

Sealed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CV-80381-MARRA-JOHNSON

JANE DOE NO. 5,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

**FILED EX PARTE
UNDER SEAL**

08 JUL 10 PM '08-24
FREDDY
STEVEN M. LARMORE
CLERK U.S. DISTRICT
S.D. OF FLA - MIAMI
D.C.

[Handwritten signature]

**NOTICE OF CONTINUED PENDENCY
OF FEDERAL CRIMINAL ACTION**

Defendant Jeffrey Epstein hereby notifies the Court of the continued pendency of a federal criminal action against him, stating as follows:

On June 30, 2008, after defendant Jeffrey Epstein filed his motion to stay [DE 11], he was sentenced in the state-court criminal case described in that motion (*State of Florida v. Jeffrey Epstein*, Case No. 2006 CF 09454 AXX, Fifteenth Judicial Circuit, Palm Beach County) (the “Florida Criminal Action”). As explained below, the parallel federal criminal action against him described in that motion (*In re Grand Jury*, No. FGJ 07-103(WPB), United States District Court for the Southern District of Florida) (the “Federal Criminal Action”), remains pending.

On September 24, 2007, the United States Attorney’s Office for the Southern District of Florida (“USAO”), represented by Assistant United States Attorney Ann Marie C. Villafana, Esq., and Mr. Epstein, entered into a deferred-prosecution agreement (“Agreement”), which the parties agreed to keep confidential. Prior to entering into that Agreement, Ms. Villafana advised that she had already prepared a federal criminal indictment against Mr. Epstein in the Federal Criminal Action.

Under the Agreement, beginning on the date Mr. Epstein began serving his sentence in the Florida Criminal Action, the USAO agreed to suspend its grand jury investigation in the Federal Criminal Action. The USAO, however, retains the

right to reactivate the grand jury and indict Mr. Epstein should he breach any part of the Agreement during its term, which runs for 33 months, beginning on the date Mr. Epstein began serving his sentence in the Florida Criminal Action. Accordingly, the Federal Criminal Action will remain pending against Mr. Epstein for 33 months from June 30, 2008.

Mr. Epstein will provide the Court with a copy of the confidential Agreement for its *in-camera* inspection at the Court's request.

WHEREFORE, Defendant Jeffrey Epstein hereby notifies the Court of the continued pendency of the Federal Criminal Action.

Respectfully submitted,

LEWIS TEIN, P.L.
3059 Grand Avenue, Suite 340
Coconut Grove, Florida 33133
Tel: 305 442 1101
Fax: 305 442 6744

By:



GUY A. LEWIS
Fla. Bar No. 623740
lewis@lewistein.com
MICHAEL R. TEIN
Fla. Bar No. 993522
tein@lewistein.com

ATTERBURY, GOLDBERGER & WEISS, P.A.
250 Australian Avenue South, Suite 1400
West Palm Beach, Florida 33401
Tel. 561 659 8300
Fax. 561 835 8691

By: Jack A. Goldberger
Fla. Bar No. 262013
jgoldberger@agwpa.com

Attorneys for Defendant Jeffrey Epstein

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this motion, in accordance with S.D. Fla. L.R. 5.4, has not been served on opposing counsel and was filed under seal on July 10, 2008.



Michael R. Tein