

William Baskerville  
Reg. No. 25946-050  
FCI McKean Medium

Date: 1/15/2019

Honorable Judge Peter G. Sheridan, U.S.D.J.  
United States District Court  
Clarkson S. Fisher Court And  
United States Courthouse  
402 East State Street  
Trenton, New Jersey, 08608

RECEIVED

JAN 22 2019

AT 8:30  
WILLIAM T. WALSH  
CLERK

RE: UNITED STATES V. WILLIAM BASKERVILLE  
CIVIL NUMBER 13-5881(PGS)  
CRIMINAL NUMBER 03-836(JAP)

Court Appointed Attorney

Dear Honorable Judge Sheridan,

I am writing to inform you of my various attempts to make initial contact with my recently Court appointed counsel Mr. Bruce Throckmorton. As of the date this Court appointed Mr. Throckmorton to my case, I have made several attempts to communicate with him via email dating from December 12/10/2018- January 14, 2019 which have been to no avail, (See attached Exhibit 1) I had family members continuously make calls to his office and cell phone some he answered and return back but as of late he has not responded, on January 13, 2019 I had the unit Counselor Mr. Miller send him a email to set up a phone conference, and on January 15, 2019 the unit Case Manager Mr. Nero gave me a legal call to try to reach Mr. Throckmorton which was also to no avail.

As a result of my inability to make contact with counsel and counsel's inactions with respect to contacting me I am now respectfully requesting that the Court implement the following solution, which is to appoint new counsel or allow my previous appellate counsel, Mr. Mark A. Berman to be reinstated as my counsel of record regarding my current legal proceedings. At this point I must mention that a potential conflict of interest may exist regarding Mr. Berman being that I previously filed ineffective assistance of counsel claims against him. However, I am willing to waive any potential conflicts of interest issues that may have existed.

It is my position that Mr. Berman is best suited to represent me because of, (1) his familiarity with my case, (2) his strong work ethic and open line of communication with clients, (3) his representation would save the Court valuable time and resources and allow my defense to proceed more fluidly, and (4) his willingness to accept input from me regarding matters pertaining to the case.

In the past I have dealt with lawyers who were unwilling to allow me to provide them with any input or who have litigated my case without informing me of their plan of action. Those experiences have led to many setbacks. I am a litigant who is very much involved in researching my own case and I am hands-on when it comes to the issues I believe should be raised. (Mr. Berman has affirmed these facts in his declaration. Doc. 16 pgs. 6-7 pars. 22-26) I very much would appreciate a lawyer who is going to respect that and allow me to participate in my own defense.

Respectfully Submitted,



**EXHIBIT 1**

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

FROM: 25946050  
TO: Black, Princess  
SUBJECT: Bthrockmorton.esq@gmail.com  
DATE: 12/10/2018 09:21:41 AM

Dear Mr. Throckmorton,

Hello there sir, this is William Baskerville and the Judge Sheridan has appointed you to represent me in my 2255 proceeds that currently pending before him. I was have been trying to make contact with you so that we can make each others acquaintance and I have been informed that you have just returned from vacation. I was giving email address that you passed along to a family member so that we can communicate via corrlincs to which I've sent you a request on 12/8/2018 for you to accept me for correspondence and at the current time you still have not done so.

I hope that at your earliest convenience you will accept my request and also set up a conference call with my counselor Mr. Miller or some staff representative here at FCI McKean so that you and I can begin to discuss the matters relating to my case. I have many things I wish to share with you of my concerns on the matters pertain to the hearing and those issues where I believe that the court erred in it's opinion.

So I hope to hear from you soon sir so take care until then and have a nice day.

William Baskerville

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

FROM: 25946050  
TO: Baskerville, William  
SUBJECT: Bthrockmorton.esq@gmail.com  
DATE: 12/16/2018 08:15:05 PM

Mr. Throckmorton,

Well hello again sir and I hope all is well with you? This is William Baskerville and this is my second attempt to try to reach you via email trying to make your acquaintance and establish contact with you since I've informed that you are having trouble with your corrlinc account and haven't been able to accept my request to add me on.

This is my personal email address and you can reach back out to me here to acknowledge that you've received my message. As I state in my first email to you that if you can, can you please try to set up a legal conference call for us to speak because there are matters that we need to discuss regarding the case in preparations for this hearing before Judge Sheridan. I look forward to hearing back from you soon, God willing. So take care until then.

William Baskerville

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

FROM: Baskerville, William  
TO: 25946050  
SUBJECT: F2767277  
DATE: 12/17/2018 01:06:57 PM

Yes, I got your email.  
I'm sorry, I've been in court a lot recently.  
The courts are trying to clean-up some things before the end of the year.  
Do you know who I should speak to to set-up the call?

Let me know.

Thanks.

Bruce Throckmorton

My email is [Bthrockmorton.esq@gmail.com](mailto:Bthrockmorton.esq@gmail.com) 7wu65

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

FROM: 25946050  
TO: Baskerville, William  
SUBJECT: Bthrockmorton.esq@gmail.com  
DATE: 12/26/2018 11:20:54 AM

Mr. Throckmorton,

How are you doing today sir? I hope that all is well with you? I am curious to know have you received that motion that was filed by the government last week? Also, have you made any attempt to reach out to my counselor to try to set up that legal call between us? At the moment he is here today. I need you to make a request of the court to have me pulled back down near you so that we can have to time together to be able to work on the case and I can help you get caught up bringing you up to speed on everything prior to the hearing so we can prepare a meaning strategy for the it. As I stated in my earlier message to you there are many things that you and I need to discuss and as you can see that the case is proceeding at the moment pretty quickly.

I hope to hear back from you very soon on this. Thank you in advance an I appreciate your assistance as well.

William Baskerville

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

FROM: 25946050  
TO: Baskerville, William; Gallas, Vicky  
SUBJECT: Bthrockmorton.esq@gmail.com  
DATE: 01/10/2019 06:04:14 PM

Mr. Throckmorton,

RE: Response to the government's bifurcated hearing request

How are you doing, God willing all is well with you at the moment? This message is regarding the government's request for a bifurcated hearing. My suggestion on this matter is that at prompt response must be made to the Court requesting that it reject and deny the government's request because their proposition is unsupported by authority and is contrary to the facts and the law. What the government has averred in its letter is belied by the record, the facts, and the evidence presented to the Court in this proceeding. That credibility argument made by the government in its letter and the information it submitted for the Court to consider is thus, immaterial because it reflects their own opinion in matters that must be determined by the Court where it will adjudge the testimony of all the witnesses at the hearing.

The Court stated what it expects to hear from the witnesses in its opinion. at pg. 31. In regards to the testimony of Mr. Herman and Mr. Kayser the Court said it expects to hear, "at the hearing regarding their investigation into these two witnesses (Rakeem Baskerville and Hakim Curry), and their reasons for choosing not to call either witness at trial." The Court further stated that it expects to hear from both of these witnesses as well regarding trial counsels' inactions( their failure to investigate, because neither of these two witnesses were ever contacted or interviewed by anyone from the defense team) and what these two witnesses would have testified to.

The government has fallen flat and their letter is telling on this point that, they are unable to salvage trial counsels' failures for not investigating R.Baskerville and Curry. No where does the government address in its letter the fact that trial counsel never contacted or interviewed either of these witnesses and they offer no rationale or strategic justification for their failure to investigate what information these potential witnesses possessed, even if they decided not to put them on the stand. As stated in my oppositional reply to the government's oppositional reply (Doc. 29 at 9) that, "the government argued this very point in its Brief Opposing Defendant's Rule 33 Motion at page 10 attached as Exhibit "C", stating that: "Baskerville" knew the unindicted co-conspirators an dealt with the regularly," and his trial "counsel could have interviewed them an call them as witnesses." See Exhibit "C" attached." Thus Third Circuit explained, in its application of the first Strickland prong, (which the government in its letter asked the Court to consider first in evaluating trial counsels' performance) that the "failure to conduct any pretrial investigation generally constitutes a clear instance of ineffectiveness," because, "in the context of complete failure to investigate...counsel can hardly be said to have made a strategic choice against pursuing a certain line of investigation when s/he has not yet obtained the facts on which such a decision could be made." U.S. v. Jasin, 215 F. Supp. 2d 552, 559 (3rd cir. 2002) citing U.S. v. Gray 878 F.2d 702, 711 (3rd. Cir. 1989)( citing Strickland v. Washington 466 U.S. 668, 690-91). (note on Jasin, the Court vacated his convict without a hearing for ineffectiveness for the failure to investigate.)

Since the government can offer nothing in support for trial counsels negligence and there is no material dispute on this point, they have focused their attention on the impact of these witnesses testimony and they have gone to great lengths in the letter attempting to undermine these witnesses credibility referring to information that stems from their criminal proceedings and the false claims of Mr. Herman (which the record and the evidence never addressed by the Court, Doc. 37 belies), quoting him from his declaration to further support their credibility argument referencing the tapes from the Curry wiretap.( Doc. 16 1at 9 n.4).

However, the Court noted and thus, did not considered R.Baskerville and Curry's convicts, "on various federal drug charges in a separate criminal proceeding', material in relations to this claim because as it stated, "neither was tried and convicted on charges arising from the murder of McCray." Thus, the matter of credibility was best put by Mr. Lustberg in his reply letter in Mr. Bergrin Rule 33 proceeding filed on Dec. 27, 2018 No.09-369(JLL) in response to the government's reply letter filed on Dec. 17, 2018, wherein he stated, " But the government's confidence in it's proofs and hostility to contrary evidence notwithstanding, credibility is,... best determined by the Court at [the] hearing," where the government will have a opportunity to cross-examine these witnesses.

A request for reconsideration and/or to amend the Court's opinion regarding the Curry wiretapped calls allowing there introduction at the hearing because they are relevant and have connection to this claim. ( CO at 20-21; 103-05; 108-09). Such a request can be made either by way of Federal Rule of Civil Procedure 59(e)(3) which is, " the need to correct a clear error of law or fact or to prevent manifest injustice", or by way of Rule 15(c)(1)(B) the "Relation Back" doctrine, if it clarifies a claim in the

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

initial motion that is, when the original motion and amendment contain claims that involve a "common core of operative facts". Such is the case here.

The Curry wiretapped calls are rooted in this claim that is because, (1) The government in its letter has made several references to them in support of their credibility argument, ( the false statement of Mr. Herman quoted from his declaration Doc. 16 1at 9 n.4. That two off the calls corroborate Young's false testimony. And the opinion of Judge Hochberg regarding Curry's alleged involvement in an unrelated crime which he was never charged or convicted of). (2) That the calls from the Curry wiretap actually supports an reinforces both Curry and R. Baskerville's statements in their affidavits and they undermine several significant elements of Young's testimony which the government can not deny. ( see ex. Doc. 37 Supp Letter to the Court regarding the Curry wiretap calls on Nov. 25, 2003). (3) Moreover, is the argument that I submitted in support of my government misconduct and ineffective assistance of counsel claims to the Court in (Doc. 37 the Suppl. Letter) and the Court's opinion is reflective that it never considered it, the synopsis of Curry's calls on Nov. 25, 2003 outlining the substances of those calls made by Curry and how they undisputedly disproves all of Young's false claims and those misrepresentations made by trial counsel in their declarations.(See Doc. 16 1at 8-9 n.4)

Curry's calls show that he was never with Young on Nov. 25, 2003. Therefore, proving that Young lied and was never present at the time of the either of the two Curry and Bergrin calls. In a call with Hamid Baskerville at 4:24 on Nov. 25, Curry recounted the events of his day chronological , never mentioning having seen or spent time with Young. Interesting to note is that Curry stated during this call that he was " sitting ...in the care by" himself. Call No. 09369 ( This call was 24 minutes after the second Curry and Bergrin call.)

There's a interesting point to note, that nowhere in the government's letter or in any of their filings in this proceeding or any other regarding the McCray murder where the government produced or referenced a single call from the 30,000 to 40,000 Curry wiretapped calls supporting any aspect of Young's false testimony (setting aside the two calls they continue to try to use between Curry and Bergrin to salvage his credibility). They have not produced or referenced a single call between any of the alleged co-conspirators setting up the alleged meeting with Bergrin at Jamal Baskerville's house 4-10 days after my arrest. Tr. 4359-61. The government has not produced or referenced a single incriminating call with Curry and any of the alleged co-conspirators that demonstrates some form of a plot, planning, or preparation to kill McCray.( Note: they use the opinion of Judge Hochberg from Curry's 2255 proceeding showing that the tapes allegedly incriminated him in uncharged conduct unrelated to the McCray murder.) Nor, have they produced or referenced to one item of evidence from the Curry calls that impeaches his or R. Baskerville's statements in their affidavits, because no such calls exist to substantiate any of these points.

The government's false contentions in its letter that, " Trial counsel was well aware that cross-examining Curry could open the door to the wiretap recordings (they don't mention R.Baskeville having issues with the calls), which was a central issue at the Curry trial", and that false statement of Mr. Herman in his declaration in (Doc. 16 1at 9 n.4), actually was never a matter of concern during my trial and what the government and Mr. Herman has averred is belied by the record.

Both the government and Mr. Herman knew the government had no intentions what so ever to introduce any of the calls from the Curry wiretap during my trial especially, those calls that were not properly sealed. Mr. Herman has contradicted his own statements in his declaration based on his statements from the record (the government.... would not introduce them unless the defense consented or otherwise did something that opened the door to their admission.), where he himself did open the door for the government to introduce the calls of Mr. Bergrin at trial when he asked Young about the government having Mr. Bergrin on tape given Curry McCray's name during cross-examination. Tr. 4673-74 ( Note: Mr. Bergrin admitted back in 2004 to the media that he gave Curry McCray's name after the disqualification hearing. See Doc. 29 Ex. "E"). Move rover, is that Mr. Herman also invited the government to introduce those calls between Curry and Bergrin during a colloquy with the Court regarding the tapes where the government's position was that, Mr. Herman opened the door for their introduction. Tr. 4777-84.

In Finality on this this point, is AUSA Frazer's statement to the Court that the government believed Mr. Herman's questioning Young during cross-examination regarding the government having Mr. Bergrin being on tape "opened the door to introducing those tapes," but the government did " not intend to do so." Tr. 5443-46 This proves that the government never intended to uses the Curry wiretapped calls during trial when the opportunity was given to them because Mr. Herman opened the door even inviting them to do so.

Notably, is the recent motion filed in Mr. Bergrin's Rule 33 proceeding after Judge Sheridan rendered his opinion in my 2255 proceeding (U.S. v Bergrin Cr. No. 09-369(JLL) Doc. 681 pgs. 5-11; 13-18: 36-46 on Nov. 21, 2018), wherein Mr. Lustberg's argument laid out for the Court the impact that the statements and testimony of R. Baskerville and Curry combined with calls from the Curry wiretap undermines the government's case in regarding to McCray murder.

Additionally, Mr. Lustberg noted in that motion that the government uses the threat of prosecution against witnesses who would

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

testify adversely to the government's evidence in order to keep them from assisting the defense. ( See Doc. 681 18 n.5 That during Bergrin 's first trial AUSA Gay discussed the need for Jamal Baskerville to invoke his Fifth Amendment privilege etc... Also See U.S. v Curry Cr. No. 04-280(FSH) On July 10, 2006 the government forced Atif Ameen and Rasheed Pryor to invoke their Fifth Amendment privilege in that matter.) This is the government's true aim in its final note and motivation behind its letter, to preclude by any means the testimony of R. Baskerville and Curry at the hearing.

One last point to note, is that you have to examine the testimony of AUSA John Gay's during the penalty phase of the trial (Tr. 6265-6309), to understand the government's rationale to bring charges in this case for the murder of McCray. This decision especially today wouldn't be solely on the testimony of that lair Young.

So for the foregoing reasons a response must me made to the government's letter on this point and also the request to amend on the Curry tapes to be admitted at the hearing. In relations the other claims from the extension on Miller, Madison, and McPhall I'll get back to you in a few days on that. In the meantime I think you need to contact Mr. Bergrin's attorney Mr. Lawrence Lustberg to discuss the information pertaining to Miller, Madison, and McPhall and the investigator who interviewed them and have him up you with him.

Mr. Throckmorton it is of the utmost importance that you and I speak and a open up a line of communication which is needed to be successful in helping me win some form of relief in this matter. As you know thus far we have not had the chance to do so and we need to soon.

TRULINCS 25946050 - BASKERVILLE, WILLIAM - Unit: MCK-A-B

---

FROM: 25946050  
TO: Mañ, Universal  
SUBJECT: Mr. Throckmorton  
DATE: 01/14/2019 02:37:10 PM

#6092737582

Mr. Throckmorton,

How are you doing sir, fine I hope? This is William Baskerville & as you know that I've send several messages to your email address none of which you responded to date, the most recent of them was 1/10/2018. I understand the nuances of being a attorney & the right of the client as well & I say that to say this, that you've been appointed by the court to represent me in my federal matter that's current pending before Judge Sheridan & it's been going on about two months now that you've been my lawyer but you & I yet to speak even once. Actually you haven't even attempted once by correspondence to formally introduce yourself to me making an acknowledgement that you're my attorney. It has been I who has sought you out & have continuously being trying to establish communications with you which have been to no avail. So I ask you sir, where do we go from here?! I hope to hear back from you soon as your schedule allows or else I will have to inform the court of our lack of communication which I can't understand why. Again hoping to hear from you soon....



William Baskerville #25946-050  
FCI McKean Medium  
P.O. Box 8000  
Bradford, PA 16701

↔25946-050↔  
Us Federal District Court  
402 E State Street Room 2020  
Trenton, NJ 08608-1507  
United States

