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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)
	:	
	:	U.S. Courthouse
	:	Brooklyn, New York
-against-	:	
	:	TRANSCRIPT OF
	:	SENTENCING
	:	
ALLISON MACK,	:	June 30, 2021
	:	11:00 a.m.
Defendant.	:	

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BEFORE: HONORABLE NICHOLAS G. GARAUFI, U.S.D.J.

APPEARANCES:

For the Government: JACQUELYN M. KASULIS, ESQ.
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WILLIAM F. McGOVERN, ESQ.
MATTHEW I. MENCHEL, ESQ.

Court Reporter: Holly Driscoll, CSR, FCRR
Chief Court Reporter
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Brooklyn, New York 11201
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Proceedings recorded by mechanical stenography, transcript produced by Computer-Assisted Transcript.

1 THE COURTROOM DEPUTY: United States versus Mack,
2 criminal cause for sentencing.

3 Beginning with the government, please state your
4 appearances for the record.

5 MS. HAJJAR: Good morning, Your Honor, Tanya Hajjar
6 for the government and with me at counsel's table are Special
7 Agents Michael Weniger and Michael Lever of the FBI, and we're
8 also joined by Jennifer Fisher of the United States Probation
9 Department.

10 THE PROBATION OFFICER: Good morning, Your Honor.

11 THE COURT: Good morning.

12 MR. BUCKLEY: Good morning, Your Honor, Sean
13 Buckley, William McGovern and Matthew Menchel on behalf of
14 Ms. Mack who is seated to my right.

15 THE COURT: Good morning.

16 MR. McGOVERN: Good morning, Your Honor.

17 THE COURT: Good morning.

18 Before we get started let me just remind everyone to
19 please continue wearing your masks unless you're speaking in
20 the well and also please do not, if you still have an
21 electronic device, which you shouldn't, please do not use it.
22 We've instructed the court security officers that anyone who
23 uses such a device during this proceeding will be asked to
24 leave.

25 So, this is a sentencing for defendant Allison Mack

1 who has entered a plea of guilty on April 8th, 2019 to two
2 counts of an 11-count second superseding indictment. Ms. Mack
3 has pleaded guilty to Count One, which charged her with
4 racketeering conspiracy in violation of 18, United States
5 Code, Sections 1962(d) and 1963(a), and to Count Two, which
6 charged her with racketeering in violation of 18, United
7 States Code, Sections 1962(c) and 1963(a). The statutory
8 maximum sentence for these crimes is 20 years on each count.
9 There's no statutory mandatory minimum. The sentence on each
10 count may run consecutively.

11 Per the plea agreement, the defendant admits to the
12 following racketeering activity: (1) the extortion of Jane
13 Doe 5 and Jane Doe 8; second, the forced labor of Jane Doe 5
14 and Jane Doe 8; and third, wire fraud of "lower-ranking"
15 members of the organization called DOS, D-O-S. She also
16 stipulates to the conduct underlying the sex trafficking of
17 Jane Doe 5.

18 We'll proceed as follows: First, I will identify
19 the materials that the Court has reviewed in connection with
20 this sentencing and I'll ask the attorneys if I've missed
21 anything, to so advise me.

22 I'd like to thank Ms. Fisher of the Probation
23 Department for the excellent work that the Probation
24 Department has done in preparing the presentence investigation
25 report and supporting the efforts of the Court in connection

1 with this litigation.

2 The Court has reviewed the Presentence Investigation
3 Report of May 7th, 2021, and the defendant's response to the
4 PSR in a letter of June 7th, 2021. The Court has also
5 reviewed the addendum to the PSR of June 22nd, 2021.

6 Has the defense received all of the materials from
7 the Probation Department and reviewed them with the defendant?

8 MR. BUCKLEY: Yes, we have, Your Honor.

9 THE COURT: All right. And the government has
10 received everything as well, correct?

11 MS. HAJJAR: Yes, Your Honor.

12 THE COURT: Okay. The Court has reviewed the
13 government's sentencing letter authorizing a below guideline
14 sentence pursuant to United States Sentencing Commission
15 Section 5K1.1, that's on June 21, 2021.

16 Has the defense seen that and shared it with
17 Ms. Mack?

18 MR. BUCKLEY: Yes, Your Honor, we have.

19 THE COURT: All right, thank you.

20 I also have reviewed the defendant's sentencing
21 memorandum of June 25th, 2021, and letters of support of the
22 defendant.

23 Has the government received all those materials?

24 MS. HAJJAR: Yes, Your Honor.

25 THE COURT: Okay. Finally, the Court has reviewed

1 the victim impact statements. Have those been shared with the
2 defense?

3 MS. HAJJAR: Yes, they have, Your Honor.

4 THE COURT: All right. And have those been shared
5 with the defendant?

6 MR. BUCKLEY: Yes, they have, Your Honor.

7 THE COURT: Okay, thank you.

8 Now, is there anything else that I have not
9 mentioned that you have requested me to look at?

10 MS. HAJJAR: No, Your Honor.

11 MR. BUCKLEY: Your Honor, the only thing from the
12 defense were the sealed submissions that we made with regard
13 to certain private apology letters.

14 THE COURT: As to certain?

15 MR. BUCKLEY: Certain private apology letters.

16 THE COURT: Yes, I've seen those and I'm going to
17 mention them in my remarks.

18 MR. BUCKLEY: Understood. Thank you, Judge.

19 THE COURT: Yes. Let me just ask, there were nine I
20 think, how many of those were actually provided to the
21 victims?

22 MR. BUCKLEY: So, we provided eight of them to the
23 victims and the ninth victim, we reached out to counsel and
24 AUSA Hajjar also reached out to counsel but we were unable to
25 get in contact with her attorney.

1 THE COURT: All right. That's fine. Very good.
2 Thank you.

3 The next step in this process is to determine the
4 appropriate guideline for these crimes and let me just go over
5 the calculation of the guideline and seek your comments on the
6 guideline calculation.

7 The Probation Department recommends that I calculate
8 the Total Offense Level for Ms. Mack's sentence as a 35 and
9 indicates that because Ms. Mack has no prior criminal history,
10 that her Criminal History Category is Category I. Based on a
11 Total Offense Level of 35 and a Criminal History Category I
12 designation, the Probation Department recommends that I
13 calculate the applicable Guidelines range as 168 to 210 months
14 in the custody of the Attorney General, or put in years, 14 to
15 17 and a half years.

16 Does the government agree with the calculation?

17 MS. HAJJAR: Yes.

18 THE COURT: And does the defense agree with the
19 calculation?

20 MR. BUCKLEY: Yes, Your Honor.

21 THE COURT: All right. Thank you.

22 The Court finds that the Total Offense Level is
23 properly calculated as 35 and that Ms. Mack belongs in
24 Criminal History Category I. Accordingly, the Court
25 calculates the applicable Guidelines range as 168 to

1 210 months in the custody of the Attorney General.

2 The next step is to hear the victim impact
3 statements that have been provided to the Court or will be
4 provided to the Court. We have one video statement and we
5 have one in-person statement.

6 What we'll do is we'll start with the video
7 statement.

8 (Whereupon, the video was played.)

9 THE COURT: All right, thank you.

10 The remaining victim impact statement is from Jane
11 Doe number 8 who is present and will speak in-person from the
12 podium.

13 JANE DOE NUMBER 8: Thank you, Your Honor.

14 Your Honor, I've traveled across the country and
15 spent the last of my Unemployment just to be here to make sure
16 my voice was present, heard and accounted for, not just for me
17 but for all my sisters who are unable to be here today, for
18 all of Allison's victims who do not have a voice, to not only
19 warn you and the rest of the world but to also shine light on
20 the truth of who Allison Mack truly is. Allison Mack is a
21 predator and an evil human being, a danger to society with no
22 care, remorse or empathy for her victims.

23 When I woke up one morning to an article about her
24 asking for no jail time because she turned her life around I
25 was horrified. I wanted to scream to the top of my lungs. I

1 was triggered back into a memory of a real life nightmare she
2 had already put me through.

3 Your Honor, my name is Jessica Joan. Through this
4 case you've known me as Witness Jay. You heard my story and
5 all the horrors I've had to endure growing up, from being
6 raped, molested, to being abandoned by my mother as a small
7 child, and with all of that combined, Allison Mack and Keith
8 Raniere are the most evil monsters I've ever met.

9 I met Allison on my first trip to Albany. She was a
10 proctor leading my group during the ESP intensive. From the
11 moment I met her she made me feel like she was a kind, loving
12 and deeply empathetic person. The way she would look into my
13 eyes would make me feel sane, like she really cared. She felt
14 like the big sister I wish I had. Even at the very beginning
15 of joining the vow she would tell me how she'd always be there
16 to look after and protect me. Allison knew all the right
17 things to say in order to lure me in.

18 Once I joined the vow and learned that she was my
19 grand master, she admitted that she was intentionally leading
20 my group in order to find out who I was. So, from the very
21 beginning she was probing into my psyche learning what made me
22 tick, what drove me and also my deepest vulnerabilities.

23 Allison is very clear and calculated in the moves
24 she makes, just like when she would randomly ask me how I felt
25 about Keith, what did I think about him, or when she told me

1 that seduction and sexual power isn't bad if it is used for
2 good. The whole time she had been playing me and, worst of
3 all, grooming me into becoming a sex slave for her beloved
4 Keith Raniere.

5 Allison maliciously gave me, a survivor of rape and
6 sexual assault, a special assignment, an honor and privilege
7 to seduce Keith and have him take a naked picture of me to
8 prove I did it. And when I pushed back confused, I asked if
9 Keith knew about the vow. She blatantly lied and said that
10 doing this assignment would get rid of all my issues around
11 being sexually abused. This demon of a woman literally tried
12 to use my pain, suffering and traumas against me to be abused
13 by another monster. She intended and tried to hurt the little
14 girl inside of me yet again, the little girl that she watched
15 cry her eyes out night after night reliving these traumas.
16 Let me be very clear, she ended the phone call with a
17 sinister: "And I give you permission to enjoy it."

18 So, when she was on house arrest hanging with her
19 family, taking Berkeley Women's Studies courses online and
20 enjoying the Orange County sunshine and sipping lattes and
21 putting on lip gloss with her friends, her victims were left
22 hiding in the dark corners of their homes reliving the fear,
23 silence and horror that Allison put us through. She worked
24 her way into my heart. She made me to believe that she would
25 do anything for me but the truth is she sought me out like a

1 predator stalking their prey, another little lamb for her to
2 slaughter. She saw the little Jess inside of me and exploited
3 her. She stabbed her and watched her bleed out.

4 I could blame myself for falling for it but the
5 truth is I was so desperately needing to feel loved, I felt so
6 alone, everyone in my life had left me in the dust and I just
7 wanted to feel like I mattered, that someone cared about me.
8 Allison will never know and feel the ramifications of her
9 actions. She's grown up in a pretty and privileged life,
10 always protected, never knowing the consequences of her
11 actions. She plays the victim so well. She can blame Keith
12 all she wants but she is a monster cut from the same cloth.
13 The fact of the matter is she gained much pleasure out of
14 other people's pain, myself included. I saw the evil glimmer
15 in her eyes and the sick sadistic smile on her face whenever
16 she would punish us. She took great pride and joy knowing she
17 had total control, having blackmail to make us do whatever she
18 wanted. She used fear to intimidate and coerce her supposed
19 sisters to do things against our will.

20 I truly believe there aren't enough years in the
21 rest of her lifetime to even begin to undo the harm, pain and
22 suffering she has caused myself and the rest of her victims.
23 If I would have gone through with her attempt to sex traffic
24 me, I know I wouldn't be able to stand here in front of you
25 today. And to think I'm one of the lucky ones, I don't have

1 to walk around with a permanent brand on my pelvic region,
2 none of the beautiful symbols representing the elements that
3 she claimed but of her and Keith's initials; woman mutilated
4 and branded like cattle for her to forever have power and
5 dominion over them with that symbol burned onto their bodies.

6 Again, I stand here not only for myself but for all
7 the other countless victims unable to be present today and the
8 friends, families and loved ones forever affected by Allison's
9 actions. Her poison does not only affect the victims and
10 loved ones but it also bleeds into future generations. I
11 repeat this from the depths of my heart, Allison Mack is an
12 evil sociopath, a menace to society and a danger to innocent
13 beings. She may put on a good show but don't let her fool
14 you. I know exactly who she is, she's the Ghislaine Maxwell
15 to Keith's Jeffrey Epstein, and I just pray that she gets what
16 she deserves.

17 Allison, I thought I was going to be angry standing
18 here looking you face-to-face and I'm just sad, I'm sad
19 because you had everything and it wasn't enough. I had
20 nothing and you tried to break me and you tried to dim my
21 light. You imprisoned us but by the grace of God we are free
22 and now it's your turn to be imprisoned and feel as alone and
23 broken as we once did. Only then can you begin to reflect on
24 your actions and darkness and hopes that one day you see the
25 light, then maybe, just maybe you can be free too.

1 Your Honor, I have complete trust and faith in your
2 empathy, discernment and understanding. I believe you will
3 bring justice to myself and all of the other victims of
4 Allison Mack. Thank you for your time.

5 THE COURT: Thank you.

6 There are no further witness statements?

7 MS. HAJJAR: No, Your Honor.

8 THE COURT: All right. Thank you.

9 Having calculated the Guidelines range, I now
10 turn to the factors outlined in 18, United States Code,
11 Section 3553(a). Under Section 3553(a), I must consider
12 several factors in imposing a sentence, including the nature
13 and circumstances of the offense, the defendant's history and
14 characteristics, the need for the sentence to reflect the
15 seriousness of the offense, to promote respect for the law,
16 and to provide for just punishment for the offense; the need
17 for the sentence to afford adequate deterrence; and the need
18 to protect the public. The sentence must be sufficient, but
19 not greater than that necessary, to accomplish the purposes of
20 sentencing.

21 So, at this point I'm going to hear from the
22 government and then I'll hear from the defense counsel, and
23 then I'll afford the defendant an opportunity to speak.

24 Ms. Hajjar.

25 MS. HAJJAR: Thank you, Your Honor. I know the

1 Court is well aware of the seriousness of the offense conduct
2 in this case as well as the harm caused by the defendant to
3 the victims, including those present today and those who
4 submitted victim impact statements to the Court. The
5 government's sentencing letter described Ms. Mack's
6 cooperation with the government and I want to emphasize the
7 significance of cooperation in a case like this.

8 As Your Honor knows, DOS was a criminal organization
9 that operated, by its very nature, in secrecy. DOS members
10 were forbidden to discuss the operation of the group and
11 Raniere's role as the head of the organization was concealed
12 to all but the few that he directly recruited. For this
13 reason, information about the meetings and conversations
14 between Raniere and the first line of DOS, including Ms. Mack,
15 were very significant to the government's investigation and
16 prosecution.

17 Ms. Mack accepted responsibility in this case by
18 pleading guilty and she chose to cooperate by contributing
19 her knowledge of the crimes that she engaged in and to assist
20 the government in holding Raniere and others accountable for
21 their crimes. The government did not call upon Ms. Mack to
22 testify at trial, though she was prepared to do so if called,
23 but Ms. Mack did provide law enforcement with information,
24 material and recordings which proved to be crucial evidence at
25 trial, evidence which confirmed Raniere's role in DOS.

1 And just as the Court must take into account the
2 seriousness of the crimes and the need for deterrence in this
3 case, the government submits the Court should also take into
4 account Ms. Mack's cooperation and the value of that
5 cooperation in imposing a sentence and for these reasons, the
6 government requests that the Court impose a sentence below the
7 applicable Guidelines range.

8 Thank you, Your Honor.

9 THE COURT: Thank you.

10 MR. BUCKLEY: Thank you, Your Honor. May it please
11 the Court, I have no doubt that Your Honor has read through
12 the sentencing submission that we and Ms. Mack put together
13 for the benefit of this Court and for purposes of this
14 proceeding. So, I am going to try my best not to belabor any
15 of those points or repeat those points and instead I just want
16 to use this opportunity to highlight some of the more
17 significant aspects that we set forth in that submission which
18 was directed at giving both the history and characteristics of
19 Ms. Mack, as well as marching through each of the 3553(a)
20 factors that Your Honor has to consider in imposing sentence
21 here.

22 Now, to be clear, Ms. Mack fully accepts
23 responsibility here. To be sure, nothing that she has said
24 changes anything about the abhorrent conduct that she engaged
25 in, about the harm that she caused the victims, the harm that

1 she caused innocent individuals who put their trust in her.
2 Nothing that she says excuses that and we're not asking the
3 Court to excuse that.

4 But as you've heard from some of the victims
5 here, as you've heard in some of the victim letters that
6 have been submitted to the Court, this is a unique situation
7 where Ms. Mack stands before this Court not only as a
8 participant in Keith Raniere's abhorrent behavior but also
9 in many respects as a victim of it. And, again, we don't say
10 that to the Court to ask you to excuse her conduct but we do
11 think that that relationship, the abusive relationship that
12 she had with Raniere is something that the Court can and
13 should consider in imposing sentence.

14 As the Court is aware and indicated earlier,
15 Ms. Mack has apologized both publicly and privately to the
16 individuals that she believes have been harmed by her
17 behavior. We have heard that some of those individuals are
18 not satisfied with the apologies that she has provided. We
19 understand that completely. Ms. Mack doesn't offer these
20 apologies expecting them to be a panacea that is going to make
21 everything go away and make everything better, rather she has
22 reached out to these people to express her remorse and her
23 regret for the harm that she has caused them, for the harm
24 that she caused them after they placed their trust in her in
25 an effort to try to give them a step towards their own

1 recovery. She recognizes that the apology will not solve all.

2 We've also heard that a number of individuals have
3 stated publicly that Ms. Mack's public apology did not go far
4 enough. As the Court is aware, Ms. Mack apologized privately
5 to a number of individuals and Ms. Mack stands ready, to the
6 extent other people believe that her apology was not specific
7 enough or did not go far enough, she is prepared to engage
8 with them and apologize directly to them.

9 Your Honor, I have been representing Ms. Mack since
10 shortly before her arrest in this case, that's been a number
11 of years. I've gotten to know Ms. Mack and I represent to
12 Your Honor that I believe that the remorse and regret that she
13 has expressed in both the public apologies, the apology she is
14 about to give here in court, as well as the private apologies
15 are sincere and I believe that Ms. Mack sincerely wants to try
16 to right the wrongs in whatever way she can and continue along
17 a path to rehabilitation.

18 Now, I just want to talk briefly about her path to
19 rehabilitation, Your Honor. As I said, you know Ms. Mack
20 while also a participant in the crimes, in the crimes to which
21 she pled guilty before Your Honor, the crimes that you've
22 heard described before you both at trial and here in this
23 courtroom today, she pled guilty to them to accept full
24 responsibility but the Court in imposing sentence and in
25 constructing the sentence that it intends to impose should

1 take into account the unique set of conditions that brought
2 her here, that brought her where she was when she was first
3 arrested in April 2018, and that brought her here to this
4 courtroom today.

5 The fact that she was a victim of Ranieri's
6 psychological and physical abuse we do think is relevant but
7 we don't think that explains all and that's why so much of
8 what we have presented to Your Honor has been focused on
9 affirmative steps that Ms. Mack has taken. It has focused on
10 the fact that since her arrest and since her decision to break
11 ranks from Ranieri and his co-conspirators, since her decision
12 to cooperate with the AUSAs, Ms. Mack has actively tried to
13 repair the harm that she has done to herself and to others.

14 She has, in the first instance, tried to figure out
15 the flawed thinking that led her down the path to commit
16 herself to Ranieri and to support Ranieri in the commission of
17 crimes and to bring others under his sway. She has done that
18 through an intensive course of psychological therapy which she
19 commenced from the moment she decided that it was time to
20 break ranks. She continues that psychological therapy to this
21 day and that was one of the letters that we presented to Your
22 Honor outlining from the doctor's perspective where she was
23 when she first came in and where she is now and the strides
24 that she has made.

25 You've also heard, Your Honor, about her education,

1 how while out on house arrest, the Court and the AUSAs'
2 insistence that if she be released on bail, it would be home
3 incarceration but not just home incarceration in Brooklyn
4 where she was residing at the time but rather back at her
5 childhood home where she would reside with her parents under
6 their supervision. You've heard how she has used that time
7 productively, how she has tried to take steps to turn her path
8 completely from the path that she had been on at the time of
9 her arrest, how she has tried to educate herself and learn
10 about psychology and other important academic pursuits that
11 will help ensure that she never does what she had done before.

12 That home incarceration had the additional benefit,
13 Your Honor, of reuniting her with her family and I just want
14 to pause for a second, with the Court's permission, and
15 identify for Your Honor that numerous of her family are here,
16 her mother, her brother, extended family, friends, loved ones.
17 These are individuals who have submitted many of the letters
18 that the Court has reviewed. They've traveled here to New
19 York to express their support and I think that's telling
20 because back in April 2018 no one would have expected this.

21 Back in April 2018 Ms. Mack had shied away from her
22 family, she had all but renounced her family in order to
23 dedicate herself entirely to the pursuits of Raniere and NXIVM
24 and DOS. But her family is here, they have supported her,
25 they have helped her heal, they have helped her rehabilitate

1 and they have helped her to become the woman that sits here
2 before you today which is a woman who has a firm and vast
3 support network, a woman who is not going to be subject to the
4 depredations of a manipulator like Ranieri, a woman who has
5 people who will make sure that she continues on this path,
6 this path of education and reform.

7 So, Your Honor, with that I would just say that in
8 considering her punishment, we would ask that you take into
9 account Ms. Mack as a whole, Ms. Mack as she was at the time
10 that she committed these crimes but also the Ms. Mack that has
11 taken the past three years to try to demonstrate to the Court,
12 to the victims, to her family and her friends that she can and
13 will be a better person when this is all behind her.

14 So, we would ask that the Court allow Ms. Mack the
15 opportunity to continue along this path of rehabilitation.
16 We ask that you take into account that because of what she had
17 chosen to do when she made the decision to align with NXIVM
18 and Ranieri and then DOS, she literally lost everything. She
19 lost her friends, she lost her family, she lost her loved
20 ones, she lost her career. We would ask you to take that into
21 account, and the fact that she continues on this path. And
22 taking those factors into account, impose a non-incarceratory
23 sentence or permit her to continue under home confinement so
24 that she can continue her therapy and continue her studies and
25 continue to reunite and strengthen and restrengthen the bonds

1 that she had lost with her family.

2 Thank you, Your Honor.

3 THE COURT: Thank you. All right.

4 Ms. Mack, is there anything you would like to say
5 before I sentence you?

6 THE DEFENDANT: Yes, Your Honor. I stand before you
7 today filled with remorse and guilt. To begin, I would like
8 to state unequivocally that my behavior while in DOS was
9 abusive, abhorrent and illegal. I also want to be clear to
10 this Court and to the victims that I renounce Keith Raniere
11 and all his teachings. I cannot imagine the pain that the
12 victims must have experienced because of my actions. For
13 this, from the deepest part of my heart and soul, I am sorry.
14 I understand that what I chose cannot be undone but it is my
15 sincere hope that an apology coupled with my promise to live a
16 life dedicated to rehabilitation may offer some semblance of
17 peace for you as you move ahead. I am thankful for your
18 bravery in stepping forward and speaking out.

19 One of the thoughts I find most terrifying is where
20 I would be now had we not been stopped. Your courage and
21 tenacity to right these wrongs rescued me and stopped so many
22 other horrible things from happening. Over the course of a
23 decade I bought into the belief that I could only become the
24 person I wanted to be through total devotion to Keith Raniere.
25 I justified his transgressions, fulfilled his every request

1 and made choices that I will forever regret. I rejected
2 anyone who tried to show me the truth, investing myself more
3 and more deeply into his perverse schemes.

4 Coming out from under this delusion has been the
5 most difficult experience of my life. To admit that I was
6 wrong meant that I had to acknowledge the pain I caused and
7 the depth of destruction that lay in my wake. But now I know
8 without a doubt that I was wrong. The shame of this
9 recognition has been crippling and the guilt is permanent.

10 I'm also sorry to the families and loved ones of the
11 victims affected by my choices. During this process I have
12 relearned just how valuable family is. I'm ashamed for the
13 way I behaved and how I treated those most precious to you.

14 Finally, I want to say I'm sorry to my family and
15 loved ones. I know this has been an intensely painful road
16 and words cannot express how significant your presence has
17 been throughout all of this. Your willingness to forgive me
18 for my destructive choices is truly miraculous and I would not
19 be alive today without your support.

20 Thank you to the AUSAs for your patience and
21 humanity that you showed as I came out from under my cloud of
22 delusion. Sorry. (Pause.)

23 On the day of my arraignment you insisted that my
24 conditions of release include moving back home to my childhood
25 place with my parents. This felt like a nightmare at the time

1 but quickly became the greatest gift I could have received.
2 My family and close community surrounded me with support and
3 care as I fought my way back to myself and took ownership of
4 the truth. I wish more than anything I could have seen my
5 mistakes sooner. I know this would have spared Your Honor,
6 the court and so many people I love so much trouble and
7 turmoil.

8 And lastly, thank you to you, Judge Garaufis, for
9 supporting my process of rehabilitation because you allowed me
10 to go to school and to share in important events with my
11 family. I've been able to create a path forward for myself
12 and develop the tools I need to continue to right the wrongs I
13 committed. I am grateful for the patience and humanity you
14 have demonstrated towards me over these past three years. I
15 have complete faith that your fair and compassionate
16 deliberation regarding my sentence will be a huge part of
17 righting this wrong and helping me progress beyond this
18 horrific chapter of my life with integrity.

19 Thank you.

20 THE COURT: Thank you.

21 As determined by the Supreme Court in *United States*
22 *v. Booker* in 2005, and its progeny, the Sentencing Guidelines
23 are merely advisory and not mandatory. Accordingly, while I
24 must consider the applicable Guidelines range, I am free to
25 impose a sentence that falls outside that range in either

1 direction, even in the absence of "extraordinary"
2 circumstances. The only limits on the sentence I will give
3 today are that it be no greater than the statutory maximum of
4 20 years on each count and that it be reasonable in light of
5 the factors identified in the sentencing statute, 18 United
6 States Code, Section 3553(a).

7 Before turning to an analysis of the 3553(a)
8 factors, it is important to say a word about what I will be
9 considering in that analysis. First, I have reviewed the
10 parties' sentencing submissions and listened to their
11 arguments today in court and I want to commend counsel on both
12 sides for their excellent work in preparing for this
13 sentencing.

14 I have read the 14 letters submitted in support of
15 Ms. Mack, as well as two letters written by Ms. Mack herself,
16 and I have listened carefully to Ms. Mack's statement during
17 today's proceeding. I've reviewed and considered the six
18 victim impact statements that were submitted in writing and
19 the two victim impact statements that were made on the record
20 today.

21 I have also read nine letters of apology that
22 Ms. Mack wrote to the victims of her conduct: because the
23 terms of Ms. Mack's release precluded her from communicating
24 with the addressees of those letters, she asked the Court to
25 modify the conditions of her release to permit her to send the

1 letters. The Court reviewed the letters in camera and, after
2 determining that they were reasonable and appropriate, granted
3 the requested temporary modification of Ms. Mack's conditions
4 of release to permit her counsel to send them so long as the
5 addressees consented to receive them.

6 I have also considered testimony adduced at
7 co-defendant Keith Raniere's trial, to the extent that it is
8 relevant and has been proven, in my view, by a preponderance
9 of the evidence. It is well-settled that the scope of a
10 sentencing judge's inquiry when analyzing the 3553(a) factors
11 is largely "unlimited as to the kind of information the
12 district court may consider, and it is free to consider
13 evidence of uncharged crimes, dropped counts of an indictment,
14 and criminal activity resulting in an acquittal in determining
15 sentence." *United States v. Bennett*, Second Circuit, 2016.
16 I am not bound by the rules of evidence that would pertain at
17 a trial, and I am not limited to considering admissible
18 evidence in determining an appropriate sentence. Particularly
19 relevant here, the Second Circuit has repeatedly held that a
20 sentencing court is entitled to rely on information "gleaned
21 from a trial in which the person to be sentenced was not a
22 defendant nor represented by counsel." See the case of
23 *Cacace*, C-A-C-A-C-E, and *United States v. Tracy*.

24 Ms. Mack, you pleaded guilty to one count of
25 racketeering and one count of racketeering conspiracy

1 predicated on conduct that included forced labor, extortion,
2 sex trafficking, and wire fraud. You admitted to conduct in
3 connection with your role as a "first-line master" in the
4 secret organization DOS, that included recruiting women to
5 join the organization and requiring them to serve as your
6 "slaves."

7 By many accounts, you were able to use your status
8 as a well-known public figure to gain credibility and
9 influence with NXIVM and DOS recruits. You abused this
10 position of power to persuade and pressure women to join DOS.
11 You capitalized on your celebrity and these individuals'
12 eagerness to be close to you, told them you were recruiting
13 them for a "women's empowerment" sorority, and misrepresented
14 and obscured fundamental facts about the organization and the
15 conditions of membership. You told them that Keith Raniere
16 was not involved. You did not tell them that they would be
17 required to engage in sexual conduct.

18 You required your "slaves" to provide "collateral,"
19 both as a price of admission and on a continuing basis, in
20 order to ensure their obedience and secrecy. The collateral
21 that you extracted from your "slaves" included explicit
22 photographs and videos, confessions and accusations that would
23 damage them or their loved ones if released, and rights to
24 significant financial assets. For example, one victim
25 provided a sexually explicit video, credit card

1 authorizations, a series of letters falsely alleging sexual
2 abuse by a close family member, and the right to a family
3 heirloom. She testified explicitly that she believed her
4 collateral would be forfeited and made public if she reneged
5 on her commitment to DOS. In other words, you demanded that
6 these woman give you the keys to their most intimate, personal
7 and valuable parts of their themselves so that you could
8 maintain power over them and have leverage to direct them to
9 do anything you wanted.

10 And what did you direct them to do, using your
11 leverage? You directed them to subject themselves to extreme
12 sleep and food deprivation and geographical isolation, and to
13 perform uncompensated labor whenever asked, often for your own
14 benefit or gain. You directed them to submit nude photographs
15 of themselves, and to be branded on their pubic areas with a
16 symbol that, unbeknownst to them, included Mr. Raniere's
17 initials. And in several cases you directed your slaves to
18 engage in sexual contact with Mr. Raniere. You used your
19 leverage, your power over these women, to recruit and groom
20 them as sexual partners for Mr. Raniere, and to pressure them
21 into engaging in sexual acts that, according to their
22 testimony, they did not want to engage in and would not have
23 engaged in voluntarily.

24 This Court, in sentencing Mr. Raniere, made it very
25 clear how seriously it views the conduct for which he was

1 convicted. When it comes to DOS, and the monstrous crimes he
2 committed in connection with that organization, you were an
3 essential accomplice. You willingly enslaved, destabilized,
4 and manipulated other women so that when they were at their
5 most vulnerable, when they believed that they owed you total
6 obedience and that anything less than that would cause them
7 serious personal and financial harm, when you had taken them
8 from their sense of agency to make their own choices, you gave
9 them "special assignments" to satisfy Mr. Ranieri's sexual
10 interests. Mr. Ranieri could not have done that without you.
11 You did that together. The evidence presented at his trial
12 demonstrated that you were not a begrudging or passive
13 enabler, but rather that you were a willing and proactive
14 ally.

15 The victims of your conduct have described, through
16 their testimony at Mr. Ranieri's trial and through their
17 letters and statements to the Court, the serious psychological
18 and physical injuries they have suffered at your hands. They
19 have described your cruelty, your lies, and your manipulation,
20 your apparent sadistic pleasure in watching them suffer, and
21 your creative enthusiasm when it came to developing new ways
22 to debase them. They have described enduring psychological
23 trauma as a result of your actions. The Court acknowledges
24 that to some of them no sentence short of severe punishment
25 would seem sufficient, and that no sentence of any length can

1 truly redress their trauma.

2 The seriousness of your conduct and the harm that
3 you wrought dovetails with the need for your sentence to serve
4 as a forceful deterrent - both for you, over the next many
5 decades of your life, and for others who might be tempted to
6 use their privileges and authority to inflict harm and exert
7 control over the vulnerable and impressionable. For all of
8 these reasons, I think that a serious sentence is appropriate.

9 (Continued on next page.)

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1 (Continuing)

2 THE COURT: There are also important mitigating
3 factors, three of which I want to emphasize.

4 First, your lawyers make a persuasive case that you,
5 like the victims of your conduct, were ensnared in
6 Mr. Ranieri's coercive and manipulative web. Like your
7 victims, you turned over collateral in connection with your
8 involvement in DOS. Like your victims, you were subject to
9 abusive and unreasonable demands that were designed to
10 destabilize you and deprive you of your agency.

11 I do not doubt that you were also manipulated and
12 that you also felt captive, even as you were inflicting those
13 very consequences on other women. In the language of DOS, you
14 were a slave as well as a master and the harms that you
15 inflicted as a master, were to some extent demanded of you in
16 your capacity as Mr. Ranieri's slave.

17 Even the letters from your victims reflect a kind of
18 ambivalence. Many of them see you both as their abuser and as
19 their fellow victim. That is something that weighs heavily on
20 me. It is hard to determine an appropriate sentence for a
21 perpetrator who is also her coconspirator's victim.

22 Second, you have expressed remorse and contrition
23 and have made significant progress towards rehabilitating
24 yourself and I see no reason to doubt that your efforts and
25 your progress are sincere. In contrast to other individuals

1 who have remained deferential to Mr. Ranieri, even as the
2 artifice of his virtues crumbled, you have begun the hard work
3 of unravelling the lies and grappling with your culpability
4 and the consequences of your behavior. I do not doubt that it
5 has been difficult and painful to dispel some of the illusions
6 under which you were operating and to attempt to see yourself
7 and your behavior with a new kind of clarity.

8 I commend you for having the courage to engage in
9 that work. Your contrition and ownership of your actions
10 cannot repair the damage that you inflicted, but it is
11 important and -- an important and encouraging step towards
12 your own rehabilitation. I urge you to continue that work
13 during and after your sentence so that you may better
14 understand for yourself what happened, why it happened, what
15 effects it had and how you can ensure that it does not happen
16 again.

17 Third, you have assisted the Government with its
18 investigation and prosecution. As the Government described in
19 its sentencing submission, you began to cooperate with their
20 investigation approximately one month prior to Mr. Ranieri's
21 trial. You provided key details about Mr. Ranieri's role in
22 DOS, including his solicitation of nude photographs and sexual
23 encounters.

24 You turned over evidence, including e-mails,
25 documents and an audio recording that became a crucial piece

1 of evidence at trial in which Mr. Raniere advises that DOS
2 branding ritual. According to the Government, you were
3 willing to testify at trial, although you were not called upon
4 to do so.

5 The Government takes the position that while you
6 could have been more helpful if you had begun to cooperate
7 sooner, you deserve a sentence below the guidelines range in
8 recognition of the assistance that you provided.

9 Taking all of this into consideration, my task today
10 is to balance the need for a sentence that adequately punishes
11 your serious conduct with the need for a sentence that
12 supports, rather than disrupts your efforts towards
13 rehabilitation.

14 There will be more chapters in your life after your
15 sentence concludes and it is the Court's hope that you will be
16 ready and able to make the most of those chapters and that the
17 family and community that have supported you through the last
18 three years will aid you in continuing your work of
19 rehabilitation as you move through your sentence and as you
20 eventually move beyond it.

21 I am appreciative that your family members with whom
22 you have reunited over the last three years are here today and
23 I believe that they have demonstrated the kind of mercy and
24 support that you will need in the years ahead; not just today,
25 not just yesterday, but throughout your life despite some of

1 the wrongs that you have inflicted on some of them over your
2 period of involvement with NXIVM and DOS.

3 And so to your family I say two things: I say thank
4 you for assisting the defendant thus far and I say your job is
5 not over and you have an obligation to continue to do so
6 demonstrated by your presence here today, coming across the
7 country to be here in support of Ms. Mack.

8 I have considered the range of sentences that are
9 available and the range suggested by the Sentencing
10 Guidelines. I have also considered the need to avoid
11 unwarranted sentences, sentence disparities between you and
12 other defendants who have been convicted of similar conduct.
13 I have considered my obligation to impose a sentence that is
14 sufficient, but not greater than necessary to achieve the
15 objectives of sentencing.

16 I agree with the Government and your lawyers that a
17 downward departure from the guidelines range is warranted in
18 this case. I grant the Government's motion under 5K1.1 of the
19 Sentencing Guidelines.

20 A sentence even in the lower end of that range would
21 be much greater than necessary. At the same time, for the
22 reasons I have explained, I believe that the nature and
23 consequences of your offense and the need for deterrence
24 warrant a serious sentence. While I accept your contrition as
25 sincere and your efforts towards rehabilitation is genuine, it

1 is impossible to ignore the tremendous injuries you have
2 caused. For that reason, I believe that an incarceratory
3 sentence is appropriate.

4 Are you ready to be sentenced, Ms. Mack?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. Please rise.

7 Ms. Mack, I sentence you as follows. On Count 1, I
8 sentence you to 36 months in the custody of the Attorney
9 General;

10 On Count 2, I sentence you to 36 months in the
11 custody of the Attorney General, those sentences to be served
12 concurrently with each other;

13 I also sentence you to a three-year term of
14 post-incarceration supervised release to be served
15 concurrently on both counts;

16 To a fine in the amount of \$20,000 payable
17 immediately, and to a \$200.00 special assessment also due
18 immediately.

19 While the Court is not ordering restitution at this
20 time, it reserves the right to make the defendant jointly and
21 severally responsible for any forthcoming restitution orders
22 imposed upon the coconspirators as permitted under the
23 relevant statutes.

24 The Court has already approved an amended
25 preliminary Order of Forfeiture on July 17, 2019, and I direct

1 that the forfeiture order be made final and attached to the
2 judgment.

3 In addition, there are special conditions of
4 supervised release. They include the following:

5 The defendant shall not attempt to contact in person
6 or communicate with by letter, telephone, electronic means or
7 through third-party any individual with an affiliation to
8 Executive Success Programs, NXIVM, DOS, or any other
9 NXIVM-affiliated organizations unless granted permission in
10 advance by the Probation Office or by this Court, nor shall
11 defendant frequent any establishment or the locales where
12 these groups may meet, pursuant but not limited to a
13 permission list provided by the U.S. Probation Department
14 unless granted permission in advance by the Probation Office
15 or by this Court.

16 The defendant shall undergo a mental health
17 evaluation and if deemed necessary, participate in an
18 outpatient mental health treatment program as provided by the
19 Probation Department.

20 The defendant shall contribute to the cost of such
21 services rendered and any psychotropic medications prescribed
22 to the degree she is reasonably able and shall cooperate in
23 securing any applicable third-party payment.

24 The defendant shall disclose all financial
25 information and documents to the Probation Department to

1 assess her ability to pay.

2 The defendant shall complete 1000 hours of community
3 service.

4 You have the right to appeal your sentence to the
5 United States Court of Appeals for the Second Circuit if you
6 believe the Court has not properly followed the law in
7 sentencing you. Your time to appeal is extremely limited and
8 you should consult with your attorneys at once as to whether
9 an appeal would be worthwhile.

10 Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: You may be seated.

13 Is there any objection to allowing the defendant to
14 surrender?

15 MS. HAJJAR: No, Your Honor.

16 THE COURT: All right.

17 Ms. Mack, I am not going to remand you into custody
18 today. You may return home where you will be subject to the
19 same conditions of release that have previously applied to
20 you. You will be designated to a facility and given a
21 surrender date to that facility; however, I am going to set a
22 surrender date just in case the Bureau of Prisons does not
23 provide you with one in a timely fashion.

24 I set a surrender date of September 29, 2021, before
25 noon, to the U.S. Marshal service in this courthouse.

1 If for some reason the Bureau of Prisons has not
2 designated you by then, your counsel can request an extension
3 of that surrender date as surrendering to a facility is more
4 appropriate in your case.

5 There are open counts?

6 MS. HAJJAR: Yes, Your Honor.

7 The Government moves to dismiss Counts 6, 7, 8, 9
8 and 10 of the second superseding indictment.

9 THE COURT: The motion is granted.

10 Is there anything else from the defense?

11 MR. BUCKLEY: Yes, Your Honor.

12 We would respectfully request that the Court
13 recommend to the Bureau of Prisons that she be designated to a
14 facility near her family in Long Beach, California.

15 THE COURT: The Court cannot mandate, but it does
16 request that the Bureau of Prisons designate the defendant to
17 an appropriate facility in the area of Long Beach, California,
18 or as close to there, that area, as is appropriate and
19 available.

20 MR. BUCKLEY: Thank you, Your Honor.

21 THE COURT: Is there anything else from the defense
22 for today?

23 MR. BUCKLEY: No, Your Honor.

24 THE COURT: Is there anything else from the
25 Government?

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1 MS. HAJJAR: No, thank you, Your Honor.

2 THE COURT: All right.

3 Good luck to you, Ms. Mack and to your family. We
4 are adjourned.

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6 (Matter concluded.)

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