

informed victims “of their right to collect damages prior to a thorough investigation of their allegations against Mr. Epstein”:

None of the victims were informed of the right to sue under Section 2255 prior to the investigation of the claims. Three victims were notified shortly after the signing of the [NPA] of the general terms of that Agreement. You raised objections to any victim notification, and no further notifications were done. Throughout this process you have seen that I have prepared this case as though it would proceed to trial. Notifying the witnesses of the possibility of damages claims prior to concluding the matter by plea or trial would only undermine my case. If my reassurances are insufficient the fact that not a single victim has threatened to sue Mr. Epstein should assure you of the integrity of the investigation.

On December 14, 2007, Villafañá forwarded to Acosta the draft victim notification letter previously sent to the defense, along with two draft letters addressed to State Attorney Krischer; Villafañá’s transmittal email to Acosta had the subject line, “The letters you requested.” One of the draft letters to Krischer, to be signed by Villafañá, was to advise that the USAO had sent an enclosed victim notification letter to specified identified victims and referred to an enclosed “list of the identified victims and their contact information, in case you are required to provide them with any further notification regarding their rights under Florida law.”³¹⁹ The second draft letter to Krischer, for Acosta’s signature, requested that Krischer respond to defense counsel’s allegations that the State Attorney’s Office was not comfortable with the proposed plea and sentence because it believed that the case should be resolved with probation and no sexual offender registration. OPR found no evidence that these letters were sent to Krischer.³²⁰

A few days later, in an apparent effort to move forward with victim notifications, Villafañá emailed Sloman, stating, “[Is there] anything that I or the agents should be doing?” Villafañá told Sloman that “[the FBI case agent] is all worked up because another agent and [a named AUSA] are the subject of an OPR investigation for failing to properly confer with and notify victims [in an unrelated matter]. We seem to be in a Catch 22.”³²¹ OPR did not find a response to Villafañá’s email.

In their December 14, 2007 meeting with Acosta and other USAO personnel and in their lengthy follow-up letter to Acosta on December 17, 2007, Starr and Lefkowitz continued to press their objections to the USAO’s involvement in the Epstein matter. They requested that Acosta

³¹⁹ The draft victim notification letter was identical to the draft victim notification letter sent to the defense on December 6, 2007, except that it contained a new plea date of January 4, 2008.

³²⁰ Moreover, the letters were not included in the publicly released State Attorney’s file, which included other correspondence from the USAO. *See* Palm Beach State Attorney’s Office Public Records/Jeffrey Epstein, available at <http://sa15.org/stateattorney/NewsRoom/indexPR.htm>.

³²¹ OPR was unable to locate any records indicating that such allegations had ever been referred to OPR. Villafañá told OPR that “Catch 22” was a reference to instructions from supervisors “[t]hat we can’t go forward on” filing federal charges and “I was told not to do victim notifications and confer at the time.”