

William Baskerville
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Date: Nov. 23, 2015

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

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AT 8:30
WILLIAM T. WALSH^M
CLERK

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

Dear Honorable Judge Sheridan:

Petitioner respectfully submit the following Pro-Se Supplemental Letter Brief (hereinafter Letter), vociferously reinforcing his Government misconduct claim, that the Government knowing sponsored false testimony (Doc. 1, Ground 3(b)). And or trial counsel's failure to investigate Anthony Young (hereinafter Young). (Doc. 1, Ground 1(C)).

It is apparent that after reviewing those calls in Government Exhibit 3-I from November 25, 2003, Curry Wiretap that they have willfully and knowingly abdicated their obligation to seek justice while acting within the parameters of the Law and the Model Rules of Professional Responsibility.

Their blatant and rampant failure to ignore the incredulous sworn testimony of their prime witness, Young, in the prosecution of the Kemo McCray murder case, has resulted in a grave miscarriage of justice; which must be remedied as a matter of Law, by this Honorable Court. Moreover, is their apathetic and intentional disregard of the truth seeking process is evinced by their presentation of evidence they knew or a reasonable investigation would have shown was false, fabricated and prejured.

Furthermore, had trial counsel truly received all of the calls from the Curry Wiretap as alleged by trial counsel Herman in his Supplemental Declaration, (see Doc. 34, Government Exhibit 6). Any meaningful investigation of those calls on November 25, 2003, by trial counsel could have been used to alert the trial District Court that the Government injected false and prejured evidence into Petitioner's trial.

Moreover, it is proven that the Government and or trial counsel refused to objectively investigate and scrutinize facts has eviscerated the Due Process and Constitutional rights of Petitioner and has resulted in an injustice; that will be shown to be unconscionable.

Thus, Petitioner humbly request the Honorable Court to consider the evidence in Government Exhibit 3-I of all the November 25, 2003, calls from the Curry Wiretap which convincingly proves that Young falsely testified concerning the following:

1). That when Young allegedly arrived at the meeting at Jamal Baskerville's home at about 9:30 a.m. on November 25, 2003, that Jamal Baskerville, Jamal McNeil, Rakeem Baskerville, Petitioner's wife, Hakeem Curry and Hamid Baskerville, were there. TR. 4341-4343.

2). Hakeem Curry (hereinafter Curry), started calling the lawyer at about 10, 10:30 a.m., where Curry ask Paul Bergrin (hereinafter, Bergrin), to check on Petitioner, and find out what was going on with him and see if Bergrin could get him a bail. TR. 4349-4350.

3). That Curry, Young, and Rakeem Baskerville, were present in Curry's Range Rover, during the aboved mentioned call and the 4 P.M. call, between Bergrin and Curry where Young alleges that the above mentioned parties were sitting parked on 17th Street and Avon Avenue at the time of the Bergrin call, where the information about Kemo McCray was allegedly passed along. TR. 4349-4353.

The Government knew and had evidence that Young was being deceptive when he alleged and swore to the above stated facts. Thus, the Curry Wiretap intercept clearly and unequivocally proved everyone of these representations were false. However, a synopsis of the substance of those calls on November 25, 2003, from the Curry Wiretap intercept chronologically depicts:

1). That on several call Curry is clearly heard telling various people that he was just coming outside at about 12:00 P.M. And that he was headed to his store. Clearly these calls disproves Young's false claim that Curry was present at Jamal Baskerville's home at 9:30 a.m. when Young got there. TR. 4343. See calls:

- (a) Call No. 09218; Time 11:58:58;
- (b) Call No. 09219; Time 11:59:13;
- (c) Call No. 09225; Time 12:05:59;
- (d) Call No. 09226; Time 12:06:27; and
- (e) Call No. 09228: Time 12:08:19.

2). That the first time Curry heard of Petitioner's arrest was at about 12:30 P.M. by an individual named Face (Maurice Lowe, hereinafter Lowe). See Call No. 09241; Time 12:30:03. In this call Curry was asked by Lowe, "you talk to Hamid (Hamid Baskerville) called you?" Curry's response was "naw" and he then asked Lowe "what happened?" Lowe told Curry that Hamid told him (Lowe) that, "the boys with three letters got, ...Walee Cheeb" (petitioner). Curry inquired from Lowe where had the Petitioner been arrested at and Lowe responded that he did not know because someone had called Hamid "and told him but he (Hamid) don't know where at, what happened". This call clearly shows that Curry and Hamid Baskerville had no contact in the morning hours of November 25, 2003, as Young falsely claimed that both Curry and Hamid Baskerville was present when Young allegedly got to Jamal Baskerville's home. ID.

3). That Curry was not driving his "Range Rover" truck as Young falsely testified. TR. 4350-51. Hencefore, the following calls show that Curry was awaiting for an individual named Jihad (Ishmeal Pray hereinafter Pray) to pick him up from his store between the hours

of 1:00 and 2:00 P.M. See calls:

- (a) Call No. 09266; Time 13:00:11;
- (b) Call No. 09272; Time 13:37:10;
- (c) Call No. 09273; Time 13:41:19; and
- (d) Call No. 09282; Time 13:50:30.

In that final Call (Call No. 09282), Pray tells Curry that, "I'm outside". These Calls clearly disproves Young's false claims that Young and Curry were together at anytime during the morning hours of November 25, 2003, and that Curry was driving his "Range Rover" truck. ID.

4). That Curry and Rakeem Baskerville did not have any contact until about 2:00 P.M. for the first time on November 25, 2003. See Calls No. 09286; Time 14:05:35; 09288; Time 14:06:13. ^{FN.1} These Calls disprove Young's false claim that Curry and Rakeem Baskerville were present together in the morning hours of November 25, 2003. TR. 4343, 4350-4351.

5). That several of the Calls show that Curry was mobile and not sitting "inside the truck", "Parked", and not "Riding around", as Young falsely claimed in his testimony. TR. 4350-4353. See Calls:

- (a). Call No. 09302; Time 14:40:02;
- (b). Call No. 09304; Time 14:40:47;
- (c). Call No. 09307; Time 14:43:19;
- (d). Call No. 09308; Time 14:54:19;
- (e). Call No. 09313; Time 15:04:59;
- (f). Call No. 09322; Time 15:16:26;
- (g). Call No. 09334; Time 15:30:38;
- (h). Call No. 09340; Time 15:37:07;
- (i). Call No. 09342; Time 15:38:26; and
- (j). Call No. 09343; Time 15:44:35.

In that final Call (Call No. 09343), which is between Curry and Lowe, Curry is clearly heard telling Lowe that he is at the Barbera Shop by "Boston Market". ^{FN.2} Thus, the second Bergrin and Curry Call in Government Exhibit 3-0 was about 15 minutes after the Call with Curry and Lowe. See Call No. 09349; Time 16:00:23. Thus, the Curry and Lowe Call clearly shows that Curry was nowhere near Avon Avenue and 17th Street in Newark, New Jersey sitting in his truck "parked" as Young falsely claimed at the time of the Bergrin second Call. ID.

6). That there are several other calls from the Curry Wiretap intercept disproving Young's false claims that Curry was sitting "parked" in his truck on Avon Avenue and 17th Street in Newark, New Jersey at or about the time of the Bergrin and Curry 4:00 P.M. Call (Call No. 09349), to which the following Calls also demonstrate convincingly that neither Young and/or Rakeem Baskerville were present with Curry during the Call as Young falsely testified to. TR. 4350-4353. See Calls:

- (a). The following Calls are Calls between Curry and Rakeem Baskerville shortly thereafter the Bergrin and Curry 4:00 P.M. Call.
- (1) Call No. 09351; Time 16:02:26;
 - (2) Call No. 09352; Time 16:03:40;
 - (3) Call No. 09356; Time 16:10:32;
 - (4) Call No. 09360; Time 16:18:42;

FN.1 These Calls are about 20 minutes before Paul Bergrin first called Curry in Government Exhibit 3-0. Call No. 09298; Time 14:26:02.

(5) Call No. 09362; Time 16:19:36; and

(6) Call No. 09365; Time 16:21:38

(b). Call No. 09354; Time 16:10:32, is a Call between Curry and Pray. Pray Calls Curry telling Curry that "Norm (Howard Sanders hereinafter Sanders), coming to get you". Curry tells Pray that, "I'm good", and Curry tells Pray to tell Sanders that he (Curry) will "be in front of his (Sanders) house".

(c). Call No. 09368; Time 16:23:58 is a Call between Curry and Sanders. Sanders in this Call ask Curry was he in front of his house and Curry replied "yeah".

(d). Interesting enough is Call No. 09369: Time 16:24:46 between Curry and Hamid Baskerville. Curry is heard confirming to Hamid Baskerville that he was in front of Sanders home. I'm "waiting in front of Norm's house to get my bag out of his car". The Call is definitive proof that Curry and Hamid Baskerville had no contact in the morning hours as Young falsely claimed and that it was the first time that the two of them had spoken that day. Curry is clearly heard telling Hamid Baskerville, "I ain't talk to you, I ain't see you". The Call shows Curry's confusion about the identity of McCray. Curry asked Hamid Baskerville, "Who the fuck is Kemo or some shit", to which Hamid Baskerville's replied, "I don't know, who the fuck is that? I ain't talk to nobody, I talk to Roc (Rakeem Baskerville) for a hot minute". Curry told Hamid Baskerville that, "Paul read to me five dates of sales and surveillance, it's like five different dates he seen the guy. The guy started with 5, then 16, then 28, and then something else". Thus, Curry's statement to Hamid Baskerville, regarding Bergrin reading Curry the dates of the sales, refutes the Government's theory of Young's exclusivity. Curry is also clearly heard telling Hamid Baskerville, "I'm sitting here in the car by myself thinking about shit, just waiting...for Norm to come". In finality of this Call, Curry recounts the events of his day up until this Call with Hamid Baskerville. Curry tells Hamid Baskerville, "I left my jacket in Jihad (Pray) rental car, I went and got me a haircut just now, I went and got Roc (Rakeem Baskerville), and then he went and got with her, and I told him to call me later".

(e). Call No. 09386; Time 16:37:47, is a Call between Curry and Rakeem Baskerville. Curry tells Rakeem Baskerville, "I'm about to bring you the car". Rakeem Baskerville's response to Curry was that he was on "17th Street at Mal house".

(f). Call No. 09396; Time 16:53:42, is the final Call, which is a Call between Curry and an unknown male. In this Call between Curry and unknown male, Curry is clearly heard telling Rakeem Baskerville that a (the unknown male), is "my man about my truck". While Curry and Rakeem Baskerville attempts to give unknown male directions to meet them, Curry tells unknown male that, "I'm right here in a blue Honda Accord". Thus, this Call clearly shows that Curry was not driving his "Range Rover" truck.

In sum, none of the Curry Wiretap intercepts on November 25, 2003, supports Young's testimony:

FN.2 On November 25, 2003, the nearest Boston Market to the City of Newark, New Jersey is located on Central Avenue, in East Orange New Jersey.

(1) That a meeting occurred at the home of Jamal Baskerville in the morning hours where Jamal Baskerville, Jamal McNeil, Petitioner's wife, Rakeem Baskerville, Hamid Baskerville, Hakim Curry, or Young were present as Young falsely claimed.

(2) That Curry was driving his "Range Rover" as Young falsely claimed.

(3) That Curry and Young were together at all during the course of that day especially during the times of the Bergrin and Curry Calls.

(4) And that there is not one Call showing that Curry initiated a single Call with Bergrin especially one where in Curry requested Bergrin to check on Petitioner and "find out what was going on cause the F.B.I. got him". "And see if he (Bergrin) could get him (Petitioner), a bail", as Young falsely claimed. TR. 4350. The Government knew that this was a lie and that no such request was ever made. The Bergrin and Curry Calls completely disprove this because, (1) it is evident from both of the Bergrin and Curry Calls that it was Bergrin who initiated these Calls. See Calls No. 09298; Time 13:24"02; 09349; Time 16:00:23. (2) And in the Bergrin and Curry first Call (Call No. 09298), Bergrin is clearly heard telling Curry that "bail" wasn't even a possibility for Petitioner. Bergrin stated, "so what's going to happen today is there probably gonna ask ...they're allowed three days to ask for a detention hearing..." Call No. 09298; time 14:26:02.

Rhetorically, when does the Government desist from their deceit and concede that they knew Young testified falsely?

CONCLUSION

It is evident that from all the Calls, from the Curry Wiretap intercepts, from November 25, 2003, that the Government knew or should have known through a reasonable investigation, that their prime witness (Anthony Young's), testimony of the events of that day was perjured and a complete fabrication of the facts.

Thus, proving that the Government violated Petitioner's Due Process rights of Government misconduct under Napue v. Illinois, 360 U. S. 264 (1954), and it's progeny.


Furthermore, had trial counsels truly received all of the Curry Wiretap intercepts as they alleged in their Government's Opposition Declaration, stating "[t]he Government provided these recordings". (See Opposition Docket No. 16. HD20, N.4; KD20, N.4. Herman Supplemental, Docket 34, HDII). Proves trial counsel incompetence, for failing to investigate the information contained in the Curry Wiretap intercepts. Had counsels investigated the Calls contained in the Curry Wiretap intercepts, they would have known that Young was testifying falsely and could have alerted the District Court that the Government had injected perjured testimony into the trial of the Petitioner. Thus, violating Petitioner's Sixth Amendment rights to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668-687 (1984)

It is for the aforementioned supplemental facts and Law that Petitioner's conviction be vacated and or because of it's taints, a new trial ordered.

Nov. 23, 2015

Executed On

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, William Baskerville, majority, CERTIFY, that a true and correct copy of the foregoing has been furnished, via United States Postal Service, this 23 day of November, 2015, to:

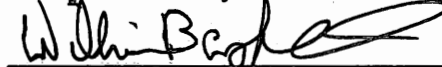
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Respectfully Submitted,



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