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1	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK		
2	X UNITED STATES OF AMERICA, : 18-CR-0204(NGG)		
3	:		
4	: United States Courthouse -against- : Brooklyn, New York		
5	-against brooklyn, wew fork		
6	: May 9, 2019		
7	: 9:30 a.m. KEITH RANIERE, :		
8	: Defendant. :		
9	X		
10	REDACTED TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL BEFORE THE HONORABLE NICHOLAS G. GARAUFIS		
11	UNITED STATES SENIOR DISTRICT JUDGE		
12	APPEARANCES:		
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25	Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.		

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1	THE COURTROOM DEPUTY: Case on trial.
2	Counsel, state your appearances, please.
3	MS. PENZA: Moira Penza, Tanya Hajjar, and Mark
4	Lesko for the United States. Good morning, Your Honor. Also
5	at counsel table is Special Agent Michael Weniger and
6	Paralegal Specialist Teri Carby.
7	THE COURT: Good morning.
8	Everyone may be seated in the gallery.
9	MR. AGNIFILO: Good morning. Marc Agnifilo, Teny
10	Geragos, Paul Der Ohannesian, Danielle Smith for Keith
11	Raniere, who is with us in court today.
12	THE COURT: Good morning. Please be seated,
13	everyone. I have only one housekeeping matter before we bring
14	in the witness and the jury and that is that there's been a
15	request from the press to receive transcript of the sidebars.
16	I have no objection, as long as the sidebar is not sealed.
17	Is there any objection to the sidebars being
18	provided?
19	MR. AGNIFILO: Not from us.
20	MS. PENZA: Yes, Your Honor, we have no objection
21	generally, but we would like to just review the sidebars thus
22	far to make sure that we don't want to request that any of
23	them be sealed.
24	THE COURT: All right. Can you let me know by
25	tomorrow morning?

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1	MS. PENZA: Yes, Your Honor.		
2	THE COURT: Thank you.		
3	All right. And the list that's been admitted into		
4	evidence of names, the Court would like to have a copy of that		
5	for the bench.		
6	MR. AGNIFILO: And we have no objection to it being		
7	in evidence, but obviously, unlike all the other evidence, it		
8	won't go back to the jury at the end of the case. I'm		
9	assuming that's what the Court intends, but that would be our		
10	request.		
11	MS. PENZA: I don't think that there is any need for		
12	it to go back to the jury right now.		
13	THE COURT: All right. Then we won't discuss it any		
14	further. Thank you.		
15	MR. AGNIFILO: Thank you.		
16	THE COURT: If there's nothing else, let's bring in		
17	the witness, please.		
18	MR. LESKO: May I approach?		
19	THE COURT: Sure.		
20	MR. LESKO: (Handing.)		
21	THE COURT: Thank you. Thank you very much.		
22	MR. LESKO: Thank you.		
23	Your Honor? Did Your Honor receive the list of		
24	photograph exhibits we sent that		
25	THE COURT: Yes. Actually, I have it right here.		

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1	Thank you so much.		
2	And the other side received it as well?		
3	MR. LESKO: Yes, we sent it to the other side as		
4	well.		
5	THE COURT: Okay.		
6	(Witness takes the stand.)		
7	THE COURT: I take it you won't be providing any		
8	photographic or video that would require the monitors to be		
9	facing away from the public today; is that right?		
10	MR. LESKO: Actually, Your Honor, on that topic,		
11	could we have a we don't necessarily have to deal with it		
12	right now, but we would like a sidebar on that issue because		
13	that will come up later.		
14	THE COURT: Okay. Well, we can do it at a break.		
15	MR. LESKO: Very well.		
16	THE COURT: Okay. Thank you.		
17	I would just ask the witness to speak a little more		
18	slowly.		
19	THE WITNESS: Yes, Judge.		
20	THE COURT: Thank you.		
21	(Jury enters.)		
22	THE COURT: Please be seated, everyone.		
23	Good morning, members of the jury.		
24	THE JURY: Good morning.		
25	THE COURT: At this time, we are going to continue		

## 499 Vicente - direct - Lesko with the direct examination of Mark Vicente. 1 2 You may continue the examination of your witness, 3 sir. 4 MR. LESKO: Thank you, Your Honor. THE COURT: I remind the witness that he is still 5 6 under oath. 7 THE WITNESS: Yes, Your Honor. 8 DIRECT EXAMINATION 9 BY MR. LESKO: (Continued.) 10 Q Good morning, Mr. Vicente. 11 Good morning. 12 So, Mr. Vicente, when we left off yesterday afternoon, 13 you were describing the various modules of an intensive as you 14 understood them at the time; is that correct? 15 Α Yes. 16 Do you have a different understanding of the nature of 17 the curriculum now? 18 Α I do. 19 What is that understanding? 20 My understanding is, now, that in some ways it was a trap Α 21 of sorts. 22 MR. AGNIFILO: I'm going to object to this, Your 23 Honor. 24 THE COURT: Overruled. 25 You know, for example, I think in the -- one particular Α

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module -- I think it was Pride and Prejudice -- there was talking about speaking with honor, you know, that the most important thing was speaking with honor and that if you were unable to speak with honor, it suggested that you had a problem with pride or that you were, what was termed, "suppressive." And what was interesting to me is that, I found out in later years that, it seemed quite okay to speak dishonorably about other people, but not Vanguard, not Raniere. One could never speak dishonorably about him because then you would be considered to be prideful, so there was a trap that seemed to be built in.

The other thing that I remember from -- I think it was the fifth day in the mission module, is we were told that this was to make a better world, et cetera, et cetera, and they even brought up the word "cult" and said, Look, the word doesn't exist, there's no definition for it, and anybody who uses the word is clearly suppressive as well.

So, in essence, I began to realize that if you said anything against the curriculum, against the educational model, or against the founder, you were considered suppressive.

There was also -- when you got to the end of the five-day and continued on, I think it was a module called persistence where you were being evaluated on how persistent you could be, so one of the things you would do, you would

## Vicente - direct - Lesko

check in with your coach every single day and there became a system of accountability that happened all the time; you constantly had to be checking in with people.

There was also -- this was particularly disturbing to me later -- there was also a module that taught you about psychological projection; so, in essence, if I thought a person was, you know, being mean or nasty or I thought they had some bad intent, you were told basically, well -- given the understanding in the methodology that anything you think about somebody else is actually you, you were told: Well, actually, you're the problem.

And I recall the very beginning, I think it was around my third day of the intensive, I remember going to Nancy Salzman and saying: I think you guys are up to something. I think there's something nefarious going on. It's all this shiny outside.

And she listened to me and at the end finally said, you know, You do understand that you've just told me about yourself; that you're the one with nefarious intent, and what if the problem is you can't accept that there's this much goodness in the world and you're the one looking for badness, you're the one looking for evil, you're the one looking for these nefarious things, and what if that is your limitation?

And at the time I was very shocked and I thought, oh, my god, is that true? Is that what's going on? Is this

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the noblest organization that's ever existed? Is this indeed -- is the Vanguard the noblest man that has ever walked the earth? Am I really the problem? And I -- the education steered us to: I have to become more like him. And there was, you know, constant feedback; and my concern later, not at the time -- at the time I thought this was, wow, I want to be this kind of person, but later I realized there were all these things built into the system that if one had any issues, it was pointed back at you and then you had to do, you know, a lot of different methodologies with people to heal this problem that you had. And, in essence, all of these things, I felt, became a trap where if you spoke out against -- excuse me -- anything you thought was a problem, indeed this was an indication of your issues that needed to be resolved and one couldn't question the higher ranks and questioning the Prefect or questioning the Vanguard was seen as a very, very bad thing. You know, if you questioned, you were clearly a suppressive person.

19 Q Was the curriculum manipulative?

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A I think so. You know, in the end, I mean, I think that there were -- there was also a coaching curriculum where you were taught to deal with what people were saying to try and turn it around. You know, if somebody came to you with what they thought was a legitimate concern about something, you know, your job, for instance, as a coach, was to try to help

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# 503 Vicente - direct - Lesko them understand how this was actually their issue of 1 2 perception and their limitation and something to do with their 3 life; that, you know, as a coach, what we were doing was the 4 noble great thing, so clearly the issue must be yours, therefore, you should have more EMs, you should talk to your 5 6 coach, you should do some Level 2 curriculum, you need more 7 curriculum. You know, the issue is you are still what they 8 would term "disintegrated"; you need more curriculum. 9 Q You mention that you and others, initially at the start 10 of an intensive, completed a psychological form or profile. 11 Do you remember that? 12 Correct. Α 13 I think you mentioned specifically that it was modeled 14 after narcissistic personality disorder. 15 Α My understanding later, I stumbled upon a --16 MR. AGNIFILO: Your Honor, I object. Can we have a 17 sidebar very quickly? It will take 30 seconds. 18 THE COURT: All right. We can have a sidebar. 19 (Sidebar.) 20 (Continued on next page.) 21 22 23 24 25

Sidebar 504

(Sidebar conference held on the record out of the hearing of the jury.)

MR. AGNIFILO: I have no objection to this witness talking about his personal observations, but when he says things like, I found out later or I read something, he's starting to move into the expert area of being an expert. He's not an expert. He can talk about what he did. I suppose he can talk about how he felt and how he feels now, but he can't tell the jury about the research he did or things he found out later, we don't know what those sources are, and that's what is in the nature of our --

THE COURT: I understand your point.

Yes?

MR. LESKO: Your Honor, the witness is allowed to testify about his own understanding and that understanding evolved and it may have been informed by what he learned later, but we are not offering him as an expert to offer an opinion on whether this questionnaire constituted some sort of psychological survey. It's his understanding of questions he answered in the nature of the survey, that's what we're offering.

THE COURT: All right, well, let me just say this:

I think that it would be useful to have more of a foundation
as to the -- when he says he changed his mind, for instance,
you know, to inquire as to -- based on what did you change

505 Sidebar your mind, he's entitled to read. Even if you are not an 1 2 expert, you are entitled to consider whatever else you do to 3 figure out what's really going on in your life, so you are not 4 barred from doing that as a fact witness about your 5 experience. And certainly the defense will have an 6 opportunity to cross-examine the witness as to the foundation 7 of his knowledge, but I'm going to allow this to go forward 8 with the understanding that you will have broad ability to go 9 into how he reached those conclusions as a lay witness. 10 you know, you will have your chance; you will have your 11 chance; the jury can evaluate based on the overall testimony. 12 Let's keep going. 13 MR. LESKO: Thank you. 14 (Sidebar end.) 15 (Continued on following page.) 16 17 18 19 20 21 22 23 24 25

## 506 Vicente - direct - Lesko (In open court.) 1 2 THE COURT: All right. Mr. Lesko, you may continue 3 your examination of the witness. 4 MR. LESKO: Thank you, Your Honor. BY MR. LESKO: 5 So Mr. Vicente, how did you reach the conclusion that the 6 7 initial survey was akin to or like -- pardon me -- some sort 8 of questionnaire related to narcissistic personality disorder? 9 I was researching narcissistic personality disorder and 10 antisocial disorder and I came across a survey that was a -- I 11 believe a narcissistic personality disorder survey, and when I 12 looked at it, I realized, to my horror, that it was actually 13 the same survey that I had been filling out for 12 years. I 14 was a bit surprised. I was told originally that the survey was an independent survey that was sent off to some 15 16 independent third party. I was just surprised that it was actually a narcissistic survey; I couldn't understand why. 17 18 Q So, in essence, it was the same set of questions? 19 To my understanding, it was -- I can't be absolutely 20 precise, but almost exactly the same. 21 Q So did you, yourself, complete that survey? 22 Α Many, many, many, many, many times. 23 Q And did you include in your answers personal information? 24 I don't think the information in those surveys was 25 substantive because they were multiple choice types of things.

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- 1 It was a very difficult survey to fill out because, you know,
- 2 both answers were not really correct, but one had to choose
- 3 one.
- 4 Q Did the questions relate to you, however? Did you have
- 5 to answer them about yourself?
- 6 A I didn't have to -- well, it's difficult to answer that
- 7 | because, for instance, you know, it would say things like:
- 8 | Would you -- do you like to blend in, or do you like to be the
- 9 center of attention? And so based on how you would answer
- 10 | that, it would obviously reveal something about my nature.
- 11 | Q Did you complete other forms in connection with your
- 12 | participation in NXIVM that revealed personal information?
- 13 A Yes, I did.
- 14 Q Confidential information?
- 15 A Yes. Sometimes very confidential.
- 16 | Q Do you know where that information is now?
- 17 A I have absolutely no idea. Many of these forms -- they
- 18 | were called intake forms. Generally they were called intake
- 19 | forms. There was one particular what's called a Level 2
- 20 | intensive -- it was either 2C or 2D, that was the name of it,
- 21 | compassion or civilization -- and they -- it was the -- an
- 22 | intensive where you would share, you know, some of your
- 23 deepest, darkest secrets; and we were told it was completely
- 24 | anonymous. I have no idea if it was or not. In retrospect, I
- 25 | was worried that it's not.

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1 But yes, we -- our forms we would fill out, you 2 know, things like "what's the worst moment of your life," you 3 know, basically the -- you know, "what are you least proud 4 of," in essence, revealing all my shame, all my embarrassment, all my -- all the secrets that I wouldn't want the general 5 public to know. 6 7 Was there a privacy policy at NXIVM? Well, we were told that it wouldn't be shared. 8 9 recall -- I don't recall ever signing a document that said, 10 you know, "we will never divulge to anybody what you've told us"; I don't remember signing that. 11 How do you feel today about having shared your deepest 12 13 darkest secrets in these various forms with NXIVM? 14 It's a combination of things: I feel bamboozled; I feel fooled; I feel that so much about myself was collected, and 15 16 many other people over the years that I was there; I feel concerned that they built a psychological profile of what am I 17 18 ashamed of, you know, what makes me angry, what makes me 19 afraid, what am I embarrassed about, what's the most terrible 20 thing I can imagine happening.

So I feel exceedingly vulnerable about the information that they have on myself and many, many, many other people, but I feel also, honestly, stupid that I went along with it assuming that it was, you know, all the best of intent, and I'm not sure anymore if it was the best of intent.

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But, you know, you have to understand that it was --1 2 it was built -- it was built into the education. There was a 3 module earlier on called Trust Invincibility, and the idea 4 was, you know, to truly be invincible, you should have no fears about what anybody knows about you, so, in essence, 5 holding onto your secrets is not a good thing; holding onto 6 7 secrets you're actually vulnerable. And the idea was letting 8 go of your secrets, you become invincible, which, at the time, 9 I thought, wow, that's a really unique perspective. 10 think it's just horrible. It's a horrible twisted idea to 11 somehow make myself and others, like, give all kinds of 12 information about myself thinking that somehow this would make 13 me, what, more invincible, I guess, and I don't -- I don't 14 believe that's true anymore, but at the time in that structure, I went along with it. 15 16 I'm going to show you Government's Exhibit 1008 on the 17 ELMO. 18 Yes, this is the mission statement that was read at the 19 beginning of every Ethos class and the beginning of every 20 intensive day. 21 So approximately how many times, if you can estimate, 22 have you read this out loud at various programs at NXIVM? 23 Α Anywhere from 500 to a thousand. 24 Can you explain briefly, sort of, the process that 25 surrounded participants reading the mission statement?

A Well, generally speaking, and it's been a while, but generally speaking, you know, what would happen is, you know, people would be wearing sashes at this point, sashes indicating rank. The highest ranking member would -- class would be in session, the highest ranking member would hold their hands up, the highest coach in the organization would hold their hands up. If I was the highest ranking member, I would clap my hands, the coach and everybody else would then clap their hands together, then they would bow to each other and then do a huddle, like a football huddle, and then we would say: We are committed to our success.

And then after that, everybody would turn to either that document on the back of their binder or, you know, if there was a printed poster in the training room and begin reading that whole statement, and once the statement was done, we would all say, Thank you Vanguard, and we would begin the session.

Q How does looking at that mission statement and reading it make you feel here today?

MR. AGNIFILO: I object to the form of the question.

THE COURT: Please rephrase the question.

BY MR. LESKO:

Q Could you briefly read Government's 1008 to yourself.

Let me know when you need me to move it up.

(Pause.)

## Vicente - direct - Lesko 511 BY MR. LESKO: 1 2 Mr. Vicente, what is your reaction here today to reading 3 that mission statement? 4 It's a fraud. It's a lie. It's -- it's this well-intended veneer that covers horrible evil is how I feel 5 and I'm ashamed that I ever read it. And honestly, this has 6 7 been -- my belief is this has been hurt -- been used to hurt a 8 great many people who -- well-intended people who wanted to 9 make a better world, who wanted to improve themselves, and 10 this thing's evil. Okay. You ready to go forward? 11 Q 12 Α (No verbal response.) 13 Q Let's talk about EM, okay? 14 Just give me a second. Α Yeah. Are you ready? 15 Q 16 Α Yes. So you mentioned EMs. Could you describe what an EM was? 17 Q 18 So an EM is an exploration of meaning, and for instance 19 it's based on the understanding -- we were taught a lot about, 20 you know, things called Pavlovian links. You know, for 21 example, you know, you see a -- I don't know, you see a bottle 22 of water and suddenly you're afraid, you know, it makes no 23 sense; or you see a spider and you have a terrible reaction, 24 and that was termed a -- you were having a physiological 25 response at an unconscious level to an external stimulus.

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## Vicente - direct - Lesko

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So in the five-day intensive when you got to day four, you would be asked, you know, Could you bring us a reaction you have to something, something simple, you know, let's say it's a phobia, and let's say it seemed like it was a phobia that didn't make sense, you know, like, a car driving towards you about to hit you, there's a natural, you know, flight response, but let's say it was one of those things where, I don't know, you know, you saw a bottle of water and you suddenly were terrified and you began sweating and, you know, you were just shaking; and that's the kind of response that doesn't really make a lot of sense and, you know, you were taught that honestly that may not help you in life because let's say you were at an important meeting and suddenly somebody puts a bottle of water on the table and you are terrified because there's the object of your terror, which makes no sense whatsoever.

So an exploration of meaning was basically a discussion to try and find out -- there's this external event and then there's this -- my internal physiology, and, okay, so we now understand that when I look at this thing, I have a physiological response, you know, of getting hot and shaking and being terrified and I suddenly have these thoughts. And it was explained to us that that happens at a very unconscious level because, you know, we were told, for instance, you know, how long -- you know, asked, like, How long have you had this

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#### Vicente - direct - Lesko

fear of -- whatever it was, you know -- and you'd say, Well, years, and they'd say -- well, so they would begin a discussion and -- to try and understand on a very -- this wasn't a term that was used in the methodology, but this is something I'm using -- at a very subconscious level, what are you making that thing mean that's causing you to have this response? And if we can get you down to on a very, very deep level to what that means, you may find that it doesn't make any sense really but you've never examined it in your life.

And so during this process of questioning, what was, at the time, really amazing to me and quite unique was that you would be asked certain questions and eventually you would -- it was almost like you slipped into a trance-like state -- they termed it "deep structure," you are moving into deep structure -- where you couldn't process intellectually very well anymore. It was almost like they said you were in, like, a child-like state; and somewhere in there, as they kept on asking you the questions, you would suddenly have this sort of "uh-huh" realization, you know, maybe you would have flashes of drowning in the pool, I think I'm drowning, but I wasn't really drowning; oh, I'm actually fine; and you suddenly have this, like, release -- you know, it could be laughter, it could be crying, it could be a number of things.

And then the idea was once you had this release you would go now and test it. We were told this was a scientific

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- 1 | method and you would go test it and see. Well, now how do you
- 2 | feel when you look at the water? And they'd say -- I'd say,
- 3 Okay, I feel fine. They go, Well, what if we put it right
- 4 | here, how do you feel now? I go, I feel fine. And they go,
- 5 Great, that's done.
- 6 Those were the kinds of things that were simple
- 7 | things that were done on the fourth day, and honestly when I
- 8 | saw that, I was like, this is incredible. I definitely want
- 9 to learn how to do that because I had never seen anything that
- 10 was guite that effective.
- 11 | Q Who conducted EMs?
- 12 A So EMs were conducted by people called EMPs, exploration
- 13 of meaning practitioners. There were -- I found out later,
- 14 | there were 12 levels of EMP or EM levels, I should say. A
- 15 person who is an EM7 was allowed to -- for money -- do EMs.
- 16 In the trainings, people that were lower level could
- 17 | EM people in the trainings, but you had to have training, you
- 18 | couldn't just -- you couldn't just do it, there was a lot of
- 19 training involved.
- 20 | Q So lower level EMs, people who were on the 12-step
- 21 process --
- 22 A Correct.
- 23 | Q -- could conduct EMs in intensives and similar trainings;
- 24 | is that what you're saying?
- 25 A Correct.

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1	Q And there were a certain group of EMPs who had achieved a		
2	certain level of training who could do EMs for money?		
3	A Correct.		
4	Q So how would one arrange for an EM with an EMP for money?		
5	A Usually if you needed an EM, you would ask, you know, who		
6	is available, you would sort of ask the other coaches who was		
7	available, and they would tell you the following people. And		
8	then, you know, you might call them or you might also find		
9	out, well, maybe that person is too expensive, maybe I will		
10	try and go with this person, and then you would book an		
11	appointment or you would book a single appointment or you		
12	would book you would buy a package of appointments. For		
13	several hundred dollars, you would buy a package and you would		
14	get a slight discount.		
15	Q How much did EMs cost?		
16	A My recollection is anywhere between, you know, at the		
17	very lowest levels I think maybe 65 up to I think it was in		
18	excess of 175. I think I the most I ever paid was between		

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- 175 and 200 for an EM. 19
- So the EMPs that you were aware of, did any of them have 20 21 any formal medical training?
  - My understanding -- no, but my understanding was that Nancy Salzman had some training, I think, as a -- as a It was confusing because I was under the impression that she had had some psychological training as well, but I'm

## 516 Vicente - direct - Lesko not sure if that's the case. 1 2 Were any EMPs licensed therapists, to your knowledge? Q Not to my knowledge, no. 3 Α 4 Q Were any licensed psychiatrists, to your knowledge? 5 Psychiatrists and psychologists were --No. psychiatrists and psychologists were usually not allowed to 6 7 attend the program. 8 So the process for becoming an EMP, was there a baseline 9 requirement to be eligible to be trained to be an EMP? 10 You had to be a coach, I believe it was a Α Yes. 11 two-stripe coach -- I will explain that later -- a two-stripe 12 coach in good standing, which meant fully paid dues; and at 13 that point, you were eligible to begin training and you would 14 start at what is termed, like, basically EMO and you would do 15 drills with other people and the drills were in the nature of 16 specific questions. 17 And over a number of years, you would -- you would 18 move up the ranks. Many people on this path, you know, wanted 19 to get to the level that they could get paid for it. 20 Q And the levels of training went from zero to twelve; is 21 that how that worked? 22 Yes, except I don't -- I mean, my understanding was that 23 Raniere was a 12. I don't think anybody had ever got, you 24 know, above eight or nine. I think that Nancy Salzman was 25 maybe a nine, I think.

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1	Q What was the level where an EMP could charge?
2	A So my understanding was at a Level 7 an EMP could charge.
3	Q Did you ever get to a certain level?
4	A I got to what was termed "five plus." That's five and
5	it's between, I guess, five and six, five plus.
6	Q Did you ever get to a level where you could charge for
7	EMs?
8	A No. What happened is I you know, I had worked very
9	hard to get to five plus, and we were all told that there was
10	something a miss in the system and that we all had to start
11	again, which upset me quite a bit because we had already paid
12	a lot of money to get there and then we were back at zero and
13	so I had just decided to never try and re-qualify.
14	Q So you paid for the EM training?
15	A Correct.
16	Q Approximately how much did the EM training cost?
17	A I don't recall. It wasn't it wasn't tremendously
18	expensive that part of the training. Maybe maybe 3- to
19	4,000.
20	Q You mentioned the term "feedback." What was feedback in
21	NXIVM?
22	A So feedback was, you know, we were told, you know, things
23	like there are certain things about yourself you can't see,
24	so when you first come in as as as a student, you are
25	asked in the very beginning, you know, What's your feedback

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## Vicente - direct - Lesko

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number. In other words, ten being you can tell me anything -anything, I don't care; zero being don't ever talk to me. And
basically the idea was, you know, How open are you to
feedback. In other words, If we see something about you,
would you like us to tell you.

You know, for instance, if you have -- the metaphor was if you have spinach in your teeth, wouldn't it be good if somebody could share that with you. So that's how feedback began.

And then on the actual -- what's termed "the stripe path," you know, as you move up the sashes and the colors, you know, when you were a proctor you needed to really be able to take feedback in. When you got to what's called the green, which is what I was, you know, you had to receive all feedback with no resistance whatsoever. So at -- when you were given feedback, if you argued in any way, that was a problem. know, once you were on the stripe path, once you were a yellow -- not when you were a white, that was still understandable, but once you were on the stripe path, it's like talking back, you know, to an officer kind of thing. It's -- you don't do that. You take it in, and if you can't take it in, clearly it's a pride problem, you know, perhaps it's a tribute problem that you have, but you have a problem. Q So let's talk a moment about your first intensive, okay? What year was your first intensive?

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1	A 2005.		
2	Q And did you take an entire 16-day intensive?		
3	A I did. I was intending to only do five days. I was in		
4	the middle of preproduction on some things, so I thought I		
5	could only afford five days, but once I got to day four, I		
6	was I was pretty blown away by the EMs and so I expressed		
7	to Nancy Salzman and I think Barbara Bouchey that I		
8	would like to stay and continue.		
9	Q Did you pay for that intensive?		
10	A I did not pay for that intensive.		
11	Q What was that how was that arranged?		
12	A They really wanted me to do it and I said, Look, I'm a		
13	film maker, I just spent everything I have on this last film,		
14	I don't have any money at this point; and they said, We'll		
15	take care of it, you know, we'll figure something out type of		
16	thing. It was a very vague arrangement.		
17	Q I think you mentioned this, but who led your first		
18	intensive?		
19	A Nancy Salzman taught my first intensive. I was told		
20	well, she told me that the reason that she was teaching was		
21	because I was very, very difficult and I needed somebody to		
22	handle me.		
23	Q Did you meet the defendant during your first intensive?		
24	A I met I met him on the tenth day of the intensive. I		
25	actually was wanting to meet him earlier, but I was told I		

wasn't ready yet, that I needed to have a certain amount of the education before I was ready to meet him. I believe it was the tenth evening at the end of the day that I met him.

Q Where did you meet the defendant?

A I met him at Nancy Salzman's house. I met him on Grant Hill Drive or something like that where she lived at that time. He came over at the end -- you know, in the evening, and I sat and spoke to him for a number of hours.

Q And what did you discuss with the defendant?

A There were a number of things. I mean, there was a lot of very sciency geeky-type things. I remember we spoke about dark matter, quantum mechanics. We spoke about -- he was talking to me about a certain kind of mathematics. I said I had never heard about it before, he said, well, actually I invented this mathematics and I said, oh, that's amazing. Not being a mathematician, what do I know.

I was also with my girlfriend at the time, she was there as well. We spoke about rapport. I asked him how is it that you're able to -- to have so much insight into me, because I was sharing a lot about what I wanted in my life. And he described to me that, you know, he was -- he would be with people in different ways. Like, you know, if he was talking to my girlfriend at the time, he would have a certain physical aspect; when he spoke to me, he would change it and he was explaining to me that there are ways to train you, and

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- 1 others, as to how to really connect with people on their
- 2 levels so that those people really feel that you are
- 3 trustworthy.
- 4 Q Did the defendant ask you to do anything during that
- 5 initial conversation?
- 6 A He did suggest that I move to Albany, and I said I had no
- 7 desire to move to Albany, it was an ugly place, you know, I
- 8 | enjoyed the West Coast. And he said to me, well, you know,
- 9 | it's dark out right now, I mean, who -- that could be LA out
- 10 there, you know, why do you need that?
- 11 And it was interesting because, at that point, you
- 12 know, during the training up to that point, you know, there
- 13 was a lot of -- having us understand that our -- a lot of our
- 14 issue was the things we thought we needed. You know, you need
- 15 | a certain place, you need a certain type of person to be with,
- 16 you need certain kinds of food, all these needs you have are
- 17 | impediments to your -- and to your growth and self-fulness.
- 18 Why do you need LA to be out that window, we could be
- 19 | anywhere. So he said, you know, it would be good if you spent
- 20 | time here, so he -- and that was a -- that continued for quite
- 21 | -- quite a while. A lot of people wanted me to move there.
- 22 Q So you mentioned you participated in EMs in your initial
- 23 | intensive --
- 24 | A Yes.
- 25 | Q Did you discuss a particular phobia that you have?

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I talked about claustrophobia. 1 I did. I had a 2 particular issue at the time which was when I was in traffic, 3 very, very heavy traffic and the traffic wasn't moving and 4 especially if I was in the middle lane, I would have a 5 complete panic attack and basically freak out. And it was difficult for me because, you know, I was -- I was in LA, 6 7 freeways are huge, and I was taking side streets every day to 8 get to work and it was really a problem for me, and I was 9 ashamed that I had this problem as well. 10 Q Did you work on that phobia during your EMs? 11 I don't think it was the first, necessarily; it 12 may have been, but I worked on it with Nancy Salzman and I 13 felt an enormous, you know, freedom in that moment when I 14 thought about the traffic and I thought about me being stuck, 15 I felt suddenly like, wow, I think this is better. And she 16 said to me, well, you know, we need to test this, this is a 17 scientific model. When you leave, you know, you can report 18 back to me and then I did eventually report back to her. 19 You discussed not having to pay tuition for your initial 20 intensive. Did participants generally have to pay fees or 21 tuition to participate in intensive? 22 Generally, yes, but I found out later that there were 23 rare occasions when they did the same as they did with me with 24 other people. But generally, yes, there was tuition involved.

What was the tuition generally?

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## 523 Vicente - direct - Lesko So in Albany, where I took it, there were tiers of 1 2 In other words, the full price of the 16-day was 3 If you signed up outside of 30 days, you got a 4 discount, it was 6750 -- 6,750. And then, if you were the kind of person that, you know, when you first heard the pitch, 5 you know, somebody gives you the pitch for the first time and 6 7 within 48 hours you make the decision to pay, it was \$6,000, 8 so it was a 20 percent discount. 9 THE COURT: What did that include? 10 THE WITNESS: That included basically attending -attending the intensive. I believe that it included breakfast 11 12 and a light dinner, and I think that we would pay for our own 13 lunch. It was the privilege of, basically, having the 14 education and spending time in the space doing the education. 15 THE COURT: And you made your own way with regard to 16 accommodations? 17 THE WITNESS: Most people did, yes. I cannot recall 18 if that particular time I flew myself or if they flew me. 19 not certain anymore. 20 THE COURT: Thank you. 21 All right. 22 Thank you, Your Honor. MR. LESKO: 23 BY MR. LESKO: 24 So during your involvement, during the time when you were 25 involved with NXIVM, was new curriculum developed?

A A great deal of new curriculum. I mean, I think I was told by the time I left that there were 2,000 modules, 2,000 two-hour modules, somewhere in that region.

Q Can you describe how new curriculum was developed in NXIVM?

A Yes. My first experience I didn't know how it was.

Nancy Salzman would describe that she would get what she termed "a download" from Raniere. The download was -- she said him basically discussing a number of philosophical concepts and asking her questions, and then she would record it, transcribe it, and turn it into some piece of education.

Later, when I was shooting -- and by "shooting," I mean with video cameras -- shooting Nancy Salzman and Raniere, I would actually witness this. I would witness the discussions that she would have with him. I also later witnessed the discussions that he would have with the leaders of Jness, the women of Jness, and that they would take his words and these ideas and turn them into, you know, a written format. That was generally what happened.

And then, what I finally was privy to was what would happen is, they would go into the intensive, generally they would teach and then they would call him in between and he would ask, you know, how are they responding, what's going on. And then, apparently -- I mean, not apparently, I saw this, he would -- he would modify things on the fly or add additional

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- 1 things in to deal with the ways that people were responding to
- 2 | the material.
- 3 Q And who would typically conduct the first session of a
- 4 | new program?
- 5 A All first intensives -- in ESP, which was the 16-day, all
- 6 the Level 2 intensives, when they first started, my understand
- 7 | wag that Nancy Salzman -- not only my understanding, that's
- 8 | what I saw -- Nancy Salzman would teach the first intensive.
- 9 | She may teach it one or -- once or twice, and then if she
- 10 | wasn't going to teach it, usually like Lauren Salzman or Karen
- 11 Unterreiner would teach it.
- 12 Q Did the defendant ever participate in the initial
- 13 sessions of new programs?
- 14 A I was told, before my time, that he did and then, in
- 15 terms of my time there, he would train -- the first trainings
- 16 of the Society of Protectors, he would train those.
- 17 Q Now, you mentioned break-out sessions during intensives
- 18 where questions were asked. Do you know who created those
- 19 questions?
- 20 A I believe Raniere created all those questions.
- 21 | Q During the debrief sessions, or I think the term you used
- 22 | was disquisitions, were there strategies employed during those
- 23 debrief sessions?
- 24 A There were strategies -- you mean in terms of the
- 25 | facilitators of the sessions?

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Q Yes.

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that was one method.

2 There were strategies. I mean, one of the things we were 3 taught to do is to really help them understand that they 4 didn't have a clear definition of things. They -- we would 5 talk about, you know, putting them sort of in what's called their doughnut -- don't ask me to explain it, it's too 6 7 weird -- putting them in a state of, you know, uncertainty as 8 to, you know, what they thought about things, to show them 9 that they didn't have a clear definition. And, in essence, I 10 later understood, you know, that by the time you came to 11 listen to the debrief or the disquisition it was almost a kind of relief; like, okay, this makes sense, because I'm 12 13 thoroughly confused, but this seems to make sense. 14 Q After an intensive, were there attempts to enroll intensive participants in additional programs? 15 16 It was some -- yes. It was something that was done 17 throughout the intensive. We were trained to, you know, if 18 ever we saw a person struggling with, you know, let's say a 19 person we discovered, oh, this person really hates themself; 20 we would say, you know, you are eligible for a Level 2 21 intensive that takes care of this very thing. You know, the 22 Möbius intensive will help you with self-love, and then you

can continue to characterization and human pain and it's

wonderful, wonderful, it will do wonders for your life.

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And the other method was usually the last day, we --1 2 we, all of us that were running the intensive, would do sort 3 of sales sessions to encourage people to take more intensives 4 to -- you know, maybe it's another 16-day or Level 2's, and there was a strong focus towards the end to enroll people in 5 the next program to -- in essence, before they left -- left 6 7 the room, left the building, that there was an application that was filled out. 8 9 Was pressure put on participants to enroll in future 10 programs? Yes. 11 You mentioned Level 2 intensives. What were Level 2 12 13 intensives? 14 Level 2 intensives were -- they were designed for specific issues that people have. There were groupings of 15 These are just names, but there was 2A, anatomy 16 intensives. of minds and body; 2B, breaches; 2C, civilization; 2D 17 18 compassion. There was a set called traps, patterns, the 19 Another was Möbius, characterization, human pain, 20 They were intensives that began to help people ascension. 21 with what was termed "the deeper programming." 22 There was a commonality in all of those intensives 23 and the commonality was that you were being led to understand

that, in essence, you are -- you know, you are behaving

somewhat like a reactive animal. You know, you are sort of

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civilization?

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like this robot that keeps responding and you are not thinking about things. You just -- you have this -- what was termed this viscera, this stuff in your guts, that is making all your decisions and making very, very poor decisions. So the idea was, in Level 2s, is to help you figure out like what's going on, like, in your coding, so to speak. You know, it's like trying to hack the computer in your coding, what is happening in here beneath your conscious awareness that's causing you to go astray. The examples that we used in some of our sales pitches was, you know, let's say you want to have love, true love and it's the thing you want more than anything else, and who here has a problem with love; like where you -- where you want love and then you meet a person and now you have this sudden feeling of intimacy and you are terrified and you just run for the hills. And a lot of people go, oh, yeah, that's And we go, well, Level 2's will help you with things like that. You know, there are almost animalistic responses you are having to things and the idea was basically you need to learn to think, you need to learn to override these -- these viscera, these emotional things in you that are not helping And so emotions and instinct and those kinds of things were minimized, you know, and you were told that's -- that is less evolved than just using your intellect. Q Were two Level 2 intensives named compassion and

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A Yes.

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Q Did you have any concerns about those two intensives?

3 A I did, and I don't remember if it was civilization or

4 compassion, but one of those was the one I mentioned where --

5 | we were told we had blind mentor groups and so, what would

6 happen is, you would -- he would write, you know, to your

7 | mentors about this -- you know, some terrible secret you had,

which you would confess, and then, you know, they would write

9 | back to you. And there was -- there was education as well,

but that was part of the process, and that's what concerned me

later because I realized I had just believed that they were

12 | indeed blind mentor groups, but somebody was arranging --

THE COURT: And that "blind" meaning they didn't

14 know who you were?

THE WITNESS: Correct. Correct.

THE COURT: Go on.

A The thing that concerned me later, though, was that I had no idea that was true. And I -- I -- you know, although for myself, it's certainly not information I divulged is not -- you know, it's not illegal, it's shameful. And I assume many people, you know, were divulging all kind of things, and I had a concern about that. And the thing is, it was under the guise of unburdening yourself and recognizing, you know, well everybody has these, you know, there's a certain freedom in being able to unburden yourself.

## 530 Vicente - direct - Lesko MR. LESKO: Your Honor, if we could -- oh, before I 1 2 get to that. BY MR. LESKO: 3 4 Do you have an understanding now of the Level 2 intensives, the purpose of the Level 2 intensives now that's 5 different than the understanding of them that you had while 6 7 you were involved in NXIVM? Α I do. 8 9 What is that understanding today? 10 It's my belief. My belief is that there -- there is a 11 instinctual morality that most people with conscience have. My belief is that the Level 2 intensives did a number of 12 13 things. The one is it minimized that morality; that it in 14 essence played with our moral compass. And also a lot of things were introduced in terms of accountability, in terms 15 16 of, you know, vows, in terms of penance, you know, where in 17 order to correct something about you that was -- was shown to 18 be a problem that you would endure some kind of pain to 19 correct it. You know, if you said, for instance -- and there 20 was an enormous focus -- the examples seemed to be a lot about 21 weight loss all the time, and diet and that kind of thing, 22 which I didn't understand until later. You know, we were told 23 things like, you know, let's say you wouldn't eat the 24 chocolate cake and you do eat the chocolate cake, you know, 25 what's the thing you could do to try to remedy that; what's

#### Vicente - direct - Lesko

this commitment you will make if you do that, if you fail. You know, for instance, the person might take a cold shower, they may reduce their calories, you know, walk barefoot in the snow for an extended period of time, stand in the snow, that kind of thing. The whole idea was it was sort of a corrective measure you did as a promise to yourself.

My concern was that it moved from a promise to yourself to, in essence, like a promise to other people where people would say, well, you need to do a penance for that, whether you thought you should do it or not. If you were told by a higher ranking member or your coach or, you know, somebody at the very top of the consideration that really you should do this kinds of penance, you felt pretty compelled to do that as a corrective measure. And so there were those kind of things in the level 2's that concerned me, and also the hours were -- honestly, the hours were unbelievable. They were as long as if not longer than the days I would spend on film sets; 16 hours, sometimes 18 hours, and we were exhausted.

- Q Did the Level 2 intensives, did they involve tuition or fees?
- A They did. The fees were typically -- I believe it was around \$6,000 per intensive, I think, and there were packages. You know, if you bought four intensives, you could buy four

25 | intensives for \$20,000. The intensives were typically eight

# Vicente - direct - Lesko

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1 days long, but yes, there was tuition.

- 2 Q And getting back to the Judge's question, what did those
- 3 | fees pay for?
- 4 A Well, my understanding is you were paying for what is
- 5 | termed "the tech." You were paying for this information that
- 6 was -- we were told it was rare and unique. You were paying
- 7 | for the ability to be in the training to -- and I guess for
- 8 | the -- you know, you're paying for the people that are working
- 9 | with you and the trainers.
- 10 | Q Were there meals involved similar to the intensive
- 11 process that you described earlier?
- 12 A There were. There was usually some kind of a breakfast
- 13 | that was part of the cost of the training and there was a
- 14 dinner that was part of the cost of the training. Generally,
- 15 | lunch you went out on your own or -- usually you went with
- 16 other people, but you paid for your lunch.
- 17 | Q You mentioned that vows were used in NXIVM. Could you
- 18 explain how vows were used?
- 19 A Well, many places, but I mean -- but in the Mobius
- 20 | intensive, which is termed the self-love intensive, you know,
- 21 | at the very end of the intensive, you would sit with your
- 22 | mentor group. You were in a mentor group. So there were
- 23 | break-out sessions, much like the other intensives, but in
- 24 Level 2's you had mentors, there were usually three other
- 25 people that mentored you. And at the very end of Mobius, as

#### Vicente - direct - Lesko

far as I recall, you were to vow something, you know, vow I'm never going to do this or I'm always going to do this. You know, it's a promise you made to -- to the group.

As things went along in human pain, which is part of that series, when you got to the end, you would form what was called a penance group. And basically, again, there was something that you identified or they identified about you, or your behavior, that needed to be amended and you would agree or you would come up with it yourself. And the penance group was a group of people that were bonded together, such that you made a promise to the rest of the group, you know, I'm going to make sure I do this thing every single day and if I don't, I'm going to, you know, have a cold shower for ten minutes, I'm going to do 30 push-ups or whatever it is, and then they also would have to do a penance for your failure. So the idea was that you were bonded with this group of people that if anyone one of you failed, everybody had to do this, in essence, punishment.

(Continued on the following page.)

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1	EXAMINATION BY
2	MR. LESKO:
3	(Continuing.)
4	Q Did the vows ever concern you?
5	A I think, honestly, early on less so. Much later, yes.
6	But early on, I thought this was actually a great idea. I
7	thought at first this is actually a cool way to be accountable
8	because, you know, I felt like I didn't want to let the other
9	people down, so I'm going to do to no matter what. Later,
10	much later, the vows concerned me because I felt they were
11	very, very damaging and they were trapping people into
12	situations that I thought were not good.
13	Q Okay, we're going to talk a little bit now about the
14	ranking system at ESP.
15	MR. LESKO: Your Honor if I could only publish this
16	initially to the witness and by this I'm referring to
17	Government's 1010.
18	May I proceed?
19	THE COURT: Yes, you may.
20	Q Mr. Vicente, I'm showing you an exhibit that's marked for
21	identification as Government's Exhibit 1010.
22	Do you recognize that exhibit?
23	A I do.
24	Q What is that exhibit?
25	A It is a photograph that I may have taken or somebody else

	Vicente - Direct/Mr. Lesko 535
1	may have taken of the all the sashes on the training room
2	wall. There was one wall for certain number of years that was
3	painted blue and this is all the sashes. It was called a sash
4	display, and this was in Albany. And this basically was a
5	description of the entire what was termed "The Stripe Path."
6	Q And the training room was located in what room were you
7	now?
8	A 455 New Karner Road, Latham, New York.
9	Q Okay. Does this photo fairly and accurately depict the
10	sashes that were on the wall of the training room?
11	A Yes, it does.
12	MR. LESKO: We offer Government's Exhibit 1010.
13	MR. AGNIFILO: No objection.
14	THE COURT: Government Exhibit 1010 is received in
15	evidence and published to the jury.
16	(Government's Exhibit 1010 was received in evidence
17	as of this date.)
18	Q So what was the ranking system was there a ranking
19	system at ESP?
20	A There was, yes.
21	Q And what was it called?
22	A It was called The Stripe Path.
23	Q And what was The Stripe Path?
24	A The Stripe Path was a method of marking and measuring
25	one's growth and maturity and abilities in the company.

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1	Basically, when you came in, in your first training,
2	you would receive a white sash and there was an sash ceremony
3	that happened either the first day or the second day where you
4	would be given your sash.
5	Q So let me stop you there. Did the sashes signify
6	progression up The Stripe Path?
7	A Correct, yes.
8	Q All right. So if you could direct me on the
9	Government's 1010, where is the white sash that you're
10	referring to?
11	A The white sash I'm referring to is on the extreme left.
12	THE COURT: You can circle it on your screen with
13	your finger.
14	THE WITNESS: Oh.
15	THE COURT: Can I ask a question? You said, "The
16	Company." What did you mean by that?
17	THE WITNESS: That would be Executive Success
18	Programs/NXIVM.
19	THE COURT: Okay. Thank you.
20	Q And right now we're talking about The Stripe Path as to
21	relates to ESP or Executive Success Programs?
22	A That's correct.
23	Q So what did the white sash signify?
24	A The white sash you would be called a student or a
25	participant. It was basically you were, you know, a brand new

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person experiencing the methodology for the first time. And most people, well, everybody came at the beginning would receive a white sash and then what would happen from that point on there were certain achievements that they could make and they would get stripes. So in the case of the white sash, they would get red stripes, up to four of them, before a jump

Q And what did those stripes signify?

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in rank.

- 9 A In the very beginning, you would receive -- not in this
  10 order -- but you would receive a one stripe for enrolling one
  11 person, one stripe for enrolling another person, a stripe for
  12 finishing the five-day and then a stripe for finishing the
  13 16-day. So that, you know, if you were very motivated you
  14 would enroll two people during your time you could get all
  15 four stripes in your first Intensive.
  - Q What was -- after a person received all four stripes on their sash, for instance, on a white sash, what was the next step on The Stripe Path?
- 19 A The next step was to -- what's called
- 20 | "Provisional Coach," and that was your yellow sash.
- 21 Q If you could circle a yellow sash.
- 22 A Well, there's two of them.
- 23 THE COURT: Just hold on. All right. Go ahead.
- A (Circling). I've circled two of them because there is

25 what's called a Sash with Edge and a Sash without Edge. A

#### Vicente - Direct/Mr. Lesko 538 Sash with Edge, you would get -- if you enrolled two people in 1 2 a 30-day period of time which indicated you were very 3 motivated and a very good enroller, you would get an Edge. So 4 there's one Yellow with Edge and one Yellow without Edge. 5 And, basically, in order to get there you'd have to do a Coach application. You would fill out a document I think 6 7 it was probably ten pages of questions, very detailed 8 questions. Those would be evaluated by the rank above you. 9 They would look for certain things in your intake form, so to 10 And then, if you were going to be awarded that sash at speak. 11 the next Intensive you went to, you would then be given that 12 new yellow sash. 13 Q And that was for initially Provisional Coaches? 14 If you had no stripe, you were termed a "Provisional Coach." Once you had your first stripe you were 15 termed an actual Coach. 16 17 Q So yellow stripe --18 MR. LESKO: Strike that. 19 Q Yellow sash, one stripe, was a full Coach. 20 A full Coach. Α 21 Q If we could erase the circle. 22 MR. LESKO: Thank you, your Honor. 23 Q So after the yellow sash, what was the next step in The 24 Stripe Path?

A (Circling). That would be the orange sash. That would

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- 1 be the rank of Proctor. And again, to get there, you would
- 2 | have to achieve four red stripes on your yellow sash which
- 3 | were related to a number of benchmarks: Enrollments,
- 4 | maturity, different things called Life Issue Write-Ups, Life
- 5 Issue Plans. There were a series of things that you needed to
- 6 do to be able to become a Proctor and it was much stricter.
- 7 Q I think one of us can clear the circle without having to
- 8 ask the Court.
- 9 THE COURT: Yes, you can go to the lower-left corner
- 10 of the screen. That's it.
- 11 MR. LESKO: Figured it out.
- 12 Q So after the orange sash, what was the next step on The
- 13 | Stripe Path?
- 14 A (Circling). That would be a green sash, and that was
- 15 | called a Senior Proctor. That was the rank I achieved. And
- 16 again, there were stripes on the orange sash. They were white
- 17 | stripes and there were benchmarks there as well. Things
- 18 | called Breach Write-Ups, Breach Plans that would then allow
- 19 | you enrollment and maturity and ability to work with people
- 20 | and lead people and then you could eventually get the green
- 21 sash.
- 22 | Q After the green sash, what was the next step on The
- 23 | Stripe Path?
- 24 A (Circling). That would be blue. The term was Counselor.
- 25 | Again, you'd have to achieve four stripes on your white sash,

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- 1 | sorry, four stripes on your green sash. I'm less aware of
- 2 what the requirements were, I only made it to one stripe and I
- 3 was rather confused about that left.
- 4 Q All right. So after the blue sash, Counselor level, what
- 5 | was the next step on The Stripe Path?
- 6 A That would be purple that was Senior Counselor. Again,
- 7 | my understanding was you needed four white stripes on the
- 8 green sash -- sorry -- four white stripes on the blue sash to
- 9 get to the Senior Counselor sash. That was pretty much the
- 10 | highest rank other than the Prefect and the Vanguard.
- 11 | Q So there are other stripes in between. If you could
- 12 | circle them all what did those other stripes signify, if you
- 13 know?
- 14 A For the most part, I don't know. I asked about the brown
- 15 | sashes once and I was told they were speaker sashes. My
- 16 | understanding about the black sash was that you had to invent
- 17 | something that fundamentally changed humankind. That's as
- 18 | much information as I know.
- 19 Q To the best of your knowledge, did anyone attain those
- 20 | levels, the sashes beyond purple?
- 21 A Not that I'm aware of other than the Prefect who had a
- 22 gold sash, and then the Vanguard who had the white sash that
- 23 was double the length of the first white one.
- 24 | Q Can you circle the gold sash, please?
- 25 A (Circling). I think that is the one she would be.

	Vicente - Direct/Mr. Lesko 541
1	Q She is who?
2	A Nancy Salzman, also known as Prefect.
3	Q And do you see the sash you mentioned, the long white
4	sash. Could you circle that?
5	A (Circling). That was what Raniere wore, also known as
6	Vanguard. And he termed himself "The Eternal Student."
7	Q Did you ever actually see the defendant wearing that long
8	white sash?
9	A I did see him wear that earlier in my time there during
10	appearances that he would make.
11	Q Did you see Nancy Salzman wearing the gold sash?
12	A She always wore the gold sash during ESP Intensives.
13	Q Did you, yourself, wear your sashes including ultimately
14	your green sash?
15	A I did at every Intensive, every Ethos class I did.
16	Q Was anyone at ESP in charge of The Stripe Path?
17	A My understanding, my recollection, I'm sorry, I'm just
18	referring to a document. Lauren Salzman was the head of The
19	Stripe Path. She was one of the people making the decisions
20	about promotion.
21	Q And we'll get to it in a moment, but was there, from an
22	organizational standpoint, were Stripe Path was The Stripe
23	Path part of some committee in ESP?
24	A It was part of what's called "The Committee Structure" or
25	"The Division Structure," yes.

Vicente -	Direct/Mr	LASKO	

1 Q We'll discuss that in a moment. So what did 0kav. 2 Coaches do at ESP?

3 Coaches were the people on the ground in the Intensive.

4 They were responsible for, you know, in essence, running the

5 Intensive, making sure the food available, making sure the

notes were where they needed to be, facilitating the students.

There were a series of roles they had in the Intensive and

they were sort of at the command of the Proctors or

9 Senior Proctors. They had -- outside of the Intensive they

10 had other roles as well. They had to be on a committee.

had to be, once they were actually an actual Coach, they had

to be coaching people. They were required to take part in,

13 you know, community events and different events that would

happen. They would be part of the workforce taking care

running those things. 15

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16 Were Coaches typically paid?

17 Coaches were not paid. Α

18 Q Did being a Coach involve significant hours?

19 Many, many hours. There was a system of measurements.

20 It was called, I think, The Coach Point System where the

21 understanding that I was told was that you pay anywhere from,

22 you know, let's say two to three thousand dollars a year to be

23 in the Ethos program. You had to be in the Ethos program, you

24 had to pay that due.

And then you would work all these hours as well.

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1 You had to work a certain number of hours I don't recall what

2 they were. And what I was told at one point was, in essence,

3 | you're working this system, you're learning how to be a CEO,

4 | you're learning all the different things you need to have,

5 abilities you need to have to run a company. And they said at

one point: We're in essence giving you \$24,000 of value for

7 | all this work you're doing and you're paying us, you know, two

to three thousand dollars of membership. But really, this is

something that will help you in your life.

10 Q How many Coaches or yellow sashes were there in ESP?

11 A I believe there was somewhere in excess of 200 yellows, I

12 believe.

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13 Q What did Proctors do at ESP?

14 A Proctors were in charge of the Coaches. Proctors

evaluated the Coaches' growth. Proctors assigned Coaches to

different tasks. But they would also, yes, they would Coach

17 | them and they would basically shepherd them or mentor them

along The Stripe Path, give them feedback, EM them, have

19 | coaching sessions, set them on their trajectory up The Stripe

Path and what they needed to accomplish in order to keep

moving.

22 | Q Did Proctors get paid?

23 A Proctors were the first time you could actually make

24 | money. So there were different ways Proctors got paid. When

you came in, in order to become a Coach, you would enroll

#### Vicente - Direct/Mr. Lesko

people and you would build an organization. You know, let's say I enroll two people, and they enrolled more people, and they enrolled more people that was your organization.

Once you became a Proctor, as long as you were in good standing, you were eligible for commission on any financial activity in your organization. So anybody that took a prom that was in your organization, you would get something called a Proctor override which was ten percent. Proctors could become head trainers if they wanted to be and those were paid positions for, you know, could obviously be, you know, EMPs as well. Proctors could be Field Trainers. I was a Field Trainer. Field Trainer is a person who trains the sales force. There were salespeople in the system and a Field Trainer is the person who trains those salespeople. That was another way to make money.

But people, in essence, wanted to get to Proctor because that's when they could begin making money because, in essence, they weren't making any money before then.

Q And to attain the level of Proctor, did that involve spending significant time as a Coach?

A It did. I mean, for myself, and I was told I moved very quickly, I did a year full time. That's pretty much all I did for the entire year. Other people, it could take a number of years because of different things that they were doing. But it's a significant amount of education.

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- 1 Q And, again, the time period when you were a Coach you 2 were not paid; is that correct?
- 3 A I was not paid as a Coach, no.
- 4 Q How many Proctors or orange sashes were there in ESP?
- 5 A I'm a little fuzzy, it's been a while. Somewhere between
- 6 30 and 40 Proctors, I believe. Perhaps up to 50. I don't
- 7 | recall exactly.
- 8 Q What did Senior Proctors or green sashes do at ESP?
- 9 A Senior Proctors were -- they were in charge of the
- 10 | Proctors and they were helping the Proctors shepherd the
- 11 | Coaches. Senior Proctors, Greens, were required to run a
- 12 Division either on their own or with somebody else. They were
- 13 | seen as, you know, it's a very respected position, a
- 14 | high-ranking member of the company, to be involved in the
- 15 | community events to being involved in something called
- 16 | "V Week."
- 17 And, you know, Greens would meet once a week and, in
- 18 | essence, go over, you know, all the Proctors in the entire
- 19 company. This would take many, many weeks where we would
- 20 choose a certain city that there was a center and we would
- 21 | evaluate every single Proctor, and then we would also help our
- 22 | Proctors with their evaluations of the Coaches as well.
- 23 | Q Were there financial benefits associated with being a
- 24 | Senior Proctor?
- 25 A They were the same as Proctor. There was one difference

in you could not open a center or run a center if you weren't a green. Other than that, it was pretty much the same.

Q And what were the financial benefits associated with being able to open and run a center?

A So the way a centers work is you would start classes in a certain area. You wouldn't be a center yet at that point.

You would be, you know, a satellite or a provisional center.

And you would start to build your clientele. And what you were required to do is to have a hundred paying Ethos members in order to have a center. Once you could achieve that, and we all tried to achieve that, because, in essence, up until you reach a hundred, you were paying out of pocket for everything: You're paying for the rent and the electricity and everything. If you have a space which, of course, you need to have to run these classes.

Once you achieved a hundred paying Ethos members, you were then given a commission, so to speak, from head office of ten percent of those fees. You would also get ten percent of the actual training of whatever the training -- whatever money they were getting for the training, you would get ten percent of that.

So that's basically how we would try and offset the costs of actually having the center.

Q And after those costs were paid, was any amount left over for Senior Proctors?

- 1 A Theoretically, that was the plan. And in my case,
- 2 | sometimes you would have excess, but then the next month you
- 3 | would make less so. We were always running close to red all
- 4 the time.
- 5 Q You mentioned salespeople and Field Trainers.
- 6 | Field Trainers oversaw the salespeople, is that how it worked?
- 7 A That's correct, yes.
- 8 Q Was there any sort of sales methodology at NXIVM, ESP?
- 9 A It was, generally speaking, when I came in, when I came
- 10 | in Barbara bra Bouchey was my Field Trainer, she taught me the
- 11 ropes.
- 12 Generally speaking, the person, the Field Trainer
- 13 | that was responsible for bringing you in would teach you. In
- 14 | later years, many of us were taught by Raniere himself. He
- 15 | would teach us different methodologies, he wanted to formalize
- 16 | these introductory presentations, so he would spend a fair
- 17 | amount of time training us. In fact, at one point, I think we
- 18 | spent three weeks with him as he taught us how to best sell
- 19 | the product.
- 20 | Q And we'll get into it in substance in a moment, but did
- 21 | the training involve a sales pitch?
- 22 A Yes, it did.
- 23 Q Counselors at ESP. What did counselors do?
- 24 A Honestly that was a little fuzzy. I didn't yet
- 25 understand what they did. They seemed to be I think the grand

Vicente	_	Direct/Mr.	Lesko	548

- 1 poobahs who had more wisdom and more knowledge and would
- 2 | mentor the Greens in different ways. This was a term that
- 3 wasn't used, but they were the elders that would teach us.
- 4 Q Do you recall anyone who was a Counselor or blue sash?
- 5 A Edgar Boone was a blue sash.
- 6 Q Putting up on the screen Government's 4 which has been
- 7 | previously admitted.
- 8 A That is Edgar Boone.
- 9 Q What did Senior Counselors do?
- 10 A Similarly, the elder, elders. They were seen as the wise
- 11 ones that would be able to help us, you know, deep issues in
- 12 our lives, that kind of thing. The actual description of the
- 13 | rank, honestly, to me, was always very fuzzy.
- 14 | Q Do you recall who was a Senior Counselor?
- 15 A Pam Cafritz was a Senior Counselor, deceased. And
- 16 | Barbara Jeske was a Senior Counselor deceased.
- 17 | Q Deceased, meaning, they're both passed?
- 18 A Both passed.
- 19 Q I'm showing you what's been admitted as Government's 12.
- 20 A That is Pam Cafritz.
- 21 Q Who was Pam Cafritz?
- 22 | A Pam Cafritz, in my understanding, was one of Raniere's
- 23 | closest confidantes. She lived with him for, I believe, as
- 24 long as I was there. She took care of him, she was with him
- 25 all the time.

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1	Q Do you recall whether Pam Cafritz was wealthy?
2	A She was from a very wealthy, very notable Washington,
3	D.C. family. So, yes, she came from enormous wealth.
4	Q I'm showing you what's been previously admitted as
5	Government's 31. Do you recall that photograph?
6	A Barbara Jeske.
7	Q And who was Barbara Jeske?
8	A Barbara Jeske was somebody also very close confidante of
9	Raniere. She was a Senior Counselor, she helped train a lot
10	of the sales force. I mean, I came to understand later the
11	relationship with Raniere. I wasn't clear at first but later
12	I found out.
13	Q What was that relationship, if you know?
14	A He described her as his, like, his wife. When she died,
15	he said to me, you know, that was like I just lost my wife and
16	I was, I was taken aback. I didn't realize they had that
17	relationship.
18	Q I'm going to put Government's 1010 back on the screen.
19	What did the Prefect or Nancy Salzman do at ESP?
20	A Well, she was seen as two things. One as the CEO of the
21	company. I wasn't clear if it was ESP or NXIVM or both. I
22	think it was both. She was seen as, you know, the mom of the
23	whole organization. She was the person that was, in essence,
24	for many years the head of education. You know, she was the
25	one getting all of Raniere's ideas recorded and then

- 1 transcribing it and then turning it into something that could
- 2 be taught. She had a very, she was a very, very respected
- 3 position.
- 4 Q And you mentioned that the defendant was known as the
- 5 Vanguard what was the role of the Vanguard in ESP?
- 6 A There was -- he was considered the philosophical founder,
- 7 | the driving ethical, moral, humanitarian force behind the
- 8 entire company. He was seen as somebody who was very, very
- 9 wise because of the his reported accomplishments. And also, I
- 10 | learned pretty early on when I came in that, you know, people,
- 11 | if there was a question that was too difficult, they would
- 12 | have to consult him. He would be consulted on all manner of
- 13 | things I found out eventually. He was seen as, in essence,
- 14 | the wisest person in the organization.
- 15 | Q Was there something called The Five Pillars at NXIVM?
- 16 A There was.
- 17 | Q What were The Five Pillars?
- 18 A The Five Pillars were Raniere's theory on what you
- 19 required to build a civilized world. The areas of endeavor
- 20 | that you needed to have and needed to be operating to have a
- 21 | civilized world and they were things like Commerce,
- 22 | communication, ethics, education, humanities, and they were,
- 23 | in essence, the divisions that made the company. And then
- 24 | these committees existed as well in every single center that
- 25 | was operational.

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1	Q Okay. So let's break that down a bit.
2	So The Five Pillars that you've identified
3	corresponded to divisions within ESP?
4	A Yes, the Pillars were seen as the philosophical things,
5	so to speak. The divisions were actually, you know, manned by
6	people. The divisions operated out of Albany, out of the head
7	office.
8	Q So who led what type of person led the divisions in
9	Albany?
10	A So, generally, it was Senior Proctors, Greens. Also,
11	sometimes Proctors. And then everybody on the Executive Board
12	of which I was a member was also running a Division as well.
13	Q Okay. Did the Executive Board oversee the divisions?
14	A That's correct, yes.
15	Q Did you, yourself, ever oversee a Division?
16	A I did. The last few years I was overseeing
17	Communications before that it was Commerce.
18	Q And, if I understand you correctly, you have the
19	Executive Board, the Divisions, and then were committees
20	within Divisions?
21	A Yes. So, in other words, let's say, let's say you have
22	the Executive Board and you have, let's say, the Commerce
23	Division. Every single center had a Commerce Committee that
24	reported and every single center in different countries had a
25	Commerce Committee that reported to the Commerce Division in

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- 1 Albany. And the head of that Division would then report to
- 2 | the Executive Board who would then report to Prefect and then
- 3 Vanguard.
- 4 Q So, ultimately, all of these committees at the various
- 5 | centers in different countries reported to Divisions who
- 6 | reported to the Executive Board who reported to the Prefect
- 7 | who reported to the Vanguard. Was there any authority above
- 8 | Vanguard?
- 9 A There was nothing above Vanguard.
- 10 Q Did NXIVM operate -- well, you mentioned this. NXIVM
- 11 | operated centers. What were the centers called?
- 12 A They were called centers. They usually were termed,
- 13 | like, the Mexico City Center, the Monterey Center, the
- 14 | Vancouver Center, the Albany Center, the New York City Center.
- 15 It was usually by location.
- 16 Q So you've explained that NXIVM was the umbrella
- 17 | organization, and that ESP was one of the entities under that
- 18 | umbrella. Could you specifically explain the relationship
- 19 between ESP and NXIVM?
- 20 A Other than NXIVM was the umbrella, the container in which
- 21 | ESP was, the term was used interchangeably. Sometimes it was
- 22 | called an ESP center sometimes it was called an NXIVM center.
- 23 | It was termed "NXIVM Civilization."
- 24 When I first came in, I believe the word NXIVM was
- 25 | used much more. I believe as the press got worse and worse

over time, the preference was ESP Center or Executive Success

Programs.

Q Why was that?

A My understanding was to because there was so much, you know, one of the issues that we had as salespeople and Field Trainers is, you know, if we mentioned certain key words to people they would go online and do a search so if we mentioned NXIVM, or other terms like "rational inquiry," they would go online, they would see all this negative press, and they would get very scared and basically back away. So there was constant attempts to figure out what words could we use that would not trigger them and make them run for the hills.

Q So what were the centers used for? What happened at the

Q So what were the centers used for? What happened at the centers?

A Basically, to run the education. They were also used as community hubs. People would come and do Ethos classes, they would come and do classes called Origins which I hadn't mentioned. They would do intensives. There would be introductory evenings where presenters, I was one of them, would do presentations. They would hold events, you know, if there were special events community events that would be held there. That's also where usually the educational materials were kept in the center as well they were in a what's called a Proctor Room locked behind a door or in a safe or something. But it was the actual home in each place.

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Q These materials that were locked away, what did that consist of?

A They consisted of facilitator notes, student notes, and then different technological devices like an iPods and tablets which would have the videos on them and those were locked as well. They would also have sashes and then we would have a lot of student notes. We would have the forms that they fill out in the beginning. And they would have student notes, each participant that came we'd have a file with their name on it and we would put their things in there.

Q So you began doing this in Albany, but could you describe may physical layout of a center?

A Well, I can talk about, I mean, in the case of Vancouver, which I was the co-owner of, you know, you walked into a front lobby area, our offices, the actual Proctor offices, were just around to the left. And then there was -- there were three smaller rooms that we termed "breakout rooms." They were like little lounges where we would send people for breakouts. And then we would have a larger training room which, in our case, we could hold up to maybe 60 or 70 people. There was a television at one end and the room was filled with chairs. And we had storage facilities and bathrooms and then a kitchen as well.

24 Q So the main room could hold quite a few people.

A In our case, 60 to 70. I think that Albany, the training

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1 room, I believe, we had up to a hundred people in that 2 training room.

- 3 Q So how many people would attend, for instance, a typical
- 4 Intensive?
- 5 A Honestly, it depended on the area. Anywhere from 20 to
- 6 maybe 40. There were certain areas that would be a little
- 7 larger. But a lot of trainers had to be flown in to do the
- 8 | larger ones. The preference was 30 to 40 if possible.
- 9 Q How many attended your initial Intensive in Albany?
- 10 A I'm thinking around 30 maybe.
- 11 Q So how many centers were there?
- 12 A I have to do this visually. These are not full centers
- 13 | necessarily, but there was in the U.S. we were in New York
- 14 | City; Albany; Canada, Vancouver; Los Angeles; Orange County
- 15 | and San Francisco were beginning; Seattle-Tacoma existed up
- 16 until 2009. Moving south, Mexico City, Monterey. Guadalajara
- 17 | and Guatemala City in Guatemala. And there were various other
- 18 | attempts to start, they had hadn't really grown yet. There
- 19 was an attempt in Miami, there was an attempt in London.
- 20 | Q And Monterey, is that Monterey, Mexico?
- 21 A Monterey, Mexico.
- 22 | Q Getting back a moment to the salespeople. Were there
- 23 | certain requirements that potential salespeople had to reach
- 24 | before becoming salespeople?
- 25 A Yes. I'm sorry, I'm searching my memory. A salesperson

had to be a Coach and they had to have enrolled, I'm not sure if I'm correct about that, but they had to be a Coach. I may not be correct about that. They had to have enrolled six people and they had to have demonstrated that they could do it. In other words, they couldn't be ready to help to enroll a person, they would to demonstrate they were able to do it once they enrolled six people and they weren't paid for those six. Once they enrolled six, and they reached the qualifications to be a salesperson, they then could earn commissions.

So I said earlier only Proctors made money, I'm realizing it's not true. A Coach could, as a salesperson, and they would earn ten percent commission on the people that they enrolled directly.

Q And how would one qualify to become a Field Trainer?

A Becoming a Field Trainer meant building a certain number of salespeople. I think it was six, my memory is a little foggy on that. I think it was six. You had to basically

19 build six salespeople, at which point or maybe it was less, at

which point you were then termed a Field Trainer. A

21 | Field Trainer was a jump from salesperson at. As a

22 | Field Trainer, you were earning a 20 percent commission and

then you were also negotiating with your salespeople and

24 commissions, you know.

Q And you, yourself, was a salesperson?

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*557* I was a salesperson and then I became a Field Trainer. 1 2 Q And so, is it fair to say that the compensation structure 3 at NXIVM was based on commissions? 4 Commissions and also, in the case of trainers, it wasn't commission based. Trainer, it was based on the amount of 5 6 students you had in your Intensive which, I suppose, is kind 7 of. 8 So if you had a certain number of students in your Q 9 Intensive, were you paid, like, an hourly rate or did you get 10 a percentage of that tuition? 11 No, as a trainer, you know, your job was you rented the 12 space. You paid for, you know, the breakfast and lunches. 13 You had to pay for certain things. And then you were given a 14 certain percentage of the gross. There was an online payment system and the company received the money from the clients. 15 You would receive a percentage of the gross. I think it was 16 maybe 30 -- I was not a Head Trainer, so I don't know. 17 18 think it was around 30 percent that you would receive.

THE COURT: During what period of time were you doing this work as a trainer?

was left over was, in essence, yours as a Head Trainer.

out of that, you had to pay all your bills. And then, what

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THE WITNESS: So I was never a Head Trainer but I was a Field Trainer. I became paper Field Trainer maybe 2007. Up until the time that I left in 2012.

## Vicente - Direct/Mr. Lesko *558* So was all of this in Vancouver? 1 THE COURT: 2 THE WITNESS: The Field Trainer is a bit like you're 3 You can go anywhere, make calls to anywhere. 4 could enroll people into Vancouver or Los Angeles. Pretty much any center that I existed I could enroll people into 5 those trainings in those different cities or countries. 6 7 THE COURT: Is this a full-time job? 8 THE WITNESS: At times to became that. So there 9 were many, many jobs. So it was almost like there were many 10 full-time jobs. I was doing a great many things 11 simultaneously, so it may have been a full-time job for a 12 But generally, I was doing too many things to dedicate 13 all my time. 14 THE COURT: All the jobs were for the company? THE WITNESS: They were all for the company. 15 16 THE COURT: So you weren't working in any other 17 field at that time, you were simply working for company? 18 THE WITNESS: At the beginning, I was still working 19 on another film, I was writing a book, but that began to fade 20 as I became more, in essence, overwhelmed with the tasks at 21 hand. 22 THE COURT: All right. Thank you. 23 **EXAMINATION BY** 24 MR. LESKO: 25 (Continuing.)

## Vicente - Direct/Mr. Lesko *559* As you described, Field Trainers were mobile? 1 Q 2 Α Yes. 3 Q Were salespeople also mobile? 4 Salespeople could, yeah, go anywhere, you know, make phone calls anywhere. 5 You mentioned the term "Suppressives" previously. 6 Q What 7 were Suppressives? 8 So just to clarify. You were never taught to use 9 suppressive as a noun. It was more a type of behavior or 10 strategy, you know, a person was doing a suppressive action. But it bled over to, you know, a person is being suppressive, 11 12 a person is suppressive. 13 In essence, the idea that I initially learned was, 14 you know, somebody who is trying to destroy goodness, destroy 15 honor. You know, anybody that wanted to destroy tribute. 16 They were described as having suppressive tendencies. wanted to crush somebody else to feel better about themselves. 17 18 And so, the way I saw suppressive strategies was, 19 you know, somebody who basically can't handle goodness or they 20 can't handle somebody being better than them, so they had to 21 suppress other people. That changed over time the way I saw 22 what suppressive was but that was how it was initially 23 explained to me. 24 And what happened to people who were labeled as being Q 25 suppressive at NXIVM?

A There were different consequences if you were considered a suppressive person. But you were still in the organization, you know, maybe you had to go and fix it. You were told, you know, maybe you've committed a breach and you have to go fix that preach. Maybe you can't train Intensives anymore, or you can't EM anymore. There was maybe a dock in pay of some kind.

And there was also the disapproval of the entire community that was a very, very powerful that went on. If yo spoke out in any way against the company, against the Vanguard, you know, it was more serious. It was, you know, you'd be shunned. Everybody inside was told to shun that person.

Q What was shunning?

A Shunning was basically you won't do business with that person anymore. You won't talk to that person anymore. You won't talk to people that that person talks to or talked to other people to try and talk to that person. Basically, you try about isolate them completely and the idea being, you know, you have to, you know, stand for what's right and in essence, you know, indicate that that person is doing is a real problem and it's event goodness.

Q So is it fair to say a person who is being shunned it was almost like they were dead to you and others at NXIVM?

A Pretty much. You know, because if anybody, you know, if somebody was being shunned then you spoke to that person it

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- 1 was very serious. You had to act as though they just didn't
- 2 | matter anymore. You know, maybe there were things they could
- 3 do to fix it but I would never see that.
- 4 | Q Who decided who would be shunned?
- 5 A Usually, it came from the upper ranks. It was usually a
- 6 decision that was made very, very high up you know it would
- 7 | have been, you know, Nancy Salzman or Lauren Salzman or
- 8 Raniere. There were people, there were people that were
- 9 | shunned that honestly I had no idea why they were being
- 10 | shunned I was told they had done some kind of a breach I was
- 11 | like, okay, but I don't know what this is but okay.
- 12 Q Can you provide an example of someone who was shunned by
- 13 | the NXIVM community?
- 14 A Barbara Bouchey was shunned when she left in 2009. She
- 15 was spoken very poorly of.
- 16 | Q Was someone related to Lauren Salzman shunned?
- 17 A Her father. She and her sister shunned her father. I'm
- 18 | not sure if that's still operational today but for many, many
- 19 | years they were would not talk to him or interact with him in
- 20 any way.
- 21 | Q Was the defendant involved in the decision to shun Lauren
- 22 | Salzman's father?
- 23 | A I can't say for sure that I was at a conversation where I
- 24 | heard that.
- 25 MR. AGNIFILO: I object. I object.

THE COURT: Sustained.

Q You've used the term "breach" or "ethical breach." What was an ethical breach at NXIVM?

A Well, there were two levels to an ethical breach. The way it's described and the way it actually operated. An ethical breach, the theory, is that there is your true nature, your true essence, your true goodness.

Let's say, you're a person that, you know, believes yourself to be humanitarian and you say an unkind word to somebody or you're violent in some way that's an example of that's a breach. You did -- a this is not the word that was used -- but it's like you did a sin against your true nature. You know, there is goodness and things you're trying to stand for, and now you've gone against that.

But -- and you were told this breach you've done it is really against other people to affects the entire world, but it's also against yourself. And so, at first, I remember thinking, wow, this is really a profound idea that somehow I have this -- these values that I espouse in the world, and if I do something that goes against it, that is a problem. But what it seemed to turn into eventually is like anybody who basically disagreed could be seen as a person who has now done a breach. And most of the people I would hear that breaches were done against Raniere. Somebody had done something against him or had not supported him in some way. There was

Anthony D. Frisolone, FAPR, RDR, CRR, CRI, CSR Official Court Reporter

somebody years ago who had spoke in the press and didn't support him the way that they believed they should have supported him, a person was considered to have done a terrible breach. It became this mechanism of control and it was mysterious.

MR. AGNIFILO: Your Honor, I'm going to object.

THE COURT: Anything from, "it became this method of control," the jury will disregard.

You can ask your next question.

Q Well, you've been describing sort of the evolution of your thinking in terms of what an ethical breach actually was at NXIVM over time did that understanding of what an ethical breach was change?

A It became more mysterious to me. I understood it one way. It's this thing you do against civilization, against yourself. And then my understanding became more that, you know, if you spoke out against the company, or if you spoke against Raniere, that that was an ethical breach. For the most part, at the time, I didn't know what these breaches were. It was pretty mysterious. It was this person had done a bad thing and was being shunned by Raniere and other people.

- Q You mentioned a person who didn't support the defendant in the press who was that?
- 24 A That was Ed Kinnam.

Q Who was Ed Kinnam?

# Vicente - Direct/Mr. Lesko 564 Ed Kinnam was a Proctor who was there the first few years 1 2 that I was there and then left. And apparently, had done some 3 kind of interview in the press. And I don't recall if he said 4 something explicitly negative or just wasn't supportive but 5 that was talked about as a huge problem. MR. LESKO: Your Honor, we're going to move into 6 7 another area. 8 THE COURT: Let's take our midmorning break. Let's 9 take a ten-minute break. All rise for the jury. 10 (Jury exits courtroom at 11:29 a.m.) THE COURT: All right. The witness may stand down. 11 12 Please to not discuss your testimony with anyone. 13 THE WITNESS: Yes, sir. 14 (Witness leaves the witness stand.) 15 (Defendant exits from courtroom at 11:31 a.m.) 16 (A recess in the proceedings was taken.) 17 18 19 20 21 22 23 24 25

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Vicente - direct - Lesko
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              THE COURT: All right. Let's bring the witness
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 2
    back.
           (Pause.)
 3
               (Witness resumes the stand.)
 4
              THE COURT:
                           Ready?
              MS. HAJJAR:
 5
                           Yes.
6
               (Jury enters courtroom.)
 7
              THE COURT: Please be seated.
              All right, Mr. Lesko, you may continue your
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9
    examination of the witness.
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              MS. HAJJAR: Thank you.
    DIRECT EXAMINATION (CONT'D.)
11
    BY MR. LESKO:
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13
         So, Mr. Vicente, let's get back to your -- to the
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    completion of your first intensive, okay. What did you do
    after your first intensive ended?
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         As I recall, I went back to Los Angeles, I had projects I
16
    needed to work on and finish up and I had a number of
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18
    interactions with Nancy Salzman and I think Sara Bronfman who
19
    were wanting me to come back and continue. There was also
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    discussions about if you really would like to learn the tech,
21
    you know, you should probably come back, you should try and
    spend more time here. So, there were a number of discussions
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23
    like that.
24
              Then I did eventually come back, I think it was
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    within the year, it was less than a year, I came back to do
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### Vicente - direct - Lesko

another 16-day and I applied to be a coach and I was awarded the coach sash, the rank during my second 16-day intensive and the idea being we were told that in order to really absorb the material, you needed to do the intensive two and a half times, so that would be two 16-days and a 5-day and that was also to be eligible to do the Level 2 curriculum.

Q At some point did you have a discussion with Nancy Salzman about moving to Albany?

A Yes, she recommended that -- I had shared with her, you know, what I wanted in my life which was basically I wanted to grow, I wanted to be noble, I wanted to be -- I wanted to be a good man, a great man, I wanted to make films that would change the world and she said to me, as well as others, in order to be that kind of an artist, you have to clean up you as a human being to be the kind of person that could create those kinds of films that could move the world and what better way than to come and spend time in Albany and, you know, perhaps you could be mentored by Keith Raniere.

So, I was trying to figure out how to do that and eventually when I did come back, I made a plan to basically spend a year there, to take off from everything and spend a year living there so I could learn as much as I possibly could. My idea was that I thought, well, if I can learn how these EM-s actually work, I thought to myself, well, maybe I can make films that could actually EM people and that was one

# Vicente - direct - Lesko 567 of the discussions I wanted to have with Raniere. 1 2 So, did you actually move to Albany? 3 I did. I was at that time living in Ashton, Oregon. Ι 4 basically packed everything up and I moved across the country and I went to live in an apartment in Knox Woods, which was a 5 development, with another person who was in ESP as well. 6 7 When approximately was this? Q My recollection is 2006. 8 Α 9 And what was Knox Woods? 10 Knox Woods was like a development, I assume the same construction company developed the entire area, it was all the 11 same kinds of townhouses in essence; it was a development in 12 13 the city of Clifton Park, New York, just north of Albany, and 14 I found out that many of the people, especially the high ranking people involved in the company actually lived there. 15 In Knox Woods? 16 17 Α In Knox Woods, yes. 18 Q Was there another development or location where people 19 associated with NXIVM lived? There were a few different areas, people lived in 20 21 Halfmoon as well, there was a complex called like the Halfmoon Heritage Homes; there was a residential area where Nancy 22

Salzman lived and a number of other people that was just next

to Knox Woods but it wasn't called Knox Woods, I don't recall

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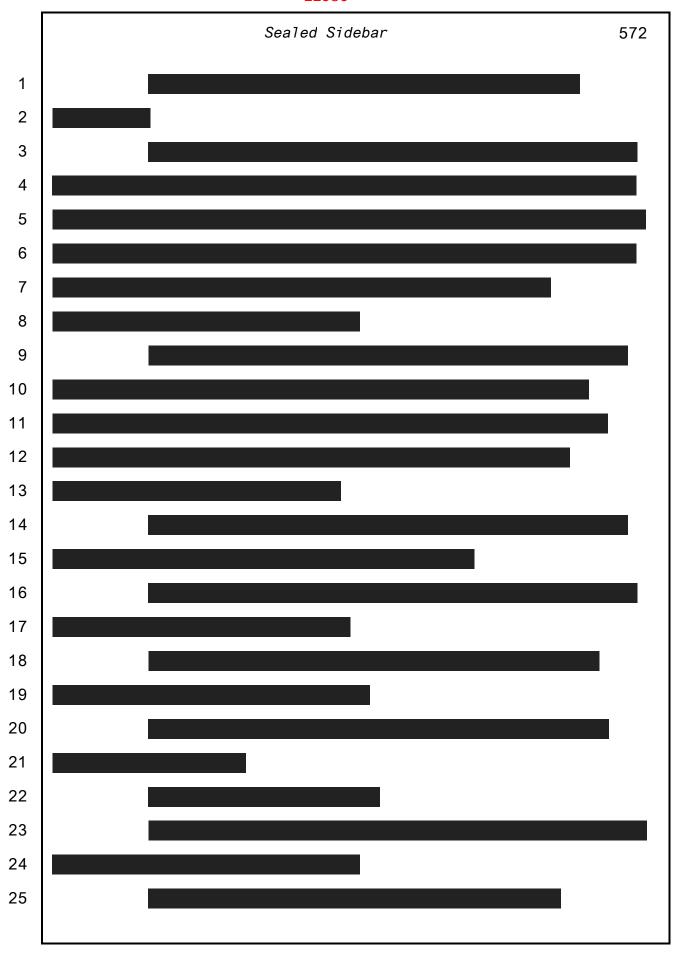
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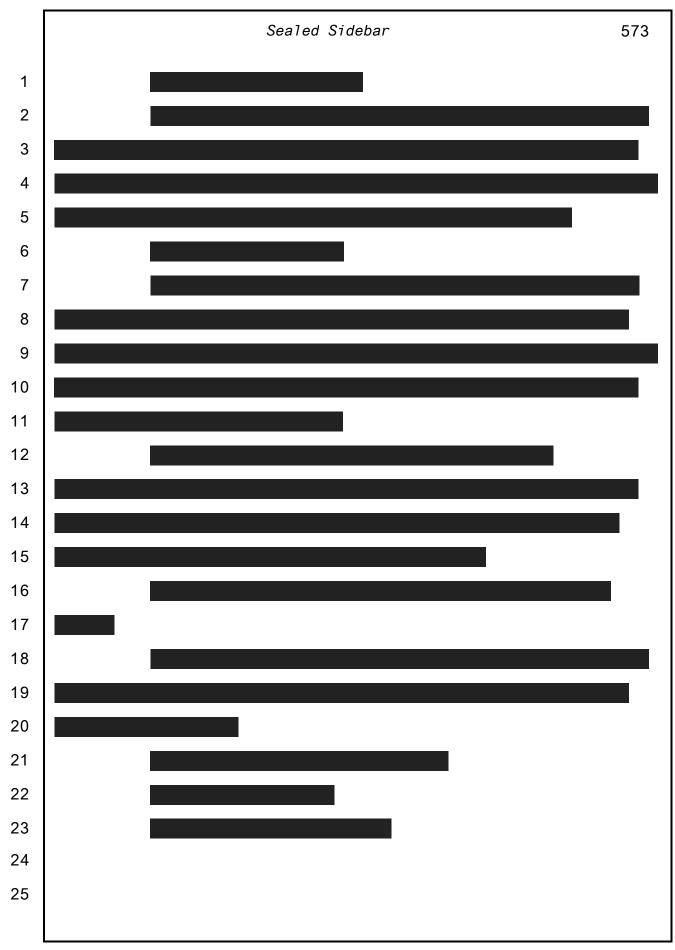
	Vicente - direct - Lesko 568								
1	Q It was all in the same general proximity?								
2	A It was, yes.								
3	Q And this was all in Clifton Park?								
4	A In Clifton Park and Halfmoon, they were right next to								
5	each other, it was in both areas, it was all walking								
6	distance.								
7	Q Just to clarify, Clifton Park and Halfmoon are cities or								
8	towns basically?								
9	A Yes, towns.								
10	Q And Knox Woods is a development within Clifton Park?								
11	A Correct.								
12	Q Okay. And while you after moving to Albany did you								
13	maintain a residence in Los Angeles?								
14	A Not at first but then later I did because I was wanting								
15	to open up a center in Los Angeles so I had a residence in								
16	both places.								
17	Q And the person you first lived with when you moved to								
18	Clifton Park, what was that person's name?								
19	A That person was Omar Boone.								
20	Q I'm showing you what's been admitted as Government's 5.								
21	Do you recognize that photograph?								
22	A Yes, Omar Boone.								
23	Q Who is Omar Boone?								
24	A Omar Boone, I don't know if he was a proctor at the time								
25	but he certainly became a proctor. He was from Monterey,								

- 1 Mexico. He was the brother -- is the brother of Edgar Boone
- 2 | and he spent a lot of time between Albany and Monterey, Mexico
- 3 and he became a proctor and a friend.
- 4 Q So, when you were residing in Clifton Park, where did you
- 5 | actually live?
- 6 A When I first moved there, actually my very first move
- 7 there I lived in a house, I'm forgetting the address, for just
- 8 | a week or two; I moved to a townhouse on Monmouth Way, which
- 9 was in Knox Woods, for I think it was maybe up under a year,
- 10 | and then I moved to 13 Twilight Drive which was a multi-
- 11 | bedroom house a few exits north of Knox Woods, a few exits
- 12 | north on the 87 freeway.
- 13 Q I'm showing you Government's 132 which has been
- 14 | previously admitted.
- What does that photograph show?
- 16 A Yes, that's the signs of Twilight Drive, that's the
- 17 entrance to Twilight Drive from one of the main roads.
- 18 | Q I'm showing you Government's 133 which has been admitted.
- 19 What does that photograph depict?
- 20 A That is 13 Twilight Drive, the house that myself and a
- 21 | number of other members of the community lived in for a number
- 22 of years.
- 23 | Q Did you ultimately move from 13 Twilight Drive?
- 24 A Yes, I moved from 13 Twilight Drive to 7 Generals Way in
- 25 Knox Woods, perhaps 2013, I don't remember exactly.

#### Vicente - direct - Lesko 570 I'm going to show you Government's 120 which has been 1 Q 2 previously admitted. 3 Do you recognize that --4 Α Yes. -- photograph? 5 Q 6 Α Yes, that's 7 Generals Way. 7 And is that also in Knox Woods? Q That is in Knox Woods, yes. 8 Α 9 So, did the defendant reside at a location on Flintlock 10 Lane? He did, it was -- when I first met him I asked him where 11 he lived and he indicated that he sort of couch surfed but I 12 13 did understand that it was -- number 2 Flintlock Lane was one 14 of the residences and then another place that he spent time was 8 Hale Drive which was actually just across the road. And 15 then much later he moved with two other people who were living 16 with him at Flintlock, moved to 21 Oregon Trail. 17 18 Q And who were those two other people? 19 Sorry, I'm just referring to something. 20 (Pause.) 21 Marianna and Pam Cafritz. 22 Showing you Government's Exhibit 26, and if you could Q 23 revisit the document you just reviewed; is that Marianna, 24 Government's 26? 25 Α That is, yes.

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Vicente - direct - Lesko
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          We previously looked at Government's 12, is that Pam
 1
    Q
 2
    Cafritz?
          That is Pam Cafritz, yes.
 3
    Α
               MS. HAJJAR: Your Honor, may we approach?
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               THE COURT: Yes.
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               (Continued on next page.)
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## Vicente - direct - Lesko 574 1 THE COURT: All right, let's continue. 2 MS. HAJJAR: Thank you, Your Honor. 3 BY MR. LESKO: 4 You mentioned an address on 8 Hale Drive; is that correct? 5 6 Α Correct, yes. 7 I'm going to show you what's been admitted as 8 Government's 122. 9 Do you recognize that exhibit? 10 Α Yes, that is 8 Hale Drive. I'm going to show you Government's Exhibit 123. 11 Q Is that another photograph of 8 Hale? 12 13 Α That is correct. 14 And I'm going to show you Government's 123-A which has been admitted. 15 Is that another photograph of 8 Hale? 16 17 It's the wider shot of the same building, yes. Α 18 Q Was there a location within 8 Hale that had a certain 19 name? 20 Yes, the upstairs of 8 Hale Drive was termed when I first 21 came the executive library. Okay. And on Government's 123-A, if you can, can you 22 23 circle where the executive library in that residence was 24 located? 25 (Indicating.)

Case	1:18-cr-00204-NGG-VMS Document 827 Filed 01/02/20 Page 81 of 267 PageID #: 11989						
	Vicente - direct - Lesko 575						
1	Q So, for the record, the witness has drawn a circle around						
2	the left hand portion of the building and specifically the						
3	second floor of that building.						
4	A Correct.						
5	THE COURT: Very well.						
6	Q So, you mentioned that members of the NXIVM community						
7	lived in Clifton Park, correct?						
8	A Correct, a good deal a good number of them, yes.						
•							

- 9 Q Approximately how many members of the NXIVM community
- lived in Clifton Park? 10
- I would say 30 to 40. 11
- 12 Were there other NXIVM buildings in the Albany ()
- 13 area?
- 14 There was the head office, the headquarters which
- was Latham, New York, 455 New Karner Road. 15
- 16 Q Let me stop you there.
- 17 Α Yes.
- 18 What occurred at 455 New Karner Road?
- 19 So, 455 New Karner Road was considered the head office or
- 20 the headquarters of ESP and I believe NXIVM, I was never quite
- 21 certain, but it's where the administration offices were, it's
- 22 where the cafeteria was, the training rooms, Nancy Salzman had
- 23 her office there as well; there was something called the
- 24 proctor room, it was the hub of where the education was done
- 25 at first. That changed over time but at first that's where it

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	Vicente - direct - Lesko 576								
1	was.								
2	Q Okay. I'm going to show you what's been admitted as								
3	Government's 164.								
4	What does that photograph show?								
5	A That's the exterior of 455 New Karner Road.								
6	Q I'm going to now show you Government's 165 admitted into								
7	evidence.								
8	What does that photograph show?								
9	A That's one of the entrances to the same building and								
10	specifically if you walked into that door that says Executive								
11	Success Programs and you turned right, you'd be in the main								
12	training room.								
13	Q For the record, what is the sign on the door?								
14	A Executive Success Programs.								
15	Q I should have asked you that with respect to 164, I								
16	apologize.								
17	A I believe it had both I'm not able to see the smaller								
18	writing but I believe it has both names on it from my								
19	recollection of the bottom.								
20	Q What names?								
21	A So, NXIVM, N-X-I-V-M, and I believe that's Executive								
22	Success Programs beneath it.								
23	Q And you're referring to the sign in front of the building								
24	that's depicted on Government's 164?								

The blue sign, the blue sign right there.

	Vicente - direct - Lesko 577							
1	Q Showing you what's been admitted as Government's 166.							
2	What does that photograph show?							
3	A That is the parking plaque for Nancy Salzman. There were							
4	a few reserved parking spots in front of the building and she							
5	held one of them.							
6	Q And was there a NXIVM building next door to 455 New							
7	Karner Road?							
8	A Yes, I believe it was 457 New Karner Road, right next							
9	door. 457 had in it the accounting department and at a							
10	certain time it also had the IT, the computer technology							
11	department as well.							
12	Q Showing you what's been admitted as Government's 170.							
13	What does that photograph show?							
14	A That is 457 New Karner Road?							
15	Q Is that the front of the bidding?							
16	A That is the front of the building facing the parking lot,							
17	yes.							
18	Q Showing you what's been admitted as Government's 169.							
19	What does that photograph show?							
20	A That's the same building, just a wider image.							
21	Q I'm showing you Government's 167 which has been admitted							
22	into evidence.							
23	What does that photograph show?							
24	A It's a different angle of the same building, it's to the							
25	right of the other two images that you showed me.							

## Vicente - direct - Lesko 578 And does that photograph show the building number on the 1 Q 2 building? Yes, 457. 3 Α 4 U And who owned 455 and 457 New Karner Road, the two 5 buildings? My understanding is it was owned by Sara Bronfman and 6 7 Clare Bronfman. Did NXIVM operate in a former restaurant in Clifton Park? 8 9 Yes, there was a restaurant that was renamed to Apropos. 10 I don't recall what it was before, I think it was an Italian It was on Route 9 in Clifton Park, but it 11 restaurant before. was renamed Apropos when I believe Clare Bronfman bought the 12 13 building and I believe that Clare Bronfman and Raniere named 14 it Apropos together I believe. Q This is going to be a quiz, could you spell Apropos for 15 the court reporter please? 16 A-P-R-O-P-O-S I think. 17 Α 18 Q I think that's right. 19 What occurred at Apropos? 20 A number of things, there were trainings at Apropos and 21 there were community events at Apropos. It was also a restaurant of sorts, people paid a membership to be members to 22 23 be able to come and eat there. Certain trainings were run 24 there, Jness trainings were run there, the first SOP trainings 25 were run there, something called coach summits were run there,

	11993						
	Vicente - direct - Lesko 579						
1	forums were held there, and then there were parties that were						
2	held there as well, community parties.						
3	Q Showing you what's been admitted as Government's 157.						
4	Do you recognize that photograph?						
5	A Yes, that's Apropos.						
6	Q Is that the entire building of Apropos?						
7	A That is the entire building well, the front of the						
8	building, yes.						
9	Q Showing you what's been admitted as Government's 159,						
10	what is that?						
11	A That is a closer image of the same building.						
12	Q Apropos?						
13	A Apropos.						
14	Q Did NXIVM properties, either residential or commercial,						
15	have surveillance cameras?						
16	A Many of them did. I know the ones that I was in						
17	well, specifically 7 Generals Way there was a surveillance						
18	camera well, it was a camera of some kind on it. There was						
19	a company called Plugged In, Plugged In was some kind of a new						
20	technology company and many of us were asked, you know, could						
21	we install some equipment in your house and connect it to your						
22	modem in your house and then, additionally, there was a camera						
23	placed on our houses facing the driveway and the street. I						
24	was never clear what it was for but.						

Since you mention it, what was Plugged In?

580 1 So, Plugged In, in my understanding, was some brand new 2 tech company that Raniere had created and, you know, I'm not 3 sure if it was patented or what it was, the idea was to create 4 a -- the things I heard was to create a mesh network using cell phones and devices to create a communication system that 5 wasn't necessarily connected to the rest of the internet. 6 7 Some of the ideas that I heard from Raniere were, you know, during video conferencing together but, in essence, creating a 8 9 communication system and there were also a series of, I was 10 told, astounding things that this company would be able to 11 develop and create, I don't know what they were, I don't know 12 if they ever came to fruition. I know that an enormous amount 13 of money was spent but I'm not sure what it really was. 14 Do you have an understanding now or an opinion now as to why all of these cameras and connectivity were established 15 16 through the Plugged In process? 17 MR. AGNIFILO: I'm going to object, Your Honor. 18 THE COURT: Sustained. 19 Α I'm sorry, was --20 THE COURT: Sustained means don't answer. 21 THE WITNESS: Don't answer, thank you. 22 Q Did your understanding regarding the installation and use 23 of surveillance cameras change over time? 24 Well, I could never make sense of why there were cameras

there so I -- I think I assumed that this is some brilliant --

## Vicente - direct - Lesko 581 1 MR. AGNIFILO: I'm going to object. 2 -- at the beginning of it --3 THE COURT: Hold on, hold on. Sustained as to what 4 he assumed. Did your understanding change as to what the cameras were Q 5 being used for? 6 7 Yes. Α What was your -- what is your understanding now? 8 Q 9 Α My understanding is surveillance on us. 10 THE COURT: "Us" meaning? 11 THE WITNESS: Members of the community. 12 () Were there instances in NXIVM where participants could 13 not afford the tuition or fees? 14 Often; I mean there were people of means that could, you know, pay any amount of money but there were a number of 15 people that came in that couldn't afford to pay the tuition. 16 17 Q And are you familiar with the term "exchange"? 18 Α I am. 19 What was exchange at NXIVM? 20 There were two kind of exchanges that I was aware of; the 21 one exchange was, you know, if you could not afford the 22 curriculum, you would in essence go into debt with the company 23 and then you would work in some fashion to pay that off over 24 time and you would have to pay the full amount, so you weren't 25 paying the discounted rate. So, if you did a training that

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was \$7,500, that's how much you owed and then you would do different jobs in the community, lower level jobs to try to pay that off. That was one method of exchange.

The other method of exchange I was aware of was, for instance, if you wanted to do a Level 2 training but you couldn't afford it, you would agree to a contract whereby you would take that training which would involve also mentoring other people and then you would still owe three more trainings that you would have to attend to mentor others. That was my understanding of another form of exchange.

- Q Generally speaking, were participants who were in the exchange program, we'll call it, at NXIVM able to actually pay or satisfy their debt?
- 14 A I don't know if they were able to satisfy it completely.
- I know that people struggled, it took quite -- it took a substantial amount of time.
- 17 Q You have mentioned that people, participants were 18 encouraged to take additional trainings --
- 19 | A Correct.

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- 20 | Q -- at NXIVM.
- Were there consequences if people missed trainings?
- A I mean I certainly was given a hard time in the two
  instances that I missed a high level training, I was called
  and berated for not attending the training. But it was pretty
- 25 common that if somebody was a high ranking person or wanting

to work their way up the stripe path, if they didn't take the training it would be seen as a problem, you know, a lack of commitment to their own growth.

Q So, when new curriculum was created at NXIVM, were new companies formed that corresponded to the new curriculum?

A Often that was true, yes. In the case of, you know,

7 Ultima was an umbrella company and there were a number of

8 other companies underneath. I think Ethicist eventually had a

9 | company called Ethicist. Jness obviously had a company called

Jness LLC. Society of Protectors had a company called LLC. I

believe for the most part new curriculum, yes, did have new

12 companies.

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13 | Q Was the defendant's name associated with those companies?

A Not that I'm aware of, the companies were usually in other people's names.

Q What was the defendant's role with respect to all of these companies?

A He was seen as the creator of the educational model and the company itself and he was the philosophy behind these things, that's in essence how he was seen.

- 21 Q Who had ultimate authority over all of these companies?
- 22 A He had authority over all the companies.
- 23 | Q Who, as a legal matter, actually owned these companies?
- 24 A Well, there were different people, you know, Pam Cafritz
- 25 owned one or two companies, I believe Jim Del Negro owned some

HOLLY DRISCOLL, CSR, FCRR OFFICIAL COURT REPORTER

# Vicente - direct - Lesko 584 of the companies, I think Nancy Salzman owned some of them 1 2 but, as far as I know, he did not -- he was not on paper that 3 I can recall except potentially I think he was a signer on the 4 nondisclosure agreement for ESP I think. Q Did Clare Bronfman own any of these companies? 5 I believe so, I believe -- well, she owned the 6 7 foundations, as far as I can recall. I don't recall at this moment the other companies that she may have owned. 8 9 You've mentioned a person named Jim Del Negro. I'm 10 showing you what's been admitted as Government's 17. 11 Do you recognize that photo? 12 Α Yes, that is Jim Del Negro. 13 Who is Jim Del Negro? 14 Jim is -- was, is a proctor in the organization. He was also one of the leaders of the Society of Protectors along 15 16 with me. He also worked in the -- I suppose the de facto 17 legal department of the company as well and he also ended up 18 being one of the co-owners, overseers of the Albany center. 19 You mentioned that the defendant had ultimate authority 20 over the NXIVM companies, how did he exercise that authority 21 or control over those companies? 22 Well, there was the -- I mean there was the -- any --

once he created something, if there were any changes that

needed to occur or that other people thought needed to occur,

he would have to be consulted. He was pretty strict on once I

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create something a certain way, this is the way it needs to
run. If changes were requested, you know, we'd have to talk
to him about that. He -- people reported in to him about the
different intensives and the different companies that were
going on. He took a keen interest in what was happening with
every single intensive and every single company and then my
understanding was that he also received a certain --

MR. AGNIFILO: I object, Your Honor.

THE COURT: All right.

MS. HAJJAR: Can --

THE COURT: If you have another question that the witness can address, go ahead.

Q So, did the defendant receive any sort of compensation from the companies?

 $$\operatorname{MR}.$$  AGNIFILO: If the witness knows the answer to that question.

Q If you know?

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A I do. When I began working with him on certain film projects, the arrangement we had was that 10 percent of net would go to him. He suggested it was for scientific research. I know in the case of the Society of Protectors, that was the same and it was my general understanding of how things worked.

Q Did you have any understanding as to why the defendant

did not actually own all of the companies that he controlled?

A My understanding at first was he was termed a renunciate

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and a renunciate was the idea that -- or what I understood was 1 2 somebody who had no possessions and had no attachment to the 3 external world in any way. I was taught that he had achieved 4 a certain level of, you know, something close to what was termed unification, he didn't require external stimuli to be 5 joyful and he didn't require possessions. So, any clothes 6 7 that he had were given to him, you know, food was given to He was -- I was told, he told me he didn't have a 8 9 driver's license, he was driven around. So, that was my 10 understanding was that he did not want to be attached to the 11 world in any way and that was my understanding of his 12 reasoning. 13 Q Did he ever have a discussion with you where he indicated how this status would affect the establishment? 14 Well, I'm not totally clear on your question. 15 Α His status as a renunciate, given how you've described 16 17 it, did he ever say that presented a problem for the 18 establishment? 19 I'll try to understand; one thing with respect to the 20 establishment that I understood from him was that he 21 considered himself to be a person of interest to many

considered himself to be a person of interest to many different authorities, that they -- he was a threat to society because of his ethical understanding of things, that because of his IQ and intelligence and problem solving ability he was being watched very carefully. He would suggest to me on many

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occasions that he had to be careful about his movements 1 2 because he told me he was being watched all the time and that

this -- I suppose my word -- conspiracy went to the highest 3

4 levels against him.

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Did the ESP sash system and stripe path apply to all of 5 6

the other NXIVM-related companies? They were related in the sense that if somebody was

running another company, they were urged to be on the stripe

9 path as well and the stripe path was seen as a way to measure

10 somebody's leadership, their accountability, their loyalty,

11 their -- how grown up they were basically. So, if somebody

12 was to run another company and they weren't on the stripe

13 path, that was seen as a problem and many of the things that

they would need to do to resolve issues in whatever company

they were working, you know, they may be told you should talk

to your coach about it or you should get an EM about it, you 16

should do some process that was in the ESP curriculum as well 17

18 related to the stripe path. So, the stripe path was seen as

19 the foundation of how to become the kind of person you need to

20 to run a company ethically.

21 Now, we've discussed a number of NXIVM-related companies;

22 were there other companies that you haven't named here during

23 vour testimonv?

24 Let's see, I've mentioned Source, XOSO, Reverence,

25 Ethicist, Rainbow.

> HOLLY DRISCOLL, CSR, FCRR OFFICIAL COURT REPORTER

	Vicente - direct - Lesko 588								
1	Q It's not a quiz. Are there other companies? I don't								
2	need you to mention them. Are there other companies that								
3	haven't been mentioned that were related to NXIVM?								
4	A Well, there are a host of other companies, I don't know								
5	what they did, but there were a host of other companies.								
6	Q Approximately how many NXIVM-related companies were								
7	there?								
8	A I need to make a distinction because there's what I								
9	learned later								
10	Q Well								
11	A and what I knew at the time.								
12	Q As you sit here today, what is your understanding of								
13	approximately how many NXIVM-related companies?								
14	A Over 60 companies.								
15	THE COURT: 60?								
16	THE WITNESS: Over 60.								
17	Q Let's talk a bit about the executive board. You								
18	mentioned that the executive board led the NXIVM organization.								
19	When you first became involved with ESP, who was on the								
20	executive board?								
21	A My recollection is it was Barbara Bouchey, Lauren								
22	Salzman, Edgar Boone, I think it was Karen Unterreiner. I'm								
23	blanking if there's anybody else.								
24	Q Was Nancy Salzman on the executive board?								
25	A She was but being the CEO, she wasn't exactly the								

# Vicente - direct - Lesko 589 executive board but she was considered to be above the 1 2 executive board. 3 Q Was a person named Loreta Garza on the executive board? 4 Α Yes, that is correct. Showing you what's been admitted as Government's 5 Exhibit 50. 6 7 What does that photograph show? That is Lauren Salzman. 8 9 We've seen photographs of Nancy Salzman and Edgar Boone 10 and Barbara Bouchey. I'm going to show you Government's 11 Exhibit 16. That is Loreta Garza. 12 13 Over time did the members of the executive board change? 14 Yes, there was change that occurred in 2009 where a number of new people were brought on including myself to form 15 a new executive board. 16 And who were members of the newly constituted executive 17 18 board in 2009? 19 So, the new board was Karen Unterreiner, Clare Bronfman, 20 myself, Alex Betancourt, Emiliano Salinas and then Lauren 21 Salzman rejoined a few weeks later. Okay. I should have asked this earlier, I apologize. 22 23 Government's 16, I'll show it to you again, who was Loreta 24 Garza?

25 A Loreta Garza, as I said, was on the executive board

	12004							
	Vicente - direct - Lesko 590							
1	earlier on. She was the head of a company that the company							
2	inbow Cultural Garden, RCG; she was also a green so she							
3	oversaw a great number of people. She also worked with a lot							
4	of the clients and the staff in Mexico as well.							
5	Q All right. So, getting to the new executive board in							
6	2009; we've seen a photograph of Clare Bronfman. I'm going to							
7	show you what's been admitted as Government's 53.							
8	Do you recognize that photograph?							
9	A Yes, that is Karen Unterreiner.							
10	Q Who is Karen Unterreiner?							
11	A Karen Unterreiner, again on the executive board, she was							
12	a head trainer, she was a she held the rank of proctor.							
13	She also worked in the finance/accounting department. She was							
14	the one that calculated all the commissions and she was							
15	Raniere told us that she was one of his oldest friends, that							
16	they had gone to RPI together.							
17	Q What is RPI?							
18	A Rensselaer Polytechnic Institute, I hope.							
19	Q Did the defendant tell you that he had gone to RPI?							
20	A He did, yes.							
21	Q I'm going to show you what's been admitted as							
22	Government's 49.							
23	What does that photograph show?							
24	A That is Emiliano Salinas.							
25	Q Who is Emiliano Salinas?							

- 1 A Emiliano Salinas is -- was the head of the Mexico City
- 2 center, ESP center along with his business partner, Alex
- 3 | Betancourt. He comes from a very, very influential family in
- 4 Mexico. He was also one of the members of the Society of
- 5 Protectors and he was also on the executive board with me and
- 6 the others.
- 7 Q Who is Emiliano Salinas's father, if you know?
- 8 A His father is Carlos Salinas, one of the ex-presidents of
- 9 Mexico.
- 10 Q I'm going to show you what's been admitted as
- 11 | Government's 3.
- 12 A That is Alex Betancourt.
- 13 Q Who is Alex Betancourt?
- 14 A Alex Betancourt was the co-owner of the Mexico City
- 15 | center. I believe -- he was on the executive board as well.
- 16 | I believe he was in the ethics division. He was a
- 17 | businessman, entrepreneur, had a number of businesses and he
- 18 was also one of the business owners of there was an island
- 19 | that had been, not the whole island purchased but there was an
- 20 | island in Fiji that he was involved, had some business
- 21 dealings with creating a business there.
- 22 | Q We will talk about that in a moment, but were properties
- 23 | purchased in Fiji, the island?
- 24 A Yes.
- 25 Q By a NXIVM affiliated person?

HOLLY DRISCOLL, CSR, FCRR OFFICIAL COURT REPORTER

	Vicente - direct - Lesko 592							
1	A My understanding is that he and Clare Bronfman and							
2	Raniere were together in some kind of company to purchase							
3	multiple properties on the island.							
4	Q How long did you serve on NXIVM's executive board?							
5	A From 2009 until May 22nd, 2017.							
6	Q Was there a group within NXIVM that handled its legal							
7	matters?							
8	A It was loosely termed the legal department. It wasn't							
9	I mean it wasn't actually lawyers, it was a group of people							
10	that worked in what was called Legal.							
11	Q And who worked in Legal?							
12	A Clare Bronfman, Jim Del Negro, Kristin Keeffe, Lisa							
13	Derks. I'm blanking if there are others.							
14	Q And if you know, who were the decision makers in Legal?							
15	A The decision makers in Legal were Clare Bronfman and							
16	Raniere.							
17	Q I'm going to show you Government's Exhibit 34.							
18	What does that photograph show?							
19	A That is Kristin Keeffe.							
20	Q Who is Kristin Keeffe?							
21	A Kristin Keeffe was a member of NXIVM ESP long before I							
22	arrived. She was I believe a proctor and she was also a close							
23	confidant of Raniere and she was one of the leaders of the							
24	legal department.							
25	Q What sort of matters did the legal department handle?							

# Vicente - direct - Lesko 593 1 They seemed to handle -- there was a lot of patent 2 applications that were going on and there were also a number 3 of lawsuits in process against various people. 4 Q And who were those people? There were suits in process against the Times Union, 5 against --6 7 THE COURT: The Times Union is what? THE WITNESS: The Times Union is a newspaper in 8 9 Albany, New York. 10 THE COURT: The Albany Times Union? 11 THE WITNESS: Albany Times Union. 12 Q Let's not get into the subject matter of those lawsuits, 13 just who were they --14 Sure, so Times Union; Jim Odato, one of the journalists. There was lawsuits against, I believe it was Vanity Fair. 15 I'm not -- I don't recall if there was one against Forbes. There 16 was one against Rick Ross, somebody called Stephanie Franco 17 18 and later post-2009 against -- my understanding was against 19 people like Susan Dones and Barbara Bouchey. 20 Q We'll talk about all those people a bit later. 21 Were you involved in the legal department? Not -- I wasn't in the department. I at one point did 22 23 something for them. 24 And was -- I think you mentioned this -- was anyone in Q 25 Legal an attorney?

Vicente -	direct	-	Lesko	594

- 1 A Not to my knowledge, no.
- 2 Q You discussed Clare Bronfman and her role in Legal and
- 3 I'm going to put her photograph up, Government's 8; what
- 4 | were -- along with the legal responsibilities, what were Clare
- 5 | Bronfman's other roles at NXIVM?
- 6 A She was on the executive board as well, she was a
- 7 | proctor, she tended to be the direct liaison between the
- 8 executive board and Raniere. There were a number of things
- 9 | that the executive board were not really privy to that she was
- 10 | with Raniere. She also I believe financed a great number of
- 11 | things in the company and she also was the person -- Raniere
- 12 was training her to be more legally minded. He would explain
- 13 | that, you know, lawyers don't know how to think so he was
- 14 | teaching her how to think so she could help the lawyers think.
- 15 | Q Was she involved with the ethics division?
- 16 A Yes, she was.
- 17 Q In what way?
- 18 A I believe she was one of the heads of the ethics
- 19 division. She was also the -- in essence, she was like the
- 20 | acting CFO of the company, she was responsible for how monies
- 21 were spent, she had to -- when I left she had to approve any
- 22 | monies that were spent in any way.
- 23 | Q Was she involved in real estate projects, in investments
- 24 | at NXIVM?
- 25 A I believe she owned a number of complexes, houses, that

- 1 kind of thing. She was involved in a real estate development
- 2 | in Los Angeles with a number of properties and then also
- 3 | properties in the Albany area and also Fiji as well.
- 4 Q Was she involved in enrolling anyone at NXIVM?
- 5 A She would -- she worked on enrolling high net worth, you
- 6 know, high value people to come to take trainings. She moved
- 7 | in certainly different circles than I did for the most part.
- 8 Q And I think you've mentioned this earlier but she also
- 9 provided a private jet for a period of time?
- 10 A Correct.
- 11 Q Did she have -- did she attain a rank on the stripe path?
- 12 A She was a proctor, I don't recall the number of stripes
- 13 she had but she was a proctor.
- 14 Q Did there come a time when Clare Bronfman got in trouble
- 15 at NXIVM?
- 16 A From what I understand from her and from Nancy Salzman,
- 17 | there was an incident that occurred with her father where she
- 18 did something that caused her father to get very upset at the
- 19 | company and at Raniere and from what I've heard from Raniere
- 20 | and others, her father then tried to destroy the company and
- 21 | used his enormous wealth to try and destroy Raniere and the
- 22 | company and it was spoke -- it was discussed about how the
- 23 | thing she had done was a breach that she was trying to heal.
- 24 | Q And did she have a time frame for healing that breach?
- 25 A I have no idea, I just recall that it was -- she had done

Vicente	- direct	- Lesko
vicence	- 011666	- LUSKO

- 1 | something that was so bad that it really set things back.
- 2 | Q Do you recall approximately when this happened?
- 3 A My recollection, it was just before I came in so it may
- 4 have been -- it may have been 2004, I'm not entirely certain.
- 5 Q Did you specifically hear the defendant say that Clare
- 6 | Bronfman was in breach?
- 7 A I don't recall him saying those specific words.
- 8 Q What did he say?
- 9 A Generally the way he would talk about things is more
- 10 | round about like, well, there are some things that she needs
- 11 | to fix or heal, that kind of thing. I don't believe he said
- 12 | specifically a breach to me.
- 13 Q Who was Clare Bronfman's father?
- 14 A Edgar Bronfman, Sr., he was one of the heads of the
- 15 | Seagram's fortune and he was also the head of the World Jewish
- 16 Congress.
- 17 Q Was he a billionaire?
- 18 A He was a billionaire.
- 19 | Q Were you aware of conflict between Clare and Sara
- 20 | Bronfman and their father?
- 21 A I was, I was. They were unhappy that their father was
- 22 | not as supportive as they'd liked about their involvement with
- 23 | Raniere and with the company in general and there was a great
- 24 deal of conflict that happened that they were unhappy with.
- 25 | Q Was there conflict between Sara and Clare Bronfman and

Vicente - direct	- Lesko	597

- 1 | their father between 2005 and 2010?
- 2 A Yes, during that time period there definitely was
- 3 | conflict, yes.
- 4 Q You mentioned that Clare Bronfman served as acting CFO;
- 5 were there other people within NXIVM who handled the financial
- 6 or accounting matters at NXIVM?
- 7 A There were. There was a whole accounting department that
- 8 was generally at 457 New Karner Road, you know, there was
- 9 | financial and there was accounting and I sometimes wasn't sure
- 10 of the -- who was who but there was an accounting department,
- 11 yes.
- 12 | Q And who worked at the accounting department?
- 13 A The accounting department was Kathy Russell, my mother
- 14 | actually worked there as a low level bookkeeper for a number
- 15 of years, Karen Unterreiner had interface with the department,
- 16 | and then my understanding was that Clare Bronfman was the
- 17 person in charge.
- 18 | Q And you mentioned that the accounting department was
- 19 | located at 455 New Karner Road?
- 20 A 457.
- 21 | Q I'm sorry, 457. Did you ever discuss NXIVM's finances
- 22 | with the defendant?
- 23 A I discussed finances of different sorts, I don't know
- 24 | that I discussed NXIVM's finances.
- 25 | Q Were you able to -- would you ask him questions about the

598

1 | finances related to NXIVM or a related company?

- A I did, I was trying to understand how certain things worked. I couldn't understand the financial structures of
- 4 things, I was trying to understand how they worked. It was an
- 5 enormous mystery to me. I once went to him with an issue that
- 6 came up because I couldn't get an answer from the accounting
- 7 department on a tax issue. Eventually I went to him out of
- 8 | frustration to please help sort it out. So, we had
- 9 discussions of that nature as well.

2

- 10 Q Were you able to get answers from the defendant regarding
- 11 | your questions about NXIVM's finances?
- 12 A I wasn't. The entire thing seemed to be a complete
- 13 | mystery. My experience was there was a -- when we made
- 14 requests there was a certain kind of a wall that we couldn't
- 15 get past. For instance, on the executive board we were told,
- 16 you know, that we're running at a loss all the time and then
- 17 | myself and other members would say, well, can we see the books
- 18 so we can understand what this loss is and then we were told,
- 19 you know, yes, we'll get you the books, and that never
- 20 happened. So, we never actually got access to the numbers, we
- 21 were just told we're just at a loss all the time.
- 22 Q So, getting back to this 10 percent that was owed the
- 23 defendant, was this like a royalty payment type of payment?
- 24 A I don't know what the exact -- I don't know if that was
- 25 | the exact term but it was basically a 10 percent fee and he

Vicente -	direct	- Lesko	599

- 1 | said for scientific research.
- 2 Q And you mentioned you had this arrangement specifically
- 3 | with the defendant?
- 4 A I did, anything we created together and that was usually
- 5 | in the nature of like film projects, that was the
- 6 understanding that I had with him.
- 7 Q Did you actually pay the 10 percent to the defendant?
- 8 A There was no profit ever in anything I did that would
- 9 | allow me to pay him that.
- 10 Q Did SOP have this same relationship with the defendant?
- 11 | A Yes, but I don't know, again, if those monies were ever
- 12 paid.
- 13 Q You started SOP, right?
- 14 A I was one of the founding members, yes.
- 15 Q Who actually was the legal owner of SOP?
- 16 A The legal owner of SOP was Pam Cafritz.
- 17 | Q How did that come about?
- 18 A When we began the organization we would meet, you know,
- 19 very, very late at night and at one meeting Raniere asked
- 20 those of us who founded it with him, do you mind if Pam is the
- 21 signer, the legal owner of the company, and we said, no, of
- 22 course not, you know, you're the boss, whatever you want is
- 23 | fine.
- 24 Q Did Pam actually assist in operating SOP?
- 25 A She did not.

d to the

Q Now, you mentioned that the 10 percent owed to the defendant went to research; is that correct?

A That was my understanding of where it was supposed to go.

Where it would have gone in actuality I have no idea.

Q Now, what sort of research did the defendant conduct?

A It was a wide range of things. There were brain studies going on that began a few years after I arrived. Basically the idea was to hook people up to their -- using one of those skull caps with sensors running into a computer to assess what was happening in their brains during intensives. They had recorders and different measuring devices attached to them.

There was also -- Raniere and I discussed, him and I and other people as well, you know, studies about, you know, psychopathy, sociopathy, people who didn't have conscience. He'd use the term Luciferian and he had some kind of a patent that he had developed to rehabilitate a Luciferian and I'm assuming a Luciferian meant some kind of a person with no conscience that's mal intended but he had some kind of patent to rehabilitate someone like that.

And then there was, you know, a certain amount of intake forms in the intensives that I believe were used in the scientific research but his -- he told me that, you know, he really wanted to -- what he'd really like to be doing with his life is have a lab and be a lab scientist.

Q You said psychopathy as one of the subjects of the

- defendant's research, is that in essence the study of psychopaths?
- 3 A Yes, he had a definition of, you know, psychopath versus
- 4 sociopath and it was in a fair amount of the curriculum, there
- 5 was a lot of study of people with no conscience, of, you know,
- 6 people with, you know, narcissism. There were intensives
- 7 dedicated to the best and the worst in humanity and the worst
- 8 being people that tortured other people and did some really
- 9 really dark things.
- 10 Q Okay. And you mentioned previously I believe that the
- 11 Rational Inquiry methodology was subject to a patent; is that
- 12 | correct?
- 13 A When I came in, my understanding is that it was patented
- 14 and then it changed to it was patent pending and later I
- 15 | learned it had been rejected.
- 16 Q So, there's no patent actually issued for Rational
- 17 | Inquiry?
- 18 A That's my understanding. I think it was applied for but
- 19 my understanding is it wasn't what I thought at the beginning
- 20 that it was -- I mean I would go around selling this thing as,
- 21 you know, Rational Inquiry is patented in the Patent Office
- 22 under artificial intelligence because nobody knows what to do
- 23 | with it it's so advanced because that's what I was led to
- 24 believe.
- 25 Q And was that a lie?

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	Vicente - direct - Lesko 602
1	A I believe so.
2	Q These other patents, were they actually issued?
3	A I recall there was a patent, the sash patent I believe
4	was issued; also I recall that at one of the V weeks I can
5	explain that later at one of the V weeks there was a lawyer
6	who was on stage with Raniere who had these large plaques that
7	were engraved with the actual, I think the patent page and
8	that those were presented to the community as, you know, these
9	are just, you know, five or six patents that, you know,
10	Vanguard has filed recently and also Clare Bronfman told me
11	that she was spending upward of 40,000 a month just on
12	patenting things.
13	Q Are you familiar with the person named Brandon Porter?
14	A I am.
15	Q Who is Brandon Porter?
16	A Brandon Porter is a doctor. I actually coached him for a
17	number of years while he was in medical school. He moved from
18	I'm going to say Ohio or Iowa, I'm not sure which one, to
19	Albany to basically do scientific research with Raniere.
20	Q And what was that scientific research?
21	A To the best of my knowledge, it was basically analyzing
22	all the data of all the brain scans and all the recording
23	devices and the different other measuring equipment, somehow

devices and the different other measuring equipment, somehow collating it. There was just a lot of data gathering going on.

24

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Vicente - direct - Lesko
                                                                  603
 1
               And then there were certain studies that they
 2
    were -- some psychological studies that they were involved in
 3
    that I -- I didn't know about them at first but I found out
 4
    later.
    Q
         And what was nature of some of those studies?
 5
 6
               MR. AGNIFILO: Your Honor, can we approach for a
 7
    second?
8
               THE COURT: You want to approach?
9
               MR. AGNIFILO: Yes.
10
               THE COURT: Yes, all right.
11
               If you'd like to stand up and stretch, please do so.
12
               (Continued on next page.)
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	Sidebar 604
1	(The following takes place at sidebar.)
2	THE COURT: Yes.
3	MR. AGNIFILO: So
4	THE COURT: Yes, sir.
5	MR. AGNIFILO: Yes, Judge, so my concern is I think
6	what we're heading into is that Brandon Porter was doing a
7	study I think where Mark is going of people who observed
8	very macabre like violent episodes and I have two concerns
9	with it; one, I have a 403 concern that I don't know, it seems
10	unduly prejudicial if that's what he's about to testify to,
11	and second, I don't know what Mr. Vicente's base of knowledge
12	is.
13	So, my first concern is a 403 concern and then
14	there's a I guess a relevance concern.
15	THE COURT: Let's start with the foundation concern.
16	MS. HAJJAR: Your Honor, if we could, I mean to
17	answer Your Honor's question directly, these fright studies
18	involved exposing participants to very violent shocking films
19	primarily and gauging their I guess their electric reaction
20	in their brains among other things.
21	Mr. Vicente will testify, if allowed, that he
22	provided one of the films and that film involved the
23	decapitation and dismemberment of women in Mexico.
24	I would suggest that I can move on and we can
25	address this later perhaps at a break. I can certainly

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Sidebar
                                                                  605
    revisit this later in Mr. Vicente's testimony.
1
 2
               THE COURT: Why don't we do that.
 3
               MR. AGNIFILO: All right.
 4
               THE COURT: All right. We'll take it up -- we can
    take it up when we recess for lunch so we can get it dealt
 5
    with.
 6
7
               MS. HAJJAR: Great.
8
               MR. AGNIFILO: Thank you, Judge.
9
               THE COURT: Okay.
                                  Thank you.
               (End of sidebar.)
10
11
               (Continued on next page.)
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# 606 Vicente - direct - Lesko (Continued.) 1 2 THE COURT: All right. You may continue. BY MR. LESKO: 3 4 Q We'll move on for the moment, Mr. Vicente. Α Understood. 5 Getting back to the 10 percent fees, was there anyone at 6 Q 7 NXIVM responsible for calculating those fees that were owed to 8 the defendant? 9 My understanding it would have been Karen Unterreiner 10 because she did all the calculations at the end of every 11 single month, so my understanding is that it would have been 12 her, the final calculator. I know in the case of Society of 13 Protectors, Jim Del Negro was doing the calculations for 14 Society of Protectors, so, you know, he might have been responsible for that. 15 16 Did you understand those calculations, how they were --17 how they were done? 18 It was a complete and utter mystery. I tried many 19 times -- I asked, in the case of SOP, can you please explain 20 this to me and I -- it was never clear. 21 In your experience, did the accounting department at 22 NXIVM run smoothly? 23 Α It was chaos. 24 Q Would NXIVM employees receive checks? 25 Α NXIVM employees would receive checks except they weren't

Vicente - direct - Lo	esko 6	307
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- 1 | considered employees. They were considered, you know,
- 2 | independent contractors, but yes, they would receive checks.
- 3 Q Was it always clear what those checks involved?
- 4 A It wasn't. In fact, we used the term inside the company,
- 5 you know, we just got a check from the mysterious NXIVM gods.
- 6 We had no idea what they were for.
- 7 Q Did anyone at NXIVM seem to know when individuals would
- 8 get paid at NXIVM?
- 9 A The understanding was, generally, a few -- you know, a
- 10 | number of days after the end of the month it was generally a
- 11 | week to -- it was -- Karen Unterreiner, I think, for the most
- 12 part, was the one that knew when that would happen. I had
- 13 asked her on occasion, you know, Do you know when, and she'd
- 14 | say, you know, another two or three days kind of thing.
- 15 | Q Was a person named Kathy Russell involved in the
- 16 | accounting department?
- 17 A She was, yes.
- 18 | Q What was her role in the accounting department?
- 19 A I'm actually not entirely certain, it was a bit of a
- 20 | mystery. She seemed to operate a little bit independently,
- 21 | but I went to her on occasion -- I had a number of
- 22 | altercations with her about some issues, one was related to
- 23 | tax, and I went to her because I was told that's who I should
- 24 talk to.
- 25 | Q Did the defendant ever express concerns about bankruptcy?

Vicente -	direct	-	Lesko	608
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- 1 A Well, in the sense that when I asked him, you know, why
- 2 | there are so many companies, he said to me in -- two things;
- 3 one was, in order to be bankruptcy remote, I wasn't entirely
- 4 | sure what that meant, and he sort of clarified it as in order
- 5 to make sure -- we can't be destroyed. There's too many
- 6 different companies that, even if one single company gets
- 7 destroyed, we can still live, be okay.
- 8 Q And how would that -- what was your understanding about
- 9 how that destruction would occur?
- 10 MR. AGNIFILO: I'm sorry, I object to the form of
- 11 | the question, Judge.
- 12 BY MR. LESKO:
- 13 Q Destroyed by what?
- 14 A The forces against NXIVM and against Raniere.
- 15 | Q Did you ever discuss with the defendant or Nancy Salzman
- 16 | their experience with the company before ESP?
- 17 | A It was -- yes. It was -- there was a number of
- 18 | companies, CBI was one. There was something called National
- 19 | Health something, I can't remember the exact name, but CBI was
- 20 one that was talked about quite a lot.
- 21 Q What was discussed about CBI?
- 22 | A So CBI, I was told by numerous people, including them,
- 23 | was the brainchild of Raniere; it was a buying club that
- 24 occurred -- I think it was in the '90s, and the idea was he
- 25 | created a system where he could get people things for less

	Vicente - direct - Lesko 609
1	money. In essence, you know, if he pooled everybody's
2	resources and requests, and let's say 50 people you know,
3	5,000 people wanted a DVD player a VHS machine, he would
4	try to get it for much less because there were so many people
5	willing to buy it, so it became a buying club and it was
6	membership based, and apparently it grew very large, it was
7	enormously successful. He had said that he had made a number
8	of millionaires over this time, so he was very good at this
9	kind of thing, and then he and Nancy Salzman and others said
10	that it was basically destroyed by political forces.
11	Q What political forces?
12	A The story that I heard was that
13	MR. AGNIFILO: Your Honor
14	THE COURT: Sustained.
15	BY MR. LESKO:
16	Q What was your understanding, based upon your discussions
17	with the defendant and Nancy Salzman, regarding what happened
18	to CBI?
19	A Raniere told me that Bill Clinton's people asked for some
20	money because Raniere was doing business in I think it was
21	Arkansas, and he refused to give Bill Clinton's people money.
22	So, in retribution, they went after him and I think it was
23	I can't remember the exact number, it was many, many attorney
24	generals went after him to destroy the company and, in
25	essence, he was run out of town and, you know, told he could

# 610 Vicente - direct - Lesko never have -- run an MLM again, multilevel-marketing 1 2 organization, and that he couldn't do business in -- in 3 Arkansas, and that -- Raniere also suggested to me that it had 4 to do with another more powerful company that was trying to get rid of him that was doing the same kind of thing. 5 When was this? Do you have a time frame 6 THE COURT: 7 for this? 8 THE WITNESS: I think it was the '90s. 9 before I came, so these were the stories that I was told. 10 I was just interested in with regard to THE COURT: 11 Clinton; was it before he was president, allegedly, or after 12 he was president? 13 THE WITNESS: I, unfortunately, don't remember. 14 THE COURT: All right. THE WITNESS: I'm not certain. 15 16 THE COURT: Go ahead. BY MR. LESKO: 17 18 Q What is an MLM -- what is your understanding of what an 19 MLM or multilevel marketing is? 20 My understanding is that, instead of having a retail Α 21 store for things, you utilize a membership-based sales force 22 to sell something. And my understanding of this, because I 23 have been involved in some of them, you know, let's say you're 24 selling soaps or essential oils or something, you become a 25 member and you work your way up the organization by selling,

611

you know, and you get to become a certain level of distributor 1 2 and the higher level you are, the more commission you make. 3 You know, if you sell a bar of soap for let's say \$20, you 4 know, if you are lower level maybe you make a dollar, if you are higher level you make \$5; so in essence, the more you sell 5 and the more of an organization you build, the more passive 6 7 income you're making, and if you build enough people, you can kind of sit around eventually and just, you know, make money. 8 9 Q Let's talk a bit about profits at NXIVM. Did you have 10 any understanding as to how profits were handled within NXIVM? My understanding is there's a whole commission structure 11 12 of how monies were dispersed. The gross was coming in to head 13 office, it was generally paid into a computer system, and 14 then, you know, the sales force got a portion, proctors got a portion, trainers got a portion, centers got a portion, and 15 then the remainder, which I recall was around 15 percent, I 16 believe, went back to the actual company itself. 17 18 Q Was it ever clear to you as to how profits were handled 19 within the company? Within NXIVM, I should say. 20 Α Other than that, I don't -- I don't know that I 21 understood the internal workings of things; I just understood that that structure existed and I understood that I would get 22 23 a certain percentage based on what job I was doing.

> Denist Parisi, RPR, CRR Official Court Reporter

MR. LESKO: Your Honor, I'm about to move to another

24

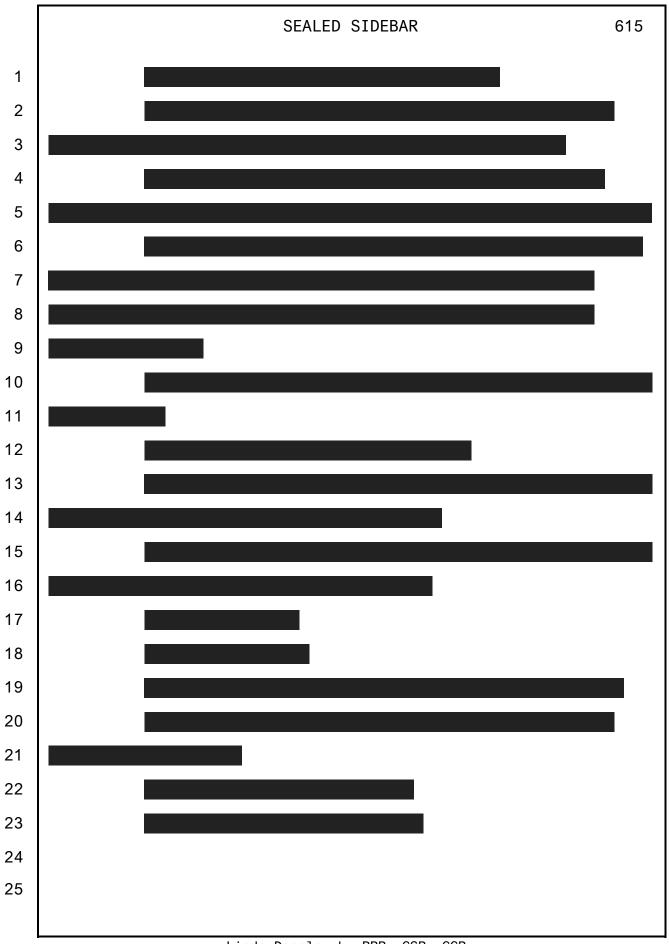
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area.

	Vicente - direct - Lesko 612
1	THE COURT: All right. I think this is a good point
2	to recess for lunch.
3	All rise for the jury.
4	(Jury exits.)
5	THE COURT: All right. The witness may stand down.
6	Do not discuss your testimony with anyone.
7	Everyone may be seated.
8	(Witness excused.)
9	THE COURT: There's an issue that's come up, let's
10	discuss it.
11	MS. PENZA: Your Honor, may we just have two minutes
12	to discuss before we oh, is this the same issue we were
13	discussing?
14	THE COURT: The same issue we were talking about.
15	Do you want two minutes to discuss it amongst yourselves?
16	MS. PENZA: Yes, please.
17	THE COURT: I'll wait.
18	MS. PENZA: Thank you, Your Honor.
19	(Pause.)
20	MR. AGNIFILO: Judge, I think we might have resolved
21	our issue.
22	THE COURT: You might have resolved your issue?
23	MR. AGNIFILO: I think we resolved the basis for the
24	sidebar and my objection; we resolved it.
25	MR. LESKO: Yes, Your Honor
	<b>(</b>

## Vicente - direct - Lesko 613 1 THE COURT: Well, share with me the outcome. 2 MR. LESKO: Well, right now, we do not intend to 3 elicit testimony regarding the studies that we discussed at 4 sidebar, and I believe Mr. Agnifilo has indicated that he does not intend to go into that area on cross-examination. 5 situation changes, which is doubtful, but if it does, we will 6 7 provide Mr. Agnifilo with notice. I imagine we will be 8 continuing with direct examination on Monday and we will -- if 9 we happen to change our minds, we will let Mr. Agnifilo know 10 and we will revisit the issue with the Court. 11 THE COURT: Okay. So your direct will go beyond 12 five o'clock tonight? 13 MR. LESKO: I fully expect it will, yes. 14 THE COURT: And then, on Monday, how much more -you will let me know at the end of the day about how much time 15 you will need on Monday so that Mr. Agnifilo can advise me 16 17 about how long -- how much time to block out for the 18 cross-examination. 19 MR. AGNIFILO: That's fine, Judge. Yes. 20 THE COURT: All right. So those are the -- that's 21 the information that I need at the end of the day today. 22 All right, let's have lunch. 23 MS. PENZA: Thank you. 24 MR. AGNIFILO: Thank you. 25 (Defendant exits courtroom 1:05 p.m.; lunch recess.)

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Proceedings
                                                               614
                   AFTERNOON SESSION
1
 2
              (Time noted: 2:00 p.m.)
              (In open court; Jury not present.)
 3
              THE COURT: Sidebar, please.
 4
              (Continued on the next page.)
 5
              (Sidebar conference.)
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	Vicente - direct - Lesko 616
1	(In open court; Jury not present.)
2	THE COURT: Let's bring in the witness, please.
3	Please bring in the jury.
4	The witness? Here we go.
5	(Whereupon, the witness resumes the stand.)
6	(Jury enters the courtroom.)
7	THE COURT: Please be seated.
8	Please continue with your examination of the
9	witness, Mr. Lesko.
10	The witness is reminded that he's still under oath.
11	THE WITNESS: Yes, sir.
12	DIRECT EXAMINATION (Continued)
13	BY MR. LESKO:
14	Q Mr. Vincente, after moving to Clifton Park, did you rise
15	up through the ESP rank?
16	A I did, yes.
17	Q Please describe your progression through the stripe path?
18	A When I attended my second 16-day intensive in 2006, I was
19	awarded the coach stash.
20	A year later I became a proctor, which is the orange
21	sash. So that would have been 2007.
22	And then somewhere in around 2009, I was awarded the
23	senior proctor sash, which was a green. And I had that sash
24	until I left in the 2017.
25	Q Did you perform other duties at NXIVM?

	12031
	Vicente - direct - Lesko 617
1	A A great many.
2	Q What were some of those duties?
3	A So I was a green, obviously, which meant I oversaw a lot
4	of the proctors in general in the company. And I also oversaw
5	the proctors in the centers I was involved in, which was
6	Vancouver and Los Angeles.
7	I was the co-owner of the Los Angeles and Vancouver
8	centers. I was field trainer as well. Executive board, as I
9	mentioned before.
10	And also I oversaw there was a company called
11	Moving Pixels which was, in essence, the video department. I
12	oversaw that department as well. So I was training people in
13	terms of shooting and editing, lighting, and sound and things
14	like that.
15	And I was also a one of the founding members of
16	the Society of Protectors as well as. And then I was working
17	a number of film projects with Raniere. And also some of my
18	own that I was trying to get to as much as I could.
19	Q And as you previously mentioned, did you run the
20	communications division?
21	A Yes. I also ran the communications division, yes.
22	Q And you I believe testified you participated in enrolling
23	others in ESP?
24	A I did, yes.
25	Q What types of people did you enroll in ESP?

	12032
	Vicente - direct - Lesko 618
1	A Generally speaking, people in the entertainment industry.
2	I also went after people that were very influential.
3	One of the things that I did as much as I could was
4	I tried to enroll, you know, people in power positions in the
5	media as well.
6	I would try to get VIPs on board. At times we would
7	run VIP intensives. Some of them I would run.
8	Just, you know, general every day people as well,
9	but most of my network was, you know, the entertainment
10	industry, so those were most of the people that I enrolled.
11	Q How many people did you specifically enroll, if you can
12	estimate, in NXIVM?
13	A As I recall, somewhere around 50 or more personally.
14	And then because of you know, because not every
15	person, but generally people that enrolled would enroll other
16	people. So my entire organization was in excess of 2,000 when
17	I left. But I think personally I enrolled 50 plus.
18	Q Have those people who were attributable to you in NXIVM,
19	have they all remained involved in NXIVM?
20	A Many have left. I I think there might be some that
21	still remained. I think many of them have left.
22	Many of the people that I that I enrolled in that
23	organization of the 2,000 plus, many people just would come

and take the training and then they would leave. And a small

percentage would want to become coaches and join the stripe

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	Vicente - direct - Lesko 619
1	path, and get become more deeply involved.
2	No, I think there are a number of people that are
3	still, I believe, enrolled.
4	Q When you recruited, how did you recruit? What sort of
5	strategies did you use?
6	A Well, it depended on the person.
7	You know, in the case of very, you know, very
8	wealthy or very powerful people, it's not like they wanted to
9	have, you know, oh, more success because they already had so
10	much. So what I tended to do with them was talk about those
11	areas of their life that they were struggling. You know,
12	perhaps it was relationships, or perhaps it was addiction, or
13	perhaps it was, you know, that they had everything and they
14	were still completely miserable.
15	Q Let me stop you there.
16	So are you talking about the sales pitch now?
17	A Yes.
18	Q Okay. Continue.
19	A And so I would always try to figure out what was the
20	thing they were looking for, because I couldn't offer them the
21	thing that they already had, but, in essence, what was the
22	thing that was missing and try and find out what had they
23	tried to do up to that point to have that thing.
24	And usually, you know, if I said: Well, how
25	successful have you been? The answer was usually: Not very

# 620 Vicente - direct - Lesko successful. And that was usually my in to try to explain what 1 2 this particular methodology was and how it could perhaps help 3 them with that particular thing that they struggled with. 4 Q So did you attempt to estimate the worth, the relative worth of these issues? 5 Very much. This was -- this was an idea that Raniere 6 Α 7 taught myself and many --8 I'm sorry, go ahead. Continue. 9 I want you -- why don't you sort of give a sales 10 pitch. 0h. 11 12 Um, you know, in essence, if I was, you know, 13 talking to somebody, I'd want to figure out what is the thing 14 that the person wants. 15 And I think I mentioned before like, let's say the person wants love. And the thing they can't seem to get and 16 17 figure out, what's the thing you keep doing that you lose 18 love, or you run away from love. 19 And I try and establish, well, what's this true, 20 wonderful, amazing love that you want to have. How do you get 21 in your way. And then, you know, what's that like? What's it 22 like for you not to have this dream that you ache for. 23 And usually what I was trying do is figure out

And usually what I was trying do is figure out what's the thing they really ache for. It could be love. It could be money. It could be more connection with this, that

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and the other. What's the thing they really ache for.

And then try to figure out, well, what's the cost in your life of not having that thing. You know, what's the cost in terms of hard ache and all the things you try to do to feel better instead. You know, all the vacations you take, and all the things you drink, and people you sleep with or whatever to try to feel better, what's the cost to your life in terms of pain. You know, it could be quantified, you know.

And it was playing with the idea of like what's this thing worth to you? What's this the eternal everlasting love worth? Like it is worth like ten bucks? Is it worth a thousand bucks? Like a million? Yeah. It is worth like 10 million? Oh, yes.

And then you kind of compare that, okay, this thing is worth \$10 million to you so like, if you compare that to the, you know, \$6,000 that you would spend taking the 16-day intensive, that really could help you overcome this block you have to having the thing you want, wouldn't that be worth it? And naturally they would say, "Yes".

Or if they were resistant, you know, you talk about the cost of, you know, this problem in your life. How much is it costing you?

And I would use an example, you know, like, for instance, I used to have a lot of anger, I used to blow meetings because I get upset with people and I told them once

it cost my millions of dollars of lost deals because I get upset at somebody in the conference room. Do you have anything like that? People say: Yes, I have this and I've done that. We try to quantify what they've lost.

And I compare that very, very sizeable figure to this very small figure; you know, be it \$6,000; be it \$10,000, but that was much smaller and really cheaper than the thing that, you know -- the loss you've had.

Q This pitch, was it successful?

10 A Not always. There was a certain percentage of success.

Personally I found when I was working with people one-on-one I was better at it than doing the introductory-type evenings with people.

But I mean it was successful enough that, you know, I was growing my organization and many people that were using it were growing it as well.

- Q Was this a pitch that was commonly used in NXIVM?
- 18 A There was a -- at some point it became more uniform.

When I first -- when I first came in, my field trainer, Barbara Bouchey, would teach me the pitch. That was the job of a field trainer.

And at a certain point, Raniere made the decision that he would try and formalize the pitch. And so what he did is he got a few field trainers together, and he did this training, which ended up being, you know, many, many weeks

#### Vicente - direct - Lesko

long where he explained the basic structure of, you know, what you were to do, and then explaining like different -- like he would do the different tricks to try to show the audience, you know, this is how you do it.

And he -- we'd talk about his sales experience, and we all felt he was clearly a pretty good salesperson, so we could learn from him and apply those things as well.

And the general thing was to try to figure out what's the thing the person wants and then try to really get down to like how are they not having it, or how they are sabotaging it, or what's the pain that they feel.

And then also showing them that because of the nature of the way that they're programmed, you know, we have these responses and reactions that we're not even aware of, that really you're never going to get it until we take care of that programming. So as much as you think about it or you want this thing, it's kind pointless. We're like these -- you know, we would talk about, you know, Pavlov's dogs and these response-type things and talk about how dogs are responding.

You know, there's an experiment that was done by Pavlov; you know, ring a bell, salivate; ring a bell, salivate. And we'd talk about, well, what's the difference between dogs and human beings? Well, it's the similarity.

Most people wouldn't know, and then we'd say: Well, the difference would be the human being and a dog is dog you

Case 1	L:18-cr-00204-NGG-VMS Document 827 Filed 01/02/20 Page 130 of 267 PageID #: 12038
	Vicente - direct - Lesko 624
1	have to repeat the thing again and again and again, if you
2	train your dog. A human being is a one-time learner.
3	So very often, especially when they're young, the
4	one time they experience something they learn, and that
5	that gets trapped, in essence, in your body.
6	So as much as you want this perfect relationship, in
7	essence, you keep on sabotaging yourself, you keep on screwing
8	it up and like it's in your body in a fashion you can't get
9	to. But our technology can get you there.
10	So it's sort of having them feel the pain of what
11	they're losing, they thing they really want and how nothing
12	else will work but this. That was the general the general
13	pitch.
14	Q And the defendant taught that pitch?
15	A Yes, he did.
16	Q Is it fair to say that when recruiting individuals to
17	participate in ESP, you were encounter concerns related to
18	cult allegations, costs, and other allegations?
19	A Generally the objections
20	Q Yes or no.
21	A Yes, yes, that's correct.
22	Q Did the defendant teach you how to deal with those
23	concerns and allegations?
24	A He did.

What did he teach with regard to dealing with those

allegations?

A Well, even before this formalized training, I would ask him questions. You know, one of the issues that I came up with at the very beginning is because of the bad press that already existed, people were afraid of the word "cult," and they were afraid of the allegations, you know, in the media.

And then he would teach me certain tricks. One of the early ones that I remember is he would say somebody approaches you and they're very afraid, you know, and they say there's been a lot of bad press. You could say to them:

Well, that's good, a lot of bad press. Of course, the person would say: Why?

Well, because we want people that are critical thinkers. If somebody's going to get afraid because of some cult that they read in the newspaper, we probably don't want them because they can't think critically. We want people that can actually reason things through, not people that just reactive.

So in some ways that was the bind for the person, because given the setup you just gave them, they didn't way to say, oh, I'm a non-critical, fearful, hysterical person. No, no, of course, I'm a reasonable person. And so there were little tricks like that.

In terms of, you know, money objections. Similarly to what I said; you know, there's -- everything has a cost.

There's a cost of buying the program, and there's a cost to not buying the program.

And generally speaking, the cost of not buying this program is so much greater to buying the program. And you've already told me -- I'm giving you the pitch again -- you already told me all these things you're struggling with and clearly that cost more than this. Life costs, depends on how successful you want to be.

And they were time objections. You know, I don't have time for this, I have to take care of my kids.

My response was saying, you know, what kind of parent do you want to be? Of course, the person says: I want to be an amazing parent. I want to be loving, there for them. And so, you know, you're not really there for them? Not in the way I want to be. I'm not as loving as I want to be.

Well, doesn't it make sense then for five, maybe even 16 days, to become that kind of parent so that when you go back to your children, you will be a better parent. You will give them more of what they want. Isn't it worth it to the make this small investment for a lifelong of joy. A life -- lifetime of joy, I should say.

So there were all these kinds of different sales tricks that we were taught to, in essence, almost bend the person towards why this would be better than all the other things that they were worried about. Like this will relieve

1 | all those things. Just give us 16 days of your life and, you

2 know, \$6,000, which is meaningless in the face of, you know,

all these things you told me already that are so hard in your

4 life. It's meaningless.

Q Were you taught by the defendant how to deal with the cult allegations specifically?

A I was. The fear thing I talked about is one.

He would -- in practice, he would practice examples with us to help teach us; you know, he would say things like, you know, if somebody came to you that was afraid of what they were reading, he'd say something like, you know, look, these things you're reading, do you know that they are actually coming from like really two sources in the world? You know, you may be reading 20, 30 articles, are you aware that there's two sources?

Are you aware that these journalists that write these things have been paid to do this? And don't you find it strange that you would, in essence, believe the word of somebody you've never met over me who you know.

Do I look like the kind of person that would get involved in something dangerous? In something nefarious? Doesn't it seem strange that you would believe a journalist you've never met who never even took the program. You have to understand, these people that are saying these things, they've never taken the program.

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So those are the kinds of pitches that he would teach us to use.

- Did you address the definition of the word "cult"?
- 4 Not in those pitches. We tried to, you know, in terms of when you were talking to people, if somebody talked about the
- word cult, you would say to them, Well what is a cult? 6
- 7 So did participants ever raise cult concerns during the Q 8 intensive?
- 9 Α They did.

1

2

3

5

- 10 And were you taught how to deal with that?
- 11 Well, some of it was actually built into the intensive.
- 12 And, again, some of the ways -- the things I just discussed is
- 13 the things that were talked about, if -- but on day five, and
- 14 I believe it was called the mission module, the world cult was
- brought up. 15

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And basically the mission module talked about how what we're trying to do is build a more ethical and noble civilization; you know, lots of beautiful quotes by beautiful people and then talking about how people that are going

20 against this use the word cult to inspire fear. There's no

21 clear definition to this word, they would say, and it's people

22 being suppressive.

> So there were things already baked into the intensive, but we would sometimes make light of it or, you know, not make a big deal of it. But if somebody in the

	Vicente - direct - Lesko 629
1	intensive, again getting very, very upset, again using the
2	cult word a lot, we might invite them to leave.
3	Q Did that happen?
4	A That did happen, yes.
5	Q How often?
6	A I would say there was at least one intensive one
7	person every intensive that there was some kind of issue with.
8	It may have been cult thing, it may have been a
9	press thing. It may have been something else, but in Los
10	Angeles, I found it was usually one person per intensive that
11	we would agree that they should maybe leave.
12	Q So getting back to Moving Pixels, that was a company?
13	A Moving Pixels was a company. I believe it was LLC.
14	Q And who was the owner of that company?
15	A The owner of that company was Nancy Salzman.
16	Q Where was Moving Pixels located?
17	A The on paper, it was located in Delaware. In
18	actuality it was located at different residences. You know,
19	one of mine, 13 Twilight Drive for a period of time, and 7
20	Generals Way. Then a building called the Rome Plaza, right
21	next to Apropos. And then eventually it moved again to an
22	address I've now forgotten.
23	MR. LESKO: Let me now you what's been admitted as
24	Government Exhibit 120.
25	(Exhibit published.)

		Vicente - direct - Lesko 630	
1	Q	Do you recognize that photograph?	
2	Α	That looks like 7 Generals Way.	
3	Q	And that is a location where for a period of you lived?	
4	Α	Period of time, yes.	
5		And I lived there, and also the basement of that	
6	house	e was basically our postproduction facilities for Moving	
7	Pixe	ls.	
8	Q	Now, when you ran the video department at NXIVM, did you	
9	work	alone or did you work with others?	
10	Α	No, I worked with a number of other people.	
11	Q	Who did you work with?	
12	Α	I worked with	
13	Q	Let me ask you this:	
14		Did you work with Chris Brooks? Chris?	
15	Α	Yes.	
16	Q	Meghan Mumford?	
17	Α	Yes.	
18	Q	Scott Mumford?	
19	Α	Yes.	
20	Q	Adrian?	
21	Α	Yes.	
22	Q	Josh Elliott?	
23	Α	Justin.	
24	Q	Justin?	
25	Α	Justin, yes.	

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Vicente - direct - Lesko
                                                                  631
         Ken Kozak?
1
    Q
 2
         Yes.
    Α
 3
    Q
         Juan Lopez Fonz?
 4
    Α
         Correct, yes.
         Olivia Canan?
    Q
 5
    Α
         Olivia Cohn.
 6
7
    Q
         Cohn, sorry.
8
              Mike Baker?
9
    Α
         Yes.
10
    Q
         Souki?
11
    Α
         Yes.
12
         Dan Bratman?
    Q
13
    Α
         Yes.
14
         And what were your responsibilities as head of the video
    department?
15
16
         There were numerous. I mean basically I was, you know,
    determining -- like the executive producer, I would oversee
17
18
    everything.
19
               I have the technical knowledge of, you know, what we
20
    needed to do. I would choose the team members to figure out,
21
    you know, who is going to be shooting, who is going to be
22
    editing. I would liaise with different people in the
23
    community that were requesting video materials to be shot.
                                                                  Ι
24
    was training, overseeing. I would be involved in budgeting
25
    things. And then I also be involved in directing or shooting
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e 1:18-cr-00204-NGG-VMS Document 827 Filed 01/02/20 Page 138 of 267 PageID #: 12046	
	Vicente - direct - Lesko 632
	things as well.
	Q Did you shoot forums?
	A Early on I shot them myself, and then I built a team that
	shot them. So I would just oversee the shooting of forums.
	Q Did you shoot activities at V week?
	A Yes, I oversaw I would shoot some of them myself, and
	I would oversee a fairly large team.
	Q It is fair to say there was a quite bit of videotaping at
	NXIVM?
	A A great deal. There was a lot of things we were
	capturing. We, as much as possible, would capture Raniere
	doing all the things he did.
	V week, we would shoot pretty much everything. All
	the forums were shot.
	And then intensives were generally always shot
	there was always a camera at the back of an intensive. There
	was always shooting what was going on. A lot was shot and lot
	of what recorded as well.
	Q Was anything not videotaped?
	A The only times things were not videotaped is if there was
	some kind of a sensitive discussion. You know, I might be
	asked not to role camera or not record for some sensitive of
	reason.
	O What word forums?

24 Q What were forums?

Forums were an opportunity where the community and Α

students got to come and listen to Raniere's speak.

And he would speak, you know, usually in some form of either Vanguard, or if we might appear at different intensives and speak.

I mean it was basically as many people as could come would, you know, be in the audience, and then he would come in, people, of course, very excited, and then once they sat down, he would open up with some kind of topic or philosophical ideas that he would talk about that were on his mind.

And then he would open the floor to questions. And those questions -- you know, it was said, you know, you can ask whatever questions you want. But they were carefully tailored. They would run them through some of the other ranks to make sure this was an appropriate question.

And these could go on for, you know, anywhere from an hour to five, five hours sometimes. And then we recorded this with multiple cameras.

- Q Were forums memorialized in any other manner?
- 20 A So obviously video. There may have been audio. There
  21 was also a -- it was called a forum review team.

And this was a group of people that made very, very careful notes, and they were looking for -- to categorize everything he said; you know, quotes he said or, you know, things about certain topics.

634

There was a whole system of categorization being used. As I recall, they would have these fairly complex Excel documents, and they would sit there and make notes about every single thing he said.

And then when it was over, they would sit and meet and go through every single point of the things he said. It was a method of memorializing, you know, his -- his philosophical ideas.

Q Was it your understanding -- well, strike that.

What was your understanding regarding whether or not the defendant believed it was important that the forums be videotaped?

- A He believed it was very important. He wanted a historical record of pretty much everything that was happening.
- Q Do you recall an incident where you yourself stopped recording a forum?
- 18 A I do.

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- 19 Q What happened?
- A It was a forum, I think it was around 2014. It was a forum at Apropos, the building. And there were two to three cameras rolling, as there generally were, and I wanted to come in to shoot some material. In film terms we call it the "B-roll". It's sort of the little snippets of things.
  - You know, there's the main thing going on and little

snippets of things you're catching. That's B-roll.

And so I was going in to shot on a higher-end camera some of those things, and I shot for maybe an hour. And then I decided to pull back and sat in the back for a while and then I moved to the next room.

And I got a call from him later that night asking me, you know, why I stopped shooting? And I said: Well, I got what I needed for this piece that I was making about you. So there was no need to keep shooting. He was very concerned that I stopped. And I said I'm not clear, I don't understand there were two to three other cameras that were rolling the entire time that captured everything that you said.

And he said something to the effect, I'm just very concerned you would do that because it sends a message. And I said: What kind of message? He said: The message what I'm saying is unimportant. And I said: Well, clearly it was important because the other cameras were rolling.

And he couldn't let it go. I apologized and I said: I'm sorry, but what would you prefer I do? He said: I would prefer if you're not going to shoot, just pretend you're shooting, just lock shoot, which I thought was silly.

But I -- you know, him being, in essence, my boss, I said: Okay, I'm sorry, I apologize. It won't happen again.

- Q Was there an event at NXIVM called "coffee talk"?
- A Coffee talk was, to some degree, similar. The difference

was that Nancy Salzman, when she spoke to groups, that was termed a "coffee talk" to make a distinction between the forum and her speaking.

Coffee talks were generally similar. What she would generally do is in a coffee talk she would talk about who she was, her background. You know, how she wasn't getting anywhere with her particular methodology. How she finally got to meet Keith Raniere. And how, you know, if you're going to work with me, it's a lifelong commitment. And she made a joke about it.

She talked about how they began the company together, and what an incredible human being he was. And once she went through that whole story, it was pretty much the same every time.

She would open the floor to questions as well. And it was similar in some ways, except not as big a deal as a forum. Forums were very, very dig deals.

- Q Were the coffee talks videotaped?
- 19 A They were videotaped, yes.

- 20 Q What was Vanguard week or V week?
- A So it was a period of time to celebrate Raniere's birthday, which I believe was August -- is August 26th.

And my understanding is before my time it was like a day-long event, and then three days. By the time I arrived, it was seven days. And by the time I left, it was 11 days.

Linda Danelczyk, RPR, CSR, CCR Official Court Reporter

	Vicente - direct - Lesko 637
1	It was basically what would happen it was like
2	a corporate retreat. Everybody would go up to the Silver Bay
3	YMCA on Lake George in the Adirondacks, north of Albany,
4	pretty much take over the whole YMCA and
5	Q Let me stop you there.
6	Did the YMCA have places to sleep?
7	A Yes, it was like a resort, it was like a rustic resort,
8	and there were it was like a hotel. So there were rooms
9	all over the property.
10	Q And were those rooms in cabins?
11	A Some were cabins. Some were there was like a main
12	lodge. And then there were houses in the different peninsulas
13	close to the water. It was a bunch of different lodging
14	situations.
15	Q Okay. Continue.
16	A And during this, you know, eventually 10, 11 days, there
17	were all these activities that would happen. You know there
18	was volleyball. There was you know, different companies
19	would present what they were doing. There was things called
20	objectives, you know, which was basically areas of interests.
21	There were like singing objectives, and dancing
22	objectives, drumming objectives. And so you could
23	basically sort of like summer camp for adults, where you
24	could go and you had all these things you could choose from

that you wanted to do. Drumming, dancing, singing. There was

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poetry. It was a great number of things.

And there were also performances that were being rehearsed throughout the week. And at the very end, these performances were put on. Sometimes it was a play. There was informal evenings, you know, formal evenings. There was a triathlon; in essence, summer camp.

And then the entire thing was in celebration of him and this civilization that he had built.

And he also would do forums. Anywhere from two to maybe five forums during that time. It was a large auditorium, and he would stand on the stage or sit on the stage and, you know, it was fairly packed. And similarly he would do a forum there.

- Q Where did people come from to attend V week?
- A Everywhere. I mean anywhere that there were people that had taken the education that felt close to the community that wanted to support the community. Or, you know, were higher ranking.

It was frowned upon if you were a member of a rank, a coach or above, not to go.

- Q Were high-ranking members of NXIVM expected to attend?
- 22 A Yes.

And also, you know, if you were a high rank also to help run certain things. You know, the high ranks were seen as the people that are hosting this event.

So people from all over the world. I mean a lot of people would come from Mexico from Canada; of course, from the U.S., from Europe.

Q What was a coach's summit?

5 A Coach summit began I think around 2009.

In the executive board, we had a discussion that the coaches were not getting some of the skills that they needed to get. So we thought we should maybe hold some kind of a gathering for coaches, because they're coming into town, maybe for something else, so maybe we can create a three-day weekend that coincides with that.

And it was to help build their skills and help build the community. And that eventually turned into -- we did four of them per year. And the executive board would generally host these. And we would meet with the executive board. And sometimes the greens would meet with Raniere before everybody came into town to talk about the health of the company, what we would need and he would give us suggestions. Sometimes he might give us curriculum. And basically things to help the coaches, you know, understand their role and, of course, there was a huge focus on enrollment constantly.

It was team building, in essence, team building for the higher ranks.

MR. LESKO: Showing you what's been admitted as Government Exhibit --

### Vicente - direct - Lesko 640 1 THE WITNESS: Actually, I can see the monitor there. 2 I can see that. 3 MR. LESKO: Here we go. Showing you Government 4 Exhibit 159 in evidence. Q Do you have that? 5 (Exhibit published.) 6 7 Yes, that's Apropos. Α 8 Do you recall something that happened when coaches missed 9 a coach summit? 10 Α Yeah. Yes. There was one particular coach summit, I don't 11 remember the year, when we were advised it might be a good 12 13 idea to really have those people that didn't attend understand 14 what it meant that they didn't attend. 15 So there was a letter writing campaign that was begun where people would craft these letters and send it to 16 17 people that were not there, in essence, talking about, you 18 know, how much they were missed. You know, what a huge hole 19 it was that they weren't there. How much they cared about 20 them. 21 And it -- it -- I think it backfired pretty badly. 22 But it was a lot of pressure on the people that were not 23 there. 24 Q Getting back briefly to V week. 25 What did the high-ranking people at NXIVM do at

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	Vicente - direct - Lesko 641
1	V week?
2	A They would run a lot of the objectives, the different
3	objectives that I mentioned; you know, singing, dancing, that
4	kind of thing.
5	They were also there to they we were told.
6	You're also responsible for these people, so, you know, people
7	having issues or having concerns or troubles, you know, it
8	would be good if you could be there as elders, so to speak, to
9	help people.
10	We were the idea was that we would run different
11	things at V week.
12	Q Were those high-ranking people who ran things at V week
13	paid?
14	A No, they weren't paid for that. Generally it was
15	you paid to go to V week.
16	Q So the members, the high-ranking members themselves paid
17	to go to V week?
18	A Yes, generally speaking, unless they were they were
19	doing some activity for which they had arranged an exchange.
20	In other words, so, you know, like if the cost was,
21	let's say, \$2,000, they would work all of V week to, in
22	essence, offset that.
23	Q Let me how much did it typically cost for a
24	high-ranking member to attend V week?
25	A Depending on where you stayed, anywhere from it could

Jase .	1.16-ci-00204-NGG-VMS Document 827 Filed 01/02/20 Page 148 01 207 PageID #. 12056
	Vicente - direct - Lesko 642
1	be if you were in the really rustic accommodations,
2	sharing, maybe it was like 14, 1500, up to 3,000-something
3	for, you know, the nicer digs, so to speak.
4	Q Did everyone that attended V week pay for V week?
5	A Everybody paid, except those people that may have been
6	working or had some kind of exchange.
7	Q So it was either you paid or or you incurred a debt of
8	sorts?
9	A Which you paid off with your work, yes.
10	Q Sort of on the high end, how much did it cost to attend
11	V week?
12	A If you were living in a nice house, maybe it was 3500 per
13	person, I think.
14	Q So you paid to go work at V week?
15	A Yeah.
16	Q How often did you film the defendant?
17	A Hundreds and hundreds of times. I mean in
18	the 12 years that I was there, I don't have a number. It was,
19	I mean, tens of thousands of hours of material.
20	Q Are you familiar with the community in Mexico named
21	LeBaron?
22	A I am.
23	Q What is LeBaron?
24	A LeBaron
25	Q LeBaron.

A -- is a small community in the north of Mexico in the state of Chihuahua. And I met them, I think it was maybe 2009, 2010 during the course of making a film about non-violence in Mexico. And I met them through one of my producers who found the story in the newspaper about this community.

Q What did you learn about LeBaron?

A So just in context of this film, when I was looking for heroic stories in Mexico, people that stood up against violence, and I learned about this community called LeBaron.

LeBaron's the name of a very, very large family there. It's a Mormon community. So there's many, many LeBarons, and there's also a place called LeBaron.

And I learnt that back in at least 2009, the -there were kidnappers, I think as part of the cartel living in
the mountains, had kidnapped this young boy. He was 16 years
old. His name was Eric LeBaron.

And the spiritual leader of the community, his name was Benjamin LeBaron decided -- they all got together and they talked about, you know, we're -- they were farmers, we're going to raise money, we're going to find a million dollars to get Eric back.

And then he thought at a certain point, you know, the problem is if we give these kidnappers a million dollars, we just financed a bunch more kidnappings.

So what if we just, in essence, say screw you, you know. So the kidnappers called at the appointed time and they said: No deal, we're not paying. They said: We're going to kill him. And they said: Okay, go for it.

And what they did instead, they didn't just wait, they went to the Chihuahua city, to the government building and began protesting around the building.

And I think it was around about the eighth day of protesting, their theory was that the government -- that particular government and the kidnappers were the same people. They were all working together.

So they protested outside the building, and miraculously around day eight, somewhere in the mountains, Eric was released by the kidnappers.

And this is the story that I read. And I was very, very moved, so we sent a camera crew down there to interview Benjamin, interview Eric, and all these people in the community.

And, you know, I told Raniere about this thing that we were going to follow --

Q Let me ask you a couple more questions about the community.

You mentioned it was a Mormon community.

24 A Yes.

Q Do you recall where the members of that community

	Vicente - direct - Lesko 645
1	originally came from?
2	A Originally they came from Utah. They were I don't
3	know if this is the correct word they were excommunicated
4	from a particular Mormon church or branch. And they I
5	think they fled, actually, to Mexico, and they started a new
6	community there and it has a very troubled past but
7	Q Was it a monogamous community or a polygamist community?
8	A No, it was polygamist.
9	Q What does "polygamist" mean?
10	A In essence, the man had multiple wives. It was a sign
11	of I'm not sure what the word is exactly something to
12	have multiple wives, and many, many children.
13	Q Did NXIVM start a program for girls from the LeBaron
14	community?
15	A Yes.
16	My understanding is that there was a girls program,
17	and many of the young women from that community were in the
18	program. I don't know the exact nature of the program. It
19	was some kind of educational something.
20	I know that it was run by I'm sorry, checking
21	by Rosa Laura Junco, in her house, as far as I recall.
22	MR. LESKO: Let me show you Government Exhibit 3 in
23	evidence.
24	(Exhibit published.)
25	Q Do you recognize that?

	Vicente - direct - Lesko 646
1	A Yes. That's Rosa Laura Junco.
2	Q And Rosa Laura Junco ran this program for the girls in
3	the LeBaron community?
4	A That's my understanding.
5	Q Was there a name of the program?
6	A I don't recall.
7	I just it was the term, I think the girls program
8	or something like that.
9	Q Were the girls involved in, I think you had previously
10	mentioned, Rainbow Cultural Gardens?
11	A Yes.
12	I think a number of them not I think, I mean, a
13	number of them were also what are termed "MDSs". MDS is a
14	fancy word for nanny. The idea I think they were called
15	multi-disciplinary specialists. I think that's what MDS
16	stands for.
17	The idea was that program was to have people of
18	multiple nationalities that speak multiple languages spend
19	time with the kids. So some of these were also associated
20	with Rainbow Cultural Gardens as well.
21	Q And the educational program, did the girls who
22	participated, or probably more specifically their parents or
23	guardians, pay for them to participate in the program?
24	A I actually don't know.
25	Q I draw your attention to approximately 2007.

Did you work on a film concept with the defendant about supposed lies involving the defendant?

A Yes.

Q Now, before we get to the actual project, how would you work on film concepts with the defendant?

A The way -- the way it began is we would start discussing a concept of some kind. He would share a lot of information about the concept to try to make sure that I understood the philosophical points, and then we might start discussing a way to actually bring it to life.

You know, the very first thing I began working with him on was a project we -- which the name was "Finding the Carbon Crimes". It was a -- he felt very strongly that global warming was a complete myth and that, you know, Al Gore was not being honest. So he took me through the whole science of debunking global warming; how it was not true, it was a huge strategy just to make a lot of money.

And we discussed that for a long time, and then he began suggesting, you know, maybe there are certain characters that could be treated. So a lot of it was him talking. I may ask questions if I wasn't clear on something. I would record everything. I would then transcribe everything. I would then study the transcription, and I would then usually go back and have another meeting.

Most of our meetings were walking meetings. Where

	Vicente - direct - Lesko 648
	Vicence - direct - Lesko 040
1	if I didn't understand or I wasn't clear, or if I had an idea
2	of ways to expand it, I would talk about it and we would do
3	that process again and again.
4	Q So this you would go back there was a back and
5	forth?
6	A Yes.
7	Q And you would write down what was the concept?
8	A Yes.
9	Q As it was shared with you from the defendant?
10	A Correct.
11	Q And you would go back to him and go through versions?
12	A Exactly.
13	And then in that case, in the case of "Carbon
14	Crimes", I began to turn it into a narrative story; you know
15	were I presented treatments and then eventually write a
16	script.
17	Q So this other project involving supposed lies, is it fair
18	to say the lies were primarily in the press, according to the
19	defendant?
20	A Some were in the press, some were just stories of enemies
21	that had said certain things.
22	And the idea was to, in essence, debunk all these
23	enemies and explain how what they were saying was not true, it
24	was a lie.
25	So he would give me information about, you know,

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	Vicente - direct - Lesko 649
1	what was actually going on. You know, there was the recorded
2	story, and then he would say, but this is what's actually
3	going on.
4	And the idea was to then figure out how to dramatize
5	it so in the end he could be revealed to be not the criminal
6	that they were suggesting he was, but in actuality a very good
7	man that's just misunderstood by society.
8	Q You used the term "enemies". Is that your term?
9	A No, that was a term that was used in the community.
10	Q Was it used by the defendant?
11	A I mean I can't think of a I can't recall a specific
12	moment that's consistent with the kind of language we used.
13	Q So this project involving supposed lies, who initiated
14	that?
15	A Let me think for a second.
16	I think Nancy Salzman initiated that. She would say
17	to me she once said a few times she said, you know, I
18	really would love it if Keith Raniere does not die a criminal
19	in the eyes of the world. I think she was the first person,
20	and then from there I spoke to him about these ideas and a
21	number of others people.
22	Q And so did you participate in the writing of this film
23	concept?
24	A Some of it, yes, I did.
25	Q Did one of the claims involve someone named Christian

	Vicente - direct - Lesko 650
1	Snyder?
2	A Yes.
3	Q And what was the film concept relating to Christian
4	Snyder?
5	A The idea was basically to tell the story of what happened
6	to her that the his version of what actually happened.
7	This was somebody who took an intensive in Alaska,
8	who was very upset, who was a survival a survivalist kind
9	of person you know, very fit, took a canoe out into the bay
10	and, you know, disappeared, supposedly drowned, and left a
11	suicide note in her car. And there was a police report, et
12	cetera, et cetera, about all this.
13	Q Those are all allegations, right?
14	A Yeah. I think there's a police report that's printed
15	somewhere, I don't recall.
16	Q Okay.
17	A And then he said to me: Look, there's a couple of things
18	that are wrong about the story. One is, this woman is a
19	survival expert, and like she takes out she takes a canoe
20	that's actually a planter box out there, doesn't that same
21	strange to you? That seems strange.
22	Then he said: And also, the note that was left in
23	the car that said NXIVM something, something, something.
24	NXIVM didn't exist back then. Wow. Wow. That's amazing.
25	That's clearly debunks that.

### Vicente - direct - Lesko

And then he said: And also, we've had private investigators try to find her, and we found her in a hotel with her lover. She's alive and well, and really the whole -- she made this whole thing up to try to get away from some kind drug thing that she was involved in.

And, you know, at that point I -- I really saw him as the source of everything coming out of his mouth was the truth. That's an amazing story, let's start writing this story to debunk what they are saying that Raniere is somehow responsible for this. There's so many holes in the story, let's rip it apart.

Q Did the defendant share an idea going into this film that involved the cult?

A Yes. There were a number of ideas that were floated over the years. One of the ideas -- we had discussions about, you know, cult busting, trying to bust that concept of cult.

And at one point he said to me: What would be very interesting is, you know, what if we found a family and we paid them a million dollars and basically we then figured out how to creatively, using the media, turn them into a cult, convince everybody that they were some kind of dangerous cult. That would be a very interesting fila. And at the very end, we would show the world that we've been shooting the making of this thing and that we fooled you all. That it wasn't a cult. That's how easy it is to fool people.

And I remember saying that that's interesting, but like that's really dangerous, because what if somebody kills someone or what if somebody hurts them? No, no, it's just an idea.

- Q Did you end up making that film?
- 6 A No.

- Q So during the initial part of your involvement with ESP, and let's start with the time period right when you moved to Albany. Did you actually interact personally with the
- 11 A I did.

defendant?

Obviously, I told you the -- on the tenth day of my first intensive. And then the only way in the beginning that I could actually talk to him, because I became somewhat obsessed with talking to him about like, okay, this EM thing you're doing that's so extraordinary, I want to learn how to do that in film making.

Like, is there a way that I could have an audience come into a movie and like 90 minutes later change their mind completely about this thing that they believed. I thought this would be amazing.

And so I'd try and have conversations with him about this, and the only way I had access to him at first was volleyball games.

Volleyball games when I first went, were typically

Vicente - direct - Lesko 653 held three times a week. They would run from around midnight 1 2 to 7 a.m. And the only opportunity I had at that point, and 3 most people in the community had, was you had to go to 4 volleyball to actually see him, you wait for a period of time, and maybe if you got lucky, you got to talk to him. 5 That's the access I had for quite a while. 6 7 And did -- let me stop you there. Where were these Q 8 volleyball games held? 9 When I first arrived, it was somewhere in Latham. 10 don't recall the exact gym. 11 Then it moved to Saratoga Springs that we held it in 12 a -- it was a Catholic girls school gym that we used at night. And then finally we moved to Hayner's, 13 14 H-A-Y-N-E-R-S, Hayner's Sports Barn, in Halfmoon, New York, 15 and it was held there for a number of years. 16 (Continued on next page.) 17 18 19 20 21 22 23 24 25

	Vicente - direct - Lesko 654
1	DIRECT EXAMINATION
2	BY MR. LESKO: (Continued.)
3	Q Showing you what's been marked as Government's
4	Exhibit 172, do you recognize that photograph?
5	A Yes. That's Hayners Sports Bar.
6	Q Is that the front of the building?
7	A That's the front of the building, yes, taken from the
8	road.
9	Q Showing you Government's 173 in evidence, do you
10	recognize that photograph?
11	A Yes, that's the same building, a wider shot.
12	Q And that's that building contained a volleyball court?
13	A It contained yes, two volleyball courts and batting
14	cages and a number of other things.
15	Q And who else played in these volleyball games?
16	A There were the athletic members of the community:
17	There was an A team and a B team. The A team was people like
18	Jim Del Negro, Ben Myers, Mike Baker stand by Adrian.
19	There were people that played with him a lot, and then there
20	was a B team that were learning, and then the rest of the
21	community would would sit on the benches and watch.
22	Q And how big was the crowd generally?
23	A You know, on a busy intensive night, it could be 30,
24	maybe even 40. Generally speaking, though, it was probably
25	around ten to fifteen, maybe.

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volleyball?

spoke to him.

defendant?

## Vicente - direct - Lesko 655 And did you occasionally talk with the defendant at In the first few years, that was -- yes, that's where I Did there come a time when you asked to meet with the Once I moved there, you know, I was trying to see

I did. if I could get a meeting with him and I was going through Nancy Salzman to get a meeting with him and it took quite a while and I wanted to have a meeting with him away from the gym, you know, and eventually -- I wasn't getting anywhere, so, you know, I was receiving EMs on my overeagerness; my insistence that I should meet him; you know, my attachment to my career; you know, a whole bunch of things, and then finally I said to Nancy Salzman one day, you know, I think I've -- I think I'm now a little less attached to having a conversation And then a few days later on June the 22nd, my birthday, it was around 7:00 a.m. or maybe earlier, he called me and he said, Would you like to take a walk, and of course I was over the moon because this is what I've been waiting for and, yes, I -- yes, I want to talk, and so we took our first

walk together, and --Q Was walking with the defendant significant in NXIVM? It was. It was seen as -- it was seen as a big deal that you got to have time with him. I mean, you have to

Vicente - direct - Lesko 65	Vicente	direct	.esko	656
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- 1 understand, at this point, you know, he had been built up in
- 2 my mind and everyone else's mind as this, you know, genius
- 3 beyond geniuses, and an opportunity to walk with him was, you
- 4 know, walking with, you know, one of the top three problem
- 5 | solvers in the world.
- 6 Q Did you, in fact, walk with the defendant?
- 7 A Yes.
- 8 Q Did anyone comment on the fact that you had walked with
- 9 the defendant?
- 10 A At that time, Pam Cafritz had commented, she said, you
- 11 know, That's really a big deal. She had also said to me, you
- 12 know, He doesn't have very many male friends, maybe you could
- 13 | with that person. She pumped my tires about it.
- 14 | Q Did anyone suggest that the defendant would take you
- 15 | under his wing?
- 16 A Nancy Salzman had suggested that. She said, you know,
- 17 | Based on how things go, you know, if you're very fortunate, he
- 18 | may actually decide to mentor you personally, and that would
- 19 be extraordinary, and I -- at the time, I believe I said
- 20 | something like, That's -- I really would love that, that would
- 21 be very important to me.
- 22 | Q So after that initial walk with the defendant, did you
- 23 | continue to walk with him?
- 24 A I did. We began a -- I would say it was more of a
- 25 working relationship working a number of projects. I would

Vicente	- direct	- Lesko	657

- 1 initially call him via somebody else's phone and then
- 2 eventually I had his phone number, and, you know, I would call
- 3 him or he would call me and we would walk usually very, very
- 4 | late at night, some odd hour.
- 5 Q And you would talk during the walks.
- 6 A Yes, we would.
- 7 Q So how often a week would you have these walk-and-talks
- 8 | with the defendant?
- 9 A I think in the first few years, I mean, it could be as
- 10 | little as one maybe up to three.
- 11 | Q And in 2009, did your contact with the defendant change?
- 12 A I -- yes, I think in -- 2009 was sort of a turning point
- 13 | in the company. There were a number of people that decided to
- 14 | leave and --
- 15 | Q We will get into that a little bit later. I'm just
- 16 asking about the volume and type of contact.
- 17 A Oh, yeah, it was a great deal more.
- 18 Q And how would you talk? Would you still do the
- 19 | walk-and-talks, or was there another way you would talk with
- 20 | the defendant?
- 21 A We would do walk-and-talks or we would do -- we would do
- 22 | phone calls, a lot of phone calls.
- 23 | Q Did there come a time when you started contacting -- or
- 24 | you had contact with the defendant every day?
- 25 A Yes. It was after one particular intensive -- I believe

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it was human pain where -- I had discussed with Nancy Salzman 1 2 at one point, you know, because she was having me look at 3 what's one of the hardest things for me, and I said, Well, 4 actually, one of the hardest things for me is to talk to him. 5 I always find myself very nervous, and, you know, it was very difficult and I felt like he could see right through me and it 6 7 was a terribly vulnerable experience. And she said to me, you 8 know, You might want to figure out how to make that part of 9 something that you do.

And so when it came to human pain and we were looking at, you know, what's the hardest thing in your life that at this point that you would like to do, I made the decision, all right, I'm going to call him every single day: It could either be a call; if I can't reach him, then I'll text him; if that doesn't work, I'll e-mail him, and I'll do this every single day, and I pretty much kept that up until towards the beginning of 2017, many, many years.

- Q Did your standing or your status within NXIVM within the community at NXIVM increase or decrease after you began to have daily contact with the defendant?
- 21 A It increased.
- 22 | Q Why?

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A My sense is that people thought, okay, well if, you know, he's having this much time with Raniere, that they're friends, he's-a-big-deal-too kind of thing, so the best way I can

### Vicente - direct - Lesko 659 explain it, it's a bit like you're spending a lot of time with a king and everyone else is going, ah, he's with the king, so he must be all right, he must be important. It was a bit like Did the defendant share confidences with you during this time period where you had daily contact with him? Some confidences. You know, some over the years he would share, yes, certain personal information with me. Now, I apologize if you may have discussed this previously, but let's talk for just a moment about tribute. Did members of the NXIVM community pay tribute to the defendant? It was -- it was part of the, you know,

- 14 Α Yes. A lot. A great deal.
- Was that taught in ESP? 15 Q

Yeah.

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that.

16 Yes, it was. 17 when you -- when you ended a module or you ended an intensive 18 day, you were -- you did a clap, you said, you know, Thank you 19 Vanguard, thank you Prefect, so there was a lot of thanks 20 going on.

And tribute -- because he was seen as somebody who produced more value than anybody else, it was suggested he should get, you know, more tributes. Nancy Salzman would say to me things like, you know, Do you understand what it means to spend an hour with him? Do you understand that that -- you

Vicente - dir	rect - Lesko	660
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- 1 know, his time is worth \$100,000 per hour and that when you
- 2 | are spending time with him the way you are, you are getting
- 3 | millions of dollars, so there was this constant focus on,
- 4 like, what an extraordinary rare experience it was to be with
- 5 | a mind like that.
- 6 Q Did anyone ever question the defendant in NXIVM?
- 7 A Nobody in the system. I mean, I once saw somebody that
- 8 wasn't a student. I never saw anybody else really question
- 9 him.
- 10 | Q Did you ever criticize him in front of others?
- 11 A There was only one time that I can remember really
- 12 | challenging him in front of others. It was, I think, the end
- 13 of 2016 maybe, I challenged him quite strongly in front of
- 14 other people.
- 15 | Q Who were you with when you challenged him?
- 16 A I was with Jim Del Negro and Anthony Ames.
- 17 | Q And after you challenged the defendant in front of
- 18 | Anthony Ames and Jim Del Negro, what was their reaction, if
- 19 | any?
- 20 A They were shocked. Jim Del Negro sort of laughed
- 21 uncomfortably and said, Oh, looks like you got a little riled
- 22 | up there; and Anthony Ames was, like, I actually didn't know
- 23 | that you could do that. And I said, Well, I just did.
- 24 | Q Did Nancy Salzman ever discuss the defendant's power to
- 25 | heal?

A She did. You know, generally speaking, and it wasn't said publicly, but there were rumblings about, you know, these abilities he had. You know, people would talk about how he could affect weather, how he would affect technology --

- Q Did you say "affect weather"?
- 6 A I did say "affect weather."

Q How would he affect weather?

A I don't know what the mechanism was, but, you know, Barbara Jeske would tell me about, you know, how he would affect weather. Other people would talk to me about how he would affect technology. He, himself, would tell me that there was something about his energy field that seemed to create problems with computers; that he went through many, many computers because of his -- something about his energy.

So there was this kind of mystique that was floating around, not so much with the general student populous, but more, you know, in sort of more of the inner circle, you know, talking in some hush tones about these things that he could do.

And at one point -- I don't remember the exact year -- Nancy Salzman said something to me about, you know, there's a path to enlightenment through sexuality and that, you know, Raniere understands this path; and I thought that was really odd, but I, you know, kind of filed it away in -- there's a box in my mind I think I use, which is -- I don't

1 know, maybe it's above my pay grade or it's just too weird, so
2 I just file it away.

Q Did ESP students at some point in time during their involvement physically meet the defendant?

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A They did, but it was under certain set of circumstances.

In other words, if you were a brand new person coming through,

chance of you meeting him after five-day were very, very slim.

You had to be deep into your 16-day generally, and usually it was at the end of your 16-day when you would get a field trip,

you know, and the field trip was, you know, We're going to

11 | volleyball tonight. It wasn't always at the very end, but

12 towards the end, and this was your opportunity to see the man

that created this incredible experience that you have been

having and all these wonderful tears you have shed and all

this likeness you are feeling and these issues that you now

16 | feel resolved about, you know, let's go meet the man who

17 | actually created all this. But there was a certain amount of

18 preparation for new people. They couldn't just meet him.

Q How did they generally act when they first met the defendant?

21 A My general impression was awe. I mean, certainly that's

22 kind of how I felt; I was kind of awestruck, and I was -- I

23 was awestruck by the -- kind of the -- what I saw as this

intellectual model. I, you know -- it was -- some of it was

fairly new to me, but they were very deferential, very awkward

is the way people were. There was a -- the respect and the tribute for him was so built into the intensive that by the time you saw him, it was a little bit like you were seeing, you know, some kind of god, you know.

Q I would like to now draw your attention to June of 2008 when you were in charge of the video department. Did the defendant ask you to do anything at around that time?

A He did. He -- I don't remember if it was a phone call or in person, but he said to me, you know -- he asked me, Is there a way to remove stuff from a videotape in such a way that it doesn't look like it's removed? And I wasn't clear at

first. He's like, Is there a way to, like, do it where you can almost -- it looks like a glitch or it looks like some kind of a natural process to remove something? And I thought about it, and I said, Actually, there is. You know, you can move to the analog world, you can do a bunch of things there, yeah, it can probably be done. And he says, Oh, that's good. There's some things we need removed. The legal department has some things that need to be removed from some tapes and it has to do with a case where our methodology is being evaluated and our patent is being looked at. And my understanding from him and then from some other people that were part of this project is, you know, the patent was at risk if these things were in

So I said, Okay, well, you know, I think I -- I

that tape that were going to be handed over.

think I know how to do it and I have to think about it a bit more.

And then my -- you know, myself and my department began liaising with the legal department to figure out what needed to be removed and what was the way that we would do it.

Q During that conversation with the defendant, did you, as

a preliminary matter, indicate how you could create the glitches in the videotapes?

A I do recall saying something like, you know, If we move to the analog world, there's all kinds of glitches that occur with analog tape versus digital, especially with, like, VHS tapes. There are ways to create glitches that -- you know, once you start a glitch, it takes a certain amount of time, a few seconds, for the image to finally stabilize and that's -- that's a way to do it. You know, where something's removed, you can, in some ways, hide the removal with certain kinds of glitches.

Q And glitches are alterations to the tape, to the actual --

A Yes. They are alterations. They are creating a kind of -- there's different ways, but creating a kind of interference in the tape signal so that it looks like, you know, maybe the thing was lying around too long or there was some kind of damage to it or some high voltage thing happened.

Q And so digital is -- is it fair to say digital format is

	Vicente - direct - Lesko 665
1	sort of what we're all used to now; is that right?
2	A Now it's all digital, yeah.
3	Q So that's DVDs and alike?
4	A Yeah, Blu-ray, et cetera, et cetera.
5	Q When you use the term "analog," what are you referring
6	to?
7	A In this case, I'm referring to VHS. You know, digital
8	now is all ones and zeros, VHS was magnetic. It's not the
9	same kind of format, so there were there were a series of
10	issues that happened with analog VHS that don't happen now.
11	It's much more stable now.
12	Q For those of us who don't remember VHS, VHS is like a big
13	casette tape.
14	A It's like a casette like that size (indicating),
15	magnetic.
16	Q And the video is actually on a tape; is that right?
17	A Yes. Two spindles. It runs through against a head
18	that reads it. It's more complex; it's a spinning drum that
19	the tape wraps itself around, and the drum is spinning very,
20	very fast and reading the information on the tape.
21	Q And this process that you discussed with the defendant,
22	did you describe it at all? Did you mention that it had
23	involved steps or stages or anything like that?
24	A I don't know that I mentioned specific stages and steps
25	because there was there was still some discovery that

had -- there was experimentation that had to happen, but I did talk about that VHS was glitchy, which was an advantage that also -- the advantage of VHS was that on -- in digital, you can actually embed time code into digital formats, there's time code information.

When you're in VHS, it isn't the same; you don't have time code information in the same way. So moving from digital into analog, in some ways you can say it's almost like you erase the digital information, and the reason -- the reason that's important is because, you know, if you have -- time code is generally eight numbers, you know, and if you have, you know, zero, zero, ten, ten, thirteen and, like, you know, if you have that, you will see the seconds in the frames or the minutes that are missing. It will be very clear that it's missing.

If you move into the VHS analog world, there's no numbers in the same way, so you can't tell if anything's missing.

- Q So just to be clear, the defendant asked you to alter these videotapes?
- 21 A Correct.

- 22 | Q By removing segments of them?
- 23 A Correct.
- Q And he indicated that this was because they would be produced in a case --

### Vicente - direct - Lesko

A It was some case and that the -- there was some case and that the patent would be at risk because of what was in the tapes.

Q Do you know specifically what was supposed to be removed from the videotapes?

A My best recollection now is that it had to do with the -the -- you couldn't make health claims with this kind of
education. You know, if you made health claims, that would be
a huge problem with somebody -- some department of the
government, I'm not sure which. So the idea was to take out
anything that -- where a trainer -- and it was mostly Nancy
Salzman -- had said something that led people to believe, oh,
so she's saying that rational inquiry actually can heal you or
it can create some physiological change in your body, you
know, it can get rid of a disease or something like that. The
idea was to remove that because in -- in this -- in this being
produced in this case, if that was seen, it would be clear
that, oh, well, these people are saying things that they
shouldn't be saying.

Q Was there an understanding at NXIVM about claiming that programs offered by NXIVM could result in health benefits?

A Well, it was talked about -- it was generally accepted that yes, that is what it did, but we were told, you know, don't make those claims, be very, very careful that you don't suggest that this thing will do that even though, you know,

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	Vicente - direct - Lesko 668
1	the experience we had was that there was clear evidence that,
2	yes, it actually did do that, you know, yes, it removed
3	headaches, and it could change panic attacks and it could do
4	all kinds of things that actually did have a physical benefit,
5	but we were instructed to not make that claim.
6	Q Did that type of claim was it your understanding that
7	that type of claim could lead to enforcement of regulatory
8	oversight by state authorities?
9	A I think the way I saw it is that maybe this could be shut
10	down because I think I think I'm saying something similar
11	to you, I think.
12	Q Was it your understanding that Nancy Salzman had made a
13	mistake by attributing health benefits to the NXIVM
14	curriculum?
15	A That was my
16	MR. AGNIFILO: Objection.
17	THE COURT: Sustained.
18	BY MR. LESKO:
19	Q Did you have an understanding regarding what Nancy
20	Salzman had done when she made these health claims?
21	A My understanding was that she said some things that she
22	wasn't supposed to say. The it was generally known that
23	that Nancy Salzman would get very excited and say a lot of
24	things and things that, in this case, were problematic.
25	Q Did Nancy Salzman know about the editing of the

### Vicente - direct - Lesko 669 videotapes? 1 2 She was aware, yes. 3 Q Was she punished for this? 4 Α I think so. She was -- people spoke about her negatively, and I think they admonished her for doing this, 5 6 and, you know -- the sense I got was that she was --7 MR. AGNIFILO: I'm sorry, I'm going to object. Ιf the witness --8 9 THE COURT: It's a speaking objection. 10 MR. AGNIFILO: I apologize. THE COURT: 11 Sustained. 12 MR. AGNIFILO: And I move to strike the answer. 13 THE COURT: Yes, the jury will disregard the answer. 14 Go ahead. BY MR. LESKO: 15 16 Did you ever discuss with others at NXIVM consequences 17 that Nancy Salzman experienced as a result of making these 18 claims on the videotapes? 19 I don't recall specifics. 20 Do you recall when the video tapes were originally Q 21 recorded? 22 The best of my knowledge, it was prior to when I arrived 23 in 2005, but I don't have the exact dates. 24 Q So when the defendant asked you to alter the videotapes 25 removing portions of them so that they could be produced in

### 670 Vicente - direct - Lesko connection with a case, did you agree to do this? 1 2 I did. Α 3 And when you said the word "case," was it your 4 understanding that that involved a lawsuit or a legal action? I understood it was some kind of legal action; I wasn't 5 6 clear what it was. It was spoken about in terms of, you know, 7 that we need to defend the tech. I don't know what -- at that time, I didn't know what the case was. 8 9 Did you understand that the requested production of the 10 altered videotapes, you know, in a lawsuit or a case would be 11 illegal? 12 Α The answer is yes and no. 13 Q Well, what's the "yes" answer? 14 The "yes" answer is yes. By the -- by the laws of the land, yes. 15 16 At the time -- I, myself, and I think other people, 17 had the impression that this methodology and Raniere's way of 18 thinking, you know, was superior to the ethics of the 19 governments and the ethics of courts and the ethics of pretty 20 much everybody, that this was the most advanced ethics, and 21 that he really had an understanding of what was truly ethical 22 moral. 23 So in this kind of environment, I believe I was --24 this must be for a higher good. Okay, so yes, it's this, but 25 it's for a higher good that in the end is better. That's why

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Vicente - direct - Lesko
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    I say "yes" and "no."
 2
              MR. LESKO: Your Honor, this may be a good time to
 3
    take a break. I can continue, but --
 4
              THE COURT:
                          Yes.
              Let me just ask you, at any time in your discussions
 5
    about altering the tapes, did you ask whether a legal opinion
6
 7
    had been obtained about the lawfulness of this particular
8
    activity in connection with a patent application or a
9
    litigation?
10
              THE WITNESS: I did not.
                                         I was --
              THE COURT: "No" is the answer?
11
12
              THE WITNESS:
                             No.
13
              THE COURT: Did you deal with lawyers at all when
14
    you were engaged with your activities at --
15
              THE WITNESS: I did not.
16
              THE COURT: -- NXIVM.
17
              THE WITNESS:
                            No.
18
              THE COURT: All right, let's take a ten-minute
19
    break.
20
              All rise for the jury.
21
               (Jury exits.)
22
              THE COURT: All right. The witness may stand down.
23
    Do not discuss your testimony with anyone. We'll take a
    ten-minute break.
24
25
               (Witness excused.)
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	Vicente - direct - Lesko	672
1	(Defendant exits courtroom at 3:29 p.m.)	
2	(A recess in the proceedings was taken.)	
3	(Defendant enters courtroom at 3:40 p.m.)	
4	THE COURT: Let's bring in the witness, please.	
5	(Witness resumes the stand.)	
6	THE COURT: Yes, did you want to say something?	
7	MR. LESKO: Yes, Your Honor you go first.	
8	MS. PENZA: I did not want to say something.	
9	THE COURT: Oh, you didn't?	
10	MS. PENZA: Sorry, I was just looking at you.	
11	MR. LESKO: If I can raise an issue	
12	MR. AGNIFILO: Do you want to go to the side?	
13	MR. LESKO: Yes, sidebar, please.	
14	THE COURT: Please be seated, everyone.	
15	(Sidebar.)	
16	(Continued on next page.)	
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673 Sidebar 1 (Sidebar conference held on the record out of the 2 hearing of the jury.) 3 THE COURT: Yes, please. 4 MR. LESKO: Thank you, Your Honor. I expect that we're going to get to four exhibits, and they're videotape 5 exhibits, by the end of the day, and the four exhibits are 6 7 examples of the videotapes that were produced in the lawsuit 8 and Mr. Vicente will review very short portions of them and 9 they are examples of the types of editing that he oversaw. 10 These videotapes ultimately will have to be introduced through 11 some sort of record custodian or representative of the law firm that was involved in the lawsuit, so what I'm proposing 12 13 is that we just see -- I seek to admit the videotapes subject 14 to later connection and I'm asking -- and I believe the 15 defense agrees to that --16 MR. AGNIFILO: I have no problem with the subject to 17 connection. 18 I do have one question: Can he say these are the 19 videotapes? 20 MR. LESKO: No, he cannot. He did not watch the 21 videotapes at the time, so he can't say they are the exact 22 He'll say that the edits are the types of edits 23 that were done to the videotapes. 24 MR. AGNIFILO: Okay. Okay. So he's going to say

the editing that -- the hands-on editing that he did is

	Vicente - direct - Lesko 674
1	consistent with the editing that I'm seeing in this video.
2	MR. LESKO: To be precise, the editing that he
3	directed others to do.
4	MR. AGNIFILO: Okay. And that's why he doesn't know
5	because he didn't actually see the finished product.
6	MR. LESKO: Correct.
7	MR. AGNIFILO: Okay. All right. I would imagine
8	that this issue is it's admissible and it goes to weight
9	and I'm going to get to cross-examine on it, obviously. Okay,
10	that's fine.
11	MR. LESKO: Your Honor, if I could ask, would there
12	be any instruction that the Court would be inclined to give in
13	terms of the subject of connection that may be confusing to
14	the jury, or should we just leave it there?
15	THE COURT: I'll say something.
16	MR. LESKO: Thank you.
17	THE COURT: You'll make the offer and I will grant
18	your application and indicate to the jury that in order for
19	the jury to consider this evidence in its deliberations, it's
20	necessary for there to be an additional witness who will
21	provide the basis for them to consider it.
22	MR. AGNIFILO: Fine. Thank you, Judge.
23	MR. LESKO: Thank you, Your Honor.
24	(Sidebar end.)
25	(Continued on following page.)

	Vicente - direct - Lesko 675
1	(In open court.)
2	THE COURT: All right, let's bring in the jury.
3	(Jury enters.)
4	THE COURT: Please be seated, everyone.
5	Mr. Lesko, you may continue your examination of the
6	witness. The witness is reminded that he is still under oath.
7	THE WITNESS: Yes, Your Honor.
8	MR. LESKO: Thank you, Your Honor.
9	BY MR. LESKO:
10	Q Mr. Vicente, when we took the break, you indicated when I
11	asked you if the request to alter videotapes was illegal, you
12	said "yes" and "no." You described it "yes," it was illegal
13	under U.S. law, but "no," not according to some other
14	explanation.
15	As you sit here today, do you think that the
16	agreement and ultimate actual alteration of the videotapes
17	that were produced in the case was illegal?
18	MR. AGNIFILO: I'm going to object to the form of
19	the question.
20	THE COURT: Sustained.
21	BY MR. LESKO:
22	Q As you sit here today, do you think that the alteration
23	of the videotapes was legal or illegal?
24	MR. AGNIFILO: Same objection.
25	THE COURT: You may answer. You may answer. Go

### 676 Vicente - direct - Lesko ahead. 1 2 Illegal. Α So can you just give us an overview of the process that 3 Q 4 was used to alter the videotapes? Α I'm just --5 Just a very high overview. We will discuss the specifics 6 Q 7 in a bit. 8 Α Okay. 9 Basically, there were a few stages. The first stage 10 was that the people in legal -- legal department were to 11 determine what needed to be removed. We were then -- the video department was then given a list of, you know, remove 12 13 these things here from this number to this number. We would 14 then use various processes to remove it and then processes to 15 create glitches to make it look like it was natural, that 16 nothing was actually removed. Then a final master copy was 17 made, that was then duplicated a number of times to give it 18 the appearance of being older, multiple generations, then 19 labels were put on that would age the -- there was some 20 scuffing that occurred to make things look older, then that 21 was handed off to -- back to the legal department and then 22 went wherever it went. 23 Q Did other members of NXIVM's video department work with 24 you on this project?

25

Α

They did.

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	Vicente - direct - Lesko	677
1	Q Did those members include Ken Kozak, Megan M	lumford, Chris
2	Scott Mumford, and Adrian?	
3	A Yes.	
4	Q Showing you what's been admitted as Governme	ent's 24, what
5	is that photograph? Who is in that photograph?	
6	A Adrian.	
7	Q Did Adrian have a nickname?	
8	A He did.	
9	Q What was the nickname?	
10	A Fluffy.	
11	Q Now, Chris, who was Chris?	
12	A Chris was somebody who worked with me in the	video
13	department. They were, like, a production manage	er; they would
14	schedule things, they would help figure out who w	vas available.
15	They would, in essence, manage a lot of the day-t	o-day
16	affairs.	
17	Q Adrian did Adrian work for you?	
18	A Yes.	
19	Q Was Adrian the brother of Cami and Dani and	Marianna?
20	A Yes.	
21	Q Who were Megan and Scott Mumford?	
22	A Megan Mumford was somebody that worked with	me as well in
23	the video department and ended up managing it for	`a while
24	afterwards. She was a coach in the organization,	she was a
25	photographer, and her brother, Scott, worked with	us for a

Vicente	_	direct	_	Lesko	678
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- 1 while. He was, generally speaking, a shooter -- video
- 2 | shooter -- and he did some sound and some editing. I don't
- 3 | recall if he was a coach. He may have been a coach.
- 4 Q And Ken Kozak, who was Ken Kozak?
- 5 A Ken Kozak was somebody who worked in the video department
- 6 as well for a long time, pretty much the entire time I was
- 7 | there. He had a lot of high-tech skills and he loved editing,
- 8 | shooting, audio. I don't think that he was a coach; I think
- 9 he was always just a student.
- 10 | Q So did you and the people who assisted you in altering
- 11 | the videotapes need anything from the legal department in
- 12 order to get started?
- 13 A Well, we needed was a list of what needed to be removed
- 14 | with specific time codes and also -- what you always do in
- 15 | this situation is you don't just want the number, you want to
- 16 know what was the last few words before you make the cuts and
- 17 then on this side what are the first few words so that you
- 18 | have a way to double-check so you're not just using numbers,
- 19 so we needed a list like that.
- 20 | Q And do you recall who in the legal department you worked
- 21 | with on this project?

- 22 | A I believe it was Kristin, Keith, potentially Clare
- 23 | Bronfman, and there were some others that were -- that were
- 24 | involved with legal that I think did quality control.
  - Q Did you receive those notes or the time codes and related

#### Vicente - direct - Lesko

information that you needed from legal?

A I believe so. I recall seeing them on one of the editing desks, they were handwritten, and they were used to make the determination of what we should do.

Q So what happened after you received the handwritten information that you needed from legal?

A Then it was a question of determining, you know, what methods we would use to actually remove things. It's a bit complicated, but basically sometimes we would take the tapes and move them into -- into a computer -- into a computer-editing system and remove sections there and sometimes put static in.

Sometimes we would go machine to machine -- doing machine to machine dubbing, or sometimes we would also do machine to machine -- you know, in the days before HDMI when you had multiple cables, we'd go machine to machine with multiple cables and we would jiggle the cables and push them in and out which created all kinds of interference.

So that was the next step, and then it was just a question of figuring out which one of those things we would do and we would try to, to some degree, randomize it so it seemed natural, you know, what we termed "organic."

We would also create glitches in areas where there was no removal so that it didn't look like, oh, that thing was removed. It was like, oh, there seems to be a problem in this

Jase .	1.16-ci-00204-NGG-VMS Document 827 Filed 01/02/20 Page 160 01 207 PageID #.
	Vicente - direct - Lesko 680
1	tape in general to, in some ways, create a smokescreen to hide
2	the specific areas.
3	Q Do you recall what type of digital tape was that was
4	dubbed the type of digital tape that was used to
5	A I believe it was MiniDV. It may have been Hi8, but I
6	think it was MiniDV.
7	Q What type of analog tape was used?
8	A That was VHS.
9	Q What was your role in this process?
10	A My role was basically designing how it would happen. You
11	know, I had the technical knowledge of what to do and
12	designing it and then working with the team to figure out,
13	okay, these are the methods that we'll use; and then the team
14	was basically implementing these different things all the way
15	down to final delivery.
16	Q And where did the dubbing occur?
17	A The most of the editing, as far as I recall, occurred
18	at 13 Twilight Drive in one of our editing rooms. I believe a
19	lot of the dubbing the actual multiple generational dubbing
20	I believe happened at Apropos.
21	Q So there were two steps in the process?
22	A There were, yeah.
23	Q So what was step one?
24	A Step one was actually removing the material and

Denise Parisı, RPK, CRK Officiaı Court Reporter

creating -- creating a master. So, you know, you would start

# Vicente - direct - Lesko 681

- in this digital realm, you would import it into, you know, a computer or you would move to VHS, and you would do it -- one of a number of different kinds of processes to remove things and create glitches.
- Then a master was created and then my recollection was that the dubbing wasn't done on 13 Twilight. There were multiple machines that were set up, as far as I recall, in Apropos.
- 9 Q And is "dubbing" another word for "copying" basically?
- 10 A Dubbing is copying, correct.
- 11 Q Was the master tape after it was made that included the 12 edits, was it copied multiple times?
- 13 A Yes. In the VHS world -- I mean VHS world versus
- 14 digital, if you copy VHS again and again you basically degrade
- 15 the quality, so the idea was to degrade it further and further
- 16 as another method to hide the glitches so that it might look
- 17 | like it had been sitting around for a very long time.
- 18 Q Apart from the videotapes used for the copying, the
- 19 videotapes that were altered, were there multiple videotapes
- 20 | that were altered?
- 21 A There were -- yes, there were. I mean, I -- I think -- I
- 22 mean, it was more than ten for certain -- for sure.
- 23 Q And where did this copying process for each videotape
- 24 happen?

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25 A The copying, slash, dubbing?

	Vicente - direct - Lesko 682
1	Q Correct.
2	A I believe that happened at Apropos, from what I remember.
3	Q Was any equipment purchased in connection with this
4	project?
5	A There were a number of VHS machines purchased. I think
6	there was also a one or two maybe combo decks purchased as
7	well. "Combo deck" being, you know, like a mini DVD player
8	and a VHS machine together. I think it was somewhere between
9	eight and ten that were purchased for this project.
10	THE COURT: Purchased for this project specifically?
11	THE WITNESS: Yes. And then they just lay around
12	for years.
13	THE COURT: If you know, who selected the tapes that
14	would be altered?
15	THE WITNESS: I don't actually know specifically.
16	THE COURT: And who told you to alter the tapes?
17	THE WITNESS: Well, it was a combination of Raniere
18	and the people in the legal team. Once I once I agreed, I
19	did what was asked.
20	THE COURT: None of whom were lawyers.
21	THE WITNESS: None of them were lawyers, no.
22	THE COURT: All right. Go ahead.
23	BY MR. LESKO:
24	Q So let's talk about step one, and that was the editing
25	process that resulted in the master edited tape.

12097					
	Vicente - direct - Lesko 683				
1	Who participated in that process?				
2	A I recall Adrian participated in some of it. I don't				
3	recall exactly, you know, who was doing everything. I know				
4	Adrian was involved in some of it. I think some of the other				
5	members, like Ken Kozak, was involved in some of it. The				
6	exact like who was doing what process on what machine,				
7	that, I don't recall very clearly.				
8	Q Did you give them direction in terms of what to do?				
9	A Yes. There was a certain amount of experimentation and				
10	then we decided on a basic game plan and then the idea was				
11	just do do one of, you know, these number of different				
12	things to make it look as natural as possible.				
13	Q And so on the completion of step 1, you move to step 2,				
14	which was the copying multiple copying dubbing of the				
15	tape the edited tape?				
16	A When you say "the step before" you mean the actual				
17	editing and then moving to dubbing				
18	Q Right. You're editing is step 1				
19	A Yes.				
20	Q copying/dubbing is step 2.				
21	A Yes.				
22	Q Who participated in the copying/dubbing step 2 part of				
23	the process?				
24	A I don't recall exactly.				

Okay. Were there people at Apropos that were part of

# Vicente - direct - Lesko 684 that process? 1 2 Yes. Yes. 3 What part of the process, if any, was Chris involved 4 with? 5 Chris was involved with the schedule, making sure that things were moving, and, you know, there were requests I was 6 7 making, you know, which is, in essence, where are things at 8 and, you know, I would like to get these machines, you know, 9 like, out of here because they were just sitting around for a 10 long time. Scheduling, pretty much, and overseeing and making 11 sure that the team was doing the things that they were tasked 12 to. 13 Q Do you ever recall actually watching the videotapes that 14 were being edited? 15 I recall watching some of the glitched portions. I don't Α 16 believe that I watched the entire thing. I was focused more on, like, what kind of glitches would be used where. 17 18 (Continued on the following page.) 19 20 21 22 23 24 25

	Vicente - Direct/Mr. Lesko 685
1	EXAMINATION BY
2	MR. LESKO:
3	(Continuing.)
4	Q You mentioned the time coding in the digital format is
5	another term for that, or is that sometimes called metadata?
6	A Yes. Metadata is a general term for the information that
7	is not visual about the material. That's a general term.
8	Time code is a kind of metadata. It's something you don't
9	see, but it's embedded in the material.
10	Q So just so I understand. The end result of step one, the
11	editing process, would have resulted or resulted in the
12	removal of portions of the original videotape; correct?
13	A Correct.
14	Q Other alterations of the videotape; correct?
15	A Yes.
16	MR. AGNIFILO: Your Honor, I'm going to object.
17	THE COURT: Restate the question.
18	Q So what was the end result of the editing part of the
19	process, step one?
20	A The end result was some kind of master tape that could
21	then be copied. And then, finally, you know, those
22	copies a final copy would be delivered back to Legal.
23	Q And was the metadata or the time stamp information
24	removed as well?
25	A It was removed in the process. In the process from

	12100
	Vicente - Direct/Mr. Lesko 686
1	moving from digital to what I term the "analog world" of VHS
2	that information gets removed.
3	Q Any members of the NXIVM community that I haven't named
4	participate in the copying or dubbing part of this process?
5	A We haven't named any. There was some quality control
6	that we there was a final check. Once we had the master,
7	somebody had to evaluate everything was done according to
8	spec. Specs means if you look at the sheet of paper, did this
9	tape that got produced match what was requested. So that
10	quality control was done by Danny and Lisa Durst.
11	Q Do you recall Clare Bronfman's specific role in the
12	editing of the videotapes?
13	A My understanding was she was part of the legal team at
14	that point. I don't know if she was involved in the actual
15	editing. She was part of the legal team and was aware,
16	reading those e-mails, aware of what was going on.
17	Q We can read those e-mails, your Honor, if I can show the
18	witness?
19	THE COURT: Hold on. Okay.
20	Q Mr. Vicente, I'm going to show you for identification
21	purposes what's been marked as Government's 1396R?
22	A Yes.
23	Q Do you see that whole document?
24	A I do.

Do you recognize it?

	Vicente - Direct/Mr. Lesko 687
1	A I do, yes.
2	Q What is that document?
3	A It was sent by Chris to Nancy Salzman. Clare Bronfman
4	was CC'd, I was CC'd, and Kristin Keeffe was CC'd and was
5	confirming the request.
6	Q In the e-mail?
7	A Yes, that's the e-mail.
8	Q Do you recall receiving that e-mail?
9	A Yes.
10	MR. LESKO: Your Honor, we move Government's 1396R.
11	MR. AGNIFILO: No objection.
12	THE COURT: Government's 1396R is received in
13	evidence and you may publish it to the jury.
14	(Government's Exhibit 1396R was received in
15	evidence as of this date.)
16	Q So that e-mail is from Chris?
17	A Correct.
18	Q To Nancy Salzman?
19	A Directly to Nancy Salzman and then myself, Kristin
20	Keeffe, and Clare Bronfman are CC'd.
21	Q Now, in the first sentence, you say, "Here is my
22	understanding of the request for the tapes of the 16-day
23	Intensive that Kristin would like for legal."
24	So the tapes were of a 16-day Intensive?
25	A Yes, it was. And I believe it was an example of an

	Vicente - Direct/Mr. Lesko 688
1	Intensive. I think that was the thing that was being
2	requested was, you know, a 16-day Intensive on the tape. And
3	there were claims in that Intensive that had to be removed.
4	Q Okay. And the e-mail was sent on June 21, 2008?
5	A Correct.
6	Q It indicates when it's needed by?
7	A It's indicated that it's needed by Wednesday, June 25th.
8	Q Under item two. Item two mentions, edit one and edit two
9	stations.
10	Do you know what that means?
11	A Yes, there were two editing systems in 13 Twilight Drive
12	in the editing rooms. There were two unique desks with
13	computers and monitors and that kind of thing and video
14	editing systems, in essence.
15	Q Item three indicates that we will have, well, we will
16	have two people in there reviewing the tapes, end quote.
17	Is that the quality control process that you
18	described?
19	A I'm not certain if that was quality control or original
20	review, actually.
21	Q And then item three goes on to state, quote "Either one
22	or two people helping to edit (probably me and someone else
23	ideally Megan if she can do it)."
24	This e-mail is from Kristin. So you recall that
25	Kristin had a role in the initial editing of the videotapes?

i	
	Vicente - Direct/Mr. Lesko 689
1	A I don't recall. I do know that she was helping me manage
2	it, but I don't remember if she had an actual role in editing.
3	Q And Megan is Megan Mumford?
4	A Correct.
5	Q Item four discusses purchasing a new VCR; is that right?
6	A Correct. Actually, in the end, many more were needed.
7	Q And then the last part deals with when to start the
8	project; correct?
9	A Correct.
10	MR. LESKO: Your Honor, if we could publish this
11	just to Mr. Vicente.
12	THE COURT: Go ahead.
13	Q I'm showing you what's been marked for identification as
14	Government's 1397R.
15	Do you recall that document?
16	A Are you able to go wider?
17	Q Wider? Sure.
18	A Yes, I do.
19	Q And what is that document?
20	A That is a memo that I wrote, looks like, June 30, 2008.
21	I do not recall if I e-mailed it or if I printed and hand
22	delivered, but that's a memo I wrote to the team.
23	Q Either way, this memo was distributed to the team?
24	A Yes.
25	Q All right. Was it in that timeframe of June 2008?

	Vicente - Direct/Mr. Lesko 690
1	A Correct.
2	Q Okay. And this is the actual memo that you drafted and
3	distributed to your team?
4	A Correct.
5	MR. LESKO: Your Honor, we move
6	Government Exhibit 1397R.
7	MR. AGNIFILO: No objection.
8	THE COURT: Government Exhibit 1397R is received in
9	evidence and published to the jury.
10	(Government's Exhibit 1397R was received in
11	evidence as of this date.)
12	Q What was the title of this memo?
13	A "The project That Never Seemed to End."
14	Q Why did you use that title?
15	A I had a low tolerance for things that started, that just
16	kept on going, and didn't have an end date. And things were
17	lying around. I recall a lot of machines lying around and I
18	wanted it wrapped up.
19	Q So you the header indicates that this memo has to dos.
20	What did you mean by that?
21	A My understanding is things that needed to happen and I
22	wanted to, you know, my style was to do a series of bullet
23	points of all the things that needed to be done to make sure
24	that things didn't, you know, fall through the cracks. So
25	that's what I meant by to dos, all the different things that

e 1	1:18-cr-00204-NGG-VMS Document 827 Filed 01/02/20 Page 197 of 267 PageID #: 12105
	Vicente - Direct/Mr. Lesko 691
	needed to be done to finish.
	Q Did you include to dos for Monday June 30, 2008?
	A Yes.
	Q What were they?
,	A So new machines that were purchased need to be placed in
;	the small production office on the long way table which I'd
,	like moved there. We will be making VHS and mini-DVD clones
	which I would like moved in there temporarily. We will be
)	making VHS and mini-DVD clones over the next week.
)	Q You don't have to read the whole thing. You can
	summarize for us.
	A Basically, where the items were to be placed. And also
;	that they were loaned TVs and VCRs that needed to be returned
Ļ	to their owners. And also, the next item was the legal team
,	needs to remove things from the house. In other words, the
;	house had a great many the editing rooms had a great many
	things in them already and I wanted to make sure that the
,	things that we didn't need were removed.
)	Q And just to move quickly, the next couple items involve
)	house cleaning and Fluffy or Ken provided the bins and tool
	boxes and the petty crash; correct?
	A Correct.
,	Q And the next category of to dos involved Monday or
	l

- Tuesday; is that right?
- Α Yes.

	Vicente - Direct/Mr. Lesko 692							
1	Q Okay. And why don't you briefly summarize what those to							
2	dos were?							
3	A Yes. It was basically the idea was to have a meeting							
4	just to debrief on everything and what still needed to happen.							
5	And I have an item, the list of things to discuss.							
6	Q So what was the first, I will point it out. What was the							
7	first item to discuss at this debrief meeting?							
8	A It says, "The duplication of tapes Keith has asked me							
9	for." Then it says, "The aging and weathering of the							
10	masters." "Everyone signing nondisclosure agreements for this							
11	project." "Everyone submitting their hours." And "discuss							
12	what to do with all the purchased equipment."							
13	Q All right. Is there a to-do list for Friday?							
14	A Yes. The final to-do list was putting all the purchased							
15	VCRs in their boxes with all the things that came with it.							
16	THE COURT: What was the purpose of that?							
17	THE WITNESS: Just to put it away but rather than,							
18	you know, in a jumble the way we got it, just put it back							
19	somewhere that way. My team had a habit of dumping things							
20	everywhere.							
21	MR. LESKO: Your Honor, if we could just publish to							
22	the witness for the next one.							
23	THE COURT: Okay.							
24	MR. LESKO: Thank you.							
25	Q I'm going to show you, Mr. Vicente, what's been marked as							

## Vicente - Direct/Mr. Lesko 693 Government's Exhibit 1395R for identification. 1 2 Do you recognize that exhibit? 3 This is an e-mail from -- it's a response to an 4 e-mail from myself. I sent an e-mail July 12, 2008, to Ken 5 and Fluff asking for a timeline on completion. And this e-mail above so Ken Kozak's response for my request for a 6 7 timeline. 8 Q And Fluff is Adrian? 9 Α Correct. 10 And the response from Ken Kozak is also dated July 12, 2008? 11 12 I can't see. Yes. Α 13 Q And who is CC'd on that response? 14 Adrian is CC'd, Chris is CC'd, and Dan Brotman is CC'd. 15 MR. LESKO: Your Honor, if I could just have a 16 moment? 17 Could I have a moment to show Mr. Agnifilo something 18 very briefly. 19 THE COURT: Sure. 20 (A brief pause in the proceedings was held.) 21 MR. AGNIFILO: Can we have a quick sidebar. 22 (Continued on the next page.) 23 24 25

Sidebar 694

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

MR. AGNIFILO: Is, Judge, I'm concerned these exhibits pursuant to the Court's ruling is Kristin is blacked out. The true name of the person we are talking about is Kristin is blacked out. I don't know that there's going to be evidence at this trial that Kristin is a sex trafficking victim, but the jury now thinks that Kristin is a sex trafficking victim which is bad, and it's even worse that she's a sex trafficking victim in 2008 because of the racketeering charge and the RICO conspiracy charge.

So the jury now knows that Kristin, just by virtue of the fact that her true name is blacked out and Kristin is put in there is a sex trafficking victim based on no evidence at this trial, and that it's going to tie it, in my opinion, to disparate parts of this case together in what seems to be a RICO enterprise.

So I'm concerned that the ongoing prejudice of this system that has been imposed on me is continuing to render prejudicial fruits.

MR. LESKO: Your Honor, Crystal Brooks was a second line slave in DAS, she was branded. And therefore we believe qualifies as a -- clearly as a victim in this case.

Sidebar 695

I would also note that there aren't two parts in this case. It's one enterprise. DAS is part of that enterprise, but we do not agree with the contention that there were sort of two parts of the case one involving DAS and one not involving DAS. And but regardless Ms. Brooks was clearly a victim as we've defined that.

MR. AGNIFILO: Is there going to be evidence at this trial of that?

MS. PENZA: Your Honor, Mr. Agnifilo keeps trying to make your ruling about sex trafficking and that was not your Honor's ruling as to victims in this case. Here the Government believes that there is going to be humiliating evidence about Ms. Brooks who may be a testifying witness in this case; and so, it's totally appropriate to black out her name and your Honor has already instructed the jury that they're not to draw any conclusions from that.

THE COURT: I'm going to allow it and you have your exception if that's what it is. Your continuing exception.

MR. AGNIFILO: Yes.

THE COURT: I haven't forgotten it, it's only been two days. And, you know, at least for the time being I do remember two days before the event.

MR. AGNIFILO: I understand the added component is that I do believe there's a prejudicial aspect to the RICO and the RICO conspiracy.

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696
                                  Sidebar
                           I see. All right. Well, you know,
               THE COURT:
 1
 2
    there's more to come and we'll see where we are at the end of
 3
     the process.
               Thank you.
 4
               MR. AGNIFILO: Thank you, Judge.
 5
               (Sidebar discussion concludes.)
 6
 7
               (Continued on the next page.)
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Vicente - Direct/Mr. Lesko
                                                                 697
               (In open court.)
1
 2
               THE COURT: All right. You may continue.
               For the witness only.
 3
 4
              MR. LESKO: For the witness only.
    EXAMINATION BY
 5
    MR. LESKO:
6
 7
    (Continuing.)
         Do you recognize those two e-mails, the ones you sent and
8
9
    the one sent in reply?
10
         I do, yes.
    Α
11
               MR. LESKO: Your Honor, we'd offer
    Government's 1395R.
12
13
              MR. AGNIFILO: Other than my remarks at sidebar, I
14
    have no objection.
15
               THE COURT: I understand. Government Exhibit 1395R
    is received in evidence.
16
               (Government's Exhibit 1395R was received in
17
18
    evidence as of this date.)
19
    Q
               Let's start with the e-mail you sent.
20
         Yes.
    Α
21
         I don't think we have to read the whole thing, but
22
    essentially are you asking for a timeline or a schedule for
23
    when the project would be completed?
         I am, yes.
24
    Α
25
         And are you also asking for a date when the bins would be
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Vicente - Direct/Mr. Lesko 698						
received and where the bins would be obtained from?						
A Correct.						
Q And you want your basement cleaned?						
A Yes.						
Q Okay. All right. So the e-mail in response sent on						
July 12, 2008, does it indicate does it address the issue						
of timing?						
A Yes. The response is there have been delays, and then a						
projection of when it would be completed.						
Q Okay. And in the second sentence, Mr. Kozak uses the						
term "copies." Does that reflect the second step we've						
discussed, the dubbing, copying part of the process?						
THE COURT: I'm sorry.						
MR. LESKO: Withdrawn.						
Q Would the copies be the result of the second step of the						
process, the dubbing and copying process?						
A Let me just read for a second. I believe so.						
THE COURT: I'm sorry, Mr. Lesko, I haven't turned						
on the monitors on the first part of it so do you want to go						
over that?						
MR. LESKO: The bottom part.						
THE COURT: The bottom part that you showed first.						
THE COURT. The Boccom part that you showed in st.						
Just for the jury's benefit.						

	12113						
	Vicente - Direct/Mr. Lesko 699						
1	A Correct.						
2	Q And there you're basically asking for an estimate in						
3	terms of timeline?						
4	A Correct.						
5	Q Okay. Timeline for the project, timeline for the bins,						
6	timeline to get your basement cleaned?						
7	A Correct.						
8	Q And discussing Mr. Kozak's response and the first						
9	paragraph deals with when he estimates the copies would be						
10	done; is that correct?						
11	A That's correct, yes.						
12	Q It indicates what does he say about when the copies would						
13	be done?						
14	A As of later tonight, he said, so that would have been						
15	July the 12th, the VHS copies will have been made and that he						
16	says because of some other things that need to occur and the						
17	machines that are not available including P's reviewing of						
18	tapes is in reference to Nancy Salzman. Her nickname was P.						
19	Q Why was her nickname P?						
20	A It was short for Prefect. It was an affectionate term.						
21	So based on that, it looks like he says he will have a						
22	completed the next night.						
23	Q Okay. And I don't know if we need to go into them in						
24	detail, but the second paragraph deals with the bins and the						
25	third paragraph deals with?						

	Vicente - Direct/Mr. Lesko 700						
1	A The basement.						
2	Q Cleaning the basement?						
3	A Yes.						
4	Q Do you have an understanding as to who at NXIVM would						
5	have authorized the purchase of the VHS machines that were						
6	used in the copying process?						
7	A At that time, the two people authorizing those kinds of						
8	things would have been Clare Bronfman and Nancy Salzman. I						
9	don't recall which one but they were the people that were						
10	authorizing purchases at that point.						
11	Q Did that responsibility change from Clare Bronfman						
12	to from Nancy Salzman to Clare Bronfman at some point in						
13	time?						
14	A It did. In the last few years that I was there, Clare						
15	Bronfman was the only person that was approving purchases.						
16	Q So along with editing and removing parts of the						
17	videotapes and other alterations to the videotapes, did your						
18	team do anything to the exterior of the videotapes?						
19	A There was what I term the "aging process." I don't						
20	recall if it was, you know, the video team or legal or a						
21	combination of both, but the there was a process whereby the						
22	labels were aged and the actual cassettes were aged as well.						
23	That would have consisted of scuffing, using sandpaper and						
24	rocks and that kind of thing to age them further. I don't						
25	recall the exact nature of the aging of the labels. In other						

	Vicente - Direct/Mr. Lesko 701					
1	words, I don't recall the exact method we used to age the					
2	labels.					
3	THE COURT: What is aged with the sandpaper.					
4	THE WITNESS: The actual cassettes, the plastic					
5	cases, were to make to look like it had been jiggled around					
6	for a long time, that kind of thing.					
7	Q So was that to make them look older than they actually					
8	were?					
9	A Correct.					
10	Q And the same with the label?					
11	A Correct.					
12	Q So was the entire process completed at some point in					
13	time?					
14	A I believe it was. I don't have an exact recollection,					
15	but I do recall at a certain point that there was a box of the					
16	completed tapes that was handed off to Legal. And by Legal I					
17	mean this department.					
18	Q And was it your understanding that the altered videotapes					
19	were produced in the case?					
20	A Much later, yes. I don't think that I knew much more at					
21	that point much later I found out, yes.					
22	Q Did you have discussions with the defendant about the					
23	status of the videotape editing project?					
24	A I don't recall if I had an exact conversation like that.					
25	Generally, in our process, I would, you know, I would report					

	Vicente - Direct/Mr. Lesko 702						
1	on everything. So I can only assume that I would have						
2	reported.						
3	MR. AGNIFILO: I object.						
4	THE COURT: Sustained.						
5	Q In your experience with the defendant, when he asked you						
6	to perform a task or complete a project, would he check on the						
7	status of that project?						
8	A He was extremely precise about checking.						
9	Q Would that happen often?						
10	A Yes.						
11	Q And would he check on the status of the project until it						
12	was completed?						
13	A He would. Or even if it wasn't completed, whatever it						
14	was he would keep checking.						
15	Q So when you agreed to alter the videotapes, which you						
16	said was illegal.						
17	A Yes.						
18	Q Why did you do that, why did you agree to illegally alter						
19	the videotapes?						
20	A I think it was to get his approval, to curry favor. He						
21	was ayou know, there were a bunch of terms on this like,						
22	you know, Big Dog, that kind of thing. Somebody you						
23	respected. I guess for approval.						
24	Q Let's go back over the types of edits that were done to						
25	the videotapes.						

#### Vicente - Direct/Mr. Lesko

And were the glitches or edits placed only in connection with the portions that were removed or were they -- were there glitches placed throughout the various videotapes?

A No, they were placed throughout the videotapes, obviously, on the sections removed but then in other places to strategically suggest, you know, some kind of general tape problem. We would put them at random intervals at different places so it would like more natural.

Q And the types of glitches that you manufactured, would they have happened just in the normal course of transferring a video from, say, DVD to VHS, just normally?

A Perhaps at the very beginning or at the very end of a transfer. They wouldn't happen in the middle in the fashion that we created.

Q Why not?

A Because there would be no signal loss, really, unless there was a power failure of some kind and somebody had restarted everything. Once something starts, there is a fairly consistent pattern. It's usually when you start the thing that there's usually a glitch of some kind or when you end it. But it tends to be the rest of the middle tends to be more uniform.

Q So some maybe all of us have experienced this, but if there is a glitch resulting from a signal loss, it would be

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Anthony D. Frisolone, FAPR, RDR, CRR, CRI, CSR Official Court Reporter

	Vicente - Direct/Mr. Lesko 704					
1	like a little line or a line wavy. It would continue					
2	throughout the entire videotape?					
3	A So, for instance, if there was a large magnet near a					
4	machine, you know, you'd see this like a bunch of interference					
5	but it's consistent drops, it keeps on going throughout.					
6	THE COURT: Now, just remind here. These recordings					
7	were made on DVDs originally?					
8	THE WITNESS: Originally, I believe, they were made					
9	on it was like Hi8 or mini-DVD originally.					
10	THE COURT: And so, you were transferring the sound					
11	and images from DVD to VHS?					
12	THE WITNESS: Correct. Or into an editing system					
13	and then they would go to VHS.					
14	THE COURT: All right.					
15	Q So is it fair to say that there were four types of edits					
16	that were used for these videotapes?					
17	A Yes.					
18	Q Okay. Was one type something that you would call a					
19	"static cut-in"?					
20	A Yes. What you would do is you would the tape would					
21	move from, you know, it's the tape world into the computer					
22	world. And, in essence, what you would do is you would remove					
23	the section that had to be removed and in its case place you					
24	would put static, a static signal, which generates on the					
25	computer quite easily or copy static from some other tape and					

#### Vicente - Direct/Mr. Lesko

*705* 

1 insert it in there. That was generally one method. We would

2 do other things as well, but sometimes it was just play, play,

3 | play, suddenly static, and then it would start playing again,

and there was something missing in the middle.

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Q Was the second type of edit something called "intermittent signal"?

A Yes. That was done machine to machine. So, in essence, you'd have two machines and you'd have, you know, you would use the cable that have what are we 3 B and C connecters. Red and white for sound, yellow for video. And what would happen is you would play from one to the other and you would, in essence, jiggle if you jiggled the video cables a bit or a lot just sometimes even pull them out or put them back in, you would get all kinds of, not artifacts, but you'd have glitches

that would occur, things would go black and come in out, and that was another kind of glitch that we would create.

Q Was a it third type of edit called a "straight cut"?

A Yes. In that case, we would play from one machine and

record on another. So let's say this machine is playing, this

machine is recording, you'd look at the notes, and once it got

21 to that point you'd suddenly lid press pause on this machine,

22 this would keeping playing the offending section, and you

would unpause, and there would be a little glitch and it would

24 continue. This was another method.

Q The was a fourth, another form of straight cut?

#### Vicente - Direct/Mr. Lesko

- 1 A That was, again, machine to machine. But, in that case,
- 2 instead of pausing on this machine, you may actually stop the
- 3 | machine and then keep this playing and then you would start
- 4 recording this machine again. What that would do is, you
- 5 know, on those machines once you hit record it took, like, a
- 6 | few seconds to sort of find the signal. Then there were call
- 7 kinds of patterns that would occur until it stabilized. So
- 8 | that was more aggressive cut than the prior cut.
- 9 Q So why don't we use this for shorthand. There are four
- 10 methods.
- 11 Method one we'll call the "static method." Method
- 12 two, we'll call the "jiggle method," okay with the cords.
- 13 Method three, we'll call the "pause cut" because it's a pause.
- 14 And method four, why don't we call it a "stop cut"?
- 15 | A Sure.
- 16 Q For stop, okay?
- 17 A Understood.
- 18 Q Now one and two, the static and jiggle methods, could
- 19 | they be done together?
- 20 A Yes. The idea was to introduce it, put the static in
- 21 there and also to put an additional problem in there, in that
- 22 case, we could do what I call the jiggling so it would hide
- 23 | the static. The issue with the static was it was a very clean
- 24 cut. So if you jiggled, it would look messier and more
- 25 organic or more natural.

	12121					
	Vicente - Direct/Mr. Lesko 707					
1	Q Just generally, why would you use the jiggle method?					
2	A To suggest that there was some kind of issue with the					
3	tape. It wasn't, like, really a hard science it was just to					
4	suggest because those kinds of things potentially could					
5	happen, you know, perhaps in the training room. So it was					
6	just an idea that we came up with because it would create					
7	intermittent signal loss and just it would hide some things.					
8	Q And do you recall these four types of edits being done to					
9	the videos in 2008 being altered?					
10	A I do.					
11	Q Okay. Now, I want to refer you to Government's Exhibit					
12	605-A, B, C, and D.					
13	You've reviewed short portions of videotapes that					
14	include these four types of edits haven't you?					
15	A I have, yes.					
16	Q Okay. And do they reflect in combination the four types					
17	of edits that you just described?					
18	A I believe they do, yes.					
19	Q Okay. And do you you testified that you didn't					
20	actually watch the videotapes at the time in 2008?					
21	A Not the entirety. I was more focused on the actual areas					
22	that needed to be removed.					
23	Q Can you say that the four videos that you watched that					
24	they were, in fact, the actual videotapes that were edited in					
25	2008?					

## Vicente - Voir Dire/Mr. Agnifilo 708 1 I believe they are. They seem very consistent with the 2 methods I'm describing. I don't recall the content of all the 3 I know they were Intensives, but it seems very 4 consistent. 5 MR. LESKO: Your Honor, we seek to admit government's 605-A, B, C, D subject to connection. 6 7 THE COURT: Subject to connection. 8 MR. AGNIFILO: Can I have a minute to think about 9 something? 10 (A brief pause in the proceedings was held.) MR. AGNIFILO: Your Honor, could I have a brief voir 11 12 dire? 13 THE COURT: Sure. 14 MR. AGNIFILO: Thank you. **VOIR DIRE EXAMINATION** 15 16 BY MR. AGNIFILO: Mr. Vicente, my name is Mark Agnifilo, I'm Keith 17 18 Raniere's lawyer. 19 The videotapes that you watched that the Government 20 is now seeking to admit in evidence, can you tell if the edits 21 were intentionally done on those videotapes? 22 Intentionally done? They're done in areas where cuts 23 normally wouldn't occur. In other words, generally speaking, 24 Intensives, once a person got to the end of a topic, the 25 trainer, somebody would cut the camera and then it would start

Vicente	_	Voir	Dire/Mr	Aanifilo

- 1 again as they got back in front to teach the class. And these
- 2 | were generally not at those times. These were more when
- 3 people were talking they continued talking.
- 4 Q But there's nothing about the edit itself that would lead
- 5 | you to conclude that this was an intentional change to a
- 6 recording or an inadvertent something else to a recording. Is
- 7 | that fair to say?
- 8 A The only thing that's -- it's inconsistent with what
- 9 | would normally happen in an Intensive. But because I don't
- 10 know what was specifically removed I couldn't say, oh, I know
- 11 | that these words were removed or this sentence. I can't tell
- 12 you that.
- 13 Q And you don't know because you didn't -- you never looked
- 14 | at the tapes that were allegedly altered at the time; correct?
- 15 A I looked at them generally because I had to determine,
- 16 you know, what kind of sort of effects we would use. But I
- 17 don't recall the exact, I mean, they were 16-day Intensive
- 18 | tapes I believe. I don't recall the exact Intensive, I don't
- 19 believe I was there when it happened.
- 20 Q Do you know what year these Intensives were from?
- 21 A I don't recall.
- 22 Q Do you know what the subjects were that were being
- 23 discussed?
- 24 A Well, it was the 16-day Intensive, so it was the
- 25 basically the content of the 16-day Intensive. So it's, you

# Vicente - Voir Dire/Mr. Agnifilo know, a huge, huge body of which it's actually all written somewhere so it's easy to compare. And you have no specific recollection, you don't know what tapes were altered at the end of the day through the process you described this afternoon? Specifically, no. Not all these years later I can't say with absolute certainty. MR. AGNIFILO: Your Honor, I object. MR. LESKO: Your Honor can we have a sidebar, please? (Continued on the next page.)

Sidebar 711

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

MR. AGNIFILO: I'm not trying to undo the to subject to connection part. My concern is even if a NXIVM representative comes and says these were -- these are the tapes that we gave over in discovery, he's still not able to link those tapes that were given in discovery to anything that he did.

MR. LESKO: I think these arguments go to weight, honestly. The issue the witness is going to testify that the glitches or edits that are reflected on the four exhibits are the types of edits that he instructed his team to do with respect to the edited videotapes.

You heard voir dire so you heard the answers in terms of his personal knowledge of what was contained on the videotapes, but I don't -- the other point I'll make is we're talking about the admissibility now of the videotapes subject to connection. Just from an efficiency standpoint, these videotapes are going to be admitted into evidence because we're going to have a witness come, or a custodian or something, and it may end up being a stipulation that the videotapes themselves will come into evidence. So we're going to be in a position where I'm just going to have to recall Mr. Vicente and ask him to offer this testimony.

Sidebar 712

MR. AGNIFILO: See, my perspective is that it's not. The problem of whether this was turned over in the lawsuit because the first thing he said was it was related to a patent and the lawsuit has nothing -- you agree the lawsuit has nothing to do with patent. So we don't know that he's talking about these same videotapes because he's unable to say that these videotapes that he saw them. He doesn't know what the videotapes are; in fact, that he might have altered videotapes that were not turned over in the lawsuit. There is no linkage between what he did and the lawsuit.

MR. LESKO: Your Honor, the dates, the linkage, and he did testify that the papers were produced in a lawsuit. It doesn't -- all that's required is the tapes be produced in an official proceeding; and so, he can specifically testify that the tapes were produced in a lawsuit.

MR. AGNIFILO: He said he learned that later. He learned that later.

MR. LESKO: To be precise, he said "case," and then he said he thought it was a case involving a patent and he said specifically the later he learned it was a lawsuit.

MR. AGNIFILO: So what he understood was that was in relation to a patent ways in the the lawsuit.

MR. LESKO: Your Honor if I could add just one small point. When he reviews the videotapes, he will say this: The edits that are included in those exhibits are exactly the same

Sidebar type of edits that they -- that were done to the videotapes in question in 2008. I will say that these types of edits that are reflected in the exhibits that are not naturally occurring And maybe that's the follow-up question because these edits would not have occurred as a result of a natural process as a result of a power surge or something to that effect. And maybe I can add some foundational questions. THE COURT: See what you can do. MR. LESKO: Okay. (Sidebar discussion concludes.) (Continued on the next page.) 

	Vicente - Direct/Mr. Lesko 714
1	(In open court.)
2	MR. LESKO: May I proceed, your Honor?
3	THE COURT: Yes, you may.
4	MR. LESKO: Thank you.
5	EXAMINATION BY
6	MR. LESKO:
7	(Continuing.)
8	Q So, Mr. Vicente, you described the four types of edits
9	we've gone through that were used in connection with the
10	videotapes in 2008. And you've reviewed the exhibits that we
11	just discussed. Were those exact types of edits those the
12	four that we described were those reflected on those portions
13	of videotapes that you watched?
14	A They were.
15	Q And do you recall that those specific types of edits were
16	actually the ones done it the videotapes back in 2008?
17	A I do.
18	Q And would those types of edits that are reflected on the
19	exhibits, would they have occurred naturally? In other words,
20	would those types of glitches have occurred naturally on those
21	videotapes?
22	A I don't believe so. As I said, it would be at the start
23	or the stop of somebody pressing a camera. But that's a
24	different effect.
25	Q And I believe you also said, and you can correct me if

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I'm wrong, that it would be would be consistent throughout the videotape if it was as a result of a natural occurrence?

- A I believe so, yes.
- Q Are the glitches that are reflected in the exhibits that we're talking about, are they consistent throughout the
- 6 videotapes or are they --
- 7 A They're not. They're intermittent.
- 8 Q And did you believe that those are the types of edits 9 that you and your team added to the altered videotapes?
- 10 A I do.

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11 Q Okay.

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MR. LESKO: Again, your Honor, we offer the Exhibit 605-A, B, C and D subject to connection.

THE COURT: I overrule the objection and the videotapes are admitted subject to connection. In other words, that there will be a witness who will authenticate these videotapes, the authenticity of the videotapes. And whether or not they should be considered by the jury during your deliberations is not if the Court determines that they should not be the Court will advise the jury.

So, otherwise, and until such time the videotapes are admitted in evidence, add least as demonstrative of the processes that are being testified to by the witness, but you will be advised if for any reason the videotapes and the testimony as to those tapes should not be considered by the

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## Vicente - Direct/Mr. Lesko 716 1 jury. 2 (Government's Exhibits 605-A, B, C, and D were 3 received in evidence as of this date.) 4 MR. LESKO: Thank you, your Honor. May we publish beginning with Government's Exhibit 605-C? 5 6 THE COURT: Yes, you may. 7 MR. LESKO: I think we're going to play the video in the courtroom. If you could pull up 605-C and if you could go 8 9 to just maybe ten seconds before 26:35. 10 Actually, could we stop for one second. 11 Your Honor, would there be a way to dim the lights in the courtroom just so... 12 13 (A brief pause in the proceedings was held.) 14 MR. LESKO: Your Honor, we seem to be having some technical issues, and given that it's very close to being 15 16 done, would it make sense to possibly leave a couple minutes 17 earlier today. I don't want to get people's hopes up, sorry. 18 THE COURT: Do you want to go forward? 19 MR. LESKO: Yes. Yes. I think might as well make 20 use of the time. 21 THE COURT: All right. 22 (Video file played in open court.) 23 (Video file concludes.) 24 MR. LESKO: If you could pause that. Keep going I'm 25 sorry.

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Vicente - Direct/Mr. Lesko
                                                                717
               (Video file played in open court.)
1
 2
               (Video file concludes.)
 3
              MR. LESKO: If we could stop it.
 4
    EXAMINATION BY
    MR. LESKO:
 5
    (Continuing.)
 6
7
         Do you recognize some of those, or do you need to replay
8
    it?
9
         There was a pause before some kind of effect. I need to
10
    see it again.
11
         Let's go back to 26:30.
12
               (Video file played in open court.)
13
               (Video file concludes.)
14
              MR. LESKO:
                           Okay. We can stop it.
         So what does that excerpt reflect?
15
    Q
16
         That there's no interruption in the actual dialogue, so
17
    my belief is that that's an example of the jiggling of
18
    probably only the yellow cable because you don't really hear
19
    the sound cut out. It seems to stay uniform and there doesn't
20
    seem to be any time missing. So my belief it would be the
21
    second example or what I think we termed "cable jiggling."
22
         Okay.
                If we could go forward to 27:30.
    Q
23
               (Video file played in open court.)
24
               (Video file concludes.)
25
              MR. LESKO:
                           Okay.
                                  We could stop.
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A So it's an example of a few things. The first example is the cable jiggling. Then there appears to be an insert, the method one, static insert. And then there appears to be some additional cable jiggling at the -- towards the end of the

5 static insert to try and hide the static cut point. That's

6 two methods.

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Q Thank you. Let's now, turn to Government's Exhibit 605-D. And if we could start at 12 minutes 30 seconds.

(Video file played in open court.)

(Video file concludes.)

A There appeared to be actually three things going on there. The one is jiggling, static insert, and then there appears to be the type three cut where it looks like the second machine is paused and then unpaused because there's a sudden change in time. There's missing time in there. There appears to be one of those pause/unpause things on the recording machine.

- Q That's type one, type two, and type three?
- 19 A There appears to be, yes.
- 20 Q If we could forward to 26:40.

21 (Video file played in open court.)

22 (Video file concludes.)

- 23 Q Okay. What was that?
- A That appears to be type three. It appears to be the pause/unpause. You can see there's time missing in there.

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Vicente - Direct/Mr. Lesko
                                                                719
1
    Q
         That's the pause cut?
 2
         Yeah.
    Α
 3
    Q
         Okay.
                If we could forward to 27:10.
 4
               (Video file played in open court.)
               (Video file concludes.)
 5
         Okay. You could explain?
6
    Q
7
         There was some what we call jiggling, static insert, but
8
    also the type four where you actually stop the recording
9
    machine and then begin recording again because you can see it
10
    takes some time. There was actually this field that seems to
    go down until it resolves. That's the actual machine trying
11
    to get a stable signal that happens with VHS. So that's how I
12
13
    believe it's because it was actually stopped and then the
14
    recording started again.
         Thank you. If we could now turn to Government's Exhibit
15
    Q
16
    605-A. And if we could go to 30 minutes and 25 seconds.
17
    Right, this is the one with the problem. Let's go to
18
    Government's Exhibit 605-B and if we could turn to 1 minute
19
    and 45 seconds.
20
               (Video file played in open court.)
21
               (Video file concludes.)
22
    Q
         Okay. What is that?
23
    Α
         It is possible that something was done much later but it
24
    appears to be an in-camera cut where the video camera is
25
    actually stopped and then starts recording again.
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reason I also say that is because you look at the -- in every cut, there's an A side and a B side. So if you look at the cut, it's like somebody pressed the button on the camera, then they began recording again and that there's a jiggle that you see in the frame which is usually when the person releases the button, and when you release that button with a small camera, every time you release the button it shakes. If you notice on the B side the camera image, it actually shakes.

This likely happened at the time. It's not impossible that it wasn't an additional thing wasn't done, that is possible. But my first though is I think this was done at the time.

THE COURT: At the time of the actual recording?

THE WITNESS: At the time of the actual recording.

THE COURT: All right.

MR. LESKO: Okay. Your Honor, I think it's probably a good time to end for today?

THE COURT: All right. Members of the jury, we're going to resume on Monday morning at 9:30.

If you're taking notes, please leave then in the jury deliberation room.

Let me remind you that it is extremely important that you follow my instructions; that you do not discuss the case with anyone. Not your family, your friends, or business associates and not other jurors.

Anthony D. Frisolone, FAPR, RDR, CRR, CRI, CSR Official Court Reporter In addition, you must not read, listen to, watch or access any accounts of this case in any form of media including newspapers, TV, radio, podcasts or the Internet.

And you should not research or seek outside information about any aspect case.

Do not communicate with anyone about the case on your phone, whether through e-mail, text messaging, or any other means; through any blog or website, or by way of any social media including Facebook, Twitter, Instagram, YouTube or other similar sites.

You may not consider anything you may have read or heard anything about the case outside of this courtroom whether you read it before or during, whether you read it before or during the trial.

Do not attempt any independent research or investigation about the case.

Do not visit any of the location action identified during the course of testimony or in the questionnaire.

And we will see you on Monday morning. Have a good weekend. All rise far the jury.

(Jury exits courtroom at 5:02 p.m.)

THE COURT: All right. The witness may stand down.

Do not discuss your testimony with anyone. We'll see you

Monday morning, sir.

THE WITNESS: Yes, your Honor.

	12100
	Proceedings 722
1	THE COURT: All right. Everyone may be seated.
2	So that I can understand this. There will be a
3	witness who authenticates these videos as to what? What is
4	going to be authenticated about the videos.
5	MS. PENZA: Just that the videos are the ones that
6	were produced in the Ross Franco litigation.
7	THE COURT: So that they are the videos that were
8	part of that litigation that was testified to by this witness.
9	MS. PENZA: He has an I mean he testified to
10	THE COURT: About the video?
11	MS. PENZA: General concept. I'm sorry.
12	THE COURT: What?
13	MS. PENZA: I'm sorry.
14	I don't think that this witness has testified as to
15	what litigation these videos were produced in and I don't
16	think that he can.
17	THE COURT: Right. I understand that. But the
18	witness that's going to testify as to the authenticity of the
19	videos will link these videos to the litigation that this
20	witness believes was the reasonable for the manipulation of
21	the videos.
22	MS. PENZA: That's the part that I'm not sure the
23	testimony has shown and I don't think it needs to because the
24	time what this witness has testified to is that in or

around June 2008, he is tasked with editing videos.

25

# Proceedings

believes it has something to do -- it clearly has to do with the legal department. The defendant has told him that they have to be edited because there were claims made.

And so, then these other evidence in this case will show that videos were, in fact, produced around that time in the litigation. Those videos show that the types of edits that he has described and will have other evidence of the motivation for this type of editing process.

THE COURT: And your witness as to authenticity is this witness going to testify that he or she believes that the videos that we just showed the jury were produced at that time.

MS. PENZA: Were produced at that time, yes, your Honor. In that litigation at that time.

THE COURT: In that litigation at that time.

MS. PENZA: Yes, your Honor.

THE COURT: All right. Let's see what we get from that witness before I let the jury consider the videos in their deliberations.

MS. PENZA: I think the videos on their own, your Honor, just we would be able to -- if the videos were admitted, and we showed those edits, I think it would be fair to argue that those were, in fact, the edits they're done at the time we have the e-mails, but I do think that his testimony regarding the fact that in addition, these are the

	Proceedings 724
1	exact types of edits that he directed to have happen at the
2	defendant's direction should be admissible.
3	THE COURT: I know what you're arguing, but I just
4	want to be careful about what I let the jury consider. That's
5	all. So we can talk about it more once we have the testimony
6	of the custodian.
7	MR. AGNIFILO: I think the cross-examination will be
8	helpful. My opinion.
9	THE COURT: Good of you to say.
10	MR. AGNIFILO: Thank you, Judge.
11	THE COURT: Okay. So tell me about next week. I'm
12	all ears.
13	MS. PENZA: Your Honor, we intend to disclose to the
14	Court and defense counsel within 48 hours of our next witness
15	being called.
16	THE COURT: How long will this witness be continuing
17	to be on direct on Monday?
18	MR. LESKO: I would hope to be done by Monday. I'm
19	about halfway done with my outline, but I believe the back
20	half will move quicker. So I hope to be done by Monday
21	afternoon. But the witness tends to give long answers. So
22	I'll try to limit that.
23	THE COURT: You have some sway over answers. You
24	can ask for yes-or-no questions. I know that sounds it's hard
25	on direct.

	Proceedings 725
1	MR. AGNIFILO: We would love to know who the next
2	witness is. We don't know.
3	THE COURT: You don't know.
4	MR. AGNIFILO: We have no idea.
5	MS. PENZA: Your Honor, I believe that the
6	cross-examination if Mr. Lesko's direct examination is
7	going to go through Monday, I'm certain that Mr. Agnifilo's
8	cross-examination will at least last until the end of the day
9	on Monday.
10	MR. AGNIFILO: Okay.
11	THE COURT: What is 48 hours before Monday?
12	MS. PENZA: Saturday.
13	THE COURT: Yes.
14	MS. PENZA: Yes, your Honor. But I think we're
15	talking Tuesday morning.
16	THE COURT: Tuesday morning.
17	MS. PENZA: Yes. I mean, we would let everyone
18	know.
19	THE COURT: You have more than 15 minutes for this
20	witness?
21	MR. AGNIFILO: I think so, yes. I have more than
22	15 minutes.
23	THE COURT: I think it'll go to let's be totally
24	forthright about this. This witness will go to the end of
25	Monday based on the fact that he'll go to midway through

	Proceedings 726
1	afternoon on Monday on direct wouldn't you think.
2	MR. AGNIFILO: I would imagine. What I interpreted
3	Mr. Lesko to say is he might go all of Monday on direct.
4	MR. LESKO: It's possible.
5	THE COURT: Yes, but I'm trying to think in a
6	positive way.
7	MR. AGNIFILO: I understand.
8	THE COURT: Not a negative way here. Do you
9	understand?
10	MR. AGNIFILO: Yes. I wasn't factoring the Court's
11	influence into that calculus.
12	THE COURT: I will give my best efforts here. So
13	what we'll do is figure Tuesday morning. So Tuesday morning
14	means Sunday.
15	MS. PENZA: Yes, your Honor.
16	THE COURT: Which means Sunday morning.
17	MS. PENZA: And we will let you and defense counsel
18	know on Sunday morning.
19	THE COURT: They will provide us your next
20	witness is as long as this witness.
21	MS. PENZA: I'm not entirely sure who we are going
22	to call next. So we're going to make that determination.
23	We'll make that determination before Sunday.
24	MR. AGNIFILO: She's got us.
25	THE COURT: Have a very nice weekend.

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               MR. AGNIFILO: You, too, your Honor.
 2
               MS. PENZA: Your Honor, if I may? Maybe we respond
 3
    to defense counsel's Daubert motion by Monday morning.
               THE COURT:
 4
                           Yes.
               MS. PENZA: Thank you, your Honor.
 5
 6
               THE COURT: All right. Thank you everyone.
 7
               MR. AGNIFILO: Have a nice weekend.
8
               (WHEREUPON, this matter was adjourned to May 13,
    2019, at 9:30 a.m.)
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INDEX WITNESS PAGE MARK ANTHONY VICENTE (Continued) DIRECT EXAMINATION BY MR. LESKO **VOIR DIRE EXAMINATION** BY MR. AGNIFILO EXHIBITS Government's Exhibit 1010 was received in evidence as of this date Government's Exhibit 1396R was received in evidence as of this date Government's Exhibit 1397R was received in evidence as of this date Government's Exhibit 1395R was received in evidence as of this date Government's Exhibits 605-A, B, C, and D were received in evidence as of this date 

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