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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
	:	United States Courthouse
-against-	:	Brooklyn, New York
	:	
	:	May 7, 2019
	:	9:30 a.m.
KEITH RANIERE,	:	
	:	
Defendant.	:	

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REDACTED TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
BEFORE THE HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES SENIOR DISTRICT JUDGE

A P P E A R A N C E S:

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DANIELLE SMITH, ESQ.

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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

Sidebar

2

1 (In open court; jury not present.)

2 THE COURT: Please be seated in the gallery.

3 (Defendant enters 9:35 a.m.)

4 THE COURTROOM DEPUTY: Case on trial.

5 Counsel, state your appearances, please.

6 MS. PENZA: Good morning, Your Honor. Moira Penza,
7 Tanya Hajjar, and Mark Lesko for the United States. Also at
8 counsel table is Special Agent Michael Weniger from the FBI
9 and Paralegal Specialist Teri Carby.

10 THE COURT: Good morning.

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

14 THE COURT: Very well.

15 Sidebar.

16 (Sidebar conference.)

17 THE COURT: We have two juror issues. The first
18 juror issue is that Alternate No. 4 advised Mr. Reccoppa that
19 she's taking three summer courses at Queensborough Community
20 College and she provided a fee card that she paid yesterday
21 for these courses. She's not a matriculated student. These
22 are nondegree courses. Before I talk to her about her
23 educational pursuits, I thought I would talk to the parties.
24 I plan to tell her, unless you object, that she's obligated to
25 be a juror in this case, she can't sign up for courses after

1 she is told that she's a possible juror and after she's told
2 that she'd been selected as a juror.

3 Is there any objection to that?

4 MR. AGNIFILO: No. I think that's right.

5 MS. PENZA: We agree.

6 THE COURT: Okay.

7 Next, we have Juror No. 9. There's no note, but
8 what did Juror No. 9 tell you?

9 THE COURTROOM DEPUTY: That his wife is -- gave him
10 a hard time, he can't serve, he's -- mentally, he can't think
11 about this case anymore. He thought he could serve when he
12 did the interview, but he can't do it any longer, he's under a
13 lot of pressure at home.

14 MR. AGNIFILO: "The wife is giving me a hard time"
15 excuse --

16 THE COURTROOM DEPUTY: At home.

17 MR. AGNIFILO: Yes?

18 MS. PENZA: I'm sorry, I just can't -- I have been
19 thinking about their old juror numbers and I'm just having
20 trouble picturing exactly --

21 THE COURT: What juror number is that?

22 THE COURTROOM DEPUTY: Nine is 57.

23 MS. PENZA: Off the top of my head --

24 MR. AGNIFILO: It's not the Ramadan juror. We'll
25 get our notes.

1 MS. PENZA: If we can review our notes --

2 MR. AGNIFILO: Yeah, yeah.

3 Juror No. 9, I can't picture him, though.

4 THE COURT: Well, let me cut to the chase here. I
5 can bring the juror in, he can tell me his story, and then I
6 can say, well, we're going to get started and at the end of
7 the day, you know, if he -- if he has to come in tomorrow and
8 then let me know how he's doing, that's all. I mean, I just
9 can't let jurors out because their wife doesn't want them to
10 serve on the jury.

11 MR. AGNIFILO: I agree with you.

12 THE COURT: I just can't do it. And if he decides
13 to be ill, then we'll deal with him being ill, but the fact
14 that he's now saying it's inconvenient or his wife doesn't
15 like that he's on a jury -- I mean, I'm inclined to ask him
16 have you been discussing this case with your wife, that would
17 be grounds to strike him, but, you know, I'm going to have him
18 sit -- if that happens, he will be a juror for the next six
19 weeks sitting downstairs because, you know, he's got a choice:
20 He can sit downstairs at that point or he can be a juror.

21 MR. AGNIFILO: My concern, Judge, is if you ask him
22 that question and he sees that as the exit, he will say, yeah,
23 I --

24 THE COURT: If he volunteers it, I will let you
25 know.

1 MR. AGNIFILO: Okay.

2 THE COURT: I think you make good point.

3 Is there anything else on that?

4 MS. PENZA: No, Your Honor.

5 MR. AGNIFILO: No.

6 THE COURT: Do you have anything else?

7 MS. PENZA: No, Your Honor.

8 THE COURT: All right. I've got other stuff, but
9 maybe tomorrow we'll start at 9:00, but then the defendant
10 didn't get here until seconds ago, so --

11 MS. PENZA: The Government just does have one
12 concern regarding --

13 THE COURT: Go ahead. Go ahead.

14 MS. PENZA: Sorry.

15 -- regarding the motion in limine that the
16 Government filed. We just would like the opportunity to
17 advise the witness however Your Honor had ruled prior to her
18 taking the stand.

19 THE COURT: I'm going to rule at the end of the
20 direct as to what to do --

21 MS. PENZA: Okay.

22 THE COURT: -- so you will have to tell the witness
23 that, after I hear the direct testimony, I'll rule on the
24 question of whether that particular question should be asked
25 on cross, but, you know, it's a very serious question, but I

1 think I need to hear the testimony.

2 MR. AGNIFILO: I have a proposal because I would
3 imagine I know what you guys are worried about, and this is
4 just a proposal. We can get to a point where Your Honor sort
5 of sees what the testimony is, keep the direct open so that if
6 you end up allowing it, they can bring it out. I think it's
7 fair, if it gets brought out, they should be able to bring it
8 out rather than make it like I have this cross-examination
9 moment, which really isn't a fair thing for me to be able to
10 do, so -- do you understand? So what I'm saying is at some
11 point, say, nine-tenths into their direct, Your Honor will
12 probably have an idea of where you are going on this issue and
13 you can tell us and they can handle it on their direct. I'm
14 trying to be a fair player.

15 THE COURT: Well, if you want to take a brief
16 sidebar at some point toward the end of your direct, I can let
17 you know at that point.

18 MS. PENZA: Okay. Fair enough, Your Honor. Thank
19 you.

20 THE COURT: But I think the witness should know that
21 the Court is seriously examining the issue --

22 MS. PENZA: Understood.

23 THE COURT: -- with an understanding of your
24 position and the defense's position and we'll move on from
25 there.

1 So what I'm now going to do is I'm going to go talk
2 to these two jurors very briefly and then we'll start.

3 MR. AGNIFILO: Very good, Judge.

4 MS. PENZA: Thank you, Your Honor.

5 (Sidebar end.)

6 (Continued on following page.)

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1 (The following occurred in the robing room with the
2 Court and is sealed by order of the Court; counsel not
3 present.)

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(End of sealed portion.)
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Sidebar

17

1 (In open court; jury not present.)

2 THE COURT: We'll take a sidebar.

3 Everyone can be seated.

4 (Sidebar conference.)

5 THE COURT: With regard to realtime, you don't want
6 realtime for your client?

7 MR. AGNIFILO: No. Here is the situation --

8 THE COURT: Well then we'll discuss it in front of
9 everybody.

10 MR. AGNIFILO: That's fine.

11 THE COURT: With regard to Alternate No. 4, I
12 advised her that she would have to serve.

13 With regard to Juror No. 9, he's unemployed, as you
14 know, he lives in Queens, but he goes up to the Bronx where
15 his wife, from whom he's separated, is living with their
16 six-year-old son. His wife has stage 4 cancer and she's
17 receiving chemotherapy and, when she's in chemotherapy, she's
18 unable to pick up their son from school -- he is six years
19 old. And so my question of him was why didn't you just tell
20 us this because you would have been excused if you had told us
21 this before you were selected to be on the jury. I think he's
22 under a lot of stress. I tried to explain to him that this
23 creates a problem. He was very apologetic. I can't believe
24 that he would be able to concentrate on this case if he
25 remained a juror, plus there's the question of his wife's

1 extremely serious illness and his son's safety and well-being,
2 and so I'm inclined, unless you object, to excuse him and to
3 replace Juror No. 9 with Alternate No. 1.

4 Is there any objection to that?

5 MR. AGNIFILO: I think that's right.

6 MS. PENZA: No objection.

7 THE COURT: Okay. That's what we will do. I will
8 put it on the record that Juror No. 9 has been excused and is
9 being replaced by Alternate No. 1.

10 MR. AGNIFILO: Fine.

11 MS. PENZA: That's fine.

12 THE COURT: I will just go over the realtime in open
13 court --

14 MR. AGNIFILO: Okay.

15 THE COURT: -- because I want to know that the
16 defendant is aware that he's not going to have realtime for
17 sidebars.

18 MR. AGNIFILO: I think the issue is, if Your Honor
19 orders realtime, that's fine.

20 THE COURT: Is there money to pay for it?

21 MR. AGNIFILO: There's money to pay for it. We
22 didn't get --

23 THE COURT: In the trust.

24 MR. AGNIFILO: We didn't get clearance from the
25 trust.

1 THE COURT: Well, do I care?

2 MR. AGNIFILO: No. And if Your Honor orders it,
3 Your Honor orders it.

4 THE COURT: I'll order it. The reason I will order
5 it is because I think it's important that the defendant knows
6 what we're talking about at sidebars.

7 MR. AGNIFILO: I think that's fine. That's good,
8 Judge. I appreciate it.

9 THE COURT: All right, I will just put it on the
10 record and you can tell them. I'm not going to send them a
11 note.

12 MR. AGNIFILO: All right.

13 THE COURT: All right. Let's do it.

14 (Sidebar end.)

15 (In open court; jury not present.)

16 THE COURT: With regard to the availability of the
17 realtime transcript for the defense for Mr. Raniere,
18 especially with regard to sidebars, I understand that it will
19 require that I order that the trust, the irrevocable trust, to
20 the extent there's resources available, that it be required to
21 pay for realtime during the trial, and I so order it.

22 So please advise the trustees that realtime is a
23 necessity, okay?

24 MR. AGNIFILO: Yes. Thank you, Judge.

25 THE COURT: All right, let me follow up on

1 yesterday's discussion regarding Rule 16.

2 Materials that the defendant introduces as
3 impeachment evidence that also support the defendant's theory
4 of the case are not case-in-chief evidence and thus are not
5 subject to the Rule 16 disclosure requirement.

6 I reviewed the defendants ex parte letter,
7 Docket No. 627, regarding the evidence it may introduce in
8 cross-examination of the Government's first witness. I find
9 that the materials attached to the defendant's letter
10 constitute impeachment evidence and are not subject to
11 Rule 16's disclosure requirements.

12 I recognize, however, that the line between
13 impeachment evidence and case-in-chief evidence is blurred
14 with regard to these materials and in this case generally.
15 Accordingly, the defendant shall produce these materials to
16 the Government at the end of the witness's testimony on direct
17 examination. This should satisfy the defendant's concern that
18 the Government will use these materials to prep its witness
19 before direct examination.

20 I think there were, like, 250 pages of materials; is
21 that about right?

22 MR. AGNIFILO: It was about that, Judge, yes.

23 THE COURT: Well, I assume that you are not going to
24 be questioning anybody about 250 pages of materials and I
25 think that what you need to do is to narrow the scope of the

1 production, or at least identify more generally -- more
2 specifically, rather, the materials that may be used for
3 impeachment at that time.

4 MR. AGNIFILO: So what I'm happy to do, Judge, is
5 give the Government everything and the I'll -- within the
6 universe of everything, I'll take the Government through the
7 things that I want to ask the witness about.

8 THE COURT: I think that would be appropriate.

9 MR. AGNIFILO: Thank you.

10 THE COURT: Okay.

11 All right. Now, also, the Court has reviewed the
12 parties' sealed letters regarding the motion in limine that
13 the Government filed yesterday morning. The Court will be in
14 a better position to determine the relevance of the proposed
15 evidence after the first witness's testimony on direct
16 examination is complete. Accordingly, the Court reserves
17 judgment on the Government's motion until then. The Court
18 does not require any more briefing or argument on this issue.

19 Third, the Government shall notify the Court of any
20 witness it intends to call at the same time it notifies the
21 defendant -- that would be helpful -- that is, 48 hours before
22 the start of the witness's testimony. The Government may do
23 so by e-mailing the Court or by filing a sealed letter. When
24 the Government notifies the Court of its witnesses, it shall
25 also inform the Court whether the sketch artists should be

1 permitted to draw the witnesses' likeness. The Court has
2 already informed everyone that, with regard to the alleged
3 victims who will testify, that their likeness shall not be the
4 subject of their faces being sketched, but there may be other
5 witnesses for whom this is not a necessity and the Court would
6 like to be as specific as possible in directing that the
7 likeness of witnesses be avoided.

8 Is that understood?

9 MS. PENZA: Yes, Your Honor.

10 THE COURT: Thank you.

11 Also, Juror No. 9 has indicated a hardship. I have
12 consulted with the parties about the hardship and there's a
13 general agreement of the parties and the Court that
14 Juror No. 9 should be excused due to a family hardship, and
15 Juror No. 9 will be replaced by Alternate No. 1.

16 Okay, is there anything else before we bring in the
17 jury?

18 MR. AGNIFILO: Nothing from us, Your Honor.

19 MS. PENZA: No, Your Honor.

20 THE COURT: All right. Let's bring in the jury.

21 Who is opening for the Government?

22 MS. HAJJAR: I am, Your Honor.

23 (Pause.)

24 (Jury enters.)

25 THE COURT: Please be seated, everyone.

1 Good morning, members of the jury.

2 THE JURY: Good morning.

3 THE COURT: Members of the jury, we are about to
4 begin the trial of the United States' criminal case against
5 defendant, Keith Raniere. Keith Raniere is the only defendant
6 who will stand trial before this jury. Please do not
7 speculate as to why this is the case.

8 As the trial begins, I would like to prepare you for
9 these proceedings by telling you a few things about the
10 process and what is expected of you during the trial.

11 As you know, I am United States District Judge
12 Nicholas G. Garaufis and I will be presiding over this case.
13 At times, I may refer to myself during the trial as "the
14 Court."

15 Today I am wearing my judicial robe, but I may not
16 wear it every day, and that is because I don't find robes
17 particularly comfortable, not because I don't consider this
18 case to be important -- I certainly do -- I rarely wear a robe
19 for any of my cases, so you shouldn't draw any conclusions
20 from this fact.

21 As I advised you during jury selection, this trial
22 is predicted to last about six weeks. You should already have
23 a copy of the trial schedule. Generally, testimony will begin
24 each morning at 9:30 and will conclude by 5:00 p.m., there
25 will be a one-hour break for lunch every day at approximately

1 1:00 p.m., and a short break each morning around 11:30 a.m.
2 and each afternoon around 3:00 p.m. If at any point you
3 require an additional break, please raise your hand and we
4 will try our best to accommodate your needs. Jurors may take
5 notes throughout the trial and there are notepads provided in
6 the jury room for your use. I also see that many of you have
7 already taken advantage of that for yourselves.

8 As this is an anonymous jury, you will be driven to
9 and from the courthouse each day by the United States Marshal
10 Service and you will be accompanied by the United States
11 Marshal Service if you should go anywhere during your midday
12 breaks. Lunch will be provided so you will not have to leave
13 the courthouse for lunch.

14 I would now like to introduce to you the parties
15 again. The United States Government is represented by
16 Assistant United States Attorneys Moira Penza, Tanya Hajjar,
17 and Mark Lesko. They may be joined at counsels' table from
18 time to time by FBI Special Agents Michael Lever and Michael
19 Weniger and Paralegal Teri Carby.

20 There is one defendant in this case: Keith Raniere.
21 Please stand, Mr. Raniere. Thank you.

22 He is represented by attorneys Marc Agnifilo, Teny
23 Geragos, Paul Der Ohannesian, and Danielle Smith. Thank you.

24 Also present in the courtroom are my Court Deputy,
25 Joseph Reccoppa, who you've already met, and my law clerks

1 assigned to this case, Andrew Haddad and Sequin Strohmeier.

2 During the course of these proceedings, you will
3 hear me use a few terms which you may not have heard before.
4 Let me now briefly explain some of the most common terms.

5 This is a criminal case commenced by the United
6 States, which I may sometimes refer to as "the prosecution" or
7 "the Government." This case is against Keith Raniere, whom I
8 may refer to as "the defendant." The prosecution and the
9 defendant together are sometimes called "the parties to the
10 case." I will sometimes refer to myself as "the Court." You
11 will sometimes hear me refer to "counsel." Counsel is another
12 way of saying lawyer or attorney. You may sometimes hear the
13 attorneys make objections during the trial to certain evidence
14 that the other side is presenting. When I sustain an
15 objection, this means that I am excluding from trial the
16 evidence to which the party objected. You may not consider
17 excluded evidence. When you hear me overrule an objection,
18 this means that I am permitting the evidence to be admitted,
19 which means you can consider it in your deliberations.

20 (Continued on the following page.)

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1 THE COURT: When I say "admitted into evidence" or
2 "received into evidence," I mean that this particular
3 statement or this particular exhibit or piece of evidence is
4 now part of the trial and you may consider it when making the
5 decisions you must make at the conclusion of the case.

6 The term "burden of proof" or "sustaining its burden
7 of proof" means the obligations of proving the case. In this
8 trial, it is the government's obligation to produce proof
9 beyond a reasonable doubt of the charges in the indictment.

10 The government began this case by obtaining an
11 indictment. An indictment is a formal written accusation of a
12 crime which formally commences a prosecution and provides
13 notice to the defendant about the charges. It is not
14 evidence. The indictment in this case charges the defendant
15 with crimes that allegedly took place between approximately
16 2003 and March 2018. There are seven counts in this
17 indictment for you to consider. I will now describe these
18 charges.

19 The first count is racketeering conspiracy. The
20 government alleges that in or about and between 2003 and
21 March 2018, Keith Raniere, together with others, knowingly and
22 intentionally conspired to conduct and participate directly
23 and indirectly in the conduct of an enterprise through a
24 pattern of racketeering activity and, further, that Keith
25 Raniere agreed that a conspirator would commit at least two

1 racketeering acts, that is, at least two crimes in the conduct
2 of the affairs of the enterprise.

3 The next count is racketeering. The government
4 alleges that in or about and between 2003 and March 2018,
5 Keith Raniere, together with others, employed by and
6 associated with the enterprise, knowingly and intentionally
7 conducted and participated in directly and indirectly the
8 affairs of that organization through a pattern of racketeering
9 activity. It charges further that the enterprise engaged in
10 interstate and foreign commerce and its activities affected
11 interstate and foreign commerce. Within the second count, the
12 indictment alleges 14 racketeering acts or crimes, allegedly
13 committed in furtherance of the enterprise. These acts
14 include identity theft, visa fraud, forced labor, sex
15 trafficking, extortion, money laundering, sexual exploitation
16 of a child, and possession of child pornography.

17 The next count is forced labor conspiracy. The
18 government alleges that in or about and between September 2015
19 and June 2017, Keith Raniere, together with others, knowingly
20 and intentionally conspired to provide and obtain the labor
21 and services of one or more persons by means of force,
22 physical restraint or threats of physical restraint, serious
23 harm or threats of serious harm, for one or more schemes,
24 plans or patterns intended to cause them to believe that if
25 they did not perform such labor and services, they and one or

1 more persons would suffer serious harm.

2 The next count is wire fraud conspiracy. The
3 government alleges that in or about and between September 2015
4 and June 2017, Keith Raniere, together with others, knowingly
5 and intentionally conspired to devise a scheme and artifice to
6 defraud one or more persons and to obtain money and property
7 from them by means of materially false and fraudulent
8 pretenses, representations and promises.

9 The next count is sex trafficking conspiracy. The
10 government alleges that in or about and between February 2016
11 and June 2017, Keith Raniere, together with others, knowingly
12 and intentionally conspired to recruit, entice, harbor,
13 transport, provide, obtain, maintain, patronize or solicit one
14 or more persons or to benefit from participation in a venture
15 that engaged in such acts, knowing and in reckless disregard
16 of the fact that the means of force, threats of force, fraud
17 or coercion or a combination of such means would be used to
18 cause such persons to engage in one or more commercial sex
19 acts which offense was affected by force, fraud, coercion or a
20 combination of such means.

21 The next count is sex trafficking. The government
22 alleges that in or about and between February 2016 and
23 June 2017, Keith Raniere, together with others, knowingly and
24 intentionally recruited, enticed, harbored, transported,
25 provided, obtained, maintained, patronized or solicited a

1 person or benefited from participation in a venture that
2 engaged in such acts, knowing and in reckless disregard of the
3 fact that threats of force, fraud or coercion or a combination
4 of such means would be used to force that person to engage in
5 one or more commercial sex acts which offense was affected by
6 force, fraud, coercion or a combination of such means.

7 The final count is attempted sex trafficking. The
8 government alleges that in or about and between February 2016
9 and June 2017, Keith Raniere, together with others, knowingly
10 and intentionally attempted to recruit, harbor, transport,
11 provide, obtain, maintain, patronize or solicit one or more
12 persons or benefited from participation in a venture that
13 engaged in such acts, knowing and in reckless disregard of the
14 fact that means of force, threats of force, fraud or coercion
15 or a combination of such means would be used to cause such
16 person to engage in one or more commercial sex accounts which
17 offense was affected by force, fraud, coercion or a
18 combination of such means.

19 This concludes the summary of the charged crimes.
20 Again, I remind you that the indictment is simply a charge by
21 the government to begin a case and that it is not in any sense
22 evidence of the allegations or statements it contains.

23 The defendant Keith Raniere has pleaded not guilty
24 to all of the counts charged against him. You must,
25 therefore, presume that Keith Raniere is not guilty of the

1 crimes charged in the indictment. You must maintain this
2 presumption for the defendant unless you determine, at the
3 time of your deliberations, after reviewing the evidence and
4 discussing the case with your fellow jurors that the
5 government has met its burden of proving each of the elements
6 of the crimes charged in the indictment beyond a reasonable
7 doubt.

8 At the conclusion of the trial, after you have heard
9 all of the evidence and after I have had the opportunity to
10 confer with the lawyers, I will give you the final and
11 controlling statement concerning the law to be applied in this
12 case including what the elements of the crimes are. My
13 remarks at this time are preliminary. I am giving you this
14 preliminary summary now to help you as you hear the evidence
15 and see the exhibits. My instructions at the end of the trial
16 will provide much more guidance concerning the nature and
17 scope of your deliberations. They will be provided to you
18 both orally from the bench and in writing so you can consult
19 them during your jury deliberations.

20 The trial will proceed in the following order.

21 The parties have the opportunity to make opening
22 statements. The government may make an opening statement at
23 the beginning of the case, the defendant may make an opening
24 statement following the government's opening statement or may
25 postpone its opening statement until the close of the

1 government's case. The defendant is not obligated to make an
2 opening statement. Moreover, whatever is said in the opening
3 statements is not evidence. The opening statements simply
4 serve as an introduction to the evidence that the party making
5 the opening statement intends to produce during the trial.

6 Second, after any opening statements, the government
7 will introduce the evidence that it feels supports the charges
8 contains in the indictment.

9 Third, after the government has presented its
10 evidence, the defendant may present evidence but he is not
11 obligated to do so. The burden or obligation as you will be
12 told many times during the course of this trial is always on
13 the government to prove each and every element of the offenses
14 charged beyond a reasonable doubt. The law never imposes on a
15 defendant in a criminal case the burden of calling any
16 witnesses, producing any exhibits or introducing any evidence.
17 The defendant is presumed to be innocent of the charges.

18 Fourth, after all of the evidence has been received,
19 in other words, after all the witnesses have testified and
20 after all the exhibits have been admitted, each party will be
21 given the opportunity to present its argument to you in
22 support of its case. This is called closing argument.

23 Whatever is said in closing argument is not evidence just as
24 whatever is said in opening statements is not evidence. The
25 closing arguments are designed to present to you the theories

1 and conclusions of the parties as to what the evidence has
2 shown and what inferences may be drawn from the evidence.

3 Fifth, after you have heard the closing arguments of
4 the parties, I will give you orally and in writing the final
5 instructions concerning the law which you must apply to the
6 evidence received during the trial. Those instructions will
7 be much more detailed than what I am giving you now. You will
8 then retire to consider your verdict. Your deliberations are
9 secret. You will not be required to explain your verdict to
10 anyone. Your verdict must be unanimous. In other words, all
11 twelve of you must agree to it.

12 You must keep an open mind to both sides during this
13 trial. As you know, there are generally two sides to most
14 stories and you must not make up your mind about any of the
15 questions in this case until you have heard each piece of
16 evidence and all of the law that you must apply to that
17 evidence. In other words, you must not make up your mind
18 until you conduct your deliberations.

19 Your purpose as jurors is to find and determine the
20 facts. If, at any time, I should make any comment regarding
21 the facts or you think I am making some comment on a piece of
22 evidence, you are at liberty to disregard it entirely. It is
23 especially important that you perform your duty in determining
24 the facts diligently and conscientiously because ordinarily,
25 there is no means of correcting an erroneous determination of

1 the facts by a jury. On the other hand, and with equal
2 emphasis, I instruct you that the law as given by the Court in
3 these and other instructions constitutes the only law for your
4 guidance. It is your duty to accept and follow the law as I
5 give it to you even though you may disagree with the law.

6 You are to determine the facts solely from the
7 evidence admitted in the case. This evidence consists of the
8 testimony of witnesses and exhibits received. Questions asked
9 by the lawyers are not evidence. The evidence consists of the
10 witnesses' answers to the questions, not the questions
11 themselves. As I said earlier, statements and arguments of
12 counsel are not evidence. Counsel may, however, enter into
13 agreements or stipulations regarding facts which are not in
14 dispute and when they do so, you may accept the facts as
15 stipulated by counsel. I may also tell you that I am taking
16 judicial notice of certain facts and you may accept those
17 facts as true. It is always up to you, however, to decide
18 what facts are established by the evidence and what inferences
19 are to be drawn from the evidence.

20 Now, as I had mentioned earlier, the parties may
21 sometimes raise objections to some of the testimony or
22 exhibits. It is the duty of a lawyer to object to evidence
23 which he or she believes may not properly be received or
24 admitted and you should not be prejudiced in any way against a
25 lawyer who makes an objection or a party he or she represents.

1 An objection is the only proper method for a lawyer to request
2 a ruling from the Court concerning evidence. At times, I may
3 sustain objections or direct that you disregard certain
4 testimony or exhibits. You must not consider any evidence to
5 which an objection has been sustained or any evidence that I
6 have instructed you to disregard.

7 You may have already heard the terms "direct
8 evidence" and "circumstantial evidence." Direct evidence is
9 generally the testimony of a person who claims to have actual
10 and direct knowledge of a fact, for example, the testimony of
11 an eye witness who claims to have seen an event. So if you
12 went outside and saw that it was raining, this would be direct
13 evidence of rain. Circumstantial evidence, on the other hand,
14 is generally testimony of a chain of facts which may lead to a
15 conclusion of some kind.

16 For example, if you were to come here to court on a
17 bright sunny day and then after several hours in this
18 courtroom with the shades down, you saw people entering the
19 courtroom from the rear, one wearing a wet raincoat and the
20 other shaking a wet umbrella, you might infer from these
21 circumstances without yourselves ever going outside or even
22 looking out a window that it had rained while you were here in
23 court. This is circumstantial evidence of rain.

24 In any event, the law makes no distinction between
25 direct evidence and circumstantial evidence. In considering

1 the evidence in this trial, you should give it such weight or
2 importance as you think it deserves, whether it is called
3 direct or circumstantial evidence and make the deductions and
4 reach the conclusions to which your experience and common
5 sense lead.

6 In attempting to determine the facts of this case,
7 you will be called upon to judge the credibility of witnesses.
8 In deciding whether or not to believe what a witness has said,
9 you may consider factors such as the following: How likely is
10 it that the witness was actually able to see or hear whatever
11 it is the witness says he or she saw or heard; the witness'
12 ability to remember what happened; whether the witness has a
13 strong personal interest in testifying in the case or an
14 interest in how this case is decided; the demeanor of the
15 witness on the witness stand and whether the testimony seems
16 reasonable to you.

17 It is entirely at your discretion how you choose to
18 evaluate each witness' testimony and any evidence submitted in
19 the form of exhibits. You are free to believe all, some or
20 none of what a witness says on the stand or what an exhibit
21 illustrates. I will address the subject again in greater
22 detail after you have heard all the evidence in this trial.

23 No statement, ruling, remark or comment which I may
24 make during the course of the trial is intended to indicate my
25 opinion as to how you should thus decide the case or is

1 intended to influence you in any way in your determination of
2 facts.

3 At times, I may ask questions of witnesses and if I
4 do so, it is for the purpose of bringing out matters that I
5 feel should be brought out and it is not intended in any way
6 to indicate my opinion about the facts or to indicate the
7 weight I feel you should give to the testimony of the witness
8 so questioned. I may also find it necessary to admonish the
9 lawyers and if I do, you should not show prejudice toward a
10 lawyer or that lawyer's client because I have found it
11 necessary to correct him or her.

12 At times during this trial, it will be important for
13 me to confer privately with the lawyers and others about
14 various evidentiary and procedural issues. During these
15 conferences both here at the bench and in my chambers, it is
16 not our intention to hide anything from you but simply to
17 determine how certain issues will be handled. Please be
18 patient with us during any such delays. We are only taking
19 care to ensure that the trial is being conducted fairly.

20 At times, you will be required to wait in the jury
21 room while I am required to hear and decide other matters from
22 other cases not connected with this. These delays are
23 unavoidable. I do everything I can to keep these
24 interruptions to a minimum but I can never avoid them entirely
25 so please be patient.

1 You are not to concern yourself in any way with the
2 sentence the defendant might receive if you should find him
3 guilty. Your function is solely to decide whether the
4 government has sustained or carried its burden of proving the
5 charges to you beyond a reasonable doubt. If and only if you
6 find the defendant guilty of the charges will it become the
7 duty of the Court to issue a sentence.

8 The Court and the parties take care in deciding
9 which evidence is admissible and which is not. This is
10 because when you are making your decision at the end of the
11 trial, you may only consider the evidence you receive during
12 the formal trial proceedings in this room. This means, for
13 example, that the attorneys and the parties are not permitted
14 to speak with you outside of official trial proceedings. I
15 have already instructed them on this point. In the unlikely
16 event that you see one of the lawyers or parties in the
17 hallway, he or she will not speak to you. Please be aware
18 that this person is not being rude but is simply following the
19 rules I have set. It is not appropriate for any party or any
20 lawyer to speak with any of you no matter how innocent or
21 trivial the conversation might be unless that party or lawyer
22 speaks to all of the jurors at once under the Court's
23 supervision.

24 Until you begin your deliberations after the
25 evidence is closed, you must not discuss this case with

1 anyone, not even if your fellow jurors. After you begin
2 deliberating, you may discuss the case only with your fellow
3 jurors and only in the jury room and only when all twelve of
4 you are together. You may not discuss the case anywhere else
5 or with anyone else including your family members, friends or
6 business associates.

7 In addition, you must not read, listen to, watch or
8 access any accounts of this case on any form of media,
9 newspaper, TV, radio, podcasts or the internet, nor research
10 or seek outside information about any aspect of the case.
11 Please do not communicate with anyone about the case on your
12 phone, through e-mail, text messaging or any other means,
13 through any blog or website or by way of any social media
14 including Facebook, Twitter, Instagram, YouTube or other
15 similar sites. You must not consider anything you may have
16 read or heard about this case outside of this courtroom
17 whether before the trial or during the trial or during the
18 trial or during your deliberations.

19 Do not attempt any independent research or
20 investigation about the case. Do not visit any of the
21 locations identified during the course of testimony. Your
22 decision in this case must be based solely and exclusively
23 upon the evidence received during this trial.

24 I will repeat this admonition every day of the trial
25 and every day it is extremely important that you continue to

1 follow this instruction. We all deeply appreciate your
2 attention to this instruction.

3 So, in conclusion, please keep a few key principles
4 in mind as we begin the trial. Your job is to decide all of
5 the factual questions in the case such as who should be
6 believed and who should not be believed. How to decide all of
7 the legal questions in this case such as what testimony or
8 exhibits are received into evidence and which are not
9 received, please do not concern yourselves with the legal
10 questions.

11 The defendant has pleaded not guilty and is presumed
12 to be innocent of the crimes charged against him. As such,
13 the defendant is not required to produce any evidence
14 whatsoever. Rather, by bringing the indictment, the
15 government has accepted the responsibility of proving the
16 guilt of the defendant to each of you unanimously beyond a
17 reasonable doubt.

18 Finally, do not discuss the case with anyone and
19 keep an open mind regarding each issue in the case until all
20 of the evidence has been received. At that time, I will give
21 you the complete and final instructions you must use to guide
22 you in reaching your decisions. Then and only then will you
23 be fully prepared to begin your deliberations and reach your
24 verdicts. Do not permit any other person to discuss the case
25 in your presence and if anyone does so despite your telling

1 him or her not to, report that fact to the Court as soon as
2 possible by advising the marshal or my courtroom deputy,
3 Joseph Reccoppa. You should not, however, discuss with your
4 fellow jurors that fact or any other fact that you feel
5 necessary to bring to the attention of the Court.

6 Please also remember that because of the media
7 attention that this trial may receive, you are an anonymous
8 jury. That means that nobody except the Court and the parties
9 knows your identifying information. Please do not provide
10 this information to anyone. You may tell your fellow jurors
11 your first name only if you so choose, but you may not tell
12 anyone else any identifying information except for your juror
13 number. If anyone asks you for your identifying information,
14 please report your experience to the Court by advising the
15 marshal or Mr. Reccoppa.

16 I would like to thank you in advance for your
17 willingness to serve and your careful attention throughout the
18 trial.

19 All right. At this time, we will begin with opening
20 statements. The government will give its opening statement
21 first.

22 Ms. Hajjar, you may proceed with the government's
23 opening statement.

24 MS. HAJJAR: Thank you, Your Honor. Good morning.

25 THE JURY: Good morning.

1 MS. HAJJAR: The defendant Keith Raniere claimed to
2 be a leader but he was a con man. He targeted people who were
3 looking to improve their lives. He drew them in slowly with
4 promises of success, of money, of better relationships, and
5 once he gained their trust, he exploited it.

6 The defendant said that he was a mentor but he was a
7 predator. He targeted young girls, selecting some for special
8 attention, but this was an excuse. He offered to mentor them
9 to teach them and that was an excuse to groom them for sex.
10 The defendant took advantage of these young women, emotionally
11 and sexually. The defendant pretended to be a guru but he was
12 a criminal and along with an inner circle of followers, he
13 committed crimes, crimes of extortion, forced labor, sex
14 trafficking, fraud, and the production and possession of child
15 pornography, and that's why we are here.

16 As you have heard, my name is Tanya Hajjar. I'm an
17 Assistant United States Attorney in the Eastern District of
18 New York. These are my colleagues, Moira Penza and Mark Lesko
19 and Terry Carby, a paralegal specialist with our office, and
20 we're joined today by Special Agent Michael Weniger of the
21 Federal Bureau of Investigation. Together we represent the
22 United States in this case.

23 Now, during the course of this trial, you will learn
24 that starting in 2003 and continuing until his arrest in March
25 of last year, the defendant was the leader of a criminal

1 organization in upstate New York and he relied on an inner
2 circle of followers who supported him and promoted him and
3 committed crimes for him. They forced others to do work for
4 him. They tracked and monitored the e-mail accounts of his
5 enemies. They tampered with material that was to be used for
6 a court case, they helped him sexually exploit his victims all
7 at his direction and all for his benefit.

8 This group became what the law calls a racketeering
9 enterprise. They changed over time, the members of this
10 group, but they all had the defendant in common. They served
11 him and they were loyal to him. Why?

12 During the course of this trial, you will learn that
13 some people really believed in the defendant. He created
14 organizations that supposedly offered self-help programs. You
15 will hear about one organization that was called NXIVM,
16 spelled N-X-I-V-M, and you will hear about another
17 organization called DOS or The Vow and all of these
18 organizations were based on the defendant's so-called
19 teachings. They were pyramid in structure with a rank and a
20 hierarchy, and always the defendant was at the top. His
21 followers called him "Vanguard." They called him "Grand
22 Master."

23 Now, the defendant and his followers recruited
24 people from all over the world including from here in
25 Brooklyn, and in order to recruit, he sold himself as the

1 smartest, most ethical man in the world. He compared himself
2 to Einstein, to Gandhi, and he recruited millionaire
3 heiresses, he recruited TV actresses. He drew in followers
4 that put their trust in him and he used that trust for the
5 things that he wanted: Sex, power and control.

6 The defendant maintained control over his followers
7 and his criminal organization in several ways and one of them
8 was by ensuring that no one questioned him. No one could
9 challenge his authority. If they did, they were called
10 "prideful," they were called "defiant," and they needed to be
11 taken down a notch. They needed to be put into place. The
12 defendant used shame and humiliation as ways to break people
13 down.

14 Some of the people the defendant recruited were not
15 U.S. citizens and so could not legally work or live in the
16 United States and so the defendant made them dependent on him
17 in other ways and used the threat of deportation as a way of
18 getting them to do what he wanted. Another way the defendant
19 maintained control was through isolation. He got his
20 followers to move to his upstate, to his community in upstate
21 New York, about a 30 minutes drive away from Albany. He
22 isolated his followers from their family and from their
23 friends, and if anyone spoke out against him, he told his
24 followers to shun that person, to cut that person out of their
25 lives and never speak to them again.

1 The defendant learned that these were powerful tools
2 to exploit people and to use them to his advantage and I'm
3 going to talk about a few of the ways, a few of the examples
4 in which the defendant exploited people and committed the
5 charged crimes to give you a sense of what the evidence will
6 show, what it will prove beyond a reasonable doubt.

7 One example involves a Mexican family that the
8 defendant recruited to join his community in the early 2000s.
9 The family had four children: Three daughters and a son. The
10 defendant offered to mentor the children, to tutor them, and
11 the parents wanted their children to learn from the defendant,
12 to follow in his teachings, and so the family moved from
13 Mexico to the defendant's community in upstate New York. But
14 the defendant wasn't really interested in mentoring or
15 teaching. Instead, he had sex with all three daughters and in
16 order to do it, he turned family against family, sister
17 against sister.

18 This is the middle daughter, Daniella. She was
19 particularly ripe and useful to defendant. But when Daniella
20 developed feelings for another man, the defendant punished
21 her. He told her family that she had done something terrible,
22 an ethical breach he called it, and that the only way for her
23 to fix it would be to stay in a room without human contact
24 and he turned Daniella's parents against her and got them to
25 go along with this plan.

1 It started with a weekend in a little room with
2 nothing in it but a mattress on the floor, some pens and some
3 paper, but it turned into weeks. It turned into months. It
4 turned into years. The door was unlocked but Daniella felt
5 she couldn't leave. She was told that if she left the room,
6 she would be taken back to Mexico, away from her family
7 without her identification documents so she had no way of
8 getting back.

9 Every few days, Daniella wrote letters and notes to
10 the defendant, "I'm sorry," "I will be better," "I will be
11 different," she wrote. "Will this earn your forgiveness?"
12 "Is this sufficient?" A hundred times she wrote, "I'm sorry."
13 It wasn't enough for the defendant. It could never be enough.

14 The defendant told Daniella's parents that she was a
15 liar, that she should stay in the room for longer. He set up
16 surveillance cameras outside the room so he can make sure she
17 wouldn't leave. And when Daniella finally left the room,
18 nearly two years had gone by, two years of this young woman's
19 life wasted, and the defendant followed through with threats.

20 On his orders, Daniella was driven from New York to
21 Mexico with little more than a few dollars and the clothes on
22 her back and still, even then, it didn't satisfy the
23 defendant. He maintained control of her identification
24 documents and ordered her to do work for him even while she
25 was in Mexico and he withheld those documents including her

1 birth certificate in order to make her do it.

2 For this conduct, the defendant is charged with
3 trafficking Daniella for labor and services.

4 The youngest daughter's name was Camila. The
5 defendant had a nickname for her. "Virgin Camila" he called
6 her. The defendant started having sex with Camila when she
7 was just 15, the age she is in this photograph. At that time,
8 the defendant was 45.

9 The defendant took graphic, naked photographs of
10 Camila, close-up photographs of her private parts. These
11 images are child pornography and possessing them and producing
12 them is a crime. During the course of this trial, you will
13 learn that these photographs of Camila were only part of the
14 defendant's collection. He took dozens of explicit
15 photographs of women's private parts that he kept in a folder
16 on its computer which he labeled his studies, his souvenirs.
17 And over the years, the defendant collected hundreds more of
18 the same kind of photographs, graphic naked photographs, posed
19 the same way that Camila's were.

20 THE COURT: I'm sorry. Is this Camila?

21 MS. HAJJAR: Camila, yes. Thank you, Your Honor.

22 And you will learn that in the defendant's hands,
23 these photographs didn't just serve his sexual needs. These
24 photographs became instruments of coercion and of control. He
25 used them to blackmail and to extort. He used them to

1 increase his power.

2 In 2015, the defendant started an organization which
3 was called DOS or The Vow and the defendant recruited women
4 into DOS to serve under him as his slaves. That's what he
5 called them, his slaves. These women recruited other women,
6 women who didn't even know the defendant was the head of it
7 all. They thought they were joining a women's-only group that
8 was all about helping other women. They didn't know the
9 defendant was their grand master.

10 It was through DOS that the defendant executed on a
11 criminal plan involving forced labor, extortion, wire fraud
12 and sex trafficking. It was a plan in which women pledged
13 their commitment to him, a lifetime commitment, a lifetime of
14 obedience. No matter what he said, he would be obeyed. And
15 the defendant controlled these DOS slaves' lives, he
16 controlled their schedule, their diet, where they went, who
17 they saw.

18 How did the defendant keep them in line, keep them
19 as his slaves? He demanded collateral, material that they
20 could be extorted with. What is collateral? Collateral was a
21 DOS slave's deepest, darkest secrets, accusations, true or
22 false, against family members, her bank account, the deed to
23 her house, graphic naked photographs that she would never want
24 released. In the defendant's own words, it should be so
25 distasteful to break the vow that a DOS slave would rather die

1 than break it.

2 At the defendant's orders, dozens of other women
3 were recruited into DOS and these women believed they were
4 joining a women's empowerment group to make them happier, to
5 make them stronger, to make them more successful. They
6 trusted the women who recruited them. They had no idea, no
7 way of knowing that these women were operating on the
8 defendant's orders and were under his control.

9 The DOS slaves were told that they would have to get
10 a brand to symbolize their obedience, to symbolize their
11 commitment, and this brand was done with a cauterizing pen, a
12 handheld surgical tool, that burned the skin and left a
13 permanent mark on their bodies. This is what the brand looked
14 like.

15 Now, the DOS slaves were told that the branding
16 would be a bonding experience and a symbol of their
17 empowerment, but what they didn't know, what was deliberately
18 withheld from them was they were being branded with the
19 defendant's own initials, a "K" and a backwards "R," "KR" for
20 Keith Ranieri. And in the defendant's words, he wanted his
21 DOS slaves to be branded with his monogram.

22 After the DOS slaves were recruited, after they
23 pledged their obedience, they were given assignments. The
24 defendant gave them assignments that involved providing
25 additional collateral, more naked photographs they didn't want

1 to give but felt they had no choice. Some of the assignments
2 involved doing work for the defendant's benefit and some of
3 the assignments involved having sex with the defendant. I'm
4 going to tell you about one of those assignments and a woman
5 named Nicole.

6 This is Nicole. Nicole is an actress in her 30s who
7 believed that she was joining a women's mentorship group when
8 she agreed to join DOS and as collateral, she provided letters
9 making damaging accusations against friends and loved ones.
10 Once she was in DOS, she was told to meet the defendant, she
11 was ordered to meet the defendant, and they met in a room
12 where she was blindfolded and the defendant tied her to a
13 table. Then a third person, someone Nicole didn't know, came
14 into the room and began performing oral sex on Nicole and
15 Nicole felt she couldn't say no. That third person, Nicole
16 never found out who she was, but during the course of this
17 trial, you will learn that the third person was Camila, the
18 same girl the defendant victimized when she was just 15 years
19 old. Now Camila had grown up. The same girl the defendant
20 robbed of her innocence and of her childhood became a woman he
21 used to victimize others.

22 Year after year, the defendant's criminal
23 organization grew as did his sense that he was unstoppable.
24 If anyone criticized him publicly, the defendant fought back.
25 He kept tabs on his enemies. He secretly monitored their

1 e-mails. He hired private investigators. He filed criminal
2 complaints to silence his victims. He filed lawsuits to
3 intimidate his enemies. This was organized crime and Keith
4 Raniere was the crime boss. Within the community, he was
5 untouchable. His inner circle knew to carry out his orders
6 and they became an extension of him. They did everything for
7 him. They cooked his food, they paid his bills and they
8 helped him commit crimes.

9 Through it all, the defendant maintained this
10 charade. Even though he controlled virtually every aspect of
11 his victim's lives, he said this was all about empowerment,
12 about women's empowerment, but during this trial, you will
13 learn the truth and the evidence will show that what the
14 defendant wanted had nothing to do with empowering women and
15 had everything to do with enslaving them, everything to do
16 with satisfying his desire for sexual gratification, for power
17 and for control.

18 (Continued on next page.)

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Opening Statement - Hajjar

51

1 (Continuing)

2 MS. HAJJAR: The defendant is charged with an
3 involvement in 15 years of criminal activity. He is charged
4 in a federal indictment with racketeering charges, which
5 basically means he is charged with committing a pattern of
6 crimes as part of a criminal enterprise and those crimes
7 include extortion, fraud, identity theft, sex trafficking and
8 forced labor and production and possession of child
9 pornography.

10 Now, over the next few weeks, we will present
11 evidence to you that proves these charges beyond a reasonable
12 doubt. So what is that evidence? You will see and you will
13 hear the defendant in his own words. You will see e-mails and
14 messages that he sent to his partners in crime and to his
15 victims. You will see messages he exchanged with Camilla in
16 which he said that it would be good for her to own a slave for
17 him and that his slave should be branded with his monogram.
18 You will also hear the defendant's voice in videos and in
19 recordings. You will hear one recordings, for example, in
20 which the defendant says that a DOS slave being branded should
21 be completely nude and held at the table like sort of a
22 sacrifice.

23 You will also hear from some of the victims and the
24 witnesses themselves, some of the women the defendant
25 exploited. You will hear from Daniella, the woman the

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1 defendant kept in a room, and you will hear from some DOS
2 slaves, including Nicole, women the defendant had branded with
3 his initials.

4 And you will also hear from some members of the
5 criminal organization the defendant led, including some of his
6 most-trusted associates. And these witnesses will give you an
7 inside look at these organizations. These are people the
8 defendant chose to use and employ for a specific purpose and
9 you will see why he chose them.

10 You will see that the defendant surrounded himself
11 with people who believed he was a good person, who trusted
12 him, who chose to follow him rather than to do the right
13 thing. And some of these witnesses committed serious crimes
14 with the defendant and they are testifying pursuant to
15 agreements with the Government. And listen carefully to their
16 testimony and you will see it not only makes sense, it is
17 supported by all the other evidence in this case.

18 Lastly, you will see physical evidence. You will
19 see the photographs the defendant took of Camilla; you will
20 see the camera that he took those photographs with; you will
21 see the letters and the notes that Daniella wrote; you will
22 see the photographs, the video, the vows of obedience the DOS
23 slaves made to the defendant.

24 This evidence will come in witness by witness. It
25 won't always come in clean chronological order, but you will

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1 see how this evidence fits together and it fits with the
2 charges in this case. And when the case is done and all the
3 evidence is in, we will have an opportunity to review it with
4 you, and then we will ask you to hold the defendant
5 accountable, hold him accountable for creating and leading a
6 criminal organization, hold him accountable for defrauding and
7 extorting his victims, for taking advantage of them sexually,
8 for producing and possessing child pornography. We will ask
9 you to return a verdict of guilty on all counts. Thank you.

10 THE COURT: Does --

11 MR. AGNIFILO: Can we take a morning break right
12 now? I just need three minutes to run to the little boy's
13 room.

14 THE COURT: All right. At this time we will take a
15 10-minute break. All rise for the jury.

16 (Jury exits the courtroom.)

17 THE COURT: We will take a 10-minute break.

18 MR. AGNIFILO: Thank you, Judge.

19 (Recess taken.)

20 THE COURT: Please be seated. All right. Mr.
21 Agnifilo, how long is your opening?

22 MR. AGNIFILO: Longer than the Government's opening.
23 I don't know how long. Maybe 45 minutes.

24 THE COURT: 45 minutes.

25 MR. AGNIFILO: Maybe 50 minutes. I don't know.

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1 THE COURT: I see. All right. With regard to next
2 Friday, a week from Friday and your obligation, I have had the
3 opportunity to communicate with Judge Furman and he has kindly
4 advised me that should you send him a communication requesting
5 an adjournment of the sentencing, he is inclined to consent to
6 that adjournment in view of the fact that you are actually on
7 trial here in the Eastern District of New York in a criminal
8 case.

9 MR. AGNIFILO: Very good.

10 THE COURT: So he is waiting to hear from you.

11 MR. AGNIFILO: I will not let him down.

12 THE COURT: Thank you very much.

13 Okay, are we ready?

14 MR. AGNIFILO: I'm ready.

15 THE COURT: Let's bring in the jury, please.

16 Ms. Penza, your first witness is ready?

17 MS. PENZA: She is, Your Honor, and I believe Your
18 Honor has already ordered she will not be sketched.

19 THE COURT: I have ordered she not be sketched.

20 That is right.

21 MS. PENZA: Yes. Thank you. Prior to calling her,
22 Your Honor, we do have a number of exhibits that the
23 Government intends to enter on consent.

24 THE COURT: Okay. You can deal with that before.

25 MS. PENZA: Before we call her?

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1 THE COURT: Before you call her.

2 MR. AGNIFILO: We are inclined, if it's okay with
3 Your Honor, to just agree on preadmission so we don't have to
4 go through the admission of certain exhibits.

5 THE COURT: Yes, but we have to put them in the
6 record.

7 MR. AGNIFILO: Absolutely.

8 THE COURT: All Ms. Penza needs to do is identify
9 the exhibits by number and that they are being admitted on
10 consent and then I will turn to you and ask you do you
11 consent.

12 MR. AGNIFILO: That's fine.

13 THE COURT: When you say yes, I will order them
14 admitted.

15 MR. AGNIFILO: Thank you.

16 MS. PENZA: Okay.

17 (Jury enters the courtroom.)

18 THE COURT: Please be seated. At this time, the
19 defense will give its opening statement.

20 Mr. Agnifilo, you may proceed with your opening.

21 MR. AGNIFILO: May it please the Court?

22 THE COURT: Very well.

23 MR. AGNIFILO: My colleagues, the Government.

24 Good morning, everybody.

25 JURORS: Good morning.

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1 MR. AGNIFILO: I certainly agree with one thing that
2 my colleagues with the Government said, you are going to hear
3 the truth. That's what this trial is all about. You're going
4 to hear the truth. You're going to hear the truth from
5 witnesses that take that witness stand. You're going to hear
6 the truth through documents that you're going to be given to
7 consider, through e-mails, text messages, and the like.

8 But I submit to you that you haven't heard much
9 about the truth so far. What you've heard is you've heard a
10 lot of conclusion. You've heard a lot of slogans. You've
11 heard a lot about the names of certain crimes, but you haven't
12 really heard what you're going to need to know to reach the
13 truth. And this case is not about slogans or conclusions that
14 are imposed on you. They're certainly about conclusions that
15 you reach on your own after listening to the evidence. But
16 this case isn't about labels. It's not about jargon. It's
17 not about headlines. This case is about two things, really.
18 When you break it down, this case is about two things and two
19 things alone: It's about all of you. It's about the jury,
20 because you have an amazingly important and difficult job in
21 every case and very much so in this case. You are all that
22 matters. You are the judges of the facts. You will listen to
23 these witnesses and I can say anything I want about them. My
24 colleagues with the Government can say anything they want
25 about them; it's what you think, what you think matters. So

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1 the first of the two things that matter in this case is all of
2 you.

3 The second of the two things that matter in this
4 case is that man, my client, Keith Raniere, because everything
5 that you consider, the evidence you consider is all about him.
6 He is on trial. He is on trial for his life in a very
7 important, very significant case. And what you're going to be
8 doing is you're going to be evaluating the evidence, you're
9 going to be understanding the evidence, and you're going to be
10 passing judgment ultimately on Keith Raniere. So the two
11 things that really matter in this trial are all of you and
12 Keith Raniere. And everything else in this trial, the parties
13 included, even the Court included, everything else that's not
14 all of you and Keith Raniere is here to help you understand,
15 evaluate and judge Keith Raniere.

16 How are you going to do that? Right now you know
17 nothing about him. Right now you don't have any evidence.
18 Right now all we have is conclusions because the evidence
19 hasn't started coming in yet. But here's what I am going to
20 ask you to do as the evidence is coming in, I'm going to ask
21 you to look at the evidence from his point of view, through
22 his eyes, because ultimately at the end of the case, His
23 Honor, Judge Garaufis, is going to instruct you on the law.
24 What the Judge's instructions on the law is is that's it, what
25 the Judge said in the preliminary instructions, that is the

1 law.

2 One of the things you're going to hear is intent, a
3 concept called criminal intent. There is only one criminal
4 intent that is worth anything in this case that matters at all
5 and it's whether he has it. That's it. No one else's intent,
6 no one else's motivation, no one else's good faith or bad
7 faith matters a lick. It's all him. So one of the things you
8 are going to be doing as the evidence comes in is you are
9 going to be looking at it through his eyes, what does he think
10 about it? What is he doing? And why is he doing it? Never
11 forget to ask why. I'm going to talk about that in a minute.

12 Probably the single greatest thing, at least in my
13 humble opinion, that's ever been said about empathy and
14 looking at the world through someone else's eyes was said in
15 the book *To Kill a Mocking Bird*. It became a movie and now I
16 understand it's on Broadway. And *To Kill a Mocking Bird*,
17 Atticus Finch is talking to his daughter Scout. Now, the
18 whole premise of the book is Atticus Finch is a defense
19 lawyer, and he's defending someone named Tom Robinson. And he
20 says to Scout, you know, you can't really understand a man
21 until you crawl inside his skin and walk around in it. And
22 one of the things I'm going to ask you, and right now as you
23 sit here you might be saying I don't want to do it, but I'm
24 going to ask you, you need to crawl inside his skin and walk
25 around in it. From the jury box, you will walk through Keith

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1 Raniere's life. You will hear a tremendous amount about his
2 life. You will hear how he started NXIVM with another person
3 a little over 20 years ago.

4 Now, the Government says that, well, a lot people
5 believe in NXIVM and now they don't. A lot of the Government
6 witnesses I think are going to take the witness stand and say
7 NXIVM was wonderful, NXIVM helped me. And how did it help?
8 Here's what you're going to hear in the evidence. The first
9 thing is I know my colleague with the Government said somehow
10 people are isolated in Clifton Park, New York, outside of
11 Albany. It's going to be described as idyllic. It's going to
12 be described as beautiful. It's going to be described as
13 serene and wonderful. They had barbecues and they played
14 volleyball and they did all these things and I think people
15 are going to say it was really fun. That's what they're going
16 to say: It was fun. I didn't feel isolated. It was fun.

17 The other thing they're going to say is they got a
18 lot out of it. They got a lot out of NXIVM. Let me tell you
19 what they're going to say they got out of it. They're going
20 to say basically -- and there's going to be a lot of content
21 on this, but let me give you kind of the basic, if I had to
22 dumb it down, NXIVM for dummies, whatever those books are
23 called, is basically this: What makes people happy? And the
24 premise of what makes people happy is when they develop a
25 theory of their own ethics, when they have a strong sense of

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1 their own ethics. You want to be happy? Keep your word. You
2 want to be happy? Do what you say you're going to do. You
3 want to be happy? Live up to your responsibilities, because
4 you get a form of self-confidence when you realize you're
5 being a good person.

6 On the other hand, happiness is not material items.
7 Happiness isn't really oh, I have a nice car, I have a nice
8 house. Those things are conveniences. They're luxuries.
9 Those are not the things that make us happy. And a lot of
10 what you're going to hear in the NXIVM curriculum is around
11 this topic area, what makes people happy. And that
12 basically -- I don't know that Keith Raniere invented it. I
13 have no idea if he invented it. I would imagine someone along
14 the lines, someone else said, you know, all this stuff in my
15 life is not making me happy. How am I going to be happy?
16 Maybe I'll try to be a better person. I mean, religions tell
17 us that, a lot of things tell us that. A lot of philosophy
18 tells us that. So I don't know that anything you're going to
19 hear in this case is brand, brand new. We've had civilization
20 for a long time. A lot of people have come up with a lot of
21 ideas, so I don't know that any of this is earth shattering
22 and new, but the fact is that you're going to hear that 17,000
23 people took NXIVM courses, all sorts of successful people:
24 CEO's, executives, actors, actresses, and they took them not
25 because they were all bamboozled and fooled. They took them

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1 because they got something out of them and you're going to
2 hear this not from me, you're going to hear this from the
3 witnesses who testify on the stand.

4 Now, one of the things you're going to hear a lot
5 about, and then I'm going to segue into something else, is
6 satiation. There's going to be in the e-mail are you being
7 satiated. I'm going to explain it because this is going to
8 come into evidence. The idea is everybody is different. And
9 listen, everybody is different and I don't know who this is
10 true for; I think it's true for a lot of people. Rather than
11 like working on yourself, rather than like making yourself a
12 better person, you know, I don't know, I feel a certain way, I
13 think I'll eat; I'm not really that hungry, but I just want to
14 eat. That will make me feel better. Or I'm going to drink,
15 or I'm going to go shopping. I don't really need anything,
16 but I'm going to go shopping because I need something to do
17 and it takes my mind off the other stuff. And what you're
18 going to see, as the evidence comes in, is that's not seen as
19 a good thing with NXIVM. I mean, I'm not saying you can't go
20 shopping and stuff, but that's not really being on point. And
21 a lot of what you're going to see, a lot of what I think --
22 people are going to come here and say, look, Ranieri is
23 abusing me. That's what they're saying now. That's not what
24 they said at the time. And you know they're not going to say
25 it at the time because you're going to see the e-mails. This

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1 is an odd case in one very important respect and let me tell
2 you how. It's sort an odd case when the defense lawyer says
3 pay attention to the e-mails, look at the e-mails, look at the
4 text messages. That's your reality, because a lot of things
5 have happened between 2017 and today and I'm going to get to
6 some of them in about 20 minutes or 30 minutes, that people
7 have a change in perspective. And one of the things you are
8 going to see about this case, a lot of it is about
9 perspective: I liked it at the time. I was having fun at the
10 time. These were my best friends.

11 One of the things about NXIVM, people are going to
12 come in and say these were my best friends. We were in a
13 beautiful place. I was with people that I love and these were
14 my best friends. They're going to come in here and they're
15 going to say -- I don't know what they're going to say. They
16 can't say it wasn't a beautiful place, they can't say they
17 weren't best friends, so they're going to try and say Raniere
18 was hard on us, but that's what they wanted.

19 Now, one of the things that my colleague with the
20 Government talked about was control; he's controlling people.
21 So I want to talk to you about control for a few minutes
22 because this is a very important theme in the evidence too.
23 Every downhill skier who won a gold medal was controlled by
24 some ski coach. Every 18 year-old kid who comes from Biloxi,
25 Mississippi or Hauppauge, Long Island who becomes a marine, is

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1 controlled by a drill instructor. The issue isn't the
2 control; the issue is the intention. The issue is always the
3 intention, and this is going to be a theme that I come back to
4 again and again. The issue isn't the control; the issue is
5 the intention.

6 What's behind the control? Control can be very,
7 very bad. Control can also make marines. Control could also
8 bring gold medal winners. What's behind the control? So when
9 I said in my first few minutes always ask the why, always ask
10 the why. Is he being controlling? Well, a lot of times he
11 is, a lot of times he is. Ask the why. What is happening?
12 Why is he doing this? And what you will see is you will see
13 this is something these people signed up for. They are not
14 there to go shopping and eat cake and do these things.
15 They're there for a reason and they are there to make their
16 lives better and they have signed on to this.

17 One of the things that's going to occur to you at
18 some point during the evidence in this case is what about
19 personal responsibility. What role does one's own personal
20 responsibility have? You heard a lot about someone got
21 recruited and then someone, you know, did something they
22 didn't want to do and then somehow someone got forced in to do
23 something. And as you're listening to the evidence, sit here
24 and think what about personal responsibility? What about
25 saying hey, I don't want to do that or I do want to do that or

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1 whatever it is. It's going to be one of the major themes in
2 this case.

3 Now, there are a lot of things that you're going to
4 see in the evidence that are unusual. Okay. That's why we
5 had that jury questionnaire that you guys spent all that time
6 on, all right. So I want to talk to you about some of them
7 because there are going to be very important things in the
8 evidence. There's going to be evidence of branding. I'm
9 going to talk about that in a few minutes, but that's an
10 unusual thing. It's not unheard of, there are certain sports
11 figures that are members of fraternities that get brands.
12 Sometimes you watch a football game and you see a guy who has
13 a big brand on his arm. The branding here, though, was done
14 only of women. So, I don't know. I mean, you can't want a
15 brand. You're going to see. You're going to see a video, I
16 expect, of a branding. And I'm going to talk about that in a
17 minute. But one of the things I want you to look for, see if
18 anyone seems forced, see if the women seem forced, or they're
19 doing it because they want to do it because, in their own
20 words, they want to bad ass, their words.

21 Another thing that you're going to see a lot of in
22 this case is you're going to see a lot of naked photos. So I
23 want to talk to you a minute about them. One of the themes
24 you're going to hear a lot about in the trial, in the evidence
25 is vulnerability, the importance of vulnerability and how

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1 vulnerability is not a bad thing and how it can be created and
2 how it can be destroyed. Now, when we think vulnerability, I
3 think a lot of people say, hum, that's a bad thing.
4 Vulnerability is bad. We don't want our country vulnerable to
5 attack. And, so, I don't want my home vulnerable to a
6 burglary and, so, I don't want to be vulnerable. Vulnerable
7 is bad. The definition of vulnerable is something capable of
8 being wounded, something capable of being wounded. And
9 anybody who I think is or has been a child, or a lover, a
10 parent, a sister, a friend, we all know absolutely 100 percent
11 each and every one of us is capable of being wounded. I'm not
12 talking physical wounds, I'm talking emotional wounds. It's
13 just a reality, every one of us is capable of being wounded.
14 It's not something -- I don't know, maybe guys don't think
15 about it a lot and that's going to be one of the themes that
16 you'll hear in the evidence too; how men think as opposed to
17 how women think and I don't think that, at the end of the day,
18 you're going to think it is sexist. I think you're going to
19 think a lot of it is accurate, but certainly men don't like to
20 think I'm wounded, I can be wounded but, yes, we can, and we
21 are all the time. We are all the time. We love somebody;
22 they don't love us, that's a wound. As a kid I didn't get
23 something I really, really needed, that's a wound. What
24 happens when you're wounded? You close down. You close down.
25 I open myself up and I got wounded and I'm now closed down.

MDL

RPR

CRR

CSR

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1 And what happens, it's a natural thing that that should
2 happen, but what's the result? You're lonely. You're not
3 with people. You're not as engaged, you're not as open,
4 you're not as out there. So one of things -- and you're going
5 to see this theme, which is why I'm bringing it up now in the
6 opening statement -- one of the things you're going to see in
7 the evidence, time and again, is sort of lessons in how to be
8 vulnerable. And why? Not to be weak, vulnerable is not weak;
9 vulnerable is strong if your insides are strong. If you're
10 insides are strong, you can love, you can trust, you can do
11 those things because you might get hurt. You might get hurt,
12 but if you do, you're fine. You're fine because you're
13 insides are strong. And a lot of what NXIVM teaches is don't
14 put a shell around a soft core, make a strong core and be
15 vulnerable.

16 And here's where the pictures come in. The
17 pictures, you will hear -- and what I mean by the pictures,
18 there are naked pictures and there are going to be a lot, are
19 about vulnerability. One of the things that you're going to
20 hear in the evidence is no one had pictures taken without
21 their knowledge, that would totally defeat the point, but idea
22 is that men and women -- but for the time being I'm talking
23 mostly about women because the pictures tend to be about
24 women, speaking in generalities -- sometimes have issues with
25 their own bodies. I don't want to think about my body, people

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1 don't like my body, I'm very happy to just cover my body with
2 clothing. Is it shameful? Is it bad? Should it be covered
3 up? Is there anything wrong with the body? No, of course
4 not. Especially not your own body. Why would anyone dislike
5 their own body? Now, to make the point, there's a part of the
6 curriculum called Möbius and Möbius is sort of a reference to
7 Augustus Ferdinand Möbius -- you will hear this from the
8 evidence -- who was a German mathematician from 200 years ago,
9 and here is what Ferdinand Möbius did, here's a piece of
10 paper, right, I fold it over. There's an inside, right, and
11 there's an outside. There are two sides to my little thing
12 here. If I fold it 180 degrees, there's one side. You can do
13 it; go back in the jury room when you're deliberating and do
14 it. There is one side, it doesn't end; you can run your
15 finger along the edge and it never ends because there is only
16 one side. Here, you can't do that. You would have to do it
17 once, take your finger off and there is another side. What's
18 the significance of it? The significance of it for NXIVM
19 isn't the significance of it for Mr. Möbius, the
20 mathematician. The significance for NXIVM is that your
21 insides are your outsides, there is no distinction; it is all
22 one side. It is all one side and one of the lessons that they
23 teach in Möbius is something along the following lines: If I
24 was a person doing it, I'd be looking into a mirror, okay, and
25 there would be a person next to me and they would say tell me

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1 something about your face that you don't like. And I would
2 look in the mirror and I would say I have bags under my eyes
3 and I'm self-conscious and, so, part of the reason I wear
4 glasses is so people doesn't see them. And the person next to
5 me would say but aren't those bags part of your identity,
6 don't they mean that maybe you worry, you worry about your
7 children, you worry about your life. Maybe it means that your
8 father had bags under his eyes and so you are your father's
9 son, so you have bags too. You should be proud of them, you
10 should embrace them, they are not shameful. If you want to
11 wear glasses because you can't see, wear glasses, but don't
12 glasses to cover up those bags under your eyes because it's
13 part of you. And people get paid to do this. The photographs
14 are the same thing. The naked photographs are the same thing,
15 there's nothing wrong; there's nothing wrong with your body,
16 there is nothing wrong with you, there's nothing to be ashamed
17 of and it should be celebrated. It's not sexual. And when
18 you look at the pictures, look closely, look at everything,
19 looking at the lighting; there's nothing that changes sort of
20 the simple fact that this is just a body. That's all it is;
21 it's not sexualized, it is none of those things. It is just a
22 body, a natural body in its natural state. That's what you
23 will see.

24 All right, let's talk about DOS for a little bit.
25 DOS was created by Keith Raniere. No doubt about it, it was

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1 created by Keith Raniere. He created DOS to be a sisterhood.
2 He created it to be a woman's organization, yet he did create
3 it. And let me tell you a little bit about what you're going
4 to hear about the evidence on DOS. The idea is this, it's a
5 secret society of women. From the beginning of this country,
6 men have had secret societies; get a dollar bill, turn it
7 over, look at the other side and there is a pyramid with an
8 eye as homage to the Freemasons, who had a major role in the
9 creation of this country. All men. All men. Keith Raniere
10 thought that women should have a secret society of their own.
11 Now, did he create it? Yes, he created it. He created it and
12 what he did, though, is he wanted it to be a sisterhood, he
13 wanted it to last forever, and so there are vows, there is
14 something what they call collateral. Now, I think some of the
15 witnesses are going to say I was intimidated by the
16 collateral, I was coerced by the collateral. I don't think
17 those are conclusions you're going to come to, but why
18 collateral? Why collateral? Because it backs up your work,
19 and I was trying to think of an example of like collateral in
20 a place where you wouldn't expect collateral, and I thought of
21 one. When I was a kid, if I said to somebody I swear to you I
22 climbed that tree to the top, they will say no, you didn't;
23 and I would say cross my heart, hope to die, stick a needle in
24 my eye. I don't know if people still say that, but they said
25 it when I was a kid. Cross my heart, hope to die, stick a

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1 needle in my eye. What are you talking about? It's a silly
2 way of saying basically no, no, I did do it, I'm standing by
3 my word. Cross my heart, hope to die, stick a needle in my
4 eye? No one is going to stick a needle in my eye, I don't
5 hope to die. It's a way of showing that I mean it. Sort of a
6 silly example, but it isn't. And the collateral is the same
7 thing; if you mean it, put something behind it, put something
8 behind your word. And you're going to hear that collateral
9 didn't start with DOS, collateral started way before DOS. It
10 is a very mainstay concept in a lot of the NXIVM teaching that
11 Raniere then applied to DOS. It is very simple. I mean let's
12 say, for instance, I was a guitar player and I wanted to lose
13 weight and, you know, I come to one of you and say, you know,
14 what I'm having the hardest time losing weight, you know, I'm
15 just not doing it. And you say to me, you know what, I'll
16 tell you what, you don't lose two pounds in a month, give me
17 your guitar. That's collateral, that's all it is. There's
18 nothing more than that. It is a way of basically backing up
19 my promise to something I want to do, and you're going to hear
20 this; it doesn't have a bad intention, it has a good
21 intention.

22 Now, one of the things I think is important, none of
23 collateral was ever released all this time. You know, some of
24 the women are giving naked photos, some of the women are
25 writing things about, you know, family members that are false

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1 or true or whatever. None of it was ever released ever, not a
2 single bit, not a single time. You know how they say never
3 say never? I'm saying never, it was never released. It what
4 that means is they never had any intention of releasing it.
5 You can take the fact that it was never released and backfill
6 it to what they were intending to do and it was never released
7 because there was no intention of it ever being released.

8 Now, there is going to be a lot of talk that this
9 was sex trafficking because women were bringing women into the
10 group. Let me tell you why as you hear the evidence this
11 isn't going to make any sense to you. These are best friends.
12 These women love each other. They trust each other, they're
13 best buddies. For you to believe the Government's core
14 premise on this, you would have to conclude, somehow, that
15 these best friends, one of their hearts darkened to the other
16 one and rather than being their best friend, rather than
17 looking out for their self interests, rather than doing this
18 out of love and because they love each other and are close and
19 are best friends, something else entirely, something
20 inexplicable is happening and instead they're looking to hurt
21 their best friend. It's like they become a vampire, you know,
22 now they are looking to harm their best friend; we are not
23 really best friends anymore, now I'm looking to hurt you. You
24 know what? You're not going to believe it. You are not going
25 to believe it because it doesn't make any sense. And all of

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1 this will make sense. You will listen to all of this, step by
2 step, and if it doesn't make sense, if it doesn't make sense,
3 it probably means it didn't happen that way. One of the rules
4 of trials, you can accept it or not, if it doesn't make sense
5 to you, it probably didn't happen that way. And one of the
6 things you will conclude doesn't make sense is that these best
7 friends would darken on each other and look to hurt each
8 other. It doesn't make sense and it doesn't make sense
9 because it didn't happen that way.

10 As my colleagues with the Government mentioned,
11 there was a family that came from Mexico. It was Dani. There
12 was Cami. There was Marianna. There was Adrienne. And there
13 was the dad and the mom. The first one to come was Dani and
14 the Government said that Dani is going to testify and so let's
15 talk about that for a second. Dani, you will likely conclude
16 -- and there is certainly other evidence of this -- is
17 unusually smart, maybe even brilliant. And she took a NXIVM
18 class in Mexico. She loved it. She had opportunities to
19 study in Switzerland on a scholarship because she was that
20 smart. And she said, you know what, the only thing I ever
21 really kind of took to is this NXIVM and I want to leave
22 Mexico and I want to go to the Albany area and I want to take
23 classes because I really believe in it. I don't know how old
24 she was, she was 16, 17, she was young, she comes to Albany
25 and she was working in the administrative office, and she is

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1 not doing really intellectually challenging work. It is kind
2 of boring and one day there is a lecture and Keith Raniere
3 throws out like a brain teaser of some sort, and it's a very
4 difficult brain teaser. Okay, she gets it, she answers it
5 because she is unusually smart. And she and Raniere start a
6 friendship, it starts out as a friendship. He has a lot of
7 respect for her, she has a great deal of respect for him.
8 What I think you are going to hear on the evidence is that, a
9 week after her eighteenth birthday, they do have a sexual
10 relationship. And, you know, I just want to be up front about
11 it, I mean, he was in his forties, she was eighteen and it
12 happened. I'm not saying it's good, bad, or in different.
13 I'm just putting it out there, it happened. I think what you
14 will find is that their relationship was not abusive. Their
15 relationship was mutual, their relationship was consensual and
16 I think their relationship meant a lot. I don't know that
17 that many people in Dani's life really took a special interest
18 in her and said, you know what, you're really smart. And I
19 think she was greatly complimented and it made her feel good
20 that Raniere saw her that way.

21 Now, as soon as a 40-something year old man is with
22 an 18-year old person, I suppose you could spin that all sorts
23 of nefarious ways and this is where I'm going to ask you to
24 look at the evidence in the details. You know, don't stop at
25 conclusions. Don't stop at broad brush, you know, labels or

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1 things like that. Look at the evidence, you know, in detail.
2 One of the things that Dani does at one point, you know, while
3 she and Keith are in this sort of relationship of trust, in a
4 moment of frustration I suppose, she steals money. She works
5 in the administrative office and she steals several thousands
6 dollars and a few days later she tells Keith I stole several
7 thousands dollars. Keith gets angry; we don't do that had in
8 this community, you can't steal. You can't steal here. And
9 he is mad at her and things start to change. Dani is a little
10 bit of precocious person and some of what she does sometimes
11 is she steals; not only that time, other times too; not
12 because she necessarily need the money, almost just as an I
13 can get away with it, you know. And she also starts a
14 relationship with another person.

15 Now, she and others will explain to you that there
16 are ground rules, so let's talk about them right now in the
17 opening statement. There are ground rules for women having a
18 relationship with Keith Raniere so let me tell you what they
19 are. Ground rule number one is, if a woman want to be with
20 Keith Raniere, she can't be with anybody else. You want to
21 sign on to that, you're in; you don't want to sign on, you're
22 not. Ground rule number two, that rule doesn't apply to Keith
23 Raniere. He can be with multiple people. He can be with
24 whoever he wants. You don't want to sign up, don't go. You
25 want to sign up, that's the rule. Dani breaks the rule.

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1 That's it. Dani breaks the rule and she's kind of in trouble,
2 you know. And what starts out as what's supposed to be a
3 temporary thing -- and she is living in a house with her
4 family. You know, when we say she is in a room, when the
5 Governments points out the room isn't locked, it's because the
6 room isn't locked; she is basically in her family's house in a
7 bedroom with her family there, okay. So two days goes to two
8 weeks, goes to two months and ended up being 20 months or 21
9 months that she is in the room and she is in the room because
10 she is refusing -- there's letters every day between her and
11 Raniere and you're going to see a lot of them. You know,
12 there's quite frankly, I think, I mean, hundreds of letters,
13 hundreds of letters. She writes a letter every day, or every
14 other day, for the entire time she is in the room. And she is
15 talking about sometimes I do want to be here, I don't want to
16 be here. You know, this is good for me, this is helping me,
17 this is not helping me, this is driving me crazy, and you will
18 see it all and you will reach your own conclusion as to
19 whether she is a captive. I mean, I'm not saying it is an
20 easy situation, but it is a situation she could have dealt
21 with differently if she wanted to, but she didn't want to.
22 What ends up happening, to make this situation even more
23 unusual, at one point her mother decides, you know what, I'm
24 going to go into a bedroom too. And so, for a period of time
25 you have Dani in one bedroom, you have the mom in another

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1 bedroom, and they are both basically, you know, in the house.
2 Unlocked doors, but in the house. One of the ways that Keith
3 and Dani got close is that Dani, at one point, confided in
4 Keith it seemed like her parents were headed for divorce and
5 that was a subject of conversation. I think she is going to
6 tell you, on the witness stand, Keith helped her with that.
7 She went to him with that. At one point, the mother has some
8 kind of relationship with an Argentine singer named Facundo
9 Cabral. Facundo Cabral is kind of a famous Argentine singer
10 and Facundo Cabral dies on July 9th, 2011, and the mother
11 says, you know what, I'm going to go to his funeral. He is
12 shot to death in Guatemala, there's going to be a funeral, and
13 she leaves the room. After she leaves the room, Dani realizes
14 she wants to leave the room and she leaves the room. My point
15 is, when she wanted to leave the room, she left the room. And
16 her father, her father drove -- with another woman, drove her
17 to the border where she crossed over the border because, at
18 the time, she was illegal and she didn't want to get caught --
19 drove her to the border, she crosses the border and then meets
20 up with a business colleague of the father and is fine.

21 (Continued on next page.)

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23
24
25

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1 MR. AGNIFILO: Drove her to the border. She crosses
2 to the boarder and meets up with a business colleague of the
3 father and is fine. So when she wanted to leave, she left.

4 So you're going do hear a lot about life back in the
5 day, life in Clifton Park, 2001 to 2017, all right? So what
6 happened? This was going along fine. Everybody was fine.
7 Everybody was happy. Everybody was, you know, playing their
8 volleyball and having their picnics and doing...

9 So what happens? So here's what happens and here's
10 what the evidence is going to show you what happens. There is
11 a woman who recruits a DAS slave. And there's something
12 called "Abrahamic Tests" and you're going to hear about this
13 in the evidence. And for all of you that know your Old
14 Testament, Abraham was given an assignment to take his son
15 Isaac and take Isaac to Mount Moriah and offer him to God.

16 And Abraham being a man of faith endeavored to do it
17 and at the last minute God says, You showed that you're a man
18 of faith, you don't have to do it. And Abraham -- Isaac is
19 spared and Abraham becomes a hero in a sense. He's a biblical
20 hero. He's the ultimate man of faith.

21 So one of things that happened in DAS is the women
22 are given an assignment to seduce Ranieri. Seduce him. They
23 can be very clear that the assignment was not to have sex with
24 him. The Government said the assignment was to have sex with
25 him. That's not the case. Let them describe it, okay? The

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1 assignment was to seduce Raniere. This one particular young
2 woman, her name is India gives the assignment to a second
3 person named Jessica, and Jessica misunderstands the
4 assignment. And I think this is what the testimony is going
5 to be. Jessica thinks the assignment is I have to sleep with
6 Raniere. Jessica says, I don't want to do that. I don't want
7 to do that. That is not something I want to do and I'm not
8 going to do it.

9 Someone named Mark Vicente finds out about this and
10 you're going to meet Mark Vicente in the next few days and you
11 will size him up the way you size him up. He loses his mind.
12 He goes off the rails. This is a terrible thing. He goes to
13 India's mother and does what I am going to describe as, "He
14 pushes the mom button." He goes to the mom and says, Your
15 daughter is in grave danger. This is really serious. You
16 have to do something.

17 And there's this huge groundswell because of this to
18 basically obliterate DAS, NXIVM. And what you end up having
19 is you have this schism. You have this sort of schism in the
20 family, okay? There's one big happy family, now it's not.
21 Now, it breaks into two.

22 And I expect that a lot of the people on the Vicente
23 side of the ledger are going to come here and testify and
24 they're going to talk about what a horrible time they had, I
25 suppose, in NXIVM, and how they were coerced and abused and

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1 all these things are terrible. But you guys will have the
2 e-mails. You guys will have the text messages. You guys will
3 go back in time before their perspectives changed and you see
4 will see the truth because this is the truth.

5 Now, there are a lot of controversial aspects about
6 this case and I don't want to lead you to believe for a second
7 that I don't recognize it, all right?

8 There's going to be evidence Keith Raniere had
9 multiple intimate partners over a very long period of time.
10 He had some intimate partners for 30 years, for 35 years,
11 40 years. He had some for a couple of years. And basically,
12 what you're going to see, though, is you're going to see -- do
13 me a favor, evaluate each relationship for itself. You're
14 going to have to. This is where we have to look beyond kind
15 of a why. And you're going to say, I don't like that. I
16 would never do that. I think it's morally wrong. You are
17 absolutely entitled to that opinion. You're absolutely
18 entitled to the opinion, I think it's morally wrong for a man
19 to have multiple intimate partners. And that's your opinion.
20 One of the thing that you're going to find that's not charged.
21 That's not a charge. That's not one of the charges.

22 You're going to find that he had sex at one time or
23 another in which each of the three sisters who came from
24 Mexico, Dani, Cammy, and Mariana. You're going to find he has
25 a baby with Mariana. You might say that's terrible. For my

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1 personal ethics, I think that's morally wrong. Absolutely you
2 should feel that way if that's your personal ethics and I get
3 it. Not charged with that. Just not charged with that.

4 You're going to hear evidence that he was having sex
5 with a fair amount of people. Some of them got abortions.
6 You might say, I'm against abortion. Abortion is killing.
7 Abortion is wrong. Abortion is repugnant, it's morally wrong.
8 I get it. He's not charged with that. I don't have to defend
9 everything. I don't have to defend every part of this case.
10 Parts of this case you're going to find distasteful. Parts of
11 this case you're going to find are inconsistent with your own
12 morality and that's okay.

13 I'll tell you one thing I am going to defend. I'm
14 going to defend his intentions. I'm going to defend his
15 intentions to my last breath in this courtroom. I'm going to
16 defend his good faith. I'm going to defend his good faith to
17 my last breath in this courtroom.

18 So there are a lot of things that look bad for me,
19 let's be honest. You know, there are a lot of cosmetic parts
20 about this case that are difficult. I acknowledge them. And
21 I was thinking, is there an example I could think of -- and I
22 only have another few minutes and I'm going to sit down --
23 that I can talk to you about that kind of sums this up. And
24 the thing that I thought was this.

25 In 1940, in late May to June the 3rd of 1940, okay,

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1 the British get stuck in the north of France and they commit a
2 tremendous military blunder and literally the Germans marched
3 them up to the ocean in a little town called Dunkirk. It's
4 famous now because there have been a couple of movies about
5 all of this in the last year or.

6 So the British are stuck up in Dunkirk, and
7 famously, British citizens take their boats and go across the
8 Channel and save a lot of the soldiers, but it is a military
9 disaster for Great Britain and it's a year and a half before
10 the United States would enter World War II.

11 So there's a real fear that there's not going to be
12 an England. There's a real fear that England is just going to
13 lose and be overtaken by the Germans. And on June 4, 1940,
14 Winston Churchill goes into Parliament and he gives one of the
15 great speeches of the 20th century. And when he says to
16 Parliament: In the face of fear, in the face of what seems to
17 be overwhelming force against him, he says, We will defend our
18 island home. We will defend it on the shores. We will defend
19 it on the seas. We will defend it in the air. We will defend
20 it in the cities and in the towns.

21 And I will defend my island home in this courtroom
22 and my island home is that man's good faith. My island home
23 is that man's good intentions. And I will fight with my every
24 last breath until this trial is over, until all the evidence
25 is in, until the shooting is done. And, at the end of all of

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1 that, the flag of freedom will be flying above my island home
2 because I will have successfully defended it.

3 I don't have to defend everything. I don't have to
4 defend everything to win this case. But I will defend his
5 good faith. And, at the end of the day, if you find that he
6 had good faith and, look, look hard, look hard, examine it.
7 Don't take my conclusions, don't take my word for it, you guys
8 study the evidence. Study the text messages. Study the
9 e-mails. And ask why, why did he do it? Why did he do it?
10 What's going on here?

11 If you do that, you'll conclude that at the end of
12 this case that I have defended my island home and he was
13 acting in good faith. That is all I have for you at this
14 point.

15 Thank you.

16 THE COURT: All right. Members of the jury, just
17 stand up for a minute and stretch before we start the
18 Government's case. Everyone else can stand up, too, for that
19 matter.

20 (A brief pause in the proceedings was held.)

21 THE COURT: The Government may call its first
22 witness.

23 MS. PENZA: Yes, Your Honor. The Government calls
24 the witness.

25 THE COURT: Did you want to introduce some evidence.

Proceedings

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1 MS. PENZA: I would like to put something on the
2 record, your Honor.

3 THE COURT: Go ahead.

4 MS. PENZA: The Government respectfully moves to
5 admit into evidence the following Government Exhibits 202,
6 203, 1004, 1005. 1007, 1008, and 1009. And then Government
7 Exhibits 1405 through 1411. And then 1413 and then 1414.

8 MR. AGNIFILO: We have no objection to the admission
9 of those exhibits.

10 THE COURT: Those exhibits are she have had in
11 evidence without objection.

12 (Government's Exhibits 202, 203, 1004, 1005, 1007,
13 1008, and 1009; 1405 through 1411; 1413 and 1414 were
14 received in evidence as of this date.)

15 MS. PENZA: Thank you, your Honor.

16 And the Government calls the witness who will be
17 identified as Sylvie.

18 THE COURT: Sylvie?

19 MS. PENZA: Yes.

20 (Witness takes the witness stand.)

21 COURTROOM DEPUTY: Raise your right hand.

22 **SYLVIE**, called by the Government, having been first duly
23 sworn/affirmed, was examined and testified as
24 follows:

25 THE WITNESS: I do.

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1 THE COURT: You may inquire.

2 DIRECT EXAMINATION

3 BY MS. PENZA:

4 Q Good morning, Sylvie.

5 A Good morning.

6 Q Have you heard of an organization named NXIVM?

7 A Yes.

8 Q Were you part of that organization?

9 A Yes.

10 Q For approximately for how long were you part of that
11 organization?

12 A Around 13 years.

13 Q I'm sorry, can you repeat that?

14 A 13 years.

15 THE COURT: You can pull the microphone closer to
16 you.

17 THE WITNESS: Thank you.

18 Q From what age to what age?

19 A 18 up to 31.

20 Q And where was that organization headquartered?

21 A Clifton Park, New York, or that is Clifton Park, sorry.
22 Albany, New York.

23 Q Is Clifton Park near Albany?

24 A Yes.

25 Q And as part of the NXIVM organization, did you receive a

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1 certain rank in the organization?

2 A Yes, I made it to Coach, Three Stripe Coach.

3 Q And we'll talk about that a little bit more in a while,
4 okay?

5 A Okay.

6 Q At some point, were you also recruited into an
7 organization that you've come to learn is called sometimes
8 termed DAS?

9 A Yes.

10 Q And for how long were you in DAS?

11 A From 2015, and I'd say that was around September,
12 October, until it finished, it fell apart.

13 Q And when, approximately, would you describe it as falling
14 apart?

15 A 2017 in the summer and officially, really, once Keith
16 Ranieri was arrested.

17 Q Let's walk through what happened that first led you to
18 NXIVM.

19 Where did you grow up?

20 A I near a village in England near Bristol.

21 Q And can you describe your childhood a little bit?

22 A Yes. I'm the youngest of four children. I normally
23 describe it as a bit of an enchanted childhood. We had horses
24 growing up. I was very involved in pony club and competing my
25 horses. My family traveled with us a lot. We were a close

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1 family and a big family and we had a lot of fun, basically.

2 Q And I think you just said at some point did you begin
3 competing in horse shows?

4 A Yes. And, yeah, I'd say I was riding horses from before
5 I can remember. But competing probably from three, four,
6 around that age.

7 Q And, at some point, did you develop the desire to make
8 that more of a long-term commitment?

9 A Yes, definitely. I always envisioned becoming -- I was
10 trying to become the best rider in the world. That was my
11 idea in my head.

12 Q And so, how did you -- when you were younger, how were
13 doing competitively in these horse shows?

14 A I was sort of working my way up the ranks of ponies which
15 is you ride up until you're 16. And I had to two national
16 final wins in ponies. And then I was sort of, yeah, moving up
17 the levels with an aim to become professional.

18 Q How far did you go in school?

19 A I left school at 16, so I didn't finish, well, you are to
20 finish school completely would be A levels in the UK. So I
21 left after my two SE's at 16.

22 Q And why did you quit school at 16?

23 A So that I could show jump. I wanted to focus completely
24 on riding.

25 Q And was that decision unusual in terms of what your other

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1 family members did?

2 A Definitely.

3 Q Can you explain that a little bit?

4 A Yeah, I will. Everyone else in my family went to
5 university which means doing another two levels of school.
6 Which two years in school which is A levels and then you go to
7 university. And I'm from a family of people who have been
8 very successful in business and different small professional
9 pursuits, we say, in that way so it stood out a lot that I
10 didn't finish school.

11 Q And so, what did you -- after quitting school, what did
12 you do next?

13 A I left home and I went and based myself with two British
14 riders about two and a half or three hours away from my family
15 home.

16 Q What was that like?

17 A I was sort of an apprentice; and so, they were teaching
18 me, well, I groomed for them which means looking after their
19 horses and getting to travel all over the world while they're
20 competing at top level. And then I was also taught how to
21 back and break in young horses. I was getting the chance to
22 have some training riding. So, really, showing me the ropes
23 of what it means to be a professional show jumper.

24 Q At some point did something happen?

25 A Yeah, at a horse show in Oslo or Helsinki, I can't really

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1 remember. But one of those where I was working for the
2 British riders I met Clare Bronfman. I met her cousin who was
3 working for her and introduced me to her.

4 Q Have you ever heard of Clare Bronfman at that point?

5 A Vaguely because she had a couple of big wins at the top
6 level. But national massively because she was an American
7 rider and my focus was more on the European riders.

8 Q What did you know about Clare Bronfman at that time?

9 A Not a lot. I know that there had been some rumors and
10 things, like, people had some things about her being a bit
11 weird, or that someone called her, like, a tree hugger or
12 something like that but I didn't know her. And she was a
13 very, I thought she was a very talented rider and she was very
14 calm in the way that she rode. So apart from that, I didn't
15 know anything about her.

16 Q Did you know anything about her finances?

17 A I knew that she was -- not really. But, I mean, like you
18 could tell she was wealthy because she didn't have any owners,
19 she owned her own horses.

20 Q Was that something that was unusual?

21 A Yeah. So, for instance, the people I worked for were
22 really employees of an owner that owned all of their horses.
23 They owned some of their own horses, but the top level horses
24 would be millions of dollars, let's say, or a lot of money and
25 it's very expensive to compete at that level. So it was

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1 unusual even for a professional rider to own any and
2 definitely not all of their horses.

3 Q At some point, did you have an accident when you were
4 working with the other family?

5 A Yeah, they were called the Davenports the people I worked
6 for in the UK. Yeah, my parents purchased my own horse,
7 purchased me a horse from the Davenports so that I could train
8 more officially with them as a rider. And I had an accident
9 that really knocked my confidence on that horse. I lost a
10 front too and it was quite a bad accident and it really
11 spooked me.

12 Q At some point did you stop working for them?

13 A I did. It was decided that just -- I was really having a
14 hard time with my nerves; and so, I basically went home with
15 my horse to just compete at a lower level. And so, trying to
16 figure out what to do next.

17 Q At that point, did you learn of a new job opportunity?

18 A Yeah, a friend of mine who had worked for the Davenports
19 was working for Clare Bronfman and she was about to leave and
20 so she asked me whether I'd be interested in taking her
21 position.

22 Q Did you know where that position would be?

23 A Yeah in America.

24 Q And how did the actual job get arranged?

25 A I think I spoke to another girl that I had known when she

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1 was working for someone else who is now working for Clare. So
2 that was, like, another connection. We spoke over e-mail,
3 over the phone, I don't really remember. But it was decided
4 that I would come out for three months and see whether I liked
5 it or see whether I was suited.

6 Q Before you left, did you do any more research on Clare
7 Bronfman?

8 A I didn't personally, but my dad had printed out some
9 stuff about NXIVM and he showed it to me.

10 Q And did you have any concerns at that time?

11 A Not really. Like, he said to me, it looks like she's in
12 a cult. And he showed me some stuff from the website. But I
13 don't even really remember reading it properly. And, to be
14 honest, I was excited at the opportunity that I might be able
15 to get back in track to do the career as a show jumper and not
16 always lost. And so, I was still willing no matter what,
17 really, it give it a go because you I thought this was my
18 chance to get back on my feet.

19 Q So what was your vision of what was going to happen when
20 you got to the United States?

21 A I was hoping to impress her, honestly, and work as hard
22 as I could and that I would get opportunities with her to
23 still become this professional rider that I wanted to be.

24 Q And so, did you end up traveling to the United States?

25 A I did, yeah.

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1 Q And when was that?

2 A That was I think it was, like, October 2005.

3 Q How old were you then?

4 A 18.

5 Q What was your legal status?

6 A I came on the Tourist Visa Waiver Program.

7 Q Did you expect to be paid for your work with Clare?

8 A I did, yeah.

9 Q And did you have an understanding of whether that was
10 okay?

11 A I think, I mean, I think in retrospect, I did think it
12 was wrong and I don't think that I really put enough thought
13 into the gravity of the fact that that was not legal. But,
14 yeah, I did know that I was on a tourist visa and I was being
15 paid.

16 Q How did you rationalize that?

17 A I think I thought, well, I mean, I was 18 and not that
18 that just it at all. But I think the way that things worked a
19 lot in horses anyway is people got paid cash and it was all
20 quite casual. And I think I must have thought, well, I'm
21 going to get paid cash and it's only a short time or something
22 like that.

23 But I honestly probably -- I definitely didn't think
24 it through enough and I don't remember putting much thought
25 into it all, so I don't think I really took in the gravity of

1 of it, to be honest.

2 Q Where were you living when you arrived?

3 A Duanesburg which is, I guess, it's in the Albany area.
4 I'm not sure what county that is. But it's the farm where
5 Clare had her horses was called Duanesburg.

6 Q Can you describe what your life was like when you
7 arrived?

8 A Yeah. When I first got there, it wasn't exactly how I
9 expected. There was two other girls and my friend Catherine
10 was there. There was an overlap of us for, like, a couple of
11 weeks. But things were definitely different to how they were
12 done in the UK.

13 Q How so?

14 A Well, I mean we didn't have -- there was a few things. I
15 think something that totally stood out is we didn't have the
16 same routine, for one. Like, people -- it seemed like the
17 rider -- Clare wasn't there as much as the Davenports.
18 Everybody was there every morning. All the riders, everyone,
19 and there was a very professional structure.

20 So it was much more down to me and the girls, like,
21 a lot of the time and Clare wasn't really there. And when I
22 very first got there, the girls were very different, like,
23 they were very focused on, for instance, like food and their
24 weight and their bodies and I had never been around that in
25 the show jumping world. That wasn't -- food wasn't thing.

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1 Most of us ate burgers and chips because that's horse show
2 food, that's what's around. There wasn't a focus on health
3 and image and all of these kind of things.

4 And, yeah, I think I remember on my first day there,
5 we they took me to lunch but they didn't eat anything and only
6 I got like a slice of pizza or something. And they were kind
7 of like can obsessively talking about calories and things.
8 And I actually just didn't even know what calories were. I
9 had never heard of a calorie before which does sound weird but
10 it's just -- it wasn't talked about in the UK. So stuff like
11 that really stuck out for me.

12 Q Were the girls that you were living with taking any NXIVM
13 curriculum?

14 A Yes, both of them were. And Catherine, my friend, told
15 me she had taken one day.

16 Q And what did they tell you?

17 A Well, Catherine gave me the impression she didn't like
18 it. But she said she wasn't supposed to tell me anything
19 about it or something. And she was just kind of like you
20 should make up your own mind about that. But the other two
21 girls were quite -- they were enthusiastic about it and
22 telling me about how much it could help me get through my
23 limitations they called it and things like that.

24 Q During the time you were there for during that on the
25 tourist visa, did you interact with Clare Bronfman?

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1 A Yes.

2 Q And what was the level of interaction?

3 A Well, in the beginning not so much. I mean, like I say,
4 I really just wanted to do a good job and stand out in that
5 way so not like in a friendly basis in the beginning. She was
6 just my boss.

7 And then, yeah, it kind of -- I interacted with her
8 a lot more after taking ESP, for instance. Is that what
9 you're asking, I'm not sure I'm answering the question.

10 Q You're doing fine.

11 So did you take any steps to increase your
12 relationship with Clare?

13 A Yes, I did. Well, from the standpoint, first of all, the
14 girl that worked for her was telling me a lot about ESP and
15 suggesting I take the five-day training and I think it was
16 coming up quite soon after that. And so, she arranged for me
17 to talk to Clare about it. That's the first time I'd say I
18 probably sat down and really talked to Clare.

19 Q You used the term "ESP," what is that?

20 A That's Executive Success Programs. And I guess that's
21 part of NXIVM or that's what -- I don't really actually don't
22 know I'm -- I actually don't understand the relationship of
23 that. But NXIVM is, like, ESP is part of NXIVM. It runs the
24 programs from what I understand.

25 Q And you mentioned a five-day. Can you just give us a

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1 brief explanation of what you meant by that?

2 A Yes. They call that, like, a Level 1 Intensive. It's
3 actually 16 days long, but they break it down into a five-day
4 and an 11-day, or just you could do the whole 16 days in one
5 go.

6 And I think it's sort of described as, like, the
7 pillars of Keith Raniere's teachings. And, yeah, the five
8 days is sort of the first part of it.

9 Q At some point, did you have a discussion with Clare
10 Bronfman about taking the five-day program?

11 A Yes.

12 Q And can you describe that meeting?

13 A Yeah. She asked me why I wanted to take it, I think, and
14 I said, well, I've heard, like, it can help me get through all
15 my limitations or something like that. I basically told her,
16 like, what the girls had said to me about why they thought it
17 would help me. And she -- I think she encouraged me that,
18 yes, it could help me with those things. And I think that she
19 told me that she would pay for it because I don't remember
20 paying for it at all myself.

21 Q Do you remember, approximately, how much the five-day
22 would have cost them?

23 A I don't know exactly, but I think it was around three and
24 a half grand or something like that. It may have been less
25 than that, but I wasn't paying and I don't remember, I'm

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1 sorry.

2 Q You said somebody enrolled you. Who was that?

3 A I think on paper -- I'm not sure officially because later
4 on it becomes more relevant in what they call the Stripe Path
5 I guess we can talk about. But I think at that time they put
6 my person that enrolled down as Anna Boies who is the girl
7 that worked for Clare. One of the girls that worked for
8 Clare. She was Clare's barn manager, I believe that was her
9 job title.

10 Q And so, did you end up taking the five-day?

11 A I did, yeah.

12 Q And where was that held?

13 A At the Albany Center which is nearer Albany than
14 Clifton Park is. The city, I mean.

15 Q Do you remember the street that that's on?

16 A I think it's 455 New Pond Road.

17 Q And so, can you describe your impressions of the
18 five-day?

19 A Yeah. I mean, on the first day I got -- I was pretty
20 freaked out straight away. For one, there was a lot of people
21 at the center. It was quite overwhelming for me. The day
22 started off with lots of questionnaires that were like
23 personal questionnaires, and I feel like some of them asked
24 you: What's the worth thing that ever happened, or worst
25 thing you've ever done or something like that. They were,

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1 like, questions that were pretty intense and I had never
2 done -- I had never taken any kind of personal growth courses.
3 I didn't know what personal growth was. It was a lot even at
4 the start.

5 And then, just each part of the first day even was
6 just a big ask for me, but then you went into the classroom
7 and there were people standing up meeting to introducing
8 themselves and why they were there and that was all very scary
9 for me.

10 And we went into the first class that had a lot of
11 things in it that really threw me called "Rules and Rituals."
12 So I'd say to some extent I found it very scary and weird on
13 that very first day.

14 Q Have you ever, as part of NXIVM, have you ever had to
15 sign a nondisclosure agreement?

16 A Yes, many.

17 Q Did you have to sign one for the first five-day
18 intensive?

19 A Yeah, I'm sure I would have done.

20 Q And can you explain the concept of a nondisclosure
21 agreement?

22 A I think it's like anything that you learned there you
23 can't tell people about and that you can't recreate the
24 materials. And it's, like, basically I took it as, like, a
25 confidentiality agreement. So anything that happens here is

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1 kind of confidential.

2 Q And how were people interacting?

3 What were your observations about how people were
4 interacting with each other?

5 A Well, people seemed, like, extremely kind of happy and
6 affectionate with each other. So there was sort of people
7 kissing, you know, kissing on the lips. They were very -- I
8 would call it "over the top," I think, at the time because it
9 was very unusual for me. But I thought maybe it was a bit of
10 an American thing because in England people are much more
11 reserved and my family we're not super touchy in that way. So
12 it was pretty overwhelming for me.

13 Q Did you know anyone else in that five-day course?

14 A No. One of the shadow coaches they call it was someone
15 that also worked for Clare. He was a land manager or
16 something, so I had met him but I didn't know him, know him.
17 So, no.

18 Q How did your age compare to the age of the other people
19 who were taking the courses?

20 A I would say it was I was the youngest in the room. And I
21 think there was a guy anyway that was a couple of years or few
22 years older than me. But then the rest of the people were
23 much older.

24 Q What else did you note about the room where you were
25 actually taking the intensive?

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1 A There were lots of sashes on the wall in there. There
2 were -- it was quite a big room and there's, like, a big chair
3 or two big chairs at the front of the room that were much
4 higher than everybody else.

5 Q Who sits in the big chairs?

6 A The head trainers.

7 Q What was the daily schedule for a -- for the five-day
8 intensive?

9 A It was long. Like, we needed to be there early in the
10 morning. I think we had to be there around 7:00 or 7:15 and
11 that way you would have breakfast and start probably somewhere
12 around 8:00. And you'd always start with a thing that they
13 taught us on the first day that was called "The
14 Mission Statement." So you go through, like, a whole ritual
15 when you started. Then the days could run from 9:00 or later
16 at night and we'd get an hour for lunch and a half an hour for
17 supper or dinner or tea whatever you call it here, sorry. The
18 evening meal, let's say. So, yeah, they were long days.

19 Q Were there any pictures in the room?

20 A Yeah, in the Center, there were pictures of Keith Raniere
21 and Nancy Salzman. And there were multiple pictures, there
22 was a collage as well, so there were more artistic takes and
23 then some photographs.

24 Q I'm holding up what is in evidence as Government Exhibit
25 203.

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1 A That's Nancy Salzman. That's who she was referred to as
2 Prefect that was at the center.

3 Q Was this actual an picture in the center?

4 A Yes.

5 Q Was this picture in the center during what time period?

6 A As long as I can remember.

7 Q Did the picture themselves change over time?

8 A I think that that one may -- I think that may have been
9 an older one when I first came. But that one's been there for
10 as long as I can remember. So I think it's been there a
11 while. There was always a picture, it just may be a different
12 hairstyle from the first one, you know.

13 Q Okay. And how was, I'm sorry, how was she referred to in
14 the NXIVM class?

15 A Nancy Salzman was referred to as "Prefect" and Keith
16 Ranieri was referred to as "Vanguard."

17 Q What do those names -- were you told what those names
18 meant?

19 A Yes. Well, actually, I can't remember what I was told
20 Prefect was -- it was described to me. I just know what I
21 understood a Prefect to be is like an educational leader. But
22 Vanguard was described as leader of a philosophical movement.

23 Q And would the students and the trainers actually refer to
24 him as "Vanguard"?

25 A Yes. Yeah, you were required to call him "Vanguard" and

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1 call Nancy "Prefect."

2 Q And now, showing you what is in evidence as Government
3 Exhibit 202.

4 Do you recognize that?

5 A Yes.

6 Q What is this?

7 A That's a picture of Vanguard or Keith Raniere.

8 Q Was this also --

9 A This was also in the center. Yeah, they sat next -- they
10 didn't sit -- the pictures were next to each other.

11 Q And was this one -- did this picture change over time?

12 A I believe it did, too, because I don't think that was how
13 he looked when I first joined. But I think it was there when
14 I was there as well at the same time the other Nancy photo
15 was.

16 Q I'm showing you a page from what is in evidence as
17 Government Exhibit 1007.

18 Were you familiar with this document?

19 A Yeah, that's the papers that the coach would have in
20 Leading Rules and Rituals.

21 Q What is -- can you just describe, generally, what Rules
22 and Rituals is?

23 A So that would be where you're kind of introducing the
24 idea of the rules and rituals or the of ESP to the students.
25 And so you would get them to come up with other places that

1 they might imagine people using rules and rituals or wearing
2 uniforms or addressing people with titles. So that you'd kind
3 of, like, encourage them to be, like, where else might you
4 have -- where might you have seen somebody, you know, get
5 addressed with a title, or what other professions do you know
6 where people wear a uniform?

7 So you're kind of, like, normalizing the idea of
8 people being addressed with a title or being, yeah, I guess
9 that's the way I would say it.

10 Q Why was it -- let me just back up for one second.

11 So you mentioned at the beginning you eventually
12 became a coach?

13 A Correct.

14 Q So would you actually?

15 A Go through it? Yes.

16 Q I'm sorry.

17 Would you take people through the curriculum
18 eventually?

19 A Yes.

20 Q I'm sorry. Would you take people through the curriculum
21 eventually?

22 A I would, yes.

23 Q Did you have an understanding from your time as a coach
24 later on why it was important to normalize these things?

25 A Yeah, because I think they were, well, from my

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1 perspective they were quite weird. And so, I think you needed
2 to set it up for people to think, well, I've seen this in
3 other ways in life where it is quite normal, so it helped them
4 feel more comfortable with what is going on.

5 Q And in your time as a coach, did you ever observe other
6 students taking the course? Did they ever express kind of
7 those same feelings that you had?

8 A Yes, definitely. I coached for a long time. So I think
9 I coached -- I don't even know how many years, but I saw all
10 kinds of reactions to it for sure. I think it helped people
11 feel more comfortable by asking them those questions because
12 if you say, well, you know, you'd call a police officer
13 whatever you call a police officer, sorry, I don't want to use
14 that example because I can't think, but basically you'd use
15 titles in others ways. But there were definitely people that
16 were probably more uncomfortable with things like the
17 Mission Statement and the clapping and stuff like that. Than
18 they were the titles even.

19 Q Okay. So let's -- we'll go through some more of the
20 rules and rituals.

21 Would you read Number 2 for us from the Rules and
22 Rituals. Can you see it on your screen?

23 A Yes. I'm going to move the microphone if that's okay.

24 So promotion -- is this the one you're asking for?

25 Q Yes, please.

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1 A In business there are certain requisite skills for
2 success. Each of the requirements for promotion is a way of
3 developing skill sets and giving tribute to the mission. ESP
4 grants rank and promotion for making contributions to the
5 mission of the organization and for meeting certain personal
6 growth requirements; these criteria are ESP's way of measuring
7 individual progress. Promotion is not a requirement of the
8 program; however, with rank comes certain privileges. When
9 rank is awarded, Coaches and Proctors become eligible for
10 additional programs, special information, facilitation
11 training, and business opportunities.

12 Q Were you familiar with that principle?

13 A Yes. It was there was a lot of encouragement to get to
14 Proctor because it seemed like if you became a Proctor or it
15 seemed through a lot of the talk there was a lot more
16 opportunity. And I think people would say, Once you've become
17 Proctor you could have a business or work directly with
18 Vanguard or something like that. And so, you were really
19 encouraged to move at least up the Stripe Path to the Proctor
20 rank.

21 Q And the Number 4 where it says, "Pictures of Founders."
22 Is that the pictures that we just saw?

23 A Yes. Did you want me to read it?

24 Q I think we can move on.

25 Moving on to -- this is still Government

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1 Exhibit 1007.

2 Can you read Number 9?

3 A Yeah. It says, The exercise, so this is what the coaches
4 were going to be asking people to do, is to think of three
5 situations where groups begin a meeting or a session by
6 reciting a statement.

7 Q And so, what was -- I'll just stop you for a second.

8 What was the purpose of having participants do that
9 exercise?

10 A I guess so that they weren't weirded out by the
11 Mission Statement. At least they could say, oh, yeah, this is
12 something that is used somewhere else as well it's not just
13 here.

14 Q And then can you read the explanation of the recitation
15 of the Mission Statement?

16 A Yes. It says, The 12-point Mission Statement is a
17 cornerstone of ESP's program. As such, it is recited before
18 the start of each session. As a participant's -- I'm sorry, I
19 can't read -- as a participant's understanding and integration
20 evolves, the repetition of this statement brings even deeper
21 meaning to the purpose of ESP. Upon completion of the
22 Mission Statement, all recite, "Thank you, Vanguard," as a
23 tribute to its author.

24 Q And so, how would that actually work, the
25 Mission Statement?

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1 A So the entire room would recite it together. I can't
2 remember we did, like, a little thing either before or
3 afterwards. I think it was before where you'd get round in a
4 circle and put your arms around each other and we had to say
5 to each other, "We are committed to our success."

6 Q And would people say, "Thank you, Vanguard," after the
7 Mission Statement?

8 A There was a clapping thing that happened, and for some
9 reason I can't remember any more whether it was before or
10 after the Mission Statement. But, like, the Proctor would
11 clap, and then the coach would clap, and everyone else had to
12 clap with the coach. And then you'd say, "Thank you,
13 Vanguard; thank you, Prefect; thank you, Proctors."

14 Q Moving on to Number 11, Confidentiality and Materials.
15 It says, We ask all participants to sign confidentiality
16 agreements and then it goes on.

17 Is this the concept you were talking about earlier
18 regarding nondisclosure agreements?

19 A Yes.

20 Q And was that something that was considered very
21 important?

22 A Yeah, we had a lot of signing. In all the intensives,
23 you signed a lot of confidentiality, different papers, and I
24 started to not really pay attention to what I was signing, to
25 be honest. But we were signing papers a lot, again, every

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1 week because it would be nondisclosure. And also like the one
2 to do with people being able to use your image and video and
3 stuff like that. So we always had a lot of papers to sign.

4 Q Would you have felt comfortable violating the
5 nondisclosure agreement?

6 A No.

7 Q Turning to the next slide. Again, we're still on
8 Government Exhibit 1007.

9 Can you read Number 18?

10 A Okay. This is where it was talking about the circle. So
11 this is the huddle and commitment to success. It says, At the
12 beginning of each session, the group forms a circle and in
13 union says, sorry, I'm going to push the screen a tiny bit.
14 In union, it says, We are committed to our success. The
15 purpose of this is to create an interaction on a closer than
16 normal level, more like a team. It's an informal and what
17 some people might call a warm/fuzzy interaction.

18 By having this type of direct, imperfect, close
19 face-to-face, eye-to-eye interaction we believe people will
20 see each other not as objects but rather as people.

21 Q And then the next three bullets discuss handshakes.

22 Can you just describe the handshake process in
23 NXIVM?

24 A Yes. So you were taught that people of higher rank would
25 have their -- you had to shake hands in a specific way. And

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1 the lower-ranked person had their hands kind of lower, I
2 guess, in the pile of hands. I don't really know how to
3 describe it. So the higher ranked person would always have
4 their hand on top of the lower-ranked person.

5 Q And if we move down to Number 21. Was this what you were
6 describing before at the end of the session, the
7 highest-ranking participant under Proctor says to Vanguard, is
8 that something?

9 A Oh, yeah, this is the part where you would do the bowing
10 and saying the thank yous.

11 Q So how does it actually work?

12 A I'm just reminding myself what actually...

13 Q Is that consistent with what you remembered?

14 A Yeah.

15 Q Okay.

16 A Sorry. Do you want me to describe it?

17 Q Is it consistent with what you remember, please.

18 A It is. So we would do the clap. And then everybody
19 clapped. And then the, "Thank you Vanguard; Thank you,
20 Prefect." But you're saying to Vanguard. I used to always
21 get that wrong I just realized. You're saying to Vanguard to
22 Prefect to Proctors.

23 THE COURT: And when you did this, was Vanguard in
24 the room, or?

25 THE WITNESS: Rarely.

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1 THE COURT: So you thanked him in absentia most of
2 the time?

3 THE WITNESS: Yes. The vast majority of the time.

4 THE COURT: All right. Go ahead.

5 EXAMINATION BY

6 MS. PENZA:

7 (Continuing.)

8 Q Turning to the next slide. It says, "Scripting."

9 Is scripting a concept you're familiar with?

10 A Yes.

11 Q Can you describe what it is?

12 A It was -- my understanding is it's like a way to come up
13 with a kind of script of how you would try and sell someone
14 something.

15 Q And was this actually taught on the first day of the
16 intensive?

17 A This is in that first class, I think, in Rules and
18 Rituals.

19 Q So could you read the scripting that is in the Rules and
20 Rituals?

21 A Yes. So it says, The first part is you come up with a
22 statement of truth. This tells the person why you're calling
23 and what you want. Always be honest. Pretending a false
24 intention is deceitful and can lead people to distrust you.
25 If you're calling about a business issue, don't act like it's

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1 a social call. Example: John, I know I haven't spoken to you
2 in five years, but the reason I'm calling is...

3 I'm not sure if you want me to read this
4 specifically.

5 Q No, you're doing very well. Keep going down.

6 A Then there is the statement of need. So you tell the
7 person honestly what you need from them. Example: I just got
8 involved with this great company called Executive Success
9 Programs and I want to tell you about it. I think it's the
10 greatest thing I've done for myself in years, and I thought of
11 you.

12 Then you do the take away and this removes pressure.
13 So when you push someone, their natural response is to resist.
14 As soon as you take something away from someone, they somehow
15 feel a little rejected and they want it back. For example, I
16 don't even know if this is something you'd be interested in,
17 but if I could have 15 minutes of your time we could get
18 together and see if it's a fit, if we have a fit. And then
19 you book the appointment.

20 Q And so what is the context of this?

21 A This is in that first class, and I think it's used as an
22 example of how you should enroll people in ESP.

23 Q And so can you just describe the concept of enrolling
24 people into ESP and the importance of that?

25 A Well, yeah. It was encouraged a lot and it's really,

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1 it's the one of the main parts of how you would move up the
2 ranks in ESP. So as a, Coach, well, as a student, even you
3 had to do certain things in order to be promoted as a coach.
4 And then, as a Coach, promoted as a Proctor and so on. And
5 so, a big part of that was growing, what they called "Growing
6 Your Organization." So that's like enrolling people into the
7 program for them to become students and for them to become
8 coaches and that kind of thing.

9 Q And now, I'm showing you what is in evidence as
10 Government Exhibit 1008. And in the background there, is that
11 the Mission Statement that you were talking about earlier?

12 A Yeah, that's the Mission Statement.

13 Q Can you read the first callout from the
14 Mission Statement?

15 A It says, There are no ultimate victims; therefore, I will
16 not choose to be a victim.

17 Q And can you explain what that concept was?

18 A I feel like this was something that was taught a lot;
19 that there's really no such thing as victims, and anything
20 that happens to you is created by you. So this was something
21 I must have recited hundreds and hundreds and hundreds of
22 times because it's the second sentence of the
23 Mission Statement. But it was also interwoven into different
24 classes in different ways.

25 Q And then can you read the second callout, please.

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1 A This says, People control the money, wealth, and
2 resources of the world. It is essential for the survival of
3 humankind for these things to be controlled by successful,
4 ethical people. I pledge to ethically control as much as the
5 much wealth and resources in the word as possible within my
6 success plan. I will always support the ethical control of
7 these things.

8 Q Was that something you understood as part of the NXIVM
9 model?

10 A Yes.

11 Q Okay. Going back to when you took the first five-day
12 intensive. How did you feel about the Rules and Rituals?

13 A Like I say, I got very spooked. I think just it was so
14 far outside anything I've ever experienced before. And also,
15 I'm not from a background where there's any kind of
16 idolization of any one individual. And, yeah, so it was
17 definitely not just a normal person, let's say. So it was
18 unusual.

19 Q Was there one individual who you felt was being idolized?

20 A Yeah, Vanguard. Like, to address someone as "Vanguard"
21 and it kind of -- it seems like people were very enthusiastic
22 about Vanguard, like, that was unnerving for me. And yeah, I
23 got a massive headache on that first day and I actually threw
24 up later during that first day. So I was just, in general, I
25 felt I was not doing well.

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1 Q Did you end up continuing the five-day curriculum?

2 A Yeah, I did. I found those first few days really hard
3 and I wasn't really answering the questions in this group
4 because you do breakout groups. The structure is they kind of
5 a head trainer -- or there's, like, a video of Nancy telling
6 you what the questions are. Then the head trainer repeats the
7 questions and you'd break up into smaller groups. And you'd
8 have to answer the questions. And I found that really hard
9 and I wasn't doing -- I just didn't want to answer the
10 questions, I really didn't understand how to answer them and
11 so all of it was very foreign.

12 Q Did something happen that shifted your experience a
13 little bit?

14 A Yeah. So on the evening, I think, it's of the third day
15 they teach a class called, "The Fall."

16 Q Can you explain what the Fall Module -- I'm sorry, do you
17 ever refer to them as modules?

18 A Yeah, that's what the classes were. They're not called
19 "classes," they're called "modules."

20 Q Can you describe the Fall Module for us?

21 A Yes. The Fall Module is where they introduce this idea
22 of suppressives. And these are people that we're taught that
23 get joy from destroying things. And kind of the set up of
24 this module was based -- it started off with sort of asking
25 questions what a person with low self-esteem like.

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1 So this was the first time I felt like I could
2 answer the questions just because they seemed more
3 straightforward. And also, just I could relate to that,
4 honestly, like, well, they're not very healthy, they're
5 depressed. These were things I could answer, so I started to
6 get into it a little bit more.

7 Q And can you describe a little bit more about what the
8 story is within the Fall Module?

9 A Yes. When they're doing what I guess what you'd call the
10 debrief, they use the -- the way, the metaphor they used to
11 explain the Fall, what they called the Fall, was is, I think,
12 it's a Bible story, that's what you would call it. But it's
13 about Lucifer and falling from grace. And falling from grace
14 if that's how you probably call it. The story of Lucifer
15 becoming the devil.

16 Q Was there an example about anyone who had actually come
17 into the NXIVM organization?

18 A Yeah, they all talked about how one of the stories that
19 related it was more related specifically in human life was
20 about how someone had come into the organization and
21 befriended Keith, or made out like they were going to be
22 friends with Keith or something like that, and then had tried
23 to tear down the organization from the inside out is the one
24 they described it.

25 (Continued on the next page.)

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1 DIRECT EXAMINATION

2 BY MS. PENZA: (Continued.)

3 Q Who taught that module?

4 A That night, it was pretty unusual because Nancy came in
5 to teach it or present, Nancy Salzman, and so the room was
6 completely packed because the whole organization, for some
7 reason, or everyone that wanted to come in opening was allowed
8 to attend, so there was a lot of people in the room that
9 night.

10 Q So what happened while you were taking the fall module?

11 A Well, I was, like, more enthusiastically answering the
12 questions than anyone else because I didn't know the punch
13 line, and I thought -- I was actually starting to feel like,
14 Oh, wow, I can, like, be part -- I can understand how to
15 answer these things and I know this, but then when I heard the
16 punch line about being suppressives, I started to get scared,
17 like, Oh, my god, maybe I'm a suppressive because this is the
18 only thing that I can understand, so I felt very motivated to,
19 basically, like, listen in the classes and try and do better
20 because I was worried that I was a bad person.

21 Q Was there talk of certain people actually being
22 suppressives?

23 A Well, there was this story of the person that came into
24 the organization and that they were suppressive and so I felt
25 like anyone could be a suppressive and that you might not even

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1 know if you were one was the way I took it.

2 Q During the rest of your time in NXIVM, was that a
3 continuing thought?

4 A Definitely, and people -- it tended to be geared towards
5 people that left the organization and had a problem with the
6 organization, they were the people that would be labeled -- or
7 they were suppressive or they are suppressives or that in
8 various ways.

9 Q And is that something that you were concerned about being
10 labeled?

11 A Yeah, I just thought people that didn't like Keith would
12 be labeled a suppressive or that didn't like the program or
13 thought that ESP was bad were suppressive people.

14 Q Did you ever hear any other types of words like that used
15 to label people?

16 A Well, I mean, way later there was talk about psychopaths,
17 but that was much later on.

18 Q Okay. And what was that? We can just skip ahead for a
19 moment. What was the talk about psychopaths?

20 A I remember it being more around when they did the
21 ethicist trainings, I think, which were much later on, and
22 then there were just like various forums where Keith would
23 talk about psychopaths and it was like -- it seemed to be,
24 like, a real discussion what you would call "in the
25 community," and you said -- I remember it, several forums,

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1 things like, There's at least one psychopath in the room, so
2 it was a similar thing, I think for me and for other people
3 that I spoke to, where there was, like, this fear of, like,
4 Could I be a psychopath, or, like, Who is a psychopath, and it
5 was another scary word.

6 Q Going back to your experience in the five-day intensive,
7 how did you feel at the end when you had gone through the five
8 days?

9 A I was proud of myself for finishing it. I didn't think I
10 would ever take another one, so I was more like just, yeah,
11 pleased that I made it through and that I felt like, yeah,
12 glad that I stuck with it, I guess.

13 Q How did Clare Bronfman react to your having taken --
14 finished the five-day?

15 A She said that I did really well. She was definitely
16 happy with me and I was happy about that because I felt like I
17 had made it through and I had done a good thing that might
18 impress her or get me more opportunities and so I felt good
19 about it and it seemed to me that she felt good about it, too.

20 Q At some point, did you meet Keith Ranieri.

21 A Yes.

22 Q When was that?

23 A I believe it was at volleyball session that Clare invited
24 me and Katie, who was the other girl that worked at the farm,
25 to come to volleyball.

1 Q And can you describe the concept of volleyball within the
2 NXIVM community?

3 A Yes, it was like your chance, I guess, to get to meet
4 Keith and he would play volleyball starting -- I don't really
5 know what time they started, but you would be encouraged to
6 come at like 1:00 or 2:00 or 3:00 in the morning, so it was in
7 the middle of the night, and Keith would be playing volleyball
8 with a few other people and there would be, like, kind of tons
9 of people just hanging out sort of either hoping to see him or
10 to connect with him for a moment, that kind of thing.

11 Q Did you actually meet Keith Raniere at one of these?

12 A Yeah. So I went to volleyball and I went with Katie and
13 I didn't really know anyone else, but that's -- I saw -- I was
14 kind of surprised, like, he was, like, a short, I thought,
15 quite creepy-looking man playing volleyball, looked pretty
16 normal compared to what the -- normal compared to the Vanguard
17 that he was supposed to be and -- but, yeah, there was lots of
18 people, kind of, kissing on the lips again and there was a lot
19 of touchy-feeliness and it was just another very unusual
20 experience for me.

21 THE COURT: Ms. Penza, we've reached lunchtime, so
22 why don't we take our lunch break now --

23 MS. PENZA: Yes, Your Honor.

24 THE COURT: -- and continue after lunch. We will
25 take a one-hour lunch.

Proceedings

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1 All rise for the jury.

2 (Jury exits.)

3 THE COURT: Please remain standing.

4 Everyone may be seated.

5 I'm going to remind the witness not to discuss her

6 testimony with anyone and you are excused until 2:00 p.m.

7 THE WITNESS: Thank you.

8 THE COURT: You may leave the room.

9 (Witness excused.)

10 THE COURT: About how much more do you have for this

11 witness?

12 MS. PENZA: A couple hours, Your Honor.

13 THE COURT: Couple of hours?

14 MS. PENZA: Yes.

15 THE COURT: All right. We'll take a one-hour lunch

16 break. Thank you.

17 (A recess in the proceedings was taken.)

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

2 (In open court; jury not present.)

3 THE COURT: All right, we will wait for the
4 defendant.

5 (Defendant enters the courtroom at 2:09 p.m.)

6 THE COURT: All right, you may be seated.

7 I just want to bring up one issue that --

8 Mr. Agnifilo, you mentioned in passing in your opening that
9 the -- that Mr. Ranieri is on trial for his life and he's not
10 on trial for his life because, if he were on trial for his
11 life, that would be a death penalty case and this is not a
12 death penalty case. Do you understand? He may be on trial
13 for a lot of things, but it's not a death penalty case, so I
14 don't want any misimpression on the part of the jury. And
15 this may have been hyperbole, but I think I have a duty to
16 tell the jury that the death penalty is not a potential
17 penalty in this case.

18 MR. AGNIFILO: Well, what I was referring to is the
19 very real possibility, as has been discussed on the record, of
20 life in prison.

21 THE COURT: You can say that. That's another thing
22 you could have said, you know, "and he could spend his life in
23 prison if he's convicted of all the crimes," or whatever it is
24 you think would be the penalty, but he's not on trial for his
25 life. I've tried three death penalty cases and it took me

1 seven weeks to pick a jury in each one of them and this is not
2 one of them and that's why it didn't take us seven weeks to
3 pick the jury, so you have to be careful about these things.
4 I don't want any misimpression on the part of jurors that they
5 have now been thrust into a death penalty case, which they
6 have not, and that's really my problem. I will try to be as
7 delicate as I can, but I just think I have an obligation to
8 the jurors so they don't go home tonight and think they are
9 now on a death penalty case. So, I mean, that's just the way
10 it is. If there's some way you think I ought to say this that
11 would be less injurious to your position, tell me what that is
12 because I'm going to say something.

13 MR. AGNIFILO: I'm thinking.

14 THE COURT: Well, okay, everyone may be seated.
15 Let's call in the witness.

16 (Witness resumes the stand.)

17 THE COURT: I believe that our audio problem has
18 been resolved for the overflow room.

19 You may be seated, ma'am, for the moment.

20 THE WITNESS: Thank you.

21 THE COURT: Let's call in the jury.

22 Just try to get close to the microphone when you
23 testify.

24 THE WITNESS: Sorry.

25 THE COURT: Thank you.

1 Oh, and with regard to the sketch artists, as long
2 as you don't sketch the face of the witness, which would
3 convey the likeness of the witness, you can sketch the
4 witness. It's just that we can't have you sketch the face of
5 the witnesses.

6 Thank you.

7 (Jury enters.)

8 THE COURT: Okay. Please be seated, everyone.

9 You may be seated, ma'am.

10 Members of the jury, I just want to make mention
11 briefly that, in his opening, Mr. Agnifilo mentioned in
12 passing that the defendant is on trial for his life. Now, I
13 think that was a hyperbole because the death penalty is not an
14 issue in this case, it's not a potential penalty in the case,
15 and the only penalties have to do with the -- should the
16 defendant be convicted of crimes, how long his sentence would
17 be. So I just wanted to make it very clear to you, if the
18 impression might have been conveyed that the death penalty was
19 a possible penalty in this case, that is not the case. I just
20 point that out to you, all right?

21 Okay. I remind the witness that she is still under
22 oath.

23 Direct examination may continue.

24 MS. PENZA: Thank you, Your Honor.

25 THE COURT: Please.

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1 DIRECT EXAMINATION

2 BY MS. PENZA: (Continued.)

3 Q Good afternoon, Sylvie.

4 A Good afternoon.

5 Q When we last left off, you were describing your first --
6 your first in-person interaction with Keith Raniere; is that
7 right?

8 A Yes.

9 Q And in addition to what you already told us, was there
10 anything else you noted about him or the way he interacted
11 with other people?

12 A Well, I think -- I may have already said this right
13 before lunch, I'm sorry if I'm repeating myself, but he is
14 very touchy-feely and he was kissing a lot of the women on the
15 lips, so that definitely stood out to me. And there were --
16 yeah, there were women there -- there were a lot of women
17 there, to be -- like, I don't really know if I've said -- what
18 else I've already said, but those were the things that really
19 stood out to me.

20 Q At that time, did you know anything about his
21 relationship with any of those women?

22 A No. Not at that time, no. I mean, there were women in
23 particular that I think that he was closer to, but I didn't
24 have any background information on that at all.

25 Q Who were the women that you observed him being closer to?

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1 A Marianna -- Marianna.

2 Q Yes. I'm sorry, thank you. We are only going to use her
3 first name.

4 A Perfect.

5 And Pamela Cafritz.

6 Q You can use her last name.

7 Do you see Keith Raniere in the courtroom today?

8 A Yes (indicating).

9 Q Can you please identify him by a piece of clothing that
10 he's wearing?

11 A He's wearing a -- I think I would call it grainy brown
12 jumper.

13 MS. PENZA: Your Honor, may the record reflect that
14 the witness has identified the defendant as Keith Raniere?

15 THE COURT: Yes.

16 BY MS. PENZA:

17 Q Now, how long did you stay -- we were talking about you
18 were in the United States on a tourist visa. How long did you
19 stay in the United States on that visa?

20 A I stayed up to -- I would say it was about three months
21 because I left in the middle of December for a family party.

22 Q And what was the -- was there an understanding that you
23 would leave for that party?

24 A Yes. I had spoken to Clare before I left about me coming
25 back but leaving for this party for sure.

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1 Q And where did you go?

2 A I went to Brussels for my -- I think it was my uncle's
3 either 60th or 70th -- it must be 60th because he's not that
4 old.

5 Q And had there been a discussion about you coming back?

6 A Yes. I had a return flight and it was for between
7 Christmas and New Year.

8 Q And was there -- at that time, was there any discussion
9 about your horse?

10 A Yes. So I had proposed to Clare -- by that point, I
11 think Clare had been happy with my work and I had proven
12 myself to a certain extent, and I proposed to her that she --
13 that I bring my horse over from England and that she help pay
14 for that and that I would somehow work it off. There was a
15 proposal that I would work for her that would include her
16 training me as a rider with my own horse at her property.

17 Q Why was it important for you to have your own horse over
18 in the United States?

19 A Because if I had my own horse, I felt like it guaranteed
20 me the opportunity to compete because it was my horse and I
21 didn't need to be dependent on her for her, you know, giving
22 me the ride on one of her own, so it was much more likely that
23 I could continue my path as trying to become a professional
24 rider.

25 Q Did you end up returning to the United States when you

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1 had intended to at that time?

2 A No.

3 Q What happened?

4 A I went to the airport to get the flight and I was asked
5 questions at the -- the bit that you always get asked about
6 where that sort of -- who packed your bags and that kind of
7 thing, and I think they asked me my intentions on staying, and
8 I didn't feel comfortable going without a visa and so I didn't
9 get on the plane.

10 Q What did you do after that?

11 A I went back home. I think my dad probably took me. We
12 went back and I told Clare what had happened and --

13 Q How did Clare react?

14 A I feel like she was disappointed because it was, like,
15 not what was planned.

16 Q Did she ask you any questions?

17 A Yeah. I think she was asking me, like, what happened
18 specifically and I felt -- I sort of felt guilty about the
19 fact that I didn't get on the plane, but I also hadn't felt
20 comfortable about getting on the plane, so I felt in an
21 awkward position.

22 Q Did you eventually get another type of visa?

23 A Yes. She, first of all, employed a lawyer to try and get
24 me a professional athlete-type visa, but I didn't have enough
25 athletic credentials or I wasn't professional enough to

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1 qualify for that one, so eventually we found another kind of
2 visa that I was suitable for which was the J1 visa.

3 Q What was your understanding of what that visa is for?

4 A It's used for people to -- they call it -- I think they
5 called it a training visa and I went through an agricultural
6 organization, it's called Communicating for Agriculture, I
7 think, and basically it's like you're an apprentice with a
8 professional and they train you and they provide you with
9 housing and an allowance and you work for them and also train
10 under them in your chosen field, which was a question for them
11 and show jumping more specifically.

12 Q Were you expecting to participate in some sort of
13 training with Clare -- with Clare Bronfman?

14 A Yes, definitely at that point, because my horse had also
15 flown out there. So my horse flew out there I would say
16 January or February, so yeah, that was a hundred percent my
17 understanding.

18 Q And had you discussed with Clare any specific plans about
19 riding?

20 A Well, we had --

21 Q Specific shows or anything?

22 A She had -- the plan that I understood is that we were
23 either going to go to -- I think it was Florida, where there's
24 a -- there's a long professional horse show, or there's one in
25 Spruce Meadows, Calgary, that she had been to previous years

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1 multiple times before, and that was sort of the one on the
2 schedule that we were aiming for, so I was hoping that I would
3 be competing at Calgary or Spruce Meadows that year.

4 Q Did you end up getting the J1 visa?

5 A Yes.

6 Q Approximately when did you return to the United States?

7 A It was March 20 -- no, 2006.

8 Q What happened once you arrived?

9 A Not long after getting there, things -- like, I don't
10 really know how long into me being back it was, but things
11 were really starting to fizzle out on the riding front for
12 Clare, even more than they had before, so she wasn't coming to
13 the stables so much and it was really just me and Katie a lot
14 on our own. She was -- she taught me a bit with my horse
15 Peggy, and so I had some training with her, but things had
16 changed even more so than they had before and, yeah, she was
17 doing some different weird things with the horses that I
18 hadn't seen before, like some new practices in the way that
19 she was riding, and she just wasn't coming as frequently.

20 Q Can you explain a little bit more about her own training
21 program and what you understood about that?

22 A Well, I understood at that point that her -- that
23 Vanguard or Keith Raniere was her train -- her horse-riding
24 trainer at that point and was overseeing her training -- well,
25 she didn't have a trainer, like he was her mentor I think she

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1 referred to him as, and so she started doing some different
2 things with the horses that I hadn't say seen at the other
3 professional place that I was riding. Like she was riding the
4 horses bareback and doing a lot of things just very different
5 to what I had seen before in the professional world.

6 Q Did the defendant ever come to the farm?

7 A Not that I remember in that time, apart from if there was
8 a party or something like a community party that would be held
9 out there, but that was social and related to NXIVM.

10 Q Do you know whether the defendant has any experience with
11 horses?

12 A I don't believe so, not that I know of.

13 Q So do you have any understanding of why, then, he was
14 training Clare Bronfman in horse riding?

15 A No, but I mean the way that he was always presented to
16 me, and I think to others, is that he was like one of the most
17 intelligent men in the world and like that he had the highest
18 IQ or scored the highest IQ on some kind of test, and that he
19 had been an athlete and he had been a musician and he had been
20 this, that and the other type thing, so he was presented as
21 like extremely talented in everything really and able to teach
22 anyone in anything.

23 Q At that point in time, what did you think about the way
24 the defendant was being presented within this community?

25 A It was still weird to me, but -- but so many people kind

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1 of were reaffirming it all around me. The -- yeah, that I
2 would kind of -- I was like, um, okay. You know, like trying
3 to come to terms with that, I guess, because there wasn't
4 anyone saying that that wasn't true, if that makes sense.

5 Q At this point in time, when you're there on the J1 visa,
6 do you start becoming more involved in the community?

7 A Yeah. I became a coach during that time or if -- yeah, I
8 think it was during that time, and I ended up taking another
9 intensive class or -- I'm not sure if I called it intensive
10 before, but it's the same, the training -- the five-day, I
11 took the last 11 days, so yeah -- and I was taking ethos, so I
12 became more and more involved I would say.

13 Q What is ethos?

14 A Ethos is -- they're these weekly classes or they were
15 held several times a week, or modules, sorry, where you would
16 go and take -- they are not called classes, I keep calling
17 them classes, but they are actually called modules. So you
18 would take a module, but it would be like one module that was
19 from the 16 day or from the 5 day, I think, more specifically.

20 Q Why did you want to become a coach?

21 A I knew that -- so Clare was trying to become a proctor at
22 that time and because I was part of her organization, it was
23 sort of important and encouraged that we all move up the
24 Straight Path, and I wanted to help Clare become proctor, so
25 that was a big motivation for me because, you know, I wanted

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1 to do a good job for her and do things that would earn me more
2 opportunities. And so that was one of them, in my mind, like
3 if I could become a coach that kind of gave me, you know,
4 another -- another chance to show whether I was, like,
5 committed and that I was committed to my grove with like
6 different terms that were used and so that was a strong
7 motivation for me.

8 Q And I think you touched upon this briefly before, but the
9 idea of becoming proctor, what were some of the reasons why
10 that was important within the community?

11 A Well, the thing that was always talked about, at least
12 that I remember, is that's when you could run your own
13 business, that was one thing that was said, and also that you
14 would be able to work with Vanguard is what I remember from
15 that. Like you couldn't -- as a coach, you couldn't have say
16 a business with Vanguard, that was what I understood.

17 Q At some point, did Clare Bronfman's training of you
18 fizzle out I think is the word you used?

19 A Yeah. So I don't remember specific conversation about
20 her saying that she was quitting riding, or I don't remember
21 how it went, but she kind of came less and less and less and
22 then eventually she quit riding, so she quit show jumping
23 completely.

24 Q What did Clare Bronfman quitting show jumping mean for
25 you and for your life?

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1 A Well, I didn't really have -- I didn't have another life
2 path honestly. I didn't have another career planned out, I
3 didn't have anything else that I thought I was going to do
4 with my life or that I had envisioned for myself, apart from
5 being an elite equestrian rider at that time, and there's a
6 lot that I don't remember from that time. It's like a really
7 dark time in my life because I really don't think I knew, you
8 know, like what to do and I don't have really have a sense of
9 my future. I just felt -- yeah, I didn't really remember -- I
10 just remember it was a very dark time for me.

11 Q Why didn't you leave the United States at that point when
12 Clare quit riding -- when Clare Bronfman quit riding?

13 A Well, for one, my horse was out there. I think my sister
14 was out there by that point. I didn't really have -- I didn't
15 have a community back home anymore with the horses, I didn't
16 see any other way that I was going to become a show jumper,
17 like I kind of like put all my eggs in one basket in this way.
18 And also, I was only -- I think I was only a few months into
19 my J1 visa, so it -- I just felt very dependent on Clare in
20 many different ways and I just didn't see a future or like
21 where I could go from there.

22 Q You said it was a dark period of time for you. Did you
23 have any other symptoms of that?

24 A Yes. So while things were kind of I guess phasing out or
25 fizzling out with the horses, I had started to become -- I

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1 slipped back -- I say slipped back into, but I had become very
2 anorexic and I had lost a lot of weight and maybe that's
3 partly why I don't remember a lot from that time, but I was
4 extremely underweight at that time and really all my thoughts
5 were around sort of restricting food and not -- not eating
6 properly and so I just was extremely low in many different
7 ways.

8 Q And had you been anorexic previously in your life?

9 A Yeah, I had a bout of anorexia sort of around sort of
10 twelve -- eleven, twelve.

11 Q When you first came to the United States, were you
12 suffering from anorexia at that point?

13 A No.

14 Q About how much did you weigh when you came to the United
15 States?

16 A I didn't weigh myself at the time. I'd say, from looking
17 at pictures, around 120 pounds.

18 Q Ant at your lowest weight, when you were suffering from
19 anorexia while you were in the United States on the visa, how
20 low did you go down to?

21 A I think I got down to around 89 or 90 pounds.

22 Q Can you describe what the -- I think you mentioned it
23 briefly before, but the relationship of food to members of the
24 community?

25 A Yeah. I'd say, like, pretty much all the women that I

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1 interacted with seemed to have some kind of thing they were
2 doing with food, whether it be a diet or a cleanse or eating a
3 specific number of calories. Like I think Clare was raw vegan
4 when I went and she would talk a lot about how she only needed
5 800 calories a day and that her body was very efficient, and
6 then the other girl that I lived with seemed to have some kind
7 of issue with like binge eating and potentially bulimia,
8 although I never asked her directly. A lot of the women were
9 very, very thin which really stood out to me, I guess from
10 having an eating disorder in the past, like, that was like
11 unnerving to me, but it was very normalized. So these people
12 weren't saying they had a problem with food, it was just like
13 it was normal, and so, yeah, it was -- it was unnerving to me
14 and easy for me to, like, slip back into that kind of
15 thinking.

16 Q How about cleanses? Was anybody in the community doing
17 cleanses?

18 A Yeah, there was a lot of people did something that was
19 called the master cleanse, which is where you would like only
20 drink water, I think lemon, and they had a bit of maple syrup
21 in it and cayenne pepper, and then they would also take this
22 herbal blend that would make you go to the bathroom. And so
23 it was -- yeah, a lot of people were doing that frequently.

24 Q And how long -- is there a set time period that the
25 master cleanse normally lasts?

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1 A I'm not sure if there's an official time period, but I
2 remember people saying like ten days or, like, there were
3 people doing various amounts of time, but I'm not sure if
4 there's meant to be an official amount of days.

5 Q You mentioned earlier that, before you had come to the
6 United States, you had never heard of calories; is that right?

7 A Yeah. I mean, I -- yeah, we don't -- we didn't have the
8 same packaging on food and people didn't speak in my house
9 about how many calories someone should or shouldn't eat, like
10 it just wasn't a thing. I don't remember it ever getting
11 towards school, although it probably did at some point in
12 biology, I'm not even sure, but I had not. For whatever
13 reason, I hadn't come across what a calorie was.

14 Q At some point did you develop what you now think is a
15 like misconception about calories?

16 A Yeah, definitely. For a while, I believed that you could
17 only eat the number of calories that matched the number that
18 you had burned on a machine at the gym because the girls that
19 I worked with on the horses in the farm used to go to the gym
20 as well and they would take me, or I would go with them, and
21 so I thought if I ran and burned a hundred calories that I
22 could eat a hundred calories. Like that was what I might say
23 my allowance for the day, so I used to try and find -- I
24 started eating bars that would match the number of calories
25 that I had burnt and so, yeah, I didn't really understand what

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1 they were for.

2 Q Were there ever -- did anyone in the community ever make
3 comparisons about their body and yours?

4 A Yeah. Later on, I -- I used to -- I eventually ended up
5 moving in with Clare and later on she would, at different
6 times, when I had -- I had gained some weight back and I was a
7 bit healthier, but I was still under 110 pounds and I had to
8 check in my weight with her every day, and Keith, but part of
9 it, especially with Clare, she would ask me what my weight was
10 in the morning and then at different times she would be like,
11 oh, I'm lighter than you today and would like make comments
12 about things like that that was very I'd say triggering for
13 me, or it was very uncomfortable for me, and -- yeah, so I
14 found that unnerving.

15 Q During the time when you were -- during this time period
16 when you were suffering from anorexia, are you also
17 exercising?

18 A Yeah. I had started running as we quit the riding, so I
19 guess that was like my new athletic outlet, in a way, and so
20 then, yeah, I was running every day basically.

21 Q And so what happened in terms of your running?

22 A Yeah, like, how did I get into it type thing?

23 Q Was there anyone in the community who suggested anything
24 regarding your running?

25 A Yeah. So as the riding was winding down, we were planned

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1 to go to V Week that year, and that would be the first time I
2 went to V Week.

3 I don't know if you want me to explain what V Week
4 is.

5 Q I would love you to explain what V Week is.

6 A I'm sorry, I just realized I started talking about V
7 Week.

8 So V Week is a ten-day week -- well, it's not a
9 week. It's 10 days where you celebrate Vanguard's birthday
10 and it's called V Week and so, yeah, it's a celebration of
11 Keith Ranieri.

12 Q Let's take one second on that. Where is V Week typically
13 held?

14 A It was always held, when I went, at the same place which
15 was I think it's called Silver Bay. It's like a YMCA-type
16 hotel in the Adirondacks.

17 Q Do you know what the defendant's birthday is?

18 A The 26th of August, I think.

19 Q And was V Week around that time?

20 A Yeah, it was always sort of before and after that and
21 that was specifically Vanguard day was his birthday.

22 Q And so what would happen at V Week?

23 A Well, people from all the different centers would come to
24 celebrate Keith, so there were different -- like, tons of
25 different activities going on all the time and in the evening

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1 there was always sort of entertainment or different kind of
2 tribute ceremonies to Keith from the different centers, or
3 there would be like performances of singers, but it was kind
4 of all centered around the idea of a tribute to Keith and
5 celebrating Keith's work.

6 Q Did V Week cost money for the people who attended?

7 A Yeah, it definitely -- I mean, it ranged from -- I think
8 the cheapest way you could do it, if you signed up really far
9 in advance, would be like 1,400 in rustic accommodation, and I
10 think the most expensive could have been like -- I don't know,
11 probably over 3,000 or more.

12 Q So you mentioned something happened at V Week?

13 A Oh, yeah. So they were having a triathlon and me and
14 Katie, who -- and Clare were going to train to do the
15 triathlon. I hadn't done a triathlon before, but anyway, so
16 that's how I got into running. I started running and I told
17 Clare that I had done two miles in like 14 minutes, which
18 was -- I didn't know that, but apparently that was quite fast
19 for someone who doesn't run and --

20 Q And did -- I'm sorry.

21 A Yeah, so I was just going to say, so I think she must
22 have told at least Pam, or Pam and Keith, because then it was
23 suggested, like, that I come to volleyball and that Pam wanted
24 to film me and they wanted to watch me run. And so, yeah, it
25 became a thing, like, I was good at running.

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1 Q When you say "suggested," what do you mean by that?

2 A Yeah, I'm sorry, I use that word a lot. But things -- I
3 say things were suggested to you because a lot of the time the
4 language that was used was kind of like you might want to
5 consider doing this, or -- yeah. So I would say there's sort
6 of a lot of language where it wasn't you are being directly
7 told to do something, but you were kind of suggested through,
8 yeah, it might be good for you, or it might be a good idea if
9 you did such and such, or you might want to consider doing
10 blah-blah-blah, and so, yeah, that's where I would use the
11 term suggested.

12 Q How would you take those suggestions?

13 A I took them more as directives because I found that, if
14 you didn't do those things, you might be told that you are not
15 upholding yourself. That was a common phrase, or you would
16 get some kind of feedback or further questioning on why you
17 didn't want to do the thing.

18 Q And so did it end up that you -- that you ran on the
19 treadmill?

20 A Yeah, I did run on the treadmill at volleyball. I went
21 to ABC Fitness at night, which was where volleyball -- and I
22 ran and I think Pam at least watched me. I'm not sure if she
23 filmed me, I don't really remember, but, yeah, it was like
24 kind of confirmed that running could be a good thing for me
25 because I was good at it.

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1 Q And so then did you compete in the triathlon?

2 A I did, but I had like a panic attack in the water and I
3 completely -- I didn't finish it, but -- I finished it, but I
4 didn't finish the swim, so I didn't do very well in the
5 triathlon after all.

6 Q What was the reaction when you did not do very well in
7 the triathlon?

8 A Well, there had been some kind of -- like, people saying
9 that I was going to win it and stuff before, because I was
10 able to run fast, and so I had felt -- I felt really nervous
11 and a lot of pressure going into it just because I guess I'm a
12 competitive person and I wanted to perform, but then when I
13 failed in the water and I came out, I just felt really ashamed
14 and I felt like -- I was embarrassed and I think Pamela said
15 to me that she thought maybe it's because I was too skinny to
16 be in the water because the water was cold and -- but, yeah,
17 it was kind of -- I was just ashamed and I felt like there
18 wasn't much comfort on the other side, so I was just
19 embarrassed and I felt like a loser.

20 Q At that point in time, did there start to become more
21 interventions regarding your weight?

22 A Yeah, I'm not sure directly when, but around that time
23 there were more interventions. Like Pam and Clare came to me
24 and said that they were going to, like, yeah, make -- help me
25 get better somehow, or do something. I don't really remember

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1 what the actual conversations were, but they started making me
2 food and I think I went to stay at Sara's, which is Clare's
3 sister Sara Bronfman, for a bit, and then I was staying with
4 Clare. Like there was much more monitoring of me and what I
5 was doing and I needed to start checking in my weight more
6 regularly, which I think was every day, but I'm not sure at
7 that point.

8 Q When you stayed with Clare, where did you sleep?

9 A In her room. She had a room in a house in Clifton Park,
10 as well as the farm, and she actually was there way more than
11 she was ever at the farm and she -- I was in her room with her
12 on the floor.

13 Q And where were your things?

14 A Yeah, I just had my stuff, like, in a little kind of
15 circle around my bed.

16 Q Did anything happen next in terms of the community and
17 your weight?

18 A Yeah. Well, I was kind of lying about my weight to
19 people quite a lot. I was -- like I say, I think really
20 struggling with anorexia at that point and I was pretending I
21 was heavier than I was, or I was doing things to manipulate
22 the number on the scale, so, like drinking tons of water,
23 holding all my possessions and things before I stood on the
24 scale and then reporting that number versus the real number.
25 I kept myself not knowing what the real number was a lot of

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1 the time. And then -- I was going to say it was suggested,
2 but some -- somehow I ended up in -- I was told it was a good
3 idea for me to take levels 2A and then level 2B, which are
4 another type of ESP training, and in the first one is called
5 anatomy of mind/body and I don't really remember that one so
6 much, but the second one called breaches of ethics and in that
7 one I had admitted that I had been lying about my weight to
8 the head trainer which was Lauren Salzman.

9 Q What is an ethical breach?

10 A I think it's when you -- well, the words that I would say
11 were used in ESP is like if you don't uphold yourself, so --
12 sorry. I'm just having a hard time thinking how I would
13 describe what that means. I guess it's like not being the
14 person you should be or something like that.

15 Q And was -- was that type of language used in the
16 community?

17 A Yeah, definitely, and there were people -- I think if you
18 were a proctor, I think it was a proctor, you even had to --
19 you had to write like a breach plan, like how you were going
20 to overcome your ethical breach. So it was definitely a thing
21 that was talked about a lot.

22 Q At some point, did you have a conversation with anyone
23 else about your weight?

24 A Yeah. I think at some point after I had admitted that I
25 was lying about my weight at that time. I was called to

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1 Nancy's office, Nancy Salzman, and she told me that if I
2 didn't get to a hundred pounds -- and I was given I think a
3 two-week period, if I didn't do that, then I would have to
4 leave the community.

5 Q And did you -- did you take that seriously?

6 A Yeah, definitely. I was extremely scared by that.

7 Q Why was that so scary to you?

8 A Because I didn't really feel like I had anywhere else to
9 go. I didn't have another -- like I say, I didn't have
10 another life plan. I didn't really have any friends anywhere
11 else, I didn't -- I felt so dependent on Clare and I didn't
12 want to leave -- leave the community, so that was a huge
13 motivator for me, yeah.

14 Q At any time, did anyone in the community suggest that you
15 get professional help for your anorexia?

16 A No, not that I remember.

17 Q So what happened after that conversation with Nancy
18 Salzman?

19 A Yeah, I needed to start checking in my weight to -- at
20 that time, I think it was Nancy, Clare and Keith every day,
21 and my -- a report of what I had eaten, and -- and so -- and
22 my sister needed to come and watch me weigh myself each
23 morning. So I basically just started eating as much as I
24 possibly could because I was going to make sure that I hit
25 that hundred pounds in that time.

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1 Q At some point, did you begin doing daily check-ins?

2 A Yeah, it was around then.

3 Q And who would you do those with?

4 A Keith and Clare primarily, but during that two-week
5 period that I had to get to a hundred pounds, I also checked
6 in with Nancy every day.

7 Q And I know we are spanning a lot of time, but going
8 forward, did these check-ins continue for that time?

9 A Yeah, for a lot of years of like checking-in my food and
10 my weight.

11 Q And how often would you say you skipped a day of
12 checking-in with Keith and -- with Keith Ranieri and Clare
13 Bronfman?

14 A Very rarely. Like, I would say the only times that that
15 would happen is if I felt like I had a really strong
16 legitimate excuse for not doing it, which would be like I once
17 went to Spain with a boyfriend and I didn't want to take the
18 computer just so that I could check-in, and a scale just so
19 that I could check-in my weight. So I feel like that was a
20 time where I didn't do it, but I almost can't remember when I
21 didn't not do it, if that makes sense.

22 Q While you were on the J1 visa, did you ever go home?

23 A Yeah, I went home. I think it was Christmas 2006. Yeah,
24 it would have been Christmas 2006.

25 Q What was the reaction when you planned to go home for

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1 Christmas?

2 A A lot -- I felt like Clare was very anti that idea and so
3 were others, like it was suggested that I get a lot of EM's
4 because they thought it wasn't a good idea for me to go back.
5 I think because I was so thin and it didn't look good. I'm
6 not sure -- that was the impression that I got, anyway.

7 Q Did you end up going home?

8 A I did, yeah.

9 Q How did your family react when you got home?

10 A I honestly don't remember that much of that Christmas,
11 but I think they were worried about -- well, they were
12 definitely worried about me, but not a lot was said, and that
13 was, I guess, quite common for how we dealt with difficult
14 things at the time. So, yeah, it was a pretty dark Christmas,
15 honestly.

16 Q Did you then return to the United States?

17 A Yeah.

18 Q When did your J1 visa expire?

19 A I think it expired -- I think it expired at the end of
20 September and then I was allowed to stay an extra month and so
21 I stayed through October, like, as part of the visa or it
22 expired in October and I stayed an extra month, but it was
23 around that time of 2007.

24 Q And did you leave Albany at that time?

25 A Yes.

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1 Q When you returned to -- did you then return to England?

2 A Yeah.

3 Q And what did you do once you were there?

4 A Well, I'm not -- I'm pretty sure it was even before I
5 left there were discussions about getting me another visa and
6 me coming back, so I think really I was kind of in limbo just
7 waiting for that -- you know, like that was being done or
8 directed by Clare for me and I was kind of, I guess -- I don't
9 even remember what I was doing. I think the thing I remember
10 that I was doing like Rosetta stone and trying to learn
11 Spanish kind of -- like I really wasn't doing very much with
12 my days. I think I was still running, but I don't really
13 remember.

14 Q So were efforts made to bring you back to the United
15 States?

16 A Yes.

17 Q Was it -- was there any importance within the NXIVM
18 community of people being in the Albany area?

19 A Yeah, definitely -- well, and I'd say especially with me,
20 a lot of the time, it was sort of presented to me that it was
21 most upholding of me to be in Albany and that I would sort of
22 lose myself in my indoctrination if I was back in England and,
23 yeah, so it was almost like the best place for me was in
24 Albany.

25 MR. AGNIFILO: Your Honor, can we have people

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1 talking rather than just this passive voice? I just want to
2 figure out who is saying these things.

3 MS. PENZA: I don't know whether that was an
4 objection or --

5 MR. AGNIFILO: I'm trying to be helpful.

6 THE COURT: Do you want to ask her a more specific
7 question about that subject?

8 MS. PENZA: Yes.

9 BY MS. PENZA:

10 Q Can you describe who was -- who was talking to you about
11 returning to Albany?

12 A Clare Bronfman.

13 Q Did you ever have discussions with anyone else about
14 returning to Albany?

15 A Right at that time or in general?

16 Q In general.

17 A Yes, Keith Raniere.

18 Q And when -- just kind of as a broad overview, this
19 concept of your indoctrination, can you explain what that was?

20 A I believe that it was taught in the ESP curriculum or, if
21 not, it was said to me by Keith and Clare at different times
22 that it's like what your family has kind of taught you, or the
23 they use the word programming. I'd say Keith and Clare when I
24 say "they," that it's your programming from your family.

25 Q And was there --

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1 THE COURT: I'm sorry, the family meaning --

2 THE WITNESS: My -- my mom and dad and, like, they
3 kind of programmed you with the way -- and that's -- you've
4 become a certain kind of person because your family had
5 programmed you, that's like your indoctrination.

6 THE COURT: Is that a form of criticism or it --

7 THE WITNESS: That's what I understood it to be,
8 like you're just -- because another nickname that they had for
9 me was Sylvie-bot, like I was a robot, and it was like I'm a
10 robot of my indoctrination is the way that I understood it.

11 THE COURT: And that you were indoctrinated by your
12 family.

13 THE WITNESS: Correct.

14 THE COURT: And the purpose of this process you were
15 in was to --

16 THE WITNESS: Undo my indoctrina -- like I shouldn't
17 be just living by my indoctrination, like that's a bad thing.

18 THE COURT: Okay, go on.

19 BY MS. PENZA:

20 Q And what were the types of things that were considered
21 part of your indoctrination that you would want?

22 A For me specifically?

23 Q Yes.

24 A Like getting married and having a family, like that was
25 told -- that was, like, my indoctrination versus whereas it

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1 was presented to me that it was more upholding of me like when
2 I talk about wanting to be an athlete, like that's not in my
3 indoctrination, let's say, would be the way that Clare would
4 speak to me about. It's like it's upholding for me to pursue
5 my running versus like wanting to have a family.

6 Q How about the defendant, did he ever have those
7 conversations with you?

8 A We talked about my indoctrination in the context of
9 genus, from what I remember for sure, and about taking the
10 genus tracks. Sorry, this is another ESP training.

11 Q We will come back to the genus tracks in a little bit.

12 You said the defendant called you Sylvie-bot; is
13 that correct?

14 A Yeah, Clare and -- and the defendant, or Keith Raniere,
15 would call me Sylvie-bot.

16 Q Did the defendant have any other nicknames for you?

17 A For a short period, at some time I remember him teasing
18 me at volleyball and calling me -- I think it was the Spanish
19 version of piggy, or something related to that, but it didn't
20 last very long, but I remember him calling me something like
21 that.

22 Q Turning back to efforts -- now, when you were turning
23 back, just to situate us, when you have returned to England
24 after the J1 visa and efforts to bring you back, can you
25 describe more what the efforts were to bring you back to the

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1 United States?

2 A Yes. So Clare and -- I believe she had lawyers -- visa
3 lawyers that she was working with, she had a plan that we
4 could create a company -- or she already had a company name or
5 an LLC or something that was called Athletics, and that I
6 could be made to look like an investor of that company and use
7 the investor visa to come across to the States.

8 Q When you say "made to look like," what do you mean?

9 A Well, I didn't obviously at that point have the business
10 credentials or the money to invest in any company, and so we
11 talked about or she gave me the idea that she could buy my
12 horse, like use money that would go into my account and sort
13 of pretend to buy my horse, and then the money from that would
14 go back out of my account into either the business or
15 somewhere else, I'm not sure where it was going back to, but
16 to make it look like I had invested that money into the
17 company and therefore qualify for that visa.

18 Q Did you -- did this plan come into fruition? Did you
19 take steps towards it?

20 A Yes, we did.

21 Q And so can you walk through those steps?

22 A So the money went from Clare's account into my account to
23 make it look like she had bought Butterfly, my horse, or Peggy
24 is what I would call her, and then the money went back out
25 again and into -- I'm not even sure what account, but another

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1 account that was related to either her or Athletics.

2 Q Did you actually sell your horse to Clare?

3 A No. I sold my horse to someone else a few years later.

4 Q At any point after that transaction for the investor
5 visa, did you relinquish ownership of your horse? Did you --

6 A Oh, sorry -- relinquish, does that mean not have
7 ownership of my horse?

8 Q Yes.

9 A No, I kept ownership of my horse throughout.

10 Q And so did this plan work?

11 A No, 'cause the -- I think they put in an initial -- I say
12 they, Clare and the lawyers put in an initial application that
13 came back saying not -- like that basically there wasn't
14 enough evidence to show that I qualified for the visa and so
15 the idea was abandoned at that point.

16 (Continued on the following page.)

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1 BY MS. PENZA: (Continuing)

2 Q During this period of time, what were you, what was your
3 life like in England?

4 A I wasn't really doing anything from what I remember. I
5 mean, I was -- I think I still had an ESP coach. I'm pretty
6 sure I was running. Like I said, I was trying to fill my days
7 and I was living at my parents', from what I remember.

8 Q At some point, did you settle in to more of a routine in
9 England?

10 A Yes. After that visa, after that visa was abandoned, at
11 some point then, I got a job in Bristol and I moved in with my
12 sister in Bristol and I started working as an assistant on
13 marketing, like, a personal assistant, marketing assistant for
14 a company called EthosEnergy.

15 Q At that point in time, did you have any interest in
16 returning to the Albany area?

17 A Not then. I was sort of settled, trying to build a life
18 back in the UK.

19 Q Did something then happen?

20 A Yes. Me and Clare started talking again about the idea
21 of me coming back and she said -- she gave me the idea that
22 she would help me get a visa to be a student, like, a student
23 visa and doing a university degree which actually did appeal
24 to me because I didn't have a degree and I hadn't finished
25 school and I thought that would be a cool idea.

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1 Q Did that work out?

2 A No. I went -- I did come and visit and I did, I visited
3 a university and I met, you know, for the interview at the
4 university and was accepted through that, but the visa
5 application got denied.

6 Q After that visa application was denied, did you take more
7 steps to solidify your life in England?

8 A Yes. I decided to move to London and I started working
9 for Goldman Sachs.

10 Q What else was going on in your life at that point in
11 time?

12 A I started running for the running club in the UK in
13 London and I started to build a new network of friends out
14 there, like, dating. I got a boyfriend. Like, I just started
15 to build my life in England, in London.

16 Q At that time, were you still doing your check-ins with
17 Clare Bronfman and Keith Ranieri?

18 A Yes, I was still checking in every day and I still had a
19 coach, I think. Yes, I'm sure I still had a coach, so I would
20 speak to my coach once a week and things like that.

21 Q During that time period, were there any conversations
22 with people about the lifestyle that you were -- were there
23 any conversations with people in the NXIVM community about the
24 lifestyle that you were living in London?

25 A Yes. Clare used to say things were, like, that she

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1 thought I had sort of lost myself in my indoctrination since I
2 started working at Goldman's and I, but they didn't pick up
3 the phone so often when I was doing my check-ins. I wasn't
4 talking to them that frequently, but I did speak to Keith
5 Ranieri a few times during that time where he would talk to me
6 about some things that later I thought became curriculum in
7 the Jness Tracks. More specifically, he was talking to me
8 about the idea that women sort of walk around with a checklist
9 looking for a man that they want to marry and they're kind of,
10 like, objectifying men in a certain way being, like, well,
11 does he match this, that and the other, and I started
12 thinking, oh, is that what I'm doing with my boyfriend and I
13 was paranoid about that.

14 Q What kind of categories of things had you been looking
15 for in a man at that time that would have been considered
16 problematic?

17 A Well, probably like whether they were, like, financially
18 stable or -- I would imagine the things, I don't know. Like
19 whether -- I'm not sure, really. I don't even know --

20 Q What I'm trying to understand is what your conception was
21 of this checklist.

22 MR. AGNIFILO: I'm going to object to her conception
23 of a checklist. It's irrelevant.

24 MS. PENZA: It's her understanding, Your Honor.

25 THE COURT: You may answer.

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1 THE WITNESS: Okay.

2 THE COURT: Restate the question, please.

3 Q When the defendant told you that you were walking around
4 looking for a checklist and that you were asking, you were
5 trying to tick off items on a checklist when you were looking
6 for men, what was your understanding of what these checklist
7 items were?

8 A Well, I'm pretty sure that he said it more in the way
9 like this is what women do and I assume that meant me too, but
10 I think it was, like, my understanding would have been that
11 I'm just looking at a man as, like, a functional thing versus,
12 like, a life partner. That's what I was -- thought he was
13 alluding to, is, like, just looking at, like, can you provide
14 for me, like, are you going to be a good dad for me to have,
15 you know, are you going to provide me children, like, this
16 kind of a thing.

17 Q And what was wrong with that?

18 A I'm not sure but I understood it to be a bad thing to do
19 that at that point. I started to feel like, okay, that's a
20 bad thing, I shouldn't do that.

21 Q I'd like to turn your attention to 2011. At that time,
22 did you attend the week 2011?

23 A Yes.

24 Q And during that V Week, did you have a discussion with
25 the defendant?

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1 A Yes. I was, I was running and competing a lot in that
2 year and I had done, for the Serpentine Club in London and I
3 had gotten some, like, good -- I would say they were decent
4 results. I got silver at the London championships. I had
5 come in 19th in the national cross-country finals. So I was
6 doing well. And I bumped into the defendant while running
7 training early in the morning and we started having a
8 conversation and he suggested that I have a go at becoming an
9 elite runner, so I could quit Goldman's and give it a go, but
10 I wasn't -- it was like a good last chance to do that
11 essentially.

12 THE COURT: Was this in London that you met?

13 THE WITNESS: No, I went to V Week. That was at V
14 Week that I bumped into him.

15 THE COURT: And V Week was at --

16 THE WITNESS: Silver Bay.

17 THE COURT: -- the Adirondacks?

18 THE WITNESS: Correct.

19 THE COURT: Go ahead.

20 Q So was there discussion about your current job and what
21 were you doing at that time?

22 A Yes, that I would quit my job and that he could train me.

23 Q Were there any specific visions that he mentioned in
24 terms of what you could achieve?

25 A I was -- well, yeah, he used to say that I could be an

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1 elite runner and that I could run, you know, with the best,
2 with the best, like, I could make it to the elite standard.
3 And I wanted to go to the Olympics and I made that clear.

4 Q And so what was the defendant's role going to be in
5 regards to you being an elite runner?

6 A My running coach.

7 Q And did you -- had you ever seen the defendant run?

8 A Have I? No, I haven't seen him run.

9 Q So what did you do after that conversation?

10 A I planned -- I started to plan my quitting my job in
11 London. So I planned to quit in February of 2012 which was,
12 you know, after bonuses and all of that kind of thing.

13 Q And so what was the plan for what you were going to do?

14 A Well, I was going to quit. I, I asked Sara Bronfman
15 whether I could work for her and whether she had a job for me
16 and she did because I still wanted to try to earn money
17 obviously to pay for myself so I could be, like, be a runner
18 full time. So the plan was to run full time and train full
19 time and support myself through work for Sara and I would come
20 back and forth to the States to be trained by Keith Raniere
21 but I was essentially still living in London.

22 Q How did your family react when you quit your job?

23 A I think -- I mean, because I had always, I guess, seemed
24 like chosen different paths to everyone else, I think they
25 thought it was quite typical of me, but it wasn't looked upon

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1 as the most sensible idea because I was quite stable in my
2 job, I was doing well with the running club, and this was,
3 like, going out on a limb being trained on my own as a runner
4 with Keith Ranieri. It just -- it didn't make a massive
5 amount of sense.

6 Q Did you have any conversations with anyone in the NXIVM
7 community about any other changes that you had to make to your
8 life in London?

9 A Yes. Somewhere in that time, Clare spoke to me on the
10 phone and said that I would need to quit running for the
11 Serpentine Club in order to be trained by Keith and stop
12 racing for them.

13 Q And did she provide you any reasoning for that?

14 A I don't remember. I remember getting really upset on
15 that phone call because I had -- I mean, I had become team
16 captain for the ladies at the Serpentine Club, they supported
17 me through so many different things, I trained with them, they
18 were all my friends. So it was very -- that was really hard,
19 but I wanted to be trained by Keith. I thought, you know,
20 he's going to make me into an Olympian. So, yes, it was
21 upsetting but I thought that was the sacrifice that I had to
22 make.

23 Q And so did you make that sacrifice?

24 A Yes.

25 Q And what happened after that?

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1 A I went out to the States and I think it was supposed to
2 be for, like, four or five weeks and I ended up staying a
3 little bit longer to take part in the Freihofer which is a 5K
4 race in Albany.

5 Q And did you participate in that?

6 A In the race? Yes.

7 Q And did you have any understanding about the defendant's
8 interest in you participating in that race?

9 A Yeah, it was always presented by, I'd say, Pam and Keith
10 and Clare that the Freihofer was, like, an important race and
11 that it was a good chance to sort of be, like, a platform to
12 show, I think it was called R-Tech which was Keith's, the name
13 for Keith's running program, and so it was a way to show
14 Keith's abilities in training runners.

15 Q Where is the Freihofer held?

16 A In Albany.

17 Q When you came back for this period of time to train in
18 the United States, would you actually meet with the defendant?

19 A In that time, I actually did a few times. So, yes, he
20 came to a few of my training sessions.

21 Q Did you ever have any conversations with the defendant on
22 any of those sessions?

23 A My running sessions?

24 Q Yes.

25 A In that time, yes, I mean, yes. Do you mean --

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1 Q At some point -- at any point, did you have any romantic
2 conversations with the defendant?

3 A Then? No, not that I remember.

4 I mean, way earlier and I think that was sort of in
5 two thousand -- I don't know, but another time where I --
6 maybe it was during that time. Honestly, I'm sorry, I don't
7 remember exact years or chronologically, but at some point, we
8 had gone on a walk about my running and he had said something
9 that I thought was a bit funky but I kind of let it go or I
10 just thought it was weird because he was my running coach.
11 And I just didn't get into it, but he said something -- he was
12 talking about relationships in general and said, was, like,
13 talking about how -- you know, he said, he made some kind of
14 comment that said, If we were to ever have a sexual
15 relationship, like we'd become really good friends first, or
16 something like that and that was the way to do it. And I was
17 like, yes, I thought, yes, you always become friends with
18 someone before you have sex with them. I was sort of -- I
19 thought it was weird but I let it go.

20 Q Did you have any interest in a sexual relationship with
21 the defendant?

22 A No. He was my running coach and much older -- more like an
23 authority, older man.

24 Q After you spent the time in the United States, did you go
25 back to, did you go back to London?

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1 A Yes.

2 Q And then did you -- when did you come back again?

3 A I think probably not until V Week because, actually, that
4 year was the London Olympics and I was living in London and I
5 really wanted to be at as many of the events as I could so I'm
6 pretty sure I didn't come again until V Week.

7 Q Did you make any changes in your life in London before
8 V Week, before the next V Week?

9 A I ended up breaking up with my boyfriend at the time
10 because, really, I -- yes, I broke up with my boyfriend and I
11 started to become more separated from the Serpentine because
12 he was really sort of my last contact in that community that I
13 was spending any significant time with. So then we broke up
14 and, yeah, then I really didn't have any connection to friends
15 in London anymore.

16 Q Why did you break up with him?

17 A Well, honestly, I don't really know specifically the
18 answer to that because he was a really nice, really nice guy,
19 but he said to me that -- yeah, he -- I think from his
20 perspective, it was like, it seemed like I was invested in
21 being back in Albany more and I felt like I needed to be back
22 there training to be a runner. And, yeah, I don't know. I
23 just -- there was a lot. I was so invested in the ESP
24 community, I guess, so I'm not really sure.

25 I'm sorry I'm not answering it very specifically but

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1 I honestly don't have a, don't have a direct answer to that.

2 Q What happened -- when you went back for V Week 2012, did
3 you stay beyond V Week?

4 A Yeah. From what I remember, yeah.

5 Q And why was that?

6 A To do more training.

7 Q And at some -- you had mentioned earlier Jness. Can you
8 explain what Jness is?

9 A Yes. So, Jness had been going on for a while and that
10 was, like, these -- it was like a women's organization where I
11 think the point of it was, they called it -- I say "they," I'm
12 talking about Jness, the organization -- called it distilling
13 what it means to be a woman. So it's, like -- the question
14 was, like, what are women separate from men and what I
15 understood the point to be was for women to work out what they
16 were uninfluenced by men.

17 Q And who was the head of Jness?

18 A Well, I think it was supposed to be Pam and Nancy Salzman
19 or one or two, both of them, or maybe Marianna, I'm not sure,
20 but the curriculum I understood always came from Keith.

21 Q Who did you understand that from?

22 A Well, when Nancy Salzman would do the dispositions and
23 things, she would -- her, and I knew from her assistant, that
24 she would get what she would call a download from Keith and
25 that would be what she used to write the disposition.

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1 Q And when you say "disposition," what does that mean?

2 A It's basically the teaching. So it would be, like, a
3 long kind of, like, a monologue or something. It could be up
4 to an hour of them talking at you which is, like, talking --
5 basically, the lesson would be in this long speech.

6 Q So who would give the lesson?

7 A Nancy Salzman.

8 Q And who did you understand the lesson to have been from?

9 A Keith Ranieri.

10 Q At some point, did something called Jness Tracks develop?

11 A Yes. I think that was after V Week in 2012 from what I
12 remember, yeah.

13 Q And so how did you hear about Jness Tracks?

14 A I think I first heard about it from Clare or Pam or
15 really the whole -- I say the whole community but people in
16 Albany. We're talking about a lot because it was a big effort
17 from the salespeople to get everybody into the Jness Tracks,
18 like to sell everyone on the idea.

19 Q When you say "salespeople," what do you mean?

20 A There were people in, in the ESP that were salespeople
21 but I think when it came to me, that the people that would
22 talk to me about getting into intensive were most typically
23 Pam or Clare.

24 Q Understanding that, but just can you describe a little,
25 in a little bit more detail what salespeople did and what

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1 their, how they made money?

2 A They make money by people taking courses. So they would
3 have meetings with people to persuade them to take different
4 courses basically.

5 Q Did they -- do you know whether salespeople earned more
6 money by having people they had brought into the organization
7 bring you people into the organization?

8 A Yeah. I think, I mean, I never did any of that so I'm
9 not sure on the specifics of the structure, but I believe --
10 well, like, there were different ways that you could make
11 money from what I understand. As a proctor, you made money by
12 the people underneath you and people that you enrolled
13 enrolling people. Like, you would earn commission off all of
14 the sales and then there was a separate thing that was
15 salespeople and then they -- there was something that they
16 called, if you became a certain -- they're called field
17 trainer. That was it. That's, like, if you, you called loads
18 of people on lots of courses and then you trained other people
19 how to sell other people and they started selling people
20 underneath that. You know, like, it was a chain effect, I
21 guess.

22 Q So turning back to Jness Tracks, was this happening
23 around the time of V Week 2012?

24 A Jness Tracks? Yes.

25 Q And was this the first time that it was being offered?

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1 A Yes, it was a new thing where Jness was going to include
2 men too so it was, like, men and women.

3 Q And when -- can you describe the importance in the
4 community of taking curriculum the first time it comes out?

5 A There was always a lot of persuasion particularly for the
6 first time because it would say, like, this is the only time
7 that Vanguard is going to be teaching it himself directly and
8 he's going to be there in the room and this will be your only
9 chance to have it taught to you by him.

10 Q Was there a term for that, for the first iteration of any
11 curriculum?

12 A Oh, first generation, yeah.

13 Q And after the first generation, what would, how would it
14 be shown to the next group to take it?

15 A On video, and then they would be called second generation
16 and third generation, et cetera, et cetera.

17 Q Did you personally like taking first generation
18 curriculum?

19 A No. I mean, I didn't -- I didn't really like taking
20 incentives in general. I definitely didn't like taking the
21 first generation because they would always be extra long hours
22 and it seemed like they were kind of figuring out what was
23 happening while it was happening so sometimes people wouldn't
24 get out of the training until 2 or 3 in the morning. Just the
25 hours were, like, really, really long and especially at that

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1 time, I really wanted to focus on my running and being an
2 athlete and it didn't make sense to me to be doing an
3 intensive when, really, I was trying to become an athlete.

4 Q And so did you tell anyone that you didn't want to take
5 Jness Tracks?

6 A Yes. I told Clare and Pam from what I remember that I
7 didn't want to take it and then either one or both of them
8 suggested I go for a walk with Keith.

9 Q And did you go for a walk with the defendant?

10 A I did, yeah.

11 Q And can you describe what happened on the walk?

12 A I remember getting really upset on the walk because -- I
13 don't really remember how the conversation started, but he was
14 basically telling me why it was a good idea for me to do the
15 Jness Tracks and he said things like, that I was always, that
16 I was cold and that I would always be coldhearted, and that my
17 children wouldn't love me or, like, those were the things that
18 really I remember from it that really upset me and it was,
19 like, I needed the Jness Tracks to make sure that that didn't
20 happen.

21 Q Did you tell anyone what Keith, what the defendant had
22 said to you?

23 A I'm not sure whether I did because obviously, I mean I
24 was ashamed about that I didn't want to think of myself as
25 being coldhearted and that my children wouldn't love me so

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1 that, like, wasn't something I wanted to talk about. I don't
2 remember whether I even told anyone about it. I'm not sure.

3 Q And so did you end up taking Jness Tracks?

4 A Not then. I didn't take the first generation but then I
5 took the second generation.

6 Q And can you describe what Jness Tracks was like?

7 A Yes.

8 That first one, I don't remember it super clearly,
9 but there were a couple of things that stood out from it to me
10 that I found difficult. There was a session in it where I
11 think -- you were given, like, male mentors as part of it. So
12 there would be like three men and you would be what they call
13 the focus in different kind of, I guess they called them,
14 like, breakout groups or something and they would take you
15 through a process.

16 One of those processes, it was, like, the men
17 teaching the women what it's like to be a man. So I just -- I
18 found it quite, just threatening and uncomfortable because
19 they were correcting you on the way that you were sitting,
20 trying to change your -- telling you that were doing different
21 antics that were, like -- so, apparently, the kind of general
22 teaching was that women do a lot of antics and a lot of
23 different things to try and get stuff from men and so this
24 part of the training was to kind of snap that out of you. So
25 it would be, like, correcting your behavior or getting you to

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1 lower the tone of your voice, sit straight in your chair, and
2 it was very kind of regimental and I found that really
3 uncomfortable and scary.

4 Q Were there any teachings about -- were there any specific
5 teachings about women and sex?

6 A There was a lot of conversation about how, and we had
7 different discussion groups and debriefs from what I remember,
8 where it was, like, men are very -- and these were probably
9 not the exact words from the training, but this is what I
10 understood. Men were very obsessive about sex and that all
11 that they thought about was sex and that's all they really
12 wanted, whereas, women were really materialistic and
13 self-absorbed and narcissistic. That's what I took away from
14 it, and that all we wanted was stuff and be taken care of and
15 not be responsible for anything. And for, like, men to be
16 healthy or primitive men, they would have had sex with
17 multiple people and had multiple partners and that was somehow
18 kind of healthier or normal, whereas, women should be loyal to
19 only one man or that's what's natural for them and if they go
20 beyond that, it's more likely to be something spiteful or, in
21 some way, yes, trying to get back at the man and it's not the
22 normal thing for them.

23 Q Were there any teachings regarding women withholding sex?

24 A I don't really remember that specifically but I think
25 that it was maybe discussed as, like, a pattern that women,

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1 like, try to do to try to get something.

2 Q Was there ever another time when there was curriculum
3 offered that you didn't want to take?

4 A Yes. At some point, I think it was in 2013, but SOP
5 Complete One came out and, again, it was a new training that
6 was going to be taught by Keith.

7 Q So let me just stop you for one second.

8 SOP, what does that stand for?

9 A Society of Protectors.

10 Q And how would you describe Society of Protectors?

11 A It was, like, the men's version of Jness from what I --
12 Jness was the women's organization. Society of Protectors was
13 the men's organization and I think it was supposed to be men,
14 like, being honorable or upholding their word or something
15 like that and it was kind of like men becoming better men in
16 some way.

17 Q And so SOP Complete, what was going to be the plan of
18 that?

19 A It was to teach women what it would be like to be a man,
20 I think.

21 Q And why didn't you want to take this?

22 A Well, because it didn't appeal to me. It sounded scary
23 based on my little experience of what I had even in Jness One,
24 I think it that all was in Jness One, the experience with the
25 men giving you that direct teaching of how to be a man type

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1 thing. I assumed it was going to be that but way more intense
2 because it was eight days. I had heard some kind of rumors
3 about what might be involved in it and that freaked me out.
4 And at the time, I was staying in Vancouver in my aunt and
5 uncle's house and doing some coaching in Vancouver and also
6 running stuff out there and I was having a really good time so
7 I just didn't want to come back to Albany to take this
8 training.

9 Q Were there -- was there any discussion with you about why
10 women needed to take SOP Complete?

11 A Well, it had been presented, I think, in Jness
12 specifically that women lacked character and the SOP Complete
13 would teach us character.

14 Q And were there -- was there any discussion about SOP
15 Complete and women, and women dieting?

16 A I think that was one of the examples of how women lacked
17 character, like, we're impulsive and we can't uphold our
18 words. If we say we're going to be on a diet, then we can't
19 uphold the diet, we just eat and, like, we're not conscious of
20 our actions and what we're doing and things like that.

21 Q Did you believe that that described you?

22 A Well, no, partly because I had, I had anorexia and I
23 still wasn't -- I was still very restrictive and controlling
24 around food so I didn't have -- specifically with food, I
25 definitely didn't have an issue with making sure I didn't eat

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1 more food than I should, let's say, whatever that means, but
2 also I was an athlete. I was able to be very regimented in a
3 lot of different ways. I didn't have any struggle with that
4 personally.

5 Q And so what happened when you didn't -- what was the
6 transition where you said you didn't want to take it? What
7 happened?

8 A Well, Pamela called me and told me about -- I already
9 knew about SOP Complete, but she was wanting to talk to me
10 about why I should take it and she made a comment like, What,
11 do you just want to be Clare's lackey for the rest of your
12 life? And that really upset me and, yes, I felt offended but
13 I still didn't want to take it. So I sort of didn't say yes
14 to her on the phone but didn't, you know -- I just tried to
15 kind of lay low and I hoped that nobody else would try to get
16 me to do it, but I think I probably went back and forth with
17 Clare a bit and I agreed that I would have an EM about my
18 resistance to do it.

19 An EM, I don't know if you've introduced what that
20 is.

21 Q I haven't. Can you explain what an EM is?

22 A It's stands for exploration of meaning. And I think
23 it's, like, where they -- I keep saying "they." I'm sorry if
24 I'm not being clear, but the teaching from ESP or Vanguard or
25 whoever would say they created that, I believe it's Vanguard,

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1 it was, the teaching was that you had these beliefs, like, two
2 different beliefs that didn't match up, and the EM would meld
3 these beliefs and that would be called an integration.

4 Q And in what circumstances were people directed to get
5 EMs?

6 A I felt, like, in my personal experience, it was a lot of
7 the time, if I didn't want to do something, that others would
8 say it was upholding of me but if I didn't want to do it, it
9 was suggested that I get an EM because that would somehow, you
10 know, help. I thought it was to make me change my mind
11 honestly.

12 Q Do EMs cost money?

13 A Yeah. If you work with an EMP, you could pay, I think
14 the cheapest was \$80 and the most expensive could be \$250 or
15 \$300.

16 Q What's an EMP?

17 A That's someone who becomes a professional EM person, an
18 EM'er, or I don't know what you call it.

19 Q So, did you end up having EMs about this?

20 A I think I had an EM. From what I remember, I had an EM
21 with Dani Padilla.

22 Q Who is Dani Padilla?

23 A She was a Mexican lady that lived in the community and
24 she was an EMP and a proctor.

25 Q And after the EM, what happened? Did you have any

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1 further conversations with people in the community?

2 A Well, I still wasn't agreeing to do it and then I got a
3 call from Clare, I think, at the end of the first day of SOP
4 Complete. So I believe it had already started. And I
5 remember just, again, like, crying on the phone because I felt
6 very bullied by her and I felt -- I think she said things,
7 like, You're never really going to amount to anything. She
8 was going very hard on me about taking this training and I
9 was -- yeah, I just remember crying a lot and I think after
10 that conversation, I still didn't say I would definitely do
11 it. I think I told her I would look into changing my flights
12 but I hadn't committed that I was going to be there but I
13 ended up calling someone else.

14 Q Who was that person?

15 A Nicki, Nicki Clyne. I called her and, just to console me
16 somehow because I was upset and I thought that she would
17 understand and yet, she seemed pretty understanding but she
18 didn't really have anything to say to me, I don't think. She
19 was doing SOP Complete herself so she was already in it but,
20 yeah.

21 Q How much did SOP Complete cost?

22 A I don't know because I think maybe Clare was going to pay
23 for it again but I would say it was probably 5 or more grand,
24 it might have been 8 grand, I'm not really -- 8,000 or 5,000.
25 I'm not 100 percent sure.

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1 Q And did you end up taking the training?

2 A Not then. I changed my flights and I did come back but I
3 didn't take the training. I took it later in the second time
4 it was offered again.

5 Q Can you describe what the SOP Complete training was like?

6 A Yeah. It was very, I would use the word "regimented." I
7 found it extremely stressful and scary. The whole way
8 through, it's basically, yes, it's kind of, like, that section
9 that I described from Jness but intensified a lot, and then
10 there were different things thrown in that seemed, like,
11 exercises in humiliation, of humiliating the women so that
12 they can see where, like, sort of what they were doing wrong,
13 let's say.

14 Q Were there any -- were there any videos shown during
15 that?

16 A Yes -- well, see there were different things that
17 happened. There were videos, I think, too. That was just all
18 part of the different humiliation exercises. Like, for
19 instance, in the beginning, there was a girl in the training
20 that got dressed up as a princess and she had to carry a
21 princess wand because they said she was too princess-y. So
22 she had Disney-like clothing put on her so that, to show that
23 she was trying to be too flashy and be too much of a princess.
24 And then at some point, they also did, like, a prize giving
25 ceremony where they pretended the women were, like, cows in a

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1 county fair because, apparently, they had their boobs on show
2 too much. So they were given like rosettes and prizes. It
3 was prizes for their utter-type things as cows.

4 Q So now going back to the time period between 2012 and
5 2014, are you continuing this training as a runner?

6 A Yes, although at the end of 2012, I got really sick and
7 so things kind of started to fall apart in my running.

8 Q So let's -- we'll talk about when you got sick in a
9 second. Before that, did you -- where were you living?
10 What's going on in terms of your living situation, like, in
11 2012, after Vancouver?

12 A I was staying -- I think, Vancouver was 2013 although I'm
13 not 100 percent sure, sorry about that -- but I had a place in
14 London for a certain amount of time. I don't remember exactly
15 when I moved out, but then I started to stay a lot more with
16 Clare State-side. So, yes, I had been going back and forth
17 but for the majority of that time, I had, I still had a place
18 in London and all my stuff there.

19 Q During that period of time, what type of visa are you
20 traveling on?

21 A I was on the tourist visa waiver.

22 Q Were there ever any -- did anybody from the NXIVM
23 community ever speak to you about any potential immigration
24 difficulties you could have?

25 A Yeah, I think Clare suggested flying through different

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1 airports that weren't JFK because it seemed it was harder to
2 get through immigration at JFK. So I flew through Charlotte
3 pretty frequently or I think I flew through Chicago and maybe
4 also Atlanta at different times but definitely through
5 Charlotte.

6 Q At this point in time, before you get sick, how much are
7 you training?

8 A Well, I had made a comment that I wanted to, that I
9 thought maybe I wanted to be a triathlete to, to Keith and
10 Clare, I think, and they had mentioned or I think it was Keith
11 that mentioned that triathletes have to train so much more
12 than runners and even up to sort of six hours a day or
13 something like that, and I took that as, like, verbatim so I
14 started training six hours a day minimum, like, cardio and,
15 yeah.

16 Q And how would those results get reported? How would your
17 training schedule get back --

18 A I sent my training schedule and my results of my schedule
19 every day to Keith and to Clare.

20 Q Would either of them give you feedback on that?

21 A Not very often but they did. Clare ran Athletics Goals
22 Lab which I was a member of and so in my understanding, she
23 was the go-between between me and Keith, essentially, for my
24 training and that she was to oversee my training so she
25 directed me more through Athletics Goals Lab.

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1 Q Was there ever a specific discussion about how you should
2 train in terms of your running?

3 A Not really. I never got a running program or anything
4 like that.

5 Q Well, what pace were you at?

6 A I was given specific sessions I needed to do by Keith and
7 that was running, that was -- I had to run for as long as I
8 could at 12.1 miles an hour on a treadmill which is a 4:59 per
9 mile pace and then there was another pace which I think was
10 11.3 or 11.8 or something like that. So I was given these two
11 different paces and told that I needed to extend that time as
12 long as I could.

13 Q And was there ever a discussion about how long you had
14 gone and whether that was enough?

15 A Yeah, every time that I did it. I used to run on the
16 treadmill in Clare's basement and she was often upstairs
17 working so I would come up. I needed to report my times every
18 time I did it and the point was to be increasing, but whenever
19 I was sort of -- I was never -- I never reached a point where
20 it was enough. So it never was, like, Oh, you've run long
21 enough at this time. That never happened. So it was
22 basically a failure every time and always looking at, like,
23 Oh, where did you fail, and I felt like I was being told that
24 it was an emotional issue most of the time because I was
25 getting EMs on why I stopped when I stopped and things like

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1 that.

2 Q Were you ever tasked with getting EMs regarding your
3 running?

4 A Yeah, about why I stopped when I did speed work.

5 Q And who would perform those EMs on you?

6 A I myself worked with people like Dani Padilla, I worked
7 with Karen Unterreiner. I worked with Siobhan Hotaling, and I
8 worked with, I think I worked with Lauren Salzman quite a few
9 times. I worked with several people.

10 Q Karen Unterreiner, who is she?

11 A She was a proctor and the head trainer and she lived in
12 the community. She trained a lot of the incentives.

13 Q Did you know anything about her relationship with the
14 defendant?

15 A I think she had known him since university from what I
16 understood and she seems like, yes, a very devoted friend, I
17 would describe her, of the defendant.

18 Q Now, you said that at some point, you got sick. Can you
19 describe what happened?

20 A Yes. I was, like I said, training, like, six, six or
21 more hours a day of cardio and I started feeling very bad and
22 it was very hard to complete the sessions, but by that point,
23 I had, I really thought that it could be in my head. A lot to
24 do with, I think, the training I got in the ESP and I always
25 thought it was some kind of an emotional failing, that I

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1 couldn't do what I was trying to do. So I was more focused on
2 just trying to push through because I thought it was more an
3 emotional issue so I was forcing my body very hard
4 essentially. It got worse and worse and worse and then I
5 ended up having an abscess. Eventually, I went to the doctor
6 about it and he told me I was, like, on the verge of sepsis
7 because I had got a really bad, intense infection.

8 Q Prior to going to the doctor, had you ever discussed with
9 the defendant or anyone else in the community the fact that
10 you were not feeling well?

11 A In my check-ins, I was writing about it, yeah, my
12 check-ins to Keith and Clare. I was saying, like, I'm not
13 feeling very good and, yes, I don't feel, I'm not doing well
14 and I don't feel well.

15 Q And how would they respond?

16 A I don't remember anyone encouraging me to go to the
17 doctor, not that I remember. I don't remember that being
18 addressed specifically.

19 Q Did you feel like you could ease up on your training?

20 A No.

21 Q I'm showing you what is in evidence as Government
22 Exhibit 1405. Can you see it on your screen?

23 A Yes.

24 Q And is this an e-mail that you wrote to Clare Bronfman
25 and Keith Raniere in November, on November 30, 2012?

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1 A Yes.

2 Q And is it just redacted to remove your last name?

3 A Correct.

4 Q And so in this e-mail, are you describing to Clare
5 Bronfman and Keith Ranieri the illness that you described to
6 us?

7 A Yes. I'm explaining, because I was in a lot of pain and
8 I didn't know why, so I'm explaining the pain in my bum.

9 Q And I know this is a little bit hard to see, but is this
10 an example -- what is this an example of?

11 A This is my training log that I would attach to all of the
12 e-mails so that they could see exactly what I did and then
13 there's a column that you can't see, but there was a column of
14 notes about how I felt that came after the actual column on
15 the very end.

16 MS. PENZA: Mr. Reccoppa, can I have the ELMO for a
17 second? I can go back to it later on -- there it is. Okay.

18 THE COURT: All right.

19 Q Sylvie, can you see this on your screen?

20 A Now I can, yes.

21 Q Okay. So, again, this is the same Government
22 Exhibit 1405 that there was an excerpt of on the PowerPoint
23 that was in front of you before, and I just wanted to show you
24 the, I wanted to direct you to, I think, the column that you
25 were describing before.

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1 A Yes. That would be where I would talk about how I was
2 feeling and what was going on with me.

3 Q Okay.

4 A Yes, how I was feeling basically.

5 Q And so can you read some of the notes that you were
6 including at this time to the defendant and to Clare Bronfman?

7 A I said: Feeling quite sick (sic) and run down today.
8 That was one day. The next day, I've said: Had a disrupted
9 night's sleep again. My jaw is painful. Bum is painful too
10 but better than last week. And then I said: Had disrupted
11 sleep again. Waking up with pain. Had an amazing sleep last
12 night. Pain severe in bum. Not sit. I'm not sure. I guess
13 I'm saying I can't sit down, it hurts to sit down. And then:
14 Woke up with pain and fear in the night.

15 Q And then can you read these notes?

16 A Yes. It says: Emotionally quite afraid about the pain
17 in left bum. Realized --

18 Q Sorry. There you go.

19 A Realized I am afraid to push and often feel like I am
20 holding back. And then I said I had a massage. Very tired
21 today but emotionally good. Less anxious than normal. I
22 think that says, "anxious." Felt particular pretty good
23 emotionally. Just noticed how much anxiety seems to be a base
24 state for me though. I felt groggy for a lot of the day. I
25 think I have been in a self-beating and punishing mode for a

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1 few days. I think Clare helped snap me out of it.

2 And then I said: Pretty consistently good today.

3 Then the last one, I said: Realized how angry, fearful and
4 defensive I have been feeling. Had a good chat with C -- that
5 he means Clare -- and going to look at my choice points this
6 week.

7 Q What does that mean?

8 A I think that -- choice points was, like, I would say in
9 the teaching described as where you would kind of come to a
10 crossroad, say, in a basic thing. You could decide to have
11 the coffee or the cake if you're hungry or thirsty or
12 whatever, and you would, the choice point would be, like,
13 which do you decide and why.

14 Q I'm going to show you what's in evidence as Government
15 Exhibit 1406. Can you see that?

16 A Yes.

17 Q And if I direct your attention to the middle of the page,
18 is this the e-mail that we had just looked at?

19 A Yes.

20 Q And then there is a, at the top, is there a response from
21 Clare Bronfman?

22 A Yes.

23 Q And in the response, does she -- she says: Look at the
24 fears which come up around not being able to run or do
25 exercise. This might help also.

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1 What was your understanding of what that meant?

2 A I think that's, like, how I relate to running and
3 exercise or how I use it in a certain way.

4 Q At this point, had you been describing to her that there
5 was some limitations in your running because of the pain you
6 were in?

7 A Yes. I said I was having a hard time, having a hard time
8 forcing myself through my sessions and I think my results were
9 really going downhill and you could probably see that if you
10 went through all of the check-ins. I wasn't able to get as
11 far as those 12.1 sessions. I just -- yes, everything was
12 sort of going downhill massively.

13 Q Okay. And now I'm going to show you what's in evidence
14 as government Exhibit 1407. Can you see it?

15 A Yes.

16 Q And is this in -- so there's a forwarded message and at
17 the top, it says, this is from you on December 3, 2012, to
18 Keith Ranieri and Clare Bronfman, and you said: With my log.

19 What does "With my log" mean?

20 A I think I had sent it a bit earlier without my training
21 log attached so I was sending it five minutes later with my
22 training log attached.

23 Q And then could you read this middle two, and then the --
24 the message that you had then forwarded also on December 3,
25 2012 from you and also to Keith Ranieri and Clare Bronfman, is

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1 that correct?

2 A Correct.

3 Q Okay. And then could you read the middle two paragraphs
4 please?

5 A Yes. It says: I have spent a lot of today crying. I
6 think just general fatigue and overwhelm of suppressed
7 emotions caught up with me. My body feels very taxed and I
8 didn't really want to do anything but I thought it would be
9 good to move so I did 30 minutes on the cross-trainer. That
10 felt pretty good but my heart rate went into the 160s
11 considering that I was going light ... then I tried to follow
12 it up with a swim but then my chest started hurting and I felt
13 super weak. I was averaging 3 minutes 23 seconds for 100
14 meters.

15 What do you think I should do RE my training? I
16 have -- that's a type of antibiotic, I'm sorry I'm not going
17 to be able to pronounce it -- flucloxacillin six tablets daily
18 until Wednesday when the doctor looks at the abscess again to
19 decide if it needs surgery. I was thinking maybe just super
20 light until I start feeling a bit normal again.

21 Q What you did you mean, "I was thinking super light"?

22 A Like hardly any exercise. I was trying it see if I could
23 do less training.

24 Q At that time, how would you describe the amount of
25 training that you were doing?

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1 A Well, I had been attempting to continue my six hours a
2 day but I literally couldn't get through it, like, I felt so
3 ill. So I think -- I'm not really sure what I meant
4 specifically. I would have had the training log to match it
5 but I was trying to do a lot less than that. I couldn't get
6 through the sessions.

7 THE COURT: Was this six hours all on a treadmill?

8 THE WITNESS: I was doing, like, 10 to 12 miles
9 running, maybe three hours on the bike, an hour on the
10 cross-trainer, an hour or two hours in the pool. Like, that's
11 how I would make it out. I would spread it across the
12 running, the pool and the cross-trainer and the bike.

13 THE COURT: And who was overseeing your training?

14 THE WITNESS: Keith and Clare. They were the people
15 that were basically overseeing it, yes.

16 THE COURT: Were they on the scene when you were
17 doing your training?

18 THE WITNESS: I did some of it in Albany because I
19 was going back and forth. I was also doing it in London but
20 sending the training log with this style of message every day.

21 (Continued on next page.)
22
23
24
25

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1 (Continued.)

2 THE COURT: And in terms of your pulse rate and so
3 forth, you were keeping that information as part of your
4 training?

5 THE WITNESS: Yes, so they could see where I was
6 fitness-wise and so we could record all of that data. I think
7 I recorded the number of calories I ate, my heart rate, my --
8 I'm not sure if I had my temperature, but I used to record my
9 temperature at some point and I had all of these different
10 data points and I would put it in that spreadsheet for them
11 and send it to them daily.

12 THE COURT: Were you seeing a doctor for issues
13 having to do with your heart rate and so forth? In other
14 words, did you have medical supervision?

15 THE WITNESS: No, not until I got the issue and then
16 I went to the doctor.

17 THE COURT: Go on.

18 BY MS. PENZA:

19 Q I can just pull up an example of your log again. This is
20 on 1407 and it's one of the ones we have looked at already.
21 Maybe you can walk through the actual --

22 A Yeah, so it's got --

23 Q -- on a single day.

24 A Say, Monday, if you looked at Monday, and I have -- let's
25 say up to Monday morning and Monday afternoon, and then you

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1 can see in the running, that was what I planned to do but what
2 I was actually able to make happen. This is when I started
3 getting sick. So the plan was to do five miles, but I ended
4 up only walking two miles.

5 And then the bike, the plan was to do two hours in
6 the morning, looks like two or -- two blocks of two hours or
7 something the way that I had written it, but I did manage to
8 do that.

9 And then for the swim, the plan was a mile plus
10 drills, 45 minutes in total, and what I actually did was a
11 mile in 33 minutes and kicks and pulls.

12 And then planned hours training was six hours. I
13 did manage to do six hours, and if you scrolled across you
14 would see some more data points which is -- my weight at the
15 time is 105.6, I think that says; my heart -- resting heart
16 rate was 67; my blood pressure is 107 over 70; I slept for --
17 that's either a six or an eight, I can't see it, my eyesight
18 is not great; and then I had written notes about what was
19 going on.

20 THE COURT: Your blood pressure where it says BP, is
21 that your resting blood pressure?

22 THE WITNESS: Yeah.

23 THE COURT: And when you were actually exercising
24 where is that information about your --

25 THE WITNESS: My heart rate in there -- what heart

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1 rate when I was exercising?

2 THE COURT: Yes.

3 THE WITNESS: I didn't have that on here.

4 THE COURT: No?

5 THE WITNESS: No. I don't know whether I recorded
6 my heart rate while I was exercising.

7 THE COURT: Okay.

8 THE WITNESS: I think I mentioned the 160 on the
9 cross-trainer because it shows you on the screen when you hold
10 the things, but I don't think I was wearing a heart rate
11 monitor while exercising.

12 THE COURT: All right. I think we should take our
13 ten minute break, our afternoon break right now.

14 MS. PENZA: Okay, Your Honor.

15 THE COURT: All right, all rise for the jury.

16 (Jury exits.)

17 THE COURT: All right, you may step down, please.
18 Do not discuss your testimony with anyone.

19 (Witness excused.)

20 THE COURT: Everyone may be seated.

21 About how much more do you have of this witness?

22 MS. PENZA: I still think -- I think we are -- at
23 least, like, two more hours.

24 THE COURT: What's that?

25 MS. PENZA: An hour and a half to two hours.

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1 THE COURT: More?

2 MS. PENZA: Yes.

3 THE COURT: So we're going to go into tomorrow
4 morning, that's what I need to know. That's fine. I just
5 need to have an idea so the other side can be ready for
6 cross-examination.

7 MR. AGNIFILO: That's fine. Thank you.

8 THE COURT: Okay. Let's take a ten-minute break.
9 Thank you.

10 MS. PENZA: Thank you.

11 (Defendant exits the courtroom at 3:50 p.m.)

12 (A recess in the proceedings was taken.)

13 (Defendant enters the courtroom at 4:06 p.m.)

14 THE COURT: Let's bring in the witness, please.

15 (Witness resumes the stand.)

16 THE COURT: Bring in the jury.

17 We will go until 5:00.

18 MR. AGNIFILO: Very good.

19 (Jury enters.)

20 THE COURT: Please be seated. I remind the witness
21 that she is still under oath.

22 You may continue your examination of the witness.

23 MS. PENZA: Thank you, Your Honor.

24 BY MS. PENZA:

25 Q Sylvie, I'm going to show you what is in evidence as

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1 Government's Exhibit 1409, this is an e-mail chain, and as you
2 can see it, begins with the e-mail that you -- that we just
3 looked at that you had sent to Keith Raniere and Clare
4 Bronfman, and in that e-mail, you had mentioned that you were
5 thinking maybe just super light until I start feeling a bit
6 more normal again; is that right?

7 A Correct.

8 Q And you described that that was maybe taking it easier on
9 your training at that point?

10 A Yeah.

11 Q And if I could direct you to the middle of the page,
12 there is an e-mail from Clare Bronfman to you copying the
13 defendant and it said -- it says: Hi, Sylv. Keith has
14 suggested to continue exercising so long as it does not hurt.

15 At that point in time, had you been telling the
16 defendant and Clare Bronfman that you were indeed in pain?

17 A Yeah. Yes.

18 Q And then if we look at the top of the page, is this your
19 response to Clare Bronfman and the defendant?

20 A Yes.

21 Q And you write: Doesn't hurt, LOL, it's been hurting for
22 weeks, but yes, okay. I think I will avoid bike for now until
23 I can sit down or maybe try the bike with the other kind of
24 seat. I will feel it out and do what I can.

25 So can you describe what you were thinking when you

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1 were writing this?

2 A Yeah. I think I was sort of -- I was upset because if
3 you had -- well, you saw in my previous check-ins and in that
4 column, I had been talking about the pain and waking up in the
5 night scared with the pain and things like that, and so, I
6 don't know, it just felt a little bit like all of that was
7 dismissed or not even read maybe because the comment was to
8 keep exercising if it doesn't hurt. I just -- I didn't really
9 feel like I was -- had the care from the people that were
10 supposed to be my coaches.

11 Q I'm just going back just for the date. That was on
12 December 4th, 2012, that you sent that e-mail?

13 A Yes.

14 Q And then I will show you what's in evidence as
15 Government's Exhibit 1410, and this is an e-mail on
16 December 5th from you to Clare Bronfman and would you -- would
17 you read starting from the second paragraph for us?

18 THE COURT: Excuse me. Could you just -- that's it.
19 That helps making it a little larger for those of us who are
20 over the age of 20.

21 Go ahead.

22 A Okay. So it says: RE doctor, he is happy that the
23 abscess is getting bigger, as it gives them a better chance of
24 being accurate when they cut into it and cause less overall
25 damage. He thinks the pain I have had in the whole area may

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1 be an effect of the infection but we'll know more once we have
2 healed this part. He said the reason why being an elite
3 athlete is hard on the body is because you are stressing every
4 system to its max and if you have a high stress temperament,
5 you burn out in all areas, which I think is an accurate
6 assessment of me. My body has hit burnout a few times. He
7 thinks heal time will likely be four to six weeks with an open
8 wound that will need monitoring and redressing by the nurse
9 and probably more antibiotics. He said that with good
10 management, the infection should not come back but they can.
11 He thinks I just really need to back off for a while and take
12 things steady.

13 Q And so what did that mean when you wrote that?

14 A But, like, stop training so much and just let me body get
15 better.

16 Q And then could you read the next paragraph?

17 A I said: I also just wanted to share my process with you
18 more, maybe so you can understand what is going on for me
19 better. I have been pushing through and fighting myself for a
20 long time ignoring my body to try to do what I thought was the
21 right thing and really feeling like I am -- I am feeling --
22 really feeling like I am like a wound up ball of fear and
23 tension for so long. I have always felt compelled to try to
24 achieve something or be something and I'm now starting to
25 consider that maybe I don't need to be the best at something

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1 to love myself and be okay with me. I feel quite out of touch
2 with what I truly want. A lot of the time I feel like I'm
3 trying to gain love or acceptance through results and being
4 good at something. Not being able to train, not doing much on
5 the work front, and generally not feeling like I'm achieving
6 any external results anywhere has actually been quite freeing
7 and scary at the same time. It is making me think about what
8 do I really want outside of all of these things. I'm not sure
9 the elite athlete part is the one I want, but I don't know
10 whether I know what else I want. I know I want to have
11 self-love, peace, and compassion and to have deep meaningful
12 relationships, a family, and also to feel I am challenging
13 myself physically because I do love movement and physical
14 exertion and the beauty of sport and challenging myself
15 emotionally and in the thought realm. I have been feeling
16 very lonely on the path of training. I have a deep respect
17 for it and the people that take it. It's a lonely ride and
18 there are no shortcuts. If you want to get to the top, it
19 takes many hours, days, weeks, years of singular dedication to
20 the goal. I don't think I appreciated that before having this
21 taster period of committing to it wholly.

22 Q Can you read the last paragraph also, please?

23 A So that is an insight into my world right now and what
24 I'm thinking. Everyone from ESP or not has suggested that
25 before making any major decisions I get well, rest, heal, and

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1 take some objective time, which I think is a very good idea.

2 I know that I needed a break before I threw the baby out with
3 the bath water, so this has enforced a break before I broke
4 myself.

5 Q Well, what was your intention in sending that e-mail?

6 A I really felt like what -- like I said, for a long time,
7 I had been really lonely and really struggling to keep going
8 with this and I just felt completely my own and I really was
9 trying to get Clare to understand what it was like to be me
10 because I didn't feel supported in that at all and I felt like
11 she was always trying to channel me into continuing doing what
12 I was doing and so I was trying to express how I felt.

13 Q I'm showing you what's in evidence as Government's
14 Exhibit 1411, and this is the e-mails that we just read, and
15 is this Clare Bronfman's response to you?

16 A Yes.

17 Q And can you read her response?

18 A Yes.

19 She said: Dear Sylvie, I felt sad in reading this
20 e-mail, as it seems to me from your language and your weight
21 and your eating patterns you've slipped back into the robot
22 Sylvie perspective. I can certainly understand this has been
23 a scary time for you. It must feel very alone scary and
24 unsure. Try allowing yourself to feel these things. I also
25 understand the temptations and what in a moment seems like an

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1 easier path, to disconnect, and resort what is most
2 comfortable during this time to find some predictability, some
3 sense of feeling strong, et cetera, dot, dot, dot. Love
4 Clare.

5 Q What did you understand from this e-mail to you?

6 A I felt like this was a -- quite a common response from
7 her and I had somehow let her down and that if I was to quit
8 being an athlete, that it was me going back in the robot
9 perspective, like saying that I wanted a family or that
10 potentially this isn't what I wanted was me being a robot, and
11 so I just felt backed into a corner. Again, like, I just --
12 I feel like these kind of things wore me down over time and I
13 became more and more apathetic about what I should be doing
14 with my life.

15 Q Over the course of the next several months, did you end
16 up having various medical procedures related to the abscess?

17 A Yes. At that time, they drained the abscess and I had
18 all these antibiotics and I think I had -- it was, like, a
19 lot -- it was antibiotics over at least a couple of months or
20 something, but I had a very high dose of antibiotics and the
21 draining process, but it turned out that that didn't work and
22 it turned into a fistula which is -- I don't know if you want
23 the medical -- I don't even think I can give the medical
24 explanation, but basically, it's like a channel in your body
25 that shouldn't be there and I ended up having to have a

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1 surgery where they lay the wound open and it needs to heal
2 from the inside out, which is like a six- to eight-week
3 process of having the wound packed every day by a nurse.

4 Q And did you follow the protocols that were suggested by
5 your doctor after that?

6 A No. I carried on running and training.

7 Q Why did you do that?

8 A Because I felt like that's what I was supposed to be
9 doing, that's what I needed to do to make sure I wasn't being
10 a robot.

11 Q Were you having conversations with the -- were you
12 continuing to do your check-ins with the defendant and with
13 Clare Bronfman?

14 A Yeah, my daily check-ins carried on.

15 Q Did they ever encourage you to follow your doctor's
16 directions?

17 A I don't remember that. I mean, I continued following the
18 program and they had my running program. I don't remember
19 them saying you should stop running and rest.

20 Q And did you end up going back to Albany?

21 A Yeah.

22 Q And was that in the same time frame that your doctor had
23 recommended?

24 A No. I don't remember my doctor recommending a time
25 frame, but I didn't want to travel because I was needing to go

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1 to the nurse every day to have this wound packed and so I was
2 kind of pushing back on the idea from Clare that I should come
3 back because I just -- I didn't want to sit on the plane seat
4 with this wound and also the nurses in the U.K. were doing it,
5 but she had suggested there was someone in the ESP community
6 who used to be a nurse that could pack it for me, and so I
7 think a couple of weeks left of the packing process, I -- with
8 a couple weeks still left, I came back to the states and had
9 this person in the ESP community pack it for me.

10 THE COURT: When you say "pack it," you mean this
11 was an open wound that had to be drained and dressed?

12 THE WITNESS: Yeah.

13 THE COURT: On a daily basis?

14 THE WITNESS: Correct. It had to be packed with a
15 special fiber that would make it heal from the inside out.

16 THE COURT: All right. Go ahead.

17 BY MS. PENZA:

18 Q And while that was happening, were you still training?

19 A Yeah, I was still running, and I think at some point I
20 think I got back on the bike, too, but I was definitely still
21 running.

22 Q And you were reporting all of those --

23 A Yeah, I was still checking in my training.

24 Q And some of that was while you were in Albany?

25 A Yeah.

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1 THE COURT: Where were you living when you were in
2 Albany?

3 THE WITNESS: I would stay at Clare's house.

4 THE COURT: Still?

5 THE WITNESS: Yes.

6 BY MS. PENZA:

7 Q During the time period when you were traveling back and
8 forth, do you still not have a visa?

9 A Correct.

10 Q Was there continued talk within the community about you
11 getting a visa?

12 A On and off, yeah.

13 Q Did you ever -- what other conversations did you have
14 with the defendant about a visa?

15 A I remember the defendant -- or Keith Raniere joking with
16 me about getting married for a visa way earlier on -- I think
17 that was when I had been denied either the investor or student
18 visa -- and at that time, I was like, No way, and kind of
19 laughed it off because I -- I didn't want to just marry
20 someone for the sake of a visa.

21 Q Did you know whether there was encouragement of the other
22 people in the NXIVM community to get married for visas?

23 A Yeah, I knew that people had done it and so I did know
24 that that was something that had happened, but I didn't want
25 to just, like, marry a random person for a visa.

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1 Q At some point, did you meet someone within the NXIVM
2 community who you did believe you could develop a relationship
3 with?

4 A Yes.

5 Q And what happened?

6 A So I met John, my husband -- my now husband. I met him
7 for the first time probably in 2008, so I already knew him,
8 and -- and then we both started working on a project called
9 The Knife -- well, I was already working on it and he started
10 working on it and -- sorry. I thought you were about to ask
11 me something. But anyway, so we were working on this project
12 within the community called The Knife and we were -- I was in
13 London, I think, at that time and we were spending hours a day
14 on Skype basically -- whoops, I'm not even talking into the
15 mic -- we were spending, like, hours a day on Skype working on
16 this project, and -- with him and several others, but he kind
17 of headed up the group that I was working in, so I got to know
18 him really well and I was, like, flirting with him a lot
19 through message and things and I was taking a real liking to
20 him.

21 (Continued on the following page.)

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1 BY MS. PENZA: (Continuing)

2 Q And did you eventually decide to take that liking
3 further?

4 A Yes. I started to kind of scheme in my head that he is
5 someone that I would marry though I would -- that sounded
6 really weird but it is sort of weird. I mean, he was someone
7 that I wanted to build a relationship with and if I was going
8 to get married and develop a life in America, he was the
9 person I would want to do that with.

10 Q And you are married to him now?

11 A Yes, we are married now.

12 Q And where is he today?

13 A He's in the courtroom with my dad. I can see my dad but
14 I think he might be sat behind you.

15 Q But you live together in a legitimate marriage?

16 A Yes, we did. I mean, at the moment, he's been staying in
17 the States working on a green card or equivalent for the UK
18 but, yes, the whole time we've been married.

19 Q Going back though now to before, to before you actually
20 were married, once you had this idea, what did you do?

21 A I thought -- in my head, I thought the only way that I
22 was going to be able to get married without it being seen as
23 me being still being the rover is if I got it, like, kind of
24 approved by Keith first and present it to Keith and Clare in a
25 way that they would accept. So I told Clare that I had this

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1 idea that I wanted to do this with John and that I was going
2 to speak to Keith about it. And so I met -- I asked Keith if
3 I could meet with him to speak to him about it.

4 Q And where did you meet with him?

5 A In, I think it's Pamela, either him or Pamela's car
6 outside of the house. I think he was living in Clifton Park.

7 Q Do you remember where that house was?

8 A It's on Oregon Trail. I just don't remember what number
9 it is.

10 Q So you met in the car?

11 A Yes, we met in the car. I don't remember why in the car
12 but we did meet in the car.

13 Q Okay. And can you describe the conversation?

14 A Yes. So I sort of told him what I wanted to do. I said
15 I wanted to see if John would consider marrying me and that we
16 would -- that I would, obviously, work on getting a green card
17 but we would kind of develop a relationship and sort of do it
18 backwards, I guess, and I wanted to see if John would consider
19 that and what did he think.

20 Q Okay. And how did Keith respond?

21 A He suggested doing a business arrangement at least for
22 the first two years and that it should be platonic. So he was
23 talking about it a lot like that, but I didn't make any sort
24 of commitments for doing anything in a specific way but I just
25 remember at the end of the conversation, he like put his

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1 finger on my arm and saying, Oh, it's a shame, we could have
2 had fun. And I remember laughing and thinking that was a
3 creepy comment but sort of laughing it off.

4 Q After that, did you end up -- what happened? Did you
5 actually end up having a conversation with John?

6 A Yes. John had invited me down to New York for the
7 weekend anyway so I thought this would be an opportunity to
8 kind of make, like, present it to him and that's what I did
9 basically, yeah.

10 Q And how did he respond?

11 A He said he would -- his exact words was he would consider
12 it, but then we basically spent a month having sort of
13 in-depth conversations about what we would want out of this
14 situation, like, could we see ourselves having a future
15 together, did we both want a family, basically seeing if we
16 could arrange our relationship and do our relationship
17 backwards in that way, getting married first and then
18 developing the relationship from there.

19 Q Where was John living at that time?

20 A New York City.

21 Q And did you come down to New York City?

22 A Yes, I had come down to have that discussion with him but
23 then I ended up staying longer to talk, to have these
24 conversations. Like, we decided this is something obviously
25 we didn't want to just do. We needed to figure out whether we

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1 had, like, a match in intentions of what we really wanted.

2 Q And did -- when you extended your trip, did anything
3 happen?

4 A Yes. At some point, I think it was after, like, the
5 second extra night or something like that, I got a call from
6 Clare and she seemed pretty, like, freaked out and she was --
7 she said something like, Have you had sex with him? And I
8 said, like, no, but she says, Well, don't have sex, you
9 shouldn't have sex with him and you shouldn't have sex with
10 him yet.

11 It was all around -- I got really freaked out and I
12 basically came back to Albany. I felt like I was being told
13 off.

14 Q Did you end up getting married?

15 A We did get married.

16 Q What date?

17 A The 7th of July of 2015.

18 Q And who was there?

19 A My mom, my sister and her husband, obviously, I was going
20 to say John, but that one's obvious, his friends Mark and Ken,
21 Clare was there and we had our friend Harjay take pictures.

22 Q And did Clare say anything to you on your wedding day?

23 A Yeah. At some point, she pulled me aside and said,
24 You're acting -- it was almost, like, I was acting too happy
25 and I was lost in the bubble or something, which is a phrase

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1 that was used in, I think, it's SOP Complete or Jness, like,
2 women live in a bubble. And she used "in a bubble," like, we
3 don't have to be responsible for anything, we live in fantasy
4 land and everything gets taken care of. You're lost in the
5 bubble or you're acting too happy or something like that, so I
6 remember trying to tone it down.

7 Q Did anyone else in the community have any -- did you have
8 any further discussion with anyone in the community about your
9 sex life with John?

10 A Yes. So Clare had said to me about not having sex with
11 him, but then also my coach approached me. I was being
12 coached by someone called Rosa Laura.

13 Q You can give her last name?

14 A Rosa Laura Junco. And she said to me, I think Keith
15 suggested that you don't have sex for two years. I don't
16 remember what the official explanation of why that was but I
17 think that was to develop our relationship more or something
18 but it should be two years specifically. So, yeah, it was,
19 like, we were getting these messages about that we shouldn't
20 be having sex.

21 Q And did you and John at that point in time decide to stay
22 celibate for two years?

23 A Yeah. So, we did, and I think from what I understood
24 from -- well, from what John had shared with me, he wasn't --
25 we were planning on building our relationship first anyway.

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1 So we didn't have, like, specific expectations around that,
2 but we would have just more naturally allowed things to
3 develop, I think, or at least that's what I would have planned
4 on doing, but now we had this, like, weird rule which we
5 decided to stick to which was two years. At that time we
6 decided to stick to it.

7 Q Did you and John set any other, like, ground rules for
8 your relationship?

9 A Yeah, we said we would be -- I don't know how to say that
10 word. Monogamous?

11 Q Yes.

12 A Yes. Basically, we wouldn't be -- we wouldn't have
13 relationships with other people. We were still committed to
14 our relationship between us. That was definitely one of them.
15 And we -- I mean, we had written a whole contract about where
16 we would spend time, you know, that we would spend half the
17 time in Albany, half the time in New York City. It contained
18 a whole bunch of different things in it, but we had written
19 that up before we got married.

20 Q Did you and John discuss what your living arrangements
21 would be?

22 A Yes. So it was supposed to be that I would spend time in
23 New York City and then he would also spend time in Albany
24 because he lived in New York City and at that time, I had been
25 staying at Clare's in Albany and my sister was up in

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1 Clifton Park too and the whole community was in Clifton Park,
2 however, I didn't want to live in New York full time, I don't
3 remember why, but we agreed. We got a place in a community
4 called Twin Lakes in Clifton Park and he had his place in New
5 York City and we were going to spend time in both.

6 Q Would you describe people in the community as supportive
7 of your marriage?

8 A I didn't feel like it because comments were made to me at
9 some point specifically by Lauren Salzman that I wasn't doing,
10 that I hadn't been well, she said, since I've been with John
11 and I felt like that was saying, like, somehow it was John's
12 fault and she sort of started to think that in certain ways.
13 And then also Clare had said to me how I was acting like a
14 robot when I was spending a lot of time in New York City. So
15 I just always felt the pressure to not come across as, like,
16 too committed to John or something or I felt, like, I would
17 get these comments about robot and indoctrination. So I
18 wasn't acting like I didn't want to be married or something.
19 It was weird.

20 Q Turning your attention next to Jness training in, I
21 believe, around October 2015.

22 A Yes.

23 Q Did something happen there?

24 A Yes. So I was in the Jness room and I think I was going
25 through all of that time just trying to figure out how to be a

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1 wife without being told I was acting too much like a wife or
2 something, and I was just having a hard time figuring all of
3 that out and I was approached by Monica.

4 Q You can use the last name.

5 A Duran. And she said to me, like, you seem really
6 unhappy, like -- yeah, she was just talking to me about that,
7 and I was, like, thinking, oh, yes, I am quite unhappy. She
8 said, Well, there's something that I have for you that's
9 basically going to -- I don't remember her exact words, but I
10 got the impression from whatever she said that she had this
11 special project that could change everything for me and that
12 it would help me be the person that I've always wanted to be
13 and then different things like that that gave me some hope
14 that there was something that was potentially for me that
15 would make everything better.

16 Q Who was Monica Duran to you at that point in time?

17 A Well, it wasn't like we were super close then, but when I
18 had been anorexic, when I was really anorexic, like, I needed
19 people -- well, the way it was set up was that people were
20 monitoring my meals within the community. Clare put Monica in
21 charge of taking care of me and so me and Moni -- Monica
22 became close during that time because she was almost like a
23 big sister or a mother to me. She would cook meals for me. I
24 went everywhere with her. She would take me to the salsa
25 club. We went salsa dancing. She was really fun. Like, she

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1 was someone that I felt, yeah, that I could trust and that she
2 was fun to be around and nice to me always.

3 Q I think you referred to her as "Moni" at one point?

4 A Yes, Moni. I used to call her "Moni."

5 Q Did people in the community call her that?

6 A Yes, people that were close or knew her called her Moni.

7 (Continued on next page.)

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1 MR. AGNIFILO: Your Honor, before we go on, can we
2 have a sidebar?

3 THE COURT: All right.

4 (The following occurred at sidebar.)

5 THE COURT: Sir?

6 MR. AGNIFILO: So I have objected to this whole "You
7 can use her first name," "You can't use her first name" basis.
8 I'm moving for a mistrial. I think what's happening here is
9 unprincipled. I think it's destructive. I think it is
10 absolutely going to be leaving the jury wondering why do we
11 use some people's full names, why do we use some people's half
12 names, first names.

13 This is exactly the issue I raised in writing. I
14 said, in practice, this is going to be very difficult and I
15 think what's happening here is this is becoming -- I don't
16 like this procedure. I don't think it's fair. I don't think
17 it's fair for the government to basically be in this cat-bird
18 seat about how people are referred to at this trial and they
19 give dispensation. You can say her full name. You can't say
20 her full name. There's been no factually specific finding
21 made as to any specific person and I think this is a violation
22 of due process.

23 These are the issues I raised in my motion. I think
24 it's a violation of right to a fair trial and I'm moving for a
25 mistrial and I think we're playing games with the presumption

1 of innocence and I think we're impeding on the province of the
2 jury in terms of there's been no specific finding and we're
3 being fast and loose, in my opinion, with how we're making
4 these decisions and I raised all this before the trial started
5 and the way it's playing out is exactly what I was afraid of
6 and exactly what I warned about and I'm moving for a mistrial.

7 THE COURT: All right. We will take it up after the
8 jury leaves for the day. Thank you.

9 (Sidebar ends.)

10 (Continued on next page.)

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1 THE COURT: All right. You may continue your
2 examination.

3 BY MS. PENZA:

4 Q So when Monica came up to you, what else did she say to
5 you?

6 A Yes. She told me that she had this special project and
7 that it had nothing to do with the ESP or NXIVM but it was
8 something that could really help me but if I wanted to hear
9 what it was, she needed to give me some collateral.

10 Q When she told you it had nothing to do with NXIVM or ESP,
11 what assumptions did you make?

12 A I was intrigued because I was, like, wow, this is a whole
13 new thing that has nothing to do with the community or Keith
14 or no one, it was, like, a new thing, and I'm pretty much sure
15 she told me at that point, it's free. So I was, like, wow,
16 this is not something to do with Nexium or anything of this
17 structure.

18 Q And so what else did she say to you?

19 A Yeah, that if I wanted to -- she couldn't tell me what it
20 was unless I was willing to provide some collateral.

21 Q Had you heard the term "collateral" before?

22 A Yeah. I'm pretty sure it was either introduced in Jness
23 or The Ethicist. So I had heard it, like, multiple times
24 before so it wasn't a new thing to me.

25 Q All right. Can you explain what your understanding of

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1 collateral was?

2 A Yeah. It was, like, something that -- see, the way that
3 I remember it being taught was that, say, if you had -- if I
4 had agreed to cut your lawn, then I would give you the keys to
5 my, I could give you the keys to my house and say if I don't
6 cut your lawn, then you have my house. So it's kind of used
7 to make you do the thing that you said you were going to do.

8 Q So what happened next?

9 A So I -- she gave me some ideas about what the collateral
10 should be and that it should be something that was, like,
11 extremely embarrassing or, like, ruinous, like, something that
12 you would never want somebody to know about you and if they
13 did, then they would think completely differently about you
14 and it could, like, destroy your relationship with them. So
15 it should be something, like, so strong that, you know, not
16 even your family would look at you the same way. That was the
17 kind of thing that she said.

18 Q And how did you feel when she said that?

19 A I was sort of, like, oh, wow, like, this must be, like,
20 that could be a very special project or, like, a big deal
21 because, I don't know, it just sounded quite extreme, but I
22 was up for doing it. So I came up with an idea and I
23 presented it to her that she told me -- and she took it away
24 for a night and she came back the next day and was, like,
25 Lauren told me it wasn't strong enough and I thought it was

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1 pretty extreme so I was surprised it wasn't strong enough.

2 Q And then what happened next?

3 A I think I presented at least one more idea that got, that
4 I was told wasn't strong enough and then she gave me some
5 more, like, direct ideas about what I should use. Like, I
6 think she said, like, why don't you say, like, that you want
7 to be a prostitute or that you are a prostitute or something
8 like that. She gave me more specific ideas. And she
9 suggested that I write it, like, in a letter to my parents,
10 that I put it in a stamped addressed envelope so that all she
11 would have to do is send it to my parents if I was ever to,
12 you know, break the collateral.

13 Q And is that what you ultimately provided?

14 A Yeah. I wrote a letter about, you know, that I was a
15 prostitute and I made it, like, really detailed and very,
16 reflecting really badly on me in the way that I saw it and it
17 was addressed to my parents.

18 Q And Monica thought that was strong enough?

19 A Yes, she thought that was strong enough. So she invited
20 me to meet her at her house and then when I got to her house,
21 I needed to go upstairs, she asked me to go upstairs, and I
22 had to provide a picture to go with the collateral.

23 Q And what happened when you went upstairs?

24 A She asked me for it to be, like, a full frontal naked
25 photo and she had set up a camera in her spare bedroom for me

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1 to do that.

2 Q And did she tell you anything about what would happen to
3 the picture?

4 A She said she was going to put it in a safe and I remember
5 her saying she wasn't going to look at it because I was, like,
6 wow, I was embarrassed, but she tried to minimize my feelings,
7 like, no one's going to look at it, like, it's no big deal
8 type of thing.

9 Q So did you take the pictures?

10 A Yes, I did, on her camera and gave her her camera back.

11 Q After you gave her the pictures, what did she tell you?

12 A So she told me what the special project was and she
13 called it the Master/Slave project and she told me that she
14 would be my, she would be my master and that I would be her
15 slave.

16 Do you want me to go into detail about what she
17 said?

18 Q Sure.

19 A So, then she told me about what that would mean, like,
20 that she would be giving me special assignments that are
21 designed to make me push through my fears and -- yeah,
22 basically make me push through my fears and make me do things
23 that I probably wouldn't want to do but they would be, like,
24 good for me and make me stronger or, like, better in some way.
25 And the -- yeah, basically, that I needed to do whatever she

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1 tasked me to do.

2 She told me that I would need to do acts of care for
3 her. So these would be just things that she needed done and I
4 could anticipate things she might need done to try to make her
5 life easier basically. I can't remember what else she told me
6 in that first conversation.

7 Q At that time, did you feel like you were already in this
8 special project?

9 A Yeah, definitely.

10 Q Did you feel -- at that point, did you feel like there
11 was an option to get out of it?

12 MR. AGNIFILO: Can she not lead through this part of
13 the testimony?

14 MS. PENZA: Your Honor, if Mr. Agnifilo could just
15 say "objection."

16 MR. AGNIFILO: Leading.

17 THE COURT: Rephrase the question.

18 MS. PENZA: Thank you, Your Honor.

19 Q Sylvie, at that time -- when you were told -- at that
20 point, what did you believe what the collateral was doing?

21 A I thought I was in the project and the collateral would
22 basically keep my mouth shut about it and do what I -- yes, so
23 now I was Monica's slave and she was my master and the
24 collateral was in place to keep that going.

25 Q Later on, did you ever have other conversations about

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1 collateral with Monica?

2 A Yes. So at some point, I don't remember when exactly but
3 she told me that the collateral needed to be made stronger
4 month by month. I think it was, yes, it was month by month
5 and that I would need to bring her new collateral that was,
6 you know, more damaging and that it would need to basically
7 make my commitment stronger and stronger.

8 Q And was that something you did?

9 A Yes.

10 Q When you joined, did you know you would have to provide
11 additional collateral?

12 A No.

13 Q You mentioned that Monica said that this would help you
14 with your fears?

15 A Yes.

16 Q What type of fears did you have at that time?

17 A I wasn't really sure. My fears -- what my actual fears
18 were, I'm not sure what she was talking about, but my --

19 Q What did you perceive as things you wanted to improve at?

20 A I wanted to be a better wife and a better partner. I
21 felt really incapable of being just, like, honest with people
22 about my feelings because I always felt like I needed to do
23 what was pleasing to people so I was hoping to be a more
24 honest, be able to, you know, be more myself with people, I
25 guess.

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1 Q At that point in time, how did you feel about what had
2 happened with your career?

3 A I don't really have a career anymore. Like, I don't --
4 I've really felt like I really didn't know what I was doing.
5 I was working on The Knife. I was still doing work for Sarah.
6 I was still kind of running but I didn't think I would ever
7 make it as an elite athlete anymore and I'm pretty sure I
8 wouldn't have done -- I didn't feel like I had a proper
9 career.

10 Q Did Monica tell you anything else about what would happen
11 as part of the Master/Slave project?

12 A In that first meeting?

13 Q Yes.

14 A No.

15 Q What did you -- did you learn anything else after that?

16 A You're talking about -- I mean, I got assigned to do
17 things.

18 Q What about other than -- we'll talk about the specific
19 assignments in a second.

20 A Okay. Yeah, I learned -- you're talking about branding,
21 giving her a vow. So I learned about several other aspects
22 over time but, yeah, not in that first meeting.

23 Q How about your communication, your daily communications
24 with her?

25 A So, yeah, Monica, and this may have been in that first

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1 meeting, I'm sorry, but Monica asked me to create a secret
2 chat with her and Telegram so I needed to invite her to a
3 secret chat in the messaging app Telegram.

4 Q And what is Telegram?

5 A So it's an app that you download on your phone and
6 they're encrypted messages. So it's encrypted end to end but
7 then it also has another feature where you can make the chat
8 secret which I'm not really sure exactly what that means, but
9 basically it's even harder to get into it or to be able to see
10 what's in it.

11 Q At that time, did you start participating in something
12 called "readiness"?

13 A Yes. So the secret chat was going to be used for
14 communication from Monica to me and vice versa. And so,
15 basically, there were things called readiness drills in the
16 Master/Slave program where I needed to have my phone with me
17 at all times. I was never allowed to not have my phone on me.
18 She said there was no going dark which was something that you
19 could do in a different organization called SOP. There was a
20 concept of being ready and you had to respond to a drill on
21 your phone, when you were asked whether you were ready, you
22 had to say, yes, I was ready, but you could go dark in that
23 organization in that I could say, I'm not going to have my
24 phone with me today, I'm not reachable, whereas Monica told me
25 in this, in the Master/Slave program, there is no going dark

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1 so you need to be available 24/7.

2 Q What times of day would you receive readiness drills?

3 A Often, like, 3 in the morning. It was, like -- it was
4 all times of the day or night but, definitely, it happened
5 through the night several times and I had a loud buzzer thing
6 for it to make sure I could hear it because if you were late
7 in readiness, you had to do something called a penance.

8 Q And what was your understanding of penances?

9 A It's -- you do something that's physically painful to you
10 to motivate you to do better next time or to make sure you
11 didn't fail again.

12 Q What was the next step in the Master/Slave project?

13 A So after -- I think it was after two weeks, I'm not
14 really sure of the time span, but Monica asked me to meet her
15 because she told me she had her first assignment for me.

16 Q Did she use the word "assignment"?

17 A Yes. And she said my assignment -- when we met in
18 person, she told me that my assignment was to seduce Keith.

19 Q And how did you, how did you feel when she said that?

20 A I think I, like, almost thought of laughed in shock
21 because I was, like, What do you mean, seduce him? And she
22 went on to explain what she meant by that. And I was, like,
23 Oh, God, like, this is not what I want to do, but my
24 understanding was it was an assignment from my master and I
25 didn't have a choice, so I was freaked out basically.

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1 Q When you say you didn't have a choice, what do you mean?

2 A Well, I thought I didn't have a choice. She told me that
3 I was -- she was my master and that I needed to do whatever
4 she said and I had given her this collateral so my
5 understanding was that I had to do what my master said or my
6 collateral would be released.

7 Q So after -- but you said that she, she gave you more of
8 an explanation. What did she tell you?

9 A She was, like, you know, how you would seduce any guy,
10 like, that you wanted to date or something, just like how you
11 would seduce them. So I didn't, I didn't -- I didn't want to
12 do it anyway, but I was kind of just, like, Oh, God like what
13 does that even mean.

14 Q And then what happened next?

15 A I didn't do anything for a little bit about it. I'm not
16 sure how long it was but I just sort of didn't do anything and
17 then she came to me and prompted me that I needed to start my
18 assignment. And so, eventually, I sent Keith a What'sApp
19 message saying something like, "Your glasses look hot" or "You
20 look hot in your glasses" or something like that.

21 Q And did he respond?

22 A Yeah. I don't remember what the initial exact response
23 was but we were -- we were What'sApp'ing back and forth and he
24 said something at some point along the lines of, what I
25 remember to be, "You are going to have to do better than

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1 that."

2 Q And what did you think when he said that?

3 A Well, I think at the time, I was kind of, like, oh,
4 that's weird, it seems like he knows what I'm supposed to be
5 doing. I thought it was a secret. I didn't know, I didn't
6 know whether he knew that I was supposed to seduce him. I was
7 hoping that maybe he didn't know that, that this was from
8 Monica, and so I thought that was weird.

9 Q What happened next?

10 A Over the course of an evening, I don't remember how it
11 started, but I think that he suggested, I think that he
12 suggested that I send him a picture and I started off sending
13 him a picture of my face. And then I think he was, like,
14 prompting me to be more vulnerable or something were the words
15 that I remember being used.

16 I just want to say I did delete all these messages
17 so I don't remember exactly what I said or exactly what he
18 said so this is from my memory, but what I remember is that
19 the pictures -- that he was suggesting pictures become lower
20 and become more vulnerable and more vulnerable and more
21 vulnerable, and in the end, whether it was that night or the
22 following day or in the course of the next few days, I was
23 sending him naked pictures.

24 Q How explicit did the pictures get?

25 A In the end, they were literally just photos, like, of my

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1 vagina basically with not my face, like, nothing.

2 Q And were those suggested by the defendant?

3 A Yeah. I think at times, he gave me actual poses that
4 would be good to do, but, yeah.

5 Q Did you want to send those pictures to him?

6 A No. I thought it was part of my assignment, that I had
7 to do it.

8 Q What was the impact on your life of having to send those
9 pictures?

10 A Well, I was spending all this time in the bathroom trying
11 to get, I don't know if you would call it a good picture, but,
12 like, it was a freaky thing that I had to do in secret and,
13 obviously, I lived with John, my husband. It was really
14 affecting my psyche now having this weird side assignment that
15 seemed to have turned quite dark. I was, like, very anxious
16 and cagey. It was, like, an extremely weird, stressful time.

17 (Continued on next page.)

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1 DIRECT EXAMINATION

2 BY MS. PENZA: (Continued.)

3 Q At that point, were you still honoring your celibacy with
4 John?

5 A Well, yeah, me and John were not having sex, so, yeah.

6 Q How long did you -- for how long were you sending the
7 defendant these types of pictures?

8 A I think it was a really long time. I don't know the --
9 what I call a long time. It must have been a few months
10 because the date -- I mean, I can remember the time frame that
11 it stopped because of an incident that happened with my dad.

12 Q So what happened?

13 A My dad contacted me on Facebook and said something
14 like -- I think it started with him saying, like, You're going
15 to have to get your own iCloud account, or something like
16 that, because I didn't realize the iCloud accounts -- I knew
17 that he had -- he had given me access to his iTunes library
18 and that had somehow linked to iCloud account, and so when I
19 was deleting these photos, it was creating a deleted photos
20 file or something in the iCloud and he must have gone in there
21 and he sent me another message saying, I found you medical
22 pictures -- he called them medical pictures -- and so I was
23 just, like, absolutely horrified.

24 Q And so what happened next?

25 A I begged him not to say anything to anyone and I, like,

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1 apologized because I -- I assumed he thought I was sending
2 them to John and I definitely didn't go into details about
3 what was happening with him, I didn't want to -- you know, I
4 just begged him not to tell anyone basically and said, I'm so
5 sorry, and then I stopped sending the pictures.

6 Q And after you stopped sending the pictures, what
7 happened?

8 A Monica came to me and said -- sorry.

9 Q It's okay. She -- wait a second. I'm sorry. I think
10 Monica said, like --

11 THE WITNESS: Thanks.

12 A -- that I shouldn't have just stopped sending the
13 pictures without permission and so I needed to ask Keith's
14 permission to stop sending the pictures, and so I did ask his
15 permission, and I'm pretty sure I explained what had happened
16 with the photos of my dad, and I definitely told Monica about
17 what had happened with my dad, and so he said I could stop
18 sending the photos and the next thing would be in person.

19 MS. PENZA: Your Honor, I don't know if this would
20 be a natural breaking point.

21 THE COURT: It's about five o'clock. We'll suspend
22 at this point and resume tomorrow morning at 9:30.

23 Let me remind the jury that it is extremely
24 important that you follow my instruction that you not discuss
25 this case with anyone, not your family, friends, or business

1 associates, and not your fellow jurors.

2 In addition, you must not read, listen to, watch, or
3 access any accounts of this case on any form of media,
4 newspapers, TV, radio, podcasts, or the Internet, no research
5 or seek outside information about any aspect of the case.

6 Please do not communicate with anyone about the case on the
7 phone, whether through e-mail, text messaging, or any other
8 means, through any blog or website or by way of any social
9 media, including Facebook, Twitter, Instagram, You Tube or
10 other similar sites. You must not consider anything you may
11 have read or heard about the case outside of this courtroom,
12 whether you read it before or during the jury selection
13 process or trial. Do not attempt any independent research or
14 investigation about this case; do not visit any of the
15 locations identified in the questionnaire or discussed during
16 the course of jury selection, the jury selection process, or
17 trial; and we will see you tomorrow morning at 9:30. Please
18 get a good night's sleep. Thank you for your attention today.

19 All rise for the jury.

20 (Jury exits.)

21 THE COURT: All right, the witness is excused for
22 the evening. Please do not discuss your testimony with
23 anyone. We will resume tomorrow morning at 9:30. You may go
24 now.

25 Everyone else may be seated.

1 (Witness excused.)

2 THE COURT: Ms. Penza, about how much more do you
3 have for this witness?

4 MS. PENZA: I think her direct will be about an hour
5 longer.

6 THE COURT: An hour longer, okay.

7 At this point, there was a motion at the sidebar,
8 you can repeat your motion, and then I will deal with the
9 technical aspects of what's going on here. Go ahead.

10 MR. AGNIFILO: Your Honor, I'm moving for a
11 mistrial. I'm moving for a mistrial because before the trial
12 started, I strongly objected to the Government's use of first
13 names, partial names, or nicknames for anybody that the
14 Government deemed to be a victim. I raised this objection for
15 many reasons and every one of the objections I have raised has
16 now played itself out on the very first day of testimony.
17 Specifically, I was concerned that by using full names for
18 some people and first names for other people we would be
19 unfairly singling to the jury that in some collective way,
20 which I very much object to, the Court deems and the
21 Government deems that a certain person is a victim and other
22 people are not victims; and at this point in this trial,
23 Mr. Ranieri is innocent, there are no victims, and the problem
24 with this procedure is by saying, for instance, you can say
25 Rosa Laura Junco's name, I don't get a vote in that. No one

1 asked me if the witness can say Rosa Laura Junco's name, and
2 the problem with this procedure is to keep facts from a jury
3 about a person's actual name, I submit, you have to make
4 specific factual findings for each person that you are going
5 to give a first, partial, nickname to and we have not done
6 that. And instead what's happening is we are going on the
7 fly, the Government is making a decision based on -- I have no
8 idea what. You can say that person's name, you can't say that
9 person's last name, and I don't have a vote in this? It's
10 being condoned by the Court in the presence of the jury, and
11 the jury is now set with a very clear signal that in the
12 Court's view, certain people are victims of crimes and in the
13 Court's view, some people are not victims of crimes, and that
14 is -- there's no remedy at this point, this is an objection I
15 raised before the trial started, and here we are a few hours
16 into the trial and exactly the problem that I raised in the
17 papers has come to pass, so I'm moving for a mistrial.

18 THE COURT: I see.

19 Can I hear from the Government, please?

20 MS. PENZA: Yes, Your Honor.

21 First of all, to the extent there's been any
22 prejudice, it can be easily cured with an instruction at this
23 point. Mr. Agnifilo didn't object until the end of the day
24 today; he could have objected earlier on. Obviously, he
25 didn't think that the concern was so great earlier on in the

1 day. That being said, the Government wants a better process,
2 and the Government -- first of all, Mr. Agnifilo knows exactly
3 the line that the Government is drawing and the Government is
4 not -- is not holding back the last names of first line DOS
5 slaves who are directly under the defendant, and so the --
6 Mr. Agnifilo knows that, so the fact --

7 MR. AGNIFILO: That's not --

8 THE COURT: Just sit down, I have heard from you.
9 Let me hear and you can respond.

10 MR. AGNIFILO: All right. Fair enough.

11 MS. PENZA: And so the Government is very happy and
12 wishes to submit a cheat sheet, and we are happy to submit it
13 to the Court, however we want this to be done, but these are
14 names that are familiar to all of these participants and it is
15 crucial that we protect the privacy of the people who were
16 indeed victims. And, yes, there is a presumption of
17 innocence, but these people are indeed victims right now.
18 Co-defendants have pleaded guilty to crimes involving these
19 individuals, and so to act as if their privacy should not be
20 protected is unconscionable, in my view, and so -- courts have
21 done this in cases that are far less extreme. Here the facts
22 are truly horrific and humiliating and so we need to protect
23 them.

24 THE COURT: All right. But the question is how best
25 to do that. I think that it is awkward, at best, for you to

1 be saying, well, you can mention this last name or that last
2 name, but you can't mention some other last name, and I think
3 that what we need to do, and you can propose a solution in
4 writing to the Court, is for those witnesses who you believe
5 are the victims and you've provided discovery to the defense
6 regarding their victimization, as alleged -- as alleged --
7 that they be, if they're testifying, be provided with the
8 names of people whose names they can only state by their first
9 names, and otherwise everybody can be mentioned by their full
10 names, and if the defense has a problem with that list, then
11 we will go over that and resolve it.

12 MS. PENZA: Fair enough. Agreed.

13 THE COURT: It's a limited group of people. I don't
14 know how limited, but you will let the Court know. Remember,
15 the Court does not have all the -- has not received the
16 discovery in this case. The discovery has been exchanged
17 between -- well, from the Government to the defense as it
18 turns out. There's been no reciprocal discovery, as I
19 understand it.

20 MS. PENZA: That's correct, Your Honor.

21 THE COURT: But that's not the point. The point is
22 that it's, at best, an awkward situation for you to say to a
23 witness, Oh, you can mention that last name and you can't --
24 and implying that there are certain last names you can't
25 mention, but I think it would be useful and appropriate for us

1 to have a better approach to this and then we'll see if we
2 need to do this all over again in September or October and
3 November, which is another possibility, of course, since a
4 motion has been made to do just that, so I hope your fall is
5 not busy.

6 MR. AGNIFILO: A fair trial is more important than
7 my schedule.

8 THE COURT: A fair trial is the most important thing
9 and that's what we're going to have here.

10 MR. AGNIFILO: I believe that's true. And, Your
11 Honor, here's the problem: The problem is the time to do this
12 was before the trial started, that's why I objected. I
13 objected to this procedure for the exact reasons that have
14 panned out today and --

15 THE COURT: No. What you objected to was the use --
16 correct me if I'm wrong -- the use of only first names; isn't
17 that right?

18 MR. AGNIFILO: I objected to the use of --

19 THE COURT: For the people who are allegedly
20 victims, that was your objection.

21 MR. AGNIFILO: I think that in this case people
22 should have their names. There's been no -- no one has pled
23 to sex trafficking, so the Government's point that somehow
24 these people are victims through someone else's guilty plea is
25 not actually true because nobody has pled guilty to sex

1 trafficking, so there are no sex victims in this case unless
2 we are presuming that Mr. Ranieri is guilty and we are not
3 presuming that he's guilty and the problem with this procedure
4 is we have already done it. We will go through the
5 transcript, but on at least two occasions, Ms. Penza has
6 told --

7 THE COURT: Stop. You sat in silence through
8 90 percent of this. You didn't raise this the first time she
9 made that --

10 MR. AGNIFILO: I raised this before the trial
11 started.

12 THE COURT: You didn't raise it here in this
13 courtroom today, that's what I'm saying.

14 MR. AGNIFILO: I understand.

15 THE COURT: You want to backtrack now and say you're
16 going to count the times. That doesn't work. Listen, I
17 didn't stop you when you compared your client to Winston
18 Churchill, so don't tell me about excess, okay? I saw that
19 movie three times, really.

20 MS. PENZA: We'll submit something.

21 THE COURT: By tomorrow morning.

22 MS. PENZA: Yes, Your Honor.

23 THE COURT: Anything else?

24 MR. AGNIFILO: Nothing from us.

25 MS. PENZA: No, Your Honor.

1 THE COURT: Be here at nine o'clock tomorrow
2 morning, we'll discuss it more.

3 MS. PENZA: Yes, Your Honor.

4 (Matter adjourned to May 8, 2019, at 9:00 a.m.)

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1413 and 1414 were received in evidence as
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