

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No.
09-cr-369-DMC
v. :
TRANSCRIPT OF
PAUL W. BERGRIN, : TRIAL PROCEEDINGS
Defendant. : VOLUME 1
-----x

Newark, New Jersey
January 22, 2013

BEFORE:

THE HON. DENNIS M. CAVANAUGH, U.S.D.J.

Reported by:
CHARLES P. McGUIRE, C.C.R.
Official Court Reporter

Pursuant to Section 753, Title 28, United States
Code, the following transcript is certified to be
an accurate record as taken stenographically in
the above entitled proceedings.

s/CHARLES P. McGUIRE, C.C.R.

CHARLES P. McGUIRE, C.C.R.

1 **APPEARANCES:**

2 JOHN GAY, Assistant United States Attorney,
3 STEVEN J. SANDERS, Assistant United States Attorney
4 JOSEPH N. MINISH, Assistant United States Attorney
5 970 Broad Street
6 Newark, New Jersey 07102
7 On behalf of the Government

8 PAUL W. BERGRIN, ESQUIRE
9 Defendant pro se

10 GIBBONS, PC
11 One Gateway Center
12 Newark, New Jersey 07102
13 BY: LAWRENCE S. LUSTBERG, ESQ.,
14 AMANDA B. PROTESS, ESQ.,
15 JENNIFER MARA, ESQ., and
16 BRUCE LEVY, ESQ.
17 Standby counsel for Defendant

1 (Defendant present)

2 (Jury out)

3 THE COURT CLERK: All rise.

4 THE COURT: Be seated.

5 Mr. Bergrin, how are you feeling?

6 THE DEFENDANT: I'm doing all right, Judge.

7 THE COURT: All right.

8 I've got two requests from jurors having problems
9 already, asking to be excused.

10 I'm going to want to see counsel in this room here
11 to discuss these two, these excuses. Would you please come
12 in?

13 (The following takes place in an anteroom)

14 THE COURT: All right. Would you just close the
15 door when the last -- have a seat.

16 This is the letter I received from the juror, one
17 of the jurors.

18 What number?

19 THE COURT CLERK: Juror number five.

20 THE COURT: Let me have it, please.

21 (The letter was passed to Government's counsel.)

22 THE COURT: I am not going to be quick to let any
23 juror off this jury. This juror was asked all kinds of
24 questions. He was asked if he had any medical conditions,
25 mental conditions, any other conditions. He said no. I

1 asked him again, again, and again. We let them know when we
2 had the final jury.

3 I'm going to tell him that he's going to stay on
4 this jury, and we'll see how things go. He might have
5 gotten himself a little worked up just worrying about it,
6 thinking over the illness and our little hiatus there, but
7 once he gets going, he'll probably see that it's not going
8 to be as stressful as he might think. If he does, we'll
9 deal with it when it comes along.

10 Does anybody disagree with my approach?

11 MR. GAY: No objection from the Government, Judge.

12 MR. LUSTBERG: No, Your Honor. We agree.

13 THE COURT: All right.

14 The second juror --

15 THE COURT CLERK: Seat six.

16 THE COURT: -- is seat six, and she called to
17 request a financial hardship, saying that her husband was
18 laid off on the 15th, and she's the sole breadwinner, and
19 she wanted off.

20 I'm not letting her off. She, too, was told about
21 this. And it's an unfortunate situation. She didn't
22 mention anything about financial hardship or anything about
23 her job. I don't know what her husband being laid off
24 means. She didn't say that she wasn't being paid or
25 anything else, and I have no intention of letting her off.

1 Does anybody disagree?

2 MR. BERGRIN: Judge, the issue that I have and the
3 problem that I have is, if she was dependent on her
4 husband's financial income, and --

5 THE COURT: No, that's not what she said. She
6 called and said because her husband has been laid off of
7 work on Tuesday, the 15th, and she has become the sole
8 breadwinner of the family that she has to get off. So she
9 obviously was not just depending --

10 MR. BERGRIN: With all due respect, sir, it's
11 obvious that she's suffering a financial hardship, and I've
12 found in my past that jurors are individuals that have all
13 kinds of issues, problems - suffering financial hardships,
14 problems with their children. Their minds wander into
15 wondering, you know, how they're going to meet their debts,
16 how they're going to meet their financial burdens as
17 compared to paying close attention to the case; but, more
18 importantly, more importantly, there's going to be somebody
19 that's going to have to bear the burden for her hardship,
20 and most of the time they take it out on the Defendant as
21 compared to the Government.

22 THE COURT: Well, that hasn't been my view. I
23 haven't seen that.

24 I did everything I could to try to get a fair and
25 impartial jury here. I made it clear to them once they're

1 chosen, they're on this jury.

2 I'm going to have a long case here. I am not
3 taking a chance on losing these jurors now. She's on this
4 jury, and she's staying on this jury.

5 MR. BERGRIN: Yes, Your Honor.

6 THE COURT: Okay. Next --

7 MR. GAY: Judge, just to clarify that as well, I
8 mean, I think she hasn't established financial hardship.

9 THE COURT: No.

10 MR. GAY: So let's make that clear up front. And,
11 secondly, I agree with the Court that we can -- this, as it
12 goes on, we can deal with it. We have alternates.

13 THE COURT: That's another problem, that's another
14 point that I should make clear on the record. We've just
15 begun. If these jurors think that somebody's going to come
16 in with some kind of a simple excuse and I'm just going to
17 let them off, they are wrong. I am going to be very
18 difficult about this.

19 And I am not satisfied that either of these
20 excuses are enough so far.

21 The first guy, juror number five, worries me
22 because he mentions that -- or his doctor mentions that --

23 MR. BERGRIN: Essentially, the doctor says he
24 suffers from --

25 THE COURT: -- he may have a manic episode. I

1 don't know what that is, a manic episode.

2 But I think what we should do is call him down
3 here and explain that he's going to stay, that he's going to
4 -- hopefully he's going to find this not to create as much
5 anxiety as he thinks, and that we're going to go forward.

6 Would you get him, please?

7 Knock before you come in.

8 In the meantime, I wanted to expand just a bit on
9 my ruling on the Batson. I was going to do this that day
10 that we were here. Unfortunately, Mr. Bergrin became ill
11 and we had to put the case off.

12 But did you want to say anything further?

13 MR. GAY: Well, Judge, I think Mr. Sanders is
14 going to speak briefly on that.

15 THE COURT: Go ahead.

16 MR. SANDERS: And, Your Honor, just to augment I
17 think what Mr. Gay said at sidebar when the challenge was
18 first made, the initial -- and I'm just talking about the 12
19 jurors, not the alternates right now.

20 THE COURT: Yes.

21 MR. SANDERS: The initial 12 who were picked,
22 there were two African-Americans on that panel, and they
23 stayed there for the duration. They weren't struck by the
24 Government, they weren't struck by Mr. Bergrin.

25 We exercised only four challenges. We removed two

1 Caucasians and two African-Americans. Juror 26, who we
2 struck first, is someone we had challenged for cause
3 unsuccessfully because we thought she had some cognitive
4 issues. Your Honor overruled that challenge, but I think
5 the record reflects we reviewed the notes of her individual
6 voir dire when we made that challenge.

7 Juror 39, whom we struck, was an African-American
8 female as well, expressed a visceral reaction to cooperator
9 testimony.

10 MR. GAY: And just to augment that, too, Judge, I
11 mean, her reaction was strong, it was immediate, it was
12 visceral, and she was not moving off that. I know that the
13 Court continued to question her and eventually she did say
14 that she would evaluate the testimony, but her reaction was
15 visceral, strong, immediate, and very heartfelt, in my
16 opinion. So that's the reason why we struck her. And I
17 will say this, too, Judge --

18 THE COURT: I'm not looking to reargue this. I'm
19 just augmenting the record and making sure it's understood.

20 What were you going to say?

21 MR. GAY: At the time, the Government did -- the
22 Government did express concern. Although we didn't ask for
23 a for-cause challenge because she said the magic words, we
24 did express our concern at the time.

25 THE COURT: Okay.

1 As I stated briefly on the record when Mr. Bergrin
2 made the challenge, a trial court must determine whether the
3 Defendant has made a prima facie showing that the prosecutor
4 exercised a preemptory challenge on the basis of race, which
5 I don't think he did.

6 Second, if the showing is made, the burden shifts
7 to the prosecutor to present a race-neutral explanation for
8 striking the juror in question, which I think the prosecutor
9 did.

10 And although the prosecutor must present a
11 comprehensive reason, the second step of the process does
12 not demand an explanation that is persuasive or even
13 plausible. So long as the reason is not inherently
14 discriminatory, it suffices.

15 Third, the Court must then determine whether the
16 Defendant has carried its burden of proving purposeful
17 discrimination. This final step involves evaluating the
18 persuasiveness of the justification proffered by the
19 prosecutor, but the ultimate burden of persuasion rests with
20 and never shifts from the opponent to strike.

21 I looked at all of this. I also recall much of
22 what the prosecutor said as to these two individuals when we
23 were conducting the personal voir dires upstairs in the jury
24 room prior to trial. I got a copy of the transcript. The
25 transcript supports exactly what the prosecutor said, and it

1 also had my note showing that one of the witnesses seemed
2 somewhat confused and she was kind of borderline, but she
3 eventually said she could be fair and impartial, which was
4 the most important thing to me, and the second one
5 absolutely in the last two questions that I asked whether or
6 not she could be fair and impartial in evaluating the
7 witnesses who were testifying through an agreement with the
8 Government, she said at first she could not, then after
9 further questioning, she said she could.

10 I find that there was no pretext here. I find
11 that there are nondiscriminatory reasons, and again, I'm
12 overruling any objection regarding Batson.

13 Okay. Come on in, Scott.

14 (The juror enters)

15 THE COURT: Come on in, sir.

16 A JUROR: Yes.

17 THE COURT: Sorry to bring you in with all of
18 these -- I didn't want to do this in front of everybody.

19 All right. I've got your letter, and I'm going to
20 deny your request, and let me tell you why.

21 A JUROR: Okay.

22 THE COURT: I can understand where perhaps, as
23 you're thinking about this, we had time off, gave you a
24 little more time to think about it, that was due to the
25 influenza, we apologize for that, it was no one's fault, but

1 I'm convinced once this case gets started and once you start
2 hearing things, you're going to find that it's not -- you
3 won't be as anxious as you might think. I'm going to do
4 everything I can to make this move along. I think you're
5 going to find this to be interesting. We're going to let
6 you take notes. You're going to have a lot of other jurors
7 there also, and I think it's going to be less stressful than
8 you might think. If I'm wrong and down the road other
9 problems arise, you let me know, and we'll deal with it.
10 But to start with, I can't just let people off the jury.

11 I want it also known you didn't make any mention
12 to us previously about having any kind of a problem. I
13 would have certainly considered that in our initial
14 discussions. But now the jury's picked, and I can't go and
15 get more jurors to come over here and sit into it. So it's
16 a real problem for me.

17 So hopefully -- we'll watch it, see how we're
18 doing, and you let Scott know how you're doing, and then
19 we'll move along. All right?

20 A JUROR: All right.

21 THE COURT: All right. Thank you very much.

22 Scott, did you want to bring down the other juror?

23 THE COURT CLERK: Yes.

24 (The juror exits)

25 THE COURT: How long do we think we're going to

1 be?

2 MR. GAY: I'm going to be about two hours and 15
3 minutes, Judge.

4 THE COURT: Mr. Bergrin?

5 MR. BERGRIN: Two or three hours, Judge. I
6 haven't gone through it.

7 THE COURT: No, I'm just trying to get an idea so
8 I know when to break and things like that.

9 Okay. We'll let you go, we'll take a break.

10 I don't want to break in the middle of an opening.

11 MR. GAY: Maybe an early lunch, Judge?

12 THE COURT: Well, let's see, because he's got to
13 order them lunch. That's a bigger problem than you think.

14 MR. GAY: Okay.

15 THE COURT: The other problem is, of course, if
16 you have jurors sitting there too long listening, they start
17 to drift off, so sometimes it's better to break.

18 Come in.

19 (The juror enters)

20 THE COURT: Hello.

21 A JUROR: Hello.

22 THE COURT: We have your request, and this is
23 unfortunate about your husband. I'm sorry. I hope it works
24 out. But I cannot let you off for this reason.

25 A JUROR: Okay. I understand.

1 THE COURT: So, I'm sorry. If this had happened
2 right before we chose --

3 A JUROR: I totally understand.

4 THE COURT: -- I might have been able to do
5 something, but I just can't do it at this time.

6 A JUROR: That's fine, Your Honor.

7 THE COURT: Thank you very much.

8 A JUROR: Thank you.

9 (The juror exits)

10 THE COURT: Okay. I think that's all we have to
11 do. We're ready to go?

12 All right. Everybody can go back.

13 MR. SANDERS: Judge.

14 THE COURT: Yes.

15 MR. SANDERS: One issue. We had sent a letter
16 yesterday about the preliminary instruction.

17 THE COURT: What about it?

18 MR. SANDERS: We had sent a letter in.

19 THE COURT: You send a letter in every day, for
20 God's sake. You don't have to do this, you know.

21 Go ahead. What about the preliminary instruction?

22 MR. SANDERS: There's a preliminary instruction
23 about pro se representation and we would ask that it be
24 included in Your Honor's instructions, just saying that it's
25 not testimony.

1 THE COURT: I didn't see it. When did you send
2 that?

3 MR. SANDERS: I sent it yesterday.

4 MR. BERGRIN: We haven't seen it, either.

5 MR. LUSTBERG: No, we got it.

6 MR. BERGRIN: I haven't seen it.

7 THE COURT: Do you have a copy?

8 MR. LUSTBERG: What it is, it's not typically a
9 preliminary instruction. It was the instruction that was
10 given to the jury at the conclusion of the evidence in the
11 last trial that basically said that what pro se's do should
12 not be considered as evidence.

13 I suspect that Your Honor's going to instruct the
14 jury prior to openings that none of the statements that
15 anybody makes are evidence --

16 THE COURT: Correct.

17 MR. LUSTBERG: -- and that the evidence comes from
18 the stand.

19 THE COURT: Yes.

20 MR. LUSTBERG: This says that, but then it brings
21 -- you know, it focuses particular attention on Mr. Bergrin.
22 So we object to that as a preliminary instruction. I think
23 that the Court should say, at it would always do, that this
24 is a -- that, you know, that the openings are not evidence,
25 they're just, you know, however you describe them, which I'm

1 sure is in accordance with the law.

2 And this is part of this whole paranoia that
3 Mr. Bergrin's going to testify. If that happens, you'll
4 instruct the jury.

5 THE COURT: Well, first of all, Mr. Bergrin has
6 already been warned about that.

7 Secondly, this jury has already been told when
8 they were first -- when we first met them, when we went
9 across the street on the first day, when everybody
10 introduced themselves, and Mr. Bergrin certainly stood up
11 and said who he was, that he was the person charged, and I
12 let the jury know what was going on. So they already know
13 that he's an attorney, he's pro se. I don't think there's
14 any necessity to go any further.

15 The one other thing I did do as I got that letter
16 last week with respect to the stipulations, is there any
17 issues about these stipulations?

18 These were the ones already stipulated to in the
19 last case.

20 MR. BERGRIN: There is, Judge. I'm not going to
21 stipulate to a lot of materials that we stipulated to in the
22 first trial. The first trial, we were dealing with --

23 THE COURT: You know what? We'll deal with them,
24 then, after we talk to the jury, because I'm not going to
25 make this jury wait. Let's go.

1 (The following takes place in open court)

2 THE COURT CLERK: All rise.

3 (The jury enters)

4 THE COURT: Be seated.

5 Be seated.

6 Well, good morning.

7 THE JURY: Good morning.

8 THE COURT: As you can see, things happen that we
9 don't expect all the time. Sorry there was a brief bout of
10 influenza, and through no one's fault, obviously, but that's
11 why there was a slight delay.

12 Now I'm going to give you some brief preliminary
13 instructions. Then you're going to hear the openings.

14 Now that you've been sworn, I will give you these
15 instructions to guide your participation in the trial.

16 It will be your duty to find from the evidence
17 what the facts are. You and you alone will be the judges of
18 the facts. You will then have to apply those facts to the
19 law as the Court will give it to you at the end. You must
20 follow that law whether you agree with it or not.

21 Nothing that I may say or do during the course of
22 this trial is intended to indicate or should be taken by you
23 as indicating what your verdict should be. The evidence
24 from which you will find the facts will consist of the
25 testimony of witnesses, documents, and other things received

1 into the record as exhibits, and any facts that the lawyers
2 agree to or stipulate to or that the Court may instruct you
3 to find.

4 Certain things are not evidence and must not be
5 considered by you. I'll list them now.

6 Statements, arguments, and questions by the
7 lawyers are not evidence. Objections to questions are not
8 evidence. Lawyers have an obligation to their clients to
9 make objections when they believe the evidence being offered
10 is improper under the Rules of Evidence. You should not be
11 influenced by the objection or by my rulings on it. If the
12 objection is sustained, ignore the question. If it is
13 overruled, treat the answer like any other. If you are
14 instructed that some item of evidence is received for a
15 limited purpose only, you must follow that instruction.

16 Testimony that the Court has excluded or told you
17 to disregard is not evidence and must not be considered.
18 Anything that you may see or hear outside the courtroom is
19 not evidence and must be disregarded. You are to decide
20 this case solely on the evidence presented here in the
21 courtroom.

22 There are two kinds of evidence, direct and
23 circumstantial. Direct evidence is direct proof of a fact,
24 such as testimony of an eyewitness. Circumstantial evidence
25 is proof of facts from which you may infer or conclude that

1 other facts exist. I'll give you further instructions on
2 these as well as other matters at the end of the case, but
3 keep in mind that you may consider both kinds of evidence.

4 It will be up to you to decide which witnesses to
5 believe, which witnesses not to believe, and how much of any
6 witness' testimony to accept or reject. I'll give you some
7 guidelines for determining the credibility of witnesses at
8 the end of the case.

9 As you know, this is a criminal case. There are
10 three basic rules about a criminal case that you must keep
11 in mind.

12 First, the Defendant is presumed innocent until
13 proven guilty. The indictment against the Defendant brought
14 by the Government is only an accusation, nothing more. It
15 is not proof of guilt or anything else. The Defendant,
16 therefore, starts out with a clean slate.

17 Second, the burden of proof is on the Government
18 until the very end of the case. The Defendant has no burden
19 to prove his innocence or to present any evidence or to
20 testify. Since the Defendant has the right to remain
21 silent, the law prohibits you from arriving at your verdict
22 by considering that the Defendant may not have testified.

23 Third, the Government must prove the Defendant's
24 guilt beyond a reasonable doubt.

25 I will give you further instructions on this

1 point, but bear in mind that in this respect, a criminal
2 case is different from a civil case.

3 Now, you've already heard a summary of the case
4 when we first talked, so I'm not going to go over that
5 again.

6 I will also instruct you again that during this
7 trial, you are not to discuss the case with anyone or permit
8 anyone to discuss it with you. Until you retire to the jury
9 room at the end of the case to deliberate on your verdict,
10 you simply are not to talk about the case.

11 Second, do not read or listen to anything touching
12 on the case in any way, and if anyone should try to talk to
13 you about the case, bring it to the Court's attention
14 immediately.

15 Now, this case is going to receive a fair amount
16 of notoriety in the newspaper. The reporters have an
17 absolute right to do their job and to do that. But you are
18 not to read it or to listen to it, because you are just to
19 decide this case based upon what happens here in the
20 courtroom. That's why I instructed you that way the other
21 day.

22 Third, do not try to do any research or make any
23 investigations about this case on your own. I read you that
24 long charge at the beginning about the Internet and the
25 like. We have a different world now. I think up in the

1 jury room you have some further instructions that are there
2 on the jury table, again reminding you not to conduct any
3 research and not to listen to outside reports about the
4 case.

5 Finally, do not form any opinion until all of the
6 evidence is in. Keep an open mind until you start your
7 deliberations at the end of the case.

8 Now, as you noticed, you have notebooks. If you
9 wish, you may take notes, but if you do, you will have to
10 leave them with us in the jury room at the end of each day,
11 and remember that they are only for your own personal use.
12 We will take them, lock them in a cabinet, nobody will look
13 at them, and give them back to you each morning so you can
14 take further notes if you so desire.

15 The trial will now begin. First, the Government
16 will make an opening statement, which is simply an outline
17 to help you understand the evidence as it comes in. Next,
18 the Defendant will make an opening statement. Opening
19 statements are neither evidence nor arguments.

20 The Government will then present its witnesses,
21 and counsel for Defendant, the Defendant, may cross-examine
22 them.

23 Following the Government's case, the Defendant
24 may, if he wishes, present witnesses, who the Government may
25 cross-examine.

1 After all the evidence is in, the attorneys will
2 present their closing arguments to summarize and interpret
3 the evidence for you, and the Court will instruct you on the
4 law. Then you will retire to deliberate, with as much time
5 as you need.

6 Okay?

7 Mr. Gay.

8 MR. GAY: Thank you.

9 Judge, if we can just move that screen out, we'll
10 appreciate it.

11 Good morning, ladies and gentlemen.

12 On December 8th, 2008, criminal defense attorney
13 Paul Bergrin was celebrating his birthday along with his
14 girlfriend, Yolanda Jauregui, his law partner, Thomas Moran,
15 and a very special guest. That special guest was a Latin
16 Kings gang member who had flown in from Chicago specifically
17 to meet with Bergrin about their very important business.

18 That very important business related to a client
19 of Paul Bergrin's named Vicente Esteves. Esteves was a
20 large drug trafficker who had been arrested in Monmouth
21 County, and in order to get Esteves off on crimes he had
22 clearly committed, Paul Bergrin and Esteves enlisted this
23 Latin King from Chicago to kill witnesses who were supposed
24 to testify against Esteves.

25 Now, at this meeting, ladies and gentlemen, you'll

1 hear that the Latin King hitman told Paul Bergrin that he
2 had located one of the witnesses, that he was prepared to
3 kill the witness, but that he was awaiting Paul Bergrin's
4 blessing before doing so.

5 And at that meeting, Paul Bergrin obviously did
6 not want himself, Vicente Esteves, or the hitman to get
7 caught murdering this witness, so he gave specific
8 instructions to the hitman on how to kill the witness. Paul
9 Bergrin told the hitman, quote, "Put on a ski mask and we'll
10 fuckin' rob him 'cause there's got to be a lot of money in
11 the house."

12 And when the hitman questioned why they needed to
13 take the money, Paul Bergrin told him, "We gotta make it
14 look like a robbery. It cannot under any circumstances look
15 like a hit."

16 Now, ladies and gentlemen, Paul Bergrin also told
17 the hitman that if he followed Bergrin's instructions, they,
18 meaning law enforcement, will never figure it out.

19 Now, unbeknownst to Paul Bergrin, the hitman, the
20 Latin King from Chicago, was cooperating with the
21 Government, and he was wearing a recording device during
22 this meeting. So you're going to hear Paul Bergrin speak
23 the words that I have just spoken, because we will play that
24 tape for you at this trial.

25 Now, let's talk about how we got to the point

1 where a criminal defense attorney, Paul Bergrin, is
2 instructing a Latin Kings hitman on how to kill a witness.

3 When he gave those instructions, he was a criminal
4 defense attorney. But Paul Bergrin was not always a
5 criminal defense attorney. Early in his career, he worked
6 as a prosecutor, first with the Essex County Prosecutor's
7 Office and later with the United States Attorney's Office
8 for the District of New Jersey. He also spent some time
9 working as a lawyer for the Army, but the bulk of his career
10 he spent as a criminal defense attorney.

11 But Paul Bergrin was not the ordinary criminal
12 defense attorney, because after he became a criminal defense
13 attorney, he made a decision that he was not simply going to
14 represent people charged with crimes, he was going to commit
15 crimes along with them.

16 And the evidence will show that Paul Bergrin did
17 not commit those crimes randomly; rather, he did so as part
18 of his Attorney Services Business, what is commonly referred
19 to as a law practice.

20 Paul Bergrin could have chosen to practice law
21 like lawyers have done for hundreds of years and simply
22 represent people when they were charged with crimes. But
23 that's not what he decided to do. Instead, he decided to
24 become what can best be described as a full-service provider
25 for his clients. But since his clients were criminals and

1 criminal organizations, that meant that he provided illegal
2 services to those clients.

3 So Paul Bergrin's business model was based on two
4 simple principles. The first was that he would provide all
5 of the services that a traditional lawyer would provide.
6 Second, he would provide illegal services that other lawyers
7 would not provide, services like witness tampering and
8 supplying kilograms of cocaine.

9 Now, ladies and gentlemen, as I said, one of the
10 things that Paul Bergrin did was tamper with witnesses. If
11 a client wanted to win a case, Paul Bergrin would do
12 whatever it took to win that case. If he believed he could
13 win the case using only traditional legal means like
14 cross-examining witnesses or filing motions, then that's
15 what he would do. But if he did not believe he could win a
16 case using those traditional means, he would resort to
17 witness tampering, and if a witness had to be killed in
18 order for Paul Bergrin to win the case, he had no qualms
19 about assisting his clients to do so.

20 Now, you'll hear that this witness tampering was
21 not a one-shot deal but rather a regular way Paul Bergrin
22 practiced law.

23 The witness tampering was not the only illegal
24 thing that Paul Bergrin did for his clients. He also
25 assisted his clients' illegal businesses. So, for example,

1 if Paul Bergrin represented a drug dealer, that drug dealer
2 may need kilograms of cocaine to supply to his customers.
3 So Paul Bergrin would supply those kilograms of cocaine to
4 his drug-dealing clients.

5 And again, just as with the witness tampering,
6 this was not a one-shot deal but rather a regular way Paul
7 Bergrin conducted business.

8 Now, you'll hear that Paul Bergrin built a very
9 successful business using this model of providing both legal
10 and illegal services to his clients. After all, why would a
11 drug dealer go to a regular lawyer when he could go to
12 Paul Bergrin and obtain not just legal services, but also
13 kilograms of cocaine?

14 Now, the true beauty of Paul Bergrin's business
15 model was that to the outside world, it appeared as if he
16 was simply running a legitimate law practice. In what other
17 profession could you meet with the biggest drug dealers in
18 New Jersey and not raise an eyebrow?

19 But, in fact, ladies and gentlemen, Mr. Bergrin
20 was not running a legitimate law practice. He was providing
21 illegal services to his clients, and he was running a
22 criminal enterprise.

23 You'll hear that Paul Bergrin's criminal
24 enterprise was not a one-man show, that he had other people,
25 like any other business, who assisted him in providing these

1 services. Since he provided both legal and illegal
2 services, you'll hear that some of the people who worked for
3 Paul Bergrin only dealt with legitimate things, and they
4 were completely legitimate. But for the illegitimate
5 services, Paul Bergrin assembled a special team of workers,
6 most of whom had criminal records, and all of whom were
7 trusted criminal associates. And so the paralegal who
8 assisted Paul Bergrin in delivering services through the law
9 practice also assisted Paul Bergrin in trafficking in drugs
10 or running a prostitution business. The lawyer who helped
11 Paul Bergrin in court also helped Paul Bergrin tamper with
12 witnesses. And we're going to talk about some of these
13 special workers.

14 The first one you're going to hear about is his
15 girlfriend, Yolanda Jauregui. She was also his business
16 partner, and she assisted him with witness tampering and
17 drug trafficking.

18 You're also going to learn about Alejandro Castro.
19 He was a client of Paul Bergrin's law practice. He also
20 assisted Paul Bergrin with drug trafficking.

21 You're going to learn about Thomas Moran. He was
22 a lawyer who worked for Paul Bergrin's law practice, and he
23 assisted Paul Bergrin with witness tampering.

24 You're going to hear about Ramon Jiminez. He was
25 a client of Paul Bergrin's law practice. He was also

1 employed by Paul Bergrin's law practice, and he assisted
2 Paul Bergrin with drug trafficking.

3 You're going to hear about Abdul Williams. Abdul
4 Williams was a client of Paul Bergrin's law practice. He
5 was also employed by Paul Bergrin's law practice, and he
6 assisted Paul Bergrin with drug trafficking and witness
7 tampering.

8 You're also going to hear about James Cortapassi.
9 James Cortapassi was a client of Paul Bergrin's law
10 practice. He was also employed by Paul Bergrin's law
11 practice, and he assisted Paul Bergrin to operate a
12 prostitution business.

13 You're also going to hear about Norberto Velez.
14 He was a client of Paul Bergrin's law practice. He also
15 worked for Paul Bergrin's law practice, and he assisted Paul
16 Bergrin with witness tampering and drug trafficking.

17 Now, you're going to hear that in addition to
18 using these special employees, Paul Bergrin also used
19 corporations to assist in his criminal enterprise. Two of
20 the main corporations he used were the ones that he
21 practiced law through, first, Pope Bergrin & Verdesco, and
22 then when that dissolved, he started another corporation
23 through which he practiced law called Law Office of Paul
24 Bergrin.

25 You're also going to hear about another

1 corporation that he used, named Isabella's International
2 Restaurant. That was a restaurant that he owned with his
3 girlfriend and partner in crime Yolanda Jauregui, and you're
4 going to hear that in addition to doing restaurant business,
5 that was also a front for storing and distributing kilograms
6 of cocaine for Paul Bergrin's enterprise. And not only a
7 few kilograms of cocaine, ladies and gentlemen - many, many,
8 many kilograms of cocaine. In fact, you're going to hear
9 how Drug Enforcement agents on May 21st, 2009 seized 54
10 kilograms of cocaine that were stored inside Paul Bergrin's
11 restaurant.

12 Now that we've briefly discussed what Paul
13 Bergrin's business looked like, the business in which he
14 provided both legal and illegal services through his law
15 practice, let's talk a little bit about some of the criminal
16 acts that he participated in through that business.

17 Now, ladies and gentlemen, these acts as charged
18 in the indictment occur between November of 2001 and May of
19 2009, and we'll discuss them now more or less in
20 chronological order.

21 The first crime you're going to hear about
22 Mr. Bergrin participating in is the witness tampering for
23 Norberto Velez. That relates to Mr. Bergrin's
24 representation of a client named Norberto Velez.

25 On November 19th, 2001, Norberto Velez viciously

1 stabbed his wife, Mary Lou Bruno, more than a dozen times
2 with a sharp knife. You'll hear that at the time, Mary Lou
3 and Norberto were going through a divorce and they were
4 living separately. Norberto wanted to reconcile, but
5 Mary Lou did not. And so on the day of the stabbing,
6 Norberto Velez took a sharp knife from his kitchen and
7 stalked Mary Lou as she was dropping her nine-year-old
8 daughter Carolyn off at school, and when Carolyn got out
9 of the car, Norberto Velez got into Mary Lou's car. He
10 asked her to go out for coffee and discuss reconciliation,
11 and when she refused, he pulled out that knife and stabbed
12 her over and over and over and over again.

13 Norberto Velez was arrested and charged in Essex
14 County with attempted murder, assault, and Paul Bergrin
15 represented Norberto Velez on those charges.

16 Paul Bergrin's defense of Norberto Velez relied on
17 him proving that Mary Lou Bruno, not Norberto Velez, brought
18 that knife to the stabbing, that Mary Lou Bruno, not
19 Norberto Velez, was the aggressor during the stack, and that
20 Mary Lou Bruno was a violent person who beat her children.

21 The problem for Paul Bergrin was that each of
22 those claims was completely false, and Paul Bergrin knew
23 that because after he interviewed their nine-year-old
24 daughter Carolyn, she told him that those claims were false.
25 So after that interview, ladies and gentlemen, Paul Bergrin

1 understood that if Carolyn Velez told the truth at
2 Norberto's trial, Norberto Velez would be convicted, and
3 Paul Bergrin would lose the case.

4 So what did he do? Did he act like a legitimate
5 lawyer and follow the rules?

6 No.

7 Instead, he rigged the system, and rigging the
8 system meant getting nine-year-old Carolyn to lie on the
9 witness stand.

10 So let's talk about what happened.

11 Well, the first thing you're going to hear is that
12 Paul Bergrin was not alone in getting nine-year-old Carolyn
13 to lie. He had the assistance of Norberto Velez and also of
14 Paul Bergrin's girlfriend, Yolanda Jauregui.

15 The other thing you're going to learn is that
16 getting nine-year-old Carolyn to lie was not as simple as
17 asking her to do so. She was nine years old. Her parents
18 were going through a divorce, and she was living with that
19 drama. Daddy had just stabbed Mommy almost to death, and
20 now Bergrin, Velez, and Jauregui were asking her to lie and
21 say terrible things about her mother, things that were not
22 true.

23 You can imagine she was a little reluctant to go
24 along with their plan.

25 So what did they do?

1 Well, over the course of many months, they engaged
2 in manipulation designed to brainwash Carolyn into telling
3 their lie. They coerced Carolyn, they bribed Carolyn, they
4 isolated Carolyn, and they repeated the lie they wanted her
5 to tell over and over again.

6 Now, these coercion sessions, you'll hear, at
7 least initially played upon Carolyn's feelings for her
8 father. Paul Bergrin told her this is not the kind of case
9 you can tell the truth, and that if she didn't want her
10 daddy to be taken away from her, she had to lie. Norberto
11 Velez even threatened to commit suicide if Carolyn did not
12 lie.

13 And, of course, during those coercion sessions,
14 they repeated the lies that they wanted her to tell over and
15 over again.

16 To give you an idea of what some of these sessions
17 were like, ladies and gentlemen, during one session,
18 Bergrin, Velez, and Jauregui were each pressuring Carolyn to
19 tell the lie that they wanted her to tell. She couldn't
20 take it any more at one point. She broke down in tears and
21 ran and hid in her room. Jauregui followed her in and
22 consoled her, rubbing her back. She told Carolyn that they
23 needed her to help her father out, and that all she had to
24 do was say what Paul Bergrin wanted her to say and
25 everything would be okay.

1 After that, she went back out and rehearsed the
2 lies that they wanted her to tell.

3 Now, interspersed with these coercion sessions
4 were also bribery sessions in which Paul Bergrin and
5 Jauregui took Carolyn on trips to New York or to the
6 New Jersey shore and bought her gifts, and of course, during
7 these bribery sessions, they repeated the lies that they
8 wanted her to tell over and over again.

9 As I said, they also isolated Carolyn. They told
10 Carolyn that she was not allowed to discuss with anybody
11 outside of their little circle what was going on during
12 these sessions.

13 Now, even at nine, Carolyn understood what they
14 wanted her to do was wrong, but there's only so much a
15 nine-year-old could do in the face of the attempts of the
16 adults to manipulate her, and, of course, since she had
17 nowhere to turn except to the very people who were
18 manipulating her for help, when she did so, they simply
19 reinforced that telling the lie was the right thing to do.

20 Now, all seemed to be going well for this group
21 until, unbeknownst to them, the prosecutor called Carolyn
22 down to his office for an interview. You'll hear that when
23 Carolyn went down, she was not with Paul Bergrin, she was
24 not with Yolanda Jauregui, she was not with Velez.

25 Now, the prosecutor, of course, had no idea about

1 the brainwashing scheme that they were engaging in. And he
2 took a statement from Carolyn Velez. And since Bergrin,
3 Jauregui and Velez were not there, Carolyn felt safe, and so
4 instead of telling the lie that she had rehearsed with them,
5 she told the prosecutor the truth.

6 Now, unfortunately, she did not reveal to the
7 prosecutor the brainwashing scheme that they were engaging
8 in, and so the prosecutor was completely unaware that what
9 he was about to do next was going to cause serious problems
10 for Carolyn. You see, he had made a recording of her
11 statement, and a couple of days after he took the statement
12 from Carolyn, he turned a copy of that statement over to
13 Paul Bergrin, and when Bergrin and Velez learned that
14 Carolyn had told the truth to the prosecutor, they were
15 furious, so much so that all pretense of subtlety
16 evaporated. Norberto Velez picked Carolyn up from school
17 that day and unleashed a tirade upon her, yelling at her for
18 telling the truth to the prosecutor, and to drive his point
19 home, he choked her as he told her she'd better not do that
20 again.

21 But you're going to hear that Norberto was not the
22 only one to unleash his fury upon Carolyn that day. During
23 his tirade, he got Paul Bergrin on the phone, and he put
24 Paul Bergrin on the phone with Carolyn, and when Bergrin got
25 on the phone with Carolyn, he, too, yelled at Carolyn for

1 telling the truth to the prosecutor and told her in no
2 uncertain terms she had better not do it again.

3 Now, after that, Carolyn understood the
4 consequences of telling the truth, and she fell back in
5 line, and she continued to rehearse the lies in preparation
6 for Norberto Velez's trial, and when she took the stand at
7 Norberto Velez's trial, she told the lie exactly as coached.

8 And as a result, Norberto Velez was acquitted on
9 all counts.

10 Now, Carolyn felt terrible about what she had done
11 after the trial, and she confided in her mother about what
12 had happened, the lies and the manipulation, and later she
13 went down to the Essex County Prosecutor's Office and
14 provided them with a statement, a video recorded statement.

15 Now, you're going to hear that Carolyn is no
16 longer nine years old. She's now 19 years old. She's going
17 to take this witness stand and tell you all about the lies
18 and manipulation that occurred between November of 2001 and
19 2003. You will learn the truth that the Essex County jury
20 never heard when they acquitted Norberto Velez of viciously
21 stabbing his wife.

22 Now, let's talk about the next crime that
23 Mr. Bergrin was involved in. That is the drug trafficking
24 operation.

25 You're going to hear that many of the crimes

1 Mr. Bergrin was involved in were related to drug
2 trafficking, and that this drug trafficking operation was
3 connected to his law practice, as all the crimes were.

4 In order to understand a little bit about
5 Paul Bergrin's role in the drug trafficking, you're going to
6 learn a little bit about the background of drug trafficking
7 in the United States, how they're imported in large
8 quantities into the United States, how wholesale suppliers
9 received those drugs and distribute them to large-scale
10 retail distributors, how those large-scale retail
11 distributors distribute them to lower level and lower level
12 and lower level and so on down until ultimately, the drug
13 user gets the drugs.

14 You'll hear that Paul Bergrin operated at the top
15 of the food chain, hooking up large-scale retail
16 distributors he met through his law practice with a
17 wholesale supplier he knew.

18 Now, you're going to hear that through his law
19 practice, Paul Bergrin represented many large-scale retail
20 drug dealers. He represented them not only when they were
21 arrested with crimes, but also their workers when their
22 workers were arrested for crimes, and through that, he
23 gained an intimate knowledge of their drug business and
24 developed an intimate relationship with these drug dealers.

25 Paul Bergrin also knew a wholesale supplier,

1 fellow enterprise member Alejandro Castro. And so the idea
2 for the drug trafficking operation was quite simple:
3 Bergrin would hook wholesale supplier Alejandro Castro up
4 with his retail distributors that he met through his law
5 practice. The business was off and running.

6 You're going to hear that it was not simply
7 Bergrin and Castro that was involved in this business,
8 however. Bergrin also got other members of the enterprise
9 involved. His girlfriend, Yolanda Jauregui, was involved.
10 Client and employee of his law practice Ramon Jimenez was
11 involved. Client and employee of his law practice Abdul
12 Williams was involved, as well as client and worker Norberto
13 Velez.

14 Now, you're going to hear that over the course of
15 the time charged in the indictment, this operation
16 distributed hundreds of kilograms of cocaine, and we're
17 going to discuss in a little more detail later some of those
18 distributions, but now I want to turn to the next crime
19 we're going to discuss, and that is the Kemo murder.

20 In order to understand the whos, the whats and the
21 whys of the Kemo murder, you're going to learn a little bit
22 of background. You're going to hear that one of the persons
23 that Paul Bergrin's enterprise serviced was a man named
24 Hakeem Curry. Hakeem Curry was a large-scale retail
25 distributor of drugs who operated primarily in Essex County,

1 New Jersey. Curry had a very large organization with many
2 underlings who sold drugs for him. And you're going to hear
3 that one of the things that Paul Bergrin did for Hakeem
4 Curry and his organization was, he provided what is called
5 house counsel legal services, and that simply means that
6 Paul Bergrin did not just represent Hakeem Curry when Curry
7 was arrested with crimes, but he represented Curry's drug
8 organization as a whole. So that meant that he represented
9 underlings of Curry when they were arrested selling Curry's
10 drugs, and the primary reason you will hear that he
11 represented those underlings was to make sure that they did
12 not cooperate with the Government and give up their boss,
13 Hakeem Curry.

14 Now, in addition to house counsel services, you're
15 going to hear that Paul Bergrin provided something else for
16 Hakeem Curry. Hakeem Curry was a large-scale retail
17 distributor of drugs. He needed cocaine to supply to his
18 customers, and so Paul Bergrin hooked Hakeem Curry up with a
19 wholesale supplier so that the wholesale supplier could
20 supply Curry with drugs that Curry would then sell to his
21 customers.

22 Now, you're going to hear that between 2002 and
23 early 2003, Hakeem Curry was distributing hundreds of
24 kilograms of cocaine that he received from Paul Bergrin's
25 supplier.

1 Now, as I said, Hakeem Curry had a large
2 operation, and he had many underlings, and one of the
3 underlings you're going to hear about is a man named William
4 Baskerville.

5 Hakeem Curry supplied William Baskerville with
6 drugs, included cocaine that he had received from Paul
7 Bergrin's supplier.

8 Now, what does this have to do with the Kemo
9 murder?

10 Well, ladies and gentlemen, you're going to hear
11 that in early 2003, the F.B.I. began to investigate William
12 Baskerville's drug trafficking, and that although he was the
13 target initially, they hoped to go up the chain and get to
14 his bosses and suppliers, even though at the time they did
15 not know who that was.

16 You'll hear that the primary method the F.B.I.
17 used to investigate William Baskerville was called a
18 confidential informant, and that was a man named Kemo
19 Deshawn McCray. Kemo did two things for the F.B.I. First,
20 he provided information about William Baskerville to the
21 F.B.I. The second thing he did was, he made what are called
22 controlled purchases of cocaine from William Baskerville.
23 That simply means that Kemo bought cocaine from William
24 Baskerville under the supervision of the F.B.I. The F.B.I.
25 outfitted him with a recording device to record what would

1 happen during the transactions. If they could do so safely,
2 they would stay in the area and try to watch the transaction
3 as it occurred, and, of course, once the transaction was
4 done, Kemo would return to the F.B.I. agents, give them the
5 drugs he had purchased from Baskerville, and also give them
6 the recording device.

7 You'll hear that between March of 2003 and October
8 of 2003, Kemo purchased drugs from William Baskerville on
9 six separate occasions.

10 On November 25th, 2003, William Baskerville was
11 arrested and brought to Federal Court, and when he arrived
12 in Federal Court, his lawyer, Paul Bergrin, appeared in
13 Federal Court as well, and both Bergrin and Baskerville
14 learned on that day that Baskerville was charged with a
15 serious Federal drug crime, one for which he faced 40 years'
16 imprisonment, one for which he was not going to be getting
17 out on bail.

18 Now, you'll hear that William Baskerville's arrest
19 on serious drug charges was obviously a problem for Will
20 Baskerville, but it was also a problem for Hakeem Curry and
21 other persons associated with Curry's drug business, and
22 that included Mr. Paul Bergrin as well, since he had hooked
23 up Curry with a supplier for kilograms of cocaine.

24 Since Baskerville was facing 40 years in jail, the
25 incentive for him to cooperate was enormous, and

1 Paul Bergrin understood exactly what William Baskerville's
2 cooperation would have meant, not just to Hakeem Curry, but
3 also to Paul Bergrin himself.

4 As a former Federal prosecutor, Paul Bergrin
5 understood exactly how the Federal Government built its
6 cases, how they arrest underlings in a drug operation, how
7 they get them to flip and cooperate against their bosses,
8 and how the Federal Government does not stop until they get
9 to the top of the food chain.

10 And that food chain obviously involved Paul
11 Bergrin.

12 Now, Bergrin also no doubt understood that if
13 William Baskerville won his case, the incentive for him to
14 cooperate goes away, and therefore, he had no danger of
15 exposing Bergrin's own drug trafficking activity.

16 Bergrin also understood that if the truth were
17 told at William Baskerville's trial that William Baskerville
18 would be convicted.

19 So faced with that situation, what did Paul
20 Bergrin do? Did he act like a legitimate lawyer and follow
21 the rules?

22 No. That's not what he did.

23 He rigged the system. And rigging the system this
24 time meant killing the cooperator against William
25 Baskerville, killing Kemo.

1 So let's talk about what happened.

2 Well, when they appeared in court on the 25th,
3 Bergrin, Curry, and Baskerville had a problem. They
4 realized that somebody was cooperating against Will
5 Baskerville, but they did not know who that was. Most of
6 the information they had about the case at that time was
7 what was contained in a criminal complaint. That's simply a
8 two-page document that William Baskerville received when he
9 appeared in court. That document talked about the charge
10 against William Baskerville. It also provided a brief
11 summary of some of the evidence against William Baskerville.

12 And you'll see that the Government took pains not
13 to conceal the identity of Kemo. They didn't mention Kemo
14 Deshawn McCray by name, but referred to him as confidential
15 witness or C W. Unfortunately despite the Government's
16 attempts women was better skill was able to determine that
17 Kemo was the cooperator against him based on other
18 information contained in the complaint. So on the day he
19 appeared in court, William Baskerville determined Kemo was
20 the cooperator.

21 But that didn't do him much good because William
22 Baskerville was in jail and he himself could not do anything
23 to prevent Kemo from testifying against him. He had to
24 communicate that information to his gang members on the
25 outside, and that's where Mr. Bergrin came in.

1 In court that day, after court that day,
2 Paul Bergrin met with William Baskerville in a private
3 attorney-client visit room, and in that visit, William
4 Baskerville told Paul Bergrin that the cooperator against
5 him was Kemo. As soon as Paul Bergrin left that meeting
6 with William Baskerville, he called Hakeem Curry, drug boss,
7 on the phone, and told the drug boss Hakeem Curry that the
8 cooperator against William Baskerville was Kemo.

9 Now, why was that important, ladies and gentlemen?
10 Well, for at least two reasons.

11 The first is, by identifying Kemo to Hakeem Curry
12 as the cooperator, he put Kemo in the gun sights, and he
13 identified Kemo to the very person, Hakeem Curry, who would
14 be responsible for making sure Kemo was killed.

15 The second thing, the second reason this is
16 important is because Paul Bergrin provided a secret conduit
17 of information between William Baskerville in jail and
18 Hakeem Curry out of jail. And let me explain a little bit
19 more about what I mean about that.

20 William Baskerville's in jail, and when you are in
21 jail, all of your meetings with outside persons are
22 monitored by law enforcement and are subject to being
23 recorded. So if one of the gang members came in and talked
24 to William Baskerville, they couldn't exactly freely discuss
25 Kemo or what they wanted to do to Kemo.

1 That's where Paul Bergrin's status as a lawyer was
2 so invaluable to this plot, ladies and gentlemen, because
3 you'll hear that as a lawyer, there's a special exception.
4 Lawyers can meet with their clients in private
5 attorney-client visit rooms, and those conversations cannot
6 be monitored by law enforcement, and they cannot be recorded
7 to preserve the attorney-client privilege.

8 And so William Baskerville was free to pass on
9 information to Paul Bergrin in that private setting knowing
10 that it would not be disclosed to law enforcement.
11 Paul Bergrin could then take that information and secretly
12 provide it to Hakeem Curry on the outside.

13 Now, you'll hear that passing on the name of Kemo
14 was not the only thing that Paul Bergrin did to ensure that
15 Kemo was murdered. Several days after this conversation, he
16 met Hakeem Curry and other members of Curry's drug gang
17 outside of relatives of William Baskerville's house. At
18 that meeting was Paul Bergrin, Hakeem Curry, fellow gang
19 members Jamal Baskerville, Rakim Baskerville, Jamal McNeil,
20 and Anthony Young.

21 Now, by the time of that meeting, William
22 Baskerville's situation had grown even more dire. He had
23 been indicted for a charge for which he now faced life in
24 prison, and Paul Bergrin's attempts to get him out on bail
25 had failed.

1 And so Paul Bergrin told Curry and the other
2 members of his gang at that meeting that William Baskerville
3 was in serious trouble in his Federal case. He told them
4 that if they did not kill Kemo that William Baskerville
5 would spend the rest of his life in jail. But he also told
6 them if they did kill Kemo, Paul Bergrin would win the case
7 and William Baskerville would go free.

8 And before he left that meeting, he told them,
9 Remember what I said, no Kemo, no case.

10 Now, why was this important?

11 Well, ladies and gentlemen, as I said,
12 Paul Bergrin was house counsel for Curry's organization.
13 His specialty was winning criminal cases. So when he told
14 them that the only way for him to win William Baskerville's
15 case was to kill Kemo, they didn't ask questions. They just
16 did it.

17 And so as surely as if he had pulled the trigger
18 himself, Paul Bergrin set in motion a chain of events he
19 knew would lead to the murder of Kemo Deshawn McCray.

20 So what happened next?

21 Well, ladies and gentlemen, after those explicit
22 instructions, Curry's gang went out and looked for Kemo to
23 kill him to prevent him from testifying against William
24 Baskerville.

25 You're going to hear that they searched for a few

1 months unsuccessfully, but that on March 2nd, 2004, one of
2 the gang members spotted Kemo as he was renovating a house
3 with his stepfather, Johnnie Davis, on South 18th Street
4 right here in Newark. That gang member reported back to his
5 fellow gang members, and they all gathered to finalize their
6 plans to kill Kemo.

7 It had previously been decided that Anthony Young
8 was going to be the shooter. At that meeting, they decided
9 Rakim Baskerville was going to drive the getaway car, that
10 Jamal McNeil and Hakeem Curry were going to act as lookouts
11 to make sure that Kemo did not escape.

12 They drove to the vicinity of South 18th Street in
13 two different cars and waited for their chance to strike.
14 That chance came a little before two o'clock that day, when
15 Kemo and Johnnie Davis left the house they were renovating
16 and headed to a store a couple of blocks away. You'll hear
17 that Anthony Young and Rakim Baskerville realized that Kemo
18 and Johnnie Davis would likely retrace their steps back to
19 the house at South 18th Street, and so they went to a spot
20 to intercept them. Anthony Young got out of the car and
21 ducked into a doorway of a building near South 19th Street
22 and South Orange Avenue. He had his gun in his pocket, hand
23 on his gun. He was in the doorway, and he waited for Kemo
24 to come.

25 Now, Johnnie Davis and Kemo left the store and

1 began to walk back to the house. As they did so, they were
2 walking side by side, completely oblivious that they were
3 walking towards the man that was about to kill Kemo.

4 As they approached, Anthony Young left the
5 doorway. He began to walk towards Kemo and Johnnie Davis.
6 And when he passed by Johnny -- by Kemo, he grabbed Kemo,
7 pulled out his gun, put it to the back of Kemo's head, and
8 fired shots. Kemo collapsed to the ground.

9 Johnnie Davis, who had heard the shots erupt next
10 to him, turned around to see what happened. He saw in the
11 distance the shooter get into the getaway car and the
12 getaway car drive away. And when he looked to the spot
13 where seconds earlier he and Kemo had been peacefully
14 walking, he saw a sight no father should have to see. On
15 the ground, lying -- lying, dying, was Kemo.

16 As soon as it had begun, it was over. From the
17 time it took to shoot four rounds from an automatic pistol,
18 Kemo went from living to dead. And all Johnnie Davis could
19 do was stand there watching as his son lay dying in a pool
20 of his own blood.

21 And so on March 2nd, 2004, Kemo Deshawn McCray was
22 gunned down in the middle of the street in broad daylight in
23 front of his father so this man sitting here could win a
24 criminal case.

25 Let's talk about the next crime Mr. Bergrin was

1 involved in. That is the solicitation to murder a witness
2 against Richard Pozo.

3 Now, you're going to hear that while he was
4 plotting to kill Kemo with William Baskerville and Hakeem
5 Curry, he began to represent another drug dealer named
6 Richard Pozo. Richard Pozo was not connected to Curry.
7 Richard Pozo was a large-scale wholesale supplier of
8 kilograms of cocaine. Pozo's operation was that he would
9 get drugs in Texas and transport them up to New Jersey for
10 distribution.

11 Pozo had a partner in the drug business named
12 Pedro Ramos.

13 Now, all was going well for Pozo and Pedro Ramos
14 when in February of 2004, Federal authorities in Texas
15 arrested Pedro Ramos, and Pedro Ramos decided to cooperate
16 against Richard Pozo.

17 Of course, Pozo was arrested shortly thereafter on
18 those Federal charges in Texas.

19 Now, although the charges against Pozo were out of
20 Texas, Pozo was a New Jersey guy, so he was initially
21 arrested in New Jersey.

22 Pozo retained Paul Bergrin to represent him on
23 that case.

24 But you're going to hear that that interaction was
25 not the first time Pozo and Bergrin had done business.

1 Months earlier, Bergrin solicited Pozo as a client, and
2 although Pozo had no outstanding charges at the time, he
3 hired Paul Bergrin to be house counsel for his drug
4 organization.

5 You're going to hear that through that
6 representation as house counsel, Paul Bergrin learned a
7 number of details about Pozo's drug operation, and he also
8 learned about his partner, Pedro Ramos. You're going to
9 hear that Paul Bergrin offered to launder money for Richard
10 Pozo and that on one occasion, he asked Pozo if Pozo would
11 supply another one of Paul Bergrin's clients with kilograms
12 of cocaine.

13 So by the time he began to represent Richard Pozo
14 on those Texas charges, he knew full well that Richard Pozo
15 was a big-time drug dealer and no doubt understood he was
16 guilty of the crime he was charged with.

17 He also understood that if the truth were told at
18 Pozo's trial, Pozo would be convicted.

19 So what did Paul Bergrin do? Did he decide to act
20 like a legitimate lawyer and follow the rules?

21 No. Once again, he decided to rig the system.
22 And rigging the system at this time meant advising Richard
23 Pozo to kill Pedro Ramos to prevent him from cooperating.

24 So what happened?

25 Paul Bergrin met with Richard Pozo in a private

1 attorney-client visit room in jail because Pozo was in jail
2 at the time, and in that private attorney-client visit, he
3 told Richard Pozo that Pedro Ramos was cooperating.

4 He asked Richard Pozo if Pozo knew where Pedro
5 Ramos lived, and when Pozo asked him why he wanted that
6 information, Bergrin said, because if we can get to him and
7 take him out, your headache will go away.

8 Now, Pozo understood exactly what Bergrin was
9 talking about, and he told Bergrin he was not going to be
10 involved in murdering anyone.

11 Now, there were no further discussions about
12 murdering Pedro Ramos after that. But you will hear that
13 sometime after that conversation, Pozo fired Bergrin and
14 hired a new lawyer.

15 And because Richard Pozo rejected Paul Bergrin's
16 advice, Pedro Ramos, unlike Kemo Deshawn McCray, is alive
17 today.

18 Let's talk about the next crime Mr. Bergrin was
19 involved in. That is the New York prostitution business.

20 This relates to Mr. Bergrin's representation of a
21 man named Jason Itzler. Jason Itzler ran a prostitution
22 business in New York City. Itzler's problem was that he was
23 on parole in New Jersey. He lived in New Jersey, and
24 because he was on parole, he had restrictions that would not
25 allow him to leave his house in New Jersey and travel to

1 New York during the hours he needed to run his prostitution
2 business. So he went to see Mr. Bergrin for help.

3 Now, Paul Bergrin understood that in order to get
4 parole to lift the restrictions, he had to give Parole a
5 good reason. He obviously also understood that he could not
6 tell Parole the truth because they're not going to let Jason
7 Itzler travel to New York to run a prostitution business.
8 That would be a parole violation.

9 So what happened? What did Mr. Bergrin do when
10 faced with this situation? Did he act like a legitimate
11 lawyer and follow the rules?

12 No. Once again, he rigged the system, and rigging
13 the system this time meant lying to New Jersey Parole so
14 that they would lift the restrictions on Jason Itzler and he
15 could travel to New York to run his prostitution business.

16 So what happened?

17 Well, you'll hear that Paul Bergrin knew full well
18 that Jason Itzler was running a brothel in New York. In
19 fact, he frequented that brothel on multiple occasions.

20 You're also going to hear that Bergrin understood
21 that if he could get -- convince New Jersey Parole that
22 Itzler was going to leave his house to work a legitimate job
23 that they would lift the restrictions. So Paul Bergrin lied
24 to New Jersey Parole and told them Itzler was working as a
25 paralegal for his law practice when, in fact, he knew full

1 well Itzler was traveling to New York to operate his
2 brothel.

3 Now, you're going to hear that New Jersey Parole
4 did lift the restrictions and did allow Itzler to travel
5 based on the lie Bergrin had told them, but they continued
6 to demand proof, and so Bergrin had to lie over and over
7 again to New Jersey Parole.

8 One of the things that they required was that
9 Itzler show proof that he was being paid by Paul Bergrin.
10 And so Bergrin cut a check from his corporate account of one
11 of his corporations called Premium Realty Investment to
12 Itzler.

13 Now, that check was just for show. You're going
14 to hear that Itzler never cashed that check, he never
15 deposited that check, he never otherwise negotiated that
16 check. But it did fool New Jersey Parole, and they
17 continued to allow Itzler to travel to New York to operate
18 the prostitution business.

19 Now, let's be clear: Itzler never did a single
20 lick of paralegal work for Paul Bergrin.

21 What else did Paul Bergrin do?

22 Well, he enlisted James Cortapassi, who at the
23 time was working as a paralegal for Paul Bergrin's law
24 practice, to assist in this scheme. Cortapassi helped
25 Bergrin and Itzler fool New Jersey Parole.

1 Now, unbeknownst to Bergrin, Itzler, and
2 Cortapassi, New York City police began to investigate
3 Itzler's brothel, and they eventually gathered enough
4 information, they arrested Itzler, and they charged him in
5 New York State Court, and Itzler was detained in jail
6 pending the charges on that case.

7 And because Itzler was in jail, he could no longer
8 run the brothel. So Paul Bergrin, every ready to help a
9 client out, took over, and while Itzler was in jail, he
10 managed the brothel himself, and he also got James
11 Cortapassi to help him do that.

12 Now, you're also going to hear that unbeknownst to
13 Paul Bergrin and Cortapassi, the N.Y.P.D. continued to
14 investigate that brothel even after Itzler was in jail. And
15 so in January of 2007, Paul Bergrin and James Cortapassi
16 were arrested by N.Y.P.D. and charged in State Court in
17 New York. You're going to hear that Paul Bergrin pled
18 guilty to the misdemeanor charge of conspiracy to promote
19 prostitution in connection with those charges.

20 So let's talk about the next crime, and this is
21 actually going to be a series of crimes relating to the drug
22 trafficking operation.

23 You're going to hear that one of the clients that
24 Paul Bergrin distributed drugs to was a man named Rondre
25 Kelly. Rondre Kelly was a client of Paul Bergrin's law

1 practice, and through his legal representation of Kelly, he
2 learned that Kelly was a large retail distributor of
3 kilograms of cocaine.

4 And so in early 2005, Bergrin approached Kelly and
5 offered to supply him with kilograms of cocaine. And Kelly
6 agreed. So after that, Kelly began to receive kilograms of
7 cocaine directly from Paul Bergrin.

8 The arrangement they had was that they would
9 prearrange a date that Kelly was going to pick up the
10 kilograms of cocaine and an amount that Kelly was supposed
11 to pick up. Kelly would then drive to the vicinity of
12 Paul Bergrin's law office, then located at 572 Market
13 Street, he would call Bergrin on the phone, and Bergrin
14 would send down employee of his law practice Ramon Jimenez,
15 who would give Rondre Kelly bags containing kilograms of
16 cocaine.

17 Now, you're going to hear that this part of the
18 operation, this scenario, didn't last too long, because
19 there were conflicts in the schedule between Paul Bergrin
20 and Rondre Kelly, and this was not an efficient way for them
21 to conduct business. And so after those problems,
22 Paul Bergrin introduced Rondre Kelly to two other members of
23 the enterprise, girlfriend Yolanda Jauregui, and Alejandro
24 Castro, and after that, Castro and Jauregui distributed the
25 kilograms of cocaine to Rondre Kelly.

1 Now, you're going to hear that although Bergrin
2 stepped back from the direct distribution, he and Kelly
3 continued to maintain contact. And you're going to hear
4 that Kelly was a very good customer for the drug trafficking
5 operation, that between early 2005 and early 2007, he
6 received hundreds of kilograms of cocaine from Bergrin,
7 Jimenez, Jauregui, and Castro.

8 Rondre Kelly was not the only client that
9 Paul Bergrin distributed to. You're also going to hear
10 about another client named Eugene Braswell.

11 Eugene Braswell was a client of Paul Bergrin's law
12 practice. Eugene Braswell was a New Jersey state
13 corrections officer, and Eugene Braswell was a drug dealer.
14 You'll hear that Braswell had discussed his drug business
15 with Bergrin and that on one occasion, he told Bergrin that
16 his supplier had cut him off and that he could no longer get
17 cocaine from his supplier. So Bergrin, again ever ready to
18 help out a client, told Braswell he would hook him up with a
19 new supplier.

20 And so he brought Braswell down to his office and
21 introduced him to Ramon Jimenez, the same Ramon Jimenez who
22 was an employee of Bergrin's law practice, the same Ramon
23 Jimenez who had earlier helped Bergrin distribute to Rondre
24 Kelly. And after this introduction, Ramon Jimenez did
25 supply Braswell with kilograms of cocaine on two occasions.

1 You're going to hear that sometime after the second
2 occasion, Ramon Jimenez was arrested on an unrelated charge
3 having nothing to do with his distributions to Braswell, but
4 Jimenez was detained in jail, so Braswell stopped dealing
5 with him. And although Braswell stopped dealing with Ramon
6 Jimenez, you'll hear that he continued to maintain contact
7 with Paul Bergrin, and we'll get to that a little later.

8 At the same time that this is going on, ladies and
9 gentlemen, Bergrin also hooked up another client of his
10 named Abdul Williams with Ramon Jimenez so that Jimenez
11 could supply Williams with cocaine, and you're going to hear
12 that just like Braswell, Jimenez did supply Williams with
13 cocaine on two occasions.

14 You're going to hear that after the second
15 occasion, Williams got arrested on an unrelated charge
16 having nothing to do with his transactions with Jimenez, but
17 Williams was in jail, and therefore, he stopped getting
18 drugs.

19 Around this same time, you're going to hear
20 Bergrin also began to deal with another drug dealer named
21 Shelton Leverett. Now, Shelton Leverett had been arrested
22 by the F.B.I. for trafficking crack cocaine. Leverett
23 decided to cooperate with the F.B.I., and one of the things
24 that he did was, he agreed to wear a secret recording device
25 and meet with Paul Bergrin. You're going to hear that in

1 the early meetings with Paul Bergrin, they discussed hiring
2 Bergrin to represent Shelton Leverett on the Federal drug
3 charges, but they discussed other things as well, including,
4 on one occasion, Leverett asked Paul Bergrin to hook him up
5 with a supplier for cocaine, a connect, in common drug
6 parlance. And Bergrin agreed to do that. And you're going
7 to hear that over the course of several recorded
8 conversations, Bergrin not only agreed to introduce them,
9 but, in fact, did, to a supplier none other than Abdul
10 Williams.

11 Now, at this point, Abdul Williams was out of jail
12 and he was in what's called a halfway house. You'll hear
13 that Leverett met with Abdul Williams and asked Williams to
14 supply him with kilograms of cocaine. At that time,
15 Williams told Leverett that he was in a halfway house and he
16 was laying low and temporarily not -- not supplying drugs
17 any more. And so Williams never did supply Leverett with
18 any kilograms of cocaine, but they did have those
19 discussions, and you will hear those because they're
20 recorded.

21 Even though Williams didn't supply any cocaine to
22 Leverett at that time, he did reunite with Paul Bergrin.
23 Williams, as I said, was in a halfway house, and in order to
24 get out during the day, he needed to show he had legitimate
25 employment, so Paul Bergrin hired Abdul Williams to work at

1 his law practice.

2 You'll hear that Williams did very little
3 legitimate work for Paul Bergrin, but what he did do for
4 Bergrin was assist Bergrin in distributing kilograms of
5 cocaine.

6 Bergrin approached Williams and asked Williams to
7 become a short-range delivery service driver for Bergrin,
8 picking up kilograms of cocaine from either Bergrin,
9 Jauregui, or Castro, usually at a stash house. Williams
10 would then deliver those kilograms of cocaine to one of
11 Paul Bergrin's customers, give them the drugs, get the money
12 in exchange, and bring the money back to either Jauregui,
13 Castro, or Bergrin. Williams was paid a fee for each time
14 he did this delivery service.

15 You're going to hear that after that, Williams
16 delivered drugs on behalf of Bergrin on multiple occasions.

17 Now, all was going well for Williams and the
18 delivery service when, on June 8th, 2007, Williams got
19 arrested for illegally possessing a handgun in Newark.

20 And that brings us to the next crime, the witness
21 tampering for Abdul Williams.

22 You're going to hear that Williams was on a street
23 in Newark along with a group of other people. He had a gun
24 in his pocket, and when police approached, he did not want
25 to get caught with that gun in his pocket, so he stealthily

1 removed the gun from his pocket, dropped it on the ground,
2 and walked away. You'll hear that a Newark police officer
3 went to the spot where Williams had been standing, recovered
4 the gun, and placed Williams under arrest.

5 Now, Williams made bail on that gun charge, and he
6 went down and spoke to Bergrin, and he told Bergrin that he,
7 in fact, was in possession of that gun that the police
8 recovered on June 8th, 2007. You'll hear that Williams was
9 also on parole at the time, and that gun arrest generated a
10 parole violation. So even though he made bail on the charge
11 itself, the gun charge, he was detained in jail on the
12 parole violation a couple weeks later.

13 And since he was detained in jail, he could no
14 longer do the delivery service for Paul Bergrin.

15 Now, Bergrin, because he had discussed with
16 Williams the case, understood that Williams was guilty as
17 charged, and he represented Williams on both the gun charge
18 and the patrol violation. Bergrin no doubt understood that
19 if the truth were told, Williams would be convicted of both
20 the parole violation and the gun charge.

21 So faced with that situation, what did Paul
22 Bergrin did? Did he act like a legitimate lawyer?

23 No, he didn't. He rigged the system. And rigging
24 the system this time meant helping Abdul Williams get a
25 friend of his, named Jamal Mohammad, to falsely confess to

1 possessing the gun that Abdul Williams had possessed.

2 So what happened?

3 Well, Williams agreed to pay Mohammad in exchange
4 for Mohammad falsely confessing possessing the gun. After
5 that, Bergrin got an investigator to take a written
6 statement memorializing Mohammad's false confession to the
7 gun. After that, Mohammad went to Newark police, a
8 different group of Newark police officers, not the ones who
9 had arrested Williams, and he falsely confessed to them as
10 well, and that confession generated a police report.

11 After that, Paul Bergrin took the written
12 statement from the investigator and the police report and he
13 presented those at Abdul Williams's parole violation hearing
14 knowing full well they were false, and he argued that since
15 Jamal Mohammad had confessed to possessing the gun that
16 Abdul Williams was innocent. The parole violation officer
17 bought the lie, and Williams was acquitted on those charges.
18 Since he was acquitted, he was released from jail, and he
19 then went back to helping Paul Bergrin distribute kilograms
20 of cocaine.

21 You're going to hear that between the time he
22 started in late 2006 until the time he stopped in about May
23 of 2009, Williams distributed hundreds of kilograms of
24 cocaine for Paul Bergrin, Yolanda Jauregui, and Alejandro
25 Castro.

1 Now let's talk about the next crime Mr. Bergrin
2 was involved in, the witness tampering for Edward Peoples.

3 You'll hear that while this drug trafficking was
4 going on, Paul Bergrin continued to run his law practice,
5 and in connection with that, he represented a man named
6 Edward Peoples. Edward Peoples was arrested and charged in
7 Essex County with murdering a man named Rahman Jenkins.

8 Now, the state had strong evidence against Edward
9 Peoples. They had a number of witnesses implicating him in
10 the murder. And Paul Bergrin knew that Edward Peoples was
11 guilty of the crime. He also understood that if the truth
12 were told at Peoples's trial, Peoples would be convicted.

13 So what did Paul Bergrin do? Did he act like a
14 legitimate lawyer?

15 Of course he didn't. He rigged the system one
16 more time, and this time, rigging the system meant getting
17 witnesses to lie and say that they saw somebody else, not
18 Edward Peoples, kill Rahman Jenkins.

19 You'll hear that Peoples was in jail at the time,
20 and so Peoples recruited one of his fellow inmates named
21 Greg Smith to lie, to falsely say that Smith was a witness
22 to the crime, and that he had seen someone other than
23 Peoples kill Rahman Jenkins. You'll hear that Peoples
24 offered to provide Smith with bail money in exchange for the
25 lie.

1 You'll also hear that, of course, Smith was not a
2 witness to the crime. Indeed, Smith was not even there the
3 day that Peoples killed Rahman Jenkins. You'll hear that
4 Smith also met with Paul Bergrin to go over the lie in
5 preparation for the testimony.

6 You'll hear that during that meeting, Paul Bergrin
7 met with Smith in a private attorney-client visit room in
8 Essex County Jail, and there, he went over the lies that he
9 wanted Smith to tell, and at that meeting, Smith told
10 Bergrin that he was not a witness to the crime, that he was
11 not even there that day. And Bergrin told him, That's not a
12 problem, just follow the script that Peoples was about to
13 give him.

14 And what you're going to hear, ladies and
15 gentlemen, is that Peoples did give Greg Smith a script,
16 including handwritten notes and a hand-drawn map, detailing
17 what Smith was supposed to lie about on the stand.

18 Now, you're going to hear that Smith decided to
19 cooperate with the prosecution, and so he never provided
20 false testimony at that trial.

21 But Smith was not the only person that they
22 recruited to lie on the stand. Bergrin also recruited a
23 second person named Marvin McCloud to lie, and for that,
24 Bergrin enlisted the assistance of one of his other clients,
25 named Rasheem King. Rasheem King was a drug dealer of

1 considerable influence in the Baxter Terrace Housing Project
2 in Newark. That housing project is the spot where Edward
3 Peoples killed Rahman Jenkins.

4 Bergrin called King down to his office and told
5 King he wanted King to find a witness who was going to lie
6 and say that they saw somebody else, not Peoples, kill
7 Rahman Jenkins. King delivered on that promise and he told
8 Bergrin he had a witness. That witness was Marvin McCloud.

9 After that, Bergrin went down to Baxter Terrace
10 and coached McCloud on the lie he wanted him to tell on the
11 witness stand, and at Edward Peoples's trial, McCloud took
12 the stand and told the lie exactly as he was coached.

13 Let's talk about the next crime Mr. Bergrin was
14 involved in, the plot to murder witnesses for Vicente
15 Esteves. You're going to hear that after the Peoples trial,
16 Bergrin began to represent a very large drug dealer named
17 Vicente Esteves. Esteves had been arrested in Monmouth
18 County. He was facing serious charges, and he was detained
19 in jail.

20 You're going to hear that Bergrin met with Esteves
21 a number of times in an attorney-client private meeting
22 room, the same way he'd done with a number of his other
23 clients, and that during those meetings, he learned all
24 about Esteves's drug business. You're going to hear that
25 around that same time, Bergrin also learned things from the

1 prosecution about the case against Esteves, and based on
2 what he understood and he knew, Bergrin knew that Vicente
3 Esteves was a big drug dealer and was guilty as charged. He
4 also understood that if the truth were told at Esteves's
5 trial, Esteves would be convicted. And so he instructed
6 Esteves that the only way for Esteves to win the case was to
7 make sure no one cooperated against Esteves.

8 Now, you're going to hear that Paul Bergrin had a
9 special incentive to win this case against Esteves because,
10 as I said, he had many attorney-client-privileged meetings
11 with Esteves, and during those meetings, they discussed
12 Esteves's drug trafficking operation, including how Esteves
13 could obtain cheap-priced kilograms of cocaine directly from
14 a source of supply in Columbia. Paul Bergrin wanted
15 cheap-priced kilograms of cocaine for his operation, and so
16 he asked Esteves if Esteves would introduce him to the
17 Colombian supplier so Bergrin, too, could get cheap-priced
18 kilograms of cocaine, and Esteves agreed to do it.

19 You'll hear how Bergrin expected to make millions
20 of dollars once he was in business with Esteves. But there
21 was one catch. Esteves told Bergrin he would only do so
22 after he was out of jail. So Paul Bergrin had to win
23 Vicente Esteves's case and get Esteves out of jail in order
24 to make those millions of dollars.

25 So faced with that situation, what did Paul

1 Bergrin do? Did he act like a legitimate lawyer and follow
2 the rules?

3 I think you know the answer to that by now, ladies
4 and gentlemen. Of course he didn't. Once again, he rigged
5 the system. And rigging the system this time meant killing
6 witnesses against Vicente Esteves.

7 So what happened?

8 Well, first, Esteves and Bergrin met together and
9 they planned to kill the witnesses, and they identified the
10 witnesses to be killed.

11 The second thing they did was they enlisted a
12 Latin King gang member from Chicago to kill those witnesses.

13 And that brings us back to the beginning of the
14 opening statement, because, as you now know, that Latin King
15 was cooperating with the Government, but Paul Bergrin and
16 Esteves did not know it at the time.

17 And Bergrin engaged in six months' worth of
18 conversation with this hitman, all of which are recorded, in
19 which they talked about killing the witnesses. You're going
20 to hear that Paul Bergrin acted as a secret conduit of
21 information between Esteves in jail and the hitman on the
22 outside. You're going to hear that Bergrin told Esteves
23 that -- Bergrin told the hitman that Esteves wanted
24 witnesses killed. You're going to hear how Bergrin
25 identified the particular witnesses to be killed.

1 You're also going to hear that Paul Bergrin
2 enlisted fellow enterprise member and law partner Thomas
3 Moran to assist in the plot, and that after that, Moran,
4 too, acted as a secret conduit of information between
5 Esteves in jail and the hitman on the outside, and that at
6 one point, Moran actually snuck a cell phone into Esteves in
7 jail and provided another cell phone to the hitman so they
8 could have a secret conversation about the plot to kill the
9 witnesses.

10 And, of course, you're also going to hear that the
11 other thing Paul Bergrin did was that he met with the hitman
12 and instructed him on how to kill a witness. This
13 particular witness was a man they knew as Junior, his true
14 name was Danilo Chen-Pui, and that brings us back to the
15 December 8th meeting.

16 At that meeting at the restaurant during Paul
17 Bergrin's birthday, the hitman told Bergrin that he had
18 located Junior, one of the witnesses, that Junior was living
19 with his girlfriend in The Bronx, that he was prepared to
20 kill Junior, but he was awaiting Paul Bergrin's blessing.

21 And Paul Bergrin pulled the hitman aside and in a
22 soft voice told -- had the following conversation.

23 The hitman asked if killing Junior was going to
24 hell Vicente Esteves win the case, and Bergrin told him it
25 would. Bergrin said, quote, "They will never figure it

1 out," meaning law enforcement will never figure it out. He
2 told the hitman, quote: "Put on a ski mask and we'll
3 fuckin' rob him because there's got to be a lot of money in
4 the house." And when the hitman asked why they needed to
5 take the money, Paul Bergrin said, quote, "We gotta make it
6 look like a robbery. It cannot under any circumstances look
7 like a hit."

8 Paul Bergrin told the hitman: "We have to make it
9 look like a home invasion robbery. We have to hit him when
10 his girlfriend is at work. We don't want her around, just
11 want him."

12 And when the hit man asked why not kill the
13 girlfriend, too, Paul Bergrin said, quote: "She is nothing
14 to the case," meaning she was not a witness against Esteves
15 and that killing her, quote, "doubles the pressure," meaning
16 doubles the pressure on law enforcement to solve the crime.

17 Bergrin said that if they just killed Junior
18 alone, law enforcement will say, quote, "Fuck him, he's a
19 drug dealer."

20 Now, the hitman left that meeting on December 8th
21 with clear instructions, not just that he should kill
22 Junior, but on how he should do so without having himself,
23 Bergrin, Esteves, or Moran caught.

24 Now, you're going to hear that plotting to kill
25 witnesses against Esteves was not the only crime that

1 Bergrin discussed with the hitman, that he discussed drug
2 trafficking with him as well, that he discussed obtaining
3 how they were going to go into business together selling
4 Esteves's drugs once Esteves got out of jail. And you're
5 going to hear that Bergrin told the hitman that he would
6 hook the hitman up with a different supplier for kilograms
7 of cocaine.

8 The other thing they talked about related to
9 another client named Eugene Braswell, and that's the same
10 Eugene Braswell that Paul Bergrin had earlier introduced to
11 Ramon Jimenez so Jimenez could supply drugs to Braswell.

12 You're going to hear that this was a few years
13 later, and that Braswell was continuing to sell drugs, and
14 that Braswell at this time had an operation in which he
15 received drugs in Texas, transported them to New Jersey and
16 distributed them in New Jersey, and that part of that plan
17 was that Braswell would then take the money he earned in
18 New Jersey and ship it back to Texas to pay for the next
19 shipment, and that was a continuing cycle.

20 One of the things that Braswell wanted to do, of
21 course, was to make sure that the money did not get
22 intercepted by law enforcement when it went back to Texas to
23 pay for the drugs, and in order to make sure that it wasn't,
24 he wanted to conceal it in as small a package as possible.

25 So what he did was, he hired what's called a money

1 changer. A money changer simply takes small bills and turns
2 them into large bills. As you can imagine, a hundred
3 dollars in singles takes up a lot more space than a single
4 one-hundred-dollar bill.

5 So Braswell employed this money changer, and on
6 one occasion, he gave the money changer approximately half a
7 million dollars. The problem with Braswell is that the
8 money changer never gave him the money back. Braswell
9 believed that the money changer had stolen the money, but,
10 of course, since it was drug money, he couldn't exactly
11 report that theft to the police, so instead, he went to
12 visit Paul Bergrin and told Bergrin about his problem.

13 And Bergrin told Braswell that he had a Latin King
14 from Chicago that would collect the money from the money
15 changer. Of course, he was referring to the hitman.

16 And you'll hear that in a separate conversation
17 with the hitman. He enlisted the hitman to collect the
18 money from the money changer.

19 Around this same time, ladies and gentlemen,
20 you're also going to hear that Paul Bergrin solicited
21 Braswell and said he would supply him with kilograms of
22 cocaine. He called Braswell down to his office and
23 introduced him to Alejandro Castro. And at that meeting,
24 Bergrin told Braswell that Alejandro Castro had high-quality
25 kilograms of cocaine, that Castro had good prices, and that

1 Castro could provide Braswell with as much cocaine as
2 Braswell wanted, and at Bergrin's behest, Braswell began to
3 sample Castro's product. He met with Braswell at a
4 McDonald's in Newark, and they traveled to Bergrin's
5 restaurant, Isabella's, 710 Summer Avenue, and at an
6 apartment that Castro rented from Bergrin above the
7 restaurant, he showed Braswell a kilogram of cocaine.
8 Braswell sampled it, thought it was good product, but
9 Braswell did not want to deal with Alejandro Castro because
10 of a language barrier: Castro spoke Spanish, Braswell spoke
11 English. So he went back to Bergrin and told Bergrin was
12 interested but said he would only get kilograms of cocaine
13 if Bergrin dealt with him directly, and Bergrin agreed to do
14 so.

15 You'll hear that after that, Bergrin himself
16 handed kilograms of cocaine to Braswell on four separate
17 occasions. The first two times, he handed them to Braswell
18 at Paul Bergrin's law office, then located at 50 Park Place.
19 The second two times he gave Braswell drugs was at a hotel
20 room in the same building as Bergrin's law office at 50 Park
21 Place.

22 Now, you're going to hear that Braswell and
23 Bergrin stopped doing business together because Bergrin was
24 arrested on May 20th, 2009 in this case. You're going to
25 hear that a number of other persons involved with Bergrin's

1 operation were arrested on that day, too. But one of the
2 persons who wasn't arrested was Alejandro Castro, and the
3 reason Castro was not arrested is because Drug Enforcement
4 agents had information he was about to receive a large
5 shipment of cocaine, and, in fact, the following day, May
6 21st, he did receive a large shipment of cocaine, and he
7 stored that shipment of cocaine, 54 kilograms, inside
8 Paul Bergrin's restaurant, Isabella's Restaurant.

9 Drug Enforcement agents observed one of Castro's
10 underlings sell a kilogram of cocaine to a client. They
11 arrested that customer, seized the kilogram of cocaine, went
12 back to Isabella's, arrested Castro. They obtained a
13 warrant and searched Isabella's and recovered the additional
14 53 kilograms of cocaine from inside Paul Bergrin's
15 restaurant.

16 Now, ladies and gentlemen, that's a summary of
17 what happened in this case, and I'm going to discuss with
18 you now the charges.

19 You're going to hear that Paul Bergrin was
20 indicted by a grand jury on multiple charges, including
21 conspiring to murder Kemo Deshawn McCray to prevent him from
22 testifying against William Baskerville, drug trafficking
23 conspiracy, operating a prostitution business, tampering
24 with witnesses for Abdul Williams, and conspiring to murder
25 witnesses for Vicente Esteves. The Judge is going to

1 instruct you on the law on all of those charges, and I'm not
2 going to discuss them further now, but I do want to discuss
3 with you some of the other charges in this case, what are
4 known as the racketeering charges.

5 The first one we're going to discuss is
6 Racketeering Influenced and Corrupt Organizations, or RICO
7 for short.

8 Now, RICO doesn't focus only on the individual
9 crimes we discussed; rather, it focuses on the criminal
10 organization and the series of crimes that that organization
11 commits.

12 In this particular case, we're talking about
13 Paul Bergrin's business, the one in which he used his law
14 practice to provide legal and illegal services to clients,
15 and the crimes we've just discussed, the series of crimes.

16 So we will prove, ladies and gentlemen, that
17 Paul Bergrin, first, was a member of a criminal organization
18 called an enterprise, and, second, that he participated in
19 the operation of that enterprise by committing a series of
20 crimes, and again, those are the crimes that we just
21 discussed.

22 Now, the Judge is going to instruct you on the
23 term "enterprise," and he's going to instruct you that an
24 enterprise can be a formal organization like a corporation
25 or a union, but it doesn't have to be. The enterprise

1 charged in this indictment is what is known as an
2 association in fact enterprise, and that simply means a
3 group of people associated together for the common purpose
4 of engaging in a course of conduct. That's a bit of a
5 mouthful, I understand, but it's really fairly simple in
6 practice. It's a group with a purpose. So if you got
7 together with a bunch of your neighbors and formed a book
8 club, the group of individuals associated together would be
9 the members of the book club, and the common purpose and
10 course of conduct would be reading and discussing books.
11 Now, obviously, a book club is not a criminal enterprise,
12 but the concept of an enterprise is just that simple.

13 So the enterprise in this case, Paul Bergrin's
14 enterprise, the common course of conduct was operating the
15 business, the business we discussed, in which Paul Bergrin
16 used his law practice to provide both legal and illegal
17 services to clients, and the group of individuals associated
18 together would be Paul Bergrin and that special group of
19 workers we talked about before: Yolanda Jauregui, Alejandro
20 Castro, Thomas Moran, Ramon Jimenez, Abdul Williams, James
21 Cortapassi, and Norberto Velez.

22 Now, you're going to hear that one of the things
23 that Bergrin's enterprise had that the book club analogy
24 didn't is that Bergrin's also used corporations, and again,
25 although that may seem a little foreign at first, it's

1 really fairly simple in practice. Like many small
2 businesses, Paul Bergrin did business through corporations,
3 and he practiced law through two: First, Pope Bergrin &
4 Verdesco, and then when that dissolved, he formed a second
5 corporation, Law Office of Paul Bergrin. And that's really
6 no different than many of the businesses you may patronize.
7 The local auto mechanic doesn't do business as Jim Jones but
8 rather as Jim's Auto Repair, Incorporated. So in that same
9 way, Paul Bergrin practiced law through two corporations.

10 You'll hear that he used other corporations as
11 well. Isabella's Restaurant, we've already discussed how
12 that was a restaurant that he owned with his girlfriend,
13 Yolanda Jauregui, that it was used to store and distribute
14 drugs. The other corporation was Premium Realty Investment,
15 and that was one that he also owned with his girlfriend and
16 partner in crime Yolanda Jauregui, and he used that to
17 launder money for drug client Rondre Kelly and also to cut
18 checks to help fool New Jersey Parole and allow Itzler to
19 operate the brothel.

20 Now that we've discussed briefly what the Bergrin
21 enterprise looked like, I'm going to tell you about the
22 proof that Bergrin was part of the enterprise.

23 Now, we're going to prove that Bergrin was part of
24 that enterprise, but we're going to prove that he wasn't
25 simply part: He was actually the leader.

1 Since the enterprise was based on Paul Bergrin's
2 law practice, his role in the law practice was the same role
3 he had in the enterprise. So just as he was the leader of
4 his law practice and operated and controlled his law
5 practice, he, too, was the leader of the enterprise. He
6 formed and controlled the corporations that were used in the
7 enterprise, he controlled the employees of the enterprise,
8 and he chose what clients his enterprise would service and
9 the types of services they got. So in the same way any
10 small business owner is part of and controls the business he
11 owns, the same way is the way Paul Bergrin controlled the
12 enterprise.

13 The other thing we're going to prove is that
14 Paul Bergrin participated in the criminal activity of the
15 enterprise. Now, again, we've already been through this, so
16 I'm not going to go through it in detail now, but just to
17 remind you, he participated in the Kemo murder by passing
18 the name of Kemo from William Baskerville to Hakeem Curry
19 and then instructing the drug gang to kill Kemo so that
20 William Baskerville could win his case.

21 He participated in the drug trafficking operation
22 by obtaining customers to purchase kilograms of cocaine by
23 getting a supplier to supply those customers, by
24 distributing kilograms of cocaine himself, by getting
25 employees like Ramon Jimenez and Abdul Williams to assist in

1 supplying kilograms of cocaine, and by using the places he
2 controlled through his corporations to store and distribute
3 drugs.

4 How he operated -- how he was involved in the
5 New York prostitution business: By lying to New Jersey
6 Parole so they would lift the restrictions, by cutting the
7 checks to fool New Jersey Parole, by enlisting
8 James Cortapassi to assist him, and also by operating
9 the prostitution business while Itzler was in jail.

10 How he participated in the witness tampering for
11 Abdul Williams: By helping Williams secure false statements
12 from Jamal Mohammad and then presenting those statements to
13 the Parole Violation Board so that Williams could be
14 acquitted of the charges.

15 How he participated in the plot to murder
16 witnesses against Esteves: By meeting with Esteves and
17 planning the murder, by interacting with the hitman and
18 instructing the hitman to kill the witnesses, by enlisting
19 Thomas Moran to assist in the plot, and obviously by
20 instructing the hitman to make the murder of Junior look
21 like a home invasion robbery.

22 Now, I want to talk about two other charges
23 briefly. They're also racketeering charges. Those are
24 Violent Crime in Aid of Racketeering, or VICAR for short.
25 VICAR is very similar to RICO. We're going to prove there

1 was an enterprise, the same enterprise we discussed. We're
2 also going to prove that Paul Bergrin participated in two
3 violent crimes. The first is the Kemo murder, and the
4 second is plot to murder witnesses against Esteves.

5 Now, again, we've already discussed the proof of
6 the enterprise and discussed proof of Bergrin's involvement
7 in both of these crimes, so I'm not going to go into it
8 further now, simply say there will be overwhelming proof of
9 his guilt with respect to these charges.

10 Now, ladies and gentlemen, those are the charges,
11 and I want to discuss with you the types of evidence you're
12 going to hear in this case, the evidence that you're going
13 to hear that will prove both Paul Bergrin's enterprise and
14 the criminal acts he committed through that enterprise.

15 You're going to hear from three primary sources:
16 The first will be eyewitnesses, the second will be recorded
17 conversations made during the crime, and the third will be
18 documents and other physical evidence.

19 And when you listen to the evidence, I want you to
20 consider not just each individual piece, but how they fit
21 together, how one piece supports another.

22 So, for example, you may hear testimony about a
23 witness who participated in a meeting with Mr. Bergrin, but
24 you may also hear a tape recording of that same meeting and
25 the recording will support what the meeting says. You may

1 hear two witnesses describe a similar incident, and those
2 witnesses will support each other.

3 You may hear a witness' testimony that will be
4 supported by physical evidence. For example, you're going
5 to hear many witnesses testify that Isabella's was used to
6 store and distribute kilograms of cocaine, and you're going
7 to see the 54 kilograms of cocaine that Drug Enforcement
8 agents seized from Isabella's on May 21st, 2009.

9 The eyewitnesses you're going to hear from, ladies
10 and gentlemen, are going to be in a number of forms. Some
11 of them will be law enforcement, some of them will be
12 victims, and some of them will be what I'm going to term
13 criminal insiders. These are people who actually committed
14 crimes along with Paul Bergrin.

15 Now, you're going to hear the insiders'
16 perspective, and they're going to give you details that only
17 an insider can give about what Paul Bergrin did and what
18 they did. You're going to learn about the drug trafficking
19 operation because you're going to hear from customers and
20 people who helped Paul Bergrin distribute those drugs to the
21 customers. You're going to hear about the Kemo murder
22 because you're going to hear from Anthony Young, the person
23 who shot Kemo after Bergrin instructed Curry's crew to do
24 so.

25 Now, as you can imagine, these people have

1 criminal records, and you can obviously take that into
2 account when you consider their testimony. But when you do
3 so, also remember that the very reason Paul Bergrin chose to
4 commit crimes with these people was because they had
5 criminal records. Paul Bergrin did not go to the local
6 convent and recruit nuns to join his criminal enterprise.
7 He recruited trusted criminal associates. So it should come
8 as no surprise that the people who are going to talk to you
9 about the crimes they committed with Paul Bergrin have a
10 history of committing crimes.

11 I want to talk to you about a related topic, and
12 that is the cooperating witness. You're going to hear that
13 many of these persons, these insiders, are what are known as
14 cooperating witnesses, and that simply means that they have
15 pled guilty to a crime and that they've signed an agreement
16 with the Government to provide truthful testimony at trial,
17 and in exchange, they're hoping to get a more lenient
18 sentence. And you will hear that these cooperators signed a
19 written agreement, sort of like a contract, and that as part
20 of that written agreement, again, they're agreeing that they
21 will provide truthful testimony at trial. And what the
22 Government is agreeing to do is write what's called a 5K
23 motion asking the Judge who sentences these witnesses to
24 give them a lesser sentence because of their truthful
25 testimony.

1 Now, you're going to hear that if this witness --
2 any of these witnesses do not provide truthful testimony, if
3 they lie either when I'm questioning them or Mr. Bergrin is
4 questioning them, that agreement gets ripped up, and they
5 get no benefit.

6 You're also going to hear that although it's the
7 prosecutor who makes the motion requesting the reduction in
8 sentence, it's the judge who decides what, if any, reduction
9 in sentence that cooperator gets.

10 So the cooperator has to cross two hurdles, the
11 Government hurdle, and the Judge hurdle, in order to get
12 benefit. And in that way, the cooperation agreement
13 provides a powerful incentive for them to tell the truth.
14 Otherwise, they get no benefit.

15 Now, I want to talk to you about another provision
16 in the cooperating agreement. That is a provision in which
17 a person who signs a cooperation agreement agrees that they
18 will not commit further crimes. And this relates to one of
19 the witnesses you're going to hear from, named Eugene
20 Braswell.

21 Braswell was arrested for a drug crime. He agreed
22 to plead guilty, and he signed a cooperating agreement, and
23 again, as part of that agreement, he agreed he was not going
24 to commit additional crimes. He was supposed to provide
25 truthful testimony at this trial pursuant to that agreement.

1 But before he could provide that testimony,
2 Braswell continued to sell drugs, and as a result, the
3 Government found out that he was selling drugs, and the
4 first thing they did was, they ripped up that agreement. So
5 Braswell gets no credit, no reduction in sentence for that
6 first crime.

7 But the Government also arrested him and charged
8 him with a second drug trafficking crime, and because he's
9 charged with that second crime, he faces life imprisonment.

10 Now, you're also going to hear that part of the
11 agreement that the Government has with Braswell is that his
12 sentence on his first crime must run consecutive to his
13 sentence on the second crime. So that means that he has to
14 serve the entirety of his first crime before he can even
15 begin serving a single day on his second crime.

16 You're going to hear that Braswell signed a
17 cooperation agreement with respect to the second charge
18 only, he can never get a benefit on the first charge, and
19 that he agreed to provide truthful testimony at this trial
20 in exchange for the Government asking the Judge to reduce
21 his sentence on the second crime only.

22 And like all cooperators, if he does not tell the
23 truth, his agreement gets ripped up. And like all
24 cooperators, although the Government will make the motion,
25 it's up to the Judge to decide what, if any, benefit

1 Braswell will get.

2 Now, obviously you can take into account the fact
3 that Braswell committed a second crime after he signed the
4 cooperating agreement. But when you take that into account,
5 you should also consider that Eugene Braswell, perhaps
6 better than any other cooperator, understands exactly what
7 will happen if he violates that agreement and doesn't tell
8 the truth on this witness stand. His agreement will be
9 ripped up, and he will face life imprisonment.

10 Now, in addition, when you're considering
11 Braswell's testimony, I want you to also consider what other
12 evidence will support his testimony, and I'm just going to
13 give you one brief example now.

14 You may recall the money changer incident in which
15 Braswell gave half a million dollars to the money changer
16 and the money changer stole the money, and how Braswell went
17 to Bergrin and asked for help, and how Bergrin told Braswell
18 he was going to enlist the Latin King from Chicago to
19 collect the money, and how Bergrin then after that had
20 conversations, recorded conversations with the hit man about
21 collecting that money.

22 Now, when Braswell went to talk to Bergrin about
23 that, he was not cooperating with the Government. He was a
24 drug dealer looking for help. Braswell never met the
25 hitman, never had a conversation with him, had no idea the

1 hitman was cooperating, had no idea there was a recorded
2 conversation made between Paul Bergrin and the hitman. And
3 yet you're going to see that every single important thing
4 that Braswell's going to tell you about that incident is
5 also contained on the recorded conversations between Bergrin
6 and the hitman.

7 So when you consider his testimony, consider that
8 as well.

9 I want to talk to you briefly about the hit man.

10 The hitman is a different kind of cooperator. The
11 hitman is not working off a case. He is what's known as a
12 paid cooperator. The hitman approached law enforcement
13 early on in the plot to kill witnesses against Esteves. And
14 so when he was interacting with Bergrin, he was working on
15 behalf of law enforcement. He agreed to meet with Paul
16 Bergrin, he agreed to make recordings of Paul Bergrin in the
17 meetings as others as well, and in exchange for that, the
18 Drug Enforcement agents paid the hitman a sum of money to
19 make the recordings and to do the meetings. That's why the
20 hitman was paid.

21 Now, you're going to hear that although he wasn't
22 working off a case, the hit man does have a criminal
23 history. He is, in fact, a Latin King from Chicago, and
24 obviously you can take that into account when you evaluate
25 his credibility. But when you do so, also remember that the

1 fact that he is a Latin King from Chicago is precisely the
2 reason Paul Bergrin enlisted him to kill witnesses for
3 Esteves.

4 Now, you're going to hear that the hitman was no
5 angel, that he did not always follow the rules that the
6 D.E.A. agents laid down for him. He went out and got drunk
7 with enterprise member Thomas Moran on multiple occasions.
8 On one occasion when he was out partying with Moran, he also
9 snorted cocaine. He slept with a number of women that Paul
10 Bergrin sent to his hotel room, and on one occasion when
11 Paul Bergrin visited him in Chicago, he paid for a woman to
12 visit Paul in Paul's hotel room.

13 Now, you're going to hear that he didn't have
14 authority to do any of these things from the Drug
15 Enforcement agents or the Government, but he did them
16 anyway.

17 You may not like some of the things the hitman has
18 done or some of the things you're going to hear him say on
19 the tapes. But, ladies and gentlemen, the question is not
20 going to be do you want to invite him home for dinner. The
21 question is going to be, can you trust what he's telling you
22 when he tells you about what Paul Bergrin did and what Paul
23 Bergrin said?

24 And for that, you will have the recordings. Every
25 single important thing that the hitman is going to tell you

1 about the meetings he had with Paul Bergrin will be
2 contained in those tape recordings. So you yourself will be
3 able to hear that.

4 I want to go through some of the proofs of the
5 individual crimes, and I'll try to be brief. I know you've
6 been here a long time, and I appreciate your patience.

7 With respect to the Kemo murder, the primary
8 insider you're going to hear from is a man named Anthony
9 Young.

10 Anthony Young came in to the F.B.I. before anyone
11 was charged in the Kemo murder and voluntarily confessed to
12 involvement in conspiring to kill Kemo Deshawn McKay.
13 You'll hear that Anthony Young got no benefit from his
14 initial confession to the F.B.I.; in fact, quite the
15 opposite. That confession is what led to him being charged
16 with conspiring to kill Kemo Deshawn McCray, the crime for
17 which he faced life imprisonment.

18 Now, you're going to hear when he came in to the
19 F.B.I., he provided them with a number of details about the
20 plot to kill Kemo and the murder of Kemo. You're going to
21 hear how he told the F.B.I. that Kemo was killed to prevent
22 him from testifying against William Baskerville and that he
23 described the roles of Paul Bergrin, of William Baskerville,
24 of Hakeem Curry, of Jamal Baskerville, of Rakim Baskerville,
25 of Jamal McNeil and himself in that plot.

1 But you're also going to hear that the first time
2 he came in to talk to the F.B.I., Anthony Young minimized
3 his role. He did not tell the entire truth to the F.B.I.
4 And the way he minimized his role was that he switched his
5 role with the role of Jamal McNeil, claiming that Jamal
6 McNeil was the shooter and he was the lookout.

7 You're going to hear that after that, Anthony
8 Young got a lawyer, and when he met with the F.B.I. the next
9 time, he was aware that he could be charged with conspiring
10 to murder Kemo Deshawn McCray for his first confession. And
11 so he minimized his role even further at the next meeting
12 and told the F.B.I. that he was not even present for the
13 Kemo murder.

14 But you're going to hear after that, Anthony Young
15 came in and told the entire truth to the F.B.I. He admitted
16 to them that he was the one who killed Kemo and that Jamal
17 McNeil was the lookout.

18 You're going to hear that in each of his
19 statements to the F.B.I., he was consistent about the roles
20 of Paul Bergrin, Hakeem Curry, William Baskerville, Jamal
21 Baskerville, and Rakim Baskerville. You're going to hear
22 that he pled guilty to conspiring to murder Kemo Deshawn
23 McCray, and that he faced life in prison on that charge.

24 So, briefly, what is Anthony Young going to tell
25 you?

1 Well, he's going to tell you all about the
2 insider's perspective on what happened. He's going to tell
3 you how Kemo was killed to prevent him from testifying
4 against William Baskerville. He's going to tell you about
5 the conversation that he was present for, the telephone call
6 that he was present for with Hakeem Curry when Paul Bergrin
7 called Hakeem Curry on the phone and passed the name of Kemo
8 on to Hakeem Curry. He's going to tell you he was present
9 for the meeting outside of William Baskerville's relatives'
10 house between Paul Bergrin, Curry, and the other members of
11 Curry's crew, and how Paul Bergrin told them at that meeting
12 that if they did not kill Kemo Deshawn McCray, William
13 Baskerville would spend the less of his life in jail, but if
14 they did kill Kemo, Paul Bergrin would win the case and
15 William Baskerville would go free. And he was present when
16 Paul Bergrin said, Remember what I said, no Kemo, no case.

17 He's also going to tell you about how after that
18 they went out, searched for Kemo, found him, and he's going
19 to tell you how he himself fired the shots that killed Kemo.

20 Now, obviously, when you consider Anthony Young's
21 testimony, I want you to also consider some of the other
22 evidence in the case that will support what he's telling
23 you. I'm going to give you a couple of examples right now.

24 The first relates to a conversation between Hakeem
25 Curry and Paul Bergrin, the telephone conversation. You're

1 going to see phone records of Paul Bergrin's phone and
2 Hakeem Curry's phone, and they will confirm, just as Anthony
3 Young said, that that phone call took place.

4 You're also going to have witnesses that will
5 confirm the content of that call, exactly the way Anthony
6 Young will tell you.

7 You see, sometime after Kemo was murdered,
8 Paul Bergrin was interviewed by two newspaper reporters,
9 and he admitted to those newspaper reporters that he had
10 obtained the name of the informant from William Baskerville
11 and he provided that name to Hakeem Curry, exactly as
12 Anthony Young will tell you.

13 You're also going to hear about other evidence in
14 the case, other statements that Mr. Bergrin made to other
15 people, and I'm just going to go into one of those now.

16 You may recall that about four years after he
17 plotted to kill Kemo with Curry and Baskerville, he plotted
18 to kill witnesses with Vicente Esteves, and while he was
19 discussing killing witnesses with Esteves, they first
20 identified the witnesses, and once they had identified the
21 witnesses to be killed, they then turned the discussion to
22 actually killing the witnesses and who was going to take
23 care of that.

24 And in this conversation with Esteves, Esteves
25 told Bergrin that Esteves would handle killing the

1 witnesses. But Bergrin told Esteves, no, Bergrin told
2 Esteves that Bergrin himself would handle killing the
3 witnesses.

4 And when Esteves expressed doubt over whether
5 lawyer Paul Bergrin could handle that job, Paul Bergrin told
6 him, Don't worry, this is not the first time I've done this,
7 meaning kill witnesses.

8 Now, he didn't mention Kemo by name during that
9 conversation, but it's just as obvious that he was referring
10 to Kemo, because the prior time he was involved in killing
11 witnesses was the time he was involved in killing Kemo.

12 Now, let's talk about the drug trafficking
13 operation.

14 Again, as I said, you're going to hear from
15 numerous insiders, from people who had assisted Bergrin as
16 well as people who -- customers of the service, and they're
17 going to provide you a consistent picture of the drug
18 trafficking operation, about everybody's role in the
19 operation, and how Isabella's was used to store and
20 distribute kilograms of cocaine.

21 But you're also going to hear tape-recorded
22 conversations between the hitman and Paul Bergrin in which
23 they discuss drug business. You're going to hear
24 tape-recorded conversations between Paul Bergrin and Shelton
25 Leverett in which Bergrin agrees to hook Shelton Leverett up

1 with a supplier for kilograms of cocaine. You're going to
2 see a tape recording, a videotape of Paul Bergrin meeting
3 with associates of Alejandro Castro in a strip mall in
4 New Jersey. And, of course, you're going to see the 54
5 kilograms of cocaine that were seized out of Isabella's
6 Restaurant.

7 As far as the New York prostitution business,
8 you're going to hear that the primary insider will be James
9 Cortapassi, and he's going to tell you all about his role
10 and Bergrin's role, and how Itzler never worked as a
11 paralegal.

12 You're also going to see the letters that
13 Paul Bergrin sent to parole, lying that Itzler was working
14 as a paralegal. You're going to hear from parole officers
15 to whom Paul Bergrin told those lies.

16 You're going to see the checks that he cut from
17 Premium Realty to fool New Jersey Parole, and you're going
18 to see the bank records that will demonstrate that Itzler
19 never cashed, deposited, or negotiated those checks.

20 And, of course, you're also going to see the
21 transcript of Paul Bergrin's guilty plea in State Court in
22 which he admitted the involvement in the New York
23 prostitution business.

24 The witness tampering for Abdul Williams.

25 You're going to hear from Abdul Williams himself,

1 and he's going to describe his role, Bergrin's role, Jamal
2 Mohammad's role. You're also going to hear tape-recorded
3 conversations between Bergrin and Abdul Williams when
4 Williams was in jail in which Bergrin expressed concern over
5 whether Jamal Mohammad was a stand-up guy, meaning would he
6 cooperate with law enforcement, and how he was concerned
7 that Mohammad might fold under the pressure and cooperate
8 with law enforcement and reveal the plot.

9 You're also going to see statements, the false
10 statements of Jamal Mohammad, and you're going to see the
11 letter that Paul Bergrin sent to New Jersey Parole
12 containing those statements and arguing that Abdul Williams
13 was innocent of the charges.

14 As far as the plot to murder witnesses against
15 Esteves, you're obviously going to hear from Vicente
16 Esteves. I told you about that. He's going to tell you all
17 about the plot to kill, how he and Bergrin had those private
18 meetings and what they discussed there, how he discussed not
19 only killing witnesses but going in the drug business
20 together. You're going to hear from Thomas Moran, who is
21 going to tell you all about what he did in connection with
22 the case under the direction of Paul Bergrin. You're
23 obviously also going to hear from the hitman, and the hitman
24 is going to tell you about the six months of meetings he had
25 with Paul Bergrin and everything that happened during those

1 meetings.

2 You're not just going to have the hitman's
3 testimony. You're obviously going to have the recordings.
4 You're going to have the recordings in which Paul Bergrin
5 tells the hitman that Esteves wants him to kill witnesses.
6 You're going to have the recordings in which Paul Bergrin
7 identifies for the hitman the specific witnesses to be
8 killed. You're going to have the recordings in which
9 Paul Bergrin agrees to help the hitman locate the witnesses.
10 And of course, you're going to have the recording in which
11 Paul Bergrin tells the hitman to make the murder of Junior,
12 one of the witnesses, look like a home invasion robbery.

13 Now, these recordings are going to corroborate not
14 only what the hitman is going to tell you but also what
15 Esteves is going to tell you and what Moran is going to tell
16 you. And these tapes are going to go beyond simply proving
17 the plot to kill witnesses against Esteves, because you're
18 going to hear that there were multiple other crimes that the
19 hitman and Bergrin discussed. You're going to get an
20 insider's view into Paul Bergrin's enterprise through these
21 tape recordings - almost a slice of life, ladies and
22 gentlemen.

23 Now, that's the type of evidence you're going to
24 hear in this case. And before I sit down, I want to discuss
25 one other thing with you.

1 Throughout the time of the charges in this case,
2 Paul Bergrin was a licensed lawyer. But a license to
3 practice law and the fact that he had one does not change
4 anything that he said or anything that he did in this case.
5 A license to practice law is not a license to tamper with
6 witnesses. It is not a license to sell drugs. It is not a
7 license to run a prostitution business, and it's not a
8 license to commit murder.

9 This case is not about a lawyer who inadvertently
10 got mixed up in crimes committed by the clients he
11 represented. This case is not about a lawyer who stepped
12 his little toe over the line in the name of zealously
13 representing his clients or righteously defending the
14 Constitution.

15 This case is about a lawyer who used his law
16 license to disguise the fact that he was a drug dealer, a
17 pimp, and a murderer.

18 Providing the name of a cooperator to a drug gang
19 and instructing that drug gang to kill the cooperator is not
20 zealously representing your client. It's aiding and
21 abetting murder.

22 Selling drugs to the clients of your law practice
23 is not zealously representing your clients. It's
24 trafficking in drugs.

25 Lying to New Jersey Parole so that your client can

1 operate a prostitution business is not zealously
2 representing your client. It's aiding a prostitution
3 business.

4 Getting witnesses to lie on the stand is not
5 zealously representing your clients. It's witness
6 tampering.

7 And instructing a hitman to make the murder of a
8 witness look like a home-invasion robbery is not zealously
9 representing your client. It's conspiring to commit murder.

10 Paul Bergrin did not do the things he did in this
11 case out of some duty to his profession or some duty to a
12 noble cause. Instead, he did the things he did in this case
13 to satisfy his personal lust for wealth and success. He
14 chose to pursue success at any cost, success not earned
15 through hard work, fair play, but rather through cheating
16 the system and sacrificing others.

17 Paul Bergrin's path to success is paved with the
18 hundreds of kilograms of cocaine he dumped on the streets of
19 New Jersey, with the emotional scars he inflicted upon
20 Carolyn Velez, and with the dead body of Kemo Deshawn
21 McCray. And but for fortunate circumstances that prevented
22 his will from being fulfilled, it would have been paved with
23 the dead bodies of Pedro Ramos and each of the witnesses in
24 the Esteves case.

25 In a civilized society, ladies and gentlemen, you

1 either take responsibility for your actions or you're held
2 accountable for them.

3 The Government cooperators in this case have
4 accepted responsibility for their actions, and at the end of
5 this trial, it will be time to hold Paul Bergrin accountable
6 for his.

7 The evidence in this case will be powerful. The
8 implications will be clear. And there will be only one
9 verdict that will be consistent with that evidence: Guilty
10 on all charges.

11 Thank you.

12 THE COURT: Thank you, Mr. Gay.

13 Well, ladies and gentlemen, you've been sitting
14 here a long time, so what we're going to do now is take
15 about a 15-minute break. Then you'll come back, and we'll
16 have Mr. Bergrin make his opening or at least a portion of
17 it, depending on how far we get before lunch.

18 Please don't discuss the matter.

19 THE COURT CLERK: All rise.

20 Please place your notebooks on your chairs,
21 please.

22 (The jury exits)

23 THE COURT: You may be seated.

24 Mr. Bergrin, it may be necessary to take a break
25 in the midst of your opening. I don't normally like to do

1 that, but I don't know if I'm doing you any favors by making
2 the jury sit there through their lunchtime, so you might
3 want to consider a point that you might think would be an
4 appropriate point to let me know.

5 MR. BERGRIN: Yes, Your Honor.

6 THE COURT: We can come back around 11:15. I
7 think their lunch is going to be delivered around 12:30. So
8 perhaps sometime around there, but whatever is the best spot
9 for you rather than me interrupting you. Okay?

10 MR. BERGRIN: All right, Judge. Thank you.

11 THE COURT: Fifteen minutes.

12 (Recess taken)

13 (Defendant present)

14 THE COURT CLERK: All rise.

15 (The jury enters)

16 THE COURT: Be seated.

17 Okay. Mr. Bergrin.

18 MR. BERGRIN: Thank you, Judge.

19 May it please the Court.

20 Counsel.

21 Ladies and gentlemen of the jury:

22 It is very difficult, as difficult as you could
23 imagine, to sit there and listen to an opening argument
24 that's rife and full of fabrications, false statements,
25 inconsistent with the credible, logical, and believable

1 evidence that you'll hear in this case.

2 You cannot imagine what it's like to sit there and
3 know that the witnesses that they talk about, that the
4 recordings that they talk about, that the evidence that they
5 discuss is as far inconsistent and fabricated and will make
6 no sense to you with your God-given common sense when you
7 compare it and look at the testimony in this case and
8 scrutinize it with logic and your God-given common sense.

9 It will be impossible for you as jurors in this
10 case to separate fact from fiction. It will be impossible
11 for you as jurors to determine where the truth lies.

12 And from the beginning of this case until the end
13 of this case, all I ask of you is to determine where the
14 truth lies. That's all I ask for you. You are the judges
15 of the facts, not them. You will determine where the truth
16 lies. And only when you determine where the truth lies will
17 justice ever be done.

18 And that's all I'll ask from you at the beginning
19 of this trial, during this trial, and at the end of this
20 trial: For you to search for the truth, for you to search
21 and determine where the truth lies. Demand it. Seek it.
22 And I beg for you to determine the truth, the whole truth,
23 and nothing but the truth, because just as they seek
24 justice, I seek justice.

25 I have pled not guilty in this case. I have pled

1 not guilty from the day that I was arrested on May the 20th
2 of 2009. And I've pled not guilty for one reason and only
3 one reason, and that's because I am not guilty.

4 The lack of quality evidence in this case, the
5 lack of credible and believable evidence in this case will
6 create a reasonable doubt in your mind as to my guilt.

7 That seat right there does not have my name on it.
8 My name is not written on it. On any given day, anybody
9 could be accused of committing offenses. On any given day,
10 anybody could be sitting in that seat. And I only ask to be
11 judged and looked at the exact same way you would want one
12 of your loved ones looked at if they sat in that seat.

13 The lack of quality evidence in this case, the
14 lack of logical, credible, believable evidence in this case
15 in your minds at the end of this case will render a
16 not-guilty verdict on each and every count. There is no
17 doubt whatsoever in my mind.

18 The investigation and the lack of investigation in
19 this case will be an affront to what you believe is right
20 and will appall you.

21 Since May 20th of 2009 at approximately seven
22 o'clock in the morning, as I was preparing to go to work and
23 take my daughter to school, I have said the words, I am not
24 guilty. I have never equivocated. I have never hesitated.

25 And you, we spent a lot of time selecting this

1 jury in this case. We asked a lot of questions. And all
2 we're looking for is a fair and impartial trial. And I
3 know, and the defense knows, that if you give me a fair and
4 impartial trial, if you come in here without any
5 preconceived beliefs, because I sit at that table, that
6 there's a scintilla of evidence that I'm guilty, because I'm
7 indicted for offenses and accused of crimes, if you come in
8 here believing where there's smoke, there's fire and the
9 United States Government wouldn't charge anybody unless they
10 believed they were guilty, if you come in here and believe
11 for one second that the indictment is any evidence of guilt,
12 then there's no way that you can meet your solemn oath that
13 each and every one of you have taken, and that's to render a
14 true verdict, a just verdict based upon the evidence, the
15 logical, credible, and believable evidence in this case.

16 I have waited a long time for this day, a very
17 long time, well over three years for this black cloud to be
18 lifted from my head, for this black cloud that's lingered
19 over me for over three years, that has destroyed and taken
20 away everything I believe in, everything I've ever worked
21 for, for the evidence to come forth and either prove me
22 guilty beyond a reasonable doubt or stop accusing me.

23 That's what I've asked, and that's what I will ask
24 each and every one of you: To determine where the truth
25 lies. That's all I ask. I want justice.

1 This jury, based upon the evidence in this case,
2 based upon the lack of evidence, based upon the lack of
3 quality of evidence, based upon the investigation, based
4 upon the lack of investigation, will render a not-guilty
5 verdict because it will create a reasonable doubt. And that
6 not-guilty verdict will echo from this courtroom to every
7 courtroom in this courthouse, to every courthouse in this
8 state and throughout the United States, where you as jurors,
9 as the finders of the facts and as the judges of the facts,
10 when a case is not proven to you beyond the exclusion of
11 every reasonable doubt, will send a message that you will
12 not under any circumstances convict an innocent man.

13 That's all I ask.

14 In this particular case, the Government believes
15 by throwing a lot of stuff against the wall, by throwing a
16 lot of garbage against the wall that something will stick,
17 something will stick in the minds of the jurors, something
18 will stick, and you'll adjudge me guilty based upon that.

19 But just think, using your God-given common sense.
20 Each and every one of you comes in here with experience.
21 You're from all walks of life, from all sections of the
22 community, from all parts of the state. Analogize it to
23 everyday life, when you go out to buy a car. The car dealer
24 polishes the car. They use Armorall on the inside. They
25 use Windex on the outside. They put new tires on the car.

1 It's Simonized. But when you look at the engine, you see
2 that the engine's been replaced, you see that the
3 transmission's leaking, you see that the car doesn't run
4 properly. When you look under the hood of the prosecution's
5 case and you evaluate the evidence, and you look at the
6 comparison of one witness to the other, the grave
7 inconsistencies from one person to the other, the lies, the
8 motivation to fabricate, you'll know right away where the
9 truth lies, and you'll know right away whether Paul Bergrin
10 is guilty of these accusations.

11 Do not allow one accusation to spill over into the
12 other accusations and pollute the other accusations. Look
13 at each and every witness individually. Judge each and
14 every witness individually. Look at every single accusation
15 alleged against me individually. Do not allow the spillover
16 of evidence from one accusation into the other, because it
17 will pollute the case, and that's exactly what they want.
18 That's exactly what they want.

19 When you hear a witness, wait until the
20 cross-examination. Wait till you compare what the witness
21 said at previous times. Wait till you compare one witness
22 to the other on major events, major things. People don't
23 forget. People don't have to lie and create evidence and
24 scheme evidence if they're telling the truth.

25 And you will see that repeatedly in this

1 particular case. You will see the complete fabrication of
2 evidence. You will see individuals scheming to get the
3 benefits of cooperation. You will hear and see about
4 individuals deliberately and intentionally lying to get the
5 benefits of cooperation.

6 Wait till you hear all the case. Wait till you
7 hear the defense case. Wait till you hear the
8 cross-examination. Scrutinize every single word of every
9 witness. Ask yourselves, ask yourselves, why would someone
10 lie? Why would someone continue to lie? Why will someone
11 make up facts and then, in the middle or in the end, say
12 he's telling the truth, this is what really said -- this is
13 what really happened, unless they have something to hide,
14 unless they can't be trusted, unless they're lying from the
15 inception and lying continually and give -- want to give the
16 prosecution what the prosecution wants to hear so they get
17 the benefits of cooperation.

18 You'll learn in this case that it's simple to spit
19 out facts and to make statements. But wait until they're
20 scrutinized. Wait until they're cross-examined. Wait till
21 they're confronted with prior statements that they've made.
22 Wait till logic takes over, and then you'll determine
23 whether Paul Bergrin is guilty or not guilty or not.

24 You're going to ask yourself, and when you look at
25 a witness and you try to judge a witness' credibility and

1 believability, you're going to use your life experiences.
2 You're going to say to yourself: Do I trust this
3 individual? Do I believe what they're saying? Would I
4 trust this individual if I was to make a life-changing
5 decision? Would I believe them if I needed an opinion from
6 someone to have surgery or where my children go to school or
7 if I need an opinion on something important in my life? And
8 you'll find, you'll find in this case conclusively that you
9 could not trust the witnesses against me.

10 And the prosecution came before you in the
11 opening, and we tell you that the evidence will prove
12 exactly the opposite of what they're saying.

13 You will wonder, and reach one conclusion: Why
14 are there so many major inconsistencies? Why are there such
15 grave differences between one witness and the other witness?
16 Why does a witness lie previously, lie in the past?

17 And there's only one conclusion you'll be able to
18 reach, and that's that that witness' testimony, judgments,
19 facts, what they testified to can't be believed, and that's
20 what you're going to hear in this particular case.

21 I'm a human being. I bleed red blood. I make
22 mistakes. I'm an individual who says things sometimes that
23 they don't mean, like everybody in this jury room, everybody
24 in this courthouse.

25 But under no circumstances did I ever under any

1 circumstances suggest, intend, give the capacity or want the
2 head of the hair of one person hurt in any of these
3 allegations against me. Not one time did Paul Bergrin ever
4 intend for one grain of drugs to be sold, pass hands, nor
5 did Paul Bergrin ever get involved in drug distribution, and
6 the evidence will prove that conclusively, beyond any doubt.

7 The Anthony Young, the Kemo case is a one-witness
8 case - a one-witness case. And when you hear that witness's
9 testimony, if you could sit there without scratching your
10 head and believe for one second, a millimeter of a second
11 that Paul Bergrin had anything to do with the Kemo case or
12 Paul Bergrin intended anything to happen to Deshawn McCray,
13 also known as Kemo, then it will defy logic.

14 I say things, and I've said things in the past,
15 and I've made mistakes in the past. It's human nature to
16 make mistakes. It's human nature to say things that
17 sometimes you don't mean. It's human nature to be touched
18 by emotions and affected by emotions. But that doesn't mean
19 I committed any crimes. That doesn't mean I ever intended
20 any crimes to be committed. And you'll see in this case
21 that I never did. I never did.

22 The prosecution comes in here and tells you that
23 they represent the United States of America: We represent
24 the Government.

25 But, ladies and gentlemen of the jury, you

1 represent the Government. The Judge represents the
2 Government of the United States. I represent the
3 United States. We are a country governed by the people and
4 for the people. Everybody in this courtroom represents the
5 United States of America.

6 For over 20 years, I wore the uniform of an
7 American soldier and served in the United States Army. I
8 did 13 oversea tours. I went to Iraq and Kuwait six times
9 when my fellow soldiers summoned me and asked me to go over
10 there. I was trained in infantry, military intelligence, as
11 a JAG officer. I graduated the commanding general staff
12 college of the United States Army. I never left a fellow
13 soldier behind on the field of battle.

14 And they talk about the prostitution case, and
15 they talk about the letters to the Parole Division, and that
16 Jason Itzler never worked for me as a paralegal.

17 I got involved with a case called the Abu Ghraib
18 case. It was a small prison, the crematorium of Saddam
19 Hussein. And six military police officers were accused of
20 torturing and violating international law and the rights of
21 prisoners at Abu Ghraib. I was inundated with over 20,000
22 pieces of material, papers because I had a secret security
23 clearance and could go through documents. I'm the one who
24 went to court and stopped President Bush from razing and
25 destroying the Abu Ghraib prison when he accused six

1 military police officers of committing atrocities against
2 war criminals. I ran over to Iraq when my fellow soldiers
3 called me, who were being scapegoated by the United States
4 Government.

5 And I needed help. I needed help. I was fighting
6 the White House - Bush, Chaney, Rumsfeld. I'm the one who
7 tried to get them to take the witness stand, because I knew
8 the orders from Abu Ghraib of what these military police
9 officers did at that small prison and crematorium in
10 Fallujah, Iraq came from the White House. The orders came
11 from the White House.

12 MR. GAY: Objection. Your Honor, is there going
13 to be evidence of this?

14 MR. BERGRIN: Yes, Your Honor.

15 THE COURT: Well, even if there is evidence,
16 what's the relevancy of that on the case before us?

17 I'm going to have to ask you to move on,
18 Mr. Bergrin. I have no problem with you letting it be known
19 about your military service. That's fine. But I think
20 you've done that.

21 Let's move on.

22 MR. BERGRIN: Can I be heard briefly on that,
23 Judge?

24 THE COURT: No. Move on.

25 MR. BERGRIN: I served as an assistant prosecutor

1 in the Essex County Prosecutor's Office and rose to the
2 homicide squad. I prosecuted hundreds of cases for the
3 Prosecutor's Office of this state.

4 I went to the United States Department of Justice
5 and was in the Criminal Division of the United States
6 Attorney's Office. I prosecuted for them until I testified
7 on behalf of two detectives who were accused of crimes, and
8 then I left the office after that.

9 At the time of my arrest, I was a criminal defense
10 attorney, defending those accused of crimes in the military,
11 in Federal Courts, in State Courts throughout the
12 United States. I have been an attorney for 33 years. I
13 made and built my reputation representing Federal agents,
14 police officers, sheriff's officers, correction officers,
15 and my fellow soldiers.

16 The evidence will show not only did I get involved
17 in Abu Ghraib, but I was also involved in Object Iron
18 Triangle, and I took on the highest levels of the Justice
19 Department, the F.B.I., the C.I.A. in that case also when
20 they accused members of the 101st Airborne Division of
21 committing murders over in Iraq. I went back to the worst
22 part of Iraq, the Sunni triangle, to defend these soldiers.

23 I went back a third time when they accused a tank
24 commander of the First Armored Division, Staff Sergeant Leon
25 Parker, a hero. I took on the White House, the Justice

1 Department, the Central Intelligence Agency to defend my
2 fellow soldier a third time.

3 Six times I returned to Iraq and multiple times.
4 And while I went to Iraq, individuals involved in this case
5 were forging relationships, like Yolanda Jauregui and her
6 brother Ramon Jimenez, with individuals to commit crimes.

7 And the evidence will prove that Ramon Jimenez was
8 hired as a paralegal in my office, was going through my
9 files. He was going through my files while I was away in
10 Iraq defending soldiers, giving information to his sister
11 Yolanda, who was involved in an illicit and intimate
12 relationship with Alejandro Castro behind my back. She was
13 a woman that I loved. Meeting with people like Abdul
14 Williams and Rondre Kelly to supply drugs behind my back,
15 without my knowledge. Ramon Jimenez was questioned. He
16 admitted that he went through my files. He admitted that he
17 provided the information on who was charged with drug
18 dealing to his sister and to Alejandro Castro, who she was
19 involved with, behind my back.

20 There's a lot more to this evidence than meets the
21 eye that will come out. I just ask that you keep an open
22 mind, that's all I ask, because, as the evidence unfolds, it
23 will become clear to you, it will become apparent to you
24 that I was never involved in drug-dealing and never, ever
25 intended, nor did anybody have the capacity to harm the head

1 of the hair of anybody, especially under the guise of Paul
2 Bergrin.

3 You'll see and you'll hear and the evidence of the
4 prosecution will consist of individuals who are
5 opportunists, individuals who used the opportunities that I
6 gave them to work in my office.

7 Abdul Williams was in a halfway back program. He
8 needed a job. I gave him that job.

9 Ramon Jimenez was coming out of state prison after
10 doing a 10-year bid. His sister and his mother begged with
11 me to give him an opportunity to make something of himself
12 and watch over him, Paul, so he doesn't commit any parole
13 violations, end up in state prison again. I gave him that
14 job and opportunity. And they used that opportunity against
15 me, and now they're using the opportunity against me again.

16 The prosecutor's case will consist primarily of
17 men and women who are career and professional criminals, who
18 know the system, who know how to use the system to
19 manipulate it.

20 My job as a defense counsel and as a soldier was
21 to defend and protect the Constitution of the United States,
22 to make sure under the Sixth Amendment to the United States
23 Constitution that anybody that comes to me for services, for
24 me to represent, that I pour my heart and soul into it, that
25 I represent them with all my heart and soul pursuant to

1 their constitutional right to have effective representation.

2 That's what this case is about. That's what this
3 case is about. That was the motto of the Bergrin law firm:
4 To give everything that we have legally to the client, to
5 not sell them out to the Government, to not sell them out to
6 anybody, whether it's the most minute case or the grandest
7 case, the ultimate crime, to defend them like they're our
8 own children, our brothers and sisters. That's the exact
9 same way that you would want anybody to represent your
10 children or yourself if you were accused of anything, and
11 that's all I ever did. I gave it all. But I didn't violate
12 the law.

13 You will hear in this particular case and you will
14 learn about witnesses who turned their crimes and the fact
15 that they're facing a multitude of years in prison, most of
16 them facing life in prison, so they're confronted with life,
17 they're confronted with so many years that they will need a
18 walker, probably, when they get out in order to walk, never
19 to be with their families again, and they know, they know
20 what to say, they know how to read, they know how to learn.
21 They talk to each other. You'll hear about witnesses in
22 this particular case who used -- professional liars,
23 professional scammers, professional schemers who used what
24 they were taught by others for their benefit, who used what
25 they learned from others for their benefit, to use what they

1 read about this case, about Paul Bergrin, about what was
2 going on to their benefit.

3 That's what this case is about: Individuals who
4 were coached to lie.

5 You're going to hear and you're going to see in
6 this case the darkest side of justice that any human being
7 could ever hear, see, or experience. It's going to turn
8 your stomach. But you're going to see it. I guarantee you
9 that. The evidence will show you that.

10 You're going to hear and see about individuals
11 that were coached to lie. You're going to hear about
12 individuals who completely fabricated evidence, statements
13 against Paul Bergrin. That is fact. That is not fiction.
14 You will never be able to determine fact from fiction and
15 separate them in this case. You will never be able to
16 separate truth from lies in this case. That's why I ask you
17 to keep an open mind. The prosecutor opened with a lot of
18 innuendoes. They opened with a lot of promises. But the
19 line is drawn in the sand. The line is drawn in the sand.
20 Let them prove with credible, logical, believable evidence
21 the accusations that they made. Let them disprove the fact
22 that witnesses were brought forth that fabricated,
23 completely schemed and lied, and created evidence in this
24 case.

25 You will hear that the first step to be a

1 cooperating witness, the first step to be a cooperating
2 witness is to be accepted as a cooperating witness by the
3 prosecution. If they don't accept you as a cooperating
4 witness, then you never get your foot in the front door and
5 you'll never get the benefits of your cooperation.

6 You'll hear from the mouth of their own
7 cooperating witnesses caught on tape, caught on recording:
8 You have to tell the prosecutors what they want to hear and
9 about who they want to hear about, about what they want to
10 hear, about who they want to hear about. You'll hear the
11 prosecution's key and vital witness, Anthony Young, saying,
12 you have to keep them in amazement, you have to keep them in
13 amazement, tell them what they want to hear, not the truth,
14 tell them who they want to hear about if you want the
15 benefits of cooperation.

16 You'll hear him say anything but the truth, the
17 whole truth, and nothing but the truth. You'll hear him on
18 a secret recording that he has no idea he was being
19 recorded, coaching his friend, his confidant in jail. This
20 is their only witness in that Kemo case. You hear him on
21 recording, being secretly recorded, telling another witness
22 how to lie, how to fabricate evidence. He's teaching
23 another witness that he doesn't know is recording him to
24 make up facts against somebody, accuse somebody who's
25 innocent of murder, the ultimate crime, with potentially the

1 death penalty and the ultimate sentence. He's teaching that
2 person and telling him: It doesn't matter that you did the
3 shooting, it doesn't matter that you're the one who killed
4 the person; say that this other person did it. They'll give
5 you witness protection. You'll go home. They'll give you
6 money.

7 That's what this case is about. And they left
8 that out of their opening. Why do you think they left that
9 out?

10 You'll hear Anthony Young coaching, instructing on
11 the benefits of cooperation, how to take another human
12 being's life, to put him in prison for the rest of his life
13 for something he didn't do, had nothing to do with, because
14 that's who the prosecution wants to hear about - that
15 person. Keep them in amazement. Tell them what they want
16 to hear. Tell them who they want to hear about.

17 You'll hear how Anthony Young used the name Paul
18 Bergrin to open that door for him - to open that door for
19 him. He had read the article about me being over in Iraq
20 and begging the judge to put Bush, Chaney, Rumsfeld, the
21 Justice Department, Ashcroft, their boss, Alberto Gonzalez,
22 on the witness stand. He read that article that came out in
23 the Star-Ledger on November the 30th about me and what I was
24 doing over in Iraq, and how these military police officers
25 were being scapegoated. And he went in there and he used my

1 name, and that got him in the front door of the Prosecutor's
2 Office.

3 The evidence will be full of men and women who are
4 facing a plethora, so much time that you couldn't even count
5 it, in prison, many of them, most of them facing life, some
6 of them facing two and three life sentences. And the
7 question is, do we live a life of misery in prison, or all
8 we have to do, our get-out-of-jail-free card is Paul
9 Bergrin. It doesn't matter whether there is the truth, the
10 truth, the whole truth, and nothing but the truth.

11 That's what this case is about. That's what this
12 case is about. Think of it: Paul Bergrin and my freedom,
13 or Paul Bergrin and a life in prison? Paul Bergrin and my
14 freedom, or Paul Bergrin and a long prison sentence?

15 You'll hear about the motives of the individuals
16 that are testifying before you. The prosecution talked
17 about in their opening statement, Oh, they have to sign a
18 cooperating plea agreement or else -- and if they don't tell
19 the truth, then it gets ripped up.

20 You will hear and you will see during the course
21 of this case how witnesses completely committed perjury as
22 cooperating witnesses, and they're still cooperating
23 witnesses on behalf of the Government. You will hear and
24 you will see how witnesses deliberately and intentionally
25 lied, and they're still cooperating witnesses.

1 Let me give you a short and small example: Abdul
2 Williams, the individual they said that he was selling,
3 dealing drugs for me as a taxi server. Abdul Williams,
4 while he was locked up at the Hudson County Jail, did a
5 seven-kilogram cocaine deal with Yolanda Jauregui and the
6 family of Alberto Castro, completely unknown to me,
7 completely behind my back. Abdul Williams was on the phone,
8 making arrangements. Yolanda met Alejandro Castro's
9 brother. They went to Abdul Williams's father. The deal
10 was set up with Abdul Williams, his father, and his cousin.

11 They know all about it. These individuals knew
12 about it. The F.B.I. knew about it. Abdul Williams
13 completely denied it. Yet he's still a cooperator on that
14 witness stand, when they know he was involved in it.

15 That's one example.

16 They know about Anthony Young lying over 135
17 times. And you could count them. You all have notebooks.
18 Start to write down how many inconsistencies. Anthony Young
19 testifies -- and this is just a small example; I'm going to
20 get into it in further detail -- that if he had been told by
21 his lawyer to tell the truth and the whole truth, then he
22 would not have switched roles and falsely implicated
23 somebody else in a murder.

24 Their F.B.I. agent was sitting next to the lawyer
25 who told Anthony Young on multiple times when he was still

1 lying and continued to lie that you must tell the truth. He
2 gets on the witness stand and says. No lawyer ever told me
3 to tell the truth because if they did, I would have told the
4 truth.

5 It gets better. They know that Anthony -- Anthony
6 Young is lying repeatedly about different things. He says,
7 for instance, that every gun that he used and members of his
8 association or organization used was altered to automatic.
9 Well, they knew that he was arrested and he had lied about
10 that it was a semiautomatic weapon, that no gun that was
11 seized in this case with anybody associated with Anthony
12 Young was an automatic.

13 Those are only two small examples.

14 They knew, for example, that Anthony Young
15 completely and deliberately lied about an individual by the
16 name of Horatio Joines. He implicated him in a murder when
17 they knew that Horatio Jones was not at the scene because he
18 was at the hospital with his wife, who was having trouble
19 with her pregnancy at University Hospital. But they allow
20 him to implicate the individual, testify to it on the
21 witness stand, swear to it as a cooperating witness when he
22 pled guilty.

23 Those are three examples. When I go into Anthony
24 Young's testimony, I'm going to show you example after
25 example after example how this cooperating witness

1 deliberately and intentionally lied, multiple, almost every
2 single one that they have while cooperating witnesses,
3 deliberately and intentionally lied, right under their nose,
4 with their knowledge and with their approval.

5 You're going to experience, see and hear the
6 darkest side of justice that any human being could
7 experience in their life.

8 You will know that the prosecutor in their plea
9 agreements put in the words, We as prosecutors in our sole
10 discretion - sole discretion, that means it's up to them -
11 determine where the truth lies.

12 But you will see how warped that determination is.

13 But you know what, ladies and gentlemen of the
14 jury? From this day forward, they don't determine where the
15 truth lies. You will hear how witness after witness expect
16 after they testify against Paul Bergrin, even though they're
17 facing long prison sentences, some of them life in prison,
18 every single one of them have announced that they expect to
19 get time served and go home.

20 You'll hear about a witness, Lachoy Walker, career
21 criminal, facing life in prison, gets time served after he
22 testifies and goes home.

23 You'll hear about Yolanda Jauregui, who's facing
24 life in prison, who's told her entire family as soon as she
25 testifies, she's coming home.

1 You'll hear about Ramon Jimenez, who is facing
2 just about life in prison, expects to go home.

3 You'll hear about deals with the devil where
4 individuals are facing all kinds of charges, but they don't
5 get charged. Family members don't get charged. They buy
6 testimony.

7 You'll hear about, example, for example,
8 Abdul Williams dealing thousands and thousands of kilograms
9 of heroin for years and years, involved in shootings and
10 murders. They don't charge him with not one grain of the
11 heroin. They don't charge his father, his sister for
12 committing offenses.

13 You'll hear about Yolanda Jauregui, who got her
14 mother and her retarded niece involved, who has cerebral
15 palsy, in drug dealing behind my back, and our nine-year-old
16 daughter behind our back in drug dealing, and they don't
17 charge her mother or anybody else.

18 They bought testimony. And these witnesses, it
19 will be proven to you beyond a shadow of a doubt, knew
20 exactly what they had to say to save their family members
21 and to save themselves.

22 All I ask is that you demand the truth, you seek
23 it, and you find it, the truth, the whole truth, and nothing
24 but the truth.

25 The evidence will conclusively prove beyond any

1 doubt whatsoever that the integrity of the entire
2 investigation and the integrity of this entire case is
3 undermined, because there will be evidence presented to you
4 for you to hear from a witness and multiple witnesses who
5 have nothing to do with me, witnesses that have no motive
6 whatsoever to fabricate for me. A lot of them have never
7 even met me in their life, have no reason to give me any
8 benefits based upon their testimony.

9 But you'll hear from a witness who actually
10 coached another witness to lie and completely fabricate
11 evidence against me. You'll hear from this witness that
12 these people knew about it and yet allowed that witness to
13 offer sworn testimony. That witness was taught what to say,
14 how to say it. That witness was taught to give
15 incriminating evidence against me if they want to save
16 themselves from a heavy prison term, from a heavy prison
17 term with lots of years in prison. Completely
18 fabricated - made up every single fact that they said
19 against me.

20 That's why I'm asking you to keep an open mind
21 until all the evidence is in in this particular case.

22 You will witness and you will experience the
23 darkest side of justice that any human being could
24 experience.

25 You'll hear how one witness was in contact with

1 other witnesses. You'll hear about attorneys that
2 represented multiple witnesses who cooperated. You'll hear
3 about individuals who didn't cooperate until they had the
4 discovery in their hands, read the indictment, read the
5 accusation against me, read the discovery against me and
6 knew exactly what was being sought and looked for.

7 You'll hear about an individual who paid, who paid
8 a lawyer to represent a witness with money that she stole
9 and embezzled as a cooperating witness from the F.B.I.
10 The F.B.I. knew that she stole and embezzled money, over
11 20,000, and she used this money to pay for another witness,
12 and how that witness was coached and fabricated evidence
13 against me, and how they used this witness, and that witness
14 testified on the witness stand and expected to come home and
15 go free from a 15-year prison sentence.

16 You'll hear about this witness who testified in a
17 prior trial, took that witness stand, put their hand on the
18 bible, a witness who completely was coached, and lied about
19 every single word that came out of that witness' mouth. And
20 they knew it, but they put the witness on the witness stand
21 anyway.

22 You'll hear about that witness who was facing
23 15 years in New Jersey State Prison who allegedly came
24 forward six years later, after he allegedly had a
25 conversation with me, a witness who tried to convince his

1 own daughter, his flesh and blood, daddy's little girl, to
2 plead guilty to kilograms of cocaine that there was that
3 witnesses, and said that the cocaine was hers. So his own
4 flesh and blood, his own daughter, who is innocent, goes to
5 state prison, and he stays out.

6 You'll hear about that same witness who put a gun
7 underneath the vest of a police officer, pulled the trigger,
8 the gun misfired, was charged with attempted murder, who, on
9 the eve of sentencing of up to a 15-year prison sentence,
10 comes forward with fabricated testimony, and how they accept
11 that person.

12 You'll hear about this witness who was facing 15
13 years in state prison, a career criminal, has 15 prior
14 felony convictions - 15 prior felony convictions - who comes
15 forth, has done state prison, county jail time, parole,
16 probation, who's been locked up with cooperating witnesses,
17 and how they allowed that witness to take the witness stand
18 and say that he didn't know that when he met with the U.S.
19 Attorneys, he was going to get any benefits for cooperation.

20 That's what this case is about.

21 You'll hear about a witness, Ramon Jimenez.
22 You'll hear about Ramon Jimenez, who sent a letter to the
23 ethics committee on his attorney, saying that his attorney
24 is working with the Government, a sworn affidavit, because
25 he said that after he told the prosecutors, these

1 individuals and the agent in this case, the lead agent,
2 Brokos, that Paul Bergrin is innocent, that he has no
3 knowledge about Paul Bergrin, with his attorney and with
4 this man sitting right here, John Gay, four times, four
5 times, his attorney is running back and forth to the room
6 with Mr. Gay, coercing him is the words he used,
7 intimidating him, and asking him the same question 30 times
8 about Paul Bergrin, suggesting the answer to him.

9 That's what this case is about.

10 Ramon Jimenez, who repeatedly went, repeatedly
11 cooperated with them, talked to the F.B.I., talked to the
12 U. S. Attorney's Office, told them that what I did, I did
13 behind Paul Bergrin's back -- he thought that the truth
14 would set him free; little did he know, like Anthony Young's
15 recording, you didn't give them what they want to hear and
16 about who they want to hear about -- repeatedly gave up his
17 own sister, his flesh and blood.

18 Alejandro Castro, members of the Mexican cartel
19 that he was dealing with, told them that Paul Bergrin had no
20 knowledge, I have no knowledge of Paul Bergrin; I did this
21 while Paul Bergrin was out of the office; I got numbers, I
22 contacted and made drug contacts without Paul Bergrin's
23 knowledge. They promised him that they wouldn't charge him
24 with any criminal offenses. When he refused to give them
25 information on Paul Bergrin, they then charged him and drew

1 up a complaint where he's facing life in prison.

2 Four times, 30 minutes at a time, John Gay and the
3 attorney on behalf of Ramon Jimenez is running back and
4 forth, asking the same question over and over again.

5 Each and every one of you who have read the bible
6 know that our prophets say to question a witness carefully,
7 but make sure that you don't give the information to the
8 witness that will allow the witness to become a false
9 witness and to testify falsely against someone, because God
10 doesn't like false testimony, either.

11 That prophecy is going to repeat itself in this
12 case over and over and over again. The power of suggestion:
13 Oh, you saw Paul Bergrin do this, didn't you? You heard
14 Paul Bergrin say that, didn't you? Paul Bergrin did this,
15 didn't he?

16 The way the question was asked, Ramon Jimenez
17 crushed and gave in. And now he's a cooperating witness who
18 is facing more than life in prison.

19 They talk about Rondre Kelly, and Paul Bergrin
20 dealing drugs at his law office. None of the other people
21 that ever worked in my law office except Ramon Jimenez comes
22 forth. Nobody even suspects anything's going on. Rondre
23 Kelly is dealing thousands and thousands of kilograms before
24 he even meets Paul Bergrin, has his own contacts, is running
25 his own organization, has all kinds of people involved.

1 He's shipping heroin, large amounts of heroin to Pittsburgh,
2 Pennsylvania. I have nothing to do with it. They can't
3 accuse me of that, thank God.

4 Rondre Kelly gets caught in New York. Nothing
5 about Paul Bergrin. He gets caught in Pennsylvania. He's a
6 cooperating witness. Doesn't mention Paul Bergrin's name,
7 until after this attorney that's paid with the illegal money
8 two months later, after this attorney, who turns the witness
9 that is completely coached and fabricates against me and
10 scams and schemes against me, then he comes forth, and
11 Rondre Kelly has information.

12 But you've got to realize that Rondre Kelly is
13 facing two life sentences. Two life sentences. He knows
14 what they want to hear. He knows who they want to hear
15 about.

16 Ladies and gentlemen of the jury, just keep an
17 open mind, because there's a lot more to this case than what
18 the prosecution has given you in their opening statement.
19 There is a lot more to this case that will allow the truth
20 to evolve and be heard in this particular case.

21 Paul Bergrin was the get-out-of-jail-free card.
22 Paul Bergrin is their step toward liberty. Paul Bergrin is
23 and was their way to get the benefits of cooperation. And
24 the evidence will prove this.

25 I want to run through some of the witnesses that

1 the prosecution alluded to.

2 He talked about Abdul Williams.

3 You're going to realize and learn that Abdul
4 Williams is a career criminal. Abdul Williams admits that
5 he really had no relationship to me, only met me very
6 briefly on a case that I couldn't represent him on because I
7 was representing the police officers that were accused of
8 committing the offense against his brother.

9 The first time he essentially met me was in 2006.
10 By that time, Abdul Williams was engaged in illegal sales of
11 heroin, thousands and thousands of kilograms, and again, I
12 told you he's never charged with. He should be doing life
13 on the heroin alone. How many individuals took their lives
14 and committed overdoses based upon Abdul Williams, not
15 Paul Bergrin? He was involved in murder. He was involved
16 in shootings. He's never charged with the heroin. He's
17 never charged with the shooting.

18 In 2006, I was engaged full time in representing
19 the soldiers of the 101st Airborne Division over on the
20 island of Samarra, the Muthana chemical plant. They were
21 accused of murder. I didn't have a lot of time to spend
22 with Abdul Williams and run any drug organization.

23 Abdul Williams never gets charged with almost
24 anything that he does that will give him the time that he
25 deserves in this particular case. They never charge his

1 family members. They never charge his father, who's
2 involved in heroin trafficking and cocaine trafficking with
3 him. They never charge his sister, who bribes and attempts
4 to bribe and prepare Jamal Mohammad for bribery.

5 In this particular case, you will hear recordings
6 with me and Abdul Williams. But you have to realize the
7 following: I represented Abdul Williams on the parole
8 hearing. I never represented Jamal Mohammad. Jamal
9 Mohammad, the individual supposedly bribed to take the
10 weight on the gun, was represented by another attorney, and
11 that other attorney, Cliff Minor, had nothing to do with me,
12 never spoke to me, never planned with me, never engaged with
13 me that Jamal Mohammad was going to go into the Newark
14 police department and give a statement.

15 The facts of the case were the following: A
16 police sergeant pulled up on the scene. When he pulled up
17 on the scene, there were five individuals, and there was a
18 gun on the floor, a gun on the floor. He originally had
19 written in his police report that he saw Abdul Williams
20 throw the gun, but under sworn testimony, at the parole
21 hearing, he admitted that he never saw Abdul Williams throw
22 the gun. He said that when he pulled up, there was a gun on
23 the floor and five individuals.

24 Abdul Williams never admitted to me that he threw
25 the gun on the floor. As a matter of fact, Abdul Williams

1 told me, and I provided evidence of it, that he was coming
2 back from the wake of his aunt, that there's no way that he
3 could have had a gun on him, wouldn't have a gun, wouldn't
4 take a gun to a funeral parlor to disrespect his aunt.

5 I pulled the obituaries. I pulled the actual
6 showing of the wake of his aunt because I believed him.

7 Not only that. You'll hear recordings where
8 Abdul Williams is telling his family members to make sure
9 this individual, Jamal Mohammad, is prepared when he goes to
10 Paul and tells him that the gun is his.

11 You'll hear Paul, just like Mr. Gay said, telling
12 Abdul Williams on the phone, make sure this guy -- is this
13 guy a stand-up guy, is the words that I used. What does
14 that mean? That he's willing to accept responsibility for
15 the gun being his. That's what stand-up means. Not that
16 he's willing to lie for you, because I would have said, make
17 sure he's willing to take the weight for you or lie for you.
18 I say, Make sure this guy is stand-up, meaning that he's
19 accepting responsibility, the evidence will prove. I tell
20 Abdul Williams, make sure this guy knows the fact in this
21 case, because if he doesn't, I had an investigator, licensed
22 by the New Jersey State Police, interviewing him, and I was
23 going to scrutinize him and make sure that he's telling the
24 truth.

25 That's the facts about the Abdul Williams case.

1 But Abdul Williams gets caught, not only on the
2 gun case, but with drug trafficking. And what's Abdul
3 Williams going to do if he's facing life in prison?

4 But here is the important fact that I really want
5 you to remember in this opening that the evidence will prove
6 on Abdul Williams. Abdul Williams is in a car with his baby
7 sister. They get pulled over by the Newark police. All
8 Abdul Williams has to do, they ask him to admit that the gun
9 is his and they wouldn't arrest his sister, his flesh and
10 blood.

11 What does Abdul Williams do? He denies that the
12 gun is his. He watches his own flesh and blood, he watches
13 his own sister get patted down by two male police officers,
14 cuffed behind her back, taken to the Newark cellblock, one
15 of the dirtiest, most disgusting places there are on earth,
16 put into a cell, kept there until she can make bail. He
17 allows his own flesh and blood, his own sister to get
18 indicted for unlawful possession of weapons, facing 10 years
19 in New Jersey State Prison. For over a year, he refuses to
20 come forth to free his sister.

21 Do you think Abdul Williams is going to care about
22 Paul Bergrin if he's willing to take away the liberty of his
23 sister?

24 They talk about Vincent Esteves, Vincent Esteves.

25 Ladies and gentlemen of the jury, I want you to

1 consider the following: For a year and a half, Vinnie
2 Esteves pled not guilty - not guilty, said I am not guilty
3 of doing anything with Oscar the hitman, and neither is Paul
4 Bergrin, I am not guilty of conspiracy with Paul Bergrin.
5 For a year and a half, he went back and forth in court.
6 Vinnie Esteves has all the recordings in the case. He has
7 all the discovery in the case. His wife is involved with
8 drug dealing with him, heavily involved in drug dealing.

9 Vinnie Esteves has a state case, the state case
10 that I originally started to represent him on. The judge
11 gives him a 25-year sentence. The judge gives Vinnie
12 Esteves a 25-year sentence. He's got a prior conviction.

13 Not until he gets the 25-year sentence does he
14 have all these recollections about Paul Bergrin.

15 But you will hear from the recordings, one dated
16 August the 18th of 2008, and one dated September the 26th of
17 2008, how Vinnie Esteves first gave Oscar his blessing but
18 then told Oscar, Don't do anything until I get out. He said
19 that on August 18th and he said that on September the 26th.
20 And Vinnie Esteves was completely surprised about Oscar
21 saying that he was going to do anything to the hitman, which
22 clearly proves that he had no discussions with Paul Bergrin.

23 But there's going to be recordings that these
24 people didn't even transcribe, because they tried to hide
25 it. There's going to be a recording dated November the 18th

1 of 2008 where I have a meeting in my office and I put Vinnie
2 -- I tell Vinnie to call in because I want him to be part of
3 it on the speakerphone. Oscar, the alleged hitman, is
4 there; Jason Nieves, who is Vinnie's first cousin, who is
5 very close with Vinnie; Michael Lopez, an individual who is
6 very close with Vinnie, and Vinnie's own brother, Nelson
7 Esteves. And on that recording, I tell Vinnie, Oscar,
8 everybody that's there: All I want to do is take statements
9 and interview witnesses. And you know what Vinnie Esteves
10 responds? That's all you ever say. That's all you ever
11 want to do is take statements from individuals and interview
12 individuals. It's clear 'cause he's screaming it at me in
13 the speakerphone.

14 But you know what's important also during this
15 conversation? Oscar, the alleged hitman, is told, You keep
16 saying this stupid stuff about killing people and doing
17 things. What that's going to do is that's going to hurt us.
18 You're going to make matters worse .

19 That's why you need to listen to all the
20 recordings. That's why you need to scrutinize the evidence
21 very carefully to determine where the truth lies.

22 They talk about Thomas Moran.

23 Let me go back to Vinnie Esteves.

24 Oscar says that Vinnie Esteves committed four
25 murders. Oscar says that Vinnie Esteves solicited him to

1 commit four murders. So not only is Vinnie Esteves facing
2 the 25 years that he's already sentenced to, and he's going
3 to probably do 20 to 25 years on that because he has a prior
4 heavy narcotic conviction, but he's also potentially facing
5 four life sentences for four murders that he did. Not only
6 that, but he's worried about his wife being charged with all
7 the cocaine Federally.

8 They don't charge his wife. They don't charge him
9 with all the cocaine he's distributing. They never charge
10 him with any of the murders, the solicitations to commit
11 murder with Oscar. Vinnie Esteves doesn't come forward,
12 like I said, until a short time after he's sentenced from
13 the judge before he has any recollection about Paul Bergrin.

14 That's what the evidence will show in this case.

15 They talked about Tom Moran. Tom Moran, you'll
16 find out, shared space on the floor of the building that I
17 rented at 50 Park Place in Newark, the 10th floor. You'll
18 learn about Tom Moran, who got drunk, drove at a high rate
19 of speed, hit a van with an off-duty -- excuse me, a retired
20 police officer and his three children, knocking the van
21 over, and was indicted in Monmouth County, New Jersey.
22 You'll learn about Tom Moran, who approximately a month
23 after that gets into a high-speed chase with Hudson County
24 detectives, striking cars, going over 90 miles an hour while
25 he's drunk, an open case in Hudson County, facing

1 second-degree eluding charges, up to 10 years in state
2 prison, how, until this day, until this day, because he's
3 cooperating with these people, the case is not resolved.
4 They leave it open.

5 You'll hear about how Tom Moran got probation in
6 Monmouth County for striking that vehicle with three
7 children and a police officer, retired, and knocking it
8 over. You'll hear about how Tom Moran solicited his father,
9 who was a correction officer, to use his influence and try
10 to contact police unions to talk to these police officers
11 into not prosecuting Tom Moran, and how his father is never
12 charged.

13 You'll hear about Tom Moran as a severe alcoholic
14 and using drugs, who parties with Oscar and tells Oscar
15 behind my back, Make sure Paul doesn't know what we do
16 'cause he's too straight.

17 You'll hear about Tom Moran who was put into --
18 when he was arrested on May the 20th, 2009, was put into the
19 Special Housing Unit at the Hudson County Jail. He was in a
20 cell approximately eight by 10, locked up for 33 hours at a
21 time in a small, tiny cell, 33 hours at a time; that while
22 he's locked up, before he gets out for one hour, one hour
23 after 33 hours, how he's telling people he's losing his
24 mind, he needs to get out, he'll say and do anything. And
25 that's the words that came out of Tom Moran's mouth.

1 You'll hear about Tom Moran, who while he's locked
2 up in the cell for 33 hours at a time, the mother of his
3 child commits suicide.

4 He has to get out. He needs the benefits of
5 cooperation. He knows that he's an attorney. He knows --
6 has the discovery in his hand. He knows what everything
7 says.

8 They talk about this individual Oscar, this Latin
9 King. I'm going to go into that in ad nauseam detail
10 because you have to know about Oscar, and you have to know
11 in this particular case what was done with Oscar.

12 But here's an individual who lies as an informant,
13 a paid informant, lies from the beginning of the first time
14 that he meets agents of the Drug Enforcement Administration
15 and is on will payroll for, he tells them that he committed
16 15 murders. Oscar says that, that he committed 15 murders.
17 Then he says, Oh, no, I don't -- I didn't commit 15 murders.
18 He lied to them. He says, I have information on 15 murders.
19 But he had no information at all. How Oscar lies about his
20 family, how Oscar lies about his background, the repeated
21 crimes that he's committed, even that he committed a parole
22 violation while working for them by using drugs, by not
23 following rules and regulations. You'll hear recordings,
24 but I want you to listen to all the gaps in the recordings.
25 I want you to listen to all the pauses in the recordings. I

1 want you to hear all the unintelligible conversations, the
2 long periods during strategic times in the recordings.

3 You'll hear about Oscar, who even lies while being
4 recorded and recording and tells his handlers, the D.E.A.
5 agents that are working with him, for instance, he says that
6 Jason Nieves agreed to kill two witnesses, when Jason Nieves
7 never said that. I'm going to play that tape for you to
8 make sure that you hear that he's completely lying to them.

9 And they say, Shut off the tape, shut off the
10 tape, Oscar.

11 How many informants based upon your life
12 experience and cases that you've known know and learn and
13 are taught how to turn off a recorder and turn on a
14 recorder?

15 He says that Michael Lopez wanted to kill the
16 prosecutor, James Jones. There is no such innuendo,
17 suggestion, or statement ever done by Michael Lopez.

18 He continually and continuously lies, does things
19 that are in violation of the law, but continues as a
20 cooperating witness on behalf of them.

21 You're talking about Richard Pozo. They talked
22 about Pozo and the fact that that I supposedly said to him,
23 Pedro Ramos, why don't we take care of and get rid of that
24 headache?

25 You'll learn, and this is a important fact for you

1 to remember in the opening statement, Richard Pozo was
2 arrested in New Jersey for a Texas case. He was running a
3 \$150 million a year cocaine business. Paul Bergrin had
4 nothing to do with it. Paul Bergrin didn't even know him
5 during that particular time period. You'll hear about lies
6 that he made about Paul Bergrin that could not have been
7 true.

8 But, most importantly, Richard Pozo was facing
9 life in Texas. Life in Texas. He has a prior drug
10 conviction, drug trafficking conviction. Richard Pozo was
11 also facing 25 to life in New Jersey in Union County, where
12 he's indicted for being a leader of a narcotic organization.

13 Richard Pozo gets time served.

14 Time served.

15 His brother is laundering money for him. His
16 mother and father are laundering money for him. They're
17 running multiple businesses that he started with drug
18 proceeds. They're still in operation today. They're still
19 in operation today, the cigar store, the automotive and body
20 shop.

21 You'll hear about Richard Pozo, who, when he went
22 to Texas authorities, agreed to cooperate. They questioned
23 him, Federal officials, U.S. Attorneys, state officials that
24 flew there from New Jersey, and they asked him, at a time,
25 at a time when he's begging to be a cooperator, pleading for

1 cooperation, when he needs to tell them anything that he can
2 possibly tell them, they ask him about Paul Bergrin, in
3 Texas, by Texas authorities: Does Paul Bergrin -- do you
4 know anything about Paul Bergrin doing anything to any
5 witnesses or Paul Bergrin's involvement with witnesses?

6 And what does he answer to Texas authorities, when
7 he's begging them to accept him as a cooperator, because he
8 hasn't been coached and hasn't been suggested to him because
9 these people aren't there with him at the time? He says no.
10 Not until he gets the Federal prison time does this man
11 right here, Minish, and his cohort, the agent in this case,
12 go down approximately a year later, and they question Pozo
13 while he's in Federal prison: Tell us about Paul Bergrin.
14 And Pozo has a recollection a year later, a year later, when
15 he had said nothing to Federal authorities that he didn't
16 know anything about Paul Bergrin.

17 But we will prove to you conclusively, with
18 credible evidence, believable witnesses, that there's no way
19 Paul Bergrin ever could have at the Passaic County Jail said
20 anything about Pedro Ramos. We'll prove that to you.

21 That's why I ask you to keep an open mind until
22 everything is heard in the case.

23 Pozo's facing multiple life sentences, 25-year
24 minimum. Based upon his charges, he has to do at least 25
25 years in New Jersey state prison as a leader of a narcotic

1 organization until he's eligible for parole. The man gets
2 time served - time served, by this man writing him a letter
3 to the Court.

4 You're going to hear about how the system is
5 manipulated. You're going to hear about how individuals
6 know what to do, what to say, when to say it, how to say it
7 in order to get their benefits of the cooperation.

8 Truth doesn't fit in this equation at all.

9 They talk about Eugene Braswell. He's a
10 correction officer running a major narcotic organization,
11 shipping drugs from Texas to New Jersey. I have nothing
12 whatsoever to do with it. He has his own drug connections,
13 he has his own drug networks. I represented him. He was
14 involved in a bad shooting as a correction officer. His
15 union president came to me. I represented him in a bad
16 shooting. I represented his brothers. I represented his
17 uncles and his cousins. I had nothing whatsoever to do with
18 his drug dealing, his drug business. He was caught in
19 Warren County, driving back from Texas with multiple
20 kilograms of cocaine. I had nothing to do with that. He
21 has his own connections, his own contacts. He doesn't need
22 Paul Bergrin. He's facing 25 to life in Warren County, as a
23 police officer going into prison. Imagine that. Imagine
24 what's going through his mind.

25 He then gets out on bail in Warren County facing

1 25 to life. He commits a Federal offense, gets arrested by
2 the Feds, is facing life in prison, so he's facing life with
3 25 years, as a police officer.

4 That's when he gets put into the Hudson County
5 Jail. This is important for you do know, and the evidence
6 will prove this. He gets put into the Hudson County Jail.

7 Who does he meet in the Hudson County Jail?

8 Abdul Williams. Abdul Williams. Not until he
9 meets Abdul Williams, not until he speaks to Abdul Williams
10 does he then become a cooperator with all of this
11 information about Paul Bergrin. When he was caught in
12 Warren County, facing 25 to life, he knows nothing. When
13 he's arrested by the Feds, he doesn't know anything. When
14 does he come forth with this knowledge? After he's in the
15 Hudson County Jail, meeting with Abdul Williams.

16 That's what this case is about.

17 Then he gets out. The Feds led him out. The Feds
18 let him out because he gives information about Paul Bergrin.
19 And then he gets arrested again .

20 Do you think he cares about consecutive time when
21 the 25 years in New Jersey is going to run concurrent, which
22 means he's getting a free ride, when he should be given 25
23 years in the State of New Jersey alone? Do you think he
24 cares about something running consecutive when he's going to
25 get no time on that third arrest because of his cooperation?

1 It wasn't running consecutive to nothing.

2 It's almost an insult to your intelligence to
3 listen to some of the stuff that you heard from the
4 prosecution in the opening statement.

5 The prosecution in this case opened about the
6 recordings that you will hear.

7 Well, I'm glad that you're going to hear those
8 recordings, because action speaks louder than words. The
9 intent of an individual is shown, proven and is elicited
10 based upon the actions that they take. If an individual
11 never has the capacity to do anything, if the individual
12 takes no action, if an individual has no intent, then you
13 have no crime, and that's what the evidence and recordings
14 will show in this particular case.

15 The evidence will conclusive prove beyond any
16 doubt whatsoever that I never, never under any circumstances
17 trusted Oscar Cordova from Chicago. You will be brought
18 forth facts in evidence that the first time that I met
19 Oscar, Oscar is talking to me about the fact that his father
20 -- and they left this out of the opening, conveniently --
21 was Lord Gino, the head of the Latin Kings for the whole
22 United States. He's telling me about his father running the
23 Latin Kings. He's telling how his father and how the Latin
24 Kings are in 50 states and 10 nations. He's telling me that
25 his father sent him here to help Vinnie out, to get Vinnie

1 Esteves out of jail so that he could meet Vinnie Esteves's
2 connections. That's what he told us.

3 He's saying that he has contacts directly with the
4 head of the Ochoa organization that took over for Pablo
5 Escobar, the largest organization of the Colombian cartel.
6 He's telling me that the Mexicans that Vinnie Esteves does
7 business with sent him here. Large cartel members, the head
8 of the cartel, individuals that Vinnie doesn't even deal
9 with; he's way, way below that.

10 So you have to scratch your head from day one.
11 I've got 29 years of experience. I've been a Federal
12 prosecutor, state prosecutor, a defense counsel for 18
13 years. Anybody hearing that evidence, the evidence will
14 prove, would say to themselves: Why does this guy here, why
15 does he need to meet Vinnie Esteves's connections when he's
16 directly linked and being sent by the heads of the Mexican
17 cartel? Why does he need to meet Vinnie's connections, a
18 low-level, a mid guy who has no connections anywhere near
19 Oscar with the Ochoas directly?

20 He's telling me that he can get kilograms of
21 cocaine from the Ochoas. This is meeting him the first
22 meeting - doesn't even know me. I know Vinnie Esteves less
23 than a month. I know Oscar for 15 minutes. He's telling me
24 that he gets kilograms of cocaine for \$3,500 from the
25 Ochoas, Marta Ochoa in Florida. He has a direct cell phone,

1 he can get it all day long.

2 Does Paul Bergrin ever, Paul Bergrin, this big
3 drug dealer with people dealing all kinds of drugs for him,
4 and the evidence in this case will show you that according
5 to the Government's evidence, Paul Bergrin's paying 20,
6 \$25,000 a kilogram, if I get kilograms for 3,500, I'm going
7 to be on my hands and knees to Oscar. Never, do I ever ask
8 him for any. Never, ever do I exchange telephone numbers,
9 try to meet these individuals. Never, ever do I set up
10 anything wherein Oscar could deliver cocaine to me or to
11 anybody else. He says he has contacts directly with the
12 Ochoas, the highest level of drug dealing on earth.

13 The next day, we have a meeting. He's such a bad
14 alcoholic and drug addict, and you can tell it from day one,
15 the way he acts, his mannerisms, the way he dressed, the
16 wear he acted. He tells me -- comes into my office the next
17 day after telling me about the \$3,500 kilograms and the
18 Ochoas, and I tell him that I don't want anything, he comes
19 in the next day and says, Paul, I got a great deal for you,
20 Paul. My friend, a good buddy of mine -- his exact words on
21 the recording -- went to Mexico, and he's bringing back a
22 hundred kilograms at \$15,500.

23 He forgot what he had told me the day before.

24 Anybody hearing this would know that this guy is
25 full of shit -- excuse me. Anybody hearing this would know

1 that this guy is a phony.

2 I independently ask and I tell several of the
3 prosecution's own cooperating witnesses, this guy is out of
4 his mind; this guy is a informant. This guy is not Lord
5 Gino's son, we knew that from the beginning. If he's lying
6 about that, then he was sent here, and if he's lying about
7 that, then there must be something wrong. He says he comes
8 from the Latin Kings.

9 I ask Vinnie: Vinnie, did you ever do business
10 with the Latin Kings?

11 No.

12 Do you know Oscar's father?

13 No.

14 Oscar says -- Vinnie says that the individuals in
15 the Mexican cartel that he's dealing with is a guy by the
16 name of Pepe and a guy by the name of Patty. And what
17 happened, one of the ways this case started, the
18 investigation of Vinnie started was, there was 75 kilograms
19 of cocaine seized that was destined for Vinnie Esteves, and
20 it was sent by these Mexicans, Patty, it was sent by these
21 Mexicans, Pepe, the same individuals that supposedly sent
22 Oscar Cordova to help Vinnie out. The same people that this
23 individual Junior is working for.

24 I asked Oscar: Do you know Pepe?

25 Oh, yeah, I know Pepe, I'll speak to him.

1 Then in the next conversation, you'll hear he
2 denies knowing Pepe. He forgets what he says.

3 I ask Oscar, he tells me he has no idea who Patty
4 is.

5 Anybody hearing Oscar speak would know that he
6 wasn't sent by the people he said he was sent by, the
7 Mexicans if he doesn't know the leader of the organization,
8 if he doesn't know Pepe, if he doesn't know Patty, if he
9 doesn't know Junior. He didn't know that the truck driver
10 with the 75 kilograms of cocaine was arrested. He didn't
11 know the truck driver's name. These are people that he
12 supposedly worked with and for. He didn't know that the
13 truck driver was in jail in Louisiana.

14 I'm bluffing him, role-playing with him, lying to
15 him and saying, Hey, Oscar, do you do know that the truck
16 driver, you know, he called me, he's out. And he's
17 believing what I'm saying. He doesn't know that the guy is
18 locked up. I say, Hey, Oscar, do you know that the truck
19 driver called Vinnie on the day that he was arrested?

20 He's believing everything that's said to him. He
21 tells me that he spoke to the truck driver. I know that
22 that's an impossibility because he doesn't know the truck
23 driver's in jail. He doesn't know the truck driver was
24 arrested months before he ever came on the scene.

25 I did a case by the name of State v. Jeffrey

1 Castro. I represented an individual who was charged with
2 murdering the second crown of the Latin Kings. I put them
3 on trial. I put the Latin Kings on trial. I know about the
4 Latin King Nation, the evidence will prove. I'll present to
5 you the transcript of my summation in that particular case.

6 I know that anybody associated with the Latin King
7 Nation will never, ever, ever, under any circumstance
8 discuss Latin King business, especially to a schlepp like me
9 that he doesn't even know, he hasn't met in his life. He's
10 telling me about territories the Latin Kings are going to
11 take over and about how I'm going to help him. He's telling
12 me about who they drug-deal with, who they do business with.
13 He's telling me about who they know.

14 He's telling me about his father, Lord Gino, who's
15 locked up at the supermax facility, supermaximum prison
16 called the ADX in Colorado. It's underground. It's built
17 into the dirt, it's so secure. He's telling me about the
18 fact that his father from the supermax, the most restrictive
19 facility on earth, I don't care if you compare it to the
20 Russian gulag, they know how many pieces and sheets of
21 toilet paper a person uses. Every sound is recorded that
22 they make. Every word is recorded and scrutinized,
23 telephone calls. They don't even have any human contact.
24 They use robots to deliver food. Their mail comes up on a
25 screen. That's how scrutinized and how restrictive it is,

1 the ADX. He's telling me that his father, who is locked up
2 at the ADX, is running the Latin King Nation from the ADX.

3 He's telling me that his father is communicating
4 with him, they snuck cellphones into the ADX and his father
5 is communicating with him. He's telling me that his father
6 is ordering murders, they're taking over territories.

7 This is when I first meet him. Who is going to
8 believe one word that he says? Who is going to believe one
9 word that he says? He's threatening, the first time I meet
10 him, to take a life, to kill someone.

11 Anybody, anybody that would talk to him is going
12 to know not to believe one word, not to trust one word of
13 him.

14 Your Honor, can we take our break now?

15 THE COURT: Continue on for a few minutes. I
16 don't know if their lunch is here yet.

17 MR. BERGRIN: Yes, Your Honor.

18 He's telling me that his father has a cook in his
19 cell, single-man cells at the ADX.

20 I go to Chicago because my daughter has blessed me
21 with a brand-new grandchild, my first grandbaby, on August
22 the 5th of 2008. I tell my daughter that I'm going to meet
23 with Oscar, we're going to have dinner, and that he's
24 supposed to pay me money because that's what he was there
25 for, to help Vinnie with finances, to help Vinnie finance

1 the case. We needed accountants to show because Vinnie had
2 a building company, a building corporation, taking
3 mortgages, over a million dollars of those. Essentially, I
4 was going to show how he made purchases, so I needed a
5 forensic accountant to show that it didn't come from drug
6 proceeds, that it came from the mortgages and the selling of
7 the houses from his corporation, so I needed forensic
8 accountants. I needed investigators to take statements.

9 Every time I told Oscar all I want to do is take a
10 statement or interview somebody, he would completely change
11 the topic and suggest, We're going to kill that person.

12 And someone's not going to know from the first
13 time you meet him that something's wrong with this guy, that
14 he's not an informant?

15 Oscar threatened and told me that he's going to
16 kill everybody in the case. He's going to kill the truck
17 driver, who he doesn't know and doesn't know is
18 incarcerated. He's going to kill the truck driver's helper
19 that he doesn't know the name or is incarcerated or where he
20 is, and Paul Bergrin never gives him that information. He
21 tells us he's going to kill Pepe. He tells us he's going to
22 kill Junior. He says he's going to kill the judge's son -
23 the judge's son. He tells us he's going to kill Jose Tapia,
24 he tells us he's going to kill Arsenio Alejo.

25 I'm role-playing; I'm lying; I'm bluffing him. He

1 comes to pick me up at the airport on August the 5th, Friday
2 night, in a -- in a limousine that had to be used as a
3 hearse 20 years ago. I'm in the limousine. I tell him,
4 Hey, Oscar, I just met with the accountant - completely
5 fabricating and lying to him. It shows I'm role-playing. I
6 tell him, Hey, Oscar, you know what? I just met with the
7 accountant, and I had to threaten him and tell him I'm going
8 to kill him and his family in order to get tax returns.

9 It's a complete fabrication - I have nothing but a
10 complete professional and personal relationship with the
11 accountant.

12 I tell him that I'm going to use that accountant,
13 that I need money to pay that accountant as a forensic
14 accountant, when we know that we're never going to use that
15 accountant as a forensic accountant.

16 He tells me that he's the big Latin King leader,
17 okay, he's running, now, the nation for his father, 50
18 states, internationally.

19 I called his phone, and I get: Oscar's
20 Landscaping Service.

21 I say, Oscar, what's the landscaping service?

22 He plants trees and does lawns, running an
23 international organization. But Paul --

24 THE COURT: Whenever you want to break.

25 MR. BERGRIN: We can break now, Judge.

1 THE COURT: All right.

2 Ladies and gentlemen, thank you for your patience.
3 I understand that your lunch has finally arrived, so we're
4 going to take an hour for lunch.

5 Please don't discuss the case.

6 THE COURT CLERK: All rise. Just place your
7 notebooks on your chairs, please.

8 (The jury exits)

9 THE COURT: You may be seated.

10 Mr. Bergrin, do you know how much longer you're
11 going to be?

12 MR. BERGRIN: A couple hours, sir.

13 THE COURT: A couple hours?

14 I think we're going into a lot of detail that
15 might be getting close to the line in an opening statement.
16 I'm not hearing any objections, so I'm letting it go, but I
17 would think we're getting into some -- you're getting into
18 some detail that I think is questionable. So I don't know
19 -- we've already been going over an hour.

20 MR. BERGRIN: I'll try to cut it down, Judge.

21 THE COURT: Well, I don't know if I'm going to
22 allow it to go into that much detail if we go on with this.
23 We've got to move along.

24 Do we have witnesses today, Mr. Gay?

25 MR. GAY: Yes, Judge.

1 THE COURT: Okay. One hour.

2 (Luncheon recess taken)

3

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

5 (Defendant present)

6 (Jury out)

7 THE COURT: All right. Mr. Gay?

8 MR. GAY: Thank you, Judge.

9 I just wanted to briefly say that with respect to
10 Mr. Bergrin's opening statement so far, there have been a
11 number of occasions in which he has been testifying, and I
12 know we talked about that before.

13 THE COURT: And that was also in part of your
14 pretrial --

15 MR. GAY: Yes. And, Judge, I understand that
16 there were a number of instances in which the Government
17 could have objected to certain things. We're kind of in a
18 difficult position --

19 THE COURT: I understand.

20 MR. GAY: Because I don't want the jury to think
21 we're hiding something.

22 THE COURT: I understand, and I realize that, and
23 I recognize it. I wasn't saying that so much as a
24 criticism.

25 MR. GAY: Yes.

1 THE COURT: But when there's not an objection on
2 the other part, it's difficult -- I don't like to impose
3 myself.

4 MR. GAY: Yes.

5 THE COURT: But I will say this. Mr. Bergrin, I
6 do think you are going very far afield in your opening. I'm
7 trying to give you a lot of latitude, and I think I already
8 have. But I want it clear that the opening statement is to
9 be limited to a general statement of facts which are
10 intended to be or expected to be proved. An opening
11 statement is not designed to be an evidentiary recitation
12 which minutely describes in detail rather than generally
13 outlines or foreshadows the testimony to be produced.

14 Many years ago, Chief Justice Burger said the
15 following: "An opening statement has a narrow purpose and
16 scope. It is to state what evidence will be presented to
17 make it easier for the jurors to understand what is to
18 follow and to relate parts of the evidence and testimony to
19 the whole. It is not an occasion for argument."

20 Now, I understand the importance of this trial and
21 I understand what you're facing here, so I've tried to be
22 very, very fair in letting you go. But you've gone now for
23 a long time, and your comment that you might have two more
24 hours is just not going to fly. I am not allowing two more
25 hours of opening statements. I want you to get to the

1 point, stop with the minute recitations, and end this
2 opening so we can get on with the case. Okay?

3 I didn't want to say that in front of any jurors,
4 but I'm letting you know I don't want to have to interrupt
5 you.

6 So, please, let's move forward.

7 Chuck, will you ask them to come in?

8 THE COURT CLERK: All rise.

9 (The jury enters)

10 THE COURT: Okay. Let's be seated.

11 Okay. Let the record reflect the jurors are back,
12 looking relaxed and well fed.

13 Mr. Bergrin?

14 MR. BERGRIN: Thank you very much, Judge.

15 Ladies and gentlemen, good afternoon.

16 I've gone into what the evidence will show on the
17 recordings, so you can take everything in context and
18 understand that from the beginning to the end, from the
19 first time Oscar from Chicago, the alleged Latin King
20 hitman, was met until this smoking-gun conversation on
21 December 8th, it was just a matter of lies upon lies between
22 me, between him, immaturity, role-playing. When it was
23 determined that Oscar was not a Latin King, when the
24 evidence had proven that Oscar did not come from where
25 Vinnie said, Vinnie Esteves said he had come from, the

1 Mexicans, when the tapes and recordings and words out of
2 Oscar's own mouth clearly reflected and proved that Oscar
3 did not know the individuals, the Mexican individuals that
4 Vinnie Esteves vowed and said that had sent Oscar, whether
5 it be Junior, whether it be Pepe, whether it be Patty,
6 whether it be the truck driver, whether it be the seizing of
7 the drugs, that he did not know anything about anything
8 related to them, did not know the individuals, then anybody
9 hearing the evidence from day one would have known that
10 Oscar is there for a purpose, a different purpose than what
11 he alleged. It was clear as could be, and the recordings in
12 this particular case will prove that unequivocally.

13 And when you look at it in context, from day one
14 of Oscar talking about his father and talking about being
15 able to obtain drugs on the tapes for certain prices,
16 knowing the Ochoas, being able to get kilograms for 3,500,
17 changing his testimony from day to day, from recording to
18 recording, anybody listening to that, it didn't take rocket
19 scientists to know that Oscar was an informant and that
20 Oscar was not who he says he alleged he was. It was just
21 one ludicrous lie after the other, and the icing on the tape
22 -- the cake was all the statements that he made about his
23 father, all the statements that he made about the supermax
24 facility, all the statements that he made about his father
25 ordering him to kill Junior or to kill witnesses on behalf

1 of Vinnie Esteves. Anybody hearing that, anybody hearing
2 that would know it's a complete fabrication and lie.

3 That's why when they talk about and get to the
4 December 8th conversation, you have to take everything in
5 large context. Oscar claimed on the recordings that he was
6 there to pay Vinnie's legal fees and to help Vinnie get out
7 of jail. The recordings will show that Vinnie had a bail.
8 Yet Oscar came up with not a dime for Vinnie's bail. Oscar
9 promised at least 20 times on the recordings to bring money,
10 said he has it with him, it's at his hotel, he's coming back
11 with it. He comes up with nothing. After over -- after
12 three months of meeting Oscar, on September the 4th, when we
13 met for the first time at the end of June, he comes up with
14 \$20,000 in large bills in a heat-sealed bag.

15 Anybody that's been involved in the criminal
16 justice system knows where heat-sealed bags come from and
17 large bills.

18 In this particular case, it was role-playing at
19 the maximum and role-playing at the worst. It was at fault,
20 but nobody ever intended nor believed one word out of
21 Oscar's mouth. It was physically impossible, the intent
22 wasn't there, and he never had the capacity.

23 Oscar alleged on the recordings that --

24 THE COURT: Mr. Bergrin, come on, now, I've warned
25 you. You're going too far in the opening statement. Now,

1 please. That's not the purpose of the opening.

2 Now, please, let's move on.

3 MR. BERGRIN: The evidence will show that on
4 August the 5th, I traveled to Chicago, and there was
5 recording, there was a recording about that. And every time
6 that I told Oscar on that recording that all we want to do
7 is take statements from the individual, especially Junior,
8 meet Junior and meet him and interview him with an
9 investigator, he would change the topic. Oscar said and
10 claimed that he came from Chicago and claimed that he was
11 the leader of the Latin Kings in Chicago. Yet, when I got
12 there, he couldn't get a hotel room for me. I was actually
13 traveling the streets and walking, wheeling a luggage from
14 hotel to hotel, trying to find a hotel. He had no contacts.

15 Oscar claimed he was the leader of the Latin
16 Kings, originated in Chicago, owned Chicago. He didn't know
17 the names of any restaurants and I had to ask the limo
18 driver. We went to a restaurant. We had to wait two hours.
19 He couldn't afford to pay for drinks and dinner. It became
20 ludicrous and became absurd.

21 They're talking about the smoking-gun conversation
22 of December 8th. That's what they're essentially basing
23 this case upon. But what you have to realize and what the
24 most important thing is, when we first met on December the
25 8th, in the recording, Oscar promised money, said his father

1 said deliver us money on that date for Vinnie because he
2 knows we need investigators and he knows we need
3 accountants. Never came up with a dime throughout that
4 entire conversation, never came up with a dime on December
5 the 8th, never came up with a dime on December the 9th.

6 This is the most important thing. Oscar told us
7 on December 8th, he said statements like, he's killed
8 hundreds of times.

9 Anybody hearing that would know that's an
10 absurdity. Oscar said that he cannot do the murder in this
11 case unless -- here's a Latin King leader with hundreds of
12 thousands of Latin Kings all over the United States, he says
13 that he can't do anything, it's contingent, he cannot
14 complete the job or do anything unless either I or Thomas
15 Moran provide him with a gun.

16 Who is not going to know when they hear that the
17 absurdity and the ludicrousness of that?

18 And Paul Bergrin never, ever attempted, there's no
19 evidence whatsoever, not a shred of evidence that Paul
20 Bergrin ever attempted to get him a gun.

21 Tom Moran wanted him to meet with a contact that
22 night by the name of Tito, Justino Cepeda. But when Oscar
23 met with Justino Cepeda that night, he was never asked
24 anything about a gun.

25 Somebody had to put a stop to that, the absurdity

1 and the ludicrousness.

2 Oscar said that he located Junior the Panamanian
3 on this smoking-gun conversation through the Mexicans,
4 through the Mexicanos and the Ochoas. But in previous
5 recordings, he had forgot what he said. He had said in
6 previous recordings that the Mexicanos don't know Junior,
7 that he has no way to locate Junior, he needs my help in
8 finding Junior.

9 So there was never any intent because I never made
10 any effort to find Junior, as the evidence will prove.
11 There was never any intent because I never even attempted to
12 try to get him a gun, and neither did Thomas Moran. There
13 was never any capacity because he couldn't do it without the
14 guns. From December the 8th until my arrest on May 20th,
15 there is no follow-up telephone conversations where I say,
16 Oscar, what are you doing? What's your intent? What are
17 you going to do? What's happening with Junior?

18 Nothing. The only conversation is from December
19 the 11th, where I say, Oscar, where's the money that you
20 promised on December the 8th? Or words to that effect.

21 I meet with Oscar, as the recordings will show, on
22 December the 9th, the next day.

23 THE COURT: Mr. Bergrin, I'm going to stop you
24 again.

25 You're going too far in an opening statement.

1 Now, move on. This is not a summation.

2 MR. BERGRIN: The evidence will show based upon
3 the context of the conversations, based upon what's
4 contained in it, that Oscar had no idea whatsoever who
5 Junior was, where Junior was, and Paul Bergrin never had the
6 intent whatsoever to do anything to Junior or anybody else.

7 I'm just going to shoot through my notes to make
8 sure I get the seminal parts.

9 I was Vinnie Esteves's attorney. And the evidence
10 will prove that, as you listen to the recordings, and you
11 listen very, very carefully to recordings, you'll find that
12 the defense has the smoking gun in this case. When you look
13 at the facts and the evidence as it comes forward in this
14 case, you'll see the defense has the smoking gun. And the
15 reason why is because when Vinnie -- evidence will prove and
16 show that when Vinnie Esteves was arrested on May the 29th
17 of 2008 -- this is a very important point for you to
18 remember -- Vinnie Esteves confessed to the Drug Enforcement
19 Administration and the police officers that arrested him.
20 When Vinnie Esteves was arrested on May the 29th of 2008,
21 Vinnie gave up all the people that he was doing business
22 with. When Vinnie Esteves was arrested on May the 29th of
23 2008, he gave up Pepe and Patty and all his connections, and
24 delineated with specificity what he did and what he was
25 doing.

1 I knew this as his attorney, the evidence will
2 show.

3 You have to ask yourself, when you look at the
4 evidence, what attorney, what anybody, who would ever do
5 business with Vinnie Esteves in either drugs or attempt to
6 kill somebody, especially a witness, for someone who
7 confessed to the police on the day that they're arrested,
8 gave up all his connections, which means he has no connects,
9 which means we're bluffing Oscar from the beginning about
10 meeting Vinnie's connects when he gets out because he has
11 none, he gave them up to Federal law enforcement officers.
12 What attorney or anybody with any criminal law experience,
13 the evidence will show, would talk to Vinnie about doing a
14 homicide or selling drugs when Vinnie gave up his own
15 brother, who was married to his wife's sister, the day that
16 he was arrested? They had no idea who he was. He gave them
17 up.

18 That's why you'll know based upon the evidence and
19 as the evidence unfolds that this was nothing but
20 role-playing, gamesmanship at its worst.

21 You listen to the tapes and you listen to the
22 words. They're words without meaning, what we call idle
23 chatter, idle banter.

24 You'll know that Oscar was not there to help
25 Vinnie Esteves, because Vinnie Esteves had a one-year-old

1 child that was essentially starving, had no food, had no
2 electric at the house, had no water. And if Oscar's there
3 to help him or his connections are there to get Vinnie out
4 so that Vinnie could continue to do business, wouldn't you
5 expect them to help his child or pay his bail or pay his
6 attorney fees?

7 That's why we knew from the beginning that Oscar
8 was a liar and had no connections and he wasn't sent by the
9 people he was sent by to get Vinnie out to meet Vinnie's
10 connections, because if Oscar was sent from the people he
11 was sent by, they would have gotten Vinnie out because they
12 would have expected to make billions of dollars on Vinnie.

13 Not one dime came into the case.

14 Proof, proof to you, based upon your God-given
15 common sense and your workings of the world. They never
16 helped get Vinnie's wife out of jail, they never paid
17 Vinnie's bail, which was reduced down to \$2 million.

18 THE COURT: Mr. Bergrin. Mr. Bergrin, we're now
19 not just going beyond an opening. You're also repeating.

20 Sir, please --

21 MR. BERGRIN: Yes, Your Honor.

22 THE COURT: -- either bring this to a close, or
23 I'll bring it to a close.

24 MR. BERGRIN: Ladies and gentlemen of the jury,
25 you are my last line of defense in my quest for justice. I

1 have nowhere else to turn. There is no tomorrow for me.

2 The racketeering part of this indictment, violent
3 crimes in aid of racketeering, the Bergrin Law Firm was to
4 represent individuals pursuant to the Sixth Amendment to the
5 Constitution, to pour our heart and soul into this
6 representation.

7 And you'll see that when I received the call on
8 November 25th to represent William Baskerville, the evidence
9 will show that I received a call from his wife and I
10 received a call from Hakeem Curry. Hakeem Curry, the
11 evidence will show, grew up in the same house and was raised
12 by the same grandmother as William Baskerville. They were
13 friends.

14 But the evidence will prove that no one believed
15 under any circumstances that William Baskerville would ever
16 cooperate. Anthony Young swore to that fact in his
17 testimony. Not only that, but Anthony Young swore that
18 Hakeem Curry and William Baskerville did very little
19 business if any business together. It was separate and
20 apart from their personal relationship.

21 They talked about the Kemo murder in this case.
22 What you have to realize is that when I received the call to
23 represent William Baskerville, I called Assistant United
24 States Attorney John Gay, who sent me over a copy of the
25 criminal complaint. The criminal complaint alleged very

1 small amounts of hand-to-hand sales, as was shown to you on
2 the screen. I presented it to William Baskerville, as any
3 defense counsel would, and I represented him as any defense
4 counsel would pursuant to the Sixth Amendment. And as I
5 went through the complaint with William Baskerville, William
6 Baskerville knew based upon the small amounts of drugs, the
7 evidence will show, that were sold to Mr. McCray, right away
8 that Mr. McCray was the informant - right away. He never
9 sold those small amounts except to Mr. McCray. So William
10 Baskerville knew. He didn't need anybody to tell him that.
11 And the evidence will prove that William Baskerville called
12 his family the first chance he had to tell them that McCray
13 was the informant.

14 The evidence in this particular case will prove
15 without a doubt whatsoever that all I did was my job, as any
16 attorney would do under the facts and circumstances of this
17 case. I appeared in court. I tried to get William
18 Baskerville a bail, but the judge put off and delayed and
19 adjourned the bail hearing from November the 25th until
20 December 4th. The bail statute that I was going to argue
21 says that I could argue the weight of the evidence and the
22 believability of witnesses. You have to know that in this
23 particular case, Mr. Gay informed the Court and represented
24 to us that there were videotapes, several, at least four
25 transactions were videotaped. They watched William

1 Baskerville make a hand-to-hand sale to Mr. McCray. There
2 were recordings. Every single transaction, all six of them
3 by Baskerville to McCray, was recorded. Setting up the
4 meetings between Mr. McCray and Mr. Baskerville were
5 recorded. Law enforcement officers watched them. The
6 evidence will show in this case that Mr. McCray was
7 searched, given buy money by Federal agents, and when they
8 watched him meeting with Mr. Baskerville, they immediately
9 searched him, and he had the drugs on him. They did not
10 need Kemo McCray. To believe that Kemo McCray was killed
11 because he was a witness is ludicrous, and it's a fallacy to
12 you.

13 The underlying theory of their case is that
14 William Baskerville killed Kemo McCray or ordered his murder
15 because he was a witness against William Baskerville. Kemo
16 McCray, the evidence will prove, was not needed. They had
17 videotapes and they had recordings. The underlying theory
18 and basis of what they say has no basis and has no
19 underlying theory.

20 The evidence will prove that on February the 23rd
21 of 2004, a GPS tracking device was placed on the car of
22 Hakeem Curry. The evidence will further prove that on
23 February 25th, two days later, and four days before Kemo was
24 killed, Hakeem Curry discovered it. He knew that he was
25 under intense Federal investigation.

1 You'll hear testimony from Anthony Young saying
2 that Hakeem Curry placed himself at the scene, at the scene
3 of the murder, while he's under intense Federal
4 investigation.

5 There was 33,000 intercepted conversations in the
6 Hakeem Curry case - 33,000. They talked freely and openly.
7 There is not one conversation setting up any meeting or
8 talking about any meeting on the date William Baskerville
9 was arrested or any date thereafter with Paul Bergrin or
10 Hakeem Curry or any of these individuals. There was no
11 chatter about a meeting with Paul Bergrin and these
12 individuals. 33,000 conversations intercepted.

13 Anthony Young has given several different versions
14 that you'll hear. He's given over 135 inconsistencies,
15 committed perjury over 20 times. He says that on November
16 25th, the first statement he says, he says that Paul Bergrin
17 said while he was in the car, No Kemo, no case, that there
18 was never any meeting, that Paul Bergrin said it while he
19 was in the car.

20 The second time he says it, he says that on
21 November 25th, the second statement he gives, he says that
22 Paul Bergrin came to a meeting at nine o'clock in the
23 evening on 16th Street and Avon Avenue in Newark, talked to
24 Hakeem Curry, and said as he was leaving and going back to
25 the car, No Kemo, no case.

1 Every time he opened his mouth, he gave grave
2 inconsistencies. He talked about November 25th, the day
3 William Baskerville was arrested, and you'll hear this
4 testimony as it unfolds in this Court. He says on November
5 25th of 2003 that he went to a meeting on 17th Street and
6 Avon Avenue at Jamal Baskerville's house. Every time he
7 talked about that meeting, he changed who was there and what
8 was said. He first says that Diedre Baskerville was there
9 in the morning. Then during trial and sworn testimony, he's
10 confronted with the fact that Diedre Baskerville could not
11 have been there because her phone records show that she was
12 on the phone with me at her house in Roselle, New Jersey, so
13 he changed his testimony.

14 He then says that he was in a car when
15 Hakeem Curry received a call from me, and he swore multiple
16 times that Rakim Baskerville was in the front seat of the
17 car with him. Then he's confronted with the fact that Rakim
18 Baskerville could not have been in the car with him and
19 completely changes his testimony and says, Okay, Rakim
20 wasn't in the car.

21 He says that all Paul Bergrin did to Hakeem Curry
22 was read off the complaint, says that William Baskerville
23 made a sale on this date of this amount, William Baskerville
24 made a sale on this day of this amount, and that instead of
25 Paul Bergrin saying CW, confidential witness, that's on the

1 complaint, Paul Bergrin mentioned the name Kemo.

2 But William Baskerville already knew that, the
3 evidence will show. The evidence will prove that, and that
4 William Baskerville had already called his family or called
5 his family that night to tell them who the informant was.

6 The evidence will prove that on November 25th, as
7 an obligation and for me to know anything about what to
8 argue on a bail hearing, you have to find out the background
9 of individuals, especially Kemo. How can you argue to a
10 judge about the credibility of a witness if you don't ask
11 people about it?

12 The evidence will prove all I did was what any
13 defense counsel will do is try to represent to the best of
14 my ability.

15 Every time Anthony Young talked, he lied. Every
16 time he gave a version, it changed. The inconsistencies are
17 mind-boggling.

18 The evidence will prove and it will be unveiled
19 before you that on November 25th --

20 THE COURT: Mr. Bergrin. Mr. Bergrin, again --

21 MR. BERGRIN: Could I be heard at sidebar, please,
22 Your Honor?

23 THE COURT: No, you can't be heard at sidebar.

24 You are going beyond what an opening is supposed
25 to do. I've been warning you. Now, please. You're not

1 supposed to go into the recitation such as this. You will
2 be able to prove this or do this at trial. This is an
3 opening. You're beyond the scope, way beyond it.

4 Now, please.

5 MR. BERGRIN: Anthony Young swore before a jury
6 just as yourselves that Paul Bergrin used the word "murder"
7 in 2007, that Paul Bergrin said to murder Kemo. And you'll
8 hear how he retracted that and said those words never came
9 out of Paul Bergrin's mouth.

10 You'll hear how for a year and a half, a year and
11 a half, just about, multiple meetings with the Prosecutor's
12 Office, Anthony Young accused another person of murder, his
13 friend, Jamal McNeil. For almost a year and a half, he
14 wanted Jamal McNeil arrested, charged with murder for
15 something he didn't do, and he was willing to take the
16 witness stand and testify against Jamal McNeil.

17 You'll hear that Anthony Young then gave a second
18 version stating that he wasn't at the scene and that he
19 didn't see anything.

20 You will hear he gave a third version. But the
21 important fact for you to know that will be revealed from
22 the evidence in this particular case is that Anthony Young
23 never expected to do one day in jail no matter what he said.
24 He's caught on tape saying that, and we have witnesses that
25 will be presented before this jury that will testify to

1 that.

2 You will hear one inconsistency after another.
3 You will hear one lie after another. You will hear one
4 changed testimony that doesn't make sense after another.

5 Anthony Young said that on the date of the Kemo
6 murder of March the 2nd of 2004 that a drug kingpin, Hakeem
7 Curry, not only was at the scene while under intense Federal
8 investigation, but that he drove up to the body with a
9 police officer outside. Anthony Young said that Hakeem
10 Curry let him put the gun, the murder weapon, and the bloody
11 clothing of Kemo in his car with Kemo's DNA on it, and
12 Hakeem Curry drove all the way from West Orange to Newark.

13 Anthony Young says that he has a girlfriend named
14 Rashidah Tarver, and he gave a statement about what he did
15 with the gun. And this is very important for you to
16 understand. There's going to be testimony that's revealed
17 in this particular case.

18 Anthony Young said, first told the F.B.I. that he
19 melted the murder weapon the day after the Kemo shooting,
20 March 3rd of 2004. He then says that it happened on the
21 day, March 2nd, that Kemo was killed.

22 The F.B.I. goes to Ben Hahn, who owns Ben's
23 Garage, where Anthony said that the melting went down, and
24 Ben says that that's a lie, Anthony Young --

25 MR. GAY: Objection, Your Honor. Is there going

1 to be evidence of this?

2 MR. BERGRIN: Yes.

3 MR. GAY: Because I don't believe there will be.

4 MR. BERGRIN: I believe there will be.

5 THE COURT: Well, this is another one of the
6 problems when you get into such minute detail in an opening,
7 which is totally improper.

8 Now, Mr. Bergrin, I've warned you. I've given you
9 wide latitude. I am directing you to listen to me and to
10 conclude in a reasonable time.

11 I'll sustain the objection.

12 Go.

13 MR. BERGRIN: On March the 2nd of 2004, at about
14 two o'clock in the afternoon, the evidence will show, Kemo
15 Deshawn McCray was shot and killed. Standing next to
16 Mr. McCray was his stepfather, Johnnie Davis.

17 At the time that Kemo McCray was killed, there
18 will be evidence and testimony that Johnnie Davis said that
19 the person that killed my son had dreadlocks down to his
20 shoulder.

21 Anthony Young was bald on that particular day.

22 There will be testimony to show that Johnnie Davis
23 said that he had a confrontation with the shooter the next
24 day, March the 3rd, the shooter with the dreadlocks down to
25 his shoulders, and the shooter threatened him. Johnnie

1 Davis identified this person with the dreadlocks down to his
2 shoulder, Malik Lattimore, on July the 23rd of 2004.

3 Christopher Spruel, another friend of Kemo McCray,
4 was coming from a memorial from where Kemo was shot on
5 South 19th Street and South Orange Avenue on March the 6th,
6 had a confrontation with Malik Lattimore. Malik Lattimore
7 made statements to him about him being out there on that
8 day.

9 There will be evidence presented to you from a
10 Roderick Boyd, an individual cooperating witness from the
11 United States Government, who says that Malik Lattimore
12 confessed to the murder of Kemo Deshawn McCray.

13 This case started with a very aggressive F.B.I.
14 agent who told McCray falsely that he's going to be charged
15 with the unlawful possession of a shotgun and that if he
16 doesn't admit to it that they're going to arrest his mother,
17 Delphine Smith, for possession of the shotgun, knowing
18 that's a complete fabrication.

19 And Kemo was failed -- they failed to protect him.
20 And now somebody has to pay the costs for their negligence.

21 The prosecution talked about the Norberto Velez
22 case. You're going to hear evidence, and what I need you to
23 do, I need you to listen carefully, because, you know why?
24 You're going to make a determination based upon what you
25 hear in the Norberto Velez case with Carolyn Velez, a

1 nine-year-old girl who they say was threatened, intimidated,
2 and coerced. It doesn't matter what Carolyn Velez says now,
3 because back when she testified, you'll see and you'll hear
4 she was queried very carefully by the presiding judge,
5 queried her very, very carefully. There's no way a
6 nine-year-old could have been coerced to testify the way she
7 did. And there was three trials, three trials, and each
8 time, the judge told her about the oath and told her about
9 putting her hand on the bible.

10 But when you listen to the physical, forensic, and
11 scientific evidence and the version given by Mary Lou Bruno,
12 you'll know it could not have happened the way she says.
13 You'll know it right away. Listen to the cross-examination.
14 When you hear the cross-examination, you'll know that
15 Carolyn Velez is not telling the truth, the whole truth, and
16 nothing but the truth, and Mary Lou Velez isn't, either.
17 When you compare that to the scientific evidence, the
18 evidence of the doctor who will testify, you'll know that
19 Carolyn Velez and Mary Lou Velez are not telling the truth
20 and the whole truth.

21 They talk about the Edward Peoples case and the
22 murder of Rahman Jenkins. You'll see that Gregory Smith was
23 questioned by investigators from the Essex County
24 Prosecutor's Office. He was questioned and asked if
25 Paul Bergrin suggested anything to him or was involved in

1 any type of improper conduct, and he said no. You'll know
2 that Gregory Smith is a paid informant who knows how to
3 contact the Prosecutor's Office, and he doesn't contact them
4 to ever say that Paul Bergrin did anything wrong.

5 You'll hear about Judge Rosenberg, who questioned
6 and read statements about each and every witness and
7 concluded in a judicial opinion that Paul Bergrin did
8 nothing wrong in the Edward Peoples case.

9 They talked about 710 Summer Avenue, the kilograms
10 of cocaine that were found there. You have to realize,
11 ladies and gentlemen of the jury, that those kilograms were
12 brought there on May the 21st of 2008 -- excuse me, May 21st
13 of 2009, Paul Bergrin was under arrest. The evidence will
14 show and prove that there was a pole camera up on that
15 building for at least 30 days, and not one time did
16 Paul Bergrin ever go there. They were under surveillance,
17 Alejandro Castro and his brother. Not one time did
18 Paul Bergrin ever meet with them.

19 You'll learn that Yolanda Jauregui was introduced
20 to Alejandro Castro behind my back and began -- she was
21 someone I fell in love with. She began an intimate
22 relationship with him within two weeks of meeting him and
23 did drugs and drug dealing behind my back with him and his
24 family. I had absolutely nothing to do with it, and there
25 will be no evidence whatsoever to prove to you by logical,

1 credible, and believable evidence that I had any knowledge
2 whatsoever that either Alejandro or his brother was living
3 at that building and that drugs were being brought there at
4 any time. No evidence whatsoever, not a scintilla of
5 evidence.

6 You'll learn in this particular case, the
7 prostitution case, that the witness that's testifying on
8 behalf of the Government -- just listen to what he has to
9 hide or what he has to lose, James Cortapassi, and his
10 motive, his motive, how he was working with the owner of
11 New York Confidential, Jason Itzler, behind my back; how he
12 was living in Jason's apartment behind my back without my
13 knowledge; that an individual by the name of Ron Pearlman, a
14 producer, was doing a show, a reality TV show and was there
15 18 hours a day, filming New York Confidential, and not one
16 time in all the months that he was there filming for nine
17 months, 18 hours a day, did he ever see me there.

18 They say that Paul Bergrin used Jason Itzler -- or
19 never used Jason Itzler to help him as a paralegal. But
20 we'll have evidence that will be presented before you that
21 there was multiple documents from the Abu Ghraib case that
22 was brought to Itzler and an attorney by the name of Mel
23 Sachs, who agreed to help me organize the files in the case
24 and write summaries on that, and that's the letters that
25 were sent to the parole board that Itzler's helping me on

1 the case.

2 Everything that they've alleged we could prove is
3 not true. And we don't have to prove anything. We have no
4 burden whatsoever to you.

5 I wanted to go into much greater detail, but
6 obviously I'm not going to -- obviously I'm not going to be
7 allowed to in reference to Anthony Young and the blatant
8 inconsistencies and how you'll be able to tell that he's not
9 telling the truth about Paul Bergrin. All I ask you to do,
10 please, listen to the versions. Listen to how illogical
11 what he says happened. Listen to the fact of how he says
12 that he committed the homicide and how the physical and
13 forensic and scientific evidence prove that he's lying.

14 For instance, he says that he shot Kemo on the
15 sidewalk of South 19th Street and South Orange Avenue.
16 Physically impossible.

17 He says that he shot him with an automatic weapon
18 and that all the guns that he had were altered.

19 Untrue.

20 He says that after he shot Kemo McCray, he jumped
21 into a car.

22 No evidence of that.

23 Everything that he says, everything that he talks
24 about is completely incredulous, and he's changed his
25 testimony one time after another.

1 But the one fact I want you to remember is,
2 Kemo McCray on March the 2nd of 2004 was wearing a do-rag on
3 his head and had a bandanna on his head. That's going to be
4 proven to you by the medical examiners and the investigators
5 from the medical examiner's office who were at the scene and
6 did the autopsy on Mr. McCray, as well as the police officer
7 at the scene. Anthony Young when he was questioned and said
8 that he did the shooting had no knowledge and he swore to a
9 jury such as yourself that he had no knowledge and didn't
10 remember that Kemo's wearing a bandanna or a do-rag on his
11 head. Anybody that did the homicide in this case would
12 immediately know that, especially somebody that approached
13 Kemo McCray and stood right behind him and shot him.

14 Anthony Young said that he was able to sneak up to
15 Kemo that he knows since he's 12 years old because it was
16 freezing, bitter cold outside, so he was able to wear gloves
17 and a half a block on South Orange Avenue sneak up and walk
18 up to him because he was able to pull his fleece jacket up
19 high and pull his hat down low because it was bitter cold
20 outside.

21 It was 70 degrees outside when Kemo was shot.

22 All I ask you to do is to scrutinize the evidence
23 the same way you would want it looked at and scrutinized and
24 meticulously dealt with if you or any of your loved ones
25 were on trial.

1 Thank you.

2 THE COURT: Thank you.

3 Who's your first witness?

4 MR. GAY: Your Honor, we have Lachoy Walker, but
5 we need a brief sidebar on that before we call him.

6 THE COURT: You need a sidebar?

7 MR. GAY: Yes.

8 THE COURT: On your witness.

9 MR. GAY: Yes, on the witness, Judge.

10 (The following takes place at sidebar)

11 MR. GAY: Judge, I raised this with Mr. Lustberg
12 before, but this next witness is in the Witness Protection
13 Program. At the last trial, we agreed we would not bring it
14 out because Mr. Bergrin was not going to bring it out, but I
15 haven't had that discussion with him yet now, so I just want
16 to find out whether or not Mr. Bergrin intends to question
17 this next witness on anything having to do with the Witness
18 Protection Program, because if he is, you know, we have to
19 make some applications.

20 MR. BERGRIN: I'd like to see a recitation,
21 because you've never provided it, of the --

22 MR. GAY: Recitation of what?

23 MR. BERGRIN: Of the benefits that he has
24 received.

25 MR. GAY: Did you give that to Larry?

1 MR. LUSTBERG: I did. I gave it to Paul.

2 MR. GAY: Approximately \$114,000 over the past,
3 since 2006, for --

4 MR. BERGRIN: Excuse me. Let me just --

5 MR. GAY: Well, I'm trying to answer your
6 question, Paul -- for living expenses, relocation expenses,
7 things of that nature.

8 MR. BERGRIN: I would like --

9 THE COURT: I'm going to let the jury go .

10 MR. GAY: All right.

11 (The following takes place in open court)

12 THE COURT: We're going to take a short break.

13 THE COURT CLERK: All rise.

14 just place your notebooks on your chairs, please.

15 (The following takes place in open court)

16 THE COURT: Be seated.

17 So you just want to know whether Mr. Bergrin is
18 going to bring that up in cross-examination?

19 MR. GAY: Yes, Judge, because if he is, we intend
20 to bring it out on direct.

21 THE COURT: Okay. Mr. Bergrin?

22 MR. BERGRIN: Judge, I just received this. May I
23 please have a chance to read it, sir? I mean, I've never
24 seen this before.

25 THE COURT: I don't even know what it is you have.

1 MR. BERGRIN: It's a documentation in reference to
2 the financial -- financial benefits, essentially, that he
3 has received since 2006.

4 THE COURT: Go ahead.

5 (Pause)

6 MR. GAY: I don't know -- do we want the witness
7 on the stand yet?

8 THE COURT: I didn't even know he was being
9 brought out.

10 MR. GAY: I'm sorry, Judge.

11 Just one minute.

12 (The witness left the courtroom.)

13 MR. BERGRIN: Judge, I'm going to go into this.
14 I'm going to go into this.

15 THE COURT: Okay. I'm not going to stop you.

16 Mr. Gay?

17 MR. GAY: Okay, Judge. I will -- can I just have
18 two seconds with my witness, because I told him before --

19 THE COURT: Yes, because I gave the jury until 10
20 of.

21 MR. GAY: Okay.

22 (Recess taken)

23 THE COURT CLERK: All rise.

24 (The jury enters)

25 THE COURT: Be seated.

1 Mr. Gay, call your first witness.

2 MR. GAY: The Government calls Lachoy Walker, Your
3 Honor.

4 THE COURT: Please have him sworn.

5 THE COURT CLERK: Placing your left hand on the
6 bible, raising your right hand:

7 L A C H O Y W A L K E R, called as a witness on behalf of
8 the Government, and having been duly sworn, testified as
9 follows:

10 THE COURT CLERK: Please be seated.

11 Just keep your voice up.

12 Please state your name, spelling it for the
13 record.

14 THE WITNESS: L-a-c-h-o-y, Walker.

15 MR. GAY: May I inquire, Your Honor?

16 Thank you.

17 DIRECT EXAMINATION

18 BY MR. GAY:

19 Q. Sir, how old are you?

20 A. Thirty-eight.

21 Q. When were you born?

22 A. December 21st, 1974.

23 Q. Where were you born?

24 A. Union, New Jersey.

25 Q. Where were you raised?

1 A. Newark, New Jersey.

2 Q. Can you tell the jury what the highest grade you
3 completed in school was?

4 A. Eleventh grade.

5 Q. Can you briefly describe what if any legitimate
6 employment you had prior to March 4th of 2004?

7 A. I had a painting job, and I worked at a company called
8 Century Distribution.

9 Q. What else did you do to make money prior to March 4th,
10 2004?

11 A. I sold drugs.

12 Q. Now, prior to that, were you part of a drug
13 organization?

14 A. Yes.

15 Q. Who was the boss of that drug organization?

16 A. Mr. Hakeem Curry.

17 Q. On March 4th, 2004, did you get arrested by agents of
18 the Drug Enforcement Administration?

19 A. Yes.

20 Q. Were you in possession of drugs at the time of your
21 arrest?

22 A. Yes.

23 Q. Who were you working for when you were arrested?

24 A. Hakeem Curry.

25 Q. Who did the drugs you possessed belong to?

1 A. Mr. Curry.

2 Q. On the day of the arrest, did you decide to cooperate?

3 A. Yes.

4 Q. Soon after that, did you appear in court and get a
5 lawyer?

6 A. Yes.

7 Q. Did you later plead guilty to conspiracy to distribute
8 drugs?

9 A. Yes.

10 Q. Did you also sign a cooperation agreement at that
11 time?

12 A. Yes.

13 Q. What was your understanding of what your obligation
14 was under the cooperation agreement?

15 A. To tell the truth.

16 MR. GAY: I'd like to show the witness Exhibit
17 7005.

18 Q. Mr. Walker, do you recognize what that is?

19 A. Yes.

20 Q. What is that?

21 A. The cooperation agreement.

22 Q. Is that the one that you signed?

23 A. Looks like the one.

24 Q. Okay.

25 MR. GAY: Your Honor, I'd ask that this be entered

1 into evidence at this time.

2 THE COURT: Well, is there a signature page on it?

3 THE WITNESS: Yes.

4 MR. GAY: There is.

5 THE COURT: Is that your signature?

6 THE WITNESS: Yeah. Yeah, it's my signature.

7 THE COURT: Any objection?

8 MR. BERGRIN: No objection, Judge.

9 THE COURT: Into evidence.

10 (Government Exhibit 7005 marked in evidence)

11 Q. Now, Mr. Walker, you can keep that up there for now.

12 What was your understanding of your obligations
13 under the agreement?

14 A. To tell the truth.

15 Q. And did you -- after you cooperated with the
16 Government -- let's set aside the agreement for now for a
17 second.

18 A. Yeah.

19 Q. After you began to cooperate with the Government, did
20 you provide information about Mr. Curry and Mr. Curry's
21 organization?

22 A. Yes.

23 Q. And did you eventually testify at a trial against
24 Hakeem Curry and William -- and, excuse me, Rakim
25 Baskerville?

- 1 A. Yes.
- 2 Q. Do you recall approximately when that trial was?
- 3 A. It was in 2006.
- 4 Q. Now, what was your understanding of what would have
5 happened to you if you lied at that trial?
- 6 A. I wouldn't have got the cooperation agreement.
- 7 Q. And what happened -- what was your understanding of
8 what would happen if you lied under the prosecution's
9 questions?
- 10 A. Same thing.
- 11 Q. What about with the defense questions?
- 12 A. Same thing.
- 13 Q. What was your understanding of who was responsible for
14 determining what sentence you would receive?
- 15 A. Ultimately, it was up to the judge.
- 16 Q. Now, the judge that was the sentencing judge in that
17 case, was that this judge, or a different judge?
- 18 A. A different judge.
- 19 Q. Was the judge that sentenced you the same judge that
20 heard the testimony you gave in the Hakeem Curry and Rakim
21 Baskerville trial?
- 22 A. Yes.
- 23 Q. Now, do you recall what sentence you were facing
24 without cooperation?
- 25 A. Anywhere from 185 months to two-thirty-five, I

1 believe.

2 Q. And after you testified at the trial, did the
3 Government write a motion on your behalf?

4 A. Yes.

5 Q. And do you recall what sentence you actually received?

6 A. Time served. I served about 46 months.

7 Q. Now, after you served that sentence, did you start a
8 new life?

9 A. Yes.

10 Q. And since that time, have you committed any crimes?

11 A. No.

12 Q. Have you maintained legitimate employment since that
13 time?

14 A. Yes.

15 Q. Now, let's briefly talk about your life prior to your
16 arrest by the Drug Enforcement Administration.

17 Approximately when did you begin selling drugs?

18 A. When I was about 14 years old.

19 Q. And when was it that you stopped selling drugs?

20 A. The date of my arrest on March 4th, 2004.

21 Q. Now, on or about September 16th of 1993, were you
22 arrested for distributing a controlled substance?

23 A. Yes.

24 Q. Did you later plead guilty to that charge and receive
25 a sentence of probation?

1 A. Yes.

2 Q. On or about April 6th, 1994, were you arrested for
3 distributing a controlled substance?

4 A. Yes.

5 Q. On or about February 1996, were you arrested for
6 aggravated assault and criminal restraint?

7 A. Yes.

8 Q. On or about October 28th of 1996, did you plead guilty
9 to both of those charges, the 1994 drug charge and the 1996
10 assault charge?

11 A. Yes.

12 Q. Did you receive a combined sentence of approximately
13 four years on those charges?

14 A. Yes.

15 Q. Do you remember about how long you actually served in
16 prison on those charges?

17 A. It was about 14 months.

18 Q. On February 4th, 1999, were you arrested for
19 possession of a controlled substance and conspiracy to
20 distribute a controlled substance?

21 A. Yes.

22 Q. Were you on parole at the time from those 1996
23 convictions?

24 A. Yes.

25 Q. Did you go to jail on a parole violation?

1 A. Yes.

2 Q. Do you recall approximately how much time you spent in
3 jail?

4 A. It was about six months.

5 Q. Did you also plead guilty to the 1999 drug case --

6 A. Yes.

7 Q. -- on or about March of 2000?

8 A. Yes.

9 Q. And were you supposed to report to court to be
10 sentenced on that case?

11 A. Yes.

12 Q. Did you fail to appear in court?

13 A. Yes.

14 Q. And did you remain a fugitive on that case until your
15 March 4th, 2004 arrest?

16 A. Yes, I did.

17 Q. Now, you mentioned that you were arrested then on
18 March 4th by the Drug Enforcement Administration; is that
19 correct?

20 A. Yes.

21 Q. Now, did you ever use any false names when you were
22 arrested during your lifetime?

23 A. Yes.

24 Q. Did you ever give a false date of birth when you were
25 arrested?

1 A. Yes.

2 Q. You indicated that you had sold drugs since
3 approximately the age of 14 until March 4th, 2004; is that
4 correct?

5 A. Yes.

6 Q. And during that time, did you spend the majority of
7 time distributing drugs for a particular organization?

8 A. Yes.

9 Q. What organization was that?

10 A. The Hakeem Curry Organization.

11 Q. And in that time, did you become familiar with the way
12 drugs are sold on the streets?

13 A. Yes.

14 Q. And are you familiar with the term "connect"?

15 A. Yes.

16 Q. And what does that term mean?

17 A. A connect is a -- a connection the boss have to
18 distribute drugs.

19 Q. Somebody who supplies drugs to the boss?

20 A. Yes.

21 Q. And you mentioned the term "boss." What is a drug
22 boss?

23 A. He is the head of the organization.

24 Q. And is there anyone, particularly in Mr. Curry's
25 organization, was there anyone under the boss?

- 1 A. Yes.
- 2 Q. And who was that be?
- 3 A. That would be lieutenants or managers.
- 4 Q. And what were they responsible for in Mr. Curry's
- 5 organization?
- 6 A. They was to manage whatever spot they have, whatever
- 7 block they have, they was to manage that particular area.
- 8 Q. Are you familiar with the term "pitcher"?
- 9 A. Yes.
- 10 Q. And in relation to drugs, what does a pitcher do?
- 11 A. A pitcher deals directly with the users. They are
- 12 right up under the managers.
- 13 Q. Are you familiar with the term "consignment" as it
- 14 relates to drug dealing?
- 15 A. Yes.
- 16 Q. Can you describe what that means?
- 17 A. Consignment is, you get the drugs up front, no money,
- 18 and you filter the drugs back to the person that gave the --
- 19 gave it to you on consignment.
- 20 Q. Okay. So does the boss get the drugs from the connect
- 21 on consignment?
- 22 A. Yes.
- 23 Q. And what about the managers from the boss?
- 24 A. Yes.
- 25 Q. And what about the pitchers from the managers?

1 A. Yes.

2 Q. And what about the end user; does the end user get it
3 on consignment, or do they pay?

4 A. No, they pay for it up front.

5 Q. Can you briefly describe what the goals of a drug
6 trafficker are, drug dealing?

7 A. Not to get caught.

8 Q. And what if any methods are you familiar with that
9 drug traffickers use, that you used and Curry's organization
10 used not to get caught by law enforcement?

11 A. Fake IDs, disposable cell phones, rental cars,
12 vehicles with secret compartments in them called traps.

13 That's about it. That's all I can remember right
14 now.

15 Q. Are you familiar with the term "lookout"?

16 A. Yes.

17 Q. And what is a lookout?

18 A. Lookout is a person who looks out for the police,
19 whichever block you have, whichever set you have, they look
20 out for the police. They usually have walkie-talkies, and
21 they let everybody know if the police is coming, or they
22 call "five-oh," which is a name for the police.

23 Q. Okay. Now, Mr. Walker, you mentioned throwaway or
24 prepaid cell phones. How does that assist the drug
25 trafficker in not getting caught?

1 A. It's no name attached to them. You can just use them,
2 throw them away, buy another one, and then -- they're --
3 basically, the object is is no name attached to it.

4 Q. Okay. Now, what about rental cars?

5 A. Usually you get a user or somebody that's not
6 associated with yourself to get the car for you, and then
7 you can -- you can either change it out every week, a
8 different color, or this way nobody would know if it was you
9 coming, they can't get a bead up on you.

10 Q. What about the -- you mentioned traps or secret
11 compartments. How are those used?

12 A. They usually -- they usually use -- you can store
13 guns, you can store money, you can store drugs in them.

14 Q. Now, you mentioned that drug traffickers do use cell
15 phones; is that correct?

16 A. Yes.

17 Q. And based on your experience when you were using
18 phones, did you talk openly about drugs over the phone?

19 A. Not necessarily. I just tell a person to meet me,
20 where to meet me at. We would meet face-to-face, and I'd
21 talk to them face-to-face, or you can talk in code usually,
22 but mainly you want to meet that person face-to-face.

23 Q. And what's the reason for that?

24 A. This way, you -- nobody can -- nobody can record your
25 conversation unless that person was wearing a wire. But you

1 pretty much want to talk face-to-face 'cause the phones --
2 afraid the phones will be tapped.

3 Q. You mentioned tapped. What does that mean?

4 A. That law enforcement can -- can record your
5 conversations.

6 Q. Okay. Now, you testified that you sold drugs with
7 Mr. Curry and his organization since you were approximately
8 14 years old.

9 Can you briefly describe at its height what the
10 Curry Organization was like?

11 A. At its height? We pretty much, we sold cocaine and
12 heroin. At its height when? Give me a --

13 Q. Well, when it was -- well, let me ask you the question
14 a little differently.

15 A. Yeah.

16 Q. At some point, did the Curry Organization grow from
17 being something small to something larger?

18 A. Yes.

19 Q. So what I'm asking you is, when it was at its largest
20 point, can you describe, again, just briefly, what it was
21 like? Very briefly.

22 A. We mainly -- it was -- it was mainly him as the boss.
23 He pretty much, instead of just -- just being in Georgia
24 King Village, he had several different areas of Newark,
25 New Jersey, Union, New Jersey, several different areas

1 instead of that, just that one area. He filtered the drugs
2 down to those particular areas, and the managers filtered
3 the -- filtered the money back to him, he filtered the money
4 back up to the connect.

5 Q. All right. Now, based on your years of dealing with
6 the Curry Organization, did you become familiar with other
7 members of the organization?

8 A. Yes.

9 Q. Okay. I want to show you first what's been marked
10 Government Exhibit 2258.

11 MR. GAY: Judge, if you don't mind, I'm going to
12 approach the witness.

13 THE COURT: All right.

14 Q. Do you recognize who that person is?

15 A. Yes.

16 Q. Who is that?

17 A. Hakeem Curry.

18 Q. Does that fairly and accurately depict Hakeem Curry?

19 A. Yes.

20 Q. What was Mr. Curry's role in the organization?

21 A. He was the head of that organization. He was the
22 boss.

23 Q. Did you know Mr. Curry by any other names besides
24 Hakeem Curry?

25 A. We called him Dough Boy, ET, Eddie.

1 Q. How long did you know Mr. Curry?

2 A. Since I was about eight years old.

3 MR. GAY: Judge, I'd like to publish 2258 for the
4 jury.

5 THE COURT: Any objection?

6 MR. BERGRIN: No, Judge.

7 THE COURT: Go ahead.

8 Q. I want to show you Government Exhibit 3512 for
9 identification.

10 Do you recognize that individual?

11 A. Yes.

12 Q. Who is that?

13 A. Yes. Alquan Loyal.

14 Q. What was his role in the organization?

15 A. He was -- he was pretty much equal to Mr. Curry.

16 Q. Another boss?

17 A. Yes.

18 Q. Okay. Did you know him by any other names?

19 A. We called him Sheik, Sheik Ali.

20 Q. Okay.

21 MR. GAY: If we can publish 3512.

22 THE COURT: Any objection?

23 MR. BERGRIN: No, Judge.

24 THE COURT: Go ahead.

25 Q. I want to show you 3500, ask you if you recognize that

1 person.

2 A. That's Ishmael Pray.

3 Q. And what was Ishmael Pray's role in the organization?

4 A. He was a manager.

5 THE COURT: Are there any objections to any of
6 these pictures, Mr. Bergrin?

7 MR. BERGRIN: No, Judge.

8 THE COURT: Okay. Go ahead.

9 Q. I'm going to show you 3502 and ask you if you
10 recognize that idea.

11 A. Alkadil (ph) Clarke.

12 Q. Did you know him by any other names?

13 A. We called him Punkin.

14 Q. And what was his role in the organization?

15 A. He was affiliated, he was up under Mr. Ishmael Pray.

16 Q. Okay. How about Exhibit 2255?

17 A. Mr. William Baskerville.

18 Q. Was he a member of the organization as well?

19 A. Yes.

20 Q. What was his role?

21 A. He was a manager.

22 Q. When you say a manager, can you describe -- do you
23 know where he managed?

24 A. 21st Street on the Irvington-Newark borderline.

25 Q. I'm going to show you 2257. Do you recognize that

1 person?

2 A. Yes.

3 Q. Who is that?

4 A. That's Mr. Rakim Baskerville.

5 Q. And what was his role in the organization?

6 A. He was a manager also.

7 Q. Did you know him by any other names or any nicknames?

8 A. We called him Rak.

9 Q. How about 3517; do you recognize this individual?

10 A. It's Al-Hamid Baskerville.

11 Q. And what was his role in the organization?

12 A. Also a manager.

13 Q. Okay. The next one I'm going to show you only on your
14 screen for a moment and ask you whether you recognize that
15 individual.

16 MR. LUSTBERG: Can we just get exhibit numbers?

17 MR. GAY: Oh, sure. This is 3061. Sorry,
18 Mr. Lustberg.

19 MR. BERGRIN: Can I see the rest of those
20 photographs, please?

21 THE COURT: The ones he hasn't shown him?

22 MR. BERGRIN: Yes.

23 MR. GAY: Sure.

24 (Documents were handed to the Defendant.)

25 THE COURT: Okay. Can we proceed?

1 MR. GAY: I think Mr. Bergrin is still looking at
2 the photos, Judge.

3 THE COURT: Were these turned over previously?

4 MR. GAY: Yes, they've been previously turned
5 over.

6 MR. LUSTBERG: But, Judge, we don't always know
7 ahead which exhibits are going to be introduced to which
8 witness, so it would be helpful if we were shown the
9 exhibits before they're introduced.

10 THE COURT: That's a fair request.

11 MR. GAY: I will absolutely do that, Judge. I
12 apologize.

13 MR. BERGRIN: Thank you.

14 BY MR. GAY:

15 Q. Mr. Walker, if you can take a look at the next photo,
16 who is that?

17 A. It's myself.

18 Q. Okay. And what was your role in the organization?

19 A. I was a manager.

20 Q. Where did you manage?

21 A. Georgia King Village.

22 Q. What is Georgia King Village?

23 A. It's a housing complex in Newark, New Jersey.

24 Q. I'm going to show you the next one, it's 3521.

25 Recognize that person?

- 1 A. That's Mr. Taheed Mitchell.
- 2 Q. Was he part of the organization?
- 3 A. Yes.
- 4 Q. Do you remember what his role was in the organization?
- 5 A. He was a manager also.
- 6 Q. Where did he manage?
- 7 A. He managed in Georgia King Village.
- 8 Q. So you guys worked together?
- 9 A. Yes.
- 10 Q. Somewhat?
- 11 A. Yes.
- 12 Q. Okay. I'm going to show you 3523 and ask you whether
- 13 you recognize that individual.
- 14 A. Yes.
- 15 Q. Who is that?
- 16 A. That's Kenneth Malik Sutton.
- 17 Q. And was he part of the organization?
- 18 A. Yes.
- 19 Q. What was his role?
- 20 A. He was a manager also.
- 21 Q. I'm going to show you 3511. Do you remember where it
- 22 was that Malik Sutton managed?
- 23 A. Third Street in Newark.
- 24 Q. How about the next photo: Do you recognize that
- 25 person?

- 1 A. Maurice Lowe.
- 2 Q. And what was his role in the organization?
- 3 A. He was a manager also.
- 4 Q. Do you remember where it was that he managed?
- 5 A. Ninth Street in Newark.
- 6 Q. Okay. If we could put that up.
- 7 Okay. What about 3050? Do you recognize that
- 8 person?
- 9 A. Yes.
- 10 Q. Who is that?
- 11 A. That's Abdul Williams, called him Mutalib.
- 12 Q. And what was his role in the organization?
- 13 A. He was a manager also.
- 14 Q. Do you know where it was that he managed?
- 15 A. Bradley Court in Newark.
- 16 Q. Is that another housing --
- 17 A. Yes.
- 18 Q. Okay. How about 3519; do you recognize that person?
- 19 A. Yes.
- 20 Q. Who is that?
- 21 A. I know him as Keet.
- 22 Q. Okay. And do you know what his role was in the
- 23 organization?
- 24 A. He was up under Mutalib, Abdul Williams, in Bradley
- 25 Court.

1 Q. I'm going to show you 3515 and ask you whether you
2 recognize that individual.

3 A. This is Jarvis Webb.

4 Q. And what was his role in the organization?

5 A. He was a manager also.

6 Q. Do you know where it was that he managed?

7 A. He pretty -- he pretty much freelanced. Prince Street
8 in Newark; Jersey City.

9 Q. I'm going to show you the next two photos in a
10 combination, 3505 and 3506, and ask whether you recognize
11 those two persons.

12 A. Jason and Justin Hannibal.

13 Q. Okay, and did you have any particular names for these
14 two?

15 A. We called them the Dummies, Beavis and Butthead.

16 Q. Do you know whether -- what relationship they had to
17 each other?

18 A. Oh, they was brothers.

19 Q. Do you know whether or not they were twins?

20 A. Yes, they were.

21 Q. What was their role?

22 A. They was managers also.

23 Q. And were they under a particular person?

24 A. Yes, they was up under Jarvis.

25 Q. Okay. I want to show you 3503 and ask you whether you

1 recognize that person.

2 A. That's Norman Sanders.

3 Q. And what was his role in the organization?

4 A. He was a manager also. He managed Seymour Avenue in
5 Newark.

6 Q. And now I'm going to show you 3507 and ask whether you
7 recognize that person.

8 A. Atif Amin.

9 Q. And what was his role?

10 A. He was a manager also.

11 Q. And finally, I'm going to show you 3510 and ask you
12 whether you recognize that person.

13 A. He go by the name of Rashid Prior.

14 Q. Do you know any nicknames for him?

15 A. We call him Akmon.

16 Q. Okay, and what was his role?

17 A. He was a manager also. He was pretty much up under
18 Mr. Loyal.

19 MR. GAY: That's all I have for this for right
20 now.

21 Q. Okay. Now, Mr. Walker, based on the chart that you
22 see up here, can you tell the jury briefly, the individuals
23 in that second row you mentioned as managers, where did they
24 get their drugs from?

25 A. They got them from the boss.

1 Q. Okay, and that was?

2 A. Mr. Curry or Mr. Loyal.

3 Q. Okay. Now, specifically, is there anybody on that
4 list that was more associated with either Mr. Loyal or Mr.
5 Curry that you're aware of?

6 A. Well, the majority of them was -- well, almost all of
7 them was associated with Mr. Curry. Only one of them on the
8 screen was associated with Mr. Loyal.

9 Q. And which one was associated with Mr. Loyal?

10 A. Mr. Rashid Prior.

11 Q. Now, with respect to the individuals Al-Hamid Rakim
12 and William Baskerville, are you aware whether or not they
13 had any familial connection to Mr. Curry?

14 A. Supposedly, they were supposed to be cousins. I don't
15 know what the relationship was, but on the street, they
16 called each other cousins.

17 Q. Now, Mr. Walker, was Mr. Curry's organization always
18 this large?

19 A. No.

20 Q. Okay. Can you briefly, and again, briefly, just
21 describe, were you there in the beginning when Mr. Curry
22 started the organization?

23 A. Yes.

24 Q. And can you briefly describe what it was like in the
25 beginning, and then again, briefly, its evolution?

1 A. Basically, in the beginning, we pretty much sold drugs
2 ourselves hand-to-hand. After '96, after I went to jail and
3 came home in '97, it pretty much evolved into almost what it
4 is now -- or what it was then as it began to get larger.

5 Q. Okay. Now, let me just say, before, when you
6 initially said you did hand-to-hands, was there a particular
7 spot you and Mr. Curry did hand-to-hands?

8 A. In Georgia King Village.

9 Q. Now, you mentioned after your arrest and you came back
10 in 1997 that the organization had changed.

11 A. Yes.

12 Q. How had it changed?

13 A. He was making more money. He controlled different
14 areas besides Georgia King Village. He was introduced to
15 another connect, which pretty much grows into what it was at
16 that point.

17 Q. Okay. Now, do you know how he was introduced to that
18 other connect?

19 A. He was introduced to that connect from Mr. Alquan
20 Loyal.

21 Q. Now, what drugs did Mr. Curry and his organization
22 sell?

23 A. Well, then, it was heroin.

24 Q. Okay. Also sell cocaine as well?

25 A. Yes.

1 Q. Okay. Now, I want to ask you a couple of questions
2 about, first of all, with respect to -- you said you were
3 arrested in 1999, is that correct, on a drug charge?

4 A. Yes.

5 Q. And you also had a parole violation connected to that
6 charge?

7 A. Yes.

8 Q. Did you obtain a lawyer on that charge?

9 A. Yes.

10 Q. And who was that lawyer?

11 A. Mr. Bergrin.

12 Q. Okay. Do you know his full name?

13 A. Mr. Paul Bergrin.

14 Q. Okay. Do you see Mr. Bergrin in court today?

15 A. Yes.

16 Q. Can you please point him out and describe an article
17 of clothing he's wearing?

18 MR. BERGRIN: I'll stipulate identification,
19 Judge. I have no problem.

20 THE COURT: For the record. Thank you.

21 BY MR. GAY:

22 Q. Now who paid Mr. Bergrin to represent you in that
23 case?

24 A. Mr. Curry.

25 Q. Can you describe based on your knowledge of the Curry

1 Organization and based on your knowledge of drug trafficking
2 what is the role of the drug boss when it comes to paying
3 for lawyers for persons who are arrested in their
4 organization?

5 A. Well, once you get arrested and locked up, you get
6 your bail paid and you get referred a lawyer, which was
7 Mr. Bergrin at the time for me.

8 Q. Okay. And when you say you get your bail paid, who
9 pays the bail?

10 A. The boss.

11 Q. And that's Mr. Curry?

12 A. Yes.

13 Q. And who refers the lawyer?

14 A. Mr. Curry.

15 Q. And who pays for the lawyer?

16 A. Mr. Curry.

17 Q. Now, what is the reason that Mr. Curry paid for your
18 lawyer?

19 A. He wanted -- he pretty much want to keep tabs on what
20 is going on with the underlings, make sure nobody's
21 cooperating, make sure they doing the right thing, get
22 information about the case as far as whether it's going to
23 trial or if you gonna plead out.

24 Q. Okay. Now, you mentioned keep tabs to see whether or
25 not the underling was cooperating. How would the lawyer

1 assist in keeping tabs like that?

2 A. Well, he -- he -- they usually call the lawyer or the
3 lawyer call Mr. Curry.

4 Q. And describe -- I'm not clear on that. What would
5 that mean?

6 A. Well, he -- Mr. Curry would call the lawyer and ask
7 him what's going on, what's going on with the case, or if --
8 if he's cooperating, this way he can -- he can pretty much
9 know what's going on with that person.

10 Q. Okay. Now, how would a lawyer know whether or not his
11 client was cooperating?

12 A. When you have a lawyer, you pretty much got to tell
13 him what's going on, tell him what's going on with the case
14 or on -- tell him what -- what you decide that you gonna do
15 far as if you gonna plead out or if you gonna cooperate,
16 things like that.

17 Q. Now, what would Mr. Curry do if he learned that
18 somebody was cooperating?

19 A. Cooperation is a no-no. You in danger. You can get
20 killed by cooperating.

21 Q. Okay. Now, are you aware of whether or not what if
22 any relationship Mr. Bergrin had with Mr. Curry other than
23 simply representing you?

24 A. He represented Mr. Curry. Matter of fact, he
25 represented Mr. Curry --

1 Q. Are you aware of whether or not he arrested -- he
2 represented any other underlings in the organization besides
3 you?

4 A. He represented a couple other people. I can't
5 remember right now.

6 Q. Now, were you ever present with Mr. Curry when he
7 discussed Mr. Bergrin's representation of other members of
8 the organization?

9 A. Say that again?

10 Q. Were you ever present with Mr. Curry when he discussed
11 Mr. Bergrin representing other members of Curry's
12 organization?

13 Do you understand the question or not?

14 Did you ever hear Mr. Curry ever speak about
15 Mr. Bergrin representing another member of the organization?

16 A. Once, he -- he talked about Al-Hamid one time.

17 MR. BERGRIN: Judge, who? Could we hear that
18 again?

19 THE WITNESS: Al-Hamid Baskerville.

20 Q. Now, Mr. Walker, at some point, did you temporarily
21 stop selling drugs and get a legitimate job?

22 A. Yes.

23 Q. Do you recall approximately when that was?

24 A. That was 2002, maybe.

25 Q. Okay, and do you remember how long -- well, first of

1 all, what was the job?

2 A. I had a painting job.

3 Q. And how long did you maintain that painting job,
4 approximately?

5 A. Probably about four or five months.

6 Q. Did there come a time after that that you started
7 selling drugs with Mr. Curry again in approximately the
8 summer of 2002?

9 A. Yes.

10 Q. Okay. Can you describe how that came about?

11 A. I seen him one day by Georgia King Village. We -- I
12 stopped and talked to him. He asked me where I been. I
13 told him, you know, I just was -- I just was chilling out, I
14 fell back from the business. He -- we talked about my
15 coming back to the business. We talked about, he told me he
16 was -- he was selling kilos of cocaine now. We talked
17 again, and he asked me to come back to the business, and
18 after that, I agreed to.

19 Q. Okay. Can you briefly describe what, if anything, you
20 did in connection with the business at that time?

21 A. Well, I -- I helped him distribute kilos of cocaine.
22 I helped him -- basically, I helped him distribute and
23 deliver kilos of cocaine.

24 Q. Okay. And can you describe briefly what the operation
25 was like at that time that you were assisting Mr. Curry

1 with?

2 A. You want me -- say that again?

3 Q. Okay. Let me rephrase the question.

4 A. Yeah.

5 Q. You talked about what you did.

6 A. Yeah.

7 Q. Do you know what amounts of cocaine was Mr. Curry
8 getting around that time?

9 A. Anywhere from 25 or 50 kilos at a time.

10 Q. And how often was Mr. Curry getting those kilos?

11 A. Every 10 to 12 days.

12 Q. And were you assisting him once he got those kilos?

13 A. Yes.

14 Q. And was there a particular place that he stored the
15 kilos?

16 A. At his stash house in Orange, off Center Street. We
17 called it the dungeon.

18 Q. Okay. So just describe the typical, when Mr. Curry
19 would receive cocaine, what would happen and what did you
20 do.

21 A. Usually, when he -- he would call me, tell me he
22 getting ready to go purchase -- well, get the cocaine. He'd
23 tell me to meet him at the dungeon. I'd meet him at the
24 dungeon. Once he get there, we take the cocaine in the
25 house, separate the cocaine from who getting what, make the

1 phone calls. Certain individuals would come to the dungeon
2 to get theirs. Certain individuals, we would deliver to.

3 Q. Okay. Now, do you remember specifically any of the
4 persons that would get -- would get cocaine from Curry at
5 that point, any of the managers in particular?

6 A. I can't hear you.

7 Q. Okay. I'm sorry. Usually my voice is up so high. I
8 apologize for this.

9 Do you remember any managers or persons that
10 obtained cocaine from Mr. Curry at that time in your
11 presence that you were assisting him with?

12 A. That came up or we delivered to?

13 Q. Well, let's talk about came up first.

14 A. Okay.

15 Q. Do you remember any of the persons?

16 A. We got Jarvis Webb, Al-Hamid Baskerville, Ishmael
17 Pray, Abdul Williams, Taheed Mitchell, Maurice Lowe, Malik
18 Sutton, Jason and Justin Hannibal.

19 Q. And what about, did you deliver cocaine to anybody,
20 you yourself?

21 A. Yes.

22 Q. And who was it that you delivered cocaine to?

23 A. Rakim and William Baskerville, Keet.

24 Q. Just to be clear, the cocaine you were delivering was
25 the cocaine -- was Mr. Curry's cocaine at that time; is that

1 correct?

2 A. Yes.

3 Q. Okay. Did you ever have any discussions with
4 Mr. Curry about who he was getting the cocaine from?

5 A. Yes.

6 Q. Can you briefly describe those conversations?

7 A. Well, one day we was in the dungeon, the stash house,
8 and we had a brief conversation while we were separating
9 kilos of cocaine, and just in general conversation, he just
10 -- he blurted out, he was like, Guess who I got -- guess who
11 I got this connect from?

12 I'm like, Who?

13 And he said, Paul.

14 I'm like, Paul who? I'm like, Paul Paul?

15 And he said, Yeah, Paul.

16 And I just -- I just shook my head, like...

17 Q. Okay. Now, when he said Paul, did you know who he was
18 referring to?

19 A. Yes.

20 Q. Who was he referring to?

21 A. Mr. Bergrin.

22 Q. And is there any other Paul that you were aware of
23 that Mr. Curry could have been referring to at that time?

24 A. No.

25 Q. How long, approximately -- you said that you started

1 about the summer of 2003 -- or, excuse me, 2002 that you
2 started with Mr. Curry with these kilograms of cocaine, --

3 A. Yes.

4 Q. -- sometime around then?

5 A. Yes.

6 Q. Let me back up and ask you one more thing. Did you
7 also, when you were in the dungeon with Mr. Curry, did you
8 ever count money for him?

9 A. Yes.

10 Q. And can you describe, do you remember what the largest
11 amount of money you ever counted with Mr. Curry in the
12 dungeon?

13 A. It was \$850,000.

14 Q. Can you briefly describe the circumstances of that?

15 A. Well, I met him at the dungeon. I got there before
16 him. He called me again, told me he was outside. I walked
17 out to the vehicle. I helped him carry the large
18 laundry-like bag inside the house. Once we got the money
19 inside the house, we recounted it to make sure the money was
20 straight, and then he left again, said he'll be right back.

21 Q. Okay. Did there come a time when he came back?

22 A. Yes.

23 Q. And briefly describe what happened then.

24 A. He came back. He came back to get the money. I
25 helped him back outside, to put the money back in the

1 vehicle. He pulled off, he went to see the connect. Then
2 he came back, called me again. Came back outside, helped
3 him inside the house with the drugs.

4 Q. Okay. And did you see what -- do you recall
5 approximately how much drugs he picked up at this point?

6 A. It was about 40 kilos.

7 Q. Now, did there come a time when you stopped selling
8 cocaine with Mr. Curry?

9 A. Yes.

10 Q. And do you recall approximately when that was?

11 A. After -- after we came from the All-Star game, which
12 was February 2003, after that point, I stopped selling with
13 Mr. Curry.

14 Q. Okay. Now, the All-Star game would refer to what?
15 Which All-Star game would that be?

16 A. It was the basketball All-Star game.

17 Q. The N.B.A. basketball All-Star game?

18 A. Yes.

19 Q. To your knowledge, did Mr. Curry continue to get
20 kilograms of cocaine from Paul's connect after that time?

21 MR. BERGRIN: Objection, Your Honor.

22 THE COURT: What's the objection?

23 MR. BERGRIN: His testimony was that he heard
24 Hakeem Curry blurt out these words, but that's the only
25 connection he's ever heard, the only time he's ever heard

1 it. To allow him to testify to this I believe is pure
2 speculation and conjecture.

3 THE COURT: No, no, I'll overrule the objection.
4 Go ahead.

5 MR. GAY: I'll rephrase. I'll ask the question
6 again.

7 BY MR. GAY:

8 Q. To your knowledge, did Mr. Curry continue to get
9 kilograms of cocaine from Paul's connect after you came back
10 from the All-Star game in February of 2003?

11 A. Not to my knowledge.

12 Q. Now, did Mr. Curry continue to distribute drugs after
13 that?

14 A. Yes.

15 Q. And what drugs was he distributing after that?

16 A. Heroin.

17 Q. Did you -- who took over the cocaine business at that
18 point?

19 A. At that point, Ishmael Pray.

20 Q. Did you assist Ishmael Pray with the cocaine business?

21 A. Yes.

22 Q. Now, did there come a time in early 2004 when
23 Mr. Curry asked for your help in distributing drugs again?

24 A. Yes.

25 Q. And do you recall briefly or explain briefly what was

1 the circumstances of that.

2 A. At that time, Jason and Justin had gotten arrested
3 with his drugs. He was kind of frantic about using the
4 dungeon, the stash house. He was kind of frantic about
5 giving Jason and Justin large quantities of heroin. So I
6 was living on the other side of town. He asked me to store
7 -- store -- store the drugs for him, and we pretty much came
8 up with a plan whereas though Mr. Mitchell would come to my
9 house and get the drugs and give them -- give Jason and
10 Justin Hannibal small quantities at a time.

11 Q. Okay. Now, where were you living at the time, if you
12 remember?

13 A. Smith Street in Newark.

14 Q. And did there come a time when Mr. Curry actually gave
15 you drugs?

16 A. Yes.

17 Q. And what were the drugs that he gave you, heroin,
18 cocaine? In what form was it in, if you recall?

19 A. Heroin.

20 Q. And what quantities were there?

21 A. The quantity at that time?

22 Q. Yes.

23 A. It was about -- it was a hundred bricks.

24 Q. What is a brick of heroin?

25 A. A brick is five bundles of heroin. Ten -- 10 bags of

1 heroin equals a bundle, and five bundles of heroin equals a
2 brick.

3 Q. Do you remember approximately how many bricks he
4 delivered to you on the first occasion?

5 A. It was about a hundred bricks.

6 Q. And was there anything else at that time that
7 Mr. Curry gave you besides the bricks?

8 A. It was three guns.

9 Q. Do you remember what kind of guns they were?

10 A. Nine-millimeters.

11 Q. Now, did there come a time when Mr. Curry retrieved
12 any of those guns from you?

13 A. Yes.

14 Q. Can you briefly describe the circumstances of that?

15 A. One day we was -- myself and Mr. Curry was together,
16 we met up with Mr. -- both of the Baskerville brothers,
17 Rakim and Al-Hamid. Al-Hamid wanted -- I guess one of those
18 guns was Al-Hamid's. He wanted the gun back. I couldn't
19 get to the gun at that point in time, I couldn't get in the
20 house, so we waited until later. Mr. Curry came back and
21 got the gun from me and gave it to Al-Hamid Baskerville.

22 Q. Okay. Now, I want to try to put this in the context
23 of time.

24 You were arrested on March 4th of 2004. Do you
25 recall approximately how long before your arrest that this

1 incident you just talked about happened?

2 A. It would be a week or two prior.

3 Q. You mentioned that the plan was that Mr. Mitchell
4 would come and pick up heroin from you and deliver it to the
5 Hannibals; is that correct?

6 A. Yes.

7 Q. And did he do that in this case --

8 A. Yes.

9 Q. -- at this time? And at some point, did all of the
10 bricks that Mr. Curry had given you, did Mr. Mitchell come
11 and pick them up?

12 A. Yes.

13 Q. Now, at some point, do you remember having any
14 conversations with Mr. Curry in the vicinity of 22 McKay
15 Street in East Orange, New Jersey?

16 A. Yes.

17 Q. And can you briefly describe what happened?

18 A. Mr. Curry called my cell phone, told me to meet him on
19 the vicinity of 22 McKay Street. I met him over there. He
20 parked on one side of the street, I parked on the other. I
21 got out my car, got in the passenger seat of his vehicle,
22 and he started telling me about he went to the spy store and
23 got this wand that detects like wires and that such, and
24 then he told -- he go into telling me about he found a
25 tracker up under his -- his vehicle.

1 Q. When you say a tracker, what is that?

2 A. I guess a tracker is the -- what law enforcement used
3 to -- to track whoever they following.

4 Q. And did he say which vehicle it was he found the
5 tracker on?

6 A. It was his white Range Rover.

7 Q. Continue. What, if anything else, did he say at the
8 time?

9 A. He told me he found the tracker, he called Mr. Bergrin
10 and asked him what it was. Mr. Bergrin told him what it
11 was, told him to get rid of his cell phone, told him don't
12 talk on the phone. This is what he telling me in the van.

13 Q. Okay. And you mentioned he had a wand, I think you
14 described it?

15 A. Yes.

16 Q. Can you describe what that was?

17 A. It was a wand that detects wires or like recording
18 devices.

19 Q. What, if anything, did he tell you to do at that time?

20 A. He told me to get a new cell phone, throw away my --
21 the cell phone that I had, to get a new one.

22 Q. And did you do that?

23 A. I already had another prepaid cell phone. I just
24 started using that one.

25 Q. Now, on the day before your arrest, March 3rd of 2004,

1 did you do any drug business with Mr. Curry?

2 A. Yes.

3 Q. Can you briefly describe what happened?

4 A. Mr. Curry called me. He said he was coming to pick me
5 up. Once he picked me up, we went to -- we went to go see
6 the connect. Once we -- it was by a park in Orange. Once
7 we got up there, we pulled behind the connect. Mr. -- Mr.
8 Rakim Baskerville pulled in front of the van or the vehicle
9 that the connect was in. Mr. Curry got out -- out the
10 vehicle, he got into the vehicle with the connect. They
11 talked maybe about five, five to seven minutes. He got out
12 the vehicle, he walked -- he walked to the vehicle where
13 Rakim was at, gave him half -- half of the drugs, got back
14 in the vehicle that he was driving, and then we pulled off.

15 Q. Okay. And what did you do with the drugs at that
16 point?

17 A. Once -- once we left there, he drove me to my house, I
18 got out the car with the drugs, which was the other half,
19 and walked in the house.

20 Q. And did you store those drugs inside the house ?

21 A. Yes.

22 Q. Do you remember where it was you stored the drugs?

23 A. It was up under my bed in a Timberland box.

24 Q. Do you remember approximately how much drugs it was?

25 A. The whole quantity was 200 bricks. One hundred bricks

1 went to Mr. Baskerville. I kept the other hundred.

2 Q. Now, referring you to the morning of March 4th, 2004,
3 can you describe what happened briefly on the day of your
4 arrest?

5 A. Once I came -- once I came out the house, I got -- I
6 got in the car -- I got in the car, and law enforcement just
7 came from everywhere, arrested me, put me in the back of a
8 police car, and -- until I gave them the consent to search
9 the house.

10 Q. Okay.

11 A. And then they found the drugs.

12 Q. Okay. Now, you said you gave them consent to search
13 the house?

14 A. Yeah, I told -- I told my girlfriend at the time to
15 give them consent to search the house. She gave them
16 consent, and then they searched the house. I told them
17 where the drugs were.

18 Q. Okay. And did you see -- do you know what, if
19 anything, they recovered inside the house? They recovered
20 the drugs. Did they recover anything else?

21 A. They recovered the drugs and the gun.

22 Q. Okay, and that was the gun that Mr. Curry had given
23 you previously?

24 A. Yes.

25 Q. Now, after you were arrested, did you decide to

1 cooperate with law enforcement?

2 A. Yes.

3 Q. And after you decided to cooperate, do you remember
4 when was that in relation to the time of your arrest that
5 you told -- that you decided to cooperate? Was it the same
6 day, or a different day?

7 A. It was the same day.

8 Q. And did you tell Drug Enforcement agents where you had
9 gotten the drugs that they had recovered inside your house?

10 A. Yes.

11 Q. What did you tell them?

12 A. I told them I was storing the drugs for Mr. Curry.

13 Q. And what about the gun? Did you tell them about the
14 gun?

15 A. Yes.

16 Q. Did you tell them anything else about Mr. Curry's
17 organization at that time --

18 A. Yes.

19 Q. -- without getting into specifics?

20 Okay. Now, based upon your discussions with Drug
21 Enforcement Administration, was a plan developed?

22 A. Yes.

23 Q. And briefly describe what that plan was.

24 A. The plan was to return the drugs back to Mr. Curry.

25 Q. And can you describe what your understanding was of

1 what you were supposed to do pursuant to that plan?

2 A. I was -- I was supposed to return the drugs back to
3 Mr. Curry wearing a recording device.

4 Q. And prior to returning them, were you supposed to give
5 him a phone call, call him as well?

6 A. Yes.

7 Q. And briefly describe what that was about.

8 A. I called Mr. Curry, told him I need to speak to him.
9 He agreed. He came to the -- he came to where I was at. I
10 got in the vehicle, I dropped -- I put the drugs in the
11 console, in the middle of us, told him to take the drugs
12 back, I couldn't hold onto the drugs. I told him me and my
13 girlfriend got into a argument, she didn't want the drugs
14 there, I didn't have anywhere to keep the drugs, so I told
15 him to take the drugs back.

16 Q. Okay. Now, let me back up. You said you had a
17 telephone conversation with Mr. Curry, is that correct, and
18 was that recorded as far as you understood?

19 A. Yes.

20 Q. Okay, and what about, were you wearing a recording
21 device when you met with Mr. Curry to deliver the drugs back
22 to him?

23 A. Yes, I was.

24 Q. Okay. And now can you briefly describe again the
25 conversation you had with Mr. Curry -- well, let me back up

1 and ask you this. How did Mr. Curry get to the location
2 that you met him?

3 A. He was driving his van.

4 Q. Okay. So you said you got into the van with him?

5 A. Yes.

6 Q. Okay. Describe what happens once you get inside the
7 van.

8 A. Once I got into the van, I dropped the drugs in the
9 console, I told him to take the drugs back. He told me --
10 he told me just to hold onto them. I told him no, I was
11 like, you gonna have to take the drugs back. He told me it
12 was a -- my car was sitting there, he told me to put them in
13 the trunk of my car so he can go get the -- get the Dummies
14 or Justin and Jason Hannibal, which we called the Dummies,
15 he was like, I'm going to go get the Dummies' Cherokee, it's
16 faster than this, I can't drive this -- well, I can't pretty
17 much say what he said, but he said, I can't drive this piece
18 of shit. He was like -- he was like, I just -- I'd rather
19 walk than to drive this and get caught.

20 Q. Okay. Now, was there anything else besides the drugs
21 that Mr. Curry talked with you about at that time?

22 A. And then he asked me -- he asked me where the gun was.
23 I told him I left the gun at my girlfriend house and I
24 didn't want to travel with the gun, I was just worried about
25 the drugs.

1 Q. Now, at some point during this conversation, did you
2 notice whether or not law enforcement agents descended on
3 Mr. Curry's vehicle?

4 A. Yes.

5 Q. And briefly describe what happened.

6 A. Yes. Once we -- we gone doing the back and forth,
7 about him taking the drugs, law enforcement just -- just
8 came from everywhere. He got out the van and ran, and I ran
9 -- I ran the other way.

10 Q. Okay. And when you say you ran, what was the reason
11 you ran?

12 A. I just ran just to -- just to make it look good.

13 Q. Okay. You had no intention of trying to escape from
14 the police at that point --

15 A. No.

16 Q. -- is that correct?

17 A. No.

18 Q. So, now, did you see agents recover the drugs from the
19 van at that point?

20 A. No.

21 Q. Okay. Now, do you remember whether or not after that
22 you made any additional phone calls?

23 A. Yes.

24 Q. And do you recall calling Taheed Mitchell?

25 A. Yes.

1 Q. And do you remember what it was that you discussed
2 with Mr. Mitchell?

3 A. I told Mr. Mitchell, I was like -- made the phone
4 call, I told him to meet me at the dungeon, it's important.
5 He said okay. Once -- yeah. Yeah, I told him to meet me at
6 the dungeon, and he said, Okay, I'm on my way right now.

7 Q. And then are you aware of whether or not law
8 enforcement arrested any other members of the Curry
9 Organization at the dungeon that day after your phone call?

10 A. Yes.

11 Q. Now, Mr. Walker, I want to ask you a couple of
12 questions.

13 You said that after you got out of jail serving
14 time on this 2004 arrest that you started a new life.

15 A. Yes.

16 Q. Did you enter into the Witness Protection Program?

17 A. Yes.

18 Q. What was the reason that you entered into the Witness
19 Protection Program?

20 A. There was a threat on my life.

21 Q. From whom?

22 A. Mr. Curry.

23 Q. And do you recall whether or not that happened during
24 your testimony at that -- Hakeem Curry's trial?

25 A. Yes, it did.

1 Q. And were you aware of whether or not that plot had
2 continued from the time that you were arrested all the way
3 up until the time you testified at trial?

4 A. Certainly.

5 Q. And that was a threat on your life?

6 A. Yes, it was.

7 Q. And that's the reason you went into the Witness
8 Protection Program?

9 A. Yes, it is.

10 Q. Okay.

11 MR. GAY: No further questions at this time.

12 THE COURT: Mr. Bergrin?

13 CROSS-EXAMINATION

14 BY MR. BERGRIN:

15 Q. Now, you were asked questions in reference to Hakeem
16 Curry's connections; correct?

17 A. Correct.

18 Q. During your debriefings; right?

19 A. Correct.

20 Q. As a matter of fact, you were asked specific question
21 about who supplied Hakeem Curry with cocaine. Wasn't that
22 the question that you were asked specifically?

23 A. Say that again?

24 Q. Weren't you asked specifically who supplied Hakeem
25 Curry with cocaine?

1 MR. GAY: Your Honor, I'm going to object. Could
2 we have a time frame about this? He had a number of
3 discussions. Is he talking about testimony, is he talking
4 about --

5 Q. May 23rd of 2006, when you testified under oath before
6 a jury in your sworn testimony.

7 MR. GAY: Your Honor, I'm going to object to this.

8 THE COURT: Wait.

9 What's the objection?

10 MR. GAY: He wasn't asked about this at that
11 trial. That's the question -- that's the objection. So
12 he's trying to impeach him with testimony, with questions he
13 was not asked about at a prior trial.

14 THE COURT: Well, let him answer. Then let him
15 answer it.

16 MR. GAY: Okay.

17 THE COURT: Go ahead, Mr. Bergrin.

18 BY MR. BERGRIN:

19 Q. Were you asked when you testified at the Hakeem Curry
20 trial about who supplied Hakeem Curry with drugs?

21 A. Repeat the question, please?

22 Q. Yes.

23 When you testified at the Hakeem Curry trial in
24 2006, were you asked who supplied Hakeem Curry with drugs?

25 A. It was a -- it was a long time ago. I don't think I

1 was -- I was asked who was the supplier of Hakeem Curry.

2 Q. But you were asked that question specifically when you
3 pled guilty as a cooperating witness on November the 10th of
4 2005, you were asked the specific question, who supplied
5 Hakeem Curry with cocaine; correct? Do you remember being
6 asked that question?

7 A. I mean, if you -- if you show it to me, I can answer
8 it.

9 Q. I asked you a question. Do you remember being asked
10 that question?

11 MR. GAY: He answered the question.

12 THE COURT: Hold it. Wait a minute.

13 If you don't know or you don't recall, you can say
14 that.

15 THE WITNESS: Yeah.

16 A. I don't recall. If you can show it to me, I can -- I
17 can -- I can answer the question.

18 Q. Who is Kareem Hurrell?

19 A. Kareem -- who, Kas (ph)? I know a Kas.

20 Q. Kas, also known as Kareem Hurrell?

21 A. Yes.

22 Q. Who is Atif Amin?

23 A. Atif Amin.

24 Q. You said -- you just testified a few minutes ago that
25 Atif Amin worked for Hakeem Curry and was a manager. Isn't

1 that what you testified to before the jury a couple minutes
2 ago?

3 A. Yes. You didn't say which -- I mean, you just asked
4 me who was he. That's his name.

5 Q. Isn't it a fact, sir, that when you pled guilty on
6 November the 10th of 2005, you said and you were asked the
7 question, who supplied Hakeem Curry with cocaine, and isn't
8 it a fact you said Kareem Hurrell, the name, not Kas, and
9 you said Atif Amin?

10 MR. GAY: I'm going to object to this, Judge. If
11 he's reading from something, he should be reading from it,
12 not from his notes. I don't believe that's actually what
13 was said there.

14 THE COURT: No, I'm sorry, he doesn't have to do
15 that. He can ask the question.

16 Can you answer the question?

17 Would you like it read back?

18 THE WITNESS: Yeah, read it back.

19 (Record read)

20 A. That was -- that was a long time. I mean, I can't
21 recall.

22 Q. You can't recall individuals that sold cocaine to the
23 person that you worked with and were with since you're nine
24 years old; is that what you're telling us?

25 A. Say that -- I mean, you -- you trying to cross me up

1 here. Say that again?

2 Q. You worked for Mr. Curry; correct? Isn't that what
3 you said?

4 A. Correct.

5 Q. You said that you were a manager for Mr. Curry;
6 correct?

7 A. Correct.

8 Q. You were able to remember a specific conversation,
9 blurted out, correct, in 2002; right?

10 A. We had a conversation. We had a lot of conversations.

11 Q. You had a lot of conversations, but as you just
12 testified, you were able to remember that Hakeem Curry said
13 Paul, and you said Paul Paul, and Hakeem Curry said yes.

14 A. Exactly.

15 Q. You were able to remember that conversation; right?

16 A. Exactly.

17 Q. But you didn't remember telling the judge in 2005,
18 three years later -- which is closer to today's date; right?

19 A. You can say that.

20 Q. You didn't remember saying the words or the name
21 Kareem Hurrell; correct? You acted surprised when I asked
22 you, and you said you mean Kas?

23 A. That's his name.

24 Q. So you're telling us that you didn't know the name
25 Kareem Hurrell? Is that what you're telling us?

1 A. I know a Kas.

2 Q. You're telling us that you don't know a Kareem
3 Hurrell; is that what you're testifying to?

4 A. That's his -- that's his -- that's his name, Kas.
5 That's what I know him by. We don't call him Kareem Hurrell
6 in the street.

7 Q. So you didn't know the name Kareem Hurrell, and you
8 didn't know Kas was known as Kareem Hurrell; is that what
9 you're telling us?

10 A. I did know that.

11 Q. Now, you said that Atif Amin, you described him a
12 couple minutes ago when Mr. Gay was asking you questions,
13 you said he was a manager for Hakeem Curry; correct?

14 A. Correct.

15 Q. And my question to you is, when you were asked a
16 specific question under oath in front of the judge as a
17 cooperating witness that you pled guilty to, isn't it a fact
18 that you told him that the suppliers of cocaine to Hakeem
19 Curry was Kareem Hurrell and Atif Amin?

20 A. I don't believe it was in specifics like that. I
21 mean, if you show it to me, I mean -- it's all well and
22 good, I mean.

23 Q. I'm going to show it to you.

24 A. Yeah, you show it to me, I mean...

25 Q. Now, you worked with Ishmael Pray; correct?

- 1 A. Correct.
- 2 Q. And you worked with Ishmael Pray as he dealt cocaine;
3 correct?
- 4 A. Correct.
- 5 Q. And you were with him every single day; correct?
- 6 A. Not every day.
- 7 Q. Well, you spent a lot of time with him from 2003 until
8 you were arrested in 2004; correct?
- 9 A. No, because he wasn't on the street up until 2004.
- 10 Q. How much time did you spend with Ishmael Pray from
11 after the basketball game when you left Hakeem Curry and
12 stopped dealing cocaine?
- 13 A. I spent -- I spent time all the way up until probably
14 right before he got shot.
- 15 Q. So approximately a year, a year and a half with him?
- 16 A. About eight months, nine months. Whatever time from
17 -- from February 2003 up until maybe to December 2003,
18 somewhere around there.
- 19 Q. So approximately 10 months with him; correct?
- 20 A. You can say that, yes.
- 21 Q. And you had frequent contact with him; right?
- 22 A. Yes.
- 23 Q. And he was dealing cocaine and took over essentially
24 for Hakeem Curry; correct?
- 25 A. I wouldn't say he took over. I mean, he had his own

1 thing going on.

2 Q. He had his own thing going on. But Hakeem Curry and
3 him were very close; right?

4 A. Correct.

5 Q. Isn't it a fact that you have never heard me have one
6 conversation with Ishmael Pray? Correct?

7 A. Correct.

8 Q. Isn't it a fact that Ishmael Pray never mentioned
9 getting cocaine from Paul Bergrin's connect to you; correct?

10 A. Correct.

11 Q. And this is an individual that essentially continued
12 the cocaine business that was connected to Hakeem Curry;
13 correct?

14 A. You can say that.

15 Q. Now, you have never seen Hakeem Curry bring me a dime,
16 a penny; correct?

17 A. A penny of what?

18 Q. Any money at all, any money.

19 A. Any money?

20 Q. Yes.

21 A. As far as legal fees or what?

22 Q. As far as anything, legal fees or anything.

23 A. No.

24 Q. And isn't it a fact that you, besides this one
25 conversation you testified to, you never heard Hakeem Curry

1 bring up my name again in reference to drugs; right?

2 A. He didn't need to. That was -- I mean, that was in
3 general conversation. He told me that, and that was the end
4 of the conversation.

5 Q. He never brought up my name in reference to drugs;
6 correct?

7 A. He -- he brought up your name saying that you gave him
8 the connect, yes.

9 Q. In one conversation according to you one time;
10 correct?

11 A. Yeah, that conversation was enough.

12 Q. One conversation, one time, according to you; right?

13 A. I mean, he didn't need to -- he only need to say it
14 one time, I mean, he didn't have to -- I knew he told me.
15 He didn't have to say it again.

16 Q. You never saw Hakeem Curry meeting with me to discuss
17 drugs; correct?

18 A. No.

19 Q. You have never been in a conversation where Hakeem
20 Curry's on the telephone talking to me about drugs; correct?

21 A. No.

22 Q. You have never brought money to me on behalf of Hakeem
23 Curry; correct?

24 A. Me?

25 Q. Yes.

- 1 A. Personally? No.
- 2 Q. And you were picking up money for Hakeem Curry; right?
- 3 A. Yeah, I picked up a lot of money for him.
- 4 Q. You have never, ever, under any circumstances seen me
- 5 meeting with Hakeem Curry and any connections for drugs;
- 6 correct?
- 7 A. No.
- 8 Q. Describe the connect that Hakeem Curry said he got
- 9 from Paul.
- 10 A. What do you mean?
- 11 Q. Describe his physical appearance.
- 12 A. I never met him.
- 13 Q. You never met him? And you were working with Hakeem
- 14 Curry as a manager almost on a daily basis; correct?
- 15 A. I would say I never got a chance to meet him.
- 16 Q. You never met him; correct?
- 17 A. No.
- 18 Q. Did Hakeem Curry ever describe him?
- 19 A. No.
- 20 Q. Did Hakeem Curry ever give you a name?
- 21 A. No.
- 22 Q. Did you ever hear Hakeem Curry talking on the phone
- 23 and saying, This is Paul's connect that I'm talking to?
- 24 A. No.
- 25 Q. You had been present with me and Hakeem Curry when

1 we've had conversations; correct?

2 A. What conversations?

3 Q. Well, you said that Hakeem Curry introduced to me --
4 you to me as an attorney; correct?

5 A. He referred me to you.

6 Q. Referred you to me.

7 A. Um-h'm.

8 Q. Were you ever present with me and Hakeem Curry when
9 we've had a conversation?

10 A. May have. I can't remember. I mean, it's been a long
11 time.

12 Q. But you never heard me under any circumstances ever
13 talking to Hakeem Curry about drugs; correct?

14 A. No.

15 Q. Now, you talked about your plea agreement. At the
16 time that you pled guilty, you were facing life in prison;
17 isn't that a fact?

18 A. Was facing anywhere from 185 months to 235, I believe.

19 Q. The statute that you pled guilty to, you were facing
20 up to life in prison; right?

21 A. 185 to 285 months is what -- what I believe I was
22 facing.

23 Q. That was your Guideline level; right?

24 A. Yeah. Yeah.

25 Q. The statute that you pled guilty to -- are you telling

1 us that you don't know what statute you pled guilty to?

2 A. Yeah, it was 185, that was the Guideline, 185 to 235.

3 Q. The statute that you pled guilty to, isn't it a fact
4 that in your plea agreement, it says that you can receive
5 life in prison?

6 A. Yes. Yeah, I could have.

7 Q. So then why did you just argue with me and say that
8 you would plead guilty to only 185 months?

9 A. That was the -- that was the Guideline. You could get
10 anywhere from 185 to 235. That was the Guideline.

11 Q. But the judge doesn't have to sentence you within the
12 Guidelines; right?

13 A. No, he don't.

14 Q. So you can receive life in prison; right?

15 A. Whatever the judge -- whatever the judge -- that's in
16 that Guideline, that's what the JUDGE gonna give you.

17 Q. My question to you is, you could receive up to life in
18 prison; right?

19 A. It's up to the judge.

20 Q. Under the statute that you pled guilty to -- why don't
21 you answer my question -- you can plead guilty up to life in
22 prison; correct?

23 A. It's ultimately -- it's ultimately up to the judge, am
24 I right?

25 Q. But you could have received a life sentence; right?

1 A. I could have received a significant amount of time,
2 yes.

3 Q. And you walked out of jail the day of your sentencing;
4 right?

5 A. No, I didn't.

6 Q. How much time, additional time did you serve?

7 A. Maybe a month.

8 Q. A month. Facing 185 months minimum under the
9 Guidelines, the statutory facing life in prison, and you do
10 another month; correct?

11 A. Correct.

12 Q. With -- how many felony convictions did you have?
13 Ten?

14 A. I don't remember. It's been a long time.

15 Q. But you can remember a conversation that you heard,
16 right, in 2002, but you can't remember how many convictions
17 you had.

18 A. It's two different -- two different instances.

19 Q. Now, isn't it a fact that you received over \$100,000
20 as a Witness Protection person?

21 A. I don't know how much I received.

22 Q. You don't remember how much you received?

23 A. I don't. It's not -- it's not a specific amount of
24 money that they just give you.

25 Q. But you can remember the conversation that you had,

1 right, the words that you heard in 2002.

2 A. Say that again?

3 Q. But you can remember the words that you heard in 2002;
4 right?

5 A. Yes, I can.

6 MR. BERGRIN: Can I have an exhibit marked, Your
7 Honor, so-called witness financial information?

8 THE COURT: Go ahead. Scott?

9 MR. BERGRIN: And mark it D-1?

10 THE COURT: Okay.

11 (Defendant's Exhibit 1 marked for identification)

12 MR. BERGRIN: May I approach the witness, Your
13 Honor?

14 MR. GAY: Judge, I just want to -- this is not a
15 document this witness has ever seen before, so I'm not sure
16 what the question is or --

17 THE COURT: Well, I think I know what this
18 document is, and we discussed it before. Is there any
19 question but that this is an accurate and appropriate
20 document as the amount?

21 MR. GAY: No, it's not, but this witness has never
22 seen the document and has no idea what's contained in the
23 document. So I just don't know what --

24 THE WITNESS: I mean, I can look at it, I mean, if
25 it's accurate information, I can --

1 THE COURT: Mr. Bergrin, what is that document?

2 MR. BERGRIN: It's the financial information that
3 shows that he received \$118,077.

4 THE COURT: This is the document that you received
5 from the Government telling you how much this witness
6 received --

7 MR. BERGRIN: Exactly, Judge.

8 THE COURT: And this is over what period of time?

9 MR. BERGRIN: Essentially, it was received within
10 three years, Judge.

11 THE COURT: Okay. If you want to show it to him,
12 you can show it to him.

13 Do you understand what that is, now?

14 THE WITNESS: Yes. I can look at it.

15 MR. BERGRIN: May I approach, Judge?

16 (Defendant's Exhibit 1 was placed before the witness.)

17 THE COURT: Mr. Bergrin, how long are you going to
18 be with this witness?

19 MR. BERGRIN: A while, Judge.

20 THE COURT: Half hour, an hour?

21 MR. BERGRIN: Yes.

22 THE COURT: All right.

23 Ladies and gentlemen, I promised you about our
24 times, so we're going to break for the day, and this
25 gentleman will come back tomorrow, and we will continue with

1 the cross-examination.

2 I want to tell you again: Please don't discuss
3 this case with anyone.

4 You have to be here tomorrow no later than quarter
5 of nine. We will start promptly at nine.

6 Also, don't do any Internet searches or read
7 anything or listen to anything about the case.

8 Enjoy the evening.

9 THE COURT CLERK: All rise.

10 Just place your notebooks on your chairs, please.

11 THE COURT: Leave your notebooks there. They will
12 be back in the morning.

13 (The jury exits)

14 THE COURT: All right. Counsel, 8:30 tomorrow
15 morning.

16 (Matter adjourned until Wednesday, January 23, 2013,
17 commencing at 8:30 a.m.)

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