



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 30, 2021

BY ELECTRONIC MAIL

Mark Manley
[REDACTED]
[REDACTED]
[REDACTED]

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

Dear Mr. Manley:

The Government writes in response to your letter to the Honorable Alison J. Nathan regarding your client [REDACTED] and your request for assurances regarding ensuring your client's anonymity in upcoming criminal proceedings, including in documents or information that identifies your client.

As an initial matter, the Government notes that to date, there have been no filings on the public docket in the above-captioned criminal case that name your client. Second, to the extent the Government has produced documents with your client's name to the defense pursuant to its disclosure obligations in this criminal case, those materials have been designated as confidential and are governed by the Protective Order in this case (Dkt. No. 36). Pursuant to the Protective Order, the defense is prohibited from filing publicly any confidential information referenced in the discovery materials, unless authorized by the Government in writing or by order of the Court. The defense has complied with this requirement of the Protective Order and has indicated that it will continue to do so.

As to the upcoming criminal trial in this matter, the Government notes that it does not intend to call your client as a witness at trial. As a courtesy,¹ we note that your client's name may arise

¹ As a general matter, the Government is not obligated to provide a detailed preview to the defense, or third parties, about how it expects to prove its case at trial.

during the public testimony of witnesses and may be listed on public exhibits introduced at trial. *See United States v. Akhavan*, 20 Cr. 188 (JSR), 2021 WL 1216909, at *3 (S.D.N.Y. Apr. 1, 2021) (“[T]he public has a similar right to access documents presented to *the jury*, and in criminal cases, this right stems from not only the common law, but also the Sixth Amendment guarantee of a ‘public trial.’ Indeed, the Second Circuit has explained that ‘the public has an especially strong right of access to evidence introduced in trials.’” (quoting *United States v. Amodeo*, 71 F.3d 1044, 1049 (2d Cir. 1995) (internal quotation marks and citation omitted)).

Finally, although the Government is mindful of privacy interests of third parties,² we are not aware of any procedure under United States criminal law that allows third parties to exercise input regarding whether or not their names or information about them will be mentioned at a criminal trial, nor would it be legally permissible to conduct a trial under seal or preclude public access to a criminal trial.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: s/

Assistant United States Attorneys

Cc: The Honorable Alison J. Nathan (By email)
Defense counsel (By email)

² The Government is not presently aware of any authority under which the privacy laws of the United Kingdom would have any force in this jurisdiction, and your letter cites none. In addition, the Government respectfully notes that your client is not a victim of child sexual exploitation in connection with this case, and thus the Crime Victims’ Rights Act, 18 U.S.C. § 3771, does not apply.