

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Thursday, September 13, 2007 7:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

Sounds good. I will be at home. Let's talk at 9 am. [REDACTED]

Already thinking about the same statutes.

Look forward to speaking in the morning.

Best, Jay

----- Original Message -----

From: "Villafana, Ann Marie C. \" [REDACTED]
Sent: 09/13/2007 07:26 PM AST
To: Jay Lefkowitz
Subject: RE:

Hi Jay -- Yes, I am. I have been spending some quality time with Title 18 looking for misdemeanors. Do you want to take a look at 18 USC 403, 18 USC 1512(d), and 47 USC 223(a)(1)(B) and we can talk about them tomorrow? I know that someone mentioned there being activity on an airplane, I just want to make sure that there is factual basis for the plea that the agents can confirm.

I'm not sure exactly where I will be tomorrow morning, so is it alright if I call you?

Have a good evening.

A. Marie Villafañá
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
[REDACTED]

-----Original Message-----

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, September 13, 2007 7:21 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

Marie - Are you free to speak at 9 am tomorrow?

Thanks. Jay

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Subject: Tuesday, September 18, 2007 8:44 AM
Re: 'Jay Lefkowitz'
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] father, forcing him off the road. Or, if there is something more recent related to any [REDACTED] [REDACTED] we could consider that.

I hope that helps.

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401

[REDACTED]

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
sent: Wednesday, September 19, 2007 11:36 AM
to: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Draft Agreements?

Confidential - For settlement purposes only

Still working on redline. But pls look at this:

On August __, 2007, FBI Special Agents E. Nesbitt Kuyrkendall and Jason Richards traveled to the home of [REDACTED] in connection with an investigation pending in the Southern District of Florida. Mr. Epstein was informed of the service of the [REDACTED]. As a result, Mr. Epstein attempted to harass both [REDACTED] delay and hinder their receipt of a [REDACTED] to attend an official proceeding, more particularly the [REDACTED] to which [REDACTED]. Mr. Epstein, 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]. Mr. Epstein 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).

----- Original Message -----

From: "Villafana, Ann Marie C. (USAFLS)" [REDACTED]
Sent: 09/19/2007 11:18 AM AST
To: Jay Lefkowitz
Subject: RE: Draft Agreements?

Hi Jay - I don't know the factual basis for the alleged [REDACTED] because we have no independent evidence of that. So, the agents need to talk to them and then I can draft up a proposed factual proffer. I have sent an e-mail to Barry and Lanna to determine their availability. Thanks.

A. Marie Villafana
Assistant U.S. Attorney
[REDACTED]

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