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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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

Plaintiff , :

-against- : United States Courthouse  
Brooklyn, New York

KEITH RANIERE, et al., :

Defendant. : May 29, 2019  
9:30 o'clock a.m.

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

APPEARANCES:

For the Government: RICHARD P. DONOGHUE  
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Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.

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

2 THE CLERK: Case on trial.

3 Counsel, state your appearances, please.

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

8 THE COURT: Good morning, everyone.

9 MR. AGNIFILO: Marc Agnifilo, Teny Geragos, Paul  
10 DerOhannesian and Danielle Smith for Keith Raniere who is  
11 present with us at counsel table. Good morning, Your Honor.

12 THE COURT: Good morning, everyone. Please be  
13 seated.

14 Are we ready for the witness?

15 MS. PENZA: Yes, we are. I'm sorry, Your Honor.

16 THE COURT: Okay. Let's bring in the witness.

17 (Witness resumes the stand.)

18 THE COURT: All right. Please bring in the jury.

19 (Jury enters.)

20 THE COURT: Please be seated.

21 Good morning, members of the jury.

22 THE JURY: Good morning.

23 THE COURT: All right. Ms. Penza, you may continue  
24 your examination of the witness.

25 The witness is reminded that she is still under

Daniela - direct - Penza

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1 oath.

2 MS. PENZA: Thank you, Your Honor.

3 DANIELA ,

4 called as a witness, having been previously duly

5 sworn, was further examined and testified as follows:

6 DIRECT EXAMINATION (Continued)

7 BY MS. PENZA:

8 Q Good morning, Daniela.

9 A Good morning.

10 Q Yesterday, when we talked about the night when you had  
11 the first, the falling out with the defendant, during the  
12 night of that fight, you described feeling like you were in  
13 the right?

14 A Yes.

15 Q Would you continue to feel that way over the next several  
16 years?

17 A No. As time went by, in, through -- I, I was  
18 increasingly confused. It became a little foggy in my head  
19 what the actual issue had been that I wanted. Something very  
20 clear, it was very clear what the issue at hand was and as  
21 time progressed, and it was years, through the coaching,  
22 through the EMs, through the disciplining, through the e-mail  
23 communications, I became increasingly confused. Like, it was  
24 no longer clear what the issue was. Like, my program, losing  
25 weight, doing book reports, everything, it got melded together

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1 in this, like, snowball of problem that was at some point for  
2 me very hard to distinguish.

3 Q And when you say it was hard to distinguish, what was  
4 that effect like on you?

5 A Well, that, that state of confusion, of lack of clarity,  
6 made it so I didn't know how to tackle it and there were words  
7 described to me and to describe what I was doing that I didn't  
8 really understand because I couldn't ground them into  
9 anything. Like, you need to fix your ethical breach. You  
10 know, at some point, what is it, me losing weight? Is it --  
11 you know, you need to fix your pride. It was no longer as  
12 clean as, you know, I don't want to be with you, I want to be  
13 with him.

14 It was -- that clarity was completely lost, and at  
15 some, at some points, I would, I wouldn't say regain it, but I  
16 would -- like, I think through the pushing, I would push back  
17 and I would try to, to regain it, but there was, there was a  
18 tightly controlled environment around me. There were people  
19 who were coaching me. There were the communications. There  
20 was a constant nagging over I'm bad, I need to do things, that  
21 were not related to the issue, but that were coupled all in  
22 the concept of ethical breach, of pride. And so it came to  
23 the point where the effect on me, it was impossible for me to  
24 dissect it and I felt that I was bad, that I had done  
25 something wrong, that really I had something that I needed to

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1 fix.

2 So that state of confusion was effective on me, so I  
3 ended up getting confused and I would say being talked into  
4 these notions of something that I had done that had not been  
5 at the beginning. At the beginning, I had been clear and now  
6 I was confused.

7 Q During this time period, so we have -- so the time period  
8 after your fight with the defendant, there is over three years  
9 where you are not in the room but you're estranged from the  
10 defendant and there's about two years when you're in the room,  
11 is that right?

12 A Yes, that's right.

13 Q During that time period, did you ever consider just  
14 leaving?

15 A Yes.

16 Q So can you explain that?

17 A Yes. There were many times, many, many times, both right  
18 after the falling out, throughout, before the room, during the  
19 room, but for the sake of clarity. So when I decided to go,  
20 there were, there were several, I would call them fences. I  
21 would call them, like, walls.

22 At first, I would be talked out of it so I would  
23 come to the conclusion, you know what, I don't want this, I  
24 didn't sign up for this, this is not something -- I want to  
25 study. I want a life. I did not sign up to be in isolation,

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1 you know. Even if I was confused at some point, I'm sorry  
2 what I did was wrong but I don't want this. So there would be  
3 the first layer.

4 The first pushback that I would be was, like, with  
5 my coach, like, through an EM, what does it mean that you're  
6 willing to destroy something, you're not going to fix it. So  
7 it was, like, I would call it more like an EM or you could  
8 even say, like, friendly. Like, you're talking to someone who  
9 you trust and they talk you out of it.

10 Sometimes that was sufficient for me to change my  
11 mind, but sometimes, many times, I was determined, like, I  
12 really was sick of that life and I would push further. I  
13 would be, like, there's no way, you cannot talk me out of  
14 this, I don't want this life. And then it would become, same,  
15 still just talking to someone, like, it would be my coach. It  
16 would be with someone else who was at the time might be  
17 handling my program. But then it was, like, I would say,  
18 like, a stronger, a more solid wall of you can't leave, you've  
19 destroyed so much, you owe us, you know, we brought you here,  
20 you can't leave, you're a liability for us. And I thought at  
21 the time, that that was true. You know, I didn't know how it  
22 worked. So I thought that if I left, I am illegal, I wouldn't  
23 be the one to get in trouble, that I could actually get Keith  
24 and ESP in trouble because they're the ones who brought me  
25 here illegally and here's where I've been living and here's

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1 where I've been working without pay, here's where I've been  
2 existing.

3 So it went beyond through an EM or a pep talk, like  
4 you can do this, you can fix it, I believe in it, to, ah, you  
5 can't leave, you can't, you can't leave without having fixed  
6 your damage, that's not right.

7 THE COURT: How would -- tell me, an EM is an  
8 exploration of meaning, is that?

9 THE WITNESS: Yes.

10 THE COURT: How would that work during that period  
11 of time? Why don't you talk us through how an EM would work  
12 in that period of time.

13 THE WITNESS: Okay. Yes.

14 So, for example, in a session with my coach, she  
15 would have me work on my pride.

16 THE COURT: And the coach would be?

17 THE WITNESS: Karen Unterreiner was my coach.

18 THE COURT: Karen.

19 THE WITNESS: So she was the person who was working  
20 more heavily with me during that period of time.

21 And, you know, even talking about EM and pride was a  
22 euphemism because that wasn't the problem. It was just your  
23 pride and you think you're right, you think you know better,  
24 we're going to work on your pride. So then it would be, you  
25 know, a specific -- it usually started with, like, a specific

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1 event or a specific feeling. Like, you did this, that was  
2 bad. You know, that's your pride. What does that mean? What  
3 does that mean about you? What does that mean to you? And it  
4 would be a series of EM questions that they usually do.

5 I was never really good with EMs because I, I --  
6 basically I went very honestly about them. So what I believe  
7 the EM was trying to do is manipulate me to a certain  
8 conclusion. Well, you know, compared to what you want to see  
9 in the world, isn't this destructive? You know, is that  
10 really what, how you want to be? Do you think that's what's  
11 right? And it would be very confusing to me because they  
12 would bring in concepts that were foreign to me, that I had  
13 not explicitly said that I wanted, and through the EMs, they  
14 would try, Karen would try to demonstrate, you know, the  
15 damage to Keith and I needed to fix it.

16 So it was a very confusing process where it didn't,  
17 it wouldn't end with the problem that I started because the  
18 problem that she started with was confusing to begin with.

19 THE COURT: Did you ever push back on her  
20 assumptions?

21 THE WITNESS: Almost always and that was called  
22 prideful.

23 THE COURT: That also was called prideful by whom,  
24 by Karen?

25 THE WITNESS: By Karen and by everyone that she



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1 reported to and everyone found out I was defiant and prideful.  
2 Me not wanting, not willing to be humble enough to go through  
3 the EM process and admit that I was wrong and I didn't know  
4 everything, that was pride.

5 THE COURT: I see. All right. Thank you.

6 Go ahead.

7 MS. PENZA: Thank you, Your Honor.

8 BY MS. PENZA:

9 Q So you were explaining, I think, what you've termed as  
10 these levels of fences.

11 A Uh-huh. Okay. So that was -- I was on, like, the second  
12 one. And I mean that's still just words, right? That's still  
13 just -- I'm telling you you can't go because you owe us and  
14 that was, at times, effective because I wanted to do the right  
15 thing. I didn't want to hurt anybody. So it, at times was  
16 effective.

17 That second fence was effective for me keeping from  
18 leaving, but sometimes I wanted to leave more than that, you  
19 know, and that was, like: Okay, I am so sorry. You know  
20 what? I'm going to go to Mexico. I'll get a job. I'll wire  
21 you some money for everything that I've done. I'll just, you  
22 know, I'll figure it out.

23 Q Who are you saying this to?

24 A I told that, I believe, to Nancy. I said that to Karen.  
25 I tried to negotiate that with my family when they were taking

Daniela - direct - Penza

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1 care of my program. So, the people in charge of supervising  
2 me at the time which weren't many. I didn't have a lot of  
3 interactions.

4 Q This idea of wiring them the money, what was that about?

5 A Well, I owed them, right? I owed them and there was this  
6 unspecified I owed, I destroyed so much, I destroyed, you  
7 know, I took Keith's time and I never did anything so I owed  
8 them. I didn't do book reports on time so I owed them. I  
9 never did my program and he had so many plans for me so I owed  
10 them. Like, I owed them for everything that I hadn't done and  
11 I had destroyed which, again, there was this mass -- it  
12 wasn't, oh, you owe us because you wanted to be with Ben and  
13 that's how it started. No. No. It was now this big,  
14 unidentified, you owe us so much.

15 So in my confusion, I would say, in all honesty,  
16 because I did become confused and I felt, like, bad, oh, my  
17 God, I did everything wrong, I don't want this lifestyle. My  
18 thinking was, hey, I'll go to Mexico, I'll work really hard  
19 because I can, and I'll make money, currency. That's the only  
20 way I can measure, like, being able to, all right, I'll give  
21 you something, but it wasn't like I owed a specific amount of  
22 money. It was the other way around.

23 So, that's how I would make it work in my head, but  
24 then after that first fence, then it became, like, an actual,  
25 like, physical, logistical issue to leave. Like, where, even

Daniela - direct - Penza

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1 if I wanted to leave, I was illegally in the country and I  
2 didn't have any money. So even to think, well, ask my  
3 parents, can you please give me money to buy a bus ticket.  
4 No. I could not leave.

5 So even when I did want to leave, there was no  
6 possibility and there came a time after, after he stopped  
7 talking to me, stopped writing to me, when he stopped writing  
8 to me, it was a rapid progression of them taking all my  
9 property, everything I owned, including my papers which were  
10 in that little corner of property that I had. So at that  
11 point, I didn't even have no money, no means to go, no papers,  
12 no identification of any kind, so it was truly impossible for  
13 me to leave.

14 So at many times, it was floated around me, like,  
15 well, you know, you should do this and, like, oh, you could  
16 have just left. That door was never really opened. You know,  
17 when that was brought up to me, I was, like, when I've wanted  
18 to leave, I'm not allowed to, they won't let me, it was never  
19 an option for me. I did want to. I did have, I would say,  
20 moments of clarity when I realized that everything was just  
21 getting worse and worse and I couldn't see the way out and  
22 even with all the confusion, I gained the clarity of I need to  
23 leave and I could not.

24 Q Looking back, do you have any thoughts on this process of  
25 the talking you out of leaving and then ultimately you not

Daniela - direct - Penza

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1 actually being able to leave?

2 MR. AGNIFILO: I object to the question, Judge.

3 THE COURT: I'll allow it.

4 Go ahead.

5 A I think that what I went through, specifically, in that  
6 aspect, I was without a doubt captive from the moment I  
7 became, I was illegal in the country and it became evident  
8 only when I pushed and that's, as time progressed, it was very  
9 clear to me that I could not leave. So I think that what  
10 actually was going on, that was their way to control me. They  
11 had that on me. They had my ability, my freedom essentially,  
12 and so I needed to do what they wanted me to do.

13 Q When you say you had no money, is that literally no  
14 money?

15 A Yes.

16 Q What would you -- I know that there is a progression here  
17 but during that progression, what would you be doing for food?

18 A At the beginning of that progression, there were odd  
19 jobs. There was, like, one job that paid me really well, I  
20 made it last, but after that, I, I just did not have any money  
21 and no way to get food so I would get food from my parents'  
22 house. When it got really bad, and I, and that is -- it gets  
23 bad as it progresses. When it got really bad and I had  
24 nothing, at times, I took food from the Flintlock house and  
25 even took change to, and money to buy food, enough to buy

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1 food, but there was no way for me to make money in any way.

2 Q Throughout the course of this, all of these fences that  
3 you've been describing where there's people talking to you or  
4 doing various things, are there any conversations with you  
5 about the defendant's involvement in those actions?

6 A Yes.

7 Q Can you explain?

8 A Yes. I mean, it was all about Keith, with respect to  
9 Keith, from Keith, there's no question about that, even when I  
10 would talk to my coach, and that was, that was evident to me  
11 before. So there was a small lapse of time after the falling  
12 out where we were not e-mailing back and forth, but I  
13 immediately had people who were working on me.

14 Now, this, I knew that it was from Keith because I  
15 had been around for three years in his life and I knew how he  
16 worked on women and how he would handle those situations. So  
17 I knew that people were coming to me not because they were  
18 concerned and they wanted to know what was going on. They  
19 were being sent to me to work on specific things and to get me  
20 to do specific things, namely, go back to Keith, apologize,  
21 say this, you should write to him. All of those came from  
22 Keith. That's how I know, because of my experience. But once  
23 we started an e-mail communication, it was clear from what was  
24 exchanged that he was the one giving the instructions to Karen  
25 to work with me on something specific. So this was all coming

Daniela - direct - Penza

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1 directly from Keith and it was all about my issues with Keith.

2 Q How about later once your family gets involved?

3 A Once my family gets involved, I mean it, it -- my parents  
4 themselves told me they would, at the time -- like, when they  
5 were meeting with me, we would have meetings, my mother, my  
6 father, myself, and they would say, Well, we talked to Keith  
7 and he said this, and they would say, Well, you know, he  
8 really cares about you, he's trying to help you, you're  
9 really -- so it was -- they told me it was Keith who was  
10 instructing them.

11 Many times there would be a situation and they  
12 wouldn't know what to do with me and they would wait for  
13 instructions from Keith. These sometimes -- I never saw them  
14 meeting with Keith. I wasn't allowed out of the house. At  
15 that point, I didn't have any freedom. But they told me they  
16 met with him, they told me they met with Nancy and with Karen,  
17 and many, many times, it would be my sister Marianna who would  
18 come into the house with instructions from Keith. So it was  
19 very clear to me.

20 In fact, there was -- I mean, the last communication  
21 that I had with him, from him to me, before he stopped  
22 e-mailing and my parents took over my program, it was very  
23 clear that he was going to keep monitoring and supervising and  
24 that I could only talk to people that he approved of because  
25 he was going to be giving them the instructions.

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Daniela - direct - Penza

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1           So there's no question about that. It all came from  
2 Keith.

3 Q     We were going to look at some of the e-mails in a second  
4 and we talked about some of the categories of e-mails. I  
5 think you told us that there were e-mails about Ben that you  
6 exchanged with the defendant?

7 A     Yes.

8 Q     Were there -- and that there were also other sexual  
9 e-mails?

10 A    Yes.

11 Q    Can you explain that a little bit?

12 A    Sexual e-mails, in general?

13 Q    Yes, with the defendant.

14 A    Right.

15           So there were sexual e-mails clearly about Ben and  
16 he wanted to know all my interactions with him.

17           There were also sexual e-mails and I would  
18 categorize them like romantic, sexual e-mails from myself to  
19 Keith, him prodding me for that information. So where I would  
20 say that I loved him, that I had fantasies about him, I just  
21 had a dream about you and I would describe it. I would say I  
22 miss you, I miss, and something sexual, maybe, because the  
23 nature of the sexual relationship had been almost strictly  
24 oral sex, unilaterally, like, maybe something, like, I miss  
25 the way you taste, something obviously sexual in nature.

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1           Why was I doing that? Keith -- in, in the, the  
2 e-mails where I say that I loved him and I say things that are  
3 sexual, that may be to someone who does not see the context of  
4 the situation might seem, like, well, she really wants to be  
5 with him, she really loves him, she's like really struggling  
6 to get back, maybe, but the truth is that there's a huge  
7 context to this and that was -- I mean, that, if anything,  
8 exemplifies my confusion.

9           But first of all, and I think very importantly,  
10 these are things that Keith asked for, like, outright asked  
11 for. You should fantasize about me. You should tell me, you  
12 know, that you miss me. You should write incessantly. You  
13 should always write. You're not writing enough. You know,  
14 you should treat me with love. So it was almost like an  
15 instruction manual, the instructions he was giving me, but  
16 also the nature of our relationship had been romantic and  
17 sexual from the start really and it had been a manipulation  
18 from the start.

19           So for me, for me, from the moment he stole my first  
20 kiss and he took my innocence in that way, I had no other, I  
21 had no other thing to compare it to. And even, like, all the  
22 oral sex he had me give him, that was normalized. I didn't  
23 know -- like, I didn't know what it was to be a woman in a  
24 relationship. I didn't know -- I thought -- my idea of it is  
25 the role of a woman in a relationship is I have, I give him



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1 pleasure and so I didn't know that that was an inordinate  
2 amount of pleasure and it was not reciprocal and that is not  
3 normal. I mean, I'm not a sex-crazed person who wants to give  
4 oral sex all the time. That's not who I am. That's not what  
5 I wanted. All of that is a slow manipulation.

6           And once I didn't want that anymore and we stopped  
7 talking and then the communication resumes via e-mail, it  
8 doesn't resume in that strong way. Then it's something that  
9 is a part of the confusion and the prodding and the harassing  
10 of you want to fix this, this unnamed thing, you need to be  
11 like this to me, and it was spelled out in a very clear way.  
12 And I think that -- and part of it was that I still, I  
13 still -- part of me still idolized Keith. I still thought,  
14 not completely but in a way, in a part, highly of him, that I  
15 lost, I felt like I was losing my entire world in that moment.  
16 I had all my hopes in that world and it was a great deal of  
17 dependency that I had on this man my entire life. My hope for  
18 an education, my relationship. My best friend was Keith. I  
19 had stopped talking to my mother. My best friend was my  
20 sister Marianna. We didn't talk anymore. So I had no  
21 reference point.

22           So all the tools that I was using to navigate that  
23 situation, which was my interaction with Keith, is what he was  
24 telling me to do. And I knew I was expected to say that and I  
25 knew I was expected to do that and so I did.

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Sidebar

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1 Q During the time --

2 MR. AGNIFILO: Your Honor, can we have a side bar  
3 for a second?

4 THE COURT: Sure.

5 (The following occurred at sidebar.)

6 THE COURT: Okay.

7 MR. AGNIFILO: The objection is that the witness is  
8 going on for, at times, 5 to 10 minutes, nonstop, with a  
9 narrative that's not linked to time, that's not linked to  
10 individual people, she's saying "they," she's moving back and  
11 forth through time, and the objection is I want to return to  
12 questions and answers.

13 THE COURT: All right.

14 MR. AGNIFILO: And this witness is going on and on  
15 and on.

16 THE COURT: All right. I understand your point.  
17 Yes?

18 MS. PENZA: Your Honor, I think that she was  
19 responding to the question. I think that there are points in  
20 time where this is a complex story and she obviously has  
21 insights into what happened and I think it makes sense to  
22 allow her to speak. I do think this is the end of -- we're  
23 going to be turning back to Q & A right now.

24 THE COURT: Well, I think it's important that we  
25 focus, I agree with that, that it be focused on specific

Sidebar

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1 questions and answers to specific events and so let's try to,  
2 you know, rein in the focus a little bit here. All right? I  
3 think that is a point well made.

4 MR. AGNIFILO: Yes, Your Honor.

5 THE COURT: Okay?

6 MS. PENZA: Understood, Your Honor.

7 THE COURT: Thank you very much.

8 (Sidebar ends.)

9 (Continued on next page.)

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Daniela - direct - Penza

2712

1 BY MS. PENZA:

2 Q Daniela, during the time period when you were having the,  
3 when we think about the time period where it's after the fight  
4 and you're having e-mail exchanges with the defendant, during  
5 that time period, do you ever see the defendant?

6 A See him? I saw him a few times. I saw him from afar  
7 when he was walking. I think that's pretty much it.

8 Q Okay. And during that time period, you were still  
9 spending time at 3 Flintlock sometimes?

10 A Yes.

11 Q Did you ever have an interaction with the defendant while  
12 you were at 3 Flintlock during this time period?

13 A Yes.

14 Q Can you explain what happened?

15 A Yes. There was, I mean -- well, over a year after we had  
16 stopped talking and there was e-mail communication and I would  
17 still go to Flintlock -- I was still going to Flintlock. I  
18 was being asked to still, like, organize things and I would be  
19 coming back and forth again, always like notifying and  
20 scheduling to make sure that Keith wasn't there or they would  
21 tell me Keith is not there. And one time I was working there  
22 organizing and doing some stuff and I fell asleep on the  
23 couch.

24 Q What happened?

25 A I fell asleep on the couch and Keith walked in. And I,

Daniela - direct - Penza

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1 you know, I -- well, we hadn't spoken in a really long time  
2 and I didn't want to violate his privacy so I just pretended I  
3 was asleep. You know, I did wake up. I heard him come in. I  
4 think I saw him and I just -- I was on the couch. I pretended  
5 I was asleep.

6 Q What happened next?

7 A I heard a few noises, he did a few things, and I was  
8 pretending I was asleep. You know, I was playing dead,  
9 pretending I was asleep. And he walks up closer to me,  
10 towards me. I don't wake up.

11 Q By "don't wake up," you mean you continue to pretend  
12 you're asleep?

13 A I continue to pretend, yes. I don't open my eyes. I  
14 continue to pretend I am asleep and he comes closer and closer  
15 to me and he pulls his pants down and he puts his genitals on  
16 my face and I continued to pretend I was asleep.

17 Q For how long were the defendant's genitals on your face?

18 A Easily about ten Mississippi's.

19 Q Did he move himself around on you?

20 A Yes.

21 Q Did you -- go ahead. I'm sorry.

22 A He did. Yeah, he touched my face with his genitals and I  
23 did not stop pretending I was asleep. I just continued to  
24 pretend until it was over. He pulled back. He pulled his  
25 pants back up. I heard a little bit more noise and as he was

Daniela - direct - Penza

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1 leaving, I remember -- like, he left. So I get up and as he's  
2 leaving, I remember we made eye contact and I pretended I was  
3 asleep again.

4 Q In that, in that moment, did you have any interest in  
5 having a sexual encounter with the defendant?

6 A No, I did not.

7 Q Did you later exchange e-mail correspondence about that  
8 encounter with the defendant?

9 A Yes.

10 Q And can you just explain generally that e-mail  
11 correspondence?

12 A In the e-mail correspondence, I continued to pretend that  
13 I had been asleep.

14 Q Did you -- at that point in time, were you also at points  
15 in time communicating sexual interest in the defendant?

16 A Yes.

17 Q Why?

18 A For the reason I explained before. I thought that's  
19 what's expected of me. I thought that's what he -- I thought  
20 that's what he wanted.

21 Q Did you want the defendant's genitals in your face while  
22 you were asleep?

23 A If I had, I would have woken up or I would not have  
24 continued to pretend I was asleep. No, I did not want that.

25 Q You mentioned earlier that there was, I think you

Daniela - direct - Penza

2715

1 described an e-mail from the defendant that marks a point in  
2 time for you, is that right?

3 A There's a final e-mail, yes.

4 Q And what is the significance of that point in time for  
5 you?

6 A Well, it's the end of our e-mail communication. He's  
7 ending things completely. For me, it marks the point where --  
8 like, I never actually have any more communication of any type  
9 with Keith, but it also is very significant because he, he, in  
10 that e-mail, which is a very long e-mail, he spells out a set  
11 of instructions. It's the last e-mail but it's not an e-mail  
12 where it means -- it might be confused.

13 It's not an e-mail where it says, Okay, Daniela,  
14 that's it, you've really messed up, it's over, you go your  
15 way, I go my way. It's not a final e-mail like that. It's an  
16 e-mail where it says, I'm going to withdraw completely, you  
17 have no more communication from me, I want all my stuff back,  
18 but I will continue to try to help you, meaning you can't  
19 leave and these are the steps and he spells out a set of  
20 instructions of everything that I need to do which is actually  
21 a very nice condensed form of what he had been instructing me  
22 on for a long time before that via e-mail.

23 And after that, he cuts off all communication, but  
24 part of the instructions is, you know, I need to be working  
25 with someone on my program, someone that he approves, someone,

Daniela - direct - Penza

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1 you know, he can oversee, that I have to continue writing, and  
2 writing incessantly, any variance and, you know, the world  
3 would end.

4 So it was a very specific set instance. That was  
5 the last communication I had from him. That was, like, the  
6 only guiding post in me trying to figure out what it is I  
7 needed to do.

8 Q Okay. So now we're going to walk through some of the  
9 e-mails up until that point in time.

10 MS. PENZA: And just for a frame of reference,  
11 Your Honor, may I have the ELMO just for the witness, please.

12 THE COURT: Yes, you may. Go ahead.

13 Q Daniela, I'm showing you what's marked for  
14 identification --

15 THE COURT: Let me try this again.

16 MS. PENZA: Okay. Thank you.

17 THE COURT: Why don't you just show it to her.

18 MS. PENZA: Yes, Your Honor.

19 Q Daniela, I'm showing you what's marked for identification  
20 purposes as Government Exhibit 1575. Are you familiar with  
21 this document?

22 A Yes, I am.

23 Q And is this the e-mail that you were describing from the  
24 defendant?

25 A Yes, it is.



Daniela - direct - Penza

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1 MS. PENZA: Your Honor, the government offers  
2 Government Exhibit 1575 into evidence.

3 MR. AGNIFILO: No objection.

4 THE COURT: All right.

5 MS. PENZA: Thank you, Your Honor.

6 (So marked.)

7 THE COURT: How do you want to handle it while we  
8 have this fixed?

9 MS. PENZA: I'm just going to ask the witness a  
10 date. Is it working? It's not just for the witness.

11 THE COURT: Let me see if it works.

12 No. It's having a -- there's an electronic problem  
13 and they're coming to fix it from IT, but so try to do without  
14 for the moment.

15 MS. PENZA: Yes, Your Honor. This portion will be  
16 heavily e-mail dependent so I did -- if we want to take a few  
17 minutes, I can first speak to defense counsel and maybe at  
18 least we can be efficient in terms of some of the e-mails, I  
19 think we will probably be able to agree on admissibility, and  
20 while we try --

21 THE COURT: Well, we can just take a short break and  
22 then I will have it fixed hopefully and then we can continue.

23 MS. PENZA: I think that would be ideal. I  
24 apologize, Your Honor.

25 THE COURT: Okay. Let's take a short break.

1 All rise for the jury.

2 (Jury exits.)

3 THE COURT: The witness may stand down.

4 Do not discuss your testimony with anyone.

5 (Witness steps down.)

6 THE COURT: All right. We will take a short recess.

7 MS. PENZA: Thank you, Your Honor.

8 THE COURT: Thank you, everybody.

9 (Recess taken.)

10 (Continued on next page.)

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1 (continuing.)

2 (In open court.)

3 (The Hon. Nicholas G. Garaufis, presiding.)

4 (The following occurs outside the presence of the jury.)

5 THE COURT: All right. Let's bring in the witness.

6 The ELMO has been rebooted, but we are not aware of  
7 what the problem is so it may occur again. We just do not  
8 know.

9 MS. PENZA: Understood, Your Honor.

10 THE COURT: Just wait for the defendant.

11 (Defendant enters.)

12 THE COURT: Yes.

13 MS. PENZA: With your permission, we'll put copies  
14 of all the exhibits by the witness stand. In case there's a  
15 problem, we can use those.

16 THE COURT: All right. Thank you.

17 (Witness resumes the stand.)

18 THE COURT: All right. Let's bring in the jury,  
19 please.

20 (Jury enters.)

21 THE COURT: Please be seated, everyone.

22 Members of the jury, we were able to make a  
23 temporary fix, but I am not sure how long it will last. If  
24 necessary, we will go back to the old system of paper, of  
25 having the witness look at paper rather than look at a screen.

1 It takes longer. We try to be more efficient than that these  
2 days, but we will try to make a more permanent solution. I  
3 just wanted to share that with the jury. Probably that effort  
4 will be made at lunchtime or after we finish for the day, so I  
5 just wanted to let you know.

6 Okay, let's continue.

7 MS. PENZA: Thank you, Your Honor.

8 THE COURT: Thank you. Are we on Government Exhibit  
9 1575?

10 MS. PENZA: Yes, I believe I moved it in.

11 THE COURT: It's been moved into evidence  
12 successfully. Go ahead.

13 MS. PENZA: Thank you, Your Honor.

14

15 (Continued on the following page.)

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Daniela - direct - Penza

2721

1 **DANIELA,**

2 called as a witness, having been previously duly  
3 sworn, was examined and testified as follows:

4 BY MS. PENZA:

5 Q Daniela, I'm showing you what's in evidence as Government  
6 Exhibit 1575 and we'll go back to this e-mail in a little bit  
7 but this the e-mail that you were describing as the last  
8 e-mail?

9 A Yes, it is.

10 Q And it is from the defendant, Keith Raniere@yahoo.com?

11 A Yes.

12 Q To you?

13 A Yes.

14 Q Subject line is "Final"?

15 A Yes.

16 Q And the date is July 22, 2009?

17 A That is correct.

18 Q So at that time how long has it been since you've seen  
19 the defendant in person -- I mean, spoken to the defendant in  
20 person?

21 A Almost -- well, it was -- in person? November, 2006 to  
22 July 2009, almost three years.

23 Q Okay. So now we'll go backwards in time to earlier  
24 e-mails.

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

Daniela - direct - Penza

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1 THE COURT: Yes, you may.

2 (Counsel approaches.)

3 THE COURT: You have shared this with the other  
4 side?

5 MS. PENZA: We have, yes.

6 BY MS. PENZA:

7 Q Daniela, I'm showing you what have been marked for  
8 identification purposes Government Exhibits 1593, 1594, 1595  
9 and 1596. Can you take a look at those documents?

10 A (Reviewing.)

11 Q And are those all e-mails from your e-mail account that  
12 you've sent to various people that we've been talking about?

13 A Yes.

14 MS. PENZA: Your Honor, the Government offers  
15 Government Exhibits 1593, 1594, 1595 and 1596 into evidence.

16 MR. AGNIFILO: No objection.

17 THE COURT: Government Exhibits 1593, 1594, 1595 and  
18 1596, are received in evidence.

19 (Government Exhibits 1593, 1594, 1595 and 1596  
20 received in evidence.)

21 MS. PENZA: Thank you, Your Honor.

22 BY MS. PENZA:

23 Q Daniela, I'm showing you what's in evidence as Government  
24 Exhibit 1593.

25 (Exhibit published.)

Daniela - direct - Penza

2723

1 Q Can you see the e-mail?

2 A Yes.

3 Q And can you read this -- can you start at the bottom  
4 first? I think there's a forwarded message. So can you read  
5 the original e-mail first, please, beginning with the From  
6 line?

7 A Yes. That's from me, my personal e-mail address, on  
8 February 19, 2007. Subject line "Update-0" and it's directed  
9 to Karen Unterreiner, my sister and Lauren Saltzman.

10 Q And what do you write?

11 A I say, "Hello, everyone. Reality check" and there's a  
12 link.

13 Q And what is a reality check?

14 A Reality check is the practice of writing down everything  
15 that one is doing, every determined amount of time. The one  
16 implemented with me was a 15-minute reality check.

17 Q And can you read the next line?

18 A "Book report" and it has a Google docs link to it.  
19 "Consequences: Things that go: 1, sweets; 2, walking; 3,  
20 internet; 4, music; 5, life. I finished my list of what I  
21 want as well. Monkey, please forward this to Puchi. I don't  
22 have her e-mail address (vivajness@gmail?) All right. That's  
23 all for now. Dani."

24 Q Who is -- again Monkey is Mariana; is that right?

25 A Yes, that's my sister.

Daniela - direct - Penza

2724

1 Q Who is Puchi?

2 A Puchi is a nickname that Mariana had for Pam Cafritz.

3 Q What does this mean "by consequences"?

4 A Consequences. When I did something that I shouldn't have  
5 or I didn't do my program, then that would mean I would lose  
6 those things.

7 Q And then so this e-mail is sent February 19, 2007 -- the  
8 original e-mail, February 19, 2007 at 3:05 a.m.; is that  
9 right?

10 A Yes.

11 Q And it's forwarded?

12 A Yes, it is.

13 Q And who is it forwarded to?

14 A To Keith and Pam. And Keith is the  
15 kunterre@nycap.rr.com. And Pam's address is  
16 vivajness@gmail.com?

17 Q I show you what's in evidence as Government Exhibit 1594  
18 and at the bottom, is this the e-mail-- is this the original  
19 e-mail that we just looked at that you wrote at 3:05 a.m. on  
20 2/19/2007?

21 A Yes, that's what it looks like.

22 Q And then is there a response from Lauren Saltzman?

23 A Yes.

24 Q What does she write?

25 A "Hi Bo. I don't know if this is a potential list of



Daniela - direct - Penza

2725

1 consequences, but I would tend to think" --

2 THE COURT: You have to read more slowly so we can  
3 get you the down.

4 A "Hi Bo. I don't know if this is a potential list of  
5 consequences, but I would tend to think that walking is  
6 something that is good for you. To take it away as a  
7 consequence would seem another breach. I might consider  
8 coming up with something else. Also, not sure I understand  
9 the life one, but I'm assuming you mean going back to Mexico?  
10 Just wondering. Hope you are well. Call me later to say hi  
11 and let me know how you are. Love you, L."

12 Q What was your understanding from this e-mail?

13 A Well, to begin with, I -- you know, like, I had been  
14 coached into setting these set of consequences so that there  
15 would be an opposite of an incentive for me -- like a fear for  
16 me to do my program. And my understanding of this e-mail is  
17 she is editing that. She's giving me her opinion on the  
18 consequences that I have set.

19 Q Okay. This idea, this sentence, "I might consider coming  
20 up with something else," is that type of language something  
21 that you're familiar with?

22 A Yes.

23 Q Can you explain?

24 A Well, that looks like a pretty innocent sentence, but  
25 that's a directive.

Daniela - direct - Penza

2726

1 Q And, here do you then respond to her?

2 A I do.

3 Q Lauren?

4 A Yes. I say, "Hey dude. Thanks for your," I believe  
5 that's misspelled, "suggestion. I thought about it and shared  
6 it with Gozer and we both" --

7 Q Let me stop you for a second. Who is Gozer?

8 A Gozer -- that's a nickname for Karen Unterreiner.

9 Q Was that a commonly used nickname?

10 A It was commonly used only between Keith and the inner  
11 circle and myself for Karen, yes.

12 Q Okay.

13 A Yes. "I thought about it and shared it with Gozer and we  
14 both think in my case walking is a big indulgence, but more  
15 importantly it something I really would not like to lose so it  
16 is a good motivation, I think. Yes, the fifth is going back  
17 to Mexico, ha ha. I will call you this afternoon. Bobi."

18 Q So can you describe this dialogue at this point in time  
19 about going back to Mexico?

20 A Yes. So, the set of consequences is anything that I  
21 might indulge in, which is walking you might argue it's  
22 something good, but it's something bad because I enjoy it.  
23 And the dialogue about going back to Mexico is because there  
24 is great meaning placed in me having all of my life in Clifton  
25 park, in ESP, with the community in a future with Keith so

Daniela - direct - Penza

2727

1 that the worst thing that would happen to me would be going  
2 back to Mexico under a certain set of circumstances.

3 Q And then Lauren continues back to you?

4 A Yes.

5 Q Now, you said earlier that you -- when something would be  
6 said to you like "I might consider coming up with something  
7 else" that that was taken as a directive. Here how did you --  
8 is it evident from this e-mail how you responded to what you  
9 considered Lauren's directive?

10 A Yes. Yes. So very clearly her directive is something  
11 that I acted upon immediately and discussed it with someone  
12 else, in this case Gozer. So, yes.

13 Q And she was your coach -- and Karen was your actual coach  
14 at that point in time?

15 A Yes, she was.

16 Q And during this time period that we're talking about, you  
17 continued to do book reports?

18 A Yes, I did.

19 Q I'll show you a few examples. I show you what's in  
20 evidence as Government Exhibit 1595.

21 (Exhibit published.)

22 Q And this is -- is this an e-mail from you to you?

23 A That is correct.

24 Q At two different e-mail addresses that you were using?

25 A Yes, I was.

Daniela - direct - Penza

2728

1 Q And do you remember this book report?

2 A Yes, I do.

3 Q And can you just -- can you give just a very brief  
4 synopsis of this one?

5 A Yes. So this is a great book. Also, it's a really big  
6 work, Stephen Wolfram had a background in cellular automata.  
7 So from this book same a very dense research into everything  
8 that he was talking about because it was very innovative. I  
9 remember for this book I actually did a little bit of cellular  
10 automata.

11 Q What does it mean that you did it yourself?

12 A Well, this book was in line with the systems books, but a  
13 little bit newer, and many of the theories discussed involved,  
14 like, self-organizing systems. And, so, I actually ran the  
15 coding in the, like, in a live demo to see how different  
16 systems would organize themselves.

17 Q And just quickly glance at this one. I think you said it  
18 was -- you said it was a big book?

19 A I think it was over 1,000 pages.

20 Q Okay. And this is a 17-page, single-spaced book report?

21 A Yes, it is.

22 Q And were you paid for this?

23 A No, I wasn't.

24 Q Showing you what's in evidence, Daniela, as Government  
25 Exhibit 1596.

Daniela - direct - Penza

2729

1 (Exhibit published.)

2 A Yes.

3 Q Are you familiar with this e-mail?

4 A Yes.

5 Q And can you -- can you begin reading this e-mail?

6 A Yes, this is an e-mail from me. My personal e-mail  
7 address via my other than personal e-mail address. To Karen  
8 Unterreiner, who used the e-mail address mind4u@earthlink.net  
9 on May 4, 2008 and there's an attachment, "O'Connor, Joseph"  
10 and the subject line is "check in," smiley face.

11 Q And then can you continue reading?

12 A Yes. "Hey, you are probably at the Jness module so I  
13 will call you later. BR" book report "is in the attachment.  
14 Also, I am still detoxing. Weight today stayed the same,  
15 134.8. In fact, look at the funny way my weight has been  
16 changing through this fast.

17 Q Were you -- and then -- I will let you continue. Is  
18 there then a list of weights?

19 A Yes.

20 Q And, do you know what increments -- is this daily?

21 A This is daily. So, at the time part of my program was  
22 doing a fast. I believe that was one called the master  
23 cleanse where there's only, like, lime juice and pepper and  
24 maple syrup in the water and that's all one can drink.

25 Q Were you eating anything along with the drink?

Daniela - direct - Penza

2730

1 A I was not.

2 Q Are there any other aspects to the master cleanse?

3 A Yes. There's -- and how it -- yes.

4 Q Can you explain how the fast works?

5 A Yes. So it's a very -- it's a very radical, I would say,  
6 way to lose weight. I think more commonly used to so-called  
7 detox in alternative medicine. So, the master cleanse works  
8 you can only have one type of nutrient which is a drink where  
9 you put lime juice and cayenne pepper and maple syrup. That's  
10 all one can have. It lasts for 40 days. Another very  
11 important part of the detox is because when you're not eating  
12 any fiber, my understanding is that your system gets messed  
13 up, so one must drink in the morning, like, a big glass with,  
14 like, I think, like, Epsom salts or something like that. You  
15 drink that and it's immediate laxative, but it's very -- or an  
16 enema.

17 Q So, can we just -- can you just walk down your -- can you  
18 just read your weights off, please?

19 A Sure. Starting at 154.8, 151.6, 149.6, 148.8, 147.6,  
20 146, 145.8, 147.4, 147.4, 147, 144.8, 144, 145, 144, 145.4,  
21 145.4, 145.4, 142.4, 141.6, 141.6, 140.6, 141.4, 141.6, 140.2  
22 141.2, 140.4, 140.2, 139.2, 138.8, 137.6, 136.6, 137.2, 135.6,  
23 134.6, 134.8, ending with 134.8.

24 Q And so does each one of these correspond to a number of  
25 days?

Daniela - direct - Penza

2731

1 A To a day. Yes. Each weight is one day.

2 Q So, can you just count how many days is this?

3 A Sure. 36.

4 Q In 36 days how much weight had you lost?

5 A 20 pounds.

6 Q Turning to the second page of Government Exhibit 1596,  
7 can you read the rest of the e-mail?

8 A Yes. "Weird, huh? So I am hoping by tomorrow it will go  
9 down again. I will go out for another light job a little  
10 later to try and speed things up. I have only four days left  
11 of this cleanse and then juices. I will text you later  
12 tonight. Maybe, if you have time, I would like to talk to you  
13 about the other thing. Don't know what to call it, but have  
14 been thinking about it a lot. Talk to you later, D."

15 Q Do you know what you were talking about in that last  
16 sentence?

17 A I don't remember.

18 Q Okay. During this time period, how much of a focus --  
19 how much of a focus of the coaching is on your weight?

20 A A lot of it. I wouldn't say all of it because there was  
21 pride and other things, but it was always a main focus.

22 Q How was that explained to you? How was its importance  
23 explained to you?

24 A At that point in time, it was explained as indulgence and  
25 satiation. So I was not losing weight because I was

Daniela - direct - Penza

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1 indulging, I was satiating, but it had already morphed so much  
2 over time where I did not sign up for the weight loss program  
3 when I, you know, decided to be in a relationship with Keith  
4 or went to ESP. That's not what I had signed up for.

5 So it slowly morphed from Keith wanting me to lose  
6 weight for sexual reasons and it stayed part of my program --  
7 and that was -- that was justified, you know, because of  
8 the -- not the mystical part, which I did not buy into, but,  
9 yes, people who are not indulgent, you know, I guess, are  
10 skinny and since then it just became, you know, affixed to my  
11 goals program at all times.

12 Q How often were you weighing yourself?

13 A Several times a day. I become ridiculously attuned to  
14 when I drank water, how much I would gain weight, when I went  
15 to the bathroom how much I would lose. I was trying to time  
16 my weigh-ins so it would be the lowest possible. It was  
17 obsessive.

18 Q Could your weight be asked of you basically at any time?

19 A Yes.

20 Q By whom?

21 A By Keith, by my coach.

22 Q Attached to that same e-mail was another book report; is  
23 that right?

24 A Yes.

25 Q Okay. What book report was this?



Daniela - direct - Penza

2733

1 A The Art of Systems Thinking. This is a much simpler one.  
2 This was easy to digest.

3 Q Five, single-spaced pages?

4 A That's what it looks like, yes.

5 Q And were you paid for this?

6 A No.

7 THE COURT: Were you ever paid for a book report.

8 THE WITNESS: No.

9 MS. PENZA: One second Your Honor, please.

10 (Pause in proceedings.)

11 MS. PENZA: Your Honor, the Government moves into  
12 evidence Government Exhibits 1532, 33, 34, 35, 36, 37, and 38  
13 as well as Government Exhibit 1530, all on consent of the  
14 defendant.

15 MR. AGNIFILO: That's correct.

16 THE COURT: All right. Government Exhibits 1530,  
17 1532, 1533, 1534, 1535, 1536, 1537, and 1538 are admitted into  
18 evidence on consent.

19 (Government Exhibits 1530, 1532, 1533, 1534, 1535,  
20 1536, 1537, and 1538 received in evidence.)

21 MS. PENZA: Did you say to continue, Your Honor?

22 THE COURT: Please continue, yes.

23 BY MS. PENZA:

24 Q Now, Daniela, at some point after those e-mails that we  
25 just looked at you began corresponding with the defendant?

Daniela - direct - Penza

2734

1 A Yes.

2 Q I'm going to show you what's in evidence as Government  
3 Exhibit 1532.

4 (Exhibit published.)

5 Q And is this an e-mail chain that ends on June 10, 2008 at  
6 10:28 a.m.?

7 A Yes, it is.

8 Q And it's an e-mail chain between you and the defendant?

9 A Yes, it is.

10 Q Starting with the last e-mail in the chain it starts at  
11 the very bottom of this page on June 10, 2008 at 5:40 a.m. is  
12 that an e-mail that is from you to the defendant?

13 A Yes.

14 Q And can you begin reading it for us?

15 A Yes. "Keith, I am sending this only to you because there  
16 is content weaved all over which I don't want to involve Karen  
17 into. I understand this is a big load, which you don't have  
18 to take. If this is too much, I understand. I don't mean to  
19 push this on you in any way. I can try to figure it out on my  
20 own. I hate that I have put you in a situation where you need  
21 to break the ethical boundaries you have set.

22 "Much of this plan I have been setting up for a long  
23 time now. I understand now there are many ways in which I  
24 totally missed, two ways specifically, telling Ben my feelings  
25 for you and disclosing all about what I was going through. I

Daniela - direct - Penza

2735

1 did the first one because it felt right, because I wanted to  
2 honor your position in my life all I could.

3 "I choose to go the way of full disclosure for two  
4 reasons; one completely wrong and the other I thought right at  
5 the time. 1, a way to bond with him (indulging in forming a  
6 relationship with him, get attention which is my problem).  
7 And, 2, it seemed to me the only way for me to help him  
8 understand where I was at so he wouldn't make incorrect  
9 judgments of you and the people helping me."

10 Q Do you have an understanding of what prompted you to  
11 write this e-mail?

12 A Yes.

13 Q Can you explain?

14 A Yes. On this, and I hear so much words in here, I've  
15 been heavily coached already. So already people have been  
16 intervening and telling me, for example, ethical boundaries.  
17 I would say, well, why won't Keith talk to me. After the  
18 fight why won't he talk to me? We're not finished. He's  
19 setting an ethical boundary. So that's already me being  
20 heavily coached and the disclosure, the encouragement to reach  
21 out to him, to write. That's also something that I was  
22 coached into, you know. I had been working on this plan for  
23 very long. I wasn't working on that plan alone. That was a  
24 plan that was pushed on me. You need to work on this. You  
25 need to do that. You need to set up a plan. You need to

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1 address these things.

2           So all of this is a culmination of a period of time  
3 where I wasn't talking to Keith, but Karen was coaching me  
4 through that. Pam was talking to me about it so this is --  
5 this is not -- you know, a voluntary spontaneous, I've been  
6 thinking what happened. I'm going to send you this e-mail.  
7 The mere act of sending of the e-mail is coached and every  
8 content of this has already been gone through with me by  
9 people before many, many times.

10 Q    This idea that you -- you missed by telling Ben your  
11 feelings for the defendant, what is that concept?

12 A    Totally missed is I totally failed at and that I should  
13 not have told Ben what was going on and that -- that became,  
14 later on, part of my ethical breach and part of what I needed  
15 to fix and so even at that point it had been made evident to  
16 me that I should not have done that.

17 Q    What is it -- when you say that you made some -- you  
18 provided some information to Ben, how full was your disclosure  
19 to Ben?

20 A    Not full, enough. It was very -- we didn't have a lot of  
21 interactions to begin with and it was just very -- it  
22 wasn't -- it wasn't -- it wasn't thorough at all. I may have  
23 let him see something or told him something, but it wasn't --  
24 it wasn't a big -- I didn't give a big rundown of what had  
25 been happening. It may have been just a comment.

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1 Q And then you go on to provide four categories?

2 A Right. "Anyway, here it is in four categories: 1, my  
3 relationship with Ben. Given the amount of knowledge Ben has  
4 about my issues, I think following the current path of  
5 near-full disclosure I have with him is best. I can talk to  
6 him about my decision not to indulge such behavior in general  
7 and more specifically in my interactions with him. This, of  
8 course, coupled with a radical change in my behavior I will  
9 not indulge in any interaction where the desire to indulge or  
10 get attention is present. Of course I think this will  
11 eliminate most of the stuff we share now. I can only think of  
12 two exceptions: 1, where there is true caring desire to  
13 share. 2, technical stuff (programming type stuff.) I think  
14 he cares enough about me that he will understand and respect  
15 that. This I can handle from my side (meaning I think myself  
16 capable of doing the necessary work to be able to distinguish  
17 between indulgent interactions and non-indulgent  
18 interactions ). I have thought about the fact that his  
19 interpretation of our interactions, even if carefully selected  
20 in my end, is beyond my control. There may be a good reason  
21 to stop all interaction. Only I am not sure he will interpret  
22 such a thing in the way I mean it, even if I talk to him. I  
23 imagine it would seem extremely contradictory to him (this is  
24 the part where it is extremely difficult for me as well. I  
25 don't want to lose my friendship with Ben and I don't want to

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1 hurt him. It seems this way to go would cause both things yet  
2 in some ways it seems the only way to stop all damage ).

3 "Now, I know Karen said that a radical change in the  
4 opposite direction might be just as damaging to both you and  
5 Ben."

6 Q Let me ask you to stop there. What does that mean?

7 A That means -- I mean, Karen is the one who has been  
8 talking me about all of this and what I need to do and I'm  
9 damaging Ben and I'm damaging Keith and I'm damaging everyone  
10 and this is my ethical breach which is precisely why I'm  
11 writing all of this and that there is such an absurd  
12 dissection of the small parts of who knows what and knows who  
13 should do what.

14 Q So can you continue reading, please?

15 A "I know that Karen said a radical change in the opposite  
16 direction might be just as damaging to both you and Ben for he  
17 might interpret it as an order coming from elsewhere (possibly  
18 you) not me."

19 Q What is that concept?

20 A Well, it's obviously not come from me. It's coming from  
21 Keith through Karen. So, like, there was a very intense focus  
22 on precisely making it look like it wasn't that way.

23 Throughout the time that was going to come, part of my breach  
24 is that people saw me as a victim. You know, so I was  
25 crossing that so I needed to make it seem like I wanted to do

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1 that. They needed to make it seem like I was bad. You need  
2 to make people think that because otherwise they're going to  
3 think that it's coming from me.

4 Q All right. Continue, please.

5 A Not me. I am inclined to think this doesn't apply now  
6 that you are aware of the amount of disclosure I have had with  
7 him. Also, quite honestly, I do not think Ben is interested  
8 in a relationship with me at this time. I think he is aware  
9 of his participation in my issues and aware of his own  
10 deficiency and his feelings towards me. (He likes my  
11 attention) and has decided to take care of this in himself and  
12 I have made it clear I want to fix my side of things.

13 "Number 2, Ben's image of you. He may not know the  
14 details of the situation that got me in the present state but  
15 I have told him the disclosable destructive things I have  
16 done. He knows about all the indulgence and the lying, the  
17 sneaky behavior, the anger, the meanness and the pride, the  
18 entitlement, the list goes on. So I hardly" --

19 Q Can I stop you for a second? That list of words, what is  
20 that?

21 A Those are all the -- that's all that's -- I have no --  
22 that's all that has been hammered into me about who I am, what  
23 I did and what this was. That's the only way and clear way I  
24 can say it.

25 Q You can continue.

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1 A "The list goes on, so I hardly think he would consider me  
2 a victim (and you a victimizer)." And there it is again.  
3 That's a constant example of the focus on, that people think  
4 what I do might get back to it being an instruction from him.  
5 "To be more specific, this idea of how things have developed  
6 (based on what I have told him and he perceives from other  
7 sources) is. I was pretty close to you at some point in my  
8 life but I fucked up royally. You tried to help me, but I  
9 pushed you away. So, fuck up after fuck up and pushing people  
10 away every time (which he has witnessed) I ended up where I  
11 am, where you are, still trying to help me get through my  
12 issues through other people, if from afar and I have made much  
13 progress (considering) recently thanks to that help.

14 "I have also shared some of my experiences with you  
15 and it is my perception he thinks extremely highly of you. I  
16 have been making a very conscious effort to make sure he has  
17 the right idea about you for a long time now. If he is weird  
18 around you, the only reason I can think of, and I doubt it is  
19 a real reason, is if he thought you were competition.

20 Q Can you -- can you explain why you're including this --  
21 this paragraph about your perception of Ben's perception of  
22 the defendant?

23 A Yes. So this is -- this is centered around the idea of  
24 thought object and fixing someone's thought object. So this  
25 looks like a well-hammered in plan of all the things I've



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1 caused damage in and how I'm going to approach all of them and  
2 this one is specifically is regarding how Ben might now see  
3 Keith. That's why it says, "I've been trying to build you up  
4 and tell him that you're good, and also the thought object of  
5 what he thinks about him so I may address those damages."

6 Q And then number three?

7 A "Ben's image of you and me as an us. He is not aware we  
8 had a romantic relationship. Unfortunately for me, I don't  
9 think there is anything I can do to save this. I dishonored  
10 our relationship and I think it is best for him not to know  
11 any of it. So, in his mind I was never with you plus I never  
12 dishonored us. He does know I have feelings for you and that  
13 I am not interested -- and that I am not interested in a  
14 relationship with him. These two are not necessarily related.  
15 I think in his mind I don't stand a chance with you. If he  
16 feels you are competition (which I don't think he does, I may  
17 be wrong) it is because I expressed my feelings towards you.  
18 That may have been a big mistake, but I also want him to know  
19 where my heart is. I don't think I can reverse this. I don't  
20 think I want to."

21

22 (Continued on the following page.)

23

24

25

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1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q And then number 4?

4 A Four: Dishonor to Ben and Megan's relationship. It's  
5 terrible, but I think if she doesn't know anything about what  
6 happened, I think it is best to keep it that way. I didn't  
7 think of this before at all, but perhaps the best and only  
8 thing for me to do is to talk to Ben about it, ask him if he  
9 wants -- if he was with her at the time, let him know I regret  
10 participating in dishonoring that relationship and point out  
11 that he should look at that himself. That is all. Dani.

12 Q Who is Megan?

13 A Megan had been Ben's girlfriend.

14 Q To your knowledge, was she with Ben at the time that you  
15 and Ben were interacting?

16 A To my knowledge she was not, but that didn't stop them  
17 from putting it in the file of my ethical breaches.

18 Q So what do you mean by that?

19 A Well, clearly, part of the dishonor that I needed to fix,  
20 an ethical breach that I needed to fix now was, even though I  
21 wasn't sure and I'm clearly saying here I could ask him if he  
22 was with her, but I thought he wasn't. I knew he wasn't.

23 But -- so I don't know if I have emphasized this enough, but  
24 this is a product of coaching. These words are not my own to  
25 begin with; they're written by me, but I remember sitting in a

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1 diner with Karen, the 78 Diner -- the 79 Diner, and going over  
2 it night after night and her telling me: You know it's really  
3 bad. You know Ben has said things. You know, now the  
4 competition things, he will see he's that competition. You  
5 know, you need to -- how are you going to fix this, and maybe  
6 I sat there saying, well, I don't even know how to approach  
7 this, this is not something I want to fix in this way. It was  
8 so clear to me: Oh, no, no, no, now she thinks ill of Keith,  
9 you know you need to fix that, that ethical breach and the  
10 dishonor. Then what about Megan, what about this? So a plan  
11 starts taking shape and that coaching, that's how it works.  
12 And then culminating with you should write your plan, you  
13 know, you should -- you should -- you should communicate it to  
14 Keith. You know, you have to start fixing it.

15 Q Okay, so you -- we looked at -- you had written that  
16 e-mail on June 10th at 5:40 a.m., and then do you have a  
17 follow-up e-mail at 6:02 a.m.?

18 A Yes, that's what it looks like. It says, from me to  
19 Keith, at Flintlock: I will be checking my computer every ten  
20 minutes just in case.

21 Q Do you have a recollection of why you were saying that?

22 A I mean I think that I was encouraged to write that e-mail  
23 and I knew I was to expect an e-mail back.

24 Q And then, the next one, is that an e-mail back from the  
25 defendant?

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1 A Yes, it is.

2 Q Can you read it?

3 A Yes. It says:

4 I think you have missed a lot. I think you are  
5 still trying to balance things. I think until you understand  
6 the true nature of your relationship with Ben and its values,  
7 and what it has destroyed, you cannot really understand the  
8 thought object basis of the destruction. In this situation  
9 balancing hurts, it's a cover-up. Do you understand what you  
10 have destroyed? What sort of hurt is this? Was/is this in  
11 the name of not hurting Ben? Although this might seem  
12 disjoint, when was the last time you were with Ben kissing?  
13 More? Have you ever had an orgasm with him? Do you feel you  
14 should support dishonor? How should Ben honorably repair what  
15 happened with Megan?

16 Q Here, this e-mail from the defendant, what is your  
17 understanding of his response?

18 A Well, first thing to notice is that it's completely in  
19 line with what I have already been coached into thinking and  
20 saying, so it's in the exact same line of thought.

21 Q What do you mean by that?

22 A Well, all of the notions that he gets back to me with  
23 here are notions I already presented in my initial e-mail,  
24 which were notions I had been working on with Karen, which  
25 were clearly coming from him.

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1 Q So what are examples of that?

2 A An example of that -- well, the thought object is a very  
3 clear one.

4 Q So that's right here (indicating)?

5 A Uh-hum. You cannot really understand the thought object  
6 basis of the destruction. And in a general term, that I have  
7 to understand the true nature of my relationship with Ben,  
8 which is something that I mentioned in the e-mail prior.

9 Then there is a series of questions about  
10 destruction, destruction to me; do you understand what I have  
11 destroyed, which is, you know, important to note is that there  
12 is a hurdle that's been jumped here already and it's no longer  
13 a discussion about, oh, you want to be with Ben. Now it's  
14 just bad. It's bad you wanted to be with Ben. It's bad what  
15 you feel about Ben. You're destroyed by the mere act of just  
16 being interested in him.

17 So that hurdle might seem subtle, but that's already  
18 been jumped through all the coaching and all the sessions, and  
19 now I'm thinking all I did was bad. I destroyed -- I  
20 destroyed what? So now in the path of being coached through  
21 understanding what I have destroyed.

22 And I mean, at the very end, it's just the beginning  
23 of what would become a nightmare of questions about incessant  
24 detail, about the actual relationship with Ben and details  
25 about what happened, what we said and what, you know, what was

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1 experienced.

2 Q And then -- and would you continue to give responses to  
3 the defendant's e-mails like this?

4 A Yes.

5 Q And then, here -- we are going to move on to another  
6 e-mail chain in a second, but your response to that e-mail  
7 from the defendant, it starts June 10th, 2008, at 6:42 a.m.?

8 A Yes.

9 Q And can you just --

10 A Yes.

11 Q -- read the beginning?

12 A I need to think more deeply about the first paragraph.

13 So I will answer your last questions first:

14 Last time I was with Ben kissing was many months  
15 ago, it was 2007. Not really sure even what month, but I  
16 think towards the end of the year, maybe October. It was in  
17 his car and it was just kissing. I never had an orgasm with  
18 him. He put his hand on me twice in separate occasions. I  
19 would say we got physical about seven times total. I did not  
20 want to support dishonor in any way, but having dishonored so  
21 many things already, it is hard for me to think of the best  
22 way to move forward honorably without destroying more. I  
23 guess -- I guess I have to decide if honor at all times under  
24 any circumstances is always best.

25 If I wasn't part of the situation, I would think

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1 what Ben should do is come clean with Megan, be honest about  
2 what he has done and how he feels about it. I think her being  
3 his partner, he owes her that. Of course, being in the  
4 situation, I feel I would rather she didn't know, but perhaps  
5 this is selfish on my part.

6 Q And then, fair to say you and the defendant continued to  
7 go back and forth on these honor concepts?

8 A Yes.

9 Q And then I just want to go -- we'll just move on, just in  
10 this same e-mail chain, moving to some e-mails between 8:52  
11 a.m. and 9:42 a.m.

12 (Exhibit published.)

13 BY MS. PENZA:

14 Q Starting here (indicating.)

15 A Uh-hum. The e-mail from Keith to me?

16 Q The question that's kind of back and forth --

17 A Uh-hum.

18 Q -- relating -- ending with the defendant saying: When  
19 did this happen?

20 A Uh-hum.

21 Q And you responding: A couple months ago.

22 A Yes.

23 Q Can you -- can you just look at that and explain  
24 what's -- what's going on there?

25 A Yes. So he writes to me, like, doubting that I can fix

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1 the dishonor, which is what I'm writing to express. I'm  
2 writing to express I want to fix what I've destroyed, figure  
3 out what I've destroyed, this is what I want to do. And he  
4 writes back: Well, you know, you've said this. You know, how  
5 will you do it? So he puts it in doubt.

6 And then I reply and I say -- it's actually quite  
7 unclear.

8 Q Well, let me move on then to -- let me move to 9:20 a.m.;  
9 in this e-mail from you to the defendant, you are responding  
10 to an e-mail at 9:17 a.m. --

11 A Right.

12 Q -- from the defendant?

13 A Right.

14 Q He says: Explain what happened on this day?

15 A So the gist of it is he's saying, well, why -- why are  
16 you gonna fix this? How are you going to fix this now, if  
17 you've never done anything before?

18 Then he asks me specifically, you know, when I  
19 decided that. And I -- he asked me for the date, you know,  
20 when I made that decision, just a long question, and then to  
21 explain what happened on that date, which is this last e-mail.

22 Q Can you read this e-mail starting with "I"?

23 A Yes.

24 I had a sourcing, a pride sourcing, I was told. I  
25 don't know what else to explain that was particular to this



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1 day, but if what you're wondering about is the origin of this  
2 understanding or how it came about, then the journey is much  
3 longer than the simple events of that day.

4 Q What is a sourcing?

5 A A sourcing is like a special type of exploration of  
6 meaning that, as I understood it, was so an EM, exploration of  
7 meaning. It's a series of intellectual questions; what does  
8 this mean to you, what if you didn't have it, what it means in  
9 your life. So it's a series of questions.

10 In a sourcing, as I understand, what differs is that  
11 it's about feeling. So this is a very interesting exploration  
12 because sometimes they will grab -- they will grab into a  
13 memory and would ask questions like -- like, you know, oh,  
14 it's just that I feel fear. Where do you feel the fear? I  
15 don't know, I feel it -- like I shake everywhere. Well,  
16 describe it, like where exactly; and they would zone in. I  
17 feel it in my shoulder, it feels sharp.

18 Well, what memories does it elicit? So it was like  
19 very feely, unexplored; to me, a very illogical process where  
20 it was just arbitrary and random.

21 Q Do you remember having sourcing?

22 A Yes.

23 Q And who would perform those?

24 A Karen.

25 Q And do you have any -- what was the point, in your mind,

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1 of the sourcing?

2 A The point was to arrive to an understanding. The point,  
3 as I understood, was to resolve something. There's something  
4 wrong and you need to resolve it. So the pride sourcing, I  
5 remember very vaguely -- but there was new curriculum coming  
6 out all the time, so the pride sourcing was a very specific  
7 type of sourcing directed at, you know, I guess resolving  
8 pride and so that's what it was.

9 Q So now, this e-mail chain, this ended on June 10th, 2008  
10 at about 10:30 a.m., is that right?

11 A Yes.

12 Q I am showing you what's in evidence as Government  
13 Exhibit 1535.

14 (Exhibit published.)

15 BY MS. PENZA:

16 Q Is this an e-mail chain that ends on June 11th, 2008 at  
17 8:54 p.m.?

18 A Yes, it is.

19 Q I am going to turn to the first e-mail in the chain.

20 And is this an e-mail written from you to the  
21 defendant in the evening of June 10th?

22 A Yes, it is.

23 Q So this is the same day that we were just looking at on  
24 the other chain?

25 A Yes.

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1 Q And here, can you just explain generally what you're  
2 doing in this e-mail?

3 A This -- this looks like -- like an ethical breach plan.  
4 Like a plan to fix all the things that I'm accused of  
5 destroying.

6 Q And can you start reading it for us?

7 A Sure. Keith, this is the plan that I think results in  
8 the least amount of damage --

9 THE COURT: You have to read more slowly.

10 A Keith, this is the plan that I think results in the least  
11 amount of damage, as far as I can see. I have a very hard  
12 time finding a way around the most straight-forward honorable  
13 thing to do with respect to the issue with Megan. I think at  
14 this point that, given the way my relationship with Ben was  
15 formed and continued for a long time, there is no way I can  
16 continue the kind of interactions that exist without  
17 propagating implicit support of the thought objects that were  
18 present and involved in its formation and existence. And this  
19 is dishonorable for every one of us; you, me, him and everyone  
20 else.

21 Q So what thought objects are being talked about there?

22 A The thought object -- the ones that I think were  
23 mentioned in the first e-mail; the thought objects of Keith  
24 and the thought objects of him and me and -- Keith's really.

25 Q Okay. Continue, please?

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1 A So the way I see there are two options. One, stop all  
2 communication/interaction. This effectively stops all  
3 destructive behavior, but doesn't fix much. It also makes me  
4 dishonorable and a liar, in parenthesis, possibly a victim,  
5 end of parentheses, in his eyes, for I have expressed my fear  
6 for his well-being to him, and this action would be  
7 contradictory to him since I don't think he understands how  
8 this would actually be healthier for him than keep interaction  
9 with me in the way we do.

10 Additionally, he would probably attribute my actions  
11 to some kind of external control, parenthesis, you, which  
12 would destroy his image of you and which he would then spread  
13 around.

14 Also, it leaves me with no influence over his  
15 perception of you -- which I may not have at all in that  
16 direct verbal way, but I do think that in having direct  
17 interaction with me there is a better chance he can interpret  
18 my actions and their context more accurately.

19 In general, this option feels a little like a  
20 hit-and-run. I got him into this, I can't just run away from  
21 it as soon as I see it isn't best for me and the way I think  
22 things should be. I feel I should try and help him out of it.  
23 Also, I cannot think of a single way in which he would  
24 interpret this in a nondestructive way with respect to you.

25 The second way is far more delicate in its

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1 execution, but much better if I succeed at it. In this  
2 situation the focus/goal I have is to act honorably towards  
3 myself, you and him. I think my only shot at doing this is  
4 not by ending all interaction with Ben, but rather by changing  
5 the form of the interaction completely. This would require  
6 for me to be completely clear on the behaviors and completely  
7 consistent in the way I act from this point on towards him.

8 I think that, in seeing a change in me, I can see  
9 now in more detail why you were asking about his  
10 representation of what sparked this change. He may be able to  
11 see me as a completely different person, and thus not expect  
12 the types of things he must still expect from me based on the  
13 relationship we have had in the past. Also, if I change in a  
14 way that he considers positive, right in front of his eyes, he  
15 may also begin to repair the image of you and what you have  
16 done for me. This is very much up to him and it seems all I  
17 can do to help this happen is this very thing; change  
18 positively.

19 Q And, Daniela, are these concepts the same type of  
20 concepts you described earlier?

21 A Yes.

22 Q And we won't go through every line of it, but then you  
23 provide a third option where you would make yourself  
24 completely undesirable to Ben?

25 A Uh-hum.

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1 Q In every way, is that right?

2 A Yes.

3 Q And this is all a back-and-forth about how you are going  
4 to act with Ben, is that right?

5 A Yes.

6 Q At this point in time, what are your concerns about this  
7 plan as to Ben?

8 A At that point in time -- I mean, at that point in time I  
9 care about Ben. I -- I never intended to be disingenuous  
10 about that or dishonest, and I think I'm very explicit  
11 throughout. I think I lost it as time progressed. I lost  
12 that clarity, but I -- I -- you know, I cared about him. I  
13 was -- I was working very heavily with Karen in all these  
14 things about how I had damaged Keith and how I had damaged --  
15 and I was buying into it. I think one can read the e-mails  
16 and can clearly see how I was buying into it, and I was buying  
17 into how destructive I was and even that the relationship I  
18 had with Ben had been destructive, but I -- I still very much  
19 cared about him.

20 Q Okay. I want to move on to an e-mail from 8:06 p.m.,  
21 from the defendant responding to your e-mail.

22 (Exhibit published.)

23 BY MS. PENZA:

24 Q And the defendant writes: As you know, eighteen months  
25 ago we spoke of these strategies.

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1 A Uh-hum.

2 Q Do you know what he means there or what is your  
3 understanding of what --

4 A Yeah, I think that when I had that, like, almost kiss  
5 with Ben, yeah, like he told me I needed to fix it and I  
6 needed to, like, do certain things and that's the part I may  
7 have just completely ignored.

8 Q And then it goes on: This is the one we had decided upon  
9 eighteen -- there is a strategy that is mixed between 2 and 3:  
10 This is the one we had decided upon eighteen months ago, and  
11 you executed the opposite of this.

12 Do you know what that means?

13 A That I continued my relationship with Ben.

14 Q And then: It depends on your real opinions and feelings  
15 for Ben.

16 A Yes.

17 Q And so what is -- I think you may have described this  
18 earlier, but there is a concept that you are choosing your  
19 feelings for Ben?

20 A Yes.

21 Q Is that right?

22 A So -- and that gets to like the core of it, that what I  
23 felt for Ben was -- was my pride and indulgence manifesting,  
24 in so many words. That it wasn't real, that one decides those  
25 things, and that I was deciding to be indulgent. That I

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1 didn't like Ben; I liked the attention that he gave me. So  
2 there was an effort to deconstruct every single thing that I  
3 had liked about him to disprove that it was real.

4 Q And then, continuing the e-mail, defendant continues on?

5 A Uh-hum.

6 Q And then can you read, starting with this paragraph  
7 (indicating) beginning with "with"?

8 A With respect to Ben and others, I think you underestimate  
9 this damage by a great deal. I suspect you ignore what has  
10 happened with your brother and others.

11 Q Can you stop there.

12 What was your understanding of what that meant?

13 A That their thought objects had been affected.

14 Q Their thought objects of the defendant?

15 A Of Keith, the perception of Keith.

16 Q Can you continue?

17 A For the future, as I said in the past, the most damaging  
18 thing is Ben's belief or knowledge of your feelings for him or  
19 that you did have feelings for him. The existence of this  
20 leads to the biggest most damaging problems of all.

21 Q What is your understanding of that?

22 A I mean, my understanding of that then and now is  
23 different.

24 Q Can you explain what your understanding was then first?

25 A Yes. So my understanding then was actually more a desire



Daniela - direct - Penza

2757

1 to understand. I wondered what damage and I earnestly  
2 embarked on trying to figure it out.

3 My understanding of it now is that he didn't like  
4 that I liked Ben and that I had liked him, that Ben knew and  
5 liked me back, and that people knew that that was going on.

6 Q And then can you read the last couple sentences?

7 A Why did Ben put his hand, in parentheses, question mark,  
8 between your legs if not to make you have an orgasm? Did he  
9 put his fingers inside you? Does he think you're a virgin?

10 Q How did you feel about the defendant asking you those  
11 types of questions?

12 A It was -- I would call it invasive. It seemed -- it  
13 seemed like it had nothing to do with this, even at the time.

14 Q Turning -- I am going to turn to an e-mail in the same  
15 chain, June 10th, 2008 at 8:30 p.m.

16 (Exhibit published.)

17 BY MS. PENZA:

18 Q You respond to the defendant on a few other things, but  
19 then can you read what you write here (indicating)?

20 A Excuse my ignorance, or perhaps naiveness, but what is  
21 the relevance of the small distinctions in the physical stuff?

22 Q And what did you mean by that?

23 A I meant why do you want so much detail about how he  
24 touched me.

25 Q And then the defendant responds: Does this upset you?

Daniela - direct - Penza

2758

1 A Yes, that's what he responds.

2 Q Then you respond to the defendant?

3 A I do.

4 Q Okay. And can you read your response to the defendant?

5 A Yes.

6 Reason I asked is to know if there was something  
7 relating to it that I was not considering. It upsets me to  
8 know I did it, but it does not upset me that you ask. I want  
9 you to know. If I could I would have it played back to you --  
10 however shameful. I feel like I want to bring you through the  
11 understanding of every little thing that happened, so that it  
12 is not private to me and Ben. I want you to not be a stranger  
13 to any part of my life.

14 Q Why are you writing this in response to the defendant,  
15 given what you've just explained?

16 A There's two reasons. The first one is about the nature  
17 of the relationship and Keith's standing in my life. When he  
18 asks: Does this upset you? I clearly do not want to pick a  
19 fight and I want to please him. After all, I am trying to fix  
20 some damage that they're telling me I did. And why the -- I  
21 mean, it goes beyond me just saying no, it doesn't upset me,  
22 here it is.

23 It's almost like worshipping, the way I replied to  
24 him with all this, no, not at all, I want you, I want you to  
25 have everything, I want you to know everything. That is the

Daniela - direct - Penza

2759

1 full disclosure that he always asked for.

2 So at this point, I know exactly what I'm expected  
3 to say and how I'm expected to approach it. It's not only  
4 that I should tell him everything, but that I should want to  
5 tell him everything.

6 Q And then moving to the defendant's response, what does  
7 the defendant say?

8 A He says: Yes, if you want to try to heal, it is -- if  
9 you want to try to heal it, this is essential. There are also  
10 things you are not considering, including motivations,  
11 representations and thought objects. Did Ben go under your  
12 clothing and touch you? Where? How? Did you stop him?

13 Q And you responded and you gave details about the way that  
14 Ben touched you; is that fair?

15 A That's fair.

16 Q And then the defendant responds again?

17 A Yes.

18 Did he touch you between your legs under your  
19 clothing? Yes.

20 Q And then you respond back, and say: Yes. Yes, he did do  
21 that.

22 A Yes.

23 Q And then you talk about a different concept?

24 A Yes.

25 Q Fair enough?

Daniela - direct - Penza

2760

1 A Fair enough, yes.

2 Q And then how does the defendant respond?

3 A He says: Why did you leave that out if you really want  
4 me to know everything? See what you wrote below.

5 Q And what did you understand him to mean by that?

6 A He wants -- that he needs more. He wants me to tell him  
7 more.

8 Q If you read that and -- well, we'll read the next e-mail.  
9 And then do you respond: I'm sorry, it wasn't my intention to  
10 leave it out.

11 A Yes.

12 Q And then you refer back to his question about did he  
13 touch you between your legs under your clothing?

14 A Yes.

15 Q And then you provide details as to the way that Ben  
16 touched you and that you misunderstood the defendant's  
17 questions?

18 A Yes.

19 Q Then does the defendant respond at the bottom?

20 A Yes.

21 Q And does he ask more questions?

22 A Yes.

23 Q What does he ask?

24 A He says: How many times did he touch you there? How  
25 long did he touch you each time? Did you stop him each time?

Daniela - direct - Penza

2761

1 Q And then did you respond?

2 A I did.

3 Q And read your response.

4 A As I said before, two times. My perception of time isn't  
5 very good, but I would say for entire minutes. I did always  
6 end up stopping him, although I think after that long a time  
7 it is not so much interpreted as stopping, but rather just a  
8 mild ... okay, off now.

9 Q And then the defendant responds here (indicating)?

10 A Yes.

11 I do think it is more curious than inadvertent that  
12 you left this out considering the level of detail in your past  
13 response. What do you think? You still do not provide  
14 details on how he handled your vagina. Quoting, he did go  
15 under my clothing. He touched my breasts, chest, my neck. He  
16 would squeeze my breasts and he pulled my nipples a few times,  
17 which I reacted to by saying ouch, and he laughed. End of  
18 quote.

19 Q And at this point it is now midnight, is that right?

20 A Yes.

21 Q And you respond again?

22 A Yes.

23 Q And you provide more details about the way he was  
24 touching you?

25 A Yes.

Daniela - direct - Penza

2762

1 Q And fair to say very specific details about the way he's  
2 touching you sexually?

3 A Yes.

4 Q And then how does the defendant -- so you write that at  
5 12:14 a.m.?

6 A Yes.

7 Q And how does the defendant respond?

8 A At 12:20, he says: You need to be able to tell me the  
9 hardest things completely or else you have no foundation to  
10 remove certain obstacles.

11 Q And you respond, 12:24 a.m., with: The hardest thing for  
12 me is to tell you the things he did that I liked.

13 And then you go on to provide some details?

14 A Yes.

15 Q And then -- let me just ask you there, why are you  
16 telling the defendant all -- why are you telling the defendant  
17 these details, in general?

18 I'll ask you that question first.

19 A These details in general? Ah -- ah, sorry, these are  
20 like a little hard to read, in that mindset and just going  
21 back there. It's a little upsetting.

22 I mean, you read the progression. It is -- it is --  
23 first of all, it's not isolated to this -- to this incident in  
24 this instance, so I'll give some context there, but just in  
25 this e-mail exchange, it's -- like Keith says, you left it

Daniela - direct - Penza

2763

1 out -- you said you want to tell me everything, you left it  
2 out of the last. But I didn't want to tell you the last, you  
3 asked for the last one, now you're asking for more and now  
4 you're telling me I can't fix things until I give you more.

5 So it's -- it's a manipulation in a what you have  
6 to, but it has -- I don't believe it has anything to do with  
7 fixing any damage whatsoever. This is just a perverted  
8 curiosity or I don't know what other type of manipulation and  
9 control, but I am telling him why am I telling him this,  
10 because I think this is what I need to do to fix whatever I  
11 think it is I have broken.

12 Q And --

13 A And I trust that he's guiding me without malice.

14 Q And what about telling him -- at this point, do you think  
15 he -- well, how do you think the defendant is going to react  
16 if you tell him that there are things that happened with Ben  
17 that you liked?

18 A I think that -- I mean, at this point I am trusting him  
19 with the healing of my breach. Right?

20 I'm being told and coached and told all these  
21 different things, and given all these different clues and -- I  
22 don't know, he seems beyond, say, jealousy. Like the normal  
23 response here is, if I tell someone like an ex-boyfriend that  
24 I did this and now I go and say, oh, I liked all these things;  
25 of course, my normal response would be, well, he's gonna be

Daniela - direct - Penza

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1 upset, he's gonna get jealous. But he wasn't supposed to be  
2 that being and this wasn't supposed to be that situation. I  
3 am, in this particular exchange, completely enrolled in the  
4 idea that I have committed an ethical breach and damage by  
5 liking Ben and that he is almost clinically going to help me  
6 undo that.

7 Q Okay. Yesterday, when we talked about the day of the  
8 fight, you talked about a change in perception you had on that  
9 day. Was that fixed in one point in time so you have this  
10 change in perception the day of the fight?

11 A Uh-hum.

12 Q Did that stay steady throughout?

13 A No.

14 Q So can you explain that?

15 A Yes. Just like the issue at hand, which was just my  
16 relationship with Ben became fussy and muddled up into a bunch  
17 of issues, the same with my perception of Keith.

18 So at that moment it was very clear what I saw in  
19 the fight, but in the same manner, with the same control  
20 structures around me with people coaching me, it was: You  
21 know, Keith, you dishonored him. You are bad, but he's good.  
22 You know, all he ever tried to do was help you. You know, oh,  
23 but I want to be -- that's your pride talking. I want to be  
24 with Ben; that's your pride talking. All he wanted to have  
25 was for you to succeed. He really wanted to teach you. He



Daniela - direct - Penza

2765

1 really wanted to help you. You didn't do it, but he's great.

2 And I mean, in the -- in the 15 seconds that it took  
3 me to just say this, it seems like very unconvincing, but try  
4 months and months of being coached by the same people with the  
5 same set of instructions with the same notions, and with no  
6 malice on my part, so I was a very soft mind to mold.

7 Q So you respond back and say: It's hardest to say the  
8 things that you liked?

9 A Yes.

10 Q And how does the defendant respond?

11 A He says: Those, of course, because of your opinion -- or  
12 memory thereof -- are the most destructive and forever  
13 damaging to us. But you did not like the vagina thing, yet  
14 you avoided to tell us that also -- and your touching him.

15 Q And then you respond?

16 A Right. Is that where it starts?

17 Forever -- forever, as is in there is no possible  
18 way to reverse them or even neutralize them? Wouldn't being  
19 aware of a true nature or origin of them neutralize them? The  
20 vagina thing and me touching him are, I feel, a different  
21 level of boundary crossing. A higher level of loyalty, if you  
22 will. I don't know if this makes sense to you, but I think  
23 that the simple fact that they mean that to me and that I  
24 crossed them anyway is what I feel very ashamed about.

25 Q And then the defendant responds?

Daniela - direct - Penza

2766

1 A He responds: Yes, you can, but even your description has  
2 emotion spliced onto sensation. This made things more  
3 difficult. Why did you cross them anyway?

4 Q What is your understanding of the first sentence there?

5 A That my description of emotions spliced onto sensation?  
6 That is -- so what that means, that is the aspects of it that  
7 I described as almost in the clinical way. So that rests on  
8 the notion that what I experienced with Ben is all part of a  
9 thought object and now -- and that is a destructive thought  
10 object, and so now I have to go and dissect it and separate  
11 what I felt, that it's just feeling and my emotions that I am  
12 attaching to it that are the damaging part.

13 Q And then you respond.

14 A I respond: I think in the end it comes down to how I  
15 felt. I felt good or I thought it would feel good, in  
16 parentheses, maybe not just physical, but in the sense of  
17 meaning, end of parentheses, and that is why I crossed them.  
18 I made up a bunch of stories to justify this, of course. None  
19 of them worth getting into perhaps.

20

21 (Continued on the following page.)

22

23

24

25

Daniela - direct - Penza

2767

1 BY MS. PENZA: (Continuing)

2 Q And how does the defendant respond?

3 A He replies: How will you fix this with you, us and me?

4 I am going for a walk. I will leave in five minutes. Be back  
5 in 2-4 miles.

6 Q What's your understanding of what's happening there?

7 A Of what's happening? I think it's pretty  
8 self-explanatory. So, he's going to come back and check his  
9 computer in whatever amount of time that is but he's asking me  
10 for, he's asking me for, for a course of action.

11 Q And this is at 1 o'clock in the morning?

12 A Yes, it is.

13 Q Did the defendant -- do you know whether the defendant  
14 frequently would go for walks in the middle of the night?

15 A Yes.

16 Q At 2:07 a.m. --

17 A Yes.

18 Q -- do you respond?

19 A I do.

20 Q Can you start reading the beginning?

21 A With me, I am going to unravel my internal  
22 representations of everything that happened. I don't think I  
23 can go back to being pure, but I can move forward to be aware.  
24 If it can be done I am going to try to do it.

25 Q Can I stop you for a second, Daniela.

Daniela - direct - Penza

2768

1 Can you talk a little bit about this idea of being  
2 pure?

3 A Yes. The idea of being pure was brought up since, you  
4 know, I was, because I had been a virgin and I had never been  
5 with anybody before so he always acted very proud of that and  
6 when my relationship with Ben started, took place, that was  
7 one of the main things that he brought up, that I was no  
8 longer pure, and I believe it took a sense more than the  
9 sexual one since that's just, I mean, just a sexual part.  
10 Also, pure in that I had never liked another man before, had  
11 never taken an interest in another man before. So, again,  
12 with the notion of the thought object and then turn over  
13 presentation. So I was not only not pure in my body anymore  
14 but also I was no longer pure in the sense that Keith was the  
15 only one.

16 Q Fair to say you go on and talk a lot about trying to fix  
17 this?

18 A Yes.

19 Q Same on the second, on the next page?

20 A Yes.

21 Q Now, at this point in time, do you know whether -- is  
22 this an e-mail where you're aware that there were multiple  
23 threads that start, "Beginning"?

24 A Yes.

25 Q Okay. So we'll continue looking at this e-mail chain but

Daniela - direct - Penza

2769

1 then we'll look at some others from the same date as well.

2 A Very good.

3 THE COURT: Let me just ask the jury, would the jury  
4 like to take a short break? Anybody? Or can we go through to  
5 lunch. I'm not seeing any hands. Are you sure?

6 Let's keep going.

7 MS. PENZA: Thank you, Your Honor.

8 Q So I'm just going to go back to the page we were just  
9 looking at for a second. How does the defendant respond?

10 A On June 11th, at 1:50 p.m.: What -- I believe  
11 misspelled -- is the chronology of your interactions with Ben  
12 over the past 18 months? Why did it stop? Why does he think  
13 it stopped? What was the last physical interaction? Have you  
14 come to any other conclusions?

15 Q And you say you're writing a response to this e-mail, I  
16 will be sending it soon?

17 A Yes.

18 Q Then you write a long response?

19 A Yes.

20 Q And is it fair to say you go through all the different  
21 physical interactions with Ben?

22 A Yes.

23 Q Okay. I'm just going to have you read the end. You talk  
24 about the, why the interaction stopped, and then can you read  
25 at the end from "all along"?

Daniela - direct - Penza

2770

1 A All along, because of the times where he stopped the  
2 interaction, my interpretation has been that he also wanted it  
3 to stop, so it was okay with him when it -- I did it -- when  
4 it did it -- when it did. My impression has been that we both  
5 kind of stopped it. It was just me who put the last period on  
6 it. Not so sure how to interpret it now that I can see a  
7 little more. I think that he usually followed my lead to  
8 avoid rejection, maybe this is what happened.

9 Q And then can you read the defendant's response?

10 A At 3:04: I suspect there are other interpretations of  
11 this. I don't find your interpretation consistent with human  
12 nature and the way Ben and others are toward me, et cetera. I  
13 think you need to figure out what was going on. That will  
14 give you insight into more of the damages. Who else has seen  
15 you together where you have been affectionate? There was also  
16 a time when Ben came to your house and you acted shy to see  
17 him. Why?

18 Q And you respond?

19 A I respond.

20 Q And you ask a question: How is Ben and others towards  
21 you?

22 A Yes.

23 Q Then how does the defendant respond?

24 A He responds: Okay but only okay. I hear more about when  
25 I am not around. There are some people who perceive Ben,

Daniela - direct - Penza

2771

1 Fluffy -- my brother -- and some other people around them are  
2 quite disrespectful of me. It appears your situation and Ben  
3 affected Fluffy and they affected others. Even someone as  
4 remote as Mia changed as she started dating Fluffy -- in  
5 parentheses -- others were not aware she was dating Fluffy but  
6 noted the change -- end of parentheses.

7 Q Fair to say then you, you respond twice --

8 A Yes.

9 Q -- with varying levels of apology?

10 A Yes.

11 Q And then the defendant responds. Can you read the  
12 defendant's response?

13 A Yes.

14 Part of the problem is a perception that  
15 consequences had to be imposed or suggested to you. It should  
16 never be a consequence has to be suggested or imposed.  
17 Because you allowed this, any changes are likely to be seen as  
18 imposed. Only you can change this and it is very difficult.  
19 Somehow all of the past perceptions of suggestions/impositions  
20 need to be changed also, or else it will be seen as affecting  
21 the present. What are the specifics of what you have observed  
22 with Fluffy?

23 Q Can you explain your understanding of that e-mail from  
24 the defendant?

25 A Yes. So here he is trying -- he's been imposing things

Daniela - direct - Penza

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1 on me and he's trying to get me to, one, admit that that is my  
2 fault and, two, to make it look like none of it has been  
3 imposed.

4 Q And then you respond starting at the bottom. Can you  
5 read your response?

6 A Yes.

7 There have been many incidents with Fluffy, which I  
8 attributed to issues he may also have about you and his  
9 sisters -- in parenthesis -- us.

10 Q What did you mean there?

11 A Well, that Fluffy had shown a lot of, in many different  
12 instances, that something about Keith and that I attributed to  
13 the fact that Keith was sleeping with the three of us.

14 Q And you go on to explain other times when you've seen  
15 your brother talking about Keith, is that fair?

16 A Yes.

17 Q Can you continue?

18 A Yes.

19 We were driving by, saw you walking alone. There  
20 was an incentive going on so I knew you were most likely all  
21 alone. I got concerned, asked him to drop me off and drive  
22 over and offer a ride, company walking, the ability for ride  
23 in the future. He refused with quite a bit of anger. I asked  
24 why but couldn't get a rational answer out of him.

25 Q And continue.



Daniela - direct - Penza

2773

1 A Yes.

2 This is from Keith --

3 Q No, sorry. Continuing your e-mail here at the bottom.

4 So you have the first bullet point.

5 A Right. Sorry.

6 Few times we were at restaurants and the idea of  
7 bringing back food to you occurred to me and he got very  
8 upset, all of a sudden there was no time to be waiting to or  
9 something else. He said he wasn't going to be using his time  
10 to do things like that. If we wanted to do that it was okay,  
11 but it was his time and his car and you were not his priority.

12 Similar one time we needed to move faster because  
13 Cami wanted to bring something back to you. He took his time  
14 and refused to move faster. Same reasons as above. He is not  
15 my priority.

16 There are other incidents, all pretty much of the  
17 same nature.

18 Q Now, at that point in time, had you confirmed to your  
19 brother that you had had a sexual relationship with the  
20 defendant?

21 A No, not -- I have never confirmed it to him and to my  
22 knowledge, he didn't know about Cami and Marianna.

23 Q So when you say, "which I attributed to issues he may  
24 also have about you and his sisters," at that point in time,  
25 what do you mean?

Daniela - direct - Penza

2774

1 A I mean just because he didn't know or have confirmation,  
2 which I believe is true, doesn't mean that we were all acting  
3 extremely weird around him. Every woman who was with Keith --  
4 and I will speak now just exclusively about my sisters or even  
5 myself -- the degree of loyalty that was demanded was immense.  
6 So many times, there were issues where maybe, like, I made a  
7 commitment to go to a party and last minute, Keith didn't want  
8 me to go or wanted me to stay for a walk, plans would get  
9 canceled, or there was this fixation with, you know, like I  
10 just described in the e-mail, bringing him something back to  
11 eat, making sure he's okay.

12 So our lives were, I can imagine, from looking at  
13 the outside, from my brother, just extremely dedicated to this  
14 man to the point of, to him, it seemed clearly absurd and he  
15 was very clear about that. You know, that, you guys make him  
16 your priority but that's, that's you. You know, leave me  
17 alone and there was a degree of upsetness about that.

18 Q Okay. And then the defendant responds. Can you read his  
19 response?

20 A Yes, at 4:15.

21 Somehow you should have a talk with him for even if  
22 it was not me, some of the things you mentioned are things we  
23 should look to do for any other human. For example, if I am  
24 in a car and I perceive a stranger may need a ride or help, I  
25 do something. It's part of being on the human team.

Daniela - direct - Penza

2775

1 Q And then you respond. Can you read that?

2 A Yes.

3 I will talk to him with this new perspective. Thank  
4 you. I have many times considered sitting down with him to  
5 talk about this issues but I haven't yet acted on it for I do  
6 not see if it would be of any help or do more damage,  
7 specially coming from me, who he may see as a victim of you.  
8 I thought that he saw me as a victim -- in parentheses --  
9 abused, in our relationship before, when things were normal.  
10 And I attributed to a reaction of a jealous/concerned brother.  
11 Now, I have started to see how natural it would be for him and  
12 others to think of me as a victim due to my actions and  
13 situation in this past months. By natural, I mean, it's not  
14 their fault. My behavior is reasons for them to think this.  
15 This is my fault.

16 Q Can you explain what you're describing in this concept at  
17 the end of this e-mail?

18 A The concept I am describing is I am now confirming I am  
19 convinced that the imposition on me is all my fault, that I am  
20 a victim but it is my fault because I have made it so.

21 Q And then the chain continues. I just want to turn  
22 your -- okay.

23 So just looking at this same exhibit, 1535, I just  
24 want to note, you see the e-mail on June 11, 2008 at  
25 2:53 p.m.?

Daniela - direct - Penza

2776

1 A Yes.

2 Q So now I'm going to show you, Daniela, what's in evidence  
3 as Government Exhibit 1534. And right here, is this, is this  
4 a thread that continues from that e-mail that we just looked  
5 at?

6 A Yes, it is.

7 Q On June 11, 2008 at 2:53 p.m.?

8 A Yes.

9 Q And you respond, you respond but you have a few more  
10 thoughts and then the defendant responds?

11 A Yes.

12 Q Can you read the defendant's response? I'm sorry. Give  
13 me one second.

14 A It says, 3:25 p.m.: Your fears of hurting Ben with your  
15 beliefs of friendship and intent will likely prevent you from  
16 being subtly "cruel" and constructively destructive which are  
17 necessary repeated actions to minimize damage. Unfortunately,  
18 I believe it is impossible to not have damage. So your  
19 experiencing being a damaging influence is to circumvent  
20 greater damage and make things right. Sometimes it is  
21 necessary to destroy. I do not know you to be able to do such  
22 things especially if it goes against satiation and is repeated  
23 over a prolonged period of time and to make one mistake  
24 destroys such an endeavor.

25 Q And do you understand what he's saying there?

Daniela - direct - Penza

2777

1 A Yes.

2 Q What is your understanding?

3 A He's telling me that I need to manipulate Ben, I need to  
4 be a certain way. In a sense, he's telling me to be cruel and  
5 to be manipulative, and I cannot falter in that I still have  
6 feelings of friendship about him might keep me from being able  
7 to enact this manipulation that he's saying is necessary, he's  
8 saying it's necessary to destroy in order to fix what I have  
9 done.

10 Q And you respond. Can you read your response?

11 A Yes.

12 Everything you wrote below makes perfect sense to  
13 me. In regards to this "I do not know you to be able to do  
14 such things especially if it goes against satiation and is  
15 repeated over a prolonged period of time and to make one  
16 mistake destroy such an endeavor."

17 I think this is true of me before. My motivations  
18 and intent were in the exact opposite place of where they  
19 needed to be in order to be able to fix this. Right now, my  
20 motivation and intent, I believe, is where it needs to be. My  
21 tendencies, disintegrations and inner honesty, I still need to  
22 work harder to clean up completely, but if this is all it  
23 takes, I do believe I can do it.

24 Q And then the defendant responds. Can you read the  
25 defendant's response?

Daniela - direct - Penza

2778

1 A Yes.

2 At 3:44 p.m., he says: As you say, "Right now my,"  
3 also "I think I can do" is not nearly the strength presented  
4 at the onset to do it. This is something that cannot be  
5 "attempted." It must be executed without hesitation  
6 flawlessly. Already the damage to the organization and what I  
7 am trying to do in the world is bad.

8 Ben and Fluffy have fed into the cult stuff and the  
9 cult stuff feeds back into them. They have even affected  
10 people like Mark. The likely loss of Ben within the  
11 functioning of the organization will also set us back.  
12 Depending on the timing, it also affects our legal cases. We  
13 have also lost 18 months of documentation of me we will never  
14 get back. The systems studies are too late for a number of  
15 applications and some of our political agendas. Right now,  
16 with the viability of myself and the organization at a low,  
17 this is not to be taken lightly. Last time your pride  
18 permanently destroyed so much. Now it may just finish it off.

19 Q We're going to go line by line but can you give, do you  
20 have an explanation of what your understanding was of this  
21 e-mail from the defendant as a whole?

22 A I mean, my understanding of it is that this is all I have  
23 destroyed. All of this is my fault. The company, ESP, he  
24 might be destroyed. Everything I've done has affected  
25 everything and everyone. That's, I believe, my ethical

Daniela - direct - Penza

2779

1 breach.

2 Q At this time, did you believe this?

3 A I was -- I mean, reading these e-mails is hard for me  
4 because I was throwing myself into this process honestly and  
5 earnestly. I didn't have malice. I'm being completely honest  
6 about what I still feel about Ben, not to make him jealous  
7 because I'm being honest, because I think that if there's  
8 something I need to fix, I will fix it, and because whatever  
9 desire I have to do that, I've been manipulated into and I  
10 stopped seeing clearly but I had no ill intent. So when he  
11 told me all of this and knowing what I know about thought  
12 objects and the entire build up, yes, I believed it, I  
13 believed it to a great degree.

14 Q So let's just walk through some of the lines here.

15 "Ben and Fluffy," and you said Fluffy is your  
16 brother?

17 A That's my brother, yes.

18 Q Ben and Fluffy have fed into the cult stuff and the cult  
19 stuff feeds back into them.

20 What was your understanding of what that meant?

21 A That the way they were perceiving ESP and Keith, you  
22 know, was, you know, in a cult like manner and that them  
23 seeing it that way only reaffirmed it. Now they were thinking  
24 that's what it was, they reaffirmed it by what they saw,  
25 meaning I am a victim, this is happening.

Daniela - direct - Penza

2780

1 Q They have even affected people like Mark.

2 Who's Mark?

3 A I believe that refers to Mark Vicente. They lived all  
4 together in the same house.

5 Q At that point in time, what was your understanding of  
6 mark Vicente's role within the organization?

7 A Mark I knew was, like, a high-ranking individual. He was  
8 enrolling a lot of people. He had connections in Hollywood  
9 and he was working on a few projects with Keith, had also  
10 taken over some of, like, obviously professional level  
11 documenting.

12 Q Do you know whether the defendant considered Mark Vicente  
13 important in the organization?

14 A Yes. And one thing that's also clear from this e-mail is  
15 that Mark, even, like, why he's commenting "which is a likely  
16 loss of Ben within the functioning," people are pawns in the  
17 organization that have a purpose and need to be used for  
18 something, and I think Mark was a very important pawn.

19 Q The likely loss of Ben within the functioning of the  
20 organization will also set us back.

21 Do you have an understanding of what that means?

22 A Not exactly but whatever projects he was working on and  
23 the fact that he would see what ESP was actually, you know,  
24 about and to see what was happening, that he would leave the  
25 organization and that they would no longer count on him.



Daniela - direct - Penza

2781

1 Q Depending on the timing, it also affects our legal cases.  
2 Do you understand that?

3 A Not really. I know that there were a lot of legal cases  
4 going on. I don't know if that refers to, like, Ben was maybe  
5 involved in some of the legal cases so then that's what might  
6 happen. I don't know if he thought that some of what I was  
7 doing would, like, affect legal cases.

8 Q We have also lost 18 months of documentation of me we  
9 will never get back.

10 What's that referring to?

11 A That was referring to my role. This, this -- the  
12 documentation, the systems studies, as much as they kept  
13 repeating how much I had wasted everybody's time and I had  
14 never done anything and how I was lazy and that was my ethical  
15 breach, the truth is that I had a function and that there were  
16 things that they expected me to do and now he's holding it  
17 over me. I did all of that 24/7, never got paid for it, and  
18 now he's saying, Oh, we've lost all this documentation.

19 Q And then I think you started talking about the system  
20 studies.

21 The systems studies are too late for a number of  
22 applications and some of our political agendas.

23 Do you know what that means?

24 A For a number of documentations, I was always moving in  
25 the science. That's what I thought it was. For the political

Daniela - direct - Penza

2782

1 agendas, I have no idea.

2 I mean, what I read from that is it's just  
3 overdramatizing.

4 Q Do you know whether the defendant had any intent of using  
5 the book reports or the analysis you were doing of system  
6 studies to advance political agendas?

7 A I did not know. It may have been.

8 Q Do you know whether the defendant had political agendas?

9 A Yes.

10 Q And then the end: Right now, the viability of myself and  
11 the organization.

12 Can you explain what that means?

13 A That means the viability of myself -- that he might, I  
14 mean, basically, that he's not viable. That means that he  
15 might die. Like, he won't be around. Likewise, it sounds  
16 like for the organization. And this is something that wasn't  
17 too foreign to me because it was in the same time that I had  
18 heard him say, Oh, I'm hurting. I -- this may kill me. Not  
19 only with me, but with other people, so the viability of  
20 myself was not a completely foreign notion.

21 Q And then: Last time your pride permanently destroyed so  
22 much, now it just may finish it off.

23 A I mean that's a huge jump because the last time my pride  
24 destroyed something was when I decided I wanted to be with Ben  
25 and now it was the destruction of the entire world. So, I

Daniela - direct - Penza

2783

1 mean, that's just a biggie.

2 Q This type of language, what type of -- how old were you  
3 at the time when this e-mail is being written?

4 A 2008, I'm 23.

5 Q And you had been in ESP since you were --

6 A Sixteen.

7 Q At this time when you're receiving these types of  
8 messages, what is the impact on you?

9 A It had a great impact but I need to explain a little more  
10 about that because it's not only that I've been there since  
11 I'm 16. It's also Keith is the Vanguard, is the organization.

12 (Continued on next page.)

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Daniela - direct - Penza

2784

1 BY MS. PENZA: (Continuing.)

2 Q Let me ask you another question.

3 A Okay.

4 Q So it had a big impact. Why? Why does a message like  
5 this at that point in time have a big impact on you?

6 A In that moment, I even feel grateful he's writing me back  
7 because he had cut off communication. So it was like a push  
8 and a pull. So now I'm going to push you away, I'm going to  
9 send people to work on you. And there was this little nugget  
10 I'm going to throw you. And everything he's telling me is,  
11 oh, thank you. It's a guiding light to how I'm supposed to  
12 get back to things and in that moment I am fully dependent on  
13 what he's saying and in the community around him.

14 Q And you said -- you said that there was context in  
15 addition to you having been there since you were 16?

16 A Yes.

17 Q What other context is there?

18 A Well, there was the relationship I had had with Keith.  
19 He still held a promise of an education for me. So my future  
20 was -- was in all of -- in his hands and I still trusted him.  
21 I still trusted him to -- to be well-intended and to want what  
22 was best for me.

23 Q You respond to the defendant and say you can assure him  
24 you don't take this lightly; is that right?

25 A Yes.

Daniela - direct - Penza

2785

1 Q You respond -- you quote him and then you say, "Do you  
2 perceive pride is holding me back in this situation? If so,  
3 can you please point out to me what/where/how clearly? If  
4 this is not something that you can/should do, can you at least  
5 point me in the right direction?"

6 Can you explain those questions that you are asking?

7 A Yes. Well, I clearly don't understand what he is saying  
8 or -- like, so, the questions I'm asking is because for me I'm  
9 trying to translate what he's saying into action. There's  
10 something I need to do to change my situation so I need  
11 details. I need to understand. I need to know what to do.  
12 So that's what those questions are about, so I can digest them  
13 and when I ask if this is not something you can/should do,  
14 that's just a degree of gratefulness and reverence for --  
15 well, I know you're breaking your ethical boundaries by even  
16 replying to me, so if you don't absolutely have to, you know,  
17 like point me just in the right direction, I will do the work.

18 Q And can you read the defendant's response.

19 A He says at 4:08, "If I hadn't stepped in this would have  
20 been a much worse disaster. You have now had extensive  
21 communication with me. In a sense, your pride won. So it  
22 feels good. If I hadn't stepped in the pain would then  
23 probably would have continued. Certainly the mode of  
24 friendship would have, causing more damage. I do not know how  
25 you are going to prove yourself that pride should lose and you

Daniela - direct - Penza

2786

1 can remain constant and loyal without entertainment for at  
2 least 18 months. You now know if you play games and deceive,  
3 you can wait out unethical imposition. This time it took 18  
4 months. I don't know if you understand this."

5 Q Now go to Government Exhibit 1533. One second, please.  
6 I'm showing you what's in evidence as Government Exhibit 1533.  
7 I'm just going to show you starting in the middle again is  
8 this one of the e-mails that we have looked at before in the  
9 same chain?

10 A Yes.

11 Q So is this Government Exhibit 1533 the continuation of --  
12 different threads of the same June 11, 2008 chain?

13 A Yes, it is.

14 Q I'm just going to refer you back to Government Exhibit  
15 1535 for a second where we looked at -- we looked at the  
16 e-mail where the defendant talked about the perception that  
17 consequences had to be imposed or suggested to you. Do you  
18 remember that?

19 A Yes.

20 Q And that was at 3:59 p.m.?

21 A Yes.

22 Q So, turning to Government Exhibit 1533, looking at e-mail  
23 from the defendant at 5:02 p.m.

24 A Yes.

25 Q Can you read what the defendant says there?

Daniela - direct - Penza

2787

1 A Yes. Keith wrote, "Not only what I said with my last  
2 e-mail but think about the movie *The Mission*. Why didn't  
3 anyone think conditions were being imposed on Rodrigo when he  
4 was resolving his ethical breach.

5 Q Do you remember the movie *The Mission*?

6 A Yeah, there was a movie *The Mission*.

7 Q How many times would you say you've seen the movie, *The*  
8 *Mission*?

9 A Easily over a dozen times.

10 Q Can you just explain the role of the movie *The Mission* in  
11 the NXIVM -- with -- to the defendant?

12 A It was put out by him and then by people who were  
13 overseeing my program as an example of someone's ethical  
14 breach, in healing of the ethical breach.

15 Q Do you remember the details of that movie now?

16 A Not really.

17 Q Okay. But you remember it in the context of --

18 A Yeah, I mean, yeah, the music haunts me.

19 Q And then there is a response from you.

20 (Exhibit published.)

21 Q There's a response and then the defendant says, "Your  
22 awareness of it is good but others seeing it even once gives  
23 them an excuse. What about *The Mission* question?"

24 A Yes.

25 Q You then respond, "I assume *The Mission* question this

Daniela - direct - Penza

2788

1 one, unless I missed another e-mail."

2 So this is the kind of talking on two different  
3 threads --

4 A Yes.

5 Q -- that you talked about?

6 A Yes, it is.

7 Q You say, "I assume *The Mission* question this one, unless  
8 I missed another e-mail," but then you go on to quote the  
9 e-mail we looked at on the other chain; is that right?

10 A Yes, it is.

11 Q Okay. How did you respond to -- to that e-mail from the  
12 other chain, the one about the -- that included the "Ben and  
13 Fluffy have fed into the cult stuff and the cult stuff feeds  
14 back into them"?

15 A I reply, "Some of this is the practical aspect of my plan  
16 (ethical breach healing plan) and it all depends on my ability  
17 to work at the speed and level which is necessary which I  
18 haven't yet achieved due to my issues of indulgence (the  
19 extent of these I was not/may not be fully aware of yet, but I  
20 will be). So much of this is completely irreversible. All I  
21 can do and will do right now is move and move fast."

22 Q Okay. I'm looking at the first page of Government  
23 Exhibit 1533.

24 (Exhibit published.)

25 A Okay.



Daniela - direct - Penza

2789

1 Q The defendant -- what does the defendant say?

2 A It says, "*The Mission* question from below, think about  
3 the movie *The Mission*. Why didn't anyone think conditions  
4 were being imposed on Rodrigo when he was resolving his  
5 ethical breach?"

6 Q And how did you respond?

7 A I respond, "He was so intensely focused he had his  
8 attention on nothing else. There was no suffering, hence no  
9 indication of unwillingness against an imposition. And it  
10 showed there was true commitment which can only come from  
11 within. Also, he took the decision of when to stop on his  
12 own, what was right for him."

13 Q And then did the defendant respond?

14 A He responds, "He was the leader in the resolution of the  
15 breach."

16 Q Look in the chain what's in evidence as Government  
17 Exhibit 1536. Is this an e-mail chain from June 12, 2008?

18 A Yes.

19 Q And it's an e-mail chain between you and the defendant?

20 A Yes, it is.

21 (Exhibit published.)

22 Q And this one starts on -- this e-mail exchange starts on  
23 June 11, 2008 at 10 p.m.?

24 A Yes.

25 Q And just going back for a second to Government Exhibit

Daniela - direct - Penza

2790

1 1533, there was an e-mail chain that ended at 9:48 p.m.?

2 A I'm sorry, I can't see.

3 Q I'm sorry, can you see?

4 A Yes.

5 Q And this 1533 ends with --

6 A Yes.

7 Q -- a writing project; is that right?

8 A Yes. So he's saying I should itemize and focus on each  
9 one of these things that we're talking about. I say, I am  
10 doing this. That's what I have in mind. That's where it  
11 ends.

12 Q June 11, 2008, 10:10 p.m. You send an e-mail to the  
13 defendant?

14 A I check in, I say, "I have been working. I still have a  
15 few more hours to go."

16 Q How does the defendant respond?

17 A He writes, "The musical *Into the Woods* by Stephen  
18 Sondheim has a song *Children Will Listen*. Some of the lyrics  
19 may apply."

20 Q And then did you send him back the lyrics from that song?

21 A I sent the lyrics and the question mark at the end, yes.

22 Q Did you understand that?

23 A Not -- not, a little bit. That's the question mark.

24 Q What did you -- I mean if you had an understanding at the  
25 time, what was it?

Daniela - direct - Penza

2791

1 A I think what he meant to explain to me is that everything  
2 is tied into -- the same thing we were talking about, *The*  
3 *Mission* and how things should not be, you know, imposed,  
4 should not look imposed, you know. So everything that I did  
5 and said and acted should show that I'm happy to heal my  
6 breach and this is not being imposed on me because people are  
7 like children.

8 Q Who are the children in this analogy?

9 A Oh, I think the ESP community, the people that they were  
10 trying to manipulate, Ben and everyone else.

11 Q Can you read the lyrics from that song?

12 A Sure. Careful the things you say. Children will listen.  
13 Careful the things you do. Children will see and learn.  
14 Children may not obey, but children will listen. Children  
15 will look to you for which way to turn, to learn what to be."

16 Q And so you send a question mark?

17 A Uh-huh.

18 Q And then the defendant responded?

19 A Yes.

20 Q How did the defendant respond?

21 A He writes, "For you to understand the message you give to  
22 Ben, think of what it means for you to sneak away or meet  
23 secretly. This implies oppression. How do you counter that  
24 message? Do you tell him you are telling him everything?"

25 Q Is this the concept that you just explained?

Daniela - direct - Penza

2792

1 A Yes.

2 Q And how do you respond?

3 A I write, "I am thinking about how I would counter the  
4 message of oppression I have clearly transmitted. I do tell  
5 him pretty much everything. I have told him that I tell him  
6 everything, although there are certain things he knows I don't  
7 share the details of, like the origin of the situation I am  
8 in. He knows I did something bad. He does not know what.

9 Q And continuing back and forth between you and the  
10 defendant about Ben?

11 A Yes.

12 Q The defendant writes, "It's obviously a problem that he  
13 thinks you tell him so much. His response of I knew it, is  
14 also problematic coupled with your sneaking away. All of this  
15 and Ben's behavior equation does not bode well for his image  
16 of me."

17 Is that the thought object again?

18 A Yes.

19 Q "His willingness to engage physically when you stated  
20 your feelings for me is also an indication of his operating  
21 ethics."

22 What does that mean?

23 A Now he's trying to say that even though he knew I had  
24 feelings for Keith, he did not respect that, so he is -- it's  
25 unethical about even knowing that or engaging.

Daniela - direct - Penza

2793

1 Q And then you respond, "Does he think I know your feelings  
2 for me? I'm not sure. I haven't said anything to him about  
3 it. I would think given we are very aware of your  
4 extraordinary perceptive ability, he might think you sensed it  
5 but I don't think he thinks I told you directly since I acted  
6 shy about it."

7 What are you explaining there?

8 A I think it's pretty self-explanatory. But I think -- I'm  
9 telling him I think Ben can figure it out, you know, like --  
10 he can figure out the e-mail, he can assume safely that, you  
11 know, but -- really it's a dissecting of what Ben thinks Keith  
12 thinks.

13 Q All right. And then fair to say a lot more of this  
14 back-and-forth analysis?

15 A Yes.

16 Q And we've got this part of the chain. You say, "I've  
17 unraveled my feelings for Ben" and you continue on and then  
18 the defendant responds?

19 A Yes.

20 Q Can you read the defendant's response?

21 A Yes. He says, "It sounds contradictory. I suspect you  
22 don't know Ben and even what you know is distorted. Consider  
23 the following: If you knew a cocaine addict who was told they  
24 would die if they had any cocaine" --

25 THE COURT: Any?

Daniela - direct - Penza

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1 A "More cocaine. You should also know the addict does not  
2 want to die. You also work for an anti-cocaine organization  
3 and supposedly believe in the mission against the atrocities  
4 of cocaine. What would you think would motivate you to  
5 secretly give you cocaine to these addicts so that you could  
6 be entertained or have sex? This is what Ben has done. Do  
7 you know Ben by his values? If you don't like the values, how  
8 can you like the person except as an entertainment center.

9 Q Okay. I'm going to stop you, Daniela. Thank you.

10 Do you have an understanding here of the analogy  
11 that the defendant is making?

12 A Yes.

13 Q What is it?

14 A So he's trying to equate cocaine to attention, I think,  
15 or any kind of bad type of affection or attention or, like,  
16 disintegration. So he's equating the anti-cocaine  
17 organization to ESP, an organization that's trying to get rid  
18 of disintegration and the need for attention and he's trying  
19 to say that Ben -- you know, why would I think highly of Ben  
20 if Ben is clearly willing to give me the attention that I want  
21 even though it's not good for me and he knows that and that he  
22 wants me only for entertainment and sex.

23 Q I'm going to ask you to read here. Can you read this  
24 sentence?

25 A "Ben appears to have demonstrated a disregard for all I

Daniela - direct - Penza

2795

1 have built, what I am about, the people who tried to help you  
2 and you as a person. He has also totally disregard what you  
3 will go through in the future. All in the name of power and  
4 attention. Instead of either raising his concerns to the  
5 people he affected (if he did not agree with them or you), or  
6 inspiring you to respect these things (if he believed in them)  
7 He did neither one of these things. He disregarded everyone's  
8 efforts and futures and dishonorably took advantage. Could he  
9 ever find his way to respect me or what I do? His actions  
10 have dishonored everything I do and people I care about.  
11 Additionally he has inspired others to not respect the same.  
12 I don't understand.

13 "The only way I can wrap my mind around your  
14 conclusions is to believe you don't really love me at all and  
15 would sacrifice me and us for entertainment as you have done  
16 in the past. Your conclusions do not bode well for us. I  
17 don't know what else to think. I don't know if I can believe  
18 you. I am sorry.

19 Q Okay. And do you remember what --

20 (Exhibit published.)

21 BY MS. PENZA:

22 Q Let me show you the end of your -- so the e-mail where  
23 you have written that you unraveled your feelings for Ben, you  
24 had written you cared about him in two distinct ways; is that  
25 right?

Daniela - direct - Penza

2796

1 A Yes.

2 Q So it's fair to say that the conclusions that the  
3 defendant is responding to here are conclusions about your  
4 level of care for Ben?

5 A Yes.

6 Q And, again, June 2008, your -- sorry, June 2008, your  
7 relationship with Ben is limited to the interactions that  
8 you've already told us about?

9 A Yes.

10 (Continued on the following page.)

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Daniela - direct - Penza

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1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q You respond to the defendant: You talk about Ben and his  
4 actions as a victim of you. Is that right?

5 A Yes.

6 Q How does the defendant -- the defendant responds: I'm  
7 having trouble believing you at this point. Ben is not a  
8 victim of you nor you of him.

9 Then he goes on: This is a very, very dangerous  
10 situation for me; for my life, for my purpose, for my  
11 reputation and for my creations. It is possible none of these  
12 things will survive this.

13 I will be gone for a while. I am sad I had to tell  
14 you this stuff instead of your deriving it. It will be so  
15 much harder to know if you are just repeating back what you  
16 think I need to hear instead of really feeling it, but time is  
17 slipping away. Maybe you will see for yourself some of these  
18 things. I do not feel you have seen very much of the damages  
19 or implications. This is kept in place by underestimating Ben  
20 and his participation. You have not addressed the issues and  
21 damages I raised.

22 Is this -- was this the same -- did you receive a  
23 lot of this type of e-mail?

24 A Yes.

25 Q And how did this type of language affect you?

Daniela - direct - Penza

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1 A It threw me into a spin. I mean, this is -- this is  
2 obviously completely blown out of proportion, that, you know,  
3 my relationship with Ben or what I feel about him might  
4 destroy everything that he just listed. It's completely blown  
5 out of proportion, but it affected me very much and, you know,  
6 the things he said there, like, oh, I should not have to  
7 derive it for you. But that's what he did -- what he did  
8 every time, that's how he would present what he wanted me to  
9 do and continue doing.

10 So, I -- I took it to heart and I analyzed it and I  
11 moved forward taking that into account.

12 Q I'm showing you what's in evidence as Government  
13 Exhibit 1537.

14 (Exhibit published.)

15 BY MS. PENZA:

16 Q And is this an e-mail chain between you and the  
17 defendant?

18 A Yes.

19 Q On June 18th, 2008?

20 A Yes.

21 (Exhibit published.)

22 Q The first e-mail in the chain, June 17th, 2008, at 12:59  
23 a.m., can you read that e-mail?

24 A Yes.

25 I say: Up again, down again soon... maybe. I have

Daniela - direct - Penza

2799

1 a few not as important questions for when you have time and if  
2 you consider appropriate to answer them. Or at least for you  
3 to consider.

4 Do you know how Pam knows I am working on my breach?  
5 I haven't said a word to anyone other than you and Karen, not  
6 even Monkey -- my sister -- and Cami, and she mentioned  
7 something today that revealed she knows that at least I am  
8 doing that. Does she know I have had communication with you?  
9 What does Karen know? How much does she know? She knows  
10 nothing from me, I have only checked in with her a couple of  
11 times and all I have said is: Still going back and forth with  
12 Keith, will send him something soon; things like that.

13 Is she aware that this is almost completely about  
14 Ben? From the information I gave her in the past, she was  
15 under the impression this was a more general indulgence issue.  
16 What should I tell her? Has she said anything to Ben? Is she  
17 aware not to act strange around Ben or say anything to him? I  
18 can imagine Ben would start to get suspicious very soon, if  
19 not already... So I would like to move quickly on this, if  
20 that is okay. At least an initial communication.

21 BY MS. PENZA:

22 Q Can you explain what is happening in this e-mail?

23 A Yes, I am trying to ascertain how much people know, what  
24 he has told people, or what people know and if they are aware  
25 that everything that I am going through is about Ben.

Daniela - direct - Penza

2800

1 Q Did there come a point in time where there were  
2 discussions with the defendant about your actual  
3 communications with Ben and you proactively doing things in  
4 your communication with Ben?

5 A Yes.

6 Q And is that something that also starts to come up in your  
7 communication with the defendant, in your e-mail communication  
8 with the defendant?

9 A Yes. It's outright reporting what we're talking about,  
10 like verbatim, and then him scripting me on what to say to  
11 him, me doing that, and then reporting back with the results.

12 Q And then the rest of this e-mail, this idea, the  
13 defendant responds: Yes, there are things you need to  
14 consider and know. You need to have the Ben plan laid out  
15 completely ahead of time with talk points, et cetera, and this  
16 is not done yet.

17 What was the Ben plan and the talk points?

18 A That is a full layout of what I'm trying to achieve and,  
19 basically, a manipulation strategy, so what I'm trying to get  
20 Ben to think and do, and the talk points are the specific  
21 conversation points that I should bring out -- up with him as  
22 to achieve that manipulation.

23 (Exhibit published.)

24 BY MS. PENZA:

25 Q The e-mail continues talking about your looking for next

Daniela - direct - Penza

2801

1 steps, is that right?

2 A Yes.

3 Q The defendant says: It's hard for me to understand not  
4 being able to think of next steps?

5 A Yes.

6 Q Ultimately, does this chain conclude with you coming up  
7 with a plan that you propose?

8 (Exhibit published.)

9 A Yes.

10 Q Over time, would there be a number of different plans  
11 that you go back and forth with the defendant about?

12 A Yes.

13 Q Showing you what's in evidence as Government's  
14 Exhibit 1538.

15 (Exhibit published.)

16 BY MS. PENZA:

17 Q An e-mail chain from June 21st -- or ending on June 21st,  
18 2008. Is that right?

19 A That's right.

20 Q This is between you and the defendant?

21 A Yes.

22 Q If I move to the middle of the chain, looking for a set  
23 of e-mails from June 19, 2008 at 5:47 p.m.

24 A Yes.

25 Q And the defendant writes: You should not speak to Ben

Daniela - direct - Penza

2802

1 until the course is firmly decided.

2 So you are still going back and forth about Ben?

3 A Yes.

4 Q And then -- well, actually, you know, hang on one second,  
5 please.

6 (Pause.)

7 BY MS. PENZA:

8 Q I am just going to go back, I am going to start with  
9 June 19th, 2008 at 3:38 p.m.

10 You are sending an e-mail to the defendant, is that  
11 right?

12 A Yes.

13 Q And you talk about Ben here?

14 A Yes.

15 Q And you also say: I broke my fast. Is that right?

16 A That's right.

17 Q An e-mail that we were looking at and the defendant  
18 wrote: I do not know how long you were fasting, but now of  
19 all times?

20 Is that right?

21 A That's right.

22 Q And then, a little while later, the defendant writes:

23 How much do you weigh? What is the lowest you have  
24 weighed? Are you back on the fast right now?

25 A Yes.

Daniela - direct - Penza

2803

1 Q And you respond?

2 A I do not know how much I weigh right now. The lowest has  
3 been 126.4. I am back on fast as of this morning.

4 Q And then does the defendant respond?

5 A How much did you eat? When were you 126.4?

6 Q And then can you read your e-mail?

7 A I write: I was 126.4 when I began to unravel this issue  
8 of mine so well represented in Ben... days ago. Sorry, I have  
9 lost all sense of time in my life. I have eaten quite a lot.  
10 I got out of control for a few days and then managed to stop,  
11 then again for a few days until this morning. The last time I  
12 pulled something like this on myself I was 131.4 and ate for  
13 one day, and the next one I was 142.0. I was afraid to look  
14 on the scale this morning.

15 Q Moving to June 19th, 2008 at 10:06 p.m.

16 A Yes.

17 He writes: I don't know yet. One possibility is  
18 for you to briefly communication to Ben that, as you started  
19 to think, you broke your fast. You want to get back to where  
20 you were before you do anything else or just -- or it is just  
21 replacing one indulgence for another. You will contact him  
22 when you back -- when you're back to where you were and  
23 stable. I am currently attempting to preserve Ivy's father's  
24 life. I also need to sleep... You keep working... I'm not  
25 sure when I write next.

Daniela - direct - Penza

2804

1 Q Do you have any idea what he's talking about when he says  
2 "preserve Ivy's father's life"?

3 A No, but it sounds important.

4 Q This leaving an e-mail with: "I'm not sure when I write  
5 next," is that something the defendant would do?

6 A Yes.

7 Q Can you explain what the effect of that was on you?

8 A Yes. Well, and he tells me to keep working. So I  
9 would -- I would, you know, I thought that it was up to me and  
10 to keep doing, you know -- I would reread the last e-mails and  
11 try to figure out what I needed to do next and would keep  
12 working incessantly and just wait, just wait for him to write  
13 back.

14 Q Okay, and then here there is -- in fact, there is an  
15 e-mail from you at 10:19 p.m.: By the way, I can save the  
16 message history of the chat for your evaluation if you'd like,  
17 although I might be a little embarrassed for you to see (read)  
18 that part of me, it might be a good idea. It gets pretty  
19 stupid sometimes. It's up to you.

20 Was there a discussion about your communications  
21 with Ben?

22 A Yes. And as a general -- I know as a general way, but in  
23 a very specific thing I discussed the matter with Ben. Full  
24 disclosure was a thing that I -- just like it was with like  
25 all the sexual details -- that I should be willing and I



Daniela - direct - Penza

2805

1 should be wanting to tell him everything. So...

2 Q And the defendant -- how does the defendant respond?

3 A Are you still working on this? Also, would you show me  
4 all past history of chats?

5 Q And then the next e-mail.

6 So I am just showing you from you to the defendant.

7 A At 10:10 a.m. I say: I -- I don't know what you mean --  
8 oh, I don't know what you mean still working on this. I am  
9 still thinking about how to do this, the best way, is this the  
10 only way, the specific steps, the timing, et cetera, et  
11 cetera.

12 I would show you the logs if there were any. I  
13 automatically saved the chat history of all my Internet  
14 conversations in the past. I am psycho that way. Then the  
15 first time I had decided to leave I wiped my computer clean  
16 (since it is not really my computer.) After that, I disabled  
17 any message logging fearing someone would find them (like  
18 Karen) if they went through my computer.

19 Q And then the defendant responds.

20 A He responds: Depending on how you wiped your computer  
21 you can resurrect at least some of them. Try your best, you  
22 may be surprised.

23 Q Did you then go on to try and recover a chat history with  
24 you and Ben?

25 A Yes.

Daniela - direct - Penza

2806

1 Q Ultimately, would you send those to the defendant?

2 A Yes.

3 Q A lot of these e-mails -- is it fair to say that there is  
4 a lot of back-and-forth about that and finding it on your  
5 computer?

6 A Yes.

7 Q Same chain, June 21st, 2008 at 12:31 p.m., defendant  
8 writes to you?

9 A So what's your weight? How much have you set yourself  
10 back?

11 Q And you respond.

12 A 148.6, sad face.

13 Q And what does the defendant say to you?

14 A He says: In a way it seems more like you were losing  
15 wait for Ben and not for me.

16 Q How did -- what was your reaction when the defendant  
17 would say things like that?

18 A I don't remember the specific instance, but there was a  
19 clear competition.

20 Q Daniela, I'm showing you what's in evidence as Government  
21 Exhibit 1530.

22 (Exhibit published.)

23 A Yes.

24 Q Are you familiar with this document?

25 A Yes.

Daniela - direct - Penza

2807

1 Q Can you read this cover e-mail?

2 A Yes. It's from me to Keith, June 22nd, 2008 at 2:14 p.m.

3 I say: So here is a big chunk of conversation  
4 history. It is extremely organized, so you should have no  
5 problem sorting through it. You can also do ALT+F if you want  
6 to do a search.

7 I didn't read it all myself, but towards the end I  
8 did find a few highlights. I am sure there is much more.

9 Then there is a list of dates and time stamps for  
10 the corresponding conversations, I imagine, which is May 22nd,  
11 May 25th, May 27th.

12 I am right now trying to piece together the very  
13 last few conversations we had (including the last one when I  
14 told him I would disappear.)

15 There is much more I can piece together. I am going  
16 to do it because I think it is what you want.

17 I have to tell you, these last few months have  
18 probably seen the most innocent conversations, so this isn't  
19 as bad as some of the other stuff, which is pretty destroyed.  
20 I only found a couple of snippets from 2007, but I will look  
21 in another one of my computers I was using more back then and  
22 which I haven't used as much since.

23 Q And there is an attachment?

24 A Yes.

25 Q Can you explain what type of attachment that is?

Daniela - direct - Penza

2808

1 A Oh, yes. So that's an xml format, a file in xml format,  
2 which is like a -- I would say like a crossover data format.  
3 It can be easily imported and exported for different  
4 applications, so many applications share that format, and this  
5 one is named UpSector and a number, which is when you recover  
6 certain parts from a drive, it's from sectors. So that's what  
7 that is.

8 Q And I don't know exactly how many pages, but about 50  
9 pages of chat history, is that what's here?

10 A Yes.

11 Q And so how would somebody actually be able to read this  
12 legibly?

13 A You can probably import it into, like a -- into like an  
14 MSN chat, which was at the time what I was using, or a plain  
15 text file with a little bit of --

16 Q So the defendant could have imported it into MSN chat and  
17 it would have looked more like a traditional back-and-forth  
18 between you and Ben?

19 A Yes.

20 Q And over -- over the next period of time, would you  
21 continue to send the defendant your conversations with Ben?

22 A Yes, to send them in this custom.

23 Q Excuse me?

24 A To send them in this custom with him.

25 Q And would the defendant also talk to you about what you

Daniela - direct - Penza

2809

1 should be saying to Ben?

2 A Yes, he would give me instructions.

3 MS. PENZA: Your Honor, I think this would be a good  
4 time to break.

5 THE COURT: All right, we will break for lunch for  
6 an hour.

7 All rise.

8 (Jury exits.)

9 (In open court - jury not present.)

10 THE COURT: The witness may stand down. Do not  
11 discuss your testimony with anyone.

12 (Witness steps down and exits the courtroom.)

13 THE COURT: About how much more do you have with  
14 this witness?

15 MS. PENZA: Through the end of the day, Your Honor.

16 THE COURT: Through the end of the day. All right,  
17 we will take an hour for lunch.

18 Thank you, everybody.

19 (The defendant exited the courtroom.)

20 (Judge NICHOLAS G. GARAUFIIS exited the courtroom.)

21

22 (Luncheon recess now taken.)

23

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AFTERNOON SESSION

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

THE COURT: Are we all set?

MS. PENZA: Yes, Your Honor.

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

(Witness resumes the stand.)

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

(Jury enters.)

THE COURT: Please be seated.

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

The witness is reminded she is still under oath.

THE WITNESS: Yes.

MS. PENZA: Thank you, Your Honor.

(Continued on next page.)

Daniela - direct - Penza

2811

1 DANIELA ,

2 called as a witness, having been previously duly

3 sworn, was further examined and testified as follows:

4 DIRECT EXAMINATION (Continued)

5 BY MS. PENZA:

6 Q Good afternoon, Daniela.

7 A Good afternoon.

8 Q Before we turn back to some of the e-mails, I want to  
9 switch focus for a second.

10 Going back to before your fight with the defendant,  
11 was there a time when Kristin Keefe who your discussed before  
12 became pregnant?

13 A Yes.

14 Q When was that?

15 A That was late 2006.

16 Q Did she end up having a baby?

17 A Yes.

18 Q Do you remember the baby's birthday?

19 A The baby's birthday? Yes.

20 Q What is it?

21 A It's October 2006.

22 Q And that child's name, what's the child's name?

23 A Gaelyn.

24 Q Do you remember when -- when did you first learn that  
25 Kristin Keefe was pregnant?

Daniela - direct - Penza

2812

1 A I first noticed she might be pregnant in -- I noticed on  
2 two separate occasions. Again, I was spending a lot of time  
3 in Flintlock. At one time, I noticed her belly was very  
4 swollen, like, very, very swollen, and I thought it was  
5 strange. And the second time I noticed that, I mentioned it  
6 to Keith. And I told him, you know -- I asked him if Kristin  
7 was pregnant and he said no and something, that he had talked  
8 about that with her but no.

9 Q What happened? Do you remember the day that Gaelyn was  
10 born?

11 A Yes.

12 Q Can you explain what happened?

13 A What I remember happened is Kristin was upstairs in her  
14 room and, like, she hadn't come out of her room or she just --  
15 like, she was just not around and someone found her. I think  
16 Keith found her, like went looking for her, and she was in,  
17 like, a pool of, like, blood. And so they took her to the  
18 hospital immediately and at the hospital, they were checking  
19 to see what was wrong with her, you know, that she was, like,  
20 bleeding so much. And it was like a very serious situation.  
21 And Keith hadn't gone, Keith had stayed back, and I think that  
22 Pam went with her. It was some women or woman that went with  
23 Kristin.

24 What I remember is that I was in Flintlock and Keith  
25 got a phone call about how Kristin was doing and turns out



Daniela - direct - Penza

2813

1 that what had happened was that Kristin was pregnant. That's  
2 what the doctors found, that she was pregnant. And I  
3 remember, I think, Keith was talking to Kristin, but I  
4 remember the conversation being, like, well, how pregnant,  
5 like, how, how, like how late in the term, like how many  
6 months pregnant.

7 Q And did she end up having the baby?

8 A Yes.

9 Q What happened after -- was anything else wrong --  
10 obviously she had the baby. Do you know whether she was  
11 having any other medical issues at the time?

12 A Yes. I think they discovered she also had cancer.

13 Q And so she was very far along at that point in time?

14 A Yes.

15 Q After the baby was born, were you present for any  
16 conversations about what would happen with this baby?

17 A Yes.

18 Q Can you explain?

19 A Yes. There were a lot of conversations but it was a  
20 specific meeting where there was, like, a very small circle of  
21 people, of women who knew this was Keith's baby, this was  
22 Keith's and Kristin's baby. And it was plotted and planned,  
23 you know, that this baby was going to be in Barbara Jeske's  
24 home, that she would say -- and that was a cover story, that  
25 she had adopted him, that Kristin would be living there

Daniela - direct - Penza

2814

1 because, obviously, she's the mother but as a coverup. And  
2 there was, like, different, like, situations for, like, who  
3 would care for the baby, because Kristin was still undergoing  
4 treatment, a community meeting of how everyone is going to  
5 help and what story is going to be told to the community.

6 Q Is the defendant being the father of that baby going to  
7 be disclosed to that community?

8 A No.

9 Q Was there a discussion of why not?

10 A Yes.

11 Q Can you explain?

12 A Because to the community, Keith was celibate. Keith  
13 didn't -- like, Keith's relationships with everyone were  
14 secret. Nobody knew. This was part of Keith's image in the  
15 NXIVM community so it would completely counter all they knew  
16 about him. If he had a baby, it means he had a relationship,  
17 and all of that would have to be explained.

18 Q Now, Gaelyn was born very close to the time you had the  
19 fight with the defendant, is that right?

20 A Yes.

21 Q Did you -- nevertheless did you end up having  
22 interactions with Gaelyn?

23 A Yes.

24 Q Can you just describe generally the level of involvement  
25 of Gaelyn?

Daniela - direct - Penza

2815

1 A Yes. I participated very much in visiting him in the  
2 NICU. He was a premature baby, a premie baby, so he spent a  
3 lot of time in intensive care. And then for a time, Kristin  
4 and the baby were residing in Barbara Jeske's home. I wasn't  
5 present for a lot of that, but there was a falling out of  
6 sorts between them so Kristin ended up moving to 1 Flintlock  
7 Lane and taking care of Gaelyn all by herself. So I was  
8 essentially babysitting for her constantly, like, I would stay  
9 overnight. She would go on trips, she would go on treatments,  
10 and I would stay with Gaelyn and take care of him.

11 Q Were you paid for that?

12 A No.

13 Q During that time period when you would be watching  
14 Gaelyn, did you observe the defendant interacting with Gaelyn  
15 at all?

16 A On counted times, there were a few times I saw him  
17 interact.

18 Q Your sister Camila, did she also interact with Gaelyn?

19 A My sister Camila interacted with Gaelyn a lot more than I  
20 did.

21 Q Can you explain that?

22 A Yes. Camila, I even came to see her as, like, Gaelyn's  
23 second mother. She was so present in his life. She really  
24 was the one who take care of him since he was like very, very  
25 little. She would go to the NICU too and she was doing a lot

Daniela - direct - Penza

2816

1 more of the babysitting. And, in fact, around the time that  
2 Gaelyn was born is what I believe propelled the formation of  
3 what would be called Rainbow Cultural Garden, the system of  
4 education for kids that Keith developed over time. And my  
5 sister Cami was the first teacher in that program. They  
6 called them MDS's, multi-cultural development specialist. So  
7 she, she was the, like, the pilot of that.

8 Q I'm going to turn back to the e-mails that we were  
9 looking at. From the time period after you've had your fight  
10 with the defendant, there's a period of time and you have a  
11 period of e-mail correspondence with the defendant?

12 A Yes.

13 Q Okay. And so the e-mails that we looked at this morning,  
14 can you just describe how representative those are of other  
15 e-mails that you had with the defendant?

16 A I mean, that's, that's -- that's pretty much how the  
17 communication went about so that's how most of the  
18 communication was. That's a very small sample. It was -- it  
19 is a very high volume. So just like the e-mails that I looked  
20 at a little while ago, the communication was constant. So  
21 over a period of, like, 24 hours, it would be one after the  
22 other and, and in the -- and the content was in the same way.  
23 It was his instructions, his, you know, why I destroy what I  
24 did, making capricious plans in me to, trying to do  
25 everything, was telling me to disclose everything, to say all

CMH

OCR

RMR

CRR

FCRR

Daniela - direct - Penza

2817

1 the right things, to say all the things I thought I was  
2 expected to say, and to, like, honestly trying to looking at.

3 So that was the nature of the exchange. There was a  
4 lot of, you know, asking and reporting my weight. There would  
5 be a little more, further on, some of the sexual requests  
6 escalated but that's the gist of it. That's a good sample of  
7 what the exchanges were like.

8 MS. PENZA: Your Honor, without objection, the  
9 government moves into evidence Government Exhibits 1555, 1556,  
10 1557, 1559, 1562, and 1563.

11 MR. AGNIFILO: Yes, Judge.

12 THE COURT: All right. Government Exhibits 1555,  
13 1556, 1557, 1559, 1562 and 1563 are received in evidence  
14 without objection.

15 (So marked.)

16 MS. PENZA: Thank you, Your Honor.

17 Q Daniela, I'm showing you what's in evidence as Government  
18 Exhibit 1555. Do you see that?

19 A Yes.

20 Q And just turning to one of the last e-mails on that page,  
21 does the defendant write to you on November 27, 2008: I just  
22 heard you joined Facebook. Do you really want to do that? I  
23 can't see any upside and lots of irreversible downside. Even  
24 the fact that you joined has problems that need to be  
25 repaired. What are you doing?

Daniela - direct - Penza

2818

1 Do you see that?

2 A Yes.

3 Q Do you remember when you joined Facebook?

4 A I can read from the e-mail. Like, I place it shortly  
5 before that probably.

6 Q But do you remember -- do you remember what happened  
7 after you joined Facebook?

8 A Yes.

9 Q Can you explain?

10 A I was not allowed to join Facebook.

11 Q And why was that, not allowed -- when you say "not  
12 allowed," what do you mean?

13 A Well, those series of questions -- of course, they don't  
14 say that in so many words. They don't say, Daniela, do not --  
15 close your Facebook account. But that's how, that's exactly  
16 how he works, so that was an instruction. This is not good,  
17 this is damaging, this is destructive, this has to be  
18 repaired. So I think I put up a bit of a fight but in the  
19 end, I closed my Facebook account.

20 Q Turning to -- let me just ask one overview question.

21 Were there times where you would write to the defendant and  
22 then the defendant would answer underneath?

23 A Yes.

24 Q And is that something you would sometimes do to the  
25 defendant as well in your exchanges?

Daniela - direct - Penza

2819

1 A I think so, yes.

2 Q So turning on, also on Government Exhibit 1555,  
3 12:07 a.m., The defendant writes to you: Gosh, maybe if you  
4 can feel good enough you will never decide to do the hard  
5 things. Life will be quite fun without ever having to fix  
6 anything or have me in it. Need I go on. What are you doing,  
7 multiple question marks.

8 Do you see that?

9 A Yes.

10 Q And then here on November 28, 2008, at 12:19 a.m., I want  
11 to -- I'm going to ask you if I understand what's happening  
12 here.

13 The non-highlighted portions, is that an e-mail that  
14 you wrote back to the defendant?

15 A Yes.

16 Q And you -- that would have been on November 28, 2008 at  
17 12:19 a.m.?

18 A Yes.

19 Q And then if we look on November 28, 2008 at 1:06 a.m.,  
20 does the defendant write: I am going to write under each  
21 sentence?

22 A Yes.

23 Q And so the first line, the original e-mail, would have  
24 just been your language without the highlights, is that  
25 correct?

Daniela - direct - Penza

2820

1 A That is correct.

2 Q So let's just read through it. So you wrote: I  
3 understand all you say. And he says: Evidently, you don't or  
4 else we would be back together.

5 A Yes.

6 Q And you say: And although I don't consider myself to be  
7 at the level of a Rodrigo, I would like to be.

8 A Yes.

9 Q Is that another reference to the mission?

10 A Yes, it is.

11 Q Okay. And he writes back: This demonstrates you do not  
12 understand. If this were true, you certainly would not be  
13 moving in the wrong direction right now. Even if you were not  
14 a monk, you would at least not be disrespectful.

15 This idea of being a monk, can you explain that?

16 A Yes. The idea of being a monk is something that would  
17 surface several times because I didn't want to be a monk. I  
18 felt like my life was becoming extremely isolated and many  
19 times expressed that I did not sign up to be a monk, that I  
20 did not want to be monk, that I was a reluctant monk, that I  
21 really didn't want to live that isolated life.

22 Q Okay. And then you say: Why do you ask this of me? Why  
23 not of others?

24 A Yes.

25 Q And he responds: This is certainly a self-pitying



Daniela - direct - Penza

2821

1 assumption. I guarantee many others question why I bend so  
2 far for you, to my detriment. You have also done far more  
3 damage.

4 Do you see that?

5 A Yes.

6 Q And then the next one, can you read what you wrote?

7 A Yes.

8 What makes you so sure I will ever finish walking  
9 this path and not just continue on a life of, I don't know  
10 what to call it, endless monk-like seclusion, mystery.

11 Q And he responded: This is full of suffering and lack of  
12 conscience. You do not live a monk-like life because you are  
13 told to do so. You do it because it is the best alternative.  
14 The happiest alternative. You cannot stomach the hypocrisy,  
15 dishonor and disrespect of any other life. To seek fun,  
16 entertainment, feeling good through any mechanism other than  
17 fixing the breach is to destroy conscience and dishonors me.  
18 Need I see even more.

19 Do you see that?

20 A Yes.

21 Q And then there's more after that?

22 A Yes.

23 Q I'm showing you what's in evidence as Government  
24 Exhibit 1 -- Government Exhibit 1556. Excuse me.

25 So here, also on November 28th and here at

Daniela - direct - Penza

2822

1 2:37 a.m., do you see that?

2 A Yes.

3 Q And the defendant is writing, again, in response to an  
4 e-mail, this e-mail back and forth that we have looked at. Do  
5 you see that?

6 A Yes. Yes.

7 Q And so -- and you've written back as well by this point?

8 A Yes.

9 Q So I'd like to look at the "you do not live a monk life."

10 A I'm sorry, but I can't see it.

11 Q Oh, I'm sorry. Thank you.

12 A Yes.

13 Q Do you see?

14 A Yes. It says: All right. So you do not live a  
15 monk-like life, which is what we already read.

16 Q So that's the part he had written in response to you?

17 A Yes.

18 Q Right? And so that part had ended, "Need I say even  
19 more?"

20 A Yes.

21 Q And then you write -- what do you write?

22 A Yes, please say more. I do not follow. Are you saying I  
23 have been living the last two years in the manner I have  
24 because it is nice? The easiest? If you are, you are wrong.  
25 Maybe the easiest, not the best of alternatives as far as

Daniela - direct - Penza

2823

1 happy goes.

2 Q And then the capital letters that follow, did you have an  
3 understanding of what the defendant meant when he wrote in  
4 capital letters?

5 A It was very important, very loud, as capital letters  
6 mean.

7 Q Okay. And what -- and this is the defendant writing to  
8 you?

9 A Yes.

10 Q Okay. Can you read that?

11 A Yes.

12 He writes: This is the source of all the problems.  
13 The last two years your reason for living as you did should  
14 have been because it was the only, nicest, bearable way to  
15 live. The only way one could possible imagine to continue and  
16 you should be grateful there was a way for you to continue to  
17 undo the wrong. Not only should have this been the easiest,  
18 it should have been the only. The other stuff you raise is  
19 really crap. I think for you to finally care, you should  
20 explain to me why what you wrote above, point by point, is  
21 crap. Please do this now.

22 Q You responded to the defendant?

23 A Yes.

24 If I thought what I wrote was crap, I would not have  
25 written it in the first place. Actually I didn't want to

Daniela - direct - Penza

2824

1 write it for this precise reason -- parenthesis -- that in the  
2 event of having to make it go away, I won't know how to -- end  
3 of parenthesis. It is crap in that it may not be relevant to  
4 me feeling my breach or not but it is not crap to me. In a  
5 very real way, it is the very reason I started the argument  
6 that ended our relationship. I could lie to you and perhaps  
7 even convince myself for a little while, and come up with good  
8 arguments for why this is all crap. But it will come up again  
9 later. Probably sooner than later. I know it because it has  
10 many times before. It isn't crap to me and it directly  
11 affects the way I feel. So, I am sorry. No.

12 Q And how did the defendant respond?

13 A He wrote: It is crap and a lie. As long as you convince  
14 yourself as you are, we can go nowhere. I was giving to  
15 opportunity to grow up. You have no concept why you started  
16 the argument that ended our relationship. Although you are  
17 good at retrofitting excuses.

18 Q Okay. Thank you, Daniela. The rest is similar to what  
19 we've looked at before?

20 A Yes.

21 Q Showing you what's in evidence as Government  
22 Exhibit 1557, do you see that?

23 A Yes.

24 Q And this is another, this is another -- is this another  
25 place where you went off on different threads with the

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1 defendant?

2 A Yes, it is.

3 Q It starts at the beginning with: I heard you just joined  
4 Facebook?

5 A That is right.

6 Q And so just, if you could just read the final e-mail on  
7 that thread?

8 A Yes. That's from Keith.

9 He writes: If your family were to ever understand  
10 your seriousness and the seriousness of what you have done --  
11 parentheses -- they are part of your upbringing -- end of  
12 parentheses -- you would have gone into something like a  
13 speechless, monk-like seclusion. Anyone with a deep  
14 conscience does not look to make things okay or better until,  
15 and not before, the breach has been resolved. Your doing as  
16 you describe below demonstrates the opposite of caring  
17 conscience. It also has the exact opposite effect you would  
18 ultimately want on Camila, Fluffy, your mom, your dad and  
19 Monkey. This also extends to B and many others. I guess now  
20 that I am communicating with you everything is great, time to  
21 get back to the good life, time to let your family know you're  
22 back to normal. Wow, isn't it great everything is so good?

23 Q So what was your understanding of the defendant, that  
24 e-mail from the defendant?

25 A Can you put it back on?

CMH

OCR

RMR

CRR

FCRR

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1 Q Oh, yes. Sorry.

2 A Thank you.

3 The part where he says, The seriousness with what I  
4 have done, if my family were to understand, if I were to  
5 understand the seriousness of what I have done, really that's  
6 me only choosing Ben but it's blown out of proportion and now  
7 he's describing that all of this has very damaging effects on  
8 all of my family and that I am pretending or indulging or that  
9 it must be so great to have some contact with him that makes  
10 everything okay as that is a full life, e-mail communication  
11 life.

12 Q At this point in time, was the defendant also upset about  
13 you communicating over Facebook with people?

14 A Having any visibility, that people know I'm alive, that  
15 people know I am there, yes.

16 Q I'm showing you what's in evidence as Government  
17 Exhibit 1559. And this is an e-mail chain ending on  
18 January 7, 2009 at 9:00 p.m.?

19 A Yes.

20 Q And that is another e-mail chain between you and the  
21 defendant, is that right?

22 A Yes, it is.

23 Q So January 6, 2009, you are writing an e-mail to the  
24 defendant?

25 A Yes.

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1 Q And you say: I wish you could respond right away so I  
2 would make the right decision. And then it goes on: I am  
3 going to make a super quick appearance at the party. It has  
4 become a thing the fact that I am not going for everyone knows  
5 Bobo is making --

6 I don't want to puncture -- what's your  
7 pronunciation?

8 A "*Roscas*."

9 Q -- *roscas* and now she isn't going. Weirdo. Et cetera.  
10 Et cetera. Anyway I will avoid any personal interactions with  
11 anyone, especially B. Mom is going to take me in and out very  
12 quickly. I will say I have work I need to do. Maybe I am  
13 fasting and so I have to go. I am here five more minutes.

14 Can you explain what's happening in this e-mail?

15 A Yes. So there's a festivity in Mexico and for Catholics  
16 for, like, the Three Kings that come in early January and  
17 there's a special thing we eat called *roscas*. So it was a  
18 community event in ESP for this precise holiday and I was  
19 making *roscas* and there was a party and I was making the  
20 *roscas* for all of the community and I was going to go and I  
21 was asking for permission.

22 Q Okay. *Roscas*, can you explain what that is?

23 A Yes. *Rosca* is a big baked bread with a little bit of  
24 sugar and dried fruit.

25 Q And is there something special that happens with it?

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1 A Yes. So we put little, like, baby Jesus and, like, a  
2 ring and, like, different things get hidden under the bread.  
3 And so every person at the party takes his slice of bread and  
4 if they get like one of the little gifties (sic), it signifies  
5 something different. So if you get the ring, this means that  
6 you are going to get married that year. If you get the baby,  
7 it means that you have to throw a party in February for the  
8 *tamales*. It means all different things.

9 Q So you're asking for permission to go to the party?

10 A Yes.

11 Q And then, so you write that at 9:38 p.m. At 9:45 p.m.,  
12 what do you write?

13 A I wrote: I just tried calling Pam. This doesn't feel  
14 100 percent right. Not going doesn't feel 100 percent right  
15 either and I don't know which one to default to. I don't want  
16 to screw things up further.

17 Q Did you try to call Pam?

18 A I did.

19 Q Why?

20 A To get approval. At this point, I live scared that  
21 anything I might do might be the wrong thing, just like  
22 anything I might do my be the wrong thing that breaks  
23 everything so I want to get permission to make sure that I'm  
24 not breaking something.

25 Q Okay. Turning to the next set of e-mails, these are all



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1 e-mails from you, is that right?

2 A Yes.

3 Q Okay. So that was at -- you said you were leaving at  
4 5 minutes after 9:38.

5 A Uh-huh.

6 Q So then you write another e-mail at 9:45?

7 A Yes.

8 Q And you have an e-mail at 10:03?

9 A Yes.

10 Q And then you have an e-mail at 10:12?

11 A Yes.

12 Q And in that e-mail, you say you are going to go, is that  
13 right?

14 A Yes.

15 Q And you say: I think I am going. It doesn't feel  
16 completely right, but the alternative feels even less so.  
17 Maybe because I think I can avoid the damage.

18 And it goes on: So I think this is what I will do.  
19 Mom is going now, she will take me. I will go in, say hi to  
20 everybody and tell them I just wanted to make an appearance  
21 but can't really stay. Won't even take my coat. I want to  
22 make so it does not at all satisfy the desire I had to be at  
23 that party, but also it avoids the damage of not going at all.  
24 I hope you agree with this. I will write as soon as I am  
25 back.

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1                   What would be the damage of not going at all?

2   A     That people think that I am a victim or prisoner of sorts  
3 because they expect me. They know I made the *roscas* and I'm  
4 not going so I'm kind of captive.

5   Q     So can you read -- is the next e-mail from the defendant?

6   A     Yes.

7   Q     Okay. And can you read this, please?

8   A     Yes.

9                   It says: I just received your e-mails. I think you  
10 made the wrong decision. I think your going then leaving  
11 quickly risks looking subtly like you are sneaking out of  
12 confinement instead of being staying away because you cannot  
13 ethically stomach going. If Rodrigo were asked if he wanted  
14 to go to a party, would say, what are you crazy? The fact you  
15 even would want to go to such a thing means you have no  
16 understanding. Of course, going and saying is even worse.  
17 This situation arises because you do not uphold me or my  
18 ethical position. During volleyball, Fluffy kept on implying  
19 I needed to give you permission to go. I told him it was up  
20 to you in a puzzled fashion. This belief of your imprisonment  
21 is your direct doing. If you said or had said something like  
22 I can't stand anything until I fixed myself, no one would  
23 bother you. What you do promote is I love the social life, I  
24 love parties, I love the limelight, I love the, but I can't  
25 go, I just can't. The translation, the evil ogre Keith is

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1 keeping me in the castle. None of you really know. Wink.

2 Wink. I will get in so much trouble if I come. I will make  
3 cameo appearances so you know I'm still alive and still want  
4 to.

5 Q What is your understanding of that paragraph?

6 A That I am supposed to stay isolated and like it. I'm  
7 supposed to stay completely isolated, not go anywhere, not see  
8 anyone, and I'm supposed to say that I love it.

9 Q Okay. And this line: During volleyball, Fluffy kept on  
10 implying I needed to give you permission to go, I told him it  
11 was up to you in a puzzled fashion, what does that mean?

12 A I mean, right there, he has manipulated my brother. He  
13 knows exactly we're having all of this communication, Keith, I  
14 mean. Keith knows he is giving me instructions in this way.  
15 It's up for him to go somewhere or not go somewhere clearly  
16 and he's the one telling my brother, I don't know, it's up to  
17 her.

18 Q And then 11:30, he writes: I am here.

19 A Yes.

20 Q 11:31: Oh, no. I am infinitely sorry. And not too much  
21 in an apology to you fashion but just sorry. Shit. Shit.  
22 Shit.

23 A Yes.

24 Q And then the defendant replies: I just heard you went to  
25 the party from two different people.

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1 A Yes.

2 Q And you asked, What does that mean?

3 A Yes.

4 Q And then you write back: At this precise moment, more  
5 than ever before I understand the why of being monk-like.  
6 This going to the party was my effort to mitigate effects of  
7 my other non-monk-like actions.

8 A Yes.

9 Q Is that the same concept we've been talking about?

10 A Yes.

11 Q And 12:02 a.m., the defendant writes: How can you repair  
12 at least in part this now tonight? I do not know but I tend  
13 to always believe there are ways. This is really going to  
14 hurt the situation as is.

15 A Yes.

16 Q More back and forth, is that right?

17 A Yes.

18 (Continued on next page.)

19

20

21

22

23

24

25

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1 BY MS. PENZA: (Continuing.)

2 Q You send your last e-mail -- you send an e-mail at 12:51?

3 A Yes.

4 Q It says, "I know my love and I hate myself for it"?

5 A Yes.

6 Q 3:53 a.m. the defendant writes, "So what did you do? I  
7 hope you did not just go to sleep. If I were in such a  
8 situation I would find it impossible to sleep possibly for  
9 days. You also did not tell me what happened at the party. I  
10 heard B got a ring." And it's 3:55 and you respond?

11 A Yes.

12 Q And then you respond to the defendant at 4:02 a.m.; is  
13 that right?

14 A Yes.

15 Q 4:06 a.m. you say, "You didn't even really say hi to B"?

16 A Yes.

17 Q When you just are writing B, is that Ben?

18 A Yes.

19 Q And then the defendant writes at 4:12 a.m., "What were  
20 people's reaction to your being there, including your  
21 mother's"?

22 A Right.

23 Q Did you have an understanding of why the defendant was  
24 asking you that?

25 A I mean, I thought maybe he was looking -- he's already

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1 told me that this is really bad and this is really damaging so  
2 probably going to go through the exercise of dissecting  
3 everyone's reactions and figuring out their thought objects  
4 and giving me instructions to make plans to fix every one of  
5 them.

6 Q Okay. And then do you go on to explain all the people at  
7 the party and their reactions?

8 A Yes.

9 Q That was at 4:18 a.m.?

10 A Yes.

11 Q Okay. I'm showing you what's in evidence as Government  
12 Exhibit 1563. Is this another continuation on a different  
13 thread of the e-mail we were just looking at?

14 A Yes, it is.

15 Q "I just heard you went to the party from two different  
16 people"?

17 A Yes.

18 Q Can you read the top e-mail from -- so we had seen this  
19 e-mail, "At the precise moment more than ever before. I  
20 understand the why of being monk-like. Going to the party was  
21 my effort to mitigate the effects of my other non-monk-like  
22 actions?"

23 A Yes.

24 Q What does the defendant write?

25 A He writes, "By showing you proving you are non-monk-like,

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1 this proves in the future, monk-like actions or coerced and  
2 not genuine; implicating me as an ogre even more so if you do  
3 the right thing."

4 Q And this is about a year before you are put in the room?

5 A Yes.

6 Q Showing you what's in evidence as Government Exhibit  
7 1562.

8 (Exhibit published.)

9 Q Is this another part of this chain?

10 A Yes.

11 Q And here the defendant is asking about -- at 4:25 a.m.  
12 the defendant is asking about the damages from each person's  
13 reaction; is that right?

14 A Yes, yes.

15 Q And then there's more of a back and forth and then the  
16 defendant writes on January 7, 2019 at 4:36 a.m.?

17 A Yes.

18 Q Can you read that e-mail, please?

19 A Yes. Keith writes, "If Rodrigo walked into a party, I  
20 would think something is wrong. Your past suffering has  
21 created quite a fan club and with the help of B, Fluffy and  
22 others, I'm an ogre and your escape is hailed as with  
23 celebration. These are times when I feel I may not be able to  
24 do much more for much longer. I am boycotting certain things  
25 by necessity. People currently look at my boycotting as

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1 wrongful or extreme because of you. This makes what I need to  
2 do almost impossible. I am running out of time.

3 Q And there's a back and forth and then can you read the  
4 e-mail from the defendant at 9:44 a.m. on January 7, 2009?

5 A Yes. He writes, "So why would they think I am not  
6 speaking to you? Why do I imprison you and forbid to you to  
7 go out. Why did you have to escape from me. This is what a  
8 number of people think."

9 Q Your Honor, I believe without objection the Government  
10 moves into evidence government exhibits 1600, 1600-A and 1601.

11 MR. AGNIFILO: That's correct, Judge.

12 THE COURT: Government Exhibits 1600, 1600-A and  
13 1601 are received into evidence without objection.

14 (Government Exhibits 1600, 1600-A and 1601 received  
15 in evidence.)

16 MS. PENZA: I'm sorry, Your Honor, can I have one  
17 moment to confer with Mrs. Carby.

18 THE COURT: Sure.

19 (Pause in proceedings.)

20 MS. PENZA: I'm sorry, Your Honor. Government's  
21 Exhibit 1600 does not have an A, so it's Government's Exhibit  
22 1600 and 1601.

23 THE COURT: Correction made.

24 (Government's Exhibit 1600 and 1601 received in  
25 evidence.)



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1 THE COURT: Let's go on.

2 BY MS. PENZA:

3 Q Daniela, I'm showing you what's been marked in evidence  
4 as Government's Exhibit 1600.

5 (Exhibit published.)

6 A Yes.

7 Q And is this a back and forth between you and the  
8 defendant on December 9, 2008?

9 A Yes, it is.

10 Q So a little bit earlier than the e-mail chains we just  
11 looked at?

12 A Yes.

13 Q Earlier in the month?

14 A Yes.

15 Q I'm just showing you an e-mail on December 9, 2008 at  
16 4:35 a.m. and here is this another example where the defendant  
17 is responding to things that you have written?

18 A Yes.

19 Q And, so, I just want to turn your attention to the middle  
20 of this page and here had you written, "I'd much rather be  
21 your friend than nothing at all and if it can be I will take  
22 it"?

23 A Yes.

24 Q And how did the defendant respond?

25 A He writes, "You have no understanding of caring. If you

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1 loved me you would do so whether I hated you or loved you.  
2 Friendship? You mean everything else all the shared values  
3 except the content of sex? How backwards is this?"

4 Q Were there various times when you asked the defendant to  
5 just be his friend?

6 A Yes.

7 Q And how would the defendant respond?

8 A In the negative.

9 Q What does that mean?

10 A Well, there was no concept of any relationship where  
11 there was no sex.

12 MS. PENZA: Your Honor, the Government moves into  
13 evidence Government Exhibits 1603, 1612, 1604, 1605, 1589,  
14 1609, 1608 and 1613.

15 MR. AGNIFILO: That's fine, Judge, yes.

16 THE COURT: That is it?

17 MS. PENZA: Thank you, Your Honor.

18 THE COURT: All right, Government Exhibits 1603,  
19 1612, 1604, 1605, 1589, 1609, 1608 and 1613 are received in  
20 evidence without objection.

21 (Government Exhibits 1603, 1612, 1604, 1605, 1589,  
22 1609, 1608 and 1613 received in evidence.)

23 BY MS. PENZA:

24 (Exhibit published.)

25 Q Daniela, I'm showing you what's in evidence as

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1 Government's Exhibit 1612?

2 A Yes.

3 Q Are you familiar with this?

4 A Yes.

5 Q And is this a letter -- is this an e-mail that you wrote  
6 to the defendant on March 1, 2009?

7 A Yes, it is.

8 Q Can you read -- can you read this, please?

9 A Yes. I wrote, "Okay. I started off by saying I had some  
10 issues about you and my sister Mariana. However, this is not  
11 what all this below is about. And I was careful not to delve  
12 into that train of thought any further, but it did make me  
13 realize that I no longer see you in the same way I used to. I  
14 do not think you have changed and if you have, I wouldn't  
15 know. I have changed. The things I want or think I want,  
16 what is the difference really, are not the same. I lean  
17 towards thinking I can see things more clearly now having been  
18 in the inside of a life with you and now observing from the  
19 outside. Yet, I still can't help but think maybe I am just  
20 out of touch.

21 "Lately, I have been thinking more and more about  
22 creating a life for myself, one that does not necessitate your  
23 presence. I think this comes from the thought that I have so  
24 far put all of my marbles on a future life with you, which I'm  
25 not only not sure, but in fact rather non-optimistic will ever

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1 happen. And I know I'm nothing al by myself without the  
2 possibility of a future like that with you, the meaning of my  
3 life amounts to nothing special."

4 I have here referenced two asterisks in the first  
5 part of the e-mail.

6 "I feel very trapped/cornered by the way things are  
7 right now. I would like to be able to at least sustain  
8 myself, pay my rent, pay for my food, pay for my health, et  
9 cetera, but with the restraints imposed on me, I can't work on  
10 anything else. I can't make money unless I do book reports.  
11 I feel hopeless most of the time. I know I could potentially  
12 take this cornering as a force. It is the only way out, so do  
13 the bloody reports. But in a more realistic way going on  
14 three years, come on, I think I need to be able to bootstrap  
15 myself into it, balance one side as I balance the other, yet  
16 every single thing that has motivated me in some way has been  
17 taken away and, yes, I have allowed it. That is the point  
18 here and I don't know. Scratch that. I know for a fact the  
19 amount of times I feel motivated to do things because they are  
20 right. It's incredibly small in comparison.

21 "There must be a better way to work up to that and I  
22 think that would be first, being able to do something,  
23 anything at all, then maybe I can work on my reasons. I just  
24 don't want to keep doing this. I am a child. I don't pay for  
25 my own existence and I don't know how to do anything. My life

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1 as it is right now, has no value and I can't seem to motivate  
2 myself with the tools I am given here. The point is, I  
3 realize it is up to me. I choose to be in this position, to  
4 live in this country where because of my status, my capacity  
5 and choice of work, it's up to other people to decide on. I  
6 feel that I am caught in an impossible cycle.

7 I want to go to school, learn to shape my ideas into  
8 actual things that I can use. I want to do something with my  
9 life. I want to work. I want to make money, be  
10 self-sufficient. Now, see all of the above? I'm not sure,  
11 but I think that is some form of pride. Is that bad? The  
12 thing is, I think this is my only reason to move. It is the  
13 most real and powerful kind of motivation that I can tap into.  
14 I hesitate to tell you because I predict that, as before, it  
15 is going to be shut down and my legs will be put off again and  
16 I don't know that I will be very willing to let it go this  
17 time.

18 "So to reference back to the first paragraph, I  
19 think I am able to think in this way because, one, I have a  
20 grip on the fact that getting real here I have no motivation  
21 to do the right thing because it is the right thing and at  
22 this point I just want to do something or I am going to end up  
23 losing myself. And, most importantly, too, I don't see you in  
24 the same way I used to. I don't miss you anymore. Sure, I  
25 think about you pretty much all the time, but my insides don't

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1 shrink when I think of you. I feel tied to you, but not as  
2 before. Before, I desperately wanted to have you back. Now I  
3 almost feel I want to break away and now as before when it was  
4 a possibility for me, it seems it may be. The truth is, I  
5 don't really remember me with respect to you. I have been to  
6 Flintlock a few times and I think what upset me so much is  
7 that I didn't feel anything. I wanted to feel nostalgic but I  
8 didn't. I remember your conversations, your voice, but not  
9 the feeling of you or look into your eyes. I can imagine it,  
10 but I can't get into it. I don't remember that me. It's hard  
11 to explain.

12 I think, as you have said, we are shaped by the  
13 people in our lives and you are no longer part of mine. I  
14 think this little trip I have taken with you has been half  
15 dream, half nightmare. The first part held all the  
16 possibilities but it was a fantasy. The second part, this  
17 time apart from you, I can't even describe. The point is, I  
18 believe I am the wrong person for the job. I don't have the  
19 ethical strength you do and no desire to grow it. We're  
20 similar in some minor details and extremely different in the  
21 most important qualities.

22 So I think what is going on with me is I am going  
23 back to what I wanted before I met you, to the motivations I  
24 had before I jumped into this ride with you, a decent life at  
25 least; school, job, do something productive that at the very

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1 least doesn't harm anyone. I would settle for that. These  
2 are the thoughts that have been plaguing my mind and when I  
3 think all the things about you and my sister and I think of  
4 your life, and I think to myself maybe I'm better off without  
5 you. Even writing to you now, I feel I do not know the person  
6 sitting in front of that screen. I feel lost because I have  
7 made you the center of my world.

8           Now I feel like the illusion has been shattered.  
9 Also, I don't think relationships of the romantic kind are  
10 anything I was designed to ever be a part of. I was never  
11 good and completely happy while in it with you and it hurt  
12 like a mother F when we split and for a long time afterward.  
13 I never want to go through that again. So I am at this point  
14 pretty sure I don't want a relationship of that kind with you  
15 ever again. Or anyone else. I just don't want that. Nothing  
16 good comes from it. These are my thoughts on my future, but I  
17 think I first have to fix things here with you the most I can.

18           "Of course, given the above, the healing exercise  
19 would be quite superficial. In other words, if healing means  
20 the dropping of the pride, changing in a fundamental way that  
21 would be a contradiction with my honest motivations. Well, I  
22 added some things. There is more, but I think I am starting  
23 to get very dramatic so I will leave it out. D."

24 Q     What are you trying to convey to the defendant in this  
25 e-mail?

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1 A I am, right there, having a moment of lucidity. I'm  
2 sorry. I think it was -- I think it was rare because I became  
3 so crazy and confused with everything that I was being told  
4 and lost sight of things and that was an instance, a moment,  
5 when I saw it clearly and I knew what I wanted and I saw it  
6 clearly and I wanted it with all of my heart and it wasn't  
7 with hate it wasn't with hate towards Keith or what happened.  
8 It was giving up that ride, I say, and moving on.

9 Q Did the defendant respond to you?

10 A Yes.

11 Q I'm showing you what's in evidence as Government's  
12 Exhibit 1603?

13 (Exhibit published.)

14 A Yes.

15 Q At the bottom, the defendant -- you have your e-mail, on  
16 March 1, 2009 at 12:23 p.m. and then the defendant responds,  
17 "Comments in brackets below"; right?

18 A Yes.

19 Q And the next page the portion in brackets are what the  
20 defendant wrote in response?

21 A Yes.

22 Q And they were not highlighted in the original e-mail?

23 A No, just in brackets.

24 Q But this is the same e-mail absent that, except for that  
25 highlight?



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1 A Yes, it is.

2 Q So, paragraph one of your e-mail, you said. "Okay. I  
3 started off by saying I had some issues about you and my  
4 sister, Mariana. However, this is not what all of this below  
5 is about and I was careful not to delve into that train of  
6 thought any further, but it did make me realize that I no  
7 longer see you in the same way I used to. I do not think you  
8 have changed and if you have, I don't know. I have changed  
9 the things I want, I think I want or know I want. What is the  
10 difference really? Are not the same. I lean towards thinking  
11 I can see things more clearly now having been on the inside of  
12 a life with you and now observing from the outside. Yet I  
13 still can't help but think that maybe I'm just out of touch."

14 And the defendant responds: "Yes, you are out of  
15 touch. You have never really be on the inside because of the  
16 other things and your pride at the time. By the way, life  
17 could have been so wonderful had you just cared. You are very  
18 incorrect about how things would have been. We do really have  
19 more in common than just being geeks. Apathy is the worst  
20 ethical breach in life. It is said the apathetic should be  
21 condemned to the lowest level of hell. The key is, in order  
22 for you to make this right and for you to be right within  
23 yourself, you need to restore and even intensify your feelings  
24 towards and about me. You have made this very hard for, as  
25 all prideful people do, you let the time go by trying to do it

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1 your way and now you use the resulting problems of your pride  
2 as an excuse not to do the right thing. This will also  
3 fortify your pride. That is why people with a deep conscience  
4 go to the extreme of discomfort with the repair of an ethical  
5 breach. They're not there just listening to the same bad  
6 advice of pride which got them into the breach in the first  
7 place."

8 Do you mind just reading again the paragraph and  
9 then I will read the response?

10 A Yes. "Lately, I have been thinking more and more about  
11 creating a life for myself, one that does not necessitate your  
12 presence. I think this comes from the thought that I have so  
13 far put all of my marbles on a future life with you, which I'm  
14 not only not sure, but in fact rather non-optimistic will ever  
15 happen. And I know I'm nothing at all by myself without the  
16 possibility of a future like that with you, the meaning of my  
17 life amounts to nothing special."

18 Q "Easy way out? Excuse created by pride. You should  
19 reject this thinking at all costs. It needs to be  
20 all/everything with me or else you will always let yourself  
21 off the hook. This is the biggest mistake of your life."

22 A "I feel very trapped, cornered by the way things are  
23 right now. I would like to be able to at least sustain  
24 myself, pay my rent, pay for my food, pay for my health, et  
25 cetera, but with the restraints imposed on me, can't work on

Daniela - direct - Penza

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1 anything else that can make money unless I do book reports, I  
2 feel hopeless most of the time. I know I could potentially  
3 take this cornering as a motivational force. It is the only  
4 way out so do the bloody book reports, but in a more realistic  
5 way going on three years, come on, I think I need to be able  
6 to bootstrap myself into it. Balance one side as I balance  
7 the other."

8 Q He wrote, "Lazy, out of cause, pride, feels trapped and  
9 has created a lot of really bad effects. Conscience feels  
10 intensely focused and convicted. Bootstrapping yourself into  
11 it is what has taken two-plus years, the sick pride of doing  
12 it your way in resolving ethical breach. This must be  
13 destroyed."

14 A I say, "Yet every single thing that has motivated me in  
15 some way has been taken away and, yes, I have allowed it.  
16 That is the point here and I don't know. Scratch that. I  
17 know for a fact the amount of times I feel motivated to do  
18 things because they are right. It's incredibly small in  
19 comparison. There must be a better way to work up to that and  
20 I think that would be first; being able to do something,  
21 anything at all, and then maybe I can work on my reasons.

22 Q He says, "Your feelings for me should have been  
23 motivation, the initial pain. Instead you used your pride to  
24 feel comfortable. As I explained, motivation comes from  
25 discomfort. You need to not be able to live without me to

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1 best do this. Your apathy and comfort is awful. I have said  
2 this many times. You need to rebuild your feelings of extreme  
3 pain over my loss."

4 A I say, "I just don't want to keep doing this. I am a  
5 child. I don't pay for my own existence and I don't know how  
6 to do anything. My life as it is right now, has no value and  
7 I can't seem to motivate myself with the tools I am given  
8 here. The point is, I realize it is up to me. I choose to be  
9 in this position, to live in this country where because of my  
10 status, my capacity and choice of work, it's up to other  
11 people to decide on. I feel that I am caught in an impossible  
12 cycle."

13 Q "It needs to be worse. You are too comfortable but the  
14 pain must come from feelings for me, otherwise you will remain  
15 a con artist."

16 A I say, "I want to go to school, learn to shape my ideas  
17 into actual things I can use. I want to do something with my  
18 life. I want to work. I want to make money, be  
19 self-sufficient."

20 Q Keith says, "Run and skip in the fields and press wild  
21 flowers?"

22 A I say, "Now, see all of the above, I am not sure but I  
23 think that is some form of pride. Is that bad? The thing is  
24 I think this is my only reason to move. It is the most real  
25 and powerful kind of motivation I can tap into. I hesitate to

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1 tell you because I predict that, as before, it is going to be  
2 shut down and my legs will be put off again and I don't know  
3 that I will be very willing to let it go this time."

4 Q He says, "You need more pain. Maybe we should consider  
5 cutting off your arms too!"

6 A I write, "So to reference back to the first paragraph, I  
7 think I am able to think in this way because, one, I have a  
8 grip on the fact that, getting real here, I have no motivation  
9 to do the right thing because it is the right thing and at  
10 this point I just want to do something or I am going to end up  
11 losing myself and, most importantly, 2, I don't see you in the  
12 same way I used to. I don't miss you anymore. Sure, I think  
13 about you pretty much all the time but my insides don't shrink  
14 when I think of you. I feel tied to you but not as before.  
15 Before I desperately wanted to have you back. Now, I almost  
16 feel I want to break away and, so, whereas before this was  
17 never a possibility for me, it seems now it may be."

18 Q He said, "This is absolutely the opposite of what you  
19 should accept, understanding what I have said would mean this  
20 thought would disgust and terrify you."

21 I'm just going to read the remainder of the portions  
22 that the defendant responded.

23 A Thank you.

24 Q To your next paragraph. Your next paragraph, the  
25 defendant responded, "You need to not only make me part of

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1 your life, I need to be your whole life. This is the only  
2 way. Whatever ethical thing you need to be obsessed with me  
3 and feel me, you must."

4 The next part, this is the paragraph where you wrote  
5 "I think this little trip I have taken with you has been half  
6 dream and half nightmare," and where you said that you wanted  
7 a decent life, school, job and to do something productive that  
8 at the very least doesn't harm anyone.

9 The defendant said, "The first part was real. The  
10 second part sick, delusional, your way, pride. Maybe besides  
11 pressing flowers you could catch a few fairies?" And then he  
12 sends you an Amazon link to Coddington's Pressed Fairies. Do  
13 you know what that is?

14 A Yeah. I mean, I think I saw it. It's, like, a joke of a  
15 book with, like, pressed fairies.

16 Q Where you would press flowers, but instead it looks like  
17 smushed fairies?

18 A Smushed fairies, yes.

19 Q More of the above, "I can say how convenient," and then  
20 there's -- and you talk about the romantic relationship. The  
21 defendant says "Same as above, only getting worse by letting  
22 yourself off the hook with more specificity." And then to  
23 your final paragraph the defendant says, "It's good you're  
24 honest. If you actually built a conscience from here it would  
25 be important for you. I think I might be leaving soon. I am

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1 preparing in case. I guess this writing is a last-ditch  
2 effort to help, although it continues to hurt me. I do not  
3 have the strength to carry you anymore. This might be more  
4 final than you can imagine. Sorry."

5 How did you feel when you read the defendant's  
6 response to your e-mail?

7 A He cut my legs off.

8 Q How do you feel now reading it?

9 A It's still very difficult. He would not let me go. Even  
10 when I wanted to go and I was at peace and mind my own  
11 business. He would not let me go. It was an impossible  
12 situation and it was hard for me to verbalize it because so  
13 many times it would be put into compartments and I was lazy  
14 because I wasn't doing something or I was bad because I was  
15 doing something that was deemed my ethical breach and when I  
16 put it together, I had that the clarity. It was shut down in  
17 this way. So that's what this is also about.

18 Q And then you respond to the defendant, "I'm afraid you  
19 lost me in the last paragraph. I think I might be leaving  
20 soon. I am preparing in case. I guess this writing is a  
21 last-ditch effort." That's the paragraph we just read. You  
22 say, "This confuses me. Why do you ask me to make my whole  
23 life about you and then tell me you're leaving?"

24 What are you explaining there?

25 A Well, I truly -- I think I didn't understand because he

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1 says, "this might be more final than you can imagine." I'm  
2 leaving, I can't carry you anymore, this might be more final.  
3 I'm asking him why -- he asked me repeatedly, you need to just  
4 love me or just think about me. Your whole life should be me.  
5 You can't go. You can't go build something else. It should  
6 be about me and at the same time he says that this is more  
7 final than I can imagine. He can't help me anymore. He can't  
8 have anything with me. So it's a complete contradiction.

9 Q Did you continue to communicate with the defendant after  
10 this?

11 A Yes.

12 Q Showing you what's in evidence as Government's Exhibit  
13 1604, it's an e-mail chain between you and the defendant in  
14 May 2009?

15 A Yes.

16 Q I show you a few e-mails. Starting in the middle here  
17 you wrote to the defendant that -- this is May 25, 2009 at  
18 5:03 p.m. You wrote to the defendant, "I broke my fast last  
19 night after our exchange. I wasn't going to tell you thinking  
20 I would just not do it again and repair it, but I ate again  
21 this morning twice. I feel like crap in every possible way."  
22 And it continues on, "At this moment I am feeling kind of  
23 powerless" and then it continues.

24 And then the defendant responds, "You are too  
25 accepting of your condition. Stop it now. This is the only



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1 way out. I hate to mention I told you, but now you need to  
2 stop. Affirm you have stopped now, tubby," and then you  
3 responded?

4 A Yes.

5 Q And you responded "Tubby," question mark?

6 A Yes.

7 Q Why did you respond like that?

8 A Because I wasn't sure what that meant or why he had  
9 called me that.

10 Q Did you actually not know what that word meant at that  
11 time?

12 A I didn't know. I actually didn't know.

13 Q The defendant responded, "Is that an affirmation? Don't  
14 play games on this one even if I'm trying to keep it a little  
15 light"?

16 A Yes.

17 Q And how did you respond?

18 A I say, "No, that was not an affirmation that was a  
19 question because the dictionary just told me what it means.  
20 This is an affirmation, I have stopped. I won't eat anymore  
21 food. I promise you."

22 Q So "the dictionary just told me what it means." Did you  
23 actually go look up the word "tubby"?

24 A Yes.

25 Q And later on are you -- the defendant writes to you,

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1 "Good. How much did you eat and what is your weight?"

2 A Yes.

3 Q And you respond and provide him with your weight?

4 A Yes.

5

6 (Continued on the following page.)

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1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q And then May 25th, 2009 at 9:07 p.m.?

4 A Yes.

5 Q Now, you e-mailed the defendant:

6 Sorry, I just finished reading them. I'm unable to  
7 stay awake because of the Benadryl medicine. I'm a little  
8 zombie-like. I enjoyed them both very much. I am going to  
9 read them again and then write some comments for you, is that  
10 okay?

11 I think he had sent you some lyrics earlier, is that  
12 right?

13 A Yes.

14 Q And then the defendant responded:

15 You did not need a foreign substance to form the  
16 rash... Why do you need one to get rid of it? Or did you use  
17 this medication for your other condition, namely  
18 hypochondriasis?

19 A Yes.

20 Q And then you wrote back and said: I had this type of  
21 reaction once before and it only worsened with time --  
22 explaining why you took the Benadryl.

23 And then you said: Bad decision, you think?

24 And then the defendant responded: Probably... the  
25 thing that generated the rash is the real problem you need to

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1 address: Fix your breach, you lazy shit.

2 And then you responded: !!! I don't know what to  
3 say... you are right?

4 And then the defendant wrote: That's the lazy shit  
5 answer: Never having to worry about consequences, therefore  
6 never building a conscience; therefore, no urgency. You could  
7 have said something like, yes, I will, and proceeded to write  
8 about and been very constructive.

9 Okay, Daniela, I am going to show you -- well,  
10 before I show you the next set of e-mails, did there come a  
11 time when you were sending naked pictures to the defendant?

12 A Yes.

13 Q How did that end up happening?

14 A He asked me for naked pictures.

15 Q And did you want to send naked pictures?

16 A No.

17 Q Why? Why were you sending them?

18 A Ah, because he was asking for them. You know, I thought  
19 that I was -- I took it as a good sign, in some way. He asked  
20 for them on separate occasions and separate times, sometimes  
21 very insistingly, and I remember there was a time where there  
22 was like good progress in the e-mails, like I thought like I  
23 was getting somewhere, like I was doing what I needed to do to  
24 fix things.

25 And he asked for those pictures, so I happily

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1 obliged, you know, much like I did with, you know, saying that  
2 I loved him or sending him fantasies or any of the other  
3 details.

4 Q Would the defendant instruct you on what types of poses  
5 that he wanted?

6 A Yes.

7 Q And can you just explain generally what the defendant was  
8 focused on?

9 A He was -- yes, very focused on getting a shot of my  
10 genitals.

11 Q Fair to say, very up-close pictures?

12 A Yes.

13 Q Were there -- was there a progression in the types of  
14 pictures the defendant wanted?

15 A Yes.

16 Q At some point, was there a specific type of picture that  
17 you did not want to provide?

18 A Yes.

19 Q Can you explain?

20 A Yes. So, I had sent pictures where it showed only my  
21 parts, and then he asked for pictures where it showed more of  
22 me in the same shot, you know, like where it showed like both  
23 my face and my private parts. And suggested even, like,  
24 taking a shot -- I think I remember -- I believe it was like  
25 where he was, like, having sex with me, even though we hadn't

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1 had interactions for a very long time, but he was like  
2 floating the idea of taking pictures of that. And I remember  
3 putting up some resistance to that.

4 Q The pictures, why did you specifically not want to take  
5 the pictures where both your face and your private parts were  
6 shown?

7 A I -- I mean, at least to me, it's a lot more -- I mean  
8 it's personal, it's identifiable. Like to a certain degree,  
9 in my mind -- maybe it's just me -- like a close-up shot of my  
10 private parts, like it's almost very clinical. That was like,  
11 you know, like detached, isolated.

12 But to take pictures of myself with my face on them,  
13 with my full body on them, I felt very self-conscious about  
14 that.

15 MS. PENZA: Your Honor, the next exhibit is  
16 sensitive and if we could just have it published to the jury  
17 and to counsel.

18 Thank you, Your Honor.

19 THE COURT: Well, is it admitted?

20 MS. PENZA: It is, Your Honor. It's Government  
21 Exhibit 1589.

22 THE COURT: Okay. This is just for the jury and  
23 just point your screens toward the bench, a little more toward  
24 the bench.

25 Okay.

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1 MS. PENZA: Thank you, Your Honor.

2 THE COURT: Got it.

3 BY MS. PENZA:

4 Q Daniela, I'm showing you what's in evidence as Government  
5 Exhibit 1589.

6 Is this an e-mail chain with the defendant from  
7 December 2008?

8 A Yes.

9 Q Oh --

10 THE COURT: Did you turn off your screen?

11 MS. PENZA: I did just turn it off. Thank you, Your  
12 Honor.

13 THE COURT: Thank you.

14 Q So, Daniela, just let me know if you can't see because I  
15 only have a small monitor to look at.

16 Is this an e-mail chain between you and the  
17 defendant in December 2008?

18 A Yes, it is.

19 Q And is this an e-mail chain that ended up attaching  
20 certain pictures?

21 A Yes.

22 Q So starting at the end of the e-mail --

23 A Yes.

24 Q -- relating to the December 4th, 2008 at 1:56 p.m., you  
25 are explaining to the defendant that you're studying with Cami

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1 and Adrian this morning?

2 A Yes.

3 Q Do you remember what you were studying with them for?

4 A Yes, I was preparing them for the GED.

5 Q Did they end up getting their GEDs?

6 A Yes.

7 Q Was there ever -- was that ever an issue, was there ever  
8 an issue between you and the defendant about helping them  
9 study for the GEDs?

10 A Yes.

11 Q Can you explain that?

12 A Yeah, he accused me of that being an indulgent thing and  
13 an ethical breach.

14 Q Eventually, in the middle of this paragraph, the  
15 defendant says: Tell me, show me more.

16 A Yes.

17 Q And did you have an understanding of what he meant by  
18 that?

19 A No, not -- not really.

20 Q Okay, and so then you wrote back: "Show you more?"

21 A Yes.

22 Q And then the defendant sent you this image here, is that  
23 right?

24 A Yes.

25 Q And you responded. Did you know -- did you understand



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1 what this image was?

2 A I -- I -- I saw it and I wrote about it, which is exactly  
3 what I write there.

4 Q So --

5 A It's -- it's a woman's, you know, reproductive parts.

6 Q Made out of different keyboard characters, is that right?

7 A Yes.

8 Q And you recognized it -- you used two phrases, "hairy  
9 patch," you used that phrase?

10 A Yes, with the ampersand.

11 Q And then you said camel tow; is that right?

12 A Yes, with a W.

13 Q Were those two things something that the defendant was  
14 particularly focused on in his conversations with you over the  
15 years?

16 A Yes.

17 Q So pubic hair, in particular?

18 A Yes.

19 Q And then I think you've also described that he would  
20 point out when he thought he could view what he was describing  
21 as a camel tow on women?

22 A Yes, which is why I knew to use the term.

23 Q Okay. And then the defendant writes back: All ways and  
24 all angles?

25 A Yes.

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1 Q And then you say: Love, a kiss and some attitude, and  
2 attach some pictures?

3 A Yes.

4 Q Can you explain, given how you just described the process  
5 of sending pictures, why you were writing in this manner as  
6 you send the pictures?

7 A The process why I'm writing --

8 Q Why you're writing love, a kiss and some attitude?

9 A Like in a playful way?

10 Q Yes.

11 A Because, at that point, I was in a good standing in our  
12 relationship, even if it was just via e-mail with Keith, and I  
13 thought it was what I had to do.

14 Q And at this point, fair to say there you wanted the  
15 defendant to be happy with you?

16 A Yes.

17 Q Okay, I am going to show you the pictures that were  
18 attached.

19 Are these the same pictures -- are these the same  
20 pictures, except that they have been pixilated?

21 A Yes.

22 Q So I am just going to -- there's one, the second.

23 So these are very up-close pictures, fair to say?

24 A Yes.

25 Q And then is that you?

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1 A That's me.

2 Q And then another picture of you?

3 A Yes.

4 Q How do you feel seeing these pictures?

5 A Uncomfortable.

6 Q I'm sorry.

7 The pictures, those pictures, were those the types  
8 of pictures that you knew the defendant to like?

9 A Yes.

10 Q How did those pictures compare to the pictures you  
11 remembered him taking of you?

12 A I -- I -- the pictures he took of me, I really don't  
13 remember, like, really very well. And so I don't know if I  
14 remember from that particular occasion or if there were  
15 occasions prior to this one, or in between, but I was fully  
16 aware that he was -- that he -- like he liked -- like full up  
17 close, like just genital pictures that way.

18 Q When the defendant wanted pictures of you, were there  
19 ever any specific terms he would use?

20 A For the pictures?

21 Q Yeah, when he would be asking you to express yourself in  
22 a certain way, were there any words that he would use?

23 A I don't remember.

24 Q Okay. We will keep going through some of the e-mails.

25 I am just showing you what's in evidence as

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1 Government Exhibit --

2 MS. PENZA: Your Honor, we can publish now publicly.

3 That's it for the images. Thank you.

4 THE COURT: Thank you.

5 BY MS. PENZA:

6 Q Showing you what's in evidence as Government

7 Exhibit 1609.

8 (Exhibit published.)

9 A Yes.

10 Q And is this -- this last e-mail, is this an example of  
11 the defendant asking you for pictures in June 2009?

12 A Yes, it is.

13 Q Okay. Probably in the pictures and now with meaning  
14 behind them?

15 A Yes.

16 Q Do you know what he meant by "with meaning behind them"?

17 A I don't remember. That may be when he asked for -- like  
18 for me to be in the picture.

19 Q Okay. Showing you what's in evidence as Government  
20 Exhibit 1608.

21 Is this an e-mail from the defendant?

22 A Yes, it is.

23 Q Can you read this e-mail?

24 A He writes: It is also about if you can be totally  
25 vulnerable to me, as you promised. In that case, where love

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1 triumphs over pride, things can truly change... You wished you  
2 made a different decision. I wished you loved me enough to  
3 give all the pictures.

4 Q And can you explain what you understood this e-mail to  
5 mean?

6 A That -- what I understood that e-mail to mean is that, if  
7 I wanted things to get better, I needed to love him and -- and  
8 to show the love I needed to send the pictures.

9 Q And this total -- being totally vulnerable, is that  
10 something that was tied to the pictures?

11 A That was something that was tied to the pictures and to  
12 other things as well; to expose myself completely, to expose  
13 my thinking, my -- my fantasies, everything. It was  
14 vulnerability, complete vulnerability.

15 It was also tied to -- to when they would work on my  
16 pride, and we would come to a point where it was just my  
17 experience of the world versus what they thought it should be,  
18 that was a point where I needed to be completely vulnerable  
19 and humble and give up and be completely willing to let go.  
20 So that sense of vulnerability applied in those two senses.

21 Q And this is June 24th, 2009?

22 A Yes, it is.

23 Q And June 27th, 2000 -- showing you what's in evidence as  
24 Government Exhibit 1613.

25 (Exhibit published.)

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1 BY MS. PENZA:

2 Q June 27th, 2009.

3 A Yes.

4 Q You write to the defendant: Notice I have sent you  
5 explicit pictures before, but my face and my, um, explicitness  
6 never make it in the same frame.

7 A Yes.

8 Q Is that what you were explaining before?

9 A Yes.

10 Q So was the defendant pushing to have pictures that would  
11 have both your face and your private parts in the same  
12 picture?

13 A Yes.

14 MS. PENZA: Your Honor, I think it would be a good  
15 time for an afternoon break.

16 THE COURT: All right. We are going to take our  
17 ten-minute break.

18 All rise for the jury.

19 (Jury exits.)

20 (In open court - jury not present.)

21 THE COURT: All right, the witness may stand down.

22 Do not discuss your testimony with anyone.

23 (Witness steps down and exits the courtroom.)

24 THE COURT: Everyone may be seated.

25 What is your current outlook?

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1 MS. PENZA: I am going to try and move along. I  
2 think we will probably go into tomorrow morning on direct.

3 THE COURT: All right. Okay.

4 MS. PENZA: Oh.

5 THE COURT: Yes?

6 MS. PENZA: Your Honor, we do have one custodian  
7 from Google, who I think his testimony will only be a few  
8 minutes -- or a few minutes may be a bit conservative, but I  
9 think we would ask that he be able to go on first thing  
10 tomorrow morning.

11 THE COURT: Is that all right with you?

12 MR. AGNIFILO: That's fine with us.

13 THE COURT: All right, then we will first take the  
14 custodian from Google, and then we will return to the  
15 completion of the direct testimony of this witness and then  
16 move on to the cross.

17 MS. PENZA: Thank you, Your Honor.

18 THE COURT: All right. Thank you, everyone. Ten  
19 minutes now.

20 (The defendant exited the courtroom.)

21 (Judge NICHOLAS G. GARAUFGIS exited the courtroom.)

22 (Recess taken.)

23 (Judge NICHOLAS G. GARAUFGIS entered the courtroom.)

24 (In open court - jury not present.)

25 THE COURT: All right, please bring in the witness.

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1 (Defendant entered the courtroom.)

2 (The witness entered the courtroom and resumed the  
3 stand.)

4 THE COURT: Please bring in the jury.

5 (Jury enters.)

6 THE COURT: Please be seated.

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

9 The witness is reminded she is still under oath.

10 MS. PENZA: Thank you, Your Honor.

11 Your Honor, the Government moves into evidence  
12 Government Exhibits 1606 and 1607, I believe without  
13 objection.

14 MR. AGNIFILO: That's correct.

15 THE COURT: All right, Government Exhibits 1606 and  
16 1607 are received in evidence without objection.

17 (Government's Exhibits 1606 and 1607 were received  
18 in evidence.)

19 BY MS. PENZA:

20 Q Daniela, earlier this morning we talked about there being  
21 a bookend in your e-mail communication with the defendant  
22 having sent you a long e-mail?

23 A Yes.

24 Q I'm showing you what's in evidence as Government  
25 Exhibit 1575.



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1 (Exhibit published.)

2 A Yes.

3 Q And I think you said in that e-mail the defendant said  
4 that you were going to be required to give full disclosure --

5 A Yes.

6 Q -- in order to continue on?

7 What were some of the other things that you  
8 understood were necessary at that point?

9 A As I remember, I needed to start working with some  
10 specific people. I needed to focus on my program. I needed  
11 to -- which included my weight and everything else. I needed  
12 to continue writing, like incessantly writing. And --  
13 basically, that's what I remember. There were a lot more  
14 instructions to fix it.

15 Q Okay. So just looking at the very end of Government  
16 Exhibit 1575.

17 (Exhibit published.)

18 BY MS. PENZA:

19 Q Is this from the defendant's e-mail?

20 A Yes.

21 Q And there is discussion about full disclosure?

22 A Yes.

23 Q Guidelines of what needs to be done if you are really  
24 moved to transformation by this final letter?

25 A Yes, it says so right there: Honest, completely detailed

Daniela - direct - Penza

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1 physical and emotional and thought disclosure of all past,  
2 present and future events. Yes.

3 Q And then obsessive compulsive communication?

4 A Yes.

5 Q Continue to read what you write until you vary.

6 And so this -- this concept of writing to the  
7 defendant incessantly, is that something that happened?

8 A Yes.

9 Q And would you continue to write to him continuously?

10 A Yes.

11 Q And then there are some other things here and then  
12 helpers, is that right?

13 A Yes.

14 Q Then it says: Today you need to find one or more people  
15 of whom I would approve; Karen, Nancy, Lauren, et cetera, to  
16 whom you will report?

17 A Yes.

18 Q You will need to convince them separately from me of your  
19 sincerity and your purpose.

20 A Yes.

21 Q And just showing you what's in evidence as Government  
22 Exhibit 1606.

23 (Exhibit published.)

24 BY MS. PENZA:

25 Q July 22nd, 2009. Can you just explain what this is?

Daniela - direct - Penza

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1 A Yes. Those are all my conversations with Ben.

2 Q And so what is the purpose in sending all of this to the  
3 defendant?

4 A I am following on the instructions of his last e-mail  
5 with full disclosure of all communications, past, present,  
6 future.

7 Q And this included -- and so if we just flip through,  
8 these are all your exchanges with Ben?

9 A Yes.

10 Q Daniela and Ben?

11 A Yes.

12 Q And you also sent the defendant screenshots; is that  
13 right?

14 A Yes.

15 Q Okay. And what was the point of sending those?

16 A Full, complete disclosure of everything that was  
17 happening.

18 Q So when you and Ben would communicate, sometimes is it  
19 fair to say you would have like a video-chat going?

20 A Yes.

21 Q And is that Ben on top with you on the bottom?

22 A Yes, that's us.

23 Q And at the back, is this actually, was there actually  
24 like an MP3 attached?

25 A Yes, it was like a live feed that I had recorded where we

Daniela - direct - Penza

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1 were both online, and I sent him that too.

2 Q And showing you what's in evidence as Government  
3 Exhibit 1607.

4 (Exhibit published.)

5 BY MS. PENZA:

6 Q Is this the same type of thing?

7 A It's more disclosure, yes.

8 Q And more correspondence between you and Ben?

9 A Yes.

10 Q So, at this point in time, July 22nd, 2009, I think you  
11 said there was then a shift in your program and things became  
12 more intense?

13 A Yes, force.

14 Q Sorry?

15 A Force.

16 Q Force.

17 You described the process of things being taken away  
18 from you?

19 A Yes.

20 Q Can you explain what things were taken away from you?

21 A Yes. Well, everything one by one.

22 Every time something was considered an indulgence,  
23 and we saw some of those examples, they would take it from me.

24 So, it was -- I didn't possess very many things. So, you  
25 know, my iPod, my computer, my cell phone, my books, my

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1 things, ran out of those very quickly. And then it was my  
2 freedom, my ability to go outside. I could not go outside of  
3 the house without permission. I could not do -- I could not  
4 sleep without permission. I could not, you know, eat without  
5 permission.

6 Q At that point in time, who was enforcing those things?

7 A At that point in time, my family has been recruited into  
8 helping me. What happened was -- I don't know exactly at  
9 which point, I think shortly after that letter, my parents  
10 were told -- or that's what they told me -- you know, you --  
11 you're in -- you're bad and you've destroyed a lot of things  
12 in the community and it is our responsibility, too, because we  
13 raised you. So, it's our responsibility to, you know, help  
14 you through this, to -- and so they took over. And also I was  
15 at that point completely dependent on them. So, my house, my  
16 rules.

17 Q And when you -- so there was a period of time before you  
18 were in the room where you were in the house, is that right?

19 A Yes.

20 Q And you said they took away -- your computer was taken  
21 away?

22 A Yes.

23 Q And your music was taken away?

24 A Yes.

25 Q Your books were taken away?

Daniela - direct - Penza

2874

1 A (Nodding.)

2 Q Your bed was taken away?

3 A My bed was taken away, yes.

4 Q Can you explain how that happened?

5 A I don't remember the exact circumstances where I lost my  
6 bed, but I know I lost my bed and my bookshelf with my things  
7 where all my personal documents were. I lost my bed somewhere  
8 before the winter, because I already remember sleeping in the  
9 living room in a sleeping -- you know, like a blanket.

10 That's a foggy period for me in some ways, like  
11 there's not a lot of different bookmarks I can use. It was  
12 just increasingly horrible. And sometimes the things that  
13 were deemed indulgent I didn't understand, so I don't exactly  
14 remember what I did that was wrong, it was just deemed wrong.

15 Q Throughout this whole time period are you writing letters  
16 to the defendant?

17 A Incessantly.

18 Q And are you also still receiving coaching?

19 A Incessantly.

20 Q And from your parents and your coaches, everyone, how  
21 often is the defendant being discussed in these coaching  
22 sessions or in the instructions that your parents are giving  
23 you?

24 A All the time. So, I mean to describe the focus of these  
25 things in my daily life, every waking hour it was about my

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1 ethical breach. I didn't have anything else to do. I didn't  
2 have any things, so if I was not doing my 15-minute reality  
3 check and checking in on my program and doing that, I was  
4 being coached, or I was writing to Keith, which was part of  
5 the program.

6           And much like it can be seen in the letters,  
7 everything was Keith-centric. Not only all the conversations  
8 were about Keith said you should do this; in your last thing,  
9 Keith said you should do that. We spoke to Keith and it would  
10 be good if you did this. We spoke to Keith and this is very  
11 damaging. But also it would be about fixing things with  
12 Keith. So everything in my life was centered around Keith  
13 still.

14 Q    At that point in time, did your parents know that you had  
15 a sexual relationship -- had had a sexual relationship with  
16 the defendant?

17 A    No, they did not.

18 Q    Why didn't you tell them?

19 A    Well, at that point, I didn't think they would believe  
20 me.

21 Q    Can you explain that?

22 A    My reasons for not telling them before were not that.  
23 Before I was keeping a secret, but at that point, which is a  
24 point where I felt completely trapped in my life in every  
25 single way possible, I -- I mean I wasn't -- I wasn't acting

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1 normal. You know, I don't know how I could explain it, but I  
2 was a person who had been through a few years of constant  
3 harassment, of constant confusion, of constant: You're bad,  
4 you're bad, you're bad, and trying to leave and can't, and  
5 believing things that were not true.

6 And so, at this point, I am -- I'm really broken.  
7 You know, I -- I -- I believe I have an ethical breach that I  
8 don't understand. I am very angry. I remember being really  
9 angry. I remember getting really angry all the time and  
10 telling everybody, you don't understand. Telling my parents:  
11 You don't understand anything. You don't understand anything  
12 about this.

13 But at the same time there were a few things that  
14 happened that made it very clear for me that anything I told  
15 my parents, they were not gonna believe me. Like they were  
16 not gonna be on my side. Like now they were on Keith's team.  
17 So, at that point, it wasn't an option anymore. If anything,  
18 it would just cause me to get lost even more.

19 Q At that point in time, did anyone mention to you the fact  
20 that you had stolen money many years ago, back when you were  
21 17 and had first come to the community?

22 A There was that reunion I had with my parents because I  
23 would constantly tell them, why are you treating me this way?  
24 Why am I the one who is being punished? Because everything  
25 felt -- everything was a punishment. So everything felt like



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1 a punishment.

2 And in one of those conversations, I had been asking  
3 them and asking them: Well, like tell me what I did. Like  
4 why am I such a monster that I'm treated this way, you know.

5 And they said: Well, Keith told us you stole from  
6 him. You don't remember you stole from that -- and they  
7 brought it back into the picture.

8 And I remember being enraged, like all of a sudden  
9 this like all past, completely settled, never brought up again  
10 issue was: Oh, everything that's happened in this last few  
11 years and now and the reason why we're taking it, it's because  
12 of this old issue. It was enraging.

13 Q And why -- why was it so enraging?

14 A Because it wasn't -- it was about Ben. It was about Ben  
15 covered in pride, covered in indulgence, covered in a bowl of  
16 confusion. It was very confusing, but it had never been about  
17 that.

18 I mean, I stole that money back then. I had a  
19 three-year relationship with Keith where it never came up.  
20 Then we had a falling-out, never came up. Then they need a  
21 reason to tell my parents -- I think that they had a very hard  
22 time. I think Keith had a very hard time explaining to my  
23 parents why he was punishing me so much and the only thing he  
24 could come up with is: Oh, she stole.

25 Q You used the phrase "monster." Is that something you

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1 would actually be called?

2 A Yes.

3 Q Any other words that would be used?

4 A At that time they used monster. They used suppressive.  
5 They used destructive. Prideful. All of them under the same  
6 umbrella.

7 Later my brother told me that they were telling them  
8 something else about me that I never found out until later.

9 Q During this time period are you -- is your weight still  
10 something that's a focus?

11 A Very much so.

12 Q Okay. And was there actually like a weight given to you  
13 that you were supposed to be?

14 A I think I was supposed to be under 120, that was like the  
15 goal, but it was very much a focus. Fasts were a focus.  
16 Juicing was a focus. Weighing in every day was a focus.

17 Q And you mentioned at some point there was a lock put on  
18 your refrigerator, is that right?

19 A Yes.

20 Q I think you briefly described a time when you were locked  
21 out of your house?

22 A Yes.

23 Q Can you -- can you walk through -- is that during this  
24 time period that we're talking about?

25 A Yes.

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1 Q Can you describe -- can you walk through that slowly,  
2 please?

3 A Yes. Again, I don't remember what I did, but I did  
4 something that was deemed bad. And they told me I need a  
5 consequence because I spent my entire life being very  
6 indulgent and destructive without consequences. So, it was  
7 winter and they locked me out of the house. And at first I  
8 couldn't believe it, so I kept knocking on the door because it  
9 was cold outside. I didn't have anything on me. I had no  
10 money. I had no food. I have nothing.

11 And, you know, it was my parents. So like this  
12 was -- this was my parents. And the door was locked, the back  
13 door was locked, and so I just started walking to keep warm.  
14 And I kept coming back to the house, you know, thinking that  
15 they would let me back in; and they wouldn't. So I started  
16 becoming -- like it's my parents. You know, it was my  
17 parents. And I was cold and I didn't have anything to eat.

18 And I understand consequences and all that, but it  
19 got -- it got really real, you know. It got -- I know it had  
20 been real for a long time since I started losing everything,  
21 but now I was out in the cold, starving. It was -- and so I  
22 started walking around the neighborhood, trying to keep warm  
23 and I would like crawl -- like curl up into a ball and just  
24 try to keep the warmth.

25 I remember I went to a laundromat and a man thought

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1 that I was a homeless person and he gave me a \$5 bill, and  
2 with that I bought the cheapest snacks that I could find so  
3 they would last a long time. And just kept walking and  
4 checking back into the house to see if they would let me in.  
5 And I think it was a couple of days and they didn't let me in.

6 Q So during those couple of days where did you sleep?

7 A Outside. I think I napped at the laundromat, and the  
8 rest of the time I kept moving. I was so afraid the police  
9 would pick me up. I felt so afraid because I knew that I was  
10 illegal and I was afraid of everything that was going on, and  
11 I was -- I was afraid of what was going on. But I was also  
12 afraid that someone might get suspicious of, like, this girl  
13 walking around and that they might pick me up and they would  
14 take me to jail because I'm illegal in the country.

15 So I tried to keep moving. You know, it's not like  
16 I could just pick a place and just be there because I thought  
17 someone is gonna to notice and they're gonna to call the  
18 police. It's a small neighborhood. You know, I've lived  
19 there for a while now. So I just tried to keep moving.

20

21 (Continued on the following page.)

22

23

24

25

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1 BY MS. PENZA: (Continuing)

2 Q You said it was a few days?

3 A I remember it was so long. I think it was a couple of  
4 days, yes.

5 Q Did you shower during that time?

6 A No, I didn't.

7 Q And you kept coming back and you weren't allowed in?

8 A I wasn't allowed in.

9 Q What happened after that?

10 A At some point, he let me back in. I don't even remember  
11 how. I remember being very grateful and saying that I was  
12 very sorry and saying all the right things.

13 Q Did there come a point when you were asked to go visit  
14 the defendant?

15 A Yes.

16 Q And was that around the same time?

17 A Yes. It was a part of the coaching that I was receiving  
18 and there was a period, I remember, a few days where the focus  
19 was you're prideful, you're not humble, you need to say you're  
20 sorry. And I had said I'm sorry many, many times before, in  
21 many, many ways, but all of them were deemed fake and  
22 insufficient and, like, it was deemed fakery and game playing.  
23 So, it was this focus on you need to be, you need to be sorry,  
24 you need to say that you're sorry. So I was closed through  
25 this entire, like, you know, buildup, you need to say you're

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1 sorry, it's so important to apologize.

2 I remember my mom saying, you know, if it's an  
3 apology and it's a sincere one, that's healing your breach  
4 because that's where it starts if it's really sincere. And I  
5 remember that being drilled in to me and getting into that  
6 state through all that coaching. And at some point one day,  
7 it was arranged that I would go and apologize to Keith. And  
8 it was coordinated because Keith -- because they told me where  
9 to go. They told me Keith was going to be at 8 Hale and you  
10 need to go there and apologize to him. And I went to Hale and  
11 sure enough, he was expecting me.

12 So I walked all by myself. I was allowed because I  
13 was going to go and apologize to Keith. And I remember, I  
14 knocked on the door and Keith opened the door. Like, after  
15 all these years, all this madness, it was Keith right there.  
16 Door wide open. And I knew what I had to do. And I looked at  
17 him and it was a lot of seconds and I'm just looking at him.  
18 I just -- I just could not apologize. I just had nothing to  
19 apologize about. So he closed the door and I left.

20 Q What happened after that?

21 A Well, that was a confirmation that I was all the horrible  
22 things that they thought I was. It was hard to explain it to  
23 anybody and I couldn't and I didn't. I don't remember. I  
24 think I was punished more.

25 Q And you said at some point, your personal documents were

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1 taken away?

2 A Yes.

3 Q Can you explain that?

4 A My documents were -- I had very few possessions and very  
5 few documents, but they were all together with my set of  
6 things. And, you know, I had, you know -- I had my birth  
7 certificate. I had the fake ID with which I had come into the  
8 country. The visa I know was there. I had a printout of the  
9 ultrasound of, when I was pregnant. I had named the baby  
10 "Baby G" after baby Godzilla because they called me Godzilla.  
11 So I had a few personal things there.

12 When they took my things and took everything, they  
13 just took it. It was just gone.

14 Q So you had none of those things at that point?

15 A I didn't have them.

16 Q Did you ever get any of those things back?

17 A No.

18 Q At some point, was there an additional escalation in your  
19 punishment?

20 A Yes.

21 Q What do you remember from that, the room concept being  
22 introduced to you?

23 A I remember, I remember the days leading up to it. I was  
24 begging to go back to Mexico. I had given up. It had gotten  
25 so bad. It was so bad. Every time it was worse and worse and

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1 worse and I remember I told my parents I just want a simple  
2 life. I just want a simple life. I want to go back to Mexico  
3 and I want a simple life. And they seemed -- my mom seemed to  
4 think it was a good idea. So I thought it was, like, that's  
5 what I wanted, that's what I was working for, I'm done with  
6 it, this is no life, I am done, I want to go to Mexico, I want  
7 a simple life.

8 Q At that point in time, what would you have needed in  
9 order to facilitate that happening?

10 A I would have needed for -- I think I would have needed  
11 for someone to drive me back because I was illegally in the  
12 country so I couldn't board a plane, I couldn't board a bus, I  
13 couldn't take public transportation, so I needed help to get  
14 out.

15 Q And you had no money at this point either?

16 A None whatsoever.

17 Q And so you conveyed this to your parents and what  
18 happened?

19 A And in one of those conversations, what they get back to  
20 me with, and I think it was just not only my parents but it  
21 was -- I remember my parents and I remember Karen and I  
22 remember Lauren.

23 And they presented me this horrifying, not an idea,  
24 but they just present me with this horrifying thing. They  
25 say: Listen, you can't go back to Mexico. If you got back to



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1 Mexico, it's on our terms. This is the choice that you have.  
2 You need to go and -- you are going -- that wasn't my room,  
3 you need to go to this room and heal your ethical breach. You  
4 need to go in this room because in this room, you'll have no  
5 possibility of indulgences which is what has stopped you now  
6 all this time. So you are going here with a, with paper and  
7 pen and nothing else until you heal your breach. That's your  
8 opportunity. If you are not willing to do that, if you're not  
9 willing to do that, then you go back to Mexico but not on your  
10 terms. You lose your family. You go with nothing.

11 And I said no, no way, there's no way I was going  
12 into that room, because I had no idea what I had to do to heal  
13 my ethical breach. I had been trying to heal my ethical  
14 breach for years. And I remember I asked how long. As long  
15 as it takes you to heal your ethical breach. Then there's no  
16 way I'm going in because I haven't figured it out in years.  
17 Now I'm going to go in there completely trapped and I have --  
18 what do I have to do? You know. You know what you have to  
19 do. If we tell you that, you know what you have to do. So I  
20 said, No, I did not want to go into that room, there's no way  
21 I was doing that.

22 So they were talking to me about it and then it was  
23 really clear that my parents were on board and that I was  
24 going to lose my family. They were -- I was -- I could not  
25 talk to anybody. I was going to leave and just go into

CMH

OCR

RMR

CRR

FCRR

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1 nothingness. And at that point, I had nothing except my  
2 family and even that was horrible but that's the only link  
3 that I had to anything. Like, that was my only reason to even  
4 keep living. It sounds dramatic but it was very dramatic. It  
5 was the only thing that I had.

6 So they gave me a period, I remember, like, they  
7 told me one day and I had to go in the next day. Like,  
8 that's -- and so it was, like, You think about it. You think,  
9 you think about it but those are your choices. And I was not,  
10 I was not on board. I was not doing that.

11 And I remember that night, I was so scared and I  
12 felt desperate and I knew stuff had been getting worse and  
13 worse so I knew, I knew it was going to be awful, and I went  
14 to Walmart. I remember I walked to Walmart with a few cents  
15 and from a pay phone, I called Ben.

16 Q Did you --

17 A And Ben will take me out of here. It was that final. I  
18 called Ben and I hadn't talked to him since -- I mean, they  
19 had taken my phone. They had taken my computer. I didn't  
20 have anybody in the world except my family. I thought Ben,  
21 Ben will get me out of here.

22 And I called the cell phone which I knew by heart  
23 and he did not pick up. And so I waited and I waited and I  
24 waited and I tried again and he did not pick up. And then I  
25 just had to leave. And I went back home and I slept on it and

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1 the next day, I realized I had no choice. I had no choice.

2 Q So then what do you, what was -- you did the room the  
3 next day?

4 A Yes, I did.

5 Q What are your last memories before going into the room?

6 A I remember going, looking down the stairs and seeing some  
7 faces. I don't remember who.

8 Q And do you remember saying anything?

9 A I remember saying I didn't want to do that. It was  
10 not -- it wasn't without a fight. I was trying to convince  
11 everybody that that was not necessary and nobody listened.

12 Q Okay. So this was a room that was on the top floor of  
13 12 Wilton?

14 A Yes, on the second floor.

15 Q And there were two bedrooms?

16 A Yes.

17 Q And can you describe the room?

18 A The room? Four walls. There was one door right next to  
19 the staircase and it has a small closet, I think, and then  
20 there was a shared bathroom. So it was a door to a bathroom  
21 that was separate. There were two doors, one, you know, to go  
22 downstairs and one to a shared bathroom. And in the room,  
23 there was a mattress, like a foam, like a two inch, one and a  
24 half inch foam mattress. It was a NASA mattress, the ones  
25 with the memory. And there was a window and the window was

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1 blacked out. The window was -- it had, like, paper with tape  
2 on it so you could not look outside and from outside, you  
3 could not look inside.

4 And they gave me a bunch of paper because I needed  
5 to keep writing to Keith. I need to keep writing to Keith and  
6 I needed to work on my ethical breach and a pen, a Bic pen,  
7 one of the cheap pens.

8 Q So other than what you've described, was there anything  
9 else in the room?

10 A No, not that I remember.

11 Q Did you have clothes?

12 A I had what was on me.

13 Q How many days would you wear the same clothes?

14 A For weeks at a time.

15 Q Did you have clean underwear?

16 A No, I would clean it myself.

17 Q Can you describe what your day to day was like in the  
18 room?

19 A Yes. It was a long time I spent in that room so it was  
20 different at different times. With all due respect, I don't  
21 think anybody, very few people -- nobody in this room might  
22 understand what it's like to imagine spending one hour alone  
23 in a room, two hours, five hours, ten hours, one day  
24 completely alone in a room. Then a day and a week at first.

25 I remember the next day, I think Lauren came over

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1 and lectured me about my ethical breach and what I was  
2 supposed to do and mostly gave me no answers. And I was  
3 trying to find clues, you know, to get out of there and asking  
4 how long it was going to be. And I think the next time she  
5 came, like, maybe two days after and then it was very erratic.  
6 Sometimes she would take three days to come. Sometimes she  
7 would come in, like, a week. A whole week. Like, a whole  
8 week of seeing no one. Like, not a human being, not a face,  
9 not a nothing, just a whole week. And time passed and there  
10 was a point where I didn't see her for up to three months. I  
11 remember counting days, granted my sense of time was a little  
12 bit -- but I could count days. And my day to day was I -- I  
13 would get -- most days, I would get three meals a day and  
14 they, like, pretty consistent times.

15 Q How would the meals get to you?

16 A The meals were brought to me by someone in my family and  
17 there would be, like, a plate with the food, the plate with  
18 food would be put on the floor outside the bedroom door,  
19 outside the bedroom. I could hear. They would knock on the  
20 door and they would leave. So I would have to open the door,  
21 get my food. So I would never see anybody.

22 I never saw the faces of my family. I didn't hear  
23 their voices when talking to me. I got really good at hearing  
24 the noises in the house and I would spend hours next to the  
25 bed trying to catch somebody's voice I think because I missed

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1 them but also because I wanted to just hear something. And  
2 meals would be brought, as I said, most, on most days, three  
3 times a day, though there were times where there were no meals  
4 but I became very food obsessed.

5 (Continued on next page.)

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1 BY MS. PENZA: (Continuing.)

2 Q What does that mean?

3 A I was waiting for the next meal and I was wanting very  
4 specific things and I was very food obsessed and if my food  
5 was a little bit late, I would go crazy. I was, like, timing  
6 my day through the food at the beginning -- and throughout it  
7 was, like, a huge obsession the food, the next meal, the next  
8 meal, the time for the next meal. I would count the hours  
9 until the next meal. It was very -- I mean, I was writing  
10 every day. My state was very -- I think I broke pretty  
11 quickly.

12 Q When you say you broke, what do you mean?

13 A I mean that after I spent a certain amount of time alone,  
14 there were times when, like, I think I went crazy. You know,  
15 and, like, it's hard to describe the emotional state. It was  
16 hard to describe the emotional state, but there were cycles.  
17 When I went -- I would go crazy. It's just like I would  
18 lose -- the perception of things gets funky and the perception  
19 of time gets funky.

20 And then maybe after one of those episodes I would  
21 be completely numb for days. Like, I would feel nothing and I  
22 learned to avoid those, like, those states where I got really  
23 crazy and really dark. And so a lot of what I did when I was  
24 in the room after some time, I started applying some routines  
25 and none of it was normal, but, you know, I started -- food

Daniela - direct - Penza

2892

1 was brought to me, sometimes a salad was brought to me in the  
2 original case for the organic spinach and there's words there  
3 and they're translated into French and the shampoo and the  
4 soap in the bathroom, there's also words there.

5 I had no books. I had nothing to read. Nothing to  
6 listen to or nothing to grab onto or somebody else's words to  
7 grab on to. So I would take all of these materials and I  
8 would write all the words in English and all the translations  
9 into French and I would make a dictionary and I would start --  
10 I was just trying to keep myself busy and I was trying to have  
11 a schedule. And I was trying to do things.

12 And I would sometimes just go through memories in my  
13 head and I would be like, okay, I'm going to have breakfast  
14 and I'm going to go to Wal-Mart and in my head I would  
15 fantasize me stepping out of the house, opening the door.  
16 Yes, it's asphalt. It's black. There was a rock here or a  
17 street here or garbage in front. I'm going to go around. How  
18 many steps and I would trace every memory. And I went to the  
19 Wal-Mart, remember, the first aisle has this and I would try  
20 to think of the music. And I would have -- and I would try to  
21 obstruct something inside my head so I wouldn't go crazy  
22 because sometimes when I went crazy, I lost it, and -- and  
23 that was a scary state to get into and I was trying to avoid  
24 it as all costs.

25 Q When you say you lost it or you got into this scary



Daniela - direct - Penza

2893

1 state, what do you mean?

2 A There were times where I just -- I would just get into  
3 this uncontrolled -- I would lose control of myself. I would  
4 lose control of myself, which is not something that feels  
5 nice. So, there were times where I just remember being --  
6 like laying on the carpet and scratching my arms and wanting  
7 to scream but I know I wasn't allowed to. And just wanting to  
8 die and wanting to, like, stop feeling or sometimes want to  
9 feel something and just lost control of what I was -- and I  
10 would just wait until I fell asleep.

11 Sometimes I would make myself asleep -- go to sleep  
12 in the middle of the day just so I could avoid that, but it  
13 always built up to that. But it always built -- like I was  
14 trying to and I think my natural state was also always to, you  
15 know, try to keep going, but I think there were entire days  
16 where I would just sit against the wall. Sometimes -- I mean  
17 there's a lot of hours in the day and sometimes I just  
18 wouldn't even want to write. You know, there was also a lot  
19 of that. I was also just without a care. Almost breathing  
20 was too -- it was -- none of that was normal, and I know that,  
21 and there was this --

22 When Lauren would come and visit, I hated her. I  
23 hated Lauren. I hated Lauren all the time, every time she was  
24 in there I hated her -- what is she doing that's more  
25 important than this? And when she would go there, she was

Daniela - direct - Penza

2894

1 really mean to me. Like, she was really mean to me, but I was  
2 so happy to see her, just happy to see her face and I remember  
3 her hands and I wanted to, like, touch her and it was -- but  
4 it's a crazy thing.

5 This woman here was -- I hated her all the time, all  
6 the time, but even after she left, she told me all of these  
7 things that would leave me in horrible states, but it was the  
8 only human being that I was seeing. So in the moment when she  
9 was in front of me, I just loved her and I didn't want her to  
10 ever leave. I just wanted her to keep talking. I loved  
11 listening to her voice. And there was a point in the room  
12 where, it's just so difficult to tell time. I can't  
13 differentiate one season from another.

14 At some point I took down what was blocking out the  
15 window and I could see out the window and I would keep busy  
16 trying to count things and imagine. You know, seeing the same  
17 bird every day. Just trying to find a routine, just trying to  
18 find something that made sense. And all the while I was  
19 writing every day. I was writing, I think, a letter every  
20 day. And I was trying to find the code. I was trying to find  
21 the words because I was supposed to be there until I fixed my  
22 ethical breach and, I mean, by using reason.

23 So there's nothing I can do about it, right, because  
24 there's nothing I can do because I can't come out of here. So  
25 there must be something that I can write. So it's a

Daniela - direct - Penza

2895

1 combination of words that means something. So I would use all  
2 of the words that I could find and I remembered what the last  
3 instructions were and what the last few years had been. So I  
4 would write love letters: Keith, I love you, I am so sorry I  
5 did this to you. I would try to make my apology the most  
6 sincere possible because I knew that's what had been expected  
7 of me. I was trying to find -- but none of it worked.

8           And there was a point where I -- I figured, okay, so  
9 I have a pen and a paper, I have to fix my breach and it's  
10 destroyed everything, but I will start with my family and I  
11 started to -- instead of letters, I started drafting, like, a  
12 newsletter that I would send to every member of the family.

13 Q     Did the newsletter have a name?

14 A     Yes. I named it the Wilton Times, and I saw it -- it  
15 would be -- it would be a way. I don't know what I was  
16 thinking. Honestly, a lot of the things that I was doing in  
17 there were not rational. But, I did that, I think for a few  
18 days, maybe weeks even, and it was shut down as a huge  
19 indulgence and ethical breach.

20           But it was around that time that I had -- I had one  
21 of those crazy states. I had a breaking point and I just  
22 decided to cut my hair. Somebody left scissors in the  
23 bathroom.

24 Q     Were there typically scissors around?

25 A     No. Somebody left a pair of scissors in the bathroom

Daniela - direct - Penza

2896

1 and, you know, I thought I wanted to cut my hair. My hair was  
2 something I was not allowed to cut because Keith liked long  
3 hair and I had asked before in the past that I wanted to cut  
4 my hair and I wasn't allowed to and here I was in this room  
5 and nothing mattered, nothing mattered. Everything was going  
6 to shit. Half the time I didn't know who I was or what I was  
7 feeling. And I cut my hair.

8 I grabbed the scissors and it felt great. And I  
9 remember it was something I could control, something I could  
10 do, cut my hair because it's mine. I grabbed my hair and I  
11 cut it. I remember I made a braid. I was wearing a blue  
12 shirt. I was wearing a blue shirt. I remember looking in the  
13 mirror and looking at my short hair and being satisfied.

14 Q What happened after you cut your hair?

15 A I must have written about it because by the time Lauren  
16 came to visit me the next time, which I imagine was a week  
17 later or some weeks later or some whatever later, she came  
18 with the big news that that was a huge ethical breach.  
19 Cutting my hair was a huge ethical breach. And, I mean, I was  
20 semi-despondent a lot of the time I was there -- I mean, I'm  
21 here she is fixing my ethical breach.

22 But then the scary, scary part, the frightening  
23 part, the horrible part, was -- I'm like, well, then I'll fix  
24 it this way or the other. Uh-uh, no. The only way to fix  
25 this ethical breach because you are here to fix your ethical

Daniela - direct - Penza

2897

1 breach, you haven't fixed it yet, so you're making it worse  
2 and now you cut your hair?

3           So now it's a new ethical breach so you're going to  
4 stay in this room until your hair grows back to where it was.  
5 And that was the actual first deadline of the sense of time of  
6 how long I was going to spend there because so far it had just  
7 been pushed to whenever you will heal your ethical breach and  
8 now this random thing that happened just set a date which I  
9 remember I kept calculating, oh my God, it's going to be years  
10 because my hair is as long as it is now and I had cut it,  
11 like, this short.

12 Q     So, for the record, Daniela, your hair is down to  
13 approximately your waist, is that --

14 A     Yes, a little bit below my waist.

15 Q     And you're indicating that you cut it approximately to  
16 where your chin is?

17 A     Yes.

18 Q     And you estimated how long you thought that it would --

19 A     It would be years. That would be years.

20 Q     In this conversation with Lauren did she discuss the  
21 defendant?

22 A     Yes. Every conversation with Lauren. I don't remember  
23 every conversation with Lauren, to tell you the truth, but it  
24 was all about Keith. It was about that's why I was writing  
25 letters to Keith, because Keith, through my letters, was going

Daniela - direct - Penza

2898

1 to know when I was ready.

2 Q Is that what Lauren told you?

3 A Yeah. Nobody else was going to know when I was ready. I  
4 wasn't going to know when I was ready. My parents weren't.  
5 It was Keith. Keith was the one who was going to determine  
6 when I had healed my ethical breach.

7 Q Were there times when you asked Lauren to let you out?

8 A Yes.

9 Q What would happen?

10 A I remember asking to be let out very early and I was told  
11 that I -- I was told that me saying that was the exact  
12 opposite direction of me healing my breach; that the first  
13 thing I needed to do to start healing the breach is to want to  
14 be in the room. I needed to want to be in the room. I needed  
15 to want to heal my ethical breach that way. And so I'm sure I  
16 wrote many times, I want to be in this room and heal my  
17 ethical breach to see if that was the trick.

18 And I needed to -- and, I mean, it's the same thing  
19 that had happened before, just in an extremely radical way,  
20 except now I'm completely isolated, completely. But it was  
21 the same notion that I am supposed to want this.

22

23 (Continued on the following page.)

24

25

Daniela - direct - Penza

2899

1 EXAMINATION CONTINUES

2 BY MS. PENZA:

3 Q How did you feel after Lauren told you that your hair --  
4 that you would have to stay in the room until your hair grew  
5 back?

6 A I went crazy.

7 Q What do you mean by that?

8 A I couldn't believe it. I -- I was enraged and I was -- I  
9 felt impotence and I felt -- I felt it was so unfair. What  
10 did that have to do with me -- what did that have to do --  
11 that made no sense.

12 The reasoning she had given me is postulates  
13 because, Daniela, you're a person who is very destructive and  
14 you think that you can get away with destruction. So if you  
15 go ahead and destroy this, then your postulate is going to be  
16 that it's okay to do it. So the only way to fix it is now you  
17 have to feel the effects of, you know, being here while it  
18 grows back.

19 It made no sense to me. It -- it made no sense to  
20 me. That made no sense. I don't think it can make sense to  
21 anybody. It made no sense.

22 Q At some point did you become aware of any measures that  
23 were in place to make sure you didn't leave the room?

24 A Yes.

25 Q Can you explain?

Daniela - direct - Penza

2900

1 A Yes. I remember it was around, I think it was around the  
2 first V Week, I don't know, but at some point I remember  
3 hearing noises in the house. And, again, I became -- I was  
4 like so -- I was looking for any kind of -- any kind of input  
5 of any kind, whatever it was. So every sound of the house I  
6 would -- I would -- I would spend like a lot of time right  
7 next to the crack in the door listening if something was going  
8 on; or like there was a vent underneath the window, I think,  
9 and I would just lay there, curl up, just listening, trying to  
10 catch anything. And it was very, very faint. Very, very  
11 faint. But sometimes I would catch it and I remember this  
12 time there was someone, and I could recognize it was Steve  
13 Ose, and they were talking about setting up cameras.

14 Q Who's "they"?

15 A He was talking with someone in my family about setting up  
16 cameras, and then there was noise and there was like things,  
17 like someone was moving something in. And so I'm pretty sure  
18 that there were cameras out there watching me, surveilling me.

19 Q Was there a lock on your door?

20 A There was a doorknob.

21 Q But was the door locked?

22 A No, it wasn't.

23 Q Did you feel that you could leave the room?

24 A No.

25 Q Were there a few occasions where you did leave the room?



Daniela - direct - Penza

2901

1 A Yes.

2 Q Can you describe those?

3 A Yes. There were a few times where, and I think there  
4 was, again I think there was V Week, but that must have been  
5 into the second year because the house was all alone. Like I  
6 knew there was nobody there. And I gathered the courage and  
7 I -- I stepped out, just went out downstairs. There was  
8 nobody there. And I went out through the front door and I  
9 remember -- I remember the sensations. I remember the crisp  
10 air. I remember the brightness. I remember the feeling. I  
11 remember the feeling. And I remember I walked around. I  
12 don't remember for how long, but I came right back into the  
13 room before no -- anybody noticed.

14 So it was just like my -- I don't know, like my  
15 sneaky way, maybe, to get some reality and it felt great. It  
16 was great.

17 Q Why not just stay out?

18 A I couldn't, and nobody could find out that I had breached  
19 that because I would lose everything. I would lose  
20 everything. I -- I -- I couldn't.

21 Q Were there ever instances when you went outside the door  
22 of your room?

23 A Yes.

24 Q Okay. How many times?

25 A A handful of times. Early on I remember I wanted to read

Daniela - direct - Penza

2902

1 something. I was desperate to just be able to read something,  
2 and I remember that I opened the door. There was nobody  
3 around, and there was some bankers boxes and I knew that that  
4 was, like, some kind of -- like they had some -- some stuff,  
5 personal stuff and amongst them were books. So I just grabbed  
6 a couple books and I read them and reread them and reread them  
7 and reread them and reread them. And then eventually, as I  
8 usually did, I confessed: I took a book and I shouldn't have  
9 taken a book. I'm very sorry.

10 I also reached out one time and got my mother's --  
11 it was like a -- like a PSP, like a Play Station, something.  
12 She used it, I remember, for like games to keep the mind  
13 active, so when you get older you do like puzzles so that it  
14 doesn't deteriorate and she had that for that reason. And so  
15 I remember I took that for a while and I remember -- and I  
16 remember what period of time it was, but it was later. It was  
17 like later. Like it was like a year in, probably more, maybe  
18 a year-and-a-half. It was a long time. And I remember there  
19 must have been nobody in the house because I went downstairs  
20 to reset the router so that I could access the wifi because  
21 all I wanted was to see what's going on in the world. I  
22 wanted to see the news. Like what's happening out there?  
23 Like I haven't seen what's happening out there for a year-  
24 and-change. And so I had -- I wanted to know what was  
25 happening, you know, like I don't -- I wanted to know what was

SAM

OCR

RMR

CRR

RPR

Daniela - direct - Penza

2903

1 happening and I wanted -- and it was the saddest thing because  
2 I -- I remember I was able to check my e-mail, I think, from  
3 that PSP and I remember nobody had written me. Like nobody  
4 missed me. There was one e-mail from Ben on my birthday the  
5 year prior with like a happy birthday exclamation mark, but I  
6 was gone from the world and nobody noticed. I remember I  
7 cried for days and days and days.

8           It's very hard to see that the world can go on  
9 without you.

10 Q    At some point did you access a Facebook account?

11 A    Yes, yes.

12 Q    Can you explain?

13 A    Yes. I -- on that same PSP I guessed my father's  
14 password. It's very easy. I'm not going to say here, but  
15 it's very easy, because he may still use it.

16           I wanted to see pictures of my family. I -- I just  
17 wanted to see them. I just wanted to see -- I just wanted to  
18 see them. And it was great seeing them. It's like it seems  
19 like nothing, but it was such a huge thing for me. It felt  
20 like so much, it was overwhelming. And those were the  
21 little -- little few times where I had the opportunity to see  
22 a little bit from the outside throughout that period of time.

23 Q    Other than those few occasions you've told us about, for  
24 the rest of the two years, were you following the rules that  
25 had been put in place?

Daniela - direct - Penza

2904

1 A Yes.

2 Q And these ups and downs with your mind, would they  
3 continue to happen?

4 A Yes, they worsened.

5 Q Can you explain what you mean by they worsened?

6 A It was harder and harder to keep the darkness at bay.  
7 Like there was not a lot more -- like I was losing my  
8 strength. And when I say I'm losing my strength, I was like  
9 losing like the sense of myself. I don't know if that makes  
10 sense because I don't mean it in the -- like I know I would  
11 look at my body and I would think, it would make no sense.  
12 Like what's that world out there? What is -- what is this?  
13 Like what is this? What is this sensation? What is this? I  
14 would be lost.

15 And I -- the more and more I would have just -- I  
16 would find no reasons. And more and more I would get like  
17 really crazy, like really lose control of myself, of my mind.  
18 It really was losing my mind that really frightened me.

19 Q Do you have specific reference points for that?

20 A Hard to explain. It's hard to explain, but it's like --  
21 it's like nothing makes sense. For a long time for nothing to  
22 make sense, it's like -- it's like floating in nothingness and  
23 then second-guessing everything that I've been and everything  
24 that I've wanted and that gets diluted into nothing. But  
25 there's pain because there is the awareness that nobody cares

Daniela - direct - Penza

2905

1 about me. There wasn't just I was alone, it's nobody came and  
2 got me. My own family didn't come. They didn't say: Enough,  
3 it's our daughter. My mom didn't say: Hey, I made her, maybe  
4 she deserves to live her life. They didn't come. They didn't  
5 get me. Even if I was bad, even if I was a monster, nobody  
6 cared, nobody came and said: Enough, it's my sister. Not a  
7 single soul. Nobody. I was hoping. I was -- I was hoping.  
8 I was like somebody get me. Somebody should get me. Somebody  
9 come get me.

10 And sometimes I would beg: Please let me out. I  
11 don't know why, just -- just let me out. Nobody cared. My  
12 family didn't. Nobody cared. So, it was also -- it was also  
13 knowing that nobody wanted me. I'm in a world where nobody  
14 cares that I'm losing my life. Nobody cares.

15 So I was going more and more -- it was harder and  
16 harder to keep myself from going in that direction because it  
17 just didn't seem to be a point. Because it was clearly never  
18 gonna end. I mean the hair thing was so ridiculous, to me it  
19 seemed like a game. Like, tomorrow I'll do something else and  
20 they're gonna extend it eight years.

21 Q When you say going in that direction, what do you mean?

22 A I -- I just wanted it to end.

23 Q Did you contemplate killing yourself?

24 A Yes.

25 Q And did you take steps in that direction?

Daniela - direct - Penza

2906

1 A Yes.

2 Q Can you explain what those were?

3 A I started accumulating cleaning supplies and I thought,  
4 as soon as I have enough, I'll just drink everything and it  
5 will be over soon.

6 Q For how long did you accumulate those cleaning supplies?

7 A I don't remember, but it was -- it had been a while  
8 because there wasn't a lot available.

9 Q And then what happened?

10 A I made my decision and -- and it was a specific moment.  
11 It was a specific moment, there was one day, and I don't  
12 remember much about that day, which was rest -- you know, it  
13 was just like every other day. And, you know, it wasn't like  
14 I was just I'm just gonna kill myself, it wasn't like a big  
15 deal. It was just gonna be over. It was gonna be over, you  
16 know. I wasn't afraid, I was just gonna do it.

17 And I remember -- I remember I -- that day I looked  
18 out the window and just, you know, no connection whatsoever,  
19 but I looked out the window and there was a bird that I'd been  
20 watching. I had seen this family of birds like over a few  
21 years. And it was a red bird, and I later identified it as a  
22 cardinal. It had babies. It had nested in front of my  
23 window. I had seen it. And I think like for the winter he  
24 had disappeared for a while and this day he came back. It was  
25 a he, according to me; and I remember it flew and post itself

Daniela - direct - Penza

2907

1 on the tree. And I don't know what it was about that bird,  
2 but in that moment I remember thinking: I want to live. I  
3 want to live. You know, and in that moment I thought: If I'm  
4 gonna die, then it doesn't matter how bad I fuck it up. I  
5 remember thinking ridiculous things. I remember thinking I  
6 can be a drug addict, I can be a prostitute, I can do anything  
7 because I'm gonna die anyway and there was a sense of freedom.  
8 And that's the moment I decided I want to live.

9 Fuck everybody. Fuck you, Mom. Fuck you, Dad.  
10 Fuck you every -- fuck everybody. I give up. It's true, I'm  
11 defeated. I can't do this. I give up. Never gonna see you  
12 again. Fuck you all. Go fuck yourselves, but I'm gonna live.  
13 And it was done. Sorry.

14

15 (Continued on the following page.)

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Daniela - direct - Penza

2908

1 BY MS. PENZA: (Continuing)

2 Q And so what did you do?

3 A So it's foggy but I remember I wanted to go and tell  
4 Keith because he was the one who put me there. He was the one  
5 who did all of this. There was really nobody else. I wanted  
6 to just be, like -- I remember I wanted to know why. I  
7 remember, but I remember it just being the final thing, and I  
8 went to volleyball.

9 I walked out of the house like it was my house. I  
10 walked out of the room, I walked out of the house, and I went  
11 to see Keith. And I walked into volleyball and it was, I  
12 think, a place called the red barn or something like that.  
13 And it's been like almost two years. And the look in  
14 everybody's faces was amazing. But I was just looking for  
15 Keith. And he was there and I remember seeing him. And the  
16 people around, I remember being, like, I didn't think that was  
17 shocking, that was normal, it all was, like, what the hell.  
18 And I remember Keith running to hide, like, to dodge, like,  
19 amongst other people. And I could not get through those  
20 people. Someone pulled me aside and Keith was out of reach.  
21 Keith would not face me. I think it was my brother -- it was  
22 one of my relative, someone in my family, pulled me aside. I  
23 remember some netting. I remember some netting.

24 And they grabbed me and they put me in the car and  
25 they drove me back to Wilton but the decision had been made.



1 I didn't care if Keith didn't want to talk to me. I tried.  
2 It was just, I am at your mercy, you said you were going to do  
3 something with me, do it.

4 MS. PENZA: Your Honor, I think this would be a good  
5 place to end for the day.

6 THE COURT: All right.

7 Members of the jury, we are going to recess for the  
8 afternoon now.

9 I remind you that it is very important that you  
10 follow my instruction, that you not discuss the case with  
11 anyone, not your family or friends or business associates and  
12 not your fellow jurors.

13 In addition, you must not read, listen to, watch or  
14 access any accounts of this case on any form of media,  
15 including newspaper, television, radio, podcasts or the  
16 internet, nor should you research or seek outside information  
17 about any aspect of the case.

18 Please do not communicate with anyone about the case  
19 on your phone, whether through e-mails, text messaging or any  
20 other means or to any blog or website or by way of any social  
21 media including Facebook, Twitter, Instagram, YouTube or any  
22 similar sites.

23 You must not consider anything you've read or heard  
24 about the case outside this courtroom, whether you read it  
25 before or during jury selection or during the course of this

1 trial and as I said, do not attempt any independent research  
2 or investigation of the case or visit any of the locations  
3 identified on the questionnaire or discussed during the course  
4 of jury selection or during the trial.

5 We will resume tomorrow morning at 9:30. Have a  
6 good night.

7 All rise for the jury.

8 (Jury exits.)

9 THE COURT: The witness may stand down.

10 Please do not discuss your testimony with anyone.

11 (Witness steps down.)

12 THE COURT: All right. Everyone may be seated.

13 Has the government provided the names of the  
14 witnesses that follow this witness?

15 MS. PENZA: Yes, Your Honor, and we can send a list  
16 to the Court as well. Yes.

17 THE COURT: Well --

18 MS. PENZA: I can provide them right now on the  
19 record --

20 THE COURT: Sure.

21 MS. PENZA: -- if that would be helpful. We intend  
22 to call the custodian from Google at some point tomorrow and  
23 then James Loperfido, Sheila Jelonek and Elizabeth Butler.

24 THE COURT: And that will take us to the end of the  
25 week?

1 MS. PENZA: We may also call an agent if we have  
2 time, Your Honor.

3 THE COURT: All right. About how much more do you  
4 have on direct of this witness?

5 MS. PENZA: Under two hours.

6 THE COURT: Two more hours? Okay.

7 MS. PENZA: I will try to keep it to less than that  
8 but I just want to --

9 THE COURT: All right. If you have two more hours,  
10 you have two more hours.

11 And then the defense, an estimate?

12 MR. AGNIFILO: Four hours, tops.

13 THE COURT: So we should finish with this witness  
14 tomorrow, in other words?

15 MR. AGNIFILO: With two hours and four hours, we'll  
16 get close to the end of the day. It might spill over.

17 THE COURT: All right. But we have to have the  
18 custodian from Google at the beginning of the day, right?

19 MS. PENZA: Yes.

20 THE COURT: I don't want to -- I'd rather start with  
21 the Google custodian and then finish Daniela's testimony and  
22 cross-examination.

23 MS. PENZA: Understood, Your Honor.

24 THE COURT: All right?

25 MS. PENZA: Yes.

1 THE COURT: Anything else for this evening?

2 MS. PENZA: No, Your Honor.

3 THE COURT: Anything else from the defense?

4 MR. AGNIFILO: No, Your Honor.

5 THE COURT: All right. Tomorrow morning, 9:30.

6 Thank you.

7 MS. PENZA: Thank you.

8 (Matter adjourned to May 30, 2019 at 9:30 a.m.)

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DANIELA	2695
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BY MS. PENZA	

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