

1 A. Yes.

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

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

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

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

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

15 A. Yes.

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

18 A. Yes.

19 Q. To protect Anthony Young; right?

20 A. Yes.

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

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

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

1 happened; correct?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 THE COURT: Go ahead.

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

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

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

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

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

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

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

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

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

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

2 MR. BERGRIN: Yes, Your Honor.

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

5 A. Yes, I did.

6 Q. Nobody ordered you; right?

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

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

10 A. Yes, sir.

11 Q. Nobody ordered you; correct?

12 A. Yes, sir.

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

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

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

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

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

25 A. No.

1 Q. Nobody had threatened you; right?

2 A. No.

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

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

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

10 A. Say that again?

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

13 A. Yes, I volunteered.

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

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

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

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

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

3 A. Yes.

4 Q. Without being asked about it; right?

5 A. Yes, I think so.

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

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

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

12 A. I think so, sir.

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

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

17 Q. You could use some extra spending money.

18 A. Yes.

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

20 A. Yes.

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

23 A. Yes, sir.

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

25 A. Yes, sir.

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

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

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

6 A. Never.

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

8 A. Yes, sir.

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

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

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

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

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

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

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

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

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

6 A. Yes, sir.

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

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

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

13 A. Oh, no, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 A. Yes, sir.

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

19 A. 4601?

20 Q. Yes, line 24 and 25.

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

22 MR. BERGRIN: What's that?

23 THE COURT: It's not April 13.

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

1 THE COURT: 4601?

2 MR. BERGRIN: 4601, Your Honor.

3 THE COURT: All right. Go ahead.

4 A. What line, sir?

5 Q. Lines 24 and 25.

6 A. Yes.

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

9 A. Yes, I was asked that.

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

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

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

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

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

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

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

25 THE COURT: Wait. Wait a second.

1 THE WITNESS: Oh.

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

3 There's no additional comments necessary. Okay?

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

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

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

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

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

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

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

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

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

21 THE COURT: Yes.

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

23 THE COURT: Is that your only copy?

24 MR. BERGRIN: It is, Judge.

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

1 line 22: Who told you to kill him?

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

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

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

7 A. Yes, I did say Rakim.

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

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

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

17 THE WITNESS: Yes.

18 THE COURT: Okay. Next question.

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

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

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

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

3 A. Hold on, sir.

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

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

7 4704.

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

9 THE COURT: Okay.

10 THE WITNESS: What line are you on?

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

13 A. Yes.

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

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

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

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

21 A. Yes.

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

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

3 A. Yes, I did respond to that.

4 Q. Correct?

5 A. I said yes, sir.

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

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

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

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

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

16 A. Right.

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

18 A. More like a demand, yes.

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

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

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

1 Right? Was that your response?

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

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

6 A. Exactly.

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

13 A. I said all three guys, yes.

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

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

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

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

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

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

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

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

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

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

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

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

12 A. I don't have that.

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

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

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

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

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

21 A. What page are we on?

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

23 A. Hold on, sir.

24 Yes, I said about three weeks.

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

1 looking in a week; right?

2 Look at page 4370, line 44.

3 A. 43 what?

4 Q. Seventy.

5 A. What line, sir?

6 Q. Forty-four.

7 MR. MINISH: There's no 44.

8 THE COURT: There is no 44.

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

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

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

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

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

17 A. My whole crew.

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

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

20 Q. Jamal who?

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

23 Q. Ray-Ray meaning who?

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

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

4 A. Yes, sir.

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

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

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

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

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

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

15 Q. Right, Mr. Young?

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

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

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

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

22 Q. Nowhere, correct?

23 A. Not in here, no, sir.

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

1 accurate and get that correct; right?

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

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

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

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

11 A. Everything that I can remember.

12 Q. Everything that you could remember.

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

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

17 A. I don't know.

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

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

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

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

24 Q. And what did Ray-Ray do?

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

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

2 A. Yes.

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

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

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

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

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

11 A. Everybody know he was involved in it.

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

13 A. No.

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

15 A. No, not at all.

16 Q. I ask you to look at 03126.

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

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

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

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

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

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

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

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

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

10 A. I don't remember.

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

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

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

17 A. Sure I mentioned him.

18 Q. You did?

19 A. Yes.

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

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

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

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

5 A. Yes, mostly everything, yes.

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

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

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

14 A. No.

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

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

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

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

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

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

3 A. Yes.

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

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

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

9 A. Yes.

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

13 A. That was the idea, yes.

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

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

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

22 A. Yes, sir.

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

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

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

4 A. Yes, sir.

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

7 A. Yes, sir.

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

10 A. Yes, a man.

11 Q. You saw a man; correct?

12 A. Yes, sir.

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

15 A. Exactly.

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

17 A. No, sir.

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

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

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

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

1 disguise: A dark hallway.

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

3 A. Yes, sir.

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

5 A. Yes, sir.

6 Q. And did you have your gun out?

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

9 Q. And you went up to this stranger. You're so careful
10 that you're only speaking to people in your organization,
11 your clique; right?

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

13 Q. But you go up to this stranger and you ask him what
14 apartment Kemo is in with the intent to go into that
15 apartment and shoot him; correct?

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

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

19 A. Yes, sir.

20 Q. A stranger that you had absolutely no idea who he is,
21 who he's with, or even whether he's an informant or an
22 undercover police officer; right?

23 A. Yes, sir.

24 Q. Now, when he told you, this stranger, when this
25 stranger that doesn't know you and you don't know him, when

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

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

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

7 A. No.

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

9 A. No.

10 Q. You would never believe him; right?

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

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

15 A. What page?

16 Q. 4375.

17 A. What line, sir?

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

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

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

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

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

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

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

3 A. Yes, sir.

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

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

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

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

14 A. Yes, sir.

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

18 A. Couple people, yes, two people.

19 Q. And how did you describe him?

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

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

1 in it, braids in his hair?

2 A. I just said that, sir.

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

6 A. Yes.

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

11 A. All the time.

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

13 A. Yes, sir.

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

20 A. No, sir.

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

22 A. Yes.

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

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

1 Q. He's one of the persons.

2 A. Yes.

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

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

6 Q. Every day of the week.

7 A. Except for Sunday, maybe.

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

11 A. I'm not understanding your question.

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

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

18 Q. Just that one time; correct?

19 A. Yes.

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

25 A. Exactly. He would have told me.

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

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

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

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

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

11 A. Yes, sir.

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

14 A. Yes, sir.

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

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

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

22 A. Well, yes.

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

1 stolen cars, people stealing cars; right?

2 A. Yes.

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

5 A. Yes.

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

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

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

11 A. After we do something in them.

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

14 A. Yes, we do keep them around.

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

17 A. Actually, we did.

18 Q. What kind of car did you have?

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

20 Q. And that was a stolen rental car?

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

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

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

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

2 A. Are you asking me that?

3 Q. Yes, I'm asking you.

4 A. A Grand Am GT.

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

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

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

11 A. Yes.

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

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

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

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

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

20 A. I'm pretty sure they did.

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

22 A. Of course.

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

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

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

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

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

9 A. 46 --

10 Q. 45.

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

12 Q. Yes.

13 THE COURT: April 17th.

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

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

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

17 Q. I'm so sorry.

18 Lines seven to 11, 4645.

19 A. Seven to 11?

20 Q. Yes.

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

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

24 Q. You were guessing; correct?

25 A. Yes.

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

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

4 Q. That means yes to you?

5 A. Yes.

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

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

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

11 A. I have no idea, sir.

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

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

16 Q. Seven or eight?

17 A. Yes.

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

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

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

23 A. Yes, sir.

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

25 A. No, sir.

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

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

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

9 A. I don't remember.

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

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

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

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

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

19 A. I think so.

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

24 A. No, not true.

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

1 to fire; right?

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

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

6 A. Very quickly, yes.

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

9 A. Yes.

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

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

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

19 A. Which one is it?

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

21 A. What page, sir?

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

23 A. What line are you at, 4382?

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

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

5 A. Give me a minute, sir.

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

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

9 Q. Read about wiping down the gun.

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

13 MR. BERGRIN: Yes, Your Honor.

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

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

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

21 Q. Take a look.

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

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

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

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

5 3:30.

6 THE COURT CLERK: Rise for the jury.

7 (The jury exits)

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

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

13 Thank you.

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

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

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

19 MR. BERGRIN: Yes, Your Honor.

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

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

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

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

3 I'm sorry, Judge.

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

7 THE COURT: Oh, okay.

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

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

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

14 THE COURT: You never know.

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

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

18 MR. GAY: Correct, Judge.

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

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

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

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

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

5 THE COURT: Okay. And then Moran?

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

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

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

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

17 THE COURT: Okay. All right.

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

20 MR. GAY: I agree.

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

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

25 Take your break.

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

3 MR. BERGRIN: Yes, Your Honor.

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

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

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

10 MR. BERGRIN: Yes, Your Honor.

11 THE COURT: All right. Thanks.

12 (Recess taken)

13 (Jury out)

14 THE COURT CLERK: Please remain seated.

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

17 (The witness resumed the stand.)

18 THE COURT CLERK: Please rise for the jury.

19 (The jury enters)

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

22 Welcome back.

23 All right. Mr. Bergrin, proceed.

24 MR. BERGRIN: Thank you, Judge.

25

1 BY MR. BERGRIN:

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

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

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

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

8 Q. Yes, 82 to 85, sir.

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

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

14 THE COURT: All right. 4399.

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

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

20 MR. BERGRIN: Yes, Your Honor.

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

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

1 having been converted to an automatic?

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

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

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

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

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

11 MR. MINISH: Yes, Judge.

12 THE COURT: Okay.

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

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

16 BY MR. BERGRIN:

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

19 A. Not that I have read, no.

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

23 A. Yes.

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

1 A. Yes.

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

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

7 Q. Stopped in front of the house.

8 A. Yes, sir.

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

10 A. Yes.

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

13 A. Just pulled off.

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

15 A. No.

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

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

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

19 A. No.

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

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

1 MR. BERGRIN: Okay, Judge.

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

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

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

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

15 A. Yes.

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

18 A. I don't know, sir.

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

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

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

1 A. Well, I started it, sir.

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

3 THE COURT: Yes, go ahead.

4 A. Is that it?

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

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

9 Thank you.

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

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

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

16 A. Yes, I said that.

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

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

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

23 A. Yes.

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

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

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

6 A. And Jamal McNeil.

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

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

11 Q. On what street?

12 A. On 18th Street.

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

15 A. 17th Street --

16 Q. Yes.

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

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

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

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

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

1 point out specific --

2 THE COURT: Yes.

3 The fifth paragraph down.

4 MR. BERGRIN: The fifth paragraph down.

5 A. You talking about right here?

6 Q. Yes.

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

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

10 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

7 A. Yes.

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

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

12 Q. A long period of time?

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

15 THE WITNESS: Sorry, Your Honor.

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

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

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

21 A. Yes. Yes.

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

24 A. Yes.

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

1 to be used in a homicide; right?

2 A. Yes.

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

5 A. Yes.

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

8 A. Yes.

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

11 A. Happens all the time. Yes.

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

13 A. Yes.

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

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

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

21 A. Yes.

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

24 A. Happens all the time, sir.

25 Q. Now, how long were you gone?

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

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

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

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

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

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

13 A. Yes.

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

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

17 Q. 2005.

18 A. Yes.

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

22 A. Yes.

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

24 A. No.

25 Q. You're wearing no disguise whatsoever?

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

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

4 A. Partially, yes.

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

7 A. Yes.

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

10 A. Yes.

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

12 A. Like I am now, yes.

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

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

16 Q. And blue jeans?

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

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

20 A. I probably was, sure.

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

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

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

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

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

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

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

10 A. Yes.

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

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

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

18 A. I said 95, sir.

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

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

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

25 A. Yes, sir.

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

4 A. Because I think he said clothing.

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

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

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

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

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

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

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

16 A. I don't remember, sir.

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

20 THE COURT: Is there any --

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

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

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

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

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

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

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

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

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

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

14 Q. On 18th Street?

15 A. Yes.

16 Q. And is that where Rakim Baskerville stayed?

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

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

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

23 Q. Twenty-five to 30 steps ahead.

24 A. I'm just guessing.

25 Q. And where was Mr. Curry parked?

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

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

3 A. No. Exactly two and a half.

4 Q. Two and a half.

5 A. Yes.

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

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

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

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

12 Q. More than once, correct?

13 A. Maybe, yes.

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

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

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

20 A. Yes.

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

22 A. Yes.

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

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

1 want me to go in there.

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

4 A. Yes.

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

7 A. Yes.

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

10 A. Yes.

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

14 A. Yes.

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

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

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

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

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

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

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

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

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

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

10 Q. If he was to see you.

11 A. Right.

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

13 A. Yes.

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

16 A. Yes, sir.

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

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

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

23 A. Yes, again, yes.

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

1 that a fact?

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

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

5 A. Partially, yes.

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

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

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

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

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

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

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

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

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

23 A. Six to 13?

24 Q. Yes, 4392.

25 A. Yes.

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

2 A. I got it.

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

7 A. Yes.

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

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

13 A. I said me and Rakim.

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

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

19 MR. BERGRIN: I understand, Judge.

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

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

25 A. Yes.

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

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

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

5 A. No.

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

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

10 Q. Specificness. You box left-handed?

11 A. I'm a southpaw, yes.

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

13 A. Yes.

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

15 A. Yes, all the time.

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

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

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

21 A. Yes.

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

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

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

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

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

5 A. Yes, sir.

6 Q. And you're right-handed dominant; right?

7 A. Yes.

8 Q. Now, do you remember testifying -- look at the same
9 page, 4392. Do you have it open in front of you?

10 A. Yes.

11 Q. And you remember being asked the question on line 14:
12 "And so to throw the police off, does that mean you're
13 normally not a left-handed person?"

14 And did you --

15 A. I'm normally -- I'm normally not.

16 Q. And did you say Well, on line 16, "I use my left hand
17 sometime..."?

18 A. And sometimes in boxing and playing pool. I said
19 that.

20 Q. You just testified that you --

21 MR. MINISH: Judge, if we could have the whole
22 answer, because that is exactly what's in the transcript.

23 THE COURT: Yes. The whole answer is: "Well, I
24 use my left hand sometime boxing and playing pool."

25 MR. MINISH: Yes.

1 Q. You just testified that you're a southpaw, and I asked
2 you the question, you said you box all the time left-handed.
3 Isn't that what you just told this jury?

4 A. Sir, I don't go to the gym ever day since I've been
5 dealt, but I still do go to the gym. So "sometime" would be
6 a true answer.

7 Q. Sometimes doesn't mean all the time, like you just
8 told the jury. There's a difference between sometimes and a
9 difference between all the times; correct?

10 A. You asked me, sir, when I box. When I box, I'm always
11 fighting southpaw. That's how I fight.

12 Q. Now, you and Rakim decide that you're going to use
13 your left hand; right?

14 A. Yes.

15 Q. Not just Rakim. It's you and Rakim that made that
16 decision.

17 A. Rock brought up the suggestion, and we talked about
18 it, and I said I got him, don't worry.

19 Q. And the reason that you're going to do it is because
20 you want to throw the police off; right?

21 A. Of course.

22 Q. Now, here you are, you begin to cooperate in January
23 of 2005; right?

24 A. Yes.

25 Q. And in May of 2005, you contact Agent Manson; right?

1 A. I don't remember exactly what month, but I contacted
2 her before.

3 Q. And when you contacted her, you tell her that the
4 shooter shot left-handed because you found out that Jamal
5 McNeil is a left-handed person; right?

6 A. I didn't, no, I didn't say -- my answer -- if you want
7 me to tell a answer, I didn't say that, no.

8 Q. Well, you left a message to Manson saying that -- you
9 left a voicemail that said the shooter is left-handed on May
10 the 16th of 2005; isn't that a fact?

11 A. You just said I found out. I told her I thought about
12 it.

13 Q. You told her you thought about it.

14 A. Yes.

15 Q. The bottom line is, you left a message for Agent
16 Manson in a voicemail saying that the shooter was
17 left-handed; correct?

18 A. Yes, sir. Still trying to blame it on Malsey.

19 Q. Because you found out that Malsey was left-handed;
20 right?

21 A. Because I was laying down and I thought about he was
22 left-handed.

23 Q. And you -- in your mind, five months after your
24 cooperation, 14 months after the homicide, you then get the
25 brainstorm and you figured out that Malsey was left-handed;

1 right?

2 A. Yes.

3 Q. Now, when you called Agent Manson in May, that's the
4 first time you ever thought about Malsey being left-handed?

5 A. Yes, that's the first time.

6 Q. And prior to that, you make absolutely no mention to
7 anybody during all the interviews that you had with the
8 F.B.I. about the shooter being left-handed; right?

9 A. Yes, I never said nothing about it.

10 Q. You knew that -- you knew that Malsey was left-handed
11 in May of 2005?

12 A. Um-h'm. Yes, like I said, I was thinking about it in
13 my room last night from a previous conversation me, him and
14 Jamal Baskerville had, and I thought about something they
15 said inside the conversation, and I thought about he was
16 left-handed.

17 Q. And that's why you called Agent Manson, correct, and
18 said this shooter was left-handed because you knew about
19 Malsey; right?

20 A. Exactly.

21 Q. Not because you shot left-handed, but because you knew
22 that Malsey was left-handed, an eyewitness might have seen
23 somebody shoot left-handed; right?

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

25 Q. Just coincidentally, after you -- before you made the

1 call, just coincidentally, on March the 2nd, when the
2 shooting happens a year -- almost a year and a half before,
3 you and Rakim have this conversation; right? Is that what
4 you're telling us, just coincidentally?

5 A. No. You -- I don't know where you got that from, sir.

6 Q. Isn't it a fact that if you shot left-handed, you
7 would have told her when you met with her in January that
8 the shooter, Malsey, shot left-handed.

9 A. No.

10 Q. Isn't it a fact that you would have told her between
11 January and May if you shot left-handed that the shooter,
12 Malsey, was left-handed?

13 A. Again, like I said, I didn't think about that, sir,
14 until I called her phone.

15 Q. But you had this conversation a year before, right,
16 with Rakim Baskerville to throw the police off.

17 A. You keep saying Rakim.

18 Q. You had the conversation with Rakim Baskerville a year
19 before; right?

20 A. In the car, but now I'm blaming the shooting on Jamal.

21 Q. But you say nothing about it for 14 months, although
22 you supposedly shot left-handed; right?

23 A. Exactly.

24 Q. Now, you spoke to your great buddy and your good
25 friend, one of your best friends, Hassan Miller at the

1 Hudson County Jail, about left-handed and right-handedness;
2 right?

3 A. Maybe. I think so.

4 Q. You mean you don't remember that conversation?

5 A. I don't remember the full extent of the conversation.
6 Me and him had hundreds of conversations about our crimes.

7 Q. And you don't remember being asked these questions
8 back in 2007 during April of 2007 in the United States v.
9 Baskerville?

10 A. Again, sir, you moving to something else testimony?

11 Q. Do you ever remember being asked these questions about
12 being left-handed and using your left hand in 2007,
13 Mr. Young?

14 A. From who?

15 Q. From anybody during that trial.

16 A. Oh, during the trial? I think so. I don't remember.
17 It's not clear.

18 Q. Turn to page 4669, April 17th transcript, which is
19 right in front of you.

20 A. 4369?

21 Q. 4669.

22 A. I don't know if I have 46.

23 Q. April 17th, you have a copy of the transcript in front
24 of you.

25 A. April 17th?

1 Q. Yes, sir.

2 A. What page was that?

3 Q. 4669. Start with line two.

4 A. Give me a minute, sir.

5 Q. Of course.

6 A. 4669?

7 Q. Yes.

8 A. What line are you on?

9 Q. Starting in line two.

10 Now, before you start reading that, you just swore
11 to this jury that you box left-handed --

12 A. Yes.

13 Q. -- you shoot guns left-handed --

14 A. Yes.

15 Q. -- you've been doing this since a kid, and you play
16 pool left-handed; right?

17 A. Yes.

18 Q. Were you asked the question did you tell Hassan Miller
19 you have never done anything with your left hand?

20 I'm not left-handed, starting on line two.

21 A. Yeah, I told him that to keep them from being able to
22 tell he on me.

23 Q. Isn't that the words that came out of your mouth, your
24 good buddy and your good friend Hassan Miller at the Hudson
25 County Jail, that you told him that you have never done

1 anything with your left hand because you're not left-handed,
2 the words that came out of the mouth of Anthony Young?

3 A. And again, at that time, I wasn't telling the truth.
4 I was blaming it on somebody else.

5 Q. Oh, you're also lying to your good buddy, Hassan
6 Miller, correct?

7 A. He's somebody I met in jail. He's not a great friend.
8 I met him on that tier.

9 Q. The words that came out of Anthony Young's mouth is, I
10 have never done anything with my left hand, I'm not
11 left-handed. Isn't that the words that came out of Anthony
12 Young's mouth at the Hudson County Jail in August of 2005,
13 Mr. Young?

14 A. And again, sir, like I said, I wasn't telling the
15 truth.

16 Q. You can answer that question yes or no.

17 A. Yes, I said that.

18 Q. And isn't it a fact -- then turn to page 4670, lines
19 four and five.

20 A. Yes, sir.

21 Q. Didn't you tell Hassan Miller, I am 100 percent
22 right-handed?

23 A. Of course I tell him that.

24 Q. And turn to lines six to eight. Didn't you tell
25 Hassan Miller, your friend, your confidant at the Hudson

1 County Jail: "And I don't even think I could even shoot a
2 gun with my left hand"?

3 A. Of course I'm gonna tell him that.

4 Q. Those are words that came out of the mouth with
5 Anthony Young; correct?

6 A. Very, yes, of course I would tell him that.

7 Q. As a matter of fact, your exact words were, I don't
8 even probably know how to shoot an F-ing gun with my left
9 hand, I never tried it.

10 A. Exactly. You supposed to tell him that.

11 Q. And isn't it a fact that you told Anthony -- that you
12 told Hassan Miller, You ain't never seen me use my left
13 hand, right?

14 A. Exactly. You supposed to tell him that.

15 Q. You supposed to lie to your good friend and your
16 buddy, right?

17 A. Again, it's not a great friend, good friend. I met
18 him on that unit in Hudson County. I don't know him from
19 the streets.

20 Q. But those words came out of the mouth of Anthony
21 Young; right?

22 A. Of course. You supposed to tell him that, yes.

23 Q. About being left-handed and right-handed.

24 A. Yes.

25 Q. Anthony Young, who wants the big 5K to get his

1 sentence reduced, right?

2 A. Of course I want a 5K.

3 Q. Now, there came a point in time when you testified --
4 there came a point in time that when you spoke to Agent
5 Manson, you went into particular description, correct, about
6 everything that you did at the scene of the shooting; right?

7 A. What time are you talking about?

8 Q. I'm talking about on January 18 of 2005.

9 A. Is this the phone call, or was --

10 Q. No, January 18th of 2005, the face-to-face meeting
11 with Agent Manson at the Federal Bureau of Investigation
12 headquarters.

13 A. I don't know if I told her everything. Again, I told
14 you I wasn't telling the truth to her at the time.

15 Q. And one of the things and one of the reasons you were
16 there is to tell her about the murder of Kemo McKay;
17 correct?

18 A. To get Jamal and Jamal off the streets, yes.

19 Q. Now, you went into some detail with her on January the
20 18th in reference to what happened on South Orange Avenue
21 and South 19th Street; correct?

22 A. Yes.

23 Q. And did you ever tell her about Malsey waiting -- you
24 seeing Malsey wait in a doorway for Kemo down the street, or
25 watching him down the street?

1 A. The whole thing I was telling her about him wasn't
2 true. I probably didn't tell her that.

3 Q. So sitting there face to face with this agent,
4 deliberately, intentionally deceiving her and lying just to
5 obtain benefits on behalf of Anthony Young; right?

6 A. Yes.

7 Q. Now, did there come a time when you left the car after
8 surveilling the house that Mr. McCray was in?

9 A. Yes.

10 Q. And when you left the car, where did you go?

11 A. We went to eat.

12 Q. When you came back and sat in the car after that
13 period of time when you left the un-license-plated car and
14 the gun inside the car that people were watching, you went
15 back inside the car, right?

16 A. Yes.

17 Q. And how long did you sit there before you left the car
18 again?

19 A. Maybe a hour.

20 Q. Approximately an hour.

21 A. Maybe. I said yes.

22 Q. When you got out, what did you do?

23 A. When I got out, I killed Kemo. I walked towards him,
24 hid in a doorway.

25 Q. What street did you walk to?

1 A. I got out on 18th street, sir, walked toward 19th
2 Street, there's a sandwich store there called Big Bite. I
3 stood in the doorway and proceeded to wait for Kemo to come
4 out the store.

5 Q. Now, what did Rakim Baskerville do when you got out?

6 A. Again, he parked on the corner.

7 Q. He parked on the corner of 18th Street?

8 A. On South Orange Avenue and 18th Street, right on the
9 corner.

10 Q. Do you remember being asked these questions by
11 Mr. Minish? Remember being asked these questions on
12 Thursday about what you observed Rakim do?

13 A. Yes.

14 Q. And do you remember telling this jury that Rakim
15 Baskerville pulled up to the corner of South Orange Avenue
16 and 19th Street and parked?

17 A. I just told you that, sir.

18 Q. You told us -- you told me that Rakim Baskerville
19 pulled to the corner of 18th Street before the -- I'm
20 talking about before the shooting of Mr. McCray.

21 A. Before the shooting of Mr. McCray, Rakim Baskerville
22 set on the corner of 18th Street and South Orange Avenue. I
23 walked towards 19th Street and stood in the doorway.

24 Q. Do you remember telling this jury that Rakim
25 Baskerville with the automobile, whether it be a Grand Am or

1 a Grand Prix, depending upon which story Anthony Young tells
2 and when, what day, pulled the vehicle up and parked on
3 South Orange Avenue and 19th Street?

4 MR. MINISH: Judge, again, if we could have a
5 page.

6 MR. BERGRIN: I'll give him a page.

7 MR. MINISH: Mr. Bergrin is clearly referring to
8 something, Judge.

9 THE COURT: Ask him whether he remembers that.

10 Q. Do you remember saying that, Mr. Young?

11 A. That ain't what I said. I said he pulled up on
12 19th Street after I shot Kemo in the head. That's how I
13 jumped in the car. That's what I told you.

14 THE COURT: All right.

15 Q. Do you have the transcript of October the 27th in
16 front of you?

17 A. Yes.

18 Q. Turn to page 186, line 17.

19 186, line 17.

20 A. Got you, sir. Give me a minute.

21 Q. Of course.

22 A. What line? Seventeen?

23 Q. Yes.

24 A. Yes, I'm on it.

25 Q. Isn't it a fact you said that before you committed the

1 homicide, before the shooting ever occurred that Rakim
2 Baskerville pulled the car to 19th Street?

3 A. Can I read my answer off of here, sir?

4 Q. Sure.

5 A. I said "He's on South Orange" Avenue, what I just told
6 the jury. Then, "Like as soon as you come to the corner of
7 19th Street, right there, he turned and sit right there
8 where he can see me."

9 I meant 18th Street, and do say 19th Street.

10 Q. Oh, you meant 18th Street now?

11 A. Yes.

12 Q. But the transcript clearly says that you told this
13 jury that Rakim Baskerville pulled to the corner of
14 19th Street, although you're arguing with me about that
15 answer, right?

16 A. Exactly, sure, and ain't no way he can park on 19th
17 Street.

18 Q. But that's a -- only an honest mistake, right?

19 A. Yes, it is a mistake.

20 Q. Now, did you ever re-enact or do a demonstration with
21 Minish and Agent Manson when you were preparing for this
22 trial of how the shooting went down?

23 A. Well, I just told them I shot him with my left hand,
24 show him how I grabbed him and shot him. That's it.

25 Q. Did you ever do a demonstration like I said about what

1 occurred?

2 A. Yes.

3 Q. And when you did the demonstration about what
4 occurred, did they ask you to repeat that demonstration?
5 How many times did you do it?

6 A. I only did it two times, that was it.

7 Q. Two times?

8 A. Yes.

9 Q. And did the times that you did it with them, did it
10 change from your testimony in 2007 in preparation for this
11 case?

12 A. No.

13 Q. Now, you testified that Hakeem Curry was chirping the
14 telephone to Rakim Baskerville; right?

15 A. Yes, to both of us.

16 Q. To both of you. Did you have a telephone in Nextel at
17 that time?

18 A. Yes.

19 Q. Where was Hakeem Curry parked?

20 A. Again, on South Orange Avenue close to Rose Street,
21 but not exactly on rose Street. Before you get there.

22 Q. Approximately two and a half city blocks, correct,
23 from 19th Street? Fair? Fair estimation?

24 A. Two short city blocks.

25 Q. Two short city blocks.

1 A. Yes.

2 Q. The blocks are at least 50 to 75 feet; right?

3 A. I don't know.

4 Q. Approximately. You lived there for almost your whole
5 life.

6 A. I'd say as long as this courtroom.

7 Q. As long as this courtroom.

8 A. Yes.

9 Q. One block; right?

10 A. This courtroom will be one block on South Orange
11 Avenue, yes.

12 Q. And he was parked two and a half blocks away; right?

13 A. Yes.

14 Q. Now, did you ever see any of them get out of the
15 vehicle?

16 A. Did I see Hakeem get out the vehicle?

17 Q. Hakeem or Rakim or even Malsey, did you ever see them
18 get out of the vehicle?

19 A. When they got out, I was gone.

20 Q. Now, if Rakim Baskerville is on 18th Street,
21 correct, --

22 A. Yes.

23 Q. -- he'd be parked on the correct place on 18th Street
24 by the curb; right?

25 A. Yes.

1 Q. And you never saw him park on 19th Street; right?

2 A. No, he didn't park -- I did the murder on 19th Street,
3 Mr. Bergrin.

4 Q. So you never saw him park on 19th Street is my
5 question; right?

6 A. I know he didn't, no.

7 Q. And if Johnnie Davis and Stacey Williams was to see
8 him park on 19th Street, they'd be inaccurate; right?

9 A. I don't -- they would be wrong.

10 Q. Now, you approached Kemo McCray. Where was the first
11 time that you saw Kemo?

12 A. The first time that I seen him?

13 Q. Yes.

14 A. First time I seen him when we was parking on 18th
15 Street.

16 Q. No, I'm talking about -- I'm sorry. Let me speed it
17 up.

18 You get out of the car and walk to 19th Street;
19 right?

20 A. Yes.

21 Q. You go inside the doorway; right?

22 A. Yes.

23 Q. Now, you're on the corner, essentially, of 19th Street
24 and South --

25 THE COURT: Mr. Bergrin, I think we'll stop for

1 the day right here. You're going to get into a whole other
2 line of questioning, right?

3 MR. BERGRIN: Yes, sir.

4 THE COURT: Okay. Then we'll stop for the day.

5 Ladies and gentlemen, before we recess for the
6 day, I think my deputy clerk has informed you tomorrow
7 morning they're shooting a film here in Newark, Batman
8 something, and do you have a map of the areas that are going
9 to be affected? Okay. And that's going to be from early in
10 the morning on. So give yourself extra time to get around
11 that closing of streets in that area, if you would.

12 And we'll start tomorrow morning at nine o'clock.

13 Please don't discuss anything about the case.
14 Don't read any newspaper accounts about the case and/or
15 listen to any radio or television if there is any, and I
16 don't think there has been, but don't listen or watch any of
17 that.

18 We'll see you back here tomorrow morning at nine
19 o'clock, and we'll get started, and we will be here Friday
20 all day as well.

21 And next week, we'll have four days, but Friday is
22 a holiday, it's Veterans Day, and it's a Federal holiday, so
23 the courthouse is closed, so -- but next week we'll be here
24 all four days. Okay?

25 We'll see you tomorrow morning at nine o'clock.

1 Thank you very much.

2 THE COURT CLERK: Rise for the jury.

3 (The jury exits)

4 THE COURT: All right. Marshals, be sure he's
5 back here tomorrow at nine so we can start. Thanks very
6 much.

7 All right. Everyone be treated.

8 MR. BERGRIN: Can I retrieve the documents, Your
9 Honor?

10 THE COURT: Yes, if you can, Mr. Bergrin. Go
11 ahead. Do you have everything?

12 MR. BERGRIN: Yes, sir.

13 THE COURT: We'll see you tomorrow morning at nine
14 o'clock, and in the event he ends sooner, than he expects,
15 Mr. Gay, you'll have witnesses, right?

16 MR. GAY: Yes, we will, Judge.

17 THE COURT: All right. Thanks. We'll see you
18 then.

19 THE COURT CLERK: All rise.

20 (Matter adjourned until Thursday, November 3, 2011,
21 commencing at 9 a.m.)

22

23

24

25

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

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

Newark, New Jersey
November 3, 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.

P1839

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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. :
TRANSCRIPT OF
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Defendant. :
-----x

Newark, New Jersey
November 2, 2011

BEFORE:

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1 (Defendant present)

2 (Jury out)

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

6 THE COURT: Okay. Mr. Bergrin, are we all set?

7 MR. BERGRIN: Your Honor, if you could please give
8 me two minutes.

9 THE COURT: All right. Please try to rush, if you
10 could.

11 MR. BERGRIN: Yes, sir.

12 THE COURT: All right. Let's start. We'll bring
13 out the jury.

14 MR. BERGRIN: Yes, Judge.

15 THE COURT CLERK: Please rise for the jury.

16 (The jury enters)

17 THE COURT: All right. Good morning, everybody.
18 Welcome back, and please be seated.

19 Mr. Bergrin, proceed, please.

20 CROSS-EXAMINATION (CONTINUED)

21 BY MR. BERGRIN:

22 Q. Good morning.

23 A. Good morning.

24 Q. Mr. Young, you're about five foot ten, sir?

25 A. Exactly.

1 Q. You don't consider yourself a small man; correct?

2 A. Not at all.

3 Q. You were asked to describe or -- can you describe the
4 individual that was with Mr. McCray on March the 2nd of 2004
5 when you saw him?

6 A. A older guy, maybe about McCray's size.

7 Q. And how big is McCray?

8 A. Little smaller than me.

9 Q. Now, where was he in relation to Mr. McCray the first
10 time that you saw Mr. McCray as he approached 19th Street
11 and South Orange Avenue?

12 A. He would have been on McCray's right-hand side.

13 Q. Close to McCray; correct?

14 A. Yes.

15 Q. And how much time did you have to observe this
16 individual?

17 A. About a whole block.

18 Q. About a whole block?

19 A. Yes.

20 Q. And had you ever seen him before in your life?

21 A. No.

22 Q. And had you ever seen him after that?

23 A. No, I never -- if I was to see him, I probably
24 couldn't identify him.

25 Q. And on that day of March 2nd, you definitely didn't

1 have dreadlocks; correct?

2 A. No, I never had dreadlocks.

3 Q. You've never had dreadlocks in your life; right?

4 A. No.

5 Q. Now, you were asked to describe this individual;
6 correct?

7 A. Yes.

8 Q. Now, you had never had a conversation with him;
9 correct?

10 A. No.

11 Q. You had never seen him talking to anyone, you had
12 never seen him before March 2nd of 2004, to the best of your
13 memory and recollection; correct?

14 A. Not -- no.

15 Q. And when you observed him a block away, he was
16 essentially standing side by side with Mr. McCray; correct?

17 A. Walking.

18 Q. Walking. And where were you exactly the first time
19 you observed them?

20 A. The first time I observed them, they was going in the
21 store, saw the backup, and afterwards, I saw them again when
22 I was standing in the doorway, and I kept peeking out the
23 doorway as they was coming towards me.

24 Q. And then you came out about a half a block before as
25 you described; correct?

1 A. Yes.

2 Q. Now, you wouldn't just make up facts, as you
3 testified; correct? You would never do that.

4 A. No. No, sir.

5 Q. If you didn't know the answer, you would say, I don't
6 know it; correct?

7 A. Yes, if I don't know the answer.

8 Q. And if you weren't sure, you would say, I'm not sure;
9 correct?

10 A. Yes.

11 Q. And if you didn't know the fact, you would say, I just
12 can't answer that question, or words to that effect;
13 correct?

14 A. Or I don't remember.

15 Q. Right.

16 Now, when you were asked by Mr. Minish to describe
17 this individual when you were on the witness stand -- and I
18 point you to page -- and ask you to look at page 182,
19 starting at line 20 on the transcript dated October 27th of
20 2011. I'm going to get that page for you, okay, sir.

21 MR. BERGRIN: May I approach the witness, Your
22 Honor?

23 THE COURT: Go ahead. You may.

24 MR. BERGRIN: Thank you.

25 Q. Now, you just testified a few minutes ago that he was

1 McCray's size, correct?

2 A. I said smaller than McCray, sir.

3 Q. You said smaller than McCray.

4 A. Yes.

5 Q. And again, how tall is Kemo, about?

6 A. Briefly, five-ten.

7 Q. Five-ten.

8 A. Right.

9 Q. And when you were asked this question a few short days
10 ago, you never -- you didn't have any hesitation or you
11 didn't have any equivocation in reference to describing how
12 tall he was or what he looked like to you; correct?

13 A. What does that mean, sir?

14 Q. You didn't have -- you didn't hesitate. You didn't
15 say, I think, approximately, about; right?

16 A. No, I just say he was a older guy, a older man.

17 Q. That's all you said; right?

18 A. Yes.

19 Q. I ask you to look at page 182, starting at line 20,
20 where you're asked to describe this individual.

21 A. Yes.

22 Q. And isn't it a fact you said he was your height,
23 five-ten?

24 Page 183, lines one to four, you give the height.

25 A. One through four?

1 Q. Yes, sir.

2 Isn't that what it says, sir? You said he was
3 your height, and then Mr. Minish asked you how tall you are,
4 and you said five foot ten?

5 A. I must be on the wrong page, sir.

6 THE COURT: It's the top of page 183.

7 THE WITNESS: Oh, 183.

8 Q. Yes.

9 A. I said -- "Tall guy or short guy," he asked me, and I
10 said regular height, about my height, right.

11 Q. And then Mr. Minish asked you how tall you are, and
12 you said five foot ten; correct?

13 A. Yes. Yes, sir.

14 Q. Now, you didn't say about, or approximately, and you
15 didn't say, I don't remember; correct? You said he was
16 about five foot ten; right?

17 A. Yes, I did.

18 Q. Now, do you know that Johnnie Davis, the man that was
19 there, is about five foot three, sir? Did you know that?

20 A. No, I don't know him.

21 Q. Now, you were asked to describe the individual;
22 correct?

23 A. Yes.

24 Q. Now, you had never had contact with that man before;
25 right?

1 A. No.

2 Q. You had a very short time to actually see him, right,
3 about a block away.

4 A. Very short.

5 Q. So between maybe say 50 -- we said the end off this
6 courtroom, correct, 50 to a hundred feet?

7 A. Yes.

8 Q. And in that short time, you gave this jury a
9 description, and you referred to this guy as an Uncle Pop;
10 right?

11 A. Yes.

12 Q. And then you told this jury what an Uncle Pop means;
13 right?

14 A. Yes, a older guy.

15 Q. An older guy that gets high and that drinks; right?

16 A. That looks like it.

17 Q. Now, you tried to degrade this man although --

18 MR. MINISH: Objection, Judge. He's unfairly
19 characterizing. Mr. Young was asked a question, he answered
20 the question. He didn't intend to do anything or not.

21 THE COURT: No, overruled. He said maybe he was
22 high or something like that.

23 MR. MINISH: No, he didn't, Judge. He said he
24 looked like he may have.

25 THE COURT: Okay. Mr. Minish, overruled.

1 Go ahead. You can ask that question.

2 BY MR. BERGRIN:

3 Q. You tried to degrade this man, correct, and say he's
4 an individual, we called him an Uncle Pop because he look
5 like he get high and looks like he drinks; correct?
6 Somebody that drinks.

7 A. No, I wasn't trying -- I wasn't -- your question was I
8 trying to degrade him? No, sir.

9 Q. You were trying to make this man look like someone
10 that gets high or that's someone that drinks; correct?

11 A. It's because I say he looks like it. I wasn't trying
12 to degrade the man. I don't know if he get high or I don't
13 know if he drinks. I said he looks like it. He's an older
14 guy. That's how a lot of older guys from my neighborhood
15 look.

16 Q. How a lot of guys from your neighborhood look. But
17 when you described him to this jury, you said he was your
18 height, five foot ten; correct?

19 A. Yes.

20 Q. An older guy?

21 A. Yes.

22 Q. You had never had contact with him before.

23 A. No.

24 Q. You have never seen him afterward.

25 A. No.

1 Q. You have never talked to him; correct?

2 A. Like I said, I wouldn't be able to describe him,
3 wouldn't be able to notice him if I saw him.

4 Q. You can answer my question. You don't have to keep
5 volunteering answers.

6 A. No.

7 Q. You had never had any contact with him in your life,
8 you knew nothing about this man whatsoever; correct?

9 A. No.

10 Q. When you were preparing for trial in this case, did
11 Mr. Minish and Ms. Manson tell you anything about this man?

12 A. No.

13 Q. Did you know that he identified somebody else as the
14 shooter in this case?

15 A. No.

16 Q. Are you telling us that you knew nothing about him but
17 for the first time -- and -- let me strike that question.

18 When you were asked to describe him on a prior
19 occasion in 2007, you never volunteered information about
20 him being an Uncle Pop or getting high or drinking or
21 anything to that effect; isn't that a fact?

22 A. No, that's not a fact.

23 Q. So you told the prior jury in 2007 that he looks like
24 an Uncle Pop, a man that gets high and that drinks. Is that
25 what you're telling us? That's what you just said, Mr. --

1 A. Maybe, I don't know.

2 Q. Mr. Young, please, let me finish my question.

3 That's the words that just came out of your mouth.

4 You said that's not a fact.

5 A. You just said is that the first time I ever said that.

6 I said no.

7 Q. Did you tell when you testified under oath in 2007,
8 did you ever make a statement to the effect that he looked
9 like he get high or drinks?

10 A. I don't remember.

11 Q. Do you ever remember ever telling that to Ms. Manson?

12 A. I said that plenty of times to them.

13 Q. Plenty of times to them.

14 A. Yes.

15 Q. And you reviewed all the reports ad nauseam in this
16 case, and isn't it a fact that it's contained absolutely
17 nowhere?

18 A. Well, the reports that you showed me, no.

19 Q. Now, you said that this guy was an older guy, five
20 foot ten, that gets high, looks like -- looks to you like he
21 gets high and looks to you like he drinks; correct?

22 A. I said a little smaller than five foot ten, sir.

23 Q. No. Read your testimony again. You didn't say a
24 little bit smaller. When you testified, you said he's your
25 height and that -- your height was asked, and you said five

1 foot ten.

2 A. Yes.

3 Q. You keep changing your testimony every time you take
4 the witness stand and every time you're asked a question.

5 THE COURT: Mr. Bergrin, that's not a proper
6 question.

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

8 THE COURT: It's for the jury to determine whether
9 or not he's changed his testimony or not or is inconsistent
10 or not.

11 BY MR. BERGRIN:

12 Q. Now, your focus was on Mr. McCray; correct?

13 A. Very much.

14 Q. And you weren't watching this individual; right?

15 A. No, not really, just briefly saw him and -- my main
16 focus was on McCray.

17 Q. Yet he's an individual that looked to you in the
18 glance that you got of him, without concentrating, without
19 focus, you give this jury a statement and you tell them
20 under oath he looks like a man that gets high and he looks
21 like a man that drinks.

22 A. To the best of my knowledge, yes.

23 Q. Now, in 2007, you were asked to describe this
24 individual; correct?

25 A. I don't remember, but maybe.

1 Q. In 2007, do you ever remember being asked the question
2 about this individual?

3 A. I don't remember, sir.

4 Q. I'm going to refresh your recollection and ask you to
5 look at page 4393.

6 THE COURT: What date is that?

7 MR. BERGRIN: That's on April 13th, Your Honor.

8 Q. I'm going to open up to that page, okay, Mr. Young?
9 I'm going to ask you to look at line three on page 4393.

10 MR. BERGRIN: May I approach this witness, Your
11 Honor, with a copy of the transcript?

12 THE COURT: Yes, you can.

13 MR. BERGRIN: Thank you, Judge.

14 Q. Four years ago, you were asked to describe this
15 individual; right?

16 A. Yes.

17 Q. And your description was a little bit different than
18 today; right?

19 A. Yes.

20 Q. As a matter of fact, you described him as a "small and
21 old" man; correct?

22 A. Yes.

23 Q. Small and old man, not five foot ten; correct?

24 A. Yes.

25 Q. You described -- you had said nothing about being an

1 Uncle Pop; right?

2 A. No, I said old.

3 Q. You said nothing about being an Uncle Pop; correct?

4 A. Correct.

5 Q. You didn't volunteer any information before that jury
6 about him getting high or drinking or looking like a man
7 that gets high and drinking like you volunteered here;
8 correct?

9 A. Correct.

10 Q. Because back then, you weren't prepared for that
11 question; right?

12 A. Well, sure I was prepared.

13 Q. Back then, you weren't told that Mr. Davis identified
14 somebody else as the shooter; correct? So you had to make
15 him look bad, that he drinks and uses drugs; correct?

16 A. Well, this is the first time I heard it from you
17 today.

18 Q. Now, you see Mr. McCray; correct?

19 A. Yes.

20 Q. And Mr. McCray is about a block away, walking with
21 Mr. Davis when you see him; right, Mr. Young?

22 A. Yes.

23 Q. And the first time you see Mr. McCray, this is after
24 you're out of the car and you're in the doorway, according
25 to you.

1 A. You saying is this my first time seeing him?

2 Q. No. No. I'm just bringing you -- I'm just setting
3 the scene for you, okay, sir?

4 A. Okay.

5 Q. Please listen to my question.

6 You're in the doorway; correct?

7 A. Yes.

8 Q. And you had gotten out of the vehicle on
9 South 18th Street and walked to the doorway; right?

10 A. Yes.

11 Q. Now, you're in the doorway; right?

12 A. Yes.

13 Q. You observe Mr. McCray and the other, older gentleman;
14 right?

15 A. Yes.

16 Q. They're walking down South Orange Avenue; right?

17 A. Yes.

18 Q. Now, what area are they in when you first observe them
19 from your doorway vantage point?

20 A. Twentieth Street and South Orange Avenue.

21 Q. So they're about a block away from where you are?

22 A. Yes.

23 Q. And South Orange Avenue, is it fair to say, that's a
24 heavily populated area, it's a busy area; right?

25 A. Very.

1 Q. Very busy. And you see them walking towards you;
2 right?

3 A. Yes.

4 Q. And there comes a point when you come out of the
5 doorway; right?

6 A. Yes.

7 Q. And when you come out of the doorway, they're about a
8 half a block away; right?

9 A. Almost a half -- about, little, more than half a block
10 towards myself.

11 Q. Okay. So they're between a half a block and a block
12 away from you.

13 A. No. To me, toward me.

14 Q. Oh, toward you. I'm sorry.

15 Now, when you see them come towards you, you come
16 out of the doorway; right?

17 A. Yes.

18 Q. And when you come out of the doorway, where is the
19 gun?

20 A. The gun is in my pocket.

21 Q. The gun is in the pocket, because you wouldn't come
22 out of the doorway showing a gun on a busy street like that;
23 right?

24 A. No, my gun is in my pocket.

25 Q. Because you don't want to be seen; right?

1 A. I don't want to be seen, but I don't want him to run.

2 Q. And also, because you know that Mr. McCray knows you;
3 right?

4 A. Yes, he know me.

5 Q. And even though your hat is pulled down to your
6 eyebrow and your fleece is up, you could still see the face,
7 and somebody that knows Anthony Young could still tell that
8 that is Anthony Young with a gun; correct?

9 A. Not the way I was walking, no, sir.

10 Q. Okay. Well, you had been asked this question many
11 times, Mr. Young, by myself, and you said and you admitted
12 that even though you had the hat down and even though you
13 had the fleece up, your face was still showing. Didn't you
14 admit that to this jury yesterday?

15 A. And I will admit that today.

16 Q. And -- excuse me?

17 A. I said I will admit that today, yes, sir.

18 Q. As a matter of fact, you were asked a question by
19 Mr. Minish if Mr. McCray saw you, he would know you
20 immediately and know that you're associated with the
21 Baskervilles; correct?

22 A. Yes.

23 Q. And as a matter of fact, that's an area that you had
24 grown up in, you had spent almost your whole life there,
25 until approximately 2005; right?

1 A. Yes.

2 Q. A heavily populated area with businesses; right?

3 A. A couple, yes.

4 Q. And with residences, right, two-families,
5 three-families buildings.

6 A. Residences are on the -- the side street, sir.

7 Q. On the side street.

8 A. Yes.

9 Q. But a busy, populated area with cars and people;
10 right?

11 A. Yes.

12 Q. Now, are you sure that you had your gun in your
13 pocket?

14 A. Yes, in my left pocket.

15 MR. BERGRIN: Excuse me a second.

16 (Off the record discussion)

17 Q. Just one minute, sir.

18 MR. BERGRIN: May I approach the witness,
19 Your Honor, and show him a transcript? And it's going to be
20 the transcript I just showed him, October 27th, Your Honor,
21 the Thursday, and I'm going to specifically ask him to look
22 at page 190 in the area of line 12 to 18, Your Honor.

23 THE COURT: All right.

24 Q. Let me just get this out of your way, Mr. Young.

25 Thank you.

1 That's the transcript that's dated October 27th;
2 correct? Which is just last Thursday, not a long time ago;
3 right, Mr. Young?

4 A. Yes, that's what the date that's wrote on here say.

5 Q. Now, you just testified a few minutes ago, not long
6 ago, before this jury that you saw Mr. McCray -- please
7 listen to my question.

8 A. I'm listening, sir.

9 Q. All right. You saw Mr. McCray and the older
10 individual as they approached you from approximately a half
11 a block, maybe even a little shorter; correct?

12 A. I actually said I saw him when he came out the store.

13 Q. Came out the store.

14 A. Yes.

15 Q. And you watched him approach you; correct?

16 A. Yeah.

17 Q. As you stood in the doorway?

18 A. A little at a time. I kept peeking out the doorway.

19 Q. And as they get to approximately a half a block, maybe
20 a little bit shorter, you come out of the doorway; right?

21 A. Maybe a little bit farther, yes.

22 Q. Maybe a little bit further.

23 A. Towards me.

24 Q. Towards you.

25 And when you come out of the doorway, you just

1 told this jury that you're known in that area; right?

2 A. Yes.

3 Q. Mr. McCray would know you right away, and you didn't
4 want him to run; correct?

5 A. Yes.

6 Q. So obviously you wouldn't have the gun out in a busy
7 area like that as you approached a victim that you want to
8 shoot; right?

9 A. Yes.

10 Q. Look at page 190, starting at line 12.

11 A. 190?

12 Q. Yes, sir. I opened it up for you, sir.

13 A. You had it on 103, sir.

14 Q. Oh, I'm so sorry. Please forgive me.

15 A. Starting at -- you say 18?

16 Q. You can start looking at line 12. That's where the
17 question starts, I believe.

18 A. I'm looking at it, sir.

19 Q. Isn't it a fact that on Thursday, you told this jury
20 that you came out of the doorway, I got my hand on the
21 trigger, I got the gun in my hand and my hand -- my finger
22 on the trigger?

23 A. I did, sir, inside of my pocket.

24 Q. Oh, inside your pocket.

25 A. Inside my coat pocket.

1 Q. You told this jury you came out of the doorway, that
2 the gun is in your hand, right, and your hand is on the
3 trigger. You say nothing whatsoever on October 27th that
4 the gun is in your pocket; correct?

5 A. Well, I'm sorry I didn't say that, but no, but my hand
6 was on the trigger, my hand was on the gun, sir.

7 Q. And there's a difference, you understand, between the
8 gun being out, the gun being in, the gun being in your
9 pocket; right?

10 A. Yes.

11 Q. And you say nothing whatsoever about the gun being in
12 your pocket; you say the gun is in your hand and your
13 finger's on the trigger, right?

14 A. Again, it was, sir, yes.

15 Q. Now, as Mr. McCray approaches -- and you testified
16 that it was freezing outside that day, right? It's a winter
17 day?

18 A. Well, it was cold. I don't know about freezing.

19 Q. Cold.

20 A. Yes.

21 Q. You used the word "cold." You didn't use the word
22 "freezing." That's fair.

23 And you come out; correct?

24 A. Yes.

25 Q. And where do you go when you come out?

1 A. Well, when I walked off the two steps that's there,
2 it's two steps in the doorway.

3 Q. Right.

4 A. I come off the two steps. Like I said, I got my hat
5 low, I got my fleece jacket zipped up. Which come up to my
6 bottom lip. I got my head tucked down, which didn't look
7 bad because it was cold outside. And I start walking
8 towards them.

9 Q. And you start walking toward them.

10 A. Yes.

11 Q. And as you're walking toward them, they're walking
12 towards you; correct?

13 A. Yes.

14 Q. And how many -- you have to take -- you're still
15 approximately at least 50 feet away; correct?

16 A. I don't know exactly how many feet, sir. I would be
17 just guessing.

18 Q. Well, approximately the distance from where you are to
19 the back of the courtroom; is that fair?

20 A. Yes, fair.

21 Q. So about 50 to 75 feet; correct?

22 A. That's your guess. Again, I can't guess how many
23 feet, sir.

24 Q. All right. And as you approached them, you're walking
25 almost face-to-face, but in a direct line to Mr. McCray,

1 Kemo, who knows you since you're 12 years old; right?

2 A. Yes, with my head down.

3 Q. With your head down.

4 A. Yes.

5 Q. But a face that's still clearly visible; right?

6 A. No, sir, not like that.

7 Q. Look at page 188 in that transcript that you have,
8 line 23 through 25.

9 A. I'm looking.

10 Q. Didn't you testify under oath that although the hat
11 was low and the fleece collar was up, you could still see
12 your face?

13 A. Partial, yes.

14 Q. Now, you don't say partial; you could still see your
15 face. Right?

16 THE COURT: Mr. Bergrin, please direct him to the
17 proper question and answer.

18 Q. It's line -- it's page 188, lines 23 to 25.

19 THE COURT: All right. And the answer to the
20 question was on line 21?

21 MR. BERGRIN: Yes, Your Honor.

22 THE COURT: Go ahead. Read the question and then
23 read the answer, or ask him to read it.

24 Were you asked the following question: "And why
25 were you zipped up with the collar and down with the hat?"

1 Were you asked that?

2 THE WITNESS: Yes.

3 THE COURT: And did you give the following answer:

4 "For nobody can't see much as my face as possible."

5 THE WITNESS: Yes.

6 THE COURT: "You could still see my face but I was
7 trying to cover it as much as possible."

8 Is that your answer?

9 THE WITNESS: Yes.

10 THE COURT: All right. Go ahead, Mr. Bergrin.

11 MR. BERGRIN: Thank you, Judge.

12 Q. So your face is visible, especially somebody that
13 knows you since you're 12 years old; right?

14 A. If I lift my head up, yes, my face is visible.

15 Q. And if you don't lift your head and somebody sees you,
16 they could still see your face, as you described, because
17 you could see your face; right?

18 A. Partially, sir.

19 Q. So even if you see your face partially, someone that
20 knows you since you're 12 years old and people who know you
21 from the area where you grew up and you had been there your
22 whole life would know Anthony Young; correct?

23 A. I don't know, I can't say yes to that question.

24 Q. Now -- then you don't know whether they could see your
25 face, correct, or not.

1 A. I don't know if they would be able to identify me, so
2 I can't say yes to your question.

3 Q. So nobody says anything to you; correct?

4 A. About the murder?

5 Q. No. Nobody says anything to you as you approach
6 Mr. McCray; right?

7 A. No, sir.

8 Q. Now, you walk up, and essentially, you sneak up to
9 Mr. McCray; right?

10 A. Well, I walked past him.

11 Q. You walked past him.

12 A. Yes.

13 Q. And when you walked past him, you then turned around;
14 correct?

15 A. Yes.

16 Q. And when you walked past him, you were face to face
17 with him as you approached him and as you walked past him;
18 right?

19 A. Well, he was on my outer side, so I wasn't face to
20 face with him.

21 Q. You were just a short distance, a few feet, at the
22 most, one to two feet; correct? Is that fair to say?

23 A. Maybe three, four feet, it could be fair to say.

24 Q. Maybe three to four feet.

25 A. Yes.

1 Q. But you were close to him; right?

2 A. Yes.

3 Q. And by the way, you gave a description, a very, very,
4 precise description to Agent Manson when you met her on
5 January the 18th face to face in 2005 of what you said you
6 observed Malsey do, correct, as he approached Mr. McCray and
7 as he shot Mr. McCray; right?

8 A. I was being untruthful.

9 Q. You were being untruthful.

10 A. Yes.

11 Q. Let me just talk about that for one second.

12 You go in to the F.B.I., right?

13 A. Yes.

14 Q. You contact them because you want to talk to them;
15 right?

16 A. Yes.

17 Q. You want them to listen to you; right?

18 A. Yes.

19 Q. You want them to help you; right?

20 A. Yes.

21 Q. You want them to take Malsey off the street; right?

22 A. Yes, sir.

23 Q. You want them for your benefit or the benefit of
24 Anthony Young; right?

25 A. At the time, yes, sir.

1 Q. And you meet with the agent, and you're face to face
2 with the agent; right?

3 A. Yes, sir.

4 Q. And you're attempting to obtain a benefit for you by,
5 like you said, take Malsey off the street, take Jamal
6 Baskerville off the street.

7 A. Yes, sir.

8 Q. Although you never mention that to them on that date,
9 right, as we went through before.

10 A. Well, I didn't want them to know I was just meeting
11 with them to get them taken off the streets.

12 Q. Well, when you meet with Agent Manson on the 18th, and
13 when you talk to her even on the 14th telephonically, you
14 make absolutely no mention of needing protection from
15 Malsey, Jamal McNeil, or Jamal Baskerville. You've looked
16 over the reports. I don't want to go through that again.
17 Isn't that a fact according to those reports?

18 A. That's what the reports say, yes.

19 Q. Now, when you speak to Agent Manson, you know that
20 you're there and what got your foot in the door and got them
21 interested is you telling them that you have information in
22 reference to Mr. McCray; right?

23 A. Yes.

24 Q. And even in the mind of Anthony Young, you want to be
25 as precise as possible because you want to keep them

1 interested; right?

2 A. Well, I'm going to give them the information that I
3 think I should give them to get them to take these two guys
4 off the streets, yes.

5 Q. So you use people and you use the power of the word to
6 get what Anthony wants -- Anthony Young wants to accomplish.
7 That's what you just told us; right?

8 A. I don't know about the way you just said it, no.

9 Q. You use words and you use the imagination of Anthony
10 Young in order to accomplish benefits for Anthony Young;
11 correct? Isn't that a fact, Mr. Young?

12 A. I used the crime that we committed, yes.

13 Q. And when you used the crime that you committed, you
14 wouldn't describe -- you wouldn't go into facts that are
15 completely lies that you completely made up out of the clear
16 blue sky; correct?

17 A. Well, like I said, again, it was an lie. It was
18 untruthful at the time.

19 Q. So you are making up facts as you go along; right?

20 A. No, I wasn't making up facts as I went along. I
21 switched facts as I went along.

22 Q. And before you went into the meeting, you thought
23 about the facts that you're going to give them; right?

24 A. I thought about telling them that I wasn't the shooter
25 and Jamal McNeil was.

1 Q. But this is more than switching the person. Now
2 you're switching the actual events of what occurred on March
3 the 2nd, so it's not a matter of switching Jamal McNeil with
4 Anthony Young; correct? Isn't that a fact? Isn't that what
5 you just told us?

6 A. No, sir.

7 Q. So that everything that you told the F.B.I. was the
8 truth, the whole truth, and nothing but the truth, other
9 than the fact that it was Anthony Young instead of Jamal
10 McNeil, according to what you're saying now; right?

11 A. To my best memory, I told her as much as I could tell
12 her in time, again, on the phone, a short version.

13 Q. Now, we're talking about the meeting face to face on
14 January the 18th, four days after the phone call, the F.B.I.
15 picked you up; right, Mr. Young?

16 A. Again --

17 Q. You could answer my question. You don't have to keep
18 volunteering information.

19 A. I'm at -- I'm at the meeting now. You asked me a
20 question.

21 Q. You're at the meeting now, Mr. Young.

22 A. Yes.

23 Q. And you're at the F.B.I. building; correct?

24 A. Yes.

25 Q. And they picked you up; right?

1 A. Yes.

2 Q. There was no time limit set on you, the meeting, and
3 what you need to tell them; correct?

4 A. Well, I set a time limit because I told them enough
5 that I wanted to tell them, and then I told them I'll talk
6 to them more with a lawyer.

7 Q. Now, you set a time limit; correct?

8 A. When I say a time limit, I set how much information I
9 wanted to give them -- her at that meeting, and then I will
10 give her more once I had a lawyer sitting in with me.

11 Q. Now, the lawyer wouldn't affect your ability to tell
12 the truth; correct?

13 A. Well, I'm a take his advice.

14 Q. You're going to take the lawyer's advice. If the
15 lawyer tells you to tell the truth, of course, you're going
16 to tell the truth; right?

17 A. If he tell me to tell the truth, yes.

18 Q. Now, when you met with the F.B.I., you just told us a
19 few minutes ago that essentially all you did was switched
20 from McNeil, Malsey, to Anthony Young; correct?

21 A. Again, yes.

22 Q. So the other facts that you gave, then, were the
23 truth; right?

24 A. Yes, they should have been, yes.

25 Q. Yes, it should have been; right?

1 A. Yes. Like I -- go ahead, sir.

2 Q. You're not going to make up facts about how the
3 incident, how the murder went down because you're there to
4 get their interest, you're there to get the benefit, and
5 you're not going to lie to them about something like that;
6 correct, Mr. Young?

7 A. I may have left some things out at this meeting, sir.
8 Again, like I said, I gave her enough information where --
9 though she wanted to talk to her again, and I told her I
10 would talk to her again when I have a lawyer.

11 Q. My question, then, is an easy one: Did you tell the
12 F.B.I. the truth when you met with them face to face on
13 January the 18th of 2005, other than switching you with
14 Malsey McNeil?

15 A. I don't remember everything I told on that day, sir.

16 Q. You've had a chance to read the report multiple times,
17 both during direct examination by Mr. Minish as well as
18 cross-examination by myself of the January 18th face-to-face
19 interview; correct?

20 A. Yes.

21 Q. And you've had a chance to read every word and every
22 sentence of that report many times while on the witness
23 stand; right?

24 A. Yes, sir.

25 Q. Are the facts in that report the truth?

1 A. Some of them are, sir, and like I said, I don't write
2 them reports.

3 Q. Some of them are.

4 A. Yes, sir.

5 Q. Did you tell the F.B.I. the truth about how the
6 shooting went down, or did you in your imagination change
7 the facts of how the shooting went down?

8 A. I may have changed it. Like I said, I was untruthful
9 on that day, sir.

10 Q. And before you went to the F.B.I., this is about --
11 this is about over nine months since the shooting; right?

12 A. March to January. Well, nine, 10 months, yes.

13 Q. And before you went there, in your mind, you were
14 saying to yourself, I'm going to tell them this, I'm going
15 to tell them this, I'm going to tell them this; correct?

16 A. No, in my mind -- yeah, I told them -- I was thinking
17 in my mind I was going to change the scenario with me and
18 Jamal McNeil, yes.

19 Q. So Anthony Young was planning on how he's going to lie
20 to get benefits for Anthony Young when he met with the
21 F.B.I. on January the 18th of 2005; correct?

22 A. Yes.

23 Q. Now, you went through a version, a description of how
24 the shooting went down in front of this jury; right?

25 A. Yes.

1 Q. And you said that you walked past Mr. McCray; right?

2 A. I said I walked past Pop on --

3 Q. You walked past Pop?

4 A. On the outside, on South Orange Avenue.

5 Q. On the outside.

6 A. Yes.

7 Q. And then you did a complete turnaround; right?

8 A. Yes, a U-turn.

9 Q. A U-turn, and walked directly behind Kemo McCray;
10 right?

11 A. Yes, sir.

12 Q. When you walked directly behind Kemo McCray, you
13 grabbed him, according to you, and your exact words were,
14 you grabbed him by his right shoulder blade, and even His
15 Honor, the Judge, asked you to describe it, and you said you
16 grabbed him by his right shoulder blade; correct?

17 A. Yes, sir.

18 Q. With your right hand.

19 A. Yes, sir.

20 Q. And you grabbed him hard and you grabbed him in that
21 area; correct?

22 A. I don't know how hard, sir. My adrenalin was running.
23 I was nervous, scared. My focus was on grabbing him,
24 shooting him in the head, and getting away.

25 Q. And doing this as fast as humanly possible; right?

1 A. Yes.

2 Q. Now, when you grabbed him by his head -- excuse me.
3 When you grabbed him by his shoulder blade, okay, he spun
4 around; correct?

5 A. No, he didn't get to spin around, no.

6 Q. He spun partially when you grabbed him and pulled him
7 towards you; right?

8 A. No, I can't remember if he spun partially, sir. Like
9 I said, I was -- my adrenalin was running, I was psyched up,
10 nervous, scared all at once, and just hoping that getaway
11 car was right in front of me after I had to do what I gotta
12 do.

13 Q. And this is one fact, one incident that you went over,
14 and as a matter of fact, you testified before this jury you
15 actually went over it several times with Mr. Minish and
16 Ms. Manson in preparation for this trial, and you actually
17 did demonstrations of how you did it; correct?

18 A. I think two times, yes.

19 Q. Two times.

20 Now, when you went down to the F.B.I. on January
21 the 18th, the face-to-face interview, Ms. Manson was taking
22 notes; correct?

23 A. Yes, she was, but again, I don't know how -- what she
24 was writing down or how much she was writing.

25 Q. Now, you told her and you gave her -- one thing she

1 asked you is how did the shooting go down; correct?

2 A. I don't remember her exact questions to me that day,
3 sir, or -- like I said, I was giving her enough, and I told
4 her I'll talk to her with a attorney.

5 Q. Now, when you talked to her, you spent time with her;
6 right?

7 A. Brief time.

8 Q. Brief time. How much time did you spend with her?

9 A. Not -- I couldn't tell you exactly how long, sir, but
10 it was short.

11 Q. But you spent enough time with her where you were able
12 to describe exactly what you did from the time that the
13 vehicle was exited to the time that Mr. McCray was shot;
14 correct?

15 A. I never explained to her what I did, and like I told
16 you, I was being untruthful in telling her Malsey did it.

17 Q. You described to her what Malsey did from the time
18 Malsey exited the vehicle till the time that the vehicle
19 took off; correct?

20 A. Pretty sure I told her some things about it, yes. I
21 don't know if I told her the whole thing, but I'm sure I
22 told her some things about it.

23 Q. And Anthony Young just keeps -- you leave -- you say
24 some things, you leave things out, you give part truth, part
25 lies from the time you ever met with the F.B.I.; correct?

1 A. Well, I don't know if that's true, sir. Your
2 statement just now that you made?

3 Q. That's right.

4 A. No.

5 Q. Well, you lied to the F.B.I. the first time you called
6 them; correct?

7 A. Yes.

8 Q. You lied to Ms. Manson the first time you talked to
9 her; correct?

10 A. Yes.

11 Q. You lied to her when you met her face to face on
12 January 18th; correct?

13 A. Yes.

14 Q. Even when you met Government prosecutors, the
15 prosecutors in this case for almost a year and a half, you
16 lied to them; correct?

17 A. Yes.

18 Q. Now, do you ever remember telling Ms. Manson on
19 January the 18th of 2005 Malsey exited the vehicle, walked
20 past Kemo. Do you ever remember telling her that?

21 A. I don't remember, but I probably told her so. I just
22 don't remember the whole conversation, sir.

23 Q. As Kemo was walking east on South Orange Avenue, then
24 turned around, meaning you grabbed -- meaning you --
25 correct? You turned around?

1 A. You saying Malsey, then you just jumped to me, sir.
2 What did you ask me?

3 Q. Let me read to you. I don't want to confuse you.
4 That's the last thing I want to do.

5 You say Malsey exited the vehicle, walked past
6 Kemo as Kemo was walking east on South Orange Avenue, then
7 turned around, grabbed Kemo by the shirt.

8 Who did you mean turned around and grabbed Kemo by
9 the shirt?

10 A. That day? I was meaning Malsey, not myself.

11 Q. Right.

12 Grabbed Kemo by the shirt on the back of his neck;
13 correct? That's what you told her; right?

14 A. Yes.

15 Q. Spun Kemo around; correct?

16 A. I don't know if I said --

17 Q. Is that what you told her?

18 A. I don't -- I don't remember saying spun around, sir.

19 Q. And so that Kemo was facing, so that he was facing
20 west on South Orange Avenue.

21 A. I don't remember saying that.

22 Q. I'm going to show you what's been marked J-02936 and
23 J-02935, your statement dated January the 18th of 2005 --
24 excuse me, the report of Ms. Manson dated January the 18th
25 of 2005.

1 question. It was a very simple question: Lies create
2 inconsistencies, and that was it.

3 And he's been volunteering a lot of stuff, and
4 I've let him do it, and I've let him do a lot.

5 But that was a simple question that required yes
6 or no: Do lies create inconsistencies? That question was
7 very clear. There was nothing objectionable about it.

8 And so that's why -- and by the way, I did recess
9 the jury now, I didn't say anything inappropriate, but I'm
10 not happy about either your facial expressions, or yours,
11 Mr. Gay. I told you yesterday in chambers off the record,
12 but now I'm saying it on the record. Okay?

13 You're doing it right now, Mr. Minish.

14 MR. MINISH: I'm looking down, Judge.

15 THE COURT: Yes, I know. When you talk to you,
16 you don't have to look down and frown and shake your head.

17 MR. MINISH: I'm not doing that.

18 THE COURT: You do it all the time. That's why
19 I've had a number of times to say in front of the jury,
20 Mr. Minish, sit down. If you have an objection, stand up,
21 say, Objection, Your Honor, and this is my objection; but
22 you don't say -- and when I rule against you, you don't go
23 like this, shake your head left and no, and sit down and
24 frown. Okay?

25 Now, this has been going on way too long with

1 respect to you.

2 Mr. Gay, it's only happened recently in terms of
3 yesterday when I told you in chambers you're smiling, you're
4 looking, facial expressions. You don't like my rulings?
5 Just sit down and keep a straight face. Okay?

6 MR. GAY: Judge, I apologize if I made any faces.
7 I certainly was not intending to.

8 THE COURT: You did it again today, Mr. Gay. I
9 was kind enough to both of you to bring you into chambers
10 yesterday and to tell you off the record I'm not pleased
11 with the facial expressions. You may not be happy with some
12 of the rulings here, okay? But if you're not happy, just
13 sit down, put your reasons on the record in an appropriate
14 way.

15 And that was not an appropriate objection, Mr.
16 Minish. That question was appropriate.

17 This man has admitted to lying back and forth all
18 over the place. He's admitted to lying. Every time he was
19 interviewed by the F.B.I. he says, Yeah, I was lying, I was
20 lying on that, I was lying on that, but now I'm telling the
21 truth.

22 I have given the Defendant latitude because the
23 witness is admittedly lying about the murder, about a lot of
24 things. He says, All I did was switch myself with Malsey;
25 but the reality is the details, if any, that he gave

1 initially were very different than what he testified to.

2 Okay?

3 You brought this indictment against this man, and
4 he's entitled to a fair trial.

5 We'll take a 10-minute recess.

6 If I see smiling or facial expressions like this,
7 I will point it out in front of the jury.

8 This is not the conduct of Assistant U.S.
9 Attorneys as far as I'm concerned.

10 You know, most of the time, you have overwhelming
11 evidence; most of the time you have, you know, tapes and
12 everything else -- and now the F.B.I. agent is shaking her
13 head.

14 I'll point it out to you too, if it happens in my
15 courtroom.

16 All right. We'll see you in 10 minutes.

17 (Recess taken)

18 (Defendant present)

19 (Jury out)

20 (The witness resumed the stand.)

21 THE COURT CLERK: Please remain seated.

22 THE COURT: All right, one moment, Gail.

23 THE COURT CLERK: Okay.

24 THE COURT: All right. Counsel, are you all
25 ready?

1 MR. GAY: Yes, Judge.

2 THE COURT: All right. And again, I ask you to
3 please watch your facial expressions. I don't want to have
4 to say something in front of the jury. Okay?

5 MR. MINISH: Yes, Judge.

6 MR. GAY: Yes, Judge, absolutely.

7 THE COURT: But it started already this morning.
8 And so let's bring out the jury and keep going.

9 MR. BERGRIN: Go to the podium, Judge?

10 THE COURT: Go to the podium, Mr. Bergrin.

11 THE COURT CLERK: Please rise for the jury.

12 (The jury enters)

13 THE COURT: All right, everyone. Please be
14 seated.

15 Mr. Bergrin, did you want that question reread?

16 MR. BERGRIN: With the Court's permission, please.

17 THE COURT: All right. I'll allow it.

18 Can you reread it?

19 (Record read)

20 THE COURT: All right. Your objection is
21 overruled.

22 I'll allow that question.

23 BY MR. BERGRIN:

24 Q. Please answer that question, Mr. Young.

25 A. Yes.

1 Q. Now, you have the January 18th statement in front of
2 you, and you've had a chance to read that, especially page
3 one, the last line, into page two, the first full paragraph;
4 right?

5 A. Yes.

6 Q. And in that -- and please take it in front of you,
7 Mr. Young.

8 In that statement, it describes to Agent Manson on
9 January the 18th of 2005 what you said you witnessed Malsey
10 do; correct?

11 A. Yes.

12 Q. And it's a very detailed statement; correct, sir?
13 You'll admit that, sir?

14 A. Yes.

15 Q. And essentially, it says that you grabbed Malsey
16 around -- you said Malsey grabbed Kemo, Mr. McCray, around
17 the neck and spun him; correct?

18 A. Yes.

19 Q. And he spun Kemo so that Kemo was facing west,
20 correct, according to that statement and the words that
21 supposedly came out of your mouth.

22 A. Yes. Yes.

23 Q. And it's a very easy statement to read and understand;
24 right? Will you admit that?

25 A. Yes, it's easy to understand.

1 Q. Okay. And I want you to read to the jury that last
2 sentence in that first paragraph again of page two, sir.

3 A. It says: "Malsey exited the vehicle, walked past Kemo
4 as Kemo was walking east on South Orange Avenue, then turned
5 around and grabbed Kemo by the shirt."

6 Q. Okay. Now, who grabbed Kemo by the shirt according to
7 that statement?

8 A. It says Malsey grabbed him by the shirt.

9 Q. Okay, and what happened when Malsey grabbed Kemo by
10 the shirt?

11 A. It says he grabbed him by the shirt on the back of the
12 neck, spun Kemo around.

13 Q. Okay. And what happened once Kemo was spun around?

14 A. Shot him three times in the back of the head.

15 Q. Now, what direction did Kemo face?

16 A. Facing west on South Orange Avenue.

17 Q. Okay. So the statement that Agent Manson wrote in a
18 report says that you told her that Malsey walked past Kemo,
19 turned around; correct?

20 A. Yes, that's what the statement say.

21 Q. Grabbed him by the neck; right?

22 A. That's what the report say, yes.

23 Q. Spun Kemo around so that Kemo was facing west on South
24 Orange Avenue; correct?

25 A. Yes, that's what the report say.

1 Q. And shot him three times; right?

2 A. Yes, that's what the report say.

3 Q. And that report says that you told that to Agent
4 Manson on January the 18th of 2005 in a face-to-face
5 meeting; right?

6 A. Yes, that's what the report say.

7 Q. Now, you've had a chance to review that report in
8 front of this jury almost ad nauseam, many, many times;
9 correct?

10 A. Yes.

11 Q. And we've gone through the facts in that report;
12 correct?

13 A. Yes.

14 Q. And there are many facts in that report that you say
15 you deliberately and intentionally made up and lied about;
16 right?

17 A. Again, you saying that I said. I didn't say that.

18 Q. But it's contained in the report.

19 A. Yes.

20 Q. So it's your position as you sit there under oath that
21 the F.B.I. agents that you're going to for your benefit,
22 correct?

23 A. Yes.

24 Q. For your help, right?

25 A. Yes.

1 Q. That says that you're eagerly there to be questioned;
2 right?

3 A. Well, that's -- that's probably how she read me, but
4 like I said, I wasn't eager, but I really wanted to talk to
5 her, yes.

6 Q. Now, they didn't come to you; you went to them.
7 Right?

8 A. Yes.

9 Q. And you called them and you wanted to go there for
10 Anthony Young; right?

11 A. Yes.

12 Q. Now, do you remember being asked questions about that
13 report by Mr. Minish when you testified in front of this
14 jury after you had taken an oath and sworn to this jury to
15 tell them the truth, the whole truth and nothing but the
16 truth?

17 A. Yes, I remember some of it.

18 Q. And do you remember being asked specific questions
19 about that particular report and that particular passage
20 that you just read and explained to the jury what it says?

21 A. I don't remember exactly what he asked me, no.

22 Q. Okay. Let's refresh your recollection.

23 I'm going to show you a transcript of October the
24 28th of 2011 before this jury, before this judge, and while
25 you were under oath, and I'm going to point you

1 specifically, Mr. Young, to page 26, starting at line 17.

2 By the way, there's J numbers on the bottom of
3 that report. Do you see the J numbers?

4 A. What is a J number, sir?

5 Q. Do you see that there's numbers in the corner in the
6 right-hand --

7 THE COURT: Mr. Bergrin, you're talking about the
8 report now?

9 MR. BERGRIN: Yes.

10 THE COURT: Because you started with the
11 transcripts.

12 MR. BERGRIN: I'm sorry, Judge. I didn't mean to
13 confuse anybody.

14 Q. The report that you have in your hand dated January
15 the 18th of 2005 of this meeting with Ms. Manson, do you see
16 the J number in the right-hand corner.

17 A. Oh, yes, the J and then the number?

18 Q. Yes. Can you please repeat the J numbers for all
19 three pages so this jury is very clear and the judge is
20 clear on this?

21 A. J-02935.

22 Q. And it says 02935. And what's the J number on the
23 second page of the report?

24 A. J-02936.

25 Q. And what's the J number on the third page?

1 A. J-02937.

2 Q. Thank you very much, Mr. Young.

3 I'm going to show you what's been marked as an
4 exhibit. It's the transcript of October the 28th of 2011
5 before this jury, just a short time ago, Friday; correct?
6 This is only Thursday. Less than a week ago; right?

7 A. That's what you say, yes. I don't remember exactly
8 what day he asked me the question.

9 Q. Okay. But will you admit that Friday, October 28th,
10 is less than a week from today?

11 A. Yes.

12 Q. I'm going to ask you to please focus --

13 MR. BERGRIN: May I approach this witness, Your
14 Honor?

15 THE COURT: Yes, you can. Go ahead.

16 MR. BERGRIN: Thank you.

17 Q. I'm going to ask you to pay particular attention to
18 page 26 and page 27. That's what we're going to be
19 reviewing. Okay? As a matter of fact, you can keep that
20 report also.

21 Do you have that report -- or do you have that
22 transcript open of October the 28th of 2011?

23 A. Yes.

24 Q. Now, Mr. Young, Mr. Minish asked you specific
25 questions about the January the 18th of 2005 statement;

1 correct?

2 A. Excuse me. What line is it I'm on, sir?

3 Q. I'm just asking you in general, do you remember him on
4 the 28th, last week, last Friday, asking you questions about
5 this particular exhibit, the statement of January the 18th,
6 2005 by you to Special Agent Manson?

7 A. He asked me questions, but I don't remember exactly
8 what questions out of this report that he asked me.

9 Q. And, of course, when you were answering Mr. Minish,
10 the last thing that you would ever want to do is to lie;
11 correct?

12 A. No, I'm not lying to the jury.

13 Q. Or deceive this jury; right?

14 A. Exactly.

15 Q. And even if it meant effecting your reduction in
16 sentence, correct, you wouldn't lie to the jury over that.

17 A. No, I don't have to lie for that, sir.

18 Q. Now, you will admit that Mr. Minish and Mr. Gay have
19 to write a letter asking that a reduction in your sentence
20 occur, correct, in order for you to receive it, right?

21 A. Yes, sir.

22 Q. Now, and you will admit that you reviewed and you
23 talked about the actual shooting and did demonstrations with
24 Mr. Minish and Ms. Manson when they met with you; correct?

25 A. Yes, sir.

1 Q. Now, I'm going to ask you to look at page 26. Do you
2 have that open, sir?

3 A. Yes. What line?

4 Q. Starting on line 17.

5 Mr. Minish says to you, question, line 17: "All
6 right, sir. I'm going to show you what has been marked --
7 again, the Defendant has a copy of this -- J-002935 and the
8 two pages after it are 36 and 37." Correct?

9 A. Yes.

10 Q. Those were exactly the words word for word; right?

11 A. Yes.

12 Q. And that's the report dated January the 18th that
13 we've been talking about, your statement to F.B.I. Agent
14 Manson; right, sir?

15 A. Well, like I said, again, I told her, I don't know if
16 that's exact words I told her, but I told her what happened,
17 told her most of what happened, but she wrote that, I
18 didn't.

19 Q. But that's the exact words that are contained in that
20 report; correct?

21 A. Yes, sir.

22 Q. And it's supposed to be the exact words of what you
23 said; right?

24 A. You just read me the question, sir. You didn't read
25 me --

1 Q. Now, you don't think an -- you don't believe an F.B.I.
2 agent would put things into a report --

3 THE COURT: Mr. Bergrin, that's not necessary.

4 Q. Now, starting at the next sentence on line 19,
5 starting at the very last sentence of -- I'm sorry, have you
6 ever seen this document before was the question before you,
7 correct?

8 And you answered on line 22:

9 "ANSWER: No, sir."

10 A. Yes.

11 Q. And as a matter of fact, the next question that was
12 asked: "And in fact, so the jury is clear, have you ever
13 seen any law enforcement report before?"

14 And your answer was, on line 25: "Never."
15 Correct?

16 A. Yes, sir.

17 Q. Let's turn to page 25 -- or I'm sorry, page 25, line
18 five. Do you have that open, Mr. Young?

19 A. Yes.

20 Q. "QUESTION: All right. Now, starting at the bottom of
21 page one, that's the report dated January 18th, the bottom
22 of page one which I showed you, correct?

23 A. Yes.

24 Q. And I asked you questions about, and that's about
25 Malsey walking past Kemo, turning around, grabbing him by

1 the shoulder, spinning Kemo around; correct?

2 A. Yes.

3 Q. So that Kemo is facing west on South Orange Avenue;
4 right?

5 A. Yes.

6 Q. Okay. Now, if you could start with that where it says
7 Malsey and just read through the end of that first sentence,
8 is that what it says in the transcript?

9 A. On number five?

10 Q. That's -- starting on line five, yes, Mr. Young.

11 A. It says: "All right. Now, starting at the bottom of
12 page one, if you could start with that where it says Malsey
13 and just read through the end of the first sentence."

14 Q. And then the answer is: "Yes, it's exactly what I
15 told her."

16 A. Yes.

17 Q. Those are the words that came out of the mouth of
18 Anthony Young after you just told this jury a few minutes
19 ago that you didn't write the report --

20 A. I didn't, sir.

21 Q. Excuse me. Wait for my question to be finished,
22 please, sir.

23 THE COURT: Wait until the question is finished,
24 Mr. Young.

25 THE WITNESS: Yes, sir.

1 Q. -- and that you didn't say that to Agent Manson.

2 Isn't that what you just told the ladies and gentlemen of
3 this jury?

4 A. I didn't tell them I did not say that, no, sir, I
5 didn't say that.

6 Q. I went through those words and those sentences in that
7 report with you word for word, line by line; correct?

8 A. Yes.

9 Q. And I asked you, did you give a detailed description
10 of what occurred, substituting Malsey for yourself to Kemo,
11 and did you say you weren't sure, or words to that effect?

12 A. What I said was, I wasn't sure everything I told her,
13 and I told her enough, and said I will talk to her again
14 with an attorney. Yes, that's what I said.

15 Q. And isn't it a fact that you told this jury that you
16 never said that Malsey grabbed Kemo by his neck and spun him
17 around, that that's the words in the report, but Anthony
18 Young never told that to the agent, and you didn't write
19 that report?

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

21 Q. Didn't you tell that to this jury?

22 A. No, sir.

23 Q. Now, let's go further. You're denying that you told
24 them that a few minutes ago.

25 A. That I never told her he spun him around?

1 Q. Right.

2 A. I didn't say, I never told her that.

3 Q. Oh, you might have told her that, but you were
4 deliberately and intentionally lying and deceiving her;
5 right?

6 A. There you go. Yes, sir. That's what I said.

7 Q. And not only did you say that, but you said that the
8 report contains words that you didn't say and you don't
9 remember saying.

10 Now, isn't it a fact that those are the words that
11 you said, Mr. Young?

12 A. I said the report shows stuff that I don't remember
13 saying, sir, and like I said, I don't write the report. I
14 just sit down and tell the truth. That's it.

15 Q. But when Mr. Minish testified, you said it's exactly
16 what I told her word for word. That's what "exact" means,
17 right, word for word?

18 A. That part where I said Malsey grabbed him and shot him
19 back and spun him around and shot him in the head, yes, that
20 part.

21 Q. And that's exactly what you told her; right?

22 A. That part.

23 Q. And you understood those words as you read them;
24 correct?

25 A. Yes.

1 Q. Not subject to any interpretation. Very easy to
2 understand words; right?

3 A. Yes.

4 Q. Now, Mr. Minish was questioning you, correct, in that
5 transcript?

6 A. Yes.

7 Q. On October the 28th?

8 A. Yes.

9 Q. And were you asked the question on line nine -- this
10 is very important --

11 A. What page, sir?

12 Q. Page 27.

13 "Now, I'm going to direct your attention, sir, to
14 -- who are you referring where it says 'he was facing
15 west'?"

16 Do you see that, exactly, word for word as my
17 question just asked you --

18 A. Yes.

19 Q. -- with a question mark? "Who are you referring where
20 it says 'he was facing west'?"

21 Do you see that exactly there on line nine and 10?

22 A. Yes. I said yes, sir.

23 Q. And then Mr. Minish asked you, "Which way is west on
24 South Orange Avenue; up towards 20th or down towards 18th,
25 if you know?"

1 Remember being asked that question next on lines
2 11 and 12?

3 A. No, I asked him that question, sir, which was west --

4 Q. Okay.

5 A. -- and which was -- which way is west, up or down. I
6 asked him that question.

7 Q. And before this jury, didn't you tell them, "ANSWER --
8 " -- and if I'm misrepresenting any word, even the word if,
9 doesn't matter how, if I'm misrepresenting any word, you
10 tell me.

11 Answer, line 13: "I was talking about the car was
12 facing west..."

13 Isn't that the words that came out of the mouth of
14 Anthony Young on October the 28th?

15 A. Sir, could you read it all? You read half of it.

16 Q. -- " -- which I think west is up the hill, up South
17 Orange Avenue."

18 Is that what you're saying?

19 A. Which I think, yes, that's what I said, which is what
20 I was thinking.

21 THE COURT: No, wait, Mr. Young. Did your answer
22 say in the beginning "I was talking about the car was facing
23 west"?

24 THE WITNESS: Was facing west, which was up the
25 hill, up South Orange Avenue.

1 THE COURT: I know. Mr. Young, the question,
2 though, was: Now, I'm going to direct your attention, sir,
3 to -- who are you referring where it says, quote, 'he was
4 facing west,' unquote, question mark, and your answer was,
5 "I was talking about the car was facing west..."

6 THE WITNESS: Which line is that?

7 THE COURT: Well, that's line 13.

8 THE WITNESS: Thirteen.

9 "I was talking about the car was facing west..."

10 THE COURT: All right. That was your answer in
11 response to the question where it says he was facing west;
12 correct?

13 A. Could I say something, Your Honor?

14 The whole -- my whole answer is line 13 and 14.

15 THE COURT: All right. Well --

16 BY MR. BERGRIN:

17 Q. Then you say --

18 THE COURT: Well, 13 is -- well, the line is: "I
19 was talking about the car was facing west," and then you
20 say, "which I think west is up the hill, up South Orange
21 Avenue."

22 THE WITNESS: I didn't know which way west was.

23 THE COURT: No, we're not talking about whether
24 west is in what direction or not.

25 THE WITNESS: Okay.

1 THE COURT: The question was in reference to your
2 account or what you -- what the F.B.I. states you said to
3 her: "Now, I'm going to direct your attention, sir, to --
4 who are you referring where it says, quote, 'he was facing
5 west.'"

6 And that's what you said with respect -- or at
7 least that's how the F.B.I. report gives an account of what
8 you say --

9 THE WITNESS: Yes.

10 THE COURT: -- that you spun him around so that he
11 was facing west. You didn't refer to any car in that,
12 according to the F.B.I. account of what you said, but your
13 answer here was, which way -- now, your answer was, "I was
14 talking about the car was facing west.""

15 You're not referring to Kemo facing west,
16 according to your answer in the --

17 THE WITNESS: Yes.

18 THE COURT: -- testimony the other day.

19 THE WITNESS: Okay.

20 BY MR. BERGRIN:

21 Q. And you understood the question and you responded,
22 correct, that the car was facing west, not Kemo; correct?

23 A. Maybe I didn't understand the question, sir, because I
24 don't really know which way east or west is, going up or
25 down.

1 Q. Let's take that out of the equation. Forget about
2 east facing west, okay?

3 You said that the car was facing west. Isn't that
4 what your answer says --

5 A. Yes, sir.

6 Q. -- before this jury under oath, questioned by Mr.
7 Minish, right?

8 A. Yes, sir, that's what it say.

9 Q. When you talked to the F.B.I. and you said according
10 to this statement and your transcript that that is exactly
11 what you told the F.B.I., you weren't talking about a car;
12 you were talking about Kemo facing west. Isn't that a fact?
13 Isn't that a fact, Mr. Young?

14 A. First of all --

15 Q. You could answer my question.

16 A. I don't know. I don't know, sir.

17 THE COURT: Mr. Bergrin.

18 Go ahead. Answer the question.

19 A. I don't know, sir.

20 Q. You don't know.

21 THE WITNESS: I'm not understanding his question.

22 Q. We just went through the statement of January 18th of
23 2005; right?

24 A. And this is not a statement. A report, yes.

25 Q. The report of January 18th, 2005 of what you -- what

1 the F.B.I. agent took down and said that you told her on
2 January the 18th of 2005; right?

3 A. Yes.

4 Q. And you read it to yourself, especially the last line
5 on page one and the first paragraph of page two; right?

6 A. Yes.

7 Q. And then you read it to the jury; correct?

8 A. Yes.

9 Q. A few minutes ago, not even a long time ago.

10 A. Yes, sir, and I'm looking at it now.

11 Q. And you said you understood every word of it; correct?

12 A. Yes.

13 Q. And then we went through every sentence and you said
14 Malsey walked past Kemo; correct? Is that what you told
15 this jury, according to the statement?

16 A. And I'm still saying that, yes, sir.

17 Q. And he then turned around, and then you said he made a
18 U-turn, right, meaning Malsey, right?

19 A. Yes.

20 Q. And then you said according to the statement that
21 Malsey grabbed Kemo by the neck; correct?

22 A. Yes.

23 Q. And then you said that according to the statement, it
24 says that Malsey spun Kemo around; correct?

25 A. Yes.

1 Q. And you had no trouble understanding that; right?

2 A. No, sir.

3 Q. And you had no trouble speaking that and telling that
4 to the jury; right?

5 A. No, sir.

6 Q. And then you said that after Malsey spun Kemo around
7 so that Kemo was facing west, --

8 A. Yes.

9 Q. -- right, --

10 A. Yes.

11 Q. -- he then shot him in the back of the head; right?

12 A. That's what I told her. I was being untruthful.

13 Q. Now, even though you were being untruthful and you
14 continually lied and deceived the F.B.I., these questions on
15 October the 28th of 2011 were put to you by Mr. Minish;
16 correct?

17 A. Yes.

18 Q. And when Mr. Minish put the questions to you, you
19 never, ever said, you know what, Mr. Minish, I don't
20 understand that question; correct?

21 A. First -- yes.

22 Q. You could answer my question. You don't have to keep
23 volunteering to try to --

24 A. Yes.

25 THE COURT: All right, Mr. Bergrin. Go ahead.

1 Q. You never said, I don't understand your question;
2 right?

3 A. Yes, sir.

4 Q. You say you never said, can you please explain that to
5 me; right?

6 A. A couple times, I did.

7 Q. In this particular colloquy, in this particular
8 questioning of you by Mr. Minish on page 27, you never said,
9 I don't understand you. Isn't that a fact?

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

11 Q. And you didn't say, please explain that, I don't
12 understand the question; correct?

13 A. But I did ask him which way was west.

14 Q. You did ask him which way is west?

15 A. Yes.

16 Q. That's fair, Mr. Young.

17 A. Yes, I did ask him that.

18 Q. And that's the only question you asked him; correct?

19 A. Yes.

20 Q. But you understood what the question was; right?

21 A. Yes.

22 Q. And this is only after your pretrial preparation,
23 after you read this report and Mr. Minish and Ms. Manson
24 went over with you several times the incident; correct?

25 A. They didn't go over the incident with me. No, that's

1 not true.

2 Q. You testified that they reviewed several times what
3 happened on March 2nd of 2004; correct?

4 A. Yeah, I said they asked me questions --

5 Q. They asked you questions.

6 A. -- for me to tell them what happened.

7 Q. Correct. Now, you were asked a simple question. Now,
8 line nine. Follow along.

9 A. Which page?

10 Q. Twenty-seven, which we're on and we've been on.

11 Now, I'm going to direct your attention, sir, to,
12 "Who are you referring where it says he was facing west?"

13 And then you asked the question, like you stated:
14 "Which way is west on South Orange Avenue, up towards 20th
15 or down towards 18th, if you know?"

16 And then your answer on line 13:

17 "ANSWER: I was talking about the car facing
18 west..."

19 Correct?

20 A. The car facing up the hill, that's facing west, right?
21 Yes.

22 Q. Now, when you were shown the report of January the
23 18th by Mr. Minish, and that's what he was talking about
24 because you read the J numbers and he showed you that
25 report, correct, when you testified?

1 A. Yes, last week.

2 Q. And these questions pertained, were about that report
3 and what you said to the F.B.I. on January the 18th of 2005;
4 right?

5 A. Yes, this question right here, yes.

6 Q. And you understood that when you testified before this
7 jury; correct, Mr. Young?

8 A. Yes.

9 Q. Now, you said, I was talking about the car facing
10 west; right?

11 A. Again, if the car facing up the hill, that's west,
12 yes, sir.

13 Q. But when you talked to the F.B.I., you weren't talking
14 about the car facing west. You were talking about Kemo
15 being spun around and Kemo facing west; correct?

16 A. Yes, sir, if he's walking east and you spin him
17 around, now he's facing west.

18 Q. And then you were asked the question on line 15: "So
19 was that -- it says, 'He was facing west on South Orange
20 Avenue.'"

21 And you were asked the follow-up question: "Who
22 is he?"

23 And then you answered, on line 17: "Which would
24 have been Jamal McNeil." Correct?

25 A. That's -- he was asking me about this report, but I

1 was not telling the truth, and I was blaming the shooting on
2 Jamal McNeil, yes, sir.

3 Q. And when you were answering these questions, you
4 deliberately and you intentionally lied to the jury; isn't
5 that a fact? Will you admit it now?

6 A. That's not true, sir.

7 THE COURT: That's -- okay. Go ahead.

8 Q. Will you admit that you were trying to cover up before
9 this jury the fact that you had told the F.B.I. in January
10 18th, 2005 that Kemo was spun around after being grabbed by
11 the shoulder so that Kemo was facing in the opposite
12 direction?

13 A. No, I don't have to cover that up, sir. That's
14 untrue.

15 Q. So when you said in reference to the statement of
16 January 18th the car was facing west, you knew, you knew
17 that that statement of January 18th never referred to the
18 car facing west, isn't that a fact, and that it was Kemo
19 that was facing west when Kemo was spun around?

20 A. Well, I been saying for years that Kemo was facing
21 east and was spun west when he was shot by me -- Jamal
22 McNeil.

23 Q. When you were asked the questions by Mr. Minish --

24 A. Yes.

25 Q. And you have no trouble understanding, isn't that a

1 fact, Mr. Young?

2 A. Sometimes I do have trouble understanding you.

3 Q. You have no trouble understanding these simple
4 questions that I'm putting forth to you; isn't that a fact?

5 A. Some of them, I do, yes.

6 THE COURT: All right. Go ahead, Mr. Bergrin.

7 Q. When Mr. Minish was questioning you on October 28th,
8 you knew that he was talking about that report of January
9 18th; correct?

10 A. Yes, sir, and again, like I said...

11 Q. Now, you said it was Jamal McNeil facing west. Isn't
12 that what you said?

13 A. I said he walked west, yes.

14 Q. No, you didn't say he walked west. He asked you, in
15 reference to the statement when they said he was facing
16 west, you knew that at the time that Mr. Minish asked you
17 the question that you had told the F.B.I. that Kemo was spun
18 around and facing west, and it was not Jamal McNeil. Isn't
19 that a fact? It wasn't Jamal McNeil that was spun around
20 and facing west. According to the statement that you gave
21 on January the 18th, it was Kemo Deshawn McCray that was
22 spun around and facing west, Mr. Young.

23 A. I never said Jamal got spunned (sic) around.

24 Q. You said Jamal McNeil was facing west; correct?

25 A. You would have to be walking west if Kemo McCray is

1 walking east. Yes, sir.

2 Q. There's no questions about walking. There's no
3 questions about walking up the hill. The question to you is
4 -- and you had the January 18th report in front of you,
5 right, as you answered these questions?

6 A. Yes, sir.

7 Q. And the questions were about what you said to the
8 F.B.I., and Mr. Minish even pointed out page one, if you
9 could start with the words "says Malsey," and just read
10 through the end of the first sentence, and then he went on
11 to page two, correct?

12 THE COURT: Well, now, line six, right? You're
13 back to line six?

14 MR. BERGRIN: Yes, Your Honor.

15 THE COURT: All right. You're covering that
16 again, Mr. Bergrin. I'll allow this one. Go ahead.

17 Q. And then the question on line 18: "So Jamal McNeil
18 would have been facing up towards 20th?

19 And your answer was: "Yes, which was going up the
20 hill.

21 "After he grabs Kemo or before he grabs Kemo?

22 And the question was "Before."

23 A. The answer was "Before."

24 Q. The answer was "Before."

25 You knew at the time that you swore to the jury

1 that there was a problem with what you had told the F.B.I.;
2 correct?

3 A. No, sir, that is not a problem. It is all of the same
4 thing. I'm saying he's walking -- Jamal McNeil was walking
5 west. That means he's facing west. Kemo's coming east. If
6 he spin him around, now Kemo's west. The car coming west,
7 too, because you got to be picked up on 19th Street. It's
8 all the same, Mr. Bergrin.

9 Q. It's all the same in the mind of Anthony Young;
10 correct?

11 A. That's all the same direction, sir.

12 Q. But you understood the questions; correct?

13 A. You asking me again. Yes.

14 Q. And you understood that I was referring to the report
15 of January the 18th of 2005; right?

16 A. This report with the car is the same exact thing, Mr.
17 Bergrin.

18 THE COURT: Mr. Young, first of all, just respond
19 to the questions, okay?

20 THE WITNESS: Yes, sir.

21 THE COURT: And counsel has a right to ask you
22 these questions with respect to what was in the report
23 versus what you testified to on October 28th and what your
24 testimony is today. So those are permissible inquiries.
25 And just respond to the questions.

1 Mr. Bergrin, wrap this up, this area, please.

2 MR. BERGRIN: Yes, Your Honor.

3 Q. When you refer to facing west, when you refer to him
4 facing west and him being grabbed, you don't refer to Kemo
5 at all in any of the answers that you gave, correct, on
6 October the 28th of 2005. You make no reference to Kemo.
7 You leave Kemo completely out of it; correct?

8 A. I don't know, sir. I would have to read it.

9 Q. Read it.

10 A. Yes, I mention it on line 20, on 21.

11 Q. Line 21 says:

12 "ANSWER: Before."

13 A. "After he grabs Kemo or before he grabs Kemo?"

14 Q. "...or before he grabs Kemo."

15 THE COURT: Wait. You don't have a dialogue back
16 and forth. Okay?

17 The question before line 20 -- well, go back to --

18 MR. BERGRIN: I'll go back to the question.

19 Q. "After he grabs Kemo or before he grabs Kemo," and you
20 say "Before."

21 A. Yes, sir.

22 THE COURT: Mr. Young, when you were interviewed
23 by the F.B.I., do you recall telling the F.B.I. agent --
24 just a moment -- do you recall telling the F.B.I. the
25 following: "Malsey exited the vehicle, walked past Kemo as

1 Kemo was walking east on South Orange Avenue, then turned
2 around, grabbed Kemo by the shirt on the back of the neck,
3 spun Kemo around so that he was facing west on South Orange
4 Avenue and shot him three times in the back of the head."

5 THE WITNESS: Yes.

6 THE COURT: All I'm asking you is, do you recall
7 giving that account to the F.B.I. agent at the time you were
8 interviewed on January 18th, 2005?

9 THE WITNESS: Yes.

10 THE COURT: Is that what you said?

11 THE WITNESS: Yes, sir.

12 THE COURT: That you spun Kemo around --

13 THE WITNESS: Not -- that I say Malsey --

14 THE COURT: That Malsey spun Kemo around.

15 THE WITNESS: Yes, sir.

16 THE COURT: All right.

17 All right. Go ahead. I just wanted to clarify to
18 be sure, that's all.

19 BY MR. BERGRIN:

20 Q. Now, you talked about firing the gun; correct?

21 A. Yes, sir.

22 Q. When you fire a gun, you pull the trigger; correct?

23 A. Yes, sir.

24 Q. That's how you fire a gun; right?

25 A. Yes, sir.

1 Q. Now, you said that this gun had been converted or used
2 the word "altercated" to make it a fully automatic weapon;
3 right?

4 A. Altered, yes.

5 Q. So you only had to pull the gun -- pull the trigger,
6 excuse me, one time to fire in this particular case; right?

7 A. Yes.

8 Q. Now, do you remember testifying in 2007 in reference
9 to the shooting and how many times you pulled the trigger
10 and fired?

11 A. No, I don't remember, but I'm pretty -- I was asked, I
12 just don't remember.

13 Q. Now, you testified before this jury that you pulled
14 the trigger one time; correct?

15 A. Yes, sir.

16 Q. And when you pulled the trigger one time, shots come
17 out quickly in a fully automatic weapon; right?

18 A. Yes.

19 Q. And you say that you had approximately seven to 10
20 bullets or rounds --

21 A. Yes.

22 Q. -- in the magazine?

23 A. Approximately about seven.

24 Q. Approximately about seven?

25 A. Somewhere in that area.

1 Q. But you said seven to 10; right?

2 A. Yes.

3 Q. Now, do you remember telling the jury back in 2007
4 that you fired three to four times?

5 A. Yes.

6 Q. And I just asked you the question, when you fire a
7 gun, you pull the trigger; correct?

8 A. Yes.

9 Q. And you pull the trigger three to four times to fire
10 three to four times; right?

11 A. That's not true, sir.

12 Q. When you were asked that question back in 2007, you
13 never mentioned anything whatsoever about an automatic
14 weapon or just pulling the trigger one time; isn't that a
15 fact?

16 A. I don't remember if I said it was fully automatic when
17 I testified.

18 Q. And do you ever remember telling the agents that you
19 altered the gun to make it fully automatic?

20 A. I didn't tell them I altered it. I said we buy them
21 altered.

22 Q. You buy it altered.

23 A. I told them that plenty of times.

24 Q. And of course, it would have appeared in the report
25 about a gun, alterations of a gun and the firing. You've

1 seen it in the reports; right?

2 A. No, I didn't see it.

3 Q. Now, you just testified when I asked you the question,
4 what does it mean when you say fire a gun, you said pull the
5 trigger; correct?

6 A. Pull the trigger and it will fire off for you.

7 Q. Now, if you fire three to four times, you're pulling
8 the trigger three to four times, and that's when you meant
9 when you testified before the jury in 2007; right?

10 A. No, sir. I pull the trigger one time and fire it 10
11 times.

12 Q. Now, you keep changing the meaning of words to fit the
13 meaning of Anthony Young's words, right?

14 THE COURT: No, no, Mr. Bergrin, that's an
15 inappropriate question.

16 MR. BERGRIN: I'll move on, Judge.

17 Q. Now, do you remember telling this jury that when you
18 pulled the trigger, the gun goes off until the rounds empty,
19 the magazine empties?

20 A. If you hold on to the trigger, yes.

21 Q. If you hold on to the trigger.

22 A. Yes, sir.

23 Q. Now, on March the 2nd of 2004, things happened very
24 quick; right?

25 A. Yes, sir.

1 Q. And your adrenalin was flowing; right?

2 A. Yes, sir.

3 Q. Although it was cold out, you were sweating?

4 A. Yes, sir.

5 Q. And you wanted to get this over with as quick as
6 possible; right?

7 A. Exactly.

8 Q. Now, when you shot Kemo in the back of the head,
9 according to you, you said you shot him three to four times;
10 right?

11 A. Yes.

12 Q. And after you shot him three to four times, according
13 to you, Kemo began to fall; right?

14 A. I said as soon as I start shooting him, he start
15 falling.

16 Q. He starts to fall.

17 A. Yes.

18 Q. And as he began to fall, what did you do?

19 A. I was still firing.

20 Q. You were still firing; right?

21 A. Yes.

22 Q. You continued to fire.

23 A. Yes, about three to four shots, sir.

24 Q. Three to four shots.

25 A. Yes.

1 Q. Now, you said you shot Kemo in the back of the head;
2 correct?

3 A. Yes, somewhere in this area, yes.

4 Q. And according to you, you shot him three to four
5 times; correct?

6 A. Yes, I fired three to four shots, yes.

7 Q. And then you continued firing as Kemo was falling,
8 right, as you just testified?

9 A. Sir, I said I shot him. As he was going forward, I
10 shot some more rounds, and I let him go.

11 Q. And you let him go.

12 A. Yeah.

13 Q. And he fell forward; right?

14 A. Face first.

15 Q. Face first against the concrete.

16 A. Yeah, and I jumped over him.

17 Q. And he was so close to you that you actually had to
18 jump over him because the body was right in front of you,
19 right, to get to the car.

20 A. Yes, sir.

21 Q. Now, did the F.B.I. ever ask you what were you
22 wearing, were you wearing Timberlands?

23 A. Yes.

24 Q. Now, you testified in reference to the closing, the
25 fleece and the gloves that you got rid of. What did you do

1 with the boots?

2 A. The boots and stuff, they were still clean.

3 Q. They were still clean.

4 A. Yes.

5 Q. Now, you can't tell DNA, you can't tell if DNA is on
6 clothing, correct, and you know that DNA sometimes is almost
7 invisible, unseeable; right?

8 A. I don't know about that, sir.

9 Q. Well, did the F.B.I. ever ask you to turn in your
10 jeans that you were wearing?

11 A. By the time I went to the F.B.I., they was trashed,
12 sir. She asked me did I still have them, but I probably
13 wear jeans two times, three times, I'm done with them.

14 Q. Oh, and I'm sure you told her that, that you wear
15 jeans two or three times and you throw them away?

16 A. Yes, sir, pretty sure.

17 Q. You went to the F.B.I. about nine months after the
18 shooting; right?

19 A. Yes.

20 Q. Are you telling us that you threw away the boots?

21 A. I wear my boots maybe two times, sir, and they gone.

22 Q. And you threw away the jeans that you only wear two to
23 three times and they're gone also; right?

24 A. That's -- making a lot of money, that's what you do.

25 Q. And what about the socks that you were wearing?

1 Q. And lie after lie after lie, right, every time you met
2 with them, right?

3 A. It's the same lie as the first lie I told, yes.

4 Q. And when you went there, you had planned to lie; when
5 you met with them, you lied. Right?

6 A. Yes, sir.

7 Q. Now, the car, the automobile; you said that Rakim
8 Baskerville was driving?

9 A. Excuse me. Yes, sir.

10 Q. Now, that vehicle never got a chance to park, right,
11 according to you?

12 A. What you mean, got a chance to mark? Park where?

13 Q. He pulled up right to the body, right, in the middle
14 of the street?

15 A. No, he didn't park the car. He double parked, I ran
16 around the back and jumped in the passenger seat.

17 Q. And then he took off; right?

18 A. Yes, up 19th Street.

19 Q. And as a matter of fact, he came so close to
20 Mr. McCray that you had to jump over Mr. McCray, as you
21 just testified; right?

22 A. Well, I didn't say he came so close I had to jump over
23 him. I jumped over him because he was in front of me.

24 Q. You couldn't walk around the side of him?

25 A. Sure I could have, but my momentum was going forward

1 with him. When I let him go, I jumped over him, ran around
2 the back of the car and jumped in the car.

3 Q. Did you ever fall?

4 A. No.

5 Q. Did you ever tell anybody you fell?

6 A. No, sir.

7 Q. Now, when Mr. McCray was shot in the back of the head,
8 according to you, you pressed the gun right against his head
9 because you were shooting with your left hand to make sure
10 you could get him; right?

11 A. I don't know if it was exactly pressed against it or
12 could have been a inch away. Like I said, my adrenalin was
13 running, sir. I don't know, it could have been close, it
14 could have been two inches away.

15 Q. But you know one thing: That you never fell into --
16 you never fell down with him, right?

17 A. No, I never fell on the ground.

18 Q. Now, what does it mean, when someone says to go down
19 with someone as they are falling, do you know what that
20 means?

21 A. To go forward with them.

22 Q. Well, that means to go forward with them --

23 A. Yes.

24 Q. -- going down with someone; right?

25 A. Yes.

1 Q. That doesn't mean to fall with them, right, as they
2 fall if you're going down with them?

3 A. I could be going down with you but not hit the ground.

4 Q. Do you remember telling us that you went down with
5 Mr. McCray as he was falling?

6 A. I said I went forward with Mr. McCray.

7 Q. So you never used the words, you went down with him;
8 right?

9 A. I may have, but I didn't hit the ground, sir.

10 Q. Now, as Mr. McCray is falling, when was the first time
11 you saw Mr. Baskerville in the car?

12 A. The first time I saw Mr. Baskerville is when I was
13 going forward with Mr. McCray, the car was right there.
14 That's what I was worried about.

15 Q. And what were you worried about?

16 A. I was worried about him being right there to pick me
17 up as soon as it's done.

18 Q. Now, this is an area, and the shooting occurred right
19 in front of a bar; correct?

20 A. Yes, sir.

21 Q. And that's the Pit Stop bar, right?

22 A. Sand Pit.

23 Q. Sand Pit, excuse me.

24 A. Yes.

25 Q. An area that you're known well in; right?

1 A. Well, I'm known in the area of that area of Newark,
2 but that block, no.

3 Q. Okay. That area of Newark, you spent many years of
4 your life; right?

5 A. Yes, about 25.

6 Q. Twenty-five, right?

7 And when you're doing the shooting, you don't have
8 your head down low; correct?

9 A. No.

10 Q. So it's easier to be seen and you have the gun out;
11 right?

12 A. Yes.

13 Q. And it's right in front of the bar; correct?

14 A. Yes, sir.

15 Q. And you're not wearing any disguise or anything to
16 cover up your face; right?

17 A. Yes. My hat and my fleece jacket.

18 Q. Your hat and your fleece jacket.

19 A. Yes, sir.

20 Q. But your face is not covered up; correct?

21 A. Partial.

22 Q. Now, where did you go with the car?

23 A. We went on 280.

24 Q. And do you know what city you went to?

25 A. Either West Orange or South Orange. It's connected

1 together. But we went -- when you get on 280, all they say
2 is The Oranges, and we got off at The Oranges.

3 Q. When you got off at The Oranges, do you remember where
4 you went?

5 A. Right off of Park Avenue.

6 Q. Now, where was your fleece shirt and where were the
7 gloves?

8 A. Well, I still had them on at the time.

9 Q. And did there come a point where you took them off?

10 A. Yes, sir.

11 Q. And when you took them off, describe specifically what
12 you did with them.

13 A. I took the gloves, put it inside the fleece jacket,
14 and balled the fleece jacket up inside out.

15 Q. And did there come a point of time where you parked
16 inside of a garage?

17 A. Yes, that's before -- I didn't have the fleece jacket
18 off yet.

19 Q. So you took the fleece jacket off when you got to the
20 garage?

21 A. No, after I got out the garage, I was about to get in
22 the van.

23 Q. So you take the fleece jacket and the gloves that have
24 blood on them, correct?

25 A. Yes, sir.

1 Q. And you get into a van; right?

2 A. Yes.

3 Q. And that's a van that's being driven, according to
4 your testimony, by Mr. Curry; right?

5 A. Yes, sir.

6 Q. And that has Malsey McNeil sitting inside; right?

7 A. Yes, sir.

8 Q. And you know that the fleece jacket and the gloves
9 have the blood of Mr. McCray on them, according to you;
10 right?

11 A. Yes, sir.

12 Q. So that's DNA that could link you right to the murder;
13 right?

14 A. Yes, sir.

15 Q. And you take the gloves off and you take the fleece
16 jacket off and you get into Mr. Curry's van; right?

17 A. Yes, sir.

18 Q. And then the van drives to, according to you,
19 17th Street, the home of Jamal Baskerville; right?

20 A. Yes, sir.

21 Q. And Avon Avenue; right?

22 A. Yes, sir.

23 Q. And there comes a point in time when you get out of
24 the van; right?

25 A. Get out and get in my car.

1 Q. To get into your car.

2 A. Yes.

3 Q. And you take the fleece jacket with you and you take
4 the gloves; right?

5 A. Yes, I got to get rid of it.

6 Q. And you got to get rid of it right away, just like the
7 gun, because that links you to a murder; right?

8 A. Yes, but you don't want to do it right then and there.
9 You don't want to get caught.

10 Q. Of course you don't want to get caught, so you don't
11 want to do it right away. You want to hide it and then get
12 rid of it; right?

13 A. Do it later. Make sure you do it right.

14 Q. So you take the gun and you hide it; right?

15 A. Well, Rakim took the gun and put it in the garage up
16 under the motorcycles.

17 Q. Underneath the motorcycles?

18 A. Yeah.

19 Q. In a garage that's known to the Baskervilles; right?

20 A. Yes.

21 Q. And it's underneath a motorcycle seat; right?

22 A. It's actually the police officer's garage, so we were
23 safe.

24 Q. What police officer?

25 A. Uh'm, Vincent. I don't know his whole name, but he

1 owns the garage, and we use it for our motorcycles.

2 Q. And he has access to it; right?

3 A. He has access to the garage?

4 Q. Yes.

5 A. Yes.

6 Q. And you're hiding a murder weapon in the garage that's
7 rented to the Baskervilles by a police officer.

8 A. Yes. Vincent ain't going in there for nothing.

9 Q. And you're so sure about that, right, Mr. Young?

10 A. Positive.

11 Q. A murder weapon, you hide it in the garage that's
12 owned by a police officer rented to the Baskervilles; right?

13 A. Yes.

14 Q. That's what you're telling us.

15 A. Yes.

16 Q. And you get out of the van and you take the fleece
17 jacket with the blood of the victim, the DNA of the victim,
18 and you bring it into your car; right?

19 A. Put it on my back floor of my car.

20 Q. Now, when you put it on the back floor of your car,
21 where do you put it specifically?

22 A. On the back floor, in the passenger -- on the
23 passenger floor, it's about that much room, and CLK
24 Mercedes, you can even look in there and you couldn't see
25 it.

1 Q. Now, it's sticking out, right?

2 A. No, sir. I tucked it a little bit under the seat, and
3 like I said, you got about that much room in the back of a
4 CLK.

5 Q. But the part of it is sticking out; correct?

6 A. From under the seat?

7 Q. From under the seat.

8 A. Yes.

9 Q. This is the fleece and the gloves that link Anthony
10 Young to the murder of Kemo McCray; right?

11 A. Yes.

12 Q. It's got Kemo McCray's blood and DNA on it, right,
13 both the fleece jacket as well as the gloves, right?

14 A. Yes.

15 Q. And you put it in Anthony Young's car; correct?

16 A. In my car, yes.

17 Q. And you don't put it in the trunk; right?

18 A. No.

19 Q. You don't put it, stuff it underneath the seat; right?

20 A. No.

21 Q. You stick it so it's sticking out; right?

22 A. Yes.

23 Q. And then you drive to -- where?

24 A. Alexander Street.

25 Q. You drive to Alexander Street.

1 A. Yes, sir.

2 Q. And Alexander Street is in the 'hood; right?

3 A. Yes.

4 Q. And it's an area there where there's a lot of drug
5 dealing going on; right?

6 A. Yes.

7 Q. And it's an area that's heavily patrolled by the
8 Newark police; right?

9 A. Yes.

10 Q. Bureau of narcotics; right?

11 A. Yes.

12 Q. New Jersey State Police; right?

13 A. I don't know about State Police, no.

14 Q. Different task forces, different narcotic units;
15 correct?

16 A. Yes.

17 Q. As a matter of fact, you had been arrested on that
18 street for possession of a weapon; correct?

19 A. Yes, sir.

20 Q. And that was by the auto task force; correct?

21 A. Yes, sir.

22 Q. And that's a unit that stops cars; correct?

23 A. Yes, sir, stolen cars.

24 Q. Especially Mercedes being driven by young black men in
25 the 'hood; right?

1 A. That's the last car they gonna stop.

2 Q. In a high narcotic area; right?

3 A. That's the last car they -- they will tell you that.

4 Q. That's an area that's being watched carefully by the
5 police; right?

6 A. Yes, sir.

7 Q. And you pull up into the 'hood with a Mercedes; right?

8 A. Yes, sir.

9 Q. With the clothing, the fleece jacket and the gloves
10 sticking out from the bottom of your seat; correct?

11 A. Yes, sir.

12 Q. And you leave it there; right?

13 A. Well, I didn't leave it there long. I just wanted to
14 stay out there so I could be seen.

15 Q. And you go out there -- and I'm sure you were thinking
16 about being seen, right?

17 A. That's what I wanted, to be seen. I wanted to have an
18 alibi of where I was at.

19 Q. And I'm sure you thought about that; correct?

20 A. Yes.

21 Q. As a matter of fact, I'm sure you told the prior jury
22 about that in 2007 when you told them that you took the
23 fleece jacket off and the gloves off; right?

24 A. Yes, I think so.

25 Q. I'm going to ask you to look at the transcript --

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

2 THE COURT: Yes, go ahead.

3 Q. -- April 13th of 2007.

4 May I ask you to turn to page 4406? Tell me when
5 you have page 4406 open, sir.

6 A. I have it.

7 Q. In 2007, you were asked specific questions about what
8 you did after the homicide and when you arrived at the
9 garage; correct?

10 A. Yes, sir.

11 Q. And starting on line 21, you were asked to describe
12 what you did upon arriving at the garages; correct?

13 A. Yes, sir.

14 Q. And you said "Told me to hop out and open a certain
15 garage," meaning Rakim Baskerville; right?

16 A. Yes.

17 Q. And you had a number on it, right?

18 A. Yes, they got small numbers.

19 Q. And then you were asked a question by Mr. Minish:
20 "Did you do that?" On line 25, right?

21 A. Yes, sir.

22 Q. And on page 4407, line one, you responded "Yes,"
23 right?

24 A. Yes.

25 Q. And then you were asked "What happened next," right?

1 A. Yes.

2 Q. And you said, you responded on line four, "He pulled
3 the car inside the garage." Correct?

4 A. Yes. This is in Oranges.

5 Q. This is in The Oranges.

6 A. Yes.

7 Q. And that's where you went that you just described
8 about getting out and taking the clothing and getting into
9 the van, right, to this jury. We just went through this
10 one, right ?

11 A. This is me getting out of the hot car and getting into
12 the van, yes, sir.

13 Q. That's the same place we're talking about light?

14 A. Yes, sir.

15 Q. Now, you were asked by Mr. Minish on line five,
16 "Okay," right?

17 A. Yes.

18 Q. And then you were asked the next question, And what
19 happened after that, right?

20 A. Yes.

21 Q. So he's taking you through it in particular,
22 meticulous detail; right?

23 A. Yes.

24 Q. And you say, "We closed the garage and cut the car
25 off." Right?

1 A. Yes, sir.

2 Q. And the question was, You say cut it off. You mean
3 turned it off? And then you said yes, and sat in the car.
4 Right? And then on line 11, the question was, you sat
5 inside the car? And you answered yes.

6 A. Yes.

7 Q. And then the next question was: "Did there come a
8 time when you had contact with Hakeem Curry?" Right?

9 A. Yes.

10 Q. And you responded, "Yes. He said he was on his way."

11 And then I'm moving you to line 20: "And did
12 ultimately Hakeem Curry show up?"

13 And you said "Yes," right?

14 A. Yes.

15 Q. And then the next question was Mr. Minish saying
16 "Okay," right?

17 A. Yes, sir.

18 Q. And then you were asked: "Tell the jury what happened
19 -- " -- this is while you're testifying under oath -- " --
20 when he showed up." Right?

21 A. Yes, sir.

22 Q. And you said on line 24: "He pulled the van by the
23 garage, chirped back and told Rakim he was outside..."

24 Right?

25 A. Yes, sir.

1 Q. Step by step, what happened next, right?

2 A. Yes.

3 Q. And you said on line 25: He opened the garage door
4 up, we got in the van and put the gun back in the trap.
5 Right?

6 A. Yes, sir.

7 Q. And then on line -- page 4409, you were asked, "Did he
8 get out of the van," on line five, and you say "No."
9 Correct? 4409, line five and six?

10 A. 4409?

11 Q. Yes.

12 A. Yes.

13 Q. And then the next question is, on line seven: "So the
14 four of you are in the van." You say "Yes"; correct?

15 A. Yes.

16 Q. Now, he took you through that step by step, detail by
17 detail from the time you arrived at the garage till the time
18 you went in the van; right?

19 A. Yes, sir.

20 Q. And isn't the fact that you make absolutely no mention
21 whatsoever of the fleece with the blood and the DNA of Kemo
22 Deshawn McCray or of the gloves; correct?

23 A. No, I don't mention it in here.

24 Q. And that's an important fact to you, isn't that, that
25 you have to get rid of the gun, you have to get rid of the

1 clothing because it contains the one piece of evidence that
2 could link you to a murder besides the witnesses that were
3 there; correct?

4 A. Yes, sir.

5 Q. Now, you get to Alexander Street, taking you back to
6 Alexander Street. You're out there in a high narcotic area;
7 right?

8 A. Yes, sir.

9 Q. Lots of drug-dealing; right?

10 A. Yes, sir.

11 Q. You have a big crew out there?

12 A. Yes, sir.

13 Q. I'm sure you're known in the area with your 11 felony
14 convictions, multiple drug convictions, multiple gun
15 convictions; right?

16 A. That wouldn't make me known. But yes.

17 Q. That wouldn't make you known?

18 A. No.

19 Q. So you're saying that the police didn't know Anthony
20 Young in that area?

21 A. No, not that area.

22 Q. You have your drug crews out there, Mr. Young; right?

23 A. All my arrests is from Avon Avenue, sir.

24 Q. You have your drug crews out there, right, Mr. Young?

25 A. Yes, sir.

1 Q. And Avon Avenue is only about a mile away, right, 20
2 to 25 blocks, right, Mr. Young?

3 A. Maybe longer. I don't know. Maybe longer.

4 Q. You don't know.

5 Are you telling us you don't know the distance
6 from Avon Avenue to Alexander Street? Is that what you're
7 saying now?

8 A. You -- you asked me is it a mile. I don't know if
9 it's a mile. That's what I'm saying.

10 Q. It's about 20 to 25 blocks, right, a short distance.

11 A. It could be 25 blocks, 30 blocks.

12 Q. It's a short distance, right, Mr. Young?

13 A. Short, yes.

14 Q. Now, this is an area that's heavily patrolled by law
15 enforcement officers; correct?

16 A. Yes.

17 Q. An area on Alexander Street where you have been
18 arrested in the past; correct?

19 A. Yes.

20 Q. Now, the Mercedes is out there with the fleece and the
21 gloves from the murder sticking out; right?

22 A. Yes. You can't see in my car, though, sir.

23 Q. You go out there and you park the Mercedes outside;
24 right?

25 A. Yes, sir.

1 Q. And then you go out there and you hang out with your
2 friends, your crew workers that are out there delivering and
3 selling drugs; right?

4 A. My car was parked up the street. I walked down the
5 street.

6 Q. Your car was parked up the street.

7 A. I was up there about 15 minutes.

8 Q. Your car wasn't parked far from you. It was in
9 walking distance to where you were, correct?

10 A. Yes, sir, about 10 houses.

11 Q. Your car was on Alexander Street, right?

12 A. Yes, sir.

13 Q. And that's a car that has your fingerprints and has
14 your DNA inside of it, right, Mr. Young?

15 A. Yes, it's my car.

16 Q. It's your car. It's Anthony Young's car; right?

17 A. Yes, sir.

18 Q. You spend about 15 to 20 minutes, maybe even a half
19 hour, right?

20 A. Like I said, 15, 20 minutes.

21 Q. And then you get back in the car with the fleece and
22 the gloves; right?

23 A. Yes, sir.

24 Q. And you drive to your house; right?

25 A. Yes, sir.

1 Q. And how far is your house from there?

2 A. At the time, maybe about 20, 30 blocks.

3 Q. About 20, 30 blocks, on Alexander Street; right?

4 A. On Alexander?

5 Q. Yes.

6 A. Do I live on Alexander Street?

7 Q. Yes.

8 A. No, sir.

9 Q. You drive to your house, right --

10 A. From Alexander Street?

11 Q. From Alexander Street.

12 A. Yes.

13 Q. And the way, the route that you take from Alexander
14 Street to your house, it's in the 'hood; correct?

15 A. Yes, sir.

16 Q. And it's heavily patrolled by law enforcement; right?

17 A. Yes, sir.

18 Q. And it's routine for law enforcement officers to pull
19 cars over; correct?

20 A. Not them type of cars, no.

21 Q. Not them type of cars.

22 A. No.

23 Q. Cars in the 'hood, Mercedes with a young black man
24 driving, it's not -- it's not routine. Is that what you're
25 telling us?

1 A. I'm just telling you what a police officer told me.

2 Q. Now, you drive to your house, right, Mr. Young?

3 A. Yes, sir.

4 Q. And you when you get to your house, you take the
5 fleece, and you take the gloves, and you go inside your
6 house; right?

7 A. Yes.

8 Q. And it's still light out; right?

9 A. Yes.

10 Q. And it's approximately -- what time is it,
11 approximately, three o'clock in the afternoon if the
12 shooting occurred at two? About three o'clock?

13 A. About three, yes, sir.

14 Q. And you go in your house, and in your house, you
15 remain for hours, until it gets dark out; right?

16 A. Yes, sir.

17 Q. So you're in your house, is it fair to say, at least
18 two to three hours with the blood of the victim, the DNA of
19 the victim on the clothing; correct?

20 A. Yes, sir.

21 Q. And you don't know whether you've been identified at
22 the scene; right?

23 A. No, I don't know.

24 Q. You have no clue whatsoever; right?

25 A. No.

1 Q. You don't know if law enforcement, the police are on
2 their way to arrest Anthony Young; right?

3 A. No, I wasn't thinking about that.

4 Q. Now, you're inside the house the two to three hours;
5 correct?

6 A. Maybe longer.

7 Q. Maybe longer.

8 A. About two, three hours, maybe longer, I don't know.

9 Q. And then you take the clothing and you put them in a
10 bag, right, with the gloves?

11 A. I put the clothing in the bag as soon as I got in the
12 house, immediately.

13 Q. As soon as you put it in the house.

14 A. Yes.

15 Q. But it's in your house; right?

16 A. Yes, sir.

17 Q. And then you leave your house at some time, maybe two
18 or three hours later; right?

19 A. Yes. Rakim came to pick me up.

20 Q. And when Rakim came to pick you up, you got into
21 Rakim's car with holding the bag; right?

22 A. Yes, sir.

23 Q. And where did you go with the bag?

24 A. Well, we was going to Ben's shop, and I knew it was --
25 like I said, I knew it was a dumpster that had construction

1 going on, and I knew I could put it in there.

2 Q. Now, when you went to Rakim -- when you got into
3 Rakim's car, you said you had the bag; right?

4 A. Yes, sir.

5 Q. You went directly to Ben's shop?

6 A. Directly.

7 Q. And as soon as you got to Ben's shop, I'm sure you
8 threw the clothing right away into the dumpster.

9 A. I walked across the street to the dumpster, threw the
10 bag in there, then walked back across the street to the job.

11 Q. And why did you get rid of the clothing?

12 A. It was time to get rid of it. It's dark outside. I
13 had to wait till the right time.

14 Q. And you didn't want to get caught with evidence;
15 right?

16 A. Exactly.

17 Q. Just like you didn't want to get caught with the gun;
18 right?

19 A. Exactly.

20 Q. Because if you get caught with the gun or if you get
21 caught with the clothing, that's your link to the murder;
22 right?

23 A. Exactly.

24 Q. And that's how the police make a case against you;
25 right?

1 A. Exactly, yes.

2 Q. So Rakim picks you up; right?

3 A. Yes.

4 Q. And when Rakim picks you up, you drive directly with
5 Rakim to Ben's shop, and you get rid of the clothing; right?

6 A. Yes, sir.

7 Q. And you're about -- sure about that as everything
8 that's happened in this case; right?

9 A. Yes.

10 Q. You're about as sure about that as everything that
11 happened from the time Will Baskerville was arrested to this
12 alleged meeting on Avon Avenue with me; right?

13 A. Yes, sir.

14 Q. Do you remember being asked these questions before,
15 Mr. Young?

16 A. Where did I take the clothes? Yes.

17 Q. About the clothing, about this sequence of events,
18 about what you did?

19 A. Yes, sir.

20 Q. And you told us everything that you just told us now;
21 right?

22 A. Yes, that I can remember, yes.

23 MR. BERGRIN: May I have one moment, please,
24 Judge?

25 THE COURT: Go ahead.

1 MR. BERGRIN: Thank you.

2 Q. Now, did you have -- besides the clothing, did you
3 have anything with you when you went to the shop when Rakim
4 Baskerville picked you up at your house and went directly to
5 Ben's shop?

6 A. No. Meaning?

7 Q. Did you have anything else in the car with you that
8 could have incriminated you?

9 A. No, not incriminate.

10 Q. Now, before you went to Ben's shop, were you talking
11 about anything with Rakim?

12 A. Yeah, we talked about what happened.

13 Q. You talked about what happened.

14 But you didn't talk about anything else with
15 Rakim; right?

16 A. As we were sitting in his Impala SS going to Ben's
17 shop?

18 Q. Yes.

19 A. Is that what you're asking me?

20 Q. Well, before. You got from your house, according to
21 you, you went from your house right to Ben's shop; right?

22 A. Yes.

23 Q. Now, you gave a sequence of events just last week when
24 you were questioned by both me and as well as Mr. Minish in
25 reference to Ben's shop; right?

1 A. Yes.

2 MR. BERGRIN: If I may have the transcript of
3 October the 27th.

4 Q. I'm going to show you the transcript. ~~Do you have it~~
5 in front of you, or is this the only copy of October 27th,
6 your testimony in reference to what you did?

7 A. No, this is April 13th, sir.

8 Q. Okay. I'm going to show you a transcript of October
9 the 27th of 2011 that you testified to last week, okay, sir?

10 A. Yes.

11 Q. I'm going to ask you to look at, starting on page 211.

12 Now, did you ever speak to Rakim about getting rid
13 of the gun?

14 A. Inside the car, yes.

15 Q. Inside the car.

16 A. Yes.

17 Q. And when you told this jury and talked to this jury
18 about going to Ben's shop, okay, was there anybody else that
19 was part of this discussion besides you and Rakim?

20 A. Malsey.

21 Q. Malsey. Now, you don't mention Malsey now; correct?

22 A. Where, right here?

23 Q. No. You just went through a colloquy about Rakim
24 picking you up. You say nothing about -- you say nothing
25 about Malsey being with you; correct?

1 A. Yes, you didn't ask me -- you said was it anything in
2 there incriminating.

3 Q. You say incriminating would have been the gun;
4 correct?

5 A. Yes, sir.

6 Q. Now, do you mention anything about Malsey at all?

7 A. I been mentioning Malsey was in the car with us.

8 Q. You mentioned Malsey was in the car with you?

9 A. When Rakim picked me up to go to Ben's shop, yes.

10 Q. And you told this to us and the jury a couple minutes
11 ago, right?

12 A. I told this to the jury the other day but you just got
13 to that, sir. You didn't even ask me that question.

14 Q. Now, you say Malsey was with you; correct?

15 A. Yes, sir.

16 Q. Now, and when Malsey was with you, you decided to get
17 rid of the gun; correct?

18 A. Yes, sir.

19 Q. And it was that first trip to Ben's shop; right?

20 A. No, sir.

21 Q. Had you ever made a trip to Ben's shop before to get
22 rid of a gun?

23 A. No, this is the first time I'm going to ask him is it
24 possible he can melt this gun down. That's the reason we
25 going.

1 Q. And that's when you got rid of the clothing right
2 away; right?

3 A. Yes, sir.

4 Q. Now, before we go into, you know, step by step, I'm
5 going to take you through, did you have any conversations
6 with your fiancée, Rasheeda Tarver?

7 A. Not at that moment, no.

8 Q. Did you have any conversations with Rasheeda Tarver
9 later on?

10 A. Yes, sir.

11 Q. And when you had a conversation with Rasheeda Tarver,
12 what did you speak to Rasheeda about?

13 A. I just told her I need her to drive me down to Ben's
14 shop.

15 Q. You would never tell her why; correct?

16 A. Well, -- I might -- I might tell her why. I told her
17 about another murder, so, yeah, I might tell her why.

18 Q. Well, did you tell Rasheeda why you were going to
19 Ben's shop?

20 A. I think I told her -- maybe I told her I had to take a
21 gun down there, but I don't remember the exact conversation
22 I had with her, but it was to the effect that I need her to
23 drive because we didn't want to get pulled over in Rakim'
24 car.

25 Q. Now, Rasheeda Tarver was a teacher; right?

1 A. Yes, she's a teacher.

2 Q. She's your fiancée; right?

3 A. Yes.

4 Q. And you want to get her involved in this murder, is
5 that what you're telling us? You're telling me you told
6 Rasheeda that there was a gun involved; right?

7 A. Right, but I don't want to get her involved with a
8 murder.

9 Q. What about getting rid of murder evidence?

10 A. I don't know. I don't know the exact law to that.
11 She was taking me somewhere.

12 Q. You've been around for a while; right, Mr. Young?

13 A. Yes, sir.

14 Q. In and out of the justice system?

15 A. Yes, sir.

16 Q. And you're telling us that you didn't know that
17 Rasheeda Tarver could get in trouble for driving you over to
18 Ben's shop to get rid of a murder weapon and clothing that
19 was worn during the murder?

20 THE COURT: Mr. Bergrin, he answered that
21 question. He didn't know the law.

22 Q. Turn to page 211.

23 A. Yes, sir.

24 Q. Now, had you ever thought about melting a gun before
25 this occasion?

1 A. No.

2 Q. This is the first time that you ever -- the first time
3 that that idea ever came to your mind; right?

4 A. Yeah. We never committed a murder. This is the first
5 one.

6 Q. The weapon, getting rid of a weapon, the first time
7 ever you ever thought about getting rid of a weapon, right,
8 by melting it.

9 A. Yes, this is the first time I thought of that.

10 Q. And that thought came to your mind while
11 brainstorming, while sitting down and talking to Malsey and
12 Rakim about getting rid of the weapon; right?

13 A. Yeah, we was thinking how could we get rid of it.

14 Q. And there were other suggestions, right, like throwing
15 it into the water; correct?

16 A. Yes, exactly.

17 Q. Getting rid of it in the park; right?

18 A. Yes, sir.

19 Q. And you didn't want to do that because you would want
20 to get rid of the weapon in a way that's the most clean for
21 you so that there's no evidence tracing it back to you;
22 right?

23 A. That was our thoughts, yes.

24 Q. Just like getting rid of the clothing: You want to
25 get rid of it right away, as fast as possible, right?

1 A. Well, not as fast, but as safe as possible.

2 Q. As safe as possible.

3 Okay. Turn to page 211.

4 A. Yes, sir.

5 Q. Now, starting with line 13, I just want you to look at
6 that and read it and see if that refreshes your recollection
7 about what you just testified, and then I want to ask you
8 questions about it.

9 A. Yes, sir.

10 Q. Now, again, you had never, ever thought about melting
11 a gun; right?

12 A. No.

13 Q. You had never, ever thought about getting rid of
14 evidence and disposing it that way; right?

15 A. No.

16 Q. So you and Rakim -- or whose idea was it?

17 A. It was my idea to go ask Ben if he can melt the gun.

18 Q. Okay. So you didn't know at that time if Ben would
19 agree to it; right?

20 A. No, I didn't know, but he's a good friend of mine.

21 Q. And you had never done this with Ben before; right?

22 A. No.

23 Q. And Ben was, like you said, a good friend of yours;
24 right?

25 A. Yeah, a car buddy.

- 1 A. I ain't gonna say I would never but --
- 2 Q. You didn't at that time, right?
- 3 A. I don't remember telling him that, no.
- 4 Q. Look at page 213, lines three and four.
- 5 A. Okay.
- 6 Q. Did you tell Ben, "we got ourselves in a little
- 7 trouble"?
- 8 A. Yeah, little trouble, but I didn't tell him what.
- 9 Yes.
- 10 Q. But you told Ben you got yourself in trouble, right?
- 11 A. Yes, a little trouble.
- 12 Q. And you need to melt the gun; right?
- 13 A. Yes.
- 14 Q. So is it fair to say that Ben knew that the weapon --
- 15 you had to get rid of the weapon because the weapon was used
- 16 that got you in a little trouble, right?
- 17 A. Yes.
- 18 Q. Fair to say, fair to assume that?
- 19 A. Exactly. Correct.
- 20 Q. Now, this is March of 2004? This is the same day --
- 21 A. Yes.
- 22 Q. This is the same day as the homicide of Kemo McCray?
- 23 A. Yes, sir.
- 24 Q. There's no doubt in your mind about that; right?
- 25 A. Same day, yes.

1 Q. Same day. And no doubt about in your mind that Rakim
2 picks you up and you go there with Jamal and you go there
3 with Rakim, right? He picks you up at your house; right?

4 A. Yes.

5 Q. And at the time that he picks you up, no doubt in your
6 mind you want to get rid of the clothing right away, so
7 before you go in to speak to Ben about the gun, as you just
8 testified, you throw the clothing in a dumpster; right?

9 A. Into the dumpster, yes.

10 Q. Now, you speak to Ben. What does Ben say to you?

11 A. He told me he could do it.

12 Q. And what do you do?

13 A. I told him we'd be back later.

14 Q. Why didn't you give him the gun then?

15 A. We didn't have it with us.

16 Q. So you go to Ben, speak to him about getting rid of
17 the gun, but you leave the gun in this police officer's
18 garage.

19 A. Yes, sir.

20 Q. But you knew to get rid of the clothing right away;
21 right?

22 A. Well, I had the clothing with me, sir.

23 Q. Now, after you leave Ben's garage, what do you do?

24 A. We leave.

25 Q. And where do you go?

- 1 A. Rakim take me back to my house.
- 2 Q. When do you call Rasheeda?
- 3 A. I ain't have to call her. She was in the house.
- 4 Q. Oh, Rasheeda was in your house?
- 5 A. We lived together.
- 6 Q. Oh, you're living together with Rasheeda.
- 7 A. Yes.
- 8 Q. Now, you said before and I asked you questions about
- 9 Rasheeda works for the Newark Board of Education; right?
- 10 A. Yes, sir.
- 11 Q. And the last thing you want Rasheeda to have done is
- 12 to have her lose her job; right?
- 13 A. Yes.
- 14 Q. So wouldn't you try to hide the fact that you have a
- 15 gun or you're going to Ben's for a gun?
- 16 A. No, she seen me with a gun on my hip every day.
- 17 Q. And when you went to Ben's, you're telling us that you
- 18 told Rasheeda that you're getting rid of a gun; right?
- 19 A. Again, sir, like I asked you a minute ago, I don't
- 20 know if I told her exactly I was going to get rid of a gun
- 21 or to just drop me down there.
- 22 Q. And you don't try to hide it from Rasheeda; right?
- 23 A. No .
- 24 Q. You have the transcript in front of you?
- 25 A. Yes, sir.

1 Q. Turn to page 4421, line 25, please.

2 Line 25?

3 Q. 4421, line 25. 2007 testimony before a jury under
4 oath.

5 A. I don't know if I have it now.

6 Q. Excuse me?

7 A. I don't know. You said -- what page, sir?

8 Q. 4421.

9 A. I don't have that.

10 Q. Oh, you have April 13th?

11 MR. BERGRIN: Your Honor, may I approach with the
12 April 13th transcript?

13 THE COURT: Yes, you may. Go ahead.

14 Q. Here it is, Mr. Young.

15 A. 4421?

16 Q. Yes, please, starting with line 25.

17 A. Give me a minute, sir.

18 I'm on it.

19 Q. Now, when you testified before the jury back in 2007,
20 isn't it a fact that you made it quite clear to the jury
21 that you didn't want Rasheeda Tarver to know anything and
22 didn't want to get her involved?

23 A. Yeah, I said "Nothing about the gun or nothing 'cause
24 we didn't want her -- " --

25 Q. To get involved; correct?

1 A. -- " -- to know what we was doing."

2 Q. So when you testified under oath back on April the
3 13th of 2007, you didn't want Rasheeda Tarver to get
4 involved and you didn't want her to know what you were
5 doing; correct?

6 A. I said I didn't want her to know what we was doing,
7 yes.

8 Q. And you didn't want her to get involved, right?

9 A. No, I don't want her to get in trouble. Not at all.

10 Q. So when you just testified that you told Rasheeda
11 what's going down, was that accurate?

12 A. I didn't say that, sir. You putting words in my
13 mouth.

14 Q. Now, back in 2007, I'm sure you told them about the
15 trip that you made with Malsey and Rakim first to Ben before
16 you enlisted Rasheeda's help; right?

17 A. Yes.

18 Q. Turning to page 4413, I want to take you through a
19 colloquy, sir, please, starting with line four on page 4413.
20 Tell me when you have that open.

21 A. I have it.

22 Q. It starts with the question: "So is that what you
23 decided to do," questioning by Mr. Minish. And you answered
24 on line five "Yes"; correct?

25 A. Yes, sir.

1 Q. And that's pertaining to the gun, correct, and going
2 to the shop with Ben?

3 A. I don't know what it's pertaining to.

4 Q. Tell the jury how that worked or what you actually did
5 to get to Ben's shop, right, line six?

6 A. Okay. Yes.

7 Q. And seven?

8 A. Uh-huh.

9 Q. Did you say, "We waited till it got dark later on that
10 night." Right?

11 A. Yes, sir.

12 Q. When you say "we," who is we, when you say me and
13 Rakim Baskerville, right, on line 10?

14 A. Yes, that's what I said.

15 Q. And you had made a decision to ask Rasheeda to drive,
16 right?

17 A. That was later on at night.

18 Q. And lines 13 and 14, you made the decision to ask
19 Rasheeda to drive; right?

20 A. Yes, sir.

21 Q. According to that testimony.

22 A. Yes.

23 Q. "Describe for the jury what happens when you get to
24 the body shop."

25 I went in, correct. Me and Rakim told Ben --

1 THE COURT: Where are you referring, Mr. Bergrin?

2 MR. BERGRIN: I'm sorry. Line 11, Your Honor.

3 I'm sorry. 4413.

4 THE COURT: Line 11 is, the question is: "So it
5 got dark, and then what happens?"

6 MR. BERGRIN: "And then what happens."

7 Q. Did you describe what happens when it gets dark?

8 A. I say Rakim came to my house, and I came outside.

9 Q. And what happened?

10 A. Because I came out, my girlfriend at the time, I asked
11 her could she drive us to Ben's shop.

12 Q. Now, is there any ever mention when you decided to get
13 rid of the gun about Malsey or going there to the shop?

14 A. He didn't go with us to get rid of the gun, sir. He
15 went with us when we asked Ben could he melt the gun.

16 Q. Did you ever tell the jury in 2007 that you ever made
17 two trips to Ben's shop?

18 A. I'm pretty sure I did. Well, I'm not sure, but if I
19 told the story, yes.

20 Q. Look at the transcript. Doesn't it say that when you
21 decided to get rid of the gun, you decided to wait till
22 dark, and Rasheeda Tarver was asked to drive you ?

23 A. That's what I just said to you a minute ago, sir.

24 Q. Now, you went to Ben's shop; right?

25 A. Yes.

1 Q. According to you, you had already asked Ben, right,
2 when you were with Malsey, when you were with Rakim, Malsey
3 waited outside, but you and Rakim had already gone in before
4 you enlisted Rasheeda's help; right?

5 A. Yes.

6 Q. And you explained to Ben what you needed to get done;
7 right?

8 A. Yes.

9 Q. And you told him about needing to melt the gun because
10 you got in trouble; right?

11 A. Yes.

12 Q. Now, read on the rest of that page. Were you asked
13 the question: "Describe for the jury what happens when you
14 get to the auto body shop."

15 A. Yes.

16 Q. And you said: "I went in, me and Rakim, told Ben I
17 wanted to ask him something." Right?

18 A. Yes, that's what it say.

19 Q. And that's with Rasheeda driving you, right?

20 A. Yes, but that's -- that's not correct, sir.

21 Q. And that's what you told the jury back in 2007 under
22 oath; correct, sir?

23 A. I must have got mixed up with the time, sir, but
24 that's not correct. She just took us to get the gun melted.
25 That's it.

1 Q. You got mixed up; is that what you're telling us?

2 A. With the time we -- we made two trips down there, sir.

3 Q. And when you talked to the jury in 2007, you never
4 made two trips; right?

5 A. Sure I did.

6 Q. And when you talked to the jury, you say the first
7 time that you went to Ben's shop was with Rasheeda Tarver,
8 and at that time, you asked Ben if you could ask him
9 something. Isn't that a fact, what you told that jury under
10 oath back in 2007?

11 A. That's what it say, sir, yes.

12 Q. And then you said -- "He said, go ahead. I said no,
13 step outside," right, on line 15?

14 A. Yes.

15 Q. According to your sworn testimony back in 2007.

16 A. Yes.

17 Q. And at that time, with Rasheeda Tarver driving you,
18 not with Malsey, not with Rakim in the first trip and Rakim
19 picking you up at your house, I asked him, would it be
20 possible to melt the gun, and he said that he could do it;
21 correct?

22 A. Yes.

23 Q. Now, you think it's all right, Mr. Young, correct, to
24 just keep making facts up as you go along with your
25 testimony; right?

1 A. No, I'm testifying to the best of my ability, sir, and
2 trying to remember exactly what happened. That's it.

3 Q. Now, in 2007 and again in 2011, when you testified
4 before the jury, you said that Ben -- and you made it very
5 clear, because I asked you several times --

6 A. Yes.

7 Q. -- Ben started to melt the gun, Ben held the torch,
8 Ben melted the gun; right?

9 A. Yes. He started it.

10 Q. Now, in 2007, again, when you testified under oath,
11 you made it very clear that you kept it secret from Rasheeda
12 as to where you were -- excuse me, as to what you were doing
13 and the fact that you were getting rid of this gun. Isn't
14 that a fact, you made it clear to that jury in 2007?

15 A. Yes.

16 Q. Now, you also told this jury again that Ben melted the
17 gun at the beginning; right?

18 A. Yes. I said he started it.

19 Q. Then when you talked to the F.B.I. on January the
20 18th, Agent Manson, you also told that it was Ben that
21 melted the gun; right?

22 A. I told them it was Ben that started melting the gun,
23 yes.

24 Q. Started melting the gun.

25 MR. BERGRIN: Could I approach, Your Honor, with

1 J-02937, 36, and 35, the statement of January the 18th?

2 THE COURT: Go ahead.

3 Q. Isn't it a fact that -- I ask you to look at page
4 three.

5 You told the F.B.I., according to that statement
6 on January 18th, that it was Bennie that melted the gun;
7 right?

8 A. That's not what it say, sir.

9 Q. Does it say Ben started to melt the gun?

10 A. It says Ben melt the gun down with the torch. After
11 several minutes, the gun melted down to a small piece of
12 metal, which individuals then threw in the dumpster.

13 She wrote this. I told her exactly what happened,
14 and how it happened. I'm telling y'all how it happened.
15 And it's no other way that could happen.

16 Q. So there's no other statement in there, correct, in
17 reference to anybody else melting the gun except for Ben;
18 isn't that a fact, Mr. Young?

19 A. In this report, yes.

20 Q. And isn't it a fact it says that Bennie melted the
21 gun? Correct?

22 A. Yes, in the report.

23 Q. And I guess that the report is inaccurate; right?

24 THE COURT: All right, Mr. Bergrin, that's not
25 necessary.

1 Go ahead.

2 Q. Now, who removed the bullets from the gun before --
3 Before it was melted?

4 A. Before it was melted?

5 Q. Yes.

6 A. I did.

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

8 A. I'm almost sure that I took the bullets out the gun.

9 Q. Then why would you tell the jury back four years ago
10 when your memory is better that Rakim removed the bullets?
11 I mean, I know that it's a small fact, but you keep
12 changing --

13 THE COURT: No, no, Mr. Bergrin, we don't need the
14 editorials.

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

16 THE COURT: If there's a question, ask the
17 question.

18 Q. Did you ever tell the jury back in 2007 that it was
19 Rakim that pulled out the bullets?

20 A. I don't remember that, sir.

21 Q. Well, you have the transcript in front of you. Look
22 at 4417, line eight and nine.

23 A. Yes, I said Rakim.

24 Q. And now you're saying you did it; right?

25 A. Yes, I'm positive I did it.

1 Q. So then why did you tell the jury that it was Rakim
2 that removed the bullets if you're positive that you did it?

3 A. Made a mistake. I'm positive I did it.

4 Q. You keep making mistakes, right, Mr. Young?

5 A. Well, I don't say keep making mistakes, but that's a
6 mistake.

7 Q. Sometimes you make mistakes, sometimes you
8 intentionally lie; right?

9 A. Yes. That's why I got locked up.

10 Q. Now, you're sure that Bennie began to melt the gun.

11 A. Positive.

12 Q. Look at page 4418, lines 18 -- lines eight through 16.

13 THE COURT: This is April 13th, 2007?

14 MR. BERGRIN: Yes, sir.

15 THE COURT: 4418?

16 MR. BERGRIN: Yes, sir, lines eight through 16.

17 Q. In 2007, when you testified, you went through step by
18 step as to what happened with the gun; right?

19 A. Yes, sir.

20 Q. And isn't it a fact that Bennie never touched the
21 torch, never melted the gun, according to what you told the
22 jury back then under oath in front of the jury?

23 A. It says "One of the guys started to melt the gun..."
24 he was one of the guys.

25 Q. Read on, Mr. Young. Read that whole colloquy. Does

1 it say, starting on line eight: We had the gun in the
2 middle of the floor on concrete. Is that what it says on
3 line eight of that page?

4 A. Yes, sir. Yes.

5 Q. And then Mr. Minish says, "Okay," and then on line 12,
6 "One of the guys started to melt the gun with the torch,"
7 right?

8 A. Which was Ben.

9 Q. Bennie. And that's what you meant back then, right?

10 A. Yes.

11 Q. Turn to page 4419, where you continue talking about
12 it.

13 You even identified a photo; correct?

14 A. Yes, of his nephew.

15 Q. And it says, line seven: "Who's that?"

16 A. Yes.

17 Q. "And that's the guy who's supposed to be Ben's
18 nephew," on line eight, right?

19 A. Yes, that's Ben's nephew.

20 Q. And on line nine, it says, "And that's the guy who
21 was?" And you responded, "Melting the gun"; correct?

22 A. Yes.

23 Q. And line 11: The first guy or the second guy; right?

24 A. Yes.

25 Q. And what do you answer on line 12?

1 A. I said "The first."

2 Q. So you never told them that Bennie started melting the
3 gun to that jury on April 13th of 2007. You said that the
4 first guy who started to melt the gun was not Bennie, it was
5 his nephew, correct, according to what you told that jury.

6 A. Yes.

7 Q. So, again, you interchanged somebody else like the
8 bullets. Now you have Bennie doing a job on the gun,
9 melting the gun, when you swore to the jury that essentially
10 Bennie never touched the gun with the torch, right,
11 according to your testimony?

12 A. Ben did do it, sir.

13 Q. And then you're asked questions further on. Look at
14 lines 22, Mr. Young: And the other guy started melting the
15 barrel?

16 A. Yes.

17 Q. The other guy was who? Not Bennie; correct?

18 A. I don't know the other guy name.

19 Q. But it wasn't Bennie; right?

20 A. No.

21 Q. You knew Bennie's name. You knew Bennie --

22 A. Bennie did not melt the barrel at all. Just the
23 nephew and the other guy melted the barrel.

24 Q. Now, Mr. Young, did the gun melt completely to a
25 complete liquid?

1 A. After it was all finished, yes.

2 Q. After it was all finished.

3 A. Yes.

4 Q. Do you remember telling this jury just the other day
5 that it didn't melt to a complete liquid?

6 A. I told them it didn't melt the first time until the
7 other two guys had to start. They melted the barrel. Once
8 the whole gun was melted to a complete liquid, I'm the one
9 that scooped it up with the dust pan.

10 Q. You don't remember telling this jury that the gun was
11 not completely melted.

12 A. I may have told them, yes, told them that, and then
13 told them the barrel was melted, came right after the gun
14 was melted.

15 Q. Do you ever remember telling the F.B.I. that the gun
16 was not completely melted?

17 A. It didn't completely melt at first.

18 Q. At first, or second, at last --

19 A. No.

20 Q. -- by the time you left, do you ever remember telling
21 the F.B.I. that the gun did not completely melt, sir?

22 A. No, sir, not at all.

23 Q. J-03098.

24 On June the 27th of 2006, do you ever remember
25 speaking to Agent Manson in reference to the gun melting?

1 A. Say that date again, sir?

2 Q. June the 27th of 2006.

3 A. I must have spoke to them, the Government and my
4 lawyer. It had to be I was incarcerated.

5 Q. Many times, right?

6 A. A couple times.

7 Q. And again, you want to be, of course, honest with
8 them; right?

9 A. June 2006?

10 Q. June 2006.

11 A. Yes, I was being honest.

12 Q. Do you ever remember telling the F.B.I. the gun did
13 not melt entirely and a small portion of the gun was left?

14 A. Exactly, the barrel.

15 Q. You just testified that after the second time, the
16 third time of melting, the gun was turned into liquid;
17 right?

18 A. Sir, again --

19 Q. Isn't that what -- my question to you is --

20 A. No. No. No.

21 Q. You just testified that in front of this jury; right?

22 A. That ain't what I said. That ain't what I said.

23 Q. So now you're telling us that the barrel of the gun
24 was left after all the melting was completed.

25 A. I'm not saying that neither, no, sir.

1 Q. Was the barrel of the gun left or a portion of the gun
2 left after all the melting was done?

3 A. After all the melting was done, the barrel was liquid
4 also. Yes.

5 MR. BERGRIN: May I approach the witness, Your
6 Honor --

7 THE COURT: Yes.

8 MR. BERGRIN: -- with 03098?

9 Q. I ask you to look at the third paragraph, the fifth
10 line, the line that's underlined, please.

11 A. That's an inaccurate report, sir.

12 Q. That's an inaccurate report; right?

13 A. That part saying it was a little piece of the barrel
14 left, that's inaccurate.

15 Q. Every report that you've looked at, you have found
16 inaccuracies; right?

17 A. Well, again, I don't write the reports. All I do is
18 tell the truth.

19 Q. Every report that you've looked at, you have found
20 lies in; right?

21 A. I wouldn't say lies, sir.

22 Q. You have found inaccuracy, you have found lies;
23 correct?

24 A. I wouldn't say -- again --

25 THE COURT: Don't characterize inaccuracies, Mr.

1 Bergrin.

2 Go ahead.

3 Q. Now, on the way to -- when Rasheeda was asked to
4 drive, okay -- you saw your testimony of 2007; correct?

5 A. Yes.

6 Q. And you saw the fact that you told the jury, you swore
7 to them that you made sure that Rasheeda didn't know what
8 was going on; correct?

9 A. Yes.

10 Q. And that you kept it from her; right?

11 A. Yes, that's what I said.

12 MR. BERGRIN: Let me have one minute, Your Honor.

13 I'm sorry.

14 Q. Now, you testified to this jury that the first time
15 that you went to Ben's, you threw out the clothing; right?

16 A. Yes, sir.

17 Q. And you're sure about that because you wouldn't want
18 to be riding around with Rasheeda and Rakim with that
19 clothing; right?

20 A. Well, not that I don't want to be riding around with
21 it. It was just, when we went down there, I got rid of it.

22 Q. Do you have the transcript of October 27th in front of
23 you?

24 A. No, sir.

25 Q. Do you?

1 A. No.

2 THE COURT: Mr. Bergrin, we've been going, I think
3 Chuck might need a little time, a break. We've been going
4 for a while.

5 We'll take a recess for lunch, ladies and
6 gentlemen.

7 Do you know if lunch is here yet?

8 THE COURT CLERK: I'm positive it is.

9 THE COURT: Yes, probably.

10 Okay. We'll take a recess for lunch and we'll
11 resume around one o'clock.

12 Please don't discuss anything about the case, and
13 we'll see you back here in one hour.

14 Thank you.

15 THE COURT CLERK: Please rise for the jury.

16 (The jury exits)

17 THE COURT: Be seated, everyone.

18 We'll recess until one o'clock. We'll see you
19 back here at one o'clock. Okay?

20 (Luncheon recess taken)

21

22

23

24

25

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

2 (Defendant present)

3 (Jury out)

4 (The witness resumed the stand.)

5 THE COURT CLERK: Please remain seated.

6 THE COURT: Be seated, everyone.

7 THE COURT CLERK: Please rise for the jury.

8 (The jury enters)

9 THE COURT: All right. Everyone, be seated,
10 please.

11 Welcome back.

12 All right. Mr. Bergrin, proceed, please.

13 MR. BERGRIN: Thank you, Your Honor.

14 CROSS-EXAMINATION (CONTINUED)

15 BY MR. BERGRIN:

16 Q. Mr. Young, you testified in reference to the fact that
17 that night, the night of the shooting of Kemo McCray, you
18 swore to us that you took the gun to Ben's shop that day;
19 correct?

20 A. Yes.

21 Q. There's no doubt in your mind whatsoever; right?

22 A. No.

23 Q. It was the day of the shooting because one thing that
24 you don't want to get caught is holding the gun; correct?

25 A. Yes.

1 Q. And just as important as the gun, even more important
2 than the gun is the blood and the DNA on clothing, your
3 clothing; right?

4 A. Yes.

5 Q. With your sweat on it from that cold day on March the
6 2nd; right?

7 A. Well, I don't know about my sweat, but yes.

8 Q. And as a matter of fact, that's why you were so sure
9 that you took that clothing with Malsey and Rakim
10 Baskerville and disposed of it as soon as you went to speak
11 to Ben at his garage some time in the early afternoon before
12 you went back with Rasheeda at night; right?

13 A. Early evening.

14 Q. Early evening. And as a matter of fact, you only went
15 to Ben's one time with Rasheeda; right?

16 A. Yes.

17 Q. And there's no doubt in your mind about that; right?

18 A. Yes.

19 Q. As a matter of fact, you were so absolutely sure about
20 getting rid of the bag of clothing, that being the fleece
21 jacket and the gloves, with Malsey and Rakim the first time
22 that you went to Ben's that you said you're as sure about
23 that as about all the testimony in this case; right?

24 A. Um-h'm. About sure about that, yes.

25 Q. Now, are you sure about the fact that you went to

1 Ben's on March the 2nd, the day of the shooting of Kemo?

2 A. Yes.

3 Q. Did you at any time call the F.B.I. on or about June
4 the 27th of 2006 to give them information in reference to
5 the gun? Do you remember contacting the F.B.I. on that
6 date, specifically, Special Agent Shawn Manson?

7 A. No, sir. I don't remember.

8 MR. BERGRIN: Could I refresh his recollection,
9 Your Honor please, with an exhibit?

10 THE COURT: Go ahead.

11 MR. BERGRIN: Your Honor, it's J03098.

12 May I approach this witness?

13 THE COURT: Yes, you may.

14 MR. BERGRIN: Thank you very much.

15 Q. I'm going to show you, look at, please, paragraph
16 number three.

17 MR. BERGRIN: I'm sorry, Your Honor. I'm just --
18 Let me just back off a second.

19 THE COURT: All right.

20 Q. I'm sorry. I'm going to ask you to look at paragraph
21 number two, sir, the third sentence. Okay?

22 Now, was that a statement that you supposedly made
23 to Shawn Manson of the F.B.I. in reference to the gun and
24 the melting of the gun in June of 2006, sir?

25 A. Give me a minute, sir.

1 Would you show me again what you're talking about,
2 Mr. Bergrin?

3 Q. I'm asking you to look at paragraph two, the third
4 sentence.

5 Isn't it a fact that that report -- I'm sorry.
6 Please read it and tell me when you're ready, sir.

7 THE COURT: I don't think there is a third
8 sentence. Just the whole paragraph. We're talking about --

9 MR. BERGRIN: Yes, the first paragraph, the third
10 line. I'm sorry, not the third paragraph, Your Honor. I
11 misspoke.

12 Q. The third line, sir.

13 Isn't it a fact that that report reflects that you
14 told Special Agent Manson that you took the gun to Ben's
15 shop the day after --

16 A. That's what that report say, but I didn't tell her
17 that, sir.

18 Q. So here we have another report, another mistake;
19 right?

20 A. Well, I guess she made a mistake, but I know when we
21 went to the shop to melt the gun the same as that day.

22 Q. More words out of your mouth that are in a report that
23 you didn't say; right?

24 A. Exactly. I'm telling you I didn't say that. I said
25 that that night, we melted the gun, sir.

1 Q. But that report clearly reflects on a very important
2 matter, that you took it there the day after; correct?

3 A. I didn't write that, sir, but that's what it say.

4 THE COURT: All right. It's been asked and
5 answered, Mr. Bergrin.

6 Q. Could you have been lying also about that, too?

7 THE COURT: No, Mr. Bergrin, don't say that.

8 Q. Now, I showed you the testimony of April of 2007 about
9 how your fiancée, Rasheeda Tarver, essentially that you made
10 sure that she knew nothing about.

11 A. That I can remember, yes.

12 Q. Yes. And you testified to an absolute certainty,
13 almost, the fact that you got rid of the clothing with
14 Malsey and Rakim Baskerville. I just asked you those
15 questions; correct?

16 A. Yes.

17 Q. And you testified in reference to going to Ben's shop;
18 right?

19 A. Yes.

20 Q. Now, less than a week ago, you testified, last
21 Thursday, October the 27th, right?

22 A. Yes.

23 Q. And you remember being on that witness stand again
24 before this jury?

25 A. Yes.

1 Q. And you remember being asked questions?

2 A. Yes.

3 Q. And you've admitted on several occasions that someone
4 that lies creates inconsistencies because they forget what
5 they lie about, they forget what they say, and it becomes
6 inconsistent, right, at times?

7 A. Yes, they get caught.

8 Q. They get caught. All right.

9 I'm going to ask you a series of questions, and
10 with the Court's permission, I would like you to follow
11 along or read the transcript dated October the 27th, last
12 Thursday, of your testimony under oath before this jury.

13 MR. BERGRIN: If I may give a copy to Mr. Young,
14 sir.

15 THE COURT: Yes. Go ahead.

16 MR. BERGRIN: Thank you.

17 Q. Mr. Young, do you have in front of you a copy of the
18 transcript of October the 27th, your testimony?

19 A. Yes.

20 Q. And you do remember testifying in this Court; right?

21 A. Yes.

22 Q. And you do remember being placed under oath and
23 swearing to tell the truth?

24 A. Yes, sir.

25 Q. Okay. I ask you, please, Mr. Young, to turn to page

1 214 of that transcript that's right in front of you.

2 Tell me when you have 214, sir.

3 A. I have it, sir.

4 Q. Okay. Now, you testified that Rasheeda took you one
5 time and only one time to Mr. -- Ben's shop in reference to
6 this gun; right?

7 A. Yes.

8 Q. Now, were you asked a question while under oath by
9 Mr. Minish, the same Mr. Minish that prepared you for trial,
10 to testify, line 18: "So, did you, in fact, enlist Rasheeda
11 to assist you?"

12 Do you see that question starting on 18?

13 A. Yes.

14 Q. And did you respond: "Yeah, I asked her, could she
15 drive me down there."

16 A. Yes.

17 Q. "Did she agree to?"

18 And you said "Yeah."

19 Correct?

20 A. Yes.

21 Q. Starting on line 22: "So if you could walk the jury
22 -- " -- this jury; correct?

23 A. Yes.

24 Q. -- " -- through what happens then."

25 And then you went into exactly what you

1 remembered; right?

2 A. Yes, sir.

3 Q. And starting on line 23: "Well, I asked her, we was
4 in the house, she was like, all right." Correct?

5 A. Yes.

6 Q. "So I call Rakim." Right?

7 A. Yes.

8 Q. "I told him, come up the house, which he only live
9 three blocks away from me." Right?

10 A. Yes.

11 Q. And this is starting on page 215, line two: "So he
12 come to the house, call me and tell me he outside. Come
13 out." Correct?

14 A. Yes.

15 Q. You then get in Rasheeda's car; right?

16 A. Yes.

17 Q. He gets in the back, Rakim; right?

18 A. Yes.

19 Q. You're in the front?

20 A. Yes.

21 Q. And now you go to 17th Street to get the gun from
22 under the motorcycle seat; right?

23 A. Yes, sir.

24 Q. Now, you're asked a specific question on page 215,
25 line six: "Where is the bag of clothes at this point?"

1 And how do you respond to this jury less than a
2 week ago, Mr. Young?

3 A. I said it was in my hand. That was a mistake.

4 Q. No, no. You say "The bag of clothes is with me in my
5 hand." Correct?

6 A. Yes, sir.

7 Q. This bag of clothes that you just swore that you were
8 so sure that you got rid of earlier in the evening because
9 you don't want to have that DNA and that blood on the
10 clothing that's in your hands, you want to get rid of it
11 right away, the first time you go to Ben's and get rid of it
12 at the dumpster; right?

13 A. Yes, the first time.

14 Q. Now, you knew that you were under oath to this jury;
15 correct?

16 A. Still under oath, sir.

17 Q. You know how important these questions are; right?

18 A. Doing my best to my best ability, sir.

19 Q. You had the clothing in your hand when Rasheeda and
20 you got into the car and drove to 17th Street to get the
21 gun, according to you and according to this sworn testimony;
22 right?

23 A. Yes.

24 Q. And this is less than a week ago; right?

25 A. Yes.

1 Q. Six days ago; right?

2 A. It's a mistake, I said, sir.

3 Q. Right, Mr. Young?

4 A. Yes.

5 Q. And then you were asked a simple question -- question
6 on line eight: "And who goes out to get the gun?"

7 And you said, line nine: "Rakim get out -- both
8 of us get out the car, but Rakim get the gun from under the
9 seat."

10 Is that what you said?

11 A. Yes, sir.

12 Q. And then you were asked what happens next, "And then
13 what do you do?"

14 And then line 12: "Get back in the BMW."

15 And then the question on line 13: "And
16 where is the gun?" Right?

17 A. Yes.

18 Q. I'm accurate?

19 A. Yes.

20 Q. And what did you say?

21 "In Rakim's lap..."

22 A. Yeah, "In Rakim's lap, in his hand." You got it.

23 Q. In a BM -- excuse me, please, sir. In a BMW; correct?

24 A. Yes.

25 Q. In the backseat.

1 A. Yes.

2 Q. And you are hiding it from Rasheeda so she knows
3 nothing about it to protect Rasheeda's interest, right?

4 A. She don't know what we don't force her, sir.

5 Q. You were asked very simple questions in April of 2007
6 with the same oath that you took before this jury today;
7 right?

8 A. Yes, sir.

9 Q. And you said one thing that you made sure when you
10 told that jury in 2007 is that Rasheeda knew nothing about
11 the gun and knew nothing about why you're going there;
12 correct?

13 A. I said she didn't know why we was going there. She
14 seen me with the gun every day, sir.

15 Q. You told the jury back in 2007, Mr. Young, isn't it a
16 fact. That you didn't talk about the gun with Mr.
17 Baskerville; correct?

18 A. I don't know if I didn't -- I'm pretty sure we ain't
19 talk about it.

20 Q. And that you made sure that the gun was concealed;
21 right?

22 A. I don't -- like I said again --

23 Q. We'll get back to it.

24 A. Okay.

25 Q. But one thing you made sure is that Rasheeda Tarver

1 didn't know anything about a gun going to Ben's garage on
2 that day; right?

3 A. To get melted. To get melted.

4 Q. Now, you're at 17th Street and Avon Avenue; right?

5 A. Yes, sir.

6 Q. Essentially in the heart of the 'hood; right?

7 A. Every day.

8 Q. A murder weapon that was used that day; correct?

9 A. Yes, sir.

10 Q. To, according to you, murder a Government informant;
11 right?

12 A. Yes, sir.

13 Q. And Rakim's going to sit with the gun on his lap with
14 his hand on the gun and not conceal it, at least put his
15 shirt over it, put it in the -- or put it somewhere in the
16 car where it's concealed. Is that what you're telling us?

17 A. Pretty sure he had his hand over the gun, sir.

18 Q. And he had it in his lap, right, according to your
19 sworn testimony.

20 A. Yes, sir.

21 Q. So according to you, from 17th Street, where you pick
22 up the gun until all the way to Ben's garage -- and where
23 was Ben's garage located?

24 A. 12th Street, five blocks away.

25 Q. Five blocks away. It doesn't matter whether it was

1 five feet away; nobody's going to drive with a murder weapon
2 that was used earlier in the day to murder a Government
3 witness --

4 THE COURT: Mr. Bergrin, it's getting
5 argumentative.

6 MR. BERGRIN: I'm sorry. I'll ask the question,
7 Your Honor.

8 THE COURT: If you have a question, ask the
9 question.

10 Q. It's your testimony that Rakim Baskerville has the
11 murder weapon that was used a few hours earlier on his lap,
12 in his hand, right? That's your testimony.

13 A. Yes.

14 Q. Now, you go directly to Ben's shop; right?

15 A. Yes, sir.

16 Q. And the question is, "Do you go directly to Ben's shop
17 or anywhere else?" And you say directly to Ben's shop;
18 right?

19 A. Yes, sir.

20 Q. The next question that Mr. Minish asks you is:
21 "Please describe for the jury what happens when you get to
22 Ben's shop." Right?

23 A. What line are you on, sir?

24 Q. I'm on line 17.

25 A. Oh, I got it. 17.

1 Q. 17 and 18.

2 A. I got it.

3 Q. Is that an accurate reading by me?

4 A. Yes.

5 Q. Now, you say, line 19, line 19, Answer, it says "A,"
6 for answer; right?

7 A. Yes.

8 Q. "Well, it's nighttime now, dark outside," right? So
9 several hours have passed that you're in possession of the
10 gun?

11 A. Yes.

12 Q. "We pull up in front of Ben's shop, get out. There's
13 a center across the street IYO, that was the reason that I
14 had the bag, my fleece jacket with me because they was doing
15 some work over there, and another spot with a big dumpster
16 at with a whole bunch of trash and wood and stuff."
17 Correct?

18 A. Yes. That was early in the day, sir.

19 Q. No. You testified Mr. Minish is taking you through
20 step by step; correct?

21 A. Yes, he is.

22 Q. As to what happened when you're in the BMW of Rasheeda
23 Tarver; correct?

24 A. No, this -- what I'm telling him is, that's why I had
25 the bag early in the day and threw it in the same dumpster.

1 THE COURT: No, no. Mr. Young, the question --
2 follow the questions and just give the answers to the
3 questions.

4 But here, on line 13, or line 12, you answered,
5 "Get back in the BMW," correct?

6 A. Yes.

7 THE COURT: And then the question was, "And where
8 is the gun"; correct?

9 THE WITNESS: Yes.

10 THE COURT: And your answer: "In Rakim's lap, in
11 his hand."

12 THE WITNESS: Yes, sir.

13 THE COURT: The question was, "Do you go directly
14 to Ben's shop or anywhere else?" That's not earlier in the
15 day. That's the question at least, right?

16 THE WITNESS: Yes.

17 THE COURT: "Do you go directly to Ben's shop or
18 anywhere else?" And your answer is, "Directly to the shop";
19 correct?

20 THE WITNESS: Yes.

21 THE COURT: And then the question, "Please
22 describe for the jury what happens when you get to Ben's
23 shop."

24 THE WITNESS: Yes.

25 THE COURT: All right. And then you give the

1 following answer, which is the answer you gave on line 19
2 through 24; correct?

3 THE WITNESS: Yes.

4 THE COURT: All right. It doesn't refer back to
5 -- your answer at least there doesn't refer back to earlier
6 in the day; does it?

7 THE WITNESS: No.

8 THE COURT: There's nothing in that answer that
9 refers back to earlier in the day.

10 THE WITNESS: No, sir.

11 THE COURT: Okay.

12 BY MR. BERGRIN:

13 Q. As a matter of fact, you're locked into the BMW and
14 it's Rasheeda's BMW, Rasheeda Tarver, your fiancée; correct?

15 A. Yes.

16 Q. And that's the car that we're talking about, and
17 that's the time that we're talking about during all this
18 questioning, right? Correct?

19 A. Yes, sir.

20 Q. Now, turn to line 25.

21 You just told the jury -- you tried to wiggle out
22 of it and say that you're talking about earlier in the day.

23 Look at page 215, line 25.

24 A. Yes.

25 Q. "So when we get out the BMW, -- " -- right?

1 A. Yes.

2 Q. -- " -- I walk across the street and throw the bag
3 inside the dumpster -- " --

4 Not earlier in the day. When you get out of the
5 BMW; right?

6 A. That's a mistake, then, on my part, sir.

7 Q. -- " -- and I walk back across the street into the
8 shop." Correct?

9 A. Yes, sir, that's what I said.

10 Q. Rasheeda's BMW, and you go with Rasheeda one time to
11 Ben's, which you already testified under oath, right?

12 A. Yes, I go there with her one time.

13 Q. "Where is Rasheeda at this point" is the next question
14 page 216, line three. And you say Rasheeda is sitting in
15 the car, right?

16 A. Yes, sir.

17 Q. Now, you had testified that you had never -- this
18 thought of going to Ben had never, ever entered your mind or
19 your thought process before March the 2nd of 2004 or after;
20 correct?

21 A. No, not before.

22 Q. And not after, either, you testified; right?

23 A. No. No.

24 Q. I asked you that specific question, you said not
25 after.