

Two alleged victims of Ghislaine Maxwell are over age of consent

[Will Pavia](#), New York

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Ghislaine Maxwell is accused of grooming underage girls for Jeffrey EpsteinUNITED NATIONS PHOTO/RICK BAJORNAS VIA AP

Ghislaine Maxwell's lawyers have accused prosecutors of making "eleventh-hour" changes to the case against her as it emerged that two of four "minor victims" due to be called were over the age of consent under local laws at the time.

Arguments over how these victims' testimony should be presented to the jury played out at a final preparatory hearing yesterday, days before Maxwell is due to go on trial accused of aiding Jeffrey Epstein in his abuse of minors.

[Maxwell, 59](#), watched as her lawyers sparred with prosecutors. Her sister Isabel was in the public gallery.

The dispute came amid indications that [Virginia Giuffre](#), who says she was recruited by Maxwell and “lent out for sexual purposes” to [Prince Andrew](#), will not be giving evidence. The prince has consistently denied the claims.

Lawyers for the Duke of York, [who is being sued by Giuffre](#) in a New York court, claimed that the decision not to call her in the criminal case against Maxwell undermined her credibility.

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Giuffre’s lawyer has suggested that his client was not part of the case against Maxwell because she was 17 at the time, which is over the age of consent in some of the locations where her abuse is alleged to have taken place. Now similar complications have arisen in relation to two other alleged victims who will testify against Maxwell in the criminal trial. In the indictment, Maxwell is accused of conspiring to “entice” and “transport” minor victims to perform illegal sexual acts with Epstein.

Maxwell is accused of grooming a 17-year-old in London in the 1990s, encouraging her to perform massages on Epstein knowing that he would engage in sexual activity with her. However, she was over the UK age of consent.

In a partially redacted filing with the court, Maxwell’s lawyers said that the accuser’s testimony would include accounts of acts some might find “morally reprehensible or even repugnant” but remained “perfectly legal”.

Yesterday Judge Alison Nathan said that she intended to instruct the jury that they could not convict Maxwell over that alleged conduct. Her lawyers complain that she has been charged as if it was illegal. “This is really an eleventh-hour issue,” the court was told.

Similar questions were raised over the allegations made by [Annie Farmer](#), who has waived her anonymity. Prosecutors allege she was brought to Epstein’s ranch in New Mexico in 1996 but she is said to have been 16 at the time, above the age of consent in the state.

Judge Nathan said the allegations could still provide evidence of the charge that Maxwell conspired to entice a teenager from New York, where she would be considered a minor.

In a separate ruling yesterday, the judge said that she would allow Maxwell's lawyers to subpoena records from the fund set up to compensate Epstein's victims, denying motions from prosecutors and the fund's independent administrator to block the move.

Her lawyers say that four of the alleged victims who will testify against her all "applied for and received millions of dollars" from the fund, requesting documents related to these payouts. Yesterday Judge Nathan ordered the fund's administrator to hand over any such documents to the court, where she would review them to determine whether they could be inspected by the defence.

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Epstein, who was charged with sex-trafficking minors in July of 2019, died just over a month later in the Manhattan jail where he was awaiting trial. A coroner ruled that he had taken his own life. Documents from the Bureau of Prisons now show that Epstein claimed he had "no interest in killing myself," in an interview with a prison psychologist weeks before his death, according to the *New York Times*, which obtained the documents. He was said to have called himself a "coward" who "would not do that to myself."

However, the notes and documents also indicate that Epstein tended to mislead prison officers, counsellors and inmates tasked with monitoring him. Officials also concluded that the release of thousands of documents by a New York court the day before he was found dead, revealing details of his alleged sex-trafficking ring, had affected his mental state.

A report by the bureau compiled after his death concluded that his sense of self-worth "appeared to be based on his wealth, power and association with other high-profile individuals," according to the paper. "The lack of significant interpersonal connections, a complete loss of his status in both the community and among associates, and the idea of potentially spending his life in prison were likely factors contributing to Mr. Epstein's suicide."

Jeffrey Epstein