



U.S. Department of Justice

United States Attorney
Southern District of New York

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October 13, 2021

BY ELECTRONIC MAIL

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

Dear Counsel:

The Government writes to notify you that it will take the position that the defendant has waived any defense pursuant to Rule 12.2.

Rule 12.2 provides that, before a defendant asserts an insanity defense or introduces expert evidence "relating to a mental disease or defect or any other mental condition of the defendant bearing on . . . the issue of guilt," the defendant must provide the Government written notice "within the time provided for filing a pretrial motion, or at any later time the court sets." Fed. R. Crim. P. 12.2(a)-(b).

The defendant's pretrial motions were due on January 25, 2021 (Dkt. No. 108), and her supplemental pretrial motions were due on May 7, 2021 (Dkt. No. 250 at 1). Accordingly, the notice period required by Rule 12.2 expired at least five months ago. The Government has not received any such notice. Although the Court has set a deadline of four weeks before trial for defense expert witness disclosures (*id.* at 2), that is not a deadline for Rule 12.2 notice, and in any event, that deadline would likely provide insufficient time for the Government to assess the defendant's notice, move for an examination of the defendant pursuant to Rule 12.2(c)(1)(B), retain an expert, and conduct the examination.

If the defendant intends to offer evidence covered by Rule 12.2 at trial notwithstanding the above, the Government demands notice no later than October 20, 2021, so that the Government may raise the matter with the Court in a timely fashion before trial.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

By: s/

Assistant United States Attorneys
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