

According to the government, when William Baskerville advised his attorney of the name of the informant who set him up for the FBI, it was the first step in the conspiracy to murder Kemo DeShawn McCray. The government pursued the death penalty in this case with no actual evidence whatsoever. There would be no video or audio recordings in this far-reaching prosecution that is completely dependent on the word of career criminals turned informant to escape their own lengthy sentences. Nothing, nada, zilch, except for the word of violent criminals with something to gain.

Let that sink in for a moment - The government attempted to kill William Baskerville with no actual evidence whatsoever, only the word of jailhouse informants and Anthony Young, career criminal. There is no video or audio evidence of any murder conspiracy. In fact, the lack of audio evidence at a time when the FBI and the DEA had everyone involved in connected case drug transactions and their friends and families from the Curry prosecution under wiretaps and surveillance speaks volumes. Something like 44K wire intercepts, yet not a single word that implicates William Baskerville, Paul Bergrin or anyone else in Kemo's murder.

From Paul Bergrin's 2255 Brief:

Contrary to the claims and insinuations which have been propagated for more than twelve years, there is not--nor has there ever been in existence--a recording (sealed or improperly sealed) in which Petitioner says the now infamous, Hollywood-movie worthy and fictitious phrase "No Kemo, No case." No such evidence exists or has ever existed...

The Drug Buys

When William Baskerville was originally indicted in November of 2003, it was for drug sales to Kemo. His attorney in the case was Paul Bergrin. This is the case connected to Paul Bergrin's count on the murder conspiracy of Kemo. The act that set this alleged conspiracy in motion? William stated to Paul Bergrin, who was acting as his attorney at the time, that he knew who the government's confidential informant (CI) against him was.

DEA agents would later claim that the fact that Mr. Baskerville knew who the CI was, revealed the level of sophistication of the Curry drug organization. The truth is that the government's complaint listed the specific, and small, amount of drugs for each sale and Mr. Baskerville did not participate in any drug sales on a regular basis, so the identity of the informant was all too obvious. The government may as well have put Kemo's name in neon lights.

A criminal defense attorney should have been called to testify by the defense in this case. The expert attorney should have explained why, under the circumstances of this case, it made no sense that anyone would have been advised or anyone would believe that this witness was key to the case. Usually witnesses in controlled buy cases don't testify because the agent monitors the transaction the entire time and because of the recordings.

But most importantly, an expert was needed to educate the jury that: (1) that he was not a necessary witness; (2) that there was nothing illegal in disclosing the name of a witness to an attorney, friends or family; and (3) that asking about a witness (as Paul Bergrin did) to non-client is part of a normal criminal defense attorney's job and duty to investigate. Any attorney worth his salt would have tried to ascertain the identity of the witness and investigated his credibility.

The jury needs a context from which to conclude that this was not a client directing a lackey do-what-you're-told attorney to relay the name as some part of criminal conspiracy.

And here, the facts prove there was every reason to investigate and why such an investigation is necessary to defend in the case. If the defense had known about the witness' manipulation of the evidence and lies to the agent during that same time period, they would have challenged the drug evidence and filed a motion to suppress the physical evidence. If that had happened, the case, the drug charges, would have been dismissed.

(Insert screenshot Kemo handwritten)

The jury was never even told that there was nothing illegal about disclosing a CI's identity and investigating them. The jury cannot be presumed to know that there was nothing illegal about this. Making them understand this was key to having them give a balanced view of the facts of the case. They needed to understand that there was no nefarious intent by the client or attorney.

Yet another fact that the jury was never informed of during trial is that long before the government moved to have Paul Bergrin removed as William Baskerville's attorney in the drug case, Mr. Baskerville consulted with an attorney named Marcia Shein in the Atlanta, Georgia area. Ms. Shein was going to take the case and even went so far as to contact Paul Bergrin and inform him that she would be first chair and he would be second chair. After receiving Ms. Shein's phone call, Paul Bergrin promised William Baskerville that he would actively pursue his defense, and he subsequently filed a motion of vindictive prosecution in the case.

Mr. Baskerville reached out to Ms. Shein because Paul Bergrin had been doing nothing at all on the case. Had William Baskerville chosen to have Marcia Shein represent him in the drug case, there never could have been a murder conspiracy case for him or for Paul Bergrin.

On March 2, 2004, Kemo was shot dead on a Newark street in broad daylight. The government admits that Kemo setup 17 people besides William Baskerville for federal agents. We have no idea how many people Kemo setup in state cases as there was no information on this turned over in discovery.

A Theory is Born

The government's theory of the conspiracy case initially was that on the day William Baskerville was arrested, (Nov. 25, 2003), Mr. Baskerville and his attorney (Paul Bergrin) were both informed that he was facing life in prison. Based upon this lie, they claimed he initiated this alleged conspiracy by informing Paul Bergrin of the name of the informant in the case and told him to pass this information off to "his crew" through his cousin (Hakeem Curry) to find the informant and get rid of him or else Mr. Baskerville would spend the rest of life in jail.

The evidence that the government used to prove this theory was a slew of jailhouse witnesses / informants consisting of testimony from Anthony Young, Eric Dock, Troy Bell, Romaine York, Richard Hosten, and Eddie Williams. This was the only evidence that the government could gather together to prove their alleged theory.

The conspiracy hinged primarily on the false hearsay and speculative testimony of Anthony Young, because through his testimony the government made the ridiculous connection between William Baskerville the other alleged co-conspirators.

The Jailhouse Snitches

A list of jailhouse snitches were presented as witnesses in trial to connect the dots in the government's absurd murder conspiracy theory.

While housed at the Hudson County jail in 2004, Eric Dock, after reading a newspaper article, informed Troy Bell of the information in the article and then commissioned his assistance in plotting the story that Mr. Baskerville was telling both of them that he had people out there looking for the informant in his case to have him killed. The two of them created what they called "The Log" of alleged conversations between the two of them William Baskerville. Both Troy Bell and Eric Dock are career criminals. Troy Bell was actually committed to a mental hospital and said he would "hear voices talking to him".

Another jailhouse informant, Romaine York, who was also housed with William Baskerville at the Hudson County jail in 2004, contacted the government and falsely alleged that Mr. Baskerville told him that he had someone out looking for the informant in his case.

Kemo had also setup Richard Hosten and both were in the Marshal's lock up on the day that William Baskerville was arrested as they were arraigned together. Hosten would later claim that he asked Mr. Baskerville if Kemo informed on him and the response was that yes, he did. When both were transferred to the Hudson County jail, Hosten would later claim that Mr. Baskerville made a call from the phone in the holding cell they were in and he overheard him tell the other party on the phone that he was "in jail behind an f'ing bum" (McCray). In fact, the telephone in the holding cell did not work as it was not allowed for inmate use.

The final jailed informant, Eddie Williams, who was William Baskerville's cellmate in Hudson in 2004, falsely alleged that Mr. Baskerville informed him when government agents came to see him, he told them that he didn't have anything to do with the McCray murder, but then admitted to him that he had him killed. No such conversation ever took place.

Who Killed Kemo?

Before Assistant US Attorney John Gay and FBI SA Shawn Manson Brokos were involved in the murder investigation there were several persons of interest, and one likely candidate. What we do know for sure is that Anthony Young was not the shooter. The Newark PD homicide detective was on the correct trail, but the investigation and all notes and reports were turned over to AUSA Gay and FBI SA Shawn Manson Brokos. We know that for fact as a Newark PD report recently surfaced.

There were numerous witnesses willing to testify that Anthony Young's account was a lie; however, Mr. Baskerville's trial attorneys would not call any of these witnesses in his defense. Rashidah Tarver did testify in Paul Bergrin's trials and she was Young's girlfriend at the time of the shooting. Each person Young claimed was at the nonexistent Avon Street meeting was willing to testify.

William Baskerville's trial attorneys (Herman and Kayser) refused to put him on the stand. Mr. Baskerville wrote US District Judge Pisano a letter concerning this major conflict. Both attorneys considered the life sentence a major victory, which is only understandable if they considered their client guilty. Indeed, if Mr. Baskerville was guilty of conspiracy to murder Kemo, life instead of death would be a victory. However, these attorneys neglected to even bother with an actual investigation in this case.

We know from Bergrin's 2013 trial that Ben Hohn tried to testify via video conference from the Four Seasons in Kingston, Jamaica, but the court claimed a technology failure. Mr. Hohn would have testified that Anthony Young went to his auto body shop in the Fall of 2004, with the intention of getting assistance to melt a gun. Mr. Hohn was 100 % sure that the visit was in the Fall, not in March of 2004. Bergrin's defense submitted a sworn affidavit from Ben Hohn. Young claimed to visit Mr. Hohn's shop within a couple of days of the March 2, 2004 murder for this purpose.

For the record, Anthony Young's so-called life sentence for being the shooter was over a couple of years ago. Young definitely planned to be free and in witness protection long before that day though, as Rashidah Tarver (former girlfriend) and two other witnesses who were both discovered long after William Baskerville's trial could testify to today. Yes, I am aware of the witness names and have copies of statements from both, but am unable to state the names publicly.

There was another witness to the shooting - Stacy Webb Williams - but he died 10 years ago.

The only living eyewitness to Kemo's murder that I am aware of, other than the perp and the driver waiting for the perp, is Johnny Davis. Kemo actually had two stepfathers, and back in 2004, they looked a lot alike. Mr. Davis was with Kemo when he was killed. Kemo's other stepfather, Christopher Spruill, was at the street memorial a few days later and was threatened by the perp, who thought he was Johnny Davis when he pulled a gun on him.

I will repeat excerpts from an earlier post on this blog describing the shooter. Keep in mind that Anthony Young is light skinned and was bald at the time of the shooting:

Eyewitness to Murder

Let's have a look at the testimony offered by Johnny Davis, the only living eyewitness to the murder of Kemo Deshawn McCray, to the jury in this last trial. Mr. Davis testified on January 30, 2013, and his testimony is in Volume 7 of the trial transcripts:

Direct examination of Johnny Davis

From pages 1430-31:

Q. Okay. Did you tell the police department any reason why you picked that photograph out, the one --

A. Because the kid was tall, muscular, and black, dark-skinned, and had shoulder-length dreads, and he was the closest thing I can come to identifying as the shooter.

Cross examination of Johnny Davis

From page 1466:

Q. You didn't hear any -- you know what you heard, you know what you felt, obviously.

A. I grew up here.

Q. Yes, sir.

And when you turned around, when you made a decision to turn around, there's no doubt in your mind you saw a man with shoulder-length dreadlocks; correct, sir?

A. Yes, I did.

Q. A dark-skinned male; correct?

A. Yes, I did.

Q. Heavyset; correct?

A. Yes, I did.

From pages 1469-70:

Q. And you never saw anybody with a New York Yankee hat, obviously; correct?

A. Obviously, no.

Q. And the man that you saw, you were able to see his hair clearly, so he didn't have a New York Yankee hat either; correct?

A. No.

Q. Okay. Thank you. Now, there came a time that day when you said you spoke to the detectives; correct?

A. Yes.

Q. And you wanted the person caught, obviously, that shot your son and killed him in front of you; right?

A. Yes, I did.

Q. And you told them that the man -- they asked you for a brief description so they could put out a bulletin to catch the person; correct?

A. They could ask for a description.

Q. And you told them that it was a black male, shoulder-length dreadlocks, and he went that way; correct? I mean, that's essentially what you said because they --

A. That's all I could give them.

Q. And you gave it to them very fast; right?

A. No, I did not. They took me to the precinct and they sat me and grilled me long enough so I can give it to them.

Q. Well, before you went down to the precinct, they sat me and grilled me long enough so I can give it to them.

Q. Well, before you went down to the precinct, they talked to you while you were at the scene?

A. No, they didn't talk to me at all. They sat me in there, they treated me like I was one of -- they treated me like I was one of their criminals.

Q. One thing that you did, you were honest with them in this one statement; correct?

A. I was very honest with them.

From page 1474 - Defense investigators visit to Mr. Davis in 2011:

Q. So at the time that you gave the statement, Mr. Davis, sir, you were trying to be as open and as honest as humanly possible; correct?

A. If someone come to you and tell you that someone is in jail for 30 years for killing your child, and you look at their papers and you find that that might not be the killer, because, you must understand, I said, black hair, dark skin.

Q. And dreadlocks, correct?

A. And dreadlocks. I said nothing about light skin. I didn't say nothing about brown skin. I might be -- might not have it all swift up there with the books and the whatever, but I do got my brains and I do understand what I'm looking at.

Q. Yes, sir. So you were being as honest as humanly possible; right, sir?

A. Yes, I was.

From page 1477 - Mr. Davis is shown a photograph of Anthony Young

Q. And Anthony Young was not the man on March 2nd of 2004.

A. I don't know Mr. Young. I can't determine what he -- who or what he was. So I don't know.

Q. But this is not the man who shot your son?

A. No, he's light-skinned.

Anthony Young is light-skinned and bald, but to make the story fit, Young claimed to be wearing a New York Yankees hat on the day he shot Kemo, presumably to explain away why the only eyewitness to the murder saw dreadlocks. SA Brokos needed the story to fit. Was the jury out to lunch when Mr. Davis testified, or what?

In Conclusion

Consider this post on behalf of William Baskerville my appeal to US District Judge Peter Sheridan. You see, Judge Sheridan has Mr. Baskerville's 2255 in front of him now as Judge Pisano retired from the position to go into private practice some time ago.

US District Judge Peter Sheridan has the opportunity to right a wrong, or rather a grave injustice. He will be ruling on William Baskerville's 2255 on September 6, 2016, and I want him and everyone involved in the ruling to understand how very important it is. At best Mr. Baskerville should have his sentence vacated and walk free. If the government actually believes its own allegations in this case, then there should be a new trial. At the least, William Baskerville must be allowed an evidentiary hearing.

You see, I have come to know Mr. Baskerville over the last several years. During Paul Bergrin's first trial in 2011 on the Kemo murder conspiracy in front of the Honorable US District Judge William Martini, I wondered why the government didn't call William Baskerville to testify if the events they claimed actually happened. I only recently found out that the government did attempt to make a deal with him in exchange for testimony against Paul Bergrin, but he refused to lie on the stand for them. I believe that the offer on the table was for 20 years, which would have given him a release date in the not-too-distant future. Still, Mr. Baskerville was not willing to lie.

I have assisted Mr. Baskerville with gathering information, trial transcripts, and documents for several years now and I am 100 % positive that he was never involved in any murder conspiracy. Please consider this post a plea for justice.

There will be a Part 2 to this post around the middle of September 2016.