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7 On behalf of the Government

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16 Standby counsel for Defendant

1 (Defendant present)

2 (Jury out)

3 THE COURT CLERK: All rise.

4 THE COURT: Good morning.

5 Mr. Lustberg, would this be a good time to talk
6 about the potential witnesses that you've asked to be
7 subpoenaed?

8 MR. LUSTBERG: If I could just talk to the Court
9 just quickly and lay out what we're going to do. It may not
10 be the best time right now, but if I could just discuss it
11 with Your Honor by myself, it would be -- just as to
12 scheduling.

13 THE COURT: Does anybody object?

14 MR. GAY: No, Judge.

15 THE COURT: This is concerning the ex parte
16 application.

17 MR. GAY: Yes, I understand. No, no objection
18 from the Government, Judge.

19 MR. LUSTBERG: This should be off the record.

20 THE COURT: Yes.

21 (Sidebar conference held off the record)

22 THE COURT: All right. Are there any other issues
23 that we need to --

24 MR. GAY: Yes, just one brief issue, Judge, I want
25 to raise with the Court, and this is something we notified

1 defense counsel of over the weekend.

2 After Mr. Cordova left the stand on Friday, he was
3 interviewed by the Marshals regarding the phoned-in threat,
4 and contrary to what he testified to in court, I guess it
5 was actually Thursday, the day before that --

6 THE COURT: You mean he said something that wasn't
7 true?

8 (Laughter)

9 MR. GAY: Yes, Judge, and we learned of this, and
10 we now want to call him back to clear this up.

11 So the only issue, I think, Judge, is, he's
12 already -- a lawyer's been appointed for him, there's no
13 Fifth Amendment issues because we've worked out an immunity
14 agreement, which the defense has, the defense has a copy
15 of --

16 THE COURT: Does the lawyer agree with that?

17 MR. GAY: The lawyer agrees with it, yes. Yes.
18 Yes. And so the only real question, Judge, I just wanted to
19 raise with the Court is what the -- the scope of direct is
20 going to be very limited, it's going to be --

21 THE COURT: The scope of direct will be limited to
22 that issue, and the scope of cross will be limited to the
23 same issue.

24 MR. GAY: Okay. That's --

25 THE COURT: It's that simple. We're not going to

1 get through with the -- quite frankly, I don't know why
2 defense would want to do much more with him, for a lot of
3 reasons. I don't know how effective he was, to tell you the
4 truth. So it will be very limited as far as I'm concerned.
5 I'm not reopening anything here.

6 MR. GAY: And then, Judge, I just want to make
7 sure the defense is aware of one issue with respect to his
8 testimony.

9 What I expect he would testify to is that the
10 reason he phoned in a threat was because he feared for his
11 life, and that the fear came from two sources. One was the
12 Latin Kings. The second one was that because Mr. Bergrin --
13 he believed Mr. Bergrin had the address of his family
14 members that he also feared Mr. Bergrin.

15 Now, what I intend to do on direct is be extremely
16 careful in my questioning. He's been instructed he is not
17 to discuss Mr. Bergrin in any way, shape, or form with
18 respect to the threat, but if Mr. Bergrin is going to
19 cross-examine him in a way that that is going to come out,
20 I'm just putting him on notice now that that may be one of
21 the answers that comes out if there aren't careful
22 cross-examination about this topic.

23 THE COURT: I understand that. I understand that.
24 But you know, it's very difficult for me to limit or tell a
25 -- it's one thing limiting direct.

1 MR. GAY: Yes.

2 THE COURT: It's difficult to limit cross,
3 especially with this witness, by the way, who, quite
4 frankly, I thought on a number of occasions, and I think my
5 rulings support it, he was not always responsive; and he's
6 got to be told about that.

7 MR. GAY: Yes, and I -- I'm more just putting the
8 defense on notice, Judge.

9 THE COURT: But, okay. You've made your point to
10 Mr. Bergrin. I think he understands, I'm sure, so he'll
11 have to act accordingly. But you've got to be clear that
12 this guy is not to blurt something out.

13 MR. GAY: I instructed him, Judge, I can't tell
14 you how many times, that this is not a topic that needs to
15 be -- he should not be discussing this topic at all. My
16 only fear is that if Mr. Bergrin were to literally ask a
17 question that the only answer would be that that he would
18 have to --

19 THE COURT: You should tell him not to answer
20 it --

21 MR. GAY: Yes.

22 THE COURT: -- and ask for a sidebar.

23 MR. GAY: I will do that, Judge. I will do that.

24 THE COURT: Anything else, gentlemen?

25 MR. LUSTBERG: Judge, there's one aspect I just

1 want to make sure I understand when you say that -- the
2 scope of the cross is, of course, limited to direct. There
3 was one other matter, though, which was revealed by Mr. Gay
4 in his conversations with me and correspondence I believe as
5 well over the weekend, which was that after Mr. Cordova got
6 off the stand, he was paid an additional \$4,000 by the
7 Government, I'm not a hundred percent sure --

8 MR. GAY: Yes.

9 MR. LUSTBERG: -- perhaps Mr. Gay can clarify.
10 And so Mr. Bergrin certainly ought to be able to get into
11 that. In fact, I think it's kind of outrageous that that
12 happened right after he got off the stand.

13 THE COURT: After he was off the stand here, he
14 got paid another \$4,000?

15 MR. GAY: Yes, Judge, and let me explain what the
16 circumstances of that are. Mr. Cordova, in order for his --
17 so is he's not in a position where he has to intermingle
18 with the population, so to speak --

19 THE COURT: What population?

20 MR. GAY: Well, any population, Judge, for that
21 matter. There are safety concerns with Mr. Cordova. The
22 Government addressed those safety concerns, and Mr. Bergrin
23 and Mr. Lustberg are well aware of the monies that have been
24 paid to Mr. Cordova in order to protect his safety. In
25 other words, he was moved to a new area. He's been

1 receiving monies to --

2 THE COURT: We went through all that.

3 MR. GAY: -- for living, all that stuff.

4 THE COURT: We went through all that.

5 MR. GAY: This is simply a payment that furthers
6 that. So obviously I disclosed it to Mr. Lustberg.

7 THE COURT: I think they have a right to point it
8 out.

9 MR. GAY: Absolutely, Judge. We're not contesting
10 that.

11 THE COURT: But we're not going to get back into
12 all the things that he got for testifying. Everything else
13 that came out that was talked about is gone out. But I have
14 to let defense bring that point out.

15 MR. GAY: Oh, absolutely. No, Judge, I'm not
16 objecting to that coming out. I'm simply explaining what
17 happened, that's all.

18 THE COURT: Okay.

19 MR. BERGRIN: Judge -- are you finished, Mr. Gay?

20 MR. GAY: Yes. Well, just one additionally.

21 just so it's clear, too, Judge -- the payment --
22 well, I don't think it's relevant. It's for his safety so
23 it makes no difference.

24 MR. BERGRIN: Judge, first of all, I would have
25 obviously explored that and brought it out, and that we

1 should have known about that during the case-in-chief and
2 during the direct and cross-examination.

3 THE COURT: That happened afterwards.

4 MR. GAY: Yes, it happened afterwards.

5 MR. BERGRIN: No, Judge, you can't -- no one could
6 stand before you with a straight face and state that that
7 wasn't planned and that they didn't know that they were
8 going to give him a payment such as \$4,000 until after he
9 left the witness stand. It's inconceivable, Judge. You
10 know that, and I know that.

11 THE COURT: But what's the difference? I'm going
12 to let you bring it out. You already brought out during his
13 cross-examination -- the Government brought out during his
14 direct the various things that he's done and what he was
15 going to get. You brought it out during cross-examination
16 that he got paid and the other things, that he's in witness
17 protection or living at home or whatever. So what is the
18 difference?

19 MR. BERGRIN: The difference is, Judge, you know,
20 but for him being trapped in a perjury conundrum, but for
21 his being trapped in that, we would have never known about
22 it, Your Honor, and we would have never -- were never
23 informed about that. We should have been informed. There's
24 no paperwork that we've received in reference to payment,
25 what it was for, how it was --

1 THE COURT: Okay. What are you asking me to do?

2 MR. BERGRIN: I'm asking you, Judge, to strike his
3 testimony.

4 THE COURT: No. No, I'm going to deny that.

5 MR. BERGRIN: And also because of the statements
6 that he's blurted out nonstop even after being advised by
7 the prosecutor.

8 THE COURT: Mr. Bergrin, I think that those
9 statements, on a number of occasions, I did direct the jury
10 to disregard them. He did, I agree, do more than he should
11 have with respect to those statements.

12 I would consider a limiting charge to the jury
13 that I will consider. I'm not going to say I'm going to do
14 it, but if you think that's an appropriate thing to do for
15 later on, when I charge the jury, I'll consider that about
16 the comments that he made. But I'm not striking his
17 testimony. I do not think this \$4,000 issue is that big an
18 issue in the big scheme of things. I'm going to allow you
19 to bring it out during cross-examination, and I think it's
20 already come out about all the other things that were
21 received, so I don't think it's that big an issue.

22 Anything further, Mr. Bergrin?

23 MR. BERGRIN: There is one thing further, Judge,
24 on the witness that's on the witness stand now, this witness
25 provided a video and an audio statement to members of the

1 D.E.A. Now, essentially, it was a confession, Your Honor,
2 and essentially, what it did --

3 THE COURT: When did he do that?

4 MR. BERGRIN: He did it on May the 29th of 2008,
5 Your Honor.

6 THE COURT: 2008. Okay. Go ahead.

7 MR. BERGRIN: We have never been provided that
8 confession. We have never been provided that videotape.

9 THE COURT: Let me stop you right there.

10 MR. GAY: Judge, we -- this is a Monmouth County
11 case. We asked the Monmouth County Prosecutor for their
12 entire file on this case. What they gave us, we provided to
13 Mr. Bergrin. We did it, I mean, back in June, after he was
14 arrested in 2009.

15 This is the first I'm learning of this.

16 THE COURT: This is the first right now is Mr.
17 Bergrin saying it?

18 MR. GAY: Well, Mr. Bergrin, earlier this morning,
19 about 10 minutes ago, told me about this. I assume he knows
20 about it because he was Mr. Esteves's lawyer.

21 THE COURT: Was this at the time you were
22 representing him?

23 MR. GAY: Yes, it was, Judge.

24 MR. BERGRIN: It was actually before I represented
25 him that he made the statement. He made the statement on

1 the day of his arrest, Your Honor. Essentially, he agreed
2 to cooperate --

3 THE COURT: Did you get copies of it back then?

4 MR. BERGRIN: No, Judge.

5 THE COURT: As his attorney, you never got copies.

6 MR. BERGRIN: No. We knew about it. I got a copy
7 of the D.E.A. 6 immediately, you know, because we obviously
8 had to prepare motions, and Miranda was one issue that we
9 were contemplating. But we got a copy of the D.E.A. 6 which
10 depicted what he had said, but it was only a summarization.
11 I had spoke to the prosecutor on multiple occasions in
12 reference to receiving the actual videotape and the actual
13 audio.

14 THE COURT: Did you ever ask the Government before
15 today for this or bring it to their attention?

16 MR. BERGRIN: Well, we've made discovery requests.
17 I don't know, I don't think we specifically --

18 MR. LUSTBERG: I can check. I don't recall.

19 THE COURT: But the point is, if you've known
20 about this since 2008, why am I waiting -- why am I hearing
21 now while he's in the middle of direct examination about
22 this? Why wasn't this brought to my attention sooner?

23 MR. BERGRIN: Because of statements that he made
24 during direct examination, Your Honor. When I -- just
25 please let me be heard for the record, Judge.

1 First of all, it should have been provided as far
2 as the discovery's concerned. It's a very important
3 statement, Judge, and you'll see the magnanimous impact of
4 it, you know, during cross-examination as the case develops.
5 But the importance of the statement, Your Honor, we should
6 have been provided a copy of that. This is a Government
7 witness, Your Honor. The Government has the D.E.A. agent as
8 one of its witnesses to be called. The Government has
9 interviewed Mr. Esteves. They have interviewed the D.E.A.
10 agent. They have received a copy of the discovery. This is
11 something that should not have been held back from us,
12 Your Honor. It's a very, very important statement. It's a
13 critical statement in this case.

14 THE COURT: Let me hear --

15 MR. GAY: Well, Judge, as far as held back, I want
16 to make sure the record is crystal clear on this. This is a
17 Monmouth County case. We requested --

18 THE COURT: He said, though, it was to a D.E.A.
19 agent.

20 MR. BERGRIN: Absolutely.

21 MR. GAY: Well, but let me explain what I mean by
22 that, Judge.

23 The D.E.A. was -- D.E.A. and Monmouth County
24 Prosecutor's Office jointly worked this case. When I say
25 it's a Monmouth County case, I'm saying that it's something

1 that was prosecuted by the Monmouth County Prosecutor's
2 Office, so what we did was, we asked D.E.A. and the Monmouth
3 County Prosecutor's Office to give us all the materials that
4 they have for this. What we were provided we gave to
5 Mr. Bergrin. My understanding, at least, is that the
6 Monmouth County Prosecutor's Office is the one who has this
7 statement, and as a matter of fact, as soon as Mr. Bergrin
8 told me about this this morning, I contacted the D.E.A.
9 agent, who contacted the Monmouth County Prosecutor's
10 Office, and they're getting it now.

11 What I'm saying to the Court, Judge, is that this
12 morning is the first time I learned of this video audiotaped
13 statement. Apparently Mr. Bergrin was aware of it, not only
14 because of his representation of Mr. Esteves, but also
15 because of the D.E.A. 6 which he received from us in Jencks
16 material. So -- and what he received back at the time of I
17 guess when he was representing Mr. Esteves.

18 So we are getting this. We are going to provide it
19 to Mr. Bergrin. But, you know, there was absolutely no
20 specific request for this, I can tell you that. If there
21 were, we would not be doing this now, we would have provided
22 this a long time ago.

23 THE COURT: Well a couple of things.

24 I really don't understand why something like this
25 would not have been turned over when the Monmouth County

1 Prosecutor's Office or whomever was turning everything else
2 over. I don't understand that.

3 I certainly take you at your word, your
4 representation, Mr. Gay.

5 I must admit, though, it is troubling to me to
6 continue to get these requests upon something -- if this
7 just came to the defense's attention, that would be one
8 thing; but the defense knew about this recording since --
9 we're in 2013, since 2008, and I'm hearing this as there's
10 somebody on the witness stand testifying, in the middle of
11 his testimony.

12 And I have to start to wonder whether or not this
13 is planned this way rather than -- this is something that
14 should have been brought to my attention when you knew this
15 witness was going to testify before we started this trial.
16 And I made it clear to everybody about that. In fact, we've
17 had motions, we had all kinds of issues since I got this
18 case assigned to me back in August, and this could have been
19 brought to my attention and I could have resolved this
20 without any trouble at all.

21 I'll tell you, I am not going to put the trial off
22 for any reason. If you get that information, turn it over.
23 Otherwise, this case is going forward and I'm not dealing
24 with that any further.

25 Now, anything else?

1 MR. GAY: No, Judge.

2 THE COURT: Anything else, counsel?

3 MR. BERGRIN: Judge, I'm just letting the Court
4 know that this exhibit, which depicted the fact that there
5 was an audio and videotape statement, was marked as a Jencks
6 Exhibit. The's J-11661. It's a D.E.A. 6, filled out by a
7 D.E.A. agent. Okay? This case was investigated by a joint
8 task force.

9 THE COURT: This should have been brought to my
10 attention months, months or years ago.

11 MR. BERGRIN: But, Judge, things slip through the
12 cracks just like it slipped through the cracks with --
13 Judge, you're taking it one-sided, just like the
14 prosecution.

15 THE COURT: Wait. I'm not taking it one-sided.

16 MR. BERGRIN: Judge, just please hear me. Please
17 hear me for one minute. Just give me 30 seconds.

18 THE COURT: But, Mr. Bergrin, I will hear you.
19 I've always allowed you to be heard. But I can't let you
20 make statements that I don't respond to when they're
21 accusatory to the Court.

22 I'm not hearing one-sided. I've directed him to
23 turn it over to you. But I've got to tell you, this is not
24 just them. This should have been asked for.

25 Now, continue.

1 MR. BERGRIN: Judge, just as they should have
2 turned it over, because they have the D.E.A. 6, they've
3 marked an exhibit as a Jencks exhibit, which means they must
4 have read it, they must have read it in order to mark it,
5 and it says clearly in it it was a recorded statement of
6 both audio and video. So it slipped through their cracks
7 and it slipped through my cracks, Your Honor. I mean, why
8 should I be prejudiced and why should I be held to the
9 detriment of not being able to use this statement during my
10 cross-examination when it's very, very important, but, most
11 importantly, Judge, -- I mean, it won't take a long time.

12 THE COURT: Let me just stop you.

13 Where is the statement? Do you have it?

14 MR. GAY: The statement -- I do not have it. The
15 agent, I directed the agent to have the Monmouth County
16 investigator he was working with retrieve that video and
17 speed it up here as quickly as he possibly can.

18 THE COURT: Mr. Bergrin, we'll deal with it when
19 it comes. We'll see what it shows. Fair enough?

20 MR. BERGRIN: Yes, Your Honor.

21 THE COURT: All right. Fair enough.

22 Scott, is the jury here?

23 THE COURT CLERK: Yes.

24 THE COURT: Let's go.

25 The witness. We've got to get our witness.

1 Oh, I just wanted to say one other thing. I
2 reversed my ruling with respect to Government's Exhibit 426
3 last week on Friday. This was an exhibit -- this is the
4 summary of the Esteves investigation, and I had previously
5 kept it out under a number of grounds, 403 being one of
6 them.

7 I looked at it more closely, and I think I was
8 incorrect on that. That's why I reversed it. This really
9 doesn't deal with Mr. -- I misunderstood. I thought it had
10 something to do, because it's a fairly long exhibit and I
11 didn't review it as closely as I probably should have, but
12 I've now had a chance to look at it, and my reason is that I
13 don't believe that it should be kept out under 403, and
14 that's why I allowed it back in.

15 Okay. Let's go.

16 V I C E N T E E S T E V E S, called as a witness on behalf
17 of the Government, and having been previously sworn, resumed
18 the stand and testified as follows:

19 THE COURT CLERK: All rise.

20 (The jury enters)

21 THE COURT: Okay. Be seated.

22 Good morning, ladies and gentlemen.

23 THE JURY: Good morning.

24 THE COURT: I hope you all had a pleasant weekend.

25 We are still in the middle of direct examination

1 by Mr. Gay of Mr. Esteves.

2 Mr. Esteves is still under oath.

3 Mr. Gay, continue.

4 MR. GAY: Thank you, Your Honor.

5 DIRECT EXAMINATION (CONTINUED)

6 BY MR. GAY:

7 Q. Mr. Esteves, when we left off, you had just concluded
8 your discussion of the August 21st, 2008 telephone call
9 between yourself and Mr. Cordova regarding you giving your
10 blessing to Mr. Cordova to kill witnesses. Is that correct?

11 A. Yes, that's correct.

12 Q. Now, you first interacted with Mr. Cordova back when
13 he sent you letters; is that correct?

14 A. Yes.

15 Q. And that would have been back in June of 2008 or
16 thereabouts?

17 A. Yes.

18 Q. Now, when you initially interacted with Mr. Cordova,
19 what was your feeling about Mr. Cordova? Did you have any
20 concerns about Mr. Cordova?

21 A. Yes.

22 Q. Okay. Can you explain that to the jury?

23 A. Well, I don't know who Mr. Cordova -- Cordova, Oscar,
24 is. I never met him, never heard from him, so I don't -- I
25 didn't know if the Government's trying to send a letter to

1 -- to try and infiltrate me when I was locked up or not, so
2 I really didn't know. Then again, I was -- I thought he was
3 part of the cartel as well, so I had doubts about him.

4 Q. Okay. So did you have any discussions with either
5 Mr. Bergrin or Mr. Moran about your doubts regarding
6 Mr. Cordova?

7 A. When I met Mr. Bergrin, gave him the letter, and I
8 told him -- he read it, and I told him, Oscar, I told him I
9 don't know who he is or anything like that. He said he'll
10 call him and he'll check him out.

11 Q. And did you have any further discussions with
12 Mr. Bergrin regarding that?

13 A. Yeah, later on, Mr. Bergrin called him, and they
14 talked, and eventually, they met up, Bergrin and Tom Moran,
15 and they said that he's the real deal, that -- they
16 convinced me, you know, he's official, meaning that he's
17 okay.

18 Q. And "okay," "real deal" meaning what? What would that
19 mean?

20 A. That he's part of the Mexican cartel, people that sent
21 him. And later on, Tommy told me when he hunged out with
22 him that, you know, he's a straight-up killer.

23 Q. Now, did -- okay. Now, I want to move on to another
24 topic now.

25 At some point, did you turn over any properties to

1 Mr. Bergrin?

2 A. Yes.

3 Q. And can you describe, first of all, what properties do
4 you remember did you turn over?

5 A. The ones, Tennent -- Tennent Avenue in Manalapan. I
6 think there were like four lots or five or something like
7 that. I don't recall.

8 Q. And did you own those properties?

9 A. Yes.

10 Q. How did you own those properties; in your name, or in
11 some other name?

12 A. They were in my name.

13 Q. Okay. And were they part of your -- how did you come
14 into possession of these properties?

15 A. Again, through my -- my company, Diamond Builders of
16 New Jersey. You know, I run a lot of money through my
17 company, but it was a development company, so I sold houses,
18 and whatever profits and drug money, I bought -- I kept
19 investing in it, reinvesting the money.

20 Q. Okay. So at least in part, these properties were
21 purchased with drug money.

22 A. Yeah, the -- everything was bought with drug money
23 from the beginning. Initial investment was all drug money.

24 Q. Okay. Now, approximately how much were these
25 properties worth, if you know?

1 A. I believe I paid like 1.2 million for it, cash.

2 Q. I'm going to show you Government Exhibits 118, 119,
3 and 120 and ask you if you recognize these.

4 A. Yes.

5 Q. And what are those, sir?

6 A. These are lots, subdivided lots for -- I was going to
7 use to build -- build some homes.

8 Q. Okay. Now, these are the deeds for those lots?

9 A. That's correct.

10 Q. And you mentioned that you signed those over. Who did
11 you sign them over to?

12 A. To Paul, Mr. Bergrin.

13 Q. And do these deeds indicate the transfer from you to
14 Mr. Bergrin?

15 A. It's Premium Luxury Resort.

16 Q. Okay, and what was your understanding of who the owner
17 was of Premium Luxury Resorts?

18 A. Mr. Bergrin.

19 Q. And did you sign these deeds, sign these -- the deeds
20 and the documents contained in 118, 119, and 120, were these
21 documents that you reviewed prior to -- let me rephrase the
22 question.

23 A. I don't understand. 118, 120, was that?

24 THE COURT: The three documents --

25 Q. The three documents that are in front of you --

1 A. Uh-huh.

2 Q. --there should be an exhibit marking at the bottom.

3 Government Exhibit. I'm sorry. I didn't make that clear to
4 you. 118, 119, and 120.

5 You said these are deeds --

6 A. Yes.

7 Q. -- in which you turned these properties that you owned
8 over to Mr. Bergrin; is that correct?

9 A. Yes.

10 Q. Okay. And did you review these prior to signing these
11 properties over?

12 A. Yes.

13 Q. Do you remember who it was that you -- who got you to
14 sign these over? Do you remember who you dealt with
15 directly?

16 A. I signed it twice, I believe. One time Paul brought
17 them in, and something happened, and at the end, it was
18 Tommy, Tommy Moran.

19 Q. Okay.

20 MR. GAY: Judge, I'd ask that 118, 119 and 120 be
21 entered into evidence at this time.

22 THE COURT: Any objection?

23 MR. BERGRIN: No, Judge.

24 THE COURT: Into evidence.

25 (Government Exhibits 118, 119 and 120 marked in

1 evidence)

2 Q. Now, what was the reason that you turned these
3 properties over to Mr. Bergrin?

4 A. Main reason, for -- the Government don't take them
5 away from me.

6 Q. Okay. So had the Government already taken some of
7 your properties?

8 A. They were in the process. They already started
9 putting liens on my properties.

10 Q. Okay, and as far as you know, when these properties
11 were turned over to Mr. Bergrin, was the Government aware of
12 these properties yet? As far as you knew.

13 A. I don't recall.

14 Q. Okay. All right. But you turned them over so that
15 they wouldn't go into the Government's hands; is that
16 correct?

17 A. That's correct.

18 Q. Was there any other reason that you turned them over?

19 A. For collateral for my wife's bail and collateral for
20 my -- to pay Paul.

21 Q. Attorneys' fees.

22 A. Yes.

23 Q. And again, you said that these properties were worth
24 about 1.2 million. Would that be each property, or in
25 total?

1 A. No, in total. That's what I paid for them.

2 Q. Okay.

3 A. And I have to get them subdivided and everything.

4 1.2 million for all of them. So if he would have built on
5 them or whatever, he would have made a nice profit on them.

6 Q. Now, did you pay any -- in addition to these
7 properties, did you pay any other monies to Mr. Bergrin in
8 connection with his representation of you on your Monmouth
9 County criminal case?

10 A. Yes.

11 Q. Okay. I'm going to show you Exhibits 1012B and 1012C,
12 ask you if you recognize these.

13 A. Yes.

14 Q. And what are those, sir?

15 A. Checks. Checks from Ameritrade that I paid -- I
16 signed them over to Paul, Mr. Bergrin.

17 Q. And how much were those -- well, if you can say --
18 well, let me take those back from you for a minute.

19 Okay. And these are fair and accurate copies of
20 the checks that you signed over to Mr. Bergrin?

21 A. Yes.

22 MR. GAY: Okay. I'd ask that 1012B and 1012C be
23 entered into evidence at this time.

24 MR. BERGRIN: Can I see that for one second,
25 please?

1 MR. GAY: Sure.

2 THE COURT: Any objection?

3 MR. BERGRIN: No, sir.

4 THE COURT: Into evidence.

5 (Government Exhibits 1012B and 1012C marked in
6 evidence)

7 Q. Mr. Esteves, if you could, please refer to 1012C, and
8 what was the amount of the check that you signed over to
9 Mr. Bergrin?

10 A. \$49,034.41.

11 Q. Okay, and what about the second check?

12 A. \$14,122.86.

13 Q. And these were for payment for his legal
14 representation of you?

15 A. Yes.

16 Q. Now, you testified earlier that you had a number of
17 properties and other things prior to your arrest, is that
18 correct, cars, properties, a lot of things; correct?

19 A. Yes.

20 Q. And were most of those things seized by the prosecutor
21 after you were arrested?

22 A. Everything was seized.

23 Q. Now, did you have -- other than the properties that we
24 discussed that were seized by the Government and the
25 properties that you signed over to Mr. Bergrin, did you have

1 any other assets at that point?

2 A. Besides money in the street.

3 Q. Okay. Now, can you explain what "money in the street"
4 is?

5 A. Cash. Drug money. I had a lot of money in the
6 street, meaning people still owed me money, and I had
7 millions of dollars in the Dominican Republic.

8 Q. Okay. Now, can you explain to the jury, did you have
9 access to that money?

10 A. No.

11 Q. Can you explain why you didn't have access to that
12 money?

13 A. Because I was incarcerated.

14 Q. Okay. Please explain that in a little more detail.
15 You have money. It's your money; is that correct?

16 A. Yes.

17 Q. Okay. So why is it you can't get to that money?

18 A. Well, because I'm in jail, and once you get locked up,
19 whoever's holding your money or your stashes or whatever --
20 stash is where you keep your money at -- people -- I'm
21 facing life, so right away, people start running away with
22 your money, or they won't pick up your phone calls, or just
23 hide, as well they're scared that they might get involved or
24 -- might get involved with my situation, meaning being
25 incarcerated with the drugs and everything that was going

1 on. So I had no access to my money and nobody to help me,
2 really, while I'm locked up.

3 Q. Okay. And as you sit here today, do you know where
4 that money is?

5 A. No.

6 Q. Do you have access to that money today?

7 A. No.

8 Q. Now, did you have any discussions with Mr. Moran about
9 Oscar and witnesses that you recall, or what, if anything,
10 Oscar was going to do to witnesses?

11 A. Yes.

12 Q. Okay. Please explain those conversations.

13 A. Well, you're talking about Tommy, right?

14 Q. Tommy, yes, Mr. Moran.

15 A. He came and visited me at the County Jail, and he told
16 me that the night before, he was hanging out with Oscar, he
17 was drinking, whatever, and Oscar wanted to kill Junior the
18 Panamanian, but he couldn't get a gun. So I think Tommy was
19 talking about he had a friend and he was trying to get a gun
20 for him, whatever, but it ain't happened, though, that day.
21 They needed to find a gun or something like that.

22 Q. Okay, and was there any discussion about any other
23 alternative source of a gun besides Tommy's friend that you
24 remember in that conversation that you had with Mr. Moran?

25 A. Or if I could get him a gun.

1 Q. Okay. So explain that part of it, please.

2 A. Yes. He asked me if I could get him a gun, and I told
3 him I probably could get a gun in Newark, I could probably
4 help him get a gun. And then Tommy said don't worry about
5 it, that he got a friend named Angel or something like that
6 could get him a gun. And that was it.

7 Q. Now, did you have any conversations with Mr. Bergrin
8 about drug trafficking?

9 A. Yeah, a lot of them.

10 Q. Okay. Now, let's just start at the beginning.

11 Did you have any discussions with Mr. Bergrin
12 about your drug trafficking operation?

13 A. Yes.

14 Q. And can you again just briefly describe for the jury
15 what it was you told Mr. Bergrin about your drug trafficking
16 operation?

17 A. Same thing I told you yesterday, that I was pretty
18 much -- have a direct line for Columbia, Dominican Republic,
19 have people in Venezuela, and in Mexico, and as well, I was
20 started sending drugs to Amsterdam in Europe, and I used to
21 get a direct line from Colombia to the United States over
22 here, through Newark Airport, drugs as well as on container
23 ships.

24 Q. Did you have any discussions with Mr. Bergrin
25 regarding the price at which you were receiving these

1 kilograms from Colombia from your sources?

2 A. Yes.

3 Q. And do you have -- as you sit here today, do you
4 remember specifically what the price was that you discussed
5 with Mr. Bergrin? If you recall.

6 A. Yeah. I mean, yeah.

7 Q. Okay. What was it?

8 A. Like I said, the price over in Colombia was anywhere
9 from -- in 2008, it was \$1,200 a kilo to \$2,200 a kilo,
10 kilogram, plus expenses bringing them over here, about
11 \$6,000 total, six, \$7,000 total in expenses, and then I
12 would sell them over here in the streets for like 20,000,
13 18, 20, 22. Depends. Depends on what the price is.

14 Q. Did you have any discussions with Mr. Bergrin about
15 telephones that you used and the manner in which you used
16 telephones in connection with drug trafficking?

17 A. Yes.

18 Q. Can you explain that, please?

19 A. Yeah. I used to purchase throwaway phones. I don't
20 know if you guys are familiar with that, but you go to Best
21 Buy, Wal-Mart or whatever and buy those prepaid phones, and
22 I used to buy them and then I program them myself to a hot
23 spot, whatever, go by the school or McDonald's, wherever I
24 could get a spot, and program them to aliases from all over
25 the country, be anywhere in the United States because it

1 doesn't matter, it's not no long distance. And I used to
2 give it to my people, the people I sell them to and my
3 workers, I'll give them, so I stay in contact with them.
4 That's the only way -- those phones were not to be used,
5 just only for us, for -- for us only, can't be used for
6 anything else. And every so many -- every other few days,
7 I'll take them back or get rid of them, replace them with
8 new ones.

9 And my people in Colombia and the other countries,
10 I created like a little system so like, like, if I'm -- if
11 I'm on the phone with you overseas and like I -- you already
12 know if I say it's time, that means it's time to get rid of
13 the phones. So what I would do, I'll give them an address,
14 like a house address, like 732 Convery (ph) Boulevard. 732,
15 732 would be the area code. Then I would give them a whole
16 bunch of numbers, numbers and letters, they will get the
17 numbers -- the numbers and they'll -- they'll get -- they'll
18 write down the numbers and then what they'll do is, uh'm,
19 they'll -- if I give it to them, they will have to divide it
20 by seven, and that will be the number. So in case if the
21 Feds are listening in, he's gonna get a bunch of numbers,
22 they really ain't gonna know what we're talking about. That
23 means to get a new number, so he'll have my new phone
24 number, and then from there, he'll go get another one. When
25 he calls me, I'll have his. And that's how I communicate

1 from overseas or whatever, and the Feds had a hard time
2 listening to my phone calls for that reason.

3 Q. Okay. And you did all this to evade law enforcement;
4 is that correct?

5 A. Yeah, that's correct.

6 Q. Okay. And this is what you explained to Mr. Bergrin
7 during some of your conversations with him.

8 A. Yes.

9 Q. Now, did there come a time when you and Mr. Bergrin
10 discussed doing drug business together?

11 A. Yes.

12 Q. Can you explain that, please?

13 A. When Mr. Bergrin came -- came and told me that Oscar
14 had the contacts in Chicago airport, and that he could -- he
15 could get the download, so if I could help him get a direct
16 line, which is easy. Again, if you have a download over
17 here in the United States, it's really easy for me to do
18 from anywhere, from like Colombia or any other country like
19 that. So they would -- the Colombians would just put it on
20 the plane, and Oscar would have his people download it from
21 their plane, and that's how they would have a direct line.

22 Q. Okay. Now, what was your understanding -- did
23 Mr. Bergrin ask you anything about -- ask you for anything
24 in connection with drug trafficking?

25 A. He told me to hook him up with a contact in Colombia,

1 or as well, he'll go meet up with anybody I send him to, or
2 pick up money.

3 Q. And what was the reason he wanted you to come up with
4 a contact as far as he told you?

5 A. Because he wants to -- he wants to sell drugs. That's
6 -- that's what he wants to do. He wanted the drugs.

7 Q. Now, you mentioned that you had a discussion with
8 Mr. Bergrin about a contact with Oscar at the airport? You
9 just talked about that.

10 A. That I mentioned?

11 Q. Yes.

12 A. Yeah.

13 Q. All right. Do you recall whether you sent any letters
14 to Mr. Cordova relating to that topic?

15 A. Yeah, I sent a few letters.

16 Q. I'm going to show you Government Exhibit 2101A,
17 already in evidence.

18 MR. GAY: And you can put it up.

19 Q. So, Mr. Esteves, is this one of the letters you sent
20 to Oscar Cordova?

21 A. Yes.

22 MR. GAY: All right. And if we could just
23 highlight the second paragraph, the beginning of the second
24 paragraph, please.

25 Q. Okay. Do you see the part up there, the first couple

1 of sentences referring to the airport, and then "Avanc"?

2 A. Yes.

3 Q. Can you explain what -- well, first of all,
4 Mr. Esteves, when you communicated this, were you being
5 explicit, or were you trying to be cryptic and perhaps
6 coded?

7 A. Trying to be cryptic and coded the best I can,
8 considering. I never -- like -- if it was my other people,
9 it would be more cryptic and coded, but since I never even
10 dealt with Oscar, so I made it best I can.

11 Q. Okay. So can you explain what it is you're talking
12 about here? First of all, as the first sentence, "...I had
13 send a message with the lawyer to ask you what exactly do
14 you have? At the airport."

15 Who is the lawyer that you're talking about there?

16 A. Paul Bergrin.

17 Q. And when you say exactly what you have at the airport,
18 what do you mean by that?

19 A. By the contacts he had in the airport.

20 Q. For what purpose?

21 A. For to get the drugs off the plane.

22 Q. And you say after that, "So I can help you out."

23 What does "help you out" mean?

24 A. I could hook him up with a contact.

25 Q. With?

1 A. With the contact, with the drugs.

2 Q. And there's a reference to you have a good friend, "he
3 has for sure Avanc," A-v-a-n-c.

4 What is Avanc?

5 A. Avianca Airline is a commercial airline that flies
6 directly from -- was it Bogota to over here in Newark, I
7 believe.

8 Q. Okay. And with this good friend of yours, what was
9 the good friend of yours supposed to do in connection with
10 this?

11 A. My good friend?

12 Q. Yes. What were you telling --

13 A. He was going to arrange everything, get the drugs,
14 everything, load up, get it loaded on a plane, and then
15 Oscar would receive it over here in Chicago and unload it.

16 Q. Now, let's go, if we can -- was there anything else
17 discussed in that letter besides the drug trafficking? And
18 I'm going to now just highlight the first paragraph, if I
19 can.

20 A. Highlight the first paragraph?

21 Q. Yes.

22 You say, I guess it's the second to last sentence,
23 "I'm in here because of the truck driver and Jr. the
24 Panamanian. It wasn't my fault."

25 Who are the truck driver and Junior the

1 Panamanian? Who is that a reference to?

2 A. The truck driver is the one who was transporting the
3 75 kilos from Atlanta, and Junior the Panamanian is the one
4 we were going to have killed.

5 Q. Okay. And what was the reason you were discussing
6 them in this letter?

7 A. Because I -- like it says in the first sentence, "I
8 want to thank you and the family -- " -- meaning, the
9 family, I'm talking about the cartel -- " -- for not turning
10 your back on me..." So that's why.

11 Q. Okay. And what were they going to be doing for you
12 with respect to the truck driver and Junior the Panamanian?

13 A. Well, for the truck driver I thought was not going to
14 cooperate, either he'd be killed or he's not going to
15 cooperate at all. And Junior, at that time, in the
16 beginning, I thought he was in Panama. So he was gonna --
17 he was not going to testify, until further, later on, when I
18 found out he was back in the United States.

19 Q. But eventually, though, the plan was to kill both of
20 these individuals; is that correct?

21 A. Yes.

22 Q. Okay. Now, did you have any additional discussions
23 with Mr. Bergrin about drug trafficking that you recall?

24 A. Yes. Yes.

25 Q. Okay. What else did you discuss with Mr. Bergrin

1 about drug trafficking?

2 A. During one of my visits, or one of his visits in the
3 county, he came and asked me if I could help him arrange
4 something to sell some drugs.

5 Q. Okay. Can you explain that?

6 A. Yeah. He came visit me, he said he had a amount of
7 drugs, I don't -- he got a shipment, he had something going
8 on already.

9 Q. Okay. "Something going on" meaning what?

10 A. He was already working, meaning he had a shipment
11 already of drugs, so he had already been selling drugs, and
12 he came by at that visit and asked me if I could help him,
13 refer him to somebody.

14 Q. Okay. Refer him to somebody --

15 A. One of my customers.

16 Q. -- for what purpose?

17 A. One of my customers, somebody that could purchase
18 drugs off of him.

19 Q. From Mr. Bergrin.

20 A. That's correct.

21 Q. What, if anything, do you recall saying at that time?

22 A. Well, I asked him what the number is. He gave -- I
23 think he said the number was like 21, 23, something like
24 that, meaning 23,000. And I said -- I been locked up
25 already for a little bit, so I thought it was kind of high.

1 Those prices are high for me. And -- but I told him -- I
2 think I referred him to somebody. I gave him -- I don't
3 remember if the guy's name was Wilfredo or Ralph, I don't
4 remember, but I did write it down, an address and name and
5 number, and I gave it to him that day. But I know he never
6 called him. Nothing took place with that person.

7 As well, he told me that -- you know, we got more
8 in details with the drugs, talked about it. He told me that
9 the first shipment that he moved it in New York, Malik, some
10 guy named Malik that works for him moved it in New York for
11 him, the drugs, the first shipment.

12 Q. So he's saying he had drugs.

13 A. Um-h'm.

14 Q. And he was selling those drugs.

15 A. Yes.

16 Q. In New York.

17 A. The first, yeah, the first shipment, yeah.

18 Q. Okay, and he was asking you for additional customers.

19 A. Yes.

20 Q. Now, with respect to this drug trafficking,
21 particularly you giving up the source of supply in Colombia,
22 connecting Mr. Bergrin with the source of supply, was there
23 any discussion about when that was going to happen?

24 A. Once I posted bail.

25 Q. And what was the reason that it was going to happen

1 once you posted bail?

2 A. 'Cause I feel -- I feel like I owed him something,
3 first of all, for doing that, you know, getting me out, and
4 I feel better if I was out than me being locked up, being
5 locked up and giving him a connect, because once I'm locked
6 up, if I'm not out, he ain't gonna care about me, he's just
7 going to leave me in there and take the connect and continue
8 working.

9 Q. Now, I want to talk to you in general about any other
10 kind of -- just some miscellaneous conversations you may or
11 may not have had with Mr. Bergrin.

12 Did Mr. Bergrin ever bring you anything in jail?

13 A. Yes.

14 Q. Any alcohol on any occasion?

15 A. Yes.

16 Q. Okay. Can you describe any particular occasion you
17 remember about Mr. Bergrin giving you alcohol?

18 A. Yes. For my birthday, he brought me some I believe it
19 was Hennessy, him and Tommy.

20 Q. Hennessy?

21 A. Um-h'm.

22 Q. And that's a type of alcoholic drink?

23 A. Do I drink?

24 Q. No, no. I'm saying, Hennessy is a type of alcoholic
25 drink, just so we're clear?

1 A. Yes, alcohol, yes.

2 Q. Okay, and how was it that he brought you Hennessy --
3 you were in jail at the time; right?

4 A. Yes.

5 Q. How did you get it? How did it get in?

6 A. The same way how he brought the cell phones in and
7 tobacco, through the visiting room.

8 Q. So you met with Mr. Bergrin in one of these visiting
9 rooms, the attorney-client visiting rooms?

10 A. Yes.

11 Q. And he provided you with the alcohol.

12 A. And tobacco.

13 Q. Tobacco?

14 A. Um-h'm.

15 Q. Do you remember specifically what the tobacco was?

16 A. Bugler's or Tops. It's tobacco. Little pouches.

17 Q. Okay. Now, did you ever have any discussions with
18 Mr. Bergrin about Mr. Bergrin visiting Oscar Cordova in
19 Chicago?

20 A. Yes.

21 Q. Okay. And can you describe what that conversation was
22 with Mr. Bergrin? If you remember.

23 A. I know he went to deliver some -- I think he had a
24 couple -- he went there a couple of times, I believe, in
25 Chicago, but I know he said he was going to take down the

1 letters, some letters I had written, give to Oscar, and he
2 was supposed to pick up some money from Oscar as well.

3 Q. But he did describe that he did visit Oscar in
4 Chicago; is that correct?

5 A. Yes.

6 Q. Now, I want to ask you a question -- I'm going to go
7 back just a moment to the drugs.

8 Did you have any discussions with Mr. Bergrin
9 about an individual named Pat?

10 A. Yes.

11 Q. Okay. Who is Pat?

12 A. He's one of my contacts in the Dominican Republic.

13 Q. Contacts for what?

14 A. For drug trafficking.

15 Q. And what if any discussions did you have with Mr.
16 Bergrin about Pat?

17 A. That he's highly connected in the Dominican Republic
18 with the military police, police, military, Navy, high
19 levels, and pretty much we can do anything we want over
20 there in the Dominican Republic.

21 Q. Did you have any discussions with Mr. Bergrin about
22 whether or not Pat owed you money?

23 A. Yes.

24 Q. And can you describe those conversations?

25 A. Yes.

1 Q. Yes, describe them, please.

2 A. Me and Pat -- I think I said it before -- we bought
3 two planes over in Venezuela for drug trafficking with, it
4 was several million dollars, and plus a large amount of
5 cocaine, I think at the time it was like 1,200 kilos over
6 there in Santo Domingo, the Dominican Republic, and he had
7 millions of my money, millions of dollars of my money he had
8 over there.

9 Q. And did you tell Mr. Bergrin that Pat had millions of
10 dollars of your money?

11 A. Yes.

12 Q. Do you recall whether or not you ever made any
13 arrangements or there was any discussions of picking up any
14 of that money?

15 A. Yes.

16 Q. Can you describe that, please?

17 A. He was willing -- Mr. Bergrin was willing to go to
18 Santo Domingo and pick up the money for me and bring it over
19 here, but my contact, Pat, didn't, you know, want to meet
20 nobody that he didn't know. 'Cause I had a cell phone, so I
21 stood in contact with him while I was locked up in the
22 County Jail with the cell phones. So they didn't want to
23 meet Mr. Bergrin.

24 Q. All right. Now, did there come a time when you had
25 any conversations with either Mr. Bergrin or Mr. Moran about

1 them not being able to contact Oscar?

2 Do you understand the question, sir?

3 A. Rephrase it again?

4 Q. Okay. Did there come a time when you had any
5 conversations with either Mr. Bergrin, Thomas Moran, or
6 both, about them not being able to locate Oscar or contact
7 Oscar?

8 A. Yes.

9 Q. Can you explain those conversations, please?

10 A. Paul came to visit me, and Tommy, too, as well, asked
11 me if I had been in contact with Oscar, and I told him yes.
12 They said that they been trying to reach Oscar, but he
13 hasn't been returning -- answering his phone.

14 Q. Did Mr. Bergrin say why he wanted to reach out to
15 Oscar?

16 A. Yeah. He had some work, meaning work, he had drugs,
17 see if he wanted some, if he can move some.

18 Q. He wanted to -- can you explain that again a little
19 more? You said he wanted to move some. Who had it, who had
20 the drugs --

21 A. Mr. Bergrin -- Mr. Bergrin had the drugs, and he
22 wanted Oscar -- see if Oscar wanted some drugs, to buy, to
23 purchase, to help him move them, to sell them for him.

24 Q. Now, did there come a time when you later saw the
25 truck driver, Carlos Noyola, in jail?

1 A. Yes.

2 Q. Remember that? Okay. And can you describe what
3 happened with that, please?

4 A. That was in a holding cell down in the County Jail,
5 and I went to go to court, and I saw this little Mexican guy
6 walk by, but they didn't put him in population with us,
7 where usually you would go, they put him next door. Just
8 something inside me told me like -- you know how you get
9 that funny feeling, like something ain't right? And I
10 looked, I looked at him, and I looked at him like, and I
11 just happened to be, like, Are you Carlos?

12 And he said Yes, I'm Carlos.

13 And I'm like, Noyola?

14 Yes. So he was the truck driver. So we spoke a
15 little bit over there. And he showed me his tattoo, I think
16 he had like a golf cartel on his stomach. He had a tattoo
17 of something on his stomach.

18 Q. This was one of the individuals that you were looking
19 to kill; is that correct? Carlos Noyola, the truck driver?

20 A. Yeah, well, that's the one I thought the Mexican
21 cartel was going to have killed already.

22 Q. Yes. Okay. So when you see him in jail, is this
23 after the time that you are -- you thought he was going to
24 be killed?

25 Do you understand the question?

- 1 A. Yeah. Yes. It was after.
- 2 Q. Yes, it was after that.
- 3 A. Um-h'm.
- 4 Q. Okay. Now -- all right. Now, Mr. Esteves, you said
- 5 that you were arrested in Monmouth County; is that correct?
- 6 A. That's correct.
- 7 Q. And later, at some point in, say, May of 2009, were
- 8 you also arrested by the Federal Government?
- 9 A. Yes.
- 10 Q. And were you charged with various crimes, including
- 11 conspiring to murder witnesses in your case?
- 12 A. Yes.
- 13 Q. Did you eventually plead guilty to both the state drug
- 14 charges against you and also the Federal charges that were
- 15 against you?
- 16 A. Yes.
- 17 Q. Okay. I'm going to show you first 7029 and ask you if
- 18 you recognize what that is.
- 19 A. This is my plea agreement, when I pleaded out from
- 20 state.
- 21 Q. And that's for the drug case in Monmouth County; is
- 22 that correct?
- 23 A. That's correct.
- 24 Q. And what sentence are you -- or did you receive in
- 25 connection with that?

1 A. Twenty-five years, with a 12 and a half period of
2 parole ineligibility.

3 Q. So you've already been sentenced on that; is that
4 correct?

5 A. That's correct.

6 Q. Now, with respect to the Federal charges, I'm going to
7 show you 7028, 7030, and 7027.

8 First, if you could take a look at these two, 7028
9 and 7030, ask if you recognize those.

10 A. Yes.

11 Q. And are those the plea agreements you signed for your
12 Federal case?

13 A. Yes.

14 Q. Now, let me take those back for a moment.

15 Now, with respect to the first plea agreement --
16 well, actually, let me give it back for a minute.

17 Is one plea agreement dated August 23rd of 2010?

18 A. Yes, that's correct.

19 Q. And is the other one dated February 13th of 2013?

20 A. Yes.

21 Q. Okay. Now, with respect to the August 23rd, 2010
22 agreement, did you agree to plead guilty to conspiracy to
23 travel in aid of drug trafficking business and five
24 substantive counts of travel in aid of drug trafficking
25 business?

1 A. Yes.

2 Q. And with respect to the February 13th, 2013, did you
3 agree to plead guilty to violent crime in aid of
4 racketeering, a violation of that statute?

5 A. Yes.

6 Q. Okay. Now, in connection with your pleas, did you
7 also sign a cooperation agreement?

8 A. Yes.

9 Q. And I'm going to show you 7027, ask you if you
10 recognize that.

11 A. Yes.

12 Q. And is that your cooperation agreement?

13 A. Yes.

14 Q. Okay. Now, with respect to -- I'm going to show you
15 all of these, 7029, again, too.

16 Does your signature appear on each of these
17 documents?

18 A. This one, too?

19 Q. Yes.

20 A. Yes.

21 Q. Okay.

22 MR. GAY: Judge, I'd ask that these be moved into
23 evidence at this time.

24 THE COURT: Any objection?

25 MR. BERGRIN: I don't have -- I don't think I have

1 any objection, Judge.

2 THE COURT: Okay. So that's 7027, 7028, and 7030,
3 correct?

4 MR. GAY: 29 and 30, Judge. 29 is the state
5 agreement.

6 THE COURT: Oh, I'm sorry. Well, there's two --
7 all right. Tell --

8 MR. GAY: All right. So it's 7027, 7028, 7029,
9 7030.

10 THE COURT: Okay. In evidence.

11 (Government Exhibits 7027, 7028, 7029 and 7030 marked
12 in evidence)

13 Q. Now, Mr. Esteves, with respect to your state case
14 first, what is your understanding of what, if anything, the
15 Government -- well, let me back up and put it this way.
16 Pursuant to your cooperation agreement, what are you
17 obligated to do?

18 A. Tell the truth.

19 Q. At this trial.

20 A. That's correct.

21 Q. And at any meetings?

22 A. Everything. Tell the truth.

23 Q. And if you do tell the truth, what is your
24 understanding of what the Government's going to do for you?
25 First, let's talk about your state case. What has the

1 Government agreed to do in your state case?

2 A. They agreed to write a letter to the prosecutor and
3 ask for reconsideration of my sentence.

4 Q. And you're hoping to get a reduction in that sentence;
5 is that correct?

6 A. I'm hoping.

7 Q. But who is it up to whether or not you do get a
8 reduction in that sentence?

9 A. That's up to the judge. Nobody else.

10 Q. What about the prosecutor? When you say "the
11 prosecutor," you're not talking about the United States
12 Government; right?

13 A. No. State.

14 Q. You're talking about the Federal -- the state
15 prosecutor on your state case.

16 A. Well, the state prosecutor has to present it to the
17 judge, so that's why I'm saying, he has to agree, and then
18 at the end, it's up to the judge.

19 Q. Okay. Now, let's talk about your Federal cases. What
20 is it that the Government's agreeing to do in exchange for
21 your truthful testimony with respect to your Federal cases?

22 A. Write me a 5K1 letter to recommend a sentence
23 reduction from the sentence, the Federal, and run my time
24 concurrent with my state time.

25 Q. Okay. And who is it that ultimately will determine

1 first whether or not you get any reduction in sentence on
2 your Federal case?

3 A. The judge.

4 Q. And what about who's going to determine whether or not
5 your Federal sentence will run concurrent to your state
6 sentence?

7 A. The judge.

8 Q. Now, what would happen to you if you tell a lie during
9 my questioning?

10 A. Everything gets voided. It doesn't -- that's a no
11 deal.

12 Q. And what about if you tell a lie during Mr. Bergrin's
13 questioning?

14 A. Same thing.

15 MR. GAY: Just one second, Judge.

16 No further questions at this time, Judge.

17 THE COURT: Mr. Bergrin.

18 CROSS-EXAMINATION

19 BY MR. BERGRIN:

20 Q. You knew that I had never met Oscar in my life;
21 correct?

22 A. That's correct.

23 Q. You knew that I had never seen or known anything about
24 Oscar in my life; correct?

25 A. Say it again?

1 Q. You knew that I had never seen, heard, or knew
2 anything about Oscar Cordova ever in my life; correct?

3 A. Yes.

4 Q. Oscar contacted you, and you informed me that Oscar
5 contacted you; correct?

6 A. That is correct.

7 Q. Now, I didn't come into your case until sometime in --
8 toward the middle to the end of June of 2008; correct?

9 A. I don't recall when you came into the case, but I know
10 you came afterwards.

11 Q. You were arrested on May the 29th of 2008; right,
12 Mr. Esteves?

13 A. I believe May 28th.

14 Q. Oscar contacted you before Paul Bergrin ever met
15 Vicente Esteves, before Paul Bergrin ever came into your
16 case; is that correct?

17 A. That's correct.

18 Q. And you had been sending letters in return to Oscar
19 before Paul Bergrin ever came into your case.

20 A. That's correct.

21 Q. Paul Bergrin had no way whatsoever to know anything
22 about Oscar's background until Paul Bergrin talked to Oscar;
23 correct?

24 A. Yes.

25 Q. Now, you talked about the fact that properties were

1 turned over. First of all, your wife, after several
2 reductions in bail, right, we made bail motions to reduce
3 her bail. Her bail was set at millions of dollars; correct?

4 A. That's correct.

5 Q. We finally got it down to \$750,000; right?

6 A. Yes.

7 Q. Your properties were not even appraised, the lots, at
8 anywhere near \$750,000, isn't that a fact, the appraisal at
9 the time?

10 A. I don't recall.

11 Q. You don't recall? Well, you recall in meticulous
12 detail detailed conversation even about dollars, but you
13 don't recall that about your wife?

14 A. No, I recall what I paid for those properties. I
15 don't recall what they were appraised for. I told you I
16 paid \$1.2 million for them.

17 Q. You paid \$1.2 million, but they had liens on them;
18 correct?

19 A. No.

20 Q. The properties at the time that you sent them over to
21 us, at the time that you signed them over or attempted to
22 sign them over, I used my name and my corporation name;
23 correct?

24 A. Rephrase the question? I don't understand.

25 Q. Nothing was done to deceive, nothing was done to

1 conceal you signing over the properties to me; correct?

2 A. Yeah, for the Government don't take them. That's the
3 only reason I signed them over for you -- to you.

4 Q. To use as collateral for your wife in getting her out,
5 because you had an infant to take care of; correct?

6 A. We used that, too, yes.

7 Q. That's the reason why you signed over your properties.
8 The properties didn't even equal the \$750,000 bond, the
9 collateral that had to be put up to get your wife out to be
10 with her infant baby, correct, your son?

11 A. If you say so.

12 Q. Now, not only that. You talked about the check they
13 put up on the screen. There was approximately \$63,000 that
14 was paid total in attorney fees; correct, Mr. Esteves?

15 A. Yes.

16 Q. Nothing was ever paid in cash. Nothing -- nobody ever
17 gave any -- even a dime for you except for Oscar later on
18 gave \$20,000; correct?

19 A. That's correct.

20 Q. The \$63,000 went for four attorneys, correct, on a
21 first-degree case with thousands and thousands of wiretaps;
22 right?

23 A. You was in charge of this. You was in charge of the
24 money, so -- I don't know what --

25 Q. My question here is, your wife had legal

1 representation; correct?

2 A. That's correct.

3 Q. Your brother-in-law, Cesar Cuebas, had legal
4 representation; correct?

5 A. Yes.

6 Q. And your best friend, Chino, who you referred to as
7 your family member, Michael Lopez, had legal representation;
8 correct?

9 A. Yes.

10 Q. That \$63,000 went for four attorneys; isn't that a
11 fact? You know that for a fact, Mr. Esteves.

12 A. Okay. Yes.

13 Q. Now, you talked about you had -- the fact you had
14 money on the streets, money in the Dominican Republic.

15 You were in jail and your wife was in jail;
16 correct?

17 A. That's correct.

18 Q. You both had bonds; correct?

19 A. Yes.

20 Q. Nobody would help you, nobody would help your wife or
21 even your baby; correct?

22 A. Yes.

23 Q. All these connects that you supposedly had and
24 contacts and millions of dollars on the street, not one
25 person came forth with any money on behalf of Vincent

- 1 Esteves or Chantal Esteves; correct?
- 2 A. My wife needed to get bailed out.
- 3 Q. Excuse me?
- 4 A. I was the only one who didn't get bailed out.
- 5 Everybody else bailed out, so they must have had help from
- 6 somewhere.
- 7 Q. Paul Bergrin was never involved in that; correct?
- 8 A. What, for bails?
- 9 Q. Yes.
- 10 A. No.
- 11 Q. Now, you knew that you were facing life in the state;
- 12 correct?
- 13 A. That's correct.
- 14 Q. And you were charged with being the leader of a
- 15 narcotic organization, which was a minimum of 25 years in
- 16 state prison and up to life; correct?
- 17 A. Yes.
- 18 Q. You had already been convicted of a major narcotic
- 19 trafficking offense, correct, in second degree in Middlesex
- 20 County; right?
- 21 A. Yes.
- 22 Q. Now, you listened to all the recordings in this case
- 23 before you ever came forth as a cooperating witness; right?
- 24 A. The only recordings are the ones that you brought in.
- 25 Q. The ones that you brought in -- that I brought in.

1 I'm talking about the recordings in this particular case.

2 A. I listened to some. Not all.

3 Q. You listened to them, and your attorney explained to
4 you what they have on recordings; correct?

5 A. I don't recall.

6 Q. You don't recall.

7 A. No.

8 Q. Are you telling us that you pled guilty and agreed to
9 cooperate without knowing what evidence they have against
10 you? Are you telling us that under oath?

11 A. No, I know what evidence they had on me, but I didn't
12 understand the question you said.

13 Q. But now you understand it, right?

14 A. Um-h'm.

15 Q. So you understand the magnitude of the evidence that
16 they had against you and what they had against you, correct,
17 in the Federal case as well as the state case; right?

18 A. Oh, yes.

19 Q. As a matter of fact, in the state case, in the state
20 case, there was over 13,000 conversations; correct?

21 A. I don't recall. It was a lot, though.

22 Q. There was a lot; right?

23 In the Federal case, you were provided with
24 copies, CDs of all the recordings, with Oscar and everybody,
25 your second cousin, Jason; correct?

1 A. Yes.

2 Q. Michael Lopez, your friend and who you referred to as
3 your cousin Chino; correct?

4 A. Yes.

5 Q. With everybody; right?

6 A. Yes.

7 Q. And isn't the fact that you didn't hear one
8 conversation, one word, one sentence of Tommy Moran ever
9 speaking to Oscar about obtaining a gun to do anything for
10 any witness?

11 A. On the tapes?

12 Q. Yes, except for December the 8th, the last
13 conversation, isn't it a fact that up to December the 8th,
14 there's not one conversation, not one word, not one sentence
15 of Tom Moran ever speaking to Oscar about a gun? You know
16 that for a fact, Mr. Esteves.

17 A. No, I don't. How I know it for a fact?

18 Q. Because you listened to the recordings.

19 A. I know what me and Tommy spoke about, but I didn't
20 listen to all the recordings.

21 Q. Are you telling us that you didn't listen to all the
22 recordings?

23 A. No, I didn't listen to all, I only listened to the
24 ones that pertained to me that was incriminating.

25 Q. All you had was time in jail; right?

1 A. Yeah, and I still got time.

2 Q. And you were provided with copies of the CDs; right?
3 you were provided with all the conversations; right?

4 A. Only the ones you only ever gave me. I didn't have
5 all the CDS.

6 Q. You knew that every conversation that Oscar had with
7 Mr. Moran was recorded; correct?

8 A. Yes.

9 Q. And you're telling us as you sit there that you could
10 swear under oath that Tom Moran asked Oscar for a gun to do
11 anything to witnesses?

12 A. That Tommy was going to shoot someone?

13 MR. GAY: Your Honor, I'm going to object.

14 THE COURT: What's the objection?

15 MR. GAY: I don't understand. It's either calling
16 for hearsay. I don't understand what the question is.

17 THE COURT: I'll sustain. I found it confusing.
18 Rephrase the question.

19 Q. Are you telling us as you sit there under oath,
20 Mr. Esteves, that you could tell us that you heard a
21 conversation between Oscar and Thomas Moran and Thomas Moran
22 ever saying anything to Oscar about getting a gun to kill
23 witnesses?

24 MR. GAY: Judge, I'm going to object. He never
25 said that. That's not what the testimony is.

1 THE COURT: Well, then let him say so.

2 MR. BERGRIN: Absolutely, Judge.

3 THE COURT: I'll let him --

4 Do you understand the question?

5 MR. BERGRIN: Judge, could you warn the prosecutor
6 about frivolous objections? It's nonstop, Judge.

7 THE COURT: Wait, wait. Hold it. Hold it.

8 Now, let's stop this, again. And I don't think it
9 was a frivolous objection.

10 And I overruled it.

11 MR. BERGRIN: Okay, Judge. Thank you, Your Honor.
12 Thank you for overruling it.

13 THE COURT: Can you answer the question?

14 THE WITNESS: Yes.

15 A. I never -- could you say that again?

16 THE COURT: Want the read question read back?

17 THE WITNESS: Yes, please.

18 THE COURT: Chuck, would you, please?

19 (Record read)

20 A. Are you talking about if it was in the tape, like a
21 recording?

22 Q. Yes, in the recording.

23 A. No. It was a verbal.

24 Q. Now, you were in charge of this big organization;
25 correct?

- 1 A. If you call it big.
- 2 Q. Was it big? I asked you.
- 3 A. It wasn't small.
- 4 Q. Was it a large-scale narcotic organization?
- 5 A. I guess so.
- 6 Q. And you had people working for you; right?
- 7 A. Yes.
- 8 Q. And you were dealing with hundreds of thousands of
- 9 kilograms over the period of time that you ran the
- 10 organization; right?
- 11 A. Thousands, yes.
- 12 Q. Of cocaine as well as heroin; right?
- 13 A. That's correct.
- 14 Q. The most potent drug that there is; right,
- 15 Mr. Esteves?
- 16 A. I don't know if it's the most potent, but it's up
- 17 there.
- 18 Q. Now, where in your plea agreement does it say anything
- 19 about you pleading guilty to all the heroin that you sold?
- 20 A. It doesn't.
- 21 Q. Where in your plea agreement does it have you pleading
- 22 guilty to all the cocaine that you sold, either federally or
- 23 state?
- 24 A. Well, I copped out to 25 years. That was part of it.
- 25 Q. What about the Feds, when you were moving it

1 internationally and nationally throughout all the states of
2 the United States; did you plead guilty to that?

3 A. No.

4 Q. You would have been facing double life in the Feds;
5 correct?

6 A. Yeah.

7 Q. And they never charged you; right?

8 A. No.

9 Q. What about your wife, Chantal, her involvement in this
10 organization?

11 A. What about it?

12 Q. She was involved in working the organization,
13 distributing drugs, cocaine and heroin, while you were
14 absent; correct?

15 A. No.

16 Q. Well, you read the prosecutor, the Attorney General --
17 the Deputy Attorney General James Jones's position in the
18 bail motions; right?

19 A. That's correct.

20 Q. You sat there as Mr. Gay questioned you and read about
21 the wife -- your wife's allegation, the fact that she ran
22 the organization in your absence. That was the allegation
23 that was made; right?

24 A. That was the allegations.

25 Q. And your wife actually pled guilty in the state;

1 correct?

2 A. To money laundering.

3 Q. She pled guilty to money laundering drug proceeds;
4 correct?

5 A. Yeah.

6 If anything, she was a compulsive shopper.

7 (Laughter)

8 Q. But she obtained that money from drugs; correct?

9 A. She obtained it from me, but it's drug money, you're
10 right.

11 Q. So you're telling us that your wife didn't know that
12 it was drug money?

13 A. Of course she did.

14 Q. So she was involved in the drug distribution, the
15 laundering of the money from it; correct?

16 A. Not like you put it. She never had hands on in
17 anything, besides shopping.

18 Q. But that's not what the Attorney General's evidence
19 showed; correct?

20 A. That's correct.

21 Q. Now, you testified -- but she was never charged in the
22 Federal, she was never charged federally; right?

23 A. That's why I took 25 years.

24 Q. That's right, and as a matter of fact, that was the
25 deal that we were trying to work out, to make sure that your

1 wife walks out of court without any time; correct?

2 A. Definitely.

3 Q. And we wanted to save your wife so she could take care
4 of your baby; right?

5 A. That's correct.

6 Q. That was our goal and that was our objective in the
7 state case; right?

8 A. Yes.

9 Q. Make sure Chantal Esteves returns to the baby because
10 there's no one else to essentially take care of it like the
11 mother can; right?

12 A. That's correct.

13 Q. And as a matter of fact, you want to get home to your
14 baby, your son also.

15 A. Of course.

16 Q. You spent absolutely, just about no time with him.
17 You've been locked up since almost his birth; correct?

18 A. He was five and a half months old.

19 Q. Five and a half months old. So your son doesn't even
20 know you; correct?

21 A. Pretty much, yeah.

22 Q. Now, you talked about, Paul Bergrin said to come up
23 with a contact so that Paul Bergrin could sell drugs; right?

24 A. Rephrase the question again?

25 Q. You said that -- your testimony was that Paul Bergrin

1 said to come up with a contact so that Paul Bergrin could
2 sell drugs; right?

3 A. To help you with a contact.

4 Q. To help me with a contact.

5 A. Um-h'm.

6 Q. Who did you give me as a contact?

7 A. I was gonna give you David.

8 Q. Who did you give me as a contact?

9 A. I told you.

10 Q. Did you ever give me a contact?

11 A. Yeah, in the letter, David.

12 Q. You gave me David?

13 A. Yeah, David. Buddy, a/k/a Buddy. Yeah.

14 Q. You gave me Buddy.

15 A. Yeah.

16 Q. How did you give it to me? Did you give me a name, a
17 number?

18 A. Yeah, the same way how I gave the letter to Oscar.
19 Same letter, same way. I wrote the letter down, gave you
20 all the information, and you took it.

21 Q. And you said that you were getting kilograms for
22 \$6,000 into the United States?

23 A. At times, yes.

24 Q. Okay. So I could have been a billionaire, even a
25 zillionaire at \$6,000 a kilo; right?

- 1 A. Yeah. You should have.
- 2 Q. So I'm sure I called Buddy, David; right?
- 3 A. Did you call him?
- 4 Q. Did I call him?
- 5 A. I don't know.
- 6 Q. Do you have any evidence whatsoever that I ever
- 7 contacted Buddy?
- 8 A. No.
- 9 Q. Do you have any evidence whatsoever to depict that I
- 10 -- that I ever -- did you -- were you ever shown telephone
- 11 numbers on my -- all the records and all the telephone
- 12 records that they seized from me of any calls between me and
- 13 Buddy or any communication between me and Buddy?
- 14 A. I don't know.
- 15 Q. Do you have any evidence whatsoever to offer that I
- 16 ever, ever contacted or received information on Buddy?
- 17 A. No.
- 18 Q. Buddy was where?
- 19 A. In Colombia.
- 20 Q. David was where; in Colombia?
- 21 A. That's correct.
- 22 Q. And this individual in Colombia is going to receive a
- 23 call from Paul Bergrin, the attorney of Vicente Esteves, and
- 24 talk to me, right, or deal with me?
- 25 A. That you were going to call him?

1 Q. Yeah.

2 A. Or he's going to call you?

3 Q. He was going to call me?

4 A. I'm asking you.

5 Q. I'm asking you, he was going to -- Buddy was going to

6 call me, David's going to call me or I'm going to call

7 David, and David's going to talk to Paul Bergrin, the

8 attorney from New Jersey.

9 A. That's correct.

10 Q. Did he?

11 A. No.

12 Q. You sent the letter to Oscar. You said that I came to

13 you and told you -- your testimony a couple of minutes ago,

14 and you should have a memory of it, is that I came to you

15 and asked -- and told you that Oscar has contacts at the

16 airport. That's what I told you; right?

17 A. Yes.

18 Q. Now, if Oscar was to testify something completely

19 different, who would be telling the truth; you, or Oscar?

20 A. I'm telling you what I know. That's --

21 Q. Now, you're telling me that I told you that Oscar has

22 contacts at the airport; correct?

23 A. Yes.

24 Q. Then why does your letter say -- why does your letter

25 ask Oscar if he has any contacts at the airports? Not

1 saying that Paul told me you had contacts at the airport.
2 You asked Oscar if he has any contacts at the airport so you
3 could help Oscar make money to get you bailed out.

4 THE COURT: Well, wait. There's a lot of
5 questions there.

6 MR. BERGRIN: I know, Judge. Let me break it
7 down. I'm sorry, Judge.

8 THE COURT: We've got to watch about making
9 statements versus asking questions.

10 MR. BERGRIN: Yes, Your Honor.

11 THE COURT: All right.

12 BY MR. BERGRIN:

13 Q. You sent Oscar a letter; correct?

14 A. That's correct. Sent him a couple.

15 Q. As a matter of fact, you sent Oscar this letter when?

16 A. The date?

17 Q. Yes. When was the date?

18 A. I don't recall. But, again, I sent several letters.

19 Q. What month was this letter sent?

20 A. Again I don't recall, but if you show me, I'll tell
21 you.

22 MR. BERGRIN: May I approach, Your Honor --

23 THE COURT: Yes.

24 MR. BERGRIN: -- with 2101A.

25 THE COURT: I'm sorry, what was the number again?

1 MR. BERGRIN: 2101A, sir.

2 THE COURT: Yes. Go ahead.

3 A. It doesn't say. It doesn't say the date on it. On
4 this copy, I can't see the postage date either. So I don't
5 know.

6 Q. Now, you sent the letter to Oscar; correct?

7 A. That's correct.

8 Q. And you asked Oscar if he has contacts at the airport;
9 correct?

10 A. Right.

11 Q. And you tell Oscar in that letter that you could help
12 him get product to the airport if he has contacts; correct?

13 A. Yeah.

14 Q. And you also tell Oscar about a friend of yours at
15 Avianca Airlines; correct?

16 A. No, that's David. I said if you have -- if you have
17 contact with Avianca Airlines, meaning Oscar would have to
18 have an Avianca Airline employee in Chicago. That's the
19 only way it would work.

20 Q. That's not what your letter says. Read the sentence
21 in reference to Avianca. You say that you have a friend
22 that you've known for 15 years who works for Avianca
23 Airlines; correct, sir?

24 A. No, it says, "I have a good friend for over -- " --
25 okay -- " -- 15 years and he may be able to help you out.

- 1 He has for sure" Avianca.
- 2 Q. Correct.
- 3 A. Right.
- 4 Q. So you're telling Oscar that you also have a friend
- 5 who may be able to help Oscar out at the airlines; correct?
- 6 A. That's Buddy.
- 7 Q. And what is this friend's name?
- 8 A. Buddy.
- 9 Q. And where is Buddy?
- 10 A. In Colombia.
- 11 Q. What is Buddy's last name?
- 12 A. I have no idea.
- 13 Q. You have no idea.
- 14 A. No.
- 15 Q. A friend of 15 years, and you have no idea.
- 16 A. For the same reason I'm here. When you're in the drug
- 17 game, you don't give your last name, Social Security number.
- 18 Q. But this is a friend of yours for 15 years.
- 19 A. But he lives in Colombia, and I live in United States.
- 20 Q. By the way, what's his telephone number?
- 21 A. I don't remember. But they should have it in the
- 22 file.
- 23 Q. What -- where's Buddy live?
- 24 A. In Colombia.
- 25 Q. What part of Colombia?

1 A. Cartagena, Barranquilla, Bogota. Could be anywhere in
2 Colombia.

3 Q. He could be anywhere in Colombia.

4 A. Yes.

5 Q. What city does he live in?

6 A. Like I told you, he's rich. He had houses all over.

7 Q. Now, you're telling Oscar that you have a contact in
8 Colombia that works for Avianca Airlines; correct?

9 A. I told -- I'm telling him right there that I have a
10 friend of mine that has contacts in Avianca Airlines.

11 Q. And you're telling Oscar -- you're asking Oscar in
12 that letter if he has contacts at the airlines; correct?

13 A. That's correct.

14 Q. Now, you testified that Paul was going to -- Paul was
15 going to be involved in drugs, correct, and help sell drugs;
16 right?

17 A. Yes.

18 Q. Now, you gave Paul a contact, according to you; right?

19 A. Yes.

20 Q. A guy by the name of, according to you, Wilfredo;
21 right?

22 A. Right.

23 Q. What's Wilfredo's last name so we can subpoena him and
24 have him come and testify?

25 A. I don't remember last name, but I wrote it down. You

1 took it. You wrote it down on your legal pad that day you
2 came and visited me.

3 Q. What's Wilfredo's number so we can contact him?

4 A. What are you talking about? It was five years ago. I
5 don't know his name.

6 Q. How does it start? Where does he live?

7 A. He lived in Monmouth County.

8 Q. Monmouth County. What city, what town does he live
9 in?

10 A. I believe it was Asbury Park.

11 Q. Asbury Park?

12 A. Um-h'm.

13 Q. So you have Wilfredo from Asbury Park. You don't know
14 his last name; correct?

15 A. Of course not.

16 Q. You don't know his telephone number; correct?

17 A. No.

18 Q. You think he lives in Asbury Park; right?

19 A. Been almost five years ago.

20 Q. Now, but you had a great memory when talking to the
21 prosecutor, right, during direct examination; right,
22 Mr. Esteves?

23 A. Good enough.

24 Q. Now, this individual Wilfredo, I'm sure Paul Bergrin
25 called him because I had drugs to sell and I needed to move

- 1 the drugs; right?
- 2 A. You might have, or you might have -- you didn't like
3 what I said about the numbers.
- 4 Q. Well, you're saying that the numbers was what? How
5 much was it?
- 6 A. You told me 22, 23.
- 7 Q. 22,-, 23,000.
- 8 A. Thousand dollars, yeah.
- 9 Q. That I'm selling them for, or that I'm getting them
10 for?
- 11 A. No, you're selling them for.
- 12 Q. So I'm telling them for 20,-, 22,000. So you give me
13 the name of Wilfredo, according to you; right?
- 14 A. Well, we talked about it, yeah, um-h'm.
- 15 Q. And I could move my drugs through Wilfredo; right?
- 16 A. If you agree on a number.
- 17 Q. And isn't it a fact that you said that Paul never
18 called? That was the words that came out of your mouth;
19 right?
- 20 A. That's correct.
- 21 Q. How do you know Paul never called him?
- 22 A. Because -- if you guys would have been doing
23 something, I would have known.
- 24 Q. How would you have known?
- 25 A. I would have known.

1 Q. How would you have known? I'm asking you the
2 question.

3 A. Because I'm locked up. I'm in the County Jail. He
4 would have came and visited me.

5 Q. Oh, he would have came and visited you and said he's
6 doing business with Paul; right?

7 A. Why not? He ain't gonna make it public.

8 Q. Now, Paul can move all these drugs that Paul has, but
9 Paul never calls the contact, that big drug dealer Vincent
10 Esteves gives him; right?

11 A. He wasn't a big contact. He was just a regular guy,
12 Wilfredo was.

13 Q. Oh, now he's Mr. regular guy --

14 A. He only had a couple -- couple kilos, 30, 50 kilos,
15 the most, that I know of, that he told me about. He didn't
16 have no thousands.

17 Q. The bottom line is, Paul could move his drugs, but
18 Paul never contacts the person that Vinny Esteves gives him
19 that's the one shot he has to move drugs through Vincent
20 Esteves. Right? Is that what you're saying? Is that your
21 sworn testimony?

22 A. No, not the one shot. You told me Malik moved your
23 drugs.

24 Q. Malik. Malik who?

25 A. The one that works for you.

- 1 Q. Who is he?
- 2 A. Supposedly a paralegal.
- 3 Q. And he's moving drugs for me. Where, in New York
- 4 City, you said?
- 5 A. That's correct. That's what you told me.
- 6 Q. When did I tell you that?
- 7 A. When you came and visited me on one of many visits in
- 8 the County Jail.
- 9 Q. When did I tell you that?
- 10 A. When you came and visited me.
- 11 Q. And you remembered the name Malik, and you remembered
- 12 that I told you that.
- 13 A. That's correct.
- 14 Q. Now, you testified that you refused to connect Paul
- 15 with any source of supply until you get out; right?
- 16 A. You and Oscar, that's correct.
- 17 Q. You or Oscar. But you had connected me and tried to
- 18 connect me with Dave in Colombia, according to you; right?
- 19 A. That's right, and that wouldn't took place until I
- 20 posted bail.
- 21 Q. Dave is your big source of supply.
- 22 A. One of them.
- 23 Q. One of them.
- 24 A. That's correct.
- 25 Q. So you did try to connect me with your big source or

- 1 one of your sources of supply in Colombia, Dave; right?
- 2 A. I guess.
- 3 Q. No, not you guess. That's your testimony; right?
- 4 A. Well, I guess, if you're counting 30, 50 kilos as a
- 5 big source, yes.
- 6 Q. So here you're saying that you're not going to connect
- 7 me with anybody until you get out because you're afraid I'm
- 8 going to abandon you; correct?
- 9 A. That's correct.
- 10 Q. But you connect me with Dave, correct, in Colombia, a
- 11 Colombian cartel connection; right?
- 12 A. That's correct.
- 13 Q. You connect me with Wilfredo; right?
- 14 A. Yes, small-timer, uh-huh.
- 15 Q. And Dave never gets called; right? According to you.
- 16 You have no knowledge whatsoever that I ever contacted
- 17 Paul -- Dave, or did anything with Dave; correct?
- 18 A. No. None.
- 19 Q. You have no information that I ever contacted this guy
- 20 -- what was it, Wilfredo? Right?
- 21 A. No, you didn't contact him.
- 22 Q. Now, Pat; Pat is an individual that is highly
- 23 connected, right?
- 24 A. That's correct.
- 25 Q. And Pat was not only connected in drugs, but he's

1 connected with military; correct?

2 A. He has military contracts in his country.

3 Q. In his country. So what do the military contacts do

4 in his country?

5 A. They allow the drugs to come in.

6 Q. And who are the military contacts?

7 A. They're Dominican.

8 Q. Now, what is Pat's last name?

9 A. Camero (ph), something like that.

10 Q. And where does Pat live?

11 A. In the Dominican Republic.

12 Q. What part of the Dominican Republic?

13 A. He got houses in the capital, Puerto Plata, Santiago,

14 in those areas.

15 Q. Now, you said Pat -- you bought two planes with Pat;

16 correct?

17 A. Well, gave him the money for them, right, that's

18 correct.

19 Q. Did you ever see the planes?

20 A. No, they were bought in Venezuela.

21 Q. Did you ever ride in the planes?

22 A. No, sir.

23 Q. What kind of planes were they?

24 A. Twin props. That's what he told me.

25 Q. What's that?

- 1 A. Twin props.
- 2 Q. Twin props? What kind of planes? You're investing --
- 3 A. I'm not a pilot or nothing. I know they cost me
- 4 \$2 million each.
- 5 Q. You're investing millions and millions of dollars.
- 6 You know nothing about the planes that Pat's going to buy?
- 7 A. I lost 20, \$30 million before, so what's \$2 million?
- 8 Q. And by the way, you made all of these millions and
- 9 millions and millions of dollars, probably 200, \$300
- 10 million, according to you, right, at 500 kilos a week?
- 11 A. Gross.
- 12 Q. Gross.
- 13 A. Gross. That's not my profit though.
- 14 Q. And you didn't even have enough money to buy toilet
- 15 paper at the Monmouth County Jail; right?
- 16 A. No, it's free.
- 17 Q. What about toothpaste and soap and all that, Mr.
- 18 Esteves?
- 19 A. It's free.
- 20 Q. You had no money to even buy commissary; correct?
- 21 A. Check my account. I maxed out every month.
- 22 Q. Did you tell Oscar you had no money for commissary?
- 23 A. Yes.
- 24 Q. So you lied to Oscar?
- 25 A. Yeah. Why not? What's an extra \$200?

1 Q. So you lied to Oscar about commissary, to buy food and
2 toiletries at the jail. That's what you're lying to Oscar
3 about?

4 A. If you want to say that, yes.

5 Q. Now, you said that Pat owed you millions of dollars
6 over in the DR; right?

7 A. That's correct.

8 Q. Now, where is Pat keeping your money?

9 A. I don't know.

10 Q. How would you get your money from Pat?

11 A. If I was out back then?

12 Q. Yes.

13 A. I would have went over there and got it.

14 Q. Now you had your wife, correct, who is from the
15 Dominican Republic; right?

16 A. That's correct.

17 Q. And your wife had family that was from the Dominican
18 Republic; right?

19 A. That's correct.

20 Q. Did your family ever go over to Pat to get your money?

21 A. They went there one time.

22 Q. And what happened?

23 A. And I spoke to Pat on the phone. He refused to give
24 them anything.

25 Q. He refused to give them anything.

- 1 A. Um-h'm.
- 2 Q. But Mr. Esteves's son doesn't even have food, no
3 house; correct?
- 4 A. It wasn't my wife who went over there.
- 5 Q. Now, your family of your wife went over there;
6 correct?
- 7 A. Right.
- 8 Q. And I'm sure they told Pat that your child has no
9 electric, no water, that Vinny has no bond money, no bail
10 money, and neither does his wife; right?
- 11 A. I spoke to Pat personally through the cell phones you
12 gave me.
- 13 Q. And Pat refused to give you any money; right?
- 14 A. No, he didn't refuse. He was not going to give it to
15 somebody he doesn't know from my family's side.
- 16 Q. Well, Pat could have send money to your account;
17 right?
- 18 A. I got -- I got arrested for drug trafficking. He's a
19 major player in part of my organization, so right now, ain't
20 nobody trying to do nothing until we find out if I'm going
21 to cooperate or not.
- 22 Q. Nobody's going to do nothing until they find out
23 you're going to cooperate?
- 24 A. Right. So again --
- 25 Q. And that includes Pat; right?

- 1 A. Excuse me?
- 2 Q. That includes Pat?
- 3 A. That includes everybody.
- 4 Q. So Pat leaves you in jail; right?
- 5 A. That's correct.
- 6 Q. Pat leaves your wife in jail; right?
- 7 A. That's correct.
- 8 Q. Pat allows all your properties to go into foreclosure;
9 right?
- 10 A. That's correct.
- 11 Q. Pat allows you to lose essentially everything that you
12 own in life and have worked for in life; right?
- 13 A. Yes.
- 14 Q. And Pat's not going to worry about you cooperating
15 against him; right?
- 16 A. Of course he's going to worry.
- 17 Q. If you had given Pat up, then Pat could have been
18 arrested and extradited from the Dominican Republic; right?
- 19 A. It was a state case.
- 20 Q. It was a state case. But the Federal, United States
21 Drug Enforcement Administration did most of the
22 investigation and did the wiretaps; correct?
- 23 A. Yeah, I believe so.
- 24 Q. No, you don't believe so. You know that for a fact.
- 25 A. No, I believe so because I don't know who did the

1 wiretaps.

2 Q. You were provided with a copy of discovery that you
3 just talked about with Mr. Gay several hours ago and on
4 Friday, so you read the discovery in this case. You knew
5 the Drug Enforcement Administration had done the
6 investigation in this case; isn't that a fact, Vincent?

7 A. It was joint.

8 Q. And you knew that the D.E.A. had the lead and you knew
9 the D.E.A. was involved; correct?

10 A. Again, I don't -- I don't know who was involved. It
11 was a joint cause, 'cause if it was, it would have stood
12 Federal. Why would it went to Monmouth County? That's
13 state.

14 Q. Are you telling us that you didn't know the D.E.A. was
15 involved?

16 A. I said it was a joint task force, D.E.A. and Monmouth
17 County task force.

18 Q. Now, you said that there was an inability to contact
19 Oscar. That was your words that you used during direct
20 examination by Mr. Gay; right?

21 A. For me to contact, or you?

22 Q. For me, for anybody; correct?

23 A. Inability, yeah.

24 Q. When was there an inability to contact Oscar?

25 A. When you came and told me that you can't reach Oscar.

1 Q. When?

2 A. When -- sometime, one of your visits. While I was
3 locked up in Monmouth County Jail.

4 Q. What month, Mr. Esteves?

5 A. I don't remember what month.

6 Q. The beginning of the case? The middle of the case?

7 A. At that time, it was towards the -- towards the ending
8 of the case.

9 Q. Toward the end of the case. Was it in October,
10 November, December?

11 A. I don't recall the months, but it was toward the end
12 of the case.

13 Q. And you're saying that Paul Bergrin wanted to see if
14 Oscar will move drugs, sell it for him; right?

15 A. That's correct.

16 Q. Now, Oscar came to Vincent Esteves, according to
17 Oscar, as the newfound leader of the Latin Kings, taking
18 over for his father, Lord Gino; right?

19 MR. GAY: Judge, I'm going to object to "according
20 to Oscar." Number one, it calls for hearsay; number two, is
21 he talking about a conversation Oscar had with Mr. Esteves?
22 This is very confusing.

23 THE COURT: So what's your objection?

24 MR. GAY: My objection is, it calls for hearsay,
25 and --

1 THE COURT: Sustained.

2 Q. Did Oscar tell you that he was sent from the Ochoas
3 and the Herreras, and he's a Latin King and representing his
4 father, Lord Gino?

5 A. Did he tell me that, tell me that personally, or you
6 did?

7 Q. Told me and I told you.

8 A. Yeah. Told you, and you told me, and as well, I had
9 conversation with Oscar on the phone, too.

10 Q. And Oscar told you that he's involved with the Ochoas,
11 Herreras, the highest levels of the cartels in Columbia or
12 Mexico; correct?

13 A. He told me about -- he said Lord Gino's son, Latin
14 Kings, the high-ranking Latin King, and I don't remember if
15 he said Ochoas, but he was tied, he was connected.

16 Q. Connected to the highest cartels, the highest levels
17 of drug distribution organizations; correct?

18 A. The highest level is Chapo Guzman, the Sinaloa cartel.
19 So he never mentioned that.

20 Q. Are you telling us that Oscar never mentioned --

21 A. The Sinaloa cartel? No.

22 Q. -- his Mexican cartels contacts?

23 A. Who?

24 THE COURT: He didn't say that.

25 MR. BERGRIN: Judge I'm asking him the question,

1 Judge, please.

2 MR. GAY: Judge, again, he continues to do this,
3 Judge.

4 THE COURT: Go ahead. Can you answer the
5 question?

6 Ask the question again.

7 Q. Oscar told you, isn't it a fact, in conversation that
8 you had with him about his contacts with cartels; correct?

9 A. No, contact with -- the Mexican -- my family, the
10 letter said family, but not no specific cartels.

11 Q. Okay. With your Mexican family; correct?

12 A. Which is the Zeta cartel, not no Ochoas or nothing
13 like that.

14 Q. Which is a high-level cartel; correct?

15 A. They are, yes. They're ruthless.

16 Q. Now, you don't know what Oscar said in reference to
17 his other contacts; correct?

18 A. No.

19 Q. You had conversations with me, though, and didn't I
20 bring it to your attention that Oscar said that he's
21 connected to the Ochoas?

22 A. I don't recall the Ochoas, but you told me he's
23 connected to a bunch -- again, like he's Lord Gino son,
24 Latin Kings, a bunch of other organizations, but not the
25 Ochoas.

1 Q. What about the Herreras?

2 A. I don't recall. I don't recall.

3 Q. So you're telling us as you sit there you don't have
4 any recollection of what I told you about Oscar?

5 A. Not those names particularly.

6 Q. Now, you showed the jury some of the discovery that
7 you had reviewed, correct, in this case, when you were on
8 direct examination by Mr. Gay; correct?

9 A. Yes.

10 Q. And you told them that you had read the discovery in
11 your case, your state case especially; correct?

12 A. Yes.

13 Q. And when you read your state discovery, one of the
14 things contained in there was information containing your
15 co-defendants; correct?

16 A. Yes.

17 Q. Now, what you left out and what you didn't tell the
18 jury is -- let me strike that.

19 Who is Hector Rodriguez?

20 A. A friend of mine.

21 Q. No, he's -- what involvement did he have in your drug
22 distribution organization?

23 A. Whatever I told him to do. Hands-on.

24 Q. Now, would you consider him your right-hand man or
25 your lieutenant if you were to --

- 1 A. I'll say my right-hand man.
- 2 Q. Your right-hand man. And he was involved in obtaining
3 and helping you obtain, transport, and traffic in hundreds
4 and hundreds and hundreds if not thousands of kilograms of
5 cocaine; right?
- 6 A. No, not all of them.
- 7 Q. Not all of them.
- 8 A. No.
- 9 Q. How many kilograms of cocaine was Hector Rodriguez
10 involved in?
- 11 A. Hector was involved, when I was dealing with the
12 Mexican cartel, I think at the time maybe 325 kilos at one
13 time, and like that, 75, 200, 300, 75, around there,
14 whatever they allowed in the compartment of the truck.
- 15 Q. So thousands of kilograms, right, Hector Rodriguez was
16 involved in; right?
- 17 A. At a period of time, yeah.
- 18 Q. And Hector was one of your closest friends in life;
19 right?
- 20 A. Close enough.
- 21 Q. No how close was he to you? What kind of relationship
22 did you have with Hector Rodriguez?
- 23 A. How many years was it?
- 24 Q. Yes.
- 25 A. Maybe like five years, like involved, five years.

1 Q. Five years, and you trusted him enough to know about
2 the distribution and trafficking of thousands of kilograms
3 of cocaine worth millions of dollars; correct?

4 A. No.

5 Q. Now, you just testified that Hector was involved in
6 300 kilograms here, 75 here, 125 here; correct?

7 A. That's correct.

8 Q. That's almost 500 kilograms right there.

9 A. I'm not disputing the amount.

10 Q. Okay. Now, Hector Rodriguez, was he ever charged,
11 your good friend Hector Rodriguez, federally?

12 A. No.

13 Q. As a matter of fact, he pled guilty in the state;
14 right?

15 A. That's correct.

16 Q. And he pled guilty to conspiracy involving you; right?

17 A. That's correct.

18 Q. And when he pled guilty, you know that he incriminated
19 you in his guilty plea; right?

20 A. When he pled, or when I plead?

21 Q. When Hector Rodriguez pled guilty, he said that he was
22 involved in a narcotic trafficking conspiracy with Vincent
23 Esteves; correct?

24 MR. GAY: Judge, I'm going to object to this.

25 Number one, it's 100-percent irrelevant. Number two, it's

1 hearsay. He's not there for this, so --

2 THE COURT: Well, whether it's hearsay or not, I'm
3 going to overrule the objection and ask him if he can --

4 Do you know whether he did or he didn't?

5 THE WITNESS: I pled first, so if anything, I
6 incriminated him.

7 THE COURT: So you had already pled guilty.

8 THE WITNESS: Yes, and then everybody else
9 pleaded. It wasn't like it was going back backwards. I
10 pleaded first.

11 THE COURT: Okay.

12 Q. Now, you, when you pled guilty, you incriminated
13 Hector Rodriguez; correct?

14 A. That's correct.

15 Q. And who else did you incriminate?

16 A. Everybody that was involved.

17 Q. Everybody that was involved; correct?

18 A. That's correct.

19 Q. And you also knew that on the day of Hector
20 Rodriguez's arrest of May the 29th -- that's the day that
21 you were arrested by the Feds in the state case; correct?

22 A. On the 28th.

23 Q. May 28th of 2008; correct?

24 A. Yeah, for the state case, yes.

25 Q. And you knew that Hector Rodriguez had cooperated with

1 the state, correct, and the Federal Government at the day
2 that he was arrested; correct?

3 A. No.

4 Q. Are you telling us that you didn't read the discovery
5 in the case?

6 A. I didn't say that. You said at the day I got locked
7 up did I know he cooperated. I told you no.

8 Q. Let me make it clearer.

9 When you read the discovery in your state case,
10 you knew that Hector Rodriguez had cooperated; correct?

11 A. On me?

12 Q. Yes.

13 A. No.

14 MR. BERGRIN: Now, Judge, may I approach with
15 J-11737?

16 THE COURT: Yes.

17 Is this in evidence, Mr. Bergrin?

18 MR. BERGRIN: Yes, it's part of -- well, I'm
19 assuming it's part of the big discovery packet that the
20 prosecution put in.

21 MR. GAY: Well, it's not in evidence, Judge. This
22 is -- it's a report, as far as I understand it. It's
23 definitely not in evidence.

24 THE COURT: I just want to know what it is.

25 MR. GAY: I'm not sure if I have this, Judge.

1 THE COURT: Go ahead, Mr. Bergrin.

2 Q. Now, Hector Rodriguez began to cooperate with law
3 enforcement authorities on the day that he was arrested,
4 just like you; correct?

5 MR. GAY: Judge, I'm going to object to this
6 question. He has already testified he doesn't know this,
7 so, what, is he going to say -- he's going to ask him what's
8 contained in a report?

9 THE COURT: Yes, this isn't his report. I don't
10 know how you go after him on this, Mr. Bergrin.

11 I'll sustain.

12 Q. Now, you received a copy of all the discovery in the
13 case, correct, in your Monmouth County state case; correct?

14 A. Yes.

15 Q. That was investigated by the Federal joint drug task
16 force, the D.E.A. as well as Monmouth County and other
17 authorities; correct?

18 A. That's correct.

19 Q. And you received a copy of all the statements and all
20 the reports; correct?

21 A. Yes.

22 Q. And isn't it a fact that that report was contained in
23 the discovery?

24 A. That's correct.

25 Q. So you knew on May -- you knew when you read the

1 discovery that Hector Rodriguez had cooperated; correct?

2 A. Yeah, not on me, though. It say Slim.

3 Q. But Slim owed Vincent Esteves hundreds of thousands of
4 dollars; correct?

5 A. 200,000.

6 Q. \$200,000, and it mentions the name --

7 THE COURT: Wait. Wait. 200, or 200,000?

8 THE WITNESS: 200,000.

9 THE COURT: 200,000.

10 Go ahead.

11 Q. Almost a quarter of a million dollars. And it
12 mentions the name of Vincent Esteves; correct?

13 A. That's correct.

14 Q. Now, you knew that the discovery was essentially a
15 public document; correct? That all the -- it was a public
16 document; right?

17 A. Yeah.

18 Q. And you knew that all the Defendants in your entire
19 case had also received discovery just like you; right?

20 A. Yes.

21 Q. Now, that includes Michael Lopez; right?

22 A. Yes.

23 Q. That includes Tineo; right?

24 A. Yes.

25 Q. Paulino Tineo; correct?

- 1 A. Yes.
- 2 Q. Ivan Miguel Paulino Tineo; correct?
- 3 A. That's correct.
- 4 Q. That includes the truck driver, Noyola; correct?
- 5 A. Correct.
- 6 Q. That includes Mark Andrews; correct?
- 7 A. Edwards?
- 8 Q. Is it Mark Edwards? Mark Edwards. I'm sorry.
- 9 A. Yes.
- 10 Q. And Mark Edwards was your contact at the airports,
11 correct, one of them, right?
- 12 A. One of them, yes.
- 13 Q. That includes Mr. Chen-Pui, also known as Junior the
14 Panamanian; right?
- 15 A. Yes.
- 16 Q. So essentially all the Defendants involved in your
17 case received discovery just like Vincent Esteves does;
18 correct?
- 19 A. Yes.
- 20 Q. Now, Mr. Esteves, on the date of March 28th, when you
21 were arrested, --
- 22 A. May 28th.
- 23 Q. May 28th, I'm sorry. You're right, I'm sorry. Well,
24 you know the dates, you remember that date; right?
- 25 A. Of course.

- 1 Q. You'll never forget that date; right?
- 2 A. No.
- 3 Q. They came and arrested you and your wife, Chantal;
- 4 right?
- 5 A. Yes.
- 6 Q. And they came in like blockbusters into your house;
- 7 right?
- 8 A. Actually, they came in real respectful. They knocked.
- 9 Q. They knocked. And then they arrested you and cuffed
- 10 you and your wife; correct?
- 11 A. That's correct.
- 12 Q. Now, on that date, do you remember being advised of
- 13 your rights?
- 14 A. That's correct.
- 15 Q. And do you remember saying -- being told that you have
- 16 the right to remain silent?
- 17 A. Yes.
- 18 Q. The right to an attorney; right?
- 19 A. Yes.
- 20 Q. And Vincent Esteves on this date of May the 28th, the
- 21 date of his arrest, agreed to talk to members of the Drug
- 22 Enforcement Administration as well as members of the
- 23 Monmouth County, State Police, and other task force;
- 24 correct?
- 25 A. That's correct.

1 Q. As a matter of fact, you even agreed to be videotaped;
2 right?

3 A. That's correct.

4 Q. And you agreed to cooperate with law enforcement
5 authorities; correct?

6 A. That's right.

7 Q. And as a matter of fact, as part of your
8 cooperation -- who is Cesar Cuebas?

9 A. As part of my cooperation? My brother-in-law.

10 Q. He's your brother-in-law; right?

11 A. That's correct.

12 Q. He's married to your wife's sister; right?

13 A. That's correct.

14 Q. Your wife's twin sister; right?

15 A. Fraternal twin, yes.

16 Q. Who was taking care of your infant son while you were
17 locked up; right?

18 A. That's correct.

19 Q. Not only did you give up and tell them about your
20 operation, but you gave up your own brother-in-law on that
21 date when you were arrested; correct?

22 A. That's correct.

23 Q. Now, you confessed to essentially everything that you
24 did; right, Mr. Esteves?

25 A. Yes, then some.

1 Q. Now, you told them on May 29th, members of Group 5,
2 members of the Drug Enforcement Administration, members of
3 the Monmouth County Prosecutor's Office in a videotaped and
4 recorded statement, Mr. Esteves, your entire role in the
5 trafficking of narcotics; correct?

6 A. Yes.

7 Q. And you told them that you know lots of people in
8 different circles and had lots of contacts in different
9 countries; correct?

10 A. Yes.

11 Q. You told them that you using these contacts, you're
12 able to coordinate the transportation of loads of narcotics
13 throughout the world, including the United States of
14 America; correct?

15 A. Can you rephrase that? Throughout the world like
16 what?

17 Q. You told them that based upon your contacts, you,
18 Vincent Esteves, in your role as a narcotic trafficker, that
19 you know lots of people in different circles; correct?

20 A. Yes.

21 Q. And you told them that you have lots of contacts in
22 different countries; correct?

23 A. Yes.

24 Q. And you told them that using these contacts, you're
25 able to coordinate the transportation of loads of narcotics

1 throughout the world, including the United States; correct?

2 A. Again, the world, I mean, the only place I ever sent
3 was over here, and we started to send to Europe, so --

4 Q. Well, you're telling us that you didn't mention the
5 word "world" or told them you had contacts throughout the
6 world?

7 A. I just -- I don't recall mentioning the world, you
8 know.

9 MR. BERGRIN: Well, may I approach the witness
10 with J-11661, Judge?

11 THE COURT: Yes.

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

13 A. Okay. It says "world"? All right.

14 Yeah. That's what it says. It says "world."

15 Q. Not only that, Mr. Esteves. You even told them that
16 you transported not only cocaine, but you also moved some
17 heroin; correct?

18 A. Quite some, yes.

19 Q. And you also told them that you arranged for the
20 transportation of cocaine loads as large as 1,000 kilograms
21 at a time; right?

22 A. Yes.

23 Q. And you told them that you were currently coordinating
24 a transportation of cocaine, and you told them how you're
25 transporting it and what lines you're using, correct;

1 Mr. Esteves?

2 A. Yes.

3 Q. And you told them your routes, that they are Mexico,
4 the Dominican Republic, two lines in Colombia, and
5 Venezuela; correct?

6 A. Yes.

7 Q. And you also told them about the primary investment
8 that was in a start-up line to Europe via the Netherlands;
9 right?

10 A. Excuse me?

11 Q. You told them that you also have a start-up line and
12 that your primary investment now is in a start-up line to
13 Europe via the Netherlands; correct?

14 A. Yes.

15 Q. So you told them about how in the future you intend to
16 move large amounts of narcotics through different countries
17 and eventually into Europe; right?

18 A. Yeah.

19 Q. You also told Mr. Esteves that you have multiple
20 contacts in Colombia; right?

21 A. A few, yes.

22 Q. And you told them that your primary line is through a
23 Colombian male named David; right?

24 A. One of them, yes.

25 Q. And you gave up David; right, Mr. Esteves?

1 A. Yeah.

2 Q. And you told them that -- you said that David is not a
3 source of supply but has a role similar to you in that David
4 has lots of contacts at the airports and within commercial
5 airlines; right?

6 A. Yes.

7 Q. And you told them that you could move large amounts of
8 narcotics from Colombia to other countries on behalf of
9 different organizations; correct?

10 A. Organizations?

11 Q. Yes.

12 A. I don't understand.

13 Q. Did you tell them, the Drug Enforcement Administration
14 and members of the task force, that David has a lot of
15 contacts at the airports and within commercial airlines and
16 can move large amounts of narcotics from Colombia to other
17 countries on behalf of different organizations? Did you say
18 that, Mr. Esteves?

19 A. If it says -- if that's what the D.E.A. reported, I
20 guess I said it.

21 Q. Did you also tell them that -- you stated that the
22 narcotic loads are usually transported -- you even told them
23 how you transport the narcotic, correct, through commercial
24 airlines and through catering facilities, like you told this
25 jury, right, through the food carts; right?

- 1 A. Yes.
- 2 Q. And you told them also that you knew a Dominican male
3 called Bori; right?
- 4 A. Say that again.
- 5 Q. Did you tell them that you had stated a Dominican male
6 called Bori is one of your main contacts in the Dominican
7 Republic?
- 8 A. Bori? I don't know Bori. Boy, you mean?
- 9 Q. Are you telling us that you don't know a Bori --
- 10 A. Not a Bori, no.
- 11 Q. B-o-r-i?
- 12 A. Bori?
- 13 Q. Yes.
- 14 A. Bori, he's somebody I know, yes.
- 15 Q. Who is that?
- 16 A. A Puerto -- somebody that -- right before I was
17 arrested, I met him over there in Santo Domingo.
- 18 Q. And he's an individual that moves narcotics with you;
19 correct?
- 20 A. We started -- that's when we started doing, to send
21 stuff to Amsterdam.
- 22 Q. So you gave up David, correct, in Colombia; right?
- 23 A. Yes.
- 24 Q. You gave up this guy, what's his name, Bori?
- 25 A. Bori, yes.

1 Q. Bori, correct, in the Dominican Republic; correct?

2 A. Yes.

3 Q. You also told them that Bori has lots of contacts at
4 Dominican airports and in commercial airlines; correct?

5 A. Yes.

6 Q. You also gave up your contact called Flaco; correct?

7 A. That's correct.

8 Q. And that's in the Dominican Republic also; right?

9 A. That's correct.

10 Q. You also stated the Dominican Republic is primarily a
11 transport point for loads of narcotics coming out of
12 Venezuela and Colombia; right?

13 A. Yes.

14 Q. And you also told them about the cities in Europe and
15 the Dominican Republic that you deal with; correct?

16 A. Cities in Europe, we just started.

17 Q. You also -- not only that, Mr. Esteves. You gave up
18 your Netherlands contact called Edward; correct?

19 A. I don't recall the name.

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

21 THE COURT: You can approach.

22 MR. BERGRIN: I approach with 11662.

23 A. Yes, Edward's his name.

24 Q. So you even gave up your contacts in Europe, Edward in
25 Netherlands that you were going to deal with; correct?

1 A. That's correct.

2 Q. And you told them how you met Edward; correct?

3 A. Yes.

4 Q. You told them -- you gave even a physical description
5 of Edward; correct?

6 A. Yes.

7 Q. Six feet tall, 44, 40 to 45, blond hair, blue eyes.
8 You told them the languages Edward speaks; correct?

9 A. Yes.

10 Q. And you said Edward came to meet you because he heard
11 that you moved -- that you had a lot of contacts and was
12 capable of transporting large quantities of narcotics
13 throughout the world; correct?

14 A. That's correct.

15 MR. GAY: Objection.

16 Q. And you also told them that --

17 THE COURT: Wait a second. I'm not just going to
18 have you sit here and read the entire -- Mr. Bergrin, you're
19 just reading the entire report that he gave to the D.E.A. or
20 the F.B.I. or whatever. You can't just sit here and keep
21 reading it and saying, didn't you say this line, this line,
22 this line. Come on.

23 Q. Did you tell them about your contacts in Mexico?

24 A. That's correct.

25 Q. And you also told them about --

1 THE COURT: Well, wait a second. I just said to
2 stop that.

3 MR. BERGRIN: Judge, can I be heard at sidebar,
4 please?

5 THE COURT: No. No. I've let you go on and on
6 and on. The guy has already testified that he gave up
7 everything he knew. I think I know where you're going with
8 this, but get to the point. You're not just going to read
9 the entire thing on the guy, that you said this, you said
10 this, and then read it. That's not what --

11 Q. You also gave Pepe; correct?

12 A. Yes.

13 Q. And that's one of your main contacts that you
14 described as the boss himself; right?

15 A. The cartel Zeta, yes.

16 Q. So you gave up the leader and the boss of the Zeta
17 cartel in Mexico that you get your supplies from; correct?

18 A. Yeah. I'm a cooperating witness.

19 Q. No, this is back in May, the date of your arrest by
20 the Prosecutor's Office in Monmouth as well as the Drug
21 Enforcement Administration; correct?

22 A. That's correct. The same day I got arrested, I
23 started cooperating.

24 Q. And not only that, Mr. Esteves. You told them about
25 the fact that the 75 kilograms that was headed with the drug

1 driver, Noyola, you told them and admitted that it was sent
2 by Pepe and Martinez and that was your drugs; correct?

3 A. They were my drugs?

4 Q. Yes.

5 A. No, they weren't my drugs.

6 Q. Didn't you state that you're waiting for a load of
7 cocaine to be delivered by Pepe and Martinez, that being the
8 75 kilograms?

9 A. It would have been delivered to New Jersey, not to
10 Pittsburgh.

11 Q. No, to you, sir.

12 A. No, he was delivering that drugs special from Atlanta
13 to Pittsburgh, not New Jersey. When anything comes -- I
14 never been in Pittsburgh.

15 Q. Did you tell them that you were waiting -- no, I'm not
16 saying anything about Pittsburgh. Forget about Pittsburgh.

17 A. That's where the drugs were going.

18 Q. Are you saying that you were waiting for the load, the
19 75 kilograms that were coming for you?

20 A. No, I wasn't waiting for that load.

21 Q. Did you tell the D.E.A. and the Monmouth County
22 Prosecutor's Office that you were currently waiting for a
23 load of cocaine to be delivered by tractor trailer later
24 that same day?

25 A. I received a call that morning, the day, May 28th, in

1 the morning, from the cartel and from the driver that the
2 load was coming -- coming in.

3 Q. And that was the 75 kilograms that was seized;
4 correct?

5 A. That was seized in Atlanta. I didn't know that. So,
6 again, from Atlanta to Pittsburgh, that truck was supposed
7 to be going, I didn't know. I think it's going to be coming
8 directly to me. So I'm thinking, you know, according to the
9 discovery, what I explained to the D.E.A. was that that
10 drugs was not for me intentionally, but they used it to --
11 to -- pretty much to get me on the phone. That's how I
12 really got arrested -- arrested.

13 Q. But that was the 75 kilograms that Noyola --

14 A. Was driver.

15 Q. -- Brigilio Carlos Noyola was transporting; correct?

16 A. That's correct.

17 Q. And you let them know, the police, law enforcement
18 authorities, that it was sent by Pepe and Martinez; correct?

19 A. Yes.

20 Q. And Martinez was an individual who was so powerful,
21 he's on the D.E.A.'s most wanted list; correct?

22 MR. GAY: Objection, Judge. How does he know
23 that?

24 THE COURT: I don't know if he knows it. He can
25 say no if he doesn't know it. This isn't --

1 You're not reading from a statement of his;
2 correct?

3 MR. BERGRIN: No, Judge.

4 Q. Didn't you tell the D.E.A. that Esteves stated that
5 Martinez is currently among D.E.A.'s most wanted and where
6 he's living in Reynosa, Mexico?

7 A. I know he was wanted, but I didn't know he was the
8 most wanted for D.E.A. I know it was for some murders or
9 something like that.

10 Q. Did you tell the D.E.A. that he was on the D.E.A.'s
11 most wanted?

12 A. Again, I don't recall saying he was on D.E.A.'s most
13 wanted.

14 Q. If you were to see a copy of the report, would it
15 refresh your memory?

16 A. Maybe it would.

17 Q. I show you what has been marked 11663 and ask you to
18 look at paragraph nine.

19 A. That's what D.E.A. says.

20 THE COURT: Well, wait. He asked you if that
21 refreshed your recollection. Does that refresh your memory
22 that you said that?

23 THE WITNESS: No.

24 THE COURT: Okay. Next question.

25 Q. So, essentially, on the day that you were arrested,

1 you told them about everything that you were involved in;
2 correct?

3 A. Yes.

4 Q. And you told them about the individuals that you dealt
5 with; correct?

6 A. Yes.

7 Q. And this is a document that was part of the discovery,
8 correct, that we received; right?

9 A. The one you just showed me?

10 Q. Yes.

11 A. Yes.

12 Q. So you knew, you knew, Mr. Esteves, that all these
13 individuals involved in this case would know that on the day
14 Vinny Esteves was arrested, he cooperated with Federal and
15 state law enforcement authorities and essentially gave up
16 everything that he knows and that Vinny Esteves is connected
17 to.

18 A. No.

19 Q. You knew that the discovery was being disseminated to
20 all the individuals involved in this case; correct?

21 A. Yes.

22 Q. Now, on the day that you talked to the Federal
23 authorities, the statement was recorded and the statement
24 was also videotaped; correct?

25 A. That's correct.

1 MR. BERGRIN: Judge, could we take our break, our
2 morning break now?

3 THE COURT: All right. Ladies and gentlemen,
4 we'll take our morning break now.

5 Fifteen minutes, Scott.

6 THE COURT CLERK: All rise.

7 Place your notebooks on your chairs.

8 (The jury exits)

9 (Recess taken)

10 (Defendant present)

11 (The witness resumed the stand.)

12 THE COURT CLERK: All rise.

13 (The jury enters)

14 THE COURT: Be seated.

15 Okay. Mr. Bergrin?

16 MR. BERGRIN: May I proceed, Judge?

17 THE COURT: Yes.

18 BY MR. BERGRIN:

19 Q. Now, Mr. Esteves, Cesar Cuebas was your
20 brother-in-law; correct?

21 A. Yes.

22 Q. And he was the one that essentially was responsible
23 for loading monies into the trunks of cars; correct?
24 Amongst other things.

25 A. No.

- 1 Q. What did Cesar do in the organization?
- 2 A. Excuse me.
- 3 Q. What does Cesar do for your organization?
- 4 A. He works for Diamond Builders. Whatever I told him to
- 5 do.
- 6 Q. Cesar was involved in the drug conspiracy also;
- 7 correct?
- 8 A. I don't recall.
- 9 Q. What do you mean, you don't recall? He was charged --
- 10 he was part of --
- 11 A. He got probation, so I don't recall.
- 12 Q. He was part of your indictment; correct?
- 13 A. Yes.
- 14 Q. And he was charged with drug conspiracy with you;
- 15 right?
- 16 A. Um-h'm.
- 17 Q. And he pled guilty to drug conspiracy; correct?
- 18 A. He plead guilty to something. I don't know what.
- 19 Q. Are you telling us that you don't remember and you
- 20 don't know what your brother-in-law pled guilty to, your own
- 21 brother-in-law? Is that what you're saying?
- 22 A. Yeah, exactly what I'm saying.
- 23 Q. Now, Cesar was involved in Diamond Builders, according
- 24 to you.
- 25 A. That's correct.

1 Q. What else did he do? What did he do for your drug
2 organization?

3 A. He didn't do nothing for my drug organization.

4 Q. So if D.E.A. was to arrest him, charge him with a
5 narcotic conspiracy and say that they observed him putting
6 money into the trunks of cars, would that be accurate?

7 A. That would be inaccurate.

8 Q. That would be inaccurate.

9 A. That's correct.

10 Q. You know that he was arrested with you; correct?

11 A. That's correct.

12 Q. And you know that you obtained an attorney for him;
13 right?

14 A. That's correct.

15 Q. And you know that he pled guilty; correct?

16 A. Yes.

17 Q. And you're telling us as you sit there you don't even
18 know what your brother was involved in, right, your
19 brother-in-law.

20 A. He was not doing what you're telling me.

21 Q. Now, you were asked on May -- you were asked on May
22 the 29th in this videotaped confession about your
23 brother-in-law; correct?

24 A. May 28th.

25 Q. Yes.

1 Do you remember telling them -- what do you
2 remember telling them about your brother-in-law?

3 A. That he's a compulsive gambler and that he wants to
4 get involved, and I said no. That's exactly what I told
5 them.

6 Q. What did you tell them?

7 A. I just said it.

8 Q. Did they confront you at all with intercepted
9 conversations from your brother-in-law's telephone number,
10 917-435-1924?

11 A. I don't recall the number.

12 Q. Do you remember them confronting you with intercepted
13 conversations about your brother-in-law?

14 A. Yes.

15 Q. And what did you tell them, Mr. Esteves?

16 A. I believe we were talking about the crown moldings or
17 lumber or something in my house, supplies. I was in the
18 Dominican Republic at the time when I was talking to Cesar
19 Cuebas.

20 Q. And is that all you told them?

21 A. Again, like I told you, he's a compulsive gambler, and
22 that he wanted to get involved in the game, and I said no.

23 Q. Did you ever tell them anything about him being
24 involved in your drug organization as a member of the
25 Esteves drug organization?

1 A. No, I don't. I don't recall.

2 Q. Would it refresh your memory if you were to see --

3 A. Yeah.

4 Q. -- a D.E.A. report on that?

5 I show you what has been marked 11688, paragraph
6 two.

7 A. Okay.

8 Q. You had a chance to listen to the wiretaps and the
9 interceptions in your case --

10 THE COURT: Well, wait a minute. So what's the
11 question and answer with respect to that?

12 Q. Isn't it a fact that you told them that Cesar was part
13 of your drug organization?

14 A. No.

15 Q. Now, you had a chance to listen to the wiretaps and
16 the interceptions; correct?

17 A. Again, some of them, not all of them. Like you said,
18 there were thousands and thousands of hours.

19 Q. And you don't remember any conversations involving you
20 and Cesar.

21 A. I remember exactly the ones you said. I was in the
22 Dominican Republic, and he asked me about some lumber or
23 supplies or something like that. I wasn't even in the
24 United States when I spoke to him.

25 Q. Now, isn't it a fact that you told the D.E.A. that

1 Cesar was part of your organization?

2 MR. GAY: Objection, Judge. He's already answered
3 it. He's been refreshed with a document. It was asked and
4 answered.

5 THE COURT: I'll let you answer the question one
6 last time.

7 A. That I told the D.E.A. that he's part of the
8 organization?

9 Q. Yes.

10 A. No, I don't recall that, no.

11 Q. Now, we just went through the statement that you made
12 to the Drug Enforcement Administration; correct?

13 A. Yes.

14 Q. And we went through the statement and who you gave up
15 and what you said about your organization; correct?

16 A. Yes.

17 Q. And when we went through the statement, it reflected
18 the fact that you were dealing thousands of kilograms of
19 cocaine; correct?

20 A. Yes.

21 Q. And it reflected all the members that you were dealing
22 with overseas in Colombia, Mexico, Dominican Republic;
23 correct?

24 A. Most of them.

25 Q. And it also talked about the fact that you were

1 awaiting the shipment of the 75 kilograms that was destined
2 to you; correct?

3 A. Again, I was not waiting for 75 kilos. They called me
4 in, and -- but it wasn't -- like I say, I was not waiting
5 for that particular 75 kilos, the ones you keep talking
6 about.

7 Q. But you admitted to the D.E.A. that you were awaiting
8 a shipment that day; correct?

9 MR. GAY: Judge, asked and answered. We've been
10 through this.

11 THE COURT: Yes, we've really been over all this,
12 Mr. Bergrin.

13 Q. Now, Noyola, again, was the individual, and you
14 testified, that was bringing that shipment; correct? He was
15 the truck driver; right?

16 A. Yes.

17 Q. And --

18 MR. GAY: Judge, just so we're clear, what
19 shipment are we talking about here? It's getting a little
20 confusing.

21 MR. BERGRIN: He answered the question, Judge.

22 THE COURT: I'm confused, too.

23 THE WITNESS: Okay.

24 THE COURT: This 75 --

25 THE WITNESS: Kilos.

1 THE COURT: -- kilos.

2 THE WITNESS: Right. He --

3 THE COURT: Why wasn't this the shipment you were
4 waiting for?

5 THE WITNESS: Because it wasn't the shipment I was
6 waiting for. Usually I get way more than that. Sometimes
7 there's a shipment going to other people, because I'm not
8 going to people they supply. If they don't get it or
9 whatever, they ask me if I want it. I'll just take it. He
10 keeps saying -- 'cause that shipment was pulled over in
11 Atlanta.

12 THE COURT: Right.

13 THE WITNESS: Destination was Pittsburgh.

14 THE COURT: Okay.

15 THE WITNESS: I'm in Jersey. My operation's in
16 Jersey. No way -- I would never go to Pittsburgh to pick up
17 drugs.

18 THE COURT: Well, then, what was your
19 relationship, then, with this 75 kilos?

20 THE WITNESS: Well, the driver, the driver they
21 used for that 75 kilos worked for the cartel that I deal
22 with.

23 THE COURT: Right.

24 THE WITNESS: So he could have been the driver
25 that gave me a load before or something like that. He works

1 for the cartel that I get my drugs from.

2 THE COURT: But that 75 wasn't coming to you.

3 THE WITNESS: It wasn't intentionally for me.

4 THE COURT: Okay. Go ahead.

5 BY MR. BERGRIN:

6 Q. Now, based upon your confession, the Federal
7 Government and the state Government, the charges that you
8 were indicted for, the leader of a narcotic organization,
9 the distribution of drugs, and all the offenses that you
10 were indicted for, they had you on a confession; correct?

11 A. Yes.

12 Q. They had you on wiretaps; right?

13 A. Yes.

14 Q. Now, they don't need -- they don't need Junior the
15 Panamanian. They had you cold; correct?

16 MR. GAY: Objection.

17 THE COURT: What's the objection?

18 MR. GAY: How does he know what the Government
19 needs?

20 THE COURT: I'll sustain.

21 Q. They don't need Noyola, the truck driver.

22 MR. GAY: Objection. Same objection.

23 THE COURT: Mr. Bergrin, it's the same objection.
24 How does he know that?

25 Q. You had confessed to multiple crimes that you were

1 indicted for, all the serious offenses that you were
2 indicted for, you confessed to; right?

3 A. Yeah.

4 Q. On a videotaped confession.

5 A. Yes.

6 MR. GAY: Judge, asked and answered. We've been
7 over this and over this and over this.

8 THE COURT: He answered the question.

9 Go ahead, Mr. Bergrin.

10 MR. BERGRIN: Thank you, Judge.

11 Q. And we had talked about -- we had that statement at
12 the beginning of your defense; correct?

13 A. I don't understand the question.

14 Q. We had that copy of that -- that statement that you
15 gave, the confession that you gave. We knew about it from
16 the beginning of your case; right?

17 A. That's correct.

18 Q. And one of the things that we discussed is the fact
19 that there's no way to suppress it, correct, because you
20 gave up -- they advised you of your rights; correct?

21 A. That's correct.

22 Q. You gave up your rights; correct?

23 A. Yes. Yes.

24 Q. So legally that confession was coming in against
25 Vincent Esteves; right?

- 1 A. That's correct.
- 2 Q. So all we were essentially interested in is trying to
3 save your life and cut down the amount of years you could
4 potentially get; correct?
- 5 A. Yes.
- 6 Q. And essentially save the life of your wife, who they
7 indicted on very serious offenses; correct?
- 8 A. Yes.
- 9 Q. Now, Oscar Cordova came out of the clear blue sky,
10 essentially; right?
- 11 A. Yeah.
- 12 Q. He sent you a letter, and you had absolutely no
13 expectation of ever receiving a letter from Oscar; right?
- 14 A. Yes.
- 15 Q. And when Oscar sent you the letter, you had never even
16 heard of Oscar, you knew nothing about Oscar; right?
- 17 A. That's correct.
- 18 Q. You said that Oscar said that he came from the family;
19 right?
- 20 A. That's what the letter said.
- 21 Q. Meaning the Mexican cartel members; right?
- 22 A. That's what I assumed.
- 23 Q. And these Mexican cartel members are very wealthy;
24 right?
- 25 A. Extremely.

1 Q. I mean, they're not even millionaires, they're
2 probably zillionaires; correct?

3 A. Billionaires.

4 THE COURT: Well, I don't know what a zillionaire
5 is.

6 (Laughter)

7 THE WITNESS: Billionaires.

8 Q. Well, they're definitely -- they're billionaires;
9 right?

10 A. Yes.

11 Q. Yet Oscar, coming from these individuals, Oscar could
12 provide no money, essentially, to assist you and your wife;
13 correct?

14 A. Well, Oscar was trying to bail me out.

15 Q. Well, you sat in jail for almost eight months.

16 A. That's correct.

17 Q. Since you met Oscar; right?

18 A. Yes.

19 Q. And you had a bail on you; correct?

20 A. Yes.

21 Q. Oscar could have bailed you out. Your bail was only
22 \$1.2 million; correct?

23 A. That's incorrect.

24 Q. Your bail was reduced down to \$1.2 million; correct?

25 A. I think -- I think you're wrong there. I think it was

1 like 2.5 million.

2 Q. Your bail was reduced to 1.2 million.

3 A. Maybe I'm wrong. Sorry. From 10 million?

4 Q. So you had a bail; correct?

5 A. That's correct.

6 Q. As a matter of fact, your wife also had a bail that

7 was reduced down to seven-fifty, 750,000; right?

8 A. I remember that, yes.

9 Q. And your wife sat in jail for a long period of time

10 until someone would bail her out, would get her bailed out;

11 correct?

12 A. Five and a half months, for \$5 million, yes.

13 Q. Five and a half months. And there was no money paid

14 for investigation in your case by Oscar for several months;

15 correct?

16 A. You was dealing with Oscar. I don't know.

17 Q. You had no knowledge of that; right?

18 A. I had no knowledge of that, that's correct.

19 Q. And we also needed a forensic accountant; right?

20 A. You did mention that, yes.

21 Q. And we needed appraisals for your properties; correct?

22 A. I guess so, yes.

23 Q. Now, we couldn't use the accountant that you had;

24 correct? We had decided, you and I, that we can't use him,

25 Dennis Kousos, to testify in a trial, right? It was a

1 forensic accountant in your case, right?

2 A. That we couldn't use him?

3 Q. Yes, that we couldn't use him as the actual accountant
4 in the case, that we had to hire a different accountant;
5 right?

6 A. Sir, I don't know what you're trying to get at. I
7 don't understand the question.

8 Q. My question to you is, isn't it a fact that we
9 discussed the fact that we could not use Dennis as your
10 accountant if it goes to -- if we had to present expert
11 testimony?

12 A. I think -- well, from my understanding, I think it was
13 that you prefer having a forensic accountant because Dennis
14 was not a forensic accountant.

15 Q. Correct.

16 A. But that's it. I don't think we ever discussed the
17 fact that we were going to use him in trial or anything like
18 that, because there was never no trial.

19 Q. We had discussed the fact that we needed a forensic
20 accountant; correct?

21 A. That's correct.

22 Q. And we needed that for your bail, we needed that to
23 try to lessen the amount of years that you were going --
24 that you were being offered so we could get a good plea of
25 guilty; correct?

1 A. Well, it was for the bail. It was for the bail
2 package. That's what you needed a forensic accountant for.
3 It wasn't for the plea.

4 Q. And Oscar kept promising money; correct?

5 A. Again, I speak to Oscar on the phone when I call him,
6 and then you speak to him, I don't know what you and Oscar
7 talk about.

8 Q. So you're telling us as you sit there you have no
9 conception of what Oscar and I discussed or the fact of what
10 Oscar and I did not discuss.

11 A. Me and Oscar discussed like the bail all the time,
12 stuff like that, but again, providing money to you? That
13 was between you and Oscar.

14 Q. Now, Oscar promised that he would help bail you out;
15 correct?

16 A. That's what the letter said.

17 Q. And Oscar promised that he would help bail your wife
18 out; correct?

19 A. That's correct.

20 Q. And Oscar promised that he would help with attorneys;
21 correct?

22 A. That's correct.

23 Q. And isn't it a fact that Oscar provided nothing, to
24 the best of your recollection?

25 A. My recollection, only \$20,000, that's it.

- 1 Q. \$20,000; correct?
- 2 A. That I know of.
- 3 Q. After over three and a half months of meeting with
- 4 Oscar; correct?
- 5 A. I don't know exactly.
- 6 Q. Now, Oscar told you that he's there to help you;
- 7 right?
- 8 A. Yes.
- 9 Q. And one of the things that he's there to help you is
- 10 to provide monies and funds to help you; right?
- 11 A. Best of my understanding, yes.
- 12 Q. Now, you testified on Friday about Jason, the bail
- 13 bondsman; correct?
- 14 A. Yes.
- 15 Q. Now, what is your relationship with Jason?
- 16 A. He's like a second cousin to me.
- 17 Q. And how long do you know Jason?
- 18 A. Over 10 years, 10, 15 years.
- 19 Q. And You spent time with him when you grew up in
- 20 Perth Amboy; correct?
- 21 A. A little bit, yeah.
- 22 Q. Now you testified on Friday that Jason was -- matter
- 23 of fact, he was on your visitors' list at the Monmouth
- 24 County Jail; correct?
- 25 A. I don't have a list.

1 Q. Well, Jason came to visit you at the Monmouth County
2 Jail; right?

3 A. Yes, he did.

4 Q. And as a matter of fact, he made a lot of calls
5 between you and Oscar; he would do a three-way call?

6 A. Yeah.

7 Q. You would call Jason, Jason would call Oscar; right?

8 A. Yes.

9 Q. Now, you testified on Friday that you did not know
10 Jason's last name.

11 A. That's correct.

12 Q. As you sit here today under oath, are you telling us
13 that you didn't know or you don't know Jason's last name?

14 A. I don't know. I mean, I could say a name out, but I'm
15 not a hundred percent, I mean. I don't go around saying,
16 you hang out with me, Hi, Mr. Paul Bergrin. I don't do
17 that. It's just Paul, Jason. What's up, Jason? That's
18 how, you know, I grew up. I don't want to say a last name
19 if that's not his last name and I'm wrong.

20 Q. You understand that you're under oath.

21 A. But I understand what you're saying. Yeah.

22 MR. BERGRIN: May I have just one second, Judge?

23 THE COURT: Yes.

24 Q. Now, Oscar told you and you told Oscar, both of you
25 agreed that Oscar wanted to meet your drug connections;

1 correct?

2 A. Yes.

3 Q. And one of the reasons that Oscar said he's here to
4 help you is to meet your drug connections; correct?

5 A. Jason?

6 Q. No, Oscar. I'm talking about Oscar. What, did Jason
7 want to meet your drug connections?

8 A. Don't make no sense. Rephrase the question again?

9 Q. Did Oscar tell you that one of the purposes that he's
10 here in New Jersey and coming to help Vincent Esteves is to
11 meet your drug connections?

12 A. No. I thought the purpose was to give you money and
13 take care of the situation.

14 Q. So Oscar never told you and you weren't aware that
15 Oscar wanted to meet your drug connections.

16 A. He wanted to meet my drug connections, but they're not
17 here in New Jersey. They're in South America.

18 Q. No, in South America, anywhere.

19 A. You said over here. That's why.

20 Q. I'm sorry. I didn't mean to confuse you.

21 Oscar told you that he's coming to meet Vinny
22 Esteves so you can introduce him to your drug connections in
23 South America; correct?

24 A. And to meet you.

25 Q. And to meet me.

1 A. That's correct.

2 Q. Now, did you know -- did Oscar ever inform you that he
3 could get kilograms of cocaine for \$4,000 --

4 A. I don't recall.

5 Q. -- delivered and transported to the United States or
6 anywhere?

7 A. I don't recall. It wouldn't make no sense then for me
8 to present him with a connect, then.

9 Q. Absolutely.

10 Did Oscar ever tell you that he knows Martha
11 Ochoa?

12 A. I don't recall.

13 Q. Did Oscar ever tell you that he's connected and works
14 with and knows the Herreras, the Mexican cartel Herreras?

15 A. You mentioned that, but I don't recall those last
16 names.

17 Q. Did Oscar ever help you pay any of the mortgages on
18 your house, to take your house out of foreclosure?

19 A. Never, that I know of, never.

20 Q. Did Oscar ever provide money to Chantal Esteves, your
21 wife, when she got out to pay for the baby?

22 A. No.

23 Q. Did he ever help restore the electricity to your
24 house?

25 A. No.

1 Q. The water to your house?

2 A. No.

3 Q. Did any of your contacts or connects help with that at

4 all?

5 A. Yes.

6 Q. Which contact?

7 A. In Colombia.

8 Q. In Colombia?

9 A. Yeah.

10 Q. Who sent you money?

11 A. David.

12 Q. David sent you money?

13 A. Yeah.

14 Q. Who did he send money to?

15 A. Sent it to -- to me, before me.

16 Q. When did he send you money?

17 A. I wasn't -- I was locked up in the County Jail.

18 Q. Where did he send it to?

19 A. I believe to Jason, I believe.

20 Q. To Jason that you don't know his last name?

21 A. Exactly.

22 Q. And how did he get to meet Jason?

23 A. He didn't meet him. I said he sent him. It wasn't

24 much. It was only a couple thousand dollars.

25 Q. How did he get to know Jason?

1 A. Told -- the cell phones you gave me in the County
2 Jail, I called David, and David asked if I needed anything.
3 I said, if you want to send me something, send me something.
4 He sent \$2,000, or three, whatever it was, and he sent it to
5 Jason.

6 Q. And did you tell him what Jason's last name was so he
7 could send it to Jason, or just send it to Jason?

8 A. I told you, man, I think Jason asked Mr. Hernandez,
9 but I'm not sure if that's it. I don't recall his last
10 name.

11 Q. It wasn't Jason Nieves?

12 A. Nieves. There you go. That's it.

13 Q. And an individual that you know for 15 years, a second
14 cousin of yours --

15 A. Second cousin, exactly. He's not my first.

16 Q. -- who visits you at the jail, who does three-way
17 calls for you, and you have David, your trusted Colombian
18 contact, but you don't know Jason's last name.

19 A. Exactly. I don't call him: Jason Nieves, how you
20 doing?

21 Q. Now, if Oscar came from Mexico and familia, he would
22 absolutely know Pepe; correct?

23 A. That's correct.

24 Q. And if Oscar came from the Mexicans, he would also
25 know the truck drivers; correct?

1 A. I didn't even know the truck drivers. I don't know
2 about that.

3 Q. Well, you didn't know the truck driver. Did you ever
4 receive a call from the truck driver?

5 A. Yes. I never met the truck driver personally until I
6 was locked up in Monmouth County Jail.

7 Q. So you're telling us that you received a call from the
8 truck driver.

9 A. Supposedly it was the truck driver, yes.

10 Q. Now, isn't it a fact that you as the leader of the
11 organization, one thing that you do is, you insulate
12 yourself from people like the truck driver; correct?

13 A. Yes.

14 Q. And isn't it a fact that what you do is, you insulate
15 yourself by having the truck driver deal with and contact
16 other members of your organization, such as Hector
17 Rodriguez; right?

18 A. Yeah, and others.

19 Q. And isn't it a fact that on this date that you were
20 arrested, isn't the fact that the truck driver was arrested
21 approximately two months before May the 28th? He was
22 arrested in April?

23 A. Yes. I believe he was arrested way before.

24 Q. And you knew about that; right?

25 A. I didn't know it was the same -- same driver. Again,

1 I don't meet the drivers.

2 Q. Well, you got the discovery; correct?

3 A. Yes, I got discovery.

4 Q. And the discovery reflected and proved and showed that
5 the truck driver was arrested; correct?

6 A. Yes.

7 Q. And it showed that he was arrested in Louisiana;
8 right?

9 A. Somewhere near Atlanta, yeah.

10 Q. And you knew based upon the discovery that there was
11 75 kilograms headed to you in April of 2008, according to
12 the report and the truck driver's arrest; right?

13 A. No, that's totally wrong, according to the report and
14 the truck driver. I already state that the drugs were
15 heading towards Pittsburgh. I don't have no contact in
16 Pittsburgh. It's not for me.

17 Q. I'm talking about the date that the truck driver was
18 arrested. Correct?

19 A. No, you said before he was locked up before, he was
20 arrested two months prior to that.

21 Q. And you knew about that, right, because you read the
22 discovery in this case; right?

23 A. Yes.

24 Q. And in the discovery, it said that the truck driver
25 was dealing with a guy by the name of Alex; right?

1 A. If I'm correct, if I'm correct, from the discovery, it
2 says Alex was his supervisor, the one who replenished his
3 debit card.

4 Q. And as a matter of fact, you knew as a matter of fact
5 that the truck driver was dealing with Alex, who was dealing
6 with Hector Rodriguez; correct? You read that in the
7 discovery.

8 A. No. No, I didn't know that. And I don't think that
9 was -- because I never met Alex.

10 Q. Now, you keep yourself from having the contact with
11 people like the truck drivers so you wouldn't be in a
12 situation where they could contact you, call you and set you
13 up; right?

14 A. Yeah. I slipped.

15 Q. You slipped. So if we were to look at your cell phone
16 or see the numbers that were called, it would show a call
17 from the truck driver to Vincent Esteves; right?

18 A. No, it wouldn't show it to Vincent Esteves. It would
19 show to an alias.

20 Q. It would show it to an alias.

21 A. I don't recall the alias now.

22 Q. Now, you're saying that the truck driver called you.
23 On what date?

24 A. May -- May 28th, early morning.

25 Q. This is the truck driver that's locked up in Louisiana

1 two months before; right?

2 MR. GAY: Objection.

3 THE COURT: What's the objection?

4 MR. GAY: How does he know whether he was locked
5 up or not?

6 THE COURT: I have no idea, but if he doesn't
7 know, he can say that.

8 A. Again, like I told you, like, I don't know, never met
9 the truck driver, besides in Monmouth County one time in the
10 cell.

11 Q. Well, you admitted that you reviewed all the discovery
12 in this case; correct?

13 A. Right.

14 Q. And you admitted that you reviewed the discovery in
15 reference to how it affects you; correct?

16 A. Yes. How it affects me, exactly.

17 Q. And you knew that the truck driver's name was Noyola;
18 correct?

19 A. Right.

20 Q. Now, did you review the discovery as it reflected
21 Noyola and his arrest in Louisiana with 75 kilograms of
22 cocaine?

23 A. Yes, I remember reading that, yes.

24 Q. And you remember reading the fact that Noyola was in
25 contact with Hector Rodriguez and not Vincent Esteves?

1 A. Yes, Hector Rodriguez was called up first in the
2 morning. Then Hector called me up, and then the truck
3 driver called -- Hector gave him my number, and the truck
4 driver called me up that morning, and then I was arrested.

5 Q. Now, isn't it a fact that Noyola was not to contact
6 anybody in New Jersey until he got an hour away? Correct?
7 You know that from the discovery; right?

8 A. I don't recall. I don't recall that.

9 Q. Do you recall the fact that Hector was keeping in
10 contact with you as far as the 75 kilograms?

11 A. Again, which 75 kilos? The ones I got caught, or --

12 Q. The ones you got caught --

13 A. -- or the ones I was supposed to be expecting --

14 Q. I'm talking about the ones for which Noyola was
15 arrested back in April of 2008.

16 A. I told you I didn't have anything to do with that,
17 with that 75 from Atlanta. That was going to somebody else.

18 Q. But you read the bail reports; correct?

19 A. But I didn't write them.

20 Q. You didn't write them, but you read them, the fact
21 that it was destined to you; correct?

22 THE COURT: Well, wait a second. Because somebody
23 else said that -- he said it's not so. You're not
24 attributing something he said. So, this is the problem with
25 using these reports that aren't his.

1 MR. BERGRIN: I understand, Judge.

2 THE COURT: But the point is --

3 MR. BERGRIN: I understand, Judge.

4 THE COURT: -- you leave the inference that he
5 said this somehow and therefore he should know it. He's
6 testified.

7 Q. Now, on the day that you received -- how many phone
8 calls did you receive from the truck driver?

9 A. If I recall, two, two of them.

10 Q. Two of them?

11 A. Two calls.

12 Q. And what did the truck driver say to you over the
13 phone?

14 A. Nothing, he said, I'm here, called -- I think he said
15 he called Hector -- well, not Hector, it was my cousin or
16 whatever name he used, and he said, I'm here. I hung up.
17 Here? Where? I was all confused.

18 And I called Mexico. And when I got on the phone
19 with Mexico, I said, Look, did you send me something?

20 They were like, Yeah, yeah, we send you, we sent
21 you something, it's on the way, supposed to be on the way.

22 I'm like, I got a call from such-and-such,
23 somebody on a truck.

24 And that was it. I was arrested right there.

25 Q. But you hung up on the truck driver; correct?

1 A. First, yeah. That's why I had two calls.

2 Q. And you didn't admit anything to the truck driver;
3 right?

4 A. I told him pull over -- I just told him to wait, pull
5 over on the shoulder somewhere on the Turnpike and just wait
6 and I'll call you back. That's it.

7 Q. Now, you said that in your letter to Oscar that Junior
8 the Panamanian started the investigation; correct?

9 A. Yes.

10 Q. And you also said that you were there because of
11 Junior and the Panamanian; correct? Excuse me, Junior and
12 the truck driver.

13 A. Yeah.

14 Q. Isn't that what you said in your letter to Oscar?

15 A. I -- something like that, yes.

16 Q. Now, you weren't there because of Junior; correct?

17 A. I wasn't there? What do you mean?

18 Q. Meaning locked up in jail. You sent the letter from
19 the jail and you said that you are in jail because of Junior
20 and the truck driver; correct? That's what you said to
21 Oscar; right?

22 A. If that's what I wrote in the letters, yeah.

23 Q. But you knew at the time that you were locked up that
24 you were locked up based upon a wiretap and conversations
25 that you had had, correct, over the telephone.

1 A. On May 28th to the truck driver and the Mexicans.

2 Q. No, you knew at the time that you were arrested on May
3 the 28th of 2008 that there was a D.E.A. wiretap and there
4 were thousands of conversations; correct?

5 A. Again, the same conversation on May 28th with the
6 truck driver and the Mexicans, and prior to that, they had
7 my phone recorded, I don't know, five months, something like
8 that?

9 Q. Five months of recordings; right?

10 A. Uh-huh.

11 Q. And you also knew that they had surveillance on you;
12 right?

13 A. Right.

14 Q. And you received all the discovery in this case to
15 find out not only did they have thousands of telephone
16 conversations between you, Hector Rodriguez, and all other
17 members of your organization, but they also had multiple
18 surveillances of you; correct?

19 A. That's correct.

20 Q. So you weren't there because of Junior the Panamanian.
21 You weren't in jail because of Junior, and you weren't there
22 because of the truck driver; correct? You were there
23 because of the five-month investigation, all the wiretaps,
24 all the surveillances; correct?

25 A. I truly believe I was there because of Junior the

1 Panamanian.

2 Q. Now, when you found out and you -- excuse me. When
3 you wrote the letter, did you know that Tapia and Alejo had
4 been arrested before Junior was arrested?

5 A. I don't know. I know they were arrested before I was
6 arrested, but I don't know if they were -- they were
7 arrested before Junior was.

8 Q. Well, you got a copy of the discovery; correct?

9 A. Yeah, I got a copy of the discovery, but I don't read
10 what doesn't pertain to me. Jose, Tapia, and Arsenio have
11 nothing to do with me.

12 Q. Well isn't it a fact that they attributed the \$450,000
13 that they were caught with to you?

14 A. No. It wasn't my money.

15 Q. But they said that it was yours, correct, as part of
16 the investigation; correct?

17 A. I don't know what they said. I don't recall.

18 Q. You also knew that before Junior was ever arrested
19 with the money that Tineo had been arrested with about
20 \$500,000; correct?

21 A. Yeah, 460,000.

22 Q. 460,000. And you knew that they said that you gave
23 Tineo the money; correct?

24 A. That's correct.

25 Q. So before Junior ever even came into the picture,

1 there were two other people arrested --

2 A. Um-h'm.

3 Q. -- approximately \$800,000 in cash seized; correct?

4 About.

5 A. Eight hundred, or two million, whatever it was.

6 Q. And they were saying that the money came from you;

7 correct?

8 A. That's correct.

9 Q. Along with thousands of conversations and along with

10 surveillances; right?

11 A. Yes.

12 Q. Now, when Junior was arrested, you had a chance to

13 read all the discovery about what Junior did and what Junior

14 said; right?

15 A. That's correct.

16 Q. And isn't it a fact that Junior never even mentioned

17 your name, Mr. Esteves?

18 A. Junior was the only one that knew me.

19 Q. Isn't it a fact you just said, you just admitted that

20 you read the reports on Junior? Isn't it a fact that Junior

21 the Panamanian never, ever mentioned your name, sir?

22 A. No, he mentioned my name.

23 Q. And you're about as sure about that as about all your

24 testimony in this case; correct?

25 A. Yeah. Primo. They called me Tony Primo on the

1 investigation, Primo, and I know that for a fact in the
2 conversations. They ain't gonna say, Mr. Esteves, here's
3 the drugs.

4 Q. Now, you had a chance and you talked about with
5 Mr. Gay a Government Exhibit 414, which is a memorandum on
6 the bail; correct?

7 A. Yes.

8 Q. And in that bail memorandum, it talks about the fact
9 that Danilo Chen-Pui -- who is Junior; correct?

10 A. That's correct.

11 Q. -- was caught with a significant amount of money;
12 correct?

13 A. 600,000.

14 Q. And it says that the money was going to Hector
15 Rodriguez; correct?

16 A. That's correct.

17 Q. And it says nothing about Primo, nothing about Vincent
18 Esteves; correct?

19 A. I -- I believe if you read before that or the other
20 thing, it says that he spoke to me, to Bodi (ph). Maybe it
21 might not that page. It's part of discovery. But yeah, he
22 was gonna go see Hector Rodriguez. I was aware of that.

23 Q. And isn't a fact that Hector Rodriguez said -- isn't
24 it a fact that, excuse me, Junior said that the money was
25 all headed toward Hector Rodriguez?

1 A. That's correct, and Hector Rodriguez works for me.

2 Q. But he never said Vincent Esteves, and he never even
3 identified a photograph of Vincent Esteves; correct?

4 MR. GAY: Objection. How does he know --

5 MR. BERGRIN: He's read the discovery.

6 MR. GAY: How can he possibly have any knowledge
7 of this? There's not even a possibility he could have
8 knowledge of this, Judge.

9 THE COURT: But wait a second.

10 I want you to testify if you know that, or if you
11 learned it from discovery.

12 THE WITNESS: I'll tell.

13 THE COURT: Do you know the answer? Can you
14 answer that question?

15 THE WITNESS: Nobody ever called me Vicente
16 Esteves. That's number one.

17 THE COURT: Read the last question that Mr.
18 Bergrin asked.

19 (Record read)

20 A. I don't know if he -- they showed him any pictures of
21 me or anything like that. I wouldn't know.

22 Q. Now, you talked about Diamond Builders. Diamond
23 Builders built houses; correct?

24 A. Yes.

25 Q. And you bought properties for Diamond Builders to

1 build houses; right?

2 A. That's correct.

3 Q. As a matter of fact, you took out bank loans in excess
4 of a million dollars on behalf of Diamond Builders; right?

5 A. Over a million dollars, yes.

6 Q. And you bought several of the lots, especially the
7 lots on Tennent Avenue, with money that you took from loans;
8 right?

9 A. No, incorrect.

10 Q. Well, you bought properties, and you built houses with
11 the loans that you took; correct?

12 A. That's correct.

13 Q. Now, did you ever solicit Oscar to kill anybody?

14 A. Junior. Junior the Panamanian.

15 Q. Before you ever -- before this case --

16 A. I didn't know Oscar.

17 Q. -- did you ever solicit Oscar to kill anybody?

18 A. No.

19 Q. Did you ever tell Oscar that you want people killed?

20 A. No.

21 Q. Did Oscar ever assist you in providing any protection
22 for you along any kind of drug routes?

23 A. No.

24 Q. Did you ever have any conversations with Oscar about
25 how he communicates with his father, Lord Gino?

1 A. How he communicates.

2 Q. Yes.

3 A. I don't recall.

4 Q. Did I ever speak to you about the fact that I believe

5 -- I don't believe Oscar and I don't trust Oscar?

6 A. I don't recall.

7 MR. GAY: Judge --

8 Q. Isn't it a fact that I told you that there's something

9 wrong with this guy when we first met --

10 MR. GAY: Objection.

11 Q. -- that I don't believe Oscar?

12 MR. GAY: Objection.

13 THE COURT: What's the objection?

14 MR. GAY: It's utter hearsay. It's complete, rank
15 hearsay.

16 THE COURT: No, no, I'll allow that.

17 Did he say that to you?

18 THE WITNESS: The question again, please?

19 THE COURT: Could you read it back, Chuck?

20 (Record read)

21 A. No, that's not true.

22 Q. Isn't it a fact that I told you that Oscar told me

23 that he's talking to his father at the supermax facility by

24 cell phones, that this guy is a liar, he can't be believed?

25 Isn't that a fact, Mr. Esteves?

1 A. No. Not like that. You did tell me that he spoke to
2 his father, he was talking to his father, but not like with
3 the cell phone, the other part.

4 Q. Didn't I tell you that there's something wrong with
5 Oscar, Vinny, stop talking to him, there's something wrong
6 with him, he lies too much and he can't be trusted, Vinny,
7 stop talking to this guy?

8 A. No, Paul.

9 Q. Now, you went over one recording of August the 21st.
10 Did you have a second conversation with Oscar on
11 November the 6th of 2008?

12 A. I don't know about the dates, man. Again, I had a lot
13 of conversations with Oscar over the phone.

14 MR. BERGRIN: May I have one minute, Judge? I'm
15 sorry.

16 THE COURT: Okay.

17 MR. BERGRIN: Let me ask you questions before we
18 get to that, while she's looking for that.

19 Q. Now, you testified under direct examination that
20 Paul Bergrin hired other attorneys to make sure nobody
21 cooperates against Vincent Esteves; right? Isn't that what
22 you told Mr. Gay during direct examination?

23 A. I told on direct, cross-examination, whatever it's
24 called, I told him that, I say you want to control all the
25 attorneys, so you picked the attorneys for my co-defendants.

1 Q. Now, let's -- you had more than four co-defendants;
2 correct?

3 A. Yeah.

4 Q. On your indictment was the accountant, Dennis Kousos;
5 correct?

6 A. Yeah, that was later on, he got arrested.

7 Q. On your indictment was Dennis Kousos; correct?

8 A. Yes.

9 Q. Chantal Esteves; correct?

10 A. Yes.

11 Q. Hector Rodriguez; right?

12 A. Yeah.

13 Q. Right?

14 A. Yes.

15 Q. Now, I didn't hire the attorney or have anything to do
16 with the attorney and representation of Dennis Kousos; isn't
17 that a fact?

18 A. That's a fact.

19 Q. The accountant.

20 A. That's correct.

21 Q. You had Hector Rodriguez. He was a very important
22 part of your organization; right?

23 A. That's correct.

24 Q. He could bury you with his knowledge; correct?

25 A. That's correct.

1 Q. I didn't have anything to do with him hiring his
2 attorney or his attorney; correct?

3 A. He had an attorney before you even came along.

4 Q. That's right, correct?

5 A. That's correct.

6 Q. Michael Lopez; I hired -- Michael Lopez is one of your
7 closest confidants; right?

8 A. Yes, friends, right.

9 Q. He's a good friend of yours; right?

10 A. That's right.

11 Q. So the only ones that I had anything to do with
12 getting attorneys was for you; correct?

13 A. Correct.

14 Q. Me representing you; your wife, Chantal Esteves,
15 correct?

16 A. Yeah, for my wife.

17 Q. Your brother-in-law, Cesar Cuebas; correct?

18 A. That's correct.

19 Q. And Michael Lopez; right?

20 A. That's correct.

21 Q. Nobody else out of the 15 other people on your
22 indictment; correct?

23 A. I didn't know it was that many. I didn't know it was
24 that many.

25 Q. Well, are you telling us you didn't read the

1 indictment? You didn't see the face page?

2 A. Again, I didn't know it was 15 people.

3 Q. Okay. What about Mark Edwards?

4 THE COURT: Well, we don't have to read through
5 all the people.

6 A. He had his own attorney.

7 THE WITNESS: Sorry, Judge.

8 Q. Nobody else; right?

9 A. That's correct.

10 Q. On the September 6th recording that you had with
11 Oscar, isn't the fact that you told Oscar to hold off doing
12 anything, hold off doing anything until you get out?

13 A. I don't remember if that was the date. I do remember
14 talking to Oscar to hold off doing anything, meaning with
15 you.

16 Q. You told him to -- you were talking about Junior the
17 Panamanian. You were talking about witnesses in this
18 conversation; isn't that a fact, Mr. Esteves? You remember
19 that.

20 A. No, I don't recall. If you give me the particular
21 transcript, I'll read it.

22 MR. BERGRIN: I'll move on to another area until
23 we get the transcript, Judge.

24 THE COURT: Okay.

25 Q. Now, you had complained as well as Chantal about

- 1 Moran, correct, Thomas Moran, Tommy?
- 2 A. Yes.
- 3 Q. And you had complained that he's incompetent; correct?
- 4 A. Yes.
- 5 Q. And that he's using drugs, cocaine, and coming to
- 6 court high on cocaine; right?
- 7 A. That's what my wife assumed.
- 8 Q. And based upon that, I told you that I'm going to try
- 9 to do as much as I can to help your wife and make sure that
- 10 you and your wife are taken care of as far as your case is
- 11 concerned; correct?
- 12 A. You always said that.
- 13 Q. And as a matter of fact, I told you that, you know,
- 14 don't talk to Tom Moran, don't trust him if he's coming
- 15 coked up, if he's using coke, not to trust him and to tell
- 16 Chantal not to trust him; isn't that a fact, sir?
- 17 A. No.
- 18 Q. You made it clear to me that Mr. Moran was using drugs
- 19 and coming to court high on drugs and that you don't trust
- 20 him; correct?
- 21 A. No, I made it clear to you and Tommy if Tommy's going
- 22 to go over there high that I was going to kick his ass. I
- 23 used words worse than that, but he was putting -- you know,
- 24 jeopardizing my wife.
- 25 Q. That's right, and I said at that time and I told you,

1 we had a conversation that I will take care of your wife and
2 I will take care of you and I will help you and assist you
3 as much as I can, pour my heart into the case; correct?

4 A. Again, you -- you always said that.

5 Q. Now, while you're confined, you're confined with an
6 individual by the name of Albert Castro; correct?

7 A. That's correct.

8 Q. And you had conversations with Mr. Castro; correct?

9 A. That's correct.

10 Q. And isn't it a fact that you knew that Mr. Castro lied
11 about me and made up facts about me about the Kemo case, the
12 murder case? You knew that; correct?

13 MR. GAY: Judge, objection to, first of all,
14 what's the relevance of this? I don't understand how this
15 is in any way, shape, or form relevant.

16 THE COURT: How about it, Mr. Bergrin?

17 MR. BERGRIN: It goes toward the fact that
18 Mr. Esteves comes forth now and makes a statement about the
19 Kemo case, Your Honor, after speaking to Albert Castro.

20 THE COURT: I don't think --

21 MR. GAY: That's fine, then, Judge. I've got some
22 good redirect. Not a problem.

23 THE COURT: I think you'd better be careful here,
24 Mr. Bergrin.

25 MR. BERGRIN: I'll withdraw the question, Judge.

1 THE COURT: Good.

2 Q. Now, Mr. Esteves, you pled guilty on October the 12th
3 of 2010, correct, before Judge Martini in United States
4 District Court.

5 A. I pled guilty. I just don't recall the date. That's
6 probably right.

7 Q. And when you pled guilty before Judge Martini, you
8 were asked a question in reference to what Paul Bergrin said
9 to you; right?

10 A. I don't recall the questions. I mean, if you have
11 them, I'll read them; I recollect, I'll let you know. I
12 don't recall.

13 Q. You pled guilty, you were facing a very heavy sentence
14 federally; correct?

15 A. Yes, I think 20 years, zero to 20 years.

16 Q. And that's for the fact that you weren't charged with
17 your cocaine distribution; correct? All the cocaine you
18 distributed.

19 A. I was already charged with the state with that, not
20 for Federal.

21 Q. You weren't charged Federal, which was the
22 international and as far as state to state, the thousands
23 and thousands and thousands of kilograms you distributed;
24 right?

25 A. I wasn't charged for that.

1 Q. You would have been facing life federally if you were
2 charged with what you really did; correct?

3 A. That's correct.

4 Q. But you decided to cooperate, and because you
5 cooperated, you weren't charged and looking at a life
6 sentence federally; right?

7 A. I wasn't looking at a life sentence?

8 Q. Right. You weren't looking at a life sentence, which
9 you would have been looking at if you didn't cooperate;
10 correct?

11 A. I was never charged for the drug trafficking, so how
12 would I --

13 Q. Because you cooperated; isn't that a fact?

14 A. I cooperated for the conspiracy to murder, for this
15 indictment.

16 Q. And when you were asked questions about the conspiracy
17 to commit murder, isn't the fact that you said that Paul
18 said that -- you used the words "taken care of," or to
19 ensure that they will not testify; correct?

20 A. Again, I don't recall, but it's possible.

21 MR. BERGRIN: Hold on one second, Your Honor,
22 please?

23 Q. Do you remember being placed under oath before Judge
24 Martini?

25 A. Yes, I do.

1 Q. When you came before this jury, you said that Paul
2 said he wants to kill the witnesses; correct?

3 A. I said that?

4 Q. Didn't you say that before this jury?

5 A. That you wanted to kill the witnesses?

6 Q. Right.

7 A. We both wanted to kill the witnesses.

8 Q. You said that Paul used the words "kill the
9 witnesses"; correct? Isn't that what you said before this
10 jury under direct examination, under oath?

11 A. Yes.

12 Q. But you were asked that question under oath, sworn
13 testimony, on October 12th of 2010 --

14 A. Okay.

15 Q. -- before Judge Martini; correct?

16 A. Again, if you have it there, I assume. I don't
17 recall. I don't recall the questions. Most of the
18 questions was yes and no.

19 Q. I asked you --

20 THE COURT: You asked? Oh, I'm sorry. You're
21 reading from the transcript now?

22 MR. BERGRIN: No, I'm not going to read from it,
23 Judge. I'm going to confront him with it.

24 THE COURT: Oh, okay.

25 Q. Do you remember being asked the question during your

1 plea of guilty as part of that strategy -- " -- when you
2 pled guilty -- " -- did Paul Bergrin tell you that certain
3 witnesses, including a person known as 'Junior the
4 Panamanian' needed to be taken care of to ensure they did
5 not testify against you?" Correct? And did you say "Yes"?

6 A. Again, I don't remember the exact question. Let me --
7 if it's there, I'll read it and I'll -- yeah. If it's
8 there, it's there.

9 MR. BERGRIN: May I approach the witness?

10 THE COURT: Yes.

11 Q. Is this a transcript of your plea of guilty dated
12 October 12th of 2010? Is that it?

13 A. Yeah.

14 Q. Were you asked the question: "As part of that
15 strategy, did Paul Bergrin tell you that certain witnesses,
16 including a person known as 'Junior the Panamanian' needed
17 to be taken care of to ensure that they did not testify,"
18 and did you respond "Yes"?

19 A. Yes.

20 Q. And isn't the fact that you said that you understood
21 that "taken care of" meant kill? Correct?

22 A. That's correct.

23 Q. That those words didn't come out of Paul Bergrin's
24 mouth, that you understood that; correct?

25 A. At this day, yes.

1 Q. And according to you, and only according to you, all
2 Paul Bergrin said, according to you, was taken care of to
3 ensure that he doesn't testify; correct?

4 A. Talking about on this day, or on visits?

5 Q. This is when you testified -- this is when you swore
6 under oath to Judge Martini, when you were asked the
7 question.

8 A. Right. Again, like I said, over here it say "taken
9 care of," right here, it means killing the witness. But you
10 said killing the witness before during our visits, so I'm
11 confused.

12 Q. Now, you're confused.

13 A. Yeah.

14 Q. You were asked a simple question; correct, by John Gay
15 when you pled guilty; correct?

16 A. Yes.

17 Q. Did you understand the question that you were asked?

18 A. Yes.

19 Q. Did you answer the question as you understood it?

20 A. As I understood it, yes.

21 Q. And Mr. Gay asked you the particular question that we
22 just went over; right?

23 A. Taken care of?

24 Q. Yes.

25 A. Um-h'm. Yes.

1 Q. And isn't it a fact that you said that you, you,
2 meaning Vincent Esteves, understood that to mean kill, but
3 Paul Bergrin didn't say those words?

4 MR. GAY: Objection, Judge. That's not what this
5 document says.

6 Maybe we should just do this the way it should be
7 done. He should read the question, read the answer, read
8 the question, read the answer.

9 THE COURT: Let me see it.

10 No, stay there. Stay there. I'll move.

11 (Laughter)

12 Q. Did you ever tell --

13 THE COURT: Wait. Wait a second.

14 (Brief Pause)

15 THE COURT: Again, we're not reading exactly
16 what's said here, Mr. Bergrin. I know this is an important
17 part, but it's not what -- what you just asked him is not
18 what was said here, the last question.

19 MR. BERGRIN: Let me go through it with the
20 witness, Judge, to make sure it's clear.

21 THE COURT: Do you want this back?

22 If we're going to read a verbatim transcript,
23 we've got to read it all. You can't take pieces out and
24 jump around different questions. It's out of context then.

25 Q. Were you asked the specific question on page 21, line

1 eight, that we just went over --

2 A. I don't have a copy.

3 Q. As part of -- I'm going to read --

4 THE COURT: You know what, Mr. Bergrin? You can
5 stand up there and let him look at it.

6 MR. BERGRIN: Thank you, Your Honor.

7 Q. Were you asked a specific question on line eight: "As
8 part of that strategy -- " -- well, let's read the question
9 before that so we make sure it's clear to you.

10 "As part of that strategy, did you and
11 Paul Bergrin develop a plan to ensure that those persons did
12 not cooperate with the prosecutor and testify against you at
13 trial?"

14 Did you respond "Yes"?

15 A. Yes.

16 Q. Were you then asked a question: "As part of that
17 strategy, did Paul Bergrin tell you that certain witnesses,
18 including a person known as 'Junior the Panamanian' needed
19 to be taken care of to ensure they did not testify against
20 you?"

21 A. Yes.

22 Q. "And did you -- " -- meaning you, Vincent
23 Esteves -- " -- understand that by 'taken care of,' Paul
24 Bergrin meant 'kill'? Correct?

25 A. Yes.

1 Q. "As part of that strategy, did you agree with Paul
2 Bergrin and Thomas Moran that Junior the Panamanian should
3 be killed to prevent his testimony against you at trial?"
4 Correct?

5 A. Yes.

6 Q. Now, your interpretation, that's your interpretation
7 as to what was supposedly said to you by Paul Bergrin;
8 correct?

9 A. That's correct.

10 Q. Now, for 13 months, you pled not guilty; correct?

11 A. Yes. I don't know how many.

12 Q. And you asserted your innocence to these charges in
13 this case; correct?

14 A. You mean for this?

15 Q. Yes, for this.

16 A. For that 13 months, you're talking about?

17 Q. Yes. You pled not guilty, correct? You didn't plead
18 guilty and cooperate right away; right?

19 A. Yeah, that's correct.

20 Q. And you kept asserting your innocence and saying that
21 you're not guilty; correct?

22 A. Yeah.

23 Q. Now, for 13 months, you make no mention ever of this
24 statement, no witness, no case; correct?

25 A. Thirteen months?

1 Q. During the time period that you're alleging and
2 asserting your innocence and that Paul Bergrin's innocent,
3 you're saying -- you never ever say any words that Paul
4 Bergrin said the words, no witness no case; correct?

5 MR. GAY: Judge, never said to who?

6 MR. BERGRIN: To anyone, Judge.

7 THE COURT: Are you talking about the time that he
8 entered his not-guilty plea when he was indicted --

9 MR. BERGRIN: Yes, Judge, absolutely.

10 THE COURT: -- up to now?

11 MR. GAY: Up until now? Is that what he's saying?

12 THE COURT: Up until the point of his plea.

13 MR. BERGRIN: Exactly, Judge, and he understood
14 that.

15 Q. From the time that you were arrested federally on
16 these charges until the time that you entered the plea over
17 a year, over a year afterward, never, ever did you ever say
18 that Paul Bergrin said no witness, no case; correct?

19 A. I wasn't cooperating -- during that time, during that
20 13 months I wasn't cooperating? That's --

21 Q. You had -- okay. And you had a chance before you
22 decided to cooperate to read all the Federal discovery;
23 correct?

24 A. Some. I didn't -- again, I didn't read all of them.
25 Yeah, I did read some.

1 Q. But you knew what they were alleging. You had a copy
2 of the indictment in this case; correct?

3 A. Yes.

4 Q. And of course you read the indictment, right, against
5 you and against everybody else, what they're alleging;
6 correct?

7 A. That's correct.

8 Q. And this is before you decided to plead guilty and be
9 a cooperating witness; right?

10 A. That was before I decided to cooperate, yes.

11 Q. Now, I just want to go back before I go into the
12 Federal case.

13 On July the 30th of 1996, in Middlesex County
14 Superior Court, you had pled guilty to first-degree
15 manufacturing and distribution of drugs and second-degree
16 conspiracy to distribute drugs; correct?

17 A. Yes.

18 Q. And you were sentenced to a 10-year -- you were
19 sentenced to 10 years with a five-year period of parole and
20 eligibility before you were eligible for parole; correct?

21 A. That's correct.

22 Q. So you had two convictions in the State Court in July
23 30th of 1996, when you pled guilty; correct? The
24 manufacturing in the first degree and the conspiracy to
25 distribute; correct?

- 1 A. Yes.
- 2 Q. And then you picked up the state case in Monmouth
3 County, the big case where you were charged and you pled
4 guilty to racketeering conspiracy; correct?
- 5 A. Yes.
- 6 Q. Leader of a narcotic distribution network; correct?
- 7 A. Yes.
- 8 Q. Possession with the intent to distribute cocaine in
9 excess of five ounces; correct? A first-degree charge.
- 10 A. Yes.
- 11 Q. Serious, very serious first-degree charges; right?
- 12 A. Yes.
- 13 Q. You pled guilty also to two counts of money
14 laundering; correct?
- 15 A. In Monmouth County.
- 16 Q. In Monmouth County.
- 17 A. I think it was more than that.
- 18 Q. So you had at least another additional five felony
19 convictions, correct, in Monmouth County, right?
- 20 A. Yes.
- 21 Q. So by the time you get to your Federal case, this
22 case, you have at least seven felony convictions; correct,
23 Mr. Esteves? At least. You say there might be more that
24 you pled guilty to.
- 25 A. Yeah, but I'm -- I don't understand when you say a

1 felony conviction, I'm not a lawyer, so I don't understand,
2 but from my understanding, all the charges are one, so it
3 would be like two convictions, like they all get grouped as
4 one when I took the plea out, so I wouldn't have like seven,
5 10 different charges -- what do you call that, convictions?

6 Q. You have at least two state convictions, correct, of
7 seven different charges; right?

8 A. If you say so, yeah. I mean, I don't -- again, I
9 don't understand.

10 Q. And in the state case, you were facing life in prison;
11 right?

12 A. Was zero -- 10 to 20 was my first offer?

13 Q. No, I'm talking about in the Monmouth County case, --

14 A. Yeah.

15 Q. -- the racketeering and the narcotic distribution;
16 right?

17 A. Right.

18 Q. You pled guilty to 25 years; isn't that a fact?

19 A. Yes, for Monmouth County, that's correct.

20 Q. And you didn't come in to even talk to the Federal
21 Government until you were sentenced to 25 years in the
22 state; correct?

23 A. Yeah.

24 Q. And with your convictions now, you have to do at least
25 12 years before you even go or are even eligible to go

1 before a Parole Board, correct, in a state case; right?

2 A. That's correct.

3 Q. And when you go before the Parole Board, you have
4 convictions for narcotic distribution and conspiracy in
5 Middlesex County; correct?

6 A. Yes.

7 Q. And you have at least five other cases, five other
8 convictions, the narcotic distribution, the conspiracy, the
9 racketeering, leader of a narcotic organization, and you
10 have money laundering, those offenses that the Parole Board
11 are also going to consider; correct?

12 A. If you say so. I never been in front of Parole.

13 Q. Well, didn't you get parole in Middlesex County in the
14 1996 case?

15 A. No.

16 Q. Now, you know that you're going to do a lot of years
17 in the Monmouth County case; correct?

18 A. That's correct.

19 Q. And the only way, the only way Vincent Esteves has of
20 reducing that sentence in Monmouth County is through
21 cooperation; correct?

22 A. Yes.

23 Q. You keep making faces and bowing your head. You know
24 the system, Mr. Esteves, isn't that a fact?

25 A. If I'm a cooperator or not cooperating for Monmouth

1 County, it doesn't guarantee anything. I get 25 years
2 regardless.

3 Q. It doesn't guarantee you, but the only chance you have
4 of getting out and reducing your Monmouth County case is
5 through cooperation here; correct?

6 A. No. When I serve my 12 and a half years.

7 Q. Isn't it a fact that the Federal Government for your
8 cooperation in this case has agreed, they have agreed to
9 write a letter on your behalf asking the judge to reduce
10 your sentence? Isn't that a fact, Mr. Esteves?

11 A. That's a fact.

12 Q. And not only that, but they've agreed to run this
13 Federal case what they call concurrent, correct, to your
14 state case; right?

15 A. Yeah, if the judge allows it.

16 Q. If the judge allows it. But the Federal Government is
17 recommending it; correct?

18 A. That's correct.

19 Q. And they're asking the judge to do it, correct, on
20 your behalf; correct?

21 A. As long as I tell the truth, yes.

22 Q. Tell the truth.

23 Well, who determines if you're telling the truth?
24 Isn't the fact that this Prosecutor's Office who you are
25 testifying for determines the truth? Correct?

1 A. I believe so, yes.

2 Q. Now, at the time that you decided to cooperate, you
3 had not only a 25-year sentence, correct --

4 A. Yes.

5 Q. -- but you were also looking at potentially life
6 imprisonment with the Federal Government; correct?

7 A. Yes.

8 Q. For over a year, for over a year, you decided not to
9 plead guilty, and you were pleading and saying that you were
10 innocent; right?

11 A. Yes.

12 Q. And you finally get sentenced in the state, you get
13 sentenced, and then, not until then, a short time after you
14 get sentenced with the state, you even go in to the Feds and
15 try to work out a plea agreement; right?

16 A. That I tried working out a plea agreement?

17 Q. Yes, you tried to cooperate and work out a plea
18 agreement not until after you received the 25-year sentence
19 and you knew that you'd have to do probably 15 to 20 years
20 of that based upon all your convictions and your record;
21 right?

22 A. Yeah, that's right.

23 Q. Now, you knew also that as the -- in the Federal case
24 that you were what they call a career criminal; right?

25 A. No, I didn't know.

1 Q. You're telling us that you didn't -- you weren't
2 advised by your attorney or anybody that you're a career
3 criminal?

4 A. That's correct.

5 MR. GAY: Judge, I'm going to object to this.
6 First of all, attorney-client privilege; second of all, it's
7 just inaccurate.

8 THE COURT: Well, he answered he didn't know that.
9 There's no evidence to the contrary that I see.

10 Q. Now, you were actually arrested on the Federal case
11 while you were in custody on the state case; correct?

12 A. Yes.

13 Q. And you were arrested on the Federal case before you
14 ever pled guilty on the state case; correct?

15 A. I wasn't -- rephrase it. Rephrase the question again,
16 please?

17 Q. Yes, sir.

18 You were arrested on the Federal case before you
19 pled guilty in the state case; correct? In Monmouth County,
20 I'm talking about.

21 A. I know I was sentenced. I know I was sentenced for
22 the Monmouth County case first.

23 Q. When were you sentenced for the Monmouth County case?

24 A. I'm not a hundred percent sure, but I think it was
25 August, August something.

1 THE COURT: Of what year?

2 THE WITNESS: Maybe '010, I believe. I'm not
3 sure, Your Honor. You have the file. I don't recall the
4 year.

5 Q. But you were sentenced in Monmouth County while you
6 had the Federal case open and pending; correct?

7 A. Yes. Yes.

8 Q. Now, your brother, Nelson Esteves, he was -- he has a
9 drug conviction, too; correct?

10 A. That's correct.

11 Q. And isn't the fact that Nelson came to work in my
12 office? Correct?

13 A. That's correct.

14 Q. And one thing that we made sure is that Nelson
15 wouldn't be involved in any kind of illegal activity;
16 correct?

17 A. That's correct.

18 Q. And one thing that I assured you is that I would never
19 get Nelson involved in anything improper, Nelson never
20 involved in anything illegal; correct?

21 A. That's correct.

22 Q. Now, when Oscar Cordova first came -- or first, excuse
23 me, sent you a letter, you essentially looked at Oscar as
24 your savior; right?

25 A. Yes.

1 Q. That Oscar was going to provide money so that you
2 could get a good defense; right?

3 A. Yeah, that's what I believed, yes.

4 Q. That Oscar was going to bail you out, correct, help
5 bail you out and raise funds for your bail?

6 THE COURT: This has been testified to time and
7 again.

8 MR. BERGRIN: I'll move into another area, Judge.
9 I'm sorry.

10 Q. Now, when you pled guilty in the state case, your
11 family was struggling; correct?

12 A. Yes.

13 Q. And when you pled guilty in the Federal case, your
14 family was struggling; correct?

15 A. Yes.

16 Q. And it's Vincent Esteves's intent to return to your
17 family, obviously, free and outside bars and prison;
18 correct?

19 A. Of course I want to get out.

20 Q. As quick as possible, right? And again, the only way
21 that Vincent Esteves could do that is through cooperation;
22 correct?

23 A. That's correct.

24 Q. And the first -- the first step in cooperation is to
25 get them to accept you as a cooperator; correct?

1 A. I thought I'd just tell the truth. I mean, I don't
2 know.

3 Q. Well, the Federal Government doesn't have to accept
4 you as a cooperator; correct?

5 A. Of course. Yeah. They don't have to.

6 Q. You have to tell them essentially what they want to
7 hear in order for you to first get accepted; right?

8 A. No.

9 Q. Now, you have been lying, essentially, your whole life
10 in dealing in the drug industry, in the drug trade with
11 different individuals; correct?

12 A. To an extent.

13 Q. And to an extent, you have been lying to law
14 enforcement and deceiving law enforcement your whole career;
15 correct?

16 A. I'm in trouble now, when I --

17 Q. Correct, Mr. Esteves?

18 A. No.

19 Q. You were using all kinds of different mechanisms to
20 deceive law enforcement as far as the telephone; correct?

21 A. Oh, yeah, definitely.

22 Q. As far as programming, correct, your telephones to
23 different numbers and different people; right?

24 A. Definitely.

25 Q. And using different aliases; correct?

1 A. Correct.

2 Q. And hiding the way drugs come in; correct?

3 A. Yes.

4 Q. And hiding the way drugs go out and how they're

5 transported to clients; correct?

6 A. Yeah, that's drug trafficking. Yeah.

7 Q. And how money's hidden; correct?

8 A. That's correct.

9 Q. And how you don't pay taxes on money, and launder

10 money; correct?

11 A. That's correct.

12 Q. So essentially, you've been scheming with the --

13 against the Government your entire professional career,

14 right, as a professional criminal?

15 A. I guess so. Yes. Yes.

16 Q. And how many years has that been?

17 A. I guess all my life.

18 Q. And when you went in to the Federal Government to talk

19 to them, you knew that they wanted to hear about Paul

20 Bergrin. That was the way that Vincent Esteves was going to

21 save years on his life and return to his family; isn't that

22 a fact, sir?

23 A. They wanted to know the truth about you, yes.

24 Q. They wanted to know the truth. You keep saying "the

25 truth."

1 A. Yeah.

2 Q. You haven't been truthful a day in your life, Mr.
3 Esteves.

4 A. That's your opinion.

5 Q. You haven't been truthful a day in your professional
6 career, Mr. Esteves; is that correct?

7 THE COURT: Is that a --

8 MR. BERGRIN: Excuse me, Your Honor?

9 THE COURT: I was asking if that was a question.
10 Can you answer that?

11 THE WITNESS: Yeah.

12 A. That I haven't been truthful?

13 Q. That's right.

14 A. In my professional life? My drug career?

15 Q. That's correct.

16 A. That's correct.

17 Q. Now, you're smiling. I mean, this is just a -- it's
18 just a big joke to you, right?

19 A. Your questions are, some of them.

20 Q. If you had said Paul Bergrin's not involved in drugs
21 or Paul Bergrin never intended to do anything for the
22 witnesses, they wouldn't have accepted you as a cooperating
23 witness; correct?

24 MR. GAY: Objection, Judge.

25 THE COURT: Sustained.

1 Q. Now, according to you, you refused to either help
2 Oscar, refused to help me until you get out; correct?

3 A. Yes.

4 Q. And your goal and objective was to try to get us,
5 meaning Oscar, Paul, anybody, to get Vincent Esteves out of
6 jail; correct?

7 A. My goal, yes.

8 Q. You didn't like the conditions at the Monmouth County
9 Jail; correct?

10 A. Of course not.

11 Q. And you wanted your freedom; right?

12 A. I wanted to post bail, yes.

13 Q. And you want -- essentially, you were desperate to get
14 out of jail and return home; isn't that a fact?

15 A. Yes.

16 Q. And at the time that you were so desperate to get out,
17 you didn't know what your sentence was going to be in
18 Monmouth County; correct?

19 A. I had an idea.

20 Q. You had an idea. Because Paul Bergrin told you that
21 you're looking at heavy time; correct?

22 A. Ten with a 20, yes.

23 Q. Ten with a 20; correct?

24 A. Yes.

25 Q. And you wanted to get out as quick as possible from

1 that; right?

2 A. Yes.

3 Q. But then you got 25 years, and then you're facing an
4 additional at least 20 to life federally; correct?

5 A. Yes.

6 Q. Now, there was nobody that came to help you, correct,
7 get you out, and Chantal out?

8 MR. GAY: Judge, I'm going to object to this as
9 asked and answered at least six or seven times.

10 THE COURT: Mr. Bergrin, I've really been trying
11 to --

12 MR. BERGRIN: I was just trying to use it as a
13 prelude, Judge, into another area.

14 THE COURT: I know, but we've gone over it ad
15 nauseam. I can't -- the jurors can't continue to sit here
16 and listen to the same thing. We've got to move along.

17 MR. BERGRIN: I understand, Judge.

18 Q. You said that -- yesterday -- on Friday, when you
19 testified with Mr. Gay on direct examination, you said that
20 people or witnesses were being taken off the list or
21 eliminated; correct?

22 A. That we need a list, see who would be a potential
23 witness.

24 Q. A potential witness. And you mentioned the name of
25 Dennis Kousos; correct?

- 1 A. Yes.
- 2 Q. Now, Dennis Kousos was your accountant, right, your
3 C.P.A.?
- 4 A. Right.
- 5 Q. And Dennis Kousos knew about how much money you had
6 coming in; correct?
- 7 A. No, he didn't know exactly how much money I was
8 bringing in.
- 9 Q. Well, he helped you -- he helped you move money
10 around; correct?
- 11 A. He helped whenever I asked for it.
- 12 Q. He helped whenever you asked for it.
- 13 A. That's correct.
- 14 Q. But Dennis Kousos was -- who suggested Dennis Kousos?
15 Are you telling that Paul Bergrin suggested killing Dennis
16 Kousos?
- 17 A. Yes.
- 18 Q. And who took him off the list?
- 19 A. I did.
- 20 Q. You took him off the list.
- 21 A. That's right.
- 22 Q. So Dennis Kousos would have been killed today but for
23 you taking him off the list; right?
- 24 A. Most likely, yes. For sure.
- 25 Q. Dennis Kousos helped prepare your income tax returns

1 that were used for the bail hearing; correct?

2 A. That's correct.

3 Q. And isn't the fact that Dennis Kousos was cooperative
4 in performing that task of creating and doing your income
5 tax returns?

6 A. You asked him. I didn't speak to him about that.

7 Q. But you knew that he had did it; correct?

8 A. Yes. Yes. You told me so. Yes.

9 Q. And you had no indication at all that Dennis Kousos
10 had ever cooperated in any manner whatsoever; isn't that a
11 fact?

12 A. Cooperated what, with law enforcement?

13 Q. With law enforcement.

14 A. Yeah, later on, yes.

15 Q. Well, at the time that we're supposedly talking, me
16 and you, you had no idea, nobody had any idea that Dennis
17 Kousos had ever spoken to law enforcement at all.

18 MR. GAY: Judge, I'm going to object to anybody
19 had any idea, Judge. How does he know that?

20 THE COURT: I'll sustain it.

21 Also, Mr. Bergrin, let me know when it's a good
22 time to break.

23 MR. BERGRIN: We can break now, Judge.

24 THE COURT: All right.

25 Ladies and gentlemen, break for lunch, don't

1 discuss the case. Forty-five minutes.

2 (The jury exits)

3 THE COURT: Be seated.

4 (The witness leaves the courtroom.)

5 THE COURT: Yes, Mr. Gay?

6 MR. GAY: Judge, I just want to make sure it's
7 clear. We went back. We checked our records. We got the
8 Monmouth County Prosecutor's Office to bring the recordings,
9 and, in fact, the recordings that Mr. Bergrin is requesting
10 or has requested or talked about earlier today were, in
11 fact, turned over to him on June 15th of 2009. I just
12 wanted to make sure the record was clear on that.

13 THE COURT: Okay. I just want to also --
14 Mr. Bergrin, I'm trying to give you a lot of latitude, but
15 this record has to be clear: We are just having too much
16 repetition, not just in the subject matter, but the same
17 phrases, over and over again. This record is just replete
18 with that.

19 I've got to ask you to move forward.

20 How much longer are you going to be with this
21 witness?

22 MR. BERGRIN: Maybe an hour, Judge.

23 THE COURT: Okay. I'm going to again ask you to
24 refrain from repetitious type questions.

25 Forty-five minutes.

1 (Luncheon recess taken)

2 A F T E R N O O N S E S S I O N

3 (Defendant present)

4 (Jury out)

5 THE COURT: All right. Counsel, you need to see
6 me?

7 MR. LEVY: Yes, Your Honor, quickly.

8 Two things related to Mr. Moran, who we anticipate
9 we'll get to this afternoon.

10 One is, we both had submitted letter briefs about
11 one issue related to his testimony.

12 The second is, Your Honor -- the Government's not
13 a party to this -- we had issued a 17(c) subpoena to the
14 Hudson County Prosecutor's Office for the criminal file
15 relating to Mr. Moran. They just today filed a motion to
16 quash that subpoena, so we would ask the Court to issue an
17 order ordering them to comply with the subpoena and turn
18 over the file.

19 THE COURT: Who did they file a motion to quash
20 with?

21 MR. LEVY: With this Court, I believe.

22 MS. PROTESS: For the record, that's what they
23 represented to me, Your Honor.

24 MR. LEVY: They represented to me they filed a
25 motion to quash.

1 MS. PROTESS: With this Court. Correct. We just
2 received it a few moments ago.

3 THE COURT: When did you serve this subpoena?

4 MR. LEVY: Several days ago, Your Honor. I'm not
5 -- we can get you the exact date.

6 THE COURT: And this is a -- well, I'd have to see
7 the -- before I can just order it, I'd have to see what
8 they're filing, and I haven't seen it. I don't know
9 anything about it.

10 MR. LEVY: And this frankly may be mooted by
11 Mr. Moran's testimony. Stated differently, if he concedes
12 the points Mr. Bergrin wants to make on --

13 (Off the record discussion)

14 MR. LEVY: I withdraw that. Mr. Bergrin
15 anticipates he's going to deny it.

16 THE COURT: What's the content of that subpoena?
17 What did you subpoena?

18 MR. BERGRIN: A copy, Judge, of his -- he has an
19 open Hudson County Prosecutor's case, a second-degree case,
20 Your Honor, and it's been open for approximately -- over
21 five years, Your Honor, and essentially, it's a benefit to
22 Mr. Moran to have the case remain open because that would
23 have been his second conviction for a very serious offense,
24 a second-degree offense.

25 He also testified at the prior proceeding,

1 Your Honor, that they had made him a noncustodial offer
2 when I know for a fact that when I was involved in the case,
3 there was a state imprisonment offer that was made to him.

4 THE COURT: Okay. You couldn't get this when you
5 had the last case? Did you try, or wasn't it --

6 MR. BERGRIN: Well, what happened was, Judge, we
7 had subpoenaed it, and then he was on the witness stand, and
8 it just -- it was never answered, Your Honor.

9 THE COURT: What's the Government's position on
10 it?

11 MR. GAY: Judge, we have no position. I mean,
12 it's their motion to quash. I have no idea what the grounds
13 are. I don't know what they've -- I mean, I can't -- I
14 don't know.

15 MR. LEVY: It's the Hudson County Prosecutor's
16 motion to quash. It's our understanding Mr. Moran's
17 attorney did not join in the motion. It's strictly a motion
18 by the County Prosecutor's Office.

19 MR. GAY: If there's something in the file that --

20 THE COURT: Could I ask you, Mr. Gay, perhaps,
21 Mr. Sanders, or Mr. Minish, who's not going to be --
22 whoever's available, maybe you can contact the Prosecutor's
23 Office. Sometimes the local Prosecutor's Office have a
24 standard procedure that they'll never give up their files
25 without a court order. There may be other good reasons.

1 But the point is, I'm just not comfortable with just signing
2 a blanket order.

3 Now, I guess I can tell them I want it in camera,
4 but I'm not really in the mood to start looking at things in
5 camera in the middle of a trial. That could stop the trial
6 as much as anything else. So maybe you could just check
7 with them and find out what the problem is --

8 MR. GAY: Absolutely, Judge. We will do that.

9 THE COURT: -- and maybe it will alleviate it
10 somehow.

11 That's one thing. And what about the other one?

12 MR. LEVY: The Government had submitted a letter
13 brief related to Mr. Moran's testimony, and we had submitted
14 a reply, which was sent --

15 THE COURT: This was about the issue of a prior
16 statement and whether or not -- about the Jenkins case?

17 MR. LEVY: Yes.

18 THE COURT: About whether or not something stated
19 in the -- by an attorney, not necessarily adopted by the
20 witness themselves, would be admissible as like a prior
21 inconsistent statement.

22 MR. SANDERS: Right, Your Honor. And I actually
23 am surprised by the defense's position on that because they
24 had agreed in our pretrial motion on Rule 618 that it was
25 improper for Mr. Bergrin to cross people on statements and

1 302s that are not the witness'. This is a statement in the
2 bail motion which is essentially attorney advocacy, and
3 without any direct quotes or statements from Mr. Moran, it's
4 improper to attribute them to Mr. Moran.

5 THE COURT: Right, under 613. I think I agree
6 with the Government's position on this, that it's got to be
7 the witness', and I understand it's not the witness'
8 statements, it's the attorney's, that have not been adopted
9 by the witness.

10 MS. PROTESS: Well, Your Honor, there is something
11 troubling to say that they haven't been adopted,
12 particularly if you go to these statements, they are
13 specific, they do appear to be specific to Mr. Moran --

14 THE COURT: I read the statements, and I didn't
15 get that impression, to tell you the truth.

16 MS. PROTESS: And our position would not be
17 inconsistent with our earlier position that to some
18 extent, the 302 would be not necessarily in violation of
19 Rule 613 cross because these are actually pleadings, which
20 the case law, as we submitted, are --

21 THE COURT: I think there's going to have to be a
22 demonstration that the witness has adopted the statements
23 before I would allow that to happen. So I'm going to grant
24 the Government's application.

25 MR. SANDERS: All right, and just on that subject,

1 Your Honor, there may be attorney-client privilege issues.

2 I know Mr. Moran's lawyers are going to be in court.

3 THE COURT: Who are his lawyers?

4 MR. GAY: Anthony Iacullo, Judge.

5 MR. SANDERS: But I mean, the questioning has to
6 be done in a way where -- because it's one thing if a client
7 supplies something to an attorney with the knowledge it's
8 going to be repeated in a court-filed pleading. I agree
9 those aren't privileged because you have no expectation of
10 confidentiality. But there has to be some careful
11 questioning about what was discussed with the attorney in
12 order to prepare a document because that would infringe --

13 THE COURT: You can talk about it, but I'm
14 agreeing with you, so that's not going to be an issue.

15 MR. SANDERS: Okay.

16 MR. BERGRIN: Judge, how is that attorney-client
17 privilege, and how can't I cross-examine?

18 THE COURT: Wait. I'm not sure if I understand
19 what you're talking about.

20 I'm saying with respect to -- this was this issue
21 about statements that are allegedly made in a bail
22 application.

23 MR. SANDERS: That's correct.

24 MR. BERGRIN: Yes, Your Honor.

25 THE COURT: By the attorney.

1 MR. SANDERS: That's correct.

2 THE COURT: But I'm saying unless they were
3 adopted by the alleged declarant, then under 613, I don't
4 think that they're appropriate, and I'm granting what the
5 Government is saying.

6 Now, what are you talking about beyond that?

7 MR. BERGRIN: Are you -- so your position, Judge,
8 and your order and your ruling is that I am precluded from
9 asking him about what his attorney put in the bail
10 application on behalf and of, for the benefit of Thomas
11 Moran, who was an attorney at the time also and was cc'd a
12 copy of all the documents. I mean, how can that be,
13 Your Honor? How can you preclude me from cross-examining
14 him and asking him about representations that an attorney
15 made on his behalf? The attorney is an agent of Thomas
16 Moran.

17 THE COURT: But that doesn't necessarily mean that
18 he made those statements.

19 MR. BERGRIN: They're representations made --

20 THE COURT: Well, here's what we're going to do.
21 We're going to finish with this witness, and then we'll deal
22 with that. Let's go.

23 MR. BERGRIN: Okay, Judge.

24 THE COURT: Can we get the witness ?

25 (The witness resumed the stand.)

1 THE COURT: We're breaking at 3:30 today.

2 THE COURT CLERK: All rise.

3 (The jury enters)

4 THE COURT: Be seated.

5 Okay. Continue, Mr. Bergrin.

6 MR. BERGRIN: Thank you.

7 CROSS-EXAMINATION (CONTINUED)

8 BY MR. BERGRIN:

9 Q. Mr. Esteves, did Chantal Esteves have the capacity to
10 introduce Oscar to any of your connections?

11 A. Could she have?

12 Q. Yes.

13 A. Yes.

14 Q. And Chantal was out in what month of 2008?

15 A. I'm not a hundred percent sure. Maybe November.

16 Q. In approximately November. But she got out on bail,
17 and she met with Oscar Cordova; correct?

18 A. Yes, she did.

19 Q. And isn't it a fact that based upon the meeting that
20 Chantal Esteves had with Oscar, Oscar was never introduced
21 to any of your connections, connects, or anybody that could
22 provide drugs to Oscar based upon you; correct?

23 MR. GAY: Objection. Assumes that he knows there
24 was a meeting between Oscar and Chantal.

25 MR. BERGRIN: He just testified to that, Judge.

1 THE COURT: Was there a meeting between Oscar and
2 your wife?

3 THE WITNESS: There was a bunch of my
4 co-defendants at his office, and Oscar was present that day.
5 So -- it wasn't no meeting, it was just like a -- a
6 one-on-one, it was all --

7 THE COURT: Okay. Can you answer Mr. Bergrin's
8 question?

9 Q. There was a meeting between Oscar and Chantal;
10 correct?

11 A. And others, yes.

12 Q. Yes, and others, and as a matter of fact, based upon
13 that meeting, Oscar was never introduced to anyone that
14 could help you by Chantal; correct?

15 A. Like I told you before, they can't. They're in --
16 they're in different countries. My contacts are all in
17 different countries. They're not in the United States.

18 Q. Well, Oscar could have gone there; correct?

19 A. Yes.

20 Q. And Chantal could have made phone calls and Chantal
21 could have possibly set it up?

22 A. No, not like that. In that aspect, no.

23 Q. The bottom line is, Chantal never even attempted to
24 introduce Oscar to anyone; isn't that a fact?

25 A. Of course not. Yeah. No.

1 Q. And Chantal never attempted to ever introduce me to
2 anybody involved in drugs or your drug connections; correct?

3 A. That's correct.

4 Q. And this could have helped get you out of jail if I
5 had been introduced and gotten money or earned money from
6 drugs; correct?

7 A. I'm saying no.

8 Q. Now, on September the 6th, you spoke to Oscar via
9 telephone; correct?

10 A. I don't know what date, but I spoke to him, again, a
11 lot of times.

12 MR. BERGRIN: Your Honor, I've had marked session
13 842, a transcript dated September the 6th of 2008. It
14 wasn't played by the Government, and I intend to play it,
15 and I'm going to have it marked as D-17, Your Honor.

16 MR. GAY: Judge, this is the first I'm learning of
17 this. It would have been nice to get some notice. I may
18 have objections to hearsay, to a bunch of grounds. But how
19 am I going to do that now when I haven't seen this?

20 THE COURT: Well, wait. Is this in evidence?

21 MR. GAY: No, it's not in evidence.

22 MR. BERGRIN: It's not in evidence, Your Honor.
23 It was a transcript prepared by the Government of a
24 conversation between Vincent Esteves and Oscar Cordova, Your
25 Honor.

1 MR. GAY: Judge, there were a lot of transcripts
2 prepared in connection with this case. I have no idea what
3 transcript he's referring to here.

4 THE COURT: Show it to Mr. Gay.

5 (Pause)

6 MR. GAY: I'm not sure what --

7 THE COURT: Is there any objection?

8 MR. GAY: Well, I don't know the purpose it's
9 being offered for, Judge.

10 THE COURT: Well, I have no idea. I haven't seen
11 it. I mean, I don't know what it is.

12 MR. GAY: I mean it's I'm not saying it's not an
13 accurate -- I don't understand what the purpose is.

14 THE COURT: So you're arguing relevance?

15 MR. GAY: Unless he can establish or let me know
16 what the relevance is, I couldn't even say. Without knowing
17 what this is being used for, I'm going to object on
18 relevance grounds.

19 THE COURT: Could I see it, Mr. Bergrin?

20 MR. BERGRIN: Absolutely, Judge.

21 MR. GAY: I don't understand what the purpose is,
22 Judge.

23 THE COURT: Okay.

24 MR. GAY: If he can explain the purpose --

25 MR. BERGRIN: I'll ask the Court to specifically

1 look at the parts that --

2 MR. GAY: Well, no, I don't think he can simply
3 look at the parts --

4 THE COURT: No, I think he was just trying to move
5 it along.

6 MR. BERGRIN: Absolutely, Judge.

7 I can't say I blame the Government for trying to
8 keep it out.

9 THE COURT: Now, Mr. Bergrin.

10 MR. GAY: I think he can't blame the Government
11 for objecting.

12 THE COURT: I don't think the Government is trying
13 to keep it out necessarily. He didn't have an objection.
14 Hold on, now.

15 MR. GAY: If you'd shown it to me earlier, Paul,
16 we could get all this resolved beforehand.

17 (Brief pause)

18 THE COURT: Is it your intention to play a tape of
19 this?

20 MR. BERGRIN: No, Judge. I'm going to actually
21 cross-examine him on the transcript, refresh his
22 recollection to see if he remembers the conversation, and I
23 want to cross-examine him on the transcript.

24 THE COURT: Do we know --

25 MR. GAY: Oh, I didn't understand.

1 THE COURT: I thought you said you were going to
2 play the tape.

3 MR. GAY: Yes, I thought he was, too.

4 THE COURT: I think you did say that. I don't
5 know if you misspoke.

6 MR. BERGRIN: If I have to play the tape, Your
7 Honor, to refresh his recollection --

8 THE COURT: No, I'm not asking you. I thought you
9 said you wanted to. That was the concern.

10 MR. BERGRIN: I'll cross him on the transcript,
11 Your Honor.

12 THE COURT: Who is the other speaker here? Do we
13 know?

14 MR. BERGRIN: Oscar Cordova and Vincent Esteves,
15 Your Honor.

16 MR. GAY: Yes, Judge, this is a draft -- I
17 believe, at least, again, I'm -- I believe it was
18 Mr. Cordova, yes, but I'm not sure because, again, this is a
19 draft transcript from a while ago.

20 THE COURT: Okay. Look, I'm not sure of what this
21 is about. Mr. Bergrin, it's your cross-examination. You
22 can ask him.

23 MR. BERGRIN: Thank you, Your Honor.

24 THE COURT: It's kind of hard to understand this
25 without some better context.

1 MR. GAY: Judge, just so it's clear, I was under
2 the impression he was going to be playing this now. If he's
3 just going to ask questions about it, then we'll see what
4 develops.

5 THE COURT: Yes. Go ahead, Mr. Bergrin.

6 MR. BERGRIN: Thank you.

7 BY MR. BERGRIN:

8 Q. Mr. Esteves, I'm showing you what's been marked D-17
9 for identification.

10 A. Okay.

11 THE COURT: And what's your question?

12 Q. Have you had a chance -- when you -- you had contact
13 with Oscar Cordova; correct?

14 A. Yes, on the phone.

15 Q. On the phone. And do you remember calling him on
16 September the 6th of 2008?

17 A. Again, I don't remember any dates.

18 Q. Now, I ask you to look at that transcript and see if
19 that refreshes your recollection in reference to a telephone
20 conversation that you had with Oscar on that date of
21 September the 6th, sir, of 2008.

22 A. Want me to read the whole thing?

23 THE COURT: No.

24 Here's the only problem with that.

25 Does that refresh your recollection?

1 THE WITNESS: No, I never -- I don't recall it.

2 THE COURT: There's no question it says September
3 8th --

4 MR. BERGRIN: September 6th, Judge.

5 THE COURT: -- September 6th, 2008, but that
6 doesn't --

7 MR. BERGRIN: Then, Judge, do you know what I want
8 to do? Have that marked as D-17. I would like to mark the
9 CD D-17A. It's a very short conversation.

10 THE COURT: Well, why don't you ask him -- my
11 point was, merely because it has the date doesn't
12 necessarily mean when he reads it he's going to remember all
13 of a sudden.

14 BY MR. BERGRIN:

15 Q. Does it refresh your recollection in reference to the
16 content of the conversation or the substance of the
17 conversation that you had with Mr. Cordova?

18 A. I would have to read the whole thing, then.

19 THE COURT: Take a quick look at it and see if it
20 refreshes your recollection.

21 Q. Take a quick look.

22 (Brief Pause)

23 THE COURT: Do you have any recollection of that
24 conversation?

25 THE WITNESS: Not really, but I do remember

1 talking about the mortgages and stuff like that.

2 THE COURT: But you don't remember that
3 specifically?

4 THE WITNESS: I remember that specifically.

5 THE COURT: But I mean, you don't --

6 THE WITNESS: The whole -- I didn't read -- I
7 didn't pass through the whole entire thing.

8 THE COURT: Okay. Ask your question, Mr. Bergrin.

9 MR. BERGRIN: Thank you.

10 Q. How many conversations did you have with Oscar from
11 the jail?

12 A. From the jail phone or cell -- combined and
13 everything?

14 Q. Combined.

15 A. A lot.

16 Q. A lot.

17 A. I don't know how many, but there was a lot.

18 Q. Now, you were never provided a charger for the cell
19 phone that Mr. Moran brought you, correct? You were never
20 provided a charger or any mechanism to charge the cell phone
21 that Mr. Moran brought in; correct?

22 A. Oh, Mr. Moran brought in. One of you guys brought me
23 one, I don't recall which one, but I had, it's called a
24 booster. It's not like a regular -- put a triple-A battery
25 into a device, and it charges up your cell phone real quick.

1 Q. Are you telling us either me or Mr. Moran brought a
2 booster in to you?

3 A. Yeah, that's what it was. It was about this big, and
4 you put in a triple-A battery because that's what the
5 commissary sells, and it will charge your phone.

6 Q. And who did you ever tell that to? Who did you ever
7 tell that to, that we brought a booster in to you to charge
8 a battery?

9 A. How do you think I charged my phone?

10 Q. Well, you were only provided one phone one time.

11 A. That's incorrect.

12 Q. Who did you tell that we provided multiple phones to
13 you?

14 A. I told the prosecutor.

15 Q. You told the prosecutor?

16 A. Yes.

17 Q. When did you tell that to the prosecutor?

18 A. When I proffered.

19 Q. When you proffered.

20 Did you ever get a chance to read any of the notes
21 from your offer or any of the reports from your proffer?

22 A. I might have. I don't recall.

23 Q. You don't recall?

24 A. I don't recall that, no.

25 Q. Well, didn't you just get prepared for your testimony

1 within the last -- within the last week, didn't you get
2 prepared for your testimony in court?

3 A. Yeah, but -- absolutely, but I didn't have a whole
4 bunch of paperwork to read over.

5 Q. Did you read any of the reports over?

6 A. I read some of the discoveries, the ones they already
7 showed in court.

8 Q. Now, the conversation that you have in your hand dated
9 September the 6th of 2008, do you remember the content or
10 the substance of that conversation?

11 MR. GAY: I think it was September, not December.

12 MR. BERGRIN: I said September 6th.

13 MR. GAY: I apologize. I thought you said
14 December.

15 MR. BERGRIN: No, I'm sorry, sir.

16 A. Again, I don't remember the whole thing, but what you
17 have highlighted here about the --

18 THE COURT: No, no. Just -- what was your
19 question? Does he recall that?

20 Q. Do you recall saying that to Oscar Cordova on
21 September the 6th of 2008?

22 A. Which one?

23 Q. The statements that are in there, especially the ones
24 that are highlighted.

25 THE COURT: Is that an accurate -- does that

1 accurately reflect the conversation, or don't you know?

2 THE WITNESS: No, I don't recall it.

3 MR. BERGRIN: Your Honor, I respectfully request
4 the opportunity to play the conversation. It's a short
5 conversation.

6 MR. GAY: Judge --

7 MR. BERGRIN: It's that important, Judge.

8 MR. GAY: -- my only objection to this is that if
9 we're going to do this, this is a draft transcript. I have
10 somebody going back now to produce copies of this so we can
11 disseminate them to the jury, and let's have the jury have
12 the benefit of the transcript if we're going to play this
13 tape.

14 THE COURT: Well, let me just ask you this, Mr.
15 Bergrin. You see, the problem -- that's why I asked the
16 question about the date. Merely because somebody has a
17 transcript, he's not -- I don't think this witness is saying
18 that it's not accurate or -- he said he doesn't remember.
19 It's something that happened in 2008.

20 MR. BERGRIN: Of course, Judge.

21 THE COURT: Well, what's the tape going to do any
22 better? I mean, you can ask him questions on it. I don't
23 think anyone's suggesting that this isn't necessarily
24 accurate.

25 MR. BERGRIN: I can do it either way. I don't

1 mean to belabor the point.

2 THE COURT: I know. I don't think it's going to
3 solve anything by playing the tape.

4 MR. BERGRIN: Okay, Judge.

5 THE COURT: Why don't you just work under the
6 assumption --

7 MR. BERGRIN: I'll ask him questions -- the time
8 factor, obviously --

9 THE COURT: Work under the assumption it's
10 accurate, and you can ask him questions on that.

11 MR. BERGRIN: Okay. I've got no problem with
12 that.

13 THE COURT: Go ahead.

14 BY MR. BERGRIN:

15 Q. Mr. Esteves, I ask you to turn to page three of the
16 transcript.

17 MR. GAY: Judge, by the way -- is this the only
18 copy of this that you have, Mr. Bergrin, because I don't
19 have a copy of it, and I'd like to be able to see what we're
20 talking about here.

21 THE COURT: Do we have another copy?

22 MR. LEVY: We do not.

23 Q. Specifically, line 17.

24 THE COURT: Mr. Gay, you can go up here and look
25 if you have to.

1 MR. GAY: Okay.

2 THE COURT: Go ahead.

3 MR. GAY: Thank you.

4 THE COURT: You look over his shoulder.

5 Excuse him.

6 THE WITNESS: It's all right.

7 Q. Did you tell Oscar that this shit is fucked up?

8 A. At line 17, sir?

9 Q. Yes, sir, page three.

10 A. Yeah, that's what I said, line 17.

11 Q. And isn't the fact that you were referring to the fact
12 that you're in jail, in the Monmouth County Jail, and that
13 there's no -- nobody's getting you out on bail and the case
14 is fucked up?

15 THE COURT: Does any of that refresh your
16 recollection?

17 THE WITNESS: No.

18 THE COURT: Or is it just that you don't -- you
19 don't remember?

20 THE WITNESS: I don't remember.

21 THE COURT: Do you want to read this to the jury?

22 MR. BERGRIN: What's that, Judge?

23 THE COURT: Do you want to read it to the jury?

24 MR. BERGRIN: I can read it to the jury.

25 THE COURT: Do you have any objection to that?

1 MR. GAY: I guess not. I mean, I'd prefer that we
2 have --

3 THE COURT: Except that it's not helping because
4 it's not refreshing his recollection. He's just reading
5 from the paper the same as he would.

6 MR. GAY: I agree. I agree, Judge. But the thing
7 is is that number one, this is a draft. I'm not saying it's
8 not accurate, but I can't -- this is a draft that was
9 developed a while ago. It's not a final transcript. I'm
10 not comfortable saying this is accurate, complete --

11 THE COURT: I'll let Mr. Bergrin read this into
12 the record. To the extent that you find out that there's a
13 draft that shows any inconsistency, we'll take that and
14 we'll show it to the jury.

15 MR. BERGRIN: That's great, Judge.

16 THE COURT: In the meantime, Mr. Bergrin can read
17 it.

18 MR. GAY: And obviously I can read any portions
19 from this that I want as well.

20 THE COURT: Yes.

21 MR. GAY: Very good.

22 THE COURT: Go ahead, Mr. Bergrin. If you want to
23 read that. All I ask is that you read it just -- verbatim,
24 okay?

25 Oh, we have a copy of it.

1 MR. GAY: Oh, thank you.

2 MR. BERGRIN: "Oscar: Hello.

3 "Vinny Esteves: Hey Primo!

4 "Oscar: Uh-huh. Yo, how are you?

5 "Vinny Esteves -- " --

6 MR. GAY: It's actually not Vinny Esteves. That's
7 part of the problem, Judge.

8 THE COURT: There's another -- I don't know who
9 that is. Do we know who that is?

10 MR. GAY: Judge, I'm not -- again, this is a
11 draft. I can't make a representation. I'm sure we have --

12 MR. BERGRIN: Jason.

13 I'll go to the part that refers to Vinny, Judge.
14 It's just introductory.

15 Starting on line 13:

16 "Vinny: Hey!

17 "Oscar: Hello.

18 "Vinny," line 16: "Hey, kid.

19 "Oscar: Hello.

20 "Vinny: Hey, how you doing? (Chuckles)

21 "Oscar: Yo, yo, what's up, brother?

22 "Vinny: Good, good, man.

23 "Oscar: Everything all right?

24 "Voices overlap.

25 "Vinny: Weather -- weather sucks, huh?

1 "Oscar: Yeah. (Laughs) Yeah, everything all
2 right, my brother?"

3 MR. GAY: Judge, I don't mean to nitpick here, but
4 there are some unintelligibles that are being left out. At
5 least if we could literally -- with the line 23,
6 "unintelligible, weather, weather sucks." And I know it's
7 not that big of a deal, Judge, but if we're going to do it,
8 let's do it accurately.

9 THE COURT: All right.

10 I would have skipped over that, too, Mr. Bergrin.

11 Line one, page three. Go ahead.

12 MR. BERGRIN: "Vinny: Yeah, everything's good,
13 man. I get to --

14 "Voices overlap."

15 (Laughter)

16 MR. BERGRIN: "Oscar: Excellent.

17 "Vinny: -- talk to everybody, I guess
18 everything's looking good.

19 "Oscar: Good, good, good. Yeah, I had a chance
20 to, uh, talk to, uh, Paul, you know?

21 "Vinny: Yeah, that's good, I mean --
22 unintelligible.

23 "Voices overlap."

24 Line nine:

25 "Oscar: And, and --

1 "Voices overlap.

2 "Vinny: -- that's what's up.

3 "Oscar: I can't hear you, what's that Vin?

4 "Vinny. I said if he did a good job, so that's

5 good, you know.

6 "Unintelligible. Voices overlap.

7 "Oscar: Yeah, yeah, I think, uh, the, the best

8 job will be when you're the fuck outta there, you know?

9 "Vinny: Yeah, that's the best, hell yeah!

10 Because let me tell you, this shit is fucked."

11 Vinny chuckles.

12 "Oscar: What's that papi?

13 "Vinny: Everything's good, he's good though,

14 everything's good. Everybody's all right.

15 "Oscar: Yeah, that's good, that's good. Uh, you

16 know, I gave Paul a little bit of cash. I'm a give him some

17 more in a few more weeks, you know?

18 "Vinny: That's fine, unintelligible.

19 "Voices overlap.

20 "Oscar: And, um --

21 "Vinny: Unintelligible. Everything's cool --

22 "Voices overlap.

23 "Oscar: Yeah.

24 "Voices overlap.

25 "Vinny: -- like I was saying.

1 "Oscar: Uh-huh.

2 "Voices overlap.

3 "Vinny: Unintelligible. Um, um, you gonna be
4 down here when I go to court?

5 "Oscar: When is that, papi?

6 "Vinny: Two (2) weeks. The nineteenth.

7 "Oscar: Uh, the twelfth. The twelfth or the
8 tenth.

9 "Vinny: The nineteenth, nineteenth.

10 "Oscar: The nineteenth, and that's in a couple of
11 weeks. Yeah, I should -- you know what? I should be there
12 then, I might come sooner 'cause I wanna give -- you know,
13 take care of this cat already.

14 "Voices overlap.

15 "Vinny: No, no, hey, you know what I was gonna
16 say? 'Cause, like, right now, like what I need, uh, what I
17 need was like, shit -- I'm, I'm backed up on like, on my
18 mortgages? But anyway --

19 "Voices overlap.

20 "Oscar: Uh-huh.

21 "Voices overlap.

22 "Vinny: I guess I'll wait, I'll wait, I'll wait.
23 You know what I'm saying? Fuck it. Whatever.

24 "Oscar: I mean what I would really like to do,
25 uh, uh, uh, Primo, is --

1 "Voices overlap.

2 "Vinny: I -- I think they're gonna come over and
3 shit, they were telling me --

4 "Voices overlap.

5 "Oscar: Yeah, I, I really wanna come see you, you
6 know?

7 "Vinny: Yeah, I told him to.

8 "Oscar: He told me that you -- he --

9 "Voices overlap.

10 "Vinny: Unintelligible.

11 "Voices overlap.

12 "Oscar: -- he told me no.

13 "Vinny: No, but he told -- I told him --
14 unintelligible -- and they told me yes - not him, his
15 partner told me yesterday he was supposed to bring you
16 today.

17 "Oscar: Oh, poor thing. He told me no.
18 Seriously, that's, that's another thing, too, I need to --
19 I'll talk to you --

20 "Voices overlap.

21 "Vinny: Yeah, th-this is what you're gonna do.
22 Uh, next time you come through --

23 "Oscar: Uh-huh.

24 "Vinny: For sure if you come earlier, you come
25 and visit --

1 "Oscar: Ok.

2 "Vinny: -- have them -- them bring you. For them
3 to bring you -- them -- for them to bring you.

4 "Oscar: Ok, all right, all right.

5 "Vinny: I already made it clear to them.

6 "Oscar: What's that?

7 "I told them straight up, I said, he was supposed
8 to bring you today.

9 "Oscar: See, he didn't tell me that, papi.
10 That's what I don't like, you know?

11 "Vinny: That's all right. It's no big deal, but,
12 I mean, you know, that way he's cool. And you know --

13 "Voices overlap.

14 "Right.

15 "Voices overlap.

16 "Vinny: -- you know what? Before anything -- "
17 -- before anything --

18 THE COURT: Okay. Wait. Wait. Wait. We can't
19 -- you've just got to read it as it's there.

20 "-- you know what? Before anything..." Go ahead.

21 MR. BERGRIN: "You know what? Before anything,
22 just, you know, that way I'll see you first before you do
23 anything.

24 "Oscar: Yeah -- " --

25 Excuse me.

1 "Right, yeah. That's better like that, right,
2 Vinny?

3 "Vinny: Yeah, yeah, it's better that way, let's
4 just do it like that, then.

5 "Oscar: Okay, all right. How's uh --

6 "Voices overlap.

7 "Vinny: All right. Unintelligible. Your family,
8 everybody?

9 "Oscar: Okay. All right. Chantal, ph, is okay?

10 "Vinny: Yeah, she's, yo, y-you already,
11 unintelligible.

12 "Oscar: Yeah, yeah, papi, yeah.

13 "Vinny: Yeah, so that's good, yeah, she's, yo,
14 she's -- that's it, that's why -- you know what? I'll see
15 -- I'll probably -- I'll see you when you get down here.

16 "Unintelligible.

17 "Voices overlap.

18 "Yeah. That's okay.

19 "Voices overlap.

20 "Vinny: 'Cause -- unintelligible.

21 "Voices overlap.

22 "Oscar: All right. All right Papi. Call breaks
23 up. I just wanted to talk to you, make sure everything's
24 all right.

25 "Vinny: I was trying to reach you. I was trying

1 to reach you but, um, for some reason it wasn't, it wasn't
2 working, so I was like, all right.

3 "Oscar: Okay, but we'll make it work, bro. So I
4 just want -- call breaks up, unintelligible -- person, then.

5 "Vinny: Okay, good. Do that.

6 "Oscar: All right?

7 "Vinny: All right. So I'll holla at ya.

8 "Oscar: Okay, Primo. Take care of yourself man,
9 and, and I'm a take care of you, don't worry, we'll get you
10 the fuck outta there.

11 "Voices overlap.

12 "Vinny: Call breaks up. Hello, a'ight.

13 "Oscar: Okay, papa.

14 "Vinny: Thanks.

15 "Oscar: Okay. Thanks. Jay, Jay! Hello.

16 "Conversation ends.

17 "Recording ends."

18 Thank you for that opportunity, Judge.

19 BY MR. BERGRIN:

20 Q. Now, on or about November the 18th, you were talking
21 about a meeting at my office; correct?

22 A. Again, I don't know about the date. Are you talking
23 about the meeting with Chantal and the other guys?

24 Q. With Chantal, and Michael Lopez was there, correct?

25 A. Yes, and my brother.

1 Q. Your brother, Nelson Esteves; correct?

2 A. Yes.

3 Q. Me and Oscar Cordova; correct?

4 A. Yes.

5 Q. And isn't it a fact that you --

6 MR. GAY: Judge -- let's -- can we make it clear
7 that he is not present for this meeting?

8 THE COURT: He's in jail.

9 THE WITNESS: Yeah.

10 MR. GAY: I understand, but that -- I'm not sure
11 how he can ask questions about a meeting he was not present
12 for.

13 THE COURT: I don't know what he's asking yet, but
14 he's talking about a meeting he knows about. So go ahead.

15 Q. During this meeting, did you call in and did I
16 conference you into the meeting, Mr. Esteves?

17 A. I believe so, yes.

18 Q. And you recall that; correct?

19 A. Yes.

20 Q. And when you called in, you asked me what was going on
21 with your bail motion. This was in November; correct?

22 A. Yeah, I mean, all the time when I call, I was asking
23 about what was going on with the bail. But, yeah, pretty
24 sure that is what it was about.

25 Q. And I told you that I'm still waiting to take

1 statements and affidavits; correct?

2 A. I don't recall that exactly, but it's -- it's
3 possible.

4 Q. Do you remember anything to that effect and substance?

5 A. I remember we talking about it, but at that date
6 particular, I'm not sure if that's the place. I remember
7 you waiting for affidavits from Jose Tapia or someone like
8 that.

9 Q. And didn't you tell me, shit, or words to that effect,
10 you keep saying the same thing, you keep saying the same
11 thing, all you want is statements and affidavits, or words
12 to that effect? Do you remember saying that?

13 A. No, I don't remember that.

14 Q. If you were to hear your voice on a recording, would
15 it refresh your recollection?

16 A. Yeah, most definitely, yes.

17 MR. BERGRIN: It's call number 4127 in your books,
18 ladies and gentlemen. This part was not transcribed.

19 THE COURT: Wait. If it's not transcribed, how
20 can it be in their books?

21 MR. BERGRIN: The call is in the books, but this
22 part --

23 MR. GAY: It's actually not a call, Judge, it's
24 a --

25 MR. BERGRIN: It's a conference.

1 MR. GAY: -- body wire recording from Oscar
2 Cordova, and --

3 MR. BERGRIN: Yes, Your Honor.

4 MR. GAY: Judge, I think -- well --

5 THE COURT: Wait. What is this? This is --

6 MR. BERGRIN: This is a body -- Mr. Cordova is
7 wearing a body wire at a meeting, Your Honor.

8 THE COURT: At the meeting you're talking about.

9 MR. BERGRIN: Yes. Mr. Esteves calls in to the
10 meeting --

11 THE COURT: Okay.

12 MR. BERGRIN: -- and there are certain statements
13 that are made that I want to refresh his recollection. We
14 have it cued to that particular point of the meeting, Your
15 Honor.

16 THE COURT: Okay. These are statements of this
17 witness?

18 MR. BERGRIN: Mr. Esteves, yes, Your Honor.

19 THE COURT: Can you play it?

20 MS. PROTESS: Yes.

21 Your Honor, I believe I had my computer muted so
22 it won't disrupt the courtroom.

23 THE COURT: What?

24 MS. PROTESS: I had my computer muted so it
25 wouldn't disrupt the courtroom. I'll get it ready right

1 now. I apologize.

2 MR. BERGRIN: It's very brief, Your Honor.

3 THE COURT: All right.

4 (Recording played)

5 (Playback ends)

6 Q. Now -- when you're ready. You can turn it off.

7 You called in to the meeting; correct?

8 A. Um-h'm.

9 Q. And you were wondering about what's going on with your
10 bail motion; correct?

11 A. Right.

12 Q. And I told you that we had to get affidavits and
13 statements; correct?

14 A. Yes.

15 Q. And that's -- I told you I was working with the
16 attorneys of the other individuals to get these; correct?

17 A. Yes.

18 Q. And those were attorneys and individuals that I had
19 nothing to do with getting them attorneys; correct?

20 A. No, not for Jose Tapia and Arsenio and Ivan.

21 Q. Or any of them; correct?

22 A. Any of those guys.

23 Q. Any of those guys, either Ivan Tineo?

24 A. That's him.

25 Q. Alejo; correct?

1 A. Arsenio Alejo, that's correct.

2 Q. And Jose Tapia; correct?

3 A. That's correct. That's what you're talking about on
4 the recordings.

5 Q. And isn't it a fact that you said that you keep saying
6 the same thing?

7 A. Yeah, I said that in there. Um-h'm.

8 Q. And that was that I need statements and affidavits;
9 correct?

10 MR. GAY: Objection, Judge. The tape speaks for
11 itself, what Mr. Bergrin said.

12 THE COURT: Okay. The jury heard it. Go ahead.

13 MR. BERGRIN: Thank you, Judge.

14 I have no further questions, Judge.

15 THE COURT: Redirect?

16 MR. GAY: Yes, Judge.

17 REDIRECT EXAMINATION

18 BY MR. GAY:

19 Q. Let's start off with the recording Mr. Bergrin just
20 played.

21 The statements you were referring to, the people
22 that you were discussing in there, that's Arsenio and Tapia;
23 right?

24 A. Yes, and I believe Ivan, too. But mostly it was --
25 the statements you're talking, I believe -- those are the

1 three we needed statements from was Ivan, Arsenio and Jose
2 Tapia.

3 Q. I know generally those are the three you were talking
4 about.

5 A. That's correct.

6 Q. I'm talking about this particular conversation here.
7 Do you remember whether or not Jose Tapia and Arsenio told
8 the D.E.A. based on the discovery you reviewed that they had
9 found the money that was seized from them?

10 A. Yeah.

11 Q. Is that correct?

12 A. That's correct.

13 Q. So your conversation that the jury just heard was
14 relating to that statement; right? And you're telling
15 Mr. Bergrin --

16 MR. BERGRIN: Objection, Your Honor.
17 Suggestiveness; leading questions.

18 THE COURT: I'll sustain as to the leading.

19 Q. Are you discussing those individuals during this
20 conversation?

21 A. Yes.

22 Q. And it was your understanding -- was it your
23 understanding that they had provided an inculpatory
24 statement to the D.E.A. at that time?

25 A. Yes.

1 Q. Meaning did they inculcate you?

2 A. Yes.

3 Q. You're saying --

4 MR. BERGRIN: Objection, Your Honor. Asked and
5 answered. He's trying to suggest an answer now.

6 MR. GAY: I'm not trying to suggest anything,
7 Judge.

8 THE COURT: No, I'll allow it.

9 MR. GAY: Let me rephrase, okay?

10 Q. Did you -- what was your understanding of what Tapia
11 and Arsenio told the D.E.A.?

12 A. My understanding?

13 Q. Yes.

14 A. That -- well, when they got caught with that half a
15 million dollars in the hotel room, the D.E.A. report said
16 that that money was supposed to be to me, but for a fact, it
17 wasn't, so we needed a statement from them -- from Jose
18 Tapia and Arsenio saying that I had nothing to do with that
19 half a million dollars.

20 Q. Okay.

21 A. That's what it was all about.

22 Q. And those are the two persons you're discussing in
23 this conversation; is that correct?

24 MR. BERGRIN: Well, no, Judge, that's not what he
25 said. He said it was Tapia, Alejo, and Tineo.

1 THE COURT: Who were the persons you were talking
2 about?

3 THE WITNESS: Right now, what I said, when the
4 statement I just gave right now was Jose Tapia and Arsenio
5 Alejo, but as well, we needed another statement from -- I
6 don't believe we got it or we didn't get it from him, was
7 Ivan Tineo.

8 Q. Okay. But on that conversation that was just
9 played --

10 A. Yes, that was from --

11 Q. Is Tineo mentioned in that conversation that was just
12 played for the jury?

13 A. Is Tineo mentioned?

14 Q. On the conversation that was just played for the jury.

15 A. No.

16 Q. Okay. So the only people mentioned that you were
17 getting statements from in that conversation were Tapia and
18 Arsenio; is that correct?

19 A. That's correct.

20 Q. Now, Mr. Bergrin asked you a lot of questions about
21 discovery materials that you had received.

22 A. Yes.

23 Q. If you remember, did you receive discovery in this
24 case, all of it in one shot?

25 A. No.

1 Q. Describe for the jury how it was you received
2 discovery in this case.

3 THE COURT: When you say "this case," what are we
4 talking about?

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

6 Q. In your Monmouth County case, did you receive
7 discovery all at one time, or over a period of time, if you
8 remember?

9 A. Over a period of time.

10 Q. So let's talk about early on, soon after your arrest,
11 when you first started dealing with Mr. Bergrin. Do you
12 remember what kind of discovery materials you had at that
13 time?

14 A. The motions for the bail hearings.

15 Q. Anything else besides that that you remember?

16 A. And one of -- it was a -- it was a discovery about
17 this thick by Ivan Tineo that they -- I believe Paul gave it
18 to me, and if he didn't give it to me, it was Hector
19 Rodriguez, they slide it over through the door. That's how
20 I found out that Ivan Tineo was part of that case, because I
21 didn't never met him.

22 Q. Okay, and would that have been the documents that you
23 identified earlier in your testimony?

24 A. Yes.

25 Q. Okay. So --

1 A. I believe it said a summary of Vicente Esteves or Ivan
2 Tineo.

3 Q. It's the document you identified previously; is that
4 correct?

5 A. Yes.

6 Q. So all this other discovery that Mr. Bergrin is
7 talking about that you received in the case, the Monmouth
8 County case, that came later; isn't that correct?

9 A. Oh, yes, the end.

10 Q. Okay. So during the time that you were trying to
11 identify and kill the witnesses in the case, much of the
12 discovery that Mr. Bergrin talked to you about now, you
13 didn't even have that, did you?

14 A. No. The only ones we had was from the bail -- bail
15 hearings.

16 Q. That's all.

17 A. Yeah, 'cause the strategy was to get everybody bail
18 and leave me for last so we can know what -- what evidence
19 they have on me. So like I'm in jail, so he wanted me to be
20 the last one to post bail, to go on a motion for bail.

21 Q. Now, he also asked you some questions about some of
22 the discovery in this case, I mean the charge of the
23 conspiracy to travel in aid of racketeering, the case that
24 you're -- the Federal case.

25 A. Okay.

1 Q. You were provided with recordings or your lawyer was
2 provided with recordings; is that correct? Is that what you
3 understood?

4 A. My lawyer, yes.

5 Q. Can you describe what ability you had to listen to
6 those recordings while you're in jail?

7 A. For the Fed -- for the Federal? I believe he came one
8 time, the same attorney in inmate client visiting, same
9 where room I used to meet Paul Bergrin at, and he brought a
10 tape, a CD, he brought it one time so I could listen to it.
11 But I believe that was it. I didn't hear a lot of tapes or
12 nothing like that. But I did hear the ones from -- not all
13 of them, but I had a CD that Michael Lopez sent me from my
14 discovery from Monmouth County.

15 Q. Monmouth County.

16 A. Monmouth.

17 Q. Okay. I'm not talking about Monmouth County. I'm
18 talking only about the --

19 A. The Feds.

20 Q. -- the Federal case.

21 A. I believe only one time.

22 Q. Okay, and when we were preparing for your testimony,
23 the tape that we played for the jury, the recording we
24 played for the jury here during your testimony, is that the
25 only recording I played for you or showed you?

1 A. The one now, or the one before?

2 Q. No, the one that we played during direct examination.

3 A. Was that the only one, you said?

4 Q. Was that the only one that was played for you, if you
5 remember?

6 A. I don't remember.

7 Q. Okay. Well, let me ask you this.

8 Well, I'll leave it. I'll leave it at that.

9 Now, you were asked some questions by Mr. Bergrin
10 about the fact that you gave Pat money to -- that Pat owed
11 you money. Do you recall that?

12 A. Yeah, he owed me money.

13 Q. And also the fact that Pat was not giving you that
14 money back; is that correct? Do you remember those
15 questions?

16 A. Yes.

17 Q. Okay. First of all, if you can explain to the jury,
18 based on the drug business, the business you were in, is it
19 uncommon for you to provide one of your drug cohorts with
20 money to buy planes and other things that you talked about?

21 A. Yeah, that -- that's what I did, yeah.

22 Q. Is that common?

23 A. That's real common. From my position, it was.

24 Q. All right, and is it also common that people would
25 give you drugs on credit?

- 1 A. That's correct.
- 2 Q. There's a certain level of trust there; is that
- 3 correct?
- 4 A. Yes.
- 5 Q. What happens to that trust once you get arrested?
- 6 A. You know, everybody start running away, thinking that,
- 7 you know, you might tell on them.
- 8 Q. So even though Pat owed you money --
- 9 A. Regardless, yeah, it doesn't matter.
- 10 Q. -- once you're under arrest, you're done; is that
- 11 right?
- 12 A. Pretty much, yes.
- 13 Q. Now, he also asked you some questions about whether or
- 14 not Chantal could have introduced Oscar to any of your drug
- 15 contacts.
- 16 A. Yes.
- 17 Q. And you said that it was possible for her to do so.
- 18 A. Yes.
- 19 Q. Would she have done so without your approval or
- 20 without you directing her to do so?
- 21 A. She wouldn't have -- she would never did it. After
- 22 she came out of jail, she was so scared, she just wanted to
- 23 be with my son, so she wanted no part of nothing.
- 24 Q. So did you ever ask her --
- 25 A. No.

1 Q. -- to introduce Mr. Bergrin or Oscar to any of your
2 drug connections?

3 A. No.

4 Q. Now, Mr. Bergrin also asked you some questions about
5 your guilty plea.

6 A. Okay.

7 Q. And he read a specific, a couple of specific lines to
8 you.

9 Now, at this guilty plea, --

10 A. Okay.

11 Q. -- did you answer the questions that were asked of
12 you?

13 A. Yes.

14 Q. Did you have any hand in developing or writing the
15 questions that were asked of you?

16 A. No.

17 Q. Now, Mr. Bergrin read a couple lines, and I want to
18 read a few more lines to you to see if this is also some of
19 the things that you said at this plea hearing.

20 Page 20, line two:

21 "Mr. Gay: Did you enter into an agreement with
22 Paul Bergrin, Thomas Moran and others to kill Junior the
23 Panamanian, a witness against you in the Monmouth County
24 case?

25 "The Defendant: Yes.

1 "Mr. Gay: Was the purpose of killing Junior the
2 Panamanian so that you could win the Monmouth County case,
3 get out of jail and continue your drug trafficking business?

4 "Answer: Yes.

5 "Mr. Gay: When you entered into that agreement,
6 did you do so deliberately and with the knowledge that its
7 purpose was to kill Junior the Panamanian?

8 "The Defendant: Yes.

9 "As part of that agreement, did you, Paul Bergrin
10 and Thomas Moran develop a strategy to ensure that no person
11 would cooperate with the prosecution and testify against you
12 at trial?

13 "Answer: Yes.

14 "Question: As part of that strategy, did Paul
15 Bergrin and you, among other things, analyze discovery
16 materials to determine who may have been cooperating with
17 the prosecution and who may have been a witness against you
18 at trial?

19 "Answer: Yes.

20 "Question: As part of that strategy, did Paul
21 Bergrin and you develop a list of persons who you believed
22 may have been cooperating with the prosecution and were
23 potential witnesses against you at trial?

24 "Answer: Yes.

25 "As part of that strategy, did you and Paul

1 Bergrin develop a plan to ensure that those persons did not
2 cooperate with the prosecutor and testify against you at
3 trial?

4 "Answer: Yes."

5 And thereafter came the part that Mr. Bergrin read
6 to you:

7 "As part of that strategy, did Paul Bergrin tell
8 you that certain witnesses, including a person known as
9 'Junior the Panamanian,' needed to be taken care of to
10 ensure they did not testify against you?

11 "The Defendant: Yes."

12 "Question: Did you understand that by 'taken care
13 of" Paul Bergrin meant 'kill'?

14 "Answer: Yes."

15 "Question: As part of that strategy, did you
16 agree with Paul Bergrin and Thomas Moran that Junior the
17 Panamanian should be killed to prevent his testimony against
18 you at trial?

19 "Answer: Yes."

20 "Question: As part of that strategy, did Paul
21 Bergrin, with your concurrence, enlist the assistance of a
22 person known to you as 'Oscar' to kill Junior the
23 Panamanian?

24 "Answer: Yes."

25 Is that also questions and answers you gave during

1 your plea hearing?

2 A. Yes.

3 Q. Now, was there any question in your mind what it was
4 Mr. Bergrin and you were going to do to these witnesses,
5 Junior the Panamanian?

6 A. No.

7 Q. Did you have numerous discussions with Mr. Bergrin in
8 which you discussed what you were going to do with these
9 witnesses, including Junior the Panamanian?

10 A. Yes.

11 Q. And during some of those discussions, did Mr. Bergrin
12 tell you if there was no witness, there would be no case?

13 A. That's correct.

14 Q. What did you understand him to mean by that?

15 A. I kill the witnesses, the prosecution will lose, and
16 I'll walk.

17 Q. And did he also during some of those discussions tell
18 you that he had done this before when you were discussing
19 killing witnesses?

20 MR. BERGRIN: Judge, beyond the scope. Gone over
21 thoroughly during direct examination, Your Honor.

22 THE COURT: I think that's true.

23 MR. GAY: Well, Your Honor, Mr. Bergrin raised the
24 issue of what Mr. Esteves believed Mr. Bergrin meant when he
25 said certain things, so I do think this is within the scope.

1 THE COURT: But you just asked him that question,
2 and he responded to it.

3 I'll sustain the objection.

4 MR. GAY: Sorry. Just one second.

5 Q. Mr. Esteves, during all of your discussions --

6 MR. GAY: I'll withdraw the question.

7 Nothing further, Judge.

8 THE COURT: Mr. Bergrin?

9 MR. BERGRIN: Very briefly, Judge.

10 RECROSS EXAMINATION

11 BY MR. BERGRIN:

12 Q. Now, Miguel Tineo gave a certified statement and
13 affidavit to his attorney, correct, Merrill Rubin, and you
14 saw that; correct?

15 A. I don't recall. That's what I stated.

16 MR. BERGRIN: Can I approach with 417, Government
17 Exhibit 417.

18 THE COURT: Approach.

19 MR. GAY: Government Exhibit 417?

20 MR. BERGRIN: Yes, Government Exhibit 417.

21 MR. GAY: I'm not familiar with a Government
22 Exhibit 417.

23 THE COURT: Well, show Mr. Gay.

24 MR. GAY: This is in evidence?

25 THE COURT: I can't keep track of that.

1 MR. GAY: Oh, okay. I -- okay. I'm not --

2 THE COURT: Is it in evidence, Scott?

3 MR. GAY: Not that I'm aware of.

4 THE COURT: Do you know?

5 All right. Go ahead, Mr. Bergrin.

6 Q. Did Miguel Tineo give a statement on November 23rd,
7 2008, a certification to his attorney that I had nothing to
8 do with Merrill Rubin?

9 A. What date again was it?

10 Q. There's a date on there. Look at the date on it.

11 A. It says November 24th.

12 Q. November 24th --

13 A. November 24th.

14 Q. -- 2008.

15 A. Okay.

16 Q. Isn't it correct that he made a statement to his
17 attorney --

18 THE COURT: Wait. Wait. You're not going to have
19 him be reading what this other guy's statement is, are you?

20 MR. BERGRIN: No, Judge, just asking if he gave a
21 statement.

22 THE COURT: Okay. He just said he did.

23 Q. And you were provided a copy of that statement? You
24 were informed about that statement, correct? You had seen
25 that before --

1 A. Yes. Yes.

2 Q. -- Mr. Esteves; isn't that correct?

3 A. That's correct.

4 Q. Now, you testified that you didn't have discovery
5 available to you, and that it was given to you over an
6 extended period of time; correct? Isn't that what you
7 testified to?

8 A. Rephrase the question again, please?

9 Q. You were provided --

10 A. Right.

11 Q. -- discovery in your case in Monmouth County; correct?

12 A. Yes.

13 Q. And you were provided it when we received it; correct?

14 A. Whenever, yeah -- okay. Yes.

15 Q. And you were informed about the extent of the
16 discovery against you and reviewed -- we reviewed it
17 together; correct?

18 A. Yes.

19 Q. In your Federal case, you testified that you didn't go
20 over your discovery and the recordings with your attorneys.
21 Is that what you're telling us on --

22 MR. GAY: Objection. That's not what he said,
23 Judge.

24 Q. Did you review the discovery with your attorney, Sean
25 McGovern, in your Federal case?

1 A. I reviewed the indictment, whatever they had, whatever
2 he showed me.

3 Q. Is that all you reviewed? As you sit here under oath,
4 are you telling us that your Federal attorney for the year,
5 over a year, for 13 months before you pled guilty from the
6 time that you were arrested, are you telling us that he
7 didn't go through the discovery with you?

8 A. Again, he went through it through it, some paperwork,
9 indictment and whatever little discovery. There wasn't --
10 there wasn't much.

11 Q. Well, he had the recordings; isn't that a fact,
12 Mr. Esteves?

13 A. And again, I believe like one or two recordings.

14 Q. And are you telling us that you didn't review the
15 recordings with your attorney, Mr. McGovern, for 13 months?

16 A. Told you, I just finished saying I reviewed like two
17 of them.

18 Q. Isn't it a fact that when you pled guilty before
19 Judge Martini, you acknowledged and you said under oath that
20 you had an opportunity to review the discovery and that you
21 had an opportunity to speak to your attorney and that you
22 were familiar with the case?

23 A. Yeah.

24 Q. Now, you testified a few minutes ago that you agreed
25 to stay in jail till everyone was out. Is that what your

1 testimony was?

2 A. No.

3 Q. You wanted out of jail before anyone. You were
4 desperate to get out of jail on bail; isn't that a fact?

5 A. Yes.

6 Q. Now, you said that killing the witnesses, or no
7 witness, no case, is that -- you said that I said those
8 words to you; right, Mr. Esteves?

9 A. Yes, you did. Um-h'm.

10 Q. On the day that you are arrested -- this is my last
11 question, Judge -- the day that you were arrested, you
12 confessed to everything; correct?

13 A. Yeah, mostly everything, yeah.

14 Q. There was recordings of you; correct?

15 A. Uh-huh. Yes.

16 Q. So Junior would have made a big impact -- killing
17 Junior wouldn't have had any effect at all on this case;
18 right, Mr. Esteves?

19 MR. GAY: Objection, Judge. How does he know what
20 effect it would have?

21 THE COURT: I'll sustain.

22 MR. BERGRIN: No questions.

23 MR. GAY: Nothing, Judge.

24 THE COURT: All right. You may step down.

25 THE WITNESS: Thank you.

1 (Witness excused)

2 THE COURT: Who's our next witness?

3 MR. GAY: Judge, the Government recalls Oscar
4 Cordova.

5 THE COURT: Okay.

6 MR. GAY: Oh, Judge, there's a --

7 THE COURT: You want the instruction?

8 MR. GAY: Yes.

9 THE COURT: And by the way, Oscar Cordova is going
10 to be recalled for a very limited reason.

11 All right. This is another one of the limiting
12 instructions that I told you about that you have to listen
13 to, this is important, regarding the last two witnesses. So
14 just listen. You don't have to write these down because
15 these limiting instructions will be given to you with my
16 other instructions at the end of the case. Okay?

17 As I told you previously, from time to time during
18 the trial, I'll provide you with special instructions on how
19 to consider certain pieces of evidence that you've heard.
20 This is one of those times.

21 You've now heard testimony from Oscar Cordova and
22 Vicente Esteves about events that occurred in 2008. As I
23 will instruct you at the end of the case, it is your
24 decision whether to credit that evidence. If you do decide
25 to credit that evidence, you may consider it with respect to

1 the racketeering charges contained in Counts 1 through 4 of
2 the indictment, and with respect to the offenses charged in
3 Counts 5 and Counts 20 through 26. You may also consider
4 that evidence for a limited purpose when considering Counts
5 12 and 13, which relate to the murder of Kemo Deshawn
6 McCray. Specifically, you may consider the testimony of
7 Mr. Cordova and Mr. Esteves in determining whether the
8 Defendant, Mr. Bergrin, acted with the specific intent to
9 tamper or kill a Federal witness. You may not consider the
10 testimony of Oscar Cordova and Vicente Esteves for the
11 purpose of inferring that Mr. Bergrin has the character
12 trait or propensity for wrongdoing.

13 Other than the specific counts I have identified
14 in this instruction - that is, Counts 1 through 4, Counts 5,
15 12, 13, and Counts 20 and 26 - you may not consider the
16 testimony of Oscar Cordova and Vicente Esteves with respect
17 to any of the other counts in the indictment. You must
18 follow my instructions and consider the testimony of Cordova
19 and Esteves only for the limited purpose I have specified.

20 I'll repeat these instructions as part of my final
21 charge at the end of the case.

22 Okay. The witness?

23 MR. GAY: There should be --

24 THE COURT: We're breaking today at 3:30.

25 MR. BERGRIN: 2:30, Judge?

1 (Laughter)

2 THE COURT: 3:30.

3 MR. GAY: Judge, my understanding is there's a
4 person still in movement now over to the -- to get up to
5 the --

6 THE COURT: Going to take a little while?

7 MR. GAY: About five minutes.

8 THE COURT: All right. Why don't we take our
9 afternoon break?

10 (The jury exits)

11 (Recess taken)

12 (Defendant present)

13 O S C A R C O R D O V A, called as a witness on behalf of
14 the Government, and having been previously sworn, resumed
15 the stand and testified as follows:

16 THE COURT CLERK: All rise.

17 (The jury enters)

18 THE COURT: Be seated.

19 Mr. Gay?

20 MR. GAY: Your Honor, the Government recalls Oscar
21 Cordova.

22 THE COURT: Okay. Mr. Cordova, you're still
23 sworn.

24 Continue.

25 MR. GAY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. GAY:

Q. Mr. Cordova, before you testified in this case, did you have a conversation with me about a telephone call in which a person made a -- reported a threat to your life?

A. This is correct, Mr. Gay.

Q. And were you aware that there was an ongoing investigation into that threat, including the identity of the person who made that telephone call reporting the threat?

A. This is also correct, Mr. Gay.

Q. And did I question you about that reported threat?

A. Yes, you did, sir.

Q. Did you tell me that you were not involved in making that telephone call reporting that threat?

A. Yes, I did, Mr. Gay.

Q. On last Thursday, February 21st, 2013, do you recall testifying under oath to this jury?

A. Yes, sir.

Q. And do you recall being asked the following question by Mr. Bergrin and giving the following answer to this jury --

A. Yes, sir.

Q. "Mr. Cordova -- " --

MR. BERGRIN: He answered the question already.

1 He said "Yes, sir."

2 MR. GAY: He's acknowledging he remembers the
3 question he was asked, I believe, Judge.

4 THE COURT: I think that's exactly what he was
5 doing.

6 go ahead.

7 Q. Question by Mr. Bergrin: "Mr. Cordova, isn't it a
8 fact, sir, that you were connected to a false death threat
9 that was made against you by an individual who you had
10 called and contact Federal authorities?"

11 Answer by you: "That is not true, sir. That is
12 not true. I was aware that there was a threat, but for me
13 to call in the threat on myself, come on, Paul."

14 Do you remember being asked that question and
15 giving that answer?

16 A. Yes, sir.

17 Q. Was that response truthful?

18 A. No, it was not, sir.

19 Q. Did you call the threat in on yourself?

20 A. Yes, sir.

21 Q. Do you recall approximately when it was that you
22 called this threat in on yourself?

23 A. I don't have an exact time for you, Mr. Gay, but, yes,
24 I did make the call.

25 Q. Okay. Now, would it be -- would it have been sometime

1 close to the beginning of the trial in this case?

2 A. No, sir.

3 Q. Okay. That you called in the threat, I'm saying.

4 A. Yes, sir. I'm sorry. Excuse me. Yes.

5 Q. Okay. So let me rephrase the question and make sure
6 you understand it.

7 You're saying you don't remember exactly when you
8 called in the threat; is that correct? You don't remember
9 the exact date that you called in this threat; is that
10 correct?

11 A. That's correct, Mr. Gay.

12 Q. But was it sometime either immediately before or
13 sometime surrounding the beginning of the trial in this
14 case?

15 A. The beginning of the trial in this case, sir.

16 Q. Now, when you called in this threat, can you explain
17 how it was that you called in the threat? What did you do?

18 A. I picked up a throwaway phone that I had purchased and
19 I made a call and said that I believe my life was in danger,
20 threat, against the almighty Latin Kings, it had nothing to
21 do with Mr. Bergrin.

22 Q. Okay, and did you disguise your voice in any fashion
23 when you phoned in this threat?

24 A. Yes, I did, sir. Yes, I did.

25 Q. And did you say there was a \$250,000 contract out on

1 your life by the Latin Kings?

2 A. This is correct, Mr. Gay.

3 Q. Was there actually a threat to your life from the
4 Latin Kings that you're aware of?

5 A. There is a threat. I just don't know how much, sir.

6 Q. So the false part of the report was that there was a
7 contract for \$250,000?

8 A. Correct, Mr. Gay.

9 Q. Now, when was it that you learned of the actual
10 threat, if you recall?

11 Do you understand my question, sir?

12 A. Yes.

13 Q. Not the reporting of it by yourself, but the actual
14 threat. When did you learn that there was a threat by the
15 Latin Kings on you?

16 A. It was an ongoing, sir, ongoing. It was a secondhand
17 information. So, I mean, me being involved in a gang and
18 stuff -- I'm out of the gang -- that was my concern. I was
19 scared, sir, for my safety.

20 Q. So based on your life in the gang previously, what is
21 your understanding of --

22 MR. BERGRIN: Objection to the leading questions
23 to this man, Judge.

24 THE COURT: I'll sustain the objection.

25 Q. Okay. You testified that you were in a gang; is that

1 correct?

2 A. This is correct, Mr. Gay.

3 Q. And what happens to gang members who cooperate?

4 A. You die, sir.

5 Q. Now, do you remember when you learned of this ongoing
6 threat? Did you tell anyone in law enforcement about it?

7 If you recall. Not saying the reporting. I'm saying back
8 around the time.

9 A. Yes, I did, sir.

10 Q. Now, what was the reason that you -- you said there
11 was this ongoing threat; is that correct?

12 A. This is correct, Mr. Gay.

13 Q. What was the reason that you telephoned in the threat
14 at the time you did rather than previously?

15 Do you understand the question, sir.

16 A. Yes, I do. I did understand it, I do understand the
17 question.

18 Q. Would you explain that?

19 A. My answer would be that it was getting closer for me
20 to come here and to testify, and I was scared for myself as
21 well as my family, sir.

22 Q. Now, what was the reason you lied on the witness stand
23 and said you did not make the phone call reporting the
24 threat?

25 A. I was embarrassed, sir.

- 1 Q. Can you explain that, please?
- 2 A. Embarrassed meaning that --
- 3 Q. Why were you embarrassed?
- 4 A. Because I know that I did it and I lied about it, sir.
- 5 Q. Now, you swore to tell -- you swore an oath to tell
- 6 the truth before you gave that answer; is that correct?
- 7 A. This is correct, sir.
- 8 Q. And you understood when you gave that answer that you
- 9 were not telling the truth; is that correct?
- 10 A. This is also correct, Mr. Gay.
- 11 Q. Now, after you left the witness stand on Friday,
- 12 February 22nd, 2013, did the United States Marshals question
- 13 you?
- 14 A. Yes, they did, sir.
- 15 Q. And they questioned you about the reported threat on
- 16 your life; is that correct?
- 17 A. This is correct, Mr. Gay.
- 18 Q. And did you admit to them that you had made the
- 19 telephone call reporting the threat on your life?
- 20 A. Yes, sir, I did, sir.
- 21 Q. Now, what was the reason that you admitted that to the
- 22 United States Marshals when you had failed to admit that on
- 23 the witness stand?
- 24 A. I just -- I just wanted to -- I just -- I just wanted
- 25 to tell them I did it, it was, you know, it was me who did

1 it, you know, it was not Mr. Bergrin, who was against the
2 Latin Kings, sir.

3 Q. Okay. And after that interview with the United States
4 Marshals, did you leave and go to the airport to fly back to
5 your whatever location you're now residing at?

6 A. This is correct, Mr. Gay.

7 Q. And prior to you actually leaving and getting on the
8 plane, were you approached by agents of the Drug Enforcement
9 Administration?

10 A. Yes, I was, sir.

11 Q. Did they tell you that you needed to remain in
12 New Jersey?

13 A. Yes, they did, sir.

14 Q. And did you agree to remain in New Jersey?

15 A. Yes, I did, sir.

16 Q. Did agents serve you with a subpoena requiring you to
17 appear in court and testify today?

18 A. Yes. Yes, sir.

19 Q. Did the Court later appoint you a lawyer after you
20 were served with the subpoena?

21 A. This is correct, Mr. Gay.

22 Q. Did you speak to your court-appointed lawyer on
23 Sunday, February 28th, 2013? This past Sunday, yesterday.

24 A. February -- what did you say, Mr. Gay?

25 Q. Let me rephrase the question.

- 1 A. Yes, please.
- 2 Q. Did you speak to your lawyer before you came here to
3 testify today?
- 4 A. Yes, I did.
- 5 Q. And was that yesterday, Sunday, February 24th, 2013?
- 6 A. That is correct.
- 7 Q. Were you aware that you had a Fifth Amendment right to
8 refuse to testify and provide testimony that would
9 incriminate yourself?
- 10 A. Yes, sir.
- 11 Q. And did you discuss any type of an agreement with your
12 lawyer when you met with him on February 24th, 2013?
- 13 A. Yes, sir.
- 14 Q. I'm going to show you Government Exhibit 7013 and ask
15 you to please take a look at this.
- 16 A. Yes, sir.
- 17 Q. Is that the agreement you discussed with your lawyer
18 yesterday?
- 19 A. Yes, sir.
- 20 Q. Okay. If you could turn to the next page and ask
21 whether or not your signature appears on that.
- 22 A. Yes, sir, Mr. Gay.
- 23 Q. And what is the date that that was signed by you?
- 24 A. 2/24/2013.
- 25 Q. Is there a time indicated on that that you signed that

1 agreement?

2 A. Yes, sir, 12:45 p.m., sir.

3 Q. And is your lawyer's signature also on that?

4 A. Yes, sir.

5 Q. Okay. Is a signature from a representative of the
6 Government on that, myself?

7 A. Yes, sir.

8 MR. GAY: Judge, I'd ask that 7031 be entered into
9 evidence.

10 MR. BERGRIN: No objection, Judge.

11 THE COURT: Into evidence.

12 (Government Exhibit 7031 marked in evidence)

13 Q. Okay. Now, Mr. Cordova, you indicated that you
14 understood you had a Fifth Amendment right not to
15 incriminate yourself during testimony; is that correct?

16 A. This is correct, Mr. Gay.

17 Q. And based on this agreement -- I'm going to give it to
18 you again -- did you through your lawyer indicate to the
19 Government that you intended to assert your Fifth Amendment
20 privilege and not testify and invoke the Fifth Amendment?

21 A. This is correct, Mr. Gay.

22 Q. And after that, did the Government come up with an
23 agreement that you reviewed and signed with your lawyer?

24 A. This is also correct, Mr. Gay.

25 Q. And that's what this agreement is here; is that

1 correct?

2 A. This is correct, sir.

3 Q. Okay. So what is it, what is your understanding of
4 what is the benefit of this agreement? Well, first of all,
5 what did you agree to do pursuant to this agreement?

6 A. To tell the truth, sir.

7 Q. Come here and testify.

8 A. This is correct.

9 Q. And what is it that the Government did for you so that
10 you would come here and testify and waive your Fifth
11 Amendment?

12 A. Can I read it, sir?

13 Q. Sure. It's in evidence.

14 A. Yes.

15 It says "You have -- " --

16 THE COURT: Well, wait. We're going to have to go
17 through all the --

18 MR. GAY: No, no, just one particular line, that's
19 all. Not the whole thing. It's just going to be one line.

20 THE COURT: Okay.

21 Q. Go ahead.

22 A. It says "You have advised us, however, that if asked
23 about the phone call, Cordova would invoke the Fifth
24 Amendment right not to incriminate himself."

25 Q. Okay. And then is there another section down at the

1 bottom?

2 A. Yes, there is, sir.

3 Q. And if you could read what -- so that's what you
4 intend to do?

5 A. Yes, sir.

6 Q. And what is it that the Government is going to do in
7 exchange for you testifying here today?

8 A. "To ensure that the Bergrin jury will hear Cordova's
9 further testimony concerning the phone call, the Government
10 therefore will not use -- " -- key word being use -- " --
11 against Cordova the testimony and any statements by him to
12 the Government following his execution of this agreement."

13 Q. Okay, and again, if you could turn to the next page,
14 what's the date and time that the agreement was executed?

15 A. 2/24/2013, sir.

16 Q. At what time?

17 A. 12:45 p.m., sir.

18 Q. So any statements made prior to that, the Government
19 could use to prosecute you; is that correct?

20 A. This is absolutely correct, Mr. Gay.

21 Q. Now, you have not been charged as you sit here today;
22 is that correct?

23 A. This is correct, Mr. Gay.

24 Q. What is your understanding about whether or not you
25 can be charged in connection with phoning in the threat and

1 not telling the truth to the jury on Thursday of last week?

2 A. That it could be possible that I could be persecuted,
3 sir.

4 Q. Prosecuted?

5 A. Prosecuted, sir.

6 MR. GAY: No further questions, sir.

7 THE COURT: Mr. Bergrin?

8 MR. BERGRIN: Thank you.

9 CROSS-EXAMINATION

10 BY MR. BERGRIN:

11 Q. Mr. Cordova, when you testified in the trial here, you
12 put your hand on the bible and you swore to tell the truth,
13 the whole truth, and nothing but the truth; correct?

14 A. That's correct, Mr. Bergrin.

15 Q. And you deliberately, intentionally lied with the
16 purpose to deceive the jury about the threat; correct?

17 A. Yes, sir.

18 Q. Now, you put your head down; you're somber. The only
19 reason you ever came forth with this information is because
20 the United States Marshals caught you, trapped you in a lie
21 based upon their investigation; correct, sir?

22 A. That is not correct, sir.

23 Q. Well, let's take it step by step.

24 You knew that you had called in a false death
25 threat; correct?

- 1 A. Correct, sir.
- 2 Q. You knew that you had called it in and you had used
3 what they call a throwaway phone; correct?
- 4 A. Correct, Mr. Bergrin.
- 5 Q. If you were worried about a threat, if you were
6 worried about your life, then you wouldn't have used a
7 throwaway phone. You would just come to the United States
8 Attorney's Office or the United States Marshals or the
9 F.B.I. and said, my life is in jeopardy, I need protection.
10 Isn't that a fact, sir?
- 11 A. Yes, sir, Mr. Bergrin.
- 12 Q. Instead, you used a fake, throwaway phone, you
13 disguise your voice as a woman; right?
- 14 A. Yes, sir.
- 15 Q. And you say there's a \$250,000 bounty on the head of
16 Oscar Cordova by the Latin Kings in The Bronx; correct?
- 17 A. Correct, sir.
- 18 Q. A complete fabrication, a complete lie; right?
- 19 A. Correct, Mr. Bergrin.
- 20 Q. You say that Mr. Gay questioned you and said that he
21 asked you if you -- he asked you if you made the threat in
22 his office; correct?
- 23 A. This is correct, Mr. Bergrin.
- 24 Q. And you denied it to Mr. Gay; correct?
- 25 A. This is correct, Mr. Bergrin.

1 Q. Cooperating witness Oscar Cordova receives over
2 \$50,000 from the United States Government for his
3 cooperation, lies to the face of the United States Attorney;
4 correct?

5 A. This is correct, Mr. Bergrin.

6 Q. Was Shawn Brokos from the F.B.I. present in that
7 meeting with you?

8 A. No, sir.

9 Q. Who was present?

10 A. Myself and Mr. Gay.

11 Q. Did Mr. Gay ever ask you for your telephone and to see
12 the number or to power it on?

13 A. No, sir.

14 Q. That's what the Marshals did; correct?

15 A. Correct, Mr. Bergrin.

16 Q. Did Shawn Brokos during all the meetings you've had
17 with her, did she ever power your phone on and look at the
18 numbers and your contacts in there?

19 A. No, sir, Mr. Bergrin.

20 Q. You knew that you had no choice but to make an
21 admission. There was over 50 calls to a number that was
22 Oscar Cordova's; correct?

23 A. That's correct, Mr. Bergrin.

24 Q. There were over 40 text messages to that same number
25 that called in the threats; correct, sir?

1 A. Correct, Mr. Bergrin.

2 Q. So you were caught directly with your hand in the
3 cookie jar; right?

4 A. Correct, Mr. Bergrin.

5 Q. And isn't it a fact that the Marshals who questioned
6 you, they told you that the U. S. Attorney's Office had no
7 interest in charging you for this offense? Correct?

8 A. Correct, Mr. Bergrin.

9 Q. So you were going to get a free ride for committing
10 perjury, knowing and intentionally swearing on that witness
11 stand during a major Federal trial; correct?

12 A. Correct, Mr. Bergrin.

13 Q. The Marshals had told you that they had spoke to the
14 U. S. Attorney's Office and you have nothing to worry about,
15 Mr. Cordova, you have nothing to worry, but even though you
16 lied, even though you lied and deliberately and
17 intentionally committed perjury, rank perjury, that Oscar
18 Cordova's got a free ride; right?

19 A. Correct, Mr. Bergrin.

20 Q. And even though they told you that, you still didn't
21 admit it to them; right?

22 A. Correct, Mr. Bergrin.

23 Q. Then they turned to you, they asked you where your
24 cell phone was; right?

25 A. Correct, Mr. Bergrin.

- 1 Q. And they powered it on; correct?
- 2 A. Correct, Mr. Bergrin.
- 3 Q. And then you were finished and cooked at that point;
- 4 right?
- 5 A. That's correct, Mr. Bergrin.
- 6 Q. Now, you talk about the fact that you were scared and
- 7 there was a threat out for you and that's why you called.
- 8 That's not why you made that call, Mr. Cordova;
- 9 isn't that a fact, sir?
- 10 A. That is not true. That is the reason why I made the
- 11 call.
- 12 Q. You already had protection; correct?
- 13 A. Correct, sir.
- 14 Q. Hundreds of thousands of dollars were paid to secure
- 15 you based upon the fact that you told them that you have a
- 16 \$250,000 false threat, a \$250,000 bounty on your head by the
- 17 Latin Kings; right? You had protection around the clock;
- 18 right?
- 19 A. This is correct, Mr. Bergrin.
- 20 Q. From the time that you made this threat; right,
- 21 Mr. Cordova?
- 22 A. Correct, Mr. Bergrin.
- 23 Q. Do you have to pay back that money that you cost the
- 24 United States taxpayers?
- 25 A. I'm not really sure, sir. I don't know how that

1 works.

2 Q. And then they give you this agreement knowing that you
3 deliberately and intentionally lied, to deceive, to deceive
4 for the benefit of Oscar Cordova, they give you this
5 agreement; right?

6 A. That's correct, Mr. Bergrin.

7 Q. And when they give you this agreement, they tell you
8 that it doesn't matter that you lied, it doesn't matter,
9 we're not going to prosecute you anyway, the same thing
10 that the United States Marshals told you after they spoke to
11 these people sitting at this table; right?

12 A. Correct, Mr. Bergrin.

13 Q. But you want to get the truth out; right, Oscar?

14 A. That's why I'm here, sir.

15 Q. That's why -- you're here because you have no choice;
16 isn't that a fact, sir? Isn't that a fact?

17 A. Yes, sir.

18 Q. If you didn't testify, we would have subpoenaed the
19 United States Marshals, and they would have proven that you
20 lied.

21 A. Yeah, correct, Mr. Bergrin.

22 Q. So when Mr. Gay asks you in front of this jury and
23 tries to give the impression that, oh, we're not -- you're
24 here for the interests of justice, for the truth, and for
25 justice, after all, you're here because you don't want to be

1 prosecuted; correct?

2 A. Look, Mr. Bergrin, I made a mistake, and I'm here to
3 say I'm sorry, I made a mistake. Yes, I lied. Yes.

4 Q. Now, not only do you get away with committing perjury,
5 Mr. Cordova, but you get paid -- they give you a \$4,000
6 check, right, for your testimony; right?

7 A. That's not for my testimony, sir. That's for
8 subsidies and for living and for security.

9 Q. For subsidies, for living, and for security.

10 You get \$4,000 for a few days' testimony after you
11 committed perjury; correct?

12 Right?

13 A. Correct, Mr. Bergrin.

14 Q. Did you give back that check for all the money that
15 you cost?

16 A. No, Mr. Bergrin.

17 Q. Who was Marisol Colon?

18 A. What does that got to do with this? Here we go again,
19 huh?

20 THE COURT: Hold on.

21 What about it, Mr. Bergrin? What's that got to do
22 -- this was a very limited reason to come back.

23 Q. Now, even the agreement that you made with the
24 Government, even as you take the witness stand and continue
25 to lie, they agree not to prosecute you; right?

1 THE COURT: Now, look, we've just been over this.
2 We're not going to just keep going over it.

3 Q. I want to go over just a last time -- these are the
4 last questions I'll ask you. Mr. Gay went over it with you,
5 but I want to read it to you.

6 You were asked the question during
7 cross-examination:

8 "Mr. Cordova, isn't it a fact, sir, that you were
9 connected to a false death threat that was made against you
10 by an individual who you called and contacted Federal
11 authorities?"

12 And do you remember how animated, do you remember
13 the show that you put on before this jury when you answered
14 that question?

15 A. Yes, sir, Mr. Bergrin.

16 Q. Remember saying: "That is not true, sir. That is not
17 true. I was aware that there was a threat, but for me to
18 call in a threat on myself? Come on, Paul."

19 That's the way you responded; right?

20 A. Correct, Mr. Bergrin.

21 MR. BERGRIN: Thank you.

22 THE COURT: Anything further, Mr. Gay?

23 MR. GAY: Just very briefly, Judge.

24

25

REDIRECT EXAMINATION

BY MR. GAY:

Q. Mr. Cordova -- and this exhibit's in evidence, obviously -- Mr. Bergrin was asking you some questions about whether or not this agreement, 7031, indicates that the Government has agreed not to prosecute you for either calling in the false threat or perjury.

A. Correct, Mr. Gay.

Q. Okay. Does that agreement indicate that the Government will not use your statements here today to prosecute you?

A. Correct, Mr. Gay.

Q. So the Government did not agree not to prosecute you; is that correct?

A. This is also correct.

Q. So you can still be prosecuted for the perjury and for calling in the false threat; is that correct?

A. Correct, Mr. Gay.

Q. All the Government did was agree that they're not going to use your testimony here today to do that; isn't that correct, Mr. Cordova?

A. Correct, Mr. Gay.

MR. GAY: No further questions.

THE COURT: Anything further?

1 RECROSS EXAMINATION

2 BY MR. BERGRIN:

3 Q. Just like they agreed not to prosecute you, correct,
4 when they found that you had lied completely to them; right?5 THE COURT: I don't know if I'm following that
6 question.

7 MR. GAY: Judge, that's not --

8 Q. They agreed not to prosecute you at the time that they
9 asked you questions, the Marshals; correct?

10 A. I don't understand your question, Mr. Bergrin.

11 Q. There was never the intent of the United States
12 Government to prosecute you.13 MR. GAY: Objection to what the intent of the
14 United States Government was.

15 THE COURT: How would he know that?

16 MR. BERGRIN: Because he was told by the United
17 States Marshals that they had no intent to prosecute him.18 MR. GAY: Judge, that's not the United States
19 Attorney's Office. They're not in charge of deciding who
20 gets prosecuted and who doesn't.

21 THE COURT: You're going beyond this redirect.

22 Let's finish this.

23 MR. BERGRIN: I have no further questions, Judge.

24 THE COURT: All right. Thank you.

25 (Witness excused)

1 THE COURT: Next witness.

2 MR. GAY: The Government calls Thomas Moran.

3 We need about two minutes, Judge, to get -- bring
4 him up.

5 THE COURT CLERK: Placing your left hand on the
6 bible, raising your right hand:

7 T H O M A S J. M O R A N, J R., called as a witness on
8 behalf of the Government, and having been duly sworn,
9 testified as follows:

10 THE COURT CLERK: Please be seated.

11 Please state your name, spelling it for the
12 record.

13 THE WITNESS: Thomas J. Moran, Jr., M-o-r-a-n.

14 THE COURT: Go ahead, Mr. Gay.

15 MR. GAY: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. GAY:

18 Q. Sir, how old are you?

19 A. Forty-six years old.

20 Q. Where were you born?

21 A. Jersey City, New Jersey.

22 Q. Where have you -- briefly, where have you lived during
23 your life?

24 A. I've lived in Paramus, New Jersey, and North Bergen,
25 New Jersey.

1 Q. What is your educational background?

2 A. Graduated high school, received a Bachelor's of
3 Science from St. Peter's College in economics, received a
4 juris doctorate from New York Law School.

5 Q. Are you admitted to practice law in any states, or
6 have you been?

7 A. I was admitted to practice in both New York and
8 New Jersey.

9 Q. Let's talk a little bit about, have you ever used any
10 illegal drugs during your life?

11 A. Yes, I have.

12 Q. Have you used marijuana?

13 A. I have.

14 Q. Can you briefly describe your use of marijuana during
15 your life, again, very briefly?

16 A. Yes. I started smoking --

17 THE COURT: Wait just one second.

18 Most of the witnesses, we had to tell them to
19 speak up. I think you're a little too close.

20 THE WITNESS: Oh, sorry, Judge.

21 (Laughter)

22 THE COURT: So if we need you to do it further --
23 maybe just back up a little bit. But keep your voice up,
24 just back up a little bit.

25 THE WITNESS: Okay, Judge.

1 A. During my 20's, I experimented with marijuana. It
2 became a daily habit in my 30's. I also used cocaine in my
3 20's.

4 MR. BERGRIN: That wasn't the question. The
5 question was about marijuana, Judge. It's beyond the
6 question.

7 THE COURT: I thought it was about drugs. But,
8 okay, go ahead.

9 Q. Any other drugs? Well, did you finish your marijuana
10 use, and then we'll -- or if you haven't, finish your brief
11 description of your marijuana use.

12 A. Yes. Marijuana use was a daily usage up until the
13 time of my arrest.

14 Q. You also mentioned cocaine.

15 A. Yes. Cocaine, I began using cocaine in my 20's,
16 infrequently. I continued infrequently in my 30's. It
17 reached its apex of use, I would say, in my late 30's, where
18 I would maybe use it once a month to four times a month, and
19 sometimes no times a month. So it was an infrequent,
20 intermittent usage.

21 Q. Any other drugs, illegal drugs that you used during
22 your life that you recall?

23 A. Yes. I experimented with ecstasy in my 30's. When I
24 was about 19, 18 or 19, I experimented with acid and
25 mescaline.

1 Q. Now, let's talk about alcohol use. Have you used
2 alcohol?

3 A. Yes, I started drinking when I was 17 or 18 years old,
4 Fridays and Saturdays, weekend warrior-type stuff.

5 Q. Okay.

6 A. And started with beer.

7 Q. And did it continue throughout after that time?

8 A. Yes, it did. It continued up until the time of my
9 arrest.

10 Q. Okay. And when you said "weekend warrior," can you
11 describe how often -- let's just limit this to the time
12 frame of, say, you know, 2007 to the time of your arrest.

13 A. I drank -- I would go out and enjoy the night life in
14 Manhattan and north Jersey. I would drink Fridays,
15 Saturdays, sometimes Thursday nights.

16 Q. And let's talk about, during that same time period,
17 what about your marijuana use?

18 A. The marijuana use was daily. I used marijuana daily
19 at nighttime when I concluded my work.

20 Q. Okay. So can you explain that? Explain what your
21 typical day would be with the work and then when you smoked
22 the marijuana.

23 A. My typical day would begin at 6:30. I would prepare
24 for my court schedule, which would be heavy. I would start
25 my day, get into court maybe eight, nine o'clock in the

1 morning. Depending on the schedule, I would continue
2 throughout the day until -- my day would typically end
3 eight, 8:30 at night. I would travel home. 9:00, 9:30,
4 10 o'clock, I would smoke marijuana.

5 Q. And go to sleep after that?

6 A. Yes. It would be to unwind, so to speak.

7 Q. And you'd wake up and do the same thing the following
8 day.

9 A. Yes.

10 Q. Now, what about during the time you're actually
11 working: Did you normally or did you ever use marijuana
12 while you were on the job?

13 A. No. I did not. It was simply after -- after-work
14 recreational use.

15 Q. What about alcohol? Did you ever drink alcohol during
16 the daytime when you were working?

17 A. Yeah, there would be times when I would have a drink
18 or two at lunch.

19 Q. Now, let's talk about, have you ever possessed any
20 illegal handguns?

21 A. Yes. At the time of my arrest, I had in my possession
22 four guns, two of which were legal. I had a firearms ID
23 card, meaning that I could legally purchase and possess
24 firearms. I also had in my possession two other guns that I
25 had taken from a client who asked me to hold them for him.

1 One was an automatic handgun, a 40-gauge, and the other gun
2 was a shotgun which had its serial number defaced. So me
3 being in possession of that gun was deemed to be unlawful.

4 Q. Now, where did you get those guns from?

5 A. I had befriended a client that I had wrapped up -- he
6 had three drug possession cases, and I had resolved the
7 cases through permitting him to enter into a drug rehab.
8 Because he had to enter into this rehab for a six-month
9 stint, he was evicted from his apartment. He came to my
10 house, he said, Since I'm going to be in the rehab and I
11 have no place to stay, can you hold these for me. So I said
12 sure, and I took them into my possession.

13 Q. What was the name of that client?

14 A. His name was Tito, Justo Cepeda.

15 THE COURT: When you said these guns were in your
16 possession, you don't mean on your body.

17 THE WITNESS: No, they were in my apartment,
18 Judge.

19 THE COURT: All right. Go ahead.

20 Q. Now, on or about January 4th of 2010, did you plead
21 guilty to assault by automobile in Monmouth County?

22 A. Yes, I did.

23 Q. And was that in relation to a drunk driving incident
24 in which you struck another car on or about August 19th of
25 2008?

1 A. Yes.

2 Q. And do you know whether or not anybody was injured
3 from that other vehicle?

4 A. One individual had a minor injury. There was a bruise
5 or a twist of her finger, I believe.

6 Q. And did you receive a suspended sentence on that
7 charge?

8 A. Yes, I did.

9 Q. Now let's talk a little bit about your employment
10 history.

11 You said you graduated from law school; is that
12 correct?

13 A. That is correct.

14 Q. Just briefly describe your legal career.

15 A. Upon my graduation from law school, I registered with
16 a legal temp agency, and they had placed me with Sprint PCS,
17 working as a lease auditor. That was in September of 1999.
18 Three weeks after I began the temporary placement, they --
19 "they" being Sprint -- offered me a permanent position in
20 lease management. I accepted that position. So from
21 September 1999 to 2003, I worked with Sprint PCS doing lease
22 management, project management.

23 2003 to 2004, I had decided to open a home office,
24 hang my shingle, so to speak, my own law practice, and I
25 started doing contracted work with the Public Defender's

1 Office. It's called, what you call pool work.

2 Q. Okay. Can you describe what pool work is?

3 A. Pool work is that the State of New Jersey's Public
4 Defender's Office is not adequately staffed to handle the
5 amount of cases in both criminal matters and parental
6 representation matters, matters where DYFS comes and takes
7 the children out of someone's house or investigates an
8 allegation of abuse or neglect. So criminal matters being
9 anything from unlawful possession of drugs to criminal
10 sexual assaults, those type cases, along with these -- they
11 were called PRU, Parental Representation Unit cases, those
12 are the type cases I began to handle.

13 Q. And you were paid by the state for representing
14 people?

15 A. Yes, you're paid on a per diem basis, on a daily
16 basis, or a by-case basis.

17 Q. And what courts did you mostly work in during that
18 time frame?

19 A. I mainly worked in the Bergen County Courthouse during
20 that time frame.

21 Q. Did there come a time when you got a position with the
22 staff of the New Jersey Public Defender's Office?

23 A. Yes. After a year or so of doing the pool work for
24 the State of New Jersey, I was offered and accepted a
25 position as a staff member of the -- for the State of

1 New Jersey Public Defender's Office, representing parents in
2 these cases where DYFS comes in, investigates allegations of
3 abuse or neglect and either takes the children from the
4 house or keeps the case open and investigates ordering the
5 parents to complete certain services. So those were the
6 cases, they were called Title 9, Title 30 cases. Those are
7 the cases that I worked on for the State of New Jersey.

8 Q. And so during that time frame, did you do any work on
9 criminal cases, criminal defense work?

10 A. No, I had ceased doing work in the criminal defense
11 area.

12 Q. Now, what courts did you work in at that point when
13 you were working for the Public Defender's Office?

14 A. My office was in Newark, but my area was Passaic, so I
15 worked out of Passaic County Courthouse.

16 Q. Did there come a time when you left the New Jersey
17 Public Defender's Office?

18 A. Yes. I believe it was 2004 to 2005, or maybe 2005 to
19 2006, I had taken a position with a private law firm,
20 Anthony Fusco and Roy Macaluso. It's Fusco & Macaluso, out
21 of Passaic, New Jersey.

22 Q. And if you can, again, just briefly, what type of law
23 did they practice, or did you practice with them, I guess I
24 should say.

25 A. Their law firm practices criminal defense work, they

1 do administrative casework representing corrections officers
2 and police officers on disciplinary matters that they may
3 have in their department or correctional facility, and they
4 also did civil work, personal injury cases, those type
5 cases. So I -- I did all three areas.

6 Q. Now, did there come a time when you left the employ of
7 Anthony Fusco?

8 A. Yes. I worked for Anthony Fusco for a year,
9 approximately, at which time I went and applied and received
10 an offer of employment with Anthony Pope.

11 Q. Okay. Now, when you left Anthony Fusco's office, did
12 you leave voluntarily, or were you fired?

13 A. No, I was fired.

14 Q. Explain that, please.

15 A. I had arrived late to court. I had a case in Bergen
16 County. The case was on for nine o'clock. I arrived 9:45.
17 It was a personal friend of his. He became very upset and
18 angry and fired me because of it.

19 Q. And you said that after that, you went to work for
20 Mr. Pope, is that correct, Anthony Pope?

21 A. Yes.

22 Q. Okay. Now, at the time you worked for Anthony Pope,
23 where was he located?

24 A. He was located at 572 Market Street in Newark,
25 New Jersey.

1 Q. Now, were you aware or did you learn that Mr. Pope at
2 one point was connected with an individual named Paul
3 Bergrin?

4 A. Yes, I had found out through my employ with Anthony
5 that he was the former partner of Paul Bergrin.

6 Q. Now, at the time you began to work for Mr. Pope, was
7 Mr. Bergrin a partner with Mr. Pope?

8 A. No, they had dissolved their partnership.

9 Q. What type of work did you do for Mr. Pope?

10 A. I did criminal defense work. I also did
11 administrative work, representing the police officers and
12 the corrections officers, and I also did civil work. He had
13 a general practice, with criminal defense being his primary
14 area of practice.

15 Q. Now, did there come a time when you also left the
16 employ of Anthony Pope?

17 A. Yes. About a year later, I left the -- I left his
18 employment.

19 Q. Okay. And did you leave voluntarily initially, or
20 were you fired?

21 A. Initially, I was fired.

22 Q. Okay. Explain that, please.

23 A. There was a case --

24 MR. BERGRIN: I object to the relevancy, Judge.

25 THE COURT: How about it?

1 MR. GAY: If he doesn't want me to go through
2 this, that's okay with me. I mean, I just figured this was
3 something Mr. Bergrin may want to cross-examine him about,
4 so I wanted to bring it out up front. But if Mr. Bergrin
5 doesn't intend to go into this --

6 THE COURT: I'll allow it.

7 MR. GAY: Okay.

8 A. There was a highly contentious case out of Hudson
9 County. It was a correction officer case. I was
10 representing the correction officer, and it was somewhat
11 high-profile in the sense that the PBA, the Policemen's
12 Benevolent Association, the union that represents the
13 officers, had their eyes on this case. The case -- I had
14 scheduled it and I had worked diligently on the case. The
15 case had gotten rescheduled. Apparently there was a
16 miscommunication between my office and the judge's office.
17 The case was dismissed, and because of that initial
18 dismissal, Anthony fired me because of it.

19 Q. And did there come a time when Mr. Pope asked you to
20 come back and work for him again?

21 A. Yes. It came to light that I was correct in that case
22 was rescheduled. I tried the case, and he did ask me to
23 reconsider being employed by him.

24 Q. And what was your response to that?

25 A. I declined.

1 Q. Okay. Can you explain what you did after that?

2 A. I continued to work for him on a per diem basis. I
3 did the same amount of work, but now he would pay me per
4 case rather than it being a salaried employee.

5 Q. Okay. Can you explain what per diem means?

6 A. Per diem is either -- it's a contractual --
7 contractual rate of pay. It's either by the hour, by the
8 case, by the day.

9 With Mr. Pope, I worked on a per-case basis, so if
10 I made an appearance for him on his behalf, I would get paid
11 \$50 for it, or \$75 for it.

12 Q. And did there come a time -- you're working per diem
13 with Mr. Pope. Are you actually working out of his office,
14 or are you working somewhere else?

15 A. I stayed in my same office. Everything remained the
16 same, except now I was no longer a salaried employee.

17 Q. Did there come a time when you left Mr. Pope's office?

18 A. Yes. There was a female I had met there and
19 befriended, her name was Zilka Saunders. She was a very
20 good attorney. She had left his office and went and
21 interviewed with Paul. Right before --

22 Q. When you say "Paul," who is Paul?

23 A. I'm sorry. Paul Bergrin.

24 Right before she went to interview with him, we
25 had discussed forming a partnership, which we did. We

1 formed a partnership. Our plans were to go into business
2 together, forming a law practice. We did that for two or
3 three months, but it didn't -- it didn't work out. You
4 know, it was a very -- it was a hustle and grind, so we
5 decided to dissolve it, which we did, and she went and
6 interviewed with Paul Bergrin for a position in his office.
7 She became employed and hired by him, and I maintained my
8 friendship with her, and she told me that he was looking for
9 other attorneys to work for him.

10 Q. Okay. Now, in May or June of 2007, did you speak to
11 Mr. Bergrin?

12 A. Yes, I believe it was in June of 2007, I went and
13 interviewed with him. He had offered me a position as an
14 associate. I declined, and he then offered me space for
15 services, an office space in his suite that would be worked
16 out through a per diem rate of pay. In other words, I would
17 handle a certain number of cases for him or do certain work
18 for him in lieu of the rent to be paid. The rent was a \$750
19 a month rental fee.

20 Q. Okay. Now, you said that you declined an offer to be
21 a salaried employee with Mr. Bergrin. What was the reason
22 you declined that offer?

23 A. Because I -- I no longer wanted to work for, you know,
24 for an attorney. I saw how it worked. Basically, they work
25 you to death and they reap all the benefits, all the money,

1 so I didn't want to do that any longer. I wanted to become
2 my own boss, and that's what I did.

3 Q. So while you're in Mr. Bergrin's -- renting office
4 space from Mr. Bergrin; is that correct?

5 A. Yes.

6 Q. And you have your own law firm now.

7 A. Yes. Law office of Thomas J. Moran, Jr.

8 Q. What was the name of that firm?

9 A. Law office of Thomas J. Moran, Jr.

10 Q. Now, do you see Mr. Bergrin in court today?

11 A. Yes, he's sitting to my left.

12 Q. Can you describe --

13 THE COURT: For the record, Mr. Bergrin?

14 MR. BERGRIN: I will stipulate identification,
15 Judge. There's no issue on it.

16 THE COURT: Thank you.

17 Q. Now, when you first began to work in Mr. Bergrin's
18 office -- now, let me just ask you this question. Can you
19 describe briefly, was this an office or an office suite that
20 Mr. Bergrin had at that point?

21 A. Well, it was -- I would say it was a suite with a
22 number of smaller offices in it, with one main office, his
23 being the main office.

24 Q. So you were in one of the offices in his suite; is
25 that correct?

1 A. Yes, in one of the smaller offices.

2 MR. GAY: Can we put up 275A, please?

3 Okay. 275A. It's already in evidence.

4 Q. Do you recognize that, sir?

5 A. Yes, I do.

6 Q. And what is that?

7 A. That's the office suite.

8 Q. Okay. Can you just indicate -- that's a smart screen.

9 Can you indicate where the front entrance is to the office?

10 A. With my finger?

11 Q. With your finger, yes.

12 A. The front office space, front entrance is right here.

13 Q. Okay. And can you circle where Mr. Bergrin's office

14 was?

15 A. Back here.

16 (The witness complied.)

17 Q. Now, when you first began working in Mr. Bergrin's

18 office suite, do you recall which office you were working

19 out of?

20 A. Yes. I was working in this office right here.

21 Q. And did that later change?

22 A. Yes. I later took possession of this office right

23 here.

24 Q. Okay. All right.

25 MR. GAY: That's all with that exhibit.

1 Q. Now, at the time, you said you were doing per diem
2 work for Mr. Bergrin; is that correct?

3 A. That is correct.

4 Q. And that was in order to pay for the rent in the
5 office, the office that you were getting from Mr. Bergrin?

6 A. Yes.

7 Q. Now, at the time you began to work in Mr. Bergrin's
8 office, was it just you and Mr. Bergrin, or were there other
9 individuals that worked in the office?

10 A. No, there was a receptionist. There was an office
11 manager. You want me to name them?

12 Q. If you can, sure.

13 A. Office manager was Marisol Perez. The receptionist
14 was Kristin Sampson. There was another attorney working in
15 there by the name of Ginger Galvani. She was an associate.
16 There was another attorney who had a -- rented an office
17 space. His name was John Tiffany. And there was a girl by
18 the name of Christine who was Paul Bergrin's personal
19 secretary.

20 Q. Okay. Now, you said an associate. Is that a
21 reference to somebody who would be a salaried employee?

22 A. Yes.

23 Q. You said Ginger Galvani. She was an associate? I
24 mean, she wasn't working per diem like you were; is that
25 correct?

1 A. Actually, she was not a salaried employee, so to
2 speak. She was -- I misspoke. She was not an associate in
3 the sense that she was salaried, but she did work for Paul
4 and was paid, I assume, for it.

5 Q. What about, was Zilka Saunders also working there at
6 the time?

7 A. Zilka Saunders was a salaried employee.

8 Q. Do you remember an individual named Dana Scarillo?

9 A. Yes.

10 Q. And who is Dana Scarillo?

11 A. Dana Scarillo was a private attorney who did per diem
12 work also for Paul.

13 Q. And was there an office space that she used inside
14 that suite?

15 A. She did not have an office space within the suite.

16 Q. How about, do you know an individual named Robert
17 Pierce?

18 A. Robert Pierce was another private attorney that had
19 done per diem work for Paul, and he did not have office
20 space within the suite.

21 Q. Now, other than the individuals you mentioned, was
22 there anybody else who worked in Paul Bergrin's office?

23 A. Yes. There was an individual by the name of Abdul
24 Williams. He was supposedly there as a file clerk. There
25 also was another individual by the name of Aziz. I'm not

1 sure of his last name, but he was also there as a supposed
2 file clerk.

3 Q. Okay. What about Nelson Esteves?

4 A. Nelson Esteves who also later on became -- worked
5 there as a file clerk as well.

6 Q. Okay. Now, when you mentioned -- you said supposed
7 file clerk, can you describe what you mean by that?

8 A. Well, Abdul Williams was maybe in the office once a
9 day. He would come in, have a closed-door meeting with
10 Paul, and -- Paul Bergrin, and would leave, and I wouldn't
11 see him doing any work.

12 Q. How about Aziz?

13 A. Aziz, on occasion I would see him doing some filing
14 with a file, but he would often disappear as well.

15 Q. How about Nelson Esteves?

16 A. Nelson did not do any work. He basically was there,
17 you know, to -- to assist in his own brother's case, the
18 defense of his case.

19 Q. And who was his brother?

20 A. Vinny Esteves.

21 Q. Now, these individuals, Aziz, Abdul Williams, and
22 Nelson Esteves, do you know whether or not they had any
23 outstanding either charges or parole or anything of that
24 nature while they were working in Mr. Bergrin's office, if
25 you know?

1 A. Yeah, Abdul and Aziz I believe were both on parole,
2 and they needed a job in order to be allowed to remain out
3 in the halfway house. Nelson was on supervised release, and
4 he also needed a job to -- to show so that he could remain
5 in the halfway house. So this was strictly for them to be
6 able to remain out in a halfway house.

7 Q. Now, what type of law did Mr. Bergrin practice?

8 A. He practiced primarily criminal defense work, but he
9 also in the past had done administrative work, representing
10 police officers, corrections officers, and he also did some
11 civil work.

12 Q. And let's talk about the criminal work that Mr.
13 Bergrin did.

14 Well, let me -- I'll withdraw that for a minute.

15 During the time frame -- you were -- you began
16 working in Mr. Bergrin's office sometime in you said June or
17 July of 2007; is that correct?

18 A. That is correct.

19 Q. Did you work with Mr. Bergrin all the way up until
20 your arrest on May 20th of 2009?

21 A. Yes, I did.

22 Q. Okay. So I'm going to ask questions about that during
23 that time frame now.

24 Was there -- did you learn whether or not there
25 was a special type of client that Mr. Bergrin or any type of

1 clientele that Mr. Bergrin specialized in regarding the
2 criminal work that he did?

3 A. Yes. He had specialized in gang members, Bloods,
4 Crips, high-level drug traffickers, those accused of
5 homicides, first- and -- first- and second-degree felony
6 type cases, meaning either murder, very high-level drug
7 dealing, aggravated assaults, shootings. It was a different
8 world than I had been used to.

9 Q. Now, when you first began working with Mr. Bergrin,
10 can you describe, first of all, what kind of work you did?
11 When you began in the very, very beginning, describe what
12 the relationship was, professional or personal.

13 A. In the very beginning, I had -- I was still attempting
14 to build up my own law practice, so I was -- I wasn't in the
15 office very often, but there had come a time where I had --
16 had a discussion with Paul. Paul had two -- two trials, two
17 cases that he didn't want to handle personally, that the
18 people were unable or unwilling to pay him any more money.
19 He told me he didn't have anyone else to try these cases.
20 He had to try them one way or the other. He told me that we
21 could work something out in lieu of the rent if I was to try
22 these cases, to represent these individuals in their cases
23 in Superior Court.

24 Q. Okay, and were these criminal cases?

25 A. Yes. One was an armed robbery, first-degree armed

1 robbery, Nelson Knight. The other case was an aggravated
2 assault. The individual's name was Andrew. I don't
3 remember his last name.

4 Q. Now, what, if anything, happened in those trials?
5 Again, just briefly. What was the outcome, I guess I'll
6 say, of those trials.

7 A. Well, on the Nelson Knight case, I had obtained what
8 could be considered a trial victory. He was cleared of
9 first-degree armed robbery, found guilty of unlawful
10 possession of a handgun, and was sentenced to straight
11 probation. So Paul had considered that a victory. He
12 thought the case was unwinnable, and he was very surprised
13 and, you know, he was very happy when I won the case.

14 Q. Okay. Now, after that incident, did your
15 relationship, professional relationship with Mr. Bergrin
16 change in any way?

17 A. Yes. Prior to me coming to Paul, while I was working
18 with Anthony Pope, I had won a case, Regilio Fuentes, that
19 Paul was also familiar with. So in Paul's eyes now, I had
20 worked -- he knew of the case. I had won the case I tried
21 for Anthony. When I came into Paul's office, he was
22 familiar with that case, so now after I won Nelson Knight's
23 case, I had won two trials, so he thought that I had some
24 talent and that I could be entrusted with some of his cases.
25 He was -- at this time, he was rebuilding his law practice

1 from -- from a -- you know, from a point of where it had
2 become decimated.

3 Q. Okay. Now, when you say rebuilding his law practice,
4 what -- why was he rebuilding his law practice?

5 MR. BERGRIN: Objection, Your Honor.

6 THE COURT: What's the objection?

7 MR. BERGRIN: Relevancy, Judge.

8 THE COURT: How about it?

9 MR. GAY: Judge --

10 MR. BERGRIN: 403 also, Judge.

11 THE COURT: How about it?

12 MR. GAY: This is highly relevant. I guess --
13 I'll withdraw that at this point and we'll -- you'll
14 understand it -- I believe the relevance will be made clear
15 shortly.

16 THE COURT: Okay.

17 MR. GAY: So I'll withdraw that at this time.

18 Q. Mr. Moran, did you -- after those trials, did you have
19 any conversations with Mr. Bergrin about either your
20 professional future or any relationship with him
21 professionally?

22 A. Yes. After the Nelson Knight victory, Paul had again
23 expressed extreme happiness that I won this case. He was
24 basically shocked. He said it was unwinnable. So he saw
25 some potential in me and told me that if I stuck with him,

1 he would make me a million-dollar lawyer, make me very
2 successful. He said he would show me how to become a very
3 successful attorney.

4 Q. And after that, can you describe briefly what
5 happened?

6 A. Well, he began telling me one of the first things that
7 we needed to do was, you have to do your jail visits on
8 Saturdays, Sundays, and as many times during the week you
9 can. Jail visits are when you go into the jails, either
10 Essex County -- Essex County, Hudson County, and you visit
11 the inmates who are housed with charges pending against
12 them. You meet with them, you discuss the case with them,
13 you give out cards for them to spread throughout the jail.
14 This way you build your practice by getting potentially new
15 clients, and you also meet face-to-face with your clients,
16 showing them that you're working on their case.

17 Q. Okay, and did Mr. Bergrin explain the importance of
18 these jail visits to you?

19 A. Yes. He said they were absolutely necessary.

20 Q. Now, did you attend jail visits with Mr. Bergrin and
21 observe him in action, so to speak?

22 A. Yes. After the Nelson Knight trial victory, my
23 personal relationship with Paul flourished and blossomed
24 quickly, and I became closer to him in the sense that we --
25 in terms of a friendship was developing, but also, I started

1 going with him on these jail visits early Saturday mornings,
2 early Sunday mornings, multiple times during the week,
3 attending every one of his jail visits with him and sitting
4 in on those client consultations that he had with these
5 individuals in the prison itself.

6 Q. Okay. Can you describe what happened at these jail
7 visits with the clients, briefly?

8 A. Paul would -- we would enter into the prison, and he
9 would meet with these individuals. He would discuss the
10 cases with them. He would obtain information about other
11 cases through them. He would -- also, he would bring in
12 certain items to them.

13 Q. What would those certain items be?

14 A. Those items would be contraband in jail would be
15 tobacco to -- to roll up cigarettes, Black and Mild cigars,
16 porno magazines. So these things would be delivered to the
17 inmates as well. In prison, these items are contraband --

18 MR. BERGRIN: Objection, Judge. Clearly, I mean,
19 he keeps adding and he keeps going on and on beyond the
20 question, Judge. Nonresponsive.

21 THE COURT: Yes. Try to confine yourself to the
22 question asked.

23 THE WITNESS: Yes, Judge.

24 Q. Please explain what if any significance these items
25 had in jail.

1 A. They're the currency that the inmates use in prison.

2 Q. Explain that, please.

3 A. They -- they barter, they sell that for greatly
4 inflated prices. They use it for protection. These jails
5 are run by -- by gangs, the Crips and the Bloods, mainly the
6 Bloods in New Jersey, so they would have to pay to stay, you
7 know, safe, so to speak, in many instances.

8 Q. Now, these visits that you attended with Mr. Bergrin
9 and his clients; where did they take place?

10 A. They took place in a room -- it's an attorney-client
11 visiting room. It's a room that is right outside the pod,
12 the pod being where all the inmates are kept. There is a
13 hallway outside of that. In that hallway, there's a room
14 that is the attorney-client visit room.

15 Q. Okay. Based on your knowledge and understanding of
16 the system and the jails, are those rooms private rooms, or
17 are they monitored by law enforcement?

18 A. Those rooms are private. They are unmonitored by law
19 enforcement. There is no camera in the room, there is no
20 audio device, and there's no corrections officer supervising
21 or looking in.

22 Q. And what's the reason for that?

23 A. So that the attorney and the client could have
24 privileged communications, communications about the case
25 back and forth that are not subject to, you know, the police

1 listening to or prosecutors gaining information from.

2 Q. Now, in these rooms, is there anything separating the
3 lawyer from the client?

4 A. There's a table.

5 Q. Any physical barrier separating the --

6 A. No. You can sit right next to the client if you wish.
7 Normally you would sit across a small table, they being in
8 one chair and you being in the chair right across from them
9 with a small table separating them.

10 Q. Now, you mentioned that Mr. Bergrin brought what you
11 termed contraband in the jail; is that correct?

12 A. That is correct.

13 Q. Did you also at some point begin to bring contraband
14 into jail?

15 A. Yes, he instructed me to bring it in, and I did,
16 often.

17 Q. Now, how is it that you were able to get contraband in
18 the jail?

19 A. As an attorney, when you go into a jail, you're not
20 subject to the same intensive search that normal or lay
21 people would be subjected to. So when you walk into the
22 jail as an attorney, you show your attorney ID card, then
23 you walk through a metal detector, and there is no pat-down
24 search. Even if normally the metal detector would go off
25 because you have a watch on and some metal, and they'll just

1 wave you through, and you'll then go into, descend into the
2 jail and visit your client.

3 Q. Now, did Mr. Bergrin explain to you why he was
4 smuggling and delivering these items to his clients in jail?

5 A. Yes. He explained that this was a way of showing them
6 his loyalty to them.

7 Q. And was there any other -- anything else that he said
8 about it?

9 A. Well, also, that they would then work for him within
10 the jail, getting him information on other cases, other
11 individuals, pass his cards out to other individuals.

12 Q. And passing cards out to other individuals, what would
13 be gained by that?

14 A. To obtain new clients.

15 Q. Now, these attorney-client visits that you attended
16 with Mr. Bergrin; was it one time, two times? Do you have
17 any estimate of how many of these you attended with
18 Mr. Bergrin?

19 A. Could have been anywhere 50, 60, 70 throughout my
20 tenure with him.

21 Q. Now, based on your interactions with Mr. Bergrin and
22 your observations during these client meetings, these
23 attorney-client meetings in jail, did you learn of whether
24 or not there was a particular way Mr. Bergrin handled these
25 types of criminal cases?

1 A. Yes. Many of the times in these cases, there will be
2 a witness to a shooting or there will be a witness who gives
3 a statement against the particular defendant that he's
4 representing. In discussing the cases with these
5 individuals, he would ask them, Can we get to the witness?
6 Can we get to him so he doesn't come to court, or can we get
7 to him to take his statement back that he gave to police
8 originally.

9 Q. Now, "get to him"; what was your understanding based
10 on all of your conversations with Mr. Bergrin and your
11 observations with him, what did "get to the witness" mean?

12 A. Well, this would mean, you know, most of these --
13 there is a criminal network, a subculture that exists where
14 the gangs are interrelated with the drug dealers, and all
15 these individuals have this network. So when he would say,
16 could you get to the witness, is there somebody, one of your
17 affiliates, or is there somebody that could get to this
18 person and make sure they don't come to court by either
19 threatening them, by physical force, by intimidation,
20 forcing them to either not to come to court or to give a
21 statement recanting their former statement they gave. In
22 other words, if they said I saw it, getting them to say, No,
23 I was mistaken, so as to take back that statement, which is
24 the evidence against his client.

25 Q. Okay. Now, was it your understanding that these

1 recantations of the statements, were they truthful or false
2 statements, the recantations?

3 A. False statements under the threat of force or
4 violence.

5 Q. Now, and you said you observed many client meetings
6 with Mr. Bergrin; is that correct?

7 A. That is correct.

8 Q. And was this a one-time occurrence or a regular
9 occurrence, what you've just described for the jury?

10 A. This was a very common, regular approach that he
11 utilized.

12 Q. Now, you had worked with other lawyers previously; is
13 that correct?

14 A. That is correct.

15 Q. And you yourself worked as a lawyer.

16 A. Yes.

17 Q. Any other lawyers that you worked with ever do
18 anything like this?

19 A. Never.

20 Q. Now, did Mr. Bergrin introduce you to any of his
21 clients?

22 A. He introduced me to most of his clients.

23 Q. And in connection with you meeting these clients, did
24 you learn anything about the way criminal organizations
25 operate?

1 A. Yes. There's a criminal credo or mindset that, no
2 snitching, no cooperating, snitches get stitches, terminate
3 on sight someone who gives a statement. If someone
4 witnesses a crime and they tell the police what they saw, in
5 the criminal mind, they are subject to violence, being
6 killed, being shot, being beaten up for telling what they
7 saw. So this is a credo that exists, and it's common
8 throughout this subculture.

9 THE COURT: I'm going to have to stop you now.
10 I'm watching that clock, and I'm told, even though we've
11 spend several hundred thousand dollars trying to fix it,
12 it's wrong.

13 (Laughter)

14 MR. GAY: Okay.

15 THE COURT: It's beyond 3:30, and we have to stop.

16 MR. GAY: Okay.

17 THE COURT: You're going to have to come back
18 anyway, Mr. Moran.

19 So don't discuss the case, ladies and gentlemen.
20 Have a nice evening. Don't watch anything, don't listen to
21 anything, and don't do any research on your own.

22 We'll see you tomorrow at quarter of. 8:30,
23 counsel.

24 (Matter adjourned until Tuesday, February 26, 2013,
25 commencing at 8:30 a.m.)

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