

UNITED STATES DISTRICT COURT

for the Southern District of New York

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address)

3 electronic devices seized on July 11, 2019 from 9 East 71st Street, New York, NY

20 MAG 11668

Case No.

APPLICATION FOR A SEARCH AND SEIZURE WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

located in the Southern District of New York, there is now concealed (identify the person or describe the property to be seized):

See Attached Affidavit and its Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- [x] evidence of a crime; [] contraband, fruits of crime, or other items illegally possessed; [] property designed for use, intended for use, or used in committing a crime; [] a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Table with 2 columns: Code Section(s) and Offense Description(s). Rows include 18 U.S.C. 1591 (Sex Trafficking), 18 U.S.C. 2422 (Enticement to Travel), 18 U.S.C. 2423 (Transportation of Minors), and 18 U.S.C. 371 (Conspiracy to Commit Sex Trafficking, Enticement to Travel, and Transportation of Minors).

The application is based on these facts:

See Attached Affidavit and its Attachment A

- [x] Continued on the attached sheet. [] Delayed notice of 30 days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

s/ [Redacted Signature]

Applicant's signature

[Redacted Name] ask Force Officer, FBI

Printed name and title

By reliable electronic means (telephone)

Sworn to before me and signed in my presence.

Date: October 27, 2020

[Redacted Signature]

Judge's signature

City and state: New York, NY

Hon. Ona T. Wang, U.S. Magistrate Judge

Printed name and title

In the Matter of the Application of the United States Of America for an Amended Search and Seizure Warrant for 3 electronic devices seized on July 11, 2019 from 9 East 71st Street, New York, NY.

TO BE FILED UNDER SEAL

**Agent Affidavit in Support of
Application for Amended Search and
Seizure Warrant**

SOUTHERN DISTRICT OF NEW YORK) ss.:

Paul Byrne, being duly sworn, deposes and says:

I. Introduction

A. Affiant

1. I have been a Task Force Officer with the Federal Bureau of Investigation (“FBI”) 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 also a detective with the New York Police Department (“NYPD”) and have been employed by the NYPD for approximately fourteen years. 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 for electronic devices and electronic storage media.

2. I make this Affidavit in support of an application pursuant to Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the electronic devices specified below (the “Subject Devices”) for the items and information described in Attachment A. This affidavit is

based upon my personal knowledge; my review of documents and other evidence; my conversations with other law enforcement personnel; and my training, experience and advice received concerning the use of computers in criminal activity and the forensic analysis of electronically stored information (“ESI”). Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my 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.

B. The Subject Devices

3. The Subject Devices were all recovered during the course of the FBI’s investigation into JEFFREY EPSTEIN and his associates. As detailed below, the Subject Devices were the subject of prior warrants obtained during the course of that investigation. The three Subject Devices that are the subject of this Application were seized during a search of JEFFREY EPSTEIN’s private residence located at 9 East 71st Street, New York, New York (the “New York Residence”), which took place on July 11, 2019. The Subject Devices are particularly described as follows:

a. A “Seagate Path 100” hard drive, which was seized from inside a book shelf cabinet in an oval study on the first floor of the New York Residence, and which has been assigned internal FBI barcode number E6433822 (“Corrected Subject Device-32”);

b. A “Seagate Path 100” hard drive, which was seized from inside a book shelf cabinet in an oval study on the first floor of the New York Residence, and which has been assigned internal FBI barcode number E6433824 (“Corrected Subject Device-33”);

c. A “Seagate Path 100” hard drive, which was seized from inside a book shelf cabinet in an oval study on the first floor of the New York Residence, and which has been assigned

internal FBI barcode number E6433821 (“Corrected Subject Device-34”; and, together with Corrected Subject Device-32 and Corrected Subject Device-33, the “Subject Devices”).

4. The Subject Devices are all storage devices capable of storing digital files, including electronic picture, video, message, and email files.

5. On July 11, 2019, the Honorable Henry Pitman, United States Magistrate Judge, issued a warrant (the “July 2019 Warrant”) authorizing the seizure and search of any electronic devices within the New York Residence. The July 2019 Warrant is attached as Exhibit A hereto. During the execution of the July 2019 Warrant, the FBI seized, among other things, the Subject Devices.¹ Pursuant to that same warrant, the FBI searched the contents of the Subject Devices, among other devices. That search process took several months and involved the following steps: (a) the FBI extracted the data from the Subject Devices, among other devices; (b) the FBI transferred that data to the U.S. Attorney’s Office; (c) a filter reviewer at the U.S. Attorney’s Office conducted a privilege review of the Subject Devices, among other devices; and (d) the FBI case agents and line AUSAs initiated a responsiveness review of the Subject Devices, among other devices. Meanwhile, the FBI’s investigation into potential co-conspirators of JEFFREY EPSTEIN’s continued and remains ongoing.

6. During the course of the ongoing investigation, as well as the responsiveness review of the Subject Devices, among other devices, the FBI identified evidence of additional crimes involving co-conspirators of EPSTEIN’s, including GHISLAINE MAXWELL. Accordingly, on June 25, 2020, the FBI sought a new warrant expanding the scope of its search of the devices it had seized. On June 25, 2020, the Honorable Gabriel W. Gorenstein, United States Magistrate

¹ JEFFREY EPSTEIN, the owner of the Subject Devices and from whose residence the Subject Devices were seized, died on August 10, 2019.

Judge, signed the requested warrant expanding the scope of the search (the “June 2020 Warrant”). A copy of the application in support of the June 2020 Warrant is attached as Exhibit B hereto. A copy of the June 2020 Warrant is attached as Exhibit C hereto.

7. Following the issuance of the June 2020 Warrant, a grand jury sitting in this District charged GHISLAINE MAXWELL with certain federal offenses, including conspiring with JEFFREY EPSTEIN to commit federal crimes. A copy of the operative indictment is attached as Exhibit D hereto.

8. In preparing to produce the responsive portions of the devices seized and searched during the FBI’s investigation as discovery to the defense in the pending criminal case against GHISLAINE MAXWELL, the case team realized for the first time on October 21, 2020, that the June 2020 Warrant had inadvertently listed the incorrect FBI barcode numbers when identifying these three Subject Devices. That error resulted from the following events:

a. During the July 11, 2019 search of the New York Residence, the FBI seized a total of nine (9) “Seagate Path 100” hard drives from inside a book shelf cabinet in an oval study on the first floor of the New York Residence. Each of those hard drives was assigned a unique FBI barcode number.

b. At the time of seizure, the FBI found labels that were already affixed to the nine hard drives. Those labels indicated that six of the hard drives were copies of the other three. Accordingly, the FBI elected only to search what it believed to be the original three hard drives. The FBI seized but did not review the contents of the other six hard drives, which were labeled as copies.

c. When participating in the drafting of the application for the June 2020 Warrant, I was informed by other FBI personnel that the FBI barcode numbers for the original

three hard drives that had been searched pursuant to the July 2019 Warrant were E6515001, E6515000, and E6433827. Accordingly, in the application for the June 2020 Warrant, I identified the Subject Devices, which were listed in the June 2020 Warrant as Subject Device-32, Subject Device-33, and Subject Device-34, using those three incorrect FBI barcode numbers. In fact, those three FBI barcode numbers were the numbers for three of the copies of the same content that had been seized but had not been searched. The correct FBI barcode numbers for the Subject Devices are E6433822, E6433821, and E6433824, as described above.

9. Consistent with that inadvertent error, all of the email communications quoted in paragraph 48 of the application for the June 2020 Warrant, attached as Exhibit B, as examples of communications found on the devices listed in the application for the June 2020 Warrant, including the devices bearing FBI barcode numbers E6515001, E6515000, and E6433827, were in fact found on Corrected Subject Device-33.

10. Following the issuance of the July 2019 Warrant, the case team and I reviewed the contents of the Subject Devices pursuant to that warrant. After the issuance of the June 2020 Warrant, the case team and I continued to review the contents of the Subject Devices pursuant to both warrants. Although I understand that search terms have been applied to the materials extracted from the Subject Devices aimed at identifying materials authorized for seizure by both the July 2019 and the June 2020 Warrant, I understand that no files from the Subject Devices have yet been marked as identified responsive to the June 2020 Warrant. Upon realizing that the June 2020 Warrant had inadvertently listed the incorrect FBI serial numbers for the Subject Devices, the case team and I immediately ceased any review of the Subject Devices pursuant to the June 2020 Warrant. Any subsequent review of the Subject Devices was completed in a continued attempt to identify materials responsive to the July 2019 Warrant.

11. In order to correct this error, I now seek an amended warrant for the three Subject Devices, whose FBI barcode numbers were misidentified in the June 2020 Warrant.

12. The Subject Devices are all presently located in FBI offices in the Southern District of New York.

C. The Subject Offenses

13. As detailed above and in Exhibits A and B, the Subject Devices were the subject of the July 2019 Warrant, which was granted and authorized the search of evidence, fruits and instrumentalities of violations of Title 18, United States Code, Sections 1591 (sex trafficking of minors) and 371 (conspiracy to commit sex trafficking) (the “Original Subject Offenses”) within the Subject Devices.

14. For the reasons detailed above and in Exhibit B, I believe that there is also probable cause to believe that the Subject Devices contain evidence, fruits, and instrumentalities of additional violations of criminal law, including violations of Title 18, United States Code, Sections 2422 (transportation of minors), 2423 (enticement to travel), and 371 (conspiracy to commit transportation of minors and enticement to travel) (the “Additional Subject Offenses”; and, together with the Original Subject Offenses, the “Subject Offenses”). The Target Subjects of this investigation are known and unknown co-conspirators of JEFFREY EPSTEIN, including but not limited to [REDACTED] and GHISLAINE MAXWELL.

II. Probable Cause

15. For the reasons set forth above and in Exhibit B, I respectfully submit that there is Probable Cause to believe that evidence of the Subject Offenses will be found on the Subject Devices. In particular, the description of probable cause in support of searches of Subject Device-32, Subject Device-33, and Subject Device-34 that is set forth in Exhibit B in fact describes the

probable cause supporting a search of Corrected Subject Device-32, Corrected Subject Device-33, and Corrected Subject Device-34.

III. Procedures for Searching ESI

A. Review of ESI

16. Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) will review the ESI contained on the Subject Device for information responsive to the warrant.

17. In conducting this review, law enforcement may use various techniques to determine which files or other ESI contain evidence or fruits of the Subject Offenses. Such techniques may include, for example:

- surveying directories or folders and the individual files they contain (analogous to looking at the outside of a file cabinet for the markings it contains and opening a drawer believed to contain pertinent files);
- conducting a file-by-file review by “opening” or reading the first few “pages” of such files in order to determine their precise contents (analogous to performing a cursory examination of each document in a file cabinet to determine its relevance);
- “scanning” storage areas to discover and possibly recover recently deleted data; scanning storage areas for deliberately hidden files; and
- performing electronic keyword searches through all electronic storage areas to determine the existence and location of search terms related to the subject matter of the investigation. (Keyword searches alone are typically inadequate to detect all information subject to seizure. For one thing, keyword searches work only for text data, yet many types of files, such as images and videos, do not store data as searchable text. Moreover, even as to text data, there may be information properly subject to seizure but that is not captured by a keyword search because the information does not contain the keywords being searched.)

18. Law enforcement personnel will make reasonable efforts to restrict their search to data falling within the categories of evidence specified in the warrant. Depending on the

circumstances, however, law enforcement may need to conduct a complete review of all the ESI from the Subject Device to locate all data responsive to the warrant.


B. Return of the Subject Devices

19. If the Government determines that the Subject Devices are no longer necessary to retrieve and preserve the data on the device, and that the Subject Devices are not subject to seizure pursuant to Federal Rule of Criminal Procedure 41(c), the Government will return the Subject Devices, upon request. Computer data that is encrypted or unreadable will not be returned unless law enforcement personnel have determined that the data is not (i) an instrumentality of the offense, (ii) a fruit of the criminal activity, (iii) contraband, (iv) otherwise unlawfully possessed, or (v) evidence of the Subject Offenses.

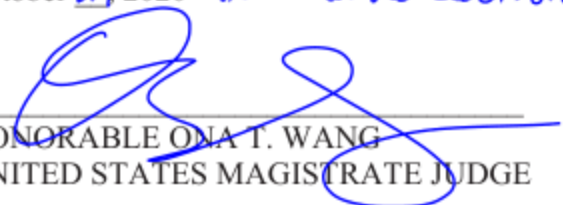
IV. Conclusion and Ancillary Provisions

20. Based on the foregoing, I respectfully request the court to issue a warrant to seize the items and information specified in Attachment A to this affidavit and to the Search and Seizure Warrant.

21. In light of the confidential nature of the continuing investigation, I respectfully request that this affidavit and all papers submitted herewith be maintained under seal until the Court orders otherwise.


Det. Shield 756
Task Force Officer
Federal Bureau of Investigation

Sworn to before me on
October 27 2020 *via reliable electronic means (phone)*


HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE

Attachment A

I. Devices Subject to Search and Seizure

The devices that are the subject of this search and seizure warrant (the "Subject Devices") are described as follows:

The Subject Devices were recovered from a search of JEFFREY EPSTEIN's private residence located at 9 East 71st Street, New York, New York, which took place on July 11, 2019. The Subject Devices are particularly described as follows:

- a. A "Seagate Path 100" hard drive, which was seized from inside a book shelf cabinet in an oval study on the first floor of the New York Residence, and which has been assigned internal FBI barcode number E6433822 ("Corrected Subject Device-32");
- b. A "Seagate Path 100" hard drive, which was seized from inside a book shelf cabinet in an oval study on the first floor of the New York Residence, and which has been assigned internal FBI barcode number E6433824 ("Corrected Subject Device-33"); and
- c. A "Seagate Path 100" hard drive, which was seized from inside a book shelf cabinet in an oval study on the first floor of the New York Residence, and which has been assigned internal FBI barcode number E6433821 ("Corrected Subject Device-34").

II. Review of ESI on the Subject Devices

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the ESI contained on the Subject Device for evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 1591 (sex trafficking of minors), 2422 (transportation of minors), 2423 (enticement to travel), and 371 (conspiracy to commit sex trafficking, transportation of minors, and enticement to travel) (the "Subject Offenses"), for the period 1994 through August 8, 2019, described as follows:

1. Evidence concerning the identity or location of the owner(s) or user(s) of the Subject Devices.
2. Evidence concerning the identity or location of co-conspirators of JEFFREY EPSTEIN, including [REDACTED] and GHISLAINE MAXWELL.
3. Evidence concerning communications to, from, by, and/or among co-conspirators of JEFFREY EPSTEIN, including [REDACTED] and GHISLAINE MAXWELL.
4. Any documents or communications with or regarding victims or potential victims of the Subject Offenses.

5. Documents or records reflecting payments to victims and/or co-conspirators including but not limited to bank and financial records, spreadsheets, ledgers, account listings, check and wire records, and documents reflecting cash withdrawals.

6. Documents or records reflecting travel plans or arrangements for victims or potential victims of the Subject Offenses, or co-conspirators in those Subject Offenses, including but not limited to itineraries, tickets, receipts, flight manifests, passport or identification information, and related records.

7. Any photographs of victims or potential victims of the Subject Offenses.

8. Any nude, partially nude, or sexually suggestive photographs of individuals who appear to be teenage girls, or younger.

9. Records or other items that evidence ownership, control, or use of, or access to devices, storage media, and related electronic equipment used to access, transmit, or store information relating to the Subject Offenses, including, but not limited to, sales receipts, warranties, bills for Internet access, handwritten notes, registry entries, configuration files, saved usernames and passwords, user profiles, e-mail contacts, and photographs.

10. Any child erotica, defined as suggestive visual depictions of nude minors that do not constitute child pornography as defined by 18 U.S.C. § 2256(8).

If the Government determines that any of the Subject Devices is no longer necessary to retrieve and preserve the data on the device, and that any of the Subject Devices is not subject to seizure pursuant to Federal Rule of Criminal Procedure 41(c), the Government will return any such Subject Device, upon request.