

1 Q. Did you ever tell the jury in 2007 when you testified
2 in the Baskerville case?

3 A. I don't remember. Maybe.

4 Q. Well, if you were to see a transcript of that --
5 that's an important fact, right, hand gestures, what you
6 take me to mean, what the words that come out of my mouth,
7 that's an important fact, isn't it, in this case?

8 A. Yes.

9 Q. Now, you were asked questions about this supposed
10 meeting in 2007; right?

11 A. Yes.

12 Q. And you were asked specific questions about everything
13 that happened at that meeting; right?

14 A. Yes, they asked me what happened.

15 Q. At that meeting, and to tell us what happened
16 specifically at that meeting; right?

17 A. Excuse me. Yes.

18 Q. Now, isn't it a fact that in 2007, you never say
19 anything about no Kamo, no case at this meeting?

20 A. I don't remember if I said that, but I don't know,
21 Paul -- excuse me. Mr. Bergrin.

22 Q. Well, if the words were uttered out of my mouth, you
23 would have said it; right?

24 A. Yes.

25 Q. Do you remember whether you told them anything about a

1 hand gesture?

2 A. I think I told them that you -- when you was leaving,
3 you said, No Kemo, no case, and you gave the thumbs up.

4 Q. My question to -- and you remember that; right?

5 A. Just like that.

6 Q. And you remember that, that you told another jury that
7 when asked about that entire meeting in 2007.

8 A. I didn't say I remember telling the jury about that.

9 Q. Well, you wouldn't leave it out to that jury, correct,
10 if it happened? You wouldn't leave it out, right, when --

11 A. Right.

12 Q. -- you were asked about what happened at that meeting
13 and what happened when Mr. Bergrin left. You wouldn't leave
14 that out if it happened, right?

15 A. I don't know. Maybe I would have --

16 Q. Maybe you would have.

17 A. -- I don't know. Yes.

18 MR. BERGRIN: May I approach the witness, Your
19 Honor? I'm looking at page 4361.

20 THE COURT: Okay.

21 Q. Mr. Young, I'm going to show you what's been marked a
22 transcript of April 13th, 2007, specifically, the last
23 couple of questions on 4361.

24 Isn't it a fact that you were asked in April of
25 2007 about what I said when I left the meeting?

1 A. What line are you on, sir?

2 Q. The last couple of lines, 24 and 25.

3 THE COURT: Just a moment. April of what year?

4 MR. BERGRIN: April 13th, 2007, Your Honor.

5 THE COURT: And the page again?

6 MR. BERGRIN: 4361, sir.

7 THE COURT: All right. Go ahead.

8 Q. Isn't it a fact that when you testified before the
9 jury in 2007 in United States District Court, you never in
10 2007 ever told the jury that I ever said the words, No Kamo,
11 no case at that meeting?

12 A. I said you said, No Kemo, no case.

13 Q. My question to you is, you never, ever tell them what
14 you've been stating, that I said No Kamo, no case.

15 A. I been saying No Kemo, no case.

16 Q. You said that I used the word, No Kamo, no case.

17 Isn't that a fact? Isn't that what you said, I mixed it up?

18 A. No, you used Kamo when you first told us who it was,
19 you used Kamo.

20 Q. And didn't you just testify a few minutes ago that I
21 kept mixing it up and saying No Kamo, no case?

22 A. You did kept mixing it up.

23 Q. I only had, according to you, two conversations, one
24 in the car and one on Avon Avenue, according to you;
25 correct?

1 A. Yes.

2 Q. Isn't it a fact that in the transcript of 2007,
3 there's no utterance of the words, No Kemo, no case?

4 A. It says No Kemo, no case.

5 Q. And also, there's nothing about any thumbs up or any
6 hand gestures at all.

7 A. Because that wasn't the question.

8 Q. Look through your testimony, and you were asked to
9 specifically describe, specifically describe the meeting;
10 correct?

11 A. No, it said "Describe for the jury...if anything, he
12 said when he left."

13 And I said, "no Kemo, no case."

14 Q. Prior to that, you were asked specific questions about
15 what happened at that meeting; correct?

16 A. What line are you on, sir?

17 Q. Look -- all the lines prior to that, about the whole
18 meeting.

19 And by the way, while you're looking at that, the
20 prosecution never asked you about any hand gestures;
21 correct? Is that what you're telling us?

22 A. I'm not telling you that. I said I don't remember
23 them asking. I'm not telling you that they didn't.

24 Now, what was your question, sir?

25 Q. There's nothing about any hand gestures and there's

1 nothing about me ever saying the word at that meeting,
2 according to your testimony in April of 2007, No Kamo, no
3 case.

4 A. Right here, sir, it said "Describe for the jury what,
5 if anything, he said when he left."

6 "When he left, he said, remember what I said, no
7 Kemo, no case."

8 Q. Correct.

9 Nothing about no Kamo, no case, nothing about any
10 hand gestures; right?

11 A. It's the same person, Paul, Kamo and Kemo. According
12 to you.

13 Q. So the words that came out of your mouth, it doesn't
14 matter what was said. To you, it's the same; right?

15 A. No. I be correcting y'all when y'all say Kamo. I say
16 Kemo.

17 Q. Did you correct me -- in 2007?

18 A. In 2007, yes, I corrected you.

19 Q. Where does it say that in the transcript?

20 A. The question wasn't asked. I didn't say it.

21 Q. So then you didn't correct me like you just told this
22 jury; right?

23 A. I correct you the first time, Mr. Bergrin. The answer
24 is not gonna change.

25 Q. Now, on November the 25th until Will Baskerville had

1 his bail hearing on December the 4th, isn't the fact that
2 you knew that he wasn't even charged with an offense that
3 carried a life imprisonment?

4 A. No, I didn't know that.

5 Q. Well, you said you were friends with the Baskervilles,
6 you were like brothers; correct?

7 A. Exactly.

8 Q. Did you ask Diedre what happened in court?

9 A. No, I didn't ask Diedre.

10 Q. Did you ask his mother what happened in court?

11 A. No, I asked his brothers.

12 Q. And isn't it a fact that his brothers, who were
13 present in court, told you that the judge said he's charged
14 with a five-year to 40-year offense, he's not even charged
15 with life imprisonment, when you brought that up?

16 A. Well, I don't know what the judge said. I'm going by
17 what his brother said.

18 Q. Now, the words are very important, correct, of what
19 was said where, by who, when?

20 A. Yes, when I'm there.

21 Q. And many times you add your own interpretations;
22 right?

23 A. No, I'm not adding my interpretations to nothing.

24 Q. Well, I ask you to look at --

25 THE COURT: Which transcript are you looking for?

1 MR. BERGRIN: It's the one that I thought I gave
2 to you, Your Honor. I'm sorry.

3 THE COURT: No, I have my own. You can use it.

4 MR. BERGRIN: I have the one from Mr. Lustberg,
5 Your Honor.

6 THE COURT: Okay.

7 Q. Ask you to look at page 143, lines six and seven
8 specifically.

9 MR. MINISH: Of which transcript?

10 MR. BERGRIN: The one dated September the 13th.

11 May I approach the witness, Judge?

12 THE COURT: Yes, you can.

13 MR. BERGRIN: Thank you.

14 MR. MINISH: Which date?

15 MR. BERGRIN: October the 27th.

16 MR. MINISH: And, I'm sorry, can you repeat the
17 page, please?

18 MR. BERGRIN: The page will be 143.

19 Q. Now, you were asked a question by Mr. Minish what
20 specifically did Mr. Bergrin say about Kemo or the witness;
21 correct? On line six, the question.

22 A. I don't have October 27th. I got October 28th.

23 Q. I'm sorry, October 28th.

24 A. Oh.

25 MR. MINISH: Wait. Which transcript?

1 THE COURT: Page 143, line six?

2 MR. MINISH: Of which --

3 MR. BERGRIN: That might be the wrong --

4 (Off the record discussion)

5 MR. BERGRIN: I'm sorry, Your Honor. I need the
6 27th, not the 28th.

7 It will be the October 27th, Your Honor.

8 THE COURT: All right. Now, what page?

9 MR. BERGRIN: It's page 143, Your Honor.

10 THE COURT: Right. Line six, right?

11 MR. BERGRIN: Yes.

12 THE COURT: All right. What's the question?

13 Let's go.

14 BY MR. BERGRIN:

15 Q. You were asked the question specifically what
16 specifically did Mr. Bergrin say about Kemo or the witness,
17 correct?

18 A. Again, I have October the 28th sitting here, sir.

19 THE COURT: You don't have the October 27th
20 transcript?

21 THE WITNESS: It say October 28th, 2011 at 8:30
22 a.m.

23 THE COURT: Does anyone have the October 27th
24 transcript?

25 MR. BERGRIN: I don't have my copy, I'm sorry.

1 THE WITNESS: It may be the 27th, but it say the
2 28th.

3 THE COURT: If you want, you can use this one for
4 now, if it will move things along, if you don't have it.

5 MR. BERGRIN: This is the one, Judge.

6 THE COURT: You have it?

7 MR. BERGRIN: Yes.

8 THE COURT: Okay. Go ahead.

9 Q. Were you asked specific questions by Mr. Minish in
10 reference to what exactly was said by me specifically?

11 A. What line are you on, sir?

12 Q. In the area of lines six and seven.

13 A. On what page?

14 Q. 143.

15 A. 143, six and seven?

16 Q. Were you asked questions about what was said
17 specifically by me?

18 A. Yes.

19 Q. And were you then asked further questions, what did
20 you take that to mean, on line 13 and 14? Or words to that
21 effect.

22 A. Hold up, Mr. Bergrin. You said line six --

23 Q. Were you asked questions of what did you take that to
24 mean, of your interpretation?

25 A. What line are you on now? You went from six to --

1 Q. Thirteen and 14.

2 A. I say "Get rid of Kemo."

3 Q. "Get rid of Kemo." That was your interpretation;
4 right? You never heard me say the words "get rid of Kemo";
5 correct?

6 A. Well --

7 Q. You can answer my question, Mr. Young. You don't have
8 to "well," and "maybe" --

9 MR. MINISH: He's trying to answer the question,
10 Judge.

11 A. If you won't let me answer -- let me answer.

12 Q. Did you ever hear me say the words, Get Rid of Kemo?

13 A. Your words was, at the meeting was, y'all need to get
14 rid of him and not let this guy testify against Mr.
15 Baskerville.

16 Q. Did you ever hear me say that I want Kemo dead?

17 A. No, I didn't hear you say you want him dead. You say
18 get rid of him.

19 Q. Did you ever hear me say words to the effect of if
20 Kemo was dead, then Will will come home from jail? Did you
21 ever hear me say those words?

22 A. You said, If Kemo wasn't around, I will get Will
23 Baskerville out of jail.

24 Q. But you never heard me say the words -- listen to my
25 question specifically -- if Kemo was dead, Will Baskerville

1 would definitely come home from jail?

2 A. No, you never said that.

3 Q. I never said anything like that; right?

4 A. No, you never said that.

5 (Off the record discussion)

6 Q. And you knew how important each and every word was;
7 correct?

8 A. Well, I knew exactly what you was talking about.

9 Q. You knew how important each and every word was;
10 correct?

11 A. I wouldn't say each and every word, no, sir, not all
12 of them. But I know they're important.

13 MR. BERGRIN: Judge, can I just have one minute,
14 please?

15 Q. I turn you now to page 4360 of the transcript dated
16 October 13th of 2007. I ask you to look specifically at
17 lines nine and 10. 4361, lines nine and 10.

18 A. What date you say this was?

19 Q. That's the date of April the 13th of 2007, the
20 transcript.

21 Didn't you testify under oath on that day that
22 Paul Bergrin said, Paul Bergrin said -- lines nine and 10.

23 A. Yes.

24 Q. That "if Kemo was dead," right? Is that the words
25 that came out of your mouth that I supposedly said?

1 A. Yes, I said that, but that mean get rid of him.

2 Q. And that wasn't true, Mr. Young; correct?

3 A. No, you didn't say "dead." You just said get rid of
4 him.

5 Q. That wasn't true; correct, Mr. Young?

6 A. No, it wasn't. You didn't say "dead."

7 Q. But you told a jury that those words came out of my
8 mouth, that's what --

9 THE COURT: Mr. Bergrin, you're going to have to
10 let him answer the question.

11 MR. BERGRIN: I'm sorry, Judge.

12 THE COURT: All right? You're going to have to
13 slow down. You just can't ask another question and another
14 question. Okay?

15 Q. Those are the words that came out of your mouth that I
16 said; right?

17 A. Yes, sir.

18 Q. And that was not the truth; isn't that a fact?

19 A. You didn't say "dead." You just said get rid of him.

20 Q. But you said and told this jury that I used the words
21 "dead" and you heard those words come out of my mouth;
22 right?

23 A. Yes.

24 Q. Now, you had -- by the time that this alleged meeting
25 occurred, whether it be four, five or 10 days after Will

1 Baskerville was arrested, you had friends that had been
2 arrested by the Feds; correct?

3 A. Exactly two.

4 Q. Two. Exactly two.

5 A. Yes.

6 Q. And you had been around many years; correct?

7 A. Yes.

8 Q. In this system and out of the system; right?

9 A. Not in this system. In the state system, yes.

10 Q. In the state system. You had spent more than half
11 your life in prison; correct?

12 A. I wouldn't say half of my life, but a long time.

13 Q. A long time.

14 You knew based upon the conversation over the
15 telephone that there were hand-to-hand sales; right?

16 A. Yes, that he made the sales, yes.

17 Q. Yes. You knew according to your testimony, although
18 the F.B.I. 302 doesn't reflect it, that there was audios,
19 correct, there were recordings, right?

20 A. From Curry's mouth, yes.

21 Q. You knew also that there were videos; right?

22 A. From Curry's mouth, yes.

23 Q. Did you ever say to me during this supposed meeting,
24 Hey, Paul, how is Will going to get out of jail if there are
25 audios, if there are videos, if there's surveillance, if

1 there's hand-to-hand sales? Did you ever say that?

2 A. No, I didn't say that.

3 Q. Did you ever talk to your boys about that, the guys in
4 the group, you know, what is Paul talking about, Will's
5 going to get out of jail; there's audios, there's videos,
6 there's hand-to hand sales, there's surveillances?

7 A. No, but you supposed to been this big great lawyer, we
8 thought you could do it.

9 Q. You thought I could do it.

10 A. Yes. Told us you could.

11 Q. You know the system; right?

12 A. Like I said, I never been involved with the Federal
13 system. I only been involved with the state system. That's
14 it.

15 Q. But you know about drugs and you know about drug
16 transactions; right?

17 A. And again, the state and Federal is two different
18 things.

19 Q. Whether it's state or Federal, when you have police
20 officers observing a hand-to-hand sale, whether a Federal
21 agent or whether you are a Newark police officer, your eyes
22 on what you see doesn't change; right?

23 A. I saw you beat a case on a man dropped the gun right
24 in front of them. And I was there.

25 Q. My question to you, sir --

1 A. You asked me a question.

2 Q. -- is --

3 THE COURT: All right, Mr. -- be responsive to the
4 question, Mr. Young.

5 Q. My question to you, sir, is, whether you are a State
6 Police officer, a Newark police officer or a Federal agent,
7 if there is hand-to-hand narcotic transactions, several,
8 what you see doesn't change; correct?

9 A. No, what you see doesn't change.

10 Q. Is that a fact, sir?

11 A. Yes, that's a fact.

12 MR. MINISH: He's got to be able to answer the
13 question.

14 THE COURT: All right. He answered that. Go
15 ahead, Mr. Bergrin.

16 Q. If there's audio recordings of what went on and what
17 was said by the parties, what you hear doesn't change,
18 whether you're a Federal agent or a Newark police officer;
19 isn't that a fact, sir?

20 A. That will be a fact.

21 Q. If there are video surveillances of the transactions
22 and you making hand-to-hand transactions, whether you're a
23 Federal agent or a Newark police officer, the videos and
24 what's depicted and shown in the videos would not change;
25 isn't that a fact, sir?

1 A. Not at all.

2 Q. Now, why did you kill, according to your testimony,
3 Kemo Deshawn McCray?

4 A. Killed Kemo for Will to come home from jail.

5 Q. For Will to come home from jail.

6 A. Right.

7 Q. Who ordered it? Who ordered you to kill Kemo?

8 A. First of all, you said if we got rid of Kemo, right,
9 that's what you said, that you would definitely get Will out
10 of jail.

11 Q. Well, Will never came out of jail; right?

12 A. That's because I became an informant.

13 Q. Will never came out of jail. You didn't become an
14 informant until the next year; is that a fact?

15 A. Well, he hadn't went to court yet.

16 Q. He went to court multiple times. Isn't it a fact that
17 Will never came out of jail?

18 A. No, I'm talking about a trial, Mr. Bergrin.

19 Q. Now, did you tell a jury back in April of 2007 that
20 you killed because Will Baskerville ordered it? Did you
21 ever say that? Those words wouldn't come out of your mouth,
22 right, Anthony Young?

23 A. Right. Yes, I did. I said a request -- we just went
24 through this a hour ago. I said request demand.

25 Q. And you said that because Will Baskerville wanted Kemo

1 dead; right?

2 A. Of course he wanted him dead, too.

3 Q. And Will Baskerville demanded that; right?

4 A. Well, to me it's a request demand.

5 Q. Now, Will Baskerville wanted Kemo dead according to
6 you; right?

7 A. Yes, he wanted -- he's one of them.

8 Q. And you say and tell the jury that you killed for Will
9 Baskerville's benefit.

10 A. Yeah, to get him out of jail.

11 Q. How much were you paid?

12 A. 15,000.

13 Q. Then why did you tell Agent Manson when you met with
14 her face-to-face that you didn't get any benefits and you
15 did it for Will's benefit, that you didn't get any money?

16 A. Didn't tell her that. I said Malsey didn't get any
17 money when I blamed it on Malsey. I never told her that I
18 didn't get my money.

19 Q. You said Malsey didn't get any money; correct?

20 A. Exactly.

21 Q. And you said you killed for Will's benefit, right?

22 A. She said did anybody get any money. I said no. When
23 I started telling her the truth, I told her I got \$15,000.

24 Q. And you lied to her about Malsey receiving any money;
25 right?

1 A. Yes.

2 Q. And that's not a mere substitution of you for Malsey;
3 correct?

4 A. Yeah, but if I'm going to blame it on him, it doesn't
5 really matter if he got paid or not.

6 Q. So in your mind, it doesn't matter whether you're
7 telling the agent the truth at any time; correct? Is that
8 what you're telling us?

9 A. Again, Mr. Bergrin, it's not gonna change. I was
10 telling her a lie that Malsey killed Kemo.

11 Q. Even though you lied about Malsey killing Kemo, this
12 is a different area about whether the person, even Malsey
13 got paid. Here you are trying to get Malsey in trouble;
14 correct?

15 A. Yes.

16 Q. You're trying to take him off the street, according to
17 you; right?

18 A. Yes.

19 Q. To protect Anthony Young; right?

20 A. Yes.

21 Q. And the fact that you told the agent that he did not
22 receive any payment, that has nothing to do with who killed
23 Kemo McCray; correct?

24 A. Yes, because it wasn't the truth.

25 Q. So you're lying to her about multiple aspects of what

1 happened; correct?

2 A. I'm not lying to her about multiple aspects. I'm not
3 giving her all of the information.

4 Q. You're holding back and lying to her; right?

5 A. Again, Mr. Bergrin, it's not gonna change. I told her
6 Malsey killed Kemo. It was a lie.

7 Q. And you told her that the person that killed Kemo did
8 it for Will Baskerville's benefit and did not receive any
9 payment at all; correct?

10 A. I told her -- sir, that's not correct. I told her
11 that Malsey didn't get paid. That was it.

12 Q. And you're sure about that; right?

13 A. And I told her Malsey didn't get no money. I told --
14 when I start telling the truth, I told her I got \$15,000.

15 Q. Isn't it a fact that you told Agent Manson, unlike
16 most hits or murders ordered by Curry, there was no payment
17 for this one because they all - they all - did it for the
18 benefit of William Baskerville.

19 They all did it for the benefit of William
20 Baskerville; isn't that what you said?

21 A. Well, there can only be one killer, Mr. Bergrin.

22 Q. Didn't you say, isn't that the words that came out of
23 the mouth of Anthony Young when speaking to Agent Manson
24 face to face on January the 18th of 2005?

25 A. Well, I don't remember saying all did for the benefit,

1 but I know I told her that Malsey did it for free.

2 MR. BERGRIN: May I approach the witness on 02936,
3 Your Honor, and 935?

4 THE COURT: Go ahead.

5 Q. I ask you to look at paragraph three.

6 Isn't it a fact that that reflects that you told
7 her that you all, you all did it for the benefit of Will
8 Baskerville? Isn't that what it says?

9 A. That's what it says, but like I said, my answer's not
10 gonna change, Mr. Bergrin.

11 Q. So that must be another misstate -- another lie in
12 your report, right?

13 A. I wouldn't say she's lying, but I know I told her
14 Malsey didn't get no money for shooting Kemo, which was a
15 lie.

16 Q. You told her that you all did it for the benefit of
17 William Baskerville and nobody received any money and there
18 was no payment because it was for Will Baskerville; right?

19 A. You telling me what I told her. I'm telling you what
20 I said.

21 Q. So Agent Manson just put that in the report out of the
22 clear blue sky; right?

23 A. Maybe she took it that way, sir, but like I said
24 again, I told Ms. Manson that Malsey received no pay, and
25 again, I was lying.

1 THE COURT: Mr. Bergrin, go on to something else.

2 MR. BERGRIN: Yes, Your Honor.

3 Q. Now, you had made the decision, right, that you were
4 going to kill Kemo?

5 A. Yes, I did.

6 Q. Nobody ordered you; right?

7 A. Well, they didn't order us, but they said either me or
8 Malsey was going to do it. That was the decision made.

9 Q. But it was you that made the decision; correct?

10 A. Yes, sir.

11 Q. Nobody ordered you; correct?

12 A. Yes, sir.

13 Q. Nobody said you had to do it; right?

14 A. Well, once Hakeem gave me some money, he told me, if
15 you don't do it, you gonna give me my money back. So the
16 decision was made: I will do it if the opportunity presents
17 itself.

18 Q. And when you made that decision, you knew as you
19 testified before in the structure of this organization, gang
20 and clique that you could either accept the offer or you
21 could refuse to do it; right?

22 A. Yes, I could have refused to do it.

23 Q. And you had -- nobody was pointing a gun at you;
24 right?

25 A. No.

1 Q. Nobody had threatened you; right?

2 A. No.

3 Q. Nobody had demanded of you, right, like you said to
4 this jury, that Will Baskerville demanded it?

5 A. Again, I didn't say to them that somebody demanded me.
6 I said it was a request demand, which we know we need to
7 kill this guy.

8 Q. Now, when you offered to do it to Hakeem Curry, you
9 volunteered, right?

10 A. Say that again?

11 Q. You volunteered to do the Kemo case for Hakeem Curry;
12 correct?

13 A. Yes, I volunteered.

14 Q. Now, when you testified back in 2007, did you ever
15 tell the jury back then about this \$15,000 that you need for
16 the all-star game and about the watch, the buying the watch,
17 and about you having to give back \$3,500 to Hakeem Curry?
18 Did you ever say anything like that before?

19 A. I'm pretty sure I told them I received payment for it.

20 Q. Did you ever tell them about the watch that you told
21 us all about, the \$10,000 Rolex Presidential watch and
22 having to give back 3,500?

23 A. Well, first of all, the watch wasn't part of what was
24 going on, Mr. Bergrin. I just said Hakeem Curry came to my
25 house to see me because I had just bought my watch.

1 Q. You know, you volunteered all that information here;
2 right?

3 A. Yes.

4 Q. Without being asked about it; right?

5 A. Yes, I think so.

6 Q. But you never said anything about that ever before,
7 and you've never seen that in any of the reports; right?

8 A. Yes, but I think the man asked me why Hakeem Curry
9 came to my house.

10 Q. Oh, you remember Hakeem Curry -- you being asked why
11 Hakeem Curry came to your house.

12 A. I think so, sir.

13 Q. Now, you said that you needed the money, correct, the
14 7,500? Is that what you said?

15 A. Let me say this. I said I can use some extra spending
16 money.

17 Q. You could use some extra spending money.

18 A. Yes.

19 Q. You, who's running the Alexander Street crew; correct?

20 A. Yes.

21 Q. You, who has 50,- to \$60,000 sitting in his house, as
22 you testified; right?

23 A. Yes, sir.

24 Q. Was that the truth about having 50,- to \$60,000?

25 A. Yes, sir.

1 Q. And you still needed the money; right?

2 A. Yes, extra spending money. There's never enough
3 money.

4 Q. Extra spending money. You never have enough money;
5 right?

6 A. Never.

7 Q. And 50,-, \$60,000 is sitting in your house; right?

8 A. Yes, sir.

9 Q. Now, did you ever testify on any other occasions that
10 Hakeem Curry said you had to do it, which is the same as an
11 order?

12 A. He said -- again, sir, if you want to ask me what
13 happened, I told him -- he gave me \$75 (sic), he said, if
14 you don't do it, you got to give me my money back.

15 Q. Did you ever -- my question to you, Mr. Young, is, did
16 you ever tell a prior jury at any time that Hakeem said you
17 had to do it?

18 A. I might have said that he said I had to do it and if
19 not, you gonna give me my money back.

20 Q. Well, when you say something like you had to do it,
21 that's the same as somebody ordering you; right?

22 A. No, sir. If I tell you you got to do something, if
23 you don't do it, I want my money back, that's all.

24 Q. That's what it means in your mind, in the mind of
25 Anthony Young?

1 A. That's what it mean in a lot of people minds. If I
2 tell you you got to do it, and if not, I want my money back,
3 and that's what they told me.

4 Q. Now, you were close, like you said, you were like a
5 brother to Will Baskerville; right?

6 A. Yes, sir.

7 Q. But you had no communication with Will from November
8 25th until the death of Kemo McCray, right, or after that?

9 A. Well, we was -- a whole -- a couple of us was trying
10 not to purposely have contact with Will --

11 Q. You could answer my question. Did you have any
12 contact with him?

13 A. Oh, no, sir.

14 Q. Now, the first time I asked you the question about why
15 you killed McCray, you said that it was because Will
16 Baskerville ordered you, or demanded of you is the word that
17 you used, correct, and I pointed that out and it said
18 demand, right?

19 A. It says request demand, the two words together on that
20 paper.

21 Q. So it was Will Baskerville's demand that motivated
22 you; is that what you're saying?

23 A. It didn't motivate me. It just was like, he said --
24 when people come from visiting him, they said, Yo, Will said
25 y'all got to hurry up and do this.

1 Q. Now, you had no communication with Will Baskerville,
2 so he couldn't demand or request anything; right?

3 A. Sure, we -- we like brothers. All you got to do is
4 send a word.

5 Q. Send the word. You don't know what Will's saying and
6 you don't know what Will's thinking; right?

7 A. No, I don't know what he's saying, but I know what
8 he's thinking. I been around him long enough.

9 Q. Now, was it Hakeem Curry or Rakim Baskerville who
10 asked you to kill Kemo?

11 A. Nobody. Neither one of them asked me to do it.

12 Q. None of them ever asked you, right?

13 A. Again, they said it's going to be either Malsey or
14 Ant.

15 Q. Do you have the testimony of April 13th in front of
16 you?

17 A. Yes, sir.

18 Q. I ask you to turn to page 4601, line 24.

19 A. 4601?

20 Q. Yes, line 24 and 25.

21 THE COURT: That's not April 13, Mr. Bergrin.

22 MR. BERGRIN: What's that?

23 THE COURT: It's not April 13.

24 MR. BERGRIN: Oh, it's on April 17th. I'm sorry,

25 Your Honor.

1 THE COURT: 4601?

2 MR. BERGRIN: 4601, Your Honor.

3 THE COURT: All right. Go ahead.

4 A. What line, sir?

5 Q. Lines 24 and 25.

6 A. Yes.

7 Q. Were you asked a question: "Wasn't it Mr. Curry who
8 told you to kill him," or words to that effect?

9 A. Yes, I was asked that.

10 Q. And didn't you tell the jury -- and you just testified
11 that it wasn't Rakim.

12 Didn't you tell the jury on April the 17th of 2007
13 it wasn't Hakeem Curry, "Actually, it was his brother, Rakim
14 Baskerville who told me to kill him"?

15 A. Exactly, and I'll just say it again. When I got the
16 money, they said, Either you kill him, Hakeem said, if not,
17 I want my money back.

18 Q. So first you say it was Will Baskerville who demanded
19 it, correct, according to your testimony? Is that what you
20 said, Mr. Young?

21 A. You trying to mislead the jury, sir, and I'm telling
22 you --

23 THE COURT: Mr. Young, there's no --

24 A. I'm telling you what I said --

25 THE COURT: Wait. Wait a second.

1 THE WITNESS: Oh.

2 THE COURT: Wait a second, both of you.

3 There's no additional comments necessary. Okay?

4 And, Mr. Bergrin, focus in on what line and what
5 question and what answer you want to ask him about. Okay?

6 Q. You were asked in front of the jury in 2007 about who
7 asked you or who ordered --

8 THE COURT: All right. Ask him what line. I keep
9 telling you --

10 MR. BERGRIN: 24 and 25. I'm sorry.

11 THE COURT: If you're going to use the line, read
12 the question and the line. Go ahead.

13 Q. Were you asked a question about who ordered the hit on
14 Kemo McCray?

15 THE COURT: No, no. You're still not doing it,
16 Mr. Bergrin.

17 Tell him the line, read the question, and see if
18 he gave the following answer.

19 MR. BERGRIN: Can I use the transcript, then, Your
20 Honor?

21 THE COURT: Yes.

22 MR. BERGRIN: It's my only copy.

23 THE COURT: Is that your only copy?

24 MR. BERGRIN: It is, Judge.

25 Q. Were you asked the question, starting, I'm sorry, on

1 line 22: Who told you to kill him?

2 "Wasn't it Mr. Curry who told you to kill him?"

3 And didn't you respond, line 24: "Actually, it
4 was his brother, Rakim Baskerville who told me to kill him."

5 Aren't those the words that came out of your
6 mouth?

7 A. Yes, I did say Rakim.

8 Q. No, no. You were asked the question if it was Hakeem
9 Curry, and didn't you respond, which meant, no, actually, it
10 was Rakim Baskerville, his brother? Isn't that what you
11 said? Isn't that the words that came out of the mouth of
12 Anthony Young?

13 A. Yes, he suggested -- I'm trying to answer, Mr.
14 Bergrin.

15 THE COURT: First of all, the question is, is that
16 what you said back then?

17 THE WITNESS: Yes.

18 THE COURT: Okay. Next question.

19 Q. And I ask you to turn to page 4704, lines eight and
20 nine.

21 Were you asked the question: "Who ordered you to
22 kill Kemo?"

23 And did you then say, instead of saying, actually,
24 it was Rakim Baskerville, like you just told the jury, you
25 said "Nobody ordered me. They asked me." And then did you

1 then say on line 10, in the response to the question, "Who
2 asked you," It was Rakim Baskerville and Hakeem Curry?

3 A. Hold on, sir.

4 Q. Aren't those the words that came out of your mouth?

5 THE COURT: Wait. Wait. Wait. He said hold on.
6 Let him get the paper in front of him.

7 4704.

8 THE WITNESS: I'm on it, sir.

9 THE COURT: Okay.

10 THE WITNESS: What line are you on?

11 Q. Starting from eight and nine and going to 11, were you
12 asked the question, "Who ordered you to kill Kemo?"

13 A. Yes.

14 Q. And did you say in answer: "No one ordered me. They
15 asked me."

16 A. Exactly. I been saying that it's not a order.

17 Q. And then the next question on line 10 was: "Who asked
18 you?"

19 And then did you say Rakim Baskerville and Hakeem
20 Curry?

21 A. Yes.

22 Q. That's a far cry and a different response from on
23 4601, where you say, in lines 24 and 25, Actually, it was
24 his brother, Rakim Baskerville. When asked if it was Hakeem
25 Curry, William Baskerville, you responded, Actually, it was

1 Rakim Baskerville. Isn't that the words that came out of
2 your mouth?

3 A. Yes, I did respond to that.

4 Q. Correct?

5 A. I said yes, sir.

6 Q. Now, every time you've been asked a question about
7 who, it changes; right?

8 A. No, it doesn't change. I wouldn't say that.

9 Q. Now, first you said that Will Baskerville demanded it;
10 right?

11 A. I said Will Baskerville was sending requests, demands,
12 same thing to me, that this guy need to be off the streets.

13 Q. But then you were asked the question, was it a request
14 or was it a demand, and you said it was a request, but then
15 you flipped the page --

16 A. Right.

17 Q. -- and it was a demand, according to you.

18 A. More like a demand, yes.

19 Q. And then you said no, it wasn't Will Baskerville,
20 actually, it was Hakeem Curry who told me I had to do it if
21 I wanted to keep the 7,500; right? Was that your next
22 response?

23 A. Exactly. That -- that was the case, sir.

24 Q. And then you said, no, no, it wasn't Will Baskerville,
25 it wasn't Hakeem Curry; actually, it was Rakim Baskerville.

1 Right? Was that your response?

2 A. All these people was involved telling me to do this,
3 yes.

4 Q. But that wasn't your response. You said actually it
5 was Rakim Baskerville; is that a fact?

6 A. Exactly.

7 Q. And then you were asked the question a fourth time and
8 you said that, you know what, it was actually not William
9 Baskerville, but it was actually Hakeem Curry and Rakim
10 Baskerville, the fourth time that you were asked the
11 question. Isn't that the fact, the words that came out of
12 your mouth?

13 A. I said all three guys, yes.

14 Q. Now, how long after this supposed meeting on Avon
15 Avenue did you begin looking for Kemo?

16 A. I'm not exactly sure, but I -- maybe a couple weeks,
17 or more.

18 Q. Do you remember ever being asked that question on a
19 prior occasion?

20 A. Pretty sure I was, but I don't remember.

21 Q. Do you know how much time passed before you began
22 looking for Kemo?

23 A. Like I said, sir, could have been two weeks, could
24 have been three, it could have been four. You know, I had a
25 life to live.

1 Q. So you weren't in any rush; correct? You had a life
2 to live. You had things to take care of, people to see and
3 places to go, right?

4 A. Exactly, but I wouldn't say we wasn't in a rush. We
5 knew we had to handle the business.

6 Q. Now, do you remember testifying to a jury three
7 different time periods, not saying, I think, I believe,
8 maybe, or, I had things to take care of, in 2007?

9 I ask you to turn to page 4366, line 18.

10 A. Which one is this, sir? This start at 45.

11 Q. Then it's April 13th, sir. I'm sorry.

12 A. I don't have that.

13 Q. You only have the one transcript in front of you?

14 A. I got the one from the other day.

15 MR. BERGRIN: I'm sorry, Your Honor. Mixed it all
16 up.

17 Q. I show you a transcript that's marked April 13th of
18 2007.

19 Did you give three different starting points when
20 you testified in 2007 of when you began looking for Kemo?

21 A. What page are we on?

22 Q. 4366, line 18. Did you begin with three weeks?

23 A. Hold on, sir.

24 Yes, I said about three weeks.

25 Q. And then you changed that and you said that you began

1 looking in a week; right?

2 Look at page 4370, line 44.

3 A. 43 what?

4 Q. Seventy.

5 A. What line, sir?

6 Q. Forty-four.

7 MR. MINISH: There's no 44.

8 THE COURT: There is no 44.

9 MR. BERGRIN: Fourteen. I'm sorry.

10 A. Yes, I said "About a week later," "Two weeks later,"
11 after that. I said both.

12 Q. So you went from three weeks to one weeks -- to one
13 week, excuse me, to two weeks; correct?

14 A. Yes, I was trying to give a timeline, which I wasn't
15 sure, but I knew it was shortly after.

16 Q. Now, who began looking for Kemo McCray?

17 A. My whole crew.

18 Q. When you say your whole crew, tell me who.

19 A. Me, Rakim, Hakeem, Jamal, --

20 Q. Jamal who?

21 A. Baskerville, the person that found him. Jamal,
22 Malsey, McNeil, myself, Ray-Ray.

23 Q. Ray-Ray meaning who?

24 A. I don't know Ray-Ray real name, but, you know who he
25 is. Ray-Ray, and maybe about two other people.

1 Q. Now, you testified that when you spoke to the agents
2 on January 14th and January 18th, you only substituted
3 McNeil for yourself; right?

4 A. Yes, sir.

5 Q. Did you ever tell anybody that Ray-Ray was involved in
6 looking for Kemo?

7 A. I think I did. I may have, yes.

8 Q. Okay. And who did you tell that to?

9 A. I think I told that to Ms. Manson. I told that at my
10 proffer sessions.

11 Q. Well, that's an important aspect, an important fact as
12 to who's looking to kill Kemo, right? You want to know
13 everybody that's involved in this incident; right?

14 A. I'm pretty sure it would be.

15 Q. Right, Mr. Young?

16 A. Again, I said I'm pretty sure it would be.

17 Q. I show you two statements, one of January 14th and one
18 of January 18th.

19 Can you look at these carefully and tell me where
20 it ever mentions Ray-Ray doing anything?

21 A. Doesn't mention Jamal or Ray-Ray nowhere.

22 Q. Nowhere, correct?

23 A. Not in here, no, sir.

24 Q. And that's a very important fact as to who's searching
25 to kill somebody; right? You want to make sure you get that

1 accurate and get that correct; right?

2 A. Well, again, sir, I'm not around when this is put
3 together or typed or, you know, whoever did it, I'm not
4 there, so I have nothing to do with that.

5 Q. Talking about Ray-Ray, you know his real name is
6 Horatio Joines, correct?

7 A. No, I didn't know that. You just told me.

8 Q. Now, you told this jury, you testified very, very
9 specifically as to everything that happened, correct, on
10 March the 2nd of 2004, the date that Kemo was killed; right?

11 A. Everything that I can remember.

12 Q. Everything that you could remember.

13 A. Yes, sir. I've told them.

14 Q. And when you tell -- when you testified before them,
15 you never ever mentioned the fact that Ray-Ray was out there
16 on March the 2nd of 2004; correct?

17 A. I don't know.

18 Q. What do you mean you don't know? Are you telling me
19 you don't remember your testimony of a couple of days ago?

20 A. I been asked a thousand questions, sir. I don't
21 remember if I say Ray-Ray name or not.

22 Q. Well, was Ray-Ray out there on March the 2nd?

23 A. Yes, he was. He came out there.

24 Q. And what did Ray-Ray do?

25 A. Nothing, just came around and they made him leave.

1 Q. He came around and they made him leave.

2 A. Yes.

3 Q. That's all he did, right?

4 A. He went around to walk from South Orange Avenue around
5 to 19th Street, and they told him to get the F out of here.

6 Q. And he did nothing else whatsoever; right?

7 A. Nothing that was part of the crime, no.

8 Q. And as a matter of fact, if he did, then you would
9 have obviously told the F.B.I. because he was involved in
10 this; right?

11 A. Everybody know he was involved in it.

12 Q. You wouldn't have made up things about Ray-Ray; right?

13 A. No.

14 Q. You had no reason to do that; right?

15 A. No, not at all.

16 Q. I ask you to look at 03126.

17 Did you ever tell the F.B.I. that the day that
18 Kemo was killed, Horatio Joines, Ray-Ray, was standing on
19 the corner of South Orange Avenue and 19th Street, he
20 two-wayed Rakim Baskerville on his Nextel to let Rakim know
21 that it was definitely Kemo out there working on the house
22 on 18th Street.

23 MR. BERGRIN: May I approach, Your Honor?

24 A. I just said that, sir, he walked around there to see
25 about it. I told you that. But I didn't say he two-wayed

1 him. But I'm pretty sure he did.

2 Q. Now, you just told this jury that Ray-Ray did nothing;
3 correct?

4 A. I just told the jury that Ray-Ray came out on 19th
5 Street, walked around the corner and looked at the guy.

6 Q. You told them that he looked at the guy?

7 A. Yes, and they told him to get the F out of here.

8 Q. When you testified in 2007, you never, ever mentioned
9 Ray-Ray doing anything; right?

10 A. I don't remember.

11 Q. It would be an important fact; right?

12 A. I'm pretty sure it is, sir.

13 Q. And when you spoke to Agent Manson on the occasions
14 that you spoke to her, on January 14th and January 18th, as
15 to what happened at the scene, you never mentioned Ray-Ray,
16 either; correct?

17 A. Sure I mentioned him.

18 Q. You did?

19 A. Yes.

20 Q. And you've read the reports ad nauseam multiple times.
21 Isn't it a fact that there's nothing in there that mentions
22 anything about Ray-Ray?

23 A. There's a lot of things left out of reports, sir.

24 Q. Now, when you were asked to describe what happened to
25 the jury a couple of days ago on October the 27th, Thursday,

1 Mr. Minish took you through step by step, correct, of what
2 happened out on South Orange Avenue, 18th Street, and
3 19th Street? He took you through that step by step, minute
4 by minute; correct?

5 A. Yes, mostly everything, yes.

6 Q. And isn't it a fact that you never, ever before this
7 jury mentioned anything about Ray-Ray, Horatio Joines?
8 Isn't that a fact?

9 A. Yes, he really did nothing. We told him -- again, we
10 told him to leave, sir.

11 Q. Isn't it a fact that you never mention his name, you
12 never mention that he identified Kemo, according to what you
13 told Manson in that report?

14 A. No.

15 Q. And when you testified in 2007, you never, ever
16 mentioned Horatio Joines, Ray-Ray's name as being out on the
17 scene; correct?

18 A. I don't remember, but you telling me no. I don't
19 remember.

20 Q. Now, going back to looking for Kemo, were you ever
21 told -- before I get to that, were you ever told that
22 Ray-Ray, Horatio Joines, not to mention his name because he
23 was in Beth Israel Hospital with his wife the whole day?

24 A. No. He was not in Beth Israel Hospital.

25 Q. Now, you were asked questions by Minish and you were

1 asked questions by me a couple minutes ago about your
2 efforts to locate Kemo; correct?

3 A. Yes.

4 Q. Now, you wouldn't just speak to anybody about Kemo,
5 right, because you wanted to keep it secret.

6 A. Well, not anybody. Just people we thought we could
7 trust.

8 Q. Just people that you thought you could trust.

9 A. Yes.

10 Q. People that you knew wouldn't snitch on you, people
11 that you knew wouldn't go to the police and tell them that
12 you were looking for Kemo; correct?

13 A. That was the idea, yes.

14 Q. And that's one of the reasons that when you went to
15 Bradley Courts where you knew Kemo lived, you spoke to a guy
16 by the name of Kee Kee, as you testified on Thursday;
17 correct?

18 A. That's a person part of our clique, yes.

19 Q. And you spoke to John-John, correct, to make sure that
20 they're all part of your clique, all part of your
21 organization so nobody would know; right?

22 A. Yes, sir.

23 Q. So that nobody could tell on you, nobody could turn on
24 you, right, Anthony Young?

25 A. Well, that was the idea, yes.

1 Q. Now, you couldn't trust just everybody because this
2 was -- you're doing a murder. A murder's a heavy case with
3 the ultimate punishment; right?

4 A. Yes, sir.

5 Q. Now, did there come a time where you went into a
6 location looking for Kemo McCray?

7 A. Yes, sir.

8 Q. And when you went into that location, did you see
9 anybody in there?

10 A. Yes, a man.

11 Q. You saw a man; correct?

12 A. Yes, sir.

13 Q. And a man that you didn't even -- you don't even know
14 his name or you can't even identify him; right?

15 A. Exactly.

16 Q. You don't know who he is; right?

17 A. No, sir.

18 Q. But yet you with no disguise, with nothing, you go in
19 there and you ask this man where's Kemo and what apartment
20 he's in; correct?

21 A. At one o'clock, two in the morning with no lights in
22 the hallway.

23 Q. You never said there was no lights in the hallway.
24 You went into a location in Bradley Courts; correct?

25 A. You just asked me did I have a disguise. That was the

1 disguise: A dark hallway.

2 Q. But you went up to this stranger; right?

3 A. Yes, sir.

4 Q. A stranger that you didn't know; right?

5 A. Yes, sir.

6 Q. And did you have your gun out?

7 A. I don't remember if I had it in my pocket or if I had

8 it out.

9 Q. And you went up to this stranger. You're so careful

10 that you're only speaking to people in your organization,

11 your clique; right?

12 A. Again, I said that was the idea.

13 Q. But you go up to this stranger and you ask him what

14 apartment Kemo is in with the intent to go into that

15 apartment and shoot him; correct?

16 A. With the intent to wait for him to come out.

17 Q. Whether you go in or come out, your intent was to kill

18 him, right, according to you.

19 A. Yes, sir.

20 Q. A stranger that you had absolutely no idea who he is,

21 who he's with, or even whether he's an informant or an

22 undercover police officer; right?

23 A. Yes, sir.

24 Q. Now, when he told you, this stranger, when this

25 stranger that doesn't know you and you don't know him, when

1 you walked up to him and said, Is Kemo inside this
2 apartment, did you believe him?

3 A. Well, I don't know if to believe him or not. I didn't
4 believe him at first, because I tried to pay him to tell me.

5 Q. My question to you, did you believe him when he said
6 Kemo is not in the apartment?

7 A. No.

8 Q. You didn't believe him, did you?

9 A. No.

10 Q. You would never believe him; right?

11 A. Well, you asked me a question, sir. I didn't believe
12 him.

13 Q. I ask you to look at page 4375 in the transcript in
14 front of you, April 13th, this transcript.

15 A. What page?

16 Q. 4375.

17 A. What line, sir?

18 Q. Line 10. I'll go right to the heart of the question.
19 You just said no.

20 A. Yeah, I didn't believe him.

21 Q. "Did you believe him when he said Kemo wasn't there?"

22 Didn't you tell the jury under oath: "Yes"?

23 A. After I tried to pay him, yes.

24 Q. No. You never told that to the jury after you tried
25 to pay him. You were asked the question, did you believe

1 him, and you told this jury no. I pointed you to that
2 specific page --

3 A. Yes, sir.

4 Q. -- and that line, and you said -- I asked you the
5 specific question that's contained in there, "Did you
6 believe him when he said Kemo wasn't there," and you said
7 "Yes."

8 A. And I said yes. After I didn't pay him.

9 Q. Were you asked why you believed him? You said you
10 didn't believe him. Were you asked the next question on
11 line 13: "Why did you believe him?"

12 And did you respond: Because a crack head, you
13 pay them, and he'll tell you anything?

14 A. Yes, sir.

15 Q. Now, when you were going around trying to find Kemo,
16 according to your testimony, were you describing what Kemo
17 looked like to people?

18 A. Couple people, yes, two people.

19 Q. And how did you describe him?

20 A. Brown -- light-brown-skinned guy, big Afro, wear
21 braids, cornrows, different hair styles, but got a lot of
22 hair, with a beard.

23 Q. Now, wasn't the fact that you described him not about
24 a big Afro, not about cornrows, he was described as a black
25 male, according to your testimony, with an Afro with braids

1 in it, braids in his hair?

2 A. I just said that, sir.

3 Q. Now, you knew before March the 2nd of 2004 that that's
4 Kemo's hair style, that's his trademark, essentially, the
5 braids in his hair; right?

6 A. Yes.

7 Q. So when you testified the other day about the bandanna
8 and being able to see the hair, you knew before you
9 testified that one of the ways Kemo wears his hair, and he
10 almost always wears his hair that way, --

11 A. All the time.

12 Q. -- correct, with braids, correct?

13 A. Yes, sir.

14 Q. So when you testified back in 2007 and when you were
15 asked all these questions in the statements by the F.B.I.
16 the fact that you didn't see a bandanna, that you didn't
17 remember a bandanna, were you assisted and was your memory
18 refreshed during this preparation session about the
19 bandanna?

20 A. No, sir.

21 Q. Now, you said that you were searching for Kemo; right?

22 A. Yes.

23 Q. And you were with Rakim Baskerville searching for him?

24 A. Again, I say it to you again, I was with Rakim, one of
25 them. He was one of the persons.

1 Q. He's one of the persons.

2 A. Yes.

3 Q. But you were spending a lot of time with Rakim
4 Baskerville back then, right?

5 A. Me and Rakim hang together every day of the week.

6 Q. Every day of the week.

7 A. Except for Sunday, maybe.

8 Q. And you knew nothing about Rakim seeing Kemo, correct,
9 because he would have told you. You're his buddy, you're
10 his friend. You're searching for Kemo. Right?

11 A. I'm not understanding your question.

12 Q. Rakim never told you, according to you, that he found
13 Kemo or knew Kemo, where Kemo was, right?

14 A. He did say that to me one night, the night I went in
15 the hallway and offered the man the money, Rakim the one
16 that called me and woke me up and say he thought he knew
17 where he was at.

18 Q. Just that one time; correct?

19 A. Yes.

20 Q. So if Rakim had seen Kemo in December, had seen Kemo
21 in January, had even seen Kemo approximately a week before,
22 in February the 24th of 2004, you would have known something
23 like that, correct, because you're searching for Kemo.
24 You'd have known, right?

25 A. Exactly. He would have told me.

1 Q. And you knew nothing about this; right?

2 A. I don't know -- it's two prior times he saw him, sir,
3 one time on Ellis and Hopkins and one time on Myrtle. So
4 them the two times that I know about.

5 Q. And you know of nothing wherein Rakim had a stare-down
6 with Kemo, right, eye-to-eye contact, and they stared each
7 other down, right? You wouldn't know something like that?

8 A. I don't remember him saying that.

9 Q. Now, you say -- and you just told this jury that Jamal
10 Baskerville is the one that located Kemo; right?

11 A. Yes, sir.

12 Q. And you testified on Thursday about keeping stolen
13 cars around, right?

14 A. Yes, sir.

15 Q. As a matter of fact, you said you keep stolen cars
16 around in case we have to shoot somebody or go out looking
17 for somebody; right?

18 A. I don't know if I said go out looking for somebody. I
19 know I said we keep stolen cars in case we have to handle
20 our business.

21 Q. Now, stolen cars bring police; correct?

22 A. Well, yes.

23 Q. And as a matter of fact, one of the things that you
24 had to fear because they arrested you for possession of the
25 forty-five is the auto crime task force that looks for

1 stolen cars, people stealing cars; right?

2 A. Yes.

3 Q. And you're a high-profile group; your guys are
4 involved in heavy drug-dealing, right?

5 A. Yes.

6 Q. And you're telling us that you're going to keep a
7 stolen car around to bring police around, to bring scrutiny
8 to your group. Is that what you're telling us, Mr. Young?

9 A. I been stealing cars since 1986, Mr. Bergrin.

10 Q. You steel them and you dump them, right?

11 A. After we do something in them.

12 Q. But you don't keep stolen cars around so that you have
13 a car available; isn't that a fact, Mr. Young?

14 A. Yes, we do keep them around.

15 Q. And I'm sure you had a stolen car around on March the
16 2nd when you did this job; right?

17 A. Actually, we did.

18 Q. What kind of car did you have?

19 A. Well, we had a rental car, a Grand Am GT.

20 Q. And that was a stolen rental car?

21 A. No, it was a rental car, sir. We didn't have a stolen
22 car.

23 Q. But you didn't use these stolen cars that you had
24 around on March the 2nd, right?

25 A. We didn't have one. That was the problem.

1 Q. Now, again, was it a Grand Am or a Grand Prix?

2 A. Are you asking me that?

3 Q. Yes, I'm asking you.

4 A. A Grand Am GT.

5 Q. And you didn't tell -- again, I asked you this the
6 question before --

7 THE COURT: You asked him already, Mr. Bergrin.
8 Get into another area.

9 Q. Now, you told this jury that both you and Rakim
10 Baskerville took the plates off the car; right?

11 A. Yes.

12 Q. But you told Agent Manson earlier, in January, that it
13 was Rakim Baskerville took the plates off the car; right?

14 A. Actually, that's when I wasn't telling the truth, sir.

15 Q. So you would lie about a trivial matter like who took
16 the plates off the car? Is that what you're telling us?

17 A. Yeah, if I wasn't trying to -- I wasn't trying to
18 implicate myself, yes.

19 Q. Now, did the F.B.I. want you to be truthful?

20 A. I'm pretty sure they did.

21 Q. Pretty sure? Did they or didn't they?

22 A. Of course.

23 Q. Did you ever tell a jury that you guessed that the
24 F.B.I. wanted you to be truthful, or they never told you you
25 had to be truthful?

1 A. Well, that's part of cooperation. If you're not
2 truthful, it's not cooperation.

3 Q. My question to you is, did you ever tell a prior jury
4 that you were only guessing that the F.B.I. wanted you to be
5 truthful when you met with them?

6 A. I don't remember, but I may have said that.

7 Q. Look at page 4645 in the transcript of April 17th,
8 lines seven through to 11.

9 A. 46 --

10 Q. 45.

11 A. I don't have that, sir. 4645?

12 Q. Yes.

13 THE COURT: April 17th.

14 THE WITNESS: I've got April 13th.

15 Q. You should have April 17th in front of you.

16 A. No, this is from the other day. You have it.

17 Q. I'm so sorry.

18 Lines seven to 11, 4645.

19 A. Seven to 11?

20 Q. Yes.

21 Did you tell a prior jury under oath that you were
22 only guessing that they wanted you to be truthful?

23 A. I said I guess they want the truth.

24 Q. You were guessing; correct?

25 A. Yes.

1 Q. If you guessed, that means you didn't know; right?

2 A. Well, I'm not saying that. If you're asking me if
3 they want the truth, yes, sir, that mean yes.

4 Q. That means yes to you?

5 A. Yes.

6 Q. So why don't you just say yes, they want me to be
7 truthful?

8 A. You asked me does it mean yes to me. I'm saying yes.

9 Q. Why didn't you just say yes, they want me to be
10 truthful?

11 A. I have no idea, sir.

12 Q. Now, this gun, this nine-millimeter gun; do you know
13 how many bullets were in the clip?

14 A. I think I put maybe seven in there, I'm not sure,
15 eight.

16 Q. Seven or eight?

17 A. Yes.

18 Q. And it's a big clip, right? It holds about -- how
19 many shots does it hold?

20 A. I think it was an 11-shot, 10 in the clip, one in the
21 chambers.

22 Q. 10 in the clip and one in the chamber.

23 A. Yes, sir.

24 Q. And you didn't fill the clip up?

25 A. No, sir.

1 Q. Now, when was the first time that you told anybody
2 that this weapon was made, or, as you said, altercated (sic)
3 to an automatic?

4 A. Well, I think -- I'm not sure exactly when I told them
5 that it was fully automatic, but all our guns is changed to
6 fully automatic.

7 Q. Did you ever tell that to the F.B.I. during the
8 interviews of you?

9 A. I don't remember.

10 Q. Did you ever tell that to the prior jury when you
11 testified in 2007 about making the gun fully automatic?

12 A. No, I think I told them it was a gun you squeeze one
13 time and it just shoot off all the rounds in the gun.

14 Q. You said you squeeze one time. You're sure about
15 that, right?

16 A. I'm not positive, but I think so.

17 Q. Now, that's an important fact as to how many shots
18 were fired; correct?

19 A. I think so.

20 Q. And if you change it to an automatic, all you have to
21 do is pull in the trigger one time, and, bam, within
22 probably a second, every shot in that magazine is emptied;
23 right?

24 A. No, not true.

25 Q. You don't have to pull the trigger each time you want

1 to fire; right?

2 A. Exactly, but you said the whole clip will be gone in
3 one second. That's not true.

4 Q. One to two seconds; is that a fair statement? Very
5 quickly.

6 A. Very quickly, yes.

7 Q. And all you have to do is pull it forward one time;
8 right?

9 A. Yes.

10 Q. Now, did you ever -- my question to you is, did you
11 ever make up, did you ever tell a prior jury that you had
12 altercated the gun, as you had expressed it, and changed it
13 to an automatic as compared to having to pull the trigger
14 each time?

15 A. Well, I never told anybody that we altercate our guns.
16 I said we get them altercated when we buy them.

17 Q. You have pages 4382 to 4385 in front of you, right,
18 Mr. Young?

19 A. Which one is it?

20 Q. That would be the transcript of April 13th.

21 A. What page, sir?

22 Q. 4382 to 4385, when you're talking about the gun.

23 A. What line are you at, 4382?

24 Q. Just look at pages 4382, all of it, because they're
25 talking about the gun throughout all those three pages.

1 Isn't it a fact that in 2007, you never ever
2 mentioned anything about this gun being turned into an
3 automatic weapon as compared to a semiautomatic where you
4 have to pull the trigger each time?

5 A. Give me a minute, sir.

6 Q. I just want you to look for certain things.

7 A. I got to -- if I got to look for certain things, I got
8 to read the whole thing, Mr. Bergrin.

9 Q. Read about wiping down the gun.

10 THE COURT: Wait. Wait, Mr. Bergrin. Your
11 question was, does he recall saying that back then, anything
12 about the gun?

13 MR. BERGRIN: Yes, Your Honor.

14 THE COURT: Do you have any recollection of back
15 in the trial in 2007 that you mentioned anything about the
16 gun being changed to an automatic?

17 A. I'm not positive, sir, but I think I remember saying I
18 squeezed the trigger one time and you don't have to squeeze
19 it no more.

20 THE COURT: All right. What's the next question?

21 Q. Take a look.

22 THE WITNESS: He asked me to take a look.

23 THE COURT: All right. Look at those two pages,
24 4382 and 4385.

25 THE WITNESS: He said all the way to 85.

1 THE COURT: All right. Then we're going to take a
2 recess, ladies and gentlemen, until 3:30, and then we'll
3 come back at 3:30 for more testimony. Okay: Please don't
4 discuss anything about the case.

5 3:30.

6 THE COURT CLERK: Rise for the jury.

7 (The jury exits)

8 THE COURT: All right. We're going to resume
9 promptly in 10 minutes, so 3:30 on the nose. If anybody has
10 to take a bathroom break or something, let's do it now.

11 And the same thing with the witness. We need him
12 back here promptly at 3:30, please.

13 Thank you.

14 Mr. Bergrin, how much more do you expect you'll
15 have?

16 MR. BERGRIN: A lot, Judge. A lot, Judge.

17 THE COURT: Well, what's a lot? Are we talking
18 about into tomorrow?

19 MR. BERGRIN: Yes, Your Honor.

20 THE COURT: All right. How much more into
21 tomorrow? Do you have an idea?

22 MR. BERGRIN: Probably about three or four hours
23 tomorrow, Your Honor.

24 THE COURT: So you'll probably have some witnesses
25 available for tomorrow. Who's your next witness, Mr. --

1 MR. GAY: Judge, we have -- the next witness will
2 be F.B.I. Special Agent William Gale. William Gale.

3 I'm sorry, Judge.

4 Special Agent William Gale, and also Devon Jones.
5 Devon Jones, Your Honor. He's the one of the individuals
6 who melted the gun down.

7 THE COURT: Oh, okay.

8 MR. GAY: And then after that, I can probably have
9 another witness besides that as well. I believe those two
10 will be probably short.

11 THE COURT: Yes, you should have them ready for
12 tomorrow afternoon.

13 MR. GAY: I'll have a third witness, Your Honor.

14 THE COURT: You never know.

15 MR. GAY: Yes, we will have a third witness.

16 THE COURT: And Friday, you have a number of
17 witnesses?

18 MR. GAY: Correct, Judge.

19 THE COURT: Is the reporter going to be testifying
20 at some point?

21 MR. GAY: We expect the reporter is either going
22 to be on Friday or Monday, Your Honor.

23 THE COURT: All right. And then who else do you
24 have after that?

25 MR. GAY: Well, we're going to have Abdul

1 Williams, Judge, will be on either beginning tomorrow and
2 into Friday, or he will be on beginning Friday morning,
3 probably, or -- I'm not sure if he's going to be on before
4 or after the reporters, but --

5 THE COURT: Okay. And then Moran?

6 MR. GAY: Moran will be on after that, Judge. We
7 have a few other witnesses as well. We have a couple of
8 agents that are going to come in to testify just about small
9 areas.

10 THE COURT: Do you expect you'll be wrapping up
11 your case next week?

12 We have four days next week. Friday is a holiday.

13 MR. GAY: The way I anticipate this is, Judge, we
14 will probably be finished -- since we're off Friday, I can't
15 guarantee we're going to be done, but I think certainly by
16 early the following week, we would be done.

17 THE COURT: Okay. All right.

18 All right. Yes. No, I just don't want the jury
19 to start to get too restless, you know.

20 MR. GAY: I agree.

21 MR. LUSTBERG: Judge, I had said something to
22 Ms. Hansen about this traffic situation in Newark.

23 THE COURT: I'm going to tell them that at the end
24 of the day. She's already given them a map for that.

25 Take your break.

1 Mr. Bergrin, you expect what, the balance of today
2 and a few hours tomorrow?

3 MR. BERGRIN: Yes, Your Honor.

4 THE COURT: All right. I'm not going to cut you
5 off, but try not to get too repetitive, okay?

6 MR. BERGRIN: I'm trying, Judge.

7 THE COURT: Because I will start to -- if you get
8 back into areas that you've already covered, I'm going to
9 start to say you've covered that. Okay?

10 MR. BERGRIN: Yes, Your Honor.

11 THE COURT: All right. Thanks.

12 (Recess taken)

13 (Jury out)

14 THE COURT CLERK: Please remain seated.

15 THE COURT: All set? Let's bring out the jury,
16 please.

17 (The witness resumed the stand.)

18 THE COURT CLERK: Please rise for the jury.

19 (The jury enters)

20 THE COURT: All right. Everyone, please be
21 seated.

22 Welcome back.

23 All right. Mr. Bergrin, proceed.

24 MR. BERGRIN: Thank you, Judge.

25

1 BY MR. BERGRIN:

2 Q. Now, you've had a chance, Mr. Young, to review those
3 transcripts; correct?

4 A. No, sir, I haven't.

5 Q. I asked you to please look at those pages that pertain
6 to the gun.

7 A. All the way to page 85, right?

8 Q. Yes, 82 to 85, sir.

9 MR. MINISH: Judge, if I may, there's also mention
10 of it on page 4399. The witness could be asked to review
11 that page, too.

12 MR. BERGRIN: That's great, Judge. I have no
13 objection, no problem with that.

14 THE COURT: All right. 4399.

15 MR. MINISH: And, I apologize, Judge:
16 Specifically, lines 13 and 14.

17 THE COURT: All right. Can the parties agree that
18 there's no mention of this gun being converted into an
19 automatic? Is that the question?

20 MR. BERGRIN: Yes, Your Honor.

21 MR. MINISH: Judge, it's really -- I don't want to
22 say it in front of the witness.

23 THE COURT: Well, does the transcript have any
24 reference to a gun being -- the transcript of April 13th,
25 2007, is there any reference in that transcript to the gun

1 having been converted to an automatic?

2 MR. MINISH: There's not, Judge. There's a
3 reference to another thing the witness said.

4 THE COURT: I can't hear you, Mr. Minish.

5 MR. MINISH: I'm sorry. I apologize, Judge.

6 There is not, but there is reference to another
7 thing that the witness said.

8 THE COURT: Okay. Well, can you agree that
9 there's no reference to the gun being converted into an
10 automatic?

11 MR. MINISH: Yes, Judge.

12 THE COURT: Okay.

13 Go ahead, Mr. Bergrin. Is there something else?

14 And you can go into that on redirect if you need
15 to.

16 BY MR. BERGRIN:

17 Q. And there's no reference to the gun being wiped down
18 or the bullets being taken out and wiped down; correct?

19 A. Not that I have read, no.

20 Q. Now, there came a time on March the 2nd when you drove
21 to the area of South Orange Avenue, correct, and 18th and
22 19th Street; right, Mr. Young?

23 A. Yes.

24 Q. Now, you testified earlier that Jamal Baskerville led
25 the way; correct?

1 A. Yes.

2 Q. And Jamal Baskerville; what happened with Jamal
3 Baskerville once he led the way and according to your
4 testimony on Thursday pointed out the house that Mr. McCray
5 was working in?

6 A. Well, I said he stopped in front of the house.

7 Q. Stopped in front of the house.

8 A. Yes, sir.

9 Q. And he let you know which house it was, right?

10 A. Yes.

11 Q. And what did Mr. Baskerville do once he pointed it
12 out?

13 A. Just pulled off.

14 Q. He pulled off. He didn't stay in the area; right?

15 A. No.

16 Q. And he didn't act as a lookout; correct?

17 A. No, he didn't sit there.

18 Q. He didn't park his vehicle; right?

19 A. No.

20 Q. Then why would you tell Agent Manson on January the
21 18th when you're meeting with her face to face, why would
22 you lie to her deliberately and intentionally and tell her
23 that Jamal Baskerville sat --

24 THE COURT: Mr. Bergrin, don't characterize it
25 like that. Just ask the question if he told her that.

1 MR. BERGRIN: Okay, Judge.

2 THE COURT: And don't do that again.

3 Q. Why did you tell Agent Manson -- did you tell Agent
4 Manson, excuse me, on January the 18th in your face-to-face
5 meeting that Jamal Baskerville sat in the area of South 19th
6 Street and South Orange Avenue after he pointed out the
7 house?

8 A. I don't remember telling her, but I probably did
9 because, like I said, I was trying to get him off the
10 streets.

11 Q. So that's getting him off the streets to say he sat in
12 the area. That's, according to your mind and the way you
13 think, getting him off the streets. Is that what you're
14 telling us?

15 A. Yes.

16 Q. Why didn't you tell her that he went into the house
17 and grabbed Kemo or shot him or was part of the shooting?

18 A. I don't know, sir.

19 Q. You make up -- you make up a location where Jamal
20 Baskerville is sitting, correct, South 19th Street and South
21 Orange Avenue, right?

22 A. I don't remember -- I don't remember making up a
23 location, no, I don't remember.

24 Q. You have a report in front of you dated January the
25 18th; correct?

1 A. Well, I started it, sir.

2 MR. BERGRIN: Sir, may I approach, Your Honor?

3 THE COURT: Yes, go ahead.

4 A. Is that it?

5 Q. No. Thank you, Mr. Young.

6 I ask you to look at paragraph one, two, three,
7 four, paragraph five, the last -- the next-to-the-last
8 sentence, please.

9 Thank you.

10 You gave a specific location to Agent Manson as to
11 where Jamal Baskerville parked his vehicle and sat, correct,
12 on March the 2nd? Correct?

13 A. Got to read it, sir. Could you give me a minute,
14 please?

15 Q. Yes, of course. I'm sorry.

16 A. Yes, I said that.

17 Q. And that was on -- you said he parked on 19th Street,
18 correct, and he just sat there as a lookout; right?

19 A. Yes, and like I said, that's when I was being
20 untruthful.

21 Q. And that was -- and you were face to face with Agent
22 Manson; right?

23 A. Yes.

24 Q. And you looked in her eyes and you told her face to
25 face a deliberate and intentional lie; correct?

1 A. To try to get him off the streets, yes.

2 Q. Try to get him off the streets. So that was your
3 excuse to benefit yourself, take Jamal Baskerville off the
4 streets and say he was a lookout and parked and sitting in a
5 location, right?

6 A. And Jamal McNeil.

7 Q. Now, where did you and Rakim Baskerville park your
8 vehicle?

9 A. I don't know exactly how many houses, say eight houses
10 up, nine houses. I don't know exactly how many.

11 Q. On what street?

12 A. On 18th Street.

13 Q. Now, why did you tell Agent Manson that you parked on
14 17th Street?

15 A. 17th Street --

16 Q. Yes.

17 A. -- is nowhere near where Kemo was working at. I
18 couldn't have told her that.

19 Q. Well, look at the statement of January 18th. Do you
20 have it in front of you?

21 What does it say about you telling her where you
22 parked?

23 THE COURT: Refer him to a paragraph, please, so
24 we can move this along.

25 MR. BERGRIN: May I approach, Your Honor, and

1 point out specific --

2 THE COURT: Yes.

3 The fifth paragraph down.

4 MR. BERGRIN: The fifth paragraph down.

5 A. You talking about right here?

6 Q. Yes.

7 A. It says Rakim picked up Malsey, which was a lie, and
8 said on 17th Street.

9 Q. Well you're substituting yourself for Malsey; right?

10 A. Yes.

11 Q. So when you say that, you're lying, even as to the
12 location, as to where the vehicle was parked; correct?

13 A. Think she may have made a mistake on that, but it --
14 it wouldn't be no reason for me to say 17th street because
15 you couldn't see him from 17th Street at all.

16 Q. Now, how long did you and Rakim Baskerville sit out
17 there and wait?

18 A. Sat out there briefly some hours before we left and
19 came back.

20 Q. Some hours? And were people -- anybody coming by and
21 looking at the car?

22 A. I wouldn't say they was staring or looking, but
23 plenty, you know, walk past.

24 Q. And were they looking at the car when they were
25 walking past?

1 A. I don't know if they -- like I said, if they was
2 staring, but people seen the car as they walked past.

3 Q. And this is a car that had no license plates; correct?

4 A. Yeah, parked in between a bunch of other cars.

5 Q. And this is a car that was sitting out there that was
6 going to be used as the getaway car; right?

7 A. Yes.

8 Q. Now, how long did you sit out there before you decided
9 to leave for lunch like you told this jury?

10 A. Like I said, some hours, sir. I don't know exactly
11 how many hours.

12 Q. A long period of time?

13 A. I wouldn't say long, but three, maybe four hours. I
14 don't know, Paul -- excuse me -- Mr. Bergrin.

15 THE WITNESS: Sorry, Your Honor.

16 Q. When you left, what did you do with the gun?

17 A. Left the gun and I think -- put the gun under the seat
18 when I left.

19 Q. Now, here's the vehicle with no license plates;
20 correct?

21 A. Yes. Yes.

22 Q. That's parked outside close to a house that you're
23 going to commit a homicide; correct?

24 A. Yes.

25 Q. And you have a murder weapon or a weapon that's going

1 to be used in a homicide; right?

2 A. Yes.

3 Q. You decide to walk to a van occupied by two other
4 males; correct?

5 A. Yes.

6 Q. And you leave the car parked out there and you put the
7 gun inside the car and you just take off?

8 A. Yes.

9 Q. And this is a car that's been -- people have been
10 walking by and looking at; right?

11 A. Happens all the time. Yes.

12 Q. This is a car that's been looked at; correct?

13 A. Yes.

14 Q. As a matter of fact, one of the reasons that you left
15 and decided to leave is because people kept walking by you
16 looking at the car; right?

17 A. Yes, and we felt like he wasn't going nowhere yet.

18 Q. So not only was it eating, as you told this jury the
19 other day, but people were coming by and looking at the car;
20 right?

21 A. Yes.

22 Q. And you're going to leave the car there the way you
23 left it.

24 A. Happens all the time, sir.

25 Q. Now, how long were you gone?

1 A. I don't know exactly how long, sir.

2 Q. That's a busy area, right, a commercial area, a
3 residential area, people going back and forth, right?

4 A. Eighteenth Street is not very busy, but South Orange
5 Avenue is.

6 Q. South Orange Avenue. As a matter of fact, you know
7 that area pretty well, right?

8 A. Grew up around there for 20-something years.

9 Q. Twenty-some years. As a matter of fact, you knew it
10 so well that you even knew that there was a phone booth in a
11 location where there was no longer a phone booth. That's
12 how well you knew that area; right?

13 A. Yes.

14 Q. And when did you leave that area, when you grew up,
15 did you say 25 or 27 years there?

16 A. I left in 2005 when I was arrested.

17 Q. 2005.

18 A. Yes.

19 Q. So this is in the area that you're going to do a
20 murder in, right, at two o'clock in the afternoon, correct,
21 according to you?

22 A. Yes.

23 Q. You're not wearing a mask; right?

24 A. No.

25 Q. You're wearing no disguise whatsoever?

1 A. A hat and a -- and a fleece jacket up to my lip.

2 Q. But you could see your face through the hat and
3 through the fleece jacket; right?

4 A. Partially, yes.

5 Q. Partially. If somebody knows Anthony Young, they
6 could see it's Anthony Young, right?

7 A. Yes.

8 Q. And you come back to the area and you come back to
9 that car; right?

10 A. Yes.

11 Q. Now, you're bald at the time; right?

12 A. Like I am now, yes.

13 Q. And you're wearing a New York Yankee hat?

14 A. Ninety-five percent, yes, it was Yankee, but it could
15 have been something else.

16 Q. And blue jeans?

17 A. I either had on jeans or khakis that day, either one.

18 Q. Well, were you ever asked the question before as to
19 specifically, specifically exactly what you were wearing?

20 A. I probably was, sure.

21 Q. And isn't it a fact you said specifically that you
22 were wearing a New York Yankee hat, a blue fleece, blue
23 jeans, correct?

24 A. Um-h'm, and again, like I said, 95 percent of the
25 time, I'm wearing a Yankee hat.

1 Q. No, I'm not asking you 95 percent of the time. You
2 were asked that question, and isn't that what you described
3 that you were wearing? Correct?

4 A. If I could remember, yes, a Yankee hat.

5 Q. And you said nothing about khakis, as you told this
6 jury, either jeans or khakis; right?

7 A. Well, I said that on several occasions.

8 Q. I ask you to look at 4394. You have the transcript
9 right in front of you. April 13.

10 A. Yes.

11 Q. Page 4394, line 23, were you asked the question by
12 Mr. Minish, how were you dressed the date of the homicide on
13 March 22nd?

14 A. A pair of jeans, fleece jacket, and a Yankee hat.

15 Q. When you testify now that you were 85 or 90 percent
16 sure you were wearing a Yankee hat, you were wearing a
17 Yankee hat; correct?

18 A. I said 95, sir.

19 Q. 95. But you testified previously in 2007 that this is
20 what Anthony Young was wearing: Pair of jeans, fleece
21 jacket, and a Yankee hat; right?

22 A. That's what I wear every day, almost.

23 Q. No, that's -- that's what you testified that you were
24 wearing on this day; right?

25 A. Yes, sir.

1 Q. Now, you didn't have gloves, according to Mr. Minish's
2 question as to what you were wearing. You make no mention
3 of gloves ever; right?

4 A. Because I think he said clothing.

5 Q. You're talking about gloves, not clothing?

6 A. No, I don't look it as a pair --

7 Q. You were not wearing gloves on that day, and you never
8 said in 2007 or any of the interviews with the F.B.I. that
9 you were ever wearing a pair of gloves; right?

10 A. Sure, I told them that plenty of times.

11 Q. Do you remember when you testified in 2007?

12 A. Most of it, yes, not all of it.

13 Q. Will you admit that you told that jury nothing about
14 ever wearing gloves on your hands? Will you admit that,
15 Mr. Young?

16 A. I don't remember, sir.

17 Q. Before I ask you to look through the entire
18 transcript, I'll ask the prosecutors if they'll stipulate
19 that he's ever mentioned he was wearing gloves.

20 THE COURT: Is there any --

21 MR. MINISH: Judge, I don't --

22 THE COURT: Okay, go ahead, ask him the question,
23 Mr. Bergrin.

24 Q. Now, when did Rakim -- did Rakim Baskerville ever move
25 the car?

1 A. No. Not that I could remember, no.

2 Q. Do you remember testifying yesterday and swearing to
3 this jury that Rakim Baskerville moved the car to the corner
4 and to 19th Street?

5 A. That's when we was committing the murder, sir.

6 Q. That's when you committed the murder. So during the
7 time that the murder is going down, you said it was Rakim
8 Baskerville is parked on the corner of 18th Street, right,
9 or seven houses in, eight houses in, how you referred.

10 A. No, I said -- I didn't say that, sir. I said Rakim
11 Baskerville drove to the corner and dropped me off.

12 Q. Drove to the corner and dropped you off.

13 A. And he parked on the corner, yes.

14 Q. On 18th Street?

15 A. Yes.

16 Q. And is that where Rakim Baskerville stayed?

17 A. He stayed on South Orange Avenue and 18th Street,
18 right on the corner.

19 Q. Now, from that corner, okay, this homicide is
20 occurring on 19th Street; correct?

21 A. Yes, the next corner, about 20, 25 steps ahead, 30
22 steps.

23 Q. Twenty-five to 30 steps ahead.

24 A. I'm just guessing.

25 Q. And where was Mr. Curry parked?

1 A. Mr. Curry was parked almost towards Grove Street.

2 Q. So that's about four blocks down from 19th Street?

3 A. No. Exactly two and a half.

4 Q. Two and a half.

5 A. Yes.

6 Q. Now, did you and Rakim discuss going into the house?

7 A. No, I asked him should I go in the house. He told me
8 no.

9 Q. Now, how many times did you discuss that?

10 A. I don't know exactly how many times I discussed it
11 with him, but I know he kept telling me -- he told me no.

12 Q. More than once, correct?

13 A. Maybe, yes.

14 Q. Now, here you are in the area, and -- because you're
15 worried about being identified in the house; right?

16 A. Identified? No. He's worried about too many people
17 inside the house working.

18 Q. He's worried about too many people inside the house
19 working?

20 A. Yes.

21 Q. And you being identified as a shooter; correct?

22 A. Yes.

23 Q. So then answer my question: You were worried about
24 being identified in the house as the shooter; right?

25 A. Again, he was worried, not me. I asked him did he

1 want me to go in there.

2 Q. Now, that's an area that, again, you lived in until
3 2005, almost your whole adult life, right?

4 A. Yes.

5 Q. An area that at two o'clock in the afternoon, you're
6 going to do this homicide, right?

7 A. Yes.

8 Q. An area on South Orange Avenue that's heavily
9 populated: Buildings, commercial and residential, right?

10 A. Yes.

11 Q. On 19th Street, there's a bar looking out into the
12 area, a window that looks right onto the area, Sand Pit Bar,
13 where this homicide's going to occur, right?

14 A. Yes.

15 Q. And you're worried about going into a house and being
16 identified as compared to being on the street with no
17 disguise? Is that what you're telling us?

18 A. Again, I'm telling you again I wasn't worried, he was
19 worried.

20 Q. You weren't worried because you're Anthony Young;
21 right?

22 A. No, that wasn't the case, sir.

23 Q. Why weren't you worried, Mr. Young?

24 A. At the time, we wanted -- I wanted to get it over
25 with, get it done and get out the area.

1 Q. So you didn't care about people being able to identify
2 you? Is that what you're telling us?

3 A. I figured if I zip my jacket up halfway over my face,
4 pull my hat down halfway over my face, shots go off, it's
5 hard to be identified.

6 Q. Mr. Young, you testified on Thursday that -- and
7 Mr. Minish asked you, Kemo would know you right away and
8 identify you with the Baskervilles; correct?

9 A. If he was to see me, yes, he would.

10 Q. If he was to see you.

11 A. Right.

12 Q. And that's you approaching him --

13 A. Yes.

14 Q. -- with what you were wearing, the way you were
15 wearing it; correct, Mr. Young?

16 A. Yes, sir.

17 Q. And you don't want to be identified, and that's why
18 you talked to people when you were looking for Kemo, people
19 that you could trust that were part of the organization;
20 right?

21 A. Yes, it was people that I could trust.

22 Q. And this is a heavily populated area; right?

23 A. Yes, again, yes.

24 Q. And you're not wearing any mask; right? Your cap is
25 merely pulled down, your face is completely exposed; isn't

1 that a fact?

2 A. I got my cap pulled down over my -- to my eyebrows and
3 my fleece jacket zipped up to my lip.

4 Q. You're exposed, your face, correct, especially on --

5 A. Partially, yes.

6 Q. And if somebody knows you, they could identify you,
7 right, Mr. Young?

8 A. Yes, it's a possibility, yes.

9 Q. Now, did there come a time when you had a brainstorm
10 about shooting left-handed?

11 A. Well, it became something that Rakim thought of, not
12 myself.

13 Q. You didn't think about it; right?

14 A. No, I wasn't even thinking about it at all at first,
15 and he was like, -- I was like, damn, man, talking to him
16 about -- he was telling me just make sure I hit him in the
17 head.

18 Q. So it was Rakim's idea that you should shoot
19 left-handed, right?

20 A. Exactly. He was like, Yo, dog, you should hit him in
21 the head -- hit him in the head with your left hand.

22 Q. Turn to page 4392 in front of you, lines six to 13.

23 A. Six to 13?

24 Q. Yes, 4392.

25 A. Yes.

1 Q. Tell me when you have that page open, sir.

2 A. I got it.

3 Q. Were you asked the exact question, "Was there any
4 discussion about which hand you would use to fire the gun"
5 on line six, and did you respond on line eight, "My left
6 hand"?

7 A. Yes.

8 Q. And were you asked the question on line 12: "Whose
9 idea was that?"

10 And did you testify it was your idea along with
11 Rakim Baskerville, not Rakim Baskerville, like you just told
12 this jury today.

13 A. I said me and Rakim.

14 Q. So it wasn't Rakim that suggested, it was your both
15 ideas, right, not what you just told the jury, right, Mr.
16 Young?

17 THE COURT: Excuse me, Mr. Bergrin. Don't keep
18 saying that.

19 MR. BERGRIN: I understand, Judge.

20 THE COURT: Just ask the question, and you have
21 the answer to the question. That's it.

22 Q. Now, you decided to use -- you and Rakim, not Rakim,
23 and you decided to shoot left-handed to throw the police
24 off; right?

25 A. Yes.

1 Q. So that they -- matter of fact, do you know of any
2 right-handed and left-handed gun?

3 A. Do I know of a right-handed and a left-handed gun?

4 Q. Yes. It's a simple question.

5 A. No.

6 Q. Now, you testified that you do almost everything
7 right-handed and left-handed; right?

8 A. I didn't say everything, sir. I testified to
9 specifics.

10 Q. Specificness. You box left-handed?

11 A. I'm a southpaw, yes.

12 Q. You box left-handed all the time, right?

13 A. Yes.

14 Q. And you shoot guns left-handed, right?

15 A. Yes, all the time.

16 Q. Now, when you do a hit, you want to make sure that
17 you're accurate; right?

18 A. Well, if I put a gun to a head, it don't get no
19 accurater (sic) than that, sir.

20 Q. You want to make sure you're accurate, right?

21 A. Yes.

22 Q. And when you're involved in a shootout, you want to
23 make sure that you hit your target, right, the people that
24 are shooting at you or you're shooting at them, right?

25 A. Well that's -- that's the whole idea, yes.

1 Q. That's the whole idea. And you shoot lots of times
2 left-handed, right?

3 A. Ever since I was a kid, yes.

4 Q. Now, you're a right-handed person; right?

5 A. Yes, sir.

6 Q. And you're right-handed dominant; right?

7 A. Yes.

8 Q. Now, do you remember testifying -- look at the same
9 page, 4392. Do you have it open in front of you?

10 A. Yes.

11 Q. And you remember being asked the question on line 14:
12 "And so to throw the police off, does that mean you're
13 normally not a left-handed person?"

14 And did you --

15 A. I'm normally -- I'm normally not.

16 Q. And did you say Well, on line 16, "I use my left hand
17 sometime...?"

18 A. And sometimes in boxing and playing pool. I said
19 that.

20 Q. You just testified that you --

21 MR. MINISH: Judge, if we could have the whole
22 answer, because that is exactly what's in the transcript.

23 THE COURT: Yes. The whole answer is: "Well, I
24 use my left hand sometime boxing and playing pool."

25 MR. MINISH: Yes.

1 Q. You just testified that you're a southpaw, and I asked
2 you the question, you said you box all the time left-handed.
3 Isn't that what you just told this jury?

4 A. Sir, I don't go to the gym ever day since I've been
5 dealt, but I still do go to the gym. So "sometime" would be
6 a true answer.

7 Q. Sometimes doesn't mean all the time, like you just
8 told the jury. There's a difference between sometimes and a
9 difference between all the times; correct?

10 A. You asked me, sir, when I box. When I box, I'm always
11 fighting southpaw. That's how I fight.

12 Q. Now, you and Rakim decide that you're going to use
13 your left hand; right?

14 A. Yes.

15 Q. Not just Rakim. It's you and Rakim that made that
16 decision.

17 A. Rock brought up the suggestion, and we talked about
18 it, and I said I got him, don't worry.

19 Q. And the reason that you're going to do it is because
20 you want to throw the police off; right?

21 A. Of course.

22 Q. Now, here you are, you begin to cooperate in January
23 of 2005; right?

24 A. Yes.

25 Q. And in May of 2005, you contact Agent Manson; right?

1 A. I don't remember exactly what month, but I contacted
2 her before.

3 Q. And when you contacted her, you tell her that the
4 shooter shot left-handed because you found out that Jamal
5 McNeil is a left-handed person; right?

6 A. I didn't, no, I didn't say -- my answer -- if you want
7 me to tell a answer, I didn't say that, no.

8 Q. Well, you left a message to Manson saying that -- you
9 left a voicemail that said the shooter is left-handed on May
10 the 16th of 2005; isn't that a fact?

11 A. You just said I found out. I told her I thought about
12 it.

13 Q. You told her you thought about it.

14 A. Yes.

15 Q. The bottom line is, you left a message for Agent
16 Manson in a voicemail saying that the shooter was
17 left-handed; correct?

18 A. Yes, sir. Still trying to blame it on Malsey.

19 Q. Because you found out that Malsey was left-handed;
20 right?

21 A. Because I was laying down and I thought about he was
22 left-handed.

23 Q. And you -- in your mind, five months after your
24 cooperation, 14 months after the homicide, you then get the
25 brainstorm and you figured out that Malsey was left-handed;

1 right?

2 A. Yes.

3 Q. Now, when you called Agent Manson in May, that's the
4 first time you ever thought about Malsey being left-handed?

5 A. Yes, that's the first time.

6 Q. And prior to that, you make absolutely no mention to
7 anybody during all the interviews that you had with the
8 F.B.I. about the shooter being left-handed; right?

9 A. Yes, I never said nothing about it.

10 Q. You knew that -- you knew that Malsey was left-handed
11 in May of 2005?

12 A. Um-h'm. Yes, like I said, I was thinking about it in
13 my room last night from a previous conversation me, him and
14 Jamal Baskerville had, and I thought about something they
15 said inside the conversation, and I thought about he was
16 left-handed.

17 Q. And that's why you called Agent Manson, correct, and
18 said this shooter was left-handed because you knew about
19 Malsey; right?

20 A. Exactly.

21 Q. Not because you shot left-handed, but because you knew
22 that Malsey was left-handed, an eyewitness might have seen
23 somebody shoot left-handed; right?

24 A. No, that wasn't the case, sir.

25 Q. Just coincidentally, after you -- before you made the

1 call, just coincidentally, on March the 2nd, when the
2 shooting happens a year -- almost a year and a half before,
3 you and Rakim have this conversation; right? Is that what
4 you're telling us, just coincidentally?

5 A. No. You -- I don't know where you got that from, sir.

6 Q. Isn't it a fact that if you shot left-handed, you
7 would have told her when you met with her in January that
8 the shooter, Malsey, shot left-handed.

9 A. No.

10 Q. Isn't it a fact that you would have told her between
11 January and May if you shot left-handed that the shooter,
12 Malsey, was left-handed?

13 A. Again, like I said, I didn't think about that, sir,
14 until I called her phone.

15 Q. But you had this conversation a year before, right,
16 with Rakim Baskerville to throw the police off.

17 A. You keep saying Rakim.

18 Q. You had the conversation with Rakim Baskerville a year
19 before; right?

20 A. In the car, but now I'm blaming the shooting on Jamal.

21 Q. But you say nothing about it for 14 months, although
22 you supposedly shot left-handed; right?

23 A. Exactly.

24 Q. Now, you spoke to your great buddy and your good
25 friend, one of your best friends, Hassan Miller at the

1 Hudson County Jail, about left-handed and right-handedness;
2 right?

3 A. Maybe. I think so.

4 Q. You mean you don't remember that conversation?

5 A. I don't remember the full extent of the conversation.
6 Me and him had hundreds of conversations about our crimes.

7 Q. And you don't remember being asked these questions
8 back in 2007 during April of 2007 in the United States v.
9 Baskerville?

10 A. Again, sir, you moving to something else testimony?

11 Q. Do you ever remember being asked these questions about
12 being left-handed and using your left hand in 2007,
13 Mr. Young?

14 A. From who?

15 Q. From anybody during that trial.

16 A. Oh, during the trial? I think so. I don't remember.
17 It's not clear.

18 Q. Turn to page 4669, April 17th transcript, which is
19 right in front of you.

20 A. 4369?

21 Q. 4669.

22 A. I don't know if I have 46.

23 Q. April 17th, you have a copy of the transcript in front
24 of you.

25 A. April 17th?

1 Q. Yes, sir.

2 A. What page was that?

3 Q. 4669. Start with line two.

4 A. Give me a minute, sir.

5 Q. Of course.

6 A. 4669?

7 Q. Yes.

8 A. What line are you on?

9 Q. Starting in line two.

10 Now, before you start reading that, you just swore
11 to this jury that you box left-handed --

12 A. Yes.

13 Q. -- you shoot guns left-handed --

14 A. Yes.

15 Q. -- you've been doing this since a kid, and you play
16 pool left-handed; right?

17 A. Yes.

18 Q. Were you asked the question did you tell Hassan Miller
19 you have never done anything with your left hand?

20 I'm not left-handed, starting on line two.

21 A. Yeah, I told him that to keep them from being able to
22 tell he on me.

23 Q. Isn't that the words that came out of your mouth, your
24 good buddy and your good friend Hassan Miller at the Hudson
25 County Jail, that you told him that you have never done

1 anything with your left hand because you're not left-handed,
2 the words that came out of the mouth of Anthony Young?

3 A. And again, at that time, I wasn't telling the truth.
4 I was blaming it on somebody else.

5 Q. Oh, you're also lying to your good buddy, Hassan
6 Miller, correct?

7 A. He's somebody I met in jail. He's not a great friend.
8 I met him on that tier.

9 Q. The words that came out of Anthony Young's mouth is, I
10 have never done anything with my left hand, I'm not
11 left-handed. Isn't that the words that came out of Anthony
12 Young's mouth at the Hudson County Jail in August of 2005,
13 Mr. Young?

14 A. And again, sir, like I said, I wasn't telling the
15 truth.

16 Q. You can answer that question yes or no.

17 A. Yes, I said that.

18 Q. And isn't it a fact -- then turn to page 4670, lines
19 four and five.

20 A. Yes, sir.

21 Q. Didn't you tell Hassan Miller, I am 100 percent
22 right-handed?

23 A. Of course I tell him that.

24 Q. And turn to lines six to eight. Didn't you tell
25 Hassan Miller, your friend, your confidant at the Hudson

1 County Jail: "And I don't even think I could even shoot a
2 gun with my left hand"?

3 A. Of course I'm gonna tell him that.

4 Q. Those are words that came out of the mouth with
5 Anthony Young; correct?

6 A. Very, yes, of course I would tell him that.

7 Q. As a matter of fact, your exact words were, I don't
8 even probably know how to shoot an F-ing gun with my left
9 hand, I never tried it.

10 A. Exactly. You supposed to tell him that.

11 Q. And isn't it a fact that you told Anthony -- that you
12 told Hassan Miller, You ain't never seen me use my left
13 hand, right?

14 A. Exactly. You supposed to tell him that.

15 Q. You supposed to lie to your good friend and your
16 buddy, right?

17 A. Again, it's not a great friend, good friend. I met
18 him on that unit in Hudson County. I don't know him from
19 the streets.

20 Q. But those words came out of the mouth of Anthony
21 Young; right?

22 A. Of course. You supposed to tell him that, yes.

23 Q. About being left-handed and right-handed.

24 A. Yes.

25 Q. Anthony Young, who wants the big 5K to get his

1 sentence reduced, right?

2 A. Of course I want a 5K.

3 Q. Now, there came a point in time when you testified --
4 there came a point in time that when you spoke to Agent
5 Manson, you went into particular description, correct, about
6 everything that you did at the scene of the shooting; right?

7 A. What time are you talking about?

8 Q. I'm talking about on January 18 of 2005.

9 A. Is this the phone call, or was --

10 Q. No, January 18th of 2005, the face-to-face meeting
11 with Agent Manson at the Federal Bureau of Investigation
12 headquarters.

13 A. I don't know if I told her everything. Again, I told
14 you I wasn't telling the truth to her at the time.

15 Q. And one of the things and one of the reasons you were
16 there is to tell her about the murder of Kemo McKay;
17 correct?

18 A. To get Jamal and Jamal off the streets, yes.

19 Q. Now, you went into some detail with her on January the
20 18th in reference to what happened on South Orange Avenue
21 and South 19th Street; correct?

22 A. Yes.

23 Q. And did you ever tell her about Malsey waiting -- you
24 seeing Malsey wait in a doorway for Kemo down the street, or
25 watching him down the street?

1 A. The whole thing I was telling her about him wasn't
2 true. I probably didn't tell her that.

3 Q. So sitting there face to face with this agent,
4 deliberately, intentionally deceiving her and lying just to
5 obtain benefits on behalf of Anthony Young; right?

6 A. Yes.

7 Q. Now, did there come a time when you left the car after
8 surveilling the house that Mr. McCray was in?

9 A. Yes.

10 Q. And when you left the car, where did you go?

11 A. We went to eat.

12 Q. When you came back and sat in the car after that
13 period of time when you left the un-license-plated car and
14 the gun inside the car that people were watching, you went
15 back inside the car, right?

16 A. Yes.

17 Q. And how long did you sit there before you left the car
18 again?

19 A. Maybe a hour.

20 Q. Approximately an hour.

21 A. Maybe. I said yes.

22 Q. When you got out, what did you do?

23 A. When I got out, I killed Kemo. I walked towards him,
24 hid in a doorway.

25 Q. What street did you walk to?

1 A. I got out on 18th street, sir, walked toward 19th
2 Street, there's a sandwich store there called Big Bite. I
3 stood in the doorway and proceeded to wait for Kemo to come
4 out the store.

5 Q. Now, what did Rakim Baskerville do when you got out?

6 A. Again, he parked on the corner.

7 Q. He parked on the corner of 18th Street?

8 A. On South Orange Avenue and 18th Street, right on the
9 corner.

10 Q. Do you remember being asked these questions by
11 Mr. Minish? Remember being asked these questions on
12 Thursday about what you observed Rakim do?

13 A. Yes.

14 Q. And do you remember telling this jury that Rakim
15 Baskerville pulled up to the corner of South Orange Avenue
16 and 19th Street and parked?

17 A. I just told you that, sir.

18 Q. You told us -- you told me that Rakim Baskerville
19 pulled to the corner of 18th Street before the -- I'm
20 talking about before the shooting of Mr. McCray.

21 A. Before the shooting of Mr. McCray, Rakim Baskerville
22 set on the corner of 18th Street and South Orange Avenue. I
23 walked towards 19th Street and stood in the doorway.

24 Q. Do you remember telling this jury that Rakim
25 Baskerville with the automobile, whether it be a Grand Am or

1 a Grand Prix, depending upon which story Anthony Young tells
2 and when, what day, pulled the vehicle up and parked on
3 South Orange Avenue and 19th Street?

4 MR. MINISH: Judge, again, if we could have a
5 page.

6 MR. BERGRIN: I'll give him a page.

7 MR. MINISH: Mr. Bergrin is clearly referring to
8 something, Judge.

9 THE COURT: Ask him whether he remembers that.

10 Q. Do you remember saying that, Mr. Young?

11 A. That ain't what I said. I said he pulled up on
12 19th Street after I shot Kemo in the head. That's how I
13 jumped in the car. That's what I told you.

14 THE COURT: All right.

15 Q. Do you have the transcript of October the 27th in
16 front of you?

17 A. Yes.

18 Q. Turn to page 186, line 17.

19 186, line 17.

20 A. Got you, sir. Give me a minute.

21 Q. Of course.

22 A. What line? Seventeen?

23 Q. Yes.

24 A. Yes, I'm on it.

25 Q. Isn't it a fact you said that before you committed the

1 homicide, before the shooting ever occurred that Rakim
2 Baskerville pulled the car to 19th Street?

3 A. Can I read my answer off of here, sir?

4 Q. Sure.

5 A. I said "He's on South Orange" Avenue, what I just told
6 the jury. Then, "Like as soon as you come to the corner of
7 19th Street, right there, he turned and sit right there
8 where he can see me."

9 I meant 18th Street, and do say 19th Street.

10 Q. Oh, you meant 18th Street now?

11 A. Yes.

12 Q. But the transcript clearly says that you told this
13 jury that Rakim Baskerville pulled to the corner of
14 19th Street, although you're arguing with me about that
15 answer, right?

16 A. Exactly, sure, and ain't no way he can park on 19th
17 Street.

18 Q. But that's a -- only an honest mistake, right?

19 A. Yes, it is a mistake.

20 Q. Now, did you ever re-enact or do a demonstration with
21 Minish and Agent Manson when you were preparing for this
22 trial of how the shooting went down?

23 A. Well, I just told them I shot him with my left hand,
24 show him how I grabbed him and shot him. That's it.

25 Q. Did you ever do a demonstration like I said about what

1 occurred?

2 A. Yes.

3 Q. And when you did the demonstration about what
4 occurred, did they ask you to repeat that demonstration?

5 How many times did you do it?

6 A. I only did it two times, that was it.

7 Q. Two times?

8 A. Yes.

9 Q. And did the times that you did it with them, did it
10 change from your testimony in 2007 in preparation for this
11 case?

12 A. No.

13 Q. Now, you testified that Hakeem Curry was chirping the
14 telephone to Rakim Baskerville; right?

15 A. Yes, to both of us.

16 Q. To both of you. Did you have a telephone in Nextel at
17 that time?

18 A. Yes.

19 Q. Where was Hakeem Curry parked?

20 A. Again, on South Orange Avenue close to Rose Street,
21 but not exactly on rose Street. Before you get there.

22 Q. Approximately two and a half city blocks, correct,
23 from 19th Street? Fair? Fair estimation?

24 A. Two short city blocks.

25 Q. Two short city blocks.

1 A. Yes.

2 Q. The blocks are at least 50 to 75 feet; right?

3 A. I don't know.

4 Q. Approximately. You lived there for almost your whole
5 life.

6 A. I'd say as long as this courtroom.

7 Q. As long as this courtroom.

8 A. Yes.

9 Q. One block; right?

10 A. This courtroom will be one block on South Orange
11 Avenue, yes.

12 Q. And he was parked two and a half blocks away; right?

13 A. Yes.

14 Q. Now, did you ever see any of them get out of the
15 vehicle?

16 A. Did I see Hakeem get out the vehicle?

17 Q. Hakeem or Rakim or even Malsey, did you ever see them
18 get out of the vehicle?

19 A. When they got out, I was gone.

20 Q. Now, if Rakim Baskerville is on 18th Street,
21 correct, --

22 A. Yes.

23 Q. -- he'd be parked on the correct place on 18th Street
24 by the curb; right?

25 A. Yes.

1 Q. And you never saw him park on 19th Street; right?

2 A. No, he didn't park -- I did the murder on 19th Street,
3 Mr. Bergrin.

4 Q. So you never saw him park on 19th Street is my
5 question; right?

6 A. I know he didn't, no.

7 Q. And if Johnnie Davis and Stacey Williams was to see
8 him park on 19th Street, they'd be inaccurate; right?

9 A. I don't -- they would be wrong.

10 Q. Now, you approached Kemo McCray. Where was the first
11 time that you saw Kemo?

12 A. The first time that I seen him?

13 Q. Yes.

14 A. First time I seen him when we was parking on 18th
15 Street.

16 Q. No, I'm talking about -- I'm sorry. Let me speed it
17 up.

18 You get out of the car and walk to 19th Street;
19 right?

20 A. Yes.

21 Q. You go inside the doorway; right?

22 A. Yes.

23 Q. Now, you're on the corner, essentially, of 19th Street
24 and South --

25 THE COURT: Mr. Bergrin, I think we'll stop for

1 the day right here. You're going to get into a whole other
2 line of questioning, right?

3 MR. BERGRIN: Yes, sir.

4 THE COURT: Okay. Then we'll stop for the day.

5 Ladies and gentlemen, before we recess for the
6 day, I think my deputy clerk has informed you tomorrow
7 morning they're shooting a film here in Newark, Batman
8 something, and do you have a map of the areas that are going
9 to be affected? Okay. And that's going to be from early in
10 the morning on. So give yourself extra time to get around
11 that closing of streets in that area, if you would.

12 And we'll start tomorrow morning at nine o'clock.

13 Please don't discuss anything about the case.
14 Don't read any newspaper accounts about the case and/or
15 listen to any radio or television if there is any, and I
16 don't think there has been, but don't listen or watch any of
17 that.

18 We'll see you back here tomorrow morning at nine
19 o'clock, and we'll get started, and we will be here Friday
20 all day as well.

21 And next week, we'll have four days, but Friday is
22 a holiday, it's Veterans Day, and it's a Federal holiday, so
23 the courthouse is closed, so -- but next week we'll be here
24 all four days. Okay?

25 We'll see you tomorrow morning at nine o'clock.

1 Thank you very much.

2 THE COURT CLERK: Rise for the jury.

3 (The jury exits)

4 THE COURT: All right. Marshals, be sure he's
5 back here tomorrow at nine so we can start. Thanks very
6 much.

7 All right. Everyone be treated.

8 MR. BERGRIN: Can I retrieve the documents, Your
9 Honor?

10 THE COURT: Yes, if you can, Mr. Bergrin. Go
11 ahead. Do you have everything?

12 MR. BERGRIN: Yes, sir.

13 THE COURT: We'll see you tomorrow morning at nine
14 o'clock, and in the event he ends sooner, than he expects,
15 Mr. Gay, you'll have witnesses, right?

16 MR. GAY: Yes, we will, Judge.

17 THE COURT: All right. Thanks. We'll see you
18 then.

19 THE COURT CLERK: All rise.

20 (Matter adjourned until Thursday, November 3, 2011,
21 commencing at 9 a.m.)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CRIMINAL NO. 07-047

UNITED STATES OF AMERICA :
 :
 -vs- :
 :
 ANTHONY YOUNG, : TRANSCRIPT OF PROCEEDING
 :
 Defendant. :
 :

Trenton, New Jersey
January 24, 2007

B E F O R E:

THE HONORABLE JOEL A. PISANO
UNITED STATES DISTRICT COURT JUDGE

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

CHRISTOPHER CHRISTIE, U.S. Attorney
BY: JOSEPH N. MINISH, Assistant U.S. Attorney
ROBERT FRAZER, Assistant U.S. Attorney
For the Government.

GERALD E. FUSELLA, ESQ.,
For the Defendant.

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.

Joanne M. Caruso, CSR, CRR
Joanne M. Caruso, CSR, CRR
Official Court Reporter
(908) 334-2472

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January 24, 2007

THE COURT: United States v. Young.

MR. MINISH: Joe Minish and Robert Frazer for the Government.

MR. FUSELLA: Gerald Fusella for Anthony Young, seated to my right.

THE COURT: Mr. Fusella.

MR. FUSELLA: Judge, if I may, last evening I received a call from Mr. Minish with respect to the Government's plea and to the revised charges inasmuch as one of the charges has been lodged as an indictment and the other two are incorporated in an information.

I was told that for concerns that we discussed, the Government has opted to make the three charges part and parcel of an information.

MR. MINISH: That's correct, Judge.

MR. FUSELLA: And that the indictment that had been previously filed would be dismissed pursuant to that revision.

MR. MINISH: If I may, this was done in anticipation of Mr. Fusella's application, one that we would join in, to have the records sealed with respect to the documents of this proceeding.

The issue, as it came to light yesterday, early yesterday evening was that if, in fact, your Honor did agree to seal, there still would be an entry under Mr. Young's

1 trigger lock offense which said "sealed document" which would
2 have the net affect of signifying to all parties that there's
3 something going on. Obviously, we're trying to avoid that.

4 Our intention is, again, obviously if your Honor goes
5 along with the sealing idea, is that we have a three-count
6 information, which is the same charges he's pleading to, but
7 it creates a whole new crime -- a whole new entry into the
8 docket. If, in fact, that was sealed, someone who was
9 intended to do Mr. Young harm would not be able to find that
10 entry, nothing more than that.

11 THE COURT: Why don't we deal with that issue first
12 because I think it may render moot everything else?

13 MR. FUSELLA: Yes.

14 THE COURT: I think the record should be clear, at
15 least to the extent it stays on the record, until further
16 order it does, Mr. Fusella, you should be aware of the fact
17 that Mr. Minish has spoken to me, Mr. Frazer has spoken to me
18 and told me you were going to make an application to seal
19 either the proceeding, the transcript, the plea agreement or
20 any combination thereof.

21 MR. FUSELLA: Yes, sir.

22 THE COURT: So I have been looking into this issue.
23 There hasn't been anything filed before me. I'm happy to hear
24 any argument you want to make, but there also is something I'm
25 sure you're aware of, which is the terms of the Local Rule

1 5.3, 5.3(c), which talks very specifically about what people
2 have to do if they want anything in open court to be sealed.

3 MR. FUSELLA: Yes, your Honor.

4 THE COURT: I'm not aware of anything that has been
5 filed and it would seem to me since any request under the
6 terms of the rule, any request by a party to seal or restrict
7 public access to either materials or a judicial proceeding,
8 has to be made by formal motion, which obviously would require
9 a docket entry and under Rule 5.3(c)(6), it seems the best we
10 can do in terms of an expedited sealing proceeding would be
11 for you to make an application for sealing the proceedings on
12 a temporary basis, which would require a docket entry of the
13 temporary order to seal being made, and then giving any
14 interested party the opportunity to be heard on the next
15 motion date. That's what the rule says.

16 MR. FUSELLA: Yes, your Honor.

17 THE COURT: So I don't know if that helps you or
18 gives you some guidance in what it is you want me to do. I'll
19 hear from you.

20 MR. FUSELLA: To add to that, Judge, and to clarify
21 the record even further, when I went to my office this
22 morning, I checked my e-mail and there was an entry on the
23 e-mail with respect to this case which stated, in essence,
24 that the case has been transferred from Judge Greenaway to
25 your Honor.

1 THE COURT: That's the indictment. That's
2 indictment 05-521.

3 MR. FUSELLA: Yes, your Honor.

4 And that I was the attorney of record for Mr. Young.
5 So given those facts, notwithstanding those facts, I should
6 say, I still, if the Government would have joined in the
7 application or not joined in the application and given the
8 Court notice of the application, and I understand the Court's
9 concerns with respect to having a formal motion filed in order
10 to effectuate this result.

11 The time frames were such, your Honor, that yesterday
12 we found ourselves -- when I say "we," I mean my client and
13 I -- found ourselves in a position that we were going to be
14 here before this Court this morning to perspectivevely enter a
15 guilty plea to a set of charges.

16 Given those facts and given the facts that surround
17 this entire transaction, my prime concerns lie in the safety
18 or for the safety of my client. That's my paramount concern
19 in making this application before the Court. These charges
20 entail crimes of violence which are going to be set forth
21 hopefully at some point in time by an allocution of my client
22 and given the fact that he is in custody at this point, given
23 the fact that there are proceedings which are pending which
24 surround his allocution to the Court, and given the fact of
25 the defendants who are part and parcel of this overall

1 conspiracy, I have great concerns for his safety.

2 I continue to have those concerns and I'll continue
3 to have them, Judge, even after this case has been resolved
4 one way or the other.

5 In that context, that is the reason why I am making
6 an application to at least have the plea for today sealed
7 until, if the Court orders, some more of a formal application
8 could be made in that proceeding.

9 THE COURT: What is the basis for me to seal the
10 proceeding? I mean, I take it implicit in your comments is we
11 have the indictment of Mr. Baskerville which alleges a
12 conspiracy to murder a federal witness and to commit a murder
13 in order to obstruct justice.

14 I have the proposed plea agreement in which it
15 appears that Mr. Young is going to admit to participating in
16 that conspiracy and because the nature of the indictment
17 bespeaks efforts toward retaliation and violence against
18 witnesses, I take it your concerns are that Mr. Young may be
19 in jeopardy if it becomes known to the public that he is
20 entering this plea in court?

21 MR. FUSELLA: Most certainly.

22 THE COURT: Well, we have a situation, and I fully
23 understand the argument you make. We also have a situation
24 where Mr. Young is in custody and is in the care of the United
25 States Marshal.

1 MR. FUSELLA: I'm aware of that, Judge. I'm fully
2 aware of that.

3 THE COURT: So let's be clear with one another.

4 The best we do from your point of view is for me to
5 find that there is a realistic cause for concerns, at least to
6 the extent we give the marshal time to see to it that
7 arrangements are made to safeguard Mr. Young, and I enter a
8 temporary sealing order which would keep the matter under seal
9 at least until the next available return date, but there will
10 be on the docket something called "Temporary Order to Seal."
11 I can't prevent that.

12 MR. FUSELLA: I understand that, Judge. By what the
13 Court is relating, that may defeat my purpose.

14 THE COURT: That's why I'm saying what I'm saying,
15 Mr. Fusella. I don't criticize you for raising the concern or
16 making the application, but there isn't much more I can do for
17 you.

18 MR. FUSELLA: I understand that, your Honor.

19 Given those facts, Judge, I would submit based on the
20 arguments that I've made to the Court.

21 THE COURT: This is also, by the way -- strike that.
22 Go ahead.

23 MR. MINISH: Judge, for -- at the point of logistics,
24 it's my understanding from conversations that I sat in on with
25 one of the people who works in the clerk's office, that the --

1 how it would work would be a brand new entry for a brand new
2 case would be made in ECF docket which would not have the name
3 "Anthony Young" attached to it, because the whole thing was
4 sealed. It would just have a case number.

5 Therefore, if someone was doing a search for Anthony
6 Young to check on what was going on, it just wouldn't show up.
7 The documents would be in there all marked as sealed, plea
8 agreement sealed, this sealed, whatever it may be, but the
9 search for Anthony Young would not reveal or his name would
10 not be attached to this proceeding. It would be just a
11 proceeding with a series of documents.

12 I certainly don't make any claim to be an ECF expert
13 but that's how it was explained to me. That is why if we made
14 it an entirely different transaction or case, that we would be
15 able to affect what we're trying to do.

16 THE COURT: You know, really the decision I need to
17 make here is whether or not the fact that we have a defendant
18 in custody, who's going to enter a guilty plea to
19 participation in the conspiracy, along with the named
20 defendant, and because the nature of the charge involves the
21 allegation against the defendant for retaliating by murdering
22 another witness, that that would lead me to conclude that
23 there is a basis to enter a sealing order.

24 MR. MINISH: Absolutely.

25 THE COURT: That's the basis for it.

1 Up against it we have a circumstance where Mr. Young
2 is in the custody of the marshal, who is well aware of the
3 nature of the charge and of the problems and he, to me, is
4 similar to any defendant in custody who might be in an
5 antithetical position with a co-defendant.

6 MR. MINISH: Absolutely.

7 So the Court --

8 THE COURT: Is that enough is what my question is to
9 you, is that enough?

10 MR. MINISH: The Government submits it is, Judge, and
11 so we're clear what our position is, too, we recognize, as
12 does I believe defense counsel and Mr. Young himself, because
13 we've discussed this, that there will come a point when his
14 name will be made known to defendant; that he did plead will
15 be made known to the defendant and that at that point he will
16 have to be moved to a different location for his personal
17 safety with the direction of the marshal. It's not that we
18 don't recognize that in some point this will happen.

19 THE COURT: Do you represent that there is a genuine
20 concern for Mr. Young's safety as we stand here today? What's
21 the basis for that?

22 MR. MINISH: As we stand here today, no, Judge, but
23 if we stand here today, after a plea, yes.

24 THE COURT: What's the basis for that?

25 MR. MINISH: Nothing more than what your Honor has

1 indicated; the people we're dealing with, Mr. Young's
2 relationship with these individuals and his knowledge of what
3 they're capable of.

4 THE COURT: From your information and conversations
5 with the marshal, if you had them, is it possible -- let me
6 strike the word "possible," is it practicable for the marshal
7 to take Mr. Young today and put him in a safe location?

8 MR. MINISH: Today, I don't think today it would be
9 practical, your Honor.

10 THE COURT: Why don't we hear from the marshal.

11 THE MARSHAL: Your Honor, depends upon where Mr. --
12 defense counsel wants Mr. Young to go. There's a limited
13 amount of institutions available to us. I have to be in
14 consult with the U.S. Attorney's Office on that, to see what
15 requirements are here.

16 There are other facilities available, yes, and we
17 will be going to some facilities today. Mr. Young's case, I
18 don't know exactly what the requirements are, specific
19 requirements are.

20 MR. FRAZER: Judge, the problem also is, and as the
21 marshal said, a limited number of facilities. There are other
22 individuals who are under protection, who are at many of these
23 facilities, so who could not, for various reasons, be in with
24 Mr. Young.

25 So there are limitations, but just the movement of

1 Mr. Young from where he is now in Hudson County is tantamount
2 to alerting the world that he is a cooperator. Because the
3 moment he is moved out of there to another facility, it will
4 likely be known that he is a cooperator.

5 THE COURT: I don't know that he's a cooperator.
6 Nobody's used those words here. If that's the case, that's
7 the case.

8 MR. FRAZER: Well, for the record, that clearly is
9 why we are doing this. I'm using those words under the hopes
10 that this will be sealed or at least this portion, but the
11 Court is requiring us to make a record and obviously that is
12 the threat.

13 By moving him today, where he is now he is, we
14 believe, as safe from other co-conspirators in this case as
15 can possibly be. The movement elsewhere may put him in
16 jeopardy, and I know, Judge, having some experience with the
17 group of co-conspirators we're talking about in the other case
18 before Judge Hochberg, that they do monitor the ECF through
19 various means. They are aware of all court dates, for
20 instance, of co-conspirators' sentencing, they appear based on
21 that, they are aware of information on ECF.

22 It is monitored, from my experience, this is not a
23 hypothetical. I can represent to the Court that we believe
24 that these co-conspirators monitor these types of things and
25 look for people they believe are cooperating, for these types

1 of things, sealed documents, movement from jails. So these
2 are the red flags of cooperation.

3 THE COURT: What do we do about the fact that Mr.
4 Fusella's initial representation that there's already been a
5 public record of the transfer of the indictment from one judge
6 to me?

7 MR. FRAZER: That's an unfortunate thing, Judge.
8 Again, that would be a red flag, that is correct. I think,
9 though, we should minimize that.

10 I don't know whether his trigger lock would be
11 monitored. There's nothing we can do about that, Judge. I
12 think it's unfortunate, and this is maybe beside the point,
13 that the system of electronic filing which only came in two
14 years ago, has created this additional requirement for the
15 Court. I don't want to debate the public's access and all
16 that.

17 THE COURT: Whether it's unfortunate or not, clearly
18 you have to balance the rights of the parties in a case.

19 MR. FRAZER: Absolutely.

20 THE COURT: Very often in civil cases and criminal
21 cases, everybody involved wants confidentiality, but it's
22 against, it is adverse to the public interest and access to
23 the courts and public documents.

24 MR. FRAZER: Well, Judge, I read the local rules as
25 of last night. And the revision that was made in October of

1 United States Attorney has demonstrated the benefit of the
2 background with respect to why there's a legitimate concern
3 for Mr. Young's welfare and most tellingly to me we've had the
4 deputy marshal indicate that there are some practical
5 logistical problems in maintaining Mr. Young in a safe
6 location.

7 I take it this will require some time for you to find
8 an appropriate spot for him?

9 THE MARSHAL: Yes, your Honor.

10 THE COURT: I also take into account the fact that
11 Mr. Young's plea will necessarily be turned over to the
12 Baskerville defense at sometime in the reasonable future. The
13 trial of the matter is scheduled for February 13, which is
14 only two weeks from now. Jury selection will be commencing
15 and during the course of the proceedings, there must be
16 disclosure made of Mr. Young's participation in this plea.

17 I think that I can accommodate the needs of everybody
18 that had been articulated here. I think there has been good
19 cause demonstrated for a temporary sealing order and what I
20 will do is this: I will permit the filing of the information
21 as presently revised, I will enter a temporary sealing order
22 as to that information and all documents that will be received
23 and discussed in connection with that matter.

24 The temporary sealing order will be made of record on
25 the electronic filing and to the extent any interested parties

1 seeks to address the temporary sealing order and seeks access
2 to any of the documents or records, clearly the Court will
3 entertain any application that is made on notice to the
4 parties.

5 I will say that -- what is your intention, Mr.
6 Minish, Mr. Frazer, in terms of unsealing this proceeding?

7 MR. MINISH: Judge, the time when, as Mr. Frazer
8 indicated, we expect that Mr. Young will be a witness in the
9 trial.

10 THE COURT: You want to keep this under seal until
11 he testifies?

12 MR. MINISH: No, no, when the Jencks/Giglio comes
13 out, we would hand this over.

14 THE COURT: When is that going to come out?

15 MR. MINISH: Judge, I believe by your Honor's ruling
16 it was -- we have made a motion, Judge, that would be I
17 believe a week before testimony of each witness as we go
18 along, because of the lengthy --

19 THE COURT: But you see, you now shift into a
20 different area. The basis for the sealing order is to
21 maintain the welfare of Mr. Young.

22 MR. MINISH: Yes.

23 THE COURT: The marshal has helped you in telling me
24 that he needs time, the marshal needs time in order to
25 safeguard the welfare of Mr. Young.

1 It would be reasonable to me to unseal this
2 proceeding whenever the marshal tells me they've made adequate
3 arrangements to safeguard Mr. Young, but keeping this under
4 seal is a different issue than when it's discoverable. When
5 you make discovery of it to the Baskerville defense is a
6 matter of discovery.

7 MR. MINISH: Yes.

8 THE COURT: Keeping it under seal is a different
9 matter all together. Here's what I'm going to do: I will
10 enter an order temporary sealing of this new information and
11 all documents that may be received and discussed in connection
12 with it pending notification from you, when you've spoken with
13 the marshal and you tell me that Mr. Young has been taken to
14 what the marshal considers to be a safe location and then I
15 will enter an unsealing order.

16 MR. MINISH: That's fine.

17 THE COURT: Okay.

18 I would suggest that not be more than seven days from
19 today. Okay, Marshal?

20 THE MARSHAL: Yes, your Honor.

21 THE COURT: All right. So be it.

22 MR. MINISH: We're just going to need a few minutes
23 to go through the revised paperwork.

24 MR. FUSELLA: Yes, your Honor.

25 Unfortunately, I just received the new set of

1 A Yes.

2 Q I'm going to be asking you a number of questions here
3 about your decision to plead guilty and the fact that you're
4 waiving a number of constitutional rights and then I'll ask
5 you some questions about the case.

6 How old are you?

7 A Thirty-two.

8 Q How much education have you had?

9 A Sixth grade.

10 Q Now, where did you go to school?

11 A South 17th Street Elementary School in Newark.

12 Q Are you able to read and understand the documents that
13 you've seen in connection with this case?

14 A Most of it. He read them to me.

15 Q All right.

16 With the assistance of Mr. Fusella, are you confident
17 that you have gone over, reviewed, read to the extent you can
18 read them or have them read to you, and fully understand all
19 of the documents that have been presented to you?

20 A Yes.

21 Q Are you presently under the care of any doctors?

22 A Yes.

23 Q What kind of doctors?

24 A Psychiatrist.

25 Q How often do you see a psychiatrist?

1 A Once a month.

2 Q And this is in the jail?

3 A Yes.

4 Q Why are you seeing a psychiatrist?

5 A I'm on antidepressant medication.

6 Q Do you know what kind of medication you take?

7 A Sertraline, 400 milligrams.

8 Q How often do you take that?

9 A Every night.

10 Q Now, does that medication interfere with your ability to
11 understand what you're doing?

12 A No.

13 Q Have you been taking that medication regularly?

14 A Yes.

15 Q For how long?

16 A About a year and a half.

17 Q Are you presently under the care of or are you seeing any
18 other kind of doctor?

19 A Yes, regular practitioner for high blood pressure.

20 Q Do you take medication for that?

21 A Yes.

22 Q What do you take, if you know?

23 A Quinapril.

24 Q How often do you take that medication?

25 A Twice a day.

1 Q How long have you been taking it?

2 A About a year.

3 Q Now, based on your experiences over the last year, do
4 either of these medications or in combination, do they affect
5 your ability to understand what you're doing?

6 A No.

7 Q Is there any reason I should think you don't understand
8 what you're doing?

9 A No.

10 Q Mr. Fusella has been your lawyer for quite sometime now,
11 correct?

12 A Yes.

13 Q How long have you known him?

14 A About a year.

15 Q And has he come to the jail and gone over with you any
16 information about the case that he's obtained?

17 A Yes.

18 Q Has he made himself available to meet with you?

19 A Yes.

20 Q About how many times do you think you met with your
21 lawyer?

22 A About 12 to 15.

23 Q And do you feel that you had enough time to speak to him
24 about your decision to plead guilty?

25 A Yes.

1 Q Has he answered any questions that you may have had?

2 A Yes.

3 Q Has he given you legal advice?

4 A Yes.

5 Q Has he explained to you whether, in his view, you have
6 any alternatives in defending against these criminal charges?

7 A Yes.

8 Q Are you satisfied with his advice and counsel?

9 A Yes.

10 Q Now, I'm going to ask you some questions, first of all,
11 about your initial appearance rights. You have not appeared
12 before in court on the charges made against you in count one
13 and count two of this information.

14 Accordingly, I want to advise you that you have the
15 right to remain silent. Anything that you say can be used
16 against you.

17 If you begin to answer any question, you can stop at
18 any time and you have the right to be represented by a lawyer
19 at all stages of the proceedings.

20 Do you understand those rights?

21 A Yes.

22 Q Now, count one of this information charges that between
23 November 25, of '03 and March 2nd of '04, in Hudson and Essex
24 Counties, you engaged in a conspiracy or that you had an
25 unlawful agreement with some other people to kill another

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1 person.

2 Do you understand the nature of that charge?

3 A Yes.

4 Q Count two of this information tells me that at the same
5 period of time, you had an unlawful agreement with some other
6 people to kill another person for the purpose of retaliating
7 against that person for providing information to a law
8 enforcement officer about the commission of some other crimes.

9 Do you understand the nature of that charge?

10 A Yes.

11 Q Count three of the information charges you with
12 possession of ammunition and a gun on July 9, 2004, whereby
13 you had previously been convicted of crimes that are felonies.

14 Do you understand that charge?

15 A Yes.

16 Q Those are the three charges that are made against you in
17 this case, right?

18 A Yes.

19 Q Now, before we go any further, has it been explained to
20 you that you have the right to have a Grand Jury consider all
21 of these charges against you before you are forced to come to
22 court to face them?

23 A Yes.

24 Q Has it been explained to you that a Grand Jury is an
25 independent body of citizens of somewhere between 16 and 23

1 people and if a majority of those individuals thought that
2 there was probable cause to believe that you've committed a
3 crime, then the Grand Jury would vote to file a document
4 that's known as an indictment, and only then will you be
5 brought into court to face these charges.

6 Has all that been explained to you?

7 A Yes.

8 Q You realize that the purpose of a Grand Jury is to serve
9 as an independent screening body between you and the United
10 States Government and it would prevent them from simply
11 dragging somebody into court and putting him on trial for
12 trial.

13 A Yes.

14 Q Now, in this particular case, I have been given a
15 document that's called an information. That means that the
16 United States Attorney is making these charges against you
17 directly, without first going through a Grand Jury.

18 In order for me to proceed in this matter, I have to
19 find out from you whether you want to waive your right to have
20 a Grand Jury consider this case.

21 A Yes.

22 Q And if that is the case, then I will proceed and we'll go
23 through with this just the way it appears you want me to, but
24 I have to make it clear to you and realize that you understand
25 that you do have a right to have a Grand Jury consider this

1 case before you proceed.

2 A Yes.

3 Q Now, in front of you is a document called a "Waiver of
4 Indictment." This is a document that tells me you do want to
5 waive your right to a Grand Jury and proceed on the case as
6 being brought directly against you by the United States
7 Attorney.

8 Have you signed that waiver form?

9 A Yes.

10 Q Did Mr. Fusella read it to you and explain it to you
11 before you signed it?

12 A Yes.

13 THE COURT: Mr. Fusella, are you satisfied Mr. Young
14 understands his right to a Grand Jury presentment and that he
15 has waived it knowingly and voluntarily?

16 MR. FUSELLA: Yes, I am.

17 Q There's another document in front of you, Mr. Young,
18 which is called a "Request For Permission to Plead Guilty."
19 This is a document that has about 43, 44 written questions on
20 it.

21 Do you recognize that document?

22 A Yes.

23 Q Did Mr. Fusella read to you all the questions that are on
24 that document?

25 A Yes.

1 Q And did you give him the answers to all of those
2 questions?

3 A Yes.

4 Q After you gave him the answers, did he then write those
5 answers down in the spaces provided?

6 A Yes.

7 Q After he wrote the answers, did you read the answers that
8 he wrote down or have him read them to you?

9 A He read them to me.

10 Q Are you satisfied that all of the answers that he put on
11 the document are, indeed, the answers that you gave to those
12 questions?

13 A Yes.

14 Q So that if I were to ask you all 43 or 44 of those
15 questions now here in court, are you comfortable that you
16 would give me the same answers that he wrote?

17 A Yes.

18 Q And did you then sign that document?

19 A Yes.

20 THE COURT: Mr. Fusella, do you represent that the
21 answers on the Rule 11 form are, in fact, those of Mr. Young;
22 that he indicated to you his understanding of the questions;
23 and that he then signed the document in your presence?

24 MR. FUSELLA: Yes, Judge, to those questions which he
25 had personal knowledge of.

1 THE COURT: Yes.

2 MR. FUSELLA: He didn't have personal knowledge of
3 the penalties or statute until I wrote them in.

4 Q With respect to the questions that asked for legal terms,
5 exposures of sentencing possibilities, things of that nature,
6 you relied upon your attorney to give you the answers?

7 A Yes.

8 Q Do you have any reason to doubt that those answers are
9 correct?

10 A No.

11 Q And you realize that I'll be going over it as well to
12 make sure that those answers are correct?

13 A Yes.

14 Q All right.

15 Now, there's another document in front of you which is
16 very important. This is called a "Plea Agreement" and it is a
17 letter dated January 23, '07, that Mr. Minish wrote to Mr.
18 Fusella.

19 Do you have a copy of that in front of you?

20 A Yes.

21 Q Do you realize that this plea agreement constitutes the
22 entire deal which Mr. Fusella negotiated on your behalf?

23 A Yes.

24 Q This represents a meeting of the minds between you and
25 the United States Attorney's Office and will be enforceable as

1 a plea agreement.

2 Do you understand that?

3 A Yes.

4 Q Now, on page seven of the document is a space for you to
5 have signed. Take a look at it.

6 Tell me if you signed the plea agreement on page seven.

7 A Yes.

8 Q When did you do that?

9 A Just now.

10 Q This morning?

11 A Yes.

12 Q Now, before you signed the plea agreement, was it read to
13 you?

14 A Yes.

15 Q And did you have enough time to consider all of the terms
16 of this plea agreement before you signed it and agreed to it?

17 A Yes.

18 Q Did you have enough time to speak to Mr. Fusella and ask
19 him any questions that you may have had about this plea
20 agreement?

21 A Yes.

22 Q Did he answer all of those questions to your
23 satisfaction?

24 A Yes.

25 THE COURT: Mr. Fusella, are you satisfied that Mr.

1 Young indicated his understanding of the plea agreement and
2 that he signed it voluntarily?

3 MR. FUSELLA: Yes, I am.

4 Q All right.

5 Now, Mr. Young, I'm going to go through this plea
6 agreement with you because it's very important, but before we
7 do that, I want to make sure that you understand that you're
8 going to be waiving a number of your constitutional rights.

9 First of all, do you understand that you are under no
10 obligation to plead guilty to any of these charges?

11 A Yes.

12 Q The fact of the matter is that you are entitled to have a
13 jury trial on each of these charges?

14 A Yes.

15 Q And if you went to trial, do you realize that the
16 Government would bear the burden of proving these charges
17 against you beyond reasonable doubt?

18 A Yes.

19 Q And at your trial, through counsel, you would have the
20 right to challenge any of the evidence that the Government
21 produced; you would also have the right to challenge and
22 confront any of the witnesses who testified against you?

23 A Yes.

24 Q That confrontation would be generally through the
25 cross-examination of those witnesses by your attorney?

1 A Yes.

2 Q Do you also understand that if there were witnesses who
3 could testify in your defense, your lawyer could use a
4 subpoena in order to force them to come to court?

5 A Yes.

6 Q And lastly, do you realize that at your trial, you would
7 have the right to testify in your own defense?

8 A Yes.

9 Q On the other hand, you would also have the right not to
10 testify and if you chose to remain silent, I would instruct
11 the jury that it could not hold that fact against you?

12 A Yes.

13 Q Has all of this been explained to you?

14 A Yes.

15 Q Now, has anybody threatened you in any way in connection
16 with your decision to plead guilty?

17 A No.

18 Q Has anybody made any promises to you that do not appear
19 in your plea agreement?

20 A No.

21 Q Has anybody exerted any influence upon you in connection
22 with your decision to plead guilty?

23 A No.

24 Q Have you had enough time to think about this and are you
25 comfortable with your decision?

1 A Yes.

2 Q Now, basically, the plea agreement that you have made
3 with the Government is that in exchange for your plea of
4 guilty to all three counts of this information, the Government
5 agrees, first of all, that it won't bring any other charges
6 against you in connection with your conspiracy to murder a
7 witness and to murder a witness for retaliation against him
8 between the period of time of November of '03 and March, '04;
9 secondly, the Government agrees that after you are sentenced,
10 it will move to dismiss the charge that's made against you in
11 an indictment that's filed under 05-621, which actually is the
12 same charge that's made against you in count three of this
13 information, right?

14 A Yes.

15 Q So basically what the Government agrees to do is, if you
16 are -- if you plead guilty, if I accept your plea on these
17 three charges, first of all, it won't bring any other charges
18 against you arising out of this conspiracy to commit murder
19 and secondly, it will dismiss the indictment that charges you
20 with the same crime that you got in count three?

21 A Yes.

22 Q Now, do you realize that this plea agreement is a binding
23 agreement; that if I accept your plea, you're not going to be
24 able to change your mind and take it back?

25 A Yes.

1 Q Do you also understand that if for any reason your
2 conviction does not remain in force, then the Government would
3 be entitled to reinstate these charges against you and bring
4 any other criminal charges about which it might be aware, and
5 if more than five years has passed until that happens, you are
6 agreeing in this plea agreement that you will waive that delay
7 as a defense?

8 Has all of this been explained to you?

9 A Yes.

10 Q And do you understand it?

11 A Yes.

12 Q Now, do you understand that if I accept your plea to
13 these charges, you will have a record of these convictions?

14 A Yes.

15 Q Do you also understand that I will impose a sentence upon
16 you?

17 A Yes.

18 Q Now, the sentence that I impose upon you will be entirely
19 within my discretion so long as I do not exceed the limits on
20 that sentence that is proscribed by law?

21 A Yes.

22 Q Do you realize that to be the case?

23 A Yes.

24 Q And I'm going to go over with you the maximum sentences
25 that you face.

1 Do you understand that on count one, which charges you
2 with conspiracy to murder a witness, you are facing a
3 statutory minimum prison sentence of life and the statute
4 would provide under some circumstances for a maximum sentence
5 of the death penalty, which is not being sought in this case?

6 A Yes.

7 Q Do you also understand that you can be fined up to
8 \$250,000?

9 A Yes.

10 Q As to count two, the same maximum and minimum sentences
11 apply. That is to say on count two, which charges you with
12 conspiracy to murder a witness in retaliation against an
13 informant, you face a maximum -- a statutory minimum prison
14 sentence of life and a maximum sentence of life in prison?

15 A Yes.

16 Q Do you also understand as to counts one and two, that you
17 can be fined up to \$250,000?

18 A Yes.

19 Q As to count three, the charge that you were in possession
20 of a firearm having been previously convicted of a felony, do
21 you understand that you face a maximum prison sentence of ten
22 years and a maximum fine of up to \$250,000?

23 A Yes.

24 Q Now, do you understand that if I sentence you on each of
25 these counts, you will have to pay a special assessment of

1 \$100 per count, and if you are released from prison at any
2 time, you will have to serve a term of supervised release on
3 counts one and two of not more than five years; on count
4 three, you'll have to serve a term of supervised release of
5 not more than three years, and if you violate any conditions
6 of that supervised release, you can be sentenced to serve an
7 additional five years imprisonment on counts one and two, and
8 up to two years imprisonment on count three without being
9 given credit for any time that you previously served?

10 A Yes.

11 Q Do you realize that in the federal court there is no
12 parole, so that you'll have to serve pretty much all of the
13 time that I give you if I send you to jail in this case?

14 A Yes.

15 THE COURT: I take it that notice to victims and
16 restitution is not an issue in this case?

17 MR. MINISH: No, Judge.

18 Q Do you understand that this plea agreement and all of its
19 terms, Mr. Young, are binding upon you and the United States
20 Attorney's Office, but it does not bind any other law
21 enforcement agency, whether it be local, state or federal?

22 A Yes.

23 Q It also does not prevent any administrative proceeding
24 from being filed against you or prevent anybody from filing
25 any civil lawsuit against you if that's appropriate?

1 A Yes.

2 Q I take it you're an American citizen?

3 A Yes.

4 THE COURT: Are there any forfeiture considerations
5 here?

6 MR. MINISH: None, Judge.

7 Q Now, we've discussed the potential sentences that you
8 face and I want to call your attention to page eight of the
9 plea agreement because if you take a look at pages eight
10 through ten, I'm told that you have made some specific
11 agreements with the Government which may affect your sentence,
12 right?

13 A Yes.

14 Q Now, first of all, has Mr. Fusella explained to you what
15 the United States Sentencing Guidelines are?

16 A Yes.

17 Q Do you realize that the sentencing guidelines are a set
18 of regulations which Congress has adopted, and it appears in a
19 volume that looks like this, and the sentencing guidelines
20 provide for an entire analysis of a case from which a
21 sentencing judge can obtain information in order to arrive at
22 what he considers to be a reasonable sentence?

23 Do you realize that to be the case?

24 A Yes.

25 Q Do you also realize that until recently, the sentencing

1 guidelines were binding and mandatory on the Court and that is
2 to say that I would have been forced to sentence you in
3 accordance with the guidelines, but recent legal developments
4 have made the guidelines not binding, no longer mandatory on
5 the Court, and I am to use them as an advisory source or I'm
6 to look to the guidelines for some guidance, but I do have
7 discretion to sentence you above or below what the guidelines
8 would provide?

9 A Yes.

10 Q Do you realize that to be the case?

11 A Yes.

12 Q Now, nevertheless, in your case, I'm told that you and
13 the Government have agreed that I will use a guidelines
14 analysis in arriving at your sentence.

15 Do you realize that?

16 A No.

17 Q Yes?

18 A Yes.

19 Q Now, there are some very detailed paragraphs in these
20 stipulations, but I'm going to try to make it clear for you
21 because of the penalties that you face in counts one and two.

22 As to counts one and two of the information, the
23 guideline carries a base offense level of 43. As to count
24 three of the information, the possession of a weapon, the
25 guideline range is carried as a base offense level of 24.

1 Because the guidelines range that's provided for co
2 three is so far below that of counts one and two, for purposes
3 of arriving at a guideline sentencing range, it would be
4 disregarded.

5 A Yes.

6 Q As a result, counts one and two provide, again, for a
7 base offense level of 43. You're going to be given a
8 two-level increase because counts one and two are equally
9 serious, which raises the applicable offense level to 45. And
10 then I'm told that you stipulated and the Government agrees
11 that you should be given the benefit of a two-level reduction
12 because you've accepted responsibility for your crime and
13 another one-level reduction because of your decision to plea
14 guilty.

15 What this tells me, Mr. Young, is that you and the
16 Government have stipulated that your total offense under the
17 guidelines will carry a level 42.

18 Is that your understanding?

19 A Yes.

20 Q Now, has Mr. Fusella explained to you that the guidelines
21 provides two scales: There is a scale by which we get to
22 level 42. That's based upon the crime and your conduct, and
23 then there's another scale based upon whether you have a prior
24 criminal record?

25 A Yes.

1 Q And if you take a look at the guidelines manual -- it
2 really doesn't matter what your prior criminal record is
3 because the guideline sentencing range will be 360 months to
4 life.

5 A Yes.

6 Q Has that been explained to you, 30 years to life is what
7 the guidelines range would be?

8 A Yes.

9 Q But again, in your case, there is a mandatory minimum
10 sentence of life imprisonment?

11 A Yes.

12 Q Now, there's another section in the guidelines which
13 provides that I will not sentence you to less than life
14 imprisonment.

15 Do you realize that?

16 A Yes.

17 Q That appears in paragraph 20 of your plea agreement.

18 Do you have a question about that?

19 A Yes.

20 Q Go ahead.

21 (Discussion held off the record.)

22 Q You've had a chance to speak to your lawyer?

23 A Yes.

24 Q The guidelines provides in another section that if
25 there's a mandatory minimum sentence of life, that I should

1 sentence you to not less than life.

2 A Yes.

3 Q Go ahead.

4 A My understanding was with my cooperation with the
5 Government, I could be sentenced to less than life.

6 Q We're going to get to that. I haven't left that out.
7 I'm careful about what I put on the record.

8 A Okay.

9 Q Your plea agreement tells me in addition to all of this,
10 that so long as I do sentence you according to the terms of
11 what you agree to, so long as I do sentence you at level 42 or
12 below, you have agreed that you are waiving your right to
13 appeal your conviction and sentence.

14 A Yes.

15 Q And similarly, so long as I go along with this plea
16 agreement, the Government has agreed that it will not appeal
17 the sentence that I impose upon you.

18 And lastly, it is stipulated in paragraph one of this
19 portion of the plea agreement that neither side is going to
20 argue for the imposition of a sentence outside the guideline
21 range.

22 A Yes.

23 Q Now, that being said, do you also understand that both
24 Mr. Fusella, on your behalf, and the Assistant United States
25 Attorneys on behalf of the Government, will be able to make

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF NEW JERSEY
 3 CRIMINAL NO. 03-836

4 UNITED STATES OF AMERICA :
 5 -vs- :
 6 WILLIAM BASKERVILLE, : TRANSCRIPT OF PROCEEDING
 7 Defendant. :
 8 ----- :
 9 Trenton, New Jersey
 10 April 13, 2007

11 B E F O R E:
 12 THE HONORABLE JOEL A. PISANO
 13 UNITED STATES DISTRICT COURT JUDGE

14 A P P E A R A N C E S:
 15

16 CHRISTOPHER CHRISTIE, U.S. Attorney
 17 BY: JOSEPH N. MINISH, Assistant U.S. Attorney
 18 ROBERT L. FRAZER, Assistant U.S. Attorney
 19 For the Government.
 20
 21 CARL J. HERMAN, ESQ.,
 22 KENNETH W. KAYSER, ESQ.,
 23 For the Defendant.

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

Joanne M. Caruso
 Joanne M. Caruso, CSR, CRR
 Official Court Reporter

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

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1	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
2	<u>RICHARD HOSTEN</u>				
3	By Mr. Frazer	4253			
4	By Mr. Kayser		4315	4324	
5	<u>ANTHONY YOUNG</u>				
6	By Mr. Minish	4332			
7	<u>EXHIBITS</u>	<u>DESCRIPTION</u>			<u>EVD.</u>
8	G-39 and 40	Docket Sheets			4273
9	G-58A through G	Photos			4283
10	G-209	Photo of Joe Merlino			4295
11	G-606	Plea Agreement			4300
12	G-607	Cooperation Agreement			4301
13	G-59A through F	Photos			4383
14	G-320A, B, C, D, F	Photos			4402
15	G-223	Photo			4418

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1 April 13, 2007

2 THE CLERK: The all rise.

3 (The following takes place out of the presence of the

4 jury.)

5 THE COURT: Good morning.

6 Have a seat.

7 All set?

8 The witness is on his way.

9 Are there any issues about the cross-examination of

10 this witness?

11 MR. KAYSER: I don't believe so. I don't know if the

12 Government is going to use two or three of the convictions.

13 There are -- I know we agreed on at least two, the

14 two are very recent. There's one back from 1993, I think,

15 ~~where he had a previous sentence which would have been close~~

16 to the time.

17 MR. FRAZER: I was not under the impression that one

18 would be used. Judge, because it fits into some background,

19 I'm also going to, even though it's beyond the ten years,

20 speak about a weapons possession charge that he had prior to

21 the ten years which was not one that counsel was going to

22 inquire on.

23 I think the 1993 one should be taken out, since it's

24 over the ten years. We're going to talk about the -- I'm

25 trying to see, the 1987 gun conviction.

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1 THE COURT: If you are bringing them out, I suppose

2 we don't have an issue. Great.

3 Let's get the jury.

4 (Richard Hosten takes the stand.)

5 THE CLERK: All rise.

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Hosten - Direct/Frazer 4305

1 A So I can go home.

2 Q Why do you want to go home?

3 A Get back to my family.

4 MR. FRAZER: One moment, Judge.

5 Nothing further, thank you.

6 THE COURT: All right.

7 Cross-examine.

8 MR. KAYSER: First, I would like to move under 26.2

9 to make sure we received all the material in connection with

10 this witness.

11 MR. FRAZER: Maybe we should have a sidebar then if

12 there's a legal issue.

13 THE COURT: I'll tell you what, ladies and

14 gentlemen, it's 20 after ten. Let me give you a morning

15 break.

16 You can go into the jury room. We'll have a you back

17 here shortly.

18 THE CLERK: All rise.

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4306

1 (Jury is excused and the following takes place out of

2 the presence of the jury.)

3 MR. MINISH: Can the witness be excused?

4 THE COURT: I don't know, I don't know what we're

5 discussing.

6 Have a seat everybody.

7 What's the issue, Mr. Kayser?

8 MR. KAYSER: There was a mention in the direct

9 testimony about the Grand Jury testimony and we didn't get a

10 Grand Jury transcript. Normally we would in connection with

11 that. I have to raise the question.

12 THE COURT: I don't blame you.

13 What about it, Mr. Frazer?

14 Mr. Hosten, did you testify before a Grand Jury?

15 THE WITNESS: Yes.

16 THE COURT: I don't have it in my book of materials

17 either, Mr. Frazer.

18 MR. FRAZER: I apologize.

19 I believed it was in the material. I have a copy. I

20 only have one copy because I thought it was in the material.

21 Hold on, I may have two copies. Judge, that was an

22 oversight.

23 THE COURT: Rule 26.2 requires the Government to

24 produce any statement of a witness, other than the defendant,

25 after the witness testified on direct examination.

4307

1 So I ask you, are there any other statements of Mr.
 2 Hosten of which you are aware?
 3 MR. FRAZER: No, Judge.
 4 Again, that was just an oversight and I believe this
 5 complies with the rule and if counsel needs more time,
 6 certainly we would have no objection if the Court doesn't.
 7 THE COURT: Do you need some time, Mr. Kayser?
 8 MR. KAYSER: Some time. I hope not much.
 9 THE COURT: I'm not criticizing you. If you need
 10 time, I'll give it to you.
 11 MR. FRAZER: I'll note for the record that the

12 testimony is 16 pages.

13 THE COURT: Let's take Mr. Hosten back, let's take a
 14 short break while counsel reviews the statement.
 15 MR. KAYSER: I would hope it doesn't take more than
 16 20 minutes.
 17 THE COURT: Take whatever you need. It's okay.
 18 You're entitled to it.
 19 THE CLERK: All rise.
 20 THE COURT: This is why we ask for advance delivery
 21 of discovery materials, but it's an oversight, it happens from
 22 time-to-time.
 23 Take some time and read the statement and obviously
 24 while we're doing this, I would urge the Government to review
 25 the materials as to any other witnesses who are about to

4308

1 testify during the trial and make sure the discovery materials
 2 are turned over.
 3 Let's take a short morning break.
 4 (Recess.)
 5 THE COURT: Can we gather the participants? Do you
 6 have any idea how long you'll be?
 7 MR. KAYSER: Not long.
 8 THE COURT: Here's my question: Logistically, when
 9 you get done with this witness, we have to get the next
 10 witness up here.
 11 MR. FRAZER: Right.

12 THE COURT: Which involves moving the jury out

13 again.
 14 MR. FRAZER: Right.
 15 THE COURT: Is there any objection to me telling the
 16 jury that we have to get the other witness here, that's why
 17 we're going to excuse them from the room? Do you have any
 18 objection to that?
 19 MR. KAYSER: I don't have any objection.
 20 MR. FRAZER: I think they'll be well aware they're
 21 incarcerated.
 22 MR. KAYSER: They must realize because they're not
 23 even sworn and they're present.
 24 THE COURT: The first one wasn't, which I think was
 25 a mistake on my part.

4309

1 MR. FRAZER: We ask them, that's fine.
 2 THE COURT: Why don't we just tell them that?
 3 MR. KAYSER: You might add, to make it clear, that
 4 that first witness was sworn outside their presence.
 5 THE COURT: I did.
 6 I'm going to tell the jury what this delay was all
 7 about. I'm not going to do it in a critical way, it happens.
 8 I just want them to know this is why they were in the room,
 9 that's all.
 10 MR. FRAZER: Okay.
 11 THE COURT: I'll tell them not to hold it against
 12 you, you didn't mean it.
 13 MR. FRAZER: With all due respect, there was 600
 14 pages turned over, so if we're going to tell them --
 15 THE COURT: I'm going to tell them the truth. There
 16 is no reason to not tell them the truth.
 17 MR. MINISH: Our only concern is it somehow looks
 18 like we're hiding something. It seems unnecessary.
 19 THE COURT: I'm going to tell them that you're not
 20 hiding anything, but they're entitled to know why they have
 21 been out of the courtroom for an hour.
 22 Is the next witness going to go longer than today?
 23 MR. FRAZER: My expectation is that he will.
 24 MR. HERMAN: There's a problem with the next witness,
 25 too, because we were just getting now -- we got a new tape

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1 this morning regarding -- I haven't even had a chance to hear
 2 it or even look at it, but something --
 3 THE COURT: Let's wait until Mr. Baskerville gets
 4 here.
 5 MR. HERMAN: All right.
 6 THE COURT: While we're waiting for Mr. Hosten, the
 7 defendant is here now.
 8 A couple of things. I intend to tell the jury that
 9 we had to take a break because there was an inadvertent mishap
 10 in connection with turning over some discovery materials; that
 11 it was not intended and we needed to take time to make
 12 photocopies of certain materials and give the defense lawyers
 13 time to read them.
 14 When Mr. Hosten's testimony is concluded, we're going
 15 to have to excuse the jury again from the courtroom so that we
 16 can get the next witness up here. I intend to tell the jury
 17 that the witnesses that we have been hearing from are in
 18 custody and have to be moved in and out of the courtroom and
 19 it takes a few minutes.
 20 Is there any objection to that?
 21 MR. HERMAN: No, Judge.
 22 MR. FRAZER: No.
 23 THE COURT: Okay.
 24 Now, with respect to the next witness, it's Mr.
 25 Young?

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1 MR. MINISH: That's correct.

2 THE COURT: Mr. Herman tells me there might be a

3 discovery problem. What I would suggest we do is get through

4 the testimony of Mr. Hosten. When we excuse the jury, I'll

5 hear from you whatever the problem and then we'll know what to

6 do.

7 MR. HERMAN: Fine.

8 THE COURT: Do you think you're going to need time?

9 MR. HERMAN: Yes, I will need time.

10 I can explain now or subsequently, but there's a tape

11 that is over an hour that we have to hear and Mr. Baskerville

12 has not heard.

13 I've just been handed a CD rom and an audio tape. I

14 don't know what's on these either.

15 THE COURT: We're going to have to listen to this

16 before we cross-examine.

17 MR. MINISH: So it's clear, the hour tape defense

18 counsel is speaking to is an hour recording. The relevant

19 part where Mr. Young is speaking was approximately six

20 minutes, something like that.

21 THE COURT: What is it?

22 MR. MINISH: It's a recording that was made in jail

23 from a cooperator trying to record comments made by Mr. Young.

24 Now, what we provide --

25 THE COURT: This has never been turned over before?

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1 MR. MINISH: No, no. That's what I'm getting to. It

2 was turned over quite awhile ago.

3 Defense counsel said they thought part of the

4 conversation was cut out, was beyond the snippet we gave them,

5 so what we did is go ten minutes back and a couple of minutes

6 forward to give them a larger snippet.

7 They have told us that that is still not, they

8 believe to be it all, but I think it is. We have now just

9 given them the whole tape and they can listen to it as they

10 see fit. The relevant portion was turned over.

11 If there are a part that certainly is the

12 Government's responsibilities, but if it is, it is a minimal

13 part.

14 THE COURT: How are you identifying this so the

15 record is clear? Does it have an exhibit number?

16 MR. MINISH: We have no intention of using it.

17 MR. KAYSER: It's a tape.

18 Let me expand on what Mr. Minish said briefly, if I

19 may.

20 We first got a copy of 51 seconds of a conversation

21 between, I believe, Mr. Young and Mr. Haasan Miller. We got

22 that on or about April 4th when the trial began. I think we

23 were not able to listen it until a day or two later.

24 When I listened to it, I realized that it was a

25 snippet of a longer conversation that obviously had a

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4313

1 beginning and end that weren't reflected on that 51 seconds.
 2 I asked for the balance of that conversation. There
 3 was -- I had a conversation with Agent Manson in this
 4 courtroom while she was still here testifying. She indicated
 5 the tape, I thought, was about an hour and a half or two hours
 6 in length all together, but there was a fairly small portion
 7 that related -- actual conversation between these two people.
 8 We were then provided, a couple of days ago, with a
 9 tape that has about five minutes of pretty much blank space
 10 before the critical part of the conversation starts and then
 11 it abruptly ends again before we get to the end. That was my
 12 problem. I wanted to hear what was on the end of that
 13 conversation because it is potentially a significant portion.
 14 THE COURT: We'll resume this colloquy when we take
 15 another break.
 16 (Richard Hosten resumes the stand.)
 17 MR. FRAZER: For the record, counsel has had
 18 sufficient time to now look at the Grand Jury minutes that
 19 were inadvertently left out.
 20 THE COURT: Are you ready to go with Mr. Hosten's
 21 cross-examination?
 22 MR. KAYSER: Yes.
 23 THE COURT: Let's get the jury, conclude Mr.
 24 Hosten's testimony and then we'll take another break and we'll
 25 deal with whatever issues might arise.

4314

Get the jury.
 THE CLERK: All rise.
 (The following takes place in the presence of the
 jury.)
 THE COURT: Have a seat everybody. You can take a
 seat when you get to your position.
 Let me give you an explanation for why we had to take
 a short break for which we apologize.
 Among the Federal Rules of Criminal Procedure are a
 number of rules that require the parties to exchange
 documents, and you see us with the binders of various
 materials and some of these exhibits are in evidence and
 you'll eventually have them in the jury room.
 There was a problem in that some of the materials
 were not, and this was completely inadvertent, some discovery
 materials, what we call them, were not given over to the
 defense in advance of this morning. That has now been
 rectified. We just needed to take some time to photocopy the
 documents and give Mr. Kayser and Mr. Herman the opportunity
 to read them. That has now been done.
 We're going to proceed. We apologize for this. It
 was not intentional, don't read anything into it, but I think
 you can see how much work goes into presenting one of these
 cases and from time-to-time it's a slip up. That's all it
 was.

Hosten - Cross/Kayser 4315

1 We're read to proceed.

2 Mr. Kayser, you may cross-examine the witness.

3 MR. KAYSER: Thank you.

4 CROSS-EXAMINATION BY MR. KAYSER:

5 Q Mr. Hosten, you indicated that when you first met Mr.

6 Baskerville in the holding cell, I believe that's when it was,

7 correct me if I'm wrong, that he thought he recognized you?

8 A Yes.

9 Q He asked if you were from Vailsburg?

10 A Yes.

11 Q Do you have a brother from Vailsburg?

12 A No.

13 Q Okay.

14 So you don't know why he thought there was a connection

15 there, but he thought he recognized you?

16 A Right.

17 THE COURT: Can you push that monitor down so Mr.

18 Kayser can see you? Push it down and get it out of your way.

19 Speak up into the microphone.

20 Q Now, you were new to the federal system, correct?

21 A Correct.

22 Q You didn't know what to expect at that point?

23 A Correct.

24 Q You realized that Kemo had been an informant against you,

25 correct?

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Hosten - Cross/Kayser 4316

1 A Correct.

2 Q And you indicated that when you met Mr. Baskerville in

3 the holding cell, he had expressed unhappiness about Mr. Kemo

4 informing on him, correct?

5 A After we came to court, yes.

6 Q Okay.

7 Were you unhappy about Kemo as well?

8 A I already knew.

9 Q But were you unhappy about it?

10 A Yes.

11 Q You didn't want to be facing the time that you were

12 facing as a result of selling drugs, right?

13 A Right.

14 Q Now, the phone conversation that you refer to in the

15 holding pen or holding cell, can we have that exhibit put up

16 on the screen?

17 The photograph that had the photograph of the phone, I

18 think it was D?

19 58D, okay.

20 Now, you indicated that you were standing over by the

21 doorway, correct?

22 A Correct.

23 Q And about how far would you say that is from the phone?

24 A Seven to ten feet.

25 Q Okay.

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Hosten - Redirect/Frazer 4325

1 A It was about Hakim Murray arrest and I think two people
 2 being murdered.
 3 Q Okay.
 4 So Hakim, is that the defendant's cousin?
 5 A I believe so.
 6 Q Okay.
 7 After that article, did the defendant tell you he knew
 8 one of the people who got murdered?
 9 A He said one of them might be Kemo.
 10 Q Now, in the Grand Jury, you were asked some questions by
 11 Mr. Kayser about your Grand Jury testimony.
 12 I'm going to refer to page nine, line 9.
 13 Do you remember being asked, "Do you recall whether or
 14 not Will Baskerville ever made any phone calls or appeared to
 15 ~~make phone calls~~ and the answer was, "He appeared to be
 16 making a phone call."
 17 "QUESTION:" By Mr. Gay, "Okay. And can you
 18 describe what you mean by that?"
 19 "ANSWER: I was standing -- the phone was at the
 20 wall. I was standing near the door and he seemed to be on the
 21 phone and he was saying, you know, when he said the name Kemo,
 22 I glanced over. He was over by the phone, he was like that
 23 fucking Kemo, you know."
 24 So from where you were -- did you give that answer,
 25 by the way?

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Hosten - Redirect/Frazer 4326

1 A Yes.
 2 Q All right.
 3 From where you were, you could hear some of the
 4 conversation?
 5 A I just paid attention when I heard the name Kemo. I just
 6 recognized the name Kemo.
 7 Q Again, this Grand Jury testimony was given on February
 8 16, 2005.
 9 Do you remember that?
 10 A Right.
 11 MR. FRAZER: Nothing further.
 12 THE COURT: Anything else?
 13 MR. KAYSER: No, Judge.
 14 THE COURT: Thank you, very much.
 15 ~~ladies and gentlemen, we need to have Mr. Hosten~~
 16 excused and we need to get the next witness in here which will
 17 take five minutes or so. Rather than have you sit here, go
 18 back into the jury room. We'll have you back here in five or
 19 ten minutes, no longer than that.
 20 THE CLERK: All rise.
 21
 22
 23
 24
 25

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4327

1 (Jury is excused and the following takes place out of
2 the presence of the jury.)

3 THE COURT: Bring Mr. Young right back.

4 Let's get back to this tape problem.

5 There is the tape of the conversation which we were
6 just discussing, which you say is an hour in its entirety,
7 although only a portion of it is what you consider relevant.

8 MR. FRAZER: It's an hour and 51 minutes.

9 THE COURT: What are your needs, Mr. Herman, Mr.

10 Kayser?

11 MR. HERMAN: The problem is when we first approached
12 the Government on it -- because in the 302s, the description
13 of the tape was that Mr. Miller was wired up and that Anthony
14 Young confessed to him about the murder. Obviously we were
15 ~~very interested about that tape.~~

16 The Government said there's only 45 seconds on the
17 tape which is significant. We listened to it and in 45
18 seconds we can't make it out, we went back to the Government,
19 we said we can't make heads or tail, give us the tape.

20 They said there's only six minutes that's
21 significant. They give us six minutes, we listened to that,
22 and again it's in the middle of the conversation. So we're
23 back where we started. We'd like to have listened to the
24 whole tape, even if it's blank, so we're satisfied.

25 THE COURT: When did you ask for the entire tape?

4328

1 MR. KAYSER: I didn't ask for the entire tape myself.
2 I asked for the portion that was deemed to be pertinent
3 surrounded by a few minutes on each side of blank space so I
4 knew that it was --

5 THE COURT: Fine.

6 Is there a transcript of whatever the conversation
7 is?

8 MR. FRAZER: No.

9 THE COURT: You say you don't intend to introduce
10 this at all?

11 MR. FRAZER: No. Just for the record, the reason we
12 didn't want to give over the whole tape is to protect the
13 source and anybody else on the tape.

14 THE COURT: Fine.

15 ~~Now, you say there is another exhibit?~~

16 MR. HERMAN: Well, we were handed about an hour ago,
17 when we were downstairs, an audio tape and a CD rom which says
18 "5/11/05, Anthony Young voicemail." I don't know what this
19 is.

20 MR. FRAZER: Actually, Judge, there's a 302 that was
21 previously given over that says in the material -- I can give
22 you the page, that there was an answering machine tape.

23 Mr. Young at one point had called Agent Manson, she
24 recorded the message that he left. It's about, I'm told, 15
25 or 20 seconds. That's it.

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1 We're not planning on introducing it, but as we were
 2 going over the material, which was provided to counsel, so
 3 it's in there, we realized that this tape should be given over
 4 and we had the F.B.I. get it yesterday.
 5 It's a 15- to 20-second recorded conversation on an
 6 answering machine and that's how long it will take to review.
 7 We apologize for not handing it over but it shouldn't
 8 cause a delay.
 9 THE COURT: My recommendation --
 10 MR. KAYSER: One other thing.
 11 MR. HERMAN: Yes. There's another, after Haasan
 12 Miller was wired up to talk to Mr. Young, they wired up
 13 subsequently Mr. Young to talk to Aziz.
 14 MR. KAYSER: I can't remember his name. It's
 15 somebody who works now for Mr. Bergrin apparently, was in
 16 state custody in Hudson County and there was some allegation
 17 that there may have been a bribe offered by Mr. Bergrin.
 18 THE COURT: I read about that.
 19 MR. KAYSER: We have never received that, whether
 20 it's a tape. I mean, there is no indication whether there was
 21 success or not.
 22 MR. FRAZER: If I can shortcircuit this. We had a
 23 conversation with counsel, I don't remember if it was Mr.
 24 Herman or Mr. Kayser, I think it was Mr. Herman, who I told, I
 25 inquired when they asked us two weeks ago with the F.B.I. and

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4330

1 Agent Manson informed me, in fact, there was no tape ever made
 2 and we can go into the circumstances, but the bottom line is
 3 there is no tape ever made.
 4 MR. HERMAN: If there is no tape, there is no tape.
 5 THE COURT: Here's my recommendation, let's get Mr.
 6 Young on the stand. You will not introduce or seek to
 7 introduce anything relevant to either this telephone message
 8 or anything on the conversation with Mr. Miller.
 9 MR. FRAZER: Correct.
 10 THE COURT: And then I'll be hearing from counsel
 11 after the lunch break as to whether you need any more time or
 12 can we proceed further this afternoon. Okay.
 13 MR. HERMAN: Fine.
 14 THE COURT: I invite you to tell me what you need.
 15 MR. HERMAN: I hear you, Judge. I'm told now they're
 16 making it. Maybe they have it, they're making it for us.
 17 MR. MINISH: The only copy we have is one copy of the
 18 conversation. We're giving it over to defense counsel.
 19 There is another copy at the F.B.I., this is the only
 20 copy we have. To make sure there's not a problem, we're just
 21 going to give it to them.
 22 THE COURT: Fine.
 23 MR. MINISH: I just need personally one minute.
 24 THE COURT: Okay.
 25 What does that mean?

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4331

1 MR. FRAZER: I assume he needs to go to the bathroom.
 2 THE COURT: Are you conducting this examination?
 3 MR. FRAZER: No, Mr. Minish is.
 4 (Anthony Young takes the stand.)
 5 THE COURT: Get the jury.
 6 THE CLERK: All rise.

Young - Direct/Minish 4332

7 (The following takes place in the presence of the
 8 jury.)
 9 THE COURT: Take your seats when you're settled.
 10 Swear the witness, please.
 11 A N T H O N Y Y O U N G, sworn.
 12 THE CLERK: State your name for the record.
 13 THE WITNESS: Anthony Young, Y-o-u-n-g.
 14 THE COURT: Have a seat, Mr. Young.
 15 Make sure you speak directly into the microphone and
 16 keep your voice up so everyone can hear you.
 17 Mr. Minish.
 18 DIRECT EXAMINATION BY MR. MINISH:
 19 Q You can pull the microphone closer if it will help.
 20 Where did you grow up, Mr. Young?
 21 Newark, New Jersey.

22 Q Did you spend your whole life in Newark?
 23 A All but four years.
 24 Q Where did you spend those four years?
 25 A North Carolina.
 26 Q How old were you?
 27 A Four years old to eight years old.
 28 Q Other than that, you have been a Newark resident?
 29 A Yes.
 30 Q What kind of educational level did you get to?
 31 A Seventh grade.

Young - Direct/Minish 4333

1 Q And that was in the public schools?
 2 A Yes.
 3 Q Okay.
 4 Did you drop out?
 5 A Yes.
 6 Q Did you receive any other education?
 7 A Yes.
 8 Q Okay.
 9 Can you tell the jury how far you got?
 10 A Jamesburg Training School For Boys, about the 11th grade.
 11 Q That was -- you were incarcerated during that time?
 12 A Yes.
 13 Q In fact, you're in jail right now. Is that correct?
 14 A Yes.
 15 Q ~~What day were you arrested?~~
 16 A February 1st, 2005.
 17 Q That wasn't, as you indicated, your first involvement
 18 with the law. Is that correct?
 19 A No.
 20 Q And I just want to go through your criminal history with
 21 you.
 22 A Yes.
 23 Q Is it true back on May 7, 1993, you pled guilty to two
 24 counts of aggravated assault and were sentenced to five years
 25 imprisonment, three years before you were eligible for parole?

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Young - Direct/Minish 4334

1 A Yes.
 2 Q Okay.
 3 And did that involve a shooting?
 4 A Yes.
 5 Q Okay.
 6 How many people?
 7 A Two.
 8 Q Did either of them die?
 9 A No.
 10 Q Did you, beside that occasion, and the occasion we're
 11 going to get to in '04, had you ever used a gun before?
 12 A Yes.
 13 Q Okay.
 14 Can you tell the jury the circumstances you used the
 15 ~~gun before?~~
 16 A Shooting at people, people shooting at me.
 17 Q If you can set the scene a little bit for the jury, were
 18 you just randomly shooting at people?
 19 A No.
 20 Q What was the situation?
 21 THE COURT: When? Can we have a date?
 22 Q Prior to 2004 and excluded the ones you've already talked
 23 about.
 24 THE COURT: Wait a minute.
 25 You mean you're not talking about the incident giving

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Young - Direct/Minish 4335

1 rise to the prior criminal case?

2 MR. MINISH: That's correct.

3 THE COURT: Something else?

4 MR. MINISH: Correct.

5 THE COURT: Okay.

6 A Around 1999, I was in a shoot out with a couple other

7 guys.

8 Q What were the circumstances of that?

9 A Over drugs.

10 Q And they had weapons and you had weapons?

11 A Yes.

12 Q Going back to your criminal history, October 20 of 1997,

13 did you plead guilty to a burglary?

14 A Yes.

15 Q ~~You spent 100 days in jail?~~

16 A Yes.

17 Q And then on March 2nd, you pled guilty to a number of

18 charges, right?

19 A Yes.

20 Q And that included possession of cocaine?

21 A Yes.

22 Q Where you got three years, and aggravated assault and you

23 got four years?

24 A Yes.

25 Q Possession of a handgun by a convicted felon, that got

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Young - Direct/Minish 4336

1 you five years?

2 A Yes.

3 Q Receiving stolen property, a car?

4 A Yes.

5 Q Okay.

6 That got you four years?

7 A Yes.

8 Q And let's see, another cocaine possession, aggravated

9 assault, possession of a gun and alluding police?

10 A Yes.

11 Q Okay.

12 For those charges you were sentenced to three years,

13 five years and 20 months of parole ineligibility and another

14 three years. Is that correct?

15 A Yes.

16 Q And then on June 15th, 2006, while you were in federal

17 custody, you actually pled guilty to a burglary and possession

18 of a weapon charged in Essex County. Is that correct?

19 A Yes.

20 Q All right.

21 And you were sentenced to three years for that?

22 A Yes.

23 Q I want to ask you about a relationship.

24 Do you know an individual known as Rakeem Baskerville?

25 A Yes.

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Young - Direct/Minish 4337

1 Q Can you tell the jury when you met Mr. Baskerville?
 2 A In 1986.
 3 Q And where did you meet him?
 4 A In the school, Avon Avenue.
 5 Q And did you spend a lot of time with him?
 6 A Yes.
 7 Q Just please tell the jury what your relationship with him
 8 is like.
 9 A He became one of my best friends.
 10 Q What sort of things did you do together?
 11 A Steal cars, snatch pocketbooks and hang out.
 12 Q Were drugs ever involved?
 13 A Yes, selling drugs.
 14 Q I'm going to show you Exhibit 202 in evidence.
 15 There's a screen.
 16 Do you recognize -- we'll have to use the Elmo. We
 17 have the wrong picture.
 18 Who's that person?
 19 A Rakeem Baskerville.
 20 Q Okay.
 21 I want to ask you about other relationships you might
 22 have had.
 23 How about a man named William Baskerville?
 24 A Yes.
 25 Q What kind of -- did you have contact with him when you

Young - Direct/Minish 4338

1 were friends with Rakeem?
 2 A Yes.
 3 Q Okay.
 4 What kind of contact did you have?
 5 A More like best friends, big brother.
 6 Q And when did you actually meet him?
 7 A About physically I met him in 1992, when I came home from
 8 jail, he had just came home.
 9 Q Before that you spoke to him on the phone?
 10 A Yes.
 11 Q Do you see him in court today?
 12 A Yes.
 13 Q Can you identify by the clothing he is wearing?
 14 A White shirt.
 15 MR. MINISH: For the record, identifying the
 16 defendant.
 17 THE COURT: All right.
 18 Q What did you call William Baskerville when you were
 19 talking to him, did you call him William?
 20 A Will or Cheeb.
 21 Q Cheeb.
 22 Why? Will is obviously. Why Cheeb?
 23 MR. HERMAN: I'm sorry, can we have the screen down?
 24 THE COURT: Do you need the screen any more?
 25 Can he use the other screens?

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Young - Direct/Minish 4339

1 Can you see that other screen okay, Mr. Young?

2 THE WITNESS: Yes.

3 THE COURT: Okay. Push that down.

4 MR. HERMAN: Thank you.

5 Q I was saying, Will is obvious why you called him Will.

6 Why Cheeb?

7 A Because he smoke a lot of marijuana.

8 Q And was that a common nickname for him?

9 A Yes.

10 Q People on the street would refer to him as Cheeb?

11 A Yes.

12 Q I'm also going to show you photo 210 in evidence.

13 Do you recognize who that is?

14 A Yes.

15 Q Who's that?

16 A Jamal Baskerville.

17 Q And what was your relationship with Jamal Baskerville?

18 A Best friend.

19 Q I'm going to show you 211 in evidence.

20 Who's that?

21 A Hamid Baskerville.

22 Q What sort of relationship did you have with Hamid Baskerville?

23 A Good friend.

24 Q Do you know any other brothers of the defendant?

25

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Young - Direct/Minish 4340

1 A Yes.

2 Q Okay.

3 Who's another brother?

4 A Tariq and Hakim.

5 Q What was your relationship with them?

6 A I didn't have a relationship with Tariq, but Hakim, good friend.

7

8 Q That's 203 in evidence.

9 Who's that?

10 A Hakim Curry.

11 Q And who is Hakim Curry?

12 A Cousin of theirs.

13 Q Excuse me?

14 A Their cousin.

15 Q When you say "their," you mean the Baskerville's?

16 A Baskerville's.

17 Q What was your relationship with Hakim Curry?

18 A Good friend.

19 Q Now, you've stated good friend, good friend for a number of these individuals.

20

21 What did you guys do together?

22 A Sold drugs, partied.

23 Q And from the time you met them through until the end of 2004, did the relationship ever change?

24

25 MR. HERMAN: Objection to "them." If we can identify

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Young - Direct/Minish 4341

Young - Direct/Minish 4342

1 who he's talking to?

2 THE COURT: Yes.

3 Q Rakeem, William Baskerville, Jamal Baskerville, Hakim

4 Baskerville, Hamid Baskerville and Hakim Curry?

5 A Say that question again.

6 Q For those individuals, from whenever it is you met each

7 one of them through the end of 2004, did your relationship

8 change?

9 A Yes.

10 Q When did it change?

11 A It stayed the same all them years until December of 2004.

12 Q We'll get to that.

13 And during that time, from whenever you met them until

14 it changed, what were you doing with them?

15 A ~~Relationships got better, we became more like a family.~~

16 Q Do you recall anything happening special on November

17 25th, 2003?

18 A Yes.

19 Q Okay.

20 Tell the jury what happened on that day?

21 A William Baskerville got locked up.

22 Q Tell the jury how you heard about that.

23 A From his wife.

24 Q Okay.

25 A And his brothers.

1 Q Tell the jury the circumstances, how did you find out?

2 Where were you?

3 A I was on Alexander Street, I got a phone call on my cell

4 phone.

5 Q From who?

6 A From Rakeem Baskerville.

7 Q What did he say?

8 MR. HERMAN: Objection.

9 THE COURT: Sustained.

10 A To come --

11 THE COURT: Hold it. Hold it.

12 Overruled.

13 You can answer the question. What did he say?

14 THE WITNESS: He told me to come South 17th Street

15 ~~and Avon Avenue, to Jamal's house.~~

16 Q That's Jamal Baskerville?

17 A Yes.

18 Q There's another individual that you were friendly with

19 named Jamal. Is that correct?

20 A Yes.

21 Q Who was that?

22 A McNeil.

23 Q Okay.

24 So the jury is clear, there's a Jamal McNeil and a

25 Jamal Baskerville?

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Young - Direct/Minish 4343

1 A Yes.

2 Q Now, did you, in fact, go to Jamal Baskerville's home?

3 A Yes.

4 Q Okay.

5 Who was there when you got there?

6 A Jamal Baskerville, Jamal McNeil, Rakeem Baskerville, his wife, Will's wife, Will Baskerville's wife.

7 Q Okay.

8 A And Hakim Curry.

9 Q Okay.

10 Was Hamid Baskerville there?

11 A Yes.

12 Q Do you recall about what time it was?

13 A About 9:30 in the morning.

14 Q And during the course of that meeting, what was discussed?

15 A Just that Will had been locked up by federal agents.

16 Q Okay.

17 Did you get any description of that arrest?

18 A Yes.

19 Q Okay.

20 What was the information you got?

21 A That they came in his house, locked him up, took his Cadillac Escalade, took his Monte Carlo.

22 Q What did you -- after hearing that, did you find out at

Young - Direct/Minish 4344

1 that point whether it was state or federal authorities?

2 A We knew it was the F.B.I.

3 Q How did you know it was the F.B.I.?

4 A Cause a week before he had said the F.B.I. was in his

5 garbage, he thought they was coming to get him. His wife also

6 said it was the F.B.I.

7 Q Who came to her house?

8 A Yes.

9 Q Did you try to figure out why?

10 A Yes.

11 Q Okay.

12 Explain to the jury what was going on with the group

13 when you were trying to figure out why.

14 A The group was scared.

15 Q Why were you scared?

16 A Cause it was the F.B.I. and not the local police. We

17 knew we were in big trouble.

18 Q Did you wonder how it was that Will got arrested as

19 opposed to the other guys?

20 MR. HERMAN: Objection to wondering.

21 THE COURT: Rephrase the question.

22 Q Did you consider, was it in your head why did Will get

23 arrested?

24 A Yes.

25 Q All right.

Young - Direct/Minish 4345

1 And did the group and you discuss it?

2 A Yes.

3 Q And did you have any theories at the time?

4 MR. HERMAN: Objection to "theories." I'm going to

5 object to "group."

6 THE COURT: I think you need to be more specific,

7 Mr. Minish.

8 Rephrase the question.

9 Q Did you personally have any theories as to why the

10 defendant might have been arrested at the time?

11 A Yeah.

12 Q Okay.

13 What was your theory?

14 A We thought, when he told us that the F.B.I. was in his

15 ~~garbage a week before, we figured that either somebody that~~

16 was with him selling drugs was telling on him.

17 Q Okay.

18 Did you have anybody special in mind?

19 A Yeah.

20 Q Who was that?

21 A A guy name Ray-Ray.

22 Q And why did you think Ray-Ray?

23 A Because he wasn't locked up and he would be with him

24 everyday.

25 Q Okay.

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Young - Direct/Minish 4346

1 When you say "be with him everyday," what do you mean?

2 A Hanging with him and selling drugs with him everyday.

3 Q 201 in evidence I'm showing you.

4 Who's that?

5 A Ray-Ray.

6 Q How did you know he wasn't arrested?

7 A Because he came up to 17th Street a little later.

8 Q And just so the jury is clear, why did the fact that he

9 wasn't arrested make you think that he could have cooperated

10 against Will?

11 A Because he sells drugs with Will everyday.

12 Q Well, what I'm getting at, would you have expected that

13 the F.B.I. would have arrested him also?

14 A Yes.

15 Q ~~Now, you said Ray-Ray was with him everyday.~~

16 Who else sold drugs with William Baskerville?

17 A A guy by the name of Terrence.

18 Q And anybody else?

19 A All of us, the group that I named.

20 Q Okay.

21 Was there an individual named Rell?

22 A Yes.

23 Q What was Rell's part in the organization with

24 specifically now to William Baskerville?

25 A I can't really say because I know what he was doing with

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Young - Direct/Minish -4347-

1 Will, but either it only could be two things, either picking
2 up cocaine from him or Will's fronting him cocaine.

3 Q Okay.

4 One way or the other, dealing cocaine with him?

5 A Yes.

6 Q And when you say "cocaine," do you mean the powder?

7 A No, crack cocaine.

8 Q I'm showing you 205 in evidence.

9 Who's that?

10 A Terrell.

11 Q Do you know what areas that William Baskerville supplied
12 with crack cocaine?

13 Specifically, just so we're clear, I'm talking about
14 the time period of January, '03 through to November of '03,

15 when he was arrested?

16 A I know 15th Street between Avon and Madison.

17 Q And?

18 A 21st Street in Irvington.

19 Q And when you say supply, what exactly does that mean?

20 A Make sure the block stayed with a lot of crack on it, he
21 supplied the runners, people that sell it.

22 Q So what would happen if the runners ran out of crack?

23 A He'd bring more.

24 Q That same morning, going back to the morning that the
25 defendant was arrested, did you have any specific

Young - Direct/Minish -4348-

1 conversations with Rakeem Baskerville and Deidra Baskerville?

2 A Yes.

3 Q Okay.

4 Will you tell the jury what was discussed during that
5 conversation?

6 A Rakeem told her to get in the van so he could talk to
7 her. So I had got in the back seat of the van.

8 Q Who's in the van at this time?

9 A Me, Rakeem and Deidra.

10 Q And what was discussed?

11 A What will happen with Will that morning, how he got --
12 what happened when the feds came in the house and what
13 questions did the feds ask her.

14 Q Okay.

15 Why were you interested in that?

16 A Cause he wanted to know was the feds going to be after us
17 and how serious it was.

18 Q Okay.

19 Who is "us"?

20 A Everybody in our group.

21 Q And tell us, if you can, who's in the group?

22 A Rakeem Baskerville, Hakim -- excuse me, I'm sorry.

23 Rakeem Baskerville, Hakim Curry, Jamal Baskerville, Jamal

24 McNeil, myself, Hamid Baskerville.

25 Q All right.

Young - Direct/Minish 4349

1 Other people also?

2 A Ray-Ray, Terrell, couple other people.

3 Q After that conversation, you got out of the van, what

4 happened next?

5 A Hakim start calling the lawyer.

6 Q Okay.

7 Who's the lawyer?

8 A Paul Bergrin.

9 Q Why did he call him?

10 A To see could he see what was going on with Will

11 Baskerville.

12 Q You said "Hakim."

13 Which Hakim made the call?

14 A Curry.

15 Q Curry.

16 Not Baskerville?

17 A No.

18 Q All right.

19 Did there come a time when you were present for a

20 conversation between Hakim Curry and Paul Bergrin?

21 A Yes.

22 Q Okay.

23 Do you remember about what time of day it was?

24 A About ten, 10:30, just guessing, ten, 10:30.

25 Q You don't really remember?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4350

1 A Yeah.

2 Q All right.

3 It was after that initial meeting in the morning?

4 A Yes.

5 Q Where did this conversation take place?

6 A Inside Hakim's truck.

7 Q What kind of truck does he drive?

8 A A Range Rover.

9 Q Set the scene for the jury, where was everybody sitting?

10 A I was sitting in the back seat, Rakeem Baskerville was in

11 the passenger seat and Hakim Curry was in the driver seat.

12 Q And how did this conversation take place?

13 A On cell phones.

14 Q Explain to the jury what happened during the

15 conversation.

16 A During the conversation, Hakim Curry asked Paul Bergrin,

17 check on Will, find out what was going on cause the F.B.I. got

18 him.

19 Paul Bergrin was talking to Hakim. I couldn't hear

20 Paul Bergrin, I could hear Hakim.

21 Hakim said he wanted to know everything that was going

22 on and see if he could get him a bail.

23 Q Did Hakim Curry pass along any information to you guys,

24 and by that I mean you and Rakeem sitting in the vehicle?

25 A In a later conversation.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4351

1 Q In a later conversation?

2 A Yes.

3 Q Okay.

4 Why don't we get to that later conversation.

5 When was that later conversation?

6 A He was talking to Paul Bergrin again on another, different phone call.

7

8 Q Where was that?

9 A Inside the truck, same truck, sitting in the truck.

10 Q Now, you're sitting in the truck, is it riding around?

11 A No, parked.

12 Q Is it the same Range Rover?

13 A Yes.

14 Q Where is everybody sitting in this conversation?

15 A Same spot.

16 Q Okay.

17 Curry driving, Rakeem passenger, you in the back seat?

18 A Yes.

19 Q Okay.

20 And Curry's on the cell phone with Paul Bergrin?

21 A Yes.

22 Q Tell the jury what happened during the course of that conversation.

23

24 A He asked him did he find anything out.

25 Q That's Curry speaking?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4352

1 A Yes.

2 I know he told Curry that a person that told on Will

3 was a guy named Kemo. Actually he said K-Mo, he didn't say

4 the name correct.

5 Q Who didn't say the name correct?

6 A Paul Bergrin.

7 Q How do you know that?

8 A Because Hakim said K-Mo and he don't know him.

9 Q Just so the jury is clear, Curry is repeating things --

10 A Yes.

11 Q -- to you guys?

12 A What Paul Bergrin was saying on the phone.

13 Q He turned and said K-Mo?

14 A He said somebody named K-Mo is the informant.

15 Q ~~And what, if anything, did you say after that?~~

16 A Me and Rakeem came to the conclusion that the informant

17 was Kemo, not K-Mo.

18 Q And that was based on what?

19 A Based on that we know who he is.

20 Q So it was just a name pronunciation?

21 A Yeah, he made a mistake and said K-Mo instead of Kemo.

22 Q Did -- was any information about the actual charge passed

23 along?

24 A Yes.

25 Q Tell the jury what was passed along.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4353

1 A Hakim ran down some of the sales that Will made, said
2 something about he sold 20 something grams this day, sold 14
3 grams to this person this day, which was still the guy Kemo,
4 and we came to the conclusion that it was Kemo who was the
5 informant.
6 Q So the jury understands, Paul Bergirin was not in the car
7 with you, right?
8 A No.
9 Q So this information is going from Paul Bergirin to Curry
10 and he's in turn repeating it?
11 A Yes.
12 Q When did you meet Kemo?
13 A I first met Kemo in 1986.
14 Q Okay.
15 Tell the jury what the circumstances of that were.
16 A I got a friend name Anthony Davison, Mokie, which is his
17 godbrother.
18 Q Whose godbrother?
19 A Kemo's godbrother.
20 Q Okay.
21 How did you meet?
22 A One day when we was kids, we was on bikes and we went to
23 his house. He was living on Madison Avenue in Newark.
24 Q How old were you then?
25 A About 12.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4354

1 Q Did you -- when is the next time you saw Kemo?
2 A In 1990, I was incarcerated with him.
3 Q Where were you incarcerated with him?
4 A Juvenile medium security facility.
5 Q About how long did you spend in that facility?
6 A I spent two and a half years in there.
7 Q Now, Mr. Young, you've told the jury that the name was
8 passed along as K-Mo?
9 A Yes.
10 Q Tell the jury what that meant to you.
11 A As soon as the name is passed along, from whoever Paul
12 got the name from, which would be Will Baskerville, that mean
13 if you cross the Baskerville's and somebody give you the name
14 who did it, get rid of 'em.
15 Q What does "get rid of 'em mean"?
16 A Kill 'em.
17 Q And how would you characterize that message from the
18 defendant, was it a request?
19 MR. HERMAN: Judge, I'm going to object. The
20 defendant's not on the phone.
21 THE COURT: Sustained.
22 Q In your mind, when you got that information, was that a
23 request?
24 A More like a request demand.
25 Q There's a difference between a request and demand.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4355

1 Which did you think it was?

2 A Demand.

3 Q And why do you think it was a demand?

4 A Cause if this guy still around, then one of the

5 Baskerville's go to prison.

6 Q And what was defendant -- now, again this period of time

7 I'm talking about would have been when he's locked up.

8 What was his position within the organization? Was he

9 an important guy, unimportant guy?

10 A Very important.

11 MR. MINISH: Judge, I'm going to use the chart here.

12 THE COURT: If you want to move, Mr. Herman, go

13 ahead.

14 MR. HERMAN: Thanks, Judge.

15 Q Now, this group that you said you were friends with and

16 you've hung out and sold drugs with, who is the top guy?

17 A Hakim Curry.

18 Q Okay.

19 Again, I want to make it clear to the jury, the time

20 period we're talking about is January, '03 through when Will

21 is arrested?

22 A Yes.

23 Q Okay.

24 Hakim Curry is on top?

25 A Yes.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4356

1 Q During that period of time, anybody else up there with

2 him?

3 A A guy named Sheik or Quan.

4 Q Sheik or Quan.

5 I don't know if I'm spelling them right, but

6 phonetically at least.

7 THE JUROR: I'm concerned about an apparent problem

8 because --

9 THE COURT: Hold it, hold it. We'll discuss

10 whatever you need to discuss later.

11 Go ahead.

12 Q Anybody else up on that line back then?

13 A Two top guys.

14 Q Okay.

15 Who's below them or who was below them, I guess I

16 should say?

17 A A guy named Pooh and Jihad.

18 Q Who's below them or is anybody else on that same level

19 with them?

20 A No.

21 Q Who's below them?

22 A Will Baskerville, Rakeem Baskerville, Hamid Baskerville.

23 Q Okay.

24 Anybody else on that level?

25 A No.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4357

1 Q Okay.

2 Who's below them?

3 A Jamal McNeil.

4 Q Anybody else?

5 A Myself, Jamal Baskerville, that's it.

6 Q That's it.

7 And then without going into every single name, other

8 people beneath you?

9 A Street-level guys.

10 Q Okay.

11 When you say "street-level guys," you mean guys selling

12 drugs?

13 A Yes.

14 Q Among those street-level guys, where does Ray-Ray and

15 ~~Reil fit in?~~

16 A Right there.

17 Q Right there?

18 A Top street-level guys.

19 Q They're the top street-level guys?

20 A Yes.

21 Q And I suppose that means there are lower street-level

22 guys?

23 A Yes.

24 Q Okay.

25 Okay.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4358

1 Now, you were saying that the defendant was an

2 important person in the organization?

3 A Very.

4 Q Okay.

5 And because he was a very important person in the

6 organization, what did that mean when the message about who

7 the person who was the informant against him --

8 MR. HERMAN: Objection.

9 Q -- came out?

10 When you got that information, did the fact -- let me

11 ask you this: If the situation was the same for a lower

12 street-level dealer, would you have thought the same --

13 MR. HERMAN: Objection.

14 Q -- as when you heard about Kemo?

15 ~~THE COURT: Sustained.~~

16 A No, sir.

17 THE COURT: Sustained.

18 Don't answer the question.

19 Next question, Mr. Minish.

20 Q Did you find out about how much time, again we're talking

21 about the same day, the day the defendant was arrested, that

22 the defendant was facing during those conversations?

23 A Yes, sir.

24 Q Okay.

25 Do you recall what kind of time he was facing?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4359

1 MR. HERMAN: Source, please, as to how he found it.
 2 THE COURT: Yes, rephrase the question.
 3 Some foundation is needed here, Mr. Minish.
 4 Q How did you find out about how much time, who told you?
 5 A Hakim Curry.
 6 Q And what did he tell you?
 7 A He said that the defendant was facing life in prison.
 8 Q Okay.
 9 Did you have another discussion or meeting about this a
 10 few days later?
 11 A Yes.
 12 Q Tell the jury when and where that took place.
 13 A On 17th Street and Avon Avenue.
 14 Q Again, that's Jamal Baskerville's house?
 15 A Yes.
 16 Q And using the date the defendant was arrested as a
 17 starting point, how many days later, approximately did that
 18 meeting take place?
 19 A About four, five days.
 20 Q And who was at this meeting?
 21 A Rakeem Baskerville, Jamal Baskerville, Jamal McNeil,
 22 myself and Paul Bergrin.
 23 Q Was Hakim Curry there?
 24 A Yes.
 25 Q Before Paul Bergrin showed up, what were you discussing

Young - Direct/Minish 4360

1 with those guys?
 2 A Just general talking about how much time Will Baskerville
 3 was facing.
 4 Q Then at some point Paul Bergrin showed up?
 5 A Yes.
 6 Q Tell the jury what the conversation was from Mr. Bergrin,
 7 what did he say?
 8 A He was telling us that Will was never going to get a bail
 9 because his criminal history and that the crack that he sold
 10 would give him life in prison.
 11 If somebody was to testify against him, being the
 12 person that bought the drugs off of him and if we didn't get
 13 rid of that person, that Will Baskerville would never see the
 14 streets again in his life.
 15 Q And you said if someone testified, did you have anybody
 16 in particular in mind?
 17 A Kemo.
 18 Q There was nobody else?
 19 A No.
 20 Q And did he speak, Mr. Bergrin, this is, speak about any
 21 other additional evidence, recordings, perhaps?
 22 A Yeah. He said they had a video recording of Will car and
 23 one or two audios.
 24 Q Did Paul Bergrin say anything to you or make any promises
 25 if Kemo was taken care of?

Young - Direct/Minish

4361

1 A He said if there was no Kemo to testify against Will,
 2 there would be no case.
 3 Q Did he say whether or not he would be able to get William
 4 Baskerville out of jail?
 5 A He said he was for sure.
 6 Q Did Mr. Bergrin ask about any payment?
 7 A He didn't ask about the payment.
 8 Q Tell the jury what he did, I guess.
 9 A He just said, if Kemo was dead, that Will Baskerville
 10 would definitely come home from jail.
 11 Q What I'm talking about specifically is payment for legal
 12 services.
 13 A Oh, yes, he did.
 14 Q Tell the jury what he discussed about legal services.
 15 A Rakeem Baskerville, was he going to bring any money to
 16 him.
 17 Q To pay for what?
 18 A To pay for Will to start his case.
 19 Q Now, at some point did Mr. Bergrin leave the group?
 20 A Yes.
 21 Q Okay.
 22 Describe for the jury what, if anything, he said when
 23 he left?
 24 A When he left, he said, remember what I said, no Kemo, no
 25 case.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish

4362

1 Q How long did that meeting take place do you think?
 2 A About 20 minutes.
 3 Q Now, after Mr. Bergrin left, was there any further
 4 conversation regarding Kemo or William Baskerville's
 5 situation?
 6 A Yes.
 7 Q Okay.
 8 Were you involved in it?
 9 A Yes.
 10 Q Okay.
 11 Tell the jury who else was involved.
 12 A Me, Jamal Baskerville, Rakeem Baskerville, Jamal McNeil
 13 and Hakim Curry.
 14 Q And what was discussed?
 15 A It was discussed that we got to start looking for this
 16 guy, to get him off the streets so he couldn't testify against
 17 Will.
 18 Q And were you concerned with whether you would be able to
 19 find him?
 20 A Yes.
 21 Q Okay.
 22 Why was that?
 23 A Because he was F.B.I., we thought they probably would be
 24 hiding him.
 25 Q Did anybody speak about any payment to take care of Kemo?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4363

1 A Yes.

2 Q Okay.

3 Tell the jury what happened with respect to that

4 conversation.

5 A Well, they asked me and Jamal McNeil.

6 Q Who is he?

7 A Rakeem Baskerville, Hakim Curry.

8 Q Okay.

9 A Who wanted to get paid \$15,000 to kill Kemo.

10 Q And how was the payments going to be made?

11 A Through Hakim Curry and Rakeem Baskerville.

12 Q Okay.

13 Who was going to put up the money?

14 A Hakim, 7500 and Rakeem, 7500.

15 Q ~~And at that point on that day, now, whatever it is, four,~~

16 five days after the defendant was arrested, had it been

17 determined if Kemo was found who would actually shoot him?

18 A No.

19 Q Why not?

20 A Because either Jamal McNeil was going to do it or I was

21 going to do it.

22 Q Why wasn't it decided? Like why wasn't it decided

23 absolutely you or absolutely him?

24 A Because if he was seen and one of us wasn't around, the

25 other one had to do it.

Young - Direct/Minish 4364

1 Q During these discussions over those four or five days

2 after the defendant was arrested, were there ever any

3 discussions about whether or not the defendant would cooperate

4 with the Government against you or the other members of the

5 group?

6 A No, we knew that would never happen.

7 Q And why not?

8 A We always look at him as a real stand-up guy.

9 Q I'm sorry, a real what?

10 A Stand-up person.

11 Q What do you mean by "stand-up person"?

12 A Like he would never tell on nobody.

13 Q Did there come a time when you went to Paul Bergrin's

14 office?

15 A Yes.

16 Q Tell the jury the circumstances of that.

17 A I was riding with Rakeem Baskerville one day. This was

18 some days later after the meeting. He said he had to stop at

19 Paul Bergrin's office to give Paul some money.

20 He gave him \$10,000 in cash.

21 Q I'm going to put up on the Elmo here 219 in evidence.

22 Who's that?

23 A That's the lawyer, Paul Bergrin.

24 Q Tell the jury what relationship Paul Bergrin had with

25 this organization.

Young - Direct/Minish 4365

1 A Very close.

2 Q Very close meaning what? What did he do?

3 A He's a good lawyer, but he was more like very good

4 friends with everybody.

5 Q And "everybody" meaning the people on the board up there?

6 A Yes.

7 Q And did he represent people on that board often?

8 A Yes.

9 Q Okay.

10 Tell the jury what the circumstances of that were.

11 A Good deals, like for the crimes that we committed. He

12 would get a good deal. You would go to prison, but you would

13 be out quick.

14 Q Okay.

15 ~~After that meeting, talking about the one that was four~~

16 or five days after the arrest, did you guys immediately start

17 looking for Kemo or later on?

18 A No.

19 Q Tell the jury what you did.

20 A We just told couple people to keep their eyes open that

21 knew him.

22 Q Okay.

23 A If they see him, to give us a call.

24 Q So you weren't actively searching for him?

25 A No, sir, not yet.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4366

1 Q Why not?

2 A Because it was still fresh that the F.B.I., we thought

3 they was still around. So we didn't want to go searching for

4 him yet.

5 Q Okay.

6 When you say you passed the information to a couple of

7 guys, what guys are you talking about?

8 A Guys from different areas of Newark that we knew that

9 knew him.

10 Q And were these people involved in drug trafficking?

11 A Yes.

12 Q Did there come a time when you actually, by "you," I mean

13 you and the group, actually start to actively look for Kemo?

14 A Yes.

15 Q Okay.

16 About how much longer after that meeting when Paul

17 Bergrin said no Kemo, no case?

18 A About three weeks.

19 THE COURT: Mr. Minish, we're going to need to take

20 a lunch break. I leave to you a logical point.

21 MR. MINISH: This is fine.

22 THE COURT: Let's take a lunch break.

23 If anybody has a communication to the Court, write a

24 note and give it to Dana.

25 We'll have you back here, I don't know, ten to one,

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4367

1 five to one.
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Young - Direct/Minish 4368

1 (Jury is excused and the following takes place out of
2 the presence of the jury.)
3 THE COURT: You can take him back.
4 See everybody back here by ten to one.
5 MR. KAYSER: Judge, the lawyers are under
6 restrictions that we should not be seeing jurors, smiling at
7 them, speaking with them and so forth.
8 I have no objection to Agent Manson being in the
9 courtroom even though she testified, I understand her interest
10 in the case, but I think it's inappropriate for her to smile
11 at jurors as they come in and out of the courtroom, what she
12 just did a short time ago.
13 THE COURT: If she did that, I agree with you, she
14 shouldn't be being doing that.
15 MR. FRAZER: If that's true, we'll speak to Agent
16 Manson.
17 There was an issue with a juror?
18 THE COURT: I told him to write a note. I don't
19 know what he wants to say. I said if there was a
20 communication, to put it in writing.
21 MR. FRAZER: Should we remain available in case that
22 happens?
23 THE COURT: No. If he gives me a note, I'll tell
24 you what it says after we get back together again.
25 (Luncheon recess.)

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Young - Direct/Minish 4369

1 AFTERNOON SESSION
 2 (The following takes place out of the presence of the
 3 jury.)
 4 THE COURT: Get the witness, please.
 5 A N T H O N Y Y O U N G, previously sworn, resumes
 6 the stand.
 7 THE COURT: Let's get the jury.
 8 Mr. Minish, if we get into the 2:30 range, whenever
 9 it's logical, 2:30, quarter after, whatever you think.
 10 MR. MINISH: No problem.
 11 THE COURT: We'll break for the day.
 12 MR. MINISH: Okay.
 13 THE CLERK: All rise.
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JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4370

1 (The following takes place in the presence of the
 2 jury.)
 3 THE COURT: We're reasonably on schedule here. Have
 4 a seat.
 5 We have a note from one of the jurors which does not
 6 raise an issue.
 7 DIRECT EXAMINATION CONTINUES BY MR. MINISH:
 8 Q Mr. Young, when we stopped, I believe you were talking
 9 about the most -- that you and Rakeem Baskerville went to Paul
 10 Bergrin's office to pay for Will's defense?
 11 A Yes.
 12 Q Now, after that payment, did you immediately start
 13 looking for Kemo?
 14 A About a week later.
 15 Q About a week?
 16 A Two weeks later.
 17 Q Okay.
 18 Now, so the jury understands, who exactly is in this
 19 group looking for Kemo?
 20 A Me, Rakeem Baskerville, Jamal Baskerville, Jamal McNeil
 21 and a guy by the name of Ray-Ray.
 22 Q And is Hakim Curry involved?
 23 A Yes.
 24 Q And the time period, so the jury is clear, is from about
 25 when?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4371

1 He was arrested on 11/25, November 25th, '03.
 2 When did you start actively looking?
 3 A About three and a half to four weeks later.
 4 Q So before Christmas?
 5 A Yes.
 6 Q And during that time when you were looking, did you have
 7 occasion to go to the area of Bradley Court?
 8 A Yes.
 9 Q Okay.
 10 Could you explain to the jury what the circumstances of
 11 that were?
 12 A We went to tell the guy there that I knew.
 13 Q Excuse me?
 14 A I went up there to tell the guy that I know to keep an
 15 eye-out-for-him-and-ask-him-did-he-know.
 16 Q Who was that?
 17 A He said he did.
 18 A guy by the name of John-John.
 19 Q John-John.
 20 Do you know his real name?
 21 A No.
 22 Q And what does John-John do?
 23 A Sell drugs.
 24 Q John-John deals drugs in there Bradley Court area?
 25 A Yes.

Young - Direct/Minish 4372

1 Q Anybody else that he works with over there?
 2 A Couple guys that be around us.
 3 Q Who's that?
 4 A Mutalic, John-John and Key-Key.
 5 Q Do you know any of their real names?
 6 A No.
 7 Q They worked the area of Bradley Court.
 8 Describe Bradley Court for the jury.
 9 A Housing project in Newark, New Jersey.
 10 Q Big, small?
 11 A Small housing projects.
 12 Q And you said they said no, that they didn't know Kemo?
 13 A Yes.
 14 Q Okay.
 15 ~~Did-there-come-a-call-later-about-that-subject?~~
 16 A Yes. John-John called me.
 17 Q What did he say?
 18 A He say he knew, now he know who I was walking about. He
 19 didn't go by the guy name.
 20 Q You had given him a physical description?
 21 A Yes.
 22 Q How did you describe him?
 23 A A guy with corn rows in his hair, always where bandana
 24 with long corn rows, light skin.
 25 Q And did John-John provide information?

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Young - Direct/Minish 4373

1 A Yes.

2 Q Tell the jury what information he provided.

3 A He said that he usually come and go in one of the housing

4 projects, but he don't know which one that he go to.

5 Q You're saying "he," meaning Kemo?

6 A Yes.

7 Q And so were you ever able to narrow down which part of

8 the housing project he went into, Kemo?

9 A No, sir.

10 Q Did you look in that area for any period of time?

11 A Yes.

12 Q Okay.

13 Now, describe to the jury what was going on when you

14 were looking for Kemo in Bradley Court.

15 ~~A Kept visiting, stand-out there for awhile, to see that he~~

16 walk in, but we never got to see him.

17 Q By yourself or with other people?

18 A Me and Rakeem and Jamal McNeil.

19 Q You said you never did see him?

20 A No.

21 Q You said you were there for about how long?

22 A About an hour.

23 Q I meant total when you're looking.

24 How long did you continue to go back to Bradley Court?

25 A Maybe about three or four times.

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Young - Direct/Minish 4374

1 Q Okay.

2 And after that, did you get any information about where

3 Kemo might have been?

4 A Yes.

5 Q Explain to the jury what happened then.

6 A Rakeem called me one day, told me that somebody called

7 him and told him Kemo was in Irvington.

8 Q So what happened?

9 A We went to the house that we thought that he was at.

10 Q Do you remember about where this house was?

11 A Somewhere around Ellis Avenue.

12 Q Is that Newark or Irvington?

13 A Irvington.

14 Q And what happened once you got to the house?

15 ~~A Set outside for about a half hour.~~

16 Q Who's outside now?

17 A Me and Rakeem.

18 Q And what happens after waiting for a half hour?

19 A I went inside, in the hallway and saw one of the people

20 that supposedly live in the house. I asked him, tell me where

21 Kemo at and I pay 'em.

22 Q And did he tell you?

23 A He went upstairs looking, came back and said he wasn't

24 there.

25 Q Was the person you spoke to a resident of the house?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4375

1 A I wouldn't know.

2 Q Okay.

3 Did you notice anything about that person that you

4 spoke to?

5 A Looked sort of like a crack head from the neighborhood.

6 Q So why did you believe him when he told you that Kemo

7 wasn't there?

8 MR. HERMAN: Objection whether he believed him.

9 THE COURT: Rephrase the question.

10 Q Did you believe him when he said Kemo wasn't there?

11 A Yes.

12 Q Okay.

13 Why did you believe him?

14 A Because a crack head, you pay them money, he'll tell you

15 anything.

16 Q During the course of this time, we're now into what

17 month, what month are we in that you're going to Irvington?

18 A End of December, beginning of January.

19 Q During the course of time from whenever it was you

20 started looking through and up to March, when you actually

21 found Kemo, was there any communication with the defendant?

22 A Not verbally through me, no.

23 Q Okay.

24 You personally didn't have any?

25 A No.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4376

1 Q Did any member of the group have any contact with the

2 defendant?

3 A Yes.

4 Q Okay.

5 Who was that?

6 A Jamal McNeil.

7 Q How did he have contact with the defendant?

8 A He used to go visit him.

9 Q Visit him where?

10 A Hudson County Jail.

11 Q And how often did he go visit him?

12 A About every two to three weeks.

13 Q So over the period of time from November until March,

14 pretty consistent every couple of weeks?

15 A Yes.

16 Q And what information did the defendant give to Jamal

17 McNeil?

18 A Told Jamal McNeil to tell us that we got to hurry up and

19 get rid of the CI, which is Kemo, and he needed to be dead

20 quick or he was going to spend the rest of his life in prison.

21 Q Did he mention anything about a speedy trial?

22 A Yes.

23 Q Tell the jury what he said.

24 A He said if the CI, Kemo, was dead, he would put in for a

25 speedy trial and come home quick.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4377

1 Q Did he ask for updates on the search for Kemo?
2 A That's what Jamal McNeil told me, yes.
3 Q What did he tell you?
4 A Just asked me did we see the guy yet, have anybody heard
5 anything.
6 Q Now, was this -- you said he visited him a number of
7 times?
8 A Yes.
9 Q Was that all these comments from one time?
10 A No, different times.
11 Q And were they the same comments each time?
12 A Yes.
13 Q Now, we're into February, were you still looking for
14 Kemo?
15 A Yes, but we took a break.
16 Q Okay.
17 Tell the jury what break you took.
18 A Went to the All-Star game in California.
19 Q Okay.
20 That's the NBA All-Star game?
21 A Yes.
22 Q And who did you go out there with?
23 A Sixty other people.
24 Q The people that we had on the board over there, any of
25 those people go?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4378

1 A Yes.
2 Q Who went?
3 A Me, Hakim Curry, the guy Pooh, that's it on the board.
4 Q Other people, any people who weren't on the board that
5 you were dealing drugs with?
6 A Yes.
7 Q Did you have any conversation with Hakim Curry before you
8 left for the All-Star game?
9 A Yes.
10 Q Tell the jury what you talked about.
11 A I told him I needed some extra money to go to the
12 All-Star game and he gave me \$7500.
13 Q And did he make any comments about the \$7500?
14 A He said if I was the one to kill Kemo, that I could keep
15 the 7500. If not, I got to give it back.
16 Q And did you, in fact, go to the All-Star game?
17 A Yes.
18 Q And did you come back?
19 A Yes.
20 Q Between the All-Star game and March 2nd, when you
21 ultimately found Kemo, did anything happen of consequence?
22 A I'm not understanding your question.
23 Q I apologize.
24 From when you came back from the basketball game, until
25 the time when you actually saw Kemo, did anything happen

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4379

1 related to the search for Kemo?

2 A Just looking for him and the time I came back we started

3 looking for him again.

4 Q Okay.

5 You just picked up where you left off?

6 A Yes.

7 Q Okay.

8 Did there come a time when you got additional

9 information about where Kemo might be?

10 A At his baby mother house one time when I came back.

11 Q Tell the jury about that.

12 A I think, I'm not sure, but the block could be Myrtle

13 Avenue in Irvington, but I'm not sure. Me and Rakeem went to

14 that area, but we never seen him.

15 Q And that was, I'm sorry, Newark or Irvington?

16 A Irvington.

17 Q So beside that occasion, did you get any information

18 prior to March 2nd, 2004?

19 A Not prior.

20 Q What happened on March 2nd, 2004, tell the jury.

21 A On March 2nd, 2004, I got a phone call from Rakeem

22 Baskerville telling me to come 17th Street, to Jamal

23 Baskerville's house.

24 When I got there, all the guys was out there.

25 Q Who are "all the guys"?

Young - Direct/Minish 4380

1 A Jamal McNeil, Hakim Curry, Jamal Baskerville, myself,

2 Rakeem Baskerville.

3 Q And what was discussed?

4 A Jamal Baskerville said he had spotted Kemo.

5 Q And where had he spotted him?

6 A On 18th Street and South Orange Avenue.

7 Q Was that in Newark or Irvington?

8 A Newark.

9 Q At that point, did you discuss with the other members of

10 the group how it was you were going to go about finding Kemo

11 and what you were going to do when you found him?

12 A We was going to kill him.

13 Q Was there any discussion about getting a vehicle, a car

14 for you?

15 A Yes.

16 Q Okay.

17 Tell the jury how that happened.

18 A Hakim Curry had a rental car and he said he would get the

19 rental car, take the license plates off of it.

20 Q So he went to get the car?

21 A Rakeem Baskerville and Hakim Curry.

22 Q And where did they bring it back to?

23 A When we finished with it, we took it to West Orange.

24 Q They leave Jamal Baskerville's home to go get the car?

25 A Yes.

Young - Direct/Minish 4381

1 Q And where do they bring that car back to?

2 A To 17th Street and Avon Avenue, to Jamal Baskerville's

3 house.

4 Q Okay.

5 Once it comes back there, what, if anything, is done to

6 that car?

7 A The license plates are taken off of it.

8 Q How are they taken off?

9 A With Phillip's head screwdrivers.

10 Q Who did that?

11 A Rakeem took off one and I took off one.

12 Q Why did you take the plates off?

13 A For the car wouldn't be traced, once the murder occurred.

14 Q What kind of car was it that you got?

15 A Silver Grand Am, G.T.

16 Q Was that a good car for your purpose or not?

17 A Yes.

18 Q Why was that a good car?

19 A Very fast car.

20 Q And why was that important?

21 A Case the cops chased it.

22 Q Did Hakim Curry say anything to you about Kemo that

23 morning?

24 A Just say, make sure we kill him.

25 Q Up until this point, had it been decided whether or not

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Young - Direct/Minish 4382

1 you or Jamal McNeil would actually kill Kemo?

2 A Hakim said I had to do it because he gave me the \$7500.

3 Q Okay.

4 When did he say that?

5 A Right before we did it, on 17th Street.

6 Q Were you given a gun at some point?

7 A Yes.

8 Q Tell the jury about the circumstances of being given the

9 gun.

10 A I got into Rakeem's van, which got --

11 Q What color is the van?

12 A Burgundy.

13 Q What kind of van?

14 A Dodge Caravan.

15 Q You got into the van, which side did you get in?

16 A Passenger seat.

17 Q Okay.

18 Anybody get in with you?

19 A Hakim Curry.

20 Q And what happened once you got in the van?

21 A He opened the trap box inside the van and handed me a

22 gun.

23 Q Okay.

24 Where is the trap box located?

25 A Under the radio.

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Young - Direct/Minish 4383

1 Q And that's between the driver's seat and the passenger
 2 seat?
 3 A Yes.
 4 Q Okay.
 5 Underneath the dashboard?
 6 A Under the radio.
 7 Q Under the radio.
 8 When you said he handed you the gun, who is the "he"?
 9 A Hakim Curry.
 10 MR. MINISH: Your Honor, I'm showing defense counsel
 11 exhibits 59A through F.
 12 MR. HERMAN: Thank you.
 13 THE COURT: Any objection?
 14 MR. HERMAN: Going into evidence, no.
 15 THE COURT: All right.
 16 (G-59 through F, photos, are marked in evidence.)
 17 Q I think these first ones we can pull up on the screen.
 18 Let's do it that way.
 19 Now, in evidence 59 -- let's start with this one, 59D.
 20 I'm showing you the top half of 59D.
 21 Do you recognize that vehicle?
 22 A Yes.
 23 Q What is it?
 24 A The Dodge Caravan.
 25 Q Is that the Dodge Caravan that you were talking about?

Young - Direct/Minish 4384

1 A Yes.
 2 Q Rakeem's?
 3 A Yes.
 4 Q Showing you what's marked as trap one in 59D.
 5 Do you recognize what that is?
 6 A Yes.
 7 Q Tell the jury what that is.
 8 A Bottom part where the air conditioner is the trap door.
 9 Q Is that the trap door you were talking about?
 10 A Yes.
 11 Q And that's where the gun came from?
 12 A Yes.
 13 Q Okay.
 14 The jury can look at these back in the room.
 15 Are there any other traps in the vehicle?
 16 A Yes.
 17 Q Where is the other traps?
 18 A In the back, in one of the back right speaker.
 19 Q All right.
 20 And what would happen when that trap was opened?
 21 A You could put drugs and stuff in there to hide and close
 22 it back.
 23 Q Would the speaker tilt open and close?
 24 A Yes.
 25 Q So how many cars or vans are at this location, Jamal

Young - Direct/Minish 4385

1 Baskerville's house at this point?
 2 A Three cars.
 3 Q Tell the jury what the cars are.
 4 A The Dodge Caravan.
 5 Q That's the one that's Rakeem's van?
 6 A The Grand Am GT.
 7 Q The rental car?
 8 A And a silver Chevy Tahoe.
 9 Q Who was in the silver Chevy Tahoe?
 10 A Jamal Baskerville.
 11 Q Who was going to get into the rental car, who ultimately
 12 got into the rental?
 13 A Me and Rakeem.
 14 Q Who was driving?
 15 A Rakeem.
 16 Q Now, into the van, the maroon van, who got in that?
 17 A Hakim Curry and Jamal McNeil.
 18 Q Who was driving that car?
 19 A Hakim Curry.
 20 THE COURT: Hold it. Take the photograph down,
 21 please.
 22 Go ahead.
 23 Q Did there come a time when all three vehicles left Jamal
 24 Baskerville's house?
 25 A Yes.

Young - Direct/Minish 4386

1 Q Okay.
 2 Tell the jury the order in which they left.
 3 A Jamal Baskerville in the silver Tahoe first.
 4 Q Who was second?
 5 A Burgundy GT second, which was me and Rakeem; Hakim Curry
 6 third.
 7 Q Why was Jamal Baskerville first?
 8 A To hide the Grand Am GT, the license plates being off the
 9 car so it wouldn't be shown.
 10 Q So you had a car in front?
 11 A Yes.
 12 Q And a car in back?
 13 A And a car in the back.
 14 Q And who -- who knew where they were going?
 15 A Jamal Baskerville.
 16 Q Okay.
 17 So he was leading the group also?
 18 A Yes.
 19 Q Did there come a point where he drove to 18th Street?
 20 A Yes.
 21 Q Okay.
 22 Tell the jury what happened then.
 23 A Drove to 18th Street, showed us what house Kemo was
 24 working on.
 25 Q How did he show you?

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Young - Direct/Minish 4387

1 A He stopped his truck in front of the house.
 2 Q Did he signal with his hands or by some other means?
 3 A No, he just stopped there and then pulled off so we knew
 4 the spot he stopped in was the house that he was in.
 5 Q Did you notice anything out in front of the house?
 6 A A big green dumpster.
 7 Q Where did Rakeem stop the vehicle you were in?
 8 A About seven houses before the house Kemo was in.
 9 Q Okay.
 10 Which side of the street did you park?
 11 A Right-hand side.
 12 Q Is that the side of Kemo's house or the other side?
 13 A Side of Kemo, where Kemo was at.
 14 Q What happened to the third vehicle, Rakeem's van?
 15 A It was parked on the South Orange Avenue.
 16 Q So does that mean -- so the jury is clear, that drove by
 17 the house?
 18 A Yes.
 19 Q And what happened?
 20 A They went on South Orange Avenue and parked.
 21 Q Describe to the jury how you would get to South Orange,
 22 you pass the house Kemo was working on?
 23 A Make a right.
 24 Q He made a right onto South Orange Avenue?
 25 A Yes.

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Young - Direct/Minish 4388

1 Q Where did they set up?
 2 A There's a bar on South Orange Avenue and beer factory
 3 right between there.
 4 Q Do you remember what the cross street was about?
 5 A Maybe Grove Street.
 6 Q Is that near 20th?
 7 A Yes.
 8 Q Okay.
 9 So they're above 20th?
 10 A Yes.
 11 Q Which way was that vehicle facing, down toward 18th or
 12 the other way?
 13 A Down toward 18th.
 14 Q What happened to the Chevy Tahoe?
 15 A He kept going.
 16 Q Why did he keep going?
 17 A He had some business to handle.
 18 Q I'm sorry?
 19 A He had some business to handle.
 20 Q Did Jamal Baskerville or the Chevy Tahoe stay in the area
 21 for the rest of that day?
 22 A No.
 23 Q So there's two vehicles there?
 24 A Yes.
 25 Q All right.

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Young - Direct/Minish 4389

1 The rental car and Rakeem Baskerville's van?

2 A Yes.

3 Q Was there any communication between you and Rakeem and

4 Hakim Curry and Jamal McNeil?

5 A Yes.

6 Q Okay.

7 Explain to the jury what was going on.

8 A Just communication of Kemo come out the house yet, which

9 was done by chirp phones.

10 Q When you say "chirp phones," what do you mean?

11 A Mobile phones.

12 Q Were you actually dialing --

13 A No.

14 Q -- the phone number?

15 A No, it's like a walkie-talkie.

16 Q So you're using the walkie-talkie function on your cell

17 phone?

18 A Yes.

19 Q And you were giving them updates?

20 A Yes.

21 Q How long did you wait around there initially that

22 morning?

23 A About an hour, hour and a half.

24 Q And did you at some point leave?

25 A Yes.

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Young - Direct/Minish 4390

1 Q Okay.

2 Tell the jury what happened.

3 A We left because there was a couple people walking past

4 the car. We didn't want to look obvious, so the van came and

5 got us and we left for about 40 minutes.

6 Q Did you leave the car there?

7 A Yes.

8 Q And this is the rental car so the jury is clear?

9 A Yes.

10 Q And did you leave the gun?

11 A Yes.

12 Q Where did you put the gun?

13 A Under the right passenger seat.

14 Q So all four, Jamal McNeil, Hakim Curry, Rakeem

15 Baskerville and yourself got into the maroon van?

16 A Yes.

17 Q All right.

18 And you left the area, you said, for 40 minutes?

19 A About 40.

20 Q And what happened when you came back?

21 A We set back up the same way.

22 Q Okay.

23 And tell the jury exactly what that means.

24 A Me and Rakeem got back into the Grand Am GT, the maroon

25 Caravan went back and parked on the side of South Orange

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Young - Direct/Minish 4392

1 A He said hold on for a little while, let's see if he come
 2 out first.
 3 Q And why not go into the house?
 4 A We decided not to do it because we didn't know how many
 5 people was in the house working on the house.
 6 Q Was there any discussion about which hand you would use
 7 to fire the gun?
 8 A My left hand.
 9 Q Okay.
 10 Explain to the jury how that came up.
 11 A To throw the police off.
 12 Q Whose idea was that?
 13 A Me and Rakeem, both.
 14 Q And so to throw the police off, does that mean you're
 15 normally not a left-handed person?
 16 A Well, I use my left hand sometime boxing and playing
 17 pool.
 18 Q Predominantly you're a right-handed person?
 19 A Yes.
 20 Q So you continue to wait?
 21 A Yes.
 22 Q And did there come a time when you actually saw Kemo
 23 leave this house?
 24 A He came out a couple times to throw garbage in the
 25 dumpster and went back in and a little later on in the day, he

Young - Direct/Minish 4391

1 Avenue.
 2 Q Were you able to see the house that Kemo was working on
 3 from where you were sitting?
 4 A Yes.
 5 Q Describe for the jury how you were able to see if you
 6 were seven or so houses down.
 7 A If you look like, put your head over a little bit, you
 8 could see past all the cars.
 9 Q Down the sidewalk?
 10 A Yes.
 11 Q Were you able to see the dumpster?
 12 A Yes.
 13 Q And did you continue to wait there?
 14 A Yes.
 15 Q And do you know where the van went to after it dropped
 16 you off?
 17 A Back to where he was parked at the first time on South
 18 Orange Avenue.
 19 Q So you continued to wait?
 20 A Yes.
 21 Q Was there any discussion about whether or not to go into
 22 the house?
 23 A Yes. Rakeem asked me did I want to go in. I told him I
 24 would.
 25 Q And what did he say when you said that?

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Young - Direct/Minish 4393

1 came out and started walking down the sidewalk with another
 2 guy.
 3 Q Can you describe the other guy, big, small, old, young?
 4 A I would say he's small and old. I don't know how old.
 5 Q Excuse me?
 6 A I don't know how old.
 7 Q Was it just Kemo and that man or other people?
 8 A Just them two.
 9 Q And what did you see those two do?
 10 A Walk toward South Orange Avenue.
 11 Q Okay.
 12 So again, so the jury is clear, that means coming out
 13 of the house, making a right toward South Orange Avenue?
 14 A Yes.
 15 Q When you saw that, what did you do?
 16 A Waited until I got to -- first we chirped, came with the
 17 van.
 18 Q When you say "chirped," you mean using the walkie-talkie
 19 function?
 20 A Yes.
 21 Q What did you tell him?
 22 A That the guy, that the two guys and the one guy Kemo was
 23 coming towards them.
 24 Q Did you actually see the two men reach South Orange
 25 Avenue?

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Young - Direct/Minish 4394

1 A Yes.
 2 Q Okay.
 3 What did you see them do when they reached South Orange
 4 Avenue?
 5 A Make a right turn.
 6 Q So that would have been going up towards 20th?
 7 A Yes.
 8 Q And toward Hakim Curry?
 9 A Yes.
 10 Q Yes?
 11 A Yes.
 12 Q And what did you -- when you chirped Hakim Curry, what
 13 did you guys tell him?
 14 A Tell him how the two guys looked, told him how the guy
 15 looked that we wanted to get.
 16 Q How did he look?
 17 A He had his hair braided with a dust mask around his neck.
 18 Q Did he have a bandana or anything around his head?
 19 A He could have. I'm pretty sure I remember, but he
 20 usually wear one.
 21 Q You just don't remember?
 22 A No.
 23 Q How were you dressed?
 24 A Pair of jeans, fleece jacket and a Yankee hat.
 25 Q Okay.

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Young - Direct/Minish 4395

1 And was the fleece jacket opened like this?

2 A No, zipped up.

3 Q Okay.

4 Did it have a collar?

5 A Yes.

6 Q I guess -- why don't you point on your neck where you

7 think the collar come up?

8 A Come up to about here.

9 Q How about in the back, to the ears?

10 A A little below the ear.

11 Q A little below the ears, okay.

12 The Yankee hit, was it sitting up top?

13 A No, pulled down.

14 Q Pulled it down to where?

15 A To my eyelids.

16 Q Okay.

17 So about here?

18 A Yes.

19 Q Sorry.

20 MR. MINISH: For the record, I was pointing to my eye

21 brows.

22 Q So you chirped that Kemo was on his way toward Hakim

23 Curry?

24 A Yes.

25 Q What did you and Rakeem Baskerville do?

Young - Direct/Minish 4396

1 A Waited for a second, a couple minutes, maybe about four

2 minutes and chirped us back.

3 Q Who's he, when you say "he"?

4 A Hakim Curry chirp Rakeem back, said the two guys had went

5 in the store.

6 Q Where was the store?

7 A On 20th Street and South Orange Avenue.

8 Q Okay.

9 And what did you do once you heard that?

10 A We decided to pull up to the corner and let me out and I

11 walked to 19th Street.

12 Q The corner of what and what?

13 A 18th Street and South Orange Avenue.

14 Q When you got dropped off, had the car turned onto South

15 Orange Avenue yet?

16 A No.

17 Q So you were on 18th still?

18 A Yes.

19 Q Did you actually get out of the vehicle?

20 A Yes.

21 Q Okay.

22 Where did you go?

23 A I walked to 19th Street corner to a doorway.

24 Q Are you crossing 19th or right before 19th?

25 A Right before 19th.

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Young - Direct/Minish 4397

1 Q Now, you said there was a doorway there.

2 Describe for the jury where it was you set up.

3 A It's a doorway next to the sandwich store that you can

4 stand up in it without anybody seeing you.

5 Q So it was a little alcove area?

6 A Two steps and then a doorway. So you step in, can't

7 nobody see you walking down the street unless they walk passed

8 you.

9 Q Now, once you were there, where was Rakeem?

10 A He was still sitting on 18th Street, South Orange Avenue.

11 Q In the car?

12 A Yes.

13 Q Okay.

14 Where is Kemo?

15 A He's in the store.

16 Q Did there come a time when you saw him come out of the

17 store?

18 A Yes.

19 Q Okay.

20 Was he by himself or with someone else?

21 A With someone else.

22 Q What did you see him do?

23 A Walking towards me. I peaked out and I saw him walking

24 towards me.

25 Q Now, South Orange Avenue sidewalk, building, was Kemo

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Young - Direct/Minish 4398

1 walking closer to the South Orange Avenue or closer to the

2 building?

3 A Closer to the building.

4 Q Where was the man he was with?

5 A Walking to his house on South Orange Avenue.

6 Q Kemo's walking down, he was to his right?

7 A Yes.

8 Q Where was the gun?

9 A In my pocket.

10 Q What type of gun was it?

11 A Nine-millimeter.

12 Q Which pocket was the gun in?

13 A My left pocket.

14 Q Of the jacket or the pants?

15 A Fleece jacket.

16 Q Now, you're seeing Kemo and the other man walk towards

17 you?

18 A Yes.

19 Q You said you were leaning out of the doorway?

20 A Peaked out.

21 Q Peaking out of the doorway.

22 What happened next?

23 A Once he got closer to 19th Street, I came out the door

24 and started walking towards him.

25 Q Had Kemo reached 19th yet?

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Young - Direct/Minish 4399

1 A No.

2 Q Did you cross over 19th?

3 A Yes.

4 Q Tell the jury what happened.

5 A I crossed over 19th Street to the other side. He was

6 about right there, at the sidewalk, the curb of the sidewalk.

7 Q Of 19th Street?

8 A Yes.

9 Q Okay.

10 What happened?

11 A I grabbed him by the shoulder.

12 Q With which hand?

13 A My right-hand and put the gun by the back of his neck and

14 his head and squeezed the trigger.

15 Q So if I'm Kemo, you walk passed me on this side?

16 A Yes.

17 Q Grab me on this shoulder?

18 A Yes.

19 Q And point -- I guess point on your head where the gun was

20 fired.

21 A Right here.

22 Q Behind this?

23 A Yes.

24 Q How many times did you fire?

25 A Either three or four times.

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Young - Direct/Minish 4400

1 Q Are you sure one way or the other?

2 A Yeah, either three or four.

3 Q And as you fired, did Kemo stand up straight or did he

4 fall?

5 A Fell forward into the street.

6 Q And did you continue to fire as he fell?

7 A Yes.

8 Q Excuse me, Judge.

9 (Pause.)

10 Q So the jury is clear, was it behind -- which ear was it

11 behind that you shot Kemo?

12 A The left.

13 Q What did you do after you shot Kemo?

14 A Well, the Grand Am GT pulled up which was Rakeem

15 Baskerville, I jumped in the car.

16 Q Where was the car, if the body was one place, where was

17 the car, how close?

18 A Right there in the street, right there.

19 Q You're making a motion with your hands.

20 Kemo's body fell where?

21 A Right here, and the Grand Am GT came around the corner

22 here.

23 Q So the jury can see what you're doing with your hands?

24 A The body fall here, the car turned the corner. I jumped

25 over him and jumped in the passenger seat of the car.

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Young - Direct/Minish 4401

1 Q Did you have to wait long for the car to get there?
2 A No, he was there as soon as I grabbed him, he was coming
3 already.
4 Q So you looked up, was the car there?
5 A It was there already.
6 Q How long do you think it took you to get from firing at
7 Kemo until you got into the car?
8 A Three seconds, four seconds.
9 Q You hopped in the passenger side.
10 How fast did the car take off?
11 A Fast as it could.
12 Q I'm sorry, you have to speak up.
13 A As fast as it could.
14 Q Which direction did you go in?
15 A Up 19th Street toward Central Avenue.
16 Q It's a one-way street?
17 A Yes.
18 Q You were driving away from South Orange Avenue?
19 A Yes.
20 Q Were you worried about any witnesses?
21 A No.
22 Q Why not?
23 A Cause when gunshots fire, everybody duck, so within that
24 three-second span, nobody see you.
25 Q How do you know everybody ducks?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4402

1 A Cause I shot somebody before.
2 MR. MINISH: Judge, I'm showing defense counsel
3 Government Exhibit 320A, 320D and 320F, 320E, which appears to
4 already been in evidence, 320B and 320C.
5 I don't know if there's any objection to them coming
6 in.
7 MR. HERMAN: No objection.
8 THE COURT: Okay.
9 (G-320A, B, C, D, F, photos, are marked in evidence.)
10 Q I'll put up first 320A.
11 Tell the jury what they're looking at.
12 A Picture of South Orange Avenue.
13 Q Okay.
14 This is from a distance, we'll have closer ones, but
15 for the time being, if you touch the screen it will leave a
16 mark on the screen.
17 Put your finger down about where the house Kemo was
18 working in is, was.
19 A Somewhere around here.
20 Q Okay.
21 Is it marked?
22 Can you make it a little bigger? That's 18th.
23 A Yes.
24 Q Okay.
25 Now, South Orange Avenue is the one running I guess

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Young - Direct/Minish 4403

1 almost diagonal through the picture?

2 A Yes.

3 Q Where did -- which store, circle the store where Kemo

4 went to on 20th.

5 A (Witness complies.)

6 Q Does that make that 19th where I'm pointing?

7 A Yes.

8 Q Okay.

9 Put a mark or circle, if you can, where Kemo -- where

10 you shot Kemo.

11 A (Witness indicates.)

12 Q Okay.

13 While you were approaching Kemo, put a mark for the

14 jury where Hakim Curry was.

15 A (Witness indicates.)

16 Q Where was Rakeem Baskerville's van?

17 I'm sorry, Rakeem's in the rental car, where was he

18 waiting?

19 A (Witness indicates.)

20 Q I'll pull up 320D.

21 We have a slightly closer version.

22 What is in that picture, what streets?

23 A South Orange Avenue, 20th Street and 19th Street.

24 Q And where is 10th Street?

25 A Excuse me.

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Young - Direct/Minish 4404

1 That's 10th Street and 19th Street.

2 Q Put one eight where 18 is?

3 A (Witness indicates.)

4 Q That's about where Rakeem parked his car?

5 A Yes.

6 Q And then put a 19 where 19th Street is.

7 A (Witness indicates.)

8 Q Can you circle the area where you were in the doorway?

9 A (Witness indicates.)

10 Q And from there, you said you were able to peak out and

11 look up South Orange Avenue?

12 A Yes.

13 Q There's only -- the jury can look at the rest of the

14 photos. There's only one other photo I want to show you,

15 320F.

16 What's the jury looking at there?

17 A 19th Street and the doorway that I was standing in.

18 Q Okay.

19 Again, if you could put an X by where you were standing

20 in the doorway?

21 A (Witness indicates.)

22 Q Where did Kemo's body fall?

23 A (Witness indicates.)

24 Q Where was Rakeem Baskerville's car?

25 A (Witness indicates.)

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Young - Direct/Minish 4405

1 Q Okay.

2 Is that the -- where it was parked or the movement?

3 A That's the turn he made after the body fell.

4 Q Where was it when you looked up, do it that way.

5 A Right here.

6 Q Okay.

7 So it had come to rest at that spot?

8 A Yes.

9 Q So now, after you hopped in the getaway car, where did

10 you go?

11 A Route 280.

12 Q And again, Rakeem is driving and you're in the passenger

13 seat?

14 A Yes.

15 Q Did you know where you were going to?

16 A No.

17 Q Did you ultimately find out where you were going to?

18 A Yes.

19 Q Tell the jury where it was.

20 A West Orange, Route 280.

21 Q And did you get off on 280?

22 A We got off at 280.

23 Q Where did you go once you got off 280?

24 A To a garage to put the car.

25 Q What kind of road is 280?

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Young - Direct/Minish 4406

1 A Small highway.

2 Q Highway?

3 A Yeah, but busy.

4 Q You got off in what town?

5 A West Orange.

6 Q Where did you go to?

7 A A garage, housing complex.

8 Q Housing complex?

9 A Yes.

10 Q Describe for the jury what the layout was?

11 A Pull up in the driveway and go to the back. There's a

12 bunch of garages in line.

13 Q One next to the other?

14 A Yes.

15 Q All right.

16 And where were the apartments, were they connected to

17 the garage or somewhere else?

18 A No, they in the front, as soon as you come in.

19 Q Apartments, asphalt, garages?

20 A Yes.

21 Q Describe to the jury what you did or what Rakeem

22 Baskerville did.

23 A Told me to hop out and open a certain garage. It had a

24 number on it.

25 Q Did you do that?

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Young - Direct/Minish 4407

1 A Yes.

2 Q Okay.

3 What happened next?

4 A He pulled the car inside the garage.

5 Q Okay.

6 And what happened after that?

7 A We closed the garage and cut the car off.

8 Q You say "cut the car off."

9 You mean turn it off?

10 A Yes. And sat inside the car.

11 Q You sat in the car?

12 A Yes.

13 Q Did there come a time when you had contact with Hakim Curry?

14 Curry?

15 A Yes. He said he was on his way.

16 Q Tell the jury what happened next.

17 A Rakeem chirped him and said we was where we supposed to be at and he chirped back and said he be there in about five, ten minutes to pick us up.

20 Q And did ultimately Hakim Curry show up?

21 A Yes.

22 Q Okay.

23 Tell the jury what happened when he showed up.

24 A He pulled the van by the garage, chirped back and told Rakeem that he was outside of the garage. He opened the

25

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Young - Direct/Minish 4408

1 garage up, we got in the van and put the gun back in the trap box.

2 box.

3 Q Who had the gun while you were sitting in the car in the garage?

4 garage?

5 A I did.

6 Q Who brought the gun from the car into the van?

7 A Rakeem.

8 Q And where was the gun put once you got in the van?

9 A Rakeem put it back in the trap box.

10 Q Who opened the trap box?

11 A Hakim Curry.

12 Q Why did he open it?

13 A Because to open the trap box, you have to be sitting in the driver's seat.

14 the driver's seat.

15 Q Why is that?

16 A Because the remote controls are the remote controls for the window.

17 the window.

18 Q To open it?

19 A To open the trap box.

20 Q And did you see the gun get put in that trap?

21 A Yes.

22 Q Was the trap closed up?

23 A Yes.

24 Q Did Hakim Curry say anything about what he saw back on South Orange Avenue?

25

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10

Young - Direct/Minish -4409-

1 A Said he road past the body, he said he dead.
2 Q How did he know he was dead?
3 A He said from what he saw, he said there's a lot of blood
4 on the ground and he said there was a cop out there.
5 Q Did he get out of the car?
6 A No.
7 Q So the four of you are in the van?
8 A Yes.
9 Q Where is everybody sitting?
10 A Rakeem in the passenger seat, Hakim's driving, me and
11 Mosley in the two captain chairs.
12 Q Mosley, that's Jamal McNeil?
13 A Yes.
14 Q Where did the van go?
15 A Back to Newark, 17th Street.
16 Q Is that Jamal Baskerville's house?
17 A Yes.
18 Q What happened when you got to Jamal Baskerville's house?
19 What happened with the gun?
20 A Put it in the garage.
21 Q Okay.
22 And describe for the jury the set up of the garage at
23 Jamal Baskerville's house.
24 A It's a garage across the street where we park motorcycles
25 at. We got the keys, they got the keys to it.

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Young - Direct/Minish -4410-

1 Q Who's "they"?
2 A The Baskerville's.
3 Q So who opened up the door?
4 A Rakeem.
5 Q And where did he put the gun?
6 A Under a motorcycle seat.
7 Q Then did he close up the garage?
8 A Yes.
9 Q Was there any conversation about telling anybody about
10 what happened?
11 A A conversation to tell him, Will Baskerville's lawyer,
12 Paul Bergrin, that the witness was dead.
13 Q Okay.
14 Who said that?
15 A Hakim Curry.
16 Q And did that happen?
17 A No.
18 Q Okay.
19 Why not?
20 A Cause Rakeem told him don't tell him nothing, let him
21 read it in the newspaper.
22 Q And did anybody want to tell the defendant?
23 A Yes.
24 Q Okay.
25 Who wanted to tell the defendant?

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Young - Direct/Minish 4411

1 A Jamal McNeil.

2 Q And did Jamal McNeil ever tell the defendant?

3 A Yes, he did.

4 Q When?

5 A Well, Rakeem told him don't go see him no more, but he

6 went anyway.

7 Q After that conversation, what did you do?

8 A I got in my car and left.

9 Q Did everybody else leave or did they stay around?

10 A Everybody left.

11 Q Where did you go to?

12 A Alexander Street.

13 Q What's at Alexander Street?

14 A A block where I hang out at, sell drugs at.

15 Q ~~What did you do after that?~~

16 A Sat out there for a little while with some other guys and

17 I went home, took a shower.

18 Q Did you have any conversation with any of those guys that

19 you were with, Rakeem, Hakim or Jamal the rest of that day?

20 A Yes.

21 Q Tell the jury what you talked about, who you talked with.

22 A Later on that day, me and Rakeem and Jamal McNeil was

23 together. We talked about how to get rid of the gun.

24 Q Okay.

25 Q Who was talking?

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Young - Direct/Minish 4412

1 A Me and Rakeem and Jamal McNeil how to get rid of the gun.

2 Q And what did you decide?

3 A At that point we haven't decided yet.

4 Q What were you talking about?

5 A Talking about throwing it into the water. Then everybody

6 said that's not a good idea.

7 Q Did you come up with any other ideas?

8 A Yes.

9 Q Tell the jury about that.

10 A The other idea was to go to a car shop that we go to, to

11 get our cars fixed, which was a friend of mine's and Rakeem's.

12 We go there a lot to fix cars and we see the guys inside

13 there, like cut parts of the car off with a torch so we

14 figured he could melt the gun.

15 Q ~~Who was that?~~

16 A A guy by the name of Ben.

17 Q Ben.

18 He owned the shop?

19 A Yes.

20 Q You say you took cars there.

21 Tell the jury what you meant, you took cars there?

22 A Like we buy crashed -- I buy crashed up vehicles and fix

23 them and sell them and if we have a car accident, we take it

24 there to get it fixed.

25 Q So they do the body work?

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Young - Direct/Minish 4413

1 A Yes.

2 MR. HERMAN: Judge, can we put the screen down?

3 MR. MINISH: At least for a little while.

4 Q So is that what you decided to do?

5 A Yes.

6 Q Tell the jury how that worked or what did you actually do

7 to get to Ben's shop?

8 A We waited til it got dark later on that night.

9 Q When you say we, who is "we"?

10 A Me and Rakeem.

11 Q So it got dark and then what happens?

12 A Rakeem came to my house, I came outside.

13 Before I came out, my girlfriend at the time I asked

14 her could she drive us to Ben's shop.

15 Q ~~Why did you want your girlfriend to drive you?~~

16 A Because I knew police wouldn't pull her car over.

17 Q Why not?

18 A Cause if police run her license plate, she got a good

19 driving record, they wouldn't pull her car over.

20 Q Have anything to do with the type of vehicle?

21 A Yes.

22 Q Explain to the jury about that.

23 A White BMW.

24 Q Why wouldn't the police pull over a white BMW?

25 A Because she's a female.

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Young - Direct/Minish 4414

1 Q Only certain vehicles are pulled over more often?

2 A Yeah, in Newark it's like certain cars they target,

3 Newark police target.

4 Q Which vehicles are they?

5 A The ones that they know that a lot of drug dealers ride

6 around in.

7 Q What type of vehicles?

8 A Dodge Caravans, Grand Prix's, Monte Carlos S.S.,

9 Accura's.

10 Q And did your girlfriend agree to drive you?

11 A Yes.

12 Q So tell the jury what happened, you get in the car with

13 her?

14 A Yeah. I asked her, take us on 17th Street first.

15 Q Okay.

16 Who's sitting where?

17 A Rakeem in the back, I'm in the passenger, she's driving.

18 Q What happens?

19 A Go to the garage. Me and Rakeem get out, go in the

20 garage and grab the gun from under the motorcycle seat.

21 Q Okay.

22 Rakeem did?

23 A Both of us.

24 Q Both of you?

25 A But he grabbed the gun.

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Young - Direct/Minish 4415

1 Q Okay.

2 Then you close up the garage?

3 A Yes.

4 Q Then what happens?

5 A Get back into the car.

6 Q And where did you go then?

7 A From there we went like, which would be five blocks away

8 to Ben's shop.

9 Q That's the auto body shop?

10 A Yes.

11 Q Describe for the jury what happens when you got to the

12 auto body shop.

13 A I went in, me and Rakeem, told Ben I wanted to ask him

14 something.

15 ~~He said, go ahead. I said no, step outside.~~

16 I wanted to ask him, you know, quietly, cause there was

17 other people in there.

18 I asked him, would it be possible, once he stepped

19 outside, is it possible would he be able to melt a gun?

20 Q What did he say?

21 A He said sure, he could do it.

22 Q So what happened next?

23 A We asked him, was it all right with the guys that was

24 inside.

25 He said, sure, that was his nephew and one of his

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Young - Direct/Minish 4416

1 workers, so everything would be good.

2 Q So there's guys in there?

3 A Yes.

4 Q Is Ben from the United States?

5 A No, I think he's from Jamaica or Trinidad.

6 Q And the person you referred to as his nephew, do you know

7 if that was literally true?

8 A I don't know if it's real nephew, but he say it is.

9 Q So what happens next?

10 A We go in the garage, take the clip out the gun.

11 Q Did you close any doors before you started?

12 A Yeah, closed the garage door and locked it, walk in the

13 door.

14 Q Was there any discussion about payment?

15 ~~A Yeah, Rakeem, I think he gave him 150, maybe \$200.~~

16 Q Okay.

17 When you're talking about him, who are you talking

18 about?

19 A Rakeem gave it to Ben.

20 Q Not to the two guys?

21 A No.

22 Q What did Ben do once he got the money and the doors were

23 locked?

24 A They got the torch, lit up the torch, told us to lay the

25 gun on the ground, laid the gun down and gave it to his

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Young - Direct/Minish 4417

1 nephew, supposed to be his nephew, started melting the gun.
 2 Q Now, I think I cut you off before.
 3 When you say bullets were taken out --
 4 A Yes.
 5 Q -- that's before the torch?
 6 A Yes.
 7 Q Okay.
 8 Who took the bullets out?
 9 A Rakeem.
 10 Q How is that actually done with a 9 millimeter, can you
 11 tell the jury?
 12 A Pop them out the clip.
 13 Q You're making a motion with your thumb?
 14 A Yes.
 15 Q ~~That's out of the top?~~
 16 A Yes.
 17 Q The clip, where does the clip come from?
 18 A Out of the bottom of the gun.
 19 Q So when it was put on the ground, there was no bullets in
 20 it?
 21 A No.
 22 Q Who put the gun on the ground?
 23 A Rakeem.
 24 Q And you said there was two guys near where the torch was?
 25 A Yes.

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Young - Direct/Minish 4418

1 Q Okay.
 2 A Actually five, five of us standing.
 3 Q Okay.
 4 Ben, you, Rakeem and the two guys?
 5 A Yes.
 6 Q So the two guys who had been in there working, you
 7 brought the gun over by them?
 8 A Yes. We just laid it in the middle of the floor on the
 9 concrete.
 10 Q Okay.
 11 Tell the jury what happened next.
 12 A One of the guys started to melt the gun with the torch,
 13 the gun melted easily, but the barrel took a long time to melt
 14 the barrel. So another guy took over, the other guy that was
 15 ~~standing with him, he started melting the barrel. Then he~~
 16 finally melted it, but it took awhile.
 17 MR. MINISH: I'm showing defense counsel Government
 18 exhibit 223.
 19 THE COURT: 223?
 20 MR. MINISH: 223. This is actually a new exhibit.
 21 It's not on your list.
 22 THE COURT: Any objection?
 23 MR. HERMAN: No.
 24 THE COURT: Okay.
 25 (G-223, photo, is marked in evidence.)

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Young - Direct/Minish 4419

1 THE COURT: What is it.

2 MR. MINISH: It's a photograph that we'll ask the

3 defendant about -- excuse me, ask Mr. Young about.

4 Q Government exhibit 223 in evidence.

5 Do you recognize who that is?

6 A Yes.

7 Q Who's that?

8 A That's the guy that's supposed to be Ben's nephew.

9 Q And that's the guy who was?

10 A Melting the gun.

11 Q The first guy melting or the second guy?

12 A The first.

13 Q Okay.

14 Where is this shop located?

15 A On 12th Street in Newark, New Jersey.

16 Q So when you said the gun melted fast, but not the barrel,

17 so everything but the barrel was melted down.

18 What did it look like?

19 A Like melted steel.

20 Q Liquidy?

21 A Yes.

22 Q And then the other guy started doing the barrel?

23 A Yes.

24 Q How long did this take?

25 A About eight to ten minutes.

Young - Direct/Minish 4420

1 Q When it was all done, what did you do or what did Rakeem

2 do?

3 A I took the dust pan and scraped all the melted metal

4 together.

5 Q Because it was liquidy you mean?

6 A Yes.

7 Q If you could just show the jury?

8 A I was scraping it together.

9 Q Okay.

10 So a pool in one area?

11 A Yes.

12 Q And did that work?

13 A Yes.

14 Q Okay.

15 What happened after that?

16 A It got hard after about four or five minutes.

17 Q Okay.

18 Cool off?

19 A Yes.

20 Q Okay.

21 When it cooled off, what happened next?

22 A Picked it up off the ground, put it into a paper bag.

23 Q Where was the paper bag?

24 A One of the dirty paper bags laying around the shop.

25 Q And what did you do with it after you put it in the bag?

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Young - Direct/Minish 4421

1 A I bailed the bag up, walked it across the street and
 2 threw it into the dumpster.
 3 Q Outside of the shop?
 4 A Yeah, but across the street.
 5 Q What did you do after you threw the clump into the, clump
 6 of metal into the dumpster?
 7 A Got back in the car and left.
 8 Q Who was driving?
 9 A Rasheeda Tarver.
 10 Q Who's in the passenger seat?
 11 A I am.
 12 Q Who's in the back seat?
 13 A Rakeem.
 14 Q Where did you guys go?
 15 A ~~Back to 19th Street.~~
 16 Q Why back to 19th Street?
 17 A For Rakeem to get in his car and go home and that's where
 18 I was living at.
 19 Q Did you have any conversation with Rakeem afterwards, did
 20 you do anything?
 21 A No, no conversation. It was small talk on the way back
 22 to the house, but no conversation, nothing much about the gun
 23 or nothing.
 24 Q Keep your voice up.
 25 A Nothing about the gun or nothing cause we didn't want her

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Young - Direct/Minish 4422

1 to know what we was doing.
 2 Q Excuse me?
 3 A We didn't want her to know what we was doing.
 4 Q When you got out of the car, what happened?
 5 A Rakeem said he see me tomorrow.
 6 Q Did he do anything to you?
 7 A Shook my hand, hugged me, got in his car and I went
 8 upstairs.
 9 Q Do you know about what time that was?
 10 A About nine, 10:00 at night.
 11 MR. MINISH: Do you want me to continue?
 12 THE COURT: What time do you want to leave today? Do
 13 you want to keep going, you want to break early? It's up to
 14 you.
 15 ~~We're not going to be finished with this witness, so~~
 16 I leave it to you folks.
 17 THE JUROR: 2:30.
 18 THE COURT: You want to go another 20 minutes?
 19 MR. MINISH: Fine.
 20 THE COURT: Does anybody need a break?
 21 No. Okay.
 22 Q So you went back to go to sleep?
 23 A Went upstairs, watched TV.
 24 Q At some point you went to sleep?
 25 A Yeah, later on that night.

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Young - Direct/Minish 4423

1 Q Anything happen over the next couple of days of interest
 2 to the group?
 3 A Yeah. Just couple days later, Hakim Curry got locked up,
 4 the feds came.
 5 Q Okay.
 6 Do you know who it was that arrested him?
 7 A I don't know, but I know it was United States Government
 8 and not the local police.
 9 Q That was a couple days after Kemo was killed?
 10 A Yes.
 11 Q What affect did that have on the group?
 12 A Everybody was scared.
 13 Q Keep your voice up.
 14 Bend that and bring the microphone closer.
 15 ~~Why was everybody scared?~~
 16 A Cause he's the biggest guy in the group and everybody get
 17 drugs from.
 18 Q And what did that mean, the biggest guy was arrested?
 19 What were you worried about?
 20 A That they was coming to get everyone else.
 21 Q Did there come a time when you got a call from Rakeem
 22 Baskerville about federal agents?
 23 A Yes.
 24 Q Okay.
 25 Tell the jury about that.

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Young - Direct/Minish 4424

1 A He told me that they had lock Hakim up.
 2 THE COURT: When did you get this call?
 3 THE WITNESS: A little bit later that day. Actually
 4 that morning.
 5 Q That morning?
 6 A Yes, about 11:00 in the morning.
 7 Q Tell the jury what happened.
 8 A He just told me they lock Hakim up, keep my eyes open
 9 cause they might be coming for us.
 10 Q Okay.
 11 Did he say anything about his own situation?
 12 A Yeah. That he think they was coming to get him and he
 13 wasn't going home.
 14 Q Why wasn't he going home?
 15 ~~Cause he ain't want to get caught.~~
 16 Q Now, did there come a time when you saw federal agents?
 17 A Yeah.
 18 Q What day was that, same day or later?
 19 A Couple days later.
 20 Q Describe for the jury what you saw that day.
 21 A I was coming to West End Avenue like six o'clock in the
 22 morning.
 23 Q Where is West End Avenue?
 24 A Right by my father's house.
 25 Q What town?

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Young - Direct/Minish 4425

1 A Newark, New Jersey.

2 Q Tell the jury what you saw.

3 A That's my residence address, so I saw the federal agents

4 getting dressed early in the morning.

5 Q When you say "getting dressed," what do you mean?

6 A Putting on bullet proof vests, like they was about to go

7 in my house.

8 Q Do you know what agency it was?

9 A Actually I think I saw one that said F.B.I. on the jacket

10 as I was sitting at the stop sign.

11 Q So tell the jury what you saw. You saw them getting

12 dressed, then what happens?

13 A I rode past them and I called my father and told him the

14 F.B.I. was about to come in the house to get me. He said he

15 ~~would go outside and see what was going on.~~

16 Q What did you do?

17 A I rode past them.

18 Q Did you go into your father's house?

19 A No, I got on the highway.

20 Q Where were you going on the highway?

21 A I was about to go to Cincinnati to my brother house.

22 Q Why were you going to do that?

23 A Because I thought the F.B.I. was coming to get me.

24 Q Did you talk to your father later on?

25 A Ten minutes later.

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Young - Direct/Minish 4426

1 Q Okay.

2 Tell the jury what you were told.

3 A My father told me that the F.B.I. was outside, but they

4 wasn't coming in my house, they was going in another house on

5 West End Avenue.

6 Q Did that mean anything to you?

7 A Yes.

8 Q Okay.

9 What did that mean?

10 A I thought about it for a minute and I said, oh, they

11 going in Norm house, a guy named Norm and not my father house.

12 Q Okay.

13 Who is Norm?

14 A A guy that be around us, that sell drugs for us.

15 Q ~~Where does Norm fit in this?~~

16 I'm sorry you probably can't see.

17 Can you see it okay?

18 A Okay. Probably down with Jamal McNeil and myself.

19 Q Who does he deal with mostly?

20 A With Jihad.

21 Q Jihad and this is Norm?

22 A Yes.

23 Q Norm just happened to live near your father?

24 A Yes.

25 Q Did your father tell you anything else about what the

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Young - Direct/Minish 4427

1 federal authorities were doing?
 2 A He said they was towing away the Caravan that was parked
 3 there.
 4 Q Which Caravan is that?
 5 A The burgundy one.
 6 Q That's the one that's Rakeem's van that the gun was in?
 7 A Yes.
 8 Q And was it, in fact, towed away?
 9 A Yes.
 10 Q When you got the information that the federal authorities
 11 were not after you, they were after Norm, what did you do?
 12 A Made a U-turn on the highway and started coming back
 13 home.
 14 Q Did you get any call from Rakeem Baskerville?
 15 A Yes.
 16 Q Okay.
 17 About when did he call you?
 18 A Twenty minutes later.
 19 Actually, I called him first and he say he call me
 20 right back.
 21 Q Okay.
 22 A He did call me back and he told us -- he told me don't
 23 worry, they wasn't looking for me, they wanted him.
 24 Q I'm sorry, don't worry?
 25 A Don't worry about the feds, that they wasn't looking for

Young - Direct/Minish 4428

1 me, that they were looking for him.
 2 Q Okay.
 3 Why were they looking for him?
 4 A Because phone calls to Jihad.
 5 Q Who is Jihad?
 6 A Hakim's best friend.
 7 Q Well, we don't have to bring it all the way back, but if
 8 Jihad --
 9 THE COURT: The point is, it isn't that complicated.
 10 Q Jihad is at the second level there?
 11 A Yes.
 12 Q And what did Rakeem believe or what did he say?
 13 A He said they was looking for him for phone calls to
 14 Jihad.
 15 Q Related to what, to murder or drugs?
 16 A To drugs.
 17 Q So did he tell you that the federal authorities were not
 18 interested in the murder?
 19 A Yes.
 20 Q And how did that make you feel?
 21 A Better.
 22 Q Okay.
 23 What did Rakeem say he was going to do?
 24 A Said he was leaving.
 25 Q Leaving where?

Young - Direct/Minish 4429

1 A Leaving Newark.
 2 Q Okay.
 3 What was he going to do or what did he do?
 4 A He left.
 5 Q And where?
 6 A Went into hiding.
 7 Q What did he do while he was in hiding?
 8 A Came back and forth to Newark, still selling drugs.
 9 Q What else?
 10 A Just running, on the run.
 11 Q Excuse me, on the run?
 12 A Yes.
 13 Q Why was he on the run?
 14 A Because the F.B.I. was looking for him.
 15 Q ~~All of this is happening the first few days after Kemo~~
 16 was killed?
 17 A Yes.
 18 Q From that period until towards the end of 2004, what's
 19 going on in the group?
 20 A Same thing, selling drugs.
 21 Q What were you personally doing?
 22 A Same thing, selling drugs.
 23 Q I'm going to start to get into a new area.
 24 THE COURT: Okay. Let's break.
 25 We're going to break for the day. Take the weekend

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4430

1 off.
 2 I'm going to again instruct you not to discuss the
 3 case with anyone, don't read anything or listen to anything
 4 which touches upon the subject matter of the case.
 5 Keep an open mind, travel safely. We'll see you
 6 Monday morning.
 7 Hopefully you won't have too much trouble getting
 8 here but they're talking about a little storm. See you Monday
 9 morning.
 10 THE CLERK: All rise.
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JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

4431

1 (Jury is excused and the following takes place out of
 2 the presence of the jury.)
 3 THE COURT: Okay.
 4 (Anthony Young leaves the courtroom.)
 5 THE COURT: Have a seat everybody.
 6 When the jury leaves, we'll talk about the schedule.
 7 MR. FRAZER: Yes.
 8 THE COURT: Now, do you want to talk about
 9 scheduling?
 10 MR. FRAZER: Judge, the only thing we are prepared to
 11 discuss at this time is that we wanted to put the defense on
 12 notice that we intend, barring any weather difficulties or any
 13 other delays, we expect that the Government will rest a week
 14 from Monday. Probably fairly early on that, so we wanted to
 15 ~~give counsel notice that they should be prepared with any case~~
 16 as early as next Monday, along those lines.
 17 THE COURT: That's the 23rd?
 18 MR. FRAZER: We're off next Friday, so by Thursday of
 19 next week, we would just need to know so there is no delay,
 20 who the witnesses might be so we can run, if they're
 21 civilians, run any criminal records.
 22 THE COURT: Anything else to deal with?
 23 MR. HERMAN: I don't think so.
 24 THE COURT: Who's after Mr. Young?
 25 MR. FRAZER: Judge, I would be happy to come in the

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

4432

1 back and discuss that with the Court, if the Court wishes.
 2 THE COURT: Okay. I think you should discuss it
 3 with Mr. Herman.
 4 (Trial adjourned until Monday morning, April 16, 2007
 5 at 9 a.m.)
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4559

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF NEW JERSEY
 3 CRIMINAL NO. 03-836

4 UNITED STATES OF AMERICA :
 5 :
 6 -vs- :
 7 WILLIAM BASKERVILLE, : TRANSCRIPT OF PROCEEDING
 8 Defendant. :
 9 :
 10 Trenton, New Jersey
 11 April 17, 2007

12 B E F O R E:
 13 THE HONORABLE JOEL A. PISANO
 14 UNITED STATES DISTRICT COURT JUDGE

15 A P P E A R A N C E S:
 16 CHRISTOPHER CHRISTIE, U.S. Attorney
 17 BY: JOSEPH N. MINISH, Assistant U.S. Attorney
 18 ROBERT L. FRAZER, Assistant U.S. Attorney
 19 For the Government.
 20
 21 CARL J. HERMAN, ESQ.,
 22 KENNETH W. KAYSER, ESQ.,
 23 For the Defendant.

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

Joanne M. Caruso, CSR, CRR
 Joanne M. Caruso, CSR, CRR
 Official Court Reporter

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

4560

1	WITNESS	DIRECT	CROSS	REDIRECT	REGROSS
2	ANTHONY YOUNG				
3	By Mr. Minish	4564			
4	By Mr. Herman		4599	4695	4710
5	PETE GOZSA				
6	By Mr. Frazer	4710			
7	EDDIE RAHMAN WILLIAMS				
8	By Mr. Frazer	4729			4773
9	By Mr. Kayser	4765			
10					
11	EXHIBITS	DESCRIPTION	EVD.	ID.	
12	G-208	Photo	4579		
13	G-608	Plea Agreement	4597		
14	G-609	Cooperation Agreement	4597		
15	D-9	Photo of Jamal McNeil	4631		
16	D-10 and 11	Tapes	4688-4649		4652
17	G-314B	Photo	4695		
18	G-610	Plea Agreement	4761		
19					
20					
21					
22					
23					
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4562

1 THE COURT: Is there any issue with respect to Mr.
 2 Young's cross-examination on any prior convictions?
 3 MR. KAYSER: I don't think so.
 4 MR. HERMAN: I don't think so.
 5 THE COURT: Okay.
 6 MR. HERMAN: The only issue is a mechanical issue in
 7 terms of setting the tape up, Judge. We might need, once the
 8 direct is finished, maybe we should take a short break and
 9 make sure -- it was working the other day.
 10 MR. KAYSER: We can do it now if you want and just
 11 leave it.
 12 THE COURT: Whatever. We're going to take a morning
 13 break anyway, so.
 14 MR. HERMAN: Okay.
 15 THE COURT: ~~Is there anything you can tell me about~~
 16 the jury charge?
 17 MR. MINISH: Judge, we discussed yesterday with
 18 defense counsel the possibility if we end early on Monday,
 19 having a jury charge conference on that day.
 20 THE COURT: On Monday?
 21 MR. MINISH: On Monday, that we would be able to --
 22 when I'm in Newark on Friday, be able to send out at some
 23 point a proposed version to both the Court and counsel. I
 24 don't know if that's acceptable. We can discuss it after
 25 today's session.

4561

1 April 17, 2007
 2 THE CLERK: All rise.
 3 (The following takes place out of the presence of the
 4 jury.)
 5 THE COURT: Good morning.
 6 Have a seat, relax. Are we ready to begin?
 7 MR. MINISH: Yes.
 8 THE COURT: Yes?
 9 MR. MINISH: Yes.
 10 THE COURT: Let's get the witness.
 11 Hold it, Dana, we need the witness.
 12 MR. FRAZER: On a discovery matter, while we're
 13 waiting, I turned over 104 pages of Jencks material, the
 14 witness for next week, Special Agent Hilton from the DEA. I
 15 ~~have a copy for the Court if the Court wishes.~~
 16 THE COURT: Okay.
 17 Thank you.
 18 MR. FRAZER: Okay.
 19 THE COURT: Is Mr. Fusella going to be here today?
 20 MR. MINISH: I'm unaware.
 21 THE COURT: By the way, who is Melinda Hawkins
 22 Taylor?
 23 MR. MINISH: Mr. Young's prior attorney. She left
 24 for a position which did not allow her to have clients and she
 25 had to be replaced.

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4563

1 THE COURT: Let's talk about it later. I'd like to
2 have it sooner than that. You've got enough people that can
3 help out doing this.

4 A N T H O N Y Y O U N G , previously sworn, resumes
5 the stand.

6 THE COURT: Okay, let's get the jury.

7 THE CLERK: All rise.
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Young - Direct/Minish 4564

1 (The following takes place in the presence of the jury.)
2 THE COURT: Good morning, folks.

3 Have a seat.

4 We're going to resume the direct examination of Mr.
5 Young.

6 Mr. Young remains under oath.

7 Go ahead, Mr. Minish.

8 DIRECT EXAMINATION CONTINUES BY MR. MINISH:

9 Q Good morning, Mr. Young.

10 A Morning.

11 Q I remind you to keep your voice up and speak as close to
12 the microphone as you can.

13 Before we start back up where we left, there was a
14 couple of questions I realized I forgot to ask you.

15 You spoke about Rakeem Baskerville's van being by your
16 father's house.

17 Could you tell the jury why it was by your father's
18 house?

19 THE COURT: When, can we have a date, time?

20 MR. MINISH: The date that the law enforcement seized
21 the van.

22 A The reason it was by my father house, Rakeem Baskerville
23 put it there. Said the van was too slow for him to be driving
24 around in, so he wanted to drive his Impala S.S. just in case
25 law enforcement was to chase him.

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Young - Direct/Minish 4565

1 Q And the other thing I forgot to ask you, I know we spoke
 2 about your hat and jacket, but did you have facial hair on
 3 March 2nd, when you shot Kemo?
 4 A Yes.
 5 Q Okay.
 6 And could you describe what it looked like?
 7 A Like this but cut real low.
 8 Q I want to pick up where we left off.
 9 We were talking about the time period now after Kemo
 10 was killed and after Hakim Curry was arrested.
 11 Now, you said, I believe before we left off on Friday,
 12 that you were back in business, that was selling drugs?
 13 A Yes.
 14 Q Okay.
 15 How is it you were able to be back in business?
 16 THE COURT: Excuse me.
 17 When, Mr. Minish? Give us a date. Set the context
 18 of this.
 19 MR. MINISH: The date, Judge, the witness has not
 20 testified to the date that Hakim Curry was arrested. He said
 21 it was a few days after.
 22 THE COURT: Well, give us some idea of when we're
 23 talking about.
 24 MR. MINISH: Okay.
 25 The time we're talking about is after Kemo McCray was

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Young - Direct/Minish 4566

1 killed and after Hakim Curry was arrested.
 2 THE COURT: Mr. Young, did you become aware of the
 3 fact that Hakim Curry was arrested?
 4 THE WITNESS: Yes.
 5 THE COURT: Can you tell us about when that
 6 happened? When did you learn of that?
 7 THE WITNESS: Two days, maybe a day or two after
 8 Kemo McCray was murdered.
 9 THE COURT: So we're talking about the first week in
 10 March?
 11 THE WITNESS: Yes.
 12 THE COURT: Is that about right?
 13 THE WITNESS: Yes.
 14 THE COURT: Okay.
 15 Go ahead.
 16 Q You said you were back in business selling drugs?
 17 A Yes.
 18 Q Okay.
 19 Who was your source of supply if Hakim Curry was
 20 arrested?
 21 A A Dominican guy from New York and a guy by the name of
 22 Rasool.
 23 Q Who is Rasool?
 24 A Baskerville's brother-in-law.
 25 Q And where did Rasool get his drugs from?

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Young - Direct/Minish 4567

1 A Same person Hakim Curry got his from.
 2 Q Do you know who that person is?
 3 A A Spanish guy in New York.
 4 Q Now, speaking about the time period from after Hakim
 5 Curry was arrested through the rest of 2004, did anything of
 6 consequence happen with respect to either Kemo or the group of
 7 people who were still out on the street?
 8 MR. HERMAN: I don't know if he means Kemo, Judge.
 9 Q I'm sorry.
 10 After Kemo was killed, with respect to the murder of
 11 Kemo and with the group who was still out in the street?
 12 A No.
 13 Q Did there come a time when you got into an argument with
 14 one of the members of the group?
 15 A Yes.
 16 Q Could you tell the jury who that was?
 17 A Jamal Baskerville.
 18 Q Okay.
 19 How did that start?
 20 A Because I had told an ex-girlfriend about a murder that
 21 Jamal Baskerville and Jamal McNeil had committed.
 22 Q Do you remember about what time of year that was, was it
 23 2004 or 2005?
 24 THE COURT: What, when he told the ex-girlfriend or
 25 when the murder happened?

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Young - Direct/Minish 4568

1 MR. MINISH: When he told the ex-girlfriend.
 2 THE COURT: Okay.
 3 A December of 2004.
 4 Q Again, if you can just explain to the jury the
 5 circumstances of the conversation you had with your
 6 ex-girlfriend.
 7 A I was just telling her that I was wondering how Jamal
 8 McNeil and Jamal Baskerville made a mistake and killed a
 9 female on Springfield Avenue in Irvington.
 10 Q Okay.
 11 And what were the circumstances of that murder?
 12 A They was trying to murder a guy from around our way.
 13 Q Do you remember what his name was?
 14 A And missed him and shot her.
 15 Q Do you remember what that man's name was?
 16 A Nut.
 17 Q Is that a street name or his legal name?
 18 A Street name.
 19 Q Do you know his legal name?
 20 A No.
 21 Q So exactly what happened that you said that Nut was
 22 missed?
 23 What were the actual circumstances?
 24 MR. HERMAN: Objection, unless he has knowledge.
 25 THE COURT: Do you have personal knowledge of this

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Young - Direct/Minish 4569

1 or did you learn it from somebody else?

2 THE WITNESS: Learned it from Jamal Baskerville.

3 THE COURT: Sustained.

4 Q And what did you tell your girlfriend?

5 A What Jamal Baskerville had told me, that he missed, Jamal

6 McNeil missed the girl --

7 THE COURT: I sustained the objection.

8 Q What happened after you told your girlfriend whatever it

9 was that Jamal McNeil or Jamal Baskerville told you?

10 A Me and her get into a big fight one day.

11 Q You and the girlfriend or you --

12 A Yes, me and the girlfriend.

13 Q Okay.

14 A And we broke up and her being Mr. Baskerville's wife's

15 best friend, she went back and told what I told.

16 Q Which Mr. Baskerville are you talking about?

17 A Jamal.

18 Q So you're girlfriend was best friends with Jamal

19 Baskerville's wife?

20 A Yes.

21 Q Okay.

22 And she passed along the information that you had

23 passed along to her?

24 A Yes.

25 Q Now, was there a reaction from Jamal Baskerville?

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Young - Direct/Minish 4570

1 A He told a friend of mine named Rasheed that I talk too

2 much.

3 MR. HERMAN: Objection.

4 THE COURT: Sustained.

5 Q Did Jamal Baskerville say anything to you?

6 A Yes.

7 Q Okay.

8 What did he say to you?

9 A He told me one night in the car that I talk too much and

10 what else have I told them?

11 Q Okay.

12 Anything else?

13 A Told me to get out the car.

14 Q Was there a later conversation on the telephone?

15 A Yes.

16 Q Okay.

17 Can you tell the jury about that?

18 A We was arguing on the phone one day and he said when I

19 see you in the streets, you'll be taken care of.

20 Q Now, you say "one day."

21 The argument with your girlfriend was in December of

22 '04.

23 How much further along are you talking about, how many

24 days later?

25 A Maybe about six, seven days later.

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Young - Direct/Minish 4571

1 Q And what did you do as a reaction to those comments by
 2 Mr. Baskerville?
 3 A I got in touch with the F.B.I.
 4 Q Do you recall about when you contacted the F.B.I.?
 5 A Sometime in January.
 6 Q How exactly did you get in contact with the F.B.I.?
 7 A By phone.
 8 Q How did you get the number?
 9 A By calling 4-1-1.
 10 Q And who did you speak to at the F.B.I.?
 11 A Shawn -- first a man and he connected me to a lady named
 12 Shawn Manson.
 13 Q When the man answered the phone, what did you tell the
 14 man?
 15 A That I was interested in giving him some information.
 16 Q Okay.
 17 About what?
 18 A About the Kemo McCray murder.
 19 Q And at that point were you connected with Agent Manson?
 20 A Yes.
 21 Q So the jury is clear, at this point why did you decide to
 22 go to the F.B.I.?
 23 A Because I knew I was going to get murdered on the streets
 24 and I did it for the protection.
 25 Q Did you have a lawyer at that time?

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Young - Direct/Minish 4572

1 A Yes.
 2 Q Who was your lawyer?
 3 A Paul Feinberg.
 4 Q And did he come to the meeting or did he advise you with
 5 respect to your conversation with Agent Manson?
 6 A Gave me advice.
 7 Q What did he tell you?
 8 A He told me whatever I tell them, the F.B.I., don't
 9 implicate myself.
 10 Q Did there come a time when you met face-to-face with the
 11 agent?
 12 A Yes.
 13 Q Okay.
 14 How much longer after that phone call, do you recall?
 15 A It could have been that day or the next day.
 16 Q Okay.
 17 And did your attorney come to that meeting?
 18 A No.
 19 Q Why not?
 20 A Said he was busy and he couldn't be there for the
 21 meeting.
 22 Q Okay.
 23 Did you owe him any money at that time?
 24 A Yes.
 25 Q And did you have money to pay him?

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Young - Direct/Minish 4573

1 A No.

2 Q So did you actually meet with Agent Manson?

3 A Yes.

4 Q Do you recall what month this is?

5 A I believe January.

6 Q Okay.

7 Of '05?

8 A Yes.

9 Q What did you tell Agent Manson during the course of that

10 meeting?

11 A I told her about the murder of Kemo McCray, but when I

12 told her about it, being the lawyer told me not to implicate

13 myself, I told her a guy named -- by the name of Jamal McNeil

14 was the shooter.

15 Q Did you describe, other than reversing -- what did you

16 say you did?

17 A I said I was with Jamal McNeil sitting in the van.

18 Q So the version you initially told the F.B.I. was you and

19 Jamal McNeil were reversing positions?

20 A Yes.

21 Q Did you provide any details of the murder to Agent

22 Manson?

23 A Yes.

24 Q Okay.

25 What were they?

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Young - Direct/Minish 4574

1 A Told her what happened, what he had on, what kind of gun

2 was used.

3 Q Did you mention anything about a dust mask?

4 A Yes.

5 Q Okay.

6 What did you say about that?

7 A Say he had a dust mask around his neck.

8 Q Did you tell her anything about how the body fell?

9 A Yes.

10 Q What did you say about that?

11 A Say he fell in the street on his face with a cigarette in

12 his hand.

13 Q Did you have any requests of the F.B.I. at that meeting?

14 A Yes.

15 Q What did you ask for?

16 A Protection and that they take my gun charge that I had.

17 Q Again, you have to keep your voice up.

18 You said there was a gun charge?

19 A Yes.

20 Q Okay.

21 Tell the jury what you're talking about when you say

22 you had a gun charge?

23 A I got caught with a 45 automatic.

24 Q Related to the Kemo McCray murder?

25 A No.

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F 10

Young - Direct/Minish 4575

1 Q Okay.

2 And that's the one that you spoke about earlier when

3 you first started testifying that you pled guilty to in Essex

4 County?

5 A Yes -- no.

6 Q I'm sorry, that you were charged by Essex County?

7 A Yes.

8 THE COURT: You're saying that that gun case was

9 pending at the time you called the F.B.I.?

10 THE WITNESS: Yes.

11 THE COURT: And you were charged with possession of

12 this gun in Essex County?

13 THE WITNESS: Yes.

14 THE COURT: State court?

15 THE WITNESS: Yes.

16 THE COURT: Okay.

17 Q Did you stay in the neighborhood after you spoke with

18 Agent Manson?

19 A No.

20 Q Where did you go?

21 A To North Carolina.

22 Q How long were you down there for?

23 A Three days.

24 Q Why did you come back?

25 A Cause Miss Manson wanted to see me.

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Young - Direct/Minish 4576

1 Q Did you have any other pending matters in court?

2 A Yes.

3 Q Okay.

4 Tell the jury what else you had pending.

5 A The domestic violence.

6 Q And where was that pending?

7 A Essex County family court.

8 Q And did you have to appear in court, again I guess we're

9 talking about approximately January of '05?

10 Did you have a court appearance?

11 A Yes.

12 Q Okay.

13 Explain to the jury the circumstances of that

14 appearance.

15 A. Went to court and the judge called Shawn Manson and asked

16 her did she want me to be released or to keep me. At that

17 time I was released, I was the first court date I had, I was

18 released.

19 Q Okay.

20 Did you go back again?

21 A Yes, about a week later.

22 Q Okay.

23 What happened at that appearance?

24 A That appearance they kept me.

25 Q Okay.

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Young - Direct/Minish 4577

1 By kept you, you mean they locked you up?
 2 A Yes.
 3 Q And have you been in custody since that day?
 4 A Yes.
 5 Q Now, you mentioned something about you wanted the F.B.I.
 6 to take your gun case.
 7 What did you mean by that?
 8 A Adopt the gun case to the feds.
 9 Q So that they could prosecute it instead of Essex County?
 10 A Yes.
 11 Q What jail, when you were initially arrested, what jail
 12 did you go to?
 13 A Essex County.
 14 Q Okay.
 15 And did you stay in Essex County for a long period of
 16 time?
 17 A Couple days.
 18 Q Where did you go to next?
 19 A Hudson County.
 20 Q Did you have any contact with the defendant?
 21 A Yes.
 22 Q Okay.
 23 Could you tell the jury the circumstances of that
 24 contact?
 25 MR. HERMAN: Can we have when, Judge?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4578

1 Q Do you remember when?
 2 A Maybe about a week after I was locked up.
 3 Q Are we still in January, February, March?
 4 A January.
 5 Q Okay.
 6 What happened during that contact?
 7 A He told somebody to tell me to come to the vent for him
 8 to talk to me.
 9 Q Explain to the jury what you mean by the vent?
 10 A Well, you go upstairs on another tier, I can't see you.
 11 But it's like a ventilation vent. If I can talk through it,
 12 he could hear me and I could hear him.
 13 Q And what did you two talk about?
 14 A All he said is don't talk to the guy Ra-Ra on your tier
 15 cause he's a snitch.
 16 Q At that time did he know you were cooperating?
 17 A No.
 18 Q Do you know who Ra-Ra is?
 19 A I know him by face.
 20 Q We'll see if we can find a photograph. We'll move onto
 21 other areas.
 22 MR. MINISH: Judge, I've shown defense counsel what's
 23 been marked Government exhibit 208.
 24 I'm showing the witness 208.
 25 Q Do you recognize who's in that picture?

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Young - Direct/Minish 4579

1 A That's the guy Ra-Ra.

2 MR. MINISH: Judge, I'd like to move this into

3 evidence.

4 MR. HERMAN: No objection.

5 (G-208, photo, is marked in evidence.)

6 Q The person the jury is looking at on the screen, that's

7 Ra-Ra?

8 A Yes.

9 Q Do you know his real name?

10 A No.

11 Q You can take it down.

12 How long were you in Hudson County at that point?

13 A Two days.

14 Q Where did you move to next?

15 A Monmouth County.

16 Q Okay.

17 How long were you in Monmouth County jail?

18 A For about ten to 12 days.

19 Q Okay.

20 So you ultimately left Monmouth County, too?

21 A Yes.

22 Q Where did you move to?

23 A Back to Essex County.

24 Q Okay.

25 How long did you stay in Essex County?

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4580

1 A About two, two and a half months.

2 Q And then obviously you left Essex County.

3 Where did you go to next?

4 A Back to Hudson County.

5 Q And do you recall about what month, what year that was?

6 A March 23rd, 2005.

7 Q Okay.

8 So you remember?

9 A Yes.

10 Q When you got back to Hudson County, was the defendant

11 still in Hudson County?

12 A No, he was transferred.

13 Q How long -- have you been in Hudson County since or how

14 long were you in Hudson County from that March 23rd date?

15 A Two years.

16 Q And so you spent almost two years in Hudson County,

17 consecutive months?

18 A Two years, yes.

19 Q I want to ask you, how are phone calls made out of Hudson

20 County?

21 A Collect.

22 Q Okay.

23 Explain to the jury the process that an inmate would

24 use to make a call to someone on the outside from Hudson

25 County.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Direct/Minish 4581

1 A It's a collect call through a collect call agency.
 2 Q And can you call anybody?
 3 A Yes, anybody that accepts collect calls.
 4 Q At the time can you connect to cell phones?
 5 A Yes.
 6 Q Have you heard the expression three-way phone calls?
 7 A Yes.
 8 Q Okay.
 9 Tell the jury what that is.
 10 A Call somebody's house and then you can ask them to call
 11 somebody for you, so you're on a three-way.
 12 Q And what would the purpose of that be?
 13 A Well, they tell you don't use three-way calls so the
 14 phone will hang up, so you got to blow in the phone for the
 15 phone can't hear you during the a three-way call.
 16 Q Why would you want to make a three-way call?
 17 A To get in touch with people on the streets.
 18 Q And why can't you call them directly?
 19 A Because they might have a cell phone and most cell phones
 20 at the time, they didn't accept collect calls.
 21 Q Were you concerned at all about phone calls being
 22 recorded?
 23 A Yes, always.
 24 Q And did making a three-way call help you in any way?
 25 A Yes.

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Young - Direct/Minish 4582

1 Q Tell the jury why that would help.
 2 A Because normally when you calling the same person
 3 everyday, they don't record it like they would if you was to
 4 call somebody out of the normal.
 5 Q And when you're saying, making the statements, did
 6 anybody in Hudson County jail ever actually say this to you,
 7 who worked for the jail, I should say?
 8 Q What, that it records?
 9 Q Record or doesn't record?
 10 A No. Well, people told me best way to do it is on a
 11 three-way.
 12 Q Did you have access to cell phones when you're in Hudson
 13 County?
 14 A Yes.
 15 Q Explain to the jury how that works.
 16 A Well, certain officers in the jail that we pay them, or
 17 the maintenance men if you pay them enough money, they'll
 18 bring you a cell phone.
 19 Q Okay.
 20 A Pick it up from your wife or whoever.
 21 Q During that period of time, that almost two years you
 22 were in Hudson County, did you ever have a cell phone?
 23 A Two of them.
 24 Q Now, we'll speak about visits.
 25 Were people allowed to visit you in Hudson County?

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Young - Direct/Minish

4583

1 A Yes.

2 Q And are those conversations recorded?

3 A No.

4 Q Do people provide identification to come for a visit?

5 A Yes.

6 Q And how does that work? Just explain to the jury how that works, the identification process.

7 A Just show a state I.D. or driver's license and they let you in, you sign your name.

8 Q Did you have a New Jersey driver's license at the time you were arrested?

9 A No.

10 Q Okay.

11 Q How would you have been able to visit somebody?

12 A Well, I usually have a fake driver's license.

13 Q And by "fake," you mean someone else's name?

14 A Yes.

15 Q Would you be able to visit someone in Hudson County?

16 A Yes.

17 Q Using that fake license?

18 A Yes, because I have my picture in it, but another name.

19 Q Now, speaking specifically of that group of people who were involved in the Kemo McCray murder, did anybody else have a fake I.D.?

20 A Yes.

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Young - Direct/Minish

4584

1 Q Who did?

2 A Me, Hakim Curry, Jamal McNeil.

3 Q Did Jamal McNeil have a license, to your knowledge, in his own name?

4 A No.

5 Q Now, you left out Rakeem.

6 A Did he have a real license?

7 A Yes, he got his real license.

8 Q Now, the last area I want to go into is professional visits.

9 Tell the jury what a professional visit is?

10 A Professional visit is when your lawyer come see you and nothing he say or you say can be taped.

11 Q Is there any sort of device in that room to monitor what's going on?

12 A Yes, there's a video camera to make sure of the lawyer's safety, so the officer, all he can do is watch but he can't hear nothing.

13 Q And are you able to speak freely during those meetings?

14 A Yes.

15 Q Is there anything else you're able to do during those meetings?

16 A Receive stuff from your lawyer.

17 Q Okay.

18 And does anybody check what you receive from the

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Young - Direct/Minish 4585

1 Lawyer?

2 A No.

3 Q Why not?

4 A Cause it's confidential information when you speaking to
5 your lawyer.

6 Q Now, during this time when you were in Hudson County, did
7 there come a time when you came to the United States
8 Attorney's Office?

9 A Yes.

10 Q Okay.

11 Do you know about the first time that you came?

12 A I think the first time I came I was in Essex County.

13 Q Okay.

14 So it preceded your time in Hudson County?

15 A Hudson County, I can't remember the first time I came.

16 Q When you came -- the first time, whether it be Essex or
17 Hudson County, when you first came to the U.S. Attorney's
18 Office, explain to the jury what the meeting was like.

19 A It was a meeting, me, my lawyer, prosecutor and the
20 F.B.I. agents.

21 Q Who was your lawyer at the time?

22 A Melinda Hawkins.

23 Q Were you asked to explain or give the information you had
24 regarding Kemo McCray's murder?

25 A Yes.

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Young - Direct/Minish 4586

1 Q Was I at that meeting?

2 A No.

3 Q Was there anybody from the U.S. Attorney's Office there?

4 A Yes.

5 Q Do you remember who was there?

6 A Yes.

7 Q Who was there?

8 A John Gay.

9 Q The version of events you gave the U.S. Attorney's Office
10 at that time and the F.B.I., did you say you were the shooter
11 or Jamal McNeil was the shooter?

12 A Jamal McNeil.

13 Q And why did you do that?

14 A Because of the statement the lawyer made to me, don't
15 implicate myself.

16 Q You knew that wasn't true, though?

17 A Yes.

18 Q Did there come a time in August of '05, where you called
19 Agent Manson with information?

20 A Yes.

21 Q Okay.

22 Do you recall what information you gave her?

23 A Told her that the shooter was a left-handed shooter.

24 Q Okay.

25 Did you actually speak to her or leave a voicemail?

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Young - Direct/Minish 4587

1 A I left a voicemail.

2 Q Okay.

3 Why did you tell Agent Manson that the shooter was a

4 left-handed shooter?

5 A Because I knew Jamal McNeil was left-handed.

6 Q And that's the man you had blamed?

7 A Yes.

8 Q And you knew you actually had shot Kemo left-handed?

9 A Yes.

10 Q Now, I'm going to fast forward you to March of 2006.

11 Prior to that, you had had a number of meetings with

12 the F.B.I. and the U.S. Attorney's Office?

13 A Yes.

14 Q But now speaking specifically of March 1st, 2006, did you

15 still have the same lawyer?

16 A No.

17 Q You had a new lawyer was appointed for you?

18 A Yes.

19 Q And did you come for a similar type of meeting at the

20 U.S. Attorney's Office?

21 A Yes.

22 Q When you got to the meeting, was I present?

23 A Yes.

24 Q Okay.

25 Who else was there?

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Young - Direct/Minish 4588

1 A John Gay.

2 Q Was anybody from the F.B.I. there?

3 A Shawn Manson.

4 Q And was your attorney, your new attorney present?

5 A Yes.

6 Q And that's a Mr. Fusella?

7 A Mr. Fusella.

8 Q Okay.

9 Now, tell the jury what you told us at the meeting that

10 day.

11 A The same story that I be giving you all.

12 Q Now, did there come a time when you met at our office,

13 the U.S. Attorney's Office that is, when you told a different

14 version of events?

15 A Yes.

16 Q Tell the jury what you told us that day.

17 A One day I came in and I gave -- my lawyer advised me to

18 tell the truth and give you the real story.

19 Q Okay.

20 Now, I want to talk about the meeting, if you remember,

21 prior to when you gave what you said is the real story and

22 after you got your new attorney.

23 A Okay.

24 Q Did there come a time when you came to the U.S.

25 Attorney's Office and the same people were there, and you gave

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Young - Direct/Minish 4590

1 A Yes.

2 Q Okay.

3 What did you discuss?

4 A He came to see me the next day. He asked me did I want
5 to tell you all the real story.

6 I asked him, should I? He said, that was in my best
7 interest to tell the truth.

8 Q And a couple of weeks later, did you come back to the
9 U.S. Attorney's Office?

10 A Yes.

11 Q And who was present at that meeting?

12 A My lawyer, F.B.I. agents, yourself and Mr. John Gay.

13 Q And at that meeting, do you recall whether that was
14 approximately March 13th of '06?

15 A Somewhere around there. I don't remember the exact date.

16 Q All right.

17 Now, at that meeting, tell the jury what you said.

18 A I gave you all the true version of what happened.

19 Q What was the true version of what happened?

20 A I put Jamal McNeil in his right position, that he was
21 sitting in the van and I was doing the shooting.

22 Q Okay.

23 And the van you're talking about was the look out with
24 Hakim Curry?

25 A Yes.

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Young - Direct/Minish 4589

1 another untrue version of the events?

2 A Yeah. I told you I wasn't there.

3 Q Okay.

4 Tell the jury about that.

5 A I just came in, I was frustrated because F.B.I. agent
6 told me that I was going to go home, so I was mad, now that I
7 know that I wasn't going home.

8 So I said I wasn't there.

9 Q By "wasn't there," you meant -- where were you talking
10 about?

11 A At the murder.

12 Q So you just denied being there completely?

13 A Yes.

14 Q Okay.

15 ~~When you made that denial to us, what happened?~~

16 A You all said you all didn't believe it.

17 Q And then what happened?

18 A And then I went back to the jail.

19 Q So you were sent back to the jail?

20 A Yes.

21 Q How long do you think that meeting was?

22 A Ten minutes.

23 Q Okay.

24 After that meeting, did you discuss with your attorney
25 what you should do?

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Young - Direct/Minish 4591

1 Q And you admitted that you actually had shot Kemo?

2 A Yes.

3 Q Okay.

4 Did you tell us anything about payment that was made?

5 A Yes.

6 Q What did you tell us?

7 A That Hakim Curry me 7500 and Rakeem Baskerville gave me 7500.

8

9 Q Did you mention at any time prior to that day whether Jamal McNeil had been paid?

10 A No, I said he did it for free.

11 Q And why is that?

12 A Just to act like I wasn't the shooter.

13 Q All right.

14

15 ~~Why did you decide to come clean that day?~~

16 A My lawyer said that was the best thing to do.

17 Q Ultimately, did you sign a plea agreement in this case?

18 A Yes.

19 Q Before we get to that, I'm sorry, did you -- while you were in jail in Hudson County, did you ever tell anybody that you were the shooter?

20 A Couple people.

21 Q Do you recall who you told?

22 A One person I recall, but I think I told about two or three people.

23

24

25

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Young - Direct/Minish 4592

1 Q Okay.

2 Why did you tell them?

3 A When you in jail, you talk a lot, tell a lot of people your story and, you know, make me look like a big person in jail.

4

5 Q Did you tell anybody a different version of how that happened?

6 A Yes.

7 Q And which version did you tell those people?

8 A The version that I first told when I got locked up.

9 Q That Jamal McNeil was the shooter?

10 A Yes.

11 Q Now, I started to ask you about a plea agreement.

12 Was a plea agreement provided to you and your attorney for your review?

13 A Yes.

14

15 MR. MINISH: Judge, I've shown defense counsel what's been marked Government exhibit 608 and I'm showing it to the witness.

16 Q Tell the jury what that is.

17 A It's a plea agreement, saying that I pleaded guilty to conspiracy to murder; that the judge could give me life in prison.

18 Q Well, is this the plea agreement you were talking about?

19 A Yes.

20

21

22

23

24

25

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Young - Direct/Minish 4593

Young - Direct/Minish 4594

1 Q And ultimately did you sign this plea agreement?
 2 A Yes.
 3 Q And is that on page seven, your signature and your
 4 attorney's signature?
 5 A Yes.
 6 Q Okay.
 7 And that was signed January 24th of this year?
 8 A Yes.
 9 Q Now, this agreement contains the terms under which you
 10 were pleading guilty. Is that correct?
 11 A Yes.
 12 Q And you started to say different things it contained.
 13 Let me ask you.
 14 Does it contain anything with respect to the death
 15 -penalty?
 16 A Yes.
 17 Q Okay.
 18 What does the agreement say?
 19 A That I wouldn't receive the death penalty.
 20 Q And did it say anything at all about a sentence?
 21 A Yes.
 22 Q Okay.
 23 What does the sentence say?
 24 Now, I'm speaking only of the plea agreement, not
 25 another agreement. What does this agreement say?

1 A The judge can give me life in prison.
 2 Q Can or has to?
 3 A He can.
 4 Q I direct your attention to the bottom of page ten, the
 5 very end of the agreement, number 20.
 6 Before we get to that, did your attorney explain all
 7 the things in this agreement to you?
 8 A Most of it.
 9 Q Okay.
 10 But you read it?
 11 A Yes.
 12 Q Anything you didn't understand he explained to you?
 13 A Well, what I see now, I see that --
 14 Q I know there's another agreement.
 15 ...I'm talking specifically about this agreement now.
 16 A Oh, okay.
 17 Q What does this agreement say with respect --
 18 A That I shall be sentenced to life in prison.
 19 Q And you pled to three separate charges?
 20 A Yes.
 21 Q Pursuant to this plea agreement?
 22 A Yes.
 23 Q Okay.
 24 And they are, one, a conspiracy to murder a witness?
 25 A Yes.

Young - Direct/Minish 4595

Young - Direct/Minish 4596

1 Q Two, a conspiracy to retaliate against an informant?

2 A Yes.

3 Q And three, the possession of ammunition and a firearm,
4 that charge you talked about before?

5 A Yes.

6 Q Okay.
7 That was the charge that you wanted the federal
8 Government to adopt?

9 A Yes.

10 Q And you, in fact, pled guilty to that?

11 A Yes.

12 Q Was there another agreement that you also signed?

13 A Yes.

14 MR. MINISH: Judge, I've shown defense counsel what's
15 been marked Government exhibit 609. I'm showing it to the
16 witness.

17 Q Do you recognize what that is?

18 A Cooperation agreement.

19 Q And is that your cooperation agreement?

20 A Yes.

21 Q And what was the date of that agreement?

22 A January 23rd, 2007.

23 Q And did you review this with your attorney?

24 A Yes.

25 Q And you read it also?

1 A Yes.

2 Q Okay.

3 Did your attorney answer any questions you might have
4 had?

5 A Yes.

6 Q And is your signature at the bottom of page four?

7 A Yes.

8 Q Is your attorney also at the bottom of page four signed?

9 A Yes.

10 Q And what's the date of the signatures?

11 A January 24th, 2007.

12 Q What is your understanding of your responsibility with
13 respect to this cooperation agreement, 609?

14 A That if I cooperate and the judge could give me as much
15 time as he wants to give me.

16 Q What do you have to do to cooperate?

17 A Tell the truth.

18 Q Okay.

19 And if you tell the truth, what is the Government's
20 responsibility?

21 A To write me a cooperation letter.

22 Q Okay.

23 And that letter will go to the judge?

24 A Yes.

25 Q And what would that letter ask for?

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Young - Direct/Minish 4597

1 A Ask the judge to sentence me to less than life.
 2 Q Ultimately, what is your understanding of who determines
 3 your sentence?
 4 A The judge.
 5 Q What happens if you lie?
 6 A I don't get the cooperation letter.
 7 Q And what kind of jail time would you face?
 8 A I would definitely get life in prison.
 9 Q Tell the jury why you're testifying,
 10 A I'm testifying, that way I can be home before I'm an old
 11 man.
 12 MR. MINISH: Judge, subject to moving in Government
 13 exhibit 608 and 609 in evidence, I have no further questions.
 14 THE COURT: Any objection to those exhibits?
 15 MR. HERMAN: 608, 609, no.
 16 THE COURT: All right. They're received.
 17 (G-608, plea agreement and 609, cooperation
 18 agreement, are marked in evidence.)
 19 THE COURT: Do you want to take a short break?
 20 MR. HERMAN: Yes, for the equipment.
 21 THE COURT: We'll take a short break and have you
 22 right back.
 23 THE CLERK: All rise.
 24 (Jury is excused and the following takes place out of
 25 the presence of the jury.)

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4598

1 THE COURT: How much time do you need?
 2 MR. KAYSER: A few minutes to set this up.
 3 THE COURT: All right.
 4 (Recess.)
 5 (The following takes place out of the presence of the
 6 jury.)
 7 THE CLERK: All rise.

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Young - Cross/Herman 1599

(The following takes place in the presence of the jury.)

THE COURT: We're going to go for awhile and take our regular morning break. We needed to get an audio recording set up. We wanted to make sure that it was set, but we will give you another morning break in a little while. We'll go for a time here and take a short break.

Mr. Herman, you may cross.

MR. HERMAN: With the Court's permission, I have 314H in evidence. I just want to put it up on the Elmo.

CROSS-EXAMINATION BY MR. HERMAN:

Q Mr. Young, can you see what's on the screen there?

A Yes.

Q What is that?

A Kemo-McCray.

Q How do you know?

A I don't know.

Q Does it look like what you did to Kemo McCray, Mr. Young?

A Well, I wouldn't know if it looked like it.

Q What did you do to Kemo McCray, Mr. Young?

A Shot him in the back of the head and neck.

Q You shot him in the back of the head?

A Yes.

Q So this picture, 314, I think it's H in evidence, that's not what you did to Kemo McCray. Is that right?

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Young - Cross/Herman 1600

A No.

Q That's got to be somebody else, right?

A Yeah.

Q I'll put 314A up on the Elmo in evidence.

A Can you see that, Mr. Young?

A Partially.

THE COURT: Try this.

A Yes.

Q Who's that?

A I don't know.

Q Would that be Kemo McCray that you killed?

A Could be, couldn't be. I don't know.

Q Did anyone before today, did anyone show you these pictures of this dead person?

A No.

Q Did you ask to see those pictures?

A No.

Q I'm going to put 314J on the Elmo, 314J in evidence.

A Can you see that, sir?

A Yes.

Q What's that a picture of?

A Picture of a man with a bullet wound.

Q Did you put that bullet hole in this man's head?

A I don't know if it hit him right there. It could be.

Q Well, do you recognize the side of his face?

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Young - Cross/Herman 4601

1 A No, I can't tell his face by the side.

2 Q So do you think this could be the evidence of the gunshot

3 wound that you put in Kemo McCray's head?

4 A It could be or it couldn't be.

5 Q You don't know?

6 A I don't know.

7 Q Did you shoot Kemo McCray?

8 A Yes.

9 Q How many times?

10 A Three, maybe four times.

11 Q Did you know Kemo McCray?

12 A Yes.

13 Q And did you have a personal problem with him?

14 A No, sir.

15 Q Did he ever do anything to you?

16 A No.

17 Q And why did you kill him?

18 A For Will Baskerville.

19 Q Because Will Baskerville told you to kill Kemo McCray.

20 Is that right?

21 A He wanted Kemo McCray dead.

22 Q Who told you to kill him?

23 Wasn't it Mr. Curry who told you to kill him?

24 A Actually, it was his brother, Rakeem Baskerville who told

25 me to kill him.

Young - Cross/Herman 4602

1 Q Told you to kill him?

2 A Yes.

3 Q What about the money, sir?

4 A Came from Rakeem Baskerville and Hakim Curry.

5 Q Didn't you kill this person for money?

6 A No. I did it to get Will Baskerville out of jail.

7 Q So you didn't care about the \$15,000?

8 A It was offered to me, so I took it.

9 Q And you believe that under those circumstances, getting

10 the money and how you felt, it was acceptable for you to put

11 four bullets in Kemo McCray. Is that right?

12 A I wouldn't say it's acceptable, but I took the money and

13 I took responsibility for it.

14 Q You've taken responsibility for it?

15 A Yes.

16 Q And what should happen to you based on what you did to

17 Kemo McCray?

18 A That's up to your Honor.

19 Q What do you think should happen to you, sir?

20 A Took responsibility for it, so whatever time your Honor

21 give me, I got to take.

22 Q But how much time do you think you deserve for what you

23 did?

24 A Well, I deserve death, but whatever he give me, I got to

25 take.

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Young - Cross/Herman 4603

1 Q You deserve the death penalty, don't you?

2 A Yeah. We all do.

3 Q You put four bullets in Kemo McCray's body and killed

4 him, right?

5 A Yes.

6 Q And for that, don't you deserve the death penalty?

7 A Yeah, we all do.

8 Q Don't you take responsibility for what you did, don't you

9 deserve the death penalty?

10 A If that's what I would have got, yes.

11 Q But you're not getting the death penalty, are you?

12 A No.

13 Q Never, you're never getting the death penalty for this

14 case, right?

15 A No.

16 Q Because you made a deal with the prosecutors, right?

17 A Yes.

18 Q And they said if you testify and cooperate, you will not

19 get the death penalty, right?

20 A Yes.

21 Q So no matter what happens, you're going to live, right?

22 A Yes.

23 Q And you're hoping that you won't have to live the rest of

24 your time in jail until you're an old man and die in jail.

25 Isn't that true?

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Young - Cross/Herman 4604

1 A Yes, I'm hoping.

2 Q And what's the basis for your hope?

3 A That I don't die in prison.

4 Q You don't want to die in prison, do you?

5 A No, sir.

6 Q And you're hoping by coming into court and saying what

7 you said, that the prosecutors will write a letter to the

8 judge, right?

9 A Yes.

10 Q They promised to do that, right?

11 A If I tell the truth, yes.

12 Q Well, what's the truth, Mr. Young?

13 A The truth is the version that I shot Kemo McCray for --

14 to get Will Baskerville out of jail.

15 Q ~~Did Will Baskerville get out of jail?~~

16 A No.

17 Q How many versions of this have you told?

18 A Three.

19 Q Three.

20 And how do we know, how does the jury know when Anthony

21 Young is telling the truth?

22 A Well, evidence will show that I'm telling the truth.

23 Q When you say "the truth," do you say it just like a lie?

24 A No.

25 Q Is there a way you signal this is the truth and this is a

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Young - Cross/Herman 4605

1 lie?

2 A I think when you tell a lie, you mix up a lot of the

3 versions of what you did.

4 Q Well, you told a lie for over a year --

5 A Yes.

6 Q -- right?

7 A Yes.

8 Q Did you mix up the versions?

9 A Couple times, yes.

10 Q And did they say to you, you're lying?

11 A No.

12 Q You're a good liar, sir, aren't you?

13 A I think so, yes.

14 Q You lie all the time, don't you?

15 A No.

16 Q But you're a good liar when you want to be, right?

17 A When I need to be.

18 Q When you need to be, right?

19 A Yes.

20 Q And you're a good dealer when you need to be, right?

21 A Well, I wouldn't say that.

22 Q You came to the F.B.I. originally because there was a gun

23 charge against you, right?

24 A I came to the F.B.I. because for protection. I knew I

25 was about to get killed on the streets.

Young - Cross/Herman 4606

1 Q And you were to be killed about some other situation,

2 right, that you had told your girlfriend about some other

3 murder?

4 A Situation of his brother made a mistake and killed a

5 female.

6 Q It had nothing to do with this case, did it?

7 A No.

8 Q Who was your girlfriend at the time?

9 A Rasheeda Tarver.

10 Q Is she still your girlfriend?

11 A No.

12 Q Is she the one you're accused of the domestic violence?

13 A Yes.

14 Q Is she the one you burned her house down?

15 A No.

16 Q Did you set fire to her house?

17 A Never.

18 Q Did you threaten her?

19 A Yes.

20 Q With a gun?

21 A No.

22 Q On July 9th, 2004, what happened?

23 A July 9th, 2004? I don't know what you're talking about.

24 Q Were you arrested in Newark for a gun?

25 A Yes.

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Young - Cross/Herman 4607

1 Q Was that on July 9, 2004?
 2 A Yeah, about that date.
 3 Q And what were the circumstances of that situation?
 4 A Me and my girlfriend was driving in my truck.
 5 Q Rasheeda Tarver?
 6 A Yes.
 7 Q Your truck?
 8 A Yes.
 9 Q What kind of truck was it?
 10 A Cadillac Escalade.
 11 Q How did you get that truck?
 12 A Drug money.
 13 Q What's that?
 14 A Drug money.
 15 Q ~~Have you ever had a job?~~
 16 A As a kid.
 17 Q As an adult, ever have a job?
 18 A No.
 19 Q How do you make money?
 20 A Selling drugs.
 21 Q Day in, day out?
 22 A Yes.
 23 Q All right.
 24 Your Cadillac Escalade you brought with drug money and
 25 you're driving where, in Newark?

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Young - Cross/Herman 4608

1 A Yes.
 2 Q What happened?
 3 A Got blocked in by the Newark police.
 4 Q Then what happened?
 5 A They searched my truck and found the 45.
 6 Q It was in your lap, wasn't it?
 7 A It was on my waist.
 8 Q It was in your pants, right?
 9 A Yeah, my belt.
 10 Q How did they search your truck and find the gun?
 11 A Because when he pulled me out the truck, he never patted
 12 me down. He searched my whole truck.
 13 Q Where was the gun?
 14 A In my waistband.
 15 Q ~~Did you say, by the way, officers, I have a gun?~~
 16 A No.
 17 Q How did they find the gun?
 18 A One cop was holding my shoulder after they searched my
 19 truck, the cop patted me down.
 20 Q And they found a gun?
 21 A Yes.
 22 Q Did you have a license for the gun?
 23 A No.
 24 Q Were you supposed to have a gun?
 25 A No.

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Young - Cross/Herman 4609

1 Q You're a convicted felon?

2 A Yes.

3 Q Were you a felon in possession of a weapon at that time?

4 A Yes.

5 Q Where did you get the gun?

6 A I bought it.

7 Q What did you need the gun for?

8 A Protection in Newark.

9 Q And to shoot people, right?

10 A If need be.

11 Q You shot people, right?

12 A Yes.

13 Q You've taken responsibility for the killing of Kemo McCray, right?

14 A Yes.

15 Q Did you ever say anything to the family that you're sorry or anybody that you killed Kemo McCray?

16 A I never saw his family.

17 Q Did you ever say to anybody, I'm sorry that I killed Kemo McCray, he didn't do anything to me?

18 A No, sir.

19 Q To this day, right?

20 A No.

21 Q And you're not sorry, are you?

22 A Of course I am.

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Young - Cross/Herman 4610

1 Q You are?

2 A Yes.

3 Q But you've never told anybody that you're sorry?

4 A No.

5 Q And for years, you tried to blame somebody else for killing Kemo McCray, right?

6 A Yes.

7 Q Let's go back to the gun in Newark, July 9, 2004. You're stopped, you have a gun, right?

8 A Yes.

9 Q What happens, you get arrested?

10 A Yes.

11 Q Did you get out on bail?

12 A Yes.

13 Q Who was your lawyer then?

14 A My lawyer at the time was no one.

15 Q Who?

16 A Nobody.

17 Q Didn't have a lawyer?

18 A No.

19 Q Didn't need a lawyer, right?

20 A Not the day I got caught.

21 Q Okay.

22 Q And how much was your bail?

23 A 10,000.

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Young - Cross/Herman 4611

1 Q Did you pay that?
 2 A Yes.
 3 Q Drug money?
 4 A Yes.
 5 Q And how long were you in jail?
 6 A For one day.
 7 Q And then you're back on the street, right?
 8 A Yes.
 9 Q And when was the next time you got arrested?
 10 A I don't know the exact date.
 11 Q You don't know when you were arrested?
 12 A Not the exact date.
 13 Q You told us I think that you had to go to domestic
 14 violence court?
 15 A Yes.
 16 Q And you weren't arrest that day, right?
 17 A I was arrested before that.
 18 Q When?
 19 A I don't know what date.
 20 Q All right.
 21 You get out in July. Are you on the street the rest of
 22 July, 2004?
 23 A I think so, yes.
 24 Q August?
 25 A Maybe.

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Young - Cross/Herman 4612

1 Q Were you arrested in August, 2004?
 2 A I can't remember.
 3 Q Why were you arrested the next time you were arrested?
 4 A For terroristic threat and domestic violence.
 5 Q When did that occur?
 6 A I know where it occurred, but I don't know what day.
 7 Q Was it warm out or cold out when it occurred?
 8 A I think it was warm.
 9 Q And what happened, you were arrested? Were you released
 10 on bail?
 11 A Yes.
 12 Q Did you post the bail?
 13 A Yes.
 14 Q How much was that bail?
 15 A I think cause I had tickets, it came to probably I think
 16 maybe about 1600 to \$2,000.
 17 Q And did you have a lawyer at that time?
 18 A No.
 19 Q Now, at some point, you said you had a lawyer named Mr.
 20 Feinberg. Is that right?
 21 A Yes.
 22 Q Did you retain him, did you pay him money?
 23 A Yes.
 24 Q How much did you pay him?
 25 A I gave him \$1,000 to start.

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Young - Cross/Herman 4613

1 Q And why did you retain him?

2 A Because I had got a court date in the mail, which I don't

3 live with my father and my mail come to my father's house and

4 didn't nobody open it. So I had jumped bail, which I didn't

5 appear in court, so I knew I would lose my \$10,000, so I

6 retained a lawyer.

7 Q On the gun charge?

8 A Yes.

9 Q All right.

10 So you went to Mr. Feinberg. Is that right?

11 A Yes.

12 Q You paid him \$1,000?

13 A Yes.

14 Q And you said you wanted him to represent you on the

15 weapons-charge out-of-Newark from July, 2004. Is that right?

16 A Yes.

17 Q Correct?

18 A Yes.

19 Q And did he go to court for you on that charge?

20 A Yes.

21 Q And what happened to that case?

22 A They didn't revoke my bail and he started on it.

23 Q What do you mean "he started on it"?

24 A He started working on the case.

25 Q All right.

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Young - Cross/Herman 4614

1 Did he represent you on anything else?

2 A No.

3 Q Did he represent you on a murder charge or a federal

4 charge of conspiracy to kill a witness?

5 A No.

6 Q Did you ever retain him on that charge?

7 A No, I asked him to.

8 Q I'm sorry?

9 A I asked for him to represent me.

10 Q When?

11 A The first day that I met with the F.B.I. agent.

12 Q And that was what, January 14th, 2005?

13 A Could be the date.

14 Q Well, you called the F.B.I., you called Special Agent

15 William Gate.

16 Do you remember that?

17 A That's the first person who answered the phone, yes.

18 Q All right.

19 You got --

20 A I didn't know their name.

21 Q You got the number from the telephone company, right?

22 A Yes.

23 Q Information, you got the number of the F.B.I.?

24 A Yes.

25 Q And you called up and you say -- what did you say, I'm

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Young - Cross/Herman 4615

1 Anthony Young and I have some information for you?
2 A Yes.
3 Q They said, what kind of information, right?
4 A Yes.
5 Q You said what, about a murder?
6 A Yes.
7 Q And they said, okay, we'll put you in touch with somebody
8 else, right?
9 A Yes.
10 Q And at this point is Mr. Feinberg representing you?
11 A He was my lawyer.
12 Q Is he representing you on the murder charge that you want
13 to talk about?
14 A No.
15 Q And did you go see him and talk to him about it?
16 A Talked to him over the phone.
17 Q And is it your testimony he told you to lie to the
18 F.B.I.?
19 A He didn't say lie. He says, don't implicate yourself,
20 whatever you do.
21 Q Well, had you told him that you had shot Kemo McCray four
22 times in the head?
23 A No, I didn't.
24 Q Did you tell your lawyer the truth?
25 A I didn't tell him nothing.

Young - Cross/Herman 4616

1 Q So based on what your lawyer said after knowing nothing,
2 you decide that you're going to lie to the F.B.I., right?
3 A All I told him I need him to sit in with me while I tell
4 a story of a murder.
5 Q A story?
6 A Yeah.
7 Q A lie?
8 A No.
9 Q You were going to tell the truth to the F.B.I.?
10 A If he would have told me to tell the truth, yes.
11 Q So it was the lawyer's fault. Is that right, Mr. Young?
12 A He said don't implicate myself.
13 Q But you hadn't told him you did anything, did you?
14 A No, but he still said, whatever you do, don't implicate
15 yourself.
16 Q Let's take responsibility.
17 Whose fault was it you lied to the F.B.I. for a year
18 and a half?
19 A It's my responsibilities.
20 Q It's not Mr. Feinberg's responsibility, is it?
21 A Well, if he would have come and sit in the first day and
22 says tell the truth, I would have told the truth.
23 Q Someone has to tell you to tell the truth, Mr. Young?
24 A No.
25 Q You don't usually tell the truth?

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Young - Cross/Herman 4617

1 A If a lawyer give you advice, that's the advice you take.

2 Q So unless someone tells you to tell the truth, you lie,

3 right?

4 A No.

5 Q That's what you're saying, isn't it?

6 A No, sir.

7 Q Did the F.B.I. tell you to tell the truth?

8 A Yes.

9 Q And you lied to them, right?

10 A Yes.

11 Q And Mr. Feinberg, who you hired for \$1,000 on a gun case,

12 you're saying he told you not to implicate yourself?

13 A Yes.

14 Q Where is his office, Mr. Feinberg?

15 A South-Orange, New Jersey.

16 Q And what's his phone number?

17 A I don't know it.

18 Q South Orange?

19 A Yes.

20 Q And you had a second lawyer, right?

21 A Yes.

22 Q Who was that?

23 A Melinda Hawkins.

24 Q Melinda Hawkins?

25 A Yes.

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Young - Cross/Herman 4618

1 Q Did she also tell you, don't implicate yourself, lie to

2 the F.B.I.?

3 A No.

4 Q What did she tell you?

5 A She didn't tell me nothing.

6 Q So you kept lying, right?

7 A Yeah, I was going by my lawyer, my first lawyer telling

8 me not to implicate myself.

9 Q But he didn't know what you had done, did he?

10 A No, he just knew it was a murder involved.

11 Q So your second lawyer, did she also tell you don't

12 implicate yourself?

13 A No, sir.

14 Q Were you truthful with your second lawyer?

15 A No.

16 Q Were you truthful with your third lawyer?

17 A Yes.

18 Q That was Mr. Fusella, right?

19 A Yes.

20 Q That was a year and a half later, right?

21 A Yes.

22 Q And Mr. Fusella said, Anthony Young, tell the truth,

23 right?

24 A He said, the best thing to do is tell the truth.

25 Q And then you said, okay, now it's okay for me to tell the

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Young - Cross/Herman 4619

1 truth?

2 A Right.

3 Q Right?

4 A Yes.

5 Q Up until then you were lying?

6 A Yes.

7 Q Except to the guys in the jail, when you were telling

8 them the truth, right?

9 A Well, I lied to some of them, too.

10 Q And again, if we're looking at you, Mr. Young, and you're

11 saying words, how do we know when you say words this is a lie

12 and this is the truth? How do we know?

13 A Well, if I lie, I'm going to be in prison for life.

14 Q But you're going to prison anyway, Mr. Young.

15 A Yes.

16 Q And you should go to prison, shouldn't you?

17 A Yes.

18 Q For what you did?

19 A Yes.

20 Q To her son?

21 A Yes.

22 Q You tell people about the Witness Protection Program,

23 don't you?

24 A Yes.

25 Q You told -- when you went in front of a judge, federal

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Young - Cross/Herman 4620

1 judge in January, when you pled guilty, couple months ago --

2 A Yes.

3 Q -- you mentioned the Witness Protection Program?

4 A Yes.

5 Q What's that?

6 A It's to keep me from getting murdered when I get out of

7 prison, if I ever get out.

8 Q What is the Witness Protection Program?

9 A Program to protect you from being killed.

10 Q What do they do?

11 A Protect you, that's all I know.

12 Q And that happens when you're outside the jail, right?

13 A And inside, I guess.

14 Q And you want this Government to give you the Witness

15 Protection Program, right?

16 A Of course.

17 Q Because you want to be released, right?

18 A I want to be released, but I want to assure me of a

19 release.

20 Q But you want to be released and get the Witness

21 Protection Program, right?

22 That's what you want?

23 A One day, yes.

24 Q You're hoping to get out of jail and get the Witness

25 Protection Program, right?

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Young - Cross/Herman 4621

1 A One day, yes.

2 Q And the sooner the better as far as you're concerned,

3 right?

4 A Yes.

5 Q And that's what you told some of your friends in the

6 jail, right, some of your associates in the jail, right?

7 A I might have had.

8 Q Now, on the day that you killed, you killed Kemo McCray,

9 what were you wearing?

10 A A fleesce jacket.

11 Q What color?

12 A Blue.

13 Q Blue fleesce jacket.

14 Go ahead.

15 A ~~I think it was blue. A blue-Yankee-hat.~~

16 Q Right on top of your head, right?

17 A Pulled down.

18 Q Okay.

19 How was your hair at the time?

20 A My hair was bald.

21 Q You have a shaved head now, right?

22 A Yes.

23 Q And back on the day that you killed Kemo McCray, March 2,

24 2004, was your head bald at that time?

25 A Yes.

Young - Cross/Herman 4622

1 Q And you were wearing a blue Yankee cap, right?

2 A Yes.

3 Q A blue fleesce?

4 A Yes.

5 Q And what about pants?

6 A Well, all I ever wear is jeans and khakis, so either or.

7 Q Well, I think you told us the other day it was jeans,

8 right?

9 A It could have been.

10 Q Let me just remind you, if I can.

11 The other day when you testified, April 13, 2007, page

12 4394, for the record, Mr. Minish asked you, "How were you

13 dressed?"

14 Remember that?

15 A Yes.

16 Q And you said, "Pair of jeans, fleesce jacket and a Yankee

17 hat"?

18 A Yes.

19 Q Are you going to go with that?

20 A Yes, I can go with that.

21 Q So you're wearing jeans, a fleesce jacket and a hat on

22 your head?

23 A No.

24 Q You don't have dreadlocks or anything like that?

25 A No.

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Young - Cross/Herman 4623

1 Q Never did?

2 A No.

3 Q And you weren't wearing a pair of khaki pants that day,

4 right?

5 A Maybe, maybe not.

6 Q I think we're going with the jeans. Are we going with

7 the jeans?

8 A Yeah, we go with the jeans.

9 Q And how was Mr. Jamal McNeil, how was he dressed that

10 day?

11 A I don't remember.

12 Q What does he look like, Jamal McNeil?

13 What did he look like back on March 2, 2004?

14 A Say about six four, 280, 290.

15 Q Hair?

16 A That's what he looked. Dark skinned guy.

17 Q Hair?

18 A I don't remember how his hair was.

19 Q He had shoulder length dreadlocks, didn't he?

20 A He never had dreadlocks.

21 MR. HERMAN: D-9 for identification. I move it into

22 evidence if it's not in evidence.

23 THE COURT: Any objection?

24 MR. MINISH: No.

25 THE COURT: All right.

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Young - Cross/Herman 4624

1 MR. FRAZER: As long as the picture comes in, but I

2 think we already have it.

3 MR. HERMAN: 222 in evidence.

4 MR. FRAZER: Yes.

5 MR. MINISH: It's a different picture.

6 THE COURT: Are you folks all right? Anybody need a

7 break.

8 No, okay.

9 MR. HERMAN: D-9, any problem?

10 MR. FRAZER: No problem.

11 Judge, can we have a sidebar?

12 THE COURT: Why? Is there an objection to the

13 photograph?

14 MR. FRAZER: Yes.

15 THE COURT: ~~No, we can't have a sidebar. Let's take~~

16 a morning break then, if you want to talk about the

17 photograph.

18 MR. FRAZER: Very good.

19 THE COURT: Then we'll get the disk set up and the

20 jury needs a break anyway.

21 Let's take our morning break and off we go.

22 THE CLERK: All rise.

23

24

25

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Young - Cross/Herman 4625

1 (Jury is excused and the following takes place out
2 of the presence of the jury.)

3 (Anthony Young leaves the courtroom.)

4 THE COURT: Have a seat everybody.

5 What is the problem?

6 MR. FRAZER: Here's the problem, Judge: It's a
7 relevancy objection. The relevancy objection --

8 THE COURT: I don't even know what we're talking
9 about. What's the photograph?

10 MR. FRAZER: They're trying to introduce --

11 THE COURT: I would venture a guess it's a picture
12 of Jamal McNeil?

13 MR. FRAZER: Yes. It is a picture of Jamal McNeil.
14 The problem, Judge, the picture we entered as 222 was from

15 April 8 of 2002. Okay. That would be somewhat relevant based
16 upon the fact that it's a March of '04 homicide.

17 Now, he's just represented did he have dreadlocks at
18 the time of homicide and he's showing a picture from 1996.

19 I'm objecting because counsel, knowing it has -- we actually
20 have a photograph that is from April of 2002, already in
21 evidence.

22 THE COURT: Where is 222?

23 MR. FRAZER: He's showing a picture from seven years
24 before. That's irrelevant. There's no relevance to that
25 picture in this case.

Young - Cross/Herman 4626

1 THE COURT: Why don't we have him show him both
2 photographs and in the question stipulate the dates of the
3 photographs?

4 If he wants to ask the witness whether he remembers
5 whether Jamal McNeil had dreadlocks or not, he can ask him the
6 question.

7 MR. FRAZER: He already answered.

8 THE COURT: He said he didn't remember him having
9 dreadlocks.

10 MR. FRAZER: Therefore, my argument is that the first
11 picture that counsel -- he's misleading the jury knowing that
12 that -- there is no good faith basis to put this picture in.
13 It's a 1997 photograph, it's irrelevant.

14 THE COURT: Mr. Herman, what's the purpose of the
15 inquiry?

16 MR. HERMAN: To see if he can identify Jamal McNeil.

17 MR. FRAZER: From 1997?

18 MR. HERMAN: I got this off the Department of
19 Corrections' website. It's his picture. I don't know when it
20 was taken, frankly, Judge.

21 MR. FRAZER: Judge, there has to be relevance.

22 THE COURT: Use the one that's already in evidence.

23 MR. FRAZER: There is no evidentiary foundation is
24 what I'm saying.

25 THE COURT: I follow you.

Young - Cross/Herman 4627

1 MR. FRAZER: There's already one in that we can
 2 stipulate was from 2002.
 3 THE COURT: I follow you.
 4 MR. FRAZER: I'm sorry, Judge.
 5 It's misleading, that's all.
 6 MR. HERMAN: Judge, frankly, there was a lineup
 7 conducted in this case, which used this photograph.
 8 MR. MINISH: Not for this witness.
 9 MR. HERMAN: Not for this witness, but with other
 10 witnesses. It was used in the investigation.
 11 THE COURT: If you want to show Mr. Young a
 12 photograph of McNeil and ask him if he can identify him, go
 13 ahead and do it.
 14 MR. HERMAN: I will.

15 THE COURT: Mr. Frazer is correct, if you want to
 16 start implying that he had dreadlocks when Mr. Young said he
 17 didn't --
 18 MR. HERMAN: Okay.
 19 THE COURT: It's improper if you know as a matter of
 20 fact that at the time he didn't have dreadlocks.
 21 MR. HERMAN: I think he did have dreadlocks.
 22 THE COURT: I don't know.
 23 MR. FRAZER: Well, we have a picture from 11 months
 24 before where he doesn't have any dreadlocks. Whether he does
 25 or not, doesn't matter. The picture is irrelevant.

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Young - Cross/Herman 4628

1 MR. HERMAN: Judge, they did a lineup with six guys
 2 in dreadlocks. That was the whole purpose of the lineup. We
 3 already had testimony about that.
 4 I'm using what the Government put in, that he had
 5 dreadlocks at the time. I don't know what he looked like
 6 exactly on March 2, 2004.

7 THE COURT: What we do as lawyers is we ask
 8 questions. If something comes out and you want to correct it
 9 on redirect, you'll have an opportunity to do it, but to the
 10 extent, Mr. Herman, that there's going to be a direct
 11 implication if you know it doesn't have any basis, in fact,
 12 then you know better than that.

13 MR. HERMAN: I'll move on.
 14 THE COURT: Everybody can use a short break. Let's
 15 take one and come back.

16 THE CLERK: All rise.
 17 (Recess.)
 18 THE COURT: Can we get the players?
 19 Did you work this out?
 20 MR. HERMAN: Yes, Judge.
 21 A N T H O N Y Y O U N G , previously sworn, resumes
 22 the stand.
 23 THE COURT: Get the jury.
 24 THE CLERK: All rise.
 25 (The following takes place in the presence of the

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Young - Cross/Herman 4629

Young - Cross/Herman 4630

1 jury.)

2 THE COURT: Take your seats, folks.

3 Mr. Herman, you may continue.

4 MR. HERMAN: Thanks, Judge.

5 CROSS-EXAMINATION CONTINUES BY MR. HERMAN:

6 Q Mr. Young, before we broke, I was asking you about some

7 of the things about Jamal McNeil, right?

8 A Yes.

9 Q How long have you known Mr. McNeil?

10 A Since 2003.

11 Q 2003?

12 A Yes.

13 Q And how did you get to meet him?

14 A Through the Baskerville's.

15 Q And when did you meet him in 2003?

16 A In May of 2003.

17 Q Is that when you got out?

18 You had been locked up?

19 A Yes.

20 Q You had been locked up January through May, 2003?

21 A Yes.

22 Q Where?

23 A Leesburg State Prison.

24 Q Okay.

25 That's for some of the felonies you committed?

1 A Yes.

2 Q All right.

3 So you got out. Were you on parole in May, 2003?

4 A No.

5 Q On probation or anything?

6 A No.

7 Q You've done your time, right?

8 A Yes.

9 Q And you meet Jamal McNeil, right?

10 A Yes.

11 Q All right.

12 Now, I'm going to show you what's been marked D-9 for

13 identification.

14 Just look at it and tell me if you recognize who that

15 is?

16 A Yes.

17 Q Okay.

18 Just tell us who that is?

19 A Jamal McNeil.

20 Q Now, did Jamal McNeil look like that on the day you

21 killed Kemo McCray?

22 A Yes.

23 MR. HERMAN: I move it into evidence, Judge.

24 MR. FRAZER: Judge, on the prior objection, if

25 there's a stipulation as to the date of that picture and the

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Young - Cross/Herman 4631

Young - Cross/Herman 4632

1 date of Government exhibit 222, then I don't think --

2 MR. HERMAN: I don't know the date of the picture.

3 The witness said this is the way he looked like on the day of

4 the murder.

5 MR. FRAZER: Then we ask under the Rule of

6 Completeness that the whole record comes in which indicates

7 the date it was taken. It's from a 1997 arrest.

8 THE COURT: What's the date of the photographer?

9 MR. HERMAN: I don't know.

10 This is the photo they used in the lineup to try to

11 solve this case. The witness says this is what he looked

12 like, Judge.

13 THE COURT: All right. That's what he looked like.

14 You'll have a chance to put the whole thing in, Mr. Frazer.

15 MR. FRAZER: Very good, Judge.

16 MR. HERMAN: D-9.

17 (D-9, photo of Jamal McNeil, is marked in evidence.)

18 Q Is that Jamal McNeil?

19 A I can't see the picture from here.

20 Q That's all right, I'll show it to him. Take a look at

21 it.

22 A Yes, that's the same.

23 Q Okay.

24 And this is what he looked like on the date that you

25 killed Kemo, right?

1 A Yes.

2 Q Now, where is Jamal McNeil today, do you know?

3 A From what I know, on the streets.

4 Q He's on the streets, right?

5 A Yes.

6 Q And have you ever talked to him about this case?

7 A On the streets, yes.

8 Q And did you tell Jamal McNeil that you had told the

9 F.B.I. that he shot Kemo?

10 A No.

11 Q You didn't tell him that?

12 A No, I didn't tell him right yet.

13 Q Yet?

14 A When I was on the street with him, when I was talking to

15 him, that was never an issue.

16 Q So you hadn't -- you didn't tell Jamal McNeil that you

17 had put him in the middle of a shooting, right?

18 A I didn't put him in the middle of it at that time.

19 Q Wasn't there a time of over a year, Mr. Young, when you

20 had told the F.B.I. that Jamal McNeil shot Kemo McCray?

21 A Yes, I was in jail when I told them that.

22 Q But wasn't there a time before you got to jail that you

23 told the F.B.I. that?

24 A About a couple days before I went to jail.

25 Q So you were not in jail, right?

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Young - Cross/Herman 4633

1 A Yes.

2 Q You told the F.B.I. that Jamal McNeil and not you had

3 killed Kemo McCray?

4 A Yes.

5 Q True?

6 A Yes.

7 Q Now, I think you told us Jamal McNeil is left-handed. Is

8 that right?

9 A Yes.

10 Q And you say that when you killed Kemo McCray, you used

11 your left hand. Is that right?

12 A Yes.

13 Q Now, you told us that Hakim Curry was arrested early

14 March, right?

15 A Yes.

16 Q He wasn't arrested for the murder of Kemo, right?

17 A No.

18 Q He was arrested for other activities?

19 A Yes.

20 Q And where is he now, Hakim Curry?

21 A As I know, in prison.

22 Q Doing life, right?

23 A Yes.

24 Q And he hasn't been charged with this murder that you have

25 been?

Young - Cross/Herman 4634

1 MR. MINISI: Objection.

2 A No.

3 THE COURT: Sustained.

4 Disregard that question and answer, ladies and

5 gentlemen.

6 Q Now, Hakim Curry was the boss of this gang, right?

7 A Yes.

8 Q And did it have a name?

9 A Well, you hear somebody say the E.T. Hak gang.

10 Q Were you a part of this gang?

11 A Yes.

12 Q And what was your role in the gang?

13 A Just a drug dealer.

14 Q A drug dealer?

15 A Yes.

16 Q Were you part of the E.T. Hak gang?

17 A Yes.

18 Q I mean, if people would ask you what gang are you with,

19 what would you say?

20 A I would just say I'm with E.T. Hak click, I wouldn't say

21 gang.

22 Q E.T. Hak click?

23 A Yes.

24 Q That's because E.T. Hak was your boss. Is that right?

25 A He was -- I wouldn't say boss, but he's the top guy.

Young - Cross/Herman 4635

1 Q Well, if he told you to do something, would you do it?
 2 A If I -- yeah.
 3 Q Whatever he told you to do, would you do it?
 4 A Not whatever he told me to do, but if I wanted to do it,
 5 yes.
 6 Q So if you didn't want to do it, you didn't have to do it?
 7 A No.
 8 Q I'm sorry, does that mean you wouldn't do it if you
 9 didn't feel like doing it?
 10 A Yes.
 11 Q So he's kind of your boss, but you're really your own
 12 boss, right?
 13 A Yes.
 14 Q Nobody tells you what to do, do they?
 15 A No.
 16 Q So you had this what, kind of loose relationship with Mr.
 17 Curry?
 18 A Yes.
 19 Q Did you get drugs from him?
 20 A Yes.
 21 Q Did you get drugs from other people?
 22 A Yes.
 23 Q So he didn't say you have to buy my drugs, Mr. Young,
 24 right? He said he'll sell you drugs, right?
 25 A Yes.

Young - Cross/Herman 4636

1 Q But other people you bought drugs from, right?
 2 A Yes.
 3 Q How many other people were you buying drugs from, let's
 4 say, in 2003?
 5 A Two other people.
 6 Q In addition to Mr. Curry?
 7 A Yes, two.
 8 Q Right?
 9 A Yes.
 10 Q And did you have certain jobs within the click?
 11 A No.
 12 Q Did you have a position within the click?
 13 A No, you just get drugs from him.
 14 Q What you did, right, you got drugs from Mr. Curry, right?
 15 A Yes.
 16 Q And other people?
 17 A Yeah.
 18 Q And then you sold the drugs, right?
 19 A Yes.
 20 Q Did you have to kickback money to Mr. Curry because he's
 21 the boss?
 22 A Give him back money to pay for his drugs.
 23 Q Just pay for the drugs?
 24 A Yes.
 25 Q Like you do with the other people?

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Young - Cross/Herman -4637-

1 A Right.

2 A Yes.

3 Q And when you sold drugs, who did you sell drugs to?

4 A I gave it to street-level guys in my area and they sold it.

5

6 Q They sold for you, right?

7 A Yes.

8 Q And that was your organization, right?

9 A Yes.

10 Q Would you front them or would they have to pay you for the drugs?

11

12 A Front 'em.

13 Q You front them, meaning you give them the drugs, right?

14 A Yes.

15 Q Was it crack or cocaine or what?

16 A Both.

17 Q Okay.

18 And they would get the money for the sales of the crack or cocaine, right?

19

20 A Yes.

21 Q And then give it back to you, right?

22 A Yes.

23 Q And you didn't have to give it to be anybody, that was your money?

24

25 A No, I have to pay for what I got from whoever I got it

Young - Cross/Herman -4638-

1 from.

2 Q Of course.

3 No one fronted you, right?

4 A Yes, they did.

5 Q Mr. Curry fronted you?

6 A Yes.

7 Q All right.

8 So then you'd sell the drugs, right, to the --

9 A I'd front them to somebody else.

10 Q You front them, you get the money back?

11 A Yes.

12 Q And you keep your profit, right?

13 A Yes.

14 Q And you pay Mr. Curry back for the drugs that he had fronted you?

15

16 A Yes.

17 Q And was it the same with the other individuals from whom you brought drugs?

18

19 A Yes.

20 Q Okay.

21 So that was your business, right?

22 A Yes.

23 Q And it was basically a business arrangement, right, that you had with Mr. Curry?

24

25 A Yes.

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Young - Cross/Herman 4639

1 Q Now, you mentioned a guy named Shake?

2 A Sheik.

3 Q Sheik, I'm sorry.

4 Do you know his real name?

5 A No.

6 Q Was he your boss?

7 A No.

8 Q Did you work for Sheik?

9 A No.

10 Q What was your relationship with Sheik?

11 A Just friendship.

12 Q All right.

13 Now, you had him on the chart, Mr. Minish's chart which

14 I think is Government exhibit 801, Mr. Young, right?

15 Do you remember the chart that was done the other

16 day?

17 A Yes.

18 Q With the two people at the top?

19 A Yes.

20 Q And who was at the top?

21 A Hakim Curry and Sheik.

22 Q But was Sheik your boss?

23 A No.

24 Q Did you have anything to do with Sheik?

25 A No.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Cross/Herman 4640

1 Q Was Foo your boss, Foo?

2 A Foo?

3 Q F-o-o, or Pooh?

4 A No.

5 Q Pooh?

6 A No.

7 Q Was he your boss?

8 A No.

9 Q Was he on the second level of the organization?

10 A Yes.

11 Q And where were you?

12 A I think fourth level.

13 Q So he wasn't -- you didn't have to answer to Pooh?

14 A No.

15 Q Did you have a relationship with Pooh?

16 A Friendship.

17 Q What about Jihad, did you have a relationship with Jihad?

18 A Friendship.

19 Q Was he your boss?

20 A No.

21 Q If he told you to do something, would you do it?

22 A No.

23 Q Then you had the third level, Jamal McNeil, I'm sorry.

24 William Baskerville, Rakeem Baskerville and Hamid,

25 right?

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Young - Cross/Herman 4642

1 Q I mean, you did what you wanted pretty much, didn't you?

2 A Yes.

3 Q You got your drugs, you sold your drugs, right?

4 A Yes.

5 Q And so long as that happened, everything was fine, right?

6 A Yes.

7 Q And you dealt with your street-level people, right?

8 A Yes.

9 Q So this click, did it have -- was it organized?

10 A Pretty much so.

11 Q And there were lines of command?

12 A It wasn't command, but you knew what your place was.

13 Q But these were a bunch of guys who sold drugs together,

14 right?

15 A Yes.

16 Q And partied together, right?

17 A Yes.

18 Q That was the organization, right?

19 A Yes.

20 Q And if Hakim Curry told you to kill somebody, would you

21 do that?

22 A If I -- yes, if I wanted to.

23 Q If you wanted to?

24 A Right.

25 Q And did you want to kill Kemo McCray?

Young - Cross/Herman 4641

1 A Yes.

2 Q They were on the third level?

3 A Yes.

4 Q Those are all the Baskerville brothers?

5 A Yes.

6 Q Did you work for them?

7 A No.

8 Q Were they your bosses?

9 A No.

10 Q And then you say you're on the fourth level, right?

11 A Yes.

12 Q You, Jamal McNeil and Jamal Baskerville, right, that's

13 the fourth level of this organization, right?

14 A Yes.

15 Q So if Jamal McNeil told you to do something, would you do

16 it?

17 A As a favor, yes.

18 Q As a friend?

19 A Yes.

20 Q But he was on the same level as you, right?

21 A Yes.

22 Q He's not a boss, right?

23 A No.

24 Q And Jamal Baskerville, was he your boss?

25 A No.

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Young - Cross/Herman 4643

1 A At the time, yes, to get Will out of jail.

2 Q Did you want to kill Kemo McCray?

3 A Yes.

4 Q What was going through your mind, Mr. Young, when you put

5 the gun next to Kemo's head?

6 A To make sure Will come home.

7 Q So you're thinking the whole time, I'm doing this for

8 Will?

9 A Yes.

10 Q You're good friends with Will, right?

11 A At the time, a brother.

12 Q Your brother?

13 A Yeah.

14 Q And that's because Will had told you to kill him, right?

15 A Yeah, he wanted him dead.

16 Q But you never talked to Will, did you?

17 A I ain't talk to him personally.

18 Q You didn't talk to him personally?

19 A No.

20 Q No phone calls, right?

21 A No.

22 Q No visits, right?

23 A No.

24 Q No letters, right?

25 A No.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Cross/Herman 4644

1 Q You didn't have to kill anybody, did you, Mr. Young?

2 A No, I didn't.

3 Q But you decided, Anthony Young decided to kill Kemo

4 McCray, right?

5 A Yeah.

6 Q No one put a gun to your head and said, kill this man,

7 did they?

8 A No, they put money in my hand and told me to do it.

9 Q Money, that's why you did it, right?

10 A Yes.

11 Q You're on the street January, 2005, right?

12 A Yes.

13 Q You're scared that you're going to be killed, right?

14 A Yes.

15 Q So you call the F.B.I. and get the number out of the

16 phone book, right, or information?

17 A Information.

18 Q Information.

19 You get ahold of Shawn Manson, right?

20 A Yes.

21 Q And then you have a meeting with Shawn Manson in person,

22 face-to-face?

23 A Yes.

24 Q January 18, 2005, right?

25 A Yes.

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Young - Cross/Herman 4645

1 Q And there is no -- your lawyer or Mr. Feinberg is not
2 there at the time, right?
3 A No.
4 Q And you tell -- Shawn Manson tells you we need to know
5 the truth, right?
6 A Yes.
7 Q Well, was she interested in your lies or did she want the
8 truth?
9 A I guess she wanted the truth.
10 Q You guess?
11 A I'm guessing.
12 Q Okay.
13 Did she say that she wanted to hear the truth from you?
14 A Yeah, she asked me what happened.
15 Q And you told her Jamal McNeil was the shooter, right?
16 A Yes.
17 Q And you described the whole thing, except you put Jamal
18 McNeil in your place, right?
19 A Yes.
20 Q And then the next day, they showed you a photograph or
21 they showed you a picture of Jamal McNeil?
22 A Yes.
23 Q And you said you called him Malsy?
24 A Malls see.
25 Q And you said, that's Malsy, right?

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Young - Cross/Herman 4646

1 A Yes.
2 Q That's Jamal McNeil, right?
3 A Yes.
4 Q And you're still on the street then, right?
5 A Yes.
6 Q When are you arrested?
7 A Maybe a week it later.
8 Q February 4, 2005 you're arrested?
9 A February 1st.
10 Q February 1st, 2005?
11 A Yes.
12 Q You're arrested by who?
13 A The Judge, sheriff department.
14 Q Who arrested you?
15 A Whatever, I guess that's the sheriff department inside
16 the courtroom.
17 Q You were arrested in court?
18 A Yes.
19 Q And that was on the domestic violence case?
20 A Yes, I was detained.
21 Q And didn't you also have a felon in possession charge?
22 A Say that again.
23 Q Did you have a federal charge at that time?
24 A I'm not sure if I had it at the time.
25 Q And where were you taken after you got arrested?

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Young - Cross/Herman 1647

1 A Essex County Jail.

2 Q And that's when you stayed in Essex County Jail for how long?

3 A A couple days.

4 Q Then they moved you to Hudson?

5 A Yes.

6 Q Now, when you went to Hudson, wasn't that because you were a federal prisoner?

7 A Yes.

8 Q So you had a federal charge, right?

9 A I guess they picked it up a couple days later.

10 Q Well, you were charged with a federal charge, felon in possession of a weapon, right?

11 A Yes.

12 Q Facing up to ten years on that charge, right?

13 A Yes.

14 Q And you stay in Hudson County Jail for how long?

15 A Two days.

16 Q And then where did you go?

17 A Monmouth County.

18 Q And then you came back to Hudson?

19 A No, I went back to Essex.

20 Q Then to Hudson?

21 A Yes.

22 Q So at some point you came back to Hudson County Jail,

Young - Cross/Herman 1648

1 right?

2 A Yes.

3 Q And you run into somebody named Haasan Miller, right?

4 A Yes.

5 Q Who is Haasan Miller?

6 A A guy from the area.

7 Q And did you know him before you got locked up?

8 A Yes.

9 Q And did you have a relationship with him?

10 A I wouldn't say a relationship, but I knew him.

11 Q All right.

12 Q And you would talk to Haasan Miller at the Hudson County Jail, right?

13 A Yes.

14 Q You told him at some point that you actually killed Remo, right?

15 A I might have.

16 Q Well, did you or not?

17 A I don't remember. I might have.

18 Q Well, at some point you start having conversations with Haasan Miller, right?

19 A Yes.

20 Q And at some point, did you learn that he was wired up?

21 A No.

22 Q Well, do you know now that he was wired up?

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Young - Cross/Herman 4649

1 A Yes.

2 Q Now, at the same time you're talking to Haasan Miller,

3 you called Shawn Manson, right?

4 A Yes.

5 Q And that's when you told her that you had this

6 remembrance or this memory that the killer used his left hand?

7 A Yes.

8 Q Do you remember that?

9 A Yes.

10 Q Was that on tape?

11 A I don't know.

12 Q Have you ever heard that tape?

13 A I don't know.

14 MR. HERMAN: D-10.

15 (D-10, tape, is marked for identification.)

16 (Tape is played for the jury.)

17 (Tape is stopped.)

18 Q All right.

19 Mr. Young, was that you on the tape?

20 A Yes.

21 Q And that's you calling up Shawn Manson in mid-May, 2005,

22 right?

23 A Yes.

24 Q And saying you want to get a proffer session, right?

25 A Yes.

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Young - Cross/Herman 4650

1 Q And saying that he used his left hand, you thought about

2 it and he used his left hand?

3 A Yes.

4 Q Now, who is "he"?

5 A He is me, but at the time I was talking about Jamal

6 McNeil.

7 Q All right.

8 So you're still lying to Shawn Manson at that time?

9 A Yes.

10 Q And leading her to believe that you thought about it and

11 the man used his left hand?

12 A Yes.

13 Q Which was Jamal McNeil, right?

14 A Yes.

15 Q Now, had you been meeting with Shawn-Manson-all-along?

16 A Just at the proffer session.

17 Q How many proffer sessions did you have with her?

18 A I don't remember.

19 Q Three, four, five?

20 A Maybe five, maybe ten.

21 Q Up to ten?

22 A Yes.

23 Q And at all those proffer sessions, except for the last

24 two, you told her that Jamal McNeil was the shooter, right?

25 A Yes.

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Young - Cross/Herman 4651

1 Q And repeatedly over and over, right?

2 A Yes.

3 Q Was your lawyer there?

4 A Yes.

5 Q And which lawyer was representing you at that time?

6 A Melinda Hawkins.

7 Q Okay.

8 And did you tell her, your lawyer, that, in fact, Jamal

9 McNeil was the shooter?

10 A She just heard the same story that I told her.

11 Q So you told her the same thing, right?

12 A Yeah, she heard the same story.

13 Q Now, at some point you start having conversations with

14 Haasan Miller, right?

15 A Yes.

16 Q And you later learn that Haasan Miller is actually he's

17 wired up while he's talking to you in Hudson County Jail,

18 right?

19 A Yes.

20 Q You know that now, right?

21 A Yes.

22 Q But you didn't know that at the time, right?

23 A No.

24 Q So you would have conversations with Haasan Miller about

25 this case, about the shooting of Kemo, right?

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Young - Cross/Herman 4652

1 A Part of it.

2 Q Well, did you tell him what you had done?

3 A I think I did.

4 Q You told him that you shot Kemo?

5 A I may have or I may have not.

6 Q Did you try to advise him as to what kind of stories he

7 should tell the F.B.I. so that he could work out his case?

8 A He asked me a question and I told him, I gave him my

9 answer.

10 Q This is --

11 MR. HERMAN: With the Court's permission, D-11.

12 (D-11, tape, is marked for identification.)

13 MR. MINISH: The Government has no objection to

14 playing the tapes. We just want to be able to follow the

15 minutes.

16 THE COURT: You want to do what?

17 MR. MINISH: We want to know what part. It's a

18 lengthy tape.

19 THE COURT: I don't know. Can you?

20 MR. KAYSER: I'm going to play the beginning so it

21 can be identified, then I'll skip ahead to about 15 minutes

22 and go from there.

23 MR. HERMAN: This is the Government's tape.

24 THE COURT: I understand that.

25 MR. MINISH: I want to be able to follow it.

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Young - Cross/Herman 4653

1 MR. HERMAN: He can watch us, I suppose.
 2 THE COURT: Go ahead.
 3 (Tape is played for the jury.)
 4 (Tape is stopped.)
 5 MR. KAYSER: I lost it for the moment.
 6 (Tape is played.)
 7 (Tape is stopped.)
 8 MR. HERMAN: This is 19:14 for the record, Judge.
 9 Stop it right there.
 10 MR. MINISH: Judge, I know it's difficult to hear,
 11 but also maybe if the voices are identified it might make it
 12 easier to follow.
 13 THE COURT: I'm assuming Mr. Herman's going to do
 14 that after we listen to this, right?
 15 MR. HERMAN: I was going to do it now, Judge.
 16 THE COURT: Okay.
 17 Go ahead.
 18 MR. HERMAN: Thank you.
 19 Q Whose voices do you hear?
 20 A Haasan Miller.
 21 Q And who else?
 22 A That's me in the background talking.
 23 Q Okay.
 24 You're talking to Haasan Miller, right?
 25 A Yes.

JOANNE M. CARUSO, CSR, CRR, OFFICIAL COURT REPORTER, TRENTON, N.J.

Young - Cross/Herman 4654

1 Q And that was in about August 3rd, 2005?
 2 A I don't know what date that is. I didn't even know he
 3 had a tape on him.
 4 Q You didn't know he had a tape on him?
 5 A No.
 6 Q But have you heard this tape?
 7 A Have I heard that tape? No.
 8 Q You've never heard the tape that the Government made of
 9 you?
 10 A They tried to play it, but I couldn't hear it.
 11 Q Okay.
 12 Can you hear it now?
 13 A Yes.
 14 Q Good.
 15 And is that you talking to Haasan Miller about how
 16 you're going to get the Witness Protection Program?
 17 A Actually, I can't hear what I'm saying in the background,
 18 but I'm pretty sure I have spoken to him about that.
 19 MR. HERMAN: The headphones might help, Judge.
 20 MR. FRAZER: May I pass them out?
 21 THE COURT: I don't understand what you're doing.
 22 You're going to pass out headphones to everybody?
 23 MR. HERMAN: I think we have to, Judge, because it's
 24 hard to hear. I'm told you can hear better with the
 25 headphones.

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Young - Cross/Herman 4655

1 THE COURT: Okay.

2 Is there more of this conversation that we're going

3 to hear?

4 MR. HERMAN: Yes. It gets louder, Judge, but at the

5 beginning it seems harder to hear.

6 THE COURT: How much of a conversation in total?

7 MR. HERMAN: Twenty minutes.

8 THE COURT: And this is between Mr. Young and Mr.

9 Miller?

10 MR. HERMAN: Yes.

11 THE COURT: Does it include what we just heard or is

12 the part that's pertinent about to take place?

13 MR. HERMAN: It includes what we just heard, Judge.

14 THE COURT: What I would suggest you do, can you go

15 back to the beginning of that?

16 MR. KAYSER: The disk, the time period covers about

17 an hour and a half or an hour and 50 minutes. There are

18 portions we're playing. There is no bar that I can drag.

19 THE COURT: No, the point I ask is the pertinent

20 part between Mr. Young and Mr. Miller, the 20 minutes, has

21 that already started?

22 MR. KAYSER: Yes, Judge, but it's not 20 consecutive

23 minutes. I have to skip around and that's the problem. It's

24 not my tape.

25 MR. FRAZER: I need to instruct the witness how to

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Young - Cross/Herman 4656

1 use this.

2 THE COURT: Go ahead.

3 Everybody have the headsets on channel one?

4 Is it on, Mr. Young?

5 THE WITNESS: Yes.

6 THE COURT: You have to be facing that box over

7 there. Just face that box.

8 MR. HERMAN: I'm hearing you in the head phones.

9 MR. KAYSER: Nothing's playing at the moment. Let me

10 know when you want me to.

11 MR. HERMAN: Go ahead.

12 (Tape is played for the jury.)

13 (Tape is stopped.)

14 Q Mr. Young, did you hear that?

15 A Yes.

16 Q Now, that's you talking to Haasan Miller, right?

17 A Yes.

18 Q And you're telling him that you're going to get out in

19 the Witness Protection Program, right?

20 A Yes, one day.

21 Q You don't say "one day" on the tape, right? You say

22 that's what you did, right?

23 A Yes.

24 Q And you're giving Mr. Miller advice on some case he's

25 talking to you about, right?

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Young - Cross/Herman 4657

1 A He said he was somewhere during a murder and asked me
 2 should he testify.
 3 Q And what was your advice?
 4 A I gave him advice, yeah, if he wanted to.
 5 Q And you were drawing on your experience, right?
 6 A Yes.
 7 Q You were telling him what you had done, right?
 8 A Yes.
 9 Q You were going to tell on Hak, which is Mr. Curry, right?
 10 A Yes.
 11 Q And you were going to get the Witness Protection Program,
 12 right?
 13 A Yes.
 14 Q That's what you told him?
 15 A I told him that's what they would give him.
 16 Q And that's what you hope they're going to give you,
 17 right?
 18 A Hopefully.
 19 Q Okay.
 20 Okay. Play it again.
 21 (Tape is played for the jury.)
 22 (Tape is stopped.)
 23 Q Mr. Young, that's you saying, telling Haasan Miller what
 24 he should say in his case, right?
 25 A Yeah. He asked my advice.

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Young - Cross/Herman 4658

1 Q Advice as to what story he should tell on his case,
 2 right?
 3 A No. First he was telling me that he was there when
 4 somebody committed murder. I said, go over there and tell
 5 them.
 6 Q And you told him what he should say, right?
 7 A Yeah. I said, go over and tell them that use was there.
 8 He told me he was there, that's on the tape.
 9 Q And were you giving him advice about who they want in a
 10 particular case?
 11 A Yes.
 12 Q They want the person who paid, right?
 13 A They wanted Hakim Curry who gave me money.
 14 Q Gave you money?
 15 A Yes.
 16 Q So your thinking was that if you tell the Government that
 17 Hakim Curry gave you money, then they'll go after Hakim Curry,
 18 right?
 19 A Well, I knew they'd go after all of us.
 20 Q And they'd give you a break, right?
 21 A Yes.
 22 Q And that was the point, right?
 23 A Yes.
 24 Q That's how you get Witness Protection Program, right?
 25 A Yes.

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Young - Cross/Herman 4659

1 Q That's what you're telling Haasan Miller in the jail?

2 A Yes.

3 Q All right.

4 MR. HERMAN: Can we continue?

5 (Tape is played.)

6 (Tape is stopped.)

7 Q Now, are you telling Haasan Miller to tell the truth at

8 that point or to go with the story that's going to help him?

9 A Tell him to tell the truth.

10 Q You told him to tell the truth?

11 A Yes.

12 Q And you were -- were you discussing what his testimony

13 should be with him?

14 A No, I wasn't discussing his testimony. I was discussing

15 ~~what he was telling me of what happened with his case.~~

16 Q And what did you advise him?

17 A I told him to go over there and tell the truth.

18 Q Tell the truth?

19 A I said, tell them what they want to hear.

20 Q Is that the same as far as you're concerned?

21 A Yeah, that's the same.

22 Q The truth is what they want to hear?

23 A That's what they tell you when you walk in, tell us the

24 truth.

25 Q And they also tell you -- you're saying tell them what

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Young - Cross/Herman 4660

1 they want to hear, right?

2 A That's tell the truth. That's what they tell you, to

3 tell the truth.

4 Q Okay. I got you. Let's continue.

5 (Tape is played.)

6 (Tape is stopped.)

7 Q Do you hear your voice saying, you get money?

8 A Yes.

9 Q What was that all about?

10 A When you go to the Witness Protection Program for start

11 up money.

12 Q Oh, so that's the money that you were talking about?

13 A Yeah, to move out of Newark.

14 Q What's that?

15 A ~~To get out of Newark.~~

16 Q Get out of Newark.

17 So that's part of the Witness Protection Program?

18 A Yes.

19 Q You're saying how do you think I'm going to get money?

20 A That's what my lawyer told me, yes.

21 Q I'm talking about what you told Mr. Miller on the tape.

22 A Yes.

23 Q You're giving him certain advice, right?

24 A Yes.

25 Q You're saying do what I did, right?

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Young - Cross/Herman 4661

1 A Yeah.

2 Q And you'll get Witness Protection Program, right?

3 A Yeah, because he's saying on the tape, he's saying how

4 can they give me Witness Protection Program? I said, that's

5 their job, to do that.

6 Q Right.

7 Okay. We can continue.

8 (Tape is played.)

9 (Tape is stopped.)

10 Q That's you telling Haasan Miller that the prosecutor told

11 you that they want Hak and they want Rakeem, right?

12 A Yeah.

13 Q And was that what you were told?

14 A No.

15 Q So you're lying to Miller?

16 A Yes.

17 Q And you told Miller you got seven of them, right?

18 A Yes.

19 Q What's that, seven bodies?

20 A Yes.

21 Q Are you responsible for seven bodies?

22 A No.

23 Q So that was a lie to Miller?

24 A Yeah, to make hisself look bigger in jail.

25 Q And did you tell Mr. Gay, the Assistant United States

Young - Cross/Herman 4662

1 Attorney, that you had seven bodies?

2 A No.

3 Q Did you tell him about any other crimes?

4 A No.

5 Q Did you tell him about all the crimes you had committed?

6 A That I committed, yes.

7 Q You did, everything that you committed?

8 A Yes.

9 Q And did he ask you -- he wanted to know what you had

10 committed, but what other people that you were associated with

11 committed, right?

12 A Yes.

13 Q Did you tell him about that?

14 A Yes.

15 Q So did you tell him about other murders?

16 A Yes, I told him about other murders.

17 Q Other murders Mr. Curry had done?

18 A Yes.

19 Q And how many?

20 A Maybe four.

21 Q Not seven?

22 A Yes.

23 Q Four?

24 A Yes.

25 Q That you knew about?

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Young - Cross/Herman 4663

1 A Yes.

2 Q That you were involved with?

3 A No, I was in prison.

4 Q All right.

5 Q So you were only involved with one murder, right?

6 A Yes.

7 (Tape is played.)

8 MR. HERMAN: 19:40, Joe.

9 19:44.

10 (Tape is stopped.)

11 Q Mr. Young, that's you telling Haasan Miller that you told

12 the truth, the whole truth and nothing but the truth, right?

13 A Yes.

14 Q That's during the time when you were lying to the F.B.I.?

15 A Yes, I was hiding the truth from him, too.

16 Q Also from him?

17 A Yes.

18 Q Did you tell him that you did the shooting?

19 A No, not at that time.

20 Q At some point did you tell him you did the shooting?

21 A Yes.

22 Q We'll get to that.

23 MR. HERMAN: 19:58.

24 (Tape is played.)

25 MR. HERMAN: I'm sorry, 19:51.

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Young - Cross/Herman 4664

(Tape is stopped.)

2 Q Mr. Young, that's you first discussing with Haasan Miller

3 what story he should use, right?

4 A Yes.

5 Q What story he should tell the F.B.I., right?

6 A Yeah, the story that he told me.

7 Q And then it's you later on saying that you don't want

8 people saying Ant did this or Ant did that. That's you,

9 right?

10 A I said, tell them everything in case they get locked up

11 later, so you tell them everything.

12 Q But you didn't, you actually lied to them?

13 A Actually, I did tell them everything.

14 Q The F.B.I. at that time?

15 A No, not at that time.

16 Q We're talking now in August, when you're calling up --

17 you're talking on this phone -- this tell -- this

18 conversation, sorry?

19 A Yes.

20 Q You're talking about you calling up Shawn Manson because

21 she's going to tell John Gay that you were thinking about it

22 and the guy used his left hand?

23 A I said whenever I forget something, I remember, I make

24 sure that I tell him.

25 Q Did you remember that you killed Kemo McCray at that

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Young - Cross/Herman 4665

1 time?
 2 A At that time I knew.
 3 Q Okay.
 4 MR. HERMAN: Joe, 19:58.
 5 (Tape is played.)
 6 (Tape is stopped.)
 7 Q Mr. Young, at this point you're talking about Paul
 8 Bergrin?
 9 A Yes.
 10 Q That's the attorney Paul Bergrin?
 11 A Yes.
 12 Q And you said he's going to jail, too?
 13 A Yes.
 14 Q Because he gave us the information?
 15 A Yes.
 16 Q And you said you were going home to your family, right?
 17 A Yes.
 18 Q That's what you're telling Mr. Miller, that you were
 19 hoping to go home to your family, right?
 20 A Yes.
 21 Q Did, in fact, Paul Bergrin give you the information?
 22 A Yes.
 23 Q That time when you were on -- when you heard it over the
 24 phone?
 25 A No, talking about the time we was on Avon Avenue.

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Young - Cross/Herman 4666

1 Q Avon Avenue?
 2 A Yes.
 3 Q He told you what?
 4 A Kemo name.
 5 Q And what would happen if Kemo wasn't in the case?
 6 A That it will get Will out of jail.
 7 Q Did he say something like no Kemo, no case?
 8 A No Kemo, no case.
 9 Q And that to you was an indication from Paul Bergrin that
 10 somebody had to get rid of Kemo, right?
 11 A Yes.
 12 (Tape is played.)
 13 (Tape is stopped.)
 14 Q You told Mr. Miller that Paul Bergrin has Hakim's money?
 15 A That's what I told him.
 16 Q Was that true?
 17 A I think he got some of his money.
 18 Q Was he holding his money?
 19 A Yes.
 20 Q Some of it, illegal drug proceeds?
 21 A Yes.
 22 Q And did somebody buy him a car, a Corvette?
 23 A I say Hak.
 24 Q Who did?
 25 A I say Hak did.

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Young - Cross/Herman 4667

1 Q Hak bought Paul Bergrin a car?

2 A That's what I heard.

3 Q And did you ever see him driving that car?

4 A I think I saw the car before.

5 Q And why did Hak give Paul Bergrin a car?

6 A It's his friend, that's his boy, he do a lot of work for
7 him.

8 Q So Paul Bergrin and Hakim Curry were friends?

9 A Very good friends.

10 Q And they used to hang out together?

11 A He represent everybody in our click.

12 Q I'm not talking about being a lawyer, I'm talking about
13 being a friend?

14 A They might have hung out a couple times.

15 Q ~~But they were very close, right?~~

16 A Very.

17 Q And Hakim Curry paid Paul Bergrin a lot of money?

18 A Everybody pay him money.

19 Q I'm asking you about Hakim Curry.

20 A I don't know if he paid him a lot of money.

21 Q Did you pay him money?

22 A No, he did me a favor one time.

23 Q Did he ever represent you, Paul Bergrin?

24 A Yes.

25 Q Did you pay him money?

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Young - Cross/Herman 4668

1 A I ain't have to pay him.

2 Q Was there something about giving his daughter a car or
3 something?

4 A Yeah, I said that, but I don't know if that's true.

5 Q Then why did you say it?

6 A Because that's what I heard.

7 Q And something about helping his daughter through college?

8 A I heard that, too.

9 Q Do you know if that's true?

10 A No, I don't know if it's true, but I heard it.

11 Q Did they have that type of close relationship?

12 A Yes.

13 Q And was Hakim Curry always giving Paul Bergrin money and
14 gifts and that type of thing?

15 A ~~That's what I hear.~~

16 MR. HERMAN: This is 20.

17 (Tape is played.)

18 (Tape is stopped.)

19 Q Now, Mr. Young, you appeared to be telling Haasan Miller
20 never tell anybody the whole story, right?

21 A Not them in jail, yes.

22 Q And you said you switched -- I switched the whole thing
23 around, right?

24 A I was telling people the story inside the jail, yes.

25 Q And you said, I'm not left-handed, right?

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Young - Cross/Herman 1669

1 A Yes.

2 Q I've never done anything with my left hand?

3 A That's what I told them.

4 Q Well, is that true?

5 A No, it is not.

6 Q So you are left-handed?

7 A No, I'm right-handed.

8 Q But you're saying you used your left hand to kill Kemo,

9 right?

10 A I used my left hand on a lot of stuff.

11 Q Did you use your left hand when you killed Kemo?

12 A Yes.

13 Q So when you told Haasan Miller -- you didn't know you

14 were being tape recorded at that time, did you?

15 A No, sir.

16 Q And now you hear yourself on the tape saying, I'm not

17 left-handed, I've never done anything with my left hand?

18 A Yes, I hear it.

19 Q This is the end.

20 (Tape is played.)

21 (Tape is stopped.)

22 Q Okay.

23 That's you -- you didn't know you were being recorded,

24 right?

25 A No.

Young - Cross/Herman 1670

1 Q And you're talking to a buddy of yours in the jail,

2 right?

3 A Yes.

4 Q And you tell him, I'm right-hand 100 percent, right?

5 A Yes, I did.

6 Q And I don't think I can even shoot a gun with my left

7 hand, you told him?

8 A Yes, I told him that.

9 Q You said, keep everybody in amazement?

10 A Yes, don't tell them nothing.

11 MR. HERMAN: Judge, this might be a good time to take

12 lunch. I thought I saw it coming in.

13 THE COURT: All right.

14 How much longer do you think you have?

15 MR. HERMAN: Probably 15 minutes.

16 THE COURT: You folks want to have lunch or keep

17 going?

18 MR. HERMAN: Okay.

19 Now, I have to keep it to 15 minutes.

20 THE COURT: I told you, you were.

21 Q So when did you find out, Mr. Young, that you were being

22 tape recorded?

23 A Somebody on my tier told me that Haasan Miller told them

24 that he was talking to me and I was taped.

25 Q And when was that?

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