

From: Jay Lefkowitz <[REDACTED]>

To: [REDACTED]

Subject: RE: Draft Agreements?

Date: Tue, 18 Sep 2007 15:09:03 +0000

Importance: Normal

Attachments: Agreement_updated.doc.rtf

Confidential -- For Settlement purposes only.

[REDACTED] -- Please look this over and let's see if we can identify any issues that we need to discuss in greater detail. Since you can't go to only one count of obstruction, but 18 would become about 15 with gain time, I have made a proposal of a total 24 month sentence based on two informations. This would include a period of home detention. We can then follow this with a state plea as well so he serves the additional time there. I need to see your language for proffers on the two charges - (taking [REDACTED] out of the jurisdiction to avoid process.)

Alternatively, at this stage, we could have just one count for 12 months and then 6 months incarceration under the state, followed by community control and probabtion. I am not sure which is more practicable.

Please let me know when you are free to speak.

Thanks -- Jay

[REDACTED]

To "Jay Lefkowitz" <[REDACTED]>
cc
Subject RE: Draft Agreements?

09/18/2007 09:14 AM

Hi Jay – I know that the U.S. Attorney will not go below 18 months of prison/jail time (and I would strongly oppose the suggestion).

[REDACTED]

From: Jay Lefkowitz <[REDACTED]>

Sent: Tuesday, September 18, 2007 8:59 AM

To: [REDACTED]

Subject: Re: Draft Agreements?

an alternative to what we discussed just now might be to plead to one count of 1512, serve 12 months plus supervised release which would be one year of home detention (if we can make that work), followed by two years of probation in the state on the

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state charges with the first 6 months being community control.

[REDACTED]

09/18/2007 08:44 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

Subject Draft Agreements?

Hi Jay – I was hoping there would be things for me to read this morning, but I will try to remain patient.

I believe there are only two types of agreements that would apply to this case: (1) a plea agreement to a federal charge or charges; and (2) a non-prosecution agreement (which is really a deferred prosecution agreement because the defendant agrees that if he violates the agreement, the U.S. can prosecute him).

A plea agreement is part of the court file. It is not accessible on-line via PACER, but someone can go to the Clerk's Office to obtain a copy.

A non-prosecution agreement would not be made public or filed with the Court, but it would remain part of our case file. It probably would be subject to a FOIA request, but it is not something that we would distribute without compulsory process.

On the obstruction charges, many of the facts I included in that first proffer were hypothesized based upon our discussions and the agents' observations of [REDACTED]. We will need to interview her to confirm the accuracy of those facts. On a second count, we could rely on the incident where Mr. Epstein's private investigators followed [REDACTED] forcing him off the road. Or, if there is something more recent related to any grand jury subpoenas, we could consider that.

Hope that helps.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]