

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Second Warrant and Order For
Prospective and Historical Location
Information and Pen Register
Information for the Cellphone Assigned
Call Number 978-525-8484, USAO
Reference No. 2018R01618

AMENDED APPLICATION

20 Mag. **6828**

**Amended Application for Second Warrant and Order
for Cellphone Location and Pen Register Information**

The United States of America, by its attorney, Audrey Strauss, Acting United States Attorney for the Southern District of New York, [REDACTED], Assistant United States Attorney, of counsel, respectfully requests that the Court issue the accompanying proposed Second Warrant and Order for prospective and historical location information and pen register information for a cellphone. As grounds for this Amended Application the Government relies on the following facts and authorities.

I. Introduction

1. I am an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of New York. This Amended Application is submitted in conjunction with the accompanying amended affidavit of a law enforcement agent ("Amended Agent Affidavit"), to be sworn before this Court, and incorporated by reference herein. I make this Amended Application based on information and belief, including the Amended Agent Affidavit, my review of other documents in the case, and information received from investigative personnel.

2. The Investigating Agency, Target Cellphone, Subscriber, Target Subject, Service Provider, Subject Offenses, Successor Service Provider, and Successor Cellphone referenced in this Amended Application are as specified in the Amended Agent Affidavit.

II. Legal Authority

A. Prospective Location Information

3. The Government seeks to obtain both precision location information and cell site data for the Target Cellphone on a prospective basis (the “Prospective Location Information”) for a period of 45 days from the date of this order – the same period of time for which a warrant for a tracking device may be granted under Rule 41(e)(2)(C). It bears noting, however, that while the Prospective Location Information may permit “tracking” the user of the phone in the colloquial sense, this is not an application for a warrant for a “tracking device” as defined in Fed. R. Crim. P. 41(a)(2)(E) and 18 U.S.C. § 3117(b). Those provisions only apply where an agent is seeking to physically install a tracking device on a given object. Instead, the Prospective Location Information will be obtained by requiring the Service Provider to provide the information.

4. The authority for this application is found in 18 U.S.C. § 2703(c)(1), which authorizes a court of competent jurisdiction to require any electronic communication service provider (which includes a cellular telephone service provider¹) to disclose any “record or other information pertaining to a subscriber” other than the “contents of communications,” when the government obtains, *inter alia*, a warrant under the applicable procedures of Rule 41. *See* 18 U.S.C. § 2703(c)(1)(A). Because data concerning a subscriber’s location, such as precision location information and cell site data, constitutes “information pertaining to a subscriber” that does not include the “contents of communications,” that data is among the types of information available

¹ *See* 18 U.S.C. § 2711(1) (incorporating by cross-reference statutory definitions set forth in 18 U.S.C. § 2510); 18 U.S.C. § 2510(15) (defining “electronic communication service” as “any service which provides to users thereof the ability to send or receive wire or electronic communications”).

under § 2703(c)(1)(A).² Further, as specified in 18 U.S.C. § 2711(3), this Court is a court of competent jurisdiction under the Stored Communications Act because it has jurisdiction over the Subject Offenses.

5. The Government's request for cell site data also implicates the pen register statute, because such data constitutes signaling information used by the Service Provider to route communications to and from the Target Cellphone. In order to collect such data, a valid pen register order is required.³ Accordingly, I hereby certify pursuant to 18 U.S.C. § 3122 that such signaling information is relevant to an ongoing investigation being conducted by the Investigating Agency into suspected violations of the Subject Offenses by the Target Subject.

B. Historical Location Information

6. The Government also seeks historical cell site data for the Target Cellphone for the period from June 1, 2020 to the present (the "Historical Location Information"). Because such data—like "Prospective Location Information"—constitutes information concerning a subscriber, the Court is authorized to order the Service Provider to provide this data pursuant to a warrant

² See *In re Application*, 460 F. Supp. 2d 448, 459–60 & n. 55 (S.D.N.Y. 2006) (Kaplan, J.) (cellphone location information falls within § 2703(c)(1)); accord, e.g., *United States v. Caraballo*, 963 F. Supp. 2d 341, 361 (D.Vt. 2013); *In re Order*, 632 F. Supp. 2d 202, 207 (E.D.N.Y. 2008); *In re Application*, 405 F. Supp. 2d 435, 444–45 (S.D.N.Y. 2005). But see *In re Application*, 849 F. Supp. 2d 526, 574 (D.Md. 2011) (rejecting view that cellular location data falls within the scope of the SCA and finding that phone must be treated as "tracking device" for purposes of Rule 41 where used to collect location data); *In re Application*, 2009 WL 159187, at *5-*6 (S.D.N.Y. Jan.13, 2009) (McMahon, J.) (same).

³ See 18 U.S.C. § 3121 (prohibiting use of pen register or trap and trace device without an order under the pen register statute); 3127(3) & (4) (defining pen register and trap and trace device to include devices or processes that record, *inter alia*, signaling information). Although cell site data constitutes "signaling" information within the meaning of the pen register statute, a separate statute precludes the Government from relying "solely" on the authority provided by the pen register statute to ascertain a subscriber's location. 47 U.S.C. § 1002(a). Here, the Government seeks to obtain such data pursuant to 18 U.S.C. § 2703(c) as well as the pen register statute, rather than "solely" under the latter statute. See *In re Application*, 460 F. Supp. 2d at 456–59.

application under 18 U.S.C. § 2703(c), under the applicable procedures of Rule 41. *See* 18 U.S.C. § 2703(c)(1)(A). I respectfully submit that the same probable cause supporting the Government's request for a warrant to obtain the Prospective Location Information requested above also supports the issuance of a warrant under § 2703(c) for the requested Historical Location Information. In addition, the Government seeks toll records for the same period as the Historical Location Information. Pursuant to 18 U.S.C. § 2703(d), I respectfully submit that the Amended Agent Affidavit offers specific and articulable facts showing that there are reasonable grounds to believe that the toll record information sought is relevant and material to an ongoing criminal investigation.

C. Pen Register Information

7. Finally, the Government seeks an order pursuant to 18 U.S.C. §§ 3121-26 authorizing the use of a pen register on the Target Cellphone for a period of 45 days from the date of this order. Specifically, the Government seeks an order directing the Service Provider to furnish any information, facilities, and technical assistance necessary to operate, unobtrusively and with minimum disruption of service, a pen register and trap and trace device to capture all dialing, routing, addressing, or signaling information associated with each call transmitted to or from the Target Cellphone, as specified further in the proposed Second Warrant and Order (the "Pen Register Information").⁴

⁴ The Government is also not seeking authorization to obtain post-cut-through dialed digits ("PCTDD"), or digits that are dialed after a telephone call from the Target Cellphone has been connected. Pursuant to the attached Order, if possible, the Service Provider will forward only pre-cut-through-dialed digits to the Investigating Agency. However, if the Service Provider's technical capabilities require it to forward all dialed digits, including PCTDD, to the Investigating Agency, the Investigating Agency will only decode and forward to the agents assigned to the investigation the numbers that are dialed before the call is cut through.

8. I hereby certify pursuant to 18 U.S.C. § 3122 that the Pen Register Information is relevant to an ongoing investigation being conducted by the Investigating Agency into suspected violations of the Subject Offenses by the Target Subject.

D. Sealing and Non-Disclosure Order to Service Provider

9. When the Government obtains records or information under § 2703(c), it is not required to notify the subscriber or customer. 18 U.S.C. § 2703(c)(3). Additionally, the Government may obtain an order precluding the Service Provider from notifying the subscriber or any other third-party of the warrant or order obtained, for such period as the Court deems appropriate, where there is reason to believe that such notification will result in endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, or intimidation of potential witnesses, or will otherwise seriously jeopardize the investigation. 18 U.S.C. § 2705(b).

10. Further, 18 U.S.C. § 3123(d) provides that an order directing installation of a pen register or trap and trace device shall direct the pertinent service provider “not to disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person unless or until otherwise ordered by the Court.”

11. Accordingly, as explained further in the Amended Agent Affidavit, in light of the confidential nature of the continuing criminal investigation and the adverse consequences expected in the event of premature notification, the Government respectfully requests that the Court direct the Service Provider not to notify the Subscriber or any other person of the Second Warrant and Order sought herein for a period of one year, subject to extension upon application to the Court, if necessary.

12. For similar reasons, I respectfully request that the proposed Second Warrant and Order, this Amended Application, and the accompanying Amended Agent Affidavit, be maintained under

seal until the Court orders otherwise, except that the Government be permitted without further order of this Court to serve this Second Warrant and Order on the Service Provider; provide copies of the Second Warrant and Order or the supporting Amended Application and Amended Agent Affidavit as need be to personnel assisting the Government in the investigation and prosecution of this matter; and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

III. Prior Requests

13. As set forth in the Amended Agent Affidavit, the Government previously requested Cellphone Location and Pen Register information for the Target Cellphone in an Application and Agent Affidavit submitted on or about June 29, 2020.⁵ Also on or about June 29, 2020, United States Magistrate Judge Katharine H. Parker granted the application and signed a Warrant and Order for the requested information. On June 30, 2020, the Government learned that the Agent Affidavit contained two inadvertent errors. Accordingly, the Government is submitting this Amended Application and Amended Agent Affidavit to correct those errors and to seek a Second Warrant and Order.

⁵ The original application also sought authorization for Cellphone Location and Pen Register information for a second Target Cellphone, 917-520-3106, which was identified as Target Cellphone-1 in that application and which was also granted on or about June 29, 2020. Because there were no errors in the application with respect to Target Cellphone-1, the Government does seek a Second Warrant and Order with respect to that phone.

14. Except as may be set forth above, no prior request for the relief requested herein has been made.

Dated: New York, New York

June 30, 2020



Assistant United States Attorney
Tel.: [REDACTED]

18 U.S.C. §§ 2703(d) & 2705; and 18 U.S.C. §§ 3121-3126, in support of a second warrant and order for prospective location information, historical location information, toll records, and pen register information, for the Target Cellphone identified below (collectively, the “Requested Information”).

3. **Basis for Knowledge.** This Affidavit is based upon my participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals, as well as my training and experience. Because this Affidavit is being submitted for the limited purpose of obtaining the Requested Information, it does not include all the facts that I have learned during the course of this investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. In addition, unless otherwise indicated, statements by others referenced in this Affidavit were not necessarily made to me, but may have been provided to me by someone else to whom I have spoken or whose report I have read (and who in turn may have had either direct or indirect knowledge of the statement). Similarly, unless otherwise indicated, information in this Affidavit resulting from surveillance does not necessarily set forth my personal observations, but may have been provided to me by other law enforcement agents who observed the events, and to whom I have spoken or whose report I have read.

4. **Target Cellphone, Subscriber, Target Subject, and Service Provider.** The Target Cellphone referenced in this Affidavit is the cellphone assigned call number 978-525-8484 (the “Target Cellphone”). As further discussed below, the Target Cellphone is subscribed to in the name of “G Max” (the “Subscriber”). GHISLAINE MAXWELL is believed to use the Target

Cellphone and is a Target Subject of this investigation. AT&T is the Service Provider for the Target Cellphone.

5. **Precision Location Capability.** Cellphone service providers have technical capabilities that allow them to collect at least two kinds of information about the locations of the cellphones to which they provide service: (a) precision location information, also known as E-911 Phase II data, GPS data, or latitude-longitude data, and (b) cell site data, also known as “tower/face” or “tower/sector” information. Precision location information provides relatively precise location information about a cellphone, which a provider can typically collect either via GPS tracking technology built into the phone or by triangulating the device’s signal as received by the provider’s nearby cell towers. Cell site data, by contrast, reflects only the cell tower and sector thereof utilized in routing any communication to and from the cellphone, as well as the approximate range of the cellphone from the tower during the communication (sometimes referred to as “per-call measurement” (“PCM”) or “round-trip time” (“RTT”) data). Because cell towers are often a half-mile or more apart, even in urban areas, and can be ten or more miles apart in rural areas, cell site data is typically less precise than precision location information. Based on my training and experience, I know that the Service Provider has the technical ability to collect precision location information from any cellphone on its network, including by initiating a signal on the Service Provider’s network to determine the phone’s location. I further know that cell site data is routinely collected by the Service Provider in the course of routing calls placed to or from any cellphone on their network.¹

¹ Toll records are sometimes necessary or helpful in order to obtain or interpret historical cell site data and are therefore also requested herein.

6. **Successor Service Provider.** Because it is possible that the Target Subject may change cellphone service provider during the course of this investigation, it is requested that the warrant and investigative order requested apply without need for further order to any Successor Service Provider who may provide service to the Target Cellphone during the time frames at issue herein.

II. Corrected Facts Establishing Probable Cause

7. Although I understand that probable cause is not necessary to obtain all of the Requested Information, I respectfully submit that probable cause exists to believe that the Requested Information will lead to the location of a person, GHISLAINE MAXWELL, to be arrested for the crimes of conspiracy to entice minors to travel to engage in illegal sex acts, in violation of 18 U.S.C. § 371; enticement of a minor to travel to engage in illegal sex acts, in violation of 18 U.S.C. § 2422; conspiracy to transport minors with intent to engage in criminal sexual activity, in violation of 18 U.S.C. § 371; transporting a minor with intent to engage in criminal sexual activity, in violation of 18 U.S.C. § 2423(a); and perjury, in violation of 18 U.S.C. § 1623 (the “Subject Offenses”).

8. On June 29, 2020, a grand jury in the Southern District of New York returned an indictment charging GHISLAINE MAXWELL with the Subject Offenses. The Indictment charging MAXWELL is attached as Exhibit A hereto (the “Indictment”). That same day, United States Magistrate Judge Lisa Margaret Smith signed a warrant for MAXWELL’s arrest, which is attached as Exhibit B hereto (the “Arrest Warrant”).

9. In light of these pending charges in the Indictment and the issuance of the Arrest Warrant, GHISLAINE MAXWELL is subject to arrest for the Subject Offenses.

10. Also on or about June 29, 2020, the Government submitted an Application and accompanying Agent Affidavit seeking a Warrant and Order permitting the FBI to obtain, among

other things, Cellphone Location Information and Pen Register Information for the Target Cellphone.¹ Those documents were filed under the docket number 20 Mag. 6770. The original Application and Agent Affidavit are attached as Exhibit C hereto. That same day, United States Magistrate Judge Katharine H. Parker signed the requested Warrant and Order for the Target Cellphone, also filed under docket number 20 Mag. 6770. The original Warrant and Order for the Target Cellphone is attached as Exhibit D hereto. Pursuant to the Warrant and Order contained in Exhibit D, the FBI subsequently obtained historical cell site and GPS location data for the Target Cellphone. The collection of prospective location data pursuant to that Warrant and Order began on or about June 30, 2020 and remains ongoing.

11. On the afternoon of June 30, 2020, and in the process of re-reviewing certain relevant phone data in connection with another potential application, I realized that my June 29, 2020 Agent Affidavit contained two inadvertent errors. First, the Agent Affidavit incorrectly stated that the Target Cellphone had been in contact with a phone identified as the Isabel Maxwell Phone within the last 30 days. In fact, the Target Cellphone was most recently in contact with the Isabel Maxwell Phone in or about May 2020, or within the last 60 days, not the last 30 days. Second, the Agent Affidavit incorrectly stated that the Target Cellphone had been in contact with a phone identified as the Scott Borgerson Phone within the last 30 days. In fact, the Target Cellphone was most recently in contact with the Scott Borgerson Phone in or about March 2020. The errors resulted from my misreading of certain phone records for the Target Cellphone. In particular, while one

¹ The original application also sought authorization for Cellphone Location and Pen Register information for a second Target Cellphone, 917-520-3106, which was identified as Target Cellphone-1 in that application and which was also granted on or about June 29, 2020. Because there were no errors in my affidavit with respect to Target Cellphone-1, this Amended Affidavit does not seek a Second Warrant and Order with respect to that phone.

column in those records indicated that the Isabel Maxwell Phone and Scott Borgerson Phone had themselves been active within the last 30 days, I mistook those dates to be the dates of those phones' most recent contact with the Target Cellphone. I submit this Amended Agent Affidavit now to inform the Court of the error, to set forth a corrected statement of the facts supporting probable cause, and to seek a Second Warrant and Order authorizing the FBI to continue receiving prospective location data for the Target Cellphone.

12. As detailed in my original affidavit, and based on my review of AT&T records, I have learned that the Target Cellphone is subscribed in the name of "G Max," which appears to be a shortened version of GHISLAINE MAXWELL's name. I further know from my review of AT&T records the following:

- a. The Target Cellphone has been active within the last 30 days.
- b. The Target Cellphone has been in contact with a phone subscribed to the business "Haddon, Morgan, & Foreman," which I know from my review of court records is the name of a law firm that currently represents GHISLAINE MAXWELL in civil litigation (the "Haddon, Morgan, & Foreman Phone"). The most recent contact between The Target Cellphone and the Haddon, Morgan, & Foreman Phone occurred within the last 30 days.
- c. The Target Cellular Device has also been in contact with a phone subscribed to in the name of "Laura Menninger," which I know from my review of court records is the name of an attorney who currently represents GHISLAINE MAXWELL in civil litigation (the "Laura Menninger Phone"). The most recent contact between The Target Cellular Device and the Laura Menninger Phone occurred within the last 30 days.
- d. The Target Cellular Device has also been in contact with a phone subscribed to in the name of "Isabel Maxwell," which I know from my review of a law enforcement database is

the name of GHISLAINE MAXWELL's sister (the "Isabel Maxwell Phone"). The most recent contact between The Target Cellular Device and the Isabel Maxwell Phone occurred in or about May 2020.

e. The Target Cellular Device has also been in contact with a phone subscribed to in the name of "Scott Borgerson," which I know from my review of bank records and Amazon records is the name of an individual with whom GHISLAINE MAXWELL shares a joint bank account and to whom MAXWELL's Amazon account has sent multiple packages within approximately the last year (the "Scott Borgerson Phone"). The most recent contact between The Target Cellular Device and the Scott Borgerson Phone occurred in or about March 2020.

13. Accordingly, I respectfully submit that there is probable cause to believe that the location of the Target Cellphone will reveal the location of GHISLAINE MAXWELL.

III. Request for Second Warrant and Order

14. Based on the foregoing, I respectfully request that the Court require the Service Provider to provide the Requested Information as specified further in the Second Warrant and Order proposed herewith, including prospective precision location and cell site data for a period of 45 days from the date of this Order, historical cell site data and toll records for the period from June 1, 2020 through the date of this Order, and pen register information for a period of 45 days from the date of this Order.

1. **Nondisclosure.** The scope of this ongoing criminal investigation and existence of the Indictment and Arrest Warrant are not publicly known. As a result, premature public disclosure of this affidavit or the requested Second Warrant and Order could alert GHISLAINE MAXWELL that she is under investigation and subject to arrest, causing her to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. Specifically:

a. As evidenced by the charges alleged in the Indictment, MAXWELL is known to have participated in acts of sexual abuse of minors. Alerting her to the existence and scope of the investigation may lead her to intimidate witnesses. *See* 18 U.S.C. § 2705(b)(1),(4).

b. Additionally, the Target Subject is at liberty in the community. Premature disclosure of the existence of this application and the charges contained in the Indictment could result in the Target Subject fleeing from prosecution if she were made aware of the pending charges before arrest. *See* 18 U.S.C. § 2705(b)(2).

15. Accordingly, there is reason to believe that, were the Service Provider to notify the subscriber or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(b), I therefore respectfully request that the Service Provider be directed not to notify the Subscriber or others of the existence of the Second Warrant and Order for a period of one year, and that the Second Warrant and Order and all supporting papers be maintained under seal until the Court orders otherwise, as specified in the Amended Application submitted in conjunction with this Amended Affidavit.

 Amanda Young
Amanda Young
Special Agent
Federal Bureau of Investigation

Sworn to before me this
30 day of June, 2020

*sworn to before me by reliable electronic means (telephone)
pursuant to Fed. R. Crim. P 4.1


HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	<u>SEALED</u>
UNITED STATES OF AMERICA	:	<u>INDICTMENT</u>
	:	
- v. -	:	20 Cr.
	:	
GHISLAINE MAXWELL,	:	
	:	
Defendant.	:	
- - - - -	X	

COUNT ONE
(Conspiracy to Entice Minors to Travel to Engage in
Illegal Sex Acts)

The Grand Jury charges:

OVERVIEW

1. The charges set forth herein stem from the role of GHISLAINE MAXWELL, the defendant, in the sexual exploitation and abuse of multiple minor girls by Jeffrey Epstein. In particular, from at least in or about 1994, up to and including at least in or about 1997, MAXWELL assisted, facilitated, and contributed to Jeffrey Epstein's abuse of minor girls by, among other things, helping Epstein to recruit, groom, and ultimately abuse victims known to MAXWELL and Epstein to be under the age of 18. The victims were as young as 14 years old when they were groomed and abused by MAXWELL and Epstein, both of whom knew that certain victims were in fact under the age of 18.

2. As a part and in furtherance of their scheme to abuse minor victims, GHISLAINE MAXWELL, the defendant, and Jeffrey Epstein enticed and caused minor victims to travel to

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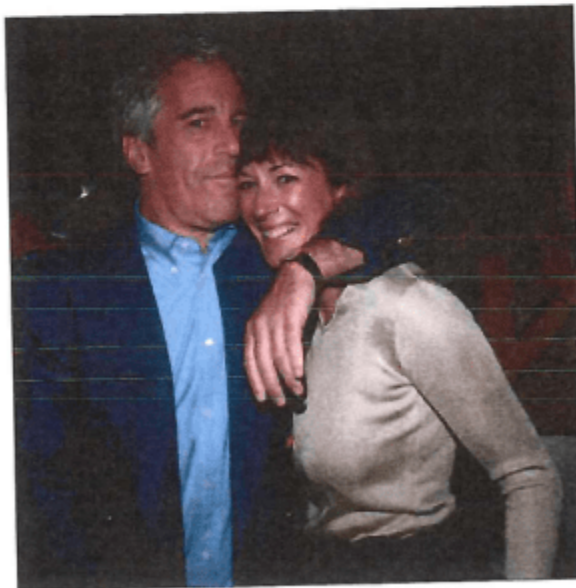
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Epstein's residences in different states, which MAXWELL knew and intended would result in their grooming for and subjection to sexual abuse. Moreover, in an effort to conceal her crimes, MAXWELL repeatedly lied when questioned about her conduct, including in relation to some of the minor victims described herein, when providing testimony under oath in 2016.

FACTUAL BACKGROUND

3. During the time periods charged in this Indictment, GHISLAINE MAXWELL, the defendant, had a personal and professional relationship with Jeffrey Epstein and was among his closest associates. In particular, between in or about 1994 and in or about 1997, MAXWELL was in an intimate relationship with Epstein and also was paid by Epstein to manage his various properties. Over the course of their relationship, MAXWELL and Epstein were photographed together on multiple occasions, including in the below image:



4. Beginning in at least 1994, GHISLAINE MAXWELL, the defendant, enticed and groomed multiple minor girls to engage in sex acts with Jeffrey Epstein, through a variety of means and methods, including but not limited to the following:

a. MAXWELL first attempted to befriend some of Epstein's minor victims prior to their abuse, including by asking the victims about their lives, their schools, and their families. MAXWELL and Epstein would spend time building friendships with minor victims by, for example, taking minor victims to the movies or shopping. Some of these outings would involve MAXWELL and Epstein spending time together with a minor victim, while some would involve MAXWELL or Epstein spending time alone with a minor victim.

b. Having developed a rapport with a victim, MAXWELL would try to normalize sexual abuse for a minor victim by, among other things, discussing sexual topics, undressing in front of the victim, being present when a minor victim was undressed, and/or being present for sex acts involving the minor victim and Epstein.

c. MAXWELL'S presence during minor victims' interactions with Epstein, including interactions where the minor victim was undressed or that involved sex acts with Epstein, helped put the victims at ease because an adult woman was present. For example, in some instances, MAXWELL would

massage Epstein in front of a minor victim. In other instances, MAXWELL encouraged minor victims to provide massages to Epstein, including sexualized massages during which a minor victim would be fully or partially nude. Many of those massages resulted in Epstein sexually abusing the minor victims.

d. In addition, Epstein offered to help some minor victims by paying for travel and/or educational opportunities, and MAXWELL encouraged certain victims to accept Epstein's assistance. As a result, victims were made to feel indebted and believed that MAXWELL and Epstein were trying to help them.

e. Through this process, MAXWELL and Epstein enticed victims to engage in sexual activity with Epstein. In some instances, MAXWELL was present for and participated in the sexual abuse of minor victims. Some such incidents occurred in the context of massages, which developed into sexual encounters.

5. GHISLAINE MAXWELL, the defendant, facilitated Jeffrey Epstein's access to minor victims knowing that he had a sexual preference for underage girls and that he intended to engage in sexual activity with those victims. Epstein's resulting abuse of minor victims included, among other things, touching a victim's breast, touching a victim's genitals, placing a sex toy such as a vibrator on a victim's genitals,

directing a victim to touch Epstein while he masturbated, and directing a victim to touch Epstein's genitals.

MAXWELL AND EPSTEIN'S VICTIMS

6. Between approximately in or about 1994 and in or about 1997, GHISLAINE MAXWELL, the defendant, facilitated Jeffrey Epstein's access to minor victims by, among other things, inducing and enticing, and aiding and abetting the inducement and enticement of, multiple minor victims. Victims were groomed and/or abused at multiple locations, including the following:

a. A multi-story private residence on the Upper East Side of Manhattan, New York owned by Epstein (the "New York Residence"), which is depicted in the following photograph:



b. An estate in Palm Beach, Florida owned by Epstein (the "Palm Beach Residence"), which is depicted in the following photograph:



c. A ranch in Santa Fe, New Mexico owned by Epstein (the "New Mexico Residence"), which is depicted in the following photograph:



d. MAXWELL's personal residence in London, England.

7. Among the victims induced or enticed by GHISLAINE MAXWELL, the defendant, were minor victims identified herein as Minor Victim-1, Minor Victim-2, and Minor Victim-3. In particular, and during time periods relevant to this Indictment, MAXWELL engaged in the following acts, among others, with respect to minor victims:

a. MAXWELL met Minor Victim-1 when Minor Victim-1 was approximately 14 years old. MAXWELL subsequently interacted with Minor Victim-1 on multiple occasions at Epstein's residences, knowing that Minor Victim-1 was under the age of 18 at the time. During these interactions, which took place between approximately 1994 and 1997, MAXWELL groomed Minor Victim-1 to engage in sexual acts with Epstein through multiple means. First, MAXWELL and Epstein attempted to befriend Minor Victim-1, taking her to the movies and on shopping trips. MAXWELL also asked Minor Victim-1 about school, her classes, her family, and other aspects of her life. MAXWELL then sought to normalize inappropriate and abusive conduct by, among other things, undressing in front of Minor Victim-1 and being present when Minor Victim-1 undressed in front of Epstein. Within the first year after MAXWELL and Epstein met Minor Victim-1, Epstein began sexually abusing Minor Victim-1. MAXWELL was present for

and involved in some of this abuse. In particular, MAXWELL involved Minor Victim-1 in group sexualized massages of Epstein. During those group sexualized massages, MAXWELL and/or Minor Victim-1 would engage in sex acts with Epstein. Epstein and MAXWELL both encouraged Minor Victim-1 to travel to Epstein's residences in both New York and Florida. As a result, Minor Victim-1 was sexually abused by Epstein in both New York and Florida. Minor Victim-1 was enticed to travel across state lines for the purpose of sexual encounters with Epstein, and MAXWELL was aware that Epstein engaged in sexual activity with Minor Victim-1 after Minor-Victim-1 traveled to Epstein's properties, including in the context of a sexualized massage.

b. MAXWELL interacted with Minor Victim-2 on at least one occasion in or about 1996 at Epstein's residence in New Mexico when Minor Victim-2 was under the age of 18. Minor Victim-2 had flown into New Mexico from out of state at Epstein's invitation for the purpose of being groomed for and/or subjected to acts of sexual abuse. MAXWELL knew that Minor Victim-2 was under the age of 18 at the time. While in New Mexico, MAXWELL and Epstein took Minor Victim-2 to a movie and MAXWELL took Minor Victim-2 shopping. MAXWELL also discussed Minor Victim-2's school, classes, and family with Minor Victim-2. In New Mexico, MAXWELL began her efforts to groom Minor Victim-2 for abuse by Epstein by, among other things, providing

an unsolicited massage to Minor Victim-2, during which Minor Victim-2 was topless. MAXWELL also encouraged Minor Victim-2 to massage Epstein.

c. MAXWELL groomed and befriended Minor Victim-3 in London, England between approximately 1994 and 1995, including during a period of time in which MAXWELL knew that Minor Victim-3 was under the age of 18. Among other things, MAXWELL discussed Minor Victim-3's life and family with Minor Victim-3. MAXWELL introduced Minor Victim-3 to Epstein and arranged for multiple interactions between Minor Victim-3 and Epstein. During those interactions, MAXWELL encouraged Minor Victim-3 to massage Epstein, knowing that Epstein would engage in sex acts with Minor Victim-3 during those massages. Minor Victim-3 provided Epstein with the requested massages, and during those massages, Epstein sexually abused Minor Victim-3. MAXWELL was aware that Epstein engaged in sexual activity with Minor Victim-3 on multiple occasions, including at times when Minor Victim-3 was under the age of 18, including in the context of a sexualized massage.

MAXWELL'S EFFORTS TO CONCEAL HER CONDUCT

8. In or around 2016, in the context of a deposition as part of civil litigation, GHISLAINE MAXWELL, the defendant, repeatedly provided false and perjurious statements, under oath, regarding, among other subjects, her role in facilitating the

abuse of minor victims by Jeffrey Epstein, including some of the specific events and acts of abuse detailed above.

STATUTORY ALLEGATIONS

9. From at least in or about 1994, up to and including in or about 1997, in the Southern District of New York and elsewhere, GHISLAINE MAXWELL, the defendant, Jeffrey Epstein, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, enticement, in violation of Title 18, United States Code, Section 2422.

10. It was a part and object of the conspiracy that GHISLAINE MAXWELL, the defendant, Jeffrey Epstein, and others known and unknown, would and did knowingly persuade, induce, entice, and coerce one and more individuals to travel in interstate and foreign commerce, to engage in sexual activity for which a person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422.

Overt Acts

11. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. Between in or about 1994 and in or about 1997, when Minor Victim-1 was under the age of 18, MAXWELL participated in multiple group sexual encounters with Epstein and Minor Victim-1 in New York and Florida.

b. In or about 1996, when Minor Victim-1 was under the age of 18, Minor Victim-1 was enticed to travel from Florida to New York for purposes of sexually abusing her at the New York Residence, in violation of New York Penal Law, Section 130.55.

c. In or about 1996, when Minor Victim-2 was under the age of 18, MAXWELL provided Minor Victim-2 with an unsolicited massage in New Mexico, during which Minor Victim-2 was topless.

d. Between in or about 1994 and in or about 1995, when Minor Victim-3 was under the age of 18, MAXWELL encouraged Minor Victim-3 to provide massages to Epstein in London, England, knowing that Epstein intended to sexually abuse Minor Victim-3 during those massages.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Enticement of a Minor to Travel to Engage in Illegal Sex Acts)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth within.

13. From at least in or about 1994, up to and including in or about 1997, in the Southern District of New York and elsewhere, GHISLAINE MAXWELL, the defendant, knowingly did persuade, induce, entice, and coerce an individual to travel in interstate and foreign commerce to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to do the same, and aided and abetted the same, to wit, MAXWELL persuaded, induced, enticed, and coerced Minor Victim-1 to travel from Florida to New York, New York on multiple occasions with the intention that Minor Victim-1 would engage in one or more sex acts with Jeffrey Epstein, in violation of New York Penal Law, Section 130.55.

(Title 18, United States Code, Sections 2422 and 2.)

COUNT THREE

(Conspiracy to Transport Minors with Intent to Engage in Criminal Sexual Activity)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth within.

15. From at least in or about 1994, up to and including in or about 1997, in the Southern District of New York and elsewhere, GHISLAINE MAXWELL, the defendant, Jeffrey Epstein, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to

wit, transportation of minors, in violation of Title 18, United States Code, Section 2423(a).

16. It was a part and object of the conspiracy that GHISLAINE MAXWELL, the defendant, Jeffrey Epstein, and others known and unknown, would and did, knowingly transport an individual who had not attained the age of 18 in interstate and foreign commerce, with intent that the individual engage in sexual activity for which a person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2423(a).

Overt Acts

17. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. Between in or about 1994 and in or about 1997, when Minor Victim-1 was under the age of 18, MAXWELL participated in multiple group sexual encounters with EPSTEIN and Minor Victim-1 in New York and Florida.

b. In or about 1996, when Minor Victim-1 was under the age of 18, Minor Victim-1 was enticed to travel from Florida to New York for purposes of sexually abusing her at the

New York Residence, in violation of New York Penal Law, Section 130.55.

c. In or about 1996, when Minor Victim-2 was under the age of 18, MAXWELL provided Minor Victim-2 with an unsolicited massage in New Mexico, during which Minor Victim-2 was topless.

d. Between in or about 1994 and in or about 1995, when Minor Victim-3 was under the age of 18, MAXWELL encouraged Minor Victim-3 to provide massages to Epstein in London, England, knowing that Epstein intended to sexually abuse Minor Victim-3 during those massages.

(Title 18, United States Code, Section 371.)

COUNT FOUR

(Transportation of a Minor with Intent to Engage in Criminal Sexual Activity)

The Grand Jury further charges:

18. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth within.

19. From at least in or about 1994, up to and including in or about 1997, in the Southern District of New York and elsewhere, GHISLAINE MAXWELL, the defendant, knowingly did transport an individual who had not attained the age of 18 in interstate and foreign commerce, with the intent that the individual engage in sexual activity for which a person can be charged with a criminal offense, and attempted to do so, and

aided and abetted the same, to wit, MAXWELL arranged for Minor Victim-1 to be transported from Florida to New York, New York on multiple occasions with the intention that Minor Victim-1 would engage in one or more sex acts with Jeffrey Epstein, in violation of New York Penal Law, Section 130.55.

(Title 18, United States Code, Sections 2423(a) and 2.)

COUNT FIVE
(Perjury)

The Grand Jury further charges:

20. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth within.

21. On or about April 22, 2016, in the Southern District of New York, GHISLAINE MAXWELL, the defendant, having taken an oath to testify truthfully in a deposition in connection with a case then pending before the United States District Court for the Southern District of New York under docket number 15 Civ. 7344, knowingly made false material declarations, to wit, MAXWELL gave the following underlined false testimony:

- Q. Did Jeffrey Epstein have a scheme to recruit underage girls for sexual massages? If you know.
- A. I don't know what you're talking about.

Q. List all the people under the age of 18 that you interacted with at any of Jeffrey's properties?

A. I'm not aware of anybody that I interacted with, other than obviously [the plaintiff] who was 17 at this point.

(Title 18, United States Code, Section 1623.)

COUNT SIX
(Perjury)

The Grand Jury further charges:

22. The allegations contained in paragraphs 1 through 8 of this Indictment are repeated and realleged as if fully set forth within.

23. On or about July 22, 2016, in the Southern District of New York, GHISLAINE MAXWELL, the defendant, having taken an oath to testify truthfully in a deposition in connection with a case then pending before the United States District Court for the Southern District of New York under docket number 15 Civ. 7344, knowingly made false material declarations, to wit, MAXWELL gave the following underlined false testimony:

Q: Were you aware of the presence of sex toys or devices used in sexual activities in Mr. Epstein's Palm Beach house?

A: No, not that I recall. . . .

Q. Do you know whether Mr. Epstein possessed sex toys or devices used in sexual activities?

A. No.

. . . .

Q. Other than yourself and the blond and brunette that you have identified as having been involved in three-way sexual activities, with whom did Mr. Epstein have sexual activities?

A. I wasn't aware that he was having sexual activities with anyone when I was with him other than myself.

Q. I want to be sure that I'm clear. Is it your testimony that in the 1990s and 2000s, you were not aware that Mr. Epstein was having sexual activities with anyone other than yourself and the blond and brunette on those few occasions when they were involved with you?

A. That is my testimony, that is correct.

. . . .

Q. Is it your testimony that you've never given anybody a massage?

A. I have not given anyone a massage.

Q. You never gave Mr. Epstein a massage, is that your testimony?

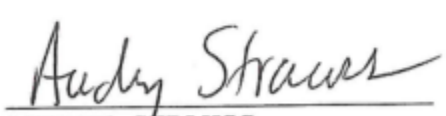
A. That is my testimony.

Q. You never gave [Minor Victim-2] a massage is your testimony?

A. I never gave [Minor Victim-2] a massage.

(Title 18, United States Code, Section 1623.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GHISLAINE MAXWELL,

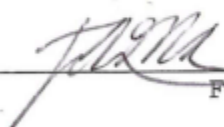
Defendant.

INDICTMENT

(18 U.S.C. §§ 371, 1623, 2422, 2423(a),
and 2)

AUDREY STRAUSS

Acting United States Attorney


Foreperson

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

Ghislaine Maxwell

Defendant

Case No.

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Ghislaine Maxwell,

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18, United States Code, Section 371 (conspiracy to entice minors)
Title 18, United States Code, Sections 2422 and 2 (enticement of a minor)
Title 18, United States Code, Section 371 (conspiracy to transport minors)
Title 18, United States Code, Sections 2423(a) and 2 (transportation of a minor)
Title 18, United States Code, Section 1623 (perjury)



Date: 06/29/2020

Issuing officer's signature

City and state: White Plains, NY

Hon. Lisa Margaret Smith, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

CONFIDENTIAL

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EFTA_00114675

EFTA01251095

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Warrants and Orders For
Prospective and Historical Location
Information and Pen Register
Information for the Cellphones
Assigned Call Numbers 917-520-3106
and 978-525-8484, USAO Reference
No. 2018R01618

APPLICATION
20 Mag. **6770**

**Application for Warrants and Orders
for Cellphone Location and Pen Register Information**

The United States of America, by its attorney, Audrey Strauss, Acting United States Attorney for the Southern District of New York, Maurene Comey, Assistant United States Attorney, of counsel, respectfully requests that the Court issue the accompanying proposed Warrants and Orders for prospective and historical location information and pen register information for two cellphones. As grounds for this Application the Government relies on the following facts and authorities.

I. Introduction

1. I am an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of New York. This Application is submitted in conjunction with the accompanying affidavit of a law enforcement agent ("Agent Affidavit"), to be sworn before this Court, and incorporated by reference herein. I make this Application based on information and belief, including the Agent Affidavit, my review of other documents in the case, and information received from investigative personnel.

2. The Investigating Agency, Target Cellphones, Subscribers, Target Subject, Service Providers, Subject Offenses, Successor Service Provider, and Successor Cellphone referenced in this Application are as specified in the Agent Affidavit.

II. Legal Authority

A. Prospective Location Information

3. The Government seeks to obtain both precision location information and cell site data for the Target Cellphones on a prospective basis (the “Prospective Location Information”) for a period of 45 days from the date of this order – the same period of time for which a warrant for a tracking device may be granted under Rule 41(e)(2)(C). It bears noting, however, that while the Prospective Location Information may permit “tracking” the user of the phone in the colloquial sense, this is not an application for a warrant for a “tracking device” as defined in Fed. R. Crim. P. 41(a)(2)(E) and 18 U.S.C. § 3117(b). Those provisions only apply where an agent is seeking to physically install a tracking device on a given object. Instead, the Prospective Location Information will be obtained by requiring the Service Provider to provide the information.

4. The authority for this application is found in 18 U.S.C. § 2703(c)(1), which authorizes a court of competent jurisdiction to require any electronic communication service provider (which includes a cellular telephone service provider¹) to disclose any “record or other information pertaining to a subscriber” other than the “contents of communications,” when the government obtains, *inter alia*, a warrant under the applicable procedures of Rule 41. *See* 18 U.S.C. § 2703(c)(1)(A). Because data concerning a subscriber’s location, such as precision location information and cell site data, constitutes “information pertaining to a subscriber” that does not include the “contents of communications,” that data is among the types of information available

¹ *See* 18 U.S.C. § 2711(1) (incorporating by cross-reference statutory definitions set forth in 18 U.S.C. § 2510); 18 U.S.C. § 2510(15) (defining “electronic communication service” as “any service which provides to users thereof the ability to send or receive wire or electronic communications”).

under § 2703(c)(1)(A).² Further, as specified in 18 U.S.C. § 2711(3), this Court is a court of competent jurisdiction under the Stored Communications Act because it has jurisdiction over the Subject Offenses.

5. The Government's request for cell site data also implicates the pen register statute, because such data constitutes signaling information used by the Service Providers to route communications to and from the Target Cellphones. In order to collect such data, a valid pen register order is required.³ Accordingly, I hereby certify pursuant to 18 U.S.C. § 3122 that such signaling information is relevant to an ongoing investigation being conducted by the Investigating Agency into suspected violations of the Subject Offenses by the Target Subject.

B. Historical Location Information

6. The Government also seeks historical cell site data for the Target Cellphones for the period from June 1, 2020 to the present (the "Historical Location Information"). Because such data—like "Prospective Location Information"—constitutes information concerning a subscriber, the Court is authorized to order the Service Providers to provide this data pursuant to a warrant

² See *In re Application*, 460 F. Supp. 2d 448, 459–60 & n. 55 (S.D.N.Y. 2006) (Kaplan, J.) (cellphone location information falls within § 2703(c)(1)); accord, e.g., *United States v. Caraballo*, 963 F. Supp. 2d 341, 361 (D.Vt. 2013); *In re Order*, 632 F. Supp. 2d 202, 207 (E.D.N.Y. 2008); *In re Application*, 405 F. Supp. 2d 435, 444–45 (S.D.N.Y. 2005). But see *In re Application*, 849 F. Supp. 2d 526, 574 (D.Md. 2011) (rejecting view that cellular location data falls within the scope of the SCA and finding that phone must be treated as "tracking device" for purposes of Rule 41 where used to collect location data); *In re Application*, 2009 WL 159187, at *5-*6 (S.D.N.Y. Jan.13, 2009) (McMahon, J.) (same).

³ See 18 U.S.C. § 3121 (prohibiting use of pen register or trap and trace device without an order under the pen register statute); 3127(3) & (4) (defining pen register and trap and trace device to include devices or processes that record, *inter alia*, signaling information). Although cell site data constitutes "signaling" information within the meaning of the pen register statute, a separate statute precludes the Government from relying "solely" on the authority provided by the pen register statute to ascertain a subscriber's location. 47 U.S.C. § 1002(a). Here, the Government seeks to obtain such data pursuant to 18 U.S.C. § 2703(c) as well as the pen register statute, rather than "solely" under the latter statute. See *In re Application*, 460 F. Supp. 2d at 456–59.

application under 18 U.S.C. § 2703(c), under the applicable procedures of Rule 41. *See* 18 U.S.C. § 2703(c)(1)(A). I respectfully submit that the same probable cause supporting the Government's request for a warrant to obtain the Prospective Location Information requested above also supports the issuance of a warrant under § 2703(c) for the requested Historical Location Information. In addition, the Government seeks toll records for the same period as the Historical Location Information. Pursuant to 18 U.S.C. § 2703(d), I respectfully submit that the Agent Affidavit offers specific and articulable facts showing that there are reasonable grounds to believe that the toll record information sought is relevant and material to an ongoing criminal investigation.

C. Pen Register Information

7. Finally, the Government seeks an order pursuant to 18 U.S.C. §§ 3121-26 authorizing the use of a pen register on the Target Cellphones for a period of 45 days from the date of this order. Specifically, the Government seeks an order directing the Service Providers to furnish any information, facilities, and technical assistance necessary to operate, unobtrusively and with minimum disruption of service, a pen register and trap and trace device to capture all dialing, routing, addressing, or signaling information associated with each call transmitted to or from the Target Cellphones, as specified further in the proposed Warrants and Orders (the "Pen Register Information").⁴

⁴ The Government is also not seeking authorization to obtain post-cut-through dialed digits ("PCTDD"), or digits that are dialed after a telephone call from the Target Cellphones has been connected. Pursuant to the attached Order, if possible, the Service Provider will forward only pre-cut-through-dialed digits to the Investigating Agency. However, if the Service Providers' technical capabilities require it to forward all dialed digits, including PCTDD, to the Investigating Agency, the Investigating Agency will only decode and forward to the agents assigned to the investigation the numbers that are dialed before the call is cut through.

8. I hereby certify pursuant to 18 U.S.C. § 3122 that the Pen Register Information is relevant to an ongoing investigation being conducted by the Investigating Agency into suspected violations of the Subject Offenses by the Target Subject.

D. Sealing and Non-Disclosure Order to Service Providers

9. When the Government obtains records or information under § 2703(c), it is not required to notify the subscriber or customer. 18 U.S.C. § 2703(c)(3). Additionally, the Government may obtain an order precluding the Service Providers from notifying the subscriber or any other third-party of the warrant or order obtained, for such period as the Court deems appropriate, where there is reason to believe that such notification will result in endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, or intimidation of potential witnesses, or will otherwise seriously jeopardize the investigation. 18 U.S.C. § 2705(b).

10. Further, 18 U.S.C. § 3123(d) provides that an order directing installation of a pen register or trap and trace device shall direct the pertinent service provider “not to disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person unless or until otherwise ordered by the Court.”

11. Accordingly, as explained further in the Agent Affidavit, in light of the confidential nature of the continuing criminal investigation and the adverse consequences expected in the event of premature notification, the Government respectfully requests that the Court direct the Service Providers not to notify the Subscribers or any other person of the Warrants and Orders sought herein for a period of one year, subject to extension upon application to the Court, if necessary.

12. For similar reasons, I respectfully request that the proposed Warrants and Orders, this Application, and the accompanying Agent Affidavit, be maintained under seal until the Court orders otherwise, except that the Government be permitted without further order of this Court to

serve these Warrants and Orders on the Service Providers; provide copies of the Warrants and Orders or the supporting Application and Agent Affidavit as need be to personnel assisting the Government in the investigation and prosecution of this matter; and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

III. Prior Requests

13. Except as may be set forth above, no prior request for the relief requested herein has been made.

Dated: New York, New York

June 29, 2020



Maurene Comey
Assistant United States Attorney
Tel.: (212) 637-2324

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Warrants and Orders For
Prospective and Historical Location
Information and Pen Register
Information for the Cellphones
Assigned Call Numbers 917-520-3106
and 978-525-8484, USAO Reference
No. 2018R01618

AGENT AFFIDAVIT

20 Mag. 6770

**Agent Affidavit in Support of Warrants and Orders
for Cellphone Location and Pen Register Information**

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

Amanda Young, being duly sworn, deposes and states:

I. Introduction

1. I have been a Special Agent with the Federal Bureau of Investigation (“FBI” or “Investigating Agency”) since 2017. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am currently assigned to investigate violations of criminal law relating to the sexual exploitation of children as part of an FBI Task Force. I have gained expertise in this area through classroom training and daily work related to these types of investigations. As part of my responsibilities, I have been involved in the investigation of cases involving sex trafficking, enticement of minors, and transportation of minors for illegal sex acts, and have participated in the execution of search warrants involving electronic evidence.

2. **Requested Information.** I respectfully submit this Affidavit pursuant to 18 U.S.C. §§ 2703(c) and (c)(1)(A) and the applicable procedures of Federal Rule of Criminal Procedure 41;

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18 U.S.C. §§ 2703(d) & 2705; and 18 U.S.C. §§ 3121-3126, in support of two warrants and orders for prospective location information, historical location information, toll records, and pen register information, for the Target Cellphones identified below (collectively, the “Requested Information”).

3. **Basis for Knowledge.** This Affidavit is based upon my participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals, as well as my training and experience. Because this Affidavit is being submitted for the limited purpose of obtaining the Requested Information, it does not include all the facts that I have learned during the course of this investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. In addition, unless otherwise indicated, statements by others referenced in this Affidavit were not necessarily made to me, but may have been provided to me by someone else to whom I have spoken or whose report I have read (and who in turn may have had either direct or indirect knowledge of the statement). Similarly, unless otherwise indicated, information in this Affidavit resulting from surveillance does not necessarily set forth my personal observations, but may have been provided to me by other law enforcement agents who observed the events, and to whom I have spoken or whose report I have read.

4. **Target Cellphones, Subscribers, Target Subject, and Service Providers.** The Target Cellphones referenced in this Affidavit are the cellphone assigned call number 917-520-3106 (“Target Cellphone-1”) and the cellphone assigned call number 978-525-8484 (“Target Cellphone-2,” and collectively with Target Cellphone-1, the “Target Cellphones”). As further discussed below, Target Cellphone-1 is subscribed to in the name of “Terramar Project, Inc.”

("Subscriber-1"), and Target Cellphone-2 is subscribed to in the name of "G Max" ("Subscriber-2," and collectively with Subscriber-1, the "Subscribers"). GHISLAINE MAXWELL is believed to use the Target Cellphones and is a Target Subject of this investigation. T-Mobile is the Service Provider for Target Cellphone-1, and AT&T is the Service Provider for Target Cellphone-2.

5. Precision Location Capability. Cellphone service providers have technical capabilities that allow them to collect at least two kinds of information about the locations of the cellphones to which they provide service: (a) precision location information, also known as E-911 Phase II data, GPS data, or latitude-longitude data, and (b) cell site data, also known as "tower/face" or "tower/sector" information. Precision location information provides relatively precise location information about a cellphone, which a provider can typically collect either via GPS tracking technology built into the phone or by triangulating the device's signal as received by the provider's nearby cell towers. Cell site data, by contrast, reflects only the cell tower and sector thereof utilized in routing any communication to and from the cellphone, as well as the approximate range of the cellphone from the tower during the communication (sometimes referred to as "per-call measurement" ("PCM") or "round-trip time" ("RTT") data). Because cell towers are often a half-mile or more apart, even in urban areas, and can be ten or more miles apart in rural areas, cell site data is typically less precise than precision location information. Based on my training and experience, I know that the Service Providers have the technical ability to collect precision location information from any cellphone on its network, including by initiating a signal on the Service Providers' network to determine the phone's location. I further know that cell site

data is routinely collected by the Service Providers in the course of routing calls placed to or from any cellphone on their network.¹

6. **Successor Service Provider.** Because it is possible that the Target Subject may change cellphone service provider during the course of this investigation, it is requested that the warrant and investigative order requested apply without need for further order to any Successor Service Provider who may provide service to the Target Cellphones during the time frames at issue herein.

II. Facts Establishing Probable Cause

7. Although I understand that probable cause is not necessary to obtain all of the Requested Information, I respectfully submit that probable cause exists to believe that the Requested Information will lead to the location of a person, GHISLAINE MAXWELL, to be arrested for the crimes of conspiracy to entice minors to travel to engage in illegal sex acts, in violation of 18 U.S.C. § 371; enticement of a minor to travel to engage in illegal sex acts, in violation of 18 U.S.C. § 2422; conspiracy to transport minors with intent to engage in criminal sexual activity, in violation of 18 U.S.C. § 371; transporting a minor with intent to engage in criminal sexual activity, in violation of 18 U.S.C. § 2423(a); and perjury, in violation of 18 U.S.C. § 1623 (the “Subject Offenses”).

8. On June 29, 2020, a grand jury in the Southern District of New York returned an indictment charging GHISLAINE MAXWELL with the Subject Offenses. The Indictment charging MAXWELL is attached as Exhibit A hereto (the “Indictment”). That same day, United States Magistrate Judge Lisa Margaret Smith signed a warrant for MAXWELL’s arrest, which is attached as Exhibit B hereto (the “Arrest Warrant”).

¹ Toll records are sometimes necessary or helpful in order to obtain or interpret historical cell site data and are therefore also requested herein.

9. In light of these pending charges in the Indictment and the issuance of the Arrest Warrant, GHISLAINE MAXWELL is subject to arrest for the Subject Offenses.

10. Based on my review of T-Mobile records, I have learned that Target Cellphone-1 is subscribed in the name of "Terramar Project, Inc." Based on my review of publicly available videos and related information, I know that GHISLAINE MAXWELL has given multiple public addresses in her capacity as the founder and president of an organization known as the TerraMar Project, a non-profit organization that, as noted, was founded and run by MAXWELL and devoted to ocean protection.

11. As set forth in Paragraph 3 of Exhibit A, MAXWELL was a close associate and employee of Jeffrey Epstein's. Additionally, as set forth in Paragraphs 1 through 19 of Exhibit A, MAXWELL is charged with committing four of the Subject Offenses together with Epstein. I know from my participation in this investigation that on or about July 6, 2019, Epstein was arrested by the FBI on federal sex trafficking charges. During that arrest, the FBI seized an iPhone from Epstein's possession (the "Epstein Phone"). Pursuant to a judicially authorized search warrant, the FBI subsequently searched the contents of the Epstein Phone. Among other things, that search revealed that the phone number associated with Target Cellphone-1 was saved as a contact in the Epstein Phone under the name "Ghislaine."

12. I further know from my review of T-Mobile records the following:

- a. Target Cellphone-1 has been active within the last 30 days.
- b. Target Cellphone-1 has been in contact with a phone subscribed to in the name of "Joshua Perry," which I know from my review of a law enforcement database is the name of the husband of a former employee of Jeffrey Epstein (the "Joshua Perry Phone"). The most recent contact between Target Cellphone-1 and the Joshua Perry Phone occurred in or about May 2020.

c. Target Cellphone-1 has also been in contact with a phone subscribed to the business “Haddon, Morgan, & Foreman,” which I know from my review of court records is the name of a law firm that currently represents GHISLAINE MAXWELL in civil litigation (the “Haddon, Morgan, & Foreman Phone”). The most recent contact between Target Cellphone-1 and the Haddon, Morgan, & Foreman Phone occurred in or about February 2020.

d. Target Cellphone-1 has also been in contact with a phone subscribed to in the name of “Isabel Maxwell,” which I know from my review of a law enforcement database is the name of GHISLAINE MAXWELL’s sister (the “Isabel Maxwell Phone”). The most recent contact between Target Cellphone-1 and the Isabel Maxwell Phone occurred in or about August 2019.

e. Target Cellphone-1 has also been in contact with a phone subscribed to in the name of “Laura Menninger,” which I know from my review of court records is the name of an attorney who currently represents GHISLAINE MAXWELL in civil litigation (the “Laura Menninger Phone”). The most recent contact between Target Cellphone-1 and the Laura Menninger Phone occurred in or about August 2019.

f. Target Cellphone-1 has also been in contact with a phone subscribed to in the name of “Scott Borgerson,” which I know from my review of bank records and Amazon records is the name of an individual with whom GHISLAINE MAXWELL shares a joint bank account and to whom MAXWELL’s Amazon account has sent multiple packages within approximately the last year (the “Scott Borgerson Phone”). The most recent contact between Target Cellphone-1 and the Scott Borgerson Phone occurred in or about August 2019.

13. Accordingly, I respectfully submit there is probable cause to believe that the location of Target Cellphone-1 will reveal the location of GHISLAINE MAXWELL.

14. Based on my review of AT&T records, I have learned that Target Cellphone-2 is subscribed in the name of "G Max," which appears to be a shortened version of GHISLAINE MAXWELL's name. I further know from my review of AT&T records that Target Cellphone-2 has been active within the last 30 days. In particular, within the last 30 days, Target Cellphone-2 has been in contact with the Isabel Maxwell Phone, the Laura Menninger Phone, the Haddon, Morgan, & Foreman Phone, and the Scott Borgerson Phone.

15. Accordingly, I respectfully submit that there is probable cause to believe that the location of Target Cellphone-2 will reveal the location of GHISLAINE MAXWELL.

III. Request for Warrants and Orders

16. Based on the foregoing, I respectfully request that the Court require the Service Providers to provide the Requested Information as specified further in the Warrants and Orders proposed herewith, including prospective precision location and cell site data for a period of 45 days from the date of this Order, historical cell site data and toll records for the period from June 1, 2020 through the date of this Order, and pen register information for a period of 45 days from the date of this Order.

1. **Nondisclosure.** The scope of this ongoing criminal investigation and existence of the Indictment and Arrest Warrant are not publicly known. As a result, premature public disclosure of this affidavit or the requested Warrants and Orders could alert GHISLAINE MAXWELL that she is under investigation and subject to arrest, causing her to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. Specifically:

a. As evidenced by the charges alleged in the Indictment, MAXWELL is known to have participated in acts of sexual abuse of minors. Alerting her to the existence and scope of the investigation may lead her to intimidate witnesses. *See* 18 U.S.C. § 2705(b)(1),(4).

b. Additionally, the Target Subject is at liberty in the community. Premature disclosure of the existence of this application and the charges contained in the Indictment could result in the Target Subject fleeing from prosecution if she were made aware of the pending charges before arrest. *See* 18 U.S.C. § 2705(b)(2).

17. Accordingly, there is reason to believe that, were the Service Providers to notify the subscribers or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(b), I therefore respectfully request that the Service Providers be directed not to notify the subscribers or others of the existence of the Warrants and Orders for a period of one year, and that the Warrants and Orders and all supporting papers be maintained under seal until the Court orders otherwise, as specified in the Application submitted in conjunction with this Affidavit.

 Amanda Young

Amanda Young
Special Agent
Federal Bureau of Investigation

Sworn to before me this
29 day of June, 2020



HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

Sworn to before me by reliable electronic means in
accordance with Fed. R. Crim. P. 4.1 and 41(d)(3).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Warrant and Order For Prospective
and Historical Location Information and
Pen Register Information for the
Cellphone Assigned Call Number 978-
525-8484, USAO Reference No.
2018R01618

WARRANT AND ORDER

20 Mag. 6770

**Warrant and Order
for Cellphone Location Information and Pen Register Information
and for Sealing and Non-Disclosure**

TO: AT&T ("Service Provider"), and any subsequent provider of service to the Target
Cellphone specified below ("Subsequent Service Provider")

Federal Bureau of Investigation ("Investigative Agency")

Upon the Application and Agent Affidavit submitted by the Government in this matter:

I. Findings

The Court hereby finds:

1. The Target Cellphone (the "Target Cellphone") that is the subject of this Order is assigned call number 978-525-8484, is subscribed to in the name of "G Max" (the "Subscriber"), and is currently serviced by the Service Provider.

2. Pursuant to 18 U.S.C. § 2703(c)(1)(A) and the applicable provisions of Rule 41 of the Federal Rules of Criminal Procedure, the Government's application sets forth probable cause to believe that the prospective and historical location information for the Target Cellphone will reveal the location of a person to be arrested for suspected violations of 18 U.S.C. §§ 371, 2422, 2423(a), and 1623 ("the Subject Offenses").

3. Pursuant to 18 U.S.C. § 2703(d), the Government's application also sets forth specific and articulable facts showing that there are reasonable grounds to believe that the toll records for the Target Cellphone are relevant and material to an ongoing criminal investigation.

4. Pursuant to 18 U.S.C. § 3123(b)(1), the Government has certified that the pen register information for the Target Cellphone is relevant to an ongoing investigation by the Investigating Agency of GHISLAINE MAXWELL and others unknown in connection with suspected violations of the Subject Offenses.

5. Pursuant to 18 U.S.C. § 2705(b), there is reason to believe that notification of the existence of this Warrant and Order will result in flight from prosecution, and/or intimidation of potential witnesses, or otherwise will seriously jeopardize an ongoing investigation.

NOW, THEREFORE, pursuant to Fed. R. Crim. P. 41, 18 U.S.C. §§ 3121 *et seq.*, 18 U.S.C. §§ 2701 *et seq.*, and 18 U.S.C. § 3103a, IT IS HEREBY ORDERED:

II. Order to Service Provider

6. **Service Provider.** This Order shall apply to the Service Provider specified above, and to any subsequent provider of service to the Target Cellphone without need for further Order of this Court.

7. **Prospective Location Information.** The Service Provider shall provide to the Investigating Agency on a prospective basis, for a period of 45 days from the date of this Order, information concerning the location of the Target Cellphone (“Prospective Location Information”), including all available:

a. precision location information, including GPS data, E-911 Phase II data, and latitude-longitude data; and

b. cell site data, including any data reflecting (a) the cell towers and sectors thereof utilized in routing any phone, text, or data communication to or from the Target Cellphone, and (b) the approximate range of the target phone from the cell towers during the communication (including per-call measurement (“PCM”) or round-trip time (“RTT”) data);

8. **Historical Location Information and Toll Records.** The Service Provider shall provide to the Investigating Agency all available historical cell site location information reflecting the cell towers and sectors thereof utilized in routing any phone, text, or data communication to or from the Target Cellphone, and the approximate range of the target phone from the cell towers during the communication (PCM/RTT data), for the period from June 1, 2020 through the present, as well as all available toll records (including call detail, SMS detail, or data session detail records) for the communications.

9. **Pen register with caller identification and/or trap and trace device.** The Service Provider shall provide to the Investigating Agency, for a period of 45 days from the date of this order, all dialing, routing, addressing, or signaling information associated with each voice, text, or data communication transmitted to or from the Target Cellphone, including but not limited to:

- a. any unique identifiers associated with the phone, including ESN, MEIN, MSISDN, IMSI, IMEI, SIM, MIN, or MAC address;
- b. source and destination telephone numbers and/or Internet protocol ("IP") addresses;¹
- c. date, time, and duration of the communication; and
- d. cell-site information as specified above.

¹ The Service Provider is not required to provide post-cut-through dialed digits ("PCTDD"), or digits that are dialed after a telephone call from the Target Phone has been connected. If possible, the Service Provider will forward only pre-cut-through-dialed digits to the Investigative Agency. However, if the Service Provider's technical capabilities require it to forward all dialed digits, including PCTDD, to the Investigative Agency, the Investigative Agency will only decode and forward to the agents assigned to the investigation, the numbers that are dialed before the call is cut through.

10. **Technical Assistance.** The Service Provider shall furnish the Investigating Agency all information, facilities, and technical assistance necessary to accomplish the disclosure of all of the foregoing information relating to the Target Cellphone unobtrusively and with the minimum interference to the service presently provided to the Subscriber.

11. **Non-Disclosure to Subscriber.** The Service Provider, including its affiliates, officers, employees, and agents, shall not disclose the existence of this Warrant and Order, or the underlying investigation, to the Subscriber or any other person, for a period of one year from the date of this Warrant and Order, subject to extension upon application to the Court, if necessary.

III. Additional Provisions

12. **Compensation for Costs.** The Investigating Agency shall compensate the Service Provider for reasonable expenses incurred in complying with the Warrant and this Order.

13. **Sealing.** This Warrant and Order, and the supporting Application and Agent Affidavit, shall be sealed until otherwise ordered by the Court, except that the Government may without further order of this Court: serve this Warrant and Order on the Service Provider; provide copies of the Warrant and Order or the supporting Application and Agent Affidavit as need be to personnel assisting the Government in the investigation and prosecution of this matter; and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

Dated: New York, New York

6/29/2020
Date Issued

2:08 p.m.
Time Issued

Katharine H. Parker

UNITED STATES MAGISTRATE JUDGE
Southern District of New York