Jury Trial

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK:CRIMINAL TERM
PART: 59

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THE PEOPLE OF THE STATE OF NEW YORK

Indictment
No. 71543/2023

-against-

DONALD J. TRUMP,

FALSIFYING BUSINESS RECORDS
FIRST DEGREE

Defendant.

----------X

100 Centre Street
New York, NY 10013
May 9, 2024

BEFORE: HONORABLE JUAN M. MERCHAN, JUSTICE

A P P E A R A N C E S:

For the People:

ALVIN L. BRAGG, JR., ESQ.
District Attorney, New York County
BY: JOSHUA STEINGLASS, ESQ.
MATTHEW COLANGELO, ESQ.
SUSAN HOFFINGER, ESQ.
CHRISTOPHER CONROY, ESQ.
REBECCA MANGOLD, ESQ.
KATHERINE ELLIS, ESQ.

For the Defense:

BLANCHE LAW
BY: TODD BLANCHE, ESQ.
EMIL BOVE, ESQ.
STEPHEN WEISS, ESQ.
KENDRA WHARTON, ESQ.

NECHELES LAW, LLP
BY: SUSAN NECHELES, ESQ.
GEDALIA M. STERN, ESQ.

SUSAN PEARCE-BATES
Principal Court Reporter
LAURIE EISENBERG, C.S.R., R.P.R.
LISA KRAMSKY
THERESA MAGNICCARI
Senior Court Reporters

THE CLERK: This is the People of the State of New York against Donald J. Trump. Indictment 71543/23.

Appearances, starting with the People.

MR. STEINGLASS: For the People, ADAs Joshua Steinglass, Susan Hoffinger, Becky Mangold, Matthew Colangelo, Christopher Conroy, and Katherine Ellis.

MS. NECHELES: For the defense, Susan Necheles, seated here with President Trump is here, Todd Blanche, Emil Bove, and Gedalia Stern.

THE COURT: Good morning.

Good morning, Mr. Trump.

MS. HOFFINGER: Just a short application.

THE COURT: Sure.

MS. HOFFINGER: I conferred with Ms. Necheles this morning.

Among the Defense Exhibits are J-26. Marked as J-26 is an arrest record for Ms. Daniels from back in 2009. It's an allegation, according to the document, of simple battery, with absolutely no injury, regarding her former husband with whom she's divorced.

I asked Ms. Necheles this morning if she was planning to elicit a question about a prior arrest. She said she was.

We move to preclude that.

The case never proceeded and was dismissed

without prosecution.

MS. NECHELES: I wasn't intending to try to put the record in evidence.

I was just going to ask about whether she was arrested.

THE COURT: As I say all the time, anybody can be arrested. Any one of us can be arrested when we step outside. That doesn't prove a thing.

If it resulted in nothing, you're precluded from going into it.

MS. NECHELES: I'm going to ask, instead, if her then-husband accused her of that.

I won't say anything about being arrested, just accusing her.

MS. HOFFINGER: Anybody can be accused of anything.

It has nothing to do with credibility.

It was as a result of a divorce proceeding.

THE COURT: If it wasn't a result of a conviction or a fine or sentence, no; it's not probative of anything.

Anything else we need to go into before we get the witness back on the stand?

MS. HOFFINGER: No, your Honor.

THE COURT: One thing.

I asked on Tuesday if you wanted to submit a

request for a limiting instruction, what do you want me to say on that.

(Whereupon, defense counsel confer.)

MS. NECHELES: Your Honor, I think that, given the cross, I'm not sure -- it depends where we end at the end of the testimony.

Can it wait until then?

THE COURT: Yes.

I agree.

Let's get the witness back.

COURT OFFICER: Witness entering.

(Whereupon, the witness, Stormy Daniels, having been previously duly sworn and/or affirmed, resumes the witness stand and testifies as follows:)

THE COURT: Good morning, Ms. Daniels.

I remind you, you're still under oath.

Let's get the jury, please.

COURT OFFICER: All rise.

Jury entering.

(Whereupon, the jurors and the alternate jurors are present and properly seated.)

THE CLERK: Do both parties confirm that all parties are present and properly seated?

MS. HOFFINGER: Yes.

THE COURT: Good morning, jurors.

Welcome back.

Ms. Necheles.

MS. NECHELES: Thank you, your Honor.

CONTINUED CROSS-EXAMINATION

BY MS. NECHELES:

Q Ms. Daniels, when we ended the day on Wednesday -- or, Tuesday, we were talking about what occurred prior to the 2016 election; correct?

A Yes.

Q You recall that President Trump was elected President in November of 2016; right?

A Correct.

Q And in 2011, you had given an interview with E! Online where you had said your story about having sex with President Trump was "bullshit"; right?

MS. HOFFINGER: Objection.

Mischaracterization.

THE COURT: Sustained.

Q Well, do you recall that?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Q And -- but, in 2016, you were trying to sell your story; right?

A Yes.

Q We were reviewing People's Exhibit 171-A.

MS. NECHELES: If we could pull that up and put that up again.

We can turn to Page 2.

That can be shown to everybody. That's in evidence.

(Whereupon, an exhibit is shown on the screens.)

MS. NECHELES: If we can blow up the part starting with: "I have her."; "Is she ready to talk?"

Blow up the four from the bottom.

(Whereupon, an exhibit is shown on the screens.)

Q You see that in this part, you say that Gina Rodriguez was saying -- you know, was asking whether you were ready to talk; right?

MS. HOFFINGER: Objection.

THE COURT: Please approach.

(Whereupon, the following proceedings were held at sidebar:)

MS. HOFFINGER: Two things.

One. This has been fully gone through last time. She can go through it again, but it's exactly the same.

Second. She didn't say anything. These are not her texts.

Ms. Necheles had her read the Gina Rodriguez texts to Dylan Howard.

I guess if she wants her to read them again --

that's not her testimony.

She's mischaracterizing.

MS. NECHELES: I am not mischaracterizing.

I was in the middle of this.

I have three minutes, and then I'm done.

THE COURT: One thing about this. I gave you latitude on Tuesday. You can ask her if she's aware of some of this, but you can't do it in such a way that you're putting their words in her mouth.

MS. NECHELES: Okay.

(Whereupon, the following proceedings were held in open court:)

THE COURT: The objection is sustained.

Q At this point, you were asking for money; you wanted money from President Trump; right?

A No.

Q You weren't asking for money in 2016?

A I never asked for money from President Trump.

Q You asked it from Michael Cohen; right?

A No.

Q Well, you wanted to make money from selling your story; right?

A I never asked for money from anyone in particular. I asked for money to tell my story.

Q And that's what you're asking in 2016, was for money

to be able to tell your story; right?

MS. HOFFINGER: Asked and answered.

THE COURT: Overruled.

You can answer. You can answer.

A I was asking to sell my story to publications to get the truth out.

Q But, you entered into a negotiation over a Non-Disclosure Agreement; right?

A My attorneys did, yes.

Q And that was your choice; right?

A (No response).

Q Well, you made the decision that you wanted your lawyers to do that; right?

A I accepted an offer.

Q That was your choice; right?

A Not necessarily.

I wanted to do a press conference.

Q You would prefer to do the press conference and get no money over making money; is that what you're saying?

A Absolutely, if it got the story out.

Q So, why didn't you do that?

A Because we were running out of time.

Q You were "running out of time" to get money; right?

A No. To get the story out.

Q You could have gone out any day of the week, could

have walked out of your apartment, out of your ranch home and given a press conference; right?

A I could have.

Q But, you chose not to; right?

A I chose to be safe.

Q You chose to make money; right?

A (No response).

Q Right?

A I chose to take the Non-Disclosure.

Q And, do you recall that in 2016, that at the same time that your lawyer was negotiating with Michael Cohen over a Non-Disclosure Agreement, you were also speaking with a reporter from Slate named Jacob Weisberg? Do you recall that?

A I recall talking to someone from Slate. I'm not sure the name.

Q And, Slate, am I correct, is a website that runs stories; right?

A Yes.

Q And, you told Weisberg about your supposed affair with President Trump; right?

A Yes.

Q And, you told him about the fact that you were negotiating with Michael Cohen for a Non-Disclosure Agreement; right?

A Yes.

Q And Weisberg tried to convince you to let him publish the story; right?

A No.

Um, let me see, he was my backup in case the Non-Disclosure fell through, not enough time.

Q He wanted to publish your story; right?

A Everyone wanted to publish the story.

Q But, you stopped talking to him when you got the money.

You wanted money from him; right?

A I stopped talking to numerous people because I signed a Non-Disclosure, and that was part of the deal.

Q You could have just let Weisberg publish the story, but you wanted money from Weisberg; right?

A I could have had anybody publish the story.

Q But, they weren't willing to give you money; right?

A No.

Q Am I correct, you told Weisberg you were sharing these details because you were afraid that Michael Cohen was stalling on filing the Non-Disclosure Agreement and, after the election, he wouldn't pay you; right?

A Yes.

Q You said that as an alternative to be paid for your silence, you wanted to be paid for your story; right?

A I don't remember.

Can you show me where I said that?

Q Sure.

MS. NECHELES: Can we pull up J-45 for the witness and the parties, please, and turn to Page 4.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

MS. NECHELES: We can turn to Page 3 and the second paragraph.

You can blow that up for the witness.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q Isn't it correct that you told Weisberg that as an alternative to be paid for your silence, you wanted to be paid for your story; right?

(Whereupon, the witness reviews the exhibit on her screen.)

A (No response).

Q Is that correct?

A I'm sorry. What was that?

Q Isn't it correct that you told Weisberg that as an alternative to being paid for your silence, you wanted to be paid for your story; right?

A I don't remember saying that exactly, no.

Q Well, did you tell him that you wanted "something to show" for your experience?

A Yes.

I wanted the truth to be printed, with a paper trail of some sort, whether it was an interview, a video, or money, that I was telling the truth, to protect me.

Q You wanted money; right?

A I wanted the truth to come out.

Q Well, are you saying you didn't tell Weisberg that as an alternative to being paid for your silence, you wanted to be paid for the story?

A I don't remember saying that. I just told you that.

Q Isn't it correct that Weisberg told you that Slate did not pay their sources, but he encouraged you to come forward anyway?

A Yes.

Q But, you didn't go forward with him; right?

A Because I was offered the NDA.

Q Even though you would have gotten your story out, you chose not to go with Slate?

A Correct. This was a better alternative.

Q The "better alternative" was for you to make money; right?

A The better alternative was to get my story protected with a paper trail, so my family didn't get hurt if the story was out.

Q And the story -- the paper trail was out if the story

had gotten out?

A Can you repeat that?

Q And the paper trail was out if the story had gotten out?

A Correct. With a target on my back and my family's. It was the perfect solution.

Q Am I correct, you told Weisberg another one of your motives was your anger about Trump's opposition to abortion and gay marriage?

A No.

Q You don't remember saying that to him?

A I don't remember saying that. Bullshit.

Q I want to direct your attention again to J-45 and --

MS. HOFFINGER: Objection.

Q -- and Paragraph 2.

THE COURT: There's an objection.

Overruled for now.

MS. NECHELES: I'm sorry. I didn't hear the objection.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q Directing your attention to Paragraph 2.

Isn't it correct, you told him another motivation to go public was your anger about Trump's newfound opposition to abortion and gay marriage?

A I don't remember saying that.

Was he opposed to abortion? I don't know.

Q Isn't it true that what you were telling Weisberg was you either wanted money or you were gonna hurt him politically?

A No.

Q Because that's what you thought, wasn't it; you were threatening that you would try to hurt President Trump politically by telling this story if he didn't give you money; right?

A False.

Q And when Michael Cohen was --

MS. NECHELES: We can take that down.

Thank you.

Q -- was not paying you the money he promised to pay you, you were furious; weren't you?

A Yes.

Q And didn't you scream at your lawyer, Keith Davidson, and call him a "pussy" and tell him, "You better get money before the election. Otherwise," you "would lose all" your "leverage and" your "story would be worth zero;" you told him that; didn't you?

A Can you show me where I said that?

MS. NECHELES: If we could play what is in evidence as Defendant's Exhibit F-17 interview, and if you could put up the transcript at the same time, F-17-AT.

(Whereupon, an exhibit is shown on the screens.)

MS. NECHELES: You can blow up the transcript a little bit.

Thank you.

(Whereupon, an audio exhibit is played in open court.)

MS. NECHELES: Sorry. That was a mistake.

THE COURT: It's all right.

(Whereupon, an audio exhibit is played in open court.)

MS. HOFFINGER: Judge, I'm going to object.

THE COURT: Sustained.

Please stop the tape.

Please approach.

(Whereupon, the following proceedings were held at sidebar:)

MS. HOFFINGER: This has nothing to do with the question that Ms. Necheles asked. This has no mention of the witness.

She's just replaying a tape of a conversation between Michael Cohen --

MS. NECHELES: I have to look at the transcript.

I thought this is the one where she's talking about -- that she's screaming at him.

MS. HOFFINGER: Nope.

THE COURT: I wanted to say on Tuesday, you guys need to be careful when you put stuff up. Make sure what you're putting up is what you mean to put up.

I don't want any mistakes.

MS. NECHELES: I thought this was the transcript.

I apologize.

There's one where she's calling him a "pussy".

THE COURT: See if you can find it.

MS. NECHELES: I will.

(Whereupon, the following proceedings were held in open court:)

MS. NECHELES: I apologize. I put up the wrong tape.

F-17-E.

THE COURT: Can we look at the transcript first, before you play the tape?

MS. NECHELES: Yes.

Can you put up the transcript first, please.

(Whereupon, an exhibit is shown on the screens.)

THE COURT: That's the one we're looking for?

MS. NECHELES: Yes. That's it.

If you could play that, please.

(Whereupon, an audio exhibit is played in open court.)

Q Do you recall that that's what you were saying --

that's Keith Davidson, that's your lawyer that you heard on the phone right now; right?

A Keith Davidson and Michael Cohen; correct?

MS. HOFFINGER: Objection.

It doesn't refresh her recollection.

She said she didn't recall.

THE COURT: Sustained.

Q Do you recall now that you made those statements?

A No, I do not, actually. It reminds me I never -- I never yelled at Keith Davidson on the phone.

This specifically says that Gina's boyfriend was gonna go out and tell a story, not that I was gonna do this, because I didn't do this.

Sounds like a threat from Keith Davidson.

Q So, if Keith Davidson said that, he was lying?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Q But, you got $130,000; right?

A I didn't.

That was the payment.

Q That was the payment that --

A I got a portion of it.

Q -- that was negotiated on your behalf; right?

A Correct.

Q And, in return for that $130,000, you signed an

Agreement that you would not tell your story publicly; right?

A Yes.

MS. NECHELES: I want to put up on the screen People's Exhibit 276, which is the Settlement Agreement. You can show that to all. It's in evidence.

(Whereupon, an exhibit is shown on the screens.)

MS. NECHELES: If we could blow up the top, the heading of it, please.

(Whereupon, an exhibit is shown on the screens.)

Q You described this document, on direct examination, as a contract between people or parties to keep information secret; right?

A (No response).

Q Do you recall saying that?

A Yes. It's a contract.

Q And you understand that a contract is a legal agreement; right?

A Well, I'm not an attorney, but yes.

Q And it was called a Confidential Settlement Agreement and Mutual Release; Assignment of Copyright and Non-Disparagement Agreement; right?

A That's what it says, yes.

Q And if we look in the first paragraph --

MS. NECHELES: If we could blow up the first paragraph, please.

(Whereupon, an exhibit is shown on the screens.)

Q This paragraph talks about who -- that there is a Settlement Agreement and Mutual Release between two parties whose names are acknowledged in a Side Agreement; right?

A Yes.

MS. NECHELES: If we can look at the second paragraph, please.

(Whereupon, an exhibit is shown on the screens.)

Q It says: "Recitals."

These are the things that are then being agreed to by the parties about the facts; right?

Do you understand that?

A Yes.

Q And it said that: "Prior to entering into this Agreement," you "had come into possession of some confidential information;" right?

A Yes.

Q And that it related to the other party, the defendant to this Agreement; right?

A Yes.

MS. NECHELES: We can go to the next paragraph.

(Whereupon, an exhibit is shown on the screens.)

Q And you had claimed that you had been damaged; the other party, the defendant, claimed that he had been damaged; and you were going to have Released Claims; right?

A Like I said, I am not an attorney, so I am reading this quickly and -- I signed this based upon what my attorney suggested that I do.

Q Okay.

But, you read it; didn't you?

A Yeah.

MS. NECHELES: We can go to the next paragraph.

(Whereupon, an exhibit is shown on the screens.)

Q And this is talking about that you guys were agreeing to sell or transfer those rights; right?

(Whereupon, the witness reads the exhibit on her screen.)

A "Any property and property rights" -- yes.

MS. NECHELES: We can go to the next paragraph.

(Whereupon, an exhibit is shown on the screens.)

Q And this is saying that you are -- the parties are agreeing that this will be kept confidential thereafter; right?

A Yes.

Q Because this was a Confidentiality Agreement; right?

A Yes.

Q And, you had referred to it as an "NDA" or a "Non-Disclosure Agreement"; right?

A Yes.

MS. NECHELES: We can go to the next paragraph.

(Whereupon, an exhibit is shown on the screens.)

Q And this said that the parties want to avoid the expense of a litigation, and so you were settling any disputes between yourselves; right?

(Whereupon, the witness reviews the exhibit on her screen.)

A Yes.

Q And you were releasing any claims against each other; right?

A Yes.

MS. NECHELES: We can go to the next paragraph.

(Whereupon, an exhibit is shown on the screens.)

Q It said that all the things that had been said here are "integral", they're an important part of this Agreement; right?

(Whereupon, the witness reviews the exhibit on her screen.)

A I'm not exactly sure what it means. But...(shrugs).

Q Okay.

So, these were some of the provisions in this contract; right?

A Yes.

Q And the contract went on for many, many pages; right?

A Yes.

Q And what you've been saying here is you're not a lawyer, and these were legal terms, and you didn't understand

or you don't feel that you're able to discuss all these legal terms; right?

A Not without speaking to an attorney, no.

Q And lawyers negotiated this document; right?

A Yes.

Q Your lawyer you had negotiated it, and Michael Cohen negotiated; right?

A That's what I was led to believe.

Q Because you understood that this was a legal matter that was being settled and a legal contract; right?

A (Pause). Yes. Fine. Okay.

Q So, now, on January 10, 2018, The Wall Street Journal published an article that talked about this Settlement Agreement; right?

A I need to make sure that was the date, but yes. In January of '18. I'm not sure of the exact date.

MS. NECHELES: Can we pull up P1-A1 in evidence

(Whereupon, an exhibit is shown on the screens.)

Q See the date there?

A It says January 12th.

Q January 12th.

Sorry.

But, you knew about that article that was coming out before; didn't you?

A Keith Davidson said that something was coming out.

Q All right.

Am I correct that on January 10, 2018, you signed a statement saying you had not had sex with President Trump; right?

A Yes.

MS. NECHELES: If we could put up People's 277.

(Whereupon, an exhibit is shown on the screens.)

Q This was that statement; right?

A Yes.

Q And you state in there -- that was on January 10, 2018, you put up that statement; right?

A That's the day they sent it to me, yes.

Q Well, you signed it.

That's your signature on it; right?

A I don't remember what day I signed it, but that's the day they sent it to me.

Q Okay.

But, that is your signature; right?

A Yes.

Q You state in there: "I recently became aware that certain news outlets are alleging that I had a sexual and/or romantic affair with Donald Trump many, many years ago" -- because it was many, many, many years ago; right?

A At this time, it was 12 years.

Q That's many, many, many years before; right?

A A lot of manys, but okay.

Q Then you go on: "I am stating with complete clarity that this is absolutely false."

Right; this is what you wrote in there?

A Yes.

Q "My involvement with Donald Trump was limited to a few public appearances and nothing more."

Correct?

A Yes.

Q "When I met Donald Trump, he was gracious, professional, and a complete gentleman to me and everyone in my presence."

That's what you wrote; right?

A Well, to be clear, I did not write this.

Q You signed this statement; right?

A I signed it.

It was given to me, and I was told that I had to sign it.

Q Then you said: "Rumors that I have received hush money from Donald Trump are completely false."

Correct; that's what you said?

A Correct. Because it was not a rumor. It was the truth. Very different.

Q "If indeed I did have a relationship with Donald Trump, trust me, you wouldn't be reading about it in the news, you would be reading about it in my book. But the fact of the

matter is, these stories are not true."

And then you signed that document; correct?

A Yes.

MS. NECHELES: We can take that down.

Thank you.

Q Am I correct that 21 days later, you put out another statement like that?

A Michael Cohen released a statement, yes.

Q And you signed it; right?

A But, I didn't release it.

Q But, you signed it; right?

A Yes.

MS. NECHELES: If we could put up People's 278 in evidence.

That could be shown to everybody.

(Whereupon, an exhibit is shown on the screens.)

Q On January 30th, again, you denied that you ever had a sexual relationship with Donald Trump; right?

A Yes.

Q You said: "Over the past few weeks I have been asked countless times to comment on reports of an alleged sexual relationship I had with Donald Trump many, many, many years ago.

"The fact of the matter is that each party to this alleged affair denied its existence in 2006, 2011, 2016, 2017, and now

again in 2018. I am not denying this affair because I was paid hush money as has been reported in overseas-owned tabloids. I am denying this affair because it never happened. I will have no further comment on this matter.

"Please feel free to check me out at Instagram at TheStormyDaniels."

Right?

A That's what it says.

Q That's what you signed; right?

A Correct.

Q Am I correct that Michael Cohen had been pushing to get you to sign this; right? That's what you're saying?

A Via Keith Davidson.

I never spoke to Michael Cohen directly.

Q But -- and you understood that in 2018, President Trump was denying this relationship; right?

A Yes.

Q And he wanted you to deny it as well; right?

A Yes.

Q And he was not running for election at that point in 2018; was he?

A No.

Q There was no election in 2018; right?

A No.

Q He was already President; right?

A Yes.

Q But he was concerned -- you understood he was concerned about his family; right?

MS. HOFFINGER: Objection.

THE COURT: Overruled.

You can answer.

THE WITNESS: Can't?

THE COURT: You can.

A I never mentioned anything about his family.

Q Okay.

But, there was nothing about an election going on then; right?

A No.

Q And you understood, also, that President Trump has a brand; right?

A Yes.

Q And you understood that he is concerned about protecting his brand and his image; right?

MS. HOFFINGER: Objection.

THE COURT: Overruled.

You can answer.

A I wouldn't know what he wants to protect.

Q Well, you claimed that you had discussions about business with Mr. Trump; right?

A Yes. And he never expressed concern about his brand.

Q Didn't you claim, don't you tell a story that he talked about creating an image that was successful?

A He implied it.

Q And that's his brand; right?

A Yes. (Shrugs).

Q So, even though you had agreed that you would not discuss this supposed story, and you had received a lot of money for that Agreement, you then decided you wanted to publicly say that you had sex with President Trump; right?

A No. Nobody would ever want to publicly say that.

I wanted to publicly defend myself after people attacking me after Michael Cohen told about the story.

Q Well, you wanted to make more money; right?

A No.

That's why I did 60 Minutes for free.

Q Well, you hired Michael Avenatti to be your new lawyer; right?

A Yes. (Facial gestures).

Q You then gave an interview to Anderson Cooper on 60 Minutes; right?

A I did.

Q That was televised in 2018; right?

A Yes.

Q In that interview, you told the world about what you claimed had happened with President Trump; correct?

A Right.
And I was not compensated.
Q And you were not paid for that interview; right?
A Correct.
Q And you really want to keep saying that; right?
A Yes.
Q But, the interview generated a ton of publicity for you; didn't it?
A Lots of bad publicity, yes.
Q A ton of publicity; right?
A Yes.
Q And your attorney, Michael Avenatti, hated Trump and announced publicly that he wanted to run to be President of the United States himself; right?
MS. HOFFINGER: Objection.
THE COURT: Sustained.
Q Well, Michael Avenatti was helping you get all this publicity; right?
A No.
Q Well, he didn't arrange for you to go on CNN?
A He arranged for me to go on CNN and The View.
Everything else he took for himself.
Q And you knew that getting a lot of free publicity for your story would allow you to then make lots of more money off of your story about President Trump; right?

A I actually didn't. I was completely unprepared for how far that went.

Q Well, after giving the Anderson Cooper interview, you were able to negotiate a book contract; right?

A Yes.

Q And it was for $800,000 right?

A Yes.

Q So, now you were able to sell your story for $800,000; right?

A I sold my life story, yes.

Q And that was in addition to the $130,000 that you had been paid previously; right?

A I didn't receive 130, though.

Q You were paid, but you had to give some of it to Gina Rodriguez and some of it to Keith Davidson; right?

A Okay. Yes.

Q Correct?

A Yes.

Q And so, now you had been paid $930,000, almost a million dollars, for selling the story; right?

A I also didn't receive the 800,000.

Q Well, that's what you had contracted to -- agreed to get paid; right?

A Minus commissions and what was stolen from me.

Q Okay.

But, that's what you had sold your story for; right?

A Correct.

Q Am I correct that the centerpiece of your book is about your story about, supposedly, having sex with President Trump?

A No.

Q Well, you believed that was the reason people would buy your book, was to read about your description about sex with Donald Trump; didn't you?

A Sadly, I thought that's what a lot of people would turn to first.

Luckily, the start of -- for me, the start of my story started when I was two-years-old.

Q Chapter 3 started with a joke about whether the reader skips right there and started with the chapter about President Trump; right?

A Yes.

Q That's because that's what you believed people were gonna do, that they would buy the book just for that story?

A I don't know. Sad.

Q Well, that's your book; you wrote it?

A I did write it.

Q And after you wrote the book, you capitalized even more on the story you were selling by doing a strip club tour called The Make America Horny Tour?

A I did not name that tour, and I fought it tooth and nail.

Q That was the tour you went on.

You spent a couple of years doing that?

A It was a job I had already been doing. Most of those clubs I did four or five times before that. Several of those clubs were in place before the book.

Q But, it was named The Make America Horny Tour?

A That's what the publicist called it.

MS. NECHELES: Can we show J-15?

THE WITNESS: I'm sorry. Am I talking too fast?

THE COURT REPORTER: It would be nice if you slowed down a bit.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q That was for your tour?

A Yes.

MS. NECHELES: Can we admit it?

THE COURT: J-15 is admitted in evidence.

(Whereupon, Defense Exhibit J-15 is received in evidence.)

MS. NECHELES: We can show that.

(Whereupon, an exhibit is shown on the screens.)

Q You advertised your tour with a picture of you and President Trump together from the golf tournament?

A False.

I have no choice how the club advertises, and I never posted this.

Q You did post The Make America Horny Tour?

A I never used that tagline. I hated it.

Q You continued this strip tour in 2018 and 2019; right?

A Yes. I continued doing my job, dancing at clubs, which I've done through 2001.

Q And you traveled throughout America on this Make America Horny Tour; right?

A Yes.

Q And you were selling yourself to people who hated President Trump as someone who get could President Trump indicted; right?

A I was not selling myself to anyone.

I was performing at clubs, and whoever wanted to pay admission. It was not geared towards people only allowed in who hated somebody. These were strip club patrons who had seen me dance. They were fans of my work. A lot of the people I knew from ten years before.

Q Am I correct that you said your fan base was completely different, and that the middle-aged white men who used to populate your show and buy your movies were gone, and in their place were now the so-called resistance, women, gay couples, immigrants, and other social liberals who despised

Trump. You said it's pretty much these types of women and it was angry.

Do you recall saying that?

A I did.

The climate in the club certainly changed.

I was not selling myself to a certain demographic. I was certainly going on stage and doing my -- the shows I had done since I was 21-years-old.

Q But, now you had a new fan base and were able to get your shows sold?

A I was just doing the same job I always did.

Q You also got a job on a reality show called The Surreal Life?

A Yes.

Q You promoted interviews on the show, saying you were doing the show so you could tell your "whole story"; right?

A Yes.

Q When you said your "story", that was, supposedly, the story of you having sex with Donald Trump?

A It was the full story of my life and what I have been through through all of this.

Q When you did that and were promoting your story, you say: "Then I get to tell the story from our side, without editors or posing or stripping. That was the reason I wrote the book Full Disclosure. People still ask me questions that were

in the book. I learned America doesn't read, so you have to put it on reality TV."

That was the story you wanted to tell; right?

A Yes.

Q And the story, principally, in Full Disclosure was your story about having sex with Donald Trump; right?

A It was my entire life story.

Q And you have Tweeted you made a million dollars between the book deal and The Surreal Life; right?

A Yes.

Q You made 200,000 from just appearing on The Surreal Life; right?

A Yes.

Q And you also participated in making an NBC documentary about yourself, which aired on television just recently; right?

A Yes.

Q And that involved several years of filming and interviews of you; right?

A Yes.

Q In order to get you to cooperate with that documentary, the documentary writers paid you for the rights to your book deal; right?

A They didn't have "to get" me "to cooperate". I initially started filming myself.

Q And then you gave that over, the filming -- you were

having an affair with the guy who was filming you; right?

MS. HOFFINGER: Objection.

THE COURT: Overruled.

You can answer.

A I was having -- there was 17 people who shot footage of that; including, one of them is my husband.

Q And you started having an affair when you were filming it; right?

A There was one of the cameramen, we started dating, and he stopped filming as soon as we started dating.

Q You were married to someone else at the time?

A I was separated from my husband.

Q And you were, in fact, paid $125,000 by the documentary people; right?

A No, I was not.

Q Well, you didn't receive $125,000 for the rights to your book?

A Nope. Not yet.

Q You've been promised that, you're saying?

A I'm sorry. What was that?

Q You're saying you were promised that, but you haven't received all the money?

A I haven't received all the payments, no.

Q Okay.

How much of it have you received?

A They gave me a hundred thousand dollars for back footage, but I was not paid for an interview.

Q But, you were paid for the rights to your book; right?

A That was part of my contract.

You have to ask my attorney, who's sitting there, who did the deal.

Q Okay.

But, you received $120,000 from the documentary people; right?

A A lot of it was footage that I had to reimburse cameramen for.

Q So, the answer is yes?

A Not exactly.

You're trying to trick me into saying something that's not entirely true.

Q You are still grossing over 125,000; right?

A Supposed to be.

Q Where did you deposit that money?

A Into my business account.

Q You have also been holding viewing parties at bars to view the documentary; right?

A Yes.

Q And you've been selling tickets to that; right?

A Yes.

Q It's another way you're making money off the

documentary and off of this story; right?

A Which I haven't actually made any profit. It covers my travel, expenses, and security. No profit.

Q When you say covers your "travel" and "expenses", you're traveling to go to those viewing parties; right?

A Yes.

It's all part of promotion for the film.

Q And you have become a hero at those parties to Trump-haters; right?

A I don't know. I don't speak for other people.

Q Well, haven't you said -- didn't you say: "People come up and they're so emotional and put so much on me. They're like, 'You're gonna save the world, you're a patriot, you're a hero;'" right?

A You're misconstruing that quote from when I was in a strip club people said that. That's not from a viewing party.

That documentary was actually very polarizing for people.

Q So, that is from a strip club that people would come up and say, "You are a hero;" right?

A I am quoting a lot of women who came up to me in 2018 while I was on stage.

Q But, you are continuing to this day to continue making money to sell a story that you promised will put President Trump in jail; right?

A No.

Q Well, isn't it a fact that you keep posting on social media how you're going to be instrumental in putting President Trump in jail?

A Show me where I said I would be "instrumental in putting President Trump in jail".

Q All right.

MS. NECHELES: If we could show the witness J-43, please. Just for the witness and parties.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q Do you recognize that as your post?

A Yes.

Q And --

A And I don't see the word "instrumental" or "jail".

MS. NECHELES: Your Honor, I offer that in evidence.

THE COURT: Any objections?

MS. HOFFINGER: No.

THE COURT: Accepted into evidence.

(Whereupon, Defense Exhibit J-43 is received in evidence and is shown on the screens.)

Q Just one month ago.

If we could read this.

MS. NECHELES: Blow it up a little bit more.

Q You were responding to the post, someone else's post

there?

A Yes. Someone calling me a "human toilet". So I capitalized on the joke.

Q The other post: "Michael Cohen and Stormy Daniels a/k/a the human toilet are their star witnesses."

Right?

A Yes.

Q You said: "Exactly. Making me the best person to flush the orange turd down."

A Yes.

I don't see "instrumental" or "jail" there.

You're putting words in my mouth.

Q So, when you said you were "the best person to flush the orange turd down", you weren't saying you were going to be instrumental in causing him to be convicted of a crime; that was not what you meant?

A No.

Q What does that mean?

A I am pretty sure this is hyperbole. If somebody calls me a "toilet", I say I can "flush" somebody.

See how that works? (Gesturing). It goes around.

Q You said you were going to "flush" President Trump?

A I didn't say "President Trump".

It says "orange turd".

So, if that's what's interpreted by you...

Q What do you mean?
A I don't know what I mean.
Q You have no idea --
A I'm also not a toilet, so it's all... (gesturing).
Q I'm asking whether you knew what you meant when you said an "orange turd"?
A Yes, I do.
Q What did you mean?
A I meant I'm not a "human toilet", so if they want to make fun of me, I can make fun of them.
Q You don't want to admit you meant Mr. Trump?
A I absolutely meant Mr. Trump.
Q Why did you say no?
A It doesn't say "instrumental" and "putting him in jail".

MS. HOFFINGER: Can we let the witness complete her answers, please.

THE COURT: Did you finish answering the question?

A Can you ask your question again?

THE COURT: Can we have that read back?

(Whereupon, the requested portion was read back by the court reporter.)

A So, what's the rest of the question?
I did answer it.

THE COURT: That was your whole answer? You finished answering the question?

THE WITNESS: I believe so.

THE COURT: All right.

MS. NECHELES: If we could pull up for the witness J-43 -- J-44.

(Whereupon, an exhibit shown on the witness' and the parties' screens.)

Q That's your post; correct?

A Yes.

MS. NECHELES: And we can turn to the next page.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q That's also part of the same post; correct?

A I'm not sure.

Q Well, you see --

A Because it says that it was suspended.

Q Yes.

But, you see how your post is right above that?

A Yes.

Q And then you're responding to that post below that; right?

A Yes.

Q Okay.

A I can't tell if there was something missing or not

though, because it says "from a suspended account".

Q Okay.

It says "from a suspended account".

You understand, you can get old posts before it was suspended on the internet?

A If somebody screenshots it.

Q Do you recognize that as something you responded to?

A I respond to hundreds of Tweets like this, calling me names. Most -- most -- you know. I'm not sure.

Q Referring to the page before, you --

MS. NECHELES: Your Honor, I offer that first page in evidence.

MS. HOFFINGER: I object.

Can we approach?

A I just can't be sure.

THE COURT: Sure.

(Whereupon, the following proceedings were held at sidebar:)

MS. HOFFINGER: What's happening here, Ms. Necheles is putting in half pieces of these texts. So -- sorry. Posts.

They are in response to, as she has just said, threats from other people.

Here, she's not clear what she's responding to.

Previously, Ms. Necheles has done the same thing

on Tuesday. She's put in half of the Tweet, without putting in what she's responding to.

It's creating an impression with the jury.

We have Ms. Daniels' testimony. She's not sure exactly what she was responding to.

Given this scenario, whether it was an account she was responding to, she has responded to hundreds or thousands of threatening Tweets.

MS. NECHELES: The other part stands on its own.

If you want, we'll call a witness on our direct case and say this was --

THE COURT: That wouldn't get it in.

You want to get in a portion of her response, without letting us know what she was responding to?

MS. NECHELES: I was trying to put the whole thing in.

I have the whole thing there.

THE COURT: The whole thing is her response and a deleted post.

MS. NECHELES: But it shows up on the internet from The Wayback Machine.

I can put it in on our case.

THE COURT: It still won't tell us what the post was.

MS. NECHELES: It does.

Page 2 tells us the post she was responding to.

THE COURT: You can do that later.

MS. NECHELES: I'll do it on my case.

THE COURT: That's fine.

(Whereupon, the following proceedings were held in open court:)

THE COURT: Sustained.

Q Ms. Daniels, when President Trump was indicted on this case, you celebrated on Twitter by repeatedly Tweeting and pushing merchandise that you were selling in your store; right?

A I Tweeted about his being indicted, yes.

And people wanted to ask how they could support me, so I Tweeted the link to my store.

Q You have an online store where you sell merchandise; right?

A Sure.

Q I want to show you what has been marked as J-22, please.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q You recognize that? That's -- the first page is a Tweet by you?

A Yes.

MS. NECHELES: If you can put up the second page.

(Whereupon, an exhibit is shown on the witness'

and the parties' screens.)

A Yes.

Q That's a Tweet by you, as well?

A Yes.

MS. NECHELES: I offer those in evidence, your Honor.

MS. HOFFINGER: No objection.

THE COURT: Accepted into evidence.

(Whereupon, Defense Exhibit J-22 is received in evidence.)

MS. NECHELES: If we can display, starting on Page 1.

(Whereupon, an exhibit is shown on the screens.)

Q Am I correct that in this first Tweet, you said: "Thank you to everyone for your support and love! I have so many messages coming in that I can't respond. Also, don't want to spill my champagne."

Right?

A Yes.

Q What you're saying is you're drinking champagne because you're celebrating that President Trump was indicted; right?

A Yes.

Q Then you said: "Team Stormy merchandise, autograph orders are pouring in too. Thank you for that as well. But

allow a few extra days for shipment."

Correct?

A Yes.

Q This was on March 30th you said this; right?

A Yes.

Q That was you selling your merchandise; right?

A That is me doing my job.

Q Selling your merchandise; right?

A Which is part of my job, yes.

MS. NECHELES: Turn to the next page.

(Whereupon, an exhibit is shown on the screens.)

MS. NECHELES: Blow up the text first.

(Whereupon, an exhibit is shown on the screens.)

Q You said: "New merchandise is now in the store. Yes, photos and comics are autographed. In celebration of new indictments, all orders in next 45 hours get a free surprise gift."

Correct?

A Correct.

Q Again, you're celebrating the indictment by selling things from your store; right?

A Not unlike Mr. Trump.

Q Pushing your stuff so that you could sell it; right?

A Absolutely.

I'm not allowed to sell anybody else's things.

Q In fact --

MS. NECHELES: We can take that down.

Thank you.

Q You have an online store that has -- much of the merchandise is you bragging about how you got President Trump indicted; right?

A I got President Trump indicted?

Q Well, aren't you bragging about that in your items that you're selling?

A No.

Q I want to show you what has been marked as J-24.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q That's an item that you sell in your store; is it not?

A Yes.

MS. NECHELES: I offer that in evidence, your Honor.

MS. HOFFINGER: No objection.

THE COURT: Accepted into evidence.

(Whereupon, Defense Exhibit J-24 is received in evidence and is shown on the screens.)

Q That's one of the items you sell in your store, something called "Stormy, Saint of Indictments candle"; right?

A Yes.

That was made from a store in New Orleans.

Q You're saying that's not you bragging about how you are the Saint of a person who got President Trump indicted?

A No. I'm not bragging.

I think it's funny that a store made those for me to sell, so I put those on my site.

Q And you're making $40 on each of those; right?

A No. I'm actually making about $7.

Q You're also selling Team Stormy merchandise; right?

A Yes.

Q I show you what has been marked J-24 -- I'm sorry.

MS. NECHELES: If we could turn to Page 2 of that.

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q You recognize that as another item you sell in your store?

A Yes.

Q The next page, you recognize that as another item you sell in your store?

A Yes.

MS. NECHELES: I offer all that in evidence.

MS. HOFFINGER: No objection.

THE COURT: Accepted in evidence.

(Whereupon, Defense Exhibit J-24 is received in evidence.)

(Whereupon, Senior Court Reporter Lisa Kramsky relieves Senior Court Reporter Laurie Eisenberg, and the transcript continues on the next page.)

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(The following proceedings are continued from the previous page.)

MS. NECHELES: If we can turn back to Page 2 and blow that up.

Page 2 first.

(Displayed.)

CONTINUED CROSS-EXAMINATION

BY MS. NECHELES:

Q And that's Team Stormy merchandise?

That's an example of the Team Stormy merchandise; right?

A Yes.

Q And there are a number of them; right?

A Yes.

Q And Team Stormy is the "side" who is opposed to President Trump?

A It is whoever is on my side.

Q And your "side" means your side against President Trump; right?

A Not exclusively.

MS. NECHELES: And if we turn to the next page.

(Displayed.)

Q You have a 30-dollar comic book called Stormy Daniels Political Power Comic Book; right?

A Yes.

Q And when you are talking about "political power," you are talking about you fighting against President Trump; right?

A Keep in mind, I did not write this comic book.

Q But you are selling it; right?

A Yes.

MS. NECHELES: So we can take all of that down, please.

Thank you.

Q A large part of your livelihood, for a bunch of years now, has been making money off the story that you had sex with President Trump and that you will help President Trump be convicted; right?

A No.

Q Well, you testified on direct examination that there are two books you are working on right now; right?

A Yes.

Q And what are those books about?

A One is called "Rock Star Porn Star." It is about my partner. He's a musician who became a porn star.

And the other one is a novel about a girl who grew up in New Orleans.

It's nonfiction -- I'm sorry, it is fiction.

Q And did that person, that girl in the novel, have an affair with a presidential candidate?

A No.

Q And do you plan to continue to make money off the selling of your story?

A I plan to continue to do my job. And to fund my extraordinary legal bills.

Q And there is another way you are making money now, which is by telling people that you have the ability to communicate with ghosts and dead people; right?

A I work on a television show called -- well, the title had changed, but it used to be called Spooky Babes.

Q Well, my question was, are you making money by telling people that you have the ability to communicate with ghosts and dead people?

A Well, I am making money -- well, I haven't made any money yet, but the idea is to make money on a television show about the paranormal and UFOs and the unexplained.

Q Well, you have made a show and podcast claiming that you can speak to dead people; right?

A I have been on lots of podcasts.

Q Well, my question --

A Which podcast are you referring to?

Q Are you saying you have not made a show or a podcast telling people that you can speak to dead people?

A Yes, we are talking about the paranormal, yes.

Q And you also claimed that you lived in a house in

New Orleans that was haunted and that the spirits that are in the house attacked your boyfriend and held him under water; right?

A Yes, so the house was -- has some very unexplained activity.

We brought in experts; people to measure the electromagnetic fields, the religious experts, scientists, people to check for gas leaks.

So, yeah, it was a lot of interesting and unexplained activity, so I created a whole entire show.

A lot of --

MS. NECHELES: Your Honor --

A A lot of the activity was completely debunked as, you know, a giant opossum that was under the house, for instance.

MS. NECHELES: Your Honor, your Honor, I move to strike all of that now and ask that the witness be instructed to answer the question.

THE COURT: No. Overruled.

Q And so, my question was that you claimed that you lived in a house in New Orleans that was haunted and that spirits attacked your boyfriend; is that correct?

A Yes.

Q And then you say your boyfriend attacked you; right?

A Yes.

Q And isn't it a fact that you were the one who attacked

your boyfriend?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Counselor, we discussed this.

MS. NECHELES: No, we did not, not about this, your Honor.

THE COURT: Please move on.

MS. NECHELES: But, your Honor, this is not the same thing.

THE COURT: Please move on.

Q And, shortly thereafter, your boyfriend moved out; right?

A Define "shortly"?

MS. HOFFINGER: Objection, your Honor.

THE COURT: Sustained.

Q Well, didn't your boyfriend question your sanity?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Q And you have been making money off of your claim that you are a medium and that you can talk to the dead; right?

A I am making money doing -- I am part of a ghost-hunting team that we go into locations, yeah.

Q And you read tarot cards for clients; correct?

A Yeah, a lot of my fans like to do things called High Tea and Tarot with Stormy Daniels, and we read tarot cards

together.

Q And you charge people for that; right?

A Yes.

Q And you claim to be able to speak to people's dead relatives; right?

A I make them agree that it's all entertainment; right.

Q And that's what you charge them for?

A Yes.

Q But, you claim -- you tell people that that's what you can do, right, speak with their dead relatives; right?

MS. HOFFINGER: Objection. Asked and answered.

THE COURT: Overruled.

You can answer.

A Yes.

Q And that's what you have made money off of; right?

A One of the ways, yes.

Q All right. So, now, before you started making a living talking with dead people, and selling your story with -- about President Trump, you were an actress, a porn actress; right?

A Yes.

Q And you have acted in porn movies, in 200 sex films; right?

A Including comps -- compilations.

Q And you've also written and directed 150 sex films, you said in your direct; is that correct?

A Give or take.

Q And so, this was your career for over 20 years: Writing, acting, and directing sex films; right?

A Yes.

Q So, you have a lot of experience in making phony stories about sex appear to be real; right?

A Wow. I'm a -- (Laughter.) That's not how I would put it.

The sex in the films, it's very much real. Just like what happened to me in that room.

Q All right. But you're making fictionalized stories about sex; you write those stories?

A No. The sex is real. The character names might be different, but the sex is very real. That's why it's pornography and that's a B movie.

Q Okay. But you testified on direct that these films have plots; right?

A Some of them do, yes.

Q And the plots are fake; right?

A Some of them. Some of them are based on truth.

Q And they are movies; right?

A Of course.

Q And you've been writing those stories about sex; right?

A Yes.

Q And then you act them out; right?

A Sometimes.

Q And you have --

A Sometimes I just direct.

Q And you have a lot of experience in memorizing these fictional stories and repeating them; right?

A I have of experience in repeating stories and of memorizing stories? I do a lot of that, but not just about sex, I'm pretty sure we all can do that.

Q And you have bragged about how good you are about writing porn movies and writing really good stories and writing really good dialogue; right?

A Yes.

Q And now you have a story you have been telling about having sex with President Trump; right?

A And if that story was untrue, I would have written it to be a lot better. (Laughter.)

Q Because you are a good storywriter; right?

THE COURT: I'm sorry, I didn't hear that.

Q Because you are a good storywriter; right?

A I'm a good screenwriter.

Q And that story was enough -- you made that real enough sounding to make you millions of dollars; right?

A I didn't have to write this one.

Q But it has made you millions of dollars; right?

A No.

Q So, you're saying now that you could have written a better story and made more money?

A I'm saying I didn't make millions of dollars, and I didn't write this story.

Q Well, you made over a million on your book and the film, or The Surreal Life; right?

A Well, some money amassed, but that's not millions.

Q And you've also made money selling merchandise; right?

A Yes.

Q And you have made money on your two-year tour of sex clubs; right?

A I don't work in sex clubs. I work in strip clubs. So that's a big difference.

Q You made money on your two-year tour working in strip clubs; right?

A Yes.

Q And you made money from the documentary; right?

A Yes.

Q Okay. And when you prepared for your testimony with the Prosecutor in this case, you had a number of meetings with them; right?

A Yes.

Q And they told you that they wanted to -- you to testify to lots of details so your story would sound credible;

right?

A Yes.

Q And do you recall that when you testified on direct examination, you gave a whole description of what you say the tile in President Trump's hotel suite looked like; right?

A Yes.

Q And you included what you said the tile on the floor looked like, and that it was black and white; right?

A Yes.

Q And then Ms. Hoffinger asked you: "Did you mention anything about the floor?"

Do you recall her asking you that?

A I think so.

Q And you responded, "The black and white tile."

And she asked, "Did you mention that?"

Do you recall that?

A Yeah.

Q And that had been part of your prep, that you were supposed to include certain details in your testimony; right?

A There is nothing wrong with preparing a witness. I would hope that any attorney would do that.

Q Okay. That wasn't my question.

My question was --

A About a tile.

Q That had been part of your prep, that you were supposed

to include certain details in your testimony; right?

A Truthful facts, yes. Don't forget the facts, that's all I was ever told to do.

Q And those were details that matched what you wrote in your book; right?

A I would have to see, but probably.

Q Well, you were prepped so that -- with the Prosecutor, so that you would match -- you would try to match things to your book so that you would look more credible; right?

A Well, I don't need to match things to my book because it's the same story. And my story hasn't changed when it comes to those details.

Q And you know that there is no way to check on the details of what you claim happened; right?

A No, I did not know that.

Q Well, this supposed sexual encounter that you testified about supposedly occurred 18 years ago; right?

A Yes.

Q And so -- and it was just you, supposedly, and President Trump in that hotel suite; right?

A And his bodyguard.

Q His bodyguard, you said, was outside the hotel suite; right?

A With the doors open. And it was the same floor.

Q You said the doors were open a crack; right?

A And then I opened it. He walked in. And the same thing when I exited.

Q Well, he didn't walk in; right?

A No. But he stood right there and watched me walk in.

Q And he was standing outside the doors; right?

A Yes.

Q And you said in your book that the suite took the entire floor of the hotel?

A It's -- I don't know if it took the whole floor, but it had its own elevator.

Q So you got on the elevator, and that was the only suite there?

A It was right in front of me.

(Witness indicating with hands.)

Q Okay. And --

A To be fair, I don't know what was behind me.

Q All right. Now, in fact, your story about what happened between you and President Trump has changed a lot over the years; hasn't it?

A No.

Q Well, let's talk about your story.

A (Laughter.)

Q You said you met President Trump at a celebrity golf tournament in Lake Tahoe; right?

A Yes.

Q And that tournament was called the American Century Championship; right?

A I'm not sure.

Q And there were a lot of celebrities and sports figures at that celebrity golf tournament; right?

A Yes.

Q Aaron Rogers?

A I don't know.

Q Dan Quail?

A I don't know. I can't remember.

Q Drew Brees?

A Who?

Q Drew Brees?

A Oh, I have no idea.

Q Charles Barkley?

A Yes.

Q Ben Roethlisberger?

A Yes.

Q And there were many, many other celebrities there, too; right?

A Yes.

Q And the company you worked for, Wicked Production, was one of the sponsors of the golf tournament?

A Wicked Pictures.

Q And there was a golf gift room where there was swag

given out by various sponsors of the tournament?

A Yes.

Q And you and the other porn stars who were there took photographs of yourself with a lot of the celebrities; right?

A We didn't take the photos. The people who will worked there did, yes. Yes -- but, yes.

Q The people who worked for Wicked Pictures were taking photographs?

A And for the golf tournament, yeah.

Q And for the golf tournament.

And you said on direct you took pictures with every celebrity that came in there; right?

A Every celebrity that came in to talk to me, I took a photograph with.

I don't remember all of the names.

Q And you said that there were dozens of celebrities that you took pictures with; right?

A I would say so, yes.

Q So the picture that you have or that was in evidence of you with President Trump was just one of the dozens of pictures that you took with celebrities; right?

A Yes.

Q And it was taken in a public place; right?

A Yes.

Q And there were no other pictures --

A Semi-publicly.

Q And there were no other pictures with you and President Trump; right?

A Yeah. Right.

Q And you testified on direct that you spoke with President Trump in the gift room and that after he left, his bodyguard, Keith Schiller, came back and asked you for dinner -- to dinner; right?

A They hadn't completely left. He walked back.

Q Keith Schiller walked back?

A Yes.

Q And he is the one who asked you to dinner; right?

A He asked me on behalf -- he didn't ask me to go to dinner with him.

Q He's the one who spoke to you; right?

A Yes.

Q Keith Schiller, according to you --

A He's -- that's -- he didn't say his name was Keith Schiller, he said: "I work for Mr. Trump."

Q Okay. But it wasn't the President Trump, according to your testimony, who asked you to dinner, it was his bodyguard?

A Right.

Q And your testimony was that you said, "Fuck no." That

you didn't -- you didn't want to go; right?

A Right.

Q But you gave Keith Schiller your phone number anyway and you supposedly entered your phone number -- his phone number into your contacts; right?

A Correct.

Q And according to you, later, Mike Mosny, your manager at the time, told you that you should go to dinner at the time; right?

A Correct.

Q But this is a totally different story than what you told in 2011; isn't it?

A No.

Q Well, in your 2011 -- in 2011, you gave an interview with In Touch Magazine; right?

A Yes.

Q And you said on direct that it was for only 15 minutes?

A For 15 to 20 minutes. It was a phone call.

Q Wasn't it more like an hour?

A I don't think so.

Q And didn't you tell In Touch Magazine that Donald Trump himself asked if you would have dinner with him?

A I don't remember saying that. It was Keith.

Q All right.

MS. NECHELES: If we could show the witness and the

parties J28, Page 3.

(Displayed only for the aforementioned parties.)

Q And am I correct that you said to In Touch Magazine that when you first met Donald Trump, it was actually on the golf course?

A Yes.

Q And that: "Later when he was in the gift room, he came to talk to me and asked for my number and I gave it to him."

Do you recall saying that to In Touch Magazine?

A Yes.

Q So you said that, in that Magazine in 2011, you said it was Donald Trump who asked you for your number, right, not Keith Schiller?

A I didn't specify. I left out the names of all of the other people not to get them involved, that's why I specifically said just "he" asked.

Q All right.

A But he was there. They were together.

Q All right. So, didn't you say: "The first time I met him was actually on the golf course;" right?

You said that?

A Uh-huh.

Q And when you said that, the "he" you were referring to was Donald Trump; right?

A Keith was there as well, yes.

Q And you said "he" was introduced to everyone. And that's Donald Trump; right?

A Yes.

Q And you said: "He kept looking at me. And then we ended up riding to another hole in the same golf cart together and he's, like, I want to come talk to you later." Right?

A Uh-huh.

Q That's what you told them?

A Yes.

Q And that was still President Trump; right?

A Yes.

Q So, still the same person you are talking about?

A Yes, which he did; he came to talk to me later.

Q "And later when he came to the gift room, he came to talk to me, he asked for my number and I give it to him."

And that's still President Trump; right?

A I gave my number to his bodyguard on his behalf, yes.

Q Well, that's not what you said in 2011?

A I didn't specify in 2011.

Q Well, you haven't mentioned a bodyguard in that paragraph; have you?

A No.

Q The only "he" you were talking about --

A They asked me to not mention other people.

MS. HOFFINGER: Can we let the witness finish.

THE COURT: Please.

Q I'm sorry.

A I'm sorry.

THE COURT: You can finish your answer.

Do you want to hear the question again?

THE WITNESS: Yes, sorry.

THE COURT: Can you read back the question.

(Record read by the court reporter in open court.)

THE COURT: All right. You can finish your answer.

THE WITNESS: Okay.

A (Continuing.) They tried to get me not to mention other people when they asked me who, who ask who for whose number or whatever. But it was Keith. He was standing there. He was always with President Trump.

Q All right. So your testimony now is that the reporter didn't want you to mention the name Keith?

A It wasn't the reporter.

Q Who was it?

A My publicist. He didn't want his name mentioned.

Q Okay.

MS. NECHELES: So if we can --

A Ex-publicist. Sorry.

MS. NECHELES: If we can skip down to the last paragraph.

Q So you say, "I went up to the room and I was met outside by his bodyguard Keith?"

A Keith, yes.

Q So you mentioned Keith's name; right?

A Yes.

Q But you didn't mention it in the first paragraph; right?

A Right.

Q In the first paragraph you were only talking about President Trump; right?

A Hmmm, it even says here, "That's how I got in touch with him. I never had Donald telephone's number. I always used Keith."

Q My question was: In the first paragraph, you were only talking about President Trump; right?

A No.

Q Well, that's the only reference --

A They were always together. Like this. (Witness indicating.)

Q But you didn't say that in 2011?

A When I give my number to someone and visa versa, it goes through my manager or bodyguard, anyone who has security or a handler knows that they are a unit.

MS. NECHELES: Your Honor, I move to strike that.

MS. HOFFINGER: It's her answer, your Honor.

THE COURT: Overruled.

Q And in your 2011 interview with In Touch Magazine, you said that -- well, you testified yesterday that when you were asked to dinner, you said, "No fucking way;" right?

That's what you testified on Tuesday; right?

A Correct.

Q But in your 2011 interview with In Touch Magazine, you said that Donald Trump himself asked if you would have dinner with him; right?

A Like I said, a bodyguard or a handler is a unit.

Q And --

A Someone who is speaking on your behalf is the same as being asked directly.

Q And you told the interviewer that you said "Of course;" right?

A Uh-huh.

Q Right. So you said, "Then he asked me if I wanted to have dinner that night and I was like, yeah, of course;" right?

A Yes. Those were the words of my publicist, actually, who said go to dinner with him. He's fascinating. What's the worst that could happen?

Q Well, that's what you said that you responded to President Trump that night; right?

A This is an entertainment magazine. It is very short

and frivolous.

And a very vast difference between someone who is a reality TV star and the President. This is an abbreviated, entertaining version of the events.

Q Now, you are saying that you lied in 2011 when you made this story -- when you were telling this story; right?

THE COURT: Sustained.

Q Okay. You were telling the truth when you gave this story -- this interview?

A It was minus some details. It is a short interview.

Q And then you -- and you further told the interviewer: "Who would pass up an opportunity to talk to someone so interesting;" right?

A Yes.

Q And so, that's what you said in 2011, that you were happy to go to dinner with him. Immediately, you were happy to go to dinner with President Trump; right?

A Yes.

Q And you testified on direct examination on Tuesday that when you supposedly went to President Trump's hotel room, you thought you were going out for dinner; right?

A Yes.

Q But your story is that even though you spent over three hours in the hotel room, you never got any dinner; right?

A We never got any food.

It never -- we never ate, no.

Q And you previously said that you specifically remember this because your stomach was growling; right?

A Yes.

Q And you wrote in your book: "Plus I was freaking hungry. I needed a bowl of pretzels at least, if I was going to sit through this."

You said: "There was going to be dinner, I thought. This monologue went on for a good 10 or 15 minutes, which is an eternity when your stomach is growling and you are hungry."

A Yes.

Q And you are saying that this was a big deal that you didn't get dinner; right?

A I was invited. It was dinnertime. I was running hungry, yeah.

We talked about ordering food or going down to get food, and we never got to eat.

It was dinnertime, and we never ate.

Q And you made a big point of that on numerous interviews; right?

A Yeah, I went to go to dinner and I didn't get dinner.

Q And you gave an interview with Jimmy Kimmel; right?

A Yes.

Q And you said: "Actually, we never had dinner. Like, he lied to me. I'm very food motivated. That's why I stayed

and held out for so long, because I was told there would be snacks. I was starving."

That's what you said; right?

A Yes.

Q So this was a -- this was a clear memory that you had, that you were not fed dinner and you were starving; right?

A Right. It was dinnertime. I was invited to dinner, but I never actually saw any food.

Q But in your 2011 interview with In Touch Magazine, you said the opposite; didn't you?

A I never said we ate.

Q No?

A No.

Q So I direct your attention --

MS. NECHELES: If we could put up, again, J28.

A I remember ordering. Or asking to order.

(Displayed only to the aforementioned parties.)

Q And do you recall that you said that you had dinner with President Trump while you talked about whether he would put you on The Apprentice?

A Uh-uh. I don't have anything here.

Q I'm asking if you recall that?

A I don't. I need to see what I said.

Q All right. So I direct your attention to J28, Page 4.

(Displayed only to the aforementioned parties.)

Q Look at the bottom of the page.

Do you recall being asked: "So this is all conversation while you are eating?" And you responded, "Yeah, like before, during and after. We hung out for quite awhile. A few hours at least." Right?

A What is this from? Okay.

Q Do you recall being asked that and giving that answer?

A I don't recall exactly, no.

Q Okay. Are you saying you didn't say that?

A I don't remember saying that.

Q And if we could direct your attention to the bottom of Page 7.

A Page 7?

Q And do you recall being asked, "Again, so this was all during dinner?" And you responding, "Yeah, during, after, yeah, it was definitely the biggest, longest topic of conversation."

A Yes.

Q "How he could get me on."

A And it was dinner. I was invited to dinner, and it was dinnertime.

I maintained that I didn't see any food. We didn't go down. We never left the room to go down to dinner, like I said. My story is the same.

Q So you did say that, you were asked that question and

you gave that answer?

A It was dinner, but we never got food.

Q So when, when the reporter asked you, "This was all during dinner?" You are saying, "During dinner," meaning it was dinnertime, but we didn't eat?

A Correct. I would have definitely mentioned what I ate in all of these interviews.

I would have talked about the food. I'm very food motivated.

Q All right. And do you recall being interviewed on -- by Anderson Cooper on CNN in 2018; right?

A Do I remember doing the interview?

Q Yes.

A Yes.

Q And do you recall that in that interview you again said you "had dinner that night with President Trump in the room"?

A Can I see what I said exactly?

Q You don't have any recollection?

A I would like to see what I said exactly.

Q You had testified to all of these details of -- about what the tiling of the floor was like on direct examination, but you don't recall what you said in 2018?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Q I will show you what is marked as J12, and directing

your attention to Page 598.

(Displayed only for the aforementioned parties.)

Q Yes, directing your attention to Page 598. And in that interview, you said you had dinner in the room; right?

A It says, "Did we go out for dinner? No, you had dinner in the room? Yes.

And then I know that I went on to explain that I didn't actually ever get to eat dinner.

You are showing one sentence of an entire conversation.

Q You say that in this interview you said that you -- well, so isn't it correct that Anderson Cooper said to you:

"ANDERSON COOPER: Did you two go out for dinner that night?"

"STORMY DANIELS: No."

"ANDERSON COOPER: You had dinner in the room?"

"STORMY DANIELS: Yes."

That was the conversation; right?

A Where is the rest of the conversation?

Q And he said: "What happened next?" Right?

A Uh-huh.

Q That was the conversation about dinner; right?

A Yes. Where we don't talk about receiving food. What I ate. Which I definitely would have talked about.

Q Okay. But you said you had dinner in the room; right?

A I went up to his room to have dinner, yes. We did not have any food. And I did not eat any food.

Q Okay. So --

A And I have maintained that in every interview, that I never actually got my food.

Q And you are saying --

A That has not changed.

Q So you are saying, like, when you said to Anderson Cooper that you had dinner in the room, you really didn't mean that you had dinner, you meant something else; right?

A We had dinnertime in the room.

Q Your words don't mean what you say; do they?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Q And you testified on Tuesday that you and President Trump were staying in different hotels; right?

A Yes.

Q He was staying at The Harrah's Hotel?

A Yes.

Q And you were staying at The Harvey Hotel; right?

A I don't remember.

Q Well, The Harvey Hotel was -- you understood that The Harvey Hotel and The Harrah's Hotel had a common owner; right?

A What?

Q They had common ownership?

A I did not know.

Q Well, that's where the events were taking place in the golf tournament; right?

A I didn't know.

Q And they are located one block away from each other; right?

A I don't remember.

Q And so it was your testimony on direct that you walked and then took a car to go one block?

A Uh-huh. I went to a tattoo studio shop first to see my friends. And I was wearing heels, and so I took a car the rest of the way.

Q Okay. And the tattoo studio was two blocks away; right?

A I don't remember.

Q And isn't it a fact that you -- when you gave an interview to In Touch Magazine in 2011, you said that you remember walking from your hotel to his hotel?

A I don't remember exactly. Like I said, it was an abbreviated interview. I did make a stop at a tattoo shop for like an hour.

Q Okay. I will show you what has been marked as J28.

(Displayed only for the aforementioned parties.)

Q And, by the way, this abbreviated interview is 29 pages long; right?

A I don't know. I mean, there are photos. And who knows.

Q And directing your attention to Page 4, the bottom paragraph.

A Uh-huh. From --

Q Well, I want to direct your attention to the top part of this.

Just going back a minute. Let's see. 1, 2, 3, 4, five lines from the top.

Do you recall saying during that interview: "We ended up having dinner in the room. I cannot remember what we ordered. I remember what I had the second time I had dinner with him, but I can't remember what we had."

Do you recall saying that?

A Hang on.

(Pause.)

Q You said that in that interview; didn't you, Ms. Daniels?

A Yeah. It says, "I don't remember ordering anything or what I ordered, if anything."

Q But you say twice there: "We had dinner in the room." Right?

A Yes. Like I said, it was dinnertime in the room.

Q So you are saying that when you said "we had dinner," you did not mean that; right?

A I'm saying a -- once again, I had dinner in his room, but we never got our food. And I never ate anything.

Q Okay.

A Having dinner with somebody, at least where I'm from, doesn't necessarily mean that you have to put food in your mouth. I'm going to someone's house for dinner. It's dinnertime.

Q And isn't it a fact that when you wrote your book, you said you walked from your hotel to President Trump's hotel?

A I walked halfway there or I -- actually, I think I went in the opposite direction first.

Q And you don't say anything in your book about taking a car; right?

A I don't remember exactly.

Q But when you were interviewed by the Prosecutors in this case, the first time, you told them that President Trump's bodyguard sent a car to pick you up and take you to the room; didn't you?

A I don't know how the car got there or who sent it specifically. I have no way of knowing who I was speaking to, who -- or who sent the car.

Q Well, when you testified on Tuesday, you said that you called a car -- you said you walked and then you said you called a car?

A I called for a car? I don't know how the car was

called.

I told them that I was going -- that I needed a car. I don't know if they called the car. I don't remember. I know it was before Uber, obviously.

Q The details of your story keep changing; right?

A No. I took a car from the tattoo shop to his hotel.

Q Okay. And you testified on direct examination that when you supposedly entered the suite, that President Trump came from the main area of the hotel suite and met you in the foyer; right?

A Yes.

Q And you say that there were -- the elevator -- no, withdrawn.

But when you were interviewed for -- in 2011, for In Touch Magazine, you said that when you walked into the hotel suite, President Trump was all sprawled out on the couch watching television or something; right?

A I don't remember saying that.

Q Well, if you could look at J28. And directing your attention to Page 4.

(Displayed only for the aforementioned parties.)

Q Do you recall -- well, let's start at the bottom of Page 3.

(Pause.)

Q You said: "I went in, and I was all dressed up,

because I had just assumed that we were going to go to dinner, but he meant to have dinner in his room. Like, he wasn't dressed."

And then if I could direct your attention to Page 4. "To go out at all. Just lounging. I remember taking a jab at him. I remember saying because he was all sprawled out on the couch watching television or something. And he was wearing pajama pants."

Do you remember saying that?

A Yes. I walked in. He was on the couch. He heard me come in.

He got up and he greeted me in the foyer.

Q I see. So you say he was all sprawled out on the couch there, and now you are saying "but he got up." That's what you saying now?

A He did both. He greeted me from the foyer. He came from the inside from where the couches and things were, I assumed he was watching television, but he definitely wasn't getting dressed.

Q Okay. But you didn't say that in your 2011 interview; did you?

A No, I did not. Like I said, it was a shorter interview.

Q Okay. And you testified on direct --

MS. NECHELES: Your Honor, is this a good time for

a break?

THE COURT: I would like to go a little longer.

Q You testified on direct that after being in President Trump's hotel suite for several hours, you went to the bathroom; right?

A Correct.

Q And you claim when you came out of the bathroom he was on the bed in a T-shirt and boxer shorts; right?

A Yes.

Q Just one minute before we get to that.

I want to go back to where President Trump was when you entered the hotel suite room.

Do you recall you wrote a book about this; right?

A Yes.

Q And do you recall that when you say, when you opened the door -- withdrawn.

Let's just go back to the room.

So you say you came out of the bathroom and he was on the bed in his T-shirt and boxer shorts; right?

A Yes.

Q And, according to you, when you saw him sitting on the bed, you became faint, the room started to spin and the blood left your hands and feet, yes?

A Yes. It was shock. Surprise.

Q So just so I can be clear on what you are saying,

you've acted and had sex in over 200 porn movies; right?

A 150-ish, yes.

Q And there are naked men and naked women having sex, including yourself in those movies; right?

A Yes.

Q And, but according to you, seeing a man sitting on a bed, in a T-shirt and boxer shorts, was so upsetting that you got light headed, blood left your hands and feet, and you almost fainted; right?

A Yes. When you are not expecting a man twice your age to be in their underwear -- I have seen my husband naked almost everyday -- if I came out of the bathroom and it was not my husband and it was Mr. Trump on the bed, I would probably have the same reaction.

Q And that made you feel like you were going to faint?

A Absolutely. If I came out of the bathroom and saw an older man in his underwear that I wasn't expecting seeing there, yeah.

Q And, according to you, earlier that evening, you had been bossing President Trump around and telling him to change his clothes out of pajamas and to stop talking about himself; right?

A That was hours before, yeah, I was in -- I guess it was seeing a man in his underwear that you are not expecting to be there, when you are not expecting him to be there.

Q And you were a pretty assertive woman; right?
A More so now.
Q Well, you have been working since you were 18; right?
A Seventeen.
Q Seventeen. And you've had to take care of yourself, you said, since you were 17; right?
A Yes, ma'am.
Q And some of the places you were working in are pretty tough places to work in; right?
A Sometimes.
Q And you have taken care of yourself that whole time; right?
A Mostly, yes.
Q And you said that even though he was twice your age, you had no problem bossing him around that whole day; right?
A Yes. When I felt like I had control of the situation and I had an exit; and this was definitely a power shift.
Q Well, in your book, in fact, you wrote that "you had made him your bitch;" right?
A I did earlier.
Q Those were your words, right, "you had made him your bitch?"
A Yes.
Q Right?

A Yes.
Q Because you are powerful; right?
A I used to think so.
Q But now, because he was supposedly in a T-shirt and boxer shorts, you were so upset that he wanted to have sex with you that you couldn't speak up and say that you didn't want to have sex with him?
A Correct.
Q Right?
A Correct.
Q The man who you claimed "I made him my bitch," but I can't say no to having sex with him supposedly; right?
A Yes.
Q This was not the first time in your life someone had made a pass at you; was it?
A No.
Q And you testified on direct examination --
A But it was the first time that they had a bodyguard standing outside the door and they were in their underwear.
Q Okay --
A And they were twice my age and bigger than me.
Q Okay. And you understand there is no question pending?

MS. HOFFINGER: Objection, your Honor.

THE COURT: Sustained.

Q And you testified on direct that Mr. Trump got out of bed and stood between you and the door, to the exit of the bedroom and said something like: I thought we were getting somewhere, we were talking and I thought you were serious about what you wanted, if you ever want to get out of that trailer park.

Those were his words that you said that he said?

A Yes.

Q And you said you blacked out and the next thing you remember was being on the bed and having sex; right?

A Yes.

Q But when you were interviewed in 2011 by In Touch Magazine, you told a completely different story; didn't you?

A No.

Q Well, when you were interviewed in 2011, you said that when you came out of the bathroom, Donald Trump was sitting on the bed and he said, "Come here."

And you were like, "Oh, here we go."

And then you started kissing and had sex.

That's the story that you told in 2011; isn't it?

A Like I said, there were parts in the middle that I didn't remember.

Q Well, isn't that the story that you told in 2011; right?

A I don't remember exactly what I said.

Q Okay. I'm going to direct your attention to J28, Page 8.

A Uh-huh.

(Displayed only for the aforementioned parties.)

Q And do you recall saying, "I had to use the bathroom. And I went to the restroom, which was in the bedroom. Like I said, it was a big suite. I could describe the suite perfectly when I came out. He was sitting on the bed and he was like, 'come here.' And I was like, 'Oh, here we go.' And we started kissing."

"I actually don't even know why I did it, but I do remember while we were having sex I was like, please, don't try to pay me. And then I remember thinking, but if I did -- but if he did, I bet -- no, but, I bet if he did, it would be a lot."

That's what you said to In Touch Magazine in 2011; right?

A Correct. Yes, because I wasn't trying to get money, and he did say, "Come here."

Q Nothing about him standing up; right?

A No. I didn't -- I mean, it's not here. This was an abbreviated article.

But he did stand up. And he was between me and the door, and Keith was outside the door.

And then I don't remember -- and then I remember we were kissing and he was on top of me.

That's what I remember. I --

Q You remember what you said to -- withdrawn.

THE COURT: We can only have one person speaking at a time.

Q So what you said to In Touch Magazine was: "We started kissing." Right?

A Uh-huh, yes.

Q Nothing about him standing up; right?

A But it also doesn't say that I got on the bed. This is an abbreviated version. He stood up. We started kissing. It has been edited for clearing.

Q It doesn't say he stood up; did it?

A No, it doesn't say that he stood up either.

Q You said that he said, "Come here;" right?

A He did, he said, "Come here."

Q Meaning you should come to the bed?

A He stood up and said, "Come here."

Q It doesn't say that, does it?

A No, it doesn't.

Q And then you said, "We started kissing." Right?

A Yes.

Q Nothing about if you want to get what you want to get, you better go along with this; right?

A They left out a lot of stuff because they couldn't fact-check it.

I do remember them telling me that.

Q And nothing about a trailer park; right?
A No.
Q And you made that -- you have made all of this up; right?
A No.
Q And, by the way, you weren't drinking anything that night?
A Just water.
Q No drugs; right?
A Absolutely no.
Q But you supposedly, you blacked out; right?
A I got lightheaded. I never blacked out. I didn't, like, hit the floor.
I just -- everything spun and went black.
But, no, I was not given any drugs.
I did not take any drugs.
And there was -- I don't even believe there was alcohol in the room.
Q And, in 2011, you said that you were fascinated and stimulated by President Trump and had really good banter and that you could tell he was a nice, intelligent -- he was nice, intelligent in conversation. Right?
A It was a nice, intelligent conversation, yes.
Q That's what you said; right?
A Yes.

Q And nothing about him threatening you with a trailer park; right?

A That was after I came out of the bathroom. There was no more conversation. The conversation was intelligent and interesting. I enjoyed it.

Q And you were interviewed for Slate Magazine by Mr. Weisberg in 2018; right?

A I'm not sure that was his name.

Q Okay. Let me show you J45.

(Displayed only for the aforementioned parties.)

Q It was a 2018 interview by Jacob Weisberg; right?

A Yes. That's what it says.

Q And this story gets published right after the Wall Street Journal article; right?

A I believe so, yes. January 16th.

Q The Wall Street Journal article, you recall, was on January 12th?

A January 12th. Yes, ma'am.

Q On January 12th 2018. And this was on January 16th to 18; is that right?

A That's what it says.

Q And am I correct that you told Mr. Weisberg that there was no abuse in what happened with President Trump and that you were not a victim; right?

A Yes.

Q And this is what you were saying in 2018; right?

A Yes.

Q And you said that the worst that Trump had done was break promises you never believed that he would fulfill; right?

A Yes.

Q And you told Weisberg that President Trump offered to buy you a condom in Tampa, Florida, and that he wanted to feature you as a contestant on an upcoming season of The Celebrity Apprentice; right?

A Yes.

Q You didn't say anything to Mr. Weisberg about you supposedly blacking out or not remembering how you ended up in bed; right?

A Correct.

Q You said the worst thing he did was he didn't give you a condom; right?

A Yes, I never wanted a condom.

Q Oh, you didn't want a condom?

A No, not in Tampa, Florida.

Q Well, you said the worst thing he did was he didn't put you on The Celebrity Apprentice; right?

A I said the worst thing he did was that he lied.

Q And you said nothing about a power imbalance or that you were scared that there was a bodyguard standing outside of the door; right?

A No. I said the worst thing that he did was lie. That's my feelings.

Q Okay. And you were also --

A I blame myself --

Q And you didn't say anything about --

A -- for feeling that way.

Q And you didn't say anything about feeling those things that you just described happened?

MS. HOFFINGER: Can you please let the witness finish, your Honor.

THE COURT: Overruled. I think she was done. Overruled.

A And, I'm sorry, what did you say?

Q You didn't say anything about feeling faint in there, when this happened; right?

A No. Because the question was what Mr. Trump did. And Mr. Trump did not drug me. And he did not -- that was how I felt, the worst thing that he did was lie in that moment.

Q Right. And you were also interviewed by Vogue Magazine in 2018; right?

A Yes.

Q And isn't it correct that you were asked: "Did Trump do something that made you feel like you had to have sex with him?" And you responded, "No, nothing;" right?

A Yes.

Q And so, in 2018, you said that there was nothing that he did that made you feel like you -- that you had to have sex with him, but on Tuesday, on direct exam, you testified that he made nasty comments and stood over you and you felt a power shift; right?

A I never said he stood over me. He stood in front of me. I was not below him or on the floor.

Q So you were saying, when you testified on Tuesday, that his actions made you feel like you had to have sex with him; right?

A My own insecurities made me feel that way. I have maintained that he has not -- he did not put his hands on me.

He did not give me any sort of drugs or alcohol, and he did not hold a weapon or hold me at any sort of -- threaten me with any short of an item.

And I have said that, and I maintain that. I was not physically threatened or drugged or drunk.

Q But these nasty -- supposed nasty comments that he made and standing up over you, those statements were not what you were saying in 2018; right?

MS. HOFFINGER: Objection.

THE COURT: Overruled. You can answer.

A Those statements are exactly what I said.

Q You said --

A He said that he thought that I was on the same page

about going onto the television show.

That is exactly what it was --

Q In 2018 --

A -- he lied about that and stood in front of me and he never had any intention of --

Q My question to you is just: In 2018, you didn't say any of that to anybody; did you?

A Which part? That he stood in front of me and said I thought you wanted to prove that you could do this? That's exactly what he said.

Q You didn't say that in the Kold article; right, when I asked you about whether you said that to anybody?

Do you understand my question?

A No, I don't.

Q Okay. In 2018, you didn't tell the Kold writer that President Trump had supposedly said that to you; did you?

A I said that he promised me a part in The Celebrity Apprentice. He thought that I was intelligent and would do whatever it takes. My own insecurities in that moment kept me from saying no.

Q You didn't say that --

A I have maintained that he did not physically threaten me in any way.

Q Okay. You claim that that's in the article, in the Kold article?

A I don't know what's in the Kold article, but my story hasn't changed.

Q You didn't say that then; did you?

A I don't know.

Q And, now, in 2024, your story has changed; hasn't it?

A No. Not at all. You are trying to make me say that it changed, but it hasn't changed.

Q And I want to talk about the night after the evening that you claim that you had sex with President Trump. So the American Century Championship, which was a Golf Celebrity Tournament which had celebrities in both hotels, and so they had parties and events; right?

A Several, yeah.

Q And, in fact, you testified that many of the parties were in your hotel; right?

A I don't know which parties were part of the event and not, but there were parties in both hotels.

Q Well, you testified --

A I have no way of knowing which parties were sanctioned for that.

Q You testified that there was an auction in your hotel of celebrity items; there were a couple of auctions, yeah?

And you said that there was a nightclub in the hotel?

A Bar, restaurant, nightclub things, yeah.

Q And you testified that -- well, you have said that

President Trump called you from his bodyguard's phone and invited you to come have drinks with him at the nightclub downstairs in the hotel that night; right?

A Yes, I said yes.

Q And you said you met him in the VIP area, and that Trump was there and Ben Roethlisberger and Keith Schiller were there?

A He was sitting in a booth.

Q With Roethlisberger?

A Yes.

Q And while you were there, you talked -- and you went and talked with them; right?

A Yes.

Q And while you were there, you talked about The Apprentice; right?

A Very briefly, yes.

Q And you testified on direct that that conversation or that encounter lasted for about ten minutes; right?

A I would say so.

Q But in your book you said you were there for about an hour; right?

A The conversation -- Mr. Trump left first. He was there for like maybe 10 or 15 minutes.

Q Well, in your book didn't you say it was "max an hour?"

A "Max an hour," yeah.

Q And President Trump then left you alone with Roethlisberger; right?

A Yes.

Q And you said that at that point you really believed that President Trump wanted to put you on The Celebrity Apprentice; correct?

A I did at that time, yes.

Q And you -- and that was because of that conversation; right?

A Which conversation?

Q Well, the conversation in that nightclub, that was one of the conversations; right?

A That was one of them, yeah.

Q And then there were other conversations on the phone as well, right, about that?

A I only had two conversations by the time, at that incident which was in the nightclub, the one the night before and the one sitting in that moment.

Q Okay.

A So based on those two conversations, yes.

Q And you had other conversations later --

A Later.

Q And you said -- you told Jimmy Kimmel, in fact, didn't you, that you thought that President Trump thought that it would be great for the ratings; right?

A Uh-huh.
Q And that's what your discussions were with him; right?
A That's what he told me, yes.
Q And that's what you talked about in your phone calls with President Trump; right?
A Partially, yes.
Q And he also talked about that when you went to Trump Tower; right?
A Yes.
Q And, by the way, you took a selfie of yourself and your friend in his office in Trump Towers; right?
A Well, my friend did.
Q And that was in 2007; right?
A Yes.
Q But you have no other pictures with President Trump other than that one picture?
A Right.
Q With her?
A We took a picture with him at the Trump Vodka Party and in his office.
Q And in his office?
A I didn't physically take them, my friends did.
Q The Trump Vodka Party was a party where he invited lots of minor celebrities; right?
A Yes.

Q And that was all public; right?

A Yes.

Q And then you also went to -- you asked to be -- for tickets to the Miss USA Pageant; right?

A I'm sorry. What was that?

Q You also asked for tickets to the Miss USA Beauty Pageant; right?

A Yes.

Q And you went with your agent too; right?

A Yes. I went with my agent.

Q And that was also in public; right?

A Yes, but I did not speak with him there.

THE COURT: Miss Necheles, would you like to take a break?

MS. NECHELES: Yes.

THE COURT: All right. Jurors, let's go ahead and take our morning break.

Let's take about 15 minutes.

You can step out.

THE COURT OFFICER: Leave your notepads.

All rise.

(Jury exits.)

****

THE COURT: You can step down.

Thank you.

THE WITNESS: Thank you.

(Witness excused.)

****

THE COURT: People, counsel, is there anything that we need to discuss?

MR. STEINGLASS: No.

MS. NECHELES: No.

THE COURT: All right. I will see you in about 15 minutes.

(Recess taken, after which time, Principal Court Reporter Susan Pearce-Bates relieved Senior Court Reporter Lisa Kramsky as the official court reporter.)

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(Continued from the previous page.)

SERGEANT: Remain seated. Come to Order.

Part 59 is back in session.

THE COURT: Can we get the witness, Ms. Necheles?

MS. NECHELES: Yes. Yes.

COURT OFFICER: Witness entering.

(Whereupon, the witness entered the courtroom and was properly seated.)

THE COURT: Okay.

Let's get the jury, please.

SERGEANT: All rise. Jury entering.

(Whereupon, the jury entered the courtroom and was properly seated.)

THE COURT: Please be seated.

THE CLERK: Case on trial continued.

All jurors are present and properly seated.

THE COURT: Ms. Necheles.

MS. NECHELES: Thank you, Your Honor.

CONTINUED CROSS-EXAMINATION

BY MS. NECHELES:

Q Ms. Daniels, before we took the break, we were talking about you being at a nightclub with President Trump and Ben Roethlisberger, right?

A Yes, ma'am.

Q And at some point President Trump left, and he left

you alone with Ben Roethlisberger, right?

A Yes.

Q And you testified on your cross-examination, just a little while ago, I was asking questions about Make America Horny Tour, right?

A Yes.

Q And you said you hated that name, right?

A Yes.

Q And that you never posted it yourself, right?

A I never made any of those flyers.

Q And you never posted it on your social media you testified, right?

A Sometimes they made me re-tweet them, but I never made any of the flyers and posted them on my own accord.

Q You said sometimes you may have had to re-tweet them but that's it, right?

A Yeah. As a matter of fact, I fired a webmaster for posting them.

Q I want to direct your attention to -- showing you what has been marked as J-49. Susan --

(Whereupon, the District Attorneys were shown a document.)

Q Do you recognize that as coming from your Instagram account?

A Yes.

MS. NECHELES: I will offer that in evidence, your Honor.

MS. HOFFINGER: No objection.

THE COURT: Accepted into evidence.

Q And that's posted on your Instagram account, right?

A Yes. It was reposted from Deja Vu.

Q And that was February 2nd, 2018, is that correct?

A February 24th -- oh, sorry. Yes.

Q And there is a picture of you and that you are going to be somewhere on February 24th, right?

A Yes.

Q And it says, Stormy Daniels Performing Live, Make America Horny Again 2018 Tour, right?

A Yes.

Q And that's you posing for that picture, right?

A Well, it's a flier made up of a photo that I posed for.

Q And you posted that on your personal Instagram, right?

A Yes. That's not my personal Instagram. That's my business Instagram.

Q And I want to direct your attention now to J-50, which is just for the witness and the parties.

Do you recognize that as being another post from your Instagram?

A Yes. That was the very first one.

MS. NECHELES: And I offer that in evidence, your Honor.

THE COURT: Any objections?

MS. HOFFINGER: No objections.

THE COURT: Accepted into evidence.

Q And that posted on January 14, 2018, right?

A Yes.

Q And it says, Stormy Daniels, the Making America Horny Again Tour, right?

A Yes.

Q And you posted that on your personal Instagram, right?

A That's my public Instagram.

Q Your public Instagram, right?

And you said, see you soon South Carolina, right?

A Yes.

Q And those are just two of many that you posted, right?

A I don't know.

Q But you were advertising for that tour, right?

A For my appearances, yes.

Q And making money off of that?

A That's what you do with tours.

Q And turning your attention back to the tournament, the celebrity golf tournament, President Trump was the biggest celebrity, probably, at that tournament, right?

A It depends on what you are a fan of.

Q Well, people recognized him, right?

MS. HOFFINGER: Objection.

THE COURT: Sustained.

Q Well, you saw people following him around, right?

A Yes. A lot of people are paid to follow him around I am sure. I don't know.

Q And he did very well at that golf tournament, right?

A I don't remember.

Q He was playing golf himself?

A He was playing golf. I don't remember what the scores were.

Q And so, when -- when you saw that -- when he went -- where he went, people were recognizing who he was, right?

A Yes, but --

Q You recognized that --

A They recognized me where I went that day too.

Q Okay.

And, according to you, when you went up to his hotel suite, there were double doors to the outside of the hotel, before you got into the suite, right?

A From the exterior, you mean the hallway?

Q Yes.

A Yes. There was a door that was cracked. One door was open, but there was a second wider door.

Q And so, you said Keith Schiller was standing outside

of the hotel suite, right?

A Yes. He was leaning against the wall by the door.

Q And when you went in there was another -- there was a door to the bedroom, right?

A The door to the bedroom was quite a ways away.

Q What was that?

A Really far away.

Q Okay.

So when you went into the bedroom, it was very far away from where Keith Schiller was, right?

A I don't know where he was at that point in time.

Q You didn't see him inside the suite, did you?

A I never saw him inside, no, ma'am.

Q So you were in the bedroom, and the door to the bedroom was closed?

A No.

Q The door to the bedroom was open, but it was very far away from where the front door was?

A All the doors were open.

Q The bedroom was very far away from the front door you just said?

A It was off of the living room, yes.

Q And you claimed that one of the things that made you feel uncomfortable or feel like you couldn't walk out was that Keith Schiller was standing outside of the --

MS. HOFFINGER: Objection. That's not the testimony.

THE COURT: Sustained.

Q Well, was that your testimony, that you were -- one of the things that went through your mind about why you couldn't just leave was because Keith Schiller was outside the hotel suite?

A Absolutely. I would have had to pass by him and get to an elevator and wait for an elevator, and he was a very large man.

Q Well, do you recall being interviewed by Vogue magazine in 2018?

A Yes.

Q And do you recall saying to their -- you were asked, did Trump do something that made you feel like you had to have sex with him?

And you being emphatic, no. Nothing. Not once did I ever feel like I was in any sort of physical danger. I am sure if I had taken off running, he wouldn't have given chase, and even if I had, there is no way that he could have caught me.

Do you recall saying that?

A Yes.

Q You didn't mention anything, but, oh, there was a bodyguard outside the door, did you?

A I don't remember if I did or not. I don't control

what parts of quotes they put in magazines and how many details they use. Vogue is an entertainment magazine and it is a fashion magazine.

Sometimes I give too many details.

Q So you last spoke with President Trump in 2007, correct?

A Well, the last time, is that what you said?

Q Yes.

A Yes.

Q And it was a long time ago, right?

A Yes, non.

Q And you never spoke with President Trump in connection with your being paid $130,000 to sell the story, did you?

A No.

Q So you have no personal knowledge about his involvement in that transaction, or what he did, do you?

A Not directly, no.

Q And am I correct that you signed the Non-Disclosure Agreement in this case with legal advice?

A Yes.

Q And you did not negotiate that Non-Disclosure Agreement with President Trump, did you?

A Not directly, my attorney.

Q And your lawyer dealt with Michael Cohen, right?

A Yes.

Q And Mr. Cohen paid you, not Mr. Trump, right?
A Actually, my attorney paid me.
Q Okay.
But you understand that the money came from Michael Cohen, right?
A I know the --
MS. HOFFINGER: Objection.
THE COURT: Overruled. You can answer.
A I know that the money was wired to me from Keith Davidson.
Q Okay.
And did you understand that the money was wired to Keith Davidson?
A That's what I understood, but I have no proof.
Q Okay.
Then you understand that in this case President Trump is charged with a crime for how the payment reimbursing Mr. Cohen was labeled on President Trump's books, you understand that, right?
A I am not an attorney. I don't really understand. I am just here to answer the questions that are asked to me about specific things that I have knowledge of.
Q Okay.
Even though you tweeted and celebrated about him being indicted, you have no knowledge of what he was indicted for?

A There was a lot of indictments.

MS. NECHELES: Your Honor, I move to strike that.

MS. HOFFINGER: It is responsive, your Honor.

THE COURT: It's responsive.

Overruled.

BY MS. NECHELES:

Q Okay.

You don't know what he was indicted for in this case? You don't have any idea?

A Business records.

Q And you know nothing about the business records, right?

A I know nothing about his business records, no.

Why would I?

Q You know nothing about what he does, or does not know about the business records, right?

A No.

Q And, Ms. Daniels, you have changed your story many times.

And isn't it a fact that the reason you changed your story many times is because you never had an affair with President Trump, but realized that you could earn money by saying you had an affair, and you have been doing that for 12 years?

MS. HOFFINGER: Objection to the form.

THE COURT: Sustained.

MS. NECHELES: I have no further questions.

THE COURT: Any redirect?

MS. HOFFINGER: Yes, I do.

Actually, Judge, may we approach for a moment?

THE COURT: Yes.

(Discussion is held at sidebar, on the record.)

MS. HOFFINGER: Judge, I want to be careful, given your prior rulings.

There are two exhibits I would like to put in, Defense Exhibits, Ms. Necheles. J-2 and J-17, they are specifically tweets that you -- she elicited that Ms. Daniels wrote and put on her Twitter. But Ms. Necheles did not elicit the tweets to which she was responding, which are both threatening.

For example, J-2, she specifically asked about it. It was responsive to a threat that she received on that. In fact, the witness answered that, but Ms. Necheles did not put it in evidence.

And so, frankly, we feel that the jury needs to have the full context on those. I would like to admit one of them.

On the second one, I would like to at least elicit a question about what her tweet was in response to.

Certainly, your Honor has ruled that these types of threats can be elicited in a proper context. They have cross-examined throughly on the fact that, one, it attempts to undermine the threat in 2018 in the parking lot. These are in some ways corroborative of that.

Second, they have cross-examined extensively about the fact that she was only doing all of this to make money, and even her testimony here, and her story is all about money, undermining the fact that there are other issues that have arisen in terms of the threats, and that her whole reason to testify here is not purely about money and that there have been other costs.

In fact, Ms. Necheles asked about that, and specifically about the money she made, all the money that she had made off of this.

MS. NECHELES: Can I see it, the exhibit?

MS. HOFFINGER: It's J-2 and J-17.

Susan, I don't have a copy for you. It was yours.

Here is J-2 and then here is J-17.

MS. NECHELES: Thank you.

MS. HOFFINGER: We would like to elicit those.

This one here, defense counsel can't use it as both a sword and shield. You can't fully -- you can't elicit only what Ms. Daniels said and not show what it is

responsive to.

THE COURT: Is there any objection?

MS. NECHELES: Your Honor, I don't have a problem eliciting that it is a response to a threat. I think that they are not statements that are made by President Trump. They are statements that are made by some stranger, you know, and she is just --

THE COURT: Does that matter?

I don't think that matters. You did go into these a little bit, and you left the jury with a certain impression. I think it's only fair that the jury should have the full picture of what we are talking about.

I am going to allow it.

MS. HOFFINGER: In addition, I am going to seek to show what's already in evidence, which is People's 408-B from May of 2024, which we didn't display that says, if you come after me, I am going after you.

Now, with this witness, given the cross-examination that we have heard, I would like to elicit what, if any, affect it has had on her, and what, if anything, being involved in this case and telling her account, what the affect has been on her family, the economical costs and in terms of other costs.

And I think the door has not only been open, but the door has been flung wide open at this point.

MR. STEINGLASS: August of 2023.

MS. NECHELES: We object to that. That would be so highly prejudicial.

We asked about what she wrote and the money she made. Now, they want to put into evidence a tweet that has nothing to do with her. It had nothing to do with her. They are insinuating it had something to do with her, things strangers have done.

THE COURT: You did a very effective job on your cross-examination of calling into question her motivation. That, specifically, you have left the jury with the impression again, you did a good job -- that she is doing all of this for money. She sold her story for money.

I think it's fair for the People to try to demonstrate that she has suffered injuries as a result of that and what they look like.

I will allow it.

MS. HOFFINGER: Thank you, your Honor.

(Discussion at sidebar concluded, and the following occurred in open court.)

REDIRECT EXAMINATION

BY MS. HOFFINGER:

Q Almost good afternoon, Ms. Daniels.

How are you?

A Good.

Q Defense counsel asked you quite a lot of questions yesterday, and perhaps today as well, questioning whether fear was any part of your motivation in entering into the NDA.

Do you remember any of those questions?

MS. NECHELES: Objection, your Honor.

Those weren't my questions.

THE COURT: Overruled.

Q Now, you said in response to questions from defense counsel that you entered into the NDA because of advice from an attorney.

Do you remember that?

A Yes.

Q And that your attorney friend said something to you about hiding in plain view?

A Yes.

Q Can you explain that a little bit, what that term meant, hiding in plain view?

What your understanding is, briefly?

A And it was not the attorney who was representing me. This is a friend who was just trying to give me advice. And his friends in the military used the term, get high, stay high.

And it just means, if you are out in the open, you are safer; hiding in plain sight, being out in the open. That something won't happen to you if everyone is looking at you.

Q Okay.

And so, part of your motivation to enter into the NDA was to make sure this was all documented to keep you safe?

A Yes.

Q And you were also happy to take the money, you are not saying that you were not happy to take the money, right?

A No. We are all happy to take money. It was just a bonus.

Q Now, there was a question today, Ms. Necheles showed you the NDA, and she walked you through a lot of the legal language in that document.

Do you recall that?

A Yes.

Q And that was a document that you hadn't prepared yourself, right?

A No.

Q And some of it is hard for you to understand?

A Yeah.

Q There was no lawsuit pending at the time, right?

Did you threaten to sue Mr. Trump or no?

A No.

Q Now, defense counsel on Tuesday, two days ago, asked you to read some texts between yourself -- withdrawn.

Asked you to read some texts between Gina Rodriguez and someone whose name was Dylan, who you mentioned you didn't know.

Do you remember that?

A Yes.

Q And those texts were from June 28, 2016.

Do you remember that?

A Yes.

Q And she had you read from some texts --

MS. HOFFINGER: Let's put up People's 171-A, please, in evidence.

And can you pull up, please, the box where Dylan says, I thought she denounced it previously.

Q Do you see that box?

MS. HOFFINGER: And then the two boxes below that. Maybe you can highlight the two boxes below that.

These were from June 28th of 2016.

I am sorry. Let's do it one box at a time.

Q You see the box, I think it's ending in -- it says, Fox 38904, I have her.

Do you see that box?

And do you remember she asked you to read the box that says, I have her?

A Yes.

MS. HOFFINGER: Put up the next box now.

Q And do you remember she asked you to read, is she ready to talk?

Do you remember that?

A Yes.

MS. HOFFINGER: Can you put up the next box, please?

Q And do you see, Dylan asked a question, I thought she denounced it previously?

Do you remember she had you read that box?

A Yes.

MS. HOFFINGER: Let's go to the next one, please.

Q And you see she asked you to read that box that said, she said she'll do it under two conditions?

A Yes.

MS. HOFFINGER: Now, lets look at the next box. The very next box.

There is a reply from Gina.

Can you highlight where she said, she never did?

Q Did she ask you to read that box where she said, she never did?

A I don't think so.

Q You can take that down.

Now, defense counsel asked you a lot of questions about the In Touch article and you indicated that it was a very light article, is that right, for entertainment purposes?

A Yes.

MS. HOFFINGER: And can we show just to the witness, please, and to counsel and to the Court, the

second page of that page two of 29?

Actually, we may not have it. It is J-28. It's a Defense Exhibit.

Just for the witness and counsel and the Court, please. The next page.

Could you display the next page?

Q Do you see at the bottom where it says, this interview has been lightly edited?

Did you see that?

A Yes.

Q Did Ms. Necheles ask you about that?

A No.

Q Thank you.

MS. HOFFINGER: You can take that down.

Q Now, Ms. Necheles also asked you a lot of questions about your 60 Minutes interview with Anderson Cooper.

Do you remember that?

A Yes.

Q And she put up for you J-12. She asked you a lot of questions about it.

She asked you a lot of questions about what you did and didn't say in 2018 in some interviews.

Do you remember that?

A Yes.

Q And she asked you about your interview with Anderson

Cooper.

Now, you didn't tell every single detail to Anderson Cooper, did you?

A No.

Q But you mentioned a lot of the details in that interview with him, didn't you?

MS. NECHELES: Objection to the leading, your Honor.

THE COURT: Sustained.

Q Well, there was a lot of back and forth in that interview between yourself and Anderson Cooper?

A Yes. It was very long.

Q And defense counsel showed you that J-12, the 60 Minutes interview, and asked you some questions about it?

A Yes.

MS. HOFFINGER: We would offer that in evidence now, your Honor.

THE COURT: Any objections?

MS. NECHELES: Yes, your Honor.

THE COURT: What's the objection.

MS. NECHELES: It's hearsay, statements --

THE COURT: Approach.

(Discussion is held at sidebar, on the record.)

THE COURT: What does that have to do with the

interview?

What is it for?

MS. HOFFINGER: A prior inconsistent statement.

They have spent a long time talking about all kinds of inconsistencies. The witness clearly said she didn't tell every detail. There are a lot of details in there which she told him.

It is a prior consistent statement to rebut that it is a recent fabrication.

MS. NECHELES: A prior consistent statement?

MS. HOFFINGER: Ms. Necheles showed the article to her and asked her all sorts of questions. I am surprised she would object to it being admitted at this point.

MS. NECHELES: I showed it under the clear rules that apply to prior inconsistent statements. Prior consistent statements are only admissible if they were made at the time before there was a motive for fabrication.

These were made in 2008, when she is selling her story.

THE COURT: They are the same documents. It is the same document you used to impeach her as inconsistent.

MS. NECHELES: I would rely on People v. Davis, a Court of Appeal case, which --

THE COURT: Direct me to it. Direct me to the

relevant section.

MS. NECHELES: Okay. I need Gedalia for that.

MR. STEINGLASS: Do you have a copy for us?

MS. NECHELES: No, I don't. And it's 44 N.Y. 2d. 269.

MR. STERN: So, it starts over here. It has to be before the motive to fabricate started, and particularly this paragraph, if the Defense argue it was fabricated from the beginning.

MS. HOFFINGER: Your Honor, it contextualizes the so-called inconsistency they asked about.

It's unfairly giving the jury an unfair impression so it contextualizes it. It shows the entire context given that Ms. Necheles went through and asked a number of questions about what was told or not told to Anderson Cooper.

THE COURT: I can't read and listen to you guys at the same time.

MS. HOFFINGER: I apologize.

When you are done, I wanted to add one thing.

THE COURT: I understand what the decision says, and it does stand with what you are saying.

I am asking --

MS. HOFFINGER: If you are admitting it --

THE COURT: I haven't decided yet.

MS. HOFFINGER: The question is, the motive to fabricate. They indicated her motive to fabricate was after 2008. It's more recently. It's -- the indictments -- it's going on these tours. It doesn't have to predate every motive to fabricate. She -- they brought up much later the alleged notice to fabricate.

MS. NECHELES: I would say that's not correct.

THE COURT: I am going to run on the side of the caution and deny the application.

MR. STEINGLASS: Can we bring out some of details that are consistent to rebut the inference that out of context there are these inconsistencies?

THE COURT: You can go back to anything that was taken out of context and address it in full context.

MS. HOFFINGER: I can ask her all the things she did tell.

THE COURT: No. No. You can go back and address the things that were taken out of context and put them in context.

MS. HOFFINGER: I should be able to ask what things she did tell him, Anderson Cooper. She didn't tell him all the details. There was a number of details that were asked and answered that she testified to here.

I should be able to do exactly what Ms. Necheles did.

MS. NECHELES: That's not the law.

MS. HOFFINGER: I should be able to ask questions about what was told.

THE COURT: All right.

Let's continue. Step back.

(Discussion at sidebar concluded, and the following occurred in open court.)

THE COURT: Ms. Hoffinger, you can clarify to the extent that was discussed and to that extent only.

BY MS. HOFFINGER:

Q Ms. Necheles asked about certain things that you didn't tell Anderson Cooper at the time.

Do you remember that?

A Yes.

Q But there were many things that you did tell Anderson Cooper, did you not?

MS. NECHELES: Objection.

THE COURT: Overruled.

Q And in terms of the context, you did tell Anderson Cooper that you had sex with Mr. Trump in the hotel room?

MS. NECHELES: Objection, your Honor.

THE COURT: Overruled.

MS. NECHELES: Your Honor, I think this is not what I asked.

THE COURT: Overruled.

Q And you did also provide details of what happened in the room, didn't you?

A Yes.

Q And, for example, you told him that Mr. Trump told you -- never told you to keep it confidential?

MS. NECHELES: Objection, your Honor.

THE COURT: Please approach.

(Discussion is held at sidebar, on the record.)

MS. NECHELES: These are none of the things I asked about. She is just going through, generally, things that are consistent with what she testified about. I never asked about this.

MS. HOFFINGER: I am filling out, around Ms. Necheles' questions. I only have a few. Not every single thing.

THE COURT: What makes it a little bit unique is that she is not trying to use a prior consistent statement. She is using the same exact document that you used and you left the jury with a certain impression.

Now, I don't want you to go full board and try to rehabilitate the prior inconsistent statements.

MS. NECHELES: These are not ones I addressed.

She is going to things that have nothing to do with what I addressed. I agree, if I raised an issue, if

you told him the sky was blue, and I left off that on some days it was cloudy --

THE COURT: You did leave the impression that she left out a lot of details.

MS. NECHELES: Yes. She wants to go back and say the details I never mentioned were actually things she said before and that's improper.

MS. HOFFINGER: There were details.

THE COURT: Just go back and establish that she established a lot of details and leave it at that.

MS. HOFFINGER: All right, your Honor.

(Discussion at sidebar concluded, and the following occurred in open court.)

BY MS. HOFFINGER:

Q So, Ms. Daniels, you did tell Anderson Cooper about a lot of the details of what happened in the room and in your other encounters with Mr. Trump, correct?

A I did.

MS. HOFFINGER: I would like you, please, actually, I think we have -- I have the -- can we show J-2 just to the witness, the Court and to counsel, please.

Q So, we are showing you J-2, which is an exhibit that Ms. Necheles showed you, and asked you some questions about.

Do you remember that?

A Yes.

Q And she asked you some questions about your saying, I will dance down the street when he is, quote, selected.

Do you remember those questions?

A Yes.

Q And do you remember responding that you were -- you said that you were only responding and using the same words as the person who had tweeted it to you?

Do you recall that?

A Yes.

MS. HOFFINGER: I offer that into evidence, your Honor.

MS. NECHELES: No objection.

THE COURT: Accepted into evidence.

MS. HOFFINGER: Can you put that up on the screen for everyone, please?

Can you blowup the bottom tweet, please, meaning the first tweet.

Q Was this the tweet that you were responding to when you used the term, selected?

A Yes.

Q And in this tweet, do you know who it was who posted this tweet on your Twitter page?

A Are you asking if I know this person personally?

No.

Q Did you know who the person was?

A No.

Q This is an example of people who sometimes show up and put tweets on your Twitter page?

A Yes.

Q And this person called you a disgusting degenerate prostitute?

A Yes.

Q And did this person also say, good luck walking down the streets after this?

A Yes.

Q What you did you understand that to mean, good luck walking down the street after this?

A That I wouldn't be safe going in public anymore.

Q And did this person also tweet, no wonder Glen left you?

A Yes.

Q What did you understand that to mean?

A There is no surprise that my daughter's father left.

Q And this tweet was dated March 21st -- sorry -- March 18th of 2023?

A Yes.

Q And then you responded to that, is that right?

A That's correct.

MS. HOFFINGER: You can take that down, now.

Can you now show the witness please, J-17?

Just to the witness, counsel and the parties, please.

Q Do you recall Ms. Necheles showing you this tweet of yours and asking you a question about your response.

Do you remember that?

A Yes.

Q And she didn't ask you at all about the original tweet that you were responding to, is that right?

A That's correct.

Q Is this another example of somebody that showed up on your Twitter page saying something about you that you responded to?

A Yes.

Q And this was back in December of 2022, is that right?

A Yes.

Q And the tweet on this page that you were responding to, was -- were you responding to someone calling you an aging harlot?

A Yes.

Q Are these two tweets examples of some of the tweets that you have received from random individuals in relation to things that you have said publicly about Mr. Trump?

A Yes. These are tame actually.

MS. HOFFINGER: You can take that down, now.

Can we please show in evidence to everyone,

People's Exhibit 408-B.

Q Ms. Daniels, this tweet by Mr. Trump was August 4th of 2023?

A Yes.

Q And were you aware of this Truth Social post from Mr. Trump when it came out?

A Yes. Sorry.

Q Who did you understand Mr. Trump was directing this to at the time?

A I wasn't sure, but I thought it was me.

Q In what way?

A Um, do you want me to read it?

Q No. You can read it.

A Okay.

Because it says, if you go after me, I am coming after you, and this was right around the same time that he filed in Florida, so it seemed to be connected, but I am not sure.

Q That he filed in Florida the proceeding against you on the legal fees?

A Yes.

MS. HOFFINGER: You can take that down. Thank you.

Q By the way, defense counsel asked you some questions about whether you felt you were responsible for the charges in this case.

Do you remember that?

A Yes.

Q You didn't testify in the Grand Jury in this case, did you?

A I did not.

Q So you had nothing to do with the charges in this case initially, did you?

A I did not.

MS. NECHELES: Objection, your Honor.

THE COURT: Overruled. I will allow.

Q I am sorry. Your answer?

A I did not.

Q Now, Ms. Necheles asked you at the end of her questioning about the fact that you didn't know anything about the business records in this case, meaning Mr. Trump's business records.

Do you remember those questions?

A Yes.

Q Whether you knew anything about the repayments or the reimbursements or any of the business records.

Do you remember that?

A Yes.

Q And you said you didn't know anything directly, is that right?

A Yes.

Q Do you recall -- you recall the lawsuit that you filed, your lawyers filed against Mr. Trump to get out of the NDA?

Do you remember that?

A Yes.

Q And do you remember that Mr. Trump was represented by counsel in that case?

A Yes.

Q And do you recall that his attorneys, Mr. Trump's attorney, in court papers filed in June of 2018, confirmed that Donald Trump in 2017 had reimbursed Michael Cohen's company, Essential Consultants, for the 130,000 that was paid to you?

A Yes. I saw that.

Q So that was confirmed in Mr. Trump lawyer's submitted court papers, correct?

A Correct.

Q Now, defense counsel asked you a whole lot of questions regarding your making money about telling lies about Mr. Trump.

Do you remember that?

A Yes.

Q Have you been telling lies about Mr. Trump or the truth about Mr. Trump?

A The truth.

Q And, now, Ms. Necheles asked you about whether your

telling your account of what happened with Mr. Trump has made you money, and I think you said it also cost you a lot of money.

Do you remember saying that?

A Yes.

Q Can you explain that?

A I have had to higher security, take extra precautions, tutors for my daughter, had to move my daughter to a safe place to live. I had to move a couple of times.

And I lost -- I didn't -- I lost -- had a judgment on automatic attorney fees because my case from the NDA was thrown out. And I appealed it, and it was dismissed again. So attorney's fees are automatically awarded in those kinds of instances.

Q Let me ask you a question: Ms. Daniels, on balance, has your publicly telling the truth about your experiences with Mr. Trump had a net positive or a net negative in your life?

MS. NECHELES: Objection, your Honor.

THE COURT: Overruled.

A Negative.

MS. HOFFINGER: Nothing further.

Thank you.

THE COURT: Any recross?

MS. NECHELES: Yes.

RECROSS-EXAMINATION

BY MS. NECHELES:

MS. NECHELES: Can we put up J-2 in evidence, now.

Can you blowup the bottom part.

Q This is some stranger who sent a tweet to you, right?

A Yes.

Q And that's the kind of thing that happens on Twitter, right?

A You mean strangers?

Q Yes. Post nasty things?

A Of course.

Q Is says nasty stuff.

It says, you are a disgusting, degenerate prostitute who accepts money, and then is says, to frame an innocent man, right?

A Yes.

Q And then at the bottom is says, POTUS will be selected by a landslide in 2024, right?

A Yes.

Q It's a nasty post, right?

A Yes.

Q And it's from someone who politically opposed -- who is politically opposed to you, right, supporting President Trump, right?

A It appears that way.

Q And that's the kind of stuff that goes on Twitter?
A Among lots of things, yes.
MS. NECHELES: And if we could take that down and let's look it -- wait. Put that back up for a minute.
And go to your response, to her response, please.
Q And you say, so tiny paid me to frame him, right?
A Yes.
Q It's you being nasty back?
A Yes.
Q And you sound even dumber than he does during his illiterate ramblings.
You are being nasty also, right?
A Yes.
Q You are calling each other names, right?
A Yes.
Q At this point, a person you don't even know, you are engaged in a fight of calling each other names, right?
A I didn't call this person names.
Q You said, you sound dumber than he does?
A I am sorry. Yes.
Q And then you say, I won't walk. I will dance down the street when he is selected to go to jail, right?
A Yes.
Q And you engaged in these kinds of back and forths with strangers all the time, right?

A Sure.

Q You prided yourself in what you considered your witty answers, right?

A Uh-hum.

Q So, when the prosecutors put these up and talk about how people were attacking you, you were attacking them right back, right?

A I was defending myself.

Q And attacking them right back, right?

A I never attacked anybody first. The same with Mr. Trump, I didn't say anything negative about him until he did it to me.

Q And you are calling President Trump names there, right?

A Yes.

Q And you are calling whoever asked this Twitter, or posted this Twitter names, right?

A I said they sound dumb, as in the tweet is dumb. I stand by that.

MS. NECHELES: If you can put that down and put up J-17 for the witness and the parties.

And I offer this in evidence.

MS. HOFFINGER: No objection.

THE COURT: Accepted into evidence.

MS. NECHELES: We can show that.

Q And the prosecutors asked you about whether someone else said some nasty stuff to you again, right?
A Yes.
Q And they called you an aging harlot, right?
A Yes.
Q Again, nasty, right?
A Yes.
Q And you jabbed right back at them, right?
A Yes.
Q And you jabbed back, and said, you are so rich that you have more money than they do, right?
A Did I say that?
Q Well, you said you made a million dollars and you just bought a new ranch house, right?
A I don't say I have more money than them.
Q You say you made a million dollars, right?
A Uh-hum.
Q And just paid for your new ranch, right?
A Yes.
Q And that's what you have been doing consistently for some time now, right?
A What's that, replying, standing up for myself on Twitter or paying my bills?
Q Entering into Twitter battles?
A Yes, sure. When somebody attacks me, I am going to

defend myself.

MS. NECHELES: We can take that down now. And if you can put up 408-B in evidence, please.

Q And you were just shown this by the prosecution, right?

A Yes.

Q And you said you thought that that was about you?

A I said I didn't know. It could be.

Q It doesn't mention your name, right?

A No.

Q And are you aware that there -- at the time that President Trump posted this, there was a Republican PAC that was going after him?

A No.

Q Do you know whether this had to do with that Republican PAC?

A Of course not.

Q And you have no knowledge that this had anything to do with you, right?

A No. And I said as much.

MS. NECHELES: I have no further questions, your Honor.

MS. HOFFINGER: I just have two questions, your Honor.

REDIRECT EXAMINATION

BY MS. HOFFINGER:

MS. HOFFINGER: Can we put back up J-2 in evidence, please?

Thank you.

Can you do a split screen also of People's 408-A, if possible.

Q Ms. Daniels, take a look at People's 408-A.

What is the date on that Truth post by Mr. Trump calling you a Horseface and SleazeBag?

What was the date of that?

A March 15th, 2023.

Q And what is the date of the post that is in evidence as J-2?

A March 21, 2023.

Q So how many days later was J-2 after the Defendant's post?

A Six.

MS. HOFFINGER: Thank you very much. Nothing further.

THE COURT: Anything else?

MS. NECHELES: No, your Honor.

THE COURT: Thank you, Ms. Daniels.

You can step down.

(Witness is excused.)

People, please call your next witness.

MS. MANGOLD: The People call Rebecca Manochio.

COURT OFFICER: Witness entering.

(Whereupon, the witness entered and approached the witness stand.)

COURT OFFICER: Remain standing.

Face the Clerk.

THE CLERK: Do you solemnly swear or affirm that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth?

THE WITNESS: I do.

THE CLERK: Thank you.

R E B E C C A M A N O C H I O,

called as a witness on behalf of the People, being first duly sworn by the Clerk of the Court, was examined and testified as follows:

COURT OFFICER: Pull your seat up. State your full name?

THE WITNESS: Rebecca Manochio.

COURT OFFICER: Spell your last name.

THE WITNESS: M-A-N-O-C-H-I-O.

THE COURT: Your county of residence?

THE WITNESS: Middlesex.

THE COURT: Good afternoon, Ms. Manochio.

Please keep your voice up.

You may inquire.

BY MS. MANGOLD:

Q Good afternoon, Ms. Manochio.

As the officer mentioned, it's probably better if you scooch a little closer to the microphone to make sure everybody can hear you.

Can you tell everyone where you work?

A At The Trump Organization.

Q How long have you worked there?

A Eleven years.

Q What is your current position at The Trump Organization?

A Junior bookkeeper.

Q And are you testifying voluntarily today, or were you compelled to testify because of a subpoena?

A I was compelled to testify.

Q Are you represented by counsel?

A Yes. Yes.

Q Is counsel in the courtroom with you today?

A Yes.

Q Can you tell the jury about your work history?

A I worked at a supermarket, and then I got a job at The Trump Organization.

Q When did you get a job at The Trump Organization?

A August of 2013.

Q Do you know who the head of The Trump Organization is?

A Donald Trump.
Q What was your title when you joined The Trump Organization?
A Administrative Assistant.
Q And did your title later change?
A Yes.
Q To what?
A Executive Assistant.
Q And when you were an Administrative Assistant and Executive Assistant, who did you work for?
A Allen Weisselberg and Jeff McConney.
Q Who is Allen Weisselberg?
A He was the CFO of the company.
Q And do you know what CFO is?
A Chief Financial Officer.
Q And how about Jeff McConney?
A He was the controller.
Q What's a controller?
A I am not really sure.
Q How long were you an assistant to Mr. Weisselberg?
A A long time. I would say like eight years.
Q Did your role at The Trump Organization change again at some point?
A Yes.
Q To what?

A In 2021, to junior bookkeeper.

Q And as Mr. Weisselberg's assistant for eight years, did you becamе familiar with the people Mr. Weisselberg interacted with at The Trump Organization?

A Yes.

Q Did you sit near Mr. Weisselberg in your role as his assistant?

A Yes, outside of his office.

Q When Mr. Trump was in the office, how often would Mr. Weisselberg interact with Mr. Trump?

A Everyday.

Q As the executive assistant to the CFO, did you have a role in paying bills at The Trump Organization?

A I did not pay bills.

Q But did you have any role --

A Yes.

Q -- with how expenses were processed?

A Put together?

Q Yes.

A Yes.

Q Can you please describe that, briefly, for the jury?

A I put checks with their backup together and gave them to Mr. Weisselberg to sign.

Q And what do you mean by, backup?

A The invoice.

Q Did every check that you put together for Mr. Weisselberg to sign have to have an invoice attached?

A Yes.

Q Do you know if that was -- if the process was consistent kind of across the Trump Organization for paying expenses?

A Yes.

Q Do you know if Mr. Trump's personal expenses were processed by The Trump Organization?

A Yes.

Q Do you know how Mr. Trump paid his personal expenses, electronically?

A By check, both.

Q Can you recognize Mr. Trump's signature?

A Yes.

Q And is that from viewing checks that Mr. Trump had signed?

A Yes.

(Whereupon, Principal Court Reporter Susan Pearce-Bates was relieved by Senior Court Reporter Theresa Magniccari.)

(Whereupon, proceedings were continued from previous page:)

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CONTINUED DIRECT EXAMINATION

BY MS. MANGOLD:

Q. Now, did Mr. Trump get a new job in 2017?

A. He did.

Q. Did he have to relocate for that job?

A. He did.

Q. And what job did he get and where did he go?

A. The President of the United States, and he went to the White House.

Q. And that is in Washington D.C.?

A. Yes.

Q. When Mr. Trump was in the White House, did The Trump Organization continue to process his personal expenses?

A. Yes.

Q. And in 2017, who cut the checks for Mr. Trump to sign?

A. Deborah Tarasoff.

Q. Who is Deborah Tarasoff?

A. She works in Accounts Payable.

Q. At The Trump Organization?

A. Yes.

Q. And she also -- did you say you worked in Trump Tower?

A. Yes.

Q. And did Ms. Tarasoff also work in Trump Tower?

A. She did.

Q. Now, when Mr. Trump moved to the White House, how did he get the checks he was going to sign?

A. I Fed Ex'd them.

Q. And how frequently did you have to Fed Ex checks to Mr. Trump?

A. About once a week.

Q. Can you describe that process in a little bit more detail for the jury? How would it get to Trump, in the first instance?

A. Deb would give me the checks in a manila folder, and I would put them in a Fed Ex envelope with a return, and I would send them out.

Q. When Ms. Tarasoff gave you checks for Mr. Trump to sign, did you ever look inside the envelope?

A. No.

Q. Approximately, how many checks would you send down to Washington D.C. at a time?

A. Many. A few.

Q. What was the kind of standard amount or range; was it more than 50?

A. No. I don't know. Like one at a time.

Q. One at one time?

A. Five, 10, 20. Maybe between 10 and 20. I am not sure.

Q. Did you ever send more than that; if you recall?
A. It's very possible, yes.
Q. Do you recall ever sending just a single check?
A. Yes.
Q. After getting the checks, how long did it usually take for you to send them out?
A. That same day.
Q. What did you do with the manila folder, did that go in the Fed Ex envelope?
A. Yes.
Q. Did you prepare the Fed Ex shipping labels?
A. I did.
Q. Did you mention that you included a return envelope in that Fed Ex, in each of those Fed Ex packages?
A. Correct.
Q. Were the return envelopes addressed to come back to you?
A. Yes.
Q. Was that using your address at The Trump Organization?
A. Yes.
Q. So the checks that you sent down to Washington D.C., were they signed or unsigned?
A. They were unsigned.
Q. And what, if anything, did you receive back from D.C.?
A. They were signed.

Q. Did you always check to make sure the checks were signed once you got them back?
A. Yes.
Q. Whose signature was on the checks?
A. Mr. Trump's.
Q. How quickly did you usually get the return envelopes back?
A. A few days.
Q. And when you got the return envelopes, did you -- if there were checks sent with backup, do you recall if the backup was still attached when the checks came back?
A. It was.
Q. Were you ever informed that certain checks sent to Mr. Trump in D.C. had not been sent back up to New York?
A. Yes.
Q. How did that happen?
A. Deb would let me know if there was something missing.
Q. And what would you do next if there was something missing?
A. I would reach out to whoever I sent them to.
Q. And who would you reach out to, was that somebody in the White House?
A. Yes, Madeline.
Q. Do you remember her last name?
A. Westerhout, I think.

Q. And she worked in the White House?
A. Yes.
Q. And can you tell the jury what happened on those phone calls when a check didn't come back?
A. She would just look for it and see if she had it.
Q. And what did she tell you would happen if a check was missing?
A. If it was missing, either it got lost or he had questions about it and he had to speak to someone.
Q. And when you say "he," you are saying?
A. Mr. Trump.
Q. He might have a question on a check that was found?
A. Yes.
Q. That is why he didn't send it back up?
A. Yes.
Q. And if he had questions, what would happen, would you question him?
A. No, that's as far as I go.
Q. Would you just wait to get further instructions on what to do, if anything, with the checks?
A. Yes.
Q. What did you do with the checks that Mr. Trump did sign?
A. I gave them to Deborah.
Q. Now, do you understand you are testifying here today,

in addition to other things, as a custodian of records for The Trump Organization?

A. Yes.

Q. And based on your 11 years of experience working at The Trump Organization, do you know how The Trump Organization documents are created and saved?

A. Yes.

Q. Before testifying today, did you have an opportunity to review files marked for identification as People's Exhibits 66, 291 to 293 and 303 to 305?

A. Yes.

Q. Is People's Exhibit 66 for identification an email chain containing Trump Organization emails?

A. Yes.

Q. Are People's Exhibits 291 to 293 and 303 to 305 for identification Fed Ex invoices for the Trump Organization's Fed Ex accounts?

A. Yes.

Q. Does The Trump Organization use Fed Ex in the regular course of its business?

A. Yes.

Q. Did you see Fed Ex invoices for The Trump Organization as part of your job?

A. Yes.

Q. Does The Trump Organization routinely generate emails

in the regular course of its business?

A. Yes.

Q. Does each email sent or received contain the content of the message, the sender, the recipient and the date and time of the email?

A. Yes.

Q. For the files marked for identification as People's Exhibits 66, 291 to 293 and 303 to 305, did The Trump Organization make and keep these emails and Fed Ex invoices in the regular course of its business?

A. Yes.

Q. Was it the regular course of business for The Trump Organization to make and keep these emails and Fed Ex invoices?

A. Yes.

Q. Were The Trump Organization emails and Fed Ex invoices made at or around the time of the events and transactions being recorded?

A. Yes.

Q. Were the people who made and kept these documents under a business duty to do so accurately?

A. Yes.

Q. Did The Trump Organization rely on these documents to conduct its business?

A. Yes.

Q. Do any of the exhibits that you reviewed reflect

personal or nonbusiness related activity?

A. No.

Q. Did the exhibits contain redactions?

A. Yes.

Q. Before testifying today, did you review the documents both with and without redactions?

A. Yes.

Q. Aside from redactions, are all of the exhibits true and correct copies of Trump Organization business records?

A. Yes.

MS. MANGOLD: The People now offer People's Exhibits 66, 291 to 293 and 303 to 305 into evidence.

MS. NECHELES: One minute.

I am sorry, your Honor.

(Brief pause.)

MS. NECHELES: We have no objection.

THE COURT: People's 66, 291 through 293 and People's 303 to 305 are accepted into evidence.

(Whereupon, People's 66, 291, 292, 293, 303, 304 and 305 were received into evidence.)

MS. MANGOLD: Can we, please, display for the jury what is in evidence as People's 291.

(Displayed.)

Q. Ms. Manochio, can you see that on the screen?

A. Yes.

MS. MANGOLD: Can you blow up the top half of this document, please.

Q. Do you recognize this?

A. Yes.

Q. What is this?

A. It's a Fed Ex invoice.

Q. And what is the invoice date?

A. May 29, 2017.

Q. And what are the last four digits of the invoice number?

A. 6768.

Q. Can you tell what Fed Ex account this is for?

A. The Trump Organization.

Q. And is this an example of the type of Fed Ex invoices that you would see in the regular course of your job?

A. Yes.

MS. MANGOLD: All right. Can we turn to Page 15 of the PDF. I know that the font is a little small.

(Displayed.)

Q. Can you make out what that is on your screen?

A. Yes.

Q. And does it show Fed Ex sent through the Trump Organization account?

A. Yes.

Q. And who sent the Fed Ex's shown on Page 15?

A. I did.
Q. Can we focus on the bottom most entry on this page. Can you see that?
A. Yes.
Q. Is this an entry for a Fed Ex that you sent?
A. Yes.
Q. And are you listed as the sender?
A. I am.
Q. And what is the address under your name?
A. 725 Fifth Avenue, New York, New York.
Q. Are those The Trump Organization's offices?
A. Yes.
Q. And who is the recipient of this?
A. Keith Schiller.
Q. Who is Keith Schiller?
A. He was Mr. Trump's personal bodyguard.
Q. Did he continue to be Mr. Trump's personal bodyguard in 2017?
A. Yes.
Q. Directing you now to the shipping date in the top left corner, what is the date?
A. May 23, 2017.
Q. And do you see to the right of that, it says "Cus Ref?"
A. Yes, Number 3.
Q. Above that, is there a code?

A. D.T.
Q. Do you know what D.T. stands for there?
A. Donald Trump.
Q. Do you know what this is a Fed Ex for?
A. His checks.
Q. Mr. Trump's?
A. Mr. Trump's.
Q. These are unsigned checks that you sent to Washington D.C. for Mr. Trump to sign?
A. Correct.
Q. And is the address under Keith Schiller redacted?
A. Yes.
Q. Did you have an opportunity to look at the unredacted version of that?
A. Yes.
Q. Is that a White House address that is provided for Mr. Schiller?
A. It's a personal.
Q. It's a home address in D.C.?
A. Yes.
Q. Do you know why you were asked to send Mr. Trump's checks to Keith Schiller's home address in D.C.?
A. No.
Q. Who told you to send the checks to Mr. Schiller?
A. Either Rhona or Allen.

Q. When you say "Rhona--"
A. Rhona Graff.
Q. Do you know who Rhona Graff is?
A. Mr. Trump's assistant.
Q. Was that Mr. Trump's assistant at The Trump Organization or the White House?
A. The Trump Organization.
Q. And by Allen, do you mean Mr. Weisselberg?
A. Yes.
Q. Can you tell, based on the left-hand side of this entry, when the Fed Ex was delivered?
A. May 24, 2017.
Q. And it was sent by Fed Ex Priority overnight?
A. Yes.
Q. Do you always send checks for Mr. Trump to sign by Fed Ex Priority overnight?
A. Always.
Q. And do you see above that it says "tracking ID?"
A. Yes.
Q. What are the last four digits of the tracking ID listed?
A. 7364.
MS. MANGOLD: All right. Can we somehow pull up what is in evidence as People's 292. Display that for the jury. Pull up the top half of the page, please.

(Displayed.)

Q. Ms. Manochio, is this another Trump Organization Fed Ex invoice?

A. Yes.

Q. What is the invoice date for this one?

A. June 5th.

Q. What are the last four digits of the invoice number?

A. 0242.

MS. MANGOLD: Can we turn to Page 10 of the PDF. To the first full top entry.

Q. Do you see that?

A. Yes.

Q. What is the date shown for the shipment date of this Fed Ex?

A. May 30, 2017.

Q. And who is the Fed Ex from?

A. Keith Schiller.

Q. And who is it sent to?

A. Me.

Q. And if you look in the top left-hand corner, there is like some fine print up there. And three lines down it says -- do you see where it says "return original tracking ID?"

A. Yes.

Q. Do you know what that indicates?

A. That this was the return for the package that I

previously sent.

Q. What are the last four digits of the original tracking ID?

A. 7364.

Q. And are those the same four digits from the Fed Ex shipment that we just saw?

A. Yes.

Q. So was this the return of the signed checks for Mr. Trump in D.C. back to you?

A. Correct.

Q. All right. Let's take another look at what's now in evidence as People's Exhibit 293.

Is this another Fed Ex invoice for The Trump Organization account?

A. Yes.

Q. And what is the invoice date for this one?

A. June 26, 2017.

Q. What are the last four digits of the invoice number?

A. 0271.

MS. MANGOLD: Can we please turn to Page 15 of the PDF.

Q. Look at the second entry down. Can you describe what this is?

A. It's another package sent to Keith.

Q. And that's another one that you sent to Keith?

A. Yes.

Q. Did you ever send anything to Keith Schiller other than checks for Mr. Trump to sign?

A. No.

Q. Are all of the packages between you and Keith Schiller Mr. Trump's checks?

A. Correct.

Q. Does this also have the same customer reference "D.T." at the top?

A. Yes.

Q. What was the date for this one?

A. June 20, 2017.

Q. If you look at the tracking ID on the left, what are the last four digits of the tracking number?

A. 6957.

MS. MANGOLD: Can we now turn to Page 21 of the same PDF.

Q. And look at the bottom entry on that page. Ms. Manochio, do you know what this is?

A. The return package.

Q. Looking at the top left, what was the date for the return package?

A. June 21, 2017.

Q. Do you see the return original tracking ID listed?

A. Yes.

Q. What are the last four digits?

A. 6957.

Q. Are those the same four digits that we saw in the immediately preceding Fed Ex shipment that we looked at?

A. Yes.

Q. Who is this from?

A. Keith Schiller.

Q. And in the return envelope, would you also list Mr. Schiller's personal address in D.C.?

A. Yes.

Q. That was sent back to you at The Trump Organization?

A. Correct.

MS. MANGOLD: Okay. We can take that down.

Q. Did there come a time in 2017 when the point of contact at the White House changed, like a person you were supposed to send it to?

A. Yes.

Q. Do you remember who it changed to?

A. John McEntee.

Q. Who is John McEntee?

A. I couldn't tell you.

Q. Fair enough.

MS. MANGOLD: Can we pull up People's Exhibit 66 which is now in evidence.

Q. MS. Manochio, do you recognize that?

A. Yes.

Q. Can you describe what this is for the jury?

A. It's an email.

Q. And are you copied on the top email?

A. I am.

Q. And when you received the top email, did you also receive the emails underneath?

A. Yes.

MS. MANGOLD: And can we please blow up the email at the bottom of the page.

(Displayed.)

Q. Do you see that?

A. Yes.

Q. Who is this from and to?

A. This is from John McEntee to Rhona Graff.

Q. And you said "John McEntee," where did he work?

A. At the White House.

Q. What date was this sent?

A. September 7, 2017.

Q. And was this sent to Ms. Graff at The Trump Organization?

A. Yes.

Q. Was there a subject of the email?

A. "Checks to sign."

Q. And can you read the content of the email for the jury?

A. "Hi, Rhona. Can you put me in contact with the Rebecca that works for Mr. Weisselberg. With Keith leaving I will need The Boss' personal checks mailed to me. Thank you."

Q. And did you read this when you got it?

A. Yes.

Q. When Mr. McEntee said, "Can you put me in contact with the Rebecca that works for Weisselberg," do you have an understanding of who he was referring to?

A. Yes.

Q. Who was that?

A. Me.

Q. When he said, "With Keith leaving," who is Keith?

A. Mr. Trump's personal bodyguard.

Q. That was Mr. Schiller?

A. Yes.

Q. The person you previously sent checks to?

A. Yes.

Q. When Mr. McEntee said, "I will need the Boss' personal checks mailed to me," who did you understand The Boss to be?

A. Mr. Trump.

Q. And in the subject line where it says, "Checks to sign," who did you understand -- what did you understand that to be a reference to?

A. His personal checks.

MS. MANGOLD: Can we please pull up the top two

emails, please.

(Displayed.)

Q. Is that too small to read?

A. I can read it.

Q. Focusing on the middle email in the chain, who is that from?

A. Rhona.

Q. And who is it to?

A. John.

Q. And are you copied on this email?

A. I am.

Q. And can you read the content of this to the jury?

A. "Hi, John. I copied Rebecca on this email. What is Keith's official last date? Best, Rhona."

Q. Looking now at the top most email in the chain, who sent that one?

A. John.

Q. McEntee?

A. Yes.

Q. And who did he send it to?

A. Rhona Graff.

Q. And are you copied on that?

A. I am.

Q. Can you read the content that email to the jury?

A. "Thank you. It is the end of next week. We are all

very sad to see him go. Rebecca, please email at -- and I will give you the best address to use. Thanks."

Q. Now, I know that there is an email under that redaction?

A. Yes, there is.

Q. Is it your understanding that that is a White House email or a personal email address?

A. It looks like a personal.

Q. And do you know what Mr. McEntee meant when he said, "I will give you the best address to use?"

A. Yes.

Q. And what did he mean?

A. He was going to give me an address to where I needed to mail the checks.

Q. And did you end up reaching out to Mr. McEntee?

A. I did.

MS. MANGOLD: We can take this down.

Can we please display for the jury what is in evidence as People's Exhibit 303.

(Displayed.)

Q. Is this another Trump Organization Fed Ex invoice?

A. Yes.

Q. What is the invoice date?

A. December 4, 2017.

Q. What are the last four digits of the invoice number?

A. 9417.

MS. MANGOLD: Can you please turn to Page 13 of the PDF.

Q. Look at the third entry down on the page. Can you explain to the jury what this shows?

A. Me sending a Fed Ex to John McEntee.

Q. And is the address there redacted?

A. Correct.

Q. Having seen the unredacted address, is that a White House address or a home address?

A. Home address.

Q. What is the date of the shipment here?

A. November 29, 2017.

Q. And you will see to the right under the customer reference box the letters A.W. Who input the letters A.W.?

A. I did.

Q. What does "A.W." refer to there?

A. Allen Weisselberg.

Q. And do you know what the Fed Ex packet was for?

A. Checks.

Q. These were checks that you were sending to D.C. for Mr. Trump to sign?

A. Yes.

Q. Why did the previous code say D.T. and this one said A.W.?

A. I just like to switch it up.

Q. And did you ever send Mr. McEntee anything other than checks for Mr. Trump to sign?

A. No.

Q. So all of the Fed Ex between you and Mr. McEntee were either unsigned checks for him to sign or checks that Mr. Trump had already signed?

A. Yes.

Q. And what are the last four digits of the tracking ID?

A. 6548.

MS. MANGOLD: Can we please display for the jury what is in evidence as People's Exhibit 304.

(Displayed.)

Q. Is this another Fed Ex invoice for The Trump Organization?

A. It is.

Q. What is the invoice date?

A. December 11, 2017.

Q. What are the last four digits of the invoice number?

A. 4356.

MS. MANGOLD: Can we please turn to Page 7 of the PDF. And blow up the top entry on that page.

(Displayed.)

Q. Can you describe what this is?

A. The return.

Q. The return Fed Ex from Mr. McEntee to you?
A. Yes.
Q. And do you know what this package contained?
A. Signed checks.
Q. Signed by Mr. Trump?
A. Yes.
Q. And looking at the return original tracking ID on the top left, what are the last four digits of that tracking ID?
A. 6548.
Q. Does that match the last four digits of the Fed Ex invoice we saw?
A. Yes.
MS. MANGOLD: Can we now turn to Page 12 of the same PDF. And highlight the bottom entry on the page.
(Displayed.)
Q. And who is the sender for this one?
A. Tara Gillard.
Q. Do you know who Tara Gillard is?
A. She was an assistant.
Q. Who is she an assistant for?
A. Allen and Jeff.
Q. And was she an assistant at the time when you were an assistant?
A. Yes.
Q. Did she report to you?

A. Yes.
Q. And do you know who is the recipient here?
A. John McEntee.
Q. Do you know what Ms. Gillard was sending to Mr. McEntee?
A. Checks.
Q. And those are checks for Former President Trump to sign?
A. Yes.
Q. What is the date of the shipment?
A. December 5, 2017.
Q. What is the customer reference there?
A. DJT.
Q. Do you know what DJT indicates there?
A. Donald J. Trump.
Q. And what are the last four digits of the tracking ID?
A. 4009.
Q. Turning now to the final document, People's Exhibit 305 in evidence, is this another Fed Ex invoice for The Trump Organization?
A. Yes.
Q. What is the invoice date for this one?
A. December 18, 2017.
Q. What are the last four digits of the invoice number?
A. 1446.

MS. MANGOLD: Can we please turn to Page 23 of the PDF.

(Displayed.)

Q. Looking now at the last entry on the page, what is the shipment date for this?

A. December 13, 2017.

Q. Does it indicate this is a return for an original tracking ID?

A. Yes.

Q. What are the last four digits listed for the original tracking ID?

A. 4099.

Q. Does that match the last four digits for the Fed Ex that we just saw?

A. Yes.

Q. Who were the sender and recipient for this one?

A. John is the sender and the recipient is Tara.

Q. That is John McEntee from his Washington D.C. home address?

A. Yes.

Q. To Ms. Gillard at The Trump Organization?

A. Correct.

Q. And, to your knowledge, Ms. Gillard and Mr. McEntee never sent anything other than personal checks for Mr. Trump to sign?

A. No.

MS. MANGOLD: No further questions.

THE COURT: Thank you.

Ms. Necheles, can you wrap this up before lunch?

MS. NECHELES: We'll take it up later.

THE COURT: All right, jurors, we're going to break for our luncheon recess.

Remember the admonitions, including, that, please, do not discuss the case either among yourselves or with anyone else.

Please try to keep an open mind as to defendant's guilt or innocence.

Please do not form or express an opinion as to the defendant's guilt or innocence.

Jurors, some of you might be wondering how we're doing on scheduling. I am told by the attorneys we are on schedule or perhaps a little bit ahead of schedule.

Enjoy your lunch.

(Jury leaving courtroom.)

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(Witness leaving courtroom.)

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THE COURT: You may be seated.

Is there anything that needs to be addressed?

MR. BLANCHE: It doesn't need to be right now.

We have three separate applications arising out of Ms. Daniels' testimony.

One is, our renewed motion for a mistrial.

The second is, a renewed motion to preclude the testimony of Ms. McDougal.

The third is, regarding the Gag Order, as it relates to the witness who just testified.

I can do that now or I can do it after lunch, before the end of the day, it's up to the Court.

THE COURT: Can we break early with the jury at four and take it up at four.

MR. BLANCHE: Yes, your Honor.

THE COURT: Enjoy your lunch.

(Whereupon, the Court took a luncheon recess.)

****

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

COURT OFFICER: Remain seated. Part 59 is now in session.

THE COURT: Let's get the witness, please.

(Witness entering courtroom.)

***

THE COURT: Good afternoon.

I remind you, you are still under oath.

Let's get the jury, please.

(Jury entering courtroom.)

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THE COURT: Please be seated.

THE CLERK: Case on trial continued. All jurors are present and properly seated.

THE COURT: Jurors, one scheduling matter. We're going to break today at 4.

Ms. Necheles.

MS. NECHELES: Thank you, your Honor.

CROSS EXAMINATION

BY MS. NECHELES:

Q. Good afternoon, Ms. Manochio.

A. Good morning.

Q. We've never met; right?

A. No.

Q. You've worked for The Trump Organization for 11 years?

A. Yes.

Q. Does your aunt work there as well?

A. She does.

Q. And is it a nice place to work?

A. Yes.

Q. And you really didn't interact with President Trump?

A. No.

Q. But you testified a lot on direct about some checks that you had sent to President Trump; right?

A. Yes.

Q. And am I correct that President Trump was the only person who could sign his personal checks?

A. Correct.

Q. And so, all the checks for all of his personal expenses were what were being sent to President Trump in these Fed Express packages that you were talking about?

A. Right.

Q. It was all the checks for all of his personal expenses; right?

A. Right.

Q. There were no business expenses that were being sent to him?

A. Correct.

Q. Because the business expenses, once he become President, he had nothing to do with those any more; right?

A. Correct.

Q. But the personal expenses that were being sent to him were things like his credit card payments?

A. Yes.

Q. And expenses for his youngest daughter who was still in college?

A. Yes.

Q. And some of his wife's expenses as well?

A. Yes.

Q. And those were the checks that he was the only person

who could sign for; right?

A. Yes.

Q. And the business checks were being signed by either Allen Weisselberg or Don Trump Jr.?

A. Correct.

Q. You also sent the Federal Express packages for Ivanka Trump's personal checks; right?

A. Correct.

Q. Her personal expenses were sent down, were to be signed by her as well?

A. Correct.

Q. Exactly the same way; right?

A. Yes.

Q. You would send those checks in an envelope that went to Fed Ex, to people, instead of to the White House; right?

A. Yes.

Q. And those checks were so that either Ivanka Trump or President Trump could sign them; right?

A. Yes.

Q. And you testified that you got return envelopes back in a few days; right?

A. Yes.

Q. And these were all personal bills that had to be paid promptly; right?

A. Yes.

Q. So getting them back promptly was important?

A. It was.

Q. Do you know whether it took a long time for the White House to process personal mail for President Trump and get it to him?

A. No.

Q. You don't know about that.

And do you know whether speed was the reason that these were being sent in this manner?

MS. MANGOLD: Objection.

THE COURT: Sustained.

Q. You worked as a junior bookkeeper, you said?

A. Yes.

Q. Am I correct that it was the practice for legal expenses to be booked in President Trump's personal account or his personal General Ledger as legal expenses?

A. I'm not sure.

Q. You weren't in charge, you weren't involved?

A. No.

Q. So you just don't know anything about that; right?

A. No.

Q. On your direct examination you were asked about how often Allen Weisselberg spoke with President Trump; do you remember that?

A. Yes.

Q. And you testified that it was about once a day?

A. Yes.

Q. And that was for the period that was before President Trump started running for election; right?

A. Correct.

Q. So, and after President Trump started running for election, he was out of the office a lot?

A. Correct.

Q. And, to the best of your knowledge, Allen Weisselberg was not speaking to him every day?

A. Correct.

Q. President Trump was very busy and out of the office; right?

A. Correct.

Q. And then after President Trump went to the White House, after he was elected and went to the White House, to the best of your knowledge, President Trump and Allen Weisselberg didn't speak at all?

A. Correct.

MS. NECHELES: I have no further questions.

THE COURT: Any redirect?

MS. MANGOLD: Nothing further.

THE COURT: Thank you.

You can step down.

(Witness excused.)

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People, your next witness.

MS. MANGOLD: Your Honor, the People call Tracey Menzies.

THE COURT: It will just be a minute.

(Witness entering courtroom.)

***

COURT OFFICER: Step this way. Raise your right hand and face the clerk.

THE CLERK: Do you solemnly swear or affirm that the testimony that you are going to give before this Court and jury shall be the truth, the whole truth, and nothing but the truth, do you so swear or affirm?

THE WITNESS: I do.

T-R-A-C-E-Y M-E-N-Z-I-E-S, called as a witness on behalf of the People, was duly sworn by the Clerk of the Court, upon being examined, testified as follows:

THE CLERK: Thank you.

COURT OFFICER: Pull the chair up.

Can you state your full name, spelling your last name.

THE WITNESS: Tracey Menzies, M-E-N-Z-I-E-S.

COURT OFFICER: County of residence.

THE WITNESS: Monmouth, New Jersey.

THE COURT: Good afternoon.

You may inquire.

MS. MANGOLD: Thank you.

DIRECT EXAMINATION

BY MS. MANGOLD:

Q. Good afternoon, Ms. Menzies.

Can you please tell the jury where you work?

A. I work at HarperCollins Publishing.

Q. What kind of company is HarperCollins?

A. Book publishing. We are the second largest book publisher in the world.

Q. How long have you worked at HarperCollins?

A. Twenty-five years.

Q. What is your current position there?

A. I am the Senior Vice-President of Production and Creative Operations.

Q. Have you testified in a legal proceeding before?

A. No, I have not.

Q. This is your first time?

A. Yes, it is.

Q. Do you understand that you're testifying today as a custodian of records for HarperCollins?

A. Yes.

Q. Is HarperCollins testifying voluntarily, or was the company compelled to testify pursuant to a subpoena?

A. Compelled to testify, subpoena.

Q. Does HarperCollins have counsel?
A. Yes.
Q. Is HarperCollins' counsel present in the courtroom today?
A. Yes, they are.
Q. As a Senior Vice-President of Production and Creative Operations for HarperCollins, are you familiar with the company's book publishing process?
A. I am.
Q. At HarperCollins how involved are authors in the publication of their books?
A. At HarperCollins, the author has a partner. We work with them to approve files and their cover design, their designs, their content, as we go to print it.
Q. So you are saying there are multiple points in the publishing process for authors to have input into their books?
A. Yes, they're fully engaged.
Q. That includes the cover design for the books?
A. Yes.
Q. And also the content of the books?
A. Yes.
Q. And are they required to sign off on that before the book is published?
A. Yes, they are.
Q. How about if there is more than one author, are all of

the authors required to sign off before the book is published?

A. I believe so.

Q. Are you familiar with the book entitled: Think Big: Make it Happen in Business and in Life?

A. Yes, I am.

Q. How are you familiar with that book?

A. It's here. I looked through it.

Q. It was published by HarperCollins?

A. Yes.

Q. Before testifying today, how did you obtain the copy of the book that you have with you now?

A. I ordered it from the warehouse using the HarperCollins employee website.

Q. And is that different from the way a member of the public would buy the book?

A. Yes, it's direct from the warehouse, so not through a retailer.

Q. And do you know if there was an audio book associated with the print book?

A. There is an audio book, yes.

Q. Do you know who the author of this book is?

A. I do.

Q. Who is the author?

A. There are two authors; Donald Trump and Bill Zanker.

Q. Do you know who narrated the introduction for the audio

book portion of the book?

A. I believe it is Donald Trump.

Q. Before testifying today, did you have an opportunity to review files marked for identification as People's Exhibit 415 and 415A through F?

A. Yes, I did.

Q. Are those examples a set of excerpts from the book Think Big: Make it happen in Business and in Life?

A. Yes, they are.

Q. Do some of the exhibit pages contain redactions?

A. Yes, they do.

Q. Before testifying today, did you have an opportunity to compare People's Exhibit 415A for identification with the publisher's version of the book that you obtained?

A. Yes, I did.

Q. Other than the redactions, are the exhibits exact copies of portions of the publisher's version of the book?

A. Yes.

MS. MANGOLD: We now offer People's Exhibit 415 and 415A through F into evidence.

MR. BLANCHE: No objection.

THE COURT: People's 415 and 415A through F are accepted into evidence.

(Whereupon, People's Exhibits 415, 415A through F were received into evidence.)

MS. MANGOLD: Can we show the jury what is now in evidence as People's Exhibit 415.

(Displayed.)

Q. Do you recognize this?

A. I am sorry.

Q. Can you see the screen?

A. Yes, I do.

Q. What is this?

A. This is the Think Big, the book.

Q. The book that you purchased?

A. Yes. Purchased and published, yes.

Q. Do you see the names of the authors on the cover of the book?

A. I do.

Q. And can you read the authors' names from the top of the page?

A. It says Donald Trump and Bill Zanker.

Q. And can you talk about, in terms of cover design, the relative font sizes of the two authors' names?

A. Well, Trump is pictured on the cover and his name is quite large. And Bill Zanker is more of a supporting role with a smaller font.

Q. Is a picture of Bill Zanker also featured on the cover?

A. No.

MS. MANGOLD: Can we turn to the next page of the

PDF.

(Displayed.)

Q. Do you know what this is?

A. This is the title page of the book.

Q. Does this have Mr. Trump's full name?

A. Yes.

Q. Finally, turning to the last page of the PDF. Do you recognize this?

A. Yes, this is the copyright page.

Q. And whose names are next to the copyright?

A. Donald J. Trump and Bill Zanker.

Q. Can you tell what year this book was first published?

A. The year it was first published, 2007.

Q. In what year is this edition of the book?

A. 21. 2021.

Q. How can you tell?

A. On the printer line on the bottom. On the left-hand side it tells you the date.

Q. Can you tell the publisher information for this book?

A. Yes.

Q. Does it list HarperCollins as the publisher?

A. Yes, it does.

Q. Now, are you familiar with the contents of this book?

A. Yes.

Q. Is there a way for the reader to tell which part of the

book was written by which author?

A. Yes, there is. There are different sections. One of the sections are called Zanker's Take. Also, the design of the book. Zanker's Take has like a graph above it, so it separates it out from Donald Trump's words.

Donald Trump's words, or at least the writing, is in a sterile front, and Zanker's is a nonsterile front, a thinner font. So you could tell the difference between the two.

Q. So, there are multiple ways for readers to tell which author is speaking in a portion of the book?

A. Indicate which author is speaking.

MS. MANGOLD: Can you please publish for the jury what is now in evidence as People's Exhibit 415A.

(Displayed.)

Q. Can you see that on your screen?

A. Yes.

Q. Is this an excerpt from the same book?

A. Yes.

Q. What page is this from?

A. 154.

Q. Based on your review of the book, is this from a section of the Book attributed to Mr. Trump or Mr. Zanker?

A. Mr. Trump.

Q. Is that true of the rest of the exhibits that form part of People's Exhibit 415?

A. Yes.
Q. Is there a section heading here at the top of the page?
A. Yes.
Q. What does that say?
A. Do Not Trust Anyone
Q. And what does the unredacted content of the page say?
A. "I used to say go out and get the best people and trust them. Over the years, I've seen too many shenanigans. Now I say, get the best people and don't trust them. Do not trust them because if you don't know what you're doing, they're going to rob you blind. I know dozens of sophisticated business people who hired accountants and lawyers and others and they trusted them, they got killed. They lost their business. So I say, get the best people and don't trust them."
MS. MANGOLD: Can you please display for the jury what is in evidence as People's 415B.
(Displayed.)
Q. Ms. Menzies, is this another excerpt from the same book?
A. Yes.
Q. What page is this?
A. 160.
Q. Please read the unredacted portion of this page to the jury.

A. Sure.

"As a matter of fact, I value loyalty above everything else. More than brains, more than drive, and more than energy."

MS. MANGOLD: Can we please display for the jury what is in evidence as People's Exhibit 415C.

(Displayed.)

Q. Is this another page from the same book?

A. Yes. Page 162.

Q. Please read the unredacted portion of the page.

A. "I think the reason we have so many loyal people is that we reward loyalty and everybody knows this. It has become part of the corporate culture at The Trump Organization. People like Allen Weisselberg and Matt Calamari are great and have proven themselves over many years."

Q. So, I think you said "corporate culture at The Trump Organization?"

A. "Corporate culture of the Trump Organization."

MS. MANGOLD: Now, can we please display 415D to the jury.

(Displayed.)

Q. What page is this?

A. Page 180.

Q. Can you plead read the unredacted portion of this.

A. Sure.

"I just can't stomach disloyalty. I put the people who are loyal to me on a high pedestal and take care of them very well. I go out of my way for the people who are loyal to me in bad times. This woman was very disloyal, and now I go out of my way to make her life miserable."

MS. MANGOLD: Can we please display People's 415E.

(Displayed.)

Q. What page number is this?

A. Page 183.

Q. Can you read the unredacted portion to the jury?

A. "My motto is always get even. When somebody screws you, screw them back in spades."

MS. MANGOLD: Finally, can we pull up People's Exhibit 415F.

(Displayed.)

Q. What page is this?

A. 192.

Q. Can you read the unredacted portion of this page to the jury?

A. "When you're wronged, go after those people because it is a good feeling and because other people will see you doing it. Getting even is not always a personal thing. It's just part of doing business."

MS. MANGOLD: No further questions.

THE COURT: Mr. Blanche.

DIRECT EXAMINATION

BY MR. BLANCHE:

Q. Good afternoon.

A. Good afternoon.

Q. My name is Todd Blanche and I represent President Trump.

We've never met before; have we?

A. No, we have not.

Q. Just a couple of questions.

Now, this book was published in 2007; is that correct?

A. Yes.

Q. You worked for a long time for HarperCollins. Were you part of the publishing of this particular book?

A. No, I was not.

Q. So you said a little bit about the cover and how HaperCollins will work with the author to come to what the cover should look like and how it should be presented. At the end of the day, is it fair to say that covers of books, at least in part, are designed and developed for sales to help sell the book; is that fair?

A. They're helped to sell the book, but they're also done very closely with the author.

Q. Understood. Understood.

And just to spend a few minutes on what you were just asked to read. Every page that you read was partially redacted;

correct?

A. Yes.

Q. And you have the book in front of you. Is it fair to say that the book is 380 pages?

You can check.

A. Yes, that's fair to say.

Q. Is that right?

A. Close enough.

Q. And you were shown six pages in between Pages 154 and 192; correct?

A. Yes.

Q. A portion of six pages; correct?

A. Uh-huh.

Q. Did you pick those or did the prosecution?

A. I did not pick them.

Q. Now, it's not unusual that this book has acknowledgements and whatnot, with the author thanking, for example, people that helped him along the way?

A. Yes.

Q. That's not unusual?

A. No.

Q. Does every book have that?

A. I think most books.

Q. Are you familiar with the book that you have in front of you, that Donald Trump, President Trump, thanked a number of

people, including a staff writer named Meredith Mclver; does that ring bell to you?

I can show you, if you don't want to look.

A. Show me.

MR. BLANCHE: If we can show for the witness and the Court and the parties M-3.

(Displayed.)

Q. So look at the top paragraph. There are a number of names. Do you see a staff writer?

A. I see. Yes.

Q. And then --

MR. BLANCHE: If you can leave that up.

Q. -- President Trump also thanks a number of folks from your place?

A. Yes.

Q. From HarperCollins. That is not unusual; is it?

A. No.

Q. And you testified, I believe, that there are two authors, Mr. Zanker and President Trump, and that the book kind of distinguishes between the two, as far as which portions were written from President Trump and which portions were written by Mr. Zanker; correct?

A. Yes.

Q. Is it fair to say Mr. Zanker and President Trump in their respective sections may have had help writing the words

that were ultimately published?

A. I wouldn't know that, but it's possible.

Q. Is that something that, for example, the acknowledgements would acknowledge?

A. They could, sure.

MR. BLANCHE: No further questions.

THE COURT: Any redirect?

MS. MANGOLD: No.

(Witness excused.)

***

THE COURT: Your next witness.

MS. MANGOLD: The People call Madeleine Westerhout.

(Witness entering courtroom.)

***

COURT OFFICER: Raise your right hand and face the clerk.

THE CLERK: Do you solemnly swear or affirm that the testimony that you are going to give before this Court and jury shall be the truth, the whole truth, and nothing but the truth, do you so swear or affirm?

THE WITNESS: Yes.

M-A-D-E-L-I-N-E W-E-S-T-E-R-H-O-U-T, called as a witness on behalf of the People, was duly sworn by the Clerk of the Court, upon being examined, testified as follows:

THE CLERK: Thank you.

COURT OFFICER: Pull your chair up.

State your full name, spelling your last name.

THE WITNESS: Madeleine Westerhout.

W-E-S-T-E-R-H-O-U-T.

COURT OFFICER: County of residence.

THE WITNESS: Orange County.

THE COURT: Good afternoon.

You may inquire.

MS. MANGOLD: Thank you.

DIRECT EXAMINATION

BY MS. MANGOLD:

Q. Good afternoon, Ms. Westerhout.

A. Good afternoon.

Q. Can you please tell the jury where you work?

A. I work as geopolitical consulting firm.

Q. What do you do there?

A. I am Chief of Staff to the Chairman.

Q. How long have you worked there?

A. About a year and a half.

Q. Do you know Former President Trump, Donald Trump?

A. I do.

Q. How do you know him?

A. I was his Executive Assistant and Director of Oval Office Operations in the White House.

Q. Are you testifying voluntarily today or were you compelled to appear pursuant to a subpoena?

A. I was compelled to appear by subpoena.

Q. Have you testified in a legal proceeding before?

A. No, I have not.

Q. Have you been inside of a courtroom before today?

A. No, I have not.

Q. Are you nervous to testify today?

A. I am now, yes.

Q. Are you represented by counsel?

A. Yes.

Q. Is your counsel here today?

A. Yes, he is.

Q. Who is paying for your lawyer?

A. He is graciously taking this case pro bono.

Q. Can you tell the jury a little bit about your educational background.

A. Sure.

I went to the College of Charleston. Got my undergraduate degree in political science.

Q. What did you do after you graduated?

A. I moved to Washington D.C., where I had an internship on Capital Hill for a couple of weeks while I was looking for a job.

Then I got a job full-time job at the Republican

National Committee.

Q. For those who may not know, what is the Republican National Committee?

A. The Republican National Committee, otherwise known as the RNC, is the Republican's Party's National Party Committee.

So their main role is to elect Republicans up and down the ballot, but really focusing on electing a President.

Q. Is it fair to say it's the organization that runs the Republican Party?

A. Yes, I think that's fair to say.

Q. And when you joined the RNC, was it your full-time job to work for the RNC's Finance Director?

A. Yes.

Q. And did your role at some point change?

A. It did, yes.

Q. And can you explain what happened to the jury?

A. Sure.

After the 2014 cycle, my boss, who was the Financial Director, was promoted to the Chief of Staff. So I became her assistant as she was the Chief of Staff.

Q. In that role, was it your full-time job to interact with the RNC's Chief of Staff?

A. Yes.

Q. How long were you in that role?

A. From June 2013 to January 2017.

Q. And, in total, how long were you part of the RNC?
A. Three and a half years.
Q. And did you work directly for RNC leadership that entire time?
A. Yes.
Q. At some point in October 2016, did you become aware of what became known as the Access Hollywood tape?
A. Yes.
Q. What was that?
A. It was a tape of Mr. Trump and, I believe it was Billy Bush, having a conversation.
Q. And what impact did the Access Hollywood tape have on the leadership of the RNC?
A. At the time I recall it rattled the RNC leadership.
Q. Did the RNC leadership consider replacing Mr. Trump as a candidate?
A. It's my recollection that there were conversations about how to, if it was needed, how it would be possible to replace him as the candidate if it came to that.
Q. Was Mr. Trump ultimately the Republican candidate in the 2016 election?
A. Yes, he was.
Q. Before the 2016 election, did you ever work for Mr. Trump or his campaign?
A. No, I did not.

Q. What happened to your role after Mr. Trump was elected?

A. After Mr. Trump was elected, I went and spent some time in New York working out of Trump Tower.

Once the party has a nominee, the Republican Party, the RNC, that campaign really combines forces and then works really seamlessly.

After the election, I spent time in Trump Tower and helped the President Elect schedule high-level interviews, so people that were interviewed for cabinet positions or high-level senior staff roles.

Q. How much time did you spend in Trump Tower during that period when Mr. Trump was the President-Elect?

A. I was still living full-time in Washington D.C., but myself and a couple of my colleagues at the RNC would travel to New York and spend most of the working days in New York. So a majority of the working days from November until about January.

Q. You say that your role there was to schedule high-level meetings for Mr. Trump at that time?

A. Yes.

Q. Did you get a nickname in the media due to your role in scheduling high level meetings?

A. Yes.

Q. What was that?

A. "The greeter girl."

Q. Did you work with or do you know somebody named Rhona Graff?

A. I do.

Q. Who is Rhona Graff?

A. She was President Trump's -- Mr. Trump's long-term Executive Assistant at The Trump Organization. I don't recall her exact title, but she had been with him for a very long time.

Q. Do you know how long she had worked for Mr. Trump before he was elected President?

A. I think over 10 years. I'm not 100 percent sure.

Q. Based on your experience -- withdrawn.

Did you work with Ms. Graff during this transition period when Mr. Trump was the President-Elect?

A. Yes. She had a role in helping the RNC schedule his interviews. She was still really taking over, really had a handle on his schedule as he wasn't yet the President. He was still working out of Trump Tower. So we worked seamlessly together.

Q. Based on your experience working with Ms. Graff, was Mr. Graff familiar with Mr. Trump's preference and work habits?

A. Yes.

Q. And also Mr. Trump's contacts?

A. Yes.

Q. Do you know someone by the name of Michael Cohen?

A. Yes.

Q. Who is Michael Cohen?

A. He was the President's former lawyer.

Q. And how do you know him?

A. He was around in Trump Tower.

Q. And when you say "he was around in Trump Tower," that's at this time, between the election and inauguration?

A. Yes.

Q. The end of 2016 and early 2017?

A. Yes.

Q. At some point during this period, were you offered a job at the White House?

A. I was, yes.

Q. Can you tell the jury about that?

A. Sure.

My boss at the time came to me and said: "Do you have any interest in sitting outside the Oval Office?"

I said: "Yes, I do. That sounds like it would be a very cool job."

Q. Were you offered a particular job title at that time?

A. I honestly don't remember at this time if titles were discussed, but I knew I was going to sit outside the Oval Office. I didn't care what my title was.

Q. Do you remember around when that conversation took place?

A. I believe December of 2016.

Q. And had you spent any time working directly with Mr. Trump when you were offered that position?

A. No.

Q. Do you know when Mr. Trump moved from Trump Tower to the White House?

A. January 20, 2017.

Q. And how do you know it was that date?

A. That was the inauguration date.

Q. Did you also move to D.C. full-time on that date?

A. I had never technically moved to New York, so I just never -- I just stopped going to New York.

Q. Did you attend the inauguration?

A. I did, yes.

Q. And what happened after the inauguration?

A. After the inauguration, I went to a Government building across the street from the White House and, you know, went through security, and then, with a couple of my new colleagues, were put in a van to drive across the street. And then we were taken into the West Wing. Kind of shown around a little bit. Taken into the Roosevelt room, where we were given laptops and cell phones. And then I was taken to my desk, which was, as I had been told, right outside of the Oval Office.

Q. Did you start work that day?

A. Yes, technically.

Q. Had you been to the West Wing before then?

A. No.

MS. MANGOLD: Can we put up just for the witness, the parties, and the Court, People's Exhibit 390 for identification.

Q. Ms. Westerhout, do you recognize this?

A. Yes.

Q. What is this?

A. This is a map of the first floor of the West Wing.

Q. Did you create this map?

A. No, I did not.

Q. Do you find the map to be a fair and accurate depiction of the first floor of the West Wing?

A. Yes.

MS. MANGOLD: I now offer People's Exhibit 390 into evidence.

MS. NECHELES: No objection.

THE COURT: Accepted into evidence.

(Whereupon, People's Exhibit 390 was received into evidence.)

MS. MANGOLD: Pull up 390 for the jury.

(Displayed.)

Q. Is this the floor plan you were talking about?

A. Yes.

Q. Where is the Oval Office on the floor plan?

A. It's the Oval Office labeled "Oval Office" on the

bottom, in the middle.

MS. MANGOLD: Can we pull up just the section "Floor Plan" around the Oval Office, please. Can we make it a little bit wider.

(Displayed.)

Q. And can you see that in front of you, Ms. Westerhout?

A. Yes.

Q. Do you see the Number 7 on the floor plan?

A. Yes.

Q. Can you describe, I believe it's a little bit above and to the right of the Office Office; is that correct?

A. Yes.

Q. Can you describe what that area is to the jury?

A. That is the area known as the Outer Oval Office.

Q. What is the Outer Oval Office?

A. It's where the President's secretaries or assistants sat.

Q. And can you describe for the jury where your desk was relative to the Oval Office?

A. Yes. If you look at Number 7 as like a square, my desk was the bottom right.

Q. So your desk was up against the wall of the Oval Office; is that right?

A. Up against the horizontal line, kind of coming out of the Oval Office.

Q. Did anybody in White House sit closer to Mr. Trump than you did?

A. Not in the first few months, no.

Q. Did anybody else sit in the Outer Oval with you?

A. Yes.

Q. Who else sat in the Outer Oval?

A. Hope Hicks.

Q. Who is Hope Hicks?

A. She was the President's Communications Director.

Q. And was there anybody else that sat in that area?

A. Yes. In the Outer Oval Office there was a little -- another little room and two of his aides sat there.

Q. Who were those two aides in 2017?

A. John McEntee and Keith Schiller.

Q. Do you know what their titles were?

A. I believe Keith was the Director of Oval Office Operations. I believe John was Personal Aide to the President.

Q. Do you know someone by the name of Dan Scavino?

A. Yes.

Q. Who is Dan Scavino?

A. Dan Scavino was one of the President's very trusted advisors.

Q. Did he have a particular role in the White House?

A. He did a lot of the President's communications, and especially helped the President get tweets out and other

statements.

Q. So he worked with Mr. Trump on social media?

A. Yes.

Q. As the Executive Assistant -- withdrawn.

Did you later find out what your formal title would be in the White House?

A. Yes. Special Assistant to the President and Executive Assistant to the President.

Q. And in those roles, who was the focus of your attention?

A. The President.

Q. Is that your only focus?

A. I tried to have it be my only focus.

Q. When you started the job in January 2017, did you have job training or orientation?

A. Not formally, no.

Q. How did you learn how to do your job?

A. The first few months I tried to really observe people that had been close to him, so people like Hope and John and Keith and Dan, and learn his preferences.

Then, it was just a lot of on-the-job training. You know, we really started full force day one. So just trying to do my best to keep up.

Q. When you say Hope and John and Keith and Dan, are you referring to Hope Hicks, John McEntee, Dan Scavino and Keith

Schiller?

A. Yes.

Q. Was it your understanding those four individuals had previously worked with Mr. Trump?

A. Yes.

Q. Did you also make an effort to learn Mr. Trump's preferences by observing him while you were sitting in the Outer Oval?

A. Yes.

Q. How long did you end up working in the White House?

A. Until August 2019.

Q. Is that a total of two and a half years?

A. Yes.

Q. Did you have the same job in the White House the whole time?

A. The same job, yes. But at some point my title changed to Special Assistant to the President and Director of Oval Office Operations.

Q. Did you sit at the same desk in the Outer Oval the entire two and a half years you were in the White House?

A. I switched desks at some point. Like I said, there were two desks there. At some point, I switched to the desk that was further away, but it had a line of sight to the Resolute Desk. That was more helpful to kind -- for the President and I to communicate.

Q. And for those who may not know, what is the Resolute Desk?

A. That is the desk where the President sits in the Oval Office.

Q. After working closely with Mr. Trump for two and a half years, did you develop an understanding of his work habits?

A. I did, yes.

Q. How about list preferences?

A. I hope so.

Q. How about Mr. Trump's relationships and contacts?

A. Yes.

Q. Are you familiar with the way that he used social media?

A. Yes.

Q. Are you familiar with the way that he interacted with others at the White House?

A. Yes.

Q. And are you familiar with the way that he interacted with his family?

A. Yes.

Q. So, turning now to his work habits, what was Mr. Trump's preferred method of communication?

A. He liked speaking with people in person or on the phone.

Q. And about how many calls did Mr. Trump typically take

in a day?

A. A lot.

Q. Do you know, approximately, when he started taking calls in the day?

A. I remember times where, you know, I knew he was taking calls as early as 6 in the morning.

Q. And when would he stop taking calls at the end of the day?

A. Again, it depended. I recall times he would be on the phone late into the night after I went to bed, so I always felt guilty about that.

Q. How did you call the President at work? Can anybody call the President of the United States. Is this a more complicated process?

A. There is a rather complicated process. If the President is in the Oval Office and someone calls in and they had my desk phone number, they could just call that number. If the President was available, I would patch them through.

If someone was calling in, John Smith, you know, off the street and just calling 1-800 White House, obviously, they wouldn't be patched through to the Oval Office.

But there were operators that took calls and then kind of determined if that person was someone that needed to get patched through either to myself or other members of the President's staff.

There were also calls made by the situation room. Calls that were more secure that might need to be on a secure line. People might call through the situation room.

Q. Once the White House operators had screened calls, did you see the calls that came to you after that?

A. I am sorry.

Q. Let me say that again.

After the calls were screened, did they typically come to you before going to Mr. Trump?

A. If he was in the Oval Office, yes.

Q. So you were able to see much of the many people that he spoke to while he was there in 2017?

A. Yes.

Q. Did Mr. Trump use a computer?

A. Not to my knowledge.

Q. Did Mr. Trump have an email account?

A. Not to my knowledge.

Q. Did Mr. Trump prefer electronic documents or hard copy documents?

A. He liked hard copy documents.

Q. And did Mr. Trump like to read?

A. Yes.

Q. Did his role in 2017 require a lot of reading?

A. It did, yes.

Q. Where did he actually do his work?

A. After a few weeks, he kind of moved his working space into a room off of the side of the Oval Office, known as the dining room. He really just, I remember, wanted to keep the Resolute Desk very pristine and kind of keep that more for meetings.

Then he spent most of the time when he was working, reading, going over documents in the dining room. And that was really his working office.

Q. Were the hard copy documents that he liked to review kept in the dining room?

A. Yes.

Q. Was there an organization system there?

A. To my understanding, the President knew where things were and he kept it organized. But he did have a lot of papers and often brought things back and forth to his residence or Air Force One or Marine One. I thought he always knew where things were.

Q. In general, is he the type of person who would pay attention to details?

A. In my experience, yes.

Q. How about his signature practices? Did he have to sign things that you saw in that first year in 2017?

A. He did.

Q. Did he use an automated signature or prefer to sign himself?

A. He preferred to sign things himself.

Q. That was signing by hand?

A. Yes.

Q. Was there a particular style of pen he liked to use?

A. My recollection is he liked to use a Sharpie or a felt-tip pen.

Q. Based on working with him for two and a half years, can you recognize Mr. Trump's signature?

A. Yes.

Q. Did Mr. Trump have to review and sign a lot of documents that year in 2017?

A. Yes.

Q. In your experience, did he typically read things before signing them?

A. Yes.

Q. Do you know if Mr. Trump used social media while he was in the White House?

A. He did, yes.

Q. What was the primary social media platform that he used?

A. Twitter.

Q. Is that now called something else?

A. X.

Q. Do you know what Mr. Trump's Twitter handle was in 2017?

A. @realdonaldtrump.

Q. Did Mr. Trump post tweets himself using that Twitter handle?

A. He did, yes.

Q. Did anyone else have access to the @realdonaldtrump Twitter account in 2017?

A. It's my understanding that Dan Scavino had access to it.

Q. Was there anybody other than Mr. Trump and Mr. Scavino?

A. Not to my knowledge.

Q. In the two and a half years when you worked with Mr. Trump, did you ever see Mr. Scavino post a tweet without Mr. Trump's approval?

A. I did not see Dan post, I didn't see the President or Dan ever post a single tweet. Not to my knowledge.

If there was a video recap of an event or something that might have gone out without the President's approval, it's my understanding and recollection that the President did like to see the tweets that went out.

Q. Do you know if that account was password protected?

A. I believe so, yes.

Q. Did you ever work directly with Mr. Trump on his Twitter posts?

A. Once in a while, if Dan wasn't available, the President would call me and dictate a tweet to me. I would quickly

scribble it down and then go back to my computer and type it up so that the President could actually read it because he wasn't able to read my handwriting. Sometimes print it back out, give it to him so he could look over it. It just depended if he put it out or held onto it or made edits to. That was the extent of it.

Q. He would dictate a tweet to you, then you would go type it up on your computer?

A. Yes.

Q. Then you would print a hard copy document?

A. Yes.

Q. And take that in for him to review?

A. Yes.

Q. Would he then edit sometimes the hard copy printout?

A. Sometimes, yes.

Q. Would he ask you to make additional changes and then show it to him?

A. Sometimes.

Q. Did he have any particular preferences when it came to the way that he wrote social media posts?

A. My recollection is that there were certain words that he liked to capitalize. Words like "country." And he liked to use exclamation points.

Q. Did he also periodically correct other punctuation, like commas or comma locations?

A. It's my understanding that he liked to use the Oxford comma.

Q. Now, during that first year in the White House in 2017, would you describe that as a transition period, that first year that Mr. Trump was in the White House?

A. Yes. I think, you know, the first year of any administration is a transition year. We were all trying to learn our way around and, you know, do the best work we could for the American people.

Q. And you and others were doing things for the first time that year?

A. Yes.

Q. And was Mr. Trump busy that year?

A. Yes.

Q. Was he constantly being pulled in a lot of different directions?

A. Yes.

Q. Based on your experience, were there things he overlooked or forgot during that period? Was he still attentive to the things that were brought to his attention?

A. My understanding is he was attentive to things that were brought to his attention.

Q. During that first year in the White House, in 2017, when things were in transition, did you coordinate with The Trump Organization?

A. On some things, yes.

Q. Did you ever have questions for employees at The Trump Organization?

A. Yes.

Q. And did Trump Organization employees ever have questions for you?

A. Yes.

Q. Who was your main point of contact at The Trump Organization in 2017?

A. Rhona Graff.

Q. And, again, that was Mr. Trump's Trump Organization's Executive Assistant?

A. Yes.

Q. And she remained at The Trump Organization after Mr. Trump moved to Washington D.C.?

A. Yes.

Q. When Trump Organization employees had questions for Mr. Trump, did you pass those along?

A. Yes, sometimes.

Q. Were there ever times that you didn't pass along something you were asked to?

A. No, but it could have been they asked somebody else.

Q. When Mr. Trump had questions for Trump Organization employees, did you pass those along?

A. Yes.

Q. What types of things did you coordinate with Ms. Graff on during that year in 2017. Did you coordinate on Mr. Trump's contacts?

A. Yes, we did.

Q. How about calls to and from Mr. Trump?

A. Yes.

Q. How about Mr. Trump's calendar?

A. Yes.

Q. Mr. Trump's travel schedule?

A. Yes.

Q. Mr. Trump's golf schedule?

A. Yes.

Q. How about the First Family's travel?

A. Yes.

Q. Personal mail for Mr. Trump?

A. Yes.

Q. What other logistical issues?

A. Such as?

Q. For example, if there was an issue getting through on a particular number or other things that were lost in translation, anything like that?

A. Sure. Yes.

Q. Overall, how frequently were you in touch with The Trump Organization in 20127?

A. Especially the first few months, I think Rhona and I

spoke at least weekly. Sometimes daily. But that trickled off as I kind of grew in the role and the contacts kind of shifted over to more of the White House side.

Q. And, in total, how many communications would you say you had with The Trump Organization in 2017, a rough estimate?

Is it fair to say it was dozens of communications?

A. Dozens.

Q. Now, one of the things you just mentioned was Mr. Trump's contacts; right?

A. Yes.

Q. And did you get guidance from Ms. Graff on contacts that were important to Mr. Trump?

A. Yes.

MS. MANGOLD: Can we show the jury what is in evidence as People's Exhibit 68. And can we blow up the top portion of the page. All of the portions.

(Displayed.)

Q. Ms. Westerhout, do you recognize this?

A. Yes.

Q. What is this?

A. It's an email exchange between Rhona and myself.

Q. And looking at the bottom-most email on the chain, who is that from?

A. From me to Rhona.

Q. What is date of that email?

A. Tuesday, January 20, 2017.

Q. And are there certain redactions in this email?

A. Yes.

Q. Have you reviewed the unredacted version of this email?

A. Yes.

Q. And is that an email sent from your White House email address?

A. Yes.

(Whereupon, Theresa Magniccari, Senior Court Reporter was relieved by Laurie Eisenberg as Senior Court Reporter.)

Q And is that sent to Rhona Graff's Trump Organization address?

A Yes.

Q And what's the subject of this email?

A "Contacts."

Q Can you please read the content of that email to the jury?

A Yes.

"Could you have the girls put together a list for me of people that he frequently spoke to? I don't want to have to bug you all the time, even though I will still call often." Smiley face.

Q When you said, "Could you have the girls put together a list for me," who were "the girls"?

A There were a couple of other assistants that worked under -- in The Trump Organization.

Q When you said "a list of people that he frequently spoke to", who does he refer to there?

A President Trump.

Q And why did you -- can you explain to the jury, kind of, why you sent this email?

A Yeah.

So, when I got to the White House, I, naively, assumed that the operators kind of had everybody's phone number, and that is not the case. They didn't have, really, any phone numbers.

And so, the President would often ask, you know, call John Smith, call so and so, and I didn't have their phone numbers.

So, I would call Rhona all the time, asking for phone numbers for people, and that's something -- I guess, four days in, I just asked her to put together a list for me that she thought would be helpful of people that he either spoke to often or might want to speak to.

Q If you look at the top email on the chain, how did Ms. Graff respond?

A She said: "I'm working on it. Hope to have it to you in a little while."

MS. MANGOLD: Can you now pull up what's in evidence as People's 69?

(Whereupon, an exhibit is shown on the screens.)

MS. MANGOLD: Focus on the top portion of the page.

Q Do you recognize this?

A Yes.

Q What is this?

A An email exchange between myself and Rhona.

Q Who is it from?

A Rhona.

Q Who is it to?

A Me.

Q What is the subject?

A "Contacts."
Q What is the body of the email?
A "How is this for a start? R."
Q Is this a copy of the email we just looked at?
A Yes.
Q Can you explain that to the jury?
A Sorry?
Q Withdrawn.
Is Ms. Graff sending you the contacts that you had previously requested in the email we just looked at?
A Yes.
Q Is there an attachment to this email?
A Yes.
It says, "DJT limited contacts WH."
Q What does "WH" stand for there?
A White House.
Q Do you know what file type that attachment is, based on what's listed there?
A Yes. That's an Excel document.
Q Before testifying today, did you have an opportunity to review the Excel file that was attached to the email?
A Yes.
Q Did you also take a look at a file that's been marked for identification as People's Exhibit 69-B?
A Yes.

MS. MANGOLD: Can you pull up People's Exhibit 69-B for just the witness, the parties and the Court?

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q Do you recognize People's Exhibit 69-B?

A Yes.

Q What is this?

A This is a contact list.

Q Is this the PDF version of the Excel file that was attached to that email?

A Yes.

Q Has it been redacted?

A Yes.

Q Other than the redactions, is this an exact copy of that native Excel file?

A Yes.

MS. MANGOLD: The People offer Exhibit 69-B into evidence.

MS. NECHELES: No objection.

THE COURT: Accepted into evidence.

(Whereupon, People's Exhibit 69-B is received in evidence and is shown on the screens.)

Q Can you describe this, kind of at a high level, for the jury?

A Yes.

This is a contact list of the President's friends, family, and people that he might want to speak to.

Q How did Ms. Graff determine who to put on this list? What types of contacts were put in?

A It's my understanding that she put together a list of people that he either spoke to often or might want to speak to.

MS. MANGOLD: Can we look at Page 2 of the PDF, please?

(Whereupon, an exhibit is shown on the screens.)

MS. MANGOLD: Focusing in on the top portion of the page.

(Whereupon, an exhibit is shown on the screens.)

MS. MANGOLD: Sorry.

Pull up the entire portion of the page with words.

(Whereupon, an exhibit is shown on the screens.)

Q Do you see who's listed in rows 49, 50 and 51?

A Yes.

Q Who is that?

A Maryanne, Robert and Tiffany. The President's sister, brother and daughter.

Q So, that's the President's family?

A Yes.

Q Looking at row 53, who is listed in row 53?

A Allen Weisselberg.

Q Who is Allen Weisselberg?

A The EVP and CFO of The Trump Organization.

Q And he was on that close contacts list that Ms. Graff prepared?

A Yes.

Q Looking at the top of that page, who is listed in 41?

A David Pecker.

Q Do you know who David Pecker is?

A Yes.

Q Who is David Pecker, if you remember?

A He's -- at the time, I knew him to just be a tabloid person.

MS. MANGOLD: Can we turn to the first page of the PDF and pull up the top half of the page?

(Whereupon, an exhibit is shown on the screens.)

Q Who is listed in row 13?

A Michael Cohen.

Q And is that the same Michael Cohen you saw in Trump Tower during the presidential transition period?

A Yes.

Q Once you received this list, do you recall what you did with it?

A I believe I entered all of these contacts into my contacts.

Q And if a name appeared on this list, were you more likely to patch that call through to Mr. Trump?

A Um, yes. But I tried to -- yes.

MS. MANGOLD: All right.

We can take that down.

Q Now, I know we just saw the contact information for Mr. Cohen.

Was it your understanding that Mr. Trump and Mr. Cohen had a close relationship in 2017?

A At that time, yes.

Q Did Mr. Cohen ever visit the White House in 2017?

A I believe he did, yes.

MS. MANGOLD: Can we show the witness, the parties, and the Court what's been marked for identification as People's Exhibit 391?

(Whereupon, an exhibit is shown on the witness' and the parties' screens.)

Q Ms. Westerhout, do you see that on your screen?

A Yes.

Q Do you recognize it?

A Yes.

Q What is that?

A It's an email from me to Michael Cohen.

Q Is it a true and correct copy of the email that you sent to Michael Cohen?

A Yes.

MS. MANGOLD: People now offer People's Exhibit 391 into evidence.

MS. NECHELES: No objection.

THE COURT: Accepted into evidence.

(Whereupon, People's Exhibit 391 is received in evidence.)

MS. MANGOLD: Can we publish that for the jury?

(Whereupon, the exhibit is shown on the screens.)

Q What date was this email sent?

A February 5, 2017.

Q And this email is from you?

A Yes.

Q Is it sent to Michael Cohen at a trumporg email address?

A Yes.

Q Are there redactions on this page?

A Yes.

Q Did you have an opportunity to review the unredacted portion?

A Yes.

Q What is the subject line of this email?

A "Wednesday meeting."

Q Can you please read the content of the email to the jury?

A Yes.

"Michael. We're confirmed for 4:30 on Wednesday. What I need from you is the following: Full name as it appears on your ID. Date of birth. Social Security number. U.S. citizen, yes or no. Born in U.S., yes or no. Current city and state of residence. Thanks, Madeleine."

Q Do you recall why you were sending this email?

A Mr. Cohen was coming in to meet with the President.

Q Do you recall seeing him when he came to visit?

A Not specifically.

Q Did this visit, ultimately, occur?

A Yes.

MS. MANGOLD: We can take that down.

Q Do you remember David Pecker's name coming up in 2017?

A I have recently been refreshed. My memory has been refreshed, yes.

Q What do you -- after refreshing your recollection, what do you recall?

A I recall an exchange between myself and Hope, a text that I sent her, asking if she had called David.

Q By "Hope", you mean Hope Hicks?

A Yes.

Q And "David" is David Pecker?

A Yes.

Q Do you recall if you ever spoke to Mr. Pecker on the

phone in 2017?

A I don't remember.

Q And do you remember if you saw him at the White House?

A I don't remember.

The President met with a lot of people.

MS. MANGOLD: Can we please pull up what's in evidence as People's Exhibit 319?

(Whereupon, an exhibit is shown on the screens.)

Q Do you recognize this?

A Yes.

Q What is this?

A This is a text exchange between myself and Hope Hicks.

Q And whose texts are white?

A Mine.

Q And whose texts are in blue?

A Hope's.

Q Do you remember -- well, directing you now to the bottom text, does it say it was sent on March 20th?

A Yes.

Q Does it say what year it was sent?

A No.

Q Do you recall what year this was sent?

A No.

Q Can you read that text to the jury?

A "Hey -- the President wants to know if you called

David Pecker again?"

Q Do you remember the events surrounding this text?

A No.

Q Was this unusual, for you to send something like this to Ms. Hicks?

A No.

Q And is this the document you were just speaking about that refreshed your recollection that there was -- that you remembered Mr. Pecker's name coming up while you worked at the White House?

A Yes.

MS. MANGOLD: Can we show the jury what's in evidence as People's Exhibit 70?

(Whereupon, an exhibit is shown on the screens.)

Q Now, you said that Mr. Weisselberg was the CFO of The Trump Organization; right?

A Yes.

Q Do you remember his name coming up in 2017?

A Um, not -- well, yes. I mean, he had worked for the President for a very long time. Um. So, yes.

Q And looking at the document on the screen in front of you, do you recognize this?

A Yes.

Q What is this?

A An email from me to Rhona Graff.

Q And when was it sent?
A January 27, 2017.
Q What's the subject?
A "NYT" -- I'm sorry. "Photo."
Q Can you read the content of the email to the jury?
A Yes.
"Can you please send this to Allen Weisselberg from the President? He sent to his family and wanted to" -- sorry. "He sent to his family and wanted Allen to see it as well. First time boarding Air Force One."
Q Is it common for Mr. Trump to send newspaper clips to his family and Mr. Weisselberg?
A Yes.
Q Was it your understanding Mr. Trump and Mr. Weisselberg had a close relationship in 2017?
A I'm not sure I can speak to the specifics of their relationship, but I believe Allen had worked for him for a long time, so I understood them to be close.
Q Did you pass messages back and forth between Mr. Weisselberg and Mr. Trump during 2017?
A I don't recall specific messages other than this one, but it wouldn't surprise me.
Q This doesn't strike you as unusual?
MS. NECHELES: Objection.
THE COURT: Overruled.

A I'm sorry.
Say that again.
Q This doesn't strike you as unusual?
A No.
MS. MANGOLD: Can we turn now to the attachment to the second page of the PDF?
(Whereupon, an exhibit is shown on the screens.)
Q What is this?
A This is the cover of The New York Times, and it's the President boarding Air Force One for the first time.
Q This is the newspaper clip that Mr. Trump asked you to send to both his family and Mr. Weisselberg?
A Yes.
MS. MANGOLD: You can take that down.
Q Now, what, if anything, is your understanding of how Mr. Trump's personal expenses were handled in 2017?
A It's my understanding they were handled by checks.
Q And how did you learn that they were handled by checks?
A Checks came to the White House -- I'm sorry. Checks were sent from The Trump Organization to an employee at the White House, and I brought them in for the President to sign.
Q Do you know what employee the checks were sent to?
A They were originally sent to Keith Schiller, and then, later, they were sent to me.

Q And what did you do when you received the checks?

A The checks came in a FedEx envelope. Um, so I opened the envelope. And inside was a manila folder with a stack of checks. And I brought the manila folder in to the President for him to sign.

Q And was there anything else besides checks that were contained in the manila folder?

A Um, I didn't really dig around in the folder, but, um, I believe there were invoices attached to some of the checks sometimes.

Q And the checks that you received from Mr. Schiller, you received unsigned checks; is that right?

A Yes.

Q You said you brought the checks in to Mr. Trump for his signature?

A Yes.

Q How frequently did you receive a package of checks for Mr. Trump to sign?

A I don't recall how frequently, but it was, um, consistent. Maybe twice a month?

Q And how many checks, approximately, came in a packet?

A It depended. Sometimes there was -- sometimes there was one. Sometimes there was a stack, maybe half-an-inch thick. I never counted them.

Q Was it ever more than half-an-inch thick or was it

typically smaller?

A I don't remember.

Q Now, did you ever see Mr. Trump sign checks in his office?

A Sometimes, yes.

Q Did Mr. Trump individually sign each check by hand?

A To my knowledge, the ones that I saw him sign.

I can't speak to the ones that I didn't see him sign.

Q And what happened after Mr. Trump signed the checks?

A He would give the folder back to me, and I would put it in a pre-labeled FedEx envelope and send it back to The Trump Organization.

Q Did the pre-labeled return envelope come with the original FedEx with the checks?

A Yes.

Q And you were the one that sent that back to The Trump Organization?

A Yes.

Q Do you recall if there was ever a time where Mr. Trump didn't send back every single check in a packet?

A Um, no, I don't recall a specific time.

Q Do you remember if Mr. Trump ever had questions on -- about the checks?

A Um, I think I remember, maybe, a couple times him having a question about a check and then calling Allen -- Allen

Weisselberg or somebody else in the Trump Organization to ask for clarification.

Q All right.

MS. MANGOLD: Can you please show the jury what is in evidence as People's Exhibit 73?

(Whereupon, an exhibit is shown on the screens.)

MS. MANGOLD: Could you blow up the top portion of that document?

(Whereupon, an exhibit is shown on the screens.)

Q Do you recognize this, Ms. Westerhout?

A Yes.

Q What is this?

A An email from Rhona to me.

Q What's the date?

A April 6, 2017.

Q Can you read the content of the email to the jury?

A "M: Here is the FedEx label you requested. Hope it works." Winking face.

Q Can we turn -- is there an attachment to this email?

A Yes.

MS. MANGOLD: Can you please flip to Page 2 of the PDF?

(Whereupon, an exhibit is shown on the screens.)

Q Focus on -- yep, that portion of the page.

Do you recognize this?

A Yes. It's a FedEx label.
Q Who is the FedEx label to?
A Rebecca Manochio
Q What is the address --
A The Trump --
Q Sorry.
-- provided for Ms. Manochio?
A I'm sorry?
Q What is the address provided for Ms. Manochio?
A The Trump Organization, 725 Fifth Avenue, 26th floor, New York, New York.
Q Do you see who the -- I don't know how to describe this.
The return recipient is in the top-left corner.
A Yes.
Keith Schiller.
Q Mr. Schiller was the one who received the checks that you, ultimately, brought in to Mr. Trump to sign?
A At this time, yes.
Q Can you describe for the jury the contexts around this email?
A Um, I probably had misplaced the return package with the pre-paid label, and so I was just requesting a new one.
Q And this is in connection with checks for Mr. Trump to sign or checks that he had signed?

A Probably.

Q Did you ever request FedEx labels from The Trump Organization for any other reason?

A Not to my recollection.

MS. MANGOLD: All right.

Can we please show Ms. Westerhout and the jury what is in evidence as People's Exhibit 76?

(Whereupon, an exhibit is shown on the screens.)

Q Do you recognize this?

A Yes. It's an email from me to Rhona Graff.

Q What's the date?

A July 18, 2017.

Q What's the subject?

A "Checks."

Q And can you read the content to the jury?

A "R. Can you have someone send me a FedEx label to send back the checks the President just signed?"

Q Is this a reference to the personal checks that we were just talking about?

A Probably.

MS. MANGOLD: And can we take that down?

Q Did Trump Organization employees ever have other questions for Mr. Trump about his personal expenses, unrelated to the checks?

A I -- I don't know the answer to that.

Q There were no one-off questions about Mr. Trump's personal expenses that came through you?

A Oh. Yes.

MS. MANGOLD: Can we show the jury what's in evidence as People's 71, please?

(Whereupon, an exhibit is shown on the screens.)

MS. MANGOLD: Can we blow up the top of the email?

Q Do you recognize this?

A Yes. It's an email from me to Rhona Graff.

Q What's the date?

A February 21, 2017.

Q What's the subject?

A "Winged Foot Golf Club."

Q Do you know what the Winged Foot Golf Club is?

A I believe it's a golf club.

Q Can you read the content of the email to the jury?

A "Rhona. Can you help me with this? See attached. Thanks. Let me know if I should call them directly."

MS. MANGOLD: Can you flip to the second page of the PDF?

(Whereupon, an exhibit is shown on the screens.)

Q Do you recognize this?

A Yes.

Q What is this?

A This is an invoice.
Q What is it an invoice for?
A For the President's annual dues to the Winged Foot Golf Club.
Q Do you see handwriting on the document?
A Yes.
Q Is there two sets of handwriting?
A Yes.
MS. MANGOLD: Can we please blow up the bottom half of the page?
(Whereupon, an exhibit is shown on the screens.)
Q Do you recognize both sets of handwriting on the page?
A Yes.
Q And is the amount of the invoice also shown here?
A Yes.
Q What is the total amount of the invoice?
A $6,974.01.
Q Looking now at the handwriting towards the top, do you know whose handwriting that is?
A I believe that's Rhona Graff's.
Q Can you read what's written in Ms. Graff's writing?
A "Dear President, If Winged Foot will allow me to suspend your membership for four or eight years, do you want me to look into it, or do you want to continue paying annual dues and the food minimum?" I believe that's just "RG".

Q Do you see handwriting below that?
A Yes.
Q Whose is that?
A That's the President.
Q Do you know what type of pen was used for the President's handwriting?
A It looks to be a Sharpie.
Q What's written below the note in Mr. Trump's handwriting?
A "Hey."
Q Is there something else written in the President's handwriting?
A Yes.
"ASAP. Okay."
Q Is there another marking next to "Okay"?
A Yes. The shortened signature.
Q What is your recollection or understanding of what was happening in this email exchange?
A Um, this one -- obviously, he wouldn't really be able to use a membership of this golf club while he was in office, so I believe Rhona was asking if she wanted him to suspend his membership or pay the annual dues.
Q Were you able to pass that question along to Mr. Trump for his evaluation or decision?
A Um, this was included in the stack of checks. So, by

-- yes. I passed it along in the sense that I gave him this note.

Q And was it your understanding that Mr. Trump individually approved the amount of this invoice?

A Yes.

MS. MANGOLD: Can we now show the jury what is in evidence as People's Exhibit 75?

(Whereupon, an exhibit is shown on the screens.)

Q Do you recognize this?

A Yes. It's an email exchange between Rhona and myself.

Q Can we focus on the bottom half of this page, please?

(Whereupon, an exhibit is shown on the screens.)

Q Looking now at the email at the bottom of this email on the chain, who is that from and to?

A From me, to Rhona.

Q Was it dated, the email?

A June 20, 2017.

Q What's the subject line?

A "Photo."

Q Can you read the content to the jury?

A "This is what I have."

Q Do you remember what this email pertained to?

A Yes. I believe this was in relation to a photograph that Mr. Trump -- that President Trump wanted to put in a frame to put behind his desk in the Oval Office.

So, behind the Resolute Desk, there was a little credenza; and as time went on, he put pictures of his family behind him.

Q Can you read Ms. Graff's response to you about that in the email chain?

A "Wow. I never saw this one. And in color too. It's not one of the photos I gave to Lara Trump. I'm trying to find out what happened to those. In answer to your question, however, I don't have any empty Tiffany frames. I could go to Tiffany's next door and get one with the account we have with them."

Q Can you read your response?

A "If you don't mind doing that, that would be wonderful. He did mention a Tiffany frame."

Q Can you read Ms. Graff's response?

A It says: "Please note that the frames are on the pricey side. About $650 minus 15 percent discount. Does DJT want to spend that much?"

Q What do you understand "the frames" were "on the pricey side" to mean?

A That they were more expensive.

Q When it says, "Does DJT want to spend that much?", who does "DJT" refer to?

A President Trump.

Q In your experience, is this the type of thing Mr. Trump would want to weigh in on?

A I don't recall any other instances of this.

I know this one was important and special because it was a photo of what I remember to be his mother, so he wanted a nice frame for that.

Q Was it unusual for Mr. Trump to weigh in on expenses of this amount?

A I don't recall any other instances like this.

Q Do you remember if you passed this question on to Mr. Trump?

A I don't.

We may have made the executive decision without his approval.

THE WITNESS: Sorry, sir.

Q Was it your understanding that this is the type of thing Ms. Graff would want Mr. Trump to look at?

A I really -- I don't know. I think she may have -- I don't know. I'm sorry.

Q Focusing on early 2018, do you remember a story coming out about Mr. Trump and a woman named Stormy Daniels?

A Yes.

Q Do you remember Mr. Trump's reaction to that story?

A I remember he was very upset by it.

Q Do you recall if Mr. Trump spoke to Michael Cohen around the time the story came out?

A Um, I believe they spoke around that time, yes.

Q In your position as Mr. Trump's Executive Assistant,

did you interact with Mrs. Trump?

A I did, yes.

Q Were you familiar with their relationship?

A Yes.

Q How would you describe their relationship?

A I -- I believe they have a relationship of mutual respect. Um, I -- I just found their relationship really, um, special.

I know he cares a lot about her opinion. There was really no one else that could kind of put him in his place, too.

So, he was my boss, but she was definitely the one in charge.

But, I -- I just remember thinking that their relationship was really special.

They laughed a lot when she came in to the Oval Office. Um. And he would, you know, once in a while tell me to call her and let her know that he was running late. Just like any other marriage. Like, "Honey, I'm going to be late for dinner."

She would call me sometimes and say, "It's past dinnertime. When is my husband coming home?"

So, I just really respected their relationship.

Q Did anything about their relationship change after the Stormy Daniels story came out?

A Not that I saw, no.

Q At some point, did you leave the White House job?

A I did.

Q Can you, very briefly, describe the circumstances surrounding your departure?

A Yes.

In August of 2019, I was invited by a White House colleague of mine to what I understood to be an off-the-record dinner. And at that dinner I said some things that I should not have said.

That mistake, eventually -- ultimately, cost me my job.

And I am very regretful of my youthful indiscretion.

But I feel like I've learned a lot from that experience. I think I've grown a lot since then. (Crying). Sorry.

(The Court gives the witness tissues.)

(Witness crying.)

Q Do you need a minute?

A No.

I'm okay.

Q Did you end up writing a book about your experience?

A I did, yes.

MS. MANGOLD: Can we please show the witness, the parties, and the Court, People's Exhibit 392 for identification?

(Whereupon, the exhibit is shown on the witness' and the parties' screens.)

Q Do you recognize this?

A Yes.
That's the cover of my book.
Q Is it an exact copy of the cover?
A Yes.
MS. MANGOLD: The People now offer Exhibit 392 in evidence.
THE COURT: Any objection?
MS. NECHELES: No objection.
THE COURT: 392 accepted into evidence.
(Whereupon, People's Exhibit 392 is received in evidence and is shown on the screens.)
Q What is the full title of your book?
A It is called Off the Record; My Dream Job at the White House; How I Lost It and What I Learned.
Q Why did you write the book?
A Um, I wrote the book because I -- I needed time to process what I had just been through.
But, I also wanted to document for myself and my family the incredible experience that I had had working in the White House.
Um, I also felt it was really important to share with the American people the man that I got to know. (Crying).
Um, I thought it was really important to share with the American people the man that I got to know.
I don't think he's treated fairly, and I wanted to tell

that story. (Crying).

Q Have you spoken to Mr. Trump since the publication of your book?

A Since the publication, yes.

Q Can you briefly describe that for the jury?

A Um, I -- he was at a fundraiser in Orange County, where I lived, last Fall. And I hadn't seen him since I left the White House. And so I called one of his aides. (Crying).

Q Did you discuss this case at that time?

A No, I did not.

I called one of his aides and asked if I could come to the fundraiser to say hello, and they said yes.

So, I got to see him then. (Crying).

Q Have you spoken to him since that time?

A No.

MS. MANGOLD: No further questions.

THE COURT: Your witness.

MS. NECHELES: Do you want to take a short break?

THE COURT: No.

We stop at 4 o'clock today.

(Whereupon, the witness continues crying.)

CROSS-EXAMINATION

BY MS. NECHELES:

Q Ms. Westerhout, you were very young when you were working at the White House; right?

A Yes.
Q You made a mistake; right?
A Yes.
Q President Trump forgave you; right?
A He did.
Q Your book, in fact, was very flattering about him; right?
A Yeah.
I didn't have anything negative to say, so why would I write it?
Q You thought he was a great person to work for?
A I did, yes. And he was.
Q And you thought he was a good President?
A Yes. (Crying).
Q Are you ready to go on?
A Yes.
Q So, during the 2016 election, before President Trump actually won the Republican nomination, you were working for the RNC?
A Yes.
Q In fact, he was not your choice?
A No.
Q He only became your choice once you got to know him; right?
A Yes. That's right.

Q So, once he won the election, you started working to help the transition; right?

A Yes.

Q And you still didn't know him; right?

A Uh-uh, no.

Q But, before the transition, there was the Access Hollywood tape that you were asked about on direct examination; right?

A Yes.

Q And you testified on cross that it rattled the RNC leadership; correct?

A That was my -- that's my recollection, yes.

Q There were a couple of days of consternation; right?

A Yes.

Q That happened all the time during the campaign; right?

A Yeah.

Q There's always some event that causes total consternation for a couple of days; right?

A Yes.

Q And when President Trump was running for election, there was always some event that everybody said, (claps twice), "That's it, he's not gonna win;" right?

A Yes.

Q And everybody around would be freaking out; right?

A Yeah.

Q But not President Trump; right?
A No.
Q He did not freak out about any of this; right?
A Not that I was aware of.
Q He just kept his mind straightforward and kept running for the election; right?
MS. MANGOLD: Objection.
THE COURT: Overruled.
You can answer.
A Can you repeat that?
Q He kept working and running to win the Presidency; right?
A Yes.
Q After the Access Hollywood tape came out, some of the people freaked out, right, in the RNC?
A Yes.
Q And President Trump did not freak out; right?
A No.
Q He gave a video statement; am I correct?
A Not that I remember, but I trust you.
Q Okay.
Do you recall him giving a public statement, saying he had -- that this was locker room talk and apologizing for that locker room talk?
A Yes, I do.

Q And he said, "And I look forward to seeing everybody at the debate"?

A Yeah.

Q And the Access Hollywood tape uproar blew over in a couple of days; right?

A Yeah.

Q And after that, President Trump won the election?

A He did.

Q Now, the transition was an extremely busy time for President Trump; right?

A Yes.

Q He had to fill hundreds of positions; right?

A Yes.

Q Those were in his cabinet; correct?

A Yes.

Q And other high-level positions; right?

A Yes.

Q And he had to figure out what those positions were; right?

A Yes.

Q And he had to find candidates to fill those positions; right?

A Yes.

Q And then he had to interview all those people; right?

A Yes.

Q And part of your job was to help find those people and pre-vet them; right?

A Um, yeah -- yes. At least schedule the interviews.

I don't know if I was involved in finding them or vetting them.

But, scheduling their interviews, yes.

Q Were you involved in helping create briefing papers?

A Yes. I believe -- I think I did a lot of them. Yes.

Q And those were multiple-page documents, lengthy documents that would be given to President Trump or President-Elect at that point?

A Yes.

Q So he could read them and be ready to interview these people; right?

A Uh-huh. Yes.

Q You were scheduling as much as three interviews a day for President Trump with these high-level people; right?

A Yes.

Q Those would be lengthy interviews; correct?

A Yes.

Q The prosecutor just asked you on direct examination whether the press called you "the greeter girl"; right?

A Yeah.

Q And they did that because you would go downstairs in Trump Tower and escort people up; right?

A Yes.

Trump Tower was in the middle of Midtown Manhattan. It's protected by Secret Service. And these people were coming in for the most important interviews of their lives.

So, I took it upon myself to greet them downstairs so they wouldn't get lost.

Q Them calling you "the greeter girl" was a little bit belittling your work; right?

A Yeah.

I tried to not let it get to me. But -- I think people said I was unqualified.

Q Because you were doing work that was a lot more important than just greeting people; right?

A Yes.

Q But, that's how the press treated you at that time; right?

A Yes.

Q And that's what the prosecutor just asked you about; right?

A (No response).

Q On direct, she asked you if you were called "the greeter girl"?

A Yes.

Q This is a very busy and hectic time; right?

A Yes.

Q President Trump was also transitioning his companies at that point into a Trust; right?
A Not to my knowledge. But --
Q So, you were not involved in his business?
A No.
Q What was going on in his business?
A No.
Q You were involved in just the political side; right?
A Yes.
Q But, you are aware he was also running a substantial business until he became elected President; right?
A Yes.
Q And you knew he had to put that all to the side and just move to become President; right?
A Yes.
Q And he only had a month-and-a-half to do that?
A Yeah. November, December -- yeah. Two-and-a-half months.
Q Two-and-a-half months to do all of that; right?
A Uh-huh.
Q And you were asked on direct examination --
MS. NECHELES: One minute, Judge.
Q After the transition, you moved to the White House; correct?
A Yes.

Q And that was the first time you were really working closely with President Trump; right?

A Yes.

Q What was that like?

A Um, it was amazing. Um, I think -- I, um, yeah. I really had not spent any time with him.

But, I don't know if anybody should feel like they deserve to be in the West Wing, but he made me -- he never once made me feel like I didn't deserve that job and I didn't belong there. Especially in an office filled with older men. Um, he never made me feel like I didn't -- I didn't belong there.

Um, he was a really good boss.

He -- I hope he respected me in my job and -- yeah.

I just found him very enjoyable to work for.

Q And you were asked some questions on direct examination about the way that President Trump interacted with his family.

Do you recall those questions?

A Yes.

Q And he had a close relationship with his children; right?

A Very close, yes.

Q And he cared a great deal for them; right?

A Definitely.

Q And you also said he had a -- you observed him, that

he had a close and lovely relationship with his wife?

A Yes.

Q Isn't it true that you would also see them, sort of, personally communicating during the day in some way?

A Yes.

Um, sometimes I would look down on my phone, and if the red light was on, I knew that he was on the phone, but I hadn't placed the call. So, if he was sitting in the Oval Office, I would kind of look up and look into the Oval Office, and there were times when I could kind of figure out that he was on the phone with Mrs. Trump.

And he would say, you know, "Honey, come over to the window." And there was a window in the residence where you could see from the residence into the Oval Office. And he would say, "Come to the window," and they would kind of wave to each other (waves).

When he was, you know, boarding Marine One on the South Lawn, he would call Mrs. Trump and say, "Honey, I'm about to board," which I always found funny. Like, of course she knows his schedule. He just wanted to say hi and check in.

(Whereupon, Senior Court Reporter Lisa Kramsky relieves Senior Court Reporter Laurie Eisenberg, and the transcript continues on the next page.)

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(The following proceedings are continued from the following page.)

CONTINUED CROSS-EXAMINATION

BY MS. NECHELES:

Q You were asked if the first year of the Presidency was a transition year; right?

A Yes.

Q And you said it was particularly hectic; right?

A Yes.

Q And some days President Trump would work from 6:00 a.m. in the morning?

A Yes, uh-huh.

Q And sometimes he wouldn't go home until very late at night?

A That's right.

Q And all day he would be taking calls; right?

A Oh, yes, uh-huh.

Q And meeting with people?

A Yes.

Q And you said he was reading documents and reviewing them?

A Yes, uh-huh.

Q And he was also signing a tremendous amount of documents; right?

A Yes, uh-huh.

Q And there was a lot of things that he was doing that you didn't really know the details of; right?

A Yes, absolutely.

Q And you were asked by the Prosecutor if you were -- if you coordinated with The Trump Organization during that first year by asking questions of The Trump Organization employees; right?

A Yes.

Q The person that you coordinated with most was Rhona Graff; right?

A Yes.

Q And this did not have to do with The Trump Organization business; did it?

A No.

Q It had to do with his personal affairs; right?

A Yes, uh-huh.

Q For example, you needed his contact list; right?

A Yes, uh-huh.

Q You didn't know who he would want to get calls from; right?

A That's right.

Q And you didn't know the phone numbers of people; right?

A No.

Q And you needed his calendar from before; right?

A I don't think I needed his calendar. But, yeah, yeah, a lot of things that you would think, like, as a new Executive Assistant you would get.

But there was no transition into the White House so Rhona was very helpful.

Q So that first year you spent a lot of time talking with Rhona Graff; right?

A Yes.

Q But you did not spend time talking with The Trump Organization employees to coordinate business of The Trump Organization; right?

A No, uh-uh.

Q It was just personal aspects for President Trump; right?

A That's correct.

MS. NECHELES: Is this a good time to break, your Honor?

THE COURT: Yes.

Is this a good time.

MS. NECHELES: Yes.

THE COURT: All right.

Jurors, we will stop at this time.

I will remind you to please not talk either among yourselves or with anyone else about anything related to the

case.

Please continue to keep an open mind.

Do not form or express an opinion about the defendant's guilt or innocence until all of the evidence is in, and I have given you my final instructions on the law, and I have directed you to begin your deliberations.

Do not request, accept, agree to accept, or discuss with any person the receipt or acceptance of any payment or benefit in returning for supplying any information concerning the trial.

Report directly to me any incident within your knowledge involving an attempt by any person improperly to influence you or any members of the jury.

Do not visit or view the premises or place where the charged crime was allegedly committed or any other premises or place involved in the case.

And do not use any program, or electronic device to search for and view any of the locations discussed in the testimony.

Do not read, view or listen to any accounts or discussions of the case.

That includes the reading or the listening to the reading of any transcripts of the trial, or the reading of posts on any Court sites.

Do not attempt to research any fact, issue or law

related to the case.

Please do not communicate with anyone about the case by any means, including by telephone, text messages, email or the internet.

And please do not Google or otherwise search for any information about the case, or the law which applies to the case, or the people involved in the case.

I will see you tomorrow at 9:30.

Have a good night.

THE COURT OFFICER: All rise.

(Jury exits.)

****

THE COURT: Please be seated.

Thank you.

You may be seated.

Thank you. You can step down.

Thank you.

(Witness excused,.

****

THE COURT: All right. Let's take ten minutes and then we will pick it up with Mr. Blanche.

MR. BLANCHE: Yes, your Honor.

(Recess taken.)

THE COURT: Mr. Blanche, I understand that there are three different issues that you want to take up?

MR. BLANCHE: Well, yes, your Honor. Although the good news is that there is now only two.

THE COURT: All right.

MR. BLANCHE: My understanding is that -- well, the People informed me that they no longer intend to call Ms. McDougal.

So that will -- we no longer need to discuss that.

THE COURT: Okay. Good.

MR. BLANCHE: The other two issues -- the first is with respect to the Gag Order as it relates to Ms. Daniels.

We ask that President Trump be allowed to respond publicly to what happened in court the past day and a half.

And this will tie into the motion that I'm about to make for a mistrial.

But the press reporting over the past 24 hours about -- about what -- about the current version of the story that we believe is completely false, and that President Trump has said is completely false since the first time it has been mentioned, is completely different in kind than the denials and the story that has come forward as far back as 2011, as 20 -- 2018.

And it is significant because, for example, on the news last night, there was -- and this is just one example, and there are many -- one of the supposed participants in

that evening, the friend of Ms. Daniels who supposedly was returned -- she got a phone call from the room that there was testimony about.

THE COURT: Yes.

MR. BLANCHE: She was on television last night talking about what happened and also corroborating what Ms. Daniels said.

This was on a political show with political commentators then commenting about the seriousness of, again, this new, false allegation; right.

So it's not -- this isn't President Trump, again, being able to say this never happened; this isn't true.

It's now him having to not be able to respond to this new version of events that now deals very deeply with a very different issue than a sexual event that took place in 2006.

And so, you know, as we said repeatedly -- and I'm not going to dwell on it -- but, you know, this is about -- he needs an opportunity to respond to the American people.

And the reasons for the Gag Order as they relate to Ms. Daniels are over. She's no longer a witness.

And as it relates to other witnesses in the case, your Honor, we are towards the end of the case, I can be corrected by the People, but I believe that the only significant witness left -- that's the wrong word -- the

only witness that is really the subject of the Gag Order is Mr. Cohen.

And so, as far as the Court's concern about this proceeding, it should give way to the testimony of the past couple of days.

I mean, he's going to be asked repeatedly over the next week or two about these new accusations of consent and of what happened that night.

And as the Gag Order stands now, he's not allowed to say, "I did not do that."

So there are voters out there and there are questioners who will ask him questions about it, and he can't say anything.

His -- the other side can say things. And they already have.

There are numerous news articles about it. Many articles, your Honor, today, just based on yesterday.

(Indicating.)

I haven't checked the news today.

But there is no doubt that there will be a feature of political shows tonight and articles. And it cannot be that he cannot respond to that, your Honor, now that she's off the stand, especially because this isn't just the same story that has been going around for the past several years. It's much different.

And so we would ask that he be removed from the Gag Order as it relates to Ms. Daniels and that he be able to respond.

THE COURT: All right. Let me hear from the People.

MR. CONROY: Thank you, Judge.

And it seems as though the other side lives in almost an alternate reality.

First of all, there is not another side out there. There is a proceeding here that this Order is designed to protect.

And I think it has been somewhat effective thus far.

And I think we have to look back as to why it was issued in the first place, to put in context what's going on here.

This Order was issued to protect the witnesses, the citizens participating as jurors, all the people participating in this proceeding, and the very proceeding itself.

This is where facts are brought out.

This is where, if somebody wants to respond to something that's said in this room, that can happen in this room. It's not supposed to happen out there.

There are people out there saying things about

Ms. Daniels and other witnesses, clearly saying them with the defendant in mind.

I'm not in a position to say that it's at his direction or anything close to that.

But there are people making the defendant's case for him out in the world.

We have been told repeatedly by witnesses, even in the courtroom, even on the stand, we have seen the fear in some of these witnesses.

The witness who just testified, a couple of times broke in because there was an exhibit displayed on the screen that had her home address.

And you could see the fear in her eyes when that happened.

It was luckily not displayed to the public. And that's because of what this defendant is doing. It's what he has done in the past.

It's why this Order was issued. The Order was not issued lightly.

It was issued after we developed an extensive record relating to the attacks this defendant mounts indiscriminately for anyone that he deems worthy of his venom.

He does it selfishly, with no concern about the safety of the people he is attacking.

And, unfortunately, we have seen the results. Among the evidence the People submitted, in a room that formed the basis of the two Orders restricting extrajudicial statements, was evidence of the significant safety consequences of the defendant's public attacks.

We submitted an affidavit from the head of the DANY -- the DA's Office Executive Protective Detail about the explosion and threat cases lodged by the NYPD against the DA, his family, members of the Prosecution, their families.

Your Honor has seen firsthand, as I talked about the very real consequences for witnesses when they express fear in the courtroom.

I had a conversation with a witness last night, a custodial witness, somebody who is coming in to put in records, who is concerned about safety.

And that's not the only witness like that. They are not witnesses who have a huge stake in this, and they are worried about it.

The fact that witnesses are brave enough to come in here, under subpoena, tell the truth under oath, shouldn't expose them to this defendant's barrage of threats that will put them and potentially their families in danger.

Modifying this Gag Order now, in the middle of trial, would signal to future witnesses that they could be

at risk as well.

In affirming the D.C. Court's Gag Order in the D.C. criminal case, the D.C. Circuit relied on exactly this point.

That Court held, and I quote here: "Common sense and common human experience teach that hostile messages regarding evidentiary cooperation that publicly relate to high profile witnesses have a significant likelihood of deterring, chilling or altering the involvement of other witnesses in the case itself."

"The undertow generated by such statements does not stop with the named individual. It is also highly likely to influence other witnesses."

Here, we have other witnesses. We have a jury. This is a proceeding that's going on.

Some of these Orders have involved proceedings where we weren't even on trial yet. Here we are on trial.

This Order is not designed just to protect the witness until they are done on the stand and then they walk out the door and they have no protection.

And it's not just designed to protect the proceeding part of the way.

I also just wanted to point out, we saw a quote from this defendant an hour and a half ago that sort of addressed that exact point.

He said: "You attack people because other people see you doing it, and it sends a message."

That's his words on that screen today. And that's what he's doing here.

Modifying the Gag Order now to allow the defendant to attack Ms. Daniels -- and that's what he wants to do.

Let's not pretend he wants to engage in high-minded discourse, and to thereby put her at risk would seriously risk jeopardizing the integrity of these proceedings.

We understand -- well, I will leave it there. Thank you.

THE COURT: All right.

MR. BLANCHE: I mean, Judge, just briefly.

Everything that you just heard is different in kind from our request.

We are not talking about all kinds of threats that witnesses may be hearing from others besides President Trump, or a witness' concern for her safety testifying, or his safety testifying in this environment, which is understandable, having nothing to do with President Trump.

What we're saying is that in this case, on a narrowly-tailored Gag Order, the Court should constantly be making sure that its terms should remain in effect.

And you have Ms. Daniels, who came in here yesterday and today, and was allowed to talk about a

completely different version of events.

And, yes, we discredited her. And I am going to turn to that in minute.

THE COURT: When you are saying a completely different set of events, what specifically are you referring to?

MR. BLANCHE: Your Honor, there are several.

THE COURT: Look, just give me the main one.

MR. BLANCHE: I will give a handful.

So, for example, she testified at Transcript Page 2610 yesterday about the incident, where she said: "At first I was just startled. Like jump scared. I wasn't expecting someone to be there. He's, essentially, minus a lot of clothing. That's when I had this moment where I felt the room spin in slow motion. I felt the blood basically leaving my hands and my feet and almost like if you stand up too fast, and everything kind of spins. That happened too. Then I just thought, oh, my God, what did I misread to get here? Because the intention was pretty clear."

Now, what she had previously said and, again -- now I'm getting more to the mistrial motion. But, the only reason why her testimony was admissible, according to the Court's ruling prior to trial, was to President Trump's motive and intent, the coconspirator's motive and intent, and what they knew at the time.

So their motive and intent was based off of, among the articles and what she was saying publicly at the time, which is that: "Ugh, here we go. We started kissing. I hope he doesn't try to pay me."

Okay.

THE COURT: So I don't understand how that's a different alternate set of facts?

MR. BLANCHE: One is about consent and one is not, your Honor.

I mean, that's the issue, your Honor.

One is about --

THE COURT: Right. So there is some crossover between this and the motion for a mistrial.

I'm trying to keep it narrow. I'm trying to deal with just one issue at a time.

I know that there will be crossover.

So let me address this first issue, and then I will hear you on the second one.

MR. BLANCHE: Understood.

The other -- another example of something that we heard on the stand today, but is not part of what was previously said about this incident and what happened next, briefly, this is Transcript Page 2611 to 12: "I think I just -- I just think I blacked out. I was not drugged. I never insinuated that I was on drugs. I was not drunk. I

never said anything of that sort. I just don't remember."

And then, very shortly later, Transcript Page 2613 --

THE COURT: I'm going to stop you just in the interest of time.

You will be able to make your arguments for the motion for a mistrial.

I want to stick, again, just to this first issue. I don't see what you are referring to as a new set of facts, as a new theory of the case.

Please have a seat.

MR. BLANCHE: Yes, your Honor.

THE COURT: Look, in response to your request that I modify the Gag Order so that your client can respond to Ms. Daniels, it's interesting what Mr. Conroy said, because I actually wrote the same thing down when I was reading that portion of the book.

My concern is not just with protecting Ms. Daniels, or a witness who has already testified. My concern is with protecting the integrity of these proceedings as a whole. That means that everybody sees what happens. Witnesses who have not yet testified will see what happens. They will see how witnesses who have testified are going to be treated by your client.

So, the portion that I wrote down was where your client is attributed with saying "because other people will

see you doing it." And that's my concern.

Other witnesses, including not only Michael Cohen, but these other witnesses that Mr. Conroy referred to, will see your client doing whatever it is that he intends to do.

And I can't take your word for it that, no, no, this is going to be low key, this is not going to be an attack, this is just going to be a response to what was said, because that's just not the track record.

The reason why the Gag Order is in place, to begin with, is precisely because of the nature of these attacks. The vitriol, these were very real, very threatening attacks on potential witnesses.

So the track record, your client's track record speaks for itself.

I can't take your word for it that he will just say, hey, I dispute the facts.

Now, I continue to be concerned about the witnesses using the Gag Order as a sword instead of a shield.

And I will continue to be mindful of that.

And I will continue to keep an eye out for that, but that's not what I see happening here right now.

And that's not the argument that I see you making. So, with regard to your application for me to modify the Gag Order to allow your client to respond to Ms. Daniels, that

application is denied.

I will hear you on the motion for a mistrial.

MR. BLANCHE: Your Honor, we started this conversation yesterday.

I made a motion yesterday, and I am making another motion today.

We are also prepared, if it's helpful to the Court, as we go through this, to put something in writing over the weekend that further articulates why we believe that there is simply no way that this case should go forward given the testimony that happened, the past day with Ms. Daniels.

It's worth -- we mentioned it yesterday, but it's worth mentioning it, that in your Honor's decision of March 18th on Page 4, when you are explaining why Ms. Daniels testimony is admissible at this trial, you, the Court says: "Daniels not only completes the narrative of events that precipitated the falsification of business records, but is also probative of the defendant's intent."

"Further, the evidence and testimony surrounding these individuals is inextricably intertwined with the narrative of events and is necessary background for the jury.

We then, thereafter, your Honor, put in a motion for an adjournment based upon, in part, on Ms. Clifford's recent change of story.

And we alerted the Court and the Government that Ms. Daniels was now making additional claims, contradicting her previous claims that were made at the time that the NDA was entered into, claiming that the -- that this, you know, again, completely made-up encounter with President Trump may have been non-consensual.

And we got that from the documentary that was recently released and from a few pages of notes from December when the People met with Ms. Daniels and gave us the notes.

And then, as the Court knows, before the testimony started, we objected again.

And the Court allowed -- indicated it would allow testimony about it, but said that it was fine, but we don't need to know the details of the intercourse; and Ms. Hoffinger said that's correct.

And then, what proceeded to happen was a whole host of questions that went way beyond just mere fact that it happened.

And it included questions from the transcript at Page 2592 asking about the fact that Ms. Daniels had a difficult time growing up.

And, again, that was objected to, and it was sustained; but that's a question that should have never been asked.

And she then is questioned about President Trump spanking -- being asked to be spanked during the incident.

Again, how that's relevant to why we're here, when you -- especially when you weigh it and compare it to the prejudicial nature of that sort of testimony.

It almost defies belief that we're here about a records case and the Government is asking questions about an incident that happened in 2006, which we deny even happened, and a series of questions about rolling up a magazine and spanking him.

The Court then warned the Government at the break and said that the degree of detail that we're going into here is unnecessary, we don't need to know the details, what the suite looked like or anything like that, please move along more quickly.

And the Government said, Okay.

They did not do that, your Honor.

Instead, they -- there was extensive testimony -- and, again, this is extremely prejudicial testimony.

This is not a case about -- this is not a case about sex.

This isn't a case about whether that incident took place or didn't take place. Presumably, the NDA can be entered and was entered. We completely denied it.

Ms. Daniels said it happened, the NDA was entered.

Whether it happened or not has nothing to do with the charges in this case.

And it continued on. At Page 2609 of the transcript, there was a question asked about what the inside of the bathroom looked like; right.

And you will hear, your Honor, when I'm just highlighting some of the questions that were asked, this isn't a witness that was out of control. This was a question that was answered in response to the Government's question of what the bathroom looked like inside; and she answered the question.

A little bit later on, I already read it to the Court in response to the Gag Order, the question was: "What was your reaction to seeing him like that?"

Now, before the -- before the witness took the stand, there was direction given by the Court about limiting that.

There was additional direction by the Court after the break about moving expeditiously through this.

And there is an open-ended question about what your reaction was to seeing him like that.

There is a very long answer that, again, is completely different than the story that Mr. Cohen, that AMI knew about, Dylan Howard, Gina Rodriguez, the story that they had been told about in 2016, when they were presumably

negotiating and determining what -- whether to pay for this story. That's not the story that they were told.

So, it's not relevant, and it shouldn't have been asked.

And I already read that. I'm not going to reread it again.

And then, it didn't stop there. Page 2610 of the transcript onto Page 2611, there is a long question about what happened when she exited the bathroom.

And this is where, again, she said something not anywhere near the story that was told, supposedly, to Mr. Cohen.

She says: "I went to step around. I laughed nervously, tried to make a joke out of it and to step around to leave. Even though I was moving like I was in a funhouse, like slow motion. I thought to myself; great. I put myself in this bad situation. Like, what did I do? How did I misread everything? He stood up between me and the door. Not in a threatening manner. He didn't come at me. He didn't rush at me. He didn't put his hands on me or nothing like that. I said, I got to go. He said, I thought we were getting somewhere. We were talking. I thought you were serious about what you wanted, if you ever want to get out of that trailer park."

Now, again, that is a power description.

That is an extremely prejudicial statement by a witness that was never said to -- there is no evidence that that was said to AMI.

There was no evidence that that was said to Mr. Cohen. There was no evidence that that had anything to do with the motive of anybody involved in this case to enter into that NDA in 2016.

On the other hand, it's just extraordinarily prejudicial for a jury to hear.

Shortly thereafter, 2611 to '12, the question is: "What happened next, briefly?" Okay. There has already been testimony -- the Court was clear with the Government to not go into more than just the fact that it happened.

But, they didn't abide by the Court's rules.

"What happened next?"

And the witness says, "I think I blacked out. I wasn't drunk. I just don't remember."

And then there was the questions that we talked about yesterday, about how -- the size; how tall was he.

So, there is a question: "So, he was standing up and you were standing up. What were your relative heights?"

How is that relevant to this case? That is so prejudicial, and so incredible for a jury to hear the Government ask a witness talking about what she's now saying is a power move by the person who she's having sex with,

okay.

And the DA says: "Well, what were your heights," knowing the answer.

Now, we didn't know the answer because we didn't get any notes from their prep except for one from December. But, they knew the answer because there was no surprise when she said, "I'm 5'6"; I don't know how tall he was, but several inches taller and much larger."

Okay. Now -- and then there was a question about the -- whether a -- at 2613, about whether she felt threatened and the answer was, "No. Not physically."

And then she describes how threatened she felt. "Although I did note there was a bodyguard right outside the door. There was an imbalance of power for sure."

I mean, that is -- I mean, you have jurors who are now hearing about an imbalance of power between a man and a woman.

And none of that information is information that goes to the motive of anybody in this case, including President Trump, because it's not any information that she was saying at the time, which is the only reason that evidence is coming in, your Honor.

And, then, even though your Honor had said that, clearly, that that's fine -- this is the transcript at Page 2511, before the witness took the stand: "We don't need to

know the details of the intercourse."

But the People still asked.

And then the People said: "Can you very briefly describe, you know, where you had sex with him?"

She describes it. In detail. Right. And I'm not going to read all of the whole answer.

But it's 2613 and '14.

And, again, I don't know what -- I mean, our understanding of the Court's motion in limine for why this evidence was coming in and then your Honor's instructions, there was no basis for the Government to ask that question, given what the testimony was offered for, your Honor.

And then the People didn't stop there.

They asked whether she remembers how her clothes came off. And the answer was no.

And the question -- and, again, presumably the Government knows this is coming -- says, "Is that a memory that has not come back to you?"

Again, that is so prejudicial to suggest that there was an event where -- again, I mean, nothing to do with this case and why we're here.

And the answer, that was an objection sustained, but it's the question that should never have been asked.

Thereafter, the Government wouldn't stop.

They said: "Do you have a recollection of feeling

something unusual that you have a memory of?"

There is no reason for that question, your Honor. That should not have been asked.

And, you know, we didn't know these questions were coming. We didn't know.

And that's -- you know, we had a sense from her documentary that she was changing her story.

And we alerted the Court, and we alerted the Government, but we were sitting here, hearing that for the first time on the witness stand yesterday.

And then, finally, at 2615: "What, if anything, did you remember other than the fact that you had sex on the bed?"

The answer: "I was staring at the ceiling. I didn't know how I got there. I made note like I was trying to think about anything other than what was happening there."

THE COURT: And there was an objection, and it was sustained.

MR. BLANCHE: Excuse me, your Honor?

THE COURT: And there was an objection, and it was sustained.

MR. BLANCHE: Judge --

THE COURT: In fact.

MR. BLANCHE: Judge --

THE COURT: In fact, after many of these anecdotes, there were objections and they were sustained.

MR. BLANCHE: There was an objection and it was sustained.

That doesn't excuse the conduct and doesn't excuse the questions being asked. Especially with your Honor's ruling, especially knowing full well that the jury hears the question; hear's the answer; and then objection is sustained.

I mean, Judge, that's why this type of evidence is so dangerous and so prejudicial and borders on a problem from the beginning, which is why the Court was very careful in allowing it in for a specific purpose and, further, very careful about telling the Government that they're limited in what they can ask.

And then the questions about wearing a condom. Judge, now, in that situation, the significance of that is -- and, again, we didn't know this was coming.

But, a few minutes earlier, the questions had been elicited about her job and about how and why she went to work for a particular company, the only company in the industry where a condom is mandatory, and so then eliciting that there wasn't a condom -- and, again, that has nothing to do with the false business records, but is so prejudicial. It's a dog whistle for rape.

THE COURT: All right. I mean, let me hear from the People, please.

MR. BLANCHE: I have many, many more, but I will stop.

THE COURT: I appreciate that, but let me hear from the People.

MR. STEINGLASS: Okay. So that was a lot that Mr. Blanche said.

Most of it just flat out untrue. Starting with the fact that this is a new account.

This is not a new account.

This account has been documented in many previous interviews, which the defense has had access to, and used somewhat effectively and somewhat misleadingly on cross-examination.

Not the least of which is, at least half the things that Mr. Blanche has said that they didn't know was coming are included in the exhaustive typed interview notes that were taken in a December interview with Ms. Daniels, and shared with counsel promptly after that interview.

Those details were elicited in the Anderson Cooper interview.

They were elicited in numerous other interviews, all of which the defense has access to.

So the claim of ambush is just nonsense.

The claim of changing the story is also extraordinarily untrue.

There may be, as with any witness recounting a story, details that are said in one forum, but not in the another forum. Things that were, you know, omitted in an interview that was given for entertainment purposes versus an interview that was given for, you know, a more fulsome interview with Anderson Cooper in 2018 versus an interview in preparation for trial testimony, which is more detailed than any of those things, versus a documentary.

All of which the defense has had access to.

So, our first point here is that this is not a change of story, as they have tried to characterize it.

Second of all, to the extent that there were inconsistencies, Ms. Necheles -- certainly, Ms. Necheles certainly probed them in her very narrow, but somewhat misleading cross-examination.

You will remember that she, in an attempt -- she attempted to impeach Ms. Daniels with three or four inconsistencies or omissions from the Anderson Cooper interview, which were allowed.

We attempted to put in the rest of that interview to show just how similar her testimony was to the account that she gave Anderson Cooper in 2018.

And I'm not going to reargue the ruling, I

understand the Court's ruling on that.

But, the fact of the matter is, is Ms. Necheles led a very misleading impression, as Mr. Blanche is doing now, that her story has somehow become radically different from the way that it always was.

So, moving on to the actual mistrial motion.

It has always been the People's contention that the details in this case, the details of the two-hour conversation that Ms. Daniels had with the defendant in the living room and the dining room of his hotel room in Harrah's corroborate her account.

They corroborate, A, the fact that sex happened, which increases the motivation to silence her.

I will point out a few things.

Well, the point here is that the details of her story, both before and during the sexual act corroborate her story.

That is the -- those are the kind of details that make her account more credible.

Now, the defense has gone through great lengths to try to discredit her, to try to claim that the sex never happened.

And, incidentally, if they want to offer testimony of the fact that the sex never happened, that's their prerogative.

However, they have -- they opened on, and this is Page 96 of the transcript, referring to Stormy Daniels: "She was paid so she would not spread false claims about Mr. Trump."

They opened also on Page 905 to 906 of the transcript: "Ms. Clifford has publicly denied any improper relationship in writing."

Page 906 of the opening: "Her testimony will be salacious."

Now, this is all coming from the defense.

And so, they are basically trying to have their cake and eat it too.

They are trying to discredit Ms. Daniels by claiming in their opening that her story is false and then preclude the People from eliciting the very details that can corroborate that account because they have the ring of truth.

Ms. -- Mr. Blanche gives a couple of examples and thinks that these questions were totally out of left field. For example, he raises the question about the spanking incident that Ms. Daniels relayed during her testimony.

And Ms. Daniels also testified that when she came out of the bathroom in Mr. Trump's -- the bathroom off of Mr. Trump's bedroom, that he was lying on the bed and the first thing that went through her head was: "How did I

misread this?"

"How did I misunderstand these clues?"

"How did I think this was about a business meeting?"

And you can bet that if we didn't draw the sting and elicit the spanking incident, that Ms. Necheles would have cross-examined her: Oh, really? You spanked him? You didn't think that there was anything sexual about that.

So we needed to give her a chance to explain that, to prevent them from undermining her credibility.

Similarly, Mr. Blanche complains about eliciting the fact that Mr. Trump did not wear a condom during their sexual encounter.

Now, if you remember the testimony, and part of the reason the testimony was elicited about the conversation that preceded the sexual encounter, is that Mr. Trump seemed -- asked a lot of questions about the testing in the adult film industry: How often the testing happens, whether performers are required to wear condoms, et cetera, questions about that.

And the reason -- the reason that that's relevant is because it explains his decision to not wear a condom.

And the fact that testimony about him not wearing a condom comes out is because the description of the conversation that she had with Mr. Trump, again,

corroborates her story.

So what seems like a detail that is insignificant and irrelevant to Mr. Blanche is not, as Ms. Necheles' cross made perfectly clear; cherry-picking the details that she thought were inconsistent and omitting the details that have always been consistent.

So the overarching point here is that the details are essential to give the jury the tools they need to analyze her credibility.

And presenting only a generalized account undermines her reliability as a witness because it affects her ability to perceive and remember these details.

And Mr. Blanche complains about the fact that these details are messy.

But, the point is -- and Mr. Blanche says, well, she never said any of this to Michael Cohen or AMI in 2016.

She didn't speak to Mr. Cohen or AMI in 2016.

But you know who knew what happened in that room? Mr. Trump knew.

And those details of what happened in that room, those messy details, that is motive.

That was Mr. Trump's motive to silence this woman before she could tell her story in 2016, less than a month before the election.

So, these are not -- this is not irrelevant.

Mr. Trump was aware of those details.

And the fact that the testimony is prejudicial and messy, according to Mr. Blanche, that is why Mr. Trump tried so hard to prevent the American people from hearing about this.

Notwithstanding all of that, we went out of our way to eliminate the most salacious details in order to avoid embarrassing the defendant, even though some of those details are highly corroborative.

And, you know, there was a fair amount of detail elicited about the room outside, the conversation, the two-hour conversation that Ms. Daniels had with Mr. Trump.

But do you know where there was not a lot of detail elicited? The actual sexual encounter.

By my count, there are about eight questions about it.

Most of them are yes or no answers.

There is no opportunity for long explanations about it.

We tried very hard to respond to your Honor's efforts to pull back the testimony and to not have a fulsome description of the actual sexual act.

And, you know, despite the fact that the details of that sexual act would corroborate her story, they were not elicited.

I will give you an example.

I believe your Honor sustained the objection here, at one point Ms. Daniels was asked, you know: "Did you feel anything unusual?"

Now, the answer to that question was going to be: "I felt what it felt like to feel the skin of a 60-year old man. I was 27 years old. And that was a different -- that was different than anything I had ever felt before."

Now, that's the kind of detail that would corroborate her account of having a sexual interaction with the defendant, but was not elicited.

Your Honor sustained the objection.

There are other details that I don't want to put on the record.

I'm happy to make an ex parte -- or not an ex parte, a sealed record about some of the very salacious details that were deliberately omitted, notwithstanding the fact that they are highly corroborative because we did not have the desire to embarrass the defendant.

So Mr. Blanche, in his application, is conflating the significant level of detail that was elicited about the pre-encounter, the conversation, the relatively harmless conversation that happened in the dining room and living room, but not details about the sexual encounter.

And that's what -- the adjustment that we made to

be responsive to your Honor's concerns that we not go too far into the details of the sexual encounter.

I'm going to say one more thing about this, which is the argument -- this argument was thoroughly briefed by the defense in their endeavor to keep this testimony out, as well as similar testimony about Karen McDougal and Dino Sajudin.

And, by the way, about Karen MacDougal, we didn't change our minds about calling her.

She was on our witness list, but we had never indicated an actual intention to call her. I am just correcting Mr. Blanche.

We had never affirmatively indicated that we were going to call her. She was like many people on our witness list.

Anyway, back to what I was saying.

This issue was thoroughly briefed. And the Court, mindful of the potential prejudice, limited the details of the Karen McDougal and Dino Sajudin story to just the fact of the allegation and not the underlying details, but did not make a similar limitation on the Stormy Daniels story because, as the Court recognized, it was so intertwined with the motive to silence her.

I'm just going to read very briefly from your Honor's ruling.

THE COURT: Which ruling are you referring to?

MR. STEINGLASS: I'm referring to your decision on the defendant's motion in limine, which is at Page 3 and 4, I believe, the decision was issued on March 18th or 19th.

What your Honor wrote was: "In the instant matter, testimony from or regarding Sajudin, McDougal and Daniels may be introduced."

"The probative value of the evidence is evident. For example, the actions of the three individuals allegedly flow directly from the 2015 meeting at Trump Tower where Pecker, Cohen and defendant were present.

Their testimony qualifies under several of the Molineux exceptions."

I'm skipping a little bit.

"Locating and purchasing the information from Daniels not only completes the narrative of events that precipitated the falsification of business records, but is also probative of the defendant's intent."

"Further, the evidence and testimony surrounding these individuals is inextricably intertwined with the narrative of events and is necessary background for the jury."

Your Honor went on to distinguish between Karen McDougal and Dino Sajudin:

"However, when carefully balancing the probative

value of testimony against the potential for undue prejudice, the Court believes that the testimony from or about Sajudin and McDougal must come with some limitations. Unless the People provide a satisfactory offering of proof, the testimony by or about Sajudin and McDougal will be limited to the fact of, and may not explore the underlying details of, what allegedly transpired between those individuals and the defendant."

And we honored that ruling.

That limitation did not apply to Stormy Daniels, although the defense asked that it did.

I'm only saying this to say that we feel that we have very faithfully adhered to your Honor's rulings and even took additional details out of the questions that we had planned on asking Ms. Daniels as a result of your Honor's -- the conversation that we had at the bench before she began testifying, when the defense renewed their motion.

All of this to say, is that the defense has not alleged anything remotely approaching grounds for a mistrial.

And their motion should be denied.

THE COURT: Thank you.

All right. Following the motion --

(Mr. Blanche rises.)

THE COURT: What, Mr Blanche?

MR. BLANCHE: Just very briefly.

THE COURT: Very briefly.

MR. BLANCHE: I mean, Judge, what they are saying is not true.

So, for example, the People just told you that Ms. McDougal was not on the witness list --

THE COURT: I'm not going to get bogged down on that.

MR. BLANCHE: But, Judge --

THE COURT: It's not relevant to this motion.

That's why I'm saying, very quickly, whether she was going to be called or not going to be called has nothing to do with this motion for a mistrial.

MR. BLANCHE: But it does, your Honor.

THE COURT: No, it doesn't.

I am making the ruling, and I decide whether it does or it doesn't.

I'm telling you, it doesn't.

Please have a seat so that I can render my decision.

Following your motion for a mistrial on Tuesday, I went back to chambers and I pulled out my decisions on both motions in limine; the omnibus decision.

I also looked at the transcript from Tuesday's proceedings. I looked at that yesterday.

And I went back to just make sure that everyone had followed my guidelines and that there were no inconsistencies, and to just make sure that no one had violated my rulings.

After having done so, after reading, again, both sets of motions, both decisions and the motions in limine, the Omnibus Motion and the transcripts, I came away satisfied that -- let me backup.

You will recall in my decisions, both in the motions in limine and the omnibus motions, that while I did decide on many of the issues, there were some that I said we are going to have to see how the evidence comes in.

And at every trial, the evidence comes in in a different way and it's very, very difficult to anticipate. So sometimes a Court has to change its rulings. Sometimes there has to be a certain amount of flexibility.

Why do I say that now?

Because in going back to the very opening statements, and I'm looking at Pages 897, 905, 906.

Mr. Blanche, in your opening statement, you deny that there was ever a sexual encounter between Stormy Daniels and the defendant.

And, again, I direct you to Page 897.

Your denial puts the jury in a position of having to choose who they believe: Donald Trump, who denies there

was an encounter, or Stormy Daniels, who claims that there was.

Although the People do not have to prove that a sexual encounter actually did occur, they do have the right to rehabilitate Ms. Daniels' credibility and to corroborate her story, which was immediately attacked on opening statements.

The more specificity Ms. Daniels can provide about the encounter, the more the jury can weigh to determine whether the encounter did occur and, if so, whether they choose to credit Ms. Daniels' story.

Now, there is more to say about the details.

You will recall that I commented on the details on Tuesday.

And I will get to that in a minute.

I direct your attention to pages 2508 and 2511 of the transcript, having to do with Ms. Daniels' story, but we continue.

Ms. Necheles claimed when you made your motion for a mistrial that she did not object more or earlier or more frequently because she believed that my ruling at the bench had prevented her from doing so.

That's not correct.

In fact, if you look at the transcript, you will see that Ms. Necheles actually objected very early on.

Look at Page 2592.

So she can't say that she didn't object because of my ruling when, in fact, she did object at 2592.

However, there were many times, not once or twice, but many times when Ms. Necheles could have objected, but didn't.

And, here, I will direct your attention to Pages 2598 and 2610.

Now, after the Court sua sponte objects, and that objection had to do with the reference to the trailer park, I felt that wasn't necessary.

I felt that there was a certain amount of prejudice to that.

There was no objection, so I sua sponte objected. I didn't want that in.

And then I struck it from the record.

Following the Court's own objection, Ms. Necheles then began to object with some frequency.

And virtually every single one of her objections was sustained.

And every one of her applications that the answers be stricken from the record were, in fact, stricken from the record.

And I direct your attention now to Pages 2612 through 2615 for that.

Yet, for some unexplained reason, which I still don't understand, there was no objection to certain testimony, which was later used in the motion for a mistrial on Tuesday, and again used today.

For example, the mention of the condom. I agree that shouldn't have come out.

I wished those questions hadn't been asked, and I wished those answers hadn't been given.

But for the life of me, I don't know why Ms. Necheles didn't object.

She had just made about ten objections, most of which were sustained.

Why on earth she wouldn't object to the mention of a condom?

I don't understand.

We continue.

Ms. Daniels made clear in her testimony, and I direct you now to Page 2611, that she was not drunk or drugged or in any way coerced.

Again, this is Page 2611.

And for some reason, I don't know why, you went into it ad nauseam on cross-examination.

I had sustained any objections related to that. The witness herself had backed off and said, hey, listen, I don't mean to suggest for a second that this was coerced or

forced in any way.

She backtracked immediately when she heard how that might have sounded.

And for some reason, today, I don't know how much time Ms. Necheles spent on this, on cross-examination, drilling it over and over and over again into the jury's ears.

I don't understand the reason for that.

With regard to your concerns about this, the numbness in the hands and this feeling that she didn't know what was going on and the room spinning, you will recall that at a bench conference, Ms. Hoffinger asked that the People be permitted to ask a question about a moment that came years later, with what was referred to as a Bombshell moment, and that that would explain a lot of the things that she had not mentioned originally, that she had remembered later on, and some of her emotions that she was feeling, I asked Ms. Hoffinger, what are you referring to? What are you talking about?

And she said she was specifically referring to the movie Bombshell.

And which is -- which chronicled Roger Ailes and certain allegations of sexual -- of a sexual nature made against him.

And, apparently, Ms. Daniels had watched this movie

years later and it was at that point that certain memories came back and certain explanations came back to her for her feelings.

I ruled immediately that that could not come in.

I felt that to somehow inject Roger Ailes into these proceedings would be unduly prejudicial to your client and I did so even though these feelings of the numbness of hands, the room spinning, the blacking out went unexplained.

And I did that to protect your client.

I disagree with your narrative that there is any new account here.

I disagree that there is any change in story. What's happened is people have gone into more detail than they originally planned.

And I do agree that certain details, although I may have originally disagreed on Tuesday, certain details such as the color of the floor tiles, the description of the furniture in the bathroom, the weight of the furniture, these details add a sense of credibility if the jury chooses to believe them.

And the fact that you went after her right on opening statements, attacking whether -- attacking, your claim that they never had sex, you didn't attack that there was a falsification of business records, you didn't attack

any of the other elements of the offense, you said my client denies that there was ever a sexual encounter.

Again, as I said before, right off the bat, that puts your client's word against Ms. Daniels' word.

And that, in my mind, allows the People to do what they can to rehabilitate her and to corroborate her story.

Your motion for a mistrial is denied. I will see you tomorrow at 9:30.

(Whereupon, at this time, the matter was adjourned to Friday, May 10th, 2024, at 9:30 a.m.)

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