

WILLIAM BASKERVILLE,
 Petitioner,

v.

UNITED STATES OF AMERICA,
 Respondent,

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Civil No.13-5881(PGS)
 Criminal No.03-836(JAP)

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APR 27 2018

AT 8:30 _____ M
 WILLIAM T. WALSH
 CLERK

MOTION TO EXPAND THE RECORD TO INCLUDE
 REPORTS AND EXHIBITS

COMES NOW, William Baskerville, (hereinafter petitioner) acting pro-se in the above styled §2255 case, and respectfully moves this Honorable court under Rule 7, Rule Governing §2255, requesting leave to expand the Record to include reports in support of petitioner's §2255 motion which is simultaneously filed with this motion. Also, Petitioner humbly seeks to clarify in this motion those relevant facts found within these reports supporting his claims for relief by offering an explanation when necessary to put the information in context.

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

- 1.) A hand written cover page of an Oppositional Reply to the Government's Opposition Motion under §2255 in the matter of Paul Bergrin v. United States of America, Civil No.16-3040, filed 2/22/2018, which

contains a call chronology created by S.A. Manson/ Brokos consisting of calls made by various individuals on 11/25/2003 as an exhibit, **Exhibit 1**.

2.) Petitioner also seeks to expand the record with the cover page from the Government's Supplemental Appendix in Opposition to Paul Bergin's Rule 33 motion for a new trial in the above stated matter, Case No.09-369, containing a "F.B.I. Case Update Report - Hassan Miller Background", **Exhibit 2**.

3.) Exhibit 1, as stated above is a call chronology created by S.A. Manson/Brokos on 1/6/2005 consisting of a variety of calls made by several individuals on 11/25/2003 and is currently the subject matter in several filings in this \$2255 action. See Petitioner's Affidavit at 20(D)(19), Gov. Response at pages 71-72, and Petitioner's Reply to Gov. Response at pages 47-49.

4.) Petitioner has continuously avered in his filings that the government has suppressed evidence as well as infested his trial with false testimony in violation of Brady v. Maryland, 373 U.S.83 (1963) and Napue v. Illinois, 360 U.S.264(1959). Thus, it is evident, based upon the call chronology in Exhibit 1, (hereinafter "**Chart**"), showing the government's blatant disregard for the truth, for they have resorted to flat out lying to this Honorable Court in their Oppositional Response cited above(pages 71-72). The trial A.U.S.A.'s told the Honorable Court in their brief that:

"Further, it was not until after the Baskerville trial that agent Brokos used phone records to create a **Chart** of the phone activity on November 25th."

That chart was produced to Bergin as Jencks material in advance of Bergin I, and Bergin was the one who realized that Young had

inaccurately identified Rakeem Baskerville as the other passenger in Curry's truck and confronted Brokos with that inaccuracy during cross-examination. Gov. Response page 71.

5.)An examination of the date(1/6/2005) on the top of this "Chart" in Exhibit 1, proves that the above statements made by the trial A.U.S.A.'s are undoubtly false. Thus, petitioner seeks to offer this "Chart" as additional proof in support of both his Brady and Napue claims and he has outlined below its connection to the evidence and that the Government intentionally suppressed it and had complete knowledge that their witnesses were lying as all the evidence combined confirms.

6.)Turning to the calls listed in Agent Manson/Brokos' "Chart", some of which are calls reflected in both the Government's motion to disqualify Mr. Bergrin and the "Curry Wiretap", calls from November 25th,2003. See Exhibit "F" Petitioner's reply to the Gov. Response, calls with Curry, Bergrin; Rakeem Baskerville (call No.09349, 09351). Also see, Petitioner's Suppl. Letter 11/23/2015, calls with Curry, Lattimore; Bergrin; Rakeem Baskerville (call No. 09218; 09349; 09351. ¹

7.)The day Agent manson/Brokos created this "Chart", January 6th, 2005, marked a significant point in time in relation to the events as they were unfolding in the Petitioner's case. Shortly thereafter, just eight days or so on 1/14/2005, government witness Anthony Young contacted the F.B.I. via phone and about four days later on 1/18/2005, in a face to face meeting with Agent Manson/Brokos where he told her and later testified to the false claim of
1) The calls referenced in the Government's motion to disqualify are from the "Curry Wiretap".

being present in a truck with Rakeem Baskerville and Hakim Curry on November 25th, 2003 at the time of the 4:00 p.m. call between Hakim Curry and Mr. Bergrin, a fact conceded to by the Government cited above in their Response, Id. This call is reflected in the "Chart" notwithstanding, the Government's motion to disqualify and the "Curry Wiretap". Id. ²

8.) Moreover, Petitioner had not been indicted for McCray's murder until several months after the inception of this "Chart" and tried two years thereafter in 2007. (DE 48;129). Thus, the Government; which is now evident from the date on the "Chart", 1/6/2005 up until Petitioner's trial had gotten underway over two years later in 2007, and at the time that they wrote those false claims in their response motion cited above in 2014 that (1) they had knowledge that it was created prior to Petitioner's trial and not merely, in advance of Bergrin I. (2) That they were complicit in their efforts to conceal its existence at the time of Petitioner's trial, thus, failing to disclose it as they were required to under Brady, as Petitioner has averred in his affidavit at 20(D)(19). (3) Moreover, is that the "Chart" gives further support to Petitioner's claim that the government knowingly allowed Young to testify falsely and they failed to correct it violating his rights in light of Napue and its progeny.

9.) Furthermore, with all the evidence at the Government's disposal from the "Curry Wiretap" calls, their personal knowledge of their content presented in the disqualification motion drafted by A.U.S.A. John Gay two months prior to Young contacting the F.B.I.

2) The 4:00 p.m. call, (call no.09349) and the proceeding call (call no.09351), between Curry and Rakeem Baskerville are reflective in the aforementioned articles of evidence above.

(Exhibit F), Young's predilection to lie which started on day one, 1/14/2005, and thus now, their attempt to deceive this Honorable Court in their brief shown above regarding the "Chart" is definitive proof of their malicious intent to withhold evidence and suborn perjury. Thus, as the Honorable Judge Ambro has stated, "when the [government] has corrupted the truth-seeking function of the trial by knowingly presenting or failing to correct perjured testimony, the threat to a defendant's right to due process is at its apex and the [government's] interest are at their nadir." Haskell v. Superintendent Greene SCI, 866 F.3d 139,152(3rd Cir.2017).

10.) Exhibit 2, is a "F.B.I. Case Update Report-Hassan Miller Background". Thus, Petitioner offers it in support of (1) his Ground 2 (B) and Exhibit A, 20(B)(1)-(2) claim, inconsistent testimony by Agent Manson/Brokos on the issues of how, when, and from whom she learned information relative to the McCray murder. The information in the report in Exhibit 2 is consistent with her trial testimony in Petitioner's case. In paragraph two, page 2194 of Exhibit 2, she stated:

"this is the first time that Young is being implicated as the shooter."

Agent Manson/Brokos testimony at trial was:

"We did not know of Fat Ant (Young) to be involved in Kemo's murder." (Tr. at 3890).

Thus, her testimony at the Bergrin trial was diametrically opposing. (see Exhibit 20(B)(1)(-)(2)).

11.) Moreover, Petitioner seeks to offer Exhibit 2 as support for his Ground 1, (D) & (G) chain of custody claims and would like to inform this Honorable Court that certain information contained therein was never provided to the Petitioner by the government per

their obligation under Brady. See Exhibit 2 page 2195, paragraph 1. According to Agent Manson/Brokos, the Petitioner's case was not initiated until May 2003, in which two of the alleged sales referenced in Petitioner's Ground 1, (D) & (G) claims were on March 18th, and March 21st of 2003. Furthermore, the information regarding what Agent manson/Brokos alleged therein was never disclosed.

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, cumulatively 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.

Respectfully Submitted,



William Baskerville
25946-050
F.C.I. McKean
Post Office Box 8000
Bradford, PA 16701

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 21 day of April, 2018 to:

Honorable Judge Peter G. Sheridan, U.S.D.J.

United States District Court
Clarkson S. Fisher Federal Building
& United States Court House
402 East State Street
Trenton, New Jersey, 08608

And
U.S. Attorney's Office
Peter Rodino Federal Building
970 Brawd Street
Suite 700
Newark, New Jersey 07102

Title 28 U.S.C.
Section 1746

Respectfully Submitted,



William Baskerville
25946-050
F.C.I. McKean Medium
Post Office Box 8000
Bradford, PA 16701

EXHIBIT 1

January 30, 2018

Honorable Judge Jose L. Linares
Chief, United States District Judge
Martin Luther King, Jr.
Federal Building and Courthouse
50 Walnut Street, P.O. Box 999
Newark, New Jersey 07101-0999

Re: Paul W. Bergin v. United States
Civil No. 16-3040
Crim. No. 09-369

Dear Honorable Chief Judge Linares:

Enclosed please find my Reply to Respondent's Opposition Submission, in reference to the enclosed captioned matter.

I most respectfully and sincerely apologize that it is handwritten, that there are cross-outs and in some instances sloppy and grammatically deficient. Please forgive me as I did my very best to prepare it professionally.

Please be informed that there are no typewriters, word processors nor do I have the means available to even hire a professional to prepare it. Under the Special Administrative Measures (SAM), I am precluded from all communications other than immediate family.

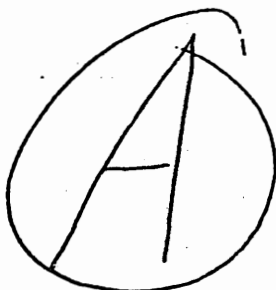
Moreover, I also beg forgiveness for the length

CALLS ON 11/25/03 AS OF 1/6/05

Malik Latimore	(973) 418-1342 cell
Rakim Baskerville	(973) 885-5719 cell
Diedra Baskerville	(908) 620-0414 home, (908) 413-0848 cell
HC Jail	(908) 690-5631
Paul Bergrin	(973) 985-0994 cell

- 1) 10:33am Call from Bergrin to Diedra Baskerville home phone
- 2) 10:45am Call from Bergrin to Diedra Baskerville cell phone
- 3) 11:57am Call from Latimore to Curry
- 4) 2:05pm Call from Curry to Rakim Baskerville
- 5) 3:59pm Call from Bergrin to Curry
- 6) 4:01pm Call from Curry to Rakim Baskerville
- 7) 4:16pm Call from Horatio Joines to Rakim Baskerville
- 8) 4:17pm Call from Rakim Baskerville to Curry
- 9) 4:17pm Call from Bergrin to Curry (per Curry's records)
- 9) 4:18pm Call from Bergrin to Curry (per Bergrin's records)
- 10) 4:19pm Call from Bergrin to Diedra Baskerville home phone
- 11) 4:36pm Call from Curry to Rakim Baskerville
- 12) 5:23pm Call from HC Jail to Diedra Baskerville home phone
- 13) 5:31pm Call from HC Jail to Diedra Baskerville home phone
- 14) 7:02pm Call from Latimore to Curry
- 15) 9:01pm Call from Latimore to Curry

Diedra Baskerville's cell phone records have not yet been received as of 1/6/05



h 11/10/03 J-02938

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

UNITED STATES OF AMERICA

v.

PAUL BERGRIN

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Crim. No. 09-369 (JLL)

**SUPPLEMENTAL APPENDIX IN OPPOSITION TO
PAUL BERGRIN'S RULE 33 MOTION FOR A NEW TRIAL
ON THE BASIS OF SUPPOSEDLY "NEWLY DISCOVERED" EVIDENCE**

VOLUME VI (pp. 1931 - 2459)

**WILLIAM E. FITZPATRICK
ACTING UNITED STATES ATTORNEY**

**Mark E. Coyne
Assistant U.S. Attorney
Chief, Appeals Division**

**John Gay
Assistant U.S. Attorney
Deputy Chief, Criminal Division**

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/10/2005

To: Criminal Investigative

Attn: SSA Jay Bartholomew
Safe Streets Task Force

From: Newark

CE-2

Contact: SA Shawn A. Manson, 973-792-7310

Approved By: Laughlin Robert O

Riley Joseph D

Drafted By: Manson Shawn A: *SM*

Case ID #: 166E-NK-109413 *SM* (Pending)

Title: WILLIAM BASKERVILLE ET AL;
ITAR-GANGS;
OO:NK

Enclosure: Criminal history of HASSAN MILLER.

Synopsis: Request from the Department of Justice (DOJ) Office of Enforcement Operations (OEO) authority to conduct a consensually monitored conversation utilizing federal inmate HASSAN MILLER (PROTECT IDENTITY) who is currently in the custody of the United States Marshals Service (USMS), to record conversations with inmate Anthony Young, who is also currently in the custody of the USMS, District of New Jersey.

Details: During a proffer held on June 8, 2005, Miller advised that federal inmate Anthony Young confessed to him repeatedly regarding shooting a federal witness known as "KEMO". Prior information obtained in the course of the investigation supported that Young was involved in the conspiracy to kill the federal witness; however, this is the first time that Young is being implicated as the shooter.

As background, Miller has been held in USMS custody at the Hudson County Jail since April 16, 2004 after his arrest by the DEA in a heroin conspiracy in violation of Title 21 U.S.C. 941. Young was arrested by the FBI on February 4, 2005 for felon in possession of a weapon in violation of Title 18, U.S.C. 922 in the District of New Jersey and is being held in federal custody at the Hudson County Jail as well.

To: Criminal Investigative From: Newark
Re: 166E-NK-109413, 06/10/2005

Case Background

The case against Baskerville was initiated in May, 2003, after several Crips Street Gang members were arrested federally in Irvington, New Jersey pursuant to a Group II investigation. Proffers held with these members revealed that William Baskerville, and his brothers, worked with Hakim Curry, to supply drugs to these Crips, among several other groups. After focusing on Baskerville, and conducting several controlled purchases of crack cocaine from same, Baskerville and some of his associates were arrested in November, 2003.

Immediately after Baskerville's initial appearance in federal court, the Newark Source's identity was disclosed to Curry via Baskerville's attorney, Paul Bergrin. Immediately thereafter, Source was placed in protective custody for a short term, and agents were in the process of relocating Source.

On March 2, 2004, Source was executed in broad daylight by two unknown males, allegedly at the direction of Baskerville and/or Curry. Another witness, Derrick Berrian, was also executed in the same manner one day before the Newark Source was killed, also allegedly at the direction of Baskerville. These murders are being worked as murders for hire stemming from William Baskerville and/or Curry.

On March 5, 2004, DEA agents arrested Curry in a related investigation; Curry is now in federal custody in Bergen County, New Jersey. Shortly after, agents went to arrest Rakim Baskerville, Williams's brother, who was not home but a search warrant conducted at his home led to the discovery of correspondence, written from AUSA John Gay, to William Baskerville's attorney, Paul Bergrin, enclosing typed transcripts from recorded conversations that Baskerville had with Source. The transcripts were highlighted and noted. Curry, William Baskerville, Rakim Baskerville, Anthony Young, and Paul Bergrin are all allegedly involved in the murder of the federal witness as well as the murder of Berrian. Rakim Baskerville is currently a federal fugitive, and is on the USMS list of Top 15 Fugitives.

Operational Role of Miller

It is believed that Miller, at the guidance of Special Agents, will be able to illicit conversation from Young regarding these murders. In order to initiate this procedure, Special Agents of the Newark Division will fit Miller with a concealed body recorder. Miller will then return to the common area and initiate a conversation with Young regarding these murders. The purpose of this recording is to obtain evidence of


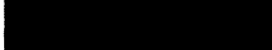

To: Criminal Investigative From: Newark
Re: 166E-NK-109413, 06/10/2005

Young's role in these murders for hire. If Miller does not converse with Young regarding his involvement, Miller will cease conversation about it. However, per Miller, Young has spoken openly about it in the past and has a comfort level with Miller. Additionally, Miller has been instructed not to talk to Young regarding his ongoing federal gun case nor his pending domestic violence charges that are currently outstanding in the State of New Jersey.

It is requested that authority be obtained from the Department of Justice (DOJ), Office of Enforcement Operations (OEO) for the use of a prisoner to conduct consensual monitorings as set forth above. The following twenty-two (22) points are addressed to expedite this request.

1) LOCATION OF PRISONER: Hassan Miller and Anthony Young are presently detained at the Hudson County Jail, Kearny, New Jersey. Miller is pending sentencing for his drug charges, and is facing approximately seven years in prison. Young has yet to enter a guilty plea regarding his gun charge.

2) IDENTIFYING DATA-PRISONER:

NAME: Hassan Miller
RACE: Black
SEX: Male
DOB: 
SSN: 
FBI NO: 

3) CHARGES: Miller was charged on April 16, 2003 in a heroin conspiracy investigated by the DEA in violation of Title 21, U.S.C 941. Miller has pled guilty to this charge and is awaiting sentencing.

4) CRIMINAL RECORD: Miller has two prior felony convictions for drug possession in the state of New Jersey. His criminal history is attached and made a part of this communication.

5) NECESSITY: Consensually monitored and recorded conversations are necessary to corroborate allegations that Young is in fact responsible for the murder of the Newark Source and possibly for the murder of Derrick Berrian. This information will contribute to the evidence for prosecution. AUSA John Gay plans to seek the death penalty in this matter.

To: Criminal Investigative From: Newark
Re: 166E-NK-109413, 06/10/2005

6) TARGET:

NAME: ANTHONY YOUNG
RACE: Black
SEX: Male
DOB: [REDACTED]
FBI NO: [REDACTED]

Young is currently facing federal trigger lock charges in violation of Title 18, U.S.C 922.

7) CRIMINAL RECORD: Young is considered a "career criminal". He has five prior felony convictions ranging from 1992 to 1998 for the following offenses: assault, burglary, drug possession, persons not to have weapons, and receiving stolen property.

8) RELATIONSHIP: Miller and Young share the same prison tier at the Hudson County Jail and have developed a relationship over the past several months. Young has been regularly conferring with Miller murders and his co-conspirators.

9) TARGET IS AWARE OF PRISONER'S STATUS: Young is aware that Miller is facing sentencing on federal drug charges.

10) OPERATIONAL ROLE OF THE PRISONER: Miller will be provided with a recording device and transmitter which will be placed on his person. This will occur after dinner and during normal visiting hours. Miller will be summoned for a routine visit. Miller will have until 10:00 pm when the prisoners are locked down in their cells. Without drawing attention to himself, Miller will attempt to record any and all conversations he may have with Young while inside the Hudson County Jail. Miller will engage Young in normal conversation. Miller will initiate conversation with Young regarding the murders for hire. Miller will not initiate conversation regarding the weapons charges that Young is facing. In the event that Young does not converse with Miller regarding these murders, Miller will not continue the conversation. Just prior to the prisoners being locked down, a member of internal affairs will take Miller on an "infirmary visit" so that he can meet up with Special Agents who will then retrieve the recording device and transmitter without drawing any suspicion towards Miller.

11) SECURITY MEASURES: The area that Miller and Young occupy in the Hudson County Jail is referred to as a pod. The pod consists of approximately forty inmates housed in cells which surround a common area. The common area has tables and chairs as well as a section for a TV. Corrections officers do not occupy the pod, but monitor the pod in guard booths that look down onto

To: Criminal Investigative From: Newark
Re: 166E-NK-109413, 06/10/2005

the pod. The common area is the most likely place for a conversation between Miller and Young to occur.

Two Special Agents assigned to the Newark Division, a Passaic County Sheriff's Captain and the night shift jail commander will occupy a room off of the pod in order to monitor a transmitter placed on Miller and respond to any situations.

12) SPECIAL CONSIDERATION: It should be noted that the corrections officers who generally work at the target pod are also unreliable and should not be made aware of the operation.

13) DURATION OF PRISONER USE: It is anticipated that this operation will take approximately three (3) weeks and will require no more than four(4) or five (5) recordings. It is anticipated that each recording be no longer than 4 hours. The recordings are anticipated to occur as soon as approval is received.

14) PRISONER WILL BE NEEDED AS A WITNESS: Miller will be needed as a witness in this matter if Young admits to his role in or knowledge of the murders for hire. Miller is willing to testify, and his motivation is to receive a 5K letter to aid in the reduction of his sentence. Miller's attorney, Christopher Patella, is aware of this situation, and has spoken to Miller regarding his potential testimony in this matter.

15) NEED FOR RE-DESIGNATION: Miller is not requesting to be relocated when this matter reaches its final disposition. However, Miller will be sentenced promptly following disposition, and will be sent to a Federal prison outside of New Jersey.

16) CUSTODY OF THE PRISONER: Miller will remain in the custody of the US Marshals Service upon conclusion of this matter.

17) NUMBER OF AGENTS ASSIGNED: Two (2) Special Agents assigned to the Newark Division will be on site and be able to respond should Hudson County Jail personnel require assistance.

18) IDENTITY OF ENDORSING PROSECUTOR: John Gay, Assistant United States Attorney, District of New Jersey, Newark, New Jersey, telephone number 973-297-2018, concurs with the use of Miller.

19) PROGRESS REPORT: A detailed report will be submitted at the conclusion of the consensual monitoring.

20) COURT ORDER: Court orders will not be necessary.

To: Criminal Investigative From: Newark
Re: 166E-NK-109413, 06/10/2005

21) PRISONER ATTORNEY CONCURRENCE: Christopher Patella, a court appointed attorney, represents Miller and has been present for the current meetings held between the agents and Miller.

22) MCDADE: AUSA John Gay advised that the McDade Restrictions do not apply since Miller will not be questioning Young on the gun charges or domestic violence charges for which he is being detained. However, in the event that Young discusses his pending charges with Miller, a taint system has been established so that the investigating agents will not hear the conversations. Agents unrelated to the investigation will be handling the consensual monitorings. Similarly, AUSA Brian Howe, also unrelated to the investigation, will handle this investigation on the prosecution side if it appears that any prosecutorial matters were discussed by Young and Miller.

To: Criminal Investigative From: Newark

Re: 166E-NK-109413, 06/10/2005

Set Lead 1: (Action)

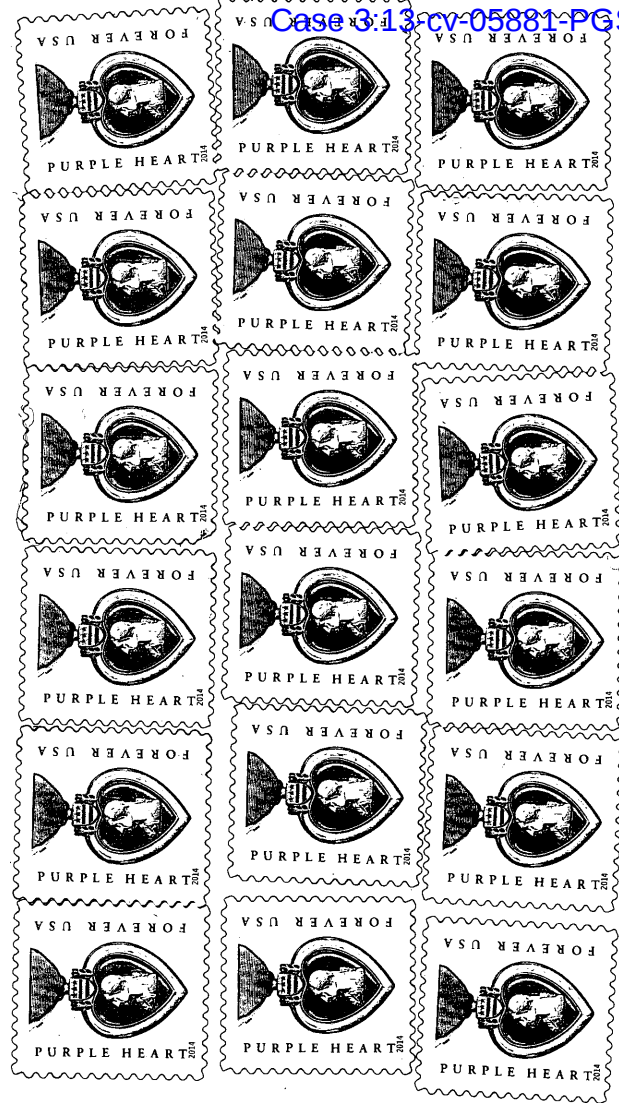
CRIMINAL INVESTIGATIVE

AT WASHINGTON, DC

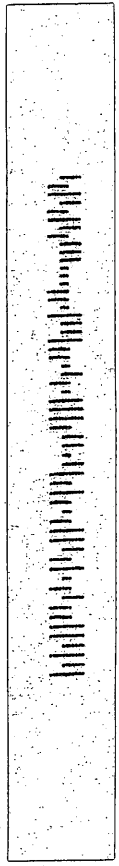
Request Department of Justice, Office of
Enforcement Operations concurrence on above described request.

◆◆

William Baskerville # 25946-050
Federal Correctional Institution McKean
P.O. Box 8000
Bradford, PA 16701



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



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