



Memorandum

SubjectDate

Prosecution Memorandum June 17, 2008

In re Operation Leap Year

ToFrom

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U.S. Attorney

██████████
Assistant U.S. Attorney

Jeff Sloman
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I. INTRODUCTION

This memorandum seeks approval for the attached Requests for Authorization to Apply for a Compulsion Order seeking Immunity pursuant to 18 U.S.C. Sections 6001-6003 for witness ██████████ ██████████ in connection with the ongoing investigation named "Operation Leap Year."

II. BACKGROUND

Operation Leap Year involves the investigation of Jeffrey Epstein and five of his assistants, ██████████ ██████████ ██████████ ██████████ (nee ██████████), ██████████ ██████████, Lesley Groff, and ██████████ ██████████. The targets would arrange "sexual massages" for Epstein when he would travel to Palm Beach or New York, and many of those "sexual massages" were performed by minor females. Witness ██████████ began her relationship with Epstein as a "masseur" when they were under the age of 18.² After performing massages for a period of time, ██████████ began recruiting other girls to perform massages. It is believed that

¹ The investigation originally focused on the first three assistants who traveled with Epstein to Florida. Upon interviewing two identified New York victims, we determined that the last two assistants, Groff and ██████████ arranged most of Epstein's New York massages.

² ██████████ and ██████████ are not known to each other, and they were each "recruited" to become massages by different individuals. They are, however, similarly situated, so I have joined both requests for immunity in this memorandum.

██████ received \$200 for each girl she brought to Epstein's home.

██████ has been approached by the FBI to provide information via an informal proffer with a "*Kastigar* letter" or testifying before the grand jury with a "pocket immunity" letter. ██████ is represented by counsel in New York. ██████ has never spoken to any law enforcement officer about what happened between her and Epstein. We believe that ██████ counsel is independent of Epstein (unlike some attorneys who have represented other witnesses), but he has stated that ██████ will not meet with agents or the Office or testify before the grand jury without full immunity. Counsel has told me that, if immunized, ██████ is ready and willing to provide complete information regarding her dealings with Epstein.

On the one hand, I am reluctant to provide ██████ with immunity because I do not believe that she needs it. It appears that the majority of her dealings with Epstein occurred before she was 18, our Office is not interested in prosecuting her, FBI New York is assisting FBI West Palm Beach in connection with the investigation, so a federal prosecution in New York is not forthcoming, and it is unlikely that the State of New York will open an investigation and charge ██████. However, it has been widely reported that the Palm Beach Police Department prepared a "probable cause affidavit" to charge a similar victim/recruiter in Florida, Haley ██████, with a second-degree felony. ██████ name also appears in a number of Complaints in the civil lawsuits filed against Epstein. In the most recent draft of the Indictment, we have listed ██████ and ██████ as unindicted coconspirators, which will make it easier to introduce their statements to Epstein and the assistants. Depending on ██████ testimony, we may need to treat her similarly.

III. THE NEED FOR THE WITNESSES' TESTIMONY AND THE REQUESTED IMMUNITY.

The most difficult part of this prosecution will be proving the knowledge and intent of the targets. For example, ██████ could assert that she knew that she was setting up massages for Epstein, but she believed that they were regular massages. All of the targets are likely to aver that they did not know that the girls were under the age of 18. ██████ helps us with this proof in several ways. First, she was victim whom we believe became involved with Epstein when she was only fourteen years' old, and her young age can help disprove lack of knowledge by Epstein and his assistants. Second, we believe that ██████ was a significant recruiter for Epstein, so she will be able to tell us what instructions she received from him and the assistants regarding the types of girls to recruit, what was expected of them, etc. Third, she provides us with a strong entrée into the New York situation, which strengthens the "interstate commerce" nexus of the case. Fourth, ██████ is likely to have dealt most closely with Epstein's New York assistants, Groff and ██████. The best way to strengthen our case at this point is to "flip" one of the assistants, and Groff is the most likely to flip if we have sufficient evidence to charge her. ██████ is another potential cooperator, but we have heard from another witness that ██████ had done something to upset Epstein and he "shipped her off" to the Middle East to work for one of his companies there.

The U.S. Attorney's Manual recommends prosecuting witnesses in a situation such as

this and getting their cooperation as part of a plea bargain. Our evidence against ██████ at this time is weak. We have statements from two victims who say that they went to Epstein's house with ██████. We have two telephone messages from ██████ that were recovered in the search of Epstein's home. At this time we do not have any records of telephone calls between ██████ and the assistants (we have not identified ██████ cell phone number during the relevant period). Thus, the likelihood of succeeding on such a prosecution is very small. Furthermore, a decision to prosecute ██████ could result in a refusal by many more girls to come forward because approximately 90% of the identified girls brought other girls to Epstein, so all of them would feel at risk.

IV. RECOMMENDATION

For these reasons, I recommend that the attached Request for Authorization to Apply for Compulsion Order on behalf of ██████ ██████ be submitted to the Witness Immunity Unit.