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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 18-CR-204(NGG)

Plaintiff , :

-against- : United States Courthouse  
Brooklyn, New York

KEITH RANIERE, et al., :

Defendant. : June 6, 2019, Thursday  
9:30 a.m.

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TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE NICHOLAS G. GARAUFI  
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Government: RICHARD P. DONOGHUE  
United States Attorney  
BY: MOIRA K. PENZA  
TANYA HAJJAR  
MARK LESKO  
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For the Defendant: BRAFMAN & ASSOCIATES, P.C.  
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BY: MARC A. AGNIFILO, ESQ.  
TENY ROSE GERAGOS

DEROHANNESIAN & DEROHANNESIAN  
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Albany, New York 12207  
BY: PAUL DerOHANNESIAN, II, ESQ.  
DANIELLE R. SMITH, ESQ.

Court Reporter: Michele D. Lucchese, RPR, CRR  
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Proceedings recorded by mechanical stenography; transcript  
produced by Computer-Aided Transcription.

1 (In open court; outside the presence of the jury.)

2 THE COURTROOM DEPUTY: Case on trial. Counsel,  
3 please state your appearances.

4 MS. PENZA: Moira Penza, Tanya Hajjar, and Mark  
5 Lesko for the United States. Good morning, Your Honor.

6 THE COURT: Good morning.

7 MS. PENZA: At counsel table is Special Agent  
8 Michael Lever with the FBI this morning.

9 THE COURT: Good morning, sir.

10 MS. PENZA: And I expect that Teri Carby will be  
11 joining us shortly.

12 MR. AGNIFILO: Good morning, Your Honor. Marc  
13 Agnifilo, Teny Geragos, Paul der Ohannesian, Danielle Smith  
14 for Keith Raniere, who is present with us this morning.

15 THE COURT: Good morning, everyone.

16 Is there anything before we bring in the jury? I  
17 have one item.

18 Yes?

19 MS. PENZA: I think Mr. Lesko has something.

20 MR. LESKO: Two items related to the expert Dr.  
21 Hughes: Number one, I am inquiring in the court's preference  
22 in terms of offering her as an expert. Do you want me to do  
23 that in front of the jury or should we proceed?

24 THE COURT: Well, is there an objection to her as an  
25 expert?

1 MR. der OHANNESIAN: I will be objecting, yes.

2 MR. LESKO: I think this has been litigated, Your  
3 Honor.

4 THE COURT: I know it has. So there is a  
5 continuing --

6 MR. der OHANNESIAN: Yes.

7 THE COURT: There is a continuing objection that you  
8 should offer her as an expert and I think the jury needs to  
9 know that the defense objects. I don't want a speaking  
10 objection. What you can say is that based on prior  
11 litigation, the defense continues to object.

12 MR. der OHANNESIAN: Could I just refer to our  
13 filing?

14 THE COURT: You can reference, sure.

15 MR. der OHANNESIAN: Also with respect to that  
16 testimony, I gave Mr. Lesko a proposed limiting instruction  
17 that I feel should be given with her testimony and he is  
18 reviewing it. I don't know if he has had a chance to review  
19 it.

20 MR. LESKO: I object to the specific language. I  
21 would just ask the Court -- the Court has heard many experts  
22 at trial -- I would ask if the Court has a standard expert  
23 instruction. We will defer to the Court in terms of  
24 instructing the jury in terms of how they should consider Dr.  
25 Hughes's testimony.

1 THE COURT: I will instruct the jury at the time  
2 that I give the jury the instructions as to law. That's the  
3 instruction. But I think the jury has a right to know that  
4 the defense objected to the expert. That's all.

5 MR. LESKO: Very well. Thank you.

6 THE COURT: All right. Anything else?

7 MR. der OHANNESIAN: Can I make my, either as an  
8 exhibit or on the record, what that proposed instruction is?

9 THE COURT: You can submit it and it will be part of  
10 the Court record. But I'm not going to give a contemporaneous  
11 instruction. I will give the instruction at the end, the way  
12 I always do.

13 MR. LESKO: Thank you.

14 THE COURT: Anything else?

15 MS. PENZA: Not from the Government, Your Honor. I  
16 believe we will have a small thing at some point during  
17 Nicole's testimony, but I don't think it needs to be taken up  
18 right now.

19 THE COURT: All right. Now, we have consulted with  
20 the jury and the jury has informed Mr. Reccoppa that they  
21 cannot stay past five o'clock, but they suggested that we  
22 begin at 9:00 a.m. and that we take a half hour for lunch.  
23 The issue about 9:00 a.m. is how fast we can get the defendant  
24 here in the morning and that's something that we need to take  
25 up with the management and the marshal's office. We will

1 either start at 9:00 or 9:15, but I would like to give the  
2 jury a time so that we can rely on that time. I'm not sure  
3 that we can do lunch in 30 minutes. 45 is reasonable. But if  
4 we pick up half an hour at the beginning of the day and an  
5 extra 15 minutes in the middle of the day, I think that will  
6 help us.

7           One of the reasons that is now very important is  
8 that three of the jurors have advised that they have travel  
9 plans for the week of the 23rd of June. So we have one juror  
10 who has foreign travel plans beginning on the 23rd, one  
11 beginning the 25th, and one beginning the 27. Assuming we can  
12 finish with the testimony by the beginning of the week after  
13 next, if that's possible, this should not interfere with the  
14 ability of the jury to hear the closing arguments, the charge  
15 and to deliberate, and, of course, we have four alternates.  
16 But we would like to move matters along. This jury has been  
17 very cooperative and I think we ought to cooperate with them.  
18 That is where we are at the moment.

19           MR. AGNIFILO: Very good.

20           THE COURT: That's the update as of this time. I  
21 will let the jury know about the 9:00 a.m. idea after  
22 consulting with the marshal service. And the middle of the  
23 day, I would like to stick to 45 minutes, because I think it  
24 is just reasonable. There is so much that has to be done at  
25 lunch time, including having the jury go to have lunch and

1 come back, and my experience is that the minimum is 45  
2 minutes.

3 Anything from either side about any of the  
4 scheduling issues raised by the jury?

5 MS. PENZA: Your Honor, I think as long as it is 45  
6 minutes. The only concern I have is for testifying victims.  
7 It is obviously a very long day. So I think as long as they  
8 have 45 minutes in the middle of the day, that should be okay.

9 THE COURT: I understand that point as well.

10 MR. AGNIFILO: Nothing from us.

11 THE COURT: Okay. Very good. Let's bring in the  
12 jury. Let's bring in the witness and the jury.

13 (Witness resumes stand.)

14 (Jury enters.)

15 THE COURT: I'd like everyone to remain standing for  
16 a moment because today is a very significant day in the  
17 history of our country. It is the 75th anniversary of the D  
18 Day invasion at Normandy, France and that event was the  
19 beginning of the end of World War II when our country and the  
20 British and Canadian forces attacked the forces of fascism in  
21 Europe on that day, about 10,000 soldiers, sailors and Marines  
22 were killed. There are 9,380 graves in the American cemetery  
23 in Normandy. And between that day and August, when Paris was  
24 liberated, a total of 73,000 allied troops lost their lives.  
25 And this is something we need to remember when we think about

1 our freedom and the gift that we were given by those young  
2 soles back in 1944 and throughout World War II.

3 So I would like to ask for a moment of silence for  
4 all those who gave their lives saving our freedom.

5 You may be seated.

6 Good morning, members of the jury.

7 THE JURY: Good morning.

8 THE COURT: When we complete the testimony of this  
9 witness, I will go over some of the scheduling issues with  
10 you. We all appreciate that you have looked into some of the  
11 questions that we have raised with you regarding the schedule  
12 of the trial.

13 All right. At this time, you may continue your  
14 examination of the witness.

15 MS. HAJJAR: Thank you, Your Honor.

16 Your Honor, at this time the Government offers  
17 Government Exhibit 548 into evidence.

18 THE COURT: I'm sorry, is the microphone on?

19 MS. HAJJAR: Yes, Your Honor.

20 THE COURT: Tell me again what the number is.

21 MS. HAJJAR: Government Exhibit 548.

22 THE COURT: 548?

23 MS. HAJJAR: Yes. I believe without objection.

24 MR. AGNIFILO: One second.

25 We have no objection.

Rees - direct - Hajjar

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1 THE COURT: Government Exhibit 548 is received in  
2 evidence.

3 MS. HAJJAR: Thank you, Your Honor.

4 (Government's Exhibit 548 received in evidence.)

5 MS. HAJJAR: May we switch to the PowerPoint, Your  
6 Honor.

7 THE COURT: All right. Here we go.

8 MS. HAJJAR: Thank you.

9 MAEGAN REES,

10 called by the Government, having been previously  
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. HAJJAR:

14 Q Agent Rees, before we broke for the day yesterday, you  
15 spoke -- you testified that as part of the photographs you  
16 reviewed as part of the vicibabi@gmail.com account were  
17 photographs of a pregnancy test and ultrasound?

18 A That is correct.

19 Q And there is metadata associated with those images?

20 A Yes, there is.

21 Q Now, I want to turn your attention to Government Exhibit  
22 1191, and is this the metadata associated with another two  
23 images?

24 A Yes, it is.

25 Q Okay. And the pregnancy test, the ultrasound that you



Rees - direct - Hajjar

3657

1 reviewed had metadata from a prior date than the date  
2 reflected here?

3 A That's correct.

4 Q Can you read what the creation date is for the images  
5 that will follow, the two creation dates here, please?

6 A The first is May 30, 2016. The second is May 31, 2016.

7 Q And can you read the time as well?

8 A Correct. For the first day, May 30, 2016, the time is  
9 1820 PST and for the 31st it is 131 PST.

10 Q Okay. And I'm going to turn to the images for which this  
11 data is associated. This is Government Exhibit 1189. Is this  
12 one of the images that you reviewed that relates to May 30th  
13 date?

14 A That's correct.

15 Q And then turning to the following image, Government  
16 Exhibit 1190?

17 A That's correct.

18 Q Agent Rees, can you just describe just for the record  
19 what is depicted in Government Exhibit 1190?

20 A In the picture there is a large brown table in the middle  
21 of a room. There are two lamps, one on a stepstool. There's  
22 a tripod that contains a camera. There are blinds in the  
23 background and on the right-hand side what appears to be dark  
24 curtains sort. There also appears to be a brown towel on the  
25 floor, as well as a floral pattern rug.

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Rees - direct - Hajjar

3658

1 Q And this is one of the images that were recovered from  
2 the vicibabi@gmail.com account?

3 A That's correct.

4 MS. HAJJAR: At this time I would like to play  
5 Government Exhibit 1103 in evidence.

6 (Video playing.) (Video stopped.)

7 MS. HAJJAR: If you can go back just a few minutes,  
8 Ms. Carby, if you can, pausing right there.

9 (Video paused.)

10 Q Do you see at the top left-hand corner of this image,  
11 Agent Rees? It is a little hard to see but there are blinds  
12 at the top left?

13 A Yes.

14 Q It may be difficult to see in this particular frame, but  
15 is there a door handle?

16 MS. HAJJAR: Can you just go back a little bit and  
17 play.

18 (Video playing.) (Video stopped.)

19 Q There is a door handle at the back?

20 A That's correct.

21 Q And blinds?

22 A Yes.

23 (Video playing.)

24 Q And a table in front of you, in the bottom left-hand  
25 corner of the screen?

Rees - direct - Hajjar

3659

1 A Yes.

2 Q Now, Agent Rees, is Government Exhibit 1103 part of a  
3 series of video clips that you have reviewed?

4 A Yes, it is.

5 Q And did you see resemblances between objects depicted in  
6 those series of video clips and Government Exhibit -- what's  
7 in Government Exhibit 1190?

8 A Yes.

9 Q Can you describe some of those?

10 A Some of the similarities would be the stepstool, the  
11 lamp, the tripod, the table, the blinds, and the curtain.

12 Q I am going to switch to the next slide, which is  
13 Government Exhibit 1190. Can you describe what's being  
14 depicted, what these stills are?

15 A These stills are screen shots from the other videos.

16 Q So there are stills from 1106-A, 1106-B, and 1106 in  
17 evidence?

18 A That's correct.

19 Q And can you describe the significance of these stills as  
20 compared to 11:0090 for the jury, please?

21 A The stills appear to be similar or the same items.

22 Q Can you just describe -- so, for example, looking at  
23 1106-A, what are some of the similarities between those two?

24 A The similarities of the lamps, you can see the  
25 similarities in the base, in the structure of the lamp, as

Rees - direct - Hajjar

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1 well as the handle behind the actual light.

2 Q Okay. And as to 1106-B?

3 A You can see similarities in the tripod, both in coloring.  
4 There is a gray top part, as well a unique gray handle on the  
5 left-hand side.

6 Q 1106-B is a still from the video that was -- a video that  
7 you reviewed?

8 A That's correct.

9 Q There was no camera there on top of the tripod; is that  
10 right?

11 A That's correct.

12 Q And 1106, the still that's on the right side of this  
13 slide, was that in a closet?

14 A Yes, it was.

15 Q As well as the stepstool at the left-hand corner of the  
16 screen?

17 A That's correct.

18 Q Now, turning to the next slide, which has 1190 and then  
19 stills from the video that we reviewed, 1106, stills from  
20 1106, can you describe what significance, if any, you see  
21 between those two, the stills here in this slide?

22 A The similarities in the blinds, as well as the dark  
23 curtain.

24 Q And, so, can you -- just indicating, I guess, where -- do  
25 you see the handle, the door handle in 1106 at the top?

Rees - direct - Hajjar

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1 A Yes, I do.

2 Q And that's to the right most of the blinds in 1190?

3 A That's correct.

4 Q Now, in relation to the dining table that we just saw in  
5 1106, where was that table? Looking at the blinds, where was  
6 that table located? Was it to the right or to the left?

7 A I'm sorry, can you ask the question again.

8 Q Yes. The dining table that we saw in the video clip --

9 A Correct.

10 Q -- looking at the blinds and the door handle here in  
11 1106, where was the table?

12 A It would have been to the right.

13 MS. HAJJAR: May we switch to the ELM0, please, Your  
14 Honor.

15 Q Agent Rees, I am going to show you what's in evidence as  
16 Government Exhibit 548. Have you reviewed this exhibit?

17 A I have.

18 Q Is it medical records associated with Camilla?

19 A It is.

20 Q Okay. Can you read at the top? It says, "Patient  
21 Camilla" here?

22 A Yes.

23 Q And DOB?

24 A March 1, 1990.

25 Q And can you read what's listed under examination and

Rees - direct - Hajjar

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1 clinical history, please?

2 A "Examination: CT abdomen with contrast. Clinical  
3 history: Patient with fever and sharp abdominal pain. Recent  
4 appendix surgery on January 9, 2007, where a non-perforated  
5 gangrenous appendix was found."

6 Q And here about post surgical changes, can you read this  
7 and the following paragraph?

8 A There are postsurgical changes in the right lower  
9 anterior abdominal wall with a 1.5 centimeter defect of the  
10 subcutaneous adipose tissues.

11 My apologize. I'm not a medical examiner.

12 Q That's fine. There is a well-defined fluid collection  
13 predominantly posterior and adjacent to the cecum with rim  
14 enhancement. That's the bottom?

15 A That's correct.

16 Q This is on page 2 of Government Exhibit 548. And then  
17 just turning to page 5 of the same exhibit, assessment and  
18 plan. Can you just read the first few sentences?

19 A Successful drainage of intraabdominal abscess. Catheter  
20 no longer functional and minimal residue, so drain removed at  
21 eight days. Possibility of reaccumulation d/w pt and her  
22 mother. The wound is healing in nicely and packing can soon  
23 be abandoned in favor of just cleaning it out with a Q-tip to  
24 keep the edges apart. They certainly know what to look for,  
25 so I agreed to allow her f/u, follow up, to be on an as-needed

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Rees - direct - Hajjar

3663

1 basis.

2 Q Thank you, Agent Rees.

3 I'd like to show you one of the images that's in  
4 evidence as 530-R.

5 Agent Rees, is this image one of the images that was  
6 recovered from the vicibabi@gmail.com account?

7 A Yes, it is.

8 Q Okay. It's difficult to see on this photograph, but can  
9 you describe -- are there two significant things you notice  
10 about this photograph?

11 A Yes.

12 Q Can you explain them to the jury, please?

13 A At looking at the image on the left side of the lower  
14 abdomen there is an appendectomy scar.

15 Q Can you indicate that on the screen?

16 THE COURT: You can circle it right on the screen.  
17 Use your finger.

18 Q Is that working, Agent Rees?

19 No, it's not working. Is it around this area?

20 A Yes.

21 Q Is it difficult to see on this particular copy of this  
22 exhibit?

23 A Yes.

24 MS. HAJJAR: Your Honor, I am going to ask that I be  
25 able to provide a copy of the photograph to the jury in glossy

Rees - direct - Hajjar

3664

1 form. It is only one copy of it. But I would ask that I show  
2 it to the jury.

3 THE COURT: You said unredacted?

4 MS. HAJJAR: It is.

5 The two items that Agent Rees is describing is much  
6 more clearly able to be seen in this photograph.

7 (Sidebar held outside the hearing of the jury.)

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(The following occurred at sidebar.)

[Redacted text block containing approximately 18 lines of blacked-out content]

(Sidebar ends.)

(End of sealed portion.)

(Continued on the following page.)

Rees - direct - Hajjar

3666

1 BY MS. HAJJAR:

2 Q Agent Rees, is there another area of significance that  
3 you noticed in this photograph, 530?

4 A Yes, in looking at the photo, on the top of the right leg  
5 there appears to be scarring.

6 Q Can you indicate -- is it around this area?

7 A That's correct.

8 Q Okay.

9 THE COURT: Actually, that's the left leg.

10 THE WITNESS: I'm sorry. But when looking at it.

11 So, yes, on --

12 THE COURT: When looking at it, on the right?

13 THE WITNESS: On the right-hand side of the body.

14 THE COURT: But on the left leg?

15 THE WITNESS: On the left leg. Sorry for the  
16 confusion. On the left leg, but when looking at the image  
17 from the right side of the body.

18 Q And, so, two types of scarring, the scar over here?

19 A Correct.

20 Q And the scarring over here?

21 A Correct.

22 Q Is there anything significant about the scarring on this  
23 side?

24 A The shape is significant.

25 Q What do you mean?

Rees - direct - Hajjar

3667

1 A It's unique in shape in that it does not appear to -- the  
2 scar on the abdomen looks -- appears to be more of a slice.  
3 You can extrapolate that it would be a surgical scar. The  
4 scar at the top of the leg has a unique pattern.

5 Q In other words, not the surgical slice?

6 A Correct.

7 MS. HAJJAR: At this time, Your Honor, I'm going to  
8 ask if I can pass around that photograph to the jury just so  
9 they can take a look at those areas that Agent Rees described.

10 THE COURT: Go ahead.

11 All right. You can retrieve it.

12 Q Agent Rees, I'd like to show you what's in evidence as  
13 Government Exhibit 1789. Is this an e-mail from the  
14 vicibabi@gmail.com account?

15 A It is.

16 Q And who is it from?

17 A It's from Cami.

18 Q And who is it to?

19 A Keith Ranieri at Yahoo.com.

20 Q What is the date?

21 A November 4, 2016.

22 Q What is the subject line?

23 A Bullet points.

24 Q Can you read the text of the e-mail, please?

25 A Winter of 2013, early 2014, Sam met Sasha Akira three

Rees - direct - Hajjar

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1 years ago at a seminar she attended. She had been doing that  
2 for question mark years and was well-known in that underground  
3 community.

4 R arrived late May 2014. I was tasked to find  
5 someone repulsive and seduce them prior to his arrival. He  
6 was picked because he was the most repulsive person I could  
7 find and he became the subject of my mission.

8 Sasha became Sam's master that summer and was one of  
9 several.

10 I successfully seduced him on three separate  
11 occasions but wanted to quit after just the first because of  
12 how gross he was. I tried negotiating with my master but was  
13 sent back.

14 Things were broken off with R mid June because he  
15 was just too repulsive and, off-putting. I had never met  
16 anyone who was so self-centered and view and treated women the  
17 way he did. I aborted my mission and took all the  
18 consequences from my master for disobeying and not completing  
19 my task.

20 Letting him think it was his idea to break things  
21 off was his idea was part of my task because I was to learn to  
22 take humiliation even from the worst people. That was why I  
23 didn't talk back even when he would say the stupidest nonsense  
24 about me wanting to have his children. It could not have been  
25 farther from the truth, but I couldn't say anything back.

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CSR

Rees - direct - Hajjar

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1           A couple of months later, in November, under orders  
2 to complete the previous task, I started slowly trying to  
3 seduce him by taking part in a training he was in. I had to  
4 play stupid and submissive because that is what he was into,  
5 which I found disgusting, but that's what needed to be done.

6           In December of 2014, in two separate occasions, I  
7 made him believe I was going out of my way to see him and  
8 keeping it from other people. All along I was being directed  
9 by master.

10           Christmas 2014, I convinced his sister into inviting  
11 me to their Christmas. I knew he would be there. I used it  
12 to get closer to my target.

13           By February, my master was getting impatient, so I  
14 introduced texts.

15 Q    Agent Rees, you testified at length yesterday about R and  
16 Robbie. There are references to R as well in this e-mail?

17 A    That's correct.

18 Q    R arrived late May 2014 and this entire text is about R?

19 A    I believe so, yes.

20           MS. HAJJAR: No further questions, Your Honor.

21           (Continued on the following page.)

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Rees - cross - Agnifilo

3670

1 (Continuing.)

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. AGNIFILO:

5 Q Good morning, Special Agent Rees.

6 A Good morning, sir.

7 Q My name is Marc Agnifilo. I represent Keith Raniere. I  
8 only have a couple of questions for you.

9 A Yes, sir.

10 Q At the beginning of your testimony yesterday, you said --  
11 you described WhatsApp to us, right?

12 A That's correct.

13 Q Okay. And WhatsApp is a way of two people communicating  
14 through this WhatsApp application, correct?

15 A Two or more.

16 Q Two or more?

17 A Yes.

18 Q And is it fair to say that WhatsApp has encryption  
19 qualities to it?

20 A That's correct.

21 Q Okay. And are you familiar with what those are  
22 generally?

23 A Generally speaking, yes.

24 Q Okay. Just tell the jury very briefly what your general  
25 knowledge is of those?

Rees - cross - Agnifilo

3671

1 A My general understanding is WhatsApp differs from regular  
2 SMS messaging which, without encryption, can be monitored. In  
3 encryption it means that the chat, itself, is protected so  
4 that outside apps or technology may not be able to monitor the  
5 communications.

6 Q Okay. And I think in the beginning of your testimony you  
7 described how someone can export a WhatsApp chat to another  
8 location, correct?

9 A That's correct.

10 Q All right. And a lot of the materials you reviewed with  
11 Ms. Hajjar had to do with these WhatsApp chats that were sent  
12 to an e-mail, correct?

13 A Yes, that's correct.

14 Q All right. So once the WhatsApp chat is exported to an  
15 e-mail, it's no longer encrypted, correct?

16 A That's correct.

17 Q Okay. So, the WhatsApp chat is basically just an  
18 attachment that is sent out of the WhatsApp system and sent to  
19 an e-mail, correct?

20 A That's correct.

21 Q All right. And once it's in the e-mail, it's just  
22 another attachment that anyone can look at, correct?

23 A Correct.

24 Q And it loses the encrypted qualities of the WhatsApp  
25 application?

Rees - cross - Agnifilo

3672

1 A Correct.

2 Q All right. And, in this case, it went from the WhatsApp  
3 on a phone to a computer, correct?

4 A It went to an e-mail account.

5 Q Right, an e-mail account, and I think what you said on  
6 direct examination was that a search warrant was conducted and  
7 the contents of this e-mail account were found, correct?

8 A That's correct.

9 Q So fair to say that Keith Raniere didn't intend to keep  
10 these WhatsApp chats only in WhatsApp, correct?

11 MS. HAJJAR: Objection.

12 THE COURT: Sustained.

13 BY MR. AGNIFILO:

14 Q Let me ask you a different question.

15 Keith Raniere exported the WhatsApp chats to another  
16 location?

17 MS. HAJJAR: Objection.

18 THE COURT: You may answer that.

19 A The WhatsApp chats that we reviewed were from the  
20 vicibaby@gmail.com.

21 Q So it would have been the vicibaby -- so that would have  
22 been the source of the exporting, is that my understanding?

23 A That's correct.

24 Q Okay. And it went to what e-mail address, do you know?

25 A Vicibaby@gmail.com.



Rees - cross - Agnifilo

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1 Q Okay. So it went from WhatsApp -- I'm sorry. Let me --  
2 it went from the WhatsApp system to -- to the vicibaby e-mail?

3 A Correct.

4 Q Okay. And it was found there?

5 A Correct.

6 Q Just give me one second.

7 (Pause. )

8 BY MR. AGNIFILO:

9 Q As part of your investigation, did you check to see if  
10 vicibaby e-mails were sent to Keith Raniere e-mail addresses?

11 A If e-mails were sent from vicibaby to Keith Raniere, that  
12 would have been included in the search warrant return, yes.

13 Q Right. Okay. So, um -- so many of these e-mails were  
14 sent to Keith Raniere-related addresses, correct?

15 A That's correct.

16 Q And they would have been on -- in Keith Raniere's  
17 e-mail --

18 MS. HAJJAR: Objection.

19 THE COURT: You can finish your question.

20 MR. AGNIFILO: Thank you.

21 Q And many of them were recovered from Keith Raniere's  
22 e-mail address, correct?

23 A I'm not aware. I don't know.

24 Q Okay. You didn't do the search?

25 A That's correct.

Rees - redirect - Hajjar

3674

1 Q But as a matter of encryption, once it's in an e-mail  
2 system, whether it be a vicibaby e-mail address or the Keith  
3 Ranieri e-mail address, they're no longer encrypted in either  
4 event?

5 A That -- that's correct, but it's actually the  
6 communications exchange that's encrypted, not the app itself.  
7 If that makes sense.

8 Q Yes.

9 A So, correct, once a communication is outside the app,  
10 encryption is no longer -- it no longer exists.

11 Q Right, there's no more encryption. So if it's on -- if  
12 it's in an e-mail, it's just -- and it's found, it can be  
13 reviewed and shown in court, correct?

14 A That's correct.

15 MR. AGNIFILO: I have nothing else, Judge.

16 THE COURT: Anything further?

17 MS. HAJJAR: Just one question, Your Honor.

18 THE COURT: Okay.

19 REDIRECT EXAMINATION

20 BY MS. HAJJAR:

21 Q Agent Rees, the WhatsApp messages that we reviewed  
22 yesterday, those were all from the vicibaby@gmail.com account?

23 A Yes, I believe so.

24 Q Yet, you have also reviewed separate WhatsApp messages  
25 between Camila and Keith Ranieri?

Rees - redirect - Hajjar

3675

1 A That's correct.

2 Q And which account did those come from, the  
3 KeithRaniere@yahoo.com account that you reviewed?

4 A Correct.

5 Q So you reviewed similar chats located in two addresses,  
6 KeithRaniere@yahoo.com and vicibaby@gmail.com?

7 A That's correct.

8 MS. HAJJAR: Thank you, Your Honor.

9 THE COURT: Anything else?

10 MR. AGNIFILO: Nothing, Judge.

11 THE COURT: All right, the witness is excused. You  
12 may stand down.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 (Witness steps down and exits the courtroom.)

16 THE COURT: All right, members of the jury, first of  
17 all, thank you for your consideration of certain logistical  
18 and scheduling changes that we might use for the rest of the  
19 trial.

20 I understand that the idea of going beyond  
21 five o'clock would create some substantial problems for some  
22 members of the jury, so that idea has been -- the parties have  
23 agreed that that idea will not go forward. But the jury has  
24 indicated that we might start at nine o'clock in the morning  
25 and we might take half an hour for lunch.

Rees - redirect - Hajjar

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1 With regard to lunch, for logistical reasons it's  
2 hard to do less than 45 minutes for lunch, so we will have a  
3 45-minute lunch break in the middle of the day.

4 With regard to the 9:00 a.m. start, there is some  
5 logistical issues that we need to work through before we can  
6 decide exactly what time we will attempt to start. We don't  
7 want to say one thing and then find out that it is not going  
8 to work, so we will get back to you on that.

9 And as to how long the trial will continue, we  
10 understand that some jurors have vacation plans and we have  
11 the dates. And what we are going to do, by the beginning of  
12 next week, we will have a better idea of how long testimony is  
13 likely to last, but it will certainly last through the end of  
14 the week and we will let you know sometime early in the week  
15 what our thoughts are about how long the trial will last,  
16 understanding some of the deadlines that some of you have  
17 regarding your vacation plans.

18 So, we are dealing with all of that and we  
19 appreciate your cooperation and your attention throughout the  
20 trial, and so I just wanted to fill you in on where we are at  
21 the moment.

22 So, that having been said, the Government may call  
23 its next witness.

24 MR. LESKO: The Government calls Dr. Dawn Hughes.

25 (The witness enters the courtroom and takes the

Rees - redirect - Hajjar

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1 stand.)

2 THE COURTROOM DEPUTY: Please raise your right hand.

3 Do you solemnly swear the testimony you shall give  
4 to the Court will be the truth, the whole truth, and nothing  
5 but the truth, so help you God?

6 THE WITNESS: I do.

7 THE COURTROOM DEPUTY: Please have a seat and please  
8 state and spell your full name for the record.

9 THE WITNESS: Dawn Hughes, D-A-W-N, H-U-G-H-E-S.

10 THE COURT: Very well, you may inquire.

11 MR. LESKO: Thank you, Your Honor.

12 THE WITNESS: Good morning, Your Honor.

13 THE COURT: Good morning.

14

15 (Continued on the following page.)

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25

Hughes - direct - Lesko

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1 D A W N H U G H E S ,

2 called as a witness by the Government, having been  
3 first duly sworn/affirmed by the Courtroom Deputy, was  
4 examined and testified under oath as follows:

5 DIRECT EXAMINATION

6 BY MR. LESKO:

7 Q Good morning, Dr. Hughes.

8 A Good morning.

9 Q Dr. Hughes, what is your profession?

10 A I'm a clinical and forensic psychologist.

11 Q And what is clinical psychology?

12 A So, clinical psychology is the study of human behavior,  
13 both normal and abnormal human behavior. Clinical  
14 psychologists are trained in the psychopathology and major  
15 mental illnesses relating to having to diagnose and treat  
16 individuals, but also in just problems in living and other  
17 behavioral problems that individuals may have.

18 Q And what is forensic psychology?

19 A So, forensic psychology is just the application of the  
20 science and principles of psychology to a particular issue, a  
21 legal issue at hand.

22 So, the forensic is -- just comes from the Latin "of  
23 the forum," where the courts were. So it's really using what  
24 we know in psychology to answer a particular legal question.

25 Q And why did you decide to become a psychologist?

Hughes - direct - Lesko

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1 A So I was an undergraduate major in psychology like  
2 probably 60 percent of undergrads and so I was just always  
3 interested in why people do the things they do. That first  
4 got me in there, really just the curiosity. And then when I  
5 started working more, even as an undergrad really not knowing  
6 much, but working in some social service agencies and fields,  
7 I really felt like I wanted to understand them in order to  
8 help the individuals and how can I have a helping role in some  
9 of the difficulties that people find themselves in over their  
10 life span.

11 Q Thank you.

12 Please describe your educational background.

13 A Sure. So I received my Bachelor's Degree in psychology  
14 at Hamilton College in upstate New York. I received my  
15 Master's Degree and PhD in clinical psychology at Nova  
16 Southeastern University, which is in South Florida.

17 I then had to do -- in order to receive the doctoral  
18 degree, one has to do a year internship training. I did that  
19 year at Yale University, the School of Medicine in the  
20 Department of Psychiatry.

21 And then, in order to get licensed in all 50 states,  
22 now you have to do a year post-doctoral fellowship, and I came  
23 back to New York where I'm from and I did that at Weill  
24 Cornell Medical College, New York Presbyterian Hospital in a  
25 trauma-based program there.

Hughes - direct - Lesko

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1 Q So you have a PhD?

2 A Right.

3 Q You're a doctor?

4 A Correct.

5 Q Okay. Could you please describe your training and  
6 experience in psychology and trauma?

7 A Sure.

8 So my specialization is interpersonal violence and  
9 traumatic stress. Interpersonal violence is when one  
10 individual is violent toward another, and that includes rape  
11 and sexual assault, childhood abuse, childhood sexual abuse,  
12 domestic violence, sexual assault, physical assault and things  
13 of that nature, sexual harassment.

14 And then traumatic stress is the outgrowth of what  
15 happens to individuals when they experience those type of  
16 traumatic events.

17 So, my training is somewhat unique that, when I got  
18 to graduate school, I started working immediately with very  
19 sort of well-regarded esteemed professionals in the area of  
20 trauma and violence. So I worked in a domestic violence  
21 program, which was a community-based program, that saw both  
22 victims and perpetrators of domestic violence. So I had to  
23 assess and treat both victims and perpetrators of domestic  
24 violence.

25 And then, after that, we had another program housed



Hughes - direct - Lesko

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1 within that community mental health center, which was called  
2 the Child Sexual Abuse Survivors Program, and that program was  
3 also geared for individuals who had childhood abuse histories  
4 to come into treatment. So my job was to really do lengthy  
5 interviews, look at questionnaires, look at psychological test  
6 data to really understand sort of not only what they  
7 experienced, but what else did -- what are the psychological  
8 outcomes from some of that abuse.

9           Then, as part of my graduate training, I also had  
10 the opportunity and the honor to work in the Veterans  
11 Administration Hospital. So being able to see trauma, not  
12 only from an interpersonal violence context, but also through  
13 our combat veterans and what they have struggled with and  
14 suffered with. So I worked in the outpatient Veterans  
15 Administration program and learned more, again, about PTSD and  
16 trauma there.

17           And then, when I went on to internship at Yale, I  
18 was at a substance abuse facility and was doing groups for  
19 women who had childhood abuse and adult victimization  
20 histories, but were also heroin abusers. So they were in  
21 recovery for opiate addiction, but also had, you know,  
22 significant trauma. So we were doing treatment in groups for  
23 those individuals to really try to target both of the  
24 significant issues that they had.

25           And then, when I came back to New York for my post

Hughes - direct - Lesko

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1 doctoral fellowship at the Paine Whitney Clinic, which is the  
2 psychiatric facility of New York Hospital, Cornell Medical  
3 Center, we have an anxiety and traumatic stress program there.  
4 And that program similarly saw individuals who had either  
5 suffered an adult assault or a rape as an adult or some sexual  
6 assault or violence also has a child, and we also saw  
7 individuals who were in violent relationships as well.

8 Q Thank you. Let's talk about your current occupation.

9 What positions do you currently hold?

10 A So I'm currently in independent practice with clinical  
11 and forensic psychology. I also hold a voluntary faculty  
12 position. I'm a clinical assistant professor of psychology in  
13 the Department of Psychiatry at Weill Cornell, New York  
14 Hospital.

15 Q So you teach at Weill Cornell?

16 A Right. So, I'm on the teaching faculty and the  
17 psychology faculty. So one of the things that I do is I help  
18 evaluate the interns that come through, that cycle through the  
19 program every year, and review those applications. And I also  
20 do some ad hoc supervision.

21 I don't do weekly supervision anymore, but  
22 supervision in terms of if an issue of violence, abuse, rape  
23 comes up, I'm the one who gets called if the interns have  
24 difficulties with that. And then I also have been teaching --  
25 probably for the last four or five years, I've run the ethics

Hughes - direct - Lesko

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1 seminar for the interns, so I teach the ethics seminars for  
2 the interns.

3 Q How many years have you practiced as a psychologist?

4 A I started in 1998, so about 21 years now.

5 Q Can you just briefly, for the jury, describe your private  
6 practice?

7 A Sure. So I see individuals in therapy in my private  
8 office. I see men and women who -- probably about 75 percent  
9 of my practice are individuals who have experienced some type  
10 of violent event or abuse in their lives, whether it be, you  
11 know, as a child or as an adult.

12 So part of my job, as a psychologist and a trauma  
13 psychologist, is to really sort of help them heal from the  
14 traumatic effects of victimization, sort of decrease their  
15 symptomatology and increase their functioning, and also  
16 increase their quality of life.

17 The other part I do in my practice is I do forensic  
18 psychology, and that might be something like I'm doing here  
19 testifying in court. I also evaluate individuals who were  
20 involved in court cases, either in civil court or in criminal  
21 court. So that's the forensic aspect.

22 And then I also have a lot of professional  
23 activities that I am involved in. I'm on several -- the  
24 Governance Board of the American Psychological Association. I  
25 was president of a women's mental health consortium program,

Hughes - direct - Lesko

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1 which is a multidisciplinary organization in New York City;  
2 psychiatry, psychology, social work, nursing, that really  
3 looks at women's mental health throughout their life span.

4 So I'm engaged in a lot of professional activities  
5 that take me to meetings and boards and things of that nature.

6 Q In your private practice, have you treated patients who  
7 are victims of sexual assault and sexual abuse?

8 A Of course.

9 Q You mentioned your specialization in interpersonal  
10 violence. Does interpersonal violence always involve physical  
11 harm?

12 A No. As I said, there's multiple types of interpersonal  
13 violence. So some interpersonal violence can be a physical  
14 assault, it can be a stranger physical assault; you can get  
15 physically assaulted on the street by a stranger. You can get  
16 attacked on the street, that would be a physical assault. You  
17 can be sexually assaulted, you can be raped. Certain  
18 people can be -- I mean, there's certainly some belief that  
19 sexual violence is a violent act even though it's not a  
20 physical hit, slap. You know, you can have sexual violence in  
21 rape without being punched or hit or grabbed or attacked in  
22 that way.

23 But then we have a lot of psychological aggression  
24 and coercive control that has been found to be, you know,  
25 incredibly damaging to the psychological well-being of

Hughes - direct - Lesko

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1 individuals, and that can also occur in the absence of  
2 physical violence.

3 Q Approximately how many victims of interpersonal violence  
4 have you examined or interviewed in the course of your career?

5 A Hundreds upon hundreds upon hundreds, probably in the  
6 thousands at this point.

7 Q Are you board certified?

8 A Yes, I am.

9 Q In what?

10 A I am board certified in forensic psychology.

11 Q And what does that mean?

12 A So the board certification is somewhat analogous to what  
13 medical doctors have. In psychology, it's the highest level  
14 that one can obtain and you have to go through a variety of  
15 steps to get there.

16 You have to have been practicing for, you know, I  
17 think five years after getting the doctoral degree, after your  
18 post-doctoral fellowship. You have to then basically apply to  
19 be board certified and pass certain requirements that you've  
20 done enough continuing education hours in the field, that  
21 you've seen people working in the field of forensic  
22 psychology. You have to pass an ethics clearance. You have  
23 to then take a written test, a written board test. Then you  
24 have to submit two work samples that get critically reviewed  
25 and examined and torn apart, and then you have to have an oral

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1 defense of those work samples.

2 And after you pass all of those pieces, then you are  
3 board certified when you pass them all.

4 Q How many board certified forensic psychologists are there  
5 in the United States?

6 A I believe there's a little less than 375 in the United  
7 States.

8 Q And how many in New York State?

9 A And I think there's less than 25 in New York State.

10 Q Are you licensed to practice psychology?

11 A Yes, I am.

12 Q Where?

13 A I'm licensed to practice here in the State of New York  
14 and I'm also licensed in the State of Connecticut and the  
15 State of North Carolina.

16 Q Have you published in your areas of specialization?

17 A I have some publications.

18 Q For example, have you published a book chapter entitled  
19 "Rape and Sexual Assault Among Adult Women"?

20 A Yes, I have.

21 Q Have you given other trainings and presentations in the  
22 area of trauma and abuse?

23 A Yes, I have given a number of training and presentations  
24 to both mental health professionals, as well as to attorneys  
25 and to judges, on the area of what we know in the field about

Hughes - direct - Lesko

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1 victimization, sexual victimization, intimate partner violence  
2 and then the traumatic effects of that violence and abuse.

3 Q What professional organizations do you belong to?

4 A So I belong to the American Psychological Association,  
5 which is the largest body of psychologists, professional body  
6 of psychologists. And because it's so large, there are --  
7 it's broken up into subdivisions and I was one of the founding  
8 members, about I guess it's 12 years ago now, of the Trauma  
9 Psychology Division of APA, because recognizing that trauma  
10 psychology also is, you know, a very unique field and has, you  
11 know, a unique interest in the study of psychology.

12 So I've been part of that and part of that board  
13 since, you know, off and on, twelve years serving on the  
14 executive board and program chair and awards chair. And now I  
15 am the representative from the Trauma Division to the larger  
16 body of APA and on the governance, meaning I have voting  
17 powers in the APA representing that trauma division.

18 There are other divisions I do belong to; I belong  
19 to the Psychology and Law Division. I belong to Psychology of  
20 Women Division. And I also belong to the Psychologists in  
21 Independent Practice Division.

22 Of organizations that I belong to, I belong to the  
23 International Society For Traumatic Stress Studies. As the  
24 name connotes, it's an international society, but it's also a  
25 multidisciplinary society. So it's with psychiatry,

Hughes - direct - Lesko

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1 psychology, social work, nursing, medicine. So you really get  
2 a good flavor for the different disciplines in the field of  
3 psychology in trauma psychology.

4 I belong to the International Society for Study of  
5 Trauma and Disassociation. I belong to the New York State  
6 Psychological Association, the Anxiety Disorders Association  
7 of America. I'm a fellow of the American Board of Forensic  
8 Psychology.

9 I think that's most of them.

10 Q Thank you.

11 Do you attend professional conferences?

12 A I do. Multiple times per year.

13 Q Have you been qualified in the field of psychology as an  
14 expert witness in interpersonal violence and traumatic stress?

15 A Yes, I have.

16 Q Approximately how many times?

17 A I believe it's between 50 and 55 times now.

18 Q In jurisdictions?

19 A In the State of New York, in Pennsylvania, in  
20 Connecticut, in New Jersey, in Federal Court in the Southern  
21 District and also the Northern District of New York.

22 Q Have you ever worked or testified for the prosecution?

23 A Yes, I have.

24 Q Have you worked or testified for the defense?

25 A Yes, I have.



Hughes - direct - Lesko

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1 Q Are you being compensated for your work on this case?

2 A Yes, I am.

3 Q And what's your hourly rate?

4 A My hourly rate is \$500 per hour.

5 Q Have you ever found that an individual that you evaluated  
6 did not suffer from the effects of interpersonal violence?

7 A Sure.

8 Q Have you ever not been qualified as an expert?

9 A No.

10 MR. LESKO: Your Honor, we'd offer Dr. Hughes as an  
11 expert in clinical and forensic psychology with a  
12 specialization in interpersonal violence and traumatic stress.

13 THE COURT: I'm sorry, just give me that one more  
14 time.

15 (Record read.)

16 THE COURT: All right.

17 MR. Der OHANNESIAN: Yes, we renew our objections  
18 both to the qualifications, the scope of the testimony, the  
19 notice as set forth in our prior filing, ECF 633, and also  
20 we'll present the Court with DX-807, which is what we believe  
21 is a proposed limiting instruction for this witness.

22 THE COURT: All right, the objection is noted and  
23 overruled. The witness is deemed by this Court as an expert  
24 in clinical and forensic psychology with specialization in  
25 interpersonal violence and traumatic stress.

Hughes - direct - Lesko

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1           And you may continue your examination of the  
2 witness.

3           MR. LESKO: Thank you, Your Honor.

4 BY MR. LESKO:

5 Q     Dr. Hughes, do those specializations involve dynamics of  
6 sexual assault, victim responses to sexual assault and the  
7 impact of sexual assault on victims during and after being  
8 assaulted?

9 A     Sure. What we want to look at is the -- we don't only  
10 look at the effects, the psychological effects of what  
11 happened to someone, but we want to understand what went into  
12 that and understanding the dynamics of that relationship or  
13 that assaultive experience can be very informative in  
14 understanding how the victim then sort of comes through that  
15 and how they respond psychologically to it. So it's really  
16 important for us to know not only the dynamics, but also the  
17 consequences.

18 Q     Have you reviewed any case materials specific to this  
19 case?

20 A     I have not.

21 Q     Have you interviewed any victims or witnesses in this  
22 case?

23 A     I have not.

24 Q     Have you read any police reports or statements specific  
25 to this case?

Hughes - direct - Lesko

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1 A I have not.

2 Q What do you know about this case?

3 A I know very basically just that -- what was in the  
4 popular media, that there was a self-help group upstate  
5 New York in a fairly isolated community, and that the  
6 defendant is alleged to have committed acts of coercive  
7 control and sexual assault against some of the members in that  
8 community.

9 Q Have you read any of the trial transcripts?

10 A I have not.

11 Q What is your role here today?

12 A So my role, as I understand it and that I agreed to  
13 undertake, was to offer the knowledge and experience of what  
14 we know in the field about coercive control and sexual assault  
15 and abuse and violence, and understanding that there is a very  
16 distinct body of literature that exists in this field and in  
17 that there are also a lot of myths and misconceptions that  
18 perhaps lay people have about being in abusive relationship,  
19 leaving an abusive relationship, being sexually assaulted, how  
20 they tell their story.

21 So I think it's important for me to be able to  
22 impart what we know empirically and clinically in the field  
23 about this topic.

24 Q So is your testimony here today based on your experience,  
25 training, education and work with victims and perpetrators of

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1 sexual assault?

2 A Correct.

3 Q So to put this issue in context, what percentage of women  
4 experience some form of unwanted sexual contact during their  
5 lifetimes?

6 A Right. So, we've had some very large-scale studies that  
7 have helped us answer this question over the last really  
8 twenty years, thirty years, but one of the more recent studies  
9 indicated -- and this is a large-scale study sponsored by the  
10 Centers for Disease Control, that continues to determine that  
11 sexual violence is a prevalent public health problem. And it  
12 comes out -- depending on what year-span we're looking at,  
13 it's an ongoing representative study of the American people,  
14 between 1 in 4 and 1 in 5 women have experienced some form of  
15 sexual assault in their lifetime.

16 Q And is that study, the CDC study, called the National  
17 Intimate Partner and Sexual Violence Survey?

18 A Correct.

19 Q Just generally, before we get into the more detailed  
20 discussion, what are some of the most common myths and  
21 misconceptions about sexual assault in abusive relationships?

22 A Sure, there are numerous. One of the myths is that a  
23 victim is going to be pulled over in the dark, in an alley,  
24 and sexually assaulted with a weapon, and that this person is  
25 a stranger. That is a myth because most of the perpetrators

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1 of rape and sexual assault are someone known to the victim.

2 A myth is that the individual would have fought  
3 back, she would have screamed, she would have yelled, she  
4 would have told someone. The majority of victims do not fight  
5 back or scream or yell or tell someone.

6 A myth is that, if you were really raped you would  
7 have went to the police, you would have went to law  
8 enforcement. The overwhelming majority of women do not report  
9 rape and sexual assault.

10 The fact that you didn't -- you didn't cry or you  
11 didn't say anything when this happened, you just looked stoic,  
12 so you must not be affected; not true. That is really  
13 understood as the psychological coping of dissociation and  
14 emotional numbing of responsiveness to an overwhelming  
15 traumatic event.

16 So there are a number of myths that are just not  
17 borne out in the data that sometimes lay people have and that  
18 they think.

19 Q Is there a single profile that fits all victims?

20 A There is no single profile --

21 MR. Der OHANNESIAN: Objection to this testimony,  
22 Your Honor.

23 THE COURT: You may answer.

24 A It's really important, there is no single profile of a  
25 rape victim or a victim of sexual assault. How we understand

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1 sexual assault and sexual violence are based on the acts that  
2 are perpetrated upon the victim; that's how we define it and  
3 that's how we understand it. So it cuts across racial lines,  
4 socio-economic lines, professional lines, intellectual lines,  
5 intelligence; so anybody can be a victim of rape and sexual  
6 assault.

7 Q Is there a single profile of an abuser?

8 A And similarly, there is no single profile of an abuser.  
9 You know, what we know about men who use violent tactics  
10 against women is we look at the tactics --

11 MR. Der OHANNESIAN: I would object to profiling of  
12 offender testimony.

13 THE COURT: Overruled.

14 A So there's no distinct profile. We can't just pick out  
15 by using a psychological test or a couple of criteria being  
16 able to tell who is going to be a perpetrator of violence or  
17 abuse and who is not.

18 Q Now you mentioned that most victims of sexual assault  
19 know their perpetrator. Approximately what percentage of  
20 victims of sexual assault know their perpetrators?

21 A So a conservative estimate is about 80 percent. So the  
22 overwhelming majority, 80 percent. Some studies have it at  
23 15 percent. You know, a recent New York City study had it at  
24 10 percent. So that means the smallest, you know, minority,  
25 you know, 20 percent, you know, 20 out of a hundred women know

Hughes - direct - Lesko

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1 their perpetrators. All of the others do not know their  
2 perpetrators; it's a stranger rape, someone totally unknown.  
3 The overwhelming majority know their perpetrator and that  
4 perpetrator is either -- the biggest percent of those  
5 perpetrators are a former or intimate partner, current or  
6 former intimate partner. It could be a family member or  
7 someone known like a boss, a supervisor, a teacher, a coach, a  
8 neighbor. So in the majority of cases, these individuals who  
9 have been victimized know who did it to them.

10 Q And are those percentages reflected in your private  
11 practice?

12 A Oh, absolutely.

13 Q Are sexual assaults oftentimes underreported?

14 A Right. And we also know through our -- not only our  
15 social science data, but through the Department of Justice  
16 data and the Uniform Crime Reports compiled by the FBI and the  
17 Centers For Disease Control, the general consensus is that  
18 crimes, sex crimes and crimes against women are the most  
19 underreported crimes that we have. And there's been a lot of  
20 sort of agency and pull to try to figure out why that is and  
21 what we can do to sort of increase a law enforcement response,  
22 if that would be helpful.

23 Q And do you know of an approximate percentage of sexual  
24 assaults that are actually reported?

25 A Again, some studies have it at 12 percent. Some have it

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1 at 16 percent of actual reports to law enforcement.

2 Q Are acquaintance sexual assaults, we'll call it, more or  
3 less likely to be reported?

4 A So, when the perpetrator is known to the victim, those  
5 are the least likely types of cases that are going to be  
6 reported to law enforcement.

7 When it is a stranger, when there may be a weapon  
8 involved, when there is physical jury, those are the type of  
9 cases that are more likely to generate a law enforcement --  
10 for the person to seek out law enforcement for assistance.  
11 But when it's someone known, when it's your ex-boyfriend, your  
12 teacher, your coach, your boss, much more reluctant to go to  
13 the police for assistance.

14 Q Does the evaluation of the legitimacy of the sexual  
15 assault depend on whether a victim reported the event to law  
16 enforcement?

17 MR. Der OHANNESIAN: Objection.

18 A Right --

19 THE COURT: Overruled.

20 You may answer.

21 A So, absolutely not because you are more likely to not  
22 report than to report. So the reporting gives us information  
23 about sort of this victim's psychology and the dynamics that  
24 she is dealing with, what the obstacles are for her to report.  
25 But just because a victim doesn't report, since we know that



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1 the overwhelming majority don't, that doesn't give us any data  
2 about the legitimacy about whether a rape or a sexual assault  
3 are occurred.

4 Q So these victims who are assaulted in a relationship,  
5 we'll call that relational sexual assault. Do these victims  
6 of relational sexual assault experience obstacles to making  
7 formal reports to the police or law enforcement?

8 A Right, and there are a number of obstacles and we sort of  
9 sometimes think of them as the internal processing of: Am I  
10 going to report this?

11 When you know the perpetrator, you fear sort of  
12 making that public. You fear that it's going to change the  
13 dynamic of the relationship. If it's your neighbor, your  
14 boss: What's going to happen to me if I report this? Getting  
15 that person arrested might not see [sic] a viable option for  
16 that individual. They fear stigma and shame that we know  
17 still does happen when people report sex crimes and crimes of  
18 sexual violence. They fear not being believed. They fear  
19 that they will be blamed for their sexual assault. They fear  
20 harsh treatment by law enforcement or people questioning them.  
21 Sort of, you know, imposing some of the blame on them.

22 They fear that, in the disclosure, they may disrupt  
23 their peer group. They may disrupt sort of the status quo of  
24 whether it's the organization, the workplace, the  
25 relationship, the family, because when we do report things do

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1 get shaken [sic]. I mean, the whole sort of foundation of  
2 what the person is involved in, does it get shaken up by that  
3 report. So they fear what that is going to look like and how  
4 that may either damage them or their family.

5           They may fear retaliation. Many victims have been  
6 threatened to not report, either threatened with physical harm  
7 or threatened with disclosure of personal information that  
8 someone might have. A lot of threats with, what we see now,  
9 we call revenge porn where if you were in an intimate  
10 relationship, pictures were taken of you, maybe those pictures  
11 were consensual, maybe they weren't, but now they are being  
12 held over your head. So, if you report, there's going to be  
13 an absolute contingency coming on you that's not going to be  
14 positive. That's going to impact an individuals' decision to  
15 report.

16           And then, also, individuals are suffering, as I  
17 mentioned before, from the psychological impact of having been  
18 assaulted and having been violated in that way, so they have  
19 trauma-based symptoms. They may have this shock and  
20 dissociation, and what you do when you feel that type of -- of  
21 psychological sort of what we say dysregulation, D-Y-S, you  
22 know, not being regulated internally, you try to do things to  
23 calm yourself and not feel it, not think about it. You avoid.  
24 You push it down. You get it out of your mind.

25           So if I'm going to report it, that means all this

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1 stuff has to come up now and I might not feel psychologically  
2 capable to cope with it.

3

4 (Continued on the following page.)

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1 BY MR. LESKO (Continuing):

2 Q You mentioned peer groups. Do you see these sort of  
3 concerns when victims are part of larger communities or  
4 institutions?

5 A That's correct. I've seen this in the cases that I've  
6 worked on with the Boy Scouts of America, where sometimes in  
7 telling about the abuse, then sort of the whole group is going  
8 to come down. And, of course, the issue of fearing being  
9 believed that somebody who's in high esteem, your Scout  
10 Master, could do this to you.

11 I've seen this in the enormous work I've done in the  
12 Catholic church and the clergy abuse, that how can I, the  
13 victim, be believed and take down a priest? How is that going  
14 to work? Now everybody who is involved in my school or my  
15 religious instruction or my church and community, that is  
16 going to have a ripple effect on that.

17 We have seen it in college campus rapes where a  
18 woman would report. You want to believe that your friends are  
19 going to be there with you, your female friends and your male  
20 friends, but now you're the one who's put the damper on the  
21 party. Now you said something and now we all can't have fun,  
22 and that woman becomes ostracized.

23 So, there's a lot of fears about -- and,  
24 regrettably, well-founded fears. These are not fears that are  
25 delusional. This stuff happens and people see it in the media

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1 and they see it, perhaps, in their own experience. So, those  
2 fears of reporting when it's going to effect a larger group  
3 can be a significant deterrence to disclosing the abuse.

4 Q Is that done in the present in situations where a assault  
5 takes place in the context of employment relationship?

6 A Absolutely.

7 If you're going to report sexual discrimination,  
8 sexual harassment, or assault in the workplace and it's your  
9 boss, someone who has clearly more power than you do, how is  
10 that going to be believed? You don't believe that people are  
11 going to believe you. People aren't going to believe that he  
12 could do this and now I could lose my job, people aren't going  
13 to want to talk to me, people aren't going to keep me on  
14 projects, no one is going to want to work with me.

15 So, all of that starts circling through an  
16 individual's brain while they're also, at the same time,  
17 dealing with all the psychological consequences of the  
18 assault.

19 Q In your experience, is a victim's unwillingness to report  
20 a sexual assault magnified when the perpetrator plays a  
21 significant or senior leadership role in an institutional or  
22 employment context.

23 MR. DER OHANNESIAN: Objection.

24 THE COURT: Overruled.

25 MR. DER OHANNESIAN: The leading nature of the

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1 questions.

2 THE COURT: Hold on.

3 The question is proper. Please answer.

4 THE WITNESS: Thank you.

5 A Reporting is hard enough, right? It's hard enough to  
6 report when it's a neighbor that lives five blocks away, even  
7 though you know who he is. That's hard. But when you have to  
8 be in a situation that you have to remain in, right, it is  
9 very difficult.

10 So, if you have to report against somebody who is in  
11 high esteem, right, nobody believes that you're going to be  
12 believed. You don't believe you're going to be believed. You  
13 can't even believe that this happened to you. How can a  
14 priest abuse me? How can my Scout leader abuse me? How can  
15 my coach abuse me? How do I reconcile that someone who is  
16 supposed to care for me, love me, teach me, guide me, sexually  
17 abuse me in this way?

18 So, that psychological confusion with someone who is  
19 in such high esteem, there's no belief that you can be the one  
20 that's going to expose that. So, for some of the victims and  
21 my patients, it wouldn't even occur to them to report it  
22 because it just seems to overwhelming.

23 Q Let's talk a bit about how victims cope.

24 How do victims cope with sexual assault?

25 And let's talk about immediately after it happens.

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1 A So, in the immediate aftermath, it's usually met with a  
2 lot of sort of shock and disbelief. There's a lot of sort of  
3 internal wrangling about what just happened? What did he do?  
4 Was it my fault? Did I have a piece to blame in here? Did I  
5 do something to cause this to bring it on myself? Maybe some  
6 rationalization; you know, maybe he was drunk, maybe he wasn't  
7 thinking right, maybe I misinterpreted. There's a lot of sort  
8 of rationalization and minimization of what just happened in  
9 the immediate aftermath.

10 And then there's a lot that sort of moves a little  
11 to a lot of just shock of I can't believe this happened and I  
12 don't know what to do about it. So, there's powerlessness,  
13 there's shock, there's psychological distress, a lot of  
14 confusion about how do I now understand this dynamic? How do  
15 I understand now my relationship with this person who, because  
16 they're known, chances are they have to see again, they have  
17 to interact with again. There's a lot of sort of internal  
18 cognitive processing.

19 But then there's a lot of anxiety. This is trauma.  
20 PTSD used to be characterized as an anxiety-based disorder.  
21 We've moved it to its own category now, but there's a lot of  
22 anxiety around this. You know how you feel -- I know how I  
23 feel when I come to testify. You get those butterflies. They  
24 feel that all over their bodies with such intensity that then  
25 interferes with their ability to concentrate, their ability to

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1 attend, their ability to focus.

2 So, what they try to do is what we all do when we  
3 feel something that we don't want: We try to avoid it, we try  
4 to push it down, not think about it, directed forgetting, try  
5 to compartmentalize it, try to suppress it.

6 And then there are other techniques, which one is  
7 called dissociation. Dissociation is mostly an involuntary  
8 process where we sort of separate ourselves from the pain.  
9 And what we hear victims talk about is during the assault,  
10 they will say, I left my body. I wasn't there. I was  
11 watching myself from the ceiling. I was just going to leave  
12 my body because I couldn't stand the pain, I couldn't stand  
13 what was going on. I was just waiting for it to be over.

14 There's that emotional disconnection from what she's  
15 feeling that carries through also in the aftermath of that  
16 sexual assault and they may find themselves zoning out,  
17 spacing out, not really being in touch with what's going on,  
18 sort of having that glossy look to them, a numbing of  
19 responsiveness; not really being attached to feelings of anger  
20 or sadness, just sort of numb and blah.

21 Q In the immediate aftermath of a sexual assault, if a  
22 victim discloses it or talks about it, typically who does the  
23 victim report this to?

24 A So, we talked about formal reporting. Formal reporting,  
25 right, very, very minimal, amount maybe less than 15,



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1 20 percent. That would be to law enforcement or even medical  
2 or a rape crisis center. Very small percentage.

3 But what a lot of victims do do is because it's so  
4 psychologically overwhelming, is they will usually tell a  
5 friend, they'll tell their roommate, they might tell their  
6 ex-partner if they had a good relationship, they might tell  
7 their mother. So, they usually try to tell someone really  
8 because the overwhelming feelings that they're having are just  
9 too much to bear on their own and they need some support.

10 Q In these initial disclosures, do victims have difficulty  
11 actually discussing the facts related to the sexual assault?

12 A Absolutely, I mean, because we're talking about a  
13 psychological traumatizing event that overwhelms normal  
14 people's capacity to cope. So, if I'm going to talk about the  
15 details, that means that trauma is going to come right up  
16 centerfold, right here, and that's going to be too  
17 overwhelming to talk about.

18 Even patients who I have in treatment over the  
19 long-term spend a lot of efforts trying to talk around it, not  
20 wanting to talk about the details, not wanting to sort of  
21 address it head-on, because it's too psychologically  
22 threatening. So, we see when they tell, they might say some  
23 smaller pieces and that sort of disclosure, depending on the  
24 response they get, can unfold over time. It's not a  
25 dichotomous I-told-I-didn't-tell-and-it's-over, it's a process

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1 that unfolds over time.

2 Q These coping strategies, what do they accomplish for the  
3 victim?

4 A Well, they try to accomplish some sense of safety, some  
5 sense of control, some sense of feeling not so helpless, and,  
6 really, a way of sort of managing in a -- we say in a  
7 primitive way, in a very primitive way, that psychological  
8 distress, that anxiety, that depression, that shame, that  
9 humiliation. There's a lot of efforts to try to manage that  
10 and keep it in a box.

11 Q Are these strategies, these coping strategies,  
12 consciously or unconsciously employed?

13 In other words, does the victim know she's doing it?

14 A Both.

15 Sometimes they are. We do -- when we talk about  
16 avoidance efforts, there are conscious avoidance efforts.  
17 Something will come into your mind, it's like, I'm not going  
18 to think about that, I'm not going to talk about it, I'm going  
19 to do something else and distract me.

20 But what we know about sort of trauma is we say it's  
21 a cue-based disorder, meaning that something in the  
22 environment can trigger also us thinking about it. So, you  
23 could be walking down the street and see someone wearing the  
24 same khakis as your perpetrator, you can smell a perfume, you  
25 can smell an alcohol, you can see anything on TV these days.

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1           And when that gets triggered, there can be the  
2 voluntary response, conscious, shut off the TV, but there can  
3 also the unconscious response, and that's the dissociative  
4 response where all of a sudden they find themselves staring in  
5 a room, missing time, not aware of what's really going on,  
6 feeling kind of disconnected and having no feeling. And that  
7 would be an example of an unconscious process that could  
8 happen.

9       Q     Do these coping strategies sometimes interfere with the  
10 victim's abilities to recover from an assault?

11       A     Absolutely.

12           You know again, the first thing that we do is we  
13 avoid, we suppress, we deny, we push it out, we have some  
14 dissociative responses. So, the more that we do that, the  
15 less likely we are to allow it to come into our sort of  
16 conscious awareness and integrate the trauma, right,  
17 understand what happened.

18           And that can be dangerous because if the person is  
19 in an ongoing chronic abusive situation, normal response to  
20 trauma is to sort of bury it, avoid it, not think about it,  
21 and that puts her at risk for further abuse because she's not  
22 able to accurately identify what's going on. She's too much  
23 in the forest, not able to see the trees, and then she gets  
24 abused again and now we have more trauma and she gets abused  
25 again.

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1           So, it's this cyclical pattern that keeps happening  
2 where the individual never really gets to integrate and  
3 understand what's going on. And that leads to more profound  
4 helplessness, hopelessness, shame, embarrassment, humiliation,  
5 which makes it very difficult for her to extricate herself  
6 from that abusive situation or relationship.

7 Q     Victims who are utilizing these coping strategies, do  
8 they often appear normal?

9 A     So, we talk about it's the appearance of normalcy. And I  
10 talk about that with my patients all the time because  
11 sometimes my patients will say, People say to me you look so  
12 calm, you're so put together; meanwhile, they're stoic and  
13 freaking out inside.

14           So, one of the things we know about psychology is  
15 the outside doesn't always match the inside. And if somebody  
16 is traumatized, you're not necessarily going to see them  
17 running around screaming and crying and yelling. They're  
18 really trying to use everything that they can to feel control  
19 because this internal trauma process is making them feel very  
20 out of control because it's coming out of control; they're not  
21 trying to think about this stuff, but it's coming.

22 Q     In your experience, is it common for sexual assault  
23 victims to deny that the assault has occurred as the incident  
24 passes in time?

25 A     So, there's two types of denial.

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1           There's psychological denial, where we engage in  
2 that denial and minimization and rationalization of the abuse.  
3 Like I said before, maybe he didn't mean it, maybe he was  
4 drunk and it couldn't have really been that way, maybe I was  
5 to blame. So, there's some bits of denial that go in there.

6           And then denying sort of the factual elements of it  
7 happened when somebody is queried about did this happen and  
8 the person feels too threatened to say the truth is yes, and  
9 they deny and say that it didn't happen.

10 Q     Do victims sometimes redirect their distress towards  
11 someone else or something else?

12 A     In general, we all do when we are incredibly distressed  
13 or angry or anxious or upset and we can't sort of in a  
14 meaningful way address the person who caused that distress,  
15 sometimes we displace that anger on someone else. Maybe we  
16 yell at someone on the street who was getting in front of us  
17 on the subway or we yell at our mom because she's easier to  
18 yell at, but we can't be mad at the person that really the  
19 anger should be directed to.

20           So, displacement of anger is a very common  
21 psychological phenomena.

22 Q     While we're discussing disclosure of sexual assaults,  
23 does that process unfold over time?

24 A     Yes, it unfolds over time.

25           And that's part of the readiness of the individual

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1 to talk about this stuff. There are times when people have  
2 come into my office who have never told anyone. It would be  
3 erroneous for me to assume that in that first session I'm  
4 going to say, okay, tell me everything. That's not going to  
5 happen.

6 So, when you bury things, things have to come out  
7 sort of a little more in a piecemeal fashion, sort of gauging  
8 the person's psychological stability to handle it and their  
9 willingness to talk about it. So, it's a process that unfolds  
10 over time.

11 Q You were saying there are factors that impact a victim's  
12 decision to report a sexual assault?

13 A You mean a later assault or at the time of the assault.

14 Q Later on.

15 A Later on, I mean, that's what we see when we talk about a  
16 delayed disclosure, that the individual might not report the  
17 rape or sexual assault at the time of occurrence, within the  
18 immediate aftermath of the rape. But we do see a lot of  
19 reporting, and it may not be to law enforcement; it may be a  
20 therapist, a parent, in the media, as just circumstances  
21 change.

22 So, sometimes it's just the passage of time, where  
23 some of those trauma-based incidents have had an opportunity  
24 to abate and not cause so much havoc in the person's life.  
25 Sometimes there's just age and maturity, where the person

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1 feels like they have a better sense and handle on what  
2 happened and they can report. Sometimes there's a change in  
3 their dynamic with the perpetrator; so, if you've moved, if  
4 you've gotten a different job, if you're no longer under that  
5 coach, if you've left your boyfriend or girlfriend, those are  
6 situations that now have changed that dynamic that you may  
7 feel sort of strong enough and ready to report.

8 Certainly, there are external factors that happen.  
9 We know that when there are media reports of sexual assault in  
10 a variety of communities, that increases individuals going  
11 into therapy, calling rape crisis centers, and, also, reports  
12 to law enforcement. And that's because what they do is they  
13 see themselves in another victim who has come out.

14 Because this experience is often so isolating,  
15 people don't talk about it. So, they stay in their own world  
16 with their shame and humiliation, but then they see something  
17 in *The New York Post* or *The New York Times* and they say, Hey,  
18 that kind of looks like me and that story kind of sounds like  
19 me. Maybe I can deal with this now. Maybe I can talk about  
20 this now.

21 So, we do see with the media reports people are more  
22 likely to come into treatment or report to others.

23 Q Do all victims ultimately report their sexual abuse?

24 A Formally report or report in therapy?

25 Q Either one.

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1 A Again, those who don't report, we probably couldn't  
2 assess them because we wouldn't know because they wouldn't  
3 report it either in our studies or to law enforcement.

4 But there have been countless times where people  
5 have come into my office because of some external event that  
6 says I have to deal with this now, I've been burying this for  
7 20, 30, 40 years sometimes, and have told me, I was going to  
8 go take this to my grave. I was never going to talk about  
9 this ever again. I was never going to do this.

10 And they expend a lot of psychological effort to not  
11 talk about it, but that system eventually breaks down. The  
12 distress and the difficulties that come from that become too  
13 overwhelming so they have to deal with it and they come in the  
14 office.

15 Q Are the factors that impact a victim's decision to report  
16 a sexual assault, are they sort of uniform or are they unique  
17 to each specific victim?

18 A Well, clearly, they are unique to each specific victim.

19 We know that there's this host of factors out there,  
20 but they're really going to be mediated by the individual  
21 victim, her relationship with this perpetrator, the type of  
22 abuse that was perpetrated upon her. Was it a single  
23 incident? Was it multiple incidents? Was there other  
24 elements of psychological aggression and coercive control?

25 Is this person a person of authority? Does she have



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1 sort of tangible resources that she can do this? If she needs  
2 to extricate herself, can she do that? Does she have funds?  
3 Does she have a job? Does she have money?

4 And there's also, what we say, preexisting  
5 vulnerabilities that people have before the assault, the rape,  
6 or sexual assault. They may have had a previous sexual  
7 assault. We know that there's a high degree of  
8 revictimization, that individuals who suffered childhood abuse  
9 will be victimized later in life. That could get activated  
10 and now we have a double trauma someone's trying to deal,  
11 which could impact her.

12 They could have mental health issues without  
13 victimization. They could be suffering from depression or  
14 anxiety or other types of mental health issues, which lead to  
15 vulnerability to the abuse which impact her post rape  
16 adjustment and ability to disclose.

17 Q In your experience, is there a particular way victims of  
18 sexual assault remember their assaults?

19 A Well, the memory for assaults comes in many different  
20 ways. We do know that, for the most part, clinicians and  
21 researchers alike, that most people remember what happened to  
22 them, they remember their assault; however, when we have  
23 chronic assault and repeated assault, sometimes the details  
24 tend to blend together. And to sort of extricate what  
25 happened on what day becomes much more difficult because there

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1 have been successive and so many abusive incidents.

2 And the way that sometimes trauma is remembered,  
3 especially if someone is employing dissociation during the  
4 event, the way the memories get encoded sort of like  
5 flashbulbs, I have something here, I have something here, I  
6 have something here, and something here, but they don't feel  
7 linear, it's not A then B then C then D. It's not always a  
8 coherent narrative.

9 And over the course of therapy and time, those  
10 pieces tend to then eventually come in place. And sometimes  
11 they never come in place, but they know that these things have  
12 happened to them.

13 Q Thank you. Let's talk a moment about consequences.

14 What sort of empirical psychological consequences  
15 can victims experience as a result of being sexually  
16 assaulted?

17 A So, the empirical data is quite clear and quite robust on  
18 the psychological outcome of having been raped or sexually  
19 assaulted. What we see is anxiety, we see depression, we see  
20 post traumatic stress disorder, other trauma-based disorders;  
21 we see other associated symptoms of shame, of humiliation, of  
22 self-blame, of self-loathing; we see sexual problems; we see  
23 trust difficulties, especially if the perpetrator was someone  
24 in authority; we see interpersonal difficulties sort of just  
25 being able to relate with another person; we sometimes see

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1 other sort of health-related problems, like eating disorders,  
2 sexual problems, substance abuse problems.

3 So, it's a whole host of consequences that  
4 individuals experience in the aftermath of rape and sexual  
5 assault.

6 Q Do sexual assault victims oftentimes experience confusion  
7 or ambivalence?

8 A All the time.

9 Even when they are in treatment -- you know, I had a  
10 patient the other day tell me, you know, I know -- he was  
11 abused by his Boy Scout leader, and he said, I know it wasn't  
12 my fault, but I can never know it wasn't my fault.

13 He still believe it's his fault. Well-accomplished  
14 individual. That stays with him.

15 There are things that stay with individuals that  
16 continue to be difficulties for them to overcome this abuse.

17 Q Do victims of sexual assault engage in sort of an  
18 internal bargaining about whether or not to report the  
19 assault?

20 A Sure.

21 As I said before, for some victims, because when the  
22 perpetrator is somebody of high esteem and regard by others --  
23 not just them, but by others -- it never even occurs to them  
24 that they would report. It doesn't even enter their awareness  
25 that that was a possibility.

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1           For those who think that they might report, if it  
2 enters some cognitive process in their brain, they go through  
3 this cost-benefit analysis, like how is this going to work?  
4 What is going to happen to me if I report?

5           And, as I said, usually in the cases in a relational  
6 dynamic, there are a lot of other elements of psychological  
7 aggression, coercive control, and threats that the sexual  
8 assault is one piece, but now you have all of this other sort  
9 of threatening behavior that, you know, if I tell then  
10 something bad is going to befall me or my family or my  
11 friends. That cost-benefit analysis seems too high.

12           So, what victims do is say, well, I'm going to deal  
13 with this myself. I'm going to deal with this within the  
14 confines of this relationship or this situation.

15 Q    Do victims of sexual assault maintain their relationships  
16 with their close perpetrators?

17 A    Yes, they do.

18           And that's one of the things we talked about  
19 initially, that the majority, overwhelming majority, know  
20 their perpetrators. So, if you're in a relational dynamic, if  
21 it's a neighbor down the street, a rape victim might say, Hey,  
22 Bob. They might still say that.

23           If it's your boss, you have to go in every day and  
24 work and have a relationship. If it's your partner, if you're  
25 not able to, for a variety of reasons, extricate yourself from

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1 that abusive relationship, you still have to have a  
2 relationship with that person. So, that becomes also very  
3 psychologically confusing for the individual, and that's why  
4 those other defense mechanisms when you have to stay in that  
5 relationship, the avoidance, the denial, the minimization, the  
6 rationalization, are all of those psychological defense  
7 mechanisms that allow you to maintain the status quo until you  
8 can get out.

9 Q So, in addition to the defense mechanisms, are there  
10 obstacles that women in abusive relationships face in deciding  
11 whether to leave that relationship?

12 A Sure, there are a number of obstacles.

13 There are certainly, as I said, tangible resources,  
14 finances. Do you have a job? An apartment? Money so that  
15 you can live on your own? Do you have housing and food? Do  
16 you have sort of the internal resources that you believe that  
17 you can do it on your own?

18 One of the outgrowths of chronic abuse is that  
19 belief you've been so diminished, that you've been so  
20 degraded, that you don't even have a sense of your only  
21 self-worth and your own competencies. If you don't believe  
22 that, how are you going to get out?

23 Women who have children involved feel very big  
24 obstacles to get out of that relationship; fear that near the  
25 individual will take custody of the children or prevent them

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1 from seeing the children. A very big issue of getting out.

2 There's also love and attachment towards these  
3 individuals, towards your partner. People get into these  
4 relationships for all the right reasons. They don't get into  
5 them and say, oh, that's an abusive relationship, I want to go  
6 there. They get in because they want love and hope and  
7 companionship, like we all do, but then it turns and the  
8 tables start to turn and they turn suddenly and they turn in  
9 insidious ways that aren't just readily available and then,  
10 before you know it, you're knee-deep in and you can't get out.

11 So, that's what they want. They want the love and  
12 the companionship that -- that's why they got there in the  
13 first place, the good things, but they don't know how to get  
14 out of it now that they're been so battered and beaten over  
15 the course of time.

16 Q So, let's talk about this coercive dynamic.

17 Does that dynamic exist in certain types of  
18 relationships?

19 A Yes.

20 Q What types?

21 A So, an abusive relationship. When we talk about coercive  
22 control, it's not an incident-specific thing, it's a pattern  
23 of behavior that functions to first gain and then maintain  
24 power and control over another individual. And the way that  
25 it's obtained is through a variety of tactics that the

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1 perpetrator will use.

2           So, there will be physical abuse, there can be  
3 sexual violence, there can be psychological aggression, there  
4 can be stalking and surveillance behaviors, there can be  
5 economic abuse, there can be the shaming and the humiliation,  
6 the isolation. It's all of these tactics that function to  
7 entrap a woman in this relationship -- typically a woman --  
8 entrap her in this relationship and then prevent her efforts  
9 and resistance and escape to get out of the relationship.

10 Q    Let's talk about those moments, those behaviors.

11           But before I get to that, does age differential play  
12 a role in a coercive dynamic?

13 A    It certainly can when the person is much older and then  
14 having sort of more esteem, more power either in the family or  
15 the community, more access to funds than you will. But we've  
16 certainly also see coercive dynamics in people who have had  
17 similar ages as well.

18 Q    Let's talk about the types of behaviors you just  
19 mentioned. Let's start with physical abuse.

20           This coercive dynamic, can it result in control  
21 without actual physical violence?

22 A    Right, absolutely.

23           And that has also been studied, that if you have a  
24 perpetrator who is able to control, manipulate, entrap you  
25 verbally; where you go, who you see, who you talk to, what you

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1 watch on TV, who you look on Instagram, who you check on  
2 Facebook, who you answer a text to, when you use the bathroom,  
3 when you eat. Perpetrators use a lot of these sort of  
4 micromanaging, controlling aspects of an individual's own  
5 autonomy and liberty. When they do all of that, they don't  
6 need to hit them.

7 Q So, let's talk about psychological abuse for a moment.

8 Are you familiar with the term "gaslighting"?

9 A Yes.

10 Q What is gaslighting?

11 A The Gaslighting term originated out of a movie of the  
12 same name, Gaslighting. What it is is a behavior that  
13 functions to make you think you're crazy by telling you up is  
14 down and left is right.

15 And it is very crazy-making when somebody says, you  
16 know, Well, I wouldn't have to do have this if you only did A,  
17 B, and C. You know this is your fault.

18 Or, I told you to move the car. You didn't move the  
19 car.

20 And she says, But I did move the car.

21 No, you didn't.

22 That vest is blue.

23 No, it's not. It's green.

24 Like, sort of turning everything upside down where  
25 when that happens repetitively and over time in conjunction



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1 with all these other abusive behaviors, it functions to make  
2 the victim not trust her own perceptions, not trust her own  
3 judgment, and not really have a sense of what really is going  
4 on because she's continually told that she is to blame for  
5 what her perceptions are, are not accurate.

6 Q Do the perpetrators use negative information about the  
7 victims as leverage?

8 A Yes, absolutely.

9 You know, it comes in variety of forms. And these  
10 are -- threats are a very pivotal part of this coercive  
11 dynamic because what you want to establish if you're the  
12 perpetrator is you want to establish that there's negative  
13 consequences for noncompliance with me. There's going to be  
14 negative consequences if you don't do this.

15 So, there has to be a threat contingency in that  
16 negative compliance. So, often what we have is threats to  
17 call immigration services, threats to call the police or child  
18 services on you, threats to tell your mother this deep, dark  
19 secret; some of the naked photos, I'm going to send it to your  
20 work, I'm going to send an e-mail blast to everyone in your  
21 contacts.

22 So, those are things that obviously the victim does  
23 not want to happen, so it becomes a very real threat. Now,  
24 especially when that perpetrator has instituted sexual  
25 violence, he's demonstrated not only a willingness to talk

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1 about these threats and an ability to do it but he does it.  
2 So, when that threat has been seen and felt, the verbal  
3 threats now take on greater weight and greater salience.

4 Q And have you seen this in your private practice?

5 A Yes, very much so.

6 Q Let's talk about some of the manipulation techniques that  
7 you mentioned. Let's start with isolation.

8 What role does social isolation play in this  
9 coercive dynamic?

10 A Isolation functions to keep the abuse a secret and stop  
11 the victim from getting help.

12 So, if you don't allow the victim or you minimize  
13 the relationships of the victim that were once important, then  
14 they get taken off the table as a potential help-seeking  
15 resource.

16 You can't call your mother because she doesn't  
17 really understand what we are doing here, she doesn't really  
18 get us.

19 You can't call your sister because she just doesn't  
20 like me, she's going to say bad things about me. Maybe you  
21 shouldn't call her.

22 Now you're diminishing that victim's social network  
23 to sort of help her make sense of this dynamic that she finds  
24 herself embroiled in, so it functions to not allow the victim  
25 to have help-seeking and also to keep this abuse a secret.

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1 Q Now let's talk about indoctrination.

2 Does indoctrination play a role in this coercive  
3 dynamic?

4 A Yes.

5 Q How so?

6 A So, in indoctrination we think of -- also, we say  
7 psychological manipulation. So, making sure that the  
8 perpetrator is establishing dominance, that my views are the  
9 views and those are the views that you're going to accept.  
10 So, any other view doesn't have value here, there's no respect  
11 for your point of view, and there's no reason for you to offer  
12 anything independent of yourself.

13 And what that does is that continues to sort of chop  
14 away and diminish an individual's own sense of their  
15 independence, own sense of their individual capacity, their  
16 sense of their own autonomy and freedom of thought, the  
17 ability to have independent thought, comes to -- sort of  
18 erodes away at that. And, again, that will interfere with her  
19 ability to extricate herself from that relationship.

20 Q Let's talk about subjugation.

21 What role does subjugation play in a coercive  
22 dynamic?

23 A So, subjugation we see a lot in these cases of intimate  
24 partner violence and coercive control. Subjugation is really  
25 treating someone like a servant, treating someone like they're

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1 less than, treating someone like their job is to serve you,  
2 and you're continuing to put someone in a one-down position  
3 who doesn't have the same rights, responsibilities, as you do.

4 Q How about reporting?

5 Does reporting play a role in the coercive dynamic?

6 A Reporting to authorities?

7 Q Reporting information to the perpetrator.

8 A Oh, so, surveillance.

9 So, what we talk about is surveillance techniques  
10 that are a very integral part of these coercive control  
11 relationships in that they want to know, sort of really  
12 micromanage, all aspects of the victim's life: Where you go;  
13 who you see; what it says on the odometer; if the store was  
14 only five miles away and you went six miles, where did you go;  
15 you stopped at the store, you should have been in there five  
16 minutes for milk, how come you were ten minutes; where's the  
17 receipt; let me see your phone; who were you talking to; how  
18 long were you talking to this person; why are you talking to  
19 this person.

20 These are things that are normal things that if  
21 we're not in an abusive relationship we go through without  
22 second thought. I can go to store and buy milk and talk to  
23 someone for ten minutes and come home without being  
24 scrutinized.

25 And what that does is it creates the sense of the

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1 omnipotence, the omnipresence of the perpetrator, that it  
2 crosses time and space barriers, that they are wherever you  
3 are.

4 I've had clients, You have to pick up your phone on  
5 second ring. And if you don't, well, you know what's going to  
6 happen. You better answer.

7 You better answer this e-mail. You better text me  
8 right away when you're back.

9 I had a woman who was a nurse. She would have to  
10 run down the hall because he would call the nurses' station.  
11 If she didn't get there within ten seconds, he'd hang up, and  
12 then she'd get a beating later.

13 So, really trying to micromanage the individual's  
14 day where you feel like you have no escape. So, whether  
15 you're with the individual or not, they're using surveillance  
16 as a control tactic, permeating your existence.

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18 (Continued on the following page.)

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1 DIRECT EXAMINATION

2 BY MR. LESKO: (Continuing)

3 Q How about secrecy, does secrecy play a role?

4 A Well, secrecy is a pivotal role because if other people  
5 knew about the abuse presumably they would help get you out of  
6 that abusive situation. So, there are often many tactics to  
7 -- not to tell, to be told not to tell. But, you know, this  
8 is what happens here in our family or this happens here in our  
9 organization and this is what people do, and this is normal,  
10 trying to normalize the behavior, and this is what teachings  
11 are like, and also other minimizing behaviors and blaming  
12 behaviors that, you know, if you didn't act this way and if  
13 you weren't so incompetent and stupid, I wouldn't have to  
14 check your phone, I wouldn't have to check your texts. So  
15 these demeaning behaviors that are meant to sort of reinforce  
16 the perpetrator's use of control but are also demeaning  
17 towards you.

18 Q And how about intimidation, does intimidation play a  
19 role?

20 A Intimidation is huge because it creates that contingency.  
21 Right? You intimidate someone with the presence of a threat,  
22 with the presence of a credible threat of what will happen if  
23 A then B. If you tell someone about this, or if you try to  
24 leave, you know, I'm going to send that to everybody in your  
25 G-mail. So that really is a way of keeping the victim in the

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1 relationship. And it's also a way of, again, continuing to  
2 establish dominance. Right? That is the goal, to maintain  
3 power and control over another partner, over another  
4 individual and that's how they do it.

5 Q How about stalking, does stalking play a role in the  
6 coercive dynamic?

7 A Right. So, stalking is part of the surveillance  
8 behavior. Stalking is when that person ends up showing up at  
9 your work, showing up at the bus stop, making sure you're  
10 getting on the bus on time, showing up at your mom's house or  
11 your friend's house because you said you were going to be  
12 there. So, again, no sense of that individual autonomy that  
13 you can't go anywhere without sort of found and attacked and  
14 berated by this individual.

15 Q In your experience, do perpetrators assert control over  
16 the victims bodies?

17 A Right. So that's another element of these severe  
18 elements of coercive control that they really try to  
19 micromanage the person's sort of physical health, their  
20 physical hygiene, their eating habits, when they can use the  
21 bathroom, what kind of menstrual products they can use, they  
22 inspect their bodies for signs of sexual infidelities, looking  
23 at their undergarment, examining their vagina to see if they  
24 had sex, all of these very invasive type of procedures to sort  
25 humiliate, degrade, and then trap a woman in that situation.

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1 Q How about shame and humiliation, do they play a role in  
2 the coercive dynamic?

3 A So, clearly all of those other things that I talked about  
4 are very shameful and humiliation, and the more that you can  
5 sort of shame a person, the worse that they feel about  
6 themselves. So, you have, you know, sort of a victim who  
7 starts here and we're in this happy relationship and now  
8 you're controlling her, you're isolating her, you're  
9 surveilling her, you're stalking her, you're checking her  
10 body, you're threatening her with form, you're sexually  
11 assaulting her, you're telling her when she can eat, when she  
12 can go out, who she can talk to, who she can talk on her phone  
13 with, and on the now she's down here, but I need her to be up  
14 here to leave. And that's the problem, it has a cumulative  
15 detrimental effect on the psychological functioning of the  
16 individual.

17 Q How about emotional abuse or degradation?

18 A Again, another way to keep the victim in that one-down  
19 position and that's offensive comments, constant criticism,  
20 belittling her thoughts or feelings or ideas or actions,  
21 saying a lot of sometimes slurs, racial slurs, gender-based  
22 slurs to the individual, you know, attacking something that  
23 they may hold dear, whether it is their parenting capacities  
24 or their work, something that they did have some esteem about,  
25 and, again, continues to just chip away at things that, you



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1 know, were once positive for this individual. And one of the  
2 things we know is, you know, the more someone tells you you're  
3 stupid, eventually you begin to believe it.

4 Q In your experience, what do all of these behaviors or  
5 techniques, what do they accomplish?

6 A Well, the goal is to maintain that power over that  
7 individual. The goal is entrapment. The goal is accomplished  
8 when you get to run the rules the way you want them, when you  
9 want them with no regard for the impact on the victim. So  
10 it's a very self-serving selfish accomplishment that these  
11 tactics attained.

12 Q And does this dynamic happen over night?

13 A No. Absolutely not. As I said, it is insidious. It  
14 happens over time. So, in the beginning, the good might be  
15 more than the bad and then all these tactics start happening  
16 and all of a sudden the bad is absolutely outweighing the  
17 good. The problem is now the victim is psychologically  
18 comprised that how is she going to have the psychological  
19 resources to have active resistance efforts to this abuse and  
20 figure out a plan to extricate herself from the abuse.

21 Q Let's talk a bit about economic issues. What sort of  
22 behaviors can be described as economic abuse?

23 A So economic abuse can be where the person who has the  
24 power and control manipulates the finances, has control over  
25 the finances, doesn't allow you to have access to a debit

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1 card, to a slush fund, to money for things. It's all dictated  
2 about what he would like to give, when he would like to give  
3 it.

4           You know, it doesn't allow for the individual  
5 sometimes to have a job. Sometimes people have a job that  
6 they have to come home and give the check right to their  
7 partner who will control it. So it takes away that real  
8 tangibility to have resources to leave that relationship and  
9 also as a way of just sort of demeaning and demoralizing the  
10 victim as if she has no independent agency, that she can have  
11 her own job and own money without being dictated to every  
12 second of every day.

13 Q    In coercive relationship with this dynamic in place, is  
14 the sexual abuse typically isolated to one incident or does it  
15 occur over a number of times, over a period of time?

16 A    In a relational dynamic where there is some sort of  
17 ongoing contact in sort of either a relation or organizational  
18 contact with that individual, usually we're going to see  
19 multiple and repeated sexual assaults. It's typically not a  
20 single incident in that coercive control dynamic.

21 Q    So, why does a victim remain in that relationship?

22 A    All right. So I always say that, you know, that's the  
23 number one question that's those of us who work in this field  
24 get asked and one of the things that we know is that, you  
25 know, it's not that victims remain because they're unconcerned

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1 about what happened. It's not that they remain because they  
2 are unconcerned about being assaulted and about being abused.  
3 Of all of the hundreds and hundreds of individuals that I have  
4 evaluated I have not met one woman who was not concerned about  
5 the violence and the sexual violence and the coercive control.  
6 But what they do have is this sense of powerless, this sense  
7 of passive resignation that nothing I do works, there's  
8 nothing that I can do that can get me out of this situation.  
9 And that belief is maintained by all of these abusive  
10 behaviors that I just talked about: If you're stupid, if  
11 you're less than, you're not competent, you don't know what  
12 you're doing, I have to dictate everything. You lose that  
13 sense of your own individual decision-making.

14           So when we do look at what the studies have shown us  
15 and in my clinical experience, we know that women do  
16 something. It just doesn't stop the violence and the abuse  
17 and the coercive control. We know that, even from our work  
18 with the perpetrators, the only person who can stop that  
19 violence and abuse and sexual assault is the perpetrator.  
20 He's the one who determines whether he wants to be  
21 controlling, if he wants to be manipulative, if he wants to  
22 sexually assault. The onus rests on him. So, the efforts  
23 that the woman uses sometimes are not effective. So what we  
24 try to do is try to figure out what else can she do in that  
25 relationship to help get out.

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1 In the beginning, what women often end up doing is  
2 these informal strategies, these placating strategies. They  
3 try to placate their abuser. They try to anticipate demands  
4 because they're getting to know the run of the show at this  
5 point. They comply with expectations even before asked  
6 because they think that's going to keep things calm. They try  
7 to talk with their abuser and say this isn't working, I don't  
8 want this, you know, and sort of have moments where they can  
9 have some autonomy and agency about what's going on.

10 So they do a lot of things within the confines.  
11 Some women fight back physically, some people fight back, sort  
12 of passive resistance fighting back. Some people curse and  
13 yell at their abuser, like everyone would in a relationship,  
14 if you're angry about things.

15 So all of those things happen, but they happen  
16 within the confines of the relationship and they're not geared  
17 in the beginning toward getting out of the relationship.

18 Q And is that conclusion also present in situations with a  
19 power imbalance, like a boss or a priest or a boy scout  
20 leader?

21 A Right. So they do -- victims often are going to adapt to  
22 these compliance strategies, these strategies that sort of on  
23 their face makes it look like nothing's wrong, that  
24 everything's fine, right. And there's a benefit for the  
25 victim to make it seem like nothing's wrong because

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1 confronting the perpetrator is a very dangerous proposition  
2 because of those threats and you don't know what else he is  
3 capable of.

4 We do see that, you know, saying the same things  
5 and, you know, after having been sexually assaulted, you know,  
6 a perpetrator might get a text later in the day oh, it was so  
7 nice to see you earlier. Well, it wasn't nice to be raped,  
8 but I'm going to keep you happy because I know that's what you  
9 want to hear because that's going to try to keep me safe.

10 MR. LESKO: Your Honor, now would be a good time for  
11 a break.

12 THE COURT: All right. Let's take our morning  
13 break. All rise for the jury.

14 (Jury exits the courtroom.)

15 THE COURT: All right. You may stand down. We are  
16 going to take a 10-minute break.

17 THE WITNESS: Thank you.

18 (Witness steps down.)

19 (Recess taken.)

20 THE COURT: Just a minute. I have a question on the  
21 limiting instruction. Any problems with the limiting  
22 instruction?

23 MR. LESKO: Well, I mean --

24 THE COURT: Yes.

25 MR. LESKO: Is Your Honor still considering?

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1 THE COURT: I thought I might just give it. It is  
2 plain vanilla, as far as I'm concerned. We give it all the  
3 time.

4 MS. PENZA: May we have a moment?

5 THE COURT: Yes. I am not going to give it before I  
6 hear from the parties.

7 MR. LESKO: If we could have one second.

8 THE COURT: Yes. Of course.

9 MR. LESKO: Your Honor, this is fine with the  
10 exception of we do object to the second paragraph, second  
11 sentence. The sentence reads "It's offered for you to  
12 consider in evaluating the complainant's behavior before,  
13 during, or after the alleged commission of a crime. We  
14 actually think it would be appropriate to modify that sentence  
15 and have it include victims and perpetrators and not  
16 complainant because we're not in a situation where there is a  
17 single complainant here.

18 THE COURT: Why do we need that sentence at all?  
19 The witness has already indicated that she hasn't looked at  
20 any of the materials.

21 MR. LESKO: I agree. Actually, to be precise, I  
22 think the more appropriate -- I mean, I think it is  
23 appropriate to instruct the jury that they can consider Dr.  
24 Hughes' testimony in evaluating the behavior of victims and  
25 perpetrators in the context of sexual assaults. But you are

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1 right. She is not opining on the specific alleged crimes.  
2 She is not opining on any particular complainant's behavior.  
3 She is offering very general testimony.

4 So, Ms. Penza corrects me, and it shouldn't just be  
5 isolated or focused on sexual assault because the expert is  
6 opining on coercive relation and dynamics. That obviously is  
7 a technical term, so if we can make that into a layperson's  
8 term.

9 MR. der OHANNESIAN: Judge, if I could be heard, but  
10 I would like to do it outside the witness' presence.

11 THE COURT: We will take it up at lunch time again.  
12 I am not going to do it now.

13 How long do you have for the witness?

14 MR. LESKO: Five, maybe ten more minutes.

15 (Jury enters the courtroom.)

16 THE COURT: Please be seated.

17 You may continue your examination of the witness.

18 I remind the witness that she is still under oath  
19 by.

20 MR. LESKO: Thank you, Your Honor.

21 BY MR. LESKO:

22 Q So, Dr. Hughes, when we left off, I believe you were  
23 discussing this coercive dynamic involving perpetrators and  
24 victims. And in these relationships, are the abusive acts  
25 that you have discussed often interspersed with times of

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1 normalcy or positive moment?

2 A Yes. Absolutely. What we know is nothing happens  
3 100 percent of the time, but you see overarching dynamic of  
4 the coercive control and the sexual violence that typifies any  
5 relationship, and what we do see is times where there isn't  
6 abuse, where there are times when the individual is kind, when  
7 there's time when the individual is giving some loving and  
8 caring sort of behaviors and emotions to that individual. So  
9 that is very common. And what that does is it makes the  
10 victim sort of yearn for and want that piece of that  
11 individual, right. That's why they got into this situation in  
12 the first place, for the love, the kindness, the teaching, the  
13 camaraderie, the family.

14 Those are the reasons that they get into the  
15 relationships. So when those resurface, it creates a very  
16 sort of conditioned response, almost like a slot machine,  
17 that, you know, I want to keep going because maybe I'm going  
18 to get more of this and maybe it really wasn't so bad and  
19 maybe he didn't really mean to do the things he did. But then  
20 the abuse starts again. So it's a sort of cyclical pattern  
21 that happens. But normalcy is why individuals want to remain  
22 in the relationship and the abuse is why they want to leave.

23 (Continued on following page.)

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1 EXAMINATION CONTINUES

2 BY MR. LESKO:

3 Q Is that confusing to victims?

4 A It's confusing for us to talk about, just imagine how  
5 confusing it is for someone who has to live it. It's  
6 incredibly psychologically confusing because you're trying to  
7 really assimilate two diametrically opposed parts of an  
8 individual. Someone who is going to hurt you, abuse you,  
9 micromanage you and, you know, demand obedience over you is  
10 someone who is now, you know, loving and fine and listening to  
11 what you have to say and telling you you're beautiful, and how  
12 do you reconcile two really irreconcilable differences?

13 Q So, in your experience, does the victim's inability to  
14 leave this sort of coercive relationship indicate that she  
15 actually wants to be abused?

16 A Absolutely not. Some of those theories came out with  
17 Freud back in the 18th Century, the beginning of the 19th  
18 Century, that individuals who are victimized or abused are  
19 masochistic, meaning that they wanted it to come upon  
20 themselves. Those theories have been steadfastly [sic]  
21 debunked. As I said before, I've never met one woman who  
22 wanted that.

23 So, the fact that they are in the relationship and  
24 having a hard time to get out is just really emblematic [sic] of  
25 the strategies that the perpetrator is using to keep them in

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1 the relationship, to keep that dominance, to prevent her from  
2 leaving, imposing those threats, and then her own sort of  
3 psychological confusion and difficulty trying to problem solve  
4 and actualize a way out.

5 Q So, Dr. Hughes, when this coercive dynamic is in full  
6 effect, when sex happens is it consensual?

7 A I mean, sometimes it can --

8 MR. Der OHANNESIAN: Objection. That's leading.

9 THE COURT: You may answer.

10 A So, it's complicated and you have to really look at the  
11 unique factors of each situation.

12 Sometimes it is consensual because the person is  
13 looking for that love and that care and that sort of positive  
14 regard that they really wanted, but other times it's not. And  
15 when I speak to individuals who I'm treating or I'm  
16 evaluating, and I say, you know, Well, why didn't you just say  
17 no? And they look at me like I have five heads. Like, that  
18 is not even a possibility, I can't say no.

19 So if no is taken off the table, then consent is not  
20 freely and knowingly given. If you feel that because there  
21 will be negative consequences for you saying no, or refusing,  
22 then that's not consent.

23 Q Now we talked about the coping strategies of compliance  
24 and submission and I think peace-making, you may have  
25 mentioned, that all -- that sort of group of strategies.

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1 Can those strategies, those coping strategies,  
2 result in behavior that appears to be consensual?

3 A Sure, absolutely.

4 As I said before, if you see somebody who is acting  
5 in a kind way toward their partner and being -- trying to be  
6 loving and trying to engage them, and trying to sort of pull  
7 out and pull for that emotional attachment which they are sort  
8 of desperately wanting after being so abused and berated, you  
9 know, it may seem that it's consensual. So we need to sort of  
10 step back and make sure we're evaluating, you know, all of the  
11 circumstances to really determine sort of where does the  
12 consent lie here and where is her power and her autonomy to  
13 say no.

14 Q So how are you able to determine whether that  
15 relationship was actually consensual or not?

16 A So, what I do is I am able to sort of sit and I go  
17 through all of these type of behaviors. I look at the  
18 isolation. I look at the shaming and the humiliation. I look  
19 at the control and the micromanaging. I look at the degrading  
20 behaviors. I look at, you know, the surveillance and stalking  
21 behaviors. And then I say, If all of this wasn't here, would  
22 you have had sex with him? And I get almost a resounding,  
23 Nope.

24 Q In your experience after extricating themselves from a  
25 coercive relationship of the type you've described, how do

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1 victims feel about having remained in that relationship?

2 A It's a really, really tough time. They often feel a  
3 tremendous amount of shame, a tremendous amount of self-blame  
4 and self-loathing. They often say to me, I was so stupid.  
5 How could I have been so stupid? How did I not see it? How  
6 did I not know all of this was going on?

7 So there's really a lot of that sort of unpacking of  
8 understanding the full breadth of what the person experienced  
9 and then sort of helping them to work through those initial  
10 responses of just that, you know, utter shame and sort of  
11 self-blame about the abuse that was perpetrated on her.

12 MR. LESKO: No further questions, Your Honor.

13 THE COURT: Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. Der OHANNESIAN:

16 Q Good afternoon -- good morning.

17 A I think it's afternoon. Good afternoon.

18 Q Good afternoon, Dr. Hughes. My name is Paul  
19 der Ohannesian and I represent Keith Raniere in this matter.

20 I will give you a chance to answer my questions, but  
21 if you don't understand them, please tell me. And if I  
22 haven't given you a chance to answer, please tell me also.

23 A Okay.

24 Q I want to understand a little bit about what you do now.

25 I think you said you see clients in a private

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1 practice; is that correct?

2 A That's correct.

3 Q You also do consulting work, such as you're doing in this  
4 case, correct?

5 A Correct.

6 Q Then you have a third thing that you do at Weill; is that  
7 correct?

8 A At Weill Cornell Medical Center, yes.

9 Q In terms of the income that you make, what percentage  
10 would you say derives from your clinical work seeing patients?

11 A Of my total?

12 Q Yes.

13 A Probably have to ask my accountant. Probably around 35,  
14 40 percent.

15 Q And what percentage of your income derives from doing  
16 consulting work as you're doing in this case?

17 A That would be the remainder. So...

18 Q So about 35 percent from seeing clients and about  
19 65 percent from seeing -- or doing forensic and consulting  
20 work, correct?

21 A And sometimes 60/40. I mean it varies and fluctuates,  
22 although the clinical tends to stay more steady and the  
23 forensic stuff comes and goes.

24 Q Now, at Weill Medical College here in New York City, in  
25 your position, do you have a research requirement to fulfill?

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1 A I do not.

2 Q In your position as this -- in some type of assistant  
3 professor, you said?

4 A Clinical assistant professor of psychology in the  
5 Department of Psychiatry.

6 Q Okay. And is there any type of writing requirement, in  
7 terms of having to submit articles to professional jurors to  
8 maintain that position?

9 A You mean professional journals?

10 Q Yes.

11 A Okay. There is no requirement for that. We are required  
12 to submit what our professional activities are over the course  
13 of the year and in those questions are, have you presented at  
14 a conference? Have you done a journal?

15 So they do tally that information, but it's not a  
16 requirement of -- of the position.

17 Q And, again, the requirement I'm discussing is having to  
18 publish peer-reviewed articles; that is not part of your  
19 requirement at Weill?

20 A That is not.

21 Q There are individuals who are on the faculty who must do  
22 that, that is submit professional articles, correct?

23 A Individuals who have full-time faculty positions;  
24 typically, in those positions you are required to publish  
25 papers in your field of specialization. My position is what

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1 we saw as a voluntary faculty position, so we do not get paid  
2 actually for the work that we do, but we are not required to  
3 publish and conduct research.

4 Q And so your title is voluntary clinical assistant  
5 professor?

6 A I think my title is clinical assistant professor of  
7 psychology in the Department of Psychiatry. I'm just  
8 elucidating for the jury that that's a voluntary position,  
9 meaning I'm not receiving an income from that position.

10 Q But Weill specifically has the title "voluntary" next to  
11 your name on the website, correct?

12 A I haven't gone on the website, but perhaps.

13 Q And the faculty handbook specifically states that  
14 voluntary is a specific title at the medical college, correct?

15 A Right, we're part of the voluntary faculty, we're part of  
16 the voluntary faculty Listserv.

17 Q So just so we're clear here in the courtroom, you don't  
18 get any money for doing anything at Weill Medical College?

19 A That's correct.

20 Q And, right now, about how many clients would you say that  
21 you are actively treating?

22 A About 20 to 25 clinical hours per week.

23 Q Hours or patients?

24 A Hours. Some people I see twice a week.

25 Q So about how many clients are you currently attending to

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1 in your practice?

2 A Well, I have some people who come once a month. Some  
3 people who come, you know, once every other week. So, again,  
4 it's about 25 people who I would say are on my active roster,  
5 and then I see about 25 clinical -- between 20 and 25 clinical  
6 hours a week.

7 Q So those 25 folks you're saying may not be there each  
8 month?

9 A I mean it's hard to assess. I mean some might be  
10 traveling and not be there a perfect month, but they're still  
11 on my -- under my clinical care and on my caseload. I have  
12 not closed them out.

13 Q Okay. How many folks would you say you've seen in the  
14 last 30 days in your practice, different individuals?

15 A Again, I see about 20 to 25 clinical hours per week.

16 Q Those are hours. How many --

17 A Patients, right.

18 Q Patients?

19 A I have one patient per patient hour, yes. But some  
20 patients may come twice, so there may be some duplicates.

21 Q And for how many years have you been doing what might be  
22 concerned courtroom or forensic work?

23 A Since the very beginning, since I was licensed. So since  
24 1998, at the same time I had opened my private practice.

25 Q And have you ever testified on behalf of an individual



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1 who has been accused or alleged to have engaged in an act of  
2 sexual assault?

3 A I have not.

4 As part of the defense?

5 Q I didn't ask -- I said, have you ever testified on behalf  
6 of an individual who's been accused of a criminal act of  
7 sexual assault?

8 A As part of the defense, no. I've testified as part of  
9 the prosecution in those matters, but not the defense.

10 Q In other proceedings?

11 A Correct.

12 Q Not on behalf of someone who's ever been accused of a  
13 sexual assault, correct?

14 A Correct.

15 Q In your practice, do you currently treat or see anyone  
16 who has been accused of sexual assault?

17 A I do not. I do not treat offenders.

18 Q And would it be fair to say that, in your entire  
19 practice, you have never treated or met an offender in the  
20 course of your professional work?

21 A That's not correct.

22 Q In the course of your treating individuals in your  
23 office, have you ever treated an individual accused of sexual  
24 assault?

25 A So I have treated, as I stated earlier, in the family

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1 violence program, male batterers who were court ordered for  
2 treatment. I've also consulted and treated individuals, men,  
3 who have been in violent relationships and doing protocolized  
4 [sic] treatment with them to help them to stop their violent  
5 behavior.

6 Q Was your statement a few minutes ago that you do not  
7 treat offenders?

8 A Sex offenders.

9 Q Correct. And I believe you indicated that, in this  
10 matter, you told Mr. Lesko you're getting \$500 an hour; is  
11 that correct?

12 A Correct.

13 Q And you keep track of your hours in this case?

14 A I do.

15 Q And how many hours have you spent to date on this case?

16 A Well, I haven't tallied it up to this point, but probably  
17 around 20, not including today.

18 Q Is there any --

19 A More or less. I haven't tallied up the hours, so I am  
20 sort of making a best estimate.

21 Q So is that a guess or is that an estimate?

22 A I guess it's a guesstimate.

23 Q Okay.

24 And is there any agreement in terms of an amount  
25 that you could be compensated in this case?

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1 A I think there was -- in the contract that was sent to me,  
2 there was -- which is what often happens with agencies, what  
3 the -- the most that was allowed or was admitted and I don't  
4 actually recall what that was, though.

5 Q You don't recall what that was?

6 A I don't recall what that was.

7 MR. Der OHANNESIAN: Could I show the witness a  
8 document?

9 THE COURT: Okay.

10 BY MR. Der OHANNESIAN:

11 Q First of all, do you recognize what this is?

12 A I think I have seen it before. It's part of the contract  
13 that was e-mailed to me from the U.S. Attorney's office.

14 THE COURT: DX-815.

15 Q Is this the contract that you were referring to?

16 A It's one piece of the contract. It's not the entire  
17 contract.

18 Q Does this refresh your recollection as to what that  
19 amount was in your contract with the Government?

20 A Yes.

21 Q Okay. And what is that amount?

22 A The total amount allowed is \$19,000.

23 Q Thank you.

24 And when were you first contacted in this case?

25 A In the beginning of March.

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1 Q Of this year, 2019?

2 A Correct.

3 Q And I think you said you received some information on  
4 this case from -- you didn't receive any information from the  
5 Government, correct?

6 A Correct.

7 Q And you received information from outside sources?

8 A Well, I didn't receive information. I do read The New  
9 York Times daily and I had seen some of the headlines. So I'm  
10 quite busy, I didn't have time to read all the articles, but I  
11 saw, you know, a couple of the snippets and the opening  
12 paragraphs of some Times articles.

13 Q Other sources also besides The New York Times?

14 A Maybe the New York Post.

15 Q Do you believe everything you read in the newspaper?

16 A Well, that's why I qualified it.

17 Q In fact, I think you said one thing you knew about this  
18 case was that Mr. Ranieri was from an isolated community in  
19 New York State. Do you recall making that phrase?

20 A I do.

21 Q Okay. And when you say isolated community, what do you  
22 mean by that phrase?

23 A I think I was referring to the self-help community, sort  
24 of in that -- encapsulation of that group, not necessarily  
25 that Albany is an isolated town in New York State.

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1 Q Well, do you know whether it was in Albany or someplace  
2 else?

3 A I believe it was outside of Albany, but again I'm not  
4 well-versed in sort of the intricacies of all of that.

5 Q Do you have any reason to doubt that Clifton Park,  
6 New York, is a very suburban, middle class community?

7 A If that's true, I have no reason to doubt that.

8 Q Have you ever been there?

9 A I don't believe I have.

10 Q You've been to Albany?

11 A I have been to Albany.

12 Q To testify?

13 A I have.

14 Q Any other professional associations with upstate  
15 New York?

16 A I've testified in various counties in upstate New York.

17 Q Most recently what county?

18 A In upstate New York?

19 Q Yes.

20 A I guess Erie County. I've been in Oneida County. I've  
21 been in Dutchess County.

22 Q And Dutchess is where Poughkeepsie is?

23 A Correct.

24 Q That's where you testified most recently?

25 A Correct.

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1 Q Just to verify, in this case you've received -- excuse  
2 me, you've met no individual who has been identified as a  
3 witness in this case; is that fair to say?

4 A That's correct. I've met no one, I've seen nothing.

5 Q And I think you said you've reviewed no testimony in this  
6 case, correct?

7 A Correct.

8 Q And you've reviewed no statements from any individual,  
9 correct?

10 A Correct.

11 Q And that's true with respect to your online work that you  
12 may have come in contact with; is that fair to say?

13 A Correct.

14 Q In your practice you do rely on what you see and hear  
15 from individuals face-to-face, right?

16 A In my clinical practice?

17 Q Yes.

18 A Yes.

19 Q And you use the face-to-face direct contact to form  
20 impressions and opinions, correct?

21 A Correct. I mean certainly that can be buttressed by  
22 other information; I mean, sometimes we talk to family  
23 members. Sometimes I'll review their medical records or prior  
24 treatment records. So, if I need more information, I will get  
25 those third-party information.

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1 Q And in fact, it is helpful to you to have third-party  
2 information in evaluating individuals and what happened to  
3 them, correct?

4 A Right. So when I do a forensic evaluation, it's much  
5 different than what a clinical evaluation is. So the forensic  
6 evaluation is much more comprehensive, much more complex, in  
7 that I am looking at a variety of sources and witness reports  
8 and police reports and medical records and witness statements,  
9 and doing psychological testing and talking to people. So  
10 it's a much more comprehensive evaluation than in a clinical  
11 practice.

12 Q In this case, are you making a forensic evaluation?

13 A I am not.

14 Q And in this case, you are not testifying to an opinion on  
15 the psychological characteristics of any particular  
16 individual, correct?

17 A Correct.

18 Q And you agree that a psychologist, such as yourself,  
19 cannot give an opinion on psychological characteristics of an  
20 individual when he or she has not assessed that person?

21 A That's a generally fair statement.

22 Q Is that a state -- or is that a principal required by  
23 your Code of Ethics of the American Psychological Association?

24 A Well, you can't diagnose an individual. I mean,  
25 certainly some psychologists or psychiatrists can talk about

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1 characteristics they see in a person on TV, that does happen.

2 I, you know, try not to do that.

3 Q You would agree that the American Psychological  
4 Association, which you are a part of, states that a  
5 psychologist should only render an opinion of an individual  
6 after an examination of the individual adequate to support the  
7 statement or conclusion?

8 MR. LESKO: Objection.

9 THE COURT: You may answer.

10 A Correct. I agree with that.

11 Q I think this morning we've heard the phrase "in your  
12 experience." Right? You were -- you were asked many  
13 questions about your experience, correct?

14 A I don't know if it was many, but I'm sure I used the  
15 phrase.

16 Q You heard -- I think Mr. Lesko used the phrase in asking  
17 you the questions. And you are coming here today giving us an  
18 opinion based on your experience, correct?

19 A Based on my experience, but also my read and my knowledge  
20 of the empirical literature in the field I've been part of for  
21 over twenty years.

22 Q Let's talk about your experience.

23 So you said twenty years you have been in clinical  
24 practice, correct?

25 A Twenty-plus, so twenty-one.



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1 Q Okay. And among the individuals that you see in your  
2 practice, do each of them present with a history of sexual or  
3 intimate violence?

4 A Not each one of them.

5 Q Do you treat people with anxiety disorders?

6 A Yes.

7 Q Okay. And the people that you're treating with anxiety  
8 orders do not necessarily have anything to do with the  
9 dynamics of sexual assault complaining?

10 A Right, I have some people in my practice who do not have  
11 a trauma history.

12 Q And when individuals come to you in a clinical setting --  
13 can we call that a clinical setting?

14 A Correct.

15 Q Is that fair?

16 A Yes.

17 Q And a clinical setting could be in the psychologist's  
18 office, correct?

19 A Correct.

20 Q It can also be in a clinic setting in a hospital,  
21 correct?

22 A Correct, or a community-based program. There is a  
23 variety of, you know, venues where we can do clinical  
24 practice.

25 Q It's fair to say a clinical setting is a term of art that

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1 psychologists use?

2 A I guess so, yeah. I -- using clinical work being a  
3 clinical psychologist.

4 Q I mean you could talk to people who say they've been  
5 traumatized outside of a clinical setting, correct?

6 A In what capacity? As a layperson?

7 Q Yes. Just talk to them and hear what they've got to say.

8 A For the purpose of what?

9 Q Let me put it --

10 A Okay.

11 Q Let me try to narrow it. I think it's simpler than you  
12 and I are making it.

13 In your office, that's what's called a clinical  
14 setting, correct?

15 A I differentiate the clinical setting as opposed to,  
16 perhaps, the example you're giving me as talking to someone in  
17 the grocery line about a trauma or rape.

18 Q And that does happen, because of your job, people come to  
19 you and ask you a question about a psychological matter?

20 A It does.

21 Q That happens to professionals?

22 A It does.

23 Q Now, when you speak to an individual in your practice,  
24 these are individuals who claim they were sexually abused,  
25 correct?

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1 A Again, some percentage of my patients, yes.

2 Q Right, and that's important, not a hundred percent of  
3 your clients are claiming to be sexually abused. There can be  
4 other forms of trauma that you deal with, correct?

5 A Correct.

6 Q And I think that's what you told us, that you're dealing  
7 in your experience with different forms of trauma?

8 A Correct. But mostly interpersonal violence trauma. I  
9 mean, the other forms of trauma are -- like I did a lot of the  
10 work on the 9/11 terrorist attacks and that -- that has sort  
11 of died down. People who have been in a motor vehicle  
12 accident would be a traumatic event. Someone who lost someone  
13 suddenly to suicide or a traumatic event.

14 But that's not the bulk of -- my practice is really  
15 more the interpersonal violence type of events.

16 Q Interpersonal violence could be domestic violence, for  
17 example?

18 A Yes.

19 Q Without any sexual assault involved?

20 A Yes, but the data shows there's a tremendous amount of  
21 sexual assault in these domestic violence situations.

22 Q May or may not, correct?

23 A Right, I'm just saying that's what the data shows. So it  
24 has to be assessed and it has to be examined.

25 Q And when you speak to individuals in your practice, you

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1 assume that they have been sexually assaulted when they report  
2 that to you?

3 A I don't assume. I -- I do a comprehensive evaluation to  
4 understand the facts that they're bringing to the treatment.

5 Q And do you go to third parties to verify the information  
6 they give you about their alleged victimization?

7 A No, not in a clinical setting.

8 Q Exactly, because in a clinical setting, it would not be  
9 expected that you would go out to verify the claim, correct?

10 A Correct.

11 Q And you have used your interactions with individuals  
12 presenting to you with their stories of interpersonal issues  
13 to give opinions today, correct?

14 A To sort of elucidate some of the facts and to talk more  
15 sort of real about some of the things that we see in our  
16 clinical practices, yes.

17 Q And when individuals come to you -- and again you take  
18 their word for it, as a clinical setting, and you deal with  
19 what their complaint is to you, correct?

20 A Well, I certainly make an assessment as to what they're  
21 telling me; does it make sense? Does it sort of fall in, you  
22 know, what I have listened to and learned over the course of  
23 all of my training.

24 If it doesn't, then I might be askance and do  
25 something else, but I don't just sit blindly back and say

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1 okay. I mean, I certainly do a comprehensive assessment of  
2 the individual.

3 Q And do you engage in psychological testing of those  
4 individuals?

5 A Sometimes.

6 Q And sometimes not?

7 A And sometimes not.

8 Q And the psychological testing may or may not be helpful  
9 to you in assessing what happened to them, correct?

10 A Correct. It's more to assessing their current  
11 symptomatology as they're coming in the door.

12 Q And if someone came to you with a complaint of  
13 interpersonal violence, as a therapist, you have to deal with  
14 what they are telling you, correct?

15 A Correct.

16 Q It's not your job to interrogate them or challenge them,  
17 is that fair to say?

18 A Well, certainly not interrogate them. I mean, if --  
19 we -- we challenge the cognitive distortions. We challenge  
20 the denial. We challenge the avoidance. So there is gentle  
21 challenging in moving through --

22 Q Yes.

23 A -- their understanding and unpacking the trauma that they  
24 experienced.

25 Q But it would be fair to say you don't challenge the

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1 underlying facts of what the individual has reported to you?

2 A I mean, in general, no. I mean there could be a  
3 situation where it doesn't make sense and I try to sort of  
4 understand it better.

5 Q Would you agree that when you assess a clinical  
6 population, that -- excuse me, would you agree that assessing  
7 a clinical population is different from assessing a  
8 nonclinical population?

9 A And by nonclinical, you mean?

10 Q Outside those who present in a clinical setting.

11 A Again, you'd have to be more specific. I don't know why  
12 I would assess someone outside of a clinical setting, other  
13 than a forensic setting.

14 Q Well, you would agree that when evaluating individuals  
15 who present with a history of abuse, that findings in a  
16 clinical setting may be dramatically different from a  
17 nonclinical setting?

18 A Again, I really don't know what you're trying to say.

19

20 (Continued on the following page.)

21

22

23

24

25

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1 BY MR. DER OHANNESIAN (Continuing):

2 Q Would you agree that the extent of abuse experienced in  
3 a nonclinical setting may be different from what you observe  
4 in a clinical setting?

5 A I'm not trying to be difficult, but I don't know what you  
6 mean by "nonclinical setting" and what would be different.

7 Q Would you agree that interviewing individuals in a  
8 clinical setting cannot be generalized to nonclinical  
9 populations?

10 A So, what do you mean by a "nonclinical population"?  
11 Do you mean, like, research?

12 Q People --

13 A I don't really know what you mean.

14 Q When we discussed people who may have some history of  
15 some sort involving whatever issues of violence or trauma,  
16 then what you see in a clinical setting, they will be  
17 different from what happens in a nonclinical setting.

18 A Again, I don't know what you mean by a "nonclinical  
19 setting."

20 Do you mean on the street?

21 You have to be a little more clear.

22 Q You have written about the differences between clinical  
23 and nonclinical settings, correct?

24 A About clinical and forensic.

25 Q How about nonclinical?

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1 A In what context?

2 You have to give me more information so I can  
3 properly help you out.

4 MR. DER OHANNESIAN: This is for the witness, DX800.

5 Can you see this?

6 A Yes.

7 Q Do you recognize what this is?

8 A Yes, this is an article that was published from my  
9 master's thesis in 1996.

10 Q That's when you were attending what school?

11 A NOVA Southeastern University.

12 Q Inn where is that?

13 A In South Florida.

14 Q This is an article that was submitted under your name,  
15 correct?

16 A As one of three authors, yes.

17 Q And usually the first author is the lead author; is that  
18 the way it works --

19 A Yes.

20 Q -- in your field?

21 But it's certainly an article that you list on your  
22 resume when you go to court, right?

23 A Correct.

24 Q And if you look at Page 333, can you read that okay or  
25 should I make it a little larger?



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1 A Where are you wanting me to read, the last paragraph?

2 Q Yes.

3 And if you read the last paragraph, the first  
4 sentence?

5 A Would you like me to read it out loud.

6 Q No --

7 THE COURT: No.

8 Q -- read it to yourself.

9 A Okay. So, I know what I'm seeing, and now I perhaps can  
10 help you out.

11 Q You've used the word "nonclinical settings," correct?

12 A So, what this is referencing is referencing nonclinical  
13 groups in large epidemiological studies. So, when we're  
14 looking at nonclinical groups, that means we're calling  
15 someone from random digit dialing on a phone or we're doing a  
16 mail survey and asking what are the symptoms of abuse or  
17 symptomatology.

18 What I'm saying here is that we know when we look at  
19 that and compare them to clinical groups, people in treatment,  
20 they have higher degrees of symptomatology. That's all that's  
21 saying.

22 So, when they say "nonclinical groups," that's a  
23 research population.

24 Q So, there are differences in data received in a clinical  
25 context versus a nonclinical context.

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1 A Again, based on some of the studies, there certainly can  
2 be.

3 Q You've used the phrase "nonclinical settings" in  
4 evaluating information about individuals and their  
5 psychological backgrounds, correct?

6 A I don't know. Maybe I have.

7 Q What about in this article; did you use it in this  
8 article?

9 A But you're not using it the way I'm using it.

10 Q Okay.

11 A You're using it incorrectly.

12 Q You said epidemiological studies --

13 A What this is saying, when you're looking at nonclinical  
14 groups, you're looking at information derived from individuals  
15 who have had abuse experiences who are not in treatment.  
16 That's all that's saying.

17 Q And you also wrote another article called: Degrees of  
18 memory of child sex abuse among women survivors in therapy.

19 A Correct.

20 Q You weren't the lead author on that.

21 A Right. That was my dissertation.

22 Q But there was an article published with that title,  
23 correct?

24 A Correct.

25 Q And would you agree that you indicated that when talking

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1 about child sexual abuse, that interviewing individuals in a  
2 clinical setting cannot be generalized to nonclinical  
3 population?

4 A Correct.

5 Q And I think you also told Mr. Lesko that you don't know  
6 when someone doesn't present.

7 A For treatment, yeah.

8 Q That's because people who you're not seeing in your  
9 practice may be undergoing different experiences than what you  
10 exhibit, correct?

11 A Than what I exhibit?

12 Q What you experience. Let me rephrase that.

13 A Yeah.

14 Q You agree that when you use the phrase you don't know  
15 when the person doesn't present means you don't know if the  
16 experiences of those individuals who you're not seeing is  
17 consistent with what you're seeing in your clinical setting.

18 Is that a fair statement?

19 A It could be fair, yeah.

20 Q Would you agree that an empirical study is one where the  
21 information can be replicated?

22 A Certain studies can be replicated, not all studies, but  
23 sure.

24 An empirical study is one that rests on sort of  
25 solid scientific methodology and principles and statistical

Hughes - Cross - der Ohannesian

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1 analysis.

2 Q How about in your 20 years of clinical practice, have you  
3 ever collected any data on your clients and submitted it for  
4 review in a professional journal?

5 A I have not.

6 Q As a psychologist, do you use a phrase or are you  
7 familiar with a phrase called "secondary gain"?

8 A Sure.

9 Q Is that a term of art for psychologists?

10 A It's a term used more in the forensic realm than in the  
11 clinical realm, but it has been used in both, sure.

12 Q In the "forensic realm," you mean in a courtroom setting?

13 A Correct.

14 Q Because the courtroom setting may add a different  
15 dimension to someone who presents to you; is that fair to say?

16 A Sure.

17 It may be different motivating factors of why  
18 someone may present in some kind of symptomatology or  
19 narrative to you if they are trying to get off of criminal  
20 charges, if they are in a civil case trying to get monetary  
21 remuneration for something that happened to them.

22 So, that maybe there. We have to assess for it and  
23 look at it and rule it out, but it's a possibility and we need  
24 to look at it and assess for it.

25 Q Let me go back to what you just said because that was a

Hughes - Cross - der Ohannesian

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1 long answer --

2 A Right.

3 Q -- with some important points.

4 In other words, a person can be motivated in a  
5 forensic setting by a desire to avoid responsibility.

6 A As a criminal defendant, sure.

7 Q Or any individual may want to avoid responsibility for  
8 their conduct, correct?

9 A In general, that can be true.

10 Q That's part of what secondary gain seeks to address,  
11 right?

12 A Secondary gain in the forensic context really is talking  
13 more about the litigant and what they have to do, not the  
14 other individuals. But there's secondary gain for people  
15 wanting to get emotional attachment or wanting to get feelings  
16 of adulation, and that can be, in general, a psychological  
17 principle as well.

18 Q I think you indicated money can also be what's called  
19 secondary gain.

20 A Uh-huh.

21 Q Right?

22 A Or motivating factor, sure.

23 Q Another way of saying motivating factor for why the  
24 person is presenting, correct?

25 A Correct.

Hughes - Cross - der Ohannesian

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1 Q And that is something you would want to try to assess if  
2 you can.

3 A Correct.

4 Q You may or may not be able to assess that, correct?

5 A Correct.

6 Q And secondary gain can be reason to, in short, fabricate  
7 an allegation, correct?

8 A It could.

9 Q Secondary gain can also involve revenge, correct?

10 A I don't know if I'd call it secondary gain, but revenge  
11 could be a motive that an individual has, of course.

12 Q As well as retaliation, correct?

13 A Correct.

14 Q And as a forensic psychologist, your concern in a  
15 forensic setting is if an individual you're working with in a  
16 forensic setting may be feigning psychological difficulties.

17 A Correct.

18 And we have methods and methodology to assess for  
19 that, and that is a very integral part of a forensic mental  
20 health or psychological evaluation.

21 Q I'll ask you about that in a second.

22 So, there's a word that is used by psychologists  
23 called "malingering"?

24 A Correct.

25 Q And that's a way of saying someone is intentionally

Hughes - Cross - der Ohannesian

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1 producing symptoms or a complaint.

2 A Well, malingering is the false production of  
3 psychological symptoms.

4 Q And avoiding military duty could be a reason to malingering,  
5 correct?

6 A I think you're equating malingering with lying and they  
7 are not the same thing.

8 Q Malingering is focusing on the false psychological  
9 symptoms, correct?

10 A Correct.

11 Q You are concerned, though, that in a forensic context a  
12 motivation may exist to falsely report or distort  
13 symptomology.

14 A Sure, that's one factor that I want to make sure I'm  
15 looking at and I'm assessing.

16 Q And that's why psychologists do have techniques, you  
17 said, to assess that, correct?

18 A Correct.

19 Q And those techniques involve certain psychological tests,  
20 correct?

21 A Correct.

22 And, also, the examination of third-party  
23 information and medical records and psych records and health  
24 records and military records. So, you're looking for  
25 consistency across data points.

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1 Q And there are several psychological tests that you have  
2 used to assess clients that you've worked with who do bring  
3 lawsuits, correct?

4 A Forensic clients.

5 Q "Forensic" because they're involved in a courtroom  
6 setting?

7 A Correct.

8 Q And certainly in this case, you haven't done any of that  
9 testing that may seek to determine whether people are faking  
10 good or faking bad, for example.

11 A Right. This was, as I stated, an opportunity to provide  
12 general testimony in the field of sexual assault and coercive  
13 control.

14 Q When I say "faking good" and "faking bad," does that have  
15 a specific meaning to you?

16 A Sure.

17 Q That's something -- it's one of the scales on one of the  
18 psychological tests --

19 A Correct.

20 Q -- that you use?

21 A Correct.

22 Q And there are different ways that people are assessed in  
23 terms of not telling the truth about their experiences or  
24 conditions; fair to say?

25 A There's sort of a variety of things that a person can do;



Hughes - Cross - der Ohannesian

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1 a person can exaggerate, a person can minimize, a person can  
2 confabulate. And it doesn't necessarily mean that they are  
3 not telling the truth, so you really have to examine all the  
4 external data.

5 And, certainly, we know that individuals who also  
6 malingering usually do have bona fide mental illnesses as well.  
7 So, it's really important to sort of tease out what's going  
8 on, and the psychological testing gives us one tool to help do  
9 that.

10 Q And in addition to the tests that you use to evaluate the  
11 reliability of information by clients, in your clinical  
12 setting you would want to have a full psychiatric history.

13 MR. LESKO: Your Honor, I'll object.

14 May we have a sidebar, please?

15 THE COURT: All right.

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17 (Continued on the following page.)

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Sidebar

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1 (The following occurred at sidebar.)

2 MR. LESKO: Your Honor, I have not objected for  
3 about 20 minutes, but this area of cross-examination is  
4 extremely misleading and beyond the scope of direct.

5 Dr. Hughes has testified repeatedly she conducted no  
6 evaluations, no examinations, she did not do any assessments,  
7 and I think this cross-examination is confusing the jury  
8 because it's detailed questions about all sort of aspects of  
9 evaluations and assessments. It has nothing to do with the  
10 general testimony that the expert has offered. So, we're  
11 going to object to continuing this line of cross-examination.

12 MR. DER OHANNESIAN: I don't have much more, but I  
13 think it goes to her experience and how to evaluate  
14 individuals who presented to her as opposed to individuals who  
15 present in a forensic setting. But I am actually almost done  
16 with this point.

17 THE COURT: What other questions do you have?

18 MR. DER OHANNESIAN: There was maybe one other  
19 question along the same lines, about what a complete  
20 psychiatric history would be.

21 THE COURT: That is outside the scope of the direct,  
22 so it's out. Okay, that's it.

23 Do you have anything else for her?

24 MR. DER OHANNESIAN: I do.

25 (Continued on the following page.)

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1 (Sidebar ends; in open court.)

2 BY MR. DER OHANNESIAN:

3 Q Have you discussed this case with any attorneys other  
4 than the prosecutors in this case?

5 A I don't believe so. I mean, people knew I was testifying  
6 in the case.

7 Q Specifically, any attorneys?

8 A An attorney on the defense team knew that I was  
9 testifying in this case.

10 Q What attorney is that?

11 A I don't remember the name, not -- one of the other  
12 defendants. And then an e-mail was sent to me that I was  
13 testifying. The letter that was presented.

14 Q Are you saying an attorney for Keith Raniere or someone  
15 else?

16 A I believe it was for someone else.

17 Q Another defendant?

18 A Correct.

19 Q And did you discuss the case with that attorney?

20 A No.

21 Q That attorney contacted you?

22 A Forwarded the letter that someone forwarded him, yes.

23 Q Do you know the name of that attorney?

24 A Who forwarded the letter?

25 Q Yes.

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1 MR. LESKO: Objection.

2 THE COURT: Sustained.

3 Q Mr. Lesko questioned you and asked you about the  
4 incidence of unwanted sexual contact; do you recall that?

5 A Sure, we talked a lot about that.

6 Q An unwanted sexual contact is not a legal term, correct?

7 A I don't believe so. I'm not qualified to tell you that.

8 Q "Unwanted sexual contact" could include sexual  
9 harassment, correct?

10 A Correct.

11 Q It can include a variety of contact which is not criminal  
12 in nature; do you agree?

13 A If somebody is grabbing -- do you mean unwanted  
14 noncontact forms of abuse or do you mean contact forms of  
15 abuse?

16 Q The phrase "unwanted sexual contact" includes many  
17 actions which are not necessarily criminal, correct?

18 A My belief is that some probably could rise to the level  
19 of a criminal offense.

20 Q And some don't.

21 A Agreed.

22 MR. LESKO: Objection.

23 THE COURT: I'm sorry, this is beyond the scope.  
24 She's not a legal expert.

25 Q When you use the phrase "unwanted sexual contact," do you

Hughes - Cross - der Ohannesian

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1 have a specific definition for that?

2 A So, unwanted sexual contact could be voyeurism, making  
3 the individual stand nude, making her wear lingerie, making  
4 her have sex with other people, it could include forcing her  
5 to have sex, forcing her to engage in certain positions.

6 It's unwanted. So, by virtue of me saying unwanted  
7 sexual activity, it's coercive.

8 Q It could be someone saying something of a sexual nature  
9 that you don't want to hear?

10 A It would depend on the degree of that, but yes.

11 Q There's no recognized psychological definition of  
12 unwanted sexual contact; would you agree?

13 A Probably.

14 Q You probably would agree?

15 A I would think so. It's been defined in a variety of  
16 studies. Certainly in the large-scale National Intimate  
17 Partner and Sexual Violence Survey they talk about other forms  
18 of sexual contact. So, that definition has been used in a  
19 variety of contexts.

20 Q And there's many different definitions of "unwanted  
21 sexual contact," correct?

22 A I would agree with that.

23 Q I think you said that many perpetrators know their  
24 victims, correct?

25 A Correct.

Hughes - Cross - der Ohannesian

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1 Q Some don't?

2 A Small percentage, correct.

3 Q And I think you said that there's many reasons that  
4 individuals may not report, correct?

5 A Correct.

6 Q And there's many reasons that individuals may report,  
7 correct?

8 A Correct.

9 Q Some individuals do report right away, correct?

10 A Some do.

11 Q Some do and some don't, correct?

12 A We're looking at the percentage. What is clear is that  
13 the overwhelming majority of victims do not report.

14 Q And how victims disclose, you said, based on your  
15 clinical experience, can vary tremendously.

16 A And, also, based on the research in the area of  
17 disclosure, yes, it can.

18 Q There's a wide variety of possibilities, correct?

19 A There are many different ways that are unique to that  
20 individual.

21 Q Some individuals disclose their traumatic event at one  
22 time, correct?

23 A At one time, like, in their life span?

24 Q When they report it.

25 A At the time of the event?

Hughes - Cross - der Ohannesian

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1 Q Soon after the event or when they do report it, they  
2 report it in its completeness.

3 A Again, in my experience, in my review of the literature,  
4 the completeness, I would not agree with.

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6 (Continued on the following page.)

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Hughes - cross - der Ohannesian

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1 CROSS-EXAMINATION (Continuing)

2 BY MR. der OHANNESIAN:

3 Q Do some people report their traumatic experience at one  
4 time?

5 A Is that possible?

6 Q Yes.

7 A Sure.

8 Q And in terms of the impact, I think you were asked  
9 questions about the impact of alleged sexual assault; is that  
10 correct?

11 A Well, it would be the impact of the sexual assault if  
12 there is an impact. It wouldn't be an alleged. But, yes, the  
13 impact.

14 Q And that some people are more resilient than others;  
15 correct?

16 A That's true.

17 Q One again, individuals vary in how they respond to  
18 various traumas in their life; correct?

19 A Correct.

20 Q Individuals vary in how they respond to an interpersonal  
21 situation; correct?

22 A You mean in a violent or abusive situation?

23 Q Or even non-violent situations.

24 A Sure. We're very unique individuals and our responses  
25 are going to be based on a variety of factors.

MDL

RPR

CRR

CSR



Hughes - cross - der Ohannesian

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1 Q And how someone responds to someone approaching them in a  
2 social setting can vary from individual to individual;  
3 correct?

4 A Sure.

5 Q And when someone is interested in someone sexually, how  
6 that response is reciprocated can vary from individual to  
7 individual; correct?

8 A Correct. If it's wanted and consensual, sure.

9 Q And individuals, even when there is a coercive dynamic  
10 are still capable of consenting to a sexual act?

11 A Again, that's where you go it depends. It depends on the  
12 contingency. It depends on the threat. It depends on the  
13 sort of the severity of that coercive control. So if the  
14 individual feels that they don't have the capacity to say no,  
15 then that's not concept.

16 Q So it does happen; correct? Even in the presence of a  
17 coercive dynamic, there can be a consensual relationship?

18 A What's the "it does"? What's the "it"?

19 Q Even in the context of some type of what you have defined  
20 as a coercive dynamic, there can still be a consensual, mutual  
21 relationship?

22 A There can be, as I stated, times of normalcy that are  
23 interspersed in that overarching coercive environment.

24 Q And that's something you need to evaluate on an  
25 individual basis to make an assessment; correct?

Hughes - cross - der Ohannesian

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1 A Yes. We'd want to know the unique factors of that  
2 particular situation to better understand that.

3 Q Some people in what you call a traumatic relationship  
4 maintain the relationship; correct?

5 A In an abusive relationship, yes.

6 Q And some don't know; correct?

7 A Correct.

8 Q Again, there's a lot of variables that go into that;  
9 correct?

10 A Correct.

11 Q I think you said that individuals can report because of a  
12 secondary gain; correct?

13 A Well, I think you said that.

14 Q Would you agree with that?

15 A Reporting an actual assault?

16 Q Yes.

17 A I mean, I don't know if I agree as a flat reason of  
18 secondary gain.

19 I think, as we've just identified, there are  
20 multiple reasons that people report their abuse.

21 Q But there can be secondary gain; correct?

22 MR. LESKO: Objection.

23 THE COURT: You may answer.

24 A There can.

25 Q And someone can fail to report abuse because there is no

Hughes - cross - der Ohannesian

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1 abuse; correct?

2 A I mean, it's a negative. You can't fail to report  
3 something that didn't happen.

4 Q That's right. So if something didn't happen, it's not  
5 going to be reported; correct?

6 A Correct.

7 Q People can fail to report because the allegation is  
8 false; correct?

9 A Fail to report to law enforcement?

10 Q To anyone.

11 A If something didn't happen, then there's no reason for  
12 someone to report it, and there's no reason for them to fail  
13 to report it or to have an obstacle to report it if it didn't  
14 happen.

15 THE COURT: Could we identify what the source of an  
16 allegation that didn't happen and the failure to report? It  
17 sounds like semantics to the Court. Could you explain your  
18 question in a way that I understand it?

19 MR. der OHANNESIAN: Did you say fail to report?  
20 What was the other phrase? I didn't hear.

21 THE COURT: Read back what I said, please.

22 (Record read.)

23 Q Let me back up. Are you familiar with a study in the  
24 archives of sexual behavior concerning 57 documented false  
25 allegations of abuse?

Hughes - cross - der Ohannesian

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1 A Do you recall the author?

2 Q Yes. Andre De Zutter.

3 A De Zutter?

4 Q Yes.

5 A I'm familiar with some of those articles.

6 Q It's a Dutch study?

7 A Correct. I believe so.

8 Q That involved confirmed reports of false allegations;  
9 correct?

10 A I don't have the study in front of me, but I know that  
11 there was a study by him that confirmed -- or that reported  
12 false reports.

13 Q And there were multiple motivations for false reporting;  
14 correct?

15 A Correct.

16 Q And the number one reason was emotional regret?

17 A For having had sex.

18 Q Yes.

19 A Correct.

20 Q In addition, to coverup other behavior was another reason  
21 for those falls reports; correct?

22 A Correct.

23 Q And if there is no assault, there is no reason for a  
24 person to make a report of assault, would you agree?

25 MR. LESKO: Objection.

1 THE COURT: You may answer.

2 A Of course.

3 MR. der OHANNESIAN: I have nothing else. Thank  
4 you.

5 MR. LESKO: One moment, Your Honor.

6 THE COURT: Sure.

7 MR. LESKO: We have nothing further, Your Honor.

8 THE COURT: All right. The witness may stand down.  
9 You are excused.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: You're welcome.

12 (Witness is excused.)

13 THE COURT: All right. At this time we will take  
14 our lunch break until two o'clock. All rise for the jury.

15 (Jury exits the courtroom.)

16 THE COURT: All right. Please be seated.

17 We were discussing an instruction about expert  
18 testimony and the defense wanted to make a point outside the  
19 hearing of the witness. So what was that point?

20 MR. der OHANNESIAN: One of the statements that Mr.  
21 Lesko made was that the instruction should cover offender  
22 behavior. This witness was never offered, qualified, nor was  
23 she accepted by the Court to testify about offender behavior.  
24 So I don't believe that that should be part of any  
25 instruction. I just don't think that's what she was presented

1 for.

2 The other part of what he indicated that she was  
3 offered as a witness was for coercive relationships. That was  
4 not what the notice was submitted for. It was to the best  
5 that it can be divined it was sexual assault victims and  
6 coercive relationships was a much broader category and I don't  
7 believe that's what was submitted to the Court. I don't  
8 believe that's what the Court allowed. So that's why I would  
9 object to those two areas being part of it and I don't think  
10 her testimony should be considered for that.

11 I do not object to -- you know, if you want to  
12 eliminate that sentence that they feel is not appropriate,  
13 that's okay also.

14 MR. LESKO: Your Honor, we didn't limit -- Dr.  
15 Hughes was not accepted as an expert in a limited fashion just  
16 to focus on victims. She was an expert on interpersonal  
17 violence, interpersonal involve two people: A victim and  
18 perpetrator, as well as traumatic stress.

19 I also noticed that in our notice, I believe it is  
20 item No. 6, that opinion involves a, quote, dynamic between  
21 the victim and the perpetrator, including whether the victim  
22 and the perpetrator are in intimate or work relationships  
23 characterized by abuse, coercion and/or dependence. So I  
24 think this dynamic was specifically referenced in our notice.

25 THE COURT: So as to second paragraph, how would you

1 want that second paragraph to be revised, if at all?

2 MR. LESKO: Well, I would just say -- I would  
3 suggest, off the top of my head, it is offered for you to  
4 consider in evaluating the behavior of victims and  
5 perpetrators in the context of coercive relationships or  
6 dynamics. We may just want to leave it there as opposed to  
7 being specific about sexual assault.

8 THE COURT: In evaluating the behavior of victims  
9 and perpetrators, and then what?

10 MR. LESKO: Evaluating behavior of victims and  
11 perpetrators in the context of coercive relationships, and  
12 then continue on before, during, or after. I don't like the  
13 alleged commission of the crime language.

14 MR. der OHANNESIAN: Again, we don't feel this  
15 witness, who has no experience with offenders, was ever  
16 qualified in that area and it gets into profiling testimony if  
17 it's going to be considered that and there's a wide body of  
18 law that doesn't permit to say because someone engaged in  
19 certain behaviors they are an offender. That's exactly the  
20 problem with the grooming testimony that was rejected and she  
21 really didn't talk about -- her experience was based on victim  
22 behaviors and that's the clear import of the notice. I don't  
23 think the notice is great, but it certainly didn't say it's  
24 going to talk about the phrase coercive relationships.

25 MR. LESKO: Your Honor, it would be misleading to

1 just talk about victims without perpetrators, particularly  
2 since we have just heard testimony and Dr. Hughes discussed  
3 perpetrator conduct repeatedly. And she did not offer any  
4 specific opinions regarding the defendant's conduct in this  
5 case, or she did not offer a profile and opine that somehow  
6 the defendant's conduct fit some sort of profile.

7 THE COURT: Well, I'm not sure that we ought to go  
8 into it at all. We can just leave that whole second sentence  
9 out. The expert testimony is not offered as proof that the  
10 crime charged occurred. You should evaluate the expert  
11 testimony just as you would the testimony of any other  
12 witness.

13 MR. LESKO: We're fine with that, Your Honor.

14 THE COURT: Without going into any details.

15 The jury knows the designation of the witness'  
16 expertise and to the extent that it would be helpful to the  
17 jury, you can argue about it on closing as to whether it has  
18 of any value at all.

19 MR. der OHANNESIAN: As we indicated, we are fine if  
20 you take out that sentence if that's the solution.

21 THE COURT: Well, I think that is my solution.

22 MR. LESKO: Thank you, Judge.

23 THE COURT: Anything else?

24 MS. PENZA: Your Honor, I would like a few minutes  
25 before Nicole, so whether you would like to do it now or



1 before the lunch.

2 THE COURT: Do we need a sidebar on this?

3 MS. PENZA: Yes, please.

4 THE COURT: Let's have a sidebar.

5 (Sidebar held outside the hearing of the jury.)

6 (Continued on the next page.)

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Sidebar - Sealed by Order of the Court

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[Redacted text blocks corresponding to lines 1-16]

(Sidebar ends.)  
(End of sealed portion.)  
(Lunch recess.)

Proceedings

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AFTERNOON SESSION

(In open court; jury not present.)

(Judge NICHOLAS G. GARAUFGIS enters the courtroom.)

THE COURT: Please be seated.

Anything before we get started?

MS. PENZA: Just a reminder to any sketch artist that they are not to sketch this witness.

THE COURT: Yes. I just want to remind the sketch artist that the face of the witness is not to be sketched.

About how long is the direct of this witness?

MS. PENZA: I'm hoping to finish by lunch time tomorrow.

THE COURT: All right. Let's bring in the witness.

(Witness takes stand.)

THE COURT: Let's bring in the jury.

(Jury enters the courtroom.)

THE COURT: The witness should remain standing. Everyone else may be seated.

The Government may Presbyterian its next witness.

MS. PENZA: Thank you, Your Honor. The Government calls Nicole.

THE COURTROOM DEPUTY: Please raise your right hand.

(Witness sworn.)

**NICOLE,**

called by the Government, having been duly

Nicole - direct - Penza

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1 sworn, was examined and testified as follows:

2 THE COURTROOM DEPUTY: Please have a seat.

3 THE COURT: You may inquire of Nicole.

4 MS. PENZA: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. PENZA:

7 Q Good afternoon, Nicole.

8 A Good afternoon.

9 Q How old are you?

10 A 31.

11 Q Where did you grow up?

12 A In Northern California.

13 Q Can you describe what your childhood was like?

14 A Yeah, it was -- I grew up somewhere that was very much  
15 like outdoors, so it was pretty lucky. I got to be outdoors  
16 all the time and go skiing and bike riding. I have an older  
17 sister and a younger brother and my mom and dad. And, yeah, I  
18 loved school and I loved acting.

19 Q So let's talk about your family for a second. You said  
20 you have an older sister and a younger brother?

21 A Yeah, three years older and three years younger.

22 Q So you are in the middle?

23 A Right. In the middle.

24 Q And you said -- were you close to your family growing up?

25 A Yes. Very much.



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1 Q Now, you mentioned acting. Is that something you  
2 developed a love of early on in your life?

3 A Yes. I think the first time that I was ever on stage I  
4 was four and that was in like Hans Christian Andersen  
5 story.

6 And when I was nine, I played Charlie Brown, which I  
7 still remember my speech from. And when I was in first grade,  
8 I did the *Wizard of Oz* and I played Dorothy and that's kind of  
9 when I knew that acting was what I wanted to do.

10 Q Were your parents supportive of your acting when you were  
11 growing up?

12 A Very supportive. Like after that, after that show with  
13 the *Wizard of Oz*, I had told my mom this is what I wanted to  
14 do and they didn't want me to go like a performing arts high  
15 school because I would have had to go pretty far from home,  
16 but every summer I would go to like a different place around  
17 the United States and do a summer program for acting, dancing,  
18 whatever it was.

19 Q Now, did you continue acting through high school?

20 A Yes.

21 Q And when you were in high school, did anything happen  
22 that made it more difficult to keep up the acting?

23 A Yes. So, my freshman and sophomore year of high school,  
24 we had like an amazing drama program at my school, and then it  
25 got cut because of California budget cuts. So I had to drive

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1 like an hour one way and hour back to go to rehearsals. And  
2 sometimes at community college I did a play at. And then also  
3 they were putting on a really big performance at, like, one of  
4 the bigger cities, so I would just drive very far to those  
5 rehearsals.

6 Q That bigger performance, what show was that?

7 A I played *Cinderella* in the musical version on stage.

8 Q Was there any effect on your social life in high school  
9 having to commute so far for rehearsals?

10 A So, originally, when they offered me the part, I was kind  
11 of bummed because it would mean that I would have to miss  
12 every Saturday football game to go to rehearsals, but it was  
13 100 million percent worth it.

14 Q And after high school, did you continue on to college?

15 A I did. I applied to NYU, UCLA, and Loyola Marymount  
16 University, to their acting programs, and I ended up going to  
17 Loyola Marymount University, which is in Los Angeles.

18 Q And how far did you go in college at that point?

19 A I just did one year. And then after my freshman year, I  
20 was kind of trying to decide what I wanted to do. I had an  
21 agent at the time and I had started auditioning and I was --  
22 was not sure if I should stay in school getting a theater  
23 major or just go study with acting coaches in Hollywood and I  
24 decided to take some time off from school.

25 Q Did you move to Hollywood?

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1 A I did.

2 Q How did you like Hollywood?

3 A Hollywood would be like an overwhelming place sometimes.  
4 I liked it, but it was also -- being 19 and kind of thrown  
5 into that world was a lot.

6 Q Did you -- after you moved to Hollywood, were you  
7 studying acting at that point?

8 A Yeah, with a lot of different -- not a lot, but, like,  
9 you try out different classes and you might click with one  
10 teacher or like the way they teach or you might try another  
11 one or you might go to someone for strictly commercials and  
12 then someone else for more stage work. I was always -- I was  
13 always taking classes.

14 Q At some point did you take up an acting program in  
15 London?

16 A Yes. So after my first year in Hollywood I was -- I just  
17 kind of needed a break and I asked my parents if I could go  
18 study Shakespeare in London. So I went to London Academy of  
19 Dramatic Arts and Music and I studied -- I did their summer  
20 Shakespeare course.

21 Q How did you like that?

22 A It was awesome.

23 Q Did you develop a love of theater versus some of the  
24 other work that you were doing?

25 A Well, I -- I mean, I love all of acting. But they have

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1 their different things. Like, you know, film and television  
2 is great, but there's something about being on stage that I  
3 just really loved and I found it easier. When you're on  
4 stage, you, like, can -- you take a character through the  
5 whole story, right. Like every night you're taking this  
6 character through the whole story and you're kind of like  
7 living it and it's a little bit different each night because  
8 you don't know how the audience will react to things. Whereas  
9 in film and television, it's a lot of stop and go. The final  
10 product is wonderful, but, like, the actual process of doing  
11 it is a lot of stop and go and I found that harder. For me,  
12 it's like hard being in a certain -- I don't know. Like,  
13 you're sitting around all day and it's okay, go do this  
14 insanely emotional scene and you're like wait, what? So, I  
15 just like the free line of being on stage.

16 Q So you were in -- how long were you in Hollywood at that  
17 point?

18 A When I got back from London, I was in Hollywood for  
19 another eight years, I think, seven and a half, eight years.

20 (Continued on following page.)

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MDL

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1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q And what type of work did you do just generally during  
4 that time?

5 A A little bit of everything. I mean I -- I -- off and on  
6 I also waited tables and had other side jobs, but I worked. I  
7 modeled. I worked in commercials. I did web series and  
8 television and some smaller movies. Majority of what I  
9 started to kind of get really good at was the commercial --  
10 was commercials.

11 Q So you had success doing commercials?

12 A Yeah.

13 Q Now, at some point did you make a decision that you  
14 wanted to refocus things?

15 A Yeah. I -- I had been in LA for, you know, including  
16 college, almost ten years and I kinda just wanted a change. I  
17 really love how people view acting in New York, or I like the  
18 work ethic of actors in New York and I'd always wanted to move  
19 to New York, but it's very easy to make up an excuse of why  
20 you can't go or why it's complicated to get there. And I  
21 thought, you know, I'm almost 28 and I -- you know, eventually  
22 I'm gonna have a family and settle down, so, like, if I'm  
23 gonna move to New York and, like, try to do some stage work, I  
24 better do it now. And so I decided to.

25 Q Okay, so when approximately was that that you made the

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1 decision to move?

2 A It was like, maybe like -- like really made the decision,  
3 it was probably like Novem -- like end of November, maybe  
4 December of 2014. Is that right?

5 Q Do you remember?

6 A 'Cause -- 'cause I moved -- yeah, it would have been the  
7 very, very end of 2014 because then I think I moved in 2015,  
8 if I'm correct. So it obviously, like, takes a little bit of  
9 time to plan all those things, and I had a lot of logistical  
10 things to plan.

11 Q So, you said something about the work ethic of actors in  
12 New York.

13 What did you mean by that?

14 A Just like New York is -- is a tougher place than Los  
15 Angeles, in a positive way, how I viewed it. So, like, if --  
16 New York actors, I think it's very common, New Yorkers in  
17 general I think it's very common for them to have more than  
18 one job or to, like, be like really focused on whatever craft  
19 they're doing. But they might do more than one thing because  
20 it's really hard to live in New York.

21 And there's just more of a -- I'm totally  
22 generalizing because I know some incredible actors in Los  
23 Angeles as well, they just take their -- they take their craft  
24 very seriously and I appreciated that. I wanted to be around  
25 that.

SAM

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1 Q Was there -- was there also something to the fact that in  
2 New York there's -- did you find that in New York there was a  
3 certain level of respect for actors, even if they have  
4 other -- other jobs?

5 A Yeah, like you can -- you can wait tables and be an actor  
6 in New York and they're just like, Oh, yeah, you haven't  
7 broken through yet or You just need to pay your rent or  
8 whatever. It's not looked down upon.

9 Whereas, in LA it's a little more like, Oh, no,  
10 you're a waitress, not an actress.

11 And it's kinda like, alright, you don't get as much  
12 respect even though you may be working just as hard at both  
13 jobs.

14 Q Now, did you have to -- did you have to put any plans in  
15 motion in order to be able to move to New York?

16 A Yeah. When I moved Los Angeles my parents had purchased  
17 the apartment that I lived in and I paid the mortgage, so we  
18 had to decide what we were going to do if I wasn't living  
19 there. Either it was going to be rented out, or it ended up  
20 that my dad came down and remodeled it and they decided to  
21 sell it.

22 So I was -- and I -- I lived there for pretty much  
23 the whole time I was in LA. So it was the only other home I'd  
24 really had aside from where I grew up. So it was really hard  
25 to -- it was a big decision to leave that and -- and have it

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1 sold. Like, I couldn't come back to it. And, you know, I --  
2 I gave up kind of everything in order to move to New York.  
3 The house that I lived in, the car that I was driving, and all  
4 of my things because I just thought, no, like I want to -- I  
5 want to live in New York.

6 Q And did you have -- did you have a job that lined up in  
7 New York?

8 A I did not have a job lined up yet. I was planning on  
9 finding a restaurant job when I got to New York, which I  
10 figured would not be too difficult. But I also had just  
11 luckily, it was -- excited because my commercial agents in Los  
12 Angeles were opening an office in New York. So I was like,  
13 oh, this is -- this is perfect. Like, I'll have -- I'll at  
14 least have that, so I can immediately start auditioning  
15 commercially.

16 And then you kind of can sometimes work your way up  
17 from if you enter in on the commercial level, work your way up  
18 at an agency. And then I figured I would get a job.

19 Q Now, just a little bit.

20 In terms of doing commercial work, when you've done  
21 a commercial, how do you end up getting paid? Like, do you  
22 sometimes get checks after?

23 A Yeah. So it's -- it's similar to movies in the sense  
24 that you get paid for the day that you're shooting. And then  
25 every time -- if -- if the commercial goes national and if



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1 it's a SAG commercial, which were the ones that -- well, that  
2 was all I did because I was SAG at that point, you get paid  
3 how many times the commercial plays.

4 Q And what if --

5 THE COURT: I'm sorry. SAG, I am going to ask what  
6 SAG is.

7 THE WITNESS: What's SAG?

8 THE COURT: What SAG?

9 THE WITNESS: Oh, sorry. The Screen Actors Guild.

10 BY MS. PENZA:

11 Q Is that a union for actors?

12 A Yeah, it's the union that controls, like helps what  
13 actors -- helps protect actors, what they're paid and kind  
14 of -- they -- it -- the union keeps track of how many times a  
15 commercial is paid -- played and how much you get and how --  
16 you know, you pay dues each year. And it's a union.

17 Q Now, when you were -- when you were about to move to  
18 New York, was anything -- was there something else that was  
19 proposed to you before you would actually move to the city?

20 A Yes. Yes. When I was contemplating moving or, like,  
21 figuring out the logistics of moving, the -- I guess he wasn't  
22 my boyfriend at the time, we weren't dating. But my ex -- one  
23 of my exes had mentioned this acting program that was  
24 happening in upstate New York called The Source.

25 Q And what was the name -- what was the name of your ex-

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1 boyfriend?

2 A Mark Hildreth.

3 Q And who is Mark Hildreth?

4 A He's an actor.

5 Q Is he a successful actor?

6 A Yeah, he's been pretty successful. I mean that's how he  
7 makes his living and he's done a lot of different television  
8 shows and voiceover, I think, as well.

9 Q But he makes his living working full-time as an actor?

10 A Yeah, a hundred percent.

11 Q And what was the name of the program he mentioned to you?

12 A It was called The Source.

13 Q Was The Source affiliated with any other organization?

14 A It was affiliated with the organization NXIVM, but also  
15 ESP.

16 Q Had you heard of NXIVM/ESP prior to The Source -- prior  
17 to Mark Hildreth mentioning The Source to you?

18 A Yes. Mark had mentioned to me, when we first started  
19 dating Mark had mentioned or had told me about this program  
20 that he was interested in called ESP. And that was 2013.

21 Q And what did he tell you at that time?

22 A I think it came up because we were like talking, like,  
23 character and scripts. We met in -- in an acting class. We  
24 had the same acting coach, who is wonderful. She's a casting  
25 director/acting coach, she's amazing. We -- we met through

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1 that.

2 So I think we were like talking about character work  
3 or something of that sort and he -- which then got into, like,  
4 a deeper conversation and then he said that he was part of  
5 this program that, like, worked on, like, making yourself a  
6 better person and was a really interesting way to kind of like  
7 understand humanity and psychology.

8 And I was like: Oh, that sounds interesting. It  
9 kinda sounded like something that I had done when I was a kid  
10 called Landmark. And so I was like: Oh, interesting. Like,  
11 cool. You know, you're talking about character stuff. And I  
12 don't know, I was like: Well, that's great.

13 Q Did he encourage you to get involved in NXIVM at that  
14 point?

15 A Not at that particular conversation, but yeah, eventually  
16 down the line he said that he really thought it would help me.

17 You know, I was -- for me, acting in LA I was  
18 always, like, you're trying to figure out how you can become  
19 better. You know, acting is tough and sometimes your own  
20 fears get in the way of being in the audition room. Like, I  
21 would get really nervous in the audition room. I was always  
22 trying to, like, better myself in any way. And you also want  
23 to always try and understand different characters because  
24 that's part of your job.

25 So he said that he thought it might help. And --

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1 Q Did he tell you -- did he tell you anything about the  
2 people who were involved in NXIVM?

3 A Yeah. The first person I remember him bringing up was  
4 Clare Bronfman.

5 Q And what did he tell you about Clare Bronfman?

6 A Just that she was a heiress. I guess the heiress to --  
7 at the time he just said she was the heiress to the Seagram's  
8 fortune and that she was -- that she was like a huge fan of  
9 the curriculum. And -- and he mentioned a couple other --  
10 other people. Oh, Mark Vicente.

11 Q And who was Mark Vicente?

12 A He was -- he was a director and he directed a movie that  
13 I had seen called What the Bleep? And I think he mentioned --

14 Q Did he mention any other actors to you?

15 A Well, I knew -- I had known that his -- his ex Kristin,  
16 who was an actress from Smallville, was -- had done the  
17 program with him and then their other friend Allison.

18 Q So Kristin, what's Kristin's last name?

19 A It's like K-R-E-U-K, I think. I don't know how to  
20 pronounce it correctly. Kreuk -- Kristin Kreuk.

21 Q Was she one of the stars of Smallville?

22 A Yes, she was. I think she was the star of Smallville.

23 Q And what is Smallville?

24 A It's like a superhero show, sort of. It's like a play on  
25 Superman. I don't really watch the show, but from what I

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1 understand it's a play on Superman.

2 Q Was it a popular television show?

3 A Yeah, very. Very, yeah.

4 Q And did it run for a long time?

5 A Yeah, a long time, like ten years, I think.

6 Q And so you said he also mentioned Allison Mack?

7 A Yeah, because they had all started around the same time.  
8 They were all really good friends.

9 Q And Allison Mack had also been on Smallville?

10 A Yes, I think she played Kristin's best friend, if I  
11 remember correctly.

12 Q Is being on a television show that lasts ten years, is  
13 that considered pretty successful among actors?

14 A Yeah, absolutely. Oh, my gosh. It's like a steady great  
15 job for ten years. Yes, that was very, yes, lucky.

16 Q Before you took the first NXIVM class, was anyone else of  
17 prominence mentioned to you?

18 A I think Emiliano, but -- at some point Emi was mentioned.

19 Q And when you say Emi, do you mean Emiliano Salinas?

20 A Yes.

21 Q And who was he?

22 A He is -- his dad was one of the former presidents of  
23 Mexico.

24 Q At some point was Richard Branson mentioned to you?

25 A Oh, yeah, I forgot about that. Yes, so I -- what Mark

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1 said was that there had been a -- like, so basically what he  
2 was at was -- was suggesting that I do is the first five-day.  
3 And he said that they had held a five-day curriculum on one  
4 of -- or on Richard Branson's island. So that sounded cool.

5 Q Who is Richard Branson?

6 A He's the English billionaire, I believe now. I don't --  
7 I don't know, but he's pretty cool.

8 Q So what was the effect on you of Mark Hildreth mentioning  
9 these people?

10 A Just sounded legitimate. Like this -- that this was a --  
11 a program that a lot of successful and, you know, both  
12 business-minded and successful actors were a part of.

13 Q And so did you end up taking the first five-day  
14 intensive?

15 A Yes. I -- so, when he -- when he told me how much it was  
16 I was a little bit like, I can't --

17 Q Well, let me ask you that.

18 A Okay.

19 Q That was going to be my next question.

20 So, did he -- before you took it, did Mark Hildreth  
21 tell you how much it would cost?

22 A Yes.

23 Q How much did he tell you?

24 A So he said it was 3,000, but if I, like, signed up in  
25 a -- in a certain amount of time, I think it was like five

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1 days, that then it would be 2500.

2 Q Was the amount of the course concerning to you?

3 A Well, yes, I did not have \$2500 at the time.

4 Q So what did you do, did you discuss that with Mark  
5 Hildreth?

6 A I did, and he said that he believed in it so much that he  
7 would pay -- pay for me and I could pay him back as I could.

8 Q And so did you end up taking it?

9 A I did.

10 Q Before you took the five-day intensive, did you do any  
11 research yourself about NXIVM?

12 A No. So, Mark said that the best way to go into -- into  
13 the five-day was to go in completely open-minded and -- and to  
14 not really, like, have any expectations. So to not -- to not  
15 Google anything because it was better if you just went in,  
16 like, very open-minded.

17 And that's fine, I -- I know how to do that. I  
18 can -- I can do that. But I think I asked something like,  
19 okay, you know, like maybe showed some hesitation because he  
20 said that some people didn't really like -- some people didn't  
21 understand what they were doing and so had, like, written  
22 negative things. And, like, I just didn't need to pay  
23 attention to those because sometimes when people don't  
24 understand something, they judge it.

25 And I was like, alright. Again, I can -- I can

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1 try -- try to understand that.

2 Q Okay. So when you said they don't understand, Mark --  
3 correct me if I'm wrong, but Mark Hildreth is saying to you,  
4 some other people --

5 A Yeah, like some people that had wrote articles or  
6 something.

7 Q Let me just finish the question.

8 A Sorry.

9 Q It's okay.

10 -- that some other people who have written things  
11 online had gotten it wrong about NXIVM and ESP?

12 A Yes.

13 Q And that he didn't want you to be influenced by that?

14 A Right. That it was just better if I went in with an open  
15 mind and had my own experience.

16 Q And so, did you agree not to research it?

17 A Yeah, I trusted him.

18 Q So you did take the five-day?

19 A I did.

20 Q And what did you think about it?

21 A I thought it was -- I thought it was okay. Like I  
22 learned some cool, like interesting things.

23 Yeah, I mean I like to learn and I can kind of get  
24 something out of anything. Just -- I like to learn, but,  
25 yeah, I thought it was -- it was interesting for a lot of



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1 reasons.

2 Q What do you mean by that?

3 A There was just -- there was a few things that I was not  
4 the biggest fan of or just kind of seemed like, I don't know  
5 if it was -- if the right word is off or just unnecessary.

6 Q So what were those things?

7 A I think the biggest thing to me was that there was a very  
8 big secrecy aspect. Like you couldn't talk about what you  
9 were learning. And I think that felt weird to me because if  
10 you're learning something cool, why would you not want to  
11 share it with other people is how I felt.

12 And also, I like to -- you know, when I learn  
13 something cool I like call my little brother and I'm like,  
14 Guess what I learned today? Or, Dude, you won't believe what  
15 I learned today; and they were basically saying you can't do  
16 that, which seemed really weird to me; or I just wasn't a big  
17 fan of it because I wanted to call and tell my brother.

18 Q Was there anything else that made you -- that made you  
19 uncomfortable or that you found, I don't want to put words in  
20 your mouth, I forget which exact words you used.

21 A Yeah, just unnecessary, I guess, is the word I used.

22 But there was this whole thing with sashes and  
23 bowing when you went in and out of the room. I don't know,  
24 you're learning -- you're supposed to be learning about  
25 business and humanity. I just didn't really see why we needed

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1 to bow when we went in and out of the room. Just a personal  
2 thing, but that was like -- and then the way that they  
3 explained it was that it was similar to, like, karate or like  
4 entering a I believe it's called a dojo or -- in martial arts  
5 or karate, that that was why the sashes were different colors  
6 and that's why you had to bow in and out of the room.

7 Q Did you have a background in karate?

8 A I did.

9 Q And yet you still found this unnecessary?

10 A Well, yeah. I'm not in karate. I'm like in a class for  
11 five days. Like, I don't know, that was just my personal  
12 opinion.

13 Q Were there any aspects -- did you grow up religious?

14 A I did not.

15 Q Were there any aspects that made you feel uncomfortable  
16 in that regard?

17 A At that point, I mean they seemed to idolize, like there  
18 was the whole Prefect/Vanguard thing, but I had never heard --  
19 the only way I knew what prefect was was from the Harry Potter  
20 books, which just meant like you're kind of in charge of like  
21 the -- underclassmates. So that was the only time I'd ever  
22 heard of that word. So I was sort of like, I don't know, what  
23 does that mean?

24 But later on it was kind of like the idolization of  
25 the person -- Keith, who created everything, that felt weird

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1 to me, but at this point it didn't really even register.

2 Q Now, after you took the five-day intensive, did you --  
3 obviously you take The Source later on, but between the  
4 five-day intensive and taking The Source, did you take any  
5 additional curriculum?

6 A No.

7 Q Was there any encouragement by anyone for you to take  
8 additional curriculum?

9 A Yeah. I mean when -- when this ended they, like, pitch  
10 you on the next.

11 Q Sorry, I just want to make sure, when the five-day ended?

12 A Yes, when the first five-day ended they -- I think they  
13 had like two different things. You could either go into the  
14 middle five-day or you could pay for the middle five-day and  
15 the last five-day, or I think you had to pay for both at the  
16 same time.

17 I don't totally remember, but it was a lot of money  
18 whatever it was. And -- or you could do, like, ESP ongoing,  
19 which I think were like weekly meetings, something of that  
20 sort. But they pitch you on a few different things when you  
21 finish.

22 Q Okay. And you did not take any additional curriculum  
23 between those two?

24 A No, sorry.

25 Q Would Mark Hildreth ever talk to you about taking

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1 additional curriculum?

2 A Yeah, he used to drive me nuts because we'd be in like  
3 acting class, we weren't even necessarily -- we weren't dating  
4 anymore, but we'd be -- we were still in acting class together  
5 and I'd be struggling with something and he'd been like, You  
6 know -- you know, the ongoing ESP would really fix this  
7 problem; like ongoing ESP.

8 And I'd be like: Shut up, like don't care. Like  
9 don't -- I don't know, it just -- it drove me nuts.

10 Q At this point in time did you have any understanding of  
11 how the compensation structure of NXIVM/ESP worked?

12 A Not really.

13 Q Did you understand whether Mark Hildreth would receive  
14 any commission or anything from you taking courses?

15 A I think, like, yeah. Like I was aware that there was  
16 some kind of way that it -- that it worked, like if you signed  
17 people up. But you also had -- you had to sign people up to  
18 get to, like, the next level. But I believe that, yeah, I was  
19 kinda aware of it, but I don't remember thinking about it too  
20 much.

21 Q Later on would you -- not to skip ahead -- but given your  
22 later involvement in NXIVM, did you become more aware of kind  
23 of this -- the role of the focus on enrollment?

24 A Yeah.

25 Q And so just very generally, what is the -- what is the

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1 import of enrolling within the NXIVM organization?

2 A I'm not even sure I could tell you 'cause I -- I -- all I  
3 remember is that you have to -- you have to enroll two people  
4 if you want to go to the next color.

5 Q And no, no, I'm sorry. I'm not asking you to give any  
6 details, but in general, are people looking to enroll other  
7 people?

8 A Oh, yeah. Yeah, yeah, you're always like looking to  
9 enroll or enroll other people, either -- yeah.

10 Q Now, let's go back to this The Source that you end up  
11 taking, and you take that in April 2015?

12 A Yes.

13 Q Why did you decide to take The Source at that point in  
14 time?

15 A So, right when I was planning my whole move to New York,  
16 actually like Mark and I had been paired up together for -- to  
17 do like a scene in class. So we were like rehearsing a lot  
18 and he was like, you know -- I think he actually said: It  
19 doesn't have to do with ESP, so like don't get mad at me, but  
20 he was like, there -- there's -- there's another course that  
21 they were working -- that they were working on that was about  
22 psychology and acting. Like it was -- it was psychology and  
23 acting mixed together, and they had been working on this  
24 program for a while and it was supposed to be like really cool  
25 and tailored to artists. And -- and I -- and I felt that

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1 sounded really interesting.

2 Q Did the timing seem like it was going to work out as  
3 well?

4 A Well, that was the other thing is the timing was like  
5 perfect. So, it was supposed to be a five-week or it was a  
6 five-week course. And I was, like, moving out of my apartment  
7 in LA and I hadn't gotten a job yet in New York and I hadn't  
8 found an apartment yet in New York. So, like, when in your  
9 life do you have kind of five weeks where you don't have to  
10 also pay rent, you know, while you're staying somewhere else?  
11 Because it was going to be in upstate New York.

12 So I wasn't going to have to pay for going to this  
13 camp and -- or this program and pay for my rent at the same  
14 time, and it just kinda like worked out really well. So I  
15 thought, great. Like, what a cool way to start really, like,  
16 digging into acting in New York would be to, like, go to this  
17 psychology and acting program. And then right when it was  
18 done, move into New York City.

19 Q So the program was five weeks long, is that right?

20 A Yes.

21

22 (Continued on the following page.)

23

24

25

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1 BY MS. PENZA (Continuing):

2 Q And how much did it cost?

3 A It was, again, 8,000. And then if you signed up within a  
4 certain amount of time, it was 6,000.

5 Q And how did you pay for that?

6 A I borrowed the money from my mom and dad.

7 Q Did you eventually pay them back?

8 A Yes, although I'm still paying them back for certain  
9 things. They've helped me a lot.

10 Q Now, when you were -- where was -- you said it was held  
11 in Upstate New York?

12 A Yes.

13 Q Do you remember the town that it was held in?

14 A Albany.

15 Q So, it was in Albany.

16 And had you been to Albany before?

17 A No.

18 Q Who taught The Source class?

19 A Allison Mack.

20 Q And had you met her before then?

21 A I had not, no.

22 Q Where were you staying while you were taking The Source?

23 A So, The Source was in, like, a little building that was  
24 kind of separated from everything else, sort of in the middle  
25 of nowhere, and there were four rooms and a kitchen underneath

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1 it. So, it kind of looked like a ballet studio and then  
2 underneath was, like, four rooms and a kitchen. So, I slept  
3 down there.

4 Q Did you have a car with you?

5 A I did not.

6 Q Was it difficult to do anything other than be in --

7 A Yeah, I didn't realize, like, quite how isolated it would  
8 be. Like, there wasn't a grocery store you could walk to. I  
9 mean, you couldn't do anything except run, which I did; like  
10 not like "run," but, yes, exercise run, running.

11 Q So, what did you do?

12 Just generally, what would your days be like while  
13 taking the five-week Source?

14 A So, I thought it was going to be, like, all day. That's  
15 sort of how prior things like this I had been to, you had  
16 classes, like, all day long. In this, it ended up only being  
17 the afternoon. They had, like, a different course going on in  
18 the morning.

19 So, we would go from, like, noon 'til four or five,  
20 and then we might have some homework and stuff. So, in the  
21 mornings, I would journal or think about kind of what I wanted  
22 my life in New York City to look like or I'd go on a run and  
23 go to class in the afternoon.

24 Q So, this was during The Source, this was the first time  
25 you met Allison Mack?



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1 A Yes.

2 Q What did you think of her?

3 A I thought she was really passionate about The Source.  
4 She was nice and she just seemed, like, very -- The Source  
5 seemed like her baby. And she was, like -- and she was very  
6 passionate. She seemed like she was a very passionate  
7 actress.

8 Obviously, she had been on this television show for  
9 ten years, but she was really interested in stage as well. We  
10 talked about Shakespeare sometimes. But she just seemed like  
11 a serious actress, or she wanted to be; whether or not she was  
12 taken seriously yet she wanted to be a serious actor.

13 Q Was Keith Raniere mentioned during The Source?

14 A Yeah. He taught most of the videos.

15 Q At this point in time, had you met Keith Raniere?

16 A No.

17 Q Would you later meet Keith Raniere?

18 A Yes.

19 Q Do you see Keith Raniere in the courtroom today?

20 A Yes.

21 Q Can you identify him by an article of clothing?

22 A Blue button-up.

23 MS. PENZA: Your Honor, I'd ask that it be noted  
24 that the witness has identified the Defendant.

25 THE COURT: Yes, the witness has identified the

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1 Defendant.

2 MS. PENZA: Thank you, your Honor.

3 Q Had Keith Raniere been mentioned in the first class that  
4 you took as well?

5 A The first five-day?

6 Q Yes?

7 A Yes.

8 Q So, when you're taking -- Mark Hildreth, before you took  
9 it, before you took The Source, told you that The Source had  
10 nothing to do with NXIVM, ESP.

11 Did you come to learn that that wasn't true?

12 A Yeah, yeah, I don't -- I don't know that he said it had  
13 nothing to do with it, it was just, like, a different program.  
14 Yeah, it was a different program that they were working on.

15 Q Was there a lot -- during The Source, you said that the  
16 Defendant appeared in a number of videos.

17 A Uh-huh.

18 THE COURT: You have to say yes or no.

19 THE WITNESS: Sorry.

20 A Yes.

21 Q Now, during the -- while you were taking The Source, did  
22 you have any impressions of Allison Mack's relationship to the  
23 Defendant?

24 A Yeah, they seemed very close. Like, he had kind of  
25 mentored her in creating The Source, is the impression I got

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1 at that time.

2 Q Would Allison Mack talk about the Defendant during The  
3 Source?

4 A Yeah, a lot.

5 Q Can you just kind of describe a little bit what that was  
6 like?

7 A Just about how they had created together -- I mean, he's  
8 in all The Source videos, which are what we would discuss in  
9 class, and she would just talk about -- you know, like, for  
10 The Source, he was referred to as Mr. Ranieri. So, she would  
11 be Mr. Ranieri said this and Mr. Ranieri kind of helped us  
12 come up with this.

13 It was a few actors that had worked with him to make  
14 The Source, was my understanding, or build The Source.

15 Q I think earlier on you mentioned that at some point you  
16 noted that there was an idolization of the Defendant.

17 A That became the most clear to me when I was at the first  
18 V-Week. Before that, it just -- it didn't register to me as  
19 much until the first V-Week.

20 Q So, we'll talk about that in a minute.

21 Did you spend any time socially with Allison Mack  
22 during The Source?

23 A Not really. She was just -- she was more like the  
24 teacher. I met, like, a few other people in Albany, but I  
25 didn't really hang out with Allison outside of classes.

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1 Q Now, after you finished The Source, did you move down to  
2 the city?

3 A I did.

4 Q And can you tell us a little bit about what your life was  
5 like when you moved down?

6 A Yeah. So, for the first three weeks, three, three and a  
7 half weeks, I slept on a couch while I was trying to find an  
8 apartment. And that was -- you know, it's exciting because  
9 you're in New York City, but it's also really hard to sleep on  
10 a couch for three and a half weeks and I sort of overestimated  
11 my ability to do that.

12 Q Did you end up finding a job?

13 A Yeah. So, then the whole time I was doing that, I was  
14 just looking for a job. And, yeah, I ended up finding a  
15 restaurant job waiting tables.

16 Q How was the audition scene in New York?

17 A It was different than I had anticipated.

18 Q How so?

19 A Well, like, in LA you could go to as many as, like, three  
20 different commercial auditions in one day. And sometimes it  
21 would be slower, but there's just a lot going on commercially  
22 in Los Angeles.

23 And in New York, it was -- I just would have, like,  
24 maybe one audition a week. And I was kind of asking people is  
25 this just how it is in New York? And they were like, well,

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1 it's -- yeah, it's just not as busy commercially in New York,  
2 which was kind of a bummer in that a lot of the commercial  
3 jobs in New York are nonunion, which is also a bummer because  
4 that is -- you just make a lot less money, so...

5 Q Now, was there also -- did anything also happen with the  
6 agency that you had been involved with in LA?

7 A Yeah. So, my agency in LA, which is a phenomenal  
8 commercial agency in LA, they opened their office in New York,  
9 and then, like, the main commercial agent decided that she  
10 didn't want to do it and moved back to Texas. And I was like,  
11 okay. And then they decided that maybe, like, commercially in  
12 New York wasn't the best, so they started just doing musical  
13 theater.

14 So, now that company still does commercials and  
15 everything in Los Angeles, but they only do musical theater in  
16 stage productions in New York, which didn't really help me  
17 because I wasn't pursuing musical theater.

18 Q Now, while you were in New York, did you keep in touch  
19 with Allison Mack?

20 A I did.

21 Q And how did that happen?

22 A So, part of what was pitched to me about The Source by  
23 Mark -- and I remember because I was -- I told my parents  
24 because I was excited about this possibility -- was like,  
25 okay, so what Mr. Raniere had been trying to create was this

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1 acting program that mixed psychology and acting and that,  
2 also, it could be something that you could teach while you  
3 were pursuing your career. So, like, basically taking the  
4 place of waiting tables. Like, I would be teaching acting and  
5 auditioning and doing jobs simultaneously, which sounded  
6 really cool to me. Then you get to be, like, not only working  
7 on your craft but helping other people and not have to wait  
8 tables anymore.

9 Q So, it was pitched as a way to make money?

10 A Yes, sorry, it was pitched as a way to make money.

11 Allison had talked to me about that as well. So, we  
12 had stayed in contact concerning, like, the ongoing program of  
13 The Source and, like, possibly doing that.

14 Q And, so, did you continue doing work with The Source once  
15 you were in the city?

16 A I did.

17 Q In what respect?

18 A We had, like, a weekly class.

19 Q And were you just taking those classes or at that point  
20 were you --

21 At that point, you were not teaching?

22 A No, just taking.

23 Q Just before I move on, was there also this idea, was  
24 there ever a discussion from Mark Hildreth that taking The  
25 Source would give you a sense of community in New York?

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1 A Yeah. Allison and Mark were really big on that when I  
2 first moved, like, You're so lucky because now you have, like,  
3 a built-in community when you get to New York. Like, you  
4 won't be -- you'll know people. And, so, we're going to  
5 introduce you to people in the New York center.

6 And so that was very, very big on that, like, that I  
7 would have a community in New York already.

8 Q Moving to August 2015, did you attend V-Week that year?

9 A Yes, I did.

10 Q Had you ever attended a V-Week before?

11 A No.

12 Q Did you pay for that?

13 A Yes, I did.

14 Q About how much was that?

15 A I can't exactly remember. I think it was somewhere  
16 between \$1,800 and \$2,200, would be my guess.

17 Q Now, how did you end up attending V-Week 2015?

18 A Allison had said -- Allison and Mark had told me that  
19 there was to be Source things going on at V-Week and, so, I  
20 could, like -- during V-Week, I could take a Source class with  
21 other actors and meet people and meet more of the ESP  
22 community. And, also, it was in Upstate New York by a lake, I  
23 think it's called lake George, and it reminded me of home.

24 Q Who did you room with at V-Week 2015?

25 A So, Allison ended up messaging me that her and Rebecca

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1 were getting, like, a three-person room and would I like to go  
2 in on that with them, which I think would have been cheaper  
3 than me paying for my own private room, so I said yeah, sure.

4 Q And, so, Allison set up the rooms?

5 A Yeah.

6 Q Where did you actually physically sleep?

7 A There were only two beds, so I slept in the same bed as  
8 Allison.

9 Q Did it seem -- at that point, did it seem strange to you  
10 that you were sharing a bed with Allison?

11 A I mean, I didn't know her that well, but I don't know, I  
12 had to -- you know, there's five people in my family, so  
13 someone's got to share something with someone if you're only  
14 getting one hotel room. I could sleep on the floor or, like,  
15 I wasn't really big on -- I can sleep anywhere, so fine.

16 Q During V-Week, did you have any conversations with  
17 Allison?

18 A Yeah, I mean, a few different ones while we were all in  
19 the same room, her, Rebecca, and I.

20 But one day she brought up that she had -- that she  
21 was part of this really cool women's mentorship where, like, a  
22 woman mentors another woman. And it was just that it was this  
23 really cool thing for, like, women who wanted to be serious  
24 about being strong women, and she thought that I might be  
25 interested in it. And that's all she was going to tell me



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1 because it was kind of a new thing, but -- that's all she was  
2 going to tell me.

3 Q Did she actually use, like, a specific phrase?

4 A Like, I'm just going to, like, plant that seed in your  
5 mind, but that's all I'm going to say for now.

6 Q Did it plant a seed in your mind?

7 A Yeah. I thought cool, like, well -- yeah, being mentored  
8 by another woman, being mentored by anyone is I think, in my  
9 mind at that time, was a privilege. I mean, that's the whole  
10 point of a mentorship, that they help you -- they help you.

11 Q In particular, given what you were doing or seeking to do  
12 for a living at that point in time, did the fact that Allison  
13 Mack was proposing this mentorship idea have special  
14 significance?

15 A Yeah, I mean, I think I looked up to her because, you  
16 know, she had a lot of discipline and she had gotten to a  
17 certain level in her career and had a certain amount of  
18 success in her career but also was, like, very serious about  
19 becoming a great actress. And that was what I cared so much  
20 about. Like, I didn't want to just be an actress, I wanted to  
21 be great at it.

22 And, so, yeah, she had kind of taken on the role of  
23 mentoring me in The Source already, so I thought, well, that  
24 would be really cool.

25 Q Now, while you were rooming with Allison and Rebecca at

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1 V-Week 2015, did you observe anything that seemed unusual to  
2 you?

3 A Just there was a lot of, like, drills going on, people  
4 running in and out of the room at night. It was really hard  
5 to sleep.

6 Q What do you mean by that?

7 A Well, I don't really even understand what was going on  
8 because I was never part of -- there's, like, another course  
9 called SOP Complete, and they were having kind of -- I don't  
10 know. I don't know if there was readiness or something along  
11 those lines, but they were doing some type of drills that  
12 people would be running in and out of the room and -- I don't  
13 know.

14 Q In the middle of the night?

15 A Yeah.

16 Q Did individuals actually have alarms set to wake up?

17 A Yeah.

18 I always felt like Rebecca was so exhausted with  
19 everything she was trying to do that she would set her alarm  
20 and then sleep through it. And it would be going on and on  
21 for, like, 15 minutes. And you're trying to sleep and you're,  
22 like, okay, I don't know this person well enough to be, like,  
23 yo, wake up or, like, to actually turn off her alarm. So, I  
24 would just kind of be like, okay, just try to go back to  
25 sleep, just try to go back to sleep.

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1 But it was very -- yeah.

2 Q Were you able to observe anything about Allison's diet?

3 A Not really then. It was -- that was more during the  
4 first Source.

5 But she did bring all her own food to V-Week.

6 Q Did she mention how many calories she was eating a day?

7 A Yeah, I think at that point it was 500.

8 Q Did you find it surprising that she was eating  
9 500-calories a day?

10 A She seemed really intense about, like, what she was  
11 doing, so you just kind of, like, backed off of it.

12 It was she was eating 500 calories a day, she would  
13 make her salads during The Source, like, at lunchtime, and she  
14 was training for a half-marathon or marathon, I don't remember  
15 which. She was just -- yeah, I thought it was a little  
16 intense, but she seemed serious about it so I didn't really  
17 question it.

18 Q At that point in time, did you know anything about  
19 whether Allison had a sexual relationship with the Defendant?

20 A No.

21 Q Later on, and we can talk about it more later, but did  
22 you come to realize that she did have a sexual relationship  
23 with the Defendant?

24 A Yes.

25 Q How about Rebecca?

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1 A Same. Like, at that point, no, but later on, yes.

2 Q Later on you learned that she also had a sexual  
3 relationship with the Defendant?

4 A Yes.

5 Q Now, did you meet the Defendant at V-Week 2015?

6 A No.

7 Q What was your impression of the way Keith Raniere was  
8 treated at V-Week 2015?

9 A Well, this was the first time that it really kind of  
10 struck me as being -- "odd," I guess is the best word. But it  
11 just seemed like they very much put him on a pedestal and  
12 idolized him.

13 And I just -- maybe it was because we were at V-Week  
14 and it's, like, ten days that are dedicated to his birthday  
15 and you would go into these, like -- they weren't seminars,  
16 but they kind of had meetings, during V-Week they had meetings  
17 where Nancy Salzman would speak, and she would always refer to  
18 Keith as the smartest man in the world, which, like, I just  
19 kind of -- it just strikes me as weird because how would you  
20 know who the smartest man in the world is? And anyone who  
21 says that -- it just sounds like bullshit to me.

22 THE WITNESS: Sorry.

23 A Because how do you know? You might not know someone  
24 who's really smart in the world. It just seems like a very  
25 arrogant thing to say.

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1 THE COURT: Next question, please.

2 Q Did you end up looking up whether he was --

3 A Yeah, I Googled it. He wasn't on there.

4 Q But now do you actually -- do you have any memory of  
5 actually --

6 You didn't actually meet the Defendant at V-Week?

7 A No. I don't even remember seeing him.

8 Q Did you become close with anyone else at V-Week 2015?

9 A Yeah. That's where I became good friends with Emiliano.

10 Q And who introduced you to Emiliano?

11 A Mark did.

12 Q Tell us a little bit, just briefly, about the development  
13 of your friendship over V-Week 2015.

14 A Well, Emi really liked to run as well. I think we  
15 started, like, just kind of running in the morning and  
16 chatting. I don't know, it started out as a conversation, and  
17 then we went on a run, and he asked me -- there's, like, a 5K  
18 that's done at V-Week. They have a little 5K race, and I --  
19 Emi was like, Why don't you run the 5K?

20 I was like, I don't race.

21 He's like, It's the same as if we would do a  
22 three-mile run.

23 So I was like, Okay, I guess.

24 So, we ran the 5K.

25 Q How did you do in the 5K?

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1 A Good. I got first for girls -- women.

2 Q How did other people react to you getting first?

3 A Fine. I just remember, like, a couple of, like, guys  
4 that I knew being, like, I can't believe you beat us.

5 Sorry.

6 Q So, the men and the women ran at the same time?

7 A Yeah, but, also, there was a triathlon going on at the  
8 same time. There was a lot of things going on.

9 And Emi barely beat me and he was like -- I wish I  
10 would have beat him.

11 Q During that time, did you express any concerns to Emi  
12 about what you were seeing at V-Week 2015?

13 A Yeah. I just I kind of told him one day when we were  
14 running, I don't know, it seems a little weird to me. Like,  
15 I'm not -- I don't really like situations where someone is  
16 idolized. It just feels weird.

17 And he said, Yeah, but, you know, Keith doesn't want  
18 that. That's not what he's looking for. Like, people project  
19 that on to him. And, you know, sometimes people just want to  
20 believe in something more.

21 Okay, but -- yeah, he was, like, Sometimes people  
22 just want to believe in something more and sometimes people  
23 project those things on to Keith. And it's not something that  
24 he wants, but it's just something that happens.

25 And he also said that I didn't need to worry about

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1 it because -- I really wasn't that involved in the ESP  
2 community, but he was, like, It's not like you have to.

3 I was like, Okay, fair enough.

4 Q Did that conversation have any impact on you?

5 A Absolutely. I really trusted -- I trusted Emiliano's  
6 guidance. I mean, he obviously comes from a respectable  
7 family, but he's like super -- he's very smart, he's  
8 well-educated, he went to Harvard. He's not an idiot. And we  
9 formed a good friendship, so I trusted him.

10 And I thought, Okay, like, you know, you really look  
11 up to this person but don't idolize him as far as I could  
12 tell, so okay.

13 Q All right. So, turning -- moving on from August 2015,  
14 did you end up taking additional curriculum for The Source?

15 A Yes.

16 Q When was that?

17 A The next October.

18 Q So, October 2015.

19 A Yes.

20 Q And what was the point of taking that course in October?

21 A So, if I took the course again and also took the Teachers  
22 in Training part of the course, then it would be, like,  
23 partway to becoming certified to teach.

24 Q And that's -- before, when we talked about this pitch of  
25 you can teach The Source and continue doing your auditions,

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1 this is something you would need to do in order to have that?

2 A Yes.

3 Q So, you would need to take this program in order to  
4 actually make money teaching The Source?

5 A Yes, yes.

6 Q And, so, who -- did anyone in particular encourage you to  
7 take it?

8 A Allison, yeah.

9 Q And what did she say?

10 A Well, again, she was -- what felt like, to me, was she  
11 was mentoring me a bit in becoming a teacher and this was  
12 going to be like a really great group of people that were  
13 coming up for the October training, and, so, it would be a  
14 good time for me to retake it. And they had someone that  
15 wasn't her that was teaching the Teachers in Training part.

16 Q And how much was it going to cost?

17 A So, to redo the course was supposed to be half-price, and  
18 then also the Teachers in Training, the, like, extra Teachers  
19 in Training part was another thousand dollars. So, at first I  
20 thought that the -- because my course had been \$6,000 at  
21 first, I thought it was going to be \$3,000, then maybe plus  
22 the extra thousand. But they had raised the prices, so now it  
23 ended up that it was going to be \$6,000.

24

25 (Continued on the following page.)



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1 DIRECT EXAMINATION

2 BY MS. PENZA: (Continuing)

3 Q So had they raised the price to \$10,000?

4 A Yes.

5 Q And, so, this would have been half --

6 A Half price, plus the \$1,000, yeah, so 6,000.

7 Q How did you pay for that?

8 A I paid for 2,000 and Allison lent me -- Allison said she  
9 would lend me the rest, which was \$4,000.

10 Q Did you eventually pay her back for that?

11 A Absolutely.

12 Q Was this a lot of money for you at the time?

13 A Yes.

14 Q Were you told -- did Allison tell you how much you'd make  
15 teaching The Source if you became certified?

16 A Yeah. So, I believe that it was you would make 50  
17 percent of every student that was in the course, which, like,  
18 if it's \$10,000 per student, which, you know, I thought was  
19 very expensive, like way too expensive, if that's the case, it  
20 is \$5,000 per student. So you could make a decent amount of  
21 money if you had like good groups of people.

22 Q Did you -- did you have concerns about the financial  
23 viability of The Source?

24 A Yeah. Well, I remember talking about some of the  
25 concerns with my mom and dad because, you know, I think my dad

MDL

RPR

CRR

CSR

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1 asked me well, are you responsible for finding all these  
2 students, like how exactly does this all work? And, also, for  
3 me personally, \$10,000 -- well, \$10,000 is a lot of money.  
4 And when you're trying to pitch to actors that don't have a  
5 lot of money, that's -- you know, not that actors don't have a  
6 lot of money. Actors are kind of in two different places:  
7 They're either doing really well and they have money or  
8 they're struggle and they're barely making it work and working  
9 from job to job. So \$10,000 can be a lot of money for the  
10 type of person that, like, I'm around that I would be pitching  
11 it to.

12 Q Did you discuss those specific concerns about Allison?

13 A Yes.

14 Q And what did she say?

15 A Well, there was a few different answers that I got at  
16 different times. But one would be like people make things  
17 work when they want to make it work or how valuable has it  
18 been to you, is it worth that much money?

19 They were working on kind of setting up an ongoing  
20 version. So instead of \$10,000 for -- I think it was like  
21 only three weeks at that point, then it would be like \$400 a  
22 month, which is not too different from a normal acting class.

23 Q Did Allison also specifically talk to you about teaching  
24 you how to enroll other people?

25 A Yeah, they say they help you. They have classes or they

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1 help you to like learn how to enroll people so that you would  
2 have students to teach.

3 Q So how long was the October 2015 class?

4 A It was four weeks, but because of work I could only go up  
5 there for three.

6 Q And who taught that course?

7 A Allison taught it again. And I think that Mark helped,  
8 was like an assistant teacher. It was either that one or the  
9 one after. I don't remember.

10 Q And did you end up staying in the same place you had  
11 stayed for the first time you took the course?

12 A I did. It was the cheapest option. But I stayed under  
13 the -- in like the basement house area, but in a different  
14 room.

15 Q During that course, did you end up having a conversation  
16 with Allison Mack about life?

17 A Yeah. One day we -- she asked me if I wanted to go on a  
18 walk and we went walking. It was like October. So it was  
19 fall. So we were like walking through the leaves and there  
20 was like one road around this area. So we were walking down  
21 the road and she was kind of just asking me like what I wanted  
22 in my life and how much I cared about growth and questions  
23 like at that.

24 Q Okay. And did she ask you anything about your desire to  
25 have a family?

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1 A Yeah. She asked me if I wanted to have a family some day  
2 and I said absolutely. She asked me about how much my family  
3 meant to me, which is obviously a lot. My family means a lot  
4 to me. And then she asked me if I was willing to like -- I  
5 don't remember how she phrased it exactly, but willing to let  
6 go of my attachment to my family or push hard enough to let go  
7 of my attachment to having a family.

8 Q And what did you say?

9 A No. Why? Like, why would I need to do that?

10 Q So as of October 2015, how were you doing in New York?

11 A I mean, okay. Not great. Like I kept telling myself  
12 that things take time. You know, I lived in Los Angeles a  
13 long time. Sometimes it takes time to build a life in a new  
14 city. But it was -- I was working really long hours at the  
15 restaurant. I was working and like -- and just barely being  
16 able to pay my bills and my commercial agents were obviously  
17 not -- everything was falling apart there. So, you know, I  
18 was like -- I liked being in New York, but sometimes I would  
19 be just like what did I do.

20 Q Did things start to worsen for you?

21 A Yeah. In January and February, it was really hard.  
22 Because it -- I mean, it was my first winter in New York, so I  
23 think there were just like a lot of things going on. Sorry.  
24 So there were -- there was a lot going on. I would -- winter  
25 can be tough. People don't go out to eat at restaurants as

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1 much, so you're not making as much as money. And I was just  
2 feeling really lonely and unsure of how to move forward with  
3 my career in New York and just kind of, like, thinking about  
4 everything that I left behind in L.A. and being like why? Why  
5 did you do this? What were you thinking?

6 Q So drawing your attention to February 2016, can you  
7 describe what your mental state was like at that time?

8 A Yeah, I -- I was really depressed. I -- up until that  
9 point I don't think I had -- I didn't really know what to do.  
10 I was so depressed. I was really struggling.

11 Q At some point around then, did you consider yourself  
12 suicidal?

13 A Yes. Yes.

14 Q Did you discuss that with anybody?

15 A But I think it was -- yeah, also more just -- I don't  
16 know. I was just in a lot of pain.

17 Q Did you discuss that pain with anyone?

18 A Yeah, I sent Allison an e-mail. I mean, yeah, I sent  
19 Allison an e-mail saying that I was -- I think I said I was  
20 suicidal, but I was calm because I didn't think that that was  
21 really what I wanted to do. I just wanted to know that I had  
22 a way out. I mean, yeah. It's not really something I wanted  
23 to do. It's just I was feeling like really low.

24 MS. PENZA: Your Honor, I think if we want to take  
25 an afternoon break, I think this is a good time.

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1 THE COURT: We will take a break now. All rise for  
2 the jury.

3 (Jury enters the courtroom.)

4 THE COURT: The witness may stand down.

5 (Witness steps down.)

6 THE COURT: Anything before we take the break?

7 MS. PENZA: No, Your Honor.

8 THE COURT: All right. We will take a 10-minute  
9 break.

10 (Recess taken.)

11 THE COURT: Bring in the witness, please.

12 MR. LESKO: We have a very minor issue, but I don't  
13 think -- it's not really an issue. We just wanted some  
14 guidance.

15 THE COURT: Can we do it in the open?

16 MR. LESKO: In the open.

17 THE COURT: Let's wait for everyone to be here.  
18 Okay. All right. Yes. You may be seated in the back.

19 We have an issue.

20 MR. LESKO: Your Honor, we are trying to predict  
21 tomorrow's schedule. I think it is highly likely that Nicole  
22 will remain on the stand throughout the day. We have a  
23 witness who will be the next witness who will have to come in  
24 from out of town tonight to be ready in case we have a few  
25 minutes at the end of tomorrow. We would prefer not to have

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1 that witness travel to the city for that purpose because it  
2 would be unlikely he would be called. I have raised this with  
3 the defense. I just wanted to raise it with the Court because  
4 if Nicole goes quickly, we may have a few minutes of extra  
5 time at the end of the day and I wanted to get some guidance  
6 from the Court as to how you wanted to handle that.

7 MR. AGNIFILO: So what I believe to be the case is  
8 the Government believes they will have Nicole on direct  
9 through lunch tomorrow.

10 THE COURT: Right.

11 MR. AGNIFILO: If that ends up being the case, I  
12 would think I would come close to finishing the day on cross.  
13 Now, I could come up 20 minutes short or a half hour short.

14 THE COURT: That's fine. We are not going to worry  
15 about that. Let me understand this, how long is your next  
16 witness?

17 MR. LESKO: Less than an hour.

18 THE COURT: I don't want to take a chance. Why  
19 don't we plan on that witness being here on Monday morning if  
20 that's the case. If we adjourn 20 minutes early or half an  
21 hour early, we can't stay past 5:00 because the jury doesn't  
22 want to stay past 5:00, so I think that resolves the issue  
23 really. Thank you for letting me know.

24 MR. LESKO: Thank you.

25 MR. AGNIFILO: Thank you, Judge.

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1 THE COURT: Let's put on the witness, please.

2 (Witness takes the stand.)

3 (Jury enters the courtroom.)

4 THE COURT: All right. Please be seated, everyone.

5 I think I covered this at the beginning of the trial, but just  
6 let me make mention of it, if anyone on the jury or counsel's  
7 table or the witness needs to take a bathroom break while we  
8 are not taking a break, just raise your hand, the person can  
9 leave and come back and we will wait. We don't want anyone to  
10 be uncomfortable. We want you to be concentrating on the  
11 case. Just let us know. Mr. Reccoppa, my clerk, Mr. Haddad,  
12 and I will try to keep an eye on things. Also, if anyone  
13 notices that, just let me know.

14 All right. You may continue your examination of the  
15 witness. The witness is reminded that she is still under  
16 oath.

17 MS. PENZA: Thank you, Your Honor.

18 May I have the ELM0 just for the witness?

19 THE COURT: Sure. One moment, please.

20 Okay.

21 Q Nicole, I'm showing you what has been marked for  
22 identification as Government Exhibit 651. Are you familiar  
23 with this document?

24 A Yes.

25 Q And is this an e-mail that you sent to Allison Mack on



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1 February 10, 2016 at 1:19 a.m.?

2 A Yes.

3 MS. PENZA: Your Honor, the Government offers  
4 Government Exhibit 651 into evidence.

5 MR. AGNIFILO: We have no objection.

6 THE COURT: Government Exhibit 651 is received in  
7 evidence. Published to the jury.

8 MS. PENZA: Thank you, Your Honor.

9 (Government's Exhibit 651 received in evidence.)

10 (Exhibit published.)

11 Q Nicole, can you -- I guess let's start at the top. So  
12 the subject line of this e-mail is dancing in the dark; is  
13 that right?

14 A Yes.

15 Q How do you come up with the titles for your e-mails?

16 A I just kind of like to entertain myself with how I title  
17 my e-mails. So, usually, like, they have some kind of  
18 reference to what's going on. But I also just like to be  
19 creative. So, my guess in here would be that I was feeling  
20 pretty dark but, like, trying to somehow make light of it.

21 Q Is it fair to say that if we look at other ones of your  
22 e-mails we will see like --

23 A Yeah. Yes, like every e-mail.

24 Q -- has like different turns of phrase in the subject  
25 line?

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1 A Yeah.

2 Q And it is from you and your e-mail address is redacted;  
3 is that right?

4 A Yes.

5 Q And it is to Allison Mack?

6 A Yes.

7 Q And is that Allison Mack's e-mail address?

8 A Yes.

9 Q Scout82@gmail.com?

10 A Yes.

11 Q Now, looking at this document, there appears to be two  
12 sections. It says Source journal and personal journal. Can  
13 you explain what that is?

14 A At some point Allison asked me to start journaling to her  
15 about kind of what was going on, kind of for mentoring with  
16 The Source, was what I thought it was for, and then she asked  
17 me to start writing -- so once I started teaching Source  
18 classes, she wanted me to include what went on in class that  
19 day, if like -- yeah, what happened in class that day, if I  
20 learned anything or noted anything, or what we worked on in  
21 class. So, the top one, it looks like it is from the day  
22 before. I usually taught classes on Tuesdays.

23 Q Okay. So the top part is about The Source, the acting  
24 class that you're teaching?

25 A Yes.

Nicole - direct - Penza

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1 Q How do you end up writing the personal journal part two  
2 to Allison Mack? How did that end up happening?

3 A I don't remember how it first started, but -- she asked  
4 me if I wanted to start journaling to her to work on these  
5 exercises. Like, she would ask -- for a while I journaled  
6 like what are you feeling? Is it real or is it not real? Let  
7 me think about how to explain it. She would ask me questions  
8 of being like okay, if I got scared about something, to kind  
9 of look at what my body was feeling and whether I really  
10 needed to be scared or not, or if -- stuff like that. That's  
11 kind of how the personal journal started and then they --  
12 yeah.

13 Q So can I ask you to read from the personal journal  
14 portion?

15 A Yes. Well, tonight was brutal. I haven't felt this low  
16 in a very long time. I haven't felt suicidal like this in a  
17 long time. It hurt and I was scared. But I was also oddly  
18 calm about it. Be calm about -- oh, I guess I should have  
19 said being. Be calm about suicide scared me in a way as well.  
20 But I guess knowing that it was an option felt nice. Not  
21 making the option bad, but just genuinely having it as a real  
22 option.

23 (Continued on next page.)  
24  
25

MDL

RPR

CRR

CSR

Nicole - direct - Penza

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1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q I'll read it. I'll read the rest.

4 I called my brother and I cried on the sidewalk in  
5 the streets of New York City for a long time. Matthew said I  
6 was having an ego-collapse. And I think he might be right. I  
7 have no identity to hold onto at the moment. I don't know who  
8 I am or what I want. I no longer have what defined me in LA  
9 and I no longer just moved. I even convinced myself that I  
10 screwed everything up -- screwed up everything because I've  
11 changed my name a few times.

12 I don't even have a name to define me. Am I Nicole?  
13 Who am I? Who do I want to be? Have I fucked it all up  
14 already? It's a long dark and exhausting rabbit hole to go  
15 down. I'm just tired and I'm sick of feeling this way. I  
16 have been feeling better the last few days coming out of my  
17 haze, and then tonight at work I sunk even lower than I've  
18 been before, than I can remember being in a very long time.  
19 I'm tired.

20 Was that an accurate reflection of how you felt  
21 then?

22 A Yes.

23 Q And you sent that to Allison Mack on February 10th, 2016?

24 A Yeah, and I -- I remember calling my brother.

25 Q After you -- after you sent that journal article,

Nicole - direct - Penza

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1 eventually did Allison Mack respond to you?

2 A Yes.

3 Q Did she respond to you on February 11th, 2016?

4 A I think so. The next day.

5 Q How did she respond?

6 A She said that she was -- that she was sorry she hadn't  
7 been more, like, attentive, I think, and that she wanted to  
8 make time for me. And she was going to come down to New York  
9 City.

10 Q And did she come down to New York City?

11 A Yeah, I mean -- I think she was already coming down for  
12 an audition, but she was just gonna make time to, like, check  
13 in.

14 Q Was that basically on February 12th?

15 A Yeah, it was like the next day.

16 Q And so what happened when she -- where did you meet when  
17 she came down?

18 A We met at the Ace Hotel in Manhattan.

19 Q At this point in time, where were you living?

20 A I was living in Brooklyn.

21 Q So what happened when you met at the Ace Hotel?

22 A She told me about this -- she brought up the Women's  
23 Organization -- the mentorship again, the Women's  
24 Organization, and she said it was -- she had this -- sorry.  
25 She said that she had something that she thought would fix how

Nicole - direct - Penza

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1 I was feeling; that that mentorship that she had mentioned to  
2 me before was this really cool thing and that it would make  
3 everything better. That it was -- it was gonna make me feel  
4 better. It would be -- it would be exactly what would help me  
5 get out of where I was mentally right then.

6 Q How did it -- how did it make you feel when she said that  
7 to you?

8 A Hopeful.

9 Q So what else did she tell you?

10 A She said that if I wanted to get more information on this  
11 mentorship, that I had to provide collateral.

12 Q Did she -- we'll talk about collateral in a second.

13 Did she mention anything about this -- during that  
14 conversation, did she ever mention anything about the  
15 structure of the mentorship?

16 A Yeah, so she said it was, like, a woman would be above  
17 you that would mentor you and then eventually you would have  
18 a, like, mentee, and you would mentor someone underneath you  
19 as well. So, yeah.

20 Q Was that appealing to you?

21 A Yeah, because -- yeah. Again, I -- I always thought it  
22 would be cool to have a mentor, especially, you know, in  
23 acting. And also, I really enjoy working with people and, you  
24 know, if someone helps me get somewhere, I absolutely would  
25 want to repay that and help somebody else. I mean that's --

Nicole - direct - Penza

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1 yeah.

2 Q Did she say anything about whether this organization had  
3 anything to do with NXIVM?

4 A She said it did not have anything to do with NXIVM.

5 Q Was she clear about it being a group of women?

6 A Yeah, absolutely.

7 Q Now, you said she mentioned collateral.

8 What did she say about collateral during that  
9 meeting?

10 A She said that to find out more information, there was  
11 like a -- a secrecy quality to -- to the women's group. And  
12 so to find out more information, I needed to provide  
13 collateral.

14 Q Had you heard the term "collateral" before?

15 A No -- I mean, maybe I've heard it in passing, but I did  
16 not understand. Like, I didn't know what she meant.

17 Q Did she explain it -- did she -- did she give you an  
18 explanation?

19 A Yes.

20 Q What did she say?

21 A So I think I asked what the collateral was for, and she  
22 said it was for, like, saying that you wouldn't speak about  
23 what you heard. So then the collateral was supposed to -- to,  
24 like, stand for your word.

25 So, basically, like you would give someone, like,

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1 the deed to your house or your car and if you broke your word  
2 they would get your house or your car was what I understood  
3 that to be.

4 Q At that point in time, did you have a house or a car?

5 A No. No.

6 Q Did you discuss that with Allison?

7 A Yes.

8 Q And so did she say you could give something else?

9 A Yes. She said that I could -- she said that I could make  
10 a, like, video, like sort of like a sexual video, or write  
11 letters that -- that would hurt my family.

12 Q How did you react when she suggested this?

13 A I -- I don't think I -- I didn't quite know how to react,  
14 at first, because it sounds -- it sounded intense. But she  
15 was just like, this is -- it's such a cool program and it's  
16 such a cool thing and I really think that it is exactly what  
17 you need right now. And so, I think I said -- I think I said  
18 I would think about it -- or think about the collateral.

19 Q Now this conversation you're having with Allison, this is  
20 two days after the e-mail that we just looked at?

21 A Yes.

22 Q Did you end up moving forward with providing collateral?

23 A Yes.

24 Q Looking back, why do you think you were willing to do  
25 that?



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1 A I think because I wanted to -- I wanted something to be  
2 hopeful for and I thought that maybe what she was talking  
3 about would -- would be what I -- what would help.

4 Looking back, it's -- I don't think I was thinking  
5 rationally because -- yeah, I don't think I was thinking very  
6 rationally.

7 Q At that point, did you feel that you could trust your own  
8 decision-making process?

9 A No. I think I said that in an e-mail that I just, like,  
10 didn't know. I was so up and down that I was, like -- yeah, I  
11 was not thinking very rationally.

12 Q At that point in time, did you feel that you could trust  
13 Allison?

14 A Yeah. She had been -- she had been mentoring me in The  
15 Source for a while now, like -- in a way. It wasn't like a --  
16 like we didn't call it a mentorship, but like she had kind of  
17 been taking me under her wing and I -- I trusted her.

18 Q So over the next few days did you prepare your  
19 collateral?

20 A Yes.

21 Q Throughout the process, were you in communication with  
22 Allison about that?

23 A Yes.

24 Q You were in Brooklyn at the time?

25 A Yes, in Brooklyn.

Nicole - direct - Penza

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1 Q And describe the back and forth about preparing your  
2 collateral?

3 A Well, I didn't know what -- so the letters were supposed  
4 to be letters that hurt your family, and you were supposed to  
5 write them, but I couldn't write anything. Like, my family  
6 is -- is amazing. Like, I love my family. So I was having  
7 trouble writing something that would -- would hurt them.  
8 Like, even thinking of things. Like what could I -- no one's  
9 ever broken the law. No one's ever done anything that, like,  
10 I can put in there that's -- that would be like she explained  
11 collateral to be, so I didn't really know what to do.

12 Q And did you express that to Allison?

13 A Yeah.

14 Q And did Allison tell you what she had written?

15 A Yeah. She said you could lie and she said that she had  
16 written that, like, her father had sexually abused her.

17 Q And so was that -- did you end up writing a letter that  
18 was similar to that?

19 A Yes.

20 (Pause.)

21 A Sorry, sorry.

22 Q Are you okay?

23 A Yeah, I'm okay.

24 Q And -- are you okay?

25 A (Nodding.)

Nicole - direct - Penza

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1 Q Did you write -- did you write letters about other family  
2 members as well?

3 A Yes, yes.

4 Q Did Allison also talk to you about doing something that  
5 would ruin your career?

6 A Yeah, she said to write a letter about one of my ex's,  
7 who's like prominent in the -- in the industry and -- I mean,  
8 also the sex tape would do that as well, so...

9 Q But as to the -- as to your ex who's prominent in the  
10 industry, was that specifically Allison's suggestion?

11 A Specifically, yes.

12

13 (Continued on the following page.)

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Nicole - Direct - Penza

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1 BY MS. PENZA (Continuing):

2 Q Did you communicate to Allison that this was a difficult  
3 process for you?

4 A Yes.

5 Q And what would she say?

6 A That it was an exercise in trust and that -- well, first  
7 she said no one is ever going to see any of this.

8 What I said was, Why would I do this? Like, why  
9 would I hand over something that could hurt my family even --  
10 like, even if I never broke my word?

11 Because I wasn't -- I know how strong my word is. I  
12 wasn't going to break my word, but, like, what if someone  
13 found these letters someday and I couldn't explain that, like,  
14 they're not true? What if, like, I died and someone found the  
15 letters and I couldn't explain that it wasn't true?

16 Like, I was sort of -- I was just -- that's what I  
17 was thinking about.

18 And she said, No one is ever going to see these  
19 letters. They're going to be locked in a box and that box is  
20 going to be, like, underground and no one is ever going to see  
21 them. Like, this is an exercise in trust. Don't you want to  
22 be the type of person that trusts someone?

23 Q In terms of the collateral, what was more difficult for  
24 you, the sex tape or the --

25 I'm sorry, I want to just be clear, the tape, that

Nicole - Direct - Penza

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1 was only you in the video, right?

2 A Yeah.

3 Q But it was sexually explicit?

4 A Yeah.

5 Q -- that or the letters?

6 A Like, the letters were so much, so much harder for me.

7 Q And have you reviewed some communications back and forth  
8 between you and Allison about the collateral process?

9 A Yeah.

10 Q And in some of those communications, do you express kind  
11 of in comparison that the sex tape portion was fun?

12 A Yeah, I think I just -- again, I'm not sure I was  
13 thinking very clearly, but I think I just said that, like,  
14 making the video was kind of, like, freeing, again, under the  
15 circumstances that I thought no one was ever going to see it,  
16 ever. So, that was, like, easier for me.

17 And I think I just said that I had to sort of, like,  
18 separate from my body to write the letters because that was so  
19 hard for me.

20 Q Were there specific instructions about the form of the  
21 letters, like how they were supposed to be?

22 A Yeah, they had to be signed and put in an envelope and  
23 addressed to wherever they would be sent to if I -- you know,  
24 where they would be sent to to, like, hurt that person if I  
25 broke my word.

Nicole - Direct - Penza

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1 Q This would be the way the release of the letter would  
2 have some power?

3 A Yes.

4 Q Who were they addressed to?

5 Where was the letter about your father addressed to?

6 A Like, the local newspaper from where I grew up.

7 Q How about your mom?

8 A To the people that she worked for at the art center.

9 Q And then the letters about your ex, where were those?

10 A I think about my ex was, like, *The LA Times*.

11 Q Did you eventually provide your collateral to Allison?

12 A Yes.

13 Q How did you actually provide it?

14 A Like, all in an envelope and I gave it to her.

15 Q And where did you give it to her?

16 A At the Ace Hotel again. They have, like, a coffee shop  
17 at the hotel.

18 Q And, so, what happened after you gave it to her?

19 A Then we went to Angelica's and --

20 Q What's Angelica's?

21 A It's a -- it was, it doesn't exist, actually, anymore,  
22 but it was a restaurant in the East Village in New York City.

23 Q You went to Angelica's and what happened?

24 A She told me more about this women's empowerment group.

25 Q And did she call it a women's empowerment group?

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1 A Yeah.

2 Q Did she give the group a name?

3 A Yeah. It was called "The Vow" at the time.

4 Q And did you know it as The Vow for a long time?

5 A Yeah.

6 Q Eventually, did you come to learn that it was also called  
7 DOS?

8 A Yes.

9 Q If I use "The Vow" or "DOS," we're talking about the same  
10 thing?

11 A Yeah. It is the same thing.

12 Q So, what else did she tell you about this women's  
13 empowerment group?

14 A Well, some of the same stuff. That you had, like, a  
15 mentor above you and then that you had -- that you would  
16 eventually mentor another woman as well, but that it was,  
17 like, a very -- that it was an intense, growing kind of  
18 empowerment group, where women were, like, pushing each other  
19 to be, like, stronger, like, physically, mentally,  
20 intellectually, so that they could live the kind of life that  
21 they wanted to; either like have the career that they wanted  
22 or build the business that they wanted, but that it would be a  
23 group of women that was, like, making you stronger so that you  
24 could live the kind of life that you wanted to.

25 Q And did she specifically say those things, like make the

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1 career that you wanted or the business that you wanted?

2 A Yeah, "Build the life that you want" I think is what she  
3 said exactly.

4 Q At that point, did she tell you how long the commitment  
5 would be?

6 A Yeah. So, she said, like, that The Vow that you would  
7 make to this women's organization would be a lifetime  
8 commitment.

9 Q Did she mention anything about -- did she mention any  
10 other details?

11 A She said that, like, all of the women that were involved  
12 in this, and, like, there were some really amazing women  
13 involved in this, like, everyone did or would have a matching  
14 necklace and, like, a small, like, brand, like a tattoo.

15 Q Did she actually use that phrase, "a small brand like a  
16 tattoo"?

17 A Yeah.

18 Q What was your impression at that time about the brand?

19 A That it would be like a small little, like, tattoo. Like  
20 my mom and my sister have little matching tattoos. It's kind  
21 of just what I pictured.

22 Q So, what did you think about what Allison was telling  
23 you?

24 A The lifetime commitment was a little bit scary to me, but  
25 everything else was, like, sounded good, like, interesting.



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1 I don't know, as an actor, you always want to be  
2 physically, mentally, and intellectually stronger. You want  
3 to play those kind of characters, you want to be that kind of  
4 woman. You want to be the kind of woman that, like, can build  
5 a career that she wants or can play those kind of women on  
6 screen.

7 So, it sounded -- compared to where I was at  
8 mentally, yeah, it sounded pretty good.

9 Q Did she give you a time frame in which to join?

10 A Twenty-four hours.

11 Q And, so, did you join?

12 A Yes.

13 Q How did you communicate that to Allison?

14 A Well, again, the biggest thing that freaked me out was  
15 the lifetime commitment because, like, I don't know, even in  
16 marriage, it's like if you make that commitment, like, you  
17 can -- I mean, just -- I take that very seriously and it kind  
18 of scared me because I had -- I don't know, I just --  
19 anyway...

20 So, I wanted to call her and tell her that because  
21 she was back up in Albany and I was in Brooklyn. I wanted to  
22 call her and tell her that I accepted. And she didn't pick up  
23 the phone, but she texted me back and said, you know, Do you  
24 have an answer?

25 And I was kind of like, Well, yeah, but I figured,

Nicole - Direct - Penza

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1 like, a call was a better way to communicate a lifetime  
2 commitment than a text.

3 But, yeah, so, it was over text message.

4 Q Now, looking back, do you have a view as to why you  
5 joined?

6 A Yeah. I think it's a couple different reasons.

7 I mean, I think at the time, like, I was really  
8 looking for something to be hopeful for and something to kind  
9 of, like, ground me and to, like, working towards rebuilding  
10 my career, because I was just obviously, like, at such a low  
11 point.

12 And I also -- you know, I think it -- it's easy as  
13 an actress to just -- it's kind of like -- I wanted to be like  
14 Wonder Woman, I wanted to play that role, and it's kind of  
15 what it sounded to me like. And I wanted to be mentored by  
16 another actress that was trying to become a great actress as  
17 well. I thought that that would help me build that for my  
18 life. And to have, like, a group of women that helped you  
19 accomplish that, it sounded good.

20 But I also think I was just at a place in my life  
21 where, yeah, that sounded really good.

22 MS. PENZA: Your Honor, may I have the Elmo just for  
23 the witness, please?

24 THE COURT: Go ahead.

25 Q Nicole, I'm showing you what's marked for identification

Nicole - Direct - Penza

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1 as Government Exhibit 657.

2 Do you see that?

3 A Yes.

4 Q And is this a continuation of the e-mail chain we had  
5 looked at before, that was "dancing in the dark"?

6 A Yes.

7 Q And this is a continuation of the chain and it ends on  
8 February 13, 2016 at 8:52 a.m.?

9 A Yes.

10 MS. PENZA: Your Honor, the Government offers  
11 Government Exhibit 657 into evidence.

12 MR. AGNIFILO: No objection.

13 THE COURT: Government Exhibit 657 is received in  
14 evidence and you may publish to the jury.

15 MS. PENZA: Thank you.

16 (Government Exhibit 657 so marked.)

17 (Exhibit published to the jury.)

18 Q Nicole, I'm going to start at the end of this document.

19 So, looking at the second to last page, is this the  
20 e-mail that we read before?

21 A Yeah, yes.

22 Q So, you had sent that e-mail to Allison on February 10?

23 A Uh-huh, yes.

24 Q And then I'm just going to show you the second page.

25 On February 11, had you sent another journal

Nicole - Direct - Penza

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1 article -- I'm sorry, do you see where it says -- can you  
2 see -- no, you can't.

3 Can you see where it says February 11?

4 A Yes.

5 Q And, so, continuing on to the next page, was that another  
6 e-mail that you had sent to Allison?

7 A Yes.

8 Q And this was another one where you discussed your  
9 depression?

10 A Yes.

11 Q And then February 11, Allison Mack writes back to you: I  
12 will be in New York City tomorrow. What's your time frame?  
13 We need to spend some time together. I'm sorry I have not  
14 been there for you. Let me know. I will prioritize you.

15 A Yes.

16 Q And then you write back, and if we look up at the top the  
17 arrangements are made to meet at the Ace Hotel; is that right?

18 A Yes.

19 Q And then this is, if you look here, February 12, 2016.  
20 Again, you have a Source portion of it.

21 But then on February 11, there's -- you have an  
22 e-mail: Today was much better. Woke up calmer and more  
23 settled. Went for a run, went to class, and then went to meet  
24 Allison.

25 A Yes.

Nicole - Direct - Penza

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1 Q And: The meeting with Allison was wonderful.

2 A Uh-huh, yes.

3 Q Cozy and comfortable and has got my brain thinking.

4 A Yes.

5 Q So, that was the meeting that was in response to the  
6 e-mails you had sent about your depression?

7 A Yes.

8 Q And is this referencing the first conversation you had  
9 with her about the -- the first meeting that you had about the  
10 women's mentorship group, the one where she -- I'm sorry, I  
11 know you had a few conversations.

12 The one where she mentioned the collateral to you?

13 A The first time, yes.

14 Q And then February 13, you send another e-mail saying that  
15 you feel a bit lost and unfocused again.

16 And then February 13, Allison Mack writes back: I'm  
17 so excited to share with you what I am doing. I think this is  
18 exactly what you need. Trust me, you will be okay. Is your  
19 collateral finished?

20 A Yes.

21 Q And did you complete the collateral within a couple days  
22 of that?

23 A Yes.

24 Q So, based on the conversations you had had -- at the  
25 point at which you joined DOS, based on what Allison had told

Nicole - Direct - Penza

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1 you, what was your understanding of what this group was going  
2 to be?

3 A A women's mentorship where Allison would mentor me in  
4 life and that was going to, like, push me into my fears so  
5 that I could build the kind of career that I wanted and become  
6 the kind of woman that I wanted to be; that it was a secret, I  
7 wasn't supposed to talk about it, but that it was -- like, it  
8 was a women's organization that also -- that the women were  
9 pushing through their fears to be strong and build the life  
10 they wanted to build so that they could help people.

11 Q During any of the conversations you had with Allison Mack  
12 about DOS before you joined, did she tell you that the  
13 Defendant was involved in the group?

14 A No.

15 Q How would knowing that information have affected your  
16 decision about whether to join?

17 A Well, it's a women's empowerment group. So, if a man had  
18 been running the whole thing, I wouldn't -- it doesn't even  
19 make sense. I would not have been interested.

20 Q You were looking for women's mentorship?

21 A Absolutely. Especially in, like, that structure, yes.

22 Q We'll talk about some of these things going forward, but  
23 at that point in time and now looking back, looking back are  
24 there other things you later learned that would have affected  
25 your decision to join DOS?

Nicole - Direct - Penza

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1 MR. AGNIFILO: I'm going to object to the form of  
2 the question.

3 THE WITNESS: Can I answer?

4 THE COURT: Overruled.

5 You may answer.

6 A Yeah, I guess the first one would be that apparently I  
7 was giving up my free will and that I couldn't make my own  
8 decisions, but that eventually there would have to be more  
9 collateral added on and that I would have no say in whether or  
10 not I gave it, like, it would be demanded.

11 I mean, there were so many things that were added on  
12 later once you were, like, sealed into this situation.

13 Q At that point in time when you joined, when you joined  
14 DOS, did you believe that there would be any sexual component  
15 to it?

16 A No.

17 Q Would knowing that have affected your decision to join?

18 A Yeah. I don't know how that has anything to do with  
19 mentorship. So, yes, it absolutely would have. I wouldn't  
20 have been interested because I wasn't -- that's not what I was  
21 looking for.

22 Q Now, while you were in DOS, how would you communicate  
23 with Allison?

24 A So, then I was told that, like, the way the mentorship  
25 was communicated, it was a master-slave relationship, and, so,

Nicole - Direct - Penza

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1 I was told to say, Good morning, Master, and, Good night,  
2 Master, every night to Allison.

3 Q How did you feel about that?

4 A Not great. I mean, it's like I tried to, like, wrap my  
5 head around it in the sense of thinking of, like, I don't  
6 know, like, great artists, like Michelangelo, they had, like,  
7 masters that taught them. So, I tried to think about it in my  
8 head.

9 But it feels really weird and I don't like answering  
10 to people in particular, in general. So, having to do that  
11 every morning and every night was, like, not my favorite.

12

13 (Continued on the following page.)

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Nicole - direct - Penza

3865

1 DIRECT EXAMINATION

2 BY MS. PENZA: (Continuing)

3 Q Now, in terms of forms of communication, what types of  
4 forms of communication would you have with Allison?

5 A Like all sorts, so either text message or WhatsApp or  
6 e-mail.

7 Q Later on, did you end up using something called Telegram?

8 A Yes.

9 Q And was it explained to you the importance of using  
10 Telegram at some point?

11 A Yes.

12 Q Who explained it to you?

13 A Allison explained that like in Telegram I guess you could  
14 lock the -- like chains, so no one could read -- basically it  
15 was like a more secretive way of communicating. So you could  
16 lock the back and forth, so no one else could read it.

17 Q Eventually, did you also use something called Sideline?

18 A Eventually, yes.

19 Q What is Sideline?

20 A It's this -- so, basically, you get another phone number,  
21 but it still goes to your phone, but you have like -- so I  
22 would give -- it's another phone number that still comes back  
23 to your phone, but it is a completely different phone number  
24 from your phone number. It's a side line.

25 Q And did Allison have a Sideline as well?

Nicole - direct - Penza

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1 A I believe so.

2 Q Now, what were your initial experiences with DOS like?

3 A Immediate, like right away, Allison was very loving and  
4 like she came down to New York City and like set it up for us  
5 to have lunch and go to a museum and she was very  
6 communicative and checking in on me and seeing how I was  
7 feeling. Like she was nice.

8 Q Did she also do anything to actually -- at that point,  
9 did she do anything that made you feel like there was a career  
10 ventureship [sic] happening?

11 A Yes. So she set up my first off-Broadway audition for a  
12 really great play and also set me up with a meeting with her  
13 agency, which was a really good agency for commercials,  
14 theater, and film and TV.

15 Q At some point, did Allison give you an assignment, your  
16 first assignment?

17 A Yes.

18 Q What was the first assignment?

19 A We were talking and the first assignment was for me -- so  
20 Mark, my ex that had introduced me to ESP, had also moved to  
21 New York after I moved to New York and, so, we had sort of  
22 still been off-and-on dating. That wasn't really my priority  
23 when I was in New York, but we had been off-and-on dating.  
24 And she -- my first assignment was to not sleep with him any  
25 more.

MDL

RPR

CRR

CSR

Nicole - direct - Penza

3867

1 Q And did she explain why she was giving you that  
2 assignment?

3 A That it was -- that it was better for me.

4 Q Did she actually tie it to your career?

5 A Yeah, that it was like my back and forth with Mark was  
6 distracting from my career, from me focusing on my career, and  
7 that it just wasn't a healthy situation.

8 Q At the time, how did you feel about that first  
9 assignment?

10 A Fine, because I kind of like agreed with her. I was  
11 like, yeah, you're right, it's not really -- I shouldn't keep  
12 doing this. So, I thought, oh, wow, she's like really looking  
13 out for me.

14 Q I think you already said this, but at that point in time,  
15 were you prioritizing at all having an intimate relationship?

16 A No. I really wanted to figure out my career and I felt  
17 like once I figured out -- like was more on my feet  
18 financially, and just like had more of a groove in my career,  
19 then I would think about dating. But, right now, I wanted  
20 just to -- that's why I had moved to New York, so I really  
21 just wanted to focus. Not that I -- you know, if I met  
22 someone, great, wonderful, but I wasn't going out on dates all  
23 the time or anything like that.

24 Q At some point did Allison give you further direction  
25 about your sex life?

Nicole - direct - Penza

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1 A Yeah. The second assignment was to be celibate for three  
2 months.

3 Q And how did you interpret that assignment?

4 A I thought it meant you couldn't have sex for three  
5 months.

6 Q Did something happen after that that gave you concern?

7 A Yes. So -- and I didn't think that that was that weird  
8 either, at first, because I thought, okay, I mean, I don't  
9 particularly want do this, but I've never done this, so okay.  
10 Like, I'll try it.

11 Q Try being celibate?

12 A Yes. Try being celibate, yeah, for three months.

13 I also started a new job at that time and, one of  
14 the nights at my new job, I met a really cute boy and I -- and  
15 I wrote about it in my journal and Allison kind of like  
16 flipped out and that concerned me.

17 Q So when you say you wrote about it in your journal, is  
18 this another one of these e-mails journals?

19 A Yes, another part of the like back and forth was, yeah,  
20 now I had to journal every night to Allison. And, so, I wrote  
21 in my journal that I met a really cute boy and I had given him  
22 my phone number.

23 Q And I think you said she flipped out?

24 A Yeah, eventually, yes.

25 Q What did that look like?

Nicole - direct - Penza

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1 A Well, she answers me back, well, did you give it to him?  
2 And I was like, oh, shoot, what did I do wrong?

3 And so I wrote, yeah, yeah, but like don't worry,  
4 I'm still going to be celibate. I can go on a date and like  
5 get to know him, and like I'm not saying I'm about to sleep  
6 with him. Jesus, I just met him.

7 So I kind of just explained, I was like, yeah, like  
8 I did, but like these are the reasons why. I'm not -- and...

9 Q Did you actually explain to her that you thought this  
10 would be a good way to test this?

11 A Yeah, I did. I thought it would be a good way to like  
12 challenge that, where you like have to get to know someone for  
13 a full three months before like anything intimate happens, you  
14 know. And so I thought what a cool way to use this first  
15 challenge.

16 Q And so, how did Allison respond?

17 A She said that I, like, violated my word, that I -- what  
18 did she say? She like wrote a whole long thing about how like  
19 I -- what I did was not good, and I was not keeping like my --  
20 my side of the bargain and I needed to fix it.

21 I was just, like, what?

22 Q So when -- at this point in time, when Allison has this  
23 reaction to you giving your number to this boy, how do you  
24 feel?

25 A Super unnerved, because it seems like such an extreme

Nicole - direct - Penza

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1 reaction and I was like, man, I don't know what I just signed  
2 up for, but like I don't think that this is for me because  
3 this is just -- it was just the intensity of her response like  
4 really unnerved me.

5 Q At that point in time, were you also -- were you doing a  
6 little bit better in New York?

7 A Yeah, I had gotten myself a new job. So, basically, I  
8 had just finally admitted that I wasn't making enough money at  
9 where I was working. I had tried to avoid going into  
10 nightlife, because working in nightlife in New York City can  
11 be a bit tough, but that seemed like a really good solution  
12 for the moment to being able to pay all my bills. So I  
13 reached out to a friend and I got a job working at a really  
14 nice nightclub that had like a rooftop club. It was a whole  
15 new experience and world, and I was up until -- so, basically,  
16 I worked from 9:30 until 5:00 a.m. But I was starting to be a  
17 little -- I could pay all my bills myself, at this new job, so  
18 I wasn't as stressed about money, and I started to meet other  
19 girls in New York City that I worked with, so I was starting  
20 to meet people. So I think I was feeling a lot more like,  
21 okay, I can do this, I can figure this out.

22 Q And so approximately when is this?

23 A I started that job maybe the last week of February, first  
24 week of March. So maybe this would be the middle of March,  
25 end of March.

MDL

RPR

CRR

CSR

Nicole - direct - Penza

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1 Q Okay. Now, did getting this new job also have a positive  
2 impact on your ability to go to auditions?

3 A Yes, so as long as I wasn't too exhausted. I was working  
4 nights, so I could actually audition during the day, so it  
5 really felt like a pretty good situation. It was hard to stay  
6 up all night, but it felt like a good situation, yeah.

7 Q So at this point in time, after Allison has this reaction  
8 about you giving out your phone number, do you actually make a  
9 decision about DOS?

10 A Yeah. I was scared, but I -- because I didn't really  
11 fully understand like what the -- what she was going to say or  
12 how she was going to react, but I had decided that like this  
13 just wasn't for me. My mom had just come into town and --  
14 and, you know, I had really decided that it wasn't -- this  
15 wasn't the right thing for me.

16 Q And did you decide you were going to tell Allison that?

17 A Yes.

18 MS. PENZA: Your Honor, may I have the ELMO just for  
19 the witness, please?

20 THE COURT: One moment. Go ahead.

21 Q Nicole -- oh.

22 MS. PENZA: Excuse me. One moment, Your Honor.

23 Q Nicole, I'm showing you what's marked for identification  
24 purposes as Government Exhibit 1356.

25 A Yes.

Nicole - direct - Penza

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1 Q Are you familiar with this document?

2 A Yes.

3 Q And is this an e-mail from you to Allison Mack on March  
4 28, 2016 at 2:41 a.m.?

5 A Yes.

6 Q And is this basically a schedule of your day on that day?

7 A Yes.

8 Q Was that something that you would typically have to do is  
9 tell Allison your schedule?

10 A Yeah, at some point that got introduced when -- yeah, I  
11 had to tell her like what I was doing, what my whole next day  
12 plan was.

13 Q And, so --

14 MS. PENZA: Your Honor, the Government moves  
15 Government Exhibit 1356 into evidence.

16 MR. AGNIFILO: We have no objection.

17 THE COURT: Government Exhibit 1356 is received in  
18 evidence. Publish to the jury.

19 (Exhibit published.)

20 (Government's Exhibit 1356 received in evidence.)

21 (Continued on next page.)

22

23

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25



Nicole - direct - Penza

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1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q Don't mind my redactions.

4 So this is -- you said this would be a schedule that  
5 you would send to Allison?

6 A Yes.

7 Q And is this just an example of one of many, many daily  
8 schedules that you would send to Allison?

9 A Yeah.

10 Q Now, this one in particular, March 28, 2016, says: Get  
11 house ready for mom's arrival, 1:30 to 2:30?

12 A Yeah.

13 Q And is that actually the visit from your mom that you  
14 were --

15 A Referring to?

16 Q Yes.

17 A Yes.

18 Q Okay. Now, did Allison come down and meet your mom?

19 A Yes.

20 Q What was that like?

21 A There is a lot -- I had a lot of feelings going on  
22 because she had bought tickets to -- for my mom and I -- her,  
23 my mom and I, to go see Blackbird on Broadway.

24 Q Allison, what is Blackbird about?

25 A It's about a next-door neighbor who ends up -- an older

Nicole - direct - Penza

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1 guy next-door neighbor who ends up, like, falling in love with  
2 his neighbor's daughter. So it's about a relationship between  
3 like a young girl and her being kind of seduced by the older  
4 next-door neighbor.

5 Q And then they actually --

6 A Have a relationship, yeah.

7 Q But she actually grows up and then they --

8 A Yeah, they have a relation --

9 Q -- and then they meet again when she's an adult?

10 A Yes, yeah, yeah. It's a very intense play and I believe  
11 Jeff Daniels was playing that lead in that time, but -- yeah,  
12 I think so.

13 Q And Allison bought the tickets for that?

14 A Yes.

15 Q So you had tickets for a play?

16 A Uh-hum, yes.

17 Q Was this the same time period when you were going to have  
18 this conversation with Allison about not wanting to be in DOS?

19 A Yeah, and it was -- the -- the -- one of the harder  
20 parts, too, is my mom kept asking me about this like cute guy  
21 that I had given my phone number to, and I was like, yeah, but  
22 I don't -- yeah, like, I don't know.

23 It was just so uncomfortable because Allison is  
24 sending me these e-mails that are like super intense about  
25 what I did wrong, and then my mom is kind of asking me about

Nicole - direct - Penza

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1 what's going on and where's -- and then Allison's coming down  
2 to meet her. And it -- it -- there was just a lot going on.

3 Q So around that time, within those couple days, did you  
4 end up having a conversation with Allison where you intended  
5 to tell her you were going to leave DOS?

6 A Yes.

7 Q What happened?

8 A She told me that that wasn't an option, and she told me  
9 like did I want to give up my whole career for a boy, and my  
10 future and my growth for a boy and -- and that -- like that's  
11 not the way this worked, and it was a lifetime commitment and  
12 it was like an arranged marriage. And I started crying and  
13 she -- she seemed upset, too, but she said that she couldn't  
14 let me out no matter how hard I cried because it would show me  
15 that I -- if I cried hard enough -- if I cried hard enough I  
16 could get out of anything.

17 Q And in that same -- in that same time period, did Allison  
18 have a discussion with you about collateral?

19 A Yeah, she told me that -- like we were driving in her car  
20 to, like, find a parking spot in the city and she said she had  
21 been really struggling with something and her master had said  
22 they were going to release her collateral -- or her sex tape,  
23 that particular piece of collateral, if she didn't get her act  
24 together and she said she got her act together really quick.

25 Q At that point, did you know who Allison's master was?

Nicole - direct - Penza

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1 A No.

2 Q Did you eventually come to learn who Allison's master  
3 was?

4 A Yes.

5 Q Who was it?

6 A Keith Raniere.

7 Q In that conversation with Allison, did she tell you what  
8 she had done to -- what had happened that caused her master to  
9 mention releasing the sex tape?

10 A No.

11 Q After that conversation with Allison about the  
12 collateral, and the other conversation you had, did anything  
13 change about the way you viewed DOS?

14 A Yeah, it seemed scary now. And I felt like -- like --  
15 it's like I was just starting to feel stronger now, like  
16 gotten myself a good job and I just thought, like, what did I  
17 do? Like, what did I -- what did I get myself into? What --  
18 what -- what did I do?

19 Q Now, in terms of the collateral, specifically, did the  
20 conversation change what you felt about the collateral?

21 A Yeah. It seemed like somewhere in that mix the  
22 collateral went from something that was, like, supposed to be  
23 just you won't talk about this and you're just giving me more  
24 information to -- so basically, it's like to your -- your  
25 word, your commitment to Allison, all of a sudden sealed the

Nicole - direct - Penza

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1 collateral. So now if I ever broke that commitment, I was  
2 breaking my word, which meant the collateral would be  
3 released. And so you were like -- or I was, what? Like what?

4 Q You were in DOS for a little more than a year after that  
5 conversation, is that fair?

6 A Yeah, like a year and two and three months.

7 Q During that period of time, and after that conversation,  
8 what was your -- what were your thoughts about the collateral  
9 as you moved forward in DOS?

10 A That -- that if I ever left I would -- they would be  
11 released.

12 MS. PENZA: Your Honor, may I have the ELMO just for  
13 the witness?

14 THE COURT: Go ahead.

15 MS. PENZA: Thank you.

16 BY MS. PENZA:

17 Q Nicole, I'm showing you what's marked for identification  
18 purposes as Government Exhibit 1357.

19 Do you see that?

20 A Yes. Yes.

21 Q And is this an e-mail chain with the subject line: "A  
22 rare reflection," and is it between you and Allison ending on  
23 March 31st, 2016?

24 A Yes.

25 MS. PENZA: Your Honor, the Government offers

Nicole - direct - Penza

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1 Government Exhibit 1357 into evidence.

2 MR. AGNIFILO: We have no objection.

3 THE COURT: Government Exhibit 1357 is received in  
4 evidence.

5 (Government's Exhibit 1357 was received in  
6 evidence.)

7 THE COURT: You may publish to the jury.

8 (Exhibit published.)

9 BY MS. PENZA:

10 Q So, Nicole, on -- looking at the middle of the top page,  
11 you write in your personal journal that you're so happy for  
12 being present and loving with your mom and happy that you had  
13 a wonderful time together.

14 And then you go to the middle paragraph and say:

15 The rest of my life I feel a bit like Alice in  
16 Wonderland falling down the rabbit hole. I'm filled with this  
17 intense anxiety that everything is moving too quickly around  
18 me and that I am losing hold of my life, my ability to choose  
19 and think for myself.

20 And then it goes on to say: But I also realize that  
21 I can choose how to look and experience things and then for a  
22 bit things feel better and more clear, more vibrant. And then  
23 I slip back into the anxiety and I want to run away.

24 So this e-mail is sent on March 31st, 2016.

25 Is this after your conversation with Allison about

Nicole - direct - Penza

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1 the collateral?

2 A Yes.

3 Q And this concept of: But I also realize that I can  
4 choose how to look at and experience things, was that a  
5 concept that Allison spoke to you about?

6 A Yes.

7 Q Can you explain that a little bit?

8 A I mean, it's a theme throughout the entire time I was  
9 in -- like, worked with The Source and was also in DOS that,  
10 like, you can choose how you look at a situation.

11 So I could either look at what I was -- what was  
12 happening and like my relationship with, like, with Allison as  
13 a positive thing or I could choose to experience it as a scary  
14 and terrible thing, but it was my choice. So I could choose  
15 to suffer or I could choose to make this into something good.

16 Q And Allison responded to you?

17 A Yes.

18 Q And she said: Why are you scaring yourself? I want to  
19 remind you that you made a commitment, you can't go back.  
20 It's not an option, like an arranged marriage. Why waste time  
21 contemplating changing your mind? Take that energy and move  
22 into the choice you made. You don't get to question. It's  
23 the choice you made. Now, what are you going to do about it?  
24 You will find freedom in the commitment you already made.  
25 Don't question, it wastes time. Just do.

Nicole - direct - Penza

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1 Is that what she wrote to you?

2 A Yes.

3 Q Nicole, within one week of this e-mail, did you get  
4 another assignment from Allison?

5 A Yes.

6 Q And what was that assignment?

7 A To reach out to Keith Raniere.

8 Q At that point, had you ever met Keith Raniere in person?

9 A No.

10 Q Did Allison explain to you why you were being assigned to  
11 reach out to Keith Raniere?

12 A No.

13 Q Did you find the assignment strange?

14 A I think she said it was my first, like, secret spy  
15 assignment to reach out to him. Yeah, I mean -- yes, I found  
16 it strange. I didn't really know what to say.

17 Q This idea of secret spy assignments, was that something  
18 that Allison talked to you about?

19 A That -- this was the first time she had mentioned it.

20 Q And what was the idea behind that?

21 A I think that, like, you know, it was supposed to be a  
22 secret society of like women that were, you know, going to be  
23 like empower -- empowering each other to be strong, to then  
24 like help -- I don't -- I don't know, help the world.

25 So there was like a secrecy to it, which like I



Nicole - direct - Penza

3881

1 think is 'cause Allison and I were both actors, it was like  
2 secret spy thing.

3 Q How did you get the defendant's e-mail address?

4 A Well, Allison wouldn't give it to me, so she said I had  
5 to find it. So I only really, like, was close to two people  
6 that I thought might have it. So I asked Mark and I asked  
7 Emi, or Emiliano, for the e-mail address.

8 Q Who gave it to you?

9 A Mark did.

10 Q Before giving it to you, did he do anything?

11 A Yeah, he asked Keith's permission.

12 MS. PENZA: May I have the ELMO just for the  
13 witness, please?

14 THE COURT: Yes.

15 BY MS. PENZA:

16 Q Nicole, I'm showing you what's marked for identification  
17 as Government Exhibit 1271.

18 Are you familiar with this document?

19 A Yes.

20 MS. PENZA: Your Honor, the Government --

21 Q Is this an e-mail, the first e-mail that you wrote to the  
22 defendant?

23 A Yes.

24 MS. PENZA: Your Honor, the Government offers  
25 Government Exhibit 1271 into evidence.

Nicole - direct - Penza

3882

1 MR. AGNIFILO: No, objection, Judge.

2 THE COURT: All right, Government Exhibit 1271 is  
3 received in evidence and published to the jury.

4 (Government's Exhibit 1271 was received in  
5 evidence.)

6 (Exhibit published.)

7 BY MS. PENZA:

8 Q Nicole, is this the first e-mail that you wrote to the  
9 defendant?

10 A Yes.

11 Q And it's from you to KeithRaniere@yahoo.com?

12 A Yes.

13 Q And it says: A quick hello, with a smiley face?

14 A Uh-hum, yes.

15 Q And did you -- how did you -- I'm sorry.

16 And it's sent on April 6th, 2016?

17 A Yes.

18 Q So that's within one week of the e-mail that we just  
19 looked at where Allison said: Why are you scaring yourself?

20 A Yeah, and -- yes.

21 Q Okay.

22

23 (Continued on the following page.)

24

25

Nicole - Direct - Penza

3883

1 BY MS. PENZA (Continuing):

2 Q Now, in this e-mail, is it fair to say you write about  
3 The Source?

4 A Yeah. I asked her what I should say to him, like, and  
5 she said, I don't know, talk about The Source. Like, he  
6 created it, so say, like, thank you for creating it.

7 And I was like, Okay.

8 Q And, so, did you follow her directions?

9 A Yeah.

10 Q Did the Defendant write back to this e-mail?

11 A No.

12 MS. PENZA: Your Honor, may I have the Elmo again  
13 just for the witness?

14 Q I'll ask you a couple questions first.

15 After you sent that e-mail, was there -- after you  
16 sent that e-mail, was there a new assignment that was given?

17 Sorry, was there another step to the same  
18 assignment?

19 A Yeah.

20 Q So, the Defendant didn't write back to you.

21 A No.

22 Q Was Allison asking whether the Defendant had written back  
23 to you?

24 A Yes.

25 Q Did she seem concerned about it?

Nicole - Direct - Penza

3884

1 A Yeah, she just said I had to -- she just kept asking me.  
2 And then I think at one point she said I was, like, slow as  
3 molasses doing things.

4 Because I didn't know what to write. He didn't  
5 respond, so, like, what was I supposed to do?

6 Q And at some point close to then, did Allison send you  
7 another message about what you should be doing?

8 A Yeah. She said to keep reaching out to him until he  
9 responds. And she said: How do you get the attention of the  
10 smartest man in the world?

11 Q I'm showing you what's been marked for identification as  
12 Government Exhibit 650.

13 Are you familiar with this?

14 A Yes.

15 Q And is this a screenshot of your Facebook account?

16 A Yes.

17 Q And is this a message from Allison Mack on April 16,  
18 2016?

19 A Yes.

20 MS. PENZA: Your Honor, the Government offers  
21 Government Exhibit 650 into evidence.

22 MR. AGNIFILO: No objection, Judge.

23 THE COURT: Government Exhibit 650 is received in  
24 evidence and published to the jury.

25 (Government Exhibit 650 so marked.)

Nicole - Direct - Penza

3885

1 (Exhibit published to the jury.)

2 Q Nicole, is this the message you were referring to as  
3 having received from Allison Mack?

4 A Yes.

5 Q And it says: Oh, and if you haven't heard back from  
6 Keith before the end of the night, you may wanna reach out  
7 again. Continue to pursue until he responds. Stage two of  
8 your assignment, how do you get the attention of the smartest  
9 man in the world, question mark, question mark. April 16,  
10 2016.

11 MS. PENZA: Your Honor, I think we should end for  
12 the day.

13 THE COURT: We're going to recess for the night.  
14 The witness is excused for the evening.

15 Do not discuss your testimony with anyone. You may  
16 leave now. I'll see you tomorrow morning at 9:30.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 THE COURT: Just two things for the jury.

20 You recall that the prior witness was designated as  
21 an expert witness. I just want to advise you that ordinarily,  
22 a witness is limited to testifying about facts and is not  
23 permitted to give an opinion. Where, however, specialized  
24 knowledge may help the jury understand evidence, a witness  
25 with expertise in a specialized field may render opinions

1 about such matters. The expert's testimony is not offered as  
2 proof that the crimes charged occurred.

3 You should evaluate the expert's testimony just as  
4 you would the testimony of any other witness. You may accept  
5 or reject such testimony, in whole or in part, just as you may  
6 with respect to the testimony of any other witness.

7 I'm going to remind you that it's very important  
8 that you follow my instruction not to discuss the case with  
9 anyone; not your family, friends, business associates, and not  
10 your fellow jurors.

11 In addition, you must not read, listen to, watch, or  
12 access any accounts of this case in any form of media, such as  
13 newspapers, television, radio, podcasts, or the internet, or  
14 reach or seek outside information about any aspect of the  
15 case.

16 Please do not communicate with anyone about the case  
17 on your phone, whether through e-mail, 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 other similar sites.

21 You must not consider anything you may have read or  
22 heard about the case outside of the courtroom, whether you  
23 read it before or during jury selection or during the trial.

24 And do not visit any of the locations identified  
25 during the course of jury selection or the trial.

1 Tomorrow morning, we'll begin at 9:30, and I'll  
2 advise you tomorrow about the schedule for next week.

3 Thank you very much. Thank you for your attention.

4 All rise for the jury.

5 (Jury exits.)

6 THE COURT: You may be seated.

7 I'm going to meet with the Marshal Service about the  
8 schedule for next week. The difficulty is in transporting the  
9 Defendant to the courthouse, I would imagine, but we will see  
10 what we can do about that. And we'll implement the 45-minute  
11 lunch break beginning on Monday.

12 Now, is there anything else for us for tomorrow?

13 MS. PENZA: I don't believe so, your Honor.

14 MR. AGNIFILO: Nothing from us, your Honor.

15 THE COURT: All right. Well, it would seem that  
16 we're going to get pretty much to the end of the day tomorrow  
17 with this witness, so I'm not going to worry about that short  
18 period of time that we may have, we'll just deal with it.

19 All right. We'll see you tomorrow morning, 9:30.

20 Thank you very much.

21 (A chorus of thank yous.)

22

23 (Matter adjourned until Friday, June 7, 2019, at  
24 9:30 a.m.)

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