

**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)

**UNITED STATES' SURREPLY TO REPLIES FILED BY WITNESS WILLIAM
RILEY AND INTERVENOR JEFFREY EPSTEIN
RE: MOTION TO QUASH GRAND JURY SUBPOENAS**

UNDER SEAL

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The United States, by and through the undersigned Assistant United States Attorney, hereby files this Surreply to the Replies filed by Witness William Riley and Intervenor Jeffrey Epstein,¹ and notes the following:

1. Both the witness and the intervenor assert that Mr. Riley was excused from appearing before the grand jury and that Mr. Riley did not flout the subpoena by failing to appear. The undersigned's supervisor, [REDACTED], agreed with Mr. Black that Mr. Riley would not have to produce the disputed items if the motion was filed. It is understandable that this could have been interpreted as an excuse from appearing, as well, and the United States does not contend that Mr. Riley intentionally disobeyed the subpoena. The undersigned has conferred with the office of Mr. Riley's counsel, and it has been agreed that Mr. Riley will appear before the grand jury on September 18, 2007.

¹Witness William Riley did not file an initial motion to quash the grand jury subpoenas, but did file a Reply to the United States' Response to the Intervenor's Motion to Quash. Accordingly, the United States has not previously had the opportunity to respond to the issue raised by Mr. Riley.

2. In the Reply filed by Intervenor Epstein, counsel asserts that “simple possession of the physical containers [the computers] is not the government’s real object here. What the government actually wants is unfettered access to the entire *contents* of Epstein’s computers . . .” (Epstein Reply at 2.) The intervenor is mistaken. The grand jury has subpoenaed the computers and the items as they were removed from Mr. Epstein’s home. The grand jury probably has the authority to subpoena the contents of those computers, but, in an abundance of caution, the United States’ intention is to seek a search warrant for the contents of those computers once the computers are securely in custody. This procedure will allow the Court to decide whether adequate probable cause exists for the search of the computers’ contents.

3.

4. For the foregoing reasons, the United States respectfully requests that the Court grant permission for the United States to file an oversized Response.

5. **Certification:** Pursuant to Local Rule 88.9, the United States has conferred with

counsel for Movant, who states that he has no objection to the granting of this motion.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July ____, 2007, the foregoing document will be served via hand delivery on Attorney Roy Black, counsel for Jeffrey Epstein. The same document will be served on William Richey, counsel for William Riley and Riley Kiraly, via Federal Express. This document was not filed using CM/ECF because it is being filed under seal.

[REDACTED]
Assistant U.S. Attorney

SERVICE LIST
In re Federal Grand Jury Subpoenas No. OLY-63 and OLY-64
United States District Court, Southern District of Florida

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