

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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<p>3 UNITED STATES OF AMERICA,</p> <p>4 Plaintiff,</p> <p>5 -against-</p> <p>6 KEITH RANIERE,</p> <p>7 Defendant.</p>	<p>18-CR-204 (NGG)</p> <p>United States Courthouse Brooklyn, New York</p> <p>May 13, 2019 9:30 a.m.</p>
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9 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
BEFORE THE HONORABLE NICHOLAS G. GARAUFI
10 UNITED STATES SENIOR DISTRICT JUDGE
BEFORE A JURY

11 APPEARANCES

<p>12 For the Government:</p>	<p>UNITED STATES ATTORNEY'S OFFICE Eastern District of New York 271 Cadman Plaza East Brooklyn, New York 11201 BY: MOIRA KIM PENZA TANYA HAJJAR MARK LESKO Assistant United States Attorneys</p>
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<p>16 For the Defendant:</p>	<p>BRAFMAN & ASSOCIATES 767 Third Avenue, 26th Floor New York, New York 10017 BY: MARC A. AGNIFILO, ESQ. TENY ROSE GERAGOS, ESQ. - and - DerOHANNESIAN & DerOHANNESSIAN 677 Broadway, Suite 707 Albany, New York 12207 BY: PAUL DerOHANNESIAN, ESQ. DANIELLE SMITH, ESQ.</p>
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<p>22 Also Present:</p>	<p>SPECIAL AGENT MICHAEL WENIGER TERI CARBY, PARALEGAL SPECIALIST</p>
<p>23 Court Reporter:</p>	<p>LINDA D. DANELCZYK, RPR, CSR, CCR Phone: 718-613-2330 Email: LindaDan226@gmail.com</p>

24 Proceedings recorded by mechanical stenography. Transcript
25 produced by computer-aided transcription.

1 (The following occurred at sidebar.)

2 (Continued on the next page.)

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1 (In open court; Jury not present.)

2 THE COURT: Let's start with appearances.

3 MS. PENZA: Moira Penza, Tanya Hajjar, and Mark
4 Lesko for the United States. Good morning, Your Honor. Also
5 at counsel table is Special Agent Michael Weniger with the FBI
6 and paralegal specialist, Teri Carby.

7 THE COURT: Good morning.

8 MR. AGNIFILO: Good morning, Your Honor. Marc
9 Agnifilo, Teny Geragos and Paul DerOhannesian for Keith
10 Reniere, who is with us in court this morning.

11 THE COURT: Okay, thank you. Please be seated.
12 Let's bring in witness, please.

13 (Whereupon, the witness resumes the stand.)

14 **MARK VICENTE**, called as a witness, having been previously
15 first duly sworn/affirmed, was examined and testified further
16 as follows:

17 THE COURT: All right, let's bring in the jury,
18 please.

19 (Jury enters the courtroom.)

20 THE COURT: Please be seated.

21 Good morning, members of the jury.

22 THE JURY: Good morning.

23 THE COURT: Before we get started today, let me just
24 give you certain minor scheduling changes this week.

25 Today, the afternoon session will goes from 2 p.m.

1 to 4 p.m. without a break, and we'll break for the day at
2 4 p.m.

3 And then on Friday, which is a trial day, we will go
4 until 2 p.m., and that will be end of the trial day. So it'll
5 be basically a half day, and we'll work in lunch on Friday as
6 well.

7 Mr. Reccoppa will figure that out with the
8 restaurant downstairs as to what a good time will be.

9 So those are the changes for this week, and you can
10 make whatever adjustments to your activities that you need to
11 make.

12 So at this point we're going to continue with the
13 direct examination of the witness.

14 Mr. Lesko, you may continue.

15 I remind the witness that he is still under oath.

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: Go ahead, sir.

18 MR. LESKO: Thank you.

19 DIRECT EXAMINATION (Continued)

20 Q Good morning, Mr. Vicente.

21 A Good morning.

22 Q Do you have an agreement with the government that relates
23 to your testimony?

24 A I do.

25 MR. LESKO: If I could publish this just to the

1 witness, Your Honor?

2 THE COURT: Yes, go ahead.

3 Q Okay, I'm showing you what's been marked for
4 identification as Government Exhibit -- is that coming up --
5 Government Exhibit 3500-MV-58.

6 I'll scroll through it so you can take a look at the
7 first page.

8 Do you recognize that first page?

9 A I do.

10 Q All right, I'll show you the second page.

11 The second page?

12 A Yes.

13 Q Is that a copy of the agreement with the government?

14 A It is.

15 Q Is that your signature on the second page?

16 A It is.

17 Q Is that my signature?

18 A I think so.

19 Q Is that your attorney's signature?

20 A Yes.

21 Q Okay.

22 MR. LESKO: Your Honor, we've offered Government
23 Exhibit 3500-MV-58.

24 MS. GERAGOS: No objection, Your Honor.

25 THE COURT: All right. 3500-MV-58 is received.

1 MR. LESKO: Thank you, Your Honor.

2 (Government Exhibit 3500-MV-58, was received in
3 evidence.)

4 (Exhibit published.)

5 Q What does this agreement provide?

6 A My understanding is the agreement provides that anything
7 I said to the prosecutors and law enforcement in the past, and
8 also anything I'd say in this court that I will not be
9 prosecuted for unless I lie about something.

10 Q Okay. When you initially met with law enforcement, did
11 you have an understanding that there would be this agreement
12 in place?

13 A I did not.

14 Q And you're represented by a criminal attorney; is that
15 right?

16 A Correct.

17 Q Do you have another attorney in connection with this
18 matter?

19 A In this -- sorry. What do you mean?

20 Q Do you have another attorney that's representing you?

21 A Ah, yes. Neil Glazer. N-E-I-L.

22 Q And it's -- why don't you spell the last name.

23 A G-L-A-Z-E-R.

24 Q And who is Neil Glazer?

25 A Neil Glazer is civil attorney with a firm in

1 Philadelphia.

2 Q And is this civil attorney representing you in civil
3 matters relating to Mr. Raniere?

4 A In potential civil matters, correct.

5 Q I'd like to draw your attention to approximately 2008.

6 In that year, did anyone leave the NXIVM community?

7 A 2008, I believe was when nine members of the community
8 left. They were -- among them were Barbara Bouchey, Susan
9 Dones, and there were seven others as well that left.

10 Q And why did these nine women leave NXIVM?

11 A My understanding is that they had concerns about the way
12 Mr. Raniere's running things. About him sleeping with members
13 of the executive board and other members.

14 There were some issues about monies that were owed
15 to them.

16 That's my general understanding at the time.

17 Q Did Mr. Raniere offer any explanation regarding the nine
18 women leaving?

19 A He explained to me that there were a number of issues
20 with these women. They were -- they basically engaged in
21 criminal behavior. They were -- philosophically they were
22 socialists, and there were all kind of issues with them. They
23 were, you know, being suppressive. That was what I was told.

24 Q What was the nature of the alleged criminal behavior, if
25 you know?

1 A I believe something to do with some monies that I was
2 told they wanted that they shouldn't have.

3 Q Was their that leaving, the nine women leaving, described
4 in a certain way in NXIVM?

5 A Well, they were described as enemies. As being
6 suppressive. As enemies of the company and enemies of Ranieri
7 as well.

8 Q Was the term "defectors" used?

9 A It was, yes.

10 Q Who used that term?

11 A I believe Ranieri and others used that term. I believe
12 that Nancy Salzman used that term as well.

13 Q This issue regarding monies owed, how was that issue
14 characterized in the NXIVM community?

15 A It was characterized as extortion, an extortion attempt.
16 That those monies were not owed to them and it was just
17 extortion. They were trying to get money for something.

18 Q Were civil actions filed against the defectors?

19 A As far as I know, civil actions were filed against -- at
20 the time, I believe it was against at least Barbara Bouchey.

21 I don't recall -- at the time I don't recall about
22 the others.

23 Q Were members of the NXIVM community asked to do anything
24 to respond to the nine women Leaving?

25 MR. AGNIFILO: Object to form of the question.

1 THE COURT: Sustained.

2 Q Were you asked to take any action against the nine
3 defectors?

4 A I was asked to write down the -- any damages I believed I
5 personally got from them leaving -- actually, specifically,
6 Barbara Bouchey -- to see if I could tally like what were the
7 losses to my ability to enroll that would then be passed on
8 to -- I don't recall if it was -- if it was the Attorney
9 General or lawyers. I can't remember that.

10 Q Were you asked to contact law enforcement?

11 A I was. I was asked to meet with law enforcement.

12 I'm just not certain if it was regarding this matter
13 or another matter.

14 Q Did you participate in any efforts of damage control
15 regarding the nine defectors?

16 A I did. I was asked if I would go to -- the center that
17 was it was, in essence, closing down or imploding was the
18 Tacoma Center, and I was asked to go there to do damage
19 control with the remaining people that were there and explain
20 the company's position as best as I could.

21 Q Who asked you to do that?

22 A It was both Raniere and Nancy Salzman. And then I
23 believe myself. I think it was Nancy Salzman and Lauren
24 Salzman went. Also possibly Barbara Jeske went to Seattle to
25 meet with the members of the center.

1 Q And when you say "Tacoma," are you referring to Tacoma,
2 Washington?

3 A Tacoma, Washington is where center was.

4 Q Is that near Seattle?

5 A That is, yes.

6 Q And were people leaving that center?

7 A They were.

8 Q As a result of the nine defectors?

9 A Yes. That was my understanding, as a result of what they
10 were hearing.

11 Q Were there any other actions within NXIVM taken against
12 Barbara Bouchey?

13 A Well, she was spoken of very badly, very negatively. She
14 was spoken about as being suppressive. That she had all these
15 issues.

16 I believe there was some legal action taken. I
17 don't recall exactly what it was. That's my understanding at
18 the time.

19 THE COURT: Can I just ask -- excuse me, Mr. Lesko.
20 When you say "suppressive," what do you understand
21 that term to mean?

22 THE WITNESS: Suppressive, if I were to translate
23 it, is like an evil person; you know, somebody who is -- is --
24 the way it was defined in the system, suppressive is somebody
25 who suppresses the goodness of the human spirit, which implies

1 they're a bad person or they're doing bad actions.

2 But the way suppressive was used is basically
3 against the company, negative towards goodness. That we were
4 good and they were bad.

5 THE COURT: All right. Thank you.

6 Q Was there a general feeling within the NXIVM community
7 about the nine defector after they left?

8 MR. AGNIFILO: Objection.

9 THE COURT: I'm sorry, I didn't catch the question.

10 MR. LESKO: Was there a general feeling within the
11 NXIVM community about the nine defectors after they left?

12 THE COURT: Sustained.

13 Q Did you have a feeling about, or a perception of the nine
14 defectors after they left?

15 A I did have a perception. And I had a conversation with
16 Raniere when he said to me, you know, in essence, the problem
17 was they never got through their issues. They were -- he
18 called them socialists. They believed in, you know, a
19 socialist-type doctrine.

20 We had conversations that he would release a new
21 curriculum now that they've left. We had those kind of
22 conversations.

23 Q Did your role change at NXIVM after the nine defectors
24 left and the videotapes were altered?

25 A I was promoted to the rank of green. And I was praised

1 as being somebody who was very loyal and stood by the company
2 and stood by Raniere.

3 Q Who specifically praised you?

4 A I believe at the time it was Nancy Salzman, Lauren
5 Salzman. There may have been other people. I recall Raniere
6 thanked me for my actions.

7 Q Were you asked to join the executive board?

8 A I was. Shortly after that I was invited up to what would
9 be the new executive board, which, you know, I saw as a
10 promotion at the time.

11 Q Did you have an understanding as to why you received all
12 these promotions?

13 A My general understanding was that, you know, my loyalty
14 was seen as some kind of maturity in the company or some sign
15 of loyalty. I said that both ways.

16 Yeah, I think it was loyalty.

17 Q Was loyalty important to the defendant?

18 A Extremely.

19 Q Along with your joining the executive board, were other
20 changes made to the executive board at that time?

21 A Well, the old executive board was disbanded, and this new
22 board was created and was finally formed of myself and five
23 others.

24 Q So if you could just remind us, who was on the old
25 executive board?

1 A I believe the old executive board was Barbara Bouchey,
2 Edgar Boone, Loretta Garza, Lauren Salzman, and Nancy Salzman
3 was also head of it. I don't recall the others right now.

4 Q Who was part of the new executive board?

5 A So the new exhibitive board was myself, Emiliano Salinas,
6 Alex Betancourt, Clare Bronfman, Karen Unterreiner. And then
7 I think a week or two later Lauren Salzman joined the board as
8 well.

9 MR. LESKO: Showing you what's been admitted as
10 Government Exhibit 3.

11 (Exhibit published.)

12 Q Do you recognize that person?

13 A Yes. That is Alex Betancourt.

14 Q Was Mr. Betancourt a member of the new executive board?

15 A Correct. He was.

16 Q Was the defendant part of the new executive board?

17 A Well, the defendant wasn't part of it, the defendant was
18 at the head of it.

19 The way it worked was that it was -- the structure
20 was Raniere, Nancy Salzman, and then the executive board was
21 this sort of public facing structure.

22 Q So just for the record you're gesturing top down?

23 A Correct.

24 Q Is that how that works?

25 A The authority at the very top was Raniere.

1 Theoretically, Nancy Salzman was supposed to be in charge of
2 the executive board. There were other things going on, so on
3 paper that was true, but not entirely.

4 And then -- so below Raniere and below Nancy Salzman
5 was the executive board.

6 Q Did the defendant attend executive board meetings?

7 A Yes. He did.

8 Generally when the -- when the executive board was
9 in town in Albany and having meetings, he would -- quite often
10 he would attend.

11 Q Now, this executive board, was it an executive board of
12 NXIVM, or of ESP, or of another entity?

13 A So my understanding it was both. I sometimes was not
14 clear, because ESP and NXIVM were used interchangeably. I
15 think at times my understanding was both.

16 Q Did the executive board meet regularly?

17 A We met every week, either a conference call or video
18 conference call or, as I said, if we were in Albany together,
19 we would be in person pretty much always at Nancy Salzman's
20 house.

21 Q Did you attend those meetings when you were in Albany?

22 A I did.

23 Q And what were the responsibilities of the executive board
24 when you were a member of it?

25 A Well, we were generally responsible for all the -- you

1 know, all the activities in the company.

2 It's a bit more complicated than what I'm saying,
3 but we were responsible for all the divisions -- I mentioned
4 before the five colors -- for the health of the company, the
5 physical health of the company, policies, making sure that
6 policies were occurring, fielding requests for changes in
7 policy.

8 In essence, the overall health of the -- of the
9 entire company.

10 Q Did the executive board have the authority to make policy
11 changes?

12 A We did not. We could suggest policy changes, but we
13 didn't have the authority to make them. We had to check. We
14 had to go above us for confirmation.

15 Q Who had the ultimate authority to make policy changes?

16 A Raniere had the ultimate authority.

17 Q Did the executor board participate in events like coach
18 summits or V Week?

19 A We did.

20 Coach summits were generally run by us. We were
21 considered the responsible parties who run them.

22 At V Week, members of the executive board and other
23 greens were responsible for running certain activities at
24 V Week. So certain, you know, areas of endeavor.

25 We were also seen as mentors that would help if

1 there were any issues that came up. But we were seen as
2 responsible for a great many of the activities of the company.

3 Q We talked about authority to change policies.

4 Did the executive board have ultimate
5 decision-making generally?

6 A No.

7 Q Who had ultimate decision-making authority in NXIVM?

8 A Well, Raniere had the ultimate authority. And I mean as
9 far as I can recall, anything that was outside of the policy
10 would have to be referred up to him to discuss and decide
11 whether it should go or not.

12 Q What sort of decisions were referred to the defendant by
13 the executive board?

14 A Changes in the way the education might be done. Changes
15 to the format of things in the education. Discussions about,
16 you know, centers opening or where centers were.

17 And we had a lot of discussions about sales as well
18 and, you know, commerce and things that needed to occur.

19 Q What was your understanding of the view of the defendant
20 within the NXIVM community?

21 A Well, generally speaking, it was -- he was seen with awe,
22 and enormous respect. You know, most people that ever got to
23 see him had already gone through a lot of the education.

24 So I think people were generally awe struck. They
25 saw him as the wisest person there, the person who had the

1 most superior, you know, ethical morale understanding of
2 humanity.

3 I mean, in some ways, you know, akin to, you know, a
4 king or a spiritual leader.

5 Q Was there a group within NXIVM that was particularly
6 trusted and close to the defendant?

7 A There were a lot of -- there was a circle of people that
8 were individually related to him in different ways that was
9 much closer to him, which didn't necessarily correlate with
10 rank necessarily.

11 But, yes, there was a group of people that were very
12 close to him, and some had been very close for a long, long
13 time.

14 Q Would this trusted group socialize with the defendant?

15 A Yes. When he did that kind of thing, they would, yes.

16 Q And were would social outings typically occur? Where
17 would social outings typically occur?

18 A They could be at Nancy Salzman's house. If there were
19 Christmas dinners, they could be at a farm owned by Clare
20 Bronfman. There would be socializing happening there,
21 different events and parties.

22 A number of times the people very close to him were
23 invited to the island of Fiji to spend time with each other
24 with him as well.

25 Q Were some of the gatherings you just mentioned not opened

1 to the rest of the NXIVM community?

2 A Some of the others were open. For instance, events at
3 Nancy Salzman house, private parties were not open. Fiji was
4 not an open invitation. It was a very specific invitation to
5 specific people.

6 Q Was this trusted group a formal or informal group within
7 NXIVM?

8 A No, it was informal.

9 Q Did members of the trusted group have a special positon
10 of trust and privilege with the defendant?

11 MR. AGNIFILO: Object to form of the defendant.

12 THE COURT: You may answer that.

13 A Could you ask the question one more time, please.

14 Q Did members of the trusted group have special positions
15 of trust and privilege with the defendant?

16 A Yes, they -- they got to spend a lot more time with him.
17 Often they would go and ask him questions. They would, in
18 essence, be the go-between sometimes between the executive
19 board and him. Sometimes people would be the go-between if
20 they had the access to him. If they had, you know, his phone
21 number, they could call him any time.

22 And then often they seemed to also get promoted in
23 ways that were to me not consistent with the actual stripe
24 path by virtue of their closeness to him.

25 Q Did members of the trusted group, in your opinion, seek

1 the defendant's approval?

2 A Yes, very much.

3 Q Was seeking of the defendant's approval important in
4 NXIVM?

5 A Very important.

6 Q What were some of the ways in which you earned the
7 defendant's approval?

8 A Well, I believe that -- I believe that my involvement
9 with the tapes was one way. I believe that my going to bat
10 for the company in 2000 -- '8 or '9. I believe that my
11 defense of him in 2012 when there was a series of articles
12 that came out.

13 And also I took the step to go to Mexico and begin
14 working on a documentary, which was pretty risky for myself
15 and others, and I think all those things -- and I think also
16 just my -- my deference and my obedience.

17 Q Just to be precise, was the trusted group different than
18 the executive board?

19 A They didn't necessarily correlate.

20 Q Was everyone who was high-ranking within ESP in the
21 trusted group?

22 A I don't believe so, no.

23 Q Did some members of the trusted group have close intimate
24 relationships with the defendant?

25 A I believe so.

1 Q Now you mentioned that certain individuals received
2 promotions as a result of being in the trusted group.

3 Could you give us an example or two of that
4 happening?

5 A Yes. In the case of Marianna, who was very close to
6 Ranieri. One example that seemed to really concern everybody
7 is that as -- you know, in any rank, in any color, there were
8 stripes and you had to -- you had to do certain things to
9 achieve those stripes.

10 And in her case, when he decided to jump her two
11 stripes, and she didn't actually meet the qualifications, and
12 everybody was completely confused as to how that could happen.

13 I was told that he had ultimate authority over
14 stripe paths, so he could do whatever he wanted.

15 THE COURT: I'm sorry.

16 MR. AGNIFILO: I object.

17 THE COURT: Sustained as to the last statement --
18 last sentence.

19 Go ahead, Mr. Lesko.

20 Q So could you, without reference to the last sentence --

21 MR. LESKO: Could we read back the last sentence,
22 please?

23 THE COURT: Just ask another question.

24 MR. LESKO: Okay.

25 Q So is there another example a member of the trusted group

1 getting a promotion?

2 A Other than what I said?

3 Well, myself. I don't know, I'm not -- I wasn't
4 clear sometimes what are the requirement for the green. You
5 know, I think it had a lot to do with loyalty.

6 Q Did any member of the trusted group increase the
7 potential for financial advantages?

8 A Yes. Because if it was related to rank in some way, yes,
9 absolutely.

10 Q When you initially became involved in ESP in
11 approximately 2005, 2006 time frame, do you recall who was in
12 the defendant's trusted group?

13 A When I first came in, my recollection is -- sorry, a lot
14 of names -- Pam, Marianna, Kristin, Dawn, Edgar.

15 I'm sorry, I'm just referencing a particular private
16 event. That's all I can think of right this second.

17 Q Was Pam, Pam Capers?

18 A Correct.

19 Q Kristin, Kristin Keeffe?

20 A Correct.

21 Q Edgar, Edgar Boone?

22 A Correct.

23 Q And Dawn, Dawn Morrison?

24 A Dawn Morrison.

25 Q Was Lauren Salzman a member of the trusted group?

1 A Yes, she was.

2 Q Was Nancy Salzman a member of trusted group?

3 A Yes, she was.

4 Q Was Sara Bronfman a member of the trusted group.

5 A Yes, she was.

6 Q Was Clare Bronfman a member of trusted group?

7 A Yes.

8 Q Was Monica Duran a member of the trusted group?

9 A Yes.

10 Q Was Karen Unterreiner a member of the trusted group?

11 A Yes.

12 Q Was Daniella Padilla a member of the trusted group?

13 A Yes.

14 Q Was Barbara Bouchey a member of the trusted group?

15 A Yes.

16 Q And was Sarah Peters a member of the trusted group?

17 A Yes, she was.

18 Q After you were essentially promoted in the 2008, 2009
19 time frame, did you believe that you were included in the
20 trusted group?

21 A I did. I thought I -- yes, I thought I was as well.

22 Q When you were promoted to senior proctor and a green sash
23 in 2009, what was the benefit to you in that role?

24 A Well, as a senior proctor and green, I now had the
25 authority to open centers and to grow centers and to own

1 centers.

2 So that allowed me the opportunity, along with Sarah
3 to open the Vancouver center. Well, to begin developing
4 towards a full center then be able to officially open it.

5 So a person with a green connection could actually
6 build areas, build countries and, you know, build centers.

7 Q And would that result in a potential financial benefit to
8 you?

9 A Potentially, yes. Because what happened is that once you
10 were -- once you had a hundred paying Ethos members, you could
11 call yourself a center at which point there was a certain
12 commission that you would get.

13 Understand up to this point we were paying out of
14 pocket for everything; for all the intensives, for the space,
15 for rent, electricity, et cetera.

16 Once you reached a hundred, you could now get what
17 was termed a "center bonus"; where you would get 10 percent of
18 the gross, which you could then use to offset what you were
19 spending on the center. And the idea was that if you kept on
20 growing and growing into hundreds and hundreds of members, you
21 could potentially earn a lot of money.

22 MR. LESKO: Showing you what's admitted as
23 Government's Exhibit 20.

24 (Exhibit published.)

25 Q Is that the Sarah that you referred to?

1 A That is Sarah.

2 Q And so you started the Vancouver center with Sarah?

3 A Correct.

4 Q Why couldn't Sarah open that center on her own?

5 A At that point she was an orange or a proctor, so she
6 didn't have the ability. We -- we had partnered up, and when
7 I became a green, that allowed us to take that step.

8 Q Now you mentioned that Edgar Boone was no longer a member
9 of the executive board after approximately 2009; is that
10 correct?

11 A Correct.

12 Q Did Edgar Boone remain part of the defendant's trusted
13 group?

14 A I think so. He had a lot more sort of a personal
15 relationship with him.

16 Raniere was mentoring him in matters that seemed
17 more spiritual or referred him to a lot of different books to
18 read.

19 So there was some kind of personal relationship, but
20 it wasn't as -- it wasn't connected to the executive board any
21 more.

22 Q Was anyone in the leadership ranks at NXIVM not trusted?

23 A Well, I know at a certain point -- one second.

24 I know at a certain point that Esther Carlson was
25 not trusted. And I was told as much in the executive board.

1 My sense is that there were people that were in and
2 then were out. People that were out maybe they did something
3 or they didn't do something, or there was some issue. And I
4 would at first press for more information and then realize,
5 you know, that based on not getting answers I realized it was
6 above my pay grade.

7 Q Were there people within NXIVM who had close access to
8 the defendant outside of the formal organizational structure?

9 A Well, there were people that were not high-ranking that
10 had access.

11 My sense is anybody who had close access that
12 generally speaking had gone through some kind of education,
13 unless they were, you know, a PR person or -- or, you know, a
14 political person, or perhaps a journalist.

15 Q Did Cathy Russell have access to the defendant?

16 A She did.

17 Q What was Cathy Russell's role in NXIVM?

18 A So my understanding is she was part of the accounting
19 department, but slightly separate. You know, at times she was
20 termed bookkeeper. She -- but, again, separate from the --
21 connected to the accounting department, but somehow separate.

22 She would answer to Emiliano on certain things,
23 because if I spoke to her about certain things, she would
24 check with him.

25 She also managed something called movie honor, which

1 was, you know, once a week showing movies about great people,
2 people with great philosophies.

3 And also she was the person that was also
4 responsible for building his executive library and taking care
5 of the library.

6 Q And the library is physical location?

7 A It's a physical location in 8 Hale Drive upstairs.

8 Q Did Clare have access to the defendant, Clare Bronfman?

9 A She did.

10 She, you know, although the executive board, you
11 know, was working with him, she tended to have a lot more
12 access, so she would tend to report what we discussed directly
13 to him. She also was -- she ran the -- what is the termed the
14 "legal department". She was also overseeing finances. She
15 was overseeing admin and accounting.

16 Q Did you witness Clare Bronfman contacting the defendant?

17 A Yes.

18 Q How would that typically happen?

19 A Typically it would be a phone call or it would be in
20 person. You know, they might meet somewhere, or might meet at
21 Nancy Salzman's house.

22 I did a bunch of work where I got to see, you know,
23 them interact, so they would talk a lot.

24 Q You mentioned Esther Carlson as not being trusted. I'm
25 going to show you Government's Exhibit 13, which has been

1 admitted.

2 (Exhibit published.)

3 Q Do you recognize that person?

4 A Yes, that's Esther Carlson.

5 Q You talked about access to the defendant.

6 Did members of the defendant's trusted group engage
7 in one-on-one time with the defendant?

8 A Yes, they would be, you know, often seen walking with
9 him, or there would be a lot of sidebars, I suppose, a lot of
10 private discussions. Even when we'd have meetings, there
11 would be a lot of private discussions that he was having with
12 people and they'd be having discussions about I'm not sure
13 what.

14 Q Did members of the trusted group, were they personally
15 mentored by the defendant?

16 A Yes, they were.

17 Q How were members of the defendant's trusted group treated
18 within the NXIVM community?

19 A They were treated with a lot of respect. It was seen as
20 a -- I'm not sure what the word is exactly -- big deal. You
21 know, if you were being personally mentored by him, or you got
22 to spend personal time with him, that was a big deal. It
23 wasn't ranked in the same way, it was almost a kind of social
24 capital.

25 Q Who made the final determinations as to who advanced

1 within ESP, within the rank structure?

2 A Well, it went through a system, so Lauren Salzman would
3 make some determinations, but she would check with Raniere.
4 He had the ability to veto something if he wanted to or to
5 suggest something that wasn't going to be done. So in the end
6 it was him.

7 Q Who was the ultimate decision maker regarding who would
8 qualify as EMPs within NXIVM?

9 A Again, it was him. Because at one point I know a number
10 of us were suggesting that people that were not EM7 should be
11 paid as well. There was a general sense of agreement that
12 this would be a good idea.

13 When it went to him for decision, he said "no, that
14 was not going to happen." So in the end it was him.

15 Q Is there an example of the defendant making a decision
16 regarding the EMPs that affected them financially?

17 A Well, that would be probably an example. It affected
18 their potential earnings.

19 The standards kept on moving around, and a number of
20 us, including myself, so you have people making no money when
21 people, you know, in the outside world, so to speak, with less
22 experience and less time in their craft, they're making
23 hundreds of dollars an hour.

24 And there were many people that were struggling and
25 if they could make some money at a lower EM level, it would

1 have helped. But he vetoed that.

2 Q Did you discuss that decision with the defendant?

3 A I did. I don't recall his exact answer.

4 A lot of the way that I operated with him is when I
5 asked questions and if he answered me in such a way that
6 didn't necessarily make sense to me, I made the assumption,
7 you know, given my lower rank, that there was something that
8 he understood that I didn't.

9 He had a greater respect over the things than I did
10 so, again, it was above my pay grade, or I just didn't have
11 the intelligence to understand what he was saying.

12 Q Did NXIVM ever seek the defendant's approval for life
13 decisions outside of the NXIVM set of programs?

14 A They did. I mean, there were examples of people
15 traveling or wanting to go somewhere, or move somewhere. He
16 would advise them on what to do, and they would go to him to
17 seek advice.

18 Q Do you recall a specific example of that happening?

19 A I do.

20 There was one instance where I remember speaking to
21 Nicky Clyne and saying, "No, why don't you fly to so and
22 so" -- I don't remember exactly where it was -- and she said
23 to me, Well, I need to check with -- she said, "I need to
24 check with Keith first." And I said, "Why? You're just
25 flying there." And she said, "No, I need to see what he says

1 and I need to see who needs me."

2 And I remember saying to her like, "There's lot of
3 people to take care of him, I don't think he needs you, what's
4 the big deal?" And she couldn't give me a straight answer.

5 But I remember being confused as to why a simple
6 decision had to be run by him.

7 Q You mentioned that seeking the defendant's approval was
8 important.

9 What were some of the ways that members of the
10 trusted group obtained the defendant's approval?

11 A Well, I think generally, again, loyalty was one way.

12 I think that, you know, he received a lot of gifts
13 from people. Maybe that was another way. People would drive
14 him around. I certainly did the same. Deference. Deference
15 and respect.

16 Q What about public efforts to protect NXIVM? Is that a
17 way to seek the defendant's approval?

18 A Yes, that was.

19 You know, if anybody's willing to speak out and
20 speak on his behalf. You know, there was a number of, you
21 know, speeches that I gave during my time there where, you
22 know, I was -- I specifically named him, you know, in my
23 speeches. And I did a TED talk once where I specifically
24 named him.

25 Those are the kinds of things that people would do

1 to, A, to make sure that, you know, he knew that, you know,
2 yes, I respected him; B, because if I didn't, there would be
3 the issue of, you know, I lack tribute, and I'm prideful, and
4 I have all these problems and it would go on and on and on.

5 Q How about recruiting certain types of people?

6 A Yeah, people were -- you know, if you could recruit, you
7 know heavy hitters, so to speak, people of influence, that was
8 seen as, you know, very important.

9 And very early on I enrolled somebody from the
10 De Beers family. That was seen to be a big deal. And then I
11 enrolled a lot of movie stars; you know, film makers. That
12 was seen as a big deal.

13 High net-worth individuals or people who had a large
14 platform in the world, that was -- that was seen as something
15 really good and, you know, I was often congratulated, and I
16 think other people were as well when you enrolled certain
17 people.

18 Q Did other members of the trusted group recruit these
19 people of influence, we'll call them?

20 A Yes. You know, Sara Bronfman, Clare Bronfman, Emiliano
21 Salinas, Alex Betancourt, Alejandro Gonzalez.

22 Those are some of the people that would enroll high
23 net-worth individuals, and also people with a lot of political
24 clout.

25 Q Do you recall an incident involving the defendant's

1 neighbor that illustrated the type of person he respected?

2 A Yes. Actually, it wasn't -- I don't know if it was his
3 neighbor, it may have been Nancy Salzman's neighbor.

4 But there was a time when there was one particular
5 neighbor who really had a problem with us, with the company,
6 and was very aggressive with Raniere and somebody stood in
7 between Raniere and this person. It was a large -- large
8 fellow, and basically, you know, put his body in between them.

9 And Raniere couldn't stop talking about it. Just
10 talking about how, you know, amazing it was that this guy did
11 this, you know, what amazing principles, what loyalty that
12 kind of thing. But he spoke about it a lot.

13 Q Was a person's status or ranking within NXIVM tied to
14 financial consequences?

15 A I'm not sure I understand the question.

16 Q Did high-ranking members of the NXIVM community have
17 access to certain financial benefits?

18 A Well, yes, because the higher rank you were, the more
19 were you able to do within the system.

20 You know, if you were at a certain rank and had the
21 training, you could be a head trainer. As I said before, head
22 trainers could make up to 30 percent of the gross intensive
23 or, you know, EMPs; you know, the EMs, they could make a few
24 hundred dollars an hour.

25 But, yes, the higher rank you were, it was tied to

1 more money. And basically we were told this path is an
2 entrepreneur path. You know, we want you to get to the point
3 that you could make enormous amount of money, you know, put
4 some effort in, create something, build something, and then,
5 in essence, make money off that thing, almost in a passive
6 kind of way.

7 Q You mentioned that NXIVM and its related companies
8 received payments or fees from participants.

9 Do you recall how the company received those
10 payments?

11 A How the specific companies received the payments from
12 headquarters, so to speak?

13 Q How participants who paid to participate in NXIVM-related
14 programs, how did they actually pay NXIVM?

15 A Oh, there were different ways.

16 There was an online system with a -- that could take
17 credit cards. So it was either a credit card. Some people
18 would sometimes bring checks to intensives. And then there
19 was also cash.

20 Q And did the participants in the various programs come
21 from all over the United States?

22 A They did. And beyond.

23 Q So there were foreign participants as well?

24 A Correct.

25 Q How were payments received in the programs that took

1 place in Mexico?

2 A Well, there whether two different systems is my
3 understanding. Pre, I think, 2015, 2016, people would either
4 use the online payment system. But in Mexico, a number of
5 people would pay cash. So there was no way to -- to put cash
6 in the system, so my understanding is that cash came to Albany
7 to be put in.

8 MR. AGNIFILO: Your Honor, I would object unless he
9 has personal knowledge.

10 Q Do you have perjury knowledge that the individuals within
11 NXIVM, within the community, actually brought cash from Mexico
12 to Albany?

13 A I do. I was in an executive board meeting once where a
14 lot of cash was handed over. I believe it was handed -- I
15 think it was handed to Nancy Salzman.

16 Q And who handed that cash over?

17 A It was either Emiliano Salinas or Alex Betancourt, one of
18 the two. Because what I was understanding was that when they
19 came back from -- when they came to Albany, which is usually
20 once a quarter, those monies would need to come to Albany.

21 Q So they would transport cash from Mexico to Albany?

22 A That's my understanding.

23 Q Do you know if that cash was reported or deposited in the
24 bank account?

25 A I have no idea.

1 Q Do you know if cash was held by anyone within the NXIVM
2 community?

3 A I don't know.

4 Q Are you familiar with the term "TLL"?

5 A I am.

6 Q What does that term or those letters refer to within the
7 NXIVM community?

8 A My understanding is that TLL was a code word for cash.
9 It was apparently somebody's initials, but I don't know what
10 the significance was, other than it was a code name.

11 Q Do you have -- did you have an understanding as to why a
12 code name was used for cash?

13 A I only have an assumption, I don't have an exact
14 understanding.

15 Q Did participants in the various NXIVM programs travel to
16 Albany from elsewhere to participant in those programs?

17 A They did.

18 So as I said before, all over the U.S., from Canada
19 from Mexico, Guatemala, Costa Rica, Europe, Australia. I'm
20 sure there's continents I missed.

21 Q And did you yourself travel, in connection with your
22 involvement with NXIVM?

23 A I did, yes.

24 Q Did you travel by airplane?

25 A Exclusively, yes.

1 Q And when you traveled by airplane, did you use JFK
2 Airport?

3 A I did.

4 Q Did you use JFK Airport in order to get to Albany?

5 A Generally, yes, it was much closer. I was flying from --
6 I was flying often from LA. I could fly direct to Albany, but
7 often I would need to stop in New York for some reason, so JFK
8 was easier for me.

9 When I was spending a lot in Mexico, I would fly to
10 JFK and then go to Albany by train.

11 And also from Canada, there was no direct flight, so
12 I would often fly that way.

13 Q Did other members of the NXIVM community use JFK Airport
14 as part of their involvement with NXIVM?

15 A I believe so.

16 Q Talk a bit about the modes of communication that you used
17 while you were involved in NXIVM.

18 Did you use a telephone?

19 A Yes.

20 Q Cell phone?

21 A Yes.

22 Q Did you use your computer?

23 A I did.

24 Q You had a laptop or a desktop?

25 A I had both. I think I only have a laptop now, but I had

1 both.

2 Q Did you use other devices to communicate?

3 A Walky-talkies as well. In my particular team, we used
4 walky-talkies at -- we used walky-talkies. But, yeah,
5 mostly -- mostly telephone. And then computer.

6 Q Did you use cameras and other related equipment?

7 A I did, yes.

8 Q So when you communicated with the defendant, how did you
9 typically communicate with him?

10 A Typically it was phone call, or it might be WhatsApp.
11 It's a messaging system.

12 Q What is WhatsApp?

13 A WhatsApp is somewhat like SMS. It's far more encrypted.
14 We used a lot of different systems, you know, WhatsApp,
15 Telegram. They're all-high encrypted methods of
16 communication.

17 Q And what is the significance of using encrypted forms of
18 communication?

19 A My understanding is that they can't be hacked as easily.
20 My understanding also was that, you know, you couldn't just,
21 you know, go to the telephone company and just, you know, get
22 all that information, whereas you could with SMS. I think
23 with WhatsApp and Telegram, it wasn't as easy to get access to
24 what the communications were.

25 Q In essence, these chats on the encrypted platforms were

1 secret?

2 A Very secret.

3 Q Did anyone instruct you to use WhatsApp when you were
4 communicating with the defendant?

5 A I don't recall. It's just something we began using at a
6 certain point. I don't recall the exact genesis of it.

7 Q What about Telegram.

8 A Well, Telegram was a -- was something we began using with
9 cyber protectors, and myself and maybe it was other people,
10 but I kept up on technology a lot and I suggested that
11 Telegram was actually even more -- even safer than WhatsApp.
12 I don't think it's the case now, but back then I think it was.
13 That it had been created by Russian hackers. It was a huge
14 competition for anybody that could hack it and nobody would be
15 able to hack it, so it was safe.

16 Q Let's talk a moment about ethical breaches, all right?

17 Who determined when an ethical breach was fixed?

18 A That is a little bit of a mystery. I can tell you in the
19 discussions with Nancy Salzman, she would say to me sometimes,
20 "Well, haven't you healed yet?"

21 I would talk to Raniere sometimes about certain
22 people and he would say there's still outstanding issues, you
23 know, with the breach. I never knew what they were.

24 And, again, I would ask questions, but at a certain
25 point I got the impression that I shouldn't be asking these

1 questions, so I would train myself to stop.

2 Q During the time you were involved in NXIVM, do you recall
3 anyone committing an ethical breach?

4 A Yeah, well, I was told that people had committed an
5 ethical breach. I was told that by -- I was told by Raniere
6 that, you know, Ben Myers had committed some kind of breach.
7 I wasn't sure what it was. Because I was going back for Ben
8 Myers on something and he would say, Well, there's an
9 outstanding breach still some issues. I was told by the
10 upper.

11 Q Let's focus on Mr. Myers for a moment.

12 Did you ask the defendant what Ben Myers' ethical
13 breach was?

14 A I think I started to, and there was -- again, there
15 was -- it wasn't going anywhere, so I got the message, you
16 know, don't go there.

17 Ben Myers wanted to start a company and I was all
18 for it. And I was -- let's let him go for it. This is what
19 we do. We build entrepreneurs. Why not?

20 And his -- the way he was with me, in terms of
21 saying there was a breach and everything, this is something I
22 clearly don't know about, so I stopped.

23 Q Did anyone else commit an ethical breach, to the best of
24 your knowledge?

25 A I was told by Nancy Salzman that Siobhan had committed an

1 ethical breach.

2 I was unclear as to exactly what it was. It had
3 something to do, I was told with -- not completing an editing
4 project; you know, she had been, you know, put in a room and
5 she had to keep going until she finished, and something about
6 her not doing that was a big problem and, you know.

7 Q Did you learn that someone named Evie had committed an
8 ethical breach?

9 A Yes, I was there when -- basically Evie went from
10 actually being the go-between for a while between myself and
11 Ranieri, and then at a certain point suddenly she wasn't any
12 more.

13 I was told by Nancy Salzman that she committed a
14 breach of some kind. Ranieri said she had as well.

15 So our communications stopped for many years
16 because, loosely speaking, I used to use the term "you're in a
17 dog box". You know, they've done something bad, a breach, but
18 I was never clear, while I was in there, exactly what the
19 nature of this terrible thing was.

20 Q Did any of the people that committed ethical breaches
21 successfully rehabilitate themselves?

22 A I don't think so.

23 The thing is there wasn't really a formal thing in
24 place. It was when you were told by -- I assumed it was if
25 you were told by Ranieri or Salzman --

1 THE COURT: I'm sorry.

2 MR. AGNIFILO: I object.

3 THE COURT: Sustained.

4 Q Did you have a specific understanding as to anyone having
5 rehabilitated themselves after committing an ethical breach?

6 A I had no understanding that anybody had healed it.

7 Q Within NXIVM, do you recall if people were accused of
8 pride?

9 A That happened a lot.

10 Q Why would that happen?

11 A Usually if they were not -- if they weren't giving
12 tribute, if they weren't giving appropriate tributes, they
13 would be told, you know, you're prideful. This is your issue.

14 That happened to me a number of times. It happened
15 to other people as well where -- and it was never said you're
16 being accused of pride, but it was like that.

17 Understand, many of us became very, very careful
18 with the words we used because we knew -- it was sort of like
19 walking into a land mine. If you said something that
20 triggered the land mine, then you would be told it's your
21 pride again. You know, this tribute problem you're having. I
22 myself went through that a lot.

23 Q So this tribute pride issue, was that different than an
24 ethical breach?

25 A Well, it may be related, but it may not. In other words,

1 I was told I was very prideful. I was told, you know, that I
2 lacked the understanding of tribute.

3 I wasn't told that I committed an ethical breach.

4 Q Were you yourself accused of improper tribute or pride?

5 A Oh, yes.

6 Q When did that happen?

7 A Well, I think the most significant time is when I was
8 working on this Mexican documentary, Encender EL Cocorazon, in
9 which I was in Mexico from around 2009 telling the story of
10 some event that happened in Albany; and then also when I was
11 documenting in Mexico, I was doing various iterations of the
12 cuts, of the edits.

13 And at one point people were very upset, including
14 Clare Bronfman saying, "You know, you are minimizing Ranieri."
15 And I said, "No, I'm not, this is the story I'm following that
16 started."

17 And she would, at one point, really exploded at me
18 saying, "It's unbelievable that given everything you've been
19 given by this man, you can't -- you know, you can't give him
20 tribute."

21 And so that went on for years. And eventually the
22 entire executive board was getting involved where I would
23 basically sit in a room with all of them as they began to pick
24 apart my personality issues and my inability to recognize, you
25 know, the greatness of Ranieri. And that I was somehow

1 minimizing him. So I was pushed constantly to make a bigger
2 and bigger deal of him in the film to, in essence, lionize him
3 in the film.

4 So, yeah, I was accused of that for years.

5 Q Do you recall other examples of people being accused of
6 not paying proper tribute or being prideful?

7 A I know of other -- I mean there was -- yes, I mean, I --
8 there was another example of Mark Hildreth was accused of
9 pride, being very prideful, and he was put on a special
10 program where a number of the three, in essence, one proctor,
11 and two senior proctors overseeing the attempt to what's
12 called bust his pride.

13 Q Was Edgar Boone accused of pride?

14 A He was.

15 Q What happened to Edgar Boone?

16 A He was accused of pride and of having a major tribute
17 issue.

18 He was writing a number of poetry books, and I was
19 told -- and also that I read the book and we had discussions
20 and basically what was told to me by Ron Salzman is the issue
21 that Edgar is writing things in the book that come from
22 Ranieri.

23 And then I would say, "Well, actually these things
24 predate the birth of Ranieri. Some of these things are
25 thousands of years old." We'd have these debates about this.

1 But basically Edgar was seen as somebody who was
2 just prideful. He was very -- I was told he was very
3 disconnected. There were entire intensives that were created
4 specifically to help him wake up or to break his pride.

5 Q Within the ranking structure at NXIVM what, if anything,
6 could happen to a person if they were accused of being
7 prideful?

8 A Well, they could have their position held back. I know
9 in the case of Siobhan Hotaling she was not allowed to train
10 any more for a while. I think that possibly her pay was
11 docked. I have clear recall of that.

12 But there could be consequences to one's growth of
13 the stripe path and one's earning capacity.

14 Q And how would one who was accused of being prideful
15 address that issue?

16 A Well, by agreeing to get on a special program. In
17 essence, a program was suggested, you know, if you were a
18 person that was very, you know, prideful do the things that,
19 in essence, would humiliate you.

20 Humiliation and humility was seen as a potential,
21 you know, antidote to this pride problem. If you could really
22 just break down your insistence on, you know, your position,
23 what you believe, then maybe you could, you know, deal with
24 your pride as well.

25 Q Were EMS used as part of that process?

1 A A great deal.

2 Q Was feedback used?

3 A A lot of feedback.

4 Q Are you familiar with the term "penances"?

5 A Yes.

6 Q What are penances?

7 A So penances were -- I believe they were introduced with
8 the human pain curriculum, and then very strongly in Ethoses,
9 and then Society of Protection as well.

10 Basically a penance was a consequence of pain that
11 you would take upon yourself. So if you had done, you know,
12 let's say, you know, you might not be angry and you say
13 something angry to somebody, you know, you'd say I'm going to
14 go to do that consequence now. Take that cold shower for two
15 minutes to allow myself to feel the pain because I wasn't
16 willing to feel it when I was yelling at the person.

17 So penance was that originally, and then it turned
18 into as well -- so it was creating a consequence for behavior
19 that was in some way aberrant from the way you were supposed
20 to behave.

21 And then penances were also part of conscious
22 groups, you know, where few of us together, and if anyone
23 failed, we all did a consequence or a penance.

24 And then Raniere would explain that, you know, if
25 somebody else is doing something that's a problem, and then

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1 you take on the penance for them, you don't necessarily tell
2 them, but you take it on.

3 So if somebody's doing some behavior that's a
4 problem, you know, maybe I'll walk out the room and I'll go do
5 30 pushups to, you know, experience the pain that they're not
6 experiencing.

7 That one confused me. I wasn't clear how that would
8 work. But I went along with it for a while.

9 Q You mentioned feedback. Could you explain what
10 "feedback" was within NXIVM?

11 A Well, feedback was basically being told something that
12 was believed you didn't -- didn't know or didn't want to know.

13 So either you were unaware of this thing that's a
14 problem, or you're aware of it but you're being defiant or
15 you're being resistant.

16 So the idea was give the person feedback, keep
17 putting this thing in their face until one day they realize
18 that they're being this kind of person, or that kind of person
19 and they're doing this behavior that's a problem.

20 So feedback was basically telling a person what you
21 saw, or it may be you were sent feedback. You know, we would
22 be tasked, especially with high ranks; you know, please give
23 this person feedback about something. Which maybe we weren't
24 even privy to the things they had done, but the idea was go
25 and tell this person that that thing they did was a real big

1 problem, and it's not -- it doesn't match their rank what they
2 just did.

3 That was generally how feedback was used.

4 Q Was feedback a part of progressing through the stripe
5 path?

6 A It was. Because as you moved up the stripe path, you
7 were required to be more and more open to feedback.

8 So, for instance, one of the things I learned when I
9 became a green is that you had to be, you know, 100 percent
10 open to feedback from anybody.

11 It didn't matter who it was, didn't matter what they
12 were saying, in essence, you took it in and if you argued,
13 that was a huge problem.

14 We were told, you know, all feedback is true. If
15 you argue, it's a sign of -- it's a sign of your -- your
16 resistance and a sign of your pride. Like you're trying to
17 hold on to this image of yourself, and that's why you're doing
18 this, which is if you eradicate pride completely, you would be
19 open to people saying anything about you.

20 Q At some point on the strip path, were people required to
21 identify their life issues?

22 A Yes. So in the yellow rank, which is coach, there were a
23 bunch of different requirements; you know, enrollment, you
24 know, taking education. But then there was also identifying
25 your life issue.

1 And the life issue was simply what is this formula
2 that you keep doing in your life that's kind of screwing stuff
3 up? You know, what's that thing you just keep doing again and
4 again and again, and how does it relate to fears and your
5 insecurities and, you know, your inefficiency; what are the
6 things you try to do to feel better. It's sort of a formula
7 that defines your problematic behavior.

8 And then as you move further up the yellow, you have
9 to then come up with a plan to overcome it. So this thing
10 that you keep doing, what will do to overcome it.

11 So, for instance, in my case, you know, I would tend
12 to -- you know, when I was shooting a movie, I was interacting
13 with people, but the minute I was done, I wouldn't want to be
14 with people at all. And I was told one of the issues I had is
15 I isolated from people.

16 So the thing I did for my life issue, you know,
17 plan, was I moved into a house with a whole bunch of people so
18 I would have, you know, constant people around me all the
19 time. And then I would have to deal with my struggles I had
20 with never being alone.

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22 (Continued on next page.)

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1 DIRECT EXAMINATION (Continued)

2 MR. LESKO:

3 Q Were members of the NXIVM community allowed to talk with
4 nonmembers about NXIVM issues?

5 A No, that was strictly forbidden. No.

6 Q I think you previously discussed the concept of shunning.
7 What was shunning?

8 A Shunning was, in essence, there was shunning and there
9 was boycott. Shunning was basically you don't talk to the
10 person anymore, you don't do business with them. You don't do
11 business with people that do business with them. Shunning and
12 boycott were used together sometimes. But, in essence, you
13 don't acknowledge them and you do not support them in any
14 fashion.

15 The idea being, you know, this person said something
16 bad, you know, whoever, so if you even talked to them, you
17 know, in any kind of way you're supporting this terrible thing
18 that they have done.

19 Q Can you provide an example or examples of when NXIVM
20 members shunned people?

21 A Well, in the case of, for instance, Barbara Bouchey.
22 Barbara Bouchey was shunned, we were told not engage with her,
23 not to talk with her.

24 I remember at one point, Ed Kinnam was shunned. He
25 was a Proctor. He apparently had done something that wasn't

1 supportive. I am currently still being shunned.

2 Q Was anyone related to Lauren Salzman being shunned?

3 A Her father was being shunned by her and I believe her
4 sister. And I don't recall if it was Nancy Salzman as well.

5 Q Her family members could be shunned?

6 A Oh, absolutely.

7 Q Do you recall if there were goals by NXIVM to acquire
8 political power?

9 A There were. There were attempts to, in essence, curry
10 favor with the Clintons. I know with at one point Senator Joe
11 Bruno I was present at one of the meetings. But, yes, there
12 was a strong desire to meet people of influence in politics to
13 have those connections.

14 Q And Senator Joe Bruno was a state senator; is that
15 correct?

16 A I believe so.

17 Q Did anyone in particular have a relationship with Nancy
18 Salzman?

19 A I don't recall.

20 Q Participating in a NXIVM-related effort to raise
21 political contributions?

22 A Yes. There was a sort of a quiet fundraising attempt
23 amongst some us ESPians to make a campaign contribution to the
24 Clintons. I think it was for the presidential race, I'm not
25 entirely certain anymore.

1 Q So, just to be precise, there were two, at least two,
2 different races. Was this Hillary Clinton's race or Bill
3 Clinton's race?

4 A I'm sorry, I'm not remembering precisely.

5 Q Well, if you could explain what happened in connection
6 with the race?

7 A Clare Bronfman came to myself and a few other people and
8 said that she would like to make a campaign contribution, she
9 couldn't make it above a certain amount, would I make it in my
10 name and then she would pay me back. So I wrote a check to
11 the campaign and she then, I believe, she wrote me a check to
12 me personally. I believe it was a check that she wrote me
13 back for the same amount. It was somewhere, it was somewhere
14 between 2 and \$3,000. There was some limit, I believe.

15 Q Do you recall -- did other members of the NXIVM community
16 similarly contribute to the campaign?

17 A Yes. I don't recall exactly who they were, but, yes, I
18 mean, I think the amount that was the total amount was 30,000
19 something that was made to the campaign.

20 Q Do you recall approximately when this happened?

21 A I'm going to say prior to 2010, but I'm fuzzy on the
22 precise year.

23 Q Are you aware that Hillary Clinton ran for president in
24 2008?

25 A Oh. I'm remembering now. Maybe it was earlier, I'm not,

1 yeah, my memory is not precise. I'm sure there was checks
2 somewhere that would show precisely.

3 Q In your experience, did NXIVM file lawsuits or litigation
4 often?

5 A That is my understanding, yes.

6 Q And did you have any understanding as to who these
7 lawsuits were filed against?

8 A Well, I know there were suits against journalists and
9 newspapers, that I recall. There was something against the
10 Times-Union. It was something I against Jim Odatto. There was
11 something against Vanity Fair or the author of a particular
12 article. But I was privy to some of the meetings because of
13 this project that I was, you know, building. Some of the
14 meetings where there was a lot of discussion about cases
15 against different people.

16 Q Were people within NXIVM afraid of being sued by NXIVM?

17 MR. AGNIFILO: Objection to the form.

18 THE COURT: Sustained.

19 Q Were you afraid of being sued by NXIVM?

20 A Indeed I was.

21 Q Did you receive explanations for the lawsuits against
22 former NXIVMs -- former members of NXIVM?

23 MR. AGNIFILO: Objection, your Honor.

24 THE COURT: What's that?

25 MR. AGNIFILO: I object.

1 THE COURT: Read back the question, please.

2 (The requested portion of the record was read back
3 by the Official Court Reporter.)

4 THE COURT: You can answer.

5 THE WITNESS: Yes, sir.

6 A The explanation I was given was they had done something
7 criminal, that they had to be held accountable. That it was
8 actually not only for justice, but also to correct this
9 behavior in them.

10 Q And who, if you know, was accused of criminal conduct?

11 A Barbara Bouchey, Susan Dones, the journalist I had
12 mentioned who had been accused of criminal conduct as well.
13 I'm blanking on the others.

14 Q Was Sarah accused of criminal conduct?

15 A Yes, she was.

16 Q Was Toni Natalie accused of criminal conduct?

17 A Yes.

18 Q Did NXIVM use private investigators?

19 A Yes.

20 Q How do you know this?

21 A Well, there were two conversations I had with Raniere.
22 One was about the Kristin Schneider situation where Kristin
23 Schneider had disappeared, the police had never found her
24 body, and he had told me that they'd actually -- private
25 investigators had actually found her at a motel quite alive

1 with a girlfriend and that so she had lied about the entire
2 thing. The PIs had found her.

3 Then also he told me that Kristin Keeffe had left, I
4 think, it was around 2014. He told me that they had tracked
5 her down, the PIs had found her, I think he said in Florida.
6 They'd found her, they were watching her, and then later, when
7 I asked him about it, he said that they had lost her. So
8 maybe surveillance didn't be work or something.

9 Q So let's talk about V Week in August of 2016. And that's
10 the celebration before the defendant's birthday; correct?

11 A Correct. And after.

12 Q Do you recall making a video for the 2016 V Week?

13 A I did. I made a view using highlights from prior years.

14 Q Would it be fair to characterize that as sort of like a
15 trailer of sorts?

16 A Yeah, it was a trailer, a marketing trailer. You know,
17 sort of a rah-rah trailer about how wonderful it is V Week and
18 inviting people to come.

19 Q Was that trailer posted anywhere?

20 A Yes, I posted those on private Facebook pages and I had
21 access to all the private Facebook pages of all the centers.
22 I didn't have access to all of them, I passed it on to some
23 people, but it was posted to private Facebook pages.

24 Q Do you recall having a conversation with Lauren Salzman
25 about that tribute video?

1 A I did.

2 Q What was discussed?

3 A I think it was, you know, a few hours later or maybe even
4 within an hour that I posted it. She called me and said we
5 have a serious problem, you need to remove it. Someone was
6 with it from video ASAP remove putting it back up again.

7 Q Was this person named Nick that she was concerned about?

8 A Yes.

9 Q Or Nicole?

10 A Nicole.

11 Q Did Lauren Salzman explain why she wanted you to remove
12 the video of Nicole from the Facebook pages?

13 A She explained to me that Nicole was on some kind of a
14 mission and that that it would be very, very dangerous if she
15 was found on it. She was attached of NXIVM, it was dangerous,
16 please remove her ASAP. It was time sensitive, she was urgent
17 about it.

18 Q Did Lauren ask you to edit the video?

19 A Yes. She said, Please remove her as fast as you can.

20 Q Did you, in fact, take down the video as requested?

21 A I did. I pulled them all down. And then I went to -- I
22 changed up -- I think it was one shot that I had to change
23 out. I began working on finding another shot to replace it
24 with.

25 Q Did you take Nicole out of the trailer?

1 A I did.

2 Q Did you subsequently remove the trailer without Nicole
3 included in the trailer?

4 A I did.

5 Q Did the defendant contact you after you took the video
6 down, reedited it, and posted it again?

7 A I did. I don't recall if it was after or during but he
8 called me to apologize. He said something to the effect of,
9 you know, I'm sorry, there was a history of me wanting to do
10 things, and technically, and I was told, you know, you can't
11 or something like that a lot. So he said, I'm sorry, this is
12 not one of those things. This is actually a real concern and
13 how were you to know, I apologize. But thank you for making
14 this change.

15 Q I believe you previously mentioned an entity named
16 Society of Protectors, or SOP?

17 A Yes.

18 Q What was SOP?

19 A Society of Protectors was, in essence, a men's movement.
20 The idea was similarly to the way that women had the Jness
21 moment movement. This was a men's movement to help build
22 character, honor, ability, nobility, that kind of thing, and
23 it, in essence, was to help toughen the little boys into men.

24 And it began, I think, in 2011. I think, I'm not
25 entirely certain, and it was founded by Raniere with the four

1 of us as we would eventually term "The High Council," and that
2 ran for, well, I don't know, probably still running, I'm not
3 sure.

4 Q Who made the significant decisions regarding Society of
5 Protectors?

6 A Raniere made the decisions and he'd have discussions but
7 he had the ultimate control.

8 Q And along with yourself, who were the other founders of
9 Society of Protectors?

10 A So, originally, it was myself, Damon Brink, Mike Baker,
11 and Jim Del Negro.

12 Q And did the four of you handle the operations of the
13 Society of Protectors?

14 A We did. We were the, in some ways, we were the public
15 face interacting with the men; and he was the philosophical
16 founder, the creator, of the whole thing.

17 Q Did the Society of Protectors have a curriculum?

18 A Yes, there was different curriculum. There was an
19 initial weekend that all men went through. The first time a
20 weekend occurred, Raniere would teach it himself. The first
21 one, I believe, was called the Commitment Weekend. It was
22 generally two and a half days. Thereafter, men would watch
23 the -- do the same weekend, but they would watch him on video.
24 So that was one kind of curriculum.

25 There was also monthly curriculum that was put out

1 which was a series of questions. The men would get together,
2 you know, once a week or different activities include
3 discussing the questions and at the end of the month. They
4 would then receive a recording of Raniere much like
5 debrief/disposition of him discussing the concepts.

6 And then there was eventually a curriculum created
7 called SOP Complete which was a curriculum that involved some
8 of the women as well and that was --

9 Q We'll talk about that in a moment. Let's focus now on
10 SOP?

11 A Yes.

12 Q Who developed the questions that were asked in SOP?

13 A Raniere did.

14 Q Did SOP involve drills of any kind?

15 A Yes, there were things called readiness drills. There
16 were two kinds. A readiness drill was basically a drill to
17 see, are you ready. At an appointed time every day, I believe
18 it was 12:00 noon, sorry, 3:00 p.m., Eastern, a message would
19 be sent. So all the men were on different teams with a head
20 of teams and this was all on telegram, and basically, what
21 would happen is I ran the standard drill. I would send a
22 message at precisely 3:00 p.m. saying, in essence, "Ready?"
23 And that would go to a number of the leaders, that would go to
24 their people, and their people and their people and all over,
25 in essence, the world. And the idea was that everybody had to

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1 report back to say that they were ready and then that was sort
2 of tabulated to see how long did that take. How long did it
3 take to see if the network was ready for whatever it could be.
4 So it was basically drill to see how responsive you could be.

5 And then, sorry, then it evolved into another kind
6 of readiness drill as well which was termed, "Random
7 Readiness." I think the term was "C Level Readiness." Random
8 Ready was, in essence, you were on stand-by seven days a week,
9 24 hours a day. We went through a lot of trouble to make sure
10 our equivalent of an air raid siren going off, and then you
11 would get a random message from -- it was from Marianna who
12 would send a ready to the High Council. And then we would --
13 and this could happen any time of the day or night and then it
14 was the scramble to reach everybody and, of course, find
15 people who weren't responsive.

16 Q Did you have an understanding as to who decided when to
17 send the random readiness message?

18 A Well, Marianna was the person deciding when. How exactly
19 she did, I wasn't entirely sure. At one point, she mentioned
20 about a bowl of papers that times written on them and she
21 would pull them out. You could receive two in one day or
22 nothing for seven be days. But you were permanently on
23 stand-by.

24 Q So, in essence, was there a network of members that were
25 communicating by telegram?

1 A Correct.

2 Q Was there ever an instance where the network was
3 mobilized for a certain purpose?

4 A There was a missing man at one point somewhere in Europe;
5 and so, the network engaged to try to find out where he was.
6 Where he was staying, where his family was, and trying to find
7 him. We eventually did. And there were certain instances
8 where somebody went missing and the idea was, you know, the
9 idea as was, in essence, leave no man behind. Nobody rests
10 until that person is found.

11 Q You mentioned weekends. Is that when people would
12 typically participate in the Society of Protectors?

13 A Yes. Typically. Mostly, it was weekends letter
14 curriculum and mostly weekends once they did the
15 Commitment Weekend. They decided they wanted to become
16 members, they would then join a team that they would meet with
17 at least once a week to do various activities.

18 Q And these sections, where were they held?

19 A The weekend sessions?

20 Q Yes.

21 A Typically, they were held at, the weekend sessions we
22 call them, the founder, Raniere, were held at 455 New Carner
23 Road in the ESP training room.

24 Q Were sessions held in other centers?

25 A They were. Not with him, but videos sessions. They'd be

1 run by a man who would run the session with video. But they
2 were held in many different countries.

3 Q How did one become a member of SOP?

4 A Well, you had to take the that first weekend and then you
5 had to be a paying member in good standing. You would pay, I
6 believe, it was \$50 a night through your membership and that,
7 in essence, qualified you to become just a member.

8 Q Were there other fees or tuitions associated with Society
9 of Protectors?

10 A There were for other forms of curriculum. The weekends
11 with the founder were typically more expensive. The weekends
12 with just one of us were substantially cheaper. I think it
13 was, I don't recall exactly, maybe around \$300. The Weekend
14 With the Founder it was a thousand dollars or higher.

15 Q And the founder was the defendant?

16 A Correct.

17 Q Was SOP a company?

18 A SOP was a company. Society of Protectors, LLC.

19 Q And who owned the company?

20 A Pam Cafritz owned that company.

21 Q Why did Pam Cafritz own Society of Protectors, LLC?

22 A It was a request Ranieri made of us, of the High Council.
23 He was the boss, so...

24 Q When you and the other founders were developing the SOP
25 concept, did you meet often?

1 A We did. At the beginning, we met, I think, for a while
2 every night and early on then up to three times a week. We'd
3 usually meet at around 1:30 a.m. and typically we were done by
4 3:00 a.m.

5 Q Did the defendant join those meetings?

6 A He did.

7 Q Getting back to Pam Cafritz being the owner of the
8 Society of Protectors, LLC did you object to her being an
9 owner?

10 A Yes, I did. He asked us one night do we mind if she's
11 the owner and we said, no, whatever you want.

12 Q Were you compensated for your work in Society of
13 Protectors?

14 A I was compensated for running trainings. There was a
15 certain percentage that would go to the men running the
16 trainings. Again, there was a hierarchical tree-like
17 structure. So if you had a bunch of men you enrolled, and
18 then each of them became a team leader that enrolled a bunch
19 other men, you would get a certain percentage of the \$50 a
20 month. So that was another way. But for the High Council, it
21 was mostly running trainings is how we were paid.

22 Q And how were those percentages calculated, if you know?

23 A That was a bit of a mystery to me. I had asked a few
24 times. Joe Del Negro was running the accounting. I wasn't
25 entirely clear. It was a bit of a mystery to me.

1 Q Were there times when you were not paid for your work in
2 SOP?

3 A There were two weekends that we were not paid for. One
4 was a weekend that was cancelled, and then because of this
5 thing we had done that was a problem we then did not get paid
6 for the next weekends.

7 Q Okay. We'll discuss that a little bit more in a moment.
8 Was, to the best of your knowledge, was the
9 defendant compensated by SOP?

10 A There was a percentage, as far as I recall. I don't know
11 where exactly to come from. I know there was money in the
12 bank. I don't know exactly how it got to him if it did.

13 Q Did you have an understanding, well, do you know what the
14 percentage was?

15 A My understanding was it was ten percent.

16 Q Did you have an understanding as to why the defendant
17 received ten percent?

18 MR. AGNIFILO: I object. Can we approach for a
19 second. I would like a second. Never mind, I object.

20 THE COURT: You object?

21 MR. AGNIFILO: I do.

22 THE COURT: Overruled.

23 A My understanding was I don't think we specifically
24 discussed what is this ten percent being used for. My
25 understanding was that it was towards the research he wanted

1 to do. That was my general understanding if I assumed it was
2 the same reason.

3 Q Did Society of Protectors actually generate revenues?

4 A Well, I know at one point Raniere told me there was a --
5 told us there was a million dollars in the bank. So I know
6 she will there was I don't know who was, I don't know if this
7 was gross, net, what that was. I know there was at least that
8 much money at one point. So I'm assuming yes. And based on
9 the fact that's what he did get various times I'm assuming yes
10 but I don't really I could never really understand the books.
11 It was very unclear to me.

12 Q Was the system or formula used to pay you and others at
13 SOP clear to you?

14 A Not at all.

15 Q Who handled the books for Society of Protectors?

16 A So that was Jim Del Negro. I recall clearly because I
17 had a concern about him doing the books because this wasn't
18 his field of expertise. I spoke to Raniere and I said, you
19 know, it seems to be a better idea to actually have somebody
20 to do this that knows exactly how all this works and Raniere
21 preferred that he do it.

22 Jim Del Negro, I think, at times was confused and
23 uncertain. I just couldn't get any clear answers and I looked
24 at the Excel sheet sometimes and I was just baffled.

25 Q At some point, did the leadership of the Society of

1 Protectors change?

2 A Yes. I don't recall the exact date, but Mike Baker and
3 Damon Brink basically fell out of leadership and then Anthony
4 Ames came on board.

5 Q And was this the point when the leadership was referred
6 to as the High Council?

7 A Correct.

8 Q Did the defendant's role change when the High Council was
9 reconstituted?

10 A No, it was the same.

11 Q So you mentioned previously a time when you weren't paid
12 at SOP at a specific instance?

13 A Yes.

14 Q Do you recall an instance be where the defendant called
15 off an SOP training?

16 A Yes. I don't recall the exact date, but we were holding
17 a training in 455 New Carner. I don't recall the exact name
18 of the weekend, but, in essence, the requirement was there
19 should be a hundred paying men in the room and I believe we
20 were slightly short. And I think it was the high 90s, and a
21 few men were enrolled that were close by and I think the
22 number went up to maybe it was 102 or 103 perhaps.

23 We began, the training the first questions had
24 occurred, Ranieri came out, did the disposition, we went into
25 the back room which was the ESP Proctor room which we used.

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1 He said, I have disturbing information. I heard that some men
2 were put into this training in a way that wasn't ethical and
3 so, you know, I have to make a decision and I'm not going to
4 continue running this training. So I'm leaving and you guys
5 can do whatever you want.

6 Q So what happened next?

7 A The High Council had to go out, and basically, say, face
8 a hundred-something men and explain that we had done this very
9 bad thing and that we were going to run a weekend anyway from
10 the existing curriculum and that we would repay all the men
11 their money in some form.

12 Q Did that happen?

13 A That did happen, yes.

14 Q Did you keep some of the fees?

15 A Yes. Some of the fees -- we gave the men an option:
16 Either we pay them back, or if they wanted to leave their
17 money in the system, we could use it for a future weekend. I
18 don't recall how many wanted each but we gave them the option.

19 Q Do you recall how much money was either repaid or
20 credited towards other programs?

21 A Well, I'd say if it was a thousand, let's say a thousand
22 dollars and a hundred members, so a hundred thousand.

23 Q Did you get paid for this weekend?

24 A No.

25 Q Were there any other consequences that flowed from the

1 defendant leaving this SOP training?

2 A Well, there was a -- the guys were very, very unhappy and
3 a lot of anger came to us. See, part of what you did in this
4 kind of structure is you protect the leader at all costs, so
5 we had to make sure that they understood that it wasn't him.
6 We agreed to protect him at all costs and it was us, we were
7 the problem. So we took a lot of hits, a lot of people were
8 extremely angry at us because they had flown there from
9 distant places around the world to be there, to be with
10 Ranieri. So that was one consequence. And then also there
11 was kind of a penance, we wouldn't be paid for the following
12 weekend as well that would finally happen.

13 Q And did that happen?

14 A I believe so.

15 MR. LESKO: Your Honor, it's a couple minutes early,
16 but I am going to be moving into another topic.

17 THE COURT: Let's take our midmorning break. All
18 rise for the jury.

19 (Jury exits the courtroom at 11:35 a.m..)

20 THE COURT: All right. The witness may stand down.
21 Please to not discuss your testimony with anyone. We'll take
22 a ten-minute break.

23 (Witness leaves the witness stand.)

24 (Defendant exits the courtroom at 11:37 a.m.)

25 (A recess in the proceedings was taken.)

1 THE COURT: Okay. Let's bring in the witness,
2 please.

3 (Witness takes the witness stand.)

4 (Defendant enters the courtroom at 11:48a.m.)

5 COURTROOM DEPUTY: Jury entering.

6 (Jury enters the courtroom at 11:49 a.m.)

7 THE COURT: Please be seated.

8 Mr. Lesko, you may continue your examination of the
9 witness.

10 The witness is reminded that he is still under oath.

11 THE WITNESS: All right. May I ask you a question?

12 THE COURT: Do you have a question?

13 THE WITNESS: Yes, of you.

14 MR. LESKO: Thank you.

15 THE COURT: You have a question?

16 THE WITNESS: Yes, sir.

17 THE COURT: The witness has a question.

18 MR. LESKO: Can we have a sidebar briefly.

19 THE COURT: Yes, sure.

20 (Continued on the next page.)

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1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 MR. LESKO: I have no idea what this question is. I
5 just wanted to have the sidebar because I have no objection to
6 your Honor having a discussion with the witness either on the
7 record or off. I have no idea what he's asking.

8 THE COURT: Why don't we bring the witness over here
9 and ask him what kind of question he has and whether it's a
10 personal question maybe that has nothing to do with the issues
11 in the case and then we'll figure out what to do.

12 Would the witness just stand down and come to the
13 sidebar, please.

14 THE WITNESS: Yes, sir.

15 THE COURT: As this is not an ordinary situation.

16 THE WITNESS: Yes.

17 THE COURT: A normal situation. Is this a personal
18 question, or?

19 THE WITNESS: No, it's related to the last set of
20 questions. There was something that I omitted and remembered
21 when I left that I thought was important and I wasn't sure of
22 the procedure, or if I was just to ignore it and keep moving.

23 THE COURT: You can ask the question.

24 MR. LESKO: Very good.

25 THE COURT: And it will all be on the record.

1 THE WITNESS: I see.

2 MS. PENZA: Your Honor, I just don't remember
3 whether it was on the record or not as to the list. I did, on
4 the break, replace the list without objection from defense
5 counsel just to correct some names and include additional
6 names that we had agreed upon.

7 THE COURT: Is that right?

8 MR. AGNIFILO: Yes.

9 THE COURT: I understand. We'll take care of it.
10 You can take the stand.

11 THE WITNESS: Thank you.

12 THE COURT: I'm going to tell the jury what happened
13 so that they understand there's nothing untoward going on.

14 MS. PENZA: Thank you.

15 MR. AGNIFILO: Thank you.

16 (Sidebar discussion concludes.)

17 (Continued on the next page.)

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1 (In open court.)

2 THE COURT: Members of the jury, the witness simply
3 had advised the Court that there was something that he had
4 forgotten to mention in answer to a question just before the
5 break, and he wanted to know how to go about adding what he
6 had to add and I'm going to let counsel elicit whatever the
7 information is that the witness wishes to add.

8 MR. LESKO: Thank you, your Honor.

9 DIRECT EXAMINATION (Continued)

10 BY MR. LESKO:

11 Q Mr. Vicente, what did you forget to mention prior to the
12 break?

13 A It was regarding the nature of the SOP weekend
14 activities. There was a format that I forgot to mention which
15 was something that was called "BS sessions." BS standing for
16 bullshit. And BS sessions were basically held with other SOP
17 members at first with only men and then eventually both sexes.

18 And a BS session was basically that you were to come
19 to this group, the group with some problem you had some issues
20 you had somebody you were upset with. And basically, the
21 other three were to call you out on your BS. In other words,
22 how you understand or how do you try to understand that you're
23 actually responsible for this thing that you're complaining
24 about.

25 So the whole idea was, you know, for you to get your

1 authorship over every single event in your life that you felt
2 upset about and basically own them and that it was actually
3 you that caused the problem and only you. That was the nature
4 of what we call BS sessions.

5 Q Thank you. Was the term "collateral" used in the Society
6 of Protectors?

7 A Yes, it was.

8 Q And was it used in reference to funds paid by leaders of
9 SOP?

10 A Yes. My recollection was that at a certain point it was
11 suggested to see if people were really serious about enrolling
12 and serious about their commitments. In other words, if there
13 was a meeting amongst men saying I'm going to enroll five
14 people. Well, the idea was that that's, that doesn't mean
15 much it means a lot if you put some collateral behind it. So
16 if you pay a certain amount of money, and what we did was we
17 paid money into the system, into the computer database, so to
18 speak, so we have our credit cards be charged for a certain
19 amount of money. If you did indeed do the thing you said you
20 would do, you would get that money back. And if you didn't,
21 you would lose that money. So that's the way collateral is
22 used.

23 Q Did you do this?

24 A I did.

25 Q And what sort of amounts are we talking about?

1 A It depended. For me, it was somewhere, I think, around
2 \$1,500. For other men, I think it was actually more, and for
3 some it was less.

4 Q Did you, in fact, lose some of that collateral?

5 A I did.

6 Q Who suggested this collateral arrangement?

7 A The collateral idea was something that was in the
8 curriculum that was suggested by Ranieri. This specific use
9 of it, I do not recall if it was a group decision or just one
10 of us that suggested. I don't recall anymore.

11 Q Initially, was Society of Protectors only offered to men?

12 A Originally, yes.

13 Q Did that eventually change?

14 A It did, yes.

15 Q How?

16 A I don't recall if it was the same year or the next year,
17 Ranieri said to me that he thought it would be good to offer
18 what we were doing to the women as well. I had some concerns.
19 I didn't think that was necessarily a good idea. He said to
20 me, well, they want it and then he referred me to talk to Pam
21 Cafritz and Marianna. And I spoke to them on the phone. They
22 said we really want, we think it would really help us. I
23 said, I don't know this is a very different thing than what
24 you're doing and they insisted, and they thought it would be
25 very helpful. I said, Do you have a vague understanding of

1 what this is? And they said, We believe we do. And I went
2 back to Ranieri and it appears they do want it, and if you
3 think that's the way we should go, okay.

4 Q Did you, yourself, agree with having women participate in
5 the SOP trainings?

6 A I did after that discussion, yes.

7 Q How about before that discussion?

8 A Well, I think it was raised, but I don't recall that I
9 said anything. I think it was raised earlier on. I don't
10 recall that I said anything about it at the time.

11 Q Did the new Society of Protectors course, was there a new
12 Society of Protectors course developed that included women?

13 A That was called "SOP Complete," and that it was basically
14 the existing curriculum. So I think it was a six-day training
15 as far as I remember. And it was taking two of the weekends,
16 but it was run more like a boot camp. There were a lot of,
17 you know, rules and regulations. There were, you know,
18 physical things you had to do if you failed. There was a
19 certain amount of -- it was like boot camp hazing discipline.

20 Q Was the defendant present during this initial
21 SOP Complete training?

22 A He was always present at the very first one because
23 that's how we would figure out how the trainings would go. He
24 would give us a general idea, you know, we're going to start
25 with this and then we would go through the existing

1 curriculum, but then he would figure out during the six days
2 what additional things would be done. We were to write
3 everything down. We were to make a note of the times, the
4 kinds of things that were done, and, of course, we video
5 recorded the whole thing as well and that would become a
6 template of what we would do from that point forward.

7 Q What was your role in that first thing?

8 A So my role was, along with the other High Council, was
9 basically running the training to some degree. We were like
10 the sergeant majors. He was the general, we were like the
11 sergeant majors. Everybody else was to use a military
12 metaphor for, like, privates basically.

13 Q And how long -- I think you might have mentioned it, but
14 how long was this first SOP Complete training?

15 A So it was six full days, as I said, comprising of the
16 existing sort of existing intellectual material and a lot of
17 practical things peppered in between that we would do with the
18 students.

19 Q So, in this boot camp format, I think you used the term
20 "where hazing occurred." There were physical activities?

21 A Yes.

22 Q Could you describe those?

23 A Basically, what he told us was that woman lacked
24 discipline and that the issue is that most men had never
25 really grown up into men, they were boys themselves. This

1 would be helpful for the men, but what the woman really wanted
2 was the experience of what it's like it be a little boy in a
3 man's world.

4 So the metaphor being when you're a young boy, you
5 get teased by all the other older boys and you get basically
6 teased and tease and teased and pushed and pushed and pushed
7 until you finally man up and stop crying. And it's like man
8 up, stop being a child. He said that's in essence what we're
9 going to do. We are going to help them find themselves by
10 pushing them the same way that many of you were pushed which
11 turned you into who you are today. So that was the idea that
12 we were going in with.

13 Q Let me stop you there. He said he told us this idea that
14 you explained. Who is he?

15 A Sorry, Raniere.

16 Q Continue.

17 A So, basically, as opposed to, you know, the normal type
18 of SOP training where, you know, you're sitting in a circle
19 with questions and that kind of thing. The whole idea was sit
20 up straight, and if you're not sitting up straight, there
21 would be, you know, various consequences, you know, which
22 anything from you get singled out in front of everybody to
23 your entire group of people here has to go and do planks which
24 is the top of a pushup for a minute, two minutes whatever. So
25 much like the army, you know, when one guy screws up,

1 everybody else has to go do the thing. There's that and with
2 him men and women. There was one thing also eventually people
3 would get names which you wear nicknames, be teased about some
4 aspect of yourself. There were various props that were used
5 that people would wear. There were, you know, mantras given.
6 In other words, something you had to say all the time. You
7 know before you spoke, you had to sit up straight and you had
8 to repeat this thing that you've been told.

9 And basically, the idea was that the first training
10 Ranieri and us the High Council would walk around observing
11 are people sitting up straight? Are they being too
12 deferential? Is somebody, excuse me my language, is somebody
13 kissing ass too much, well, they have to be singled out for
14 that. Are they defiant and prideful and they have to be
15 singled out for that.

16 And the whole idea was that the woman had to learn,
17 and the men, the women had to learn no matter what you do
18 you're going to be wrong, so keep taking the hits until you
19 grow up and stop being a baby. That was very general.

20 Q So the planks were used as punishments of sorts?

21 A Yes, consequences. Yeah, punishment, consequences. The
22 planks or wall sits or holding weights up for extended periods
23 of time. A lot of different things that you would do.

24 Q Nicknames were used?

25 A Nicknames were used.

1 Q Were costumes used?

2 A Yes. I recall at one point somebody was given, like,
3 angle fairy wings to suggest that they were a princess.
4 Somebody was given a jock strap once. A woman was given a
5 jock strap.

6 Q Who was given a jock strap?

7 A That was Clare Bronfman. She was given a jock strap for
8 being bossy, like, she was in charge of everything. People
9 would get wooden stakes. If somebody was seen as particularly
10 aggressive, they would be given a wooden stake. And we would
11 say to them, well, every time you speak, hold up like you're
12 about to hit everybody because that's the way you're behaving.
13 Yeah, that name tags and, you know, being singled out a great
14 deal.

15 Q Did the defendant ever indicate to you that this
16 SOP Complete experience was intended to address a woman's
17 sense of entitlement?

18 A Yes. It was spoken about a great deal in the SOP
19 training in general even before this that the issue with women
20 is that they're entitled. And he would say to us, you know,
21 he told us a story once that he went to college with a woman
22 because he opened the doors all the time, she was so blind to
23 the fact that he did it that, in essence, she thought the door
24 was opening automatically. That he said that woman had been
25 coddled their whole life, and because they've been coddled

1 their whole life they had no understanding of reality
2 whatsoever and that men are arbitrators of reality. We
3 understand reality et cetera, et cetera.

4 So he spoke a great deal about their entitlement.
5 He spoke a great deal about their misusing their sexuality to
6 gain advantage in the world which he said men couldn't do in
7 the same way. He spoke about them being chronic complainers.
8 He would say, for instance, you know, if you ever use see --
9 do you ever see a woman accused of something and a group men
10 are blaming her? No, it's the other way around. One man
11 being blamed by all these women. Women are complainers and
12 they're whining and basically entitled. And they think they
13 should have a bunch of things they really shouldn't have and
14 that this training will address their entitlement.

15 Q Were any of the nicknames sexual in nature?

16 A There were. I recall, my memory is not as good, but I
17 recall one Boobiana. That was somebody who wore very tight
18 clothing, it was very buxom. And so, a woman was teased for
19 the kind of clothing they wore. If it was too tight fitting
20 or if they were showing too much of their, you know, rears or
21 their boobs or whatever it was, they were teased for that a
22 lot.

23 Q Getting back to Clare Bronfman and the jock strap. Who
24 made her wear the jock strap?

25 A My recollection was Ranieri had the idea and then I

1 believe we implemented to.

2 Q In your opinion, was the SOP Complete program demeaning
3 to women?

4 A Horribly demeaning.

5 Q Are you familiar with the term misogynistic?

6 A I am familiar with that term.

7 Q What does that term mean?

8 A My understanding is the idea that are men are superior
9 and women are seen as less than human and women are treated
10 very poorly. And it's my opinion that this was a formalized
11 misogyny.

12 Q And who designed this program?

13 A Raniere.

14 Q Was video used as part of this training?

15 A Yes.

16 Q Were any of the videos unflattering to women?

17 A Very.

18 Q Do you recall anything in particular?

19 A Yes, there were a number of videos. I recall in the
20 first trainings where Raniere would suggest, you know, take
21 photographs of the women that are addressing a certain way and
22 let's make, you know, make a video which I mostly did of, you
23 know, them to, in essence, reveal what they're doing; or if
24 somebody was very, very prideful that a video be made of them
25 to show them their pride and show it to everybody, in essence,

1 embarrass the person and hopefully the theory was, you know,
2 they'll have a sense of oh, God that's how I've been behaving.

3 I recall making a video for the very first one and
4 then I wasn't at every training, but when I was the idea you
5 had to replicate what happened at the first training. So you
6 would go through the notes and say, okay, now it says if you
7 can make a video so we just replicate what happened the first
8 time.

9 Q So the first time, was the baseline, and then you, as you
10 continued the program, you would have to replicate a first
11 version of the training is that how that worked?

12 A Correct. There were modifications. In other words, the
13 nicknames wouldn't be the same. The specific things that you
14 made people say wouldn't be the same. You didn't necessarily
15 have to do because it was planking the first time doesn't mean
16 it has to be plank, the next time. But you had to do here is
17 where you hand out their names. Here is where you give them
18 these mantras that they're going to repeat and say in front of
19 everybody. That was very normalized the specific names and
20 things would depend on what was going on in the training.

21 Q Did any of the women who participated in SOP Complete
22 complaining with the curriculum?

23 A Yes. I don't recall if it was the very first training,
24 it might have been but. I do remember that Esther Carlson had
25 an issue, stood up and had an issue. She concerned about what

1 was going on here she felt it wasn't right. And I don't
2 recall the exact response but Ranieri who was in the front of
3 the room at the time, in essence, talked her down and then she
4 was pretty quiet after that. There were other times where
5 some of the women expressed to me their concerns and I would
6 express them to Ranieri and he responded in such a way that I
7 thought you know I probably shouldn't mention this to him
8 anymore.

9 (Continued on the next page.)

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1 DIRECT EXAMINATION (Continued)

2 BY MR. LESKO:

3 Q How did he respond?

4 A Well, in one particular case, when the Society of
5 Protectors was first formed, there was the high council, which
6 was the four of us, and our, you know, wives/girlfriends were
7 spending time together because they were struggling with how
8 to deal with is, how to deal with us who were in this, no some
9 ways, you know, militarized system. And my wife at some point
10 said to me, you know, we've been talking and we -- we have
11 concerned about what's going on. We're not sure this is a
12 good thing. And I remember calling Raniere and saying, you
13 know, There are some women who have concerns about this, and
14 he immediately said, I need to know who they are. And the way
15 he said it made me realize, Shut up. Do not say another
16 thing.

17 So, you know, Well, I know -- I made some excuse,
18 because I certainly didn't want to call out my wife, and the
19 other women. But they got the impression they should probably
20 just shut up.

21 Q As you sit here today, do you have an opinion as to why
22 the defendant wanted to develop SOP between --

23 MR. AGNIFILO: Object to the form of the question.

24 THE COURT: Sustained.

25 BY MR. LESKO:

1 Q Has your perspective on SOP Complete changed over time?

2 A Yes.

3 Q And how has it changed?

4 A I believed with some reservation, but I believe that the
5 reason it was being created because the women wanted to feel
6 stronger and that maybe this would help in some ways. My
7 experience of the women over time is that they became shells
8 of themselves. They were -- they almost looked like they were
9 beaten in submission, and in essence, I believe that's what
10 SOP Complete was doing. It was trying to make these women
11 submit to men to be obedient to the point of potentially being
12 dangerous, following orders no matter what. And my experience
13 of the women is that it kind of broke them and they would just
14 do whatever they were told. So I now have grave concerns
15 about what it was actually doing.

16 And, you know, I find there's layers to these
17 things. There's a layer of what you're told of what this is
18 doing. And then there's what it's actually doing, and I don't
19 think it was good for them at all.

20 Q How do you feel about your participation in SOP Complete?

21 A I feel very ashamed. I just feel, you know, it's -- it's
22 been a -- it's been a thing in my life that I -- that I try to
23 protect and take care of people. And to see that I was
24 basically enforcing this kind of really dark, hateful misogyny
25 was deeply upsetting to me. And also it goes opposite to

1 every single thing that I actually believe.

2 But I don't think I was told the truth about what
3 this really was. I know I wasn't, because these women were
4 broken. And I saw later that they were shells of themselves,
5 that -- that something inside them was gone. And I do believe
6 that that SOP Complete had a lot to do with it.

7 Q Do you know a person named Danielle?

8 A Yes.

9 Q Showing you what has been admitted as Government's 147.
10 Who is depicted in that photograph?

11 A That's Danielle.

12 Q And who is Danielle?

13 A Danielle is a doctor. I think a naturopathic doctor, I
14 believe, also a fitness expert. She was one of the
15 co-creators of the program XOSO with Ranieri and some of the
16 other women. And she was, to some degree. One of the two
17 residential doctor in the area that many people would go to
18 for advice.

19 Q Mr. Vicente, I want to show you for the moment,
20 Government's Exhibit 47.

21 Did Danielle take the SOP Complete training?

22 A She did.

23 Q And did you observe her reaction to SOP Complete
24 training?

25 A My sense is that at first it was difficult for her, but

1 then she, being a fitness expert and an a rather extraordinary
2 athlete, she -- she took it and just obeyed orders. And in
3 fact, she outperformed -- in the physical things she
4 outperformed the men.

5 Q You previously discussed Lauren Salzman. If you could
6 remind us, who was Lauren Salzman within NXIVM?

7 A So Lauren Salzman was the daughter of Nancy Salzman, who
8 was the CEO of the company. Lawrence Salzman, was on the
9 executive board. And she was the head of -- the head of
10 education and the strip path, the sashes. She was also my
11 coach, and she was, in essence, the leader of the green, the
12 senior proctors.

13 Q Showing you what has been admitted as Government's 50.
14 Who is depicted in that photograph?

15 A That's Lauren.

16 Q So how did you interact with Lauren Salzman as your
17 coach?

18 A We were -- we were supposed to meet at least once a week.
19 We tended not to. Perhaps it was once a -- once a month. So
20 we had a coaching relationship, and then we also had a
21 friendship. We worked on a number of projects together
22 throughout the year, and of course, on the executive board.

23 Q Did she ever work with you regarding your lack of tribute
24 to the defendant?

25 A She did. We worked on that great deal. We -- there were

1 many, many discussions about it. You know, for instance,
2 attributes the problem, and then I would recut the movie, put
3 more of them in. And then people didn't respond well to it,
4 and I say, I think it's too much honestly. And she'd say
5 Well, actually it's -- you're now overcompensating; in other
6 words, you still have this tribute problem, but now it's the
7 other way around, you're overcompensating, something that's
8 still a problem. Just went the circles.

9 Q Did you discuss concerns about your pride with Lauren
10 Salzman?

11 A Yes. They were in the nature of disagreement, but she
12 would but often point out that my -- my -- my need protect my
13 imagine is a problem, you know, and that, you know, pride is a
14 huge problem. There was -- there was a -- a huge amount of --
15 it was a lot of discussion in the organization about pride
16 being, you know, one of those terrible things. Raniere would
17 talk about pride as this thing that would just really get you,
18 you know it's this thing. It's almost -- and he didn't say it
19 that way, but it's almost like satin, you know. Stain's
20 hiding in all kinds of corners. Pride is hiding in all kinds
21 of corners. You know, when you least expect it, it will get
22 you. That's why you have to be vigilant with, you know, true
23 humility and busting your pride. And Lauren Salzman would
24 have a lot of those discussions with me as well.

25 Q Do you recall having a discussion with Lauren Salzman

1 about her having a baby?

2 A I do. It was during -- it was at Apropos during, I
3 think, one of the coach summits when I said to her, You know
4 just -- Why don't you just go and have what you want in your
5 life? Why don't you just -- you know, go and have a baby.
6 Because I know you want one. She said, I do, but I'm not
7 readily. I said, What do you mean you're not ready? Well,
8 Keith says I'm not ready, and I was confused. I couldn't
9 understand how Keith was advising her on whether or not she
10 was ready to have a baby. That was confusing to me.

11 Q Did you have a conversation with Lauren Salzman involving
12 the defendant asking if she loved him?

13 A Yes. That was -- yes. That was actually also an
14 Apropos. I think it was in the -- what's called the proctor
15 room. She was struggling with something that he had asked her
16 to do, and she was feeling -- she -- she feeling unwilling to
17 do it. She didn't tell me what it was. And then she said to
18 me, But it -- it kills me because then he says to me, don't
19 you love me? And I go, of course, I love him. So of course.

20 And I was -- again, I couldn't understand how a
21 friend and somebody, you know, who runs a division was having
22 those kinds of discussions with Raniere. It didn't make sense
23 to me.

24 Q Do you recall at a certain point in time certain people
25 in the NXIVM community developing unusual physical

1 appearances?

2 A Yes. That concerned -- sort of came to a head for me in
3 and around December of 2015, when I became very concerned for
4 two reasons. The one was there was so many of the examples in
5 the education about not giving into comfort and choosing
6 principal instead. You know, in other words, don't go for,
7 like, the ice cream -- you know, don't do the ice cream. Like
8 focus on your calories. And I -- and I thought to myself, why
9 is there this obsession with weight and calories? What is
10 going on? Is there no other metaphor that can be used? Why
11 it always the cake or the pizza or the -- why is that the
12 grand example of like you have a weakness and, you know,
13 you're going through this thing.

14 And then I began to see a lot of the -- a lot of the
15 women just becoming rail thin, I mean, to the point that it
16 just looked unhealthy to me. They looked pale, and I -- I
17 was -- it was just -- it was beginning to look almost like
18 their skin was translucent. And I saw the kind of food they
19 were eating where they were eating the same kind of food again
20 and again where their fingers were turning the color of food.
21 They were eating cucumbers all the time or squash or -- I
22 don't know.

23 When I asked, Why that? Well, because it's low
24 calories and it fills me up, kind of thing. And I just got
25 concerned because everybody just looked -- just really

1 unhealthy -- not everybody. Some of the women just looked
2 really unhealthy. They were looking skeletal. I could start
3 to see their bones under their flesh, and I thought to myself,
4 something's not right here.

5 Q Was there anybody in particular who looked exceedingly
6 skinny?

7 A My -- my greatest concern back then was Allison Mack. I
8 was very concerned. I -- I think at the time -- yes, I was
9 spending a lot of time with her back then, and I just couldn't
10 understand why she was -- her weight was -- was dropping so
11 much. And also accompanying the weight loss was sort of this
12 tired, kind of out-of-it look. You know, she sometimes
13 couldn't focus very well. And to me it looked like a kind of
14 malnutrition. So I was deeply concerned about that, and so I
15 went to talk about Raniere about it.

16 Q I'm showing you what has been admitted as
17 Government's 39. Do you recognize that photograph?

18 A Yes, Allison Mack.

19 Q So you discussed -- you had a discussion with the
20 defendant. What did he say?

21 A Well, I went to see him. I think he was at that point
22 living at 21 Oregon Trail. I went to see him, and I said, I'm
23 concerned that all these people have this idea that skinniness
24 is the ultimate objective. And I said to him, It also worries
25 me deeply given that in this society right now, with -- with

1 the -- the obsession, with the bodies and models and
2 everything, like I don't think it's healthy to tell a woman
3 that their -- her weight is tied to her enlightenment or her
4 growth or whatever. It's just unhealthy. It's going to --
5 it' -- it's bad. Women, and especially young women have
6 enough issues already with their appearance given the culture
7 we live in, why -- why do that? And he said to me, Well, you
8 know, I work with different people in different ways, and
9 there's different reasons for different things. And I -- you
10 know, it wasn't making any sense whatsoever.

11 And I said, But Allison -- you know, what about
12 Allison? She's -- you know, she looks terrible. This is --
13 if this -- if this is her having some kind of breakthrough, I
14 don't what's going on. Then I don't understand breakthroughs
15 because she looks horrible. And he said -- I said to you, You
16 know, she looks broken. And he said, Well, I'm trying to
17 break her. And I was like uh-huh. Okay.

18 Well, she's not looking healthy. And he said, Well,
19 she's still getting her period. And I was like, Okay. I
20 wasn't sure where else to go because I -- I don't know -- I
21 was thinking to myself, Well, you know, you can take a pill
22 and still do a whole bunch of things, so...

23 But in the end I just backed away, because I
24 couldn't get any clear answers, and -- and I felt like -- I
25 just think something's wrong and I can't quite put my finger

1 on what it is.

2 Q In addition to Allison Mack, do you recall any other
3 women in the community who looked skinny?

4 A Many -- many of the people that were -- had some kind of
5 a close relationship with him. Some of them that might be in
6 the inner circle were extremely skinny. You know -- I'm
7 sorry. I'm referring to a list to make sure I get this right:
8 Daniela Padilla, you know, Monica Duran, a number of the -- a
9 number of the women that were spending time with -- with
10 Allison Mack would eventually -- I was concerned about, you
11 know, India's weight.

12 There seemed to be a kind of a club of I young women
13 gathering around Allison Mack and they just didn't look
14 healthy. I mean, you know, maybe they were healthy by Fashion
15 Week's standards, you know, which is not healthy in my
16 opinion, but they just did not at all look good. They were
17 just obsessed with eating as little as possible, and they
18 would literally measure their calories on a scale. There was
19 all this measuring going on. And there was also this
20 obsessive penitence that they would do if they messed
21 something up. You know, so if somebody was on a certain
22 number of calories and they messed something up, then they
23 would cut their calories. You know, and when I was hearing
24 that people were cutting it down to 500 calories or 300
25 calories, something's not -- I mean, okay. So I'm fat. But,

1 like, something's not right.

2 Q Showing you what's been admitted as Government's 45. Do
3 you recognize that photograph?

4 A Yes, that's Daniella Padilla.

5 Q Was she one of the women who concerned you?

6 A Yes. She had always been skinny, but it -- it -- it
7 looked to me to be getting worse.

8 Q Was Marianna skinny?

9 A Very.

10 Q Showing you what has been admitted as Government's 26.
11 Who is in that photograph?

12 A That is Marianna.

13 Q Was Nicky Clyne skinny?

14 A She was also very skinny, yes.

15 Q Showing you what's been admitted as Government's 15. Who
16 is in that photograph?

17 A That is Nicky.

18 Q Are you familiar with a woman named Sylvie?

19 A I am.

20 Q Was Sylvie one the women who was skinny?

21 A Exceedingly, yes.

22 Q Are you familiar with a woman named Kerstin?

23 A Yes.

24 Q Was Kerstin skinny?

25 A Very. She was one of the ones I was very concerned

1 about.

2 Q When the defendant told you that he was trying to break
3 Allison Mack, what was your interpretation of that comment?

4 MR. AGNIFILO: I'm going to object.

5 THE COURT: As to form. Sustained.

6 MR. LESKO: I'll rephrase, Your Honor. Thank you.

7 BY MR. LESKO:

8 Q When the defendant told you that he was trying to break
9 Allison Mack, what was your reaction to that comment?

10 A I was disturbed because a part of me thought okay, well,
11 so we're trying to break pride. Okay? I mean, I -- I get
12 that. But I couldn't understand why somebody withering away
13 was somehow going to fix that. That was the part I didn't
14 get. And -- and the thing is, I -- I -- I was at this point
15 beginning to ask Ranieri a lot of questions, but there was
16 still the issue of my rank and his rank. So I had to be very
17 careful that only in private would I ask him certain
18 questions, not in public. And then also even in private, this
19 was somebody who was, like -- it's like questioning the king,
20 you know? Like at a certain point just slow down and be
21 careful.

22 So I would office just nod my head and think, okay.
23 Well, he's got some understanding that I don't have and maybe
24 there's some wisdom I just can't get because of something he
25 knows. I don't share that anymore, but that's what I thought

1 at the time.

2 Q During the time period you were involved with NXIVM, did
3 you became aware that the defendant was in sexual
4 relationships with any women in the community?

5 A I did.

6 Q How did you acquire that information?

7 A Well, one of the ways was when Barbara Jeske died, after
8 she died he spoke to me and said this was like losing a wife
9 for him. And I'd never heard him say that before. And
10 suddenly it occurred to me, Oh, I didn't realize that that was
11 the relationship. That was quite -- it was a surprise to me.
12 And it sort of made sense because, you know, he said to me
13 once, like when it comes to having sex he really needs to know
14 somebody, and -- and it takes at least a year to really,
15 really know somebody before that happened. So I thought okay.
16 Well, you know, he's known her a long time. I guess that kind
17 of makes sense.

18 And then later, there was an actress that I had
19 introduced him to, and he told me that they'd begun a thing
20 together, and that it had got very inflammatory and she hit
21 him. And I thought, Okay. So they're a thing. I -- I -- I
22 took that to mean a sexual thing given the way they were with
23 each other. And then in 2017, he told me that he had
24 conceived with Marianna, and I was surprised that I didn't --
25 I didn't really -- even though they were together all the

1 time, I didn't know that that was their relationship, and I --
2 it was a disturbing conversation in general to me. But I
3 decided to just, you know, in essence, not show that I had
4 deep concerns about it. And I said to him, You know, okay,
5 well, I guess congratulations are in order, and I just left it
6 alone. But I began to develop a picture in my mind. Okay.
7 So there's lot more going on than I realize.

8 Q So I think you testified previously that the defendant
9 resided with Marianna and Pam Cafritz; is that correct?

10 A Correct.

11 Q And did you have an understanding as to when actually
12 that baby with Marianna was conceived?

13 A When we spoke about it, the baby was conceived around the
14 time that Pam Cafritz was dying or had just died.

15 Q Were you aware that the defendant had other children with
16 other members of the NXIVM community?

17 A Yes, I was.

18 Q If you could --

19 A Yeah. There was a -- there's a story that -- that was
20 heard in the community about a -- I don't think --

21 MR. AGNIFILO: I'm going to object.

22 THE COURT: The way the response is starting, I
23 think I'm going to -- I'm going to ask that you rephrase the
24 question and the jury will disregard the answer of your last
25 question.

1 Q Did you became aware that the defendant had a child with
2 Kristen Keith?

3 A Yes, he told me that.

4 Q Do you know the name of that child?

5 A The name of the child was Gaylyn.

6 Q Was Gaylyn a boy or that girl?

7 A Gaylyn was a boy.

8 Q Did you later learn that the defendant had sexual
9 relations with other members of the NXIVM community?

10 A Once I had left, yes. But while I was still in, there
11 was -- those instances I mentioned to -- most of the ones I
12 knew about.

13 Q Approximately how many members of the NXIVM community did
14 the defendant have sexual relations with?

15 A I think it was in excess of 20.

16 Q Did you witness the defendant being physically intimate
17 with women in the community?

18 A I did.

19 Q How so?

20 A Well, generally speaking when he would meet one of the,
21 you know, or younger women that spent time with him, he was
22 always very intimate with them, you know, hand holding,
23 touching, walks sometimes hand in hand. You know, kissing on
24 the lips, a lot of tenderness, the kind of tenderness that is
25 not usual in a corporate environment. And then, you know, I

1 saw at one point, you know, an instance that gave me pause.
2 But other than that, it was, generally speaking, just the way
3 he was with -- with each of them. The way I saw it is they
4 were -- they were like -- almost like giddy call girls and he
5 was kind of the connect with each of them in different ways.
6 But there was a lot of, you know, physical contact and
7 whispering.

8 Q Did you witness the defendant being physically intimate
9 with Clare Bronfman?

10 A I did.

11 Q How so?

12 A Same kind of things kisses, talking, there was a lot of
13 hand, the touching and there would be this sort of fingers
14 intertwine and then rolls around, that kind of stuff. As I
15 had said, it's -- it's not just, you know, corporate buddies
16 hanging out, there's something else.

17 Q Did you witness the defendant being physically intimate
18 with Allison Mack?

19 A I did, the same kind of thing.

20 Q Let's discuss Allison Mack for a moment.

21 A Sure.

22 Q I'm going to show you -- and I'm not sure if the Elmo --

23 THE COURT: Yes, it's working again. There you go.

24 MR. LESKO: Thank you, Your Honor.

25 THE COURT: Yes.

1 BY MR. LESKO:

2 Q I'm showing you -- we've seen this previously
3 Government's Exhibit 39. Do you recall when you first met
4 Ms. Mack?

5 A Yes. I don't recall the exact year, but it was at a
6 volleyball game. She had just flown in from, I think it was
7 Seattle on the Bronfman jet, and he had just come from the
8 airport to come and meet -- well, she told me to come and meet
9 me and Raniere.

10 Q What was Allison Mack's role in NXIVM?

11 A Well, in the beginning she was, you know, a student who
12 became a coach, who eventually became a proctor. She was one
13 of the heads of Jness, but I don't know the exact make-up of
14 the ranking system, so to speak, but she was one of the
15 leaders. She was the head of humanities in -- in Albany.

16 Q Was that a committee?

17 A That's a committee, yes, yes.

18 And then she also was the head of the company called
19 The Source, which would be the acting program. And then she
20 also for a time was involved in a company called The Knife.
21 The Knife of Aristotle was a media analysis company.

22 Q Who promoted Allison Mack to proctor?

23 A I don't recall exactly, but I do remember having a
24 discussion with Lauren Salzman about it. Because I remember
25 when she was going to be promoted, I remember saying like I

1 can't -- are you serious, that's insane. There's something
2 not stable about her. And -- and -- and she's got this gaggle
3 of women that she's mentioned that are not doing well. I was
4 very concerned. I don't recall who exactly gave the final
5 sign-off on the promotion, though.

6 Q Who had ultimate authority to decide on who would
7 progress on the path?

8 A The ultimate authority was -- was Raniere. Lauren
9 Salzman would -- would make the final decisions because he
10 is -- would be the final say.

11 Q Was Allison Mack a member of the defendant's trusted
12 group?

13 A She was.

14 Q When was The Source developed?

15 A The Source was developed sometime at 2014. It was one of
16 the companies under the -- what was called The Ultima
17 umbrella, and it originally consisted of Allison and then I
18 think there was 12 of us guys involved as well, 12 involved
19 altogether.

20 Q And did The Source have curriculum?

21 A The Source had curriculum. What would happen with that
22 curriculum is Raniere would meet with us, myself or somebody
23 else would videotape the meeting. And that would be turned
24 into the actual curriculum. And then once he had done, you
25 know, the term that he used and others used, "the download of

1 all of the material," that was turned into like written things
2 and videotapes and then we began running trainings.

3 Q And the focus was on actors?

4 A The focus was on actors. We were told later musician
5 and, you know, public speakers, but it was mostly performance.
6 You know, being in front of people, how to best use the
7 instrument of -- of presentation or performance.

8 Q Did the curriculum developed for The Source, was that an
9 adaptation of the defendant's tech system as applies to
10 actors?

11 A To some degree. There were certain things in there that
12 were part of some of the other curriculum. There was a
13 section that -- that was from Ultima reverence in terms of
14 teaching people, you know, emotional flexibility, how to deal
15 with, you know, feelings that you struggled with. And then
16 there was this -- which I think -- I think I mentioned before,
17 this focus on showing -- looking like you're having the
18 feeling but you don't have to show it, just look like you're
19 having it. So again, like you don't have to be feeling any
20 grief just, you know, look -- what do people look like when
21 they're grief stricken. Then do that, what do their heads do,
22 arms do, do they look down? And basically, you know, teach
23 actors as opposed to model. I was used to the more inside
24 out, which was with field of thing body, find a moment in your
25 life. This was more, well, a shortcut. Just look like you're

1 having the emotional and the audience will believe you.

2 Q Did Allison Mack eventually move to Clifton Park?

3 A She did eventually. She moved from Casual Gardens, I
4 think, to Clifton Park.

5 Q Do you recall approximately when this happened?

6 A I -- I know for sure it was pre-2013, but I don't
7 remember the exact year.

8 Q And where did Allison Mack reside in Clifton Park?

9 A So she moved into 77 Generals Way, actually, along with
10 my wife and I.

11 Q Showing you what has been admitted as Government's 120.
12 Do you recognize that photograph?

13 A Yes. That is 7 Generals Way.

14 Q And is that the residence where you lived with your wife
15 and Allison Mack?

16 A Correct.

17 Q Did you stop living with Allison Mack at 7 Generals Way?

18 A Yes.

19 Q What happened?

20 A She had said at one point she needed to do some more
21 private work and she needed to be alone. So she moved a few
22 blocks away to Grenadier Court, I think, is the name of the
23 street. She said she needed privacy to do some of the
24 different projects she was working on.

25 Q Did Allison Mack get along with your wife?

1 A At the beginning, I think, yes. Later, not so much.

2 Q Was your wife involved in The Source?

3 A Yes.

4 Q Was there conflict between your wife and Allison Mack
5 regarding The Source?

6 A There was. The concerns my wife had related to the
7 divisions that were occurring in the company, where, you know,
8 there were like 12, maybe 13 people that all felt like that
9 was part of their company, and then suddenly there were their
10 divisions, of like, no, you people are not in charge, these
11 people are in charge. And it got a lot -- it was messy. She
12 had concerns about the way it was handled, the way -- the some
13 people had been just been, you know, pushed to the side as
14 unimportant in essence, just having no value in this company
15 at all. And she brought that up a few times, and she was
16 challenged a great deal about that. And she also had concerns
17 about Allison's, you know, psychology about her, you know,
18 erratic behavior and whether she was the -- would be able to
19 lead well.

20 Q At some point do you recall a meeting involving yourself,
21 Allison Mack, your wife and the defendant?

22 A Yes. He offered to do an arbitration between Allison and
23 my wife, and I was there as well. Because I had said to him
24 things were not -- you know, things were not still working.
25 There's a lot of unresolved issues with this company and a lot

1 of people feel very slighted. So he said, well, maybe I
2 should jump on board, which is pretty unusual. Most of the
3 time he would say it's not good if I would do an arbitration
4 because I'm final point. After me is the point of no if
5 return, so did other people do that.

6 For some reason he felt that he would do the
7 arbitration.

8 Q What was an arbitration at NXIVM?

9 A An arbitration at NXIVM is basically figuring out what is
10 the issue that each person is having, and then trying to help
11 them understand how the issue they're having is related to
12 their particular -- their particular issues. You know, their
13 inner deficiencies, their life issues, that kind of thing and
14 to get each party to take responsibility for what's theirs and
15 then see if there's any action that needs to be taken in some
16 way.

17 So it wasn't just, well, okay, each of you talk.
18 It's each of you talk and now let's look at other unresolved
19 things with respect to each of you that you need to look at
20 that may be affecting the way you're seeing things. That's
21 generally speaking.

22 Q So what did the defendant say at the arbitration meeting
23 involving yourself, Allison Mack and your wife?

24 A Well, he started the meeting by saying, well, let's just
25 start with ground rules. Does everybody at the table believe

1 that at everybody at this table have good intent? And, of
2 course, everybody said yes. If you said no, it would be a
3 huge problem. Saying no was a huge problem because it looks
4 like, oh, you project, if you think somebody has bad intent,
5 oh, well, clearly you're the one with bad intent, so of course
6 you said yes.

7 And then he began to elicit from each person to
8 different things. He basically had Allison admit that she,
9 you know, hated my wife, was trying to destroy her. Was very
10 jealous of her. And then, you know, he said to my wife, you
11 know, basically, you know, there's things you've been through
12 like loss of innocence, I've seen this kind of thing. And
13 then he tasked -- basically he tasked Allison with finishing
14 it, that what she done was a real problem and that she needed
15 to really look into herself and fix this -- this impulse that
16 she has to destroy another woman. You know that has to be
17 fixed.

18 So that was the way I remembered ending was
19 basically she has to go fix this.

20 Q You referred to a person named India. Do you know India?

21 A I did know India for quite some time.

22 Q Is India the daughter of the well-known actress?

23 A Yes, she is.

24 Q Showing you what has been admitted as Government's 56.

25 Do you recognize that photograph?

1 A That is India.

2 Q How did you meet India?

3 A I met India in Los Angeles, I don't know the -- I don't
4 remember the exact year. It was maybe -- you know, 2011,
5 2012, maybe. We would do introductory presentations. And we
6 were doing one in Santa Monica and India and her mother came
7 to the -- excuse me -- to the presentation along with a lot of
8 other people. And myself and Sarah were doing the actual
9 presentation, and at the end of the presentation, India
10 decided that she wanted to join and do an intensive. So that
11 was basically my first -- the first time that I met her.

12 Q Did India have a relationship with Allison Mack?

13 A She would come to have a relationship when she spent more
14 time at Albany. She -- she ended up being tutored by Allison
15 Mack or Allison Mack took a particular interest in her and
16 took her under her wing. And, you know, I had -- I had a lot
17 of concerns about that.

18 Q So India traveled to Albany to take NXIVM programs?

19 A She did. She did the first five days in Los Angeles and
20 she may have done the remaining 11 days in Albany, I don't
21 recall, but then she began doing some Level 2s. She joined
22 Jness as well. And she ended up doing a lot of curriculum.

23 Q While she was in Albany, are you aware that India had
24 gone on a walk with the defendant?

25 A Yes. That conversation I had with Ranieri. India was

1 part of the Los Angeles center and she had all these different
2 dreams and things she wanted to do, and my wife and I were
3 trying to help her. I was shooting material of her. She
4 wanted to create sort of the, you know, talk show of talking
5 to amazing people in the world and, you know, she wanted to
6 create this cooking line. So she had a lot of dreams and the
7 way I was thinking of things at the time is that's what we
8 want to do. You know, we want to help people make their
9 dreams come true. So I found that India was struggling with
10 leadership so we put her in charge of certain things in the
11 center and see if she could step up as a leader. Then she
12 went to Albany and suddenly just gave everything up. She
13 decided, well, I think I'm going to leave Albany and I
14 remember going, What about your dreams? I'm sort of changing
15 my focus and then she said she took a walk -- she said she
16 took a walk with Keith and, I'm much clearer now.

17 So I called -- I don't remember if I called Raniere,
18 if I spoke to him in person, I said, I'm very concerned.
19 We're just beginning to get to this place where she might
20 begin to take leadership, which would help her in her life and
21 suddenly is she gives everything up and now she's going to
22 Albany. What happened on that walk? He said, well, I don't
23 remember very much, we talked a much, I don't -- that's not
24 what happened, there must have been something but he was very,
25 very vague about it, and I say I'm very concerned. She's kind

1 of giving up everything she cares about to go live in this
2 little place and I don't know if that's going to be that good
3 for her.

4 And, you know, in usual fashion, he said a bunch of
5 things like, well, maybe I don't know what's going on.

6 Q I think you mentioned that you had some important
7 concerns about India's relationship with Allison Mack?

8 A Well, I was very concerned with -- with what happened
9 with -- that I saw with India was that she became enamored
10 with Allison Mack. The kind of enamor where you don't just
11 admire someone because they were skilled, like fall in love
12 with Allison Mack, you are my everything. And I said to
13 myself, something's unhealthy about that. I don't know that
14 it's healthy for her to look at Allison Mack as some kind of,
15 you know, deity who knows all. Knowing Allison, I think
16 Allison was that. And I didn't think that Allison should
17 necessarily be mentoring young women, so yeah, I had concerns.

18 Q You discuss those concerns with the defendant?

19 A I did.

20 Q What did you say?

21 A I remember saying something like, I don't think that she
22 should be mentored by Allison. I don't think it's healthy. I
23 think Allison has a series of issues that I'm concerned with
24 and I don't think she should be teaching India or some of the
25 other people.

1 Q What was the defendant's response?

2 A I don't -- I don't recall specifically. I -- I do
3 remember him saying something like, you know, well it's not
4 really my concern. It was the strange thing of he knew about
5 everything, but then when I questioned about him about some
6 things, then he didn't know about it. So it was a mystery.

7 Q Did India become involved in a NXIVM-related company in
8 Clifton Park?

9 A Yes. So one of the companies that she was involved with
10 is she was in a company call Delegates, and as I said before
11 Delegates was like a task rabbit, you know. You call
12 somebody, I need my laundry picked up, or I need to be picked
13 up from the airport, kind of thing. So India was basically
14 put in charge of Delegates. That was her company. People
15 would call her or text her and tell her what we needed and she
16 would look at the workforce that was available and then assign
17 them. So that was her company.

18 Q And who worked for Delegates?

19 A The people that worked for Delegates were mostly the
20 younger people in the community. A lot of the LeBaron girls
21 were working for Delegates, and then some of the other younger
22 members. They were -- they were, you know, younger people
23 that didn't really have a career choice yet that were working
24 for her.

25 Q And the LeBaron girls were from the community in Mexico?

1 A The community of -- of LeBaron, Chihuahua, yeah.

2 Q Do you know a person named Debra?

3 A Yes.

4 Q Who is Debra?

5 A Debra is somebody who was a student initially in the
6 Los Angeles center. And then also came to Albany to take some
7 trainings as well. I don't recall exact trainings.

8 Q Did you ever have a discussion with the defendant about
9 Debra?

10 A I did.

11 I'd had a conversation with her about the concern
12 she had and I remember -- I called -- I think I called the
13 defendant -- I think I called Raniere. And I said I have some
14 concerns about what -- what she told me that I want to talk
15 you about.

16 MR. AGNIFILO: I'm sorry, could we approach?

17 THE COURT: Approach.

18 MR. AGNIFILO: Yes, just a sidebar.

19 THE COURT: Sure, sure.

20 (Continued on next page.)

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1 (The following occurred at sidebar.)

2 THE COURT: Okay.

3 MR. AGNIFILO: We have no the idea who Debra is.

4 MR. LESKO: Giannone.

5 MR. AGNIFILO: Oh.

6 MR. LESKO: Debra Giannone.

7 MR. AGNIFILO: Are you not know using her last name?

8 I'm just trying to figure out just because during testimony,
9 we don't know who he's talking about.

10 MR. LESKO: She was recruited to become a member of
11 DOS.

12 MR. AGNIFILO: Okay.

13 MR. LESKO: Did not agree to become a member, but I
14 think she -- as I understand it, I believe she's an actress of
15 some note. And so by revealing her last name, it would be
16 unduly embarrassing for her.

17 MR. AGNIFILO: Okay. Is she on the list?

18 MS. PENZA: We talking about her, the same as the
19 other day.

20 MR. AGNIFILO: Okay. I didn't know who --

21 THE COURT: Well, good. All right. Good to know
22 this.

23 MR. AGNIFILO: And just so we're clear, we're
24 continuing to object, I know, I know --

25 THE COURT: Well, you don't --

1 MR. AGNIFILO: Okay.

2 THE COURT: Your objection is on the record.

3 MR. AGNIFILO: Thank you. Thank you.

4 THE COURT: It carries through.

5 MR. AGNIFILO: Thank you.

6 THE COURT: The entire trial.

7 MR. AGNIFILO: Very good. Thank you, Judge.

8 THE COURT: Okay.

9 MR. AGNIFILO: Thank you.

10 (Continued on next page.)

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1 (Sidebar ends; in open court.)

2 BY MR. LESKO:

3 Q Mr. Vicente, you were recounting the conversation you had
4 with the defendant about Debra. If you could continue.

5 A Sure. In the conversation I had with Debra --

6 Q With the defendant?

7 A Well --

8 Q Oh, I'm sorry.

9 A Well, conversations with the defendant -- I'm sorry,
10 conversation with Raniere is about the conversation I had with
11 Debra.

12 Q Very well.

13 A In the conversation I had with Debra, she had told me she
14 had on Facebook had --

15 MR. AGNIFILO: I'm going to object.

16 THE COURT: Sustained.

17 MR. LESKO: Your Honor, may I approach?

18 THE COURT: Why don't we take or lunch break? All
19 rise for the jury.

20 (Jury exits the courtroom.)

21 (The following matters occurred outside the presence
22 of the jury.)

23 THE COURT: All right. The witness may stand down.
24 Do not discuss your testimony with anybody.

25 (Witness exits the stand.)

1 THE COURT: Everyone may be seated. Do you want a
2 sidebar or do you want to do this in open court?

3 MR. LESKO: We can do it in open court.

4 THE COURT: Okay. Please be seated everyone. Well,
5 go ahead.

6 MR. LESKO: Your Honor, we're offering this
7 statement to Mr. Vicente, which is going to be one of a series
8 of facts that he will testify about gathering in the late
9 2016, 2017 time frame, to show it's affect on his state of
10 mind and this process where Mr. Vicente was gathering facts
11 and was discussing with people. Many of those discussions, by
12 the way, allowed him to piece together the DOS story resulted
13 in him eventually leaving NXIVM, withdrawing from the
14 organization where he had been part of the trusted group for
15 over a decade. And so we're offering it, this in particular,
16 but we'll also offer similar statements to show their affect
17 on Mr. Vicente. And their affect is specifically on his state
18 of mind, his evolving state of mind.

19 THE COURT: So you're not offering it for the truth?

20 MR. LESKO: No, Your Honor.

21 THE COURT: Well, then I think you need to be
22 telling the jury that.

23 MR. LESKO: Very well.

24 MR. AGNIFILO: I think that's fine.

25 THE COURT: As long as that's the point, if you have

1 a proposed instruction to the jury, in connection with this
2 particular portion of his testimony, just discuss it with the
3 other side and give it to me and I'll give the instruction to
4 the jury after lunch.

5 MR. AGNIFILO: Thank you, Judge.

6 THE COURT: Okay.

7 MR. LESKO: Your Honor, I would like to raise one
8 other issue. I don't think we necessarily have to resolve it
9 right now, but I did want to sort of surface the issue for
10 the Court. It's conceivable I may end direct examination of
11 Mr. Vicente today and towards the end of the examination, I --
12 I expect to be the first time that the Government is intending
13 to introduce nude photographs. And we have pixilated and/or
14 blocked out the sensitive portions of those photographs. But
15 we certainly didn't want to surprise the Court with those
16 photographs and we would appreciate guidance from the Court.
17 We can show them to you. We intend to just publish them to
18 the jury and we would orient the monitors so that members of
19 the public couldn't see the photographs. But we do want to be
20 very sensitive in this area and particularly are respectful to
21 some of the issues raised with at least two of our jurors. So
22 any guidance from the Court and again, we can submit the
23 proposed photographs for review by the Court. And I believe
24 defense counsel has them.

25 THE COURT: Well, we've already established the

1 procedure with the cross-examination of Sylvie. We can use
2 the same basic approach.

3 MR. LESKO: We didn't publish those photographs, if
4 I remember correctly, to the jury. This would be the first.

5 THE COURT: Oh, that's right. Well, we're going to
6 publish them to the jury but we won't publish them in the
7 public. We can publish to the jury without publishing to the
8 public --

9 MR. LESKO: Very well.

10 THE COURT: -- on our system.

11 So you'll just have to let me know when you're ready
12 to do that.

13 Is there an objection?

14 MR. AGNIFILO: No, there's no objection. The only
15 clarification I'll make, no problem with the proposed, we have
16 not seen the pixilated version, but we can probably do that
17 over lunch. Why don't you do that?

18 MR. LESKO: Very well, thank you.

19 THE COURT: All right. Thank you.

20 Take an hour for lunch.

21 (Recess taken.)

22

23

24

25

1 A F T E R N O O N S E S S I O N

2 (Time noted: 2:00 p.m.)

3 (In open court; Jury not present.)

4 THE COURT: Please be seated.

5 (Defendant enters the courtroom.)

6 THE COURT: Oh, just have him wait.

7 All right, there's a letter from the government, a
8 motion *in limine*; have you seen it?

9 MR. AGNIFILO: I got it few minutes ago.

10 THE COURT: Do you have any intention of raising one
11 of those matters in connection with your cross-examination?

12 MR. AGNIFILO: So what I would like to do -- I'm not
13 going to -- we --

14 THE COURT: We don't want to say what they are.

15 MR. AGNIFILO: No, I'm not going to say what they
16 are.

17 In regard to the letter that Mr. Vicente wrote where
18 he uses a hateful word, I would not want to --

19 THE COURT: But you're not going to talk about it,
20 so we're not going to talk about it.

21 I just want to know, do you want to respond in
22 writing to this?

23 MR. AGNIFILO: I will -- I will give the Court an
24 answer. I'm just trying to work this out with a compromise,
25 and I'll give Your Honor an answer by 7:00 tonight.

1 THE COURT: Well, I'll sit by the fax machine.

2 MR. AGNIFILO: Okay.

3 THE COURT: Then I'll give you an answer in the
4 morning, if you haven't worked it out.

5 MR. AGNIFILO: I think we can work it out.

6 THE COURT: Well --

7 MR. AGNIFILO: If we can't, I'll have something to
8 Your Honor by 7:00.

9 THE COURT: Yes.

10 MS. PENZA: Yes, Your Honor.

11 If we could just address the issue of the
12 instructions that came up before we broke for lunch.

13 THE COURT: Oh, yes, the instruction. Yes. Yes.

14 MS. PENZA: So what -- Mr. Lesko expects that this
15 witness will testify regarding two categories of statements
16 about DOS that were made. And so there are statements by
17 coconspirators. And those include Keith Raniere, Lauren
18 Salzman, and Alejandro Betancourt.

19 I believe that's the universe of the ones that we're
20 expecting, but there could be others, which we would expect to
21 be offered for their truth.

22 And another category by namely former DOS members,
23 but there could be others about DOS which are being offered
24 for their effect on Mr. Vicente and --

25 THE COURT: I understand the distinction.

1 MS. PENZA: So what we propose, Your Honor, because
2 there are going to be a number of these.

3 THE COURT: Yes.

4 MS. PENZA: Is that at the end of the next section,
5 and Mr. Lesko can say when we get there, but that Your Honor
6 give an instruction at that time, giving the standard language
7 that there will be further instruction regarding how to
8 consider evidence at the end of the trial, but that for now
9 the statements made by Mr. Vicente that were said to him by,
10 and we can give you the name of those individuals, should not
11 be offered for the truth but only.

12 THE COURT: So what should do I now?

13 MR. AGNIFILO: I have something I can give to the
14 Court.

15 THE COURT: Have you discussed with the other side?

16 MR. AGNIFILO: No. They've been doing other things.

17 MS. PENZA: We've been working on our instruction,
18 Your Honor, and so we didn't get to, but we're happy --

19 THE COURT: At the end of the next section, we'll
20 take a break and you can show me what you've done.

21 MS. PENZA: Sounds good.

22 THE COURT: I like things in writing so that I
23 don't --

24 MR. LESKO: Your Honor, if I could be precise. I
25 think actually at the end of the session would be the end of

1 his direct examination. That back part of his direct will
2 involve many of these discussions.

3 THE COURT: Right.

4 MR. LESKO: And I think by the end of that we will
5 have a clean list of non-coconspirators who made statements
6 about DOS to Mr. Vicente, and I think it will be pretty clear
7 who's who.

8 THE COURT: Why don't we just at that point before
9 you complete it, why don't you finish doing your questions,
10 you can take a sidebar and you can tell me who's who. Give me
11 the list. We'll go over it with the defense, and then I'll
12 make whatever statement that we want.

13 MR. AGNIFILO: I would prefer the instruction come
14 before the statements are elicited so the jury can understand
15 as they're hearing evidence. This is not being considered for
16 the truth.

17 THE COURT: Well, I don't know who these people are
18 who are not coconspirators, who the government claims are not
19 coconspirators. I have a good idea but, you know, there may
20 be names that I don't know who coconspirators alleged by the
21 government and --

22 MS. PENZA: I don't think it makes sense, Your
23 Honor, to have Your Honor listening what he expects the
24 witness to say before the witness has said it.

25 THE COURT: What is it that you wanted me to say?

1 MR. AGNIFILO: This is what I'd like Your Honor to
2 say:

3 I'm permitting this witness to testify about what
4 certain other people said to him. I'm allowing this because
5 these statements of other persons are relevant to
6 Mr. Vicente's state of mind, but are not being offered for the
7 truth of the statements themselves; therefore, you are to
8 consider these statements only to the extent that they have an
9 impact on Mr. Vicente's state of mind and for no other
10 purpose.

11 THE COURT: Well, I can make that statement in
12 connection with specific questions about specific individuals.
13 In other words, instead of a blanket statement, I can make an
14 individual statement as to a specific individual that he's
15 testifying about.

16 MS. PENZA: We just don't think it makes sense to
17 give that sort of instruction right now, because it's going to
18 be piecemeal the way these statements come in.

19 So there's a statement that he's about to elicit
20 regarding Debra, but then there are going to be subsequent
21 statements from other members of DOS. But interspersed within
22 that will be statements by coconspirators.

23 And so we don't want to leave the jury with the
24 misimpression that when he then has a conversation with
25 Mr. Raniere about what Debra said to him, that that is not

1 offered for its truth.

2 THE COURT: No, I understand that. But -- but how
3 will the jury know which is -- which is probably the issue the
4 defense is concerned about, that there will be statements
5 interspersed among the statements of coconspirators with
6 statements of alleged victims.

7 MS. PENZA: And that's why, Your Honor, we thought
8 that at the end it makes the most sense because by then we'll
9 have a list of those individuals.

10 We could --

11 THE COURT: Are you going to -- are you going to ask
12 me to state who the individuals are?

13 MS. PENZA: Well, I think we actually have the list
14 of the individuals whose testimony will come -- that we will
15 believe would fall into that bucket.

16 The concern would be just that it is unusual for
17 Your Honor to say: We expect that Mr. Vicente is going to
18 testify about statements made to him by this person, this
19 person, this person, and this person. And that those
20 statements, but all of the others should be -- but then the
21 government would like a specific instruction that all of the
22 other statements are to be considered for their truth.

23 MR. AGNIFILO: I object to the government's
24 proposal. My request is that we read this instruction to the
25 jury now and leave it at that.

1 I don't know who coconspirators are because I
2 requested that before the trial and they refused to give it to
3 me. So I'm learning who the coconspirators are and who they
4 aren't as we go, just like the Court is.

5 So in the absence of that, and I most respectfully
6 would not ask the Court to marshal the evidence and the
7 government's theory about who's a coconspirator and who's not,
8 it's our position nobody's a coconspirator.

9 So our position is since nobody's a coconspirator,
10 that we would like this instruction read to the jury before
11 these statements are heard by the jury.

12 MS. PENZA: We think that statement would be
13 entirely misleading, Your Honor. They are going to be
14 statements by the defendant, by Lauren Salzman, by Alejandro
15 Betancourt at least that would be coconspirator statements in
16 furtherance of the conspiracy about DOS made to Mr. Vicente.
17 And the jury should not be under the misimpression that those
18 are not admissible for their truth.

19 THE COURT: Can't you be cabin his testimony
20 regarding non-coconspirator statements separate and apart from
21 statements made by or to -- made by coconspirators in her
22 view.

23 MR. LESKO: I think I could, with a little bit of
24 potential meeting, I could cabin the statements that were
25 made -- let's use Debra specifically -- by Debra to

1 Mr. Vicente, and then subsequently make a clean break and ask
2 about discussion with the defendant. So that I think there
3 will be sort of two sets of discussions.

4 MR. AGNIFILO: I have no objection. To accomplish
5 that purpose, I think it's perfectly appropriate.

6 MR. LESKO: I have to engage in sort of the same
7 process with respect to -- I think there are about four other
8 non-coconspirators who fall into this category, so I have to
9 do a similar process for those other conversations.

10 THE COURT: So at the point we go into the
11 non-coconspirator back and forth, I can give the instruction
12 on that without going into the question of the statements made
13 that you allege are coconspirator statements and let the
14 defense on cross-examination ferret out; you know, it's a
15 perspective that these aren't really coconspirators, because
16 coconspirator statements can be taken for the truth under the
17 rules.

18 So do you want to give me what you have?

19 MR. AGNIFILO: Yes, sir.

20 MS. PENZA: We would also -- if I may just see what
21 Mr. Agnifilo is saying that we're offering it for.

22 THE COURT: Absolutely.

23 MR. LESKO: While Ms. Penza is doing that, I think
24 Your Honor said this, sorry about belaboring the point.

25 THE COURT: That's okay.

1 MR. LESKO: This proposed instruction we would ask
2 that it be specifically tailored to address Debra's statements
3 to Mr. Vicente, and not a blanket instruction where -- which
4 could be, as was indicated earlier, misleading.

5 THE COURT: Well, at what point are you going to ask
6 about what Debra said?

7 MR. LESKO: That's my next question.

8 THE COURT: And Debra is not -- is not a -- you
9 don't view her as a coconspirator?

10 MR. LESKO: No, Your Honor.

11 MS. PENZA: We don't think state of mind and effects
12 on Mr. Vicente are the same thing, so we would want both of
13 those.

14 And really, the only reason hearsy in inadmissible
15 is when it's for its truth. We don't think it should be so
16 narrowly cabined as to what it is, in fact, admissible for.
17 And so we would like it to say state of mind and effects on
18 Mr. Vicente, because it isn't just his state of mind.

19 THE COURT: I understand. I agree with that, by the
20 way, so let's just get it done.

21 MR. AGNIFILO: Your Honor, then change it for no
22 other purpose.

23 MS. PENZA: No, we don't like it for no other
24 purpose. It already says it's not admissible for its truth.
25 That's the rule.

1 THE COURT: That's the only other purpose.

2 MR. AGNIFILO: Then that's what it should say,
3 that -- so I'll give it to Your Honor so Your Honor can see
4 it.

5 (Proffering.)

6 (Pause.)

7 THE COURT: Yes.

8 MR. AGNIFILO: So the only thing I would say is that
9 there's two parts to that short instruction. One, why it's
10 being admitted and what they can use it for.

11 So as long as Your Honor makes it clear that --
12 they -- if Your Honor wants to say they can use it for its
13 effect on Mr. Vicente but not for the truth of the statement
14 in our proposed instruction, that's fine with us. So just be,
15 comma, and not for the truth of the statement and --

16 THE COURT: Well, that's what is being said here.

17 MR. AGNIFILO: No, but there's -- the instruction
18 breaks it up into why the Court's admitting it, first part,
19 and what the jury can do with that evidence. That's why
20 there's two separate sentences.

21 THE COURT: So you only want -- I'm not
22 understanding, really. Let me go sentence by sentence here.

23 I'm permitting this witness to testify about what
24 Debra said to him. I'm allowing this because these statements
25 are relevant to Mr. Vicente's state of mind but are not being

1 offered for the truth of the statements themselves.

2 MS. PENZA: That --

3 THE COURT: Stop.

4 Now, is that a problem?

5 MS. PENZA: The government's position is that it's
6 not just state of mind. Because state of mind is very narrow
7 when you actually look at the law. It already takes a lot
8 action in response to --

9 THE COURT: And you want to add: And their effect
10 on Mr. Vicente.

11 MS. PENZA: Correct, Your Honor.

12 THE COURT: Therefore, you are to consider the
13 statements only to the extent that they have an impact on
14 Mr. Vicente's state of mind and their effect on Mr. Vicente.

15 MS. PENZA: That's fine with the government.

16 THE COURT: I can live with that.

17 MR. AGNIFILO: But --

18 THE COURT: Now what?

19 MR. AGNIFILO: But may not for the truth of the
20 statements. Because there's -- there's two sentences, and I
21 just want them to be parallel to what they can do and can't
22 do.

23 THE COURT: So here's what we're going do. For
24 every witness -- I'm sorry, for every question regarding an
25 individual who do you not allege is a coconspirator, you'll

1 tell me, and I'll read this as to that witness, and that's
2 what we'll do.

3 I'll read the whole thing and that way it's all
4 there and the jury can deal with it accordingly, if they
5 remember.

6 I think it's very difficult for the jury to
7 distinguish these things, but these are the rules of evidence,
8 and I need to cabin these answers in the appropriate way, and
9 this is the way to do it.

10 So we'll start with Debra, right? Debra's next?
11 Questions on Debra.

12 Let's bring in the witness.

13 Thank you, everyone.

14 MR. AGNIFILO: I'm sorry, Your Honor?

15 THE COURT: I said thank you.

16 MR. AGNIFILO: Yes, thank you.

17 (Witness resumes the stand.)

18 THE COURT: Let's bring in the jury.

19 Okay, Mr. Agnifilo, don't forget 7 p.m. tonight.

20 MR. AGNIFILO: 7 p.m.

21 (Jury enters the courtroom.)

22 THE COURT: Please be seated, everyone.

23 All right, the witness is reminded he is still under
24 oath.

25 Mr. Lesko, you may continue with your examination of

1 the witness.

2 MR. LESKO: Thank you.

3 DIRECT EXAMINATION (Continued)

4 BY MR. LESKO:

5 Q Good afternoon, Mr. Vicente.

6 A Good afternoon.

7 Q When we left off, you were discussing a conversation you
8 had with the defendant about a conversation you had with a
9 woman named Debra, okay?

10 A Yes.

11 Q Let's break this up.

12 Let's start with what Debra told you. So if you can
13 tell us what Debra told you?

14 Hold your answer briefly.

15 THE COURT: Just hold your answer.

16 Members of the jury, I'm permitting this witness to
17 testify about what Debra said to him. I'm allowing this
18 because these statements of another person are relevant to
19 Mr. Vicente's state of mind and their effect on Mr. Vicente.
20 But they are not being offered for the truth -- for the truth
21 of the statements themselves; therefore, you are to consider
22 these statements only to the extent that they had an impact on
23 Mr. Vicente's state of mind, and their effect on Mr. Vicente,
24 and not for the truth of the statements themselves. Only
25 their effect on the -- on this witness' state of mind and the

1 effect on him.

2 So now you may answer.

3 A I had a phone conversation with Debra and she told me
4 that there's a function on Facebook where you can poke
5 somebody.

6 She told me that Raniere had poked her, you know,
7 several times. That he had asked if he could Skype with her.
8 And that also when she was in Albany and she attended
9 volleyball, he walked off the game mid-game and sort of
10 fawning all over her and she was very creeped out.

11 She also told me that she had a concern, because
12 somebody called Amanda had tried to enroll her into a secret
13 society, and Amanda wanted for her to give some form of
14 collateral, you know, blackmailing material to keep her
15 silence about the society. And she was deeply concerned about
16 these things. So that's what she shared with me.

17 Q Did you subsequently have a conversation with the
18 defendant about what Debra had told you?

19 A I did.

20 So in the conversation with him, I said -- I said to
21 him something to the effect, you know, what are you doing with
22 her? You're scaring her. You poked her on repeatedly on
23 Facebook. He said, "Well, it was just once."

24 And I said, "And what about Skype? I tried to Skype
25 you for years and you said you don't have Skype."

1 And then also I began talking to him about this
2 secret society and somebody trying to enroll her in something
3 that required, you know, blackmailing material. And I was
4 very concerned about it.

5 And he said to me, well, can you -- it was a fairly
6 long conversation about a number of things; you know,
7 including my understanding at that point that he might be the
8 head of this society, and that he said to me: "Well, could
9 you tell me who it is?" And I said: "I can't. Because if
10 you are indeed the head of this society and this is true, if I
11 tell who it is, you might release their collateral to the
12 world in some way, and that's a huge problem."

13 So that was a -- a grave concern to me. And he
14 said: "Well, he would investigate it." We had a private
15 conversation about things going on with the -- with the women
16 that he said he would investigate and, again, he was saying:
17 "I'll investigate it."

18 And I remember further saying to him: "I'm really
19 worried about these women. They look like zombies."

20 I remember him saying: "You have to define what a
21 zombie is." And I realize I gave him a general practice of
22 deflection.

23 So I said: "Okay, call me crazy then." He says:
24 "Well I'm not calling you crazy, we have to figure these
25 things out." And I had the sense that he was just evading me.

1 Q Did you -- when was that discussion, if you can estimate?

2 A I think that discussion was April 2017, I think.

3 Q You mentioned that NXIVM operated in Mexico; is that
4 right?

5 A Correct.

6 Q Did they have actual physical centers in Mexico?

7 A They did. They had a physical space in Mexico City, in
8 Monterrey, I believe Leon, Mexico, and I believe Guadalajara
9 had a space as well.

10 Q Did NXIVM eventually create a corporation in Mexico?

11 A My understanding was that sometime, I think in 2016, a
12 corporation was created. I think it was NXIVM Mexico, I
13 think.

14 Q Did NXIVM's Mexican programs cater to a specific type of
15 person?

16 A Well, they were known for catering to the very, very
17 wealthy individuals, much more so than any other center.
18 Their people were, you know, from very wealthy, prestigious,
19 powerful families.

20 They were the children a number of ex presidents,
21 large corporations, large media corporations. I would say the
22 upper echelons of society.

23 Q And who led NXIVM's Mexico operation?

24 A The center owners were Emiliano Salinas and Alex
25 Betancourt.

1 Q Was Alex in the defendant's trusted group?

2 A I think at times he was. Not always, but at times.

3 Q Was Emiliano?

4 A Yes.

5 Q You mentioned that you traveled to Mexico.

6 A Yes.

7 Q Did the defendant travel to Mexico?

8 A While I was in ESP, not that I'm aware of. I was only
9 aware of after I left.

10 Q Did any other members of the trusted -- the defendant's
11 trusted group travel to Mexico?

12 A I can't say for sure it's everybody, but I mean people
13 traveled all the time from the company because there were a
14 number of intensives happening in Mexico. There were Jness
15 intensives, SOP intensives, ESP intensives. But I do believe
16 a number of the trusted certainly did travel, yes.

17 Q Did you ever visit the island of Fiji in connection with
18 your involvement with NXIVM?

19 A I did. I went to the island -- I think it's called
20 Wakaya, W-A-K-A-Y-A. Wakaya, which is one of the islands of
21 Fiji.

22 It's somewhat of a private island with its own
23 airstrip.

24 Q And I think you previously testified that NXIVM was
25 involved in acquiring properties in Fiji. Was it on that

1 specific island?

2 A Correct, yes.

3 Q So what did you do in Fiji when you traveled there?

4 A I went -- it may have been up to three times. I went
5 once for a VIP intensive. I was going to shoot the island,
6 you know, recording video and photography, aerial drones, that
7 kind of thing.

8 Another time was I think a different intensive, and
9 then another time was purely a kind of vacation where Pam
10 Cafritz invited a number of us to the island to spend time
11 with her and Raniere and, you know, each other.

12 Q What was NXIVM doing in Fiji?

13 A My understanding was it was being designed as a place to
14 hold VIP intensives. It was also being designed as a time
15 share for NXIVM members who wanted to pay the yearly fee.

16 And I know that a number of properties were being
17 purchased. I think eventually all of them were. I think, but
18 I'm not entirely sure.

19 Q Do you recall who owned these properties?

20 A The properties that were purchased?

21 Q Yes.

22 A I remember that one of them was owned by the gentleman
23 who used to own Fiji Water. I don't recall his name now.

24 But they were bought -- in essence, my understanding
25 was that Clare Bronfman and Alex Betancourt partnered up with

1 Raniere to purchase the properties on the island.

2 Q I'd like to draw your attention to approximately 2012.

3 Do you recall a photographing and videotaping
4 session of the defendant in his executive library?

5 A Yes.

6 Q And what was your role in that session?

7 A I was working on the Mexican film "Encender EL
8 Cocorazon." E-N-C-E-N-D-E-R, space, E-L, space,
9 C-O-C-O-R-A-Z-O-N, and there were a number of phone calls that
10 I had with Raniere, you know, in years prior, and I wanted to
11 do a recreation of those phone calls and I thought the best
12 way to do that was maybe doing still photography of both him
13 and then myself separately and using narration to suggest what
14 we were talking about.

15 So I asked him if I could shoot some stills, still
16 photographs of him, and I had used the -- what's called the
17 executive library upstairs before to shoot things and I
18 thought that would be a good setting to shoot him.

19 So I went to do this photo session and it was
20 videotaped as well at the same time. I wasn't sure because I
21 may use video, I may use stills, and we just did both.

22 Q Did Adrian do the videotaping?

23 A He was doing the music, yes.

24 Q What did the defendant use the executive library for?

25 A My thought was study. My thought was that he was there

1 alone working on different things.

2 There were a great many books in the library to do
3 with science and philosophy and, you know, psychology and
4 biology and that kind of thing. And there were a number of
5 computers. And, you know, to me it looked a bit like what I
6 call a man den, an office.

7 Q Was the library -- I think you testified about this. Was
8 the library built for the defendant?

9 A That's my understanding.

10 Q Did it contain a bed?

11 A It did. It contained a raised bed that required stairs
12 to get up to. It was a large mattress. A space underneath.
13 And there was a hot tub underneath that. And there was lot of
14 bookshelves. There were some wardrobes. There were a bunch
15 of white boards as well. Bathroom. Sauna.

16 Q So office area, bathroom, sauna, hot tub, and then a bed
17 over the top?

18 A Correct. Correct.

19 Q I'm going to show you what's been marked for
20 identification as Government's Exhibit 175.

21 I'll show you the front of that exhibit and then the
22 back.

23 A Yes.

24 Q Do you recognize Government's Exhibit 175?

25 And actually to be precise, 175 includes 175A, C --

1 A, B, C, D, E, and F, okay?

2 A Okay, I recognize it.

3 Q Okay. What's included in Government's Exhibit 175?

4 A Those are raw video straight out of camera of -- from the
5 video camera of that shooting session.

6 Q And so we're talking six sort of snippets or segments of
7 the video altogether?

8 A Correct. It wasn't edited material, so purely as the
9 file comes out of the camera.

10 Q And you're on each of those videos; is that correct?

11 A Yes.

12 Q Okay.

13 MR. LESKO: Your Honor, we offer government's 175,
14 A, B, C, D, E, and F.

15 MR. AGNIFILO: No objection.

16 THE COURT: All right. Government's Exhibit 175A,
17 B, C, D, E, and F are received in evidence.

18 (Government Exhibits A, B, C, D, E, and F, were
19 received in evidence.)

20 MR. LESKO: Thank you.

21 Q So we're going to play these videos in order, okay?

22 A Okay.

23 Q So I ask the Court if we could...

24 (Pause.)

25 THE COURT: Go ahead.

1 MR. LESKO: Okay, we're going to go through these
2 videos, and I'll ask Ms. Carby to stop them at certain points.
3 The videos are somewhat dark at times, so I don't know if we
4 should...

5 THE COURT: We'll try.

6 (Discussion was had off the record.)

7 THE COURT: You're going to have to do it.

8 MR. LESKO: All right, let's get started. This is
9 governments' Exhibit 175A.

10 (Video recording played.)

11 MR. LESKO: Can you pause there?

12 (Video recording stopped.)

13 Q So who is -- who's in this frame right now?

14 A So I'm on the right-hand side of the frame. So I'm over
15 here (indicating). Right over here --

16 THE COURT: Go ahead.

17 A This here is -- that's Pam Cafritz to the extreme left.
18 To the right of her also standing is Marianna.
19 And then seated is Raniere.

20 THE COURT: Where is he?

21 THE WITNESS: He's seated. There's a chair. On
22 either side of this chair.

23 THE COURT: I see.

24 THE WITNESS: It becomes clearer as you go along.

25 THE COURT: All right, go ahead.

1 MR. LESKO: Okay, we can continue.

2 (Video recording played.)

3 MR. LESKO: Okay, stop.

4 (Video recording stopped.)

5 Q And so Marianna is to the right and who's the left?

6 A Pam Cafritz.

7 Q And defendant's in the middle?

8 A In the middle seat.

9 Q And at this time was he living with --

10 A Yes.

11 MR. LESKO: Please continue.

12 (Video recording played.)

13 MR. LESKO: If we could stop.

14 (Video recording stopped.)

15 Q Do you recognize what the defendant is looking at?

16 A Yes.

17 Q And this is -- I'll give the timestamps for the record.

18 We're at one minute 23 seconds.

19 A He's looking at the wedding album of my wife and I from
20 the photographs that were taken at the wedding, according to
21 the book.

22 Q Did he attend your wedding?

23 A He did not.

24 Q Did he have any role in it?

25 A He designed the vows for the wedding. And I had a

1 discussion with him sometime earlier that we intended to
2 marry. He offered to write the vows, and then he gave them to
3 us I think the day of the wedding. And these are those vows.

4 Q I think we previously oriented this video -- this
5 videotape session to the year 2012.

6 Do you recall what month 2012 this is session was?

7 A I think it was February.

8 Q February? Was it 2012?

9 A 2012, yes.

10 It's also in the timestamp in the middle there.

11 MR. LESKO: All right. We can continue.

12 (Video recording played.)

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14 (Continued on next page.)

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1 DIRECT EXAMINATION (Continued)

2 BY MR. LESKO:

3 Q Could you stop that. Did he say a woman is piggy?

4 A Correct.

5 Q You can continue.

6 (Video file played in open court.)

7 (Video file concludes.)

8 Q Could you stop, please.

9 So what did the defendant just say about -- we're at
10 timestamp 5:01 -- what did the defendant say about whether or
11 not he had read all the books?

12 A I believe he said he read some of them. Some of them he
13 just knew about.

14 MR. LESKO: We can continue.

15 (Video file played in open court.)

16 (Video file concludes.)

17 Q You can stop there.

18 5:22 the defendant mentions having the books in
19 obsessive compulsive order. What was your understanding of
20 what he meant?

21 A There was a categorization system that he had which I
22 didn't know that I was aware of. He was very particular about
23 the order of books. He was very particular about things in
24 that particular room.

25 Q Okay. We can continue.

1 (Video file played in open court.)

2 (Video file concludes.)

3 Q Can you stop it there.

4 I'm at timestamp 6:15, but I think it was around
5 6:10 the defendant said, It's very difficult to bring order
6 out of chaos. Something to that effect?

7 A That's what I understood. I think he was speaking in
8 reference to -- he had a certain order for the books and that
9 they had been messed up. It may have had other meanings,
10 but...

11 Q Okay. Let's continue.

12 (Video file played in open court.)

13 (Video file concludes.)

14 Q If you can stop. Thank you.

15 So the desk that the defendant was sitting at. Was
16 that his desk?

17 A That's my understanding.

18 Q And is that where he worked?

19 A I don't know if that's -- I mean, he said he did work
20 there at times but I -- it's hard to say because we were, in
21 essence, pantomiming things.

22 Q We can continue.

23 (Video file played in open court.)

24 (Video file concludes.)

25 Q You can stop right now. Okay.

1 Do you see hard drives in that still at 7 minutes
2 and 7 seconds?

3 A Yes. There are two right over here. (Circling). There
4 was one that was out of frame when we panned across. There
5 was a large like a LaCie hard drive on the desk.

6 Q You circled the first set of hard drives that you just
7 mentioned.

8 A Correct. The two on the left are hard drives. The box
9 on the right I think is some kind of a player. I think it's a
10 mini-DV player of some sort.

11 Q Now, are those hard drives they seem to be on a shelf of
12 sorts; is that correct?

13 A That's correct.

14 Q And are they just to the right of the seating area of
15 Mr. Ranieri's desk?

16 A Yes, they are to the right.

17 Q We can continue.

18 (Video file played in open court.)

19 (Video file concludes.)

20 Q Stop, actually.

21 Is there any way to go back one second or two
22 seconds? That's fine. And if we could -- go ahead. One more
23 second, sorry, right there.

24 So do you see the other hard drive? You mentioned
25 drawing a circle around a silver box at timestamp 7 minutes

1 and 9 seconds; is that right?

2 A Yes.

3 Q Where is that hard drive that you just described?

4 A It's on the desk to the right of his the work area he was
5 sitting at a moment ago.

6 Q Okay. If we could continue.

7 (Video file played in open court.)

8 (Video file concludes.)

9 MR. LESKO: Ms. Carbi, I think we can fast forward
10 two minutes if that's possible.

11 (Video file played in open court.)

12 (Video file concludes.)

13 Q If we could stop. So the hard drives that you previously
14 identified, could you circle where they're located on this
15 still which is 11 minutes and 50 seconds?

16 A (Circling). It's not entirely accurate, but just above
17 the two green marks above the green circle I believe is where
18 the two are. And then where that X is lower down, if you go
19 up slightly and to the left, you'll see the silver case and
20 the blue, there was a blue glow which is a light of the other
21 hard drive.

22 Q Thank you. We can continue.

23 (Video file played in open court.)

24 (Video file concludes.)

25 Q Could you stop, please.

1 Did you understand what he was talking about just
2 then, talking about the nebula?

3 A I don't.

4 Q And that was roughly 12 minutes and 50 seconds. You can
5 continue.

6 (Video file played in open court.)

7 (Video file concludes.)

8 Q Thank you. So that completes Government's Exhibit 175-A
9 which we can pull up 175-B.

10 While we're doing that, the library what property
11 was that located in?

12 A That was upstairs in 8 Halo Drive.

13 Q We can play it. This is 175-B.

14 (Video file played in open court.)

15 (Video file concludes.)

16 Q We could stop it right there. So this is time stamped
17 one minute and 20 seconds. And you're -- are you standing on
18 a table?

19 A I was standing on a table, correct.

20 Q What's to the left of you?

21 A To the left of me are folding stairs that go up to the
22 bed.

23 Q Could you circle the stairs, please.

24 A (Circling).

25 Q Could you draw like a pointing line towards the bed area?

1 A (Marking).

2 Q What was underneath the bed?

3 A So directly underneath the bed was some empty space and
4 then where you see the head of Pam Cafritz. Just on the other
5 side was a hot tub.

6 Q Okay. We can continue.

7 (Video file played in open court.)

8 (Video file concludes.)

9 MR. LESKO: Ms. Carbi, I think you can fast forward
10 a minute.

11 (Video file played in open court.)

12 (Video file concludes.)

13 Q If I could pause it. What is the defendant saying at
14 this point? We're at 3 minutes 43 seconds of Government's
15 Exhibit 175-B. What's he saying about where he should be
16 located?

17 A Well, he's suggesting that the way the light is not
18 accurate. It wouldn't be that way when he's making a phone
19 call and he probably wouldn't make it there. So we're
20 talking, well, where would he make it which is on the other
21 end of I think he goes to lie down on a chair or something.
22 He told me he did a lot of things lying down.

23 Q Okay. Let's continue.

24 (Video file played in open court.)

25 (Video file concludes.)

1 Q Okay. 175-B is completed. Let's move on to Government's
2 175-C.

3 (Video file played in open court.)

4 (Video file concludes.)

5 Q Stop that.

6 What was the hand gesture the defendant just made?

7 A Middle finger.

8 Q That's at timestamp 55 seconds. You can continue.

9 (Video file played in open court.)

10 (Video file concludes.)

11 Q Could you pause that. So what did the defendant just say
12 there at timestamp two minutes and 30 seconds?

13 A He said Jim Odatto is not picking up my call. He's
14 referencing a journalist that was at the Times-Union at the
15 time who had written a four part expos about him.

16 MR. LESKO: You can continue.

17 (Video file played in open court.)

18 (Video file concludes.)

19 Q Please stop.

20 So this is timestamp, 2 minutes and 51 seconds.

21 What's happening on the videotape now?

22 A So as he's readjusting, Marianna is dressing his hair.
23 She was the person who took care of his clothing and the way
24 his hair looked.

25 Q Okay. Let's continue.

1 (Video file played in open court.)

2 (Video file concludes.)

3 Q Okay. I think we can pause it here.

4 Ms. Carbi, if we can fast forward to eight minutes.

5 Actually, I'm sorry, seven minutes.

6 (Video file played in open court.)

7 (Video file concludes.)

8 Q We could pause it. We're at 8 minutes and 17 seconds,
9 actually, let it go a little bit further, please. Sorry.

10 (Video file played in open court.)

11 (Video file concludes.)

12 Q Okay. Let's pause it.

13 So at 8 minutes and 28 seconds, what is the video
14 depicting now?

15 A This was, according to him, a more accurate
16 representation of how he would make phone calls lying down.
17 He told me he did a lot of thinking lying down as well.

18 Q So there was a couch in the library or wherever that is?

19 A This is sort of, yes, it's a couch, a futon-ish type
20 thing, yes.

21 Q Okay. We can continue.

22 (Video file played in open court.)

23 (Video file concludes.)

24 Q If we could stop, actually, go back one second. And
25 stop.

1 What is depicted to the left of that still shot at 8
2 minutes and 35 seconds.

3 A Well, the thing he had said to me don't bump the DVDs,
4 they're pulled out for a certain reason. He was very specific
5 about everything in the library and he would say to me please
6 make sure everything is put back where it was supposed to be.
7 He was very precise and specific about things should not be
8 changed.

9 Q Okay. Let's continue.

10 (Video file played in open court.)

11 (Video file concludes.)

12 Q Could you pause, please.

13 At approximately 10 minutes and 5 seconds, what did
14 the defendant just say into the phone?

15 A Lick me.

16 Q We could continue.

17 (Video file played in open court.)

18 (Video file concludes.)

19 Q You could pause, please.

20 The defendant's discussing sheep on the phone. Do
21 you have any understanding of what he's referring to?

22 A I think he's referring to a joke about somebody who has
23 sex with his own sheep. And I think this is just him riffing
24 on it's okay to, in essence, have sex with, you know, the
25 other sheep that are not yours.

1 Q Okay, continue.

2 (Video file played in open court.)

3 (Video file concludes.)

4 Q If we could pause it.

5 That goat reference. What was that in reference to?

6 A He's talking about sounds like a joke about, you know,
7 you put the hind legs of a goat in your boots put it very
8 close, so it pushes back when you have sex with a goat. And
9 then the "you fuck one goat" is reference to a joke where I
10 don't remember the joke very well but it's basically somebody
11 who complains that he's done all this amazing stuff in town,
12 they don't call --

13 Q It's a joke?

14 A It's a joke. The punch line is you fuck one goat.

15 Q Very good. If we could continue.

16 (Video file played in open court.)

17 (Video file concludes.)

18 Q I think we can exit out of this video, Ms. Carbi.

19 If we could play Government's Exhibit 175-D.

20 (Video file played in open court.)

21 (Video file concludes.)

22 Q So if we could stop at timestamp eight seconds. What's
23 happening on the video now?

24 A So Marianna is grooming him again just to make sure he
25 looks good for the shot.

1 Q Okay. We could continue.

2 (Video file played in open court.)

3 (Video file concludes.)

4 Q We could pause and fast forward to seven minutes. I'm
5 sorry.

6 (Video file played in open court.)

7 (Video file concludes.)

8 Q I'm sorry, could we go back to six minutes? I apologize.

9 (Video file played in open court.)

10 (Video file concludes.)

11 Q If we could pause this.

12 So what is the defendant doing on the whiteboard
13 now?

14 A Well, he's just looking at the whiteboard and I was
15 trying to capture the idea that he was looking at all kinds of
16 complex equations and having deep universal thoughts.

17 Q Okay. Let's continue.

18 (Video file played in open court.)

19 (Video file concludes.)

20 Q I apologize, Ms. Carbi, can you stop? We've watched six
21 minutes, but if we could go back to 4minutes and 30 seconds.
22 We can watch from 4:30 to 6:00 just to capture the front end
23 of this.

24 (Video file played in open court.)

25 (Video file concludes.)

1 Q If we could pause.

2 So at 5 minutes and 13 seconds, the defendant just
3 wrote on the whiteboard. Do you have any understanding of
4 what he just wrote on the whiteboard?

5 A I have no understanding, no.

6 Q Okay. We could continue to six minutes. We can continue
7 from here to 5:14 and play to 6 minutes.

8 (Video file played in open court.)

9 (Video file concludes.)

10 (Continued on the next page.)

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1 DIRECT EXAMINATION (Continued)

2 (Video plays.)

3 (Video stops.)

4 MR. LESKO: Okay. I think we caught up there.

5 If we could fast-forward to seven minutes, 30
6 seconds.

7 (Video plays.)

8 (Video stops.)

9 MR. LESKO: Could you pause that?

10 Thank you.

11 BY MR. LESKO:

12 Q What did the defendant just say there about taking his
13 glasses off?

14 A I think I heard, If I take my glasses off, I get sleepy
15 or horny.

16 MR. LESKO: Okay. We can continue.

17 (Video plays.)

18 (Video stops.)

19 MR. LESKO: If you can pause that?

20 Q Why is the defendant on the floor at nine minutes and
21 three minute?

22 A He suggesting that he does a lot of his thinking work
23 lying down. And then he said that he does his best creative
24 work in his sleep, I think, is what I heard.

25 Q All right. Thank you.

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1 MR. LESKO: We can continue.

2 (Video plays.)

3 (Video stops.)

4 MR. LESKO: If you could go back, Ms. Carby, to I
5 think 11 minutes 12 seconds --

6 (Video plays.)

7 (Video stops.)

8 MR. LESKO: I'm sorry. If we could go back earlier.
9 Let's start at 11 even. I apologize.

10 (Video plays.)

11 (Video stops.)

12 MR. LESKO: If you could pause there?

13 Q Do you see 11:08 on the time stamp, do you see some words
14 in green?

15 A I read, woman and nation.

16 Q Okay. And that's on one of the white boards?

17 A That is on one of the white boards, yes.

18 Q Okay.

19 MR. LESKO: If we could continue there?

20 (Video plays.)

21 MR. LESKO: If we could pause, please.

22 (Video stops.)

23 Q So we're at 12:10 time stamp.

24 You refer to somebody as Monkey. Who were you
25 referring to?

1 A Marianna's nickname was Monkey.

2 Q Is that the animal, Monkey kind of --

3 A I assume so. It was the name that Pam and Ranieri and
4 pretty much everybody used.

5 Q Okay.

6 And just -- we watched quite a bit of video. And
7 all of this video is still a photo shoot of sorts for --

8 A It's a photo shoot. It's also behind the scenes, you
9 know, for the making of, and potentially could have been for
10 video. I don't believe the videos were ever used. We just
11 used the stills.

12 Q All right.

13 MR. LESKO: Let's just finish this out. The last
14 two exhibits are very short after this, so we'll just finish
15 this out.

16 (Video plays.)

17 (Video stops.)

18 MR. LESKO: Okay. Let's move on Government's
19 Exhibit 175E.

20 (Video plays.)

21 (Video stops.)

22 MR. LESKO: Okay. And last Exhibit 175F in this
23 series.

24 (Video plays.)

25 MR. LESKO: Okay. Thank you.

1 (Video stops.)

2 MR. LESKO: I appreciate that.

3 BY MR. LESKO:

4 Q Okay. Mr. Vicente, let's talk about some events that
5 occurred in 2016 and 2017. Okay?

6 A Okay.

7 Q All right. Do you recall sending a letter to the
8 defendant and others in January of 2016?

9 A I do, yes.

10 Q And what did you say in that letter -- well, first off,
11 who did you send it to?

12 A I sent the letter -- I sent one letter to Nancy Salzman,
13 and I sent another letter to Nancy Salzman and the entire
14 executive board listing some of my concerns with things I was
15 seeing in the company.

16 Q Okay. And what did you specifically say in that letter?

17 A I said I had concerns about the way we were treating
18 people, that we -- we purported to be a humanitarian
19 organization, and that when people came in we did not treat
20 them that way at all. We treated them quite poorly. We -- we
21 were -- we were demeaning to people that actually knew what
22 they were doing. And I was trying to point out the way the
23 company was operating was like a cloistered religion that was
24 cut off from the rest of the world. And that people that came
25 in that had -- had a lot of knowledge were considered they

1 don't know because they don't have our ethics, or, you know,
2 they don't know because they're not humanitarian enough. And
3 I was trying to explain that there was a duplicity in the
4 company in terms of what was stated and the way people were
5 treated.

6 I also said that I was concerned that we're not
7 really promoting people's dreams. We're not really helping
8 them become greater. In fact, we're doing quite the opposite,
9 that we're squashing their dreams and we're squashing what
10 they wanted to do.

11 I also said that I had grave concerns about the way
12 that Ranieri was -- was treated like he was some kind of god,
13 and that people -- some people couldn't make decisions without
14 him, and he was seen as like almost an oracle -- I don't know
15 if I used that word, but he was like an oracle, and that he
16 was just a person, just a man, and that I was just very
17 concerned about the almost religious nature of people's
18 devotion to him, this belief that he had the answers to
19 everything.

20 And I also talked about that there's a tremendous
21 fear in the organization. That they're afraid of the upper
22 ranks. That they're afraid to say the wrong thing, and that
23 they're afraid to step out of line. And I said, so much so
24 that even I am afraid to write this letter because I might
25 become the problem in the organization, you know, in essence,

1 meaning you know, well, maybe, you're going to come after me
2 if I say these things. And I was trying to in essence get a
3 lot of these -- to get things across to them because I was
4 seeing a lot of the affects of these things in the company,
5 and I was seeing that people were deeply unhappy. And as I
6 said, it was like cloistered, closed-off, you know, convent of
7 sorts.

8 Q What response did you receive, if any?

9 A One person sort of said, Well, yes, we have these
10 problems and we don't know how to fix it. Another person
11 said, Well, it's out of cause, you know, meaning that I'm not
12 owning my emotions. And there was a pretty consistent
13 philosophy that, you know, if you had -- if you were emotional
14 about something, then you -- what you were saying had no
15 validity. Only if you were unemotional, zero emotion, no
16 attachments of any kind would what you were saying be valid,
17 which I was -- I've always found insane. And so I was told
18 that in essence I was out of cause, and everybody just pretty
19 much ignored it.

20 Q I would like to direct your attention to V week in August
21 of 2016 later that year. Do you recall something peculiar
22 that happened during that V week?

23 A 2016?

24 Q Yes.

25 A Yes. There was an event that really deeply concerned me.

1 So at that time, the Society of Protectors consisted of
2 Raniere, myself, Jim Del Negro and Anthony Ames. And we had a
3 number of significant failures, including that weekend that
4 was canceled and, you know, we were evolving the way he hoped
5 we would. So we thought, well, maybe what we need to do is
6 have more face time with him. So at V week, we decided, well,
7 let's make sure we meet with him every single day. And in
8 essence the idea was if we are not able to meet him by
9 midnight, then we were to stand at his cabin outside for an
10 hour and in silence as a kind of penitence.

11 Most of the time we found him on time. I think one
12 day we couldn't find him, so we went to the cabin and we stood
13 there for awhile and I thought to myself, Well --

14 MR. AGNIFILO: Your Honor, can we have a quick
15 sidebar? I think I know what this is about. I apologize.

16 (Continued on next page.)
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1 (The following occurred at sidebar.)

2 MR. AGNIFILO: I think what he was about to say is
3 that he saw Raniere have some sort of intimate contact with a
4 woman. If the woman's going to testify that there's something
5 unthwart about that, I suppose that's corroborative by -- I
6 don't think the woman's testifying and I think it will leave
7 the jury to speculate there's something unthwart about this.
8 And I think that is not relevant, and I think it's unduly
9 prejudicial information. It's part of the Government hearing.

10 MR. LESKO: Your Honor, I don't believe Mr. Vicente
11 is going to sort of add some gloss on the testimony that
12 appears to be unthwart. But he is going to testify that
13 Mr. Raniere did not attend the meeting and was observed in a
14 cabin in bed with a woman, and he's going to testify about the
15 effect witnessing Mr. Raniere in bed with a woman had on him
16 at this time frame.

17 It's, again, as I mentioned earlier. This is the
18 timeline where Mr. Vicente is piecing together evidence
19 regarding what ultimately he concludes was DOS and the
20 existence of DOS, which in large part led him to leave NXIVM.
21 So we're offering this as part of -- and he witnessed this.
22 He observed this. This is his firsthand observation.

23 MR. AGNIFILO: My concern is this, if there's
24 nothing inappropriate, if it's two consenting adults in a
25 cabin --

1 THE COURT: We can discuss it on cross.

2 (Continued on next page.)

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1 (Sidebar ends; in open court.)

2 MR. LESKO: Thank you.

3 BY MR. LESKO:

4 Q Mr. Vicente, you can continue.

5 A Okay. So the idea this one night we were -- we couldn't
6 find him, and so we stood outside on the -- on the porch of
7 the cabin. There was a -- he had two cabins. And eventually
8 I thought, well, this is very strange. It's very unusual that
9 he wouldn't show up, nothing that this was something we were
10 doing and knowing this was a penitence we would take on.

11 So I began wandering around, and I had a flashlight
12 and I was shining it in different places, there was a cabin
13 further down the road. And I shown it in the cabin and I
14 saw -- I saw him and a woman in the bed together. I believe
15 there were clothed and their legs seemed to be intertwined.
16 And I was very just shocked and disturbed, because given what
17 I -- what I understood the Society of Protectors was and what
18 I understood about showing up when you say you're going to
19 show up, I just thought it was very, very strange.

20 And I began walking back to the other men realizing
21 I'd just seen that and switched the light off. Walked back to
22 the other men and I didn't say anything, but it really worked
23 at me for a while. You know, part of me was going, Well, you
24 know, was that thing he was doing more important than this?
25 Is it something that I don't understand? But it deeply

1 disturbed me.

2 And then I saw-- and then I saw the woman leave.

3 You know, he came back and I saw the woman leave and walk down
4 the road and that stuck with me.

5 Q Did something happen in the NXIVM community in November
6 of 2016?

7 A November 2016 was I believe the death of Pam Cafritz.

8 Q Was the NXIVM community immediately made aware of Pam's
9 death?

10 A No, they weren't. And it was -- I remember I had a
11 conversation with a few people. I wasn't clear why we were
12 keeping her death from the entire community. It took quite
13 some time before people were informed, and I remember I said
14 to Clare Bronfman, It would be really good to let people know
15 given that people would want to fly in from all over the world
16 to attend, you know, some kind of service or a gathering. And
17 she said, Well, you know, he'll tell us when he's ready. I
18 was like, Okay, but -- and she was very stern with me, in
19 other words stop. And it was just a mystery to me why --
20 why -- why keep this thing a secret when -- when everybody in
21 the upper ranks knows -- it was a whole sequence of things
22 that happened around her -- her death, why keep it a secret?
23 And eventually it was announced, and then people were
24 scrambling to get there. In fact, people were told you have
25 to call people to come. And I was like, This was with the

1 exact thing I was trying to avoid, this cluster.

2 Q Come where?

3 A To Albany to --

4 Q For what?

5 A So -- for -- there was a -- there was a two-day event.

6 And it was held in Saratoga Springs, and I think it was the

7 Hall of Springs and it was sort of a commemoration, a

8 celebration of -- of her life over two evenings.

9 Q At around this time in January of 2017, did something
10 happen that involved your wife?

11 A January 2017 is when my wife officially resigned from the
12 organization.

13 Q Did you have an understanding as to why she left?

14 A My understanding was she had had a discussion with
15 Raniere, and she basically expressed to him that she realized
16 that the entire organization was built on coercion, fear,
17 obligation, rules --

18 MR. AGNIFILO: I'm objected, Your Honor.

19 THE COURT: Sustained.

20 MR. AGNIFILO: Asked and answered. Ask that the
21 answer --

22 THE COURT: And the answer is stricken.

23 BY MR. LESKO:

24 Q Did you learn that your wife had had an altercation with
25 any of the high ranging leaders of the NXIVM?

1 MR. AGNIFILO: Your Honor, I object.

2 THE COURT: You can answer that.

3 A Sometime before there has been an unpleasant situation
4 with Nancy Salzman and her. Basically, my wife had expressed
5 her concerns about what was happening in The Source Company,
6 and Nancy Salzman had offered to work with her and EM her, so
7 she did. And she said to my wife, You know, well come back
8 tomorrow and we'll continue. And then my wife came back, and
9 for some strange reason, Nancy -- Nancy's demeanor went from
10 helpful to quite, quite upset and angry and she basically
11 blamed my wife for trying to take control of the company,
12 being power hungry, and a bunch of things that my wife was
13 not. And my wife was -- was deeply troubled and didn't say
14 anything for a number of days. And she was in essence
15 struggling enormously until I finally said to her did Nancy
16 punish you because I had a teal feels that's, What happened?
17 And I said to here, Did Nancy punish you, and she finally said
18 yes. But she was concerned because she felt like you couldn't
19 say, I'd been punish, because that -- you know, that means
20 you're not giving tribute to the leader, and now you'll get
21 blamed because, you know, if you say, You're being punished,
22 then you know maybe you'll -- you're the punisher. There's a
23 whole series of mental traps.

24 Q When Bonnie left NXIVM -- resigned from NXIVM, did you
25 leave with her?

1 A I did not.

2 Q Why not?

3 A I was still loyal to Ranieri. I -- I had this thing of
4 like, Well, I'm committed to something. You know, stick it
5 out. And I was speaking to Ranieri about a lot of the issues
6 that I was seeing in the company, but I believed at that point
7 that he was the shining light and the problems were all
8 because of other people. Because he would tell me as much.
9 He would tell me, The problem is this. The problem is the
10 woman. The women are this, the women are that. They're
11 socialists. That's the problem. So in essence in my mind, I
12 held him as blameless for anything that was going on, and my
13 sense of loyalty was still very, very strong.

14 Q At this point in time, where were you living?

15 A We were living in -- well, actually, between LA and --
16 and Halfmoon, New York. We had --

17 Q So you were in Halfmoon?

18 A Halfmoon, I believe at that point, yes.

19 Q No longer in Clifton Park?

20 A We had at that time, yes, moved to Halfmoon, which is
21 right next door.

22 Q And you also had a residence in Los Angeles?

23 A We -- we had an apartment in Los Angeles, yes.

24 Q Was anyone else living in your residence at Halfmoon?

25 A My mother was living with us.

1 Q Approximately January of 2017 did you have a discussion
2 with Sarah about Albany?

3 A I did. She and -- and her husband were in town for the
4 coach summit. I think it was called Winter Fest. And they'd
5 expressed to me that they wanted to buy a house in
6 Clifton Park, and so I asked them if I could meet with them
7 and talk with them. And so at that point, there was a --
8 the -- the production office for Living Pixel was in
9 Rome Plaza which was next door to Apropos.

10 So they came over for lunch and we had a
11 conversation. And in that conversation I said to them, I -- I
12 really wanted to dissuade you from -- from moving here. I
13 don't think people that move here do well. I think that they
14 end up giving up on their dreams. They've not successful.
15 And I have severe concerns about something that's going on
16 with all the women and with Raniere. And I don't know what's
17 going on, but I have severe concerns. So that was the nature
18 of my conversation with them.

19 Q Did Sarah and her husband move to Albany?

20 A They did not. They had -- they had an apartment, but
21 they were thinking of moving permanently, but they did not.

22 Q That Winter Fest coach summit in January of 2017, did you
23 participate in that summit?

24 A I did. I wasn't there all the time. But I was there for
25 some of it.

1 Q Okay. In the next month, in February of 2017, did you
2 participate in an ESP intensive?

3 A Yes. There was -- we ran intensive in Orange County,
4 California. It was a five-day intensive, and I was traveling
5 down there to -- to help with the intensive, which was, I
6 believe, trained by Jim Del Negro, that one.

7 Q In February of 2017, did anyone from NXIVM express
8 concern to you about you possibly leaving NXIVM?

9 A Yes. Alex Betancourt and Lauren Salzman said to me that
10 they thought it might be good if we met in person, and they
11 were suggesting flying to Los Angeles. I dissuaded them from
12 that because I had -- I had a sense of how that would go.
13 I -- I was having deep concerns, but I couldn't figure out
14 exactly what was going on yet. So I said to them, it's not a
15 good time.

16 And I -- I -- I knew -- I'd been through a lot of
17 these thing -- these discussions before where, you know, in
18 essence you get surrounded intellectually and, you know, EM'd
19 into oblivion. And I wasn't interested in doing that. I was
20 just rather try and figure out what was going on.

21 Q Did you return to Albany after the Orange County
22 February 2017 intensive?

23 A Yes. I returned in March 2017 for a number of things.
24 I -- I returned to shoot some material of Raniere and somebody
25 else for a website. I also was packing up the townhouse that

1 we had there. And I was also attending the Jness X intensive,
2 I believe, it was.

3 Q Upon returning to Albany, did you meet with the senior
4 proctors of the Greens?

5 A I did.

6 Q Who did you meet with?

7 A So my recollection was -- I mean, Nancy Salzman was
8 there. Lauren Salzman was there. Omar Boone, Loretta Garza,
9 Sarah, I think Emiliano was there. Alex Betancourt was
10 definitely there. I believe Esther Carlson was there.
11 Basically all the Greens and the executive members. So I
12 believe, Karen was there. Clare Bronfman was there.

13 Q Had you told the defendant beforehand that you were going
14 to meet with the Greens?

15 A I had. I had a discussion with him where I -- I had a --
16 I shared a realization I had, and the realization I'd had was
17 that it wasn't -- it -- it didn't seem to be by accident that
18 people were doing poorly in the company. It seemed almost by
19 design. And I said to him, I'd begun to recognize that this
20 entire system is actually built not to actually grow people,
21 not to actually give them what they want, but to do the exact
22 opposite. And that the upper ends, especially, because of
23 their fear and rule boundedness just crushed any growth that
24 was occurring. And I said it's a terribly oppressive
25 environment, and I began to realize like it seems to be by

1 design. It seems like everybody's in on this thing, and it's
2 a huge problem. So that was the conversation I had with
3 Raniere.

4 And then I said, I'm going to go have that
5 conversation with the Greens, and I did --

6 Q Let me stop you there before we get to the conversation
7 with the Greens. Did you and Mr. -- the defendant, discuss
8 the ranking system in that conversation?

9 A Yes. I did say to him that I felt the ranking system was
10 broken. That it made no sense to me anymore. It didn't seem
11 to be based on earning, and that the ranking system to me, if
12 it was what he said it was, that surely as you went up the
13 ranking system one would develop more wisdom and more
14 maturity. And all I was seeing was the higher up you went,
15 the more obedient and rule-bound people were, so something
16 wasn't making sense to me. And I said to him that I thought
17 it was broken.

18 Q Did you indicate to him that you nonetheless respected
19 the ranking?

20 A I did. I also expressed to him that one of the concerns
21 I had was that I had a lot of things that I wanted to share.
22 But because he was, I think I said, the boss of everything, I
23 felt constrained by the ranking system.

24 Q What was his reaction, if any?

25 A I believe he said he respected that I respected it.

1 Q Did you subsequently meet with the Greens?

2 A I did. And I shared to the best of my ability what I was
3 understanding about the entire organization. Some people
4 seemed very upset. One person in particular got very angry at
5 me.

6 Q Who was that?

7 A Omar Boone got very angry at me. Alex Betancourt seemed
8 to think that he might understand. But I -- I -- my general
9 sense is people really didn't understand what I meant.

10 Q Did the defendant eventually join that meeting that you
11 were having with the Greens?

12 A He did. And he did, and that was the thing that was
13 strange to me is that when he came in, he -- he moved into the
14 usual line of, you know, we need to work harder, we need to
15 enroll more, you know, all the stuff that had been happening
16 for years. And I was very confused because we had the
17 conversation about what I was going to talk about. And so
18 when -- when he was done, I just kept quiet and listened. But
19 when he was done, I said to him, You know, this was the
20 meeting that I wanted to talk to everybody about what we
21 discussed. And he said something to the effect, Oh, I didn't
22 realize. And I was like, Really? Because you have a very
23 good memory. It seems strange. So I just felt that I
24 wasn't -- I wasn't getting anywhere with communicating this,
25 so I just thought, Okay. Well, I guess there's nothing I can

1 do.

2 Q In that same month March 2017, did you participate in the
3 Jness X intensive?

4 A I did. I did, yes.

5 Q And did become concerned during that intensive?

6 A Extremely concerned.

7 Q Why?

8 A There was -- the -- the general -- my general
9 understanding of that intensive -- and each intensive was
10 different. But my general understanding of that intensive was
11 in essence if somebody complains about abuse, they are, in
12 fact, the abuser. So if somebody says, You know, there's
13 abuse going on and so and so person doing it, the whole idea
14 is, Well, actually you're the abuser. By saying that you're
15 the abuser, which made no sense. And I began to piece
16 together that this intensive was designed for me. It was
17 designed for -- for me to turn against my wife. And I -- I
18 believed it was designed for me because I knew intensives were
19 designed for people. Intensives were designed for Edgar Boone
20 for instance.

21 So I -- I -- I -- I called Raniere at one point and
22 I said, Is this one -- you know, Is this one designed more me?
23 And he said, Oh, no. This is -- this is very old material. I
24 said, Oh, okay.

25 And then I think the next day or maybe a few days

1 after, I went to Nancy Salzman and I said you know, Is this
2 designed for me -- no, no, I didn't say that. I said to
3 her --

4 Q Well, let's stop for a moment. Because let's talk about
5 during the intensive.

6 A Yes, this was during intensives.

7 Q So did something happen at one of the mentor groups
8 during the intensive?

9 A At the very end, yes.

10 Q What happened?

11 A So the very end in the mentor group, the whole idea was
12 to get the person to finally understand that if you complain
13 about anything, you're the abuser. If you talk about abuse,
14 you're the abuser. And at the very end of this -- this
15 sourcing, Lauren Salzman said to me, You know, and this is the
16 issue with bonding. And I realized, Oh, this is a setup. I
17 get it now. And the other people in the mentor group were
18 nodding their head. And so I did the unthinkable that you are
19 not allowed to do, which is I said, Okay. We're done. We're
20 not talking anyone.

21 And I said to Lauren Salzman, If you would like to
22 have a conversation, we can go over there, but this is over.

23 Q Did you have a conversation with Lauren Salzman?

24 A I did. I said to her -- you know, she was concerned that
25 I was upset. And I said to her, Look, why don't you start

1 telling me about this other secret striped path that's going
2 on? You know, all the -- these skinny women and all these
3 things that are happening, why don' we start talking about
4 that? And she -- she looked very pale. And she said, I don't
5 know what you're talking about. I said, You absolutely do
6 know what I'm talking about. You know, this stuff doesn't
7 happen without you knowing.

8 And I said, You know, and I'm concerned about you.
9 I see all these people that are -- that are extremely
10 unhealthy. They're extremely skinny. And you yourself are --
11 I'm deeply concerned about your health. And she said, Oh, no,
12 no. I'm better than I've ever been. And I said, No, you're
13 not. You hide in the proctor room. You have vertigo. You
14 have all kinds of health issues. You don't -- you don't look
15 well at all, and I'm -- and I'm deeply concerned. But, you
16 know, she seemed to me to be quite afraid and -- and I didn't
17 get anywhere. But I made the decision that, All right. I'm
18 not engaging in this you know, the -- the person who calls out
19 the abuse is the abuser anymore. And I'm certainly not
20 engaging with this idea that somehow, you know, it's okay to
21 suggest that my wife is the big problem in the organization.
22 All right we're done.

23 Q So you mentioned you had a conversation with the
24 defendant where he said that the Jness X curriculum was old
25 material; is that right?

1 A He said it was old material, but that when I spoke to
2 Nancy Salzman, she said it's brand-new. He was just
3 downloading it. And then I realized, Oh, there's a lie here.

4 Q In March 2017 did you have a discussion with Lauren
5 Salzman and Alex Betancourt?

6 A In March, I did. We had a -- we had a phone call.

7 Q What was discussed?

8 A Well, they wanted to understand what my concerns were,
9 and I said, Well, they're -- they're very much the same
10 concerns that I expressed to you already. People are not
11 treated well. Every time somebody complains about somebody,
12 you turn it around on them. You know, this company can do no
13 wrong, which makes no sense. And it's just -- you know, and
14 this company keeps on saying, you know, We're the most
15 humanitarian company in the world. And I would say, Honestly,
16 this the BS. This is not the most humanitarian company in the
17 world. This suppresses people, but it's not humanitarian.
18 It's sort of like what you're saying is not what the company
19 is doing.

20 And then they kept on pressing me and wanted to talk
21 about my wife. And I said, You know, what? No. No more
22 discussion. And I -- yes, I have deep concerns, but I'm not
23 discussing them anymore. And I -- I begin to -- to realize
24 that it felt to me like a fishing expedition basically, to
25 figure out what my concerns are to try and turn them around,

1 and I thought to myself, No. I have legitimate concerns. And
2 I didn't want to enter into a discussion where they would make
3 it seem, like, You know, really, you're the one that has all
4 these problems, and you're the one that's ethical. I was
5 like, I'm tired of those conversations. So I decided, I said
6 I'm not having this discussion anymore.

7 Q Did the defendant ever discuss a person named Rick Ross?

8 A He did.

9 Q What did he say?

10 A He said that Rick Ross was an enemy. That Rick Ross that
11 had done a great many bad things. And I think that in the --
12 in the sort of documentary thing we were trying to do, he was
13 one of the people, I think, that was in the stories. You
14 know, he would tell me things like Rick Ross suddenly, you
15 know, gets huge amounts of money. He has this apartment in
16 New York that he can't afford. You know, he's being paid.
17 He's being paid. He's basically being paid to say negative
18 things.

19 Q Did he say anything about Waco?

20 A He told me that Rick Ross was the reason Waco went south.
21 He said that Rick Ross's work with the ATF was what blew the
22 whole thing up. In essence, he blamed Rick Ross for what
23 happened in Waco.

24 Q Did you know who Rick Ross was?

25 A I only knew he was my understanding, like a cult

1 specialist and that he worked on deprogramming people. I
2 hadn't done a lot of research, you know, just what I was told
3 basically.

4 MR. LESKO: Your Honor, I think this would be a good
5 time to break.

6 THE COURT: All right. We're going to break at this
7 time for the evening.

8 Members of the Jury, let me again remind you that
9 it's very important that you follow my instruction. Do not
10 discuss the case with anyone, not your family or your friends
11 or with business associates and not with each other. In
12 addition, you must not read, listen to, watch, or access any
13 accounts of this case on any form of media such as newspapers,
14 TV, radio, podcasts, or the Internet. Nor should you research
15 or seek outside information about any aspect of the case.
16 Please do not communicate with anyone about the case on your
17 phone, whether it's through email, text messaging, or any
18 other means, through any blog, or website, or by way of any
19 social media: Including Facebook, Twitter, Instagram, YouTube
20 or any other sites.

21 You must not consider anything you may have heard
22 about this case outside of this courtroom, whether you read it
23 before or during the jury selection process or during the
24 trial. Do not attempt any independent research or
25 investigation about the case. And do not visit any of the

1 locations identified in the questionnaire or discussed during
2 the course of the jury selection process or during the trial.

3 We're going to resume tomorrow morning at 9:30.

4 Thank you for your attention. Get a good night's sleep.

5 All rise for the jury.

6 (Jury exits the courtroom.)

7 (The following matters occurred outside the presence
8 of the jury.)

9 THE COURT: All right. The witness may stand down.
10 Please do not discuss your testimony with anyone. We'll see
11 you tomorrow morning at 9:30.

12 THE WITNESS: Yes, Your Honor.

13 (The witness exits the witness stand.)

14 THE COURT: Please be seated, everyone.

15 Mr. Lesko, how much longer.

16 MR. LESKO: Not much, Your Honor. I would say half
17 hour at most maybe 45 minutes. Not much.

18 THE COURT: All right. So then we'll have
19 cross-examination tomorrow.

20 MR. AGNIFILO: Three hours, four hours.

21 THE COURT: All right. Then we'll move on to the --

22 MS. PENZA: Task Force Officer Fontanelli.

23 THE COURT: Yes, Task Force Officer Fontanelli.

24 Then we'll have the next witness after that, but
25 that should start tomorrow afternoon, I take it?

1 MS. PENZA: Depends on how long -- given what
2 Mr. Agnifilo takes on cross.

3 THE COURT: Right. Yeah, good.

4 MR. LESKO: Your Honor, if I could?

5 THE COURT: All right.

6 MR. LESKO: Defense counsel's been kind enough to
7 give us some of the impeachment material related to
8 Mr. Vicente. It may streamline things if we could get that
9 material tonight as opposed to tomorrow. I have maybe 20
10 minutes of direct. Then we'll need some time to read through
11 the material. It would be fantastic if we can do that tonight
12 just to streamline the process.

13 MR. AGNIFILO: Let me take a look. I mean, this --
14 this new rule of -- we're doing this to accommodate things.
15 We feel we have no obligation to give over impeachment
16 material, but we are trying to work collaboratively. So I
17 will do what I can to make everyone's life easier.

18 THE COURT: Outstanding.

19 Anything else for tonight?

20 MS. PENZA: Not for the Government, Your Honor.

21 THE COURT: Anything else?

22 MR. AGNIFILO: Nothing from us.

23 THE COURT: All right. So then at 7:00 p.m.
24 tonight?

25 MR. AGNIFILO: At 7, 0, 0, Judge, you will have it.

1 THE COURT: All right. Thank you very much
2 everyone. Have a good evening.

3 MS. PENZA: Thank you, Your Honor.

4 * * * * *

5 (Proceedings adjourned at 4:05 p.m. to resume on
6 May 14, 2019 at 9:30 a.m.)

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