



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 9, 2021

BY ELECTRONIC MAIL

Christian Everdell, Esq.

Mark Cohen, Esq.

Cohen & Gresser LLP

800 Third Avenue

New York, NY 10022

Laura Menninger, Esq.

Jeffrey Pagliuca, Esq.

Haddon, Morgan and Foreman, P.C.

150 East Tenth Avenue

Denver, CO 80203

Bobbi Sternheim, Esq.

Law Offices of Bobbi C. Sternheim

33 West 19th Street-4th Fl.

New York, NY 10007

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

Dear Counsel:

The Government writes regarding your request to review sixteen (16) discs in the possession of the Federal Bureau of Investigation ("FBI") as part of the file previously maintained by the FBI's Palm Beach Resident Agency (the "FBI Florida Office") during its investigation of Jeffrey Epstein under evidence number 1B8, Subitem 8 (the "Discs"). As noted in the evidence log previously provided to you, the Discs are described in the FBI's evidence system as follows:

(16) DVD-R discs with printed labels reading, "Palm Beach County Sheriff's Office Case # 05-250067 Epstein Encase Files Palm Beach PD DVD-R for General VERBATIM DVD Computer Crimes Unit." Each disc is also respectively labeled, "Disk 1 of 16," "Disk 2 of 16," etc.

When the FBI's New York Office first received the FBI Florida Office's file regarding its investigation of Jeffrey Epstein, the agents working on this case attempted to review all electronic media contained in that file, including the Discs. During that review, the case agents were unable to open any files contained on the Discs and believed that the files were inoperable.

In preparing for defense counsel in this case to review all physical evidence in the FBI Florida Office's file, the Government tried to access the content of these Discs and was similarly unable to open those files. However, the Government recognized that the file extensions and sizes of those files appeared to be consistent with those of a forensic image of an electronic device. With the help of an FBI computer specialist, the Government has learned that the Discs appear to contain a forensic image of a computer seized from Jeffrey Epstein's residence in Palm Beach, Florida by the Palm Beach Police Department during the execution of a search warrant in or about 2005 (the "Epstein Computer").

The Government has reviewed the 2005 search warrant obtained by the Palm Beach Police Department, which was previously produced to you in a discovery production dated October 20, 2020. While that warrant appears to have authorized the seizure of electronic devices, it does not appear to have authorized a search of the content of such devices. Moreover, the Government is not aware of any further warrant obtained by local or federal authorities as part of the prior Florida Investigation that would authorize a review of the contents of the Epstein Computer. Nor has this Office obtained a warrant for the Epstein Computer. Accordingly, the Government does not believe it has a lawful basis to review the forensic image of the Epstein Computer contained on the Discs. Moreover, and given, among other things, the passage of time since the Epstein Computer was seized in 2005, the Government does not intend to obtain a warrant to search the Epstein Computer or otherwise review or make use of its contents. As such, because the Government lacks authority to review their contents, the Discs are not discoverable in this case, and the Government cannot permit you to review the contents of the Discs.¹

Very truly yours,

AUDREY STRAUSS
United States Attorney

by

Assistant United States Attorneys

¹ In this respect, the Government is also mindful of the fact that Epstein's estate has repeatedly informed the Government that it is unwilling to waive any attorney-client privileges in connection with devices seized from Epstein during this investigation. As a result, even assuming the Government had the authority to review the contents of the Discs, the Government would have to first conduct a privilege review before producing any non-privileged material to you. However, because the Government has no lawful authority to search the contents, it cannot conduct such a review.