

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

IN RE GRAND JURY SUBPOENAS FGJ 07-103(WPB)  
DUCES TECUM NUMBERS  
OLY-63 and OLY-64 UNDER SEAL

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**EX PARTE AFFIDAVIT OF** [REDACTED]

I, [REDACTED], being duly sworn, 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 \_\_\_\_ years. I am assigned to the Miami Division, West Palm Beach Field Office, and for the past \_\_\_\_ years, I have been assigned to investigate mostly child exploitation cases.

2. In early 2006, Detective Joseph Recarey with the City 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 \_\_\_\_\_ 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 Rule of Criminal Procedure 6(e) list, that is, someone who is authorized to have access to the fact 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 Joseph Recarey, 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). From other items recovered during the PBPD investigation and the FBI's own investigation, I know that some member or members of Mr. Epstein's staff maintained a calendar on one of the computers in the

household, and maintained other computer files with telephone messages. 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). The calendars also showed other types of appointments and travel plans, which could be evidence that the purpose of Mr. Epstein's travel was to engage in sexual activity with the teenagers he recruited from Royal Palm Beach High School, [list other 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.

7. The second way that the computers will assist the grand jury is the possibility that photographs of the crime victims may appear. I know from Detective Recarey that, at one time, Jeffrey Epstein had a security system that automatically downloaded images from surveillance cameras onto a computer. Detective Recarey learned about that in \_\_\_\_\_ 2005, a period when I know, from my investigation, that Mr. Epstein was actively involved in lewd and lascivious conduct with the minor females. 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.

8. Also, during the FBI's investigation, I interviewed a young woman, "█," who had known Mr. Epstein several years ago, when she was in her late teens/early twenties. The woman was a struggling artist who specialized in painting nude portraits of her family members, including her younger siblings. Prior to preparing a portrait, the artist would take several photographic studies. Jeffrey Epstein was very interested in her work and her photographs, and also expressed an interest in the artist's younger sister, "█," who was only \_\_\_ years' old at the time. Mr. Epstein paid for █ to travel to one of his homes, located in New Mexico. During that visit, Mr. Epstein touched █ inappropriately and asked her to touch him while he was nude. After learning of this, "█" confronted Mr. Epstein and cut off all contact with him. When "█" checked her belongings, she learned that some of the nude photographs had been taken from her and "█" believes that Mr. Epstein took them. Although the nude photographs were artistic rather than pornographic, I believe that this shows a potential interest by Mr. Epstein in child pornography, and, therefore, I would like a computer expert to review Mr. Epstein's computer for possible child pornography. I have interviewed "█" and █ about their experiences and both have expressed a fear of speaking publicly against Mr. Epstein for fear of reprisals against them or their family. Accordingly, 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).

9. The information related to the computers also would be helpful to the grand jury in trying to determine whether: (a) there was a “leak” at the State Attorney’s Office; (b) whether Jeffrey Epstein was involved in obstruction of justice through the tampering with or destruction of evidence; and (c) as evidence of knowledge of guilt based upon case law that states that attempts to flee or hide or destroy evidence can be considered as evidence of a guilty mind.

10. 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 “██████” and a private investigator had come to the house and taken the computers away. I know from the investigation that “██████” is ██████████, nee ██████████, who sometimes worked as a personal assistant to Jeffrey Epstein. ██████████ is considered a target of the investigation, but neither ██████████ nor Epstein is aware of that classification at this time. From the physical description of the private investigator, I knew that Banasiak was referring to Paul Lavery, a private investigator who had traveled to the homes of several victims.

11. A grand jury subpoena was served on Mr. Lavery at his office in Miami. Mr. Lavery hired an attorney and initially refused to respond to the subpoena. Eventually, based upon conversations between Assistant United States Attorney ██████████ and counsel for Mr. Lavery, I was allowed to interview Mr. Lavery by telephone. 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 ██████████) had given him the computer equipment, already in boxes. Lavery stated that he had the computers for a few days, probably over a weekend, before he delivered the computers to William Riley. Lavery stated that he did not tamper with the computers while they were in his possession.

12. 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 K-1 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.

13. I personally served the subpoenas on William Riley at his offices. He did not indicate whether he still had custody of the subpoenaed computers. Based upon the foregoing facts, 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 tell the grand jury to whom he delivered the computers.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
Special Agent [REDACTED]  
Federal Bureau of Investigation

Subscribed and sworn to before me  
this \_\_\_\_ day of July, 2007.

\_\_\_\_\_  
Notary Public