

EXHIBIT 3

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILLIAM BASKERVILLE,

Movant,

- vs -

UNITED STATES OF AMERICA,

Respondent.

Civil No. 13-5881 (JAP)

**AFFIRMATION OF
MARK A. BERMAN, ESQ.**

I, MARK A. BERMAN, ESQ., hereby affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection:

1. I submit this Declaration pursuant to the Order of the District Court, dated February 24, 2007, and in response to William Baskerville's Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255.

PROFESSIONAL BACKGROUND

2. I am an attorney-at-law in good standing of the State of New Jersey, the State of New York, and various federal trial and appellate courts, including the United States District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit.

3. I am a director of the law firm of Hartmann Doherty Rosa Berman & Bulbulia, LLC in River Edge, New Jersey.

4. I have been a practicing attorney for approximately 21 years, specializing in complex criminal and civil litigation.

5. Upon graduating from Columbia Law School, I served as a judicial law clerk to the Honorable Leonard I. Garth on the United States Court of Appeals for the Third Circuit.

6. I have previously worked as an associate in the Litigation Department at the law firm of Weil Gotshal & Manges in New York City, and as an associate and then partner in the Criminal Law Group at the firm of Gibbons, P.C. in Newark, NJ.

7. I am a member of the Criminal Justice Act ("CJA") panels for the United States Court of Appeals for the Third Circuit and the United States District Court for the District of New Jersey.

8. I have represented defendants in a wide range of federal criminal matters at the trial and appellate level. I have handled about 50 federal criminal appeals. I have tried approximately 5 federal criminal cases to verdict.

9. For three years I served as an adjunct professor at Seton Hall University Law School where I taught a seminar course on punishment and sentencing that, among other areas, focused on federal sentencing practice and the U.S. Sentencing Guidelines.

10. Attached hereto as Exhibit A is my firm biography, which sets forth in greater detail my academic background, professional

accomplishments, publications and a list of representative judicial decisions in cases I have handled.

MY APPROACH TO HANDLING A FEDERAL CRIMINAL APPEAL

11. It is axiomatic that a criminal defendant is entitled to a fair trial but not a perfect trial. As a result, although errors are committed in many federal criminal trials, the vast majority of federal criminal appeals nevertheless prove to be unsuccessful.

12. In light of this reality, it is critically important -- in my professional opinion -- that an appellate attorney (a) carefully select the issues raised on appeal on behalf of a criminal defendant and (b) frame those issues in a manner most likely to ensure that the judges of the Court of Appeals (and their law clerks) will focus on the issues that are most likely to result in a reversal, new trial, or new sentencing.

13. In all appeals in which I represent the appellant, my practice is to obtain and review the complete trial record to determine whether there are one or more issues that can be raised on direct appeal. I also try to advise clients of issues that generally cannot be raised on direct appeal but might be pursued in a later collateral proceeding (such as a claim for ineffective assistance of trial counsel).

14. When reviewing the trial record, my preference is to find issues that: (a) were preserved for appellate review, and (b) are

subject to the most favorable (*i.e.*, plenary) standard of appellate review. I also consider preserved issues that are subject to more deferential standards of review, as well as unpreserved issues, but such issues typically are less preferable because, as a general matter, the likelihood of success on appeal with respect to such issues is significantly reduced.

15. In addition, based upon my professional experience, I believe that raising a limited number of the strongest issues increases the likelihood of an appellant's success on appeal. Therefore, I intentionally do not raise any and every conceivable preserved and unpreserved appellate issue in cases in which the appellant has one or more bona fide issues for appeal. Rather, I believe that raising weak issues that are unlikely to succeed detracts from, and distracts the attention of judges and their law clerks from, the force of stronger issues with respect to which there is a real chance for success on appeal.

16. In this regard, the Federal Rules of Appellate Procedure limit an appellant's opening brief to 14,000 words, extensions of that limit are disfavored and, in any event, the attention spans of judges and their law clerks are limited, particularly when they are asked to review briefs raising insubstantial issues.

17. As discussed below, this is the approach I followed in representing William Baskerville and assessing the issues available for appeal.

REPRESENTATION OF WILLIAM BASKERVILLE

18. In 2007, I was appointed by the Court of Appeals to serve as appellate counsel for William Baskerville in his direct appeal from his conviction after trial in United States v. William Baskerville, D.N.J. Crim. No. 03-856 (JAP). Although charged and convicted of a capital offense, the jury spared Baskerville from the death penalty; the Court sentenced him to life in prison, which I believe was mandatory.

19. During the course of my representation of Baskerville on direct appeal, I also ended up representing him in the District Court in connection with a remand ordered by the Court of Appeals relating to the Batson issue that I had raised on his behalf on appeal. In that remand, I also raised a Brady issue relating to a disclosure the government had made in the related case of United States v. Bergrin, Crim. No. 09-369 (WJM).

20. In Baskerville's appeal, I obtained and reviewed the complete trial record, including the entire trial transcript (including jury selection, penalty phase, and sentencing), records contained in the files of the trial counsel, Carl Herman, Esq. and Kenneth Kayser, Esq., which I had obtained from them, and all

documents and pleadings filed with the District Court.

21. Baskerville was convicted on two sets of charges relating to: (a) a drug distribution conspiracy, and (b) a conspiracy to murder a federal informant. Baskerville received a sentence of life in prison for the former (due to prior drug convictions, see 21 U.S.C. § 851), and a concurrent mandatory sentence of life in prison for the latter. Therefore, I examined the trial record with a view toward raising claims that would lead to an outright judgment of acquittal or a new trial on all charges, because anything less would likely have proven to be a pyrric victory.

22. During the entire course of my presentation of Baskerville, I had a regular dialogue with him. As a result of this dialogue, as well as his own extensive efforts, Baskerville was unusually well informed and insightful regarding the issues in his case.

23. Baskerville wrote me many letters during the course of my representation of him and it was my practice to review each of them (often several times because many were quite lengthy) and to discuss with him the specific concerns he raised.

24. I had numerous phone conversations with Baskerville, and met with him in person on several occasions while he was incarcerated at the Monmouth County Correctional Center, to

discuss his appeal and the District Court remand.

25. Based upon our interactions, my sense is that Baskerville is a very intelligent person, he obviously wanted to be involved in his appeal in a hands-on manner, and I did my best to respect his wishes. In particular, Baskerville had a firm recollection and understanding of the trial record, which was helpful to me as I reviewed the record and prepared Baskerville's appellate briefs. His numerous letters and our many conversations included contributions from Baskerville regarding the legal issues that arose (and did not arise) at trial, and that might be raised on appeal. I tried my best to address all of Baskerville's questions, suggestions and concerns, and I was unaware that he believed that I had failed to do so until I received his Section 2255 motion.

26. Because Baskerville was personally involved in the preparation of his appeal, I made sure to review every brief with him, line by line, either in person or by telephone, before it was filed. Each brief was filed with his full approval and he did not object to the omission of any issue that could have been raised but which I opted not to raise in the brief.

CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL ON APPEAL

27. I have reviewed the Section 2255 motion filed by Baskerville in which he claims that I provided ineffective

assistance of appellate counsel in five different ways.

28. As a general matter, I am not personally offended by the allegation of ineffectiveness because I strongly believe that a criminal defense attorney should be prepared to admit (and has an ethical obligation to admit) that his efforts were ineffective if, in fact, they were, regardless of whether it would be personally embarrassing to the attorney.

29. I also strongly believe that Baskerville's trial -- particularly the jury selection process -- was constitutionally flawed and that he should have been granted a new trial. Nevertheless, I do not believe that my failure to obtain a new trial on his behalf arose from the ineffective assistance of appellate counsel or that any issue not raised in his appellate briefs would have resulted in his obtaining a new trial or a sentence less severe than life in prison.

30. Baskerville states that I failed to advance an appellate issue with regard to "the confrontation/hearsay issues stemming from the testimony of Marshal Cannon" and that "appellate counsel ignored my letter" regarding that issue (see Baskerville Aff. page 9, paragraph 17).

31. I did not ignore any letter from Baskerville. I recall that Baskerville raised, and that we discussed, his concern regarding Marshal Cannon's testimony. Although I do not presently

recall all of the specifics of the Marshal Cannon issue or our conversations, my recollection is that Marshal Cannon testified without objection from trial counsel. Thus, any error was not preserved for appeal and would have been subject to the highly unfavorable "plain error" standard of review prescribed by Federal Rule of Criminal Procedure 52(b). I believed that this issue, like any unpreserved issue, had a very low likelihood of success and would have detracted from the strength of the issues ultimately raised on appeal.

32. Baskerville also states that I failed to advance an appellate issue with regard to "the insufficient evidence with respect to the agreement element required to sustain the [murder] conspiracy conviction in Counts 1 and 2."

33. In fact, I raised this argument in the third point of the Argument section of Baskerville's Brief on Appeal. The third point argues that "the Government failed to present sufficient evidence to prove beyond a reasonable doubt that defendant was complicit in the murder of Kemo McCray," thus requiring reversal of the convictions for Counts 1 and 2. Various factual and legal grounds for the insufficiency of the evidence were raised, including that the evidence failed to show that Baskerville -- who was incarcerated at the Hudson County Jail -- (a) shared the specific intent to murder McCray, or (b) joined the murder

conspiracy with the intent to prevent McCray from testifying at his trial or to retaliate against him.

34. Baskerville also states that I failed to advance an appellate issue with regard to "the government's failure to correct known perjured testimony by Anthony Young and Agent Manson."

35. I recall that Baskerville raised with me, and that we discussed, his belief that certain government witnesses had perjured themselves at trial. Indeed, convicted defendants often believe that government witnesses have lied at trial or when being interviewed by government law enforcement officials. From the perspective of an appellate attorney pursuing a direct appeal, however, the critical question is whether there is a sufficient trial-level record such that the Court of Appeals will consider the issue on direct appeal or, alternatively, whether such a claim must be raised in a collateral proceeding so that the requisite factual record can be created. It may well be that Anthony Young and/or Agent Manson testified falsely but the issue was not raised or otherwise preserved by trial counsel and there was nothing I saw in the trial record that would have supported raising on direct appeal an unpreserved claim that the government knowingly presented false testimony. I explained all of this to Baskerville.

36. It appears to me that the testimony Baskerville cites in his Section 2255 motion concerns inconsistencies of witnesses who

subsequently testified in the case of United States v. Bergrin, D.N.J. Crim. NO. 09-369, which produced two trials: one in 2011 and a second in 2013. Baskerville's Brief on Appeal was filed in April 2009, and the cited inconsistencies had not yet occurred. In any event, even if there were some basis in the trial record to support Baskerville's belief that witnesses had testified falsely, the issue was unpreserved, subject to plain error review, and unlikely to succeed.

37. Baskerville also states that I failed to advance an appellate issue with regard to "the trial court's jury instructions." Baskerville appears to point to only one alleged deficiency in the jury instructions: the District Court's charge on the murder conspiracy of witness Kemo McCray with regard to "premeditation." Baskerville claims that the District Court's charge "relieved the government of its burden" by failing to charge on the language used in the indictment, that is, "malice aforethought."

38. It seems to me that this this claim is not factually accurate as it appears that the District Court did, in fact, charge the jury regarding malice aforethought. (Tr. at 5634-5635).

39. In any event, although I do not presently have a specific recollection of doing so in this case, my practice is to always review the jury instructions in each case I handle on appeal as

part of my review of the entire record and, in particular, because many preserved objections to jury instructions are considered under a favorable plenary standard of review. I do not believe that there were any jury instruction issues worth raising on appeal in this case, including the unpreserved issue cited by Baskerville, which is why I did not raise any jury instruction issues on appeal.

40. In addition, it does not appear to me that premeditation was an issue in the case based on the facts in the record, which showed that the murder was planned at least by the shooter. And, Anthony Young, who admitted being the shooter, testified to facts constituting "malice aforethought." Therefore, I do not believe this jury instruction issue would have been successful on appeal even if it had been raised.

41. Baskerville also states that I failed to advance an appellate issue with regard to "sentencing errors" regarding the way the court sentenced him on the drug counts (Counts 3-9).

42. I recall that I reviewed the sentencing transcript for viable appellate issues and I would have raised a sentencing issue on appeal if I had believed any sentencing issue (a) had merit, and (b) would have had a real impact upon Baskerville's sentencing exposure.

43. No sentencing issue was raised on appeal for several reasons. First, trial counsel did not object to, and the record

does not establish that the District Court erred in, the manner in which it conducted the enhanced sentencing procedures under 21 U.S.C. § 851. Second, I considered that, even if a challenge to the sentence imposed on the drug count were successful, the life sentence on the murder counts would have stood, thus giving Baskerville no real benefit. Third, it appears to me that Baskerville's assertion in his Section 2255 motion that the District Court had no basis for imposing a life sentence on the drug counts is factually incorrect based upon Baskerville's two prior felony drug convictions.

44. Baskerville also objects to my alleged failure to raise "the additional plain errors within the trial record," "the lack of subject-matter jurisdiction as to all charges," and "any issues identified ... to the extent that any of those issues could have been raised on appeal."

45. These allegations are somewhat vague and, therefore, difficult to respond to. Suffice to say that I thoroughly reviewed the entire trial record for what I believed, based upon my experience, were the best issues to argue on appeal. If successful, these issues would have resulted in a new trial. I elected -- with Baskerville's full involvement as described above -- to raise those issues that, in my professional opinion, the Third Circuit was most likely to find compelling in combination.

46. In that regard, I believe that the Third Circuit traditionally calls the fewest cases for oral argument of any Circuit and typically resolves appeals in criminal cases without hearing argument. Nevertheless, our briefing in this matter generated two separate argument notices and required a remand to the trial court for additional hearings on the Batson challenge we had raised.

47. In addition, when the Solicitor General of the United States tried to waive a response to the Petition for Certiorari I had filed on Baskerville's behalf, the Supreme Court ordered the government to file a response and also requested the record from the lower courts before ultimately denying the Petition. This occurs quite infrequently and evidences the significance of the issues I chose to raise on Baskerville's behalf. See Baskerville v. United States, No. 11-8278 (Docket) available at: www.supremecourt.gov/Search.aspx?FileName=/docketfiles/11-8278.htm).

I hereby affirm that the foregoing statements made by me are true to the best of my knowledge and recollection. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.


Mark A. Berman, Esq.

Dated: June 26, 2014

EXHIBIT A

Hartmann, Doherty, Rosa, Berman & Bulbulia, LLC



New Jersey

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Education

- *Columbia Law School* (J.D., 1993)
- *The Fletcher School of Law & Diplomacy* (M.A. Law & Diplomacy, 1990)
- *Tufts University* (B.A. International Relations, *magna cum laude*, 1990)

Clerkship

- Hon. Leonard I. Garth, *U.S. Court of Appeals for the Third Circuit* (1993-1994)

Accolades*

- AV® Peer Review Rated by Martindale-Hubbell
- Super Lawyers®, Criminal Defense: White Collar (2008-2014) "Top 100 in NJ" (2011-2014)
- Litigation Counsel of America, Trial Lawyer Honorary Society (2008-present)
- NJ Law Journal: 40 Under 40: Lawyers to Watch In The Next Decade (2007)

Bar Admissions

- State of New Jersey (1993)
- State of New York (1994)
- U.S. Supreme Court (2000)
- U.S. Court of Appeals for the Third Circuit (1994)
- U.S. Court of Appeals for the Second Circuit (1996)
- U.S. Court of Appeals for the Seventh Circuit (2003)
- U.S. District Court for the District of New Jersey (1993)
- U.S. District Court for the Southern District of New York (1996)
- U.S. District Court for the Eastern District of New York (1998)
- U.S. District Court for the Northern District of Illinois (2003)
- U.S. District Court for the Central District of Illinois (2003)
- U.S. District Court for the District of Columbia (2005)
- U.S. District Court for the Northern District of New York (2006)
- U.S. District Court for the Western District of New York (2006)

Mark A. Berman

Mark is a seasoned trial attorney and appellate litigator who represents individual and corporate clients in a wide range of complex civil and

criminal cases in the state and federal courts. Mark often handles matters together with other large firms, and many of his cases have been national and international in scope. He has particular expertise in defending pharmaceutical and medical device companies and their executives against charges of healthcare fraud and abuse. Mark serves on the CJA Panels for the United States District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit.

After graduating from Columbia Law School, Mark clerked for the Honorable Leonard I. Garth, on the United States Court of Appeals for the Third Circuit. He then worked as a litigation associate at Weil, Gotshal & Manges in New York City. Prior to joining HDRB&B, Mark was a partner at Gibbons, P.C., one of New Jersey's largest law firms. During his 12-year tenure at Gibbons, he served as the firm's hiring partner and as staffing partner for the Criminal Law Department.

Mark is AV® Peer Review Rated by Martindale-Hubbell. He has been selected to the list of "New Jersey Super Lawyers®," Criminal Defense: White Collar" in 2008-2014. For the past four years, he has been selected to the list of "Top 100" Super Lawyers® in New Jersey.*

Representative Cases

Federal Criminal Cases

- Won full judgment of acquittal for the former Director of Maintenance of Platinum Jet Management, a Florida charter jet company, following a four-week trial in federal court, arising from the crash of a charter jet at Teterboro Airport; the remaining defendant executives and pilots were convicted of conspiracy to violate Federal Aviation regulations, false statements, and endangering an aircraft.
- Obtained full acquittal for former Vice President of Sales for Serono, Inc., a Massachusetts biotechnology company, following a three-week trial in federal court in Boston on an eight-count federal healthcare fraud indictment. Serono had previously settled similar charges with the government for over \$700 million dollars.
- Defended insurance executive in federal and state investigations of kickback scheme involving local boards of education healthcare insurance plans.
- Defended of executives of major pharmaceutical company in connection with healthcare fraud investigations conducted by the U.S. Attorney's Office in Boston, MA.
- Defended of Vice President of Indiana medical device manufacturer in federal criminal investigation of possible violations of the federal Anti-Kickback Statute.
- Defended of former Deputy Chief of the Philippines National Police who, together with a former aide to Vice Presidents Gore and Cheney, was charged by the U.S. Attorney's Office with spying in the U.S. on behalf of opposition politicians in the Philippines.

Federal Civil Cases

- Defense of former university professor in \$150 million patent and breach of contract lawsuit filed by St. John's University in Eastern District of New York.
- Lead counsel for former President of Merck Research Laboratories (MRL) who was named as an individual defendant in multiple federal and state product liability lawsuits arising out of the plaintiffs' alleged use of the pain-reliever Vioxx.
- Defense of a major medical device manufacturer in a Sherman Act antitrust and Lanham Act unfair competition lawsuit filed in federal court in Chicago by its major competitor in the bone cement market.
- Obtained "no cause" verdict for Polo Ralph Lauren Corp. in a Section 1983 civil rights lawsuit tried to a jury in federal court in Newark.
- Defense of three pharmaceutical companies in the Pharmaceutical AWP Multi-District Litigation in federal court in Boston and in several state and federal courts in New York and New Jersey.
- Defense of pharmaceutical company executives in U.S. Department of Justice and European Union antitrust investigation, and related civil litigation, relating to alleged price fixing in the animal vitamin industry.
- Prosecution of breach of contract action on behalf of steel dealer against interstate hauler involving damage to multi-million dollar crane system.

State Civil Cases

- Won \$428,000 verdict in favor of surviving spouse against husband's estate in lawsuit alleging fraudulent estate planning.
- Defense of commercial landlord in multi-million dollar lease dispute with long-time corporate tenant in office development in Elmwood Park, NJ.
- Lead counsel in AAA arbitration hearing on behalf of Florida gaming company involved in ownership dispute with former shareholder.
- Defense of executors in multi-million dollar estate litigations in New York and New Jersey.
- Prosecution of oppressed shareholder dispute involving multi-million dollar NJ gaming company.
- Defense of building contractor in AAA arbitration alleging violation of the NJ Consumer Fraud Act, defeating claim for treble damages.

Professional Activities

Lecturer, "Representing Your Client in Federal Court," NBI Seminar (March 2013)

Lecturer, "NJ Basic CLE Marathon 2011," PLI Seminar (May 2011)

Lecturer, "Working with Expert Witnesses in Federal Court," AGN North America Regional Mtg. (May 2011)

Member of the Criminal Justice Act (CJA) Panel for the District of New Jersey and the U.S. Court of Appeals for the Third Circuit.

Adjunct Professor of Law, Seton Hall University School of Law, Newark, NJ (1999-2002).

Vice-President, Columbia Law School Association of New Jersey (2006-2009; Treasurer 2003-2006, Secretary 2001-2003, Trustee 1998-2001).

Member, Federal Bar Association, American Bar Association, Association of the Federal Bar of the State of New Jersey, National Association of Criminal Defense Lawyers, Association of Criminal Defense Lawyers of New Jersey.

Publications

"*Search and Seizure in the Portiz Court: States' Rights or Right Turn?*" 233 N.J. Lawyer 11 (April 2005)

"*Does a Criminal Conspiracy End Once Its Objective Has Been Frustrated by Government Intervention?*" Preview of U.S. Sup. Ct. Cases (October 28, 2002)

"*When is a New Rule of Constitutional Law 'Made' Retroactive By the Supreme Court Under the AEDPA?*" Preview of U.S. Sup. Ct. Cases (April 10, 2001)

"*Rediscovering The Right To 'Consul,'*" 151 N.J.L.J. 932 (1998)

"*Kosher Fraud Statutes and the Establishment Clause: Are They Kosher?*" 26 Colum. J.L. & Soc Probs. 1 (1992)

"*Yehoshafat Harkabi and the Arab-Israeli Conflict.*" 15 Fletcher F. World Aff. 147 (1991)

Interviews/Media

Article, David Porter, "Judge dismisses charges against one man charged in Teterboro Airport plane crash," Associated Press (Nov. 5, 2010)

Article, Jane Mayer, "The Hard Cases," New Yorker (Feb. 23, 2009)

Article, Joe Ryan, "Federal appeals court reduces sentence for Philippines officer in spy case," Star Ledger (Feb. 6, 2009)

Article, Joe Ryan, "Reduced sentence asked in spy case," Star Ledger (Nov. 22, 2008)

Article, Jeff Whelan, "The Plot To Steal U.S. Secrets For A Foreign Coup," Newark Star-Ledger at 1 (May 7, 2007)

Article, Ross Kerber, "Jury Acquits 4 In Sarono Kickback Case - Verdict Delivers Blow To US Probe Of Drug Industry," Boston Globe (May 4, 2007)

Interview, Kate Coscarelli, "N.J. Lawyer Telecommutes -- From Israel," Newark Star-Ledger at 43 (Sep. 1, 2006)

Article, John Martin, "Judge Allows Depositions In Philippine Spying Case," Newark Star-Ledger at 12 (June 30, 2006)

Article, Ross Kerber, "Workers' Rights Get Lost As Firms Settle US Probes," Boston Globe (Nov. 6, 2005)

Article, "New Spy Case Revives Concerns Over Security At FBI," New York Times at A22 (Oct. 7, 2005)

Interview, "Defending Our Freedom: 'If They Can Do This To The Guantánamo Detainees, They Can Do It To Me,'" The Metropolitan Corporate Counsel (Aug. 2005)

Article, "Attorneys will be allowed to see al-Mamri - Prosecutors changed their minds after recent Supreme Court ruling, official says," Peoria Journal Star (July 29, 2004)

Article, "Bail is lowered for Giants' Parker," New York Times at D7 (May 24, 2001)

Article, "Judge Lets [Laurence] Taylor Off The Hook," Jersey Journal at 2 (Jan. 6, 2000)

Article, "A Treaty That Binds in Hudson," N.J.L.J. 1 (Apr. 20, 1998)

Civic/Charitable Activities

Board Member, Pony Power Therapies (2013-present)

Trustee, Radburn Association (2003-2006)

Trustee, Comelian Community Counselors, Inc. (Legal Services) (2004-2006)

President, Ahaval Achim Orthodox Congregation of Fair Lawn (2003-2006; Financial Sec'y, 2002-2003; Trustee, 2000-2002, 2006-2008, Treasurer, 2011-present)

Trustee, Gerrard Berman Day School, Oakland, New Jersey (2001-2005)

Honoree, Alumnus of the Year, Yavneh Academy, Paramus, New Jersey (2004)

Representative Decisions

United States v. Ottaviano, 738 F.3d 588 (3d Cir. 2013)

Mutual Pharm. Co. v. Goldman, 2012 WL 2594250 (E.D. Pa. July 3, 2012)

St. Johns University v. Bolton, 757 F. Supp.2d 144 (E.D.N.Y. 2010)

In re Extradition of Aquino, 697 F. Supp.2d 586 (D.N.J. 2010)
Solheim v. Weber, 889 N.Y.S.2d 867 (2d Dep't 2009)
United States v. Aquino, 555 F.3d 124 (3d Cir. 2009)
al-Marri v. Pucciarelli, 534 F.3d 213 (4th Cir.2008)
Gibbs v. Frank, 500 F.3d 202 (3d Cir. 2007)
United States v. Flores, 454 F.3d 149 (3d Cir. 2006)
United States v. Newsome, 439 F.3d 181 (3d Cir. 2006)
al-Marri ex rel. Berman v. Wright, 443 F. Supp. 2d 774 (D.S.C. 2006)
Al-Joudi v. Bush, 406 F. Supp. 2d 13 (D.D.C. 2005)
Al-Marri v. Hanft, 378 F. Supp. 2d 673 (D.S.C. 2005)
United States v. Pelullo, 395 F.3d 197 (3d Cir. 2005)
Gary v. Air Group, Inc., 397 F.3d 183 (3d Cir. 2005)
Gibbs v. Frank, 387 F. 3d 268 (3d Cir. 2004)
In re Pharm. Indus. AWP Lit., 339 F. Supp.2d 185 (D. Mass. 2004)
In re Pharm. Indus. AWP Lit., 321 F. Supp.2d 187 (D. Mass 2004)
Biomat, Inc. v. Stryker, 2004 WL 769358 (N.D. Ill. Apr. 9, 2004)
New Jersey v. Milne, 842 A.2d 140 (N.J. 2004)
Al-Marri v. Rumsfeld, 360 F.3d 707 (7th Cir. 2004)
In re Pharm. Indus. AWP Lit., 307 F. Supp.2d 196 (D. Mass. 2004)
New Jersey v. Comiero, 814 A.2d 1127 (N.J. App. Div. 2003)
al-Marri v. Bush, 274 F. Supp. 2d 1003 (C.D. Ill. 2003)
New Jersey v. Milne, 810 A.2d 588 (N.J. App. Div. 2002)
United States v. Christopher, 273 F. 3d 294 (3d Cir. 2001)
United States v. Spinello, 265 F. 3d 150 (3d Cir. 2001)
United States v. Mathis, 264 F. 3d 321 (3d Cir. 2001)
United States v. Geevers, 226 F.3d 186 (3d Cir. 2000)
United States v. Spinello, 95 F. Supp. 2d 242 (D.N.J. 2000)
Prudential Prop. & Cas. Ins. Co. v. Nardone, 752 A.2d 859 (N.J. Super. Ct. 2000)
Waterman v. Farmer, 84 F. Supp. 2d 579 (D.N.J. 2000)
United States v. Nathan, 188 F.3d 190 (3d Cir. 1999)
United States v. Smith, 186 F.3d 290 (3d Cir. 1999)
Waterman v. Farmer, 183 F.3d 208 (3d Cir. 1999)
Rouse v. Planter, 182 F.3d 192 (3d Cir. 1999)
United States v. Sherman, 160 F.3d 967 (3d Cir. 1998)
United States v. Cianci, 154 F.3d 106 (3d Cir. 1998)
Waterman v. Verniero, 12 F. Supp. 2d 378 (D.N.J. 1998)
Waterman v. Verniero, 12 F. Supp. 2d 364 (D.N.J. 1998)
Rouse v. Planter, 997 F. Supp. 575 (D.N.J. 1998)
United States v. Smith, 992 F. Supp. 743 (D.N.J. 1998)
United States v. McBroom, 991 F. Supp. 445 (D.N.J. 1998)
Rouse v. Planter, 987 F. Supp. 302 (D.N.J. 1997)
United States v. McBroom, 124 F.3d 533 (3d Cir. 1997)
United States v. Smith, 123 F.3d 140 (3d Cir. 1997)
New Jersey v. Afanador, 697 A.2d 529 (N.J. 1997)
In re Banas, 675 A.2d 641 (N.J. 1996)
New York v. Finnigan, 644 N.Y.S.2d 1009 (App. Div. 1996)
New York v. Ortiz, 637 N.Y.S.2d 741 (App. Div. 1996)

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