

Doc. No.	APPENDIX APPENDIX TABLE OF CONTENTS	Petitioner Appx. Page No.
	VOLUME I	
	(P1-P488)	
1.	11/25/2003 Arraignment of William Baskerville	P1
2.	11/25/2003 SA Brokos (née Manson) Memo of DEA call after Court appearance	P2-P3
3.	2/4/04 Kemo McCray's statement disclosing unauthorized drug deals as a CI (2003-2004)	P4-P5
4.	3/3/03 Memo to FBI Director Mueller of meeting with FBI, DEA re: Kemo murder	P6-P7
5.	Jamal McNeil Interview statement never Met Bergrin 11/7/2011	P8
6.	Jamal Baskerville interview statement never Met Bergrin 10/26/2011	P9
7.	<u>U.S. v. Bergrin</u> (I) Jamal Baskerville appearance on witness stand: (1) denies involvement in Kemo murder while under oath; (2) government's warning of exposure to prosecution if testified; (3) Judge Martini questions of government why Baskerville never interviewed by government	P10-P34
8.	12/10/0 <i>Star-Ledger</i> Article <i>Lawyer quits drug case over ties to suspect</i> <i>Bergrin denies any link between phone call and killing of</i> <i>witness</i>	P35-P36
9.	Bergrin Opening Statement	P37-P87
10.	3/2/2004 Kemo's stepfather Johnny Lee Davis Statement to Newark PD describing shooter with shoulder length dreadlocks	P88-P91
11.	7/23/04 Johnny Davis Sworn Statement to Newark Identifying William Malik Lattimore as Shooter	P92-P93
12.	7/23/04 Johnny Davis' Photographic Identification of William Lattimore as Shooter at Newark PD	P94-P108
13.	1/20/05 Johnny Davis' Photographic Array at Newark PD in which he is shown photo of Jemal McNeil and DOES NOT identify him as shooter	P109-P116
14.	Johnny Davis' Positive Photo Identification of William Lattimore as shooter with 1000% certainty	P117-120

15. Photo of Anthony Young signed by Johnny Davis with writing that Young is certain with 1000% certainty that Young was not shooter P121-P123
16. 11/30/04 Star-Ledger Article P124-P125
A Drug Witness is Killed, but who is to Blame
Prosecution fault defense lawyer
17. *Star-Ledger* article P125-P128
State Implicated Defense Counsel Bergrin in Witness' Murder AUSA Gay relays Bergrin told gang members "No Kemo, No case;" quoting calls, Young's testimony and government explaining that it did not prosecute Bergrin because the "assistant prosecutor did not properly safeguard the tapes of wiretapped conversations"
18. 8/3/05 Complete transcript of Secret Jail house Recordings P129-P183
Between Anthony Young and Confidential Informant H.M. in which Young explains to H.M. how to lie to get into witness protection and states:
(1) the only reason he is "getting out" and "getting money" is by "testifying against the triggerman;"
(2) tell the "devious" prosecutors that he "was there but he [someone else] shot him;"
(3) that his "whole philosophy was give them what they want;" (P133-145);
(4) He's "their number one CI" and that "The shooting and the shit that I told them about. I don't know what happened afterward" but that Hak, Rak and Mals "going to jail;" (P165-P166);
(5) "John Gay know everything I did...I don't care if I was a block away looking at it...I don't care if me and Hak was in the car together and another nigger did the shooting. I told him about that too;" (P176)
(6) that he was "going against" Paul to and that they he told them was "12 times" about Paul;
(7) that Young was asked, "Paul told you how to do...Paul told you to do this? Yeah Paul told us to do that. Did he say this? Yeah, Paul said that. Did he say this? Yeah, Paul said that. Yeah because we goth this type of conversation with him and Hak on the phone...Paul going to jail too, unless he turn state on Hak." (P176-P179)
19. Inv. Bzik notes on proof analysis noting suspect had "heavy dreads" and that Kemo's other stepfather C. Spruill "Ids Lattimore" P184-192
20. Ramon Jimenez Grievance Complaint against John Azzarella P193-P202
21. 3/2/04 Frederick Lowery Statement made to Inv. Bzik P203-P209

22.	3/4/04 Stacy Web Williams statement to NPD	P210-P213
23.	Statement Lemont Love about Richard Roberts telling him that FBI wanted to talk to him and that it didn't matter if Love he "told the truth...just lie an tell them what they want to hear since everybody else ...was throwing him under the bus...to get deals from the government."	P214-216
24.	1/14/2012 Memo from Inv. Lou Stephens regarding instructions to call Ramon Jimenez' wife regarding call to Judge Martini that the FBI was forcing husband to testify to untruthful statements and Jiminez call to Stephens that the government was "playing dirty"	P217-218
25.	9/24/13 2255 filed in <i>U.S. v. Baskerville</i>	P219-P234
26.	9/24/13 Declaration of William Baskerville	P235-P256
27.	4/30/15 Petitioner Reply to 2255 Opposition	P257-P331
28.	Certification of Paul Bergrin	P332-P337
29.	Declaration of Hakeem Curry	P338-P339
30.	Affidavit of Deidre Baskerville	P340
31.	Affidavit of Rakeem Baskerville	P341
32.	Declaration of Rashidah Tarver	P342
33.	12/10/04 Newspaper Articles on Kemo Case and quoting call by Petitioner	P346-P348
34.	Excerpt of Government R. 33 Opposition Brief in <i>U.S. v. Baskerville</i> motion	P349-P350
35.	11/9/04 Motion to Disqualify Bergrin in Baskerville case	P351-P357
36.	6/17/04 302 of Rodrick Boyd reporting Malik Lattimore killed Kemo	P358
37.	3/2/2004 911 calls into Police reporting shooter of Kemo as Male with dread locks	P349-363
38.	Police reports Kemo McCray homicide	P364-P370
39.	Omitted	P371-P375
40.	3/5/04 Det. Request to videotape street side memorial where Kemo shot	P376
41.	3/2/04 Crime Scene report by Inv. Beverly Barbarito	P377
42.	Omitted	P378-P384
43.	10/31/03 Arrest photo of William Malik Lattimore	P385
44.	Exhibits used in trial regarding Kemo Case	P386-P400
45.	Jamal McNeil Arrest Photo shown to J. Davis by investigators in 2005	P394-P400
46.	Newark Police Report of Christopher Spruill incident on March 6, 2004 in which he was threatened with a gun and asked if he was the "one" with Kemo the day of the shooting	P401-P416

47.	6/10/04 Department of Corrections Report (inmate name not identified or redacted)	P417-P418
48.	3/16/05 302 of Horatio Joines	P419-P
49.	Omitted	P421-P422
50.	1/4/2005 302 of unnamed source stating Malik Lattimore owed \$7,000 for murder	P423-P424
51.	Omitted	P425-P426
52.	6/17/04 Rodrick Boyd 302	P427
53.	3/5/04 302 unnamed source regarding witnesses to murder	P428
54.	1/27/05 302 of Stacy Williams	P429
55.	7/1/05 Release of evidence from Essex County Prosecutor's Office to SA Manson	P430
56.	9/25/06 Memo from from Essex County Prosecutor's Office from Greg DeMattia that Sheriff took possession of Kemo murder file #24-04 transferring Kemo murder investigation to USAO	P431
57.	3/4/13 Letter from L. Lustberg regarding need for Ben Hohn testimony for defense	P432-P434
58.	2/5/13 Statement of Ben Hohn	P435-P436
59.	3/17/05 Hohn 302 and Signed sworn statement	P437-P442
60.	10/16/12 Letters exchanged between Rehman and Inv. Stephens	P443-448
61.	6/1/12. 6/19/12 Memos regarding Syed Rehman	P449-451
62.	Inv. Stephens memo to file regarding defense efforts to locate Drew Rahoo who had information regarding cooperating witness Abdul Williams lying about Bergrin	P452
63.	Anthony Young Contradictions, Inconsistencies with Testimony and 302s	P453-P469
64.	Richard Roberts proffer meetings with cooperating witness Albert Castro 3/31/09, 4/30/09, 5/12/09, 5/13/09	P469-P475
65.	2/1/06 FBI memo re: meeting with New York Asst. Dist. Attorney Hurley Meeting	P476-P478
66.	8/7/13 Letter to Judge Cavanaugh regarding government's misrepresentations about U.S. v. Curry wiretap recordings; the conflict of interest because of the personal relationship between Judge, his family and Roberts; noting that the court should not have ruled upon the 9/2012 defense motion in which allegations about Roberts first reported to court; and asking for the court to recuse himself and seek reassignment	P431-P438

**VOLUME II
(P439-P1584)**

67. Anthony Young's 2011 Testimony 11/2/11,	P489-P753
68. Young's Plea Elocution 1/24/07	P754-P790
69. Young's testimony in <i>U.S. v. Baskerville</i> 4/13/07	P791-P959
70. Omitted	P960-P988
71. Closing statements <i>U.S. v. Baskerville</i>	P989-P1194
72. Albert Castro's Testimony in <i>U.S. v. Bergrin</i> 10/27/11	P1195-P1291
73. Young' Testimony 10/27/11, 10/28/11, 11/2/11	P1292-P1584

**VOLUME III
(P1585-P2544)**

74. Young's testimony in <i>U.S. v. Bergrin I</i> 11/3/11	P1587-2098
75. Eric Dock's Testimony in <i>U.S. v. Bergrin II</i> 2/1/13-	P2099-P2179
76. Albert Castro's Testimony in <i>U.S. v. Bergrin I</i> 10/26/11	P2180-P2263
77. Henry Klingeman, Esq., attorney for Anthony Young, colloquy with Court 10/26/11	P2264-P2277
78. Ramon Jimenez Testimony in <i>U.S. v. Bergrin I</i> 10/20/11 and 10/21/11 reference to coercion, threats, intimidation by Gay and his attorney John Azzarello	P2278-2544

**VOLUME IV
(P2545-P3634)**

79. Ramon Jimenez Testimony in <i>U.S. v. Bergrin I</i> 10/21/11	P2545
80. Abdul Williams Testimony 11/4/11	P2546-P2651
81. Rashidah Tarver Testimony 3/6/13	P2652-P2698
82. Transcript of calls between Hakeem Curry on 11/25/03, 11/26/03, 12/4/03, 12/7/03, 12/8/03. 12/9/03, 12/10/03, 12/12/03, 2/18/04, 2/20/04	P2699-P2678
83. Neil Braun Article on Paul Bergrin representation of soldiers	P2679-P2680
84. 1/11/07 New York Times article on NY Confidential Arrest	P281-P2684
85. 1/21/07 Newspaper article regarding arrest of Bergrin in NY	P2685-P2686
86. 5/4/09 Article about Paul Bergrin pleading to minor charges in NY confidential case	P2687-P2689
87. 5/21/09 New York Times article about Bergrin's arrest in federal charges in New Jersey	P2690-P2691
88. Thomas Fennelly Testimony re: Albert Castro	P2720-2752
89. Eric Dock Testimony 11/7/11	P2753-P2811
90. Testimony of Shawn Brokos	P2812-2845
91. Summations in 11/9/11 by AUSA Minish	P 2846-P2990

92. 2/13/07 Judge Hochberg decision in <i>U.S. v. Curry</i> regarding Vincent Nuzzi being removed from case just before Curry trial due to conflict	P2990-3018
93. 10/4/11 Hakeem Curry Motion to Vacate	P3019-P3053
94. 3/12/2013 Charge Conference	P3054-P3107
95. Third Circuit Model Jury Charges Aiding and Abetting 7.02	P3108-P3117
96. Third Circuit Model Jury Charges Conspiracy 7.03	P3118-P3121
97. Final Jury Instructions in <i>U.S. v. Bergrin</i> 2013	P3122-P3278
98. New Jersey Model Jury Charge Aiding and Abetting	P3279-P3287
99. New Jersey Model Jury Charge Conspiracy	P3288-P3289
100. The Court's Charge to the jury 3/14/13	P3290-P3426
101. Omitted	P3427-P3576
102. 1/22/2013 Testimony of Lachoy Walker	P3577-P3634

**VOLUME V
(P3635-4854)**

103. Det. Antonio Badim Testimony 3/11/13	P3635-P3652
104. Det. Joseph Conzentino Testimony 3/11/13	P3652-P3655
105. Judge/attorney colloquy	P3655-P3661
106. Lemont Love Testimony 3/11.13	P3663-P3684
107. Stipulation of Ben Hohn	P3685-P3684
108. Colloquy re: summations and jury charges	P3685-P3696
109. Judge's decision allowing new evidence on rebuttal summation	P3697-P3714
110. Rebuttal Summation by AUSA Gay 2013	P3715-P3750
111. 11/30/12 Discovery request letter by Lawrence Lustberg, Esq.	P3751-P3757
112. 2/15/13 Testimony of Abdul Williams admitting he gave Richard Roberts \$5,000.00 to represent him to cooperate	P3758-P3759
113. 3/11/13 Judge's Decision to decline a continuance to defense to wait for witnesses who are in transport or transit with Marshalls who would impeach witnesses because they might assert 5 th Amendment	P3760-P3768
114. 2/7/13, 2/11/13 Testimony of Rondre Kelly	P3769-P-4050
115. 2/25/13 government's telling the court that U.S. Marshall's found Oscar Cordova's claim of "death threats" were calls he placed to himself	P4051-P4060
116. Testimony of Vincent Esteves regarding cooperation on the day of his 2008 DEA/Monmouth County arrest	P4061-P4267
117. Recall of testimony of Oscar Cordova in which he admits he phoned in death threats to himself	P4268-P4291
118. 3/6/13 colloquy re: proofer on defense witnesses	P4292-P4316

119. Judge reversing himself on admission of Velez tape	P4317-P4324
120. Colloquy regarding discovery requests from government	P4325-P4364
121. Government's summation 2013	P4365-P4494
122. Bergrin Summation 2013	P4595-P4617
123. Colloquy regarding Velez tape and jury charges being finished	P4618-P4626
124. Omitted	P4627-P4674
125. 2/19/06 <i>Stars & Stripes</i> magazine "Parker's legal teams claim he has been made a Scapegoat"	P4675-P4677
126. Court report noting Richard Roberts to be Alquan Loyal's attorney in 2003 and 2004	P4678
127. 302 noting Richard Roberts appearing at proofer with Abdul Williams 2/24/11	P4679
128. 6/22/04 News article "Lawyer Wants Bush on the Stand"	P4680-4681
129. 7/13/04 Article "Karpinski Interview Sparks New Call for Rumsfeld Testimony" in which Bergrin, attorney for soldier Jarval Davis, is reported to file a motion on Monday "demanding Secretary Rumsfeld testify under oath"	P4682-4683
130. 6/04 News Coverage on CBS, USA today, New York Times. CNN, Fox News regarding Bergrin and Abu Ghraib being declared a crime scene	P4680-4709
131. 6/21/04 Aljazeera Article "Bush wanted on stand in abuse trial" in which Bergrin reports to want to put Bush and Rumsfeld on stand and accusing them of committing war crimes in violation of the Geneva Convention war crimes	P4695-4697
132. 6/2011 New York magazine article by Mark Jacobson "The Baddest Lawyer in the History of New Jersey"	P4710-4720
133. Transcript of calls between Hakeem Curry and Paul Bergrin on November 25, 2003, day of William Baskerville arrest	P4721-4726
134. Calls charted on day of William Baskerville arrest	P4727
135. 6/17/04 302 of Rodrick Boyd	P4728
136. 4/07 Troy Bell Testimony in <i>U.S. v. Baskerville</i> Trial	P4729-4825
137. 4/4/07 Opening Statement by AUSA Minish in <i>U.S. v. Baskerville</i>	P4826-4854

**VOLUME VI
(P4855-O5810)**

138. 12/21/2012 Letter from L. Lustberg regarding authenticity and chain of custody in Esteves recordings	P4855-P4860
139. 3/1/2013 Letter from L. Lustberg seeking continuance	P4861-P4862

140. 7/1/13, 7/3/13, 7/10/13, Letters to court between L. Lustberg and government regarding misrepresentation that recording proving meeting occurred on December 4, 2003	P4855-P4869
141. AUSA Sanders' letter brief response to Lustberg's motion on 12-4-03 being the date of the alleged Kemo meeting	P4855-P4869
142. AUSA Sanders' submission admitting that 12-4-03 was not the date of the alleged Kemo meeting	P4855-P4869
143. 11/25/03 transcript of calls between Hakeem Curry and Paul Bergrin	P4870-P4878
144. 7/15/03, 8/7/13, 8/26/13 and Letters to court from Paul Bergrin regarding misrepresentations and conflicts of Roberts, the Judge and attorneys for cooperating witnesses	P4879-P4919
145. FBI digital forensic laboratory report of examination of recordings noting that Hawk device could be tampered with by individual with advanced knowledge of the system	P4920-P4927
146. News articles 11/04 in which Prosecutors point finger at Bergrin for giving CI name to William Baskerville's family	P4939-P4939
147. 3/1/07 New York Times article noting the prevalence for gang violence and witness retaliation in Essex County	P4940-P4941
148. Lemont Love signed statement regarding Richard Roberts persistence in asking him to testify against Bergrin	P4942-P4946
149. 3/5/09 FBI 302 regarding cooperating witness Maria Correia stealing funds from FBI	P4947-P4948
150. 9/09 Meeting between FBI and NYDA	P4949-P4950
151. 4/2/09 Richard Roberts representation of Albert Castro	P4951-P4958
152. 7/30/09 Richard Roberts representation of Rondre Kelly	P4951-P4958
153. 2011 Richard Roberts representation of Abdul Williams	P4951-P4958
154. Conspiracy Model Jury Charge (State of New Jersey)	P4959-P4963
155. Jury Questions about verdict	P4964-P4977
156. Dates of Yolanda Jauregui proffers sessions	P4978-P4989
157. Hassan Miller/Young excerpts of transcript of secret recording	P4990-P5021
158. L. Lustberg Letters & Bergrin letters to court post-trial including motion for reconsideration	P5022-P5046
159. Signed statement of Lemont Love	P5047-P5049
160. 10/4/11 Hakeem Curry 2255	P5050-P5084
161. 10/26/11 Interview of Jamal Baskerville by Defense Investigator	P5085
162. Photo of William Lattimore with dread locks	P5086
163. Photo of Anthony Young with bald head	P5087
164. Photo of Jamal McNeil	P5088
165. Statement of Johnny Lee Davis positively identified William Lattimore and excluding Anthony Young as shooter	P5089-P5092

166. Government brief on judicial immunity	P5093-P5095
167. Ben Hohn statements	P5096-P5100
168. Frederick Lowery statement 3/2/04	P5101-5103
169. Stacy Williams 3/4/04	P5104-P5108
170. Final Jury Instructions 2013 trial	P5109-P5276
171. Omitted	P5277-P5367
172. Memo documenting calls between DEA SA Greg Hilton &	P5368-P5369
173. Attorney Disciplinary Review Board suspension of Richard Roberts	P5370-P5372
174. Police reports of Christopher Spruill	P5373-P5392
175. 9/24/13 2255 Motion filed by William Baskerville	P5393-P5430
176. 9/26/14 Certification of Carl Herman	P5431-P5457
177. 9/18/15 Government Brief in <i>U.S. v. Baskerville</i>	P5458-P5477
178. 2/8/05 USAO proffer agreement letter to attorney Melinda Hawkins	P5477-P5480
179. 3/1/06 USAO proffer agreement letter to attorney Gerald Fussella, esq.	P5481-P5483
180. 3/3/04 FBI memo FBI SAC in Newark to FBI Director Mueller regarding Kemo murder	P5484-P5486
181. 3/5/04 Report of SA Manson	P5486
182. 4/13/07 Testimony of Anthony Young in <i>U.S. v. Baskerville</i>	P5487-P5736
183. 2/25/13 Report of defense expert J. Reames	P5737-P5742
184. Omitted	P5743-P5754
185. Signed statement of Ben Hohn	P5755-P5759
186. 302s of Anthony Young dated 1/14/05, 1/18/05	P5760-P5764
187. Omitted	P5760-P5802
188. Jury Verdict form in <i>U.S. v. Bergrin</i> on 3/18/13	P5803-P5810

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

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

Newark, New Jersey
November 2, 2011

BEFORE:

THE HON. WILLIAM J. MARTINI, U.S.D.J.

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

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

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

CHARLES P. McGUIRE, C.C.R.

P1586 J-09254

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15
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17
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19
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24
25

INDEX

<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>	<u>Further Redirect</u>
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WITNESSES FOR
THE GOVERNMENT:

ANTHONY YOUNG	14			
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1 (Jury out)

2 A N T H O N Y Y O U N G, called as a witness on behalf of
3 the Government, and having been previously sworn, resumed
4 the stand and testified as follows.

5 THE COURT CLERK: All rise.

6 THE COURT: Good morning.

7 Please be seated.

8 Before we bring out the jury, I read your
9 position, Mr. Sanders, with respect to your October 31st
10 letter regarding the questions Mr. Bergrin asked on Friday,
11 and I also read Mr. Bergrin's and Mr. Lustberg's response to
12 that.

13 I don't know if I need to hear anything more on
14 that.

15 Frankly, I didn't think it was a gross
16 mischaracterization of what had occurred in his question,
17 and in looking over even your own submission, there were
18 several questions which Mr. Minish asked which could have
19 led to an answer. You know, they weren't specific, like,
20 was Diedre Baskerville there, but there were questions that
21 he asked which -- for instance, in the transcript number
22 three attached to your letter, page three --

23 MR. SANDERS: Judge, the witness is here.

24 THE COURT: That's right. It's okay. You know, I
25 know he's here. I'm not going to get into it in any great

1 length. If you are, then we'll ask him to step outside in
2 the hallway. Do you intend to?

3 MR. SANDERS: No.

4 THE COURT: Then we'll ask him to step out --

5 MR. SANDERS: I just --

6 THE COURT: All right. I'll just direct your
7 attention to -- I'm trying to move this along. This is not
8 of any great concern as far as I'm concerned. I don't think
9 it was so mischaracterized that it even warranted -- the
10 objection, maybe, yes, and we addressed it on Friday when I
11 said obviously he didn't have the benefit of the transcript
12 and there was -- but Mr. Minish asked him a couple of
13 different ways.

14 He said, on page three, the middle of the page:

15 "Now, when you arrived there, what did you learn?"

16 "What did you learn" can be such an open-ended
17 question that he could have said anything, and he said what
18 he learned, and then Mr. Minish went on and he asked another
19 very broad question: "Would you describe that to the jury?"
20 And in that answer, he did mention who was standing there,
21 and he does state who was standing there.

22 So, you know, those questions lend themselves to a
23 lot of open-ended answers.

24 Okay. Could you just have him step outside,
25 please?

1 It looks like you needed that, so...

2 MR. SANDERS: Thank you, Your Honor.

3 (The witness left the courtroom.)

4 MR. SANDERS: My point only, Your Honor, is that
5 the questions were asked in a way -- we were trying to move
6 things along and to get to the point where what happened,
7 you know, as of the time Mr. Curry arrived on the scene.
8 That's after -- at least now we learn that after Ms. Diedre
9 Baskerville left. And so we purposely -- and I think we're
10 just trying to move and get right to the point. I don't
11 know if Mr. Bergrin expected us to go into it, but clearly
12 these questions weren't designed to elicit that, and that --
13 and so when Mr. Bergrin not only once but four times asked
14 on his cross-examination, he left that out, it's just that
15 it was information he was supposed to supply in response to
16 Mr. Minish's questions, and it certainly was not.

17 THE COURT: It may be very -- I don't know. You
18 and Mr. Lustberg and Mr. Bergrin know obviously what the
19 reports and the 302 reports and the prior testimony were,
20 which I don't have the benefit of. But whether or not
21 Ms. Baskerville was there and when she was there may be a
22 very important piece of information. I could see how it
23 could maybe fit in, maybe not in your version of what
24 happened that day, but it may be very important where she
25 was, when she was and why she was there, and who was invited

1 into the car when Mr. Curry spoke is pretty obvious why her
2 presence at a given time might be interesting, might be
3 important.

4 MR. SANDERS: May I respond to that, Your Honor?

5 THE COURT: Yes.

6 MR. SANDERS: I don't dispute that, and it's
7 certainly fair game for cross-examination, but what
8 Mr. Bergrin can't do is complain or suggest or intimate that
9 it's something that the witness should have disclosed. He
10 can get into was she there and what time in order to explore
11 that, but it's not as if just because it's something that
12 came out or may have been elicited during the Baskerville
13 trial that him not saying it here means he was asked about
14 it and failed to disclose it. And that was the clear import
15 of the line of questioning Mr. Bergrin pursued. He's free
16 to ask about was she there and what time and try to lock the
17 witness in on all those things, but what he can't do is
18 suggest that the witness concealed that and somehow did so
19 improperly in response to Government questioning, and that
20 was the clear import of the examination that occurred on
21 Friday.

22 THE COURT: Well, Mr. Sanders, quite frankly, the
23 witness has answered, and he's pretty much handled those
24 questions, you know, appropriately, I guess, for what he --
25 he said several times, I wasn't asked that.

1 But one could argue, based on Mr. Minish's
2 open-ended questions, one could argue he should have
3 responded who was there, and he didn't, and therefore, he
4 didn't respond to that. And I think that's fair
5 cross-examination, quite frankly.

6 I mean, you're asking the Defendant, and not just
7 this Defendant, but you're asking the Defendant to kind of
8 like agree with your version and therefore he shouldn't be
9 testing the reliability, the memory, the credibility of this
10 witness because he should ask questions in a certain way,
11 and quite frankly, the question he asked was not grossly
12 misleading, and he answered it, and he said, I wasn't asked
13 that question specifically.

14 But one could clearly argue from this transcript
15 when he was asked, "Would you describe that to the jury," he
16 did give a description to the jury at a certain time. Now,
17 whether that's the time Ms. Diedre was there or not, I don't
18 know. But he did describe and he said, "Well, Mr. Curry
19 first got there maybe an hour after he did and/or less. I
20 don't know, I would say 45 minutes to an hour maybe, and he
21 pulled up. We was all standing in front of the house
22 already, me and the Baskervilles and Ray-Ray."

23 So he -- and then he went on and he explained. So
24 that question was, would you describe that to the jury, you
25 know, what happened that morning. That morning, did there

1 come a time when Mr. Curry showed up to Mr. Baskerville's
2 home?" And he went on -- and it wasn't a specific question.
3 He wasn't asked, was Ray-Ray there, was Jamal there, was the
4 Baskervilles there? He wasn't asked that.

5 MR. SANDERS: I understand that, Your Honor, but
6 Mr. Bergrin knows and having the benefit of 302s and the
7 testimony from the prior trial that the time Mr. Curry shows
8 up, Ms. Baskerville is already gone.

9 THE COURT: Is that according to his testimony?
10 No, is it?

11 MR. SANDERS: Yes.

12 THE COURT: Okay. I don't know that.

13 MR. SANDERS: Everybody knew that going in. So
14 these questions, I respectfully disagree, Your Honor,
15 weren't designed on direct to elicit that. In fact, they
16 were designed to get to the time when Mr. Curry shows up
17 because that's at issue here.

18 Now, if Mr. Bergrin thinks that Ms. Baskerville's
19 presence is important, he's free to elicit that from the
20 witness; but not to suggest that it was concealed.

21 And I agree the witness handled himself fine. But
22 not every witness is -- does that. I mean, it's happened
23 before, and I mean, I didn't have time to go through the
24 entire trial, but I can probably find some examples where
25 that kind of question was asked and Mr. Bergrin got the

1 witness to agree that he had said something on direct that
2 he or she hadn't said. And I'm just asking not just with
3 this witness going forward that we use the transcript to do
4 a proper cross-examination.

5 THE COURT: All right.

6 Now, Mr. Bergrin, I said that on Friday, even. I
7 said that you didn't have the benefit of the transcript on
8 Friday, but now you did, you will. So in your questioning
9 along those lines, be more mindful of the transcript, and,
10 of course, you know, object if there's a question that you
11 really feel is contrary to the transcript.

12 But, Mr. Sanders, more often than not, we don't
13 have daily transcripts, and counsel often stand up and say,
14 Isn't it true just yesterday, Mr. Jones, you testified the
15 following?

16 And, you know, you could object and say, Judge,
17 that's not what he said, and then it's usually up to the
18 jury to determine if that's what he testified.

19 And I've said that a number of times in this
20 trial. Ladies and gentlemen, I've said, you know, whether
21 or not he said that yesterday is your best recollection.
22 Unless it's so, you know, contrary to something that he
23 didn't even refer to, because when we don't have a
24 transcript, that's fair cross-examination.

25 MR. SANDERS: Right. You have to rely on your

1 notes then. I understand that.

2 THE COURT: Yes. And by the way, when he asked
3 that question the other day, and I don't know whether it was
4 Mr. Bergrin was looking at a pad, so I assumed he had a
5 good-faith basis to ask that question. And that question
6 was not so grossly mischaracterized. You know, and I don't
7 have the benefit of all of the prior testimony or the
8 reports. And so it was allowed. But your witness answered
9 it appropriately: I wasn't asked that question.

10 But, you know, we'll be more mindful of it, but
11 I'm not going to delay the trial every time there's a
12 question that's close like that to refer to the transcript
13 of yesterday, you know, unless it's something really
14 critical and something, you know -- but he's had the benefit
15 of reading it now, and I hope that you'll confine yourself
16 to the transcript if you're going to ask a question in that
17 way.

18 I mean, really, what we're talking about,
19 Mr. Sanders, is the question: "Now, you never mentioned
20 Diedre Baskerville when the prosecutor questioned you
21 yesterday; correct?"

22 That's a fair question. That is a fair
23 cross-examination question.

24 MR. SANDERS: I'm sorry, Your Honor, I disagree.
25 It's not fair if he wasn't asked. That implies --

1 THE COURT: Well, that's your version. I don't
2 agree with it.

3 MR. SANDERS: Okay. Then we agree to disagree,
4 Your Honor.

5 THE COURT: That, I don't agree with, because you
6 have a chance on redirect. And also, your witness here
7 said, he didn't ask me about her.

8 MR. SANDERS: Right. He handled himself well.

9 THE COURT: Well, let's say he said, No, I didn't.
10 I more often than not have had Federal prosecutors on
11 redirect stand up and say, Now you were asked a question,
12 did you ever mention Diedre Baskerville on direct yesterday,
13 or on cross-examination and you answered, no, you didn't;
14 why not?

15 Because I was never asked about her.

16 That typically is what I've experienced here.

17 Okay?

18 So it's a perfect proper question what he asked:
19 Now, you never mentioned Diedre Baskerville when the
20 prosecutor questioned you yesterday. And the prosecutor did
21 ask him about, you know, explain what happened, what
22 occurred next, very general questions. And he could have at
23 any one of those points, he could have at any one of those
24 points mentioned Diedre Baskerville. He mentioned Ray-Ray.
25 He wasn't asked specifically, you know, was Ray-Ray there.

1 He mentioned Ray-Ray. And so, you know -- now, the next
2 question is where I think you have a bigger objection, and
3 that is, he characterized it as, he asked you, what happened
4 when you went to Jamal Baskerville's house?

5 And that's the question I think you had the main
6 objection to, because the question -- you say he never
7 asked, although he did ask -- he did, he really did ask, on
8 page three, in the middle: "Now, when you arrived there,
9 what did you learn?"

10 MR. SANDERS: Did you learn. Not who was there.
11 And that's -- I mean, we don't --

12 THE COURT: That wasn't his question, either,
13 Mr. Sanders. His question was, he asked you what happened
14 when you went to Jamal Baskerville's house, and he did ask
15 -- Now, when you arrived there, Jamal Baskerville's house,
16 we know that, what did you learn? So what happened and what
17 did you learn, I think you're parsing things a little too
18 finely here. That's not -- even that is not an
19 inappropriate question.

20 Okay. No, go ahead.

21 MR. SANDERS: I'd like to -- I mean, when we
22 cross, based on the transcript or prior testimony, to the
23 extent we have a transcript, it's easier to put the question
24 and answer to the witness.

25 THE COURT: It is. But what he did Friday was not

1 a mischaracterization. Your own memo to me will show you
2 that. And I just showed you again. He asked you, question
3 by Mr. Bergrin, he asked you, what happened when you went to
4 Jamal Baskerville's house, and Mr. Minish asked him, "Now,
5 when you arrived there -- " -- we know he's talking about
6 Jamal Baskerville's house -- " -- what did you learn?"

7 So, what did you learn, and what happened, I think
8 you would even agree there's not too much of a distinction
9 between those two questions.

10 All right. Shall we go ahead and bring out the
11 jury?

12 THE COURT CLERK: Yes. Bring in the witness in?

13 THE COURT: All right. Let's bring in the witness
14 and we'll bring out the jury, please. Thanks.

15 (The witness resumed the stand.)

16 THE COURT CLERK: Please rise for the jury.

17 (The jury enters)

18 THE COURT: All right, everyone. Welcome back.
19 And be seated.

20 Everyone, be seated, in the courtroom.

21 We will continue with the cross-examination of
22 Mr. Young by Mr. Bergrin.

23 Mr. Bergrin, step forward and go ahead.

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

25 Good morning.

CROSS-EXAMINATION (CONTINUED)

1
2 **BY MR. BERGRIN:**

3 **Q. Mr. Young, you testified that you contacted the**
4 **Federal Bureau of Investigation in or about or on or about**
5 **January the 14th of 2005; correct?**

6 **A. Somewhere in that area.**

7 **Q. And you contacted them because at that time, you**
8 **feared for your safety; correct?**

9 **A. Yes.**

10 **Q. And you wanted protection from the Federal Bureau of**
11 **Investigation; right?**

12 **A. Yes.**

13 **Q. And you were put in contact with Special Agent Manson,**
14 **who you had told was the case agent on the case, correct,**
15 **the lead agent?**

16 **A. Yes.**

17 **Q. Or the person that could help you or assist you;**
18 **right?**

19 **A. Yes.**

20 **Q. And you spoke to Agent Manson on the telephone on that**
21 **date that you called the F.B.I.; right?**

22 **A. Yes.**

23 **Q. And you were in such fear of Jamal McNeil and Jamal**
24 **Baskerville that you told that to Agent Manson; correct?**

25 **A. I think I did tell her that, yes.**

1 Q. Well, that's the reason that you called; correct?

2 A. Yes.

3 Q. So if that's the reason that you called, that had to
4 be one of the first words out of your mouth: I need
5 protection by the F.B.I. because Jamal McNeil and Jamal
6 Baskerville are going to kill me. Right?

7 A. Well, that was --

8 Q. Or words to that effect, you know, similar to that.

9 A. That wasn't my first words.

10 Q. Your first words, do you remember what you told her?

11 A. That I had information of the Kemo McCray murder.

12 Q. And then after that, I'm sure you told her about Jamal
13 McNeil; correct?

14 A. Yes.

15 Q. And I'm sure you told her about Jamal Baskerville;
16 right?

17 A. Yes.

18 Q. I'm showing Mr. Young J-02933.

19 MR. BERGRIN: Your Honor, may I approach the
20 witness? It's the statement --

21 THE COURT: Okay. Go ahead.

22 MR. BERGRIN: -- for the record of January 14th,
23 2005.

24 THE COURT: Just approach, and let me hear the
25 question.

1 Q. Isn't it a fact that when you spoke to Agent Manson on
2 January the 14th of 2005, you made no mention at all -- and
3 you only had one conversation with her on January 14th;
4 right?

5 A. Phone conversation.

6 Q. Phone conversation, right? You made no mention at all
7 of needing protection from the F.B.I. against Jamal McNeil
8 or Jamal Baskerville.

9 A. Think I did.

10 Q. I want you to look at that report in front of you.

11 THE COURT: Does that report refresh your
12 recollection as to whether or not you mentioned that to the
13 agents at the time?

14 THE WITNESS: No, it won't refresh -- it won't
15 refresh it. But I think I did.

16 THE COURT: Okay. That report doesn't refresh
17 your memory as to whether or not you provided that
18 information?

19 THE WITNESS: I did provide this information, but,
20 like I said, I don't write this stuff, and, uh'm, I'm pretty
21 sure I did mention that.

22 BY MR. BERGRIN:

23 Q. But it's not contained anywhere in that report;
24 correct?

25 A. No.

1 Q. And as a matter of fact, the name Jamal McNeil, the
2 person that you feared the most, right, out of that group,
3 Jamal Baskerville, Jamal McNeil, you feared Jamal McNeil
4 more than anyone; correct?

5 A. Yes, that's what I would have to worry about.

6 Q. As a matter of fact, you don't even mention Jamal
7 McNeil's name to Agent Manson on January the 14th of 2004
8 according to that statement; correct?

9 A. According to this statement, but like I said, I think
10 I did.

11 Q. Oh, and you -- then you think that maybe an important
12 fact like that is just left out of the report; correct?

13 A. Like I said, Mr. Bergrin, I don't write this stuff.

14 Q. Now, you had a face-to-face conversation; correct?

15 A. Yes.

16 Q. A conference with the agent, the lead agent on this
17 case, Ms. Manson; correct?

18 A. Yes.

19 Q. About four days later; right?

20 A. I don't know --

21 Q. January the 18th.

22 A. I don't know how many exactly, how many days later,
23 but I did have a face-to-face conversation with her.

24 Q. It was shortly after you had called her on the
25 telephone or spoke to her; correct?

1 A. Yes.

2 Q. And again, you still had the same fears from the time
3 you called on January 14th until you called on January 18th;
4 correct?

5 A. Yes.

6 Q. You were still scared to death about Jamal Baskerville
7 and Jamal McNeil; correct?

8 A. Yes.

9 Q. As a matter of fact, on January 18th, did you even
10 know Jamal McNeil's name?

11 A. Well, I knew Jamal's name, but I -- I had his last
12 name wrong.

13 Q. What did you know him as?

14 A. I told her Jamal McBride, but it's Jamal McNeil.

15 Q. And you're sure about that; correct?

16 A. That I told her Jamal McBride?

17 Q. Yes.

18 A. Pretty sure, almost.

19 Q. And a matter of fact, you're sure that you told her
20 the name Jamal, correct, when you referred to Jamal McNeil.

21 A. Well, if I wants to talk about Jamal McNeil, I say
22 Malsey.

23 Q. Malsey.

24 Now, isn't it a fact that you never mentioned on
25 January the 18th the face-to-face meeting -- when you had

1 all the time in the world, you could have spoke to her from
2 morning until the next day. You just spoke to her for two
3 days, three days; correct?

4 A. Well, when I spoke to her, the initial meetings, I was
5 telling her that Jamal McNeil was the murderer.

6 Q. You had no time restrictions on you when you spoke to
7 Agent Manson in the face-to-face meeting; correct?

8 A. No, I don't think so.

9 Q. And again, the reason that you're going to the F.B.I.
10 is for your protection; that's the reason that you first
11 decided to go there, according to your testimony. Correct?

12 A. My first reason of going to the F.B.I. was to get
13 Jamal McNeil and Jamal Baskerville off the streets.

14 Q. Correct. So what you want to do is, you want to tell
15 her that you need protection from these individuals; right?

16 A. Well, she knew that if I'm meeting with the F.B.I.,
17 sir.

18 Q. She knew that.

19 I'm going to show you what's been marked J-02935.

20 MR. BERGRIN: May I approach this witness, Your
21 Honor?

22 THE COURT: Yes.

23 Q. I'm going to ask you to look at that.

24 Is that a January the 18th, 2005 report of you and
25 the meeting between you and Manson on January the 18th of

1 2005?

2 A. Yes.

3 Q. And isn't it a fact that that report contains not a
4 sentence, not a word about you needing protection from
5 anyone? Isn't that a fact that that's -- that that's not
6 contained in there?

7 A. Well, it don't say that I need protection from him.
8 It's just telling her that Malsey and Jamal Baskerville, you
9 know -- right here, it say about Malsey killing somebody.

10 Q. There's nothing in there whatsoever about you being in
11 fear of your life or needing the protection from anyone;
12 correct, sir?

13 A. Well, she knew that if I'm meeting with the Federal
14 Government. I'm becoming an informant.

15 Q. Sir, my question to you -- and if you don't understand
16 my question, please ask me to repeat it.

17 A. Yes.

18 Q. Isn't it a fact that that report contains absolutely
19 not a word about you being in fear of either Jamal McNeil,
20 Malsey, or Jamal Baskerville, or needing protection in any
21 manner whatsoever?

22 A. No, sir.

23 Q. And isn't it a fact that it says nothing about taking
24 Jamal Baskerville off the streets, as you indicated?

25 Correct?

1 A. No, it don't say that in the report.

2 Q. And it says nothing about you or any member of your
3 family ever being in fear of your life, correct, according
4 to that report?

5 A. Well, I was worried about me at the time.

6 Q. You, then. It says nothing about you being in fear;
7 right?

8 A. No.

9 Q. Now, the first person that you spoke to when you
10 called the F.B.I. after dialing 411, as you indicated, was a
11 Special Agent Gale; correct?

12 A. Well, I don't know the agent' name.

13 Q. Okay. It was an agent that put you in touch with
14 Agent Manson; correct?

15 A. Yes.

16 Q. When you told him you had information about a murder;
17 correct?

18 A. Yes.

19 Q. A murder of an informant by the name of Kemo; correct?

20 A. Yes.

21 Q. And by the way, the report that you have in front of
22 you that's dated January the 18th of 2005, does it contain
23 the fact that you told her the name was Jamal McBride?

24 A. It say "last name unknown."

25 Q. It says Malsey, first name and last name unknown;

1 correct?

2 A. It just say "last name unknown."

3 Q. Does it say Jamal Malsey or Malsey Jamal?

4 A. No, it say Malsey, then it say "last name unknown."

5 Q. And there's no reference to the fact that you even
6 knew his name as Jamal. You referred to him throughout that
7 entire statement, isn't it a fact, as Malsey?

8 A. I still return to him as Malsey because it's two
9 Jamals, so I differate (sic) the two by saying Malsey and
10 Jamal.

11 Q. You never refer to him as Jamal according to that
12 statement; correct?

13 A. According to this statement, no.

14 Q. Now, when you called the F.B.I. on January 14th
15 because of your fears and you needing protection, I'm sure
16 you initially spoke to the first person that you spoke to,
17 the agent on the phone at the F.B.I., and you mentioned the
18 names Jamal McNeil and Jamal Baskerville; correct?

19 A. I said Jamal Baskerville and I said Jamal Malsey. I
20 didn't -- I thought Jamal -- I thought Malsey' last name was
21 McBride, but it's McNeil.

22 Q. And you're sure about that as you sit here today and
23 you've testified in the last couple of days about all your
24 testimony; right?

25 A. Yes.

1 MR. BERGRIN: May I approach with J-06569, Your
2 Honor?

3 THE COURT: Yes.

4 MR. BERGRIN: Thank you.

5 BY MR. BERGRIN:

6 Q. Is that a short report or a short summary by a
7 Special Agent Gale in reference to your first phone call to
8 him on January the 14th of 2005, sir?

9 A. Yes.

10 Q. And isn't it a fact that that report contains not a
11 word, not a sentence, not a name, Jamal Baskerville,
12 Jamal McNeil, McBride, or the name Malsey?

13 A. No, don't got Malsey.

14 Q. It don't have Malsey; it don't have McNeil; correct?

15 A. No, sir.

16 Q. It don't have Jamal; correct?

17 A. No.

18 Q. It don't have Jamal Baskerville; right?

19 A. No.

20 Q. Now, you have never had the chance to review the
21 transcripts in the United States v. Baskerville trial;
22 correct?

23 A. No, sir.

24 Q. And you had never looked at that and read about your
25 testimony in 2007 to refresh your memory; correct?

1 A. No, I haven't read it.

2 Q. And you had never gone over it to make sure that you
3 clean up the mistakes that you made or what you said in that
4 2007 before the jury; correct?

5 A. I was asked some questions, but never read the
6 transcripts or nothing.

7 Q. And never shown the transcripts; right?

8 A. No.

9 Q. And you're sure about that; correct?

10 A. I'm positive that I was never shown.

11 MR. BERGRIN: Can I have one moment, Judge,
12 please?

13 Q. Did you review what you had said back in 2007?

14 A. Like I said, I was sat down, I was asked some
15 questions about it, but I was -- never got to see it, never
16 looked at it. Asked some questions, and thought about what
17 I said, about my testimony in the last trial.

18 Q. And who was with you when you reviewed this?

19 A. First time that I reviewed it was my lawyer, the
20 prosecutor, and the agent.

21 Q. When you say "agent," who do you mean?

22 A. Agent Manson and Prosecutor Minish.

23 Q. Now, are you telling us that you didn't review the
24 previous trial testimony in United States v. Baskerville?

25 A. What do you mean when you say "review"?

1 Q. What I mean is, did you read it or was it read to you
2 or did you go over what you had said in that prior
3 testimony?

4 A. I went over it, but wasn't -- I didn't read it myself,
5 no.

6 Q. Did they read portions of that to you?

7 A. Yes, they asked me questions regarding the first
8 trial, and asked a couple questions. That's it.

9 Q. A couple of questions?

10 A. Yes.

11 Q. So you didn't review extensively what you had said in
12 2007?

13 A. Extensively?

14 Q. Extensively.

15 A. A little bit, but I wouldn't say all of it.

16 Q. What do you mean by "a little bit"? Define "little
17 bit" for us.

18 A. I don't know how many pages in there, Mr. Bergrin.

19 Q. But you reviewed the transcript and you reviewed the
20 testimony, correct, with Mr. Minish.

21 A. Yes, some of it.

22 Q. Some of it. How many hours do you spend reviewing
23 some of it?

24 A. Maybe a hour, hour and a half.

25 Q. And how many times did you spend an hour, an hour and

1 a half reviewing it?

2 A. Just the transcripts, one time.

3 Q. Just one time?

4 A. Yes.

5 Q. And you remember your attorney being there?

6 A. My attorney was there the first time as far as the
7 initial meeting, and then the second time, it was just
8 Ms. Manson and Mr. Minish.

9 Q. And the second time -- so your attorney was there, and
10 you reviewed the transcripts for how long? Hour, an hour
11 and a half with your attorney and Ms. Manson and Mr. Minish?

12 A. I don't exactly know how long it was.

13 Q. And the second time, when you were alone with Minish
14 and Manson, how much time did you spend reviewing your trial
15 testimony and transcripts from 2007?

16 A. Maybe another hour or so.

17 Q. So approximately two and a half hours minimum was
18 spent reviewing your trial testimony in that case; correct?

19 A. Somewhere in that area.

20 Q. Approximately; right, sir?

21 A. Somewhere.

22 Q. Now, did they point out inconsistencies or areas where
23 you had to clean up or where they say that you were wrong or
24 there was errors?

25 A. No.

1 Q. And you're sure about that; correct?

2 A. I'm positive. They just, you know, asked me some
3 stuff and told me to think about some of the stuff that was
4 asked to me at the trial. That was it.

5 Q. And to think long and hard; right?

6 A. No, they just said think.

7 Q. Now, Mr. Young, sir, did these words ever come out of
8 the mouth of Anthony Young: "A lot of shit I didn't tell y'
9 all but I know John Gay know."

10 Did you ever say things like that?

11 THE COURT: What are we referring to, Mr. Bergrin?

12 MR. BERGRIN: It's a transcript, Your Honor.

13 THE COURT: From where?

14 MR. BERGRIN: From a recording, Your Honor.

15 MR. MINISH: Judge, can we be heard just briefly?

16 THE COURT: Yes.

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1 (The following takes place at sidebar)

2 THE COURT: It's a transcript of what?

3 MR. BERGRIN: A recording of a Government
4 informant with this individual, Your Honor. The tape was
5 turned over to us and provided to us.

6 THE COURT: When was it turned over to you?

7 MR. BERGRIN: In Jencks material.

8 MR. LUSTBERG: It was September 27th. We -- it's
9 a hard -- it's a long tape, and it took us a while to get
10 the transcript. We provided the transcript to the
11 Government actually yesterday.

12 THE COURT: Oh. Okay.

13 MR. LUSTBERG: I don't think that -- they probably
14 haven't had a chance to check it against the tape.

15 MR. MINISH: And, Judge, just so we're clear, I
16 believe Mr. Lustberg's e-mail specifically said we were not
17 going to go into it today.

18 MR. LUSTBERG: No, it says we weren't going to
19 play the tape until the end of his cross, and that's true.

20 MR. MINISH: Well, "play the tape" is the same as
21 referring to it.

22 THE COURT: Wait, everybody.

23 MR. BERGRIN: Judge, I have a right to ask these
24 questions.

25 THE COURT: Wait a second.

1 I just want to do know if you have a good faith
2 basis to ask this question.

3 MR. BERGRIN: Oh, yes, sir.

4 THE COURT: Depending how he answers: If he says,
5 No, I never said that, and if you have a tape to use, fine.
6 If he says, Yes, I said it, then he'll explain it.

7 MR. BERGRIN: Yes.

8 THE COURT: I mean, there is there a better
9 foundation to set -- did he ever say to who? Who was it?

10 MR. BERGRIN: It was a Hassan Miller, Your Honor,
11 in or about --

12 THE COURT: When he was in custody?

13 MR. BERGRIN: He was in custody at the Hudson
14 County Jail, and it was August of 2005.

15 THE COURT: And who recorded this?

16 MR. BERGRIN: The Federal Government, Your Honor.
17 Hassan Miller was wearing a recording device on his person.

18 THE COURT: Oh. So you guys were recording
19 Hassan.

20 MR. GAY: Yes.

21 THE COURT: Trying to get statements from other
22 people in jail?

23 MR. MINISH: From Mr. Young specifically.

24 THE COURT: How long ago was this?

25 MR. GAY: It was before -- I was --

1 THE COURT: Before he was cooperating?

2 MR. GAY: Yes.

3 THE COURT: Oh.

4 MR. LUSTBERG: No, no, no.

5 MR. MINISH: After he met --

6 MR. GAY: Well, depends on what you're going to
7 say cooperating is. He had met with the Government on -- I
8 don't remember how many occasions, a couple of occasions,
9 had made statements to the Government, and this was when we
10 did not believe that he was being honest about not being a
11 shooter.

12 THE COURT: Okay.

13 MR. GAY: So --

14 THE COURT: You know about this, then.

15 MR. GAY: Of course we do.

16 THE COURT: All right.

17 MR. GAY: My only thing, Judge, is that he's
18 talking about trial prep, and I took it to suggest that this
19 was made somehow during trial prep. I think it's improper.

20 THE COURT: You can cover that on redirect.

21 MR. GAY: Okay. Okay.

22 THE COURT: The question right now is, did he ever
23 make a statement like this, and that's it, you know. Okay?

24 MR. GAY: Right. Okay.

25

1 (The following takes place in open court)

2 MR. BERGRIN: May I proceed, sir?

3 THE COURT: Yes.

4 I'll allow it.

5 Go ahead.

6 MR. BERGRIN: Thank you, Judge.

7 BY MR. BERGRIN:

8 Q. Mr. Young, please listen to the words very carefully,
9 sir.

10 In or about August the 3rd of 2005, did you ever
11 -- did these words ever come out of the mouth of Anthony
12 Young: "A lot of shit I didn't tell y'all but I know John
13 Gay know."

14 Do you ever remember saying those words?

15 A. Yes, I might have did, because I wasn't being truthful
16 with him at the time.

17 Q. "John Gay know everything I did, everything I was
18 around, everything. I don't care if I was a block away
19 looking at it, he know about it."

20 Did those words come out of your mouth, the
21 truthful mouth, those words come out of the mouth of
22 Anthony Young in August of 2005?

23 A. August of 2005?

24 Q. Yes, sir.

25 A. Probably so.

1 Q. Did you also say, did these words come out of the
2 mouth of Anthony Young: "I don't care if me and Hak was in
3 the car together and another niggah did the shooting. I
4 told them about that too."

5 Did those words come out of your mouth?

6 A. Yes, and like I said, I was being untruthful at the
7 time.

8 Q. But those words came out of your mouth; right?

9 A. Yes.

10 Q. And you were speaking to a confidant, a friend of
11 yours; correct?

12 A. Yes.

13 Q. Did you also say words to the effect of -- did these
14 words come out of your mouth: "One time me and Hak was
15 sitting there look at the murder like this, boom, boom,
16 boom, boom, first car leave, the rare pull up, I get
17 out -- " -- "I" meaning Anthony Young -- " -- get out and
18 lookit, maybe sure the niggah dead, went back in with him."

19 Did you ever say that?

20 A. Yes, that was my statements at the time.

21 Q. Did you ever refer to Mr. Gay as a cracker?

22 A. Probably so.

23 MR. BERGRIN: Excuse me a second, Judge.

24 THE COURT: Who did you make those statements to,
25 Mr. Young?

1 Q. And you were a member of this group; right?

2 A. Yes.

3 Q. Now, you told this jury that you had no choice, there
4 was no options, there was no alternatives available to
5 Anthony Young about who he bought his drugs from. Didn't
6 you say that on Thursday, the 27th of October? You had no
7 choice but to buy your drugs from Hakeem Curry or Alquan
8 Loyal.

9 MR. MINISH: Judge, could we just see what part of
10 the transcript he's referring to?

11 MR. BERGRIN: Yes. I'm referring to page 117,
12 line three, transcript dated 10/27/2011, sir.

13 MR. MINISH: Which line?

14 MR. BERGRIN: It's October 27, sir.

15 MR. MINISH: Which line?

16 MR. BERGRIN: It starts with actually question at
17 117, line 3:

18 "You said earlier Mr. Curry had an empire.

19 "Yes.

20 "Why do you say it was his as opposed to anybody
21 else's?"

22 And did you respond: "Because in order for you to
23 do any dealings, you had to go through him."

24 And then you said, and you looked at this jury --
25 did you say that? Do you remember saying those words?

1 A. Yes, I said in order to get our drugs, if we get them
2 from him, we got to go through him.

3 Q. No, you didn't say if we get it from him, Mr. Young.
4 You said that you had; you had; you had no choice, you were
5 forced, you were compelled, you had to go through him.

6 MR. MINISH: Objection. Judge, objection.

7 THE COURT: Wait. There's an objection.

8 Read what he was asked exactly, Mr. Bergrin.

9 Q. "Why do you say it was his as opposed to anybody
10 else's?"

11 Remember being asked that question by Mr. Joseph
12 Minish?

13 A. Why do I say the drugs is his?

14 Q. No. Remember being asked the question, Mr. Young:
15 "Why do you say it was his as opposed to anybody else's?"

16 Remember being asked that question?

17 A. I'm not understanding your question, Mr. Bergrin.

18 Q. Did you have any problems answering or understanding
19 the questions of Mr. Minish when he asked you on Thursday?

20 THE COURT: No, Mr. Bergrin, show him the
21 question. If he has a problem understanding or hearing the
22 question, simply take a look at the question.

23 Want to present the transcript to him?

24 MR. BERGRIN: Yes, Your Honor.

25 Q. I want you to look at the question by Minish to Young,

1 line 5.

2 THE COURT: This is a question of Mr. Young's
3 testimony --

4 MR. BERGRIN: Yes.

5 THE COURT: On what day; yesterday, or Friday?

6 MR. BERGRIN: 10/27, Thursday, sir.

7 THE COURT: Thursday?

8 MR. BERGRIN: Yes, sir.

9 THE COURT: All right.

10 This is your testimony -- this is a transcript of
11 the proceedings on Thursday, Mr. Young.

12 And refer to the question, Mr. Bergrin.

13 BY MR. BERGRIN:

14 Q. I'm going to ask you to look at the question beginning
15 on line five, Mr. Young.

16 THE COURT: And the question? Do you have it in
17 front of you?

18 Mr. Bergrin, do you have a copy?

19 MR. BERGRIN: No, but I essentially know what it
20 says, Your Honor.

21 THE COURT: Okay.

22 Q. Do you remember being asked that question by
23 Mr. Minish --

24 A. Yes.

25 Q. -- exactly as it is typed on that transcript beginning

1 on line five, page 117?

2 A. Yes, because he asked me about the Curry --

3 THE COURT: No, no. Just, were you asked that
4 question?

5 THE WITNESS: Yes.

6 THE COURT: You remember being asked that
7 question?

8 THE WITNESS: Yes.

9 THE COURT: That's all. Yes or no.

10 Q. And when you were asked that --

11 THE COURT: And did you give a certain answer, and
12 what was the answer you gave to the question?

13 First of all, read the question, if you would,
14 please.

15 What was the question, Mr. Young?

16 THE WITNESS: "Why do you say it was his as
17 opposed to anybody else's?"

18 THE COURT: All right. And what was your answer?

19 THE WITNESS: " Because in order for you to get any
20 dealings, you had to go through him. He was like the top
21 guy on the chain. He had the connect."

22 THE COURT: Okay.

23 MR. MINISH: And again, Judge, now, for the
24 objection, that's not what Mr. Bergrin said. He said -- he
25 used the word "forced," he used other words that are just

1 simply not in the transcript.

2 THE COURT: I sustained your objection, Mr.
3 Minish. That's why we did the question and the answer.

4 MR. MINISH: Oh, I apologize.

5 THE COURT: I sustained your objection, and that's
6 why I asked him to go ahead and refer the question to the
7 witness and the answer.

8 MR. MINISH: My apologies.

9 BY MR. BERGRIN:

10 Q. Now, according to the words that came out of your
11 mouth in that transcript, you used the words "you had to buy
12 your drugs"; correct? Isn't that what you said exactly?

13 A. Yeah, in order for you to get any drugs, you had to go
14 through him. Yes.

15 Q. And you had no problems understanding and answering
16 the question that Mr. Minish asked you beginning on line
17 five; correct?

18 A. I don't have no problem answering it today.

19 Q. Well, you just said to me that you don't understand
20 the question, and that's why the Judge asked me to show it
21 to you. Didn't you just say that in front of this jury, you
22 don't understand the question?

23 A. Because you put -- you put 15 other words with that,
24 Mr. Bergrin.

25 Q. Now, you said that Mr. Curry had an empire; correct?

1 A. Yes.

2 Q. And you also said that you had to go through Mr. Curry
3 to buy your drugs; right?

4 A. Yes.

5 Q. Now, did you talk about -- on Thursday, remember
6 talking about where Mr. Curry went to get his drugs and the
7 fact he had a connect in New York?

8 A. Yes.

9 Q. And did you also say that whatever heroin and cocaine
10 you wanted, again, you had to go through Hakeem Curry?

11 A. Yes.

12 Q. When you say you had to go through Hakeem Curry, what
13 did you mean by that, you had to go through Hakeem Curry?

14 A. What I meant by that is, if you wanted to get the
15 heroin and the cocaine that was the best at the time during
16 the 90's, when we started this, when I came home in '97, if
17 you wanted to get the heroin and cocaine that Hakeem Curry
18 got, you had to go through him.

19 Q. But you didn't said that -- you didn't say that;
20 correct? You didn't say nothing about the best heroin or
21 the best drugs. You said and made it appear to the jury
22 that you were forced to go through Hakeem Curry; correct?

23 A. No, I didn't tell them that I was forced, but --

24 Q. Well, when somebody says you had to, you had to go
25 through him --

1 A. If I wanted -- you asked me to explain, if I wanted
2 that cocaine or that heroin, I had to go through Mr. Curry.

3 Q. But that's not what you said when you answered the
4 question on Thursday; isn't that a fact?

5 A. What do you want me to say, Mr. Bergrin? That's --

6 Q. I want you to say the truth for once in your life.

7 A. I am giving you the truth.

8 THE COURT: Okay. Mr. Bergrin, go ahead. Is
9 there any other question in this area?

10 MR. BERGRIN: Yes, Your Honor.

11 Q. That's not what you told the jury on Thursday. You
12 never said anything about having to get the best, or when
13 you came home. You left it with the answer you had to go
14 through Hakeem Curry and Alquan Loyal. That's how you ended
15 that statement; correct, sir?

16 A. Yes.

17 THE COURT: All right. Go on to another subject,
18 Mr. Bergrin.

19 MR. BERGRIN: I am, Judge.

20 Q. Now, I ask you to look at page 118, line five.

21 You were asked the question again by Mr. Minish,
22 and isn't it a fact you said a second time you had to get
23 your drugs from either Hakeem or Alquan, you had to?

24 A second time, those words came out of your mouth as you
25 looked at the jury.

1 A. Yes.

2 Q. And as a matter of fact, isn't it a fact that you told
3 the jury on line 16 of that same page while Mr. Minish was
4 questioning you that he asked you who did you get your drugs
5 from, and didn't you respond on that line 16, "Me and -- "
6 -- then you added Rakim, meaning Rakim Baskerville, "we got
7 our drugs from Hakeem Curry" -- from Hakeem Curry?

8 A. Yes, you just said that.

9 Q. No, that's -- those are the words that came out of
10 your mouth, not mine; correct?

11 A. Yes.

12 Q. Now, do you remember being asked these questions back
13 in 2007, when you testified in United States v. Baskerville?

14 A. I don't remember.

15 Q. Do you remember being asked the questions about this
16 empire or this organization or this gang or this clique as
17 you just referred to it?

18 A. Yes.

19 Q. And you were under oath; correct?

20 A. Yes.

21 Q. And you were obligated to tell the truth before the
22 jury that you testified to, correct, in 2007?

23 A. Yes.

24 Q. As a matter of fact, you took the same oath before
25 that jury in 2007 when you testified that you just took now;

1 right?

2 A. Yes.

3 Q. Now, you said that you reviewed the transcript in
4 United States v. Baskerville with Mr. Minish and Ms. Manson;
5 correct?

6 A. Yes.

7 Q. And did they ask you questions about the organization,
8 the clique, or the gang known as the Hakeem Curry gang or
9 clique or organization?

10 A. I don't remember the exact questions.

11 Q. But they went into different areas; correct?

12 A. Yes.

13 Q. And areas that they were concerned about or else they
14 wouldn't have asked you those questions; right? That makes
15 sense; right?

16 A. No. It doesn't make sense.

17 Q. Okay. Now, that's the same prosecutor who asked you
18 -- the same prosecutor who asked you these questions on
19 Thursday, of October the 27th of 2011, Mr. Minish, was the
20 same prosecutor who asked you these questions back in 2007
21 when you testified; right?

22 A. Yes.

23 Q. The same prosecutor who prepared you for trial in 2007
24 is the same prosecutor who prepared you for trial in 2011;
25 right?

1 A. Yes.

2 Q. And it was the same Federal agents involved; right?

3 A. Yes.

4 Q. Now, --

5 MR. BERGRIN: Your Honor, may I refer to the
6 transcript dated April of 2007, sir?

7 THE COURT: Yes. Go ahead.

8 MR. BERGRIN: It's the transcript of April 17th
9 that I'll be referring to, Your Honor.

10 THE COURT: April of 2007?

11 MR. BERGRIN: 2007, yes, sir.

12 THE COURT: In United States v. Baskerville?

13 MR. BERGRIN: Yes, Your Honor, before the
14 Honorable Joel Pisano, United States District Judge.

15 Q. Do you remember being asked extensive questions -- or
16 let me put it a different way. Do you remember being asked
17 a number of questions in United States v. Baskerville about
18 this organization?

19 A. Yes, a couple questions about it.

20 Q. A couple of questions.

21 Do you remember being asked the question --

22 THE COURT: Give us a page and a line, please.

23 MR. BERGRIN: It started at 4634, Your Honor, line
24 six, sir.

25 THE COURT: Okay.

1 Q. Do you remember being asked the question, sir: "Now,
2 Hakeem Curry was the boss of this gang, g-a-n-g, right?"

3 And you answered on line seven: "Yes."

4 And I'll show you a copy of that transcript so you
5 can read along, okay, sir.

6 A. Yes, sir.

7 MR. BERGRIN: Your Honor, I'm starting on page
8 4634, line 6, sir.

9 Q. Sir, I'm going to show you -- I'm going to give you a
10 transcript. I separated so you can go right to the page.
11 Okay?

12 Now, you were asked these questions by Mr. Minish
13 obviously four years ago before he prepped you for this
14 trial; right?

15 A. Yes.

16 Q. Now, were you asked the question --

17 MR. MINISH: Judge, objection. I believe you
18 know, and it's probably just a mistake, but the area that
19 Mr. Bergrin is referring to is the cross-examination
20 section.

21 MR. BERGRIN: It's a transcript.

22 MR. MINISH: But not asked by me, Judge, just for
23 the record.

24 THE COURT: All right. It's cross-examination by
25 another defense attorney in that case. Okay.

1 BY MR. BERGRIN:

2 Q. Mr. Minish was present in court, correct, during the
3 trial of United States v. Baskerville; right?

4 A. Yes.

5 Q. And he was probably sitting in the location similar to
6 where he's sitting now in another courtroom; correct?

7 A. Yes.

8 Q. And so was Agent Manson; correct?

9 A. Yes.

10 Q. The same people that prepared you for this trial;
11 right?

12 A. Yes.

13 Q. Now, I'm going to ask you to look and start, please,
14 sir, on line six, sir.

15 Were you asked the question: "Now, Hakeem Curry
16 was the boss of this gang, right?"

17 And did you respond on line seven: "Yes"?

18 A. No, it say no, and it don't say boss.

19 THE COURT: Well, no, line six, Mr. Young, line
20 six, page 4634. Are you looking at the right page?

21 THE WITNESS: Oh, I'm at the wrong page, Your
22 Honor.

23 THE COURT: Okay. If you look at page 4634, line
24 six, the question there.

25 Q. The question that was asked is the exact question I

1 just asked you: "Now, Hakeem Curry was the boss of this
2 gang, right?

3 A. Yes.

4 Q. And you responded on line seven "Yes."

5 A. Yes.

6 Q. And you were asked: "Did it have a name"?

7 And did you respond on line 9: "Well, you hear
8 somebody say the E. T. Hak gang." Correct?

9 A. That's what you hear some people say.

10 Q. Now, you didn't refer to it as a gang; right?

11 A. I call it a clique. People call it a gang. Some
12 people call it an empire.

13 Q. A clique.

14 Now, on line 10 you were asked the question:

15 "Were you part of this gang," and didn't you
16 respond "Yes"?

17 A. Yes.

18 Q. And then you were asked a question on line 12: "And
19 what was your role in the gang?"

20 And did you say "Just a drug dealer"?

21 A. Yes, that's what I do: Sell drugs.

22 Q. And then move to line 18, sir.

23 "And you sell drugs as a living, right?"

24 A. That's part of what I do for a living?

25 Q. And you sold drugs for a living back then; right?

1 A. Yes, part of it.

2 Q. The other part was robberies; right?

3 A. Robberies.

4 Q. Stealing --

5 A. I did a little bit of everything.

6 Q. Everything, right?

7 A. Yes.

8 Q. Everything you could make your money on, everything
9 you could make your hands on; didn't matter to Anthony
10 Young, right?

11 A. No, that's not true.

12 Q. What's not true about it?

13 A. Well, I done stole cars and everything, I didn't make
14 money off of that.

15 Q. But you stole cars; right?

16 A. Yeah, to do certain things in.

17 Q. Okay. As a matter of fact, you stole a car from Ben,
18 the guy who supposedly was there when you melted the gun;
19 right?

20 A. No, sir.

21 Q. You never stole the car from him?

22 A. No.

23 Q. You never took a car after you owed him money for
24 repairs, about \$1,300?

25 A. No. I owed him some money, and I paid him. I owed

1 him \$300.

2 Q. So you're telling us as you testify under oath that
3 you didn't go to Ben's asking him to test-drive a car that
4 he had put \$1,300 worth of parts and labor in and then just
5 take it and steal it from Ben; right?

6 A. No, me and Ben done plenty of cars together. That's
7 not true.

8 Q. So you're denying it on the stand; right?

9 A. Yes, I'm denying it.

10 Q. Now, you were asked a question, "What was your role in
11 the gang" I just asked you on line 12 and you responded
12 "Just a drug dealer," right?

13 A. Yes.

14 Q. Skip to line 18, now. Were you asked the question,
15 "I mean, if people would ask you what gang you are with,
16 what would you say?"

17 And then you responded on line 20: "I would just
18 say I'm with E. T. Hak clique. I wouldn't say gang."
19 Right?

20 A. Yeah. I don't say gang, no.

21 Q. But you've never heard it responded to -- you've never
22 heard it referred to as a gang; right?

23 A. I just heard law enforcement say that, and I correct
24 them and say it's a clique.

25 Q. It's a clique. And what's the difference between a

1 clique and a gang?

2 A. There's really no difference.

3 Q. No difference.

4 A. No.

5 Q. But you just referred to it as a clique.

6 A. A clique, which will be various of people. A gang,
7 which will be -- is various of people. It's no different.
8 But I call it a clique. That's what we call it.

9 Q. And you don't refer to it as a gang; right?

10 A. No.

11 Q. And you wouldn't call yourself a gang member; right?

12 A. No, I call myself a clique member.

13 Q. Then why did you tell the jury back in 2007 that
14 Hakeem Curry was the boss of a gang?

15 A. I say he was the leader of our clique.

16 Q. No. Turn to page 4634, line six:

17 "Now, Hakeem Curry was the boss of this gang,
18 right?" And you said, the words came out of your mouth,
19 "Yes." And you referred to it as a gang; right?

20 A. Yes, law enforcement --

21 MR. MINISH: Judge, objection. That's the defense
22 attorney referring to it as a gang. Mr. Young clearly
23 refers to it as a clique when given the --

24 THE COURT: All right. The question was, "Now,
25 Hakeem Curry was the boss of this gang, right?" And your

1 answer was "Yes," correct?

2 THE WITNESS: Yes.

3 THE COURT: Okay.

4 Q. So you referred to it as a gang; right?

5 THE COURT: No, the question incorporated the word
6 "gang" and he answered "Yes" to that question.

7 Go ahead, Mr. Bergrin.

8 Q. And as a matter of fact, you just testified that
9 essentially Hakeem Curry was the leader of this gang,
10 clique; right?

11 A. Yes.

12 Q. He was the boss; right?

13 A. Yes. He is the big guy out of our clique.

14 Q. So he was the boss according to you; right?

15 A. Well, he got more right, he got more so-say than
16 anybody in our clique.

17 Q. Now, were you asked the question on line 24: "That's
18 because E. T. Hak was your boss. Is that right?" And you
19 said "He was -- well, I wouldn't say boss, but he's the top
20 guy." Correct?

21 A. Same thing I just told you. Yes.

22 Q. Well, if Hakeem Curry was the top guy, if he told you
23 to do something, would you do it?

24 Remember being asked that question on page 4635,
25 line one?

1 A. Yes.

2 Q. And you said: "If I -- yeah," and then you were
3 interrupted, and they asked the question, "Whatever he told
4 you to do it, would you do it?" And didn't you respond,
5 "Not whatever he told me to do, but if I wanted to do it,
6 yes."

7 A. Yes.

8 Q. So you had the choice and you had the right to refuse;
9 correct?

10 A. Yes, I had the choice.

11 Q. And you had the right to refuse; correct?

12 A. Yes.

13 Q. So if you didn't want to do it, you didn't have to do
14 it; right?

15 A. No, I wouldn't have been forced to do it.

16 Q. So you have some independence; right?

17 A. Yes.

18 Q. Although you're a member of this gang and clique and
19 organization; right?

20 A. Yes.

21 Q. Now, you were asked the question on line eight:

22 "I'm sorry, does that mean you wouldn't do it if
23 you didn't feel like doing it?"

24 And you said "Yes." Correct?

25 A. Yes.

1 Q. Because Anthony Young -- nobody tells Anthony Young
2 what to do; right?

3 A. Well, nobody tell none of us what to do, no.

4 Q. But nobody tells Anthony Young what to do; right?

5 A. No, not in this clique.

6 Q. You don't -- you don't care if he's top dog, top
7 leader, how much power and how much money he has, nobody
8 tells Anthony Young what to do; right?

9 A. Well, you're not forced to do nothing.

10 Q. And then you were asked the question: "So he's kind
11 of your boss, but you're really your own boss, right?"

12 And then you responded "Yes."

13 A. Yes.

14 Q. And nobody -- nobody tells you what to do, right, and
15 you responded "No," on line 14. Right?

16 A. Yes.

17 Q. Then you were asked a question about this structured
18 organization that you talked about: "So you had this what,
19 kind of loose relationship with Mr. Curry?"

20 And you responded "Yes"; correct?

21 A. Well, we all had a loose relationship, everybody.

22 Q. Everybody had a loose relationship, right?

23 A. Yes.

24 Q. You were independent with each other; correct?

25 A. Once we got what we needed, yes, we was independent.

1 Q. No, not once you got what you needed. Any time you
2 had the choice to do it or not to do it; right?

3 A. Yes.

4 Q. You could refuse it or you could accept it; right?

5 A. Yes.

6 Q. Even though he was the top dog or the top leader, you
7 could completely reject anything that he said to you; right?

8 A. Yes.

9 Q. Now, you were asked the question specifically, I ask
10 you to look at line 19: "Did you get drugs from him?"

11 And did you respond "Yes"?

12 A. Yes.

13 Q. And isn't it a fact you also told counsel that you got
14 drugs from other people? Right?

15 A. Yes.

16 Q. And you responded yes; correct?

17 A. Yes.

18 Q. So you didn't have to buy your drugs from Hakeem Curry
19 and Alquan Loyal. As a matter of fact, you even bought
20 drugs from other people; right?

21 A. I wasn't forced to buy drugs from them, but 90 percent
22 of the times I got my drugs from them.

23 Q. No, you were asked the question, "Did you get drugs
24 from other people?" And you said "Yes."

25 A. Yes.

1 Q. So when you led this jury to believe on Thursday,
2 October the 27th, that you had to buy your drugs from Hakeem
3 Curry and Alquan Loyal, that wasn't an accurate portrayal of
4 what you had to do; correct?

5 A. I'm not forced to, but that's where I get my drugs
6 from, Mr. Bergrin. That ain't gonna change.

7 Q. But you didn't have to is my point, right? And you
8 led this jury to believe that you had to; correct?

9 A. I don't think I led them to believe that I had -- that
10 I was forced to, but if I wanted them drugs, I had to go
11 through Mr. Curry.

12 Q. So he wasn't your boss; right?

13 A. He was the top guy in our clique.

14 Q. He wasn't your boss; right?

15 A. He -- again, he's the top guy in our clique.

16 Q. And he had no power over Anthony Young; right?

17 A. I wouldn't say he had power over me, but he had say-so
18 of what went on sometimes of the things that we did. It's
19 his drugs.

20 Q. And you could refuse him, you could accept it, or you
21 could do whatever Anthony Young wanted; right?

22 A. Yes, I could refuse.

23 Q. And as a matter of fact, you didn't even have to buy
24 any drugs from Hakeem Curry if you didn't want because you
25 had drug sources and supplies and connections from other

1 people; right?

2 A. One other person, yes.

3 Q. One other person? Are you sure about that, Anthony
4 Young?

5 A. Yes.

6 Q. Do you remember being asked the question on page 4636:

7 "But other people you bought drugs from, right?"

8 Line one.

9 "QUESTION: But other people you brought drugs
10 from?"

11 Did you respond "Yes"?

12 A. Yes.

13 Q. And then were you asked the specific question, "How
14 many -- " -- not one -- "How many other people were you
15 buying drugs from let's say in 2003?"

16 And did you respond "Two other people"?

17 A. That's in 2003 when I came from prison, yes.

18 Q. And the question -- answer was "Two other people."

19 "In addition to Mr. Curry?

20 "Yes, two." Correct?

21 A. Yes, when I came home from prison.

22 Q. Now, that's not how you qualified this question to
23 this jury 10 seconds ago. You said you were buying from one
24 of the people; correct, Mr. Young?

25 A. Yes, from '97 to '99, one other person.

1 Q. That's not what you said. You said one other person,
2 to make this jury believe that you were almost exclusively
3 buying from Mr. Young.

4 MR. MINISH: Judge, objection. Mr. Bergrin is
5 characterizing what -- it's improper.

6 THE COURT: All right. Mr. Bergrin, rephrase that
7 question.

8 Sustained.

9 Q. Now, you were asked the specific question: So Mr.
10 Curry didn't -- on line 23: Mr. Curry "didn't say, you have
11 to buy my drugs, Mr. Young, right? He said he'll sell you
12 drugs, right?"

13 And you responded "Yes."

14 A. What line is that, Mr. Bergrin?

15 Q. Line 23, and your answer is line 25.

16 "So he didn't say you have to buy my drugs, Mr.
17 Young, right? You said he'll sell you drugs, right?"

18 THE COURT: Mr. Bergrin, what page are you on? I
19 think you're on the wrong page. What page?

20 MR. BERGRIN: No, Your Honor, I'm on page 4635.

21 THE COURT: 4635, but you had been on the previous
22 page.

23 MR. BERGRIN: Yes, sir. The last page on line 23,
24 Your Honor.

25 Q. Right, Mr. Young?

1 A. Let me read it, Mr. Bergrin.

2 Yes.

3 Q. And as a matter of fact, you told the prior jury in
4 2007 that you didn't have any certain jobs, duties,
5 obligations within this clique or gang or organization;
6 right?

7 A. No, you don't have nothing specific that you have to
8 do but make money.

9 Q. You didn't have a job within this organization;
10 correct, Mr. Young? You merely bought your drugs whenever
11 you wanted to from Mr. Curry, who sold drugs; correct?

12 A. Yes.

13 Q. And then you resold them at a profit; correct?

14 A. Yes, sir.

15 Q. And you had people working for Anthony Young; right?

16 A. Yes, sir.

17 Q. And the money didn't go from the people working to
18 Anthony Young, to Anthony Young to Alquan Loyal to
19 Mr. Curry, right? It went into Anthony Young's pockets,
20 right?

21 A. Well, the money, they made profit off of me buying
22 drugs from them, and I made profit off of people selling
23 drugs for me.

24 Q. My question was, you never had to give back any money
25 that you made to Mr. Curry; correct? You put it in your

1 pocket; right?

2 A. I already paid for it, sir, before I got it.

3 Q. You paid for the drugs and then when you pay for the
4 drugs, you do anything that you want; correct?

5 A. Once I paid for it, yes.

6 Q. You could throw it in the garbage if you wanted;
7 right?

8 A. Yes, sir.

9 Q. You didn't owe any money -- any more to Mr. Curry;
10 right?

11 A. No.

12 Q. Isn't it a fact that that's the exact same
13 relationship you had with other people, the other sources of
14 your supply, your other connections? The exact same
15 relationship, right?

16 A. Yes, if I bought drugs off of them.

17 Q. So there was no organization, no special relationship
18 that you had with Mr. Curry; right, Mr. Young?

19 A. Yes, we was like a family.

20 Q. You were like a family.

21 A. Yes.

22 Q. You were so like a family that you bought drugs from
23 two other people; right?

24 A. That doesn't make you like unlike family.

25 Q. Now, did you refer to yourself, Mr. Curry, and this

1 family as just a bunch of guys who sold drugs together?

2 A. Yes.

3 Q. A bunch of guys who partied together; correct?

4 A. Yes.

5 Q. And all you had, essentially, was a business
6 relationship with Mr. Curry; right?

7 A. I don't know if I said just a business relationship.
8 We was like, we grew up together.

9 MR. MINISH: Perhaps, again, if we know where in
10 the transcript he's referring to.

11 Q. Did you refer to --

12 THE COURT: No, first of all, those were not
13 references to the transcript.

14 MR. BERGRIN: No, they weren't, Judge. Those were
15 questions.

16 THE COURT: Those were questions.

17 MR. MINISH: I'm sorry. I thought he said, you
18 previously testified.

19 THE COURT: Well, he can ask that question even
20 and see if he answers yes or no.

21 BY MR. BERGRIN:

22 Q. You essentially had a business relationship with
23 Mr. Curry; correct?

24 A. I had a brotherhood relationship, a business
25 relationship with a good friend.

1 Q. Now, you were asked that specific question, page 4638
2 of the transcript.

3 A. 38?

4 Q. 4638, Mr. Young, sir. I ask you to look specifically
5 at the questions and the answers that you gave, line 23 to
6 line 25.

7 Isn't it a fact that you were asked the question:

8 "It was basically a business relationship, right,
9 that you had with Mr. Curry," and didn't you respond "Yes"?

10 A. Yes, doing our business, yes.

11 Q. You didn't refer to at that time or any time during
12 any of these questions about growing up, a social
13 relationship; you said -- the exact question was asked of
14 you, "it was basically a business relationship," and you
15 responded, y-e-s, "Yes," on line 25.

16 A. Yes.

17 Q. Now, you talked about Alquan Loyal; correct?

18 A. Yes.

19 Q. And you referred to him as the Sheik?

20 A. That's his name, Sheik, not "the Sheik."

21 Q. Sheik, I'm sorry. I know he's not a sheik.

22 You referred to Alquan Loyal; correct?

23 A. Yes.

24 Q. Sheik.

25 A. Yes.

1 Q. Now, of course, you knew his name back in 2007; right?

2 A. Yes.

3 Q. And you knew him as -- you knew the name Alquan Loyal
4 just like you knew Jamal McNeil; right?

5 A. Yes.

6 Q. And you said that he ran -- you told this jury that he
7 ran this organization with Hakeem Curry. Isn't that what
8 you told this jury on Thursday, October 27th?

9 A. Yes, on his part of town, not mine.

10 Q. You said that he ran this organization with Hakeem
11 Curry; correct?

12 A. Yes.

13 Q. And isn't it a fact when you spoke to this jury and
14 you looked at them, you never said, on his part of town, in
15 his area, in his territory; your words were, he ran this
16 organization with Hakeem Curry. Isn't that what you
17 portrayed and said to this jury?

18 A. I could have said that, but like I said, his part of
19 town, Little Bricks.

20 Q. Now, you understood -- when you were asked that
21 question by Mr. Minish, you understood that question; right?

22 A. Pretty sure I did.

23 Q. You never said -- you don't remember saying to
24 Mr. Finish, Hey, Mr. Minish, you know what? I don't really
25 understand that question. Are you talking about his

1 territory, his part of town? Correct? Those words never
2 came out of the mouth of Anthony Young; right?

3 A. Well, I'm telling you he ran Little Bricks projects.

4 Q. And as a matter of fact, your words were that he ran
5 the organization with Hakeem Curry; correct?

6 A. Again --

7 MR. MINISH: Judge, again, if we could have the
8 transcript. He's very clearly referring to a question that
9 I asked and a answer that was given. We just want to be
10 able to follow.

11 MR. BERGRIN: I'll get to it, Your Honor.

12 THE COURT: Okay. Go ahead. Overruled.

13 MR. BERGRIN: Thank you.

14 Q. You said he ran the organization with Hakeem Curry.
15 Nothing about territory, nothing about area, nothing about
16 Little Bricks City; right, Mr. Young?

17 A. You add words to it again, Mr. Bergrin. Like I said,
18 Little Brick projects is his part of town, that's the part
19 he run, downhill.

20 THE COURT: Now, Mr. Young, the only question is,
21 did you ever mention Little Bricks project before this
22 moment today?

23 THE WITNESS: No.

24 THE COURT: Okay.

25 Q. Now, did you speak to the prosecutor from when you

1 testified on last Thursday until you took the stand today?

2 A. No.

3 Q. Who did you speak to?

4 A. Nobody.

5 Q. Did you speak to the agent?

6 A. No. My lawyer came to see me. That was it.

7 Q. And did your lawyer speak to you about your testimony?

8 A. Not at all.

9 Q. So your lawyer just shook hands and had a social
10 visit; right?

11 A. Exactly.

12 Q. Now, did you tell this jury that you had -- you,
13 Anthony Young, had to buy your drugs from either Hakeem
14 Curry or Sheik Loyal? Did you tell the jury that on
15 Thursday? I'm asking you a question, simple question. If
16 you don't understand the question, don't smile, don't shake
17 your head, don't laugh.

18 A. Because you asked me the same question I answered 10
19 minutes ago.

20 Q. Did you tell this jury you had to buy your drugs from
21 Hakeem Curry or Sheik Loyal? Answer the question yes or no.
22 It's a simple question.

23 A. Maybe.

24 Q. Maybe?

25 A. Yes.

1 Q. You don't remember saying that?

2 A. Most likely I did say that. Maybe, that's why I said
3 maybe.

4 Q. I turn to page -- I ask you to turn to page 117, which
5 I'll provide to you.

6 MR. BERGRIN: I turn to page 117, Your Honor,
7 transcript dated October 27th, 2000.

8 May I approach the witness, with the Court's
9 permission, please?

10 THE COURT: Yes.

11 MR. BERGRIN: Thank you.

12 THE COURT: Transcript of Thursday?

13 MR. BERGRIN: Yes, sir, dated October 27th, sir.

14 Q. Mr. Young, on page 117, line 15, did this -- to line
15 16, did you tell this jury on Thursday, "whatever heroin and
16 cocaine you wanted, you had to go through them"?

17 A. Yes.

18 Q. Meaning Hakeem Curry and Sheik, Alquan Loyal; right?

19 A. In my part of town, I went through Curry. If you was
20 from Sheik' part of town, you went through Sheik.

21 Q. But that's not what you said to this jury. You never
22 said anything about qualifying with your parts of town;
23 right?

24 A. No, I didn't tell them what part of town he was from.

25 MR. BERGRIN: Your Honor, may I approach one more

1 time with the April 17th transcript?

2 THE COURT: This is the April 17th, 2007
3 transcript.

4 Q. I bring you back to the year 2007, Mr. Young.

5 A. What page?

6 Q. April of 2007, page 4639.

7 I ask you to look at line one.

8 Do you have that page open, sir? 4639, sir.

9 A. Yes.

10 Q. Now, you mentioned a guy named Sheik, and you
11 responded, on line two, "Sheik"; correct?

12 A. Yes.

13 Q. Were you asked that question in 2007: "Do you know
14 his real name?"

15 A. Yes.

16 Q. On line five.

17 And did you respond n-o, meaning "No"?

18 A. Yeah, I didn't know his real name at the time.

19 Q. You testified just a few minutes ago to this jury that
20 you knew Sheik Loyal; correct?

21 A. Yes, I said I know Sheik.

22 Q. And he was a member of the organization; he was top
23 dog, like Hakeem Curry. Right?

24 A. Yes.

25 Q. And as a matter of fact, you testified to this jury

1 that you knew his name now and you knew his name back in
2 2007. Didn't those words come out of the mouth of Anthony
3 Young before this jury with a big smile on your face?

4 A. I knew his name Sheik at the time. You asked me do I
5 know his real name.

6 Q. No. You told the jury that you knew him --

7 THE COURT: All right. Mr. Bergrin, he's answered
8 this question. Go on to the next question.

9 Q. Now, you testified today that you know his name,
10 correct, and you knew him as Alquan Sheik Loyal; right?

11 A. Today, yes.

12 Q. But back in 2007, you didn't know his name; right?

13 A. I didn't know it was Alquan Loyal, no.

14 Q. Was Alquan Loyal your boss?

15 A. No.

16 Q. He was never your boss; right?

17 A. No, I never got my drugs from him, no.

18 Q. Did you work for Alquan Loyal, Sheik?

19 A. No.

20 Q. What was your relationship with him?

21 A. Just a friend. That's it.

22 Q. So you didn't have to buy your drugs like you
23 testified to this jury from Alquan Sheik Loyal and Hakeem
24 Curry like you portrayed; correct?

25 A. You never heard me say I bought drugs from Alquan

1 Loyal.

2 Q. Didn't you tell this jury on Thursday that you had to
3 buy your drugs from Alquan Loyal, Sheik, or Hakeem Curry?
4 Isn't that the words that came out of the mouth of Anthony
5 Young without hesitation?

6 A. You said or Alquan Loyal. Yes, I said that.

7 Q. Did you have anything to do with the Sheik at all?

8 A. No. He was from another part of town. He was just a
9 good friend that's in our clique.

10 Q. Now, I'm going to bring you to November the 25th of
11 2003, okay, sir.

12 MR. BERGRIN: May I pick up the transcript, sir?

13 THE COURT: Yes.

14 Q. I'll bring you back to November the 25th of 2003,
15 okay, Mr. Young, sir?

16 A. Yes.

17 Q. You heard, as you testified, two conversations while
18 you were in the Range Rover; right?

19 A. Yes.

20 Q. And the first conversation was essentially Hakeem
21 Curry calling me; correct?

22 A. Well, it was Hakeem Curry answering a call from you.

23 Q. Answering a call from me.

24 A. Yes.

25 Q. And when Hakeem Curry answered the call from me, you

1 said that had occurred in the morning; correct?

2 A. The -- the call he made to you was in the morning.

3 The call he got from you was later in the day.

4 Q. Later in the day. And the call that -- there's two
5 calls; correct?

6 A. Yes.

7 Q. And the call that was later in the day, the first time
8 that you hear the call between Mr. Curry and the person on
9 the other line, Mr. Curry is saying what?

10 A. He's just, uh'm, actually telling the date of the
11 sales and stuff of that matter.

12 Q. Okay. That was the first day, and that's what
13 Mr. Curry is saying, the date of the sales, or the person on
14 the line?

15 A. I believe so.

16 Q. Now, isn't it a fact that Mr. Curry is telling the
17 caller to find out, the first time you hear, about Will
18 Baskerville, what the case is about, essentially, and to
19 find out if Will Baskerville could receive bail? That's the
20 first call; correct?

21 A. That's -- that's earlier, yes.

22 Q. That's earlier.

23 A. Yes.

24 Q. And then there's only one other call; right?

25 A. I believe so, Mr. Bergrin.

1 Q. And that's the call where the person calls back and
2 says there's certain amount of drug sales, correct, either
3 three or four, the quantities, and that the sales were made
4 to a guy by the name of Kemo; right? Or words to that
5 effect.

6 A. I think that was the phone call, yes.

7 Q. So there's two calls: One call is Mr. Curry saying
8 find out what the case is about, why Will was arrested, and
9 find out, if you can, if we could get Will bail; correct?

10 A. Yes.

11 Q. And then the second call is the person calling back
12 and saying, this is what happened; right?

13 A. Yes, I think so.

14 Q. You think so, or that's what you remember?

15 A. That's what I remember.

16 Q. Now, did the prosecution when you were preparing for
17 this case review with you the times of the calls?

18 A. No, they asked me about the calls.

19 Q. They asked you about the calls; correct?

20 A. Yes, that's it.

21 Q. And did they bring to your attention that there
22 couldn't have been a call in the morning because there was
23 no records --

24 A. No.

25 Q. -- to that effect?

1 remember?

2 A. What I'm telling you is, the next day, you asked me
3 about it, I told you about it. I don't know why I left it
4 out the day before. I don't think he asked me about it.

5 Q. Well, the prosecutor asked you questions about what
6 you told them; correct?

7 A. Yes.

8 Q. And if you had told the prosecutor about it, then
9 obviously he would have asked you about it; right?

10 THE COURT: Mr. Bergrin, that's not a proper
11 question.

12 Q. Now, it was your testimony that on -- on Friday where
13 Diedre Baskerville lived, and that was Roselle, New Jersey,
14 right, in Union County?

15 A. And I said Westfield, right next door.

16 Q. Westfield --

17 A. Yes.

18 Q. -- is only 15 minutes from Newark; right?

19 A. I can get there in 15 minutes. I don't --

20 Q. By rocket ship?

21 A. I only did it 30 times.

22 Q. Now, going back to Diedre Baskerville, you're saying
23 that on November 25th of 2003, Diedre Baskerville comes to
24 Jamal Baskerville's house on 17th Street and Avon Avenue;
25 correct?

1 A. Yes.

2 Q. And can you describe her emotional state when you saw
3 her on that date, the date Will Baskerville was arrested?

4 A. Well, her emotional state kind of was uneasy towards
5 Rakim whereas, though, he actually got upset with her
6 because he felt like she was taking this as a joke, because
7 she was explaining to us that they didn't get nothing out
8 her house but a little bit of money and no drugs and stuff.
9 So -- you asking me to explain, Mr. Bergrin.

10 Q. Explain. That's fine. That's great.

11 A. And Rakim got very upset with her because she was
12 laughing as she was telling us that they got nothing out
13 they house.

14 And Rakim's telling her, What the fuck are you
15 laughing at? We talking about the Feds right now.

16 Q. And one thing that Diedre Baskerville made clear is
17 that she wants Will Baskerville out on bail, and that's what
18 she expressed; correct?

19 A. She didn't express nothing about bail to us.

20 Q. She didn't speak to you at all about bail and getting
21 her husband out?

22 A. Well, her whole thing, again, Mr. Bergrin, you asked
23 me the question, she did not express anything about bail to
24 us.

25 Q. Did she talk about the case at all?

1 A. She just said that they took some things out her house
2 and, like I said, again, she was not too upset because she
3 felt like they didn't get no drugs, and she said they asked
4 her a couple questions.

5 Q. And so you're telling us that the wife of William
6 Baskerville was not concerned with getting her husband out
7 of jail. Is that what you're telling us on this witness
8 stand?

9 A. I can't tell you what she was thinking, Mr. Bergrin.
10 I'm not in her thoughts. I'm telling you how she was
11 acting.

12 Q. But you're telling us that she was acting like she
13 didn't care whether her husband gets released or not. Is
14 that what you're telling us?

15 A. I'm telling you she was laughing about the situation,
16 and her brother-in-law, Rakim, got pissed off and asked her
17 what the fuck she laughing at.

18 Q. And Diedre Baskerville continued to stand there and
19 take that; right?

20 A. It wasn't a long conversation, Mr. Bergrin. She told
21 us what happened at the house, told us they took the cars,
22 told us they took a couple other items, and she got in the
23 car and she left. Rakim told her he'd get in touch with
24 her.

25 Q. Well, she was concerned enough to drive all the way

1 down there, down here from Roselle, New Jersey, right?

2 A. She -- she had to tell her brother-in-laws what
3 happened to they brother.

4 Q. She could have called on the telephone, right?

5 A. Well, again, I'm not in her thoughts, Mr. Bergrin.
6 Why she came and tell us down there, why she didn't do it
7 over the phone, I don't know.

8 Q. But she came here; correct?

9 A. She came to 17th Street.

10 Q. And she met with not only Rakim, but she met with
11 Hamid and Jamal; correct?

12 A. She met with me, Jamal, Hamid, Hakeem -- not Hakeem
13 Curry, Hakeem Baskerville.

14 Q. Hakeem Baskerville.

15 A. Yes. And Malsey.

16 Q. But she wasn't concerned. She's meeting with
17 everybody in William Baskerville's family, his brothers, but
18 she's not concerned; right?

19 A. Again, you asking me something I don't know. I'm not
20 -- I don't know how she was thinking in her mind. But from
21 her laughing, it made her brother-in-law pissed off.

22 Q. And of course, you told the F.B.I. about this meeting
23 and the fact that she was laughing and unconcerned; right?

24 A. Positive, I told them.

25 Q. And I'm sure it was contained in the report when you

1 talked to them; right?

2 A. Well, I don't know about being contained in the
3 report. I don't do reports, Mr. Bergrin.

4 Q. When did you talk to them about that?

5 A. I don't exactly remember the time.

6 Q. But of course you would have told them on the
7 face-to-face meeting because that's an important aspect;
8 right?

9 A. Yes, sir.

10 MR. BERGRIN: May I approach with J-02935?

11 THE COURT: Go ahead.

12 Q. Isn't it a fact that it's contained nowhere in that
13 report whatsoever when you talk about the incident and you
14 talk about Rakim Baskerville?

15 A. What page you say, Mr. Bergrin?

16 Q. Look at page one, two and three. Do you ever mention
17 the name Diedre Baskerville in the meeting?

18 A. Well, again --

19 Q. I asked you a question. Does it contain anything
20 about Diedre Baskerville, this meeting?

21 A. This is just talking about the murder of Kemo McCray.
22 That's it.

23 Q. It talks about other things; isn't that a fact?

24 A. It doesn't mention -- this statement is a false
25 statement.

1 Q. Oh, so you're telling us that the statement --

2 A. Some of --

3 Q. Wait, wait. You're telling us that the statement to
4 Agent Manson is a false statement?

5 A. Like I told you when I first met with her --

6 Q. Is that what you're saying, Mr. Young?

7 A. I told her lies. I told you that.

8 MR. MINISH: Your Honor, the witness should be
9 able to answer the question.

10 THE COURT: He said he told her lies.

11 Q. But didn't you tell this jury that you told Manson the
12 truth and the only thing that you switched was your position
13 with Jamal McNeil? Didn't you say that? Didn't those words
14 come out of the mouth of Anthony Young?

15 A. I'm still saying that.

16 Q. But you're saying that this is a false statement.

17 A. I said some of this in here is false, yes.

18 Q. But you told this jury that as --

19 THE COURT: All right. Mr. Bergrin, you're
20 getting argumentative.

21 MR. BERGRIN: All right, Your Honor. I'm sorry,
22 sir.

23 Q. I'm going to show you 02933, a statement of January
24 14th.

25 Of course you told her about Diedre -- the agent

1 about Diedre Baskerville in the meeting?

2 THE COURT: I think that was a phone call, wasn't
3 it?

4 MR. BERGRIN: Yes, sir, the phone call dated
5 January the 14th with Agent Manson, sir.

6 A. I don't know if I told on the phone call, Mr. Bergrin.

7 Q. Now, when you -- isn't it a fact that that report
8 contains nothing about it? Correct?

9 THE COURT: About Diedre Baskerville?

10 MR. BERGRIN: About Diedre Baskerville. Yes, sir.
11 I'm sorry.

12 A. No, sir.

13 Q. Is that also a false statement?

14 A. Only thing is false is me saying McNeil killed Kemo.

15 Q. So everything else in there is a hundred percent
16 accurate.

17 Let me make it easy for you.

18 You talk about hearing the conversation between
19 Mr. Curry and myself, listening on the speakerphone. Is
20 that accurate?

21 A. No, that's not accurate.

22 Q. What else is not accurate in there? What else did you
23 lie about to Agent Manson?

24 A. I didn't lie about that. I didn't tell her that. So
25 you can't say I lied about that.

1 Q. It just magically appeared in there; correct, sir?

2 A. I told Agent Manson that, I heard your voice over the
3 phone. I never told her you was on speakerphone.

4 Q. So she put it in the report without you saying it; is
5 that what you're telling us?

6 A. Again, I don't write the statements. I don't know who
7 wrote it.

8 THE COURT: It's been asked and answered. Go on.

9 Q. You also in this statement say that Rakim on multiple
10 occasions, more than once, that Rakim Baskerville, Rakim
11 Baskerville, Rakim was in the car, correct, during the
12 conversations, right?

13 A. Yes, I do.

14 Q. And that's not accurate according to you; right?

15 A. No. I don't know, like I said, again, I don't know if
16 it was -- I don't know if it was Rakim, Jamal, or Hamid.
17 I'm --

18 Q. You know it can't be Rakim because the phone records
19 shows Hakeem Curry calling Rakim; right?

20 A. Well, that's what you just showed me on Friday, sir.

21 Q. Friday. And you haven't spoken to the prosecutor
22 since Friday; right?

23 A. No.

24 Q. Now, you weren't taking notes, obviously; correct?

25 A. Notes of what?

1 Q. Of what went on back then; correct?

2 A. No.

3 Q. Now, you don't know exactly word for word what was
4 said either in November or any time before, any time after;
5 right?

6 A. Well, to say word for word, I know most of what was
7 said, Mr. Bergrin, but you can't remember exactly everything
8 that's said anywhere.

9 Q. Well, when you testified before this jury, you said
10 that Hakeem Curry said that the person on the telephone,
11 which Hakeem Curry said was Paul, said that the informant's
12 name was Kemo; correct?

13 A. Yes.

14 Q. And that you also said that Paul told Hakeem Curry to
15 this jury just on last Thursday and Friday that there were
16 videos and audio surveillance of Will making the sales to
17 this kid Kemo. Remember those words came out of your mouth?

18 A. Yes, that was a very important part.

19 Q. That was a very important part, something that you
20 wouldn't forget; right?

21 A. No.

22 Q. Audios, videos, the evidence against your good friend
23 and your brother Will Baskerville, right?

24 A. That's what I said, Mr. Baskerville.

25 Q. And this is the same set of conversation where I was

1 telling Mr. Curry essentially that there was three to four
2 hand-to-hand sales; correct?

3 A. That's what he said, yes.

4 Q. That's what he said. He's repeating; right?

5 A. Yes.

6 Q. That's not on the speakerphone; right?

7 A. No.

8 Q. And he's repeating the fact of how much the sales
9 were, the amount of grams, very small, minute quantities;
10 right? Twenty-eight grams, 26 grams, whatever; right?

11 A. Yes.

12 Q. And one fact you would never forget as long as you
13 live is the fact about audios and videos; right?

14 A. Well, exactly, like I said, that's what he said.

15 Q. Now, I'm going to show you again what has been marked
16 02933, your conversation with Manson on the phone on January
17 14th of 2005.

18 I'm going to ask you to look at the paragraph
19 number three, the last full sentence.

20 Isn't it a fact that when you spoke to Agent
21 Manson on January the 14th of 2005, and there's only two
22 conversations, like you told this jury, you said that Hakeem
23 Curry asked me to find out, asked me to find out, not that I
24 told him on that date, but asked me to find out if there was
25 audio or videotapes; correct?

1 A. Again, Mr. Bergrin, I didn't write this, and I told
2 her about video and audio.

3 Q. So if it appears in that report magically, like the
4 speakerphone, and like Rakim Baskerville's name of being in
5 the car, these are just things that I guess Agent Manson
6 just put in there just to make you look bad; right?

7 A. No, I wouldn't say that.

8 Q. Doesn't that report clearly reflect that Hakeem Curry
9 asked me to find out if there was audio and videotapes
10 according to what you told Agent Manson on January 14th,
11 2005, sir?

12 A. Again, Mr. Bergrin, I didn't write that --

13 Q. I asked you a question. Answer it, please.

14 A. Ask the question again.

15 Q. Isn't it a fact that that report clearly states that
16 Hakeem Curry asked me to find out if there were audio and
17 videos, not that I said at all on that date that there were
18 audio and videos ?

19 A. That's what the report says.

20 Q. That's what the report says. Which is completely
21 different from what Anthony Young testifies on the stand;
22 right?

23 A. Told you what I said, Mr. Bergrin.

24 Q. Now, you kept testifying last week on Thursday and
25 Friday that the only thing these reports did is when you

1 spoke to -- the only thing that happened when you spoke to
2 Manson, the other agent, Gale, which you didn't know his
3 name, on January 14th, and when you had this face-to-face
4 meeting with Manson on January the 18th of 2005, the only
5 thing you did is, Anthony Young substituted himself for
6 Malsey's position, Jamal McNeil; correct?

7 A. That I can remember, yes.

8 Q. But it contains a lot more differences as compared to
9 just you substituting yourself for Jamal McNeil; isn't
10 that --

11 MR. MINISH: Judge, which report are we referring
12 to?

13 THE COURT: Well, it's a general question first,
14 and I'll allow it.

15 Go ahead.

16 Overruled.

17 No, let him answer that question. You can ask it
18 now. Go ahead.

19 MR. BERGRIN: Yes, sir.

20 THE COURT: Or restate the question. Go ahead.

21 Q. There is a lot more differences, a lot more
22 inconsistencies than merely you substituting yourself for
23 Malsey, Jamal McNeil, in the January 14th report as well as
24 the January 18th report of 2005 of conversations that you
25 had with Agent Manson of the F.B.I.; correct?

1 A. Yes, there is some different things.

2 THE COURT: All right. Mr. Bergrin, we're going
3 to take a morning recess.

4 MR. BERGRIN: Yes, sir.

5 THE COURT: All right. Ladies and gentlemen,
6 please don't discuss anything about the case.

7 We'll see you back here in about 15 minutes, okay?

8 Thank you very much.

9 THE COURT CLERK: Please rise for the jury.

10 (The jury exits)

11 THE COURT: All right. Everyone be seated,
12 please.

13 We'll resume at 25 after. Okay?

14 Twenty-five after. Marshals, please have him back
15 here at 25 after.

16 Thank you.

17 MR. BERGRIN: Your Honor, may I retrieve that
18 report?

19 THE COURT: Yes, go ahead.

20 Give him the report, please.

21 MR. BERGRIN: Thank you, Ms. Hansen.

22 THE COURT CLERK: You're welcome.

23 (Recess taken)

24 (Jury out)

25 THE COURT CLERK: Please remain seated.

1 (The witness resumed the stand.)

2 THE COURT: All right. Are we all set?

3 MR. LUSTBERG: Yes, Your Honor.

4 THE COURT CLERK: Please rise for the jury.

5 (The jury enters)

6 THE COURT: All right. Everyone be seated,
7 please.

8 Mr. Bergrin, you may continue.

9 BY MR. BERGRIN:

10 Q. Mr. Young, you admitted that the first time ever, ever
11 mentioning the fact that Rakim Baskerville was not in the
12 Range Rover when the calls were made was when you testified
13 Friday -- excuse me, Thursday, October the 27th, of 2011.
14 That's the first time you've ever said that under oath or in
15 any statements; correct?

16 A. Under oath, yes.

17 Q. Now, I want to take you back to April 2007.

18 Again, Mr. Minish was the prosecutor; right?

19 A. Yes.

20 Q. And he was questioning you back in another court where
21 you were under oath and you testified; right?

22 A. Yes.

23 Q. And do you remember answering the questions,
24 pertaining to that specific area about who was in the
25 vehicle, it was an important fact; correct?

1 A. Yes.

2 Q. And you answered the questions without any
3 equivocation, without any hesitation, right? It was asked
4 multiple times of you in 2007 in front of a jury just as
5 this about who was in the vehicle; correct?

6 A. Not multiple times. There were one time, yes.

7 Q. It was only asked one time?

8 A. That I can remember, yes.

9 Q. Okay. I'll show you the transcript marked April 13th
10 of 2007 -- dated April 13th of 2007.

11 I ask you to look at page 4350, 4350, starting
12 with line 19, sir.

13 And while you're getting to that page: You just
14 said you remember being asked one time; correct?

15 A. Let me find the page first, Mr. Bergrin?

16 Q. Yes, sir. 4350.

17 A. I got it.

18 Q. Now, Mr. Minish said to you there: "Did there come a
19 time where you were present for a conversation between
20 Hakeem Curry and Paul Bergrin?"

21 On line 19, you responded "Yes."

22 THE COURT: You're on page 4350?

23 MR. BERGRIN: Yes, Your Honor, line 19.

24 THE COURT: Of April 13th, 2007?

25 MR. BERGRIN: Yes, sir.

1 THE COURT: That -- my line 19 doesn't read that
2 way.

3 4350; right?

4 MR. BERGRIN: Yes, Your Honor.

5 MR. MINISH: I think it's a different page, Judge.
6 I'll flip ahead and see.

7 MR. BERGRIN: Maybe 4351, Your Honor. I'm sorry.

8 THE COURT: Fifty-one?

9 It's 4349.

10 MR. BERGRIN: 4349. I'm so sorry, Your Honor.

11 THE COURT: All right.

12 You have the page, Mr. Young, 4349?

13 THE WITNESS: Yes.

14 Q. Line 19: "Did there come a time where you were
15 present for a conversation between Hakeem Curry and Paul
16 Bergrin?

17 You responded "Yes"; correct?

18 A. Yes.

19 Q. And you were asked: "What time of day was it?

20 And you said: About ten, 10:30. Just guessing,
21 ten, 10:30." Correct?

22 A. Yes, I was guessing.

23 Q. You were guessing that it was the morning hours. And
24 this is the first conversation; right?

25 A. Yes, by just guessing.

1 Q. You're not talking about the conversation outside the
2 car; you're talking about the two conversations, one when
3 Mr. Curry asked me to find out what occurred and whether
4 will we get Will Baskerville the bail, and then the second
5 conversation when I call back about the quantities and who
6 the informant is; correct?

7 A. Yes.

8 Q. Now, you say it was in the morning; right?

9 A. Yes, I guessed it was in the morning.

10 Q. Well, you said you guessed the time was about 10,
11 10:30, but you didn't say it was late afternoon like you did
12 today; correct?

13 A. No.

14 Q. And were you asked the question on line nine: "Set
15 the scene for the jury, where was everybody sitting?"
16 Correct?

17 A. Yes.

18 Q. And you said: "I was sitting in the back seat, Rakim
19 Baskerville was in the passenger seat and Hakeem Curry was
20 in the driver's seat." Correct?

21 A. What line is that?

22 Q. That's approximately line nine.

23 THE COURT: On the next page.

24 THE WITNESS: On the next page?

25 Q. On the next page. That's 4350.

1 A. I got it.

2 Q. Correct? Isn't that the words that came out of the
3 mouth of Anthony Young?

4 A. Yes.

5 Q. And then look at line 23. And you were then asked
6 another question about Rakim Baskerville and being there,
7 because obviously we want to lock Rakim into being there,
8 correct, and we want to lock Rakim into being part of this
9 conspiracy; right, Mr. Young?

10 A. What line is that?

11 Q. Line 23: "Did Hakeem Curry pass along any information
12 to you guys, and by that, I mean you and Rakim sitting in
13 the vehicle?"

14 A. Yes.

15 Q. And then you responded "Yes"; right?

16 A. Yes.

17 Q. And then in a later conversation, he asked you, on
18 page 4351, looking at line 14 -- this is pertaining to the
19 second conversation, right, Mr. Young? Mr. Minish
20 questioning you?

21 A. Second conversation.

22 Q. Second conversation.

23 He then says to you: "Where is everybody
24 sitting...?"

25 And did you respond: "Same spot"?

1 A. Yes.

2 Q. And then the question on line 17: Was "Curry driving,
3 Rakim passenger, you in the back seat?" Right? That's the
4 words that came out of Joe Minish's mouth; right?

5 A. Yes.

6 Q. Now, you swore to this jury on Thursday that you heard
7 me mispronounce the word "Kemo" and say the word "Kamo,"
8 right?

9 A. I didn't say I heard you, no, sir.

10 Q. You said Hakeem Curry repeated it; correct?

11 A. Yes.

12 Q. Okay. I'm sorry. I misspoke.

13 You said that you heard me repeat it, correct, and
14 that you corrected him. You said to Hakeem Curry the words
15 were -- the name was Kemo and not Kamo; correct?

16 A. That's what I told him, yes.

17 Q. That you corrected it. Only Anthony Young and Anthony
18 Young only, right?

19 A. You got to understand I'm the only one that really
20 knew him.

21 Q. You were the only one that really knew him.

22 And, of course, Malsey didn't know him; right?

23 A. Malsey wasn't in the truck.

24 Q. And of course, anybody else that was in the truck
25 didn't know him; right?

1 A. No. They don't -- they don't know who Kemo is.

2 Q. So it had to be -- it had to be Anthony Young who
3 corrected him; right? You knew the name Kemo, you knew the
4 informant was Kemo and not Kamo, as the person on the other
5 line was mispronouncing to Mr. Curry; right?

6 A. Yeah, he was mispronouncing the name. Mr. Curry don't
7 know Kemo.

8 Q. Okay. Now, you were asked -- and I'm going to ask you
9 to turn to page 4351 and follow along, specifically line 22.
10 Were you asked the question by Mr. Minish: "Tell the jury
11 what happened during the course of that conversation."

12 Q. "He -- " -- meaning Hakeem Curry, right -- " -- asked
13 him did he find anything out," and on line 25, "That's Curry
14 speaking" is the question, right? Correct?

15 A. Yes.

16 Q. And then turn to page 4352. You say "Yes."

17 A. Yes.

18 Q. And then you say -- were you asked the question on
19 line 15: "And what -- " -- excuse me. Let me take you
20 back.

21 On line two, you say: "I know he told Curry that
22 a person that told on Will was a guy named Kemo." And then
23 you caught yourself, right, and you said, no, not Kemo, I
24 mean Kamo. Right?

25 A. Yes, because I was saying Kemo because I know him.

1 Q. And then you caught yourself and you said Kamo; right?

2 A. Yes.

3 Q. And that's the person that's speaking to Mr. Curry;
4 right?

5 A. That's me telling the truth.

6 Q. And line eight, Hakeem Curry said Kamo, he doesn't
7 know him, right?

8 A. No, Hakeem don't know him.

9 Q. And do you remember what you said after that, in the
10 question, line 15: "And what, if anything, did you say
11 after that?" And I ask you to look specifically at line 16.
12 Didn't you say: "Me and Rakim -- " -- "me and Rakim,"
13 not --

14 THE COURT: Mr. Bergrin, you're going to have to
15 -- I know you're shouting.

16 MR. BERGRIN: I'm sorry, Your Honor.

17 THE COURT: Try to keep your voice down a little
18 bit, please.

19 Q. "Me and Rakim" - "Me and Rakim came to the conclusion
20 that the informant was Kemo" and "not Kamo."

21 A. Yes, I said that. Yes.

22 Q. The only time you ever left Rakim out of this vehicle
23 and changed it was after meeting with these people because
24 they showed you the phone records that Rakim --

25 MR. MINISH: Objection, Your Honor. This is

1 absolutely improper for Mr. Bergrin to continue to attack
2 when this witness said it did not happen. He has no
3 good-faith basis to ask the question.

4 THE COURT: I'll allow the question, Mr. Minish.
5 I'll now allow it. If that's what happened I'm going to
6 allow the question.

7 MR. BERGRIN: The question was already asked,
8 Judge, and the witness said no. Mr. Bergrin is just
9 repeating his own made-up stuff at this point.

10 THE COURT: I'll allow it.

11 BY MR. BERGRIN:

12 Q. You responded that "me and Rakim came to the
13 conclusion" in line 16 -- these are the words that came out
14 of your mouth before a jury in 2007; correct, Mr. Young?

15 A. Yes.

16 Q. So if you and Rakim came to the conclusion, not like
17 you just testified a few minutes ago, you and only Anthony
18 Young came to the conclusion because nobody else in the
19 vehicle know -- knew Kemo, if you and Rakim came to the
20 conclusion that the informant was Kemo, then Rakim had to be
21 sitting in the car with you; right?

22 A. I told you the other day, Mr. Bergrin, it was one of
23 the Baskerville brothers. But I'm the one that know Kemo.

24 THE COURT: Mr. Young, when you testified in 2007,
25 did you say what's in here, that "Me and Rakim came to the

1 conclusion -- " --

2 THE WITNESS: Yes.

3 THE COURT: -- " -- that the informant was Kemo,
4 not Kamo."

5 THE WITNESS: Yes.

6 THE COURT: And that was in 2007.

7 THE WITNESS: Yes.

8 THE COURT: And now when you're testifying, are
9 you saying that wasn't Rakim that was in the car?

10 THE WITNESS: It could not have been. Like I say,
11 I know it was one of the brothers in the car.

12 THE COURT: But at that time when you said it was
13 Rakim, you didn't say --

14 THE WITNESS: I'm not sure.

15 THE COURT: You didn't say that, though.

16 BY MR. BERGRIN:

17 Q. You didn't -- you were asked --

18 THE COURT: Wait, wait, wait.

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

20 THE COURT: I'm just asking, I'm trying to
21 clarify.

22 In 2007, you didn't say, I think it was one of the
23 Baskervilles, I'm not sure who but it was someone else
24 there. You didn't say that. You answered, "Me and Rakim
25 came to the conclusion that the informant was Kemo, not

1 Kamo." Correct?

2 THE WITNESS: Yes.

3 THE COURT: All right. But now as you testify
4 here, you're not sure who else was in the car.

5 THE WITNESS: I'm not sure. Out of the three
6 brothers that was out there.

7 THE COURT: All right. Did the fact that you
8 looked at the telephone records help you refresh your memory
9 as to who -- that Rakim could have been there?

10 THE WITNESS: No they was asking me the question,
11 was Rakim there, or, is I'm sure? And I told them, I said
12 I'm not really sure, but I thought it was him. I wasn't
13 sure, though. That's all it was.

14 THE COURT: All right.

15 BY MR. BERGRIN:

16 Q. And they were asking you these questions in pretrial
17 preparation; correct?

18 A. Yes, sir.

19 Q. Between 2007 and when you just changed your testimony
20 for the first time in 2011; correct?

21 A. Yes, between that time.

22 Q. But you are absolutely certain, 1,000-percent sure,
23 with no equivocation, no hesitation whatsoever when you
24 testified in 2007; right? Isn't that a fact, sir?

25 A. Well, in 2007, this is what I said: Rakim.

1 Q. And of course, your memory was much, much better in
2 2007; right?

3 A. I'm pretty sure it was.

4 Q. And as a matter of fact, Mr. Minish then asked you a
5 follow-up question on line 18, and what was it based upon
6 that you and Rakim came to the conclusion and figured out
7 that it was Kemo, and you said "Based on that we -- " --
8 meaning you and Rakim -- " -- know who he is"; correct?

9 A. Yes. But I didn't say Rakim, but that's who I'm
10 talking about, yes.

11 Q. And it's not subject to interpretation; right? You
12 meant you and Rakim were the only ones who knew who he was?

13 A. At that time, yes.

14 Q. And in the car, you and Rakim figured it out; correct?

15 A. Yes, I just -- when they say Kamo, I knew they was
16 talking about Kemo.

17 Q. Now, when Rakim Baskerville heard that it was Kemo in
18 the car on November the 25th, he was upset; correct?

19 A. Again, Mr. Bergrin, I don't know, and I can't remember
20 exactly who was in there. One of the Baskerville brothers.
21 But later on, we had a conversation. Rakim was very upset
22 because he was the one that introduced him to Will.

23 Q. The only reason that you can't remember that it wasn't
24 Rakim in the car as you testified so equivocally, so
25 strongly back in 2007 is because of the pretrial meeting

1 with these people where they said, You know what, you have
2 to change your testimony, because I'm going to show you
3 phone records that prove that Rakim wasn't in the car when I
4 opened in my opening statement.

5 THE COURT: Mr. Bergrin, you've asked that
6 question. You've asked that question.

7 MR. BERGRIN: I'll move on, Judge. I'm so sorry.

8 Q. Now, isn't it a fact that after the phone call is when
9 you individuals began to look for Kemo? Correct? The phone
10 call --

11 A. No, sir.

12 Q. -- of November the 25th of 2003?

13 A. I wouldn't say right after the phone call, no, sir.

14 Q. Well, did you tell Agent Manson in January when you
15 spoke to her telephonically on January 14th that shortly
16 after the call, you, Jamal Baskerville, and Rakim
17 Baskerville began to search for Kemo?

18 A. Well, let me say this.

19 Q. You can answer my question, sir.

20 A. I don't remember saying that, but on the phone call, I
21 told her a short version of everything.

22 Q. But even though it was a short version, you wanted to
23 make sure that it was accurate, right, because you want to
24 get your foot in the door and you want cooperation; right?

25 A. Yes, but like I said again, it was a short version. I

1 Q. I ask you to look at the line on page one, the bottom,
2 last paragraph. You say that I showed up at nine o'clock
3 p.m.; correct?

4 A. I told her after work hours, yes.

5 Q. This report says at nine o'clock p.m.; right?

6 A. Like I said.

7 Q. Doesn't that report say that, sir? You can answer my
8 question?

9 A. Yes, that's in the report, yes.

10 Q. And it says that all I did is spoke to Mr. Curry, not
11 the group or anyone else; right? That report said that
12 Anthony Young said?

13 A. "As Bergrin was -- " --

14 MR. MINISH: Judge, if we're going to quote from
15 the report, we should quote accurately from the report.

16 THE COURT: Does the report say that "Bergrin
17 stopped by in his black Mercedes, exited his vehicle and
18 spoke to Curry"?

19 THE WITNESS: Yes, that's what it say.

20 THE COURT: All right.

21 Q. And that as he was returning to his vehicle, he said
22 No Kemo, no case, and put his thumb up; correct?

23 A. Yes.

24 Q. And that was the extent of the entire meeting --

25 A. No.

1 Q. -- on this date; correct?

2 A. No, sir.

3 Q. That's what the report contains; correct?

4 A. Like I said, I don't write this. I know what I told
5 her, and --

6 Q. But that's what the report says; right?

7 A. And we know the truth.

8 Q. That's what the report says; right, Mr. Young?

9 A. That's what the report say. Yes.

10 Q. We know the truth. Every time you spoke to the
11 F.B.I., you lied to them; right?

12 A. No.

13 Q. When you spoke to Mr. Gale on January 14th, you lied
14 to him in the initial report; right?

15 A. Just, like I said, about --

16 Q. When you spoke to --

17 A. You won't let me answer, sir?

18 THE COURT: Go ahead, answer, Mr. Young.

19 Q. You lied repeatedly --

20 THE COURT: No, Mr. Bergrin.

21 Go ahead, answer, Mr. Young.

22 A. I lied about Jamal McNeil being the shooter.

23 Q. And when you spoke to Agent Manson on January 14th
24 telephonically, you lied; right?

25 A. About Mr. McNeil being the shooter, yes.

1 Q. And when you spoke to her on January the 18th, you
2 lied about a whole bunch of different things; right?

3 A. No, sir, not a whole bunch of things, no.

4 Q. Well, you lied about who took the plates off the car;
5 right? You said to Agent Manson on January the 18th in your
6 face-to-face meeting that Rakim took the license plates off
7 the car, not Rakim and Anthony Young, as you've testified;
8 right?

9 A. No, I think I told her me and Rakim, but again --

10 Q. Again, just an error in the report, right?

11 A. I don't write them, Mr. Bergrin.

12 Q. Just putting down what you didn't say; right?

13 A. Again, I don't write the reports.

14 Q. Did you lie to her when you told her twice that it was
15 a Grand Prix that was used at the scene of the murder?

16 A. Positive. I said a Grand Am.

17 Q. Did you lie to her when you said Jamal Baskerville sat
18 in the area of 19th Street and South Orange Avenue on the
19 scene of the murder?

20 A. Say that again?

21 Q. Did you lie to her when you told her that Jamal
22 Baskerville remained at the scene of the murder as a lookout
23 in the area of 19th Street and South Orange Avenue in his
24 gray Chevrolet Tahoe?

25 A. No, that's a untrue statement.

1 Q. That's an untrue statement?

2 A. Yeah.

3 Q. So you lied to her; right?

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

5 Q. So if it's contained in the report Jamal Baskerville
6 sat in the area of South 19th Street south of South Orange
7 Avenue in his gray Chevrolet Tahoe, you didn't say that, but
8 it mysteriously appears in the report as Anthony Young
9 saying that, that would definitely be a lie; right?

10 A. Say Jamal Baskerville stopped in front of the house
11 where the murder suspect was working and then kept going to
12 show us where he was at.

13 Q. But if that was contained in this report that would be
14 an absolute lie to Agent Manson; right?

15 A. I wouldn't say it was a lie. She might have got that
16 confused or whatever.

17 Q. Confused. Everybody's confused except Anthony Young;
18 right?

19 A. I was there. I did the murder.

20 Q. Rakim picked up Malsey and they sat in the area of
21 South 17th Street, not South 18th Street, that would be a
22 lie also, right?

23 A. Say that again?

24 Q. "Rakim picked up Malsey and they sat in the area of
25 South 17th Street." That would definitely be a lie, right?

1 A. I just told you that's when I told them that's a lie
2 because I was making Malsey the shooter.

3 Q. When you don't say anything about lurking in a doorway
4 or waiting in a doorway, that Malsey exited the vehicle and
5 walked past Kemo, that would be a lie also; right?

6 A. Of course it's a lie. He didn't do it.

7 Q. When you say that Bennie melted the gun, that would be
8 a lie, too, because Bennie didn't melt the gun; right?

9 A. Bennie and his nephew melted the gun.

10 Q. Didn't you tell this jury that it was the nephew that
11 melted the gun and not Bennie?

12 A. I told the jury Ben started melting the gun, then he
13 told his nephew to take over. The barrel took a pretty long
14 time for it to melt, I don't know exactly how long, but it
15 took longer than the rest of the gun, but Bennie the one
16 that started melting the gun first.

17 Q. So all those things in the statement of January 18th,
18 you claim you didn't tell that to Agent Manson because those
19 would be big lies; right ?

20 A. Depending on which conversation it was.

21 Q. Every conversation that you had with them up until, as
22 you say, you admitted to being the shooter, you lied
23 consistently and lied to their face; correct?

24 A. Yes, I lied about Malsey being the shooter.

25 Q. And you lied about other facts also; correct?

1 According --

2 A. No.

3 Q. -- to their reports?

4 A. No, sir.

5 Q. According to their reports.

6 A. Well, that's their reports.

7 Q. That's their reports.

8 A. It wasn't a lie.

9 THE COURT: Mr. Bergrin. Mr. Bergrin, you've
10 covered this. Okay?

11 MR. BERGRIN: Yes, Your Honor.

12 Q. Now, isn't it a fact that on November the 25th of
13 2003, Anthony Young made the decision inside the Range Rover
14 vehicle of Hakeem Curry that you were going to kill Kemo on
15 that date you made that decision?

16 A. No, that's not true.

17 Q. That will be an absolute lie; correct?

18 A. Yes, it will be a lie.

19 Q. And you would never say that because it would be an
20 absolute lie; correct?

21 A. If you asking me again did I make the decision the day
22 Will got locked up --

23 Q. The day Will got locked up.

24 A. -- to murder Kemo?

25 Q. Yes.

1 A. No. That wasn't the day.

2 Q. And you would never, ever, ever under any circumstance
3 lie when you are under oath after putting your hand on that
4 bible in front of a jury; right?

5 A. I'm not going to lie, no.

6 Q. Do you have the transcript in front of you?

7 A. Yes.

8 Q. I ask you to turn to page 4354.

9 THE COURT: April 13th, 2007?

10 MR. BERGRIN: Yes, sir.

11 Q. Do you have that page open, --

12 A. Yes.

13 Q. -- Mr. Young, sir?

14 On November the 25th of 2003, while in the motor
15 vehicle of Hakeem Curry, the Range Rover, and after hearing
16 the conversation, isn't it a fact, I'll ask you again under
17 oath before this jury -- you can stop reading because I'll
18 point you directly to the page.

19 A. Go ahead.

20 Q. Isn't it a fact that you made the decision to kill
21 Kemo?

22 A. No.

23 Q. And if those words came out of the mouth and out of
24 the mind and out of the heart and soul of Anthony Young,
25 boy, that would be a big lie, a complete lie of such an

1 important fact; right?

2 A. It's not a lie, Mr. Bergrin. Again, that wasn't the
3 day I came to the conclusion.

4 Q. I'd ask you to turn to page 4354. You have it open.
5 Look at lines 10 through 14.

6 You made the decision that if you cross a
7 Baskerville, you kill them, on November the 25th of 2003;
8 correct?

9 A. Yes.

10 Q. Isn't that what that says, sir? Tell that jury right
11 now what that says.

12 THE COURT: Mr. Bergrin. Mr. Bergrin, read the
13 question and read the answer, what his answer was.

14 Were you asked the following question on line 10:
15 "Tell the jury what that meant to you."

16 THE WITNESS: Yes.

17 THE COURT: Did you give the following answer:

18 "As soon as the name is passed along, from whoever Paul got
19 the name from, which would be Will Baskerville, that mean if
20 you cross the Baskerville's and somebody give you the name
21 who did it, get rid of 'em."

22 Did you answer that?

23 THE WITNESS: Yes.

24 THE COURT: And then:

25 "QUESTION: What does 'get rid of 'em' mean?

1 "ANSWER: Kill 'em."

2 THE WITNESS: Yes.

3 THE COURT: All right. You gave those answers;
4 correct?

5 THE WITNESS: Yes.

6 BY MR. BERGRIN:

7 Q. And those words came out of your mouth while under
8 oath before another jury on April 13, 2007; isn't that a
9 fact?

10 A. Yes, but you asked me when did I make my mind up to
11 kill him.

12 Q. You were asked as soon -- you said that as soon as you
13 hear the name, correct, and --

14 A. Yes.

15 Q. -- that person crossed a Baskerville, your exact
16 words, if you cross a Baskerville and somebody give you the
17 name, which Paul got from Will, you get rid of them, you
18 kill them; correct?

19 A. That's what I said. But I didn't make my mind up at
20 that moment to kill him.

21 Q. But that's what you said; right?

22 A. Yeah.

23 Q. And there's no way to interpret that separately;
24 correct? Isn't that a fact, sir?

25 A. Sure it is. That's two different things, Mr. Bergrin.

1 Q. You made the decision that as soon as you got the
2 name, as soon as you cross a Baskerville, as soon as you got
3 that name, that you're getting rid of them, that you're
4 killing them; correct?

5 A. That mean --

6 Q. Isn't that a fact that that's what that says? Right,
7 Mr. Young?

8 A. Again, you asking me a question, Paul --

9 Q. Isn't that what it says, Mr. Young?

10 A. -- Mr. Bergrin -- why are you hollering?

11 MR. MINISH: Your Honor, he's trying to answer the
12 question.

13 THE WITNESS: This guy is crazy.

14 THE COURT: Just pause between the two of you.

15 Okay. Go ahead.

16 Q. Isn't that what it says, Mr. Young?

17 THE COURT: Isn't that what what says, Mr.
18 Bergrin? Rephrase your question.

19 Q. The transcript of your testimony in 2007, isn't that
20 what it says?

21 THE COURT: Isn't what what it says, Mr. Bergrin?

22 Q. That your words say that if you cross a Baskerville
23 and somebody gives you the name who did it, you get rid of
24 them, get rid of them means kill them. Isn't that what it
25 says?

1 A. That's what it say. And again, you asked me when did
2 I make my mind up.

3 Q. When did you get the name, Mr. Young? When did you
4 receive the name Kemo?

5 A. Sitting in the Range Rover with Hakeem.

6 Q. November 25th of 2003; correct?

7 A. Yes, sir.

8 Q. Now, you were like a brother to Will Baskerville;
9 right?

10 A. Yes, sir.

11 Q. And you were close to him and his family; right?

12 A. Very.

13 Q. Now, you knew that the bail hearing -- I mean, you
14 were following his case; right?

15 A. Yeah, I was trying to get all the information I can.

16 Q. And you knew that the bail hearing on Will Baskerville
17 got postponed from November the 25th until December the 4th;
18 correct?

19 A. I don't remember now, no.

20 Q. Well, you knew that there was no bail determination
21 made; right?

22 A. I don't remember.

23 Q. You don't remember.

24 A. No.

25 Q. You said you were close to Will Baskerville like a

1 brother; correct?

2 A. Very close, but again, I don't remember.

3 Q. So you want to make sure and you want to know whether
4 Will Baskerville is getting out; right?

5 A. Of course.

6 Q. Now, did Will Baskerville ever give you any orders?

7 A. No. He didn't give me a order.

8 Q. Did Will Baskerville ever give you a demand or a
9 request?

10 A. He gave me a -- he gave us a request, but he never
11 gave me a demand.

12 Q. Now --

13 A. Excuse me.

14 Q. -- he never gave you a demand; correct?

15 A. No, not a demand.

16 Q. And as a matter of fact, you never even had any
17 conversations with Will Baskerville from November 25th even
18 until today, as you sit here today.

19 A. Yes, I did.

20 Q. You had a conversation with Will Baskerville?

21 A. Yes, sir.

22 Q. From November the 25th, the date of his arrest, until
23 March of 2004, did you have any conversations with Will
24 Baskerville?

25 A. No.

1 Q. Did you have any letters or communications with Will
2 Baskerville, Anthony Young?

3 A. No, just him sending us messages, that's it.

4 Q. Just him sending you messages. You didn't have any
5 direct contact with Will Baskerville; right?

6 A. Wasn't trying to be around him.

7 Q. And like you said, he would never ever give you a
8 demand; right?

9 A. No, he didn't demand me to do nothing.

10 Q. Okay. Look at page 4354, line 17 and 18.

11 Do you see the question: "How would you
12 characterize the message from the defendant," meaning Will
13 Baskerville?

14 Then look at your answer on page 4354.

15 A. I'd say it was more like a demand, but it was a
16 request.

17 Q. Well, you said it was a request.

18 A. It say it right there. "There's a difference between
19 a request and demand."

20 Q. Okay. Excellent. Flip the page now. Turn to page
21 4355, line two.

22 A. Yes.

23 Q. Isn't it a fact that you used the word that it was a
24 demand, not a request?

25 A. No, it was a request. I used "demand," yes.

1 Q. Isn't it a fact that you were asked a specific
2 question, was it a request for a demand from Will
3 Baskerville, and you just told this jury that it wasn't a
4 demand before you flipped the page?

5 A. I'm telling them again, it was a request.

6 Q. You told this jury in April 13th of 2007 it was a
7 demand, d-e-m-a-n-d. Isn't that the word that came out of
8 the mouth of Anthony Young?

9 A. He say he wanted Kemo dead.

10 MR. MINISH: Judge, again, for completeness for
11 the jury, I think Mr. Bergrin needs to include the question
12 and answer immediately prior at the bottom of the page.

13 Q. You were asked --

14 THE COURT: All right. I'll do it. Hold on a
15 second.

16 line 22, were you asked the following question:

17 "In your mind, when you got that information, was
18 that a request?"

19 And your answer was: "More like a request
20 demand."

21 THE WITNESS: That's right.

22 THE COURT: Question, and this is by Mr. Minish:

23 "QUESTION: There's a difference between a request
24 and demand. Which did you think it was?

25 And your answer was, "Demand."

1 THE WITNESS: Yes, I said that.

2 MR. BERGRIN: Thank you, Your Honor.

3 THE COURT: And:

4 "QUESTION: And why do you think it was a demand?

5 "ANSWER: 'Cause if this guy still around, then
6 one of the Baskerville's goes to prison."

7 So those are your answers to the questions --

8 THE WITNESS: Yes.

9 THE COURT: -- that were asked by Mr. Minish;
10 correct?

11 THE WITNESS: Yes.

12 THE COURT: All right. Go ahead.

13 MR. BERGRIN: Thank you, Your Honor.

14 BY MR. BERGRIN:

15 Q. Now, when you testified on Thursday with Mr. Minish
16 during direct examination, isn't it a fact that you say for
17 the first time that this meeting on Avon Avenue or I suppose
18 became was after Thanksgiving? That's the first time you've
19 ever revealed that; correct?

20 A. No, that's not the first time I revealed that. Not at
21 all.

22 Q. Well, every other question that you've been asked and
23 every statement that you've given, you said that the meeting
24 occurred within four to five days, correct, after Will
25 Baskerville was arrested; right? That's how it was framed

1 to you, right, that you may focus.

2 A. I may have said four or five days, but it could have
3 been five days, it could have been a week, Mr. Bergrin.

4 Q. But every single question that you were asked,
5 Mr. Young, was, was it within four to five days, and you
6 answered yes; correct?

7 A. I don't -- well, I don't know what -- like I said, it
8 could have been five days, it could have been seven. I
9 don't know.

10 Q. Let me take you to page 4359, when you testified under
11 oath.

12 Were you asked on line two: "And using the date,
13 the defendant, meaning Will Baskerville, was arrested as a
14 starting point -- " --

15 THE COURT: This is line 16.

16 MR. BERGRIN: It's actually --

17 THE COURT: Page 4359?

18 MR. BERGRIN: 4359, line 19, I'm sorry.

19 MR. MINISH: The question is at 16.

20 THE COURT: Line 16.

21 Q. "And using the date the Defendant was arrested -- " --
22 meaning Will Baskerville -- " -- as a starting point, how
23 many days later, approximately did that meeting take place?"

24 And you said about four or five days; correct ?

25 A. Yes, at that time, I said about four or five days that

1 I could remember.

2 Q. That would be Thanksgiving weekend; right?

3 A. Yes, it could have been, like I said, it may have been
4 seven. I don't remember, Mr. Bergrin.

5 Q. But that's not what you said when you answered the
6 question. You answered the question, about four to five
7 days; correct?

8 A. Yes.

9 Q. You never said anything about it could be more, it was
10 after Thanksgiving. You never brought that up until
11 Mr. Minish questioned you on Thursday; right?

12 A. Yes.

13 Q. Now, you were asked it a second time. Turn to page
14 4364, line one through 12. You're asked about the meeting;
15 correct?

16 Were you asked the question during these
17 conversations, four or five days after the Defendant was
18 arrested, meaning Will Baskerville, was there any
19 discussions about whether or not the Defendant, meaning Will
20 Baskerville, would cooperate with the Government against you
21 or other members of the group? Correct?

22 A. Yes.

23 Q. Again, the focal point or the vantage point of days
24 was conversations four or five days after Will Baskerville
25 was arrested; correct?

1 A. Yes.

2 Q. And you never answered or corrected Mr. Minish, it was
3 after Thanksgiving or could have been seven, eight, or nine
4 days. You used four or five days, and so did Mr. Minish in
5 his questions to you, and your answer was, within four or
6 five days; correct?

7 A. Again, as I said, and I told you the other day, I
8 don't know exactly -- you gave me the exact date that Will
9 got locked up. I didn't know the exact date that Will got
10 -- it could have been Wednesday he got locked up. I didn't
11 know. And I said four or five days, yes.

12 Q. And then you were asked the question again -- let me
13 take you back for a second.

14 Remember telling this jury on Thursday, October
15 the 27th, that you were concerned or worried or the group
16 was concerned or worried about William Baskerville
17 cooperating, although you didn't think he would do it, but
18 you were concerned and worried about that?

19 A. No. I don't remember saying that.

20 Q. So if those words came out of the mouth of Anthony
21 Young, then that would be an absolute lie to this jury;
22 right?

23 A. No, that would be a mistake, because --

24 Q. A mistake.

25 MR. MINISH: Judge, again --

1 A. I'm not worried at the time -- I'm not worried about
2 Will --

3 MR. MINISH: Sorry.

4 THE COURT: All right. Just a moment. Wait. Let
5 him finish his answer.

6 You're not worried about what?

7 A. I wasn't worried about Will Baskerville, you know,
8 working with the police. They asked me is it a possibility?
9 Everything is a possibility, but I wasn't worried about him.

10 THE COURT: All right.

11 MR. MINISH: I apologize. I was just looking for
12 the page he was referring to, that's all.

13 THE COURT: No, that's okay. That's all right.

14 BY MR. BERGRIN:

15 Q. So you had no worries, no concern whatsoever about
16 Will Baskerville --

17 A. No, not Will.

18 Q. -- being a snitch, right?

19 A. No.

20 MR. MINISH: Judge, that's not what he testified
21 to.

22 MR. BERGRIN: Judge, he just answered the
23 question.

24 THE COURT: Mr. Bergrin, we have to wait. If
25 there's an objection, we wait. Okay?

1 MR. BERGRIN: Yes, sir.

2 THE COURT: All right. I'll allow that question.

3 At the time that you found out Will Baskerville
4 was arrested, you had no worries about him cooperating with
5 the Feds?

6 THE WITNESS: No.

7 THE COURT: Okay.

8 Q. I ask you to look at the transcript dated October the
9 27th of 2011, specifically, page 128.

10 THE COURT: What's the question, Mr. Bergrin?

11 Q. Now, Mr. Young, didn't you tell this jury on Thursday
12 that you were all concerned or worried you didn't think he'd
13 cooperate, but you were worried about Will Baskerville
14 cooperating? Look at lines 13 to 14.

15 A. I just said that, Mr. Bergrin. I wasn't worried, but
16 anything's a possibility.

17 Q. It's a possibility.

18 MR. MINISH: Judge, again, just for accuracy, if
19 he could read the actual question and answer.

20 THE COURT: All right, because I don't have a copy
21 of that transcript in front of me, I don't believe. I was
22 reading the other one. So ask him line by line,
23 Mr. Bergrin. If you're going to ask him what he said --

24 MR. BERGRIN: That's my only copy, Your Honor.

25 THE COURT: All right.

1 MR. BERGRIN: Can I stand up there and do it?

2 THE COURT: If you're going to refer him to last
3 Thursday's testimony, ask him line by line if he gave the
4 following answer.

5 MR. BERGRIN: Yes, Your Honor.

6 Q. Starting on line five, page 128:

7 "QUESTION -- This is question by Mr. Minish.

8 "QUESTION: You mean Hakeem Curry?"

9 And did you answer, line six: "Hakeem Curry."

10 Is that what it says there?

11 A. Hakeem Curry. I answered Hakeem Curry.

12 Q. And then were you asked the question on line seven:

13 "Can you explain what you mean by 'making sure he's all
14 right'?"

15 When you make sure someone's all right, you mean
16 you make sure that they're not going to cooperate; correct?

17 A. No, you putting words in my mouth.

18 MR. MINISH: Judge, there is an actual answer
19 there.

20 THE COURT: All right. Just a moment. Wait.

21 Read the actual question and answer, Mr. Bergrin.

22 And you're following along, Mr. Minish?

23 MR. MINISH: I am, Judge.

24 Q. Line seven :

25 "QUESTION: Can you explain what you mean by

1 'making sure he's all right?'"

2 And did you answer, line nine:

3 "ANSWER: He don't want his empire to fall, he
4 don't want to go to jail."

5 Is that what you said?

6 A. That's Hakeem Curry.

7 Q. Is that what you said, sir --

8 A. Yes, Hakeem Curry, nothing about Will Baskerville.

9 Q. -- to this jury?

10 Were you asked the next question: "But how could
11 Will Baskerville being arrested cause the empire to fall"?
12 Is that the next question on line 11?

13 A. Yes.

14 Q. And did you respond, line 13: "First, that's his
15 cousin, and second, if Will was to snitch -- which I don't
16 think he would -- but there's a possibility so it was a
17 concern to everybody." Is that the words that came out of
18 the mouth of Anthony Young on Friday, October the 27th of
19 2011?

20 A. Yes.

21 Q. So although you didn't think there was a likelihood of
22 it, you were concerned as compared to what you just told the
23 jury that Will Baskerville would snitch; correct?

24 A. No, we wasn't concerned about Will Baskerville
25 snitching. Not at all.

1 Q. But you told that to the jury on Thursday; right?

2 A. I didn't -- no, I didn't say it like that, Paul -- Mr.
3 Bergrin.

4 Sorry, Your Honor.

5 THE COURT: All right.

6 Q. Do I have to read it again to you?

7 A. Because you putting words to it.

8 Q. Did you -- did the words come out of your mouth on
9 line 13, page 128: "First, that's his cousin, and second,
10 if Will was to snitch -- which I don't think he would -- but
11 there's a possibility so it was a concern to everybody"?

12 A. Well, I'm a tell you right now, no, it wasn't a
13 concern, no.

14 Q. Then why did you tell that to the jury that it was a
15 concern? Not only did you say that, but didn't you say:
16 "And Hakeem knowing he at the top, he was very, very nervous
17 that morning." And that's the phrase, and that's the
18 paragraph that you're talking about: Very, very nervous
19 about Will being a snitch and cooperating.

20 A. I didn't say Hakeem was worried about Will being a
21 snitch. I said Hakeem was worried, that's his cousin. Is
22 it a possibility that Will can snitch? Yes. Are we worried
23 about that? No. We know who Will is.

24 Q. Now, that was -- that answer came in the paragraph
25 that you were talking about Will being a snitch and

1 cooperating; correct, Mr. Young? Is that a fair statement I
2 just made?

3 A. Yes.

4 Q. Now, when you testified on April the 13th of 2007 --
5 you have that transcript before you; right?

6 A. Yes, sir.

7 Q. I ask you to turn to page 4364, lines one through 12.

8 Do you have that page open, Mr. Young?

9 A. Yes.

10 Q. Were you asked --

11 A. One through 12? Let me read it, Mr. Bergrin.

12 Q. I'm going to read you the question: "During the
13 conversation over this -- " --

14 THE COURT: Wait, Mr. Bergrin. Give him a chance
15 to follow you. Page 4364, line one. Go ahead.

16 Q. During the conversation over these four to five days
17 after the Defendant, meaning Will Baskerville, was arrested,
18 was there any discussions about whether or not
19 Will Baskerville would cooperate with the Government against
20 you or the members of the group? Remember asking that --
21 being asked that question?

22 A. Yes.

23 Q. And was your response: "No, we knew that -- " -- he
24 would -- " -- that that would never happen."

25 A. And I'd say that today. We -- I know Will. We know

1 Will. We -- we not worried about that.

2 Q. And did you -- were you asked: "And why not?"

3 And did you respond: "We always look at him as a
4 real stand-up guy"?

5 A. Exactly.

6 Q. Did you talk about that during your preparation for
7 this trial with Mr. Minish and Ms. Manson?

8 A. No, sir.

9 Q. Did you ever use the words, Tell them what they want
10 to hear, keep them in amazement? Did you ever hear -- did
11 those words ever trickle out of the mouth of Anthony Young?

12 A. Yeah, I might have said that when I was lying.

13 MR. MINISH: Judge, could we have some specificity
14 about the time period we're talking about?

15 THE COURT: No. See if he remembers it. He just
16 answered, he might have said that when he was lying.

17 MR. MINISH: To whom or --

18 THE COURT: It's okay. You'll have a chance. I
19 don't know. It's a fair question, did he ever use those
20 words. He answered. He didn't ask for anything more. He
21 answered how he answered.

22 BY MR. BERGRIN:

23 Q. When you were lying; right?

24 A. Maybe. If I was lying at the time, I may have said
25 that.

1 Q. Keep them in amazement; right?

2 A. Again, if I was lying, I'm going to have the same
3 answer for you, Mr. Bergrin, how many times you want to ask
4 it. If I was lying, maybe I have said that. I don't
5 remember, but if I was lying, it's a possibility I said
6 that.

7 THE COURT: Are those words that you might have
8 used?

9 THE WITNESS: Maybe, if I was lying, yes.

10 Q. Tell them what they want to hear; right?

11 A. If you telling a lie, that's what you do.

12 Q. Now, you were asked a question again by Mr. Minish
13 about the time frame of the meeting, right, a fourth time?
14 And I ask you to turn to page 4365 of the transcript, lines
15 15 to 18.

16 Were you asked the question -- do you have that
17 page open, Mr. Young?

18 A. Yes, sir.

19 Q. A fourth time: "After that meeting, talking about the
20 one that was four or five days after the arrest -- " --
21 correct?

22 A. Yes.

23 Q. And then you were asked another time -- turn to page
24 4363, line 15.

25 A. You want to read the question to me, sir?

1 Q. 4363, line 15.

2 A. Yes.

3 Q. "And at that point on that day, now, whatever it is,
4 four," or "five days after the" arrest, correct?

5 A. Could you read the long question to me, Mr. Bergrin?

6 Q. That's the question, right?

7 A. No, it's not.

8 Q. Mr. Minish is asking you the question.

9 A. No.

10 THE COURT: What page are you on, Mr. Bergrin? Go
11 ahead. What page?

12 MR. BERGRIN: I'll start with 4365, Your Honor,
13 line 15.

14 THE WITNESS: Line 15.

15 Q. And at that point on that day now, whatever it is,
16 four or five days after Baskerville's arrest or Defendant's
17 arrest.

18 A. That ain't what my question say.

19 MR. MINISH: I'm sorry, Judge. I'm not following
20 this.

21 THE COURT: No, that's not the question, Mr.
22 Bergrin. Don't summarize the question. If you're going to
23 read it, read it.

24 MR. BERGRIN: I don't have the full question, Your
25 Honor.

1 THE COURT: Well, what, on page 4365, line 15?

2 MR. BERGRIN: Yes. Well, 4363 line 15, and 4365,
3 again, line 15.

4 THE WITNESS: I'm on 4365, line 15. He was
5 reading partial the answer.

6 Q. What I'm concerned about is the time frame and only
7 the time frame.

8 THE COURT: Well, ask him the time frame. But if
9 you're going to refer to the question, you have to read the
10 whole question and get the whole question. Otherwise, ask
11 the question. Don't paraphrase it.

12 MR. BERGRIN: Yes, Your Honor.

13 Q. Starting with -- turn two pages before that.

14 Ask you the fourth and fifth time: You were asked
15 questions about the time frame, four- to five-day time frame
16 of Thanksgiving.

17 A. Is that page 63, Mr. Bergrin?

18 Q. Yes, sir, 4363.

19 A. Okay. What line?

20 Q. On line 15, you were asked a question about the time
21 frame; right?

22 A. Could you read it to me?

23 Q. You could read it. You were asked a question about
24 the time frame; correct, whether it was four to five days --

25 MR. MINISH: Judge, that's inaccurate. That's not

1 what that question says.

2 THE COURT: Mr. Bergrin, if you're going to ask
3 the question, ask the whole question or don't ask the
4 question at all.

5 MR. BERGRIN: Can I approach, Your Honor?

6 THE COURT: Sure.

7 Q. Were you asked the question: "And at that point on
8 that day, now, whatever it is, four, five days after the
9 Defendant was arrested..."

10 THE COURT: -- " -- had it been determined if Kemo
11 was found who would actually shoot him?"

12 MR. BERGRIN: Yes, Your Honor. But I'm talking
13 about the time frame.

14 THE COURT: All right. Well --

15 MR. MINISH: Again, Judge, that's not the import
16 of the question. The import of the question is exactly what
17 the Court wrote. We're setting a time frame, and then had
18 it been determined if Kemo was found who would actually
19 shoot him.

20 THE COURT: I just read the whole question. We
21 completed the whole question.

22 BY MR. BERGRIN:

23 Q. You were asked about a time frame of the meeting;
24 correct?

25 A. Yes.

1 Q. And the question by Mr. Minish before he prepared you
2 for your testimony today was a time frame of four or five
3 days after Mr. Baskerville's arrest; correct? That's what
4 was contained in the question; right?

5 A. I said -- let me read it, Mr. Bergrin.

6 It say has it been determined who's going to
7 actually shoot Kemo.

8 I said no.

9 Q. But that was -- you were talking about the time frame
10 of four to five days after the meeting; correct? After Will
11 Baskerville was arrested; right?

12 A. No. This was --

13 THE COURT: Whoa. Whoa.

14 Okay. Very simply, Mr. Young, does that question
15 which was asked by Mr. Minish, does it state, "And at that
16 point on that day, now, whatever it is, four, five days
17 after the Defendant was arrested, had it been determined if
18 Kemo was found..."

19 So is Mr. Minish asking you that four or five days
20 after the arrest, had it been determined if Kemo -- who
21 would shoot Kemo? That's what he's asking you, right?

22 THE WITNESS: No, that's not what he asked me,
23 Your Honor. This is the day that Mr. Bergrin came on 17th
24 Street, so Mr. Minish is asking me had it been determined at
25 that time who was going to shoot Kemo, and I said no.

1 THE COURT: It says four or five days after the
2 Defendant was arrested.

3 THE WITNESS: Yes.

4 THE COURT: The Defendant being Will Baskerville.

5 THE WITNESS: Yes.

6 THE COURT: All right. So go ahead, Mr. Bergrin.

7 BY MR. BERGRIN:

8 Q. The question that Mr. Minish asked you was putting you
9 in a time frame, and he used the time frame of four or five
10 days after Will Baskerville is arrested; correct?

11 A. Yes, he did.

12 Q. And then turn to page 4365, which is the pages after
13 4363; right?

14 A. Yes.

15 Q. Were you asked the question: "After that meeting -- "
16 -- line 15 through 18: "After that meeting, talking about
17 the one that was four or five days after the arrest," and
18 then there was a question posed to you; right?

19 A. Yes.

20 Q. Again, he used the time frame, Mr. Minish, the one who
21 prepared you for your testimony today, --

22 A. Yes.

23 Q. -- four to five days after the arrest; correct?

24 A. Yes, but what day was the arrest?

25 Q. The arrest was November 25th; correct?

1 A. What I just found out, at this Court hearing.

2 Q. You knew that it was November 25th because you've
3 testified extensively about that day of November 25th;
4 correct, Mr. Young?

5 A. Well, like I said -- you hollering, Paul. It could
6 have been Wednesday.

7 Excuse me, Your Honor.

8 Mr. Bergrin.

9 Q. Now, describe the area of Avon Avenue and 17th Street.

10 A. It's the neighborhood where we all grew up at. Jamal
11 Baskerville lived there. We lived there all our life. I
12 lived on 19th Street. They live on 17th Street. They
13 mother live on 16th Street. It's the neighborhood where we
14 grew up at.

15 Q. Essentially in the middle of the 'hood?

16 A. Yes it's the 'hood.

17 Q. Now, did you ever tell Agent Manson that the meeting
18 occurred on 16th Street and Avon Avenue?

19 A. No, sir.

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

21 A. Yes.

22 Q. Because that would be an absolute lie; right?

23 A. I wouldn't say it's a lie. I read it in a report.
24 Like I told you the other day, it say 16th Street. I said
25 17th. You showed it to me the other day.

1 Q. So you read the report, and it says 17th Street;
2 right?

3 A. You showed it to me the other day and I just had it 15
4 minutes ago sitting here, Mr. Bergrin.

5 Q. And the report says the meeting occurred on
6 16th Street; right?

7 A. Yes.

8 Q. Now, when you spoke to Agent Manson on January the
9 14th, did you tell her who was present at that meeting, that
10 meeting with me, supposed meeting?

11 A. I'm pretty sure I did, yes.

12 Q. And who did you tell her was present?

13 A. I said -- well, I know who it was: Me, Malsey, Hakeem
14 Curry, Rakim Baskerville.

15 Q. And you're so sure that you told her it was Malsey;
16 right?

17 A. Yes.

18 Q. I show you J-02933, the one that says 16th Street,
19 last paragraph. Isn't it a fact that you never mentioned
20 Malsey, according to that report, according to that
21 statement?

22 A. What page are you on?

23 Q. Page one, last paragraph. Isn't it a fact you never
24 mentioned Jamal McNeil, Malsey, being at that meeting?
25 Correct?

1 A. No, it doesn't say Malsey, but I'm pretty sure I did.

2 Q. Oh, it's just left out. A person that's at this
3 important meeting is just left out of that report; right?

4 A. And like I said, I was telling her this, I was lying
5 to her, telling her Malsey was the shooter, so I'm pretty
6 sure I told her he was at the meeting.

7 Q. And I'm sure it says in that statement about Malsey
8 being the shooter; correct?

9 A. No, it don't. Again, like I said, I just read it. It
10 don't say it.

11 Q. Now, when you spoke to Mr. Gale, the first agent that
12 you talked to, I'm sure you told him about Jamal Baskerville
13 and Malsey, Jamal McNeil; correct?

14 A. I don't remember much of what I said to that guy.

15 Q. You had a chance to look at his report; right?

16 A. No.

17 Q. I show you 06569, J.

18 I ask you to look at the subject block on the
19 left-hand corner. I'm sure it mentions Jamal McNeil and
20 Jamal Baskerville being at this meeting; right?

21 A. It says Will Baskerville was there, and he was in
22 prison.

23 Q. And these are supposed to be the words out of your
24 mouth; right?

25 A. No, I'm pretty sure this guy got it mixed up if he put

1 Will Baskerville up there.

2 Q. So Agent Gail got it mixed up to put Will Baskerville;
3 right?

4 A. Yes. He was in jail.

5 Q. Agent Manson got it mixed up by leaving out Jamal
6 McNeil, right, Malsey, right?

7 A. Like I said, I don't write these reports, Mr. Bergrin,
8 you know. They made a error. I don't think the man did it
9 on purpose. Why would he put Will Baskerville up there?

10 Q. Now, you testified before this jury on Thursday that
11 Hakeem Curry said to you words to the effect of My man is on
12 his way; right?

13 A. Um-h'm. Something like that. My man, my boy.

14 Q. Something like that.

15 A. Yes.

16 Q. Now, you don't know the exact words that were ever
17 used in this meeting, right? You're testifying based upon,
18 according to you, substance, effect; right?

19 A. No, according to what I can remember.

20 Q. According to what you remember.

21 Isn't it a fact that the first time you ever say
22 anything even close to that was when you testified with
23 Mr. Minish questioning you on October the 27th? You never
24 mentioned during April or at any of your statements to
25 anyone, My man is on his way, or words even close to that.

1 A. I probably didn't say it, but I don't remember.

2 Q. You probably didn't say it.

3 You remember, Mr. Young; correct?

4 A. You want to tell me I remember something I'm telling
5 you I don't?

6 Q. Now, you had no idea prior to this meeting, no idea
7 whatsoever about how much time Will Baskerville was facing;
8 right?

9 A. Not at all.

10 Q. Well, you certainly didn't have any idea or fathom,
11 even imagine that he's facing life in prison for all that
12 little drugs, right?

13 A. No, definitely not.

14 Q. And you were waiting to hear from Paul, me, to tell
15 you; right?

16 A. You had to find the information out.

17 Q. Now, you know that with the Feds, as you testified,
18 that you usually -- usually, usually get more time than what
19 you're facing in the state; right?

20 A. Yes.

21 Q. And you knew that based upon being in the streets;
22 right?

23 A. No, I knew -- I knew it because I had a couple guys
24 that did some Fed time.

25 Q. Friends of yours, acquaintances of yours.

1 MR. MINISH: Judge, Mr. Bergrin stopped halfway
2 through, skipped a couple words and then decided for some
3 reason not to finish the answer; and if he starts it, I
4 think he has to finish it.

5 THE COURT: All right. Ask the whole question,
6 Mr. Bergrin.

7 BY MR. BERGRIN:

8 Q. How did you respond on line 17 to 20, page 131?

9 THE COURT: No. I said, ask the whole question.
10 There was an objection. I'm sustaining it. Then go back,
11 if you want to ask the question, ask the entire question or
12 don't ask the question.

13 BY MR. BERGRIN:

14 Q. Were you asked -- Question, line 10: "Okay. Now,
15 prior to Mr. Bergrin arriving, was the group together?"

16 Did you respond "Yes"?

17 A. Yes.

18 Q. Were you asked the question, what was you talking
19 about?

20 A. He asked the question, yes.

21 Q. He asked the question, and how did you respond?

22 A. I said: "Yeah. We's all across the street by the
23 garage where we keep our motorcycles at..."

24 Q. What else did you say?

25 A. He asked, "What were you talking about?"

1 I said, This time -- this time what we think will
2 happen with Will, we really didn't know because, like I
3 said, all we knew is the Feds, the Federal system is the
4 Feds, and you face time, and you do 85 percent of your time,
5 but we didn't know the exact laws of the Feds.

6 Q. And then on lines 22-25, were you asked a question,
7 "And what do you mean, you don't know the exact laws?"

8 And did you answer: "We don't know how much,
9 like, you know, if you get caught with a gun in the state
10 you facing three to five. But if you cop out to a deal you
11 could easily get two years or a year."

12 A. Yes, I said that.

13 Q. So you knew one thing: You knew that you were facing
14 a lot of time with the Feds or more time than the state,
15 right?

16 A. More time than the state.

17 Q. That's fair to say; right?

18 A. Yes. Yes.

19 Q. But you didn't know the exact time; right?

20 A. No, not at all.

21 Q. And you had no fathom to believe whatsoever that there
22 was life; right?

23 A. For one hundred and something grams? Not at all.

24 Q. And nobody even suggested that to you; right?

25 A. No.

1 Q. And were you asked the question on page 140 -- look at
2 lines one and two. Did you respond: "But in the Feds it's
3 a lot different. You get caught with a gun in the Feds, you
4 face time."

5 A. Yeah, talking about my gun charge.

6 Q. Yes. And then in line six, did you say: "The same
7 way, but we didn't know at the time."

8 A. Exactly.

9 Q. About the time, correct?

10 A. Yes.

11 Q. You're talking about not having any knowledge about
12 the time when you were testifying before this jury, right,
13 and Thursday?

14 A. No, how much time I would get, no. I know it's more
15 than the state, though, that's it.

16 Q. And did you tell this jury, though, that the first
17 time that you learned about the time that Will Baskerville
18 was facing in line seven: "When did you learn that?" And
19 did you say, "when Paul Bergrin came to 17th Street"?

20 A. Exactly.

21 Q. And when you say in line nine: "That evening?"

22 "Yes."

23 Q. Yes. And did you say on the next page, 141, line one,
24 in the question: "And did he provide you with any
25 information with respect to the Federal charges? And on

1 line three, did you say "Yes"?

2 A. Yes.

3 Q. And were you asked the question on line four: "Would
4 you tell the jury what that was?

5 And in line five, did you respond: "When he
6 arrived, he got there, he said, you know, what's up to
7 everybody."

8 But did you then say that Paul Bergrin is the one
9 that told us that Will will be facing life?

10 MR. MINISH: Judge, again, we're stopping halfway
11 through the answer.

12 THE COURT: Mr. Bergrin, go ahead, ask the entire
13 question.

14 Q. What did you tell -- would you tell the jury what that
15 was, and how did you respond on line five? Read that
16 response to us.

17 A. "When he arrive, he got there, he said, you know
18 what's up to everybody," when you got out your car. "Shook
19 everybody hand. And he's the one that told us that Will
20 will be facing life in prison for the little bit of the
21 drugs he got caught with."

22 Q. And in line 11, did you say: "We didn't know you
23 could face life in prison for that"?

24 A. Yes, I said that.

25 Q. And did you also say: "Because it was a small amount

1 or because it was crack; what surprised you?"

2 A. Yes.

3 Q. And you said the small amount.

4 A. Yes.

5 Q. Now, did Mr. Minish ask you about these questions in
6 your prep?

7 A. He asked me did we know how much time Will was facing,
8 and I told him didn't nobody know until you told us.

9 Q. You have the transcript of April 13? I left it up
10 there for you, Mr. Young.

11 A. Yes.

12 Q. I ask you to turn to page -- and again, you were
13 testifying before a jury in United States District Court;
14 right?

15 A. Yes, sir.

16 Q. And you were placed under oath, the same oath that you
17 testified today; correct?

18 A. Yes, sir.

19 Q. And you were obligated to tell the truth, the whole
20 truth, and nothing but the truth, like you are today; right?

21 A. Yes, sir.

22 Q. And Mr. Minish was questioning you; right?

23 A. He asked me a series of questions that I answered. I
24 asked him questions that he couldn't answer, and some he
25 did.

1 Q. Turn to page 4358, please.

2 A. 4358?

3 Q. Yes, sir.

4 A. Yes.

5 Q. Lines 20 to 25. Were you asked a question back in
6 April, on April 13th of 2007 in United States District Court
7 before the Honorable Joel Pisano, Judge, in United States v.
8 Baskerville, under oath:

9 "QUESTION: Did you find out how much time, again
10 we're talking about the same day" Will Baskerville was
11 arrested, "that the defendant was facing during these
12 conversations?"

13 A. Yes, I was asked that.

14 Q. And did you respond, "Yes, sir"?

15 A. Yes to?

16 Q. To Mr. Minish?

17 A. Yes, that's what it say.

18 Q. So is it fair to say that Mr. Minish knew the answer
19 back in 2007?

20 THE COURT: All right. Now, Mr. Bergrin, that's
21 not an appropriate question.

22 MR. BERGRIN: Oh, I'm sorry, Your Honor.

23 THE COURT: Go ahead. Follow through.

24 Q. And were you asked the question, "Okay" -- did
25 Mr. Minish say: Okay. Do you recall what kind of time he

1 was facing" in 2007? And did you respond -- turn to the
2 next page, Mr. Young --

3 A. Um-h'm.

4 Q. -- page 4359 --

5 A. Okay.

6 Q. -- line four:

7 "QUESTION: How did you find out about how much
8 time, who told you?"

9 And did you answer on line five: "Hakeem Curry"?

10 A. Yes, I -- I said that.

11 Q. And this is the same day Will Baskerville was
12 arrested; right, Mr. Young?

13 A. Yes, probably so.

14 Q. And what did he tell you, and did you respond, the
15 words out of Anthony Young's mouth: "He said the Defendant
16 was facing life in prison "?

17 A. I don't remember him saying that, but at the time I
18 said it, I must have remembered, yes, I did say that.

19 Q. Mr. Young, will you finally admit on this witness
20 stand this day in November of 2011 that these people prepped
21 you for what to say and how to say it and how to cover what
22 you've said in the last trial?

23 A. No, sir, I won't admit that. That's not true.

24 Q. You knew on November 25th before the meeting ever
25 occurred with me, if this meeting ever occurred, which it

1 didn't, that you were waiting for Paul, you knew on November
2 25th, 2003, the day that Will Baskerville was arrested, that
3 he was facing life in prison according to the sworn
4 testimony that you gave on April 13th of 2007. Isn't that a
5 fact?

6 A. That's not a fact, sir. Like I said, that's what I
7 said.

8 Q. Isn't that a fact that that is the --

9 A. I said Hakeem -- I said Hakeem said that.

10 Q. Isn't it a fact that --

11 THE COURT: Wait, Mr. Bergrin. He's still
12 answering.

13 MR. BERGRIN: I thought he was finished. I'm
14 sorry, Judge.

15 THE COURT: Go ahead, Mr. Young. Did you give the
16 answer -- "How did you find out about how much time, who
17 told you? And your answer was "Hakeem Curry"?

18 THE WITNESS: Yes.

19 Q. On November 25th of 2003 that Will Baskerville is
20 facing life in prison?

21 A. Yes, I said that.

22 Q. And you had to change your testimony now because then
23 it makes no sense that I had a meeting with Paul Bergrin?
24 Isn't that what Mr. Minish and Ms. Manson told you?

25 THE COURT: Mr. Bergrin, it's inappropriate.

1 MR. BERGRIN: I'll ask that that question be
2 stricken, Judge.

3 THE WITNESS: Want to ask your question again?

4 Q. Now, when Mr. Minish was questioning you on Thursday,
5 October 27th -- I ask you to look at the October the 27th
6 transcript. That's in front of you, right, Mr. Young?

7 A. No, this is April 13th.

8 Q. You don't have the 27th in front of you?

9 A. Yes, up here.

10 Q. Yes, I left it with you, sir.

11 A. What pages I'm on?

12 Q. I'm going to ask you, please, to turn to page 145, and
13 I'm going to ask you to scroll your fingers down to lines 12
14 to 20.

15 Do you have that spot, sir?

16 A. One second, sir.

17 Yes.

18 Q. Of course.

19 Now, Mr. Minish asked you a question, "Tell the
20 jury what you talked about," meaning you guys in the group
21 when this meeting occurred on Avon Avenue; correct?

22 A. Yes.

23 Q. And did you say, we talked about how we was going to
24 find this guy and who was going to kill him?

25 A. Yes, we talked about that.

1 Q. And did you then respond to Mr. Minish, the same
2 Mr. Minish to whom you gave the answer in 2007 about Hakeem
3 Curry telling you that William Baskerville is facing life in
4 the car on November the 25th, the day of William
5 Baskerville's arrest, did you tell Mr. Minish on October the
6 27th, when he asked you this question, he asked you the
7 question, page 145, "Why hadn't you done that before Bergrin
8 showed up," and did you tell Mr. Minish last Thursday in
9 front of this jury, because we didn't know that Will
10 Baskerville was facing life?

11 A. Yes, I told him that.

12 MR. MINISH: Judge, again, --

13 A. That's what I still think.

14 MR. MINISH: -- he's not reading the whole answer
15 to the question.

16 THE COURT: Read the whole answer, Mr. Bergrin.

17 Q. When someone tries to take the rest of your life from
18 your family, you know the consequences, correct.

19 A. What line are you on, Mr. Bergrin?

20 Q. Excuse me?

21 A. What line are you on?

22 Q. The question starts with that litany on line 12, Mr.
23 Young.

24 A. Yes.

25 Q. Do you remember the question being asked by

1 Mr. Minish, the same Mr. Minish who you already told --

2 THE COURT: This is on line 12?

3 MR. BERGRIN: Yes, Your Honor, it starts on line
4 12.

5 MR. MINISH: I believe, Judge, we're actually at
6 line 15. We had read the question, and then Mr. Bergrin
7 started to read the answer on line 16 and then stopped.

8 MR. BERGRIN: Thank you, Mr. Minish.

9 THE COURT: Go ahead, Mr. Bergrin. Ask the
10 question.

11 Q. You were asked the question, why hadn't you done that
12 before Bergrin showed up.

13 And did you respond to Mr. Minish, who in April
14 13th of 2007 you had already told that you knew that Will
15 Baskerville was facing life on November the 25th, 2008 --

16 A. Yes, I told him --

17 Q. -- did you respond to him, because we didn't know that
18 Will Baskerville was facing life?

19 A. Yes.

20 MR. MINISH: Judge, again, he's not -- he's just
21 not reading the answer.

22 THE COURT: All right. We'll take a recess and
23 I'll look at the transcript.

24 All right. Ladies and gentlemen, we'll take a
25 recess for lunch.

1 Please don't talk about anything about the case.

2 We'll see you back here at quarter to two.

3 Thank you very much.

4 THE COURT CLERK: Please rise for the jury.

5 (The jury exits)

6 THE COURT: May I see a copy of the transcript,
7 please?

8 MR. BERGRIN: Yes, Judge.

9 THE COURT: All right. Everyone be seated.

10 We're in recess, except for the lawyers, please.

11 MR. BERGRIN: May I approach the bench, Judge?

12 THE COURT: Thank you.

13 What line, Mr. Minish, were you referring or was
14 Mr. --

15 MR. MINISH: It starts on line 16, Judge.

16 THE COURT: What page?

17 MR. MINISH: Page 145 is the answer to the
18 question.

19 THE COURT: All right.

20 What's your objection? I mean, I know it's not
21 complete, but where is the --

22 MR. MINISH: Well, Judge, the objection is simply
23 this. If he is going to say, you answered, then he has to
24 give the complete answer.

25 THE COURT: I understand.

1 MR. MINISH: That's the --

2 THE COURT: No, technically, you're right, I
3 understand, but is there any significance to the balance of
4 that answer, because it goes on for a few sentences?

5 MR. MINISH: Yes, Judge. I think the significance
6 is that, again, Mr. Bergrin is really trying to attack the
7 credibility of the witnesses. The things that he says
8 afterwards are pretty much what he's saying today, so I
9 believe the reason Mr. Bergrin is not reading it is because
10 he does not want to further reinforce that this is what he
11 testified to the other day.

12 THE COURT: When did he ever testify -- I think
13 what Mr. Bergrin was doing was showing that he testified at
14 some point that on the date of the arrest, Curry told him
15 that he was facing life.

16 MR. MINISH: Yes.

17 THE COURT: Didn't I just hear him read that?

18 MR. MINISH: That's a different transcript.
19 You're entirely correct.

20 THE COURT: Right. That was back at the
21 Baskerville trial.

22 MR. MINISH: Absolutely correct.

23 THE COURT: And now he's saying he heard about the
24 life thing when Bergrin showed up four or five days later at
25 some meeting on Avon Street, and that's when they learned of

1 the severity of the sentence.

2 MR. MINISH: Yes.

3 THE COURT: So how does -- I mean, I know you're
4 right: Technically, you read the whole answer. But how
5 does the balance of that answer do anything? He's saying,
6 now, was there more talk about how he was going to find this
7 guy and who was going to kill him?

8 "QUESTION: Why hadn't you done that before
9 Mr. Bergrin showed up?

10 "Because we didn't know Will was facing that much
11 time."

12 So on one hand, he testified on the day of the
13 arrest, before the Baskerville trial, from Curry, not Paul
14 Bergrin, but from Curry, he knew they were facing life. Now
15 he's saying because we didn't know Will was facing that much
16 time. That's the significant part of that answer.

17 MR. MINISH: Well, again, Judge, I recognize that
18 that's sort of a summary of the answer, but it's not the
19 only significant part of it.

20 THE COURT: Tell me how the rest of it is so
21 significant to the point of, when did he first learn, when
22 did he first learn of the severity of the sentence? Was it
23 on the day of the arrest, when he testified in the
24 Baskerville trial that Curry told him about the length of
25 the sentence, or is it on four or five days later, when he's

1 now testifying that Paul Bergrin told him about the severity
2 of the sentence? How is the balance of that answer relevant
3 to that issue?

4 MR. MINISH: But again, Judge, that's not what
5 Mr. Bergrin said. When Mr. Bergrin asked the question, Why
6 hadn't you done that before Mr. Bergrin showed up, he didn't
7 say, You didn't say that before, which would have been yes,
8 and, fine. But what he asked the question was, you were
9 asked this question, why hadn't you done this before
10 Mr. Bergrin showed up, and then he had to give the answer.

11 THE COURT: Because the -- no, because -- "Because
12 we didn't know Will was facing that much time."

13 MR. MINISH: But that's not the entire answer,
14 Judge, and again --

15 THE COURT: You're not answering my question.
16 I'll read it.

17 The balance of the answer is: "If you facing a
18 little bit of time three years, five years, we -- that
19 plenty of time, you just go do it. But for somebody to try
20 to take the rest of your life from our family, you know,
21 there's consequences."

22 How is that relevant to the -- the line of
23 questioning that I heard was, on one day in the Baskerville
24 trial five years ago, he testified on the day of the arrest
25 he was informed by Curry, not Paul Bergrin, about a life

1 sentence. Now in this trial he's testifying that, you know,
2 they didn't know about that until four or five days later,
3 when Paul Bergrin came by and said something about that.

4 How is the rest of that answer relevant? I mean,
5 technically, you're supposed to read the whole answer, but
6 how does it change anything on that issue?

7 MR. MINISH: Judge, again, I mean, the Government
8 is in an awkward position because you're asking me to
9 justify why Mr. Bergrin asked that question. But what I'm
10 saying is, he didn't stop at, he didn't tell you this, now
11 you're saying Mr. Bergrin said it. If Mr. Bergrin had
12 simply said, listen, the first time you said it, Mr. Curry
13 said it --

14 THE COURT: All right. I'll let Mr. Bergrin when
15 he comes back --

16 Mr. Bergrin, I'll let do you that: Didn't you say
17 back on this page that it was the date of the arrest Curry
18 told you, and aren't you saying here now that you didn't
19 really know anything about this until you allegedly came by.

20 I'll let him do that, if that's what you want.

21 MR. MINISH: Well, it's not what I want, Judge.
22 What I'm just saying that what he's doing is taking
23 questions out of context --

24 THE COURT: That wasn't out of context. As far as
25 I'm concerned, Mr. Minish, that was not out of context.

1 That's what I wanted to see. The balance of that answer
2 doesn't add anything to the issue. And if it's so
3 important, on redirect, read the balance of the answer. I
4 mean, because it doesn't add anything to the issue. The
5 issue as I think everybody understood it was, on one day
6 five years ago, he said he learned from Curry on the day of
7 the arrest that he was facing a life sentence, Baskerville.
8 Now he's testifying that they didn't know that, that the sum
9 of his testimony here is they found that out when Paul
10 Bergrin came by four or five days later and he told them he
11 was facing a life sentence. That's the significance of this
12 line of questioning.

13 MR. MINISH: But then, Judge, he moved on to a new
14 line of questioning, which is this: I agree with you that
15 it's not necessarily the link to that, but the Defendant
16 did, I didn't make him ask the question.

17 THE COURT: What's the one you're objecting to,
18 Mr. Minish? I don't follow what you're objecting to. What
19 are you objecting to with that? I mean, what are you
20 objecting to? Tell me.

21 And, Mr. Gay -- I'd like to see all counsel in
22 chambers, and Mr. Bergrin -- Marshals, if you can bring him
23 in as well. Okay?

24 (Luncheon recess taken)

25

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

2 (Jury out)

3 THE COURT CLERK: Please remain seated.

4 THE COURT: All right. While we're waiting for
5 the witness, Mr. Sanders, I'll address you.

6 You submitted to the Court last week an
7 application regarding some concerns you had about the jury
8 may be reading some newspaper articles, particularly the
9 article in which there was apparently a report in the
10 Internet, not in the newspaper article, something to the
11 extent that I indicated some concerns regarding -- I think
12 it was Mr. Castro's testimony. Correct?

13 MR. SANDERS: That's correct, Your Honor.

14 THE COURT: Okay. I read your submission of
15 October 27th, and there's been newspaper articles about this
16 case almost every day, some of which have been critical of
17 Mr. Bergrin, some of which have been complimentary to the
18 Government or critical of the Government. And I know you're
19 concerned about the one in which the reporter expressed that
20 I was deeply concerned about a witness' testimony, because I
21 did say that in court to you out of the presence of the
22 jury, and I guess the reporter picked that up, and it was at
23 that time of the proceedings where, quite frankly,
24 Mr. Castro's testimony as to certain things were troubling
25 to this Court, and I recessed and said to the Government

1 that I was concerned about a certain line of his answers to
2 questions.

3 Nevertheless, the relief that you seek is pretty
4 dramatic. There's no basis on which I would make any
5 inquiries of the jury on reading any articles because
6 there's no indication that they have read any articles.

7 Moreover, every day, I've directed them very
8 strongly and ordered them not to read any newspapers or
9 articles about the case and/or watch any TV or radio shows.

10 I also took the time today to go back to the juror
11 questionnaires, and four or five of them don't even read the
12 newspaper, and none of them indicated they relied on the
13 Internet for their news or heard about this case over the
14 Internet. And many of them, there's only four that even
15 read the Star-Ledger, and the other read a variety of
16 different papers, and this so-called account or this
17 account, not so-called, but this account was on the Internet
18 on jersey.com, newjersey.com.

19 So for that reason, I don't believe there's any
20 need to address the jury. It would be inappropriate, and
21 there's no basis on which to do that.

22 As far as your requests for a charge in terms of
23 any reactions that I may have as to witnesses' testimony, I
24 will cover that in my final charge to the jury, and I'll
25 address it at that time. Okay?

1 MR. SANDERS: Okay.

2 THE COURT: All right. Thank you.

3 THE COURT CLERK: Judge, can the witness come in?

4 THE COURT: Yes, we can bring in the witness.

5 Thanks.

6 (The witness resumed the stand.)

7 THE COURT: We're all set. We can bring out the
8 jury.

9 MR. BERGRIN: Judge, do you have the transcripts
10 still up there?

11 THE COURT: You know, I don't have the one that
12 you had.

13 THE COURT CLERK: Please rise for the jury.

14 THE COURT: I only have the ones -- no.

15 (The jury enters)

16 THE COURT: All right. Everyone please be seated.

17 MR. BERGRIN: The one from October 27th, Judge.

18 THE COURT: Do we have that here?

19 THE COURT CLERK: What's that, Judge?

20 THE COURT: A transcript of October 27th, you're
21 looking for?

22 MR. BERGRIN: Yes, sir.

23 THE COURT: I don't have it.

24 I don't have it, Mr. Bergrin. The one I have is
25 my own copy. I have that. No.

1 The October 27th transcript? Mr. Lustberg?

2 MR. BERGRIN: Yes, I gave it to you to review,
3 Judge.

4 THE COURT: Maybe the Government. Did I give it
5 back to the Government?

6 MR. MINISH: No, Judge.

7 THE COURT: I have one here, but this is ours.

8 MR. BERGRIN: I'll continue, Judge.

9 THE COURT: Go ahead, and we'll try to find it.

10 MR. BERGRIN: Thank you.

11 CROSS-EXAMINATION (CONTINUED)

12 BY MR. BERGRIN:

13 Q. Mr. Young, by your own testimony, there was allegedly
14 only one meeting with me, correct, the one occasion,
15 correct, on Avon Avenue and 17th Street?

16 A. Yes, a meeting, yes.

17 Q. And there were never any other occasions that you met
18 with me about this; correct?

19 A. No, not about that.

20 Q. Now, at this meeting, I supposedly said, No Kemo, no
21 case; correct?

22 A. Yes.

23 Q. The first time you talked to the Government was to
24 F.B.I. Agent -- the F.B.I. agent you called on the
25 telephone; correct?

1 A. That's the first agent I talked to.

2 Q. The first agent you talked to. And you wanted to
3 speak to them about the Kemo murder; correct?

4 A. Yes.

5 Q. Now, when you spoke to this agent, you knew at that
6 time in January of 2005 that we only met on one occasion
7 according to your testimony; correct?

8 A. Yes.

9 Q. Now, why did you tell the agent, then, that we met on
10 several occasions and I said No Kemo, no case on several
11 occasions?

12 A. I didn't tell him that.

13 Q. So if that was contained in the agent's report, I
14 guess the agent would be putting that down that it never
15 occurred; correct?

16 A. Well, like I said, I never told him that.

17 MR. MINISH: Judge, I hate to do this right away,
18 but again, that's not an accurate recitation of what's in
19 the report.

20 THE COURT: All right. What are you referring to,
21 Mr. Bergrin?

22 MR. BERGRIN: 06570. May I approach the witness,
23 Your Honor.

24 THE COURT: 065 what?

25 MR. BERGRIN: 70.

1 THE COURT: Let me just pull it out.

2 Go ahead. Let's see what -- 6570?

3 MR. BERGRIN: Yes, Your Honor, the report of Agent
4 Gale.

5 Q. I ask you to look at page two.

6 Does the report contain a statement allegedly made
7 by you that on several occasions, Bergrin said to the group,
8 No Kemo, no case?

9 A. Exactly, and I told him this all happened in one
10 meeting. You said it twice.

11 Q. Occasions. Occasions.

12 A. It doesn't say that. It say occasionally. On several
13 occasions.

14 Q. Are you sure about that, Mr. Young?

15 A. Yeah, sorry. On several occasions.

16 Q. Well, it says on several occasions Bergrin told the
17 group, No Kemo, no case; right?

18 A. Yes. You said it two times.

19 Q. It doesn't say no Kamo, no case; right?

20 A. Because I told them no Kemo, no case.

21 Q. Now, when you testified before this jury on Thursday
22 when Mr. Minish was questioning you, did you ever tell this
23 jury that I said No Kamo, no case, or No Kemo, no case?

24 A. Thursday, I don't remember if I told them that
25 Thursday.

1 Q. Well, you don't remember it because you don't remember
2 the words that were said; right?

3 A. I'm saying no Kemo, no case.

4 Q. But why would you not remember it if it occurred?

5 A. You asked me do I remember telling them the other day.
6 I don't remember.

7 Q. Why wouldn't you remember, is my question, if it
8 occurred.

9 A. Like I said, Mr. Bergrin, that ain't gonna change. I
10 don't remember telling them the other day. That ain't gonna
11 change.

12 Q. Why wouldn't you remember if it occurred?

13 A. Did he ask me the question the other day? Maybe. I
14 don't know. But like I said, the answer not gonna change.
15 I do not remember.

16 Q. Now, when you spoke to Agent Manson on January the
17 14th, did you ever tell her that I used the words, No Kemo,
18 no case, or No Kamo, no case?

19 A. Most likely, yes.

20 Q. What do you remember telling her?

21 A. Like I said, No Kemo, no case.

22 Q. And you wouldn't lie to Agent Manson because the
23 reason that you're calling her is to speak to you about the
24 Kemo murder; correct?

25 A. Exactly. I told you I lied to her about me and

1 Malsey. That's it.

2 Q. But you wouldn't lie about anything else; right?

3 A. For what --

4 Q. There'd be no reason for you; right?

5 A. That's right.

6 MR. BERGRIN: Can I show him 02933, Your Honor?

7 THE COURT: Go ahead.

8 Q. Ask you to look at the last paragraph.

9 Now, when you spoke to Agent Manson, didn't you
10 tell her that I showed up at nine o'clock? According to the
11 report. And said --

12 A. According to the report, yes.

13 Q. -- met with Hakeem Curry and only Hakeem Curry,
14 correct, according to the report; right?

15 A. According to the report, that's what it say.

16 Q. And as I was walking back to my car, it says,
17 returning to my car --

18 A. Yes.

19 Q. -- I said the words, not no Kemo, no case, that you
20 just testified; according to you, of what you told Manson,
21 no Kamo, no case. Right?

22 A. Uh'm, I don't know if I told her Kemo or Kamo, but you
23 was messing the name up for a while.

24 Q. Messing the name up for a while.

25 A. Yes.

1 Q. You only had allegedly, according to you, a
2 conversation, two occasions or two times, the first time was
3 November the 25th in the car; correct?

4 A. Yes.

5 Q. And then allegedly four to five days after William
6 Baskerville's arrest; correct?

7 A. Could have been five, six days, but --

8 Q. Five, six days, even though --

9 A. But that's enough time that you messed that name up.

10 Q. Now, according to you, you corrected me in the car,
11 right, and told me the name was Kemo, and you told Hakeem
12 the name was Kemo, right?

13 A. I didn't correct you because I didn't speak to you in
14 the car. I corrected Hakeem.

15 Q. But you corrected -- you corrected Hakeem on the
16 phone; right?

17 A. Yes, sir.

18 Q. Now, the report says that I met supposedly with Hakeem
19 Curry and the only words that you heard me utter out of my
20 mouth according to you in this report was the words, No
21 Kamo, no case; correct?

22 A. Well --

23 Q. Is that what the report says, Mr. Young?

24 A. Yes, if that's what it say, it's wrong.

25 MR. MINISH: Judge, I object. That's not what the

1 report says.

2 MR. BERGRIN: It's exactly what the report says.

3 MR. MINISH: It doesn't say to the exclusion of
4 anything else. It's notes of what he did say.

5 THE COURT: All right. That's fine.

6 MR. MINISH: It didn't say to the exclusion of
7 everything else.

8 THE COURT: That's fine.

9 Overruled.

10 Go ahead.

11 MR. BERGRIN: Thank you.

12 Q. The only words in that report that you supposedly
13 heard me say on this date as I'm returning to my car is the
14 words, No Kamo, no case; correct?

15 A. I didn't write that report. That's what the report
16 say.

17 Q. And the report is easy to read; right?

18 A. Yes.

19 Q. You read it loud and clear; right?

20 A. Yes, sir.

21 Q. Now, when did you tell anybody that I supposedly put
22 my thumb up like this, as you indicated to this jury?

23 A. I said like this.

24 Q. Like this.

25 A. Yeah.

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

3 A. I don't remember. Maybe.

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

8 A. Yes.

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

11 A. Yes.

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

14 A. Yes, they asked me what happened.

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

17 A. Excuse me. Yes.

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

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

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

24 A. Yes.

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

1 hand gesture?

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

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

5 A. Just like that.

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

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

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

11 A. Right.

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

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

16 Q. Maybe you would have.

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

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

20 THE COURT: Okay.

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

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

1 A. What line are you on, sir?

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

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

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

5 THE COURT: And the page again?

6 MR. BERGRIN: 4361, sir.

7 THE COURT: All right. Go ahead.

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

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

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

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

16 Q. You said that I used the word, No Kamo, no case.
17 Isn't that a fact? Isn't that what you said, I mixed it up?

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

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

22 A. You did kept mixing it up.

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

1 A. Yes.

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

4 A. It says No Kemo, no case.

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

7 A. Because that wasn't the question.

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

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

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

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

16 A. What line are you on, sir?

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

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

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

24 Now, what was your question, sir?

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

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

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

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

8 Q. Correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 A. Exactly.

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

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

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

11 A. No, I asked his brothers.

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

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

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

20 A. Yes, when I'm there.

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

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

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

25 THE COURT: Which transcript are you looking for?

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

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

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

6 THE COURT: Okay.

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

9 MR. MINISH: Of which transcript?

10 MR. BERGRIN: The one dated September the 13th.
11 May I approach the witness, Judge?

12 THE COURT: Yes, you can.

13 MR. BERGRIN: Thank you.

14 MR. MINISH: Which date?

15 MR. BERGRIN: October the 27th.

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

18 MR. BERGRIN: The page will be 143.

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

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

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

24 A. Oh.

25 MR. MINISH: Wait. Which transcript?

1 THE COURT: Page 143, line six?

2 MR. MINISH: Of which --

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

4 (Off the record discussion)

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

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

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

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

10 THE COURT: Right. Line six, right?

11 MR. BERGRIN: Yes.

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

13 Let's go.

14 BY MR. BERGRIN:

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

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

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

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

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

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

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

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

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

6 THE COURT: You have it?

7 MR. BERGRIN: Yes.

8 THE COURT: Okay. Go ahead.

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

11 A. What line are you on, sir?

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

13 A. On what page?

14 Q. 143.

15 A. 143, six and seven?

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

18 A. Yes.

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

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

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

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

1 Q. Thirteen and 14.

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

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

6 A. Well --

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

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

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

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

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

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

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

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

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

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

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

3 A. Exactly two.

4 Q. Two. Exactly two.

5 A. Yes.

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

7 A. Yes.

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

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

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

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

13 Q. A long time.

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

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

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

20 A. From Curry's mouth, yes.

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

22 A. From Curry's mouth, yes.

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

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

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

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

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

9 Q. You thought I could do it.

10 A. Yes. Told us you could.

11 Q. You know the system; right?

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

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

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

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

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

25 Q. My question to you, sir --

1 A. You asked me a question.

2 Q. -- is --

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

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

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

10 Q. Is that a fact, sir?

11 A. Yes, that's a fact.

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

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

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

20 A. That will be a fact.

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

1 A. Not at all.

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

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

5 Q. For Will to come home from jail.

6 A. Right.

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

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

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

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

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

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

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

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

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

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

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

1 dead; right?

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

3 Q. And Will Baskerville demanded that; right?

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

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

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

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

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

11 Q. How much were you paid?

12 A. 15,000.

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

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

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

20 A. Exactly.

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

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

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