



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

Prosecution Memorandum

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USAO #: [REDACTED]	<i>United States v. Maxwell, 20 Cr. ___ ()</i>	April 10, 2020
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I. Overview

This memorandum seeks authorization to charge GHISLAINE MAXWELL with one count of conspiracy to violate 18 U.S.C. § 2423(a), which prohibits the transportation of a minor for illegal sexual activity, and one count of conspiracy to violate 18 U.S.C. § 2422, which prohibits the enticement of a minor to travel to engage in illegal sexual activity. These charges arise from Maxwell's role in facilitating Jeffrey Epstein's sexual abuse of minors. In particular, the proposed charges focus on the victimization of [REDACTED] who was abused by Epstein for several years, beginning when she was fourteen years old and living in [REDACTED]. Several months after Maxwell and Epstein met [REDACTED] they began to encourage her to travel with them, and brought her to Epstein's mansion in New York, where she was also abused. As discussed in greater detail below, Maxwell had a significant role in grooming [REDACTED] for abuse and facilitating Epstein's access to [REDACTED]

[REDACTED]

Victim Interviews and Corroborating Evidence

[REDACTED]

[REDACTED] was born [REDACTED] and moved to [REDACTED] with her family when she was approximately [REDACTED].

[REDACTED]

In [REDACTED]

[REDACTED] She turned 14 years old that summer. [REDACTED] recalls that, one day, she was sitting at a picnic table with friends when Ghislaine Maxwell walked by with her

dog and said hello. Jeffrey Epstein followed behind and introduced himself as a donor [REDACTED] who gave scholarships to students. Epstein and Maxwell asked where [REDACTED] was from, and when she told them she was from [REDACTED] [REDACTED] asked for her phone number, which [REDACTED] provided.

Several weeks later, when [REDACTED] was home from camp, she recalls someone from Epstein's office calling her house and inviting her to come to Epstein's house in Palm Beach for tea. [REDACTED] and her mother went to the house, where they had tea with Epstein by his pool. Epstein told them that he liked to mentor young talented individuals, that he gave scholarships, and that he wanted to help [REDACTED] mother reacted positively, and encouraged [REDACTED] to spend time with Epstein.¹ [REDACTED] subsequently began regularly spending time at Epstein's house in Palm Beach, beginning at age 14, and continuing until she was 17, when she relocated to New York City. During those visits, Epstein regularly gave her \$200-300 in cash, and told her to give the money to her mother, remarking that he knew her mother needed the money. Epstein also paid for [REDACTED] [REDACTED] lessons.

During the first few months, Epstein and Maxwell took [REDACTED] to the movies, went shopping with her, and spent time with her at Epstein's Palm Beach house, often by the pool. During these visits, Maxwell and Epstein would talk with [REDACTED] about school, her classes, her family, and other aspects of her life. [REDACTED] has explained that these visits were strange, but that she felt comfortable because Maxwell was there. She has characterized these early months as a time when, in retrospect, she now believes that Maxwell and Epstein were "grooming" her for sexual abuse.

Several months into this arrangement, when [REDACTED] was alone with Epstein in the pool house, he asked her what she wanted to do with her life, and she told him she wanted [REDACTED] [REDACTED]. Epstein told her that if she was going to be involved in [REDACTED], then she needed to be prepared for what [REDACTED] might do. Epstein then put her on his lap and began masturbating. After this incident, [REDACTED] encounters with Epstein began to include sexual contact. Over time, the sexual abuse escalated and included Epstein digitally penetrating [REDACTED] using a vibrator on her, and Epstein directing [REDACTED] to massage him while he masturbated. The abuse occurred so frequently that [REDACTED] does not have specific memories of each particular incident.

¹ We interviewed [REDACTED] mother, who lives [REDACTED].

It bears noting, however, that [REDACTED] recalls Maxwell calling her home, and asking for [REDACTED] to come over. She recalls that Maxwell told her that she wanted to take [REDACTED] under her wing and be "like a big sister" to [REDACTED]

From this point forward, [REDACTED] recalls that Epstein also frequently brought her into his massage room for group sexual encounters with other women, often including Maxwell. In these encounters, [REDACTED] and the women would strip down to their underwear and begin massaging Epstein, who would lie down on a massage table, face down. After a period of time, Epstein would turn over and begin touching the women and engaging in sex acts that, over time, and in various instances, included Epstein masturbating, receiving oral sex, and engaging in intercourse. During these encounters, [REDACTED] recalls that Maxwell would sometimes guide the women and give instructions about what to do. In the beginning, when [REDACTED] was approximately 14 or 15, she would massage Epstein's feet and try to remain at the periphery of the sexual activity, but over time, she believes she became more involved in the sexual activity, which varied in each encounter.

[REDACTED] has not been able to provide details about what sex acts she participated in during these group sessions, as compared to the sexual abuse that occurred when she was alone with Epstein. However, she recalls that the most significant sexual abuse she experienced with Epstein occurred later, when they were alone together. Although Maxwell was not present during these types of encounters, she was often in the house, and Epstein would lead [REDACTED] into a different room to get her alone.

Though Maxwell was not present during the initial episodes of sexual abuse by Epstein, as noted above, Maxwell was sometimes present for the types of group encounters/abusive sessions described above. At times, Maxwell would undress, and Epstein would give both Maxwell and [REDACTED] instructions about what he wanted them to do during these encounters. [REDACTED] remembers the first time she saw Maxwell naked during one of these sessions, and she recalls being struck by how skinny Maxwell was. [REDACTED] has explained that Maxwell would "normalize" the situation by behaving casually, and act as if she was [REDACTED] "cool older sister." Maxwell would tell her that everything was "okay" and "make it seem like this is what grown-ups do."

Because the abuse was so frequent and so long ago, [REDACTED] does not recall the specifics of these episodes with Epstein and Maxwell. She recalls generally the types of things that occurred during these kinds of encounters, but she is unable to narrate a specific episode. She has explained that these memories run together, and while she is confident that Maxwell was present for at least several of these group incidents, she does not recall specifically what sex acts occurred during these episodes while Maxwell was present.

Beginning when [REDACTED] was approximately 14, she began to travel with Epstein and Maxwell to New York City on occasion. During what [REDACTED] believes was an early trip, she stayed at Epstein's mansion, and Maxwell and Epstein took her shopping. She recalls that Epstein and Maxwell bought her white cotton underwear, and she described it as looking like little kids' underwear. [REDACTED] recalls that on either this trip or another early trip, she took a commercial flight home, but did not have identification, so Maxwell came to the airport and helped her get on the flight.

Over the years, from ages fourteen to seventeen, Epstein periodically flew [REDACTED] to New York, where she would stay with him (and sometimes Maxwell) at his house in Manhattan.²

² As discussed below, [REDACTED] relationship with Epstein continued for several years after [REDACTED] became an adult.

[REDACTED] recalls that Epstein sexually abused her during the trips to New York, but she does not recall the specific details of the abuse, or whether Maxwell was present on any particular occasion, because she was abused in Epstein's New York townhouse so many times—both on these trips as well as later, when she moved to New York. [REDACTED] estimate is that she was abused on approximately nine out of ten trips to New York during this timeframe. [REDACTED]

[REDACTED] recalls that Maxwell would generally tell her about upcoming trips to New York, and she believes Maxwell would call [REDACTED] mother to make travel arrangements.⁴ [REDACTED] also believes Maxwell arranged for her travel on commercial flights to and/or from New York, but does not recall any specific trip for which she remembers Maxwell being involved in the planning.

[REDACTED] also recalls traveling to Epstein's ranch in New Mexico with Epstein and Maxwell. She has few specific memories from these trips, and does not recall whether Epstein abused her at that location.

In the summer of [REDACTED], a few months before she turned 18, [REDACTED] moved to New York City, [REDACTED]. She maintained contact with Epstein during that year in New York, and he continued to abuse her at his New York townhome. [REDACTED]

Our team has met with [REDACTED] four times, beginning in September 2019 and most recently in February 2020. We also asked her additional questions by phone in April 2020. Aside from her interviews with our team, [REDACTED] has never spoken with law enforcement regarding Epstein. [REDACTED]

Corroboration of [REDACTED] Documentary Evidence

Although we have not been able to identify particular commercial flights from the 1990s, because the airlines we have subpoenaed did not retain records from that time period, we have reviewed flight records from Epstein's private jet, which were written and maintained by

³ [REDACTED]

⁴ [REDACTED]

pilot David Rodgers, whom we have interviewed as further described below. There appear to be several flights on which [REDACTED] is listed by name as a passenger. The following three flights appear on logs from Epstein's private jet, on dates when [REDACTED] was a minor:

- A flight [REDACTED], [REDACTED]
 - The passengers listed on the log are: "JE, [REDACTED]"
 - [REDACTED] was 16 on that date.
- A flight [REDACTED], [REDACTED]
 - The passengers listed on the log are: "JE, GM, [REDACTED]"
 - [REDACTED] was 16 on that date.
- A flight [REDACTED], [REDACTED]
 - The passengers listed on the log are: "JE, GM, [REDACTED]"
 - [REDACTED] was 17 on that date. As discussed below, the relevant age of consent for the charge we are considering is 17, and thus while [REDACTED] was a minor under federal law at the time of this flight, she was not a minor for purposes of consenting under New York state law.

[REDACTED] We believe that "GM" in the latter two flights refers to Ghislaine Maxwell.

In addition to the foregoing records, flight records also appear to corroborate [REDACTED] account of meeting Epstein and Maxwell at [REDACTED]. In particular, flight records show that Epstein flew [REDACTED]

[REDACTED]. The passengers listed on the flight are "JE, [REDACTED]." Maxwell is not listed as a passenger on that flight, but flight records reflect that Maxwell was on the plane [REDACTED]

[REDACTED] The listed passengers for that flight were "JE, GM, [REDACTED]." Accordingly, it appears that Maxwell may have travelled [REDACTED] separately, perhaps on a commercial flight, and returned on Epstein's private jet.

The date of this trip [REDACTED] would have been just weeks after [REDACTED] fourteenth birthday. We have obtained records [REDACTED] that confirm [REDACTED]

We have also obtained records from [REDACTED] during which she was 18 years old. [REDACTED]

We have also reviewed physical evidence seized from Epstein's Florida residence by the Palm Beach Police Department in October 20, 2005, pursuant to a search warrant. That evidence includes framed photographs from Epstein's office, one of which is [REDACTED] of [REDACTED]

when she appears to be a teenager. [REDACTED] wrote: "Jeffrey, thanks for rocking my world! You're the best!"

Finally, we have attempted to obtain airline records for commercial flights [REDACTED] took [REDACTED]. As noted above, we have subpoenaed multiple airlines, but they no longer have records [REDACTED]. A travel agency utilized by Epstein and his associates produced records that show commercial flight ticket purchases for individuals including [REDACTED] but those records only date back to 1999, [REDACTED] and do not include departure or arrival location information. The presence of commercial records from the available time periods do at least corroborate the notion that Epstein would also have flown [REDACTED] on commercial flights (beyond those on his private plane) during the earlier, relevant time periods.

Corroboration of [REDACTED] Witness Testimony

Juan Alessi

We have interviewed Juan Alessi, who worked as Epstein's house manager in Palm Beach from 1990 to 2002.⁵ When Alessi first began working for Epstein, he recalls that Epstein's girlfriend was Eva Anderson (now Eva Dubin), who he describes as having been pleasant and friendly. Alessi recalls that after Anderson and Epstein broke up, Epstein began dating Maxwell. In approximately 1993, Maxwell began coming to the house in Palm Beach, and became in charge of the whole house. Epstein told Alessi to go to Maxwell for his orders, and he began taking directions from Maxwell about house operations. Alessi described Maxwell as extremely difficult and unpleasant to work for. Although Alessi's previous interactions with Epstein were casual and informal in nature, he recalls that after Maxwell took over, the rules for house staff became strict, the environment became more formal, and work obligations increased. These trends slowly increased over the years, and Alessi recalls that the working environment changed more significantly in approximately 2000. At that point, Alessi was told that Epstein did not want to see workers in the same room with him; if Epstein entered a room, workers were required to immediately leave. Maxwell also told Alessi that he should not look Epstein in the eyes and should not speak to guests at the house.

Alessi has a firm memory of seeing [REDACTED] at Epstein's house. She made a strong impression because he remembers that she was very young, very pretty, and a talented singer. He recalls Epstein telling him that Epstein was helping [REDACTED] get her career started. Alessi remembers being sent by both Epstein and Maxwell to pick up [REDACTED] from her house and drive her to Epstein's house, and he recalls the specific neighborhood where [REDACTED] lived. He recalls Maxwell and Epstein spending time with [REDACTED] at the Palm Beach house, and he also remembers being sent to buy movie tickets, and driving Maxwell, [REDACTED] and Epstein to the movies. Although he has told us that nothing at the time alerted him to what was going on between Epstein and [REDACTED] behind closed doors, he does remember seeing Epstein kissing [REDACTED] on the cheek and patting her bottom.

⁵ Alessi's wife, Maria Alessi, also worked for Epstein part-time as housekeeper. We have interviewed Ms. Alessi and do not believe she has relevant information.

Part of Alessi's job was to schedule massages for Epstein. He recalls that the masseuses in the 1990s and very early 2000s were generally young women in their 20s whom he believed were professional massage therapists. During his last few months working for Epstein, in 2002, he noticed that the masseuses appeared to be getting younger. This is also consistent with our investigation, which has shown that Epstein's sex trafficking operation—as charged in our indictment of him—became routinized and more brazen starting in approximately 2002, following a longer period in which Epstein abused a much smaller number of minor girls over lengthier periods of time.

In approximately 2002, Alessi came to understand that Epstein and Maxwell wanted him to leave, and he noticed faxes in the office regarding applicants for his position. Alessi and his wife left Epstein's employment in December 2002, and received a \$50,000 severance payment.

Several months after leaving, Alessi broke into Epstein's house and stole several thousand dollars in cash from Epstein's briefcase. Epstein reported the incident to the police, and Alessi admitted to stealing the money.⁶ He agreed to pay the money back, and Epstein did not pursue charges. Alessi was not arrested or charged in connection with this incident.

David Rodgers

We have also interviewed David Rodgers, one of Epstein's pilots. Based on that interview, we would expect Rodgers to testify that he specifically recalls [REDACTED] being on flights on Epstein's private jet, but that he did not know [REDACTED] age at the time. Rodgers was employed as one of Epstein's pilots for his private jets from 1991 through Epstein's arrest in 2019. Although he missed the occasional flight for vacation or training, Rodgers piloted the vast majority of private flights Epstein took during that period. During the period between approximately [REDACTED], Rodgers recalls that either Maxwell or one of Epstein's secretaries would inform Rodgers, usually over the phone, of Epstein's anticipated flight schedule a few days or so in advance. Rodgers recalls that Maxwell primarily focused on scheduling the flights that she planned to be on and took less interest in the flights that she would not be joining. During that same period, Epstein ordinarily flew on his jet for domestic travel but travelled commercial for most international trips until 1996. Rodgers also recalls that there were occasions when Maxwell would arrive at a particular destination by flying separately and would then join Epstein for the next leg of a trip on the jet.

Rodgers kept a log of every flight that he piloted, including for the period between [REDACTED]. The log reflected the date, departure airport, arrival airport, and technical information regarding the flight. It was also Rodgers's practice to note how many passengers were on board each flight and to note the names of those passengers he knew. When he did not know the name of a passenger, Rodgers ordinarily would make a generic notation (e.g., 1 female, 1 male, or 1 passenger, etc.). He explained he was not required to identify his passengers unless crossing an international border, and he was not always introduced to his passengers, so he often flew with passengers whose names he did not know. As a result, his log does not list flights that Rodgers

⁶ Epstein also reported his firearm missing. According to police reports, Alessi told the police that he [REDACTED] wanted to steal the gun, but did not find it, and took the money instead. [REDACTED]

did not personally fly, and it does not include the names of passengers whose names he did not know at the time of a flight. When Rodgers learned the name of a passenger who had previously flown on other flights, Rodgers would use that passenger's name going forward but would not go back to add in that passenger's name on prior flight logs. [REDACTED]

Rodgers recalls that in [REDACTED], Epstein would travel to [REDACTED]. Rodgers personally visited [REDACTED] one of those [REDACTED] trips and specifically recalls the airport he would fly to for those trips. Rodgers understood that Epstein donated money to [REDACTED]. Looking back at his flight log, Rodgers confirmed that he flew Epstein to [REDACTED], and that Maxwell joined Epstein for the return flight [REDACTED] shortly thereafter. Rodgers also remembers learning that Epstein and Maxwell met [REDACTED] during one of those annual trips [REDACTED]. Rodgers recalls having been introduced to [REDACTED] at some point, but he cannot recall the specifics of that introduction, and he only ever interacted with her on Epstein's plane. Rodgers understood that [REDACTED] [REDACTED], and he recalls her flying on Epstein's plane multiple times. Rodgers only remembers ever flying two females named [REDACTED] on Epstein's planes: the first was [REDACTED] and the second was [REDACTED]. Rodgers recalls that [REDACTED] began flying on the plane much later in time than [REDACTED] based on a review of his flight log, Rodgers confirmed that the name [REDACTED] appears on three flights [REDACTED].⁷ Based on the timing of those records, Rodgers believes those entries are likely referencing [REDACTED] but he does not have a specific memory of those flights. Rodgers initially remembered having met and flown [REDACTED] in [REDACTED], plus or minus a few years, but when shown the dates on the flight logs, Rodgers said he could have met [REDACTED] earlier than that.

[REDACTED]
[REDACTED]
[REDACTED] is [REDACTED] brother. He [REDACTED] and remembers his sister telling her that a man had approached her [REDACTED]. He recalls that she spoke about this man with a tone of admiration. At some point, [REDACTED] learned that this man was Jeffrey Epstein, and that by coincidence he also lived in Palm Beach.

[REDACTED] recalls that when they returned home to Palm Beach, [REDACTED] began meeting Epstein at his house. He had the impression that Epstein was a godfather figure who wanted to help [REDACTED] because he admired [REDACTED]. He recalls that Epstein would send a driver to pick up [REDACTED]

[REDACTED] recalls that [REDACTED] went to New York City with Epstein during her junior year of high school, and he remembers her describing Epstein's house in New York. He does not know whether Maxwell was on the trip (or trips), but he had the impression that Maxwell would travel with them, because [REDACTED] would often mention Maxwell.

⁷ [REDACTED]

█████ does not recall the first time he met Epstein, but he remembers meeting Maxwell and Epstein at a movie theater when █████ was 15 and █████. After they met, █████ told █████ that Maxwell had said to her: "I would teach your brother a thing or two." █████ remembers this line in particular, because he found it creepy.

Other Victim Interviews

In addition to [REDACTED] account, we have interviewed two other victims – [REDACTED]
and [REDACTED]

[REDACTED] grew up in [REDACTED] in a fairly well-to-do family. She recalls that when she was 17 [REDACTED], a friend in [REDACTED] introduced her to Maxwell, who immediately took an interest in her and began spending time with her in [REDACTED]. [REDACTED] recalls that Maxwell was nice to her and acted as though they were sisters. She described Maxwell as immature, and that Maxwell behaved as though the two of them were "naughty little school girls," even though Maxwell was sixteen years older. Maxwell would frequently talk about her boyfriend, Epstein, and say, "I know how much he's going to like you."

One day, when [REDACTED] was still 17, she recalls that Maxwell called and said Epstein was visiting in [REDACTED], and [REDACTED] should drop everything and come over.⁸ [REDACTED] went to Maxwell's townhouse in London, where Maxwell introduced her to Epstein, telling him: "she's so pretty, she's so strong." As they were standing in the kitchen, talking, [REDACTED] recalls that Maxwell told her to massage Epstein's shoulders, to show him how strong she was, which she did. Later during this same visit, Maxwell told her: "Since you're so strong, I'd appreciate it if you could give Jeffrey a massage, because he needs a massage every day or I get in trouble." Maxwell led her to a room, where Epstein was waiting in a robe. Maxwell left her at the room, where Epstein proceeded to take off his robe and get on his bed. As [REDACTED] was massaging his back, Epstein turned over, with an erection, and said: "Well, that doesn't make you uncomfortable, does it?" Epstein then reached out to her and put her hand on his penis. [REDACTED] was shocked, and Epstein told her: "It's natural. You're not scared, are you?" When the encounter ended, and [REDACTED] left the room, Maxwell was outside, and asked her: "Did you have fun? Did he like it?" [REDACTED] felt as though Maxwell knew what was going on in the room, based on her tone. Shortly thereafter, [REDACTED] recalls that Maxwell called her and said, in sum and substance: "Well aren't you a clever girl. Jeffrey was very impressed."

Shortly after this incident, but during Epstein's same trip to London, [REDACTED] went back to Maxwell's residence. [REDACTED] recalls Maxwell saying, in substance: "Thank God you're here. If it's not you or someone, it all falls to me." Once [REDACTED] heard Maxwell say

8 believes this occurred when she was 17, [REDACTED]
[REDACTED], but does not recall the date with any greater specificity.

that, she felt as though Maxwell knew what had happened. Maxwell walked up the stairs with [REDACTED] and opened the door to the room, where Epstein was standing naked. Maxwell said: "I'll leave you guys to it."

After these first two encounters, Epstein and Maxwell invited [REDACTED] to travel with them to Palm Beach, the U.S. Virgin Islands, Paris, and New York. These trips spanned several years, and [REDACTED] does not recall whether these trips began before or after her eighteenth birthday.⁹ However, [REDACTED] recalls that she was sexually abused by Epstein during all of these trips, typically in the context of a "massage." The abuse included, among other things, Epstein groping her and using a massager device on her genitals. Epstein would typically give her \$300 after these sessions. Maxwell was not in the room during these encounters, but [REDACTED] recalls that she would sometimes leave the room to find Maxwell "lurking" nearby. Maxwell would ask her: "How was it? Is he happy?" She also recalls Maxwell telling her at some point, in sum and substance: "You know how he is when he's not happy, and you know what makes him happy. He has to have sex all the time, he's like a super hero." Based on these sorts of interactions – and, in particular, the explicit reference to Epstein's need to have "sex all the time" – [REDACTED] inferred that Maxwell was generally aware of the true nature of the "massages" she was providing to Epstein.

[REDACTED] recalls that during a trip to Palm Beach, after she turned 18, she discovered a school-girl outfit on her bed in her guest room. She confronted Maxwell, who said: "Oh, I thought it'd be so adorable if you took Jeffrey his tea wearing it. Don't be so frigid." [REDACTED] did not know what to do, so she put on the outfit, which she felt was humiliating. She went to find Epstein in the house, and Epstein slapped her bottom and then reached under her skirt and began touching her. Later that day, she recalls Maxwell telling her: "I heard you did well." During the same trip to Palm Beach, Epstein forcibly raped [REDACTED] after which Epstein told her, in sum and substance: "Look what you've made me do, you've made me cheat on her, that's not my deal with her." Epstein told [REDACTED] that he had an arrangement with Maxwell, and that he was permitted to have "fool around" with other women, but not permitted to have "full sex."

[REDACTED] recalls that, during the years she was in contact with Maxwell and Epstein, Maxwell would sometimes ask her if she knew anyone [REDACTED] who could massage Epstein. She recalls Maxwell saying, on some occasions, "Do you know anyone who can give him a blow job today? I don't feel like it." However, in conversations in which Maxwell would ask her to bring girls, [REDACTED] recalls Maxwell saying: "They have to look young at least." Although Maxwell would encourage her to bring other girls, [REDACTED] never did.

When [REDACTED] was approximately 20 years old, Maxwell introduced her to a person named Michael Garland. Maxwell told Garland (in front of [REDACTED]) that Maxwell had known [REDACTED] since she was 17 years old. Based on Maxwell's comment, [REDACTED] believes that Maxwell knew that [REDACTED] was under 18 when they met.

⁹ [REDACTED] recalls that Maxwell sent [REDACTED] a handbag as a gift for her eighteenth birthday with a note that said: "All of our love, Jeffrey and Ghislaine."

[REDACTED] relationship with Maxwell and Epstein continued in this manner for several years, during which time [REDACTED]

[REDACTED] However, [REDACTED] has provided us with emails she exchanged with Epstein, as recently as 2012, which are friendly in tone. In one email from 2008, [REDACTED] writes to Epstein in prison, expressing her love and support, cracking jokes about Epstein's imprisonment, and offering to visit. [REDACTED] has explained that it took her a long time to process her abuse, and she felt bonded to Epstein for a long period of time. Looking back on her emails, she is upset and embarrassed that she felt this way about Epstein.

[REDACTED] currently lives [REDACTED]. Our team has met with [REDACTED] three times, beginning in August 2019 and most recently in December 2019. Aside from her interviews with our team, [REDACTED] has never spoken with law enforcement regarding Epstein.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In approximately [REDACTED], when [REDACTED] was 16 and living [REDACTED],

¹⁰ [REDACTED] has alleged that Maxwell and Epstein sexually assaulted her [REDACTED]. [REDACTED], when [REDACTED] was an adult. [REDACTED] has been interviewed by several news outlets since Epstein's 2019 arrest, and she [REDACTED]

[REDACTED]

she recalls receiving a phone call from her sister who told her that Epstein was interested in meeting her and helping with her college applications. [REDACTED] was a junior in high school at the time.

In [REDACTED], [REDACTED] flew on a commercial airline to New York City to spend a weekend with [REDACTED] and meet Epstein. [REDACTED] does not recall how her travel arrangements were made. During the trip, [REDACTED] stayed at [REDACTED] and saw Epstein twice. During the first meeting, a driver picked up [REDACTED] and [REDACTED] to take them to see the Phantom of the Opera, as a gift from Epstein. Before heading to the theater, the car stopped at Epstein's townhouse, where [REDACTED] met Epstein and discussed her plans for college applications with him. Epstein offered to help, and [REDACTED] was impressed by Epstein. She got the impression that Epstein intended to help her obtain a summer trip or summer experience that would strengthen her college applications. No physical contact occurred during that meeting, and [REDACTED] and [REDACTED] went to the theater by themselves. During that same trip, [REDACTED] saw Epstein for a second time, when she and [REDACTED] met Epstein at a movie theater, where they saw "12 Monkeys." During the movie, Epstein put his hand on [REDACTED] leg, and held her hand while rubbing her arm and brushing her foot with his foot. [REDACTED] was uncomfortable, but did not say anything during this encounter. [REDACTED] did not think [REDACTED] noticed what was happening, and she did not tell her what had occurred.

After returning to Arizona, [REDACTED] began researching trips for the summer. She recalls that Epstein contacted her to invite her for a weekend at his ranch in New Mexico in [REDACTED]. Although she does not recall how the travel arrangements were made, she believes Epstein called her mother to discuss the trip.¹¹ She was under the impression that Maxwell would be on the trip as well, and although she had not met Maxwell at this point, her sister had mentioned her many times. [REDACTED] was looking forward to meeting Maxwell, and felt more comfortable going on the trip because she knew Maxwell would be there.

[REDACTED] flew to [REDACTED] on a commercial airline in [REDACTED], when she was 16. She recalls meeting Maxwell when she arrived. Maxwell was friendly and appeared to already know about her, and [REDACTED] describes feeling as though she already knew Maxwell. Maxwell took [REDACTED] on a shopping trip in the town, where they talked and bought small items. [REDACTED] recalls having extensive conversations with Maxwell, during which they discussed her life, her plans to go to college, how her junior year of high school was going, the homework that she had brought with her, and her sister.

[REDACTED] recalls that only Maxwell and Epstein were at the ranch, and they stayed together in a small area on the property. While they were at the ranch, Maxwell told [REDACTED] that Epstein loved foot massages, and showed her how to massage Epstein's feet. [REDACTED] was uncomfortable, but followed Maxwell's lead. Later in the weekend, Maxwell and Epstein took [REDACTED] to a movie theater, where they saw "Primal Fear." During the movie, Epstein again held [REDACTED] hand and rubbed her arm, but this time [REDACTED] felt as though Epstein did this more openly, even though

¹¹ When [REDACTED] was originally interviewed by the FBI [REDACTED], she said that Maxwell called her mother to make the travel arrangements. [REDACTED] did not recall how the travel arrangements were made when we interviewed her during our investigation.

Maxwell was there. Later in the weekend, Maxwell asked [REDACTED] if she had ever had a massage, and offered to massage her. Maxwell set up a massage table in an open area of the house, and massaged [REDACTED]. During the massage, Maxwell folded down the sheet, exposing [REDACTED] breasts, and rubbed around her chest. [REDACTED] was uncomfortable and concerned that Epstein would see this, because the door was open. However, she does not recall Epstein being present during the massage.¹²

During the last morning of the trip, Epstein came into her bedroom and got into her bed, saying that he wanted to cuddle with her. [REDACTED] did not want him to do this, but he was behaving in a joking manner and she felt that she could not say no. Epstein began spooning her, and she got up to go to the bathroom in order to stop what was happening. Maxwell was not in the room when this occurred.¹³ [REDACTED] flew home that day, and Epstein arranged for her to take a trip to [REDACTED] that summer. While she was in [REDACTED], [REDACTED] spoke with [REDACTED], who said she had been assaulted by Epstein, and told [REDACTED] "We're done with them." [REDACTED] had no contact with Epstein or Maxwell thereafter.

[REDACTED] has provided us with a copies of excerpts from her diary from [REDACTED], which include entries discussing the trip to New York, and her feeling that Epstein's conduct was creepy. The diary does not include entries for the [REDACTED] trip. We have not been able to obtain commercial flight records for [REDACTED] travel, but we have reviewed records for Epstein's private jet to determine whether Epstein was in New York and [REDACTED] during the timeframes [REDACTED] described. Records show that Epstein flew to New York on [REDACTED], and left New York on [REDACTED], which is consistent with the timeframe [REDACTED] reports this trip to have occurred, and is consistent with her diary entry showing that she returned from New York on [REDACTED]. With respect to the trip to [REDACTED], the flight records do not reflect that Epstein was in [REDACTED] in [REDACTED], when [REDACTED] thinks this trip occurred, but they do reflect that Epstein and Maxwell flew to [REDACTED] a month later, in late May [REDACTED]
[REDACTED]
[REDACTED]

II. Proposed Charges, Elements of the Offenses, and Venue

We propose to charge Maxwell with one count of conspiring to violate 18 U.S.C. § 2423(a) (transporting minors with intent to engage in criminal sexual activity), in violation of 18 U.S.C. § 371, and one count of conspiring to violate 18 U.S.C. § 2422 (enticing a minor to travel to engage in illegal sexual activity), in violation of 18 U.S.C. § 371. Count One carries a statutory

¹² When [REDACTED] was originally interviewed by the FBI [REDACTED], she recalled that Epstein was present for this incident. [REDACTED] did not recall this when we interviewed her during our investigation.

¹³ When [REDACTED] was originally interviewed by the FBI [REDACTED], she recalled that Maxwell walked into the room and saw that Epstein was in her bed. When we interviewed [REDACTED] during our investigation, she did not recall this.

maximum penalty of five years' imprisonment, with no mandatory minimum. Count Two carries a statutory maximum penalty of five years' imprisonment, with no mandatory minimum. The elements of both offenses are set forth below. Both conspiracies would cover the time period 1994 to 1997.

Count One, 18 U.S.C. § 371 (*Conspiracy, with the object to commit 18 U.S.C. § 2423(a)*)

Charged period: 1994 to 1997

Count Two, 18 U.S.C. § 371 (*Conspiracy, with the object to commit 18 U.S.C. § 2422*)

Charged period: 1994 to 1997

STATUTE	ELEMENTS	PROOF AS TO EACH ELEMENT
18 U.S.C. § 371	1) Two or more persons unlawfully agreed to violate: <i>Section 2423(a) [Count One]</i> <i>Section 2422 [Count Two]</i>	<ul style="list-style-type: none"> • See above
	2) Defendant knowingly and willfully became a member of the conspiracy; and	<ul style="list-style-type: none"> • See above
	3) An overt act in furtherance of the conspiracy.	<ul style="list-style-type: none"> • See above
	Venue	<ul style="list-style-type: none"> • Some of the conduct occurred at Epstein's Manhattan residence

Below, we address the case law regarding the respective objects of the offenses—violations of Title 18, United States Code, Sections 2423(a) and 2422—before turning to the specific proof as to each element of the proposed charges.

Section 2423(a): Transporting a Minor for Illegal Sexual Activity

Title 18, United States Code, Section 2423(a) provides:

A person who knowingly transports any individual under the age of 18 years in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual

activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than ten years, or both.

“To secure a conviction under § 2423(a), the government . . . must prove beyond a reasonable doubt that the defendant: (1) knowingly transported a minor across state lines and (2) with the intent that the minor engage in sexual activity for which some person could be criminally charged.” *United States v. Vargas-Cordon*, 733 F.3d 366, 375 (2d Cir. 2013).

Transportation

The statute requires proof that the victim was transported across state lines. [REDACTED]

Knowledge of Age

Regarding the victim’s age, because Section 2423(a) is a crime of intent, the statute requires proof – as of the time of the victim’s transportation across state lines – that the defendant knew that the intended sexual act would be unlawful because of the victim’s age. [REDACTED]

Intent Requirement

The statute requires proof that the defendant transported the victim with intent that the victim engage in “sexual activity for which any person can be charged with a criminal offense.” 18 U.S.C. § 2423(a). Section 2423(a) is a crime of intent, and accordingly the government need not prove that the intended sexual activity ultimately occurred. [REDACTED]

It bears noting that the government is not required to prove that the unlawful sexual activity was the defendant's only purpose for transporting the victim. [REDACTED]

[REDACTED]

Unlawful Sexual Activity

[REDACTED]

[REDACTED]

15

[REDACTED]

[REDACTED]

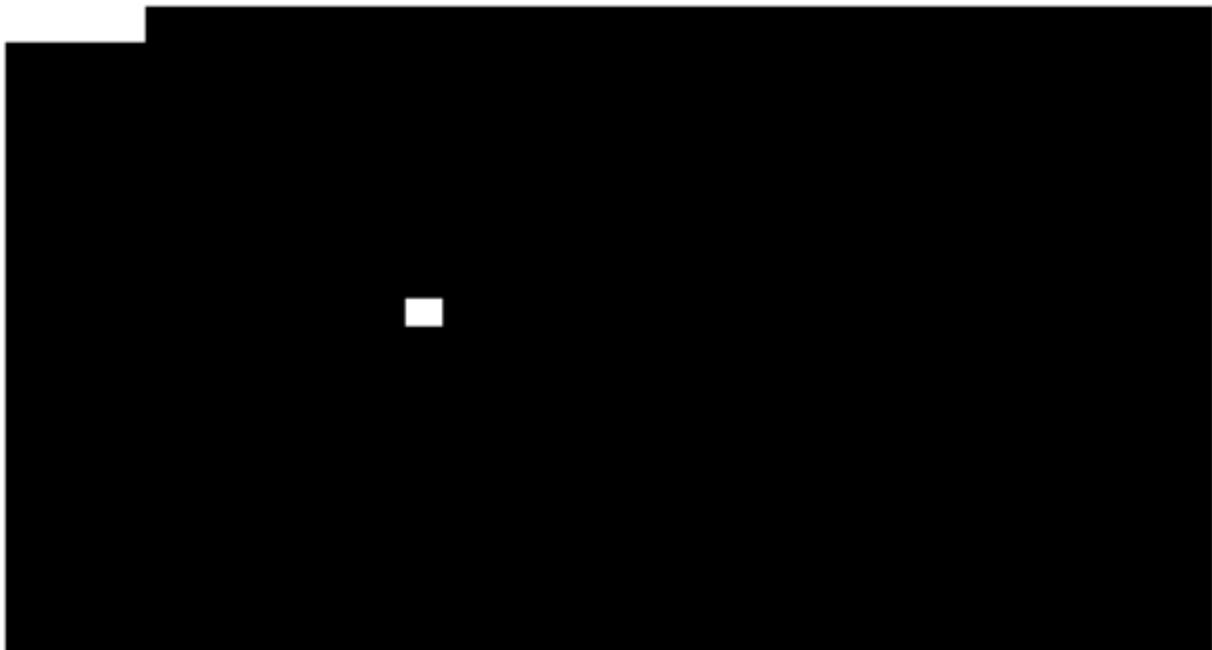
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

Section 2422: Enticing a Minor to Travel for Illegal Sexual Activity

Title 18, United States Code, Section 2422¹⁹ provides:

Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than five years, or both.

The terms “sexual activity,” and “criminal offense” are defined in the same manner as discussed above.

[REDACTED]

¹⁹ This provision is now located at 18 U.S.C. § 2422(a), but during the relevant time period, this provision did not contain subdivisions, as § 2422(b) (enticement of minors through facilities of interstate commerce) did not exist until 1996.

Application

With respect to both conspiracy charges, as described above, we believe that [REDACTED] testimony—corroborated by additional witness testimony and limited documentary evidence—would establish that Maxwell entered into a conspiracy with Epstein to transport [REDACTED] to New York so that Epstein could sexually abuse her.

[REDACTED] testimony would clearly establish that Epstein abused [REDACTED] in Florida and New York, during all three years of the proposed conspiracy charges. [REDACTED]

[REDACTED] As noted above, Maxwell participated in grooming activity by normalizing sexual behavior, discussed the upcoming trips with [REDACTED] and accompanied her on certain flights. [REDACTED]

Although [REDACTED] does not have a specific memory of discussing her exact age with Maxwell at any given time, we nevertheless believe the evidence easily proves Maxwell knew [REDACTED] was younger than 17. In particular, Maxwell met [REDACTED] at [REDACTED], when she was fourteen years old, and spent a considerable amount of time with [REDACTED] during the three-year span of the proposed charges, during which time she: (1) met [REDACTED] mother, (2) traveled with [REDACTED] and (3) spoke with [REDACTED] about her school and home life. In addition, [REDACTED] never concealed her age from Epstein and Maxwell, and in fact the entire pretense of their relationship was that [REDACTED] was a young student who needed mentoring and sponsorship. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

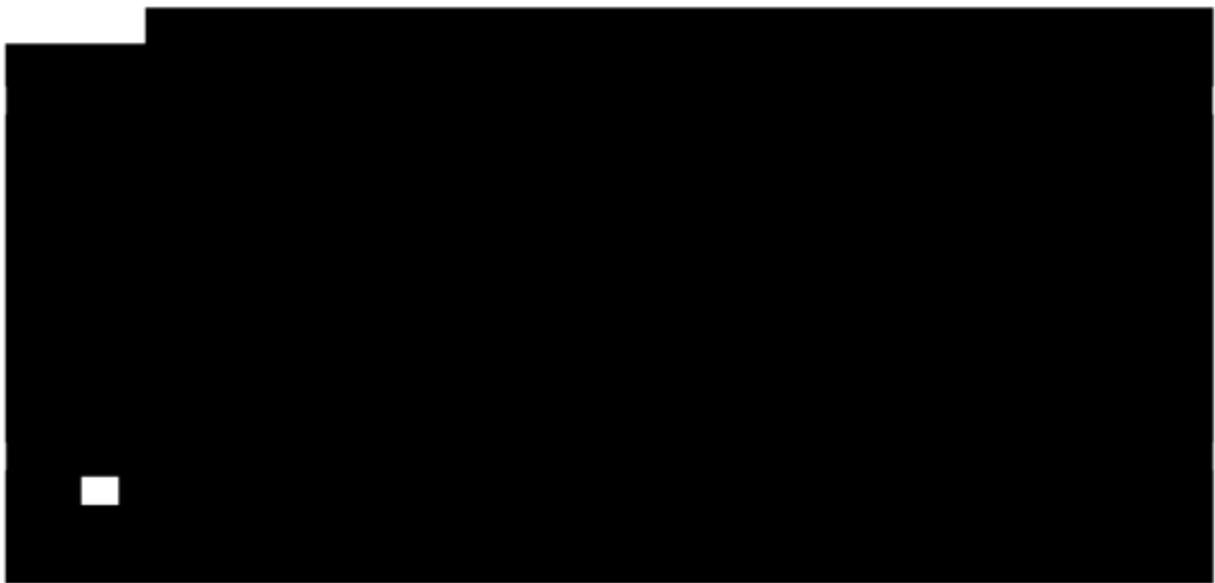
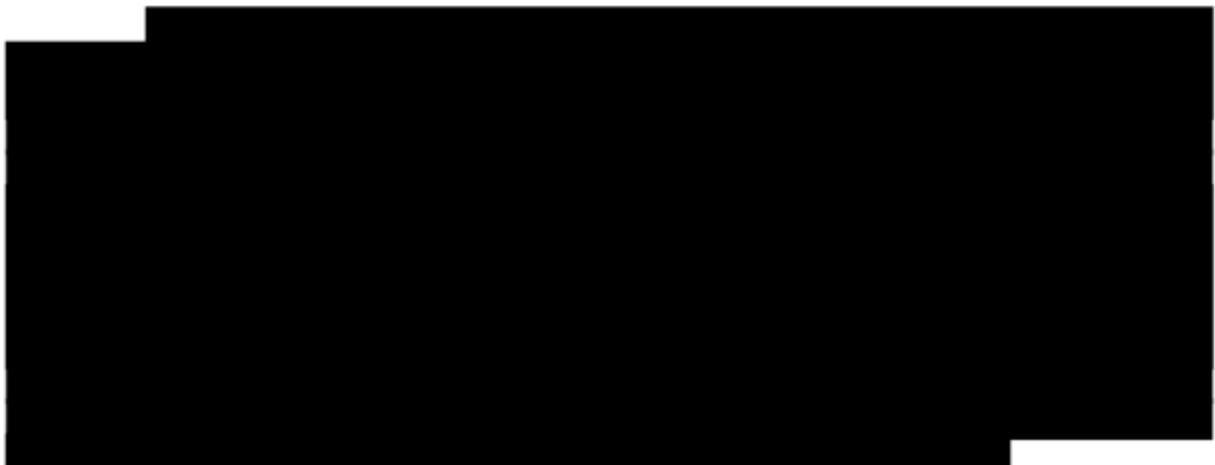
Statute of Limitations

Amendments to Statute of Limitations for Crimes Against Children

Although a federal criminal case ordinarily is subject to a five-year statute of limitations, since at least 1994 there have been expanded statutes of limitations for sexual offenses against children. In 1994, the statute of limitations in effect for sexual offenses against children ran until "the child reaches the age of 25." 18 U.S.C. § 3283 (1994) ("No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse of a child under the age of 18 years shall preclude such prosecution before the child reaches the age of 25.").

[REDACTED] However, in April 2003, Section 3283 was revised to permit the prosecution of sex offenses against minors at any time during the lifetime of the minor victim. 18 U.S.C. § 3283 (2003) ("No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse,

or kidnaping, of a child under the age of 18 years shall preclude such prosecution during the life of the child.”).²⁰



²⁰ Section 3283 was further revised in January 2006 to permit the prosecution of such offenses during the lifetime of the victim or ten years after the offense, whichever is longer. That amendment is not relevant to our analysis here.

[REDACTED]

[REDACTED]

Application of the Statute of Limitations in This Case

[REDACTED]

[REDACTED]

Application of Section 3283 to the Proposed Charges

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. Anticipated Defenses

Factual Arguments

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Legal Defenses

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. Cooperating Defendants

None currently and none expected.

V. Discovery Issues

We have reviewed the SDNY Discovery and Disclosure Policy and believe we will be able to provide all necessary discovery materials to the defense on a timely basis. That assumes, however, that the FBI adequately processes and provides us with materials gathered through numerous search warrants of Epstein's properties and residences. To date, we have not received most of the materials seized in July and August of 2019, which comprise many terabytes of data. Assuming we eventually receive those materials and appropriately review them for pertinence, we nevertheless note that discovery in this case will be significant, due to the prior investigations. On this score, we require significant assistance from the FBI that to date has not been forthcoming.

We are aware of two substantial historical sets of materials (in addition to materials we have obtained as part of our current investigation) that will require discovery and disclosure processes: files maintained by the Department of Justice FOIA office, and files maintained by the FBI in Florida in connection with the initial investigations.

[REDACTED]

We also expect to need to determine what protections should cover discovery materials, potentially including the need for redactions of victim identifying information.

VI. Charges Not Applicable Or Not Currently Recommended

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A large black rectangular redaction box covers the majority of the page content, from approximately y=111 to y=886. The redaction is irregular, with jagged edges and some white space visible at the top and bottom.



VII. Recommendation

Figure 1 consists of four horizontal bars, each with a black tick mark on its left side. The top bar is black, the second bar is dark grey, the third bar is light grey, and the bottom bar is white. Each bar represents a different group, with the black tick mark indicating a specific point on the bar.

[REDACTED]

VIII. 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.

[REDACTED]

IX. 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.**

X. Victim Issues

Does the case involve victims? **Yes.** The case involves at least three victim-witnesses. We will 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.

XI. Speedy Trial Act Calculations & Deadline

The defendant has not yet been indicted.

XII. Plans for Arrest

We expect to arrest the defendant following the filing of the proposed indictment. The arrest plan will vary depending on Maxwell's location when the FBI is prepared to make an arrest.

By: _____ /s

Assistant United States Attorneys