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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 7, 2019, Friday  
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  
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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 COURT: Please be seated in the back.

3 Appearances.

4 MS. PENZA: Moira Penza, Tanya Hajjar, Mark Lesko  
5 for the United States. Also at the counsel table is Special  
6 Agent Michael Lever with the FBI, and Paralegal Specialist  
7 Teri Carby.

8 MR. AGNIFILO: Good morning, Your Honor. Marc  
9 Agnifilo, Teny Geragos, Paul der Ohannesian, Danielle Smith  
10 for Keith Raniere, who is with us this morning.

11 THE COURT: Is there anything before I call in the  
12 witness and the jury?

13 MS. PENZA: Nothing from the Government.

14 MR. AGNIFILO: No, Your Honor.

15 THE COURT: Let's bring in the witness.

16 Everyone may be seated.

17 (Witness resumes the stand.)

18 THE COURT: Please bring in the jury.

19 (Jury enters the courtroom.)

20 THE COURT: Please be seated. Good morning, members  
21 of the jury.

22 THE JURY: Good morning.

23 THE COURT: All right, we will continue with the  
24 examination of the witness. You may proceed.

25 MS. PENZA: Thank you.

Nicole - direct - Penza

3892

1 THE COURT: I remind the witness she is still under  
2 oath.

3 **NICOLE,**

4 called by the Government, having been previously duly  
5 sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. PENZA:

8 Q Good morning, Nicole.

9 A Good morning.

10 Q I just want to pick up looking at what's already in  
11 evidence as Government Exhibit 650.

12 This was the Facebook screen shot that you received  
13 from Allison Mack on April 16, 2016?

14 A Yes.

15 Q Okay. I just wanted to ask you, at the bottom right  
16 there is a thumb's down; is that right?

17 A Yes.

18 Q Did you create that at the time that you received this?

19 A No.

20 Q Did that happen much later?

21 A Yeah.

22 Q How did it happen?

23 A I was trying to bring up the message to show the FBI and  
24 I accidentally thumb's downed it.

25 Q So the original didn't have the thumb's down?

Nicole - direct - Penza

3893

1 A No.

2 Q So after you received this Facebook message from Allison,  
3 what did you do?

4 A I asked her what I should say -- oh, no, then I  
5 messaged -- sorry, I messaged again. It said that I needed to  
6 have him respond, so I sent another e-mail.

7 Q Did you end up sending a series of e-mails?

8 A Yeah, I think I sent one -- I sent one more and then he  
9 still didn't respond, and then she was like really getting on  
10 me, and then she said that -- I mean, I think she said  
11 something like I was slow as molasses getting this  
12 accomplished and then she said if I didn't get him to respond  
13 by 3:00 a.m., I believe it was, that she would have to take a  
14 cold shower. So then I sent another e-mail.

15 Q Why did you do that?

16 A Because I was scared that I was going to get in trouble  
17 and I also didn't want her to have to take a cold shower. At  
18 that time that seemed like kind of a crazy thing to do; I was  
19 like why do you have to do that if he's not answering? And I  
20 didn't want -- I did not want to make her have to do that, so  
21 I tried to e-mail again.

22 Q So, April 16, 2016 is the Facebook message.

23 MS. PENZA: Your Honor, may I approach witness?

24 THE COURT: Yes, you may.

25 Q Nicole, I'm showing you what are marked for

Nicole - direct - Penza

3894

1 identification purposes as Government Exhibits 1272, 1273, and  
2 1275. Can you just take a look at those for me?

3 And are those the series of three e-mails that you  
4 sent to the defendant after receiving Allison Mack's Facebook  
5 message and response from the defendant?

6 A Yes.

7 MS. PENZA: Your Honor, the Government offers  
8 Government Exhibits 1272, 1273 and 1275 into evidence.

9 MR. AGNIFILO: No objection.

10 THE COURT: All right. Government Exhibits 1272,  
11 1273 and 1275 are received into evidence.

12 You may publish to the jury.

13 MS. PENZA: Thank you, Your Honor.

14 (Government's Exhibits 1272, 1273 and 1275 received  
15 in evidence.)

16 Q Nicole, I'm showing you what's in evidence as Government  
17 Exhibit 1272.

18 And was this the first e-mail -- this is now the  
19 second e-mail that you've sent to the defendant?

20 A Yes. And I believe Allison said to like ask him a  
21 question.

22 Q So is that why you say, I go around and around in circles  
23 trying to think of the right question to ask?

24 A Yes.

25 Q And do you remember there being a sense of urgency from

Nicole - direct - Penza

3895

1 Allison from the time you had gotten -- had first received the  
2 defendant's e-mail address until now in order to contact him  
3 with the right question?

4 A Yeah.

5 Q And so you end up asking a question: The biggest  
6 question on my mind, how do I constantly challenge my fears  
7 and be joyful at the same time? While I'm challenging and  
8 facing my fears, my body feels constantly in fight or flight.

9 Do you remember asking that question?

10 A Yes.

11 Q And did you feel that way at the time?

12 A Yes, especially when like she was putting a lot of  
13 pressure on me to get an answer. Every time she like gave me  
14 an assignment, my body just went into fight or flight because  
15 I was like-- because I knew I had to do it, so I would go into  
16 fight or fright.

17 Q And you say: I'm about to start the five day in New York  
18 City with Lauren.

19 Did you end up taking the five-day intensive again?

20 A Yeah. Allison had talked about wanting me to do like  
21 more ESP curriculum, which she wanted -- it goes the five day  
22 and then like ten more days, but it had been such a long time  
23 I just said that I would rather do the first five day over  
24 again, then like do more.

25 Q And at the end, you say: In all the videos I've seen and

Nicole - direct - Penza

3896

1 things I've heard about you, you're very joyful and playful  
2 but for me, thinking about pushing on my fears for the rest of  
3 my life doesn't make me feel playful. It makes me feel scared  
4 and heavy hearted, it makes me want to run away.

5 Is that how you felt at the time?

6 A Yes.

7 Q And this is April 17, 2016, so the day after that  
8 Facebook message?

9 A Uh-hum. Yes.

10 Q And did the defendant respond to this e-mail?

11 A No.

12 Q And April 18, so the next day, you send another e-mail?

13 A Yes.

14 Q And here, is this where you write: But Allison told me  
15 to be -- so you say: I have no idea how to befriend someone  
16 that I've never met, especially someone as intellectual and  
17 contemplative and as in demand as you, and having to do it  
18 over the internet while it's pushing against all sorts of  
19 things I hate, like bothering people or asking for things or  
20 feeling uncomfortable or, even worse, feeling needy or  
21 desperate.

22 Did you have any desire to be e-mailing the  
23 defendant?

24 A No, there was no reason for me to.

25 Q And then you say: But Allison told me to be honest with

Nicole - direct - Penza

3897

1 you and the truth is that Allison is trying to push me, or I  
2 assume push against my fears, and is going to stand in a cold  
3 shower if I don't figure the out how to hear back from you by  
4 3:00 a.m. Yeah, that's happening. I would personally prefer  
5 not to have her do that. I know, shocking. At least not on  
6 account of or because of my failure.

7 So did the defendant respond to this e-mail?

8 A Yes. Finally.

9 Q So did the defendant -- I'm now showing what's in  
10 evidence as Government Exhibit 1275.

11 Before he responded, had you actually sent another  
12 e-mail as well?

13 A Umm...

14 Q Looking at the bottom?

15 A Oh, yeah. Yeah, I was just trying to think of anything  
16 to spark up a conversation so I sent one of my favorite Ted  
17 talks by JK Rowling.

18 Q So you sent -- so on the 18th at 5:20 a.m., you had sent  
19 the e-mail about her taking the cold shower, and then on the  
20 18th at 12:42 p.m., you sent the Ted talk.

21 And then did the defendant respond on April 18 at  
22 6:46 p.m.?

23 A Yes.

24 Q And, again, this is called polkadots and moonbeams?

25 A Yeah, I'm not sure why.



Nicole - direct - Penza

3898

1 Q But, again, your subject lines don't necessarily match --

2 A No.

3 Q -- what the content is?

4 A No.

5 Q Okay. So the defendant writes: Oh, dear, how far do you  
6 want (me) to go? Also the thing with Allison and the shower  
7 is not a good lever for me, but more of ethics later.

8 Did you know what that meant?

9 A Not exactly, but I assumed that he considered what I did  
10 unethical, like I don't know why, but, yeah, that is what I  
11 got from it.

12 Q How committed are you to working to get this answer? It  
13 is a scary difficult journey to experiencing existence with  
14 the lightness of true freedom with the depth of love.

15 Now, did you want to experience the lightness of  
16 true freedom with the depth of love?

17 A I mean, I don't really know what that is, to be honest.

18 Q Okay. And then you said: Thank you for persisting. I  
19 just got your three e-mails long after Allison just have start  
20 her refreshing shower.

21 So that's in response to the cold shower?

22 A Yeah.

23 Q Now, did you respond -- did you end up responding to the  
24 defendant?

25 A Yes.

Nicole - direct - Penza

3899

1 Q Did -- were you checking in with Allison during this time  
2 and telling her about whether there had been a response from  
3 the defendant?

4 MR. AGNIFILO: Your Honor, object to the leading.

5 THE COURT: Rephrase the question.

6 MS. PENZA: Sure.

7 Q Nicole, during this time, are you communicating with  
8 Allison?

9 A Yeah, because I have to let her know that I accomplish  
10 it.

11 Q And how is she responding?

12 A Like good job, finally. Good job, now like start a back  
13 and forth.

14 Q And did she say that?

15 A Yeah.

16 MS. PENZA: May I just have the ELMO for the  
17 witness, Your Honor?

18 THE COURT: All right.

19 Q Nicole, I'm showing you what is marked for identification  
20 purposes as Government Exhibit 1378. It is a two-page e-mail  
21 chain.

22 Is this the back and forth between you and the  
23 defendant following his response?

24 A Yes.

25 MS. PENZA: Your Honor, Government offers Government

Nicole - direct - Penza

3900

1 Exhibit 1378 into evidence.

2 MR. AGNIFILO: No objection, Judge.

3 THE COURT: Government Exhibit 1378 is received in  
4 evidence.

5 (Government's Exhibit 1378 received in evidence.)

6 MS. PENZA: Thank you.

7 Q So, Nicole you wrote back to the defendant:

8 Yeah, I wasn't sure about that lever, but I got  
9 scared and panicked. Thank you for the feedback on that. I  
10 have so much to learn on ethics.

11 What's feedback?

12 A That's like an ESP-like NXIVM word of like people were  
13 constantly giving you feedback on how you could improve or  
14 what you could do better. Yeah.

15 Q And then you talk about it's the whole process of acting  
16 and the discipline and the human exploration, and the person I  
17 have to become in order to be a great actor that I love?

18 A Yes.

19 Q You are talking about your interests here; are you  
20 talking about your interests in improving as an actor?

21 A Yeah. Yes.

22 Q Was improving -- was that your focus?

23 A I think that sentence is a very good way of explaining  
24 it. I loved exploring humanity and human nature, and learning  
25 how to be a more like grounded and better person so I could

Nicole - direct - Penza

3901

1 become the kind of performer I wanted to be. That's why I was  
2 doing all of this, you know. Yeah, yes.

3 Q And then, at the end, you say: I guess the other part of  
4 my question is why there has to be so much struggle and  
5 difficulty to get joy or freedom and how does one not get lost  
6 in the struggle and fear and hardship.

7 A Yeah, so there's something that I noticed just about the  
8 ESP community. And also, what I was experiencing and going  
9 through, was everyone seems like everything needed to be a  
10 struggle and you had to be in pain, and you had to struggle in  
11 order to grow. And it just felt really overwhelming sometimes  
12 because I'm all for growing, but I just didn't want to live my  
13 life constantly like needing to struggle and feel bad or like  
14 find something to struggle against. Like, life gives you  
15 enough struggles.

16 Q And then, April 19, 2016, does the defendant respond?

17 A Yes. Yes.

18 Q And he says: True freedom in the physical world comes  
19 from absolute commitment to a principal with no tolerance for  
20 excuses or an out, escape. Only then do we find freedom does  
21 not depend on being able to do what we want; it depends on not  
22 being able to do what we want yet still experiencing self.  
23 Love is only measured through pain. Our ability to feel human  
24 pain determines the depth and strength of our love.

25 Is that what he wrote?

Nicole - direct - Penza

3902

1 A Yes.

2 Q At this time, did you know that the defendant was part of  
3 DOS?

4 A No.

5 Q Those concepts, would those be -- were those DOS-related  
6 concepts?

7 A Absolutely.

8 Q And would you later discuss them with the defendant?

9 A Yes.

10 Q So during -- looking at April and May 2016, during that  
11 time period, what are your feelings about DOS?

12 A Confusing. It was stressful and scary to like  
13 constantly be facing this like commitment that there was no  
14 out of. It felt really scary, but also, like, Allison was  
15 still being nice a lot of the time and she was helping me with  
16 some career stuff, so it was a little bit confusing.

17 MS. PENZA: Your Honor, may I have the ELMO for the  
18 witness, please?

19 THE COURT: Go ahead.

20 Q Nicole, I'm showing you what's marked for identification  
21 as Government Exhibit 665.

22 Are you familiar with this document?

23 A Yes.

24 Q And is this an e-mail chain back and forth between you  
25 and -- or is this an e-mail chain involving you and Allison

Nicole - direct - Penza

3903

1 Mack on April 20, 2016?

2 A Yes.

3 MS. PENZA: The Government moves Government Exhibit  
4 665 in evidence.

5 MR. AGNIFILO: No objection.

6 THE COURT: Government Exhibit 665 is received in  
7 evidence.

8 (Government's Exhibit 665 received in evidence.)

9 THE COURT: Publish to the jury.

10 MS. PENZA: Thanks.

11 (Exhibit published.)

12 Q Nicole, can you explain this e-mail from April 20, 2016?

13 A Yeah. So there were a couple of things happening right  
14 at that point. This e-mail is that she had set up an  
15 interview for me at her agency, which was a really -- and is a  
16 really great agency in New York City and Los Angeles, they're  
17 on both coasts -- for commercials, theater, film, everything.  
18 So she had set up a meeting and this was the e-mail from one  
19 of the agents that I met with afterward.

20 Q So when you described things as being confusing, was this  
21 an example of one of the things that made you feel like you  
22 might be getting something that you wanted out of this?

23 A Yeah, like there were two things. So there was this  
24 meeting and then there was she had set up my first  
25 off-Broadway audition, which went really well. And so that

Nicole - direct - Penza

3904

1 was more what I thought, you know, like what I was looking for  
2 with a mentorship and she really was like helping me, these  
3 were actual steps towards my career that would have been  
4 helpful. So I was sort of like in this kind of pull of being  
5 this is scaring the daylights out of me, like what's  
6 happening, but she is also helping me with my career. So I  
7 was -- I was just confused -- or in the middle of, you know,  
8 not sure how to feel about it.

9 Q During April and May of 2016, did you begin -- were you  
10 spending more time in Clifton Park, New York?

11 A Yes.

12 Q Can you explain what your schedule was like at that time?

13 A Pretty intense. As I've mentioned, I was working at --  
14 full time at a nightclub, so I would work 9:30 at night until  
15 5:00 in the morning and by the time I got home on the train it  
16 would be like 6:00 a.m. And I'd try to sleep for a few hours  
17 and then wake up and I would either, like, teach a source or  
18 then I would get -- let's say I was working Wednesday,  
19 Thursday, Friday, Saturday, Sunday, which is very exhausting  
20 at a nightclub. Then Sunday, either after I finished work I  
21 would take the bus up to Albany, or like Monday would be my  
22 day off, I would take the bus up to Albany, stay Monday night  
23 in Albany and take the bus back Tuesday in order to work  
24 Tuesday night if I was scheduled Tuesday night. It was crazy.

25 Q Were you -- how did you decide to go up to Clifton Park?

Nicole - direct - Penza

3905

1 A Allison told me to.

2 Q And how did it -- how did you take it when she told you  
3 to come up to Clifton Park?

4 A Maybe like the first time, fine, but then it was -- I was  
5 so exhausted. And I was moving at the same time, like moving  
6 apartments, so I fought back on it a little bit because it was  
7 like I genuinely couldn't do everything. And so, I was so  
8 exhausted.

9 Q And did you tell her that? Did you push back to Allison?

10 A Yeah, I tried to.

11 Q And how did she react?

12 A She said it was very important for me to be up there and  
13 start to like be up there and show her commitment, you know,  
14 at least like once a week for the beginning -- or she said it  
15 was very important and that I needed to -- this is what I  
16 committed to, I needed to make that a priority.

17 Q How were you paying for those trips?

18 A Myself.

19 Q How much would it cost?

20 A So, like taking the train from Grand Central to Albany is  
21 \$42 one way, and the bus was usually like \$20. So if I could  
22 time the bus right, I was trying to do that. But also it was  
23 like a little easier to sleep on the train, so sometimes I  
24 would like spoil myself and take the train so I could sleep.  
25 But it was \$20 to \$42 one way.

MDL

RPR

CRR

CSR



Nicole - direct - Penza

3906

1 Q At that point in time, was that amount of money something  
2 that concerned you?

3 A Yeah, I was working really hard to support myself in the  
4 City.

5 Q Now, when you would -- and then when you would get to  
6 Clifton Park, where would you stay?

7 A I would stay at Allison's house.

8 Q Did you have a bed there?

9 A No.

10 Q Where would you sleep?

11 A In Allison's bed.

12 Q What was it like staying with Allison?

13 A At least she had like -- she had a nice little house, so  
14 that was nice. But it was very stressful, especially in the  
15 beginning because I would go up there and I wouldn't really  
16 know what to expect. I just -- you don't really feel that  
17 comfortable because you're not in your space. And -- yeah.

18 Q At some point, while you were staying with Allison, did  
19 the defendant walk by the house?

20 A Yes.

21 Q Is this in April 2016?

22 A Yes.

23 Q Had he ever -- in the times you had gone up to Clifton  
24 Park prior to that occasion, had the defendant ever walked by  
25 Allison's house that you remember?

Nicole - direct - Penza

3907

1 A Not that I remember.

2 Q So what happened on that occasion?

3 A I was waiting for Allison to get home, and I was just at  
4 the house by myself, and I saw Keith walk by and I thought,  
5 oh, like that's the person I've been e-mailing back and forth  
6 with, like I should go say hi. And, so, I went outside and I  
7 said hi.

8 Q And what happened when you said hi?

9 A He like said hi and finished talking to the person that  
10 he was talking to and asked me if I wanted to go on a walk.

11 Q And did you go on a walk with him?

12 A Yeah. I was, like, okay.

13 Q Did he say anything about the walk?

14 A Umm.

15 Q Sorry, let me strike that question.

16 At that point in time, did you attach any particular  
17 significance to going on a walk with the defendant?

18 A I had heard people -- I think I said it in one of those  
19 e-mails, like I had heard Emi -- or, like, talk about these  
20 walks and apparently, you know, they were, like, walks that he  
21 helped people work through things or -- and people, like,  
22 waited around awhile to go on these walks, so that was kind of  
23 all I knew about it.

24 Q Did the defendant say anything to you about why he was  
25 going on a walk with you?

Nicole - direct - Penza

3908

1 A Yeah, he said that I had earned -- because we had been,  
2 like, going back and forth on e-mail, that I had earned a  
3 walk.

4 Q What else happened on that walk?

5 A He talked about -- I mean, I'm sure he asked me some  
6 questions, but we were just kind of walking and I remember him  
7 asking, like, how much I knew about him, which was not a lot,  
8 or knew about his lifestyle, which was not a lot.

9 Q Did he tell you any details about his lifestyle?

10 A Just that he had a partner, Pam, but that he wasn't  
11 married and that he, like, had more than one partner.

12 Q Do you remember any other details until we get to the end  
13 of the walk?

14 A Not really, except just thinking, like, I wasn't really  
15 sure why I needed to know that information, but aside from  
16 that, no.

17 Q How did the -- did something happen that ended the walk?

18 A Yeah. So we started -- we were, like, walking, still  
19 walking and it started to rain, and he asked me if I could  
20 get -- if I knew how to get back to Allison's house from where  
21 we were, because Clifton Park is very confusing, and I said  
22 yes, I thought I did. And he said -- and I think he was  
23 commenting to the rain or maybe the -- how we had met, I don't  
24 know what it was to, but he said isn't this funny that this is  
25 our first date.

MDL

RPR

CRR

CSR

Nicole - direct - Penza

3909

1 Q Did you say anything in response?

2 A I just remember, like, not quite being able to wrap my  
3 head around it, because I thought what? Like, what?

4 Q Did he say something else?

5 A Well, he asked me if I was okay because I obviously -- I  
6 looked, like, kind of shellshocked, I imagine, because I was  
7 like -- I don't know, I was trying to wrap my head around it;  
8 like, what did he just say and what does that even mean?

9 And so when he asked me if I was okay, I said yeah,  
10 I'm just feeling overwhelmed. I'm okay, though, I'm just  
11 feeling overwhelmed. And he said bye and I ran back to -- I  
12 ran back to Allison's house.

13 Q Did the defendant say anything about when he would --  
14 that he would contact you again?

15 A Yeah, I think, like, in that same sentence he, like,  
16 asked me if -- or -- asked me if we would go on another walk,  
17 if I wanted to go on another walk. I think I just said yes.  
18 I don't remember.

19 Q So, on that run back, how are you feeling?

20 A Scared, and, again, still trying to, like, kind of --  
21 just, like, my body doesn't feel okay. I wasn't really  
22 thinking. I didn't know what to think, but I remember that my  
23 body really did not feel okay.

24 Q Were you attracted to the defendant?

25 A No.

Nicole - direct - Penza

3910

1 Q Did you have any interest in dating him?

2 A No. Like, no.

3 Q Now, what happened when you got back to Allison's house?

4 A There was a source meeting going on at the time I got  
5 back, so I, like, sat there while they finished the -- like,  
6 meeting on video. And when it was done, she asked me how --  
7 like, where I had been and how the walk had gone, and I said  
8 that I -- I said that I thought that this had been like a  
9 whole plot to get me up here for Keith and -- that's what it  
10 felt like. I wasn't, like, accusing her, because I was so out  
11 of my element, but I was like this feels like a plot to get me  
12 up here for Keith.

13 Q And how did Allison respond?

14 A She said, oh, sweetie, that's -- like, I'm so glad that  
15 you told me that. That's not true, but it's really, really  
16 good that you can trust me enough to tell me that. But that's  
17 not true, that's not what's happening, but that's such a good  
18 sign that you can trust me enough to tell me that.

19 Q At that point, what was the effect of Allison saying that  
20 to you?

21 A I mean, I was already stuck. Like that. You know, I  
22 thought I didn't have a choice, so I wanted to believe that,  
23 or I wanted to believe her.

24 Q After that, did you end up going on additional walks with  
25 the defendant?

Nicole - direct - Penza

3911

1 A Yes.

2 Q How would those walks end up -- those first walks, how  
3 would they end up being arranged?

4 A Through Allison.

5 Q And can you explain that?

6 A So, a lot of these times these walks would be at like  
7 three or four in the morning, and so I would be asleep and he  
8 would either call or text Allison and she would tell me to go  
9 outside.

10 Q And would you -- so you'd be sleeping in her bed?

11 A Yes.

12 Q Did she have -- what was -- did you note that there was a  
13 particular alert for the defendant on her phone?

14 A Yeah. I had just, like, learned that there was a  
15 particular sound that she had, like her phone, too, for when  
16 Keith texted her. So I, like, knew when that was coming.

17 Q At some point did you end up having a physical response  
18 when you would hear that?

19 A Yeah, because again, in the beginning, it was like I was  
20 so in fight or flight. So immediately when that sound would  
21 go off, I'd go into fight or flight.

22 (Continued on following page.)

23

24

25

Nicole - Direct - Penza

3912

1 BY MS. PENZA (Continuing):

2 Q What time of day would these walks be arranged?

3 A Arranged or happen?

4 Q Happen, I'm sorry.

5 A Like, three or four -- two, three, four, five in the  
6 morning, somewhere around those times.

7 Q On one of these early walks, did the Defendant talk to  
8 you about Allison?

9 A Yes. He said that I had gotten the first walk with him  
10 because of Allison, because she spoke really highly of me and  
11 because she was -- he thought very highly of her.

12 Q And did he talk to you at all about your relationship  
13 with Allison?

14 A Yes, but he would, like, talk around things.

15 Q So, at that point, was the Defendant acknowledging to you  
16 that he was part of DOS?

17 A No.

18 Q Did you know he was part of DOS at that point?

19 A No.

20 Q At some point in these early walks, did you start to feel  
21 like he was talking about DOS?

22 A Yes.

23 And it drove me nuts because he'd be, like, talking  
24 to me about, like, commitment and these things, and I'm like  
25 you're talking about -- like, you're talking about what I'm

Nicole - Direct - Penza

3913

1 struggling with, yet you're not supposed to know what I'm  
2 struggling with, I'm not allowed to talk to you about what I'm  
3 struggling, and, yet, you're, like, telling me about  
4 commitment and trusting people and all these things. And it  
5 was, like, so confusing in my head because I'm like do you  
6 know or isn't this just a coincidence or, like, what is going  
7 on?

8           But it just seemed too weird for him not to know,  
9 yet I had no -- I had no reason to believe that he was part of  
10 this women's organization. I had, like, other women that I  
11 was, like, trying to guess who was Allison's mentor.

12 Q Did you actually make guesses as to who you thought was  
13 her --

14 A I did, yes.

15 Q Who did you guess?

16 A I thought it was Esther.

17 Q What's Esther's last name?

18 A Chiappone.

19 Q Who is she in the NXIVM community?

20 A Just, like, someone who'd been at the community for a  
21 long time. She ran -- I think she ran Jness.

22           But Allison kind of talked about Esther sometimes,  
23 so that was -- and she seemed like a -- like a cool woman, so  
24 that was my guess.

25 Q Now, did the Defendant ever talk to you about trusting



Nicole - Direct - Penza

3914

1 Allison?

2 A Yes.

3 Q Can you tell us a little bit about that?

4 A Well, he would talk to me about trusting Allison, but  
5 trust in general and how you had to trust and how, like,  
6 you -- it was I don't know if it would, like, get you closer  
7 to enlightenment or this idea of freedom if you trusted in  
8 someone completely and utterly.

9 And I was like, well, I don't know because how does  
10 that really make sense? Like, how can someone else know  
11 what's best for you, right? They can, like, tell you things  
12 that maybe you could improve on, but how could anyone really  
13 know what's best for you?

14 And, also, Allison's only four years older than me,  
15 so it's not like it's this wise woman that's, like, telling me  
16 the ways of the world, you know? It's someone who's four  
17 years older than me.

18 So, I was like, I don't feel like she can know  
19 what's best for me better than me.

20 And he was like, Well, the fact that she's, like,  
21 imperfect makes it -- is even more important in helping you  
22 towards freedom because if you can trust fully in a person who  
23 is flawed, then that will -- that's, like, I don't know then  
24 you can find real freedom.

25 And I was sort of like, I'm not sure that makes

Nicole - Direct - Penza

3915

1 sense to me but, okay.

2 Q When you -- one other question that I meant to ask you  
3 earlier.

4 When you would come to Albany, you came on either a  
5 bus or a train?

6 A Yes.

7 Q So, once you were in Albany, what would you do for  
8 transportation?

9 A So, like, when you get into the bus station or the train  
10 station, you're still pretty far away from Clifton Park, which  
11 is where the NXIVM community is. In the beginning, Allison  
12 would pick me up. But once it got further into it, I was  
13 supposed to find my own way from the bus to Clifton Park.

14 And taxis are really not easy to find in Albany, so  
15 you usually had to get someone -- pay someone from the NXIVM  
16 community to come and pick you up.

17 Q And once you were in Clifton Park, what type of  
18 transportation did you have available to you?

19 A Walking or sometimes Allison would let me use her car to,  
20 like, go get groceries or something to eat because, obviously,  
21 I would be up there for the night.

22 Q Did you need to ask permission for that?

23 A Yes.

24 Q During these early walks with the Defendant, did he ever  
25 ask you any personal questions?

Nicole - Direct - Penza

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1 A Yeah. He would, like, ask me to think about things. So,  
2 like, he would ask me some questions and I was supposed to go  
3 back, go to work, think about them, and then come back to  
4 Albany and have answers.

5 So, they were, like, What's the worst thing you've  
6 ever done? What are you afraid of? Just, like, superpersonal  
7 questions.

8 Q One of those was what's the worst thing you've ever done?

9 A Yes.

10 Q Did he also ask you about what would be the hardest thing  
11 to tell him?

12 A Yeah, like, what would be the hardest thing to tell him,  
13 what I was the most afraid of, yeah. Questions like that.

14 Q During these early walks, did you ever discuss the  
15 conversations you had had with the Defendant with Allison?

16 A Yes.

17 Q Did you ever talk to her about whether the Defendant was  
18 in DOS?

19 A I think, like, I might have asked her because, again,  
20 like, it just seems too odd that everything he was telling me  
21 seemed to be about DOS. So, I would just tell her that, like,  
22 it seems like he knows what we're talking about.

23 Q And what would she say?

24 A Just like she had told me in the beginning: It didn't  
25 have anything to do with NXIVM. Like, no, she would just say

Nicole - Direct - Penza

3917

1 no.

2 Q At some point, did Allison give you another assignment?

3 A Yes.

4 Q How did she introduce that assignment to you?

5 A One morning before a walk, she told me to go outside and  
6 tell Keith that I would do anything that he asked me to do.

7 Q Was -- were you already on your way to having a walk?

8 A Yeah, I was, like, kind of right -- that morning, right  
9 before the walk, I have had another assignment for you. When  
10 you go out there, you're going to tell Keith that you'll do  
11 exact -- whatever he wants you to do.

12 Q At that point, what choice did you feel you had in  
13 completing that assignment?

14 A No choice. It was an assignment.

15 Q Did Allison say anything else to you before you started  
16 the walk?

17 A She said, Now go be a good slave.

18 Q So, what did you do?

19 A I went outside, and he was waiting outside, like, out the  
20 backdoor of Allison's house. And we started walking, and I  
21 was, like, too nervous to say it. So, we walked a little ways  
22 and then I just, like, kind of blurted it out like, I'll do  
23 whatever you want me to do.

24 Q How did you feel saying that?

25 A Not good. I mean, it definitely -- I was just saying it

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3918

1 because I had to. I didn't want to say it.

2 Q Now, what did the Defendant say after you said that?

3 A I think he said, I don't think you mean that.

4 Q Then what happened?

5 A I said, I don't.

6 Yeah.

7 Q And then what?

8 A I don't remember whether it was right away or at the end  
9 of the walk, but he said that he would have me come back out  
10 and say it when I really meant it.

11 Q At some point during that walk, did he ask you another  
12 question?

13 A Yes.

14 Q What did he ask you?

15 A He asked me what the worst thing was -- what was the  
16 worst thing he could ask me to do.

17 Q How did you feel when he asked you that?

18 A Really scared.

19 Q Did you start thinking about things?

20 A Yes. I think in the situation that you're in when you  
21 feel like you have no choice, when someone says, What's the  
22 worst thing that you can do, it's incredibly scary. And I  
23 remember, like, looking up at the roof of a house that we  
24 were, like, walking past and thinking, like, oh, my God, like,  
25 he could ask me to jump off that roof. And then in my head,

Nicole - Direct - Penza

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1 just being, like, he could ask -- my head started going over,  
2 like, all sorts of things, like, worst case scenario.

3 So I told him, I said, You know, I thought that it  
4 would be -- I thought that it would be something sexual that  
5 would be the worst thing that you could ask me to do, but  
6 that's actually not true. The worst thing that you could ask  
7 me to do would be to ask me to hurt someone in my family or  
8 hurt myself or hurt someone else.

9 Q And did you explain that?

10 A Yeah. Like, if he asked me to, like, again, jump off a  
11 bridge and commit suicide, like -- I mean, I know it sounds  
12 completely crazy, but, like, you know, or to hurt someone.  
13 Like, when your brain is thinking like that, like worst case  
14 scenario, you're like what if someone asked you to kill  
15 someone? What if someone asked you -- so I was, like, what if  
16 he asked me to never speak to my family again?

17 I was slightly freaking out.

18 Q How did the Defendant respond when you said that to him?

19 A He said, like, Do you really think that I would ask you  
20 to do those things?

21 And then I sort of like calmed down a little bit.

22 And, I mean, I didn't know, but...

23 Q By those things, do you mean -- did he specifically  
24 respond about what you said about hurting somebody?

25 A Yeah. Like my family, like never speaking to my family

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1 again, or hurting my family in a physical way, that was what  
2 I -- that was what I got from it.

3 Q Did he say anything about you saying that you thought the  
4 worst was something sexual?

5 A No.

6 Q Looking back, do you have a view on how that exchange  
7 with the Defendant affected you?

8 A Yeah. I mean, at the time I was feeling like there are  
9 just these vibes that I was getting, like something, like,  
10 something sexual is going on, like, in this community or  
11 situation, and I didn't feel good about it. But, like, in  
12 that walk and him asking me that question, it all of a sudden  
13 makes something sexual not that bad because by comparison it's  
14 not. Like, something sexual happening would only hurt me, no  
15 one else gets hurt, so, in the circumstances, it's not that  
16 bad.

17 And I can just kind of see, like, the thought  
18 process of where that was what I was most afraid of, and all  
19 of a sudden by the end of that walk that wasn't what I was  
20 most afraid of.

21 Q And you said either at some point in the walk or at the  
22 end of the walk the Defendant said -- said what to you?

23 A To come back out when I meant it.

24 Q After that, did you go back to Allison's house?

25 Is there something else on that walk?

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3921

1 A Yes, sorry.

2 I think we talked about, like, bravery and  
3 commitment as well on that walk. Because I remember just,  
4 like, that was on my mind, that I needed to be brave and I  
5 needed to be committed, so...

6 Q So, after that walk, did you go back to Allison's house?

7 A Yes.

8 Q And did you tell her about what had happened?

9 A Yes.

10 Q And what did she say?

11 A Okay. So, you'll go back out tomorrow.

12 Q And did you end up doing that?

13 A Yes.

14 Q So, did that walk get arranged the same way as the  
15 others?

16 A Yes.

17 Q So, were you in Allison's bed?

18 A Yes.

19 Q And what happened?

20 A I was sleeping in Allison's bed. I believe it was a call  
21 that morning. He called Allison and Allison told me to go  
22 outside.

23 Q And what happened when you went outside?

24 Sorry, would you exit the backdoor of Allison's  
25 house?



Nicole - Direct - Penza

3922

1 A Yeah, I would always go out the backdoor and across the  
2 grass, and there was, like, a grove road out there.

3 Q And, so, did you do that?

4 A Yes.

5 Q And what happened?

6 How were you feeling?

7 A Scared, very scared.

8 Q And, so, then what happened next?

9 A He said hi, and we started walking, and I was like okay,  
10 you can do this, you can do this, and I said, I will do  
11 anything you ask me to do.

12 Q And what did he say?

13 A Do you mean it?

14 And I said, Yes.

15 Q And then what happened?

16 A He took my hand and took me across the street, like,  
17 directly across from Allison's house into another house.

18 Q Do you know the house number?

19 A Not that one.

20 Q Is it on Flintlock Lane?

21 A Yes.

22 Q Do you know the numbers of the other houses?

23 A I know it's, like, directly across from, like, Allison's  
24 backdoor and then you walk across. I couldn't tell you  
25 numbers.

Nicole - Direct - Penza

3923

1 Q Do you know who lived on the other side of the house?

2 A No, it was not -- it wasn't the library.

3 Q No, on Flintlock.

4 A Oh, no.

5 Q So, did the Defendant touch you at that point?

6 A Yeah. He took my hand and took me into the house.

7 Q What was that house like?

8 A There wasn't much in it. There was, like, a table, two  
9 chairs, and a plant.

10 Q And what happened?

11 A He asked me to trust him. Like, no matter what was about  
12 to happen to trust him. And, like, would I? Would I trust  
13 him no matter what was about to happen?

14 And I said yes. I mean, I already said I would do  
15 anything he asked, so I said, Yes.

16 Q And what did he ask you to do?

17 A Then he asked me to take off my clothes. And I did.

18 Q Were you fully naked?

19 A Yes.

20 Q And then what did the Defendant do?

21 A Like, he was sitting down and I was standing up, and he  
22 was just, like, commenting on my body, like, my belly button  
23 piercing. I don't have it pierced anymore, but, like, what  
24 did I take it out. Like that.

25 Q I'm sorry to ask such a personal question, did he make

Nicole - Direct - Penza

3924

1 any comments about your pubic hair?

2 A Yes.

3 Q Can you explain?

4 A He said that he was surprised because, like, I hadn't  
5 just shaved or waxed.

6 Q And he said he was surprised?

7 A He was surprised because it didn't seem like my nature.

8 Q And did he make any other comments?

9 A He said -- and I responded, like, Yeah, I've been  
10 celibate for three months. Sorry, it's not the first thing on  
11 my mind.

12 Or, like, something like that.

13 He said that that was okay, that's what he liked.

14 Q At that point in time, did you have any thoughts?

15 A Yeah. It was, like, all these little, like, things  
16 started clicking in my head because I had -- I was, like,  
17 staying with Allison, so I obviously had seen her getting in  
18 and out of the shower. And I don't know, something about that  
19 comment, the way he said it, like, No, it's okay, that's what  
20 I like, that I just, like, clicked in my head, and I was,  
21 like, oh, he has a sexual relationship with Allison, like, I  
22 was right about that.

23 And then it was just like, oh, yeah, that -- like, I  
24 know that's what's about to happen. At the time, that's what  
25 I thought.

Nicole - Direct - Penza

3925

1 Q Just to connect up the dots, when you had seen Allison  
2 naked, had you seen her pubic hair?

3 A Yes.

4 Q And it was ungroomed?

5 A Yes.

6 Q What happened after the Defendant commented on your body.

7 A He told me to put back on my clothes and he said that had  
8 there are two blindfolds to put on.

9 Q Did he put those blindfolds on you?

10 A Yes.

11 Q Can you explain the purpose of the blindfolds?

12 A I guess, like -- I don't remember exactly what they were,  
13 but one was, like, tighter because it left marks under my  
14 eyes, and the other was, like, tied around that.

15 Q After he put the blindfolds on you, did he say anything  
16 to you?

17 A That we were going somewhere.

18 Q So, then what happened?

19 A He took my hand and took me to the car, put me in the  
20 car, and then we drove somewhere.

21 Q Do you remember about how long you drove?

22 A No. It was, like, I don't -- I couldn't tell you how  
23 long it was, but it didn't seem like super, super close, but  
24 it wasn't that long. Maybe ten minutes.

25 Q And did you talk during the ride?

Nicole - Direct - Penza

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1 A I don't remember saying anything.

2 Q Did you eventually end up somewhere?

3 A Yeah. We eventually stopped, he came around, took my  
4 hand, took me, like, through the woods? I mean, I just  
5 remember, like, feeling things crash under my feet, like  
6 branches breaking.

7 Q You couldn't see anything?

8 A No.

9 Q And, so, he walked you on these branches, and then do you  
10 remember...

11 A Then I stepped up on, like, a step and then into a room  
12 or little -- like, in my imagination it was, like, a little,  
13 like, cabin. But I don't really know.

14 Q Did you go through a door?

15 A Yes, like a front door.

16 Q What happened once you were through the door?

17 A He told me to get undressed again and then to get on a  
18 table. There was a table there.

19 Q When he told you to get undressed, were you able to do  
20 that yourself with the blindfold on?

21 A I think so. Yeah, I just had, like, sweatpants and a  
22 sweatshirt on or something simple. So, taking it off was  
23 okay, I think.

24 Q Was the table close to where you had come in?

25 A No, well, it felt like it, but I think he, like, led me

Nicole - Direct - Penza

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1 to the table. But it didn't feel very far away.

2 Q How did the -- did you get on the table?

3 A Yeah, he told me to get on the table. And then he tied  
4 my wrists and my feet to, like, different sides.

5 Q To each of the corners?

6 A (Nods.)

7 Q How did the table feel?

8 A Cold.

9 Q How did you feel being tied up on the table?

10 A Like super vulnerable and exposed. And I was hoping that  
11 maybe that was it, like, maybe that was -- that maybe that was  
12 the whole thing, you know, just that I had to be super  
13 vulnerable and exposed.

14 Q Did something else happen?

15 A Yes. Then somebody started going down on me.

16 Q How did you feel at that moment?

17 Did you think it was the Defendant at that moment?

18 A Yes.

19 Q And then did something happen?

20 A Yeah. And I was still, like, trying to process -- just  
21 process what was happening, and then he, Keith, started  
22 talking. And I was so confused, obviously. I was like what  
23 is happening?

24 And I realized that there was another person in the  
25 room.

Nicole - Direct - Penza

3928

1 Q So, another person who was not the Defendant was the one  
2 performing oral sex on you?

3 A Yeah. It's the only way that it made sense. He was  
4 talking to me, like, up here and someone is still going down  
5 on me. So, I was like holy shit, there's somebody else in the  
6 room.

7 Q How did that moment feel?

8 A I mean, just -- it's terrifying. You don't know -- I  
9 mean, I'm trying to, like, process what's going on. Like,  
10 there is someone else in the room, okay, so now there's two  
11 people in the room. Is there three people in the room? Like,  
12 how many people are in this room right now?

13 And, like, I just was trying to -- and it was kind  
14 of like just stay calm, just try and breathe, just try and  
15 stay calm. And, also, Keith was talking to me at that time.  
16 He was, like, walking around the table asking me questions.  
17 So, I was trying to stay calm and figure out what was going on  
18 and, also, answer the questions that he was asking me. And,  
19 so, it was just a lot.

20 Q Did the Defendant say anything about who -- so, the  
21 Defendant is walking around the table while this is happening?

22 A Yes.

23 Q Do you have any recollection of about how long this went  
24 on?

25 A No.

Nicole - Direct - Penza

3929

1 Q Did the Defendant say anything about who was performing  
2 oral sex on you?

3 A No. Later on, he said that -- well, at that moment, I  
4 was -- like, I felt hair, which in the circumstances made me  
5 feel a little bit calmer, like at least it was -- I don't know  
6 why I felt, like, a tiny bit safer that it was a woman and not  
7 another man and just me in the room. I don't know why that  
8 made me feel safer.

9 But later on, he said that it was, like, a woman and  
10 that I would never know who it was.

11 Q Much later?

12 A Much later.

13 Q But at that time, he didn't tell you who it was?

14 A No.

15 Q What other questions did the Defendant ask you as he  
16 circled around you?

17 A He was asking me, like, if I had ever been in a  
18 threesome, if I -- how many people I had been with, like, how  
19 many people at once I had been with. He was asking me all  
20 these questions about my sexual history, yeah.

21 Q Did the Defendant ever tell you whether you were being  
22 videotaped?

23 A No.

24 Q Did the Defendant ask you if you were okay at some point?

25 A Yes.



Nicole - Direct - Penza

3930

1 Q And did you respond?

2 A Yeah. I didn't think that there was, like, an option, so  
3 I just said, Yes, I'm okay.

4 Q At some point, did the performing oral sex on you end?

5 A Yes.

6 Q Then what happened?

7 A He untied me and he had helped me put back on my clothes  
8 because, obviously, I didn't know where they were and I was  
9 blindfolded still. He took me back to the car, he drove back  
10 to the house, and then he took me back into the original house  
11 and he took off the blindfolds.

12 Q And did you two sit down at that point in the original  
13 house?

14 A Yeah, he had me sit down.

15 Q How were you feeling at this point?

16 A Just kind of, like, completely in shock I think would be  
17 safe to say.

18 Q And, so, then what happened?

19 A So then he asked me if I was okay again. I just said  
20 yes. He said he wanted me to know that nothing bad had just  
21 happened and that I was a young woman who was allowed to be  
22 sexual and I was not in a relationship so what happened was  
23 not bad.

24 And I do remember thinking, like, I'm not in a  
25 relationship because, like, Allison told me to not be in a

Nicole - Direct - Penza

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1 relationship right now. But that was just, like, a side note  
2 that my brain said.

3 And then he said -- I don't know, he started talking  
4 to me again about, like, trust. And he said that that was  
5 very -- that I was very brave. And he was just kind of  
6 talking, and, eventually, I just felt like can I go? Like, I  
7 did what you asked me to do, can I go? In my head, I was just  
8 like Can I just go.

9 And finally I said that out loud, I said, Can I go?

10 And he told me not to tell anyone what had happened.  
11 And I asked if I could tell Allison, and he said yes. And  
12 then I went to leave.

13

14 (Continued on the following page.)

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Nicole - direct - Penza

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1 BY MS. PENZA: (Continuing)

2 Q When you walked out, did the defendant stay watching you?

3 A So I walked out -- yeah, he, like, walked out after me  
4 and I walked out. And I remember, like, it being really  
5 bright, really bright out because the sun had already risen  
6 and I had, A, been blindfolded for a while, but also I think I  
7 had left the house at, like, 4 o'clock in the morning and now  
8 the sun had rose so I just remember it being really bright  
9 when I walked out. And then I looked up and I saw Emi running  
10 with Clare and I ran, and I ran to Emi and I just hugged him  
11 because, you know, I always felt safe with Emi. So I just  
12 wanted to feel safe so I hugged him.

13 Q Do you know what day this took place?

14 A No, not exactly.

15 Q Is there something that would refresh your recollection  
16 of that?

17 A Yeah.

18 MS. PENZA: Your Honor, may I have the ELMO just for  
19 the witness?

20 THE COURT: Yes.

21 MS. PENZA: Your Honor, may I just, may I have a  
22 moment with defense counsel as well?

23 THE COURT: Sure. Go ahead.

24 (Pause.)

25 MS. PENZA: Thank you, Your Honor.

Nicole - direct - Penza

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1 Q Did you exchange text messages with Emiliano that day?

2 A Yes.

3 Q Would looking at those help date this?

4 Okay. I'm going to ask you -- you don't need to  
5 read anything from the messages. I'm going to show you --

6 MS. PENZA: I don't have it marked for  
7 identification, Your Honor.

8 THE COURT: Give it a number.

9 MS. PENZA: Yes. I'm sorry, Your Honor.

10 Q Nicole, I'm showing you a four page document or the third  
11 page of a four page document that has been marked for  
12 identification purposes as Government Exhibit 665.

13 A Okay.

14 Q Can you see that?

15 A I don't think it's turned on.

16 THE COURT: Okay.

17 THE WITNESS: Thank you.

18 Q And looking at the bottom of this page, does that refresh  
19 your recollection of the day that this event happened?

20 A Yeah.

21 Q What was the date?

22 A May 31, 2016.

23 Q Now, did you end up telling Allison what happened?

24 A Yes.

25 Q So you went back to the house?

Nicole - direct - Penza

3934

1 A Yes.

2 Q And then what happened when you got to Allison?

3 A I think that I went and took a shower first. And then I  
4 came back out and sat with her in front of the fireplace and I  
5 told her what happened.

6 Q And did she say anything to you?

7 A She seemed a little bit freaked out by what had happened.  
8 I don't think she knew exactly what was going to happen, but  
9 she also said that I was really brave. And, yeah, she also  
10 said that I was really brave.

11 Q Do you remember whether -- did you actually have to go  
12 work that day?

13 A Yeah, I also think she said, like, something, that I had,  
14 like, earned, like, working more with Keith or something like  
15 that. But, yes, I had to go back to the City that afternoon  
16 and work.

17 Q Did the defendant contact you after that?

18 A Yes. He texted me and said that he thought that I was  
19 very courageous.

20 Q Did you know how the defendant had gotten your phone  
21 number?

22 A I don't remember.

23 Q Prior to that, had you been texting with the defendant?

24 A No.

25 Q Showing you, Nicole --

Nicole - direct - Penza

3935

1 MS. PENZA: May I have this just for the witness,  
2 Your Honor.

3 THE COURT: Go ahead.

4 MS. PENZA: Actually, Your Honor, may I approach?

5 THE COURT: Yes, you may.

6 MS. PENZA: Thank you.

7 Q I'm showing you what is marked for identification  
8 purposes as Government Exhibit 659. Are you familiar with  
9 this?

10 A Yes.

11 Q Do you want to take just a quick look through it?

12 A The whole thing?

13 Q Yes. You can just look through the pages and make sure  
14 it's a document you're familiar with.

15 (Pause.)

16 A Yes.

17 Q And is this a, an exchange of e-mails between you and  
18 Allison ending on June 1, 2016?

19 A Yes.

20 MS. PENZA: Your Honor, the government offers  
21 Government Exhibit 659 into evidence.

22 MR. AGNIFILO: No objection, Judge.

23 THE COURT: All right. Government Exhibit 659 is  
24 received in evidence. You may publish it to the jury.

25 MS. PENZA: Thank you, Your Honor.

Nicole - direct - Penza

3936

1 (So marked.)

2 Q I'm showing you the front page of Government Exhibit 659.  
3 You're familiar with this exchange?

4 A Yes.

5 Q And is this -- are these back-and-forth's of these  
6 journal entries that you would write to Allison?

7 A Yes.

8 Q And would she always respond?

9 A No, not always.

10 Q Sometimes she would respond?

11 A Yeah. Yes.

12 Q And sometimes would you continue your responses on the  
13 same chain?

14 A Yeah. Yes.

15 Q Let's just look at a few before we get to the beginning  
16 of the chain.

17 I'm just showing you May 23, 2016. You say you  
18 realized you're filled with anger, anger at the situation,  
19 angry at yourself, but that you're also choosing to be angry.

20 A Yes.

21 Q Can you just give a little explanation about your mental  
22 state at this point and elaborate on those types of comments?

23 A Yes. I mean, well, I think I'm angry at my situation  
24 because I feel like I'm stuck in this situation, I'm stuck in  
25 this situation and I'm angry at myself for, like, how -- like,

Nicole - direct - Penza

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1 handing over the collateral. Like, it was constantly reminded  
2 to me, like, I made this commitment and it was I, it was,  
3 like -- I did this, Allison would always say.

4 So I'm really just angry. I'm angry at the  
5 situation. I'm angry at myself. Like, why didn't I see,  
6 like, just, that, that what was happening. And then, like,  
7 kind of a -- it's something that Allison would say is that,  
8 yeah, but you're choosing to be angry, you don't have to be  
9 angry about this, you're choosing to be angry. So I -- yeah.

10 Q Okay. And then is it fair to say that these journal  
11 entries, just in general, would reflect a lot of these up and  
12 down emotions that you would have?

13 A Yeah. Yes.

14 Q Now, did you feel you could be completely truthful in  
15 these journal entries?

16 A No, because, I mean, they were still going to Allison.  
17 Like, she was still reading all of them. And, you know, the  
18 first time when I had, like -- well, when I had said that I  
19 had given out my phone number to that boy, like, she had  
20 flipped out so bad, like, I was kind of aware of that, of,  
21 that she was reading them. So I didn't want to say anything  
22 that would get me too, into trouble, but I also wanted her to  
23 understand she can't help me. Supposedly, she was helping me.  
24 At this point, like, she can't help me if she doesn't know my  
25 mental state.



Nicole - direct - Penza

3938

1           So it was always this game between, like, not  
2           upsetting her too much but also, like, telling her, like, when  
3           I was happy or when I was really upset or how, back and forth,  
4           I was all of the time.

5           Q     And were there also -- were there specific directives  
6           about how explicit you could be in e-mails?

7           A     Yeah. You couldn't -- I couldn't, like, say, like,  
8           reference DOS or reference, like, certain relationships or --  
9           is that what you mean?

10          Q     Well, like, for example, like, would you write "Master"  
11          typically?

12          A     No. I asked if I could refer to her as "A," obviously  
13          not really creative for "Allison," but, because I just --  
14          well, two things. That it felt better to me, it felt not as  
15          weird, but also for, like, secrecy reasons, it was better so  
16          no one could figure out what was going on.

17          Q     And I guess that's my question. Were there other things  
18          where it felt like there had to be a level of secrecy in the  
19          e-mails?

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

21                   THE COURT: Hold on.

22                   Sustained.

23          Q     Would you have felt comfortable writing in an e-mail what  
24          had happened with the defendant?

25          A     Well, I wasn't -- well, I wasn't supposed to talk about

Nicole - direct - Penza

3939

1 what happened, but also -- no, I wouldn't have felt  
2 comfortable, but I didn't want to talk to anyone about it. I  
3 didn't want -- I didn't want to think about it again.

4 Q Understood but, like, explicit details?

5 A No. No, because no one else was supposed to know either.  
6 So, like, I was allowed to tell just Allison but no one else  
7 was supposed to know so if I put it in an e-mail, that would  
8 have been, like, dangerous.

9 Q In general, were there, were there different forms of  
10 communication that were considered?

11 A Safer?

12 Q Yes.

13 A Like, telegram because that was locked.

14 Q Was e-mail considered less safe?

15 A Yeah. Yes.

16 Q Okay. I'm going to show you your journal entry just  
17 because I want to -- we're going to get to Allison's response  
18 to you. So May 30, 2016, 3:42 a.m., you talk about jumping,  
19 that you went to work and then jumped on a bus to Albany  
20 after?

21 A Yes.

22 Q Is that what happened?

23 A So that, yeah, that must have been a day that I went to  
24 work and then got the bus right after work and went up to  
25 Albany.

Nicole - direct - Penza

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1 Q And then showing you the front page of Government  
2 Exhibit 659, so this is an entry and it's being written on  
3 June 1, 2016 at 6:16 a.m., but appears to refer to May 31st,  
4 2016. Would that make sense to you?

5 A Yeah. So, some, you know -- again, I didn't leave work  
6 until 5 in the morning or, obviously, sometimes later, and it  
7 would be the next day. So, like, if it was the next day,  
8 sometimes I'd, like, write that the journal entry was  
9 referring to the day before.

10 Q And you write -- and so this is the same day that we  
11 just, that the incident happened?

12 A Yes.

13 Q And so do you remember going back to the City afterwards?

14 A Yes.

15 Q So you wrote: It's 6 a.m. I'm just getting to bed and  
16 am insanely angry right now, beyond angry, because once again  
17 I've gotten back to the City and my life is a mess here.  
18 Nothing is organized and I have so much to catch up on. I was  
19 so on board with the convo. A. and I had this morning about  
20 the benefits of coming to Albany and taking full advantage of  
21 the time I have up here, watching movies and working on my  
22 art. I am done fighting the growing process. It's obviously  
23 good for me and even though I was very emotional and  
24 uncomfortable, I can feel it helping. I'm excited about  
25 embracing the vow and working with Keith, but coming back

Nicole - direct - Penza

3941

1 every week to an unorganized home and hectic life here feels  
2 awful. Words can't even express how stressful and bad it  
3 feels to me. And it makes me hate the whole growing process  
4 because I can't catch up. It fills my whole body with this  
5 raged up anger and pain which clearly feels awful. A. wonders  
6 why I come up in a fit and upset. It's because no matter how  
7 much I say, I just need a couple of days and she doesn't  
8 believe me. And I have to come home every week to a mess and  
9 then work until 5 a.m. in the morning. It sucks. And I have  
10 a hard time focusing on source stuff and moving forward with  
11 my acting when my room is a mess and my taxes still aren't  
12 done and there's no system set up so I can push myself and  
13 learn and not feel like I'm flailing around. I would like to  
14 enjoy this process and enjoy going up to Albany. I'm going to  
15 go this coming week because I said I would, but I have to have  
16 a break soon. I need to talk to A. I need her to understand  
17 that I need a couple full days to get organized. I need a  
18 week where I don't go up. Not to avoid feeling vulnerable but  
19 to get grounded so I can be more vulnerable. I hate going to  
20 bed filled with so much anger.

21 Do you remember writing that e-mail?

22 A Yes.

23 Q And can you just explain?

24 A Yeah. I was just really angry. I was just really  
25 frustrated that Allison. She wouldn't listen to me. I kept

Nicole - direct - Penza

3942

1 asking for, I just -- I had just moved to a new place and I  
2 hadn't had time to, like, unpack things. Like, I was so under  
3 and she just wouldn't listen to me and I was so angry and I  
4 didn't want to go to Albany and -- I don't know.

5 Q Do you have any idea why you didn't mention what had  
6 happened with the defendant in this e-mail?

7 A Because I wasn't supposed to talk about it and also,  
8 like, I didn't want to think about it.

9 Q At that point, did you feel like you had actually -- had  
10 you processed what had happened at that point?

11 A I don't, I don't think so. I don't -- I don't think I  
12 processed what had actually happened for a really long time,  
13 but I, I was emotionally upset.

14 Q And Allison responded to you?

15 A Yes.

16 Q I'm going to read Allison's response.

17 So, June 1, 2016, 6:36 a.m.: Same pattern as  
18 always. I could have predicted this check in. I feel sad,  
19 thought you were through this but okay. And by the way, maybe  
20 part of your growth process is to have your life a mess and  
21 find the calm in the eye of the storm. It's not freedom to be  
22 enslaved to your life not being a mess. You are very attached  
23 to your physical comforts. It's weak, spoiled and entitled.  
24 Grounded is the opposite of vulnerable but choose as you wish.  
25 I miss you. I love you. X0. A.

Nicole - direct - Penza

3943

1           Would there -- how do you explain this contrast  
2 between the first part of the e-mail and then the "I love you,  
3 I miss you, XO"?

4 A     My understanding at that point or looking back?

5 Q     Why don't you give us each. So first --

6           MR. AGNIFILO: I object to this question, Judge.

7           THE COURT: Overruled.

8 Q     What was your understanding at that point?

9 A     It was just very confusing. It was, you know, in the  
10 same e-mail saying "weak, spoiled, entitled," that, you know,  
11 it's the "same pattern as always" and then also saying "I love  
12 you and I miss you." I, just -- incredibly mixed messages.

13 Q     Now looking back?

14 A     It's just incredibly abusive behavior. I mean, when  
15 you're in an abusive relationship, they say they love you and  
16 then they hurt you, they say I love you and then they hurt you  
17 and there's this cycle you can't get out of.

18           MR. AGNIFILO: Your Honor, objection. I ask that it  
19 be stricken.

20           THE COURT: Overruled.

21 Q     So after that, after that experience, after what happened  
22 to you, did you continue to see the defendant?

23 A     Yes.

24 Q     And Allison had said to you that now you had earned the  
25 privilege of working more with the defendant, is that right?

Nicole - direct - Penza

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1 A Yes, that, like -- I mean, from what I understood, the  
2 fact that I had made it through that experience, like, I had  
3 passed some kind of test or something and that, that he was  
4 interested in, like, working with me more on, like, what I  
5 thought, like, acting work or something.

6 Q How did you feel about that?

7 A Fine. Like, everyone, you know, talked him up so much  
8 that I thought, I don't know, maybe this will be good for me  
9 and Allison really trusts him and I'm -- again, I don't really  
10 have a choice. I'm supposed to trust her. So I think I just  
11 thought, I don't know, maybe, maybe this would -- I think I  
12 was, I was hopeful that maybe it would be a good thing.

13 Q Now, do you remember the next walk you took with the  
14 defendant?

15 A Yes.

16 Q Where did you go?

17 A We started on a walk or we might have done the whole  
18 walk, I don't remember, but -- because sometimes we would  
19 walk, like, a few miles around Clifton Park, but eventually he  
20 took me to the library which I had not been to before.

21 Q And what did that look like?

22 A It was -- I don't know. It didn't look great from the,  
23 like, lower half. Like, you walk in and it looks like a  
24 construction site is happening but they, like, abandoned it  
25 halfway through, like, literally abandoned it because there

Nicole - direct - Penza

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1 would still be cabinet doors open which it never made much  
2 sense to me why no one just closed them. But, yeah, it was a  
3 bit of, like, a -- like, they were trying to do construction  
4 work but never finished it downstairs.

5 Q And did you go upstairs?

6 A And then there was a spiral staircase and, like, a door  
7 and you go upstairs and upstairs was a library.

8 Q And what else was upstairs?

9 A Well, there were a lot of books. And I like libraries.  
10 I like books. But so I remember the books being stacked and  
11 then there was, like, white boards and a long desk and then  
12 there was a hot tub which seemed a little bit odd. There was  
13 a bed, a bunk, like, a bed raised above the hot tub which had  
14 stairs up to it, like, a ladder. And then there was a bike on  
15 the other side, like a stationary bike. There was -- then  
16 there was, like, a kind of little closet thing with a few  
17 shirts and a table.

18 Q Were there any -- were there windows?

19 A Oh, yeah. All the windows were blacked out.

20 Q Did the defendant tell you anything about what he used  
21 the library for?

22 A I'm not sure if it was that exact conversation or a later  
23 conversation, but he said that he had hidden or stayed in  
24 there before when he gotten death threats because there was,  
25 like, a refrigerator in there as well. It was an area where



Nicole - direct - Penza

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1 he could stay safely when he had, like, previously gotten  
2 death threats which sounded pretty crazy to me but, obviously,  
3 you could. There was a shower and stuff as well.

4 Q Now, eventually, you would end up spending time at  
5 8 Hale?

6 A Yes.

7 Q And we'll talk a little bit more about that later but  
8 would there be specific rules about staying at 8 Hale?

9 A Yes. I had to ask permission every time I stayed there  
10 and I had to, to not let anyone see me come in and out.

11 Q Were you allowed to touch anything?

12 A Oh, yeah, I wasn't allowed to touch anything or move  
13 anything. Everything had to be left exactly how I found it.

14 Q Did any -- did you ever move anything?

15 A Yeah. Okay. I moved the curtain when you walked in  
16 because I wanted to see if it had a backyard. So I, like,  
17 moved the curtain over a little bit and Keith got really  
18 freaked out. I don't know if he thought that someone was,  
19 like, spying on him or something, but he said, You moved the  
20 curtain, right? It was this huge thing that I touched the  
21 curtain but I was just looking see if they had a backyard.

22 Q Now, did you have any further conversation with the  
23 defendant while you were at 8 Hale?

24 A Yeah. In that conversation, he told me that actually he  
25 was, he had created DOS for The Vow. It was still called

Nicole - direct - Penza

3947

1 The Vow at that point.

2 Q And what did he say?

3 A That he had created The Vow and that he was Allison's  
4 Master which made him my Grandmaster.

5 Q And what other details did he give you about DOS?

6 Well -- strike that.

7 Did he tell you whether he had any slaves?

8 A Well, yeah, yeah. He said -- because he said he was  
9 Allison's Master.

10 Q Did he say whether he had any other slaves?

11 A Yes. I don't know if it was that exact conversation but  
12 eventually, I asked, and he said that he wasn't going to tell  
13 me the exact number but it was somewhere between seven and  
14 twelve.

15 Q And did he say anything to you about what had happened  
16 with the table?

17 A Just, again, that I was courageous.

18 Q At some point, did the defendant talk to you about  
19 whether he could have had sex with you that night?

20 A Yeah. Like, in a walk later, a walk, the next walk we  
21 went on, he said that because of, like, the nature of the,  
22 like, Master, Grandmaster situation, that he could have  
23 commanded me to have sex with him that morning but he didn't  
24 because he wanted it to be my, my -- he didn't want me to  
25 think that that was all it was about.

Nicole - direct - Penza

3948

1 Q How did you react when he said that?

2 A I, like, couldn't process that. I, I couldn't -- I  
3 wouldn't -- I don't know what was going on but, like, I  
4 couldn't hear that, like, what he was saying. So I started  
5 talking about -- I started, like, babbling about the guy that  
6 I had a crush on which seems, like, a very weird response.

7 But I -- he said, like, that he hadn't done that  
8 because he didn't want me to think that was all it was about.  
9 And I said, Oh, you know, this, the guy that I sort of had a  
10 crush on at the time, I was talking to him the other day and I  
11 told him about how I was supposed to be celibate for three  
12 months. And he said, Well, that's okay, like, that's not what  
13 this is all about.

14 And so, like, somehow in my head, my brain, like,  
15 compared the two things and I just started -- maybe I just  
16 wanted to tell him that I had a crush. I don't know. I just  
17 started talking about this, the guy that I had a crush on.

18 Q From your conversations with the defendant, did you have  
19 an understanding of the defendant's, how the defendant's  
20 relationship with Allison worked within DOS?

21 A Just that he was, that he was her Master so she had to do  
22 whatever he said.

23 Q Now, did anything -- so on those couple walks that you  
24 just described, did anything sexual happen with the defendant?

25 A Not on those two, no.

Nicole - direct - Penza

3949

1 Q After those walks, did your interactions with the  
2 defendant change?

3 A Yes.

4 Q Can you just explain generally?

5 A Well, there was another walk where he took me back to the  
6 library and we were talking about something else and he, like,  
7 asked if he could kiss me.

8 Q So just before we, before we discuss that, did you --  
9 after you had those conversations with the defendant about him  
10 being your Grandmaster, did you discuss that with Allison?

11 A Yeah. Yes.

12 Q And can you describe what those conversations were like?

13 A Yeah. I was, like -- at the time, at that moment when he  
14 told me that he was actually Allison's Master, like, so many  
15 things made so much more sense to me and there was, like, this  
16 part of me that was, in a weird way, like, slight, for a  
17 moment, slightly relieved because I thought, oh, thank God,  
18 people can stop lying and, like, talking around things to me  
19 and, like, someone can be honest, okay, this is what's going  
20 on, so we can stop going on these walks where, like, everyone  
21 is talking around things and saying "commitment" and "trust"  
22 and all these things but, like, someone can finally explain to  
23 me what the hell is going on.

24 So there was a part of me that was, like, I knew it,  
25 like, I knew it. And so I was, like, just -- I felt relieved

Nicole - direct - Penza

3950

1 to be, like, putting together some piece of something.

2 Q And so at that point, did Allison give you instructions  
3 on how you were to interact with the defendant?

4 A Well, I got a lot of different instructions on that, but,  
5 like, that I was supposed to be very respectful, that I was  
6 supposed to make his life easier because that would help  
7 everyone. Right? Like, it's this hierarchy. So if I make  
8 her life easier, that helps his life. If I make his life  
9 easier, that, like, serves this, whatever, higher purpose we  
10 were supposed to be serving at the time.

11 Q Now, did there -- after that point in time, would you  
12 ever have conversations with either the defendant or with  
13 Allison where it was clear they were talking to each other  
14 about you?

15 A Yes. The --

16 Q Go ahead.

17 A Just one that I remember was, like, after the, after the  
18 situation in the shack or whatever it was that I was in, when  
19 I came up the next time, Allison -- it was obvious that him  
20 and Allison had talked about it because Allison said: Isn't  
21 it so cool that Keith is working on my sexuality through you?  
22 I was, like, Okay.

23 Q Now, did it -- did you ever observe whether Allison cared  
24 about how your interactions with the defendant were going?

25 MR. AGNIFILO: I'll object to the form of the

Nicole - direct - Penza

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1 question, Judge.

2 THE COURT: Sustained.

3 Q When you spoke to Allison, would she ask about how things  
4 were going with the defendant?

5 A Yeah. After every walk, she wanted me to check in with  
6 her, like, how, how did it go, how are you, are you in a good  
7 state, were you in a good mood, like, were you in a good state  
8 was most of the question --

9 Q And what did that --

10 A -- most often.

11 Q What did that mean, were you in a good state?

12 A Was I not angry, was I not acting out, was I not, like,  
13 being defiant or throwing a tantrum. Was I not upset because  
14 sometimes I would get really upset at the entire situation.  
15 But if I -- so, it meant was I in a good mood, was I helpful  
16 on the walk, was I nice to him, was I, was I happy while I was  
17 on the walk.

18 Q Did you feel that it was important to your relationship  
19 with Allison to make the defendant happy?

20 A Yeah, absolutely.

21 Q Can you explain?

22 A So was it important for my relationship with Allison?

23 Q Yes.

24 A Yeah, because this was, like, the most, like -- her  
25 relationship with her Master which was Keith was, like, the

Nicole - direct - Penza

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1 most important relationship for her so how, how I related to  
2 Keith, like, reflected on her, if that makes sense. So, kind  
3 of, if I was helpful and good, then I think she -- I don't  
4 know what happened, but it just, like, it -- how I acted  
5 reflected on her, so I needed to be well behaved.

6 (Continued on next page.)

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Nicole - direct - Penza

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1 DIRECT EXAMINATION

2 BY MS. PENZA: (Continuing)

3 Q That was told to you?

4 A Yeah.

5 Q Now, how long were you in DOS, approximately, after the  
6 time when you were on the table?

7 A Like a year and two weeks longer.

8 Q And during that time, can you just explain how -- what  
9 your schedule is like over that course of time?

10 A Yeah, so my schedule kind of continues to be similar to  
11 what I've already explain, which is I would be working five  
12 days a week at the nightclub and then I'd have -- so like  
13 usually Wednesday, Thursday, Friday, Saturday, Sunday,  
14 sometimes like Tuesday, Thursday, Friday, Saturday, Sunday,  
15 but most of the time Wednesday, Thursday, Friday, Saturday,  
16 Sunday, and then I would -- if I had to, I would take the bus  
17 on Sunday night and stay Monday and maybe Tuesday, or else if  
18 Allison let me, I would like sleep on Sunday night, which was  
19 great, and then go up Monday, stay Tuesday, come back  
20 Wednesday. I would leave like Albany Wednesday morning, take  
21 the train or bus back to New York, try to take a quick little  
22 nap and then go to work.

23 Q During that next year, are you also participating in  
24 something called Readiness?

25 A Yes. So -- yes.

MDL

RPR

CRR

CSR



Nicole - direct - Penza

3954

1 Q Can you just describe the intensity level of Readiness?

2 A Yeah. So, like, Readiness\* for DOS is really intense  
3 because it could happen at any time and you had to --  
4 basically Allison would text me and I had to respond within  
5 sixty seconds and it would be any time day or night. So you  
6 couldn't ever leave your phone anywhere. And even, like,  
7 going on subways was stressful because what are you supposed  
8 to do if you're underground, if, like, Readiness happens when  
9 you're underground. And I got in trouble for that more than  
10 once.

11 Q Was there ever a time that something happened that  
12 affected your work regarding Readiness?

13 A So I got -- because you can't have your phone on the  
14 floor when you're working. I had, like, shorts underneath my  
15 dress, which I put my phone in, and then I had an Apple watch  
16 so that I could see the message come through on my phone so I  
17 could answer it without getting into trouble by either my  
18 actual job or Allison.

19 One day my phone died, so I put it in the office to  
20 charge and Readiness happened and Allison called -- called one  
21 of my managers, because they made us -- she made me give her  
22 the phone numbers. She called one of my managers. They  
23 didn't pick up. She called one of my coworkers to call the  
24 manager that was working and told him that I had a family  
25 emergency and I had to call back.

MDL

RPR

CRR

CSR

Nicole - direct - Penza

3955

1 Q What was that like for you?

2 A I mean, it's just absolutely horrible and it is also so  
3 pointless, like why? And -- so then I had to go into the  
4 office. I had to answer Readiness, apologize for failing, and  
5 then explain to my -- then what do I do? Like, they've just  
6 called my managers and said that I have a family emergency, so  
7 I just said it's going to be fine, like, I can finish the  
8 shift. Like, just unbelievably unnecessary and ridiculous in  
9 my opinion.

10 Q Eventually, and we will talk about this later, did you  
11 learn that Allison had other slaves?

12 A Yes.

13 Q And at that point in time, did Readiness become more  
14 difficult?

15 A Yeah. So, then, once the other slaves were introduced,  
16 then there were four of us and we had to all answer within  
17 sixty seconds. So you had to not only like yourself answer,  
18 but if someone else wasn't answering, like, the clock was  
19 ticking, you had to call them or you had to find them or you  
20 had to -- so all four of us had to answer within sixty seconds  
21 every time that went off.

22 Q Okay. Now, you had just -- you had started to mention a  
23 first kiss with the defendant?

24 A Yes.

25 Q Approximately when did that happen?

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1 A I would guess -- I don't know. July.

2 Q Between July and when you left DOS, would there be  
3 various sexual encounters with the defendant?

4 A Yes.

5 Q Can you just give a broad overview of the development of  
6 that?

7 A Yeah, I don't remember when it actually started,  
8 somewhere around July or August, but I don't have specific  
9 memories of when it started, I just know that it did, but I  
10 can't remember...I don't actually remember the actual act,  
11 like it actually happening. But I remember that it was  
12 somewhere around the end of July, beginning of August.

13 Q And --

14 A And -- sorry. Do you want me to keep --

15 Q July, beginning of August, is that a certain type of sex  
16 act at that point?

17 A Yes.

18 Q And what is that?

19 A Just like oral sex.

20 Q Eventually, did you have intercourse with the defendant?

21 A Eventually, yeah.

22 Q Do you remember, like down the road?

23 A Well, I remember it almost like -- almost happening in  
24 August and then I know maybe it just happened, like,  
25 throughout the whole time I was there, may be, like, three or

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1 four times. I don't know.

2 Q And other than the three or four times of having in  
3 course, were there other times when you would engage in oral  
4 sex with the defendant?

5 A Yeah, that was, like, his most common preference.

6 Q And during that time, did you have conflicting feelings  
7 about the sexual encounters with the defendant?

8 A Yeah, absolutely.

9 Q And can you just explain how you felt the sexual  
10 encounters with the defendant related to DOS?

11 A Yeah, I think just any time I was feeling really  
12 uncomfortable or like wanted to speak out, I was just -- I  
13 mean, I was stuck in DOS, right, for the rest of my life, is  
14 what I was being told and he was the head of DOS, so you  
15 didn't -- I didn't want to -- it just seemed like if there was  
16 no -- there would be, like, retribution if I, like, really  
17 spoke out. I mean, I tried to. There were several different  
18 times that I tried to, but -- I don't know. I just felt like  
19 I didn't want to upset him.

20 Q And, generally, what would happen on the occasions when  
21 you would speak out?

22 A Well, it's kind of hard because I was specifically not  
23 allowed to talk about my relationship with him to anyone. So  
24 -- not even Allison, in terms of like the intimacy or the  
25 sexual relationship. So when you're conflicted, or for me,

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1 sorry, I didn't have anyone to talk to. I didn't have anyone  
2 to, like, bounce things off of or say, hey, I'm not  
3 comfortable with this, how do I handle this?

4 I only had him to turn to, to say, like, I don't  
5 really feel comfortable with this or I don't really feel like  
6 this comfortable, I think was the word that I used the most,  
7 or it feels uncomfortable. Like, I only had him to ask. And,  
8 like, what's he going to say back? He's not going to have,  
9 like, a discussion with me about whether or not this is good  
10 for me. So he always had some kind of reason why it was  
11 either good for me, good for like my growth or why -- or how I  
12 would learn to -- learn to like it or how it would get less  
13 awkward. There was always an answer.

14 Q This idea of learning to like it, can you explain that a  
15 little bit more?

16 A I think it's like learning to -- like I would learn to  
17 love him, just like I would learn to love Allison.

18 We saw the e-mail yesterday where it was referred to  
19 as an arranged marriage. So a lot of time there was this  
20 concept, so, like, in an arranged marriage, you learn to love  
21 the person, you learn to -- so I was supposed to be, like,  
22 learning to love Allison and I was supposed to be learning to  
23 love him and that it would get better, that as I learned to  
24 love him, like, that part of it would get less, like,  
25 uncomfortable and less awkward.

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1 MS. PENZA: Your Honor, I think this is a good time  
2 for a break.

3 THE COURT: All right. Let's take our morning  
4 break. All rise.

5 (Jury exits the courtroom.)

6 THE COURT: The witness may stand down. Do not  
7 discuss your testimony with anyone. We will take a 10-minute  
8 break.

9 (Recess taken.)

10 THE COURT: Please bring in the witness.

11 Let's bring in the jury.

12 Ms. Penza, through after lunch as well?

13 MS. PENZA: Maybe a little bit, Your Honor.

14 (Witness takes the witness stand.)

15 THE COURT: Please be seated.

16 All right. Ms. Penza, you may continue your  
17 examination of the witness. The witness is reminded that she  
18 is still under oath.

19 MS. PENZA: Thank you.

20 BY MS. PENZA:

21 Q Nicole, at some point you said you discussed being -- you  
22 discussed your discomfort with the sexual aspects of your  
23 interactions with the defendant with the defendant?

24 A Yes.

25 Q Did he ever talk to you about his sexual relationship

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1 with Allison?

2 A Yes. At one time he told me that Allison, too, had been  
3 a bit uncomfortable in the beginning.

4 Q Uncomfortable with what?

5 A Uncomfortable once things became sexual.

6 Q And did you have a conversation about that with Allison  
7 as well?

8 A Yes. Later on his -- again, it wasn't really -- I wasn't  
9 supposed to talk to Allison about my relationship with Keith,  
10 but there was, like, maybe towards the end -- there was a  
11 point when I was allowed to tell her something and I asked  
12 about that, were you uncomfortable in the beginning, and she  
13 said that she was but that she had really trusted the women  
14 around her that were telling her it was a good thing.

15 Q I would like to turn your attention to V Week 2016. At  
16 that point, had you had sex with the defendant? Had you had  
17 intercourse with the defendant?

18 A No. He had tried once but, no.

19 Q He wasn't able to?

20 A No.

21 Q And, so, what happened at V Week 2016?

22 A The last day that I was at V Week, he -- he asked me if I  
23 wanted to go on a walk and it was for, like -- when he text  
24 me, it was like 4:00, 5:00 in the morning, so I woke up really  
25 early to go meet him for a walk and the cabin that he was

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1 staying in, like he took me into it, and he took me into like  
2 a kids's room. There were like bunk beds. And I was really  
3 uncomfortable. And I think he started to kiss me, but he saw  
4 that I was very uncomfortable. And, so, he asked me -- he  
5 said, well, you can choose, do you want to be intimidate and  
6 have sex here or do you want to go on a walk? And I said I  
7 wanted to go on a walk.

8 Q And how did he react?

9 A At first, fine. We went on this long walk where he  
10 talked to me about, like, my future and the options that I had  
11 for my future and, like, basically I would live an interesting  
12 life or I could end up with the white picket fence and,  
13 like -- I don't know. He was trying to explain the different  
14 lives that I could -- that were available to me or something  
15 like that. And then at the end of the walk, he just said that  
16 I was disappointed that I chose to go on a walk instead.

17 Q After that V Week 2016, did you stay in the Albany area?

18 A No.

19 Q What happened?

20 A I went home.

21 Q And did you spend time with your family?

22 A Yes. So, my -- yes. My family, we go boat camping in  
23 the summers, which is really fun. So I was -- I flew to Los  
24 Angeles and picked up one of my best friends and we drove to  
25 my house and we went camping with my family.

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1 Q While you were boat camping, did you initiate a  
2 conversation with the defendant about the sexual aspects of  
3 your relationship?

4 A Yes, that's correct. So he had asked me to keep in touch  
5 with him while I was home. And I had talked a little bit with  
6 my best friend. Like, again, I was scared to actually talk  
7 about anything because I wasn't supposed to talk about  
8 anything but I, like, kind of talked around things. And, you  
9 know, it was the first time that I had been able to talk to  
10 someone. And, so, I was talking with my girlfriend. We were  
11 on a hike. She said something to me. She didn't really --  
12 again, I was talking around things. So I wasn't being  
13 straightforward with her. But she just said, like, I don't  
14 care, like, how special, like, this guy thinks you are or how  
15 much potential he thinks you have or, like, if you're not  
16 comfortable, you don't have to do anything you don't want to  
17 do. And I remember, like, thinking in my head, you don't  
18 understand the circumstances, like, it's not that simple.

19 But it did give me enough coverage to text him and I  
20 just said -- and I think just being home and being with my  
21 family just made me -- just made it a little bit easier for me  
22 to say how I was really feeling. So I texted him and said  
23 that it was -- that this was all too overwhelming for me. The  
24 whole, like, master, grand master stuff, it was too  
25 overwhelming and could we please take the sexual aspect out of

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1 it. And if he was just going to be my teacher, just be my  
2 teacher, but I couldn't handle, like, thinking about him being  
3 my grand master and him trying to have a sexual relationship  
4 with me, and I just said it was just too overwhelming and  
5 could we just be friends.

6 Q And how did he respond?

7 A With this, like, long message about how I was a very  
8 difficult relationship for him and that I didn't have enough  
9 life experience and relating to him in that way was -- that I  
10 had been, like, protected, like, all my life, so I didn't have  
11 enough life experience, so relating to him that way was like a  
12 shortcut to -- like, he was giving me a shortcut to something,  
13 and that it was a very difficult relationship with him and  
14 normally he didn't start sexual relationships that quickly,  
15 but, again, like, because of the circumstances and because I  
16 didn't apparently have enough life experience, I couldn't  
17 relate to him. I couldn't relate to him as just a friend,  
18 like, I had to be sexual.

19 Q Now, did you later -- over the next year or so, did you  
20 have conversations with the defendant where you expressed your  
21 unhappiness about the sexual aspect of DOS?

22 A The -- like, the sexual aspects apart from him?

23 Q Sorry. I will strike the question.

24 Did you have conversations with the defendant about  
25 being unhappy that you were having sex with him?

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1 A Yeah. Just, like, that it was awkward and then at one  
2 point that I -- that I wanted to date someone.

3 Q Okay. So would you have conversations with the defendant  
4 frequently?

5 A Yes.

6 Q And what would your emotional state be during these  
7 conversations?

8 A It totally depended. I was very up and down and all over  
9 the place. I was obviously, like, always trying to be in a  
10 good state and I really did try. But sometimes I would just  
11 be so frustrated and I would be in the library by myself and I  
12 would, like, quite often be crying or having a meltdown.

13 Q And would the defendant say things to you on those  
14 occasions?

15 A Yes. So if I was, like, having a meltdown when he came  
16 to the library and he I wanted -- like, in anticipation of  
17 something sexual happening, he would always be, like, looking  
18 me in the eye and be like I don't need you, like, I just want  
19 you to know that, like, I don't need you, like, I'm choosing  
20 you, like, I don't need you, I have plenty of beautiful women  
21 that I can have sex with, I don't need you, I need you to  
22 understand that, right? Yeah.

23 Q Would the -- did the defendant ever talk about breaking  
24 you?

25 A Yeah. Yes.

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1 Q Can you explain that?

2 A One time I think I was, like -- I was just having a talk  
3 because I was being defiant about something and he was  
4 explaining to me that in the army -- so he was trying to  
5 explain obedience to me and he said in the army sometimes they  
6 will have you scrub and entire tank with a toothbrush and then  
7 when you finish put the tank in the mud, bring it back out and  
8 make you do it again. And I remember being, like, well, that  
9 doesn't sound like very much fun and also I'm not in the army.  
10 This is not the army. So, like, it didn't make sense. And  
11 then -- so part of that was also that, like, I needed to be  
12 broken. So he needed to break me in order to rebuild me back  
13 up into a strong woman but -- yeah, into a strong woman is how  
14 he said it. He needed to break me so that he could build me  
15 back up into a strong woman, but also so that I, like,  
16 understood obedience.

17 Q Did you feel like you were breaking?

18 A Did I what?

19 Q Feel like you were breaking.

20 A At times, yes. Like -- it was, like, this battle in my  
21 head sometimes between, like, fine, I'll just do what you say  
22 and I'm, like, trying to make what's happening mean something,  
23 because I was always trying to make it mean something, but  
24 then I didn't want to break. First of all, when someone says  
25 that to you, it's pretty scary. I want to break you and,

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1 like, you have to trust me. Again, it's constantly about  
2 trust. So, yes, sometimes I would feel like I was breaking  
3 because I was giving in to things. I was, like, okay, I'll  
4 trust Allison, I'll trust you. But at the same time, there  
5 was another, like, voice in my head being, like, no, like, no.

6 Q Did the defendant ever talk to you about a one-year  
7 commitment?

8 A Yes. So...let's see. Toward maybe November 2016,  
9 somewhere around that area, I think I was just -- I don't  
10 remember the year things started. I do remember that I had  
11 fallen for someone and I told Keith that.

12 Q So let's talk about that first. So what happened -- do  
13 you remember approximately when that was?

14 A That would have been around like... oh, gosh. Sorry.  
15 I'm just trying to figure out the dates in my head. It would  
16 have been in like February. It was probably when I broke my  
17 arm. March 2017, '16. I don't remember. Sorry.

18 Q March 2016 was when you first joined?

19 A Oh, so, then 2017.

20 Q So what happened -- so who was it that you -- you don't  
21 have to get into his name, but who was it, generally, that you  
22 fell for?

23 A Something like a family -- a friend of my family and he  
24 worked in the entertainment -- he works in the entertainment  
25 industry and they had just like introduced us, like, hey, this

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1 is a good person for you to know. We just kind of hit it off.  
2 It totally was on accident. And we went to some plays  
3 together and -- I don't know. We just got along really well.

4 Q So were you interested in having a relationship with him?

5 A I was.

6 Q So did you speak to the defendant about that?

7 A I did.

8 Q What happened?

9 A So the -- I guess the year-long commitment had already  
10 started because he said that he understood the, like -- he  
11 said this a couple times, but he understood the pain that I  
12 was in, but that if I had actually been loyal to the one-year  
13 commitment thing that I would have never fallen for someone,  
14 so, like, I wasn't getting out of it. Basically, he didn't  
15 care that I had fallen for someone.

16 Q Did he -- so then let's talk about this one-year  
17 commitment.

18 A Yeah.

19 Q So how does the one-year commitment compare to -- do you  
20 remember just how the one-year commitment idea comes up?

21 A All I remember about it is that I was pushing back a  
22 little bit. Like, there were times where I didn't push back  
23 on the relationship and I really, like, tried to make things  
24 work, but, like, I was really pushing back on things. I  
25 didn't want to be in the situation. Not only, like -- I

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1 didn't want to be -- yes, I did not want to be in the  
2 relationship with him, so I was, like, pushing back on it. I  
3 was probably crying. But he said, okay, fine, just give me  
4 one year, just trust me for one year and then I will, like,  
5 help you find a partner. And I was, like -- but at the time,  
6 for me, that was, like, really good news. One year felt like,  
7 okay, I can do that. Like, I can get through one year. So  
8 that -- if felt like good news to me. So, yeah.

9 Q Now, you said there were times when you tried to make a  
10 relationship with the defendant work. Can you explain that?

11 A Just throughout this whole process, both with Allison and  
12 with Keith, it's, like, there are just times when you don't  
13 want to fight anymore and when you stop fighting.

14 It's, like, sometimes I would, like, get into just  
15 being okay, if this is my future, then I'm going to try to  
16 make the best of it. So I tried to get to know him, and I  
17 tried to -- I mean, I was always told to, like, reach out and  
18 be supportive to him and stuff. So, like, I really tried, you  
19 know. I tried to figure out what his life had been about and  
20 who he was and, like, kind of -- I just tried to make the best  
21 of the situation and I tried to make it work with him and see  
22 if there was, like, something that I could find about him that  
23 I, you know, could learn to love.

24 And then I, you know, tried to push back. But it  
25 was like this -- so there were times when I really did. If it

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1 is an arranged marriage and it is my future, like, I don't  
2 want to suffer for the rest of my life. So, I can -- I  
3 learned how pretty well and it's kind of my personality in  
4 general, like, I can try to make the best of things and I did.

5 (Continued on following page.)

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1 BY MS. PENZA (Continuing):

2 Q So, during some of those time frames that you're talking  
3 about, would you exchange more loving messages with the  
4 Defendant?

5 A Yeah, like, I don't know if I would call them "loving" so  
6 much as, like, kind.

7 Like, one of the first things he said to me was to  
8 make up, like, a name to call him, like kind of like a pet  
9 name. But I wasn't very good at that. I wanted all mine to  
10 be like in French or something. I think that made it easier.

11 So, I ended up just settling on calling him "love"  
12 because I call a lot of people that. So, yeah, there were  
13 text messages that would say, like, Hey, Love, how are you?

14 Again, like, my job, from what I was told, was to be  
15 supportive. So, a lot of the time it was, like, Hey, Love,  
16 how are you? How's everything going?

17 Apparently, his life was very difficult and everyone  
18 needed something from him, so I always just, like, checked in.

19 Q And I just want to clarify, when you had the conversation  
20 about the Defendant, about the one-year commitment, did you  
21 understand that to be one year regarding sex with him or with  
22 DOS?

23 A No, DOS was not an option. That was a lifetime  
24 commitment. I was never getting out of that.

25 So the one-year thing was directed directly at my

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1 relationship with Keith.

2 Q At various points, was there confusion -- did you have  
3 any confusion about DOS versus your relationship with Keith?

4 A Yeah, I mean, like, you couldn't really separate them.  
5 Like, are you my grand master? Are you my teacher? Are you  
6 trying to have a relationship with me? Like, I'm a little bit  
7 confused.

8 Q Now, I think you -- at the point in time when you thought  
9 about the one year, is that a time when you were trying to  
10 make the best of things?

11 A When I thought about the one...

12 Q That was an unclear question. I'm going to strike it.

13 Once this idea of this one-year commitment came into  
14 play, at that point in time did you try to make the best of  
15 things?

16 A Yes, part of that, yeah, definitely, because I thought,  
17 okay, I'm going to do this well. I'm going to stop fighting  
18 back so much.

19 Because it was like one year with Keith and also  
20 just to, like, stop fighting Allison so much. It was kind of  
21 the same thing, like trust both of them for one year. I mean,  
22 the one-year thing was with Keith, but it was like trust both  
23 of them, like that was part of the deal, so not to fight back  
24 so much.

25 So, yeah, there were parts of times in that when I

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1 really was trying.

2 Q Now, did the Defendant ever make any comments to you  
3 about how your behavior would affect his health?

4 A Yes. Apparently, when -- we were connected, was what he  
5 told me. So, when I was upset or crying or throwing a tantrum  
6 or fit, is what they called it, but, basically, when I was  
7 just crying or unhappy with the situation, that that was  
8 exhausting on his body, and there were a lot of things  
9 exhausting for him already. So, me being upset was more  
10 exhausting on his body and was a problem.

11 Q Were there times when the Defendant refused to see you  
12 because of that?

13 A Yeah, he would -- if I wasn't in a good mood or, like, a  
14 high state, then he would refuse to see me or not see me.

15 Q While you were in DOS and including once you were having  
16 sexual encounters with the Defendant, did Allison ever direct  
17 you to communicate with the Defendant?

18 A Yes. In the beginning, I had a hard time communicating  
19 with him. Well, I just really didn't care to that much, to be  
20 honest. So, Allison gave me, like, kind of, You need to  
21 message him, like, on the hour every hour. You need to be  
22 more communicative with Keith.

23 She would say things like that, so then I would try  
24 to reach out.

25 Q Did the Defendant ever complain to you about other women?

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1 A Yes. He said that, like, other women -- a lot of what he  
2 would say is, like, everyone wanted something from him, like,  
3 everyone in the community, but, like, needed something from  
4 him, so that was exhausting. But, also, like, the other women  
5 wanted something from him or, like, needed things from him  
6 and -- or they were -- there were jealousy issues or there  
7 were, like, issues that he had to, like, punish the women.

8 There was always, like, women that were being a  
9 problem. I think it was his slaves.

10 Q Did he ever compare you to those other women?

11 A I don't think so. I was only a problem when I was upset.

12 Q So, did he ever compare you to Allison?

13 A Yes. He said that Allison and I were similar in that we  
14 didn't -- well, in that Allison was, like, really supportive  
15 of him, but I think that we didn't need as much from him.

16 That's what I got. That's what Allison said to me.

17 Q Allison said that to you?

18 A Yes, yes.

19 Q Would the Defendant ever discuss details of legal issues  
20 with you?

21 A Sometimes, but I genuinely did not understand them.

22 Q Did he ever mention Edgar Bronfman to you?

23 A Yes.

24 Q In what context?

25 A Well, Edgar Bronfman was Clare Bronfman's father and

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1 something about there being an issue with -- well, that Edgar  
2 was not a fan of Keith, first and foremost, but that someone  
3 that worked for Edgar was, like, out to get Keith or Keith  
4 was, like, just randomly in the way so they wanted to take him  
5 down. That he had gotten on the wrong side of, like, someone  
6 who worked for Edgar and, so, that was a problem.

7 Q Did he tell you any more details about this person who  
8 worked for Edgar?

9 A Just, like, he had some kind of, like, nickname, like the  
10 Dark Horse or the Dark Knight or something like that, and he  
11 was a really bad person that was just, like, solely  
12 money-oriented and just not a good guy. That's generally what  
13 I got from him.

14 Q Did the Defendant ever talk about having private  
15 investigators?

16 A Yeah, he said he had an investigator -- that he had hired  
17 a private investigator to follow the woman that was the mother  
18 of his child.

19 Q Did the Defendant ever discuss punishing other women with  
20 you?

21 A One day he came into the library and he was, like, very  
22 exhausted. And I asked if he was okay, and he said he had  
23 just come from punishing one of his slaves, like, one of the  
24 women. And he just said it was really hard because it was  
25 really hard on him because he didn't like to do it but he had

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1 to for her sake. But it was a very tricky situation because  
2 he needed to punish her but also she, like -- it was, like  
3 paddling, but also that she kind of liked it. So, it was,  
4 like, this middle ground that he was trying to find between,  
5 like, punishing her but also, like, not letting her like it,  
6 and it was really exhausting on him because he really hated  
7 to, like, hurt anything or anyone.

8 Q At some point, did you ever express to the Defendant that  
9 DOS was causing you financial difficulties?

10 A Yes. One day I had, like, a full-on breakdown because I  
11 was really stressed out. And I think he had asked me to stay  
12 and, like, miss a shift, and I just kind of, like, lost it  
13 because I was really, really -- it was, like, stacking up  
14 anger-wise of every trip that I was paying for up and down to  
15 Albany, like every bus ticket, every train ticket, and I was,  
16 like, really frustrated and angry that I was working so hard  
17 for this money and not even spend it.

18 Q Was it causing you financial difficulty at that point?

19 A Yeah, it was.

20 Q So, you had this --

21 A And I was doing a show in V-Week and I was going to be  
22 missing a week of work. And I was just really stressed out  
23 because you work waiting tables and you only make money when  
24 you work, so if I'm gone for a week, then I am -- that's not  
25 good. So, I was very stressed out about how I was going to

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1 pay for -- it was, like, August's rent.

2 Q And, so, did the Defendant say anything to you?

3 A Well, I was just crying about everything and then I was  
4 crying about how I was going to make my life work and I was  
5 crying about how DOS was actually going to help me in any way,  
6 and I was just like -- it was a pretty bad, like, breakdown.

7 So, he was trying to calm me down, and then he  
8 finally got kind of, like, exasperated and went into a  
9 drawer -- we were in the library -- he went into a drawer and  
10 pulled out a plastic bag with \$10,000 in it and said, like,  
11 Here. Will this help?

12 Q And what did you say?

13 A Well, I don't remember what I said immediately because I  
14 was kind of like what?

15 Q So, what did you think?

16 A I just thought, like, you just pulled a plastic bag out  
17 of the drawer with \$10,000 in it? It just did not seem like a  
18 normal thing to me. So, I was like, What is that?

19 And he just said it was \$10,000. It was, like, in  
20 stacks of fifties. And I think I was just -- I, like, didn't  
21 want it at first because you kind of think, like, where did  
22 that come from? And then he said, you know, If you knew that  
23 you had this, if you had this, would it help?

24 And eventually, I said, Yes.

25 And then later he gave me, like, a thousand -- not

Nicole - Direct - Penza

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1 "gave me," he gave me the \$10,000 but, like, I was allowed to  
2 take out \$1,000 for rent.

3 Q And did you take out money for anything else?

4 A So, then he said that I could use it to pay for the train  
5 up and down, which at the time, like, genuinely made me feel  
6 better.

7 Q At some point did you end up using the money for any  
8 other reason?

9 A Yeah, so, I used it for the train, which I kept, like,  
10 track of every train ride. Like, I'm not sure why, but he  
11 asked me to keep track of every train ride that I took or bus,  
12 so I kept track of all that on there. I used -- it was  
13 \$1,000, like, that he gave me for August rent. And then at  
14 one point Allison had asked me to do EMs with Dani Padilla,  
15 and it was, like, a pack of them for \$1,000. Yeah, that was  
16 the other thing I paid for.

17 So, that's it.

18 Q When did -- how did it come up that Allison asked you to  
19 start getting EMs with Dani?

20 A I was probably having a reaction to something or being  
21 defiant about something and she said that Dani was really  
22 great at EMs and that that might help. And, so, I got Dani's  
23 e-mail from her and I started doing a few EMs.

24 But I think ultimately, his -- later I talked to  
25 Keith about it, and he was, like -- because I asked him if I



Nicole - Direct - Penza

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1 could continue -- if I could use the money for EMs. And he  
2 said in the future he would rather that I -- that he and Dani  
3 did an exchange, but that he didn't mind doing an exchange for  
4 me to take the EMs because they were helping with my  
5 relationship to him.

6 Q Did you know whether Dani Padilla was in DOS?

7 A At some point I figured it out, like, I did know. I  
8 don't know when.

9 Q Did you know at the time that you were getting the EMs?

10 A Yes.

11 Q And were you able to discuss with Dani Padilla your  
12 relationship with the Defendant?

13 A A little bit, but, again, not -- I could discuss it,  
14 like, he had chosen me to, like, work with more, but I could  
15 not discuss the sexual aspect until right before I left.

16 I was, again, having a really hard time, and I told  
17 him that, like, I just couldn't handle that I couldn't talk to  
18 anyone about it. And he had said that I couldn't talk to  
19 Allison about, like, about our sexual relationship because she  
20 wasn't ready yet and she would get jealous. And, so, finally  
21 he said that I could talk to Dani, Dani Padilla, about it.  
22 But I never talked to her about it.

23 MS. PENZA: Your Honor, may I just have the Elmo for  
24 the witness, please?

25 THE COURT: One moment. Go ahead.

Nicole - Direct - Penza

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1 Q Nicole, I'm showing you what's marked for identification  
2 purposes as Government Exhibit 652.

3 Are you familiar with this?

4 A Yes.

5 Q Is this the e-mail where Allison provided you with  
6 Daniela Padilla's e-mail address and phone number.

7 A Yes.

8 MS. PENZA: Your Honor, the Government offers  
9 Government Exhibit 652 in evidence.

10 MR. AGNIFILO: No objection.

11 THE COURT: Government Exhibit 652 is received in  
12 evidence.

13 (Government Exhibit 652 so marked.)

14 (Exhibit published to the jury.)

15 Q And Nicole, is this Allison Mack sending you Daniela  
16 Padilla's e-mail address?

17 A Yes.

18 Q And her phone number?

19 A Yes.

20 Q And this is on February 28, 2017?

21 A Yes.

22 Q Do you remember what your feelings were about DOS in late  
23 February 2017?

24 A I don't remember.

25 MS. PENZA: Your Honor, may I have it just for the

Nicole - Direct - Penza

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1 witness again, please?

2 THE COURT: Go ahead.

3 Q I'm showing you what's marked for identification purposes  
4 as Government Exhibit 1377.

5 Are you familiar with this?

6 A Yes.

7 Q And is this a log of the money you were spending going to  
8 and from Albany?

9 A Yes.

10 MS. PENZA: Your Honor, the Government offers  
11 Government Exhibit 1377 into evidence.

12 MR. AGNIFILO: No objection.

13 THE COURT: Government Exhibit 1377 is received in  
14 evidence.

15 (Government Exhibit 1377 so marked.)

16 (Exhibit published to the jury.)

17 Q Nicole, can you explain what this document is?

18 A So, that was just me keeping track of what -- I don't  
19 know, Keith asked me to keep track of when I took money out of  
20 the bag, which I did. So, that was every time I went up and  
21 down to Albany and what I -- yeah.

22 So, the first part is, like, December 19, looks like  
23 I took the train. It was \$43 New York to Albany, then \$43  
24 back Albany to New York. And then the delegate ride is for  
25 the person in NXIVM that came to pick me up at the train

Nicole - Direct - Penza

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1 station and take me to Allison's house.

2 Q Now, this document, this e-mail, is dated November 27,  
3 2017.

4 Is that when you created this?

5 A No. If you ever change something on a note, it, like,  
6 re-saves it.

7 So, I don't know, I created it whenever he asked me  
8 to start keeping track.

9 Q Is this a document you would update regularly?

10 A Up.

11 Q So, it's in your e-mail but is it actually a note that  
12 was on your phone?

13 A Yeah, it's in my notes on my phone.

14 Q And then at the very bottom, it says: August money 2016  
15 and Dani EM money.

16 A Yes.

17 Q And then: Total train money.

18 A Yes.

19 Q So, are you calculating the total amount of money that  
20 you -- what do these three figures represent?

21 A So, just any money that was, like -- that I had taken out  
22 of that bag.

23 Q Other than the money that you accounted for, did you take  
24 any other money out of the bag?

25 A No.

Nicole - Direct - Penza

3982

1 Q Now, did you ever ask the Defendant to allow you to leave  
2 DOS?

3 A There was a time where I think I was just talking about  
4 how I didn't think that it was the right thing for me and that  
5 I -- like, that I wasn't happy -- not that I wasn't happy,  
6 it's just I didn't think it was the right situation for me. I  
7 didn't think that spending my life, like, answering to  
8 somebody else was the right situation for me.

9 So, we were, like, on a walk, and I was expressing  
10 that.

11 Q And did the Defendant say anything to you?

12 A He told me this -- so, sometimes, like, the way that he  
13 would talk would be in stories. So, he told me this story  
14 about --

15 Do you want me to tell the story?

16 He told me this story about Billy Bud. And Billy  
17 Bud is in the Navy and he's great. Everybody likes him and  
18 he's a great guy. And there are these, like, other two  
19 guys -- I might not have this completely correct, but this is  
20 what I remember from it -- there are these other two guys that  
21 are, like, always causing problems and always causing trouble  
22 and nobody really likes them. And, like, they get into a  
23 fight one day and Billy Bud steps in to stop it. And, like in  
24 the ruckus he ended up killing a officer. And in the Navy,  
25 when you kill an officer, you are -- it's a death sentence.

Nicole - Direct - Penza

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1 I don't know if this is true.

2 Q This is what was being told to you by the Defendant.

3 A Yes, that in the Navy, like, you know, that this is the  
4 code of the Navy.

5 So, everyone really likes Billy Bud, but it doesn't  
6 matter because the code of the Navy is that he needs to be  
7 hung for what happened. And if they don't hang him, then the  
8 Navy can't uphold their code and, so, everything will crumble.  
9 So, that's why it's so important for the Navy to uphold this  
10 code. And even though they really, really like Billy Bud, it  
11 doesn't matter because they have to follow the code. And  
12 Billy Bud ends up dying.

13 And I just -- so, what I got from that was that even  
14 if Keith, like, really cared about me, it didn't matter  
15 because the code of DOS had to be upheld. And if I left, then  
16 my collateral would have to be released; otherwise, the code  
17 of DOS would no longer exist and DOS wouldn't exist because if  
18 one person can leave and their collateral is not existent,  
19 then DOS doesn't exist, the code would break down, and  
20 everything would break down.

21 And, so, I thought that sucks because there's no  
22 option of me leaving without, like, the whole thing collapsing  
23 or destroying the whole thing.

24

25 (Continued on the following page.)

Nicole - direct - Penza

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1

2 BY MS. PENZA: (Continuing)

3 Q We're going to talk about other -- were there other  
4 aspects of DOS that would cause you upset?

5 A Yes.

6 Q We'll talk about those in a minute, but did you ever  
7 contemplate other ways out of DOS?

8 A Yeah. So I think it was after that conversation, that I  
9 was walking around Clifton Park and I was just thinking, like,  
10 really logically, if things got really, like, continued to get  
11 bad -- because the way that, that everything worked in Albany  
12 and in, especially in DOS, it's, like -- the easiest way for  
13 me describe it is like a frog in hot water. If you put a frog  
14 in boiling hot water, they just jump out, but if you put a  
15 frog in cold water and slowly heat it up, they don't quite  
16 notice what's happening and they end up boiling to death  
17 because they don't feel the temperature rising. So they  
18 would, like, normalize a lot of behaviors as you were in and  
19 things would, like, slowly intensify and you wouldn't  
20 necessarily notice until, like, something happened and you're,  
21 like, what the, what the heck, like, this is intense. But  
22 they would -- things would be, like, normalized and it's like  
23 slowly things would get more and more intense.

24 So after this conversation, I was just thinking to  
25 myself, like, okay, what are my options and if things got

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Nicole - direct - Penza

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1 really intense, like, not that they weren't intense, but even  
2 more, what are your options. So you think, you know, and just  
3 what were my options, in general, for life. So it's, like,  
4 okay, either, like, I could fully get on board with this and  
5 try to make it the best thing that I can possibly make it, I  
6 can commit suicide, which is not what I wanted to do but is an  
7 option, didn't feel like a very good option because it would  
8 hurt my family equally as bad as the collateral being  
9 released, like, not really good scenario there, like, didn't  
10 want to hurt my mom that way either, but the third thing that  
11 I was thinking at the time was I thought what about the  
12 witness protection program.

13 Q And so can you explain what you were actually thinking,  
14 like, how that would work?

15 A Well, I don't know that I was thinking incredibly  
16 rationally but, nor do I have an incredible large amount of  
17 information about the witness protection program, but I  
18 thought that maybe if I just disappeared, that they wouldn't  
19 have any reason to release my collateral. Right? If I just  
20 disappeared, then they wouldn't have to release my collateral  
21 and also, DOS wouldn't have to be destroyed. I could just  
22 leave. You know, so it's like, like, the Navy, the Navy  
23 wouldn't have to be destroyed, like, DOS wouldn't have to be  
24 destroyed and my collateral wouldn't have to be released if I  
25 just was gone. There would be no reason to release anything.



Nicole - direct - Penza

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1 Q So are you comparing that to the Billy Bud scenario?

2 A Yeah.

3 Q So can you just play out the very last, last bit of that,  
4 what you mean? So, like, in your understanding of Billy Bud  
5 from the defendant is that they have to --

6 A Like they have --

7 Q Billy Bud -- sorry, I just need to finish the question  
8 before you answer.

9 -- they have to hang Billy Bud in order to preserve  
10 the code of the Navy?

11 A Uh-huh.

12 Q And so how does being in the witness protection program  
13 for you preserve the code of DOS?

14 A Because they wouldn't have to release my collateral to  
15 prove a point. I would, because I wouldn't -- they would  
16 either think I was dead and they would think, or I was gone.  
17 Why would you have to prove -- that's what I was thinking at  
18 the time, like, that they wouldn't, it wouldn't be necessary.

19 Q Now, did you receive other assignments as part of DOS?

20 A Yes.

21 Q Did one of those assignments involve someone named Robbie  
22 Chiappone?

23 A Yes.

24 Q How was that assignment first introduced to you?

25 A It was first introduced to me by Allison saying that,

Nicole - direct - Penza

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1 like, Keith had this assignment for me and it was really cool  
2 and would be even more valuable than, like, an acting job.

3 Q And what happened next?

4 A Then I went on a walk with Keith and he explained that he  
5 wanted me to seduce this boy Robbie.

6 Q And did he say that specifically?

7 A Uh-huh, yes.

8 Q And did he have -- did he tell you what to do?

9 A Well, we talked about it. He told me where, like, Robbie  
10 worked out and that they were going to arrange it for me to  
11 kind of, like, run into him and, like, start up a conversation  
12 and that that -- at first, that that was all I needed to do.

13 Q And did he explain why you were doing -- just very  
14 generally, did he explain why this was being done?

15 A Yes. Well, I, obviously, or I asked why I needed to do  
16 that. He said that they needed to keep track of Robbie, that  
17 Robbie was, like, used to be part of the community and wasn't  
18 part of the community anymore but he had done something, that  
19 they, like, needed to keep, they needed to keep track of him  
20 or, like, monitor something about him, that he wasn't a good  
21 guy so they needed to, to monitor him and they needed to see,  
22 like, how he reacted to me.

23 Q And was there, was there something specific about what  
24 Robbie was supposed to do if he met someone?

25 A So he was supposed to report what, who I understood was

Nicole - direct - Penza

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1 that he was supposed to report to Lauren Salzman if he, like,  
2 met or interacted or was interested in a girl.

3 Q And all of this, all of this information is coming from  
4 the defendant?

5 A Yes.

6 Q And so were there, were there additional instructions for  
7 what to do next?

8 A Later on or before that first meeting?

9 Q Well, tell us about the first meeting.

10 A The first meeting? So Keith said to go get, like, pink  
11 shorts to wear, which I did not own, for, for, because it was  
12 better to, like, look innocent when I ran into Robbie. So  
13 they arranged it where, like, Lauren was down, would go on a  
14 walk with him down at the, it was, like, the outside of a high  
15 school in Albany and there was a track. I was supposed to be  
16 running the track and then when he was done speaking to  
17 Lauren, he usually starts running and I was supposed to start  
18 up a conversation.

19 Q And did you do this?

20 A Yes. Yes, I did.

21 Q Did you have -- did you use your own name?

22 A No. So that was part of the assignment, was to be using  
23 a different name when I did this. So Keith came up with the  
24 name Sam or Samantha or Sam Suite, S-U-I-T-E, and he had me  
25 make a Facebook page for her just in case Robbie, like,

Nicole - direct - Penza

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1 checked. So, yes.

2 Q Did he also ask you to create an e-mail address?

3 A Oh, yes, also to create an e-mail address and get an  
4 alternate phone number, like a side line, so an alternate  
5 phone number to give out, but with the original meeting, I was  
6 only supposed to give my e-mail.

7 Q Had you ever met Robbie before this?

8 A No.

9 Q Had you ever heard of Robbie before this?

10 A I hadn't, no.

11 Q Were there any instructions about whether you could speak  
12 about NXIVM?

13 A I was not supposed to speak about NXIVM.

14 Q So what happened?

15 A So I went on to the track and I was running and kind of  
16 like everything unfolded pretty much how they had said. I was  
17 nervous but I was running around the track and, like, Lauren  
18 was walking with him and then Lauren left and then, like, he  
19 started to get ready to train. I did know that he was  
20 training for the Navy. Keith told me that.

21 So he was getting ready to train and I just, like --  
22 I stopped and I said, Hey. I was, like, Sorry, this is really  
23 weird, but my phone just died. Can I -- can you tell me what  
24 time it is?

25 Q Did he tell you the time?

Nicole - direct - Penza

3990

1 A Yes.

2 Q And did you continue to converse with him?

3 A Yeah. I -- we just, like, talked about something and  
4 then I can't remember whether I initiated it or not, but we  
5 ended up, like, running around the track a couple of times,  
6 like, and just chatting and then just exchanging e-mails and  
7 then I won't -- it was very nerve-racking. So I was kind of  
8 like, Oh, I've got to go, and I left.

9 Q What did you think about Robbie's physical appearance?

10 A He's cute.

11 Q And was he nice?

12 A Yeah, he was nice. I mean, we barely talked on that day  
13 but, yeah, he was nice.

14 Q So what happened after that?

15 A He e-mailed me and said, like, Hey, if you want to run  
16 next time you're up in Albany, let me know. I love running so  
17 I was, like, Sure. It was part of the assignment but I  
18 didn't -- that was easier because I genuinely love to run.  
19 But Keith just instructed me to, like, continue to talking to  
20 him.

21 Q And when you were -- how was the defendant involved in  
22 the back and forth of your communications with Robbie?

23 A Like, he wanted to know everything that happened, exactly  
24 what happened, obviously, like, checking with him and Allison  
25 afterward.

Nicole - direct - Penza

3991

1 Q Did you ever tell the defendant that you were nervous  
2 about this?

3 A Yeah. Yes, especially the second time that I was  
4 supposed to go.

5 Q Okay. How did the defendant react when you said you were  
6 nervous?

7 A He told me I was born to do this.

8 Q And so after that, you said you were more nervous for the  
9 second time. What was the second time? Sorry. Let me back  
10 up for a second.

11 Did the defendant tell you what the ultimate point  
12 of this was?

13 A I don't think yet. At this point, he told me that, like,  
14 eventually, I was supposed to hand Robbie off to somebody  
15 else. It didn't make sense to me. But as of now, like, as of  
16 this point, I was just supposed to, like, get him to like me  
17 and, yeah.

18 Q Were you given instructions about how much physical  
19 contact to have with Robbie?

20 A Yeah. I wasn't allowed to kiss him or anything, anything  
21 like that. There's no physical contact allowed.

22 Q So what happened next -- sorry. One question.

23 In your communications, did the defendant ever tell  
24 you what to write to Robbie?

25 A Yes, especially towards the end, maybe at the beginning

Nicole - direct - Penza

3992

1 and the end. Like, especially at the end, it was, word for  
2 word, I would pretty much sent what he wrote because it got  
3 really weird.

4 Q Did he ever -- did the defendant ever ask you to say  
5 things that were not nice to Robbie?

6 A Yeah. He would always say, like, go to him and, like,  
7 try to insult him which I didn't want to do.

8 Q So what happened -- did you meet again?

9 A Yeah, I ended up meeting him with two of his friends from  
10 work. They were just, like, having a drink and I just went in  
11 and chatted with them.

12 Q And how was that?

13 A I was really nervous before and I didn't want to really  
14 do it but once I was there, it was fine because it was just  
15 having a conversation and his friends were nice.

16 Q Did you -- at some point, did you figure out who Robbie  
17 was in the community?

18 A Yeah. I think it might have been right after that  
19 meeting.

20 Q And who did you learn he was related to?

21 A I learned that he was Ester's son and his step dad was  
22 Jim and --

23 Q Do you know Jim's last name?

24 A I can't think of it right now. I think it starts with a  
25 "D."

Nicole - direct - Penza

3993

1 Q That's all right.

2 A And then I eventually met or -- and then right around  
3 that time, I met his sister Rosie too.

4 Q How did meeting his family make you feel about this  
5 assignment?

6 A Really bad.

7 Q Why?

8 A Because I liked them, they were all really nice, and I  
9 really liked Rosie. And I felt really bad because I was,  
10 like, supposed to be lying to her brother and, I don't know,  
11 I'm probably really sensitive to that because I love my  
12 brother so much, but I felt really bad. I didn't want to be  
13 lying to any, like -- I didn't want to be doing that.

14 Q Did you express that to the defendant?

15 A Yes.

16 Q And how did he react?

17 A He told me that he understood how I was feeling and that,  
18 that it was, like, really impressive what I was doing. Like,  
19 it would be so hard for him to ever lie to someone, he  
20 couldn't do it. So what I was doing was really -- it was  
21 tough, he knew it was tough, and he said he would never be  
22 able to lie to anyone but it was really important and I had to  
23 do it.

24 Q The entire time you're communicating with Robbie, what  
25 name are you using?



Nicole - direct - Penza

3994

1 A Sam.

2 Q And that's Sam Suite?

3 A Yes.

4 Q Did you ever use your true name with Robbie?

5 A No.

6 Q So at some point, are you told that you don't have to see  
7 Robbie any more?

8 A Well, I'm told that I'm not supposed to see him in person  
9 but that I still have to, like, communicate with him via,  
10 like, text message.

11 Q And at that point in time, did the frequency of the  
12 communications increase?

13 A Only at the very end. Only at the very end.

14 Q So once you are no longer meeting, once you don't meet  
15 Robbie in person anymore, can you just describe what's  
16 happening in terms of the communications?

17 A Like, the -- well, like, we met in person one more time  
18 and we would, like, text sometimes, like, if there was a  
19 specific time that Alex or Keith said I needed to reach out to  
20 him and then, then I don't think -- I feel there was a time  
21 where I just didn't want, I didn't -- it kind of, like, fell  
22 off a little bit or maybe, like, no one was telling me what to  
23 do so I was just like leaving it alone. Yes.

24 Q Did it ever pick up again?

25 A Yes. And then right before he was leaving to go to train

Nicole - direct - Penza

3995

1 or go to the Navy, Allison and Keith got really intense about  
2 how it was really important for me to get him to trust me so  
3 that I could like hand him off to somebody else.

4 Q Did this somebody else have a name?

5 A Well, eventually Keith wrote up this e-mail that called  
6 her Mistress Akira.

7 Q Was Mistress Akira a real person? Did you know whether  
8 Mistress Akira was a real person?

9 A I thought that, not -- her name was not really Mistress  
10 Akira but I was really supposed to tell him to meet this  
11 person, that it was a real person.

12 Q Who did you think this other person was?

13 A I thought it was one of the, one of Keith's slaves.  
14 Like, I thought it was one of the people that was above me in  
15 DOS. That was the only, like, logical -- well, there was  
16 nothing logical about it but, like, that was the only thing I  
17 could think of.

18 Q So how does this all end?

19 A Well, I'm, like, supposed to be communicating with Robbie  
20 and, I don't know. To me, it ended in, not, like, a great, a  
21 disastrous -- it ended kind of like a disaster, but he's,  
22 like -- he had me text, text Robbie to get together so that I  
23 can, like, tell him to meet this other woman and I'm kind of  
24 like I don't, I don't know how this is going to work. Like,  
25 he's not -- he's about to leave for the Navy, he's not

Nicole - direct - Penza

3996

1 interested. And he was super kind in back and forth with the  
2 text messages, but he was, like, I'm going to leave for the  
3 Navy so it's really not the best time for me to try dating.  
4 And I was, like, fair enough.

5 Q Was it fair enough for the defendant?

6 A No. So then him and Allison just started pushing me,  
7 like, harder and, like, writing the text messages, so then I  
8 started saying what Keith was really saying. And Allison,  
9 Allison was telling me that it was very important that I  
10 didn't fail. And at one point, Keith gave me a talking to  
11 about how I wasn't -- he was disappointed because, like, I  
12 wasn't, when he had first brought it up, I had seemed like  
13 more interested and now I wasn't interested in, like,  
14 following through on this assignment. But he was, like,  
15 pushing very hard and wrote the backstory for Mistress Akira  
16 and all of these things. And I just thought it sounded kind  
17 of crazy but I didn't know what to do because I didn't want to  
18 fail at the assignment and I wasn't allowed to say no so I  
19 just kind of, like, sent him these messages and then it ended  
20 up, like, not, not working. Basically, he was just not  
21 interested. I was, like, I got that. I got that a long time  
22 ago but I get it. And then he left.

23 Q Were you told anything about the fact that you could at  
24 least -- was there anything positive about the fact that you  
25 had at least stayed in communication with Robbie?

CMH

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RMR

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FCRR

Nicole - direct - Penza

3997

1 A Yes. Like, I mean, Robbie wasn't, like, interested, but  
2 we really didn't leave on bad terms. Like, you know, so I  
3 still could have texted him, like, while he was at the Army.  
4 So what Keith said at least you, like, are holding contact. I  
5 was, like, okay.

6 (Continued on next page.)

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1 MS. PENZA: Your Honor, are we doing 45 -- should we  
2 go another 15 minutes now or are we starting -- obviously,  
3 it's, whatever --

4 THE COURT: I think we can start that on Monday. I  
5 don't know what the arrangements are for lunch, so why don't  
6 we just do the hour today and we will go to the 45 minutes  
7 next week.

8 MS. PENZA: Understood, Your Honor.

9 THE COURT: All right?

10 MS. PENZA: Yes.

11 THE COURT: We will take our lunch break.

12 (Jury exits.)

13 THE COURT: All right. The witness may stand down.  
14 Do not discuss your testimony with anyone.

15 THE WITNESS: Yes.

16 (Witness steps down.)

17 THE COURT: Everyone else may be seated.

18 So about how much longer do you have?

19 MS. PENZA: About, about an hour, Your Honor.

20 THE COURT: About an hour.

21 MR. AGNIFILO: I think I probably will not finish  
22 today if she's going to go for another hour.

23 THE COURT: Well, that's fine. So we will go to  
24 5 o'clock today and I still need to talk to the marshal  
25 regarding the time we start on Monday, but I will let you know

1 hopefully after lunch.

2 MR. AGNIFILO: Very good, Judge.

3 THE COURT: Okay? All right. Let's take an hour  
4 for lunch.

5 Thank you.

6 (Luncheon recess.)

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AFTERNOON SESSION

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

THE COURT: All right. Let's call in the witness,  
please.

(Witness resumes the stand.)

THE COURT: Please bring in the jury.

(Jury enters.)

THE COURT: Please be seated, everyone.

All right. Ms. Penza, you may continue your  
examination of the witness.

The witness is reminded that she is still under  
oath.

MS. PENZA: Thank you, Your Honor.

(Continued on next page.)

Nicole - direct - Penza

4001

1 NICOLE ,

2 the witness, having been previously duly sworn,

3 resumed as follows:

4 DIRECT EXAMINATION (Continued)

5 BY MS. PENZA:

6 Q Good afternoon, Nicole.

7 A Afternoon.

8 MS. PENZA: May I have the ELMO for just the  
9 witness, please.

10 THE COURT: Go ahead.

11 Q Nicole, I'm showing you what has been marked for  
12 identification purposes as Government Exhibit 656.

13 Are you familiar with this document?

14 A Yes.

15 Q And is this an e-mail chain between you and Allison Mack  
16 ending on November 21, 2016 in relation to the Robbie  
17 Chiappone assignment?

18 A Yes.

19 MS. PENZA: Your Honor, the government offers  
20 Government Exhibit 656 into evidence.

21 MR. AGNIFILO: We have no objection.

22 THE COURT: Government Exhibit 656 is received in  
23 evidence and published to the jury.

24 (So marked.)

25 Q Nicole, can you just explain what this e-mail chain



Nicole - direct - Penza

4002

1 represents?

2 A This was -- so this is what Keith had told me to write to  
3 Robbie as part of trying to get him to trust me to hand him  
4 off to this woman.

5 Q Okay. So and it's -- so there's an e-mail, there's a  
6 portion in the middle, and it says: Okay. This is what KR  
7 and I constructed and wrote for the attempt to close the deal.

8 A Yes. So Allison had asked what was going on with Robbie,  
9 she wanted an update on the Robbie situation, so I sent her  
10 what Keith had just sent me to say to him.

11 Q Okay. And at this point, had you actually -- is this  
12 part at the bottom actually Robbie's, Robbie's response?

13 A Yeah. So I had already sent this and then he responded.

14 Q And then at the bottom, is there a back and forth between  
15 you and the defendant?

16 A Yes.

17 Q So, we'll start by reading the middle part.

18 So okay. This is what I, what KR and I constructed  
19 and wrote for the attempt to close the deal. What is it that  
20 I want? A deep experience of life. Ha. So it's interesting,  
21 rad, kind of crazy and totally unresentful, but I worked with  
22 this woman in Albany. You know her as my Godmother but her  
23 name is Mistress Akira. She has been training me for the past  
24 three years. I met her at a seminar she taught in early 2014.  
25 She is an international master of many alternative arts, let

Nicole - direct - Penza

4003

1 your imagination run wild, and I was beginning to explore  
2 these things at the time so I was down for the adventure. Me,  
3 along with a small group of other women, are being trained  
4 directly by her. It's FN awesome but intense. When I met  
5 you, I thought we had a lot in common, you training for the  
6 military, me for wanting to live a badass life. Part of  
7 working with her is that I never do anything substantial  
8 without her approval. So as I was saying yesterday, if you  
9 wanted to risk getting closer, being intimate, which I get you  
10 don't want but if you were brave enough or interested enough  
11 in risking, I would go to her, ask her if you can contact her,  
12 if she agreed you would then reach out to her and she would  
13 evaluate whether she approved of you or not, hence, where the  
14 personal strength and desire to grow I mentioned comes in.

15           Gorgeous, our age-ish, late 20s and amazing. So  
16 being evaluated by her is not all bad. She also -- there's a  
17 little devil emoji. She also has a number of other slaves.  
18 So -- dot, dot, dot. To me, you seemed mature, intelligent  
19 and driven enough to handle speaking with Akira or at least to  
20 handle me sharing this part of my life with you. Not every  
21 guy is. It seems a rare event, but after your latest  
22 messages, I'm not so sure. It seems like this kind of  
23 personal growth and unconventional challenge might not be your  
24 sort of thing, but maybe I'm wrong. Maybe adventure,  
25 challenges and life experience is what you're looking for.

CMH

OCR

RMR

CRR

FCRR

Nicole - direct - Penza

4004

1 That and a delicious treat to take with you to boot camp. A  
2 winking face. It says: XX, Sam.

3 Is that for your Sam Suite persona?

4 A Yes.

5 Q How much of this was drafted by the defendant?

6 A The majority of it. I think I just kind of added certain  
7 words. Like, I mean, I added the little face with the  
8 sunglasses and maybe, like, a couple words that made it sound  
9 like it was more from my own voice but the, the majority of  
10 that he sent me to repeat.

11 Q And then this is Robbie's response.

12 Hey, I read what you sent. I spent most of my day  
13 thinking about it and evaluating. Firstly, I appreciate your  
14 honesty. I feel that it's difficult to share something like  
15 that with another. If you are looking for something to  
16 experience what you described to me, I am not that person  
17 right now. Perhaps, however, with time, and after I have  
18 secured myself in my training in approximately six months from  
19 now, I may be open to relating to you more.

20 I am leaving very soon and my focus is on building  
21 discipline within myself and spending time with my family and  
22 those I love before I go. I admire your persistence, but my  
23 heart is aimed toward the military and the many months to come  
24 of pain and challenge.

25 And then you write: These are my thoughts that I

Nicole - direct - Penza

4005

1 just sent to KR.

2 Me: As I look over his last e-mail, I think he's  
3 scared.

4 THE COURT: Can you move a little more slowly?

5 MS. PENZA: Yes, Your Honor. I'm sorry.

6 Q Me: I think the military is a pain and challenge that he  
7 can categorize and therefore thinks he can handle. I think  
8 the challenge I presented is out of his comfort zone and so  
9 he's hiding behind what he knows and where he feels  
10 comfortable. He even says after I secured myself in training.

11 Then it goes on and then there's something from KR.  
12 Who is KR there?

13 A Keith Raniere.

14 Q I agree. Can you push on that to goad him?

15 Right?

16 A Uh-huh. Yes.

17 Q And then you write: Yep. I just have to think how best  
18 to do that. I think it needs to be a light and simple  
19 response. And then you continue on.

20 And then -- so you send all of this to Allison. Is  
21 that right?

22 A Yes.

23 Q And she writes: Dude, so crazy/cool. What are you  
24 thinking. Question mark. Question mark. Maybe tempting him  
25 with a final hoorah of something sure to be delicious before

Nicole - direct - Penza

4006

1 being sequestered with a bunch of men for half a year.  
2 Something for him to take with him and hold onto until he gets  
3 back. Plus, if he starts now who knows what will be waiting  
4 for him on the other end of the six months.

5 Was this one of the last exchanges about Mistress  
6 Akira?

7 A Yes. There might have been one more but I think that  
8 was, like, the last one or one of the last ones.

9 Q All right. So I want to -- we mentioned this very  
10 briefly in passing but at some point, did you learn that  
11 Allison had other slaves?

12 A Yes.

13 Q What did you learn or how did you first learn that?

14 A Well, another, like, woman around my age or a couple  
15 years younger than me started hanging around the house a lot,  
16 Allison's house, and there was, like, at one specific  
17 instance -- because I knew she was part of the, the community.  
18 But there was one instance where, like, she had done something  
19 wrong and so she was, like, having to fly back and forth  
20 between Los Angeles and California. She was from Los Angeles.  
21 And that was kind of when I first suspected at least that she  
22 might be because she was, like, having to do all these things  
23 that didn't seem really necessary or logical and it was  
24 because she had, like, done something wrong.

25 Q When she was doing this -- when India was doing the back

Nicole - direct - Penza

4007

1 and forth flying, was she expressing to you that this was --  
2 what was she saying to you?

3 A Well, she was just a little bit stressed out about having  
4 to fly back and forth but also the tickets were, like, 500 one  
5 way and then the other. So this was a lot of money and she  
6 was stressed out about the money, but also seemed to me to be  
7 resigned to the fact that she had, had to do it and that  
8 whatever her mistake India had made, that she had to pay for  
9 these tickets back and forth to fix it and whatnot.

10 Q At some point, was it confirmed that India was one of  
11 Allison's slaves?

12 A Yeah. Yes, maybe, like, a month, maybe, like, three  
13 weeks or a little while later, she was allowed to tell me that  
14 she was also one of Allison's slaves and she -- and we were at  
15 my house in Brooklyn.

16 Q And how was it -- how did you feel when you learned that  
17 she was one of Allison's slaves?

18 A A lot of different things. One, it was that kind of, a  
19 similar feeling of, like, I knew it, because you kind of did  
20 know and so it's just nice to be confirmed that what you  
21 thought was going on was really actually going on because a  
22 lot of the time, they didn't confirm that kind of stuff. But  
23 so I, so I was, like, I knew it, and then I also was a little  
24 bit relieved because I wasn't all alone anymore.

25 Q Did you become friendly with India?

Nicole - direct - Penza

4008

1 A Yeah, I did. We, we became really close and she, she was  
2 super helpful for me because, A, she made me feel not so alone  
3 and, B, she was really good at, like, talking me off the  
4 ledge. So if I was like going into one of my, like, moods or,  
5 like, getting very upset and worked up and getting upset about  
6 this situation and what I was stuck in, she would, like, she  
7 was very good at calming me down.

8 (Continued on next page.)

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Nicole - direct - Penza

4009

1 DIRECT EXAMINATION (Continuing)

2 BY MS. PENZA:

3 Q Did you ever feel that your relationship, your closeness  
4 with India was ever used against you?

5 A Yes.

6 Q Can you just explain?

7 A Yeah. Yes. So, I think the first time -- Allison told  
8 me that the first time that -- that -- when I sent the message  
9 about me not wanting Allison to have to take a cold shower,  
10 one thing that they learned about me was that I cared, was  
11 that I cared what happened to other people. So, when India  
12 and I became close, they used her to help me behave. So,  
13 like, if I -- so it was, like, if I didn't do something, then  
14 it would be -- it would make things harder on India. Or if I  
15 didn't do something -- or if I, like, threw a fit, then like  
16 both India and I would have to take a cold shower. So it  
17 wasn't just me, it was also India, or her calories for the day  
18 would be cut, or they -- they would use things like that  
19 because they -- I say they, but Allison and -- mostly Allison  
20 would do this, because I wouldn't do it. I mean, I wouldn't  
21 cause problems.

22 Q You mentioned calories. Was calories a focus in DOS?

23 A Yes. It was presented -- at least to me, it was  
24 presented as a discipline exercise. So, you limit the  
25 calories that you can eat during the day and you, like, have

MDL

RPR

CRR

CSR



Nicole - direct - Penza

4010

1 to be very specific about it; you have to measure things, you  
2 have to weigh things, everything has to be, like, perfectly  
3 calculated. The way it was presented to me was it's a form of  
4 discipline and if you, like, go over your calories or you  
5 don't measure them correctly, then, like, you are lazy or you  
6 are indulgent or you are sloppy. And I wanted to be -- and  
7 like, it was...not organized, because that's not the right  
8 word, but, like, that meant you could -- you learned how to be  
9 disciplined and I really I wanted to be disciplined. But that  
10 was a huge -- calories was a huge part of DOS.

11 Q Fair to say that you are typically very thin?

12 A Yeah.

13 Q Within DOS, was your weight an issue?

14 A No.

15 Q How about for India?

16 A Yes. So India, they were trying -- Allison was having  
17 her try and get down to a certain weight. I think, if I  
18 remember correctly, it was like 107, and it became clear at  
19 one point that, like, India didn't need -- she didn't need to  
20 get down to that weight and her and I had a conversation about  
21 it. She had already lost some weight, and -- first of all,  
22 she looked good whatever weight she's at, but I was like  
23 you're good here, but Allison said that she needed to get down  
24 to 107 because she had picked -- like, set her word to that,  
25 so she had to keep -- she had to be on 500 calories a day

MDL

RPR

CRR

CSR

Nicole - direct - Penza

4011

1 until she got down to 107.

2 It was -- it was just really hard to watch  
3 sometimes, because, you know, she would get really tired. You  
4 could just tell, like, she was just all over the place and  
5 hungry, and she was -- India's a really good cook, so she  
6 learned how to, like, make foods that had, like, very low  
7 calories and stuff. But it was just -- it was tough, it was  
8 tough on her.

9 Q How long was she on a 500-calorie a day diet?

10 A The entire time that I knew her, which was almost a year.

11 Q Was Allison Mack also restricting her calories?

12 A Yes.

13 Q And do you remember what her calories were?

14 A I think it was 500 when I first met her, and then it,  
15 like, went up to 600 maybe. Yeah.

16 Q Did she tell you she had a weight that she was supposed  
17 to be at?

18 A She is always trying to be like around 102, 103, and I do  
19 remember her telling me once that she -- she said sometimes  
20 she felt like Keith wouldn't care about her if she gained  
21 weight, and she knew that that wasn't true, but that's how it  
22 felt. And I just remember, like, noting that.

23 Q Did you ever meet any other women who were Allison's  
24 slaves?

25 A Yeah, eventually I met two more.

Nicole - direct - Penza

4012

1 Q And is that Michelle and Danielle?

2 A Yes.

3 Q What happened once you were aware of the four of you, the  
4 four slaves under Allison?

5 A Things really intensified once there was like just four  
6 of us. Like, on one hand, it felt a little bit better because  
7 you weren't alone and you kind of, like, had this group and  
8 you were, like, oh, there is actually other women, because for  
9 a while you were like -- or I was like, again, just another  
10 thing added to the list. You're like this was supposed to be  
11 a women's empowerment and I'm all alone. You know. So once I  
12 met four other people, it was like, okay, now I'm not  
13 completely alone, so maybe we can all make this into something  
14 that's better. But then, at the same time, it got really  
15 intense. Readiness got really intense. We had to meet like  
16 weekly, all together; it was all four slaves with Allison.  
17 And then, eventually, Allison started asking for more  
18 collateral. It just got a lot more intense and I had to be in  
19 contact -- not only was I in contact with Allison now, but I  
20 was also, like, needing to, like, bond with the other girls.  
21 It was just a lot of people to, like, communicate with and a  
22 lot of people to do readiness with and -- yeah.

23 Q So let's talk about the different things you mentioned.

24 So you began meeting together with --

25 A Yes.

MDL

RPR

CRR

CSR

Nicole - direct - Penza

4013

1 Q -- with the other slaves, and can you describe what these  
2 meetings would be like?

3 A So they started out a little more casual, but then they  
4 became -- at one point they started calling it church, but we  
5 would meet like Monday evenings, because that was the --  
6 usually, I could -- the day that I came up was Mondays. They  
7 all lived in Albany, I lived in New York City. So we would  
8 meet Monday nights, and the four of us would sit on the floor  
9 and Allison would sit on a chair or on the couch, and we would  
10 talk about the week and, like, where we failed and what we  
11 were trying to work on for the next week.

12 Q Was something else introduced as part of these group  
13 meetings?

14 A Yes.

15 Q What was that?

16 A So, there -- there came -- Allison introduced something  
17 called family photo.

18 Q What did that mean?

19 A Which was, whenever we all got together, we all had to  
20 take off our clothes and take a picture, altogether, and  
21 eventually I found out that the pictures were being sent to  
22 Keith afterward.

23 Q How did you find that out?

24 A A couple -- two different times or ways. Once, like,  
25 Allison slipped -- like, Allison had slipped up. Then another

Nicole - direct - Penza

4014

1 time she said -- it must have been after she slipped up and  
2 she knew we knew, she said that Keith could tell -- we were  
3 supposed to look happy in the pictures, and he could tell  
4 our...he could tell our state of mind by how our faces looked  
5 in the pictures.

6 And the third thing is, I saw her send -- after one  
7 of the times that we had to do this, I saw her send -- send  
8 the picture and Keith responded: All mine, question mark,  
9 with a like devil face.

10 Q How did you know that message was from the defendant?

11 A Allison had Keith's name under another name in her phone,  
12 which I'm blanking on right now, but -- and I just saw that.

13 Q And were you familiar with the devil emoji?

14 A Yes.

15 Q Is that something that the defendant would --

16 A Would send a lot, yes.

17 Q You said she slipped up at one point?

18 A I think the first time, I feel like she slipped up. I  
19 don't think she offered that information the first time.

20 Q How did you feel when this family photo project started?

21 A I absolutely hated it.

22 Q Did you tell Allison that?

23 A Yes.

24 Q And how would she react?

25 A It depended on, like, how she was feeling that day,

Nicole - direct - Penza

4015

1 whether she would tell me that, like, either I didn't have a  
2 choice; so I could once again hold up everyone else and make  
3 things more difficult on everyone else; or I could just do it  
4 like I had to; or I was the actress, so why was I the one that  
5 was being shy about my body. Just whatever the stupid reason  
6 was that I had to do it.

7 Q Looking back, what do you think the effect was of having  
8 to take these naked family photos?

9 A Well, it made you feel really unsafe because, A, you  
10 didn't really want to be together with all the girls, because  
11 any time you were together with all the girls that could  
12 happen, and it didn't -- it didn't matter where we were. She  
13 could tell us to do that at any point and we had to, and it  
14 just...it feels really horrible to not, like, be able to say  
15 no to that, like, sometimes it felt like the very worst --  
16 like one of the worst parts of everything happening because  
17 you have no control when you were just told you have to take  
18 off your clothes.

19 Q Given that at certain points in time, when you were  
20 taking the family photos, you were also having sexual  
21 encounters with the defendant, why did it matter to you that  
22 they were being sent to the defendant?

23 A Well, that was what I -- like argued about most, was  
24 that, like, this was supposed to be a women's empowerment  
25 organization, how is it empowering to make us take off our

Nicole - direct - Penza

4016

1 clothes and send photos to a man, and I would just ask  
2 Allison, like explain to me how that is empowering, because to  
3 me it feels completely degrading.

4 Q And how would she respond?

5 A I don't even remember. With, like, the same -- it  
6 doesn't matter; you don't have to know, like, the reasons  
7 behind all -- like what we know about it helps your growth,  
8 and like it just didn't matter how I felt.

9 Q You mentioned that readiness also intensified after you  
10 learned about the other slaves under Allison?

11 A Yes. Yes, because...sorry. Because there was four of us  
12 now and all four of us had to respond within sixty seconds, so  
13 it just became a lot more confusing, or not -- well, yes,  
14 confusing, but also just more difficult because you had to  
15 know where all four people were, and if you couldn't get in  
16 touch with someone, you had to call someone. We were  
17 responsible for all four of us, so readiness became not just  
18 about me not being on top of it, but also me having and all  
19 the other girls having to make sure each other were on top of  
20 it and that we all responded within sixty seconds. And if  
21 not, then we all failed together and we all had to do whatever  
22 the punishment was together. So, it was just a lot.

23 Q Now, I think you mentioned that at some point the idea of  
24 giving additional collateral was introduced?

25 A Yes.

Nicole - direct - Penza

4017

1 Q Do you remember when that happened?

2 A I don't remember the exact time, but it was sometime once  
3 the four of us had met, so, I would say maybe by like October  
4 of 2016, around then, October, November.

5 Q How did you feel when the concept of additional  
6 collateral was brought up?

7 A Furious.

8 Q Why?

9 A Because we weren't given a choice in the matter. It was  
10 demanded that we put more -- that we turn in more collateral  
11 by like the first of the month. I just -- I hated it. I --  
12 it made me so angry because I just felt like I was getting,  
13 like, more and more and more trapped, you know. It's like --  
14 like, if you saw like a little light somewhere, then it is  
15 like you put a boulder on top of that. It just felt like  
16 getting more and more and more trapped, and also it's really  
17 uncomfortable. Like it was worse -- like it was bad enough  
18 the first time. God, I hate it, I hated it.

19 Q Did you always provide the additional collateral?

20 A Yeah, we had to.

21 Q And when you say you had to, why? Why did you feel you  
22 had to?

23 A Well, if we didn't obey, then the first collateral would  
24 be released, so, like, to me it felt like there's just no  
25 option. And also, everyone -- if we didn't all turn it in on



Nicole - direct - Penza

4018

1 time, then, like, there would be punishment set up, but like,  
2 ultimately, you had to.

3 Q And when the idea of monthly collateral was introduced,  
4 how were you supposed to transmit the monthly collateral?

5 A On line through Dropbox.

6 Q And did you do that every month?

7 A Yes, except one.

8 Q And what happened that one month?

9 A Allison had presented us with a contract that was  
10 basically like signing our lives away, which was terrifying,  
11 but it was basically saying we would never say anything  
12 negative about what was happening; that we agreed to  
13 everything that was happening to us; that if we ever spoke out  
14 or said anything we would, like, pay them a million dollars.  
15 I don't remember all the language, but I just remember, like,  
16 looking at it and being, like, oh, my God, like, what am I  
17 going to do? Because it just, again, like the more  
18 collateral, it's just more and more on you, like this is  
19 really never going to end. This is really never going to end.  
20 And it was kind of confusing, because I remember all of us  
21 were having trouble, like, understanding what was being said  
22 in it. So Allison was supposed to set up a meeting for us to,  
23 like, go over the contract before we had to sign it, and she  
24 ended up booking a role and going to San Diego to do this play  
25 and somehow, in the mix of that, it slipped through the

Nicole - direct - Penza

4019

1 cracks. And I was just beyond grateful that somehow it  
2 slipped through the cracks, so I just never said anything and  
3 just the next month I turned in my collateral -- because it --  
4 sorry, that was supposed to be the lead collateral for that  
5 month. Like she said, okay, since you have this contract, you  
6 don't have to make collateral for this month and then somehow,  
7 like, just -- I don't know, by sheer luck something just  
8 happened and it slipped through the cracks. Yeah.

9 Q Do you remember what month that was?

10 A Well, it must have been right around when she booked it,  
11 so I would say it was either March or April's collateral.  
12 That would be my guess, but I don't remember.

13 MS. PENZA: Your Honor, may I approach the witness?

14 THE COURT: I'm sorry?

15 MS. PENZA: May I approach the witness?

16 THE COURT: Yes, you may.

17 Q Nicole, I'm showing you what are marked for  
18 identification purposes as Government Exhibit 1367, 1368, 660,  
19 661, 662 and 663.

20 Are you familiar with those documents?

21 A Yes. Yes.

22 Q And what's marked as Government Exhibit 1367, is that an  
23 e-mail from Allison Mack to you?

24 A Yes.

25 Q And Government Exhibit 1368, is that an e-mail from you

Nicole - direct - Penza

4020

1 to Allison Mack?

2 A Yes.

3 Q And Government Exhibits GX-660, GX-661, GX-662, and  
4 GX-663, are those pieces of collateral that you uploaded?

5 A Yes.

6 MS. PENZA: Your Honor, the Government offers  
7 Government Exhibit 1367, 1368, 660, 661, 662 and 663 into  
8 evidence.

9 MR. AGNIFILO: I have no objection.

10 THE COURT: Government Exhibits 1367, 1368, 660,  
11 661, 662, 663 are all admitted into evidence.

12 MS. PENZA: Thank you, Your Honor.

13 (Government's Exhibits 1367, 1368, 660, 661, 662,  
14 663 received in evidence.)

15 Q Nicole, I'm showing you what's in evidence as Government  
16 Exhibit 1367.

17 And is this an e-mail from Allison Mack to you,  
18 inviting you to edit a Dropbox -- a folder on Dropbox labeled  
19 collateral?

20 A Yes.

21 Q And is this where you would upload collateral?

22 A Yes.

23 Q So, by November 23, 2016, was monthly collateral  
24 introduced?

25 A Yes.

Nicole - direct - Penza

4021

1 Q I'm showing you what's in evidence as Government Exhibit  
2 1368.

3 Are you familiar with this document?

4 A Yes.

5 Q And is this laying out your collateral as of November 25,  
6 2016?

7 A Yes.

8 Q Can you just explain kind of -- can you explain were you  
9 answering questions here?

10 A So, Allison wanted, like, a list of all of the collateral  
11 we had given to that point and, like, who it damaged and how  
12 damaging it was, and we had to turn this in by a certain  
13 amount of -- like, a certain hour.

14 Q And, so, that's what you were doing here?

15 A Yes.

16 Q Now, for your monthly collateral, what types of things  
17 would you upload?

18 A So, I did not want to bring my family into anything  
19 again, so I tried to figure out any way that either just  
20 affected me or -- basically so it just affected me. So I gave  
21 them like my credit card numbers; Allison said that was, like,  
22 sufficient, if we gave -- India and I both did this -- our  
23 credit cards, with a signature saying that she was authorized  
24 to use that card. I think I had to tell her how much credit I  
25 had on the credit card and -- yeah, and, like, give the number

Nicole - direct - Penza

4022

1 and, like, access to my -- I just did -- yeah, all the credit  
2 cards that I had.

3 Q At some point did you also give her jewelry?

4 A Yeah. I wrote a letter saying, as one of my collaterals,  
5 saying that if I broke my word that -- I don't have it on  
6 today, but I have my grandmother's wedding ring from 19 --  
7 1938, I believe it was when she got married, and it's a really  
8 beautiful wedding ring. And I said that -- I gave that over  
9 as a piece of collateral, if I did anything wrong. Allison  
10 said I could keep it, as long as I like behaved. But that was  
11 one of the pieces.

12 (Continued on following page.)

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Nicole - Direct - Penza

4023

1 BY MS. PENZA (Continuing):

2 Q I'm showing you Government Exhibits 662, 663, 660 and  
3 661.

4 Are these all examples of the credit card  
5 authorizations that you described?

6 A Yes.

7 Q So, we'll just look at one of them, Government Exhibit  
8 662: As of December 18, 2016, I hereby give Allison Mack  
9 permission to use and charge my Virgin America visa. I take  
10 full responsibility for any and all charges.

11 Did you actually provide her the information to use  
12 the account?

13 A Yes.

14 Q What's redacted here is the information that would be  
15 used to use the account?

16 A Yes.

17 Q Here's another example.

18 Turning your attention to October 2016, did you end  
19 up going on a trip with Allison Mack?

20 A Yes.

21 Q Can you explain?

22 A It was Michele's birthday, and her family had a home in  
23 the Berkshires. And, so, we all, all four of us -- five of  
24 us, Danielle, India, Allison, Michele and I, all drove out to  
25 the house in the Berkshires for the weekend.

Nicole - Direct - Penza

4024

1 Q And how was the trip?

2 A Per many things that happened, like, a mix of emotions.  
3 It was supposed to be, like, a bonding trip, and some of it  
4 was nice. We went on a hike, which is always nice to get out  
5 of the city, and we kind of explored one of the small towns,  
6 like, outside the Berkshires, and we made dinner together. So  
7 that part was, like -- felt okay. It felt, like, kind of like  
8 bonding, and those were moments that weren't as bad.

9 But then, also...

10 Q Did something happen after dinner?

11 A Yeah. It had been, like, a really nice day, actually,  
12 and then after dinner, Allison was, like, As much as I would  
13 like this to be just a bonding trip, it's not.

14 Oh, gosh, like, what's coming?

15 And she said, I have another assignment for you  
16 guys. I am going to take a close-up photo of all of your  
17 pussies, is what she said.

18 Q How did you feel when she said that?

19 A No. That's how I felt, I felt like "no."

20 Q Did you say no?

21 A Yeah. Like, absolutely not, is how I felt. And I -- no.

22 And I don't remember what her actual, like, response  
23 was, but it was a back-and-forth that I lost. Because then I  
24 was, like, I couldn't behave like that, I couldn't defy her  
25 like that, so it was like, No, you're doing this.

Nicole - Direct - Penza

4025

1           We had just finished the family photo, so I already  
2 had to go through the family photo situation. We put back on  
3 our clothes and she told us this. And I was just, like,  
4 you've got to be kidding me. You've got to be kidding me.

5           And, so, took off all our clothes again and stood in  
6 a line. And Danielle, I think, went first...

7 Q     As each person goes -- so, you and the other three women  
8 are standing in a line?

9 A     Yes.

10 Q    And where is the actual photo being taken?

11 A    On the couch.

12           Like, so, you had to sit on the couch, spread your  
13 legs, and Allison was standing right there with, like, her  
14 camera phone, and she would take a picture.

15 Q    And was it, in fact, a very close-up picture?

16 A    I think so. I certainly did not ask to look at the  
17 picture, but, yes, it was --

18 Q    It was focused on your vagina?

19 A    It was focused, like, straight on, yes.

20 Q    So, it's a line of the four of you.

21           Danielle goes first?

22 A    I think so. I don't remember the exact order.

23 Q    Okay.

24 A    I know I was last.

25 Q    And what happened when you went?



Nicole - Direct - Penza

4026

1 Did she say anything to you?

2 A Well, she said something when Michele went.

3 Q What did she say when Michele went?

4 A She said -- like, she looked at the photo and just kind  
5 of said, Beautiful cunt.

6 And I was just like, God, what? I just was grossed  
7 out. And, yeah, and I just waited for my turn and I was,  
8 like, really angry. Really angry.

9 Q And the picture was taken of you?

10 A Yes.

11 Q And what happened afterwards?

12 A She made some comment like, See? That wasn't so bad.

13 And I was just like -- I just remember my jaw being,  
14 like, set because I was so angry and I was, like, trying to  
15 just, like, swallow my words. So, I just stopped speaking. I  
16 refused to speak.

17 And she made us sit down and, like, talk about -- I  
18 don't remember if it was, like, how we felt or how we felt  
19 while that was -- something about how we felt or -- and I  
20 wouldn't speak. And then she's just like, Oh, are you  
21 still -- like, are you still throwing a fit over there?

22 And then she said, You have to answer me.

23 Because I -- I don't know, the only way I could  
24 think of, like, getting some kind of power back, which is not  
25 speaking to her, and then she made me answer whatever stupid

Nicole - Direct - Penza

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1 question she had asked me. I just remember being really angry  
2 and, also, like, really unnerved because I'm, like, I know  
3 these pictures, like, are being sent to Keith, and that  
4 just -- I don't know, makes me, like, grossed out and  
5 disgusted and -- I don't know, I was very unhappy.

6 MS. PENZA: Your Honor, may I just have the Elmo for  
7 the witness, please?

8 THE COURT: All right.

9 Q Nicole, I'm showing you what's marked for identification  
10 purposes as Government Exhibit 653. I'm going to show you the  
11 three pages of this document.

12 Are you familiar with this e-mail?

13 A Yes.

14 Q And this is an e-mail from Allison Mack to you, Michele,  
15 India, and Danielle?

16 A Yes, although --

17 Q I know, it lost focus.

18 Can you see it now?

19 A Yes.

20 Q Is it, in fact, to you, Michele, India, and Danielle?

21 A Yes.

22 Q And do you remember whether this e-mail was sent around  
23 the time of the trip?

24 A Yes.

25 Q And Allison says: The past three days were profound for

Nicole - Direct - Penza

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1 me.

2 THE COURT: I'm sorry.

3 MS. PENZA: I'm so sorry, your Honor. The  
4 Government offers Government Exhibit 653 into evidence.

5 MR. AGNIFILO: No objection.

6 MS. PENZA: Apologies.

7 THE COURT: Government Exhibit 653 is received in  
8 evidence.

9 (Government Exhibit 653 so marked.)

10 (Exhibit published to the jury.)

11 Q Sorry, Nicole.

12 Can you see the e-mail now?

13 A Yes.

14 Q Well, I guess you could see it the whole time, but now  
15 everyone can see it.

16 It starts by saying: The past three days were  
17 profound for me.

18 A Yes.

19 Q I understood what it meant to be responsible. I  
20 understood what it meant to be vulnerable. I met you for what  
21 felt like the first time and I understood me because I  
22 understand you.

23 A Yes.

24 Q Now here, Allison writes: We will do our practices until  
25 our next church service.

Nicole - Direct - Penza

4029

1 Is that what you were referring to before?

2 A Yes.

3 Q So, a church service would be the types of meetings --  
4 those meetings that you would do as a group?

5 A Yes, which I also pushed back on as well.

6 Q And then she writes: I spoke to my M today.

7 What does that mean, "my M"?

8 A Her master.

9 Q So, who is that?

10 A Keith.

11 Q And it says: And he helped me to clarify the diet,  
12 calorie, and weight thing. I told him I felt conflicted about  
13 a few things, this being one of them. He helped me see there  
14 is a difference in what I was evaluating. There is the word  
15 which is being upheld through discipline and commitment, then  
16 there are the emotional states and visceral pulls which are  
17 also in need of work.

18 A Yes.

19 Q And then it says on the next page: He helped me see  
20 upholding a discipline for a principle is very different than  
21 just eating.

22 A Yes.

23 Q So, this week I would like each of you to split your  
24 commitment into PET --

25 Do you know what that stands for?

Nicole - Direct - Penza

4030

1 A P, physical; E, emotional; T, thought.

2 Q -- and analyze your emotional and thought component of  
3 your physical practice of abstinence. Do this and tell me  
4 what you decide. If we fail in any of the three realms, we  
5 each take on 50 fewer calories the following day. Please have  
6 your commitment for the week written and submitted before the  
7 end of the day tomorrow.

8 So, down here, there's a number of -- there's a  
9 number of what I think appear to be nicknames.

10 A Yes.

11 Q Are they, in fact, nicknames?

12 A Yes.

13 Q Who is The Princess?

14 A India.

15 Q And who is M?

16 A That's Allison because technically she was our master.

17 Q Who is The Clown?

18 A Michele.

19 Q Who is The Brawn?

20 A Danielle.

21 Q And who is The Brat?

22 A Me.

23 Q So, for The Princess, it says: 500 calories. No food  
24 past 5 p.m. unless permission granted by M.

25 Is that right?

Nicole - Direct - Penza

4031

1 A Yes.

2 Q And for Allison, she writes: 600 calories. No food past  
3 5 p.m. unless permission granted by my M.

4 Would that be Keith, the Defendant?

5 A Yes.

6 Q And then it says: Star, star, My M reminded me today  
7 that I had given my word I would remain under 600 calories as  
8 a discipline until I reached 106 pounds. I got prideful and  
9 conveniently forgot this commitment because it didn't suit me  
10 in the moment.

11 A Yes.

12 Q Was this type of language about specific goal weights and  
13 calories common?

14 A Yeah, all the time.

15 Q Now, as part of DOS, did you ever have to do any formal  
16 work?

17 A Yes.

18 Q Can you explain?

19 A So, the first -- there were a few different things, but,  
20 like, the first thing we had to do was to, like, read and  
21 review all of these different essays.

22 Q Who had written the essays?

23 A Keith.

24 Q And what were you told was the point of reviewing the  
25 essays?

Nicole - Direct - Penza

4032

1 A So, I think there were, like, fifty essays or something,  
2 but we had to read and review all of them. And there was,  
3 like, a questionnaire to answer about, like, how well he had  
4 communicated something or how well -- like, what the topic was  
5 about, or -- all these questions asking, like, how well we  
6 understood the essay. And my understanding was that,  
7 eventually, that they would be, like, edited and published.

8 Q So, you were reviewing them for this editing process?

9 A Yes.

10 MS. PENZA: Your Honor, may I approach the witness?

11 THE COURT: Yes, you may.

12 Q Nicole, I'm showing you what are marked for  
13 identification purposes as Government Exhibits 1358, 1359,  
14 1360, 1362, and 1364. Please take a look at them.

15 You can just flip through it.

16 A Yeah.

17 Q And are these all e-mails related to these articles that  
18 you were talking about?

19 A Yes.

20 Q And they're e-mails between you and Allison?

21 A Yes.

22 MS. PENZA: Your Honor, the Government offers  
23 Government Exhibits 1358, 1359, 1360, 1362, and 1364 into  
24 evidence.

25 MR. AGNIFILO: I'm sure it will be fine if I can get

Nicole - Direct - Penza

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1 a copy of them quickly.

2 THE COURT: That's fine.

3 MS. PENZA: I'm sorry, I didn't realize Mr. Agnifilo  
4 didn't have them.

5 THE COURT: Why don't you...

6 MR. AGNIFILO: We have no objection, Judge.

7 THE COURT: Government Exhibits 1358, 1359, 1360,  
8 1362, and 1364 are received in evidence.

9 MS. PENZA: Thank you, your Honor.

10 (Government Exhibits 1358, 1359, 1360, 1362, and  
11 1364 so marked.)

12 (Exhibit published to the jury.)

13 Q Nicole, I'm showing you what's in evidence as Government  
14 Exhibit 1358.

15 And is this from Allison, to you, on July 20, 2016?

16 A Yes.

17 Q And the subject line is: Articles.

18 A Yes.

19 Q And it says: Here is the link to the rating document.

20 What is the rating document?

21 A So, after we finished reading each article, there was,  
22 like, a whole list of questions that we had to answer. It was  
23 a couple pages -- I don't remember how many pages, but quite a  
24 few questions about, like, again, did we -- did you like the  
25 article? Rate it from one to five. Did it -- was it



Nicole - Direct - Penza

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1 communicated properly? But there was a ton of different  
2 questions, like could it have been better this way? Did you  
3 get the idea across? Could anyone understand it? What type  
4 of person could understand it? And just a lot of different  
5 questions.

6 Q And, so, was this a link to that actual document?

7 A Yes.

8 Q And then it says: I have invited you to the Dropbox  
9 file. Let me know if you didn't receive it.

10 Do you remember whether any of these articles were  
11 provided to you via Dropbox?

12 A Yeah, two different times.

13 Q And then it says: Check in with me daily on which  
14 articles you read that day so I can keep track.

15 A Correct, yes.

16 Q So, were there -- would you continually report to Allison  
17 on the progress on the articles that you were reviewing?

18 A Yes.

19 Q Were there ever deadlines?

20 A Yes, there was a deadline at one point that it needed to  
21 be done in, like, the next couple weeks.

22 That was a lot of articles, too.

23 Q Do you remember approximately how many?

24 A I would say fifty, but I couldn't say if that was exactly  
25 correct or not.

Nicole - Direct - Penza

4035

1 Q And how long would it take you to review and read each  
2 article?

3 A About, like, anywhere from an hour and a half to three  
4 hours per article.

5 (Exhibit published to the jury.)

6 Q I'm showing you what's in evidence as Government Exhibit  
7 1359.

8 This is from Allison, to you, on July 24, 2016?

9 A Yes.

10 Q It says: Please delete. Hey, Love, I just sent you a  
11 new link to the articles for KR. Can you please delete the  
12 old article folder? Thanks.

13 A Yes.

14 Q Do you remember what that was about?

15 A Yes, I don't remember why it was necessary but, yes, she  
16 re-uploaded the articles and deleted the other folder and we  
17 just had to open the new one.

18 Q Government Exhibit 1360.

19 (Exhibit published to the jury.)

20 Q From Allison, to you, on July 26, 2016: Hey, Love, just  
21 a heads-up that you have until August 15, 2016, to read, rank,  
22 and rate all the articles. If you have been reading the two a  
23 day that was suggested, you will finish no problem. If you  
24 haven't, you may want to pick up the pace.

25 A Yeah.

Nicole - Direct - Penza

4036

1 Q That was the deadline for the articles?

2 A Yeah.

3 Also, like, two articles a day would have been,  
4 like, three to six hours, so, no I was not doing two articles  
5 a day. So, I was like shoot, you know, like, what would I --  
6 what do I do?

7 (Exhibit published to the jury.)

8 Q Is this a list of some of the articles?

9 This is an e-mail from Allison, to you, on August 9,  
10 2016.

11 A Yes.

12 Q Did this continue over time, this process of reviewing  
13 articles?

14 A So, that had to be done by August 15. And I tried to ask  
15 for a deadline because, obviously, I was working and  
16 everything else. She got really angry at me and said it had  
17 to be done by August 15 and I was -- whatever, a baby and  
18 complaining, yada, yada, yada. But, anyway, I got them done.  
19 I would get up super early and would go to a coffee shop and  
20 try to, like, get through all of them, and I got them done by  
21 August 15.

22 But after that, like, once we were all together,  
23 like, once I met the other four girls, we would bring --  
24 Allison would bring an article to, like -- we were supposed to  
25 read an article that week and then bring it to, like, church

Nicole - Direct - Penza

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1 or whatever that Monday meeting was.

2 Q So, I'm showing you what's in evidence as Government  
3 Exhibit 1364.

4 (Exhibit published to the jury.)

5 Q This is an e-mail from Allison, to you and to India, on  
6 September 5, 2016, and it's attaching an article.

7 A Yes.

8 Q Is that what you were just describing?

9 A Yes.

10 Q And attached is an article, and it's an article that was,  
11 to your understanding, written by the Defendant?

12 A Yes.

13 Q So, you talked about the articles.

14 Were there other types of work that you performed?

15 A Eventually -- I mean, we would do little things for  
16 Allison all the time. But another, like, work thing similar  
17 to that was before Pam's memorial, they needed a bunch of  
18 tapes transcribed, and it was tasked to us to transcribe it,  
19 me, India -- I think there were possibly more people involved  
20 that I didn't know about but me, India, Danielle, Michele.

21 Q Do you know whether anyone -- this was for Pam Cafritz's  
22 memorial service?

23 A Yes.

24 Q Do you know whether anyone was paid for work related to  
25 Pam Cafritz's memorial service?

Nicole - Direct - Penza

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1 A I don't think so.

2 Q Do you mean of your --

3 A Oh, of my group, no, no.

4 MS. PENZA: Your Honor, may I have one moment with  
5 Mr. Agnifilo?

6 THE COURT: Sure.

7 MS. PENZA: Thank you, your Honor.

8 (Pause in proceedings.)

9 THE COURT: Go ahead.

10 MS. PENZA: On consent of the defense, the  
11 Government offers Government Exhibit 658 into evidence.

12 MR. AGNIFILO: We do consent.

13 THE COURT: Government Exhibit 658 is received in  
14 evidence.

15 (Government Exhibit 658 so marked.)

16 (Exhibit published to the jury.)

17 Q Is this document a forwarded message that you sent to  
18 India that says: Pam unplugged. Word file.

19 A Yes.

20 Q And is it forwarded by India to Sylvie and Souki?

21 A Yes.

22 Q Do you know Sylvie and Souki?

23 A Yes.

24 Q Did you know that this was forwarded to them?

25 A Yeah, I think I did, actually, yeah, know that.

Nicole - Direct - Penza

4039

1 Q Okay. And it says: Forward. Pam Unplugged. Word file.

2 A Yes.

3 Q Can you just explain what this document is?

4 This was the Pam Unplugged attachment.

5 A Yeah. So, there were these -- there were these tapes or,  
6 like, recordings that we were supposed to type out what the  
7 recordings said.

8 Q Do you remember how long it took you to do that  
9 transcription?

10 A Five, six hours.

11 Q And when were you -- was there a rush to get this done?

12 A Yeah, it was -- everything was very last minute or needed  
13 to be rushed.

14 So, I was at work, and I think I was working just an  
15 early shift that day, and they said it needed to be done by  
16 the next morning at, like, five in the morning.

17 Q Who is "they"?

18 A Sorry, Allison.

19 So, I stayed up all night doing it. And I had been  
20 at work and -- I don't remember the exact circumstances, but I  
21 stayed up for 23 hours straight in order to finish this.

22

23 (Continued on the following page.)

24

25

Nicole - direct - Penza

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1 BY MS. PENZA: (Continuing)

2 Q Were you paid for this, were you paid for this  
3 transcription?

4 A No.

5 Q Were you paid for the reviewing of the articles?

6 A No.

7 Q Why did you do those for no pay?

8 A Allison told us that we had to do them. It was, like,  
9 part of DOS.

10 Q Now, you said there were other things you had to do for  
11 Allison?

12 A Getting -- yes.

13 Q And what were those called?

14 A Acts of care.

15 Q And what types of things would you do as acts of care?

16 A So we had to do, like, some kind of act of care for  
17 Allison. Sometimes I would bring fresh flowers or I would  
18 like go out and get fresh flowers once I got to Albany for her  
19 house. Sometimes I would, like, if she was coming into the  
20 City, I would make her, like, a list of all the different art  
21 things, artistic things going on in the City that I thought  
22 she might be interested in and, like, links to, like, the  
23 tickets. Anything that -- it was explained to us it's, like,  
24 anything that was helpful or made, like, our Master's life  
25 better could be considered an act of care so we had to do one

Nicole - direct - Penza

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1 once a week.

2 Q Were there ever -- aside from the collateral that we  
3 talked about, were there any other times within DOS where you  
4 provided sensitive information to Allison?

5 A Yes. In the beginning, another assignment that I got was  
6 to message her, like, I had to tell her a secret every hour,  
7 like, on the hour, I had to text her, like, some secret which  
8 is really hard to do.

9 Q And did -- at some point did you have to take a sex  
10 survey?

11 A Oh, yes. Yes. Yes. Then there was also -- she came  
12 home to her house, and India and I were there as well as  
13 another girl, Jay, and she gave us, like, this survey printed  
14 out and then we had to turn it back in to her. And it was,  
15 like, a ten page, like, sex survey on, like, intimate  
16 questions about our first sexual experiences, what, like, how  
17 we viewed sexuality, what, what we, like, liked or didn't like  
18 or, just a lot of different questions.

19 Q Was Jay a DOS slave?

20 A Yes.

21 Q Who was her Master?

22 A India.

23 Q And so then would Allison have been her Grandmaster?

24 A Yes.

25 Q And what would the defendant have been to Jay?



Nicole - direct - Penza

4042

1 A Grand-Grandmaster? Great-Grandmaster? Is that how it  
2 works?

3 Q You tell me.

4 A Yeah, I, I guess it would have been Great-Grandmaster.

5 Q At some point, were you and the other women in your group  
6 branded?

7 A Yes.

8 Q Who from your group was branded first?

9 A Danielle.

10 Q What's Danielle's profession?

11 A She is a doctor.

12 Q Why was she branded first?

13 A So her way of contributing to DOS, Keith put her in  
14 charge of branding everyone. So she got -- everyone  
15 underneath his circle, because all his slaves were already  
16 branded but then Danielle was put in charge of branding the,  
17 like, new slaves. So she got branded first and then was  
18 learning how, like -- it's terrifying. She was just learning  
19 how to use the cauterizing iron or pen. It's a cauterizing  
20 pen.

21 Q Were you -- did you actually interact with Danielle while  
22 she was learning?

23 A Yes, and we watched a video of this guy -- we watched  
24 this video of a guy getting his head branded, like. Like,  
25 okay, it was, like, a tattoo but branded instead. So, swirls.

Nicole - direct - Penza

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1 Oh, my God, it was awful, literally, just watching swirls  
2 being branded in his head. I thought I was going to -- oh, my  
3 God, he was about to pass out in the video but -- it was  
4 intense.

5 Q So you watched that and then did Danielle get branded or  
6 had she already been branded?

7 A That might -- I don't remember whether it was before or  
8 after she got branded, but I, it was definitely when, you  
9 know -- India and I knew what was coming.

10 Q Where was, where was Danielle branded, like,  
11 geographically branded?

12 A It actually ended up being in Brooklyn, in New York.  
13 They all drove down to Brooklyn, New York.

14 Q Were you present?

15 A I was. Allison told me that I needed to support Danielle  
16 and that I needed to clear my schedule and go with them.

17 Q And so was Danielle branded by somebody who does  
18 brands --

19 A Yes, by someone who actually --

20 Q -- professionally? Let me finish my question. It's  
21 okay.

22 Was Danielle branded by somebody who does branding  
23 professionally?

24 A Yes.

25 Q Did she -- when did you first see the symbol, the

Nicole - direct - Penza

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1 branding, the symbol that you would be branded with?

2 A Right before, right before Danielle got her brand.

3 Q Were you told what that brand was a symbol of?

4 A I was told, yes, I was told. I was told something that  
5 did not end up being the truth but I was -- yeah, I was told  
6 what it was.

7 Q Okay. Who were you told by?

8 A Allison.

9 Q And what did Allison tell you?

10 A So she said the sign was, like, a line and then two lines  
11 and then a squiggly -- and so it was this. It was supposed to  
12 be this is, this is the horizon, these are the mountains and  
13 this is the water and it's sealed by fire. So it's earth --  
14 wait. Sorry. Air, earth, water and it's sealed by fire which  
15 is the iron, the cauterizing iron. So it was supposed to be a  
16 symbol of all of the elements was what I was told.

17 Q Did you believe her when she told you that?

18 A Yeah.

19 Q So after Danielle was branded, did there come a time when  
20 you and your group were branded?

21 A Yes.

22 Q Where did that take place?

23 A At Allison's house.

24 Q And how, in the room, how was everybody dressed?

25 A During the actual branding?

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1 Q Yes.

2 A So it was, like, a whole process before of, like,  
3 measuring because they all had to be the exact same size and  
4 they had to be in the same place so we were like doing a lot  
5 of measuring before and then when we had to walk in the room,  
6 everyone had to be naked.

7 Q Was Danielle naked?

8 A You know, I don't remember.

9 Q Was Allison naked?

10 A No. She was in, like, a white dress.

11 Q And who went first?

12 A Michelle went first.

13 Q And can you -- was what each of the women said the same  
14 for each of you?

15 A Yes.

16 Q And was there something you were, you and the other women  
17 were instructed to say at the beginning of the branding?

18 A Yes. All this was, like, added in last, like, right  
19 before or -- I mean, I was unaware of it at least until right  
20 before and Allison pulled out this kind of like letter that  
21 basically said -- oh, my God. It said -- so before we were  
22 going to get branded, we had to read this letter to Allison  
23 saying, like, we were giving our lives to her, to our Master,  
24 and, like, we couldn't ever speak negatively about our Master  
25 and everything that we built had to, like, be built for our,

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1 for our Master or, like, we had to help them build whatever  
2 they wanted to build. Just a lot of things that, obviously, I  
3 was not particularly excited to say.

4 Q Did you have to ask to be branded?

5 A Yes, that was part of it.

6 Q Do you remember the words?

7 A No.

8 Q Were all of the women who were branded positioned the  
9 same way?

10 A Sorry. I'm just thinking. I think it was, like, Master,  
11 please brand me. It was something pretty straightforward like  
12 that.

13 So there was, like, a table or, like, a massage  
14 table I guess, a massage table. And so Michele was laying on  
15 it and then one person was at her head, one person -- so one  
16 person was holding her feet, one person was holding her hands  
17 like over her head and Danielle was doing it. So I was at her  
18 feet that time and India was at her head and Allison was  
19 sitting on the bed.

20 Q Was this being taped?

21 A Yes.

22 Q Each one of them?

23 A Yes.

24 Q How did Michelle's branding go?

25 A It was hard for her. I mean, it's hard for one, but it

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1 was really hard for her.

2 Q How could you tell?

3 A You could just tell she was in a lot of pain.

4 Q And who went next?

5 A India went next.

6 Q And were you branded?

7 A Yes.

8 Q What -- can you describe what that was like?

9 A Yeah. Yes. Well, I was -- so the whole idea was that  
10 it's, like, pain is love or, like, love is, you show your love  
11 through pain. And part of this whole, like, thing that we're  
12 supposed to read said, like, you know, you show your love for  
13 your Master by this pain. And I was just, like, not having  
14 that. I didn't want to say any of that. I wasn't having  
15 that. I was, like, resigned to the fact that I was getting  
16 branded, fine, but I was not -- I did not want to mean any  
17 word there. And I was, like, I'll do this for my family.  
18 Like, I will -- like, if I have to connect love and pain,  
19 because Allison said, while you are going through this pain, I  
20 want you to think of me so it's connected, and I was like no  
21 F'ing way, I'm thinking about my family, and --

22 Q When you say you said that, did you say that out loud?

23 A No. I said it in my head. I would have liked to have  
24 said it out loud. I said it in my head and I just thought,  
25 no, I'm doing this for my family and, like, all, all, connect

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1 that to my family.

2 And I just thought -- okay, it sounds really stupid,  
3 but I thought, like, what would you do for your little  
4 brother, how much pain would you go through for him? And I  
5 thought I can do this, like, I can do this. And I just was,  
6 like, I -- and I know, I know if I, like, compartmentalize in  
7 my brain that I can handle a lot of pain, so I was, like, we  
8 can do this. So that's what I thought about. I thought about  
9 my little brother, I thought about my mom, and I just thought  
10 I can do this.

11 And the other thing I realized in, like, kind of a  
12 humbling way while it was happening, because it real, real,  
13 really fucking hurt -- sorry -- was, like, wow, like, I  
14 actually am not as strong as I pretend to be or want to be.  
15 Like, if I was really being tortured, like, if I was really  
16 being tortured and there was no end to it, I wouldn't be able  
17 to handle it. Like, I was trying so hard to think of my  
18 brother and be able to handle all this pain, but I was, like,  
19 if this didn't end, I'm not sure I would be able to do it.

20 Like you always want to think you're -- you always  
21 want to think that you're really brave and then you could,  
22 like, protect people no matter what. Right? But I just  
23 realized if this pain never stopped -- like, I knew that I  
24 would be okay because I knew it was one line and, like, I knew  
25 there were, like, a set amount of lines and all I had to do --

CMH

OCR

RMR

CRR

FCRR

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1 I just kind of, like, disconnected from my body, held my  
2 breath and didn't say a thing. I just, like, stayed perfectly  
3 still. And afterward, all, the girls were, like, impressed  
4 but that -- I didn't say anything or I didn't cry. I just,  
5 like, completely tried to just disconnect from my body and,  
6 like, this pain will be over and you will be okay and that was  
7 it.

8 Q After you were branded, what did you think of the symbol  
9 itself?

10 A I think there's like another part of it where, like,  
11 again, after you go through something like that and, like, an  
12 adrenaline rush like that, you do feel kind of like, you're  
13 like, wow, I just -- like, I just fucking went -- so sorry --  
14 I just went through that and you kind of do feel like, like,  
15 strong in a weird way. I think, once, like -- I mean, you're  
16 kind of messed, your head is all messed up because of the  
17 adrenaline, but you do feel like I just did, that, like, I  
18 can't believe that.

19 And India and I kind of looked at the symbol and we  
20 were, like, Okay, like all the symbols, like earth, water,  
21 air, fire, like, I guess that's kind of cool, maybe we can  
22 look at it as like an ancient symbol and we can make it mean  
23 like this ancient symbol of strength because that's what we,  
24 like, we were trying to build by being in this group. So I  
25 was, like, Okay, I can, I can learn to like this, I can look



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1 at it as a symbol of strength.

2 Q And at that time, did you communicate positive things  
3 about the brand?

4 A Yeah. I think I ended up saying, like, it looks like an  
5 ancient symbol, like, it looks cool, because Keith asked me.

6 Q Did you later learn -- what did you later learn that the  
7 brand actually represented?

8 A I later learned that they were actually Keith's initials.

9 Q And do you still have that brand on your body right now?

10 A Oh, my God. Yes, I do.

11 Q At some point, was there a discussion about you  
12 recruiting your own slaves?

13 A Yes.

14 Q Can you just talk generally about that?

15 A There was always talk about, there was always talk about  
16 us recruiting our own, someone just -- I mean, when -- we were  
17 always supposed to have someone that we mentored as well  
18 eventually. There was a point in time where it got a little  
19 more, like, pressure and more -- there just became a lot more  
20 pressure that we were supposed to recruit people.

21 Q What was the -- what were the steps that had to be taken  
22 in order to recruit someone?

23 A You had to, like, find someone that you thought would be  
24 good for it, that was, like, that had, like, a joy for life,  
25 and I think it was described once, like, they, they had, like,

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1 a sparkle in their eye, they had just, like, a joy for life.  
2 The first thing you had to do is, like, was send a picture to  
3 Allison and I believe that then it was, the picture was sent  
4 to Keith and the person had to be okayed by both Keith and  
5 Allison before you could even have a conversation with them.

6 Q Did you ever recruit any of your own slaves?

7 A No.

8 (Continued on next page.)

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1 MS. PENZA: Your Honor, I'm sorry. I didn't realize  
2 that we had gone over a little over. If you would like --

3 THE COURT: Is this a good time to break?

4 MS. PENZA: I think so.

5 THE COURT: All right. Let's take our afternoon  
6 break.

7 All rise for the jury.

8 (Jury exits.)

9 THE COURT: All right. The witness may stand down.  
10 Do not discuss your testimony with anyone.

11 Let's wait for the witness to leave.

12 (Witness steps down.)

13 THE COURT: Are you going until the end of the day?

14 MS. PENZA: I will not go to the end of the day. I  
15 am a very bad estimator so I'm very sorry about that but I  
16 think I have about 20 minutes left.

17 THE COURT: Well, I just want to provide that  
18 information to the defense. So we will start the defense  
19 cross-examination at about, a little after 4:00.

20 MS. PENZA: Thank you, Your Honor.

21 THE COURT: All right. We will take ten minutes.

22 (Recess taken.)

23 (Continued on next page.)

24

25

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

2 Thank you.

3 (Witness resumes the stand.)

4 THE COURT: Please bring in the jury.

5 (Jury enters the courtroom.)

6 THE COURT: Please be seated, everyone.

7 All right. Ms. Penza, you may continue your  
8 examination of the witness.

9 The witness is reminded that she is still under  
10 oath.

11 MS. PENZA: Thank you, Your Honor.

12 DIRECT-EXAMINATION (Continuing)

13 BY MS. PENZA:

14 Q Nicole, before we go back to where we were, I just wanted  
15 to ask a few questions about what activities took place while  
16 you were in Brooklyn. Were you living in Brooklyn the entire  
17 time that you were part of DOS?

18 A Yes. Yes.

19 Q And the travel to and from Clifton Park, were there times  
20 when you either traveled from Brooklyn, or to Brooklyn from  
21 Clifton Park?

22 A Yes.

23 Q When you would do that, you would go from Brooklyn into  
24 the city to take the bus or train and then up to Clifton Park?

25 A Yes. There was a couple of times where I drove straight

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1 from my house up to Albany, once with Danielle and at least  
2 once or twice with India, who was driving Allison's car. But  
3 most of the time I would take -- I would go from my house in  
4 Brooklyn to the city and then either go to the bus station or  
5 the train station.

6 Q And the initial collateral that you provided, did you  
7 prepare that while you were in Brooklyn?

8 A Yes.

9 Q And how about your later monthly collateral?

10 A Yes.

11 THE COURT: And you prepared that in Brooklyn as  
12 well?

13 THE WITNESS: Yes.

14 MS. PENZA: Thank you, Your Honor.

15 Q And how about the transcription project for Pam's  
16 memorial?

17 A Yes. From my bed in Brooklyn, trying to stay up.

18 Q And how about the articles that you read and reviewed?

19 A The majority of them were done in Brooklyn, like at my  
20 house or the cafe right by my house. Maybe a couple of them  
21 might have been done up in Albany, but the majority of them  
22 were in Brooklyn.

23 MS. PENZA: Your Honor, the Government moves into  
24 evidence Government Exhibit 1372 and Government Exhibit 664 on  
25 consent of the defense.

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1 MR. AGNIFILO: We do consent.

2 THE COURT: Government Exhibits 1372 and 664 are  
3 received in evidence.

4 MS. PENZA: Thank you, Your Honor.

5 (Government's Exhibits 1372 and 664 received in  
6 evidence.)

7 Q Nicole, when we broke -- when we took our afternoon  
8 break, we were discussing recruitment; is that right?

9 A Yes.

10 Q Did Allison ever give you any suggestions on how you  
11 might recruit people?

12 A Well, like recruiting, if -- recruiting into the first  
13 five-day was one option or recruiting into The Source. So if  
14 someone that was interested in the first five-day or  
15 interested in The Source, but as far as -- do you mean as far  
16 as, like, what to say to people?

17 Q That's what I guess -- I think what I'm asking is what  
18 you may have just been explaining, was one way to recruit  
19 people into DOS to first have them take The Source or a  
20 five-day?

21 A Yes.

22 Q Was that something that Allison discussed with you?

23 A Yes, because what she said was if they were -- if they,  
24 like, enjoyed the five-day, the first five-day -- or that was  
25 a way to kind of gauge a little bit whether they would be

Nicole - direct - Penza

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1 right or not, was putting them in the first five-day and then  
2 if that went well -- maybe it was different for each person,  
3 but, like, I guess The Source for me because that would have  
4 made sense.

5 Q I'm showing you what's in evidence as Government Exhibit  
6 1372. Is this an e-mail from Allison Mack to you and India  
7 and --

8 A Yes.

9 Q -- and two people whose names are redacted, so I don't  
10 know who they are?

11 And does it say, "Prospects for the lifetime  
12 agency"?

13 A Yes.

14 Q What is this spreadsheet?

15 A So when she started to get really intense about  
16 recruitment, she made this prospects for the lifetime agency  
17 and we had to put in names of people that we were, like,  
18 considering that we thought might be good, that we thought  
19 might be interested. Yeah.

20 Q I also wanted to go back to one thing you talked about  
21 before. There was the time when the defendant gave you the  
22 \$10,000 in the bag?

23 A Yes.

24 Q Were there ever any other discussions about you being  
25 paid to be in Albany?

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1 A One other time, or another time he asked me kind of  
2 towards the beginning that I knew him, he asked me how much it  
3 would cost for like my time for a year. So, for me to come up  
4 to Albany for a year, like, how much that would cost.

5 Q Did you actually do a calculation?

6 A In the sense that I was going back and forth, and from  
7 what I understood, like, it was frustrating that I was, like,  
8 going back and forth, because my schedule was very difficult,  
9 so, like, how much would it be for me to have all of your time  
10 in Albany, was what I got from that.

11 Q And did you actually do a calculation for the Defendant?

12 A Yeah, in the sense of, like, actually how much I was  
13 making at my job was like between 60 to 80,000.

14 Q Did you tell that to the Defendant?

15 A I think so.

16 Q Was there further discussion after that?

17 A No further discussion.

18 Q Was there, in general, pressure for you to be in Albany?

19 A There was, but just when -- yes, there was.

20 Q Is that something that continued throughout the time you  
21 were in DOS?

22 A Yes.

23 Q And then while you -- when you were describing the  
24 branding ceremony, you said that you had to say something  
25 about everything that you build will be for your master?



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1 A Like you had to build -- you had to help your master  
2 build whatever they wanted to build and then that -- it was  
3 like you had to help them build whatever they wanted to build,  
4 which seemed like another strange thing to me, but -- because  
5 it might or might not have anything to do with what I wanted.  
6 That was in there. And then kind of the idea that -- I mean,  
7 really, like, whatever I built, they could ask for it any time  
8 because that was the way that things were structured, so.

9 Q Is that what you understood?

10 A That's what I understood.

11 Q What did that mean -- what did that mean to you looking  
12 towards the future?

13 A Well, like whatever I -- let's say I built a company,  
14 then either I had to build -- help build already like an  
15 existing company, which is kind of what I was doing with The  
16 Source, or if I built my own company, then, like, it would  
17 have to in some way like back DOS. Not necessarily  
18 financially, but maybe if they asked financially. But, like,  
19 let's say, like, somehow my company would have to support  
20 Allison, like, or -- I'm not sure if that makes total sense,  
21 but....

22 Q But that was what you understood?

23 A Yeah. That is what I understood.

24 Q Now, you said at some point you met Jay?

25 A Yes.

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1 Q Did Jay ever become involved with The Source?

2 A Yes, she did.

3 Q Did you ever talk to Jay about The Source?

4 A Yeah, she was also an actress from Los Angeles, so we --  
5 we -- yes, we talked.

6 Q Did you understand -- what did you understand about Jay's  
7 financial situation at the time?

8 A She was in a pretty tough financial situation. She had  
9 just given up, like, everything to move to Albany, everything  
10 in L.A. She had just moved across the country. I don't know  
11 at India's pressure or -- but she had just moved -- all of a  
12 sudden moved across the country to Albany. And, so, she was  
13 living in one of the rooms in Allison's house and she had just  
14 brought like some of her stuff and her cat. And yeah, she  
15 didn't have -- she just spent all of her money moving across  
16 the country, which is incredibly -- it's expensive.

17 Q Was she trying to make money through The Source?

18 A Through The Source?

19 Q Yes.

20 A Yes.

21 Q Did you and she discuss that?

22 A Yes.

23 Q What were your feelings on -- at that point, how long had  
24 you been working for The Source?

25 A I can't remember when I first met Jay.

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1 Q Okay.

2 A But awhile. I mean, I had been working for The Source  
3 for probably about a year, like actually teaching.

4 Q And how did you feel about the compensation structure for  
5 The Source?

6 A Well, I was happy to at least be getting compensated for  
7 teaching at that point even it was just very little. But the  
8 -- I just felt like it was too expensive.

9 Q Did it seem viable to survive financially just working at  
10 The Source?

11 MR. AGNIFILO: Your Honor, I'm going to object to  
12 the form of the question.

13 THE COURT: Sustained.

14 A Uh-hum.

15 Q I have to ask another question.

16 A Sorry.

17 Q Did you think somebody could make a living working for  
18 The Source?

19 MR. AGNIFILO: Same objection, Judge.

20 THE COURT: Sustained.

21 Q How much money do you think somebody could make working  
22 for The Source?

23 A I -- I don't know because everything depends on how many  
24 students you have. What became very apparent to at least me  
25 and what Jay and I had discussed was it's really hard to

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1 enroll students. So if you're teaching at, like, a really  
2 reputable acting repertoire and there are students coming in  
3 constantly, that would be great. But this, you have to, like,  
4 go out and enroll each person and it takes a lot of time to  
5 enroll each person. It's not like you have a flow of students  
6 coming in. So I believe it would be -- what Jay and I were  
7 saying it was just going to be really hard to make that work.

8 Q Did you know anyone who was making their living just from  
9 working at The Source?

10 A No.

11 Q How did Allison treat Jay?

12 A Well, there was a similar pattern in that she would be  
13 really, really kind at first and also just that pattern of  
14 really kind and then mean, that sort of like -- so she would  
15 be -- Allison would be really loving towards Jay and then she  
16 would just like undercut her or like get mad at her for  
17 something or make comments about something. So it was -- I  
18 witnessed a mix of both.

19 Q Did Allison ever comment on Jay's appearance?

20 A I remember once it was an issue that Jay had gone to like  
21 a volleyball game, which was like something that a lot of  
22 people went to and she wasn't wearing a bra and, like, that  
23 that was a problem.

24 Q And did Allison say why it was a problem?

25 A Because, like, Jay used -- it was too sexy or Jay used

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1 her body in a sexual way. It was something that it wasn't  
2 okay for her to draw attention to her figure.

3 Q And was that confusing to you?

4 A Yeah.

5 Q Why?

6 A Well, there's just a lot of mixed messages, because I had  
7 gotten comments like that too if I wore like a tight pair of  
8 jeans or something like that. It's like you were using --  
9 like supposedly you were using your sexuality. But then it's  
10 also, like, we're supposed to be losing weight so we looked  
11 good. So it's, like, we're supposed to be losing weight so we  
12 look good but we can't actually wear clothes that show that.  
13 Like, what?

14 There was just a lot of mixed messages all the time  
15 about, like, we're supposed to be like -- there's all these  
16 sexual things happening and yet we're not supposed to be  
17 overtly sexual. Like, we can't even dress in a way -- like,  
18 they gave me a hard time for wearing makeup, or -- and --

19 Q Were you ever told you couldn't wear makeup?

20 A I had -- that I couldn't put on makeup before I went out  
21 for, like, a walk with Keith and Allison. And they said they  
22 were pushing against, like, my vanity, but I didn't really  
23 understand it.

24 Q Did there come a point when you understood there to be  
25 people leaving NXIVM?

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1 A Yes.

2 Q Who was the first person you heard had left?

3 A The first person that left that kind of caused a big stir  
4 within that community was Mark Vicente.

5 (Continued on following page.)

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1 BY MS. PENZA (Continuing):

2 Q And did Allison say anything to you about Marc Vicente  
3 leaving?

4 A Yeah. Well, she said -- we were, like, driving up to  
5 Albany with one other person, and they were talking about Mark  
6 leaving and how, like, shocking that was because, like, nobody  
7 ever leaves the NXIVM community. And he was, like, a very  
8 high person in the NXIVM community, so, like, it was a really  
9 big deal that he left.

10 And, like, at first, everyone was, like, trying to  
11 act like it wasn't -- they were being civil about it or, like,  
12 trying to say, like, Oh, he left, everything's, like,  
13 honorable, or, like, Everything's okay.

14 And then all of a sudden, it started to be like, No,  
15 he's not -- he's causing problem. He's speaking badly about  
16 the NXIVM community. He's destructive. He's doing all these  
17 things.

18 So, it went very quickly from being kind of like,  
19 Mark's leaving, it's a big deal, but it's okay because it's  
20 amiable, we're all fine, everyone's all fine with it, to then  
21 it being, He's being really destructive and how could this  
22 have happened and why is he being so destructive.

23 So, he was the first person to leave.

24 Q Did Mark Hildreth leave?

25 A Yes, and very -- like, pretty soon after that, Mark

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1 Hildreth left.

2 Q How did you feel when Mark Hildreth left?

3 A It was tough.

4 Q Why?

5 A Because he had gotten me into ESP. Like, he had enrolled  
6 me in ESP and all of this, this community. And, so, part of  
7 my just felt like it's not fair. You don't get to leave if I  
8 don't get to leave.

9 Obviously, he didn't know about DOS, but just there  
10 was a part of me that was like -- I just felt sad that he was  
11 leaving because even though we didn't always get along, he was  
12 still, like, a person that I trusted. And, also, it just  
13 really highlighted how much I wish I could be him leaving.

14 Q At some point, did you hear something about Sarah  
15 Edmondson?

16 A Yes.

17 Q What happened, did Allison tell you something?

18 A India, actually, told me that there was, like -- Coach  
19 Summit was happening, and something had happened at Coach  
20 Summit. And I didn't know what happened because I was in New  
21 York City. So, I had come up to Albany and I didn't know what  
22 was going on.

23 And India told me that something had happened at  
24 Coach Summit, that Sarah's husband had seen her brand and,  
25 like, kind of -- as far as I understood it, a little bit of



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1 all hell broke loose because he confronted Sarah, Sarah told  
2 him what had happened, and she left.

3 Q That's what India's telling you?

4 A Yes.

5 Q Did India say anything to you about Sarah's collateral?

6 A Yeah. She said that she had given up her -- so, like  
7 part of her collateral had been the Vancouver NXIVM center  
8 that Sarah had pretty much built. And Sarah had -- when Sarah  
9 left DOS and all -- she had signed over her -- the Vancouver  
10 center to Lauren Salzman.

11 Q How did you -- what was your feeling when you heard about  
12 this, about Sarah?

13 A First, it was just, like, shocked that this had happened.  
14 And then I was like, wow, she, like, gave up -- I kind of  
15 thought of it as like she handed over her collateral, she gave  
16 up her collateral and left. Like, left the whole community.  
17 And I was just, like, oh, my gosh.

18 But, also -- and the way India said it too, it was  
19 like she chose --

20 MR. AGNIFILO: Your Honor, I'm going to object to  
21 this as hearsay.

22 MS. PENZA: Your Honor, we're offering it for the  
23 effect on Nicole.

24 THE COURT: All right. Overruled.

25 These statements are not being offered for the truth

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1 of the matter asserted but only to the effect that these  
2 comments that were made by India or whoever --

3 MS. PENZA: I'm sorry, your Honor.

4 Q Are you currently speaking about comments --

5 A You can ask a different question, it's okay.

6 THE COURT: No, no. I have my job, you have yours.

7 THE WITNESS: Yes, sir.

8 THE COURT: Do you want to clarify the question --

9 MS. PENZA: Yes.

10 THE COURT: -- in view of the objection?

11 MS. PENZA: Yes, your Honor.

12 Q What you're describing right now, are these impressions  
13 you learned from India?

14 A Yes.

15 THE COURT: All right. The answer to this question  
16 is being offered not for the truth of the matter asserted; in  
17 other words, the truth of the statements that are allegedly  
18 made by India, but only for the effect that those statements  
19 had on the witness.

20 MS. PENZA: I actually withdraw my response to  
21 Mr. Agnifilo. India is -- the Government views India as a  
22 co-conspirator and --

23 MR. AGNIFILO: Your Honor, can we have a sidebar.

24 THE COURT: I think that's a good idea.

25 (Continued on the following page.)

Sidebar

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1 (The following occurred at sidebar.)

2 THE COURT: Tell me the reason for your request.

3 MR. AGNIFILO: I asked for the sidebar because I  
4 don't want the Government to talk about who, in their view,  
5 are co-conspirators in front of the jury.

6 THE COURT: I agree with you.

7 MS. PENZA: And I apologize.

8 THE COURT: Your apology is accepted.

9 MS. PENZA: Thank you, your Honor.

10 THE COURT: So, what are we doing now?

11 Do you have more questions for this witness?

12 MS. PENZA: I do have more questions for this  
13 witness.

14 Right now, in terms of this point that we're at, the  
15 Government views this as a co-conspirator statement and we  
16 believe it is admissible.

17 MR. AGNIFILO: I believe that they said that India  
18 is a victim. I think that they've been on record saying --

19 MS. PENZA: People can be both victims and  
20 co-conspirators.

21 THE COURT: Well, that's true.

22 All I'm going to do is withdraw my statement, you  
23 withdraw your statement, we just move ahead.

24 MR. AGNIFILO: Okay.

25 MS. PENZA: I'm sorry.

1 THE COURT: If there's an objection, it's been  
2 overruled.

3 MR. AGNIFILO: Got it.

4 THE COURT: Let's keep going.

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6 (Continued on the following page.)

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1 (Sidebar ends; in open court.)

2 MS. PENZA: I am going to ask you a different  
3 question.

4 THE COURT: You may proceed.

5 BY MS. PENZA:

6 Q After Sarah left, did you hear of anyone else in DOS  
7 leaving?

8 A Yes.

9 Q Who told you that?

10 A That somebody else in DOS had left? India and Allison.

11 Q And who did they tell you had left?

12 A That Jay had left.

13 Q And what did they tell you?

14 A Well, at first, that she had said her grandmother was  
15 sick, and then she had kind of just stopped responding to  
16 India, and then she had actually talked to India's mom.

17 Q Did Allison say anything to you at that point about you  
18 leaving?

19 A Yes. So, that was really -- when Jay left, I was, like,  
20 what, she could leave? And Allison turned to me and said,  
21 Look, you can -- like, Look, Nicole, you can leave if you just  
22 destroy everything. See? You can be like Jay and you can  
23 leave, just if you destroy everything.

24 And I was like -- I didn't really say anything back  
25 because, obviously, my intention was never to destroy

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1 anything. So, it was, like, the way she said it to me, I was  
2 just, like, I'm not gonna do that. I'm not going to leave and  
3 destroy things. That was how I felt at that moment.

4 Q At that point, did you -- how did Jay leaving effect you?

5 A Well, she left. Like, she left and it put that as the  
6 reality in my head.

7 Q And, so, what did you do after that?

8 A I just started paying attention to -- there was so much  
9 going on internally that was kind of like falling apart in the  
10 companies, so I just started to pay attention to what was  
11 happening.

12 Q Did other members of DOS begin leaving?

13 A Yeah.

14 So, I was just kind of quiet. There was a lot --  
15 there were people calling people, like, saying that NXIVM was  
16 really bad and that, like, people had found out --

17 Q Sorry, are you hearing this from Allison?

18 A From Allison, from India -- basically, just from Allison  
19 and India.

20 Q So, you're hearing these things from Allison and India.

21 Who did you hear left?

22 A So, first Sarah, then Jay, then Valerie, then Rachel.  
23 That all happened, like, pretty quick. And then Souki left,  
24 like a week, few weeks later.

25 Q And how did Souki leaving effect you?

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1 A That had a really big effect on me because I felt like  
2 Souki was, like, as in it as I was. Like, I had been -- Jay  
3 was relatively new. I had been in there for, like, a year and  
4 a half at that point and so had Souki; maybe not quite as  
5 long, but, like, as intensely. I knew that she had gone  
6 through some stuff that had been as intense as what I had gone  
7 through. And that she both, like, mentally and actually could  
8 leave, like, A, without her collateral being released, but  
9 also just, like, mentally could leave, it gave me a lot of  
10 strength.

11 Q After Souki left, did you have a conversation with  
12 Allison?

13 A Yeah. There was, like, so much talk about -- well, I had  
14 told her a couple of times that like -- after Mark left, that  
15 I had told her that I had wished that I could leave. And she  
16 snapped at me.

17 And then I was really -- they were talking about all  
18 these people being very destructive, right, like they're  
19 trying to destroy these things, so I was trying to be very  
20 honest with Allison, and I was like, I am thinking about these  
21 things.

22 Like, I was trying to -- so, I tried to tell Allison  
23 again, like, that I wanted to leave, and she just snapped at  
24 me. We were in the car on the way to Albany, and she kind of  
25 lost her temper at me and just said, Why are you even still

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1 here? Like, if you want to leave, why are you even still  
2 here?

3 And I was like, My family?

4 And she was like, Well, what if your collateral  
5 wouldn't be released?

6 Q How did you feel when she said that?

7 A Like, are you for real? Like, is this real? Are you  
8 telling me the truth?

9 And I was like -- I just was trying to figure out  
10 whether she was telling the truth.

11 Q And, so, what did you do next?

12 A That was -- I don't remember the exact days of what was  
13 what, but I know that in the middle of that, kind of all  
14 that's going on with India's birthday and then I think this  
15 happened, and I went back to Brooklyn. And the first -- and I  
16 didn't have the courage yet to leave, just straight-up leave  
17 DOS. I was, like, still trying to kind of, like, gauge is she  
18 telling the truth? Is she not? Like, what's real and what's  
19 not, it becomes very hard to tell what's real and what's not  
20 when you're going through situations like this, or while I was  
21 going through this.

22 So I told -- the first step that I took was I told  
23 Allison that I did not want to work for The Source anymore.

24 Q What happened after you told Allison that?

25 A She said, Okay. She was like -- yeah, she said that was



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1 okay.

2           So, I was like okay, great. So, one thing, at least  
3 if that's the only thing that, like, all this kind of chaos  
4 got me out of, that's good because I didn't want to work for  
5 The Source anymore.

6           So, I just kind of kept, like, watching what was  
7 happening and just thinking more about it. Like, okay, so the  
8 company is sort of imploding from the inside out, all of  
9 NXIVM, so maybe -- I didn't really feel like I could -- I  
10 wasn't sure if I could fully trust Allison when she said that  
11 my collateral wouldn't be released, but my logic was that the  
12 company was kind of starting to implode from the inside out so  
13 maybe they wouldn't be able to -- they didn't really have a  
14 foot to stand on. Like, they weren't really as intimidating  
15 anymore, if that makes sense.

16 Q     Now, at that time, was there any blog coming out that was  
17 covering what was happening with DOS?

18 A     Yeah, there was this blog called The Frank Report that  
19 started blogging about all this and blogging about DOS and  
20 blogging about different people in the NXIVM community. I  
21 guess it had been doing that for a while, but it was not on my  
22 radar.

23 Q     And at some point, did you appear on that blog?

24 A     Yeah. And right -- maybe like two or three days after I  
25 officially pulled out of The Source, an article came up online

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1 that said that I was a, like, sex slave of Keith Raniere's.

2 Q And, so, what happened after that?

3 A It was, like -- it was just that, like, tiny bit of,  
4 like, courage or whatever I needed. It was like that flash of  
5 reality and it was just, like, the last little thing and I was  
6 like, okay, no. Just no. Like, no. What I -- what I thought  
7 that I was getting into back then was a women's empowerment  
8 group and now there is something saying that I am somehow a  
9 man's sex slave? I'm like Allison told me in the car that she  
10 wasn't going to release my collateral if I leave. Like, the  
11 company is imploding from like the inside out. Like, I think  
12 I can do this. Like, I can do this and it will be safe and  
13 I'm just going to do it. Like, now is the option. Like, now  
14 is this little window when I can get out, and I'm taking it.

15 And it was just -- that was it. That moment, I  
16 wrote Allison a letter and I said, I'm not doing this anymore.  
17 It's not for me.

18 Q What was the tone of your letter?

19 A You know, I was still nice because I still had -- like,  
20 they still had my collateral, so I -- and, also, you know, I  
21 had been in a year and a half -- I guess I had known Allison  
22 for almost, like, two and a half years now, I had been in DOS  
23 for a year and a half. Sometimes when you're in that kind of  
24 abusive back-and-forth, where sometimes she shows you love,  
25 sometimes she doesn't, it was very confusing. I was, like,

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1 confused about how I felt about Allison, so I didn't -- even  
2 though I did not want to be in DOS anymore, I also didn't want  
3 to hurt her. And I didn't want to hurt India and I didn't --  
4 so I didn't want to be mean in the letter partially because  
5 they had my collateral and partially because it was a very  
6 complicated relationship.

7           And I didn't even -- I also didn't really understand  
8 'til much later how abusive it had actually been. So, I was  
9 trying to just -- I was trying to placate her so that my  
10 collateral would still be okay and -- yeah.

11           And I wrote India a letter too.

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13           (Continued on the following page.)

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1 BY MS. PENZA: (Continuing)

2 Q Did you have any contact with your family at that time?

3 A Yes. Well, I had told my parents because, again, I was  
4 scared to tell them what was actually going on, I called my  
5 mom and dad and told them I was pulling out of The Source  
6 first, first. That was the first step I had taken. I told my  
7 roommate about, a little bit about it when that picture had  
8 come online. So I was talking to, like, a couple of people  
9 but I, I told my parents I didn't want to be involved in  
10 anything in Albany anymore. I hadn't told them what had  
11 happened yet, but I did, I did start to, like, make moves to,  
12 to, like, set that up and also it was a few days away from my  
13 30th birthday and my little brother flee into town for my  
14 birthday.

15 Q Did you tell him what happened?

16 A I -- it took me a really long time to, like, fully tell  
17 people what had happened, but I started to tell him. I just  
18 said I don't want anything to do with Albany anymore, like,  
19 you know, sometimes -- I told him enough. And we had a lot of  
20 conversations kind of back and forth and just him being with  
21 me also gave me a lot of, just made me -- just being with my  
22 little brother is, I mean, it's, like, awesome but he was -- I  
23 think I would have felt really lonely on my 30th birthday and  
24 he, he came and gave me that support and just, like, having  
25 him there made it a lot easier to be, like, to face, to just,

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1 like, have the courage to, like, face Allison. I had already  
2 sent the e-mail.

3 Q What happened after you sent the e-mail to Allison?

4 A I made it very clear in the e-mail that she had said that  
5 she wouldn't release my collateral. She said, kind of said  
6 okay at first and then later, she gave me a lot of pressure to  
7 come up to Albany and actually tell everyone in person that I  
8 was leaving, yes.

9 Q Did she say anything about the defendant?

10 A Yeah. She was really disappointed that I didn't tell  
11 Keith that I was leaving because I didn't.

12 Q So did you decide to go up to Albany?

13 A Yes.

14 Q Why?

15 A I wanted to leave with, like, my integrity so I thought  
16 kind if I did everything right, they would have less reason to  
17 release my collateral. Also, everything in this community was  
18 so much about, like, your word and your integrity and all  
19 these things and so I thought, all right, well, it feels like  
20 the most, the best way to have integrity about my choice is to  
21 go up there and face them in person and be, like, I am  
22 choosing to, like, take back -- like, I thought just doing  
23 that in person would be, like, the most, the best way to do  
24 that with integrity and also to, to kind of still placate the  
25 situation and I had stuff in Albany that I needed to get.

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1 Q Was Allison encouraging you to come up as well?

2 A Yes. She was saying that I owed it to the girls to tell  
3 them to their face and I also, like, owed it to Keith to tell  
4 him. So, yes, she was definitely encouraging it.

5 Q Did you take any steps before you went up to Albany?

6 A Yes. I told my roommate enough that -- well, she was  
7 already protective and already knew something kind of was  
8 going on, but I had told her a little bit about, about what  
9 had happened so that she, she was being very protective. So I  
10 rented a car because I wanted to have full control over the  
11 situation. I was not going to take the train. I was not  
12 going to, like, have somebody pick me up. I was not going to  
13 be, like -- I wanted full control over the situation.

14 So I rented a car and Katie had me give her my, the,  
15 Allison's address -- Katie is my roommate -- Allison's  
16 address. She had me write down, like, when I was going to be  
17 up there and when I was expected back and she said that she  
18 was going to stay up until I got home and I, I can't -- I did  
19 tell my parents something. I don't remember what I told them,  
20 but I just tried to set up enough things so that, like, I felt  
21 safe going up there and I felt in control.

22 Q Did you communicate with Allison before -- did you  
23 communicate with Allison before you went up about timing?

24 A Yes. So she told me to come up on Monday and I think it  
25 was Monday, Monday or Tuesday, and she said they would be free

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1 from 8 to 10. And I was, like, okay, that's kind of late but,  
2 okay, fine.

3 So I rented the car for, like, that whole, that day  
4 and the next day. And I drove up to kind of, I think, get  
5 there around 6 because part of what Allison was pushing me for  
6 was also to tell Keith that I was leaving and I hadn't  
7 e-mailed him or told him or anything. I didn't feel the need  
8 to, personally, but Allison was pushing for that. So I  
9 thought, okay, great, I'll do that, again, trying to leave  
10 with integrity, trying to give them no extra reason to -- I  
11 just want to make sure everything is okay.

12 And so, yes, so I knew that I was supposed to meet  
13 Allison and the girls from 8 to 10.

14 Q Did you meet with them?

15 A Yes.

16 Q What happened?

17 Where did you meet?

18 A We met at Allison's house. And the -- like, Michelle,  
19 Danielle and India were all sitting on the floor and I don't  
20 really know what to do, but then Allison said, like, You don't  
21 get to sit on the floor, now you have to sit on, like, a chair  
22 because you're not, like, part of this. I was, like, Okay,  
23 great, I'm not complaining. And I remember I was holding my  
24 keys because I was, like -- I was nervous and I was just  
25 flipping my keys in my hands.

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1 Kind of like each girl just went around, they asked  
2 me what, why, why I was leaving. We heard you were leaving.  
3 Like, why are you leaving? And I said, Because I want to take  
4 control of my own life and, like, this is not the right path  
5 for me, like, I want to take control of my own life and  
6 Allison said that the collateral wouldn't be released so I'm  
7 choosing to leave.

8 Q Did Allison say anything to you about India?

9 A So the first thing Allison said was, Look at what you're  
10 doing to India. Look at what your leaving is doing to India.  
11 And she said she hasn't eaten since she got your e-mail. And  
12 then India said, Well, that's not entirely true. And I was,  
13 like, I don't even know what's going on but, okay.

14 Q How long did this meeting last?

15 A This was two hours.

16 Q So, just very generally, what happens for two hours?

17 A Yes. They're telling me that they don't -- that I'm  
18 breaking my word, that I'm breaking -- like, Allison said I  
19 was like breaking everything, I was, like, breaking our circle  
20 but that I'm breaking my word and how will I ever live with  
21 myself, I obviously have no integrity so how can I, how will I  
22 ever sleep at night, how I put my head on my pillow, how can I  
23 do this to them, how can I do this in general, like, I gave my  
24 word, like, all these things.

25 It was a lot but I had, like, one thing in my head



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1 which is just, like, you're leaving, you're leaving, you're  
2 leaving, you're leaving, you're leaving. So I just kind of  
3 listened at, at that coming at me for two hours.

4 Q Did Allison talk about the defendant at all during that  
5 meeting?

6 A Yes, but I don't, I don't remember what she said. I just  
7 remember India saying, like, making some comment -- oh, making  
8 some comment about how, like, Keith needed the collateral in  
9 order to trust people and in order to, like, trust his  
10 friends. And I was, like, that doesn't really make sense but  
11 okay.

12 Q Now, did you end up leaving that --

13 A That meeting? Yes, finally. Eventually, like, Allison  
14 just threw my house keys which she had, which I also had  
15 strict instructions from my roommate to get back, she, like,  
16 threw them on the table and I just, I took them and I can't  
17 remember whether I gave anyone a hug or not but I walked out.

18 Q What happened after you walked out?

19 A So I had texted Keith before and said, I'm going to be  
20 up, up in Albany these hours, if you want to talk.

21 Q And did the defendant respond?

22 A He responded but then he, like -- once I was up there, he  
23 said, Oh, sorry. I told him I was going to be there from,  
24 like, 6 to 10:00 p.m. and then I was leaving. And then he  
25 said something like: Oh, I'm sorry I thought you said 10 a.m.

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1 No, I'm pretty clear that I said 10 p.m. And he was, like,  
2 Well, we have volleyball so you have to wait until after  
3 volleyball. I was just, like, but I had already come all the  
4 way up there and, again, I was just trying to leave with my  
5 dignity and, like, everything okay, and so I thought okay,  
6 I'll wait.

7 Then, like, volleyball went until -- and then it's,  
8 like, a half hour turned into an hour. Volleyball went until  
9 midnight and then he texted me, Oh, I have to go into a  
10 meeting. Okay, then that meeting. Then 1 turns into 1:30,  
11 which then turns into 2:30, and at 3 o'clock, I was like F  
12 this, I'm done, I'm done. And I don't know if I texted. I  
13 think I just texted I'm leaving. And I got -- I was in my car  
14 and I was driving away and he texted me, like, I'm just  
15 walking towards you now but you seem angry. Do I? Do I seem  
16 angry? So I was, like, fine, we're just going to do this.

17 So I, I, like, parked the car and I went and met him  
18 and I think the first thing I remember him saying to me was,  
19 like, I can tell by your body language that you're really  
20 leaving. And I said, Yes. And I don't remember a lot.

21 Q Did he ask you any, did he ask you any questions?

22 A He asked me how things went with the girls and I told  
23 him, like, it was pretty intense and they said a lot of really  
24 mean and awful things. And he was, like, yes, they're just  
25 hurt and, you know, they're just hurt, they're disappointed,

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1 like, your sisters are disappointed. I'm, like, well, I'm  
2 sorry. And then he asked -- and then he asked if I was going  
3 to give him back the money.

4 Q And how did -- how did you react when he said that?

5 A Well, a little bit -- I was nervous because I, there was,  
6 like, two times where I kind of saw Keith lose his composure  
7 just for, like, a split second where just, like, a flash of  
8 anger would come over his face, just for, like, just for a  
9 second, and that was one of the times. And it's, like, he got  
10 kind of angry and he said, Are you -- Well, are you going to  
11 give me back the money? And I was kind of, like, What? Like  
12 what, what, what do you mean?

13 Q And what did he say?

14 A He said, The \$10,000. I'm, like, Well, you gave it to  
15 me. First of all, it was still in the library, most of it,  
16 but I was, like, You gave it to me. And he was, like, I gave  
17 it to you as a lifetime partner but you're breaking that.

18 So I kind of panicked because, again, I was trying  
19 to not give them any reason to be upset with me. So I was,  
20 like, Yeah, okay, like, okay, yes, fine, fine, I'll give it  
21 back to you. Like, I didn't know what to say. I didn't want  
22 to upset him.

23 Q Did he ask you whether you were going to talk badly about  
24 them?

25 A One of the last things he said to me was, like, Well,

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1 will I ever see you again? And I said, Probably not. And  
2 then he said, Will I ever talk to you again? I was, like,  
3 Probably not. And, I mean, he said, Well, you do have to  
4 message me to, like, give me back the money. I was, like,  
5 Okay. And then he asked if I was going to speak negatively  
6 about them, about NXIVM, and I said no.

7           And then I got in the car and I started to drive  
8 home and I called Katie and I was talking to her. By this  
9 time, it's 5 in the morning and I've once again been up for  
10 probably, like, almost 24 hours. I hadn't anticipated all  
11 that happening. So I hadn't eaten, like, dinner. So I was  
12 tired, emotionally exhausted and scared and all of these  
13 things, and I was, like, trying to drive home because I would  
14 not stay in Albany. I had to get out of Albany. And I don't  
15 know if I took a different way home or if I just had never  
16 driven that way, but I drove this really -- it seemed really  
17 beautiful, like, my drive home. Like, the sun was rising and  
18 it seemed really beautiful. And then I, like, hit New York  
19 City traffic coming in. Katie was on the phone with me the  
20 whole time to make sure that I, that I got home safely and she  
21 was waiting at our house before she went to work to make sure  
22 I got home safely and I did.

23 Q     In that final conversation with the defendant, did you  
24 ask him about the Master/Slave terminology?

25 A     I did. I asked him why he did that.

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1 Q And how did he respond to you?

2 A He said that he could have called it anything. He could  
3 have called it, like, one/two, red/blue, but he wanted to call  
4 it Master/Slave because it pushed on our pride.

5 Q And did he make any other comments about other  
6 organizations?

7 A Yeah. Then he said, like, You guys think, you guys think  
8 you have it so bad, but, like, this is nothing compared to,  
9 like, other subculture kind of alternative groups. And I just  
10 remember being, like -- I mean, I don't even know how I, how I  
11 thought about that. I was just, like, why, I'm not trying to  
12 be a part of a subculture group.

13 Q So after you got home to Brooklyn, what was the next,  
14 what was the -- did you start telling people about what had  
15 happened to you?

16 A I didn't want to. Again, I still did not want to cause  
17 any problems so I was trying to, like, leave, exit as  
18 gracefully as possible, but I also wanted to make sure that,  
19 like -- because it was very confusing in my mind what had just  
20 happened and what was happening so I wanted to make sure that  
21 I also never, like, go -- I started to tell my -- I told my  
22 mom and dad about the collateral. I told my Godmother about  
23 the collateral and --

24 Q Did you tell them in details?

25 A Not, like, explicitly what was in it, but how it had

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1 affected me and how strongly it had affected me. My Godmother  
2 was a psychologist and she was just, like, you know, groups  
3 like this do things like that and that's part of their  
4 brainwashing --

5 MR. AGNIFILO: Objection.

6 THE COURT: Sustained.

7 The jury will disregard the answer.

8 Q How did your conversations with your Godmother affect  
9 you?

10 A She was just making me not to feel bad about what  
11 happened and just trying to kind of explain how these things  
12 can happen and, and I just wanted my parents to know, like,  
13 what, more of what had happened.

14 Q Did you eventually tell your family about the sexual  
15 things that had happened?

16 A No. I broke down to my roommate about it at one time.  
17 She, like, she, like, demanded that I tell -- not demanded,  
18 but she told me, she asked me about it, and then I broke down  
19 to her about it. And then I, like, got myself -- I didn't  
20 know fully what I had just been through but I knew that it was  
21 obviously really intense so I put myself in therapy. I found  
22 a really wonderful therapist so I had told her a couple --

23 Q Don't. You don't have to share what you spoke to your  
24 therapist about.

25 A No. No. No, but I didn't tell my parents about anything

Nicole - direct - Penza

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1 sexual happening until they read about it, until, like,  
2 articles started coming out and stuff.

3 MS. PENZA: Your Honor, may we have a brief sidebar?

4 THE COURT: All right.

5 (Continued on next page.)

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Sealed by Order of the Court

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1 (The following sidebar was sealed by order of the  
2 Court.)

3 [Redacted]

4 [Redacted]

5 [Redacted]

6 [Redacted]

7 [Redacted]

8 [Redacted]

9 [Redacted]

10 [Redacted]

11 [Redacted]

12 [Redacted]

13 [Redacted]

14 [Redacted]

15 [Redacted]

16 [Redacted]

17 [Redacted]

18 [Redacted]

19 [Redacted]

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22 [Redacted]

23 [Redacted]

24 [Redacted]

25 [Redacted]



Sealed by Order of the Court

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(Sidebar ends.)  
(End of sealed portion.)  
(Continued on next page.)

1 (In open court.)

2 THE COURT: All right. We have completed testimony  
3 for today.

4 The witness is excused and you will return on Monday  
5 morning at 9:15 to complete your testimony and you may leave.  
6 Do not discuss your testimony with anyone.

7 (Witness steps down.)

8 THE COURT: All right. Members of the jury, let me  
9 just go over the schedule for next week.

10 We will begin at 9:15 on Monday morning and 9:15  
11 will be our starting time every day next week, all five days.  
12 Our lunch will be from 1:00 p.m. to 1:45 and that way, we will  
13 get an extra half hour of testimony in. Instead of at the end  
14 of the day, we will get it at the beginning and the middle of  
15 the day. So I thank you for your cooperation on that.

16 Now, I am going to remind you that it is very  
17 important that you follow my instruction that you not discuss  
18 the case with anyone, not your family, friends, business  
19 associates and not your fellow jurors.

20 In addition, you must not read, listen to or watch  
21 or access any accounts of this case on any form of media,  
22 newspaper, TV, radio, podcasts or the internet, nor research  
23 or seek outside information about any aspect of the case.

24 Do not communicate with anyone about the case on  
25 your phone whether through e-mail, text messaging or any other

1 means, through any blog or website or by way of any social  
2 media including Facebook, Twitter, Instagram, YouTube or other  
3 similar sites.

4           You must not consider anything you may have read or  
5 heard about the case outside of this courtroom, whether you  
6 read it before or during jury selection or trial. And do not  
7 visit any of the locations identified during the course of  
8 jury selection or this trial.

9           If you are taking notes, please leave them in the  
10 jury deliberation room.

11           On behalf of the parties and myself, I want to thank  
12 you for your diligent attention to the trial. Have a good  
13 weekend, get some rest and we will see you Monday morning at  
14 9:15.

15           All rise for the jury.

16           (Jury exits.)

17           THE COURT: All right. Please be seated.

18           Before we adjourn, the government needs another  
19 15 minutes, I take it --

20           MS. PENZA: Yes, Your Honor.

21           THE COURT: -- for its direct?

22           About how long do you think the cross will take?

23           MR. AGNIFILO: It will go into the afternoon.

24           THE COURT: Okay, fine, which means we expect to  
25 have another witness on Monday.

1 Who can we expect to have on Monday?

2 MS. PENZA: Jay will be testifying on Monday.

3 THE COURT: Jay will be testifying. That's Monday.

4 And after Jay?

5 MS. PENZA: We haven't decided yet, Your Honor.

6 THE COURT: But how long do you expect Jay's direct  
7 will be?

8 MS. PENZA: Probably through lunch the next day  
9 depending on how long Mr. Agnifilo goes.

10 THE COURT: So it could be up to a full day's  
11 testimony?

12 MS. PENZA: Yes, Your Honor.

13 THE COURT: On direct.

14 MS. PENZA: Yes. No? I should let Mr. Lesko  
15 answer.

16 MR. LESKO: I don't expect the direct of Jay to take  
17 a full day.

18 THE COURT: I see.

19 MR. LESKO: The whole testimony could take a day.

20 THE COURT: Okay, which will bring us to sometime on  
21 Tuesday afternoon. And then when will the Court and the  
22 defense know about your next witness? That's the question.

23 MS. PENZA: I think on Sunday, Your Honor.

24 THE COURT: On Sunday?

25 MS. PENZA: Yes, Your Honor.

1 MR. AGNIFILO: She is nothing if not consistent.

2 THE COURT: Mr. Agnifilo, it's the best that I can  
3 do.

4 MR. AGNIFILO: That was great. Thank you.

5 THE COURT: All right. Thank you. I was looking  
6 for that compliment.

7 All right. So we are all set for Monday and Tuesday  
8 and on Sunday, you will advise us about the witness who will  
9 come after Jay.

10 MS. PENZA: Yes, Your Honor.

11 THE COURT: All right. Thank you very much.  
12 Anything else for tonight?

13 MR. AGNIFILO: Nothing. Nothing.

14 THE COURT: But you do owe me your jury  
15 instructions.

16 MR. AGNIFILO: We do.

17 THE COURT: Okay. Thank you very much. Have a good  
18 weekend.

19 (Matter adjourned to June 10, 2019 at 9:15 a.m.)  
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I N D E X

WITNESS

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**NICOLE**

DIRECT EXAMINATION BY MS. PENZA

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E X H I B I T S

Government's Exhibits 1272, 1273 and 1275

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Government's Exhibit 1378

3900

Government's Exhibit 665

3903

Government Exhibit 659

3935

Government Exhibit 652

3979

Government Exhibit 1377

3980

Government Exhibit 656

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Government's Exhibits 1367, 1368, 660, 661, 662, 663

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Government Exhibit 653

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Government Exhibits 1358, 1359, 1360, 1362, and 1364

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Government Exhibit 658

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Government's Exhibits 1372 and 664

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