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VIA Email

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

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

Dear Judge Nathan,

I write to alert the Court and the government to the inconsistent statements Ms. Maxwell intends to prove up by extrinsic evidence during her case.

Ms. Maxwell conferred with the government about this issue. After conferral, and given the press of time, counsel concluded it was most efficient to provide this notice to the Court and the government and to allow the government to consider which other statements it would stipulate to in addition to those the parties have already agreed on.

A. Jane Inconsistent Statements

Trial Testimony	3500 material cite	3500 quote
375:20 – 376:20	3509-008, p. 12, 4 th paragraph, last sentence	From when Jane met Epstein to when she moved to New York she lived in the same house in Florida. This house was in a gated community called Bear Lakes. It was a 3 bedroom house.
447:2 – 447:20	3509-002, p. 1	GM walked by w/ dog. JE came up to meet her.

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448:12 – 15	3509-007, p. 3, para. 13	Doe was sitting alone on a bench between classes when Epstein and Maxwell approached her.
450:21 – 451:15	3509-028, p. 1	At first tea w/ Epstein, just Epstein, Mom & Jane were present.
451:4 – 452:21	3509-001, p. 2, 4 th para.	In the beginning, Jane would be with her mother and brothers at Epstein's house.
453:15 – 454:3	3509-003, p. 1, 4 th para.	Jane was not sure if Maxwell ever called her to make appointments.
454:4 – 9	3509-003, p.2, second line	When in Florida, Epstein or his office would call Jane's house.
455:3 – 18	3509-008, p. 12, 4 th paragraph	They visited Jane one to two times at her house in Florida. This was about a year or two after meeting him.
455:19 – 13	3509-008, p. 11, last full paragraph	At some point Maxwell and Epstein came to Jane's house prior to the abuse.
470:21 – 471:18	3509-005, p. 3, first paragraph	Fairly early on Maxwell 'joined in' and started taking her clothes off. This was about six months into being with them. Jane was still 14 at this time. Jane does not have a specific memory of the first time.
471:18 – 22	3509-008, omission	
473:24 – 20	3509-008, p. 4, first full paragraph	The first time Maxwell was involved in the sexual encounters with Epstein and Jane, there were two other girls there as well.
475:7 – 18	3509-008, p. 5, 3rd full paragraph	When Jane was asked if there were times where it was only Epstein, Maxwell, and her in the room, Jane was not sure. As Epstein progressed incidents sexually with Jane, it would go back and forth between just being solely with Jane and going back to the group setting.
475:19 – 476:1	3509-008, p. 3, 2 nd full paragraph	Jane does not have a recollection, is not sure if Maxwell touched her during these encounters.

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476:2-4	3509-008, p. 10, 4 th paragraph	Jane was asked if Maxwell ever touched or kissed her to which she answered, "I don't think so."
476:8-10	3509-005, p. 4, 4 th full paragraph, last sentence	Jane was not sure if Maxwell talked about how Epstein liked to be massaged.
476:14-16	3509-008, p. 10, 1 st full paragraph	Jane cannot remember if Maxwell was ever present for instances of oral sex or hand jobs with Epstein and Jane.
476:17-19	3509-008, p. 9, last paragraph	Jane was then asked if Maxwell was present for when any of these 4 options (masturbation, hand job, oral sex, and sex) were performed on her and she responded, "I can't remember."
477:2-5	3509-008, p. 9, last paragraph	Jane was then asked if Maxwell was present for when any of these 4 options (masturbation, hand job, oral sex, and sex) were performed on her and she responded, "I can't remember."
478:8-23	3509-008, p. 5, last paragraph	When Jane was asked if there were times when it was only Epstein, Maxwell and her in the room, Jane was not sure.
479:12 - 480:8	3509-005, p. 3, second full paragraph	Jane does not have a recollection, is not sure if Maxwell touched her during these encounters.
480:9-25	3509-008, p. 10, 1 st full paragraph	Jane cannot remember if Maxwell was ever present for instances of oral sex or hand jobs with Epstein and Jane.
497:16 – 498:7	3509-005, p. 2, 2d paragraph from bottom	Jane's first experience with abuse was when she was about 14 years old in New York. She met Epstein to take head shots and that is when he masturbated.
499:7 – 23 507:18 – 508:8	3509-008, p. 8, 4 th full paragraph	Her first trip to New York was to just go and have fun.
506:12 – 507:4	3509-001, p. 2	When Jane was 14 years old, she flew with Epstein and Maxwell to New York City to see

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		<i>The Lion King</i>The first time she traveled with them nothing inappropriate happened.
512:11 – 513:7	3509-008, p. 6, 8 th paragraph	Re first NM trip: She recalled going hiking. She remembered not doing too much and just sitting around mostly.
513:8 – 20	3509-008, p. 7, last full paragraph	She did not recall any specific abuse that occurred
514:2 – 11	3509-008, p. 7-8, overflow paragraph	Jane was asked if she recalled any specific abuse that occurred in New Mexico and she stated she was not sure.
514:1 – 515:7	3509-008, p. 8, 1 st overflow paragraph	The place was dark and she did not recall many details of this location. If there was abuse that occurred, it wouldn't have been a group thing but she cannot recall anything specific.
515:8 – 516:10	3509-008, p. 11, top paragraph first sentence	Jane was asked about the New Mexico trips she took and if she recalled any specific abuse that occurred there to which she answered she did not remember.
521:9 – 522-22	3509-001, p. 3, 2 nd full paragraph	In the beginning before the pool house incident, Epstein showed off to Jane...Epstein took Jane in a dark green car to Mar-a-lago to meet Donald Trump.
532:12 – 17	3509-001, p. 2, 2 nd full paragraph	Epstein, Maxwell, or an assistant would call Jane's house phone. There was an assistant named Lesley, Maxwell's assistant named Emmy Taylor, and another assistant named Michelle.
596:7 – 25	3509-007, paragraph 20	In 1996, when Doe was 16 years old, Epstein moved Doe to New York City.

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B. Carolyn Inconsistent Statements¹

Trial Testimony	Prior Inconsistent Statement Cite	Prior Inconsistent Statement Quote
1564: 4-7, 1565:18-23	3505-005, page 1, 2d paragraph	Virginia approached [Caryoln] at a party and asked her if she would like to make \$300.00.
1567: 7-19	3505-005, page 1, 2d paragraph	Virginia explained that [Carolyn] could make \$300.00 by providing a man in Palm Beach with a massage.
1568: 22-25	3505-005, page 1, 3rd paragraph	Virigina told [Carolyn] she could make a lot of money real fast.
1570:23 – 1571:2	3505-043, page 33, deposition pages 125:24-126:6	Q. [T]he total period of time that you had any interaction with Mr. Epstein was between May of '02 and August of '03. A. Uh-huh. Q. That is another say of saying it is the first time you went is May of '02 and the last time you went was August of '03. A. Yeah

C. Annie Farmer Inconsistent Statements

Trial Testimony	3500 material cite	3500 quote
2151:2 – 16	3514-001, p. 2, 2d full paragraph	Originally Maria was going to accompany Annie to New Mexico.

¹ The government has agreed to stipulate to the admissibility of the prior inconsistent statements Carolyn was confronted with at transcript page 1610:9-15 and page 1611:1-5.

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2160:12 – 2161:25	3514-001, p. 3, 2d full paragraph	The chef prepared dinner and all three ate together.
2165:7 – 2166:6	3514-001, p. 2, last paragraph	They spent a significant amount of time horseback riding.
2169:22 – 2170:12	Omission	Never told the government in any interview “explain[ing] why [the boots] were not used previously and then I did wear them.”
2174:18 – 2176:20 2194:20 – 2195:18	3514-012, p. 2, ¾ way down	At that time, limited to massaging and talking about the foot massage. Do not remember the specifics re: what JE was saying. Do not remember it being sexualized or going beyond massaging JE foot.
2182:19 – 2183:15	3514-012, p. 3, section “GM massage of AF”	GM massage of AF....”rubbed around breasts, not on her nipples or nipple area”; “was awkward and uncomfortable but not explicitly sexual – no touching of nipples, genitals, etc.”
2185:7 – 12 2185:21 – 2186:13	3514-012, p. 4, “Incident in the bed”	“Do not remember it being a sexual touch – do not remember grabbing or touching her breasts or genitals. Did not, e.g., feel his erect penis. Body generally against hers.”
2195:10 – 17	3514-012, p. 2, ¾ way down	At that time, limited to massaging and talking about the foot massage. Do not remember the specifics re: what JE was saying. Do not remember it being sexualized or going beyond massaging JE foot.
2197:23 – 2198:	3514-001	Omission – never told anything about GM being “disinterested”
2209:19 – 2213:5	3514-001	Omission – no mention of wanting JE or GM prosecuted

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	2017 Kuyrkendall declaration	Kuyrkendall – declaration language
2224:6 - 14	3514-012	Each of the statements that the physical contact was “not sexualized” or “explicitly sexual”

CONCLUSION

Ms. Maxwell has a constitutional right to present evidence in her defense and to confront her accusers. U.S. Const. amends. V, VI. These rights guarantee her the ability to prove up the inconsistent statements identified above.



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cc: Counsel of record (via email)