

January 11, 2019

Hon. Jose L. Linares, Chief U.S.D.J.  
Martin Luther King Jr.  
Federal Building and Courthouse  
50 Walnut Street, P.O. Box 999  
Newark, N.J. 07101-0999

Re: United States v. Bergin,  
No. 09-cr-369 (JLL).

Dear Honorable Chief Judge Linares:

On January 10, 2019, at approximately 1700 hours, Special Investigative Services, (SIS) delivered to me a Federal Express Envelope mailed to this institution on or about December 27, 2018. Included in this envelope was the government's letter to Your Honor, dated December 17, 2018. This paramount missive was wrongfully withheld from me for a significant period of time.

In the interests of justice and this truth seeking process I am compelled to respond; as the letter is replete with lies, fabrications and intentionally misleading ad hominem-Knowing falsities.

My "Reply" had to respond to the government's answer, which they sought a significant extension of time for; and our continuing - on going investigation which divulged paramount and extensive "new" evidence proving my innocence. The Reply sought to reveal the absolute truth, while disclosing blatant, repulsive and atrociously inaccurate - misleading and defective accusations, by the government.

The sole and exclusive objective of the "Reply" was to evince my innocence to an absolute certainty through its newly discovered evidence and that is exactly what was achieved.

I represent veraciously and emphatically to this Honorable Court that the submissions are true and accurate and that whether submitted with a signature or not, that the witnesses while under oath would testify consistent with them.

The government has never sought the truth nor justice but only to win the case, at any and all costs - whether through knowingly false testimony, or purposefully ignoring fact and reality; or by <sup>not</sup> making any attempt whatsoever to seek and determine fact from fiction.

The "Reply" took on a monumental

task of having to conduct an objective and righteous investigation, and, effectively do the government's job.

We have achieved our ultimate objective and clearly proven that I was wrongfully and unjustly convicted and that a grave miscarriage of justice occurred.

It is extremely disheartening and actually pathetic, that AUSA Coyne and his cronies continue to distort the truth by concealing known evidence that establishes my innocence; it is wholly dishonorable to their professional responsibilities and the law.

The NEW EVIDENCE compellingly and irrefutably proves my innocence. (Emphasis added). When it is considered with all existing facts, circumstances and collected evidence, it confirms dire prosecutorial misconduct.

I sincerely submit that this is why Coyne submitted the letter dated December 17, 2019 and responded for prosecutors Gay, Minish and Saunders.

The cogizable evidence and facts delineated in the motion to vacate, set aside and correct, 28 USC 2255, provides This Honorable Court valuable background and

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 context which corroborates and substantiates all the newly discovered Rule 33 evidence.

Despite the enormity and overwhelming persuasiveness of the "newly discovered evidence" which must result in reversal-vacation of the convictions, all (emphasis added) should be considered in conjunction with one another. It consequentially evinces how paramount the Rule 33 motions evidence is.

Most importantly, it would be derelict to read and consider one submission, devoid of the full factual presentation contained in the other. They compliment proof of my actual innocence.

The government wrongfully and unlawfully objects to this because they are terrified of the truth and the enormity of their misconduct being divulged.

Glaringly and only for the sake of a few examples of suborned perjury, knowing and intentional misrepresentations, purposeful acts of deception to Judge and Jury, please consider the following: (to which witnesses were permitted to falsely testify to or that the prosecution argued).

a). That Anthony Young met Deidre Baskerville, Rakem Baskerville, members of the Baskerville family and Curry on November 25, 2003, when recordings proved

this to be continued.

- b). That Young and Rakeem identified who "Kamo" was while sitting in Curry's car on Nov 25, 2003; (a knowingly false statement - testimony according to recordings and the records).
- c). That Benjamin showed up at a meeting on Avon Avenue and discussed Kamo, 4-5 days after W. It's Nov 25, 2003 arrest. (Recordings prove false, yet they permitted Young's false testimony).
- d). Saunders knowingly false motion to the Court and Young's false testimony that the Benjamin meeting on Kamo occurred December 10, 2003; (Recordings prove false);
- e). Young was permitted to falsely testify - deny that neither the government, FBI nor his counsel ever informed - advised him that he must tell the truth during proffers; as well as Young's perjury that he never threatened Rasheeda Turner with a gun nor arsoned her home. (All known perjury which went uncorrected).
- f). Young falsely testified - perjured himself that he shot and killed Kamo, on March 2, 2004 with an "AUTOMATIC" (emphasis added) 9mm handgun and that EVERY handgun possessed or owned by alleged members of the Curry Organization were converted to automatic weapons. (Emphasis added and which seizures - records - investigation prove perjury);

- (h). Young falsely swore-testified that Ra'keem was with him in Curry's automobile and they worked together to identify Kemo and discussed case. (Recordings prove completely false).
- (i). That during meeting with Bergin, Bergin stated, according to Young: that Will would get life in prison if Kemo testified and without Kemo there's no case. (Government knew that this statement, which is their entire Kemo case was false; based on recording (e) and Bergin's background). (Especially in light of all existing evidence against Will).
- (j). AUSA Gay intimidated, coerced and unlawfully adduced Ramon Jimenez, through suggestive questioning to unlawfully and wrongfully inculcate Bergin. (Jimenez filed Ethics Complaint).
- (k). Government permitted Abdul Williams to falsely testify he <sup>never</sup> committed-conducted a 7 Kg cocaine deal with Yolanda Jauregui, from the Hudson County Correctional Center and while she was on bail. (Jauregui swore).
- (l). Young was recorded stating to Hassan Miller that Gay is dirty-corrupt and will free you if you provide false testimony or tell him what he wants to hear.
- (m). Gay intentionally deceived jury by arguing to them that Estewes' cooperation, DEA confession

and discovery was unknown to Bergin. (Estes had informed government that Bergin was wholly cognizant).  
 (ii). Minish, Gay and Saunders, as well as Special Agent Brokus, FBI Knowingly and falsely testified and argued that Bergin feared will cooperating against him; and that was the Kemo murder motive; knowing that this statement was completely false according to their own witnesses.

This small sampling represents why the government cannot afford for the truth to be revealed and why they fear a truthful fact seeking hearing.

These examples also represent why the government refused to ever polygraph even one material witness, despite the plethora of credible evidence evincing that there was deception.

The government's letter discusses their cooperating witness Maria Correia. They attempt to preclude her extraordinarily important testimony - Certification. Maria could attest to my innocence in drug trafficking and has copious knowledge that I never conspired or was complicit with Jauregui and Castro in drug trafficking. She also knows to an certainty

that I was fully aware that Oscar Cordova was a cooperating government witness; and that I never believed a word of Oscar's. The testimony of Correia would eviscerate the government's case about witness tampering and or attempted murder of a witness - the Esteves-Cordova plot.

This is precisely why the prosecutor hid and concealed her in a Louisiana County Jail and under an alias. Maria had seminal knowledge of incessant government misconduct and suborned perjury. She knew I was innocent. Her Certification is monumental toward these proofs and prosecutors are shivering about it. They want to preclude her for their unjust benefit. Prosecutors cared even a scintilla for justice and the truth, they would welcome her newly discovered evidence. Maria's knowledge cannot be disputed and extraordinarily damages the credibility of their case. She must be considered in the interests of justice and they must never be permitted with excluding evidence when they act unethically, unprofessionally and devoid of "clean hands;" like with the Curry recordings. They act with a pattern of deception and misconduct and then cry foul; and



implore preclusion of catastrophically potent evidence of my innocence.

I have never met Sonja Erickson in my life. The defense timely requested her as a witness at my trial, along with Theresa Vannoy Womack. Due to rampant government misconduct, neither Sonja nor Theresa were subpoenaed until after verdict. They both provide exculpatory evidence and Theresa's relationship with Yolanda Jauregui and Alejandro Castro is extraordinarily magnanimous in proving my innocence. There exists not a shred of any evidence as to why Sonja and Theresa have a motive to fabricate. The evidence that they offer toward my innocence of drug trafficking with Yolanda and Alejandro is beyond amazing. It cannot be accentuated enough.

Now you know why the government seeks to preclude Sonja and Theresa's evidence. They are two witnesses whom would be instrumental in proving I am innocent and they are newly discovered evidence.

I have never spoken to nor met Kamau Muntasir in my life.

This Court must consider the fact that he has no motive-reason whatsoever to assist me in any manner whatsoever. The government should be more interested in this fact and the truth, than trying to attack his veracity; when he is being veracious.

It is an insult to everyone's intelligence to even phathom that when Muntasir proffered with the gov't, that he would give any evidence to assist me; he would be laughed out of their office and hidden in a heartbeat, if he mentioned that he had evidence of my innocence; especially with all the government's underhanded and nefarious efforts to win conviction.

What is extremely significant is the credible and irrefutable corroboration of Muntasir in Shariff and SYED REHMAN. (Emphasis added).

Rehman was an inmate with Abdul Williams and Eugene Braswell at the Hudson County Correctional Center, N.J.

He is a Muslim Brother of Williams who befriended him and to whom Williams loved and confided in. They prayed together five times a day and were best of friends. Williams

being a major drug dealer from Newark and Rehman living in Hudson County.

Rehman, Braswell, Muntasir and Williams were doormed together at Hudson County Jail, along with Alejandro Castro.

Rehman was present when Williams decided to completely contrive and fabricate incriminatory evidence against me to receive the benefits of a SKI motion. He is astutely aware that I am absolutely innocent, as Williams confessed this to him. He has acute knowledge of attorney Richard Roberts role in assisting Williams to provide false testimony and that Williams was engaging in a sexual relationship with Jauregui; further motive for Williams to perjure himself and hurt me. Rehman is clear and unequivocal that Williams entire testimony against me was fabricated.

Muntasir whose proffer statement pertaining to Braswell's further acts of criminality was never provided to defense, is also aware of the plots and schemes to falsely cooperate; by Braswell and Williams.

He knows to an absolute certainty that I never engaged in drug trafficking or

was complicit with Braswell and Williams in drug dealing. He is an essential defense witness whom I proved I was innocent.

What is extremely disturbing is the government's failure to provide their knowledge about Muntasir and his impeachment of Braswell, as well as their containment of witnesses together in the same tier at Hudson.

What is also very troublesome is that based upon all this new and disturbingly awesome exculpatory evidence of my innocence that they will not even ask Williams or Braswell, nor anyone else to submit to a polygraph. I proclaim that if they even tell them they are polygraphing them and they need the truth, they will genuinely realize they convicted an innocent man. I have been begging for them to do this but to no avail; because they have no interest whatsoever to determine the truth. They never cared!

Rehman has new federal charges and is represented by Mike Baldassare. It would be simple to interview him. An evidentiary hearing will prove that I am innocent.

The drug trafficking evidence against me was planned, schemed, conspired and plotted against me from the Hudson County Jail and must not be suppressed.

Lastly, I have no relationship with Hassan Miller. He is a cooperater on behalf of The State of New Jersey and Federal Government. He contacted the government to assist and volunteered his services. There is no reason, motive nor any way he would ever assist or help me.

It was through Miller's cooperation and voluntarily contacting the government that Anthony Young was recorded and ended up cooperating. How dare they make even a veiled attempt to attack his credibility. Miller is a free man because of the government not me.

What should-or would be important to anyone with an iota of decency, morality, professionalism or searching for the truth, is Miller's absolute affirmation that Bergrin is innocent. That Anthony Young lied about me and admitted to his best friend, compatriot, homie, Hassan Miller

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that I am innocent and that he lied about my guilt.

Why not offer Young a polygraph and demand the truth. There is no reason to deny me this unless if you do not want the truth known.

Miller was considered so candid, frank and honest that the government swore this in a Department of Justice Affidavit; when they sought to have Miller record Young at and in a penal institution. They relied on the veracity and credibility of Miller swearing that he has an honest reputation and is of great integrity.

How dare they now attempt to discredit and impugn him. He was recorded surreptitiously and without hesitation stated that "I am innocent," that Young lied against me and falsely incriminated me being involved in the Komo case, and most assuredly informed the government Young was contriving my guilt.

The government knowingly, purposely and illegally concealed Miller's exculpation of me because it would have

thwarted their case against me; and they knowingly and illegally suppressed Miller.

Now they attempt to impeach him and know their criminality cost me 10 years of my life. Their audaciousness should sicken this Court and an expedient hearing be ordered.

Miller and Madison, whom have never met establish by new evidence my innocence. The government should be thrilled for this extraordinarily powerful evidence which could free an innocent man wrongfully convicted. Yet they attempt to suppress the truth and never cared about justice.

Finally, Lavinia Mears, Esquire, a former Middlesex County Prosecutor and former President of The Woman's Bar Association did nothing unethical. No complaints have ever been filed against her.

It is the government whom fails to inform this Court that on the date she visited me at MDC, Brooklyn, she came to advise me that my mother had died. I became emotional and hugged her.

This was the improper contact.

Nothing else ever occurred. She wholeheartedly believes in my innocence and worked pro bono on my case. To even raise or bring up her name is shameful; but with all their unethical, unprofessional and criminal conduct, it should not surprise the Court what the government will resort to.

The witnesses clearly prove my innocence and I pray that this Court considers my submission with the integrity and sincerity to which it was written.

If the objective is to seek justice and the truth, while protecting and defending the Constitution of the United States, then this Court will expedite an evidentiary hearing and set me free.

Most respectfully,  
Paul W. Bergin  
PAUL W. BERGIN

Dated: January 13, 2019. Placed in institutional mail on this date.  
cc: Lawrence Lustberg - John Gay, AUSA



Name: Paul Bergin  
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19-1623550-0115-m0-003

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