefits provided by this agreement, he agrees to comply with its terms, including undertaking certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days of giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County (Case No. 2006-cf-009495AXXXMB) charging one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07. In addition, Epstein shall plead guilty to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) 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; and
 - (b) Epstein shall be sentenced to a term of twelve (12) months of community control consecutive to his two terms in county jail as described in Term 2(a), *supra*.
3. This agreement is contingent upon a Judge of the 15th Judicial Circuit accepting and executing the sentence agreed upon between the State Attorney's Office and Epstein, the details of which are set forth in this agreement.
4. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
5. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence, except a sentence that exceeds what is set forth in paragraph (2), *supra*.
6. Epstein shall provide to the U.S. Attorney's Office copies of all

proposed agreements with the State Attorney's Office prior to entering into those agreements.

7. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States, in consultation with and subject to the good faith approval of Epstein's counsel, shall select an attorney representative for these persons, who shall be paid for by Epstein. Epstein's counsel may contact the identified individuals through that representative.
8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
9. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in paragraph (8), *supra*, neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.
11. 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.

12. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
13. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to do so will be a breach of the agreement.

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 Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued, and including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a 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.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury as to any such offense.

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By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By: _____

A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: 8/24/07


JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

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

Dated: _____

Dated: 9/24/07

JEFFREY EPSTEIN


GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By:

A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

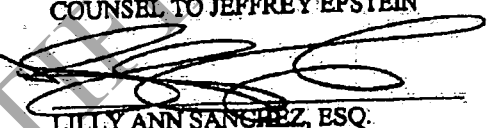
Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: 9-24-07


LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

IN RE:

INVESTIGATION OF

JEFFREY EPSTEIN

ADDENDUM TO THE NON-PROSECUTION AGREEMENT

IT APPEARING that the parties seek to clarify certain provisions of page 4, paragraph 7 of the Non-Prosecution Agreement (hereinafter "paragraph 7"), that agreement is modified as follows:

- 7A. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.
- 7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph C, *infra*.
- 7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys' fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By:

A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: 1/29/07


JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

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

Dated: _____

Dated: 10/29/07

JEFFREY EPSTEIN

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

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

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: 10-29-07


LILLY ANN SANCHEZ, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

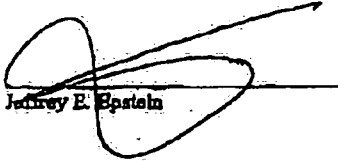
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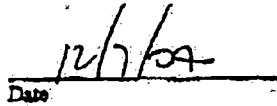
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Affirmation

I, Jeffrey B. Epstein do hereby re-affirm the Non-Prosecution Agreement and Addendum to same dated October 30, 2007.


Jeffrey B. Epstein


Date

NOT A CERTIFIED COPY

Appendix 8

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, STATE OF FLORIDA
CRIMINAL DIVISION "W" (LB)

08 CF 9381

STATE OF FLORIDA

ARISES FROM BOOKING NO:
2006036744

vs.:

JEFFREY E EPSTEIN, W/M, 01/20/1953 [REDACTED]

INFORMATION FOR:

1) PROCURING PERSON UNDER 18 FOR PROSTITUTION

In the Name and by Authority of the State of Florida:

BARRY E. KRISCHER, State Attorney for the Fifteenth Judicial Circuit, Palm Beach County, Florida, by and through his undersigned Assistant State Attorney, charges that JEFFREY E EPSTEIN on or about or between the 1st day of August in the year of our Lord Two Thousand and Four and October 9, 2005, did knowingly and unlawfully procure for prostitution, or caused to be prostituted, A.D., a person under the age of 18 years, contrary to Florida Statute 796.03 (2 DEG FEL)


LANNA BELOHLAVEK
FL BAR NO. 0776726
Assistant State Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

Appeared before me, LANNA BELOHLAVEK Assistant State Attorney for Palm Beach County, Florida, personally known to me, who, being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, that this prosecution is instituted in good faith, and certifies that testimony under oath has been received from the material witness or witnesses for the offense.


Assistant State Attorney

Sworn to and subscribed to before me this 2nd day of June, 2008:


NOTARY PUBLIC, State of Florida

LB/dp



Damaris Pina
MY COMMISSION # DD580798 EXPIRES
August 2, 2010
BONDED THRU TROY FARM INSURANCE, INC.

FCIC REFERENCE NUMBERS:

1) FELONY SOLICITATION OF PROSTITUTION 3699

CLOSE OUT SHEET

Defendant: Jeffrey Epstein Case Number: 08-9381

Date Closed: 6/30/08 ASA UB Division: W

Nolle Prossed: _____

Pled to Lesser Felony: _____ Pled to Lesser Misd: _____

Negotiated Plea: X Pled to Court: _____

Jury Trial: _____ Non-Jury Trial: _____

Acquitted: _____ Dismissed: _____

Guidelines Score

Non DOC: _____

Mandatory DOC: (minimum) _____

Pre October 1998 Discretionary DOC: _____

Adjudicated: _____ Withheld: _____

County Jail: 6 months DOC: _____ Months - Days - Years - Time Served

Probation: _____ Months - Years followed by Community Control: 12 months

Habitual Offender: _____ Youthful Offender: _____ Juvenile: _____

PRR: _____ 10-20-Life: _____

Restitution: _____ Amount: _____

Designated a Sexual Offender

CLOSE OUT SHEET

Defendant: Jeffrey Epstein Case Number: 06-9434

Date Closed: 6/30/08 ASA UB Division: W

Nolle Prossed: _____

Pled to Lesser Felony: _____ Pled to Lesser Misd: _____

Negotiated Plea: X Pled to Court: _____

Jury Trial: _____ Non-Jury Trial: _____

Acquitted: _____ Dismissed: _____

Guidelines Score

Non DOC: _____

Mandatory DOC: (minimum) _____

Pre October 1998 Discretionary DOC: _____

Adjudicated: _____ Withheld: _____

County Jail: 12 months DOC: _____ Months - Days - Years - Time Served

Probation: _____ Months - Years Community Control: _____

Habitual Offender: _____ Youthful Offender: _____ Juvenile: _____

PRR: _____ 10-20-Life: _____

Restitution: _____ Amount: _____

1759

948.101 Terms and conditions of community control and criminal quarantine community control.--

(1) The court shall determine the terms and conditions of community control. Conditions specified in this subsection do not require oral pronouncement at the time of sentencing and may be considered standard conditions of community control.

(a) The court shall require intensive supervision and surveillance for an offender placed into community control, which may include but is not limited to:

1. Specified contact with the parole and probation officer.
2. Confinement to an agreed-upon residence during hours away from employment and public service activities.
3. Mandatory public service.
4. Supervision by the Department of Corrections by means of an electronic monitoring device or system.
5. The standard conditions of probation set forth in s. 948.03.

(b) For an offender placed on criminal quarantine community control, the court shall require:

1. Electronic monitoring 24 hours per day.
2. Confinement to a designated residence during designated hours.

(2) The enumeration of specific kinds of terms and conditions does not prevent the court from adding thereto any other terms or conditions that the court considers proper. However, the sentencing court may only impose a condition of supervision allowing an offender convicted of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 to reside in another state if the order stipulates that it is contingent upon the approval of the receiving state interstate compact authority. The court may rescind or modify at any time the terms and conditions theretofore imposed by it upon the offender in community control. However, if the court withholds adjudication of guilt or imposes a period of incarceration as a condition of community control, the period may not exceed 364 days, and incarceration shall be restricted to a county facility, a probation and restitution center under the jurisdiction of the Department of Corrections, a probation program drug punishment phase I secure residential treatment institution, or a community residential facility owned or operated by any entity providing such services.

(3) The court may place a defendant who is being sentenced for criminal transmission of HIV in violation of s. 775.0877 on criminal quarantine community control. The Department of Corrections shall develop and administer a criminal quarantine community control program emphasizing intensive supervision with 24-hour per day electronic monitoring. Criminal quarantine community control status must include surveillance and may include other measures normally associated with community control, except that specific conditions necessary to monitor this population may be ordered.

'943.0435 Sexual offenders required to register with the department; penalty. --

(1) As used in this section, the term:

(a)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-subparagraph (I). For purposes of sub-subparagraph (II), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

2. For all qualifying offenses listed in sub-subparagraph (1)(b)1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(b) "Convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) "Permanent residence" and "temporary residence" have the same meaning ascribed in s. 775.21.

(d) "Institution of higher education" means a career center, community college, college, state university, or independent postsecondary institution.

(e) "Change in enrollment or employment status" means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(f) "Electronic mail address" has the same meaning as provided in s. 668.602.

(g) "Instant message name" means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) A sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent or temporary residence within 48 hours after:

a. Establishing permanent or temporary residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or

control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the sexual offender's permanent or temporary residence, name, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), after the sexual offender reports in person at the sheriff's office, shall be accomplished in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name, date of birth, social security number, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, occupation and place of employment, address of permanent or legal residence or address of any current temporary residence, within the state and out of state, including a rural route address and a post office box, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), date and place of each conviction, and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department through the sheriff's office the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office, within 48 hours after any change in status. The sheriff shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment or employment status.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles, unless a driver's license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver's license office the sexual offender shall:

(a) If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section. The driver's license or identification card issued must be in compliance with s. 322.141(3).

(c) Provide, upon request, any additional information necessary to confirm the identity of the sexual offender, including a set of fingerprints.

(4)(a) Each time a sexual offender's driver's license or identification card is subject to renewal, and, without regard to the status of the offender's driver's license or identification card, within 48 hours after any change in the offender's permanent or temporary residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver's license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color photograph or digital image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606.

(b) A sexual offender who vacates a permanent residence and fails to establish or maintain another permanent or temporary residence shall, within 48 hours after vacating the permanent residence, report in person to the sheriff's office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other location that he or she is or will be occupying during the time in which he or she fails to establish or maintain a permanent or temporary residence.

(c) A sexual offender who remains at a permanent residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (b) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (b) but fails to make a report as required under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A sexual offender must register any electronic mail address or instant message name with the department prior to using such electronic mail address or instant message name on or after October 1, 2007. The department shall establish an online system through which sexual offenders may securely access and update all electronic mail address and instant message name information.

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(7) A sexual offender who intends to establish residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The notification must include the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(8) A sexual offender who indicates his or her intent to reside in another state or jurisdiction other than the State of Florida and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual offender reported the intended change of residence, and report his or her intent to remain in this state. The sheriff shall promptly report this information to the department. A sexual offender who reports his or her intent to reside in another state or jurisdiction but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(10) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile

Justice, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual offender fails to report or falsely reports his or her current place of permanent or temporary residence.

(11) Except as provided in s. 943.04354, a sexual offender must maintain registration with the department for the duration of his or her life, unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender:

(a)1. Who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

a. For a violation of s. 787.01 or s. 787.02;

b. For a violation of s. 794.011, excluding s. 794.011(10);

c. For a violation of s. 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

d. For a violation of s. 800.04(5)(b);

e. For a violation of s. 800.04(5)c.2. where the court finds the offense involved unclothed genitals or genital area;

f. For any attempt or conspiracy to commit any such offense; or

g. For a violation of similar law of another jurisdiction,

may petition the criminal division of the circuit court of the circuit in which the sexual offender resides for the purpose of removing the requirement for registration as a sexual offender.

2. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

3. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

(b) As defined in sub-subparagraph (1)(a)1.b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor and the offender is not the victim's parent or guardian;

2. Section 794.011, excluding s. 794.011(10);

3. Section 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

4. Section 800.04(5)(b);

5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;

6. Section 800.04(5)c.2. where the court finds molestation involving unclothed genitals or genital area;

7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;

8. Any attempt or conspiracy to commit such offense; or

9. A violation of a similar law of another jurisdiction,

must reregister each year during the month of the sexual offender's birthday and every third month thereafter.

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence or who fails to report electronic mail addresses or

instant message names, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner proscribed by the department.

VS.

CASE NUMBER(S): 05-2467

1. DEFENDANT:

I am the defendant in the above-mentioned matter(s), and I am represented by the attorney indicated below. I understand I have the right to be represented by an attorney at all stages of the proceeding until the case is terminated, and if I cannot afford an attorney, one will be appointed free of charge. (1/1)

2. DEFENDANT:

I understand I have the right to a speedy and public trial either by jury or by court. I hereby waive and give up this right.

3. DEFENDANT:

I understand I have the right to be confronted by the witnesses against me and to cross examine them by myself or through my attorney. I hereby give up these rights. [15]

4. DEFENDANT:

I understand I have the right to testify on my own behalf, but I cannot be compelled to be a witness against myself and may remain silent if I so choose. I hereby give up these rights.

5. DEFENDANT:

I understand I have the right to call witnesses to testify in my behalf and to invoke the compulsory process of the Court to subpoena those witnesses. I hereby give up these rights.

6. DEFENDANT:

I understand I have the right to appeal all matters relating to the charge(s) and, unless I plea Guilty or No Contest, specifically reserving my right to appeal, I will give up such right of appeal. []

7 DEFENDANT:

I understand that if I am not a United States Citizen, my plea may subject me to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service; and, this Court has no jurisdiction (authority) in such matters.

8. DEFENDANT:

I have not received any promises from anyone, including my attorney, concerning eligibility for any form of early release authorized by law and further no promises have been made to me as to the actual amount of time that I will serve under the sentence to be imposed. Further, I understand that this plea may be used to enhance future criminal penalties in any court system, even if adjudication of guilt is withheld.

9. DEFENDANT:

I offer my plea freely and voluntarily and of my own accord, with full understanding of all matters set forth in the pleadings and this waiver.

10. DEFENDANT

I have personally placed my initials in each bracket above, and I understand each and every one of the rights outlined above. I hereby waive and give up each of them in order to enter my plea to the within charge(s). I understand that even though the Court may approve the agreement of sentence, the Court is not bound by the agreement, the Court may withdraw its approval at any time before pronouncing judgment, in which case I shall be able to withdraw my plea should I desire to do so.

II. DEFENDANT

Choose one:

If applicable, I choose a program which is or may be spiritually based.

If applicable, I choose a program which is NOT spiritually based.

If applicable, I have no preference if the program is or may be spiritually based.

DEFENDANT

DATE _____

DEFENDANT'S ATTORNEY ONLY:

I am attorney of record. I have explained each of the above rights to the defendant and have explored the facts with him/her and studied his/her possible defenses to the charge(s). I concur with his/her decision to waive the rights and to enter this plea. I further stipulate that this document may be received by the Court as evidence of defendant's intelligent waiver of these rights and that it shall be filed by the Clerk as permanent record of that waiver.

ATTORNEY FOR THE DEFENDANT

DATE _____

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCOPE SHEET

1. DATE OF SENTENCE 6/30/08	2. PREPARER'S NAME <input type="checkbox"/> DC <input checked="" type="checkbox"/> SAO Belohlav, L	3. COUNTY Palm Beach	4. SENTENCING JUDGE 10/10
5. NAME (LAST, FIRST, MI.) Epstein, Jeffrey E.	6. DOB 1/20/53	8. RACE <input checked="" type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE 08-15-81
	7. DC#	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET# 08-15-81

I. PRIMARY OFFENSE: If Qualifier, please check ☐ A ☐ S ☐ C ☐ R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
2nd	796.03	Procuring Person Under 18 for	07	

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=118)

Prior capital felony triples Primary Offense points ☐

II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY	COUNTS	POINTS	TOTAL
06-9454	3rd	796.03	07	ASCR	1	7	7
Description: Felony Solicitation - 2							

Description	QUALIFY	COUNTS	POINTS	TOTAL
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Description	QUALIFY	COUNTS	POINTS	TOTAL
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points ☐

III. VICTIM INJURY:

	Number	Total		Number	Total
2 nd Degree/Murder	240 X		Slight	4 X	
Death	120 X		Sex Penetration	80 X	
Severe	40 X		Sex Contact	40 X	
Moderate	18 X				

IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY	DESCRIPTION	NUMBER	POINTS	TOTAL
			<input type="checkbox"/>		<input type="checkbox"/>		
			<input type="checkbox"/>		<input type="checkbox"/>		
			<input type="checkbox"/>		<input type="checkbox"/>		
			<input type="checkbox"/>		<input type="checkbox"/>		
			<input type="checkbox"/>		<input type="checkbox"/>		

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

Page 1 Subtotal:

56.7

Legal Status violation = 4 Points

V. _____

VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR

VI. _____

New felony conviction = 12 points x each successive violation

XVII. Firearm/Semi Automatic or Machine Gun = 18 or 25 Points

VII. _____

VIII. Prior Serious Felony = 30 Points

VIII. _____

Subtotal Sentence Points

56.7

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enforcement Protection x 1.5 x 2.0 x 2.5	Drug Trafficking x 1.5	Grand Theft Vehicle x 1.5	Street Gang (offenses committed on or after 10-1-96) x 1.5	Domestic Violence (offenses committed on or after 10-1-97) x 1.5
-------------------------------------------------	---------------------------	------------------------------	------------------------------------------------------------------	------------------------------------------------------------------------

Enhanced Subtotal Sentence Points

IX. 56.7

TOTAL SENTENCE POINTS

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

56.7
total sentence points

minus 28 =

28.7

x .75 =

21.5

lowest permissible prison
sentence in monthsThe maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082.
FS unless the lowest permissible sentence under the code exceeds the statutory maximum. Such sentences may be imposed
concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.maximum sentence
in years

TOTAL SENTENCE IMPOSED

Years

Months

Days

☐ State Prison☐ Life☒ County Jail☐ Time Served☐ Community Control☒ ProbationPlease check if sentenced as: ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee
reoffender, or a ☐ mandatory minimum applies☒ Mitigated Departure ☐ Plea Bargain

Other Reason: _____

JUDGE'S SIGNATURE

- V. Legal Status violation = 4 Points
- VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR
New felony conviction = 12 points x each successive violation
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points
- VIII. Prior Serious Felony = 30 Points

V. _____

VI. _____

VII. _____

VIII. _____

Subtotal Sentence Points

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enforcement Protection (offenses committed on or after 10-1-97)	Drug Trafficking	Grand Theft Motor Vehicle	Street Gang (offenses committed on or after 10-1-97)	Domestic Violence (offenses committed on or after 10-1-97)
x 1.5 x 2.0 x 2.5	x 1.5	x 1.5	x 1.5	x 1.5

Enhanced Subtotal Sentence Points

TOTAL SENTENCE POINTS

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{\text{total sentence points}}{28} = \frac{56.7}{28} \times 7.5 = 15.5$$

lowest permissible prison sentence in months

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, FS, unless the lowest permissible sentence under the code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

maximum sentence
in years

TOTAL SENTENCE IMPOSED

		Years	Months	Days
<input checked="" type="checkbox"/> State Prison	<input type="checkbox"/> Life			
<input checked="" type="checkbox"/> County Jail	<input type="checkbox"/> Time Served			
<input type="checkbox"/> Community Control				
<input type="checkbox"/> Probation				

Please check if sentenced as: ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee, reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain

Other Reason _____

JUDGE'S SIGNATURE

07/26/17

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Public Records Request No. 17-295

- V. Legal Status violation = 4 Points
- VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR
New felony conviction = 12 points x each successive violation
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points
- VIII. Prior Serious Felony = 30 Points

V. _____

VI. _____

VII. _____

VIII. _____

Subtotal Sentence Points

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enforcement Protection _____ x 1.5 _____ x 2.0 _____ x 2.5	Child Endangering _____ x 1.5	Grand Theft Motor Vehicle _____ x 1.5	Street Gang (offenses committed on or after 10-1-06) _____ x 1.5	Domestic Violence (offenses committed on or after 10-1-97) _____ x 1.5
-------------------------------------------------------------------	----------------------------------	------------------------------------------	------------------------------------------------------------------------	------------------------------------------------------------------------------

Enhanced Subtotal Sentence Points

IX. 17

TOTAL SENTENCE POINTS

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

total sentence points

minus 28 =

x .75 =

lowest permissible prison
sentence in months

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082.
 If, unless the lowest permissible sentence under the code exceeds the statutory maximum. Such sentences may be imposed
 concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

maximum sentence:
in years

TOTAL SENTENCE IMPOSED

	Years	Months	Days
<input type="checkbox"/> State Prison			
<input type="checkbox"/> County Jail			
<input type="checkbox"/> Community Control			
<input type="checkbox"/> Probation			
<input type="checkbox"/> Life			
<input type="checkbox"/> Time Served			

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee
 reoffender, or a ☐ mandatory minimum applies

☐ Mitigated Departure ☐ Plea Bargain

Other Reason

JUDGE'S SIGNATURE

PLEA IN THE CIRCUIT COURT
THE FOLLOWING IS TO REFLECT ALL TERMS OF THE NEGOTIATED SETTLEMENT

Name: Jeffrey E. Epstein

Plea: Guilty X

Case No.	Charge	Count	Lesser	Degree
06CF009454AMB	Felony Solicitation of Prostitution	1	No	3 FFL
08CF009381AMB	Procuring Person Under 18 for Prostitution	1	No	2 FFL

PSI: Waived/Not Required X Required/Requested _____

ADJUDICATION Adjudicate (x)

SENTENCE:

On 06CF009454AMB, the Defendant is sentenced to 12 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served.

On 08CF009381AMB, the Defendant is sentenced to 6 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served. This 6 month sentence is to be served consecutive to the 12 month sentence in 06CF009454AMB. Following this 6 month sentence, the Defendant will be placed on 12 months Community Control 1 (one). The conditions of community control are attached hereto and incorporated herein.

OTHER COMMENTS OR CONDITIONS:

As a special condition of his community control, the Defendant is to have no unsupervised contact with minors, and the supervising adult must be approved by the Department of Corrections.

The Defendant is designated as a Sexual Offender pursuant to Florida Statute 943.0435 and must abide by all the corresponding requirements of the statute, a copy of which is attached hereto and incorporated herein.

The Defendant must provide a DNA sample in court at the time of this plea.

Assistant State Attorney

Attorney for the Defendant

Date of Plea

Defendant

948.101 Terms and conditions of community control and criminal quarantine community control.

(1) The court shall determine the terms and conditions of community control. Conditions specified in this subsection do not require oral pronouncement at the time of sentencing and may be considered standard conditions of community control.

(a) The court shall require intensive supervision and surveillance for an offender placed into community control, which may include but is not limited to:

1. Specified contact with the parole and probation officer.
2. Confinement to an agreed-upon residence during hours away from employment and public service activities.
3. Mandatory public service.
4. Supervision by the Department of Corrections by means of an electronic monitoring device or system.
5. The standard conditions of probation set forth in s. 948.03.

(b) For an offender placed on criminal quarantine community control, the court shall require:

1. Electronic monitoring 24 hours per day.
2. Confinement to a designated residence during designated hours.

(2) The enumeration of specific kinds of terms and conditions does not prevent the court from adding thereto any other terms or conditions that the court considers proper. However, the sentencing court may only impose a condition of supervision allowing an offender convicted of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 to reside in another state if the order stipulates that it is contingent upon the approval of the receiving state interstate compact authority. The court may rescind or modify at any time the terms and conditions theretofore imposed by it upon the offender in community control. However, if the court withholds adjudication of guilt or imposes a period of incarceration as a condition of community control, the period may not exceed 364 days, and incarceration shall be restricted to a county facility, a probation and restitution center under the jurisdiction of the Department of Corrections, a probation program drug punishment phase I secure residential treatment institution, or a community residential facility owned or operated by any entity providing such services.

(3) The court may place a defendant who is being sentenced for criminal transmission of HIV in violation of s. 775.0877 on criminal quarantine community control. The Department of Corrections shall develop and administer a criminal quarantine community control program emphasizing intensive supervision with 24-hour per day electronic monitoring. Criminal quarantine community control status must include surveillance and may include other measures normally associated with community control, except that specific conditions necessary to monitor this population may be ordered.

§ 943.0435 Sexual offenders required to register with the department; penalty.

(1) As used in this section, the term:

(a)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a. (I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1), or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-subparagraph (I). For purposes of sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1), or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

2. For all qualifying offenses listed in sub-subparagraph (1)(a)1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(b) "Convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) "Permanent residence" and "temporary residence" have the same meaning ascribed in s. 775.21.

(d) "Institution of higher education" means a career center, community college, college, state university, or independent postsecondary institution.

(e) "Change in enrollment or employment status" means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(f) "Electronic mail address" has the same meaning as provided in s. 668.602.

(g) "Instant message name" means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) A sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent or temporary residence within 48 hours after:

a. Establishing permanent or temporary residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or

control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the sexual offender's permanent or temporary residence, name, any electronic mail address, and any instant message name required to be provided pursuant to paragraph (4)(d), after the sexual offender reports in person at the sheriff's office, shall be accomplished in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name, date of birth, social security number, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, occupation and place of employment, address of permanent or legal residence or address of any current temporary residence, within the state and out of state, including a rural route address and a post office box, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), date and place of each conviction, and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number, the license tag number, the registration number, and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number, the manufacturer's serial number, the name of the vessel, live-aboard vessel, or houseboat, the registration number, and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department through the sheriff's office the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office, within 48 hours after any change in status. The sheriff shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment or employment status.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles, unless a driver's license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver's license office the sexual offender shall:

(a) If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section. The driver's license or identification card issued must be in compliance with s. 322.141(3).

(c) Provide, upon request, any additional information necessary to confirm the identity of the sexual offender, including a set of fingerprints.

(4)(a) Each time a sexual offender's driver's license or identification card is subject to renewal, and, without regard to the status of the offender's driver's license or identification card, within 48 hours after any change in the offender's permanent or temporary residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver's license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color photograph or digital image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606.

(b) A sexual offender who vacates a permanent residence and fails to establish or maintain another permanent or temporary residence shall, within 48 hours after vacating the permanent residence, report in person to the sheriff's office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other location that he or she is or will be occupying during the time in which he or she fails to establish or maintain a permanent or temporary residence.

(c) A sexual offender who remains at a permanent residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (b) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (b) but fails to make a report as required under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A sexual offender must register any electronic mail address or instant message name with the department prior to using such electronic mail address or instant message name on or after October 1, 2007. The department shall establish an online system through which sexual offenders may securely access and update all electronic mail address and instant message name information.

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(7) A sexual offender who intends to establish residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The notification must include the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(8) A sexual offender who indicates his or her intent to reside in another state or jurisdiction other than the State of Florida and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual offender reported the intended change of residence, and report his or her intent to remain in this state. The sheriff shall promptly report this information to the department. A sexual offender who reports his or her intent to reside in another state or jurisdiction but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(10) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments, an elected or appointed official, public employee, or school administrator, or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile

Justico, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual offender fails to report or falsely reports his or her current place of permanent or temporary residence.

(11) Except as provided in s. 943.04354, a sexual offender must maintain registration with the department for the duration of his or her life, unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender:

(a)1. Who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction;

a. For a violation of s. 787.01 or s. 787.02;

b. For a violation of s. 794.011, excluding s. 794.011(10);

c. For a violation of s. 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

d. For a violation of s. 800.04(5)(b);

e. For a violation of s. 800.04(5)c.2. where the court finds the offense involved unclothed genitals or genital area;

f. For any attempt or conspiracy to commit any such offense; or

g. For a violation of similar law of another jurisdiction;

may petition the criminal division of the circuit court of the circuit in which the sexual offender resides for the purpose of removing the requirement for registration as a sexual offender.

2. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

3. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

(b) As defined in sub-subparagraph (1)(a)1. b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information;

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor and the offender is not the victim's parent or guardian;

2. Section 794.011, excluding s. 794.011(10);

3. Section 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

4. Section 800.04(5)(b);

5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;

6. Section 800.04(5)c.2. where the court finds molestation involving unclothed genitals or genital area;

7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;

8. Any attempt or conspiracy to commit such offense; or

9. A violation of a similar law of another jurisdiction;

must reregister each year during the month of the sexual offender's birthday and every third month thereafter..

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence or who fails to report electronic mail addresses or

instant message names, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department.

Appendix 9

NOT A CERTIFIED COPY



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 8, 2019

VIA ECF

The Honorable Henry Pitman
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Jeffrey Epstein*, 19 Cr. 490 (RMB)

Dear Judge Pitman:

The Government respectfully submits this letter in advance of the bail hearing scheduled for July 8, 2019, in the above-captioned case. For the reasons set forth herein, the Court should order that the defendant be detained pending trial; he cannot meet his burden of overcoming the presumption that there is no combination of conditions that would reasonably assure his continued appearance in this case or protect the safety of the community were he to be released.

As set forth below, the charges in this case are exceptionally serious: the defendant is alleged to be a serial sexual predator who preyed on dozens of minor girls over a period of years, and he now faces a potentially massive prison sentence predicated on substantial and multifaceted evidence of his guilt. In light of the strength of the Government's evidence and the substantial incarceratory term the defendant would face upon conviction, there is an extraordinary risk of flight, particularly given the defendant's exorbitant wealth, his ownership of and access to private planes capable of international travel, and his significant international ties. Indeed, the arrest of the defendant occurred when he arrived in the United States on his private jet after having returned from a multi-week stay abroad.

Finally, and as detailed herein, the Government has real concerns—grounded in past experience with this defendant—that if allowed to remain out on bail, the defendant could attempt to pressure and intimidate witnesses and potential witnesses in this case, including victims and their families, and otherwise attempt to obstruct justice. As a result, he poses both an acute danger to the community, including some of its most vulnerable members, and a significant risk of flight. The defendant thus cannot overcome the statutory presumption that detention is appropriate in this case, and the Court should order that he be detained pending trial.

BACKGROUND

A. Overview

On July 2, 2019, a federal grand jury in the Southern District of New York returned a sealed indictment (the “Indictment”) charging the defendant with one count of sex trafficking of minors, in violation of 18 U.S.C. § 1591, and one count of conspiracy to commit sex trafficking of minors, in violation of 18 U.S.C. § 371.

As charged by the grand jury, the facts underlying the charges in the Indictment arise from a years-long scheme to sexually abuse underage girls. In particular, beginning in at least 2002, the defendant enticed and recruited dozens of minor girls to engage in sex acts with him, for which he paid the victims hundreds of dollars in cash.

He undertook this activity in at least two different locations, including his mansion in Manhattan, New York (the “New York Residence”) and his estate in Palm Beach, Florida (the “Palm Beach Residence”). In both New York and Florida, the defendant perpetuated this abuse in similar ways. Victims were initially recruited to provide “massages” to the defendant, which would be performed nude or partially nude, would become increasingly sexual in nature, and would typically include one or more sex acts, including groping and direct or indirect contact with victims’ genitals. The defendant paid his victims hundreds of dollars in cash for each separate encounter.

Moreover, the defendant actively encouraged certain of his victims to recruit additional girls to be similarly sexually abused. He incentivized his victims to become recruiters by paying these victim-recruiters hundreds of dollars for each additional girl they brought to him. In this fashion, the defendant created a vast network of underage victims for him to exploit, in locations including New York and Palm Beach.

The defendant’s victims were as young as 14 years old when he abused them. Many of his victims were, for various reasons, often particularly vulnerable to exploitation. The defendant intentionally sought out—and knew that he was abusing—minors. Indeed, in some instances, his victims expressly told him they were underage before or during the period in which he abused them.

In creating and maintaining a network of minor victims whom he abused, the defendant worked with others, including employees and associates who facilitated his exploitation of minors by, among other things, contacting victims and scheduling their sexual encounters with the defendant, both in New York and in Florida.

B. The Defendant

Jeffrey Epstein designed, financed, and perpetrated this scheme, both as its main participant and through his direction of others, including certain of his employees, to further facilitate his rampant abuse of underage girls.

Honorable Henry Pitman
United States Magistrate Judge
July 8, 2019
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As has been widely reported, the defendant is extraordinarily wealthy, and he owns and maintains luxury properties and residences around the world, including in Manhattan, New York; Palm Beach, Florida; Stanley, New Mexico; and Paris, France. Additionally, Epstein owns a private island in the U.S. Virgin Islands which, as noted above, is believed to be his primary residence in the United States. His mansion in Manhattan alone—a multi-story townhouse reported to be one of the largest single residences in all of Manhattan, which previously housed a school and which he owns through an LLC—has been valued at approximately \$77 million. Entities controlled by the defendant also own at least two private jets in active service, at least one of which is capable of intercontinental travel.

As described further below, the defendant possesses three active United States passports, and his international connections and travels are extensive. For example, in addition to maintaining a residence in Paris, France, as described above, in the past 18 months alone, the defendant has traveled abroad, via private jet, either into or out of the country on approximately more than 20 occasions.

C. The Prior Florida Investigation

In or about 2005, the defendant was investigated by local police in Palm Beach, Florida, in connection with allegations that he had committed similar sex offenses against minor girls. The investigation ultimately also involved federal authorities, namely the U.S. Attorney's Office for the Southern District of Florida ("SDFL") and the FBI's Miami Office, and included interviews with victims based in the Palm Beach area, including some of the alleged victims relevant to Count One of the instant Indictment.¹

In fall 2007, the defendant entered into a non-prosecution agreement with the SDFL in connection with the conduct at issue in that investigation, which the non-prosecution agreement identified as including investigations into the defendant's abuse of minor girls in the Palm Beach area. The Southern District of New York was not a signatory to that agreement, and the defendant was never charged federally.² In June 2008, the defendant pled guilty in state court to one count of procuring a person under the age of 18 for prostitution, a felony, and one count of solicitation of prostitution, a felony. As a result, the defendant was designated as a sex offender with registration requirements under the national Sex Offender Registration and Notification Act.

¹ The non-prosecution agreement, further discussed below, was entered into at the conclusion of the SDFL investigation and did not purport to cover any victims outside of the State of Florida. As noted above, the instant Indictment expressly alleges the existence of dozens of victims who were abused in this District in addition to dozens of victims who were abused in Florida.

² While beyond the scope of a bail hearing, as discussed further below, it is well-established in the Second Circuit that absent an express provision to the contrary in the agreement, one District is not bound by the terms of an agreement entered into between a defendant and a U.S. Attorney's Office in another district. *See* page 6, *infra*.

ARGUMENT

I. Applicable Law

Under the Bail Reform Act, 18 U.S.C. §§ 3141 et seq., federal courts are empowered to order a defendant's detention pending trial upon a determination that the defendant is either a danger to the community or a risk of flight. 18 U.S.C. § 3142(e) ("no condition or combination of conditions would reasonably assure the appearance of the person as required and the safety of any other person and the community"). A finding of risk of flight must be supported by a preponderance of the evidence. *See, e.g., United States v. Jackson*, 823 F.2d 4, 5 (2d Cir. 1987); *United States v. Chimurenga*, 760 F.2d 400, 405 (2d Cir. 1985). A finding of dangerousness must be supported by clear and convincing evidence. *See, e.g., United States v. Ferranti*, 66 F.3d 540, 542 (2d Cir. 1995); *Chimurenga*, 760 F.2d at 405. In addition, a court may also order detention if there is "a serious risk that the [defendant] will . . . attempt to obstruct justice, or . . . to threaten, injure, or intimidate, a prospective witness or juror." 18 U.S.C. § 3142(f)(2)(B); *see also United States v. Friedman*, 837 F.2d 48 (2d Cir. 1988).

The Bail Reform Act lists four factors to be considered in the detention analysis: (1) the nature and circumstances of the crimes charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the defendant, including the person's "character . . . [and] financial resources"; and (4) the seriousness of the danger posed by the defendant's release. *See* 18 U.S.C. § 3142(g). Evidentiary rules do not apply at detention hearings and the government is entitled to present evidence by way of proffer, among other means. *See* 18 U.S.C. § 3142(f)(2); *see also United States v. LaFontaine*, 210 F.3d 125, 130-31 (2d Cir. 2000) (government entitled to proceed by proffer in detention hearings); *Ferranti*, 66 F.3d at 542 (same); *United States v. Martir*, 782 F.2d 1141, 1145 (2d Cir. 1986) (same).

Where a judicial officer concludes after a hearing that "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial." 18 U.S.C. § 3142(e)(1). Additionally, where, as here, a defendant is charged with committing an offense involving a minor victim under 18 U.S.C. § 1591, it shall be presumed, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. 18 U.S.C. § 3142(e)(3)(E).

II. Discussion

The defendant should be detained pending trial. For the reasons set forth below, it is difficult to overstate the risk of flight and danger to the community if the defendant is released, and for those reasons, the defendant cannot overcome the statutory presumption in favor of detention in this case.

A. The Defendant Poses an Extreme Flight Risk

Each of the relevant factors to be considered as to flight risk – the nature and circumstances of the offense, the strength of the evidence, and the history and characteristics of the defendant – counsel strongly in favor of detention.

1. The Nature and Circumstances of the Offense and the Strength of the Evidence

The “nature and circumstances” of this offense plainly favor detention. 18 U.S.C. § 3142(g)(1) (specifically enumerating “whether the offense . . . involves a minor victim” as a factor in bail applications). Indeed, the crime of sex trafficking of a minor is so serious that for a defendant charged with that offense, there is a presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. 18 U.S.C. § 3142 (e)(3)(E). Here, as specified in the Indictment, the defendant’s conduct was committed serially, over a period of years, and affected dozens of victims.

The seriousness of the charge is also reflected in the penalties the defendant faces, which include up to 45 years of incarceration for Counts One and Two of the Indictment.³ As the Second Circuit has noted, the possibility of a severe sentence is a significant factor in assessing the risk of flight. *See Jackson*, 823 F.2d at 7; *see also United States v. Cisneros*, 328 F.3d 610, 618 (10th Cir. 2003) (defendant was a flight risk because her knowledge of the seriousness of the charges against her gave her a strong incentive to abscond); *United States v. Townsend*, 897 F.2d 989, 995 (9th Cir. 1990) (“Facing the much graver penalties possible under the present indictment, the defendants have an even greater incentive to consider flight.”). Here, the defendant is facing a statutory maximum of decades in prison. Even in the absence of means—which, as discussed in detail below, the defendant has in abundance—this fact alone would provide a compelling incentive for anyone to fail to appear. It is particularly compelling for a defendant who is 66 years old and therefore faces the very real prospect of spending the rest of his life in prison if convicted.

The likelihood of a substantial period of incarceration is buttressed by the strength of the evidence. As set forth in the Indictment, the evidence in this case is strong. The Indictment alleges that the defendant sexually abused dozens of minor victims, and the conspiracy count lists numerous overt acts committed in furtherance of the defendant’s crimes.⁴

³ The current penalties for violations of 18 U.S.C. § 1591 include a 10 year mandatory minimum sentence. However, that punishment was created through an amendment to the statute in 2006. The penalty for a violation of Section 1591 during the period charged in the Indictment, and therefore relevant here, was a maximum of 40 years’ imprisonment.

⁴ With respect to the evidence in this case, the Court should start its analysis by accepting that the Indictment is sufficient, on its own, to establish probable cause that the defendant committed the crimes of sex trafficking and sex trafficking conspiracy. *Contreras*, 776 F.2d at 54. (“Were an evidentiary hearing addressing the existence of probable cause required in every § 3142(e) case in which an indictment had been filed, the court would spend scarce judicial resources considering that which a grand jury had already determined, and have less time to focus on the application of

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Multiple victims, including several specified in the Indictment, have provided information against the defendant. That information is detailed, credible, and corroborated, in many instances, by other witnesses and contemporaneous documents, records and other evidence—including, as further detailed below, evidence from a search of the New York Residence on the night of the defendant's arrest that reflects an extraordinary volume of photographs of nude and partially-nude young women or girls. Such corroborating evidence also includes documents and other materials, such as contemporaneous notes, messages recovered from the defendant's residence that include names and contact information for certain victims, and call records that confirm the defendant and his agents were repeatedly in contact with various victims during the charged period. Put simply, all of this evidence – the voluminous and credible testimony of individuals who were sexually abused by the defendant as minors, each of whom are backed up by other evidence – will be devastating evidence of guilt at any trial in this case and weighs heavily in favor of detention.

Finally, it bears noting that neither the age of the conduct nor the defendant's previous non-prosecution agreement ("NPA") with a different federal district pose any impediment to his conviction. As an initial matter, all of the conduct is timely charged, pursuant to 18 U.S.C. § 3283, which was amended in 2003 to extend the limitations period for conduct that was timely as of the date of the amendment, to any time during the lifetime of the minor victim. *See United States v. Chief*, 438 F.3d 920, 922-25 (9th Cir. 2006) (finding that because Congress extended the statute of limitations for sex offenses involving minors during the time the previous statute was still running, the extension was permissible); *United States v. Pierre-Louis*, No. 16 Cr. 541 (CM), 2018 WL 4043140, at *1 (S.D.N.Y. Aug. 9, 2018) (same).

Moreover, with respect to the NPA, that agreement, to which the Southern District of New York was not a party, which by its express language pertained exclusively to the SDFL investigation, and which did not purport to bind any other Office or District, does not preclude prosecution in this District for at least two reasons. *First*, it is well settled in the Second Circuit that "a plea agreement in one U.S. Attorney's office does not, unless otherwise stated, bind another." *United States v. Prisco*, 391 F. App'x 920, 921 (2d Cir. 2010) ("A plea agreement binds only the office of the United States Attorney for the district in which the plea is entered unless it affirmatively appears that the agreement contemplates a broader restriction.") (citing *United States v. Annabi*, 771 F.2d 670, 672 (2d Cir. 1985) (per curiam)). This is true even if the text of the agreement purports to bind "the Government." *See Annabi*, 771 F.2d at 672. This analysis similarly extends to a non-prosecution agreement. *See United States v. Laskow*, 688 F. Supp. 851, 854 (E.D.N.Y. 1988) ("Defendant's argument, in effect, is that unless there is an explicit statement to the contrary, it is presumed that a non-prosecution agreement binds offices of the United States Attorney that are not parties to the agreement. This position is at odds with the law in this Circuit, which presumes a narrow reading of the boundaries of a plea agreement unless a defendant can affirmatively establish that a more expansive interpretation was contemplated.") (citing *Annabi*, 771 F.2d at 672). *Second*, the Indictment charges conduct not covered by the NPA, namely

the presumptions and the § 3142(g) factors in deciding whether the defendant should be detained.").

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conduct that occurred in New York. The prior NPA included a list of several dozen victims identified in the prior investigation, all of whom were abused in the State of Florida, and none of whom are a part of the conduct charged in Count Two of the instant Indictment.

Each of these factors—the seriousness of the allegations, the strength of the evidence, and the possibility of lengthy incarceration—creates an extraordinary incentive to flee. And as further described below, the defendant has the means and money to do so.

2. The Characteristics of the Defendant

The history and characteristics of the defendant also strongly support detention. The defendant is extraordinarily wealthy and has access to vast financial resources to fund any attempt to flee. Indeed, his potential avenues of flight from justice are practically limitless.

As the defendant acknowledged in his most recent New York State sex offender registration, he has six residences, including two in the U.S. Virgin Islands (including his own private island), and one each in Palm Beach, Florida; Paris, France; New York, New York; and Stanley, New Mexico. The most recent estimated value of the defendant's New York City mansion alone is more than \$77 million. The most recent tax-assessed value of the defendant's Palm Beach estate is more than \$12 million. The defendant's primary residence is a *private island* in the U.S. Virgin Islands, a place where any sort of meaningful supervision would be all but impossible.

Moreover, the defendant has access to innumerable means to flee. His sex registration documentation of "current vehicles" lists no fewer than 15 motor vehicles, including seven Chevrolet Suburbans, a cargo van, a Range Rover, a Mercedes-Benz sedan, a Cadillac Escalade, and a Hummer II. These cars are registered in various states and territories including the Virgin Islands, New York, Florida, and New Mexico. The defendant also has access to two private jets, giving him the ability to leave the country secretly and on a moment's notice and to go virtually anywhere he wants to travel. He is a very frequent international traveler and regularly travels to and from the United States by private plane. In particular, between January 1, 2018, and the present, U.S. Customs and Border Patrol has logged approximately more than 20 flights in which Epstein was traveling to or from a foreign country. Indeed, he was arrested at Teterboro Airport arriving on just such a private international flight after having spent approximately three weeks abroad. Extensive international travel of this nature further demonstrates a significant risk of flight. *See, e.g., United States v. Anderson*, 384 F. Supp. 2d 32, 36 (D.D.C. 2005). There can be no assurance that, upon release, the defendant would suddenly lack access to such means of travel.

Finally, the defendant has no meaningful ties that would keep him in this country. The defendant has no known immediate family. He is not married and has no children. He has friends and associates worldwide, as demonstrated by his extensive international travel, and his professional obligations, if any, can and seemingly are plainly capable of being handled by the defendant remotely. Simply put, there would be no meaningful reason for the defendant to remain in the country, while he would have every incentive (and every resource needed) to flee.

Nor would home confinement with electronic monitoring reasonably assure the defendant's presence as required. At best, home confinement with electronic monitoring would

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merely reduce his head start should he decide to flee. *See United States v. Zarger*, No. 00 Cr. 773, 2000 WL 1134364, at *1 (E.D.N.Y. Aug. 4, 2000) (Gleeson, J.) (rejecting defendant's application for bail in part because home detention with electronic monitoring "at best . . . limits a fleeing defendant's head start"); *see also United States v. Casteneda*, No. 18 Cr. 047, 2018 WL 888744, at *9 (N.D. Cal. Feb. 2018) (same); *United States v. Anderson*, 384 F.Supp.2d 32, 41 (D.D.C. 2005) (same); *United States v. Benatar*, No. 02 Cr. 099, 2002 WL 31410262, at *3 (E.D.N.Y. Oct. 10, 2002) (same).

Finally, there can be little doubt that the defendant is in a position to abandon millions of dollars in cash and property securing any potential bond and still live comfortably for the rest of his life. These resources, and the ease with which the defendant could flee and live outside the reach of law enforcement—particularly considering his vast wealth and lack of meaningful ties to this District—make the risk of flight exceptionally high in this case, particularly when considered in conjunction with the strength of the government's case and the lengthy sentence the defendant could receive if convicted.

B. The Defendant Poses a Risk of Danger to the Community and of Engaging in Obstruction of Justice

The release of the defendant, under any conditions, would pose a significant threat to the community and to the ongoing investigation.

As described above, where there is probable cause to believe that an individual has committed an offense under 18 U.S.C. § 1591, it is presumed that no condition or combination of conditions can reasonably assure the safety of the community. 18 U.S.C. § 3142(e)(3). Here, not only is the defendant charged with very serious sex crimes against minors, he has already previously admitted to—and been convicted of—engaging in related conduct. Specifically, in June 2008, the defendant pled guilty in state court to one count of procuring a person under the age of 18 for prostitution, a felony, and he currently is a registered sex offender, under classification level three in New York—defined as presenting a "high" risk of committing another sex crime and harm to the community. While the conduct presently alleged does not post-date the 2008 conviction, it nevertheless underscores the risk he poses to the community if released.

Additionally, and in connection with the investigation of the defendant's offense in Florida, there were credible allegations that the defendant engaged in witness tampering, harassment, or other obstructive behaviors. In fact, according to publicly-filed court documents, there were discussions between prosecutors and the defendant's then-counsel about the possibility of the defendant pleading guilty to counts relating to "obstruction," as well as "harassment," with reference to 18 U.S.C. § 1512, which criminalizes "[t]ampering with a witness, victim, or informant." For example, in a communication from the defendant's then-counsel to prosecutors in SDFL, his counsel set forth a possible factual proffer that included statements that the defendant had "attempted to harass both [redacted] delay and hinder their receipt of a [redacted] to attend an official proceeding" and that the defendant "in particular, changed travel plans and flew with both [redacted] to the United States Virgin Islands rather than to an airport in New Jersey in order to attempt to delay their receipt of what Mr. Epstein expected to be a [redacted]" and "further verbally

harassed both [redacted] in connection to this attempt to delay their voluntary receipt of process all in violation of 18 USC 1512(d)(1).”⁵ *Doe v. United States*, 08 Civ. 80736 (S.D. Fla.), Dkts. 361 at 3-4, 361-7 through 361-11. In addition to 18 U.S.C. § 1512(d), prosecutors also proposed that the defendant could plead guilty to 18 U.S.C. § 403, that is, a knowing or intentional violation of the privacy protection of child victims and child witnesses, to which the defendant’s then-counsel replied: “Already thinking about the same statutes.” *Id.* Dkt. 361-11. They also discussed a possible obstruction plea that “could rely on the incident where Mr. Epstein’s private investigators followed [redacted] father, forcing off the road.” *Id.* Dkt. 361-10.

The defendant’s apparent previous willingness to obstruct a federal investigation, harass or tamper with witnesses, and hire private investigators that “*forc[ed] off the road*” the father of an individual relevant in the investigation is alarming. It should especially weigh on the Court’s consideration here because the defendant was apparently willing to take those steps *before* even being charged and thus facing federal indictment; the incentive to interfere in the Government’s case here, where an Indictment has been returned, is exponentially greater. And as discussed above, the defendant has nearly limitless means to do so.

Finally, despite having been previously convicted of a sex offense involving an underage victim, the defendant has continued to maintain a vast trove of lewd photographs of young-looking women or girls in his Manhattan mansion. In a search of the New York Residence on the night of his arrest, on July 6-7, 2019, pursuant to judicially-authorized warrants, law enforcement officers discovered not only specific evidence consistent with victim recollections of the inside of the mansion, further strengthening the evidence of the conduct charged in the Indictment, but also at least hundreds—and perhaps thousands—of sexually suggestive photographs of fully- or partially-nude females. While these items were only seized this weekend and are still being reviewed, some of the nude or partially-nude photographs appear to be of underage girls, including at least one girl who, according to her counsel, was underage at the time the relevant photographs were taken. Additionally, some of the photographs referenced herein were discovered in a locked safe, in which law enforcement officers also found compact discs with hand-written labels including the following: “Young [Name] + [Name],” “Misc nudes 1,” and “Girl pics nude.” The defendant, a registered sex offender, is not reformed, he is not chastened, he is not repentant,⁶ rather, he is a continuing danger to the community and an individual who faces devastating evidence supporting deeply serious charges.

⁵ The redactions above are contained in the publicly filed version of the quoted document.

⁶ See, e.g., Amber Southerland, *Billionaire Jeffrey Epstein: I’m a sex offender, not a predator*, N.Y. Post (2011) (“‘I’m not a sexual predator, I’m an “offender,” the financier told The Post yesterday. ‘It’s the difference between a murderer and a person who steals a bagel.’”); Philip Weiss, *The Fantasist*, New York Magazine (2007) (“‘It’s the Icarus story, someone who flies too close to the sun,’ I said. ‘Did Icarus like massages?’ Epstein asked.”).

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CONCLUSION

As set forth above, in this case, the risk of flight in this case is extraordinarily real. The defendant is extremely wealthy, has extensive foreign contacts, and is charged with serious offenses that carry a potential statutory sentence of up to 45 years' imprisonment—even a fraction of which could result in the defendant, who is 66 years old, spending the rest of his life in jail. In sum, the defendant's transient lifestyle, his lack of family or community ties, his extensive international travel and ties outside the country, and his vast wealth, including his access to and ownership of private planes, all provide the defendant with the motive and means to become a successful fugitive. Further, the nature of the offenses he is alleged to have perpetrated—the abuse of dozens of underage, vulnerable girls—along with his demonstrated willingness to harass, intimidate and otherwise tamper with victims and other potential witnesses against him, render his dangerousness readily apparent.

Accordingly, the Government respectfully submits that the defendant cannot and will not be able to meet his burden of overcoming the strong presumption in favor of detention, that there are no conditions of bail that would assure the defendant's presence in court proceedings in this case or protect the safety of the community, and that any application for bail should be denied.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

By: 

Alex Rossmiller / Alison Moe / Maurene Comey
Assistant United States Attorney
Southern District of New York
Tel: (212) 637-2415 / 2225 / 2324

Cc: Martin Weinberg, Esq., and Reid Weingarten, Esq., *counsel for defendant*
Hon. Richard M. Berman, United States District Judge

Appendix 10

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THE UNITED STATES ATTORNEY'S OFFICE

SOUTHERN DISTRICT *of* NEW YORK

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Department of Justice

U.S. Attorney's Office

Southern District of New York

FOR IMMEDIATE RELEASE

Monday, July 8, 2019

Jeffrey Epstein Charged In Manhattan Federal Court With Sex Trafficking Of Minors

Alleged Conduct Occurred in both New York and Florida over Multiple Years, Involving Dozens of Victims

Geoffrey S. Berman, the United States Attorney for the Southern District of New York, William F. Sweeney Jr., the Assistant Director in Charge of the New York Field Office of the Federal Bureau of Investigation ("FBI"), and James P. O'Neill, Commissioner of the New York City Police Department ("NYPD"), announced that JEFFREY EPSTEIN was arrested Saturday and charged with sex trafficking of minors and conspiracy to commit sex trafficking of minors. The indictment unsealed today alleges that, between 2002 through 2005, EPSTEIN sexually exploited and abused dozens of underage girls by enticing them to engage in sex acts with him in exchange for money. Epstein allegedly worked with several employees and associates to ensure that he had a steady supply of minor victims to abuse, and paid several of those victims themselves to recruit other underage girls to engage in similar sex acts for money. He committed these offenses in locations including New York, New York, and Palm Beach, Florida. EPSTEIN is expected to be presented in Manhattan federal court this afternoon before U.S. Magistrate Judge Henry B. Pitman. The case is assigned to U.S. District Judge Richard M. Berman.

U.S. Attorney Geoffrey S. Berman said: "As alleged, Jeffrey Epstein abused underage girls for years, operating a scheme in which girls he victimized would recruit others for Epstein to exploit and abuse. Epstein exploited girls who were vulnerable to abuse, enticed them with cash payments, and escalated his conduct to include sex acts, often occurring at his residence on the Upper East Side of Manhattan. While the charged conduct is from a number of years ago, the victims – then children and now young women – are no less entitled to their day in court. My Office is proud to stand up for these victims by bringing this indictment."

FBI Assistant Director William F. Sweeney Jr. said: "We are asking anyone who may have been victimized by Jeffrey Epstein, or anyone who may have information about his alleged criminal behavior, to please call us. The number is 1-800-CALL-FBI. We want to hear from you, regardless of the age you are now, or whatever age you were then, no matter where the incident took place. The bravery it takes to call us might empower others to speak out about the crimes committed against them. It is important to remember there was never, nor will there ever be an excuse for this type of behavior. In the eyes of the FBI, the victims will always come first."

NYPD Commissioner James P. O'Neill said: "Today's charges serve as a warning to individuals who continue to prey upon some of our society's most vulnerable population: we are coming for you. I thank and commend the U.S. Attorney's Office for the Southern District and the FBI for their tireless efforts to ensure child predators are taken off our streets. The NYPD will continue to work with our law enforcement partners to eradicate the trafficking of children in our city and nation and work to bring justice to victims of these heinous crimes."

If you believe you are a victim of the sexual abuse perpetrated by Jeffrey Epstein, please contact the FBI at 1-800-CALL FBI, and reference this case.

According to the Indictment[1] unsealed today in Manhattan federal court:

From at least 2002 through at least 2005, JEFFREY EPSTEIN enticed and recruited, and caused to be enticed and recruited, dozens of minor girls to visit his mansion in New York, New York (the "New York Residence"), and his estate in Palm Beach, Florida (the "Palm Beach Residence"), to engage in sex acts with him, after which he would give the victims hundreds of dollars in cash. In order to maintain and increase his supply of victims, EPSTEIN also paid certain victims to recruit additional underage girls whom he could similarly abuse. In this way, EPSTEIN created a vast network of underage victims for him to sexually exploit, often on a daily basis, in locations including New York and Palm Beach.

EPSTEIN's victims were as young as 14 at the time he abused them, and were, for various reasons, often particularly vulnerable to exploitation. Moreover, EPSTEIN knew that many of his victims were under 18, including because, in some instances, victims expressly told him they were underage.

In creating and maintaining this network of minor victims in multiple states to abuse and exploit sexually, EPSTEIN worked with others, including employees and associates who facilitated his conduct by, among other things, contacting victims and scheduling their sexual encounters with EPSTEIN at the New York Residence and at the Palm Beach Residence.

In both New York and Florida, EPSTEIN perpetuated this abuse in similar ways. Victims were initially recruited to provide "massages" to EPSTEIN, which became increasingly sexual in nature and would typically include one or more sex acts. EPSTEIN paid his victims hundreds of dollars in cash for each encounter.

In particular, during encounters at the New York Residence, victims would be taken to a room where they would perform a massage on EPSTEIN, during which EPSTEIN would frequently escalate the nature and scope of physical contact with his victims to include, among other things, sex acts such as groping and direct and indirect contact with the victims' genitals. In connection with the encounters, EPSTEIN, or one of his employees or associates, typically paid each victim hundreds of dollars in cash. Once minor victims were recruited, EPSTEIN or his employees or associates would contact victims to schedule appointments for "massages." As a result, many victims were abused by EPSTEIN on multiple subsequent occasions.

To further enable him to abuse underage girls, EPSTEIN asked and enticed certain of his victims to recruit additional minor girls to perform "massages" and similarly engage in sex acts with EPSTEIN. When a victim would recruit another underage girl for EPSTEIN, he paid both the victim-recruiter and the new victim hundreds of dollars in cash. Through these victim-recruiters, EPSTEIN maintained a steady supply of new victims to exploit, and gained access to dozens of additional underage girls to abuse.

* * *

JEFFREY EPSTEIN, 66, is charged with one count of sex trafficking of minors, which carries a maximum sentence of 40 years in prison, and one count of conspiracy to engage in sex trafficking of minors, which carries a maximum sentence of five years in prison.

The statutory maximum and mandatory penalties are prescribed by Congress and are provided here for informational purposes only; as any sentencing of the defendant would be determined by the judge.

Mr. Berman praised the outstanding investigative work of the FBI and the NYPD. He also thanked the U.S. Customs and Border Protection for their assistance.

This case is being handled by the Office's Public Corruption Unit. Assistant U.S. Attorneys Alex Rossmiller, Alison Moe, and Maureen Comey are in charge of the prosecution, with assistance from the Office's Human Trafficking Co-Coordinator, Abigail Kurland.

The charges contained in the Indictment are merely accusations. The defendant is presumed innocent unless and until proven guilty.

[1] As the introductory phrase signifies, the entirety of the text of the Indictment, and the description of the Indictment set forth herein, constitute only allegations, and every fact described therein should be treated as an allegation.

Attachment(s):

Download U.S. v. Jeffrey Epstein Indictment

Topic(s):

Project Safe Childhood

Component(s):

USAO - New York, Southern

Press Release Number:

19-211

Updated July 9, 2019

Appendix 11

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J8RsEPS1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

19 CR 490 (RMB)

5 JEFFREY EPSTEIN,

6 Defendant.
-----x

7
8 New York, N.Y.
9 August 27, 2019
10 10:30 a.m.

11 Before:

12 HON. RICHARD M. BERMAN,

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN
16 United States Attorney for the
17 Southern District of New York
18 BY: MAURENE R. COMEY
19 ALISON MOE
20 Assistant United States Attorneys

21 MARTIN G. WEINBERG, PC
22 Attorney for Defendant
23 BY: MARTIN G. WEINBERG

24 STEPTOE & JOHNSON, LLP
25 Attorneys for Defendant
BY: REID WEINGARTEN
MICHAEL MILLER

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(212) 805-0300

J8RsePS1

1 (Case called)

2 THE COURT: Good morning, everybody. Please be
3 seated.

4 So just some housekeeping. We have a podium here for
5 both attorneys and others who may be speaking, and so we would
6 like you, attorneys and others who are speaking, to come up to
7 the podium. This room is a little cavernous. We thought the
8 podium over there would be more comfortable.

9 For starters, and for this you don't have to go up to
10 the podium, if you could just indicate your names. This table
11 in front to my left, your right, are defense counsel, and that
12 table to my right, your left, are government attorneys.

13 If we could just ask the attorneys to introduce
14 themselves.

15 MS. COMEY: Good morning, your Honor. Maureen Comey
16 and Alison Moe for the government. Joining us at counsel table
17 are Special Agent Amanda Young of the FBI and Detective Paul
18 Byrne of the NYPD.

19 MR. WEINGARTEN: Good morning, your Honor.
20 Reid Weingarten.

21 MR. WEINBERG: Martin Weinberg.
22 Good morning, your Honor.

23 THE COURT: Good morning.

24 MR. MILLER: Good morning, your Honor.

25 Michael Miller from Steptoe & Johnson on behalf of the

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1 defendant.

2 THE COURT: Great.

3 Again, good morning to all of you. This hearing that
4 we're having today considers the government's motion to dismiss
5 the indictment in this case.

6 I must add that it also serves as the opportunity for
7 me to thank all of you, the attorneys and the victims who are
8 here today, among others, for your very hard work and
9 dedication in this case.

10 We also have here today the U.S. Attorney for the
11 Southern District of New York, Geoffrey Berman, who has also
12 been very helpful and indispensable in this matter.

13 The news on August 10, 2019, that Jeffrey Epstein had
14 been found dead in his cell at the Metropolitan Correctional
15 Center, at the MCC, was certainly shocking. Most of you, and
16 myself for that matter, were anticipating that the next steps
17 in this case would be defense motion practice, including a
18 motion to dismiss, followed by a trial on the merits before a
19 jury, if the motions were not successful, and through which the
20 accusers and the accused would come face to face, allowing
21 everyone to get their day in court. Mr. Epstein's death
22 obviously means that a trial in which he is a defendant cannot
23 take place. It is a rather stunning turn of events.

24 The government's motion to dismiss the indictment
25 because of Jeffrey Epstein's death on August 10, 2019, is

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