

1 slaves and he did obtain labor from Nicole through threats of  
2 serious harm or a scheme, plan or pattern intended to cause  
3 them to believe that if they did not perform such labor and  
4 services they or someone else would suffer serious harm.

5           As I mentioned before, I expect Judge Garaufis will  
6 instruct you that serious harm includes psychological,  
7 financial and reputational harm. I submit that the scheme  
8 language is particularly appropriate here because there was no  
9 need to threaten harm day in and day out to get women to do  
10 things once they were DOS slaves. The collateral served this  
11 intended purpose and served as an ever present threat to the  
12 psychological, financial and reputational stability and took  
13 away the ability of the DOS slaves to make their choices  
14 freely. And remember, when you're analyzing whether the DOS  
15 slaves would have felt that serious harm would befall them if  
16 they did not provide labor and services, the question is what  
17 a reasonable person in the DOS slaves circumstances would do.  
18 That's a reasonable person who has been isolated, who has been  
19 sleep deprived, limited in eating and who is being humiliated.

20  
21           Count 4, forced labor conspiracy. So that has led  
22 us to forced labor and conspiracy and we have proved it  
23 because the defendant did get labor and services. He agreed  
24 to get labor and services. So forced labor conspiracy has  
25 been proven guilty.

1           Now the defendant also actually got the labor and  
2 services, and so that's where we're going to talk about the  
3 racketeering act. Now, Nicole and others transcribed  
4 recordings of Pam Cafritz speaking for her memorial service  
5 and you heard that Nicole stayed up all night to do that after  
6 getting home from her nightclub job. If you wish to review  
7 her testimony, it's at Pages 4039 and 4040.

8           Now, if you look at Government's Exhibit 658, that  
9 is the attachment that Nicole sends with her transcription and  
10 she writes, It took me about five and a half hours just to do  
11 this first part.

12           Now, Sylvie testified that other people in the  
13 Community, including Sylvie were getting paid for tasks  
14 related to the memorial. In fact, Sylvie said she was  
15 supposed to do the transcription but realized that she  
16 couldn't get it all done and that's when it was suggested that  
17 Allison's slave do it. I submit there was no chance Nicole  
18 would have stayed up for 23 hours in a row to transcribe  
19 recordings of Pam's tape unless she felt she had no choice.

20           Nicole and Sylvie also edited the defendant's  
21 articles for hours a day for weeks straight. I submit that  
22 the purpose of those articles being edited was to benefit the  
23 defendant and make them available for curriculum or for the  
24 defendant to publish. Now these are some examples. This is  
25 Government's Exhibit 1358 and Government's Exhibit 1360.

1           Now throughout the trial you've heard about other  
2 types of labor and services performed as well such as acts of  
3 care, including running errands and buying groceries. I mean  
4 there's a regular taking of naked photographs which is its own  
5 form of labor. Sofie testified she would spend all this time  
6 in the bathroom to take pictures for the defendant. The  
7 evidence of the labor Nicole actually performed means that the  
8 Racketeering Act 10B has been proven.

9           Now, we're at the final set of DOS-related crimes.  
10 Count 5, sex trafficking conspiracy. Count 6 and racketeering  
11 10A, which both relate to the sex trafficking of Nicole and  
12 Count 7 which relates to the attempted sex trafficking of Jay.  
13 Before we discuss the elements of sex trafficking I'm going to  
14 ask you to keep a few things in mind. We've discussed already  
15 the fact that the sexual component of DOS was concealed from  
16 DOS slaves when they joined while all the first-line slaves  
17 were in sexual relationships with the defendant. And you can  
18 look to the Government's Exhibit 1779, Page 285.

19           And keep this in mind, too, this Exhibit 1779, Page  
20 285. October 1st, 2015, the defendant's order that Camila is  
21 a fuck-toy slave for him. Keep this in mind as you walk  
22 through the sex trafficking of Nicole starting with her  
23 recruitment into DOS in February of 2015, four months after  
24 Camila received this WhatsApp message. Now in February  
25 of 2016 Nicole was spending her first winter in the city

1 having moved from California to pursue her acting career.  
2 Things weren't going well and she was actually suicidal.  
3 Prior to that I submit Allison had begun pushing her way into  
4 Nicole's life, arranging for Nicole to sleep in her bed and  
5 hinting at the women's mentorship group she was a part of.  
6 She would also assign Nicole to a personal journal entry to  
7 Allison as part of their source work. But back to February  
8 of 2016, Allison repeated to Nicole, Did Allison suggest  
9 Nicole see a therapist? Go home to California for a while and  
10 spend time with her family? No.

11           So this is February 10th, Nicole sends, Tonight was  
12 brutal. I haven't felt this low in a very long time. I  
13 haven't felt suicidal like this in a long time. This is  
14 Government's Exhibit 657. The very next day Allison Mack  
15 meets with Nicole at the Ace Hotel in New York City and  
16 pitches her on DOS. Nicole testified that meeting with  
17 Allison made her feel hopeful. You can read about this  
18 initial meeting through the process -- through the process of  
19 her joining on Pages 3845 to 3856. Nicole thought she was  
20 being given an opportunity to be mentored by an established  
21 actor. Now, within a few days, and this is an e-mail from  
22 Allison to Nicole saying, I'm so excited to share what I'm  
23 doing. This is exactly what you need. Trust me, you'll be  
24 okay. Is your collateral finished.

25           And so this is three days after Nicole had sent the

1 note -- the e-mail saying that she was feeling suicidal.

2 Now, within a few days Nicole did submit her  
3 collateral, the process was difficult and Nicole broke down on  
4 the stand when she described writing a letter of her father's  
5 sexual abuse. You can see that spot in the transcript on  
6 Page 3850. But then she was in and she was hopeful, but she  
7 didn't know what she had signed up for. Nicole testified that  
8 she was okay with the first commitment, stop sleeping with her  
9 on and off boyfriend, try being celibate for three months.  
10 Nicole told herself that maybe those things were good for her.  
11 I submit what Nicole did not know was that the defendant  
12 required all women he had sex with to be monogamous and that  
13 he already had his eyes set on having sex with her. At the  
14 beginning they were also signs that maybe DOS was a membership  
15 group. Allison got her prestigious off-Broadway audition and  
16 an interview with Allison's agent which Nicole describes on  
17 Page 3866. But fast-forward to late March 2016. By then,  
18 Nicole was doing a bit better and one night at her job she met  
19 a cute guy who asked for her number and her e-mail journal to  
20 Allison that night Nicole wrote about what had happened.  
21 Nicole testified that she was concerned by Allison's reaction  
22 was to flip out. Allison then went on to tell Nicole she  
23 needed to fix it. After that Nicole felt, quote, super  
24 unnerved. You can review Nicole's testimony about this  
25 interaction on Page 3869 of the transcript. It was then that

1 Nicole decided she didn't want to be in DOS anymore, but she  
2 tried to tell Allison. Allison told her it wasn't an option.  
3 At that point Allison told Nicole about the time the defendant  
4 threatened to release Allison's sex tape.

5           After that meeting Allison sent the following  
6 e-mail. This is March 29th. Why are you scaring yourself --  
7 go back, I'm sorry.

8           Okay. So on the 29th -- take that back.

9           So on the 29th this is where Nicole talks about  
10 wanting to give -- if I wanted to give out my number to get  
11 coffee or even kiss a boy, small things that make me smile, I  
12 don't see how that's bad, I just don't. And then within two  
13 days, Allison Mack is saying, Why are you scaring yourself?  
14 This is the after they had the conversation where Allison  
15 had -- Allison Mack had talked about the defendant threatening  
16 to release her sex tape, although Nicole didn't know it was  
17 the defendant at the time. And Allison Mack says, Why are you  
18 scaring yourself? I want to remind you that ou made a  
19 commitment. You can't go back. It's not an option. It's  
20 like an arranged marriage. Why waste time contemplating  
21 changing your mind. Take that energy and move into the choice  
22 you made. You don't get to question. It's a choice you made,  
23 now what are you going to do about it? You will find freedom  
24 in the commitment you already made. Don't question, don't  
25 waste time, just do.

1           And I submit that behind the scenes Allison was  
2 discussing every step of this with the defendant because  
3 within one week of saying she wanted to leave DOS, Allison  
4 tasked Nicole with making contact with the defendant. So at  
5 that point Nicole still did not know he was a part of DOS, and  
6 it was less than two months after that Nicole was staying at  
7 Allison's house when she was commanded to go on a walk with  
8 the defendant and say she would do anything he asked her to  
9 do. And before she left, Allison ordered her to be a good  
10 slave. This testimony is on Page 3916 through 17.

11           And so here you can see the increase in  
12 communication. Within a week she is, a little bit after that  
13 Allison is passing her getting the attention of the smartest  
14 man in the world and then there was a series of e-mails that  
15 Allison wrote and it would be about a month, a little over a  
16 month later that she was given the assignment to do whatever  
17 the defendant wanted her to do.

18           And so before we go on, there's one -- another  
19 WhatsApp message that I wanted you to bear in mind as we  
20 consider what happens to Nicole. And this is where the  
21 defendant is saying to her, again, October 2015, What if we  
22 suggested that another woman seduced me with you?

23           Now, when Nicole went on the first walk and said to  
24 the defendant she would do anything he wanted her to do. He  
25 asked her what the worst thing he could ask her to do was.

1 She said she thought the worst was something sexual, but  
2 hadn't realized it's the worst thing would actually be to get  
3 asked to hurt her family or hurt herself. So the defendant  
4 went for second worst. On the walk after that, which I submit  
5 based on the e-mail was likely a week after the one where she  
6 asked what the worst thing walk he could do for her was --  
7 asked her to do was, Allison again arranged for Nicole to walk  
8 with the defendant. Testimony regarding what's the following  
9 on this walk and the prior walk can be found on Pages 3917  
10 through 37. I'm sure you remember what Nicole's testimony was  
11 next. She described the terrifying and disorienting moment  
12 when she was lying on a wooden table, tied down and  
13 blindfolded and felt someone begin to go down on her. She  
14 assumed it was the defendant but then she heard his voice and  
15 realized there was a third person there. She testified that  
16 in that moment she worried there were even more people in the  
17 room. What Nicole didn't know then but you know now, is that  
18 the person who was going down on her was Camila, the very DOS  
19 slave who the defendant had commanded to recruit fuck-toy  
20 slaves, and who the defendant had sexually abused when she was  
21 a minor.

22 Lauren testified that the defendant told her it was  
23 Camila. Lauren's testimony on that is at Page 1870. And this  
24 happened at Camila's apartment 120 Victory Way, which I submit  
25 is a secret apartment where the defendant hid Camila. You

1 heard evidence that the apartment was paid for and this  
2 testimony can be found at 3338. You heard evidence that the  
3 apartment was paid for in cash by Kathy Russell, using a fake  
4 name Kathy O'Sullivan. And the woman -- the landlord  
5 testified and was shown a picture of Kathy Russell and  
6 identified her as Kathy O'Sullivan the woman who had been  
7 paying a year's worth of rent upfront in cash in a bag at  
8 Starbucks for seven years. And that testimony is on  
9 Page 3338.

10 Now, when the Government obtained a search warrant  
11 for Camila's Google account, this picture with the wooden  
12 table -- with the wooden table moved out of its usual spot.  
13 And the tie that was used, I submit the tie that was used to  
14 bind Nicole's wrist or ankle still hanging off to the side on  
15 the upper right of that picture was dated the same day Nicole  
16 told us that this incident happened.

17 And you also saw the video of 120 Victory Way that  
18 the landlord took. You also saw the video of 120 Victory Way  
19 that the landlord took and there were items all over that  
20 video but that all were in this -- all were in this. And so  
21 Nicole told you that while she was tied to the table -- that  
22 while she was tied to the table the defendant circled her  
23 asking probing questions about her sexual history. Based on  
24 that picture, I submit that what Nicole didn't know is that  
25 the defendant had a videocamera pointed at her while she was

1 tied to that table. I submit the defendant videoed Nicole  
2 without her knowledge to have as additional collateral on both  
3 her and Camila and for his own sexual gratification.

4 Tellingly, after this was over, the defendant sat  
5 Nicole down and told her that there was nothing wrong with  
6 what had happened. I submit the defendant said that to Nicole  
7 because he knew what had happened was very, very wrong. And  
8 of course --

9 (Continued on the next page.)

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1 MS. PENZA: Of course he told her not to tell  
2 anyone, making an exception only for Allison. The defendant  
3 also told Nicole she was great.

4 Now Nicole sent an e-mail close in time to this  
5 saying that she was looking forward to working more with  
6 defendant. Nicole and the defendant had sex after that and  
7 she sometimes sent messages initiating contact with the  
8 defendant. Describing this period where she would try to make  
9 the situation she thought she was stuck in work.

10 And Dr. Hughes provided psychological insight as  
11 well for this behavior. She told us that the fact of  
12 continued contact or even a relationship after a sexual  
13 assault does not mean the assault did not happen. She  
14 explained a perpetrator might get attacked later in the day  
15 after a sexual assault and say, it was so nice seeing you.  
16 Dr. Hughes explained, the victim may be thinking, well, it  
17 wasn't nice to be raped, but I'm going to keep you happy  
18 because I know that is what you want to hear because that's  
19 what is going to keep me safe. Dr. Hughes' testimony on this  
20 point can be found at 3,733.

21 Look at Nicole. I submit you'll see displaced anger  
22 and avoidance that Dr. Hughes told you is very common in  
23 sexual assault victims. Dr. Hughes' testimony is at 3,708 and  
24 3,709. All of Dr. Hughes' testimony is valuable in  
25 considering the victims. If you feel it may help, you should

1 ask for her testimony.

2 Do not forget that as soon as DOS blew up and Nicole  
3 confirmed with Allison that her collateral wouldn't be  
4 released, Nicole didn't feel the need to breakup with the  
5 defendant. I submit that Nicole's behavior, once she was  
6 unburdened, showed that all of her interactions with the  
7 defendant were the product of coercion and direct result of  
8 being collateralized. Without DOS, I submit, there is no  
9 chance for the defendant ever having sex with Nicole. What  
10 happened to Nicole on May 31, 2016 was sex trafficking.

11 Let's talk about the elements of sex trafficking,  
12 all of which are proven here. Now, again, the defendant is  
13 guilty if he committed the crime or if he helped to commit the  
14 crime.

15 The first element is that the defendant knowingly  
16 recruited, enticed, harbored Nicole, or that the defendant  
17 knowingly benefited financially or by receiving something of  
18 value from participating in a venture that recruited, enticed,  
19 transported, provided or obtained Nicole. I submit you can  
20 find that this element is proven under theory the defendant  
21 recruited, enticed Nicole to do so. The defendant was also  
22 part of DOS and knowingly benefited financially from DOS  
23 eventually.

24 The second element is that the defendant knew or  
25 recklessly disregarded that force, fraud or coercion would be

1 used with respect to Nicole. This element is proven once  
2 again by the coercion stemming from the collateral.

3 And now the forced labor context above. Here the  
4 defendant was also the direct participant in the use of force  
5 against -- in the use of force against Nicole, given that she  
6 was tied to the table.

7 The third element in that is the defendant knew that  
8 Nicole would be engaged in a commercial sex act. Here the sex  
9 act is obvious, Nicole having other sex performed on her by  
10 Camila for the defendant's sexual gratification.

11 Now what make this is act commercial? I expect  
12 Judge Garaufis will instruct you that a commercial sex act is  
13 any sex act in which anything of value is given to any person  
14 because of the sex act. Here it's Allison Mack who is the one  
15 who received a thing of value by providing Nicole for a sex  
16 act to the defendant. A thing of value need not involve a  
17 monetary exchange, and need not have any financial component.

18 As we looked at before, there were certain  
19 privileges, including economic privileges, that came with  
20 being in the first line, including the longest line of free  
21 labor flowing up to you. Maintaining a spot in the first line  
22 and receiving those benefits, meant keeping the defendant  
23 happy. And because Allison kept the defendant happy and  
24 maintained that position by providing the defendant with women  
25 to have sex with, she received a commercial benefit. The

1 defendant knew, and the defendant committed the sex  
2 trafficking. Nicole even testified that Allison was called  
3 Madam Mack.

4           Additionally, e-mail correspondence between the  
5 defendant and Allison about an assignment for India to take  
6 her clothes you off and pose in the most revealing way for  
7 her, demonstrates the commercial ties for Allison to her  
8 providing women for the defendant. This is the e-mail I just  
9 described. You can see it was written only three-and-a-half  
10 weeks before Nicole -- so again, the top header is when the  
11 defendant ended up sending himself a lot of e-mails in  
12 November 2017, but at the bottom you can see that the original  
13 date is March 3rd, 2016.

14           The defendant writes, Does India know to complete  
15 her she needs to take off all her clothes while pose in the  
16 most revealing way and have me take a picture of her with her  
17 phone to be immediately sent to you as proof. And Allison  
18 Mack writes back, Wahoo, smiley face. And then the next day  
19 Allison writes to the defendant, I'm so sorry to bug you but I  
20 have not been paid as head trainer for the source since last  
21 year and I'm struggling a little with income. Clare says she  
22 cannot approve the payments until you review them, is there  
23 someway you might be able to review this sooner rather than  
24 later? I know you're slammed, if I can help in any way to  
25 make this simply, please let me know. I'll try to figure out

1 to be more streamlined with this too. The defendant  
2 responded, Yes. Any news on India? Then an hour later  
3 Allison replied telling the defendant that India has changed  
4 her flight, inclined that she was now, she has changed her  
5 flight and is really emotional as money is tight, but totally  
6 sees what the value in what the lessen and how it is moving  
7 her ahead. She sees how this relates to her whole life. It  
8 is good. She should reach out to you. You're meeting again  
9 to complete the assign.

10 I submit this is evidence of a quid pro quo between  
11 Allison the defendant. She grooms women for him, and he gives  
12 her financial benefit for it.

13 Finally, you must find that the defendant's conduct  
14 was in or effecting interstate commerce. Here the element can  
15 be met in many ways, but at least because Nicole took either  
16 Amtrak or Greyhound to and from Albany the day of that  
17 assignment -- Amtrak or a bus, a commercial bus. The use of  
18 these modes of transportation affect interstate commerce.  
19 With that we have proven sex trafficking as to Nicole. Both  
20 Racketeering Act 10A and Count Six.

21 Now, on this question on six there is one more  
22 thing, so there is another box underneath, it says, "Do you  
23 find that the defendant knew means of force, fraud or coercion  
24 to be used to cause one or more persons to engage in one or  
25 more commercial sex acts." This question is there because

1 this count can be proven by evidence that the defendant  
2 recklessly disregarded facts in front of him; but here the  
3 defendant was the prime mover and knew exactly what was  
4 happening every step of the way. I submit you can check yes  
5 to that as well.

6 Turning now to sex trafficking conspiracy. From  
7 what we've already discussed, you can check it. We've proven  
8 that Allison and the defendant agreed that Nicole would be sex  
9 trafficked. That is enough to find the conspiracy count as  
10 well. I'll check it off, that is Count Five.

11 You can look at other examples as well to consider  
12 whether this conspiracy existed. Like Sylvie, from the very  
13 beginning of trial, described receiving an assignment to  
14 seduce the defendant and ended up performing oral sex on him.  
15 You can review that on pages 254 to 255. Her master, Monica  
16 Duran, who is also in a first line, I submit would have  
17 received the benefit Allison did by being in the first line.

18 Sylvie receiving that assignment was calculated and  
19 planned, just as Nicole's was. Similar to what happened with  
20 Nicole, not long before she was recruited into DOS, Sylvie was  
21 told she had to be celibate with her husband by Keith, by  
22 Clare, by also by Rosa Laura Junco.

23 Another similarity, after the assault on Sylvie the  
24 defendant told Sylvie that she was brave, that she was  
25 special. Sylvie testified that she was disgusted by this.