

an instance in which Wild “asked a question that wasn’t answered” of anyone in the USAO or of the FBI case agents.

Edwards contacted Villafaña by email and telephone in mid-June, stating that he had “information and concerns that [he] would like to share.”³⁴⁸ In his affidavit, Edwards alleged that during multiple telephone calls with Villafaña, he “asked very specific questions about what stage the investigation was in,” and Villafaña replied that she could not answer his questions because the matter “was an on-going active investigation[.]” Edwards attested that Villafaña gave him “the impression that the Federal investigation was on-going, very expansive, and continuously growing, both in the number of identified victims and [in] complexity.”³⁴⁹

In her written response to OPR, Villafaña said that she “listened more than [she] spoke” during these interactions with Edwards, which occurred before the state court plea:

Given the uncertainty of the situation – Epstein was still challenging our ability to prosecute him federally, pressing allegations of prosecutorial misconduct, and trying to negotiate better plea terms, while the agents, my supervisors, and I were all moving towards [filing charges] – I did not feel comfortable sharing any information about the case. It is also my practice not to talk about status before the grand jury.

In her 2017 declaration in the CVRA litigation, Villafaña explained that during these exchanges, Villafaña did not inform Edwards of the existence of the NPA because she “did not know whether the NPA remained viable at that time or whether Epstein would enter the state court guilty plea that would trigger the NPA.”³⁵⁰ Villafaña told OPR that she did not inform Edwards

also had interactions with other victims’ attorneys. For example, another attorney informed OPR that he spoke to Villafaña two to five times concerning the status of the case and each time was told that the case was under investigation. The attorney noted, “[W]e never got any information out of [Villafaña]. We were never told what was happening or going on to any extent.” Villafaña’s counsel told OPR that Villafaña did not have any interaction with the attorney or his law partner until after Epstein’s state court plea hearing, and that in her written communications responding to the attorney’s inquiries, she provided information to the extent possible. OPR found no documentation that Villafaña’s communications with the attorney occurred prior to June 30, 2008. Villafaña also had more ministerial interactions with other victims’ counsel, as well as contact regarding their ongoing civil cases. For example, in March 2008, one victim’s attorney informed Villafaña of his representation of a victim and requested that the government provide him with photographs of the victim and information concerning the tail registration number for Epstein’s airplane. Villafaña responded that she was unable to provide the requested information, but asked that counsel keep her updated about the civil litigation.

³⁴⁸ Villafaña later stated in a July 9, 2008 declaration filed in the CVRA litigation that, although she invited Edwards to provide her with information, “[n]othing was provided.”

³⁴⁹ Edwards did not respond to OPR’s request to interview him, although he did assist OPR in locating other attorneys who were representing victims.

³⁵⁰ The government later admitted in court filings that Villafaña and Edwards “discussed the possibility of federal charges being filed in the future and that the NPA was not mentioned.” *Doe*, Government’s Response to Petitioners’ Statement of Undisputed Material Facts in Support of Petitioners’ Motion for Partial Summary Judgment at 14, ¶101 (June 6, 2017).