

LC2Qmax1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA,

5 v.

20 CR 330 (AJN)

6 GHISLAINE MAXWELL,

7 Defendant.

Jury Trial

8 -----x

9 New York, N.Y.
10 December 2, 2021
11 8:45 a.m.

12 Before:

13 HON. ALISON J. NATHAN,

14 District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

17 United States Attorney for the
18 Southern District of New York

19 BY: MAURENE COMEY

20 ALISON MOE

21 LARA POMERANTZ

22 ANDREW ROHRBACH

23 Assistant United States Attorneys

24 HADDON MORGAN AND FOREMAN

25 Attorneys for Defendant

BY: JEFFREY S. PAGLIUCA

CHRISTIAN R. EVERDELL

LAURA A. MENNINGER

-and-

BOBBI C. STERNHEIM

-and-

RENATO STABILE

Also Present: Amanda Young, FBI

Paul Byrne, NYPD

Sunny Drescher,

Paralegal, U.S. Attorney's Office

Ann Lundberg,

Paralegal, Haddon Morgan and Foreman

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(In open court; jury not present)

THE COURT: Good morning. Matters to take up, counsel?

MR. ROHRBACH: Your Honor, from the government, we just wanted to make sure the Court and defense counsel saw our letter of last night about Government Exhibits 52 and 606.

THE COURT: I did see it.

MR. PAGLIUCA: Yes, your Honor. I received it roughly 1:00 a.m., give or take, something like that.

THE COURT: So you were just waking up.

MR. PAGLIUCA: I had never gone to sleep.

THE COURT: I mean, I've had prior briefing. This is additional briefing. My view remains. We will see what comes in on the testimony, and then I'll make a ruling.

I guess one question for defense is whether they do intend to -- and maybe you don't know yet, but to seek to voir dire before I rule on admission?

MR. PAGLIUCA: Yes, I think so, your Honor. Well, I'm assuming that we're changing the witness that we're trying to introduce this through, which will happen later today, is my understanding of the briefing. So I don't think it changes the landscape of needing to do some voir dire on the exhibit prior to the Court's ruling.

THE COURT: Okay.

MR. PAGLIUCA: I guess just -- I think -- there's an

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1 additional issue that I think would relate to this issue. This
2 witness is -- I'd say it's more of a 803(6) issue with this
3 witness likely than a 901 issue, your Honor. And I think we're
4 implicating 803(6) subsections (C), I think (D) and (E) likely
5 with this particular witness.

6 THE COURT: Okay. Just give me a minute. Understood.

7 MR. ROHRBACH: Your Honor, I would just point out that
8 neither of these documents are being offered for the truth of
9 the matter. The household manual is being offered as a set of
10 instructions, it's a document of instructions which have no
11 truth value themselves, and the contact book is not being
12 offered to show that any of the entries are in fact the contact
13 information of any of the people listed therein.

14 It's being offered to show that the defendant was in
15 possession of a book which contained -- which purported to
16 contain this information. So, in either sense, 803(6) -- the
17 government does not expect 803(6) to be implicated by the
18 testimony when it offers the exhibits.

19 THE COURT: Do you want to respond to that,
20 Mr. Pagliuca?

21 MR. PAGLIUCA: I think then this implicates some
22 relevance issues, your Honor.

23 THE COURT: I'm sorry, it implicates?

24 MR. PAGLIUCA: Relevance issues. I mean, I dispute
25 the characterization that the defendant is in possession of a

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1 book or even that particular book.

2 THE COURT: That's the factual dispute that goes to
3 authenticity, and then if it comes in, whether the jury
4 believes the testimony regarding that.

5 MR. PAGLIUCA: Yes, but, you know, I think --

6 THE COURT: I gather the point here is there's nothing
7 from these exhibits that the government would argue at closing
8 the jury should conclude factually based on the statements
9 contained in either document.

10
11 MR. PAGLIUCA: See, I don't think that's true, your
12 Honor, and I think that's my next point because I think it's a
13 little fast and loose to say that it's not being offered for
14 the truth. I mean, that's convenient to get around of the
15 hearsay objection.

16 THE COURT: Sometimes it works.

17 MR. PAGLIUCA: Right.

18 THE COURT: Sometimes it doesn't.

19 MR. PAGLIUCA: But it is being offered for the truth
20 in my view: The truth that these people's names are in there;
21 the truth that these people had some sort of contact. This is
22 all part and parcel of the government's theory that this list
23 has something to do with, you know, underage females and their
24 names are on the list, etc., etc. So, I don't think you can
25 say this is being offered to show what, notice? It doesn't

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1 make any sense to me.

2 MR. ROHRBACH: Your Honor, I think it's helpful to --
3 I think Mr. Pagliuca is talking about the contact book and not
4 the household manual.

5 THE COURT: Would you pull up the microphone?

6 MR. ROHRBACH: I think Mr. Pagliuca is talking about
7 the contact book and not the household manual, which are
8 different documents, but specifically with regard to the
9 contact book, the government expects the evidence will show
10 either that it was the defendant's contact book, or through the
11 witness we talk about in our letter, the defendant and
12 Epstein's contact book, in which case would also be a statement
13 of the defendant or her co-conspirator. Again, if this were
14 offered for the truth, it could come out without the
15 requirement apply 803(6).

16 THE COURT: I was surprised that argument hadn't been
17 made earlier. I think that was the first time the government
18 articulated that, although may we haven't been focused on the
19 hearsay objection that much, although it was raised. But I
20 don't see why that's wrong. I mean, they have an alternate
21 theory: Either it's not being offered for the truth or if it
22 is being offered for the truth, the evidence they anticipate
23 that will come in is that it is statements of the defendant or
24 Mr. Epstein in furtherance of the conspiracy.

25 MR. PAGLIUCA: I don't know whether we're talking

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1 about Exhibit 52.

2 THE COURT: 52.

3 MR. PAGLIUCA: Okay. I think we can address that
4 differently. I don't see how one can say that a purported
5 address book created sometime after the end of the alleged
6 conspiracy is a statement in furtherance of the conspiracy. We
7 don't know, frankly, who created the book.

8 THE COURT: Right. That's an authentication point,
9 not a hearsay point.

10 MR. PAGLIUCA: I understand, but I'm addressing the
11 801(b)(2)(E) issue as opposed to the 803(6) hearsay issue at
12 this point. Anyway, I guess we'll see what the witness says,
13 and then we can take it from there.

14 THE COURT: Thank you. What else can I take up now?

15 MR. EVERDELL: Your Honor, I think this could be
16 addressed later in the day if the Court prefers. There are two
17 law enforcement witnesses who will be testifying after the
18 first three witnesses, so it's possible we will get to them
19 today. We've had a conferral with the government. There are a
20 number of issues we have been able to agree on. I think there
21 are a few that we don't. We can take that up now or we can do
22 that later in the day.

23 MS. COMEY: Your Honor, I would propose taking it up
24 at the lunch break. I don't think we'll get anywhere near
25 these witnesses before lunch, and I think there's more

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1 conferral to be had.

2 THE COURT: That's fine. We may have some time now,
3 so I can step off and you can confer because we don't have all
4 our jurors yet, although we're getting there.

5 What else? Anything else I can take up, counsel? No?

6 MR. ROHRBACH: Nothing from the government, your
7 Honor.

8 MR. PAGLIUCA: No, your Honor. Thank you.

9 THE COURT: Thank you, I'll leave you to your
10 conferral, and if it would be helpful if we don't have all our
11 jurors and you have remaining issues, please let Ms. Williams
12 know. Thank you.

13 (Recess)

14 (Jury present)

15 THE COURT: Good morning, everyone. You may take your
16 seats as you come in. Everyone may be seated.

17 Good morning members of the jury. Thank you again for
18 your punctuality. We can get started right away.

19 Ms. Comey, the government can call its next witness

20 MR. ROHRBACK: The government calls Paul Kane.

21 THE COURT: Paul Kane may come forward. Thank you.

22 PAUL KANE,

23 called as a witness by the Government,

24 having been duly sworn, testified as follows:

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Kane - Direct

1 DIRECT EXAMINATION

2 BY MR. ROHRBACH:

3 THE COURT: Please and spell your name for the record.

4 THE WITNESS: Hello. My name is Paul Kane. P-A-U-L;
5 K-A-N-E.

6 THE COURT: Thank you, Mr. Kane.

7 Mr. Rohrbach, you may proceed.

8 BY MR. ROHRBACH:

9 Q. Good morning, Mr. Kane.

10 A. Good morning.

11 Q. Mr. Kane, where do you work?

12 A. I work at the Professional Children's School.

13 Q. What is the Professional Children's School?

14 A. Yes. The Professional Children's School is an independent
15 school here in New York City that educates students between the
16 grades 6 through 12. The school was founded in 1910, primarily
17 to educate students who worked in professional fields, whether
18 that be dance, theater, later on movie and television industry,
19 athletics and modeling, other professions. So it allows the
20 students who are working to have a place where they can have an
21 academic environment to learn.

22 Q. What is your title at the Professional Children's School?

23 A. I am the director of finance.

24 Q. In that capacity, are you familiar with the normal business
25 practices of the school?

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Kane - Direct

1 A. Yes, I am.

2 Q. Are you familiar with the school's practices regarding
3 students' permanent files?

4 A. Yes, I am.

5 Q. What are student permanent files?

6 A. So, students when they apply, we begin a file for them.
7 When they apply to the school the admissions department will
8 keep their application, and then if they apply for financial
9 aid, that will go into that file.

10 From there, their transcripts, their grades will go
11 into the file, and eventually their application to college and
12 any recommendations from the school.

13 Q. And those records you just mentioned, are they put into the
14 file at the time they're created?

15 A. Yes, they are.

16 Q. Does the Professional Children's School regularly maintain
17 those student files?

18 A. Yes, we do.

19 Q. How are those records maintained?

20 A. They are maintained electronically now so that they're in
21 an archive of which I oversee, and they are filed according to
22 the student's name and the year of graduation or the year that
23 they retired or left the school.

24 Q. How did the maintenance of those records work in the 1990s?

25 A. So they were kept in a hard file until about ten years ago,

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Kane - Direct

1 so the admissions person would have begun the file, eventually
2 would have added to that file. Some things would have been
3 removed from the file at some point because we have as the
4 archives -- they clean out things that aren't necessarily
5 needed, but eventually the files were kept in the school, and
6 then were, as I said, digitized about ten years ago.

7 Q. How long are student records kept?

8 A. Well, in the permanent file, meaning that we must keep
9 forever, would include student's transcript and any
10 recommendation letters that were made to colleges. Other items
11 are generally removed after six to seven years, depending on
12 best practices.

13 Q. Are those records kept in the ordinary course of business?

14 A. Yes.

15 Q. You mentioned that some records are kept permanently and
16 some are not. What happens at the end of the period of time
17 for the records that are not kept permanently?

18 A. I'm sorry, ask the question again.

19 Q. You mentioned that some records are not kept permanently.
20 What happens for the records that are not kept permanently?

21 A. Yes. So, what should happen is someone would go through
22 the file, pull those things that do not need to be kept
23 permanently, and they would have been shredded.

24 Q. Are they always purged from the file at that time?

25 A. No. There are older files in which it's a complete file

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Kane - Direct

1 that was kept and digitized.

2 Q. Will you turn in the binder next to you to what's been
3 marked for identification as Government Exhibit 761?

4 A. Yes.

5 Q. Do you recognize this document?

6 A. Yes, I do.

7 Q. Without saying any names, what is it?

8 A. This is an enrollment application for a student at the
9 Professional Children's School.

10 Q. Have you reviewed it prior to today?

11 A. Yes, I have.

12 Q. Did you compare it with the records from the Professional
13 Children's School's database?

14 A. Yes, I have.

15 Q. Is it a true and accurate copy of the document at the
16 Professional Children's School?

17 A. Yes, it is.

18 MR. ROHRBACH: Your Honor, the government offers
19 Government Exhibit 761.

20 MS. MENNINGER: Objection. Hearsay.

21 MR. ROHRBACK: Your Honor, it's business record.

22 THE COURT: Overruled.

23 MS. MENNINGER: Your Honor, may I make a record or
24 voir dire?

25 THE COURT: You may voir dire.

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Kane - Direct

1 VOIR DIRE EXAMINATION

2 BY MS. MENNINGER:

3 Q. Good morning, Mr. Kane.

4 A. Good morning.

5 Q. The Professional Children's School prepares a form that
6 looks like this form, correct?

7 A. I'm not sure I understand the question.

8 Q. The typed information on Government Exhibit 761 is the
9 portion that the Professional Children's School actually
10 creates, correct?

11 A. Yes, that is correct.

12 Q. The handwriting on the form is from a third-party outside
13 of the Professional Children's School, correct?

14 A. Correct.

15 Q. You don't know whose handwriting that is, correct?

16 A. I do not.

17 Q. You do not know whether the person whose handwriting it is
18 had accurate or complete information, correct?

19 A. I do not.

20 Q. The Professional Children's School doesn't verify the
21 accuracy of the handwritten information on this form, correct?

22 A. Well, the admissions director would be in contact with this
23 family once this application came in. So that person would
24 have, in my knowledge, and still does, would confirm this
25 information on this form.

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Kane - Direct

1 Q. Every piece of information on this form?

2 A. That I do not know.

3 Q. What you told the government when you interviewed with them
4 is that your school traditionally may verify things like the
5 contact information or the student's name, correct?

6 A. That is correct.

7 Q. You don't know whether other information contained on the
8 form is accurate, correct?

9 A. I do not.

10 Q. And no one at your school knows whether or not, for
11 example, the person who is represented to refer the student to
12 the school was an accurate representation of the referral,
13 correct?

14 A. I do not have that knowledge.

15 Q. You do not know whether the financial responsibility
16 information the person listed there is accurate, correct?

17 A. I do not have that knowledge.

18 Q. The school doesn't maintain records as of today about who
19 actually paid for the student to go to the school, correct?

20 A. No, we do not.

21 Q. So you don't even have a way to verify some of the
22 information contained in this form as you sit here today,
23 correct?

24 A. That is correct.

25 MS. MENNINGER: Your Honor, with that record, the

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Kane - Direct

1 information contained in handwritten form --

2 MR. ROHRBACH: May I?

3 THE COURT: You may.

4 MR. ROHRBACH: Thank you.

5 BY MR. ROHRBACH:

6 Q. Mr. Kane, when an application is received by a Professional
7 Children's School, what happens?

8 A. As I mentioned, the admissions director would review the
9 information, contact the family, would bring them into the
10 school if it looks to be a good fit for the school and would
11 begin to interview them. So the family is first contacted by
12 phone, and then the family would be brought in to tour the
13 school and to have a conversation with the admissions director.

14 Q. Does the Professional Children's School rely on the
15 information in these records when it makes its admissions
16 decision?

17 A. Yes, they do.

18 Q. Does the Professional Children's School make admission
19 decisions in the ordinary course of its business?

20 A. Yes.

21 Q. And after the Professional Children's School makes
22 admission decisions, does it retain the applications?

23 A. Yes.

24 MR. ROHRBACH: Your Honor, based on that record, the
25 government offers again this exhibit.

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Kane - Direct

1 MS. MENNINGER: Your Honor --

2 THE COURT: And you object.

3 MS. MENNINGER: Yes, your Honor, with respect to
4 803(6).

5 THE COURT: If you want to make an argument, we'll do
6 it at sidebar, but I understand your objection. Do you want to
7 make a record beyond that?

8 MS. MENNINGER: I do, your Honor, but may I approach?

9 (Continued on next page)

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Kane - Direct

1 (At sidebar)

2 THE COURT: State your objection.

3 MS. MENNINGER: Your Honor, this is very similar to a
4 police report in which a third party is transmitting
5 information to a business. Yes, they rely on certain pieces of
6 information contained in that report to do their job; but as
7 the case law holds, that doesn't make the entire police report
8 admissible under the business records exception.

9 When information is reported by a third party, the
10 information has to have its own sources of reliability in order
11 for it to be useful to the business. While they may make a
12 decision, for example, to file charges, there may be inaccurate
13 information, and that's why police records are traditionally
14 excluded because they are reflections of third-party
15 information that only portions may be reliable.

16 In this case, certainly I understand the school did
17 contact her and follow up with her and she became admitted.
18 But there are other pieces of information that are being
19 offered for the truth of the matter asserted therein. In
20 particular, I imagine that Mr. Epstein ultimately became
21 financially responsible because that's what's listed in the
22 form. However, what this record would tend to show is that
23 someone -- we don't even know if it was the Jane or her
24 mother -- filled out the form, had an expectation or wrote that
25 name down on the form at the time without any subsequent

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Kane - Direct

1 follow-up.

2 Yesterday we heard from Jane. She disputed the
3 accuracy of some of the applications that came in in terms of
4 the summer camp. She said that I recognize my mother's
5 handwriting, and she talked about her mother not being reliable
6 about other things. The government could have put on this
7 document through her if this information was reliable. They
8 chose not to. I don't think that there's a sufficient record
9 to put this on through 803(6).

10 MR. ROHRBACH: Your Honor, I'm quite surprised defense
11 counsel is making this argument. There are several admissions
12 applications that are already in the record, including ones
13 offered by defense counsel. This particular document was used
14 in cross-examination of Jane yesterday and portions were read
15 into the record; so the rest of the document is something
16 that's fair game to come into the record.

17 Specifically about the business records exception,
18 police reports are accepted from the police records doctrine.
19 And this document otherwise needs to go in for comments of the
20 business record, both in the traditional classical sense of a
21 business record, but also, as the additional voir dire showed,
22 it's been integrated into the files of the school; the school
23 had relied on it in its business practices, which, at a
24 minimum, makes it an adoptive business record of the school.

25 THE COURT: Overruled.

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Kane - Direct

1 (In open court)

2 THE COURT: Government Exhibit 761 is admitted.

3 MR. ROHRBACH: Your Honor, the government offers this
4 exhibit under seal pursuant to the Court's order, protecting
5 the identity of witnesses.

6 THE COURT: Admitted under seal, consistent with my
7 ruling allowing the individual name to testify under a
8 pseudonym.

9 (Government's Exhibit 761 received in evidence)

10 MR. ROHRBACH: With the Court's permission, I would
11 ask that the jurors pull out their larger binder and turn to
12 Government Exhibit 761.

13 THE COURT: Without objection?

14 MS. MENNINGER: Yes, your Honor.

15 THE COURT: Okay. You may pull the larger binder,
16 please, and open to GX-761.

17 BY MR. ROHRBACH:

18 Q. Mr. Kane, directing your attention to page 1 of the
19 exhibit. Without saying the student's name, what grade is the
20 student applying for?

21 A. The student is applying for 12th grade.

22 Q. And turning your attention to section B, what did the
23 student list as her present school?

24 A. Her present school was the Alexander W. Dreyfoos School of
25 the Arts.

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Kane - Cross

1 Q. What reason did the student give for leaving that school?

2 A. Moved to New York.

3 Q. And turning to page 2 of this document, section E, who did
4 the student list as the person with financial responsibility
5 for her attendance at the school?

6 A. Mr. Jeffrey Epstein.

7 MR. ROHRBACH: Thank you, your Honor.

8 No further questions.

9 THE COURT: All right. Ms. Menninger?

10 CROSS-EXAMINATION

11 BY MS. MENNINGER:

12 Q. You are the director of finance?

13 A. That's correct, yes.

14 Q. And you have no idea whether Mr. Epstein actually paid for
15 the student's attendance at the school; correct?

16 A. I do not.

17 Q. You looked for those records?

18 A. Yes, I did.

19 Q. You found none?

20 A. That is correct.

21 Q. You don't have personal knowledge about where this student
22 lived?

23 A. I do not, no.

24 Q. I would ask you to turn to the second page. That indicates
25 a name for the student's mother; correct?

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Kane - Cross

1 A. Yes.

2 Q. Does it say unemployed?

3 A. It says self-employed.

4 Q. Does it give an occupation?

5 A. Yes, interior decorator.

6 Q. Okay. On the last page it indicates that the student was
7 represented by an agent; is that correct?

8 A. That is correct, yes.

9 Q. What's the name of that agent?

10 MR. ROHRBACH: Objection, your Honor.

11 THE COURT: Just a moment. Where are you directing?

12 MS. MENNINGER: The top of page 4, your Honor.

13 THE COURT: Thank you.

14 MS. MENNINGER: And the middle of the page as well.

15 MR. ROHRBACH: Your Honor, we object to reading this
16 name out loud. There's no particular relevance for it.

17 THE COURT: Okay. If you want to just focus the jury
18 so they can look at it themselves, Ms. Menninger.

19 MS. MENNINGER: Certainly, your Honor.

20 THE COURT: Thank you.

21 BY MS. MENNINGER:

22 Q. So in the middle of the page, the upper right-hand corner
23 of the page, a name of an agent is represented; correct? You
24 don't have to read the name into the record, but do you see the
25 name of the agent?

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Kane - Cross

1 A. I see the name of an instructor, and then --

2 Q. Okay.

3 A. Is that what you're referencing?

4 Q. Well, maybe the clearer place is the middle of the page
5 where it says name of agent, manager, or agency.

6 A. Correct. That's the same name.

7 Q. Okay.

8 And also it gives in there a number of other
9 professional instructors and schools; correct?

10 A. Yes.

11 Q. There's a name of a voice teacher, for example?

12 A. That is correct.

13 Q. And so at least the form indicates that that voice teacher
14 had helped this student in the year prior to the application?

15 A. Yes, that's understood, yes.

16 Q. All right.

17 MS. MENNINGER: No further questions.

18 Thank you, your Honor.

19 THE COURT: Thank you.

20 MR. ROHRBACH: Just one question, your Honor.

21 THE COURT: Go ahead.

22 MS. MENNINGER: I apologize. Can I ask one more
23 question?

24 THE COURT: You may.

25 BY MS. MENNINGER:

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Kane - Redirect

1 Q. On the first page there is the name of a counsellor or
2 principal for the student's prior high school. Do you see that
3 name?

4 A. Yes, I do.

5 Q. And while you don't need to read it out, do you have any
6 reason to doubt that that was, in fact, the student's prior
7 principal?

8 A. I have no reason to doubt.

9 Q. All right. Thank you.

10 REDIRECT EXAMINATION

11 BY MR. ROHRBACH:

12 Q. Mr. Kane, on cross-examination you were asked about payment
13 records for the student in this application. Did you find any
14 payment records reflecting who paid for that student's
15 education?

16 A. No. Financial records are kept separately from the student
17 file.

18 Q. Thank you. No further questions.

19 MS. MENNINGER: No, thank you, your Honor.

20 THE COURT: All right. Thank you, Mr. Kane.

21 You may step down. You are excused. Thank you.

22 (Witness excused)

23 THE COURT: The government may call its next witness.

24 MS. POMERANTZ: Your Honor, the government calls Dr.

25 Lisa Rocchio.

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Rocchio - Direct

1 THE COURT: Dr. Rocchio may come forward.

2 LISA ROCCHIO,

3 called as a witness by the Government,

4 having been duly sworn, testified as follows:

5 THE COURT: Thank you. You may proceed.

6 MS. POMERANTZ: Thank you, your Honor.

7 DIRECT EXAMINATION

8 BY MS. POMERANTZ:

9 Q. Good morning, Dr. Rocchio.

10 A. Good morning.

11 Q. What is your profession?

12 A. I'm a clinical and forensic psychologist.

13 Q. What is clinical psychology?

14 A. It's the study of human behavior and thought, both abnormal
15 and normal.

16 Q. And what is forensic psychology?

17 A. Forensic psychology is the application of the science of
18 psychology to a particular legal matter or question.

19 Q. Dr. Rocchio, can you please describe your educational
20 background.

21 A. I have a bachelor's degree from Emory University, and I
22 have a master's and a Ph.D. from the University of Rhode Island
23 in clinical psychology.

24 Q. Can you describe for the jury your course work and training
25 in connection with your master's and Ph.D. degrees.

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Rocchio - Direct

1 A. So a doctoral program in clinical psychology, the one I
2 attended, is what's called a scientist practitioner model. So
3 I'm trained in both research methods and the practice of
4 psychology.

5 So through the course of my graduate training, I took
6 courses in assessment methods, ethics, cognition, perception,
7 forensic psychology assessment and treatment. And I also took
8 courses in the specific methods to practice psychotherapy, so
9 individual psychotherapy, marital therapy, for example.

10 Q. During the course of your graduate studies, what, if any,
11 topics did you focus on?

12 A. I focused on the general practice of clinical psychology,
13 but in particular traumatic stress, forensic psychology, and
14 eating disorders.

15 Q. What is traumatic stress?

16 A. Traumatic stress refers to any event that overwhelms an
17 individual's ability to cope. At the more severe end, as
18 described in the DSM, which is a manual we use for diagnosis,
19 it's defined as exposure to actual or threatened death, serious
20 bodily injury, or sexual violence.

21 Q. Dr. Rocchio, during the course of your graduate studies,
22 did you focus on the topic of interpersonal violence?

23 A. I did.

24 Q. And what is interpersonal violence?

25 A. Violence is violence that occurs between one person and

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Rocchio - Direct

1 another. It doesn't -- it refers to things such as rape,
2 sexual assault, battering, intimate partner violence, childhood
3 sexual abuse, sexual harassment. It doesn't have to involve
4 actual physical violence, but it's the umbrella term that's
5 used to refer to assault and violence between two people or
6 between individuals.

7 Q. What do you mean when you use the term "childhood sexual
8 abuse"?

9 A. Childhood sexual abuse is a term that refers to either
10 attempted or actual engagement with a child, someone under the
11 age of 18, in a sexual manner. So it can involve both physical
12 contact, but it can also involve noncontact, such as exposure
13 to sexual material, for example.

14 Q. And just to be clear, in your field, when you say "child,"
15 what are you referring to?

16 A. Someone under the age of 18.

17 Q. In connection with your master's and Ph.D. degrees, did you
18 perform clinical work with patients?

19 A. I did.

20 Q. Approximately how many patients did you work with during
21 your graduate studies?

22 A. During my graduate studies, I complete -- worked
23 approximately 4,000 hours of supervised clinical hours with
24 hundreds upon hundreds of patients.

25 Q. In the course of earning your graduate degrees, did you do

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1 a predoctoral fellowship?

2 A. I did.

3 Q. Where did you do your predoctoral fellowship?

4 A. At the Yale University School of Medicine.

5 Q. During the course of your predoctoral fellowship at Yale,
6 what kind of work did you do?

7 A. So I worked for six months at Yale New Haven Hospital in a
8 partial hospital program with adults. Partial hospital is a
9 program where individuals come in for a higher level of
10 psychiatric care; and they stay during the day, but they go
11 home at night. And I worked there for six months.

12 And then I worked for six months at Yale Psychiatric
13 Institute in both an inpatient program and a partial program
14 with adolescents.

15 Q. After you received your Ph.D., what did you do next in your
16 career?

17 A. I did a postdoctoral fellowship where I worked again under
18 clinical supervision in a private practice setting. I also
19 worked in a partial hospital program and taught classes at the
20 college level.

21 Q. What issues did you focus on during your postdoctoral
22 fellowship?

23 A. Primarily I was working with individuals who -- women in
24 particular who were chronically suicidal and self-injurious,
25 had multiple problems in life, and the vast majority of whom

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1 had quite severe histories of childhood abuse, trauma, and
2 neglect.

3 Q. And did that childhood abuse and neglect include childhood
4 sexual abuse?

5 A. Yes, it did.

6 Q. After your fellowship, what did you do next in your career?

7 A. I founded an independent practice.

8 Q. What kind of independent practice?

9 A. So it's an independent group practice that focuses on
10 providing assessment and psychotherapy services to adults,
11 individuals, and children, where I employ other therapists who
12 work for me, and I also maintain an independent forensic
13 psychology practice.

14 Q. What is your role in the practice?

15 A. I'm the owner and the founder, as well as the clinical
16 director.

17 Q. What do you do in that role?

18 A. I'm responsible for hiring all of the clinicians in the
19 practice, for hiring and supervising the administrative and
20 clinical staff, for providing clinical oversight, as well as
21 consultation around clients. I see a full caseload of clients
22 where I provide psychotherapy. And then I also conduct
23 forensic work.

24 Q. Approximately when did you start that group practice?

25 A. I believe it was around January of 1998.

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1 Q. And can you briefly describe the work you do in connection
2 with your private practice.

3 A. So I provide treatment to patients, the vast majority of
4 whom have experienced some form of traumatic stress. A large
5 number have experienced sexual abuse during childhood.

6 I also work with a number of individuals who have been
7 in abusive relationships in adulthood or who've experienced
8 rape and sexual assaults either in childhood or adulthood. And
9 I work with other types of traumatic stress as well; traumatic
10 grief, for example, parents who've lost a child, or people
11 who've been involved in motor vehicle accidents. I've done
12 work with first responders.

13 So primarily traumatic stress, but also individuals
14 coping with problems in living, someone's going through a
15 divorce, someone is going through a life transition, anxiety,
16 depression, that sort of thing.

17 Q. Do you have a forensic practice?

18 A. I do.

19 Q. In your forensic practice, what sort of work do you do?

20 A. So I work in both civil cases and criminal cases. And I
21 provide expert witness testimony around issues in my area of
22 expertise, as I'm doing today. Sometimes I also conduct
23 psychological evaluations to answer a particular question
24 that's relevant to the legal issue at hand.

25 THE COURT: Dr. Rocchio, could I ask you to move a

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1 little closer to the mic.

2 THE WITNESS: Sure.

3 THE COURT: If possible. Thank you.

4 Thank you so much.

5 BY MS. POMERANTZ:

6 Q. Dr. Rocchio, can you explain for the jury at a high level
7 what a forensic practice is.

8 A. So an attorney will hire me and they will ask me -- they'll
9 explain the issue that they need help with. It may be could I
10 come in and talk about a subject that is within my area of
11 expertise. It might be, for example, if somebody has claimed
12 that they've been harmed, say, through childhood sexual abuse,
13 they'll ask me to do an evaluation to determine whether or not
14 the individual has any problems or mental health issues; and if
15 they do, whether those problems and mental health issues are
16 attributable either in whole or part to the abuse that they've
17 alleged.

18 In a criminal case I might be asked to determine what,
19 if any, role an individual's mental health may have had or
20 their traumatic experiences may have had on the crime that they
21 are accused of. Or in sentencing issues I might be asked to do
22 a psychological evaluation and provide information that might
23 be relevant for purposes of sentencing.

24 Q. Approximately how many forensic evaluations have you
25 conducted?

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1 A. I would say maybe around 100.

2 Q. And I think you touched on this, but just to be clear, who
3 hires you for forensic work?

4 A. The vast majority of the time I'm hired by an attorney. At
5 other times I might be hired by the state. For example, at one
6 point in my career the state of Rhode Island hired me to
7 perform forensic evaluations on children and adolescents who
8 had become involved with the juvenile justice department. But
9 at this point the vast majority of individuals who hire me are
10 attorneys.

11 Q. And are those attorneys on just the plaintiff's side or can
12 you explain that for the jury.

13 A. Sure. So when I'm working in a criminal arena, I might be
14 hired by the prosecution or I might be hired by the defense.
15 And if I'm working in a civil case, again, I might be hired by
16 the person who's working on behalf of the plaintiff or the
17 person who's working on behalf of the defense.

18 As a forensic psychologist, I'm coming in and
19 providing an independent evaluation. So I'll work for all
20 sides of -- all parties of a case.

21 Q. Dr. Rocchio, what licenses do you hold?

22 A. I hold a psychology license in the states of Rhode Island,
23 Massachusetts, and New York.

24 Q. In your career, for approximately how many years have you
25 treated and assessed patients?

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1 A. About 30 years now.

2 Q. As a clinical psychologist, what issues or areas do you
3 specialize in?

4 A. I specialize primarily in the areas of traumatic stress and
5 interpersonal violence.

6 Q. For how long have you focused on traumatic stress and
7 interpersonal violence?

8 A. The same, about 30 years.

9 Q. In the course of your career, have you treated and
10 evaluated individuals who have experienced or reported
11 experiencing childhood sexual abuse?

12 A. Yes.

13 Q. Approximately how many victims of childhood sexual abuse
14 have you evaluated and treated in the course of your career?

15 A. Hundreds upon hundreds.

16 Q. For how many years have you treated victims of childhood
17 sexual abuse?

18 A. For the duration of my career; so since starting doing
19 clinical work and graduate work, again, about 30 years ago.

20 Q. During the course of your career, how old are the patients
21 that you have treated and evaluated who've experienced
22 childhood sexual abuse?

23 A. So I worked beginning in my graduate training with
24 teenagers, adolescents ages 12 and up, as well as adults. And
25 then in my private practice setting, I also worked with

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1 teenagers and their families. I conducted forensic work with
2 teenagers and their families, as well as with adults and
3 couples. And at this point in my career, I'm working almost
4 exclusively with individuals who are over the age of 18 in both
5 my forensic and clinical practices.

6 Q. In addition to running a group practice, do you work
7 anywhere else?

8 A. I do.

9 Q. Where do you work?

10 A. I'm on the faculty, the clinical faculty at Brown
11 University School of Medicine.

12 Q. Do you work in a particular department within Brown
13 University School of Medicine?

14 A. Within the department of psychiatry.

15 Q. What is your title?

16 A. Clinical assistant professor.

17 Q. How long have you taught at Brown University's medical
18 school?

19 A. Since June of 2020.

20 Q. And what are your current responsibilities in your job at
21 Brown?

22 A. I supervise psychiatrists in training, so psychiatric
23 fellows who are learning how to do adult psychotherapy. I also
24 conduct seminars around issues pertaining to trauma and
25 traumatic stress.

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1 Q. Have you published articles on traumatic stress and
2 interpersonal violence?

3 A. I have.

4 Q. Do you have any other involvement in professional
5 publications?

6 A. I do. I'm on the editorial advisory board for the primary
7 journal for the division of trauma psychology within the
8 American Psychological Association. And I also serve as a peer
9 reviewer for a number of other journals when topics come up
10 that pertain to my areas of expertise.

11 Q. What does it mean to serve as a peer reviewer?

12 A. So when someone wants to have an article published, they
13 will submit the article to the journal. And then the editors
14 will send that article out to experts in the field to review
15 the article and provide feedback as to whether the article
16 should be accepted, whether significant or minor revisions are
17 in order, or whether the article should be rejected for
18 publication.

19 Q. Have you given presentations in the area of traumatic
20 stress and interpersonal violence?

21 A. Yes, many.

22 Q. How did you come to give those presentations?

23 A. So there are really two ways that I've given presentations.
24 One is through professional conferences, where you go through a
25 very similar peer review process for professional organizations

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1 that are in the field of psychology or national and
2 international traumatic stress organizations. And then I've
3 also given a number of invited addresses where I've been asked
4 to come and provide a lecture or a talk on a topic within my
5 area of expertise.

6 Q. Do you belong to any professional organizations, Dr.
7 Rocchio?

8 A. I do.

9 Q. Do you hold any leadership positions for those
10 organizations?

11 A. Yes, I do.

12 Q. Can you explain briefly.

13 A. Sure. I'm currently the president-elect for the division
14 of trauma psychology within the American Psychological
15 Association. I serve on the ethics committee for the American
16 Psychological Association. Within my state psychological
17 association, I've served in various capacities. I've been
18 president; and I'm currently serving there as their
19 representative, their council representative to the national
20 organization of the American Psychological Association.

21 Q. Are you a fellow of any professional organizations?

22 A. Yes.

23 Q. Can you explain briefly.

24 A. I'm a fellow of the American Psychological Association
25 within two divisions, the division of trauma psychology and the

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1 division of independent practice. And to be awarded fellow
2 status means that I have been recognized as having made unique
3 and significant, unusual contributions to the field of
4 psychology.

5 Q. Dr. Rocchio, how do you keep up to date on the subjects in
6 which you specialize?

7 A. Through a variety of ways. Through regular peer
8 consultation, talking with other colleagues who are experts in
9 the field, reading the literature. Certainly I learn a
10 tremendous amount from the clients with whom I work, attending
11 continuing education programming, and getting consultation from
12 peers on an as-needed basis.

13 Q. Do you receive any additional education and training to
14 keep up to date?

15 A. So as part of my licensure requirements and then also
16 because it's a way to keep up to date, I regularly attend
17 continuing education seminars, yes.

18 MS. POMERANTZ: Your Honor, at this time the
19 government moves to qualify Dr. Rocchio as an expert in
20 psychology with a specialized expertise in traumatic stress and
21 interpersonal violence.

22 MR. PAGLIUCA: No objection, your Honor.

23 THE COURT: Consistent with my pretrial ruling, I do
24 deem Dr. Rocchio so qualified.

25 MS. POMERANTZ: Thank you, your Honor.

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1 BY MS. POMERANTZ:

2 Q. Dr. Rocchio, have you interviewed any witnesses in this
3 case?

4 A. No, I have not.

5 Q. Do you know who the witnesses in this case are?

6 A. I do not.

7 Q. Has the government provided you with any specific details
8 about this case?

9 A. No.

10 Q. Are you aware of press and news reporting relating to the
11 allegations of this case?

12 A. I'm aware of it, yes.

13 Q. Do you have any personal knowledge of the facts of this
14 case?

15 A. I do not.

16 Q. To be clear, when you are describing aspects of childhood
17 sexual abuse today, will your testimony be based on information
18 from this specific case?

19 A. No, it will not.

20 Q. Dr. Rocchio, what, if any, compensation are you receiving
21 for testifying today?

22 A. I'm being compensated for the time spent preparing to
23 testify and the time spent testifying.

24 Q. What kind of basis is that done?

25 A. I'm being paid hourly for my time.

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1 Q. Does the amount that you get paid depend in any way on the
2 outcome of the trial?

3 A. No, it depends solely on the time spent.

4 Q. Dr. Rocchio, I want to switch gears a little.

5 Based on your experience, research, and training, how
6 are most instances of childhood sexual abuse committed?

7 A. When children are sexually abused, most often it's not done
8 through the use of physical force, but rather through grooming
9 and coercion in the context of a relationship with the child.

10 Q. Are most instances of childhood sexual abuse committed by
11 strangers or people known to the children?

12 A. Usually by people known to the child.

13 Q. Based on your experience, research, and training, are you
14 familiar with the term "grooming"?

15 A. I am.

16 Q. What is grooming?

17 A. Grooming is -- refers to a series of deceptive tactics,
18 strategies, *modus operandi* that are used by perpetrators for
19 the purpose of engaging a child in sexual abuse.

20 Q. How long has the concept of grooming been recognized among
21 the psychological community?

22 A. So childhood sexual abuse is a process. And so the -- it
23 doesn't refer to a single event. So understanding in reference
24 to these processes that offenders use to -- in order to
25 facilitate their sexual abuse has been part of the childhood

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1 sexual abuse literature since we've been talking about sexual
2 abuse, so the early 1900s -- 1970s, I mean, sorry. Grooming
3 itself, probably since about the 1980s.

4 Q. Dr. Rocchio can I just ask you to move a little bit closer
5 to the microphone; I just want to make sure everyone can hear
6 you.

7 A. Okay. Sorry.

8 Q. Thank you.

9 Is there one definition of grooming?

10 A. No, there's not. There's generally consensus around what
11 the process entails and the types -- and the stages that it
12 generally involves, but not one specific agreed-upon
13 definition.

14 Q. Can you describe what grooming typically entails at a high
15 level.

16 A. So it's usually thought to include behaviors that fall into
17 five general stages:

18 The first having to do with selection and
19 identification of a victim; then obtaining access and -- to the
20 victim and isolating that victim for the purpose of sexual
21 abuse; then engaging in lies and deception and manipulation in
22 order to build a relationship of trust and attachment with the
23 child; then a process of desensitizing the child to both
24 physical touch, sexual content, and sexual touch; and then
25 finally, a process of maintaining control in order to coerce

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1 the child into continued sexual abuse and to reduce the
2 likelihood of disclosure.

3 Q. Dr. Rocchio, I'd like to walk through those stages of
4 grooming in a little more detail.

5 Can you please explain the first stage for the jury.

6 A. So we know from the literature -- literature both with
7 victims and with offenders -- that offenders typically seek to
8 target someone who they believe they're likely to be able to
9 successfully abuse. They target vulnerable children,
10 vulnerable populations. We also know this because there are
11 certain vulnerable populations that are at much higher risk for
12 being sexually abused.

13 Q. Dr. Rocchio, can you explain the second stage of grooming
14 for the jury.

15 A. So the second stage involves perpetrators putting
16 themselves in situations where they are likely to have access
17 to children, but also where they're being around children is
18 not likely to be questioned. We often find perpetrators of
19 childhood sexual abuse in positions where there's lots of kids
20 around. It may be as a coach or a teacher, working at a gym,
21 certainly boy scout leader, they put themselves in situations
22 where their involvement and relationship and access to children
23 are not going to be questioned. And then they will begin to
24 isolate that child, the one that they've selected for
25 victimization, in order to have time alone with the child.

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1 Q. Can you please describe the next stage of grooming. I
2 believe we're up to the third stage.

3 A. Okay. So once the perpetrator has access to the child, the
4 next thing that they typically do is engage in a series of
5 deceptive and coercive manipulative behaviors in order to build
6 a relationship of trust, attachment, and dependency. So they
7 will exploit whatever vulnerabilities they've identified in the
8 child, and then put themselves in a position to meet those
9 unmet needs.

10 And that can involve anything from spending time with
11 the child; giving the child special attention; letting the
12 child know that they're unique or special in some way; creating
13 a false sense of family, you know, I'm somebody you can trust,
14 I'm somebody you can rely on; gift giving, sometimes using
15 money or exposing them to things that they wouldn't otherwise
16 have access to. And that generally both increases the
17 likelihood that the child is going to become attached and
18 connected with the perpetrator, but also it increases the
19 perpetrator's power and control over the victim.

20 Q. Dr. Rocchio, you mentioned gift-giving. Based on your
21 experience, research, and training, what role can gift-giving
22 play in building a relationship between a child and a
23 perpetrator?

24 A. Gift-giving can certainly be a very powerful inducement and
25 lure in the context of a relationship. Again, especially to

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1 the extent that you're working with -- that a perpetrator is
2 attempting to manipulate someone who perhaps has limited access
3 to resources and you start giving them things that -- you know,
4 that they need or that they like.

5 I've, for example, seen examples where a boy scout
6 leader might, you know, give camping equipment or someone else
7 might buy a really special car, if they know that the child is
8 really into cars, or fancy dresses or clothing or jewelry.
9 Anything that might persuade the child, again, that they are
10 special, that they are liked, that they are wanted, that they
11 are important to the perpetrator.

12 Q. Based on your experience, research, and training, do
13 victims of childhood sexual abuse hold on to gifts given to
14 them by perpetrators?

15 A. I think it can really depend. It can depend on what the
16 gift is, what the meaning of the gift is to the individual. So
17 certainly it wouldn't be unusual, particularly, again, if we're
18 talking about somebody who wouldn't otherwise have access to
19 that item, whatever it may be. They may hold on to it because
20 it's a valuable item, it's something they like, it's something
21 they enjoy.

22 But also victims of childhood sexual abuse are often
23 very, very confused. They're being harmed in the relationship
24 by the sexual abuse, but they also have developed this trust
25 and attachment. So sometimes the gifts can symbolize the

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1 positive parts of the relationship and serve to remind the
2 child that it wasn't all bad.

3 Q. Dr. Rocchio, can you explain for the jury the next stage of
4 grooming.

5 A. So once this relationship of trust and attachment has been
6 established, then the next stage involves a process of
7 desensitization, which means slowly and gradually moving the
8 line, and the perpetrator begins to define what is and is not
9 normal.

10 So with physical contact, for example, they may
11 initially start by normalizing touch. Maybe, you know,
12 touching on the arm, touching on the shoulder, giving hugs.
13 That may escalate to, you know, sitting very close, touching a
14 leg, giving a massage; normalizing the idea that in a
15 relationship, you know, physical contact is happening. And at
16 the same time, they're normalizing sexual material.

17 So they may begin slowly by talking about sex,
18 introducing the topic, telling sexual jokes. That may escalate
19 to maybe showing risqué movies, which might escalate to
20 pornography. And then all of that will then escalate over time
21 to combining the sexual activity to sexual touch in the form of
22 sexual abuse.

23 Q. Can you explain the fifth stage of grooming.

24 A. So the fifth stage really is about maintaining the
25 relationship. At this point now there's a dynamic of what's

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1 referred to in the literature as entrapment and a dynamic of
2 coercive control whereby the perpetrator wants to maintain the
3 relationship, maintain the power they have over the victim of
4 childhood sexual abuse so that the abuse can continue, but also
5 to the extent that the child remains isolated and under the
6 control of the perpetrator, the victim is far less likely to
7 disclose.

8 Q. Dr. Rocchio, based on your experience, research, and
9 training, how, if at all, common is it for a child to be
10 sexually abused multiple times by the same perpetrator?

11 A. Unfortunately, it's very common. Again, because it's
12 occurring in a relationship, oftentimes the perpetrator has
13 continued access and the abuse continues.

14 Q. How long does it typically take to move through the stages
15 of grooming that you've described for the jury?

16 A. It can really depend. I mean, we call them stages, but
17 sometimes they occur simultaneously, sometimes they occur, you
18 know, more gradually. So we can be talking about a process of
19 weeks, we can be talking about something that's happening over
20 the course of months or abuse that can continue over the course
21 of many years.

22 Q. Based on your experience, research, and training, are you
23 familiar with the term "grooming the environment"?

24 A. I am.

25 Q. What is grooming the environment?

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1 A. Grooming the environment refers to -- it's most relevant to
2 the stages two and three in terms of gaining access and then
3 building trust. It means that the perpetrator is known to
4 often not only develop a relationship of trust with the
5 intended victim, but also with individuals in the victim's
6 lives.

7 So they may, for example, hold themselves out to
8 parents, say, as somebody who's going to be there as a support
9 to the parent, to fill some need that maybe the parent would
10 like to provide for the child, but for some reason is unable
11 to. But, again, it's a series of lies and deceptive
12 manipulations that the perpetrator engages in so that when they
13 spend a lot of time alone with a child, it doesn't raise any
14 sort of suspicion and it increases access. It also increases
15 the child's trust in the perpetrator because now you have other
16 adults perhaps that the child trusts who are kind of conveying
17 that this is -- this is a trustworthy and an okay person to be
18 spending time with.

19 Q. Based on your experience, research, and training, do the
20 techniques used by perpetrators to build a relationship with a
21 child vary depending on the age of the child?

22 A. Yes. Perpetrators are really quite skillful. And when
23 they are interviewed, they'll tell you that they can really --
24 they work hard to pinpoint exactly what it is they need to do
25 in order to win over the trust of a particular individual.

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1 So if you're talking about a younger child, maybe it
2 will be camping gear, maybe it will be taking them out for ice
3 cream. If you're talking about an adolescent, it might be
4 fancy clothes, it might be drugs and alcohol. It can really
5 vary.

6 Q. You talked about gift-giving. How can you tell if that
7 gift-giving is grooming or innocent behavior?

8 A. So gift-giving in and of itself is not grooming. What
9 we're talking about is it's part of an entire process. So you
10 have to look at the context in which the gift is giving -- is
11 given, I'm sorry.

12 Obviously we know anyone can give a gift to someone
13 else for perfectly reasonable reasons. But if the gift is
14 being given along with all of these other behaviors where, you
15 know, there's inordinate access, there's deceptive techniques
16 being used to build a relationship of trust, there's isolation
17 of the child, and then desensitization to touch and sexual --
18 sexual abuse, then the gift-giving is occurring within the
19 context of the grooming process for the purposes of sexual
20 abuse.

21 Q. Is grooming a concept used to predict whether an adult is
22 going to sexually abuse a child?

23 A. No. In the social sciences in psychology, we're actually
24 not very good at predicting behavior ahead of time. So, no, we
25 haven't really been able yet to identify grooming as a

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1 predictor.

2 Q. Can you tell retrospectively whether someone who was abused
3 was also groomed?

4 A. Sure. Yeah. On the individual level, for example, when
5 I'm providing treatment and I'm talking with someone who's been
6 abused, we'll be talking about how that abuse came to be. And
7 often they'll be talking about the development of the
8 relationship and how they felt about this person and how it
9 unfolded over time.

10 And then we've also done scientific research that's
11 been done to also identify retrospectively the grooming
12 process.

13 Q. Can you explain what you mean by the scientific research.

14 A. Sure. So there's a lot of research that's been done, for
15 example, with victims, talking with them about what their
16 experiences have been in terms of the childhood sexual abuse
17 that they've experienced. And that's with both people who are
18 talking about the abuse as children or people who are talking
19 about it when they are adults. So there's what -- that would
20 be called kind of the victim literature.

21 But then there are also a number of professionals who
22 do research and work with the offenders. And they do research
23 talking with offenders about what sorts of behaviors they
24 engage in in order to lure and recruit and entrap children in
25 these sexually abusive circumstances.

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1 And then finally, you have interviews and research
2 that's done with professionals in the field who work with both
3 victims and perpetrators. So to the extent that you look at
4 the research and you see that what victims tell us has been
5 done to them, and you look at the research at what offenders
6 say that they do, and professionals who say that they see, to
7 the extent that all of those things are very, very similar,
8 that gives us some scientific support for the idea that this
9 is, in fact, a common occurrence.

10 Q. And just to be clear, what is the consistency across those
11 various groups of literature that you were just describing?

12 A. Very high level of consistency with what victims report has
13 been done to them and what offenders say that they do.

14 Q. Dr. Rocchio, approximately how many patients have you
15 treated and evaluated who have reported behaviors consistent
16 with grooming?

17 A. Hundreds upon hundreds.

18 Q. Based on your experience, research, and training, how
19 useful, if at all, is the concept of grooming in treating and
20 assessing patients who report having been subjected to
21 childhood sexual abuse?

22 A. It's very important.

23 Q. Can you explain why.

24 A. So in the course of treatment for one who's been abused as
25 a child, often the fact that the abuse occurred in the context

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1 of a relationship with someone they had come to trust and
2 depend upon is a significant part of what they're struggling
3 with in therapy. They are trying to understand how they could
4 have been fooled. They are trying to look back at the
5 relationship and figure out what parts were real, what parts
6 weren't.

7 Often the fact that there were --

8 MR. PAGLIUCA: Your Honor, may we approach?

9 THE COURT: Yes, you may.

10 (Continued on next page)

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1 (At sidebar)

2 MR. PAGLIUCA: Your Honor, I'm going to object to this
3 as being outside what's been endorsed for this witness's
4 opinions in terms of the disclosure that was given to us. This
5 is now a narrative into basically treatment of people as
6 opposed to identifying what is or is not grooming. And that's
7 never been disclosed and we didn't do any *Daubert* on this. I
8 think it's outside of the opinion.

9 MS. POMERANTZ: Your Honor, this is part of her basis
10 of her grooming opinion and delayed disclosure. This is
11 something that was extensively covered at the *Daubert* hearing
12 and in the briefing.

13 MR. PAGLIUCA: Her clinical treatment of people and
14 identifying what is or is not grooming was discussed. But now
15 she's getting into anecdotal discussions of treatment of her
16 own patients, I believe, which is inappropriate, A, and B, not
17 disclosed. And I don't think that this can be the subject of
18 expert opinion. This is simple anecdotal testimony about her
19 experience as a clinician.

20 MS. POMERANTZ: Your Honor, she's explaining to the
21 jury the basis of her opinions. This is something that we've
22 litigated already.

23 THE COURT: It's a little different than what was
24 presented in the *Daubert*. Just in this moment, that is to say,
25 it's appropriate to describe generally the nature of her

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1 clinical experience. But she turned in this last question a
2 little bit toward specific anecdotal discussion of her
3 treatment, and that's beyond the scope and it's different.

4 So I'll sustain with respect to this line and move to
5 the next.

6 MR. PAGLIUCA: Thank you, your Honor.

7 (Continued on next page)

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1 (In open court)

2 THE COURT: You may proceed.

3 No, I'm sorry. I sustain the objection.

4 Next question.

5 BY MS. POMERANTZ:

6 Q. Dr. Rocchio, based on your experience, research, and
7 training, is the person doing the grooming always the recipient
8 of the sexual gratification?

9 A. No. We know that --

10 MR. PAGLIUCA: Your Honor, I object to this.

11 THE COURT: Sustained.

12 Q. Dr. Rocchio, based on -- without getting into your own
13 particular examples within your own clinical --

14 THE COURT: Counsel, it's a different objection. It's
15 based on my ruling.

16 MS. POMERANTZ: Your Honor, may we be heard at
17 sidebar?

18 THE COURT: You may.

19 (Continued on next page)

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1 (At sidebar)

2 THE COURT: This is grooming by third-party
3 involvement. They called it grooming by proxy. It is a
4 specific area that I precluded in my opinion. That was the
5 only -- in the *Daubert*, the only questions that were asked
6 about whether there might be someone else who receives the
7 sexual gratification was in the context of that precise issue.
8 We talked about it in the context of testimony in the
9 pimp-prostitute context, and it was litigated entirely on that
10 question, and that's where I precluded it.

11 MS. POMERANTZ: Your Honor, I just wanted to note we
12 weren't asking about the presence of a third party facilitating
13 a sexual abuse, which is what I understood your Honor's opinion
14 to be --

15 THE COURT: Well, you're toying with that boundary in
16 a way that was not discussed in the *Daubert* hearing. You
17 didn't ask that question that you just asked, and we only
18 discussed it.

19 So, for example, it sounds like she's giving an
20 opinion similar to the pimp-prostitute context, that we talked
21 about those cases precisely on this issue. So you're toying
22 with the boundary of what I've precluded in a way that was not
23 brought out during *Daubert*.

24 MS. POMERANTZ: Your Honor, I just note that I had
25 actually ran this question by defense counsel to avoid this

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1 issue yesterday. I'll move on. That's fine.

2 MR. PAGLIUCA: Let me make a record.

3 I raised this issue two days ago, and exactly this
4 issue, and was assured that the government was not going to go
5 to this issue. And that question exactly was the question that
6 I raised about not going into that question. And because --
7 well, I don't need to get into reasons, but because of
8 disclosures, I raised this issue, your Honor.

9 So I object to any further discussion about this,
10 which is prejudicial, it's outside of the scope of the -- well,
11 it's clearly, in my view, a violation of the Court's ruling.

12 MS. POMERANTZ: Your Honor, I just want to be clear
13 for the record. We had viewed this question as not coming
14 close to the line. We understand the Court's opinion with
15 respect to the presence of a third party. I was not intending
16 to ask that. This is a distinct question.

17 THE COURT: Did you ask this question at the *Daubert*?

18 MS. POMERANTZ: I think we can check the transcript,
19 your Honor.

20 THE COURT: Outside of the context of -- in any event,
21 I'm sustaining for the reasons I've indicated. I have no idea
22 what happened in a discussion that you raised this and
23 understood them to say they wouldn't do it. It's baffling to
24 me.

25 MS. POMERANTZ: Your Honor, just to be clear, I ran

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1 the exact question by Mr. Pagliuca.

2 THE COURT: He's saying he ran the exact question by
3 you, you said you wouldn't do it. Look, that's why we have a
4 court reporter now.

5 (Continued on next page)

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1 (In open court)

2 THE COURT: I sustain the objection.

3 I will direct the jury to disregard the last response
4 from the witness. That testimony is struck.

5 Go ahead.

6 BY MS. POMERANTZ:

7 Q. Dr. Rocchio, based on your experience, research, and
8 training, what factors, if any, place a child at increased risk
9 of being sexually abused?

10 A. The research in particular has looked at what types of
11 vulnerability factors place children at higher risk. And they
12 generally fall into factors pertaining to either the child's
13 characteristics, personal characteristics, issues pertaining to
14 the parents and the parental characteristics, and issues
15 pertaining to the family.

16 Q. Can you explain the personal factors.

17 A. So we know that children who have experienced victimization
18 of any kind, whether it's prior child sexual abuse or physical
19 and emotional abuse or neglect are at much higher risk, for
20 example, of being revictimized later. We know that children
21 who have certain kinds of psychological or chronic health
22 difficulties can be certainly at much higher risk for child
23 sexual abuse. We know that children who come from
24 disadvantaged circumstances can be at higher risk, children
25 with cognitive and intellectual disabilities, for example;

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1 children who come from -- who are members of minority gender or
2 sexual groups are also at higher risk.

3 Q. You also mentioned parental factors. Can you explain that
4 for the jury please.

5 A. To the extent that there's conflict and particularly, to
6 the extent that there's violence between the parents in the
7 home, certainly to the extent that there are financial
8 difficulties within the home, so children, families, parents
9 who have less -- fewer resources, are at higher risk.

10 To the extent that the parents themselves have
11 experienced any form of abuse in their own backgrounds, that
12 also places the child at higher risk. To the extent that the
13 parents are abusive to the child, that puts the child at risk
14 for being abused by others. And there's also research to show
15 that the presence of a stepfather in the home or oftentimes a
16 single parent can, under certain circumstances, put a child at
17 higher risk.

18 Q. You also mentioned family factors. Can you explain those
19 please.

20 A. Those factors refer to the family functioning in general.
21 So children who have poor attachment, poor connection with
22 other family members are at higher risk. Families where there
23 are other children in the home who are being abused or have
24 been abused are at higher risk. Families who are isolated, for
25 example, those families that have moved six or more times in

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1 the course of a child's lifetime, that single factor can place
2 a child at higher risk. So these are vulnerabilities that have
3 been found to be specific to child sexual abuse risk.

4 Q. Based on your experience, research, and training, Dr.
5 Rocchio, are you familiar with the term "attachment"?

6 A. I am.

7 Q. What is attachment?

8 A. Attachment really refers to the relationship and connection
9 between two people. The research was initially done looking at
10 the caregiver attachment, so typically the relationship that it
11 develops between a mother and an infant. But it's since
12 expanded to look at relationships between other caregivers and
13 children, as well as adults.

14 Q. Can you please explain the relationship, if any, between
15 attachment and grooming.

16 A. So in the context of building a relationship of trust and
17 using coercion and deception and lies in order to manipulate
18 the child, one of the things that offenders are doing is trying
19 to create increased dependency, trust, and attachment. They
20 hold themselves out as somebody who is special to the child,
21 and the child feels often very special, and that there's
22 something unique and important and valuable about their
23 relationship with the perpetrator.

24 Q. Dr. Rocchio, based on your experience, research, and
25 training, are you familiar with the term "coercive control"?

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1 A. I am.

2 Q. What is coercive control?

3 A. Coercive control refers to a strategic pattern of
4 domination for purposes of controlling another individual and
5 getting that individual to either do or not do things that you
6 want them to do or not do.

7 Q. What is the relationship between grooming and coercive
8 control?

9 A. So the whole pattern of the grooming process is designed to
10 create an environment of coercive control, whereby the negative
11 aspects of the relationship, the abuse itself or intimidation
12 or threats, are interspersed with these positive or neutral
13 events which causes the attachment to keep going. It kind of
14 keeps the hope alive that there are positive aspects to the
15 relationship. It causes confusion and difficulty identifying
16 the abuse as wrong on the part of the victim. And it keeps the
17 victim in a state of what's referred to as entrapment and under
18 the power and control of the perpetrator.

19 Q. Based on your experience, research, and training, how do
20 the grooming process and the concept of attachment impact the
21 way in which a victim of childhood sexual abuse understands the
22 abuse?

23 A. So what we know, from both my training, research, and the
24 scientific literature, as well as my experience, is that the
25 grooming and attachment and the degree to which the child is

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1 close to the perpetrator is very closely tied to adverse
2 outcomes and really can interfere with their ability to
3 identify that what's happening -- even realizing that what's
4 happening to them is abusive or is wrong.

5 Q. Dr. Rocchio, does the relationship of trust and attachment
6 between a victim and a perpetrator affect whether a victim
7 tells someone about the abuse?

8 A. Yes.

9 Q. Can you explain how?

10 A. One of the things that we know when we look at when do
11 victims of childhood sexual abuse tell and who do they tell is
12 we know that they are less likely to tell and more likely to
13 have a delay in telling the closer the relationship to the
14 perpetrator.

15 Q. Based on your experience, research, and training, are you
16 familiar with a concept called "delayed disclosure"?

17 A. I am.

18 Q. Can you explain for the jury what delayed disclosure is.

19 A. Delayed disclosure really just refers to when does someone
20 tell. So in the case of delayed disclosure in terms of child
21 sexual abuse, we would call disclosure telling delayed when it
22 happens at some point after the abuse has occurred.

23 Q. Does disclosure of childhood sexual abuse depend on the
24 victim's age?

25 A. Yes.

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1 Q. How so?

2 A. We know that younger -- the younger someone is, the more
3 likely they are to delay disclosure; in other words, the less
4 likely they are to tell someone right away about what's
5 happening to them.

6 Q. And when you say "the younger," how does that compare in
7 terms of children?

8 A. So when we're talking about children, they are much less
9 likely to disclose. And most children, in fact, we know don't
10 tell anyone about the abuse that they've experienced until
11 adulthood.

12 Q. Is it common for children to disclose sexual abuse at or
13 near the time of the abuse?

14 A. Not at all, no.

15 Q. Why is it not common?

16 A. There are a number of factors.

17 Delayed disclosure is such a common -- commonly
18 recognized phenomenon within the literature that now we are
19 doing research to try to identify what are the barriers to
20 disclosure because, of course, we would like children to be
21 able to tell their experiences sooner so that they can get
22 access to help and so that the abuse can be stopped. So there
23 have been identified both internal barriers and external
24 barriers to disclosure.

25 Q. When you say "external barriers," what are you referring

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1 to?

2 A. So the external barriers are things that are outside the
3 child. So, for example, fear of getting into trouble for an
4 adolescent; in particular, fear that if they tell someone,
5 their freedom is going to be constricted; fear that others are
6 going to judge or blame them; fear often that the perpetrator
7 is going to get into trouble. Again, remembering that they
8 have a close relationship with this person often, and even
9 though the person has been sexually abusing them, there's this
10 sense of loyalty.

11 So those would be examples of the external factors in
12 contrast to the internal factors.

13 Q. What are the internal factors, Dr. Rocchio?

14 A. So the internal factors have much more to do with the
15 feelings of shame, feelings of guilt, the feelings of
16 self-blame, the feelings of confusion, perhaps not
17 acknowledging to oneself that what's happening is abusive. So
18 those are the kind of emotions that go along with the impact of
19 being sexually abused during childhood.

20 Q. Is the concept of delayed disclosure established in
21 scientific literature?

22 A. It is.

23 Q. Can you explain.

24 A. So sexual abuse, in particular, of all kinds is thought to
25 be one of the most underreported crimes. But we certainly know

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1 that when we talk -- there are a lot of studies that are done,
2 national studies, interviewing, say, adults, asking about a
3 whole range of experiences that they've had during the course
4 of their lifetime. And that research has repeatedly
5 demonstrated that when people -- when you ask people if they
6 acknowledge that they've been abused, particularly sexually
7 abused, during childhood, and then you ask them if they ever
8 told anyone, a significant number will say no, not until this
9 interview. And then others will say yes, and then they are
10 asked when they've told. And we know from the research that
11 often they don't tell until adulthood.

12 Q. In your clinical and forensic practices, have you treated
13 and evaluated patients who did not disclose sexual abuse they
14 experienced as children, but disclosed such abuse later?

15 A. Yes.

16 Q. Without getting into any particular anecdotes of your
17 practices, can you explain.

18 A. I'm sorry, can you repeat the question.

19 Q. Yes. Can you just explain -- let me ask it this way: In
20 your own clinical practice, how common, if at all, is it for
21 you to be the first person your patients have told they were
22 abused?

23 MR. PAGLIUCA: Your Honor, I'm going to object to this
24 as not being relevant.

25 THE COURT: Overruled. Thank you.

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1 A. It's very common in both my clinical and forensic work for
2 individuals to tell me that either they had a significant delay
3 in disclosure, and at times in my clinical work sometimes I am
4 the very first person they've ever spoken about the abuse with.

5 Q. To be clear, how common is delayed disclosure in the
6 patients you treat and evaluate in connection with your
7 clinical and forensic practices?

8 A. Very common.

9 Q. Based on your experience, research, and training, if an
10 individual was sexually abused as a child, who, if anyone, is
11 that individual most likely to disclose the sexual abuse to?

12 A. If and when they choose to disclose, most often they're
13 going to tell a trusted friend. If we're talking about
14 adolescents, they're going to talk to a peer. If we are
15 talking about adults, a trusted friend. Sometimes, as I
16 alluded to when I said that I'm the first person they tell,
17 sometimes it may be in the context of a therapy setting.

18 Q. Based on your experience, research, and training, is an
19 individual who was sexually abused as a child likely to report
20 the abuse to law enforcement?

21 A. No. Unfortunately, we know that rape, sexual assault,
22 childhood sexual abuse, again, they are the most underreported
23 crimes. And law enforcement agencies are actually the least
24 likely group to which an initial report or disclosure is made.

25 Q. Dr. Rocchio, based on your experience, research, and

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1 training, how do people who have experienced childhood sexual
2 abuse talk about or disclose the abuse?

3 A. It's important when --

4 MR. PAGLIUCA: Your Honor, I'm going to object to this
5 foundation for this question.

6 THE COURT: Just a moment.

7 Foundation and what else?

8 MR. PAGLIUCA: The question is very vague, your Honor.

9 THE COURT: Okay. So a form objection?

10 MR. PAGLIUCA: Yes.

11 THE COURT: I'll sustain.

12 Can you rephrase, Ms. Pomerantz. Is the question in
13 the context of clinical therapy?

14 MS. POMERANTZ: I asked based on the experience,
15 research, and training. I'm happy to be more specific, your
16 Honor.

17 THE COURT: Go ahead. Thank you.

18 MS. POMERANTZ: Thank you.

19 BY MS. POMERANTZ:

20 Q. Dr. Rocchio, in your clinical practice, how do people who
21 have experienced childhood sexual abuse talk about or disclose
22 the abuse?

23 A. Disclosure is a process that unfolds over time. So
24 individuals will typically begin the disclosure maybe by
25 alluding to what's happened in a general sense or the gist of

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1 what's happened. And then it's only over time that they will
2 begin to talk more specifically about what has happened. And
3 even in therapy, oftentimes disclosure of the most intimate or
4 difficult details is something that's very hard and individuals
5 are very reluctant to do.

6 Q. Dr. Rocchio, in your clinical experience, what factors --
7 withdrawn, your Honor.

8 Dr. Rocchio, in your clinical and forensic experience,
9 what factors contribute to if and when a person discloses the
10 childhood sexual abuse they experienced?

11 A. It has to do with the degree to which they feel safe, the
12 degree to which they feel that they are going to be believed.
13 Again, as it's a process that unfolds over time, they may begin
14 to talk about it. And then to the extent that they are getting
15 messages that they are being judged or that they are being
16 blamed or shamed, they may shut down. To the extent that they
17 feel supported and believed, then they may be more likely to
18 continue with that disclosure, again, over time.

19 Q. Dr. Rocchio, what, if any, long-term impact does childhood
20 sexual abuse have on victims?

21 A. We know that although all adverse events that occur during
22 childhood can place children at higher risk for adverse
23 outcomes, we know that among those, child sexual abuse in
24 particular increases risk for a very, very high number of
25 various health problems and mental health problems and also

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1 increases risk for the severity of those problems.

2 Q. Dr. Rocchio, what is the relationship between grooming and
3 attachment and the impact of childhood sexual abuse?

4 A. So the closer the relationship between the child and the
5 perpetrator, and the longer the abuse has gone on, the more
6 likely --

7 MR. PAGLIUCA: Your Honor, I'm going to object to this
8 as being asked and answered. I think we're recovering ground
9 here.

10 THE COURT: I understand that. It's asked and
11 answered. Thank you. Sustained.

12 MS. POMERANTZ: Your Honor, may I have a moment
13 please?

14 THE COURT: You may.

15 (Counsel conferred)

16 BY MS. POMERANTZ:

17 Q. Dr. Rocchio, when you treat victims of childhood sexual
18 abuse for trauma, how does the concept of trust factor into the
19 treatment?

20 MR. PAGLIUCA: I object to this being outside of the
21 scope, your Honor and, I think, asked and answered as well.

22 THE COURT: Those are kind of conflicting objections,
23 but overruled. I'll allow it. You may answer.

24 A. Trust is central often in the treatment of someone who's
25 been sexually abused, because it's often the part that is most

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1 confusing and also causes the most -- the most harm. We know
2 that the more they trusted the individual, then, of course, the
3 more they feel betrayed, the more betrayal there's been. And
4 to the extent that there's betrayal in the relationship, then
5 the individuals are really struggling to a much, much greater
6 degree, often trying to understand what happened, how it
7 happened and why, and what its effect is certainly.

8 MS. POMERANTZ: Nothing further, your Honor.

9 THE COURT: All right. Thank you.

10 We'll take our mid-morning break, members of the jury,
11 about a 15-minute break. Thank you so much.

12 (Jury not present)

13 THE COURT: You may be seated.

14 Matters to take up?

15 MS. POMERANTZ: Your Honor, I just wanted to note, the
16 government understood that the Court's opinion excluded Dr.
17 Rocchio's opinion regarding the presence of a third party.

18 We did check the transcript, your Honor. And on page
19 73, I had asked a question about whether there was anything
20 about what you're testifying about here that says that grooming
21 can only be done for the benefit of the person doing the
22 grooming, to which Dr. Rocchio responded, No, there's not. And
23 then your Honor had asked a series of questions relating to the
24 presence of a third party, what the defense has been referring
25 to as grooming by proxy, which is a different subject matter.

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1 And then I believe I had returned to questions about that
2 topic.

3 So I just wanted to note that for your Honor that
4 we -- when I asked that question, I believe that it was
5 different from the question -- the opinion that your Honor had
6 excluded.

7 Your Honor, there is a distinction between the
8 presence of a third party and whose sexual gratification the
9 grooming is for; that that is part and parcel of the larger
10 topic of grooming and attachment.

11 I'm not trying to relitigate it, your Honor --

12 THE COURT: Oh, you're not?

13 MS. POMERANTZ: Well, if your Honor would permit me --

14 THE COURT: Looking at the transcript, I think it's
15 consistent with my ruling. I understand you're saying you
16 didn't intentionally -- the point you're making is you didn't
17 intentionally violate my ruling.

18 MS. POMERANTZ: Yes, your Honor.

19 THE COURT: Okay. And I see the portion of the
20 transcript. I continue to think the testimony regarding
21 whether strategies that she's testifying about can be utilized
22 for the sexual gratification of the person doing the grooming
23 we explored in the *Daubert* context specifically with me asking
24 whether she talked about -- whether there was literature
25 comparable to the pimp-prostitute context in which grooming

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1 happens for the gratification of a third person.

2 And I said, Is there anything like that in the child
3 sexual abuse context beyond the, sort of, institutional
4 authority positions that you've discussed?

5 And she said no, which was the basis for my exclusion
6 of that small window of her testimony.

7 So I still think that even if there are slightly
8 distinct points to be made as to whether grooming always
9 happens for the sexual gratification of the person who's doing
10 the grooming, and whether grooming by a third person
11 facilitates child sexual abuse for another person, for me, the
12 context in the *Daubert* overlapped and related to the same
13 issue, which is the narrow issue that I excluded on.

14 So I take your point that there's a slight analytical
15 distinction and, therefore, I don't believe you intentionally
16 violated my ruling. I do think sustaining the objection is
17 consistent with that ruling. I don't understand how it could
18 be that in conferring, both counsel completely misunderstood
19 each other. Mr. Pagliuca says he asked specifically about the
20 question that you asked, and understood you to say that you
21 wouldn't ask it. And you said you asked specifically about
22 this question and you understood him to say he didn't have an
23 objection. Wow. I can't explain that. It seems to me that
24 you had this discussion on this issue precisely because it
25 comes up to the question of the boundaries of the opinion and

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1 there we are.

2 Anything further?

3 MR. PAGLIUCA: Not from me, your Honor.

4 MS. POMERANTZ: Your Honor, nothing further.

5 I just wanted to note that in the transcript for your
6 Honor. Our understanding is that the question that had been
7 posed to Dr. Rocchio was about the presence of third parties,
8 and just wanted to make that clear for your Honor when she had
9 said no, that was our understanding as to what she was saying
10 no about, in terms of the support in the literature, your
11 Honor.

12 But I take your Honor's point. We can move on, your
13 Honor. I just wanted to explain that to the Court, where the
14 question was coming from, your Honor.

15 THE COURT: The question you asked that was objected
16 to here was, Based on your experience, research, and training,
17 is the person doing the grooming always the recipient of the
18 sexual gratification?

19 For the reasons I've indicated, that is precluded by
20 the narrow basis on which I did preclude what they call
21 grooming by proxy. Again, I see there's a slight analytical
22 distinction between the question you asked and that theory, but
23 the question, I think -- and I see that she says no, that
24 wasn't how she understood it. But still for me, that testimony
25 was in aid of the next piece, which I excluded.

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1 So again, I don't -- I don't think you intentionally
2 violated the line of the order.

3 MS. POMERANTZ: Thank you, your Honor.

4 THE COURT: I still don't understand the
5 miscommunication.

6 Anything else to take up?

7 I don't understand the miscommunication between
8 counsel, that is.

9 MS. POMERANTZ: Thank you, your Honor.

10 THE COURT: Anything else?

11 MS. POMERANTZ: Not from the government.

12 MR. PAGLIUCA: No, your Honor.

13 THE COURT: All right.

14 We will resume in ten. Thank you.

15 (Recess)

16 THE COURT: Matters to take up?

17 MS. POMERANTZ: Yes, your Honor. Apologies.

18 Thank you, your Honor.

19 We had an opportunity to confer with the defense just
20 now in terms of topics for cross-examination. And we
21 understand that Mr. Pagliuca intends to cross-examine Dr.
22 Rocchio about certain topics that were not the subject of her
23 direct testimony and of topics about which he has not proffered
24 an expert opinion, such as things like the halo effect or
25 suggestive memory and the like. And so I wanted to flag that

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1 for the Court because we think that such questions would be
2 inappropriate on cross-examination.

3 THE COURT: So beyond the scope.

4 MS. POMERANTZ: Yes, your Honor.

5 MR. PAGLIUCA: Would you like me to respond, your
6 Honor?

7 THE COURT: Please.

8 MR. PAGLIUCA: So I guess first with regard to the
9 memory issue, Dr. Rocchio talked about delayed disclosure and
10 memory impacts delayed disclosure. And it's not as simple to
11 say that there are only a couple of reasons why disclosure is
12 delayed. I mean they can say, Well, there are these factors
13 that result --

14 THE COURT: So is the cross -- Dr. Rocchio, you talked
15 about delayed disclosure. Are there other reasons?

16 MR. PAGLIUCA: Exactly.

17 THE COURT: And then what?

18 MR. PAGLIUCA: Well, like memory and things like
19 confabulation and the process of storing memories and
20 retrieving memories, the effect of alcohol on memories. Those
21 are the kinds of things that would impact memory and,
22 therefore, delayed disclosure, which I think are fair game on
23 cross-examination; psychological conditions that may impact
24 delayed disclosure is fair game on cross-examination.

25 So those are some of the topics.

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1 THE COURT: So the basic point is to the extent she
2 talked about the literature regarding delayed disclosure in the
3 context of sexual abuse, you want to ask if there are other
4 reasons for delayed disclosure.

5 MR. PAGLIUCA: Yes.

6 THE COURT: And explore her expertise on those other
7 reasons?

8 MR. PAGLIUCA: Well, she's being proffered as an
9 expert in psychology, to begin with, and trauma. And the
10 interplay between trauma, psychology, and delayed disclosure is
11 simply not you're close to somebody and, therefore, you don't
12 disclose or you feel embarrassed about something and you don't
13 disclose. There are other things, and they relate to other
14 facts in this case. And I think that we're entitled to bring
15 those things out on this expert who is testifying as a blind
16 expert. It's just fair game for cross-examination.

17 THE COURT: I think there's two questions. There's
18 scope of direct and, I agree, to the extent that she's
19 testified for a reason about delayed disclosure, you can cross
20 her as to whether she's aware of other reasons for delayed
21 disclosure.

22 I think the question is whether there is a version of
23 that which is then seeking to solicit, sort of, not just I'm
24 aware of other reasons. Are you aware of this kind of
25 literature? Are you aware of that kind -- but to actually have

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Rocchio - Direct

1 her explain, as an expert, opinions, undisclosed opinions,
2 regarding some of those issues. And I can't tell yet from your
3 proffer whether you're trying to do the former or the latter
4 or --

5 MR. PAGLIUCA: I'm not going to ask her for any
6 opinions, your Honor. I'm going to be using leading questions
7 throughout all of this. So there will be no --

8 THE COURT: Well --

9 MR. PAGLIUCA: -- opportunity for her to give an
10 opinion other than yes or no.

11 THE COURT: Well, we'll see about that.

12 MR. PAGLIUCA: I understand. Of course. 611 allows
13 you to control the examination 100 percent, your Honor, and I
14 get that. But I don't intend to, I guess that's the answer to
15 the Court's question.

16 THE COURT: Ms. Pomerantz?

17 MS. POMERANTZ: Your Honor --

18 THE COURT: So in terms of -- let's just start with
19 scope, if we could.

20 So to the extent she's testified around her opinions
21 regarding delayed disclosure in this context, is it fair
22 cross-examination and within the scope of that to suggest that
23 there are other reasons for delayed disclosure?

24 MS. POMERANTZ: Your Honor, may I just have one
25 moment?

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1 (Counsel conferred)

2 MS. POMERANTZ: Your Honor, I think the issue or the
3 concern from the government is that --

4 THE COURT: Can we start with the answer to my
5 question, and then tell me what the issue is.

6 MS. POMERANTZ: Your Honor, unfortunately, I think the
7 question -- the answer is a little complicated because --

8 THE COURT: I can handle it.

9 MS. POMERANTZ: In the sense that I don't -- your
10 Honor, I have no doubt in that. I meant that it's not a yes or
11 no answer; because I'm a little unclear on what Mr. Pagliuca is
12 intending to do.

13 THE COURT: We're going to see and there might be a
14 line, but that's why I want to just start with the first
15 question, right.

16 So the first question is you made a scope objection.
17 The witness testified about delayed disclosure in the context
18 of sexual abuse. Is it fair cross to ask if there are other
19 reasons for delayed disclosure?

20 MS. POMERANTZ: I believe so, your Honor.

21 THE COURT: Okay. So then tell me where you think the
22 line turns from that fair cross into soliciting opinions.

23 MS. POMERANTZ: Your Honor, I think the concern is
24 where Mr. Pagliuca intends to ask questions about, you know,
25 You're aware there's theory about X, certain topics. But she

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Rocchio - Direct

1 is not an expert on those topics and has not been proffered --
2 has not been offered as an expert on those topics. That is
3 crossing the line. And it seems that this more proper; this
4 would be an area where they are trying to explain, I think, why
5 it's relevant to offer their own expert, as opposed to why they
6 should be able to cross Dr. Rocchio on those opinions.

7 THE COURT: I'm having trouble in the abstract
8 understanding the objection. Frequently, cross of experts is
9 essentially versions of, Well, haven't you heard the theories
10 of my expert, who's going to come testify, to suggest that
11 they're providing too narrow of a view or to introduce
12 criticisms through the cross-examination. I suspect you'll
13 cross-examine their witness in similar ways, won't you?

14 MS. POMERANTZ: Your Honor, I think we would. But I
15 think we wouldn't be going into areas in which their expert
16 wasn't necessarily, you know, qualified as an expert.

17 THE COURT: I've qualified her as an expert to provide
18 opinions on delayed disclosure in the context of sexual abuse.
19 We've established that it's fair cross to ask if there are
20 other bases for delayed disclosure. We'll see what she's aware
21 of and what she's not and that will determine. I won't -- and,
22 you know, I won't allow a long -- what I imagine might be
23 problematic is you attempting to assert some other expert's
24 opinion, undisclosed expert opinion, and then say, Are you
25 familiar with that? So that you're effectively putting in

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Rocchio - Direct

1 expert testimony through your cross-examination.

2 MR. PAGLIUCA: I do not intend to do that, your Honor.
3 I would say that absent a few other questions, much of my
4 cross-examination -- and not, frankly, on the topic of the
5 literature that was discussed during the *Daubert* hearing, but
6 much of my cross-examination is similar to that which was --
7 that occurred that your Honor pointed out during the hearing
8 was -- may be appropriate in front of a jury. That was a
9 comment that the Court made.

10 THE COURT: I did say that.

11 MR. PAGLIUCA: That was not helpful to you during the
12 *Daubert* hearing, but it might be helpful in front of a jury.

13 So that is some of the cross-examination.

14 THE COURT: I think I particularly said that when you
15 were spending a fair amount of time on hourly fees.

16 MR. PAGLIUCA: I understand, your Honor.

17 THE COURT: Has very little effect on me.

18 MR. PAGLIUCA: I understand.

19 THE COURT: I understand the concern, at least with
20 respect to suggestive memory. We've established there's some
21 fair grounds to cross to make sure she's considered other
22 bases. That's kind of classic cross of an expert. I won't
23 allow insertion of undisclosed expert testimony via
24 cross-examination questions, and you won't do that. And you'll
25 object, Ms. Pomerantz, if so.

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Rocchio - Direct

1 Halo effect.

2 MR. PAGLIUCA: So I'm not going to call -- well, I
3 don't think I'm going to call it that, your Honor. But on
4 direct examination, the government elicited testimony
5 specifically about -- and let me get to my notes here so I can
6 be accurate -- grooming the environment was the --

7 THE COURT: Grooming the environment.

8 MR. PAGLIUCA: Yes, "grooming the environment" was the
9 catchphrase, which Dr. Rocchio said was a commonly recognized
10 phenomena used by perpetrators in the service of getting the
11 accusers to victims and building that relationship with trust.

12 This is based on one of the articles that Dr. Rocchio
13 provided to the government and was referenced during the
14 *Daubert* hearing and relied on by Dr. Rocchio as part of her
15 testimony here today in terms of the five -- you may recall the
16 five stages of grooming that we went through with Dr. Rocchio
17 about an hour ago. That article is called *Stages of Sexual*
18 *Grooming, Recognizing Potentially Predatory Behaviors of Child*
19 *Molesters*, and is disclosed at 3500 material, 3502-018,
20 disclosed to me by the government through Dr. Rocchio. And in
21 that article, there is a discussion at page 9, and they call it
22 the hindsight bias phenomena. And so I am intending to ask
23 her --

24 THE COURT: So you have a theory that everything in
25 any article disclosed is within the scope of the direct?

LC2VMAX2

Rocchio - Direct

1 MR. PAGLIUCA: No, your Honor.

2 THE COURT: Okay. So let's go back to that question.
3 So you started by saying grooming the environment.

4 MR. PAGLIUCA: Right.

5 THE COURT: What does this have to do with it?

6 MR. PAGLIUCA: Well, because what that -- what the
7 testimony from Dr. Rocchio was and is, is that the perpetrator
8 is deceiving people around the perpetrator. She talked about
9 the boy scout business and all of that. And that is part of
10 this hindsight -- bias hindsight effect which is referred to in
11 the literature. And I think it's appropriate to bring that out
12 as part of this testimony.

13 (Continued on next page)

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LC2Qmax3

1 THE COURT: What's the question?

2 MR. PAGLIUCA: The question will be: Isn't it true
3 that hindsight bias phenomena could lead to blame of the
4 victim's family or community from not preventing the abuse,
5 which is a direct quote out of article that she is basing her
6 testimony on.

7 THE COURT: I'm sorry. I don't have LiveNote. Can
8 you give that to me again?

9 MR. PAGLIUCA: The quote?

10 THE COURT: No, your question.

11 MR. PAGLIUCA: The question is: Isn't it true that
12 the hindsight bias phenomena can lead to blame to the victim's
13 family or community for not preventing the abuse?

14 THE COURT: That sounds beyond the scope to me.

15 MR. PAGLIUCA: Beyond the scope of an article --

16 THE COURT: I just started with the proposition is it
17 your theory that everything in an article disclosed suddenly is
18 within the scope of the direct, and you said no, rightly. So
19 that's why I asked for the question.

20 The question you asked is beyond the scope of the
21 direct, unless you want to point me to testimony suggesting
22 otherwise, other than the fact that it's in an article
23 disclosed.

24 If I would make everybody answer my first question,
25 it's the first question that gets me where I need to go.

LC2Qmax3

1 MR. PAGLIUCA: Ms. Menninger points out that she also
2 said --

3 THE COURT: Is that in the testimony?

4 MR. PAGLIUCA: Yes. Two things. This is in my notes
5 as well.

6 Grooming not always easily detected, and these factors
7 are not used to predict grooming. That's what she testified
8 to.

9 And the next-question is along the lines of, you know,
10 you are deceiving those around you, and people don't
11 necessarily know that they are being groomed along with the
12 other individuals being groomed.

13 So I do not have to call it hindsight bias.

14 THE COURT: I don't see yet how that links up to the
15 question that you gave me.

16 MR. PAGLIUCA: It's a different --

17 THE COURT: It sounds beyond the scope to me.

18 MR. PAGLIUCA: It's a different question.

19 THE COURT: What's the question?

20 MR. PAGLIUCA: The question is the people who are
21 grooming the environment are grooming the people around them
22 and it is often difficult for the people that are -- that are
23 in the environment being groomed to recognize that this
24 grooming behavior is occurring.

25 THE COURT: I would permit that question.

LC2Qmax3

1 MR. PAGLIUCA: Okay. Ms. Pomerantz.

2 MS. POMERANTZ: That question seems fine, your Honor.

3 I think the government agrees with your Honor that the
4 other questions were beyond the scope.

5 MR. PAGLIUCA: May I? As long as we're on this topic,
6 your Honor, I would like to preview another area from this
7 article that I think is within this, but I want to make sure
8 that the Court agrees with me before I go down this road.

9 THE COURT: Go ahead.

10 MR. PAGLIUCA: The article that we're talking about
11 which is at 3502-018, the government's disclosure, the study
12 that was done in this particular article, and which I believe
13 this is the basis for her testimony about this grooming the
14 environment, and so the study that she is referring to
15 factually, there were 395 undergraduate students at John Jay
16 College here who were given the five vignettes, I will call
17 them, of this grooming behavior and asked in a sixth vignette
18 which was non-grooming behavior, and they were asked to predict
19 prospectively whether or not that was grooming behavior, and
20 they couldn't. And the conclusion of the study was the five
21 factors that she was talking about cannot be used to
22 prospectively predict grooming behavior. And I would like to
23 bring out those facts on cross-examination.

24 THE COURT: Sure. I mean, that's consistent with her
25 testimony.

LC2Qmax3

1 MR. PAGLIUCA: Thank you.

2 THE COURT: Right?

3 MS. POMERANTZ: I believe so, your Honor, yes.

4 THE COURT: Not a problem.

5 MS. POMERANTZ: I think that's right.

6 THE COURT: But thank you for raising it.

7 MR. PAGLIUCA: That's it. I think we're good.

8 THE COURT: Get the jury. Binder for the witness?

9 MR. PAGLIUCA: That is the binder for the witness.

10 THE COURT: Ms. Pomerantz, you are familiar with the
11 binder?

12 MR. PAGLIUCA: It's simply her testimony from the
13 Daubert hearing, which is the 3500 material and the article we
14 discussed.

15 MS. POMERANTZ: Your Honor, may I please look at it
16 first, if possible?

17 MR. PAGLIUCA: I promise, I didn't sneak in anything
18 else.

19 (Jury present)

20 THE COURT: Mr. Pagliuco, you may begin your
21 cross-examination of Dr. Rocchio.

22 Dr. Rocchio, I remind you, you are under oath.

23 MR. PAGLIUCA: Thank you, your Honor.

24

25

LC2Qmax3

Rocchio - Cross

1 CROSS-EXAMINATION

2 BY MR. ROHRBACH:

3 Q. Good morning, Dr. Rocchio.

4 A. Good morning.

5 Q. Dr. Rocchio, you talked a bit about your review of
6 literature in connection with the topics that you talked about
7 today. Do you recall that testimony this morning?

8 A. I do.

9 Q. You yourself have not published anything specifically about
10 the topic of grooming, correct?

11 A. No.

12 Q. And you yourself have not conducted any metadata studies to
13 collect and analyze literature about grooming, correct?

14 A. Correct.

15 Q. And a metadata study is a somewhat comprehensive review of
16 the literature on the topic, analyzing that literature, and
17 then having a publication that deals with the metadata
18 analysis. Is that a fair summary of what that would be?

19 A. A statistical analysis, yes.

20 Q. So the studies that you were discussing with the jury are
21 studies that are done by other people, correct?

22 A. Yes, experts in the field.

23 Q. You are aware that there is some disagreement in the
24 scientific literature about the topic of grooming, correct?

25 A. About certain aspects of the topic, yes.

LC2Qmax3

Rocchio - Cross

1 Q. Yeah. And there are other respected professionals who
2 disagree with some of your opinions about this topic, correct?

3 A. I -- I couldn't answer that. I'm not sure.

4 Q. Well, for example, Dr. Dietz, correct?

5 A. Which aspect of my opinion are you suggesting? Could you
6 be more specific?

7 Q. Well, you are aware from your review of the literature, for
8 example, that Dr. O'Donohue has a disagreement with your
9 opinion on the topic of grooming, correct?

10 A. I think that there are -- we're actually largely consistent
11 in terms of the literature, both publications by Bennett and
12 O'Donohue and by Dietz.

13 Q. Okay. Some of the things that -- well, your testifying
14 here is what's commonly referred to as a blind expert, correct?

15 A. Correct.

16 Q. And that basically means that you don't have any factual
17 information about the case, correct?

18 A. It typically means I haven't evaluated any of the parties
19 in the case, and I'm testifying about specific subject matter
20 expertise.

21 Q. Right. So, for example, you don't know any of the
22 individuals who are making allegations in this case, right?

23 A. No, I do not.

24 Q. And you haven't talked to any of the prosecution witnesses
25 in this case, correct?

LC2Qmax3

Rocchio - Cross

1 A. Correct.

2 Q. And you have not reviewed any of the witness statements in
3 connection with this case, correct?

4 A. Correct.

5 Q. You haven't performed any psychological evaluation on
6 anyone in connection with this case, correct?

7 A. Correct.

8 Q. You are testifying having met with the government some
9 approximately 15 times in connection with this case or
10 talked --

11 A. I don't believe it's that many, but a number of times, yes.

12 Q. Okay. And the only information that you have really has
13 come from the government lawyers about this case, correct?

14 A. They haven't provided me with any details about the case at
15 all.

16 Q. And you have a contract with the government for \$45,000 in
17 connection with this case, correct?

18 A. Up to \$45,000, yes.

19 Q. Now, you're not offering any opinions about what did or did
20 not happen in this case, correct?

21 A. Correct.

22 Q. And you're not offering any opinions about any witness
23 credibility in connection with this case, correct?

24 A. Correct.

25 Q. You're not a neuropsychologist, correct?

LC2Qmax3

Rocchio - Cross

1 A. Correct.

2 Q. And neuropsychology is the study of the human behavior as
3 it relates to normal and abnormal functions of the central
4 nervous system, correct?

5 A. Sure.

6 Q. And that involves the brain, which is a significant part of
7 the central nervous system, right?

8 A. Yes.

9 Q. You're not a toxicologist, which involves a specialized
10 study of the effects of alcohol and drugs on the human body,
11 correct?

12 A. Correct.

13 Q. You did talk a little bit about disclosure and memory. Do
14 you recall that testimony?

15 A. I believe I spoke about disclosure.

16 Q. Right. And delays in disclosure, right?

17 A. Correct.

18 Q. And memory is a factor that contributes to a potential of
19 delay in disclosure, correct?

20 A. It can.

21 Q. And there are two components to whether people can
22 accurately remember things as part of disclosure. One would be
23 the physical ability for someone to store or retrieve a memory?

24 A. Is that a question?

25 Q. Yes. Is that correct?

LC2Qmax3

Rocchio - Cross

1 A. Could you clarify? I'm not really sure what you're asking.

2 Q. Sure. For example if somebody has a traumatic brain
3 injury, it may be difficult for someone as a matter of
4 physiology to retrieve a memory?

5 MS. POMERANTZ: Objection, your Honor.

6 THE COURT: Sustained.

7 Q. There are other factors that relate to the ability of
8 someone to accurately disclose a piece of information about any
9 alleged abuse, correct?

10 MS. POMERANTZ: Objection, your Honor.

11 THE COURT: Sustained.

12 Q. Would you agree with me, Dr. Rocchio, that, for example,
13 alcohol consumption can impact the disclosure of an event?

14 A. I guess it would depend on the context. That question is
15 so broad, I'm not really sure how to answer it.

16 Q. If someone is consuming alcohol or controlled substances,
17 they may not have a very good recall of a particular event,
18 correct?

19 MS. POMERANTZ: Objection, your Honor.

20 THE COURT: Sustained.

21 Q. Are you familiar with the concept of confabulation,
22 Dr. Rocchio?

23 MS. POMERANTZ: Objection.

24 THE COURT: Overruled.

25 A. I am.

LC2Qmax3

Rocchio - Cross

1 Q. Confabulation is the brain under certain circumstances
2 filling in gaps to make a whole picture of something, correct?

3 A. Yes.

4 Q. And a filling in of these gaps may or may not be accurate,
5 but the person actually may believe what's been filled in?

6 MS. POMERANTZ: Objection, your Honor.

7 THE COURT: Sustained.

8 Q. When you're talking about delayed disclosure, Dr. Rocchio,
9 you didn't talk about two concepts that can impact delayed
10 closure and memory: One of those would be secondary gain. Are
11 you familiar with that concept?

12 A. I am.

13 Q. That's a diagnostical and statistical manual definition --

14 MS. POMERANTZ: Objection, your Honor.

15 THE COURT: Sustained.

16 Q. Are you familiar with the concept of malingering,
17 Dr. Rocchio?

18 A. I am.

19 MS. POMERANTZ: Objection, your Honor.

20 THE COURT: Overruled.

21 Q. Malingering is the fabrication of symptoms for financial
22 gain, correct?

23 MS. POMERANTZ: Objection.

24 THE COURT: Sustained.

25 Q. You talked about delays in disclosure about people being

LC2Qmax3

Rocchio - Cross

1 close. Do you recall that?

2 A. Disclose in disclosure when there is a close attachment
3 between the perpetrator and the victim of child sexual abuse,
4 yes.

5 Q. Right. And when you say perpetrator, we're talking about
6 an allegation. So you're making an assumption that someone is
7 a perpetrator --

8 MS. POMERANTZ: Objection, your Honor.

9 THE COURT: Overruled.

10 Q. -- in that context, correct?

11 A. No, I'm talking about the literature that's been done on
12 child sexual abuse, so a significant amount of that literature
13 is conducted by --

14 Q. That's fine, Dr. Rocchio.

15 THE COURT: You may finish. You may finish. Go
16 ahead.

17 A. A significant amount of that literature has been conducted
18 on known and corroborated or admitted --

19 MR. PAGLIUCA: Your Honor, I'm going to object to this
20 as being --

21 THE COURT: You asked the question and then you
22 interrupted halfway through.

23 MR. PAGLIUCA: This is beyond the scope of my
24 question.

25 THE COURT: No, it's not. That's why I allowed the

LC2Qmax3

Rocchio - Cross

1 question.

2 Overruled. You may finish.

3 A. No, it's not an assumption, because a lot of the research
4 that I'm talking about and much of my experience in both
5 clinical and forensic settings has been conducted when the
6 abuse is actually known or have been found in a court of law to
7 have occurred or the event offender has admitted to the
8 behavior.

9 Q. You offered some opinions about grooming, Dr. Rocchio. I
10 think you referred to grooming as a series of tactics and
11 strategies that are commonly experienced by victims and
12 utilized by offenders in the course of deceiving the child
13 building a relationship of trust and then eventually sexually
14 abusing the child. Is that correct?

15 A. Yeah, that's a summary of what I said. Sure, yes.

16 Q. And these behaviors that you're referring to as grooming
17 behaviors can also be non-grooming behaviors as well, correct?

18 A. Some of them can, yes.

19 Q. And so there are many things that we do that in hindsight
20 one might say is grooming, but prospectively you can't tell
21 whether or not it's grooming, right?

22 A. It would be important though to -- grooming is not a
23 specific behavior. It's a series and a pattern of behavior
24 that's taking into account the entire pattern. So it wouldn't
25 be just a specific individual behavior.

LC2Qmax3

Rocchio - Cross

1 Q. Well, let's talk about specific individual behaviors, for
2 example. My grandfather used to take me to the Bronx Zoo, and
3 I liked going there. Is that a grooming behavior or not a
4 grooming behavior?

5 A. Given that in your hypothetical I'm assuming he wasn't
6 taking you there for the purposes of sexual abuse, it would not
7 be.

8 Q. So the importance there is whether or not someone is doing
9 something for an improper purpose. Is that correct?

10 A. So, the intent around sexual exploitation and abuse is
11 built into the definition of grooming when it's being used in
12 the discussions of child sexual abuse, yes.

13 Q. Right. So there are many things that parents do, for
14 example, that are normal behaviors that would not be considered
15 grooming behaviors, true?

16 A. True.

17 Q. Such as buying presents for their children, correct?

18 A. Yeah.

19 Q. Taking their children to special places, correct?

20 A. Yes.

21 Q. Treating the child specially, correct?

22 A. Yes.

23 Q. Paying attention to the child, correct?

24 A. Again, in the context of a healthy normal relationship, no,
25 that would not be considered grooming.

LC2Qmax3

Rocchio - Cross

1 Q. Being nice to someone is not considered grooming, correct?

2 A. In the context of a healthy normal relationship, no.

3 Q. You also talked about grooming the environment. Do you
4 recall that testimony?

5 A. I do.

6 Q. And that is an alleged perpetrator manipulating the
7 environment around the perpetrator and children to achieve an
8 improper purpose, correct?

9 A. An alleged or found perpetrator manipulating often the
10 individuals in the child's environment.

11 Q. Well, and that could include manipulating people around the
12 perpetrator as well, correct?

13 A. Yes.

14 Q. Right. So if the perpetrator is in a business, for
15 example. Let's say the perpetrator is a boy scout leader, to
16 use your example, right?

17 A. Okay.

18 Q. The perpetrator could deceive co-employees or their bosses
19 so that the behavior that the perpetrator is engaging in looks
20 normal to the people around the perpetrator, correct?

21 A. Yes. Perpetrators are quite good at hiding their
22 manipulative behaviors.

23 Q. And deceiving those people around them, correct?

24 A. They can, yes.

25 Q. And those folks can become sort of pillars in the community

LC2Qmax3

Rocchio - Cross

1 with an air of respectability around them and use that to
2 deceive people around them, correct?

3 A. Perpetrators, you mean?

4 Q. Yes.

5 A. Yes, they can.

6 Q. You discussed in your direct examination testimony, I think
7 you referred to them as five stages of grooming. Do you recall
8 that testimony?

9 A. I do.

10 Q. And those five stages were discussed in the article by
11 Winters and Jeglic, that was published in 2016. Do you recall
12 that?

13 A. That's one of the places that the stages of the grooming
14 process is referred to, but it's referred to in multiple other
15 literature.

16 Q. Well, let's stick with that one for a moment, okay?

17 A. Okay.

18 Q. And that's a paper that you actually provided to the
19 government in connection with your testimony. Do you recall
20 that?

21 A. Yes.

22 Q. And so you're familiar with that publication, correct?

23 A. I am.

24 Q. And in that -- and that's a peer reviewed article, correct?

25 A. Correct.

LC2Qmax3

Rocchio - Cross

1 Q. And it was done by folks who are at John Jay College here
2 in New York. Do you recall that?

3 A. I don't recall where the authors reside, no.

4 Q. Do you recall that part of the study involved using what
5 they call six vignettes and providing those to 393
6 undergraduate students?

7 A. I do.

8 Q. And the six vignettes were -- a vignette is like a story,
9 right?

10 A. Yes.

11 Q. And so what the authors were doing were taking these six
12 vignettes, five of them involving what you discussed, the five
13 stages of grooming, and then a sixth vignette which was a
14 non-grooming vignette. Do you recall that?

15 A. I don't recall the exact number of vignettes as I sit here
16 today, but I do recall that they were using vignettes in that
17 study, yes.

18 Q. And they would need a controlled vignette for the purpose
19 of this study which was the sixth vignette. Do you recall
20 that?

21 A. Not specifically as we speak here, but I'm happy to review
22 it if you'd like.

23 Q. Sure. I think you have a binder there that has this at a
24 tab.

25 THE COURT: Dr. Rocchio, could you come little closer

LC2Qmax3

Rocchio - Cross

1 to the mic when you're answering?

2 THE WITNESS: Sorry.

3 Q. I think it's tab 18. Do you have a tab 18?

4 A. Yes, I do.

5 Q. And that's the study that we're talking about?

6 A. It's one of them, yes.

7 Q. That's the study you and I are talking about right now,
8 correct?

9 A. Yes.

10 THE COURT: May I have it?

11 MR. PAGLIUCA: Yes, your Honor.

12 Q. Tell me when you've had enough time to review that.

13 A. So, if your question is: Was one of the vignettes used a
14 non-grooming condition, yes.

15 Q. Yes, okay. And those vignettes were given to these 393
16 undergraduate students to review, correct?

17 A. Yes.

18 Q. And they were asked questions about whether or not they
19 could identify what you've called grooming behavior as grooming
20 behavior, correct?

21 A. So this was one of the predictive studies, yes.

22 Q. Right. And so that's the question they were asked: Can
23 you predict this as being grooming behavior, correct?

24 A. Correct.

25 Q. And these 390-some-odd college students who reviewed these

LC2Qmax3

Rocchio - Cross

1 vignettes weren't able to prospectively predict this behavior
2 as grooming behavior, correct?

3 A. Correct.

4 Q. And so one of the conclusions of the study is that the
5 participants are not able to identify potential predatory
6 behaviors that may be employed, correct?

7 A. Correct.

8 Q. And the certainty of these behaviors, what you're calling
9 grooming behaviors' predictability, is very low according to
10 this study, correct?

11 A. The certainty of the behavior?

12 Q. Predictability of the behavior?

13 A. We're not able to reliably predict grooming behavior ahead
14 of time, that is correct.

15 Q. Prospectively?

16 A. Yes.

17 Q. Meaning, looking at something while it's going on and
18 saying that is or is not grooming behavior?

19 A. For a number of reasons, yes.

20 Q. Right.

21 MR. PAGLIUCA: Those are all the questions I have,
22 your Honor.

23 MS. POMERANTZ: Your Honor, may I just have a moment?

24 THE COURT: You may.

25 (Pause)

LC2Qmax3

Rocchio - Redirect

1 REDIRECT EXAMINATION

2 BY MS. POMERANTZ:

3 Q. Dr. Rocchio, you were asked about grooming the environment
4 and about whether perpetrators deceive other adults around
5 them. Dr. Rocchio, based on your experience, research, and
6 training, if a perpetrator abused a child in front of another
7 adult, is that grooming the environment?

8 MR. PAGLIUCA: Your Honor, I object to this as being
9 beyond the scope of my examination.

10 THE COURT: I'm --

11 A. No --

12 THE COURT: I'm sorry, just a second.

13 I'll sustain. The jury will disregard that response.

14 MS. POMERANTZ: Your Honor, may I have one moment?

15 THE COURT: You may.

16 (Pause)

17 MS. POMERANTZ: Your Honor, no further questions.

18 THE COURT: Thank you, Dr. Rocchio.

19 THE WITNESS: Thank you.

20 THE COURT: You may step down.

21 (Witness excused)

22 THE COURT: The government may call its next witness.

23 MS. COMEY: The government calls Juan Alessi.

24 THE COURT: Juan Alessi may come forward.

25

LC2Qmax3

Alessi - Direct

1 JUAN PATRICIO ALESSI,

2 called as a witness by the Government,

3 having been duly sworn, testified as follows:

4 THE WITNESS: My name is Juan Patricio Alessi.

5 J-U-A-N. Patricio, P-A-T-R-I-C-I-O. Alessi, A-L-E-S-S-I.

6 THE COURT: Thank you. You may proceed, Ms. Comey.

7 MS. COMEY: Thank you, your Honor.

8 DIRECT EXAMINATION

9 BY MS. COMEY:

10 Q. Good afternoon, Mr. Alessi.

11 A. Good afternoon.

12 Q. How old are you?

13 A. I gonna be 72 couple weeks.

14 Q. Where were you born?

15 A. I was born in Quito, Ecuador.

16 Q. Where did you grow up?

17 A. I grew up to 19 in Quito, Ecuador.

18 Q. Where did you go after you turned 19?

19 A. I came to the United States.

20 Q. How far did you go in school?

21 A. I have one year of premed student.

22 Q. What kind of work did you do after coming to the United
23 States?

24 A. I only had three jobs before -- when I came to the United
25 States. One was in a bottling company, perfume company, and

LC2Qmax3

Alessi - Direct

1 another one was the largest dairy in New Jersey.

2 Q. Mr. Alessi, I'm going to ask you to get closer to the
3 microphone please and make sure it points towards your mouth.

4 I want to make sure everyone can hear you.

5 A. Okay. This better now?

6 Q. Thank you.

7 After you worked in New Jersey, where did you go next

8 A. We moved to Florida.

9 Q. What kind of work do you do now?

10 A. Now? I am retire.

11 Q. About when did you move to Florida?

12 A. We move early 1994.

13 Q. What type of work did you do after moving to Florida?

14 A. I work for a very wealthy family in the city of Palm Beach.
15 They have a multiple properties, and I was a maintenance guy
16 for those properties.

17 Q. What did you do after that?

18 A. After that I start to work at -- for myself doing the same
19 work, the same repairman service for different families in Palm
20 Beach.

21 Q. For about how long were you self-employed working for
22 different families in Palm Beach?

23 A. About a year and a half.

24 Q. What did you do after that?

25 A. After that I was a -- I work for Mr. Jeffrey Epstein.

LC2Qmax3

Alessi - Direct

1 Q. About when did you meet Jeffrey Epstein?

2 A. I meet Mr. Epstein in early 1990.

3 Q. How did you meet Jeffrey Epstein?

4 A. He -- he contact me because I was referred to him by one of
5 his friends, Mr. Meister, and I went to -- also, I was working
6 at Mr. Wexner's mother's house, and I was contacted by
7 Mr. Epstein.

8 Q. Ms. Drescher, would you please pull up what's in evidence
9 as Government Exhibit 112.

10 Looking at the screen in front of you, Mr. Alessi, do
11 you recognize the person in this Exhibit?

12 A. Yes, that's Mr. Jeffrey Epstein.

13 Q. Thank you. We can take that down, Ms. Drescher.

14 What was your job title when you first started working
15 for Mr. Epstein?

16 A. I was just a self-contractor to do the dismantling of the
17 house. He just purchase a house.

18 Q. What house was that?

19 A. At 358 El Brillo Way.

20 Q. Was that in Palm Beach, Florida?

21 A. Palm Beach, Florida.

22 Q. For about how long were you involved in renovating
23 Mr. Epstein's house?

24 A. I was working as a self-contractor for about a year.

25 Q. Just to get the timeline, about what year did you first

LC2Qmax3

Alessi - Direct

1 start working for Mr. Epstein?

2 A. I start working for him around 1990.

3 Q. And about when did you stop working for him?

4 A. I start -- I stop working for Mr. Epstein December -- at
5 the end of December 2002.

6 Q. At first, during the first couple years you worked for
7 Mr. Epstein, what were your job responsibilities?

8 A. When I start working for him, my responsibility was doing
9 repairs in the house, the dismantling of many rooms in the
10 house. That's it.

11 Q. About how long did those renovations on the house take?

12 A. It took it about a year.

13 Q. And during that time, was Mr. Epstein able to stay in the
14 house?

15 A. Yes.

16 Q. About when were the renovations completed?

17 A. I would think, I will say it's 1991.

18 Q. After that, were there any other renovations on
19 Mr. Epstein's Palm Beach house?

20 A. Yes, it was done by a big company. They did huge
21 extension -- extensive -- expensive and extensive renovation.

22 Q. About when were those renovations completed?

23 A. They were completed around 1994.

24 Q. Over the time that you worked for Mr. Epstein how, if at
25 all, did your job responsibilities change?

LC2Qmax3

Alessi - Direct

1 A. My job responsibilities change when Mr. Epstein asked me to
2 work full time only for him and leave all my clients that I had
3 in Palm Beach and to work full time for him only.

4 Q. About when was that?

5 A. 1991.

6 Q. And then what were your job responsibilities?

7 A. My job responsibilities changed gradually during the years.
8 From being a contractor outside, I went to work inside the
9 house for Mr. Epstein.

10 Q. What was your job title?

11 A. I was in charge of the running of the house.

12 Q. And what does that mean to be in charge of the running of
13 the house?

14 A. I was responsible for overseeing the -- the cleanliness,
15 the maintenance, the shopping for the house, the taking care of
16 the people who work outside the house: The gardeners, the pool
17 man.

18 Q. When you were responsible for the house and Mr. Epstein was
19 staying in Palm Beach, what hours did you work?

20 A. Too many hours.

21 Q. Can you approximate for us?

22 A. My job starts between 5:00 in the morning, and we finish
23 around 9:00, 10:00 at night.

24 Q. Why did you have to work such long hours?

25 A. It was required by my position.

LC2Qmax3

Alessi - Direct

1 Q. When Mr. Epstein was in Palm Beach, where did you sleep?

2 A. Most of the time I sleep in the staff quarters. I had a
3 room at the house.

4 Q. Who else worked in the house with you during your
5 employment with Mr. Epstein?

6 A. After three years working for him, I bring my wife to help
7 me. She would stay with me, and also there was other girls
8 that was constantly flying with them -- with Mr. Epstein and
9 Ms. Maxwell to the house.

10 Q. Focusing on your wife, about when did she start working for
11 Mr. Epstein?

12 A. I think it was 1995.

13 Q. And until when did she work for Mr. Epstein?

14 A. She left at the same time I did.

15 Q. In December 2002?

16 A. Yes.

17 Q. When Mr. Epstein was not in Palm Beach, where would you
18 stay?

19 A. Most of the times I stayed -- we had an apartment across
20 the bridge in West Palm Beach.

21 Q. Would you please describe what Mr. Epstein's Palm Beach
22 house looked like during the time you worked for him?

23 A. Yes. It was very large residence. It had, I think, was
24 ten bathrooms, around six bedrooms, a very large property. It
25 had a pool house we used to call the cabana. When I start

LC2Qmax3

Alessi - Direct

1 working for him, that's it.

2 Q. How many structures were on Mr. Epstein's Palm Beach
3 property?

4 A. In the beginning, it was just the main house and the pool
5 house. At the end -- almost at the end of my staying there,
6 they constructed a staff quarters. There was a house separate
7 from the main residence, and it was in there there were three
8 bathrooms, three bedrooms, a small living room, dining room,
9 and it was a very large laundry room, the staff house.

10 Q. That third structure, that staff house, about when was it
11 built?

12 A. I have to say 1999, 2000.

13 Q. Do you remember the cabana being on the property the entire
14 time you worked for Mr. Epstein?

15 A. Yes, I do.

16 Q. What color was the main house when you first started
17 working for Mr. Epstein?

18 A. The main house was white, and I painted, and it was pink
19 after I painted.

20 Q. Was it still pink when you left in 2002?

21 A. Yes, it was still pink.

22 Q. Other than Mr. Epstein, who else, if anyone, gave you
23 instructions about your job responsibilities during your
24 employment?

25 A. Ms. Maxwell.

LC2Qmax3

Alessi - Direct

1 Q. About when did you first meet Ms. Maxwell?

2 A. I met Ms. Maxwell around 1991.

3 Q. Do you know her full name?

4 A. Ms. Ghislaine Maxwell.

5 Q. When you first met Ms. Maxwell, what did she look like?

6 A. She was a pretty girl, tall, brunette.

7 Q. For how long did you know Ms. Maxwell?

8 A. Since I -- since she came to the house until I left.

9 Q. In 2002?

10 A. Yes.

11 Q. Do you think you would recognize her if you saw her in
12 person again?

13 A. Yes.

14 Q. Do you see her in the courtroom today?

15 A. Yes, I think she is with a black sweater.

16 Q. Would you please point her out?

17 A. (Indicating) At the corner.

18 MS. COMEY: Would the record please reflect that the
19 witness has identified the defendant?

20 THE COURT: The record so reflects.

21 Q. Mr. Alessi, about how often did you interact with
22 Ms. Maxwell while you were working for Mr. Epstein?

23 A. On a daily basis.

24 Q. Why did you interact with her on a daily basis?

25 A. Because I had all the orders from Mr. Epstein where I

LC2Qmax3

Alessi - Direct

1 suppose it was passed to Ms. Maxwell, and she would interact
2 with me directly.

3 Q. So did you primarily receive your instructions from
4 Ms. Maxwell?

5 A. Yes, I did.

6 Q. What, if any -- what kinds of instructions do you remember
7 Ms. Maxwell giving you over the time that you worked for
8 Mr. Epstein?

9 A. Many, many instructions. From cleaning the house to the
10 way we should serve, the way the kitchen should be handled, the
11 way the shopping list should be done and the cleanliness of the
12 house.

13 Q. By what name did Ms. Maxwell call you?

14 A. She call me John.

15 Q. Is that your name?

16 A. Well, my name is -- she call me John, and Mr. Epstein
17 called me John, but my name is Juan.

18 Q. Do you know where she call you John instead of Juan?

19 A. John is translation for Juan.

20 Q. Over your years of employment, based on your observations
21 of Ms. Maxwell and Mr. Epstein, what was your understanding of
22 the nature of their relationship?

23 A. They were -- Ms. Maxwell was the girlfriend of Mr. Epstein.
24 I understand she was the lady of the house.

25 Q. What, if anything, did Ms. Maxwell tell you about her role

LC2Qmax3

Alessi - Direct

1 in Mr. Epstein's life?

2 A. From the day she came to the house, she -- she right away
3 took over, and she mentioned to me that she was going to be the
4 lady of the house, and also she was in charge of other homes,
5 other properties.

6 Q. Whose other properties was she in charge of according to
7 her?

8 A. Of Mr. Epstein.

9 Q. What was your relationship with Mr. Epstein like before you
10 met Ms. Maxwell?

11 A. It was cordial.

12 Q. How, if at all, did that change after you met Ms. Maxwell?

13 A. It changed gradually from being cordial to be more --
14 more -- just professional, in a professional manner. Our
15 conversation with him were less and less and less.

16 Q. What, if anything, did Ms. Maxwell tell you about whether
17 you could speak directly to Mr. Epstein?

18 A. Well, only I was supposed to speak to Mr. Epstein when he
19 asked me questions.

20 Q. What, if anything, did Ms. Maxwell tell you about eye
21 contact?

22 A. At the end of my stay, it was a time when she says Jeffrey
23 doesn't like to be looked at his eyes. You should never look
24 at his eyes. Just look at another part of the room and answer
25 to him.

LC2Qmax3

Alessi - Direct

1 Q. During your time working for Mr. Epstein, how often was
2 Mr. Epstein at the Palm Beach residence?

3 A. It was almost every weekend of the year. All the holidays
4 he'd spend it in Palm Beach. Usually he left Palm Beach either
5 on a Monday or a Tuesday, and he was back in Palm Beach either
6 Thursday or Friday. The whole weekend we have to be there.

7 Q. Was there a set schedule for when Mr. Epstein would be in
8 Palm Beach?

9 A. No.

10 Q. How much notice would you typically receive before he came
11 to Palm Beach?

12 A. Sometimes one day, sometimes couple hours before.

13 Q. When you heard Mr. Epstein was coming to Palm Beach, what
14 were you required to do?

15 A. It was extensive preparations. It was very hectic, very --
16 a lot of work, a lot of work.

17 Q. What kind of work?

18 A. From cleanliness of the house, to make the -- change the
19 sheets in his room, to change the sheets in all the guest
20 rooms, prepare the guest rooms, prepare food, do the shopping,
21 and the cars, taking care of the cars. Make sure the cars were
22 clean. Make sure the cars have money -- hundred dollar bills
23 in the car in every car. The cars they have to be immaculate.
24 The house needs to be -- he run the house like a five-star
25 hotel.

LC2Qmax3

Alessi - Direct

1 Q. About how often was Ms. Maxwell at the Palm Beach residence
2 during the time you worked there?

3 A. Can you repeat the question?

4 Q. About how often was Ms. Maxwell at the Palm Beach residence
5 during the time you worked there?

6 A. I would say she was with Mr. Epstein 95 percent of the
7 times.

8 Q. Ms. Drescher, could we please pull up what's been marked
9 for identification as Government Exhibit 298.

10 Mr. Alessi, I think that's a binder up next to you.
11 You're welcome, with the Court's permission, to look at a paper
12 copy of 298 if that's easier than the screen.

13 A. No, I think I prefer the screen.

14 Q. Do you recognize this exhibit?

15 A. Yes, this is a --

16 THE COURT: Sir, I need you to speak to the
17 microphone. Thank you.

18 A. Yes, this is the main floor of the house, the first floor
19 of the house.

20 Q. Is this a fair and accurate depiction of the layout of the
21 first floor of Mr. Epstein's Palm Beach residence?

22 A. Yes, very accurate.

23 MS. COMEY: Your Honor, I offer this in evidence.

24 MR. PAGLIUCA: No objection.

25 THE COURT: PX-298 is admitted.

LC2Qmax3

Alessi - Direct

1 (Government's Exhibit 298 received in evidence)

2 MS. COMEY: Ms. Drescher, can we please publish this?

3 THE COURT: You may.

4 MS. COMEY: Oh, excuse me. Thank you, your Honor.

5 BY MS. COMEY:

6 Q. Mr. Alessi, can you please walk us through the layout of
7 this house using Government Exhibit 298?

8 A. Can I use my finger?

9 THE COURT: I think you have to describe it with your
10 words. Maybe start in the left-hand corner.

11 MS. COMEY: Your Honor, is the touch screen available
12 on the witness's screen?

13 THE COURT: I'm not sure.

14 MS. COMEY: May I ask Ms. Drescher to check, please?

15 THE COURT: Sure.

16 MS. COMEY: Thank you.

17 A. Okay. I gonna describe the front entrance going into the
18 main house, and I will describe the back entrance going from
19 the garage section of the --

20 Q. Mr. Alessi, I'm going to stop you there. I don't think the
21 touch screen is working, so I'm going to work with Ms. Drescher
22 to zoom in on the parts we're talking about.

23 THE COURT: Actually, we have our jurors' lunch, so we
24 can break if Ms. Williams is ready. Let me just check. We'll
25 break and then you can work on that during the break.

LC2Qmax3

Alessi - Direct

1 Members of the jury, see you in about 45 minutes.

2 Thank you. Enjoy your lunch.

3 (Jury not present)

4 THE COURT: You may be seated.

5 Matters to take up, counsel?

6 MS. COMEY: Not at this time, your Honor.

7 MR. PAGLIUCA: No, your Honor.

8 THE COURT: You can work on the touch screen, but do
9 be mindful that we need to describe it for the record as well.

10 MS. COMEY: Yes, of course, your Honor.

11 THE COURT: Let's resume in 45, please. Thank you.

12 (Luncheon recess)

13 (Continued on next page)

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LC2VMAX4

Alessi - Direct

A F T E R N O O N S E S S I O N

1:30 P.M.

THE COURT: Matters to take up?

MS. COMEY: No, your Honor.

MR. PAGLIUCA: No, your Honor.

THE COURT: All right. We'll bring in the jury.

(Jury present)

THE COURT: Just a moment while we wait for one more juror.

All right. Good afternoon, jurors. I hope you had a nice lunch. Thank you for your continued diligence and attention.

Ms. Comey, you may continue with your direct examination of Mr. Alessi.

MS. COMEY: Thank you, your Honor.

JUAN PATRICIO ALESSI, resumed.

BY MS. COMEY:

Q. Good afternoon, Mr. Alessi.

A. Good afternoon.

Q. I'd like to pick back up with Government Exhibit 298.

MS. COMEY: Ms. Drescher, would you please pull that exhibit up.

Q. Mr. Alessi, I'm going to try to use the touch screen to draw your attention to particular parts of this exhibit.

So first, I'm going to circle the room labeled foyer.

LC2VMAX4

Alessi - Direct

1 Can you see that?

2 A. Yes.

3 Q. And that's at the center of this page.

4 Can you describe this area of the house for us please.

5 A. Yes, this is the front entrance.

6 THE COURT: I'm sorry. Mr. Alessi, could you pull up
7 the microphone, please. Thank you.

8 THE WITNESS: Put it closer?

9 THE COURT: That's good. Thank you.

10 A. Okay. This is the front entrance. And it's a single door,
11 very tall. At the left of the door was a stairway going to the
12 second floor. Coming into the foyer, to the right is going
13 into the lake room or living room.

14 To your right you have Mr. Epstein desk --

15 Q. I'm going to pause you right there, Mr. Alessi.

16 A. Yup.

17 Q. I'm going to clear the markings and circle now the room
18 labeled lake room. Can you please continue describing that
19 room.

20 A. Yes. Coming into the lake room, to the right against the
21 wall, there was Mr. Epstein desk. Behind the desk is where
22 stereo equipment and hundreds and hundreds of books of all the
23 way to the wall. This are -- is sliding doors. All the
24 sliding door is glass.

25 Q. And for the record, are you indicating the far right wall

LC2VMAX4

Alessi - Direct

1 on this exhibit?

2 A. Yes.

3 Q. Please continue.

4 A. In here was a large couch and different chairs and small
5 couches in the living room.

6 Q. Thank you. Let's move up now to the garden room which I've
7 just circled. Would you please describe that for us.

8 A. Yes. The garden room was a long and kind of narrow room.
9 On the left-hand side was Ms. Maxwell's desk. All this rear
10 wall was all the sliding doors. It was a couch in here and
11 these are sliding doors.

12 Q. Okay. Thank you.

13 Now I'm going to circle the room labeled dining room.

14 A. Yes.

15 Q. Would you please describe that room for us.

16 A. The dining room had access to the -- to the lake room, to
17 Ms. Maxwell's desk, to the left, and an entry to the pantry
18 room.

19 Q. Let's move now to the left, the areas labeled kitchen and
20 pantry. Would you please describe those for us.

21 A. Yes. Coming from the pantry, it was a stove. This is the
22 pantry room, it has countertops, and it was a sink by this
23 window. Coming into the kitchen at the right was a stove and
24 range oven. Here was a refrigerator. And they have an island
25 in the middle with a sink, a dishwasher. This was a sliding

LC2VMAX4

Alessi - Direct

1 doors going to the kitchen patio. Here was a AC unit. And
2 here was the entrance to the -- to the back foyer.

3 Q. Thank you. I'm going to pause you there, clear the screen.

4 And I'm going to circle the area around the room
5 labeled staff. Would you please describe this area of the
6 first floor for us.

7 A. Yes. Well, the staff quarter -- the staff where my office
8 was, was there. It had a large window facing the front of
9 the -- to the street. It had a small bathroom with a shower,
10 this here. It had a closet for utilities and a door here. The
11 elevator, this was the elevator going to the second floor. And
12 this is the back stairway, the steps going to the second floor
13 that was used only for -- for the staff.

14 Q. There were two staircases in the house?

15 A. Yes, one in the front and the main staircase, and the back
16 staircase. And also was one outside going to the rear balcony
17 to the second floor, a metal stair -- winding stairway.

18 Q. And I've just circled the top right corner of this exhibit.
19 Is that where the metal circular stairway was?

20 A. Yes, it was right here.

21 Q. Which staircase were you supposed to use?

22 A. We were supposed to use the -- the staff stairway.

23 Q. Which one was that?

24 A. Right here.

25 Q. And you're indicating the stairway to the left of this --

LC2VMAX4

Alessi - Direct

1 A. Yes.

2 Q. -- exhibit?

3 A. Mm-hmm. Right here.

4 MS. COMEY: Ms. Drescher, we can take that down.

5 Thank you. I'd like to now pull up just for the witness, the
6 Court, and the parties, Government Exhibit 297.

7 Q. Mr. Alessi, do you recognize this?

8 A. Yes, this is the layout for the second floor.

9 Q. Does this fairly and accurately depict the second floor of
10 Mr. Epstein's Palm Beach residence?

11 A. Yes, it is.

12 MS. COMEY: Your Honor, the government offers this in
13 evidence.

14 MR. PAGLIUCA: No objection, your Honor.

15 THE COURT: Thank you. GX-297 is admitted.

16 (Government's Exhibit 297 received in evidence)

17 THE COURT: You may publish.

18 MS. COMEY: Thank you, your Honor.

19 Ms. Drescher, would you please publish this exhibit.

20 Q. Mr. Alessi, I want to walk through this exhibit the same
21 way we just walked through Exhibit 298. I'm going to circle
22 the spiral in or about the center of this page.

23 Can you tell us what that is?

24 A. Yes, that's the main stairway going into the second floor.

25 Q. And when you got up to the top of the stairs and you turned

LC2VMAX4

Alessi - Direct

1 right --

2 A. Yes, this was --

3 Q. -- what would be to your right?

4 A. It was a hallway, all the way towards Mr. Epstein's
5 bedroom. It was a two sets of double doors, one here and one
6 here. And it also was his door. I think his door, if I
7 remember correctly, was a single door going into his room.

8 Q. Let me clear this. I'm going to circle the rectangle
9 slightly to the right of the spiral.

10 Can you tell us what that area is?

11 A. This is the hallway. That is a hallway. I think it was a
12 table with some lights.

13 Q. And where does that hallway lead to?

14 A. That hallway leads to Mr. Epstein's door, bedroom.

15 Q. Is that hallway separated from the staircase by double
16 doors?

17 A. Yes.

18 Q. I'd like to move now to the master bedroom, which I've
19 circled on the right side of this exhibit.

20 Would you please describe the master bedroom for us.

21 A. Yes, it was a very large master bedroom. At the left of
22 the -- the bed was situated right here in the center. To the
23 left of the room was the entrance with a door into his
24 bathroom.

25 Q. Whose bathroom was that?

LC2VMAX4

Alessi - Direct

1 A. Mr. Epstein's bathroom.

2 Q. Thank you.

3 Would you please go back to the master bedroom to
4 describe that a bit more.

5 A. Okay. The master bedroom had a -- if I remember correctly,
6 it was a corner TV right there and also was a projection TV
7 that it came down from the ceiling in front of the bed. These
8 doors were all sliding doors going into the balcony facing the
9 pool.

10 Q. Thank you.

11 Now, Mr. Alessi, if you walked into the master bedroom
12 and instead of turning left you turned right, what would you
13 see?

14 A. Yes. If I coming into the master bedroom to the right, it
15 was the entrance with a door to Ms. Maxwell's bathroom. Her
16 bathroom, it had a closet with double doors.

17 Q. I'm going to pause you right there. I'm going to circle
18 what is identified as bath number four on this exhibit.

19 Whose bathroom was this, first of all?

20 A. This was Ms. Maxwell's bathroom.

21 Q. And can you please describe Ms. Maxwell's bathroom for us.

22 A. It was a very large, very nice room. It had a double
23 room -- a double closet. It had a vanity, it had a bathtub.
24 Her toilet was in this corner. And here were several drawers,
25 and here was a door going to the front balcony of the

LC2VMAX4

Alessi - Direct

1 residence.

2 Q. Thank you.

3 I'd now like to circle what's indicated as bath number
4 five up above the room we were just talking about.

5 Whose bathroom was that?

6 A. That was Mr. Epstein's bathroom.

7 Q. And just to clarify, did both Ms. Maxwell's bathroom and
8 Mr. Epstein's bathroom attach to the master bedroom?

9 A. Yeah, they were attached, but they were not -- not
10 separated by -- they were separated by two walls, this hallway
11 and this hallway.

12 Q. But they were both -- they both came off of the master
13 bedroom?

14 A. Yes, they did.

15 Q. Thank you.

16 Can you please describe Mr. Epstein's bathroom.

17 A. Mr. Epstein's bathroom was basically the same dimension as
18 Ms. Maxwell's bathroom. It had a dresser. Coming into the
19 left there was -- coming into the room from the left there was
20 a dressing room with four or five set of drawers. On top was a
21 countertop. That was for storage of oil, perfumes, for the
22 massages. And in this wall it had a vanity. And then it had a
23 door going -- the door so long ago --

24 THE COURT: Mr. Alessi, could you pull up the
25 microphone again, please. Thank you.

LC2VMAX4

Alessi - Direct

1 Q. I'm going to redraw the circle for you, Mr. Alessi.

2 A. Yeah.

3 Q. Go ahead.

4 A. So the bathroom had a vanity. And the garden side, it had
5 a -- his toilet was here. This was his closet. This was a
6 steam room, and this was a shower, a double shower. And in
7 here they had a couch.

8 Q. Do you remember what color the couch was?

9 A. I think it was green, if I remember correctly.

10 Q. Okay. Thank you. I'm going to clear that.

11 And now I'm going to circle at the bottom left-hand
12 corner the area labeled housekeeper bedroom. What was that?

13 A. Yes, that was my bedroom.

14 Q. Could you describe where your bedroom was in relation to
15 the master bedroom, please.

16 A. My bedroom was here, and the master bedroom was on the
17 opposite side of the house.

18 Q. Thank you.

19 MS. COMEY: We can take that down. Thank you,
20 Ms. Drescher.

21 I'd like to now show the witness, the Court, the
22 parties what's been marked for identification as Government
23 Exhibit 299.

24 Q. Mr. Alessi, do you recognize what's depicted in this
25 exhibit?

LC2VMAX4

Alessi - Direct

1 A. Yes. This was the structure of the main house. The main
2 house was -- I'm going to --

3 Q. Well, Mr. Alessi, before you start marking on it, I'm just
4 going to ask you, is this a fair and accurate depiction of the
5 layout of the structures on Mr. Epstein's Palm Beach property
6 before the third structure was constructed?

7 A. Yes.

8 MS. COMEY: Your Honor, the government offers this in
9 evidence.

10 MR. PAGLIUCA: No objection.

11 THE COURT: Thank you. GX-299 is admitted.

12 (Government's Exhibit 299 received in evidence)

13 MS. COMEY: May we publish, your Honor?

14 THE COURT: You may.

15 MS. COMEY: Thank you.

16 Ms. Drescher, would you please put this up for the
17 jury.

18 Q. Mr. Alessi, I'm circling the rectangle at the top of the
19 page labeled cabana. What was this?

20 A. This was also called the pool house, the cabana. It had --
21 was a pretty large structure. It had his -- Mr. Epstein desk
22 was situated in here. It had a couch here. In here was a
23 sliding door. And in the front were sliding doors. It had the
24 stereo equipment right here. This closet had a door to the
25 outside of the patio, and it was a closet for utilities for the

LC2VMAX4

Alessi - Direct

1 pool tables, the pool cushions, etc. And in here it was --
2 this section here was the yoga apparatus, they were hanging
3 from the ceiling. And this was his bathroom, a vanity, and a
4 shower.

5 Q. Thank you. I'll clear the screen.

6 I'm circling the rectangle in the center of the page.
7 What was that?

8 A. That is the pool.

9 Q. And then the shape all the way to the left of this exhibit
10 that I just circled, what was that?

11 A. That is the main house. That is the main outside walls of
12 the house, of the main house. This is the stairway -- the
13 entrance.

14 Q. Thank you.

15 And then focusing on the line to the right of this
16 diagram, what was to the right of that?

17 A. To the right of this diagram was the intercoastal lake way.

18 Q. A waterway?

19 A. Waterway. And it was a dock for the boats and jet skis
20 right here.

21 Q. Mr. Alessi, could you please indicate for us on this
22 exhibit where the third structure was built on Mr. Epstein's
23 property?

24 A. Yes. It was -- it was located at the right -- at the right
25 of the --

LC2VMAX4

Alessi - Direct

1 Q. Indicating the -- well, are you indicating the top left
2 right now?

3 A. The helper's quarters.

4 Q. And is that at the top left of this exhibit?

5 A. Yes.

6 Q. Okay.

7 A. And also it was a wall that I used to call the Berlin Wall,
8 that it was all -- was constructed all the way to the fence and
9 the structure was here.

10 Q. After that structure was built, where did you spend the
11 night when Mr. Epstein was in Palm Beach?

12 A. After this structure was finished, I moved from my room in
13 the second floor to a room in the back of the structure.

14 Q. And the wall you described, what view did it obstruct?

15 A. It obstruct the whole view of the garden and the pool, so
16 it was no view from the staff quarters to the rest of the
17 house.

18 Q. Thank you. I'll clear that and we can take that down,
19 Ms. Drescher.

20 When Ms. Maxwell was in Palm Beach, where would she
21 sleep at night?

22 A. 99 percent --

23 MR. PAGLIUCA: Your Honor, I'm going to object to the
24 foundation of this question. We're lacking a date certain
25 here.

LC2VMAX4

Alessi - Direct

1 THE COURT: Sure.

2 MS. COMEY: Sure.

3 Q. Between approximately when you first met Ms. Maxwell in
4 1991 and when you stopped working for Jeffrey Epstein in 2002,
5 where did you understand Ms. Maxwell to be sleeping when she
6 was in Palm Beach?

7 A. She was sleeping at Mr. Epstein's bedroom.

8 Q. And was that the master bedroom that we saw on the diagram
9 earlier?

10 A. Yes.

11 Q. How many desks did Mr. Epstein have in his home in Palm
12 Beach?

13 A. In his home he had three desks. One at the right-hand side
14 of his bedroom, one by the lake room in the first floor, and
15 one desk by the pool house, on the south part of the pool
16 house.

17 Q. How many desks did Ms. Maxwell have at the Palm Beach
18 residence between 1991 and 2002?

19 A. One.

20 Q. Where was that?

21 A. That was in the garden room, close to the pantry.

22 Q. Over your years working for Mr. Epstein, what, if any,
23 females did you observe coming to his Palm Beach residence?

24 A. Many, many, many females.

25 Q. How old did most of them appear to be?

LC2VMAX4

Alessi - Direct

1 A. Most of them appear to be in the late twenties, twenties.

2 Q. What did you see those females do when they came to
3 Mr. Epstein's home?

4 A. They went into the --

5 MR. PAGLIUCA: Your Honor, again, I need to object
6 because we were talking about a wide time frame here and we're
7 now lumping in many people over a very wide time frame. I
8 think it needs to be more specific.

9 THE COURT: Okay. Ms. Comey?

10 MS. COMEY: I'm happy to rephrase, your Honor.

11 BY MS. COMEY:

12 Q. Over the years that you worked for Mr. Epstein, about how
13 many times do you remember seeing the female guests by the
14 pool?

15 A. Oh, many, many times. Over the 12 years that I work there,
16 hundreds of times.

17 Q. And over those hundreds of times, about what percentage of
18 the time were those females topless?

19 A. I would say 75, 80 percent probably.

20 Q. Did you ever see any of those females fully naked?

21 A. No.

22 Q. Those females that you saw by the pool who were topless,
23 who did you see them spend time with?

24 A. They spend time by the pool and they spend time inside the
25 house, inside the main house, and also by the -- in the pool

LC2VMAX4

Alessi - Direct

1 house.

2 Q. And who did you see them interact with, if anyone?

3 A. Mr. Epstein and Ms. Maxwell.

4 Q. What, if any, trips did you personally take to any of
5 Mr. Epstein's other properties?

6 A. Yes. I took a trip to the ranch, Zorro Ranch in Santa Fe,
7 New Mexico. There was supposed to be --

8 Q. I'm going to stop you there.

9 About when did you go to New Mexico?

10 A. I would say 1994, '95.

11 Q. Who invited you to travel to Zorro Ranch?

12 A. Ms. Maxwell and Mr. Epstein.

13 Q. Did they tell you why they wanted you to come to the ranch?

14 A. Yes, they did.

15 Q. What did they say?

16 A. They said it was going to be like a symposium. And this
17 lady was going to teach all the personnel of the different
18 homes how to clean the houses.

19 Q. How did you travel from Florida to New Mexico for that
20 symposium?

21 A. I fly commercial from West Palm Beach to Albuquerque, New
22 Mexico. And I was picked up by the house ranch manager at the
23 ranch.

24 Q. What did the ranch look like when you visited it?

25 A. Oh, it was a huge, huge property. I don't remember how

LC2VMAX4

Alessi - Direct

1 many, but it was thousands and thousands of acres. And the
2 entrance, it was a couple homes for the ranch people, it was an
3 office, and it was the cowboy quarters. And the guest rooms,
4 they were in a structure at the right-hand side of the ranch.
5 And it was a -- a big, long gravel and dirt road going up the
6 mountain. And on top of the mountain was -- they were
7 construction -- they were still under the construction of the
8 main house. And also was a mobile home to the right. And it
9 was also a little cabana house at the end of the -- at the end
10 of this mountain.

11 Q. Were you able to go inside the main house?

12 A. Yes. Very, very briefly they show us the house, and I saw
13 very little bit. I know that it was a huge structure and it
14 had -- it was like a Spanish style construction with a patio in
15 the center and the rooms were all around. I only saw
16 Mr. Epstein's -- I think it was his office or living room
17 office, and it was --

18 Q. If the main house was still under construction, how were
19 you able to go inside of it?

20 A. They were still -- they were in the finishing phases of the
21 construction. And we were able to walk to the kitchen. We saw
22 very few rooms. I think it was only two rooms that we saw
23 inside.

24 Q. And were people able to stay in that house overnight even
25 though it was still under construction?

LC2VMAX4

Alessi - Direct

1 A. I don't know.

2 MR. PAGLIUCA: Objection. Leading.

3 THE COURT: All right. Sustained.

4 A. I don't know.

5 THE COURT: Sorry. Sustained.

6 The jury will disregard the answer.

7 Q. What other homes did you understand Mr. Epstein owned
8 during the time you worked for him?

9 A. During the time we work for him, he own Zorro Ranch. He
10 own the private island in the Caribbean, Little St. James, that
11 we used to call Little St. Jeff, and right outside St. Thomas.
12 Also he had a home that I never visit in New York, a very large
13 home in New York. And he had a home in Paris, France. And I
14 think they have -- he had a home at Columbus, Ohio.

15 Q. During the approximately ten years when you worked for
16 Mr. Epstein, do you know how he traveled to his different
17 homes?

18 A. He traveled on his private planes.

19 Q. How many times have you flown on Mr. Epstein's private
20 planes?

21 A. None. I'm sorry. I flew with Ms. Maxwell in a small
22 plane, the first plane that he purchase, he had, it was a -- I
23 think it's called a Hawker, Hawker. Small plane. We flew with
24 Ms. Maxwell to an engagement in Miami and flew back. That's
25 it. That's the only time I flew with him.

LC2VMAX4

Alessi - Direct

1 Q. Other than the New Mexico property and the Palm Beach
2 property, have you visited any other of Mr. Epstein's
3 properties?

4 A. The island.

5 Q. About when did you visit the island?

6 A. The island I visit for maybe two hours.

7 Q. I'm sorry, about what year or approximately?

8 A. I can't remember.

9 Q. Was it during your employment with Mr. Epstein?

10 A. Yes, of course.

11 Q. For about how long were you on the island?

12 A. Oh, for two hours. We --

13 Q. Mr. Alessi, could you speak into the microphone, please.

14 A. We went to a vacation with my wife in a cruise line. And
15 the cruise line was supposed -- it did stop in St. Thomas. And
16 the people from the island pick us up and they show us the
17 island. Very, very exclusive, beautiful island.

18 Q. Could you describe the island.

19 A. Yes. The island had -- the main structures of the island
20 was not one house, but there were different pavilions,
21 different parts of the house. And it had a -- I think it was
22 in the center, it had the pool, and the kitchen/dining room
23 area was the biggest structure that I saw when I went there.
24 It was the kitchen/dining room area.

25 Q. What properties, if any, of Ms. Maxwell's did you visit

LC2VMAX4

Alessi - Direct

1 during your employment with Mr. Epstein?

2 A. I visit Ms. Maxwell's townhome in London.

3 Q. About when was that?

4 A. I cannot tell you exactly what year, but it was also before
5 my departure.

6 Q. Was it sometime when you were still working for
7 Mr. Epstein?

8 A. Of course. Yes.

9 Q. How did you come to visit Ms. Maxwell's home in London?

10 A. She invite us to see her house.

11 Q. For about how long were you there?

12 A. Five minutes.

13 Q. Can you describe what you saw?

14 A. I saw -- I think it was a townhome, two floors. I think
15 the -- the front door was either red, a red front door, and we
16 saw just the living room. And we went upstairs and it was a --
17 I think it was a bathroom. And we saw her bedroom upstairs.
18 It was a pretty small place. There was not a big structure.

19 Q. What, if any, rules did Ms. Maxwell tell you to follow as
20 an employee of Mr. Epstein's?

21 A. Oh, there were many, many, many rules.

22 Q. What are some that you remember?

23 A. From rules about presentation of the dishes, presentation
24 of the table; there were rules about the way we should be
25 dressed; there were rules about how we are to address

LC2VMAX4

Alessi - Direct

1 Mr. Epstein, address Ms. Maxwell; rules about cleanliness;
2 there was rules about what to shop, what the shopping list.
3 There were tremendous amount of instructions were given to me.

4 Q. Were those oral rules or written rules?

5 A. Most of it oral rules.

6 Q. Were there ever any written rules?

7 A. Yes. At the end of my stay, I think it was at the last
8 year, 2001, maybe 2002, I receive from Ms. Maxwell this
9 booklet. There were rules how to handle the houses. It was
10 not only for the house in Palm Beach, it was also written for
11 the other properties.

12 Q. Who gave you that booklet of rules?

13 A. I think it was Ms. Maxwell.

14 Q. And what did she tell you when she gave you that booklet?

15 A. This is what we're going to do it, and this is what has to
16 be done from now on.

17 Q. Did you read the entire booklet?

18 A. Yes.

19 Q. What do you remember being in the booklet?

20 A. It was like 30 pages, probably more of checklist,
21 incredible amount of work, enough work for ten people, not for
22 one and a half. It was -- it was -- I'm sorry to say, but it
23 was very degrading to me. Most of the pages, they were just
24 unbelievable to me. They were written for the employees. And
25 it was -- I wasn't hire to do that type of work.

LC2VMAX4

Alessi - Direct

1 MR. PAGLIUCA: Your Honor, I'm going to object to the
2 narrative at this point.

3 THE COURT: Sustained.

4 MS. COMEY: We'll move on.

5 Q. Mr. Alessi, you mentioned checklists.

6 A. Yes.

7 Q. What do you mean by checklists?

8 A. Well, I have the instructions and there was a checkmark,
9 check square under each instruction. And different --
10 different items from -- from the cleanliness of the cars to the
11 shopping list.

12 MR. PAGLIUCA: Again, your Honor, narrative.

13 THE COURT: Sustained.

14 Q. What are the different topics of checklists that you
15 remember seeing in this booklet?

16 A. There were everything. Cleanliness, the way we should
17 address Mr. Epstein, the way we should ask Mr. Epstein, the way
18 we should ask Ms. Maxwell, the way we should be presented
19 ourselves, the way we should not to --

20 MR. PAGLIUCA: Again, your Honor, we're into a
21 narrative here.

22 MS. COMEY: Your Honor, I think he's listing out the
23 checklist. He said that this was at least 30 pages.

24 THE COURT: All right.

25 MR. PAGLIUCA: They are not checklists, your Honor.

LC2VMAX4

Alessi - Direct

1 THE COURT: Well, not your turn to testify, counsel.
2 Overruled.

3 Q. Are there any others you remember?

4 A. There were, many, many, many pages that I cannot remember.
5 This is about 20 -- 23 years ago, so I cannot remember every --
6 every page. I cannot remember. But it was an incredible
7 amount of work used to checklist.

8 Q. Thank you, Mr. Alessi.

9 What, if any, conversations do you remember having
10 with Ms. Maxwell about this booklet?

11 A. I told her that I will not confirm, I will not -- I will
12 not do it.

13 Q. And how did she respond?

14 A. Well, she says -- I can't remember her response, but I was
15 not able to do this checklist and this amount of work with all
16 the work that I have to do and perform every day.

17 MR. PAGLIUCA: Your Honor, narrative.

18 THE COURT: Sustained. Let's move on.

19 MS. COMEY: Ms. Drescher, could we please pull up for
20 the witness, the Court, and the parties what's been marked for
21 identification as Government Exhibit 606.

22 Q. And Mr. Alessi, I think there's a paper copy of this in the
23 binder in front of you, 606. Please let us know when you have
24 it in paper copy, Mr. Alessi.

25 THE COURT: Can I have a paper copy?

LC2VMAX4

Alessi - Direct

1 MS. COMEY: Yes, your Honor.

2 A. Where it says household -- household --

3 Q. Hold on one second, Mr. Alessi.

4 MS. COMEY: May I approach, your Honor?

5 THE COURT: You may. Thank you.

6 You may proceed.

7 Q. Mr. Alessi, would you flip through this exhibit and tell us
8 about how many pages long it is.

9 A. It's 58 pages.

10 Q. And have you looked through this before coming here to
11 testify today?

12 A. Yes, I did.

13 Q. Do you recognize it?

14 A. Yes.

15 Q. What does it appear to be?

16 A. Well, this is all the instructions that we're supposed
17 to -- that I was supposed to follow up to maintain the house.

18 Q. And Mr. Alessi, does this appear to be a version of the
19 booklet that you were just testifying about?

20 A. Yes.

21 Q. Now, I want you to look at the date at the bottom left of
22 each page.

23 A. Yes.

24 Q. Is that date before or after you left Mr. Epstein's
25 employment?

LC2VMAX4

Alessi - Direct

1 A. This list -- this --

2 Q. Mr. Epstein -- excuse me, Mr. Alessi, Mr. Alessi, was this
3 before or after --

4 A. After I left.

5 Q. You left employment?

6 A. I left my employment.

7 Q. But in reviewing this, did you recognize portions of it?

8 MR. PAGLIUCA: Objection. Leading.

9 THE COURT: Sustained.

10 Q. Mr. Alessi, I'd like to ask you to go through this page by
11 page and tell us what portions you recognize and what portions
12 you don't recognize. And I'd like you to do it without reading
13 any of the portions aloud.

14 Let's start with page 1.

15 A. I recognize them.

16 Q. Everything on the page?

17 A. Yes.

18 Q. Let's go to page 2. Do you recognize that?

19 A. Yes.

20 Q. Everything on the page?

21 A. Yes.

22 Q. Let's go to page 3. Do you recognize that?

23 A. Yes.

24 Q. Everything on the page?

25 A. Yes.

LC2VMAX4

Alessi - Direct

1 Q. How about page 4?

2 A. Yes.

3 Q. Everything on the page?

4 A. Yes.

5 Q. Page 5?

6 A. Yes.

7 Q. How about page 6?

8 A. Yes.

9 Q. Now, page 7? And remember, I'd like you to look through
10 and let us know if there are any portions that you do not
11 remember from the version of the booklet you just testified
12 about.

13 A. Page 7, I recognize the whole page.

14 Q. I'm sorry?

15 A. Yes, I do.

16 Q. And page 8?

17 A. I do.

18 Q. What about page 9?

19 A. Yes, page 9, I recognize it.

20 Q. How about page 10?

21 A. Yes.

22 Q. Page 11?

23 A. Yes.

24 Q. Page 12?

25 A. Yes, I do.

LC2VMAX4

Alessi - Direct

1 Q. Page 13?

2 A. Yes.

3 Q. Page 14?

4 A. I don't remember this page with all the -- the different
5 brands of --

6 Q. Without reading it, are there portions of this particular
7 page that you don't remember?

8 A. Yes.

9 Q. Okay. Let's turn -- but do you recognize some portions of
10 this page?

11 A. I do.

12 Q. Let's go now to page 15.

13 A. Yes.

14 Q. How about page 16?

15 A. I recognize most of it. But some items on this list I did
16 never see it before.

17 Q. Okay. So there are some items on here that you don't
18 remember from the booklet that you received from Ms. Maxwell?

19 A. Yes.

20 Q. Let's turn now to page 17.

21 A. Yes.

22 Q. Page 18?

23 A. Yes.

24 Q. Page 19?

25 A. And page 19, I don't remember some of the items that are

LC2VMAX4

Alessi - Direct

1 listed in here.

2 Q. But do you recognize -- so is it fair to say you recognize
3 some, but not all, of the items on 19?

4 A. Yes.

5 Q. How about page 20?

6 A. Yes.

7 Q. Page 21?

8 A. Yes.

9 Q. Page 22?

10 A. Yes.

11 Q. Page 23?

12 A. Yes.

13 Q. Page 24?

14 A. Yes.

15 Q. Page 25?

16 A. Yes.

17 Q. Page 26?

18 A. Yes.

19 Q. Page 27?

20 A. Yes.

21 Q. Page 28?

22 A. Yes.

23 Q. Page 29?

24 A. Page 29, most of these items, that were -- I never remember
25 seeing in the list.

LC2VMAX4

Alessi - Direct

1 Q. Mr. Alessi, are you saying that the majority of the items
2 on page 29 were not in the booklet that Ms. Maxwell gave you?

3 A. Yes.

4 Q. Were some of the items on page 29 in the booklet that
5 Ms. Maxwell gave you?

6 A. Yes, but I -- yes.

7 Q. Let's go to page 30.

8 A. The same thing in this page. Some of the stuff I don't
9 remember purchasing or seeing it before.

10 Q. But were some of them in the booklet that you remember
11 Ms. Maxwell giving you?

12 A. Yes.

13 Q. Let's go to page 31.

14 A. Same thing.

15 Q. Same thing?

16 A. Same thing. These items -- some of these items I -- I
17 never -- I was never given this list of shopping.

18 Q. But are there some items on here that you remember from a
19 page --

20 A. Yes.

21 Q. -- in a booklet that Ms. Maxwell gave you?

22 A. Absolutely. Except for the liquor.

23 Q. Please don't describe the content of the document.

24 Let's go to page 32.

25 A. Yes.

LC2VMAX4

Alessi - Direct

1 Q. Page 33?

2 A. This -- this page, I don't remember any of this page.

3 Q. You don't remember anything on page 33?

4 A. No.

5 Q. Okay. Page 34?

6 A. Yes.

7 Q. Page 35?

8 A. Yes.

9 Q. Page 36?

10 A. Yes.

11 Q. Page 37?

12 A. Yes.

13 Q. Page 38?

14 A. Yes.

15 Q. Page 39?

16 A. Yes.

17 Q. Page 40?

18 A. Yes.

19 Q. Page 41?

20 A. Yes.

21 Q. Page 42?

22 A. I don't remember seeing this page.

23 Q. Anything on the page you don't remember?

24 A. No, because most of the stuff I -- it was -- I had to do it
25 anyway, so -- but I don't remember this page.

LC2VMAX4

Alessi - Direct

1 Q. Okay. Let's go to page 43.

2 A. Yes.

3 Q. Page 44? I'm sorry, page 44? I think I --

4 THE COURT: Just a moment. My copy goes from page 42
5 to page 49.

6 THE WITNESS: Yeah, so do mine.

7 THE COURT: Actually, counsel, it's out of order.

8 MS. COMEY: I apologize, your Honor.

9 THE WITNESS: Oh, wait.

10 THE COURT: Just a second please. Wait till you're
11 asked a question. Thank you.

12 Q. So we stopped at page 42.

13 The next page in your copy, does it say page 49?

14 A. Yes.

15 Q. Okay. Do you recognize that page?

16 A. Yes, I do.

17 Q. Does the next page say page 50?

18 A. Yes.

19 Q. Do you recognize that page?

20 A. Yes.

21 Q. Does the next page say page 51?

22 A. Yes, I recognize it.

23 Q. And does the next page say 43?

24 A. That's correct.

25 Q. Do you recognize that page?

LC2VMAX4

Alessi - Direct

1 A. Yes.

2 Q. And does the next page say 47?

3 A. I recollect some of these items being in the list, but not
4 all of them.

5 Q. And is this the page that has 47 at the bottom?

6 A. Yes.

7 Q. Let's go to the next page.

8 Does the next page in your copy say 44?

9 A. That's correct.

10 Q. Do you recognize that?

11 A. Some of these items, I don't recollect it.

12 Q. Let's go now to page -- the next page, does it say page 45?

13 A. This page I don't recollect seeing in my booklet that was
14 given to me.

15 Q. How about the page that says page 48?

16 A. Yes, they were.

17 Q. And does the next page say page 46? Yes or no, Mr. Alessi,
18 does the next page say 46?

19 A. Yes.

20 Q. And do you recognize what's on this page as being in the
21 booklet Ms. Maxwell gave you?

22 A. Yes.

23 Q. Let's go to the next page.

24 Does your next page say 52?

25 A. That's correct.

LC2VMAX4

Alessi - Direct

1 Q. And do you recognize what's on this page as being in the
2 booklet that Ms. Maxwell gave you?

3 A. Yes.

4 Q. I think we're back in order.

5 Is the next page 53? Mr. Alessi?

6 A. Yes.

7 Q. Is the next page 53?

8 A. Yes.

9 Q. Do you recognize it?

10 A. Yes.

11 Q. How about the next page, 54?

12 A. Yes.

13 Q. How about 55?

14 A. Yes.

15 Q. 56?

16 A. Yes.

17 Q. 57?

18 A. Yes.

19 Q. And 58?

20 A. Yes.

21 MS. COMEY: Your Honor, the government offers Exhibit
22 606 in evidence.

23 MR. PAGLIUCA: May I inquire, your Honor?

24 THE COURT: You may.

25

LC2VMAX4

Alessi - Direct

1 VOIR DIRE EXAMINATION

2 BY MR. PAGLIUCA:

3 Q. Good afternoon, Mr. Alessi.

4 A. Good afternoon, sir.

5 Q. You left Mr. Epstein's employment in 2001; correct?

6 A. 2002.

7 Q. December of 2001; correct?

8 A. No, December 2002.

9 Q. Okay. And when you left --

10 THE COURT: You can take your mask off.

11 MR. PAGLIUCA: Thank you, your Honor.

12 It's becoming a habit wearing it.

13 Q. When you left in 2002, you didn't have in your possession
14 Government Exhibit 606, which is dated different dates, but
15 beginning in February of 2005; is that correct?

16 A. No. I -- I had it in my possession, a booklet with the
17 dates. It didn't have dates when I was given to it.

18 Q. Okay. But you left, you say, in 2002?

19 A. That's correct.

20 Q. So if something was made after 2002, you would not have had
21 it; correct?

22 A. Absolutely, no.

23 Q. All right. Okay.

24 And so whatever you had in 2002 was not Government
25 Exhibit 606, which was created, at least by the date on it,

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1 after that date; correct?

2 MS. COMEY: Objection. Compound.

3 MR. PAGLIUCA: I don't think that's a compound
4 question.

5 THE COURT: Overruled.

6 Q. You wouldn't have had 606 because assuming the date on 606
7 is even accurate, it's after you left; correct?

8 A. Yes.

9 Q. Okay. And so you, Mr. Alessi, don't have any personal
10 knowledge about, first of all, how 606, this exhibit, came into
11 existence; correct? Because this is not whatever it was that
12 you had?

13 A. No, I did not have it.

14 Q. Right. Okay.

15 And you, Mr. Alessi, didn't have this Exhibit 606 with
16 you after you left. You threw whatever was given to you away,
17 as I understand it; correct?

18 A. Yes, I did.

19 Q. Because you didn't agree with whatever was given to you?

20 MS. COMEY: Objection, your Honor. This is voir dire.

21 THE COURT: Just a moment.

22 I'll sustain with respect to the last question.

23 MR. PAGLIUCA: Okay.

24 Q. But so we're clear, whatever you were given, you threw it
25 away and didn't keep it after you left in 2002?

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1 A. There was no reason to keep it.

2 Q. I understand. And so you don't have any personal knowledge
3 about how this document, assuming it's accurate, was maintained
4 after you left Mr. Epstein's employment in 2002; correct?

5 A. I have no personal knowledge.

6 Q. Okay.

7 MR. PAGLIUCA: I object, your Honor.

8 Lack of foundation.

9 MS. COMEY: Your Honor, I believe we've established a
10 foundation certainly as to the pages that Mr. Alessi
11 recognizes. I think the rest of the document, based on its
12 context --

13 THE COURT: Okay. Ms. Comey, not the place for that.

14 I'm overruling the objection. 606 is admitted.

15 (Government's Exhibit 606 received in evidence)

16 MS. COMEY: May we publish, your Honor?

17 THE COURT: You may.

18 BY MS. COMEY:

19 Q. Mr. Alessi, taking a look at the very first page of this,
20 do you recognize the address at the bottom -- going back, the
21 address at the bottom of the page?

22 A. Yes.

23 Q. What is that address?

24 A. That is the address of Mr. Epstein's residence.

25 Q. Let's turn now to the second page, please, the page that

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1 has page 1 on it. I'm circling a bullet point close to the
2 middle of the page. Would you please read that aloud for us.

3 A. Daily duties while Mr. Epstein, Ms. Maxwell, and guests are
4 on residence.

5 Q. And what is listed below that?

6 A. Morning preparation, pool area, the cabana, the kitchen,
7 downstairs areas, master bedroom, master bathroom,
8 Ms. Maxwell's bathroom, guest rooms, early evening, before you
9 leave at night.

10 Q. What was your understanding of what you were supposed to do
11 with all of those places based on the instructions you received
12 from Ms. Maxwell?

13 A. That I was supposed to do these duties, perform these
14 duties.

15 Q. Let's turn to the next page please. And now let's turn to
16 page -- the page marked page 3. Would you please read this
17 aloud for us, Mr. Alessi.

18 A. Yes.

19 This manual is designed to give you the proper
20 guidance and assistance to perform your duties to the best of
21 your ability, while ensuring a consistently high level of
22 service. Gathering as much information as possible will help
23 you with the day-to-day running of the home.

24 By using your communications skills, listening and
25 observing, you will be able to anticipate the needs of

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1 Mr. Epstein, Ms. Maxwell, and their guests.

2 Checklists will assist you in making sure that all
3 tasks have been completed and that not even the smallest
4 details have been overlooked.

5 (Continued on next page)

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1 BY MS. COMEY: (Continued)

2 Q. Thank you, let's please go to the page marked page 4. I'd
3 like you to first please read the first bullet point on this
4 page?

5 A. Try to anticipate the needs of Mr. Epstein, Ms. Maxwell,
6 and their guests.

7 Q. Would you please now read the fourth bullet point on this
8 page?

9 A. Do not discuss personal problems with guests.

10 Q. What did you understand this instruction to mean when
11 Ms. Maxwell gave you this booklet?

12 A. Well, this instruction told me that any personal problem I
13 have, I was not supposed to discuss with anybody.

14 Q. Thank you.

15 I'd like to now go to the seventh bullet point on this
16 page. Would you please read that allowed?

17 A. Remember that you see nothing, hear nothing, say nothing,
18 except to answer a question directed to you. Respect their
19 privacy.

20 Q. Mr. Alessi, when Ms. Maxwell gave you this booklet, what
21 did you understand this rule to mean?

22 A. It means a kind of warning that I was supposed to be blind,
23 deaf and dumb to say nothing of their lives.

24 Q. Let's go now please to the page marked 8. Thank you.

25 Would you please read the first bullet point on this

LC2Qmax5 - corrected Alessi - Direct

1 page?

2 A. Unless otherwise instructed, never disclose Mr. Epstein or
3 Ms. Maxwell's activity or whereabouts to anyone. If the caller
4 is insistent, you simply ask to take a message, a time, a
5 number where the caller can be reached. Do not -- do not be
6 bullied and do not show any reaction or impatience, simply be
7 firm.

8 Q. Can we please go now to the page marked page 10.

9 Mr. Alessi, what are we looking at on this page?

10 A. This is a list of things that have to be done before the
11 arrival of Mr. Epstein or Ms. Maxwell.

12 Q. There's a reference on this page to JE and GM telephone
13 directories.

14 A. Yes.

15 Q. What were those?

16 A. These were booklets with JE and GM. I think they were in
17 the front or in the binding of the --

18 THE COURT: Mr. Alessi, could you talk into the
19 microphone please.

20 Q. Mr. Alessi, what were these directories, JE and GM
21 telephone directories to your understanding?

22 A. This would mean Jeffrey Epstein and Ghislaine Maxwell.

23 Q. What are the directories?

24 A. The directories were books with hundreds and hundreds of
25 names and their telephone numbers and contacts, directions,

LC2Qmax5 - corrected Alessi - Direct

addresses.

Q. What did the books look like?

A. The book -- the books, they were type of hard binding, either blue or black. I can't remember which one was blue, which one was black, but they were thick, I would say two inches thick, and the size of a large telephone.

Q. What was inside?

A. Inside was a list by alphabetical order of all the people, friends and families and business with Mr. Epstein and Ms. Maxwell.

Q. I'd like to go now, please, to page 13. What do we see on this page?

A. Same thing, instructions for Ms. Maxwell's bathroom.

Q. Is this a list of things you were supposed to do for Ms. Maxwell's bathroom?

A. Yes.

Q. When were you supposed to do these things?

A. Before their arrival, and after that every day they were in.

Q. Every day who was in?

A. Mr. Epstein and Ms. Maxwell.

Q. Let's go now to page 14, please. I'm sorry, I meant page 20, excuse me. Let's go to page 20.

Could you read the bullet point that's the second from the bottom on this page, please. Could you read that aloud for

LC2Qmax5 - corrected Alessi - Direct

1 us, please?

2 A. Check the fence for holes where Max can get out.

3 Q. Who is Max?

4 A. Max was this little dog that Ms. Maxwell owned. Her name
5 was Max. It was a little Yorkie.

6 Q. When do you remember first seeing Max?

7 A. I remember seeing Max probably when she came the first
8 time, but I'm not sure.

9 Q. When who came the first time?

10 A. Ms. Maxwell came to Palm Beach.

11 Q. Remind us about what year that was.

12 A. '91.

13 Q. 1991?

14 A. Yes.

15 Q. Did Ms. Maxwell still have this dog Max when you left
16 Mr. Epstein's employment in 2002?

17 A. Yes.

18 Q. Do you know whether Max traveled with Ms. Maxwell or stayed
19 in Palm Beach?

20 A. No, she traveled with Ms. Maxwell all the time.

21 Q. How do you know that?

22 A. Because I took Max, she had to have a bath before she
23 leave, and every time they -- there was wheels up, the poor dog
24 shake like crazy because she didn't like to be in the plane.

25 Q. Let's turn now, please, to page 23. I'd like to look at

LC2Qmax5 - corrected Alessi - Direct

1 the center portion of this page, please.

2 This says Ms. Maxwell's desk. What is that referring
3 to?

4 A. The DSL computer --

5 Q. What do you understand Ms. Maxwell's desk to refer to?

6 A. The desk that she use all the time down on the first floor.

7 Q. What room was that in?

8 A. That was in the garden room.

9 Q. And the fourth bullet point, would you please read that for
10 us?

11 A. JE and GM telephone directories placed to the right of the
12 telephone.

13 Q. Is that the same telephone directories that we were talking
14 about earlier?

15 A. Yes.

16 Q. Let's turn now, please, to page 24. I want to look at the
17 section titled stationery. Would you read this aloud for us,
18 please?

19 A. The whole list?

20 Q. Yes, please.

21 A. Three sizes of Jeffrey Epstein notepads. Two sizes of
22 Ghislaine Maxwell and Lady Ghislaine notepads. Letterhead,
23 stationery and envelopes. One pack from each of Mr. Epstein's
24 residences and businesses. Mr. Epstein's personal stationery
25 (writing paper, notepads, envelopes, compliment slips).

LC2Qmax5 - corrected Alessi - Direct

1 Jeffrey Epstein and Ghislaine Maxwell cards and envelopes.

2 Q. What was your understanding of what you were supposed to do
3 with respect to stationery?

4 A. With respect to stationery, there was different sizes of
5 pads for Mr. Epstein and Ms. Maxwell, and also there was
6 engraving on those pages with her name and his name on top of
7 it.

8 Q. Let's turn now, please, to page 55. Could you explain to
9 us what's on this page?

10 A. This was instructions for serving breakfast for Mr. Epstein
11 and Ms. Maxwell, and breakfast for the guests.

12 Q. Other than for Ms. Maxwell and Mr. Epstein, did you ever
13 have special instructions for how to prepare breakfast for
14 anyone else at the Palm Beach residence?

15 A. No.

16 Q. We can take that down. Thank you, Ms. Drescher.

17 Mr. Alessi, during the time that you worked for
18 Mr. Epstein, who else, if anyone, worked for Mr. Epstein, to
19 your knowledge?

20 A. Can you repeat the question, please?

21 Q. Who were the other of Mr. Epstein's employees that
22 overlapped with you?

23 A. It was Emmy Tayler. She used to travel with them
24 constantly.

25 Q. What was her job, to your understanding?

LC2Qmax5 - corrected Alessi - Direct

1 A. My understanding she was Ms. Maxwell's assistant.

2 Q. Anyone else you remember?

3 A. There were a couple chefs. They were cam -- they came with
4 him, they travel with him and Ms. Maxwell.

5 Q. Let me pause you there.

6 If there were chefs who traveled with Mr. Epstein and
7 Ms. Maxwell, why would you need to prepare breakfast?

8 A. Sometimes I needed to prepare breakfast even when the chefs
9 were there because they were -- had the privilege to sleep
10 late, and I have to prepare breakfast at 5:00 in the morning
11 for Mr. Epstein.

12 Q. Other than chefs and Emmy Tayler, any other employees you
13 remember?

14 A. Well, my wife worked for me during that time.

15 Q. Were there any other assistants you remember working for
16 Mr. Epstein or Ms. Maxwell?

17 A. At the very end, I saw Sarah Kellen at the very end of my
18 stay there.

19 Q. About how long before you left in December of 2002 do you
20 remember Sarah Kellen starting to work for Mr. Epstein?

21 A. Couple weeks. I have very little interaction with Sarah.

22 Q. Can we pull up what's already in evidence as Government
23 Exhibit 327, Ms. Drescher?

24 Do you recognize the person in this photograph,
25 Mr. Alessi?

LC2Qmax5 - corrected Alessi - Direct

1 A. That was Sarah Kellen.

2 Q. What were Sarah's responsibilities during the brief time
3 you overlapped?

4 A. I don't know her job responsibility, but she immediately
5 took over the telephone, answering the phone, and I guess -- I
6 think she did the scheduling of the massages.

7 Q. You can take that down. Thank you.

8 Do you know who Mr. Epstein's pilots were?

9 A. Yes, I do.

10 Q. Who were they?

11 A. It was Larry Visoski and David Rodgers.

12 Q. Mr. Alessi, during the time that you worked for
13 Mr. Epstein, how many, if any, young females do you remember
14 seeing at Mr. Epstein's Palm Beach house?

15 A. I don't know what young you refer to, but underage you're
16 talking?

17 Q. Who appeared to be underage to you?

18 A. Who appeared to be, there were just two females.

19 Q. Who appeared to be underage to you?

20 A. They appeared to be underage to me.

21 Q. Without saying their names, do you know their names?

22 A. Yes, I do.

23 Q. I'd like to ask you to please turn in the binder next to
24 you to Government Exhibit 12.

25 MS. COMEY: And, your Honor, I would ask that the jury

LC2Qmax5 - corrected Alessi - Direct

1 also be permitted to take out their binders and turn to
2 Government Exhibit 12.

3 THE COURT: Just a moment, jury.

4 Any objection?

5 MR. PAGLIUCA: No, your Honor.

6 THE COURT: The small binder or large binder?

7 MS. COMEY: I think it's the large binder.

8 THE COURT: Large binder. GX-12, please.

9 BY MS. COMEY:

10 Q. Do you have Government Exhibit 12 in front of you?

11 A. Yes, I do.

12 Q. Without saying the name out loud, I'd like you to look at
13 the portion of this exhibit that says child's name. Is that
14 the first and last name of one of the two underage females you
15 remember seeing at Mr. Epstein's Palm Beach residence?

16 A. Yes, I do.

17 Q. I'm going to refer to her as Jane, and I would ask that you
18 do the same, please. Okay?

19 A. Okay.

20 Q. You can set that aside. Thank you. We won't need the
21 binders again for the jurors for this witness.

22 Mr. Alessi, other than Jane, what was the name of the
23 second young female you remember seeing at Mr. Epstein's Palm
24 Beach house?

25 A. Her name was Virginia Roberts.

LC2Qmax5 - corrected Alessi - Direct

1 Q. Who did you meet first, Jane or Virginia?

2 A. Jane.

3 Q. How did you meet Jane?

4 A. I met Jane the first time when she came to the house in
5 Palm Beach with her mother, and she was introduced her to
6 Ms. Maxwell, and they stay with her mother talking in the
7 living room.

8 Q. When you first met Jane, about how old was she?

9 A. I don't know exactly how old she was, but she appeared to
10 be young.

11 Q. About how old did she appear to you?

12 A. I would say 14, 15.

13 Q. Could you describe what Jane looked like when you first met
14 her?

15 A. She was strikingly beautiful girl. Beautiful eyes. Long
16 hair. Long brunette hair. Tall. Very pleasant.

17 Q. About how many times do you remember seeing Jane at
18 Mr. Epstein's Palm Beach house with her mother?

19 A. I remember at least three times she was there with her
20 mother.

21 Q. After those visits with her mother, do you remember seeing
22 Jane at Mr. Epstein's home without her mother?

23 A. Yes, I do.

24 Q. Do you remember exactly how many times you saw her at
25 Mr. Epstein's home without her mother?

LC2Qmax5 - corrected Alessi - Direct

1 A. I don't remember exactly how many times, but it was four,
2 five times after.

3 Q. Who did you observe Jane spending time with when she came
4 without her mother to the house?

5 A. Ms. Maxwell and Mr. Epstein.

6 Q. To your knowledge, how did Jane get to Mr. Epstein's house
7 when she would visit without her mother?

8 A. I was -- I was told to pick her up. Either Ms. Maxwell or
9 Mr. Epstein instruct me to pick her up couple times.

10 Q. I want to be clear here. Did Mr. Epstein instruct you to
11 pick her up?

12 A. Either him or Ms. Maxwell.

13 Q. You remember Ms. Maxwell instructing you to pick her up?

14 A. Yes, I do.

15 Q. And do you also remember Mr. Epstein instructing you --

16 A. Yes, I do.

17 Q. -- to pick her up?

18 A. Yes, I do.

19 Q. Where do you remember picking Jane up?

20 A. I remember picking Jane at the School of the Arts one time,
21 only one time in West Palm Beach. That was the old Palm Beach
22 Lakes High School, and they turn it into a School of the Arts,
23 and I pick her up outside the school one time and brought her
24 to Palm Beach.

25 Q. Other than school, where else did you pick up Jane?

LC2Qmax5 - corrected Alessi - Direct

1 A. I picked up Jane at her house that she live with her mother
2 and siblings.

3 Q. Why couldn't Jane drive herself?

4 A. I don't think she had the license.

5 Q. Who else that you know of picked Jane up to bring her to
6 Mr. Epstein's house?

7 A. My wife pick her up couple times.

8 Q. When you picked Jane up, where in the car did she sit?

9 A. It was a rule that sit in the back of the car.

10 Q. Who told you that rule?

11 A. The back seat. It was by Ms. Maxwell. Everybody should
12 sit in the back.

13 Q. Other than Jane, did you drive other people for Ms. Maxwell
14 and Mr. Epstein?

15 A. Can you repeat the question, please?

16 Q. Did you drive other people other than Jane for Ms. Maxwell
17 and Mr. Epstein?

18 A. Oh absolutely, yes.

19 Q. How many?

20 A. Dozens and dozens.

21 Q. So do you have a clear memory of every single time you
22 picked up a passenger?

23 A. Not a clear memory, no, but I remember driving to Miami to
24 airports and homes to pick people up.

25 Q. Other than Mr. Epstein's house, where else, to your

LC2Qmax5 - corrected Alessi - Direct

1 knowledge, would Jane go with Mr. Epstein and Ms. Maxwell?

2 MR. PAGLIUCA: Objection. Lack of foundation, your
3 Honor.

4 THE COURT: Sustained.

5 Q. Did you ever see Jane with luggage?

6 A. Yes, I did.

7 Q. After you -- where did you see Jane with luggage?

8 A. She came maybe twice with a small luggage, and they left
9 with Mr. Epstein in their plane.

10 Q. Let me break that down a little bit. Where did you see
11 Jane with luggage on these approximately two occasions?

12 A. I saw her at the house in Palm Beach bringing the luggage.

13 Q. Mr. Epstein's house?

14 A. Mr. Epstein's house.

15 Q. Do you know how Jane got to the airport?

16 A. Yes. I was introduced to be -- I was the driver also.

17 Q. So did you drive Jane to the airport?

18 A. Jane with Mr. Epstein and Ms. Maxwell, Max, the little dog,
19 and other guests.

20 Q. And when you drove them to the airport, did you drive all
21 the way up onto the tarmac?

22 A. All the way up to the plane.

23 Q. Were you able to see Jane get on the plane?

24 A. Yes.

25 Q. And who did she get onto the plane with?

LC2Qmax5 - corrected Alessi - Direct

1 A. Ms. Maxwell, Mr. Epstein. I don't remember I think it was
2 Emmy Tayler, the chefs and Max.

3 Q. Do you remember about what year you met Jane?

4 A. I think it was 1994, '94.

5 Q. When Jane came over to Mr. Epstein's house, do you know if
6 she ever went to the movies?

7 A. Yes, they went to the movies.

8 Q. Who went to the movies?

9 A. Mr. Epstein, Ms. Maxwell, the guest and Emmy. Basically
10 they went almost every night to the movies.

11 Q. Did Jane sometimes go with them?

12 A. Yes.

13 Q. When Jane visited Mr. Epstein's house, were there ever
14 other females around?

15 A. Yes.

16 Q. Who are the fe -- let me back up. Do you remember the name
17 of every single female who was at Mr. Epstein's Palm Beach
18 house when Jane came over?

19 A. No.

20 Q. Do you remember some of the names?

21 A. Yes.

22 Q. What are some of the names you remember?

23 A. Emmy Tayler, Gwendolyn Beck. I don't think I can recall
24 anybody else.

25 Q. When Jane would first arrive at Mr. Epstein's house, where

LC2Qmax5 - corrected Alessi - Direct

1 did you see her go?

2 A. She went through the kitchen, I will introduce her to
3 Ms. Maxwell at her desk, and that's it. That's as far as I saw
4 her going to. She talked to Ms. Maxwell. From then, I was --
5 that was not my job to see where they were.

6 Q. During the time that you worked for Mr. Epstein, who, if
7 anyone, would tell you about Mr. Epstein's upcoming travel
8 plans?

9 A. Either Ms. Maxwell, sometimes the secretaries from the
10 office. If I remember correctly, was Fiona secretary, also
11 Kimberly, a secretary from New York, and sometimes the pilots
12 told me, "We're on our way and we have to rush."

13 Q. Other than Jane, what was the name of the other female who
14 appeared to be underage that you remember seeing at
15 Mr. Epstein's house?

16 A. The other young person that I saw there was Virginia
17 Roberts.

18 Q. How did you first come to see Virginia Roberts?

19 A. I saw Virginia Roberts at Mar-a-Lago one afternoon with
20 Ms. Maxwell --

21 Q. Let me stop you there. What were you doing at Mar-a-Lago
22 with Ms. Maxwell?

23 A. She went to check the spa. She went to see the spa at
24 Mar-a-Lago.

25 Q. What had you and Ms. Maxwell been doing that day?

LC2Qmax5 - corrected Alessi - Direct

1 A. That day we went from all the main expensive -- luxury spas
2 and country clubs in Palm Beach County.

3 Q. Did you go inside each those?

4 A. No.

5 Q. What were you doing?

6 A. I wait in the car like a driver.

7 Q. What happened when you got to Mar-a-Lago that day with
8 Ms. Maxwell?

9 A. I dropped Ms. Maxwell, I park in the spaces where I was
10 supposed to park, wait in the car. I remember it was a very
11 hot day, and we have a convertible. And Ms. Maxwell come out,
12 got in the car and we were going up the ramp, small ramp going
13 out of Mar-a-Lago --

14 Q. As you were driving up that ramp, what did Ms. Maxwell say
15 to you?

16 A. She told me to stop, "John, stop."

17 Q. And after she told you to stop the car, did you stop the
18 car?

19 A. I stopped the car, and she opened the door and she went
20 towards this girl as she was coming down the ramp.

21 Q. Let me break that down. After Ms. Maxwell told you to
22 stop, what did you see Ms. Maxwell do?

23 A. She went to talk to this girl.

24 Q. And where was this girl?

25 A. She was coming down the ramp from the main gate towards the

LC2Qmax5 - corrected Alessi - Direct

1 spa.

2 Q. What did this girl look like?

3 A. She look -- she look young. She have blond hair, and she
4 had a long white uniform, like a nurse's uniform.

5 Q. What did you see Ms. Maxwell do after she got out of the
6 car?

7 A. They talk briefly, and they went back to the spa.

8 Q. Who talked?

9 A. Ms. Maxwell and Ms. Roberts.

10 Q. Is that the girl?

11 A. Yes.

12 Q. And then where did you see Ms. Maxwell and the girl go?

13 A. They went inside the spa. And couple minutes later
14 Ms. Maxwell come out, got in the car, and we left.

15 Q. When was the next time you saw that girl from the
16 Mar-a-Lago parking lot?

17 A. The next time I saw her was late that afternoon, around
18 5:00, 6:00 in the afternoon.

19 Q. Where did you see her?

20 A. At the house in Palm Beach.

21 Q. And when she arrived, where did she go?

22 A. She went -- I introduce her to Ms. Maxwell at her desk.

23 Q. Did you learn her name?

24 A. No.

25 Q. At some point did you learn her name?

LC2Qmax5 - corrected Alessi - Direct

1 A. No.

2 Q. The girl's name?

3 A. I didn't know her name -- her name or her last name.

4 Q. Did you eventually learn her name? You told us her name.
5 Yes?

6 A. Yes. Oh, eventually I learned her name.

7 Q. Okay. What is her name?

8 A. It was Virginia Roberts.

9 Q. I'd like to pull up, please, what's been marked for
10 identification as Government Exhibits 113 and Government
11 Exhibit 114, just for the witness, the Court and the parties,
12 Ms. Drescher.

13 Mr. Alessi, do you recognize these exhibits?

14 A. Yes, they are both pictures of Virginia.

15 Q. Are these both fair and accurate depictions of Virginia
16 Roberts?

17 A. Yes.

18 MS. COMEY: Your Honor, the government offers these in
19 evidence.

20 MR. PAGLIUCA: No objection.

21 THE COURT: GX-113 and 114 are admitted. And you may
22 publish.

23 MS. COMEY: Thank you, your Honor.

24 (Government's Exhibits 113 and 114 received in
25 evidence)

LC2Qmax5 - corrected Alessi - Direct

1 Q. Ms. Drescher, I'd ask you to publish these for the jury.

2 After that first visit, about how often do you
3 remember seeing Virginia at Mr. Epstein's Palm Beach home?

4 A. After the first time very often she came to the house while
5 Mr. Epstein and Ms. Maxwell were at the Palm Beach house.

6 Q. What was your understanding of why Virginia was at Mr.
7 Epstein's house?

8 MR. PAGLIUCA: Objection. Lack of foundation.

9 THE COURT: Sustained.

10 Q. Did Ms. Maxwell ever tell you why Virginia was at the
11 house?

12 A. No.

13 Q. About how old was Virginia when you saw her coming over to
14 Mr. Epstein's Palm Beach home?

15 MR. PAGLIUCA: Objection. Lack of foundation.

16 THE COURT: Sustained.

17 Q. About how old did Virginia appear to you when you first met
18 her?

19 A. Probably 14, 15.

20 Q. Do you know how Virginia got to Mr. Epstein's Palm Beach
21 home when she would visit?

22 A. When she visit the first time?

23 Q. After the first time.

24 A. After the first time. She came with her boyfriend couple
25 times, and I was told to pick her up couple times from her

LC2Qmax5 - corrected Alessi - Direct

1 house. She live with her boyfriend in Royal Palm Beach.

2 Q. Who instructed you to pick Virginia up?

3 A. Either Mr. Epstein or Ms. Maxwell.

4 Q. Let's break that down. Did Ms. Maxwell ever instruct you
5 to pick up Virginia Roberts?

6 A. Yes.

7 Q. Did Mr. Epstein ever instruct you to pick up Virginia
8 Roberts?

9 A. Yes, he did.

10 Q. Who else, if anyone, did you see Virginia bring to Jeffrey
11 Epstein's Palm Beach home?

12 A. On one occasion, she bring her boyfriend and he came to the
13 kitchen. However, I was told by Ms. Maxwell to get him out of
14 the kitchen, and he has to wait in the car.

15 Q. What, if any, females do you remember Virginia bringing to
16 Mr. Epstein's Palm Beach house?

17 A. At the end of my stay there, I saw her bringing two other
18 girls. I even never saw their faces. They walk through the
19 kitchen right away, and they went directly to Ms. Maxwell's
20 desk.

21 Q. When Virginia was at Mr. Epstein's Palm Beach home, who did
22 you see her interact with?

23 A. Ms. Maxwell and Mr. Epstein.

24 Q. Did you ever see Virginia at Mr. Epstein's Palm Beach house
25 with luggage?

LC2Qmax5 - corrected Alessi - Direct

1 A. Yes, I did.

2 Q. About how many times?

3 A. Two, three times.

4 Q. And on those times, did you then drive Virginia somewhere?

5 A. I drove from her house in Royal Palm Beach to the house in
6 Palm Beach.

7 Q. How about on the times she had luggage, do you know where
8 she went from there with her luggage?

9 A. They went with Mr. Epstein and Ms. Maxwell to the plane.

10 Q. How do you know that?

11 A. Because I brought them. I was the driver.

12 Q. Did you drive right onto the tarmac?

13 A. Up to the tarmac.

14 Q. Who did you see get on the plane?

15 A. Mr. Epstein, Ms. Maxwell, the chefs, Ms. Tayler, little
16 Max, they went on the plane.

17 Q. Did you also see Virginia go on the plane?

18 A. Yes.

19 Q. Do you remember approximately when you first met Virginia?

20 A. Not exactly, but I would say it's 2001.

21 Q. We can take these exhibits down. Thank you, Ms. Drescher.

22 Mr. Alessi, about how often did Mr. Epstein receive
23 massages at the Palm Beach residence while you worked for him?

24 A. In the beginning, he receive around one. At the end of my
25 stay, he received up to three massages per day.

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1 Q. Was it the same person massaging Epstein at each
2 appointment or a different person?

3 A. They were different persons.

4 Q. Who scheduled Mr. Epstein's massages?

5 A. Ms. Maxwell, Mr. Epstein, or sometimes even the office
6 people in New York, they would call me and ask me to schedule
7 the massages.

8 Q. When you scheduled the massages, what did you do?

9 A. I went to my office, and I had a Rolodex with all the
10 massage therapists, and whoever they told me to call, I would
11 call that person, and I will ask if they're available for this
12 time. It was a different times of the day. And if they said
13 yes, I would confirm with Ms. Maxwell or Mr. Epstein that she
14 was coming.

15 Q. And who do you remember telling you which person to call to
16 come give Mr. Epstein a massage?

17 A. Either was Ms. Maxwell, Mr. Epstein, or the office.

18 Q. Other than you, who else, if anyone, would call to schedule
19 massages?

20 A. At the end, Ms. Kellen.

21 Q. Now, you said that closer to the end, Mr. Epstein was
22 getting three massages a day?

23 A. Yes.

24 Q. What time of day typically were those massages?

25 A. It was all different times of day. It was a massage in the

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1 morning, a massage in the afternoon, and some of the massages
2 after dinner, after the movies. They were scheduled to come
3 after the movies, 10:00, 11:00 at night.

4 Q. You mentioned the phone books that we saw in Government
5 Exhibit 606. Do you remember that?

6 A. Yes.

7 Q. Did that have contact information for people to massage
8 Mr. Epstein?

9 A. Yes, there was a page with the massages -- massage
10 therapists for Palm Beach.

11 Q. Was Jane's contact information in that book?

12 A. Who?

13 Q. Jane.

14 A. No. Oh, excuse me. Can you repeat that?

15 Q. The person we're referring to as Jane.

16 A. Yes. Yes, it was. It was her on the contact information.

17 Q. I want to make sure the record is clear here. Do you
18 remember looking earlier at Government Exhibit 12 and telling
19 us that you recognized that name?

20 A. Yes.

21 Q. And we're calling that person Jane?

22 A. Yes.

23 Q. That person, do you remember seeing her true name in this
24 directory?

25 A. Yes.

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1 Q. About when do you remember first seeing this directory?

2 A. Probably 1995, '96.

3 Q. Were there different versions of this directory?

4 A. Those directories were updated.

5 Q. How often were they updated?

6 A. I think it was once a year or maybe twice a year.

7 Q. When they were updated, what did you do with the old ones?

8 A. We just throw it away.

9 Q. Did you look at different versions of the directory over
10 the years you worked for Mr. Epstein?

11 A. Yes.

12 Q. And when you got an updated version, were there new
13 contacts added?

14 A. Yes.

15 Q. Did you ever notice contacts being removed?

16 A. I don't recall being removed.

17 Q. Who did you see using these directories?

18 A. Ms. Maxwell, Mr. Epstein.

19 Q. Where were you supposed to keep copies of this directory?

20 A. We were supposed to keep the copies, one in the kitchen
21 desk, it was a little tiny desk at the kitchen next to the
22 telephone, it was at Ms. Maxwell's desk, Mr. Epstein's three
23 desks he had in the house, Ms. Maxwell's each side of her night
24 table or Mr. Epstein's night table.

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

LC2Qmax5 - corrected Alessi - Direct

1 with a physical exhibit?

2 THE COURT: I'm sorry?

3 MS. COMEY: I have a physical exhibit that I would
4 like to approach and give to the witness.

5 THE COURT: Please identify it for the record.

6 MS. COMEY: Government Exhibit 52, which I will show
7 to defense counsel before I bring it up.

8 THE COURT: Marked for identification GX-52?

9 MS. COMEY: Yes. Thank you, your Honor.

10 THE COURT: Before the witness, may I see it?

11 MS. COMEY: Yes, your Honor.

12 THE COURT: Okay.

13 MS. COMEY: Thank you, your Honor. May I approach the
14 witness?

15 THE COURT: You may.

16 BY MS. COMEY:

17 Q. Mr. Alessi, I've just handed you what is marked for
18 identification as Government Exhibit 52. Would you please take
19 a look at that, and then tell us if you recognize it?

20 A. Yes, I recognize it. The type of book, it was the same.

21 Q. Hold on one second. What does this appear to be to you?

22 A. This appear to be the direct -- these were the directories
23 of Ms. Maxwell and Mr. Epstein.

24 Q. Did you review this directory last night?

25 A. Yes, I did.

LC2Qmax5 - corrected Alessi - Direct

1 Q. I want to ask you some questions about this directory.

2 Starting with the cover, what do you recognize about the cover?

3 A. This was exactly the same cover of the directories that I
4 saw.

5 Q. Is it the same binding?

6 A. The same binding, binding.

7 Q. Turning to the pages, what do you recognize about the
8 layout on the pages?

9 A. It was exactly as the books that I recall.

10 Q. Did you review every page of this exhibit last night?

11 A. Yes.

12 Q. When you reviewed this exhibit, did you see entries that
13 you recognized from the book you saw when you worked for
14 Mr. Epstein?

15 A. Yes, I did.

16 Q. Do you remember about how many?

17 A. There were many, many, many, many names.

18 Q. Were some of those entries for massage in Palm Beach?

19 A. Yes.

20 Q. Is there a difference in the size of the font in this
21 book--

22 A. Yes.

23 Q. -- from the one that you remember?

24 A. Yes, these are much smaller font. My books, the books when
25 I was there, they were a lot thicker, and the font was larger,

LC2Qmax5 - corrected Alessi - Direct

1 but the format was the same.

2 Q. Format was the same. And are there some of the same
3 contacts that you remember from when you worked for
4 Mr. Epstein?

5 A. Yes.

6 Q. Based on your review of this book last night, do you think
7 this is the same book that you saw when you were employed, or a
8 later version from after you left working for Mr. Epstein?

9 MR. PAGLIUCA: Objection, your Honor. Lack of
10 foundation.

11 THE COURT: Overruled. You may answer.

12 A. Yes, it was the same book.

13 Q. Hold on. Do you think this was a later version after you
14 left?

15 A. This was a later version, yes, ma'am.

16 MR. PAGLIUCA: Objection.

17 THE COURT: Just a second. I'm going to sustain.
18 The jury will disregard the last answer.

19 You may rephrase.

20 Q. Mr. Alessi, based on your review of this book, do you
21 believe that this is the same book you saw when you worked for
22 Mr. Epstein or a later version from after you left?

23 A. This was a later version of book after I -- that it was
24 printed probably after I left.

25 Q. What makes you say that?

LC2Qmax5 - corrected Alessi - Direct

1 A. The books --

2 MR. PAGLIUCA: Your Honor, lack of foundation.

3 THE COURT: The question right now -- and I'll take
4 the objection after I hear the answer to this question. Go
5 ahead.

6 Q. What makes you say that?

7 MR. PAGLIUCA: I'm objecting to this question, your
8 Honor.

9 THE COURT: I am overruling that objection. Thank
10 you.

11 Q. What makes you say that this is a later version,
12 Mr. Alessi?

13 A. It was a later version because the font is a lot smaller.
14 The book is a lot thinner. Our books were about two inches
15 thick.

16 Q. Mr. Alessi, is your name in this book?

17 A. No, I didn't find it last night, and my name originally was
18 in the information for Palm Beach information of the house, the
19 house man in Palm Beach.

20 MS. COMEY: May I have a moment, your Honor?

21 THE COURT: You may.

22 Q. Ms. Drescher, can we please pull up what's been marked for
23 identification as Government Exhibit 52A. Thank you,
24 Ms. Drescher. Ms. Drescher reminds me that this is a sealed
25 exhibit.

LC2Qmax5 - corrected Alessi - Direct

1 So, Mr. Alessi, would you please, with the Court's
2 permission, look at the binder next to you and look at
3 Government Exhibit 52A for identification. Do you recognize
4 this?

5 A. Yes.

6 Q. Did you compare this exhibit to a page in the book that's
7 marked for identification as Government Exhibit 52 earlier
8 today?

9 A. Yes, I did.

10 Q. And is Government Exhibit 52A a copy of that page from
11 Government Exhibit 52?

12 MR. PAGLIUCA: Objection. Lack of foundation.

13 THE COURT: Mr. Alessi, will you look through each
14 page of the copy?

15 MS. COMEY: Your Honor, it's a single page.

16 THE COURT: I'm sorry. What page?

17 MS. COMEY: It's marked for identification as
18 Government Exhibit 52A. Oh, you want us to look through
19 Government Exhibit 52?

20 THE COURT: 52A is one page of 52?

21 MS. COMEY: Yes, your Honor.

22 THE COURT: And what number page is it?

23 MS. COMEY: The pages are not numbered, your Honor.

24 MR. PAGLIUCA: Can we have a sidebar, your Honor?

25 THE COURT: Actually, I'm going to break for the

LC2Qmax5 - corrected Alessi - Direct

1 afternoon. 15-minute break. Members of the jury, enjoy your
2 break.

3 (Jury not present)

4 THE COURT: Ms. Comey, may I have the book and a copy
5 of 52A?

6 MS. COMEY: Of course, your Honor. Your Honor, if I
7 may clarify.

8 THE COURT: I just want to make sure the witness is
9 clear. Okay. All right, go ahead.

10 MS. COMEY: Thank you, your Honor.

11 I just wanted to clarify that last line of
12 questioning. The witness this morning looked at Government
13 Exhibit 52A and compared it against Government Exhibit 52. He
14 essentially did this homework before getting on the stand and
15 he did that for --

16 THE COURT: Sometimes you have to show your work.

17 MS. COMEY: Absolutely, your Honor. I just wanted to
18 clarify that he could testify that he has just this morning
19 taken this exhibit and the other sub-marked exhibits that I
20 expect to introduce and compared them against Government
21 Exhibit 52 to confirm that they're copies. But happy to go
22 through the process on the stand as well, your Honor.

23 MR. PAGLIUCA: I think the problem from my
24 perspective, your Honor --

25 THE COURT: Could you pull up the microphone?

LC2Qmax5 - corrected Alessi - Direct

1 MR. PAGLIUCA: Yes.

2 First of all, we're talking about copies. All of this
3 is copies. And this witness has no personal knowledge about
4 whether the copy he's being shown is a copy from this book or
5 from some other book, number one.

6 THE COURT: Well, just on that, so if he could -- if
7 he's directed to a page in the book and then directed to the
8 exhibit, the A exhibit, he could look and compare and indicate
9 whether he sees any differences.

10 MR. PAGLIUCA: Sure. He could say this looks like a
11 copy from this book. I agree with that.

12 THE COURT: Right. So, Ms. Comey, you will do that.

13 MS. COMEY: Yes, your Honor.

14 THE COURT: Do you have way to direct him to the
15 relevant page?

16 MS. COMEY: Your Honor, during the break, I'm happy to
17 take the exhibit, and I will figure out a way to direct him to
18 the relevant page during our break.

19 THE COURT: Okay.

20 MR. PAGLIUCA: I guess, the other -- I'm not sure how
21 we're doing this, but it seems to me that foundationally there
22 should be a discussion about the admission of 52 before we're
23 doing these comparatives in front of the jury.

24 THE COURT: I think that's fair enough.

25 Why not do it that way, Ms. Comey?

LC2Qmax5 - corrected Alessi - Direct

1 MS. COMEY: I'm sorry, your Honor, I didn't hear the
2 proposal.

3 THE COURT: Why not do it that way?

4 MS. COMEY: I didn't hear Mr. Pagliuca's proposal.

5 THE COURT: Why not deal with the admission, the offer
6 of 52 -- I mean, we don't need testimony on the subpages --

7 MS. COMEY: Your Honor, we're not offering the
8 entirety of 52. As I believe we mentioned to your Honor in
9 briefing, we're trying to narrow what we're offering from this
10 exhibit, and so we picked five pages that are particularly
11 relevant to the facts that are at issue in this case, and we
12 would only propose to show the jury those five pages, which is
13 why we're going through this process.

14 MR. PAGLIUCA: I don't have a problem with that, your
15 Honor, but I think what I would say is they would offer 52 and,
16 in essence, it's a redacted version of 52 that's going to the
17 jury. So the record will be clear that 52, if the Court is
18 going to allow it, is authenticated and admitted, and that it's
19 a redacted version of 52 is what's going to the jury.

20 THE COURT: That sounds exactly right.

21 MS. COMEY: That's fine, your Honor.

22 THE COURT: So it's 52A through what?

23 MS. COMEY: It's 52A, D, E, F, G and H.

24 THE COURT: So you will -- to the extent you have more
25 testimony to elicit for authentication, you're done, I presume

LC2Qmax5 - corrected Alessi - Direct

1 you want to inquire, I'll allow that, and then I'll make my
2 ruling.

3 If 52 is admitted, I'll indicate that it's admitted in
4 redacted form, and for those purposes, Mr. Pagliuca, you'd like
5 the witness to compare each of the A, D, E, F, G, H pages to
6 those in the book.

7 MR. PAGLIUCA: I think the answer to that question is
8 depending on whether the Court admits it or not, then we don't
9 need to make a copy. If the Court is not going to admit it,
10 then we don't get to the 52. If the Court does admit it, I do
11 not need an on-the-record comparison because we've dealt with,
12 I think, the issue. I accept that the government is going to
13 say, and I agree, that they, they, the government, have copied
14 those pages. That was not the problem of my objection. It was
15 the rest of this format of how this was being done.

16 So I think if it's admitted, they say: Here's 52. Is
17 that a copy of a page out of the book? Yes. Okay, fine. And
18 we move on. Because the actual substance has been admitted, we
19 don't have to deal with -- copies are the same.

20 THE COURT: How about this: If I sustain the
21 objection, that's the end of it. If I overrule the objection,
22 52 will be admitted in redacted form, and then you can
23 stipulate to the government's 52A, D, E, F, G and H being true
24 and correct photocopies of five pages from 52. Is that
25 reasonable?

LC2Qmax5 - corrected Alessi - Direct

1 MR. PAGLIUCA: That's fine.

2 THE COURT: So you don't -- we don't need the witness
3 to verify the copies.

4 MR. PAGLIUCA: I agree.

5 MS. COMEY: Thank you, your Honor.

6 THE COURT: I will give you the book back, and we'll
7 take a short break.

8 MS. COMEY: Thank you, your Honor.

9 (Recess)

10 (Continued on next page)

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LC2VMAX6

Alessi - Direct

1 THE COURT: So I want to ask, there was an objection
2 to a question on foundation. The question was, is this -- do
3 you know if this is the same book or a later book. I wanted to
4 hear the answer to that. But looking at it, I don't know what
5 his basis for knowledge is for saying that it's the later book.
6 So you can inquire into that or I'll -- yes?

7 MR. PAGLIUCA: Well, I guess if he left in 2002 and
8 the book is after 2002, I don't think there can be a basis for
9 knowledge.

10 THE COURT: Well, I'll allow the question to be asked.
11 And if there's not, then I will agree with you and I'll strike
12 the testimony.

13 MR. PAGLIUCA: Okay.

14 MS. COMEY: Understood, your Honor.

15 THE COURT: So that's one.

16 And then two, I just want to make sure I understand,
17 because the letter indicated this witness, sort of a new person
18 to authenticate, as opposed to the original witness who you
19 indicated would authenticate; correct?

20 MS. COMEY: Yes, your Honor. That other witness we
21 believe could also authenticate it, but --

22 THE COURT: Right. So it seems to me when you're
23 finished here and after the voir dire, I can sustain the
24 objection, overrule the objection, or reserve until I hear
25 additional. Any reason not to do it that way?

LC2VMAX6

Alessi - Direct

1 MS. COMEY: No, your Honor. I think our position is
2 clear that we think it should come in at this time, but
3 understood.

4 MR. PAGLIUCA: I think that's entirely appropriate. I
5 guess the question is are you conditionally admitting it or
6 not.

7 THE COURT: The reason I ask, do you need -- is there
8 more to do with it now or can we simply reserve and move on
9 till the other witness?

10 MS. COMEY: I think it's fine to reserve, your Honor.

11 THE COURT: Okay. So if that's what I do, I won't
12 conditionally admit and we'll take it from there.

13 MR. PAGLIUCA: Okay.

14 THE COURT: Anything to take up before we bring the
15 witness back?

16 MR. PAGLIUCA: Not from me, your Honor.

17 MS. COMEY: Your Honor, I apologize if I was not
18 clear, but we do want to admit this through this witness. And
19 I do have questions for him about this exhibit, so we are
20 seeking to admit it. I apologize. My colleagues let me know
21 that I was not clear.

22 THE COURT: It wasn't that you weren't clear. That's
23 an opposite answer of the one you just gave.

24 MS. COMEY: I apologize, your Honor.

25 I misunderstood the question.

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Alessi - Direct

1 THE COURT: Well, I think -- you may move it. And I
2 will tell you whether I'm -- presuming -- I'm going to hear the
3 voir dire. You'll move it. I'll either overrule -- there will
4 be an objection. I'll either overrule the objection, sustain
5 the objection, or reserve.

6 MS. COMEY: Understood.

7 THE COURT: The other option I sort of reserve sub A
8 is conditionally admit it pending further testimony. But I may
9 not do that. I'm not sure.

10 MS. COMEY: Understood, your Honor. Thank you.

11 MR. PAGLIUCA: To the extent it matters, I would be
12 opposed to conditionally admitting the exhibit, your Honor.

13 THE COURT: I want to just get in my head the
14 question. The question I have in mind that drew the foundation
15 objection was, Mr. Alessi, based on your review of this book,
16 do you believe this is the same book that you saw when you
17 worked for Mr. Epstein or a later version after you left?

18 And he said, This was a later version of the book
19 after I left, that it was printed probably after I left.

20 And then the objection came after that, lack of
21 foundation.

22 The question was, What makes you say this is a later
23 version, Mr. Alessi, which was what I thought would elicit --
24 be responsive to the foundation objection.

25 And he said, The book is a lot thinner. Our books

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Alessi - Direct

1 were about two inches thick.

2 So you'll return to that. I agree, based on that
3 answer, which I had assumed would provide a foundation.

4 MS. COMEY: Yes, your Honor.

5 THE COURT: But it didn't.

6 So unless there's further foundation, I'll sustain the
7 lack of foundation objection and I'll tell the jury to
8 disregard Mr. Alessi's testimony that it was a later version of
9 the book. Okay, Mr. Pagliuca?

10 MR. PAGLIUCA: Yes, your Honor. That's appropriate.

11 THE COURT: Okay. We'll bring in the witness.

12 The witness while we're getting the jury, please.

13 Thank you.

14 (Witness present)

15 (Jury present)

16 THE COURT: You may be seated.

17 Thank you so much, members of the jury.

18 All right. Ms. Comey, you may continue your direct of
19 Mr. Alessi. Mr. Alessi, I remind you, you are under oath.

20 Go ahead.

21 MS. COMEY: Thank you, your Honor.

22 BY MS. COMEY:

23 Q. Good afternoon, Mr. Alessi.

24 A. Good afternoon.

25 Q. I want to return to talking about the booklet. And in

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Alessi - Direct

1 particular, I want to ask you some questions about the booklet
2 that you saw during your employment for Mr. Epstein. So remind
3 us, between what years did you work for Mr. Epstein?

4 A. Around 1990 to 2002.

5 Q. During that time, how often were new booklets printed? Or,
6 excuse me, directories, directories is what I wanted to talk
7 about. How often were new directories --

8 A. I think they were printed twice a year.

9 Q. Did each directory have the names of current employees in
10 it?

11 A. Yes.

12 Q. So when an employee left, was that employee's name still in
13 the next version of the directory?

14 A. No, because -- and the new directory you show me, my name
15 is not --

16 Q. That's not my question, Mr. Alessi. That's not my
17 question. My question is just in your experience looking at
18 the different versions of directories that you saw, did the
19 directories remove the names of employees who had left?

20 A. Yes.

21 Q. Okay. And did they add the names of any new employees who
22 had come?

23 A. Yes.

24 Q. I want to talk about Government Exhibit 52, the same
25 exhibit you reviewed last night.

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Alessi - Direct

1 A. Okay.

2 Q. Is your name in that book?

3 A. No, my name is not in the book.

4 Q. Is your wife's name in that book?

5 A. No.

6 Q. Is Sarah Kellen's name in that book?

7 A. Excuse me?

8 Q. Is Sarah Kellen, is her name in the book?

9 A. No.

10 Q. Do you want to go ahead and take a look at that book,
11 please, and tell me if you see Sarah Kellen's name in it?

12 THE COURT: Just a moment.

13 He's looking at the binder.

14 MS. COMEY: Oh, no. May I approach, your Honor?

15 THE COURT: You may.

16 MR. PAGLIUCA: Your Honor, I'm going to object to this
17 process. He answered no, and this is essentially a leading
18 question to change the answer.

19 THE COURT: I'll sustain the leading objection. But
20 otherwise, I'll allow it. Well, I'll permit the question that
21 you asked. So I'll allow the question, which is, is Sarah
22 Kellen's name in the book?

23 MS. COMEY: I think I'm asking him to look in the
24 exhibit.

25 MR. PAGLIUCA: And that's my objection, your Honor.

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Alessi - Direct

1 THE COURT: I understand.

2 I'm going to overrule the objection. Go ahead.

3 Q. Would you please look through the exhibit and let us know
4 if you see Sarah Kellen's name in the exhibit?

5 A. Can you repeat the name?

6 Q. Sarah Kellen.

7 THE COURT: Actually, do you know what? I'll ask you
8 to pause, Mr. Alessi. I'll sustain the objection. I think
9 it's lost the thread on authentication at this point. You'll
10 go to the question that I asked you to.

11 MS. COMEY: Your Honor, I'm sorry. Now I'm confused.

12 THE COURT: The earlier foundation objection that I
13 asked you to return to.

14 MS. COMEY: Yes, your Honor.

15 May I have a moment?

16 THE COURT: You may.

17 (Counsel conferred)

18 BY MS. COMEY:

19 Q. So Mr. Alessi --

20 A. Yes.

21 Q. -- how do you know that this Government Exhibit 52 is a
22 later version of the directory that you saw when you worked for
23 Mr. Epstein?

24 A. I think this is a later version. In the back page of the
25 front cover it says 2004-2005.

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Alessi - Direct

1 MR. PAGLIUCA: Your Honor, I object.

2 Now he's just reading from the book.

3 THE COURT: Sustained.

4 The jury will disregard that answer.

5 MS. COMEY: Your Honor, may I be heard on this issue?

6 THE COURT: You may.

7 (Continued on next page)

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Alessi - Direct

1 (At sidebar)

2 THE COURT: All you're doing at this point is asking
3 him to look at the exhibit and read from it. It's not in
4 evidence. He didn't seem to have a basis that he recalled, as
5 far as I can tell for why he thinks it's a different version.
6 So I'm not going to permit him to read from the document.

7 MS. COMEY: Yes, your Honor. All I was going to say
8 is his view of that is based on his observation of the exhibit.
9 I did not intend him to have him read the document not in
10 evidence. My question is based on his observations of this
11 exhibit. What makes him believe that it's a later version and
12 the contents of this exhibit is part of how he forms that
13 answer.

14 THE COURT: The content, other than the date or
15 anything else?

16 MS. COMEY: I think at this point it's the fact that
17 his name and his wife's name were not in the exhibit and that
18 there is the date on there.

19 THE COURT: I think you can ask -- without -- putting
20 the document aside, he already answered that. You think this
21 is a later version. What is your basis for saying that?

22 MS. COMEY: Your Honor, I think his basis would be --

23 THE COURT: I know what you think his basis --

24 MS. COMEY: I just don't want to -- I apologize, your
25 Honor. I just don't want to elicit something that your Honor

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1 does not want me to elicit. I think what he will say is
2 something referring to the content of the exhibit. I don't
3 want to elicit that if your Honor has ruled that I cannot.

4 THE COURT: Fair enough.

5 I mean, it sounds like he gave two responses to the
6 question, right. One is, I saw the date and it's a later date;
7 the other is my name has been removed, my name's not in it, my
8 wife's name is not in it. He hasn't provided that testimony,
9 so I don't know -- it's a logical inference which you may be
10 making. I don't know it's a logical inference that he would
11 make.

12 MS. COMEY: Your Honor, at this point I'll rest on the
13 logical inference that I think the Court can make based on the
14 record before it. I'll move on.

15 THE COURT: So what I'm going to do is sustain the
16 foundation objection at this point. I'll tell the jury to
17 disregard the testimony that he believes it to be a later
18 version of the book from his time.

19 I'll allow the voir dire, and we'll take it from
20 there.

21 MS. COMEY: Yes, your Honor.

22 MR. PAGLIUCA: Thank you, your Honor.

23 MS. COMEY: Your Honor, I apologize.

24 (Counsel conferred)

25 MS. COMEY: Your Honor, I think Ms. Moe would like to

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1 be heard on this issue. I apologize.

2 MS. MOE: I'm sorry, your Honor.

3 Just to frame the issue, I recognize we've been
4 clarifying the record about time periods. Our view on
5 authentication for this exhibit is this witness is not
6 authenticating it as a document from a particular time period.
7 I recognize we've been asking questions about that.

8 The question before the Court is whether this witness
9 can authenticate this exhibit as a document belonging to
10 Maxwell and Epstein or a document that he recognizes based on
11 his observations of the book. So we just wanted to frame the
12 question in terms of our perspective.

13 THE COURT: That's fine. I didn't ask the question if
14 it was a later book. Ms. Comey did. There was an objection.
15 We thought we were on foundation. That's where we are.

16 I'm now ruling, sustaining that objection, telling the
17 jury to disregard that testimony. Then it's the defense's turn
18 to voir dire, you'll seek admission, I'll rule. I may admit
19 it, I may not admit it, I may reserve until we hear the
20 testimony of employee one.

21 MS. MOE: Yes, your Honor. Thank you.

22 (Continued on next page)

23
24
25

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1 (In open court)

2 THE COURT: I am sustaining the earlier objection to
3 foundation. I will instruct the jury to disregard prior
4 testimony that the witness indicated that this book is a later
5 version of the directory that he's familiar with. Okay.

6 MS. COMEY: Your Honor, the government offers Exhibit
7 52 in redacted form.

8 THE COURT: You may inquire.

9 MR. PAGLIUCA: Thank you, your Honor.

10 VOIR DIRE EXAMINATION

11 BY MR. PAGLIUCA:

12 Q. Mr. Alessi, as I understand it, the first time you've
13 looked at Exhibit 52 is last night; is that correct?

14 A. Yes, sir.

15 Q. Okay. So 19 years after you left Mr. Epstein's employment
16 is the first time you've seen Exhibit 52; correct?

17 A. Correct.

18 Q. Okay. And as you sit here today, 19 years later, you have
19 no idea where Exhibit 52 has been for the last 19 -- well, has
20 been for however long that's been in existence; correct?

21 A. Correct.

22 Q. Okay. The books that you remember from the 2000 time
23 frame, I think you testified, were approximately two inches
24 thick; is that correct?

25 A. Yes.

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1 Q. Okay. So two inches, I don't know if you can see this far,
2 but that's about two inches; correct?

3 A. That's correct.

4 Q. And the Exhibit 52 is maybe a quarter of an inch, is that a
5 fair statement?

6 A. It's fair.

7 Q. Okay. The books that you were talking about, as I
8 understand it, came from New York; is that right?

9 A. Yes.

10 Q. Okay. And you don't have any idea whether that book --
11 well, whether Exhibit 52 -- let's just call it Exhibit 52, came
12 from New York or not; correct? You don't know whether Exhibit
13 52 came from New York, came from Palm Beach, came from
14 California, came from anywhere? I mean, you have no personal
15 knowledge about where Exhibit 52 was created; correct?

16 A. Excuse me. This is Exhibit 52?

17 Q. Yes, that's correct.

18 A. Yeah, I have no idea.

19 Q. Okay. There are -- when you held that up, I can see a
20 bunch of different Post-It notes in Exhibit 52. Do you see
21 that?

22 A. Yes.

23 Q. Okay. You have no idea where those Post-It notes came
24 from; correct?

25 A. Correct.

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1 Q. Okay. Whenever you saw whatever books you saw in the
2 2000s, they didn't have Post-It notes on them; correct?

3 A. Correct.

4 Q. Okay. When you looked through Exhibit 52 last night, 19
5 years after you left Mr. Epstein's employment, did you notice
6 that there was handwriting in Exhibit 52?

7 A. Yes.

8 Q. That's not your handwriting; correct?

9 A. No.

10 Q. And there were dates in Exhibit 52 that were handwritten
11 not by you; correct?

12 A. Absolutely.

13 Q. And you can't recognize the handwriting that's contained in
14 Exhibit 52; correct?

15 A. Correct.

16 Q. There were parts of Exhibit 52 that were circled or there
17 were boxes put around different things; correct?

18 A. Correct.

19 Q. You didn't put those boxes or circles around anything;
20 correct?

21 A. Correct.

22 Q. And you don't know who, if anybody, put those boxes or
23 circles around the things in Exhibit 52; correct?

24 A. Correct.

25 Q. Now, you testified that from your observation and memory,

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1 the books that you saw in Palm Beach that came from New York,
2 the type was much larger; correct?

3 A. Yes, sir.

4 Q. And so that's different in what you're looking at in
5 Exhibit 52; correct?

6 A. Yes.

7 Q. And as you sit here today, you can't tell us, for example,
8 whether someone took a book from Mr. Epstein's house, took it
9 to Kinko's, had it printed much smaller and shrunk down, took
10 out pages, added pages, did whatever they did to it, and then
11 rebound it. You can't -- you don't know whether that happened
12 or not; correct?

13 A. Correct.

14 Q. You were not charged with -- you were not tasked or
15 directed by anyone to maintain these books in Palm Beach? Do
16 you understand my question, which may be a little complicated.

17 It wasn't your job to take the books, put them in a
18 folder, and put them in a drawer somewhere and keep them to
19 record them for history, right?

20 A. Not that I remember.

21 Q. Okay. In fact, every time there was a new book that came
22 out, the old books were destroyed, as I understand it; is that
23 right?

24 A. It was tossed in the garbage, yes.

25 Q. Okay. Tossed in the garbage. And so there was no

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1 practice, as you understood it, to keep any of these books for
2 the future; correct?

3 A. Correct.

4 Q. Also in Exhibit 52 there are different -- there are arrows
5 that are pointed to some of the names. You don't need to look
6 at them. I'm asking you about your memory, okay?

7 When you looked at it last night, did you see some of
8 the entries had arrows pointing to them, right?

9 A. Yes.

10 Q. And you didn't put those in there, right?

11 A. Absolutely, no.

12 Q. And you don't know how they got there; correct?

13 A. Correct.

14 Q. The bottom line here, Mr. Alessi, you don't have any
15 personal knowledge about first how or when Exhibit 52 was
16 created; correct?

17 A. Correct. No knowledge.

18 Q. You have no personal knowledge how or in what fashion
19 Exhibit 52 has been kept for the last 19 years; correct?

20 A. Correct.

21 Q. You have no personal knowledge about whether or not someone
22 took a book from Palm Beach, took out pages, photocopied it,
23 put it back together, put those sticky notes on it, and made
24 the markings on there; correct?

25 MS. COMEY: Objection, your Honor.

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1 THE COURT: Sustained.

2 MR. PAGLIUCA: I can break it down, your Honor.

3 THE COURT: No, no, no. I assume the objection is
4 asked and answered.

5 MS. COMEY: Correct, your Honor.

6 MR. PAGLIUCA: Without a grounds, I'm unaware of what
7 the --

8 THE COURT: He said he didn't understand the grounds.

9 MR. PAGLIUCA: That's all.

10 THE COURT: Making a gesture as if we could read each
11 other's minds.

12 Fair enough. I'm sustaining. Asked and answered.

13 BY MR. PAGLIUCA:

14 Q. Mr. Alessi, as you sit here today, you have no personal
15 knowledge about whether or not Exhibit 52 was ever touched by
16 Mr. Epstein; correct?

17 A. Correct.

18 Q. And you have no personal knowledge about whether Exhibit 52
19 was ever touched by Ms. Maxwell; correct?

20 A. Correct.

21 MR. PAGLIUCA: I think that's all, your Honor.

22 THE COURT: Okay. Counsel, I'm going to reserve, as
23 discussed, pending additional testimony.

24 MS. COMEY: Thank you, your Honor.

25 May I resume direct?

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1 THE COURT: You may.

2 BY MS. COMEY:

3 Q. Mr. Alessi, I want to talk some more about the massages
4 that Jeffrey Epstein received at his Palm Beach house.

5 A. Okay.

6 Q. Did you see the people who came to the house to give
7 Mr. Epstein massages during your employment?

8 A. Yes.

9 Q. About what percentage of those people were female?

10 A. I would say 98 percent they were female.

11 Q. And when those females would come to Mr. Epstein's Palm
12 Beach house to give him massages, which entry would they
13 take -- would they use to get into the house?

14 A. If they were there for the first time, they will go through
15 the front entrance, front door.

16 Q. Go ahead.

17 A. And if they were repeat visits, they will come through the
18 kitchen always.

19 Q. And when a female came through the kitchen and was there to
20 massage Jeffrey Epstein, where did they go from there based on
21 your observations?

22 A. Based on my observation, they will stay in the kitchen, I
23 will let Mr. Epstein know, Ms. Maxwell, that this person is
24 here for a massage. And they will tell me, Okay. Set it up
25 upstairs in his bathroom, Mr. Epstein's bathroom, or by the

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1 pool, in different locations of the house.

2 Q. Where did Mr. Epstein receive the majority of his massages?

3 A. His bathroom.

4 Q. And is that the bathroom attached to the master bedroom
5 that we were talking about earlier?

6 A. Yes.

7 Q. What, if any, massage tables were in Jeffrey Epstein's Palm
8 Beach house when you worked for him?

9 A. We have a massage table in every guest room, and
10 Mr. Epstein room.

11 Q. Where in Mr. Epstein's room was the massage table?

12 A. It was on his bathroom.

13 Q. The same bathroom where you said he received the majority
14 of his massages?

15 A. Yes.

16 Q. While you worked for Mr. Epstein, when someone called
17 Mr. Epstein's Palm Beach house, how would employees keep track
18 of any messages left for Mr. Epstein?

19 A. Most of the times I will answer the phone. And I will ask
20 who the -- they want to talk to, and they will tell me, Is
21 Mr. Epstein at the house? I will say, Yes. He's busy. You
22 want to leave a message? And I will write it down in a -- in a
23 message sheet. It was this booklet. I think they have three
24 or four messages in each booklet, and they have a carbon copy.

25 Q. Let me ask you some questions about that.

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1 Where would you write phone messages down for
2 Mr. Epstein when you worked for him?

3 A. Usually at the kitchen desk.

4 Q. And into what type of book? You mentioned a book.

5 A. It was a book with three or four pull-out pages. And it
6 had a copy, carbon copy on each page.

7 Q. So after you wrote down a message for Mr. Epstein, what did
8 you do?

9 A. If it was a message for Mr. Epstein and if he was in the
10 house, I will leave it in the -- his desk or in the kitchen
11 table.

12 Q. And once you --

13 THE COURT: I'm sorry, can I just ask, can we collect
14 52?

15 MS. COMEY: Oh, yes, your Honor. May I approach?

16 THE COURT: You may. Thank you.

17 Q. Once you removed the message you had written for
18 Mr. Epstein, what would be left in the book?

19 A. The carbon copy of the -- of the message.

20 Q. Would it be an exact copy of the message you had written
21 down?

22 A. Yes.

23 Q. And what was the practice when you worked for Mr. Epstein
24 of how you would take messages?

25 A. I will answer the phone, I will listen who is calling. And

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1 if the message was for Mr. Epstein, and if he wants to take the
2 call, he usually answer his calls, he has his number. And if
3 he was there, he will answer his calls. If he was not there, I
4 will take a message. Who's calling? I will ask for the
5 telephone number, the name, and I will write it down in the --
6 in the -- in the message book.

7 Q. And when would you write it in the message book?

8 A. Soon while I was talking on the phone.

9 Q. As you're talking on the phone receiving the information,
10 you were writing down that information into the book?

11 A. Yes.

12 Q. Other than you, who else took messages in message books for
13 Mr. Epstein?

14 A. Occasionally, my wife and occasionally he will preliminary
15 injunction Taylor.

16 Q. When a message book was full, what would happen to it?

17 A. We have a closet, utility closet in my office, in my little
18 office. And it was a bunch of books, new books, and the old
19 ones were kept there.

20 Q. Were the old books kept off of the staff room that we were
21 talking about earlier?

22 A. Yes.

23 MS. COMEY: Your Honor, I'd ask permission now to
24 approach the witness with what's been marked for identification
25 as Government Exhibit 2.

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1 THE COURT: Okay.

2 MS. COMEY: And I'll show it to counsel first.

3 THE COURT: Thank you.

4 Q. Mr. Alessi, I've just handed you what is marked for
5 identification as Government Exhibit 2. Would you take a look
6 at that and tell us if you recognize it?

7 A. Yes, I do.

8 Q. What do you recognize it to be?

9 A. This was the booklet that it was -- that would take
10 messages on it. These are the carbon copies.

11 Q. Okay. Do you recognize any of the handwriting in those
12 books?

13 A. Yes.

14 Q. Could you just -- without reading the content of any
15 messages, just tell us whose handwriting you recognize?

16 A. The first one, the second one, the fourth one in the first
17 page are mine.

18 Q. On the first page, three of the messages are in your
19 handwriting?

20 A. Yes.

21 Q. Let's go to the second page please.

22 A. The second page, I recognize the first one as being my
23 wife. The second one is mine, the third one is mine, the four
24 one is mine.

25 In the -- in the next page, for some reason this

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1 messages were not taken or put --

2 Q. My question for you, Mr. Alessi, is just whether you
3 recognize the handwriting, okay?

4 A. Yes. Okay. The first one is my wife. The second one, I
5 don't know, this is not my writing. The third one is my
6 writing. The four one is not my writing. And the last one is
7 my writing.

8 Q. And what about the next page?

9 A. Next page is my writing, my writing, my writing, my
10 writing.

11 Q. And the next page?

12 A. This is my wife's writing, the next one is my writing, my
13 wife's writing, and my writing.

14 Q. How about the next page?

15 A. This is my wife's writing, my, my wife's writing, and my
16 writing.

17 Q. And the next page?

18 A. Mine, mine, this one I don't recognize it, and this one is
19 blank.

20 Q. The next page?

21 A. This one is mine. This one is -- I don't recognize this.
22 This -- I don't recognize this, this, and the last one I don't
23 recognize.

24 Q. And how about the next page?

25 A. The first one, I don't recognize it. The second one is

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1 blank. The third I don't recognize it. The four one I don't
2 recognize it.

3 Q. And can you just flip through the rest of the pages and
4 tell us if you recognize any of the handwriting in the rest.
5 Just look at them silently and tell me, yes or no, whether you
6 recognize any of the handwriting in the rest of the book?

7 A. No.

8 Q. Now, the portions of handwriting that you do recognize,
9 Mr. Alessi --

10 A. Yes.

11 Q. -- are those messages that you took using the same process
12 you just described for us?

13 A. Yes, I did.

14 Q. So at the same time that you were taking information from a
15 phone call for Mr. Epstein --

16 A. Yes.

17 Q. -- you were writing it down simultaneously?

18 A. Right.

19 Q. And was that part of your job for Mr. Epstein?

20 A. Yes, it was.

21 Q. Was that a part of the practice of running Mr. Epstein's
22 Palm Beach residence?

23 A. Yes, it was.

24 Q. Okay. You can set that aside and I'll come retrieve it.

25 Thank you, Mr. Alessi.

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1 MS. COMEY: One moment. I'm sorry. If I may have a
2 moment, your Honor.

3 THE COURT: You may.

4 (Counsel conferred)

5 MS. COMEY: May I come get the exhibit, your Honor?

6 THE COURT: Yes. Thank you.

7 MS. COMEY: Your Honor, at this time the government
8 would offer certain excerpts from Government Exhibit 2, which
9 are marked for identification as Government Exhibits 2A through
10 2W. And we'd ask that other than 2A, they be received under
11 seal.

12 MR. PAGLIUCA: Well, your Honor, can I ask a few
13 questions about this exhibit with the witness?

14 THE COURT: Yes.

15 MR. PAGLIUCA: Thank you.

16 VOIR DIRE EXAMINATION

17 BY MR. PAGLIUCA:

18 Q. Mr. Alessi, again, you left in -- at the end of 2002; is
19 that right?

20 A. Yes.

21 Q. And if I'm looking at this exhibit correctly, the dated --
22 the date range goes beyond 2002. And you would have -- you
23 would not have taken any message after 2002; correct?

24 A. Yes.

25 Q. And you would not have any personal knowledge about any of

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1 the information conveyed to whoever is operating anything down
2 in this book after 2002; correct?

3 A. That's correct.

4 Q. And I don't believe you've identified any handwriting other
5 than yours and your wife's handwriting in the beginning of this
6 book; is that correct?

7 A. That's correct.

8 Q. And there are a number of pages in this book that don't
9 have dates reflected in the message pad. Do you know that or
10 not?

11 A. Probably.

12 Q. Okay. I'm actually old enough to have used message pad
13 books in the past. And as I recall -- and you tell me if this
14 is any different -- oftentimes there are five, six different
15 message pads being used at any particular point in time. And
16 someone may write a message in one pad, and then may go to
17 another pad. And so there can be conflicting dates in
18 different message pads at the same time. Was that the practice
19 or not at Mr. Epstein's house?

20 MS. COMEY: Objection, your Honor.

21 THE COURT: Grounds.

22 MS. COMEY: Form, your Honor.

23 THE COURT: Overruled. You may answer.

24 Q. Did you understand my question?

25 A. Yes, I did. No, it was only one pad, and it was usually

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1 situated at the kitchen -- kitchen desk.

2 Q. And that would have been your desk; is that correct?

3 A. No, that was the kitchen -- the desk -- that was the desk
4 for anybody to use.

5 Q. I see. So one message pad at the kitchen desk, and anybody
6 could answer the phone and write down a message; is that
7 correct?

8 A. Yes.

9 Q. Okay. And then at some point, this message book was put
10 into a closet, would that have been the practice?

11 A. Yes.

12 Q. And then you don't know what happened to it after that?

13 A. No.

14 MR. PAGLIUCA: Your Honor, I have no objection to the
15 messages that were identified by Mr. Alessi as to his
16 handwriting or his wife's handwriting. I think those have been
17 authenticated. I object to the remainder as being hearsay.

18 THE COURT: Can you specify as to 2A through 2W?

19 MR. PAGLIUCA: Yes. I'll have to go back to that
20 exhibit, your Honor.

21 THE COURT: Okay. Maybe Ms. Comey can --

22 MR. PAGLIUCA: Sure. So 2A, your Honor, I don't
23 object to. That's a cover page.

24 THE COURT: Okay.

25 MR. PAGLIUCA: I think 2 -- I don't have a 2B in my

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1 book.

2 MS. COMEY: I apologize, your Honor. I don't think
3 we're offering 2B, so we'll just do 2C through 2W.

4 MR. PAGLIUCA: Okay. So 2C, your Honor, I object to.

5 (Counsel conferred)

6 MR. PAGLIUCA: Ms. Moe has helped speed up the
7 process. Ms. Moe. I'm sorry, Ms. Comey has helped speed up
8 the process here, your Honor. As I understand it, none of
9 these exhibits being offered were written by Mr. Alessi or his
10 wife and have not been authenticated, and so I object to all of
11 those exhibits.

12 THE COURT: Ms. Comey, can I see the book?

13 MS. COMEY: Yes, your Honor.

14 May I approach?

15 THE COURT: Yes.

16 Do you have anything further, Ms. Comey?

17 MS. COMEY: I'm sorry, your Honor?

18 THE COURT: Do you have anything further?

19 MS. COMEY: I'm happy to argue at sidebar, if your
20 Honor would like to hear argument.

21 THE COURT: I was wondering if you had anything
22 further with the witness.

23 MS. COMEY: No, your Honor.

24 THE COURT: I'm overruling the objection to -- so
25 you're not seeking 2A, just 2C --

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1 MS. COMEY: I am seeking 2A, I'm not seeking 2B. Just
2 C through W.

3 THE COURT: All right. 2A on consent is admitted.
4 And I am overruling the objection as to 2C through 2W based on
5 the testimony of the witness.

6 MS. COMEY: Thank you, your Honor. These are sealed
7 exhibits. I would ask that we please go through them with the
8 jurors in their binders.

9 THE COURT: So are they all sealed?

10 MS. COMEY: Yes, your Honor, I apologize. We are
11 offering all of these under seal, consistent with prior
12 applications.

13 THE COURT: I presume 2A is not under seal.

14 MS. COMEY: No, 2A is not under seal.

15 Thank you for clarifying, your Honor.

16 THE COURT: 2C through 2W.

17 MS. COMEY: We are moving under seal.

18 THE COURT: Under seal.

19 MS. COMEY: And it's both to protect witnesses who
20 you've authorized to testify under pseudonym, and to protect
21 personal information of third parties who have names, phone
22 numbers, and contact information in the other exhibits.

23 THE COURT: Do you have any objection to the sealing
24 request?

25 MR. PAGLIUCA: No, the sealing I have no objection to,

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1 your Honor.

2 THE COURT: All right. So 2A is admitted. And then
3 2C through 2W is admitted under seal for the reasons indicated
4 by Ms. Comey.

5 (Government's Exhibits 2A, 2C through 2W received in
6 evidence)

7 MS. COMEY: Thank you, your Honor.

8 Ms. Drescher, would you please pull up 2A and publish
9 it for the jury. Thank you.

10 I'm told that the remaining exhibits are in a
11 different set of binders that are not with the jury right now.
12 So we'll publish the remaining exhibits at a later time and
13 I'll move on to another topic. So we can take this down.

14 THE COURT: Okay.

15 BY MS. COMEY:

16 Q. Mr. Alessi, what, if any, supplies were you instructed to
17 buy for Mr. Epstein to use during his massages?

18 A. I don't recall buying any oils or perfumes or whatever for
19 the massages because they were purchased by Ms. Maxwell.

20 MR. PAGLIUCA: Your Honor, I'm going to object to the
21 narrative. I'm going to object to foundation.

22 THE COURT: Okay.

23 Q. If you didn't buy them, where did they come from?

24 MR. PAGLIUCA: Objection. Foundation, your Honor.

25 THE COURT: Sustained.

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1 Q. Did Ms. Maxwell ever give you supplies for Mr. Epstein's
2 massages?

3 A. Yes.

4 Q. What did she give you?

5 A. All types of exotic oils, most of where they were from
6 other countries.

7 Q. Where did you put them after Ms. Maxwell gave them to you?

8 A. They were put in the dress -- on top of the dresser of
9 Mr. Epstein's bathroom.

10 Q. Were you ever present in the massage room when Mr. Epstein
11 received his massages?

12 A. Never.

13 Q. Was the door ever open when Mr. Epstein received a massage
14 in his master bedroom and bathroom?

15 A. Never.

16 Q. Did you ever go into the massage room after Mr. Epstein's
17 massage appointments?

18 A. Yes, usually I will go up --

19 Q. Let me ask you a follow-up question.

20 Why? Why did you go into Mr. Epstein's --

21 A. To clean up and retrieve the -- the massage table.

22 Q. Where was the massage table kept?

23 A. In Mr. Epstein's closet.

24 Q. Where was that closet?

25 A. In Mr. Epstein's bathroom.

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1 Q. What do you remember finding after -- when cleaning up
2 after Mr. Epstein's massages in that room?

3 MR. PAGLIUCA: Object to the time frame, your Honor.

4 THE COURT: Okay.

5 Q. Between the periods of 1994 and 2002, what are some of the
6 things you remember finding after Mr. Epstein's massages?

7 MR. PAGLIUCA: Your Honor, I still object to this time
8 frame. It's too broad as framed.

9 THE COURT: All right. Ms. Comey, you can ask if
10 there's continuity or you can go through the dates.

11 BY MS. COMEY:

12 Q. Mr. Alessi, are there some things that you remember seeing
13 after just about every one of Mr. Epstein's massages?

14 A. Not after every one.

15 Q. After the massages, would you clean up towels?

16 A. Yes.

17 Q. And would you clean up towels after all of his massages?

18 A. Not all of his massages. Not all of his massages, no.

19 Q. About how many?

20 A. Depends who the massage therapist was.

21 Q. Can you explain?

22 A. If the massage therapist was a repeat massage and they
23 usually were people who always come back to the house, they
24 will bring the towels for me to the laundry room.

25 Q. And how about if it was a new person?

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1 A. I will have to go out and bring the towels down.

2 Q. What else did you do after the majority of Mr. Epstein's
3 massages?

4 A. I will put the table away, I will put the -- take all the
5 towels out, and I will clean the table, and I will put the oils
6 away, higher up.

7 Q. Are there any incidents that stand out in your mind where
8 you found something unexpected when cleaning up after a
9 massage?

10 A. Yes.

11 Q. Can you tell us about that?

12 MR. PAGLIUCA: Objection, your Honor. I think we need
13 to be specific as to time frame here.

14 THE COURT: Why don't you start with the first
15 incident.

16 Q. About when was the first time?

17 A. Excuse me?

18 Q. Did there ever come a time where you found something other
19 than towels and oils in Mr. Epstein's massage room?

20 A. Yes.

21 Q. About when was that?

22 A. 1995, '96, '97, '98.

23 Q. What do you remember finding?

24 A. I remember finding a large dildo.

25 Q. What did it look like?

LC2VMAX6

Alessi - Direct

1 A. It looked like a huge man's penis with two heads.

2 Q. What did you do with the dildo?

3 A. The dildo, I use to put my gloves on, put them in the sink,
4 run it under water, and put the dildo in Ms. Maxwell's closet
5 in a basket.

6 Q. I want to be clear here. Where did you find the dildo
7 after the massage?

8 A. Usually at the table, at the massage table or at his bed.

9 Q. And the massage table, where was that?

10 A. The massage table was -- it was left there in the room. It
11 was in his -- in Mr. Epstein's bathroom.

12 Q. If that's where you found it, why would you put it in
13 Ms. Maxwell's bathroom?

14 A. That's the place what I was told -- it was kept all the
15 time.

16 Q. How do you know that?

17 A. Because I knew everything that happen in that house.

18 Q. Can you describe the basket in Ms. Maxwell's bathroom where
19 you put the dildo after Mr. Epstein's massages?

20 A. Yes. It was like a wicker basket, the size of a garbage
21 can, pretty large, and it had a cover on it.

22 Q. What else do you remember seeing in that basket?

23 A. I saw pornographic tapes, tapes, and I saw a custom, a
24 black vinyl or leather black, I remember it was black, custom.

25 Q. Do you mean costume?

LC2VMAX6

Alessi - Direct

1 A. Costume, sorry.

2 Q. About how many times do you remember seeing that dildo
3 after one of Mr. Epstein's massages?

4 A. At least four, five times.

5 Q. Are there any other items that stand out in your mind that
6 you saw after one of Mr. Epstein's massages?

7 A. Yes, it was also a massage, a large massager that you put
8 them under your neck and it vibrates. And it also was a very
9 large massager and it would vibrate the head. I think it was
10 for the back.

11 (Continued on next page)

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LC2Qmax7 - corrected Alessi - Direct

1 BY MS. COMEY:

2 Q. I want to break that down. Were there two different kinds
3 of massagers?

4 A. Yes.

5 Q. What did the first one look like?

6 A. The first one looked like a pillow, the form of a pillow,
7 and the other one looked like an arm with -- at the end of the
8 arm, there was this rubber vibrator ball.

9 Q. So the second one with the ball at the end of the long arm,
10 did it vibrate?

11 A. Yes.

12 Q. About how often do you remember finding these massagers in
13 Mr. Epstein's room after one of Mr. Epstein's massages?

14 A. Not too often.

15 Q. About how many times?

16 A. Probably three, four times.

17 Q. What did you do with the massagers after you found them?

18 A. Those massagers were kept at the top of his dresser with
19 the rest of the oils and fragrances for the massage.

20 Q. At the top of whose dresser?

21 A. Mr. Epstein's dresser.

22 Q. In whose room?

23 A. Mr. Epstein's bathroom.

24 Q. Attached to the master bedroom?

25 A. Yes, Mr. Epstein's bathroom.

LC2Qmax7 - corrected Alessi - Direct

1 Q. Forgive me. I don't think I asked. Where do you remember
2 finding these massagers after Mr. Epstein's massages?

3 A. I would find by the sink or in the couch -- there was a
4 couch in the bathroom -- or on top of the table or at his bed.

5 Q. When you say the table, what do you mean?

6 A. The massage table.

7 Q. What, if any, photographs do you remember seeing in
8 Mr. Epstein's Palm Beach house while you worked for him?

9 A. It was a lot of photographs with important people from --
10 or Ms. Maxwell with Mr. Epstein. I remember seeing many
11 important people photographed with them.

12 Q. Who are some of the important people you remember seeing in
13 photographs with Ms. Maximum and Mr. Epstein in the Palm Beach
14 residence?

15 A. I think there was a photograph with Mr. Trump. Photographs
16 with -- if I remember, I think there was a photograph with the
17 Pope. I think there was a photograph with Fidel Castro.

18 Q. What, if any, photographs do you remember seeing that
19 contained females who were topless?

20 A. There were many photographs with females topless. Usually
21 they were kept at Ms. Maxwell's desk.

22 Q. Remind us where that desk was.

23 A. The desk was at the garden room behind the pantry.

24 Q. Based on your observations of those photographs, where do
25 they appear to have been taken?

LC2Qmax7 - corrected Alessi - Direct

1 A. They appear to have been taken --

2 Q. Could you say that again, please? Where did they appear to
3 have been taken?

4 A. By the pool side.

5 Q. In the Palm Beach residence?

6 A. Yes.

7 Q. Last question on the photos, Mr. Alessi.

8 Who, if anyone, do you remember using a camera to take
9 pictures around Mr. Epstein's Palm Beach house during the years
10 you worked for him?

11 A. I don't remember seeing anybody else but Ms. Maxwell.

12 Q. The only person you remember seeing was who?

13 A. Ms. Maxwell.

14 Q. I want to circle back to something I asked you at the
15 beginning of your testimony. Could you clarify for us what
16 year did you move from New Jersey to Florida?

17 A. I moved from New Jersey to Florida in October 1984.

18 Q. 1984?

19 A. '84.

20 Q. Thank you. About when did you stop working for
21 Mr. Epstein?

22 A. I stopped working for him December, at the end of December
23 of 2002.

24 Q. Why did you stop working for Mr. Epstein then?

25 A. I was sick. I was ill. I had a lot of pain. I come up

LC2Qmax7 - corrected Alessi - Direct

1 with a disease that I was bleeding profusely.

2 Q. Mr. Alessi, you don't need to go into the details, but
3 suffice it to say --

4 A. I was sick and I was also very, very tired of the job.

5 Q. What, if any, agreement were you required to sign when
6 leaving Mr. Epstein's employment?

7 A. I sign an agreement of separation agreement with
8 Mr. Epstein.

9 Q. What was your understanding of what you were required do
10 under that agreement?

11 A. I was required not to talk to anybody about his life or
12 Ms. Maxwell. It was stipulated for the two of them to be
13 completely private from --

14 Q. After you stopped working for Mr. Epstein, did you see
15 Ms. Maxwell in person again between then and today?

16 A. No.

17 Q. After you stopped working for Mr. Epstein, how many times,
18 if any, did you go back to Mr. Epstein's house?

19 A. I went back one time.

20 Q. About when was that?

21 A. I think it was 2004.

22 Q. Why did you go back to Mr. Epstein's house?

23 A. I was -- I was -- I will tell the truth. I was having a
24 tremendous pressure in my marriage. I move out of my house,
25 but somehow I got involved with another woman, not romantically

LC2Qmax7 - corrected Alessi - Direct

1 but involved, and she -- and we have -- I was having a lot of
2 financial problems without a job. And I move out of my house,
3 out of my -- my family, and I commit the greatest mistake I
4 ever done in my life.

5 Q. What did you do, Mr. Alessi?

6 A. I went back to the house, and I took some money out.

7 Q. How did you get into the house?

8 A. Through a sliding door.

9 Q. How could you get in?

10 A. Through the sliding door. It was open. It was easily
11 opened.

12 Q. Once you got into the house, where did you go?

13 A. I went to this -- I went directly to where this luggage bag
14 was situated.

15 Q. Where was that?

16 A. By Mr. Epstein's desk.

17 Q. Which desk?

18 A. The lake room.

19 Q. What did you do when you went to Mr. Epstein's desk in the
20 lake room?

21 A. I took a band of a hundred dollar bills.

22 Q. About how much money did you take?

23 A. I took -- it was \$6,300.

24 Q. After you broke into Mr. Epstein's home and stole that
25 money, who, if anyone, contacted you?

LC2Qmax7 - corrected Alessi - Direct

1 A. Only Mr. Epstein.

2 Q. What happened after he contacted you?

3 A. He says, "We need to talk." And should I elaborate on
4 that? And he --

5 Q. After he said, "We need to talk," did you meet with
6 Mr. Epstein?

7 A. Yes, I met with Mr. Epstein.

8 Q. And then what happened?

9 A. We talk for about a half hour about family, talk about his
10 mother. And he says --

11 MR. PAGLIUCA: Your Honor, I'm going to object to this
12 as being hearsay. This is outside of the --

13 THE COURT: Sustained.

14 MS. COMEY: Your Honor, I'm not offering this for the
15 truth.

16 THE COURT: Then just ask about what happened next.

17 Q. Mr. Alessi, did Mr. Epstein confront you about stealing the
18 money?

19 A. Yes, he did.

20 Q. How did he do that?

21 A. He show me a picture.

22 Q. What was the picture?

23 A. It was a very small picture, it was showing my face.

24 Q. Where did it appear?

25 A. Inside the house.

LC2Qmax7 - corrected Alessi - Direct

1 Q. After he showed you the picture, what happened next?

2 A. We discuss it for an hour -- for awhile, and he -- he says
3 to me, "John" --

4 MR. PAGLIUCA: Objection, your Honor. Hearsay.

5 THE COURT: Sustained.

6 Q. Did you come to an agreement with Mr. Epstein?

7 A. Yes, I did.

8 Q. What was the agreement?

9 A. The agreement was that it was going to be considered as a
10 loan from Mr. Epstein to me; that he will not press charges
11 because of the kind of employee I had been, and the amount of
12 care that was given --

13 Q. Mr. Alessi, what did you have to do under the agreement?

14 Under the agreement with Mr. Epstein, what did you have to do?

15 A. I have to pay it back.

16 Q. Did you pay him the money back?

17 A. Absolutely.

18 Q. How much money did you pay him back?

19 A. I pay it with a money order, and I have the receipt.

20 Q. Was it the full amount?

21 A. \$6,300.

22 Q. Were you interviewed by the police about this incident?

23 A. Yes, by his request --

24 Q. Just yes or no. Were you interviewed by the police?

25 A. Yes.

LC2Qmax7 - corrected Alessi - Direct

1 Q. Were you arrested or charged with a crime?

2 A. No.

3 Q. After that incident, did you ever see Mr. Epstein in person
4 again?

5 A. Never.

6 MS. COMEY: May I have a moment, your Honor?

7 THE COURT: You may.

8 (Pause)

9 MS. COMEY: Nothing further, your Honor.

10 THE COURT: I'll leave it to you, Mr. Pagliuca. Do
11 you want to start or do you want --

12 MR. PAGLIUCA: I think it would be better if we start
13 tomorrow.

14 THE COURT: That's fine. We only have ten minutes.
15 Members of the jury, we'll send you home for the
16 evening. Same schedule tomorrow. We'll start promptly at
17 9:30. Thank you for your diligence. We'll see you in the
18 morning.

19 (Jury not present)

20 THE COURT: Mr. Alessi, you may step down.

21 MR. PAGLIUCA: Your Honor, I don't recall whether the
22 Court's practice is to admonish the witness when he's on
23 cross-examination or not.

24 MS. COMEY: We have no intention of having any
25 substantive communications with the witness other than

LC2Qmax7 - corrected Alessi - Direct

1 logistics to get him to where he's staying.

2 THE COURT: I usually just make sure everybody is on
3 the same page, and we are. Thank you. Everyone may be seated.

4 (Witness not present)

5 THE COURT: Are there matters to take up?

6 MR. PAGLIUCA: Not from the defense, your Honor.

7 MS. COMEY: None from the government, your Honor.

8 THE COURT: So we will meet at 8:45. Please confer on
9 any anticipated issues so that we can address them before we
10 have the jury. And I'll see you in the morning. Thank you.

11 (Adjourned to December 3, 2021 at 8:45 a.m.)
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