

[M]y expectation of what was going [to] happen at the plea was that it would be like a federal plea where there would be a factual proffer that was read, and where the judge would ask if there were any victims present who wanted to be heard, and that at that point if Brad Edwards wanted to address the court or if his clients wanted to address the court, they would be given the opportunity to do so.³⁵⁷

Sloman told OPR that he did not recall directing Villafaña to contact anyone about the plea hearing or directing her specifically not to contact anyone about it. Acosta told OPR that he believed the state would notify the victims of the “all-encompassing plea” resolving the federal case “and [the victims would] have an opportunity to speak up at the state court hearing.” Nevertheless, Acosta did not know whether the state victims overlapped with the federal victims or whether the USAO “shared that list with them.” Villafaña told OPR that she and Acosta “understood that the state would notify the state victims” but that neither of them were aware “that the state only believed they had one victim.”³⁵⁸ Villafaña told OPR that there was “very little” communication between the USAO and the State Attorney’s Office, and although she discussed a factual proffer with the State Attorney’s Office and “the fact that . . . the federal investigation had identified additional victims,” she did not recall discussing “who the specific people were that they considered victims in the state case.”³⁵⁹

Sloman told OPR that the “public perception . . . that we tried to hide the fact of the results of this resolution from the victims” was incorrect. He explained:

[E]ven though we didn’t have a legal obligation, I felt that the victims were going to be notified and the state was going . . . to fulfill that obligation, and even as another failsafe, [the victims] would be notified of . . . the restitution mechanism that we had set up on their behalf.

Sloman acknowledged that although neither the NPA terms nor the CVRA prevented the USAO from exercising its discretion to notify the victims,

it was [of] concern that this was going to break down and . . . result in us prosecuting Epstein and that the victims were going to be witnesses and if we provided a victim notification indicating, hey, you’re going to get \$150,000, that’s . . . going to be instant impeachment for the defense.

³⁵⁷ Assistant State Attorney Belohlavek told OPR that federal victims who were not a party to the state case would not have been able to simply appear at the state plea hearing and participate in the proceedings. Rather, such a presentation would have required coordination between the USAO and the State Attorney’s Office and additional investigation of the victims’ allegations and proposed statements by the State Attorney’s Office.

³⁵⁸ In an email a few months earlier, Villafaña noted, “The state indictment [for solicitation of adult prostitution] is related to two girls. One of those girls is included in the federal [charging document], the other is not.”

³⁵⁹ As noted in Chapter Two, Villafaña had stopped communicating with the State Attorney’s Office regarding the state case following Epstein’s defense team’s objections to those communications.