



Haddon, Morgan and Foreman, P.C
Jeffrey S. Pagliuca

150 East 10th Avenue
Denver, Colorado 80203
PH 303.831.7364
FX 303.832.2628
www.hmflaw.com
jpagliuca@hmflaw.com

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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,

There are two fundamental flaws with the government's evidentiary proffer regarding proposed Exhibit 52. First, as a matter of fact, Government Exhibit 52 was not something that the cooperating government witness reviewed, used, or saw during her brief employment with Jeffrey Epstein. Records produced in discovery reflect that witness began working for Epstein in [REDACTED] At that point, the suspect source of Government Exhibit 52, Alfredo Rodriguez, was not employed by Epstein because he had been fired in 2004.

According to Mr. Rodriguez, when he left the Epstein home he took an address book, which he claimed was Epstein's book, and had it in his possession until 2009 when he tried to sell it to Brad Edwards for \$50,000.¹ The book was clearly altered by Mr. Rodriguez. The single

¹ Mr. Rodriguez knew the target of his intended sale which makes the likelihood of alteration all the more probable. Mr. Edwards was a lawyer with of the Fort Lauderdale law firm of Rothstein Rosenfelt Adler. The firm was under investigation by the U.S. Attorney for the

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page that the government intends to offer has various handwritten notations on the copy. The book, as an entire document, contains numerous handwritten notations, added tabs, and additional handwritten pages. The government does not explain how the one selected page is authentic and does not identify any Fed. R. Evid 602 basis for the witness's testimony about the book.

The evidentiary proffer by the government glosses over what limited facts the witness may have actual knowledge about: that she saw copies of address books in the Palm Beach Residence beginning in [REDACTED]. She cannot say that Exhibit 52 was one of these books and she cannot comment about the alterations made by Mr. Rodriguez. There is no other address book to compare with Exhibit 52. Other witnesses dispute the characterization of the books as proffered by the government.

The party offering an exhibit must demonstrate "evidence sufficient to support a finding that the matter in question is what its proponent claims." Fed. R. Evid. 901(a). "The requirement under Rule 901 is satisfied 'if sufficient proof has been introduced so that a reasonable juror could find in favor of authenticity or identification.'" *United States v. Dhinsa*, 243 F.3d 635, 658 (2d Cir.2001) (quoting *United States v. Ruggiero*, 928 F.2d 1289, 1303 (2d Cir.1991)). The government cannot meet this minimal threshold here.

Ms. Maxwell respectfully suggests that this issue cannot be resolved by the Court without consideration of the evidence and the witness through whom the government will attempt

Southern District of Florida for a \$1.2 billion Ponzi scheme, involving falsifying documents, including police reports and court pleadings, specifically against Epstein; blackmailing targeted defendants to settle false allegations of sexual harassment and abuse; and devising an investment scheme involving pre-trial funding in the guise of structured settlements.

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authentication. Ms. Maxwell requests that the government be precluded from discussing the book at trial prior to a proper evidentiary foundation being established. In addition, the government should be required to produce the entire book for inspection at trial and counsel for Ms. Maxwell should be afforded an opportunity to conduct voir dire of the exhibit with the proffering witness.

Respectfully submitted,



Jeffrey S. Pagliuca
Laura A. Menninger
HADDON, MORGAN & FOREMAN P.C.
150 East 10th Avenue
Denver, CO 80203
Phone: 303-831-7364

Christian R. Everdell
COHEN & GRESSER LLP
800 Third Avenue
New York, NY 10022
Phone: 212-957-7600

Bobbi C. Sternheim
Law Offices of Bobbi C. Sternheim
225 Broadway, Suite 715
New York, NY 10007
Phone: 212-243-1100

Attorneys for Ghislaine Maxwell