



U.S. Department of Justice  
United States Attorney  
Southern District of New York

**Prosecution Memorandum**

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USAO #: [REDACTED]	United States v. Maxwell, S2 20 Cr. 330 (AJN)	3/14/2021
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**I. Overview**

This memorandum seeks authorization to charge GHISLAINE MAXWELL with additional criminal offenses based on her participation in the recruitment, grooming, and abuse of minor girls with Jeffrey Epstein in a superseding indictment.

Our Office previously obtained a six-count Indictment charging Maxwell with one count of conspiracy to transport a minor for illegal sexual activity, in violation of 18 U.S.C. § 371; one count of transporting a minor, in violation of 18 U.S.C. § 2423(a); one count of conspiracy to entice a minor to travel to engage in illegal sexual activity, in violation of 18 U.S.C. § 371; one count of enticing a minor to travel, in violation of 18 U.S.C. § 2422; and two counts of perjury, in violation of 18 U.S.C. § 1623. The evidence supporting those charges and the legal issues surrounding those charges were discussed at length in previous prosecution memos dated April 10, 2020 and April 28, 2020. As detailed in those memos, the current charges focus on the victimization of [REDACTED], all of whom were sexually abused by Epstein, with assistance from Maxwell, between 1994 and 1997. The perjury charges arise from false statements Maxwell made during a civil deposition in 2016, which statements are directly contradicted by the evidence we have gathered regarding [REDACTED].

Since obtaining the original Indictment charging Maxwell, our investigation has continued, including through the interviews of multiple Epstein victims who previously either declined to be interviewed or had not previously been identified. The charges we propose expanding and adding in a superseding indictment against Maxwell are based on the experiences of one victim in particular named [REDACTED], who was sexually abused by Epstein at his Palm Beach residence from in or about 2001 through 2005, when [REDACTED] was between the ages of 14 and 18.<sup>1</sup> As discussed in greater detail below, [REDACTED] was one of the earliest recruits into Epstein's "pyramid scheme" of paid sexualized massages in Palm Beach. As a result, when [REDACTED] first met Epstein in or about 2001, Maxwell was still directly involved in the scheme to

<sup>1</sup> [REDACTED]

arrange for minor girls to provide sexualized massages to Epstein. In this vein, [REDACTED] recalls multiple interactions with Maxwell that demonstrate Maxwell's knowledge of [REDACTED] age, Maxwell's knowledge that the massages were sexual, Maxwell's attempts to entice [REDACTED] to travel with Epstein, and actions in the Southern District of New York in furtherance of the scheme to sexually abuse [REDACTED]

As detailed below, we have identified evidence from documents and at least one witness that corroborate [REDACTED] account. [REDACTED]

With the addition of [REDACTED] as "Minor Victim-4" to the charges against Maxwell, we believe that a superseding indictment could contain the following charges:

- Count One: Conspiracy to Transport Minors from 1994 to 2004, in violation of 18 U.S.C. § 371. This charge would expand the end date of the conspiracy from 1997 to 2004 and would add an overt act involving Minor Victim-4.
- Count Two: Transportation of a Minor from 1994 to 1997, in violation of 18 U.S.C. § 2423(a). This charge would be identical to Count Two of the original Indictment.
- Count Three: Conspiracy to Entice Minors from 1994 to 2004, in violation of 18 U.S.C. § 371. This charge would expand the end date of the conspiracy from 1997 to 2004 and add an overt act involving Minor Victim-4.
- Count Four: Enticement of a Minor from 1994 to 1997, in violation of 18 U.S.C. § 2422. This charge would be identical to Count Four of the original Indictment.
- Count Five: Conspiracy to Commit Sex Trafficking from 2001 to 2004, in violation of 18 U.S.C. § 371. This charge would be entirely new and would exclusively reference Minor Victim-4.
- Count Six: Sex Trafficking of a Minor from 2001 to 2004, in violation of 18 U.S.C. § 1591. This charge would be entirely new and would exclusively reference Minor Victim-4.
- Counts Seven & Eight: Perjury, in violation of 18 U.S.C. § 1623. These charges would be identical to Counts Five and Six, respectively, in the original Indictment.

### A. [REDACTED]'s Anticipated Testimony

Our team first attempted to interview [REDACTED] during our initial investigation in March of 2019. At that time, however, [REDACTED] was not willing to be interviewed. In or about July 2020, after Maxwell was arrested on the original Indictment, [REDACTED] attorney contacted our team and indicated that [REDACTED] was prepared to be interviewed.

Based on all of these interviews, we expect that [REDACTED] would testify at trial to the information below.

[REDACTED] was born on [REDACTED] and grew up in [REDACTED]. In 1999, [REDACTED] family moved to Florida.

In or about 2001, [REDACTED] met [REDACTED] who was about 17 years old at the time.<sup>4</sup> The four teenagers – [REDACTED] – would sometimes hang out together and smoke marijuana. One time when this group was smoking together, [REDACTED] asked [REDACTED] if she wanted to make some fast money. [REDACTED] said she was interested, and [REDACTED] arranged to take [REDACTED] to Jeffrey Epstein's Palm Beach residence.

The first time [REDACTED] traveled to Epstein's Palm Beach residence, she went with [REDACTED] who drove there. When they arrived at Epstein's residence, [REDACTED] went to the side kitchen door, where they were greeted by Maxwell. [REDACTED] does not recall knowing Maxwell's first name and only referred to her as "Maxwell." After the girls entered the kitchen, Maxwell greeted [REDACTED] by name and introduced herself to [REDACTED] who told Maxwell her name.

<sup>2</sup> [REDACTED]

<sup>3</sup> As discussed below, we have interviewed [REDACTED] who corroborates much of [REDACTED] account.

<sup>4</sup> Our team has interviewed both [REDACTED] [REDACTED] corroborated [REDACTED] account of how she was introduced to Epstein but recalled little about Maxwell in particular. [REDACTED] also told us that Epstein expressed a preference for females who were at least 18 years old. We have disclosed the 302 containing that statement from [REDACTED] interview to Maxwell's counsel.



Maxwell then told ██████ in substance, to show ██████ what to do. ██████ then took ██████ upstairs through Epstein's bedroom to his bathroom, where there was a closet with a massage table inside. Once in the massage room, ██████ showed ██████ where the lotions and vibrators were kept in drawers. ██████ recalled seeing photographs of nude females on the walls of the massage room, including nude photographs of Maxwell. Epstein then came into the massage room and got onto the massage table. After ██████ and ██████ massaged Epstein together for a bit, Epstein rolled over, and ██████ got on top of him. Epstein then had sexual intercourse with ██████ in front of ██████. Epstein did not touch ██████ during this first massage.

After that first visit, ██████ memories of her interactions with Epstein largely run together because there were so many visits over the course of multiple years between 2001 and 2005. ██████ recalled that ██████ may have gone to Epstein's residence one or two more times with her before ██████ began going by herself. At some point during either the first or second visit to Epstein's, someone asked for ██████ number, and she provided it. From then on, ██████ would schedule appointments to see Epstein directly and no longer through ██████. After that, ██████ primarily went to Epstein's residence by herself, though occasionally ██████ would drive her, or she would bring a young female friend, as discussed below. ██████ recalls that ██████ met Epstein once in the driveway outside of Epstein's residence. After they met, Epstein showed ██████ and ██████ the cars in his garage. Otherwise, ██████ did not meet anyone else who worked for Epstein. ██████ told ██████ that she was giving massages to Epstein, but she did not tell him the details of what happened during the massages.

In total, ██████ estimates that she provided more than 100 sexualized massages to Epstein between the ages of 14 and 18. For the majority of these massages, ██████ and Epstein were alone in the massage room together. On those instances, ██████ would begin by massaging Epstein. At some point during the massage, Epstein would roll over and begin masturbating himself. Epstein would then direct ██████ to touch his nipples and would touch ██████ breasts and buttocks. On two or three occasions, Epstein touched ██████ vagina, but she told Epstein she was not comfortable with him touching her there, and he stopped. On one occasion, Epstein attempted touch ██████ vagina with a vibrator, but ██████ pulled away, so he stopped. Every massage ended with Epstein ejaculating.

Earlier on when ██████ was first going to Epstein's house, she would keep her underwear on, but after a few times, ██████ would routinely massage Epstein while fully nude. Before each massage, ██████ would go upstairs to the massage room, set up the massage table, get out oil or lotion, and fully undress before Epstein came into the room. After each massage, ██████ would get dressed quickly and leave. ██████ was paid \$300 in one-hundred dollar bills after each massage. Usually the money was laid out on the table or by the sink in the bathroom. Toward the beginning of her time massaging Epstein, Maxwell paid ██████ after a few of the massages.

To schedule massage appointments, ██████ would either receive calls or would call Epstein's residence. The calls ██████ received would come to ██████ cellphone, her mother's cellphone, her house phone, or ██████ phone. ██████ indicated that if her mother answered, the caller would just ask for ██████ and her mother would not ask who was calling or otherwise talk with

the caller.<sup>5</sup> When [REDACTED] would answer one of these calls, he would hand the phone to [REDACTED] and tell her that it was regarding Epstein. [REDACTED] recalls giving both Maxwell and [REDACTED] additional numbers they could use to call her. She remembered one time when Maxwell said she and Epstein were going out of town and asked if there were any other numbers they could use to contact [REDACTED]. In response, [REDACTED] gave Maxwell one of her mother's numbers.

[REDACTED] recalls that for approximately the first several months of going to Epstein's residence, Maxwell would call to schedule appointments for [REDACTED] to massage Epstein. During these calls, Maxwell would ask whether [REDACTED] would be available at a particular time. During a couple of these calls, Maxwell stated that she was calling from New York and that Epstein would be back in Florida on a particular day. Maxwell would say that she and Epstein would be leaving New York and arriving in Florida on a particular day and would ask [REDACTED] if should be available after they arrived. During these calls, [REDACTED] remembers Maxwell calling from a phone number with a New York area code. At other times, Maxwell called [REDACTED] from Palm Beach. When Maxwell scheduled [REDACTED] for an appointment, she would ask for [REDACTED] address so that a car could pick [REDACTED] up. At the time, [REDACTED] was 14 or 15 years old and did not have a license.

Earlier on in her time going to Epstein's residence, [REDACTED] recalls that Maxwell would engage her in conversation when [REDACTED] would first arrive at the house before going up to the massage room. For example, Maxwell would ask [REDACTED] questions about her family and her life. During those conversations, [REDACTED] told Maxwell that her parents were separated, that her parents would fight, and that her parents used drugs. [REDACTED] also told Maxwell she had been raped in the past. Once, Maxwell asked for [REDACTED] bra and hip size, after which [REDACTED] received Victoria's Secret lingerie, as detailed below. On another occasion, Maxwell asked [REDACTED] if she had ever used sex toys on herself or had masturbated. During this same conversation, Maxwell also asked [REDACTED] if she was sexually active. [REDACTED] told Maxwell she had a boyfriend and was sexually active with him but had never used any sort of sex toy. Maxwell laughed and joked during the conversation. [REDACTED] recalls that the massage immediately after that conversation was the massage when Epstein placed a vibrator on her vagina.

During at least one of these conversations, Maxwell asked if [REDACTED] would be able to travel with Maxwell and Epstein. [REDACTED] told Maxwell that she would love to travel but she was only 14 years old, and her mother would not allow her to travel. Later when [REDACTED] was in the massage room with Epstein, he also asked [REDACTED] if he could get her a passport so she could travel with him and Maxwell. Epstein told [REDACTED] that [REDACTED] had traveled with him and that he sent [REDACTED] to a massage school in Thailand. He asked if [REDACTED] wanted go on any trips with him, too.

5



█ responded that she was 14 years old and her mother would not allow her to travel. █ recalls additional conversations when Epstein and/or Maxwell would again bring up traveling by suggesting the travel could be for massage school. Ultimately, █ never traveled with them, and they eventually stopped asking her to travel.

█ recalled that approximately one to three times, Maxwell saw █ fully nude in the massage room. This happened when █ had already undressed in preparation for the massage but before Epstein had come into the room. One particular instance stands out in █ mind. █ had set up the massage table and was fully nude, when Maxwell walked into the massage room. Maxwell told █ that she had nice breasts and asked if her breasts were real. When █ responded yes, Maxwell touched █ breasts and told her she had a nice body. █ was not uncomfortable because Maxwell was a woman. Maxwell then left the room.

A few weeks after █ began massaging Epstein, she met █. A few months after she met █, █ began receiving calls primarily from █ and no longer from Maxwell, to schedule massage appointments. During those calls, █ would ask █ if she would be available at a particular time. █ only recalls █ calling her from Palm Beach. Other assistants would also sometimes call █ to schedule appointments or would answer the phone when █ called to ask if she could massage Epstein, but █ does not recall their names. When █ went to appointments that █ had scheduled, she would still sometimes see Maxwell around the house, who would sometimes say hello to her, but she did not really interact with Maxwell much anymore.

When █ was about 15 years old, █ called and said that Epstein would like █ to take photos of █. █ told █ to bring her swimsuit and sent a car to pick █ up. When █ arrived at the house, █ told her to undress and took nude photos of █. During the photoshoot, which took place inside a bedroom and bathroom in the house, █ and █ engaged in conversations, during which █ mentioned her age. At the end of the photoshoot, █ paid █ \$500.<sup>6</sup>

In addition to cash payments for each massage, █ recalled receiving multiple gifts from Epstein. █ received multiple gifts of lingerie from Victoria's Secret, which were shipped to her home by either UPS or FedEx. █ recalls seeing that the return address for these packages had a New York address.<sup>7</sup> She also recalls that the packages either had Epstein's or Maxwell's name on the return address. At least once, Maxwell called █ to tell her to be on the lookout for a package the Epstein was sending her, and a short time later █ received a package. █ also received flower deliveries from Epstein to her house. On one occasion Epstein provided █ with a "Massage for Dummies" book because he had discussed wanting to pay for █ to attend massage school. █ later provided the book to the FBI when she was

<sup>6</sup> The FBI is still reviewing the thousands of photographs seized during searches of Epstein's residences to see whether any of these photographs of █ are among those recovered during our investigation. To date, our team has not identified any photographs of █ among those seized.

<sup>7</sup> As discussed below, we have identified one FedEx invoice from 2002 reflecting a package sent from Epstein's business address in Manhattan to █ home address in █.



first interviewed in or about 2007.<sup>8</sup> Epstein also provided [REDACTED] with tickets to see the band Incubus.

At some point, Epstein asked [REDACTED] if she had any young friends she could bring. Maxwell also asked [REDACTED] if she could bring any younger girls. [REDACTED] ended up bringing multiple girls to massage Epstein. Although she cannot remember everyone she brought, [REDACTED] recalls bringing [REDACTED]<sup>9</sup> [REDACTED]<sup>10</sup> and [REDACTED],<sup>11</sup> among others. These girls were all around [REDACTED] age—some were a bit older, but [REDACTED] was younger than [REDACTED]. When she brought girls to massage Epstein, both the girl and [REDACTED] would be paid \$300. [REDACTED] recalls being present for sexualized massages with some of these girls and Epstein, but not all.

At various points between 2001 and 2004, [REDACTED] provided sexualized massages to Epstein with another female in the room. In addition to being present in the room with friends [REDACTED] brought, there were two occasions when Epstein brought another female into the massage room himself. During one of those massages, Epstein brought in a young model, who performed oral sex on [REDACTED] while Epstein had sexual intercourse with the model. During the other massage, Epstein brought a second young model into the room. On that occasion, Epstein attempted to have sexual intercourse with [REDACTED] and although he briefly penetrated her vagina with his penis, [REDACTED] told him to stop. In response, Epstein stopped trying to have sex with [REDACTED] and instead had sex with the other girl.

On two occasions, [REDACTED] was asked to massage men other than Epstein at Epstein's Palm Beach residence. First, Epstein told [REDACTED] he had a friend in town and asked [REDACTED] to massage the friend instead of Epstein. [REDACTED] then massaged the man in her underwear, but there was no sexual contact or activity during that massage. Second, Maxwell told [REDACTED] that Epstein had to leave and he had a friend staying at the house, who [REDACTED] could massage. [REDACTED] described the man as chunky and bald.<sup>12</sup> [REDACTED] wore Victoria's Secret lingerie to provide him with a massage. During the massage, the man said he would pay her extra money if she did more with

<sup>8</sup> As discussed below, the FBI still has this book in its custody, and the 302 from [REDACTED] 2007 interview with the FBI notes that she provided the book to the FBI at that time.

<sup>9</sup> As discussed in our December 19, 2019 memorandum, our team has interviewed [REDACTED]. Although she confirmed that [REDACTED] first brought her to Epstein's residence, she does not recall ever interacting with Maxwell.

<sup>10</sup> [REDACTED] declined to be interviewed by our team. When the FBI approached her in 2007, she stated that a "good friend" of hers had introduced her to Epstein. [REDACTED] insisted in 2007 that Epstein had not engaged in any sex acts in with her, but she said she believed the "friend" had engaged in "more."

<sup>11</sup> [REDACTED] is now deceased.

<sup>12</sup> [REDACTED] attorneys informed us that they showed her a photograph of Harvey Weinstein, and she identified him as the chunky, bald man involved in this incident.

him. [REDACTED] agreed, and had sexual intercourse with the man during the massage. The man then paid [REDACTED] approximately \$600 or \$700.<sup>13</sup> [REDACTED] never saw him again.

[REDACTED] was able to make so much money from Epstein that she decided to drop out of middle school and never attended high school. [REDACTED] told both Epstein and Maxwell that she was no longer in school and could come over at any time. As [REDACTED] continued to provide sexualized massages to Epstein, she and [REDACTED] would use the money she made primarily to purchase drugs, including marijuana and cocaine. [REDACTED] encouraged [REDACTED] to continue going to Epstein's house, and as she continued using drugs, [REDACTED] became addicted to cocaine. As a result, when [REDACTED] was out of money and needed drugs, she would call to ask if she could massage Epstein so that she could get more money. [REDACTED] explained that she used drugs in part to help numb the pain of what happened during massages with Epstein. She felt degraded and humiliated by her experiences with Epstein, but she also felt happy to receive so much money.

In [REDACTED], [REDACTED] became pregnant with [REDACTED] child. [REDACTED] continued to use drugs and to provide sexualized massages to Epstein through the first few months of her pregnancy. Once [REDACTED] was visibly pregnant, however, she stopped providing Epstein with massages and instead brought friends to massage Epstein.

[REDACTED] gave birth to [REDACTED] when she was [REDACTED]. For several months after the delivery, [REDACTED] did not see Epstein. At various points [REDACTED], when [REDACTED] needed money, she would reach out to [REDACTED] to ask to massage Epstein. As a result, [REDACTED] continued to provide paid sexualized massages to Epstein when she was 17 years old in [REDACTED] and also did so on at least some occasions in [REDACTED] when she was 18 years old. As described below, throughout this period, [REDACTED] was addicted to drugs and sought to massage Epstein in order to buy drugs to use. [REDACTED] felt uncomfortable going to Epstein's after she turned 17 because she felt too old. She was repeatedly asked to bring other, younger girls, and she got the impression that she had aged out of massaging Epstein. As a result, [REDACTED] ultimately stopped reaching out to schedule appointments to massage Epstein, and she stopped receiving calls from his staff.

## B. Corroborating Evidence

We have interviewed [REDACTED] who corroborated [REDACTED] account.<sup>14</sup> [REDACTED] who is three years older than [REDACTED] recalled that in approximately 2001 or 2002, when he was hanging out with [REDACTED] and [REDACTED] one day, [REDACTED] suggested [REDACTED] could make \$200 by

<sup>13</sup> [REDACTED] explained that Epstein never offered her extra money, which is why she never agreed to engage in sexual intercourse with him.

<sup>14</sup> [REDACTED] still has some contact with [REDACTED] because [REDACTED], but they have not been romantically together for years, and their relationship is very strained. As a result, [REDACTED] and [REDACTED] rarely communicate directly with each other unless necessary to discuss [REDACTED]. Most of their communications are mediated by [REDACTED]. [REDACTED] has a criminal history and was recently released from prison, but he currently has a job and appears to be stable. [REDACTED]



massaging an old guy. [REDACTED] agreed, and [REDACTED] brought [REDACTED] to Epstein's house. [REDACTED] recalled that [REDACTED] was about 15 years old when she first went to Epstein's. [REDACTED] subsequently went with [REDACTED] to Epstein's house on multiple occasions so she could massage him. [REDACTED] recalled [REDACTED] taking taxis to and from Epstein's home. He also received phone calls from people who worked for Epstein, including a woman named [REDACTED] asking to schedule appointments with [REDACTED]. At times, [REDACTED] heard on the phone that Epstein was not in town but was coming on a certain day. [REDACTED] met Epstein once in Epstein's driveway, and [REDACTED] recalls that [REDACTED] brought several friends to massage Epstein as well. [REDACTED] mentioned meeting and interacting with someone named Maxwell at Epstein's house. He believed Maxwell was supposed to tell [REDACTED] what to do during the massages. [REDACTED] did not tell [REDACTED] she did during the massages, but he suspected there was likely something more than just massage going on. [REDACTED] encouraged [REDACTED] to go to Epstein's house because she made so much money there, which they would use to buy drugs. When [REDACTED] turned 16, Epstein bought her Incubus tickets. [REDACTED] also recalled that Epstein had sent [REDACTED] lingerie from Paris. [REDACTED] recalled [REDACTED] saying she was asked to bring other girls, and [REDACTED] witnessed [REDACTED] bringing other girls to Epstein's house to provide massages, including girls named [REDACTED].<sup>15</sup> [REDACTED] recalled that [REDACTED] once brought another girl who was 19 years old, but [REDACTED] was told by [REDACTED] that the 19-year-old could not go back because she was too old. [REDACTED] believes [REDACTED] stopped providing massages to Epstein after she gave birth to their son when she was [REDACTED]. [REDACTED] and [REDACTED] broke up when [REDACTED] was less than one year old.

Photographs from Epstein's Palm Beach residence taken during the Palm Beach Police Department's 2005 search of the residence confirm [REDACTED] description of the residence, including the massage room. Message pads seized during that same search contain nine entries from between 2003 and 2005 with [REDACTED] name and phone number, confirming that [REDACTED] went to Epstein's Palm Beach residence during that time. Those message pads are limited to the 2003 to 2005 time period because those were the only pads in the house when the search was conducted in October 2005.

We have identified one FedEx invoice dated [REDACTED], which was obtained during the Florida investigation, for a package that was addressed to [REDACTED] residence in Palm Beach. The return address is a business address for Epstein in Manhattan. The FBI has confirmed that FedEx no longer has records dating back to 2001-2005, so we are unable to obtain additional FedEx records.

<sup>15</sup> The FBI has identified this individual as [REDACTED]. Our team interviewed [REDACTED] by WebEx on February 24, 2021. During that interview, [REDACTED] confirmed that [REDACTED] recruited her to massage Epstein when [REDACTED] was about 13 years old, and [REDACTED] specifically recalled that Maxwell paid both [REDACTED] and [REDACTED] on [REDACTED] first visit to the residence. [REDACTED] impression based on the conversation she witnessed was that Maxwell already knew [REDACTED]. We were unable to fully debrief [REDACTED] during that first interview, and we have repeatedly attempted to schedule follow-up interviews, but [REDACTED] is [REDACTED] difficult to contact. The FBI plans to travel to [REDACTED] where [REDACTED] is currently located, and attempt to connect with her in person. [REDACTED]

Phone records from 2004 confirm that [REDACTED] was in communication with [REDACTED] [REDACTED] on at least two occasions during that period.<sup>16</sup>

The FBI still has the “Massage for Dummies” book that [REDACTED] provided in 2007 in its custody.

Juan Alessi, who worked for Epstein as detailed in the prior prosecution memo, confirms that Maxwell recruited [REDACTED] [REDACTED] from her job in Mar-a-Lago to massage Epstein. Flight records confirm [REDACTED] [REDACTED] traveled with Epstein and Maxwell in [REDACTED] when [REDACTED] was 17 years old.

Finally, the testimony of [REDACTED] would be admissible to prove Maxwell’s knowledge and intent when interacting with [REDACTED]

### C. Impeachment Material

[REDACTED]

#### 1. Past Statements

[REDACTED] was first interviewed by the FBI on August 13, 2007. During that interview, [REDACTED] described being introduced to Epstein by [REDACTED] massaging Epstein approximately 100 times, telling Epstein her age, Epstein inviting her on trips, bringing friends to massage Epstein, [REDACTED] calling her to schedule massages, receiving gifts, being paid \$500 for [REDACTED] to photograph her nude, and providing sexualized massages with at least one other female in the room. She did not, however, mention Maxwell at all. She was not interviewed by the FBI again until we interviewed her in 2020.

[REDACTED] sued Epstein and was deposed as part of that lawsuit on [REDACTED]. During that deposition, [REDACTED] testified that Maxwell and [REDACTED] were the two people she remembered calling her to schedule appointments with Epstein. [REDACTED] was not asked any follow-up questions about Maxwell during the deposition. Later that same month, Epstein settled the civil suit with [REDACTED]<sup>17</sup>

<sup>16</sup> We have subpoenaed additional phone records from the 2001 to 2005 period and are awaiting their production.

<sup>17</sup> [REDACTED] attorney has indicated that he is willing to provide us with the settlement agreement, but he believes he requires a subpoena in order to produce it to us. Accordingly, we intend to seek authorization to serve the attorney with a “friendly” subpoena for the 2009 settlement agreement between [REDACTED] and Epstein.

██████████ during her civil deposition, ██████████ was asked about a period when she worked for an escort service when she was about 18 years old. ██████████ insisted during her deposition that she only went on dates and did not engage in sex acts with any clients during her time at the escort service. During our in-person interviews, though, ██████████ admitted that she had engaged in paid sex acts during her time at the escort service. ██████████ explained that she was ashamed of working as a prostitute and she did not want to admit to doing so in a room full of hostile men during her deposition. She understands that she will need to admit to lying under oath during her deposition if she testifies at trial in our case.

When asked why she did not mention any details about Maxwell until her 2020 interviews with the FBI, ██████████ explained that no one ever asked her about Maxwell during either the first FBI interview or her deposition. She further explained that she did not think Maxwell was important. The focus was on Epstein, and she mentioned ██████████ primarily because she paid her \$500 to take nude photos of her, which ██████████ thought was important. ██████████ also explained that since she first spoke with our team in 2020, she has spent time thinking about her interactions with Maxwell and trying to remember more details about Maxwell. ██████████ also emphasized that she has nothing to gain from making anything up about Maxwell. She is not suing Maxwell, has already settled a lawsuit with Epstein, and is participating in the Victim's Compensation Fund run by Epstein's estate. She has no desire to speak to the press. In short, she has no incentive to make something up about Maxwell just so she can testify in our case.

When asked why ██████████ would still want to testify as part of our case, ██████████ became emotional. She explained that she wanted to get justice not just for what was done to her, which was very wrong, but for everyone else who was hurt by Epstein's scheme. She also explained that she feels obligated as a mother of daughters to stand up against predators and to help inspire other victims to stand up for themselves.

██████████ does not follow the news, and she told us that she intentionally avoids any media regarding Epstein because she feels ill when she sees anything relating to him. As a result, ██████████ was genuinely concerned for years that ██████████ was dead because she never heard from ██████████ after she left for ██████████. ██████████ learned that ██████████ was alive when she and her husband tried to watch the Netflix documentary series about Epstein. ██████████ became physically ill and could not watch the documentary, but her husband watched it and told her that ██████████ was alive. Otherwise, ██████████ has not seen any media reporting regarding Epstein or Maxwell. As discussed further below, ██████████ is now married and lives with her husband and

## 2. Effects of Severe Trauma

██████████ experienced significant trauma in her youth, which resulted in ██████████. As referenced above, ██████████ had an extremely difficult home life as a child.



[REDACTED]

As a result of that instability, [REDACTED] ended up in situations that left her vulnerable to additional abuse on multiple occasions when she was about 13 years old. [REDACTED]

[REDACTED]

[REDACTED]

The cumulative effect of all this trauma left [REDACTED] extremely vulnerable when she met Epstein and helps explain how she was such an easy target for him. The compounded trauma of being sexually abused by Epstein for years led [REDACTED] to become [REDACTED]. The combination of [REDACTED] led Caroline to have a chaotic life in the years after she stopped seeing Epstein. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In the years since [REDACTED] life has stabilized. [REDACTED]

[REDACTED] She has very little contact with [REDACTED] and some contact with her [REDACTED].

[REDACTED] For example, details regarding who first took down her phone number, exactly what age she told Maxwell she was (in one interview [REDACTED] said [REDACTED], but later she said [REDACTED]), and the circumstances surrounding her massaging other men varied between the video interviews and the in-person interviews. [REDACTED]

[REDACTED] She remembered seeing a photograph of Maxwell pregnant. [REDACTED] [REDACTED] also stated that she believed that Epstein had cameras in his clocks and that the FBI was surveilling Epstein's residence from across the street. She clarified that she did not have confirmation of those facts, but she nevertheless believed them to be true. [REDACTED]

[REDACTED] She was deposed for approximately eight hours in her civil suit, and she [REDACTED]

2021.01.26

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19 [REDACTED]  
Indeed, Epstein settled with [REDACTED] just a few days after her deposition, and the defendant at the criminal trial was convicted.

[REDACTED]

## II. Proposed Charge, Elements of the Offense, and Venue

In light of the evidence regarding [REDACTED]'s experiences with Epstein and Maxwell, our Office, could seek a superseding indictment charging Maxwell with the following offenses, referring to [REDACTED] as "Minor Victim-4":

- Count One: Conspiracy to Transport Minors from 1994 to 2004, in violation of 18 U.S.C. § 371. This charge would expand the end date of the conspiracy from 1997 to 2004 and would add an overt act involving Minor Victim-4.
- Count Two: Transportation of a Minor from 1994 to 1997, in violation of 18 U.S.C. § 2423(a). This charge would be identical to Count Two of the original Indictment. Because this charge remains unchanged, we do not further discuss it in this memorandum.
- Count Three: Conspiracy to Entice Minors from 1994 to 2004, in violation of 18 U.S.C. § 371. This charge would expand the end date of the conspiracy from 1997 to 2004 and add an overt act involving Minor Victim-4.
- Count Four: Enticement of a Minor from 1994 to 1997, in violation of 18 U.S.C. § 2422. This charge would be identical to Count Four of the original Indictment. Because this charge remains unchanged, we do not further discuss it in this memorandum.
- Count Five: Conspiracy to Commit Sex Trafficking from 2001 to 2004, in violation of 18 U.S.C. § 371. This charge would be entirely new and would exclusively reference Minor Victim-4.



- Count Six: Sex Trafficking of a Minor from 2001 to 2004, in violation of 18 U.S.C. § 1591. This charge would be entirely new and would exclusively reference Minor Victim-4.
- Counts Seven & Eight: Perjury, in violation of 18 U.S.C. § 1623. These charges would be identical to Counts Five and Six, respectively, in the original Indictment. Because these charges remain unchanged, we do not further discuss them in this memorandum.

Below we analyze the law and the evidence that would support the expansions of the conspiracies charged in Counts One and Three, as well as the addition of sex trafficking offenses in Counts Five and Six.

**A. Expansion of Counts One and Three: Conspiracies to Transport and Entice Minors from 1994 to 2004**

Counts One and Three would both charge Maxwell with participating in a conspiracy, in violation of 18 U.S.C. § 371, with the objects to commit 18 U.S.C. § 2423(a), which prohibits the transportation of minors with intent to commit an illegal sex act, and 18 U.S.C. § 2422, which prohibits the enticement of minors to travel with intent to commit an illegal sex act, respectively. The conspiracy charge requires (1) an agreement to violate 18 U.S.C. § 2423(a) or 18 U.S.C. § 2422; (2) which agreement Maxwell knowingly and willfully joined; and (3) at least one overt act in furtherance of the conspiracy. The elements of these crimes are discussed in detail in our April 10, 2020 prosecution memorandum. We would propose expanding the conspiracy already charged in Counts One and Three to continue through 2004, which is the last year when ██████ went to Epstein's home as a minor. ██████ testimony would establish that Maxwell agreed with Epstein to commit each element of both 18 U.S.C. § 2423(a) and 18 U.S.C. § 2422 as to ██████

*First*, ██████ will testify that both Maxwell and Epstein invited her to travel across state lines. The reference to getting ██████ a passport and to ██████ similar trips during these conversations support the inference that these trips would have involved transporting ██████ across state lines. ██████ account of these conversations is corroborated both by flight records demonstrating that ██████ did indeed travel across state lines with Epstein and Maxwell, and by ██████ prior consistent statement to the FBI in 2007 that Epstein invited her to travel with him.

*Second*, ██████ will testify that she told both Maxwell and Epstein that she was under the age of 18 during the same conversations when they invited her to travel. ██████ account on this point is corroborated by ██████ recollection that ██████ first met Epstein when she was about 15 years old.

*Third*, the testimony of both ██████ and multiple other victims would demonstrate that Maxwell's intent when inviting ██████ to travel was that she engage in one or more illegal sex acts with Epstein. ██████ testimony that Maxwell saw her nude in the massage room, touched her breasts, and discussed sexual topics with Maxwell all demonstrate Maxwell's knowledge that ██████ saw Epstein for the purpose of engaging in sex acts with him. Testimony from ██████ regarding Maxwell's encouragement of and participation in sex acts involving

minors and Epstein further demonstrates that her intent when inviting [REDACTED] to travel was that she would engage in sex acts with Epstein.

*Fourth*, the contemplated sexual activity, was unlawful. Both Epstein and Maxwell touched [REDACTED] breasts, and Epstein touched [REDACTED] buttocks and vagina, among other sex acts. All of that activity would have violated New York Penal Code § 130.05(3). Although [REDACTED] does not recall Epstein or Maxwell expressly stating that they intended to transport [REDACTED] to New York, a jury could reasonably infer from their frequent travel to and from New York, as well as their communications with [REDACTED] from New York, that they would have taken [REDACTED] to New York had she agreed to be transported. [REDACTED]

*Fifth*, venue is proper in the Southern District of New York as to [REDACTED] because both Maxwell and Epstein took steps in furtherance of the conspiracy while in Manhattan. In order to build rapport with [REDACTED] and groom her, Epstein sent [REDACTED] gifts from New York to Florida. The FedEx receipt form 2002 corroborates [REDACTED] testimony that Epstein would send those gifts from Manhattan. Additionally, [REDACTED] will testify that Maxwell stated on at least some occasions that she and Epstein were in New York when Maxwell would call to schedule a massage appointment with [REDACTED]

*Finally*, the similarities between Maxwell and Epstein's interactions with [REDACTED] and those with the other three victims support the conclusion that all were part of the same ongoing conspiracy. With all four victims, Maxwell engaged in the same grooming behavior, which involved asking the girls questions about their personal lives and families, as well as bringing up sexual topics. Maxwell's presence as an adult woman helped all four victims feel more at ease and normalized Epstein's abusive behavior. Epstein and Maxwell invited all four victims to travel and suggested to three of the victims—[REDACTED] [REDACTED] that Epstein could help pay for educational opportunities. Accordingly, a jury could reasonably conclude that Maxwell and Epstein's conspiracy to transport minors continued through the period when they interacted with [REDACTED]

**B. Counts Five and Six: Conspiracy to Commit Sex Trafficking and Sex Trafficking from 2001 to 2004**

Count Five would charge Maxwell with conspiracy, in violation of 18 U.S.C. § 371,<sup>20</sup> with the object to violation 18 U.S.C. § 1591, which prohibits sex trafficking of minors. Count Six would charge Maxwell with sex trafficking, in violation of 18 U.S.C. §§ 1591 and 2.<sup>21</sup>

Sex trafficking has the following elements:

1. Maxwell, or someone she aided and abetted, knowingly recruited, enticed, harbored, transported, provided, or obtained by any means a victim;
2. In or affecting interstate or foreign commerce;
3. Knowing that the victim had not yet attained the age of 18;
4. Knowing that the victim will be caused to engage in a commercial sex act; and
5. Venue is proper in the Southern District of New York.

Regarding the first element, which requires that the defendant knowingly “recruited, enticed, transported, provided, or obtained by any means a person,” that language—which focuses on the supply rather than demand side of sex trafficking—reflects the statute as it existed between enactment in October 2000 through certain revisions established in May 2015.<sup>22</sup>

In particular, and in addition to Epstein’s own conduct, he also directly instructed others including [REDACTED] to recruit, entice, and solicit additional minor victims.

<sup>20</sup> [REDACTED]

<sup>21</sup> [REDACTED]

<sup>22</sup> [REDACTED]



[REDACTED]

The third and fourth elements require that the defendant knew the fact that (i) an underage minor (ii) would be caused to engage in a commercial sex act.<sup>23</sup> With respect to the former, we will need to prove that Maxwell knew that [REDACTED] was under the age of 18. Specifically, the model jury instruction for pre-2008 conduct for this element is: “The second element [. . .] is that the defendant knew that the victim was under the age of 18.” Sand et al., *Modern Federal Jury Instructions*, Criminal Instruction 47A-20. This element can be proved through circumstantial and inferential evidence, including through proof of conscious avoidance. *See, e.g., United States v. Paris*, No. 06 Cr. 064, 2007 WL 3124724, at \*9 (D. Conn. Oct. 24, 2007) (Droney, J.) (following a sex trafficking conviction, rejecting a Rule 29 argument on sufficiency grounds relating to knowledge of age of the victim, and upholding a conscious avoidance jury instruction on the issue, because the defendant “had sex with her and saw her naked body [. . .] when she was 14 years old [. . .] bought cigarettes for [her], knew that [she] had young friends who were still in high school, and never asked [her] for her identification”). Here, in addition to the direct evidence of knowledge of age from [REDACTED] testimony about at least one conversation with Maxwell regarding her age, the evidence supporting conscious avoidance would be strong, including the fact that Maxwell had to order taxis for [REDACTED] because she did not have a license and the fact that Maxwell saw [REDACTED] fully nude when she was only 14 or 15 years old.

With respect to the fourth element, *i.e.*, the knowledge that the victim would engage in a “commercial” sex act, Section 1591(c)(1), as passed in 2000,<sup>24</sup> defines the “commercial” component of this element as “any sex act on account of which anything of value is given to or received by any person.” Here, the [REDACTED] was paid hundreds of dollars, including by Maxwell herself on some occasions, satisfying the “commercial” aspect of this prong.

[REDACTED]

<sup>23</sup> [REDACTED]

<sup>24</sup> Currently the relevant provision, with identical language, is under Section 1591(e)(3).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2021.01.26

[REDACTED]

Here, [REDACTED] will testify that Epstein touched her genitals, [REDACTED] and that he also penetrated her vagina with his penis on one occasion. As discussed above in the context of Counts One and Three, [REDACTED] testimony regarding instances when Maxwell saw her nude in the massage room, the incident when Maxwell touched [REDACTED] breast, and the conversation when Maxwell brought up sexual topics all demonstrate Maxwell's knowledge that [REDACTED] would engage in sex acts with Epstein. That knowledge would be further confirmed by the testimony of [REDACTED] and [REDACTED] who both recall Maxwell knowing that Epstein engaged in sex acts with them in the context of massages.

With respect to the second element, the statute requires that the conduct be "in or affecting interstate commerce," [REDACTED]

[REDACTED]



Our evidence of the interstate commerce element here would include [REDACTED] testimony regarding phone calls she received from New York while in Florida to arrange massages, as well as Victoria's Secret lingerie that Epstein sent from New York to [REDACTED] home in Florida. Additionally, the labels on the massage table and sex toys recovered from Epstein's Palm Beach residence during the October 2005 search indicate that those products were manufactured outside of the state of Florida.

Finally, we would propose to establish venue through the same evidence referenced in our discussion of Counts One and Three. Conspiracy charges may be brought "in any district in which an overt act in furtherance of the conspiracy was committed." *United States v. Lange*, 834 F.3d 58, 68 (2d Cir. 2016). Here, the calls from New York to schedule appointments and the packages

2021.01.26



containing gifts sent from New York, as corroborated by a FedEx invoice, establish by a preponderance of the evidence that Maxwell and Epstein each took at least one act in furtherance of the conspiracy to traffic [REDACTED] while in the Southern District of New York.

As to substantive sex trafficking offenses, the Second Circuit recently affirmed an SDNY sex trafficking conviction under 18 U.S.C. § 1591 where the minor victim testified that she was in SDNY when the defendant first contacted her over Facebook and encouraged her to travel to meet him in Queens. *See United States v. Walsh*, 827 F. App'x 30, 33 (2d Cir. 2020). The remaining conduct, including in-person grooming and all commercial sex acts, then took place in EDNY. *Id.* The panel concluded that “this evidence was sufficient for a reasonable jury to find by a preponderance of the evidence that [the defendant] recruited or enticed the minor, while she resided in the Southern District of New York, to engage in prostitution and that venue was therefore proper for both counts of conviction.” *Id.* Here, because both the phone calls to [REDACTED] and the packages containing gifts were a fundamental part of recruiting and enticing [REDACTED] to continue to engage in commercial sex acts with Epstein, when Epstein and Maxwell carried out those acts from the Southern District of New York, they were part of the “conduct constituting the offense” of sex trafficking. *United States v. Davis*, 689 F.3d 179, 185 (2d Cir. 2012); *see also United States v. Ramirez*, 420 F.3d 134, 138 (2d Cir. 2005) (“Venue is proper only where the acts constituting the offense – the crime’s ‘essential conduct elements’ – took place.”). Accordingly, [REDACTED] testimony, corroborated by the FedEx record, establish that venue for the substantive sex trafficking count is proper in the Southern District of New York.

### III. Anticipated Defenses

#### A. Factual Defenses

[REDACTED]

[REDACTED]

[REDACTED]

**B. Legal Defenses**

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

2021.01.26

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. **Cooperating Defendants and/or Immunized Witnesses**

In presenting this case at trial, we anticipate presenting the testimony of no cooperating defendant(s).

In presenting this case at trial, we anticipate presenting the testimony of no witness(es), who would testify under a grant of immunity.

V. **Discovery & Disclosure Plan**

The following law enforcement agencies are part of the prosecution team: FBI C-20, NYPD, USAO-SDNY. I have completed an agency file review for each of those agencies.

2021.01.26



In addition, consistent with a letter filed with the Court on October 7, 2020, our office has obtained and reviewed for Rule 16 material agency files from the FBI's Miami Field Office, the Palm Beach Police Department, and the Palm Beach State's Attorney's Office.

Also consistent with the October 7, 2020 letter, we have taken the following steps to obtain additional agency files to review for *Brady*, *Giglio*, and Jencks Act material. First, we have confirmed with the U.S. Attorney's Office in Georgia that it does not possess any substantive witness statements or any material regarding Ghislaine Maxwell. Second, we have obtained all emails from the lead AUSA who handled the USAO-SDFL investigation of Epstein, and have run keyword search terms through those emails to identify correspondence potentially relevant to our case. We are in the process of reviewing that subset of emails. Third, we are still in the process of loading scans of the full USAO-SDFL file into Relativity so that our team can conduct a full review of that file. Due to technical issues with the vendor who scanned the files in Florida and the vendor who handles loading the files into Relativity, this process remains ongoing.

We have also reviewed with the following members of the prosecution team – FBI Special Agent [REDACTED] and FBI TFO/NYPD Detective [REDACTED] – the guidance under JM 9-5.004 regarding e-communications in a federal criminal case. In particular, the following is our plan to preserve for later review and possible disclosure all substantive e-communications created or received by team members during the course of an investigation and prosecution, and all e-communications sent to or received from lay witnesses, regardless of content: all AUSAs have made it their practice to save all emails related to this case in a separate folder within Outlook. [REDACTED] has saved all emails related to this case from his inbox on the share drive. AUSAs will review their own emails and will divide up the review of [REDACTED] emails for any disclosures that need to be made in advance of trial. Although it is not the team's practice to exchange substantive text communications regarding any case or to exchange any text messages at all with lay witnesses, all AUSAs will review their own text messages on their government-provided cellphones to confirm no such text messages exist or need to be disclosed. The AUSAs will confer with SA [REDACTED] and TFO [REDACTED] and confirm that they have similarly preserved and reviewed all of their emails and text messages for any disclosures that need to be made. The AUSAs will also confirm that SA [REDACTED] and TFO [REDACTED] have similarly collected and reviewed and made any necessary disclosures from any e-communications made or received by any other FBI or NYPD employee, including victim-witness personnel, regarding this case or from any lay witness.

This case is not a spin-off from, or a case with significant factual overlap with, another SDNY case.

As discussed above, parts of this case were the subject of an investigation by the USAO-SDFL and the Palm Beach State's Attorney's Office. We have reviewed the PBSA file for disclosures and will similarly review the USAO-SDFL file once it is loaded into Relativity.

This case is not being conducted in coordination with another prosecutor's office or another federal or state agency.

2021.01.26

I am familiar with the SDNY Discovery and Disclosure Policy, and, as discussed above, I have completed my review of the USAO-SDNY files, the FBI files, the PBPD files, and the PBSA files for compliance with our Rule 16 and *Brady* obligations, including materials relevant to any anticipated defenses. The review of AUSA emails from the USAO-SDFL and the USAO-SDFL files, as discussed above, will be completed as soon as is technologically feasible.

The Rule 16 discovery materials in this case identified to date have already been produced to defense counsel. We have received authorization from the Court to delay production of a small subset of Rule 16 discovery relating to victims who do not form the basis of the charges in the pending Indictment.

I have identified *Brady* material or potential *Brady* material in this case, all of which has been disclosed to the defense during discovery productions, including disclosures of witness statements. I do not intend to ask the court for authorization to delay production of *Brady* material.

#### VI. **Forfeiture/Restitution**

We expect to seek restitution in this case. Restitution is mandatory under the Victims of Trafficking and Violence Protection Act of 2000 (the “TVPA”), and includes “the full amount of the victim’s losses” including “any costs incurred by the victim for—(A) medical services relating to physical, psychiatric, or psychological care; (B) physical and occupational therapy or rehabilitation; (C) necessary transportation, temporary housing, and child care expenses; (D) lost income; (E) attorney’s fees, as well as other costs incurred; and (F) any other losses suffered by the victim as a proximate result of the offense.” 18 U.S.C. § 1593(b)(3) (incorporating by reference 18 U.S.C. § 2259(b)(3)). The statutory language is circumscribed by a requirement of a causal connection between the offense of conviction and victim’s harm, but “mathematical precision” is not required.

We are still exploring whether we have a basis to seek forfeiture in this charging instrument, but we note that it would be more complicated to pursue the properties involved in the offense conduct because none belonged to Maxwell. Should we move forward with charges, we would want to consult carefully with MLAF to ensure we are considering any viable forfeiture theories.

#### VII. **USAO Civil/Criminal Coordinated Proceedings**

Does the offense conduct involve fraud/false claims on a federally funded program, or fraud on or committed by a federally insured financial institution? **No**

#### VIII. **Victim Issues**

Does the case involve victims? **Yes**. The case involves multiple victim-witnesses. We have been and will continue to be highly attuned to victims’ rights and associated processes, and we will coordinate with the SDNY victim and witness coordinators as well as with the FBI victim

liaisons. To date, all of the victims discussed in this memorandum have been entered into the Victim Notification System and have been connected with an FBI victim specialist.

**IX. Speedy Trial Act Calculations & Deadline**

The defendant was arrested on July 2, 2020. Trial is scheduled to commence on July 12, 2021, and Judge Nathan has excluded time under the Speedy Trial Act through that date.

**X. Plans for Arrest**

The defendant was arrested on July 2, 2020 and has been detained ever since. She is currently in custody at the MDC.

By: /s/  \_\_\_\_\_  
Assistant United States Attorneys