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Boom

Jeffrey Epstein tampered with witnesses, sent \$350K to 2 people: prosecutors - NBC News



Jeffrey Epstein paid \$350K to "influence" possible co-conspirators, pr...

Prosecutors said the payments were made last November just days after the publication of a bombshell Miami Herald story.

<https://apple.news/AC4wvhY6hRMKxxE5KJVpS-A>

The prosecutors said the payments, which were made after the publication of a bombshell Miami Herald story last November, demonstrate Epstein's willingness to tamper with witnesses.

This course of action, and in particular its timing, suggests the defendant was attempting to further influence co-conspirators who might provide information against him in light of the recently re-emerging allegations," the prosecutors wrote in court papers

Epstein's lawyers proposed that he be held under house arrest with electronic monitoring at his \$77 million New York City mansion. But prosecutors said in the new court papers that the wealthy financier is worth more than \$500 million and poses a considerable flight risk.

"The defendant is an incredibly sophisticated financial actor with decades of experience in the industry and significant ties to financial institutions and actors around the world," the court papers say.

"He could easily transfer funds and holdings on a moment's to places where the government would never find them so as to ensure he could live comfortably while a fugitive."

Bail Memo

tanx [@KlasfeldReports](#)

<https://assets.documentcloud.org/documents/6192049/Epstein-bail-USA-7-12-19.pdf>

A. Danger to the Community

“...the ongoing and forward-looking danger posed by the defendant ...maintenance of a substantial collection of photographic TROPHIES of his VICTIMS and other young females in his mansion, as discovered by the Government through its search warrants.”

‘...the many discs found in the defendant’s residence included those with hand-written labels including the following: “Young [Name] + [Name],” “Misc nudes 1,” and “Girl pics nude.”’

”Not surprisingly, the Government has found that such discs contain photographs of sexually suggestive photographs of fully- or partially-nude females appearing to be underage.”

B. . Danger to Obstruct Justice

“The defendant has also already demonstrated a willingness to use intimidation and aggressive tactics in connection with a criminal investigation...”

(Examples In previous lawsuits↓)

CASE NO: 08-CV-80893-MARRAJ/JOHNSON

investigator that Jane Doe was leaving the home to go to another location and that he should not attempt to follow them. Nonetheless, **the investigator attempted to follow the retired police officer as they drove away from Jane Doe's home.** The retired police officer then took evasive action and was able to elude his pursuer.

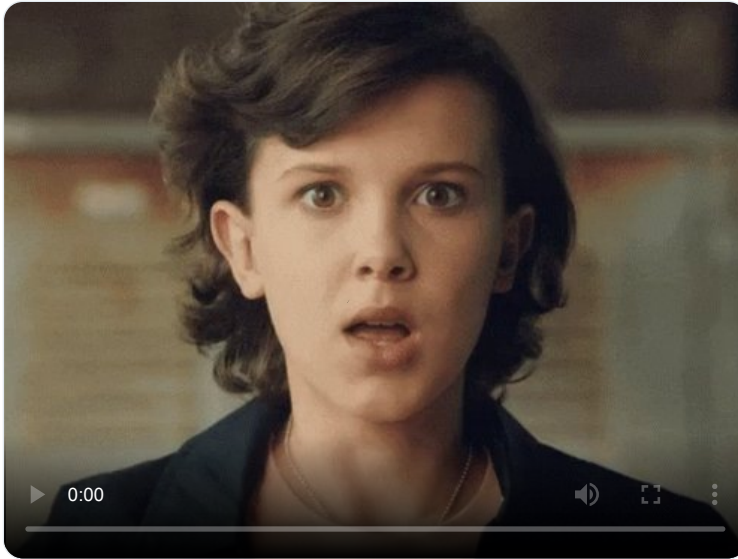
As a result of these activities, Jane Doe feels very threatened. She knows that she was followed for much of the day. She also know that this was not surreptitious surveillance by someone who was trying to discovery something about her, but rather quite **visible surveillance by someone whose manifest intent was to make she that Jane Doe knew she was being followed.** Thus, when she pulled over, he pulled over; when she parked, he parked visibly close by. **The only reason for such activities could be to intimidate her on the eve of the court-ordered mediation.** It may also be worth noting that Jane Doe is a petite young woman, physically smaller and younger than the male private investigator who has been following her.

Past Intimidation of Witnesses By Epstein

The Court should be aware that this is not the first time Epstein has used scare tactics to intimidate witnesses. Indeed, as the Court is aware, despite numerous civil suits being filed against Epstein for sexual abuse, none of the victims in those cases have felt able to proceed to trial. Counsel for Jane Doe have been advised that many of these victims were afraid to take their cases all the way to trial. Jane Doe remains one of only three victims who has had the temerity not to settle her case against Epstein but stand on her right to a jury trial.

While Epstein has not denied any of these charges directly **(he has asserted a 5th amendment right against self-incrimination)**, he also **has not admitted to the allegations** and has in fact filed an answer to the complaint denying all of Jane Doe's allegations. Case no. 08-CV-80893, doc. #131 (answer to complaint). Epstein has also raised **several affirmative defenses**, including "[Jane Doe] consented to and was a willing participant in the acts alleged," *id.* at 8; "Defendant reasonably believed or was told that Jane Doe had attained the age of 18 years old at the time of the alleged acts," *id.*; Jane Doe cannot show that a means of interstate communication or transportation was involved in her abuse, *id.* In addition, Epstein, through counsel, has attacked the **credibility of Jane Doe, as character assassination is his primary defense** and he is **attempting to call into the question the truthfulness of her testimony that she was sexually abused.** For example, **in deposition, Epstein has shaken his head and laughed and given other non-verbal responses when confronted with questions related to his scheme of accessing underage girls for sex and questions about the ritual that he engaged in with each of his underage victims.** His attorneys have implied in deposition that Jane Doe was responsible, rather than Epstein, for this abuse, and that she was just a prostitute (although she has never received money for sex with anyone other than Epstein). **He has cast her as a "bad girl" that went voluntarily** and could have easily refused any of Epstein's requests, if he indeed made any. In the face of such attacks,

“...the defendant’s past behavior in connection with being investigated for sexually abusing children is the best predictor of his likely incentives and activities in connection with being charged with sexually abusing children.”



“For example, in the incident the defendant now claims was not attributable to or authorized by him, the contemporaneous police report indicates that pressure tactics were at the very least coordinated closely with individuals in the defendant’s orbit. “

“According to the Police Report, the parent of one of the defendant’s victims was driven off the road by a private investigator. “

(This is the Fisten affidavit detailing intimidation tactics from previous court case)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 08-CV-80893-CIV-MARRAJ/JOHNSON
IN RE PLAINTIFF JANE DOE'S
EMERGENCY MOTION FOR AN
EXPANDED PROTECTIVE ORDER

AFFIDAVIT OF MICHAEL FISTEN

1. I am an investigator licensed by the State of Florida to conduct investigations and I am employed by the law firm of Farmer Jaffe Weissing Edwards Fisten and Lehman. One case on which I am working is Jane Doe v. Jeffrey Epstein, No. 08-80893, currently pending in the U.S. District Court for the Southern District of Florida. Before being a private investigator, I spent thirty years in south Florida as a law enforcement officer with a majority of that time investigating homicides, robberies and organized crime. I retired with the rank of Lieutenant, with my last three years assigned to the Miami Field Division of the Federal Bureau of Investigation Joint Terrorist Task Force.

2. On Thursday the 1st Day of July 2010 your Affiant received a frantic telephone call from Jane Doe that she was being followed by a black male driving a silver Infiniti wagon. Jane Doe advised your Affiant that the unknown black male followed her from a retail store. She stated that he made no attempt to hide his presence and clearly wanted her (Jane Doe) to have the knowledge that she was being followed. To confirm this, Jane Doe advised your Affiant that she pulled off to the side of the road at which time she observed the unknown black male pull behind her and also stop. Jane Doe advised your Affiant that she then drove to her residential address in unincorporated West Palm Beach County, observing that the unknown black male followed closely behind her the entire distance. Once at her residence Jane Doe advised your Affiant that the unknown black male parked almost directly across from her residence. Jane Doe advised that she was in fear for her safety and the safety of her infant child and grandmother all of which were inside her residence.

3. Jane Doe provided your affiant with the Florida license tag number of the vehicle that was following her. The vehicle tag number T-Knolz (**Exhibit#1**) was registered to Thaddeus Knowles a resident of Palm Beach County. Your Affiant conducted a records search with the Florida Department of Agriculture and discovered that Thaddeus Knowles is a licensed private investigator intern Florida License number CC2800614 (**Exhibit#2**).

4. At approximately 8:00 p.m., your Affiant contacted the Palm Beach County Sheriff's Office and advised them of the situation. They advised that they were responding to the home of Jane Doe to access the situation. They also advised your Affiant that a private investigator had called the communications center and advised that he would be on surveillance in the vicinity of Jane Doe's residence.

5. At 8:05 p.m., your Affiant received a call from the Palm Beach Sheriff's Office and advised that they made contact with Thaddeus Knowles and verified that he was a licensed private investigator. The deputy advised your Affiant that Knowles admitted to him that he was watching Jane Doe, but he would not divulge to the deputy who hired him. The deputy cautioned Knowles not to go near Jane Doe or enter her property. The deputy cleared the scene and authored an incident report under Palm Beach case number 10-095370, although that report has not been obtained yet.

6. At 9:00 p.m., your Affiant contacted Jane Doe who stated that she continued to be in fear for her safety. Jane Doe advised that the investigator is still outside her house and that he had moved closer to her front gate.

7. At 9:45 p.m., your Affiant responded to the residence of Jane Doe to conduct an investigation. Your Affiant arrived on the scene and observed Thaddeus Knowles parked in his silver Infiniti wagon approximately 50 feet north of Jane Doe's residence. Your affiant observed Knowles position his vehicle in a manner where he faced the front of Jane Doe's residence. He made no attempt to conceal his presence which would be the normal course of business for an investigator conducting surveillance. It was obvious to your Affiant that the manner in which Knowles was positioned it was with the sole intent to convey to Jane Doe that she was being watched.

8. Your Affiant approached Knowles who refused to engage in conversation. Your Affiant then photographed Knowles and his vehicle to depict the proximity between his vehicle and the residence of Jane Doe (**Exhibit#3**). Your Affiant was able to clearly see that Knowles was video taping Jane Doe's residence (**Exhibit#4**).

9. Your Affiant then approached Jane Doe at her residence; she was clearly shaken and was convinced that this was being done at the behest of Jeffrey Epstein. While speaking with Jane Doe, the investigator, Knowles, repositioned his vehicle closer to Jane Doe's front yard, activated his high beam headlights and preceded to video your Affiant and Jane Doe (**Exhibit#5**).

10. Your Affiant was advised by Jane Doe that the actions displayed by Knowles were so egregious she did not feel safe staying in her own home and was intimidated into abandoning her residence. Jane Doe decided to relocate to alternative living quarters and is in fear of returning to her home and in fear for her family.

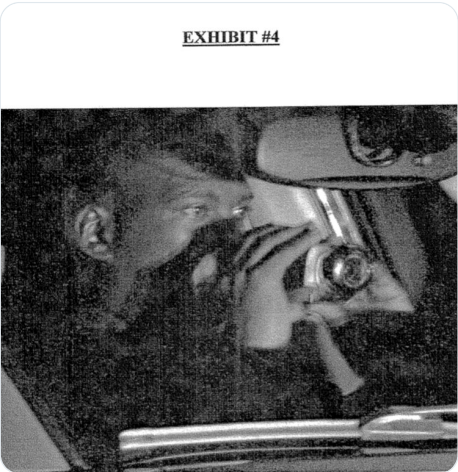
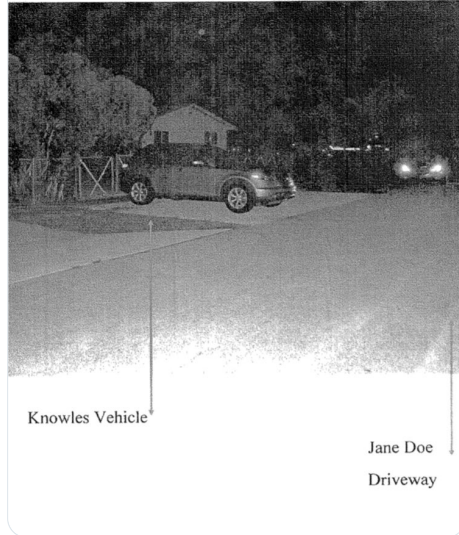


EXHIBIT #3



Police Report provides further info re victim & witness threats & intimidation reported against individual who was directly in contact with an assistant of the Epstein, followed “immediately” by a call to that same individual from a number associated w Epstein businesses & assoc

“...there are also extensive allegations of obstruction & tampering in ...civil lawsuits brought against [Epstein] following his 2008 conviction...police reports suggest..an associate of Epstein’s was offering to buy victims’ silence during the course of the prior investigation.”

‘Specifically, one victim reported that “she was personally contacted through a source that has maintained contact with Epstein,” who “assured [the victim] that she would receive monetary compensation for her assistance in not cooperating with law enforcement.” ‘

him that she'd been approached by someone who was in touch with Epstein. Alison had been told that she'd receive money if she would refuse to cooperate with the police.

Those who help him will be compensated, she was told, according to Detective Recarey's incident report. "And those who hurt him will be dealt with."

Recarey reassured the girl and told her that tampering with a witness in a case like this was a serious, arrestable offense.

Then he told an assistant state attorney.

The detective was leaving no *i* undotted and no *t* uncrossed.

But he did wonder if the state attorney's office itself had become part of the problem.

"Epstein's efforts to influence witnesses continue to this day. As in the past, within recent months he paid significant amounts of money to influence individuals who were close to him during the time period charged in this case and who might be witnesses against him at a trial."

Records obtained by the Government from Institution-1 appear to show that just two days [after [@MiamiHerald](#) articles], on or about November 30, 2018, the defendant wired \$100,000 from a trust account he controlled to an individual named as a possible co-conspirator in the NPA.

The same records appear to show that just three days after that, on or about December 3, 2018, the defendant wired \$250,000 from the same trust account to another individual named as a possible co-conspirator in the NPA and also identified as one of the defendant's employees

Neither of these payments appears to be recurring or repeating during the approximately five years of bank records presently available to the Government.

This course of action, and in particular its timing, suggests the defendant was attempting to further influence co-conspirators who might provide information against him in light of the recently re-emerging allegations

The Defendant Raises Legal Arguments Not Relevant Here 🤔

defendant raises certain legal arguments he contends he will litigate at the appropriate stage and which he further suggests mitigate in favor of bail. None is meritorious...

“certainly none should give the Court any comfort whatsoever that the defendant would, if granted bail, refrain from fleeing so he could attempt to vindicate himself via dubious legal strategies. Nevertheless, the Government will address the defendant’s arguments briefly in turn”



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IV. The Defendant Raises Legal Arguments Not Relevant Here

Finally, the defendant raises certain legal arguments he contends he will litigate at the appropriate stage and which he further suggests mitigate in favor of bail. None is meritorious, and certainly none should give the Court any comfort whatsoever that the defendant would, if granted bail, refrain from fleeing so he could attempt to vindicate himself via dubious legal strategies. Nevertheless, the Government will address the defendant's arguments briefly in turn.

A. The Non-Prosecution Agreement Does Not Preclude Prosecution

As an initial matter, as the Court itself noted at the parties' initial appearance earlier this week, and as the defendant appears to concede, the instant Indictment charges conduct well beyond the scope of the NPA—that is, alleged conduct that occurred here in New York and involving New York based victims. D. Tr. 6-8; Release Motion at 2. For present purposes, that alone is sufficient to put this issue to rest, because even assuming the defendant were to mount a meritorious challenge to the NPA, he would still have to stand trial on Count Two of the Indictment and additional charges brought based on New York conduct.

But more generally, the reasons the defendant can be prosecuted in the Southern District of New York—or anywhere else outside the SDFL—are manifold. The language of the NPA overwhelmingly refers to the SDFL, and the core terms and text of the agreement are limited to the SDFL. The prefatory language states: "THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution *in this District for these offenses* shall be deferred in favor of prosecution by the State of Florida."⁷ The final paragraph of the prefatory language also states, among other things, that after fulfilling the terms of the agreement, "no prosecution for the [sex abuse] offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted *in this District*."

In its terms section, the NPA further states that Epstein's signature "is not to be construed as an admission of civil *or criminal liability* or a waiver of any jurisdictional or other defense" as to any victim whose identity was not disclosed by SDFL to Epstein, as provided for in the NPA, and additionally states that neither Epstein's signature nor any resulting waivers or civil settlements "are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person." These provisions show the parties contemplated possible criminal prosecutions in other jurisdictions and/or based on victims not initially identified in the Florida investigations (whether in Florida or elsewhere). The final substantive paragraph of the NPA states that "Epstein hereby requests that the *United States Attorney for the Southern District of Florida* defer [. . .] prosecution."

It is well settled in the Second Circuit that "a plea agreement in one U.S. Attorney's office does not, unless otherwise stated, bind another." *United States v. Prisco*, 391 F. App'x 920, 921

⁷ All emphases relating to the NPA are added unless otherwise specified.

B. The Defendant Wrongly Argues the Statute Does Not Apply to His Sex Trafficking



"...[Epstein] wrongly argues that the "principal conduct" giving rise to the charges is his payment of underage girls for sex acts, and that such conduct could not possibly fall under the charged statutes."

“...the defendant’s argument is incorrect for two reasons.”

1. “...although the defendant undoubtedly participated on the demand side of the crime, he was also instrumental on the supply side given his role in recruiting and causing others to recruit additional victims...”

”...He organized, funded, and perpetuated a sex trafficking scheme in two states, including with co-conspirators...”

(continued)”The fact that he did so for his own eventual and frequent sexual gratification does not vitiate his role in enticing and recruiting victims, consistent with the elements of the offense with which he is charged....”

“... [EPSTEIN] was the leader of a sex-trafficking enterprise, not a mere consumer.”

2. “...he is also wrong on the law....” 🙌

Courts have found that Section 1591 applied to both suppliers and consumers of commercial sex acts...”

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Second, he is also wrong on the law. Courts have found that Section 1591 applied to both suppliers and consumers of commercial sex acts. *See, e.g., United States v. Jungers*, 702 F.3d 1066, 1069 (8th Cir. 2013) (upholding the conviction of a defendant who attempted to pay for oral sex from an underage girl and explaining: “The sole issue raised on appeal is whether ‘[t]he plain and unambiguous provisions of 18 U.S.C. § 1591 apply to both suppliers and consumers of commercial sex acts.’ We conclude they do.”) (alteration in original). The lone case cited by the defendant, *Fierro v. Taylor*, No. 11 Civ. 8573, 2012 WL 13042630 (S.D.N.Y. July 2, 2012), relied heavily on the statutory interpretation undertaken by two district courts in the District of South Dakota, *United States v. Bonestroo*, No. 11 Cr. 40016, 2012 WL 13704 (D.S.D. Jan. 4, 2012), and *United States v. Jungers*, 11 Cr. 40018, 2011 WL 6046495 (D.S.D. Dec. 5, 2011), both of which were explicitly overruled by the Eighth Circuit decision in *Jungers*, 702 F.3d 1066. In the seven years since *Fierro* has been decided, it does not appear to have been cited by a single other court. Additionally, other cases in this Circuit and elsewhere have upheld convictions of procurers or customers. *See United States v. O’Connor*, 650 F.3d 839 (2d Cir. 2011) (upholding convictions under Section 1591 of both the buyer and seller of a child); *United States v. Cook*, 782 F.3d 983 (8th Cir. 2015) (rejecting a constitutional challenge that Section 1591 would be void for vagueness if applied to purchasers); *United States v. Mikoloyck*, No. 09 Cr. 036, 2009 WL 4798900 (W.D. Mo. Dec. 7, 2009) (“contrary to defendant’s argument, 18 U.S.C. § 1591 clearly applies to those who attempt to purchase underage sex, not merely the pimps of actual exploited children”) (citing *United States v. Roberts*, 174 F. App’x 475 (11th Cir. 2006) (in which defendant was convicted under sections 1591(a) and 1594(a) even though no actual children were involved)).

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