

EXHIBIT

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Ann Marie Villafana [REDACTED]

Re: JE negotiations

1 message

Ann Marie Villafana [REDACTED]

Sun, Sep 16, 2007 at 11:41 AM

To: Jay Lefkowitz <JLefkowitz@kirkland.com>

Hi Jay -- I looked up some 11th Circuit cases on simple assault and found some good language. I also learned that, every moment that one is aboard an enclosed civil airplane, they are in the "special aircraft jurisdiction of the United States," so the assault charge is really a violation of 49 USC 46506, which doesn't change the penalties.

I have drafted up a factual proffer that I would use at the change of plea based upon our brief conversation and the agents' interaction with [REDACTED] at her home. The agents and I would need to speak with Ms. [REDACTED] briefly to confirm that these facts are true. Feel free to make suggestions.

On an "avoid the press" note, I believe that Mr. Epstein's airplane was in Miami on the day of the [REDACTED] 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. Do you want to check that out?

I will talk to you later. Thanks.



Epstein Plea Proffer.doc
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UNITED STATES vs. JEFFREY EPSTEIN
PLEA PROFFER

On August __, 2007, FBI Special Agents E. Nesbitt Kuyrkendall and Jason Richards traveled to the home of [REDACTED] to serve her with a [REDACTED] subpoena in connection with an investigation pending in the Southern District of Florida. [REDACTED] works as the personal assistant of the defendant. [REDACTED] began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, [REDACTED] telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein was then aboard a civilian aircraft in the Southern District of Florida, and was about to return to Teterboro, New Jersey. Mr. Epstein instructed [REDACTED] not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein then re-directed his airplane, traveling to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving target letters on [REDACTED]

During that flight, while in the special aircraft jurisdiction of the United States, the defendant telephoned [REDACTED] and applied pressure to keep her from complying with the [REDACTED] that the agents had served upon her. In particular, Mr. Epstein warned [REDACTED] against turning over documents and electronic evidence responsive to the [REDACTED] and pressured her to delay her appearance before the federal [REDACTED] in the Southern District of Florida.

Also during that flight, while in the special aircraft jurisdiction of the United States, the defendant became angry regarding the federal investigation and became verbally abusive and threatening towards his female companion, [REDACTED]

although he did not intend to strike her. Based upon Mr. Epstein's words, Ms.

 reasonably was in fear that Mr. Epstein was about to touch her offensively.