

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN RE GRAND JURY SUBPOENAS
DUCES TECUM NUMBERS
OLY-63 and OLY-64

FGJ 07-103(WPB)

EX PARTE DECLARATION NUMBER ONE
IN SUPPORT OF UNITED STATES' RESPONSE
TO MOTION TO QUASH SUBPOENAS

FILED UNDER SEAL

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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EFTA00158240

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I, [REDACTED] state that the following is true and correct to the best of my information and belief:

1. I am currently employed as a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for the past ten years. I am assigned to the Miami Division, Palm Beach County Resident Agency, and for the past three years, I have been assigned to investigate mostly child exploitation cases.

2. In the Spring of 2006, Detective [REDACTED] with the Town of Palm Beach Police Department ("PBPD") contacted me about the investigation of Jeffrey Epstein's solicitation of minors to engage in prostitution and his lewd and lascivious conduct with minors. The FBI opened a case file in July 2006, and I am the case agent assigned to the investigation.

3. At around the same time that the FBI opened its investigation, the U.S. Attorney's Office began a grand jury investigation. I am one of the agents on the Federal

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Rule of Criminal Procedure 6(e) list, that is, someone who is authorized to have access to the facts of the investigation and the materials related thereto.

4. As part of the grand jury investigation, a subpoena was issued for all of the physical evidence obtained by PBPD during the course of its investigation, including the evidence seized when PBPD executed the search warrant at Jeffrey Epstein's home in October 2005.

5. From my review of the photographs from the execution of the search warrant and my conversations with Detective [REDACTED], I believe that certain items were purposely removed from Mr. Epstein's home in anticipation of an execution of a search warrant. This includes the three computers which are the subject of grand jury subpoena numbers OLY-63 and OLY-64.

6. I believe that the computers will be helpful to the grand jury investigation in several ways. First, one of the possible crimes that Mr. Epstein has committed is the travel in interstate commerce for the purpose of engaging in illicit sexual conduct with a minor, in violation of Title 18, United States Code, Section 2423(b). Another possible offense is the use of a facility of interstate commerce to persuade, induce, or entice a minor to engage in prostitution or other illicit sexual conduct, in violation of Title 18, United States Code, Section 2422(b). A telephone is a facility of interstate commerce, so evidence of the use of the telephones to arrange appointments for sexual activity is evidence of a violation of Section 2422(b).

7. From items recovered during the PBPD investigation and the FBI's own investigation, I know that some member or members of Mr. Epstein's staff documented daily messages for Mr. Epstein, to include telephonic and electronic mail messages, utilizing the URL (Uniform Resource Locator) address, <http://domsrv01/foxhaven/wc.dll?Gmax~Msg-Display>. Computer printouts displaying this information were recovered by PBPD from the trash located at Mr. Epstein's residence, 358 El Brillo Way, Palm Beach, Florida. One of the electronic message logs on the computer printouts documented a message left for Mr. Epstein on April 11, 2005 at 4:29pm by [REDACTED], Mr. Epstein's assistant, regarding the availability of an identified underage female to "work". Review of cellular telephone records indicated telephonic contact between telephones utilized by [REDACTED] and the same identified underage female on April 11, 2005 at 4:24pm. The electronic message logs recovered also displayed other types of appointments and travel plans.

8. Therefore, a review of Mr. Epstein's computers may provide additional electronically stored message logs which could be further evidence of Mr. Epstein's intent to travel to engage in sexual activity with teenagers he recruited from five Palm Beach County high schools. Based upon the investigation, I believe that someone *other than* Mr. Epstein prepared the computerized calendar and telephone messages. Thus, Mr. Epstein would not be required to authenticate any such documents recovered from the computer.

9. The second way that the computers will assist the grand jury is the possibility that photographs of the crime victims and/or child pornography may appear. I know from

Detective [REDACTED] that, at one time, Mr. Epstein had a security system that automatically downloaded images from surveillance cameras onto a computer. Detective [REDACTED] learned about that in an unrelated theft investigation in October 2003. In October 2005, during the execution of the state search warrant at Mr. Epstein's residence, PBPD investigators observed pre-existing surveillance cameras in place but disconnected from recording equipment. The disconnected cables were located in an area where computer equipment appeared to have been removed. The FBI investigation has determined that Mr. Epstein was actively involved in lewd and lascivious conduct with minor females as early as March 2004. To the extent that Mr. Epstein tries to deny that any or all of the victims ever visited his home, video footage of them at the house would rebut such a claim.

10. During the interview of another identified crime victim, it was revealed that Mr. Epstein had taken a picture of her standing near a marble bathtub. She was naked and looking over her shoulder. Mr. Epstein took that photograph at his Palm Beach residence in what the identified crime victim described as a bathroom in Mr. Epstein's master suite.

11. Also, during the FBI's investigation, I interviewed a young woman, [REDACTED] who had known Mr. Epstein several years ago, when she was in her late teens/early twenties. The woman was [REDACTED]
[REDACTED] Mr. Epstein was very interested in her work and [REDACTED], and also expressed an interest in [REDACTED] younger sister, [REDACTED] who was 16 years' old at the time.

12. Mr. Epstein and his associate, Ghislaine Maxwell, made arrangements and paid for [REDACTED] to fly home [REDACTED] for the primary purpose of taking artistic photographs of her family members in the nude. This included [REDACTED] younger siblings, that is, two sisters [REDACTED] and a younger sister, age 9 or 10), and her two brothers. Due to the sensitive nature of the photographs, [REDACTED] created a photo log to document each image and the order in which it was taken. Later, [REDACTED] learned that seven photographs [REDACTED] [REDACTED] were missing. [REDACTED] who was very upset, contacted Mr. Epstein's office and asked for one of Mr. Epstein's assistants to look for the missing photographs. [REDACTED] also confronted Mr. Epstein and Ms. Maxwell about the missing photographs, which they claimed they did not possess. A few weeks later [REDACTED] received a telephone call from an unidentified caller who stated that the missing photographs were in Mr. Epstein's briefcase. The missing photographs have never been recovered and [REDACTED] believes that Mr. Epstein is in possession of them

13. Mr. Epstein and Ms. Maxwell also made arrangements and paid for [REDACTED] younger sister, age 16, to travel to one of his homes, located in New Mexico. One morning during that visit, Mr. Epstein got into bed with [REDACTED] Mr. Epstein told [REDACTED] that he felt like "cuddling." [REDACTED] described Mr. Epstein's actions as "spooning" and constantly hugging her.

14. During the FBI interview with [REDACTED] she became visibly disturbed when recalling an incident with Mr. Epstein at his ranch in New Mexico. [REDACTED] stated that one evening Mr. Epstein had come into her bedroom and sat on the bed. Mr. Epstein stroked her

hair and told her she was beautiful. [REDACTED] was unable to recall the remainder of the events for that evening.

15. I have interviewed [REDACTED] and [REDACTED] about their experiences with Mr. Epstein. Both [REDACTED] and [REDACTED] are reluctant to divulge their experiences publicly. [REDACTED] has also expressed her concern about speaking publicly against Mr. Epstein for fear of reprisals against her or her family.

16. Further evidence of Mr. Epstein's potential interest in underage females and child pornography was the open display of three photographs in his Palm Beach residence which were seized during the execution of the state search warrant. Attached hereto as Exhibit A is [REDACTED]

[REDACTED]. Attached hereto as Exhibit B is [REDACTED]

[REDACTED]. Attached hereto as Exhibit C is [REDACTED]

17. Based upon this information, I believe a review of Mr. Epstein's computers may reveal images depicting crime victims and/or child pornography. In light of [REDACTED]'s fear of testifying against Mr. Epstein, the computer's contents may be the only admissible evidence of Mr. Epstein's interest in child pornography at trial (assuming that such evidence is discovered).

18. The information related to the computers also would be helpful to the grand

jury in trying to determine if any evidence exists that may indicate Mr. Epstein's involvement in the obstruction of justice through the tampering with or destruction of evidence. Additionally, evidence related to the computers may indicate Mr. Epstein's knowledge of guilt. Case law states that attempts to flee or hide or destroy evidence can be considered as evidence of a guilty mind.

19. Other crimes that the grand jury is investigating, which were not the subject of the state investigation, are promotion money laundering, in violation of 18 U.S.C. §§ 1956 and 1957, and aiding and abetting unlawful money transmitting by a financial institution, in violation of 18 U.S.C. § 1960. Both of these offenses involve the transmission of funds between different banking accounts owned by Mr. Epstein in order to promote prostitution. Through the grand jury investigation, documents from bank accounts have been obtained that show transfers of large sums of money (as much as \$250,000 on a single day) from one personal Epstein account into an account purportedly owned by JEJE, Inc. (an entity created for the sole purpose of holding Epstein's personal Boeing 727 aircraft), and then to another personal Epstein account. It is believed that the computers may hold information related to those bank accounts and bank transactions.

20. With respect to the computers that are the subject of the pending grand jury subpoenas, through the grand jury investigation, I was asked to interview Janusz Banasiak, the property manager for Jeffrey Epstein's Palm Beach home. Banasiak worked in that position during the time of the execution of the search warrant. I asked Banasiak whether

he had removed the computers from the Epstein household. He stated that he had not, and that [REDACTED] and a private investigator, "Paul," had come to the house and taken the computers away. I know from the investigation that [REDACTED] is [REDACTED], also known as [REDACTED], who sometimes worked as a personal assistant to Jeffrey Epstein. [REDACTED] is considered a target of the investigation, but neither [REDACTED] nor Mr. Epstein is aware of that classification at this time. I know from the investigation that "Paul" is Paul Lavery, a private investigator who has had contact with several identified victims.

21. A grand jury subpoena was served on Mr. Lavery at his residence [REDACTED]. Mr. Lavery hired an attorney and initially refused to respond to the subpoena. Eventually, based upon conversations between Assistant United States Attorney [REDACTED] and counsel for Mr. Lavery, a telephonic interview was conducted of Mr. Lavery. During that interview, Mr. Lavery stated that he had traveled to Jeffrey Epstein's home in the fall of 2005 and that a woman (whom he believed was [REDACTED]) had given him the computer equipment, already in boxes. Mr. Lavery stated that he had the computers for a few days, probably over a weekend, before he delivered the computers to William Riley. Mr. Lavery stated that he did not tamper with the computers while they were in his possession.

22. Based upon the interview of Paul Lavery, grand jury subpoenas were prepared for William Riley and the Custodian of Records of his firm, Riley Kiraly. Riley Kiraly is an independent private investigation firm, with its own offices in Miami, Florida. Attached hereto as Exhibit D are copies of printouts from the Riley Kiraly website, explaining the

services offered. Neither Mr. Riley nor Riley Kiraly works exclusively for Roy Black or any other lawyer or law firm.

23. The grand jury subpoenas were served via acceptance of fax by William Riley. He did not indicate whether he still had custody of the subpoenaed computers. Based upon the foregoing facts and the additional facts set forth in the Declaration of Detective [REDACTED], Palm Beach County Sheriff's Office, I believe that Mr. Riley either currently has the computers in his possession or knows who has them. At the very least, Mr. Riley can relay to the grand jury his actions concerning the computers that were removed from Mr. Epstein's residence.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 30th day of July, 2007.

[REDACTED]
Federal Bureau of Investigation