

UNITED STATES DISTRICT  
COURT DISTRICT OF NEW JERSEY

WILLIAM BASKERVILLE  
Petitioner,

V.

UNITED STATES OF AMERICA  
Respondent,

Case No. CR-03-836

Civil Action No. 13-5881(JAP)

Motion For Leave Requesting  
For Discovery

COMES NOW, William Baskerville, the Movant, pro se in the above-styled § 2255 action, and respectfully move under Rule 6(b), Rules Governing § 2255 Proceedings, requesting leave for discovery so that the Movant can further develop those claims in his § 2255 filing.

FOR GOOD CAUSE in this Court accepting this hand written motion and granting such relief the Movant humbly request the following:

1. During the 2011 trial in the matter of United States v. Paul Bergrin, Case No. 09-369, FBI Special Agent Shawn Manson/Brokos testified that three government informants,

Shelton Leverett, Curtis Jordan, and a Roderick Boyd had provided her with the names of potential shooters of Kemo McCray. see (Ex. A - Declar. of Movant § 2255 ¶ 20 (B) (1)). The Movant now requests any and all documents relating to these informants. Consisting of but not limited to, any 302's, notes or investigative reports, plea and cooperation agreements, the name(s) of their handler(s), and any and all information that they provided to any law enforcement agents concerning Kemo McCray and the Movant.

2. Also during the 2011 trial in the matter of United States v. Paul Bergrin, Special Manson/Broskos had given testimony concerning a chronology of calls that were prepared by her and written in a report (J-02938); see (Ex. A - Declar. of Movant's § 2255 ¶ 20 (D) (19)). The Movant now requests the report (J-02938) and any documents consisting of those call records used to make up that report of the calls of Paul Bergrin, Hakim Curry, Diedra Baskerville, and Rakeem Baskerville. Also any 302's, notes or investigative reports which contains information that was used in the preparation of any reports chronologizing them into what was labeled by the government as (J-02938) or any other exhibits that was prepared to be used as evidence which may be of similar substance.

3. From the 2013 trial in the matter of United States v. Bergrin, via that supplemental Filing by MR. Bergrin in his case dated July 15, 2013, MR. Bergrin noted that he was provided with audio recordings from United States v. Hakim Curry, see (Ex. A - Declar. of Movant's § 2255 ¶

20 (D) (22) (E)). The Movant was not given those calls mentioned in the Bergrin Supplemental Filing and he now Requests all calls mentioned in his declaration at; (¶ 20 (D) (22) (E) (1-9)). Also the Movant requests all additional audio recordings from United States v. Curry, consisting of any and all calls whereof Hakim Curry is a party from November 25, 2003 to March 2, 2004, formatted to be listened to on a CD player not that of a computer disc because the facility wherein the Movant is currently housed does not provide inmates access to listening devices for Cd Rom.

4. During both the 2011 and 2013 trials in the matter of United States v. Bergrin, one Johnnie Lee Davis gave testimony to the effects of, that a few days after the Kemo McCray murder he was "face to face", with the man that Fitted the description of McCray's shooter while he was in a store on Oakwood Avenue in East Orange in which the man asked Mr. Davis, "do you remember me?". see (Ex. A - Declar. of Movant's § 2255 ¶ 20 (D) (22) (F) (3); (5)). The Movant requests any and all documents, 302's, police reports, statements, notes and investigative reports containing these new accounts of Mr. Davis that was not part of his 2007 testimony.

5. The Movant requests the complete records of testimony of the following witnesses who had given testimony in the 2013 trial in the matter of United States v. Bergrin; Special Agent Shawn Brokos, Anthony Young; Eric Dock, and Richard Holsten. He also humbly requests the government's summation as well.

6. The Movant was provided a defense discovery request letter in the matter of United States v. Bergrin, dated November 30, 2012 addressed to Assistant U.S. Attorney John Gay. See (Supp. Declar. of Movant enclosed herein II); Also see (Attach Exhibit-A letter in the Matter U.S. v. Bergrin). The Movant now also incorporates said discovery requests at, (II 1, 2, 3, 4, 6, 7, 8, 9, 11, 12; 24).

7. Fundamental fairness to pro se litigants and concepts of Due Process of Law as guaranteed by the Fifth Amendment to the United States Constitution would be best served by this Court granting Movant leave for discovery in this case.

### CONCLUSION

WHEREFORE, the Movant implore that this Honorable Court will grant leave for discovery and him additional time to amend his § 2255 filing.

Respectfully submitted this 24 day of November, 2013.

Willie Barker

Movant, Pro Se

## DECLARATION OF SERVICE AND MAILING

I, William Baskerville, do hereby state under penalty of perjury pursuant to Title 28 U.S.C. § 1746 that I have this day served and mailed/filed this "Movant's Pro Se Motion for Leave For Discovery" by depositing such the prison mail system with 1st Class prepaid postage affixed while the institution is on lockdown status and addressed as follows:

U.S. District Court  
District of New Jersey  
Office of the Clerk of Court  
402 E. State Street, Room 2020  
Trenton, New Jersey 08608

DONE this 24 day of November, 2013

William Baskerville

William Baskerville  
Reg# 25946-050  
Federal Correctional Complex  
P.S.P.#1 P.O. Box 1033  
Coleman, Florida 33521

November 24, 2013

William Baskerville  
Reg # 25946-050  
Federal Correctional Complex  
U.S.P. #1 P.O. Box 1033  
Coleman, Florida 33521

RECEIVED

DEC 02 2013

AT 8:30  
WILLIAM T. WALSH  
CLERK

U.S. District Court  
District of New Jersey  
Office of the Clerk of Court  
402 E. State Street Room 2020  
Trenton, New Jersey 08608

Re: U.S. v. Baskerville, Criminal # CR-03-836  
Civil # 13-5881(JAP)

Dear Honorable Clerk of Court:

Please find for filing and consideration by the Court my pro se: "Motion For Leave Requesting For Discovery" and attach documents, and exhibit A which is hand written, relating to the above § 2255 filing. Also enclosed is a supplement "Declaration" which is a declaration from William Baskerville, and a "Declaration of Service and Mailing". The institution is currently on lockdown status and has been since 11/21/2013 which is the reason for this hand written letter and "Motion".

I request that your office please return a clock-filed copies of same because this is my only copy. I have provided a SASE for your convenience to return same.

Thank you for your time and concern in this matter.

Respectfully

William Baskerville  
William Baskerville,  
Movant, Pro. Se

EXHIBIT A

LETTER FOR DISCOVERY in The MATTER of U.S. v. PAUL BERGRIN





LAWRENCE S. LUSTBERG  
Director

Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Direct: (973) 586-4731 Fax: (973) 639-6285  
llustberg@gibbonslaw.com

November 30, 2012

**VIA E-MAIL AND REGULAR MAIL**

John Gay, Assistant U.S. Attorney  
United States Attorney's Office  
970 Broad Street, Suite 700  
Newark, NJ 07102

**Re: United States v. Bergrin  
Case No. 09-369**

Dear Mr. Gay:

As you know, this firm serves as standby counsel to defendant Paul W. Bergrin in the above-captioned matter. During the defense investigation of the pending charges, Mr. Bergrin has become aware of certain potentially exculpatory documents material to preparing his defense that the government has not yet provided. Pursuant to Federal Rule of Criminal Procedure 16, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972) and their progeny, Mr. Bergrin now requests, in lieu of immediately proceeding by way of motion, the following discovery:

1. During the 2011 Kemo murder trial, Federal Bureau of Investigation (FBI) Special Agent Shawn Brokos testified that she "asked sources whether or not they had seen" Mr. Bergrin's vehicle in the vicinity of Avon Avenue and 17th Street in Newark, New Jersey during the period of November 26, 2003 to November 30, 2003. Tr. (10/19/11) at 161. Mr. Bergrin now requests all documents and information related to those queries, including the names of any individuals who were questioned in this regard, as well as any reports, notes or statements taken with respect thereto, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder alleged as substantive offenses in Counts Twelve and Thirteen of the Second Superseding Indictment ("Indictment").

2. During the 2011 Kemo murder trial, Special Agent Brokos also testified that an eyewitness to Kemo McCray's shooting indicated that the shooter was positioned behind Mr. McCray. Tr. (10/20/11) at 39-40. Mr. Bergrin now requests all documents and information related to this potential witness; including the identity of that individual, as well as any statements taken from him or her, and any reports or notes concerning this potential witness, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder.

3. In that trial, Special Agent Brokos also testified that she took a statement from Stacey Webb Williams, an eyewitness to Mr. McCray's shooting, subsequent to the March 4, 2004 statement taken during an interview with Newark Police Department Detective Rashid Sabur (see J-04470-J-04473). Tr. (10/19/11) at 180-81. Agent Brokos testified that during this interview with Mr. Williams, she may have shown him photographs of potential suspects. *Id.*



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Mr. Bergrin now requests all documents and information concerning this interview, including any and all reports, interview notes, statements taken, or photographs presented in connection with interviewing Mr. Williams, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder.

4. Finally, Special Agent Brokos testified that some time after June 14, 2006, she spoke with the assistant prosecutor in Rashida Tarver's aggravated assault case against Anthony Young in Essex County, and that she may have memorialized those conversations. Tr. (11/9/11) at 131-133. Mr. Bergrin now requests any existing documentation with respect to those conversations, as well as any reports, notes or memoranda prepared with respect to Special Agent Brokos's June 14, 2006 interview with Ms. Tarver, which information is likely to support the defense theory that Anthony Young's testimony is fabricated, thereby exculpating Mr. Bergrin of involvement in the Kemo murder.

5. During the 2011 Kemo murder trial, government witness Ramon Jimenez testified that he took notes to memorialize his meetings with the FBI, which he relied upon in drafting an Attorney Ethics Grievance form against his attorney alleging that the government pressured him to produce inculpatory information about Mr. Bergrin. Tr. (11/21/11) at 21-22, 55-57, 79, 93, 139, 142, 155, 157, 159-162. He further testified that he may have retained some of these notes. *Id.* at 21-22, 55-5, 79, 93, 139. Mr. Bergrin now requests a copy of any notes that Mr. Jimenez took with respect to his interactions with the FBI and the United States Attorney's Office tending to indicate that he was pressured or enticed to provide information against Mr. Bergrin. These documents are likely to exculpate Mr. Bergrin of involvement in the Kemo murder case and the drug conspiracy alleged as a substantive offense in Count Five ("drug conspiracy"). Should these notes not be in the possession of the government, Mr. Bergrin respectfully submits that the government should request them of Mr. Jimenez.

6. Documentation of several FBI interviews that the government provided in accordance with the Jencks Act, 18 U.S.C. § 3500, shows that unidentified subjects made statements supporting defense theories that may exculpate him of involvement in the Kemo murder case. As a result, Mr. Bergrin now seeks the identity of the informants specifically described in J-02840, J-02866, and J-03126.

7. An FBI report, also provided in accordance with the Jencks Act, states that an unidentified individual reported that on the day Mr. McCray was killed, "the barber from the barber shop on the corner of 19th and South Orange allegedly ran out and tackled the shooter. He also witnessed four males across the street who appeared to be involved in the shooting." J-02707. Accordingly, Mr. Bergrin now requests all documents and information related to this barber, including the barber's identity and any additional reports, statements taken, interview notes, or photographs presented in connection with this potential witness, who is in a position to

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provide a first-hand account of the shooter's appearance consistent with the defense theory, and exculpate him of involvement in the Kemo murder case.

8. An FBI report from December 1, 2004, also provided in accordance with the Jencks Act, states that an unidentified individual recorded Horatio Joines discussing William Baskerville's federal drug case. J-02616. Mr. Bergrin seeks that recording, as well as any and all written or recorded statements made by Mr. Joines concerning William Baskerville's federal drug case or the Kemo murder, which Mr. Bergrin believes may contain evidence consistent with defense theories and exculpate him of involvement in the Kemo murder case.

9. In the Essex County Prosecutor's Office "File Preparation Checklist" for the Kemo murder case, provided in accordance with the Jencks Act, there are notations that a "C. Spruil" identified "Lattimore" from a photographic array, and that "C. Spruill" stated "Shawn McPhall for pulling gun on him. Susp. mentioned prior shooting." J-04455-56. To date, Mr. Bergrin has not received any materials related to these notations, which, consistent with the defense theory that Malik Lattimore and not Anthony Young was the shooter in the Kemo murder case and that Young's testimony is fabricated, tend to exculpate him of involvement in the Kemo murder. *See* Tr. (10/19/11) at 81. Accordingly, Mr. Bergrin requests all documents and information related to the identifications made by C. Spruil (or Spruill), including any reports, notes, statements taken, or photographic arrays presented with regard thereto.

10. On March 4, 2004, Drug Enforcement Administration (DEA) agents seized a 9 millimeter handgun and 9 millimeter ammunition from Lachoy Walker, which Walker stated had been given to him by Hakeem Curry. *See* J-04320, J-04324-25. DEA agent George Snowden also seized Winchester 9 millimeter Luger ammunition from 353 South Center Street, Orange, New Jersey, a/k/a "the Dungeon." *See* J-06679-80. The ammunition used to kill Mr. McCray were also Winchester 9 millimeter Luger bullets. *See* J-04441. Mr. Bergrin seeks all documents and information pertaining to these weapons, including any statements, ballistics or fingerprint records, or other reports comparing the weapons and ammunition seized from these three crime scenes, as such material is likely to be consistent with defense theories that Anthony Young's testimony is fabricated, thereby exculpating Mr. Bergrin of involvement in the Kemo murder.

11. Likewise, during the 2011 Kemo murder trial, DEA Agent George Snowden testified that in February 2004, DEA agents installed a GPS tracking device on a white Range Rover belonging to Hakeem Curry. *See* Tr. (10/26/11) at 104-05. Mr. Bergrin now seeks all documents and information pertaining to any tracking devices placed on any vehicle owned or driven by a member of the Curry drug gang, from any time between November 2003 through March 2004, as such material is likely to contain evidence confirming the defense theory that

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Anthony Young's testimony is fabricated, and thereby exculpating Mr. Bergrin of involvement in the Kemo murder.

12. Mr. Bergrin requests the following additional information with respect to Anthony Young, all of which is likely to contain evidence that is consistent with the defense theory that Mr. Young's testimony is fabricated, and thereby tending to exculpate Mr. Bergrin of involvement in the Kemo murder:

a. The financial affidavit accompanying the appointment of counsel for Mr. Young in 2005 under the Criminal Justice Act, 18 U.S.C. § 3006A.

b. Any psychological records of Anthony Young in the government's possession.

c. Documentation of any additional benefits received by Anthony Young. This material includes any information pertaining to whether Special Agent Shawn Brokos used her influence as a federal agent to facilitate Mr. Young's release from jail when, in around January 2005, he violated a restraining order against him by threatening Rashida Tarver and her sister with a gun. *See* Tr. (11/9/11) at 43.

d. Any recordings of telephone calls between Anthony Young and the FBI, including those that took place on January 14, 2005 to Deputy Agent William F. Gale and Special Agent Brokos, *see* J-02933; Tr. (11/28/11) at 68- 71, as well as the voicemail message Mr. Young left for Special Agent Brokos claiming Jamal McNeil shot Mr. McCray. *See* Tr. (10/28/11) at 37-38.

13. An FBI report, also provided in accordance with the Jencks Act, *see* J-04978-05042, documents that government witness Yolanda Jauregui informed the government that at some time between May 20, 2009 and November 20, 2009, she and Alejandro Barraza-Castro had multiple telephone conversations with Abdul Williams while he was incarcerated at the Hudson County Correctional Center to set up a cocaine transaction with Williams's family members. J-05029-30. Such conversations were certainly recorded in accordance with the policy of the company that administers inmate telephone calls at that facility. *See* Hudson County Department of Corrections, "Visiting, Records, Services and Links," <http://www.hudsoncountynj.org/visiting-records-services-and-links.aspx> (last visited November 30, 2012); *see also* Global Tel\*Link, <http://www.gtl.net/familyandfriends/index.shtml> ("Global Tel\*Link has a policy of recording incoming customer calls to its Customer Service Call . . . . All inmate telephone calls are likely to be monitored and recorded.") (last visited November 30, 2012). Although the government has provided the defense with, for example, the recordings of Abdul Williams's jailhouse calls from the Essex County Correctional Facility in discovery letters dated May 4, 2011 and August 24, 2011, the defense has not received the recordings that

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Jauregui references in J-05029. Accordingly, Mr. Bergrin now requests these recordings, which are likely to impeach the credibility of Abdul Williams and Yolanda Jauregui at the next trial, and which are likely to demonstrate their motives for providing testimony against Mr. Bergrin, thereby tending to exculpate him of involvement in the Kemo murder case, the drug conspiracy, and the drug and bribery schemes alleged as substantive offenses in Counts 17 through 19. *See United States v. Risha*, 445 F.3d 298, 303-06 (3d Cir. 2006) (federal prosecutors have duty to obtain and disclose exculpatory evidence possessed by state agents).

14. Mr. Bergrin requests the attorney visitation records of Anthony Young, Yolanda Jauregui, and Alberto Castro at Essex County and Hudson County correctional centers, which the defense investigation has led him to believe contain evidence supporting the defense theory that the testimony of these witnesses is fabricated, tending to exculpate him of the Kemo murder and the drug conspiracy.

15. Mr. Bergrin requests any and all interviews between the United States Attorney's Office and Abdul Williams that were surreptitiously recorded by his attorney, Wanda M. Akin, which will enable Mr. Bergrin to impeach the testimony of Mr. Williams and which will tend to exculpate Mr. Bergrin of involvement in the drug conspiracy and the drug trafficking and bribery schemes alleged against him in Counts 17 through 19 of the Indictment.

16. Mr. Bergrin requests the following additional information with respect to Thomas Moran, all of which is likely to contain evidence that is consistent with the defense theory that Mr. Moran's testimony is fabricated, and which would therefore tend to exculpate Mr. Bergrin of involvement in the pending charges:

a. Any psychological records of Thomas Moran in the government's possession.

b. Any additional documentation of benefits received by Thomas Moran, including: i) any correspondence, telephone contacts, memoranda, or other communication between the United States Attorney's Office and the Hudson County Prosecutor's Office with respect to Mr. Moran's January 4, 2010 guilty plea in *State v. Moran*, Indictment No. 09-04-00914; and ii) any materials pertaining to the fact that Mr. Moran's father was not arrested after contacting members of the New Jersey State Policemen's Benevolent Association who worked in Thomas Moran's correctional facility.

17. Mr. Bergrin requests additional documents and information, including surveillance recordings, criminal records, plea and cooperation agreements, sentencing materials, and FBI and other investigative reports, with respect to the following witnesses expected to testify for the government at the upcoming trial against Mr. Bergrin: Richard Pozo, Shelton Leverett, Rondre Kelly, and Oscar Cordova.



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a. In addition to the materials the government has already provided with respect to Richard Pozo, Mr. Bergrin now also seeks any existing information concerning any orders of protection placed against Mr. Pozo, or violations of such an order, including any information related to whether Mr. Pozo was permitted to remain on supervised release after violating an order of protection against him. Mr. Bergrin also requests any existing information pertaining to government debriefings of Mr. Pozo in Texas, statements other individuals have made against him, and any additional recordings or wiretaps featuring Mr. Pozo.

b. In addition to the materials the government has already provided with respect to Rondre Kelly, Mr. Bergrin now additionally seeks all transcripts of recordings featuring Mr. Kelly, his grand jury testimony in *United States v. Kirkland*, as well as any recordings, testimony, statements -- by either Mr. Kelly or by other witnesses against him, or documents pertaining to any debriefings in the Pittsburgh investigation, *see* J-03917.

18. Mr. Bergrin requests all documents and information with respect to Tito Cepeda which tend to exculpate Mr. Bergrin of the murder-for-hire plot alleged as substantive offenses in Counts 20 through 26 of the Indictment, including any reports, notes, or statements demonstrating that Mr. Cepeda was not contacted by Mr. Bergrin, or anyone working for Mr. Bergrin, to obtain a weapon.

19. Mr. Bergrin requests all documents and information with respect to Dennis Kousos, which tend to exculpate Mr. Bergrin of the murder-for-hire plot alleged as substantive offenses in Counts 20 through 26 of the Indictment, including any reports, notes, or statements demonstrating that their relationship in the Vicente Esteves case was cordial and professional.

20. Mr. Bergrin requests a transcript of the November 18, 2008 meeting between himself, Oscar Cordova, Nelson Esteves, Jason Nieves and Michael Lopez at the Law Office of Paul Bergrin, which contains exculpatory statements with respect to the charges related to the murder-for-hire plot. *See* CW1-000022.

21. Mr. Bergrin seeks all documents and information pertaining to statements made by Gregory Smith, including his testimony in *State v. Peoples*, Indictment No. 06-08-2643, and any government benefits he may have received.

22. The government has provided documentation of certain records obtained through subpoenas *duces tecum*, *see, e.g.*, Discovery Letter of June 21, 2011, PBTMOBL-000002, however Mr. Bergrin requests the date of every subpoena the government has issued seeking records of Mr. Bergrin's telephone and E-ZPass use, which information is material to Mr. Bergrin's defense that government delays resulted in losses of exculpatory evidence material to his innocence.

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United States Attorney's Office  
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23. Mr. Bergrin requests all documents and information pertaining to communications between the New York Police Department, the New York District Attorney's Office, the FBI, and the United States Attorney's Office for the District of New Jersey concerning Paul W. Bergrin from about November 2011 through May 2009 coordinating when to arrest and charge Mr. Bergrin, including any shared emails, reports, or memoranda, which information is material to Mr. Bergrin's defense that government delays resulted in losses of exculpatory evidence material to his innocence.

24. Mr. Bergrin also seeks the results of any polygraph examinations administered to any witnesses as well as a list of the questions asked, which Mr. Bergrin believes will support the defense theory that the testimony of the government's witnesses is fabricated.

Please feel free to call me if you would like to discuss these requests further. In the meantime, your prompt attention and cooperation with respect to this request will be very much appreciated.

Sincerely yours,  
Gibbons P.C.

By: Lawrence S. Lustberg  
Bruce A. Levy  
Amanda B. Protes

Standby counsel for Paul W. Bergrin

cc: Paul W. Bergrin



DECLARATION OF WILLIAM BASKERVILLE

Supplemental

I, William Baskerville, declare that following under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am submitting this declaration in connection with United State v. William Baskerville, District of New Jersey, Criminal No 03-836/3:13-cv-05881-JAP, in which, I was/am the defendant. The information that follows is based on my review of documents which have just recently been provide to me and my communications with other individuals through the exercise of due diligence.

2. On October 2, 2013 I was e-mailed a synopsis of calls dating from November 25, 2003 to December 12, 2003 from wiretap calls in the matter of United States v. Hakim Curry, Criminal No. 04-280.

3. On the date of November 25, 2003 there is a listing of 11 calls between Hakim Curry and various individuals.

a. Call number 1,339,406, 13:22:12. Between Hakim Curry and unknown person where Curry is telling the caller he is leaving for North Carolina tomorrow evening and will be gone for 3 or 4 days.

b. Call number 711475, 13:31:36, actual time 12:30 p.m. Where Hamid Baskerville calls Curry to tell him that Cheeb is lock up.

c. Call number 986,037, 14:26, actual time 1:30 p.m. Paul Bergrin calls Curry telling him that I was arrested. He read the criminal complaint in its entirety to Hakim Curry.

d. Call 651951, 17:01:49, actual time 16:00:23. Paul Bergrin calls Hakim Curry to inform him that he just magistrate Court and the evidence binds me heavily.

e. Call 346671, 17:05:02. Hakim Curry calls Rakeem Baskerville and says who is "KEMO". Rakeem Baskerville respond "I Think" he is from Irvington. Curry goes on to inform Rakeem Baskerville that they have tape recordings and everything and Rakeem Baskerville

says, "what about me".

f. Call 260264, 17:12:28, actual time 16:11:44. Hakim Curry informs that Paul Bergrin said that he was going to speak to me in person.

g. Call 135475, 17:19:31, actual time 16:11:42. Rakeem Baskerville tells Hakim Curry to call Scotty Berlin and verify the charges and if they could get bail for me.

h. Call 640425, 17:20:57. Hakim Curry calls Scotty Berlin who tells him that I was not getting a bail, that I would be detained, and what the charges were.

i. Call 4461206, 17:34:44, actual time 16:24:46. Call between Hakim Curry and Hamid Baskerville. Hakim Curry says, I ain't seen you, talk to you. Curry says, who the fuck is Kemo? Hakim Curry; "Who the fuck is Kemo or some shit?" Hamid Baskerville; "I ain't talk to no one. I don't know anything." Curry talks about five sales, surveillance.

4. If these calls in substance are in part from the call synopsis are deemed accurate and true, they are a proof that the testimony Anthony Young was false on several material facts;

a. That there was no meeting on the morning of November 25, 2003 at the residence of Jamal Baskerville, where at the very least that Hakim Curry and Hamid Baskerville were present at the same time as Anthony Young testified to.

b. That Rakeem Baskerville was present in the vehicle with Hakim Curry and Anthony Young during those calls between Curry and Bergrin.

c. That because Rakeem Baskerville was not present in the vehicle along side Hakim Curry as Anthony stated, that he and Young could not have come to the conclusion who "KEMO" was.

d. And through the various inquiries of Hakim Curry in the above mentioned conversations that it was not clear who Kemo was at the

time of those calls between him and Paul Bergrin.

5. Also from the call synopsis there was fourteen other calls from the dates of November 26, 2003 to December 12, 2003.

6. Two of which are re-incorporated from my declaration dated September 24, 2013 in ¶(E)(3),(4),(6),(7), and(8).

7. The rest of the in substanc and in part were to show that during the course of those days ther was no calls setting up a meeting at the residience of Jamal Baskerville 4 to 5 days after my arrest between Hakim Curry, Paul Bergrin, Rakeem Baskeville, or anyone else as Anthony Young stated in his testimony.

8. I have recently received a hand written statement of on Jonny Lee Davis dated March 7, 2011.

9. This statement consisting of 5 pages. Which is a hand written, a transcription of Mr. Davis' statement, and 2 pictures which were attached and signed Mr. Davis one of which was Anthony Young wherein Mr. Davis signed that he was 1000% sure that Young was not the shooter of Kemo McCray.

10. I aslo recently received a discovery letter in the matter of United States v. Bergrin Case No. 09-369 dated November 30, 2012 wherein Mr. Bergrin's standby coussel made over 24 different request for discovery material in that matter.

11. Listed below is just a few of those request:

a. During the 2011 Kemo murder trial, Federal Bureau of Investigation (FBI) Special Agent Shawn Brokos testified that she "asked sources whether or not the had seen" Mr. Bergrin's vehicle in the vicinty of Avon Avenue and 17th Street in Newark, New Jersey during the period of November 26, 2003 to November 30, 2003. Tr.(10/19/11) at 161. Mr. Bergrin now requests all documents and information related to those quiries, including the names of any individuals who were questioned in this regard, as well as any reports, notes

or statements taken with respect thereto, which are likely to exculpate Mr. Bergrin of any involvement in the Kemo murder alleged as substantive offenses in Counts Twelve and Thirteen of the Second Superseding Indictment("Indictment"). (¶ 1)

b. During the 2011 Kemo murder trial, Special Agent Shawn Brokos also testified that an eyewitness to Kemo McCray's shooting indicated that the shooter was positioned behind Mr. McCray. Tr.(10/20/11) at 39-40. Mr. Bergrin now requests all documents and information related to this potential witness, including the identity of that individual, as well as any statements taken from him or her, and reports or notes concerning this potential witness, which are likely to exculpate Mr. Bergrin of involvement in the Kemo murder. (¶ 2)

c. Documentation of several FBI interviews that the government provided in accordance with Jencks 18 U.S.C. § 3500, shows that unidentified subjects made statements supporting defense theories that may exculpate him of involvement in the Kemo murder case. As a result, Mr. Bergrin now seeks the identity of the informants specifically described in J-02840, J-02866, and J-03126. (¶ 6)

d. An FBI report, also provided in accordance with the Jencks Act, states that an unidentified individual reported that on the day Mr. McCray was killed, "the barber from the barber shop on the corner of 19th and South Orange allegedly ran out and tackled the shooter." He also witnesses four males across the street who appeared to be involved in the shooting" J-02707. Accordingly, Mr. Bergrin now requests documents and information related to this barber, including and any additional reports, statements taken, interview notes, or photographs presented in connection with this potential witness, who is in a position to provide a first-hand account of the shooter's appearance consistent with the defense theory, and exculpate

e. Mr. Bergrin also seeks the results of any polygraph examinations administered to any witnesses as well as a list of the questions asked, which Mr. Bergrin believes will support the defense theory that the testimony of the government's witnesses is fabricated. (¶ 24)

12. This was not an exhaustive list for discovery made by Mr. Bergrin and his standby counsel.

13. This is my attempt to present information that I have discovered through my exercise of due diligence.

Executed under penalty of perjury pursuant to 28 U.S.C. § 1746 on this 24 day of November, 2013 at FCC Coleman--USP 1; Coleman, FL 33521.

William Baskerville  
By: William Baskerville  
Reg. No. #25946-050

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