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**From:** J [jeevacation@gmail.com]  
**Sent:** 3/14/2019 4:48:11 PM  
**To:** Martin Weinberg [REDACTED]; Darren Indyke [REDACTED]; Kathy Ruemmler [REDACTED]; Jack Goldberger [REDACTED]  
**Subject:** Fwd: Epstein prosecutor was rebuked for prior child sex case | Miami Herald  
**Attachments:** Sp\_Marie\_Villafana2.jpg; WilliamZloch.jpeg; acosta.jpg

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**From:** Darren Indyke <[REDACTED]>  
**Date:** Thu, Mar 14, 2019 at 12:30 PM  
**Subject:** Epstein prosecutor was rebuked for prior child sex case | Miami Herald  
**To:** [jeevacation@gmail.com](mailto:jeevacation@gmail.com) <[jeevacation@gmail.com](mailto:jeevacation@gmail.com)>  
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<https://www.miamiherald.com/news/politics-government/article226765309.html>

# Jeffrey Epstein prosecutor was previously rebuked for handling of a child sex case

[Julie K. Brown](#)

Nine months before [cutting a covert plea deal with sex trafficking suspect Jeffrey Epstein](#), Miami U.S. Attorney Alexander Acosta was notified that the lead prosecutor in Epstein's case had concealed victim information in another underage sex crimes case, the Miami Herald has learned.

The prosecutor, A. Marie Villafaña, was harshly rebuked by a federal judge in January 2007 for what he called her "intentional and/or serious lapse in judgment" when she failed to explicitly inform him that the defendant, a Texas man who traveled to Florida to have sex with a 14-year-old girl, had a prior history of predatory behavior with minors, court records show.

Acosta, her boss at the time, not only knew about Villafaña's breach — records show that he subsequently defended it. Acosta assigned another prosecutor in his office to write a treatise for the judge in an unsuccessful attempt to persuade him to soften the stinging language in his order.

Senior U.S. District Court Judge William J. Zloch copied Acosta on his order, noting, “The court is at a total loss as to why the Office of the United States Attorney for the Southern District of Florida, as well as the Assistant United States Attorney assigned to the above-styled cause, found it appropriate to intentionally withhold ... information from the court.”



A. Marie Villafaña was the lead federal prosecutor in the Jeffrey Epstein sex case. The U.S. attorney's office's handling of the prosecution, which led to a plea to minor charges in state court, has been harshly criticized.

Later that year, Acosta and Villafaña put together a plea bargain for Epstein, a multimillionaire money manager who sexually abused nearly three dozen teenage girls at his mansion in Palm Beach. The deal, a federal judge ruled last month, was intentionally kept from his victims in violation of the Crime Victims' Rights Act.

While the two cases are unrelated, it shows that both Acosta and Villafaña had been warned about the importance of victim disclosure in sex crimes cases before the Epstein agreement. They nevertheless forged ahead with a pact with Epstein that violated the law.

U.S. District Court Judge Kenneth A. Marra wrote: "When the Government gives information to victims, it cannot be misleading. While the Government spent untold hours negotiating the terms and implications of the [agreement] with Epstein's attorneys, scant information was shared with victims."

This comes as Acosta, who is now the U.S. secretary of labor, is facing mounting scrutiny for his oversight of the Epstein case. On Monday, White House press secretary Sarah Huckabee Sanders declined to say whether [President Trump](#) has full confidence in Acosta, noting that Acosta's involvement in the Epstein case is "currently under review."

The Justice Department launched a probe in January into whether Acosta, Villafaña and other prosecutors committed professional misconduct.

Francey Hakes, who worked in the Justice Department's Crimes Against Children unit, said Zloch's comments were so brutal that it should have deterred Acosta and Villafaña from keeping the deal secret.

"It is highly unusual for a court to allege an assistant U.S. attorney has intentionally withheld information. That allegation is like dropping a bomb in the legal community," she said.

The story behind a Palm Beach sex offender's remarkable deal

Palm Beach multimillionaire Jeffrey Epstein is a free man, despite sexually abusing dozens of underage girls according to police and prosecutors. His victims have never had a voice, until now.

"It seems to show that they are not taking these cases very seriously, they are not advocating for strong punishment for sexual predators, and not advocating for victims in a meaningful way. "

Villafaña, a well-regarded 18-year veteran federal prosecutor, would not comment for this story. But her lawyer, Jonathan Biran, said she has worked tirelessly on



behalf of crime victims. She received the 2011 National Crime Victims' Rights Service Award as well as the Attorney General's Project Safe Childhood Award.

He also pointed out that the parents of the victim in the Texas man's case wrote a letter thanking Villafaña at the conclusion of the case.

"AUSA Villafaña has spent her 18-year career advocating tirelessly on behalf of victims of some of the most serious crimes in Florida, and has received numerous awards for her successful prosecution of major cases," Biran said, adding that Villafaña has "made South Florida a safer place for children and adults alike."

### **Enticing a minor**

By all accounts, Adam McDaniel was an awkward and shy Texas teenager who spent countless hours on his computer, socializing with girls on the internet.

In 2005, McDaniel, then 19, traveled from Texas to Fort Lauderdale, where he hopped into a taxi and headed to Boca Raton to meet up with a 14-year-old girl he had been talking to online for about a year. He picked up the ninth grader at a high school basketball game, and drove her to a Marriott, hotel where they spent the night, court records show.

When she failed to come home that evening, her parents called Boca Raton police. Officers tracked the pair down at the hotel the next day, where they found them in bed, clad in little more than their underwear, according to court records.

McDaniel was arrested on federal sex charges, and pleaded guilty on Oct. 6, 2006, to enticing a minor into sexual conduct by means of interstate commerce, which carried a sentence of from five years up to 30 years in federal prison.



U.S. District Judge William Zloch

At sentencing, McDaniel's public defender, Patrick Hunt, argued for a reduced sentence, blaming his client's immaturity for the crime. McDaniel had been a good student at Texas Tech and had a family that supported him, Hunt told Zloch.

Family and acquaintances, including a former Fort Worth police lieutenant, submitted letters to the court vouching for McDaniel's character.

There were other issues, however, presented to the judge. While McDaniel was being held in federal lockup awaiting sentencing, he had corresponded with his victim, despite being ordered not to contact her, the court record shows.

Still, Hunt argued that a sentence of five years was overly harsh.

Villafaña disagreed, but conceded that McDaniel would benefit from psychological treatment. She advocated for a sentence of five to six years, which was at the low end of the guideline.

It was then that the judge heard from the victim's mother.

In a statement, the mother decried the emotional and mental trauma her daughter suffered and the long road to recovery she had ahead of her. The mother mentioned she was further upset that McDaniel continued contact with her daughter after his arrest and she said she believed that McDaniel was still trying to manipulate her daughter by blaming her for his arrest.

The mother pointed out that prior to their sexual encounter, McDaniel had directed her daughter to watch sexually explicit movies and had described for her sex activities he had had with another underage girl.

At that point, the judge interrupted.

"...There has been some reference to another incident with a minor girl. What do you know about that, if anything?" Zloch asked Villafaña.



Former U.S. Attorney Alex Acosta never told sexual-abuse victims of a lenient plea deal for Jeffrey Epstein.

*Getty Images*

Only then did Zloch learn that McDaniel had preyed on other girls over the internet, including a 16-year-old California girl whom he brought to Texas and impregnated. He was also having another relationship with a 15-year-old girl at the time of his arrest, Villafaña admitted in court.

The judge promptly sentenced McDaniel to 10 years — twice what Villafaña recommended.

Three months later, in January 2007, after reviewing the entire case, Zloch issued an order excoriating Villafaña for failing to tell him about McDaniel's prior history. "The serial nature of defendant's seduction of minor girls was revealed for the first time to the court upon the Government's response to the Court's inquiry," Zloch wrote, explaining that the defendant's past was evidence of predatory behavior that warranted a harsher sentence because he may pose a danger to the community.

Assistant U.S. Attorney Andrew Lourie was assigned to try to correct the record and persuade the judge to strike a portion of his comments. They argued that since McDaniel had never before been charged with a crime, the history was not relevant



at sentencing. The defendant's prior relationship with a 16-year-old was not illegal in Texas or in California, they said, and the girl classified her relationship as a friendship.

All the relevant information was provided to the probation department and at McDaniel's detention hearing, they added, making the point that it was in the record and therefore, not intentionally withheld by the government.

While Zloch conceded that the information was part of the probation and bond hearing record, he said it was nevertheless the U.S. Attorney's Office's duty to present the defendant's prior history with minors at sentencing. He refused to strike the most critical portions of his order.

"Lack of candor to the court is a serious charge, and the judge has quite reasonably expressed dismay that the assistant U.S. attorney apparently intended that he never be given a full picture of the defendant's conduct," Hakes said.

But nine months later, in September 2007, Villafañá was in the throes of thorny negotiations with Epstein's lawyers. While an FBI investigation was ongoing, Villafañá discussed ways to quietly resolve the case, emails show.

A Miami Herald investigation, ["Perversion of Justice,"](#) published in November, revealed how federal prosecutors, including Acosta and Villafañá, tried to keep the full scope of Epstein's crimes out of the public eye. At one point, they discussed charging Epstein in Miami, instead of Palm Beach where the crimes happened, noting there would be less media coverage.

Emails also show that prosecutors repeatedly abided by Epstein's lawyers' demands that his victims not be told that an agreement had been reached until after he was sentenced. That meant that the girls could not appear at the hearing to derail the deal. Prosecutors had drafted a 53-page federal indictment on sex trafficking charges, but Acosta instead allowed Epstein to plead guilty to two prostitution charges in state court. In exchange, Epstein and his co-conspirators were given federal immunity.

Villafañá wrote Epstein's lawyer, Jay Lefkowitz, to discuss the wording of the sentencing agreement for the judge:

"I will include all our standard language regarding resolving all criminal liability and I will mention co-conspirators, but I would prefer not to highlight for the judge all of the other crimes and all the other persons we could charge," Villafañá wrote.

At Epstein's sentencing, assistant Palm Beach prosecutor Lanna Belohlavek was questioned by the judge about whether all of Epstein's victims were told about the deal, as required by law.

“Are there more than one victim?” Circuit Court Judge Deborah Dale Pucillo asked Belohlavek at the June 30, 2008 sentencing.

“There’s several,” Belohlavek replied.

“Are all the victims in both these cases in agreement with the terms of the plea?” the judge asked.

“Yes,” Belohlavek said.

Coincidentally, the lawyer representing one of the victims was in the courtroom that day. He told the Herald that neither he, nor his client, was told about the agreement.

Acosta has not responded to the Herald’s repeated requests for comment. A spokesman at the Labor Department told the Washington Post last month: “The office’s decisions were approved by departmental leadership and followed departmental procedures.”

In the past, Acosta has said that he believed the deal was the best chance prosecutors had of ensuring that Epstein spent some time behind bars and was required to register as a sex offender. Epstein served 13 months in the Palm Beach County jail — but he was allowed to leave for up to 12 hours a day as part of a work release program not normally offered to convicted sex offenders.

Epstein’s victims, now in their late 20s and 30s, are fighting to have his deal overturned and Epstein sent to prison.

Bradley Edwards, who represents several of Epstein’s victims, defended Villafaña, saying he believed that she was directed to settle the case and not inform Epstein’s victims about the deal.

“In my conversations with her, I came to believe that she was in a difficult position. She never came out and said this, but I suspected that someone above her directed her to do what she did,” Edwards said.

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