

From: Paul Cassell <[REDACTED]>

To: "[REDACTED], [REDACTED] [REDACTED] (USAFLS)" <[REDACTED]>, "[REDACTED] (USAFLS)" <[REDACTED]>, Brad Edwards <[REDACTED]>

Subject: RE: Avoiding an Unnecessary Fight - where do things stand?

Date: Wed, 23 Feb 2011 15:40:29 +0000

Importance: Normal

Hi [REDACTED] and [REDACTED],

Brad and I continue to want to hear back from the U.S. Attorney soon about our request – made in person to the U.S. Attorney 11 weeks ago, echoing a request conveyed through you back in September (nearly five months ago) – that the Office simply stand on the sidelines and not oppose our efforts to have Epstein’s non-prosecution agreement set aside. As you know, we have been diligently trying to avoid an unnecessary fight with your Office. We have only asked that you not affirmatively oppose our efforts to seek justice for the victims in the case. In other words, we are not asking you to lift a finger – we are merely asking you not to get in our way.

We understood we were going to hear back from shortly after our December meeting with the U.S. Attorney ... then things stretched into January ... then February ... then last week ... then this week. We are willing to wait a reasonable amount of time to try and work something out with you. But where do things stand? We are having a bit of difficulty understanding why a simple request that you not actively take steps to undermine efforts of sexual abuse victims to obtain justice is taking so long to approve.

Hoping that you can give us some further information soon. Paul Cassell, Co-Counsel for Jane Doe #1 and Jane Doe #2

Paul G. Cassell
Ronald N. Boyce Presidential Professor of Criminal Law
S.J. Quinney College of Law at the University of Utah
332 South 1400 East, Room 101
Salt Lake City, UT 84112-0730

Voice: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

<http://www.law.utah.edu/profiles/default.asp?PersonID=57&name=Cassell,Paul>

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From: [REDACTED], [REDACTED] [REDACTED] (USAFLS) [mailto:[REDACTED]]

Sent: Tuesday, February 15, 2011 2:33 PM

To: Paul Cassell; [REDACTED], [REDACTED] (USAFLS); Brad Edwards

Subject: RE: Avoiding an Unnecessary Fight

Dear Paul and Brad:

I am out of the District until Thursday and I have not heard from [REDACTED] this week (he is out of the District as well, I believe). I know that last week he received some guidance from our Office, with a request that he gather additional information from DC. I don’t know whether he was able to get that additional information.

I know that you have been very patient, and I hate to ask you to wait a little longer. I am back in West Palm Beach on Thursday, but I am trying to finalize a plea to mandatory life in a double-homicide case that I am trying

to schedule for Friday. If you can wait until Tuesday (because Monday is a holiday), you will have my undivided attention, and I can follow-up with DC or Miami or whomever else needs to be consulted to get a final answer.

If I hear anything from [REDACTED] in the meantime, I will let you know.

[REDACTED]

From: Paul Cassell [mailto:[REDACTED]]
Sent: Tuesday, February 15, 2011 10:26 AM
To: [REDACTED], [REDACTED] (USAFLS); Brad Edwards
Cc: [REDACTED], [REDACTED], [REDACTED] (USAFLS)
Subject: RE: Avoiding an Unnecessary Fight

Dear [REDACTED],

Brad and I look forward to hearing from you today (as you indicated that you would) about our proposal that the U.S. Attorney's Office will simply stand on the sidelines and not oppose our efforts to set aside the plea. I would hope that you would reiterate to the U.S. Attorney and the First Assistant, once again, how much we would like to avoid fighting with your Office so that we can focus our energies on Epstein the sex offender. We don't understand why the U.S. Attorney's Office feels that it needs to join this fight with the victims -- we hope that you will work to find a way to make this happen and avoid an entirely unnecessary clash between prosecutors and crime victims.

We are happy to discuss with you ways to minimize any clash and any logistics that would be involved -- if we have agreement in principle on the concept. We are also available for a conference call today after 5:00 Florida time, if you would like further discussions.

Sincerely, Paul Cassell, co-counsel for Jane Doe #1 and Jane Doe #2

Paul G. Cassell
Ronald N. Boyce Presidential Professor of Criminal Law
S.J. Quinney College of Law at the University of Utah
332 South 1400 East, Room 101
Salt Lake City, UT 84112-0730
Voice: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
<http://www.law.utah.edu/profiles/default.asp?PersonID=57&name=Cassell,Paul>

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From: [REDACTED], [REDACTED] (USAFLS) [mailto:[REDACTED]]
Sent: Thursday, December 16, 2010 9:03 AM
To: Paul Cassell; Brad Edwards
Cc: [REDACTED], [REDACTED], [REDACTED] (USAFLS)
Subject: Request for Investigation Of Jeffrey Epstein Prosecution

Brad and Paul,

We enjoyed meeting in person with you and CW last Friday. I wanted to update you on the matters we discussed that day.

EFTA00207872

First, Paul's request for an investigation of the Jeffrey Epstein prosecution has been referred to the Department of Justice's Office of Professional Responsibility. OPR is the component within the DOJ which investigates allegations of misconduct relating to the authority of DOJ attorneys to investigate, litigate, and give legal advice. The December 10, 2010 letter asks this office "to investigate through appropriate and independent channels the handling of the Epstein (non)prosecution." OPR is the appropriate and independent body within the DOJ to investigate and determine whether misconduct has occurred.

Second, during the meeting on December 10, we advised you of the ethical standards applicable regarding a potential prosecution of Epstein by our office, and that a recusal would likely ensue. Given your request for an investigation of this Office's conduct in the Jeffrey Epstein case, and the referral of that request to OPR, we are seeking guidance from DOJ on whether this office can continue to defend the Crime Victim Rights Act case.

Third, we discussed the sequence in the litigation. You asked us that, in the event the court decides that the CVRA applied, in the absence of a formal charge, that the government concede (1) the U.S. Attorney's Office failed to comply with the CVRA; and (2) the district court should set aside the Non-Prosecution Agreement. In light of what has occurred, we cannot give you an answer on those two points.

You had told us earlier that you would be filing a dispositive motion by December 17, 2010. I expect to find out whether our office needs to recuse itself within the next week. I will be on leave from December 17-28, but will be back at the office on December 29. I am asking if you would defer filing any motion until after I return on December 29. Thank you.

I can be reached by e-mail and cell phone, [REDACTED], during my annual leave.

[REDACTED]