



U.S. Department of Justice

*United States Attorney
District of New Jersey*

Appeals Division

*Steven G. Sanders
Assistant U.S. Attorney*

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January 14, 2013

BY ECF & E-MAIL

Hon. Dennis M. Cavanaugh, U.S.D.J.
U.S. District Court, District of New Jersey
Post Office Building & Federal Courthouse, Room 451
Newark, New Jersey 07101-0999

Re: United States v. Bergrin, Crim. No. 09-369 (DMC)

Dear Judge Cavanaugh:

During the severed trial on Counts 12 and 13, Defendant Paul Bergrin entered into 22 stipulations.¹ Given this Court's desire to move the trial along, we ask this Court to exercise its discretion to hold that the previously executed stipulations remain binding on Bergrin for purposes of the RICO trial.

In Waldorf v. Shuta, the Third Circuit observed that "[i]n general, courts encourage parties to enter into stipulations to promote judicial economy by narrowing the issues in dispute during litigation." 142 F.3d 601, 617 (3d Cir. 1998). Consistent with this purpose, the court instructed that "[g]enerally, a stipulation entered into prior to a trial remains binding during subsequent proceedings between the parties," noting "a well-recognized rule of law that valid stipulations entered into freely and fairly, and approved by the court, should not be lightly set aside." Id. (citation omitted). While "conclusory stipulations are entitled to less deference than evidentiary ones," id. at 617, the "overriding factor" is "the parties' intention to limit or not limit a stipulation to only one proceeding." Id.

¹ All such stipulations are attached herewith. The first two agreed that substances obtained from William Baskerville during several controlled buys tested positive for cocaine base. Gov't Exhs. 6000-01. The third addressed conversations had been intercepted by a valid wiretap. Gov't Exh. 6002. The remainder agreed that the documents contained in various Government Exhibits qualified as business records under Rule 806(3) and were authentic under Rule 902, while allowing Bergrin to dispute relevancy or other matters.

Courts have extended this principle to criminal cases. In United States v. Kanu, the Court of Appeals for the District of Columbia Circuit recently agreed that ““District courts have broad discretion to manage trials, and this includes holding defendants to their stipulations, even regarding essential elements of proof, in the absence of manifest injustice, inadvertence or a mistake as to the law or facts of the case.”” 695 F.3d 74 (D.C. Cir. 2012) (quoting United States v. Wingate, 128 F.3d 1157, 1161 (7th Cir. 1997)).

“These principles, applied here, compel the conclusion that defendant should be held to the previously-made stipulations for purposes of the new trial.” United States v. Lentz, 419 F. Supp. 2d 843, 845 (E.D. Va. 2006). Most importantly, there is no “evidence that the stipulations were expressly limited to the first trial.” Id. at 845-46. To the contrary, by seeking and obtaining a severance, Bergrin knew full well that there would be a subsequent RICO trial, at which these same exhibits would be introduced. Further, the stipulations are evidential, and not merely conclusory.

Additionally, enforcing the stipulations Bergrin voluntarily executed would not work any injustice, let alone a “manifest injustice.” Bergrin is an experienced litigator, not a lay person. Importantly, moreover, while Bergrin stipulated that various documents were authentic business records, he reserved the right to contest their admissibility on any other available ground, such as under Rule 401 or Rule 403. Further, this Court has expressed its desire to move the trial along. Requiring Bergrin to adhere to his prior stipulations will help ensure that the trial is not prolonged by needlessly having to call document custodians to satisfy the foundational requirements set forth in Rule 803(6).

In sum, the Government respectfully requests that this Court exercise its broad discretion to hold that Bergrin at this trial will be bound by the stipulations he entered into during the 2011 trial. Of course, whatever this Court’s ruling, the Government will continue to try to work with Bergrin to secure stipulations for the additional documents that will be introduced at trial, which will obviate the need to call between 20 and 40 document custodians.

Respectfully submitted,

PAUL J. FISHMAN
United States Attorney

By: s/ STEVEN G. SANDERS
Assistant U.S. Attorney

cc: Lawrence S. Lustberg, Esq.
Bruce A. Levy, Esq.
Amanda B. Protess, Esq.
(all by ECF and e-mail)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

PAUL BERGRIN

Crim. No. 09-369 (WJM)

STIPULATION # 1

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:


If called to testify, Roger Godino, a retired Senior Forensic Chemist at the Drug Enforcement Administration laboratory in New York City, would testify as follows:

1. He examined the substance described in Government Exhibit 2209a, a copy of which is attached hereto and incorporated herein by reference, and concluded, to a reasonable degree of scientific certainty, that the substance described in Government Exhibit 2209a contained cocaine base, also known as crack cocaine, the net weight of which was 26 grams.

2. He examined the substance described in Government Exhibit 2209b, a copy of which is attached hereto and incorporated herein by reference, and

**GOVERNMENT
EXHIBIT
6000**

concluded, to a reasonable degree of scientific certainty, that the substance described in Government Exhibit 2209b contained cocaine base, also known as crack cocaine, the net weight of which was 46.7 grams.



PAUL J. FISHMAN
United States Attorney

PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

Read instructions on reverse
before completing.

COLLECTED, PURCHASED OR SEIZED

3. G-DEP ID

8. GROUP NO.

6 - Originator's Suspense
BASK-000949

**Road Instructions on Reverse
before completing**

REPORT OF DRUG PROPERTY

COLLECTED. PURCHASED OR SEIZED

EFFLUENT PROCESSING

"Take pictures and form and all packaging material to fill it. All for latent print processing"

1014

17. SUBMITTED BY SPECIAL AGENT (Signature) SA David S. Magness <i>[Signature]</i>	18. APPROVED BY (Signature & Title) SSA Ronald N. Nolan <i>[Signature]</i>
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LABORATORY EVIDENCE RECEIPT REPORT

19. NO. PACKAGES <u>1</u>	20. RECEIVED FROM (Signature & Date) <u>FX 1026/10942.309</u>	21. Print or Type NAME and TITLE
22. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	23. RECEIVED BY (Signature & Date) <u>4-9-03</u>	24. Print or Type NAME and TITLE <u>Trace Mico</u>
LSP 04/30/03 LABORATORY REPORT		

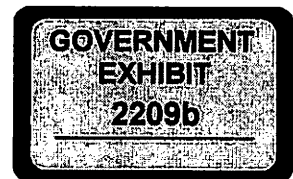
25. ANALYSIS SUMMARY AND REMARKS


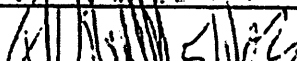
Exhibit #168 contains cocaine base.

Gross Wt. = 79.1 g

Net Wt. = 46.7 g

Original packaging forwarded to FBI for fingerprint examination.



26. Exhibit No	27. Lab. No	28. ACTIVE DRUG INGREDIENT (Established or Common Name)	CONCENTRATION			32. AMT OF PURE DRUG	33. RESERVE
			29. Strength	30. Measure	31. Unit		
168	157025	cocaine base	48	7		22.4 g	45.9 g
34. ANALYST (Signature) ROGER W. GODINO 			35. TITLE SENIOR FORENSIC CHEMIST			36. DATE COMPLETED 04/28/2003	
37. APPROVED BY (Signature & Date) THOMAS N. BLACKWELL 			38. TITLE LABORATORY DIRECTOR			39. LAB. LOCATION NEW YORK	

DEA Form
(Sept. 1995) - 7

Previous edition dated 4/90 may be used until stock is exhausted.

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BASK-000950

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

PAUL BERGRIN

Crim. No. 09-369 (WJM)

STIPULATION # 2

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:


If called to testify, Brian O'Rourke, a qualified Forensic Chemist at the Drug Enforcement Administration laboratory in New York City, would testify as follows:

1. He examined Government Exhibit 2202 and concluded, to a reasonable degree of scientific certainty, that the item examined contained cocaine base, also known as crack cocaine, the net weight of which was 26.7 grams.
2. He examined Government Exhibit 2203 and concluded, to a reasonable degree of scientific certainty, that the item examined contained cocaine base, also known as crack cocaine, the net weight of which was 45.4 grams.

**GOVERNMENT
EXHIBIT
6001**

3. He examined Government Exhibit 2204 and concluded, to a reasonable degree of scientific certainty, that the item examined contained cocaine base, also known as crack cocaine, the net weight of which was 21.2 grams.

4. He examined Government Exhibit 2205 and concluded, to a reasonable degree of scientific certainty, the item examined contained cocaine base, also known as crack cocaine, the net weight of which was 24 grams.



PAUL J. FISHMAN
United States Attorney

PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 3


PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

1. The wiretap monitors, if called to testify, would testify that the wiretap recordings (Government Exhibits 4202-4212) accurately reflect the conversations heard on the dates and times indicated.
2. If called to testify, an individual who verified the information contained in the headings of the transcripts (Government Exhibits 4202a through 4212a), including the date and approximate time of the call, the telephone numbers, and the subscriber name and address, would testify that that information is accurate.
3. If called to testify, individuals who are able to identify the voices of the speakers identified in the transcripts (Government Exhibits 4202a through 4212a) would testify that the speakers are correctly identified in those transcripts.



4. If called to testify, an individual who compared the conversations on the wiretap recordings (Government Exhibits 4202 through 4212) with the transcripts (Government Exhibits 4202a through 4212a) would testify that the transcripts accurately reflect the conversations on the audiotapes.



PAUL J. FISHMAN
United States Attorney

PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 4

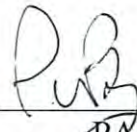
PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 500 through 533 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

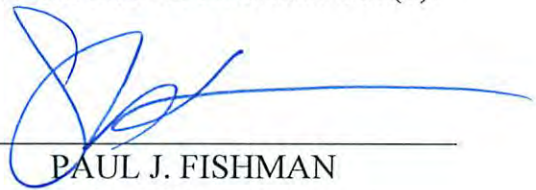
v.

STIPULATION # 5

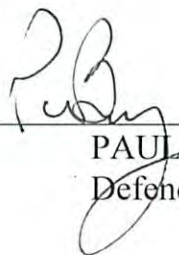
PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 2269 through 2274a are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 6

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibit 2275 is a true and accurate copy of business records that are authentic within the meaning of Federal Rule of Evidence 902(11) and are a record of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 7

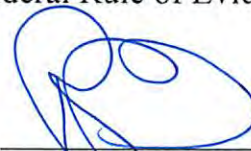
PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 1000 through 1000c, 1001, 1002, 1002I, and 1050 through 1068 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 8

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 1009 through 1010b, and 1012 through 1012a are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 9

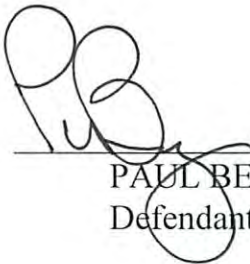
PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibit ~~13~~³33 is a true and accurate copy of business records that are authentic within the meaning of Federal Rule of Evidence 902(11) and are a record of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 10

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 1320 through 132~~2~~⁷ are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 11

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 2512 through 2513 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 12

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 2303, 2305, and 2511 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 13

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibit 2302 is a true and accurate copy of business records that are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

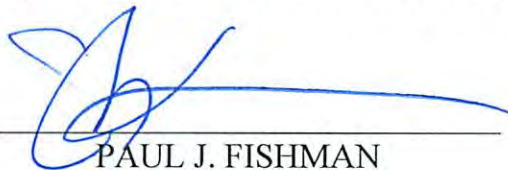
v.

STIPULATION # 14

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 2304, and 2500 through 2508 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)


v.

STIPULATION # 15


PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibit 2516 is a true and accurate copy of business records that are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 16

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 2276a through 2276t are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 17

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 900 and 920 through 921 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

GOVERNMENT
EXHIBIT
6016

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)


v.

STIPULATION # 18

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 5700 through 5705 are true and accurate copies of business records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(11) and are records of regularly conducted activity, thus satisfying the requirements of Federal Rule of Evidence 803(6).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

GOVERNMENT
EXHIBIT
6017

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

v.

STIPULATION # 19


PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Government Exhibits 5156 through 5158 and 5161 through 5163 are true and accurate copies of public records, and therefore are authentic within the meaning of Federal Rule of Evidence 902(4) and are official public records, thus satisfying the requirements of Federal Rule of Evidence 803(8).



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

GOVERNMENT
EXHIBIT
6018

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

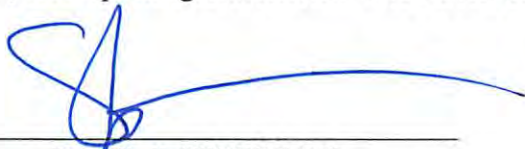
v.

STIPULATION # 20

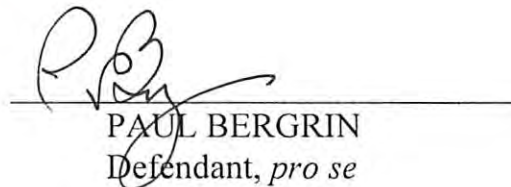
PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Jury selection in the trial of William Baskerville commenced on February 13, 2007, and opening statements were delivered on April 4, 2007.



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney

GOVERNMENT
EXHIBIT
6019

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

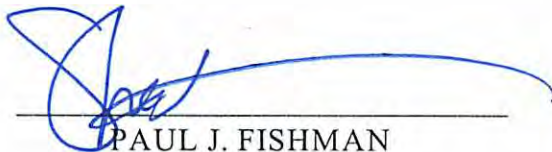
v.

STIPULATION # 23

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Paul Bergrin has not represented Hakeem Curry in a criminal case since December 12, 2002.



PAUL J. FISHMAN
United States Attorney



PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 09-369 (WJM)

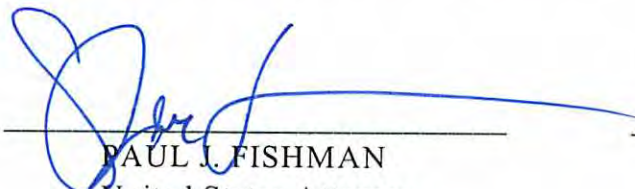
v.

STIPULATION # 24

PAUL BERGRIN

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, Paul J. Fishman, United States Attorney (Steven G. Sanders, Assistant United States Attorney), and defendant Paul Bergrin, that:

Defense Exhibit 17 contains a complete listing of the items that Detective Rashid Sabur received from the Regional Medical Examiner's Office.


PAUL J. FISHMAN
United States Attorney


PAUL BERGRIN
Defendant, *pro se*

By: Steven G. Sanders
Assistant U.S. Attorney



POLICE DEPARTMENT

PROPERTY & EVIDENCE RECEIPT

NEWARK, N.J.

1. FOUND OR RECOVERED BY: POL. R. SABUR	2. SECTOR 418	3. COMMAND 404114	4. DISTRICT NO. 40501	5. GENERAL COMPLAINT NO. 71025-04
6. LOCATION WHERE FOUND OR RECOVERED Regional Medical Examiner's Office				7. TIME & DATE FOUND OR RECOVERED 3/2/04
8. OWNER'S NAME DeShawn McCray		9. ADDRESS & ZIP CODE 52 No. Mann Ave. Newark		10. TELEPHONE NO. N/A
11. BRIEF EXPLANATION OF FINDING OR RECOVERY Items listed below are personal items recovered from person listed in item 8 who is the victim of a homicide shooting				

12. PRISONER (A) None At This Time		CA NUMBER	AGE	DATE OF ARREST	13. ENVELOPE CONTROL NUMBER
ADDRESS		CHARGES			
PRISONER (B)		CA NUMBER	AGE	DATE OF ARREST	ENVELOPE CONTROL NUMBER
ADDRESS		CHARGES			
PRISONER (C)		CA NUMBER	AGE	DATE OF ARREST	ENVELOPE CONTROL NUMBER
ADDRESS		CHARGES			
PRISONER (D)		CA NUMBER	AGE	DATE OF ARREST	ENVELOPE CONTROL NUMBER
ADDRESS		CHARGES			

14. ITEM NO.	15. QTY.	16. EVIDENCE SOURCE	17. ARTICLE DESCRIPTION	18. ESTIMATED CASH VALUE
1	1	Vic	Wht. Blood Stained T. Shirt	N/A
2	1	Vic	Wht. Blood Stained T. Shirt	N/A
3	1	Vic	Blue painter's cap with writings on it	N/A
4	1	Vic	Multi color pair of boxer's underwear	N/A
5	1	Vic	Blk. Pair of sweat pants	N/A
6	1	Vic	Blk. sweat shirt	N/A
7	1	Vic	Pair of tan high top Timberland Boots	N/A
8	1	Vic	Clear plastic bag with Misc Items	N/A

19. NARC FIELD TEST BY: None	ID NO.	COMMAND	COCAINE RESULTS None	HEROIN RESULTS None
20. PROPERTY: <input type="checkbox"/> ARREST-EVIDENCE <input type="checkbox"/> FOUND <input checked="" type="checkbox"/> DECEDENTS <input type="checkbox"/> STOLEN <input type="checkbox"/> PERSONAL PROPERTY OF PRISONER ()				
21. CURRENCY None	JEWELRY None	FURS None	CLOTHING Yes	MISCELLANEOUS Yes
TOTAL N/A			TOTAL NO. OF PROP. & EVID. RECEIPTS 22. OF RECEIPTS	
23. SIGNATURE & RANK OF OFFICER EXECUTING RECEIPT Pashid Sabur		24. SIGNATURE OF SUPERIOR RECEIVING RECEIPT Pashid Sabur	ID NO.	COMMAND

BELOW FOR PROPERTY ROOM USE ONLY-RECORD OF PROPERTY MOVEMENT				25. PROPERTY LOCATION			
26. PROSECUTOR'S RELEASE SENT		RECEIVED		PHOTO TAKEN BY DATE OK TO RELEASE ITEMS BY		27. SIGNATURE OF PROPERTY OFFICER	
DATE		ITEM NO.	PRINT NAME	SIGNATURE	TO	SEALED YES/NO/BY	ENVELOPE NUMBER/COMMENTS



I HEREBY ACKNOWLEDGE RECEIVING FROM THE NEWARK POLICE DEPARTMENT THE PROPERTY LISTED BELOW:

29. NAME	ADDRESS	ITEM NO.	DATE

GEM GRAPHICS, INC.

REPORT MUST BE TYPEWRITTEN

DETAILED INSTRUCTIONS
ON BACK OF FORM

POLICE DEPARTMENT

PROPERTY & EVIDENCE RECEIPT

NEWARK, N.J.

1 FOUND OR RECOVERED BY: Det. R. Sabur	2 SECTOR 416	3 COMMAND Homicide	4 DISTRICT NO 15522	5 CENTRAL COMPLAINT NO 22025-04
6 LOCATION WHERE FOUND OR RECOVERED: Regional Medical Examiner's Office				7 TIME & DATE FOUND OR RECOVERED: 3/3/04
8 OWNER'S NAME DeShawn McCray			9 ADDRESS & ZIP CODE 52 N. Munn Ave. Newark	10 TELEPHONE NO N/A

11 BRIEF EXPLANATION OF FINDING OR RECOVERY:

Items listed below were recovered from the person listed in item 8 who is a victim of a Homicide Shooting. These items were recovered from the victim at the time of his autopsy.

12 PRISONER (A) None At This Time	CA NUMBER	AGE	DATE OF ARREST	13 ENVELOPE CONTROL NUMBER
ADDRESS	CHARGES			
PRISONER (B)	CA NUMBER	AGE	DATE OF ARREST	ENVELOPE CONTROL NUMBER
ADDRESS	CHARGES			
PRISONER (C)	CA NUMBER	AGE	DATE OF ARREST	ENVELOPE CONTROL NUMBER
ADDRESS	CHARGES			
PRISONER (D)	CA NUMBER	AGE	DATE OF ARREST	ENVELOPE CONTROL NUMBER
ADDRESS	CHARGES			

14 ITEM NO	15 QTY.	16 EVIDENCE SOURCE	17 ARTICLE DESCRIPTION	18 ESTIMATED CASH VALUE
8	1	Vic	Projectile recovered from the victim at the time of autopsy	N/A
9	1	Vic	Projectile fragment	N/A

19 NARC. FIELD TEST BY: None	ID NO	COMMAND	COCAINE RESULTS None	HEROIN - RESULTS None
20 PROPERTY: <input type="checkbox"/> ARREST-EVIDENCE <input type="checkbox"/> FOUND <input checked="" type="checkbox"/> DECEDENTS <input type="checkbox"/> STOLEN <input type="checkbox"/> PERSONAL PROPERTY OF PRISONER ()				
21 CURRENCY None	JEWELRY None	FURS None	CLOTHING None	MISCELLANEOUS Yes
TOTAL N/A			TOTAL NO. OF PROP & EVID RECEIPTS OF RECEIPTS	
23 SIGNATURE & RANK OF OFFICER EXECUTING RECEIPT Det. Rashid Sabur		ID NO 6596	COMMAND Hom	SIGNATURE OF PRISONER RECEIVING RECEIPT [Signature]
24 PROPERTY LOCATION [Signature]		ID NO 1258	COMMAND CEC	

BELOW FOR PROPERTY ROOM USE ONLY-RECORD OF PROPERTY MOVEMENT

26 PROSECUTOR'S RELEASE SENT		RECEIVED		PHOTO TAKEN BY DATE O.K. TO RELEASE ITEMS BY		27 SIGNATURE OF PROPERTY OFFICER		DATE	
28 DATE	ITEM NO.	PRINT NAME	SIGNATURE	TO	SEALED YES/NO/BY	ENVELOPE NUMBER/COMMENTS	PROP OFF		

I HEREBY ACKNOWLEDGE RECEIVING FROM THE NEWARK POLICE DEPARTMENT THE PROPERTY LISTED BELOW:

29 NAME	ADDRESS	ITEM NO	DATE
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