

EXHIBIT

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 18, 2007 12:44 PM
Subject: 'Jay Lefkowitz'
RE: Draft Agreements?

Hi Jay – It looks like I will be here all afternoon, but earlier is better than later. There are a number of issues with your version, but one that you can look at before our call is the calculation of the guidelines on the 1512(d) counts. The cross-reference to 2X3.1 applies, which then takes us to 2G1.3. Giving Mr. Epstein the benefit of the doubt (that they would treat this as though there were only one victim), he would have a base offense level of 24, plus 2 for a commercial sex act, totaling 26. Returning to 2X3.1, we would subtract 6 levels and subtract another 3 levels for acceptance for a total offense level of 17. With criminal history category of I, that results in 24 to 30 months, which is in Zone D.

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401

[REDACTED]

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, September 18, 2007 12:11 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Draft Agreements?

Marie -- are you free for a call this afternoon? what time works best for you?

Thanks -- Jay

[REDACTED]

09/18/2007 09:14 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>
cc
Subject RE: Draft Agreements?

Hi Jay – I know that the U.S. Attorney will not go below 18 months of prison/jail time (and I would strongly oppose the suggestion).

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401

[REDACTED]

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Tuesday, September 18, 2007 8:59 AM