

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

18-CR-204 (NGG)

4 United States Courthouse
Brooklyn, New York

5 -against-

June 19, 2019
9:00 a.m.

6 KEITH RANIERE,

7 Defendant.

8 -----x

9 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
BEFORE THE HONORABLE NICHOLAS G. GARAUFI
10 UNITED STATES SENIOR DISTRICT JUDGE
BEFORE A JURY

11 APPEARANCES

For the Government:

12 UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
271 Cadman Plaza East
13 Brooklyn, New York 11201
BY: MOIRA KIM PENZA, ESQ.
14 TANYA HAJJAR, ESQ.
MARK LESKO, ESQ.
15 Assistant United States Attorneys

16 For the Defendant:

17 BRAFMAN & ASSOCIATES
767 Third Avenue
New York, New York 10017
BY: MARC AGNIFILO, ESQ.
18 TENY ROSE GERAGOS, ESQ.

19 DEROHANNESIAN & DEROHANNESIAN
677 Broadway
20 Albany, New York 12207
BY: PAUL DerOHANNESIAN, II, ESQ.
21 DANIELLE R. SMITH, ESQ.

22 Court Reporter:

Rivka Teich, CSR, RPR, RMR, FCRR
23 Phone: 718-613-2268
Email: RivkaTeich@gmail.com

24 Proceedings recorded by mechanical stenography. Transcript
25 produced by computer-aided transcription.

PROCEEDINGS

1 (In open court.)

2 MS. PENZA: Moira Penza, Tanya Hajjar and Mark Lesko
3 for the United States. Also at counsel table are Special
4 Agents Michael Lever and Michael Wenniger and Paralegal Teri
5 Carby.

6 MR. AGNIFILO: Mark Agnifilo, Temy Geragos, Paul
7 DerOhannesian, Danielle Smith for Keith Raniere, who is here
8 with us this morning.

9 THE COURT: Everyone may be seated.

10 You're working on putting together the evidence to
11 send back into the jury room?

12 MS. PENZA: Yes, I think we're almost there. We're
13 looking for one e-mail that we know attaches nude photos. We
14 would also ask that Government's Exhibit, I believe 550, the
15 glossy photo of Camila of age with the scar be sent back with
16 the redaction tape.

17 THE COURT: Any objection?

18 MR. AGNIFILO: No objection.

19 MS. PENZA: But all the other -- we have done our
20 best to try and remove all the naked photos.

21 THE COURT: When everything is squared away and
22 ready to go I'll come back down and just have you all agree.

23 MS. PENZA: Yes. And so we can put the rest of the
24 things on the record when we do that, I think only a couple of
25 little things that we want to make sure on the record, or you

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1 want me to do it now?

2 THE COURT: Might as well.

3 MS. PENZA: So your Honor, as you may recall there
4 had been an objection over the admission of the box,
5 Government's Exhibit 204. At sidebar we agreed to certain
6 redactions. At this point we have conferred with defense
7 counsel and the only item they are seeking to have redacted is
8 the Albany Times Union article, which is titled "An Espian's
9 brief life, once a dynamic overachiever, a woman saw her world
10 deteriorate after she took classes offered by a halfmoon-based
11 group".

12 What we have proposed, and what defense counsel has
13 agreed to, is that we will redact the full text of the article
14 but leave the headline, the date, and that it was written by
15 Dennis Yusko, who is one of the people who is in the box.

16 So I think other than that, I think apart from their
17 original objection to the admission of the box in terms of
18 redactions of the box, we have reached agreement.

19 MR. AGNIFILO: That is true.

20 THE COURT: Good.

21 MS. PENZA: I don't believe there is anything else.
22 We're just checking on a couple of the nude exhibits, but
23 other than that I think we're all in agreement.

24 THE COURT: Okay. Anything else?

25 MS. PENZA: No, your Honor.

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1 THE COURT: I have a letter from the defense, did
2 you see the letter?

3 MS. PENZA: We did, your Honor.

4 THE COURT: Do you have any comments on the letter?

5 MS. PENZA: We believe it should be denied, your
6 Honor. We don't believe the cross-examination was cut short.
7 Mr. Agnifilio said that he was finished during Lauren
8 Salzman's cross, and we don't believe that Mr. Lesko's
9 comments during rebuttal created any problems. And the
10 cooperation agreement, I would also say, is in evidence.

11 And as your Honor has instructed the jurors many
12 times, the arguments of the attorneys are not evidence.

13 MR. AGNIFILO: Just in response to one thing -- I
14 stand on the letters that we submitted.

15 THE COURT: Go ahead.

16 MR. AGNIFILO: My cross-examination was not
17 finished. When we broke I asked why your Honor cut off any
18 cross-examination. I asked that because Ms. Penza said she
19 thought my cross-examination was finished; I was not finished,
20 I was ordered to finish and I followed the Court's order.

21 MS. PENZA: I disagree. I think he said, "I'm
22 done." Then your Honor said, "I said you're done," but he had
23 already said he was done.

24 THE COURT: The point is, if this were a letter
25 requesting to reopen cross-examination in a timely fashion, I

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1 would have considered it. But we've already charged the jury
2 and five weeks have gone by since that day and I didn't
3 receive a request in writing or orally to reopen
4 cross-examination of Lauren Salzman. So it's too little too
5 late. I would have considered it. We could have discussed
6 it.

7 And whether or not you were done, or you wanted to
8 continue the next day, which you told me you were going to
9 finish by the end of the day, it was about ten to five at the
10 time I instructed you to sit down, because you were not
11 following my instructions about the questions you were asking,
12 and placing the witness in some peril of having a breakdown,
13 as I pointed out at the time.

14 You could have asked, but you didn't. So the motion
15 is denied. And you have your record.

16 MR. AGNIFILO: Thank you, Judge. Just so the record
17 is clear --

18 THE COURT: There is more?

19 MR. AGNIFILO: We filed a mistrial motion at the
20 time.

21 THE COURT: No, no that's different. You filed a
22 mistrial motion. You didn't file a motion to reopen
23 cross-examination. Those are two different things.

24 Here you're talking about all the things you were
25 planning to discuss between ten to five and 5:00 o'clock, all

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1 right, and that was about something else. That was about your
2 relationship with the jury being injured, allegedly.

3 All I can remember from the balance of this trial
4 for the last five weeks is that that jury listened attentively
5 to your questions and listened attentively to your closing
6 argument.

7 So let me make my record. My record is that that
8 had no affect that I can discern on the part of that jury.
9 That jury listened very carefully to you, as they should have,
10 because you're very capable lawyer and you're doing a very
11 good job. That's it. Come back when you're ready.

12 (Judge exits courtroom.)

13 (Brief recess.)

14 THE COURT: Please be seated. How are we doing?

15 MS. PENZA: We are good. We're going to -- I think
16 ready to send back the exhibits. We think the list is going
17 to take about an hour to finalized, but we agree that it
18 should go back now to the jury.

19 MR. AGNIFILO: We agree.

20 THE COURT: That's fine. The charge and the verdict
21 sheet are going to back in a few minutes as well.

22 Anything else for now?

23 MS. PENZA: I don't think so. When the exhibit list
24 is ready should we --

25 THE COURT: Just give it to Mr. Reccoppa, he'll send

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1 it back as long as you have agreed to it.

2 MR. AGNIFILO: Were we able to make the changes?

3 THE COURT: I believe so. We made all the changes,
4 all the corrections, including the word common. But I'll go
5 back and double check before we give it to the jury. My clerk
6 was making changes as we delivered the charge. The word
7 common that you wanted placed in there.

8 We have a note from the jury. Here is the first
9 message from the jury: "Needs paperwork."

10 So I suggest that we immediately respond by
11 delivering the paperwork.

12 I'll double check on that, but I'm pretty sure we're
13 all set. I'll make sure both sides get a copy of what will go
14 into the jury.

15 MR. AGNIFILO: That's great, thank you.

16 THE COURT: Now as I said to the jury, between one
17 and two we're not going to be responding to them. But if you
18 go somewhere, even if it's for a few minutes please leave your
19 cellphone number with Mr. Reccoppa, so we can reach out to you
20 in an emergency. Thank you.

21 (Judge exits courtroom.)

22 (Brief recess.)

23 THE COURTROOM DEPUTY: All Rise.

24 THE COURT: Please be seated in the back.

25 COURTROOM DEPUTY: Case on trial.

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1 THE COURT: All right. Court's Exhibit 5 is a note
2 from the jury: "Does the use of the World Wide Web for any
3 purpose" -- underscoring purpose -- "fall under the umbrella
4 of affecting interstate or foreign commerce. Do e-mail chat
5 communications within" -- underscore -- "stay qualify, does
6 research online e.g. Wikipedia qualify."

7 MR. AGNIFILO: Your Honor, I don't know that we were
8 able to answer these questions as raised, except for the
9 second one. I think we have a jury instruction as to the
10 question, Do e-mail chats and communications within a state
11 qualify.

12 I think the way that we answered that question, your
13 Honor, on page 124 of our instructions where we say, The
14 interstate or foreign -- the interstate or foreign requirement
15 means that the wire communications must pass between two or
16 more statements, as for example, a telephone call, a wire
17 transfer, of funds between banks in different states or e-mail
18 or electronic message that was transmitted over interstate
19 wires.

20 I think that's the only place in the instructions
21 where we addressed that issue. We addressed it in the wire
22 fraud context, but I don't think we addressed the other two
23 questions, as I understand them, in our jury instructions. I
24 don't know that there is any evidence in the record that
25 addresses those questions. I don't know that we can answer

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1 the other two questions.

2 MS. HAJJAR: Your Honor, the part that Mr. Agnifilio
3 read relates to wire fraud, is unique to wire fraud.

4 Our read of this note, it is not clear, but our read
5 of this is that it relates to Racketeering Act 5, at best we
6 can tell, which is the interstate nexus portion of that
7 charge, which requires the transfer possession of use of means
8 of identification occurred in or affected interstate commerce,
9 or the means of identification, here the username or password,
10 was transported in the mail. We could direct the jury to that
11 portion of the charge and add something additional if your
12 Honor thinks that is appropriate.

13 There is a little more in the Sand instruction, but
14 certainly if what they are referring to is Racketeering Act 5,
15 the identity theft portion of the charge, then any means of
16 identification that is transmitted via the web would qualify
17 and we can craft something to that effect, if that's what the
18 jury is requesting.

19 THE COURT: What do you propose the response to be?

20 MS. HAJJAR: We would want to think about it for a
21 moment, but we could propose language. I think the language
22 could be something like, The fifth element --

23 THE COURT: I don't want to -- let me tell you what
24 I don't want to do. I don't want to direct their attention to
25 something. I would rather ask them, In connection with which

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1 charge or charges do you seek this information?

2 MS. HAJJAR: That would be very helpful, your Honor.

3 MR. AGNIFILO: That's right, your Honor, I don't
4 think we want to guess. The prosecution might be right it's
5 Racketeering Act 5, but we don't know.

6 THE COURT: Do you want to work out language between
7 you or I could do it.

8 MR. AGNIFILO: I think what makes the most sense is
9 the interstate element that they are asking about is slightly
10 different for various of the charges. We don't want to guess
11 and guess wrong. So I think what makes the most sense is to
12 ask them something along the lines, if they are asking these
13 questions in connection with a particular charge, and if so,
14 which charge, something along those lines.

15 THE COURT: Why don't I just ask them that question.

16 MS. HAJJAR: Yes, that makes sense, your Honor.

17 THE COURT: But you know, generally speaking, the
18 law of the Second Circuit is clear that any wire communication
19 is considered interstate commerce.

20 MS. HAJJAR: Yes.

21 THE COURT: I've got United States V. Le 902 F.3d
22 104. I've got United States V. Konn 634 F. Appendix 818.

23 We just spent two minutes upstairs looking into it.
24 But it would be better if we could give them a more focused
25 answer than something like that.

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1 MR. AGNIFILO: That's fine.

2 THE COURT: "We have your questions, please identify
3 which charge or charges in the Indictment."

4 MR. AGNIFILO: "If any you're asking about."

5 THE COURT: Obviously.

6 MR. AGNIFILO: Right, but they could be asking --

7 THE COURT: A general question?

8 MR. AGNIFILO: No, they could be asking about the
9 enterprise within the RICO section. The way, your Honor --

10 THE COURT: "If any, raise these issues."

11 MR. AGNIFILO: Fine.

12 MS. HAJJAR: "To which charges are you referring to?
13 Which charges do you want more instruction," and then we can
14 respond to there. They clearly are thinking of a charge.

15 THE COURT: "To the jury, we have your questions
16 please advise the Court as to which charge or charges these
17 questions relate."

18 MS. PENZA: That's fine, your Honor.

19 THE COURT: It may be that we've already answered
20 their questions or some of them as to specific charges.

21 What I have, "To the jury, we have your questions.
22 Please advise the Court as to which charge or charges these
23 questions specifically relate."

24 MR. AGNIFILO: Perfect.

25 THE COURT: Is that okay?

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1 MR. AGNIFILO: Yes.

2 THE COURT: We'll make copies for everybody. We'll
3 wait to hear from them.

4 (Brief break.)

5 MS. PENZA: Your Honor, we have some proposed
6 language.

7 THE COURT: Yes.

8 MS. HAJJAR: "I instruct you, that use of the
9 Internet is an activity that affects interstate commerce. The
10 answer to your second and third questions is yes."

11 We have some case as well if your Honor wants.

12 THE COURT: The use of the Internet is not --

13 MR. AGNIFILO: I don't think that's the question
14 they are asking. If we're talking about the fifth element,
15 which they say they are, then the fifth element we read to the
16 jury is that the transfer or possession or use of the means of
17 identification. So what we're talking about is identity
18 theft, so we're talking about the means of identification
19 specifically, the transfer or possession or use of that has to
20 have occurred in or affecting interstate or foreign commerce,
21 or is the means identification was transported in the mail.
22 So we're not talking about -- I'm on page 73, Judge. So we're
23 not talking in the fifth element of this Racketeering Act,
24 generally about Internet commerce in a general way, the way
25 that they put it in their first question in terms of any

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1 purpose, which they underlined. Because what the element is
2 confined to is specifically the means of identification and
3 whether the means of identification was transferred, possessed
4 or used and that occurred in interstate or foreign commerce.

5 I think there is a limiting clause that limits the
6 applicability of interstate commerce generally to specifically
7 the means of identification. And then, your Honor -- when
8 you're done with that I'll go on.

9 THE COURT: Go ahead.

10 MR. AGNIFILO: On page 75, in that middle paragraph,
11 your Honor specifically charged them that as to the fifth
12 element, "I instruct that you interstate or foreign commerce
13 simply means the movement of goods, services, money and
14 individuals between any two or more states, and a state and a
15 foreign country."

16 So we charged them that it's more than two states.

17 MS. HAJJAR: Your Honor, the sentence goes on to
18 say, "To satisfy this element the Government must prove the
19 defendant's conduct affected interstate or foreign commerce in
20 any way, no matter how minimal."

21 The case law is clear that using the Internet is one
22 of those ways. And so the transfer or possession or use of
23 the means of identification is simply the other elements of
24 that crime. It simply refers to the other two, the
25 defendant's conduct or a co-conspirator's conduct.

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1 THE COURT: Tell me what you had proposed again.

2 MS. HAJJAR: "I instruct you that use of the
3 Internet is an activity that affects interstate commerce.
4 Then the answer to your second and third question is yes."

5 THE COURT: "I instruct you that the use of the
6 Internet" --

7 MS. HAJJAR: "Is an activity that affects interstate
8 commerce."

9 MR. AGNIFILO: We object to that, Judge, because --

10 THE COURT: Because it's legally incorrect?

11 MR. AGNIFILO: Because it's not what they are
12 asking. Because what they are asking is they underline any
13 purpose.

14 And it's not true, that use of the Internet affects
15 interstate -- it might be true that's interstate commerce, but
16 that's irrelevant in terms of the specific charge.

17 They were very particular that this is in regard to
18 a specific charge as a Racketeering Act. And so it's not for
19 any purpose.

20 What we have is we have a language that I cited on
21 page 73 as the fifth element. And the language that I cited
22 on page 75 where your Honor further explains the fifth
23 element. And your Honor explained the fifth element as clear
24 as a bell, that it has to be more than two states. That's
25 what we charged them. And if you read that sentence and the

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1 sentence after it, what you're left with is that it has to be
2 involving two or more states but the affect can be minimal.

3 It doesn't undo the two or more state language. We
4 have the two or more state language in there as an affirmative
5 factual statement. It wouldn't make sense to say that and
6 then to undue it in the next sentence. The next sentence, I
7 submit, tells the jury that once we have interstate commerce
8 involving two or more states, the nature of that can be very
9 minimal, but it doesn't undue the two or more states part of
10 it. And then here we charge them as to the fifth element on
11 page 73 has to relate specifically to the means of
12 identification.

13 And so I think we have to capture that in whatever
14 your Honor intends to tell the jury, because the jury has been
15 now specific that it's in regard to this particular
16 Racketeering Act that we've already given them language on.

17 MS. HAJJAR: Your Honor, the jury is only asking
18 about the fifth element. The other four elements of this
19 crime relate to the defendant's conduct and the means of
20 identification. This is a legally correct instruction from
21 the Second Circuit case law. We think it's appropriate to
22 instruct the jury that way.

23 MR. AGNIFILO: And I think we're watering down what
24 we agreed upon as the appropriate charge on this element.

25 THE COURT: "To the jury, I instruct you that the

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1 use of the Internet is an activity that affects interstate
2 commerce. The answer to your second and third questions is
3 yes. Please apply this instruction to the instructions you
4 received in the jury charge."

5 So I'm not saying this is in place of it, this
6 augments it. And that way they still have to go back and look
7 at the jury charge and follow the jury charge. But the basic
8 law, and I don't want them coming back to me every time they
9 take a look at one of the charges and there is the use of the
10 wires or there is a use of the Internet, the fact is, the use
11 of the Internet is by definition an activity that affects
12 interstate commerce. That's the law of the Circuit; that's
13 the law of the United States.

14 And the fact that we didn't include it shouldn't
15 create a problem for them, that's our problem. We should have
16 caught it. But now that they've asked the question, and the
17 question they asked, the initial question, does the use of the
18 World Wide Web for any purpose fall under the umbrella of
19 affecting interstate or foreign commerce. And the answer
20 basically is yes. And we have plenty of case law to that
21 affect.

22 You have your objection, obviously, but I'm here to
23 help the jury understand what the law is. And to the fact
24 that we confused them, shame on us. We have to fix it.

25 MR. AGNIFILO: But I don't think -- I think that

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1 they are trying to figure out by putting any purpose, it's
2 very possible that they are doing is someone might have used
3 the World Wide Web but not for something in regards to the
4 crime. Why else would they put any purpose and underline it?

5 THE COURT: I don't know. I'm not in the jury room.

6 MR. AGNIFILO: Of course not. But without knowing
7 the answer to that question, I think we're ignoring their any
8 purpose underlining language and we're assuming something
9 about their note that I don't know that we know. They are
10 obviously concerned about the any purpose language, that's why
11 they underlined it. We're not addressing that.

12 MS. HAJJAR: Your Honor is not proposing to instruct
13 that their answer to all of their questions is yes. The
14 instruction as your Honor just read it, is that use of the
15 Internet is an activity that affects interstate commerce. And
16 they can apply that definition as they look at the fifth
17 element as instructed, which makes sense, they reflect each
18 other. But they still have to go through each element. We
19 think that's a perfectly appropriate instruction.

20 THE COURT: All right, you have your objection. I'm
21 sure we'll hear from the jury soon.

22 (Judge exits courtroom.)

23 (Brief recess.)

24 THE COURTROOM DEPUTY: All Rise. Case on trial
25 United States V. Keith Raniere.

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1 Counsel state your appearances.

2 MS. PENZA: Moira Penza, Tanya Hajjar and Mark Lesko
3 for the United States. Also at counsel table are Special
4 Agents Michael Lever and Michael Wenniger and Paralegal Teri
5 Carby.

6 MR. AGNIFILO: Mark Agnifilo, Temy Geragos, Paul
7 DerOhannesian, Danielle Smith for Keith Raniere, who is with
8 us this afternoon.

9 THE COURT: Good afternoon. Please be seated. The
10 Court has received a note from the jury. It reads: "We have
11 concluded deliberations. We have reached a verdict."

12 At this time please bring in the jury and the
13 alternates.

14 (Jury enters the courtroom.)

15 THE COURT: The Foreperson should remain standing,
16 everyone else may be seated.

17 Has the jury reached a verdict, sir?

18 THE FOREPERSON: We have.

19 THE COURT: Hand the jury sheet to the clerk. The
20 clerk may publish the verdict.

21 COURTROOM DEPUTY: As to Count Two Racketeering, how
22 do you find the defendant, guilty or not guilty?

23 THE FOREPERSON: Guilty.

24 COURTROOM DEPUTY: Racketeering Act 1, 1A conspiracy
25 to commit identity theft, Ashana Chenoa, proved or not proved?

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1 THE FOREPERSON: Proved.

2 COURTROOM DEPUTY: 1B, Conspiracy to unlawfully
3 possess identification document, proved or not proved?

4 THE FOREPERSON: Proved.

5 COURTROOM DEPUTY: Racketeering Act 2, sexual
6 exploitation of a child on November 2, 2005, Camila, proved or
7 not proved?

8 THE FOREPERSON: Proved.

9 COURTROOM DEPUTY: Racketeering Act 3, sexual
10 exploitation of a child on November 24, 2005, Camila, proved
11 or not proved?

12 THE FOREPERSON: Proved.

13 COURTROOM DEPUTY: Racketeering Act 4, possession of
14 child pornography, proved or not proved?

15 THE FOREPERSON: Proved.

16 COURTROOM DEPUTY: Racketeering Act 5, 5A,
17 conspiracy to commit identity theft, proved or not proved.

18 THE FOREPERSON: Proved.

19 COURTROOM DEPUTY: 5B, identity theft, James
20 Loperfido, proved or not proved?

21 THE FOREPERSON: Proved.

22 COURTROOM DEPUTY: 5C, identity theft, Edgar
23 Bronfman, proved or not proved?

24 THE FOREPERSON: Proved.

25 COURTROOM DEPUTY: Racketeering Act 6, conspiracy to

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1 alter records for use in an official proceeding, proved or not
2 proved?

3 THE FOREPERSON: Proved.

4 COURTROOM DEPUTY: Racketeering Act 7, conspiracy to
5 commit identity theft, Marianna, proved or not proved?

6 THE FOREPERSON: Proved.

7 COURTROOM DEPUTY: Racketeering Act 8, 8A,
8 trafficking for labor and services, Daniela, proved or not
9 proved?

10 THE FOREPERSON: Proved.

11 COURTROOM DEPUTY: 8B, document servitude, Daniela,
12 proved or not proved?

13 THE FOREPERSON: Proved.

14 COURTROOM DEPUTY: Racketeering Act 9, extortion,
15 proved or not proved?

16 THE FOREPERSON: Proved.

17 COURTROOM DEPUTY: Racketeering Act 10, 10A, sex
18 trafficking, Nicole, proved or not proved?

19 THE FOREPERSON: Proved.

20 COURTROOM DEPUTY: 10B, forced labor, Nicole, proved
21 or not proved?

22 THE FOREPERSON: Proved.

23 COURTROOM DEPUTY: Racketeering Act 11, conspiracy
24 to commit identity theft, Pamela Cafritz, proved or not
25 proved?

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1 THE FOREPERSON: Proved.

2 COURTROOM DEPUTY: As to Count One Racketeering Act
3 Conspiracy, how do you find the defendant, guilty or not
4 guilty?

5 THE FOREPERSON: Guilty.

6 COURTROOM DEPUTY: As to Count Three, Forced Labor
7 Conspiracy, how do you find the defendant, guilty or not
8 guilty?

9 THE FOREPERSON: Guilty.

10 COURTROOM DEPUTY: As to Count Four, Wire Fraud
11 Conspiracy, how do you find the defendant, guilty or not
12 guilty?

13 THE FOREPERSON: Guilty.

14 COURTROOM DEPUTY: As to Count Five, Sex Trafficking
15 Conspiracy, how do you find the defendant guilty or not
16 guilty?

17 THE FOREPERSON: Guilty.

18 COURTROOM DEPUTY: As to Count Six, Sex Trafficking
19 of Nicole, how do you find the defendant, Guilty or not
20 guilty.

21 THE FOREPERSON: Guilty.

22 COURTROOM DEPUTY: Do you find that the defendant
23 knew means of force, fraud or coercion would be used to cause
24 one or more persons to engage in one or more commercial sex
25 acts, yes or no?

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1 THE FOREPERSON: Yes.

2 COURTROOM DEPUTY: Count Seven, Attempted Sex
3 Trafficking of Jay, how do you find the defendant, guilty or
4 not guilty?

5 THE FOREPERSON: Guilty.

6 THE COURT: Please retrieve the verdict form. You
7 may be seated. The clerk will pole the jury.

8 COURTROOM DEPUTY: Ladies and gentlemen, having
9 heard the verdict given by the Foreperson, Juror No.1, is that
10 your verdict?

11 JUROR NO. 1: Yes.

12 THE COURTROOM DEPUTY: Juror No.2?

13 JUROR NO. 2: Yes.

14 THE COURTROOM DEPUTY: Juror No. 3?

15 JUROR NO. 3: Yes.

16 THE COURTROOM DEPUTY: Juror No. 4?

17 JUROR NO. 4: Yes.

18 THE COURTROOM DEPUTY: Juror No. 5?

19 JUROR NO. 5: Yes.

20 THE COURTROOM DEPUTY: Juror No. 6?

21 JUROR NO. 6: Yes.

22 THE COURTROOM DEPUTY: Juror No. 7?

23 JUROR NO. 7: Yes.

24 THE COURTROOM DEPUTY: Juror No. 8?

25 JUROR NO. 8: Yes.

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1 THE COURTROOM DEPUTY: Juror No. 9?

2 JUROR NO. 9: Yes.

3 THE COURTROOM DEPUTY: Juror No. 10?

4 JUROR NO. 10: Yes.

5 THE COURTROOM DEPUTY: Juror No. 11?

6 JUROR NO. 11: Yes.

7 THE COURTROOM DEPUTY: Juror No. 12?

8 JUROR NO. 12: Yes.

9 THE COURTROOM DEPUTY: Jury polled, Judge.

10 THE COURT: Thank you very much. Members of the
11 jury, this concludes your jury service. On behalf of the
12 Court I would like to thank you for your professionalism and
13 your attention to this very, very difficult case. You should
14 be very proud of the role you played. You're excellent
15 citizens. You've given a great deal of your time and your
16 energy to this pursuit. And we are honored by your
17 participation in this trial.

18 At this time you are discharged.

19 All rise for the jury.

20 (Jury exits the courtroom.)

21 THE COURT: Please be seated.

22 Sentencing is scheduled for Wednesday September 25
23 at 11:00 a.m. Will there be post-trial motions?

24 MR. AGNIFILO: Yes, Judge.

25 THE COURT: July 10 for the motions and July 24 for

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1 the response.

2 Is there anything else from the Government for
3 today?

4 MS. PENZA: No. Thank you very much, your Honor.

5 THE COURT: Anything else from the defense?

6 MR. AGNIFILO: No, thank you, your Honor.

7 THE COURT: All right. Thank you very much. We're
8 adjourned.

9 (Proceedings concluded at 2:50 p.m.)

10 * * * * *

11 I certify that the foregoing is a correct transcript from the
12 record of proceedings in the above-entitled matter.

13 Rivka Teich, CSR RPR RMR FCRR
14 Official Court Reporter
15 Eastern District of New York
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