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October 13, 2020

BY EMAIL

[REDACTED], Esq.

[REDACTED], Esq.

[REDACTED], Esq.

United States Attorney's Office
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear [REDACTED]:

We write on behalf of our client, Ghislaine Maxwell, to set forth requests for discovery and *Brady* material. Based on our review of the government's productions of August 5, 2019, August 13, 2019, and August 21, 2020, we make the following requests for discovery, inspection, and copying, in accordance with the guarantees of the Fourth, Fifth, and Sixth Amendments, Rule 16 of the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and such other laws and rules as may be applicable. We are still reviewing these productions, as well as the government's most recent production of October 2, 2020, and reserve the right to supplement these requests as necessary.

1. We request any oral, written, or recorded statements made by Ms. Maxwell, aside from the statements made in prior civil case proceedings that you produced on August 13, 2020 and the statements made at the time of arrest, which you produced on August 21, 2020. Fed. R. Crim. P. 16(a)(1)(A), (B).
2. We request that the government disclose and identify any statements of alleged co-conspirators that it intends to introduce at trial.
3. We request any prior criminal records of Ms. Maxwell. Fed R. Crim. P. 16(a)(1)(D).
4. We request any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items. Fed R. Crim. P. 16(a)(1)(E).

- a. Based on our review of the discovery, it does not appear that any documents or tangible objects were obtained from Ms. Maxwell through a search warrant or a search incident to arrest. Please confirm this.
 - b. We will schedule a time in the near future to inspect the originals of photographs and any other evidence (including documents and tangible objects) that have already been disclosed.
5. We request the results or reports of any physical or mental examination and of any scientific test or experiment. Fed R. Crim. P. 16(a)(1)(F).
6. We request a written summary of any testimony that the government intends to introduce at trial under Federal Rules of Evidence 702, 703 or 705, which summary must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications. Fed R. Crim. P. 16(a)(1)(G).
7. We request that the government disclose the identities of the individuals identified in the indictment as Minor Victims 1-3.
8. We request that the government disclose the complete birthdays of the individuals identified in the indictment as Minor Victims 1-3.
9. We request all written and oral communications concerning the negotiations relating to the Non-Prosecution Agreement ("NPA") signed by Jeffrey Epstein on September 24, 2007. Such communications include:
 - a. All communications between the government – including, but not limited to, attorneys and staff at the U.S. Attorney's Office for the Southern District of Florida, the United States Attorney's Office for Southern District of New York, the Department of Justice, state prosecutor's offices, the FBI, and any other federal and state investigative agencies – and Mr. Epstein's attorneys.
 - b. All communications between and among any government employees including, but not limited to, attorneys and staff at the U.S. Attorney's Office for the Southern District of Florida, the United States Attorney's Office for Southern District of New York, the Department of Justice, state prosecutor's offices, the FBI, and any other federal and state investigative agencies.
 - c. Unredacted copies of all emails and other correspondence between the government and Mr. Epstein's attorneys concerning the negotiation of the NPA, which you previously produced on August 13, 2020. *See, e.g., SDNY_GM_00134069 et seq.*

10. We request that the government produce a complete copy of the diary, only seven pages of which were produced by the government on August 21, 2020. *See* SDNY_GM_00165982-00162988.¹
11. We request a complete, unredacted copy of the FBI 302 produced by the government on August 13, 2020, bearing Bates numbers SDNY_GM_00114982-00114993.
12. We request that the government produce all versions and drafts of the book/memoir “The Billionaires Playboy Club” produced by the government on August 13, 2020, and identify the dates of each version/draft. *See, e.g.*, SDNY_GM_00117607-608, 00117626-635, 00117637-640, 00117726-727, 00117761-762, 00117836-837 (sample list).
13. We request the following documents and materials related to the individuals identified in the indictment as Minor Victims 1-3 and for any other witness who has alleged that Ms. Maxwell engaged in or facilitated improper sexual conduct at any time up to the present:
 - a. All diaries, notes, journals, e-mails, text messages, letters, or other writings by these individuals, including but not limited to, all written communications between these individuals and Mr. Epstein or Ms. Maxwell;
 - b. All travel and immigration records, as well as copies of any passports and travel documents;
 - c. All school records or other educational records;
 - d. All phone records;
 - e. All photographs;
 - f. All financial records, including all records reflecting any payments or money transfers from Mr. Epstein or his associated businesses to these individuals or their family members or their counsel;
 - g. All police reports or complaints to law enforcement authorities filed by these individuals;
 - h. Any submissions to the Epstein Victims’ Compensation Program made by any of these individuals;
 - i. All communications between or among these individuals, or between these individuals and counsel for any other such individual, including but not limited to, emails, text messages, social media posts, and other correspondence;
 - j. All public statements made by these individuals concerning Mr. Epstein or Ms. Maxwell;
 - k. Any record or report of any physical, medical, mental, or psychological examination of these individuals;

¹ We also make this request, as well as Requests 11-16, pursuant to the government’s *Brady* obligations.

- l. Any record, report or other document reflecting the use or abuse of alcohol or any legal or illegal drug, including marijuana;
 - m. All written and oral communications between the government and the attorneys for these individuals – including , but not limited to, Bradley Edwards, David Boies, Sigrid McCawley, Peter Skinner, Stanley Pottinger, Paul Cassell, Spencer Kuvin, and Jack Scarola (the “Attorneys”) – concerning or relating to Mr. Epstein and/or Ms. Maxwell.
14. We request all written and oral communications and other documents concerning any meetings between the Attorneys and prosecutors and staff from the United States Attorney’s Office for the Southern District of New York (“SDNY”) concerning Jeffrey Epstein and/or Ghislaine Maxwell.
 - a. This request includes all communications and documents related to any meetings that took place in or about 2016 in which certain of the Attorneys met with SDNY prosecutors to ask SDNY to initiate a criminal investigation into Mr. Epstein and Ms. Maxwell. *See New York Daily News*, “Manhattan Federal Prosecutors Declined to Pursue Jeffrey Epstein and Ghislaine Maxwell Case in 2016: Sources” (Oct. 13, 2020), <https://www.nydailynews.com/new-york/ny-jeffrey-epstein-maxwell-case-20201013-jmzhl7zdrzdgrbbs7yc6bfnszu-story.html> ; *see also* Bradley J. Edwards, *Relentless Pursuit: My Fight for the Victims of Jeffrey Epstein*, at 281.
 - b. This request also includes all communications and documents related to any meetings between any of the Attorneys and SDNY prosecutors and staff concerning or relating to Mr. Epstein and/or Ms. Maxwell that took place in or about 2018, when the government asserts that it began the SDNY investigation into this case (*see* Dkt. 63), or at any time thereafter.
15. We request the complete FBI’s case file regarding the investigation of [REDACTED] [REDACTED] for obstruction of justice, referenced in the government’s production cover letter of August 21, 2020.
16. We request copies of the “82-page pros memo and 53-page indictment” drafted as part of the investigation conducted by the Southern District of Florida. *See* SDNY_GM_00131226.
17. We request all e-mails, text messages, letters, or other written communications to or from Ms. Maxwell.
18. We request all medical records or reports concerning Mr. Epstein.

19. We request all subpoenas and voluntary request for production of documents issued in connection with or related to this case, and all evidence obtained by the government by subpoena or from voluntary production (to the extent it has not already been produced), including information to identify where and how the evidence was obtained.
20. We request that the government disclose and identify any evidence it intends to introduce under Federal Rule of Evidence 404(b) or as background of the conspiracies charged in the Indictment.
21. We request information about the composition of the grand jury that indicted this case, including a list of grand jurors, their attendance dates, the reasons for any absence, and whether attendance was in person or virtual.
22. We request that the government disclose whether any persons were present during grand jury proceedings other than the grand jurors, witnesses under examination, court reporters, and attorneys from the United States Department of Justice.

Consistent with the requirements of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Kyles v. Whitley*, 514 U.S. 419, 438 (1995), as well as your own professional obligations, we request that the government conduct an affirmative search for, locate, identify, and produce, all documents, books, papers, photographs, scientific tests or experiments, tangible objects, written or recorded statements, grand jury transcripts and oral statements, reports, memoranda, names, and addresses or persons or other evidence or information favorable to the defense as to either guilt or punishment, or tends to affect the weight or credibility of the evidence to be presented against Ms. Maxwell, or which will lead to evidence favorable to or exculpatory of Ms. Maxwell, including but not limited to information which is within the possession, custody, or control of the government. Impeachment evidence, as well as exculpatory evidence, falls within *Brady's* definition of evidence favorable to the accused. See *United States v. Bagley*, 473 U.S. 667 (1985); *United States v. Agurs*, 427 U.S. 97 (1976). We also make the following specific *Brady* requests:

1. Exculpatory Evidence: We request all such evidence requested above and evidence known to the government which tends to exculpate Ms. Maxwell of the offense alleged, including exculpatory statements. This request includes, but is not limited to:
 - a. Any statements or written communications made by any witness who has alleged that she was sexually abused or assaulted by Mr. Epstein, but has not alleged that Ms. Maxwell participated in, was involved in, or facilitated the alleged sexual abuse. These include, but are not limited, to, all diaries, notes, journals, e-mails, text messages, letters, or other writings by these individuals.
 - b. Any evidence suggesting that Ms. Maxwell was not involved in or aware of the conduct alleged in the indictment.

- c. Any evidence concerning witnesses who have contacted the government or law enforcement authorities about alleged sexual abuse by Mr. Epstein or Ms. Maxwell who were determined not to be credible.
 - d. Any evidence suggesting that any witness who has alleged that she was sexually abused or assaulted by Mr. Epstein, with or without the involvement of Ms. Maxwell, was not a minor at the time the alleged sexual abuse took place.
 - e. All investigative efforts to verify any information provided by any and all witnesses, where such efforts were negative.
 - f. All discussions with any witness, including law enforcement, that reveal *Brady* information.
2. Favorable Statements and Witnesses: We request that the government produce any witness statements favorable to Ms. Maxwell, and identify the names of any witnesses who have information favorable to Ms. Maxwell. This includes any witness who the government does not intend to call at trial, but who made a favorable statement concerning Ms. Maxwell.
3. Evidence of Criminal Investigation of Any Government Witness: We request any evidence that any prospective witness is under investigation by federal, state or local authorities for any criminal conduct. This includes their entire criminal record (both arrests and convictions, whether adult or juvenile) and probation reports, supervised release, pre-sentence reports, violation reports, intelligence reports and all supplementals.
4. Evidence of Misconduct of Government Agents: We request information about any allegation of misconduct of any government agents or attorneys involved in any investigation into Mr. Epstein and Ms. Maxwell.
5. Impeachment Evidence: We request any evidence that may be used to impeach a prospective government witness. This request includes, but is not limited to:
- a. Any evidence that any prospective government witness has engaged in any criminal act, whether or not resulting in a conviction, and whether any witness has made a statement favorable to Ms. Maxwell.
 - b. Any information tending to establish that the witness is or was a user of any drug or alcohol and any other information which tends to discredit the witness's ability to perceive, recollect and/or narrate events.

- c. Any information concerning any government witnesses' history of emotional disorders and psychiatric or psychological counseling, which may bear on a witness's ability to perceive or relate events accurately and truthfully.
 - d. Any evidence suggesting that any witness who has alleged that she was sexually abused or assaulted by Mr. Epstein, with or without the involvement of Ms. Maxwell, had a financial motive or incentive to accuse Mr. Epstein or Ms. Maxwell.
6. Giglio Information: Pursuant to *Giglio v. United States*, 405 U.S. 150 (1972), we request dates and descriptions of any and all considerations or promises (express or implied) of consideration given during the course of the investigation by any law enforcement officials to or on behalf of any witness the government intends to call at trial, or any such consideration or promises expected by any such witness in the future. This includes but is not limited to the following:
- a. Rewards, monetary or otherwise;
 - b. Employment;
 - c. Protection and relocation;
 - d. The rejection, dismissal, immunization from prosecution or reduction of any federal, state or local offenses charged in the past or present or that might be charged in the future;
 - e. Reduction of sentence, improvement of custody status or leniency at sentencing by making the witnesses' cooperation known to the prosecution, Court, probation or parole officer, or other federal, state or local agency or jurisdiction;
 - f. Other incidents of cooperation.
7. Evidence of Bias or Motive to Lie: We request any evidence that any prospective government witness is biased or prejudiced against Ms. Maxwell or has a motive to falsify or distort his or her testimony. *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987); *United States v. Striffler*, 851 F.2d 1197 (9th Cir. 1988).
8. Contradictory Statements: We request all prior contradictory statements of any prospective government witness. *Giles v. Maryland*, 386 U.S. 66 (1967).
9. Statements Relevant to the Defense: We request disclosure of any statement that may be "relevant to any possible defense or contention" that Ms. Maxwell might assert.
10. We request any other materials or documents not otherwise accounted for in other requests herein that arguably reflect the (i) motivation of any government witness to cooperate with the prosecution team, (ii) the competency or credibility of the witness, or (iii) the witness's bias or hostility against Mr. Epstein or Ms. Maxwell.

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Please note that under both Federal Rule of Criminal Procedure 16(c) and *Brady*, the duty to disclose is a continuing one, and you must disclose promptly any additional discovery evidence, information, or material of which you or any member of the prosecution team become aware.

In the event that you are unable or unwilling to provide the information and documents requested in this letter, please advise us by October 21, 2020, so that we may file any necessary motions with the Court.

Thank you in advance for your attention to these matters.

Sincerely,

/s/ Christian Everdell
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cc: Mark S. Cohen, Esq.
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