



Written by [R. Cort Kirkwood](#) on January 29, 2021

## Ghislaine Maxwell: Grand Jury Was Too White; Sex-crime Indictment Violated Sixth Amendment

Laughable as it sounds, lily-white party girl Ghislaine Maxwell has asked the judge in her sex-abuse and trafficking case to dismiss it because the grand jury that indicted her was too white.

Prosecutors picked the grand jury from the wrong pool of potential members, which did not include enough blacks and Hispanics, her pre-trial motion filed on Monday argues. Thus, the indictment violated her [Sixth Amendment right](#) to a fair trial.

Legal experts told the *Washington Post* that Judge Alison Nathan might actually dismiss the case. But that doesn't mean Maxwell is in the clear. A prosecutor could file the same charges against her.



YouTube

[Federal authorities collared and indicted](#) the megarich socialite in July on charges that she recruited and groomed girls as young as 14 for deceased Wall Street financier Jeffrey Epstein. She also participated in the sexual abuse, prosecutors allege.

[Epstein died](#) in his prison cell, supposedly by hanging himself, in August 2019.

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### Maxwell's Race Immaterial

Maxwell's motion argues that prosecutors wanted her indictment to coincide with the [year anniversary of Epstein's](#). But instead of using a pool of potential jurors from Manhattan, where Maxwell committed the crimes, they used a pool of jurors from White Plains.

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"The government thus violated Ms. Maxwell's Sixth Amendment right to be indicted by a grand jury drawn from a fair cross section of the community," the motion says.

And "the fact that Ms. Maxwell herself is neither Black nor Hispanic does not deprive of her of standing to raise this challenge" because the Sixth permits an objection to a jury that does not "represent a fair cross section of the community, whether or not the systematically excluded groups are groups to which [the defendant] belongs."

The motion also argues that federal prosecutors should not have selected a grand jury from White Plains because the Manhattan grand jury was seated "as early as June 25, 2020 — four days before Ms. Maxwell was indicted."

Had the government waited until that time, it might have been unable to meet its arbitrary July 2 deadline, and its press conference touting the indictment and arrest of Ms. Maxwell



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might have had slightly less impact.

Maxwell did not commit crimes in the White Plains division, so “the indictment ... was a deviation from the established practice of indicting defendants in the division where the offense is alleged to have occurred and where the case will be tried.”

## Race Analysis

Maxwell’s motion relies on the work of “jury composition expert” Jeffrey Martin, who looked at the master and qualified jury wheels for Manhattan and White Plains for another case.

[“Wheels” list](#) the names of possible jurors.

“Martin found significant underrepresentation of Black and Hispanic persons within the White Plains qualified jury wheel — not only when compared to the eligible juror population in the Manhattan counties ... but also when compared to the eligible juror population of the District as a whole,” the motion explains:

Mr. Martin found that the eligible juror population of the Manhattan Division is 20.92% Black and 28.06% Hispanic, while the White Plans qualified wheel was 8.76% Black and 10.48% Hispanic....

Martin further found that there would be significant underrepresentation even if the White Plains qualified wheel were compared to the eligible juror population of the entire Southern District of New York....

Maxwell has therefore made a *prima facie* showing of a violation of the fair cross-section requirement.

Thus, “the indictment therefore violates Ms. Maxwell’s Sixth Amendment right and should be dismissed.”

## She Might Prevail

Two law professors said Maxwell could prevail, as [the Post reported](#).

“The fact that she’s a White woman raising this claim ... while it might be jarring on its face, it’s kind of well within the bounds of the ways in which these type of claims get raised,” said Vincent Southerland, executive director of the Center on Race, Inequality, and the Law at the New York University School of Law.

Northwestern University’s Deborah Tuerkheimer agreed. “The fact that the defendant is not a member of the allegedly excluded groups is not an issue,” she told the *Post*.

Maxwell is the daughter of British publishing tycoon [Robert Maxwell](#), an [Israeli spy](#) and pension-fund bilker.

In December, Nathan again denied Maxwell release on bail because she is a flight risk. In July, [prosecutors argued](#) that Maxwell, a British subject [with U.S. and French citizenship](#), had the financial wherewithal to disappear.

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[The indictment against](#) Maxwell, Epstein’s former girlfriend, [alleges that](#) she “assisted, facilitated, and



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contributed to Jeffrey Epstein's abuse of minor girls" from 1994 to 1997 "by among other things, helping Epstein to recruit, groom, and ultimately abuse victims known to Maxwell and Epstein to be under the age of 18."



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