

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: 08-80736-Civ-Marra/Johnson

Jane Doe #1 and Jane Doe #2

United States

SEALED DOCUMENT TRACKING FORM

Party Filing Matter Under Seal

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On behalf of (select one):

Plaintiff

Defendant

Date sealed document filed: 4/8/2011

If sealed pursuant to statute, cite statute: _____

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The matter should remain sealed until:

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Attorney for: United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-Civ-Marra/Johnson

JANE DOES #1 AND #2,

Petitioners,

█

FILED UNDER SEAL

UNITED STATES OF AMERICA,

Respondent.

**APPENDIX TO UNITED STATES' RESPONSE IN OPPOSITION TO
PETITIONERS' MOTION TO USE CORRESPONDENCE TO PROVE
VIOLATIONS OF THE CRIME VICTIMS' RIGHTS ACT
AND TO HAVE THEIR UNREDACTED PLEADINGS UNSEALED [DE60]**


The United States, by and through the undersigned, hereby files its Appendix to its Response in Opposition to Petitioners' Motion to Use Correspondence to Prove Violations of the Crime Victim's Rights Act and to Have Their Unredacted Pleadings Unsealed. As set forth in the Government's Response (DE60), if the Court should grant the Petitioners' Motion to use the correspondence in these proceedings, then the United States respectfully requests that the Court unseal Petitioners' filings, DE48 and Exhibit A to DE48, only in redacted form. Attached hereto are the relevant portions of DE48 and Exhibit A to DE48 with the United States' proposed redactions.

As explained in the United States' Response, the Petitioners do not oppose the redactions marked in blue. The Petitioners do oppose the redactions marked in red. Redactions that appear

only in black were pre-existing (i.e., they were placed there either by Petitioners or by counsel for Jeffrey Epstein).

Respectfully submitted,
WIFREDO A. FERRER
UNITED STATES ATTORNEY

By:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 7, 2011, a copy of the foregoing, with attachments thereto, was served via electronic mail on counsel for Petitioners set forth below. Because this document is being filed under seal, it could not be electronically filed with the Clerk of the Court using CM/ECF.



DEXTER A. LEE
Assistant U.S. Attorney

SERVICE LIST

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Case No, 08-80736-CIV-MARRA/JOHNSON
United States District Court, Southern District of Florida

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RELEVANT PORTIONS OF DE48

the case. *See generally* U.S. Attorney's Correspondence, Exhibit "A" to this filing (hereinafter cited as "U.S. Attorney's Correspondence" and referenced by Bates page number stamp).

4 [REDACTED] both Jane Doe #1 and Jane Doe #2 were victims of sexual assaults by Epstein while they were minors beginning when they were approximately fourteen years of age and approximately thirteen years of age respectively. Jane Doe #1, for example, provided detailed information about her abuse (and the abuse of Jane Doe #2) to the FBI on August 7, 2007. Exhibit "B."

5. More generally [REDACTED] Epstein operated a large criminal enterprise that used paid employees and underlings to repeatedly find and bring minor girls to him. Epstein worked in concert as part of the enterprise with others, including Ghislane Maxwell and Jean Luc Brunel, to obtain minor girls not only for his own sexual gratification, but also for the sexual gratification of others [REDACTED]. Epstein had committed dozens and dozens of federal sex crimes against dozens of minor girls between 2001 and 2007. They presented information to the U.S. Attorney's Office for criminal prosecution. *See* Exhibit "B"; U.S. Attorney's Correspondence at 47-55.

6. On about June 7, 2007, FBI agents hand-delivered to Jane Doe #1 a standard CVRA victim notification letter. The notification promised that the Justice Department would make its "best efforts" to protect Jane Doe #1's rights, including "[t]he reasonable right to confer with the attorney for the United States in the case" and "to be reasonably heard at any public proceeding in the district court involving . . . plea" The notification further explained that "[a]t this time, your case is under investigation." That notification meant that the FBI had identified Jane Doe #1 as a victim of a federal offense and as someone protected by the CVRA. Jane Doe #1

felony offenses and would serve only county jail time. Many of the negotiations are reflected in e-mails between Lefkowitz and the U.S. Attorney's Office. *See generally* Exhibit "A."

10. At the time of plea discussions, the U.S. Attorney's Office had an 82-page prosecution memorandum outlining numerous federal sexual offenses committed by Epstein, and had prepared a 53-page indictment for numerous federal offenses. The evidence supporting these charges was overwhelming, including the interlocking consistent testimony of several dozen minor girls, all made automatically admissible in a federal criminal sexual assault prosecution by operation of Fed. R. Evid. 414. U.S. Attorney's Correspondence at 4.

11. In September 2007, the U.S. Attorney's Office, in an effort to avoid prosecuting Epstein for his numerous sexual offenses against children, proposed to Epstein's attorneys that rather than plead to any charges relating to him molesting children, Epstein should instead plead

to



12. The correspondence also shows that the U.S. Attorney's Office was interested in finding a place to conclude a plea bargain that would effectively keep the victims from learning what was happening through the press. The Office wrote in an e-mail to defense counsel: "On an 'avoid the press' note, I believe that Mr. Epstein's airplane was in Miami on the day of the Ms. Groff telephone call. If he was in Miami-Dade County at the time, then I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly." The

**RELEVANT PORTIONS OF
EXHIBIT A TO DE 48**