1 A Yes.
2 Q And you were making between 20 and $50,000 a week. Right?
3 A Yes.
4 Q And you weren't paying taxes on that money. Right?
5 A No.
6 Q And you were laundering that money and spending it?
7 A Correct.
8 Q Having a good old time. Right?
9 A Yes.
10 Q When you told the Prosecutor and the Government, did you
11 tell them about that?
12 A Yes.
13 Q And they didn't charge you with any of that?
14 A No.
15 Q They didn't charge you with distribution of hundreds of
16 kilograms of cocaine?
17 A No, they didn't.
18 Q They didn't charge you with money laundering?
19 A No.
20 Q They didn't make you plead to these offenses?
21 A No.
22 Q All you had to do was mention the name of Paul Bergrin,
23 wow, here's Albie Castro, we're not going to charge you with
24 dealing hundreds and hundreds of kilograms in the City of
25 Newark. Right?

1 A They said they couldn't pick my case up.
2 Q Who told you that?
3 A The FBI.
4 Q What FBI told you that?
5 A Joe Minish and Shawn Brokos. They couldn't pick my case
6 up, they had to wait until my case was over before I could do
7 anything with them.
8 Q And you got sentenced on May the 20th. Correct?
9 A Correct, May 15th -- 20th? Correct.
10 Q May 20th of 2009 you were sentenced. Right?
11 A Right.
12 Q The 15 years in State Prison. Right?
13 A Yes.
14 Q Did they pick your case up from May of 2009 until today
15 when you're testifying in court, 2011?
16 A No, they didn't pick my case up.
17 Q Were you ever charged with all the narcotics that you
18 distributed, the hundreds and hundreds of kilograms?
19 A No.
20 Q Were you ever charged with the millions of dollars you
21 made?
22 A No.
23 Q Were you are charged with the tax fraud and the tax
24 evasion?
25 A No.

1 Q And the money laundering?
2 A No.
3 Q Now, you testified yesterday that you have no clue
4 whatsoever, all the experience of Albie Castro -- you had been
5 to county jail. Correct?
6 A Yes.
7 Q You had been to State Prison. Right?
8 A Correct.
9 Q You had been on probation before?
10 A Yes.
11 Q You had been on parole multiple times before. Correct?
12 A Yes. Not most -- twice before that.
13 Q Twice before. Several times before. Correct?
14 A Correct.
15 Q And several times before you had gone before the parole
16 board. Right?
17 A Yes.
18 Q And you testified under oath yesterday that you had no
19 idea, not even a clue what the parole board is going to do,
20 that you're not expecting a hit. Is that what you're telling
21 us?
22 A Correct.
23 Q What's a "parole hit," can you explain to us?
24 A It's when you go to prison, if you have a five-year
25 sentence and you have a back number, they could hit you for

1 likelihood, like you're likely to go out and commit the same
2 crimes, or three time offender. They can hit you for
3 different -- various things in prison if you commit things --
4 crime in prison. But the chances are if you're doing good,
5 most likely parole will parole you. They give you eligibility.
6 Q Now, you would be going before the parole board now after
7 five years. Correct?
8 A Correct.
9 Q And going before the parole board as a ten time convicted
10 felon. Correct?
11 A I don't know about ten times, but, yes.
12 Q You have at least ten convictions, felonies. Correct?
13 A Correct.
14 Q You have at least three violent crimes, robberies.
15 Correct?
16 A Correct.
17 Q You have at least three distributions within a thousand
18 feet of a school zone. Correct?
19 A Yes.
20 Q You have a first degree distribution, which is the heaviest
21 in the State of New Jersey under the law. Correct?
22 A Correct.
23 Q Narcotic trafficking. Right?
24 A Yes.
25 Q You have a case where you pointed a gun at a police

1 officer. Correct?
2 A Correct.
3 Q You had a case where you possessed a weapon with the
4 purpose to use it unlawfully against the person of another.
5 Right?
6 A For protection, correct.
7 Q For protection. You're telling us that you had the gun and
8 you were going to use it unlawfully against the police for your
9 protection?
10 A No, I didn't say unlawfully against the police officer. I
11 bought a gun for my protection, not against police.
12 Q Well, you pled guilty in 2008 in this case to possession of
13 the weapon for unlawful purpose, with the purpose to use it
14 unlawfully against the person of another. Correct?
15 A Correct.
16 Q And when you pled guilty before Judge Bernstein, you swore
17 under oath that you possessed it with the purpose to use it
18 unlawfully by pointing at the police officer. Correct?
19 A That's what I took the plea for, correct.
20 Q No, that's not what you took the plea for, that's what you
21 swore under oath to the judge. Right?
22 A Exactly.
23 Q Now, you just told the jury that you only had the gun for
24 your protection.
25 A I did have it for my protection, that's why I purchased it.

1 Q Protection against the police?
2 A No, not against the police.
3 Q Did you think the police were a threat to you?
4 A I didn't know who it was coming to my door three weeks
5 prior to my raid. I had a home invasion where they put guns to
6 my family's head, took jewelry, money, pocket books. So my
7 daughter woke me up and said, somebody is trying to get in the
8 house, of course I grabbed my gun.
9 Q And I'm sure, I'm sure, I'm sure you reported that to the
10 police?
11 A Yes, I did.
12 Q And I'm sure you cooperated with them and gave them the
13 video of your house. Correct?
14 A Yes.
15 Q And I'm sure someone was arrested and charged with it.
16 Isn't that right?
17 A Nobody was charged yet.
18 Q And you're telling us that you didn't have a gun before
19 that?
20 A Yeah, I had a gun. I never said I didn't have a gun before
21 that.
22 Q And you had guns since you've been dealing drugs. Right?
23 A Correct.
24 Q And as a matter of fact, on 2008 when the police raided
25 your house, you had a gun and you were a convicted felon.

1 Right?
2 A Yes.
3 Q Did these people ever charge you with possession of a gun
4 by a convicted felon?
5 A No.
6 Q Did they ever charge you under the trigger lock law where
7 you'd be facing at least -- you know, with drugs, at least 5 to
8 10 years?
9 A No.
10 Q Now, you testified that you don't know what the parole
11 board is going to do with you. Right?
12 A Correct.
13 Q Isn't it a fact, Mr. Castro, that you're what they call a
14 three-strike defendant?
15 A Yes.
16 Q And you're what they call a persistent offender?
17 A Correct.
18 Q You're what they call a career criminal?
19 A Yes.
20 Q And we just went over your record so I'm not going to
21 repeat it ad nauseam. But you're telling us that the parole
22 board is going to release you on your first parole chance?
23 A It's a chance. I can't say what they're going to do. If I
24 would have been in a halfway house, you have to be two years
25 eligible for a halfway house. If I was working they probably

1 would have granted me parole.
2 THE COURT: Don't you know, Mr. Castro, that you're
3 prior record is one of the factors that the parole board looks
4 at and sees how many you've been convicted of other felonies?
5 THE WITNESS: Yes, I understand that.
6 THE COURT: Yeah, you understand that? Okay.
7 THE WITNESS: Yeah.
8 BY MR. BERGRIN:
9 Q And you understand they consider also your likelihood of
10 committing another offense. Correct?
11 A Yes.
12 Q And they also consider the violence in your past. Correct?
13 A Yes.
14 Q And they also consider your attitude and demeanor and the
15 fact that you committed crimes while you're out on probation --
16 while you're out -- excuse me -- on bail. Correct?
17 A Correct.
18 Q Like in this particular case. Right?
19 A Yes.
20 Q And you're telling us under oath, the same oath that you've
21 taken repeatedly and lied to a judge about -- that you don't
22 expect -- you don't expect a parole hit. Is that what you're
23 telling us under oath now as you testify?
24 A I can't say what parole is going to do. If I said they
25 were going to give me a hit or release me, I'd be lying.

1 Q Now, you've used multiple Social Security numbers.
2 Correct?
3 A That's not true.
4 Q And you've used multiple dates of birth. Right?
5 A That's not true.
6 Q Do you know what a criminal history report is?
7 A Yes.
8 MR. BERGRIN: May I have one minute, sir, please?
9 THE COURT: Go ahead.
10 (There is a pause for Mr. Bergrin.)
11 MR. BERGRIN: Your Honor, I lost track of the exhibit
12 numbers.
13 Ms. Hansen, please?
14 THE DEPUTY CLERK: D-23 we're on.
15 MR. BERGRIN: Thank you, ma'am.
16 BY MR. BERGRIN:
17 Q You understand you're under oath. Correct?
18 A Yes, I do.
19 Q Isn't it a fact that you've used at least, at least three
20 different Social Security numbers?
21 A I never used a fake social every time I've been in trouble.
22 Q And isn't it a fact that you used --
23 THE COURT: Mr. Bergrin --
24 Q At least three dates of birth?
25 A I never used fake dates of birth.

1 THE COURT: His answer is he's never done that.
2 MR. BERGRIN: May I approach the witness with D-22?
3 THE COURT: For what purpose?
4 MR. BERGRIN: To show he's lying.
5 THE COURT: That was an inappropriate response to me.
6 MR. BERGRIN: To see if it refreshes his recollection.
7 THE COURT: That's an appropriate response. Put it
8 before him and see if it refreshes his recollection.
9 MR. BERGRIN: Thank you, your Honor.
10 Q I show you what's been marked D-22 for identification.
11 Is that the criminal history, the federal look-up, the
12 federal criminal history on Albert Castro; you?
13 A I never used a fake Social Security number, I never used a
14 fake number either. My name is Albert J. Castro.
15 Q Is that your criminal case history?
16 A Yeah, I guess that's mine.
17 Q And how many dates of birth --
18 MR. GAY: Judge.
19 THE COURT: All right, all right. Does that
20 refresh -- there's information on there about dates of birth.
21 Does that refresh your recollection as to different dates of
22 birth?
23 THE WITNESS: It says different dates of births, yes.
24 THE COURT: It does? All right.
25 Q And how about different Social Security numbers?

1 A Yes.
2 THE COURT: All right. That's it. Go ahead, what's
3 the next question, if any?
4 MR. BERGRIN: Thank you.
5 Q And how about different names?
6 A It's the same name.
7 Q There's not multiple names listed there?
8 THE COURT: No, Mr. Bergrin.
9 Reading this, does that refresh your recollection that
10 you used or provided the Government with different dates of
11 birth or Social Security numbers?
12 THE WITNESS: I never recall using a fake social,
13 never.
14 THE COURT: How about a fake date of birth?
15 THE WITNESS: Never.
16 THE COURT: Okay. Go ahead, Mr. Bergrin.
17 BY MR. BERGRIN:
18 Q Now, you come into this court and you're playing this game
19 of being nice and calm. Right?
20 A I'm not --
21 THE COURT: Mr. Bergrin, ask the question in a
22 different way.
23 Q This is not the regular way that Albert Castro talks.
24 Correct?
25 A I was never a violent person out there. I never was that

1 loud.
2 Q You were never a violent person?
3 A I had crimes but I was never obnoxious and loud.
4 Q You just testified that you were never a violent person.
5 A Well, I didn't mean violent. I mean obnoxious and loud.
6 Q Did the words come out of your mouth you were never a
7 violent person.
8 THE COURT: Mr. Bergrin, he did.
9 Next question.
10 Q Now, isn't it a fact that when you went before Judge
11 Bernstein in 2008 and pled guilty to this case that we've been
12 talking about, the pointing the gun and manufacturing the
13 trafficking and all the other crimes, isn't it a fact that you
14 yelled out, "This is bullshit" in court?
15 A Yes.
16 Q In front of a superior court judge?
17 A Yes, I did.
18 Q And you weren't calm like you are now. You said, "This is
19 bullshit," and you slammed your hand on the desk. Correct?
20 A I don't remember slamming my hand, but it was bullshit
21 because --
22 Q But you remember yelling out --
23 A Because I have to take a plea for something I didn't do,
24 exactly.
25 Q You took a plea for something you didn't do.

1 What didn't you do?
2 A I didn't point a gun at an officer. I'm not going to admit
3 to something I didn't do. I admit to it to take the lesser
4 plea.
5 THE COURT: Was the plea accepted by the court?
6 THE WITNESS: Yes, it was.
7 THE COURT: So you eventually said that you did it?
8 THE WITNESS: Exactly.
9 THE COURT: Okay. But the court found that you gave a
10 voluntary and knowing plea?
11 THE WITNESS: Exactly.
12 THE COURT: After he heard -- you came back and said
13 something?
14 THE WITNESS: Yes. I would have went to trial for the
15 43 counts --
16 THE COURT: No, when I -- you just respond to my
17 questions.
18 You came back and said something, and then the court
19 accepted your plea?
20 THE WITNESS: Yes.
21 THE COURT: And you knew he accepted the plea?
22 THE WITNESS: Yes.
23 THE COURT: When you got the new lawyer eventually,
24 did you ever ask that lawyer to try to set aside your plea of
25 guilty?

1 THE WITNESS: Well, when I got the new --
2 THE COURT: No, no. When you got the -- did you ever
3 ask the lawyer: My plea of guilty, I want to set it aside?
4 THE WITNESS: I did try to retract my plea.
5 THE COURT: Did you do that formally? Did you make an
6 application to the court to do that?
7 THE WITNESS: Well, I had to take the plea because I
8 cooperated --
9 THE COURT: Oh, because you cooperated with the
10 Government?
11 THE WITNESS: Yeah, I took that plea. I had to take
12 that plea.
13 THE COURT: You accepted that plea --
14 THE WITNESS: Yes.
15 THE COURT: -- because you were now cooperating with
16 the Government?
17 THE WITNESS: Yes.
18 THE COURT: Okay. Otherwise you would have retracted
19 the plea?
20 THE WITNESS: I would have retracted the plea,
21 correct.
22 THE COURT: All right.
23 BY MR. BERGRIN:
24 Q And you would have went to trial on 41 counts?
25 A I wouldn't have had to take my chance to do what I had to

1 do if he would represented me in the right manner.
2 Q Well, you just told the jury a little while ago that you
3 took the plea so you didn't have to go to trial on not only the
4 41 counts in that one case, but the possession with the intent
5 to distribute, and conspiracy within a thousand feet of a
6 school, the second indictment. Correct?
7 A Correct.
8 Q And the robbery that you were caught being recorded on.
9 Correct?
10 A Correct.
11 Q So you're telling us that you would have taken back your
12 plea and taken your chance at trial. Is that what you're
13 saying now?
14 A I would have retracted my plea and tried to fight the case,
15 exactly.
16 THE COURT: All right. When you say you would have
17 retracted the plea, what stopped you from retracting the plea?
18 You told me just a moment ago, you said because you now agreed
19 to cooperate with the Government.
20 THE WITNESS: Cooperate with the feds, exactly.
21 THE COURT: When you discussed that with the
22 Government, did they tell you not to retract the plea?
23 THE WITNESS: They told me to go ahead and take the
24 plea.
25 THE COURT: They did?

1 THE WITNESS: Yes.
2 THE COURT: Did you tell them you had a problem with
3 the plea?
4 THE WITNESS: Yes.
5 THE COURT: You told them you didn't do it?
6 THE WITNESS: They knew I didn't point any gun at no
7 officer. I did tell them.
8 THE COURT: Based on what you told them?
9 THE WITNESS: Exactly.
10 THE COURT: Based on what you told them?
11 THE WITNESS: Based on what I told them, correct
12 THE COURT: Okay. But they said, go ahead with the
13 plea?
14 THE WITNESS: Yes, to sign the plea.
15 THE COURT: Because you were now cooperating?
16 THE WITNESS: Correct.
17 THE COURT: And part of the cooperation would be, they
18 would assist you with respect to the sentence at some point?
19 THE WITNESS: Correct.
20 THE COURT: Okay.
21 BY MR. BERGRIN:
22 Q And you're telling us that the Government allowed you to
23 offer false testimony in open court and swear falsely so you
24 could get a better sentence. Is that what you're telling us?
25 A It's not false statements.

1 Q Well, you testified that you never pointed the gun at the
2 police officer. Correct?
3 A Correct.
4 Q And you told that to the Government. Right?
5 A Correct.
6 Q And you told them that you swore under oath that that
7 charge was accurate -- excuse me -- you told them that you
8 swore under oath that you did that, although you were lying to
9 a superior court judge. Correct?
10 A Correct.
11 Q While under oath. Correct?
12 A Correct,
13 Q And you're telling us that this Government told you to lie,
14 and continue lying just so you can get the benefits of a plea
15 bargain?
16 A No, they never told me to lie about anything.
17 Q They told you --
18 THE COURT: Wait, wait. But are you telling us that
19 you told them that when you gave the plea you weren't guilty of
20 what, certain parts of the plea?
21 THE WITNESS: I had to take the plea bargain in order
22 to work with them. They had nothing to do with that.
23 THE COURT: All right.
24 THE WITNESS: So after I took --
25 THE COURT: But you just told me a moment ago that you

1 didn't retract the plea because you took the plea bargain with
2 the Federal Government. Correct?
3 THE WITNESS: Correct.
4 THE COURT: All right. But in your discussions with
5 them, did you tell them you had problems about the plea because
6 you didn't point the gun at the police officer?
7 THE WITNESS: Yes.
8 THE COURT: And you told them that?
9 THE WITNESS: Yes.
10 THE COURT: And did you tell them you wanted to
11 withdraw that plea at least initially? Did you tell them you
12 weren't guilty of that and you wanted to withdraw that plea?
13 THE WITNESS: I told Richie Roberts that, my lawyer.
14 THE COURT: And did your lawyer tell that to the
15 Government in your presence?
16 THE WITNESS: I'm pretty sure he had a discussion with
17 them about that.
18 THE COURT: All right. All right. And then the
19 decision was made not to seek to withdraw the plea because you
20 were now getting the benefit of a cooperation agreement with
21 the Federal Government?
22 THE WITNESS: Correct.
23 THE COURT: And you're hopeful that because of that
24 the sentence will be reduced?
25 THE WITNESS: Correct.

1 THE COURT: Go ahead.
2 BY MR. BERGRIN:
3 Q And as you swear under oath, the same oath that you took
4 before Judge Bernstein when you pled guilty, before -- let me
5 strike that.
6 Before you went into the Federal Government you hired
7 a new lawyer. Right?
8 A Yes.
9 Q And how much time passed from the time you hired a new
10 lawyer until that you went into the Federal Government?
11 A Not long.
12 Q Very quickly. Correct?
13 A Correct.
14 Q And right before your sentence. Right?
15 A Yes.
16 Q And before you went into the Federal Government, isn't it a
17 fact that your new attorney never tried to file a motion to
18 withdraw your plea?
19 A Correct.
20 Q Isn't it a fact that your new attorney never had
21 discussions or filed any paperwork whatsoever -- and you were
22 right, you were just about to be sentenced -- to postpone your
23 sentence. Correct?
24 A Correct.
25 Q Now, when you went into the proffer session with the

1 Q Answer my question, Mr. Castro. You told --
2 A What's --
3 Q That you did not possess the weapon with the purpose to use
4 it unlawfully against a police officer also. Correct?
5 A Correct.
6 Q And you told them that you were not guilty of the robbery
7 also. Correct?
8 A Correct.
9 Q And you told them that even though you're not guilty of it,
10 they, of course, knew that you had pled guilty and sworn under
11 oath that everything you said in court to Judge Bernstein was
12 the truth, the whole truth and nothing but the truth after
13 putting your hand on the Bible. Correct?
14 A Correct.
15 Q And they told you not to withdraw the plea. Is that your
16 testimony?
17 A Yes.
18 Q Because you were cooperating with them. Right?
19 A Yes.
20 Q And they told you to allow those lies to continue.
21 Correct?
22 A They didn't tell me to allow the lies to continue, they
23 just told me to go forward and take the plea.
24 THE COURT: And then part of your cooperation would be
25 assist you with respect to the sentencing. Correct?

1 THE WITNESS: Exactly.
2 THE COURT: Okay.
3 Q And that's what you expected; to be assisted with your
4 sentencing. Correct?
5 A Correct.
6 Q And you were going to allow, and you were going to allow
7 these lies to continue, right, after you had sworn to a judge
8 and the prosecutors even knew about it now?
9 A I'm not -- it's not necessarily lies, but I swore under
10 oath, correct.
11 Q Now, you're saying it's not lies.
12 Is it a lie or wasn't it a lie?
13 A I never pointed a gun at a cop. I took the plea bargain
14 for a lesser plea, that's what I did.
15 Q So then you lied?
16 A If that's what you want to call it.
17 If I went to trial I would get a life sentence.
18 Q You lied, didn't you?
19 A Yes.
20 Q So why are you afraid to admit that you lied? I asked you
21 that question five times.
22 A I'm not afraid to admit it. I did not point a gun at an
23 officer. I did not put a gun under a cop's vest in my case.
24 That's not true at all.
25 Q And you didn't commit the robbery either. Correct?

1 A I spoke about the robbery. I never committed it.
2 Q But you pled guilty to it under oath and swore to the fact
3 that you did. Right?
4 A Correct.
5 Q Now, isn't it a fact that the only reason that the robbery
6 didn't occur is because the police took the recording and they
7 were monitoring it and they arrested you immediately
8 thereafter?
9 A That's not the only reason the robbery didn't happen.
10 Q Isn't it a fact that you were arrested as soon as -- that
11 same night after you had the conversation, you were arrested.
12 Right?
13 A Yes.
14 Q And the robbery was planned for the next day. Correct?
15 A Yes.
16 Q And you even planned it so meticulously that you told this
17 young kid on the recording exactly where to park the car.
18 Correct?
19 A He wasn't young.
20 Q How old was he?
21 A It's a grown man.
22 Q How old was he?
23 A I don't know how old he is, but he wasn't no kid.
24 Q That was your daughter's friend. Right?
25 A It was no kid.

1 Q That was your daughter's friend?
2 Answer my question.
3 A Right. Yes.
4 Q And you even told him where to park the car. Correct?
5 A Correct.
6 Q And you told him how to get away. Correct?
7 A Yes.
8 Q And you told him how to go in there with the gun pointed at
9 the store owner --
10 A No, I never told him how to go in the place. I told him --
11 Q You told him how to conduct the robbery?
12 A To catch the guy when he came outside the place, not inside
13 this store.
14 Q So you told him how to catch the guy going out, but you had
15 nothing to do with a robbery, you weren't guilty. Right?
16 A I wasn't going to do the robbery. I never said I wasn't
17 guilty of it.
18 Q You had planned it with this other individual. Right?
19 A Correct. I'm not going to deny it.
20 Q And you had given that person the idea, and you had told
21 the person exactly how to do it. Correct?
22 A Correct.
23 Q Step-by-step, line-by-line. Right?
24 A Yes.
25 Q You're under oath. Do you understand that?

1 A Yeah, I know where I'm at.
2 Q Now, isn't it a fact that Joe Ferrante -- we talked about
3 this yesterday -- was your attorney in 1997 when you pled
4 guilty to third degree possession with the intent to distribute
5 within a thousand feet of a school; second degree possession
6 with the intent to distribute drugs; third degree possession of
7 drugs; and third degree receiving stolen property?
8 A Joseph Ferrante did not represent me in that case.
9 Q And isn't it a fact that Joseph Ferrante put the plea
10 through when you pled guilty on November the 12th of 1997?
11 A I honestly -- Joe Ferrante did not represent me in that
12 case. I went to his office, retained him and never went back.
13 Q All right. So you gave him money?
14 A Yes, 3500.
15 Q How much?
16 A $3500.
17 Q And I'm sure you kept a receipt for that. Correct?
18 A I'm not sure if I have a receipt now.
19 Q Now, did you ever ask for your money back?
20 A No. I never went back to speak with him because he wanted
21 me to ride around in an unmarked car and point people out, and
22 I told him I wouldn't do that.
23 Q Ride around in an unmarked car and point people out?
24 A He told me, to save my family I had to ride around in a car
25 and point people out. And I told him no, and I never went back

1 to Ferrante for that.
2 Q And that was right when you retained him?
3 A In his office that day after I paid him we started talking
4 about the case, that' what he asked me to do.
5 Q Did you ask him for the money back?
6 A No.
7 Q Did you take the money back?
8 A No, I didn't.
9 Q Did you ask him to withdraw from your case?
10 A He never represented me. I never went back to him to go to
11 court with him.
12 Q Isn't it a fact that Mr. Ferrante appeared on your
13 sentencing on January the 16th of 1998?
14 A I honestly don't believe Joseph represented me in that
15 case.
16 Q You say you "honestly don't believe"?
17 A He did not represent me in that case.
18 MR. BERGRIN: May I approach the witness with D-20,
19 your Honor?
20 THE COURT: Yes.
21 MR. BERGRIN: Thank you.
22 A You showed me that yesterday.
23 THE COURT: Take a look at that document --
24 A Yeah, you showed me yesterday.
25 THE COURT: -- Mr. Castro.

1 And just generally describe the document, Mr. Bergrin.
2 BY MR. BERGRIN:
3 Q Is that the official, what they call Promise Gavel, the
4 official records of the New Jersey Judiciary, the Judicary
5 Court System of the State of New Jersey?
6 A Yes.
7 Q And who is the attorney listed for Albert Castro on that
8 form?
9 MR. MINISH: Judge, again --
10 THE COURT: No.
11 Does that refresh -- looking at that now, does that
12 refresh your recollection that Mr. Ferrante was representing
13 you at that time?
14 THE WITNESS: I'm looking at this. But I did not go
15 back to Joseph Ferrante.
16 THE COURT: I asked you: Does that refresh your
17 recollection as to whether or not Mr. Ferrante appeared with
18 you at that time?
19 THE WITNESS: It says here yes, he did represent me.
20 THE COURT: Okay.
21 BY MR. BERGRIN:
22 Q And it shows that he appeared for the disposition.
23 Correct?
24 THE COURT: All right. Mr. Bergrin, he said it shows
25 that. Okay.

1 MR. BERGRIN: Yes, your Honor.
2 Q Now, going back again to the case that we were talking
3 about before Judge Bernstein where you pled guilty. You got
4 out on bail on the first degree distribution, trafficking, and
5 the first degree pointing the weapon at the police officer.
6 Correct?
7 A Yes.
8 Q And while you were out on bail you were rearrested on the
9 robbery with the informant. Right?
10 A Correct.
11 Q And you couldn't make bail, you couldn't get out on that
12 case, correct, the robbery case?
13 A Yes.
14 Q And you remained in the Essex County Jail. Right?
15 A Yes, I did.
16 Q And were you happy about that?
17 A No, I wasn't happy about it.
18 Q As a matter of fact, you blamed me for not being able to
19 get you out. Isn't that right?
20 A I didn't actually blame you, I just didn't see why they
21 couldn't reconsider my bail and let me out.
22 Q You blamed me for not doing my job and being able to get
23 you out. Isn't that a fact, Mr. Castro?
24 A It's not a fact.
25 Q Isn't it a fact that you accused me of screwing -- your

1 exact words -- screwing you and not doing my job and working
2 hard enough to get you out?
3 A On the first case.
4 Q Didn't you accuse me on the second case also?
5 A I never accused you of the second case, I accused you on
6 the whole case completely.
7 Q On the whole thing?
8 The robbery was included in the whole thing, that's
9 why --
10 A The robbery was after the first case basically, right? I
11 was incarcerated, I got caught May 2nd, 2008, I got arrested, I
12 made bail. When I came home I got locked back up for the
13 robbery.
14 Q And you couldn't get out. Correct?
15 A Exactly.
16 Q You couldn't make bail on that second robbery case?
17 A Correct.
18 Q And isn't it a fact that you were angry at me for not being
19 able to get you out?
20 A No. I couldn't be angry at you for the second case for not
21 getting me out. I was on bail for a million dollars, I got
22 back -- locked back up and they revoked my bail.
23 Q And you're telling us that you weren't upset in not being
24 able to get out?
25 A Of course I was upset for not being able to get out but I

1 didn't blame you for that.
2 Q Now, you went to the FBI in February of 2007. Right?
3 A Yes.
4 Q Do you know who contacted who?
5 A When they raided Carmen DeSilva's house on Polasky Street,
6 I lived upstairs. I went to internal affairs because they went
7 upstairs and they raided my apartment and stole a bunch of
8 stuff from me.
9 Q Who is that that stole stuff from you?
10 A The same detectives, Webber, Victor Patella, the same crew.
11 Q The same screw that are Newark police officers?
12 A Right, so I went to internal affairs --
13 Q Wait a minute. Let me ask the question the question,
14 please.
15 The same crew that are part of the tactical unit now
16 of the Newark Police Department?
17 A Yes.
18 Q The same screw that are working the vice squad and are all
19 detectives?
20 A Yes.
21 Q The same crew that have never been charged with any
22 criminal offenses?
23 A Yes.
24 Q The same crew that have never been even investigated?
25 A Not for my charge, but they have been investigated.

1 Q The same crew that have never been disciplined by even
2 internal affairs. Correct?
3 A Correct.
4 Q Now, you say that they went into your house and they stole
5 things. Right?
6 A Yes.
7 Q What did they steal from Albert Castro?
8 A I had some money, cameras laying around, I went to my
9 apartment, it was all gone. I went to internal affairs, spoke
10 with them. Then I contacted the FBI. They contacted my job
11 which was T. Fiore Demolition, told me they wanted to speak to
12 me. I went to the Federal Building on Route 21. Went in.
13 They showed me a stack of pictures. I told them who was who
14 and what they did. From that point on they started to -- an
15 investigation on them.
16 Q And nothing ever happened. Correct?
17 A Correct.
18 Q And at the time that you went down to the FBI, tell the
19 jury what kind of charges you had lingering over your head.
20 A At the time I went to the fed building -- I didn't get -- I
21 had not charges really, but a little charge that was dismissed,
22 an harassment charge.
23 Q And you weren't charged with harassment, you were charged
24 with aggravated assault. Correct.
25 A Exactly.

1 Q You were charged with, as a matter of fact, a second degree
2 aggravated assault. Right?
3 A Correct.
4 Q Knowingly, purposely or recklessly, under circumstances
5 manifesting extreme indifference to value of human life,
6 causing or attempting to cause serious bodily injury. Correct?
7 A Correct.
8 Q Firing at a young lady in a house?
9 A Not true.
10 Q That was behind the door. That was the accusation.
11 Correct?
12 A That's not true. Nobody fired a gun, nobody had a gun.
13 Q That's what you were accused of. Right?
14 A That's what I was accused of but that's not what happened.
15 Q And you had those charges lingering over the head of Albie
16 Castro. Right?
17 A Correct.
18 Q And you went down to the FBI voluntarily. Right?
19 A I went to the FBI on the police, not because of the charges
20 I had lingering over me.
21 Q You went down to the FBI voluntarily. Right.
22 A Yes.
23 Q You went down there. They didn't come pick you up. Right?
24 A They called my job, came to my job looking for me they
25 wanted to speak to me. So, yes, I went down to the Federal

1 Building.
2 Q And you knew that you had the right to speak to them and
3 you knew you had the right not to speak to them?
4 A Correct.
5 Q And when you went down there, I'm sure the first words out
6 of your mouth while -- and you began to cooperate with them.
7 Right?
8 A About the police, yes.
9 Q But you were cooperative. Right?
10 A About the police, yes.
11 Q And they were asking you questions about what you knew.
12 Correct?
13 A Yes.
14 Q And they were asking you questions about what you knew
15 about everything. Right?
16 A Correct.
17 Q And I'm sure you told them about this conversation of 2003
18 with Paul Bergrin. Right?
19 A I never mentioned that to them.
20 Q Albie Castro, the great United States citizen, the great
21 citizen of New Jersey --
22 THE COURT: All right, Mr. Bergrin, retract that kind
23 of statement.
24 MR. BERGRIN: I retract it, your Honor.
25 Q Now, that case where you were accused of firing the gun at

1 the young lady who was behind a closed door, isn't it a fact
2 that there was a bullet hole and a round recovered from inside
3 of her house?
4 A Not true.
5 Q Isn't it a fact that the only reason that they couldn't
6 prosecute that case is because her boyfriend who identified you
7 ended up going into a coma for an illness?
8 A Correct. Because he set himself on fire, that's why he
9 went into a coma.
10 Q But he went in into a coma, and the witness they had
11 against you was unable to testify. Correct?
12 A Correct.
13 Q And that's why you got a harassment charge.
14 A Yes.
15 Q Now, you testified that when you went down to speak to the
16 Government, the Government that knows that you lied before the
17 judge back in 2009 right before your sentencing, the first time
18 that you went in was a couple of weeks before your sentencing.
19 Right?
20 A Yes.
21 Q And at the time that you went in to the Government, you're
22 telling us and you testified under oath yesterday that you had
23 no idea whatsoever, not even a clue, an inclination about the
24 benefits to your sentencing in your state case?
25 A I had no idea about that. They didn't discuss nothing with

1 me.
2 Q You're telling us under oath that you went in there as a
3 good citizen just to give evidence against Paul Bergrin, that
4 you had knowledge about Paul Bergrin?
5 A Correct.
6 Q And you had no idea, no knowledge, you couldn't even guess
7 in this brain of yours, the head of yours, that you were going
8 to get some benefit for a sentence a couple of weeks away?
9 A No, I had no knowledge of it.
10 Q It was just coincidence the timing of going in there. Is
11 that what you're telling us?
12 A I figured I got rid of you as a lawyer, why not go tell
13 them what you asked me to do.
14 Q Now, you had never told anybody about it in 2003. Right?
15 A No.
16 Q And you never told anybody about it in 2004. Right?
17 A No.
18 Q And in 2005?
19 A Correct.
20 Q In 2006?
21 A Correct.
22 Q In 2007 when you went into the FBI and you were
23 cooperative, a great citizen Albie Castro --
24 A Because I went to them for police, yes.
25 Q And in 2008. Right?

1 A Yes, that's true.
2 Q The first time you ever tell anybody about it is in 2009
3 when you go into the Government. Right?
4 A Correct.
5 Q And as a matter of fact, you didn't even tell your wife
6 bit. Right?
7 A Because it's none of her business.
8 Q My question to you is --
9 A No, I never told her.
10 Q You never told anybody about it. Right?
11 A No, sir.
12 Q And, of course, you didn't write any memos to yourself.
13 Right?
14 A No.
15 Q And you didn't go back and try to record me. Right?
16 A No.
17 Q And they didn't send you back to record me. Right?
18 A No.
19 Q Now, you knew that your wife had gone in and spoken to the
20 FBI also. Right?
21 A Yes.
22 Q And that was right before your sentencing, too. Right?
23 A Correct.
24 Q And you're telling us that your wife went in and she didn't
25 expect you to get any benefits either from her cooperation?

1 A Well, she went to speak to them about police, about the
2 incident with the raid.
3 Q Your wife also went in to speak to them about Paul Bergrin,
4 correct, and the check?
5 A Yeah, about the check, correct.
6 Q And that was right before your sentencing also. Right?
7 A Yes.
8 Q And she didn't expect any benefits either. Right?
9 A No. Why would she expect a benefit?
10 Q She didn't expect you to get any benefits for your
11 sentencing. Right?
12 A Not that she knew of.
13 Q Now, we have a major disagreement after your plea of
14 guilty. Right?
15 A Yes.
16 Q In Judge Bernstein's on the first degree case.
17 And as a matter of fact, you cursed me out. Right?
18 A I called you a criminal in the courtroom, that's what I
19 did.
20 Q For not investigating your case. Right?
21 A Yes.
22 Q And you called me a piece of shit also, right, for not
23 investigating your case and selling you out and having you
24 plead guilty. Right?
25 A Yes.

1 Q And then there's the allegation of the $20,000 check.
2 A Yes.
3 Q And all this happens right before you go to the FBI.
4 Right?
5 A Yes.
6 Q And then there's the allegation of me hitting on your
7 daughter. Right?
8 A Correct.
9 Q And the allegation -- and again, I'm not going to go into
10 that, I'm not going to ask what your daughter looks like again.
11 You have a new attorney. Right? You fire me and up
12 completely terminate our relationship. Right?
13 A Correct.
14 Q And as soon as you get the new attorney, after the check
15 accusation, after calling me a piece of shit and a no good
16 attorney and a criminal for selling you out -- correct?
17 A Correct.
18 Q -- after telling me that I screwed you because you're
19 getting 15 years with 5 on a 41-count indictment, a second
20 indictment with all the drug cases, and a third indictment with
21 the robbery with nine prior felonies, you then decide you're
22 going to the FBI, you're going into the Government to cooperate
23 a couple of weeks later. Right?
24 A Yes.
25 Q Without expecting any benefits whatsoever?

1 A I did not know I was going to get any benefit. Until this
2 day I still don't know if I'm going to get any, it's not up to
3 them.
4 Q And when you go in there to talk to them, a week later
5 you're in the grand jury. Right?
6 A Yes.
7 THE COURT: Excuse me a second.
8 When you say it's not up the to them; you understand
9 how it works?
10 THE WITNESS: Yes, I understand they write a letter.
11 THE COURT: They could write a letter --
12 THE WITNESS: Yes, and if the judge grants it --
13 THE COURT: -- about the cooperation and if they
14 believe it's truthful and accurate, they can write a letter.
15 Correct?
16 THE WITNESS: Exactly, yes.
17 THE COURT: Then it goes the judge?
18 THE WITNESS: Correct.
19 THE COURT: It will go to the sentencing judge?
20 THE WITNESS: Yes.
21 THE COURT: Which is not me?
22 THE WITNESS: No, I know. I understand that.
23 THE COURT: All right.
24 Q And you also knew, Mr. Castro, that the only chance that
25 you had or have to reduce your 15 year New Jersey State Prison

1 sentence is if they write the letter. Correct?
2 A Correct.
3 Q They're your mechanism, they're your vehicle to reduce your
4 charges. Right?
5 A Correct.
6 Q And you knew that. Correct?
7 A After speaking with them, correct.
8 Q So you're telling us that you didn't know that until you
9 spoke to them?
10 A I didn't know when I first went and spoke to them, no, I
11 didn't.
12 Q But a week later when you testified before the grand jury
13 on May the 12th of 2009, you certainly knew it. Isn't that
14 right?
15 A Exactly.
16 Q But a week before you had no clue whatsoever?
17 A When I first spoke to them, that was never brought up.
18 MR. MINISH: Judge, I think Mr. Bergrin --
19 THE COURT: Thank you, Mr. Minish, thank you. You can
20 step down. Sit down, please.
21 Q You had been part of the system, Mr. Castro, since what
22 age?
23 A I can't recall what age, but I've been getting in trouble a
24 long time.
25 Q Since you're a juvenile. Right?

1 A A juvenile, exactly.
2 Q You had a very extensive juvenile record. Right?
3 A No, I don't think it was that bad. I never did any
4 juvenile time.
5 Q But you had multiple arrests. You had, what, 11 arrests?
6 A Probably.
7 Q And you had about nine adjudications as a juvenile, as a
8 delinquent?
9 A Yes.
10 THE COURT: Next question, Mr. Bergrin. Go ahead.
11 Q And that was since the time that you were 11 years old, 12
12 years old. Correct?
13 A I don't think it was that early.
14 Q 13 years old. I'm sorry, 13 years old.
15 So from 13 until you're 40 years old, one offense
16 after another. Isn't that right?
17 A Yes.
18 Q And you're telling us that you didn't know the system that
19 you're going to get benefits from cooperation when you went to
20 speak to the feds?
21 A No, I didn't know that. I never knew that. I never had a
22 federal case. I never was involved with the feds.
23 THE COURT: Did you ever hear anyone else who was
24 arrested and who cooperated and got benefits --
25 THE WITNESS: Never knew anybody who cooperated.

1 THE COURT: -- in your criminal discussions or
2 activities, you never knew anybody who got a benefit?
3 THE WITNESS: No I --
4 THE COURT: No, please. You never talked or heard
5 about anybody on the street who got a benefit for cooperating?
6 THE WITNESS: No.
7 THE COURT: Okay.
8 BY MR. BERGRIN:
9 Q And you had been to County Jail. Correct?
10 A Yes.
11 Q And you had talked to hundreds of inmates in County Jail.
12 Correct?
13 A Yes.
14 Q And you never knew anybody that got any benefits from
15 cooperating?
16 A Never did.
17 Q And you had been to State Prison. Correct?
18 A Correct.
19 Q How many times before you went in to talk to these people
20 had you been in State Prison?
21 A One time before I spoke to them.
22 Q One time?
23 Are you about as sure about that as your testimony
24 here?
25 A Before I went to speak to them I was only -- I only did

1 State Prison one time, a seven with a three and a third.
2 THE COURT: Mr. Castro, with respect to this plea
3 before Judge Bernstein, this was the most time you were ever
4 facing in custody. Correct?
5 THE WITNESS: Yes, this time.
6 THE COURT: Yeah, okay.
7 BY MR. BERGRIN:
8 Q You knew -- who contacted the feds?
9 A I did.
10 Q Who gave you the number?
11 A Maria Correia.
12 Q Who told you to contact Joe Minish?
13 A Maria. She didn't actually tell me to contact Joe Minish,
14 she told me to contact Shawn Brokos.
15 Q She told you to contact who?
16 A Shawn Brokos.
17 Q Who is Shawn Brokos.
18 A The agent.
19 Q And is that the agent that you told you lied before a
20 Superior Court judge while under oath, she told you, don't say
21 anything about that except to plea?
22 A Excuse me? Repeat it.
23 Q Is that the same Shawn Brokos that told you to lie and not
24 say anything about having lied before a Superior Court judge?
25 A No, she never told me to lie about anything.

1 Q She told you not reveal it; to accept the plea. Right?
2 A She told me I would have to take my plea bargain first
3 before I even did anything with them.
4 Q A plea bargain that she knew that you had lied under oath
5 to a Superior Court judge about. Right?
6 MR. MINISH: Judge, I have to object. Could we be
7 heard at sidebar?
8 THE COURT: All right. No -- overruled.
9 When you discussed this matter with the FBI, did you
10 tell them your reservations, your problems with the plea, that
11 you didn't point the gun at the police but pled guilty to that?
12 THE WITNESS: Yes, I told them I didn't point it at
13 him. I told them I didn't put no gun under the cop's vest.
14 THE COURT: Was the response that you still should go
15 ahead whether the plea?
16 THE WITNESS: To go ahead with the plea bargain, yes,
17 correct.
18 THE COURT: Go ahead that, Mr. Bergrin, next question.
19 BY MR. BERGRIN:
20 Q Now --
21 THE COURT: I'll see you sidebar.
22 Ladies and gentlemen, we'll take a morning recess for
23 about ten, 15 minutes, please, okay?
24 THE DEPUTY CLERK: Please rise for the Jury.
25 (The Jury leaves the courtroom.)

1 THE COURT: I don't mean sidebar, we'll do it here.
2 Mr. Castro, can you step outside, please, in the
3 hallway?
4 Thanks.
5 (The witness is escorted out of the court room by the
6 Marshals.)
7 (Witness temporarily excused.)
8 THE COURT: Mr. Minish, you have an objection?
9 MR. MINISH: I do, Judge.
10 THE COURT: Keep your voice up, please.
11 MR. MINISH: I'm sorry.
12 Mr. Bergrin insists on putting in information in his
13 questions which attack both Agent Brokos and actually myself
14 personally, which he has no good faith basis to make.
15 THE COURT: All right. I've heard enough. I'll tell
16 you why I heard enough. This is your witness.
17 MR. MINISH: Yes.
18 THE COURT: This is your witness. The process here is
19 for a search for the truth, Mr. Minish. Okay?
20 MR. MINISH: Yes.
21 THE COURT: It's your witness who is saying on my
22 questions even that he did go to the agent -- and you were
23 probably present -- he told them about the problems with his
24 plea, he insists on telling us all that he didn't point the gun
25 at the person, but he pled guilty in court. And he's saying

1 the Government said: You've got to take the plea and we'll
2 cooperate going forward.
3 It's not his witness and so I am giving him latitude.
4 Because, to be very frank with you, I'm deeply concerned -- and
5 by the way, Mr. Minish, don't do that with your head when I'm
6 talking. And, by the way, you did it a few times in front of
7 the jury when I asked you to sit down, you shook your head to
8 this way. Don't do it again or I'll ask you to step out of the
9 courtroom. Okay?
10 MR. MINISH: Yes.
11 THE COURT: I am deeply troubled by this man's
12 testimony. He's your witness. And while I've given Mr.
13 Bergrin latitude, I have asked questions myself, and in
14 response to my questions -- you know what, we'll publish --
15 we'll get this transcript, because I'd like to know what kind
16 of a letter you're going to write to Judge Bernstein after he
17 testifies. Because I'm going to write a letter, too. Okay?
18 Do you have anything else you'd like to say?
19 MR. MINISH: Well, Judge, what I would like to do is
20 clear up what actually happened. And I can do that through the
21 witness on redirect.
22 THE COURT: You can do that by calling yourself to the
23 stand or --
24 MR. MINISH: I will do it during redirect.
25 THE COURT: -- Or calling Agent Brokos to the stand.

1 And if you want to impeach your own witness through Agent
2 Brokos and she'll say he never said that, you're welcome to do
3 it.
4 MR. MINISH: Judge, I plan on doing it on redirect
5 of --
6 THE COURT: You'll have limited redirect, and it
7 better not be leading. I am telling you now, it better not --
8 because he's extensively testified all morning that he went to
9 the FBI, he told them he was unhappy with his plea, he has told
10 us ten times he didn't point the gun at the cop, and he's told
11 us at least three or four times that the Government said: You
12 have to go through with the plea, and we'll help you with
13 cooperating on the sentence.
14 I asked those questions.
15 MR. MINISH: But, Judge, the reason -- the issue is
16 simply this: That what Mr. Bergrin has done is condensed this
17 time period. And because he has condensed the time period, it
18 gives the appearance to the jury, and apparently to Court, that
19 is just inaccurate. Mr. Bergrin said that a couple of weeks
20 before -- you pled guilty a couple of weeks before you came in.
21 That's not true.
22 THE COURT: How many weeks was it?
23 MR. MINISH: The proffer agreement is dated in March.
24 THE COURT: All right.
25 MR. MINISH: Okay? So it's well in excess of two

1 months. And --
2 THE COURT: The proffer agreement, the initial one he
3 didn't say anything. Correct?
4 MR. MINISH: Exactly, Judge. But he's saying the
5 first time he came, the first time he came in was a couple of
6 weeks before. So it's making this period of time as if it's
7 two weeks when it's not.
8 And secondly --
9 THE COURT: Well, what I understood is, a few weeks
10 before is when he first said something about Mr. Bergrin.
11 MR. MINISH: Exactly, Judge. And that's the point,
12 it's not correct. Because -- if that is what you understood, I
13 understand that, but that's not the correct fact, it's also
14 still in March.
15 THE COURT: We'll hear how your redirect goes, Mr.
16 Minish. It's got to be nonleading in this area. Okay? And,
17 you know what, you're welcome to call the agent back.
18 MR. MINISH: All right.
19 THE COURT: Or if you would like to take the stand
20 yourself, go ahead. Do you want to contradict your own
21 witness? Go ahead. You have that right, you have that
22 opportunity. Go ahead.
23 MR. MINISH: But, Judge, so it's clear, I'm not
24 looking for contradiction, I'm just looking to explain what
25 happened. And the explanation --

1 THE COURT: I don't know if you can do that without
2 calling yourself or the witness. I'll give you the chance to
3 see on redirect what it is you're going to ask him --
4 MR. MINISH: Okay.
5 THE COURT: -- but the clear import that I've gotten
6 from him is, when he went in, he made it clear to the
7 Government he was not happy with his plea. He's made it clear
8 to all of us he did not point the gun at the police officer he
9 claims, and he made it clear to all of us that he told the
10 Government, the United States Government that -- all of that,
11 and the response was: Go forward with the plea and we'll work
12 out a cooperation agreement.
13 I mean, that's the -- that's what I've heard. Now if
14 you can -- if you want to challenge that, you want to explain
15 it, you can try. But no leading. Okay?
16 Mr. Minish, if you haven't figured it out, I'm deeply
17 concerned by this witness. He's admitted lying, he's admitted
18 to a lot of allegations that haven't been proven. He's refuted
19 the cops, he's refuted -- he's made claims that haven't been
20 proven, he's insisted that he never pointed a gun at police.
21 If you want to bring in evidence to show that that's true
22 independently that he never did that, go ahead. Bring the cops
23 in here. Go ahead. Bring the cops in here to testify that he
24 never pointed the gun to the police.
25 This is your witness. Okay? And all of a sudden two

1 jury's job to determine the facts and to determine credibility.
2 And when your Honor asks him in a way or takes recess in a way
3 that says you disbelieve the witnesses, that's interfering with
4 their role.
5 Respectfully, your Honor, I ask you to repeat the
6 instruction now before we resume.
7 THE COURT: The only recess I took that was out of the
8 ordinary was this morning after about a half hour of testimony.
9 MR. SANDERS: That's what I'm referring to.
10 THE COURT: Yeah. Not this recess, this recess was
11 the normal recess. And the only recess I took then, quite
12 frankly, I was so disturbed I needed to take a recess, quite
13 frankly, and I wanted to have a brief conversation with Mr. Gay
14 at that time and Mr. Lustberg, which I did. And I thought it
15 was necessary to take that recess at that time based upon what
16 I heard from this witness.
17 MR. SANDERS: And, I understand that, your Honor. But
18 I'm saying the manner in which you did it and your expressions,
19 it was clearly apparent that you disbelieved the witness, and
20 that is the jury's job. And if that's not corrected, if they
21 think you disbelieve the witness -- I mean, I know you have a
22 right under 614(b), but I ask you to repeat that instruction.
23 THE COURT: All right. Thank you, Mr. Sanders.
24 MR. SANDERS: Thank you.
25 THE COURT: Can we bring out the jury, please.

THE DEPUTY CLERK: We need the witness.

THE COURT: All right. Bring out Mr. Castro.

(The witness is escorted into the courtroom by the Marshals.)

A L B E R T C A S T R O, resumes, testifies further as follows:

THE DEPUTY CLERK: Please rise for the Jury.

(Jury present.)

THE COURT: All right, everyone, please be seated.

Mr. Bergrin, do you have more?

MR. BERGRIN: Not long.

THE COURT: Before you do, Mr. Bergrin, let me just explain to the jury:

Ladies and gentlemen, I think I explained it earlier on in the beginning of the case, but as Judge I have a right, if I feel there's a need, to ask a question to clarify a point or to get a further explanation or to get a fuller understanding of the testimony of the witness, and I have that right. However, you should understand that whether I ask the question or the Government asks the question or Mr. Bergrin asks the question, the answer that you hear should be given no greater weight just because I've asked the question. Okay? And it's for you to determine the credibility of the witness

1 based upon the answers that the witness gives you here in
2 court. So whether I'm asking the question or one of the
3 lawyers, the fact that I ask a question should not be given any
4 further weight to the answer.
5 And as I explained before, it's the answers of the
6 witnesses not the questions of any of the lawyers or the Judge
7 that is evidence. Okay? So I just want to make sure you
8 understand that as well.
9 Thank you.
10 MR. BERGRIN: May I inquire, Judge?
11 THE COURT: Yes, you may. Go ahead.
12 CROSS-EXAMINATION CONTINUES
13 BY MR. BERGRIN:
14 Q The meeting -- the first time that you ever mention in your
15 life the statement of Paul Bergrin in December of 2003 is on
16 April the 30th of 2009 during the proffer session. Correct?
17 A Correct.
18 Q And your sentencing was scheduled for May the 20th.
19 Correct?
20 A Yes.
21 Q And you went into the grand jury on May the 12th, right, a
22 week before your sentencing?
23 A Correct.
24 Q Now, when you went in to see me, you didn't record -- in
25 December of 2003 -- there was no recording ever made. Right?

1 A No.
2 Q And you never went back and made any recordings. Correct?
3 A No, I never --
4 Q And you never made any notes whatsoever. Right?
5 A No.
6 Q When you went into this proffer session on April 30th of
7 2009, six years, over six years after this alleged statement
8 that I made in 2003, you told the prosecutor that you
9 remembered me using the name "Kemo." Correct?
10 A Yes.
11 Q As you sit here today under oath, are you telling us -- did
12 you read any newspaper articles about Kemo?
13 A No, I never read anything about it.
14 Q And you never read any newspaper articles about me talking
15 to the press about Kemo?
16 A No.
17 Q Do you read The Star-Ledger?
18 A No, I don't read papers.
19 Q And you're telling us, as you sit there under oath, the
20 same oath that you've taken throughout this day and a half,
21 that you've never read any articles about Kemo or about me and
22 the statements that I made to the press?
23 A No, I heard on the streets, not this newspaper.
24 Q You heard on the streets.
25 When did you hear on the streets?

1 A Throughout the years people talked about your case, in the
2 County Jail people talk about it.
3 Q Now, you told the prosecutors that you knew, you knew --
4 the exact words was: You know of Kemo. Is that from hearing
5 it on the streets?
6 A Yeah, just knowing of him.
7 Q You have never met him. Correct?
8 A Never met him.
9 Q You can't even identify him or give us a description.
10 Right?
11 A No, can't.
12 Q And you told the prosecutors that you know of him because
13 he was a drug dealer. That's what you told them in your Grand
14 Jury testimony. Right?
15 A Something with drugs, correct.
16 Q Now, what did you know about Kemo and drugs?
17 A The only thing I knew is that he was involved -- from the
18 streets, that he was involved when drugs. Every drug dealer
19 basically hears something or knows something about another one.
20 Q There are thousands of drug dealers in the City of Newark.
21 Right?
22 A Correct.
23 Q Kemo was a small-time nickel and dime dealer. Correct?
24 A I don't know what his involvement was.
25 Q You said you just --

1 A Yeah he had involvement in drugs. I don't know if he was
2 big, small.
3 Q And you're telling us that -- where did Kemo live, where
4 did Kemo deal?
5 A Up the hill.
6 Q Up the hill? Where up the hill?
7 A Around Avon Avenue.
8 Q Avon Avenue? Wrong.
9 A Okay.
10 Q Where did Kemo deal?
11 A I don't know. I just said, I thought it was up the hill,
12 around Avon Avenue.
13 Q You knew nothing about Kemo. Isn't that a fact?
14 A I heard of him, like I said, didn't actually know the guy,
15 couldn't pint him out. That's the truth.
16 Q So you're telling us you know every drug dealer in the City
17 of Newark?
18 A No, I don't know every one but I know a lot of them, and I
19 know lot of people.
20 Q You don't even know where Kemo dealt.
21 A I didn't say I actually knew the guy, I didn't personally
22 know him. I never admitted to that.
23 Q What kind of drugs did Kemo deal?
24 A Coke.
25 Q And you're telling us that you heard of Kemo's name before

1 reading any newspaper articles?
2 A Correct.
3 Q And you heard Kemo's name because you know other drug
4 dealers throughout the City of Newark?
5 A Exactly.
6 Q Do you even know what the oath means when you take the oath
7 to tell the truth?
8 THE COURT: All right, Mr. Bergrin.
9 A I know what it means.
10 Q When you went in to speak to the prosecutors on April the
11 30th, the first time that you talked to them about the case --
12 because you went in one time and you remained silent. Correct?
13 A Yes.
14 Q Then you went a second time on April 30th.
15 A Correct.
16 Q A short time before your sentencing. Right?
17 A Yes.
18 Q Who was taking notes in there while you were talking to
19 them?
20 A Shawn Brokos and Joe Minish.
21 MR. BERGRIN: Your Honor, could we have those notes
22 before I finish my cross-examination? We've been provided none
23 whatsoever, not even a 302 as to what he said.
24 MR. MINISH: That's absolutely incorrect. He's been
25 provided with the reports that I have right in front of me that

1 have been marked and provided to the Defense Counsel that show
2 the actual date, not the date Mr. Bergrin has been implying to
3 this witness and this jury.
4 THE COURT: All right. At the next recess I'll make
5 inquiry.
6 If there are any notes. I mean, you have 302 reports,
7 Mr. Bergrin, I assume?
8 THE COURT: There's no 302 as to what he said during
9 the proffer session, your Honor. We have a 302 that says:
10 (Reading) On April 30th, the proffer was -- a proffer
11 meeting was held with Albert Castro, Castro's attorney, Richie
12 Roberts, was present, Shawn Brokos, Internal Revenue Service
13 Agent Stephen Cline, Assistant United States Attorney Joseph
14 Minish.
15 That is the extent of what we have, your Honor.
16 THE COURT: On what date is that?
17 MR. BERGRIN: April 30th, 2009.
18 MR. MINISH: And, Judge, marked J03414, dated March
19 31st, 2009, Agent Brokos, Agent Cline, myself, and AUSA Nancy
20 Hopick --
21 THE COURT: All right. Mr. Minish, you'll have a
22 chance on redirect on that. Okay?
23 MR. BERGRIN: I have no further questions Judge,
24 THE COURT: If there was a 302 report of another
25 meeting, you'll have a right on redirect. Okay?

1 MR. BERGRIN: Yes, your Honor.
2 I have no further questions.
3 THE COURT: Go ahead, Mr. Minish, redirect.
4 MR. MINISH: If I could just have one second, Judge.
5 THE COURT: Sure.
6 (There is a pause for Mr. Minish.)
7 REDIRECT EXAMINATION
8 BY MR. MINISH:
9 Q Sir, explain for jury, sir, why you brought up Mr.
10 Bergrin's name at the time you did.
11 A Because I thought it was the right thing to do.
12 Q And were you angry?
13 A I did a lot of criminal activity in my time. I thought
14 that was something right to do, and I was angry with him for
15 over my case.
16 Q If you weren't angry would you have done it?
17 A I probably wouldn't have did it, and I still feel a little
18 bad that I'm doing it.
19 Q Why didn't you do it before the day that you actually came
20 forth?
21 A Because I basically had no reason to do it.
22 Q What does that mean?
23 A Like, the reason I did it, because I was angry with him.
24 THE WITNESS: If you did what you were supposed to do
25 in my case, I wouldn't be here today.

1 Q Let's get some dates straight.
2 Sir, do you recognize -- I'm showing you what's been
3 marked -- at least the first page is J01603. Do you recognize
4 what that is?
5 A Yes.
6 THE COURT: Which one is it, Mr. Minish? J0?
7 MR. MINISH: I'm sorry, Judge. J --
8 THE WITNESS: I have it right here.
9 MR. MINISH: You have one? Okay.
10 MR. MINISH: J01613. It's the --
11 THE COURT: Just a moment. Do I have that?
12 MR. MINISH: I believe so, Judge.
13 THE COURT: Yeah. Okay, go ahead.
14 BY MR. MINISH:
15 Q Could you tell the jury what that is?
16 A It's a proffer.
17 Q Okay. And that's an agreement that you signed with the
18 Government the first time you came?
19 A An agreement with the Government to tell the truth.
20 Q But my question though, sir, is more specific about the
21 date.
22 Do you recall whether or not this agreement was given
23 to up the very first time you came?
24 A Yes.
25 Q Okay. Do you recall the date?

1 A Yes.
2 Q Okay. what was the date?
3 A Well, I can't really see it over here. I don't actually --
4 3/15.
5 Q 3 -- I'm sorry?
6 A Looks like 3/15/09.
7 Q 3/15/09.
8 If you look at the top of the first page, sir, does
9 that help you?
10 A Yes.
11 Q Okay. What's the date?
12 A March 13, '09.
13 Q And again, without -- we don't have to go into any great
14 detail -- but did you provide any information to us on that
15 day?
16 A No, I did not.
17 Q Why not?
18 A Because I was scared. I had a little cold feet. I didn't
19 want to -- I was thinking about proceeding with it, so I didn't
20 give them any information.
21 Q At that time, sir, was your state case open, or had you
22 pled guilty?
23 A It was still open at that time.
24 Q At that time, sir, did you have Mr. Bergrin as an attorney
25 or not?

1 A I believe I still had him and I was in the process of
2 firing him.
3 Q But when you showed up at the U.S. Attorney's Office --
4 A I had Richie as the lawyer, Richie Roberts, so that Paul
5 was no longer my lawyer.
6 THE COURT: Is that Mr. Roberts whose signature is on
7 the bottom of the page? It is. Correct?
8 THE WITNESS: Yes, that is.
9 THE COURT: Okay.
10 MR. MINISH: I'm sorry, Judge, I grabbed the wrong
11 document here.
12 Q So then moving forward, sir, did you come back to the U.S.
13 Attorney's Office?
14 A Yes, I did.
15 Q Okay. When you came back again, was your case still
16 opened, the -Essex County case that is?
17 A Yes. I don't believe I took my plea as of that time.
18 Q And do you recall the day that you came, when you came
19 back?
20 A I don't remember the exact date. It was a week or two
21 later.
22 Q All right. Sir, I'm going to show you what's been
23 marked --
24 THE COURT: Mr. Minish, do we have the date he
25 actually pled guilty before Judge Bernstein?

1 MR. MINISH: Judge, it's stamped over. That's what
2 I've been trying to figure out.
3 THE COURT: I think it's important.
4 MR. MINISH: On the Judgment of Conviction. And I'm
5 trying to --
6 THE COURT: I'm trying to find out the date he pled
7 guilty before Judge Bernstein.
8 MR. MINISH: Yes, Judge. And that's --
9 THE COURT: Just tell us what it is. It's an official
10 date, so it's a public record. Correct?
11 MR. MINISH: I'm saying, Judge, I'm having a hard time
12 reading it so I don't want to misstate something to the Court.
13 THE COURT: Because I think he's saying when he came
14 back he had not pled guilty yet.
15 MR. MINISH: Yes, Judge.
16 THE COURT: And that was what, April 2nd?
17 MR. MINISH: Well, I --
18 THE COURT: Okay. I'm trying to follow. Go ahead.
19 BY MR. MINISH:
20 Q Sir, I'm showing you what's been marked J03414. Can you
21 take a look at that?
22 I'm going to direct your attention specifically to --
23 A March 31st.
24 Q Right after the word "details" towards the middle. Does
25 that refresh your memory when you came to the U.S. Attorney's

1 Office the second time?
2 A Yes.
3 Q Okay. When was that?
4 A The 31st.
5 Q Okay. Had you pled guilty yet by that time?
6 A I don't think I have been.
7 Q Okay.
8 A I don't think I pled guilty at that time.
9 Q Okay. With your lawyer were there discussions whether or
10 not the Federal Government would adopt your case?
11 A Yeah, yous couldn't adopt my case.
12 Q My question, sir is: Were there discussions?
13 A With me and you, yes.
14 Q Okay. And ultimately were you told --
15 THE COURT: No, no, no.
16 A You couldn't --
17 THE COURT: Just: What were you told?
18 Q What were you told?
19 A That yous couldn't pick my case up.
20 Q And were you told whether or not we would be involved in
21 any way with respect to this -- the state case?
22 MR. BERGRIN: I object to the leading nature.
23 THE COURT: No, no, no, you're leading in an area that
24 I think it's important that his recollection be what it is.
25 MR. MINISH: Okay.

1 Q What --
2 THE COURT: It's leading and don't do it again, Mr.
3 Minish.
4 Q What if anything were you told our involvement would be
5 with the state case?
6 A Yous had no involvement with the state case. The only
7 involvement is if I jumped on board with yous, that yous can --
8 after I take my plea bargain and cooperate and tell truth, that
9 yous would write a letter to the state judge.
10 THE COURT: When you say "jump on board with them,"
11 what did that mean?
12 THE WITNESS: That means talk to them, cooperate with
13 them.
14 THE COURT: Did you know what the subject matter was?
15 THE WITNESS: The subject matter?
16 THE COURT: Yeah. What was the subject matter that
17 you were to jump on board with?
18 THE WITNESS: To cooperate against Mr. Bergrin.
19 THE COURT: All right.
20 Was there a discussion about that?
21 THE WITNESS: Yes. At that time there was. If I --
22 THE COURT: Would you tell us what that was about?
23 THE WITNESS: Well, if I told the truth, the only
24 thing they could do is write a letter to the state judge, and
25 if they grant it, they grant it. It's up to them. It had

1 nothing to do with the state case.
2 THE COURT: All right. But how did the subject of
3 Paul Bergrin come up?
4 THE WITNESS: I brought it to their attention.
5 THE COURT: Okay. Go ahead.
6 BY MR. MINISH:
7 Q So the discussions that you've just answered with respect
8 to the Judge's question, was that before or after you told us
9 about Mr. Bergrin?
10 A When I told yous, it was at that point in time I believe.
11 Like, after I start talking to you about the case, yous told me
12 what can be done and what can't be done.
13 Q So after you provided the information?
14 A Yes.
15 Q Then did you come back again to the U.S. Attorney's Office?
16 A Yes, I did.
17 Q And at that point had you pled guilty?
18 A Yes, I pled guilty at that point.
19 Q Do you recall the date you pled guilty?
20 A No, I don't offhand.
21 THE COURT: Did you hire Mr. Roberts before the plea?
22 THE WITNESS: I took the plea --
23 THE COURT: And Mr. Bergrin represented you at the
24 plea?
25 THE WITNESS: Yes, at the plea. I never stood in

1 front of a judge to actually sign the plea. I signed the plea
2 but never stood in front of this judge to say what I did and
3 how everything took place. That's when I fired him and hired
4 Richie.
5 THE COURT: Okay.
6 THE WITNESS: And then that when I stood in front of
7 the judge with Richie is when I had to admit to all the crimes.
8 THE COURT: So you had another lawyer after Mr.
9 Bergrin and you still went ahead with the plea?
10 THE WITNESS: Correct.
11 THE COURT: Even though, as you testified to, you
12 still today say you never pointed a gun at a police officer?
13 THE WITNESS: I never did point a gun.
14 THE COURT: Did you tell your lawyer Mr. Roberts that
15 as well?
16 THE WITNESS: Yes, I told him that.
17 THE COURT: And what was his advice to you?
18 THE WITNESS: Everything depended on afterwards
19 speaking with them. To take the plea, sign for the plea, after
20 my cooperation hopefully I could get a lesser -- to go in for a
21 lesser time.
22 THE COURT: So this actual day you went before Judge
23 Bernstein and you swore under oath about the plea --
24 THE WITNESS: Yes.
25 THE COURT: -- you admitted to pointing a gun?

1 THE WITNESS: Correct.
2 THE COURT: You had already had a new counsel before
3 that?
4 THE WITNESS: Yes.
5 THE COURT: And at that point you still went ahead and
6 made the plea?
7 THE WITNESS: Correct.
8 THE COURT: And that's because you had already spoken
9 to the Federal Government now about cooperating?
10 THE WITNESS: Correct.
11 THE COURT: Okay.
12 BY MR. MINISH:
13 Q Why did you take the plea, sir, if you're telling the jury
14 that at least in part you were not guilty?
15 A I took the plea bargain because, like I said earlier, if I
16 took the case to trial with a 43-count indictment I would have
17 to go to trial for all the charges. So when you hire a lawyer,
18 they usually get charges downgraded so you could get a lesser
19 plea. If I would have took that plea from the beginning -- if
20 I wouldn't have took the plea and went to trial I would have
21 did life in prison.
22 THE COURT: But, Mr. Castro, the plea that was worked
23 out when you had Mr. Bergrin --
24 THE WITNESS: Correct.
25 THE COURT: -- that was the same plea that Mr. Roberts

1 your new attorney --
2 THE WITNESS: Same plea.
3 THE COURT: -- agreed to?
4 THE WITNESS: Same plea.
5 THE COURT: So you had the benefit of speaking to Mr.
6 Roberts about going forward with the plea?
7 THE WITNESS: Yes.
8 THE COURT: And you still went ahead and swore and
9 entered the plea?
10 THE WITNESS: Correct.
11 THE COURT: But in between you had now gone to the
12 Federal Government. Correct?
13 THE WITNESS: It was at that time, yes.
14 THE COURT: All right. So before you actually swore
15 before Judge Bernstein about the plea, you had already gone in
16 and spoken to the Federal Government about cooperating against
17 Mr. Bergrin?
18 THE WITNESS: Correct.
19 THE COURT: Okay.
20 THE WITNESS: And Richie couldn't -- he told me go
21 ahead take the plea bargain and we'll work it out later.
22 Supposedly the judge and the state prosecutor knew what was
23 going on.
24 THE COURT: Here, with the Federal Government?
25 THE WITNESS: Yeah. And they entered the plea,

1 THE COURT: So Mr. Roberts indicated to you: Take the
2 plea -- tell me if this is accurate or not: Take the plea, but
3 you'll have the possible benefit of a cooperation agreement
4 with the Federal Government --
5 THE WITNESS: Correct.
6 THE COURT: -- to address the sentence. Correct?
7 THE WITNESS: Correct.
8 THE COURT: Okay.
9 BY MR. MINISH:
10 Q So the jury is clear: From the time before you came to the
11 Federal Government until the time you actually pled guilty, did
12 your plea offer change? Did you get a better deal, a better
13 offer?
14 A No, not at all.
15 Q And ultimately were you, in fact, sentenced exactly in
16 accordance with that plea agreement?
17 A Yes.
18 MR. MINISH: I have nothing further, Judge.
19 THE COURT: All right. Is there any recross?
20 MR. BERGRIN: Yes, Judge.
21 RECROSS-EXAMINATION
22 BY MR. BERGRIN:
23 Q So you went to the Federal Government due to our anger.
24 Correct?
25 A Yes.

1 Q And you testified about a proffer session that you had to
2 tell the truth. Correct?
3 A Correct.
4 MR. BERGRIN: May I approach with J01603, your Honor?
5 THE COURT: Yes.
6 Q What is J01603.
7 A This is the proffer.
8 Q Please, state that a little louder.
9 A The proffer.
10 Q The proffer that you signed?
11 A Correct.
12 Q I want you to read that carefully, word-by-word,
13 line-by-line, paragraph-by-paragraph and you show me and you
14 show this jury where it says you have to be truthful.
15 (There is a pause for the witness.)
16 Q Take your time, Mr. Castro, I don't want you to miss any
17 words.
18 Is it contained -- I saw you just turn the page. It's
19 a two-page document?
20 A It has stuff --
21 Q And you read page 1 very carefully. Correct?
22 A Correct.
23 Q And you can read English, sir?
24 A Yes, I can.
25 Q Where does it say "truthful" on page one?

1 A The whole thing reveals basically, of a truthful statement.
2 Q Where does it say "truthful" on page one?
3 A It doesn't actually say it, truthful.
4 Give me one minute.
5 Q It contains nothing about saying the truth. Correct?
6 A Exactly.
7 Q Now read page 2.
8 A I didn't --
9 Q Read page 2, Mr. Castro, so you don't miss any paragraphs,
10 words or sentences.
11 (There is a pause for the witness.)
12 THE COURT: All right. Mr. Bergrin, the question?
13 Q You've read it, Mr. Castro. Correct?
14 A Yes.
15 Q And you've read it very carefully. Right?
16 A Correct.
17 Q Word-by-word, line-by-line, the entire document?
18 A Yes, I did.
19 Q Even up to the point where you put your signature?
20 A Yes.
21 Q Isn't it a fact it says absolutely not one word about you
22 being truthful, correct, as you testified a couple minutes ago?
23 Isn't that a fact, Mr. Castro?
24 THE COURT: All right, Mr. Bergrin, you don't have to
25 raise your voice. Just ask the question once.

1 MR. BERGRIN: I'm sorry, your Honor.
2 Q Is isn't that a fact, Mr. Castro?
3 A Listen, the proffer was based on me telling the truth.
4 THE COURT: No, Mr. Castro, it's a simple question.
5 Just whether or not that document says anything about you're
6 required to tell the truth. That's all.
7 THE WITNESS: Yes, it is contained --
8 Q You can answer the Judge's question, you can answer my
9 question.
10 THE COURT: No, Mr. Bergrin.
11 THE WITNESS: Yes, it is containing me telling the
12 truth. If I say any false statements it could be held against
13 me.
14 Q Where does it say that?
15 THE COURT: The question is not -- you know, just what
16 the document says, that's all. Whether or not the document
17 says anything about your obligation -- does it, Mr. --
18 MR. MINISH: It does, that's what he's referring to.
19 That's what I said.
20 THE COURT: No, go ahead then. Point to that and tell
21 us.
22 MR. MINISH: It's paragraph 2, Judge.
23 THE WITNESS: I was going to point to that myself.
24 THE COURT: Okay. Go ahead.
25 THE WITNESS: It says, should your client be

1 prosecuted, no statements made by your client during the
2 interview will be used against your client in the Government's
3 case-in-chief at trial or for purpose of sentencing, except as
4 provided below.
5 Q Except what?
6 A As provided below.
7 Then it has the other paragraphs.
8 Q So it says nothing about you being truthful, because you're
9 not being proffered. They already told you that they're not
10 prosecuting you. Correct?
11 A But I have to be honest and tell the truth.
12 Q The proffer agreement says nothing about you being truthful
13 during the proffer session because you're not being prosecuted
14 by the Federal Government. Correct?
15 A I'm not being prosecuted by the Federal Government.
16 MR. MINISH: I object to the line of questioning.
17 THE COURT: All right. Okay. Sustained.
18 Q Now, you testified that on March the 13th, when you went in
19 for your questioning -- correct?
20 A Correct.
21 Q -- you testified that you still had me as your attorney.
22 Right?
23 A Correct.
24 Q And you're about as sure about that as about all your
25 testimony in this case. Is that what you're telling us?

1 A No, I didn't have you as my attorney on the 13th.
2 Q Then why did you tell that to the jury a few minutes ago?
3 A I don't recall saying that. On the 13th I had Richie
4 Roberts as my attorney.
5 Q So when you went in to the feds to speak to them you had
6 Richie Roberts as your attorney, not Paul Bergrin. Correct?
7 A Correct. I fired you and went to speak with him, correct.
8 Q And isn't it a fact that I put the plea through before
9 Judge Bernstein, not like you just swore under oath Richard
10 Roberts, it was put through in February of 2009?
11 A I did say you entered the plea. I did not stand in front
12 of the judge and cop out to it, because I got rid of you in the
13 court and Richie Roberts then went and sentenced me.
14 Q And you're about as sure about that as about all the
15 testimony in this case, including the statement I made. Right?
16 A Yes.
17 Q Isn't it a fact that on February the 13th of 2009, you pled
18 guilty before Judge Bernstein with me standing next to you, and
19 Judge Bernstein on the record says that: I accept your plea of
20 guilty, I find it to be a knowing, voluntary and intelligent
21 plea under oath?
22 A Didn't I retract my plea that day?
23 Q Isn't it a fact that you plead guilty with me at your side
24 as your attorney, with Thomas Fennely, Supervising Assistant
25 Prosecutor, and the judge accepted your plea with me there.

1 Isn't that a fact, sir?
2 A I don't --
3 Q Isn't that a fact?
4 A I don't recall.
5 Q You don't recall? Now you don't recall? You just
6 testified a few minutes ago that I wasn't with you.
7 A I did testify to that.
8 I said, when you went in front of the judge I didn't
9 take the plea. I fired you as my attorney, and then I went
10 back in front of the judge with Richie Roberts and accepted the
11 plea. That's what I said.
12 Q Richard Roberts went before the judge on May the 20th right
13 after you testified before the grand jury and he handled your
14 sentencing. Isn't that a fact?
15 A Correct. Well the sentencing, that's --
16 Q And that' --
17 A Okay. Go ahead.
18 Q That's all he handled in this case is your sentencing. I
19 put the plea through, not like you just lied to this jury.
20 Respect?
21 A I got confused, I didn't lie.
22 MR. BERGRIN: I have no further questions for this
23 witness.
24 MR. MINISH: Judge, I would like to move into evidence
25 the proffer agreement.

1 THE COURT: Is there any objection to that?
2 MR. BERGRIN: I have no objection, Judge. I would
3 like to move --
4 MR. MINISH: If I could just ask one question because
5 I think the witness stopped short of the paragraph he had
6 intended to read.
7 THE COURT: Okay, go ahead.
8 REDIRECT EXAMINATION
9 BY MR. MINISH:
10 Q Do you still have the proffer agreement in front of you,
11 sir?
12 A Yes.
13 Q Now, you had stopped reading after paragraph 1?
14 A Correct.
15 Q Would you read paragraph 2.
16 A (Reading) The Government may use any statement made or
17 information provided by the client, or on your client's behalf,
18 in a prosecution for false statements, perjury, or obstruction
19 of the justice, premised on statements or actions during or
20 subsequent to the interview.
21 Q And the interview that's referred to in this agreement is
22 when?
23 A After this date is when we --
24 Q So after you signed this, anything you say?
25 THE WITNESS: Correct.

1 MR. MINISH: I have nothing further.
2 THE COURT: Okay. Is there anything further?
3 MR. BERGRIN: No, Judge.
4 THE COURT: All right. Then we can excuse -- ladies
5 and gentlemen, we'll have to take a recess and have another
6 witness, but we'll take a break. I don't know -- I'll find out
7 in a few minutes if we're going to be taking lunch break and
8 then resuming early. We don't know if your lunch is here yet.
9 So if you would just be patient for about five minutes
10 in the jury room, we'll inform you how we're going to proceed.
11 Okay?
12 THE DEPUTY CLERK: Please rise for the Jury.
13 (The Jury leaves the courtroom.) (
14 THE COURT: We don't need the witness --
15 Who's the next witness?
16 MR. MINISH: Anthony Young, sir.
17 THE COURT: All right. Is he available?
18 MR. MINISH: I think there's a lot of little
19 transitions that have to be done, but --
20 THE COURT: Is the lunch here?
21 THE DEPUTY CLERK: No.
22 THE COURT: What time does it usually get here?
23 THE DEPUTY CLERK: Twelve.
24 MR. MINISH: He would be on for like two minutes,
25 Judge, probably.

1 THE COURT: No, I understand.
2 I'll tell the jury we're going to break for lunch.
3 We'll resume at quarter of one. Okay? And we'll take his
4 direct testimony starting at quarter to one.
5 Okay. We'll see you then. Thanks.
6 (Witness excused and escorted out of the courtroom by
7 the Marshals.)
8 (A luncheon recess is taken.)
9
10 A F T E R N O O N S E S S I O N
11
12 (Proceedings resume - Jury not present.)
13 (The prospective witness is escorted into the
14 courtroom prior to the Court coming on the bench.)
15 THE DEPUTY CLERK: Please remain seated.
16 THE COURT: Are we all set? Is this your witness, Mr.
17 Gay?
18 MR. MINISH: No, Judge.
19 THE COURT: Let's begin.
20 Bring out the jury, please.
21 THE DEPUTY CLERK: Please rise for the Jury.
22 (Jury present.)
23 THE COURT: Everyone, be seated. Welcome back.
24 Everyone be seated, please.
25 Mr. Gay, identify your witness, please.

1 MR. MINISH: Judge, at this time the Government calls
2 Mr. Anthony Young to the stand.
3
4 A N T H O N Y Y O U N G, called as a witness, having been
5 first duly sworn, is examined and testifies as follows:
6
7 THE DEPUTY CLERK: Please state your name for the
8 record.
9 THE WITNESS: Anthony Young.
10 THE DEPUTY CLERK: Thank you. You may be seated, sir.
11 Talk into the microphone.
12 DIRECT EXAMINATION
13 BY MR. MINISH:
14 Q Mr. Young, where did you grow up?
15 A Newark, New Jersey.
16 Q Did you spend any time out of state?
17 A As a little kid, North Carolina.
18 Q Do you remember about how old you were when you were in
19 North Carolina?
20 A From, like, 5 to 7.
21 Q Other than that have you been a Newark resident?
22 A Yes.
23 Q Would you tell the jury how far you got in school?
24 A To the tenth grade.
25 Q Have you since gotten any other accreditations or any

1 studies?
2 A Yes.
3 Q Tell the jury what that is.
4 A Right now I'm working on my GED, so within the next couple
5 of months.
6 Q Next couple of months, what?
7 A I should be taking the test within -- by January.
8 Q Do you have any brothers or sisters?
9 A Yes.
10 Q And how about children?
11 A Yes, a daughter.
12 Q Are you in jail right now, sir?
13 A Yes.
14 Q When were you arrested for this time that you're currently
15 incarcerated for?
16 A February 1st, 2005.
17 Q And that wasn't the first time you had involvement in the
18 criminal justice system. Is that correct, sir?
19 A No.
20 Q How old are you right now?
21 A 37.
22 Q How much of your life do you think you've spent in jail?
23 A Approximately between 17 to 18 years.
24 Q Now, sir, going back to your juvenile days, all right,
25 before you hit the age of 18, were you involved in any criminal

1 activity?
2 A Yes.
3 Q Okay. Would you tell the jury the type of activity you
4 were involved in?
5 A Stealing cars, robbing, and gun charges.
6 Q Who were you involved with, who were the other individuals?
7 A A bunch of guys from around my way, just from my
8 neighborhood.
9 Q Would you tell the jury some of their names?
10 A Rakeem Baskerville, William Baskerville, Jamal Baskerville,
11 Hamid Baskerville, Royce Hodges; Rashid Pringle. There's a
12 bunch of guys from Avon Avenue.
13 Q Did you get arrested related to any of those activities?
14 A Yes.
15 Q Did you ever cooperate with law enforcement after you were
16 arrested on that time period, 15 to 18?
17 A No, not back then. This is my first time.
18 Q All right. Now, after you turned 18, were you involved in
19 any sort of assaults?
20 A Yes.
21 Q Okay. And specifically, sir, back in 1992, were you
22 involved with a shooting by Alexander Street?
23 A Yes.
24 Q Would you tell the jury about that?
25 A Well, I had a problem with two guys and I shot both of

1 years; five years with 20 months of parole ineligibility, and
2 three years for those various charges?
3 A Yes.
4 Q And moving forward to May 16th, 2003, did you get out of
5 jail?
6 A Yes.
7 Q Were you charged with something and represented on that
8 case charged with a criminal case?
9 A Yes.
10 Q Okay. Would you tell the jury about that?
11 A Well, I came home May 16th, and this is the charge that I'm
12 locked up on now I caught in February 2005.
13 Q But prior to that, sir, back in May, were you represented
14 by a lawyer named Donna?
15 A Yes, that was before I went to prison though.
16 Q I apologize. Please explain that to the jury.
17 A There was in -- don't know, I forgot her last name, but
18 this was in 1999. She represented me.
19 Q Okay. And did you plead guilty to charges?
20 A Yes.
21 Q Did there come a time related to those charges you tried to
22 hire another lawyer?
23 A Yes.
24 Q Okay. Could you explain to the jury what happened?
25 A Well, I was trying to get postponement so I could stay out

1 for the whole summer.
2 Q Postponement of what, sir?
3 A Of all those charges, because I had pled guilty and I
4 copped out to five years with 20 month ineligibility.
5 Q Was this the sentence date?
6 A Yes. I was supposed to get sentenced in May, and I went to
7 court and I was trying to get a postponement to September. And
8 I asked Mr. Paul Bergrin, could he represent me on that.
9 Q Tell the jury what happened.
10 A He said yes. And he said he'd see me at the courthouse.
11 I told him I'll get my thousand dollars to get me a
12 postponement.
13 But the day that I got to the courthouse I called him
14 that morning he said he couldn't make it, that he was going to
15 send somebody, and he sent another attorney.
16 Q Did another attorney show up?
17 A Yes.
18 Q And were you able to get that sentencing postponed?
19 A No.
20 Q So what did you do?
21 A The attorney told me, I'm going to be sentenced after
22 lunchtime, he said, either you going to stay or you going to
23 leave, it's up to you. And I left.
24 Q So you didn't stay?
25 A No.

1 Q Did there come a time when you eventually were sentenced on
2 that charge?
3 A Yes.
4 Q Tell the jury what happened.
5 A In September. In September I walked into the Sheriff
6 Department and told them I was turning myself in, and they
7 locked me up. And I was sentenced to the same five month --
8 five years, 20 months.
9 Q And why did you get the same sentence?
10 A Because the judge, she asked me, why did I leave?
11 And I explained to her that I had just had a daughter
12 and I wanted to have some time with her, and I just wanted the
13 summer out with her. And I turned myself in, and she decided
14 to give me the same -- the same sentence.
15 Q Because she could have given you more, you're saying?
16 A She could have gave me seven years.
17 Q Now, in another area, besides the one time you told the
18 jury about, shooting at two guys, were there any other
19 individuals that you shot at?
20 A Plenty times.
21 Q Tell the jury about that.
22 A Well, I had a shootout on 21st Street -- 22nd Street and
23 18th Avenue, me and Rakeem.
24 Q Who is Rakeem, sir?
25 A Rakeem Baskerville. We had a shootout with some guys. As

1 teenagers I had a couple of shootouts with guys. And that's
2 it.
3 Q What were they over, do you recall?
4 A Drugs, drug blocks. And I had one guy shoot a friend of
5 mine 13 times, so one time it was over that.
6 Q Did any of those individuals die?
7 A No.
8 Q Now, you've mentioned that you've sold drugs in your life,
9 sir. Did you also use drugs in your life?
10 A Yes, for a small period of time.
11 Q Tell the jury about that.
12 A As a juvenile I experienced using cocaine and marijuana.
13 Q And did you continue the use for a period of time?
14 A Yeah, for a small period of time, not long.
15 Q Now, you mentioned a number of individuals with the last
16 name "Baskerville." Can you tell jury the first time you met
17 anybody in the Baskerville family?
18 A The first time I met one of the Baskervilles was maybe
19 around 1985, '86.
20 Q Which Baskerville did you meet?
21 A Jamal.
22 Q Now, could you tell the jury the circumstances?
23 A There's a -- just a lot of guys in the neighborhood that
24 stole cars, and they was -- they was from another area, they
25 stole cars also, but we only was two blocks apart. I was from

1 19th Street, they was from 17th Street, and we decided all that
2 we all start hanging together doing the same activities.
3 Q Criminal activities?
4 A Yes.
5 MR. MINISH: Judge, I'm going to show the witness
6 Government Exhibit 2261.
7 THE COURT: Go ahead.
8 Q Sir --
9 A Jamal Baskerville.
10 Q Okay. So you do recognize who that is?
11 A Yes.
12 MR. MINISH: Judge, I would like to move this into
13 evidence, please. If we could publish it to the jury.
14 (An exhibit is published to the Jury.)
15 Q Sir, I know you said it, but now that the jury is looking
16 at the picture, who is that?
17 A Jamal Baskerville.
18 Q So, after Jamal Baskerville, you met him, did you meet any
19 other Baskerville -- members of the Baskerville family?
20 A Yes.
21 Q Tell the jury who you met, who else you met.
22 A Jamal Baskerville, Hakeem Curry, Rakeem Baskerville, Hamid
23 Baskerville and Terique Baskerville.
24 MR. MINISH: Judge, we'll put up 2257 in evidence.
25 THE COURT: Go ahead, publish it.

1 (An exhibit is published to the Jury.)
2 Q Who is that, sir?
3 A Rakeem Baskerville.
4 Q Sir, I'm growing to show you what's been marked 2262. Do
5 you know whose picture that is?
6 A Yeah, that's Hamid Baskerville, which Haseem, it's both the
7 same person.
8 Q Judge, I'm going ask that this be moved into evidence.
9 MR. BERGRIN: No objection, sir.
10 THE COURT: All right. It's in evidence, go ahead,
11 publish it.
12 (Government Exhibit 2262 is received in evidence.)
13 Q Again, could you tell the jury who that is?
14 A One of the Baskerville brothers.
15 Q Okay. Which one?
16 A Hamid or Haseem they call him. That's both his names.
17 Q Now, what sort of things were you doing with Rakeem
18 Baskerville when you first met him?
19 A Stealing cars and doing robberies.
20 Q Did there come a time when you met a brother named William?
21 A Yes.
22 Q Okay. Would you tell the jury the circumstances of meeting
23 William Baskerville?
24 A The first time I met William was on a phone call.
25 Q What does that mean?

1 A He was in prison in 1986. The first time I met him was on
2 the phone. He had went to prison for shooting somebody in the
3 back, and that was my first meeting with him.
4 Q Did there come a time when you met an individual named
5 Hakeem Curry?
6 A Yes.
7 Q Could you tell the jury the circumstances of that meeting?
8 A I first met Hakeem Curry in 1987.
9 Q How did you meet him?
10 A Because he's a cousin of the Baskervilles. I met him at
11 the Baskervilles' house.
12 Q And was he involved in any of the -- in the criminal
13 activity you were talking about?
14 A Yeah, he would steal cars with us but he was more into
15 selling drugs at the time. But he used to be in stolen cars
16 with us some time.
17 MR. MINISH: Judge, if we could publish the photo
18 2258.
19 (An exhibit is published to the Jury.)
20 Q Would you tell the jury who that is?
21 A Hakeem Curry.
22 Q Now, sir, you've spoken about drug-trafficking that you've
23 done. Could you explain how, to the jury, how the
24 drug-trafficking worked, initially, at the very beginning?
25 A At the very beginning it was just everybody for they self

1 when we was younger and --
2 Q Which means what?
3 A Everybody did they own little thing selling cocaine in
4 different areas. And everybody was selling drugs for they
5 self.
6 Q And did there come a time when it was no longer everyone
7 for themselves?
8 A Yes.
9 Q Okay. Could you explain that to the jury?
10 A Well, I went to prison in 1992 and I came home in 1997, and
11 when I came home Hakeem Curry was running what you would say, a
12 drug empire, an organization of -- which was just family and
13 friends.
14 Q And what sort of drugs were involved in this drug empire?
15 A Cocaine and heroin.
16 Q Now, can you explain to the jury -- did you know every
17 member of this group?
18 A Well, he mess with people on two sides of town, and I would
19 say 80 percent of the people I knew.
20 Q Okay. And when you say "messed with"; what do you mean?
21 A That they -- everybody got they drugs from Hakeem.
22 Q Now, for the ones that you know, can you tell the jury some
23 of the names of the individuals that were involved at that time
24 when you came back in Mr. Curry's organization?
25 A When I came home, all the Baskerville brothers except for

1 Terique, he doesn't hustle.
2 Q And "hustle," you mean what, sir?
3 A Selling drugs.
4 Hakeem was still in prison because we's all in prison
5 the same prison together. Hakeem was still in prison when I
6 came home in '97, which is Hakeem Baskerville,
7 Q Not Hakeem Curry?
8 A No not Hakeem Curry. They brother, Baskerville, he was
9 still in prison.
10 And everybody else is home. And you got all the
11 brothers, then you had Shaheed from Avon, you had Terence from
12 Avon, which be with us from Avon, which is another one of they
13 cousins, me, myself;
14 Q Do you know somebody named Pooh?
15 A Yes.
16 MR. BERGRIN: Objection, your Honor, to the leading
17 nature.
18 THE COURT: I'll allow it. Go ahead.
19 A Pooh is from Georgia King Village, though.
20 Q Okay. Do you know his real name?
21 A No.
22 Q How about someone name Jahad?
23 A Jahad is from Georgia King Village.
24 Q Do you know his real name?
25 A I think his first name is Amad, but I'm not sure. But I

1 know his last name is Pryor. I think it's Amad Pryor. But I'm
2 not a hundred percent positive.
3 Q Now, you said earlier Mr. Curry had an empire.
4 A Yes.
5 Q Why do you say it was his as opposed to anybody else's?
6 A Because in order for you to do any dealings you had to go
7 through him. He was like the top of the chain, he had the
8 connect.
9 Q Just, if you could explain that to the jury, how it works.
10 A Well, you got a man which is Hakeem Curry at the top that
11 had the drug connect in New York, and then you have Pooh, you
12 have Jahad, and you also at the time in '97 you had a guy name
13 Sheik, which is Al-Quan Loyal, he was at the top.
14 So him and Hakeem Curry had the connect, the drug
15 connect from New York. And whatever heroin and cocaine you
16 wanted, you had to go through them.
17 Q And who makes the most money in this chain?
18 A Hakeem Curry and Al-Quan Loyal.
19 Q And how about the next level down? Just give -- walk the
20 jury through how the money is made.
21 A You had Al-Quan Loyal, Hakeem Curry at the top. Then the
22 next step you had, which would be Jahad and Pooh right up under
23 them.
24 Q How were they each making money though, that's my question?
25 How does it work, not necessarily who?

1 A Selling heroin and selling cocaine.
2 Q If you can explain to the jury how each level --
3 A Yes.
4 Q -- makes money.
5 A Well, you had to get your drugs from Hakeem or Al-Quan.
6 Once you got it, you distribute it through Al-Nuk or whoever
7 hustle for you. We had low level dealers that hung out on the
8 street corners and on -- you know, middle of the block and they
9 hustle for us.
10 Q And you would sell the drugs for more than you got them
11 for?
12 A Yes.
13 Q Where did you fit in in this chain?
14 A I would fit right up under Will Baskerville.
15 Q Who did you get your drugs from?
16 A Me and Rakeem got our drugs from Hakeem Curry.
17 Q And what did you in turn do with them?
18 A I distribute them to people in my neighborhood, which was
19 Alexander Street and South Orange Avenue and on Avon Avenue.
20 Q Okay. Did you personally distribute it?
21 A Yes.
22 Q Did you do the hand-to-hand transactions?
23 A No.
24 Q Explain that to the jury.
25 A I had lower guys that was lower than me on the streets

1 doing it.
2 Q So there were people that worked for you?
3 A Yes.
4 Q Now, you've mentioned "connect" a couple of times and you
5 said Mr. Curry had a connection in New York.
6 Do you recall the time period that was?
7 A The time period from 1997 to 1999.
8 Q And after 1999, were you out on the streets?
9 A No, I went back to prison.
10 Q And when did you get out?
11 A I got out May 2003.
12 Q And do you know who Mr. Curry's connect was at that time?
13 A No.
14 Q Was he still able to get cocaine and heroin at that time?
15 A Yes.
16 Q Did you actually see -- now we're into May 2003 -- Mr.
17 Curry distribute cocaine?
18 A Yes.
19 Q Could you tell that to the jury?
20 A Well, Jahad, one day me and Jahad was together and Hakeem
21 Curry gave Jahad a bunch of heroin -- a bunch of cocaine. And
22 me and Will was together on 16th Street and Avon, and he asked
23 Hakeem for some -- he told Hakeem he need two birds.
24 Q What are "birds"?
25 A Two kilos of cocaine.

1 Q I'm sorry to interrupt. What happened after that?
2 A He told Will to call Jahad and get it from him.
3 Q Who's cocaine was it, Jahad's or Mr. Curry's?
4 A Mr. Curry.
5 Q Did Mr. Baskerville have to pay for that cocaine?
6 A Yes, he got to pay for it.
7 Q He was family. Was there a discount or --
8 A You could get -- let's say a kilo of cocaine was running
9 24, 25,000, and being that's his cousin, he probably get it for
10 about 21.
11 Q Now, again, in 2000, bringing your attention to the summer
12 of 2003, you described a series of relationships that you had
13 with members of the Baskerville family as well as Mr. Curry.
14 So we can sort of move this along, from childhood to then, did
15 your relationship with those individuals change during that
16 period of time?
17 A It got a lot closer, more so. I was like a part of they
18 family because I been with them since, like I told you, 19 --
19 in 1985, beginning in 1986.
20 Q And when you say their "family," you mean who?
21 A Meaning the Baskervilles, Curry, and Terrence, which is
22 another cousin.
23 Q Do you know Terence's last name?
24 A No. I don't know T-Money last name.
25 Q T-Money you said?

A Which is Terence, yes.
Q The same person?
A Yes.
Q Were you selling drugs yourself during the summer of 2003?
A Yes.
Q And into the fall of 2003?
A Yes.
Q I'm going to direct your attention to November 25th, 2003. Did anything happen on that day that was unusual?
A Yes. Will Baskerville got arrested.
Q Okay. Could you tell the jury how you found out and what happened?
A Well, I was on Alexander Street in the morning, early in the morning.
Q And what were you doing there early in the morning?
A I was setting up my block to distribute heroin during the day, getting my workers out there, and I got a chirp from Rakeem Baskerville.
Q And a "chirp," meaning?
A We got phones that's walkie-talkies, and Rakeem Baskerville chirped me and said I need to come down the hill.
Q What did that mean to you, sir?
A Come down the hill.
Q I'm sorry, to where? Where was "down the hill"?
A Oh, to 17th Street and Avon, where we from.

1 Q And did you, in fact, do that?
2 A Yes.
3 Q Was it any specific location?
4 A Yes, he said come in front of Jamal house.
5 Q And Jamal Baskerville?
6 A Yes.
7 Q And did you do that?
8 A Yes.
9 Q Now, when you arrived there, what did you learn.
10 A I learned that Will Baskerville was arrested by the feds.
11 Q And how did you find that out?
12 A Through Rakeem.
13 Q Did the fact that William Baskerville had been arrested by
14 the feds mean anything to you?
15 A Yes, it meant a lot to everybody.
16 Q Explain that to the jury, please.
17 A Well, everybody was nervous, scared because there's a
18 difference when you get arrested by, you know, Newark Police or
19 State Police than somebody -- than somebody in your
20 organization being arrested by the feds. The first thing you
21 think is all 20 of you, all or 15 of you all are under
22 investigation, you really don't know.
23 Q And that's different from local police?
24 A A lot different.
25 Q Why is it different?

A Because we know, like going to the State ain't a problem. We know people that went to the feds that we never seen again.
Q Now, at that time did you know much about the federal system?
A Not a lot, but a little.
Q Did you take -- with this concern in mind, did you or members of the group take any steps to find out any information?
A Yes.
Q Please tell the jury about that.
A Well, when I got down on 17th Street and Avon and we found out that Will was arrested by the feds, our first thing was, who else are they coming to get, and who do they -- who else do they have at that time?
So we start making phone calls to see who the feds arrested.
Q And anybody specifically you were looking for?
A Ray-Ray and T-Money, which is Terence.
Q I'm going to show --
MR. MINISH: Judge, with the Court's permission, photo 2256 in evidence.
THE COURT: Go ahead.
MR. MINISH: If you could publish that.
THE COURT: That's fine.
(An exhibit is published to the Jury.)

Q Do you know who that is, sir?
A That's Ray-Ray.
Q Now, why were you concerned -- we'll start with Ray-Ray and we'll get to Terence -- why were you concerned about Ray-Ray?
A Because he hangs with Will, he hustle with Will every day of the week.
Q And again so the jury is clear: When you say "hustles," you mean sells drugs?
A Yeah, he sell drugs with Will every day.
Q So why did it matter where Ray-Ray was?
A Because we want to see who they got and who they don't have. And the whole thing is, if they arrested Will, they had to arrest T-Money and Ray-Ray.
Q Why is that?
A Because they ride around with him every day in a van and every day in their Monte Carlo selling cocaine.
Q Now, did there come a time when you saw Ray-Ray?
A Yes.
Q And what happened?
A He drove up to where we was all standing at.
Q And what happened after that, if you could describe that for the jury?
A Well, we was sort of uneasy when we saw him, because now we thinking, at the time is Ray-Ray a rat or did he tell on anybody? And we don't know.

1 So that most -- mostly of all of us were scared, like
2 we didn't really want to talk to him too much but we needed to
3 talk to him just enough the see what he knew.
4 Q All right. Now shifting gears to Terence. Did anybody --
5 what steps did you take to find out about Terence?
6 A You had Rakeem calling him on his chirp phone, kept calling
7 Terence, and he wouldn't answer. And then Jamal Baskerville
8 kept calling him and he still wouldn't answer, so we figured he
9 got arrested.
10 Q And did you later find out whether that was true or not?
11 A Yes, later on.
12 Q And tell the jury what the truth was.
13 A Well, Rakeem went looking for Terence, which is his cousin
14 T-Money. Rakeem Baskerville went looking for him. Ed he
15 said -- because he couldn't get him on the phone, so that he
16 said he had to see, did he get arrested? And if he got
17 arrested we knew for sure that Ray-Ray was the person in the
18 group that told on Will.
19 Q Okay. So just so I understand in the chain, starting with
20 Mr. Baskerville. If you put Mr. Baskerville at the top -- or,
21 where does Ray-Ray fit, above or below?
22 A Much below.
23 Q So he worked for Mr. Baskerville?
24 A Yes.
25 Q So if he had been arrested before, what issues would that

1 have created for Mr. Baskerville?
2 A It would have created a lot of issues because if, like I
3 said, if he telling, Mr. Baskerville will face some time.
4 Q Then if someone who was working for you, you said out on
5 Alexander was arrested, what concerns would you have?
6 A I would have plenty of concerns.
7 Q Which are?
8 A Are they going to give me up?
9 Q And how is it they would be able to give you up?
10 A Well, you could tell the feds that they hustled for me,
11 where our drug house is at, you know, where we keep the drugs
12 and the guns at.
13 Q Now, would those individuals be able to give up, say,
14 Hakeem Curry?
15 A No, not people from my block, no.
16 Q Why not?
17 A Because they know nothing about him, all they know is he's
18 my connect, that's it. But they don't know where nothing ever
19 his is at.
20 Q That morning did there come a time when Mr. Curry showed up
21 to Jamal Baskerville's home?
22 A Yes.
23 Q Would you describe that to the jury?
24 A Well, Mr. Curry first got there maybe an hour after we did,
25 and -- or less, I don't know. I would say 45 minutes to an

1 hour maybe, and he pulled up. We was all standing in front of
2 the house already, me and the Baskervilles and Ray-Ray.
3 And Hakeem pulled up in a Range Rover, got out, we all
4 start talking about what happened. And he said he had to get
5 in touch with Paul Bergrin to get Paul on the job.
6 Q And who at that time, to you, was Paul Bergrin?
7 A Paul Bergrin was a lawyer, a prominent lawyer we know of
8 that represented a lot of people that we be around.
9 Q And when you say "be around," you mean just as neighbors,
10 or people involved in the organization?
11 A People involved in my organization, and a good friend of
12 Hakeem's.
13 Q And why do you say he's a good friend of Hakeem's?
14 A If you pay attention and you be around us, you can see he
15 cared about Hakeem more than he cared about others.
16 Q Can you give anybody an example of that?
17 A Well, if anything happening, Hakeem is the one that got to
18 go to Paul to make sure everybody's all right.
19 Q I'm sorry, sir, if you could just explain that.
20 A Like when Will went to -- the day Will got arrested, it
21 wouldn't have been Rakeem or Hamid or Jamal calling Paul, it
22 would be Hakeem getting in touch with Paul for Paul to make
23 sure everything's all right, and his main concern is to make
24 sure he's all right.
25 Q Hakeem Curry?

1 Q And what if anything happened?
2 A Hakeem phone running, and he answered it and said it was
3 Paul, and proceeded to get in his truck that was parked right
4 there maybe five steps from us.
5 Q Okay. Now in the truck; front seat, back seat?
6 A He got in the driver's seat.
7 Q Anybody else get in the truck?
8 A Yes, me, myself, I got in the back seat, and I think it was
9 Jamal who got in the front. Jamal, yeah, Jamal got in the
10 front seat, passenger's seat.
11 Q Okay. Now, were you able to hear anything with respect to
12 that conversation?
13 A Well, I could hear Paul's voice but I couldn't hear nothing
14 he was saying. It was just -- it was quiet in the truck. You
15 could hear a voice on the other line but --
16 Q Could you hear what Mr. Curry was saying?
17 A Yes.
18 Q What was Mr. Curry saying?
19 A He's asking Paul, do he know anything about Will, this, and
20 that, telling him that Will was locked up by the feds and did
21 he hear about it.
22 And told him he need to find out what really happened.
23 Q Now, were there any comments about the charges Mr.
24 Baskerville was facing?
25 A Yes.

1 Q Could you tell the jury about that?
2 A Crack cocaine charges.
3 Q Was any specific information provided?
4 A All he said is --
5 THE COURT: Who's "he"?
6 THE WITNESS: Hakeem Curry.
7 THE COURT: Okay.
8 A (Continuing) Hakeem Curry was relating whoever was telling
9 him whatever on the phone, which he said was Mr. Bergrin. He
10 would move the phone and tell us that Will had made a certain
11 amount of crack sales on certain days. And he was saying --
12 Q Do you remember those days right now?
13 THE COURT: No, let him finish, Mr. Minish. Let him
14 finish, please.
15 MR. MINISH: Oh.
16 A No. I remember him saying a couple of days, maybe three,
17 four. I don't remember exactly how many, but it was more than
18 two or three.
19 THE COURT: And again, who was saying this?
20 THE WITNESS: Mr. Curry.
21 THE COURT: Mr. Curry was saying this to?
22 THE WITNESS: To us.
23 THE COURT: To you?
24 THE WITNESS: To us two sitting in the truck with him.
25 Q Just so the jury is clear: Is Mr. Curry talking to you

1 directly or is he on the phone?
2 A He's on the phone. Then, whoever giving him the
3 information on the phone, he would turn around and give it to
4 us.
5 Q Okay. Now, sir, the -- are the individuals that are in the
6 vehicle, you said you weren't sure.
7 A Yes.
8 Q Now, you previously testified in this matter. Is that
9 correct?
10 A Yes.
11 Q And during your prior testimony, do you recall what you
12 said or who you said was in the vehicle?
13 A In my previous testimony I said me -- me, Hakeem and, I
14 think I said -- I might have said Rak or Jamal. I don't
15 exactly remember.
16 MR. BERGRIN: Your Honor, is Mr. Minish impeaching his
17 own witness? I don't understand this line of questioning.
18 MR. MINISH: Judge, if I was, it would be perfectly
19 permissible under Rule 607, so...
20 THE COURT: Go ahead. I'll allow it.
21 Q Mr. Young, so the jury is clear --
22 A Yes.
23 Q -- as you sit here now, do you know who was there or not?
24 A Yes.
25 Q Okay. Who was there?

1 A Jamal Baskerville.
2 Q Where was, if you know, Rakeem Baskerville?
3 A I think Rakeem at the time went to see the T-Money get
4 locked up, so that he was searching for Terence, which is they
5 cousin.
6 Q And did he eventually find T-Money?
7 A Yes.
8 Q Would you tell the jury where he was?
9 A T-Money was in the house asleep the whole time and he
10 didn't answer his phone.
11 Q Did there come a time, sir, when another phone call came in
12 from Mr. Bergrin?
13 A Yes, which was later that day.
14 Q Could you describe that for the jury?
15 A He was just telling Hakeem that he --
16 THE COURT: No, no, no, wait one second.
17 Were you on the phone?
18 THE WITNESS: No.
19 THE COURT: So where were you?
20 THE WITNESS: I was with Hakeem Curry.
21 THE COURT: Where?
22 THE WITNESS: In the truck.
23 THE COURT: Okay. And Mr. Curry was the one on the
24 phone?
25 THE WITNESS: Yes.

1 THE COURT: All right. So now you heard Hakeem Curry.
2 Correct?
3 THE WITNESS: Yes.
4 THE COURT: Okay.
5 THE WITNESS: Yes.
6 BY MR. MINISH:
7 Q Why do you think it was Mr. Bergrin?
8 MR. BERGRIN: Objection as to "think." Speculation,
9 Judge.
10 THE COURT: Sustained.
11 MR. MINISH: Judge, he has to be able to explain his
12 state of mind.
13 THE COURT: Well --
14 Q Well, what did Mr. Curry tell you.
15 THE COURT: Did Mr. Curry tell you anything
16 THE WITNESS: Yes.
17 THE COURT: Okay. Go ahead.
18 A Mr. Curry told me that Paul Bergrin was telling him that --
19 he sat down and spoke to Will or -- and Will said the informant
20 name was "Kamo."
21 Q Did that mean anything to you?
22 A Yeah, it mean the informant which made us feel better that
23 it wasn't Ray-Ray that was the one that told on Will, he was
24 telling us who the informant was, which wasn't a part of my
25 crew.

1 Q So it made you personally feel better?
2 A Yes.
3 Q Now, do you know, when you heard "Kamo," did you know who
4 that was?
5 A They was saying "Kamo," but I knew who he was, his name is
6 "Kemo."
7 Q And how did you know that?
8 A Because I grew up around him and we did some jail time, a
9 lot of jail time together.
10 Q Could you tell the jury where and when?
11 A Well, I'm positive we was in Skillman together from 1989 to
12 roughly 1990 when I left. Then we was in another spot called
13 Bordentown, New Jersey, which is juvenile medium security
14 facility. We was there for about a year and a half together.
15 Q Now, was there any other information that was provided
16 during that phone call that you remember?
17 A Well, I can remember that Hakeem said that the person on
18 the phone, which he said was Paul, that the informant name was
19 Kamo, and that they had some type of audio and video
20 surveillance of Will making sales to the kid Kamo, which his
21 name is Kemo.
22 Q What did that mean, that information mean for Ray-Ray
23 personally?
24 A Well, it meant good information for him, because now we
25 know he ain't the one who told, but I'm pretty sure he's very

1 scared.
2 Q Before that? Before Kemo came out?
3 A Before Kemo came out we thought he was a rat. But once
4 Kemo came out we knew he wasn't the one who told because we got
5 the information now.
6 Q And with that information, did you immediately do anything?
7 A No.
8 Q Why not?
9 A Because we had to sit around and really find out what's
10 going on, everything.
11 Q And what did that mean? What did you want to find out?
12 A We wanted to find out what type of time Will was facing,
13 would he make bail. That was what we hoping for, that he get a
14 bail and he'd be home.
15 Q At that time, sir, the day Mr. Baskerville was arrested,
16 can you tell the jury what you knew about the federal system?
17 A All we knew was the federal system at the time, that you do
18 85 percent of your time and --
19 Q Did you know anything else?
20 A No.
21 Q Did there come a time when you later learned additional
22 information about the federal system?
23 A Yes.
24 Q Did there come a time -- well, let me say this: In
25 relation to Thanksgiving, when, in the best of your memory, was

1 William Baskerville arrested?
2 A Some days before Thanksgiving, but I don't know the exact
3 day.
4 Q Was it Thanksgiving week or the week before?
5 A Thanksgiving week, but I don't know the exact day.
6 Q So Monday, Tuesday or Wednesday?
7 A Yeah.
8 Q Did there come a time when you actually met in person with
9 Mr. Bergrin?
10 A Yes, maybe -- we went through Thanksgiving kind of
11 depressed that Thanksgiving -- this is my first Thanksgiving
12 home which we usually go to each other houses, you know, watch
13 the football games and have Thanksgiving dinner, and nobody
14 wanted to do that because --
15 Q Why not?
16 A Because Will just got locked up, people still wondering
17 about this federal thing, and people know if you under federal
18 investigation, you got problems. And we really was depressed
19 that one of our brothers was in jail.
20 Q Now, he's not literally a blood brother?
21 A No, not to me, but if you ask anybody on the street, they
22 would tell you that Ant is their brother. They think I'm their
23 brother, a lot of people that don't know us growing up.
24 Q They think you're actually related by blood?
25 A Yes.

1 Q I'm sorry. You were describing a meeting. Do you recall
2 when that meeting was?
3 A The meeting was after Thanksgiving, because we went through
4 Thanksgiving, everybody just being home at their houses, not
5 visiting each other or nothing.
6 Q Was it over the weekend?
7 A No, it wasn't during the weekend.
8 Q Do you recall when it was?
9 A Some time the next week that came, a couple of days of next
10 week.
11 Q Now, if you could describe the setting for the jury, where
12 are you at this meeting?
13 A For the meeting?
14 Q Yes.
15 A We back on 17th Street.
16 Q And that's Jamal's Baskerville home?
17 A Yes, Jamal Baskerville house.
18 Q Do you recall the time or approximately the time?
19 A I didn't give you an exact time, but it was nighttime.
20 Q Night --
21 A That's all, later on after work hours.
22 Q Okay. Who was present at this meeting?
23 A Me, Jamal Baskerville, Hakeem Curry, Malsey, which is Jamal
24 McNeil, Rakeem, Jamal, me, Malsey and Hakeem and Paul.
25 Q Just so the jury is clear, there's Jamal Baskerville and

1 someone you referred to as --
2 A And Jamal McNeil. There's two Jamals.
3 Q And you refer to Jamal McNeil as "Malsey"?
4 A "Malsey," yes.
5 Q And how do you refer to Jamal Baskerville?
6 A "Jamal."
7 Q So if you could just try to do that going forward so that
8 the jury can focus.
9 A You have two Hakeems and you have two Jamals.
10 Q Okay. Now, prior to Mr. Bergrin arriving, was the group
11 together?
12 A Yes.
13 Q Okay. Was there any discussion?
14 A Yeah. We's all across the street by the garage where we
15 keep our motorcycles at, and --
16 Q What were you talking about?
17 A This time what we think will happen with Will, we really
18 didn't know because, like I said, all we knew about the federal
19 system is, the feds is the feds and you face time or you do 85
20 percent of your time. But we didn't know the exact laws of the
21 feds.
22 Q And what do you mean, you didn't know the exact laws?
23 A We don't know how much, like, you know, if you get caught
24 with a gun in the state you facing three to five. But if you
25 cop out to a deal you could easily get two years or a year.

1 But in the feds it's a lot different. You get caught with a
2 gun in the feds, you face time.
3 Q So more time, not less time?
4 A A lot more time.
5 Q How about drugs?
6 A The same way, but we didn't know at the time.
7 Q When did you learn that?
8 A When Paul Bergrin came to 17th Street.
9 Q That evening?
10 A Yes.
11 Q So, but before we get to that, what was the discussion,
12 what was the conversation prior to Mr. Bergrin arriving?
13 A Hakeem just showed up and said, my man on his way, he let
14 us know what's going on and he be here in a little while. And
15 the discussion was --
16 Q You said, Hakeem; you mean Curry?
17 A Curry, yeah, not Baskerville.
18 Q I'm sorry, I apologize for interrupting.
19 And "my man is on the way." Who was he referring to?
20 A Paul.
21 Q And what else did you talk about?
22 A Just talking about general what happened, that's it. About
23 Will getting arrested with the crack cocaine.
24 Q Did there come a time when Mr. Bergrin did show up?
25 A Yes.

1 Q And did he provide you with any information with respect to
2 the federal charges?
3 A Yes.
4 Q Would you tell the jury what that was?
5 A When he arrive, he got there, he said, you know, what's up
6 to everybody? Shook everybody hand. And he's the one that
7 told us that Will will be facing life in prison for the little
8 bit of the drugs he got caught with.
9 And we was kind of surprised, like, life in prison for
10 what he got charged with?
11 We didn't know that you could face life in prison for
12 that.
13 Q Because it was a small amount or because it was crack; what
14 surprised you?
15 A Because it was a small amount.
16 Q Do you recall what the amount was?
17 A No, not at that time. I knew, but right now I can't
18 exactly tell you how much it was. But it was somewhere like a
19 hundred, a hundred something grams, in that area. But I can --
20 Q Back then you knew?
21 A Yeah, I know at that time.
22 We was like a hundred something grams? People get
23 caught with that every day in Newark, you know, by regular
24 police and you go do three years and you home.
25 Q Did Mr. Bergrin explain anything else with respect to the

1 federal system?
2 A Just saying, reason Will could face that time, because all
3 the times he been arrested and convicted and --
4 Q And what did that mean?
5 A That meant something going to have to happen to get Will
6 out.
7 Q I'm sorry, I didn't mean to skip ahead, sir. I meant when
8 you said, "because of his record" --
9 A Yeah.
10 Q -- what impact did the record have?
11 A Because he become a career criminal.
12 Q And what does that mean?
13 A A lot of time in prison.
14 Q That you wouldn't have had necessarily if you didn't have
15 those convictions?
16 A No, you wouldn't have that.
17 Q Now, did Mr. Bergrin tell you anything else with respect to
18 Mr. Baskerville's bail status?
19 A Well, he just was saying Mr. Baskerville wasn't getting no
20 bail. And he said, we need not to let Kemo -- which they call
21 "Kamo," but at the time, but he was saying Kemo now -- we meant
22 not to let Kemo testify. We need not to let him testify.
23 Q Meaning the group?
24 A The group.
25 Q Now, when, specifically about the bail, sir, was there --

1 is that the same as the state system?
2 A No.
3 Q How does the bail work in the state system?
4 A Bail in the state system, you get a bail the next day and
5 whatever it is, you home.
6 Q Now, did Mr. Baskerville -- excuse me -- Mr. Bergrin say
7 anything specifically about Kemo or the witness?
8 A He said if Kemo testify against Will, Will will never see
9 the streets again. He will be sent to prison for the rest of
10 his life. And he said, we need not to let Kemo testify against
11 Will. And his words to us, which all five of us, "No Kemo, no
12 case."
13 Q And what did you take that to mean, sir?
14 A Get rid of Kemo.
15 Q Get rid of him how?
16 A Kill him.
17 Q Did Mr. Bergrin move away from the group at that point,
18 sir?
19 A From that point he start talking to Hakeem for a minute to
20 the side.
21 Q If you could describe that for the jury, please.
22 A They just slid over maybe five steps at most. You could --
23 you could hear them talking but we wasn't paying no attention.
24 So it was just --
25 Q So that everybody who was there originally is in one group,

1 and who's in the other group?
2 A Paul and Hakeem.
3 Q All right. And again, Hakeem Curry?
4 A Yes.
5 Q You said you couldn't hear what they said, but do you know
6 how long that conversation was? Was it long, short?
7 A No, very short.
8 Q Did Mr. Bergrin say anything, or did he do anything after
9 that conversation?
10 A Yes, he told us he see us later, see what he could do. And
11 he said, remember what I said: No Kemo, no case. Don't let
12 that kid testify against Will. And that was it.
13 Q Had Mr. Bergrin told you anything that would happen if he
14 didn't testify?
15 A He said he get Will out if Kemo don't testify, that Will
16 will come home.
17 Q Did Mr. Bergrin make any hand motions on his way out the
18 door?
19 A When he was leaving to get in his car, he just did like,
20 thing, like thumbs up or put his hand to us and said, "No Kemo,
21 no case," and got in his car.
22 Q Are you, as you sit here now, do you know what that hand
23 motion was?
24 A I think it was either a thumbs up or just, fellows, no
25 Kemo, no case.

1 MR. MINISH: For the record, Judge, he's extending his
2 pointer finger in one and only the thumbs up in the other
3 example.
4 THE COURT: And you remember that?
5 THE WITNESS: Yes.
6 Q Was there any discussion after Mr. Bergrin left amongst
7 group?
8 A Yeah, yes.
9 Q Okay. Now again, remind us of who is actually there.
10 A Hakeem Curry, myself, Rakeem Baskerville, Malsey, which is
11 Jamal McNeil, and Jamal Baskerville.
12 Q Tell the jury what you talked about.
13 A Now we was more so talking about how we was going to find
14 this guy and who was going to kill him.
15 Q Why hadn't you done that before Mr. Bergrin showed up?
16 A Because we didn't know Will was facing that much time. If
17 you facing a little bit of time, three years, five years, we --
18 that plenty of time, you just go do it. But for somebody to
19 try to take the rest of our life from our family, you know,
20 there's consequences.
21 Q Now, planning for those consequences, sir, what did the
22 group decide?
23 A They decided that either me or Jamal McNeil was going to be
24 the one to kill Kemo.
25 Q And why was that decided?

1 outside ain't going to be a part of what we doing.
2 Q Was there a discussion as far as payment goes?
3 A Yes.
4 Q Could you explain that to the jury?
5 A There was a discussion that $15,000 would be paid to the
6 first person that kill him, me or Malsey. And Rakeem was going
7 to pay 7500, which was Will brother, and Hakeem would pay the
8 other 7500.
9 Q Did Jamal Baskerville chip anything in?
10 A No.
11 Q Did you make any decisions on that day with respect to
12 whether or not you would shoot Kemo if the opportunity
13 presented itself?
14 A Yes.
15 Q Tell the jury about that.
16 A Well, I told Hakeem, I said, if I could get him first I'm
17 going to get him, I said, because I could use that $15,000.
18 Because we had plans, we was about to go to the All-Star Game
19 in LA, to the basketball All-State Game, and I told him I could
20 use some extra spending money.
21 Q When is the All-State Game?
22 A February.
23 Q What month are you in now, are you in November or December?
24 A November.
25 Q And I don't think my question was clear. The meeting

1 you're talking about?
2 A Yes.
3 Q Now after the meeting, what month are you in?
4 A Either the last couple of days, the last day of November,
5 first couple of days of December.
6 Q Okay. So you're not sure?
7 A Yeah.
8 Q And the All-State Game you're talking about is then
9 approximately two plus months later?
10 A Yes. But you got to have -- get your stuff ready, you
11 know, months ahead of time.
12 Q And what do you mean by "your stuff"?
13 A You got to get your tickets, you got to get it for sky box,
14 you got to get your hotel and your travel plans.
15 Q Okay. Is it expensive to do all that?
16 A Yes.
17 Q How much money did you expect do have to spend to go to the
18 All-State Game?
19 A I expected to spend about $15,000.
20 Q Did you have other money, or was this your only source of
21 income?
22 A No, I had money.
23 Q How much money did you have, putting aside the payment that
24 we're talking about?
25 A Probably had 50, $60,000 in the house.

1 Q And was that earned legitimately or from some other means?
2 A No, from selling heroin.
3 Q You said you said that you wanted to do it to Hakeem again.
4 Were you talking of --
5 A Say that again.
6 Q You said something to the effect of: I told Hakeem I was
7 going to do that if given the opportunity.
8 A Yeah.
9 Q Was that Curry or Baskerville?
10 A Curry.
11 Q Did there come a time when you actually did make
12 arrangements to go to the All-State Game?
13 A Yes.
14 Q Do you remember around when that was?
15 A I remember a couple of weeks later, I don't exactly know if
16 it was two, maybe three weeks, I'm not for sure, but a couple
17 of weeks down the line I went to a jewelry store and I had just
18 bought a watch, a Rolex, Presidential Rolex and --
19 Q How much did that cost you?
20 A Ten grand.
21 And I call Hakeem and told him, I just bought this
22 watch.
23 He's like, I want to see it. He's like, as a matter
24 of fact, I'm going to meet you at your house.
25 So I said, all right.

1 And he maybe got to my house about five minutes after
2 I did. I was still outside parked when he pulled up.
3 And I jumped in the van with him, showed him the watch
4 that I had just purchased to go with the rest of my jewelry.
5 And he had a bag of money, not large, but fairly small bag of
6 money.
7 Q Okay. If you could just show with your hands perhaps the
8 size.
9 A About (demonstrating).
10 MR. MINISH: Judge, for the record, he's holding his
11 hands approximately a foot apart.
12 A Yeah.
13 A couple of stacks of money in there.
14 And he said, you want that $7500 now?
15 I said, yeah, I can take it.
16 He said, I'm going to tell you now, if you don't kill
17 Kemo, I want my money back.
18 I said, no problem, you know. I got $15,000 upstairs,
19 but the 7500 that you give me I give right back if Jamal McNeil
20 is the one that kill Kemo.
21 And he took $7500 out the bag and gave it to me.
22 He said, all right, now you need to give me 3500 back
23 for your tickets for game.
24 And I give it back to him.
25 Q So first he gives you money?

1 A He give me 7500, and I give him 3500 back for my tickets --
2 Q Why are you giving --
3 A -- and my hotel.
4 Q Why are you giving it to Mr. Curry for your tickets and
5 hotel?
6 A Because he's the one, that's what he's doing at that time,
7 that's what the bag of money was for. He's riding around
8 collecting all the money from everybody to go to this All-State
9 Game because he's the one that purchase our rooms and our
10 tickets.
11 Q So he was organizing the event?
12 A Yes.
13 Q Now, did there come a time after the meeting with Mr.
14 Bergrin that evening that you described where you went to Mr.
15 Bergrin's office?
16 A Yes.
17 Q Could you please describe that for the jury?
18 A After the meeting, maybe three, four days -- I don't know,
19 it could have been up to a week, I wouldn't be positive -- but
20 I was in the car with Rakeem.
21 Q Later you're saying?
22 A Yes, after the 17th Street meeting.
23 And he said, I got to take $10,000 down to Paul
24 Bergrin for he could get Will case started, get started on
25 Will's case.

1 And we went to the house, Rak ran into the house and
2 got a little stack of money, $10,000. Came, jumped in the car,
3 threw it on the seat and we shot to Paul office.
4 Q And where was Paul's office at the time?
5 A Paul's office is, you got -- you come under Penn Station,
6 Penn Station tunnel, straight down, you got a precinct right
7 there because I used to live right around the corner from
8 Paul's office, and his office is -- I want to say that's Broad
9 Street. Right on the right-hand side.
10 Q Okay. What did the building look like?
11 A Like a brownish beige.
12 Q And how many floors, if you remember?
13 A Well, I've been in there a couple of times, so I already
14 know. When you first walk in, you in the lobby. Then it's
15 like two floors. Then you go to your left, go up a couple of
16 steps, and then you got the law offices right there.
17 Q Now, speaking specifically of that day, not prior meetings,
18 what happened when you arrived, you and Mr. -- Rakeem
19 Baskerville arrived at Mr. Bergrin's office?
20 A Well, I stayed in the car. There was no reason for me to
21 run in. And he said, I just run this in there. I be right
22 out.
23 And maybe he was in there four minutes, five minutes,
24 somewhere. It was quick, just to drop off the money.
25 Q All right. Now, I'm going to take you back, sir, to the

1 time period now after the meeting with Mr. Bergrin that
2 evening.
3 Did the group take any steps towards locating Kemo?
4 A Not right away.
5 Q Why not?
6 A Because we had -- you know, people got other things to do,
7 we got drug blocks to run, we got families to take care of.
8 But we knew we would get to it shortly and try to find this
9 kid.
10 Q And in your mind, what is "shortly"?
11 A Within weeks, within a month, you know, two weeks or a
12 month. And we had other things to do.
13 Q So at least a couple of weeks later. Then let's move
14 forward to that.
15 What steps did you take, or members of the group take?
16 A The first step was to see if a couple of people in the hood
17 knew him. And I knew a couple of people that did know him
18 because I knew him. So I got in touch with a kid named
19 John-John, because I heard Kemo used to be in a spot called
20 Bradley Courts.
21 Q And what did John-John have to do with Bradley Courts?
22 A That's where he hustle at and he's a good friend of mine.
23 And we went up to Bradley Courts, and I asked
24 John-John, did he know Kemo?
25 And at first he like, no. He didn't know him, and he

1 don't know what I'm talking about.
2 But if he think about it or if he know somebody that
3 know him. Because we was talking to John-John and a kid named
4 Kiki, and they said they let us know.
5 Q Now, why did you go to him as opposed to anybody else?
6 A Because Kiki is a part of our drug organization.
7 Q And what did that mean?
8 A We knew -- we kill Kemo and they knew about it, they
9 wouldn't say nothing.
10 Q So you were concerned about who you brought this
11 information to?
12 A Yeah, you couldn't just tell anybody.
13 Q Can you describe what Bradley Court is like for the jury,
14 what sort of complex it is?
15 A It's a project in the hood. It's on South Orange Avenue
16 and Munn, across the street from Vailsburg Park.
17 Q Now, you said "the hood" a number of times. Do you mean
18 Newark in its entirety or are you talking about a specific
19 area?
20 A Well, when you say "the hood," you mean the bad part of
21 Newark. You know, you got people that say you have an okay
22 part of Newark, you have a good part of Newark. But when we
23 say "the hood," we mean the bad part of Newark.
24 Q And where was Bradley Court in relation to that bad part of
25 Newark?

A In the bad part of Newark, the hood.
Q And where were the drugs in various areas that you were talking about; Alexander Street and the other ones, where were they located?
A That's right up the street from Bradley Courts. Bradley Courts is a big time heroin and cocaine area, too.
Q So that's in the hood also?
A Yes.
Q Did you take any other steps to locate Mr. McCray -- excuse me -- Kemo?
A That day we asked John-John and Kiki if they ever, you know, ran into him or see him, find out who he is, let us know.

They said, okay.

We also, me and Rakeem one day -- well, after that I got in touch with a guy name Rasheen Smalls, and I told him the same thing, if he knew Kemo.

He say he knew of him.

And I told him, if he see him, get in touch with me because he have my number. He's another guy I could trust.

And also one day we went to a house which supposed to have been his baby mother house.
Q Describe that for the jury.
A Well, one day I was actually in my bed laying down watching TV, and Rakeem Baskerville give me a phone call and he said, yo, I think I know where Kemo at.

1 Q What did you do?
2 A I told him, come get me.
3 And he came and got me. And I got in the car with him
4 and we proceeded to go to a house in Irvington. And when we
5 got there, we may have waited outside a couple of hours into
6 the night waiting to see if it was Kemo in this house.
7 Q And what if anything did you do after that, after you
8 waited a couple of hours?
9 A I went in the hallway. And I asked a man -- I had my gun
10 out -- and I asked a man did he know which apartment the kid
11 Kemo went in?
12 And he said no, he didn't know. He said Kemo wasn't
13 in the building, which, you know, we knew he was. And we don't
14 know if he left or not, but I told the man I pay him if he
15 found out which apartment he in.
16 Q And did you find him that evening?
17 A No
18 Q These various people you talked to, did you provide a
19 physical description of him?
20 A Yes.
21 Q And how did you describe him?
22 A I described him as, you know, a black male with an afro
23 with -braids in it, he wear braids in his hair.
24 Q How can you wear a braids and an afro simultaneously?
25 A Well, he got a lot of heir, and he wear corn rows or either

1 he wear plats.
2 Q Could you explain "plats," please?
3 A Plats is like just regular string braids coming down inside
4 of a box, and then corn rows is going to the back, or whatever
5 type of design, they got so many designs today. But his corn
6 rows usually go to the back.
7 Q Now, if we can move forward to February, and the All-Star
8 Game.
9 Did you actually go?
10 A Yes.
11 Q And at that time had you found Kemo?
12 A No.
13 Q And did everybody in the group go?
14 A No.
15 Q Who didn't go?
16 A Rakeem and Malsey didn't want to go.
17 Q Why not?
18 A Rakeem said he was stressing because his brother was in
19 prison, in jail rather, and Malsey said if Rakeem wasn't going,
20 he wasn't going. And Rakeem said he wasn't doing nothing until
21 after he found Kemo. He said, after he found Kemo then he get
22 back, you know, to feeling better.
23 But he didn't feel right at the time because Rakeem is
24 actually the one that introduced Kemo to Will, so he felt real,
25 real bad.

1 Q Okay. Could you explain that to the jury?
2 A Well, Kemo came to Rakeem first and asked Rakeem for some
3 crack, and at the time Rakeem was just selling heroin. And he
4 pointed him in his brother direction and told him to get it
5 from his brother, not knowing he was an informant.
6 Q So he felt responsible?
7 A He felt responsible, like he the one that hurt Will.
8 Q Now, after you got back from the All-State Game, again,
9 it's February?
10 A Yes.
11 Q Did there come a time when you did receive information
12 about the location of Kemo?
13 A Yes, again I got a phone call from Rak, which is Rakeem,
14 and he's like, yo, bro, we know where that kid at. He said,
15 just come down here.
16 Q And how did you know "that kid" meant Kemo?
17 A I know who he was talking about because we been searching
18 for him for some months now. And when he said "that kid," he
19 didn't want to do too much talking on that phone.
20 I said, I'm on my way down there.
21 Q Where is "down there"?
22 A 17th Street and Avon.
23 Q And who lives there?
24 A Jamal Baskerville.
25 Q So it's the same location as the other meeting?

A Excuse me. Yes, sir.
Q When you arrived, who was there?
A When I arrive, Jamal McNeil, Jamal Baskerville, Jamal McNeil, Jamal Baskerville, Rakeem Baskerville, myself. And we was waiting for Hakeem to get there.
Q Did there come a time when Hakeem Curry got there?
A Yeah, within minutes.
Q Minutes of your arrival?
A Yeah.
Q Did the group devise a plan of attack?
A Yes.
MR. BERGRIN: Your Honor, I have to object to the leading nature continually, your Honor.
MR. MINISH: It's not leading, Judge. It doesn't imply an answer. It's yes or no, then I'll describe it.
THE COURT: Why don't you just ask him: What did they discuss or -- go ahead, Mr. Minish. Sustained.
Q What was the first thing that you discussed when the whole group got there?
A Well, as soon as we got there, the first thing was asked, I asked Rakeem, I said, yo, we got a car? Meaning do we have a stolen car?
Because a lot of times we have a stolen car in the garage that --
Q For what purpose?

A Just for the purpose of we have to shoot somebody or got to go out looking for somebody, we usually have a stolen car around.
Q Well, how does a stolen car help you?
A Well, it ain't none of our cars, it can't be traced back to us.
Q Was there a stolen car available on that day?
A No.
Q So what steps, if any, did you take?
A So I was like, what we going to do, we don't have a car? We can't do it walking.
And Curry was there by then, and Curry is like, I got a rental car on hand.
So I was like, that's kind of dangerous to get this kid in a rental car. He's like, take the license plates off.
And I said, let's do it, man, because we're not going to get this opportunity every day to catch this kid.
Q Why was a rental car dangerous?
A Because the license plates, you know, and it could be traced back to whoever rented the car.
Q And had it been rented by Hakeem Curry?
A I don't know exactly who rented that car.
Q So, was the car actually obtained?
A Yes.
Q And tell the jury what happened once the car arrived.

A Well, Hakeem and Rakeem got in the van and left, they went to get the car and a gun and came back with a silver Grand Am GT.

Q And how is it you remember that car so specifically?

A Because I'm a real car guy. So -- and we drive Grand Prixes, which is almost the same as this Grand Am, and maybe like four of us had the Grand Prix GTs. And --

Q When you say "the same," you mean in speed or size or shape or --

A Almost the same in size, speed and everything. The Grand Prix GT is a little faster, but it's the same model car, both on Pontiac.

Q So you got a slower car. Was that going to be a problem?

A No.

Q Why not?

A Because it was still considered a real fast car because it's a GT.

Q And were the license plates taken off?

A Yeah.

Q Would you please describe that for the jury.

A Rakeem Baskerville took off the front plate, I took off the back plate and took the plates and threw them in the garage, which we were parked right in front of the garage where we keep our motorcycles at. So --

Q Could you explain to the jury where the garage is in

1 relation to Jamal Baskerville's house?
2 A Straight across the street, exactly across.
3 Q So it's not connected to the house?
4 A No, it's across the street.
5 Q And the garages are assigned to a house on the other side?
6 A No, it's not assigned. There's a guy name Vincent that
7 owns the garage, and he's a guy that put our motorcycles in his
8 name and stuff like that. And he's the one that let us uses
9 the garage. So we all got keys to the garage. It's just a
10 bunch of motorcycles in there.
11 Q Now, what other steps did you take? You mentioned the gun.
12 Could you describe that to the jury?
13 A Well, when they picked the gun up, they put the gun in a
14 stash box.
15 Q And what's a stash box?
16 A Inside this van we got, me and Rakeem -- it was actually in
17 Rakeem name though but it was both our van that we drove to
18 move drugs around and to move guns around, it had two trap
19 boxes in it.
20 Q What's a trap box?
21 A A trap box is a remote control stash box inside the van
22 that opens and close, but it takes more than one step to get it
23 activated. So just a regular person or even if a cop or police
24 officer, they would never be able to open this stash box.
25 Q Now, can you tell jury where they were located, the two

1 stash boxes?
2 A Well, you got one stash box under the radio inside the van,
3 and you got one stash box which is a speaker -- well, it's not
4 a speaker no more -- it looks like one -- in the back of the
5 van about that big and it opens up by electronic. And you can
6 just put anything down in between the quarter panel of the van
7 and the wall of the van, which the same thing with the front.
8 The whole cover of the radio, if you activate it, you use the
9 window button, it will fold the whole front of -- the radio
10 will fold up, and there's a box in there you could sit in
11 drugs, guns or anything in there.
12 MR. MINISH: Judge, I'm going show the witness 2234a,
13 b, c, d, e, and f, which have been previously provided to the
14 Defendant.
15 Q I'm going to ask you to you review these and just tell me
16 yes or no whether or not you know what those are pictures of.
17 A That's our Caravan, the first picture.
18 Q If you could flip through all of them and we'll describe
19 them just yes or no if you know what they are.
20 A This is number -- the stash box that's within the radio; I
21 can't really tell what this is, this picture. It look like the
22 floor but I can't really tell what you it is.
23 Q That's fine.
24 A This picture here is the Caravan; then you got the trap box
25 where you see Trap 1, that's by the radio, then Trap 2 the

1 speaker at in the back that I tell you you flip open and close
2 by electronic; and the picture on the bottom is just a picture
3 of the van.
4 THE COURT: Mr. Minish, these aren't in evidence yet.
5 Correct?
6 MR. MINISH: No.
7 THE COURT: Just tell him to identify them and if they
8 accurately depict what they represent and then we'll move them
9 in, that's all.
10 Q You have two more left.
11 A Yeah. That's the stash box, a speaker and another stash
12 box.
13 MR. BERGRIN: Objection. He's not responding to the
14 question.
15 THE COURT: I know.
16 Mr. Young, do they accurately reflect what's in the
17 photographs? Do they photographs accurately reflect what's
18 depicted in them?
19 THE WITNESS: Yes.
20 THE COURT: Do you have any objection?
21 MR. BERGRIN: There's no objection.
22 THE COURT: So we'll move them in.
23 And then you can publish them and/or refer to them
24 now.
25 MR. MINISH: Thank you. Except for "c," which the

1 witness didn't identify, I'm pulling it out of the group.
2 THE COURT: All right. "c" is not in evidence.
3 (Government Exhibits 2234a, 2234b, 2234d, 2234e, and
4 2234f are received in evidence.)
5 MR. MINISH: If we could put "a" up on the screen.
6 (An exhibit is published to the Jury.)
7 Q What's in that photograph, Mr. Young?
8 A That's just the Caravan.
9 Q That's the van you were describing that had the gun in it?
10 A Yes.
11 Q How about -- MR. MINISH: If you can put up
12 2234b.
13 (An exhibit is published to the Jury.)
14 A That's the stash. That's the stash box right up under the
15 radio.
16 MR. MINISH: If you could put up 2234d.
17 Q Okay. Could you tell jury what's in the top photograph?
18 A The top photograph is the Caravan.
19 Q And the second one on the left on the second row?
20 A Where it say Trap 1, that radio and the air conditioner
21 part right there, that's a trap box.
22 Q And the picture to the right of it, what's that depict?
23 A Trap 2 is the speaker to the back on your right, it folds
24 up and down, come open.
25 Q All right. And the bottom photograph?

1 A Just the Caravan again.
2 MR. MINISH: Can you put up "e," 2234e.
3 Q What's in that picture, Mr. Young?
4 A That's the stash box to the back where the speaker at on
5 your right.
6 Q And finally, 2234f?
7 A The same stash box.
8 Q Now, you said somewhere, sir, there was a gun in there. If
9 you could explain to the jury what exactly happened.
10 A The gun was in the front stash box.
11 Q Start with how it got in. Who was there?
12 A Okay. Well, they came back with the van and the car, came
13 back. We took the plates off the -- the Grand Am GT first, and
14 Hak, which is Hakeem Curry, he say -- I said, what kind of gun
15 you brought back?
16 He said a 9 millimeter.
17 I say, get it here.
18 Because we had already set up what we's going to do
19 and how we's going to go over there and do it, meaning talking.
20 Q Where was the weapon? Where did the weapon come from?
21 A Hakeem Curry went somewhere and got it.
22 Q When you walked -- when you got in the van, did you see;
23 was Mr. Curry holding it or did it come from somewhere else?
24 A No, it was still in the stash box when I got in the van.
25 Q If you could explain in to the jury.

1 A Well, I got in the van, I got in the front seat, the
2 passenger's seat. He was in the driver's seat. And in order
3 for you to activate the stash box, there's a button inside of
4 the steering column on this side. And there's a button on this
5 side of the steering column. You can't see them visually, you
6 got to feel and press both buttons to activate the boxes.
7 So that he activated it. And then you got to lock the
8 windows, that way when you use the window to open the stash box
9 the windows won't roll. Because if you don't lock the windows,
10 the windows will roll up and down.
11 So you lock them then you click, and then instead of
12 the windows rolling up and down, the stash box opens up and the
13 gun was sitting there.
14 So as he's opening the box, I'm putting my gloves on.
15 Q And did he give you the weapon or did you take the weapon?
16 A No. He passed it to me, grabbed it out of the stash box
17 and gave it to me.
18 Q So now you have the weapon and the vehicle already has the
19 license plates off?
20 A Yeah.
21 Q What's the next step that the group takes?
22 A I take the gun and get in the -- there's two captain chairs
23 in the back. I climb back there, I empty the gun, I start
24 popping the shells out, popped all of them out. So I wipe the
25 gun off. We had a rag in the van, a couple of rags from

1 washing it, so I wipes the gun down and I wipe all the bullets
2 off. And I reload it and put one in this chamber.
3 Q When you say "in the chamber," can you describe what you
4 mean for the jury?
5 A Well, the chamber is the top of the gun. To put one in the
6 slot to have it ready to fire.
7 Q So it doesn't have to be racked?
8 A That's what I'm talking about, putting one in the chamber,
9 I'm racking it already.
10 Q Was this a semi-automatic, a revolver?
11 A Well, it's a semi-automatic, but we had it where though
12 when we buy our guns, they -- slight "altercation" to make them
13 fully automatic to shoot quicker.
14 Q You said "altercation"?
15 A Yes. Like they "altercate" the gun. Instead of making it
16 shoot boom, boom, boom, it will shoot boom, boom, boom boom,
17 real fast.
18 Q And how many times would you have to pull the trigger to
19 make it shoot boom, boom, boom, boom?
20 A Just one time. Just pull it and it will fire. It will
21 empty for you.
22 Q When does it stop?
23 A When the last bullet fire, and that's it.
24 Q What if you let your finger off the trigger?
25 A It would stop, yeah.

1 Q So this is a fully automatic weapon?
2 A Yes.
3 Q Can you describe what it looked like besides a
4 9 millimeter?
5 A Like a grayish black, which is what they call like, them
6 call it a blue steal color, but to us we call it like grayish
7 black. 9 millimeter that hold a ten-shot clip.
8 Q Now, do you recall what you were weighing that day?
9 A Well, I know I had my fleece jacket on because I use it as
10 a disguise because of the neck of it. I had a baseball cap on,
11 some gloves, I'm not positive if I had on jeans or khakis, but
12 that's all I wear. In the hood, if I'm not going out
13 somewhere, if I go out, then I'm dressed up. But if I'm in the
14 hood, all I got on is either jeans or khakis. But I'm not
15 positive if I had on khakis or jeans that day. But if I had to
16 lean, I would say jeans.
17 Q How about on your feet?
18 A A pair of Timberlands. It was wintertime.
19 Q How are you so sure you had Timberlands?
20 A That's all I'm wearing all winter, Timberlands.
21 Q You said gloves a number of times.
22 A Yeah.
23 Q Can you describe the gloves, please?
24 A Just a pair of old baseball gloves that we wear, like, we
25 wear them as a fashion statement. So I knew they was in my

car, I knew I was going to need some gloves, so I grabbed them out of my car.

Q These are batting gloves like?

A Yeah.

Q Not baseball mitts?

A No, batting gloves, like you would see someone hitting a baseball.

Q Do you remember what type of hat you were wearing that day?

A Not quite, but most likely if you had to ask me, I guess a Yankee hat, that's my team.

Q Do you remember the color of the hat? Was it yellow, green, blue?

A Blue or black. It was a dark color. Because if it was light I would have changed it.

Q And what was your hairstyle back then?

A Just like it is today.

Q Okay. How about your beard?

A Like this, but maybe shaved lower.

Q So less facial hair?

A Yes, a little bit less.

Q Now, you described all the things that you guys got. What was the plan?

A The plan was --

Q I'm sorry, I apologize. Let me start. What information were you told about where Kemo was located?

1 MR. BERGRIN: Objection, your Honor.
2 THE COURT: No, I'll allow it.
3 Go ahead, without getting into the -- go ahead. Did
4 you receive information about where Kemo was located?
5 THE WITNESS: Yes.
6 THE COURT: Okay. Go ahead.
7 A (Continuing) Well, when I got there and we was all talking,
8 I said, how you all find him?
9 And Jamal is like, I found him, I happened to riding
10 past, and he working on a house emptying some garbage in a
11 dumpster.
12 And I was like, damn, you got lucky.
13 And --
14 Q Did he tell you the location of the house?
15 A Yeah, he said it was on 18th Street and South Orange
16 Avenue, in between South Orange Avenue and 13th Avenue.
17 Q So again, now moving forward, what was the plan?
18 A The plan was to go over there, but the whole thing was
19 getting the car there because the car has no license plates.
20 So we told Hakeem Curry to ride in front -- actually, no -- the
21 Tahoe which was Jamal Baskerville, we told him to ride in
22 front, we put the Grand Am GT in the middle and we put the van
23 in the back, that way can't no cops see that this car don't
24 have no license plates.
25 Q Why not?

A Because you can't really get a good look. If we riding towards you, we wasn't bumper to bumper, we was a little ways back, but it still would have been hard for you to see this car didn't have license plates on it because we was close together.
Q And did you eventually reach that location?
A Yes.
Q Could you describe for the jury what happened?
A We rolled up 19th Street, and before we got over there, Jamal said he was going to ride past the house again, and he said, look at my brake lights, I'm going to stop in front of the house by that dumpster for you all to know exactly what house it is.
But even when we parking I could see the dumpster though. And Jamal Baskerville rolled up, he stopped by the dumpster. I looked at him, me and Rakeem we see it, and he kept proceeding to go where he was going.
Q Where was he going?
A I don't know.
Q Was he planning on staying in the area, if you know?
A No. No, he wasn't planning on staying there.
Q Do you know why?
A Well, one, he got a job, I don't know if he was going to work that morning, but he was trying not for that Tahoe to be seen over there because everybody know that Tahoe.
Q Know the Tahoe as what?

A As one of the Baskervilles.

Q And why would that have been bad?

A Because if Kemo find out that Tahoe around there, that's it, he's going to run.

Q Excuse me.

So you said Jamal Baskerville, Mr. Baskerville left the area?

A Yes.

Q Where did -- which car are you in?

A I'm in the Grand Am GT.

Q And who else is in that car?

A Just me and Rakeem, just the two of us.

Q Where did you park?

A Up the street from the house the kid was working in, Kemo.

Q Is that closer to South Orange Avenue or further away from South Orange Avenue?

A Farther away from South Orange Avenue.

Q Okay. So --

A Because it's an one-way street.

Q So where you parked, the house would be on your left or right?

A On the right-hand side.

Q And South Orange Avenue is in front of you?

A Yes.

Q Where did the third vehicle go?

1 A The third vehicle went on South Orange Avenue. There's an
2 old beer factory around there which is going towards Grove
3 Street, and Hakeem say he wanted to sit on South Orange Avenue.
4 Q And why was that?
5 A Just in case anything go wrong, anything be seen, he could
6 just chirp us, because that's the busiest block around there.
7 So if any police activities, anything, or if anybody was to
8 come out, he can easy chirp us and telling us what's going on.
9 Q Now, you used "chirp" a number of times.
10 A Yes.
11 Q So the jury is clear, that's on a regular cell phone?
12 A Yes. It's a cell phone, but it's a Nextel.
13 Q So you can directly connect with somebody else with a
14 Nextel?
15 A Yes.
16 Q So Mr. Curry, did he have any other responsibilities
17 besides looking out for police?
18 A Just, he said, his whole thing, he was, like, man, let me
19 know when you all hit him because I want to see him. But
20 because don't nobody know that, you know, as far as Kemo and
21 them Hakeem can't be with us.
22 So Hak is the person he say, I'm going to make sure he
23 dead. I just want to see him, so...
24 Q Afterwards?
25 A After, yeah, after we hit him.

1 Q So is anybody in the vehicle with Hakeem Curry?
2 A Yeah, Jamal McNeil.
3 Q And Jamal McNeil is another drug trafficker in the group.
4 Correct?
5 A Yes.
6 Q Did he have any responsibilities on that day?
7 A No, just sit and keep an eye on the area as far as law
8 enforcement.
9 Q So the jury is clear, there's two vehicles and a total of
10 four people?
11 A At that time, yes.
12 MR. MINISH: Judge, I don't know when you want to
13 break for the afternoon. I can move into a new area or --
14 THE COURT: We'll take a recess for about 15 minutes,
15 ladies and gentlemen. Ten to three we'll be back. Please
16 don't discuss anything about the case, okay.
17 THE DEPUTY CLERK: Please rise for the Jury.
18 (The Jury leaves the courtroom.)
19 THE COURT: All right, everyone, be seated. We're on
20 recess. Ten of.
21 MR. LUSTBERG: Thank you, Judge.
22 THE COURT: Mr. Minish, do you think you'll complete
23 direct this afternoon?
24 MR. MINISH: I don't think so, Judge. What time is
25 your Honor intending to --

THE COURT: We'll see. 4:30?

MR. MINISH: 4:30. Okay.

THE COURT: Just keep going, okay? We'll see.

MR. MINISH: Absolutely.

(A recess is taken.)

(The Witness is temporarily excused and escorted out of the courtroom by the Marshals.)

(Proceedings resume - Jury not present.)

(The Witness escorted into the courtroom by the Marshals.)

A N T H O N Y Y O U N G, resumes, testifies further as follows:

THE COURT: Are we all set?

Let's bring out the jury, please.

THE DEPUTY CLERK: Please rise for the Jury.

(Jury present.)

THE COURT: All right, everyone, please, welcome back. Be seated, please.

All right, Mr. Minish, you can continue, please.

MR. MINISH: Thank you, Judge.

DIRECT EXAMINATION CONTINUES

BY MR. MINISH:

Q Before I hop back, there's two things I noted I apologize I

1 A No, it's morning time. But I don't know the exact time.
2 Q Does there comes a time when you leave the area in the
3 vehicle or in another --
4 A Well, I didn't leave the area in that vehicle, we left the
5 area in the van.
6 Q Could you please describe that to the jury?
7 A Well, after waiting so long, I asked Rakeem, I said, do you
8 want me to go in the house and shoot him?
9 He said no, there's too many people working in there.
10 So we waiting and we waiting 'til we's thought -- we
11 got hungry.
12 So Rak like, let's leave him here, go eat something
13 and come right back.
14 So I said, all right.
15 So we chirp Hakeem, which they was in a van around the
16 corner, they came around, we jumped out of the Grand Am GT and
17 jumped into the van and we went and ate. We's gone maybe 20,
18 30 minutes. Came back, and got back in the Grand Am. They
19 dropped us back off.
20 Q Do you know where Mr. Curry went in the van?
21 A Back the same spot where he was at before on South Orange
22 Avenue.
23 Q And again, he's with the individual you've identified as
24 Jamal McNeil?
25 A Yes.

1 Q Once you're set up there, were there any discussions about
2 any steps you may or may not take to disguise what's going to
3 happen?
4 MR. BERGRIN: Objection, your Honor. Leading nature,
5 putting words into his mouth. "Disguise."
6 THE COURT: I'll allow it.
7 Go ahead. Overruled.
8 A Well, only thing we talked about was, I asked him again,
9 because we started waiting again, I said, I'm thinking about
10 going in the house again.
11 And he said, no, we don't want to take that chance
12 because we ain't wearing masks, we don't have nothing. All we
13 got on is baseball cap and I got a fleece jacket.
14 So as we talking, I'm like, I tell Rak, like, we ain't
15 got nothing to worry about as long as you get us away. Drive
16 right and we get away.
17 And he was like, yo, you shoot him in his head with
18 your left hand.
19 And I told him, I said, yeah, that would be a good
20 idea to mislead the police, whoever investigate this murder.
21 And I said, that's what I'm going to do when we get around
22 there to --
23 Q Why would that be a good idea? Why would it mislead the
24 police?
25 A Because, you know, my criminal history showed that I'm

1 right-handed. So --
2 Q Are you right-handed?
3 A Yeah.
4 Q Do you do anything left-handed?
5 A Yeah, I box, you know, I'm a southpaw boxer, so I box with
6 my lefty and I shoot pool left-handed.
7 Q Do you shoot guns left-handed?
8 A Plenty of times.
9 Q "Plenty of times"; prior to this day we're talking about?
10 A Yeah.
11 Q So does there come a point when you again see Kemo leave
12 this home?
13 A Well, I see him a couple more times go to the dumpster to
14 empty trash again, and then later on in the day I see him come
15 out the house with a man and start walking towards South Orange
16 Avenue.
17 Q Okay. So they came out of the house and they go right or
18 left?
19 A Right.
20 Q Could you describe the man for the jury?
21 A This older guy, just this older guy, like, in our
22 neighborhood we would call him "Uncle Pop" because he look like
23 he got high, looked like an older guy that get high but you
24 can't say he get high. He could have been somebody that drink.
25 He just older man though, we call him Uncle Pop.

1 Q Okay. Tall guy or short guy?
2 A Well, regular height fairly. My height.
3 Q And how tall are you?
4 A I'm five-ten.
5 Q Now, you see them walking by themselves or were other
6 people with them?
7 A No, they was walking by they self at this time.
8 Q And tell the jury what you could actually see. You made
9 this motion --
10 MR. MINISH: For the record, Judge, I'm leaning to my
11 right.
12 Q You made that motion before. What could you actually see
13 from that angle?
14 A We parked in a parking spot on the right-hand side of the
15 street. Rakeem he could see a little bit but he can't see
16 much. But if I lean over, I could see all the way down the
17 sidewalk. If I lean like this his (demonstrating).
18 Q So what -- explain to the jury what you actually could see
19 that day.
20 A Well, I could see everything. I could see the house, I
21 could see them going back-and-forth to the dumpster, and I seen
22 when he came out and started to walk toward South Orange
23 Avenue.
24 Q Could you see them reach South Orange Avenue or at some
25 point did they fall out of your field of vision?

1 A Well, they fall out and they would come back in because you
2 got trees down this block as you go. So they fall out, then
3 they come back in. And then once they hit the corner and turn
4 I couldn't see them no more.
5 Q Did you actually see them turn?
6 A No, you can't see because of the tree. That once you get
7 so far, the big tree, you can't even -- you can't see the whole
8 corner.
9 Q Okay. A big tree at the end or a big tree near you?
10 A A big tree near me. But the more they go, the more they
11 fall out of my view.
12 Q Did you learn which direction they went on South Orange
13 Avenue?
14 A Yes.
15 Q Okay. Would you tell the jury how you learned that?
16 A Well, while we's in the van I said -- the van, the Grand
17 Am, I tell Rak, we going to follow them. And I chirp Hak and I
18 tell them, yo, they coming your way. And him back on the
19 chirp, he was like, we see them. He coming towards us. So --
20 Q So did that mean they made a right or left on South Orange
21 Avenue?
22 A A right.
23 Q Going towards what street?
24 A Going towards 19th Street.
25 Q And what was the next step you took?

1 A The next step was, I told Rak to ride up there so we could
2 see where they going, and at the same time Hakeem chirping me
3 telling me they coming towards his way.
4 Q Did there come a time when you got out of Rakeem
5 Baskerville's vehicle?
6 A Yeah.
7 Q Okay. Could you tell the jury about that?
8 A Well, we drove to the corner. By this time Kemo and the
9 man was a little past 19th Street, walking. And I'm looking at
10 them, and they walking they walking, and they went in a store.
11 And Hak chirped me, like, they just went in the store.
12 And I'm like, I know, I saw them.
13 So I tell Rak -- there's a store on 19th Street and
14 South Orange Avenue called Big Bites. But I know it's a
15 doorway right there. I tell Rak, I said, I'm going to walk
16 down towards Big Bites and I'm going to stand in that doorway
17 because there was a phone booth -- there used to be a phone
18 booth right there that I used to use a lot. And I said, I'm
19 going stand in the doorway, I said, and on his way back I'm
20 going to hit him.
21 And he's like, don't worry about it. As soon as you
22 get behind him I'm going to be there. And I'm going to be
23 there to pick you up.
24 And I was real nervous, real scared. And I'm just
25 telling him, man, just make sure you there to get me because I

1 can't afford to be running.
2 Q Now, just so the jury is clear, 18th Street you said is one
3 way. It goes towards South Orange or away from South Orange
4 Avenue?
5 A Towards South Orange.
6 Q And how about 19th, is that one way or two way?
7 A 19th is a one way going the other way, the opposite way.
8 Q Away from South Orange Avenue?
9 A Yes.
10 Q Is that towards Central Avenue?
11 A Yes.
12 Q So did you, in fact, get out of the car?
13 A Yes.
14 Q Do you know where Rakeem parked his vehicle?
15 A Right on the corner where he could see me.
16 Q The corner of what and what?
17 A He's on South Orange. Like, as soon as you come to the
18 corner of 19th Street, right there, he turned and sit right
19 there where he can see me.
20 Q So he moved up towards 19th Street?
21 A Yeah, he did, yeah. And I'm walking already.
22 Q And if you could say how close -- I know you described the
23 doorway -- how close is that to 19th Street?
24 A It's right basically on the corner. Five steps and you're
25 right there on 19th Street.

1 Q So the first part of the buildings that are on the corner
2 of 19th --
3 A Yes.
4 Q -- and South Orange?
5 A There's actually a sandwich store called Big Bite.
6 Q Did there come a time -- well, did you wait there?
7 A Yeah, I waited there for some minutes.
8 Q Did there come a time when you again saw Kemo?
9 A Yeah, I saw him because I kept peeking my -- like, there's
10 two steps -- actually one, then there's a piece of wood to go
11 into the hallway but there's a door so you can't get through
12 the door. So I stepped up on the step backwards and I stood in
13 the doorway and I kept peeking out the store down there. So I
14 just kept peeking, and then finally I saw him and the man come
15 out the store.
16 Q You're describing or acting out it seems like a going back
17 in the doorway. Is it similar to, like, the doorway behind
18 you?
19 A Yeah, but a little deeper.
20 Q So further set back from the wall?
21 A Yes.
22 Q And you said you were peeking but eventually you saw him.
23 Correct?
24 A Yes.
25 Q Could you please describe for the jury where they were when

1 you first saw them?
2 A When they first saw him he was maybe -- when I first saw
3 him he was maybe five steps out of the store already coming off
4 20th Street sidewalk.
5 Q And which direction were they moving; towards you or away
6 from you?
7 A Towards me.
8 Q What are you dressed like right now, sir, sitting in that
9 doorway?
10 A Oh, in the doorway.
11 Fleece jacket I got. My fleece jacket got a long neck
12 on it, so I got it zipped up to about my lip right here. So
13 it's like a turtle neck. And I zipped it up. Got my hat on
14 pulled low, I got on baseball gloves. I either had on jeans or
15 khakis. I'm not positive.
16 Q You said hat was pulled down low?
17 A Yeah.
18 Q can you point to a spot on your face where it would have
19 been pulled down?
20 A About my eyebrows. Just pull it low about right here.
21 Q And why were you zipped up with the collar and down with
22 the hat?
23 A For nobody can't see much as my face as possible. You
24 could sill see my face but I was trying to cover it as much as
25 possible.

Q Would Kemo know you if he saw you?
A Immediately he would know who I am.
Q Would he know you were associated with the Baskervilles?
A Yeah.
Q So when you finally do see him, how close do they get, the two men, to 19th Street before you do anything?
A Maybe half -- a little more than halfway through the block of 20th Street and 19th, coming towards 19th.
Q So they're half -- they're halfway between 20th and 19th?
A Yes. So what I do is, I come out off the steps, got my hands in my pocket, I got the gun in my hand, both hands in my pocket.
Q In your left hand?
MR. MINISH: I'm saying for the record he was holding it in his left hand.
A I got the gun my pocket, I got my head low and I start walking towards them, both of them.
Q Okay. So you're -- if I'm Kemo --
A Yes.
Q All right? Is the other man, Pop or Unc, to my left or my right?
A Pop is to the left.
Q Your left. I'm sorry. My right.
A Your right, yeah. My left.
Q I'm sorry. I apologize.

1 So my right.
2 A Your right.
3 Q I apologize.
4 And which side is South Orange Avenue? Is South
5 Orange Avenue past them on this site or past them on this side?
6 A Right there.
7 Q So Mr. -- Kemo to his right?
8 A Yeah.
9 Q The older man, and to that man's right is South Orange
10 Avenue?
11 A South Orange Avenue.
12 Q What do you do now? You see them half way down the block,
13 you're in hiding. What happens?
14 A I come out the doorway, I got the gun in my hand on the
15 trigger. I'm nervous, adrenaline going. It's wintertime and
16 sweating. And I'm walking towards them with my head down. And
17 it -- it wasn't unnormal for how I was walking because it was
18 cold outside, and I'm fairly ducked low.
19 And they walk past me. I walk right past them. And
20 soon --
21 Q Who did you walk past, sir?
22 A I walked past Unc, the older man on that side, Pop. And I
23 went right part them. As soon as I got past them, Kemo was
24 just about to step off the curb. I grabbed his shoulder --
25 Q The curb onto what, sir?

1 A Stepping off of 19th Street curb to across the street.
2 So as soon as he went to step off the curb, I grabbed
3 him, maybe right here, and I squeezed.
4 MR. BERGRIN: Judge, I didn't see. I'm sorry. Could
5 we have that one more time?
6 THE COURT: Go ahead. You grabbed him?
7 THE WITNESS: I grabbed him about right here.
8 THE COURT: Which is the right shoulder?
9 THE WITNESS: Yeah. Right about the right shoulder
10 blade.
11 THE COURT: You grabbed him by his right shoulder.
12 MR. MINISH: Next to his head on the right side of the
13 head I suppose.
14 A (Continuing) So I grab him, stick the gun under his head,
15 and I squeeze. And as I squeeze I'm going forward with him. I
16 let him go.
17 And I'm talking about, Rakeem was right there. As I'm
18 going down with him I could see Rakeem. He pulled, he stopped.
19 I jump over Kemo, run around the back of the car, jump in the
20 passenger seat and we take off.
21 Q To the best of your recollection, sir, you said you put the
22 gun to his head or back area, wherever you were pointing at
23 there. How were you --
24 MR. BERGRIN: Objection, Judge, he never said he put
25 the gun to the neck area. He had him on his head.

1 MR. MINISH: I apologize. I was making motions to the
2 area --
3 THE COURT: Okay. Ask the question, Mr. Minish, but
4 don't --
5 Q How were you holding the gun?
6 A I grabbed him --
7 THE COURT: The gun is in his left hand. Correct?
8 MR. MINISH: Yes.
9 Q But was it straight like this?
10 A No, it was like this (demonstrating)..
11 THE COURT: Mr. Minish, that's leading. Just by you
12 suggesting how he's holding the gun, that's leading. Let him
13 demonstrate. That's a leading question.
14 Q Demonstrate how you were holding the gun.
15 A I grabbed him here, and I tucked the gun here. And I
16 squeezed off boom, boom, boom, boom, three or four shots real
17 fast. I let him go.
18 Q Did you have to pull the trigger a series of times?
19 A No, just one time.
20 MR. MINISH: Judge, I'm not sure how we put this on
21 the record.
22 THE COURT: The jury has had a chance to observe what
23 he did. If you guys can agree on a description of it, fine.
24 But he was holding his left hand out front, because
25 he's trying to demonstrate just by holding it out front, he was

1 holding his left hand in an area towards the man's head.
2 That's about the best I can describe it.
3 MR. MINISH: I apologize --
4 THE COURT: But the jury saw it and that's what's
5 important.
6 MR. MINISH: Yes, Judge. And I apologize, I don't
7 mean where on the head area, I meant the angle in which he was
8 holding the gun, is what I was looking for.
9 THE COURT: He's been asked that a couple of times and
10 he's demonstrated that. Correct?
11 THE WITNESS: Yes.
12 THE COURT: Do you want to try it again? Just
13 demonstrate it.
14 MR. MINISH: I was looking to describe it for the
15 record, not that he has to do it again.
16 Or he could do it again, Judge, and you can describe
17 it.
18 THE COURT: I think it best that he just do it again.
19 Because to try to describe it, I'm not sure we could all agree
20 on describing it. So it's best that the jury observe it and
21 see what he's demonstrating.
22 Go ahead, Mr. Young.
23 THE WITNESS: Well, like I say, he was about to step
24 off the curb.
25 THE COURT: Now, you grabbed him with your right hand.

1 Right?
2 THE WITNESS: My right hand.
3 THE COURT: By the right shoulder back behind his
4 neck. Correct?
5 THE WITNESS: Yeah, the shoulder blade.
6 THE COURT: Okay. And where were you; behind him?
7 THE WITNESS: I'm right behind him.
8 THE COURT: Okay.
9 THE WITNESS: Standing behind.
10 I grabbed him, tucked the gun in, like right here in
11 the back of his head on the side, and I squeezed. And you only
12 got to squeeze the gun I had one time. And when I squeeze,
13 three or four shots went off. I was, like, real scared. So I
14 don't remember how many exact went off, but it was three or
15 four quick shots.
16 As he was falling, I let him go. When I let him go,
17 he fell. I jumped over him. My man Rakeem right here, he's
18 past me now. I run around the back of the car, jump in the
19 passenger's seat and we take off towards the highway.
20 THE COURT: Okay.
21 BY MR. MINISH:
22 Q Do you remember what Mr. McCray was wearing when you saw
23 him walking towards you?
24 A When he was walking towards me, all I can remember was,
25 when Kemo came toward me, he still had that mask, but he didn't

1 have it on his face. He had it just like if you see a worker
2 working on a house and they done and they take the mask and
3 pull it down. He had that. And he was smoking a cigarette,
4 and that his bandanna, that's all I can remember.
5 Q What about his bandanna, do you remember?
6 A No, just on his head. And he, you know how you -- I don't
7 know if you understand -- like, some people take a bandanna and
8 they tuck it in the back, pull it. He had his open in the
9 back.
10 Q Let's start at the front. Is the bandanna on the top?
11 A Yeah, it's on top of his head.
12 Q I know you described the back. But I'm talking about this
13 area on the top. Is the bandanna covering or is it not
14 covering?
15 A It's covering but it's open like. It can be open, so the
16 piece is not tucked in the back.
17 Q So is it tied?
18 A Yeah, it's tied. But you got a piece of a bandanna, you
19 can put it down into the tie. He don't have that down in
20 there.
21 Q So could you see his hair or you could not see his hair?
22 A Yeah, you could see his hair.
23 Q What of his hair did you see?
24 A Being it was open in the back you could see part of it was
25 braided and part of it wasn't.

1 MR. MINISH: Judge, I'm going to show the witness a
2 series of photographs: 2297a, which is in evidence; 2297b;
3 2297c, 2297d, 2297e, and 2297f, which is in evidence.
4 Q Sir, just, if you could just review these all in one shot
5 and yes or no whether you recognize what's in there.
6 A Yes, which is South Orange Avenue.
7 Q You don't have to describe it now, just flip through them
8 all.
9 A Okay.
10 Yes; yes; yes; yes; and yes.
11 Q In general, sir, what area do those photographers depict?
12 A South Orange Avenue and 19th Street, 18th Street.
13 Q Is that the area you just recently described?
14 A And 19th and 18th.
15 Q Okay. Does it look similar to the time period that you
16 were talking about earlier today?
17 A Yes.
18 MR. MINISH: Judge, I would like to move those all
19 into evidence, or the balance of them into evidence.
20 THE COURT: There's no objection?
21 MR. BERGRIN: There's none, Judge, none whatsoever.
22 (Government Exhibits 2297a, 2297b, 2297c, 2297d, 2297e
23 and 2297f are received in evidence.)
24 MR. MINISH: If you could put up 2297a.
25 Q Okay. Mr. Young, that screen in front of you, if you touch

1 it, it will make marks on the screen so that the jury can see.
2 Okay?
3 Can you put a line or a dot where 18th Street is in
4 that picture.
5 A 18th?
6 Q Yes.
7 A This is South Orange Avenue.
8 Q If you know.
9 A Right here (indicating). Oh, I put the wrong mark, but
10 it's right here on this corner.
11 Q And does it -- why don't you just draw a line on 18th
12 Street so we know which one it is.
13 A Right here where the graveyard at.
14 Q So there's residential houses on one side --
15 A Just on one side.
16 Q And what's on the other side?
17 A Graveyard.
18 Q And how far down does that graveyard go?
19 A All the way to Central Avenue.
20 Q Now, I'll show you how to clear this. To clear the screen
21 you can hit it right there (indicating). Okay?
22 A Okay.
23 Q Could you draw a line where South Orange Avenue is.
24 (Witness complies.)
25 Q Thank you.

And you can clear that, please.

19th Avenue; draw a line where 19th is.

A 19th Street?

Q I'm sorry, 19th Street.

(Witness complies.)

Q And just a line at 20th.

(Witness complies.)

Q Thank you.

MR. MINISH: Would you put up 2297b.

Q Clear that for me, Mr. Young, please.

Okay. What is the jury looking at here? Where is South Orange Avenue in this picture?

A Yes.

Q Could you put a line where South Orange Avenue is.

A Right there (indicating).

Q Now, from which direction did you travel going on South Orange Avenue from the bottom of the picture to the top, or the top of the picture to the bottom?

A When I was walking?

Q Yes. I'm sorry.

A From the same way I drew the line. From here, from this corner, this way (indicating).

Q And when you were -- when Mr. McCray and the older man, when Kemo and the older man were coming towards you, they were in the opposite direction?

1 A Yes.
2 MR. MINISH: We have only have to show one more
3 photograph.
4 Q I apologize, Mr. Young. Before we take this picture down,
5 if you could point out which one is 18th. Is that depicted in
6 there?
7 A 18th is right here (indicating).
8 Q All right.
9 MR. MINISH: Let's put up 2297. If you could clear
10 the screen, Mr. Young.
11 "f." I'm sorry. "f."
12 Q Now, do you recognize what's in that picture, Mr. Young?
13 A Yes.
14 Q Can you tell the jury?
15 A This is 19th Street. This is the corner I shot Kemo
16 McCray. This building right here is -- it used to be called --
17 actually it was two different stores. It used to be called
18 Blimpy's at one time, then it came from Blimpy's, it became Big
19 Bite.
20 Q Can you put a circle around the building you're referring
21 to?
22 A This the building. And right behind these trees right
23 here -- let me see -- this the building, but right behind this
24 tree is a doorway.
25 Q Okay. About where that dot is that you put?

1 A Yes, to go up into them apartments.
2 Q If you could clear that for us, Mr. Young.
3 Now, you said Mr. Baskerville drove the vehicle --
4 A Yes.
5 Q -- to your area.
6 Can you put a mark, a small circle or an "X" where the
7 vehicle parked before you got into it, after you shot Mr.
8 McCray?
9 A After I shot him?
10 Q Yeah.
11 A He came this way, turned the corner and he was right here
12 (indicating).
13 Q About where you stopped the line?
14 A No, a little before. About -- about right there
15 (indicating).
16 Q And is he closer to the sidewalk at the -- you see there's
17 two vehicles on the street?
18 A Yes.
19 Q Okay. Is he closer to the sidewalk where the vehicles are,
20 or closer to the other sidewalk?
21 A Exactly right there where the vehicles was, out more like
22 he's double-parked. Right where I got the line at is where he
23 pulled up at.
24 Q And you said --
25 MR. BERGRIN: For the record, your Honor, the middle

1 of the street?
2 MR. MINISH: No.
3 THE COURT: No. The jury can observe where it is.
4 I'm not even going to try to describe it for the record. The
5 jury can observe where that line is, and that's where the
6 witness says the car was.
7 Q And if you could clear that for us, Mr. Young.
8 And finally, if you could put a dot where -- where
9 Kemo was when you jumped over him.
10 A About right -- right, but closer to the sidewalk, like
11 about here I guess (indicating). I can't get it close enough.
12 But --
13 Q Close to the sidewalk?
14 A Yeah, about right there when I jumped over him.
15 Q And can you put an arrow in the direction that you drove
16 away with Mr. Baskerville?
17 A We went this way (indicating).
18 Q And what are the main streets going in that direction?
19 A First is 13th Avenue and 12th Avenue, 11th Avenue, and
20 Central Avenue.
21 Q And where did you go -- I'm sorry, we can take this down.
22 Thank you.
23 You're now in the vehicle with Mr. Baskerville, Rakeem
24 Baskerville.
25 A Yes.

1 Q Describe for the jury what happens.
2 A Well, we take off, I jump in. Our nerves running, I'm
3 scared.
4 He all shook. And I'm, like, man, just get us away.
5 And I'm telling you, he was hauling fast.
6 He was going so fast whereas though I had to hold the
7 dashboard and tell him to slow down. And he, like I got it,
8 just chill out.
9 I said, man, whatever you do, just get us away.
10 And --
11 Q Where did you go?
12 A We was going to get on 280, a highway called Route 280.
13 That was our destination to get on there.
14 Q Why was that?
15 A Because we had to go to South Orange. To get to that area,
16 South Orange and West Orange and that area, you get on 280, you
17 get there quick.
18 Q Did you have a specific location you were going to?
19 A Yes.
20 Q Tell the jury where you were going.
21 A We was going to the same location where Mr. Curry used to
22 live at a long time ago, which is South Orange. And not the
23 exact same buildings we used to live at, but in that area. I
24 guess he knew a female or something in that area, and there's a
25 bunch of garages in the back. We want to put that car in a

1 garage.
2 Q Can you describe the garages? Are they attached to
3 anything?
4 A No, they's not -- they attached to each other but they not
5 attached to the houses. You have a building out front. When
6 you ride through the back, you have to got to make a quick
7 left, quick right, and then you got a row of garages on each
8 side.
9 Q Garden apartments with unattached garages?
10 A Yeah.
11 Q How did you know which garage to go to?
12 A Well, I didn't know, Rakeem knew.
13 Q Did you go to a specific garage?
14 A Yes.
15 Q Or did Rakeem drive you to a specific garage?
16 A Yes.
17 Q How did you get into that garage?
18 A Rakeem told me, jump out and open the garage. It was
19 unlocked already.
20 So I got out, opened the garage, brung the car in the
21 garage and we -- I chirped -- we chirped Hak and told Hak we
22 was there.
23 Q And did he say anything in response?
24 A He said, I'm on my way to get you. And then he was -- he's
25 like, I be there in a minute.

1 So I was like, hurry up, man, we here. And then we
2 waited.
3 Q Why did you want him to hurry?
4 A So we could get out that car and get back and see what
5 happened, make sure everything went right.
6 Q Did anybody see if everything went right?
7 A Yeah, Hakeem.
8 Q Tell the jury what Hakeem did.
9 A After I shot Kemo in the head, Hakeem and Malsey, people
10 not knowing they with us, they rolled up to the scene. Hak
11 said, he got out the truck, out of the van, the burgundy van
12 and looked, and this what he telling me later. He said, man,
13 like, you got him good. But his whole thing, like he's dead,
14 you ain't got to worry about that.
15 Q Were you or Mr. Curry, to your knowledge, worried about
16 eyewitnesses in the area?
17 A Well, we wasn't really worried about eyewitnesses because
18 it was a couple of people out there, but we wasn't too much
19 worried.
20 Q Why not?
21 A Usually in the hood, like they say, when gunshots is fired,
22 people duck. So you -- you get a good look some time, but a
23 lot of times you don't.
24 Q How long do you think you were at the garage before Mr.
25 Curry arrived?

A I say about ten minutes.
Q What if anything did you do while you're waiting for Mr. Curry to arrive?
A Well, waiting. Me and Rakeem talking about what just happened. And we take the gun, I sit it on the floor, and I'm looking at myself, see how much blood I got on me. And I see the blood on my arm and on my gloves.
Q Okay. Can you say -- just so the jury can see, where on your arm were you pointing?
A Right here. And a little bit -- but it wasn't a lot of blood, just a little bit.
Q So your elbow, down?
A No, I wouldn't even say that. Far. Like in my elbow area. Just in this foreman area.
Q Forearm?
A Yeah.
Q Did it go down to your hands or --
A Just a little bit, a splatter on my hand, and I might have had some right here. But it wasn't a whole lot of blood.
MR. MINISH: For the record, Judge, pointing to his chest area.
THE COURT: All right.
MR. MINISH: I guess left chest area.
Q What, if anything, did you do besides talking before Mr. Curry arrived?

1 A Just I was making sure I don't get no blood in this rental
2 car because I know they got to take this rental car back. So I
3 check it. And I had told Rak, I say, any blood in here, we
4 burning this car. We going to burn it up. But I never got no
5 blood nowhere on the car.
6 Q Did you check the car for other evidence?
7 A No. Just make sure we ain't leaving nothing. But
8 evidence, no.
9 Q What were you -- "leaving nothing," meaning what?
10 A You don't want to leave your hat or nothing, nothing you
11 have with you you don't want to leave. Make sure we got our
12 phones -- our chirps with us, and then we got out.
13 Q Did there come a time when Mr. Curry arrived at that
14 location?
15 A Yes.
16 Q And please describe for the jury what happened.
17 A Well, he got there, he chirped us again, and he said, yo,
18 I'm pulling in the back now.
19 So when he said that, we got out the car, lift the
20 garage up and came out.
21 Q And what did you do?
22 A Take my fleece jacket off. So --
23 Q Inside the garage or outside the garage?
24 A Outside the garage, which the van door and everything open,
25 I'm getting in the van. I take my fleece jacket off, my

1 A On my back seat of my floor in my Mercedes Benz.
2 Q So behind the driver seat or behind the passenger seat?
3 A Behind the passenger's seat on the floor, like almost
4 tucked under the back seat, which would be the front seat, but
5 almost tucked under the seat.
6 Q Tucked under the seat?
7 A Almost, not all the way.
8 Q So you said then you left the Alexander Street area. What
9 did you do then?
10 A I went to my house.
11 Q And what did you do at your house?
12 A I went, grabbed -- I grabbed the stuff out of my car, took
13 it with me, put it in a bag.
14 Q What kind of bag?
15 A Just like a little Shop-Rite bag, a little plastic bag,
16 Pathmark, puts it in there, tied it up, stayed in the house for
17 a while. Took a shower. Then I had to meet back up with
18 Rakeem and Malsey.
19 Q Why did you have to do that?
20 A Because we had to figure out what we was going to do with
21 that gun.
22 Q Why did you have to do anything with the gun?
23 A You can't keep no gun that you just committed a murder
24 with, you got to get rid of it.
25 Q Why's that?

1 A Because if you get caught with it, it's evidence.
2 Q So did you meet with Malsey and Rakeem?
3 A Yeah.
4 Q Would you tell the jury what happened?
5 A Well, I met with them maybe about two hours later. And me,
6 Malsey and Rakeem riding around again, and we trying to decide
7 what's going happen with this gun.
8 So both of them were saying, let's throw it in
9 Weequahic Park water. I said no, that's where everybody go to
10 get rid of they guns, is in Weequahic Park. That's like
11 obvious spot. A lot of people been convicted from putting
12 stuff in that water.
13 So we thinking and thinking. So they thinking about
14 other spots to throw it off of a bridge into some water. And
15 then something popped in my head to melt the gun.
16 Q What do you mean by melt the gun?
17 A I'm talking about melt it completely into, like, a liquid
18 piece of steel.
19 So I -- I'm thinking about it. So I said to them, and
20 they look at me like I'm crazy. I'm like, yo, man, I know
21 somebody that could melt this gun.
22 Q Who did you know?
23 A A guy named Ben.
24 Q And who was Ben?
25 A He's a guy that I've been doing business with for about

1 maybe about eight years at the time, seven years, like --
2 Q What type of business?
3 A I buy cars and sell them. So I might buy a car that had an
4 accident, and Ben would take a torch, just if it's a certain
5 part of the car he can't fix, he take a torch and cut the whole
6 piece of the car off and get that same piece from a junkyard
7 and put it back in and weld it back in and putty it and
8 everything, just -- you would never know it got hit.
9 So that when I thought about him cutting the cars in
10 half with that torch, I figured he may melt this gun with the
11 torch. And I can trust him because, like I said, I've been
12 doing business with him for about eight years.
13 Q So what if anything did you do?
14 A We went past his shop. I told Rakeem, drive down there.
15 And --
16 Q What happened when you got there?
17 A I got there, I told Rak, I said, come on, we going inside.
18 Malsey stayed outside.
19 So I go in. I get Ben. And I say, I need to talk to
20 you. Because he had company in there, two other people.
21 He said, all right.
22 So we come outside, and I say, Ben, is it possible you
23 could melt a gun?
24 And he look at me, he say yeah.
25 And Rakeem say, I pay you if you melt it.

He said, okay.

He's like, what you did now?

I say, we got ourselves in a little trouble. We need you to melt this gun.

He said, all right, bring it. You got it? First he asked me, did I have it?

I said no.

He said bring it by.

I said we be here tonight, and he said all right.

And we left.

Q Did you come back later that night?

A Yes.

Q And please describe that for the jury.

A Came back, we riding around most of the day, you know, handling our daily business as far as our drug blocks. And later on I left, Rakeem went his way, I went my way, Malsey went his way. And I told Rak I call him in a little while, and I suggested to him that we have Rasheeda drive us down there.

Q And who is Rasheeda?

A My ex-girlfriend.

Q Was she your ex-girlfriend at the time?

A No. Actually at the time she was my fiancee.

Q So why did you suggest involving her?

A Well, I wasn't trying get her involved in a crime, I just was telling her I need her to drive me down there because I

1 know the police are not going to pull her over because --
2 Q Why not?
3 A She's a female, nice car and, you know, it ain't all flashy
4 like our cars.
5 Q So what type of car did she have?
6 A She had a white BMW.
7 Q And what type of car -- why does that not get pulled over?
8 A Well, she's a female, she's a school teacher, you know. If
9 the police run her plate, they not going to bother her compared
10 to running a plate off of me and Rakeem car and a bunch of
11 criminal charges popped up, or we riding around with cars with
12 22 inch rims on it.
13 Q What do you mean by "22 inch rims"?
14 A Meaning, you know, real flashy cars. Big rims, big cars.
15 Police mess with us a lot in Newark.
16 Q Around the wheels -- when you say around the rim --
17 A The whole rim which is inside the wheel.
18 Q So, did you, in fact, enlist Rasheeda to assist you?
19 A Yeah, I asked her, could she drive me down there.
20 Q Did she agree to?
21 A Yeah.
22 Q So if you could walk the jury through what happens then.
23 A Well, I asked her, we was in the house, she was like, all
24 right.
25 So I call Rakeem. I told him, come up to the house,

1 which he only live three blocks away from me.
2 So he come to the house, call me and tell me he
3 outside. Come out. Get in Rasheeda car. He get in the back,
4 I get in the front, and we go to 17th Street to get the gun
5 from under the motorcycle seat.
6 Q Where is the bag of clothes at this point?
7 A The bag of clothes is with me in my hand.
8 Q And who goes out to get the gun?
9 A Rakeem get out -- both of us get out the car, but Rakeem
10 get the gun from under the seat.
11 Q And then what did you do?
12 A Get back in the BMW.
13 Q And where is the gun?
14 A In Rakeem's lap, in his hand.
15 Q Do you go directly to Ben's shop or anywhere else?
16 A Directly to the shop.
17 Q Please describe for the jury what happens when you get to
18 Ben's shop.
19 A Well, it's nighttime now, dark outside. We pull up in
20 front of Ben's shop, get out. There's a center across the
21 street IYO, that was the reason that I had the bag, my fleece
22 jacket with me because they was doing some work over there, and
23 another spot with a big dumpster at with a whole bunch of trash
24 and wood and stuff.
25 So when we get out the BMW, I walk across the street

1 and throw the bag inside the dumpster, and I walk back across
2 the street into the shop.
3 Q Where is Rasheeda at this point?
4 A She stays sitting in the car.
5 Q And where is Rakeem at this point?
6 A Rakeem is standing in front of the doorway of the shop.
7 So we proceed to walk in. Ben see us. So I look at
8 him because again, he got company in there, his workers. So I
9 ask him, I say, hey, man, are you all right to be standing here
10 when we do this?
11 He look, he said, my nephews.
12 So I said, all right.
13 And he tell one of the nephews to close -- because the
14 garage was halfway up off the ground, it wasn't fully open,
15 Q You're saying "garage," what do you mean by that?
16 A The garage door.
17 Q That's the entrance area?
18 A Yeah, of the shop.
19 Q Okay. So maybe like a car garage?
20 A Yeah. Then you got a door next to it, a steel door. We
21 went through the door though, and the garage door was halfway
22 up.
23 I told him -- he told them to close it. He closed the
24 garage door down. I take the gun, take the bullets out that
25 was left in there, take it out of the chamber. Ben like, make

1 sure it's empty because once this torch hit it, you know, we'll
2 have problems if you got bullets in it. So make sure
3 everything empty.
4 And he tell his nephew to start working.
5 Q Describe what happened. Who had the gun? Where did the
6 gun go?
7 A The gun was on the floor in the middle of the garage.
8 And --
9 Q What type of floor is it?
10 A Just a regular concrete floor.
11 And Ben takes the torch first, melt a little bit of
12 it, which melted fairly easy. Then it became a problem because
13 the barrel wouldn't melt. So he tell his nephew, you know, get
14 to work, handle that.
15 So he take it, he takes the torch, and it took a while
16 for him to melt the barrel.
17 Q So how many people are actually in the room now, in the
18 garage now?
19 A Five.
20 Q Who -- Ben, you, Rakeem. Who else?
21 A His nephew and some other -- another worker.
22 Q And who is working on melting the barrel?
23 A His nephew and the other guy. It took two of them because
24 it took a while to melt that barrel, the inside of the barrel.
25 Q Can you describe for the jury how they were doing it?

A They had a blowtorch and they was standing over it. I'm talking about fire. I couldn't tell you how hot it was and just going back-and-forth, back-and-forth.

We just standing there, standing there looking. Then the other guy, he tell Ben's nephew, give me the torch. He stand over, he do it for a while. Then you slowly see it starting to melt. Then the guy takes the torch again, he start doing it again. Then the whole pile of steel and -- what you would say, plastic with it, it just turned into liquid.

I take a dust pan and scrape it together to make sure it don't run everywhere. And I kept it together, and when we finish it was a piece of metal about that flat, about that much.

Q Now, what did you do with that piece of metal?

A Put it in a bag, like I think it was a brown paper bag.

Q And where did the brown paper bag come from?

A Just a bag sitting in the shop.

Q So it wasn't something you had brought with you?

A No.

Q What if anything do you do after you put the metal in the brown bag?

A Rakeem paid Ben $200 for melting the gun, and I take the bag and the metal that was left of the gun and I take it and put it in the same dumpster that I put the fleece jacket in.

Q Now, what happens; do you go back to the car after that?

1 A Yeah, we get back in the BMW and leave.
2 Q And you drop off Rakeem, Rasheeda drives home?
3 A No, Rasheeda drive home from there. Rakeem drove to my
4 house, so --
5 Q I'm sorry.
6 A We go back to my house, me and Rasheeda go in the house,
7 and Rakeem get in his car and leave.
8 Q Do you know the date that you shot Kemo?
9 A If you ask me right now, no. But years ago when I did it,
10 yeah.
11 Q And do you know about when it was?
12 A I know it was March, but I can't remember the exact day.
13 Q Are you aware -- do you know whether Mr. Curry was ever
14 arrested?
15 A Mr. Curry was arrested days after I killed Kemo.
16 Q Do you know what the day was when he got arrested?
17 A Not the exact date, but I know it was days before my
18 birthday because it messed my party up. They had a birthday
19 bash set for me.
20 Q When was your birthday, or when is your birthday?
21 A My birthday is March 26th.
22 Q It was before then?
23 A And he was paying for a big birthday bash I was supposed to
24 have, and it just messed the whole thing up.
25 Q And you killed Kemo before Mr. Curry was arrested?

1 A Yes.
2 Q How did you become aware of the fact that Mr. Curry was
3 arrested?
4 A Rakeem.
5 Q Please describe that for the jury.
6 A Again, he called me, I don't remember if he chirped my
7 phone or if he called me regular. You know, we got two, three
8 phones apiece, so I can't tell you if he chirped me or if he
9 regular called my phone. But he was like, yo, they got E.T.,
10 which is Hakeem Curry.
11 He like, yeah, they got E.T.
12 So I say, yeah?
13 He say, I'm about to come down there.
14 I say where you at?
15 He say, I'm at my house.
16 Q Do you know what that meant when he said they got?
17 A Yeah.
18 Q What did that mean?
19 A The feds.
20 Q How do you know the feds as opposed to anybody else?
21 A Ain't no regular cops would lock him up, like just for
22 nothing.
23 Q Why not?
24 A It's just something we talked about for years. Like for
25 years we knew we was coming to the feds, it was just when, we

1 didn't know.
2 And we had a thing we used to always talk about, we
3 used to say, that when we do get there, he's telling.
4 Q Meaning?
5 A Hakeem Curry.
6 And turned out, he was the one to stand and never
7 told. But we used to say that. But we used to say that, when
8 the feds get us, Hak will tell. But it was a joke, but we were
9 serious because we always thought he was soft. But he was one
10 of the guys that stood up and didn't tell.
11 Q So now Mr. Rakeem Baskerville has told you that -- has told
12 you that the feds, or, excuse me, they got E.T.?
13 A He said they got E.T.
14 Q What did you do?
15 A And I asked him who? But as soon as he said it I knew
16 would it was. He said they got Hak. E.T.
17 So I said, yeah? I say where you at?
18 He said, I'm at my house on 19th Ave.
19 I said, I'm on my way down there, which is 19th Ave.
20 and 20th Street.
21 Went down there. Me and him talked, but he was, like,
22 real scared, like, man, I hope they ain't trying to get us.
23 Right?
24 So I said, I don't know. I hope not. And --
25 Q What did Rakeem Baskerville do?

1 A Rakeem Baskerville say he wasn't staying home. He's like,
2 I'm not saying at my house. And I told him, I said, I'm going
3 home tonight. If they come, they come. But I already knew
4 that they wouldn't come to my house where I live at.
5 Q Why is that?
6 A Because that's not my address on my IDs. My address is my
7 father and mother house.
8 Q Just so I understand it. The address on your ID is your
9 home or your parents' house?
10 A My parents' house.
11 Q So you're going to a place other than your parents' house?
12 A I'm going to a place where I live at.
13 Q And did you, in fact, go there?
14 A Yeah.
15 Q Is there anything you observed when you came into that
16 area?
17 A Well, not that day. May have been a day or two later or
18 more, but not immediately, they didn't bother us.
19 Q Did you get arrested that day, the next day, the day after?
20 A No.
21 Q Did you learn about other members of the organization being
22 arrested?
23 A Yes, they came looking for Rakeem and them.
24 Q And how do you know that?
25 A Well, it was about, maybe about 5:50 in the morning, 6

1 o'clock, somewhere in that area, coming through a street called
2 West End Avenue. And the reason, I wake up every day at 5:30
3 in the morning and come out, because like I said, I sell
4 heroin, so --
5 Q What does that have to do with 5:30 in the morning?
6 A You got to be out early in the morning to set your area up,
7 to -- you sell most of your heroin in the morning because
8 people that use heroin that got to go to stuff and work like
9 that, they have to have it. So you sell majority of your
10 heroin in the morning.
11 Q Okay.
12 A And I'm coming to a block called West End Avenue, which is
13 a block from my drug block and one block from my parents'
14 house. And as I'm coming through, we had parked that Caravan
15 right in front of my mother and father house, like right
16 across.
17 Q You say "that Caravan," which Caravan --
18 A The burgundy one with the stash boxes in it.
19 So I had it, me and Rak had it parked right across the
20 street from my mother and father house with heroin in it. And
21 I'm coming through the block that the van is parked on, and as
22 I'm coming through the block, I see agents getting dressed, but
23 I'm in a Mercedes and it's early in the morning, it may be
24 still dark outside, almost, like just getting light. And as
25 I'm coming through the block, my mother live right here, my

1 father. And as I'm coming this way, there's agents standing
2 there putting on they stuff.
3 Q When you say "stuff," what you mean?
4 A Their guns, they vests, like they go in somebody's house.
5 So right then and there my phone ring. Rakeem say,
6 hey, they just left my house.
7 I said, and they about to go to my house right now,
8 meaning my father and mother house. I said I just rolled past
9 them.
10 He like, yeah?
11 I say, yeah, they getting dressed to go in my house.
12 Q So what did you do?
13 A I jumped on the highway. Actually first I went and got
14 some money.
15 Q Where did you get money from?
16 A I went and snatched some money out of my safe out of my
17 house. And grabbed either like 20, 30,000 grand -- 20 or 30
18 grand. And I come back out, jump in my Mercedes and I jump on
19 the highway to go to Cincinnati. But as I'm doing this, I call
20 my father. And I tell him, I say, the feds about to come up in
21 there looking for me, so, you know, let me know what happen.
22 So I hung up. Waited. He called me back, 15 minutes.
23 He said they ain't coming in here. He said, they out there,
24 but they ain't coming in here. He said, they in some boy house
25 around the corner.

1 And when he said it, I said, oh, they ain't coming in
2 there, they coming to Norm house. There's guy name Norm that
3 be with us that live right around the corner, he sell a lot of
4 cocaine.
5 I said --
6 Q Do you know Norm's full name?
7 A No, I don't know Norm full name. But he's a -- he a big
8 cocaine dealer that be with us.
9 Q When you say "be with us," you mean --
10 A Yeah, he's in our click.
11 Norm, my father say -- my father don't know him. My
12 father say they at some guy house, around there they going in
13 but they ain't come in here yet.
14 So I says, they at Norm house.
15 He said, who that?
16 I said, a friend of ours.
17 He said, but they inside that van. They about to --
18 they messing with you all van out there, meaning the Caravan.
19 So I had, wow. But in my mind I say, they not finding
20 the heroin inside them stash boxes. So I wasn't really
21 worried.
22 So I rode on the highway for about a little while
23 longer and I turned around when I found out that they wasn't
24 looking for me. Because my father called me again a couple of
25 minutes, he say they not coming in here, they ain't looking for

1 you. So I turned around on the highway, went back, put my
2 money back in the safe and I switched cars. Got in another
3 car, and I met up with Rakeem.
4 Q Now, did Rakeem eventually leave the area?
5 A Yeah.
6 Q And did you stay in the area?
7 A Yeah, I stayed in the area.
8 Q Did you go back to dealing drugs?
9 A Yes, immediately, the same day.
10 Q If Mr. Curry was arrested and he was giving you the drugs,
11 how were you able to supply yourself?
12 A Well, I had drugs to last me once Curry was arrested for,
13 maybe a week. And after that I start dealing with a guy named
14 Rasule.
15 Q Who is Rasule?
16 A Which is the Baskerville's brother-in-law. He's another
17 big time drug dealer that's part of our -- he's part of our
18 family but not exactly part of the -- the circle, if you want
19 to call it. Because some of them don't like him.
20 Q Some of who don't like him?
21 A Some of his brother-in-laws and some of our friends don't
22 like him.
23 Q So the people you generally have been talking about, when
24 you say "they," that's what you mean?
25 A Yeah.

1 Q The Baskervilles?
2 A Like, Rakeem like him, Hakeem like him but him and Will and
3 them don't get along, Will Baskerville, and Hakeem Curry don't
4 like him. But generally he try to stay away from them, but he
5 be around me a lot.
6 Q Anal did he start to supply you with drugs?
7 A Yes.
8 Q What type of drug was that?
9 A He give me hundreds of bricks of heroin.
10 Q Did there come a time -- well, do you know a brother, a
11 Jamal Baskerville?
12 A Yes.
13 Q Was Jamal Baskerville arrested in that time, March, that
14 you're describing?
15 A Jamal? No.
16 Q So Jamal was out in the street?
17 A Yes.
18 Q How about Jamal McNeil?
19 A McNeil was on the streets, too.
20 Q Did there come a time when you got into an argument with
21 Jamal Baskerville?
22 A Yes, later on, which was months, months later.
23 Q So months go by. What happens -- we'll do it for the
24 balance of the year. We're in '04, March of '04.
25 What happens for the balance of the year? Do you

1 continue to sell drugs?
2 A Just running around making a lot of money and partying.
3 Enjoying life.
4 Q And now towards the end of 2004 does anything happen? Are
5 you still dating Rasheeda?
6 A Yes, that's my fiancee at the time. And --
7 Q Did you share anything with Rasheeda about your criminal
8 activities?
9 A Well, not about my criminal activity. One night I was
10 talking to her, and I said, damn, I said, that's messed up how
11 Jamal and them killed this kid named Nut girlfriend.
12 So she looked at me. She say, they the one that did
13 that?
14 I said, yeah, by mistake though I said.
15 But I was talking to her which we call pillow talk,
16 you know, we laying in the bed. And I say, man, I know they
17 feel F-ed up they missed Nut and hit her in the head and the
18 neck and kill her.
19 I said, but I'm not thinking that she would say
20 nothing about it.
21 Q Is she friendly with Jamal Baskerville?
22 A Yeah. That's like her brother, too. Because her and Jamal
23 Baskerville's wife, they been friends maybe since they is 5 or
24 6 years old, best friends.
25 Q Did there come a time when you and Rasheeda have a fight?

A Yes.
Q Please describe that for the jury.
A Well, we start getting in a lot of fights because I was, like I said, I was out partying all the time, making all this money, you know, dealing with other women, and fights just start happening.

And it's a time, there was a time, one time she tried to tell me, don't move my car. Because my Mercedes was in her name. We had a big fight. I took my car out her name and put it in my father name. Then I had my Cadillac Escalade in her name also. Got in a big fight. She tell me not move that. So I'm trying to get my truck out her name to put that in my father name also.

And we was just having fight after fight.
Q Did any criminal charges result from those fights?
A Yes.
Q Please tell that to the jury.
A Well, one day she was following me in her BMW, and I'll trying to get her away from me, so I pull in front of the house.

And she like, don't move that truck, don't move that truck.

I'm like, would you stop following me?

She jumped in her car to follow me. Right before she put her car in drive I backed up into her car and crashed it,

1 and then I just pulled off where as though she couldn't move.
2 Q Were there any other incidents?
3 A Yeah. Another time, this is after we had a fight, we
4 actually broke up. She moved back to her house that she own
5 and I move to another house that I got.
6 Q So you had been living together?
7 A Yeah, we had been living together for a couple of years,
8 almost a couple of years.
9 Q Were you accused at any point of arson related to Rasheeda?
10 A I wasn't accused of no arson, but she tried to make a
11 complaint and said that I set her house on fire, but nobody
12 never charged me with nothing.
13 Q Was there a restraining order against you?
14 A Yes.
15 Q Again, filed by Rasheeda?
16 A By Rasheeda.
17 Q And did you ever violate that restraining order?
18 A Yes. Actually I violated it not knowing it was out and we
19 had this big fight. Because when she made the restraining
20 order, she put Jamal Baskerville address inside the restraining
21 order, say I can't go around there.
22 And because that's her best friend, his wife, and he's
23 my best friend, one of my best friends, and so that I got real
24 mad. And I went down, and went like, man, you need to talk to
25 her. And she put -- after the cop served me the restraining

1 order, I said, she put her address in here saying I can't come
2 around here. I said, me and her ain't talking, that's fine.
3 But she can't stop me from coming somewhere I grew up at.
4 And he got talking to her, and she was real pissed
5 offer about what I did. And she told him that I told her about
6 they killed the kid, Nut girlfriend.
7 Q How did you find out that Rasheeda had told Jamal about
8 what you had said?
9 A Jamal -- I came around there. Jamal, me and Jamal talk.
10 And Jamal said, hey, man, a lot of pillow talk going on.
11 That's we call it when we talking to our girlfriend
12 about stuff laying in bed.
13 So I say, what you mean by that?
14 He said, no, Rasheeda told me you told her about old
15 boy girl.
16 So I act like I ain't know what he's talking about
17 first.
18 He says, you know talking about. He said, Nut girl.
19 Man, you know what we talking about, the chick we killed.
20 So we almost got in an argument right there, but we
21 going back be a forth.
22 So I'm like -- but I actually told him, I said, yeah,
23 I told her. I said I was wrong.
24 He said, you ain't just wrong, he said, you violating,
25 you know, the code of conduct, which we call it in the hood.

1 And I said --
2 Q What's the code of conduct?
3 A Meaning shut your mouth, you shouldn't be talking about
4 stuff that we do to others or to the police. So we call it a
5 code -- unwritten rule, code of conduct. And --
6 Q So did you leave Mr. Baskerville's presence at that time?
7 A Yeah.
8 Q Tell me -- tell jury what happened next.
9 A Well, I left and I went to her, cursing her out. I'm like,
10 you know, called her everything in the book. Asked her why she
11 do it. And at the time I'm in violation of the restraining
12 order. She called the police on me.
13 Q And were you arrested?
14 A Not right then and there because I left the scene.
15 Q Were you later arrested for having violated the restraining
16 order?
17 A Yes.
18 Q Did there come a time when you again had contact with Jamal
19 Baskerville about this same issue?
20 A Yes.
21 Q Okay. Please tell the jury about that.
22 A Later on -- later on that day I got mad, so I called him.
23 So I'm like, yo, man, I need to see you. Because I wanted to
24 know what he was thinking. I know how we all think as
25 criminals.

1 So I said, I'm coming around your house.
2 So I got a gun in my pocket, a 357 automatic.
3 And I go to his house.
4 He come outside. And I look, I see he got a gun on
5 him.
6 So I'm like, get in my truck. I'm in my Escalade.
7 He said, no, I ain't getting in there. You get in the
8 car with me.
9 I say, all right.
10 So he get in his car, I get in the car. The whole
11 time I got my gun in my pocket, I got it pointed at him, and
12 I'm talking to him about me telling her about the situation
13 about them murdering the girl.
14 But we both talking reckless, we arguing now, and I'm
15 talking about a heated argument. Like, man, you ain't right.
16 I'm like man, F you'll, this and that.
17 So he's like, all right, man.
18 So I got out the car I got in my truck, I left.
19 So I didn't know if he told Malsey or not at the time.
20 Q And again, Malsey is Jamal McNeil?
21 A McNeil, yeah. Both their name is Jamal, Jamal.
22 So 25 minutes, 20 minutes later, maybe a half hour,
23 right in that area though my phone ring. It's Jamal
24 Baskerville. So he say, yo, man, we going to see you in the
25 street.

1 I said we, who?
2 He said we, you know.
3 But I all ready knew who he was talking about, him and
4 Malsey.
5 Q Why did you know that?
6 A Because without Malsey he's nothing. Like, he's not going
7 to do nothing by his self.
8 Q Why not?
9 A That just ain't him. He got to really have somebody with
10 him, because he don't -- he ain't the type to go out starting
11 stuff, like I said earlier. If you back him in a corner he use
12 his gun. But he's not like us, like, just go out and be
13 aggressive unless he really got a problem and you back him in a
14 corner.
15 Q How about Jamal McNeil?
16 A Jamal McNeil, yeah, he get you quick.
17 Q Did he actually say Jamal McNeil or you're just assuming
18 Jamal McNeil.
19 A I'm just assuming. But I told Rasheeda it was him and
20 Jamal McNeil. I didn't say nobody else. So when he called for
21 me in 25 minutes and he say, we see you in the street,
22 everybody else in jail, Rakeem is on the run, so Curry and all
23 of them in jail, so I knew immediately he was talking about
24 Malsey.
25 And I just had a feeling when he called my phone,

1 Malsey was in his presence now.
2 Q So, as a result of that, did you have any concerns?
3 A A lot of concern.
4 Q Please tell the jury what you were concerned about.
5 A As soon as he told me, we see you in the street, I knew
6 they going to try to kill me.
7 Q Why is that?
8 A That's just something -- I just told somebody about a
9 murder they did. That never supposed to have got out about a
10 female like that. Like if it was somebody on the street as far
11 as another drug dealer is different. But they just killed a
12 citizen, a law-abiding citizen by mistake. So that was a big
13 thing. And this murder was investigated for maybe a year, year
14 and a half. They couldn't find out who did it, and I'm finally
15 talking about it to a female.
16 So now they thinking, you know, we got to get Ant.
17 So when he said that, to me I knew immediately.
18 Because if I tell him the same thing, he know what I'm saying.
19 If I say, I see you in the street, we handle it. It ain't
20 nothing but kill me.
21 Q So when you said they were investigating the murder for a
22 year and a half, do you mean Nut's girlfriend?
23 A Nut's girlfriend.
24 Q How about at that time, Kemo, had anybody been charged, to
25 your knowledge?

1 A No, not at that time that I knew of.
2 MR. MINISH: Judge, is --
3 THE COURT: Yeah, we'll recess. Is this a good time
4 to recess?
5 MR. MINISH: It's fine because I think we have an
6 issue to talk about anyway.
7 THE COURT: We'll deal with that now.
8 All right. Ladies and gentlemen, we'll recess for the
9 day. Please don't discuss anything about the case. Of course
10 don't listen to anything, if there is anything in the news,
11 paper, TV, radio, of course, and don't begin to develop any
12 opinions yet, you still have more evidence and a lot more to
13 go.
14 Tomorrow morning, as I indicated, we'll start at 8:30,
15 but probably recess at 1:00 or 2:00. We'll see how the day is
16 going. But no later than 2:00. So for those of you who need
17 something to eat, bring a snack, we'll have a break or two
18 during that time, of course.
19 Monday and Tuesday we will not be sitting. We will
20 not be sitting. We'll resume after tomorrow on Wednesday
21 morning. Okay? So at least if you need catch up on some
22 personal things you'll have those two days to do that. Okay?
23 And we are on schedule with the estimates that we had
24 told you about, and then after that we're going to proceed
25 right through after Monday and Tuesday. Okay?

1 All right. Have a good night and drive safely. It's
2 raining a little, but drive safely and we'll see you tomorrow
3 morning at 8:30.
4 THE DEPUTY CLERK: Please rise for the Jury.
5 (The Jury leaves the courtroom.)
6 THE COURT: Everyong, be seated please.
7 Mr. Minish, do you need the witness here?
8 MR. MINISH: No, Judge.
9 THE COURT: We'll see the witness back here 8:30
10 tomorrow morning, please. Thanks Marshals.
11 (The witness is escorted out of the court room by the
12 Marshals.)
13 (Witness temporarily excused.)
14 MR. MINISH: Very briefly, this was the area we were
15 getting into that we discussed yesterday about the lawyer, so I
16 was going to inform the Court and Defense Counsel I intended to
17 lead a little bit. And I don't know if there was going to be
18 an objection to that or not, but I wanted to take care of it.
19 I assume there's not.
20 THE COURT: I don't know if leading is necessary here.
21 Just proceed.
22 MR. LUSTBERG: I'm sorry, what's the area?
23 MR. MINISH: The area about his conversation with Mr.
24 Feinberg.
25 MR. LUSTBERG: I object to leading.

1 THE COURT: I don't know that it's appropriate to
2 lead. You can ask him if he had conversations with Mr.
3 Feinberg and whatever you want to do in this area. But I'm not
4 going to allow leading questions yet. If I feel it's necessary
5 at some point we'll talk about it then.
6 MR. MINISH: Fine, Judge.
7 THE COURT: All right. It's an area that shouldn't
8 have leading questions.
9 All right. Is there anything else?
10 MR. MINISH: Nothing from the Government.
11 THE COURT: How much longer do you think your direct
12 will be? I'm just --
13 MR. MINISH: I would say probably a couple of hours,
14 Judge.
15 THE COURT: Okay.
16 My Clerk indicated to both counsel, I'd like to have
17 at least your proposed charges by the middle of next week so we
18 can see what you have in mind. Okay?
19 MR. LUSTBERG: So we really don't get Monday and
20 Tuesday off?
21 (Laughter.)
22 THE COURT: I'm not really either, it's a judicial
23 conference that I'm told --
24 MR. LUSTBERG: Mr. Sanders and I will work on that.
25 And I just wanted to maybe just put on the record now, Mr.

1 Bergrin has authorized me to do the work on the jury
2 instructions for him.
3 THE COURT: All right. Again, I think the record
4 should be reminded that you've been here and Mr. Bergrin has
5 been present at every step of the way. And as I indicated
6 previously, unless he objects to something, which is the
7 understanding we have, he's in agreement with anything you do,
8 Mr. Lustberg. Okay?
9 MR. LUSTBERG: Thank you, your Honor.
10 THE COURT: I have a note here: Mr. Bergrin you want
11 to address something regarding the proposed jury charge?
12 MR. LUSTBERG: No, no, no, that was just exactly -- I
13 had wanted to put on the record. I just told Mr. Bolton I
14 wanted to put something on the record.
15 THE COURT: I thought that was premature. But I would
16 like by Wednesday to have at least -- it's not your final
17 proposals, but obviously I would like to see what you have.
18 Anything else?
19 MR. MINISH: Judge, I forgot to earlier, we moved in
20 without marking it with a specific number Albert Castro's
21 Proffer Agreement. It's marked now Government Exhibit 7013 --
22 THE COURT: Wait until tomorrow morning when Ms.
23 Hansen is here.
24 MR. MINISH: Okay. It's on the record. I'll make
25 sure she gets it.

1 THE COURT: Make sure she gets it so it's properly
2 marked by her. Okay?
3 MR. MINISH: Absolutely.
4 THE COURT: Thanks. See you tomorrow morning.
5 (At 4:17 p.m., an adjournment is taken to Friday,
6 October 28, 2011, at 8:30 a.m.)
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1 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
2 Criminal No. 2:09-cr-00369-WJM

3 UNITED STATES OF AMERICA, :
: TRANSCRIPT OF PROCEEDINGS
4 v. : - Trial -
:
5 PAUL W. BERGRIN, :
:
6 Defendant :
- - - - - - - - - - - - - - -x
7
Newark, New Jersey
8 October 28, 2011

9 B E F O R E:

10 THE HONORABLE WILLIAM J. MARTINI,
UNITED STATES DISTRICT JUDGE,
11 and a Jury

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

13 UNITED STATES ATTORNEY'S OFFICE
BY: JOHN GAY
14 JOSEPH N. MINISH
STEVEN G. SANDERS
15 Assistant U.S. Attorneys
For the Government
16
PAUL W. BERGRIN, Defendant, Pro Se
17 - and -
GIBBONS PC
18 BY: LAWRENCE S. LUSTBERG, ESQ., Standby Counsel
AMANDA B. PROTESS, ESQ.
19 For Defendant Paul W. Bergrin

20

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

23
S/WALTER J. PERELLI
24
WALTER J. PERELLI, CCR, CRR
25 OFFICIAL COURT REPORTER

1 I N D E X


| WITNESS | DIRECT | CROSS |
|---|---|---|
| ANTHONY YOUNG | | |
| By Mr. Minish | 4 (cont'd) | |
| By Mr. Bergrin | | 60 |


E X H I B I T S


| EXHIBIT | IN EVID |
|---|---|
| Government Exhibit 2268 | 45 |
| Government Exhibit 2268 | 46 |
| Government Exhibits 7007 and 7009 | 58 |


Disscussions at the Sidebar


| Starting Page | Ending Page |
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| 47 | 48 |
| 54 | 55 |
| 149 | 153 |

1 October 28, 2011
2 (The Witness, Anthony Young, is escorted into the
3 courtroom by the Marshals.)
4
5 A N T H O N Y Y O U N G, recalled as a witness, having been
6 previously duly sworn, is examined and testifies further as
7 follows:
8
9 (The Defendant, Mr. Bergrin, is escorted into the
10 courtroom by the Marshals.)
11
12 (Trial resumes - Jury not present.)
13 THE DEPUTY CLERK: All rise.
14 THE COURT: Please be seated. Are we all set? Ready
15 to resume?
16 All right. Let's bring out the jury.
17 THE DEPUTY CLERK: Please rise for the Jury.
18 (Jury present.)
19 THE COURT: All right. Good morning, everyone, and
20 welcome back. Please be seated, everybody.
21 And, Mr. Minish, continue with your direct exam.
22 MR. MINISH: Thank you, Judge.
23 DIRECT EXAMINATION CONTINUES
24 BY MR. MINISH:
25 Q Mr. Young, before we pick up where we left off yesterday,

there's two photographs I want to show you: Government Exhibit 3519, which is in evidence. If you would look on the screen. Do you know who that is?

A That's Kiki.

Q And I'll put up 3503.

A That's Norm.

Q And is that the Norm you said was arrested by your father's house?

A Yeah, he live about seven or eight houses from my father, around the little turn.

Q Thank you.

Now, turning back to where well left off yesterday.

You indicated that you had some concerns after having an argument with Jamal Baskerville. Could you explain to the jury what those concerns were?

A Well, I had met with Jamal Baskerville, as I said, about them making that mistake killing a female on Springfield Avenue. And I told somebody about it, my girlfriend. And she told them that I told her after we had a fight. So I actually had concerns because he say he would see me in the streets, which him and Malsey, I knew they was going to try to kill me in the streets.

Q So believing that, what did you do?

A Believing that -- first, I didn't do nothing. I just waited for -- for a minute, and afterwards I thought to myself

about calling the FBI about a murder that we all did.

Q And why would you do that?

A Because I knew if I could get them off the streets they couldn't harm me.

Q "They," meaning who?

A Malsey and Jamal.

Q At this point, so the jury is clear, was William Baskerville on the street at this point?

A No, he was in jail.

Q And how about Hakeem Curry?

A He was in jail.

Q Rakeem Baskerville?

A He was on the run, but he was in a whole different part of the country.

Q So what steps did you actually take?

A Well, the steps that I actually took first was, I had went to court one day, maybe -- I don't know exactly how many days later or week later -- I went to court and I had a discussion with my attorney at the time.

Q Now, just so the jury is clear, what month are we in now, or approximately?

A Maybe January.

Q Okay. Of?

A December, January.

Q December?

1 A December or January.
2 Q Of '05?
3 A Yeah.
4 Q What type of charge?
5 A I had a gun charge. I had got caught with a gun on me that
6 summer, 2004 summer, I got caught with a .45 automatic on me.
7 Q Was that related to the murder of Mr. McCray?
8 A No, not that gun.
9 Q Explain -- and I interrupted you, I'm sorry. So explain to
10 the jury what happened.
11 A Well, I was in my truck on Alexander Street and Lindsley
12 Avenue double-parked, I was sitting there talking to somebody
13 and I didn't see the Auto Task Force behind me. It was maybe
14 about six cop cars behind me but I didn't see them. And after
15 I finished talking to my friend, I just took off, never seeing
16 the police behind me. And actually they thought I ran from
17 them.
18 So when I got up the street to where the guys hustle
19 for me at, I parked, I still don't know the police behind me
20 though. So I parked in a parking spot, and they surrounded my
21 truck and told me to get out the truck, patted me down, and I
22 had a .45 on my waist.
23 Q So you were ultimately charged with that?
24 A Yes.
25 Q And then some time December, January, you had a court date?

1 A I had a hearing, yes.
2 Q Explain to the jury what happened.
3 A Well, during that time I had the argument with Jamal
4 Baskerville with them telling me that they see me in the
5 streets over the phone.
6 So I knew that meant either they was going to kill me
7 in the streets or I was going to kill one of them. And, you
8 know, I was nervous, scared because I couldn't hustle -- really
9 hustle no more because I was always looking over my shoulder.
10 So I wasn't making as much money as I was and I was getting
11 frustrated and nervous.
12 So that day that I went to court I had already thought
13 before I went to court that if I call the FBI and get them
14 locked up for the murder that we did, I would be -- they would
15 be off the streets and they can't do nothing to me.
16 Q Who represented you back on that gun case?
17 A Paul Feinberg.
18 Q Why not Paul Bergrin?
19 A Well, I actually went to Paul Bergrin's office maybe a week
20 before that, and I walked in there and I had a conversation
21 with Paul. And I asked him, I asked Paul, I say, can you
22 represent me on this gun case? I got caught with a .45 this
23 summer. I said, but my bail was just revoked maybe a week ago,
24 I didn't know I had a court date.
25 And I asked Paul, I say, can you represent me on this

1 gun case?
2 And Paul Bergrin say he couldn't do it. He said,
3 Anthony, I'm busy right now. He actually called me "Fat Ant."
4 He said, I'm busy right now, I can't do it.
5 So I said, all right, and we talked for a minute, a
6 couple of minutes, and I left.
7 But I don't know if it was the next day or two days
8 later, it was a day or two later Paul called my phone. But I
9 had already called Paul Feinberg already and paid him a
10 thousand dollars to get my bail reinstated. But Paul Bergrin
11 had called my phone and he said, Fat Ant, I can take that case
12 for you. He said, I sat down and thought about it. He said, I
13 could take the gun case for you.
14 But I never called him back. Because now I'm
15 thinking, if I go to the FBI and start telling them about this
16 case, I know his name going to be in it, so I don't need to be
17 around him.
18 Q Okay. You said "the bail reinstated."
19 A Yes.
20 Q Is that the court date you were telling the jury about or
21 is that a different court date?
22 A No, this is the court date I'm telling the jury about.
23 Q Tell the jury why bail needs to be reinstated.
24 A Because I don't live with my mother and father, and my ID
25 on my license got my father and mother address on it, so my

1 court dates go to my father house. And my father was the one
2 who put up the bail, him and Rasheeda. So the court dates go
3 to my mother and father house.
4 Q So what does that mean?
5 A Telling me to go to court on a certain day.
6 Q How did that affect your bail status?
7 A Because I don't live there and they didn't open my mail.
8 And my father decided a couple days later, let me see
9 what this is, it's from the courts. And he opened it, and he's
10 like, you know, you supposed to went to court the other day.
11 I say, no ain't nobody tell me.
12 He said, yeah.
13 I said, man, you'll supposed to tell me that.
14 So being I didn't go to court two days prior to that,
15 I had a warrant out for my arrest and my bail was revoked.
16 Q So did you actually go to court?
17 A Yes. Like I said, I went to Paul and I asked him to take
18 me to court, he said he couldn't do it. So I call an attorney
19 called Paul Feinberg, and he took me to court.
20 We walked in the courtroom, told the judge what
21 happened with the court date, that it went to my mother house,
22 and he just reinstated my bail and told me to try not let that
23 happen again.
24 Q Now, after that court appearance, did you make any
25 decisions about the next step you were going to take?

1 A Well, outside the courtroom I had a conversation with Paul
2 Feinberg. And I told him, I said, the FBI is trying to get in
3 touch with me, which they wasn't. I didn't want to tell him I
4 was going to the FBI.
5 I said, FBI trying to get in touch with me to talk to
6 me. I may need you to sit in with me and make sure everything
7 go right. So I told him I pay him to sit in.
8 Q And did you ultimately actually pay him to sit in?
9 A No. Again --
10 Q Did you actually contact the FBI?
11 A Yes, I did.
12 Q Okay. Can you explain that to the jury.
13 A Well, the reason I didn't pay Paul Feinberg --
14 MR. BERGRIN: That wasn't the question, Judge.
15 THE COURT: It's not responsive to the question.
16 Ask it -- go ahead, Mr. Minish.
17 Q If you could just explain to the jury why you went to the
18 FBI.
19 A Well, I went to the FBI to get Jamal Baskerville and Jamal
20 McNeil off the streets.
21 Q I apologize, I shouldn't have said "why," I know we covered
22 that. Explain to the jury how you went to the FBI.
23 A Well, I call 411. I was at my house -- well, actually I
24 wasn't at my house, I was at a friend's house, a female friend.
25 And I called 411 and asked the operator to put me in contact

1 with the FBI.
2 Q And what was your plan when you made this call? What did
3 you plan to say to the FBI?
4 A My plan was to tell the FBI that -- about the whole murder
5 but that Jamal McNeil was the one who murdered Kemo McCray, to
6 get them off the streets, that way he couldn't kill me.
7 Q So you were going to lie about the part that Mr. McNeil
8 played?
9 A Yes.
10 Q And what about the part you played?
11 A The part that I played, I was just telling them that I
12 didn't kill Kemo, that I was a lookout.
13 Q So you switched places with Mr. McNeil?
14 A Yeah, but --
15 MR. BERGRIN: Objection as to the leading nature,
16 Judge.
17 THE COURT: Well, it is a little bit, but I'll allow
18 that answer.
19 But go ahead, Mr. Minish.
20 Q Sir, so having this plan, what did you actually say?
21 A Well, once I got in contact with the FBI I was --
22 Q Do you know who you spoke to?
23 A Well, the first person, I don't know who it was.
24 Q Was it a male agent or a female agent?
25 A A male. And I talked to him for a couple of minutes. I

1 don't really know how long I talked to him, but --
2 Q Do you remember what you said to him?
3 A Yeah. I actually told him, I said, I had information about
4 a murder of an informant from the Will Baskerville's case, and
5 I told him the informant was Kemo McCray. I think I told him
6 where he got killed at, on South Orange Avenue and 19th Street.
7 And I told him, could I talk to somebody that was the leader,
8 whoever was leading that case, the Will Baskerville case.
9 Q Did you tell him anything about Mr. Bergrin?
10 A I may have squeezed in -- because I was telling -- I was
11 telling -- trying to get so much information just to get
12 somebody to talk to me about the situation all in one, I may
13 have told him something about Mr. Bergrin.
14 MR. MINISH: Judge, I'm going to show the witness
15 what's been marked J065669 which Defendant has a copy of.
16 Q Sir, I'm going to ask you to just generally look at this
17 document. Have you ever seen this document before?
18 A No.
19 Q Okay. I'm going to direct your attention to the second
20 paragraph on this document. Read it to yourself only and just
21 tell me if that refreshes your recollection as to what you may
22 have said on that day.
23 A (After pause) Yes.
24 Q Okay. Could you tell the jury.
25 A Like I said, I was trying to squeeze all the information to

1 get whoever was leading this investigation to talk to me. And
2 I was telling him, you know, where the kid got killed at, why
3 he got killed, he was an informant, and that we got the
4 information from Paul Bergrin as far as who the kid was that
5 was the informant.
6 Q Now, I direct your attention to the top of the second page
7 of the same document. If you could read that, again to
8 yourself, and tell me if that refreshes your recollection with
9 respect to what you told the agent in that initial phone call.
10 A Yes, it's the same thing I told the jury yesterday.
11 Q Okay. And what was that?
12 A That Paul Bergrin told us, "No Kemo, no case."
13 Q Now, at this time, sir, had you been charged with the
14 murder?
15 A No.
16 Q Had anybody at that time been charged with the murder, to
17 your knowledge?
18 A Nobody.
19 Q Did there come a time that you spoke to another agent?
20 A Yes.
21 Q Would you tell the jury how that went?
22 A Well, the agent, whoever it was that I was on the phone
23 with, he told me to hold on and he was going to put me in
24 contact with the person that was I guess the lead investigator
25 or whoever was investigating that case. And later, about a

1 couple minutes later, I don't know, two, three minutes, I was
2 put in contact with a lady named Shawn Manson.
3 Q And do you recall what you told that agent at that time?
4 A Like, the same thing I was telling the first agent, trying
5 to get her to talk to me, cram everything at once. Because
6 like I said, I was at a girlfriend house and I'm actually in
7 the bathroom talking to this agent. I didn't want her to know
8 I was talking to the police.
9 Q The female in the house you mean, not --
10 A Yes.
11 Q Okay.
12 A I didn't want nobody to know I was calling the FBI.
13 And I'm trying to tell her everything, basically the
14 same thing I told the first agent and put it all in one,
15 telling her about Kemo getting murdered, about where he got
16 murdered at, and why he got murdered, and that Paul Bergrin
17 told us: "No Kemo, no case." And I didn't tell her that I
18 murdered him, I told her that Malsey murdered him.
19 Q Did you discuss anything about the charges you were facing
20 at the time?
21 A Yes, my gun charge.
22 Q Okay. And did you make any requests with respect to the
23 gun charges?
24 A Yes. I made two requests, and one was I got a gun charge
25 in the state and I know the feds can adopt my gun charge, and I

1 have my safety.
2 Q Did you discuss your relationship with Mr. Curry and the
3 Baskerville family?
4 A Yes, I told them I was like a brother to them.
5 Q Did you give any specific examples of things you did?
6 A Yeah. I told her -- actually I shortened it when I was
7 telling her, you know, about our life history together, you
8 know, selling heroin, selling cocaine, shootings and murders.
9 And I told her if she could, I would like to talk to her in
10 person and, you know, I can talk to her a little slower.
11 Q Okay. Now, sir, I'm going to show you what's been marked
12 J02933 and the second page, 934, which again the Defendant has
13 a copy of.
14 Just yes or no, sir: Have you ever seen this document
15 before?
16 A No, sir.
17 Q Okay. I'm going to direct your attention to the second
18 page, the third paragraph down. If you could read that to
19 yourself and then tell the jury whether that refreshes your
20 memory with respect to things you said about your relationship
21 with Mr. Curry.
22 A Yes.
23 Q Okay. Could you please tell the jury.
24 A I was just telling her, you know, all the things we be
25 doing as far as, you know, as a click, as a click of drug

1 dealers as, going to the All-Star game, which I mentioned, I
2 went to Las Vegas to Hakeem Curry's wedding, we had a big
3 wedding bash and bachelor party in Las Vegas, another All-Star
4 game that we went to, and just basically partying and having
5 fun, traveling.
6 Q And which All-Star games, sir?
7 A One was -- one was in LA and one was in Atlanta.
8 Q And which one were you talking about yesterday?
9 A The one in California, LA.
10 Q Did you say anything to the agent at that time about Mr.
11 Bergrin?
12 A I'm pretty sure, yes.
13 Q Again, I direct your attention to the first page of J02933.
14 If you could read this third paragraph to yourself again and
15 tell the jury whether that refreshes your recollection to what
16 you said at that point.
17 A (After pause) Yes, that's what I said.
18 Q Okay. Could you tell the jury what it was?
19 A I was basically telling her about the day Will was
20 arrested, the same thing I was talking about yesterday; that
21 Will Baskerville was arrested and that we was sitting in the
22 truck when Paul Bergrin called, you know, telling us what was
23 going on with Will Baskerville.
24 Q Meaning what, sir, specifically?
25 A About who's the informant and the days of crack sales that

1 Will Baskerville made, and -- and telling us who the informant
2 was and telling us that they have video and audio surveillance
3 of Will making crack sales.
4 Q Now, did you mention anything about a speaker phone at that
5 time, sir?
6 A No. I see that's what's in here, but I didn't -- I don't
7 think -- I didn't say "speaker phone," no.
8 Q What did you say?
9 A I actually said -- she asked me, could I hear him?
10 And I say, yeah, I heard him on the phone.
11 But I never said speaker phone. You could just hear
12 the person on the other end talking but you couldn't hear what
13 they were saying.
14 Q If you could explain to the jury what you mean by that, how
15 the process actually worked.
16 A Well, Hakeem is sitting in the driver seat of the Range
17 Rover and me sitting right behind Rak, so it either was Rak or
18 Mal, one of the Baskerville brothers at the time. And I can
19 hear the sound coming through the phone but you couldn't
20 actually hear what the person was saying.
21 Q So how did you know what the person was saying?
22 A Well, because Hakeem kept turning around saying, hey, man,
23 Paul said the sales was on this day; it was this amount of
24 crack. Then he'd go back to talking. Then he'd be like, yo,
25 man, they have video surveillance of him and audio, and he go

1 back to talking.
2 Q Okay.
3 A Keep taking his face away from the phone.
4 Q Now, you just said a second ago it was Rakeem or Mal?
5 A Yeah.
6 Q Back then what did you say?
7 A I probably actually told her Rakeem.
8 Q As you sit here now do you know which it was or who it was?
9 A It was either Rak or Mal, because like I said, you had like
10 three or four Baskerville brothers out there with us at that
11 time, and there was so much going on, all of us was on the
12 porch talking, in the truck, in the van that morning, so it was
13 a lot going on.
14 Q Sir, I'm going to direct your attention now to the fourth
15 paragraph down. If you could read that to yourself.
16 THE COURT: Could I -- could I just see you at
17 sidebar? We don't need to be on the record. I just have a
18 question.
19 (Off the record discussion at the sidebar.)
20 (In open court.)
21 BY MR. MINISH:
22 Q Again, sir, I'm sorry. On that first page, one, two,
23 three -- four paragraphs down, if you could read that to
24 yourself.
25 A (After pause) Yes.

1 Q Okay. Do you recall whether you said anything at that time
2 specifically about Mr. Bergrin's relationship with Mr. Curry?
3 A Well, I remember telling her that Bergrin is Curry's boy
4 and he's a lawyer that be around. I don't know how much I
5 explained to her, but I told her they good friends.
6 Q And what did you mean by "be around"?
7 A He's always representing, you know, all the drug associates
8 and all the crew.
9 Q Does he personally represent all the people, or does he get
10 lawyers for some of them?
11 A No, he represent them his self.
12 Q Now, if you can move down to the next paragraph, sir. And
13 again, read that one to yourself.
14 A (After pause) Yes, I said that but --
15 Q Okay.
16 A I didn't say --
17 Q Just so the jury is clear, what is it -- you said, "that's
18 what I said"?
19 A As far as us meeting about how to get Curry out -- Will
20 Baskerville out of jail.
21 Q Okay. And what -- you were going to -- I interrupted you.
22 What did you say you didn't say?
23 A It says that we met on 16th Street, and I actually said
24 17th Street in front of Jamal Baskerville house.
25 Q Where is 16th Street? Does that have any significance?

1 A Yeah, 16th Street and Avon is the next block which where
2 their family mother live at.
3 Q So as you sit here now, where do you believe that meeting
4 was?
5 A Well, I know it was on 17th Street, not 16th.
6 Q Now, for the -- did you say anything about the time or the
7 vehicle -- the time of the meeting or the vehicle that Mr.
8 Bergrin drove?
9 A Yes. I said at nighttime. I may have told her, I don't
10 remember right now, that I say 9 o'clock. I may have told her
11 that, I may have not, but I don't remember. But I know I told
12 her it was after work hours at night.
13 Q Then how about the vehicle that Mr. Bergrin was driving?
14 A A Mercedes Benz, I told her that.
15 Q And did you state anything that Mr. Bergrin said while he
16 was leaving?
17 A "No Kemo, no case."
18 Q And did he --
19 A That was his thing about the whole case.
20 Q Did you tell the agent anything about a hand signal that he
21 may have given?
22 A I just told her when he was leaving that he said, "No Kemo,
23 no case" (gesturing).
24 Q If you could look at the bottom, again, the very end of the
25 page, sir --

1 MR. BERGRIN: I'm going to object now, Judge. Now
2 he's leading. He said all he remembered was "No Kemo, no
3 case," nothing else.
4 THE COURT: Okay. Sustained.
5 Go ahead, Mr. Minish.
6 MR. MINISH: Well, the answer, Judge, is actually non
7 responsive so I just asked the question --
8 THE COURT: What?
9 MR. BERGRIN: It was responsive explicitly. All he
10 said he remembers is "No Kemo, no case." He remembers nothing
11 else.
12 MR. MINISH: I asked about a hand signal, and he
13 answered about a verbal one, is what the actual transcript
14 said.
15 THE COURT: He said he gave the thumbs up, and he
16 gestured like that.
17 MR. MINISH: Not just now, Judge. Earlier he said
18 that.
19 THE WITNESS: I just did it.
20 MR. MINISH: Oh, I'm sorry, I apologize. Okay. I
21 apologize if I've mixed this up. Then, my apologies.
22 BY MR. MINISH:
23 Q Did Mr. Bergrin make any hand signals --
24 MR. BERGRIN: Asked and answered, Judge.
25 THE COURT: It's been asked and answered twice now.

1 And he just gave a demonstration right now.
2 MR. MINISH: I apologize. Perhaps I was looking at my
3 papers when I asked -- when he did it.
4 BY MR. MINISH:
5 Q Did you give any indication to the agent about when the
6 search for Kemo McCray started?
7 A If this on the phone call, I don't know if I told her when
8 it started, because I tried to make the phone call not too
9 long. But when I met with her, yes, I told her I think -- I
10 told her when the search started. But I don't know if I said
11 it on the phone.
12 Q Sir, if you could look at the top of the second page and
13 read that first paragraph to yourself.
14 A (After pause) Yes.
15 Q And does that refresh your recollection as to what you told
16 the agent on that day?
17 A Like I said, today I don't actually remember her -- telling
18 her on the phone.
19 Q That's fine. If you don't remember, that's fine.
20 A I remember telling her that part on the phone. I know
21 right here it say I tried to meet with her. And I did ask her
22 could I meet with her because I was trying to get off the
23 phone.
24 Q Did you indicate to the agent during that phone call
25 whether or not you were personally present for the murder?

1 A Yes.
2 Q Now, you indicated, sir, that you wanted to meet in person
3 with the FBI agent.
4 A Yes.
5 Q Did you, in fact, meet in person with the FBI agent?
6 A Yes.
7 Q Could you tell the jury what happened?
8 A Well, she -- her and another agent came and picked me up at
9 a location that I gave them and took me to the FBI station
10 downtown.
11 Q Downtown Newark?
12 A Yes.
13 Q What happened once you arrived there?
14 A We went inside the station, and she -- she start asking me
15 some questions. And I start telling her everything that went
16 on the day of the murder and the days leading up to the murder.
17 And I let her know everything. And only thing I told her is
18 Malsey the one that killed Kemo, not me, and I told her I was
19 in the van looking out.
20 Q Okay. And again, so the jury is clear, was that true?
21 A No.
22 Q So why did you lie to the FBI?
23 A Because the same attorney I told you that I took to court,
24 Mr. Feinberg, when I told him I need him to sit with me for the
25 meeting to meet with the FBI, his words to me was: Okay. Let

1 me know when you want to meet with them, he said, but for now
2 anyway, they come get you or they get if touch with you without
3 me in your presence, don't implicate yourself in nothing, he
4 said, or don't say nothing at all.
5 Q Did that indicate to you -- did you take that as Mr.
6 Feinberg advising you to lie?
7 A No. He's not -- I'm not taking it as far as him telling me
8 to lie. He's just protecting, you know, me rightfully not
9 saying nothing or don't implicate myself as far as getting
10 myself in deep trouble. So I knew not to implicate myself in
11 the crime as the actual shooter.
12 Q So not to volunteer stuff?
13 A Exactly.
14 Q But is that the reason you didn't tell the truth?
15 A One of them.
16 Q Or was there another reason why?
17 A There were two reasons. That's one reason that I told them
18 I wasn't implicating myself; and number two, I wanted to get
19 Jamal McNeil and Jamal Baskerville off the streets.
20 Q So you were going to lie about that?
21 A Yes.
22 Q And did you, in fact, lie to the agent about that on that
23 day?
24 A Yes.
25 Q I don't think we have to rehash everything single thing,

1 but if you could say generally what you told the agent on that
2 day.
3 A I told the agent -- I actually started with her from the
4 day that Will Baskerville got arrested, and all the way to
5 after the holidays, to the days leading up to us searching for
6 Kemo McCray. And I actually told her that either I was going
7 to be the shooter or Jamal McNeil was going to be the shooter.
8 And only thing I didn't -- I told her that it was for free, I
9 didn't tell her it was a payment. And I actually told her that
10 me and Hakeem Curry was sitting in the van on South Orange
11 Avenue, and I told her that Jamal McNeil was the one in the car
12 with Rakeem Baskerville and that I watched McNeil shoot Kemo
13 McCray.
14 Q Did you say anything about who took the license plates off
15 the vehicle at that --
16 A Yes.
17 Q What did you say?
18 A I told her who actually did it, me and Rakeem.
19 Q That's what you told the agent on that day?
20 A I believe so.
21 Q Actually, if you believe so, that's fine.
22 How about with respect to how Mr. McCray was murdered
23 and where his body was?
24 A I told her that I was the one that got out the car and
25 stood over him, me and Curry, because I put myself in McNeil's

1 seat, and I told her that me and Curry got out the van and
2 stood over the murder victim and looked at him to make sure he
3 was dead, and got back in the van and left.
4 Q In fact, who on that day actually did that, sir?
5 A Hakeem Curry and Jamal McNeil.
6 Q Did you discuss with the agent anything about how Mr. --
7 well, what you claim, Mr. McNeil -- how he grabbed Kemo on that
8 day?
9 A Everything that I did I said Jamal McNeil did.
10 Q Did you indicate to the agent how Kemo was dressed and what
11 he had in his hand or on his person?
12 A Yes.
13 Q Could you tell the jury what that was?
14 A I told the agent that Kemo McCray had a dust mask on, that
15 he had a bandanna with, you know, his hair hanging out the
16 back, and a cigarette in his hand.
17 Q All right. Sir, I'm going to show you what has been
18 marked -- again the, Defendant has a copy of this -- J02935,
19 and the two pages after it are 36 and 37. Starting at the very
20 last sentence of -- I'm sorry. Have you ever seen this
21 document before?
22 A No, sir.
23 Q And, in fact, so the jury is clear, have you ever seen any
24 law enforcement report before?
25 A Never.

1 Q Any records?
2 A No.
3 Q Phone records?
4 A No.
5 Q All right. Now, starting at the bottom of page 1, if you
6 could start with that where it says "Malsey" and just read
7 through the end of that first sentence.
8 A (After pause) Yes. It's exactly what I told her.
9 Q Now, I'm going to direct your attention, sir, to -- who are
10 you referring where it says, "he was facing west"?
11 Which way is west on South Orange Avenue; up towards
12 20th or down towards 18th, if you know?
13 A I was talking about the car was facing west, which I think
14 west is up the hill, up South Orange Avenue.
15 Q So is that -- it says, "He was facing west on South Orange
16 Avenue." Who is "he"?
17 A Which would have been Jamal McNeil.
18 Q So Jamal McNeil would have been facing up towards 20th?
19 A Yes, which is going up the hill.
20 Q After he grabs Kemo or before he grabs Kemo?
21 A Before.
22 Q Now again, sir, do you recall the actual date of that
23 meeting?
24 A No, I don't know the exact date that I met --
25 Q Do you know the month?

A Like I said, either I say January, December, January. End of December early January.

Q I'm going to direct your attention to the very first line of that report. Does that refresh your memory as to approximately when it was?

A Yes.

Q When was it?

A January.

Q January what?

A 18th.

Q And so the jury is clear, at this point on January 18th, 2005, to your knowledge, had anybody been charged with Kemo McCray's murder?

A No, nobody that I know of.

Q Had anybody been arrested with respect to that murder?

A No.

Q That you were aware of?

A No.

Q Did you indicate anything to the agent about your concern for your safety?

A Yes. I told her that I thought I was going to get murdered in the street and I needed for me and a girlfriend to be protected.

Q And did you leave the area?

A Yes.

1 Q Okay. Tell the jury what happened.
2 A Well, the agent told me that I need to stay low and stay
3 out of the sight of them guys. So again, I decided that I
4 would go to Cincinnati.
5 Q And did you, in fact, go to Cincinnati?
6 A Yes.
7 Q Did you go anywhere else in addition to Cincinnati?
8 A Yes, I went to Cincinnati for maybe a week, came back,
9 picked some money up, and left again.
10 Q Where did you go that time?
11 A To Charlotte, North Carolina.
12 Q And why did you pick those spots?
13 A Because I got family in Cincinnati and I got some friends
14 in North Carolina.
15 Q Did there come a time when a court appearance back in Essex
16 County Court was coming up?
17 A Yes.
18 Q Could you describe what happened with respect to that court
19 appearance?
20 A Well, again, I had to go to court for being caught with the
21 .45, and I actually didn't want to come back to Newark, so I
22 called the agent and I said, I got a court date today but I
23 don't want to come up there.
24 And she said, well, you need to get here because you
25 got to go to court, she said. You know, she went into: The

1 judge had a warrant for you before and he told you don't let it
2 happen again. Because I had told her about everything, you
3 know, leading up to it.
4 And she said, you actually need to get up here to go
5 to court.
6 So I said, well -- because I had drove down there. So
7 I said, only way I can make it today, to make it to court is
8 fly back.
9 And she's like, you really need to go get back up here
10 to go to court.
11 Q So did you, in fact, get to court?
12 A Yes, I went and jumped on a flight.
13 Q And did you make your court appearance?
14 A Yes, I just made it, nick of time.
15 Q Did there come a time when you spoke with the agent about
16 identifying Malsey?
17 A Yes.
18 Q Had you provided at that time Malsey's full legal name?
19 A I actually gave them Malsey name, but instead of me saying
20 "McNeil," I had said "McBride."
21 Q Why is that?
22 A For some reason I messed his last name up. I don't know.
23 Was it the first day that I was, like I said, I was talking to
24 her so fast and, you know, nervous, trying to get off the
25 phone? And even when I met with her I just for some reason

1 kept saying "McBride" instead of "McNeil."
2 Q Did there come a time when you were shown a photograph?
3 A Yes, after I gave her -- after I gave her Jamal McNeil's
4 address, somehow she went and got his photo.
5 Q And explain to the jury what the process was with the
6 photo. What did you do?
7 A She asked me, was it him?
8 And I don't remember exactly how many photos it was,
9 but she asked me, was that Jamal McNeil?
10 And I told her, yeah, that's him, which was a good
11 friend of mine, and I signed it.
12 Q Okay. Now, and that's the individual you identified
13 yesterday --
14 A Yes.
15 Q -- as Jamal McNeil?
16 A Yes.
17 Q Did you have a domestic violence case pending at that time?
18 A Yes.
19 Q Okay. Could you explain to the jury what was going on with
20 respect to your domestic violence case?
21 A Like I say yesterday, I had a restraining order I had
22 violated, and --
23 Q You don't have to go through everything yesterday, just the
24 status of it at this point.
25 A Okay. I had violated the restraining order, and when I

1 violated it they put a warrant out for me.
2 So the day I did fly up to go back to court I made the
3 court appearance. Right before I was to walk out the courtroom
4 I was arrested.
5 Q And what happened once you were arrested?
6 A The Sheriff Department guy grabbed me, handcuffed me, took
7 me downstairs. And I didn't really know why I was being
8 arrested, so I asked him. He told me, and told me I was going
9 to county jail.
10 And I told him, man, I said, I can't go in there.
11 Q Why not?
12 A Because, you know, the rumor's out that I was running
13 around, messing with the feds, this and that by now, and --
14 Q And "messing with the feds" means what?
15 A Talking.
16 Q Talking about what?
17 A Just whatever. They didn't really know what I was talking
18 about with the feds, so it was, what was I talking about? They
19 didn't know.
20 Q When you're saying -- did it matter what you were talking
21 about to the feds?
22 A No, it doesn't matter what you talking about. You can't
23 get caught in jail.
24 Q So what happened?
25 A So I told the Sheriff guy, I said, I cannot go in the

1 County unless I'm going to be protected in the count, I said I
2 can't go in there.
3 So he's looking at me like I'm crazy. He said, how
4 can you -- how can you actually prove this?
5 And I said, you need to call this FBI agent.
6 And he's like -- I think he thought I was crazy for a
7 minute. He's looking at me. So he went and got his sergeant
8 or whoever, and maybe a lieutenant, and came back and I gave
9 her number out of my phone, out of my cell phone. And they
10 actually contacted her.
11 Q And, in fact, were you kept in jail at that time?
12 A No, they did something that took like two hours with some
13 paperwork and just told me I had to come back to court.
14 Q Were you released or were you put in jail?
15 A No, I was released from the Sheriff Department.
16 Q And how did you end up going back to jail?
17 A The same FBI agent got somebody, another agent, to take me
18 to court a couple weeks later, two weeks later, maybe a week --
19 I don't know exactly if it was a week or two -- but she got
20 another agent to take me to court and she told the judge to
21 keep me on that day and to put me in protective custody.
22 Q So the agent brought you back to get locked up?
23 A Yes.
24 Q And were you, in fact, kept in protective custody?
25 A Yes.

1 Q And where was that protective custody?
2 A In Essex County Jail.
3 Q At some point, sir, did you -- to your knowledge, did the
4 Federal Government charge you with the gun possession, the same
5 gun that you had been charged in Essex County?
6 A I don't -- I don't know if they picked the charge up yet.
7 I don't think so, because like I said, I sat over there in
8 Essex --
9 Q At some point did that happen?
10 A Yes, it happened, but not --
11 Q After --
12 A -- that day.
13 Q I'm sorry, I don't want to interrupt.
14 After you had been locked up it happened?
15 A Yes.
16 Q And at some point you were charged federally for possessing
17 the same gun?
18 A Yes.
19 Q Okay. So the case was adopted?
20 A Yes.
21 Q And some time after that did you come to the U.S.
22 Attorney's Office to speak with members of law enforcement?
23 A Yes.
24 Q Could you explain to the jury -- or well, do you know the
25 approximate date?

1 A I don't know the approximate date that I came over there,
2 but I know I was -- I was still in Essex County Jail the first
3 time I went to the U.S. Attorney's Office.
4 Q Sir, I'm going to show you what's been marked J00346 which
5 the Defendant has a copy of.
6 I'm going to ask you -- I'm sorry, I'll take this
7 back.
8 If you could take a look at that, sir, and see -- do
9 you first recognize what that is?
10 A That's an agreement that you agree with when you go meet
11 when the U.S. Attorney, it's called a profit (sic), which is
12 profit meeting. You sit down and talk with them, and it's an
13 agreement to tell them what happened.
14 Q Now, does looking at the top of that document refresh your
15 memory as to the date you went?
16 A Yes, around there. But like I said, I wouldn't remember
17 the exact day. But I know --
18 Q Let me ask you this --
19 A I got locked up February 1st.
20 Q Let me ask: The very first time you came in, were you
21 provided with this agreement?
22 A Yes.
23 Q Okay. Did anybody speak with you about anything before you
24 were provided with this agreement?
25 A Yes.

1 Q Okay. Who spoke with you? On that day I'm talking about.
2 A Ms. Melinda Hawkins.
3 Q And who's Ms. Melinda Hawkins?
4 A She's an attorney I was appointed.
5 Q And who appointed you Ms. Melinda Hawkins?
6 A The judge at that time.
7 Q And did I have anything to do with it, Mr. Gay, the agents?
8 A No, the judge which appoint us attorneys.
9 Q Now, so you come to the U.S. Attorney's Office with a
10 lawyer?
11 A Yes.
12 Q Okay. And did she review this document with you?
13 A Yes.
14 Q And, in fact, did you sign this document?
15 I'm going to flip -- if you can flip to the third
16 page. Is that your signature on it?
17 A Yes.
18 Q And can you explain to the jury what you understood at the
19 time this document to mean?
20 A Well, what I understood that if I'm going to cooperate, to
21 tell the truth, and if not, whatever I say can be used against
22 me because I'm lying.
23 Q Now, did you tell the truth?
24 A No.
25 Q Had you planned to tell the truth?

1 agreement --
2 A Yeah.
3 Q -- with Mr. Fusella?
4 A Yeah.
5 Q I'm going to show you what's been marked Government Exhibit
6 710 which Defendant has a copy of. Do you recognize -- I'm
7 sorry, I'll take this back here.
8 THE DEPUTY CLERK: What's the number, please?
9 Q Do you recognize what this is?
10 MR. MINISH: 710 -- 7010.
11 Q Do you recognize what that is?
12 A The same profit (sic) agreement as the first one.
13 Q What's different about it?
14 A With this one is just my attorney change and everything is
15 the same, you know, to tell the truth about the situation.
16 Q Okay. Does reviewing this give you -- directing your
17 attention to the top of the first page -- does that refresh
18 your memory with respect to around the time that Mr. --
19 A Yes, around the time. I say ten, 11 months, but it's
20 actually 13 months.
21 Q And once Mr. Fusella became your attorney, at some point
22 did you come back to the U.S. Attorney's Office?
23 A Yes.
24 Q When you came back, did you come at this point to tell the
25 truth or to lie again?

1 A No, I still had in my mind to -- not to implicate myself in
2 the murder.
3 Q Okay. So what did you decide to do?
4 A Now, me being locked up a year, I thought I was going home
5 at that time if I told them Jamal McNeil the one that did it.
6 Q So you thought the Government was just going let you go?
7 A Yeah, that's what I thought.
8 Now I'm realizing that I'm not going nowhere
9 regardless. And, you know, from people telling me even if you
10 was sitting there when the murder happened you was part of it,
11 you ain't going home neither.
12 So a guy was telling me, you already implicated
13 yourself.
14 MR. BERGRIN: Objection to what a guy told him.
15 THE COURT: Sustained.
16 Q Based on what you learned, what decisions did you make?
17 A I decided to come in there and say I wasn't there at all,
18 that somebody told me about the murder.
19 Q Did you tell Mr. Fusella you were going to lie?
20 A No.
21 Q And did you, in fact, come into the U.S. Attorney's Office
22 and lie again?
23 A Yes.
24 Q Tell the jury what you said.
25 A Well, I told them about the murder and I said, Rakeem

1 Baskerville told me about the murder.
2 And they asked me a couple of questions and caught me
3 in a lie and put me out. Told me --
4 Q What does that mean, "put you out"?
5 A Told the agents, take me back to the jail, I'm a liar,
6 don't come over there at all.
7 Q How long was that meeting?
8 A Maybe ten minutes. I don't know. It was short.
9 Q So again, so the jury is clear, it wasn't true. Correct?
10 A No.
11 Q After that, without telling me what you discussed with your
12 attorney, did you have discussions with Mr. Fusella?
13 A Yes.
14 Q Okay.
15 A He came to Hudson County to talk to me.
16 Q And based on those discussions, what did you decide to do?
17 A Well, he actually told me, he said --
18 MR. BERGRIN: Objection, your Honor, as to what the
19 attorney told him.
20 MR. MINISH: Judge, it's my understanding that's sort
21 of the point or part of the cross-examination, so he can't
22 object to it now and go into it later.
23 THE COURT: What's the objection, Mr. Bergrin?
24 MR. BERGRIN: You know what, Judge, I'm going to go
25 into it, so I withdraw my objection.

1 THE COURT: Okay. Go ahead.
2 BY MR. MINISH
3 Q I'm sorry, Mr. Young.
4 A Could you ask that question again?
5 Q Well, based on what Mr. Fusella said, what did you decide
6 to do?
7 A Me and Mr. Fusella had an attorney/client meeting and he
8 told me --
9 MR. BERGRIN: That's not the -- that's not responsive,
10 Judge, at all.
11 THE COURT: Go ahead. It's not responsive.
12 Just, as a result of that meeting, what did you decide
13 to do, Mr. Young?
14 THE WITNESS: I decided to go to the Attorney's Office
15 and tell the real story and the truth of what happened.
16 THE COURT: Okay.
17 BY MR. MINISH:
18 Q And did you, in fact, come back to the U.S. Attorney's
19 Office?
20 A Yes.
21 Q Do you recall around when that was?
22 A Maybe a week later, I'm not for sure exactly how long. It
23 wasn't too long, maybe a week or two.
24 Q Now, who's at that meeting, do you remember?
25 A Me, my attorney, you yourself, John Gay, Shawn Manson, and

1 another agent which I don't know who the other agent was.
2 Q Had I met with you previously?
3 A I think this was your first day meeting me, or the time
4 before. I know I had just met you.
5 Q Now, tell the jury what you told law enforcement at that
6 meeting.
7 A At that meeting I laid the whole truth out. My attorney
8 told me to tell the truth. I actually noticed at that time I
9 wasn't going home, so wasn't no way of getting around this. So
10 I actually -- he said, only way you going to help yourself,
11 tell the truth.
12 And I sat down and told them everything that happened
13 and how it happened.
14 Q And again, we don't have to go through every detail. Was
15 that largely what you testified to yesterday and today?
16 A Yes, that I murdered Kemo McCray.
17 Q Did you say anything specifically about the payment this
18 time when you -- at this meeting that we're talking about?
19 A Yes.
20 Q And what did you say?
21 A That I was paid $15,000; 7500 from Rakeem and 7500 from
22 Hakeem.
23 Q And that's different from what you originally said?
24 A Yeah. Originally I told her that Malsey did it and that
25 nobody got paid, he just did it as a favor for a friend.

1 Q During the course of these various meetings you explained
2 to the jury, did you say anything different at any point about
3 Mr. Bergrin?
4 A No, the same story, the same thing that happened, you know.
5 Q Starting with the initial phone call to the FBI?
6 A Everything was the same.
7 Q So besides a couple, you know, smaller facts --
8 MR. BERGRIN: Objection, your Honor.
9 THE COURT: Yeah, that's an inappropriate question,
10 Mr. Minish.
11 MR. MINISH: I apologize.
12 THE COURT: Whether they're smaller facts or facts are
13 not significant. That's not for you to characterize.
14 Q In your mind, sir -- well, I'll just move on.
15 Did there come a time when you were asked to identify
16 a photograph of one of the individuals who melted the gun?
17 A Yes.
18 Q And who -- explain that to the jury what happened.
19 A One of the guys that helped Ben melt the gun, which was his
20 nephew --
21 Q But the process. Somebody came up to you. What did they
22 do?
23 A Yeah, they came in with some pictures and they asked me if
24 I know them. And I told them that's Ben nephew.
25 Q Sir, I'm going to show you what's been marked Government

1 Exhibit 2268 which Defendant has a copy of.
2 Do you recognize the man in that photograph?
3 A Yes, that's Ben's nephew.
4 Q Okay. And is that the photograph you were shown?
5 A Yes.
6 MR. MINISH: I'd like to move this into evidence,
7 Judge.
8 THE COURT: All right. There's no objection. It's in
9 evidence.
10 MR. BERGRIN: There's no objection, Judge. We're
11 going to go into that.
12 (Government Exhibit 2268 is received in evidence.)
13 MR. MINISH: Could you publish that to the jury,
14 please.
15 (An exhibit is published to the Jury.)
16 Q So that at some point the agent showed you a photograph and
17 you identified it as one of those individuals?
18 A Yes.
19 MR. MINISH: I apologize, Judge, I just need one
20 second.
21 Q I'm going to show you three other photographs: Government
22 Exhibits 3066; 3073; and 3051, again, which the Defendant has a
23 copy of.
24 Showing you Government Exhibit 3066 --
25 MR. MINISH: That's in evidence?

1 You can publish that.
2 (An exhibit is published to the Jury.)
3 Q Do you recognize who that is?
4 A No.
5 Q Okay. 3073.
6 MR. MINISH: Is that in evidence?
7 Q Okay. Do you know who that is?
8 A No, never seen him.
9 MR. MINISH: Is 3051 in evidence?
10 I don't know if the Defendant has objection to this
11 going into evidence, Judge.
12 MR. LUSTBERG: I don't know what --
13 MR. MINISH: 3051.
14 MS. PROTESS: 30 what?
15 MR. BERGRIN: I have no objection, Judge.
16 THE COURT: All right. It's in evidence.
17 (Government Exhibit 2268 is received in evidence.)
18 MR. MINISH: You could publish 3051 then.
19 (An exhibit is published to the Jury.)
20 Q Do you know who that is?
21 A No, never seen him.
22 Q You're currently incarcerated, sir?
23 A Yes, sir.
24 Q And how long have you been incarcerated, or when did you
25 start this term of incarceration?

1 A Almost seven years. I've been locked up since February
2 1st, 2005.
3 Q And during that course of time, sir, have you gotten in any
4 trouble while you were in jail?
5 MR. BERGRIN: Objection, Judge, this has no relevance.
6 THE COURT: How is it relevant, Mr. Minish?
7 MR. MINISH: We can go to sidebar, Judge, or I can
8 explain it in front of the jury.
9 Mr. Bergrin asked about this yesterday.
10 THE COURT: I'll see you at sidebar. Let's go.
11 (At the sidebar.)
12 THE COURT: Okay, go ahead.
13 MR. MINISH: Just so it's clear, I'm not trying to
14 elicit good behavior. In fact, the opposite. Mr. Bergrin
15 asked me yesterday about phone privileges being revoked, and I
16 was just going to bring that out before the jury that he did
17 have his phone privileges revoked. He asked him me about it,
18 so --
19 MR. BERGRIN: I have no evidence of that and I'm going
20 to rely upon the veracity of Mr. Minish. And I would like a
21 representation at sidebar. I know his phone privileges were
22 revoked for three years, but for what reasons we never
23 received.
24 I asked you if you had anything regarding that.
25 MR. MINISH: I have nothing. It's all WITSEC stuff,

1 but --
2 THE COURT: All right. If you want to bring it in.
3 (In open court.)
4 THE COURT: All right. I'll allow you to ask the
5 question.
6 MR. MINISH: Thank you, Judge. And I'll be specific,
7 sir.
8 BY MR. MINISH
9 Q With respect to your phone privileges, have you gotten
10 punished or gotten in any trouble with respect to your use of
11 the phone?
12 A Yes.
13 Q Could you explain that to the jury?
14 A Well, in Hudson County I got caught with a cell in my room,
15 and right now I have been on loss of phone. I can't use the
16 phone since September of 2009. So...
17 Q And what does that mean, you can't use the phone?
18 A I can't pick the phone up and call my family at all.
19 Q And why did that happen?
20 A Misuse of the phone.
21 Q Meaning -- just explain to the jury what happened.
22 A Well, to have extra time on the phone I used to use
23 somebody -- because you only get 300 minutes a month -- and I
24 decided to use somebody else's minutes that didn't use their
25 minutes.

1 Q And are you allowed to do that, use other people's minutes?
2 A No.
3 Q For that, you received three years --
4 A Three years and a couple of months loss of phone.
5 Q Going back to the gun charge that you talked about,
6 starting in Essex and going to the federal, as well Mr.
7 McCray's murder, did there come a time when you pled guilty to
8 those charges?
9 A Yes.
10 Q Sir, I show you what's been marked Government Exhibit 7009,
11 which Defendant has a copy of.
12 Do you recognize what that --
13 A That's my Plea Agreement.
14 Q Sir, what, in fact, did you plead guilty to, do you
15 remember?
16 A Conspiring to murder for retaliation for Kemo getting Will
17 Baskerville locked up; conspire to murder him for he couldn't
18 testify against Will Baskerville; and the .45 automatic that I
19 got caught with.
20 Q That's the separate gun?
21 A Yes.
22 Q And pursuant to the Plea Agreement that's in front of you,
23 did you, in fact, plead guilty to all those charges?
24 A Yes.
25 Q And in that document, that specific document, did the

1 Government make any agreements?
2 A They agree if I was to testify and tell the truth, that I
3 would not be given the death penalty, and to write a letter for
4 me, which is a 5K1 letter for my testimony.
5 Q And we'll get to that, sir. But I'm talking now about the
6 Plea Agreement.
7 Do you remember -- and I'll direct your attention to
8 the very last page, the very last paragraph. And again, so the
9 jury is clear, did you review this with your attorney?
10 A Yes.
11 Q And did you sign -- did you read through it and answer
12 questions that you may have had?
13 A Yes, more than once.
14 Q And on page 7, is that your signature and your attorney's
15 signature?
16 I'm sorry, I sent you to the end. If you can flip
17 backwards to page 7.
18 A Yes, that's my signature.
19 Q And what date did you sign the document, sir?
20 A January 24th, 2007.
21 Q And you understood everything in this document?
22 A Yes.
23 Q Again, now I apologize, if you can flip back to the very
24 last paragraph on the very last page. Did this agreement, sir,
25 specifically speak to what type of sentence you were to receive

1 if you pled guilty?
2 A I would receive a sentence not less than life in prison.
3 Q Less than or not less than?
4 A Not less than life in prison.
5 Q And what does it actually say that last -- starting with
6 "Anthony Young"?
7 A It says, "Anthony Young shall not be sentenced to less than
8 imprisonment for life."
9 Q Now, there was a second agreement. Is that correct, sir?
10 A Yes.
11 Q Okay. And that's where you started to talk about the
12 cooperation agreement?
13 A Yes.
14 MR. MINISH: Judge, I'm going to show the witness
15 what's been marked Government Exhibit 7007, which the Defendant
16 has ha copy of.
17 THE COURT: That's fine.
18 Q Do you recognize that document, sir?
19 A Yes, that's my Cooperation Agreement.
20 Q And again, did you receive this and review this with your
21 lawyer?
22 A Yes.
23 Q And your lawyer at the time was Mr. Fusella?
24 A Yes.
25 Q Did he answer questions you may have had about the

1 document?
2 A Yes.
3 Q And at the end, did you sign on the fourth page, the last
4 page this document, and your attorney also signed this
5 document?
6 A Yes.
7 Q Would you tell the jury at the time when you signed it,
8 what was your understanding of your responsibilities with
9 respect to this document?
10 A What I understood when I signed my Cooperation Agreement
11 was that I would testify against any parties that was charged,
12 and if I was to do so, I would get a 5K1 letter to be sentenced
13 to anything under life in prison.
14 Q And who was going to decide that? Well, explain the
15 process. If you did tell -- if you did testify, could you lie?
16 A No, you lie, you don't get the agreement.
17 Q And if you told the truth, what happens?
18 A Then the United States Attorney's Office will write a 5K1
19 letter asking you to be sentenced to anything under life.
20 Q And who then ultimately decides -- well, if, in fact, you
21 get a sentence under life, who would decide that?
22 A My judge was the one to decide that I would get sentenced
23 to anything under life.
24 Q And when you said "your judge," so the jury is clear, is it
25 Judge Martini or a different judge?

1 A No, a different judge.
2 Q So when you pled -- you pled guilty in front of a different
3 judge. Correct?
4 A Yes.
5 Q Now, you mentioned the term "5K letter." What do you mean
6 by "5K"?
7 A Well, it's a cooperation agreement that -- for you to
8 testify or to cooperate, and if you do so they just write a
9 letter telling what your testimony was, and then it's up to the
10 judge to sentence up to anything under the life in prison.
11 Q Sir, I'm going to direct your attention to page 3 of the
12 Cooperation Agreement. If you could, under the paragraph
13 marked -- or section marked "Breach of Agreement," if you could
14 go down one, two, three, four, five, six, seven -- eight lines
15 down.
16 A Yes, I see it.
17 Q Okay. And does that refer to U.S.S.G. Section 5K1.1?
18 A Yes.
19 Q So when you say "5K," it's a section of the Guidelines that
20 you're referring to?
21 A Yes.
22 Q United States -- excuse me -- the United States Sentencing
23 Guidelines?
24 A Yes.
25 Q Ultimately, if a letter is written to the judge, what did

1 you expect would happen?
2 A I expected to be sentenced to anything under life.
3 Q And did you, in fact, testify pursuant to this Agreement?
4 A Yes.
5 Q And was a five --
6 THE COURT: Can you I see you at sidebar, please?
7 (At the sidebar.)
8 THE COURT: How is it relevant that he might have
9 gotten a 5K testifying in another case?
10 MR. MINISH: I'm just assuming that's a benefit,
11 Judge.
12 THE COURT: What?
13 MR. MINISH: He received a significant benefit of not
14 getting life. He received 30 years.
15 THE COURT: What's his sentence now?
16 MR. MINISH: Thirty years. So I'm just moving it in
17 as part of the process of getting to the years.
18 THE COURT: Do you have an objection?
19 MR. MINISH: I don't have to move the 5K in.
20 THE COURT: I was just wondering where you were going
21 on it. But I didn't know that he got any benefit yet or not.
22 MR. MINISH: No, he did. He did, and that's really
23 the point, Judge. It's nothing more than the process of
24 going --
25 THE COURT: And you wrote the letter on his behalf --

1 MR. MINISH: I personally.
2 THE COURT: -- after the Baskerville --
3 MR. MINISH: Correct.
4 THE COURT: There's no objection?
5 MR. LUSTBERG: I don't think there is. We were
6 certainly going to get into that. There's no question.
7 THE COURT: Okay.
8 MR. LUSTBERG: I'm just wondering when you're thinking
9 about taking a mid-morning break.
10 MR. MINISH: We can stop right now, Judge.
11 THE COURT: No. I want to finish the direct, and I
12 was going to go two hours before we took a break and take one
13 break because we may end at quarter to one. I don't know yet.
14 MR. LUSTBERG: No, no.
15 MR. BERGRIN: I have to go to the men's room, that's
16 why.
17 MR. LUSTBERG: He just needs to go to the men's room.
18 THE COURT: All right. We'll take -- how much longer
19 do you have?
20 MR. MINISH: Ten minutes, Judge. I don't mind a
21 break.
22 THE COURT: Then finish up the direct.
23 You can hold off, and then we'll take a break.
24 (In open court.)
25 THE COURT: All right. Mr. Minish you can go ahead.

1 MR. MINISH: Thank you.
2 BY MR. MINISH:
3 Q So again, sir, did you, in fact, testify in a different
4 trial?
5 A Yes.
6 Q Okay. And who was that against?
7 A William Baskerville.
8 Q And after you testified, was a letter written on your
9 behalf, one of these 5K letters written to that other judge?
10 A Yes.
11 Q And did that judge give you a reduction of sentence?
12 A Yes.
13 Q Okay. And could you tell the jury what happened?
14 A Instead of him sentencing me to life in prison he sentenced
15 me to 30 years in prison.
16 Q And is that your current sentence?
17 A Yes.
18 Q Now, prior to that trial, sir, did you have meetings with
19 various members of law enforcement in preparation of that
20 trial?
21 A Yes.
22 Q And --
23 MR. MINISH: I'll wait to see what goes in on cross,
24 Judge.
25 Q You had a number of meetings.

1 A Yes.
2 Q Correct? Okay.
3 And did you also have meetings -- do you recall about
4 when those meetings were or when that trial was?
5 A I think the trial was '07.
6 Q So there were meetings prior to the '07 trial?
7 A Yes.
8 Q And different meetings from the ones you've already
9 discussed?
10 A Yes.
11 Q And were there also meetings in advance of this trial?
12 A Yes.
13 MR. MINISH: If I could have one second.
14 (There is a pause for Mr. Minish.)
15 Q Again, so it's clear we're not mixing up judges. The judge
16 who did that sentencing, was that Judge Martini or a different
17 judge?
18 MR. BERGRIN: Objection, Judge, he answered that
19 question.
20 MR. MINISH: It's the sentencing, Judge.
21 THE COURT: I'll allow it.
22 A I was sentenced by the judge that I'm assigned to now.
23 Q Okay. And what was the judge you testified in front of?
24 A Yes.
25 MR. MINISH: Judge, at this time I ask that we can

1 move into evidence both the Defendant's Plea Agreement and his
2 Cooperation Agreement, 7007, 7009.
3 THE COURT: Is there any objection?
4 MR. BERGRIN: There is --
5 MR. MINISH: I apologize. The "witness'."
6 MR. BERGRIN: No objection, Judge.
7 THE COURT: All right. Then they're in evidence
8 without objection.
9 (Government Exhibits 7007 and 7009 are received in
10 evidence.)
11 Q Then my last question, Mr. Young: Would you please explain
12 to this jury why you are testifying again about this matter
13 here today, and yesterday?
14 A Well, at first I made an agreement to testify, to get a
15 letter to get a lesser sentence which I got 30 years, and I'm
16 testifying again to get a letter to be asked to be sentenced
17 under 30 years.
18 MR. MINISH: I have nothing further, Judge.
19 THE COURT: All right. We'll take a quick recess,
20 ladies and gentlemen, just about ten minutes because we'll
21 probably take another one before we recess for the day. Okay?
22 So we'll see you in about ten minutes or so.
23 Thank you very much.
24 THE DEPUTY CLERK: Please rise for the Jury.
25 (The Jury leaves the courtroom.)

(The Witness, Anthony Young, is temporarily excused and is escorted out of the courtroom by the Marshals.)

(A recess is taken.)

(Proceedings resume - Jury not present.)

(The Witness, Anthony Young, is escorted into the courtroom by the Marshals.)

A N T H O N Y  Y O U N G, resumes, testifies further as follows:

THE DEPUTY CLERK: Please remain seated.

Let's proceed. Mr. Bergrin, are you ready to go?

Okay. We'll bring out the jury, please.

We're probably going to proceed for a couple of hours or an hour and 45 minutes or so. Okay? If you need it, whatever, before a break is what I'm saying. Okay?

MR. BERGRIN: Yes, sir.

THE COURT: Okay. We'll see.

THE DEPUTY CLERK: Please rise for the Jury.

(Jury present.)

THE COURT: Okay, welcome back. Please be seated, everyone.

Mr. Bergrin, proceed, please.

MR. BERGRIN: Thank you.

CROSS-EXAMINATION

1 BY MR. BERGRIN:
2 Q Mr. Young, you testified that you received a 30 year
3 sentence. Correct?
4 A Yes.
5 Q For your role in this offense. Right?
6 A Yes.
7 Q And you testified a you have a Cooperating Plea Agreement.
8 Right?
9 A Yes.
10 Q And you understand what the Cooperating Plea Agreement
11 says. Correct?
12 A Yes.
13 Q Now, before you testified today, you met with the office --
14 you met with the Prosecutors. Right?
15 A Yes.
16 Q And Shawn Brokos Manson was there also?
17 A Yes.
18 Q And how long did you meet with them?
19 A A couple of times.
20 Q A couple of times?
21 A Yes.
22 Q A couple of times. A "couple," meaning two, three, four?
23 A Maybe about three times, four times.
24 Q Three or four times.
25 And when you met with them, Mr. Minish was there?

1 A Yes.
2 Q Special Agent Brokos was there?
3 A Yes.
4 Q And they talked to you about your testimony today, correct,
5 and yesterday?
6 A Well, they talked to me, they asked me questions.
7 Q They asked you questions?
8 A Yes.
9 Q And when they asked you the questions, you answered them.
10 Correct?
11 A Yes.
12 Q And these three or four times they kept asking you
13 questions. Right?
14 A Yes, they asked me questions about what happened and
15 questions about -- we talk about my first time that I
16 testified, and they also said, they talked to me, questioning
17 me about my safety and stuff and things of that nature.
18 Q And they questioned you about what you had said to agents,
19 correct, before?
20 A Well, I only talk to two agents.
21 Q You talked to two agents. You talked to Special Agent Gail
22 and you spoke to Special Agent Brokos. Correct?
23 A Well, I don't know the guy. Like I said earlier, I don't
24 know the guy name that I spoke to the first time, but --
25 Q Go ahead, I'm sorry. I didn't mean to interrupt you.

1 But they asked you questions about what you said to
2 the agent you spoke to the first time, and what you spoke to
3 Manson about. Correct?
4 A Yes. She -- she asked me, you know, about what I told
5 them, and I told her just briefly everything that I told him.
6 Q Now, tell the jury how many hours you spent with the agents
7 these three or four times in preparation for your testimony
8 yesterday.
9 MR. MINISH: Judge, I am sorry to do this so
10 initially, but I think we're getting into an area where Mr.
11 Bergrin may not want to go into. If we could --
12 THE COURT: Mr. Minish, don't make statements like
13 that.
14 MR. MINISH: Could we just be heard briefly?
15 THE COURT: That's a simple question. How many hours
16 did he spend with the agents regarding this.
17 He can answer that just in number of hours.
18 THE WITNESS: I can't answer it in exactly number of
19 hours, but every time I talked to them it was briefly; a couple
20 of hours.
21 BY MR. BERGRIN:
22 Q A couple hours?
23 A Yes.
24 Q So you spend at least six, at least six to eight hours.
25 Correct?

1 A Yes.
2 Q And then when you testified in 2007, you met with them at
3 least three or four times. Correct?
4 A Yes.
5 Q And you spoke to them at least eight to ten hours then
6 also. Correct?
7 A Yes.
8 Q Now, you know that it is -- the only way you could get your
9 sentence reduced in this case is if the Prosecutor sends a
10 letter to the judge. Correct? Without that letter you don't
11 get your sentence reduced. Right?
12 A Yes.
13 Q So they decide whether they're going to send you the letter
14 or not. Isn't that right?
15 A Well, they decide whether I'm telling the truth. If I tell
16 the truth about what happened, they writes the letter. But
17 it's up to my judge to give me my sentence or not.
18 Q The judge gives you the sentence. But in order to even get
19 to the judge to be sentenced, they have to send a letter.
20 Correct?
21 A Yes.
22 Q And they have to decide whether you're telling the truth or
23 not. Right? Isn't that a fact, Mr. Young?
24 A Well, they -- they decide if I'm telling the truth or not,
25 and they know if I'm lying or not. But it's up to my judge to

1 say that I'm telling the truth or not.
2 Q The judge doesn't make a determination if you're truthful,
3 the judge reads the letter and makes a determination on your
4 sentencing. The judge does not decide if you're truthful or
5 not. Isn't that a fact, Mr. Young?
6 A Well, I testified in front of my judge, so I thought it was
7 up to him to know if I was telling the truth or not, and --
8 Q Well, you --
9 A Without telling the truth I can't get the letter.
10 Q You read the Plea Agreement and you read the proffer --
11 excuse me -- the Cooperating Agreement. Correct?
12 A Yes.
13 Q And it was explained to you carefully. Right?
14 A Yes.
15 Q And you're telling us now that you didn't understand the
16 Plea Agreement you didn't understand the Cooperation Agreement?
17 MR. MINISH: Objection.
18 A No.
19 THE COURT: Mr. Bergrin, there's an objection.
20 Sustained. It's not properly phrased.
21 Q The judge that is sentencing you is not Judge Martini.
22 Correct?
23 A No.
24 Q And it is this Prosecutor's Office who writes the letter to
25 the judge and the judge determines your sentence. Correct?

1 A Yes.
2 Q And it's this Prosecutor's Office who determines whether to
3 send the letter and they determine whether you're being
4 truthful. Right?
5 A Yes, at that time, yes. If I'm being truthful in my
6 "profit" session.
7 Q Now, Mr. Minish asked you if you talked to the FBI about
8 me. Correct?
9 A Yes.
10 Q And words that came out of your mouth was: You might have
11 told them something about Mr. Bergrin to try to get them to
12 talk to me. Correct?
13 A No. My words was, I tried to tell her everything that went
14 on the day of the murder and the months and days leading up to
15 the murder. I tried to squeeze it all in real quick over the
16 phone to get her to sit down and talk to me. I wanted to let
17 her know that I knew what was going on.
18 Q You wanted to get them to talk to you. Correct?
19 A Yes.
20 Q You were eager for them to talk to you. Right?
21 A I wouldn't say eager, I just wanted her to talk to me.
22 Q So you weren't excited or you didn't -- isn't it a fact
23 that you were eager, and you wanted them to talk to you? You
24 wanted to get your foot in that door for the FBI to talk to
25 you. Correct?

1 A I was not excited at all, Paul. I was scared running the
2 streets. You know how it is out there, you been around us,
3 running the streets out in the Hood. You know what the
4 Baskervilles about, you know what our crew about. I was
5 scared, I was -- I was nervous. I was not all excited.
6 Q You were eager. You wanted to get your foot in the door
7 for them to talk to you. Correct? Isn't that a fact, Mr.
8 Young?
9 A Yes, I wanted to talk to them.
10 Q So then why did you have to go into that colloquy with me
11 when you knew that you were eager to talk to them? Why didn't
12 you just say that when I asked you the question?
13 MR. MINISH: Judge, he asked --
14 A I wouldn't say I'm eager.
15 THE COURT: Overruled, Mr. Minish, overruled.
16 A I wasn't eager, Paul, I just wanted to talk to them people.
17 Q And you said, the words that came out of your mouth was: I
18 might have told them something about Mr. Bergrin to get them to
19 talk to me. Isn't that right? Isn't that what you told the
20 jury less than a hour ago?
21 A Yes --
22 Q No, approximately an hour and 15 minutes ago?
23 MR. MINISH: Objection, Judge, he asked this question
24 and it was answered --
25 THE COURT: No, overruled.

1 MR. BERGRIN: Thank you.
2 Q Isn't that the words that came out of Mr. Anthony Young's
3 mouth: I might have told them something about Paul Bergrin to
4 try to get them to talk to me, about an hour and 15 minutes
5 ago, now about an hour and 17 minutes ago?
6 A I didn't say -- I did not say I told them something about
7 you to get them to talk to me. I said -- what I told her over
8 the phone, I may have said something about you at that time,
9 but not say something about specifically you to get them to
10 talk to me. The murder was to get them to talk to me.
11 Q Now, you talked to them about the fact that you said that
12 you came to me before you went to Paul Feinberg on your state
13 gun case?
14 A Yeah, me and you had a conversation.
15 Q And I'm sure you told that to the FBI. Right?
16 A I think I may have.
17 Q You think you may have. Did you tell that to them or
18 didn't you?
19 A Right now I don't remember, but at that time I'm pretty
20 sure I have.
21 Q Isn't it a fact -- and you testified in 2007. Right?
22 A Yes.
23 Q I'm sure you told that to the jury back then also.
24 Correct?
25 A I don't remember, Paul.

1 Q Isn't it a fact, sir, that for the first time in your life
2 you revealed that, and you never told that to the FBI because
3 it's not contained in any 302s or any documents that you
4 reviewed?
5 A What is a 302? I don't know what that is.
6 Q The documents that you reviewed on the witness stand today,
7 there's nothing contained in there about you ever coming to see
8 me and being a client in your case?
9 A Well, it's not not in my Plea Agreement, no.
10 Q It's not in either documents that you reviewed --
11 THE COURT: Wait.
12 Q -- of what you told the agents, correct, on January 14th?
13 THE COURT: Mr. Bergrin, just a moment.
14 Mr. Young, you reviewed certain documents that Mr.
15 Minish handed to you. You remember you read them?
16 THE WITNESS: Yes.
17 THE COURT: And he asked you a series of questions
18 about what was it. Those are what's referred to as FBI 302
19 reports. Okay? And that's what Mr. Bergrin is referring to.
20 Okay.
21 Q Now, you said that you were scared. Correct?
22 A Of course.
23 Q And that's why you went to the FBI?
24 A Yes.
25 Q And you told that to Agent Manson and you made it clear to

her that you were scared. Right?

A Yeah, afraid for my safety.

Q And you made it clear that your safety is in jeopardy. Right?

A Yes.

Q From Jamal Baskerville and Jamal McNeil. Right?

A Yes.

Q Because your girlfriend, Rasheeda Tarver, told Jamal Baskerville or someone in Jamal Baskerville's family that you said something about the murder of Nut's girlfriend. Right?

A I said she told Jamal Baskerville and his girlfriend about it.

Q And you're about as sure about that as your testimony in court today. Right?

A Yes.

Q Now, you were shown the 302 reports or the FBI reports of what you told them, correct, on this date, on the dates that you spoke to the FBI. Right?

A Yes. The report I just read partial of.

Q Partial of.

A Okay.

MR. BERGRIN: May I approach the witness, your Honor?

THE COURT: You may, go ahead.

Q I'm going to show you what's been marked J02933, please.

Is that the report dated January 14th of 2005 of Shawn

1 Manson, Special Agent with the FBI?
2 A Yes.
3 Q And isn't it a fact that it says that you were very eager,
4 very eager to meet?
5 A Well, them are her words, "eager," them ain't my words. I
6 just told her I really want to see her. You know, eager is
7 something different. I told her I really want to see her
8 though.
9 Q Does it say: Individual advised -- individual, meaning
10 you. Correct?
11 A Yeah.
12 Q -- that he was very eager to meet in person. Is that what
13 it says?
14 A That's what it say. But you got to understand, Paul, I
15 didn't write that. This is the first time I'm seeing it today.
16 Q Now, I'm sure you told them, like you just testified, that
17 your safety was in jeopardy, correct, and you're scared?
18 A Yeah.
19 Q Isn't it a fact that it says that: "Individual asked that
20 in exchange for this information he would receive some
21 assistance with his current gun case that he is facing."
22 Isn't that what it says in paragraph 2?
23 A I asked her that too, too.
24 Q I want you to read every word of this report,
25 line-for-line, word-for-word, and you tell us in there, you

1 point out in there where it says that you were scared and your
2 safety was a concern of yours.
3 A Do you want me to read from the top to the bottom?
4 Q Read it --
5 THE COURT: Just read it to to yourself.
6 THE WITNESS: Oh, okay.
7 A (After pause) No, I don't see it in there.
8 Q Now, when did you leave for Cincinnati and North Carolina?
9 A Some time beginning the end of December, beginning of
10 January.
11 Q End of December. And before that you were out on the
12 streets, correct, running the streets and dealing drugs?
13 A Yes.
14 Q And you were out there every day running the streets and
15 dealing drugs. Right?
16 A Every day.
17 MR. BERGRIN: Excuse me, I'm just going to put this
18 down.
19 Q Now, you talked about you being an individual that knows
20 cars, right, a Pontiac Grand Am from a Grand Prix. Right?
21 A Yes.
22 Q As a matter of fact, you called it a "Grand 'Pricks'" (ph)
23 yesterday. Right?
24 A Yeah, it's just -- it's just -- that's actually the name of
25 it, "Grand Pricks," but you hear in the Hood everybody say

1 "Grand Pree" (ph).
2 Q And you were so sure about the car being a Grand Am GT that
3 was used in this case. Right?
4 A Yes.
5 Q No doubt about that in your mind whatsoever. Right?
6 A No doubt in my mind at all.
7 Q Then why did you tell Agent Manson two times on January
8 18th when you met with her face-to-face that you were in a
9 Grand Prix and not a Grand Am?
10 A I didn't tell her that. I told her Grand Am GT. I said,
11 they sort of the same type of car as our Grand "Prickes" that
12 we drive.
13 Q I show you what's been marked J02935.
14 And I ask you to look at one, two, three, four -- the
15 fifth paragraph, fourth sentence: "Rakeem took the license" --
16 THE COURT: No, Mr. Bergrin, ask him to read that and
17 ask him if that refreshes his recollection as to what he said
18 to her about that.
19 Q I'm going to ask you to look at this paragraph, the one,
20 two, three, four -- fifth sentence, then I'm going to ask you
21 to look at the next paragraph, the fourth sentence.
22 A Yes.
23 Q Isn't it a fact that you told her that the car being driven
24 was a Grand Prix -- or a "Grand Pricks" as you pronounce it --
25 and not a GT Grand Am?

1 A No, I told her a GT Grand Am. And she asked me how does
2 the car look.
3 And I told her they look sort of like the Pontiac
4 Grand Pricks GT, but I told her a Grand Am GT.
5 She wrote that. I don't know why she wrote that but I
6 told her a Grand Am.
7 I know what kind of car I was in.
8 Q It's not even written one time, it's written twice,
9 correct, that you told her that Rakeem Baskerville's getaway
10 car was a Grand Prix not a Grand Am, not even once but twice.
11 Right?
12 A Yeah, that's what's written. But like I said, I told her a
13 Grand Am.
14 Q Now, you met Kemo DeShawn McCray when you were
15 approximately 12 years old?
16 A About 12, yes.
17 Q And you were friends, correct, you rode bikes together?
18 A No.
19 Q You played in the neighborhood together?
20 A No. He's not from my neighborhood. We's not -- he never
21 was a good friend. He was a jail friend when we was in jail
22 together but...
23 Q A jail friend?
24 A Yeah.
25 Q You spent time in jail with him?

1 A Yes, twice.
2 Q And how much time did you spend in the jail with him?
3 A In Skillman, maybe three, three months, four months, and
4 then juvenile medium security facility which is in Bordentown,
5 New Jersey, I don't know exactly how long he was there, but I
6 know how long I was there. But I could say he was there
7 briefly a year or better with me.
8 Q So you spent approximately 15, approximately a year and a
9 half with him --
10 A Yes.
11 Q -- on almost a daily basis. Correct?
12 A No, not daily, because he's on a different unit.
13 Q Different unit. But you see him. Correct?
14 A Yes, I see him briefly almost every day.
15 Q And you interact with him. Right?
16 A No, he wasn't a part of my circle inside jail. He was a
17 part of another circle, but interacting in the gym, play
18 basketball, yes.
19 Q And the way you talked, you talked about what you did to
20 Kemo here, correct? You testified about putting the gun to the
21 back of the head and just shooting him. Correct?
22 A Yes.
23 Q And you showed no emotion. Right?
24 A Well, like told them, I was scared, you know what I mean,
25 when I did it, nervous. But I did what I did. I feel bad for

1 what I did. You know, I know it was wrong. Kemo was part of
2 the drug game with us.
3 Q And you showed those emotions to us as you're telling us
4 what happened, right? The feelings that you feel when you put
5 the gun against Kemo's head. You showed us those emotions on
6 the stand. Right?
7 A I wouldn't say I showed you all emotions what I was going
8 through and what happened, no, I didn't.
9 Q You showed us no emotion whatsoever, right, Mr. Young?
10 A No.
11 Q Now, you talked about certain things. One of the things
12 you talked about was getting rid of the clothing in the
13 dumpster. Right?
14 A Yes.
15 Q And I'm sure you told that to the agents when you talked to
16 them, because you had blood on clothing and I'm sure they would
17 want to take the blood and compare it against Kemo's. Right?
18 A Well, I don't know what they was going to do, Paul, but I
19 told her about the fleece jacket had blood on it and my gloves
20 had blood on it, and I got rid of it, put it in a bag and
21 thrown it in a dumpster.
22 Q Now, when did you tell the agent about that?
23 A I don't know -- I know it wasn't over the phone, because I
24 was trying to get so much information, like I said, in one
25 little group to give to her to -- you know, for her to know

1 that I know what I'm talking about.
2 Q Well, then you met with her on approximately January 18th,
3 correct, of 2005?
4 A Yes.
5 Q And you had a face-to-face meeting where you looked her in
6 the eyes to make sure you told her everything that was in your
7 mind. Correct?
8 A Yeah, everything that was on my mind that day, yes.
9 Q You have that report in front of you?
10 A Yes.
11 Q I'm sure it contains the fact, an important fact about you
12 getting rid of clothing in a dumpster. Respect?
13 A Well, I didn't read that, I didn't see it.
14 Q You know what, review it, Mr. Young.
15 THE COURT: I think he just said he didn't read it,
16 that he didn't see it.
17 A I didn't read it in the report. That's what I'm saying. I
18 didn't see it.
19 Q And as a matter of fact, you testified in April of 2007.
20 Right?
21 A Yes.
22 Q And when you testified in April of 2007, this important
23 fact of getting rid of the clothing with blood on it, the blood
24 of Kemo DeShawn McCray, I'm sure you told the jury under oath
25 that you got rid of the clothing and dumped it in a dumpster

1 review it again?
2 MR. BERGRIN: Yes. And see if it ever contains
3 anything about --
4 THE COURT: I think he read at least one of them
5 already.
6 THE WITNESS: Yeah, I read the 28th.
7 BY MR. BERGRIN:
8 Q The 18th. Right?
9 A Yeah, January 18th, I read that.
10 This is the 14th.
11 Q Where does it say that you had gloves; ever?
12 MR. MINISH: Judge, again, the witness didn't say he
13 said it on the 14th. He said he said it.
14 THE WITNESS: Well, this --
15 THE COURT: All right. I understand he said he said
16 it to the agent. And the question is: Is there any reference
17 to gloves in the January 14th, 2005 interview that you had with
18 the FBI agent?
19 A Could you ask me that question again, Paul?
20 Q Is it contained in the report that you have in front of
21 you, your face-to-face meeting, eye-to-eye meeting with Agent
22 Manson?
23 A The January 14th meeting I wasn't telling the truth. This
24 is not a truthful statement.
25 Q That's the January -- excuse me -- that is the January

1 18th, isn't that?
2 A No, this is the 14th that I just finished reading.
3 The 14th is -- I wasn't telling the truth. This is
4 the -- right here what I was trying to get Malsey and Jamal off
5 the street
6 Q So you weren't telling the truth, so you were going to
7 leave out the fact you were wearing gloves. Is that what
8 you're telling us?
9 THE COURT: No, Mr. Bergrin, he explained that. At
10 that meeting he wasn't referring to himself as the shooter.
11 Correct?
12 THE WITNESS: Exactly.
13 Q Did you ever tell them Malsey was wearing gloves when he
14 did the shooting?
15 A I don't think I was asked that or told her that, I don't
16 think so. Like I said, I wasn't telling the truth and it
17 wasn't a truthful statement that I was giving to her.
18 Q So you never told them that Malsey was wearing gloves,
19 correct, or Jamal McNeil?
20 A I may have not.
21 Q I'm going to show you --
22 A Maybe.
23 Q -- what's been marked J02933. Look at this statement.
24 A Do you want me to read it? The whole thing?
25 Q Yeah, read the whole thing.

1 A Okay.
2 (There is a pause for the Witness.)
3 A I wasn't talking about Malsey in this right here.
4 THE COURT: Is there a question pending, Mr. Bergrin?
5 MR. BERGRIN: Yes, your Honor.
6 A This is -- this is the telephone call I had with her.
7 Q Now, I'm going to show you the face-to-face meeting marked
8 J02935. This is the meeting on January the 18th of 2005.
9 A The face-to-face.
10 Q Face-to-face.
11 Show me one place in there where you tell her about --
12 and I'm just going to ask you to look at the last paragraph
13 first of that January 18th face-to-face meeting. You talk
14 about throwing the gun in a bag and into the dumpster, correct,
15 on that January 18th face-to-face meeting?
16 A Yeah, that's a true statement right there.
17 Q Isn't it a fact that you make no mention of throwing -- you
18 talk about throwing the gun in a bag and into a dumpster.
19 Isn't it a fact you make no mention whatsoever of throwing away
20 your clothing?
21 A Well --
22 MR. MINISH: Objection. The question in its form is
23 improper. He can say it's not contained in there, but he can
24 ask the question based on reading that paragraph.
25 THE COURT: Sustained.

1 Q Isn't it a fact that it's not contained --
2 THE COURT: Mr. Bergrin, wait, wait.
3 MR. BERGRIN: I'm sorry.
4 THE COURT: When I is sustain an objection, pause for
5 a minute before you ask the next question. Okay.
6 MR. BERGRIN: Yes, your Honor.
7 Q Isn't it a fact it's not contained in that statement --
8 A What?
9 Q -- when you go into the dumpster and you go into what you
10 do with the bag?
11 A Again, Paul, I may have told -- and I'm pretty sure I told
12 her about the clothes. I see that she put that I threw the gun
13 in a dumpster. But like I said, I didn't write these reports.
14 I only know what I sat down and was telling them, that's it.
15 Q It's not contained in the report. Right?
16 A And at this time when I was sitting down, I wasn't telling
17 the whole truth.
18 Q And the gloves that Malsey wore -- or you wore -- are not
19 contained in there. Correct?
20 A Can you ask that question again? You saying Malsey or I?
21 Q You're saying nothing is contained in the report about
22 anybody wearing any gloves. Right?
23 A No, it's not in there. I didn't read it.
24 Q Isn't it a fact that you never mention the gloves that
25 either you wore or anybody wore when you testified throughout

1 the entire proceeding in 2007?
2 A If I was asked that question at the time, I definitely
3 mentioned it. If not, I would have not.
4 Q That's an important fact, if somebody is wearing gloves.
5 Correct?
6 A Yes, it is, but I could only answer what somebody ask me,
7 Paul.
8 Q And you were asked to describe --
9 THE COURT: Mr. Bergrin, one second.
10 Mr. Young, we don't refer to people by first name in
11 court, whether it's Mr. Minish, Mr. Gay or anyone. You address
12 them by "Mr. Bergrin" or "Mr. Minish" or whatever. Okay?
13 THE WITNESS: All right.
14 THE COURT: All right.
15 Go ahead.
16 Q And you described exactly what you supposedly did, right,
17 on March the 2nd of 2004, step-by-step, detail-by-detail when
18 you testified under oath before a prior jury. Right?
19 A I can't say detail-by-detail, Mr. Bergrin. I only answered
20 the questions that they asked me during my testimony.
21 Q Well, you had the same Prosecutor, Mr. Minish, asking you
22 the questions. Right?
23 A Yes.
24 Q And are you telling us that you didn't give a detailed
25 description in 2007 of everything that you did and everything

1 that happened?
2 A Yes, sir. I walked -- I walked through everything that
3 happened, what I told them. And the questions that they asked
4 me in court, the prosecutor and the lawyer, I answered their
5 questions. I answered Will Baskerville lawyer's questions that
6 he asked me, and I answered Mr. Minish questions that he asked
7 me.
8 Q And of course you would have told them about the gloves if
9 you walked through it detail-by-detail-by-detail. Correct?
10 A Yes.
11 Q And of course you would have told them about throwing the
12 clothing away with blood on it, the blood of Kemo that would
13 prove that you did the shooting if you had blood on your
14 clothing or were there, detail-by-detail when you explained
15 what happened. Right?
16 A Yes, if they asked me what happened with the jacket, what
17 happened with my gloves, I'd a told them I threw them in the
18 dumpster.
19 Q I'm going to ask you to look at a transcript of your
20 testimony in April of 13th of 2007. It's Alpha 1305.
21 MR. BERGRIN: May I approach, your Honor?
22 THE COURT: Just go ahead.
23 MR. BERGRIN: Thank you.
24 THE COURT: This is April 13th.
25 MR. BERGRIN: Yes, sir it starts on A1305, Judge.

1 Actually it starts on page 4412, your Honor.
2 THE COURT: 4412? Okay.
3 MR. BERGRIN: Yes.
4 Q I ask you to look at -- is this a transcript of your
5 testimony, Mr. Young, in the prior proceeding?
6 A Yes.
7 Q Okay. And I ask you to review that in reference to
8 everything that you did at Ben's garage or Ben's shop when you
9 get rid of the gun.
10 A Just 4412?
11 Q No. You could read it as far as it pertains to what you
12 did at the garage.
13 A All right.
14 Q I believe your testimony goes up to approximately 4420.
15 A (After pause) You're missing a page, Mr. Bergrin. It go
16 from 4412 straight to 4414. I don't have 13.
17 Q Is it on the back side?
18 A Oh, okay. Thank you.
19 Q By the way, what you're reading describes everything that
20 you did at Ben's. Correct?
21 A Yes.
22 Q And Ben was the individual that you went to to melt the
23 gun. Right?
24 A Yes
25 Q Have you read it?

1 A Yes
2 Q It says absolutely nothing -- and you walked the jury
3 through everything that happened at Ben's. Correct?
4 A Could I say this?
5 Q You answer my question, please, Mr. Young.
6 You walked the jury through everything that happened
7 from the time you arrived at Ben's until you left. Isn't that
8 a fact?
9 A I answered every question they asked me on here.
10 Q Isn't it a fact you make absolutely no mention at any time
11 in the transcript during the entire trial that you testified to
12 in 2007 of ever getting rid of the clothing?
13 A No, I never mentioned it here. They never asked me the
14 question.
15 Q And isn't it a fact, sir, that in that entire trial you
16 make -- never ever mention, even when you walked through the
17 entire incident step-by-step, detail-by-detail of the shooting,
18 of you ever wearing a pair of gloves?
19 A If they didn't ask me in the question, I didn't mention it,
20 no.
21 Q And you seem to have no problem just making up facts as you
22 go along. Right?
23 MR. MINISH: Objection.
24 THE COURT: All right. Sustained.
25 Q Now, you testified before this jury about the fact that you

1 saw a bandanna on Kemo's head, and you made it clear to this
2 jury, right, when you testified yesterday?
3 A Yeah.
4 Q And you were about as sure about that as about everything
5 you ever said in this courtroom. Right?
6 A Almost sure about that, yes, I said that.
7 Q Isn't it a fact that when you testified in 2007 you said
8 you didn't remember if he had a bandanna on his head or not?
9 A I don't know. I didn't read that, Paul -- I mean, Mr.
10 Bergrin. Excuse me.
11 MR. BERGRIN: Page 4394, line 22, please.
12 Q I ask you to look at A -- excuse me -- J00132.
13 Your Honor, may I approach with page 4394?
14 THE COURT: 4394? Which line, please?
15 MR. BERGRIN: It's line 21 through 22 in the
16 preliminary question, your Honor --
17 THE COURT: Just show him the question and read the
18 question and then see if that was his answer.
19 Q This is your testimony back in 2007. Correct?
20 A Yes.
21 Q Mr. Young?
22 I ask you to look at page 4394. Were you asked --
23 THE COURT: Which line.
24 MR. BERGRIN: Line 18, sir.
25 THE COURT: All right.

1 Q "Did he have a bandanna or anything around his head?"
2 And did you respond you just don't remember?
3 THE COURT: No, no. Okay. Wait.
4 Were you asked that question, Mr. Young?
5 THE WITNESS: Yes.
6 MR. MINISH: That's not what he answered, Judge.
7 THE COURT: Wait, wait, Mr. Minish. If you have an
8 objection, just rise, say "objection."
9 MR. MINISH: I apologize.
10 THE COURT: Don't give me the -- you know, please.
11 A He asked me --
12 THE COURT: Mr. Young, were you asked: "Did he have a
13 bandanna or anything around his head?"
14 THE WITNESS: Yes.
15 THE COURT: And did you give the following answer:
16 "He could have. I'm pretty sure I remember, but he usually
17 wear one"? Did you give that answer?
18 THE WITNESS: Yes.
19 THE COURT: And the question next was: "You just
20 don't remember?"
21 Were you asked that question?
22 THE WITNESS: Yes.
23 THE COURT: And your answer was, "No"?
24 THE WITNESS: Yes. At that time, I didn't remember.
25 BY MR. BERGRIN:

1 Q And that was in 2007 when things were more fresh in your
2 memory. Correct?
3 A Yeah, it was a lot fresher.
4 Q And that's four years ago, right, Mr. Young?
5 A Yes.
6 Q So four years ago you didn't remember whether Kemo McCray
7 was wearing a bandanna on his head when you shot him, according
8 to you. Right?
9 A Yes.
10 Q That's four years ago?
11 A Four years ago.
12 Q But now when you testify four years later, eight years
13 after the incident, you have a perfect memory of him wearing a
14 bandanna, and that's what you told the jury yesterday. Right?
15 A Well, you understand that I think about this every day, all
16 the time, and I go over what happened to make sure I could give
17 you all the truth of how it happened and remember most of the
18 things that happened. You got to understand, Mr. Bergrin,
19 thousands of things happened from the day we start looking for
20 Kemo to the day I was arrested, and I got to remember all this
21 stuff.
22 THE COURT: Mr. Young, the question didn't require a
23 full explanation. The question was: Did you testify here in
24 court today that he had a bandanna?
25 THE WITNESS: Yes.

1 THE COURT: All right. Or yesterday, whatever day it
2 was.
3 Q But you didn't know whether he had a bandanna or not.
4 Correct?
5 A Four years ago, or today?
6 Q Today.
7 A Today, yes.
8 Q But four years ago when your memory was fresher than four
9 years later, that being today or yesterday, you said you didn't
10 remember. Right?
11 A Yes, I said I didn't remember.
12 Q And you gave the trial in 2007 the same thoughts, the same
13 memory, the same experience that you have in testifying now.
14 Right?
15 A I try to, yes. Tried my best.
16 Q Now, back in 1993 you pick up your first gun case, and that
17 was an aggravated assault, right, you shooting two people?
18 A Actually that's not my first, no.
19 Q Oh, so you had gun cases before that. Right?
20 A Yes.
21 Q And that was as a juvenile. Right?
22 A Yes.
23 Q And your juvenile record was very extensive, because you
24 ended up in Jamesburg State Prison for Boys. Right?
25 A Yes.

1 Q And how many terms did you do at Jamesburg?
2 A One.
3 Q Only one?
4 A Yes, but it was a long term.
5 Q And how many years was it?
6 A Actually 27 months.
7 Q Twenty-seven months?
8 A Yes.
9 Q So you had an extensive juvenile record to get 27 months at
10 Jamesburg. Right?
11 A Yes.
12 Q And then as an adult, in 1993 you picked up a shooting case
13 where you shot two people?
14 A Yes.
15 Q And then you were charged with two counts of aggravated
16 assault. Right?
17 A Yes.
18 Q And you also pled guilty to possession of the weapon to use
19 it unlawfully against the person of another. Right?
20 A Yes.
21 Q And you received a five year term at New Jersey State
22 Prison?
23 A Yes.
24 Q Now, you've been involved in shootouts, as you said?
25 A A couple.

1 Q A couple?
2 A Yes.
3 Q And that's when people shot at you, you shot back. Right?
4 A Yes.
5 Q But this is the first time, according to you, that you ever
6 murdered somebody. Right?
7 A Yes.
8 Q Now, Kemo was an individual that you testified you knew
9 since he was 12 years old. Right?
10 A Yes.
11 Q And you also were friends with somebody that was related to
12 Kemo. Right?
13 A Well, I was friends with --
14 Q Mookie?
15 A With his godbrother, Mookie.
16 Q His godbrother, Mookie?
17 A He wasn't related to him.
18 Q He was his godbrother. Right?
19 A Yes.
20 Q And that was one of your closest friends while you were
21 growing up. Right?
22 A Yes, Mookie was my closest friend.
23 Q And he was related to Kemo. Right?
24 A He was his godbrother.
25 Q He was his godbrother. That means he was close to him,

1 right, he loved him?
2 A Yes.
3 Q Now, October the 20th of 1997, right when you get out of
4 State Prison for the aggravated assault, you pick up another
5 felony, which is your third felony in Union County, New Jersey.
6 Right?
7 A You say October?
8 Q October 20th of 1997.
9 A No, I came home January -- 20th of 1997.
10 Q But you picked up your offense in October of that year,
11 correct, after being out a short period of time?
12 A I actually was arrested earlier.
13 Q Arrested earlier?
14 A Yes.
15 Q But you got sentenced in October. Right?
16 A Yes.
17 Q So you were out even a shorter period of time when you
18 picked up a burglary in another county. Right?
19 A Yes.
20 Q And you ended up getting sentenced to approximately 100
21 days in jail. Right?
22 A Yes.
23 Q And that was for breaking into somebody's house?
24 A No.
25 Q Now, you get out of jail on the Union County case, and then

1 in July the 14th of 1999 you pick up -- and you're sentenced on
2 a multiple amount of cases. Right?
3 A Yes, 1999.
4 Q You had a possession of cocaine case that you received
5 three years on. Right?
6 A Yes.
7 Q Another aggravated assault, another gun case which is your
8 second gun case as an adult?
9 A Yes.
10 Q Your third gun case total. Right?
11 A Yes.
12 Q And you also had a possession of a weapon by a convicted
13 felon case?
14 A Yes.
15 Q On the aggravated assault where you shot somebody, you got
16 four years in State Prison. Right?
17 A Yes.
18 Q And on the possession of the weapon by a convicted felon,
19 you did another five years. Right?
20 A Yes.
21 Q And then you picked up a receiving stolen property case
22 which was your seventh felony, and you got four years in 1999.
23 Right.
24 A Yes.
25 Q And then you also had another possession of a cocaine case

1 which ran concurrent, but it was your eighth felony, and you
2 got three years on that. Right?
3 A Yes.
4 Q And then you picked up your ninth felony and you had an
5 aggravated assault in which you got five years with 20 months,
6 which was your fourth gun case. Right?
7 A No, that aggravated assault was a fight.
8 Q The aggravated assault was a fight?
9 A Yes, in a nightclub.
10 Q In a nightclub.
11 But you also picked up an eluding police, which means
12 you fled from the police when they ordered you to stop. Right?
13 A Yes.
14 Q And you were in a motor vehicle. Right?
15 A Yes.
16 Q And it was a high speed chase?
17 A Yes.
18 Q And you got another three years for that, and that was your
19 tenth felony conviction. Right?
20 A Yes.
21 Q Now, you were on parole several times?
22 A Never.
23 Q You were never on parole?
24 A Never.
25 Q That means you maxed out on your sentence. Right?

1 A Every time I went to prison I maxed out on my sentence.
2 Q Because you couldn't follow the will rules and regulations
3 and orders in the prison. Right?
4 A Yes.
5 Q And because your record was so extensive. Right?
6 A Yes.
7 Q Now, you get -- you get home from doing all this time with
8 ten felonies, and you pick up another burglary and another
9 possession of a weapon case in 2006. Right?
10 A No, sir, no burglary.
11 Q Well, you picked up a possession of a weapon. Right?
12 A Yes.
13 Q It was your fifth weapon case. Right?
14 A Yes.
15 Q Your twelfth felony conviction. Right?
16 A Yes.
17 Q So now you're known as what they call a career criminal.
18 Right?
19 A Yes.
20 Q Persistent offender. Everything that happens to you now,
21 your sentence is doubled. Right?
22 A Well, I don't know about double, just --
23 Q Well, you know the system. Right? You know the laws
24 because you're learning them as you go along. You've been in
25 the system since you were you're a kid, since you were 12 years

1 old. Right?
2 A You asked me a question, Mr. Bergrin. I don't know about
3 double. What I know, it could carry up to life in prison.
4 Q Up to life in prison?
5 A Yes.
6 Q And before you go to the FBI in this case, you have a
7 serious gun case, right, a possession of a weapon by a
8 convicted felon, which would be your thirteenth felony
9 conviction, your fifth conviction with a gun. Right?
10 A Yes
11 Q And so you contact the FBI in January of 2005. Right?
12 A Yes.
13 Q And you're facing a lot of years in State Prison. Right?
14 A I don't know a lot, but I was facing some time in federal
15 prison, yes.
16 Q In State Prison. You had the state case before the feds
17 picked it up. Right?
18 A Oh. In State Prison I wouldn't have faced really no time.
19 Q You would face no time?
20 A Three, four years.
21 Q You were charged with possession of a weapon by a convicted
22 felon. Right?
23 A I was charged with that two times previous, but I know how
24 much time it carry, three, four years.
25 Q Isn't it a fact that you were facing by statute, it's a

1 second degree crime, you were facing five to ten years. Right?
2 By statute?
3 A Yes, by statute.
4 Q And because you're a career criminal, you're now facing
5 double that, which is ten to 20 years? I'm sure Mr. Feinberg
6 explained that to you. Right?
7 A No.
8 Q You were facing substantial time. And there is no way you
9 were going back to prison after spending half your life there.
10 Right?
11 A Well, Paul, I could have did -- I'm sorry -- Mr. Bergrin, I
12 could have did five or six years in prison, four years,
13 whatever I've copped a plea. I could have pled guilty to my
14 gun charge.
15 Q Now, you had the gun case over your head before you
16 contacted the FBI. Right?
17 A Yes.
18 Q And that would have been your thirteenth conviction.
19 Correct?
20 A Yes.
21 Q And that would have been your fifth conviction for a weapon
22 case. Right?
23 A Yes.
24 Q And you're a career criminal, as you know. Right?
25 A Yes.

1 Q Now, when you contact Agent Manson, you said -- and you
2 spoke to Agent Manson on the phone at first. Right?
3 A Yes.
4 Q And the biggest thing on your mind, the thing that you're
5 worried about the most is protection for Anthony Young. Right?
6 A Yes.
7 Q Because you're afraid of Jamal Baskerville your friend,
8 right? Jamal Baskerville.
9 A Well, once you tell me you going to kill me, we ain't
10 friends no more.
11 Q Well, you considered Jamal Basskerville your best friend.
12 Right?
13 A I considered him a brother.
14 Q You considered him your brother?
15 A Yes.
16 Q And you had known him for many years. Right?
17 A Yes.
18 Q And you spent a lot of time with him?
19 A Yes.
20 Q And as a matter of fact, you testified yesterday that Jamal
21 Baskerville doesn't have the guts to shoot and kill someone
22 unless his back is against the wall. That's the words that you
23 used. Right?
24 A Unless his back is against the wall and if he's with
25 Malsey.

1 Q Now, the problem that you have was with Jamal Baskerville.
2 You said that Jamal Baskerville made these threats to you.
3 Correct?
4 A Yeah, but I would have had a problem with both of them.
5 Q You testified that Jamal Baskerville made these threats to
6 you. Right?
7 A Yes.
8 Q You never had any conversations with Malsey, Jamal McNeil.
9 Right?
10 A No, but I told about a murder he did.
11 Q You never had any problems with him?
12 He knew that you knew about the murder. Right?
13 A Yes, but he didn't know I told no one.
14 Q You didn't tell authorities on him, you didn't tell the law
15 on him. Right?
16 A I tried to get him off the streets.
17 Q You didn't tell the law about him. Right?
18 A No.
19 Q You told your girlfriend during, as you said, pillow talk.
20 Right?
21 A Yes.
22 Q And he never threatened you. Isn't that a fact?
23 A No, I didn't see him.
24 Q You didn't see him?
25 A No.

1 Q And he never looked for you so that you could have seen
2 him. Correct?
3 A I don't know that.
4 Q To the best of your knowledge and memory, before you went
5 to the FBI, you didn't see Jamal McNeil following you or
6 looking for you. Correct?
7 A No, I didn't see him, no.
8 Q And he made no statements to you at all and no threats to
9 you. Right?
10 A No. After the conversation with Jamal Baskerville I talked
11 to no one.
12 Q Now, you're an individual that carries guns all the time.
13 Right?
14 A Yes.
15 Q You're an individual that's been in multiple shootouts.
16 Right?
17 A Yes, more than two.
18 Q More than two. You're an individual who has shot other
19 people. Right?
20 A Yes.
21 Q And you're dealing drugs on the street. Right?
22 A Yes.
23 Q And you protect your people that work for you with the use
24 of guns and force. Right?
25 A Yes.

1 Q And Jamal Baskerville you're not afraid of because you know
2 that he doesn't have the guts to shoot you. Right?
3 A I'm not afraid of him, I'm afraid of the two at the time.
4 Q And you're telling us that you were so afraid of them and
5 that's why you ran into the FBI, to take them off the street?
6 A Well, I ran to the FBI to get them off the streets, that
7 way I don't have to look over my shoulder.
8 Q But you have to look over your shoulder every day anyway.
9 Right?
10 A Yeah and no. Not all the time.
11 Q You have to look over your shoulder because you're carrying
12 a lot of money in drug territory. Right?
13 A Yes.
14 Q And you were afraid of drug rip-offs or somebody coming in
15 to Alexander Street and taking over your territory. Right?
16 A Yes. Be aware.
17 Q Be aware. So you have to look over your shoulder every
18 single day that you work, every single day that you wake up and
19 walk outside. Right?
20 A Yeah, but you don't think that nobody is looking for you.
21 Q And you have to look over your shoulder of even people that
22 work with you or for you getting rid of you so that they could
23 run your area. Correct?
24 A No, that's not true.
25 Q You carry a gun and -- you're a mean guy. Right? You're

1 vicious. You've been involved with the law since you're 12
2 years old. Right?
3 A If -- vicious is, you know, a word, but I would say I ain't
4 no punk.
5 Q Now, you call the FBI to get Jamal McNeil or Jamal
6 Baskerville off the street?
7 A Yes.
8 Q So you're trying to use the FBI to do your work. Right?
9 A Well, I was using myself to do my work.
10 Q Using yourself. But you're using the FBI to do your work.
11 You could have went out there and you could have shot
12 Jamal McNeil. Right?
13 A Yeah.
14 Q You could have went out there and you could have shot Jamal
15 Baskerville. Right?
16 A Yes
17 Q That's what you're used to doing, right, almost your whole
18 life?
19 A Yes.
20 Q And you know how to use a gun. Right?
21 A Yes.
22 Q You shot them many, many times?
23 A Yes.
24 Q As a matter of fact, according to you, you shot with your
25 right hand and you shot with your left hand. Right?

1 A Yes.
2 Q So it doesn't matter to you; you could shoot both ways,
3 both hands. Right?
4 A Yes.
5 Q And you're worried about and you're running to the FBI
6 because you're afraid of Jamal McNeil and Jamal Baskerville.
7 Right?
8 A Yes, I'm trying to delete my problems.
9 Q And you're trying to use the FBI to your benefit. Right?
10 A Yes, at the time.
11 Q Now, you're so worried that -- and you're so eager to talk
12 to the FBI that when you finally speak to the FBI, Shawn Manson
13 on the telephone, you make no mention whatsoever of Jamal
14 Baskerville and Jamal McNeil wanting to hurt you. Isn't that a
15 fact?
16 A Because like I said, Mr. Bergrin, I was trying to give her
17 quick information to say, this -- she's not going to want to
18 talk to me because I'm saying Jamal Baskerville is after me.
19 So I have to tell her about this murder to get her to talk to
20 me.
21 Q So you're using the FBI the way that you know based upon
22 your experience as a criminal. Right?
23 A Yes.
24 Q And you testified maybe a couple of hours ago that you did
25 tell the FBI, Shawn Manson, when you spoke to her on the phone,

1 about you needing protection. Isn't that what you told us?
2 But it's not contained in the report that I had you review.
3 Right?
4 A Well, I did tell her that. I didn't write the report,
5 Paul -- I mean, Mr. Bergrin.
6 THE WITNESS: Sorry, your Honor.
7 Q But you just testified a few seconds ago, not even --
8 probably not even a minute ago that you didn't tell her about
9 that because you had to just explain the murder because you
10 were worried about taking them off the street. Right?
11 A Like I said, Mr. Bergrin, I was trying to get everything
12 crunched in one and quick information to give to her to say I
13 need to bring in this guy and talk to him.
14 Q Well, how long were you on the phone with them?
15 A I don't remember exactly how long.
16 Q You could have walked out of the house -- not your
17 girlfriend's house -- you could have spoken to her for hours.
18 Right?
19 A I could have.
20 Q You could have called from another location. Right?
21 A Yes.
22 Q You could have called from another telephone. Right?
23 A Yes, but that was a house I was hiding at.
24 Q That was the house you were hiding at?
25 A Yes.

1 Q And isn't it a fact that you had been out there dealing
2 drugs right before that?
3 A Yes, every day.
4 Q Every single day?
5 A Yes.
6 Q So now you're hiding in a house. But right before that
7 you're dealing drugs in a very, very difficult neighborhood --
8 put it very, very slightly -- a violent neighborhood every
9 single day. Right?
10 A Yes, but the house I was at was far away.
11 Q And isn't it a fact that you came back to the Newark area?
12 A Yes.
13 Q And when you came back to the Newark area you came back to
14 collect money. Right?
15 A Yes.
16 Q Money that's owed to you on the streets. Right?
17 A Yes, from my block.
18 Q From your block. So you were out on the block collecting
19 money while you're so afraid of Jamal McNeil and Jamal
20 Baskerville?
21 A Yes, with a different set of friends that's not friends
22 with them.
23 Q So you're telling us that the different people -- the
24 people that you were dealing with on Alexander Street who you
25 collect money from -- and you testified yesterday extensively

1 that you're part of this major, major organization -- now they
2 don't know Jamal McNeil and Jamal Baskerville?
3 A They know who they are but they are my hustlers, they are
4 no part of them. I grew up on Avon Avenue with the
5 Baskervilles. The people on Alexander Street is 20 blocks, 25
6 blocks away. They don't interact with none of them.
7 Q So Jamal Baskerville and Jamal McNeil know where your area
8 is. Correct?
9 A Yes.
10 Q They know that your area is Alexander Street. Right?
11 A Yes.
12 Q And you're telling us that -- you're trying to make some
13 sort of excuse now saying that Jamal Baskerville and Jamal
14 McNeil didn't know who you hustled with. Right?
15 A Well, I hustled with them, they don't --
16 Q You hustled with them?
17 A You mean who hustled for me?
18 Q Who hustled for you.
19 You're telling us that they had no knowledge of who
20 Anthony Young hustled with?
21 A No, I'm not saying that.
22 Q Isn't that what you said; you went there and you dealt with
23 people that don't hustle with Jamal McNeil and Jamal
24 Baskerville?
25 A I said people that don't interact with them.

1 Q But they know them. Correct?
2 A Yes.
3 Q Now, isn't it a fact that when you called Agent Manson and
4 spoke to her for the first time, your words out of your mouth
5 was -- excuse me -- when you spoke to the first agent -- strike
6 that.
7 When you spoke to the first agent that you spoke to,
8 your question to him was, and you inquired: I want to deal
9 information for a gun case. Right?
10 A I'm pretty sure I said that.
11 Q So your concern was not going back to prison after all
12 these years that you've spent there. Right?
13 A That wasn't my concern.
14 Q Then why did you tell them, I'm interested in dealing
15 information for a gun case?
16 A Well, if I'm going to make a deal I'm going to make a deal
17 for everything, Paul, at that time.
18 Q Okay. So now --
19 A Mr. Bergrin.
20 THE WITNESS: I'm sorry, your Honor.
21 Q Now, you make a deal for everything. Right?
22 A Yes, I make a deal for everything at that time.
23 Q You keep calling me "Paul."
24 I represented you -- out of the 11 felonies and the
25 nine times you've been to court, isn't it a fact I never

1 represented you on an indictable offense?
2 A No, you didn't represent me on my indictment.
3 Q And isn't it a fact that you on any of your indictments, I
4 represented you one time on a violation of probation hearing.
5 Right?
6 A A violation of probation?
7 Q Well, a violation case. Correct?
8 A You mean Rakeem?
9 Q No, I mean I represented you one time.
10 A Yes.
11 Q Out of all your 11 felony convictions, I represented you
12 one time. Correct?
13 A You sent somebody into court with me.
14 Q I sent somebody to court. I did not represent you, I sent
15 an associate. Right?
16 A I called you and you sent somebody else.
17 Q So I didn't even show up to court with you. Right?
18 A Yeah, you said you couldn't make it that day.
19 Q Now, before you contact the FBI, Hakeem Curry's arrested
20 and in jail. Right?
21 A Yes, he's in jail.
22 Q And I know you read the newspaper article on him. Right?
23 A Yes, but I hear what was going on with him every day.
24 Q And you heard what's going on and you read the newspaper
25 article. Right?

1 A Yes, sir, both.
2 Q Would you admit that when you tell a people or people tell
3 a lie, that they mix up, they create inconsistencies?
4 A Well, when you tell a lie you always get caught.
5 Q You get caught in a lot. Right?
6 A Yes
7 Q Now, for 14 months you lied to the FBI and the Government.
8 Correct?
9 A Yes.
10 Q And despite your lies, it didn't matter, they kept calling
11 you back. Right?
12 A Yes.
13 Q And you kept calling them and saying, I want to speak to
14 you, I want to speak to you, I got more information for you.
15 Right?
16 A No, that's not true.
17 Q And you kept lying to them. Right?
18 A I just told them the same lie from day one.
19 Q And then sometimes you would add information. Right?
20 A No.
21 Q Now, didn't you tell them, when you mixed -- you mixed up
22 your versions. Right? You said that you just substituted
23 yourself for Jamal McNeil. Right?
24 A Well, I ain't mix my versions up, I knew what I was doing,
25 so it was a lie.

1 Q You were lying.
2 As a matter of fact, are you telling us that you
3 didn't mix up your versions a couple of times over the 14
4 months and the eight to ten meetings you had?
5 A No, I don't think I mixed up the versions. I changed me
6 and Malsey in positions.
7 Q And that's the only thing you did. Right?
8 A That I can remember, yes.
9 (Counsel confer off the record.)
10 MR. BERGRIN: May I approach this witness, your Honor?
11 THE COURT: Go ahead.
12 MR. BERGRIN: I'm looking at page 4605, sir. It's
13 A1466, sir.
14 THE COURT: 4605 of the transcript, is that it?
15 MR. BERGRIN: Yes, sir.
16 Yes, thank you.
17 Q This is a transcript of your sworn testimony that you gave
18 after taking the same oath that you've taken to testify before
19 this jury, sir.
20 Sir, when you gave that testimony you put your hand on
21 the Bible, correct, you stood before a jury, you put your left
22 hand on the Bible and you raised your right hand. Right?
23 A Yes.
24 Q And you swore to tell the same truth that you said you told
25 today. Right?

1 A Yes.
2 Q I just asked you a simple question: When you tell
3 inconsistencies and lies, you mix up your versions.
4 And you said, no, you don't mix up your version.
5 Is that what you just said a couple of seconds ago?
6 A You asked me, did I mix up the versions when I had the
7 meeting with them, and I said no.
8 Q You mix up -- when you lie and you tell inconsistencies, do
9 you mix up versions?
10 A And I say yes, that's how you get caught.
11 Q And you said "yes"?
12 A Yes.
13 Q And that's what you told this jury a couple of minutes ago?
14 A Yeah, I say yes. That's how you get caught.
15 But you asked me, did I mix up when I sat down and
16 talked to them, and I said no.
17 Q Now, you told a lie for 14, 15 months. Right?
18 A Yes.
19 Q And you mixed up the versions, right, when you were lying
20 to them?
21 A See, you ask me again, did I mix up the versions sitting
22 down lying -- talking to them with my lawyer.
23 No, I did not mix up -- I mix -- I switched spots with
24 me and Malsey, that was it.
25 Q Did you ever mix up the versions a couple of times by

1 telling lies and inconsistencies?
2 A Talking to them?
3 Q Talking to them. Talking to anybody.
4 A I may have.
5 Q Isn't it a fact that that's the exact question that you
6 were asked on page 4605:
7 "Well, you told a lie for over a year?"
8 Your answer was, "Yes."
9 And then they asked you: "Did you mix up the
10 versions?"
11 And you said, "A couple of times, yes."
12 "And did they say to you, 'you're lying''?
13 And you said "No."
14 A Yes.
15 Q Isn't that how you responded?
16 A Yes, I responded --
17 Q So that even though you were lying to them, even though
18 that you were mixing up your versions, even though that you
19 knew that they were lying to them, they never accused you of
20 being a liar. Right?
21 A Yes. I was trying not to implicate myself.
22 Q They never accused you of being a liar. Right?
23 A Not at that time. But soon they did.
24 Q They never told you: Tell us the truth right now or we're
25 not taking you ever back again. You're not coming back into

1 this office unless you tell us the truth. Right?
2 A They did that two times.
3 Q But you kept lying and they kept telling you to come back.
4 Right?
5 A No, not at that time. When they told me twice it wasn't
6 the truth, they kicked me out the office.
7 Q Well, you're a good liar. Correct?
8 A Well, obviously not, I got caught twice.
9 Q Are you a good liar?
10 A No.
11 MR. BERGRIN: Could I have page 4605, please?
12 May I approach with that same page, your Honor?
13 THE COURT: Yes.
14 Q Were you asked the question under oath, the same oath that
15 you took that you swore to tell the truth:
16 "You're a good liar, aren't you?"
17 And didn't you respond on line 13: "I think so, yes"?
18 A I didn't read that. I never read that.
19 MR. BERGRIN: May I approach the witness, your Honor?
20 THE COURT: Go ahead.
21 MR. BERGRIN: Thank you.
22 Q I ask you to look at page 4605. This is your testimony.
23 Right, Mr. Young?
24 A Yes, sir.
25 Q The same oath that you took today. Right?

1 A Yes, sir.
2 Q And you just said, and you answered the question that --
3 wait, wait. You answered the question: "No, I'm not a good
4 liar." Right?
5 A I'm not -- I didn't read it.
6 Q Isn't that what you just said to this jury?
7 A Yeah.
8 THE COURT: Wait a second, Mr. Bergrin. Step back.
9 Go ahead. Ask now.
10 Q Didn't you tell the jury a few minutes ago that you're not
11 a good liar?
12 A Yes, I did.
13 Q Because you got caught twice?
14 A Yes.
15 Q Weren't you asked that specific question: "You're a good
16 liar"?
17 A Yes, I was.
18 Q And didn't you say, yes, you're a good liar?
19 A I said "I think so, yes."
20 Q What did you say?
21 A I said, "I think so, yes."
22 Q And then you said that you could deceive people into
23 believing you are telling the truth even when you are lying.
24 Didn't those words come out of your mouth before another jury
25 while you were under oath and sworn to tell the truth?

1 MR. MINISH: Judge, can we have a specific line?
2 MR. BERGRIN: Page 4605, specifically, line 12 and 13.
3 MR. MINISH: Judge, I ask that he quote -- if he's
4 goes to quote --
5 THE COURT: Sustained.
6 Mr. Bergrin, you asked him about those two lines
7 already. Okay? And this last question doesn't accurately
8 characterize the next few lines. If you want to read those
9 lines and those answers, go ahead.
10 MR. BERGRIN: Could I have that, please?
11 THE COURT: But read them exactly the way they are.
12 Q You were asked a question:
13 "You're a good liar, sir, aren't you?"
14 And you responded -- that's question line 12 -- "I
15 think so, yes."
16 Then you were asked a question: "But you're a good
17 liar when you want to be. Right?"
18 And on line 17 your answer was: "When I need to be."
19 And then the last question was: "When you need to
20 be."
21 Isn't that right?
22 A Yes.
23 Q Isn't that how you responded?
24 A Yes.
25 Q So you know how to lie. Right?

1 A Well, everybody know how to lie, but like I said, you get
2 caught.
3 Q And you know how to deceive people. Right?
4 A Yes.
5 Q And you know the system, the criminal justice system very
6 well. Isn't that a fact?
7 A Well, I wouldn't say very well, but partially, yes.
8 Q And as a matter of fact, you even know how to get cell
9 phones into jails. Right?
10 A Everybody know that, Mr. Bergrin.
11 Q And as a matter of fact, you lost your phone privileges at
12 the Hudson County Jail for having a cell phone? Right?
13 A Yes.
14 Q And as a matter of fact, your privileges are now suspended
15 for three years for using somebody else's phone privileges.
16 Right?
17 A Yes.
18 Q And when you use somebody else's phone privileges, it
19 doesn't get recorded under the name of Anthony Young. Right?
20 A No.
21 Q So you could speak on another line on somebody else's, what
22 they call, pin number. Correct?
23 A Yes.
24 Q Without it ever coming back to Anthony Young. Right?
25 A Well, it come back to me because it's my voice on the

1 phone.
2 Q But nobody checks the voice, they check the pin number.
3 Correct?
4 A No, they check the voice, that's how I got caught.
5 Q How long did you use it before you got caught?
6 A Maybe two months.
7 Q Two months you used it before you got caught?
8 A Yes.
9 Q So for two months you're using somebody else's
10 identification, speaking on somebody else's line. Right?
11 A Yes.
12 Q Now, you talked previously and you testified relatively and
13 extensively to the fact that Jamal McNeil and Jamal Baskerville
14 got into a shootout with Nut. Right?
15 A Yes. Well, not a shootout, but shot at him.
16 Q Shot at him?
17 A Yes.
18 Q And where did that occur?
19 A On Springfield Avenue.
20 Q In what city?
21 A Newark and Irvington.
22 Q Who is Nut?
23 A Nut is a guy from around our area that --
24 Q What's his real name?
25 A I don't know Nut real name, he's just from our area.

1 Q And you're saying that an innocent girl was killed?
2 A Yeah, they miss him and shot her.
3 Q And I'm sure, I'm positive that based upon that, that Jamal
4 Baskerville was arrested, right, and charged with that?
5 A No, ain't nobody know who did it.
6 Q I'm sure that Jamal McNeil was charged and arrested for
7 that. Right?
8 A No, no law enforcement know he did it at the time.
9 Q Well, this is the year 2011. Would you agree with me?
10 A Yes.
11 Q You began cooperating in 2005. Right?
12 A Yes.
13 Q I'm sure you told the FBI about that, the shootout, an
14 innocent girl getting shot and killed, and that it was Jamal
15 McNeil and Jamal Baskerville. Right?
16 A Yes, I told them.
17 Q From your knowledge, sir, isn't it a fact that from the
18 time you told them -- and when did you tell them? Did you tell
19 them at the first meeting, the second meeting, the third
20 meeting?
21 A I think I told them at the first meeting.
22 Q So from January of 2005 until today --
23 A Yes.
24 Q -- October 2011, isn't it a fact that Jamal Baskerville or
25 Jamal McNeil have not been arrested and charged with that

1 event?
2 A No, they haven't.
3 Q I guess the police really must have believed you, right,
4 Mr. Young?
5 THE COURT: Mr. Bergrin, no comments like that,
6 please.
7 MR. BERGRIN: Yes, sir.
8 Q Let's go right to November the 25th of 2003. Okay, Mr.
9 Young?
10 A November 2003?
11 Q Yes, sir.
12 A Okay.
13 Q What happened on that date, November 25th of 2003?
14 A November what?
15 Q November 25th of 2003.
16 A Well, like I said, I don't know if it's that exact days,
17 but right -- I know Thanksgiving was Thursday.
18 Q And this was on a Tuesday. Correct?
19 A Monday, Tuesday.
20 Q Monday.
21 A It could have been Monday, Tuesday.
22 Q Okay.
23 A Will Baskerville was arrested.
24 Q And you said that you received a call?
25 A Yes.

1 Q Who called you?
2 A Rakeem called me.
3 Q And that was about 10 o'clock in the morning?
4 A I don't -- I wouldn't -- I don't know if it was ten in the
5 morning or earlier, but early in the morning.
6 Q Early in the morning.
7 And as the result of the that call, what did you do?
8 A I proceeded to go on 17th Street and Avon and see what
9 happened.
10 Q And when you got there, tell us again who you saw.
11 A When I got there, me, Rakeem Baskerville, Jamal
12 Baskerville, Jamal McNeil, and -- that was it at the time when
13 I first got there.
14 Q Did Hamid Baskerville come?
15 A I just said Hamid.
16 Q Okay. I'm sorry.
17 Now, Jamal Baskerville, Rakeem Baskerville and Hamid
18 Baskerville are Will Baskerville's brothers. Right?
19 A Yes.
20 Q They're his flesh and blood. Right?
21 A Yes.
22 Q And who told you about Will Baskerville's arrest?
23 A Rakeem.
24 Q And what did he tell you?
25 A He just say he trying to find out what's going on, but Will

1 just got popped by the feds.
2 Q And did there come a time when Hakeem Curry showed up?
3 A Yeah, Hakeem Curry showed up later.
4 Q Later?
5 A Yes, meaning a couple -- about an hour or so.
6 Q About an hour or so?
7 A It could have been less.
8 Q So you, Rakeem Baskerville, Jamal Baskerville, and Hamid
9 Baskerville are all sitting around, standing around on 17th
10 Street and Avon Avenue at the Baskerville residence talking
11 about what happened to Will. Right?
12 A Yeah, waiting for Will wife to come.
13 Q Now, yesterday when you testified you never mentioned Will
14 Basskerville's wife. Isn't that a fact?
15 A Did anybody ask me? Then, no.
16 Q Yesterday when you testified, you never mentioned Will
17 Baskerville's wife. Isn't that a fact?
18 A Yes.
19 Q You never mentioned anything -- what's Will Baskerville's
20 wife's name?
21 A Dedre.
22 Q You never mentioned anything about Dedre Baskerville
23 coming. Right?
24 A Not yesterday, no.
25 Q And you were asked by Mr. Minish: What happened, who was

1 present, and what was discussed. Right?
2 A Yes.
3 Q Why did you leave out Dedre Baskerville?
4 A Probably wasn't thinking about her yesterday.
5 Q Wasn't thinking about it?
6 A No.
7 Q So you weren't concentrating on what questions were asked
8 of you?
9 A Sure I was.
10 Did anybody ask me about the conversation we had with
11 her? No.
12 Q Well, you were asked about conversations that you had and
13 what you learned on November 25th of 2003 specifically. Right?
14 A Yes.
15 Q And you were asked about who informed you of the
16 information. You said yesterday, Rakeem Baskerville and later
17 on, Hakeem Curry. Correct?
18 A Yes.
19 Q And again, without being redundant, you never mentioned
20 anything about Dedre Baskerville. Right?
21 A No, not yesterday.
22 Q Did Dedre Baskerville show up on that date of November
23 25th?
24 A Yes, she did.
25 Q And do you know how long you were there with the

1 Baskerville brothers before Dedre came?
2 A Not long.
3 Q Now, was Hakeem Curry there when Dedre showed up?
4 A No.
5 Q And do you remember being asked this question at a prior
6 hearing in 2007?
7 A You mean when I testified?
8 Q Yes, when you testified, sir.
9 A Yes, I think -- I think I was asked that. I'm not sure.
10 Q And isn't it a fact that you said Hakeem Curry was there --
11 MR. MINISH: Judge, if we could have a line he's
12 referring to and a page.
13 MR. BERGRIN: Page --
14 THE COURT: Are you referring to a transcript?
15 MR. BERGRIN: Yes, sir.
16 THE COURT: All right.
17 MR. BERGRIN: 4343, please, sir.
18 Page 4343, sir.
19 THE COURT: 4343? I don't have 4343.
20 MR. BERGRIN: It's A1238, your Honor. 4343.
21 THE COURT: Is this -- just what is it a transcript
22 of?
23 MR. BERGRIN: It's a transcript of Mr. Young's
24 testimony in the Baskerville trial, sir.
25 MR. LUSTBERG: April 13th --

1 THE COURT: No, I don't have an April 13th transcript.
2 Oh, I'm sorry. I'm sorry.
3 MR. BERGRIN: Yes, sir.
4 THE COURT: My mistake. Go ahead. 43?
5 MR. BERGRIN: Yes, sir.
6 THE COURT: 14?
7 MR. BERGRIN: Yes.
8 THE COURT: All right.
9 BY MR. BERGRIN:
10 Q Were you asked a question at trial:
11 "Now, did you, in fact, go to Jamal Baskerville's
12 home?"
13 MR. BERGRIN: May I approach the witness, your Honor?
14 THE COURT: Yes.
15 Q I ask you to look at page 4343 and read the first ten
16 lines, please.
17 (There is a pause for the Witness.)
18 Q Now, you were asked while under oath in 2007 who was there.
19 Correct?
20 A Yes.
21 Q And you were asked what time you there. Correct?
22 A Yes.
23 Q And you told this jury that you don't remember what time
24 you got there. Right?
25 A Well, right now I don't remember, but like I said, it was

1 morning time.
2 Q But you told the jury back in 2007 you got there about 9:30
3 in the morning. Correct?
4 A Yes.
5 Q And you said when you got there Hakeem Curry was there.
6 Correct?
7 A No.
8 Q I ask you to look at line 9. Excuse me.
9 Were you asked the question --
10 THE COURT: Start at line 5.
11 MR. BERGRIN: Line 5, yes, sir.
12 Q "Who was there when you got there?"
13 And did you respond: "Jamal Baskerville, Jamal
14 McNeil, Rakeem Baskerville, his wife, Will's wife" -- was
15 already there -- "Will Baskerville's wife.
16 "Okay.
17 "And Hakeem Curry."
18 And you said, "And Hakeem Curry."
19 Isn't that what you said back then?
20 A Well, I made a mistake in answering that question, Mr.
21 Bergrin. They was all there but they wasn't there before I got
22 there.
23 Q But didn't you respond that Hakeem Curry was there back in
24 2007?
25 A Yes, that's what I said. But right here it say: "Who was

there when you got there?"

I misanswered the question. I thought they said "Would was there?"

Q Your memory was better four years ago. Right?

A Yes, it was.

I ain't saying I didn't remember that day, I'm just saying I misanswered the question. It was a mistake.

Q So you're saying you misanswered the question back in 2007?

A Yes.

Q But you're saying that now in 2011 your memory is better and you remember that Hakeem Curry wasn't there?

A No. I'm saying my memory is the same of that day, but I heard the question wrong, I made a mistake.

Q But the words, the name "Hakeem Curry" came out of your mouth. You said they didn't -- nobody asked you in a question form: Was Hakeem Curry there? You said "and Hakeem Curry was there." Correct?

A Yes, they was all there that day.

Q And you said that he was there when you got there. Right?

A That's what I say, but like I said, I made a mistake, Mr. Bergrin.

Q Now, you also said and told the jury back four years ago that Hakeem Curry and Dedre Baskerville was there. Correct?

A Dedre was there that morning, but when I got there, no, she wasn't there.

1 Q So that was also a mistake that you told the prior jury.
2 Right?
3 A Yes. I just named all the people that was there in front
4 of the house that morning.
5 Q But that's not what the question that you were specifically
6 asked. It was asked: "Who was there when you arrived?"
7 Correct?
8 A Yes, I see that on the paper, Mr. Bergrin.
9 Q And you understood what the question was. Right?
10 A I must not have understood the question because --
11 Q What didn't you understand the about the question?
12 A I thought somebody asked me: "Who was there that morning."
13 That's it. Not "when I got there."
14 Q And that was the same question, the same question that Mr.
15 Minish in this year -- that was back in 2007. Right?
16 A I don't know if he asked me that. I can't remember if he
17 said "who was there when I got there."
18 Q But you know what the question reads. Right?
19 A Yes.
20 Q I just want to go back one second.
21 You said that you're no punk. Right?
22 A No.
23 Q What does that mean?
24 A Well, "no punk," meaning you ain't going to just let
25 somebody do something to you. You ain't a punk.

1 Q You protect yourself. Right?
2 A Yes, you got to.
3 Q And you use force and violence to protect yourself. Right?
4 A Well, I do, but you don't always have to use force to not
5 be a punk.
6 Q The closest people in Will Baskerville's life that were
7 present at that meeting and already at Jamal Baskerville's
8 house was Rakeem Baskerville. Right?
9 A Say that again.
10 Q The closest people to Will Baskerville in his life at the
11 time that he got arrested on November the 25th of 2003 was
12 Rakeem Baskerville. Right?
13 A No, I wouldn't say that.
14 Q So you're saying that he wasn't closer to his own flesh and
15 blood?
16 A Yeah, but you said "the only person." He's close to
17 everybody on that paper right there.
18 Q The person that he was closest to in his life on November
19 the 25th of 2003 was Rakeem Baskerville. Right?
20 A I wouldn't say that. You trying to put words in my mouth.
21 I will say he's close to all. He got five brothers.
22 Q And he's close to his five brothers. Right?
23 A Every last one of them.
24 Q And he's close to Hakeem Curry like a brother. Right?
25 A That's his cousin, his first cousin.

1 Q And they grew up together, right, in the same house?
2 A Yes.
3 Q Raised by the same grandmother. Right?
4 A Yes.
5 Q So he was close to the Baskerville brothers, Will, his own
6 brothers, his own flesh and blood. Right?
7 A You're saying -- Curry is not their brother, that's they
8 cousin.
9 Q Will Baskerville was close to his brothers. Right?
10 A Yes, sir.
11 Q And he was very close to Hakeem Curry. Right?
12 A Yes, which is his cousin.
13 Q Now, when Dedre Baskerville arrived -- according to your
14 testimony now but not back in 2007 -- what happened?
15 A When Dedre got there she came over where we was at on the
16 porch, which we was already waiting for her, and Rakeem got in
17 the van, which -- our burgundy van which you saw yesterday, she
18 got in the front and I got in the captain chair.
19 Q So you were invited into the van to speak to Dedre when all
20 the Baskerville brothers were there. Correct?
21 A Yes. But --
22 Q And Hakeem Curry was there, according to your testimony in
23 a prior case. Right?
24 A Hakeem wasn't there yet.
25 Q So out of all the brothers they invite you to have a

1 private conversation with Dedre away from the Baskerville
2 brothers. Right?
3 A I wasn't invited, I just jump in the van.
4 Q Oh, you weren't invited. Nobody said, "Hey, what are you
5 doing in here? I want to speak to my sister-in-law by
6 ourselves"?
7 A No, me and Rakeem is like brothers.
8 Q And the other brothers didn't say, "Why is he going in
9 there and not us?"
10 A No.
11 Q So you just took it upon yourself to jump into the van?
12 A Yes.
13 Q And what did Dedre say?
14 A She was just talking about what happened at the house that
15 morning.
16 Q And she was explaining what happened. Right?
17 A Yes.
18 Q So then when you testified yesterday, why did you say that
19 Rakeem and then Hakeem Curry explained what happened?
20 A Then -- I didn't say Rakeem and Curry explained what
21 happened. I said when I got to 17th Street, Rakeem just told
22 me, Will got popped by the feds.
23 Q You said yesterday during your testimony by Mr. Minish,
24 direct examination, that Rakeem explained --
25 MR. MINISH: Judge, again, if we could have a line.

1 THE COURT: Please let him finish the question, and
2 then if you have an objection I'll hear you.
3 Q Isn't it a fact that you --
4 MR. BERGRIN: I'm sorry, Judge, I didn't mean to --
5 THE COURT: Go ahead.
6 Q Isn't it a fact that you testified yesterday that you were
7 told what happened with Will by Rakeem Baskerville and Hakeem
8 Curry, mentioning nothing about Dedre Baskerville whatsoever?
9 A No, sir, I didn't say that, Paul. I mean Mr. Bergrin.
10 Excuse me.
11 Q Now, you said that the group -- you testified yesterday
12 that the group figured out that Ray-Ray might have been the
13 informant. Right?
14 A No.
15 THE COURT: Mr. Bergrin, I'm going to take a break.
16 We'll take a break now for about 15 minutes, ladies and
17 gentlemen. Okay?
18 And then I'll be able to give you an indication
19 whether we're going to go to 2:00 or we'll see how we're going.
20 Okay?
21 Please don't discuss anything about the case, and
22 don't formulate any opinions. It would be premature to do
23 that.
24 Thank you very much.
25 THE CLERK: Please rise for the Jury.

1 (The Jury leaves the courtroom.)
2 (The Witness is temporarily excused and escorted out
3 of the courtroom by the Marshals.)
4 (A recess is taken.)
5 (Proceedings resume - Jury not present.)
6 (The Witness, Anthony Young, is escorted into the
7 courtroom by the Marshals.)
8 THE DEPUTY CLERK: Please remain seated.
9 THE COURT: All right. Let's bring out the jury.
10 We're all set.
11 THE DEPUTY CLERK: Please rise for the Jury.
12 (Jury present.)
13 THE COURT: All right, everyone. You can be seated,
14 please.
15 THE COURT: Go ahead, Mr. Bergrin.
16 MR. BERGRIN: Thank you, your Honor.
17 CROSS-EXAMINATION
18 BY MR. BERGRIN:
19 Q Now, when you mix up versions and you're inconsistent,
20 that's what happens when people lie. Correct?
21 A Not all the time, Mr. Bergrin. I'm trying to remember
22 stuff.
23 Q You're trying to remember. And you admit that your memory
24 was better in 2007 than it is today. Right?
25 A Yeah, a little bit better.

1 Q A little bit better or a lot better?
2 A A little bit.
3 Q Now, when you testified in 2007, you were sure as to who
4 was at that meeting. Right? You never said, I think, I
5 believe, or this person might have been there. Right?
6 A I'm pretty sure who was there. Like I said, I must have
7 missed -- got the question mixed up and I thought they asked me
8 who was there.
9 Q The question was an easy question. Correct?
10 A Sure.
11 Q And the question was: Who was at Jamal Baskerville's house
12 when you arrived on November 25th of 2003 at about 9:30 in the
13 morning.
14 Correct?
15 A Yes.
16 Q The question could not be put any easier. Right?
17 A Well, all I can tell you, Mr. Bergrin, all of them wasn't
18 there when I got there.
19 Q And when you testified in 2007, you said that these people
20 were there and you had no doubt in your mind: Hakeem Curry,
21 Rakeem Baskerville, Jamal Baskerville --.
22 MR. MINISH: Judge, I object. Again, if he's going to
23 refer to the transcript he's got to do it word-for-word.
24 THE COURT: Yeah, refer to the transcript, Mr.
25 Bergrin.

1 (Mr. Bergrin and Mr. Lustberg confer off the record.)
2 MR. BERGRIN: I believe it might be up there, Judge.
3 I have it.
4 Q The question was: "Who was there when you got there?"
5 You understood the question. Right?
6 A At the time I may -- I'm telling you again --
7 Q Mr. Young, you understood those words. Correct?
8 A Couldn't have understood them, no.
9 Q What word out of "who was there when you got there" didn't
10 you understand?
11 A I don't know back then what happened with the question. I
12 told them of everybody that was there that day.
13 Q What question -- my question to you is --
14 THE COURT: Mr. Bergrin, you asked him that already.
15 Go ahead.
16 Q And you said specific people that were there. That's a
17 simple question. Correct?
18 A It was a mistake, Mr. Bergrin.
19 Q Is it a simple question?
20 A Yes, it is.
21 Q And people make mistakes when they're not telling the
22 truth. Right?
23 A That's not true.
24 Q Now, you had no problem recalling that day when you
25 testified yesterday for the prosecution. Right?

1 A Not at all. Like I said, I'm answering the question,
2 that's it.
3 Q You had no problem remembering that day and understanding
4 their questions when you testified for the prosecution
5 yesterday. Right?
6 A Well, I didn't have a problem. But like you said, I didn't
7 mention Dedre yesterday.
8 Q Because you were prepared and they prepared you for what
9 they were going to ask you and what answer that they want to
10 receive. Right?
11 A No, sir.
12 Q Now, you never mentioned Dedre Baskerville when the
13 Prosecutor questioned you yesterday. Correct?
14 A He didn't ask me about her.
15 Q He asked you: "What happened when you went to Jamal
16 Baskerville's house?"
17 MR. MINISH: Judge, again, if he's going to quote from
18 a transcript, he has daily transcript, he can't just --
19 MR. BERGRIN: Nobody is quoting from a transcript,
20 your Honor. I'm asking him a question.
21 THE COURT: Overruled.
22 MR. BERGRIN: Thank you.
23 THE COURT: It's the jury's recollection. It's just
24 yesterday, so it's the jury's recollection if that was about
25 what was asked by you, Mr. Minish, and I think it was. If not

1 those exact words, I believe he was asked would was there when
2 he got there, or something along that line.
3 MR. MINISH: That's fine. If he's referring in the
4 general sense then --
5 THE COURT: You don't have to characterize what he's
6 referring to. He's asked a question.
7 BY MR. BERGRIN:
8 Q Mr. Young, you had no difficulty understanding the words of
9 the Prosecutor yesterday. Correct?
10 A Not at all.
11 Q You had no difficulty understanding his questions.
12 Correct?
13 A He asked me who was there when I got there. Dedre wasn't
14 there.
15 Q And he asked you -- as a matter of fact, he asked you:
16 What happened when you got to Jamal Baskerville's house on
17 November the 25th, of 2003 after you received the call from
18 Rakeem Baskerville.
19 And you told him. Correct?
20 A And I answered the question truthfully.
21 Q And you made no mention whatsoever of Dedre Baskerville
22 showing up. Right?
23 A I don't know if I made mention of her showing up. But you
24 just said he asked me who was there when I got there.
25 She wasn't there when I got there.

1 Q And he asked you: What happened when you got there. Isn't
2 that a fact?
3 A Yes.
4 Q And one of the things that you say now that you said also
5 back in 2007 is that when you got there, Dedre Baskerville
6 arrived after you got there. Right?
7 A Yes, and I said that today.
8 Q But when the prosecution questioned you for hours yesterday
9 about what happened on November the 25th of 2003, you never at
10 all mentioned Dedre Baskerville and you never mentioned getting
11 into a van, just you and Rakeem Baskerville alone. Correct?
12 A Because I think he asked me a specific question.
13 Q Didn't he ask you -- the specific question was: "Explain
14 to us what happened at Jamal Baskerville's house."
15 That was exactly almost word to word what he said.
16 Right?
17 A Yes, sir.
18 Q Now, the reason that you didn't say what happened with
19 Dedre Baskerville is because Dedre Baskerville never came to
20 Jamal Baskerville's house on November 25th of 2003?
21 A That's not true.
22 Q Now, this was about 9:30 in the morning. Right?
23 A In the early morning, 9:30, 10:00, somewhere around that
24 area.
25 Q And how long were you there at Jamal Baskerville's house?

1 A I was -- we was on 17th Street all day trying to find out
2 what happened.
3 Q You were there all day?
4 A Yes, sir.
5 Q And how long was it before Dedre Baskerville came from the
6 time that you arrived?
7 A Around maybe about -- I can't specifically say exactly how
8 long, 45 minutes, an hour or so.
9 Q Forty-five minutes to an hour?
10 A It could have been longer.
11 Q And Dedre Baskerville came, she showed up. How did she
12 show up?
13 A Somebody brung her up there but I don't know who it was.
14 Q You don't remember who it was?
15 A No.
16 Q You have no memory of that now?
17 A Her girlfriends is from a whole 'nother city, so it could
18 have been one of her girlfriends. I don't know who it was.
19 Q What did she look like?
20 A I don't know.
21 Q Well, you've thought about this case so much, right, during
22 the last seven years?
23 A Yes, sir.
24 Q Now, Dedre Baskerville shows up, all the Baskerville
25 brothers are outside. Correct?

1 A Yes.
2 Q According to your testimony back in 2007, even Hakeem Curry
3 is there. Right?
4 A Hakeem Curry came after Dedre left.
5 Q And when Dedre left, how long after that did Hakeem Curry
6 come?
7 A Briefly. About an hour maybe.
8 Q About an hour later?
9 A And that's a guess.
10 Q When Dedre Baskerville is there you said you got into the
11 van. Right?
12 A Yes.
13 Q Who was asking Dedre questions?
14 A Rakeem.
15 Q And you're there to listen. Right?
16 A Yes. I'm worried about whether I'm under investigation or
17 not by the FBI.
18 Q And so is Rakeem. Right?
19 A Yes.
20 Q He knows his brother has been arrested. Right?
21 A Yes.
22 Q As a matter of fact, when Hakeem Curry comes, he's also
23 worried about being under investigation. Right?
24 A Exactly.
25 Q He's worried because he's the leader supposedly of this

1 organization. Right?
2 A Exactly.
3 Q Now, why did you tell us yesterday that Hakeem Curry's not
4 worried because he's only a connect?
5 A No, I didn't say that. I said he's -- I didn't say nothing
6 about he's not worried when he got there.
7 Q Now, where is Ray-Ray?
8 A Ray-Ray is there by the time Hak got there. He came when
9 Hak was there.
10 Q Well, you thought, as well as everybody else in the group
11 that was there, the Baskerville brothers, that Ray-Ray may be
12 the informant because he wasn't arrested. Right?
13 A Exactly. That's how we know he wasn't arrested, because he
14 was there.
15 Q And when Ray-Ray was there, you still -- you're still
16 believing that he might be the informant, right, because he's
17 not arrested. Right?
18 A Exactly. We got suspicions that this guy set Will up. We
19 don't know yet.
20 Q And you allow Ray-Ray to be there while you guys were all
21 discussing what's going on and what's happening?
22 A Well, we're not discussing nothing. We trying to find out
23 what's going on.
24 Q You're trying to find out what's going on. You're speaking
25 to each other. Correct?

1 A Yes.
2 Q And Ray-Ray's there, as you just testified a few minutes
3 ago. Right?
4 A Yes.
5 Q So you're allowing an informant to know that you're
6 worried, you're scared, and a guilty state of mind because
7 you're worried and you're scared. Is that what you're telling
8 us?
9 A It wouldn't change the situation, Mr. Bergrin.
10 Q You wouldn't know whether Ray-Ray is wired, right, and has
11 some sort of interception device on him. Right?
12 A Yeah, but it still wouldn't change the situation.
13 Q He may be an informant. Right?
14 A Maybe, that's what we thought.
15 Q He might have got Will Baskerville arrested. Right?
16 A It was a possibility, that's what we thought.
17 Q And of course you're standing out there and you're all
18 discussing what happened to Will Baskerville in front of the
19 informant who may be wired. That's what you're telling us.
20 Right?
21 A Well, like I said, it wouldn't have changed the situation.
22 Q Is that what you're telling us, Mr. Young?
23 A Yes, sir.
24 Q Now, there came a point in time when Hakeem Curry came.
25 A Yes.

1 Q And he was in -- what kind of car was he driving?
2 A A Range Rover.
3 Q And when Hakeem Curry arrived, you said that he called me,
4 Paul Bergrin. Right?
5 A I said he called someone. I didn't know if he call you.
6 He said, let me see, I got to get Paul on it.
7 Them was his words, and he called somebody.
8 Q The word -- the impression that you gave the jury yesterday
9 was that he called me. Right?
10 A Yes.
11 Q And that was the morning hours. Right?
12 A Yes.
13 Q Approximately what time, if you got there at 9:30?
14 A I don't know exactly what time because we's out there for a
15 couple of hours, Mr. Bergrin. So some hours, but not exactly
16 what time.
17 Q And when Hakeem Curry calls me -- do you remember your
18 testimony yesterday?
19 A Yes.
20 Q Less than a day ago?
21 A Yes.
22 Q What did Hakeem Curry say to me?
23 A The first time?
24 Q Yes, the first time.
25 A I don't know because he was standing off to the side.

1 Q You said that you heard the call and you were listening to
2 Hakeem Curry talk to somebody on the phone. Correct?
3 A I didn't say that. I said that's inside the truck.
4 Q Inside the truck?
5 A Yes.
6 Q How many calls were there to Paul that day?
7 A I don't know. I know two calls was your calls. But one
8 call that was early in the morning, I don't know if he talked
9 to you or a secretary, or I don't know because he hung up the
10 phone and said, Paul going to call me.
11 Q Now, when Hakeem Curry called me -- you're sure about that.
12 Right? He used the same phone that he used when I called him
13 later on, according to you?
14 A I don't know. Like I say again, we always got two phones
15 on us, sometimes three.
16 Q Now, Hakeem tells you that Paul's going to call me back.
17 Is that what he tells you?
18 A Yes.
19 Q And where are you at that time?
20 A He told all of us standing on the sidewalk, Paul going to
21 call me.
22 Q Now you got into the Range Rover?
23 A Yes.
24 Q And when was that?
25 A That was later on in the day when he received the call from

1 you.
2 Q And when Hakeem Curry received this call from me, who was
3 in the Range Rover?
4 A Me, him, and I think it was either Rakeem or at the time,
5 Jamal. But I think it was Jamal because Rakeem had to make a
6 run to find Terence when that call came in.
7 Q Now, when you spoke to the FBI -- let me -- scratch that
8 question.
9 When you spoke to the FBI and you called them on
10 January the 14th of 2005 and spoke to Agent Manson, you told
11 her that Rakeem Baskerville was in the vehicle. Correct?
12 A I probably did.
13 Q You didn't tell her "I think Rakeem Baskerville was there."
14 correct?
15 A I probably didn't say that. But I probably said --
16 Q You didn't say "I believe Rakeem Baskerville was there."
17 Correct?
18 A Probably not.
19 Q You were prepared, as you testified, in meeting after
20 meeting, at least four meetings with these prosecutors and
21 Agent Manson to testify today. Right?
22 A I didn't understand that question.
23 Q Before you testified and began your testimony yesterday in
24 court --
25 A Yes.

1 Q -- you met with the prosecutors and they prepared you for
2 your testimony. Right?
3 A Well, it's a profit (sic). So part profit and part prep
4 for my testimony. But --
5 Q Part "profit?" What's "part profit"?
6 A It's like asking me questions about my safety, asking me
7 questions about my family, about where I'm staying at right
8 now, and do I have any concerns and things of that nature.
9 Q And then they question you and prepare you to testify in
10 court. Right?
11 A They ask me the same questions all the time to ask me:
12 Tell them the truth, tell them what happened, and make sure
13 that I'm telling the truth and make sure that things is right.
14 Q From 2005 when you first went to the FBI and the first time
15 that you talked to them on January the 14th until yesterday,
16 isn't it a fact that you said that Rakeem Baskerville was
17 inside that vehicle in the passenger's seat, and you had no
18 doubt in your mind whatsoever?
19 A Well, like I said again --
20 Q Answer my question, Mr. Young.
21 A I did have doubts.
22 Q You told Shawn Manson when you spoke to her, not "I think,"
23 not "I believe," "maybe"; that Rakeem Baskerville was in that
24 vehicle. Correct?
25 A I probably did, yes.

1 Q And when you testified in 2007 you said Rakeem Baskerville
2 was inside that vehicle. Right?
3 A Yes, I probably did.
4 Q No, not "you probably did." Isn't it a fact that you did?
5 A Yes, at the testimony, yes.
6 Q And you didn't say that "I think." Correct?
7 A No, not at all.
8 Q You didn't say, "I believe." Right?
9 A Not at all.
10 Q You didn't say that "I'm not sure." Correct?
11 A Not at all.
12 Q You didn't say, "I don't know, I'm not -- it may have been
13 Jamal Baskerville in that vehicle."
14 You said emphatically, with the certainty in your
15 mouth and in your mind, that Rakeem Baskerville was sitting in
16 that front seat.
17 A Like I said, after thinking about it I knew it was one of
18 the Baskerville brothers, I'm with them all the time.
19 Q Now, you testified in William Baskerville's trial. Right?
20 A Yes.
21 Q And you were asked a question several times: Who was in
22 the vehicle?
23 And you said each and every time it was Rakeem
24 Baskerville. Never, ever, ever equivocating. Right?
25 A How many times they ask me that? Once.

1 Q And you said when you spoke to Agent Manson that Rakeem
2 Baskerville was in your -- in the vehicle, and you even said
3 that you even put him in the exact seat that Rakeem Baskerville
4 was in, correct, the passenger's seat?
5 A Yes.
6 Q For the first time ever in your life when you testify
7 yesterday you say that it might have been somebody else.
8 Right?
9 A No, that ain't the first time I said that.
10 Q When did you say it before that?
11 A Well, I met with them twice, and one time they came to
12 where I'm at and they ask me some questions, and I told them,
13 as I think about it, it may have been Jamal sitting in the seat
14 of the Range Rover when the first phone call came in.
15 Remember, there was a couple of phone calls.
16 Q And you never equivocated, and you never told them, there's
17 not one report that ever reflects that anybody but Rakeem
18 Baskerville was in that passenger seat?
19 A I don't write the reports, Mr. Bergrin.
20 Q And when you testified you had no doubt in your mind
21 whatsoever?
22 A At that time, no.
23 Q And that was four years ago. Right?
24 A Yes, sir.
25 Q That was approximately two and a half years after the

1 incident, when everything is fresh in your memory.
2 A Yes, sir.
3 Q And isn't it a fact that they told you in preparation for
4 this trial that Rakeem Baskerville could not have been in the
5 car because there's a phone call --
6 MR. MINISH: I object to this question. He has no
7 good faith basis to ask this question at all.
8 THE COURT: I'll hear you at sidebar.
9 (At the sidebar.)
10 MR. MINISH: Judge --
11 THE COURT: No. Wait.
12 Let me hear -- there was a phone call. What were you
13 going to say?
14 MR. BERGRIN: We have a record, your Honor, that shows
15 that Hakeem Curry called Rakeem Baskerville from a minute of
16 speaking to me, so he could not have been in the car.
17 THE COURT: You didn't show them that during any --
18 MR. MINISH: Absolutely not, Judge. And the witness
19 has --
20 THE COURT: What?
21 MR. MINISH: The witness has already testified that we
22 never gave him any information about anything. So for Mr.
23 Bergrin to ask this question is improper.
24 If he wants to put in the phone record --
25 THE COURT: You didn't talk to him about --

1 MR. MINISH: We asked him questions, Judge.
2 THE COURT: Did you ask him questions about: Were you
3 sure that it was Rakeem Baskerville there?
4 MR. MINISH: We asked him, was he sure about
5 everything. But they're all questions, Judge.
6 These are phone records. If he --
7 THE COURT: I understand.
8 MR. MINISH: And they're going into evidence.
9 THE COURT: You could show the evidence and ask him
10 the question, and then we'll see where it goes.
11 MR. BERGRIN: Thank you.
12 THE COURT: Not the question like that about: Did
13 they tell you. Okay? Not that question.
14 But you can -- we'll see where he goes with it. And
15 he'll probably say he never saw that. But you can see if it
16 refreshes his memory. Or, did anybody ever go over the phone
17 calls with him? Did anybody ever discuss those phone calls
18 with him.
19 You can do that. Okay?
20 MR. MINISH: Judge, so it's clear, obviously we talked
21 to him about the phone calls, but specific times we never
22 talked about. And if he says he's not refreshed by his --
23 THE COURT: You did talk to him about the phone calls?
24 MR. MINISH: What was said, Judge, not the timing of
25 it.

1 THE COURT: Why didn't you talk about phone calls?
2 MR. MINISH: No. What he said. What did you observe?
3 What did you hear when he was in the car? Obviously what he
4 testified to.
5 THE COURT: Ask him if he was ever asked about any
6 phone calls or phone records of phone calls other than the
7 Curry phone. Ask him about that.
8 MR. MINISH: And if the answer is no, he doesn't get
9 to start reading from what it is.
10 THE COURT: Isn't that in evidence yet?
11 MR. MINISH: No.
12 THE COURT: What are those, phone records?
13 MR. MINISH: Yeah. They're just Government --
14 THE COURT: I thought those phone records --
15 MR. MINISH: No. There's notes from an agent.
16 MR. SANDERS: That doesn't make it admissible, Judge.
17 THE COURT: It's very important.
18 MR. MINISH: I understand it's very important. But if
19 he says: I've never seen them before, he doesn't get to start
20 reading in the records.
21 THE COURT: We'll see. We'll see. Mr. Minish, we'll
22 see. I don't know what the questions will be. We'll see how
23 the question is asked and then we'll see.
24 You know, that was one of the agent's synopsis of
25 phone calls. Correct?

1 MR. MINISH: Oh, absolutely.
2 THE COURT: Yeah. Didn't you refer to this on the
3 agent's testimony?
4 MR. MINISH: Maybe Mr. Bergrin did on cross.
5 MR. LUSTBERG: No, I think Agent Brokos testified to
6 that.
7 MR. BERGRIN: Yes.
8 THE COURT: I thought there was testimony about this.
9 MR. MINISH: I know that --
10 THE COURT: I know he asked. The call that was made
11 is no more than a two-minute call and this was the document
12 used to show the Curry call was no more than two minutes?
13 MR. MINISH: Absolutely.
14 THE COURT: So this was referred to.
15 MR. MINISH: Absolutely, Judge. My point is if this
16 witness is going to say, "I've never seen this before," then
17 once he says "I've never seen it before," he can't --
18 THE COURT: I'll allow him to ask questions about
19 phone calls: Did you ever have any discussion with people
20 about phone calls, or the agents? Did they ever talk to him
21 about other phone calls made that day.
22 I'm going to allow it and see where it goes.
23 MR. MINISH: That's fine if he asks the question in
24 the open-ended way. But the problem is, Mr. Bergrin's question
25 was: Didn't this happen?

1 The witness has -- I mean, I'm making a representation
2 that it didn't happen. The witness has already said it didn't
3 happen. So for him not to have a good faith basis to use this
4 and accuse us of doing something improper is wrong.
5 THE COURT: That documents shows there was a phone
6 call to Rakeem Baskerville. Is that what it shows?
7 MR. BERGRIN: Yes.
8 THE COURT: That's the good faith basis to show --
9 MR. MINISH: But not the way --
10 THE COURT: Mr. Minish, I'll hear the question and
11 then we'll go from there.
12 (In open court.)
13 THE COURT: Rephrase the question.
14 BY MR. BERGRIN:
15 Q You testified that Dedre Baskerville was there in the
16 morning. Correct?
17 A Yes.
18 Q And then you testified that Hakeem Curry called me in the
19 morning. Correct?
20 A I testified that he made a call. I didn't say he called
21 you. I said he made a call to you to get in touch with you.
22 And then after he hung his phone up, he was off to the side, he
23 said Paul will get back at me in a minute, in a little while.
24 Q And I called him back in a little while. Correct?
25 A Yeah, you called him later on.

1 Q And your testimony was clear in 2005 when you spoke to the
2 agent, and again in 2007 when you testified, you had no doubt
3 in your mind that Rakeem Baskerville was sitting in Hakeem
4 Curry's Range Rover in the passenger's seat. Right?
5 A At the time, yes, I said that.
6 Q And, as a matter of fact, you remembered it because when I
7 supposedly called back and said -- told him about it was drug
8 transactions, and the quantities and I said the name "Kamo,"
9 you and Rakeem Baskerville figured out that it was Kemo and not
10 "Kamo." That's how sure you were that it was Rakeem
11 Baskerville sitting in that front seat. Right?
12 A I figured that out.
13 MR. BERGRIN: May I approach the witness now, your
14 Honor?
15 THE COURT: You may.
16 Q I show you what's been marked J02938. Is this a chronology
17 of phone recalls that morning?
18 (There is a pause for the Witness.)
19 Q Isn't it a chronology of phone calls?
20 A Yes, so far.
21 Q And isn't it a fact that there are no phone calls from
22 Hakeem Curry to Paul Bergrin in the morning hours until 3:59 in
23 the afternoon?
24 A That's why I say "later."
25 Q Isn't it a fact -- you said that you believed that Hakeem

1 Curry called me, because you were present when he said --
2 Hakeem said he called Paul. Right?
3 A He said he's called Paul, and Paul said he's going to call
4 him back.
5 Q Isn't it a fact that there's not one phone call in the
6 morning according to that chronology between me and Hakeem
7 Curry, sir?
8 A Well, he called someone else, Paul, and they must've told
9 him you get back to him.
10 Q Isn't it a fact there's not one phone call from Hakeem
11 Curry to me or my office or any lawyers?
12 A No, not your office.
13 Q And not to me either, correct, in the morning hours?
14 A No. It's at 3:59.
15 Q As a matter of fact, the first -- one of the first phone
16 calls is me calling Dedre at her home at 10:30 in the morning.
17 Correct? At her home.
18 A Yes, that's after she left.
19 Q No, that's 10:30 in the morning when this meeting is
20 supposedly happening. She lives in -- where does Dedre and
21 Will Baskerville live?
22 In Roselle, New Jersey. Correct?
23 A It's actually not Roselle, but right next door to it.
24 Q Right next door.
25 A Yes.

1 Q And this meeting supposedly started at 9:30 in the morning.
2 Correct?
3 A Yes.
4 Q And Dedre showed up you said later. Right?
5 A Yeah, I say she showed up a little while after I got there.
6 Q And you said you got there at about 9:30, according to your
7 testimony back in 2007. Right?
8 A Yes. It could have been earlier though, Mr. Bergrin. It
9 could have been 9 o'clock. But I said 9:30.
10 Q But the records show that I'm calling Dedre at her home at
11 10:33 in the morning. Right?
12 A Yes.
13 Q And isn't it a fact that you testified -- and I've gone
14 over this with you repeatedly -- that Rakeem Baskerville,
15 according to you, when you spoke to the FBI, was sitting in the
16 front seat of Hakeem Curry's car when I called him. Right?
17 A Yes, I said that.
18 Q You not only said that once but you said that more than
19 once. Correct?
20 A Yes.
21 Q And isn't it a fact that there's a call from me to Hakeem
22 Curry at 3:59 in the afternoon?
23 A Yes, that's what this say.
24 Q And then Hakeem Curry is calling Rakeem Baskerville on his
25 cell phone at 4:01, within two minutes?

1 A Yes, that's when I said he went looking for Terence.
2 Q Would you finally admit that you lied and made up the fact
3 that Rakeem Baskerville was in the car when you spoke to Agent
4 Manson on January the 15th of 2005?
5 A I wouldn't say it's a lie, Paul. Like I told -- Mr.
6 Bergrin. Sorry.
7 Q It was just a mistake. Right?
8 A Yeah. Like I said, I got the brothers mixed up.
9 Q You got the brothers mixed up.
10 And isn't it a fact that you made the other mistake
11 when you testified under oath and swore and placed Rakeem
12 Baskerville to the middle of this by saying he was there when
13 you heard the word "Kemo," right, when you testified in 2007
14 against Will Baskerville?
15 A You mean when I told him the name was "Kemo." You said
16 "Kamo."
17 Q Kamo.
18 You said Rakeem Baskerville was right there. Correct?
19 A Yes, I did.
20 Q But then you went to a meeting with the prosecutor's
21 office, and for the first time in your life, after speaking to
22 these people you finally say, oh, you know what, it may not
23 have been Rakeem Baskerville, it might have been one of the
24 other Baskerville brothers?
25 A They was asking me questions about the case --

1 Q And they were asking you questions about the phone calls
2 and saying, you know what, Mr. Young, you have a big 5K1
3 waiting for you, and we're the ones who make the decision in
4 reference to you receiving it. So you can't say and testify
5 like you did under oath --
6 THE COURT: Sustained. It's argumentative, Mr.
7 Bergrin.
8 Q The records prove that Rakeem Baskerville was not in my
9 car. Right?
10 A Your car?
11 Q Was not -- excuse me -- in Hakeem Curry's car.
12 A Exactly.
13 Q But until 2011, October of 2011 you don't tell anybody that
14 until, until you go in for a preparation meeting when they've
15 been provided the records that show that you were lying in the
16 prior trial. Right?
17 A No, sir. Like I told you a couple of minutes ago, it was
18 in the summertime. I told my lawyer that -- and I told them
19 that I was sitting down thinking about this case coming up, and
20 I think I have made a mistake.
21 Q And you said --
22 THE COURT: No, no. Mr. Young, that document with the
23 phone records; you've seen that before?
24 THE WITNESS: No, this is my first time seeing it.
25 THE COURT: Do you recognize those phone numbers?

1 THE WITNESS: Well, I recognize the names, not the
2 phone numbers.
3 THE COURT: Okay. Go ahead, Mr. Bergrin.
4 BY MR. BERGRIN:
5 Q Great coincidence, right, Mr. Young?
6 A Coincidence for what?
7 Q Coincidence that --
8 THE COURT: That's not a question, Mr. Bergrin.
9 Q You remember, you remember the phone call -- you
10 remember -- excuse me -- somebody else sitting in the car and
11 you bring it to the prosecutor's attention. Is that what
12 you're telling us?
13 A I brung it to my attorney's attention and the prosecutor's
14 attention.
15 Q Who was your attorney at the time?
16 A Mr. Klingeman.
17 Q Mr. Klingeman?
18 A I mean, sorry, that's my attorney right now. Mr. Fusella.
19 Q Convenient that Mr. Fusella died and can't testify to that
20 fact. Isn't that right?
21 THE COURT: Mr. Bergrin, that's an inappropriate
22 statement.
23 MR. BERGRIN: I'm sorry, Judge.
24 THE COURT: You can ask it a different way.
25 Q Mr. Fusella is not here. Right?

1 A Yes, sir, he's not.
2 Q So Mr. Fusella can't testify to that fact. Isn't that
3 right.
4 A No.
5 THE COURT: Mr. Bergrin, it's still an inappropriate
6 question. Don't do it.
7 MR. BERGRIN: I'll just move on to another area,
8 Judge.
9 Q So not only, not only the fact that Dedre couldn't be at
10 that meeting like you testified in the prior trial, right,
11 because I'm calling her at her house, but now Rakeem
12 Baskerville couldn't have been in the car because Hakeem Curry
13 is calling him. Isn't that right?
14 A You're saying Dedre couldn't have been there.
15 I'm telling you Dedre was there in the morning and
16 left. So she had time to get home before you called her.
17 Q She had time to get home before I called her?
18 A She only live 15 minutes away.
19 Q A meeting that started at 9:30, and according to your own
20 testimony, she showed up later. Right?
21 A All she did, Paul, was sit with us for ten minutes, tell us
22 what happened in her house, tell us the stuff they took out of
23 her house, tell us they took the cars, the phones and stuff
24 like that, and tell us they took -- the little bit of money
25 they took out the house, and she left.

1 Q And she didn't wait around for Hakeem Curry to come?
2 A No.
3 Q She didn't wait around to see what everybody is going to
4 discuss?
5 A No. Rakeem told her he'd get at her.
6 Q And you remember that specifically now. Right?
7 A Yes, because she left before Curry even got there.
8 Q You didn't even remember that she was there yesterday, but
9 now you remember exactly what was discussed?
10 A Nobody ask me that, Mr. Bergrin, yesterday.
11 THE COURT: All right. Mr. Bergrin.
12 A I remember --
13 THE COURT: You covered the area and you're getting
14 repetitive.
15 MR. BERGRIN: I'm sorry, Judge.
16 Q Do you recall what Hakeem Curry asked me when I called?
17 A As soon as -- as soon as you called?
18 Q Yes.
19 A Not exactly, but I figure he want to know what's going on.
20 Q Well, you testified yesterday -- and your memory was good
21 yesterday. Right?
22 A Yes, and today.
23 Q Your memory was great when being questioned by Mr. Minish.
24 Right?
25 A It was good.

1 Q Isn't it a fact that you said -- your exact words -- that
2 Hakeem Curry was telling me about the case?
3 A No.
4 Q Isn't it a fact you told the jury yesterday that Hakeem
5 Curry --
6 MR. MINISH: Judge, again, he has a transcript --
7 THE COURT: Mr. Bergrin, I know you're looking at
8 notes, but do you have a transcript --
9 MR. BERGRIN: We don't have the transcript yet, your
10 Honor.
11 MR. MINISH: Judge, everybody has the transcript.
12 MR. BERGRIN: I don't have a transcript yet of his
13 testimony.
14 THE COURT: Well, you either do or you don't.
15 MR. LUSTBERG: We have it here. We get it in the
16 morning and he hasn't had a chance to look at it.
17 THE COURT: Withdraw the question.
18 MR. BERGRIN: Withdraw the question.
19 Q What did Hakeem Curry ask me?
20 A Just he wanted to know basically what's going on.
21 Q And also about Will's bail. Correct?
22 A Yes.
23 Q And what else did he ask me?
24 A Well, you mean what he's telling you?
25 Q What else is he telling me?

1 A He's telling you he needed bail, get him a bail and we can
2 get him out.
3 Q Get him a bail to get out. Right?
4 A Yes.
5 Q Essentially what a loved one would ask an attorney. Right?
6 A Yeah. And find out what happened, exactly what they got
7 and everything.
8 Q Find out about what they have against Will and try to get
9 him out. Right?
10 A Yeah, because others want to know they ain't under
11 investigation.
12 Q But you wouldn't know that anyway. Right?
13 A Why wouldn't I?
14 Q There's no way an attorney finds out who is under federal
15 investigation or what further people are under federal
16 investigation. Right?
17 A Oh, I don't know that.
18 Q You don't know that? Being part of the system since you're
19 12 years old, you don't know that if there's an investigation,
20 that there's no way to find out if there's an investigation?
21 That's what you're telling us?
22 A No, I don't know that.
23 Q Now, did Dedre leave before Hakeem Curry came?
24 A Yes.
25 Q So Dedre had no conversations with Hakeem Curry?

1 A No.
2 Q According to your knowledge?
3 A No.
4 Q When I called Hakeem Curry in the afternoon -- it wasn't in
5 the morning. Correct?
6 A Like I said, hours later.
7 Q Hours later?
8 A Yeah.
9 Q How many hours later?
10 A I don't know exactly.
11 Q So you don't remember?
12 A Exactly how many hours, how can I?
13 Q You don't remember if it was in the afternoon, or late
14 afternoon or evening?
15 A It was in the afternoon, but I don't know exactly how many
16 hours later.
17 Q And what have you been doing from the morning until the
18 time that I called?
19 A Sitting around talking, I left, made sure my block was all
20 right, came back. Everybody did what they did as far as they
21 blocks. Came back. On 17th Street all day.
22 Q When did you get into Hakeem Curry's Range Rover?
23 A The exact time? That afternoon.
24 Q Was it in the afternoon, was it in the evening, was it in
25 the morning?

1 A Well, we got in the truck the morning and afternoon. So
2 like I said, it was two phone calls.
3 Q Now, there came a point in time when I called Hakeem Curry
4 back. Right?
5 A Yes.
6 Q And do you remember what I said on the phone?
7 A Well, I couldn't hear you, but -- I only could you what he
8 told me you said.
9 Q You said you couldn't hear me. Then why did you tell Agent
10 Manson that Hakeem Curry had me on speaker and you could hear
11 everything that was occurring?
12 A I didn't tell her that, Mr. Bergrin.
13 Q You never told her that?
14 A No, sir.
15 Q So I guess she made that up and put it into --
16 THE COURT: Just --
17 Q -- a report?
18 THE COURT: See if that refreshes his recollection if
19 there is any reference to that.
20 Q I ask you to look at a report dated January 14, 02933,
21 specifically paragraph 3, the fourth sentence. Is that a
22 report dated January 14th of 2005?
23 A Yeah, it say --
24 Q Is that a report dated January 14th of 2005?
25 A March 8th, 2005.

1 Q That's the date of the transcription. What date is the
2 investigation report of?
3 A Oh, 1/14/05.
4 Q And is that a report of the statement that you made to
5 Agent Manson?
6 A Well, it's a report that she wrote I guess, but I never
7 seen nothing. But I know I didn't tell her you was on speaker
8 phone. I said I could hear your voice, that was it.
9 Q Isn't it a fact that it says specifically, specifically in
10 that report that you said that Hakeem Curry put me on speaker
11 phone?
12 Anthony Young said that Hakeem Curry put me on speaker
13 phone?
14 A That's what she said.
15 Again, like, I didn't tell her that. I tell you that
16 again. I didn't tell her that.
17 Q I guess she made it up, correct, and put it in there?
18 A I'm not saying she made it up, sir, I'm just telling you
19 what I said. Maybe she took it out of context when I said I
20 could hear your voice through the phone and she put "speaker
21 phone." But I did not tell her you was on speaker phone.
22 Q Nobody gets right what Anthony Young tells them. Right?
23 MR. MINISH: Objection.
24 THE COURT: Mr. Bergrin, we're going to recess for the
25 afternoon.

1 Ladies and gentlemen, as I indicated, we're going to
2 recess for the day.
3 Just a couple very important things. First of all,
4 every time I tell you with respect to not to discuss this case
5 with your friends, your family, amongst yourselves, that is, in
6 effect, a Court Order, and I hope you understand the importance
7 of that. Also, whenever I tell you not to read the newspaper,
8 I know sometimes I say it a little bit more casually, but I
9 think because we're going to have a longer break this weekend,
10 I'm impressing upon you how important it is that you not read
11 the newspapers, that you not listen to anything on the radio or
12 on TV, if there is -- and I'm not sure there is much on the
13 radio or TV -- but please -- not "please" -- I'm directing and
14 ordering you not to do that.
15 And the reason, I told you when we selected the jury,
16 it's so important that you give the parties here a fair trial
17 and that you listen to everything that happens in this
18 courtroom, because things that don't happen in this courtroom
19 or don't happen relating to this case, or even if it's reported
20 in a way that maybe is a partial report of the day might
21 influence you, and we don't want that to occur.
22 I have to say, you've been very attentive, your
23 cooperation in getting here on time has been terrific and
24 that's why we've been able to move the case forward. And we
25 are on schedule. And we'll be sitting all of next week,

1 Wednesday, Thursday, Friday, and the following week, and maybe
2 a portion of the next week. We'll see. So I mean, that's the
3 estimate, and it's a pretty good estimate.
4 So again, no newspapers, don't discuss this, and
5 finally, don't formulate any final -- or any opinions yet
6 because you still have more to hear, and then you still have
7 closing arguments and you still of course have the law that I
8 have to provide to you. Okay?
9 So with all of those comments, we again want to thank
10 you. Have a nice longer break. I hope you can catch up on a
11 few things on Monday and Tuesday, and then we'll see you back
12 here on Wednesday morning. Okay.
13 9 o'clock Wednesday morning. We'll see you at that
14 time.
15 Thank you very much.
16 THE DEPUTY CLERK: Please rise for the Jury.
17 (The Jury leaves the courtroom.)
18 THE COURT: All right, everyone, be seated.
19 MR. BERGRIN: Your Honor, could I just retrieve the
20 documents?
21 THE COURT: You can retrieve those documents.
22 Just a moment, Marshals. Let him retrieve the
23 documents.
24 Go ahead, you can retrieve them and then step back.
25 Thank you.

1 All right. All right. We'll begin 9 o'clock
2 Wednesday morning. I know, Mr. Sanders, you submitted an
3 application. I'll address it next week.
4 MR. SANDERS: Okay.
5 THE COURT: Okay.
6 MR. SANDERS: Can I just make one observation, your
7 Honor, just from the cross-examination that's going on.
8 I happen to have a transcript of yesterday's
9 proceedings, and I understand that Mr. Bergrin hasn't been able
10 to read it, but several of the questions he asked where he made
11 it seem as if he was quoting questions --
12 MR. LUSTBERG: One moment, one moment. I think Mr.
13 Young should be excused.
14 (The Witness, Anthony Young, is temporarily excused
15 and escorted out of the courtroom by the Marshals.)
16 MR. SANDERS: Several of the questions that have been
17 asked sounded like they were placed in quotes: "Weren't you
18 asked this particular question about the series of events on
19 the morning of November 25th" don't appear anywhere in the
20 version that I've been looking at. Okay? I'm just making that
21 observation because --
22 THE COURT: No, that's why I asked if there's a
23 transcript, and now I'll have a chance over the weekend to get
24 to the transcripts and we'll confine his questions to things in
25 the transcript.

1 Mr. Sanders, as you know, when you don't have a
2 transcript, when we don't have a transcript it's very
3 appropriate for a lawyer to stand up and say: "Didn't you say
4 the following yesterday?"
5 And unless it's grossly mischaracterized it's up to
6 the jury to recall, did he or did he not say that yesterday.
7 And a number of times I've said to the jury, if they
8 don't recall a question being asked that way, it's their
9 recollection that counts, not the question. And, of course, in
10 the charge at the end I will tell them again that the questions
11 that are asked are not the evidence.
12 But that's one of the reasons why I decided to recess
13 now. Because I'm sure there will be a line of questions with
14 respect to the transcript, and in fairness to everyone we'll
15 confine his questions, the question and answer to the
16 transcripts, okay, if he's going to go into those areas.
17 MR. SANDERS: I appreciate that, your Honor.
18 THE COURT: And I am mindful of your letter that I
19 just received, but I'll address it on Wednesday.
20 MR. SANDERS: Thank you, your Honor.
21 THE COURT: All right. Have a good weekend, everyone.
22 We'll see you on Wednesday.
23 (At 12:54 p.m., a recess is taken to Wednesday,
24 November 2, 2011, at 9:00 a.m.)
25 ooOoo