

UNITED STATES DISTRICT COURT
Southern District of Florida

Misc. Number: 06-8266-LRJ

In Re
Records of the Electronic
Communications Service
Known as Cingular Wireless

FILED by _____ D.C.

SEP 20 2006

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

SEALED DOCUMENT TRACKING FORM

Party Filing Matter Under Seal

Name: [Redacted] U.S. Attorney's Office

Address: 500 S. Australian Ave, Suite 400, West Palm Beach, FL 33401

Telephone: [Redacted]

On behalf of (select one):

~~Plaintiff~~ *Movant* Defendant

Date sealed document filed: 9/20/2006

If sealed pursuant to statute, cite statute: _____

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The matter should remain sealed until:

- Conclusion of Trial
- Case Closing
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- Arrest of First Defendant
- Conclusion of Direct Appeal

The moving party requests that when the sealing period expires, the filed matter should be (select one):

- Unsealed and placed in the public portion of the court file
- Returned to the party or counsel for the party, as identified above
- Destroyed

[Redacted Signature]

Attorney for: *Movant* United States of America

SDNY_GM_02762963

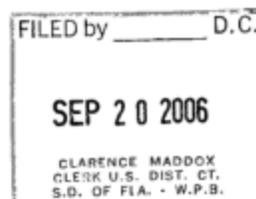
SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE:

RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS CINGULAR WIRELESS



MOTION TO SEAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to seal its Motion for Order of Disclosure under 18 U.S.C. § 2703:

1. Title 18, United States Code, Sections 2703 and 2705 provide for the disclosure or non-disclosure of Motions and Orders filed pursuant to Section 2703. Pursuant to 18 U.S.C. § 2703(c)(3), the United States is not required to disclose the existence of this Motion and the Court's Order to the consumer.

2. Title 18, United States Code, Section 2705(b) provides that, when the government is not required to disclose its request to the customer, a Court can order non-disclosure by the service provider when such disclosure may result in (1) endangering the life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence; (4) intimidation of potential witnesses; or (5) otherwise seriously jeopardize an investigation or unduly delay a trial. General Rule 5.4(B) of the Local Rules of the Southern District of Florida provides that a document may be ordered sealed when there is "a reasonable basis for departing from the general police of a public filing."

3. As set forth in the Motion, there is reason to believe that the disclosure of the Motion

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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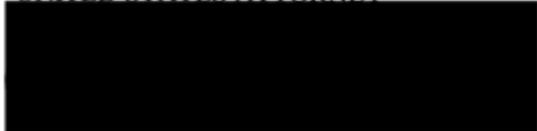
and Order, as well as Cingular Wireless's compliance with the Order would likely result in tampering with or destruction of evidence or flight from prosecution.

WHEREFORE, the United States respectfully requests that, consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and the Court's equitable powers under S.D. Fl. Gen. R. 5.4(B), the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed until the time for production of discovery after the arrest of the target of the investigation or further Order of the Court.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:

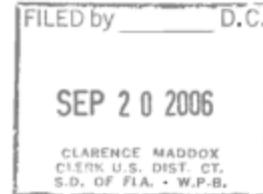

ASSISTANT U.S. ATTORNEY
Florida Bar No. 
500 S. Australian Avenue, Suite 400
West Palm Beach, FL 33401
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FAX: 
E-MAIL: 

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE:

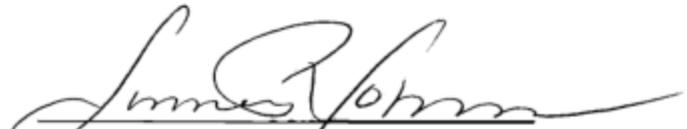
RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS CINGULAR WIRELESS



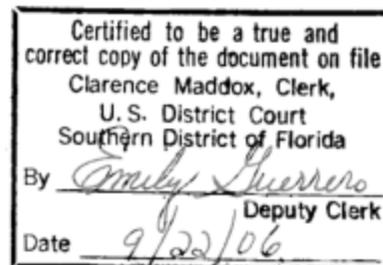
ORDER

It is hereby ordered that the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed until the time for production of discovery after the arrest of the target of the investigation or until further Order of the Court.

DONE AND ORDERED in chambers this 20 day of September, 2006, at Fort Pierce, Florida.


LENNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

cc: [REDACTED], West Palm Beach



SDNY_GM_02762966

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249809

EFTA01333057

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE: RECORDS OF THE
ELECTRONIC COMMUNICATIONS
SERVICE KNOWN AS
CINGULAR WIRELESS

MOTION FOR ORDER OF DISCLOSURE UNDER 18 U.S.C. § 2703

FILED UNDER SEAL

1. COMES now the United States of America, by and through the undersigned Assistant United States Attorney, and moves this Court for an order to Cingular Wireless, [REDACTED] [REDACTED] West Palm Beach, FL 33407, to provide records and other information pertaining to two of its customers, that is, Jeffrey Epstein and [REDACTED]. The records and other information sought are set forth in Attachment A to this motion.

2. Pursuant to the Electronic Communications Privacy Act, 18 U.S.C. §§ 2701, *et seq.*, a court order rather than a subpoena is necessary to obtain the desired information because Cingular Wireless is an “electronic communications service”¹ and this motion and proposed order seek records and other information pertaining to a subscriber to or customer of such service. 18 U.S.C. § 2703(c).

3. The applicable statute provides:

A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to

¹Electronic communications service means “any service which provides to users thereof the ability to send or receive wire or electronic communications.” 18 U.S.C. § 2510(15).

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity –

* * *

(B) obtains a court order for such disclosure under subsection (d) of this section;

18 U.S.C. § 2703(c)(1)(B). Thus a court order is one permitted way to recover transactional data but not content from an electronic communications service. Subsection (d) states:

(d) Requirements for a court order -- A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction described in section 3127(2)(A) and shall issue only if the government entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.

18 U.S.C. § 2703(d). Thus the burden on the United States in obtaining such an order is to present specific facts showing reasonable grounds to believe the material sought is relevant to a criminal investigation.

4. This court is a “court of competent jurisdiction” because it is “a district court of the United States (including a magistrate of such court) . . .” 18 U.S.C. § 3127(2)(A).

5. As further described below, the Federal Bureau of Investigation is investigating violations of Title 18, United States Code, Sections 2422 and 2423, which outlaw the use of “any facility or means of interstate or foreign commerce” to persuade, induce, or entice any individual under the age of 18 to engage in prostitution or sexual activity (§ 2422), and the travel in interstate commerce for the purpose of engaging in illicit sexual conduct (§ 2423).

6. Beginning in October 2005, the City of Palm Beach Police Department (“PBPD”) began investigating Jeffrey Epstein, a part-time resident of the City of Palm Beach, along with his personal assistant, [REDACTED]. PBPD obtained information from a fourteen-year-old girl who lives in Loxahatchee, Florida, in the Southern District of Florida, and who attended Royal Palm

Beach High School, also in the Southern District of Florida. The fourteen-year-old girl informed PBPD that she had been paid \$300 by Jeffrey Epstein to perform a “sexual massage,” which entailed providing a massage to Jeffrey Epstein while Epstein was naked and the fourteen-year-old was wearing only her thong panties. During the massage, Jeffrey Epstein masturbated himself and touched the fourteen-year-old’s vagina over her thong panties both with his hand and with a vibrator/massager.

7. Following the receipt of the information from the fourteen-year-old, PBPD began interviewing a series of girls, ranging in age from fourteen through mid-twenties, who reported a similar series of events.² In particular, the girls described how they were contacted via telephone, primarily by [REDACTED], Epstein’s assistant, to arrange times for the girls to “work” at Epstein’s home in Palm Beach. The girls would travel to Epstein’s home, usually in the company of another girl. The girls would enter Epstein’s home via the kitchen, where they would be met by Epstein and/or [REDACTED]. The girls would be escorted up to Epstein’s bedroom where a massage table usually was already set up. The girls were told to undress – some undressed only partially and some undressed completely. Epstein would enter the room partially dressed, usually wearing only a towel. Epstein often would remove the towel and get onto the massage table face down. While lying face down, Epstein instructed the girl how to massage him, including in some instances “straddling him” so that Epstein’s buttocks and the girl’s buttocks touched. After a period of time when the girl massaged Epstein’s back, he would turn over and lie face up. While lying face up, Epstein would continue to instruct the girl how to conduct the massage. Epstein also would masturbate himself and occasionally would manually fondle the vaginal area of the girl – sometimes over the panties,

²All of the girls did not report identical events. This summary includes the most common occurrences from the girls’ interviews.

sometimes under the panties, and sometimes penetrating the girl's vagina. On most instances, Epstein also used a vibrator or massager on the girl's vaginal area, again sometimes over the panties and sometimes under the panties. When Epstein ejaculated, the "massage" was over and the girl was instructed to get dressed and to return to the downstairs area of the home. The girls received between \$200 and \$300 for the sexual massage.

8. In addition to these sexual massages, some of the girls were paid additional sums to perform more sexual activity, including, for example, engaging in sexual activity with another female Epstein employee, [REDACTED] while Epstein watched.

9. During the course of PBPD's investigation, a search warrant for Epstein's home was obtained and executed. Many of Epstein's belongings were removed from the home prior to the execution of the search warrant – for example, the computer processing units ("CPU's") were removed from the house but the computer screens, keyboards, cords, etc. were left behind. The missing CPU's were never recovered. As set forth below, this suggests that, if the targets were to learn of the existence of this Motion and Order, they may destroy evidence.

10. During the search, several telephone message pads were recovered. These message pads show messages taken from several of the girls who were interviewed and who admitted to engaging in sexual massages or other sexual activity with Epstein. The messages contained text such as "I have a female for him" and "has girl for tonight." Some of the messages from the girls were addressed to Epstein and others were addressed to [REDACTED] Epstein's assistant. Additional messages recovered during the search contained text such as "[V] confirmed at 11 am and [A] 4 pm."³

³[V] and [A] refer to two of the girls who were interviewed and admitted to engaging in sexual massages and other activity with Epstein.

|||

11. During the FBI's investigation, some of the girls interviewed by PBPB were re-interviewed and additional girls were interviewed for the first time. During those interviews, the girls related that [REDACTED], Epstein's assistant, would contact the girls while [REDACTED] and Epstein were still in New York or elsewhere,⁴ in order to arrange "massage" times upon his arrival in Palm Beach. The FBI also has collected the flight manifests for Epstein's two private planes during the period of January 2004 through December 2005 as well as cell phone records for [REDACTED], Epstein, and some of the girls. The investigation revealed that, prior to flights to Palm Beach, [REDACTED] would contact some of the girls via cell phone. The message pads show evidence that the girls responded to those telephone calls and left messages confirming their "appointments."

12. The investigation has revealed two relevant cell phone numbers operated by Cingular Wireless: [REDACTED], which is assigned to Jeffrey Epstein, and [REDACTED], which is assigned to [REDACTED].

13. Based on the foregoing, there is reason to believe that the items listed in Attachment A for Jeffrey Epstein and [REDACTED] would yield information relevant and material to the ongoing criminal investigation and will assist in establishing the use of a facility and means of interstate commerce and the travel in interstate commerce to engage in illicit sexual conduct and prostitution, as well as information pertaining to the location from which the telephone calls were made.

14. The United States requests that the Court issue an order authorizing the disclosure of the items listed in Attachment A for Jeffrey Epstein and [REDACTED] for the dates shown thereon.

⁴In addition to a home in New York, Epstein also maintains a residence in the U.S. Virgin Islands. Epstein has at least two personal planes and has been known to travel overseas on those planes. Epstein has access to virtually unlimited assets. Given the seriousness of the potential charges in this case, there is reason to believe that, if Epstein and his assistant were to learn of the existence of this Motion and Order, they may flee the United States.

15. Applicant further requests that, pursuant to and consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and also under the Court's equitable powers, due to the circumstances described above, the Court direct Cingular Wireless and their agents and employees, not to disclose to the subscriber, customer, or to any other person, the existence of this application and any orders pertaining thereto, or of the existence of this investigation, for 90 days for the date of the Court's Order or until further Order of the Court. As set forth above, there is reason to believe that notification of the existence of this Motion and Order to the subscriber or others would result in the destruction of or tampering with evidence, flight from prosecution, or otherwise seriously jeopardize the ongoing investigation in this matter.

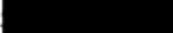
16. Consistent with the purpose of 18 U.S.C. § 2705 and to effectuate that purpose and also under the Court's equitable powers, the United States further asks that the motion and order be sealed until the time for production of discovery after the arrest of the target of the investigation, or until further Order of the Court.

17. Based on the above facts, the United States respectfully requests that the Court issue the attached order in this matter.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:


Assistant United States Attorney
Florida Bar No. 
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401
Telephone: 
Facsimile: 

-6-

SDNY_GM_02762972

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249815

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ATTACHMENT A

A. All customer or subscriber account information for any accounts registered to or associated with Jeffrey Epstein, [REDACTED], and Jeffrey Epstein, Inc., including but not limited to telephone numbers [REDACTED] and [REDACTED]. For each such account, the information provided should include:

1. The subscriber's account number;
2. The subscriber's address;
3. The subscriber's telephone number or numbers;
4. The subscriber's e-mail address(es);
5. Any other information pertaining to the identity of the subscriber, including but not limited to credit card number(s) and type(s) and detailed billing summaries;
and
6. Account history for any closed account(s) and the stated reason for closing any such account(s).

B. A list of all Cingular cell site/cell tower locations along with any code numbers assigned to each location.

C. For the dates shown below,

1. details for all incoming calls for all accounts identified in paragraph A above;
and
2. cell site/cell tower locations for all incoming and outgoing calls.

12/31/03 through 01/04/04
01/06/04 through 01/09/04
01/13/04 through 01/16/04
02/03/04 through 02/06/04

02/17/04 through 02/20/04
03/01/04 through 03/04/04
03/09/04 through 03/12/04
03/17/04 through 03/20/04

A-1

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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03/23/04 through 03/26/04
03/31/04 through 04/03/04
04/08/04 through 04/11/04
04/14/04 through 04/17/04
04/20/04 through 04/23/04
04/29/04 through 05/02/04
05/12/04 through 05/15/04
05/19/04 through 05/22/04
06/02/04 through 06/05/04
06/09/04 through 06/12/04
06/18/04 through 06/21/04
07/02/04 through 07/05/04
07/14/04 through 07/17/04
07/20/04 through 07/23/04
08/04/04 through 08/07/04
08/17/04 through 08/20/04
08/23/04 through 08/26/04
09/14/04 through 09/17/04
09/30/04 through 10/03/04
10/06/04 through 10/09/04
10/14/04 through 10/17/04
10/27/04 through 10/30/04
11/03/04 through 11/06/04
11/08/04 through 11/11/04
11/16/04 through 11/19/04
12/01/04 through 12/04/04
12/11/04 through 12/18/04
12/30/04 through 01/02/05
01/04/05 through 01/07/05
01/12/05 through 01/15/05
01/17/05 through 01/20/05
02/01/05 through 02/04/05

02/08/05 through 02/11/05
02/19/05 through 02/25/05
03/02/05 through 03/05/05
03/16/05 through 03/19/05
04/06/05 through 04/09/05
04/25/05 through 04/28/05
05/04/05 through 05/07/05
05/17/05 through 05/20/05
05/27/05 through 05/30/05
06/06/05 through 06/09/05
06/16/05 through 06/19/05
06/28/05 through 07/01/05
07/13/05 through 07/16/05
07/20/05 through 07/23/05
08/16/05 through 08/19/05
09/01/05 through 09/04/05
09/07/05 through 09/10/05
09/16/05 through 09/19/05
09/27/05 through 09/30/05

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

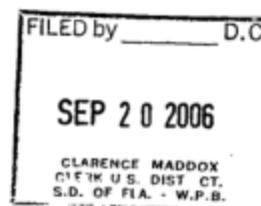
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EFTA01333065

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE: RECORDS OF THE
ELECTRONIC COMMUNICATIONS
SERVICE KNOWN AS
CINGULAR WIRELESS



SEALED ORDER

THIS MATTER has come before the Court upon the Application Under Seal filed by the United States of America, for an Order pursuant to 18 U.S.C. § 2703 authorizing the disclosure of records and other information of the communications service known as Cingular Wireless. The Court, noting that none of the records sought by this Application (as set forth in Attachment A) contains the “contents” of any stored electronic communication, the Court finds that the application has offered specific and articulable facts establishing reasonable grounds to believe that the records and information sought are relevant and material to an ongoing criminal investigation into possible offenses involving violations of 18 U.S.C. §§ 2422 and 2423. Accordingly, it is hereby

ORDERED AND ADJUDGED that Cingular Wireless shall provide to agents of the Federal Bureau of Investigation the records and information listed in Attachment A for the accounts and dates listed thereon.

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to 18 U.S.C. § 2706, the provider of electronic communication service for the cellular telephone accounts shall be

SDNY_GM_02762975

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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compensated for reasonable expenses incurred in providing such facilities and technical assistance.

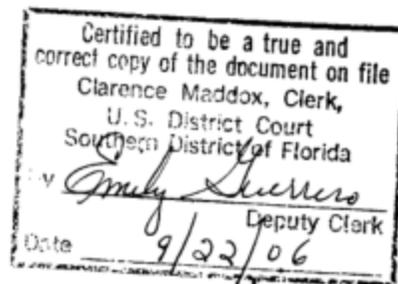
The Court finds that there is reason to believe that notification of the existence of this order to the subscriber or others will result in the destruction of or tampering with evidence, flight from prosecution, or otherwise seriously jeopardize the ongoing investigation in this matter. Therefore, pursuant to and consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and under the Court's equitable powers, IT IS FURTHER ORDERED AND ADJUDGED that Cingular Wireless and any other provider of electronic communication service for the cellular telephone accounts, and their agents and employees, shall not disclose to the subscriber, customer, or to any other person, the existence of this application and any orders pertaining thereto, or of the existence of this investigation, for 90 days from the date of this Order, or until further Order of the Court. The Application Under Seal and this Court's Order shall be SEALED until further Order of this Court, except that copies shall be provided to law enforcement as necessary to the performance of their official duties.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 20 day of September, 2006.


LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

Copy furnished:

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-2-

SDNY_GM_02762976

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249819

EFTA01333067

ATTACHMENT A

A. All customer or subscriber account information for any accounts registered to or associated with Jeffrey Epstein, [REDACTED], and Jeffrey Epstein, Inc., including but not limited to telephone numbers [REDACTED] and [REDACTED]. For each such account, the information provided should include:

1. The subscriber's account number;
2. The subscriber's address;
3. The subscriber's telephone number or numbers;
4. The subscriber's e-mail address(es);
5. Any other information pertaining to the identity of the subscriber, including but not limited to credit card number(s) and type(s) and detailed billing summaries;
and
6. Account history for any closed account(s) and the stated reason for closing any such account(s).

B. A list of all Cingular cell site/cell tower locations along with any code numbers assigned to each location.

C. For the dates shown below,

1. details for all incoming calls for all accounts identified in paragraph A above;
and
2. cell site/cell tower locations for all incoming and outgoing calls.

12/31/03 through 01/04/04

02/17/04 through 02/20/04

01/06/04 through 01/09/04

03/01/04 through 03/04/04

01/13/04 through 01/16/04

03/09/04 through 03/12/04

02/03/04 through 02/06/04

03/17/04 through 03/20/04

A-1

SDNY_GM_02762977

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249820

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03/23/04 through 03/26/04
03/31/04 through 04/03/04
04/08/04 through 04/11/04
04/14/04 through 04/17/04
04/20/04 through 04/23/04
04/29/04 through 05/02/04
05/12/04 through 05/15/04
05/19/04 through 05/22/04
06/02/04 through 06/05/04
06/09/04 through 06/12/04
06/18/04 through 06/21/04
07/02/04 through 07/05/04
07/14/04 through 07/17/04
07/20/04 through 07/23/04
08/04/04 through 08/07/04
08/17/04 through 08/20/04
08/23/04 through 08/26/04
09/14/04 through 09/17/04
09/30/04 through 10/03/04
10/06/04 through 10/09/04
10/14/04 through 10/17/04
10/27/04 through 10/30/04
11/03/04 through 11/06/04
11/08/04 through 11/11/04
11/16/04 through 11/19/04
12/01/04 through 12/04/04
12/11/04 through 12/18/04
12/30/04 through 01/02/05
01/04/05 through 01/07/05
01/12/05 through 01/15/05
01/17/05 through 01/20/05
02/01/05 through 02/04/05

02/08/05 through 02/11/05
02/19/05 through 02/25/05
03/02/05 through 03/05/05
03/16/05 through 03/19/05
04/06/05 through 04/09/05
04/25/05 through 04/28/05
05/04/05 through 05/07/05
05/17/05 through 05/20/05
05/27/05 through 05/30/05
06/06/05 through 06/09/05
06/16/05 through 06/19/05
06/28/05 through 07/01/05
07/13/05 through 07/16/05
07/20/05 through 07/23/05
08/16/05 through 08/19/05
09/01/05 through 09/04/05
09/07/05 through 09/10/05
09/16/05 through 09/19/05
09/27/05 through 09/30/05

A-2

SDNY_GM_02762978

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249821

EFTA01333069

UNITED STATES DISTRICT COURT
Southern District of Florida

Misc. Number: 06-8266-LRJ

In Re
Records of the Electronic
Communications Service
Known as Cingular Wireless

FILED by _____ D.C.
SEP 20 2006
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

SEALED DOCUMENT TRACKING FORM

Party Filing Matter Under Seal

Name: [Redacted] U.S. Attorney's Office

Address: 500 S. Australian Ave, Suite 400, West Palm Beach, FL 33401

Telephone: [Redacted]

On behalf of (select one):

~~Plaintiff~~ Movant Defendant

Date sealed document filed: 9/20/2006

If sealed pursuant to statute, cite statute: _____

If sealed pursuant to previously entered protective order, date of order and docket entry number: _____

The matter should remain sealed until:

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[Redacted Signature]

Attorney for: Movant United States of America

SDNY_GM_02762979

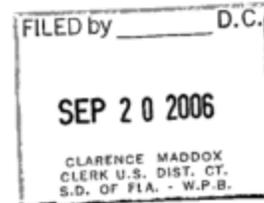
SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE:

RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS CINGULAR WIRELESS



MOTION TO SEAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to seal its Motion for Order of Disclosure under 18 U.S.C. § 2703:

1. Title 18, United States Code, Sections 2703 and 2705 provide for the disclosure or non-disclosure of Motions and Orders filed pursuant to Section 2703. Pursuant to 18 U.S.C. § 2703(c)(3), the United States is not required to disclose the existence of this Motion and the Court's Order to the consumer.

2. Title 18, United States Code, Section 2705(b) provides that, when the government is not required to disclose its request to the customer, a Court can order non-disclosure by the service provider when such disclosure may result in (1) endangering the life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence; (4) intimidation of potential witnesses; or (5) otherwise seriously jeopardize an investigation or unduly delay a trial. General Rule 5.4(B) of the Local Rules of the Southern District of Florida provides that a document may be ordered sealed when there is "a reasonable basis for departing from the general police of a public filing."

3. As set forth in the Motion, there is reason to believe that the disclosure of the Motion

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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and Order, as well as Cingular Wireless's compliance with the Order would likely result in tampering with or destruction of evidence or flight from prosecution.

WHEREFORE, the United States respectfully requests that, consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and the Court's equitable powers under S.D. Fl. Gen. R. 5.4(B), the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed until the time for production of discovery after the arrest of the target of the investigation or further Order of the Court.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:

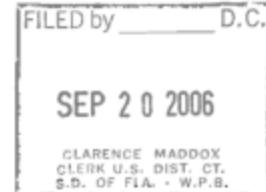
[REDACTED]
ASSISTANT U.S. ATTORNEY
Florida Bar No. [REDACTED]
500 S. Australian Avenue, Suite 400
West Palm Beach, FL 33401
TEL: [REDACTED]
FAX: [REDACTED]
E-MAIL: [REDACTED]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE:

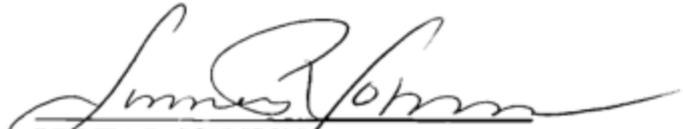
RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS CINGULAR WIRELESS



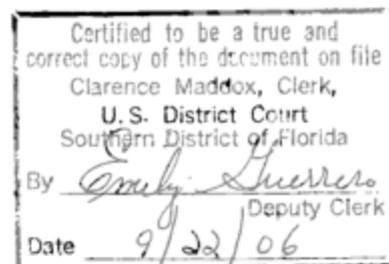
ORDER

It is hereby ordered that the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed until the time for production of discovery after the arrest of the target of the investigation or until further Order of the Court.

DONE AND ORDERED in chambers this 20 day of September, 2006, at Fort Pierce, Florida.


LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

cc: [REDACTED] West Palm Beach



SDNY_GM_02762982

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

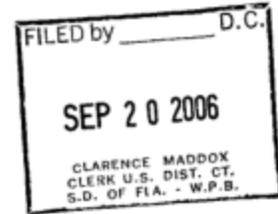
EFTA_00249825

EFTA01333073

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE: RECORDS OF THE
ELECTRONIC COMMUNICATIONS
SERVICE KNOWN AS
CINGULAR WIRELESS



MOTION FOR ORDER OF DISCLOSURE UNDER 18 U.S.C. § 2703

FILED UNDER SEAL

1. COMES now the United States of America, by and through the undersigned Assistant United States Attorney, and moves this Court for an order to Cingular Wireless, [REDACTED] [REDACTED] West Palm Beach, FL 33407, to provide records and other information pertaining to two of its customers, that is, Jeffrey Epstein and [REDACTED]. The records and other information sought are set forth in Attachment A to this motion.

2. Pursuant to the Electronic Communications Privacy Act, 18 U.S.C. §§ 2701, *et seq.*, a court order rather than a subpoena is necessary to obtain the desired information because Cingular Wireless is an "electronic communications service"¹ and this motion and proposed order seek records and other information pertaining to a subscriber to or customer of such service. 18 U.S.C. § 2703(c).

3. The applicable statute provides:

A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to

¹Electronic communications service means "any service which provides to users thereof the ability to send or receive wire or electronic communications." 18 U.S.C. § 2510(15).

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity –

(B) obtains a court order for such disclosure under subsection (d) of this section;

18 U.S.C. § 2703(c)(1)(B). Thus a court order is one permitted way to recover transactional data but not content from an electronic communications service. Subsection (d) states:

(d) Requirements for a court order -- A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction described in section 3127(2)(A) and shall issue only if the government entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.

18 U.S.C. § 2703(d). Thus the burden on the United States in obtaining such an order is to present specific facts showing reasonable grounds to believe the material sought is relevant to a criminal investigation.

4. This court is a “court of competent jurisdiction” because it is “a district court of the United States (including a magistrate of such court) . . .” 18 U.S.C. § 3127(2)(A).

5. As further described below, the Federal Bureau of Investigation is investigating violations of Title 18, United States Code, Sections 2422 and 2423, which outlaw the use of “any facility or means of interstate or foreign commerce” to persuade, induce, or entice any individual under the age of 18 to engage in prostitution or sexual activity (§ 2422), and the travel in interstate commerce for the purpose of engaging in illicit sexual conduct (§ 2423).

6. Beginning in October 2005, the City of Palm Beach Police Department (“PBPD”) began investigating Jeffrey Epstein, a part-time resident of the City of Palm Beach, along with his personal assistant, [REDACTED]. PBPD obtained information from a fourteen-year-old girl who lives in Loxahatchee, Florida, in the Southern District of Florida, and who attended Royal Palm

Beach High School, also in the Southern District of Florida. The fourteen-year-old girl informed PBPD that she had been paid \$300 by Jeffrey Epstein to perform a “sexual massage,” which entailed providing a massage to Jeffrey Epstein while Epstein was naked and the fourteen-year-old was wearing only her thong panties. During the massage, Jeffrey Epstein masturbated himself and touched the fourteen-year-old’s vagina over her thong panties both with his hand and with a vibrator/massager.

7. Following the receipt of the information from the fourteen-year-old, PBPD began interviewing a series of girls, ranging in age from fourteen through mid-twenties, who reported a similar series of events.² In particular, the girls described how they were contacted via telephone, primarily by ██████████, Epstein’s assistant, to arrange times for the girls to “work” at Epstein’s home in Palm Beach. The girls would travel to Epstein’s home, usually in the company of another girl. The girls would enter Epstein’s home via the kitchen, where they would be met by Epstein and/or ██████████. The girls would be escorted up to Epstein’s bedroom where a massage table usually was already set up. The girls were told to undress – some undressed only partially and some undressed completely. Epstein would enter the room partially dressed, usually wearing only a towel. Epstein often would remove the towel and get onto the massage table face down. While lying face down, Epstein instructed the girl how to massage him, including in some instances “straddling him” so that Epstein’s buttocks and the girl’s buttocks touched. After a period of time when the girl massaged Epstein’s back, he would turn over and lie face up. While lying face up, Epstein would continue to instruct the girl how to conduct the massage. Epstein also would masturbate himself and occasionally would manually fondle the vaginal area of the girl – sometimes over the panties,

²All of the girls did not report identical events. This summary includes the most common occurrences from the girls’ interviews.

sometimes under the panties, and sometimes penetrating the girl's vagina. On most instances, Epstein also used a vibrator or massager on the girl's vaginal area, again sometimes over the panties and sometimes under the panties. When Epstein ejaculated, the "massage" was over and the girl was instructed to get dressed and to return to the downstairs area of the home. The girls received between \$200 and \$300 for the sexual massage.

8. In addition to these sexual massages, some of the girls were paid additional sums to perform more sexual activity, including, for example, engaging in sexual activity with another female Epstein employee, [REDACTED], while Epstein watched.

9. During the course of PBPD's investigation, a search warrant for Epstein's home was obtained and executed. Many of Epstein's belongings were removed from the home prior to the execution of the search warrant – for example, the computer processing units ("CPU's") were removed from the house but the computer screens, keyboards, cords, etc. were left behind. The missing CPU's were never recovered. As set forth below, this suggests that, if the targets were to learn of the existence of this Motion and Order, they may destroy evidence.

10. During the search, several telephone message pads were recovered. These message pads show messages taken from several of the girls who were interviewed and who admitted to engaging in sexual massages or other sexual activity with Epstein. The messages contained text such as "I have a female for him" and "has girl for tonight." Some of the messages from the girls were addressed to Epstein and others were addressed to [REDACTED], Epstein's assistant. Additional messages recovered during the search contained text such as "[V] confirmed at 11 am and [A] 4 pm."³

³[V] and [A] refer to two of the girls who were interviewed and admitted to engaging in sexual massages and other activity with Epstein.

11. During the FBI's investigation, some of the girls interviewed by PBPD were re-interviewed and additional girls were interviewed for the first time. During those interviews, the girls related that [REDACTED], Epstein's assistant, would contact the girls while Kellen and Epstein were still in New York or elsewhere,⁴ in order to arrange "massage" times upon his arrival in Palm Beach. The FBI also has collected the flight manifests for Epstein's two private planes during the period of January 2004 through December 2005 as well as cell phone records for [REDACTED], Epstein, and some of the girls. The investigation revealed that, prior to flights to Palm Beach, Kellen would contact some of the girls via cell phone. The message pads show evidence that the girls responded to those telephone calls and left messages confirming their "appointments."

12. The investigation has revealed two relevant cell phone numbers operated by Cingular Wireless: [REDACTED] which is assigned to Jeffrey Epstein, and [REDACTED] which is assigned to [REDACTED].

13. Based on the foregoing, there is reason to believe that the items listed in Attachment A for Jeffrey Epstein and [REDACTED] would yield information relevant and material to the ongoing criminal investigation and will assist in establishing the use of a facility and means of interstate commerce and the travel in interstate commerce to engage in illicit sexual conduct and prostitution, as well as information pertaining to the location from which the telephone calls were made.

14. The United States requests that the Court issue an order authorizing the disclosure of the items listed in Attachment A for Jeffrey Epstein and [REDACTED] for the dates shown thereon.

⁴In addition to a home in New York, Epstein also maintains a residence in the U.S. Virgin Islands. Epstein has at least two personal planes and has been known to travel overseas on those planes. Epstein has access to virtually unlimited assets. Given the seriousness of the potential charges in this case, there is reason to believe that, if Epstein and his assistant were to learn of the existence of this Motion and Order, they may flee the United States.

15. Applicant further requests that, pursuant to and consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and also under the Court's equitable powers, due to the circumstances described above, the Court direct Cingular Wireless and their agents and employees, not to disclose to the subscriber, customer, or to any other person, the existence of this application and any orders pertaining thereto, or of the existence of this investigation, for 90 days for the date of the Court's Order or until further Order of the Court. As set forth above, there is reason to believe that notification of the existence of this Motion and Order to the subscriber or others would result in the destruction of or tampering with evidence, flight from prosecution, or otherwise seriously jeopardize the ongoing investigation in this matter.

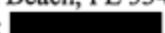
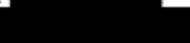
16. Consistent with the purpose of 18 U.S.C. § 2705 and to effectuate that purpose and also under the Court's equitable powers, the United States further asks that the motion and order be sealed until the time for production of discovery after the arrest of the target of the investigation, or until further Order of the Court.

17. Based on the above facts, the United States respectfully requests that the Court issue the attached order in this matter.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:


Assistant United States Attorney
Florida Bar No. 
500 South Australian Avenue, Suite 400
West Palm Beach, FL 33401
Telephone: 
Facsimile: 

-6-

SDNY_GM_02762988

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249831

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ATTACHMENT A

A. All customer or subscriber account information for any accounts registered to or associated with Jeffrey Epstein, [REDACTED], and Jeffrey Epstein, Inc., including but not limited to telephone numbers [REDACTED] and [REDACTED]. For each such account, the information provided should include:

1. The subscriber's account number;
2. The subscriber's address;
3. The subscriber's telephone number or numbers;
4. The subscriber's e-mail address(es);
5. Any other information pertaining to the identity of the subscriber, including but not limited to credit card number(s) and type(s) and detailed billing summaries; and
6. Account history for any closed account(s) and the stated reason for closing any such account(s).

B. A list of all Cingular cell site/cell tower locations along with any code numbers assigned to each location.

C. For the dates shown below,

1. details for all incoming calls for all accounts identified in paragraph A above; **and**
2. cell site/cell tower locations for all incoming and outgoing calls.

12/31/03 through 01/04/04

02/17/04 through 02/20/04

01/06/04 through 01/09/04

03/01/04 through 03/04/04

01/13/04 through 01/16/04

03/09/04 through 03/12/04

02/03/04 through 02/06/04

03/17/04 through 03/20/04

A-1

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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03/23/04 through 03/26/04
03/31/04 through 04/03/04
04/08/04 through 04/11/04
04/14/04 through 04/17/04
04/20/04 through 04/23/04
04/29/04 through 05/02/04
05/12/04 through 05/15/04
05/19/04 through 05/22/04
06/02/04 through 06/05/04
06/09/04 through 06/12/04
06/18/04 through 06/21/04
07/02/04 through 07/05/04
07/14/04 through 07/17/04
07/20/04 through 07/23/04
08/04/04 through 08/07/04
08/17/04 through 08/20/04
08/23/04 through 08/26/04
09/14/04 through 09/17/04
09/30/04 through 10/03/04
10/06/04 through 10/09/04
10/14/04 through 10/17/04
10/27/04 through 10/30/04
11/03/04 through 11/06/04
11/08/04 through 11/11/04
11/16/04 through 11/19/04
12/01/04 through 12/04/04
12/11/04 through 12/18/04
12/30/04 through 01/02/05
01/04/05 through 01/07/05
01/12/05 through 01/15/05
01/17/05 through 01/20/05
02/01/05 through 02/04/05

02/08/05 through 02/11/05
02/19/05 through 02/25/05
03/02/05 through 03/05/05
03/16/05 through 03/19/05
04/06/05 through 04/09/05
04/25/05 through 04/28/05
05/04/05 through 05/07/05
05/17/05 through 05/20/05
05/27/05 through 05/30/05
06/06/05 through 06/09/05
06/16/05 through 06/19/05
06/28/05 through 07/01/05
07/13/05 through 07/16/05
07/20/05 through 07/23/05
08/16/05 through 08/19/05
09/01/05 through 09/04/05
09/07/05 through 09/10/05
09/16/05 through 09/19/05
09/27/05 through 09/30/05

A-2

SDNY_GM_02762990

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

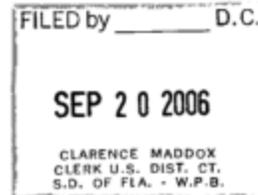
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EFTA01333081

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8266-LRJ

IN RE: RECORDS OF THE
ELECTRONIC COMMUNICATIONS
SERVICE KNOWN AS
CINGULAR WIRELESS



SEALED ORDER

THIS MATTER has come before the Court upon the Application Under Seal filed by the United States of America, for an Order pursuant to 18 U.S.C. § 2703 authorizing the disclosure of records and other information of the communications service known as Cingular Wireless. The Court, noting that none of the records sought by this Application (as set forth in Attachment A) contains the “contents” of any stored electronic communication, the Court finds that the application has offered specific and articulable facts establishing reasonable grounds to believe that the records and information sought are relevant and material to an ongoing criminal investigation into possible offenses involving violations of 18 U.S.C. §§ 2422 and 2423. Accordingly, it is hereby

ORDERED AND ADJUDGED that Cingular Wireless shall provide to agents of the Federal Bureau of Investigation the records and information listed in Attachment A for the accounts and dates listed thereon.

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to 18 U.S.C. § 2706, the provider of electronic communication service for the cellular telephone accounts shall be

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SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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compensated for reasonable expenses incurred in providing such facilities and technical assistance.

The Court finds that there is reason to believe that notification of the existence of this order to the subscriber or others will result in the destruction of or tampering with evidence, flight from prosecution, or otherwise seriously jeopardize the ongoing investigation in this matter. Therefore, pursuant to and consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and under the Court's equitable powers, IT IS FURTHER ORDERED AND ADJUDGED that Cingular Wireless and any other provider of electronic communication service for the cellular telephone accounts, and their agents and employees, shall not disclose to the subscriber, customer, or to any other person, the existence of this application and any orders pertaining thereto, or of the existence of this investigation, for 90 days from the date of this Order, or until further Order of the Court. The Application Under Seal and this Court's Order shall be SEALED until further Order of this Court, except that copies shall be provided to law enforcement as necessary to the performance of their official duties.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 20 day of September, 2006.


LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

Copy furnished:

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| | |
|---|--------------|
| Certified to be a true and correct copy of the document on file | |
| Clarence Maddox, Clerk, U. S. District Court Southern District of Florida | |
| By <u>Emily Guerrero</u> | Deputy Clerk |
| Date <u>9/22/06</u> | |

-2-

SDNY_GM_02762992

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249835

EFTA01333083

ATTACHMENT A

A. All customer or subscriber account information for any accounts registered to or associated with Jeffrey Epstein, [REDACTED], and Jeffrey Epstein, Inc., including but not limited to telephone numbers [REDACTED] and [REDACTED]. For each such account, the information provided should include:

1. The subscriber's account number;
2. The subscriber's address;
3. The subscriber's telephone number or numbers;
4. The subscriber's e-mail address(es);
5. Any other information pertaining to the identity of the subscriber, including but not limited to credit card number(s) and type(s) and detailed billing summaries;
and
6. Account history for any closed account(s) and the stated reason for closing any such account(s).

B. A list of all Cingular cell site/cell tower locations along with any code numbers assigned to each location.

C. For the dates shown below,

1. details for all incoming calls for all accounts identified in paragraph A above;
and
2. cell site/cell tower locations for all incoming and outgoing calls.

12/31/03 through 01/04/04

02/17/04 through 02/20/04

01/06/04 through 01/09/04

03/01/04 through 03/04/04

01/13/04 through 01/16/04

03/09/04 through 03/12/04

02/03/04 through 02/06/04

03/17/04 through 03/20/04

A-1

SDNY_GM_02762993

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

EFTA_00249836

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03/23/04 through 03/26/04
03/31/04 through 04/03/04
04/08/04 through 04/11/04
04/14/04 through 04/17/04
04/20/04 through 04/23/04
04/29/04 through 05/02/04
05/12/04 through 05/15/04
05/19/04 through 05/22/04
06/02/04 through 06/05/04
06/09/04 through 06/12/04
06/18/04 through 06/21/04
07/02/04 through 07/05/04
07/14/04 through 07/17/04
07/20/04 through 07/23/04
08/04/04 through 08/07/04
08/17/04 through 08/20/04
08/23/04 through 08/26/04
09/14/04 through 09/17/04
09/30/04 through 10/03/04
10/06/04 through 10/09/04
10/14/04 through 10/17/04
10/27/04 through 10/30/04
11/03/04 through 11/06/04
11/08/04 through 11/11/04
11/16/04 through 11/19/04
12/01/04 through 12/04/04
12/11/04 through 12/18/04
12/30/04 through 01/02/05
01/04/05 through 01/07/05
01/12/05 through 01/15/05
01/17/05 through 01/20/05
02/01/05 through 02/04/05

02/08/05 through 02/11/05
02/19/05 through 02/25/05
03/02/05 through 03/05/05
03/16/05 through 03/19/05
04/06/05 through 04/09/05
04/25/05 through 04/28/05
05/04/05 through 05/07/05
05/17/05 through 05/20/05
05/27/05 through 05/30/05
06/06/05 through 06/09/05
06/16/05 through 06/19/05
06/28/05 through 07/01/05
07/13/05 through 07/16/05
07/20/05 through 07/23/05
08/16/05 through 08/19/05
09/01/05 through 09/04/05
09/07/05 through 09/10/05
09/16/05 through 09/19/05
09/27/05 through 09/30/05

A-2

SDNY_GM_02762994

SUBJECT TO PROTECTIVE ORDER PARAGRAPHS 7, 8, 9, 10, 15, and 17

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