

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

-vs-

VOLUME I OF II

JEFFREY EPSTEIN,

Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994
08-80993, 08-80811, 08-80893, 09-80469
09-80591, 09-80656, 09-80802, 09-81092

DEPOSITION OF
DETECTIVE JOSEPH RECAREY

Friday, March 19, 2010

9:37 - 5:12 p.m.

250 Australian Avenue South
Suite 1500
West Palm Beach, Florida 33401

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting
Job No.: 1509

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE No. 502008CA037319XXXXMB AB

B.B.

Plaintiff,

-vs- VOLUME I OF II
JEFFREY EPSTEIN
AND [REDACTED]

Defendants.

DEPOSITION OF
DETECTIVE JOSEPH RECAREY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-80309

JANE DOE NO. 103,
Plaintiff,

-vs- VOLUME I OF II
JEFFREY EPSTEIN,
Defendant.

DEPOSITION OF
DETECTIVE JOSEPH RECAREY

Friday, March 19, 2010
9:37 - 5:12 p.m.
250 Australian Avenue South
Suite 1500
West Palm Beach, Florida 33401

Reported By:
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1 Appearances continued...

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8 Also Present: Jeffrey Epstein

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PROCEEDINGS

1 MR. KUVIN: Just so we're clear with
2 respect to the deposition, I understand that
3 Mr. Epstein has three attorneys here today but
4 only one of them, pursuant to the Rules, is
5 going to be permitted to object to questions.
6 So I just wanted a designation as to which
7 attorney is going to be objecting to questions.

8 MR. PIKE: I will be objecting and
9 Mr. Weinberg will probably be asking questions.
10 I don't --

11 MR. KUVIN: I have no problem --

12 MR. PIKE: Do you have any objection with
13 that?

14 MR. KUVIN: I have absolutely no problem
15 if you want to switch it up as to who is
16 objecting and who is asking questions. That's
17 not a problem. I just don't want to get three
18 set of objections.

19 MR. PIKE: I will be the main on the
20 objections and Mr. Weinberg will be taking,
21 asking the questions.

22 MR. GOLDBERGER: Do we have to tag each
23 other?

24 MR. KUVIN: No. I would prefer you
25

1 wouldn't talk at all, but we'll deal with that
2 later.

3 (A discussion was held off the
4 record.)

5 Thereupon,

6 (DETECTIVE JOSEPH RECAREY)
7 Having been first duly sworn or affirmed, was
8 examined and testified as follows:

9 THE WITNESS: I do.

DIRECT EXAMINATION

10 MR. KUVIN: All right. Just as a
11 stipulation on the record so that we have it
12 all clear, what we have discussed prior to
13 starting the deposition is, is that since we're
14 discussing girls which were under the age of
15 18, minors at the time of the incidents
16 involved in this case, we're going to be using
17 their names as previously agreed to in all the
18 other depositions in the case pursuant to court
19 order.

20 The names will be used in the
21 deposition, but they will not be used in
22 the official transcript. There will be a
23 key at the end of the transcript which
24 will be sealed and confidential only, for
25

1 the eyes only of the attorneys involved in
2 this litigation.

3 Therefore, Detective Recarey should
4 feel free to discuss names with the
5 understanding that those names shall not
6 be made public outside the lawsuits that
7 are currently pending in both state and
8 federal court. But that way hopefully it
9 will avoid confusion and I just want to
10 make sure we get agreement from all
11 counsel sitting around the table that that
12 is the understanding. And if there is any
13 clarification on that issue, please let us
14 know.

15 MR. PIKE: Agreed.

16 MR. EDWARDS: Agreed.

17 MR. GARCIA: Agreed.

18 MS. ARBOUR: Agreed.

19 MR. KUVIN: Katherine, agreed?

20 MS. EZELL: Yes, I am here.

21 MR. KUVIN: Did you hear my stipulation?

22 MS. EZELL: Yes.

23 MR. KUVIN: Do you agree with that?

24 MS. EZELL: Yes.

25 MR. KUVIN: Okay. I just wanted to make

1 it clear.

2 MS. EZELL: Thank you.

3 BY MR. KUVIN:

4 Q. Why don't you give us your full name, if
5 you would, please.

6 A. Joseph Recarey.

7 Q. Detective Recarey, could you please tell
8 us what you do for a living.

9 A. I am a detective with the Town of Palm Beach
10 Police Department.

11 Q. How long have you been a detective for the
12 Town of Palm Beach?

13 A. Approximately 15 years.

14 Q. And what is your exact title there for the
15 Town of Palm Beach?

16 A. Detective or a police officer.

17 Q. Do you work in a particular unit?

18 A. The -- currently assigned to the Organized
19 Crime/Vice and Narcotics.

20 Q. How long have you been assigned to that
21 unit?

22 A. Approximately three years.

23 Q. Okay. What did you do before that for the
24 town?

25 A. I was a general detective.

1 Q. All right. We're going to be talking to
2 you today about incidents that occurred back in
3 roughly 2005, '6, and '7. During that period of
4 time were you a detective?

5 A. Yes.

6 Q. Okay. All right. And let's just
7 summarize briefly what you're going to talk about
8 first and then we'll get down into the details of
9 it.

10 Did you have occasion to begin an
11 investigation with respect to a gentleman by the
12 name of Jeffrey Epstein?

13 A. Yes, I did.

14 Q. And when did that investigation begin
15 roughly?

16 A. That case was assigned to me on September, I
17 believe, of 2005.

18 Q. And what were you assigned to investigate?

19 A. There was an allegation of an underaged female
20 that had went to the home of Mr. Epstein and was asked
21 to perform a massage at which time it became sexual in
22 nature and she was paid for her services.

23 Q. All right.

24 MR. PIKE: I'm going to object to form as
25 speculation and hearsay and move to strike.

1 BY MR. KUVIN:

2 Q. With respect to the investigation that you
3 performed, how long roughly did that investigation
4 last? In other words what period of time are we
5 looking at here from beginning to end? And if it
6 helps you, I have the incident report.

7 A. It was approximately, I believe, a year.

8 Q. Okay. Could you summarize for us
9 generally, and like I said we'll get into details by
10 going through it, but generally what did you do
11 during the investigation?

12 MR. PIKE: Form.

13 THE WITNESS: Conducted interviews,
14 executed a search warrant, issued subpoenas,
15 continued with interviews.

16 BY MR. KUVIN:

17 Q. When you did the interviews, are we
18 talking about any interviews with Mr. Epstein?

19 A. No, there was no interviews with Mr. Epstein.

20 Q. Did he ever agree to talk to you?

21 A. Originally when I was speaking with attorney
22 Guy Fronstin, there was a mention that he would be
23 available for an interview. However, that never came to
24 be.

25 Q. Why not?

MR. PIKE: Same objection.

THE WITNESS: It was discussed that he would not appear to, for any interview.

BY MR. KUVIN:

Q. All right. Eventually a probable cause affidavit was filled out in and around May of 2006; is that correct?

A. Correct.

Q. And what was the basis of the probable cause affidavit if you could summarize for it for us? What were -- what did you find after doing your investigation?

MR. PIKE: Form.

THE WITNESS: There were several victims that had been interviewed based on their age, the acts that occurred at the residence. There was enough probable cause to request a warrant for Mr. Epstein.

BY MR. KUVIN:

Q. All right. And for those that might not understand, a warrant means what?

A. An arrest warrant.

MR. KUVIN: Okay. I would like to show you what we'll mark as Exhibit 1. Why don't you give me a sheet.

(Plaintiff's Exhibit No. 1 was marked for identification.)

BY MR. KUVIN:

Q. All right. What we have marked as Exhibit 1, is that the probable cause affidavit that you filled out with respect to Mr. Epstein?

A. Correct.

Q. And does your signature appear on each and every page of this probable cause affidavit?

A. Correct.

Q. And is that your signature at the bottom left corner?

A. Yes, bottom right.

Q. Bottom right. I apologize.

All right. Let's go to, if we could, Page 22 of 22. And the last paragraph, could you explain to us the conclusions in the probable cause affidavit and exactly what Mr. Epstein was being arrested for at the time?

MR. PIKE: Form.

THE WITNESS: Based on the interviews conducted, it was determined that Mr. Epstein, who at the time of the incident was approximately 51 years of age, did have vaginal intercourse either with his penis or digitally

with either [REDACTED], [REDACTED] and [REDACTED], who were minors at the time of the incidents that occurred.

MR. PIKE: Move to strike.

BY MR. KUVIN:

Q. Did you feel there was sufficient possible cause to charge Mr. Epstein at that time and if so with what?

MR. PIKE: Form.

THE WITNESS: Yes, I did, and it was with four counts of Unlawful Sexual Activity with a Minor, and one count of Lewd and Lascivious Molestation.

BY MR. KUVIN:

Q. All right. The lewd and lascivious molestation charge, could you explain that a little more as well?

MR. PIKE: Form.

THE WITNESS: The victim, that was the initial victim that came forward, it was a 14-year-old minor at the time of the incident. She had gone to the house. This was the initial report that was taken by Officer Pagan. 14 at the time. Was brought over to perform a massage. The incident turned into a, sexual in

nature, and it was at the time she was paid for her services and left.

MR. PIKE: Move to strike.

BY MR. KUVIN:

Q. Okay. Now, this person [REDACTED], did you come to learn that her name at the time was [REDACTED]?

A. Yes, I did.

Q. All right. And according to the information you had, she was how old at the time that she came over to Mr. Epstein's house for the sexual contact?

MR. PIKE: Form.

THE WITNESS: Fourteen.

BY MR. KUVIN:

Q. All right. Was she the youngest that you were able to determine came to Mr. Epstein's home during your investigation?

A. Correct.

MR. PIKE: Form.

BY MR. KUVIN:

Q. All right. With respect to the others, just so we have it on the record and we're clear, [REDACTED] would have been whom?

A. Jane Doe No. 103.

Q. And [REDACTED]?

1 A. Jane Doe No. 2.

2 MR. PIKE: I am going to object to form
3 through these series of questions so we don't
4 have to keep repeating with regard to the
5 information.

6 MR. KUVIN: Yeah, well, I want to make
7 sure I understand what is the form objection.

8 MR. PIKE: Your, your questions are
9 relating back to opinion and hearsay evidence
10 and the investigation. So, actually just go
11 ahead and I will put it on the record. Go
12 ahead.

13 MR. KUVIN: All right. I just wanted to
14 make sure I knew because I wanted to fix them
15 if there was something that I could do to fix
16 them.

17 MR. PIKE: I don't think you can unless
18 you want to start the depo over.

19 MR. KUVIN: No, but I can start from now.

20 MR. PIKE: Let's go.

21 BY MR. KUVIN:

22 Q. All right. During your investigation did
23 you identify who [REDACTED] was, and if so who?

24 MR. PIKE: Form.

25 THE WITNESS: Yes, I did. I identified

1 [REDACTED]
2 BY MR. KUVIN:

3 Q. And [REDACTED] is who?

4 A. [REDACTED]

5 MR. PIKE: Same objection.

6 BY MR. KUVIN:

7 Q. Okay. Now, these girls that you
8 identified in your probable cause affidavit here at
9 the conclusion, did you find that all of these girls
10 were under the age of 18 at the time they went to
11 Mr. Epstein's home?

12 MR. PIKE: Form.

13 THE WITNESS: Correct.

14 BY MR. KUVIN:

15 Q. And how old were they?

16 A. They were approximately 16, 15, 16 and/or up
17 to 17 years of age.

18 MR. PIKE: Form.

19 BY MR. KUVIN:

20 Q. Okay. All right. Do you recall how old
21 C.L. was?

22 A. I believe she was 16.

23 Q. After filling out and signing the probably
24 cause affidavit, could you explain to us what
25 occurred next?

1 A. So many things occurred with the State
2 Attorney's Office. Originally it was determined that it
3 was going to be a grand jury.

4 Q. Okay.

5 A. And then the case was going to be presented to
6 the grand jury. That was later retracted and they
7 wanted a probable cause affidavit.

8 Q. Okay.

9 A. I submitted the probable cause affidavit.
10 Shortly thereafter I was told we're going back to the
11 grand jury.

12 Q. Okay. Well, let me ask you this: After
13 the probable cause affidavit was issued, did you
14 institute the search of the home at that point or
15 did you institute the search of the home before the
16 [REDACTED] affidavit was --

17 A. Prior, prior to the [REDACTED] affidavit.

18 Q. Okay. All right. Let's go back. Why
19 don't you give us, if you would, briefly your
20 training and experience as an officer. Just start
21 with, you know, where you went to the academy and
22 where you started working and then kind of work us
23 through to when you got your job at Palm Beach
24 County or Palm Beach.

25 A. I went to the police academy back in 1990 --

1 Q. Okay.

2 A. -- down here in Palm Beach County. I was
3 hired by Palm Beach in 1991 where I did three years on
4 the, as a patrol officer.

5 Q. Okay.

6 A. I was transferred then to the detective
7 bureau.

8 Q. Roughly when?

9 A. '94.

10 Q. Okay.

11 A. From the detective bureau, I went to the
12 Organized Crime/Vice and Narcotics Unit where I spent
13 about five, six years.

14 Q. When did you get into that unit roughly?

15 A. I would say '96, '95, '96.

16 Q. Okay. And you spent how long there?

17 A. About roughly five to six years.

18 Q. All right. Then where did you go?

19 A. Back to the detective bureau.

20 Q. So we're looking at like 2000 and 2001?

21 A. Correct.

22 Q. All right.

23 A. I was there for up to 2006, I believe, 2000 --
24 2006.

25 Q. Okay. And then in 2006?

1 A. They created another, a unit from the
2 Organized Crime/Vice and Narcotics Unit. Made it
3 special investigations. Went over to there where I'm --
4 it was renamed back to the Organized Crime/Vice and
5 Narcotics.

6 Q. Okay.

7 A. That's basically what we would operate on.

8 Q. Gotcha. And you've been in that unit
9 since then to the present day?

10 A. Correct.

11 Q. Okay. Have you ever worked in any other
12 department?

13 A. I worked for the State Attorney's Office as a
14 process server for five years.

15 Q. Okay. And that was before going to the
16 academy in 1990?

17 A. Correct.

18 Q. Okay. High school graduate?

19 A. Correct.

20 Q. Any secondary schooling, college?

21 A. College credits and specialized training with
22 the police department.

23 Q. Okay. Did you get an AA in college or no?

24 A. No.

25 Q. Okay. Where did you get your college

1 credits?

2 A. PBCC.

3 Q. Are you from here locally, Palm Beach?

4 A. No.

5 Q. Where from?

6 A. New York City.

7 Q. When did you come down here?

8 A. 1980.

9 Q. Okay. All right. Let's walk through kind
10 of chronologically what occurred in this particular
11 case. And just so that it's easier for you, let me
12 give you the incident report. What I will do is I
13 am going to ask you questions.

14 If you need to refresh your
15 recollection at any point with the incident report,
16 just let us know that you're using it to refresh
17 your recollection which is fine. I just want to
18 make sure that we can distinguish between what you
19 may recall independently versus what you may be
20 using to refresh your recollection.

21 (Plaintiff's Exhibit No. 2 was marked for
22 identification.)

23 BY MR. KUVIN:

24 Q. All right. I'm going to give what you we
25 have marked as Exhibit 2 as the Palm Beach Police

1 Department Incident Report which appears to be
2 numbered, thankfully, and consists of 87 pages plus
3 one. It looks like there is 87 consecutively
4 numbered pages and then a single page again numbered
5 as Page 1, just for the record.

6 All right. First of all, do you
7 recognize what we have marked as Exhibit 2?

8 A. Yes, I do.

9 Q. And could you describe for us what that
10 is?

11 A. It is the Palm Beach Police Department's
12 Incident Report.

13 Q. All right. When this investigation first
14 began, were you, were you the first one that was
15 contacted regarding potential allegations against
16 Mr. Epstein?

17 MR. PIKE: Form.

18 THE WITNESS: No, I was not.

19 BY MR. KUVIN:

20 Q. Who was the first one that was actually
21 contacted, and could you explain to us if you would
22 how they were contacted?

23 A. It was Officer Michelle Pagan.

24 Q. Okay. And do you know as you sit here
25 today under what circumstances she was contacted?

1 A. I believe it was telephonically, by telephone.

2 Q. Okay. Was she contacted by [REDACTED] herself
3 or her parents, do you remember?

4 MR. PIKE: Form.

5 THE WITNESS: I totally believe it was the
6 step-mother that called her.

7 BY MR. KUVIN:

8 Q. Okay. When Ms. Pagan took down that
9 information, how soon after were you actually
10 brought into the investigation?

11 A. I believe she took the report in March, and I
12 took, I took possession of the case in September.

13 Q. Do you know why the break in time between
14 March and September when you actually get it? In
15 other words do you know why you got the case some
16 months later?

17 A. She was transferred to patrol.

18 Q. Okay. So, Ms. Pagan was originally
19 investigating this case --

20 A. Correct.

21 Q. -- until she got transferred to patrol?

22 A. Yes.

23 Q. Did her transfer to patrol have anything
24 to do with this case?

25 A. No.

1 Q. Okay. When you take over the
2 investigation in September -- and just so we're
3 clear we're talking about September of 2005?

4 A. Correct.

5 Q. When you take over that case, do you take
6 any particular action to bring yourself up to speed
7 on what's going on?

8 A. I reviewed her reports and listened to the
9 interviews and what she had already evidentiary-wise.

10 Q. Okay. Let's go to, if you would, Page 22
11 of the incident report. Just so we can make sure
12 that we have an accurate chronology here, it appears
13 right in the middle of the page we have got the date
14 of September 8, 2005. And it states: I reviewed
15 the case notes of this file as the case will be
16 turned over to Detective Recarey. Do you see that?

17 A. Yes, I do.

18 Q. Was that roughly the date that the
19 investigation was turned over to you?

20 A. No. It was turned over officially I think the
21 19th.

22 Q. Okay. And we see that in Narrative 2 at
23 the bottom of the same page?

24 A. Correct.

25 Q. All right. And the first entry there says

1 on September 19, 2005, you met with Officer Pagan
2 and received the information pertaining to the case?

3 A. Correct.

4 Q. All right. When you received that
5 information, is it safe to assume that you reviewed
6 the investigation materials that Michelle Pagan had
7 collected up until that date?

8 A. Yes, I believe so.

9 Q. Okay. At this point in time do you know
10 how many potential victims there were of
11 Mr. Epstein?

12 MR. PIKE: Form.

13 THE WITNESS: No, we didn't know the
14 extent of how many victims at that point.

15 BY MR. KUVIN:

16 Q. All right. We know that [REDACTED]
17 step-mother had called in and there is an
18 investigation regarding her. Were there any other
19 minors at that point that had come into the
20 investigation?

21 MR. PIKE: Form.

22 THE WITNESS: We knew of a girl by name of
23 [REDACTED].

24 MR. KUVIN: Okay.

25 THE WITNESS: That her name had come up in

1 the investigation early on --

2 MR. KUVIN: Okay.

3 THE WITNESS: -- as bringing [REDACTED]

4 BY MR. KUVIN:

5 Q. Okay. Any other minors that you can
6 recall came up at that point; in other words the
7 point between when Ms. Pagan starts the
8 investigation until when you take it over?

9 MR. PIKE: Object to the form.

10 THE WITNESS: No, not that I can recall.

11 BY MR. KUVIN:

12 Q. Okay. Where is Ms. Pagan today? Is she
13 here locally?

14 A. Yes, she's still with the police department.
15 She rides the bicycle.

16 Q. Okay. If you would, can you turn to
17 Page 17 for me of the Incident Report. Towards the
18 bottom, third paragraph from the bottom, it
19 references a cross-reference of Epstein's residence.
20 Do you see that?

21 A. Uh-huh.

22 Q. What was the residence that you found for
23 Mr. Epstein, the address, the physical address?

24 A. 358 El Brillo.

25 Q. Palm Beach Island?

1 A. Correct.

2 Q. Okay. And it states there that a
3 cross-reference of that address revealed certain
4 affiliated names. Could you give us those names?

5 MR. PIKE: I am sorry, Counsel, what
6 paragraph?

7 MR. KUVIN: Third from the bottom starting
8 with the cross-reference.

9 MR. PIKE: Appreciate it.

10 MR. KUVIN: Sure.

11 THE WITNESS: [REDACTED] Mark
12 Epstein, and Ghislaine Maxwell.

13 BY MR. KUVIN:

14 Q. Okay. How is it those affiliated names
15 came up? In other words what database were you
16 looking at to reference those names?

17 A. If she cross-referenced it, she used the Town
18 of Palm Beach CAD system.

19 Q. And just for those that may not know, what
20 is the CAD system?

21 A. The CAD system is basically if someone is, is
22 we had a 911 hangup or an alarm call or any kind of
23 incident that accrues within the Town of Palm Beach,
24 when the officer responds and they encounter someone at
25 the home, whatever the reason, whether it be a false

1 alarm, 911 hangup, you get their information. That
2 information gets put into the CAD system as to who, who
3 the officer encountered on that property.

4 Q. Okay. Is it regular practice for you as a
5 detective when taking over a file from another
6 detective to review all the materials that they have
7 put together?

8 A. Yes.

9 Q. All right. And are these records
10 contained within the Palm Beach Police Department?
11 In other words are these the regular business
12 records of the department --

13 A. Yes.

14 Q. -- the information contained within the
15 investigation that Ms. Pagan had put together?

16 A. It is no longer in the department if that's
17 what you're asking.

18 Q. No, I mean at the time, when you take over
19 sometime in September.

20 A. Yes, correct. It would be.

21 Q. Okay.

22 A. It would be.

23 Q. All the information is contained within
24 the Town of Palm Beach investigative unit?

25 A. Correct.

1 Q. I understand. Now, it's obviously not
2 public at that point. You're keeping the
3 investigation private?

4 A. Correct.

5 Q. But nonetheless all those documents that
6 you would have reviewed from Ms. Pagan would have
7 been business records of the police department at
8 the time?

9 A. Correct.

10 Q. I understand. Now, when you reviewed this
11 information from Detective Pagan, could you walk us
12 through exactly what [REDACTED] had explained occurred to
13 her?

14 MR. PIKE: Form.

15 THE WITNESS: She was taken to
16 Mr. Epstein's house for the purpose of making
17 money, providing a massage.

18 MR. KUVIN: Okay.

19 THE WITNESS: Once she got there, she was
20 taken upstairs to the bedroom area. At that
21 time what my understanding was is they were
22 taken to the bedroom area through the stairwell
23 where Mr. Epstein was awaiting to do a massage.

24 MR. KUVIN: Okay.

25 THE WITNESS: The massage began. At some

1 point during the massage Mr. Epstein -- this is
2 all off recollection by the way.

3 MR. KUVIN: If you want to use the
4 incident report, what we're referring to would
5 be on Pages 11 through roughly 15 of the
6 incident report --

7 MR. PIKE: Just --

8 MR. KUVIN: -- if you need it to help
9 refresh your recollection.

10 MR. PIKE: Just so the record is clear,
11 we're still on the one question. There is a
12 form objection on the same answer.

13 THE WITNESS: It was -- I haven't found
14 exactly where she goes into the story, however
15 I know --

16 MR. KUVIN: I think it's at Page 14.

17 THE WITNESS: -- where there was some
18 touching involved, and Mr. Epstein then, I
19 believe, introduced a massager.

20 BY MR. KUVIN:

21 Q. A vibrator?

22 A. Correct.

23 Q. Okay. Was she asked to take her clothes
24 off according to what she told the police
25 department?

1 MR. PIKE: Form.

2 THE WITNESS: Yes.

3 BY MR. KUVIN:

4 Q. And how old was she at the time?

5 MR. PIKE: Form.

6 THE WITNESS: Fourteen.

7 BY MR. KUVIN:

8 Q. Was there an investigation as to how [REDACTED]
9 actually was taken to the home? In other words did
10 you determine who took her there?

11 A. Correct.

12 Q. Who was that?

13 A. [REDACTED]

14 MR. PIKE: Form.

15 BY MR. KUVIN:

16 Q. Did Ms. Pagan interview Ms. [REDACTED]?

17 A. No, she did not.

18 Q. Not at this point?

19 A. No.

20 Q. Did you ultimately interview Ms. [REDACTED]?

21 A. Yes, I did.

22 Q. With respect to what [REDACTED] explained, I
23 would like to walk through this if I could for a
24 minute.

25 MR. PIKE: What page are you on?

1 MR. KUVIN: Fourteen.
 2 BY MR. KUVIN:
 3 Q. Was there another woman that she described
 4 in the home at Epstein's house?
 5 MR. PIKE: Form.
 6 THE WITNESS: Yes. She described a tall
 7 blonde female which I believe was [REDACTED]
 8 [REDACTED]
 9 BY MR. KUVIN:
 10 Q. Okay. And what did [REDACTED] do --
 11 MR. PIKE: Form.
 12 BY MR. KUVIN:
 13 Q. -- as far as what she described to you?
 14 MR. PIKE: Same objection.
 15 THE WITNESS: If I can just -- I am going
 16 to --
 17 MR. KUVIN: Yeah, take a look.
 18 THE WITNESS: [REDACTED] was the one who took
 19 her upstairs, I believe.
 20 MR. PIKE: Form.
 21 BY MR. KUVIN:
 22 Q. Upstairs in Mr. Epstein's house?
 23 MR. PIKE: Same objection.
 24 THE WITNESS: Yes.
 25

1 BY MR. KUVIN:
 2 Q. The same home that we described before on
 3 El Brillo Way?
 4 MR. PIKE: Form.
 5 THE WITNESS: Yes.
 6 BY MR. KUVIN:
 7 Q. All right. Let's walk through some of
 8 this. When she gets upstairs, the woman leaves the
 9 room?
 10 MR. PIKE: Form.
 11 THE WITNESS: Correct.
 12 BY MR. KUVIN:
 13 Q. Okay. At that point does she tell you
 14 that Mr. Epstein comes in?
 15 MR. PIKE: Form.
 16 THE WITNESS: This is what she's informing
 17 Officer Pagan.
 18 BY MR. KUVIN:
 19 Q. Pagan, yes?
 20 A. Yes.
 21 MR. PIKE: Same objection.
 22 BY MR. KUVIN:
 23 Q. All right. And what does Mr. Epstein do
 24 at that point according to what [REDACTED] explained?
 25 MR. PIKE: Form.

1 THE WITNESS: He told her to remove, take
 2 off her clothes.
 3 BY MR. KUVIN:
 4 Q. Okay. And she's 14 at this point?
 5 MR. PIKE: Form.
 6 THE WITNESS: Correct.
 7 BY MR. KUVIN:
 8 Q. What did [REDACTED] explain was his demeanor,
 9 Mr. Epstein's demeanor with respect to asking her to
 10 take off her clothes?
 11 MR. PIKE: Form.
 12 THE WITNESS: I believe he was stern when
 13 he instructed her to remove her clothing.
 14 BY MR. KUVIN:
 15 Q. What was he dressed in?
 16 MR. PIKE: Form.
 17 THE WITNESS: In a towel.
 18 BY MR. KUVIN:
 19 Q. Could you explain to us exactly what
 20 Mr. Epstein supposedly instructed her to do --
 21 MR. PIKE: Form.
 22 BY MR. KUVIN:
 23 Q. -- and then what he did?
 24 MR. PIKE: Same objection.
 25 THE WITNESS: He instructed her to provide

1 a massage pointing to the specific lotion for
 2 her to use. He laid on the table face down.
 3 As she was providing the massage, he asked her
 4 to get onto his back. She straddled herself
 5 along his back and advised that her exposed
 6 buttocks was touching his bare buttocks.
 7 MR. PIKE: Form, move to strike.
 8 BY MR. KUVIN:
 9 Q. What happened next?
 10 MR. PIKE: Form.
 11 THE WITNESS: He turned over onto his back
 12 and was masturbating.
 13 BY MR. KUVIN:
 14 Q. Okay. Did he masturbate to conclusion
 15 according to her?
 16 MR. PIKE: Form.
 17 THE WITNESS: It doesn't state in the
 18 report.
 19 BY MR. KUVIN:
 20 Q. Okay. Did [REDACTED] describe what her reaction
 21 was to what was occurring at this point?
 22 MR. KUVIN: Form.
 23 THE WITNESS: She was disgusted by his
 24 actions but didn't say anything.
 25

1 BY MR. KUVIN:

2 Q. Okay. Was Ms. [REDACTED] able to describe the
3 home?

4 MR. PIKE: Form.

5 THE WITNESS: Correct, she did. She
6 described Epstein's house as a two-story pink
7 house with a Cadillac Escalade parked in the
8 driveway.

9 BY MR. KUVIN:

10 Q. Was she able to describe the inside of his
11 home?

12 MR. PIKE: Form.

13 THE WITNESS: Yes.

14 BY MR. KUVIN:

15 Q. Did your investigation uncover any reason
16 why a 14-year-old girl, other than what she
17 described for you, may know what the inside of
18 Mr. Epstein's home looked like?

19 MR. PIKE: Form.

20 THE WITNESS: I'm sorry?

21 BY MR. KUVIN:

22 Q. Did your investigation uncover any legal
23 reason why a 14-year-old girl like [REDACTED] would know
24 what's inside of Mr. Epstein's home looked like
25 other than what she had described to you?

1 MR. PIKE: Form.

2 THE WITNESS: No.

3 BY MR. KUVIN:

4 Q. If we go onto Page 15 of the incident
5 report, does she describe fairly -- well, you
6 explain to me what detail she described with respect
7 to the interior of the home. Was it detailed? Was
8 it vague? How would you describe it?

9 MR. PIKE: Form and speculative.

10 THE WITNESS: When we executed the search
11 warrant, items that she had mentioned, the
12 photos lining up the stairwell were there, the
13 pink and green sofa was there, and there were
14 several photographs of naked women that was
15 there as well.

16 BY MR. KUVIN:

17 Q. So, essentially everything she described
18 in her initial report to Detective Pagan was
19 verified when you did the search warrant videotape?

20 A. Correct.

21 MR. PIKE: Form.

22 BY MR. KUVIN:

23 Q. All right. Did [REDACTED] describe whether or
24 not she was able to see Mr. Epstein's penis?

25 MR. PIKE: Form.

1 THE WITNESS: Yes.

2 BY MR. KUVIN:

3 Q. How did she describe it?

4 A. She stated that his, quote, wee-wee was very
5 tiny.

6 Q. Okay.

7 MR. PIKE: Form, move to strike. Just so
8 the record is clear, Detective Recarey is
9 reading from a document that has been marked as
10 Exhibit --

11 MR. KUVIN: Two.

12 MR. PIKE: Exhibit 2.

13 BY MR. KUVIN:

14 Q. Just so we can clarify for the record,
15 Detective, as a detective for the department, do you
16 regularly rely upon reports that are taken down by
17 other detectives in the department?

18 A. Yes.

19 Q. Do you regularly trust other officers to
20 take down certain reports with respect to an
21 investigation?

22 A. Correct.

23 Q. And is that part of the regular practice
24 of an investigating detective, in other words to
25 refer to reports that are taken down by other

1 officers during the, during an investigation?

2 A. Yes.

3 Q. Okay. Just so we're clear, she referenced
4 his wee-wee. Was she referring to his penis?

5 MR. PIKE: Form.

6 THE WITNESS: Yes.

7 BY MR. KUVIN:

8 Q. Okay. Was there any legal or lawful
9 reason that you could uncover during your
10 investigation why [REDACTED] may know the size, shape, or
11 description of Mr. Epstein's penis being a
12 14-year-old girl?

13 MR. PIKE: Form.

14 THE WITNESS: No.

15 BY MR. KUVIN:

16 Q. All right. And did [REDACTED] describe to
17 Detective Pagan whether or not she received money
18 for this event?

19 A. Yes, she did.

20 MR. PIKE: Form.

21 BY MR. KUVIN:

22 Q. During an investigation like this when
23 interviewing a 14-year-old, 15-year-old, any let's
24 say girl that's under the age of 18, a minor, as
25 part of your investigation, do you have to make a

1 determination as to whether you believe a witness is
2 telling the truth or not?

3 MR. PIKE: Form.

4 THE WITNESS: Obviously when you're
5 conducting an interview, you know, based on the
6 information gathered, you would want to verify
7 any information that she provides. So, yes,
8 you would.

9 BY MR. KUVIN:

10 Q. Okay. Is what you are telling me that
11 when you have a witness talk to you about an event,
12 you always try to verify what they have said?

13 A. Correct.

14 Q. Okay. Is it also part of your job as a
15 detective in your training to interview a witness
16 and make an internal decision whether you think they
17 are being truthful or not truthful based upon how
18 they tell the story, the detail in which they tell
19 it, and their reaction and other factors involved?

20 A. Obviously when she's providing, when anyone is
21 providing information and all the information gathered
22 has to be verified --

23 Q. Okay.

24 A. -- you know, in any interview regarding any
25 case.

1 Q. All right. Before you were involved, did
2 the department or did Officer Pagan do a trash pull
3 of the home?

4 MR. PIKE: Form.

5 THE WITNESS: I believe so, yes.

6 BY MR. KUVIN:

7 Q. And this first trash pull occurred before
8 you got involved in the investigation?

9 A. Correct.

10 Q. All right. Let's look at Page 19. I want
11 to clarify just a couple of things that we have gone
12 over in some other depositions.

13 MR. PIKE: Form, move to strike.

14 BY MR. KUVIN:

15 Q. First of all, there was a subpoena request
16 for a T-Mobile wireless phone number. Do you see
17 that?

18 A. Correct.

19 Q. All right. That number that's there in
20 the incident report, did you determine what number
21 that referenced? In other words what person that
22 number referenced, was it [REDACTED] Ms. [REDACTED]

23 Mr. Epstein, Ms. [REDACTED] Ms. [REDACTED] --

24 MR. PIKE: Form.

25 MR. KUVIN: -- or someone else?

1 THE WITNESS: I cannot recall at this time
2 whose number that was assigned to.

3 BY MR. KUVIN:

4 Q. Okay. There was apparently a purple item
5 pulled from the trash pull. Do you see that?

6 A. Yes.

7 Q. All right. I am trying to find, just so
8 that I can tie it into the trash pull itself, if we
9 look at Pages 1 through 19, where is it that the
10 trash pull occurs? Does she note it here?

11 MR. PIKE: Form.

12 MR. KUVIN: Just so that I can have a
13 timeline.

14 MR. PIKE: Same objection.

15 BY MR. KUVIN:

16 Q. I may have it in the other document,
17 actually. Let me ask it this way: Can you tell by
18 looking at that investigative report when that trash
19 pull occurred, initially, the first one?

20 MR. PIKE: Form.

21 THE WITNESS: No, I am looking for -- it
22 might have been after based -- it's how the
23 reports are inputted.

24 MR. KUVIN: Here it is. Hang on one
25 second. Let's do this; this may help. As part

1 of a subpoena to the Palm Beach Police
2 Department, we received a copy of e-mails that
3 existed with respect to this case and
4 Mr. Epstein.

5 What I would like to mark is what
6 we'll call Exhibit 3 I think we're up to
7 now. I knew I saw it. I was trying to
8 figure out where. Hang on a second.

9 BY MR. KUVIN:

10 Q. This is a e-mail from Nickie Altomaro.
11 Who was that?

12 A. She was the detective bureau secretary.

13 MR. KUVIN: Okay. And it's indicated it
14 looks like October 17, 2005. Let me just show
15 it quickly to opposing counsel. It was in the
16 recent production by Palm Beach.

17 (Plaintiff's Exhibit No. 3 was marked for
18 identification.)

19 BY MR. KUVIN:

20 Q. Do you mind if I look over your shoulder
21 while he looks at it. And I want to give you what
22 we have marked as Exhibit 3. This might help a
23 little bit. Can you describe for us generally what
24 this is?

25 A. This, it appears to be Officer Pagan's

1 incident report which was inputted by Nickie Altomaro.

2 Q. Okay. Can you describe for us the process
3 by which the information is generally taken down at
4 the department back in 2005, and how it makes it
5 into the incident report?

6 A. Nickie Altomaro was the detective bureau
7 secretary. As we update the incident report, you type
8 up your report. And at this time we were using a DOS
9 system.

10 Q. Okay. DOS as opposed to Windows based?

11 A. Yes.

12 Q. Gotcha.

13 A. And we would type up the report, forward it to
14 her either in Word Document or WordPerfect. She would
15 convert the document into a DOS format and input it into
16 the system.

17 Q. All right. If we turn to -- it looks like
18 these are in, somewhat in date order. If we turn to
19 3/21/05 which is on the eighth page. Did you get to
20 the date of 3/21/05?

21 A. Yes.

22 Q. Okay. Was surveillance instituted on
23 Mr. Epstein's home at this time?

24 A. Correct.

25 Q. All right. So we're talking March 21st,

1 2005, surveillance began at his home on El Brillo
2 Way; is that correct?

3 MR. PIKE: Form.

4 THE WITNESS: Correct.

5 BY MR. KUVIN:

6 Q. And on that exact date of 3/21/05 what
7 else took place?

8 MR. PIKE: Form.

9 THE WITNESS: Officer Pagan requested and
10 Detective Lee initiated trash pulls from 358
11 El Brillo.

12 BY MR. KUVIN:

13 Q. Can you describe to us what a trash pull
14 is? What do you do?

15 A. Well, you inform the supervisor of sanitation
16 that you're interested in pulling your target's trash,
17 you find the location, who in turn informs the driver
18 that you're going to be pulling the trash.

19 Q. The driver of the trash truck?

20 A. The driver the trash truck.

21 Q. Gotcha.

22 A. Once that's done, we coordinate with the trash
23 truck driver to ensure that the well is empty prior to
24 him going to your target location. He goes -- we follow
25 him to the target location.

1 Q. The well being the back of the trash
2 truck?

3 A. Correct.

4 Q. Before it goes into the main bin?

5 A. Correct.

6 Q. Gotcha. Okay.

7 A. Once that area is, we're confirmed that it is
8 empty, they go onto the property, remove the trash and
9 place it into the well. We then follow it to an
10 unspecified location where we actually remove the
11 contents from the well.

12 Q. All right. Let's walk through now,
13 continue turning to the date of 4/1/05 through
14 4/3/05. You should be an additional three pages
15 down.

16 A. 4/1.

17 Q. Yes, sir. All right. If we look at 4/1
18 through 4/3/05, what was occurring on those dates?

19 MR. PIKE: Form.

20 THE WITNESS: She met with Detective
21 Krauel of the police department.

22 BY MR. KUVIN:

23 Q. Was there any additional surveillance
24 conducted?

25 A. Yes.

1 Q. Okay. And what were the dates of the
2 surveillance?

3 A. It appears she met with members of the B.S.F.
4 Unit, Burglary Strike Force is what it was, for the
5 purpose of conducting surveillance at 358 El Brillo.

6 Q. Okay. Now, this surveillance, was this
7 kept by the department?

8 A. Correct.

9 Q. Still held by the department?

10 A. Not 100 percent certain on that. It might
11 have gone over to the FBI.

12 Q. Okay. We'll talk about that when we get
13 to that point. But nonetheless before the FBI came
14 in, all of this was kept by the department?

15 A. Correct.

16 Q. By your department. Okay. All right. If
17 we look at the bottom of the page, what's the date
18 that the trash pull was actually done?

19 MR. PIKE: Form.

20 THE WITNESS: On the bottom of the page?

21 BY MR. KUVIN:

22 Q. Yeah, the one we were talking about.

23 A. I'm still looking at Exhibit 3.

24 Q. Yep.

25 A. So, it would be --

1 Q. Top of the page it starts "at times
2 appear."

3 A. Correct.

4 Q. All the way at the bottom of the page,
5 last line.

6 A. On April 5th, 2005, the trash pull was
7 conducted by Detective Lee.

8 Q. All right. And what did Detective Lee
9 find?

10 MR. PIKE: Form.

11 THE WITNESS: It was a message from [REDACTED]
12 indicating, and redacted, at 11:00 a.m. or 11.

13 MR. KUVIN: Okay.

14 THE WITNESS: The following information
15 was obtained from the trash from 358 El Brillo.

16 BY MR. KUVIN:

17 Q. What additional messages were retrieved?

18 A. One from Jean Luc, David, [REDACTED] There
19 was some redacted [REDACTED] redacted, Brit, Rion,
20 [REDACTED], [REDACTED] redacted, redacted, [REDACTED]
21 [REDACTED] a message for a receipt dated 4/4 at 1:05,
22 [REDACTED] with a phone number, and she's looking to
23 speak to you.

24 Q. Okay. Let's talk about this for a minute.
25 The redacting, do you know why those are redacted at

1 this point?

2 MR. PIKE: Form.

3 THE WITNESS: Yes, I do.

4 BY MR. KUVIN:

5 Q. Why?

6 A. It indicates either the names or the initials
7 of the victims.

8 Q. The victims, what age were the victims?

9 MR. PIKE: Form.

10 THE WITNESS: As young as 14 to 16.

11 BY MR. KUVIN:

12 Q. Okay. So if we see a redacted portion
13 here, can we safely assume that that references one
14 of the victims?

15 MR. PIKE: Form.

16 THE WITNESS: Correct.

17 BY MR. KUVIN:

18 Q. Is there any other redactions that would
19 take place other than the names of the potential
20 victims?

21 MR. PIKE: Form.

22 THE WITNESS: Not that I am aware of.

23 BY MR. KUVIN:

24 Q. All right. There was a reference that I
25 had started with. I just wanted to see the timing

1 of it. But if we go back to Page 19, keep both of
2 those documents available in case we need to refer
3 to them.

4 But if we go back to Page 19 of the
5 incident report, do you see towards the bottom of
6 the page it references a purple item retrieved from
7 the trash pull?

8 A. Yes.

9 Q. Okay. This particular purple item, did
10 Officer Pagan attempt to identify what it was?

11 MR. PIKE: Form.

12 THE WITNESS: Yes, she did.

13 BY MR. KUVIN:

14 Q. And at the point she attempted to identify
15 it, what did she identify it as at this point back
16 in April of '05?

17 MR. PIKE: Form.

18 THE WITNESS: She believed it was an anal
19 wand of some sort.

20 BY MR. KUVIN:

21 Q. And how did that identification take
22 place?

23 A. I believe she researched it on the Internet.

24 MR. PIKE: Form.

1 BY MR. KUVIN:

2 Q. This particular jelly anal wand, this
3 purple item, was it later identified as something
4 different?

5 A. Yes, it was.

6 Q. Okay. Can you describe that for us?

7 MR. PIKE: Form.

8 THE WITNESS: It was during the execution
9 of the search warrant. During the search we
10 found that it, it was a handle of a, of a
11 utensil used to eat.

12 (Ms. Finnigan entered the room.)

13 MR. KUVIN: We added a person.

14 MR. GARCIA: There is a summary judgment
15 that I have to leave later. She works with our
16 office.

17 MR. PIKE: For the record she works with
18 Sid, with Sid Garcia's office.

19 MR. GARCIA: She shares a space with me.
20 That's close enough.

21 MR. KUVIN: Let's continue with the
22 incident report.

23 MR. PIKE: Actually, no, let's not.

24 Is she listed as counsel?

25 MR. GARCIA: No. She appeared at

Mr. Epstein's deposition before.

MR. KUVIN: Has she filed a notice of appearance?

MR. GARCIA: No.

MR. KUVIN: I am going to ask her to, ask to excuse her. She has not filed a notice of appearance. There are confidential issues in this case and there are various orders that are binding on various lawyers in this case.

Sid, this is one of the very few depositions that you have actually been in attendance at, and if she has not filed a notice of appearance, if she has not signed any pleadings in this case, I am going to ask that she leave otherwise the deposition is not going to go forward.

MR. GARCIA: On what authority?

MR. PIKE: She is not counsel. She has no right to be here.

MR. GARCIA: She's assisting me with this case. She appeared at your own client's deposition which you did not attend.

MR. PIKE: That's all well and good but the fact is is that she does not have a notice of appearance here in this.

MR. GARCIA: She will file one today.

MR. PIKE: We're not going to go forward.

MR. KUVIN: I am not stopping.

MR. PIKE: The fact is these are confidential communications.

MR. GARCIA: Why don't you file a notice of appearance and come back.

MS. FINNIGAN: Okay.

MR. GARCIA: That will resolve it.

(Ms. Finnigan left the deposition room.)

BY MR. KUVIN:

Q. All right. Let's continue on.

Going to Page 20 of the incident report, at some point did you gain information with respect to Jet Aviation, and if so could you describe what information was obtained by Officer Pagan regarding Jet Aviation?

MR. PIKE: Form.

THE WITNESS: I believe it was a trash pull where an itinerary was found within the trash pull.

BY MR. KUVIN:

Q. Were there additional names found within the itinerary of pilots?

MR. PIKE: Form.

THE WITNESS: Yes. Captain David Rodgers, Co-captain Larry Visoski, flight engineer, Larry Morrison.

BY MR. KUVIN:

Q. Okay. In this trash pull were there also messages left by some of the potential victims in this case?

A. Correct.

Q. All those victims being under the age of 18?

MR. PIKE: Form, and form to the last one.

THE WITNESS: Correct.

BY MR. KUVIN:

Q. And that's why they are blacked out?

MR. PIKE: Form.

THE WITNESS: Correct.

BY MR. KUVIN:

Q. All right. Let's turn to the next page of the investigation. Actually, you know what, let's go to the part where you start here which would be Page 22.

MR. PIKE: Thank you.

MR. KUVIN: For what?

MR. PIKE: Identifying the page.

MR. KUVIN: I thought I did something you like and I want to take it back.

MR. PIKE: No.

BY MR. KUVIN:

Q. All right. What is the Burglary Strike Force?

A. It is now a disbanded unit. However, it was a unit of plain clothed officers. At that time we were being struck with burglaries.

Q. Okay.

A. It was a unit created just to combat and locate people that were on properties, stuff like that.

Q. Okay. Were you part of that strike force?

A. No.

Q. Okay. What occurred with the Burglary Strike Force once you got involved with the case?

MR. PIKE: Form. Actually I will withdraw it. That question is fine.

THE WITNESS: The Burglary Strike Force had been conducting surveillance at the home of Mr. Epstein at 358 El Brillo.

BY MR. KUVIN:

Q. Okay. Which officer was assigned to monitor Mr. Epstein's home?

A. Officer Munyan.

1 Q. Any others?

2 A. Sergeant Sorge and Officer Minot.

3 Q. Are they still with the department?

4 A. Officer Munyan is no longer with the
5 department. Sergeant Sorge has since retired. And
6 Officer Minot is still with the police department.

7 Q. All right. And what did the surveillance
8 find on that particular date?

9 MR. PIKE: Form.

10 THE WITNESS: I had asked them to input
11 that into their report so there should be
12 supplements by them as to what was, what they
13 observed.

14 BY MR. KUVIN:

15 Q. Well, if you look at the summary in the
16 incident report, what is reported there?

17 MR. PIKE: Form.

18 THE WITNESS: They filled out an attached,
19 a surveillance log which was a placed in the
20 attachment file.

21 MR. KUVIN: Okay.

22 THE WITNESS: Mr. Epstein had left for the
23 airport on his jet which was over at, I
24 believe, Jet Aviation.

1 trash pull; is that correct?

2 A. Correct.

3 Q. Can you explain to us what that note was?

4 MR. PIKE: Form.

5 BY MR. KUVIN:

6 Q. Just so I'm clear, you saw the note
7 yourself, correct?

8 A. Yes.

9 Q. Okay. Can you explain what it was?

10 A. This notes contained names of different girls
11 with different times.

12 MR. PIKE: Form, move to strike.

13 BY MR. KUVIN:

14 Q. If we go with the word "additionally,"
15 halfway down the paragraph, do you see that where I
16 am starting?

17 A. Yes.

18 Q. It says "Additionally there was a --

19 A. "There was a note" and a redaction.

20 Q. Do you know who that redaction name is
21 referring to? As you sit here today can you recall?

22 A. I can't recall.

23 Q. All right. What did the note say?

24 A. "For a good time call," redaction, "and
25 [REDACTED]."

1 BY MR. KUVIN:

2 Q. Okay. Was it determined during your part
3 of the investigation that the jet was, in fact,
4 Mr. Epstein's jet?

5 MR. PIKE: Form.

6 THE WITNESS: Correct.

7 BY MR. KUVIN:

8 Q. All right. Let's get to your next report
9 which looks like Narrative 5 on Page 24. We come
10 down the first paragraph. It looks like this is
11 documenting an additional trash pull that took
12 place?

13 MR. PIKE: Form.

14 THE WITNESS: Correct.

15 BY MR. KUVIN:

16 Q. Were you a part of the trash pull on
17 September 21 of 2005?

18 A. No, I was not.

19 Q. Who was?

20 A. Sergeant Szarszewski.

21 Q. All right. Did you review the evidence
22 that came out of this trash pull?

23 A. Correct.

24 Q. All right. Halfway down the paragraph,
25 there was a note that was apparently pulled on this

1 Q. Okay. Why would that name be redacted --

2 MR. PIKE: Form.

3 MR. KUVIN: -- if you know?

4 THE WITNESS: It would have been the name
5 of a minor, victim.

6 BY MR. KUVIN:

7 Q. Okay. If we go onto the next sentence, it
8 says: "Also there was another telephone number on
9 note"; is that correct?

10 MR. PIKE: Form.

11 THE WITNESS: Yes.

12 BY MR. KUVIN:

13 Q. And then there is a redaction, correct?

14 A. Yes.

15 Q. Is that the redacted phone number of a
16 minor? Is that why it's redacted?

17 MR. PIKE: Form.

18 THE WITNESS: Yes.

19 BY MR. KUVIN:

20 Q. Then it says: "Also found was a written
21 note which stated," redaction, "cannot come at
22 7:00 p.m. tomorrow because of soccer"?

23 A. Correct.

24 Q. You saw that note?

25 A. Yes.

1 Q. And as you sit here today do you know or
2 do you recall who that person may have been, which
3 minor?

4 MR. PIKE: Form.

5 THE WITNESS: I believe it was Jane Doe

6 No. 4, Jane Doe No. 4.

7 BY MR. KUVIN:

8 Q. Okay. Was she in high school at the time?

9 A. Yes.

10 MR. PIKE: Form.

11 BY MR. KUVIN:

12 Q. Playing soccer?

13 MR. PIKE: Form.

14 THE WITNESS: Yes.

15 BY MR. KUVIN:

16 Q. Let's go the next thing that I wanted to
17 ask you about and clarify. Go to Page 16, if you
18 would.

19 A. Actually if I can clarify my answer --

20 Q. Sure.

21 A. -- on that one. She might have graduated from
22 high school already --

23 Q. Okay.

24 A. -- and started attending her university.

25 Q. Gotcha.

1 MR. PIKE: Form. For purposes of the
2 record, you're pointing to Page 24 of Exhibit
3 2, correct?

4 THE WITNESS: Correct.

5 BY MR. KUVIN:

6 Q. And we're talking about Jane Doe No. 4?

7 A. Yes.

8 Q. Okay. Regardless was she still under the
9 age of 18; is that why the name was redacted?

10 MR. PIKE: Form.

11 MR. KUVIN: If you know.

12 THE WITNESS: I can't recall but --

13 BY MR. KUVIN:

14 Q. Okay. Let's go to Page 26 for a moment.
15 It looks like there was an additional trash pull
16 that was done on October 3rd, 2005; is that correct?

17 A. Yes.

18 Q. All right. And in this particular trash
19 pull, the next paragraph says: "Inside one of the
20 white and color bags, I located a broken piece of
21 hard plastic or clear acrylic stick which was shaped
22 with small ridges." Do you see that?

23 A. Correct.

24 Q. This device is commonly used as a sexual
25 toy which is inserted into the vagina or anus for

1 stimulation. Do you see that?

2 A. Correct.

3 Q. I am trying to find out: This was a
4 broken piece of hard plastic. Was this what you
5 ultimately determined was the utensil or was this
6 something different?

7 A. Yes, that was the utensil. They were
8 different colors. They were purple, white. I believe
9 they were blue.

10 Q. Okay.

11 A. But they all were shaped very similar. It was
12 about that long. I would say four to five inches long.

13 Q. Okay.

14 A. And it had grooves and had bumps along the way
15 with a rounded end and came back around.

16 Q. Gotcha.

17 MR. PIKE: Form, move to strike.

18 BY MR. KUVIN:

19 Q. All right. Let's go to the date of
20 10/7/05 which is the next page, 27. This is
21 reported by you; is that correct?

22 A. Correct.

23 Q. Can you describe for us what you did on
24 this particular date?

25 A. I was contacted by Sergeant Frick.

1 Mr. Epstein had been observed riding his bicycle along
2 South County Road which meant he was back in town. We
3 set up to interview [REDACTED].

4 Q. Okay.

5 A. We went out to her house, knocked on the door.
6 She agreed to accompany us back to the police department
7 for further questioning.

8 Q. All right.

9 MR. PIKE: Move to strike.

10 BY MR. KUVIN:

11 Q. Let's go onto Page 28. Did you bring
12 Ms. [REDACTED] back to the department?

13 A. That's correct.

14 Q. Ms. [REDACTED] at this time is how old?

15 A. I believe she was 18.

16 MR. PIKE: Form.

17 BY MR. KUVIN:

18 Q. Okay. And when you bring her back to the
19 department, do you interview her?

20 A. Yes, I did.

21 Q. And what exactly does she explain to you
22 during this -- well, let me ask you this: At this
23 point is she a suspect in a crime?

24 A. At this point she was a witness.

25 Q. Okay.

1 A. As she was the one that brought the initial
2 victim to the house.

3 Q. Initial victim being [REDACTED]?

4 A. Correct.

5 MR. PIKE: Form, move to strike.

6 BY MR. KUVIN:

7 Q. So, at this point she's a witness to
8 bringing that initial victim, [REDACTED] to Mr. Epstein's
9 home; is that correct?

10 MR. PIKE: Form.

11 THE WITNESS: Correct.

12 BY MR. KUVIN:

13 Q. So as such any need to read her her
14 Miranda Rights at this point?

15 MR. PIKE: Form.

16 THE WITNESS: No.

17 BY MR. KUVIN:

18 Q. And during the witness interview that you
19 did with her, what did she describe to you occurred?

20 MR. PIKE: Form.

21 THE WITNESS: During a sworn taped
22 statement she explained how she met

23 Mr. Epstein; the time that she went to his
24 house, she provided a massage for Mr. Epstein.
25

1 MR. PIKE: Form, move to strike. And for
2 the record, Detective Recarey, you are still
3 reading from Exhibit 2, correct?

4 THE WITNESS: Some recollection, some off
5 the report.

6 MR. PIKE: The document is in front of
7 you?

8 THE WITNESS: Yes, sir.

9 MR. PIKE: And that's what is refreshing
10 your recollection?

11 MR. KUVIN: Hey, I appreciate your
12 objection. Objection to the form works and
13 then I will continue with my deposition and you
14 can cross him later.

15 MR. PIKE: That's not a, that's not a form
16 objection. That's to make sure that the record
17 is clear as we go along that Detective Recarey
18 is reading from Exhibit 2 which you previously
19 marked and I am going to continue to do it.

20 I am not going to interrupt your
21 deposition, but I am going continue to do
22 it to insure that the record is clear that
23 he is reading from the document that is in
24 front of him. You can proceed.
25

1 BY MR. KUVIN:

2 Q. Now, at the time she told you she provided
3 a massage, how old was she?

4 MR. PIKE: Form.

5 THE WITNESS: I believe she stated she was
6 17.

7 BY MR. KUVIN:

8 Q. Okay. Let's go down if you would, third
9 paragraph about the sixth line, seventh line from
10 the bottom. It starts with the words "he
11 explained." Do you see that?

12 A. Yes.

13 Q. During the interview did [REDACTED] recount
14 any statements regarding Epstein and obtaining other
15 girls?

16 A. Yes.

17 MR. PIKE: Form.

18 BY MR. KUVIN:

19 Q. What was explained?

20 A. She stated that Mr. Epstein explained that he
21 knew she was not comfortable with providing the massage
22 but he would pay her to bring some girls, told her the
23 younger the better. [REDACTED] explained that she brought a
24 23-year-old to perform a massage, and she was told that
25 she was too old.

1 BY MR. KUVIN:

2 Q. Detective Recarey, as you sit here today
3 do you have an independent recollection of that
4 initial interview with [REDACTED]?

5 A. Yes, sir.

6 Q. Do you recall whether she discussed
7 conversations with Mr. Epstein about bringing girls
8 to the home?

9 A. Yes.

10 Q. She discussed that with you?

11 A. Yes, she did.

12 MR. PIKE: Form.

13 BY MR. KUVIN:

14 Q. All right. Are we talking now independent
15 from the incident report that we were referring to
16 before?

17 A. Yes.

18 Q. And that independent recollection by
19 looking at the incident report, does that help
20 refresh your recollection?

21 A. Yes, it does.

22 Q. All right. But that's not your entire
23 recollection of the incident, is it?

24 A. No.

25 MR. PIKE: Form.

1 BY MR. KUVIN:

2 Q. You are not just reading a report into the
3 record, are you?

4 A. No, sir.

5 Q. Okay. You were there, right?

6 A. Correct.

7 Q. Sitting in the room with Ms. [REDACTED] while
8 she was talking to you?

9 A. Yes, I was.

10 Q. Okay. What did Mr. [REDACTED] tell you, if
11 anything, about bringing young women to
12 Mr. Epstein's home?

13 MR. PIKE: Form.

14 THE WITNESS: She brought a 22,
15 23-year-old to the house to perform a massage
16 and was told that the girl was too old, was
17 told to bring girls; the younger the better.

18 BY MR. KUVIN:

19 Q. Was there any age cutoff as far as how
20 young; I mean 10, 11, 12, was that described?

21 MR. PIKE: Form, move to strike.

22 THE WITNESS: She did not advise.

23 BY MR. KUVIN:

24 Q. Just the younger better?

25 A. Younger the better.

1 MR. PIKE: Form.

2 BY MR. KUVIN:

3 Q. And that was told to her by whom?

4 MR. PIKE: Form.

5 THE WITNESS: Mr. Epstein.

6 BY MR. KUVIN:

7 Q. And not a third party, but directly from
8 Mr. Epstein?

9 MR. PIKE: Form.

10 THE WITNESS: Correct.

11 BY MR. KUVIN:

12 Q. Did you ask her which one was youngest?

13 MR. PIKE: Form.

14 THE WITNESS: I did ask her which one was
15 the youngest. She claimed that the initial
16 victim, [REDACTED], would have been the youngest.

17 BY MR. KUVIN:

18 Q. She was how old?

19 MR. PIKE: Form.

20 THE WITNESS: Fourteen.

21 BY MR. KUVIN:

22 Q. At some point during your interview with
23 Ms. [REDACTED] did you determine that she might actually
24 be charged with a crime?

25 A. At the conclusion of the interview as she

1 explained it that she had brought additional women, and
2 she explained that she had received monies for bringing
3 these girls to the house, basically, yes, that she had
4 incriminated herself.

5 Q. With respect to potential crimes?

6 A. Correct.

7 Q. At that point did you read her her rights,
8 her Miranda Rights?

9 A. At that point when we explained it to her, it
10 was Sergeant Frick who is now a captain, she expressed
11 her willingness to cooperate in hopes that in the, for a
12 lesser charge.

13 Q. Okay. So, she agreed voluntarily to
14 cooperate with the investigation?

15 A. Correct.

16 Q. And did she cooperate with the
17 investigation?

18 MR. PIKE: Form.

19 THE WITNESS: When she got home and spoke
20 with her family in regards to the interview, it
21 was her family's determination and hers not to
22 assist.

23 BY MR. KUVIN:

24 Q. Do you know why?

25 MR. PIKE: Form.

1 MR. KUVIN: If you know?

2 MR. PIKE: Form.

3 THE WITNESS: I have no idea why.

4 BY MR. KUVIN:

5 Q. Just so I understand, initially she agreed
6 to cooperate. She then goes home, talks to family,
7 and then comes back and says she's not going to
8 cooperate; is that the sequence of events?

9 MR. PIKE: Form.

10 THE WITNESS: Correct.

11 BY MR. KUVIN:

12 Q. While you're taking her back home, is a
13 tape recorder surveillance placed into the police
14 vehicle?

15 A. Correct.

16 Q. And were you one of the ones that took her
17 home?

18 A. Yes.

19 Q. All right. What did she say during that
20 drive home --

21 MR. PIKE: Form.

22 BY MR. KUVIN:

23 Q. -- as best you can recall?

24 MR. PIKE: Same objection.

25 THE WITNESS: She stated that she was like

1 a Heidi Fleiss. At that point it was the madam
2 over in, I guess, in California --

3 MR. KUVIN: Okay.

4 THE WITNESS: -- that provided girls to
5 potential clients.

6 BY MR. KUVIN:

7 Q. And the potential client in this case
8 would have been?

9 A. Mr. Epstein.

10 Q. Okay.

11 MR. PIKE: Form and move to strike.

12 BY MR. KUVIN:

13 Q. All right. When was the first time that
14 you spoke with any other potential victims?

15 MR. PIKE: Form.

16 BY MR. KUVIN:

17 Q. So, now just so I can understand the
18 timeline, up to this point we have been discussing
19 you knew about [REDACTED] as a potential victim. You
20 talked to [REDACTED] What is the next potential
21 victim you learn about?

22 MR. PIKE: Form.

23 THE WITNESS: During the interview with
24 [REDACTED] she explained, she gave us additional
25 names of people that she brought to the house.

1 MR. KUVIN: Okay.

2 THE WITNESS: We identified some with her
3 assistance of where they reside.

4 MR. KUVIN: Okay.

5 THE WITNESS: That night after we dropped
6 off Ms. [REDACTED] at her home, we began to attempt
7 to contact some of these girls that have been
8 to his house.

9 BY MR. KUVIN:

10 Q. All right. And just so we're clear, if
11 you turn back to Page 29 of your incident report in
12 the center of the page, once we get an unredacted
13 copy we will know, but for reference sake, do you
14 see in the second paragraph down where it says:
15 "With the assistance of [REDACTED] we were able to
16 identify." Do you see that, and there is a whole
17 bunch of black?

18 A. Yes.

19 Q. Okay. It appears, and correct me if I am
20 wrong, that there is one name with a date of birth,
21 both blacked out; a second name with a date of birth
22 blacked out; a third name with a date of birth
23 blacked out; and a fourth name with the date of
24 birth blacked out?

25 MR. PIKE: Form.

1 THE WITNESS: Correct.

2 BY MR. KUVIN:

3 Q. So, as best as you can recall, were there
4 four people that she identified?

5 MR. PIKE: Form.

6 THE WITNESS: Yes.

7 BY MR. KUVIN:

8 Q. And why would you reference the date of
9 birth? What is the importance of that?

10 A. Indicate their age.

11 Q. Okay. And why would it be blacked out if
12 you know?

13 MR. PIKE: Form.

14 THE WITNESS: At that point they were
15 minors.

16 BY MR. KUVIN:

17 Q. Okay. If we turn to Page 31 of the
18 incident report for a moment. This is the first
19 reference I could see to a rental car company. So
20 let me ask you this: At some point did you learn
21 any information regarding the use of rental cars and
22 transporting girls or women to Mr. Epstein's home?

23 MR. PIKE: Form.

24 THE WITNESS: Yes.

25

1 BY MR. KUVIN:

2 Q. Tell us about that.

3 A. During the investigation it was determined
4 that one of the girls had a rental car.

5 Q. Do you remember which one?

6 A. From Dollar, Dollar Rent-A-Car.

7 Q. Okay. Do you remember which girl?

8 A. I believe it was Jane Doe No. 4.

9 Q. Okay. And did you determine how she
10 obtained the rental vehicle?

11 MR. PIKE: Form.

12 THE WITNESS: Records were subpoenaed to
13 Dollar to determine from the rental contract,
14 and the rental car was being paid for by
15 Mr. Epstein.

16 BY MR. KUVIN:

17 Q. Okay. And at the time was Jane Doe No. 4
18 a minor?

19 MR. PIKE: Form.

20 THE WITNESS: I believe at this time she
21 had started in the university, so I am not
22 100 percent certain as to her age at that
23 particular moment.

24 BY MR. KUVIN:

25 Q. All right. Let's go down to the bottom of

Page 31. At some point there is an additional trash pull done, and a U.S. Airways boarding pass is obtained. Do you see that?

A. Yes.

Q. There is a name there Janusz Banasiak?

A. Janusz, yes.

Q. Did you determine who that individual was at any point during the investigation?

A. He was Mr. Epstein's houseman at the time.

Q. Okay. And there is another person that's listed there. Who else was listed on a note paper?

A. Oh, Ghislaine Maxwell.

Q. Did you determine who she was?

MR. PIKE: Form.

THE WITNESS: She's Mr. Epstein's friend.

MR. PIKE: Form, move to strike.

BY MR. KUVIN:

Q. How did you determine that?

MR. PIKE: Form.

THE WITNESS: Through the media, online, online resources.

BY MR. KUVIN:

Q. All right. Let's go down now to Page 32, just so I can clarify this as well and find out what this was. It says: "While sifting through Epstein's

A. It's when it gets inputted.

Q. I hear you. If we go to Page 33, the next page, there is a reference to a [REDACTED] Who is that?

MR. PIKE: Form.

THE WITNESS: Not 100 percent certain.

BY MR. KUVIN:

Q. There is a reference to an MSN Hotmail e-mail account with, just for the record, [REDACTED]@hotmail.com. Do you see that?

A. Yes.

Q. Did you determine whose e-mail address that was during the investigation?

A. That was [REDACTED]

Q. And who was she?

MR. PIKE: Form.

BY MR. KUVIN:

Q. If you know.

MR. PIKE: Same objection.

THE WITNESS: I believe she was an employee.

MR. PIKE: Move to strike.

BY MR. KUVIN:

Q. Was she a minor at the time, do you know?

trash, I also collected a three-inch purple finger size object which had a broken end. The object appeared to be a broken piece from a sexual toy similar to a Cyclone vibrator possibly used for rectum gratification." The evidence was placed in bio-hazard bag with possible body fluids.

MR. PIKE: Form.

BY MR. KUVIN:

Q. At any time did you determine what that particular piece of evidence was, whether, in fact, it was a sexual toy?

A. I believe that that was the initial discovery of the purple handle. That was the initial discovery of it as this was, this is not chronological.

Q. This is going back, it looks if we go back up to the paragraph on April 1 of 2005?

THE WITNESS: Correct.

MR. KUVIN: Gotcha.

MR. PIKE: Form.

BY MR. KUVIN:

Q. This is what we were referring to before in the beginning?

A. Yes.

Q. Gotcha. It would help if you guys did this in chronological order.

MR. PIKE: Form.

THE WITNESS: I don't believe so.

BY MR. KUVIN:

Q. Do you know how old she was?

MR. PIKE: Form.

BY MR. KUVIN:

Q. Did you ever determine how old she was?

MR. PIKE: Same objection.

THE WITNESS: She was identified but I can't recall her age.

BY MR. KUVIN:

Q. All right. If we go to the next page, Page 34 references a phone contact you had on October 4 of 2005. Do you see that?

A. Yes.

Q. Do you recall who that was that called you back?

A. I could see her face. I am just trying to think of her name.

Q. Was it [REDACTED]?

A. No. It was not [REDACTED] It was [REDACTED]

MR. PIKE: I'm sorry. What page and reference are we reading from?

MR. KUVIN: Page 34, first paragraph.

1 BY MR. KUVIN:

2 Q. And [REDACTED] was under the age of 18 at the
3 time?

4 MR. PIKE: Form.

5 THE WITNESS: Correct.

6 BY MR. KUVIN:

7 Q. Do you know how old she was back on
8 October 4 of 2005?

9 MR. PIKE: Form.

10 THE WITNESS: I know she was still in high
11 school. I can't recall exactly her age.

12 BY MR. KUVIN:

13 Q. Okay. Did she describe to you whether or
14 not she was taken to Mr. Epstein's home?

15 MR. PIKE: Form.

16 THE WITNESS: Yes.

17 BY MR. KUVIN:

18 Q. What did she describe occurred when she
19 went to his home?

20 MR. PIKE: Form.

21 BY MR. KUVIN:

22 Q. And just so we're clear, let me back up.
23 Was she describing this to you?

24 A. Correct.

25 Q. Okay.

1 MR. PIKE: Form. Still hearsay.

2 BY MR. KUVIN:

3 Q. And this conversation occurred between you
4 and her, yes?

5 A. Yes.

6 MR. PIKE: Form.

7 BY MR. KUVIN:

8 Q. During the investigation itself, correct?

9 MR. PIKE: Form.

10 THE WITNESS: Correct.

11 BY MR. KUVIN:

12 Q. Okay. At this point this was a police
13 investigation to determine whether or not there
14 should be charges brought against Mr. Epstein?

15 A. Correct.

16 MR. PIKE: Form.

17 BY MR. KUVIN:

18 Q. Okay. All right. What did she describe?

19 MR. PIKE: Form.

20 THE WITNESS: Well, the initial
21 conversation I had with her, she had advised
22 that nothing had happened. I believe this is
23 when Captain Frick and I went to her home.

24 MR. KUVIN: Okay.

25 THE WITNESS: It wasn't until, I think, I

1 believe the following morning I received a
2 telephone call from her stating that she was
3 not being 100 percent truthful with me when I
4 first spoke with her.

5 MR. KUVIN: Okay.

6 THE WITNESS: And at which point she
7 described that she had been to Mr. Epstein's
8 home.

9 BY MR. KUVIN:

10 Q. All right. When she described this to
11 you, could you describe for us whether or not she
12 explained to you her mental state or her emotions
13 about this entire process?

14 MR. PIKE: Form.

15 THE WITNESS: From what I recall I believe
16 she was, she was crying. She was upset.

17 MR. PIKE: Form, move to strike,
18 nonresponsive.

19 BY MR. KUVIN:

20 Q. Did she appear emotional during that
21 conversation you had with her?

22 A. Yes.

23 Q. Did she appear upset about the incident
24 that she was describing?

25 MR. PIKE: Form.

1 THE WITNESS: Yes.

2 BY MR. KUVIN:

3 Q. Describe for us the details of what she
4 told you as best you can recall. And then if you
5 cannot recall the details, then let us know and
6 you're welcome to refresh your recollection with the
7 incident report.

8 MR. PIKE: Form.

9 THE WITNESS: I recall she was taken to
10 the home by [REDACTED] [REDACTED] [REDACTED] trying to
11 remember exactly what she said, but I believe
12 she was, she was the girl who was upset. She
13 was the one that got upset when either
14 Mr. Epstein tried to touch her buttocks or her
15 breasts. I can't recall.

16 MR. PIKE: Form, move to strike,
17 nonresponsive.

18 MR. KUVIN: Okay. Why don't we do this:
19 Would it help to refresh your recollection by
20 looking at the incident report?

21 THE WITNESS: Yeah, it's been some time.

22 MR. KUVIN: That's fine. Go ahead and
23 take a look and refresh your recollection, if
24 you would, of the interview that you did with
25 her.

1 THE WITNESS: Yes.

2 BY MR. KUVIN:

3 Q. Okay. Does the incident report help
4 refresh your recollection regarding your
5 conversation with her?

6 A. Yes.

7 Q. All right. Go ahead and if you would
8 explain what she told you in this emotional phone
9 call that she had.

10 MR. PIKE: Form.

11 THE WITNESS: That she was taken to the
12 home of Jeffrey Epstein by [REDACTED]. She
13 went up -- she was taken upstairs.

14 BY MR. KUVIN:

15 Q. Who was she taken upstairs by?

16 A. [REDACTED]. While she was upstairs they showed her
17 which lotions to use.

18 Q. Let's be clear. Hang on a second. I want
19 to make sure that you take a look at Paragraph 2
20 there.

21 A. By [REDACTED].

22 Q. Okay. So [REDACTED] takes her up?

23 MR. PIKE: Form.

24 THE WITNESS: Correct.

25

1 BY MR. KUVIN:

2 Q. Just so we're clear before I have you go
3 further, this narrative that you wrote out here, was
4 it, when was it written out?

5 A. October 7th.

6 Q. Okay. Was it written out at or around the
7 time that she came and told you this information by
8 phone?

9 MR. PIKE: Form.

10 THE WITNESS: Correct.

11 BY MR. KUVIN:

12 Q. You recorded this down within days of this
13 phone call?

14 MR. PIKE: Form.

15 THE WITNESS: Probably during the phone
16 call, transcribed it onto a Word Document,
17 forwarded it to Nickie Altomaro to input it
18 into the system and the notes were destroyed.

19 BY MR. KUVIN:

20 Q. All right. Let's go on. So she tells you
21 that [REDACTED] takes her up to the room. What happened?
22 What does she tell you happened next?

23 MR. PIKE: Form, move to strike.

24 THE WITNESS: She was shown which oil to
25 be used. Mr. Epstein came in. During the

1 massage I guess he tried to remove her shirt.

2 At this point she became upset and they had a
3 verbal disagreement. She came back downstairs
4 and told [REDACTED] that she wanted to leave.

5 MR. PIKE: Form, move to strike.

6 BY MR. KUVIN:

7 Q. Did she tell you whether she ever returned
8 to the home?

9 MR. PIKE: Same objections.

10 THE WITNESS: She did state that she came
11 back to the home a second time. She was
12 wearing very tight jeans with a, with a tight
13 belt. She was brought upstairs and I believe
14 Mr. Epstein tried to touch her buttocks. She
15 again told him that she did not want to be
16 touched and the massage was discontinued.

17 BY MR. KUVIN:

18 Q. Now, was she emotional and crying during
19 the entire conversation she had with you?

20 MR. PIKE: Form, and asked and answered.

21 THE WITNESS: Yes, she was.

22 BY MR. KUVIN:

23 Q. Did you investigate to determine whether
24 at the time of this incident that she reported to
25 you how old she was?

1 MR. PIKE: Form.

2 THE WITNESS: 16 I believe.

3 BY MR. KUVIN:

4 Q. How did you verify that?

5 A. She was still in high school. She was still
6 attending Royal Palm Beach High School.

7 MR. PIKE: Form.

8 MR. KUVIN: Okay. Did you --

9 THE WITNESS: I located her date of birth.

10 BY MR. KUVIN:

11 Q. How did you find the date of birth? How
12 do you verify dates of birth if somebody tells you?

13 A. Ask the victim the date of birth and we go
14 back and confirm it through their driver's license.

15 Q. In other words you don't just take their
16 word for it. Just because they are in high school,
17 you don't assume they are underage, do you?

18 A. No.

19 Q. All right. Did her recollection of the
20 incident at Mr. Epstein's home bear any similarities
21 to the stories that you had heard told to you by
22 [REDACTED] and [REDACTED]?

23 MR. PIKE: Form.

24 THE WITNESS: Yes, they had similarities.

25

1 BY MR. KUVIN:

2 Q. All right. On the following Page 35 there
3 is an additional girl you speak to. It looks like
4 you go out to a home and speak to someone in the
5 kitchen area, do you see that, and a sworn taped
6 statement was taken?

7 A. Yes.

8 Q. Do you recall which girl this was?

9 MR. PIKE: Form.

10 THE WITNESS: I can see her face but I'm
11 trying to recall her name. I want to say [REDACTED]

12 BY MR. KUVIN:

13 Q. Uncertain though without seeing the
14 redacted, unredacted, I should say, copy?

15 A. I believe it was [REDACTED]. She was the one that I,
16 I went to visit her at her house. She had guests, so we
17 went into the kitchen area to talk.

18 Q. Okay. This statement that you took from
19 her was recorded?

20 A. Yes. They are all taped statements.

21 Q. And she agreed to that statement to be
22 taken?

23 A. Correct.

24 Q. Okay. Do you recall how many taped
25 statements you took of girls?

1 MR. PIKE: Form.

2 THE WITNESS: Several. It was, it was
3 quite a bit.

4 BY MR. KUVIN:

5 Q. More than five?

6 A. Yes.

7 Q. More than ten?

8 MR. PIKE: Form --

9 THE WITNESS: Yes.

10 MR. PIKE: -- to five and ten.

11 BY MR. KUVIN:

12 Q. Did you take more than 20?

13 MR. PIKE: Form.

14 MR. KUVIN: Just trying to get an idea of
15 how many taped statements might exist.

16 MR. PIKE: Form.

17 THE WITNESS: I believe more than 20.

18 BY MR. KUVIN:

19 Q. Now, is that more than 20 different girls?

20 MR. PIKE: Form.

21 THE WITNESS: Not only girls. Like
22 previous employees, people that have worked at
23 Mr. Epstein's home.

24 BY MR. KUVIN:

25 Q. All these taped statements ultimately were

1 turned over to the FBI?

2 A. Yes.

3 Q. That was pursuant to -- well, why don't
4 you tell us. Why, why was all of that turned over
5 to the FBI? Why was your entire investigative file
6 given to them, if you know?

7 MR. PIKE: Form.

8 THE WITNESS: They came with a grand jury
9 subpoena requesting all evidence, all working
10 files, all -- any notes, any, anything
11 pertaining to the investigation.

12 BY MR. KUVIN:

13 Q. And that would have included all the audio
14 taped statements that you took?

15 A. Correct.

16 Q. All right. And I am sorry, I forgot the
17 name again of this girl that you talked to in the
18 kitchen.

19 A. J.L.

20 Q. J.L., what did she tell you occurred?

21 MR. PIKE: Form.

22 THE WITNESS: That she was taken to the
23 home of Mr. Epstein by [REDACTED]. She was
24 brought upstairs by an employee of the house.
25 I can't recall if she identified who that

1 person was, but she was shown which oil to use.

2 BY MR. KUVIN:

3 Q. Much like the other girls?

4 MR. PIKE: Form, move to strike.

5 MR. KUVIN: Okay. Go ahead.

6 MR. PIKE: What question are we on now?

7 MR. KUVIN: Describing what she told him.

8 MR. PIKE: Okay. Form.

9 THE WITNESS: She went upstairs, provided
10 the massage.

11 BY MR. KUVIN:

12 Q. Was she asked to remove her clothes?

13 MR. PIKE: Form.

14 BY MR. KUVIN:

15 Q. Did she tell you whether she was asked to
16 remove her clothes?

17 MR. PIKE: Form.

18 THE WITNESS: I can't recall.

19 BY MR. KUVIN:

20 Q. If we look at Page 35 about halfway down,
21 the beginning of the line is a blacked out word, and
22 it says "further stated." Do you see that?

23 A. Yes.

24 Q. All right. Does that help refresh your
25 recollection with respect to --

1 A. Yes.

2 Q. -- what she described?

3 MR. PIKE: Form.

4 THE WITNESS: Mr. Epstein came into the
5 room and asked her to remove her clothing.

6 BY MR. KUVIN:

7 Q. And she was how old at this time?

8 MR. PIKE: Form.

9 THE WITNESS: Sixteen, I believe.

10 Sixteen, 17.

11 BY MR. KUVIN:

12 Q. All right. And did she give him, did she
13 describe whether or not she gave him a massage?

14 MR. PIKE: Form.

15 THE WITNESS: Yes, she did. I remember
16 she provided the massage.

17 BY MR. KUVIN:

18 Q. Was she partially naked, top of her
19 clothing was off at the time exposing her breasts?

20 MR. PIKE: Form.

21 THE WITNESS: I believe so.

22 BY MR. KUVIN:

23 Q. All right. During the incident with her,
24 did she discuss whether or not a large white
25 vibrator was used at all?

1 MR. PIKE: Form.

2 THE WITNESS: Yes, I do recall it was a
3 large, large massage, massager, slash, vibrator
4 used.

5 MR. PIKE: Move to strike, leading.

6 BY MR. KUVIN:

7 Q. Did she describe whether or not it was
8 used on her?

9 MR. PIKE: Form.

10 THE WITNESS: Yes, she did. She did
11 recall. She did state it.

12 BY MR. KUVIN:

13 Q. How did she describe it being used on her?

14 MR. PIKE: Form.

15 THE WITNESS: Rubbed on her vaginal area.

16 BY MR. KUVIN:

17 Q. And who was holding it at the time? Did
18 she explain that?

19 A. Mr. Epstein.

20 MR. PIKE: Form.

21 BY MR. KUVIN:

22 Q. Now, this conversation you had with her
23 occurred in the kitchen area of her home?

24 THE WITNESS: Yes.

25 MR. PIKE: Form.

1 BY MR. KUVIN:

2 Q. What was her demeanor during this
3 conversation?

4 MR. PIKE: Form.

5 BY MR. KUVIN:

6 Q. I mean, was she calm, cool, collected, was
7 she upset? I mean describe for us if you would her
8 demeanor.

9 MR. PIKE: Form.

10 THE WITNESS: I'm trying to recall. I
11 think she was upset.

12 MR. KUVIN: Okay.

13 MR. PIKE: Thank you.

14 BY MR. KUVIN:

15 Q. Did Mr. Epstein give her money at the
16 conclusion of this event?

17 MR. PIKE: Form.

18 THE WITNESS: Yes.

19 BY MR. KUVIN:

20 Q. Does she describe to you whether or not
21 Mr. Epstein ejaculated during the massage?

22 MR. PIKE: Form.

23 THE WITNESS: Yes, he did. I believe he
24 did.
25

1 BY MR. KUVIN:

2 Q. Now, at the end of the page I notice you
3 have a note there regarding her description of her
4 emotional state. What did she describe to you, if
5 anything, regarding how she felt about this incident
6 occurring?

7 A. If I can refresh --

8 MR. PIKE: Form.

9 MR. KUVIN: Please do.

10 THE WITNESS: Thanks.

11 MR. PIKE: And for the record, the witness
12 is refreshing his recollection with Exhibit 2.

13 THE WITNESS: Okay. That she was ashamed
14 and embarrassed about the situation.

15 MR. KUVIN: Okay.

16 MR. PIKE: Is this a good time to take
17 break?

18 MR. KUVIN: Sure. All right. It's 11:30
19 we'll take a five-minute break.

20 (A brief recess was held and Ms.

21 Finnigan entered the deposition room and
22 Mr. Garcia left the deposition room.

23 BY MR. KUVIN:

24 Q. Okay. All right. Let's go to Page 37 in
25 Narrative 10 for a moment. It looks like, correct

1 me if I'm wrong, that on this particular date,
2 October 6th, 2005 -- well, you tell me. What did
3 you do on that date?

4 A. That was the date back then when Detective
5 Dawson and I went to down to speak to Jane Doe No. 4.

6 Q. Jane --

7 A. Doe No. 4.

8 Q. Okay. And where did you have to go?

9 A. To the university she was attending.

10 Q. Okay. When you went there did you get a
11 chance to meet with her?

12 A. Yes, I believe so.

13 MR. PIKE: Form.

14 BY MR. KUVIN:

15 Q. All right. And what was her demeanor when
16 you met with her on this particular occasion?

17 MR. PIKE: Form.

18 THE WITNESS: I can't recall her exact
19 demeanor.

20 BY MR. KUVIN:

21 Q. Do you recall whether this conversation
22 was taped? Was this a taped statement?

23 A. I am trying to remember. I believe it was.

24 Q. Okay. And during this particular
25 interview, did she describe to you what she thought

1 of Mr. Epstein?

2 MR. PIKE: Form.

3 MR. KUVIN: And if you can't recall,
4 you're welcome to refresh your recollection.
5 Just let us know that you need to refresh your
6 recollection and utilize the report.

7 THE WITNESS: I'm going have to look at
8 the report because it was some time ago.

9 MR. KUVIN: Okay. Take a look at the
10 report, the bottom of the page, last line.

11 MR. PIKE: Are we still on Page 35?

12 MR. KUVIN: Thirty-seven.

13 BY MR. KUVIN:

14 Q. How did she describe Mr. Epstein?

15 MR. PIKE: Form.

16 THE WITNESS: She was uncomfortable. She
17 considered Jeff a pervert who kept pushing to
18 go further and further.

19 BY MR. KUVIN:

20 Q. And if we look at Page 38, bottom of the
21 first paragraph, last line, during the incidents
22 that she described to you with Mr. Epstein, how old
23 was she?

24 A. Sixteen.

25 MR. PIKE: Form, move to strike.

1 BY MR. KUVIN:

2 Q. All right. Let's move to Page 39 if we
3 could. On October 10, 2005, you made telephone
4 contact with someone. Do you recall who that was?

5 A. Yes, I do.

6 Q. Okay. And which person was this?

7 A. I believe this was Jane Doe No. 103

8 Q. Okay. And if we go through this
9 particular phone call, I believe you actually
10 document in this phone call her emotional state. If
11 we look at Paragraph 2, five lines up from the
12 bottom.

13 (Mr. Goldberger entered the
14 deposition room.)

15 BY MR. KUVIN:

16 Q. What did you document as Ms. Jane Doe No.
17 103's emotional state was during this conversation
18 you had with her?

19 MR. PIKE: Form.

20 THE WITNESS: She was crying hysterically
21 and very upset as she was discussing the
22 incidents.

23 BY MR. KUVIN:

24 Q. Okay. And as she's crying discussing
25 these incidents, does she describe to you how many

1 times these had occurred?

2 MR. PIKE: Form.

3 MR. KUVIN: And if you need the report to
4 help refresh your recollection, you're welcome
5 come to use that. Just let us know that you're
6 using it for that purpose.

7 THE WITNESS: I know it was numerous times
8 over a two-year period.

9 MR. PIKE: Move to strike.

10 BY MR. KUVIN:

11 Q. If you look at the report after the
12 section that says "Ms. Jane Doe No. 103 began crying
13 on the telephone," do you see that line?

14 MR. PIKE: Form.

15 THE WITNESS: Yes.

16 BY MR. KUVIN:

17 Q. How many times do you document that she
18 tells you she had been there over a two-year period?

19 MR. PIKE: Form.

20 THE WITNESS: Hundreds of times.

21 BY MR. KUVIN:

22 Q. Do you make this report, do you write out
23 this report at or around the time the phone call
24 occurred?

25 A. Correct.

1 Q. Contemporaneous, essentially, as you're
2 taking notes?

3 A. Correct.

4 Q. You type it up soon thereafter?

5 A. Correct.

6 Q. Is she, at the time these incidents
7 occurred, does she express to you whether she was
8 under the age of 18?

9 MR. PIKE: Form.

10 THE WITNESS: Yes.

11 BY MR. KUVIN:

12 Q. How old do you determine that she was
13 during the incidents that she describes?

14 MR. PIKE: Form.

15 THE WITNESS: Sixteen years old.

16 BY MR. KUVIN:

17 Q. And at the time that she's 16 year old,
18 was she able to recount to you what Mr. Epstein's
19 penis looked like?

20 MR. PIKE: Form.

21 THE WITNESS: Yes, she did.

22 BY MR. KUVIN:

23 Q. How did she describe it?

24 MR. PIKE: Form.

25 THE WITNESS: I believe she recalled it as

1 an egg-shaped penis.

2 BY MR. KUVIN:

3 Q. All right. I want to make sure that we're
4 talking about the correct girl here. If we look at
5 the report on October 10, 2005, does she describe
6 whether or not it is circumcised?

7 MR. PIKE: Form.

8 THE WITNESS: Yes, she does.

9 BY MR. KUVIN:

10 Q. Okay. And did she understand what that
11 meant to be circumcised or not circumcised?

12 MR. PIKE: Form.

13 THE WITNESS: Correct.

14 BY MR. KUVIN:

15 Q. Does Ms. Jane Doe No. 103 also describe
16 any additional sexual acts other than naked massages
17 for Mr. Epstein that she engaged in?

18 MR. PIKE: Form.

19 THE WITNESS: Yes, she did. During my
20 interview with her, that was actually -- there
21 was one on the telephone, and I agreed to meet
22 with her to speak with her personally to get a
23 more in-depth interview with her.

24 BY MR. KUVIN:

25 Q. Let's talk about just this phone call

1 first, and I want to go through in here. If we look
2 at the last paragraph on Page 39, it says, and I am
3 assuming this is referring to Ms. Jane Doe No. 103
4 "became more upset, crying hysterically."

5 Do you see that last paragraph?

6 A. Yes.

7 Q. Okay. So, during this phone call you're
8 having with her, she's actually crying hysterically
9 on the phone to you?

10 MR. PIKE: Form.

11 THE WITNESS: Yes.

12 BY MR. KUVIN:

13 Q. And you documented that at the time that
14 you had the phone call with her?

15 A. Yes, I did. As a matter of fact it was
16 recorded.

17 Q. Okay.

18 MR. PIKE: Form.

19 THE WITNESS: It was a recorded telephone
20 call.

21 MR. PIKE: Form to the last question.

22 BY MR. KUVIN:

23 Q. When this phone call occurred with
24 Ms. Jane Doe No. 103, what was her, just so we're
25 clear, what was her emotional state?

1 MR. PIKE: Form, speculation.

2 THE WITNESS: She was crying hysterically.

3 And I recall having to give her time to regain
4 her composure to continue the conversation.

5 BY MR. KUVIN:

6 Q. And does she describe additional sexual
7 acts that she engaged in with Mr. Epstein other than
8 naked massages?

9 MR. PIKE: Form.

10 THE WITNESS: Yes. She described having a
11 relationship with [REDACTED]. I believe
12 she described at one time, I believe, she had
13 sex with Mr. Epstein one time.

14 BY MR. KUVIN:

15 Q. All right. Let's do this: I want you to
16 take a look at this last paragraph on Page 39 for a
17 second and see if that helps refresh your
18 recollection. And then I would like to ask you a
19 couple of questions about the phone call in
20 particular.

21 A. Okay.

22 Q. All right. During this part of the phone
23 call, is she still, is she still emotional with you?

24 MR. PIKE: Form.

25 THE WITNESS: Yes, very.

1 BY MR. KUVIN:

2 Q. Okay. And what does she describe occurs
3 between her, Ms. [REDACTED], Mr. Epstein, if
4 anything?

5 MR. PIKE: Form.

6 THE WITNESS: It was oral sex performed on
7 her. There was strap-on penises utilized.
8 There was other sexual toys being used, a
9 vibrator.

10 BY MR. KUVIN:

11 Q. Does she describe whether or not
12 Mr. Epstein actually puts his fingers inside of her
13 vagina or not?

14 A. Yes.

15 MR. PIKE: Form.

16 BY MR. KUVIN:

17 Q. What does she state about that?

18 MR. PIKE: Form.

19 THE WITNESS: That Mr. Epstein inserted
20 his fingers in her vagina in an attempt to make
21 her climax as she was masturbating him.

22 BY MR. KUVIN:

23 Q. All of this while she was how old?

24 A. Sixteen.

25 Q. All right. At some point you have to stop

1 the phone call; is that correct?

2 A. Correct.

3 Q. Why?

4 A. She was unable to maintain her composure to
5 talk to me.

6 Q. Did you make arrangements to meet with
7 her?

8 A. Correct.

9 Q. You then meet up with her?

10 A. Correct.

11 Q. Where do you meet her?

12 A. At a park in Jacksonville.

13 Q. Is she with someone at the time?

14 A. Yes.

15 Q. Who was she with?

16 A. She was with a female friend.

17 Q. Does she describe for you her history with
18 Mr. Epstein?

19 MR. PIKE: Form.

20 THE WITNESS: Yes.

21 BY MR. KUVIN:

22 Q. Now, does she talk to you at all about

23 [REDACTED] when you met with her in person?

24 A. Yes, she did.

25 Q. Okay. And was that particular meeting in

1 Jacksonville tape recorded?

2 A. Yes.

3 Q. Okay. So one of the tapes that is
4 currently in the possession of the FBI would include
5 that interview?

6 A. Correct.

7 Q. Okay. Was she still emotional during the
8 interview in Jacksonville --

9 MR. PIKE: Objection.

10 BY MR. KUVIN:

11 Q. -- about the incidents that occurred?

12 A. At times she would get emotional and start to
13 cry.

14 Q. Okay. If we go down to Page 40 in your
15 report -- first let me back up. When you meet with
16 her, do you take notes?

17 A. Yes.

18 Q. And do you record those notes into the
19 report itself in a timely manner?

20 A. Yes.

21 Q. If we look at the bottom of Page 40, does
22 she recount to you anything with respect to [REDACTED]
23 [REDACTED] and how Epstein and her may have met?

24 MR. PIKE: Form.

25 THE WITNESS: She claimed that Epstein had

1 purchased [REDACTED] from her family in

2 [REDACTED]
3 BY MR. KUVIN:

4 Q. Okay. All right. Let's turn to Page 41.

5 Now, she recounts to you, or does she recount to you
6 whether she has actually seen Mr. Epstein's penis?

7 MR. PIKE: Form.

8 THE WITNESS: Yes, she did.

9 BY MR. KUVIN:

10 Q. So, she tells you that she saw it?

11 A. Correct.

12 MR. PIKE: Form.

13 BY MR. KUVIN:

14 Q. Did she see it once or numerous times?

15 THE WITNESS: Numerous times.

16 MR. PIKE: Form.

17 BY MR. KUVIN:

18 Q. All right. And when she's discussing this
19 with you, is she also, is she in an emotional state,
20 upset, distraught about it at all?

21 MR. PIKE: Form.

22 THE WITNESS: Like I said, during the
23 interview as we were getting more and more
24 information, she would get upset. We would
25 stop. Allowed her to regain her composure and

1 we would continue.

2 BY MR. KUVIN:

3 Q. All right. If we look at Page 41, you
4 have there in the second paragraph an explanation of
5 her description of Mr. Epstein's penis; is that
6 correct?

7 THE WITNESS: Correct.

8 BY MR. KUVIN:

9 Q. And at the time that this was occurring,
10 how old was she?

11 MR. PIKE: Form.

12 THE WITNESS: Sixteen.

13 BY MR. KUVIN:

14 Q. And could you tell us how she described
15 Mr. Epstein's penis at the time?

16 MR. PIKE: Form.

17 THE WITNESS: She claimed that it was
18 deformed. She called it egg-shaped.

19 BY MR. KUVIN:

20 Q. What description did she actually use?

21 MR. PIKE: Form, asked and answered.

22 THE WITNESS: It was oval in shape.

23 BY MR. KUVIN:

24 Q. All right. If we look here, you have
25 recorded exactly -- well, let me ask you this: Did

1 you record exactly what she had told you during the
2 interview?

3 A. Yes, I did.

4 Q. All right. If we look at Page 41, she
5 claimed when Mr. Epstein's penis was erect, it was
6 thick towards the bottom but was thin and small
7 toward the head portion. Do you see that?

8 MR. PIKE: Form, leading.

9 THE WITNESS: Yes.

10 BY MR. KUVIN:

11 Q. All right. Is that what she described to
12 you?

13 A. Yes.

14 MR. PIKE: Form.

15 BY MR. KUVIN:

16 Q. Were you the one that used the term
17 egg-shaped.

18 MR. PIKE: Form.

19 THE WITNESS: No, she used egg-shaped.

20 BY MR. KUVIN:

21 Q. Okay. Any reason that you could think of
22 at the time of this interview why a 16-year-old girl
23 would know how to describe Mr. Epstein's penis --

24 MR. PIKE: Form, confusing.

25 THE WITNESS: No.

1 BY MR. KUVIN:

2 Q. -- any lawful reason why you could think
3 of why a 16-year-old girl could describe
4 Mr. Epstein's penis?

5 MR. PIKE: Form.

6 THE WITNESS: No.

7 BY MR. KUVIN:

8 Q. Did Ms. Jane Doe No. 103 describe whether
9 or not she had an ongoing sexual relationship with
10 Mr. Epstein and Ms. [REDACTED] at all?

11 A. Yes, she did. She stated that --

12 MR. PIKE: Form.

13 THE WITNESS: She stated that when she
14 would come over, there was, she would have
15 either relations with [REDACTED] or -- and at one
16 point she even stated there were some
17 photographs taken of her in the tub with [REDACTED].

18 MR. PIKE: Form.

19 BY MR. KUVIN:

20 Q. Did you ever recover those photographs?

21 A. No.

22 MR. PIKE: Form, move to strike the
23 previous response.

24 MS. EZELL: Mr. Kuvin, excuse me. I was
25 trying to object to the form of the previous

1 question about how a 16-year-old girl would
2 know how to describe the penis. And I think my
3 phone was muted at the time.

4 MR. KUVIN: It was, but thank you.

5 MS. EZELL: Thanks. If I could just have
6 that recorded.

7 MR. KUVIN: Sure.

8 BY MR. KUVIN:

9 Q. All right. If we look at your report on
10 Page 41. It appears that Ms. Jane Doe No. 103
11 describes an incident that occurred in the massage
12 room.

13 Do you see that, second paragraph
14 from the bottom?

15 MR. PIKE: Form, leading.

16 THE WITNESS: Yes.

17 BY MR. KUVIN:

18 Q. All right. Why don't you for a second,
19 read the second paragraph from the bottom, and then
20 I have a couple of questions to ask you about it.
21 Go ahead. Just read the whole paragraph. I just
22 want to make sure and then I'm going to ask you
23 about it.

24 A. Can I use her name?

25 Q. No, no. I want you to just read the

1 second paragraph from the bottom.

2 A. I know, but do you want to me to use her name
3 or use the redacted portions of it?

4 Q. Yes. We're discussing Ms. Jane Doe No.
5 103 at this point.

6 A. "Jane Doe No. 103 advised one day, Jane Doe
7 No. 103 was unable to state the exact date this incident
8 occurred."

9 Q. I'm sorry. Read it to yourself and I will
10 just ask you questions.

11 A. Okay.

12 Q. Sorry about that. Okay. Did Ms. Jane Doe
13 No. 103 describe to you an incident that occurred in
14 the massage room at Mr. Epstein's home?

15 A. Yes.

16 MR. PIKE: Form.

17 BY MR. KUVIN:

18 Q. And what did she describe to you with
19 respect to Epstein and her and any contact that he
20 may have had with her?

21 MR. PIKE: Form.

22 THE WITNESS: She stated that she had gone
23 up to the bedroom and that both [REDACTED] and
24 Epstein were in the bedroom. They were already
25 naked. She had removed her clothing. There

1 was an appointed time when her and [REDACTED] began
2 kissing, touching on the massage table. She
3 stated that she had achieved climax.

4 All the while this was occurring

5 Mr. Epstein was masturbating. At one
6 point Mr. Epstein put her onto the massage
7 table and inserted his penis into her
8 vagina.

9 BY MR. KUVIN:

10 Q. Did she say whether or not this was
11 consensual or not?

12 MR. PIKE: Form.

13 THE WITNESS: This was not consensual.

14 BY MR. KUVIN:

15 Q. And what did she say occurred happened at
16 that point?

17 MR. PIKE: Form.

18 THE WITNESS: She said this occurred for
19 very quick. He removed himself from her
20 vagina.

21 BY MR. KUVIN:

22 Q. Did she say whether or not she told him
23 no?

24 A. Yes.

25 MR. PIKE: Form, move to strike.

1 BY MR. KUVIN:

2 Q. And she said no?

3 MR. PIKE: Hold on a second. The witness
4 is answering the question. So if you would,
5 rather than lead the witness through his answer
6 so he can answer the way that you would like,
7 would you please ensure that the witness is
8 finished with his answer before you follow
9 through with the next question.

10 BY MR. KUVIN:

11 Q. Did she explain whether or not she said
12 no?

13 MR. PIKE: Form.

14 THE WITNESS: Yes, she did.

15 BY MR. KUVIN:

16 Q. And she said no?

17 A. Yes.

18 MR. PIKE: Form.

19 BY MR. KUVIN:

20 Q. Okay. And what did he do when she said
21 that?

22 MR. PIKE: Form.

23 THE WITNESS: He apologized to her and she
24 stated that she had received \$1,000 for that
25 visit.

1 BY MR. KUVIN:

2 Q. Did she say whether or not as a result of
3 the incident she was injured in any way?

4 MR. PIKE: Form.

5 THE WITNESS: I can't recall if -- I know
6 that during our conversations, during her
7 visits going to the house and during the
8 different acts that occurred while she was at
9 the house, she claimed that she had left very
10 sore, but I don't recall her saying anything as
11 to that particular incident.

12 BY MR. KUVIN:

13 Q. All right. If we turn to the next page,
14 Page 42, Narrative 12, this narrative is reported by
15 you?

16 A. Yes.

17 Q. All right. As a result of the interviews
18 that you had done in the investigation up until this
19 point, did you request a search warrant for the
20 home?

21 A. Yes, I did.

22 Q. And was a search warrant actually signed
23 by the judge?

24 A. Yes.

25 Q. When was that warrant executed on the

1 home?

2 A. Sometime in October.

3 Q. All right. If we look at Page 42, it
4 says: "on October 18, 2005, I met with Judge Laura
5 Johnson who signed the warrant." And then on
6 October 20, 2005, at approximately 9:36 a.m., members
7 of the police department investigation unit executed
8 the warrant?

9 A. Correct.

10 Q. Is that in and about the time the warrant
11 was executed?

12 A. That's correct.

13 Q. And this warrant, the execution of this
14 warrant was videotaped?

15 A. The -- it's our policy when the search warrant
16 is executed, we do entry/exit videos.

17 Q. Okay. That's what you did in this case?

18 A. Yes.

19 Q. And you kept those videos at the
20 department?

21 A. Yes.

22 Q. They are a part of the investigation?

23 A. Yes, sir.

24 Q. And the videos were taken, were they taken
25 by personnel working for the department?

1 A. Yes.

2 Q. All right. And you were present?

3 A. Yes.

4 Q. Tell us, if you would, how you found the
5 state of the home when you arrived on that date for
6 the inspection?

7 MR. PIKE: Form.

8 MR. KUVIN: Or for the execution of the
9 warrant, excuse me.

10 THE WITNESS: It was determined, obviously
11 when we were in the house, that the house was
12 somewhat sanitized.

13 MR. PIKE: Form.

14 MR. KUVIN: Describe what you mean.

15 I think we just got disconnected.

16 Ms. Ezell.

17 (A brief recess was held.)

18 MR. KUVIN: We lost you, Kathy.

19 MS. EZELL: Sorry. Lost you for a minute.

20 BY MR. KUVIN:

21 Q. All right. You mentioned before we took a
22 quick break there that you felt that the house was,
23 or you determined that the house was somewhat
24 sanitized. Can you describe what you mean by that?

25 MR. PIKE: Form.

1 THE WITNESS: The CPU's were removed. The
2 CPU's being the computers. The towers were
3 removed. The wires were just left. The
4 cabinet in which they claimed all the oils were
5 being kept were, was empty except for one
6 bottle that was way in the back. The drawer in
7 the bedroom where they claimed all the toys
8 were was empty. That's what I meant by --

9 MR. KUVIN: Sanitized?

10 THE WITNESS: (Witness nods head.)

11 BY MR. KUVIN:

12 Q. Okay. During the inspection that you did
13 or the warrant, execution of the warrant, did you
14 determine whether or not there were any internal
15 security cameras in the home?

16 A. Yes, there were.

17 MR. PIKE: Form.

18 BY MR. KUVIN:

19 Q. And do you recall whether there were any
20 located based on your inspection in the upstairs
21 area of the home?

22 MR. PIKE: Form.

23 THE WITNESS: Not in the upstairs area.

24 There was a covert clock in the downstairs
25 office area and there was another covert clock

1 on the wall in the garage.

2 BY MR. KUVIN:

3 Q. Okay. The one in the garage, what was it
4 pointing at? In other words what was it attempting
5 to see from that direction?

6 MR. PIKE: Form.

7 THE WITNESS: I believe it was, it was the
8 overview of the vehicles kept in the garage,
9 bicycles, motorcycle, cars, garage doors, so...

10 BY MR. KUVIN:

11 Q. Okay. And the one in the office was
12 pointed at what?

13 MR. PIKE: Form.

14 THE WITNESS: The desk living room area.

15 BY MR. KUVIN:

16 Q. Okay. Any other cameras that you can
17 recall finding during the execution of the warrant,
18 either covert or overt?

19 MR. PIKE: Form.

20 THE WITNESS: Not that I can recall.

21 BY MR. KUVIN:

22 Q. Okay. And did you come to learn or
23 discover any information about whether Mr. Epstein
24 may have been tipped off as to the execution of this
25 warrant?

MR. PIKE: Form.

THE WITNESS: I know that some of the girls had maintained contact with [REDACTED]. There was a couple of girls that stated that [REDACTED] was calling to find out the status or questions asked by us, the police department.

BY MR. KUVIN:

Q. This all occurred prior to the warrant?

MR. PIKE: Form.

THE WITNESS: Yes.

MR. PIKE: Move to strike.

BY MR. KUVIN:

Q. And by the time you left the property was an attorney, did an attorney arrive?

A. Yes. As we were leaving securing the residence, a Guy Fronstin walked up onto the property.

Q. Okay. How long did the execution of this warrant take, roughly?

MR. PIKE: Form.

MR. KUVIN: What is wrong with that question?

MR. PIKE: It is depending on the investigation. You're tip-toeing into a lot of hearsay testimony with these questions. I

don't know where it's coming from. You have asked several questions here about--

MR. KUVIN: The outstanding question is --

MR. PIKE: Wait, wait, wait one second.

MR. KUVIN: -- how long did the execution of the warrant take.

MR. PIKE: I am going to answer your question. You have asked several questions here today that involve hearsay opinion testimony from others that Detective Recarey allegedly spoke to others that spoke to, for instance, third parties that spoke to Detective Recarey.

And as a result you have very serious opinion and hearsay privileges that are asserted here. And I really don't understand the point of this deposition today because none of it is admissible.

So, hopefully that helps you with your question, and you can rephrase them or, you know, just continue.

And while we're on that topic, let me ask you this, it's 12:15 and --

MR. KUVIN: I was going to break at 12:30 for lunch.

MR. PIKE: How much longer do you have?

MR. KUVIN: I have no idea. I have no idea.

But the question that's pending that I wanted an explanation or which you haven't explained is how long did it take you to execute this search warrant.

MR. PIKE: Form.

MR. KUVIN: And the form would be?

MR. PIKE: How long did it take to execute: What search warrant? Where? When? What time? Him? His officers? What detective? I don't know. Shall I go on?

MR. KUVIN: Actually, yeah, because it's kind of comical, but I will clarify because you don't understand.

BY MR. KUVIN:

Q. Detective Recarey, how long were you on Mr. Epstein's property that day?

MR. PIKE: Form, predicate. You have actually even -- here, let me help you out a bit. You have actually failed to lay the appropriate predicate and foundation that he was the one that executed the search warrant or whether it was his team that executed the

search warrant, so...

BY MR. KUVIN:

Q. Detective Recarey, did you go to Mr. Epstein's house that day?

A. Yes, I did.

Q. And how long were you at his house that day?

A. I believe we started around 9:30 and we concluded I want to say around 1:00.

Q. Okay. I have a whole bunch of property receipts that were turned over by the Town of Palm Beach. This was the property receipt turned over to us the other day by e-mail.

MR. PIKE: This is not what we discussed yesterday.

MR. KUVIN: This is an e-mail from Ms. O'Connor's office that was sent to everybody.

MR. EDWARDS: These were all in the original production as well.

MR. PIKE: I have a copy. Thank you.

MR. KUVIN: I would like to show you those property receipts. And just for the record, let's mark all property receipts as Exhibit 4. Do it as a composite exhibit.

(Plaintiff's Exhibit No. 4 was marked for identification.)
BY MR. KUVIN:

Q. Can you tell by looking at the property receipts what property was seized on the date of the execution of the warrant versus other property that may have been obtained during the investigation?

A. Yes.

Q. All right. Could you pull out the property receipts regarding the property seized on the date of the execution of the warrant. Just separate those out for us.

A. PC affidavit would have actually written on it search warrant return on the very top, so it's easy to identify plus it would be notarized at the bottom.

Q. Great. Take a look then.

A. I have five here, but it looks like I am missing one because it says one of six; two, three, four, five.

Q. Just if you would look through the remaining documents to make sure we're not missing a page. Yeah, keep those separate.

MR. PIKE: Move to strike.

THE WITNESS: Here we go. Page 6 of 6.

MR. KUVIN: Okay. Just put the rest of it

back and I just want to make sure that I got the entire -- let's do this if you would: Stick 4, I am going to put 4-A on this document just so that we can separate it out from the rest of 4.

THE WITNESS: That was towards the back.

MR. PIKE: Yes, I know. I have got it.

(Plaintiff's Exhibit No. 4-A was marked for identification.)

MR. PIKE: And it's six pages, correct, 1 through 6?

THE WITNESS: Yes, sir.

MR. KUVIN: That's correct.

BY MR. KUVIN:

Q. Let's go through this for a moment. All right. Is this a document that you fill out? In other words is that your handwriting?

A. It might have been crime scene's.

Q. Okay. Do you sign the document at all?

A. Yes, I do.

Q. All right. Where does your signature appear?

A. It would be in the performance of my duties.

Q. Gotcha. In the bottom right corner?

A. Yes.

Q. It's got your ID number there. And what was your ID number at the time?

A. 7915.

Q. And the unit was what?

A. At that time I was Delta Unit. It was Delta II.

Q. Okay. And the date that this property was recovered was when?

A. October 20th, 2005.

Q. All right. Let's go through some of these things. It appears that you retrieved phone message books from the kitchen area of the house; is that correct?

A. Correct.

MR. PIKE: Form.

BY MR. KUVIN:

Q. There seemed to be little bar codes next to some of the descriptions. I would ask you to describe what those are.

A. The bar codes is actually utilized by crime scene to find the location of it. It's a -- the property itself and the property receipt has the same bar code, and it's to help them identify where it is in the evidence room.

Q. Okay. Did you recover numerous different

phone message pads?

MR. PIKE: Form.

THE WITNESS: Yes, I did.

BY MR. KUVIN:

Q. Let's go to Page 2 along with phone message pads. Did you also recover CD's and --

MR. EDWARDS: We might have lost her again.

MR. PIKE: Kathy, are you there?

MR. EDWARDS: We're about to break anyway.

MR. KUVIN: Why don't we go ahead and break. How long do you want for lunch?

MR. PIKE: Half hour.

MR. KUVIN: Is that okay with you? It's 12:30. Let's do 30.

MR. EPSTEIN: Back at 1:00?

MR. KUVIN: Yes, back at 1:00.

(A luncheon recess was held.)

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