

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION
CIVIL NO. 13-5881 (PGS)
CRIMINAL NO. 03-836 (JAP)

R E C E I V E D

AUG 01 2016

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

WILLIAM BASKERVILLE,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

PETITIONER'S MOTION TO EXPAND THE RECORD
TO INCLUDE NEWLY DISCOVERED EVIDENCE

COMES NOW, Petitioner acting pro-se in the above styled § 2255 case, and respectfully moves before this Honorable Court under Rule 7, Rules Government § 2255, requesting leave to expand the Record to include newly discovered evidence in support of Petitioner's § 2255 motion which is simultaneously filed with this motion. Also, Petitioner humbly seeks to clarify in this motion and those relevant facts from this new evidence by offering an explanation when necessary to put the information in context.

Accordingly, Petitioner would include the following items as newly discovered that are attached with this motion:

1). The cover page a a Rule 33 motion for a new trial, on grounds of newly discovered evidence, in the matter of United

States of America v. Paul Bergrin, Case No. 09-369, was filed on 6/27/2016, which contains several exhibits, consisting of an affidavit, Exhibit One; a transcript of an audio taped statement, Exhibit Two; and Certifications, Exhibit Three and Fifteen. Exhibit Fifteen for this Expansion motion herein after will now be Exhibit Four.

2). Petitioner also seeks to expand the record with an Essex County Prosecutor's Office "File Preparation Checklist" for the Kemo McCray murder case, Exhibit Five, and a Newark Police Report accompanied by a statement and a Newark Police Department Photo Display Report, Exhibit Six.

3). Exhibit Two, from the Bergrin Rule 33 motion is a transcribed audio statment from Hassan Miller, who was an inmate housed at the Hudson County Jail, along with Anthony Young, in 2005 - 2007. Thus, the new evidence demonstrates that the Government's key witness, Anthony Young falsely implicated those who where alleged to be involved in the Kemo McCray murder conspiracy.

4). The Miller statement is replete of Young's admissions that he was going to falsely implicate those whom were allegedly involved in the McCray murder case. Based upon Young's continuous admissions to lying, Miller through his counsel initiated contact with the Government informing them of Young's false plots to which the Government elected on August 3rd, 2005, to wire Miller up as Miller states:

"It was to catch Anthony Young in his lie, so thats why...thats why I had wore that, to catch him in his

lies against Paul Bergen and Hakeem Curry.

See Exhibit Two, Page 17. See also Page 12.

5). Miller, also states that after the conclusion of the wire-taps, that the Government released him, when they heard for themselves, Young's false implications in 2007. See Exhibit Two, Pages 12 - 13 and 18 - 19.

6). Furthermore, Miller in his statement admits that he was in favor of the defense and because of that the Government felt he would not have been a favorable witness, for the prosecution and therefore, they felt no need to seek him out. (See Exhibit Two, Pages 12 - 14). And as Miller put it, "They didn't know if the truth would've came out. So they just said leave him the fuck alone." (See Page 13).

7). Although the Government in its reluctance during the Petitioner's trial provided the Miller and Young wire recorded conversation in its entirety after trial counsels for the Petitioner alerted the trial court of the Government's initial attempts of turning over only snippets of that conversation. (Tr. 4311 - 4313; 4327 - 30). The Government however, had yet again conveniently failed in their obligation under Brady v. Maryland, 373 U.S. 83 (1963) to provide Petitioner with crucial exculpatory and impeaching information and evidence. That is, (1) it was Mr. Miller through the assistance of his lawyer who sought the Government out, and informed them that their key witness in the McCray murder, Anthony Young had admitted to Mr. Miller and others while in the Hudson County Jail he was ly-

ing and was falsely implicating others in that crime, and not just Jamal McNeil whom Young's initial claims to the Government was McCray's shooter. (2) that based upon the information provided by Mr. Miller of Young's falsities and lies was the Government's reason it elected to wire Mr. Miller up to start with and as he put it, it was to "catch Anthony Young in his lies". Id. (3) Thus, the Government never disclosed any of this information to the Petitioner.

8). The Petitioner as well as the jury were entitled to know that there was a Government witness who was defense friendly and who had knowledge of other potential witnesses whom Young had also made admissions to of his false implications of people that he alleged was involved in the McCray murder conspiracy. So had the Petitioner been provided with this new information during trial the proceedings would have been different.

9). Exhibit Three, from the Bergrin Rule 33 motion is a certification from Michael McMahon who was the Private Investigator who had interviewed and recorded the colloquy with Hassan Miller.

10). Exhibit One is new evidence from the Bergrin Rule 33 motion, which is a hand written letter affidavit from a Charles Madison which was addressed to Attorney Lawrence Lustberg. Mr. Madison's statements in his letter affidavit is in regards to a phone conversation that he states he had with Young back in 2005, subsequently shortly thereafter, the Miller / Young wire recording, in which Mr. Madison also states that Young admitted to him in the call that Young was lying and falsely implicating people in the McCray murder conspiracy just to get a deal.

11). Exhibit Four, which is Exhibit Fifteen from the Bergrin Rule 33 motion and is new evidence, is a Certification from Private Investigator Michael McMahon of a June 26, 2016, interview he had with a Shawn McPhall a/k/a/ Maurice a.k.a. Mike Cassidy. Mr. McMahon ascertained in his interview of Mr. McPhall that Mr. McPhall was a witness to the McCray murder and that he was interviewed by law enforcement regarding the identity of McCray's shooter. (See Exhibit Four). The Government never disclosed to Petitioner prior to or during trial that it had knowledge of Mr. McPhall's identity as a witness to McCray murder.

12). Exhibit Five, which is an Essex County Prosecutor's Office "File Preparation Checklist", for the McCray murder case with the Government marked as Exhibits J-04453 - J-04457. (See Exhibit Five). There's a notation that a "C. Spruill" was one of the witnesses, J-04454, and another notation that "C. Spruill IDs Shawn McPhall for Pulling Gun On Him. Susp. mentioned Prior Shooting". J-04456.

13). Exhibit Six, which consist of a Newark Police Report, accompanied by a Statement and Report. These documents pertain to Charles Spruill's allegations of being assaulted by Shawn McPhall. See Exhibit Six.

The Reports in Exhibit Six were obtained by an investigator of Mr. Bergrin, through the Essex County Prosecutor's Office. A review of the documents shows that they were never marked by the Government as Exhibits to be used in any proceedings.

14). Exhibits Five and Six, stated in Paragraphs 12, and 13,

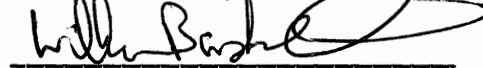
mentioned above, is evidence of those references made by Mr. McPhall in the MaMahon certification that McPhall was arrested and charged with aggravated assault. Exhibit Four, Paragraph 7, that the McPhall was a witness to the McCray murder and questioned by the police about the McCray murder. Also see Exhibit 4, Paragraph 4 - 6.

IN CONCLUSION

Petitioner humbly request that this Honorable Court in this Motion to Expand the Record, consider the arguments made herein this motion and the evidence attached hereto, cummlatively along with all the other evidence and information already before the Court in Petitioner's 2255 motion, to vacate, set aside or correct Petitioner's sentence.

7/26/2016
Executed On

Respectfully Submitted,



William Baskerville
#25946-050
FCC-COLEMAN-MEDIUM
POB 1032
COLEMAN, FLORIDA
33521-1032

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 26 day of July, 2016, to:

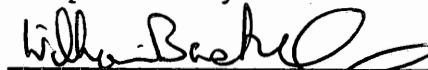
Clerk of U.S. District Court
District of New Jersey
Trenton Division
Clarkson S. Fisher Federal Building
And United States Courthouse
402 East State Street
Trenton, New Jersey
08608

AND

U.S. Attorney's Office
ATTN: JOSEPH N. MINISH
ATTN: ROBERT L. FRAZER
970 Broad Street
Seventh Floor
Newark, New Jersey
07102

Title 28 U.S.C.
Section 1746

Respectfully Submitted,



William Baskerville
#25946-050
FCC-COLEMAN-MEDIUM
POB 1032
COLEMAN, FLORIDA
33521-1032

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

PAUL BERGRIN

Defendant.

Criminal No. 09-369

Filed Electronically

**BRIEF IN SUPPORT OF DEFENDANT PAUL BERGRIN'S MOTION FOR A NEW
TRIAL GROUNDED ON NEWLY DISCOVERED EVIDENCE**

GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102-5310
(973) 596-4500

Counsel for Defendant Paul Bergrin

On the brief:

Lawrence S. Lustberg, Esq.
Amanda B. Protess, Esq.

To: Lawrence Lustberg
The Gibbons Firm
One Gateway Center
Newark, N.J. 07102

Re: Paul Bergain

I (Charles Madison #6507-050) grew up with Anthony Young from adolescents in the city of Newark around the railburg area. We are like brothers and we saved time together in Bordentown (Albert C. Wagner Youth Correctional Facility) in the early 90's at which time a very good friend of ours was stabbed and killed in the rec yard. I also saved time with Mutalik in Leesburg (Bayside State Prison) whom I'm also familiar with from the neighborhood. My Godson's father was once a member of Young's crew on Alexander street where Young's family lived.

In September of 2005 I was released from Leesburg (Bayside Prison) and read news about E.T. Hanks arrest. Shortly after that I started receiving phone calls from Art. At the time he was incarcerated but he called from a cell phone to my boost mobil cell phone. I believe he got the number from my Godson's father but I never asked. He asked me to put money on his inmate account. Said he was going into some kind of witness protection program. Said that he would be getting a house, a car, and money, but that would

come later and he needed money to hold him over until then. He said his family and girlfriend Rasheeda is going with him. He finally stated that he was not going to jail anymore and that he was tired of doing time. Said he had wasted a lot of his life in jail and has nothing to show for it. I asked him if he had thought this thru and his response was "Yes". I asked him what he had to do and he said he had to tell these people some information about who they were interested in (HAK, Rakeer Baskerville, Paul Bengain) and the murder of some guy named Kimo. He said he didn't do the shooting but would confess to it as long as he got a lighter sentence in actual. He spoke about Paul, but said he didn't do shit and he had to make up some bullshit about a meeting that supposedly took place because they kept pressuring him about Paul (he actually laughed like it was funny after he made the statement). He said he lied & told them that Paul held a meeting and told them to kill this kid Kimo. I asked him if there was even a meeting and he said "hell no, Paul didn't do anything but if I don't say that my deal is off the table."

I've only met Paul in passing, but when I saw him praying one day and crying out real tears to "God" for the strength to endure this hell hole, it moved me with compassion. I to as well as my family, are "God" fearing people

And when I am this by my wife she also told me that I should do the right thing and tell someone, because no innocent person deserves to spend the rest of his life in prison. Besides that, if it were me I would want someone to do the right thing also. I have nothing to gain or lose as a result of my truthfulness, but I would like a clear conscious.

Respectfully,
Charles Madison

I do solemnly swear that all of the above is true, accurate and correct.

Charles Madison

Witnessed by:

Quion P. McLean

11:41 AM January 17, 2014

EXHIBIT 2

STATE OF NEW JERSEY
COUNTY OF HUDSON

STATEMENT OF
HASSAN MILLER

)
)
)
)
)
)
)

TRANSCRIPT
OF
AUDIO TAPED
STATEMENT

Location: Delaney Hall in Newark, New Jersey
Date: 12/3/2013

TRANSCRIPT ORDERED BY:

GENESIS A. PEDUTO, ESQ., NORTH BERGEN, NEW JERSEY

Transcriber: Karen English
Karen English Transcription Service
P.O. Box 1276
Island Heights, New Jersey 08732
(732) 255-1247 - Fax (732) 255-1366

Electronically Sound Recorded

Colloquy

2

1 MR. MCMANN: Today's December 3rd, 2013.
2 This is private investigator Michael McMann along
3 with Dennis Suarez. (both phonetic) We're speaking
4 today to Hassan Miller. We're at Delaney Hall in
5 Newark, New Jersey, which is the Essex County Jail.
6 The time now is approximately 12:00 p.m. So, all
7 right, Hassan, as you know, we're working for Paul.
8 Are you willing to speak to us about --

9 MR. MILLER: Yes, yes, yes.

10 MR. MCMANN: Okay.

11 MR. SUAREZ: Voluntary. Has anybody --

12 MR. MILLER: No, no, no, no.

13 MR. SUAREZ: -- threatened you or
14 anything? Okay.

15 MR. MILLER: Yeah, no.

16 MR. SUAREZ: Okay.

17 MR. MILLER: I just don't want my --
18 because last time, my name was in the paper, man.
19 I -- I'm forever gonna be stupid.

20 MR. MCMANN: Okay, well listen --

21 MR. MILLER: I'm forever -- you got to
22 feel me. I'm forever looking really stupid.

23 MR. MCMANN: Okay.

24 MR. MILLER: It was in the paper, and I
25 was like, I said, oh my goodness.

Colloquy

3

1 the paper? For what?

2 MR. MILLER: Well, you know -- you know
3 the man. You know, Paul fighting for his life.
4 You know what I'm saying? So --

5 MR. MCMANN: Yeah, sure.

6 MR. MILLER: And at the time I had -- it
7 was a Anthony Young, he basically came into Hudson
8 County, and basically was saying that -- this what
9 he said. He was, like, going around people and
10 trying to -- he said, you know what? I guess he
11 started hanging with the wrong type of group of
12 guys. You know, in there, you know, you got the
13 guys with the -- (indiscernible) -- and all that.
14 So he started hanging with the guys. People
15 started -- first, he came in with a gun case, and
16 then he got with a group of guys, and that was
17 that. I said to him, like, yo, you can help
18 yourself out.

19 UNIDENTIFIED MALE SPEAKER: Yeah.

20 MR. MILLER: So, once I heard him say --
21 he said, you know what I'm going to do -- because
22 he only had a gun case. All he was going to do was
23 about five years off a gun case. He said, I'm --
24 I'm going to pin this on Hakeem, ETI, Hakeem Curry.
25 (phonetic) He said, and I'm going to get Paul

Colloquy

4

1 Bergen (phonetic) in it. So, he running around
2 telling everybody this. So I'm like, why would you
3 try to destroy some man, like, you don't even know
4 nothing about? He said, man, fuck that. And he
5 didn't even do the shooting, but he said he going
6 to pin this on Hak (phonetic) and Paul.

7 MR. MCMANN: Well, why don't you start
8 from the beginning.

9 MR. MILLER: Hm-hm. Okay.

10 MR. MCMANN: If you don't mind.

11 MR. MILLER: Okay.

12 MR. MCMANN: Take us -- take us through -

13 -

14 MR. MILLER: Okay.

15 MR. MCMANN: -- how you were in jail.

16 First of all, I don't want you -- I don't want you
17 -- I know you're in here on current charges.

18 MR. MILLER: Yeah.

19 MR. MCMANN: There's one question I
20 want to ask you: are you represented by an
21 attorney?

22 MR. MILLER: No. I got a public
23 defender, but my case is done. My case is done. I
24 got a -- I got 16 months in, so my case is done.

25 MR. MCMANN: Your case is done? Okay,

Colloquy

5

1 because we were trying to ascertain who your
2 attorney was and try to -- and you -- it was our
3 understanding that you didn't have an attorney --

4 MR. MILLER: No, I don't. I don't.

5 MR. MCMANN: So, we just wanted to be
6 above board.

7 MR. MILLER: Yeah, okay. All right --

8 MR. MCMANN: You know, with permission to
9 speak to you.

10 MR. MILLER: Yeah, yeah, yeah, yeah --

11 MR. MCMANN: Do you understand?

12 MR. MILLER: Yeah.

13 MR. MCMANN: Okay.

14 MR. MILLER: All right.

15 MR. SUAREZ: So, basically, just start
16 from the beginning how you came in contact with
17 Anthony Young.

18 MR. MILLER: He was on the unit. He came
19 in on a unit. It was -- it was -- what's his name
20 -- (indiscernible) -- this is -- this is a minute
21 ago. Hold up, hold up. Will, Will Baskerville,
22 (phonetic) he was under our unit, it was 83 East in
23 Hudson County. So, we was -- once -- we was there
24 for a long time. Next thing you it, they left --
25 they -- once he left, that night, Anthony Young

Colloquy

6

1 came in. They call him Fat Ant. Anthony Young
2 came in, so we was trying to figure out, like, why
3 they move Will and he bring him over -- because we
4 didn't know that he was basically, you know, knew
5 them. So, you know, he was kind of cool when he
6 came in. He was from Newark, because you know, we
7 -- evidently, it was Passaic County for the Federal
8 holding and it was Hudson County. So, they had us
9 over there.

10 So you know, when a group of guys come in
11 that's from Newark, you know, we try to group up
12 with them. And, you know, okay, because it's
13 Jersey City. You know what I'm saying? So,
14 Anthony Young came, and he was like, you know, I'm
15 Fat Ant --

16 MR. SUAREZ: So, what you're saying is
17 the Newark guys were kind of --

18 MR. MILLER: Yeah --

19 MR. SUAREZ: -- hanging with the Newark
20 guys?

21 MR. MILLER: Yeah, yeah, the Newark guys.
22 You know what I'm saying? So, when he came in, he
23 was like, you know, I'm from Alexander. So, I was
24 like, yeah? So you this guy, you know this -- like
25 talking about my cousins. You know, my little

Colloquy

7

1 cousins. He said, yeah, I know all of them. So I
2 was like, yeah.

3 So, next thing I know, he said, I got a
4 gun case. So I was like, you got a gun case? I
5 said, okay. All right. So he started hanging with
6 the other guys.

7 MR. MCMANN: Can I ask you one thing, --

8 MR. MILLER: Yeah.

9 MR. MCMANN: -- too? I'm sorry to
10 interrupt real quick.

11 MR. MILLER: Hm-hm.

12 MR. MCMANN: Are you recording anything
13 now?

14 MR. MILLER: Hell no. I got -- I just
15 came in. I don't want my people -- because they --

16 MR. MCMANN: Okay. I'm just -- I'm just
17 asking.

18 MR. MILLER: -- (indiscernible) -- they
19 know -- they -- because I don't want them, you know
20 -- they came to say, Oh, Hause, (phonetic) who was
21 this coming to see you? And I'm like, I don't want
22 no problem with it --

23 MR. MCMANN: Okay. I was just asking.
24 I mean, you could tell me yes, you could tell me
25 no, it really doesn't make a difference.

Colloquy

8

1 MR. MILLER: No, bro. Bro, I thought, ya
2 was coming to do a pre-sentence report.

3 MR. MCMANN: Okay, no problem. Okay. No
4 problems. Go ahead.

5 MR. MILLER: But I don't want, like, some
6 of the counselors will know, like, you know what
7 I'm saying? Like, you know, they look me at like,
8 what's going on -- (indiscernible) -- but I just
9 don't want no problems no more man, because, I --
10 trust me -- I never seen Paul Bergen. I never had
11 him, I never -- you know what I'm saying? I just
12 knew he was helping -- guys out, you know what I'm
13 saying, with they cases. He was a good lawyer and
14 that's it, you know what I'm saying?

15 MR. SUAREZ: Okay. So, go ahead.
16 Continue what you were saying.

17 MR. MILLER: Okay. And he came, and Fat
18 Ant came in, and he was basically that he had a gun
19 case. So, once he started getting comfortable for
20 a few weeks, he started saying somebody must have
21 said you can get out faster with this and that and
22 get out fast and stuff. So, I was like -- the next
23 thing I know, he started going around saying, yo,
24 the guy, -- I forgot the dude name that he
25 supposedly had -- that he supposedly had -- had

Colloquy

9

1 shot, whatever -- on South Orange Avenue or
2 whatever the case. He said, listen, I'm going to
3 put myself in there. I'm going to say Hak [sp] did
4 it, and I'm going to say Paul -- you know what I'm
5 saying -- had something to do with it, and he
6 orchestrated the whole thing. So I'm like, why
7 would -- and so, we sitting there like, why would
8 you lie on a man that you don't even -- you know
9 what I'm saying? You -- this man is a fucking
10 lawyer.

11 UNIDENTIFIED MALE SPEAKER: Right.

12 MR. MILLER: I guess he was more of --
13 trying to fight his way out, knowing he didn't even
14 do the -- what's the dude name? I can't get the
15 guy name. I can't -- it's going to come to me. I
16 can't --

17 MR. SUAREZ: Who are you going about,
18 Hakeem Current? (phonetic)

19 MR. MILLER: No, it was a guy that got
20 killed on South Orange Avenue. It was somebody
21 that I don't know. I forgot the guy's name, but
22 basically, he start lying and saying that Paul --
23 I'm going to say Paul --

24 MR. SUAREZ: You're talking about Kemel?
25 (phonetic)

Colloquy

10

1 MR. MILLER: Yeah, yeah, yeah. Yeah,
2 yeah, yeah, yeah. He said that he did it, knowing
3 that he didn't even do it, but he said this is his
4 -- his meal ticket to get out, so he's going to use
5 Paul, you know what I'm saying? I'm like, why
6 would -- no, so everybody in the unit --

7 MR. MCMANN: Why don't you be clear about
8 that?

9 MR. MILLER: It was -- so, it was --

10 MR. MCMANN: What -- what I want you to
11 -- what I'm -- what I'm curious is did -- when
12 Anthony Young was telling you this --

13 MR. SUAREZ: Did you know about the
14 homicide?

15 MR. MILLER: NO.

16 MR. SUAREZ: Prior to him bringing it up
17 to you?

18 MR. MILLER: But, no. I never knew, no,
19 no.

20 MR. SUAREZ: Okay. So the first you
21 heard about this homicide, you never -- you never
22 knew who the victim was --

23 MR. MILLER: No, I never knew nobody --

24 MR. SUAREZ: -- until you were in jail?

25 MR. MILLER: I was just on my own

Colloquy

11

1 situation with my cousins, and that's it. I don't
2 know these guys or nothing like that. Like I said,
3 before, it's a lot of things that's -- that's not
4 clear because it was so long ago. This was -- you
5 talking about this was in 90 -- 2003 or 2004 and
6 2005, 2006. I came in 2007, so that was -- it was
7 minute ago, but I just know that the guy's a
8 habitual liar, and he said he was going to
9 basically pin this on Paul.

10 Paul ain't have shit to do with this.
11 You know what I'm saying? And a lot of people that
12 was on the unit -- you know what I'm saying -- at
13 the time, they knew this. It's -- this guy was a
14 lawyer, and he was just basically representing
15 guys. He ain't have shit to with the situation,
16 and I just got caught up in the this, because I
17 didn't think this was going to go too far, because,
18 brother, I'm -- for real, I'm still to this day
19 feeling like an asshole, because it's got me --
20 even though I would like to help the guy, but when
21 my name was signing that paper. I looked like a
22 goddamned fool. (Indiscernible) -- Hassan Miller
23 recordings, so imagine what I'm going through. You
24 know what I mean?

25 MR. MCMANN: Let me ask you one question.

Colloquy

12

1 How did you come to be involved in this whole
2 recording thing? Why don't -- why don't you
3 explain that from the beginning?

4 MR. MILLER: Okay. I became involved in
5 the recording because this dude, Anthony Young, was
6 lying. So I said, you know what? You know what
7 I'm a do? I said, I'm going to catch him in a lie
8 and I'm going to help my damn self out, and he --
9 basically was lying again, so that's all they
10 wanted to see. So, my lawyer was like --

11 MR. MCMANN: Who - who did you speak to,
12 or how that -- I want you to explain how --

13 MR. MILLER: My lawyer, I forgot his
14 name. It was my lawyer and I told him -- I said,
15 this guy Anthony Young is over there lying and
16 stating that he was going to rat on Paul, and lie
17 -- basically lying. So, once he said the -- my
18 lawyer, I forgot his name was -- he got to the
19 prosecutor, and the my prosecutor said, yeah and
20 brought me over. And then they wanted to say, you
21 sure about that? I said, yeah, he lying on the
22 guy, Paul Bergen, and he saying all this that he's
23 going to do. So they wanted to hear it they self.
24 Once they heard it, they cut me lose.
25 You know what I'm saying? They cut -- I waited and

Colloquy

13

1 I got sentenced, because they got -- they got all
2 the information on tape, but what they did was they
3 -- I guess they excluded me, because, you know,
4 they would have been coming looking for me, you
5 know? I was working for Mars M&M's before this
6 case. So once Paul was on his trial, they never
7 came to see me, because you know -- in that
8 situation, they would of came, but they didn't know
9 if the truth would've came out. So they just said
10 leave him the fuck alone. You know what I'm
11 saying?

12 UNIDENTIFIED MALE SPEAKER: Right.

13 MR. MILLER: Because they wanted to keep
14 it like this, you know what I mean? How would they
15 lies going on saying that, you know -- how -- you
16 know what I mean?

17 MR. SUAREZ: So, they never --

18 MR. MCMANN: Well, I know -- when you say
19 that I don't know what you mean, please explain
20 what you mean.

21 MR. MILLER: Okay, basically --

22 MR. MCMANN: You know what I'm saying? I
23 understand it's a -- you know, a lot of people use
24 it and they say, you know what I mean?

25 MR. MILLER: Okay.

Colloquy

14

1 MR. MCMANN: But I want you to be clear.

2 MR. MILLER: They -- I would suggest that
3 the prosecutors would've come looking for me, or
4 the federal government would've come looking for me
5 and stated -- you know what I'm saying -- to help
6 them in they case. You know what I'm saying? But
7 being though they know I was in the defense for
8 Paul, they left me the fuck alone. So they just --
9 they never brought me to court, they never came
10 looking for me or nothing. You know what I'm
11 saying? So, Paul was fighting for his life.
12 That's how my name came up. And he told them,
13 that's how my name came in the -- (indiscernible) -
14 - recordings. That's how my name -- because Paul
15 fighting for his life, and he know Anthony Young is
16 lying.

17 But basically, with this right here, man,
18 I do not -- because if these people find out that
19 y'all are here to see me, I'm going to be looking
20 like a fool again.

21 MR. SUAREZ: (Indiscernible)

22 MR. MCMANN: Did -- how many times did
23 you wear a wire?

24 MR. MILLER: You loud, bro.

25 MR. MCMANN: I'm sorry.

Colloquy

15

1 MR. SUAREZ: Nobody hears it.

2 MR. MILLER: Yes, they do. Its --

3 (indiscernible) -- on the floor. It's -- no, you

4 ain't got to look out there. You aint' got to --

5 (indiscernible) --

6 MR. SUAREZ: How many times did you wear
7 a wire?

8 MR. MILLER: It was one time. It was
9 like --

10 MR. SUAREZ: Once?

11 MR. MILLER: Yeah, one time. It was
12 only, like, for, like, a half hour.

13 MR. SUAREZ: One time, a half hour with
14 Anthony?

15 MR. MILLER: Yeah, and that was it, and I
16 left it alone.

17 MR. SUAREZ: And that took place at the
18 Hudson County jail?

19 MR. MILLER: Yes, yes, yes.

20 MR. SUAREZ: That was the only time?

21 MR. MILLER: Yeah, that was the only
22 time, and that was the only --

23 MR. SUAREZ: Did they ask you to wear a
24 wire --

25 MR. MILLER: No.

Colicquy

16

1 MR. SUAREZ: -- a second time or a third
2 time?

3 MR. MILLER: No, no, no, no.

4 MR. MCMANN: What did they ask you --
5 what were you asked -- first of all, who did you
6 deal with?

7 MR. MILLER: You talking about as far as
8 the prosecutor?

9 MR. MCMANN: Yeah.

10 MR. MILLER: It was a Camilla Valdez.
11 (phonetic) I think that was my prosecutor at the
12 time.

13 MR. SUAREZ: Okay, was it a U.S. Attorney
14 you were talking about?

15 MR. MILLER: Yes, yes.

16 MR. SUAREZ: Okay, but you were dealing
17 somebody -- the prosecutors weren't the people that
18 wired you up.

19 MR. MILLER: No, it was a lady. I don't
20 know who she was. It was a lady that came over
21 there. I think she was a marshal, or whatever the
22 case was. But she --

23 MR. MCMANN: She was a what? A marshal?

24 MR. MILLER: Yeah, I believe it was a
25 marshal.

Colloquy

17

1 MR. MCMANN: Okay.

2 MR. MILLER: And they said here, and I
3 don't know who it was at that time, because like I
4 said, I -- it was ten years ago. You know what I'm
5 saying? But that's when she came to did that. You
6 know what I'm saying? But I know that Anthony
7 Young is -- (indiscernible).

8 MR. MCMANN: No, I understand that. I
9 understand that, but just regarding the wearing,
10 you know, the wire, were you told why you were
11 wearing it?

12 MR. MILLER: No, basically they was
13 trying to -- they wasn't -- it wasn't against Paul.
14 It was to catch Anthony Young in his lies, so
15 that's why -- that's why I had wore that, to catch
16 him in his lies against Paul Bergen and Hakeem
17 Curry.

18 MR. MCMANN: Okay.

19 MR. MILLER: Yeah, it wasn't against --
20 it wasn't against --

21 MR. MCMANN: Who told you that?

22 MR. MILLER: I think it was --

23 MR. MCMANN: You think or you know?

24 MR. MILLER: At the time, it was my
25 prosecutor and my lawyer, and they wanted to catch

Colloquy

18

1 -- and it was -- I don't think -- his name --
2 (indiscernible) -- and they was like, you sure?
3 And I was like, yeah, Anthony Young lying. So,
4 they wanted to see for him -- I don't think they
5 really wanted to use me, because -- you know what
6 I'm saying -- because it was basically they was
7 gunning for this guy, but --

8 MR. MCMANN: Gunning for which guy?

9 MR. MILLER: Paul. But they -- but they
10 know that Anthony Young was lying. Everything that
11 he said was a straight lie --

12 MR. MCMANN: What exactly did the
13 prosecutors tell you regarding Paul?

14 MR. MILLER: They don't really say
15 nothing, they just wanted to see if Anthony Young
16 was lying; that's it. They didn't really say too
17 much about Paul. They ain't say nothing -- they
18 just wanted to catch him in his lies, and -- once
19 he said -- he caught them on the recording saying,
20 I'm going to say that Paul did it. I know he
21 didn't have anything to do with it, but I'm going
22 just use them anyway and say that he did it. And
23 that was it.

24 MR. MCMANN: Okay.

25 MR. MILLER: And then once I got out, I

Colloquy

19

1 got out 2007, so that was it.

2 MR. SUAREZ: Did Young ever admit to you

3 --

4 MR. MILLER: All the time.

5 MR. SUAREZ: -- that he was or was not

6 the shooter?

7 MR. MILLER: He stated -- he said he was.

8 MR. SUAREZ: He said he was the shooter?

9 MR. MILLER: Yeah, he said he was the
10 shooter, but apparently, it came out --

11 MR. SUAREZ: Of Kemo? (phonetic)

12 MR. MILLER: Yeah, but apparently, it
13 came out that he wasn't even the shooter. You know
14 what I'm saying?

15 UNIDENTIFIED MALE SPEAKER: So, he told
16 you -- he told you he was the shooter?

17 MR. MILLER: Yeah, yeah.

18 UNIDENTIFIED MALE SPEAKER: And then it
19 came out that he was not the shooter?

20 MR. MILLER: Yeah, yeah. Something like
21 that.

22 UNIDENTIFIED MALE SPEAKER: He never told
23 you he lied about who shot --

24 MR. MILLER: He said he was lying, yeah.
25 He would say -- he just -- man, with so many lies.

Colloquy

20

1 -- (indiscernible) -- you know what I'm saying? He
2 could've -- like I said, he could've just did his
3 little five years and came home instead of putting
4 himself in a jam and then putting another guy
5 that's innocent, which was a lawyer, in the
6 situation. So everybody on that unit knew that
7 this guy was lying, and they wasn't get -- they
8 didn't like the fact that, you know, he -- you're
9 gunning for a lawyer.

10 That's just a lawyer. That's a cooler --
11 you know what I'm saying -- cool lawyer, and he's
12 out there representing guys. You know what I'm
13 saying? That was it.

14 As far as any negativity, no -- it was
15 nothing. There wasn't nothing never bad said about
16 it. And like I said, I never seen him, I never
17 knew what he looked like -- you know what I'm
18 saying -- until I seen him in the paper. I never
19 had a conversation with him, but I just didn't like
20 the fact that this guy, Anthony Young, was going to
21 straight sit there and straight lie on the guy?
22 You know what I mean? And that was -- I didn't
23 think that was right.

24 So I used it for my benefit to catch him
25 in his lie, and get myself out a jam. But he was

Colloquy

21

1 lying, and that's how I got out a jam, which he was
2 lying. And that's how I got out the jam. But I
3 don't want to be the -- (indiscernible) -- like I
4 said, I'm willing to help the guy; but I don't want
5 to be in a jam, because these people will be jam me
6 up more and I'm already trying -- I'll be home
7 soon. You know what I'm saying? So I don't want
8 no problems, man.

9 UNIDENTIFIED MALE SPEAKER: Yeah, what
10 did Anthony Young tell you about the shooting? If
11 you'd be -- if you could be specific about.

12 UNIDENTIFIED MALE SPEAKER: Do you want
13 us to move closer?

14 MR. MILLER: Yeah. You ain't got to be
15 loud, yeah.

16 UNIDENTIFIED MALE SPEAKER: So when we
17 talk -- I mean, I'm just trying to get into your
18 personal space. You want to move a little closer,
19 and this way he doesn't feel so uncomfortable.
20 Grab a chair. You want to sit closer? Sit there.
21 Sit there.

22 UNIDENTIFIED MALE SPEAKER: Doesn't
23 matter.

24 UNIDENTIFIED MALE SPEAKER: This way, you
25 can be close to him.

Colloquy

22

1 MR. MILLER: But I -- as far as the
2 shooting, he was stating that -- man, he would just
3 say that he going to say that he did it, and -- to
4 get himself out a jam, but he going to say that
5 Paul orchestrated -- you know what I'm saying --
6 being Paul was representing Hakeem Curry at the
7 time, so he said he going to put them both
8 together. He said -- he said -- he just said, yo,
9 they going to love to hear that so they can catch
10 two birds with one stone, so they going to love to
11 hear that. I said, yo -- (indiscernible) -- about
12 you lying? He said, man, fuck that. I know, but I
13 got to get myself out a jam. So.

14 UNIDENTIFIED MALE SPEAKER: Are these are
15 conversations that he had with you --

16 MR. MILLER: Everybody.

17 UNIDENTIFIED MALE SPEAKER: With
18 everybody. This was before --

19 MR. MILLER: Yeah.

20 UNIDENTIFIED MALE SPEAKER: -- and after
21 you actually taped him?

22 MR. MILLER: Yeah, yeah. Yeah, yeah,
23 yeah, yeah.

24 UNIDENTIFIED MALE SPEAKER: Okay.

25 MR. MILLER: Yes, yes, yes, yes, yes.

Colloquy

23

1 UNIDENTIFIED MALE SPEAKER: Okay, did he
2 change his story after -- while you were taping?
3 Did he --

4 MR. MILLER: No, he just said -- he just
5 was yapping --

6 UNIDENTIFIED MALE SPEAKER: Discuss that
7 much?

8 MR. MILLER: He was just yapping. He was
9 just yapping, man. I knew the guy was lying.

10 UNIDENTIFIED MALE SPEAKER: Did he
11 explain exactly how the shooting went down, start
12 to finish? Like, surveillance --

13 MR. MILLER: No, no.

14 UNIDENTIFIED MALE SPEAKER: -- followed
15 him. There was a van involved?

16 MR. MILLER: No, he didn't say all that.
17 He was just yapping, man?

18 UNIDENTIFIED MALE SPEAKER: You mentioned
19 that anything about a van that was parked two
20 blocks away to you?

21 MR. MILLER: Mm-hm.

22 UNIDENTIFIED MALE SPEAKER: That he was
23 in a van two blocks away from the shooting?

24 MR. MILLER: No, I don't think --

25 UNIDENTIFIED MALE SPEAKER: Doesn't ring

Colloquy

24

1 a bell to you at all?

2 MR. MILLER: No, no.

3 UNIDENTIFIED MALE SPEAKER: Nothing about
4 a van?

5 UNIDENTIFIED MALE SPEAKER: What about a
6 gun? Did he say how he did it?

7 MR. MILLER: I know he's -- I know he
8 said he's a left -- he left-handed. So he -- you
9 know what I mean? And he said -- they said it was
10 a left-hand shooter, but Anthony, he left-handed.
11 You know what I'm saying? So, you know.

12 UNIDENTIFIED MALE SPEAKER: Anthony was
13 left-handed.

14 MR. MILLER: Yeah, I believe so. Yeah.
15 You know what I'm saying? So, that's when he was
16 running, but I knew he was basically lying saying
17 that he was going pin that -- and basically for --
18 you know, like I said, it's ten years ago? You
19 know what I'm saying? But if we was in better
20 situations, like, if I was free, I would be -- I
21 would want to help the guy. I don't want see the
22 innocent man knocked off from the --

23 UNIDENTIFIED MALE SPEAKER: Well, I'm
24 just asking. I can tell you this much --

25 MR. MILLER: But I really don't to be in

Colloquy

25

1 this shoes. You know what I'm saying? You know,
2 this right here -- and I got, like, a lot of people
3 -- you know what I'm saying? These counselors is
4 from the street. So, they know me and they know
5 what my family. You know what I mean? So this
6 come out and bam, I'm looking like a fool. You
7 know what I'm saying? I don't want them problems
8 like that.

9 UNIDENTIFIED MALE SPEAKER: Yeah. This
10 stays between us.

11 MR. MILLER: Yeah, but still, if y'all
12 here, they see two guys out here, they like, how
13 the hell -- you know what I'm saying? It's looking
14 crazy.

15 UNIDENTIFIED MALE SPEAKER: Okay.

16 MR. MILLER: I know y'all want to ask
17 questions, but -- you know what I mean? Like I
18 said, man, I should be -- I really feel more
19 comfortable if I was in a better setting than this
20 right here. Like I said, I'd be going to
21 Craftsmore (phonetic) or I might be going home.
22 You know what I'm saying? Like, I said --

23 UNIDENTIFIED MALE SPEAKER: Well, let me
24 ask you. I mean, has everything you told so far,
25 has it been the truth?

Colloquy

26

1 MR. MILLER: Yeah, yeah, yeah.

2 UNIDENTIFIED MALE SPEAKER: I'm just --
3 in other words, I'm not forcing you.

4 MR. MILLER: No, I know --

5 UNIDENTIFIED MALE SPEAKER: I wouldn't
6 dare.

7 MR. MILLER: Let me tell you something,
8 if --

9 UNIDENTIFIED MALE SPEAKER: We want you
10 to -- we want you to feel comfortable talking to
11 us. We don't want you to feel like --

12 MR. MILLER: (Indiscernible) -- in these
13 settings, because it's that -- it's guys like me
14 that shoot the hallway that know me. You know what
15 I'm saying? That shoot the hallway and come --
16 (indiscernible) -- my case is a minor case. You
17 know what I'm saying? I should be home soon.

18 UNIDENTIFIED MALE SPEAKER: Correct.

19 MR. MILLER: I got 16 months in. But,
20 like I said, I'm willing to help this guy. I don't
21 want to see him do no life sentence. I know the
22 guy Anthony Young is lying --

23 UNIDENTIFIED MALE SPEAKER: Listen,
24 whether it helps it helps or it hurts him, what
25 we're here, though, is find out the truth.

Colloquy

27

1 MR. MILLER: Yeah, yeah.

2 UNIDENTIFIED MALE SPEAKER: It doesn't
3 make a difference which way it falls.

4 MR. MILLER: Yeah, yeah, true.

5 UNIDENTIFIED MALE SPEAKER: You
6 understand?

7 MR. MILLER: But I don't want my --

8 UNIDENTIFIED MALE SPEAKER: And I -- I
9 can't impress that upon you more is that we're here
10 just seeking information and the truth. However
11 that falls, let the chips fall where they may.

12 MR. MILLER: Yeah, because I don't know.
13 they can fall. I already -- really -- like I said,
14 I'm willing to try to help the guy. You know what
15 I mean? But my --

16 UNIDENTIFIED MALE SPEAKER: Well, we're
17 here to talk to you.

18 MR. MILLER: -- name in that paper,
19 2011, I ain't doing all --

20 UNIDENTIFIED MALE SPEAKER: Whether your
21 information helps or hurts, we're here to take it.
22 Do you understand?

23 MR. MILLER: Yeah, yeah, of course, of
24 course, of course.

25 UNIDENTIFIED MALE SPEAKER: Okay? And I

Colloquy

28

1 just want to be clear with that.

2 MR. MILLER: All right. You know what
3 I'm saying? But like I said, man, if y'all can get
4 me out of here and get me into a better situation,
5 I'm all for it. Everything come back, but right
6 now, I'm not -- I can't do this man. Mm-mm. I
7 ain't going to do this. No, I can't do this one.
8 I'm already hurting my family behind this. You
9 know what I'm saying? Like I said, my name was in
10 --

11 UNIDENTIFIED MALE SPEAKER: What you came
12 in here for --

13 MR. MILLER: Pre-sentence report.

14 UNIDENTIFIED MALE SPEAKER: Yeah, so --
15 that's what you're doing.

16 UNIDENTIFIED MALE SPEAKER: What -- they
17 don't -- they don't know why we're here.

18 UNIDENTIFIED MALE SPEAKER: I mean,
19 nobody needs to know.

20 MR. MILLER: Yeah, but you know what?
21 Counselors, you got to -- (indiscernible) -- these
22 are -- these are counselors, these guys from the
23 street.

24 UNIDENTIFIED MALE SPEAKER: Yes.

25 MR. MILLER: They know, Ant -- let me

Colloquy

29

1 finish now.

2 UNIDENTIFIED MALE SPEAKER: Okay.

3 MR. MILLER: They also know Paul Bergen.

4 UNIDENTIFIED MALE SPEAKER: Okay.

5 MR. MILLER: They also know that I did
6 some baffonery. That's why my name was in the
7 paper. I'm well known and people know me. You
8 know what I'm saying? I -- my name was in the
9 paper. Like I said, I know the guy Anthony Young
10 was lying. Paul Bergen did not have nothing to do
11 that. I knew that for sure. You know what I mean?
12 But these counselors is not counselors, like
13 counselors. Like, these guys are from the street.
14 They come here and do they hours. They know me,
15 they know my family, they know my cousins.

16 UNIDENTIFIED MALE SPEAKER: Okay.

17 MR. MILLER: If we was in a better
18 setting where y'all pull me -- (indiscernible) --
19 but right now --

20 UNIDENTIFIED MALE SPEAKER: Well, is
21 there any more that you could tell us?

22 MR. MILLER: No, that's about it. You
23 know what I'm saying? That's about it.

24 UNIDENTIFIED MALE SPEAKER: But if we
25 were to get you to a better setting, is there any

Colloquy

30

1 other information that you have not told us --

2 MR. MILLER: Yeah.

3 UNIDENTIFIED MALE SPEAKER: -- already?

4 MR. MILLER: Yeah. I'm - I can't -- I'm
5 not going to do that in here. Mm-mm. These guys -

6 -

7 UNIDENTIFIED MALE SPEAKER: When are you
8 due to come out?

9 MR. MILLER: I come out -- I come out --
10 the judge -- and the judge might give me time
11 served for jail. I got a Judge Hutchins-Henderson
12 sentence. She might give me time served. Judge
13 Hutchins-Henderson was also a federal prosecutor, I
14 heard.

15 UNIDENTIFIED MALE SPEAKER: Okay.

16 MR. MILLER: I don't know --

17 UNIDENTIFIED MALE SPEAKER: But she's a
18 judge now?

19 MR. MILLER: Yeah, she's a judge now. So
20 she was saying that I might give you time served.
21 You know what I mean? So, I got 16 months in. You
22 know what I mean? I got 16 months in, she give me
23 time served. I go to -- I go for sentencing
24 December 16th on my birthday.

25 UNIDENTIFIED MALE SPEAKER: That's --

Colloquy

31

1 that's right around the corner.

2 MR. MILLER: Yeah, so if you can --
3 (indiscernible); -- like that, you got me. But
4 right now, --

5 UNIDENTIFIED MALE SPEAKER: Okay. Let me
6 ask you something. If we were to meet again after
7 you were to get out, let me ask you a question: is
8 there a number of somebody we could contact --
9 obviously, because you don't have a phone right
10 now, and we won't have a phone, but who on the
11 outside, when you get out, will know your
12 whereabouts so that we can contact you?

13 MR. MILLER: 94 North 5th Street.

14 UNIDENTIFIED MALE SPEAKER: Okay, 94
15 North 5th. Okay. Sure. North 5th street.

16 MR. MILLER: Yeah.

17 UNIDENTIFIED MALE SPEAKER: Apartment
18 number?

19 MR. MILLER: Second floor.

20 UNIDENTIFIED MALE SPEAKER: Second floor.
21 And who lives there?

22 MR. MILLER: My sister.

23 UNIDENTIFIED MALE SPEAKER: And what's
24 her name?

25 MR. MILLER: Tylisha Miller.

Colloquy

32

1 UNIDENTIFIED MALE SPEAKER: Tyesha?

2 MR. MILLER: Yeah, Tylisha, T-Y-L-I-S-H-

3 A.

4 UNIDENTIFIED MALE SPEAKER: T-Y-L --

5 MR. MILLER: I-S-H-A.

6 UNIDENTIFIED MALE SPEAKER: S-H --

7 UNIDENTIFIED MALE SPEAKER: That's where
8 you'll be going after here?

9 MR. MILLER: Yeah.

10 UNIDENTIFIED MALE SPEAKER: Okay.

11 UNIDENTIFIED MALE SPEAKER: Does she have
12 a phone number of someone?

13 MR. MILLER: No, that's it.

14 UNIDENTIFIED MALE SPEAKER: What's her
15 date of birth?

16 MR. MILLER: My sister? My sister's born
17 -- oh my God -- May 23rd, but she ain't got nothing
18 to do with this --

19 UNIDENTIFIED MALE SPEAKER: No, I
20 understand.

21 MR. MILLER: If y'all mail anything there
22 --

23 UNIDENTIFIED MALE SPEAKER: You got to
24 understand -- you got to understand something. If
25 there's a way to find somebody, you're going to

Colloquy

33

1 find somebody. May 23rd what?

2 MR. MILLER: See, I don't know. My
3 sister -- she --

4 UNIDENTIFIED MALE SPEAKER: She's how
5 old?

6 MR. MILLER: She's 40 -- I'm 43, December
7 16, so she's 42.

8 UNIDENTIFIED MALE SPEAKER: She's 42?

9 MR. MILLER: Yeah.

10 UNIDENTIFIED MALE SPEAKER: She's 42 now?
11 So she's 42 years of age. Hold on. Give us --
12 give us one second. Give us one second. We're
13 done.

14 UNIDENTIFIED MALE SPEAKER: You're
15 paranoid.

16 MR. MILLER: Yeah, you understand the
17 paper was it -- I was in the Star Ledger --

18 UNIDENTIFIED MALE SPEAKER: How long --
19 let me ask you something? How long would probation
20 take to interview you if they were going to
21 interview you?

22 MR. MILLER: I don't know, but know what,
23 when y'all come in, you have to be -- well, let it
24 known that who y'all, and that's what it is. And
25 then once you know who you are --

Colloquy

34

1 UNIDENTIFIED MALE SPEAKER: We didn't say
2 who were were. The main -- the main desk, that's
3 it. We walked right in.

4 UNIDENTIFIED MALE SPEAKER: Yeah, we
5 didn't --

6 MR. MILLER: Yeah, but the main desk is
7 the people that know people, that know people.

8 UNIDENTIFIED MALE SPEAKER: Right.

9 MR. MILLER: That's all I'm saying.

10 UNIDENTIFIED MALE SPEAKER: So, she's 42
11 years of age. So that would make her -- hold on.
12 May 23rd, she just had a birthday this -- what, she
13 had one this past year. She's 42?

14 MR. MILLER: Yeah.

15 UNIDENTIFIED MALE SPEAKER: So she turned
16 -- she's 42. We'll figure it out.

17 UNIDENTIFIED MALE SPEAKER: Did John Gaye
18 (phonetic) know any of this information? John
19 Gaye?

20 MR. MILLER: Hell no, about my sister and
21 them?

22 UNIDENTIFIED MALE SPEAKER: No, John
23 Gaye, about your case and Paul's case.

24 MR. MILLER: This case now?

25 UNIDENTIFIED MALE SPEAKER: No.

Colloquy

35

1 UNIDENTIFIED MALE SPEAKER: You don't
2 know who John Gaye is?

3 MR. MILLER: Yeah, he was a tall -- some
4 taller guy. And he's -- I know he's a tall guy.

5 UNIDENTIFIED MALE SPEAKER: U.S.
6 Attorney?

7 MR. MILLER: I believe so. You know what
8 I'm saying. Yeah, he's -- I believe -- I think so,
9 but it was ten years --

10 UNIDENTIFIED MALE SPEAKER: Does he know
11 about the truth, and that -- what was the truth and
12 what was not the truth? Does he know?

13 MR. MILLER: They had to --

14 UNIDENTIFIED MALE SPEAKER: Is that --
15 say that again?

16 MR. MILLER: Yeah, I believe so.

17 UNIDENTIFIED MALE SPEAKER: Well, how do
18 you believe -- we believe in God. We believe I'm
19 going to win the Lotto.

20 MR. MILLER: No, because if you had --
21 you had the recordings --

22 UNIDENTIFIED MALE SPEAKER: I mean, I
23 have the transcript here.

24 MR. MILLER: Yeah, if you have the
25 recording, you know the truth. So, they know the

Colloquy

36

1 truth, so -- but they still went on and did what
2 they wanted to do.

3 UNIDENTIFIED MALE SPEAKER: Okay.

4 MR. MILLER: I'm scared. I have been
5 scared.

6 UNIDENTIFIED MALE SPEAKER: I know you're
7 scared.

8 MR. MILLER: I'm going.

9 UNIDENTIFIED MALE SPEAKER: All right.

10 UNIDENTIFIED MALE SPEAKER: Okay.

11 MR. MILLER: Okay.

12 UNIDENTIFIED MALE SPEAKER: Bump, later.

13 MR. MILLER: All right.

14 UNIDENTIFIED MALE SPEAKER: All right.

15 Thank you very much.

16 UNIDENTIFIED MALE SPEAKER: This
17 concludes our interview with Hassan Miller. The
18 time now is 12:30 --

19 UNIDENTIFIED MALE SPEAKER: Approximately
20 12:30.

21 UNIDENTIFIED MALE SPEAKER: -- p.m.

22 (End of recording.)

23 * * * * *

C E R T I F I C A T I O N

I, Karen English, the assigned transcriber,
do hereby certify the foregoing transcript of the audio
recorded interview of Hassan Miller is a true and
accurate non-compressed transcript of the proceedings
as recorded.



SIGNATURE

#421

AOC NUMBER

Karen English Trans. Svc.

AGENCY

May 18, 2014

DATE

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

PAUL BERGRIN,

Defendant.

Honorable Jose L. Linares

Criminal No.: 09-369

CERTIFICATION

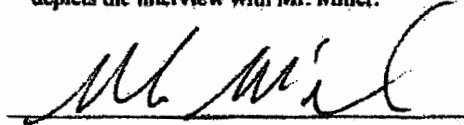
OF

MICHAEL MCMAHON

I, Michael McMahon of full age, do hereby certify under penalty of perjury that the following facts are true:

1. I am a Private Investigator licensed in the states of New York and New Jersey.
2. On December 3, 2013, I interviewed Hassan Miller. I was accompanied by licensed private investigator Dennis Suarez.
3. This interview took place at the Essex County Correctional Facility in Newark, New Jersey
4. The recording device I used functions as a reliable digital recorder. After a recording is made on this device, it can be downloaded electronically.
5. I am fully knowledgeable in operating this recording device and have done so in the past. The device was working properly at the time of Mr. Miller's interview.
6. After I recorded the interview, I downloaded it to my computer. I have retained a copy of the recording, which can be provided to the Court at any time.

7. No alterations of the recording were made prior to or after it being downloaded.
8. The recording was later provided to court reporter Karen English for the preparation of a transcript of that conversation.
9. I listened to the recording and compared it to the certified transcript that Ms. English prepared.
10. The certified transcript of the recording attached herewith as Exhibit 2 accurately depicts the interview with Mr. Miller.



Michael McMahon



Date

EXHIBIT 4

EXHIBIT 15

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

PAUL BERGRIN,

Defendant.

**CERTIFICATION
OF
MICHAEL MCMAHON**

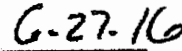
I, Michael McMahon of full age, do hereby certify under penalty of perjury that the following facts are true:

1. I am a Private Investigator licensed in the states of New York and New Jersey.
2. I am a retired New York Police Department Detective and I have participated in hundreds of arrests and investigations throughout my career.
3. On June 26, 2016, I interviewed Shawn McPhall a/k/a Maurice a.k.a Mike Cassidy.
4. McPhall told me that he was coming out of a store at the time of the Kemo murder and heard gunshots. He saw a guy (Kemo McCray) lying on the ground.
5. A few days after the murder, McPhall stated he arrested as he was leaving the Sand Pit Bar and questioned by police about the Kemo murder.
6. McPhall claimed the police were trying to force him to identify who the shooter was and they were trying "to take advantage of him."
7. McPhall said he was charged with Aggravated Assault, but the charge was thrown out one month later.

8. I swear and subscribe to the foregoing statement made, if any of the foregoing statement made is false I am subject to the penalty of perjury.

A handwritten signature in black ink, appearing to read "Michael McMahon", written over a horizontal line.

Michael McMahon

A handwritten date "6-27-16" in black ink, written over a horizontal line.

Date

EXHIBIT 5

State v. _____

H# 24-04

Victim: KEMO McCRAY

Date 3/2/04

FILE PREPARATION CHECKLIST

I. LEGAL

1. Complaints _____
2. Indictment _____
3. Search Warrants & Affidavit _____

II. POLICE REPORTS

1. Incident Report _____
2. Continuation Rep _____

*Seana
Manson
JOHN
GAY*

OK
R SABUR(OK)

3. Arrest Reports _____
4. Property Reports _____
5. Miscellaneous Rep _____

III. ECPO REPORTS

1. Preliminary Report _____
2. Continuation Report _____

S. BZIK (OK)
S. BZIK (OK)

3. Crime Scene Unit _____

P. GOZSA(OK)

4. Other _____

IV. Evidence REPORTS

1. PHYSICAL: 4 CASINGS 2 PROJECTILES

2. Scene Photos	<u>OK</u>
3. Autopsy Photos	<u>OK</u>
4. Diagrams	<u>SCENE (OK)</u>
5. Maps	<u> </u>
6. Other	<u> </u>

V. EXPERT REPORTS

1. Autopsy & Toxicology	<u>OK</u>
2. Ballistics ?	<u> </u>
3. Trace	<u> </u>
4. DNA	<u> </u>
5. Biochemical	<u> </u>
6. Other	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

VI. STATEMENTS

1. Defendant	<u> </u>
2. Co-Defendant	<u> </u>
3. Witnesses	<u>F. LOWEY OK</u> <u>J. DAVIS OK</u> <u>S. WILLIAMS OK</u> <u>L. WILSON OK</u> <u>C. SPRUIEL OK</u>

VII. TRANSCRIPTS

1. Grand Jury	<u> </u>
2. Statements	<u> </u>
3. Other	<u> </u>
	<u> </u>
	<u> </u>

VIII. CRIMINAL RECORDS

1. Defendant
2. Witnesses
3. Decedent
4. JOCS

IX. IDENTIFICATION

1. Photo Arrays
2. Photo Display Forms
3. Other

SPRUIL IDS LATTIMORE

X. MISCELLANEOUS

1. Firearm Check
2. Motor Vehicle
3. Prior Files

XI. OTHER

1. _____
2. _____
3. _____
4. _____

PROOF ANALYSIS

- 1 SUSPECT 5'10" HEAVY DREADS 20-25
- 2 SILVER CAR (2DR TRANS AM?)
- 3 4 CASINGS + 2 PROJECTILES FDNVT
- 4 S. WILLIAMS SAW SUSPECT GET IN GRAY TRANS AM
- 5 C. SPEDILL ID'S SHAWN MCPHALL FOR PULLING GUN ON HIM . SUSP. MENTIONED PRIOR SHOOTING
- 6 V TOLD MOM'S GF AFRAID OF E.T. HAK
- * 7 J DAVIS ID'S PHOTO OF WILLIAM LATIMORE AS "RESEMBLING" PERP ON 7/23/04 (4 MO LATER)
- 8 S WILLIAMS DESCS PERP AS 5'4"-6'0" MEDIUM COMPLEXION LIGHT KHAKI PANTS

THINGS TO DO

1 BALLISTICS?

EXHIBIT 6

VICTIM'S OR COMPLAINANT'S NAME Christopher Spruill		2. TELEPHONE NO.		17. SECTOR		18. DISTRICT		19. CENT. COMPLY. NO.	
RESIDENCE NUMBER (STREET)		(FLOOR OR APT.)		21. REPORTING OFFICER K. Oliveras		(NAME)		20. NO. (COMMAND)	
3. RACE Blk		4. AGE 37		5. OCCUPATION Unemployed		6. INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO		22. INCIDENT Aggravated Assault	
7. SEX M		8. HAD BEEN DRUNK <input type="checkbox"/> YES <input type="checkbox"/> NO		9. INTOXICATED <input type="checkbox"/> YES <input type="checkbox"/> NO		10. CAN VICT. IDENT. OFFENDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		23. LOCATION So. Orange ave. & S.19th St.	
11. PERSON REPORTING CRIME Same as #1		12. TELEPHONE NO. Same #2		13. TIME OF OCCURRENCE (DAY OR NITE) 1130 Sat		14. DAY OF WEEK 03		15. MONTH 06	
16. YEAR 04		17. OCCURRED ON VIEW <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		18. TYPE OF WEAPON Handgun		19. VEHICLE VIN NUMBER		20. VEHICLE MAKE	
21. TYPE OF VEHICLE Aggravated Assault		22. TYPE OF VEHICLE Aggravated Assault		23. TYPE OF VEHICLE Aggravated Assault		24. TYPE OF VEHICLE Aggravated Assault		25. TYPE OF VEHICLE Aggravated Assault	
26. TYPE OF VEHICLE Aggravated Assault		27. TYPE OF VEHICLE Aggravated Assault		28. TYPE OF VEHICLE Aggravated Assault		29. TYPE OF VEHICLE Aggravated Assault		30. TYPE OF VEHICLE Aggravated Assault	
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41. TYPE OF VEHICLE Aggravated Assault		42. TYPE OF VEHICLE Aggravated Assault		43. TYPE OF VEHICLE Aggravated Assault		44. TYPE OF VEHICLE Aggravated Assault		45. TYPE OF VEHICLE Aggravated Assault	
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96. TYPE OF VEHICLE Aggravated Assault		97. TYPE OF VEHICLE Aggravated Assault		98. TYPE OF VEHICLE Aggravated Assault		99. TYPE OF VEHICLE Aggravated Assault		100. TYPE OF VEHICLE Aggravated Assault	

POLICE DEPARTMENT

CONTINUATION REPORT

NEWARK, N.J.

COMPLAINT NO. <i>Aggravated Assault</i>		DISP. COMPL. NO. W- 5949	CENTRAL COMPLAINT NO. 04-23530
FOR OFFENSE (N.J.S. REV. 0901) 2C:12-1B		LOCATION OF OFFENSE So. orange Ave. & S.19th St.	DATE OF OCCURRENCE 03/06/04

Pg.2

walked up to the victim and stated to him "aint you the motherfucker that as with him the other day". referring to the deceased person. Mr. Spruill told him "no that was not me". Actor then insisted that was him and pulled out handgun from his waistband. Mr. Spruill stated that before the actor had chance to pull the handgun completely out of his waistband, he fled the scene. Unknown actor fled the scene to an unknown location. Actor (mike assidy) remained in the area where he was ultimately apprehended by officers unit 412. The actor was transported to the robbery squad where he was slated for aggravated assault; Possession of a weapon (handgun) and possession of a weapon for unlawful purposes. Mr. Spruill was also transported to the robbery squad for a statement on the incident.

No weapon was recovered during this incident.

ED ITY ION	A CURRENCY	B JEWELRY	C FURS	D CLOTHING	E LOCAL AUTO	F MISCELLANEOUS	G TOTALS
SIGNATURE OF OFFICER SUBMITTING REPORT <i>Paul Oliveras</i>				COMMAND West		BARGE NUMBER 7652	
OFFENSE	<input checked="" type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> NOT CLEARED <input type="checkbox"/> EXCEPTUALLY CLEARED			STATUS OF CASE <input type="checkbox"/> PENDING ACTIVE <input type="checkbox"/> PENDING INACTIVE <input checked="" type="checkbox"/> CLOSING			
ARRESTED BY <i>[Signature]</i>	<input type="checkbox"/> JUV. & ADULT <input type="checkbox"/> NAPEOTIC OFFENSE		CLASSIFICATION 0410		RECLASSIFICATION		
DATED AND APPROVED BY <i>[Signature]</i>			DATE 3-04		FILED BY		INDEXED BY
			FILED BY		PAGE NUMBER		2

ICE DEPARTMENT

CONTINUATION REPORT

NEWARK

OFFENSE Aggravated Assault	DIST. COMPL. NO. W- 5949	CENTRAL COMPLAINT NO. 04-23530
REFERENCE (N.J.S. REV. ORD.) 2C:12-1	LOCATION OF OFFENSE S. Orange Ave. & So. 19 th Street	DATE OF OCCURRENCE March 6, 2004

Cont... Event #97614

The undersigned detective met with the victim, Mr. Christopher Spruill. He was transported to the Robbery Squad by Sgt. O'Connor of the West District. Mr. Spruill advised me that he was on S. Orange Avenue in the area of So. 19th Street, when an unknown Black male actor pointed a handgun at him.

At this time I was advised that the Officers of Unit #412 had detained a possible actor that matches the physical description of the actor, as well as the clothing description of the actor. I advised Unit #412 to transport the possible actor to the Robbery Squad.

Once at the Robbery Squad I met with the possible actor, he gave the name of Mike Cassidy. I took the possible actor's photos (digital photo) and showed them to the complainant. The complainant made a positive identification of this actor, as being the unknown Black male actor who pointed a handgun at him. The complainant signed and dated the shown photos. The complainant then gave a formal statement to Detective [redacted] of the Newark Police Homicide Squad concerning this matter.

I then checked the actor's name in the Essex County BCI computer for identification purposes. The actor was identified as Shawn McPhall (BCI photo #C200308984 & SBI #524709C). I confronted the actor with this information. He admitted to the findings and his real name. I advised the actor that he was identified as the actor of this complainant and he will be arrested for this complaint. He was advised of his Rights and stated here at the Robbery Squad by Unit #412 (P/Os R. Oliveras & M. Cancel) for this complaint of Aggravated Assault.

This investigation is now Closed with the arrest of this actor, Mike Cassidy aka "Shawn McPhall". There was no weapon in his possession at the time of his arrest.

Arrested: Mike Cassidy aka "Shawn McPhall" CA #6221

Note: The actor was revealed to have four open warrants ACS Warrants held by the Newark Police Department. He was slated for these open warrants.

A CURRENCY	B JEWELRY	C FURS	D CLOTHING	E LOCAL AUTO	F MISCELLANEOUS	G TOTALS
SIGNATURE OF OFFICER SUBMITTING REPORT Detective RICHARD WARREN II <i>[Signature]</i> Robbery / Homicide Section						
COMMAND 7155						
STATUS OF CASE <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED			RECLASSIFICATION 0410			
CLASSIFICATION 0410			RECLASSIFICATION 0410			
TEST OF <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV & ADULT <input type="checkbox"/> MANDATORY OFFENDER			DATE 3-10-04			
FILED BY [Signature]			PAGE NUMBER 01			

POLICE DEPARTMENT

STATEMENT FORM

NEWARK, N.J.

DATE: MARCH 6, 2004	CENTRAL ARREST NO.:	CENTRAL COMPLAINT 23530-04
VOLUNTARY STATEMENT OF:		
CHRISTOPHER D. SPRUILL B/M/ DOB# 6/20/66/ SS# [REDACTED] / P.O.B. PORTSMOUTH VA		
RESIDENCE:		
[REDACTED] NWK		
OCCUPATION:	AGE:	
UNEMPLOYED	37	
STATEMENT MADE TO:		
DETECTIVE RASHID SABUR		HOMICIDE SECTION I.D. 6596

STATEMENT STARTED AT 2:30 P.M.

Mr. Spruill, I'm Detective Rashid Sabur with the Newark Police Department Homicide Unit and I would like to ask you some questions pertaining to a complaint being filed by you concerning you being approach by a man who pulled a gun out on you. According to your complaint, this incident took place on this date in the area of So. Orange Ave. and So. 19th Street around the hour of 11:45 A.M. Will you answer my questions for me truthfully and to the best of your knowledge?

Yes.

Before doing so, will you tell me for the records if the information that appears at the top of this form as it pertains to you correct? *Read out loud*

Yes.

And what is the extent of your education?

I graduated from High School. The last school I went to is West Side High School in Newark.

Can you read, write and understand the English language?

Yes.

How many brothers and sisters do you have?

I have one brother and one sister.

And what is your mother's maiden name?

Sylvia Spruill. She's gotten married and now her last name is Finkley.

How long have you lived at your current address?

I've been there for a year or something like that.

I'm now going to draw your attention to the incident I mentioned to you. Will you tell me in your own words and in full details what took place?

Me and my girlfriend Delphine went to So Orange Ave. and So. 19th Street so that she could show me where her son Kemo was killed and so that I could see the memorial they put up. While we was there a young man approached me and said: "Aint you the motherfucker that was with that guy that day". He didn't come right out and said it like that but he was pointing at the memorial so I knew he was talking about Kemo. When he asked me that I told him that I wasn't and that's when he turned to the other guys he was with and one of the guys who was with him said: yeah that's him". At that point I noticed him reach under his coat and I saw him pulling out a pistol and that's when I started running towards 13th Ave. until I got to this car lot that's on the corner of Central Ave. & So. 18th St. I tried to get the people in there to call the police for me but they told me to leave and then I ran up to the Rite Aide Pharmacy on the Corner of central Ave. & Grove St. and they called the police for me. I waited in the Rite Aide for the East Orange

SWORN TO AND SUBSCRIBED BEFORE ME THIS

[Signature] DAY OF *March* 20*04*
[Signature]

[Signature]
SIGNATURE

OLICE DEPARTMENT

STATEMENT FORM

NEWARK, N.J.

CH 6, 2004

CENTRAL ARREST NO.:

CENTRAL COMPLAINT
23530-04

TARY STATEMENT OF:

IRISTOPHER D. SPRUILL B/M/ DOB# 6/20/66/ SS# [REDACTED] / P.O.B. PORTSMITH VA

NCE:

[REDACTED] NWK

ATION:

EMPLOYED

AGE:

37

MENT MADE TO:

ECTIVE RASHID SABUR**HOMICIDE SECTION I.D. 6596**

Police and they came and got me. I explained to them what the situation was and they told me th was going to take me to the mini police station in Newark on So. Orange Ave. As they was drivir told me that if I was to see any of the guys, to point them out to them and they would arrest them. was driving I did see one of the guy, the one who was asking me all the questions and pulled the gun, standing on the corner of So. Orange Ave. & So. 19th St. When I saw him I pointed him out to the East Orange Officers and they was getting ready to grab him but I got scared because it was a lot of people out there and I didn't want them to see my face. I explained to them briefly what happened to my girlfriend's son on Tuesday in that area and I told them why everybody thought he was killed and that's when they took me to the mini police station on So. Orange Ave. Once they got there the Newark Police officers went back to the area where the guy was and locked him up.

Did this person your referring to at anytime pointed a gun at you?

he was reaching for it. I saw it as he was about to pull it out so I don't know if they was getting ready to rob me or shoot me because of something my girlfriend's son did. You see, my girlfriend's son worked for the Feds and he was making a lot of undercover narcotic buys for them. I don't know if he was making buys for them in that particular area but that was the area where he was killed. During the time he was killed I was locked up in the county. He was with his stepfather Johnny Davis when he was shot and me and Johnny look alike So I don't know if the guy thought I was him or not but he kept insisting that I was the guy who was with Kemo when he was shot. It's common knowledge that people were out to kill Kemo because of what he was doing.

How well did you know Kemo?

I've been with his mother for like nineteen years. I've been knowing him that long.

Has Kemo ever told you that he was having problems with someone in the area where he was killed.

No not in the area where he got killed at but like around the end of January or the beginning of February Kemo told me that he was real scared of this guy they called E.T Hak, I don't know his real name but he's the one Kemo was scared of.

Did Kemo tell you why he was scared of this person he called E.T. Hak?

He told me that he made a undercover purchase of a lot of drugs from E.T. Hak's cousin, I don't know his name and Kemo never told me his name but he told me that he believed that they knew that he was working for the Feds. He told me that he bought the stuff off of the guy somewhere in Georgia King Village. He told me that the person he bought the drugs from was arrested by the Feds. He never said this person's name but he knew that the person was going to be coming after him because he believed they knew he was the one who set them up.

Did Kemo tell you anything else about this person you call E.T. Hak or the person who was arrested?

No.

ORN TO AND SUBSCRIBED BEFORE ME THIS

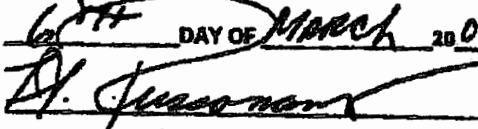
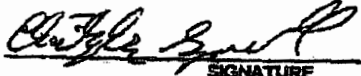
C. Y. R. DAY OF *March* 20*04*
A. J. J. J.

Christopher Spruill
SIGNATURE

POLICE DEPARTMENT

STATEMENT FORM

NEWARK, N.J.

DATE: MARCH 6, 2004	CENTRAL ARREST NO.:	CENTRAL COMPLAINT 23530-04
VOLUNTARY STATEMENT OF: CHRISTOPHER D. SPRUIELL B/M/ DOB# 6/20/66/ SS# [REDACTED] P.O.B. PORTSMOUTH VA		
RESIDENCE: [REDACTED] NWK		
OCCUPATION: UNEMPLOYED	AGE: 37	
STATEMENT MADE TO: DETECTIVE RASHID SABUR		
HOMICIDE SECTION I.D. 6596		
<p>As it pertains to the person who approached you on So. 19th St. Did you have the opportunity of identifying him?</p> <p>Yes.</p> <p>And how did you go about doing this?</p> <p>I first pointed him out to the East Orange Officers and then I pointed him out again at the Newark Police department in the Robbery Squad. A Detective by the name of Detective Warren showed me a picture of the guy.</p> <p>And how many photographs did Detective Warren show you?</p> <p>He showed me three photograph, they were all of the same person.</p> <p>How much time had past from the time of the incident to the time Detective Warren showed you these photographs?</p> <p>About 45 minutes or something.</p> <p>And during the time you waited to see these photographs, was the image of the suspect still fresh in your mind?</p> <p>Yes.</p> <p>And after viewing these three photographs were you absolutely positive that the person in the photograph was in fact the person you said approached you with a gun on So. 19th St?</p> <p>Yes that is him.</p> <p>And for the purpose of identification did Detective Warren have you sign the rear of the photographs you identified with your name and today's date?</p> <p>Yes.</p> <p>And is there any doubt in your mind as to who that person is in the photo identified by you?</p> <p>No doubt.</p> <p>IT SHOULD BE NOTED THAT THE PERSON IDENTIFIED BY THE VICTIM SUPPLIED THE POLICE WITH THE NAME OF MICHAEL CASSIDY OF 84 NO. MUNN AVE. IN NEWARK. FURTHER CHECK REVEALED HIS BIRTH NAME TO BE THAT OF SEAN C. MCPHALL, OF NEWARK DOB# 1/1/84.</p> <p>Mr. Spruiell, how many other guys were with the person you just identified?</p> <p>It was one other guy.</p> <p>And did you get a good look at the other guy who was with him?</p> <p>Not really, I paid more attention to the guy who was approaching me with the gun.</p> <p>Mr. Spruiell, in a moment I'm going to have Detective baker of the Robbery Squad show you some additional photographs. Will you view these photos and tell her if you recognized anyone in it?</p>		
SWORN TO AND SUBSCRIBED BEFORE ME THIS		
DAY OF <u>March</u> 20 <u>04</u> 		 SIGNATURE

POLICE DEPARTMENT

STATEMENT FORM

NEWARK, N.J.

DATE: MARCH 6, 2004	CENTRAL ARREST NO.:	CENTRAL COMPLAINT 23530-04
VOLUNTARY STATEMENT OF: CHRISTOPHER D. SPRUIELL B/M/ DOB# 6/20/66/ SS# [REDACTED] P.O.B. PORTSMOUTH VA		
RESIDENCE: [REDACTED] NWK		
OCCUPATION: UNEMPLOYED	AGE: 37	
STATEMENT MADE TO: DETECTIVE RASHID SABUR		
HOMICIDE SECTION I.D. 6596		

: Yes.

AT THIS TIME THE WITNESS ST WITH DETECTIVE BAKER.

: Mr. Spruiell, did you have the opportunity to view several photographs with Detective Baker?

: Yes.

: And in so doing did you recognize anyone in the photographs she showed you?

: Yes, I recognized the guy in photograph number 3.

: And who did you recognize this person as being?

: He's the guy who approached me on So. 19th St. with that gun.

: Is there any doubt in your mind as to who this person is?

: No.

IT SHOULD BE NOTED THAT THE PERSON IDENTIFIED BY THE VICTIM WAS SEAN C. MCPHALL OF NEWARK DOB# 1/1/84 AKA: MICHAEL CASSIDY.

Mr. Spruiell is there anything else you wish to add to this statement?

No.

When this statement is completed would you read it in it's entirety and make corrections where necessary?

Yes.

Do you swear or affirm that this statement is the truth?

Yes.

STATEMENT ENDED AT 4:10 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS

6th DAY OF March 2004
A. J. [Signature]

Christopher Spruiell
 SIGNATURE



NEWARK POLICE DEPARTMENT

ROBBERY/HOMICIDE SECTION

PHOTO DISPLAY REPORT



Date: 3/6/04 Case Number: 04-23530

Start Time: 15:45 End Time: 15:55

Position of Photo	Name of Person and/or Photo Number Displayed
(1)	<u>Nathaniel Plummer Photo# J200402119</u>
(2)	<u>Douglas Morrison Photo# C200312185</u>
(3)	<u>Sean C McPhall Photo# C200308984</u>
(4)	<u>Antwan Robinson Photo# J200400553</u>
(5)	<u>Tony Holloway Photo# N200327477</u>
(6)	<u>Kareem Day Photo# C200312154</u>

Name of Witness: Christopher Spruill

Comments and Demeanor of Witness (to be written by officer conducting line-up)

Calm and positive of his Identification

Did witness ask to see any photos again? ☒ Yes ☐ No

Synthia Baker
PRINT NAME I.D. #

Synthia Baker
OFFICER'S SIGNATURE



NEWARK POLICE DEPARTMENT

ROBBERY/HOMICIDE SECTION

PHOTOGRAPH IDENTIFICATION FORM

Case Number: 04-23530

I, Christopher Spruill, did at 22 FRANKLIN ST
(VICTIM) (WITNESS) (LOCATION)
1st Floor on 3/6/04 at
(DATE)
3:46 (TIME) (AM/PM), have an opportunity to read and sign the PHOTO

SPLAY INSTRUCTIONS and then view a group of 6 photographs. These
 otographs were displayed one at a time and were never shown next to one another. Each photo
 owed the face of a BLACK MALE and nothing else. I examined
 : photographs carefully until I identified photograph number 3 as being that
 the MAN who MAN CALL ME FROM
THEIR SIDE OF THE STREET. ASK ME WAS I WITH THE PERSON
HAT GOT KILL. I SAID NO THEN HE PULLED OUT A GUN,
'STRAID' STARTED RUNNING.

DETETIVE CYNTHIA BAKER of the Newark Police Department is the
 son who asked me to view these photographs. Neither he/she nor anyone else used any threats
 promises, urged or prompted me in any way to chose any of the aforementioned photographs.
 ve been given an opportunity to read this form (or had it read to me) and have been asked to
 my name to it, if the contents are the truth to the best of my knowledge and belief.

Signed: Christopher SpruillAddress: 224 SUSSEX AVE NEWARK NJ

essed: Det. Cynthia Baker

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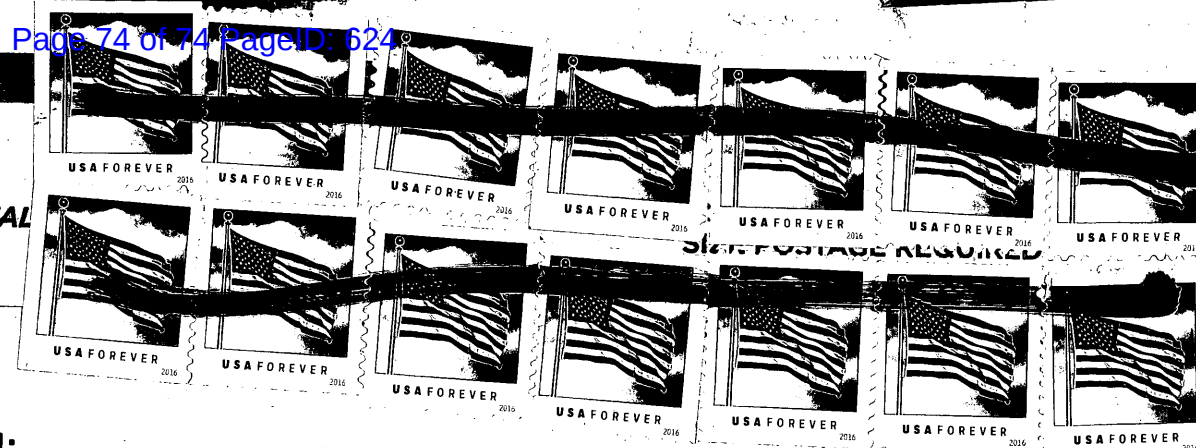
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