

about the NPA because it was “confidential” and because the case was under “investigation and leading towards” the filing of charges. Villafaña recalled mentioning the conversation to her supervisors and the case agents because she “thought he was somebody who could be of assistance to us and . . . could perhaps persuade Alex Acosta that this was a case that was meritorious and should be prosecuted.”

Nevertheless, when OPR asked Villafaña why she did not inform Edwards of the same information that the FBI and she had provided to Wild in October 2007 and January 2008, Villafaña explained that she felt “prohibited”:

At the time that I spoke with him, you know, there had been all of this . . . letter writing or all of these concerns and instructions that I had been given by Alex [Acosta] and Jeff [Sloman] not to disclose things further and not to have any involvement in victim notification, and so I felt like that prohibited me from telling him about the existence of the NPA.

X. JUNE 2008: EFFORTS TO NOTIFY VICTIMS ABOUT THE JUNE 30, 2008 PLEA HEARING

The Epstein team’s appeals through the Department ended on June 23, 2008, when the Deputy Attorney General determined that “federal prosecution of this case is appropriate” and Epstein’s allegations of prosecutorial misconduct did not rise to a level that would undermine such a decision. Immediately thereafter, at Sloman’s instruction, Villafaña notified Lefkowitz that Epstein had until “the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement . . . including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.” That same day, Villafaña made plans to file charges on July 1, 2008, if Epstein did not enter his guilty plea by the June 30 deadline.

On Friday, June 27, 2008, Villafaña received a copy of the proposed state plea agreement and learned that the plea hearing was scheduled for 8:30 a.m. on Monday, June 30, 2008. Also on that Friday, Villafaña submitted to Sloman and Criminal Division Chief Senior a “final final” proposed federal indictment of Epstein.

Villafaña and the FBI finalized the government’s victim list that they intended to disclose, for § 2255 purposes, to Epstein after the plea and, at Sloman’s instruction, Villafaña contacted PBPD Chief Reiter to ask him to notify the victims of the plea hearing. Villafaña told OPR that Sloman said, “Chief Reiter could contact the victims from the state case, and tell them about the plea.”³⁵¹ On Saturday, June 28, 2008, Villafaña emailed Sloman to inform him that PBPD Chief Reiter “is going to notify victims about the plea.”³⁵²

³⁵¹ Villafaña further stated, “I requested permission to make oral notifications to the victims regarding the upcoming change of plea, but the Office decided that victim notification could only come from a state investigator, and Jeff Sloman asked PBPD Chief Reiter to assist.”

³⁵² Sloman replied, “Good.”