

B. Because the Federal Investigation Continued after the NPA Was Signed, the FBI Letters Were Accurate but Risked Misleading Victims regarding the Status of the Federal Investigation

As described previously, given Epstein's appeal to the Department and continued delay entering his guilty plea, Villafañá and other subjects came to believe that Epstein did not intend to comply with the NPA and that the USAO would ultimately file charges against Epstein. By April 2008, Acosta predicted in an email that charging Epstein was "more and more likely." As a result, Villafañá and the case agents continued their efforts to prepare for a likely trial with additional investigative steps. Among other actions, Villafañá, her supervisors, CEOS, and the case agents engaged in the following investigative activities:

- The FBI interviewed victims in October and November 2007 and between January and May 2008, and discovered at least six new victims.
- In January 2008, CEOS assigned a Trial Attorney to bring expertise and "a national perspective" to the matter.
- In January and February 2008, Villafañá and the CEOS Trial Attorney participated in victim interviews.
- Villafañá revised the prosecution memorandum to focus "on victims who are unknown to Epstein's counsel."
- The USAO informed the Department's Civil Rights Division "pursuant to USAM [§] 8-3.120," of the USAO's "ongoing investigation of a child exploitation matter" involving Epstein and others.
- Villafañá secured *pro bono* legal representation for victims whose depositions were being sought by Epstein's attorneys in connection with the Florida criminal case.⁴¹³
- Villafañá prepared a revised draft indictment.
- Villafañá sought and obtained approval to provide immunity to a potential government witness in exchange for that witness's testimony.
- Even after Epstein's state plea hearing was set for June 30, 2008, Villafañá took steps to facilitate the filing of federal charges on July 1, 2008, in the event he did not plead guilty.

Villafañá told OPR that from her perspective, the assertion in the FBI victim letter that the case was "currently under investigation" was "absolutely true." Similarly, the FBI case agent told OPR that at the time the letters were sent the "case was never closed and the investigation was

delivered, along with the FBI's own victim's rights pamphlet and notification letter, to victims following their FBI interviews.

⁴¹³ According to the 2017 affidavit filed by Wild's CVRA-case attorney, Edwards, the *pro bono* counsel that Villafañá secured assisted Wild in "avoiding the improper deposition."