

United States District Court  
Camden, NJ

1 ALSO PRESENT:

MARKOWITZ GRAVELLE, LLP  
BY: JOSHUA L. MARKOWITZ, ESQUIRE  
Attorney for Defendant Malik Derry

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*United States District Court  
Camden, N.J.*

WITNESS INDEX

<u>WITNESS INDEX</u>		
	<u>WITNESS</u>	<u>PAGE</u>
4	<b>DARYL DABNEY</b>	3610
5	DIRECT EXAMINATION OF DARYL DABNEY BY MR.	3610
6	DANILEWITZ:	
7	<b>LONELL JONES</b>	3622
8	DIRECT EXAMINATION OF LONELL JONES BY MR.	3622
9	MALLQUI-BURGOS:	
10	<b>STEPHEN DEADY</b>	3631
11	DIRECT EXAMINATION OF STEPHEN DEADY BY MR.	3631
12	DANILEWITZ:	
13	VOIR DIRE EXAMINATION OF STEPHEN DEADY BY MR.	3638
14	MADDEN:	
15	DIRECT EXAMINATION OF STEPHEN DEADY BY MR.	3644
16	DANILEWITZ:	
17	CROSS-EXAMINATION OF STEPHEN DEADY BY MR.	3693
18	MADDEN:	
19	<b>KAREEM YOUNG</b>	3718
20	DIRECT EXAMINATION OF KAREEM YOUNG BY MR.	3719
21	ASKIN:	
22		
23		
24		
25		

*United States District Court  
Camden, New Jersey*

1 EXHIBIT INDEX

2 EXHIBIT NUMBER

1 EXHIBIT INDEX

2 EXHIBIT NUMBER PAGE

## EXHIBIT INDEX

4	GOVERNMENT EXHIBIT G-6014 WAS MARKED FOR	3614
5	IDENTIFICATION	
6	GOVERNMENT EXHIBIT G-6014 WAS RECEIVED IN	3615
7	EVIDENCE	
8	GOVERNMENT EXHIBIT G-6014.1 WAS MARKED FOR	3616
9	IDENTIFICATION	
0	GOVERNMENT EXHIBIT G-6014.1 WAS RECEIVED IN	3618
1	EVIDENCE	
2	GOVERNMENT EXHIBIT G-6014.4 WAS MARKED FOR	3618
3	IDENTIFICATION	
4	GOVERNMENT EXHIBIT G-6014.4 WAS RECEIVED IN	3619
5	EVIDENCE	
6	GOVERNMENT EXHIBIT J-WH-1 WAS MARKED FOR	3620
7	IDENTIFICATION	
8	GOVERNMENT EXHIBIT G-6075A WAS MARKED FOR	3654
9	IDENTIFICATION	
0	GOVERNMENT EXHIBIT G-6075A WAS RECEIVED IN	3655
1	EVIDENCE	
2	GOVERNMENT EXHIBIT G-13039 WAS MARKED FOR	3656
3	IDENTIFICATION	
4	GOVERNMENT EXHIBIT G-13039 WAS RECEIVED IN	3658
5	EVIDENCE	

*United States District Court  
Camden, New Jersey*

000488a

13:11 1 after the jury is in the box. So, just so you know, I'll be  
 13:11 2 asking you to do that.  
 13:11 3 If you want to position the bible over here to make it  
 13:11 4 easier for him.  
 13:11 5 MR. ASKIN: May I position the mic, your Honor?  
 13:11 6 THE COURT: Yes, maybe position the mic away and  
 13:11 7 maybe put the bible -- he's going to put his left hand and  
 13:11 8 raise his right hand, so maybe by the -- over there.  
 13:11 9 MR. ASKIN: He's going to affirm, your Honor.  
 13:11 10 THE COURT: I'm sorry. I apologize. Very good.  
 13:11 11 Then you can move that out of the way then. All right. Very  
 13:11 12 good.  
 13:11 13 All right. You ready to proceed, Mr. Madden?  
 13:11 14 MR. MADDEN: Yes, your Honor.  
 13:11 15 THE COURT: Mr. Markowitz?  
 13:11 16 MR. MARKOWITZ: Yes, your Honor.  
 13:11 17 THE COURT: All right. If you want, you can stand  
 13:12 18 now, Mr. Young. We stand for the jury when they come in.  
 13:12 19 THE DEPUTY COURT CLERK: All rise.  
 13:12 20 (Whereupon the jury entered the courtroom.)  
 13:12 21 THE COURT: All right. Thank you. Please be seated.  
 13:12 22 Welcome back.  
 13:12 23 All right. Mr. Askin, you have a witness?  
 13:12 24 MR. ASKIN: Yes, your Honor. The Government would  
 13:12 25 call Kareem Young.

United States District Court

Camden, NJ

13:14 1 MR. ASKIN: Thank you.  
 13:14 2 (DIRECT EXAMINATION OF KAREEM YOUNG BY MR. ASKIN:)  
 13:14 3 Q. Mr. Young, good afternoon.  
 13:14 4 A. Good afternoon.  
 13:14 5 Q. Mr. Young, how old are you?  
 13:14 6 A. 22.  
 13:14 7 Q. And where were you born?  
 13:14 8 A. Atlantic City.  
 13:14 9 Q. And did you grow up primarily in the Atlantic City area?  
 13:14 10 A. Yes.  
 13:14 11 Q. And when you were younger, did you live with both your  
 13:14 12 parents?  
 13:14 13 A. Yes.  
 13:14 14 Q. At some point when you were a juvenile, younger, did  
 13:14 15 something happen between your parents? Did they stay together  
 13:14 16 or did they split up?  
 13:14 17 A. They split up.  
 13:14 18 Q. Okay. And when they split up, approximately how old were  
 13:14 19 you?  
 13:14 20 A. About 5.  
 13:15 21 Q. And when that happened, did you live primarily with one  
 13:15 22 or the other at that time?  
 13:15 23 A. Yes.  
 13:15 24 Q. And who did you live with first?  
 13:15 25 A. My father.

United States District Court

Camden, NJ

13:12 1 THE COURT: All right. Mr. Young, if you would  
 13:13 2 please follow the directions of my courtroom deputy regarding  
 13:13 3 the taking of an oath.  
 13:13 4 THE DEPUTY COURT CLERK: Sir, please rise. Raise  
 13:13 5 your right hand.  
 13:13 6 (KAREEM YOUNG, HAVING DULY AFFIRMED, TESTIFIED AS FOLLOWS:)  
 13:13 7 THE DEPUTY COURT CLERK: Please state your name and  
 13:13 8 spell your last name for the record.  
 13:13 9 THE WITNESS: Kareem Young, K-A-R-E-E-M Y-O-U-N-G.  
 13:13 10 THE COURT: All right. Mr. Young, if you could have  
 13:13 11 a seat there in the witness chair, sir. There's a light blue  
 13:13 12 piece of paper there in front of you. Do you see that? Could  
 13:13 13 you read that silently to yourself? And then I'll give you  
 13:13 14 further direction.  
 13:13 15 All right. Slowly, clearly, and loudly enough for  
 13:13 16 everyone to hear you. There's a microphone there that will  
 13:13 17 help you, which you recognize, project your voice out.  
 13:13 18 If you hear the word objection, don't give any further  
 13:14 19 testimony until I give you further direction.  
 13:14 20 Also, wait until the end of a question before giving an  
 13:14 21 answer so that the reporter can take down everything that's  
 13:14 22 said. All right, sir?  
 13:14 23 THE WITNESS: Yes.  
 13:14 24 THE COURT: Very good.  
 13:14 25 Mr. Askin, your witness.

United States District Court

Camden, NJ

000489

13:16 1 as Six Bedrooms?  
 13:16 2 A. Yes.  
 13:16 3 Q. Where was that? Was that in Atlantic City?  
 13:16 4 A. Yes.  
 13:16 5 Q. And where was it?  
 13:16 6 A. I forget the street.  
 13:16 7 Q. Okay. Well, where was it with respect to Stanley Holmes?  
 13:16 8 Nearby?  
 13:16 9 A. Yes.  
 13:16 10 Q. And what ultimately happened to the Six Bedrooms complex?  
 13:16 11 A. It was torn down.  
 13:16 12 Q. Was that Six Bedrooms complex private housing or was it public housing?  
 13:16 13 A. Public.  
 13:16 14 Q. Okay. Did you live there at any period of time in the Six Bedrooms?  
 13:16 15 A. Yes.  
 13:16 16 Q. Before, of course, it was torn down, correct?  
 13:16 17 A. Yes.  
 13:16 18 Q. And who did you live there with, if you recall?  
 13:16 19 A. My mother.  
 13:16 20 Q. Okay. When Six Bedrooms was torn down, where did your mother go to live?  
 13:16 21 A. Stanley Holmes.  
 13:16 22 Q. Did you go with her at that time?

United States District Court  
 Camden, NJ

13:18 1 Q. Do you know the two individuals in the courtroom? Do you see guys in the courtroom that you recognize?  
 13:18 2 A. Yes.  
 13:18 3 Q. And who are they?  
 13:18 4 A. Mykal Derry and Malik Derry.  
 13:18 5 Q. Okay. And what did they refer to Mykal Derry by, what name or nicknames?  
 13:18 6 A. Koose.  
 13:18 7 Q. Okay. And how about Malik Derry, what name or nicknames did they use for him?  
 13:18 8 A. Lik.  
 13:18 9 Q. Okay. And how about Malik Derry, what name or nicknames did they use for him?  
 13:18 10 A. Lik.  
 13:18 11 Q. How long have you known Mykal Derry, approximately?  
 13:18 12 A. Since what year do you think you've known him?  
 13:18 13 2010.  
 13:18 14 Q. Okay. And how -- now, is Mykal Derry older or younger than you?  
 13:18 15 A. Older.  
 13:18 16 Q. By a year or two or by much more than that?  
 13:18 17 A. Much more than that.  
 13:18 18 Q. How about Malik Derry, how long have you known him?  
 13:18 19 A. Since he was little.  
 13:18 20 Q. Did Malik also grow up in Atlantic City in that same area?  
 13:18 21 A. Yes.  
 13:18 22 Q. Okay. And you've known him since -- when you say little,

United States District Court  
 Camden, NJ

13:16 1 A. No, I moved with my father.  
 13:17 2 Q. Okay. But at some point -- how old were you -- at some point -- I'm sorry.  
 13:17 4 A. At some point, did you go to Stanley Holmes and live  
 13:17 5 with your mother in Stanley Holmes?  
 13:17 6 A. Yes.  
 13:17 7 Q. Okay. And approximately how old were you at that time?  
 13:17 8 A. About 11 or 12.  
 13:17 9 Q. And you're in custody right now, correct?  
 13:17 10 A. Yes.  
 13:17 11 Q. You pled guilty to a federal drug trafficking offense, an  
 13:17 12 offense that you're awaiting sentencing?  
 13:17 13 A. Yes.  
 13:17 14 Q. Do you remember when you were taken into custody,  
 13:17 15 approximately?  
 13:17 16 A. April 3rd, 2013.  
 13:17 17 Q. Okay. From the time you were roughly 13 years old or  
 13:17 18 whatever, when you moved with your mom to Stanley Holmes,  
 13:17 19 until the time of -- until about mid February of 2013, where  
 13:17 20 were you living most of the time?  
 13:17 21 A. Stanley Holmes.  
 13:17 22 Q. With your mom?  
 13:17 23 A. Yes.  
 13:18 24 Q. What village did your mom live in?  
 13:18 25 A. Second.

United States District Court  
 Camden, NJ

13:19 1 Q. since you were a child?  
 13:19 2 A. Yes.  
 13:19 3 Q. Okay. Is Malik older or younger than Mykal?  
 13:19 4 A. Younger.  
 13:19 5 Q. And is Malik closer in age to you?  
 13:19 6 A. Yes.  
 13:19 7 Q. During the period of roughly from the summer of 2011  
 13:19 8 through February, mid February of 2013, were you, in fact,  
 13:19 9 primarily living with your mother in the second village of  
 13:19 10 Stanley Holmes?  
 13:19 11 A. Yes.  
 13:19 12 Q. Now, when you were a juvenile, did you get in trouble  
 13:19 13 with the law?  
 13:19 14 A. Yes.  
 13:19 15 Q. Were you arrested several times as a juvenile?  
 13:19 16 A. Yes.  
 13:19 17 Q. Going all the way back to when you were 13 years old; is  
 13:20 18 that right?  
 13:20 19 A. Yes.  
 13:20 20 Q. What types of offenses or crimes did you get in trouble  
 13:20 21 for as a juvenile, that you recall?  
 13:20 22 A. Selling drugs, carrying firearms.  
 13:20 23 Q. Did you also get in trouble when you were 13 for, and  
 13:20 24 placed on probation, for assaulting a teacher; do you remember  
 13:20 25 that, when you were 13 years old?

United States District Court  
 Camden, NJ

000490a

13:20 1 A. Yes.  
 13:20 2 Q. When you were a juvenile and you were arrested for  
 13:20 3 selling drugs, were you, in fact, selling drugs as a juvenile?  
 13:20 4 A. Yes.  
 13:20 5 Q. And where were you selling drugs as a juvenile?  
 13:20 6 A. **Stanley Holmes.**  
 13:20 7 Q. And what drugs were you involved in selling back then  
 13:20 8 when you were a juvenile?  
 13:20 9 A. **Crack and heroin.**  
 13:20 10 Q. Did some of these arrests when you were a juvenile result  
 13:21 11 in your -- a court, a New Jersey court adjudicating you  
 13:21 12 delinquent of offenses?  
 13:21 13 A. Yes.  
 13:21 14 Q. And did you receive periods of probation at times or  
 13:21 15 supervision of some type for some of those juvenile offenses?  
 13:21 16 A. Yes.  
 13:21 17 Q. Okay. When you were placed on supervision as a juvenile,  
 13:21 18 in general, did you stop selling drugs?  
 13:21 19 A. No.  
 13:21 20 Q. Did you stop carrying guns?  
 13:21 21 A. No.  
 13:21 22 Q. So, do you admit to the jury that you, while you were on  
 13:21 23 juvenile supervision after being adjudicated delinquent, that  
 13:21 24 you continued to sell drugs and carry guns?  
 13:21 25 A. Yes.

United States District Court

Camden, NJ

13:21 1 Q. And where were you doing that primarily?  
 13:21 2 A. **Stanley Holmes.**  
 13:21 3 Q. When you were a juvenile, at what age do you believe, to  
 13:22 4 the best of your recollection, you started getting involved in  
 13:22 5 the drug dealing and selling drugs when you were a juvenile;  
 13:22 6 how old were you then?  
 13:22 7 A. **About 12, 13.**  
 13:22 8 Q. At some point when you were a juvenile, were you brought  
 13:22 9 into court for violating -- at various times for violating  
 13:22 10 your juvenile probation?  
 13:22 11 A. Yes.  
 13:22 12 Q. And at times, was the probation -- at any point, was the  
 13:22 13 probation rescinded, in other words, withdrawn, and the judge  
 13:22 14 imposed a sentence on you, another sentence on you?  
 13:22 15 A. Yes.  
 13:22 16 Q. Okay. Were you actually sent away, in other words, sent  
 13:22 17 to juvenile custody as a juvenile at one point for violating  
 13:22 18 your probation?  
 13:22 19 A. Yes.  
 13:22 20 Q. Okay. And do you, in fact, admit that you were in  
 13:23 21 violation of your probation by not abiding by the rules of  
 13:23 22 probation?  
 13:23 23 A. Yes.  
 13:23 24 Q. And do you, in fact, admit that your criminal conduct,  
 13:23 25 selling drugs, carrying guns, et cetera, continued even while

United States District Court

Camden, NJ

13:23 1 you were on juvenile probation; is that right?  
 13:23 2 A. Yes.  
 13:23 3 Q. Do you know, do you recall where you spent time as a  
 13:23 4 juvenile when you were sentenced to time for these probation  
 13:23 5 violations?  
 13:23 6 A. **Albert Elias.**  
 13:23 7 Q. Could you spell that?  
 13:23 8 A. **I don't know how to spell it.**  
 13:23 9 Q. Do you know how to spell it?  
 13:23 10 A. No.  
 13:23 11 Q. But Albert Elias?  
 13:23 12 A. **Yes, it's a JJC program.**  
 13:23 13 Q. Okay. And where, do you remember where that was located?  
 13:23 14 A. **Hopewell, New Jersey.**  
 13:23 15 Q. Hopewell, New Jersey?  
 13:24 16 A. Yeah.  
 13:24 17 Q. Do you recall, if you remember, do you recall what year  
 13:24 18 that was that you were in that program?  
 13:24 19 A. **2008.**  
 13:24 20 Q. And to the best of your recollection today, how long do  
 13:24 21 you think you were in the Albert Elias facility for that  
 13:24 22 juvenile program in 2008 or starting in 2008?  
 13:24 23 A. **Probably about nine months.**  
 13:24 24 Q. After you turned 18, you know you became an adult,  
 13:24 25 correct, in the eyes of the law; is that right?

United States District Court

Camden, NJ

13:24 1 A. Yes.  
 13:24 2 Q. Okay. Did you -- did your problems with the criminal  
 13:24 3 justice system and the police end when you became an adult at  
 13:24 4 18?  
 13:24 5 A. No.  
 13:24 6 Q. Did you continue to get in trouble as an adult after your  
 13:24 7 18th birthday?  
 13:24 8 A. Yes.  
 13:24 9 Q. Okay. And do you have several arrests by law enforcement  
 13:24 10 in the Atlantic City area as an adult?  
 13:25 11 A. Yes.  
 13:25 12 Q. Okay. As an adult, between your 18th birthday and  
 13:25 13 between February of -- or even April of -- between your 18th  
 13:25 14 birthday and April of -- when you went into custody in April  
 13:25 15 of 2013, were you engaged routinely in criminal activity?  
 13:25 16 A. Yes.  
 13:25 17 Q. You know what I mean by routinely?  
 13:25 18 A. Yes.  
 13:25 19 Q. Okay. What type of criminal activity were you generally  
 13:25 20 involved in as an adult until you were taken into custody in  
 13:25 21 2013? I'm talking about periods when you were on the street,  
 13:25 22 not any times when you were in custody. When you were on the  
 13:25 23 street, what type of criminal activity on an ongoing basis  
 13:25 24 were you involved in?  
 13:25 25 A. **Selling drugs.**

United States District Court

Camden, NJ

000491a

13:25 1 Q. And what drugs were you primarily selling, let's say, in  
 13:25 2 the last several years in 2011, 2012, 2013; what drugs were  
 13:25 3 you selling?  
 13:25 4 A. Heroin.  
 13:25 5 Q. At times during the time frame you were out on the  
 13:26 6 street, did you also sell the drug crack cocaine?  
 13:26 7 A. Yes.  
 13:26 8 Q. Were you involved -- I'm not just talking about arrests  
 13:26 9 now; I'm talking about your history, what you've done in the  
 13:26 10 past. Were you involved, in 2011, 2012, and 2013, in carrying  
 13:26 11 firearms?  
 13:26 12 A. Yes.  
 13:26 13 Q. Okay. Once in a while or regularly?  
 13:26 14 A. Regularly.  
 13:26 15 Q. When you carried those firearms, were they loaded?  
 13:26 16 A. Yes.  
 13:26 17 Q. Did you know when you were carrying them that you were  
 13:26 18 doing so illegally, in other words, that you didn't have  
 13:26 19 lawful authorization to carry the firearms?  
 13:26 20 A. Can you say that again?  
 13:26 21 Q. You testified that you were carrying firearms rather  
 13:26 22 routinely when you were on the street engaged in criminal  
 13:26 23 conduct, correct?  
 13:26 24 A. Yes.  
 13:26 25 Q. Did you know when you were carrying those firearms that

*United States District Court*

*Camden, NJ*

13:26 1 you were, under the eyes of the law, not allowed to be  
 13:27 2 carrying them?  
 13:27 3 A. No.  
 13:27 4 Q. Do you understand my question?  
 13:27 5 A. No.  
 13:27 6 Q. Okay. Let me -- if you don't understand a question, just  
 13:27 7 say you don't understand a question. Okay? Because if you  
 13:27 8 give an answer, we're going to assume you know the answer.  
 13:27 9 Okay?  
 13:27 10 You were carrying firearms while you were engaged in  
 13:27 11 illegal activity, correct?  
 13:27 12 A. Yes.  
 13:27 13 Q. Were you carrying firearms while you were selling drugs?  
 13:27 14 A. Yes.  
 13:27 15 Q. Did you know that was illegal?  
 13:27 16 A. Yes.  
 13:27 17 Q. In 2011, did you -- were you arrested in May of 2011 for  
 13:27 18 simple assault in Burlington County?  
 13:28 19 A. Yes.  
 13:28 20 Q. And did that involve you punching another individual  
 13:28 21 while you were in prison?  
 13:28 22 A. Yes.  
 13:28 23 Q. And where did that happen?  
 13:28 24 A. JMSF.  
 13:28 25 Q. What's JMSF?

*United States District Court*

*Camden, NJ*

13:28 1 A. It's a juvenile medium security prison.  
 13:28 2 Q. And was that facility, to the best of your knowledge, in  
 13:28 3 Burlington County?  
 13:28 4 A. No, it was in Bordentown.  
 13:28 5 Q. Okay. All right. And did you wind up -- eventually, did  
 13:28 6 you plead guilty to that simple assault charge?  
 13:28 7 A. Yes.  
 13:28 8 Q. And were you sentenced to serve a period of probation  
 13:28 9 initially?  
 13:28 10 A. Yes.  
 13:28 11 Q. Did you violate that probation, if you recall?  
 13:28 12 A. Yes. Yes.  
 13:28 13 Q. And did you wind up serving any period of -- do you know,  
 13:28 14 do you recall whether you wound up serving a period of  
 13:28 15 imprisonment for that?  
 13:28 16 A. No.  
 13:28 17 Q. You didn't?  
 13:28 18 A. No.  
 13:28 19 Q. Okay. But that was a fight you had gotten in when you  
 13:29 20 were around 18 years old with someone while you were in  
 13:29 21 custody, correct?  
 13:29 22 A. Yes.  
 13:29 23 Q. And that's something you pled guilty to, correct?  
 13:29 24 A. Yes.  
 13:29 25 Q. How about when you were 19 years old in April of 2012,

*United States District Court*

*Camden, NJ*

13:28 1 were you arrested for possession of what New Jersey calls CDS  
 13:29 2 or controlled dangerous substance; were you involved in that,  
 13:29 3 possession of illegal drugs, and arrested for it in April of  
 13:29 4 2012?  
 13:29 5 A. Yes.  
 13:29 6 Q. Okay. And did you -- were you convicted of that --  
 13:29 7 A. Yes.  
 13:29 8 Q. -- if you recall?  
 13:29 9 A. Yes.  
 13:29 10 Q. Did you plead guilty or go to trial; do you remember?  
 13:29 11 A. Plead guilty.  
 13:29 12 Q. Do you recall failing to appear on February the 15th,  
 13:29 13 2013, in court for that offense?  
 13:29 14 A. Yes.  
 13:29 15 Q. And did you know at some point that the Court issued a  
 13:30 16 bench warrant for your arrest?  
 13:30 17 A. Yes.  
 13:30 18 Q. Were you also arrested on or about January the 17th of  
 13:30 19 2013 for possession of CDS in Atlantic County?  
 13:30 20 A. Yes.  
 13:30 21 Q. Okay. And was that a case -- was that a case that's  
 13:30 22 still pending against you, if you know?  
 13:30 23 A. Yes.  
 13:30 24 Q. And these two arrests, January 17th, 2013, possession of  
 13:30 25 CDS, and April 8th, 2012, possession of CDS, where did those

*United States District Court*

*Camden, NJ*

*000492a*

<p style="text-align: right;">3733</p> <p>13:30 1 arrests -- let's start with the first one, April of 2012.</p> <p>13:30 2 Where did those arrests occur; do you remember? Or what area,</p> <p>13:30 3 what city?</p> <p>13:30 4 <b>A. Atlantic City.</b></p> <p>13:30 5 <b>Q.</b> Okay. And do you recall the one in April 2012, if you</p> <p>13:31 6 remember, do you remember around where that one occurred, if</p> <p>13:31 7 you know?</p> <p>13:31 8 <b>A. I don't remember.</b></p> <p>13:31 9 <b>Q.</b> Okay. How about the one in January 17th of 2013, do you</p> <p>13:31 10 know where you were arrested for that?</p> <p>13:31 11 <b>A. In Atlantic City.</b></p> <p>13:31 12 <b>Q.</b> Okay. Do you remember the exact location?</p> <p>13:31 13 <b>A. No.</b></p> <p>13:31 14 <b>Q.</b> In 2012, though, in those time frames, April of 2012 and</p> <p>13:31 15 January of 2013, where in Atlantic City were you selling</p> <p>13:31 16 drugs, what area generally?</p> <p>13:31 17 <b>A. Atlantic Avenue, Stanley Holmes Village, Schoolhouse</b></p> <p>13:31 18 <b>Apartments.</b></p> <p>13:31 19 <b>Q.</b> Were you also arrested for shoplifting on January the</p> <p>13:31 20 22nd of 2013?</p> <p>13:31 21 <b>A. Yes.</b></p> <p>13:31 22 <b>Q.</b> Okay. And is that something that occurred in Atlantic</p> <p>13:31 23 City?</p> <p>13:31 24 <b>A. Yes.</b></p> <p>13:31 25 <b>Q.</b> And did you take items from a store without paying for</p>	<p style="text-align: right;">3735</p> <p>13:33 1 <b>Q.</b> Did you do that?</p> <p>13:33 2 <b>A. Yes.</b></p> <p>13:33 3 <b>Q.</b> Was that case still pending in mid February of 2013?</p> <p>13:33 4 <b>A. Yes.</b></p> <p>13:33 5 <b>Q.</b> In February of 2013 -- were you scheduled in mid February</p> <p>13:33 6 of 2013 for sentencing in one or more of these cases in</p> <p>13:33 7 Atlantic County?</p> <p>13:33 8 <b>A. Yes.</b></p> <p>13:33 9 <b>Q.</b> And in mid February of 2013, did you show up in the</p> <p>13:33 10 Superior Court of Atlantic County for that sentencing date?</p> <p>13:34 11 <b>A. No.</b></p> <p>13:34 12 <b>Q.</b> Instead of showing up for the sentencing date, what did</p> <p>13:34 13 you do?</p> <p>13:34 14 <b>A. I ran.</b></p> <p>13:34 15 <b>Q.</b> And when you ran, did you leave the state?</p> <p>13:34 16 <b>A. Yes.</b></p> <p>13:34 17 <b>Q.</b> Okay. And without telling us the specific location, did</p> <p>13:34 18 you go to another state far away?</p> <p>13:34 19 <b>A. Yes.</b></p> <p>13:34 20 <b>Q.</b> What state did you go to?</p> <p>13:34 21 <b>A. Florida.</b></p> <p>13:34 22 <b>Q.</b> How did you get from New Jersey -- you were living in New</p> <p>13:34 23 Jersey at the time, correct, in February of 2013, before you</p> <p>13:34 24 left the state?</p> <p>13:34 25 <b>A. Yes.</b></p>
<p style="text-align: right;">3734</p> <p>13:31 1 them?</p> <p>13:31 2 <b>A. Yes.</b></p> <p>13:32 3 <b>Q.</b> And is that case still pending?</p> <p>13:32 4 <b>A. Yes.</b></p> <p>13:32 5 <b>Q.</b> To the best of your knowledge?</p> <p>13:32 6 <b>A. Yes.</b></p> <p>13:32 7 <b>Q.</b> Okay. On February the 4th of 2013, were you charged with</p> <p>13:32 8 possession of controlled dangerous substances, distribution of</p> <p>13:32 9 controlled substances, possession with the intent to</p> <p>13:32 10 distribute controlled substances within 500 feet of a public</p> <p>13:32 11 housing complex, were you charged with those crimes on</p> <p>13:32 12 February 4th of 2013 on the basis of a complaint that alleged</p> <p>13:32 13 that on November 15th of 2012, you sold CDS within 1,000 feet</p> <p>13:32 14 of a school?</p> <p>13:32 15 <b>A. Yes.</b></p> <p>13:32 16 <b>Q.</b> Okay. Did that -- what drug were you selling there?</p> <p>13:32 17 <b>A. Heroin.</b></p> <p>13:32 18 <b>Q.</b> Okay. And do you admit that back on November, November</p> <p>13:32 19 2012, that you were engaged in the sale of heroin in Atlantic</p> <p>13:33 20 City, New Jersey?</p> <p>13:33 21 <b>A. Yes.</b></p> <p>13:33 22 <b>Q.</b> Okay. And from the allegations, do you agree that it's</p> <p>13:33 23 alleged that you sold it to an undercover detective in</p> <p>13:33 24 November of 2012? November 15th of 2012?</p> <p>13:33 25 <b>A. Yes.</b></p>	<p style="text-align: right;">3736</p> <p>13:34 1 <b>Q.</b> How did you get from the State of New Jersey, the</p> <p>13:34 2 Atlantic City area, down to -- don't give us the location --</p> <p>13:34 3 in Florida?</p> <p>13:34 4 <b>A. A bus.</b></p> <p>13:34 5 <b>Q.</b> Did you go on the bus by yourself?</p> <p>13:34 6 <b>A. Yes.</b></p> <p>13:34 7 <b>Q.</b> When you got to Florida, did you reside down there for a</p> <p>13:34 8 period of time?</p> <p>13:34 9 <b>A. Yes.</b></p> <p>13:34 10 <b>Q.</b> Okay. With -- without giving us the specifics, with</p> <p>13:34 11 individuals that you were close to, family or friends or</p> <p>13:35 12 someone somewhere in Florida?</p> <p>13:35 13 <b>A. Family.</b></p> <p>13:35 14 <b>Q.</b> Okay. And ultimately were you arrested in early April of</p> <p>13:35 15 2013 in Florida?</p> <p>13:35 16 <b>A. Yes.</b></p> <p>13:35 17 <b>Q.</b> Now, were you arrested in April of 2013 in Florida</p> <p>13:35 18 because you turned yourself in to somebody, or did something</p> <p>13:35 19 happen?</p> <p>13:35 20 <b>A. No, something happened.</b></p> <p>13:35 21 <b>Q.</b> What happened?</p> <p>13:35 22 <b>A. The FBI came for me.</b></p> <p>13:35 23 <b>Q.</b> And did FBI agents come looking for you in Florida and</p> <p>13:35 24 place you under arrest in early April of 2013?</p> <p>13:35 25 <b>A. Yes.</b></p> <p style="text-align: right;">0004930</p>

13:35 1 Q. And was that in relation to your -- a federal criminal  
 13:35 2 complaint and federal arrest warrant that had been filed  
 13:35 3 against you under seal?  
 13:35 4 A. Yes.  
 13:35 5 Q. Okay. Do you know what under seal means? In other  
 13:35 6 words, it's not to the public, correct?  
 13:35 7 A. Yes.  
 13:35 8 Q. Now, since those documents were under seal, did you have  
 13:35 9 any knowledge in early April of 2013 that you were wanted by  
 13:36 10 the FBI or U.S. marshals?  
 13:36 11 A. No.  
 13:36 12 Q. That's something you found out after they arrested you,  
 13:36 13 correct?  
 13:36 14 A. Yes.  
 13:36 15 Q. But if I understand your testimony, you fled or left the  
 13:36 16 State of New Jersey for Florida, knowing that you were due to  
 13:36 17 be in court and had a lawful obligation to appear in court for  
 13:36 18 sentencing on criminal offenses in the State of New Jersey; is  
 13:36 19 that right?  
 13:36 20 A. Yes.  
 13:36 21 Q. When you went to Florida, did your criminal activity  
 13:36 22 stop, or did you continue to engage in some criminal activity  
 13:36 23 while you were in Florida?  
 13:36 24 A. I continued.  
 13:36 25 Q. And what were you doing in Florida to support yourself in

*United States District Court*

*Camden, NJ*

13:37 1 February of 2013 until you were arrested by the FBI in early  
 13:37 2 April of 2013?  
 13:37 3 A. Yes.  
 13:38 4 Q. Okay. And you did that knowing that it was against the  
 13:38 5 law and that also you were on the run for other offenses from  
 13:38 6 the State of New Jersey, other drug offenses in the State of  
 13:38 7 New Jersey, correct?  
 13:38 8 A. Yes.  
 13:38 9 Q. Did you leave the State of New Jersey because you  
 13:38 10 expected that you were going to be sent to prison for those  
 13:38 11 offenses when you got sentenced?  
 13:38 12 A. Yes.  
 13:38 13 Q. Were you charged with respect to this federal  
 13:38 14 investigation with conspiracy to distribute heroin in the  
 13:38 15 Atlantic City area?  
 13:38 16 A. Yes.  
 13:38 17 Q. And when you were charged, did you first go to a court  
 13:39 18 hearing, we call it a removal hearing, in the state of  
 13:39 19 Florida, in a federal court in the state of Florida?  
 13:39 20 A. Yes.  
 13:39 21 Q. Did they take you before a federal magistrate in the  
 13:39 22 state of Florida for a hearing?  
 13:39 23 A. Yes.  
 13:39 24 Q. Okay. And did that judge, to the best of your knowledge,  
 13:39 25 order you removed to the District of New Jersey, to this

*United States District Court*

*Camden, NJ*

13:36 1 part while you were there from -- well, let me back up. I'll  
 13:36 2 withdraw that question.  
 13:36 3 Do you recall, as best you can recall today,  
 13:36 4 approximately what date you arrived in Florida or what date  
 13:36 5 the bus trip was?  
 13:36 6 A. February 13th.  
 13:37 7 Q. Okay. And I assume from somewhere in the Atlantic City  
 13:37 8 area of New Jersey. Did you leave from the Atlantic City Bus  
 13:37 9 Terminal?  
 13:37 10 A. Yes.  
 13:37 11 Q. Without revealing where you went in Florida, I'm assuming  
 13:37 12 that's a long bus trip?  
 13:37 13 A. Yes.  
 13:37 14 Q. Okay. So, you left on February 13th. Did you arrive on  
 13:37 15 the 13th or the 14th, if you remember?  
 13:37 16 A. The 14th.  
 13:37 17 Q. Okay. And you met with family down there?  
 13:37 18 A. Yes.  
 13:37 19 Q. Now, when you got down there, did you rather quickly  
 13:37 20 become involved in criminal activity?  
 13:37 21 A. Yes.  
 13:37 22 Q. And what did you get involved with while you were in  
 13:37 23 Florida?  
 13:37 24 A. Selling weed.  
 13:37 25 Q. And did you sell weed for a period of time between mid

*United States District Court*

*Camden, NJ*

13:39 1 Court?  
 13:39 2 A. Yes.  
 13:39 3 Q. Okay. And were you allowed to just come up here on your  
 13:39 4 own, or were you transported by the marshals?  
 13:39 5 A. I was transported by the marshals.  
 13:39 6 Q. On a plane or a bus? What happened? How did you get  
 13:39 7 here?  
 13:39 8 A. Plane.  
 13:39 9 Q. With other people who were in federal custody?  
 13:39 10 A. Yes.  
 13:39 11 Q. Okay. And when you got to court here, do you recall  
 13:39 12 whether or not there was a detention hearing?  
 13:39 13 A. Yes.  
 13:39 14 Q. Okay. If you recall, did you agree, essentially, to be  
 13:39 15 detained, or was there an actual hearing? Do you understand  
 13:39 16 my question?  
 13:39 17 A. I believe there was a hearing.  
 13:39 18 Q. Okay. Okay. Whether or not there was a hearing or you  
 13:40 19 agreed -- let me ask this question if you don't remember.  
 13:40 20 Were you, in fact, detained by a United States Magistrate  
 13:40 21 Judge?  
 13:40 22 A. Yes.  
 13:40 23 Q. And ordered held without bail?  
 13:40 24 A. Yes.  
 13:40 25 Q. Have you been in federal custody at various locations,

*United States District Court*

*Camden, NJ*

000494a

13:40 1 different locations since that time? Since you were taken  
 13:40 2 into custody by the FBI agents and delivered to that Federal  
 13:40 3 Court in early April of 2013, have you been in custody that  
 13:40 4 whole time?  
 13:40 5 A. Yes.  
 13:40 6 Q. Approximately, if you recall, how many months have you  
 13:40 7 been in custody on this federal offense?  
 13:40 8 A. 27 months.  
 13:40 9 Q. Now, when you were brought before the Federal Court, you  
 13:40 10 initially went before a magistrate judge for an initial  
 13:40 11 appearance and perhaps a detention hearing, correct?  
 13:40 12 A. Yes.  
 13:40 13 Q. And ultimately was your case assigned to a United States  
 13:41 14 District Judge like Judge Hillman?  
 13:41 15 A. Yes.  
 13:41 16 Q. Okay. And which judge -- if you remember his name, which  
 13:41 17 judge was it assigned to?  
 13:41 18 A. Judge Irenas.  
 13:41 19 Q. And while your case was before -- while your case was  
 13:41 20 before the magistrate judge, was an attorney appointed to  
 13:41 21 represent you?  
 13:41 22 A. Yes.  
 13:41 23 Q. And who was the attorney that was appointed to represent  
 13:41 24 you?  
 13:41 25 A. Peter Levin.

United States District Court  
 Camden, NJ

13:42 1 affidavit of probable cause supporting that complaint?  
 13:42 2 A. Yes.  
 13:42 3 Q. Did you read that in whole or in part? Did you read  
 13:42 4 parts of it or the whole thing?  
 13:42 5 A. Read parts of it.  
 13:42 6 Q. Okay. It was about, if I recall, about 100 pages long;  
 13:42 7 is that right?  
 13:42 8 A. Yes.  
 13:42 9 Q. Okay. You didn't read the whole thing; you read parts of  
 13:43 10 it?  
 13:43 11 A. Yes.  
 13:43 12 MR. MADDEN: Objection, your Honor. If I could have  
 13:43 13 a sidebar.  
 13:43 14 THE COURT: All right.  
 13:43 15 (Sidebar.)  
 13:43 16 MR. MADDEN: I may be overreacting or hypersensitive  
 13:43 17 here, but I want to make sure we're not going into did you  
 13:43 18 look at hundreds of pages of discovery. I don't want there to  
 13:43 19 be some presentation about the overwhelming evidence and,  
 13:43 20 therefore, he decided to plead guilty. I'm concerned we're  
 13:44 21 going in that direction.  
 13:44 22 MR. ASKIN: That's a good point, but that's not where  
 13:44 23 I'm going.  
 13:44 24 MR. MADDEN: Simply the implication could be given to  
 13:44 25 the jury.

United States District Court  
 Camden, NJ

3742

13:41 1 Q. Has Peter Levin represented you throughout the pendency  
 13:41 2 of your case?  
 13:41 3 A. Yes.  
 13:41 4 Q. From the time he was appointed, correct?  
 13:41 5 A. Yes.  
 13:41 6 Q. Does he continue to represent you?  
 13:41 7 A. Yes.  
 13:41 8 Q. Have you met with him at times throughout the process of  
 13:41 9 this court proceeding, in other words, your case?  
 13:41 10 A. Yes.  
 13:41 11 Q. Okay. And without telling us what the advice is, you've  
 13:41 12 met with him; he's provided advice to you?  
 13:41 13 A. Yes.  
 13:41 14 Q. Did you -- at some point during the pendency of this  
 13:42 15 case, did you receive, or through Mr. Levin, did you receive  
 13:42 16 certain discovery documents? Did you get some discovery in  
 13:42 17 the case, in other words, access to some of the evidence  
 13:42 18 against you or the documents where the Government was alleging  
 13:42 19 certain things against you?  
 13:42 20 A. Yes.  
 13:42 21 Q. Okay. Let's start with the criminal complaint. Did you  
 13:42 22 receive a criminal complaint in the beginning that listed the  
 13:42 23 charges, a conspiracy to distribute heroin?  
 13:42 24 A. Yes.  
 13:42 25 Q. And with that criminal complaint, was there a thick

United States District Court  
 Camden, NJ

13:44 1 MR. ASKIN: What I was going after, I'm trying to  
 13:44 2 establish with him that he has some familiarity with some of  
 13:44 3 the discovery, but that he's read limited amounts of  
 13:44 4 discovery. He told us in the prep that he read parts of the  
 13:44 5 criminal complaint. Your Honor, the complaint, and I  
 13:44 6 misspoke, it was over 200 and some odd pages, it was written,  
 13:44 7 the affidavit, by Special Agent Kopp.  
 13:44 8 In the back of it for the benefit of counsel and the  
 13:44 9 defendants, we had put an index, a name index that would have  
 13:44 10 said by Kareem Young and certain pages, and I believe what he  
 13:44 11 told me in the prep was he went to his pages, which a lot of  
 13:44 12 the defendants did, and read those sections.  
 13:44 13 I wasn't going to go into tremendous detail with this,  
 13:44 14 but I anticipate, because this isn't my first rodeo, that  
 13:44 15 eventually these guys are going to say that, oh, you know this  
 13:44 16 stuff because you read it in the discovery. So, I sort of  
 13:44 17 want to lay the groundwork for that, that what he -- that it's  
 13:45 18 my understanding from talking to the witness, unless I  
 13:45 19 understand him incorrectly, that he didn't engage in an  
 13:45 20 extensive review of all this discovery, that he basically read  
 13:45 21 these portions of the criminal complaint affidavit that  
 13:45 22 applied to him, he was given line sheets, and I believe, if I  
 13:45 23 understand him in the preps, that he read those line sheets or  
 13:45 24 reviewed the line sheets and possibly the audio calls that  
 13:45 25 went with those line sheets, and then he talked to his lawyer

United States District Court  
 Camden, NJ

1 and he made a decision to plead guilty. He may have also  
 13:45 2 looked at some surveillance photos.  
 13:45 3 But down the line, and I don't want to hide the ball  
 13:45 4 here, we're going to be able to show that there are all sorts  
 13:45 5 of things he knows that he couldn't possibly know except for  
 13:45 6 telling the truth, and that's sort of the groundwork I was  
 13:45 7 going to lay.

13:45 8 THE COURT: All right. Well, I would make that point  
 13:45 9 and move on. I think you can do it in a limited number of  
 13:45 10 questions.

13:45 11 MR. ASKIN: Yes, your Honor.

13:45 12 THE COURT: So, just try to increase the pace a  
 13:45 13 little bit on this background.

13:45 14 MR. ASKIN: Yes, your Honor.

13:46 15 (End of sidebar.)

13:46 16 MR. ASKIN: May I proceed, your Honor?

13:46 17 THE COURT: You may, Mr. Askin. Thank you.

13:46 18 BY MR. ASKIN:

13:46 19 Q. Mr. Young, the affidavit of probable cause, I believe, is  
 13:46 20 over 200 pages. Did you read the whole thing?

13:46 21 A. No.

13:46 22 Q. Okay. Did you read the portions that -- where you were  
 13:46 23 mentioned?

13:46 24 A. Yes.

13:46 25 Q. Okay. And do you recall whether or not there was an  
 United States District Court  
 Camden, NJ

13:46 1 index at the back of the document that had your name as one of  
 13:46 2 the members of the index?

13:46 3 A. Yes.

13:46 4 Q. Okay. Did you go to those sections and read the sections  
 13:46 5 that applied to you?

13:46 6 A. Yes.

13:46 7 Q. Did you also review what we would call line sheets, kind  
 13:46 8 of like draft transcripts, of the calls on the wire?

13:46 9 A. Yes.

13:46 10 Q. The ones that involved you or all of them?

13:46 11 A. The ones that involved me.

13:46 12 Q. And were you given -- to the best of your recollection,  
 13:46 13 were you given a packet of line sheets that were the calls,  
 13:46 14 the calls where just -- just your calls where the Government  
 13:46 15 was claiming you were on the phone?

13:47 16 A. Yes.

13:47 17 Q. And did you review those yourself and with your lawyer?

13:47 18 A. Yes.

13:47 19 Q. Okay. And did you -- do you recall reviewing a lot of  
 13:47 20 other information, or were those the primary things you  
 13:47 21 reviewed before talking to your lawyer about what you wanted  
 13:47 22 to do?

13:47 23 A. I reviewed a couple other informations.

13:47 24 Q. A couple other things?

13:47 25 A. Yeah.

United States District Court  
 Camden, NJ

13:47 1 Q. Did you look at some surveillance photos?

13:47 2 A. Yes.

13:47 3 Q. Okay. Ultimately, though, after reviewing this

13:47 4 discovery, did you make a decision to -- about what you wanted  
 13:47 5 to do with the case after you spoke with your lawyer?

13:47 6 A. Yes.

13:47 7 Q. Okay. And what did you decide you wanted to do with  
 13:47 8 respect to the Government's case against you?

13:47 9 A. Plead out.

13:47 10 Q. Okay. When you say plead out, you're referring to  
 13:47 11 pleading guilty?

13:47 12 A. Yes.

13:47 13 MR. MADDEN: Objection, your Honor. Sidebar.  
 13:47 14 (Sidebar.)

13:48 15 MR. MADDEN: After reviewing the discovery, what did  
 13:48 16 he decide to do? He decided to plead guilty. That's exactly  
 13:48 17 what I was trying to avoid.

13:48 18 THE COURT: He also said he only read to the part  
 13:48 19 against him.

13:48 20 MR. ASKIN: Right. That's all we're talking about.

13:48 21 MR. MADDEN: I just wanted to put an objection on the  
 13:48 22 record. I think it's prejudicial.

13:48 23 MR. ASKIN: I think the Court can instruct him and I  
 13:48 24 think the Court can instruct him a couple times if the Court  
 13:48 25 thinks that it's necessary that the fact that he made a

United States District Court

Camden, NJ

13:48 1 personal decision to plead guilty based on the evidence --

13:48 2 THE COURT: That's part of my standard instructions.

13:48 3 MR. ASKIN: Right. And that's why he's not making a  
 13:48 4 comment on anybody -- on the evidence against anybody else,  
 13:48 5 nor was he asked about it. In fact, I agree with the Court,  
 13:49 6 he's not even saying he reviewed it against anybody else, just  
 13:49 7 the stuff against him.

13:49 8 MR. MADDEN: I just wanted to preserve it for the  
 13:49 9 record.

13:49 10 THE COURT: Fair enough. Very good.

13:49 11 (End of sidebar.)

13:49 12 MR. ASKIN: Your Honor, may we see back at sidebar  
 13:49 13 for one other issue? I'm sorry. I'm sorry I didn't say this  
 13:49 14 before we broke.

13:49 15 (Sidebar.)

13:49 16 MR. ASKIN: I'll try to move this along. Judge,

13:49 17 there's, and I've seen other judges and different judges  
 13:49 18 handle this differently, and I've discussed it with counsel  
 13:49 19 because sometimes counsel has different views. My  
 13:49 20 understanding is we're about to get into a bunch of Jencks  
 13:49 21 documents in terms of maybe the proffer letter, but definitely  
 13:49 22 the plea agreement, the cooperation agreement, other documents  
 13:49 23 like that, the information filed against him, et cetera, a  
 13:49 24 waiver of indictment.

13:49 25 These documents, I'm not so sure they come in as

United States District Court

Camden, NJ

000496a

13:49 1 evidence in terms of exhibits and would go back to the jury.  
 13:49 2 I don't believe they probably should, and I think counsel  
 13:50 3 agrees with me on that. However, when we go into these  
 13:50 4 documents in some detail as to what his agreements with the  
 13:50 5 Government are, which we obviously under Third Circuit case  
 13:50 6 law have a right to do, I think both counsel for the  
 13:50 7 Government and counsel for the defense want to be able to  
 13:50 8 display the documents or the relevant portions of the  
 13:50 9 documents while we're talking about them, not necessarily that  
 13:50 10 they're going to go back to the jury, and my understanding  
 13:50 11 from talking to Mr. Madden and Mr. Markowitz is they don't  
 13:50 12 have any objection to that.  
 13:50 13 The reason I want to put it on the record is because  
 13:50 14 when I start doing it, I know the Court's practice is  
 13:50 15 generally nothing gets displayed to the jury unless it's in  
 13:50 16 evidence, but this I think is a little bit different and they  
 13:50 17 don't have any objection. I think that both sides want to do  
 13:50 18 it this way if the Court is okay with it, unless the Court  
 13:50 19 thinks that's improper.  
 13:50 20 THE COURT: Well, I think there's an evidentiary  
 13:50 21 foundation for them. I'd have to examine the rules, but I  
 13:50 22 guess I don't have any problem with it.  
 13:50 23 MR. MADDEN: We have no objection.  
 13:50 24 THE COURT: All right. Any objection, Mr. Markowitz?  
 13:51 25 MR. MARKOWITZ: No, your Honor.

*United States District Court*

*Camden, NJ*

13:52 1 Q. Okay. And there's a case number on there, correct?  
 13:52 2 A. Yes.  
 13:52 3 Q. Okay. And is this -- take a look at this and tell us by  
 13:53 4 looking at the back pages how many page document that is?  
 13:53 5 A. Six.  
 13:53 6 Q. Can I see it? Okay. Well, six-and-a-half, right?  
 13:53 7 There's a seventh page?  
 13:53 8 A. Right.  
 13:53 9 Q. Okay. So, it's a seven-page document really, the seventh  
 13:53 10 page just being about one third of the page; is that right?  
 13:53 11 A. Yes.  
 13:53 12 Q. Now, if you look at page 5 of the document, is the  
 13:53 13 document signed by anyone on page 5?  
 13:53 14 A. Signed by me.  
 13:53 15 Q. Okay. And is it signed by anyone else on page 5?  
 13:53 16 A. Yes.  
 13:53 17 Q. Who is it signed by?  
 13:54 18 A. Peter Levin.  
 13:54 19 Q. Okay. And that was your lawyer, correct?  
 13:54 20 A. Yes.  
 13:54 21 Q. He remains your lawyer?  
 13:54 22 A. Yes.  
 13:54 23 Q. Okay. Did you sign this document after reading it?  
 13:54 24 A. Yes.  
 13:54 25 Q. Going over it with your lawyer?

*United States District Court*

*Camden, NJ*

3750

13:51 1 THE COURT: All right. That's fine. We'll deal with  
 13:51 2 it that way. They won't go into evidence, but I'll allow you  
 13:51 3 to display the materials to the jury in explaining what the  
 13:51 4 terms of it are.  
 13:51 5 MR. ASKIN: Okay. Thank you, your Honor.  
 13:51 6 THE COURT: Very good. Thank you.  
 13:51 7 (End of sidebar.)  
 13:52 8 MR. ASKIN: Your Honor, we're having a little bit of  
 13:52 9 a technical difficulty, but I think it will be solved shortly,  
 13:52 10 but if I might approach the witness. I'm going to ask to show  
 13:52 11 the witness Government's Exhibit J -- it's been marked for  
 13:52 12 identification J-KY-1. It's the plea agreement. And I'm  
 13:52 13 going to ask to show it to the witness.  
 13:52 14 THE COURT: Very good. You may proceed.  
 13:52 15 (GOVERNMENT EXHIBIT J-KY-1 WAS MARKED FOR IDENTIFICATION.)  
 13:52 16 MR. ASKIN: You can maybe pull it up later.  
 13:52 17 May I approach the witness?  
 13:52 18 BY MR. ASKIN:  
 13:52 19 Q. Mr. Young, I'm showing you what's been marked, for  
 13:52 20 identification purposes, J-KY, your initials, -1, correct?  
 13:52 21 A. Yes.  
 13:52 22 Q. Keep your voice up. Sit closer to the mic or keep your  
 13:52 23 voice up. Okay? The jurors have to hear you.  
 13:52 24 This is entitled at the top. What's the title there?  
 13:52 25 A. Plea Agreement with Kareem Young.

*United States District Court*

*Camden, NJ*

13:54 1 A. Yes.  
 13:54 2 Q. On page 4, does it also bear someone's signature?  
 13:54 3 A. Yes.  
 13:54 4 Q. And whose signature does it bear?  
 13:54 5 A. Patrick C. Askin.  
 13:54 6 Q. That's me, right?  
 13:54 7 A. Yes.  
 13:54 8 Q. Okay. Is this, in fact, Government's Exhibit J-KY-1, the  
 13:54 9 plea agreement that you signed in this case?  
 13:54 10 A. Yes.  
 13:54 11 Q. Okay.  
 13:54 12 MR. ASKIN: If I might have one moment?  
 13:54 13 THE COURT: Yes.  
 13:54 14 MR. ASKIN: It's working.  
 13:54 15 BY MR. ASKIN:  
 13:54 16 Q. Mr. Young, I'm going to refer you to certain pages of  
 13:54 17 this document, certain portions of the document. They should  
 13:54 18 come up on your monitor there. If they don't come up on the  
 13:54 19 monitor, please let us know, okay?  
 13:54 20 A. Yes.  
 13:55 21 Q. Okay. Are you able to see that in front of you, or are  
 13:55 22 you having trouble reading it?  
 13:55 23 A. I can see it.  
 13:55 24 Q. Okay. And this is, in fact, the first page of the plea  
 13:55 25 agreement entitled Plea Agreement with Kareem Young, correct?

*United States District Court*

*Camden, NJ*

000497a

3753

13:55 1 A. Yes.  
13:55 2 Q. And it's dated December 23rd, 2013?  
13:55 3 A. Yes.  
13:55 4 Q. Okay. And in this, you agreed to plead guilty to a one count information, correct?  
13:55 5  
13:55 6 A. Yes.  
13:55 7 Q. Did your lawyer explain to you that, constitutionally, 8 you have a right to being indicted by a federal grand jury 9 unless that right is waived?  
13:55 10 A. Yes.  
13:55 11 Q. And only if that right is waived can the Government 12 proceed by way of an information, correct?  
13:55 13 A. Yes.  
13:55 14 Q. Did you waive your right to indictment in this case?  
13:55 15 A. Yes.  
13:55 16 Q. After consulting with your lawyer?  
13:55 17 A. Yes.  
13:55 18 Q. Okay. And did you agree to plead guilty to a one count 19 information, as the plea agreement says, charging you that you 20 conspired with others to distribute and possess with the 21 intent to distribute 100 grams or more of a mixture or 22 substance containing a detectable amount of heroin, correct?  
13:56 23 A. Yes.  
13:56 24 Q. And that was in violation of Title 21 United States Code  
13:56 25 Section 846?

United States District Court  
Camden, NJ

3755

13:57 1 A. Yes.  
13:57 2 Q. Now, at the time you entered this guilty plea, were you 3 cooperating with the Government?  
13:57 4 A. No.  
13:57 5 Q. At some point after the guilty plea, did you make a 6 decision to cooperate with the Government?  
13:57 7 A. Yes.  
13:57 8 Q. And was that after meeting with Special Agent Kopp, 9 myself, and others, along with your lawyer, Mr. Levin?  
13:57 10 A. Yes.  
13:57 11 Q. But so the record is clear, if I understand your 12 testimony, that occurred after you had already entered the 13 guilty plea; is that right?  
13:57 14 A. Yes.  
13:57 15 Q. If we go page 2 --  
13:57 16 MR. ASKIN: Your Honor, I'm sorry. I would ask, 17 while it's not in evidence, by agreement of all counsel, I 18 would ask to display portions of J-KY-1, which is the plea 19 agreement that I'm showing, to the witness and the jury 20 without admitting it.  
13:58 21 THE COURT: All right. To aid in the examination.  
13:58 22 Any objection?  
13:58 23 MR. MADDEN: No, your Honor.  
13:58 24 MR. MARKOWITZ: No, your Honor.  
13:58 25 THE COURT: You may publish.

United States District Court  
Camden, NJ

3754

13:56 1 A. Yes.  
13:56 2 Q. Okay. Have you been sentenced for this offense yet?  
13:56 3 A. No.  
13:56 4 Q. Are you awaiting -- did you enter this guilty plea?  
13:56 5 A. Yes.  
13:56 6 Q. In open court?  
13:56 7 A. Yes.  
13:56 8 Q. And judge -- did you do so before Judge Irenas?  
13:56 9 A. Yes.  
13:56 10 Q. And did Judge Irenas ask you a series of questions to  
13:56 11 make sure that you understood what you were doing by pleading  
13:56 12 guilty?  
13:56 13 A. Yes.  
13:56 14 Q. Did he also ask you questions about what we would call  
13:56 15 the factual basis for the plea, in other words, the facts  
13:56 16 surrounding your guilty plea?  
13:56 17 A. Yes.  
13:56 18 Q. Okay. And after that, did Judge Irenas agree to accept  
13:56 19 your guilty plea and enter a conviction for this offense  
13:56 20 against you?  
13:56 21 A. Yes.  
13:56 22 Q. Do you understand that the next step in the process for  
13:56 23 you is sentencing?  
13:57 24 A. Yes.  
13:57 25 Q. Has your sentencing been postponed in this case?

United States District Court  
Camden, NJ

3756

13:58 1 The jury will understand this is for purposes of the  
13:58 2 witness's testimony. The document itself is not in evidence  
13:58 3 and will not be made part of the evidence. Please don't rely  
13:58 4 on the truth of anything that you may read on the screen.  
13:58 5 Focus instead on the testimony of the witness.  
13:58 6 (Document published to jury.)  
13:58 7 BY MR. ASKIN:  
13:58 8 Q. Okay. Now that we're displaying it, the plea agreement  
13:58 9 has -- it's written in sort of a letter form addressed to your  
13:58 10 lawyer, Mr. Peter Levin, correct?  
13:58 11 A. Yes.  
13:58 12 Q. Okay. And is it fair to say this isn't a document that  
13:58 13 you typed up, correct; it was typed up by someone in the U.S.  
13:58 14 Attorney's Office?  
13:58 15 A. Yes.  
13:58 16 Q. As far as you know?  
13:58 17 A. Yes.  
13:58 18 Q. Okay. And so here's the date up here, December 23rd,  
13:58 19 2013, correct?  
13:58 20 A. Yes.  
13:58 21 Q. And it's addressed to your lawyer, Peter Levin, here,  
13:59 22 correct?  
13:59 23 A. Yes.  
13:59 24 Q. Okay. And this talks about the charge that you're  
13:59 25 pleading guilty to, which is conspiracy to distribute heroin.

United States District Court  
Camden, NJ

000498a

13:59 1 under Title 21 United States Code Section 846, correct?  
 13:59 2 A. Yes.  
 13:59 3 Q. And that it was in violation of Sections 841(a)(1) and  
 13:59 4 (b)(1)(B), correct, of Title 21 section 841, correct?  
 13:59 5 A. Yes.  
 13:59 6 Q. Now, if you go to page 2 of the plea agreement -- by the  
 13:59 7 way, this is -- there's a case number at the top and it says  
 13:59 8 filed, do you see that, 4/4/2014, correct?  
 13:59 9 A. Yes.  
 13:59 10 Q. Do you recall, was that approximately the time, was that  
 13:59 11 the time frame, early April of 2014, when you entered the  
 13:59 12 guilty plea before Judge Irenas in open court?  
 13:59 13 A. Yes.  
 14:00 14 Q. Okay. And again, this isn't something that you typed on  
 14:00 15 the document, correct?  
 14:00 16 A. Yes.  
 14:00 17 Q. Okay. Sentencing, do you see the provisions here? I  
 14:00 18 want you to look at this very closely. The sentencing  
 14:00 19 provision, it lists here in the plea agreement the maximum  
 14:00 20 penalties and the mandatory minimum penalties.  
 14:00 21 MR. ASKIN: If you could zero in on that a little bit  
 14:00 22 so the jurors can see it. Okay.  
 14:00 23 BY MR. ASKIN:  
 14:00 24 Q. Do you see this here, the violation that you pled guilty  
 14:00 25 to, is there a mandatory minimum prison sentence for that

United States District Court  
Camden, NJ

14:01 1 we'll get to in a minute, are advisory, not mandatory. In  
 14:01 2 other words, the Court considers the guidelines, but could  
 14:01 3 sentence you below or above the guideline range for your plea;  
 14:01 4 do you understand that?  
 14:01 5 A. Yes.  
 14:01 6 Q. Did you understand all that when you pled guilty?  
 14:01 7 A. Yes.  
 14:01 8 Q. This --  
 14:01 9 MR. ASKIN: Page down, Mr. Darragh, a little bit.  
 14:01 10 BY MR. ASKIN:  
 14:01 11 Q. There's some other language in here about you have to pay  
 14:01 12 a special assessment, that's mandatory, of \$100. You  
 14:01 13 understood that, correct?  
 14:01 14 A. Yes.  
 14:01 15 Q. You have to pay an assessment to the Court of \$100 that's  
 14:01 16 due at sentencing. You may be ordered to do certain other  
 14:02 17 things, but I want you to focus on this, number 4. Pursuant  
 14:02 18 to Title 21 United States Code -- U.S.C. stands for United  
 14:02 19 States Code, right -- Section 841, the Court must require  
 14:02 20 Kareem Young to serve a term of supervised release of at least  
 14:02 21 four years, which will begin at the expiration of any term of  
 14:02 22 imprisonment imposed. Do you see that?  
 14:02 23 A. Yes.  
 14:02 24 Q. Do you understand that -- did you understand when you  
 14:02 25 entered the plea that Judge Irenas, if he sentences you to a

United States District Court  
Camden, NJ

3758

14:00 1 offense?  
 14:00 2 A. Yes.  
 14:00 3 Q. And what is the mandatory minimum prison sentence of the  
 14:00 4 offense that you pled guilty to?  
 14:00 5 A. Five and 40.  
 14:00 6 Q. Five and 40 are combining things. What is the mandatory  
 14:00 7 minimum prison sentence? Just answer that question.  
 14:00 8 A. Five years.  
 14:00 9 Q. And did you understand that when you entered the guilty  
 14:00 10 plea?  
 14:00 11 A. Yes.  
 14:00 12 Q. The maximum prison sentence that Judge Irenas imposed in  
 14:00 13 terms of incarceration is what, up to how many years?  
 14:01 14 A. 40 years.  
 14:01 15 Q. And then it says here a maximum fine up to \$5 million or  
 14:01 16 twice the gross profits to you, correct?  
 14:01 17 A. Yes.  
 14:01 18 Q. Did you understand that those were the maximum penalties  
 14:01 19 when you pled guilty?  
 14:01 20 A. Yes.  
 14:01 21 Q. This paragraph here says that the sentence to be imposed  
 14:01 22 on you is within the sole discretion of the sentencing judge,  
 14:01 23 again, Judge Irenas, correct?  
 14:01 24 A. Yes.  
 14:01 25 Q. And that the United States Sentencing Guidelines, which

United States District Court  
Camden, NJ

14:02 1 period of imprisonment, must impose at least four years of  
 14:02 2 supervision on you?  
 14:02 3 A. Yes.  
 14:02 4 Q. Did you understand that when you pled guilty?  
 14:02 5 A. Yes.  
 14:02 6 Q. And do you understand that's just a minimum, that he  
 14:02 7 could impose up to a lifetime of supervised release on you?  
 14:02 8 A. Yes.  
 14:02 9 Q. Okay. Do you also understand this sentence here? Read  
 14:02 10 this to yourself for a minute. Should Kareem Young be placed  
 14:02 11 on a term of supervision and subsequently violate the  
 14:02 12 conditions, just read that for a minute.  
 14:03 13 Have you had a chance to read that?  
 14:03 14 A. Yes.  
 14:03 15 Q. Did you read it before you signed the plea?  
 14:03 16 A. Yes.  
 14:03 17 Q. You understood it at the time of the guilty plea?  
 14:03 18 A. Yes.  
 14:03 19 Q. If you violate -- when you're ultimately released from  
 14:03 20 prison, if you violate the terms of your supervision under  
 14:03 21 the -- supervision of the United States probation officer,  
 14:03 22 what can Judge Irenas do to you while you're on supervision if  
 14:03 23 you are found to have violated the terms of that conditions?  
 14:03 24 A. I would be sentenced to no more than three years  
 14:03 25 imprisonment.

United States District Court ..  
Camden, NJ

000499a  
v  
v  
v

14:03 1 Q. All right. Do you understand that that no more than  
 14:03 2 three years provision under the case law means that each time  
 14:03 3 you commit or are found in violation, you could get another  
 14:03 4 three years?  
 14:03 5 A. Yes.  
 14:03 6 Q. More than once, correct?  
 14:03 7 A. Yes.  
 14:03 8 Q. Did you understand that at the time you pled guilty?  
 14:03 9 A. Yes.  
 14:03 10 Q. Okay. The plea also has a waiver of appellate and  
 14:04 11 post-sentencing rights in it. Do you see that? I'm pointing  
 14:04 12 to it here. This is on page 3 of the agreement. Do you see  
 14:04 13 that?  
 14:04 14 A. Yes.  
 14:04 15 Q. Did you agree to waive -- engage in a limited waiver, a  
 14:04 16 waiver of certain appellate rights that you had as part of  
 14:04 17 this guilty plea?  
 14:04 18 A. Yes.  
 14:04 19 Q. Did you -- without going into the detail, did you discuss  
 14:04 20 that with the attorney before you entered into that agreement?  
 14:04 21 A. Yes.  
 14:04 22 Q. Now, if we could go to -- look at the other provisions  
 14:04 23 section down here. It says, this agreement is limited to the  
 14:04 24 U.S. Attorney's Office for the District of New Jersey and  
 14:04 25 cannot bind other federal, state, or local authorities.

United States District Court

Camden, NJ

14:05 1 A. Yes.  
 14:05 2 Q. In other words, we agree to call them on the phone and  
 14:05 3 tell them what's going on; is that right?  
 14:05 4 A. Yes.  
 14:05 5 Q. Any agreement beyond that to your understanding of this  
 14:05 6 agreement and what you've been told?  
 14:05 7 A. No.  
 14:05 8 Q. In other words, the Atlantic County Prosecutor's Office  
 14:06 9 will do what they deem appropriate, right?  
 14:06 10 A. Yes.  
 14:06 11 Q. Despite this agreement; is that right?  
 14:06 12 A. Yes.  
 14:06 13 Q. Look at this right above my signature, it says, no other  
 14:06 14 promises. This agreement constitutes the plea agreement  
 14:06 15 between Kareem Young and this office -- meaning the U.S.  
 14:06 16 Attorney's Office for the District of New Jersey -- supercedes  
 14:06 17 previous agreements. Look at this sentence, no additional  
 14:06 18 promises, agreements, or conditions have been made or will be  
 14:06 19 made unless set forth in writing and signed by the parties.  
 14:06 20 Do you see that?  
 14:06 21 A. Yes.  
 14:06 22 Q. Now, later on -- we'll get to it in a minute -- you  
 14:06 23 signed another agreement called a cooperation agreement,  
 14:06 24 correct?  
 14:06 25 A. Yes.

United States District Court

Camden, NJ

14:04 1 However, this office will bring this agreement to the  
 14:04 2 attention of other prosecuting offices if requested to do so.  
 14:04 3 Do you understand that?  
 14:04 4 A. Yes.  
 14:04 5 Q. Now, you previously testified that you have cases pending  
 14:05 6 in Atlantic County, correct? State cases?  
 14:05 7 A. Yes.  
 14:05 8 Q. For drug offenses or other offenses; is that right?  
 14:05 9 A. Yes.  
 14:05 10 Q. Did you write me a letter recently about those cases and  
 14:05 11 what could be done about them?  
 14:05 12 A. Yes.  
 14:05 13 Q. Okay. And you sent that letter to me like, hey, Mr.  
 14:05 14 Askin, or hey, Pat, you know, what can be done about these  
 14:05 15 cases, something to that effect, correct?  
 14:05 16 A. Yes.  
 14:05 17 Q. Okay. Is there any agreement between you and the  
 14:05 18 Government to dispose of those cases in a particular fashion,  
 14:05 19 to get rid of those cases or to make sure that a certain  
 14:05 20 outcome comes out with those state cases?  
 14:05 21 A. No.  
 14:05 22 Q. Okay. Do you see what this says, that we'll bring this  
 14:05 23 agreement to the attention of other prosecutor's offices,  
 14:05 24 including the Atlantic County Prosecutor's Office? Did we  
 14:05 25 agree to do that?

United States District Court

Camden, NJ

14:06 1 Q. But that came after this; is that right?  
 14:06 2 A. Yes.  
 14:06 3 Q. So, is it fair to say that this was the entirety of your  
 14:06 4 agreement with the Government before you signed the  
 14:06 5 cooperation agreement, right?  
 14:06 6 A. Yes.  
 14:06 7 Q. And now you have two agreements with the Government that,  
 14:07 8 put together, are your agreements or the promises made to you;  
 14:07 9 is that right?  
 14:07 10 A. Yes.  
 14:07 11 Q. I'm just going to go to -- page 5 is the signature page  
 14:07 12 where you, you've already testified -- this wasn't displayed  
 14:07 13 to the jury -- but you signed this, it looks like, on January  
 14:07 14 the 30th of 2014, correct?  
 14:07 15 A. Yes.  
 14:07 16 Q. And it looks like Mr. Levin, your lawyer, signed it the  
 14:07 17 same day?  
 14:07 18 A. Yes.  
 14:07 19 Q. Go to the plea stipulations. This is what we call a  
 14:07 20 schedule A, and it has certain stipulations in it. Do you see  
 14:07 21 this? Just read the first paragraph to yourself.  
 14:08 22 A. I read it.  
 14:08 23 Q. Okay. The stipulation, was it explained to you by your  
 14:08 24 lawyer that a stipulation was an agreement by the parties to  
 14:08 25 certain facts?

United States District Court

Camden, NJ

000500a

14:08 1 A. Yes.  
 14:08 2 Q. Okay. So, this says, the parties, meaning you and Mr.  
 14:08 3 Levin and the Government, represented by myself and Mr.  
 14:08 4 Danilewitz and Mr. Mallqui-Burgos, are going to agree to  
 14:08 5 certain facts in terms of the sentencing proceeding and in  
 14:08 6 terms of your guilty plea. Do you understand that?  
 14:08 7 A. Yes.  
 14:08 8 Q. Did you understand that at the time you signed this?  
 14:08 9 A. Yes.  
 14:08 10 Q. Now, was it explained to you whether or not our  
 14:08 11 stipulations are -- between you and your lawyer and the  
 14:08 12 Government and its lawyers are binding upon the Court?  
 14:08 13 A. Yes.  
 14:08 14 Q. And are the stipulations between the parties binding upon  
 14:08 15 the Court and the Probation Department?  
 14:08 16 A. Yes.  
 14:08 17 Q. You think they are?  
 14:08 18 A. Oh, say it again.  
 14:08 19 Q. Okay. Read this first line here. Do you see this? This  
 14:09 20 office and Kareem Young recognize the United States Sentencing  
 14:09 21 Guidelines are not binding upon the Court. Do you see that?  
 14:09 22 A. Yes.  
 14:09 23 Q. The office and Kareem Young nevertheless agree to the  
 14:09 24 stipulations set forth herein and agree that the Court should  
 14:09 25 sentence Kareem Young within the guideline range that results

United States District Court  
 Camden, NJ

14:10 1 Q. Okay. So, you understand that this is not binding on  
 14:10 2 Judge Irenas. That's what I mean when I say the Court, I mean  
 14:10 3 Judge Irenas.  
 14:10 4 A. Yes.  
 14:10 5 Q. Okay. In other words, Judge Irenas will make his own  
 14:10 6 determination about what the guidelines in your case should  
 14:10 7 be, correct?  
 14:10 8 A. Yes.  
 14:10 9 Q. Did you understand -- now that I asked you the questions  
 14:10 10 this way, do you understand it?  
 14:10 11 A. Yes, now I do.  
 14:10 12 Q. Okay. And did you understand when you stipulated that,  
 14:10 13 that was between you and your lawyer and the Government but  
 14:10 14 not binding on Judge Irenas?  
 14:10 15 A. Yes.  
 14:10 16 Q. In other words, he may go along with it if he thinks it's  
 14:10 17 accurate, but if he doesn't, the Judge is going to make his  
 14:10 18 own determination based on the law and the facts. Do you  
 14:11 19 understand that?  
 14:11 20 A. Yes.  
 14:11 21 Q. In making determinations that could affect your  
 14:11 22 sentencing. Do you understand that?  
 14:11 23 A. Yes.  
 14:11 24 Q. In here there's a stipulation -- look at number 3. Was  
 14:11 25 it explained to you that the base offense level for a drug

United States District Court  
 Camden, NJ

3766

14:09 1 from the total guidelines offense level set forth below. Do  
 14:09 2 you see that?  
 14:09 3 A. Yes.  
 14:09 4 Q. But did you understand when you agreed to this that this  
 14:09 5 binds you and your lawyer from arguing something different  
 14:09 6 than that's in the agreement. Do you understand that?  
 14:09 7 A. Yes.  
 14:09 8 Q. It binds the Government to stick by what it said the  
 14:09 9 facts are in these stipulations. Do you understand that?  
 14:09 10 A. Yes.  
 14:09 11 Q. But the Court, was the Court a party to these  
 14:09 12 stipulations? Was the Court part of this stipulation process?  
 14:09 13 A. Yes.  
 14:09 14 Q. Okay. If -- let me ask you it this way. If Judge  
 14:09 15 Irenas --  
 14:09 16 MR. MADDEN: Objection, asked and answered.  
 14:10 17 MR. ASKIN: Well, Judge, I'm trying to --  
 14:10 18 THE COURT: Overruled.  
 14:10 19 BY MR. ASKIN:  
 14:10 20 Q. If Judge Irenas looks at this, these stipulations here as  
 14:10 21 to drug quantity and acceptance of responsibility and other  
 14:10 22 things that we stipulated to, and Judge Irenas doesn't agree  
 14:10 23 with it, he doesn't think it's accurate, does Judge Irenas  
 14:10 24 have to live by this?  
 14:10 25 A. No.

United States District Court  
 Camden, NJ

14:11 1 offense is generally set by the quantity of drugs and the type  
 14:11 2 of drugs that you are being held responsible for?  
 14:11 3 A. Yes.  
 14:11 4 Q. Okay. And the type of drug -- in stipulation number 3,  
 14:11 5 what's the type of drug you're being held responsible for?  
 14:11 6 What drug?  
 14:11 7 A. Heroin.  
 14:11 8 Q. Okay. And what is the quantity that you are being held  
 14:11 9 responsible for, between what and what in terms of number of  
 14:11 10 grams?  
 14:11 11 A. 400 grams to 700 grams.  
 14:11 12 Q. Is that what you agreed to be held jointly responsible  
 14:11 13 for distributing in your plea agreement stipulations?  
 14:12 14 A. Yes.  
 14:12 15 Q. Now, had you not stipulated and entered this guilty plea,  
 14:12 16 do you believe that this quantity could have been higher?  
 14:12 17 A. Yes.  
 14:12 18 Q. In other words, the quantity used at your sentencing  
 14:12 19 could have been -- could have been higher than this, based on  
 14:12 20 the evidence?  
 14:12 21 A. Yes.  
 14:12 22 Q. Okay. Was that one of the considerations as part of your  
 14:12 23 negotiations in your guilty plea?  
 14:12 24 A. Yes.  
 14:12 25 Q. Did Mr. Levin -- on your behalf in consultation with you,

United States District Court  
 Camden, NJ

000501a

14:12 1 did your lawyer negotiate the terms of this plea agreement  
 14:12 2 with the Government, namely, with me?  
 14:12 3 **A. Yes.**  
 14:12 4 **Q.** Okay. Look at number 4. Read it to yourself, and then  
 14:12 5 I'm going to ask you a question about it.  
 14:13 6 Did you have a chance to read that?  
 14:13 7 **A. Yes.**  
 14:13 8 **Q.** Okay. And you read this before you signed the plea,  
 14:13 9 correct?  
 14:13 10 **A. Yes.**  
 14:13 11 **Q.** It says, the specific offense characteristics relating to  
 14:13 12 the possession of a dangerous weapon, including a firearm,  
 14:13 13 applies because Kareem Young and other co-conspirators  
 14:13 14 possessed firearms in furtherance of the drug trafficking  
 14:13 15 crime. This resulted in an increase of two levels under -- it  
 14:13 16 cites the guideline section. I'm not going to read the  
 14:13 17 guideline section.  
 14:13 18 Did you agree to that?  
 14:13 19 **A. Yes.**  
 14:13 20 **Q.** Did you, in fact, possess firearms in furtherance of the  
 14:13 21 drug trafficking conspiracy?  
 14:13 22 **A. Yes.**  
 14:13 23 **Q.** Did, in fact, other co-conspirators in this case possess  
 14:13 24 firearms in furtherance of the drug trafficking conspiracy, in  
 14:13 25 your estimation, when you were considering pleading guilty?

United States District Court

Camden, NJ

14:15 1 **Q.** Did you timely notify the Government through counsel or  
 14:15 2 directly, assuming through counsel, that you intended to plead  
 14:15 3 guilty?  
 14:15 4 **A. Yes.**  
 14:15 5 **Q.** And do you believe you are entitled to these three levels  
 14:15 6 off?  
 14:15 7 **A. Yes.**  
 14:15 8 **Q.** The next paragraph talks about your total offense level  
 14:15 9 being level 27. Do you see that? Look at number 7. It says,  
 14:15 10 in accordance with the above, the parties agree that the total  
 14:15 11 guidelines offense level applicable to Kareem Young is 27,  
 14:16 12 subject to any applicable statutory mandatory minimum. Do you  
 14:16 13 see that?  
 14:16 14 **A. Yes.**  
 14:16 15 **Q.** Okay. Did you ultimately receive a presentence report  
 14:16 16 prepared by a probation officer and go over it with your  
 14:16 17 lawyer?  
 14:16 18 **A. Yes.**  
 14:16 19 **Q.** Okay. And did you go over it with him in terms of this  
 14:16 20 total offense level?  
 14:16 21 **A. Yes.**  
 14:16 22 **Q.** Okay. And the presentence report is -- you understand  
 14:16 23 that that's used by the Court in part, prepared by the  
 14:16 24 probation officer and used by the Court in part to determine  
 14:16 25 where in the guidelines, where your sentence should be for

United States District Court

Camden, NJ

14:13 1 **A. Yes.**  
 14:13 2 **Q.** Okay. Now, look at numbers 5 and 6. These are  
 14:14 3 stipulations that we generally refer to as, lawyers generally  
 14:14 4 refer to them as acceptance of responsibility stipulations.  
 14:14 5 Just take a minute and look at that.  
 14:14 6 Now, Mr. Young, was it explained to you by counsel that  
 14:14 7 if you entered a guilty plea, the level of your sentencing  
 14:14 8 guidelines could drop based on these stipulations for what we  
 14:14 9 call acceptance of responsibility; in other words, for  
 14:14 10 admitting your conduct and pleading guilty?  
 14:14 11 **A. Yes.**  
 14:14 12 **Q.** And did, in fact, you and the Government agree to a total  
 14:14 13 between five and six -- I'm not going to go through the whole  
 14:14 14 thing -- but three levels off your guideline range, your total  
 14:15 15 offense level, lowering your guideline range, for your  
 14:15 16 pleading guilty and accepting responsibility?  
 14:15 17 **A. Yes.**  
 14:15 18 **Q.** And you understand that that -- do you understand that to  
 14:15 19 be commonly done, that when you plead guilty, you get these  
 14:15 20 points off?  
 14:15 21 **A. Yes.**  
 14:15 22 **Q.** The second part of it, the one point off, talks about  
 14:15 23 timely notifying authorities of your intention to enter a  
 14:15 24 guilty plea. Do you see that?  
 14:15 25 **A. Yes.**

United States District Court

Camden, NJ

14:16 1 **Judge Irenas.** Do you understand that?  
 14:16 2 **A. Yes.**  
 14:16 3 **Q.** Even though the guidelines are advisory, the Judge uses  
 14:16 4 that, all the information contained in there, to help try to  
 14:16 5 assess where you should be sentenced and how much time you  
 14:16 6 should get. Do you understand that?  
 14:16 7 **A. Yes.**  
 14:16 8 **Q.** Assuming you should get time in a particular case. Do  
 14:16 9 you understand that?  
 14:16 10 **A. Yes.**  
 14:16 11 **Q.** Now, do you understand this to be an important number,  
 14:16 12 the total offense level, 27?  
 14:16 13 **A. Yes.**  
 14:16 14 **Q.** Okay. Do you recall subsequent to this whether -- when I  
 14:17 15 say subsequent, I mean after this -- whether or not there were  
 14:17 16 any changes made to the law of the sentencing guidelines?  
 14:17 17 **A. Yes.**  
 14:17 18 **Q.** And did that, in fact, lower all drug offense sentencing  
 14:17 19 levels by two levels?  
 14:17 20 **A. Yes.**  
 14:17 21 **Q.** And do you believe you're going to get the benefit of  
 14:17 22 that?  
 14:17 23 **A. Yes.**  
 14:17 24 **Q.** So, you may well be sentenced to a level of 25 if that's  
 14:17 25 the case; is that right?

United States District Court

Camden, NJ

000502a

14:17 1 A. Yes.  
 14:17 2 Q. Also, was it explained to you how your criminal history  
 14:17 3 affects your sentence in a particular case, like, for example,  
 14:17 4 this drug case?  
 14:17 5 A. Yes.  
 14:17 6 Q. Okay. If both of us are federal drug defendants and we  
 14:17 7 both have a sentencing range of 25 or 27 and I have no  
 14:17 8 criminal history, never been in trouble in my life, and you  
 14:17 9 have a lot of criminal history points, who is going to face a  
 14:17 10 higher sentencing guideline range?  
 14:17 11 A. Me.  
 14:17 12 Q. Because of that criminal history, correct?  
 14:17 13 A. Yes.  
 14:17 14 Q. And were you shown the chart at the back of the federal  
 14:17 15 sentencing guidelines book that shows on the one side the  
 14:18 16 offense levels and on the other side across the top the  
 14:18 17 different criminal history categories, I through VI?  
 14:18 18 A. Yes.  
 14:18 19 Q. If you recall, do you remember what criminal history  
 14:18 20 category you believe you're in? If you recall.  
 14:18 21 A. V.  
 14:18 22 Q. You think you're in V?  
 14:18 23 A. Yes.  
 14:18 24 Q. Okay. Do you remember, to the best of your recollection,  
 14:18 25 what your advisory resentencing guideline range is?

United States District Court

Camden, NJ

14:18 1 A. Yes.  
 14:18 2 Q. And what is it?  
 14:18 3 A. 120 months to 150 months.  
 14:18 4 Q. Okay. Do you recall if that's before or after taking  
 14:18 5 into consideration that change in the law?  
 14:18 6 A. Before.  
 14:18 7 Q. Before. So, it was, before the change in the law, you  
 14:18 8 believe 120 to 150 months, right?  
 14:18 9 A. Yes.  
 14:18 10 Q. Now, 120 months, we can all, I'm not particularly good at  
 14:18 11 math, but we can all do the math. 120 months is 10 years,  
 14:18 12 right?  
 14:18 13 A. Yes.  
 14:18 14 Q. Add 24 months is 144 months. That's 12 years?  
 14:18 15 A. Yes.  
 14:18 16 Q. So, basically, we're talking about 10 to 12-and-a-half  
 14:18 17 years, correct?  
 14:18 18 A. Yes.  
 14:18 19 Q. That's the range. It might be somewhat, a little bit  
 14:19 20 lower than that because of the change in the sentencing law  
 14:19 21 that lowers the base offense level and thus the total offense  
 14:19 22 level, right?  
 14:19 23 A. Yes.  
 14:19 24 Q. But you know you're looking at maybe a little bit less  
 14:19 25 than 10 to 12 years in the guideline range, correct?

United States District Court

Camden, NJ

14:19 1 A. Yes.  
 14:19 2 Q. And you know even without cooperation, I want you to  
 14:19 3 think about this, the guidelines are advisory? Before you  
 14:19 4 even sign a cooperation agreement, your maximum is 40 years.  
 14:19 5 Could Judge Irenas, forget about cooperation for a minute,  
 14:19 6 could Judge Irenas sentence you to lower than that sentencing  
 14:19 7 range of 10 to 12 years?  
 14:19 8 A. Yes.  
 14:19 9 Q. Even without cooperation, correct?  
 14:19 10 A. Yes.  
 14:19 11 Q. And you understood that because the guidelines are  
 14:19 12 advisory?  
 14:19 13 A. Yes.  
 14:19 14 Q. Now, without cooperation, could Judge Irenas sentence you  
 14:19 15 below the mandatory minimum sentence?  
 14:19 16 A. No.  
 14:19 17 Q. He would have no authority to do so unless we file a  
 14:19 18 motion, correct?  
 14:19 19 A. Yes.  
 14:19 20 Q. Could Judge Irenas, if he wanted to, and he had a good  
 14:19 21 reason, sentence you to more than the guideline range, since  
 14:19 22 either, A, he determined that there was a different guideline  
 14:20 23 range, not what we agreed to, right; he could do that, right?  
 14:20 24 A. Yes.  
 14:20 25 Q. Could he also determine the same guideline range and say,

United States District Court

Camden, NJ

14:20 1 you know what, this guy Young I think deserves more time than  
 14:20 2 this for these good reasons, and sentence you to more than  
 14:20 3 that, up to the statutory maximum of 40 years; could he do  
 14:20 4 that?  
 14:20 5 A. Yes.  
 14:20 6 Q. And you understood that when you pled guilty?  
 14:20 7 A. Yes.  
 14:20 8 Q. Are those -- I'm sorry. Look at the bottom of page 9.  
 14:20 9 I'm going to do this real quickly. Bottom of page 9 and the  
 14:20 10 top of page 10 -- oh, I'm sorry, it's not displaying properly.  
 14:20 11 Is that, in fact, the appellate waiver paragraph?  
 14:20 12 A. Yes.  
 14:20 13 Q. It's actually number 9, okay. It starts at the bottom of  
 14:20 14 page -- bottom of page 6. Kareem Young knows and, except as  
 14:21 15 noted below, voluntarily waives the right to file an appeal,  
 14:21 16 collateral attack, any writ or motion, and then it names the  
 14:21 17 different statutes, right?  
 14:21 18 A. Yes.  
 14:21 19 Q. And basically says that if you are sentenced at a certain  
 14:21 20 level, level 27 or below, correct me if I'm wrong, you've  
 14:21 21 waived your appellate rights, right?  
 14:21 22 A. Yes.  
 14:21 23 Q. Did you agree, after consulting with your lawyer, to  
 14:21 24 plead guilty, waive those rights, and also to waive your  
 14:21 25 appellate rights as long as you're sentenced at that level 27

United States District Court

000503a

Camden, NJ

14:21 1 or below?  
 14:21 2 A. Yes.  
 14:21 3 Q. Do you understand that if you change your mind later, if  
 14:21 4 you're sentenced at level 27 or below, you're not going to be  
 14:21 5 able to appeal; do you understand that?  
 14:21 6 A. Yes.  
 14:21 7 Q. And did you agree to do that as part of the guilty plea  
 14:21 8 in this case?  
 14:21 9 A. Yes.  
 14:21 10 Q. Are those the basic terms of your plea agreement with the  
 14:21 11 Government? I'm just talking about the plea agreement. We'll  
 14:21 12 get to the cooperation agreement in a minute, but have we  
 14:21 13 properly characterized, as you understand it, the basic terms  
 14:21 14 of your plea agreement?  
 14:21 15 A. Yes.  
 14:21 16 Q. And what you're facing?  
 14:21 17 A. Yes.  
 14:21 18 Q. Now, we referred to the waiver of indictment. This is  
 14:22 19 Government's Exhibit, which I'm displaying, J-K-10.  
 14:22 20 (GOVERNMENT EXHIBIT J-K-10 WAS MARKED FOR IDENTIFICATION.)  
 14:22 21 (Document published to jury.)  
 14:22 22 BY MR. ASKIN:  
 14:22 23 Q. Do you see that?  
 14:22 24 A. Yes.  
 14:22 25 Q. Did you -- it looks like the date -- I'm having a little

United States District Court

Camden, NJ

14:22 1 trouble reading, but it looks like it's April 4th of 2014. Is  
 14:22 2 that the waiver of indictment that you signed?  
 14:22 3 A. Yes.  
 14:22 4 Q. Okay. And it's signed also by, it looks like by Peter  
 14:22 5 Levin, correct?  
 14:22 6 A. Yes.  
 14:22 7 Q. And it's also signed by Judge Irenas, right?  
 14:22 8 A. Yes.  
 14:22 9 Q. And that's what we talked about earlier, you waived  
 14:22 10 indictment and allowed the Government to proceed by filing an  
 14:22 11 information against you?  
 14:22 12 A. Yes.  
 14:22 13 MR. ASKIN: Okay. I'm going to put on Government's  
 14:22 14 Exhibit J-K, for the record, J-KY-11.  
 14:22 15 (GOVERNMENT EXHIBIT J-KY-11 WAS MARKED FOR IDENTIFICATION.)  
 14:22 16 (Document published to jury.)  
 14:22 17 BY MR. ASKIN:  
 14:22 18 Q. Again, at the top, this is, for the record, the  
 14:22 19 information that was filed. It has a filing date at the top,  
 14:23 20 Mr. Young, of 4/4/2014, correct?  
 14:23 21 A. Yes.  
 14:23 22 Q. Okay. Is this, in fact -- it has your name, Kareem  
 14:23 23 Young?  
 14:23 24 A. Yes.  
 14:23 25 Q. It also has an a/k/a, also known as. What does it list

United States District Court

Camden, NJ

14:23 1 there?  
 14:23 2 A. Crash.  
 14:23 3 Q. Is that what you were known as on the street? Was that  
 14:23 4 your nickname on the street?  
 14:23 5 A. Yes.  
 14:23 6 Q. Did you receive a copy of this? This is the charging  
 14:23 7 document once you agree to proceed by way of an information  
 14:23 8 and waive indictment. This is the charging document that your  
 14:23 9 guilty plea refers to. This is the official charge. Did you  
 14:23 10 read this over with your lawyer before you entered a guilty  
 14:23 11 plea?  
 14:23 12 A. Yes.  
 14:23 13 Q. Did Judge Irenas go over it with you at your plea  
 14:23 14 hearing?  
 14:23 15 A. Yes.  
 14:23 16 Q. Okay. And it says that you knowingly and intentionally  
 14:23 17 conspired and agreed with others to distribute and possess  
 14:23 18 with the intent to distribute 100 grams or more of a mixture  
 14:24 19 or substance containing a detectable amount of heroin,  
 14:24 20 correct?  
 14:24 21 A. Yes.  
 14:24 22 Q. And did you understand that that 100 grams or more is  
 14:24 23 what triggered that five year mandatory minimum that you were  
 14:24 24 pleading guilty to?  
 14:24 25 A. Yes.

United States District Court

Camden, NJ

14:24 1 Q. And it says, in violation of Title 21 United States Code  
 14:24 2 Section 846. Did you know that to be the conspiracy to  
 14:24 3 distribute statute?  
 14:24 4 A. Yes.  
 14:24 5 Q. At least at the time you entered this?  
 14:24 6 A. Yes.  
 14:24 7 Q. Is this the charging document for the charge that you  
 14:24 8 pled guilty to?  
 14:24 9 A. Yes.  
 14:24 10 Q. Okay. Now, after you pled guilty, you continued to be  
 14:24 11 held in custody at the Federal Detention Center; is that  
 14:24 12 right?  
 14:24 13 A. Yes.  
 14:24 14 Q. And is that where you were held for the first, just about  
 14:24 15 the first year until, at least until your guilty plea; is that  
 14:24 16 right?  
 14:24 17 A. Yes.  
 14:24 18 Q. Okay. And were you over at the Federal Detention Center  
 14:25 19 when you received a draft copy of the presentence report?  
 14:25 20 A. Yes.  
 14:25 21 Q. Okay. Now, having been through the federal process, are  
 14:25 22 you familiar with the fact that the probation officer draws up  
 14:25 23 a draft presentence report, and then comments are made to it,  
 14:25 24 revisions are made to it if necessary, and then a final  
 14:25 25 presentence report is prepared?

United States District Court

Camden, NJ

00050

14:25 1 A. Yes.  
 14:25 2 Q. Okay. Do you recall being at the Federal Detention  
 14:25 3 Center and going over your draft presentence report?  
 14:25 4 A. Yes.  
 14:25 5 Q. And did it list at the time an advisory guideline range  
 14:25 6 that the probation officer, in his opinion, felt should apply  
 14:25 7 to your offense?  
 14:25 8 A. Yes.  
 14:25 9 Q. Do you remember what it was, whether it was the same as  
 14:25 10 in your plea or a different; do you remember what it was?  
 14:25 11 A. It was the same.  
 14:25 12 Q. Okay. 120 to 150?  
 14:25 13 A. Yes.  
 14:25 14 Q. Okay. Now, just so the jurors are clear, did you have an  
 14:26 15 understanding of what 120 to 150 meant?  
 14:26 16 A. Yes.  
 14:26 17 Q. That's a number of months, correct?  
 14:26 18 A. Yes.  
 14:26 19 Q. In the federal system, is there -- and I believe Judge  
 14:26 20 Irenas explained this to you. Is there any parole? I'm not  
 14:26 21 talking about supervised release. Is there any parole where  
 14:26 22 you can serve like half your sentence and then get out of half  
 14:26 23 of it on like parole like you do in the state?  
 14:26 24 A. No.  
 14:26 25 Q. Okay. You have to serve essentially the full sentence

United States District Court  
 Camden, NJ

14:26 1 other than earned time, good time; is that right?  
 14:26 2 A. Yes.  
 14:26 3 Q. Was it explained to you by Judge Irenas that that would  
 14:26 4 be roughly somewhere a little shy of 15 percent that you could  
 14:26 5 get if you behave yourself while you're in custody?  
 14:26 6 A. Yes.  
 14:26 7 Q. Off your sentence for earned time?  
 14:26 8 A. Yes.  
 14:26 9 Q. So, when you entered this guilty plea, did you understand  
 14:26 10 that you were going to have to serve at least 85 percent of  
 14:26 11 whatever sentence Judge Irenas handed down in your case?  
 14:26 12 A. Yes.  
 14:26 13 Q. And did you accept those terms that that's what you were  
 14:26 14 looking at when you entered the guilty plea?  
 14:26 15 A. Yes.  
 14:26 16 Q. Okay. And 120 to 150, you understand, or did you  
 14:26 17 understand that the judge would pick a particular number of  
 14:27 18 months in that range or, if he thought it was appropriate,  
 14:27 19 below or above that range? In other words, it's not an  
 14:27 20 indeterminate sentence; you'll get a number, 120, 130, 150.  
 14:27 21 Do you understand that?  
 14:27 22 A. Yes.  
 14:27 23 Q. And that's the amount of time you have to serve minus the  
 14:27 24 time credit you have and minus any earned time, good time. Do  
 14:27 25 you understand that?

United States District Court  
 Camden, NJ

14:27 1 A. Yes.  
 14:27 2 Q. Did you understand that at the time?  
 14:27 3 A. Yes.  
 14:27 4 Q. And you understand that today?  
 14:27 5 A. Yes.  
 14:27 6 Q. Did you -- do you know what a show and tell is? Did we  
 14:27 7 discuss what a show and tell is, a show and tell meeting?  
 14:27 8 A. Yes.  
 14:27 9 Q. Okay. Did you -- do you recall having a show and tell in  
 14:27 10 this case?  
 14:27 11 A. Yes.  
 14:27 12 Q. Did you, in fact, agree to do that, sit down with your  
 14:27 13 lawyer with Special Agent Kopp, myself, and possibly Mr.  
 14:27 14 Danilewitz?  
 14:27 15 A. Yes.  
 14:27 16 Q. And did we do that?  
 14:27 17 A. Yes.  
 14:27 18 Q. Okay. And did we go over some of the evidence in the  
 14:27 19 case with you?  
 14:27 20 A. Yes.  
 14:28 21 Q. And did we go over certain options that you had for  
 14:28 22 dealing with your case, correct?  
 14:28 23 A. Yes.  
 14:28 24 Q. I mean, every defendant has a constitutional right to go  
 14:28 25 to trial, correct; you knew that?

United States District Court  
 Camden, NJ

14:28 1 A. Yes.  
 14:28 2 Q. And a defendant could plead guilty if that's personally  
 14:28 3 what they feel they should do, correct?  
 14:28 4 A. Yes.  
 14:28 5 Q. And did we explain to you a third option?  
 14:28 6 A. Yes.  
 14:28 7 Q. And what was the third option?  
 14:28 8 A. Cooperate.  
 14:28 9 Q. Did we explain to you about pleading guilty and not just  
 14:28 10 pleading guilty, but pleading guilty and cooperating?  
 14:28 11 A. Yes.  
 14:28 12 Q. And that was essentially, for lack of a better term, the  
 14:28 13 third option that we offered you, correct?  
 14:28 14 A. Yes.  
 14:28 15 Q. At that point in that first show and tell meeting, did  
 14:28 16 you agree to do it there, or did we just discuss you thinking  
 14:28 17 about it?  
 14:28 18 A. Discussed me thinking about it.  
 14:28 19 Q. Okay. And did you say something to the effect that you  
 14:28 20 would think about it or that you would, you know, get back to  
 14:28 21 us?  
 14:28 22 A. Yes.  
 14:28 23 Q. Okay. At some point did you contact your lawyer after  
 14:28 24 the show and tell and after the guilty plea and tell him that  
 14:29 25 you had made a decision with respect to that?

United States District Court  
 Camden, NJ

000505a

3785

14:29 1 A. Yes.

14:29 2 Q. And what did -- what did you decide to do? In terms of  
14:29 3 cooperation, what did you decide to do? Were you going to do  
14:29 4 it or not do it?

14:29 5 A. Not.

14:29 6 Q. Okay. Initially you decided not to do it, correct?

14:29 7 A. Yes.

14:29 8 Q. And you entered the plea thinking that you would not  
14:29 9 cooperate, you would just plead, get sentenced, try to get the  
14:29 10 best sentence you could, and do your time, right?

14:29 11 A. Yes.

14:29 12 Q. Did you change your mind at some point?

14:29 13 A. Yes.

14:29 14 Q. Okay. And did you contact your lawyer and let him know?

14:29 15 A. Yes.

14:29 16 Q. Okay. Do you know what a proffer is?

14:29 17 A. Yes.

14:29 18 Q. Okay. Did you agree -- and this is a different kind of  
14:29 19 meeting than a show and tell, correct?

14:29 20 A. Yes.

14:29 21 Q. Because, correct me if I'm wrong, your understanding of a  
14:29 22 show and tell is we, Special Agent Kopp, myself, maybe Mr.  
14:29 23 Danilewitz, explain to you our case and the different options,  
14:29 24 correct?

14:30 25 A. Yes.

United States District Court  
Camden, NJ

3786

14:30 1 Q. In a proffer, what happens in a proffer? Who does most  
14:30 2 of the talking in a proffer?

14:30 3 A. You.

14:30 4 Q. Okay. Well, I did do a lot of talking, but...

14:30 5 (Laughter.)

14:30 6 BY MR. ASKIN:

14:30 7 Q. In a proffer, you ask questions?

14:30 8 A. Yes.

14:30 9 Q. Okay. Bad question.

14:30 10 In a proffer, you're asked questions and you're asked  
14:30 11 to answer those questions, correct?

14:30 12 A. Yes.

14:30 13 Q. Did you engage in multiple proffers where we asked you  
14:30 14 questions and you answered the questions?

14:30 15 A. Right.

14:30 16 Q. Okay. Did that happen on one occasion after you agreed  
14:30 17 to cooperate or on multiple occasions?

14:30 18 A. Multiple.

14:30 19 Q. Okay.

14:30 20 THE COURT: Mr. Askin, I have 2:30. I'd like to get  
14:30 21 back on schedule. You don't have to end this moment, but if  
14:30 22 you could reach a point in the next five minutes or so when  
14:30 23 you think it's good to take a break.

14:30 24 MR. ASKIN: That's fine, your Honor.

14:30 25 BY MR. ASKIN:

United States District Court  
Camden, NJ

3787

14:30 1 Q. Do you recall signing a document called a proffer  
14:30 2 agreement?

14:30 3 A. Yes.

14:30 4 Q. Okay. And you went over that document before the first  
14:31 5 proffer and signed it with your lawyer?

14:31 6 A. Yes.

14:31 7 Q. Okay.

14:31 8 MR. ASKIN: Judge, I think this is an appropriate, a  
14:31 9 good point for a break, and then we'll pick up with that.

14:31 10 THE COURT: All right. Ladies and gentlemen of the  
14:31 11 jury, we'll now take our afternoon break.

14:31 12 THE DEPUTY COURT CLERK: All rise.

14:31 13 (Whereupon the jury exited the courtroom.)

14:31 14 THE COURT: All right. Thank you, please be seated.

14:31 15 I suppose Mr. Young should be taken out for a break? All  
14:31 16 right.

14:31 17 Is there anything I need to address at this time, Mr.  
14:32 18 Askin?

14:32 19 MR. ASKIN: I don't believe so, your Honor.

14:32 20 THE COURT: Mr. Markowitz?

14:32 21 MR. MARKOWITZ: I just have one thing, but I'm going  
14:32 22 to wait until Mr. Young exits.

14:32 23 Your Honor, I don't think this is a particularly  
14:32 24 important part of the direct examination, so I haven't been  
14:32 25 objecting, but Mr. Askin is leading him, and I have the

United States District Court  
Camden, NJ

3788

14:32 1 feeling that Mr. Young could not answer all of the questions  
14:32 2 that he asks him as they are phrased. He just keeps answering  
14:32 3 yes, yes, even though I know it -- they're almost not yes and  
14:32 4 no answers. It just leads him into a direction. And I  
14:32 5 understand, for this, I just, you know -- and if you've  
14:32 6 noticed the jury, that when there are objections, they take  
14:32 7 them to heart, and I watch their faces and stuff. So, I don't  
14:32 8 want to object because I don't want to bring undue attention  
14:32 9 to something that I understand if this would be okay to let's  
14:32 10 get through it, but I'm just a little concerned because there  
14:33 11 was a couple times he had no clue of what the question was.

14:33 12 MR. ASKIN: Well, I mean, Judge, that's definitely  
14:33 13 true that we led him through some of this stuff, or at least I  
14:33 14 did, and I think that's largely because I thought it was  
14:33 15 background information that wasn't that controversial.

14:33 16 However, I think Mr. Markowitz makes the point, I mean,  
14:33 17 there was, when I was asking him about the stipulations thing,  
14:33 18 it became obvious that he didn't really fully understand.

14:33 19 Now, I don't know if that was the way the questions were put  
14:33 20 to him and maybe they could have been phrased better, but then  
14:33 21 I started backing off and trying to get his view of it. So, I  
14:33 22 understand Mr. Markowitz's comment, and I think it is  
14:33 23 appropriate, but I don't think it was inappropriate to a  
14:33 24 certain extent to lead him in the background because I think a  
14:33 25 lot of that stuff both sides want established, quite frankly.

United States District Court  
Camden, NJ

000506a

14:33 1 and it's not -- it's not that controversial.  
 14:33 2 We -- I understand we're going to get to a point very  
 14:33 3 quickly now that, you know, it really wouldn't be appropriate  
 14:33 4 to lead him on certain other things, and then I should back  
 14:33 5 off the leading and ask him the questions in a manner that's  
 14:33 6 non-leading because I'm on direct examination, and I'm aware  
 14:33 7 of that. And I'm not going to -- you know, I'm not going to  
 14:34 8 try to get around that. If there are things that he doesn't  
 14:34 9 understand, I'll have to come up with other ways to ask the  
 14:34 10 question or things to refresh his recollection, et cetera, and  
 14:34 11 I'm aware of that.

14:34 12 MR. MARKOWITZ: I'm satisfied with that, your Honor.

14:34 13 THE COURT: All right. I think you both identified  
 14:34 14 the issue. Mr. Markowitz is not suggesting that the witness  
 14:34 15 left a misleading impression where there was confusion. You  
 14:34 16 fixed it, but when it starts to get into controverted or  
 14:34 17 disputed facts, then that becomes more problematic, and you  
 14:34 18 have to ask the questions in a way that avoids leading  
 14:34 19 questions.

14:34 20 MR. ASKIN: Yes, your Honor.

14:34 21 THE COURT: Thank you both.

14:34 22 Anything else, Mr. Madden?

14:34 23 MR. MADDEN: No, your Honor.

14:34 24 THE COURT: All right. We'll take our break and see  
 14:34 25 you back in 10 minutes or so.

United States District Court

Camden, NJ

14:48 1 THE DEPUTY CLERK: All rise. All rise.  
 14:48 2 (JURY ENTERS; 2:48 p.m.)  
 14:49 3 THE COURT: All right. Thank you, please be seated.  
 14:49 4 Mr. Askin, you may proceed when you're ready.  
 14:49 5 BY MR. ASKIN:  
 14:49 6 Q. Mr. Young, before the break, I believe you testified that  
 14:49 7 you -- prior to the first proffer you signed a -- or you were  
 14:49 8 presented with a proffer agreement, correct?  
 14:49 9 A. Yes.  
 14:49 10 Q. Okay. Let me show you what's been marked --  
 14:49 11 MR. ASKIN: And, Your Honor, I'd ask for permission  
 14:49 12 under the agreement with counsel to publish the proffer  
 14:49 13 agreement, Government's Exhibit J, for the record, dash KY  
 14:49 14 dash 7.  
 14:49 15 THE COURT: All right. No objection, correct?  
 14:49 16 MR. MADDEN: Correct.  
 14:49 17 MR. HOLLIDAY: No objection, Your Honor.  
 14:49 18 THE COURT: All right. Again, this is not in  
 14:49 19 evidence. It's for the aid of examining the witness.  
 14:49 20 You may proceed.  
 14:49 21 BY MR. ASKIN:  
 14:49 22 Q. Okay. Mr. Young, I'm presenting to you a document. I'm  
 14:50 23 just going to show the number at the bottom is J-KY-7,  
 14:50 24 correct?  
 14:50 25 A. Yes.

United States District Court

Camden, NJ

14:34 1 (Recess at 2:34 p.m.)  
 14:46 2 (OPEN COURT; 12:40 p.m.)  
 14:46 3 THE COURT: All right. Everybody ready to proceed?  
 14:47 4 MR. SPADE: Yes, Your Honor.  
 14:47 5 MR. ASKIN: Yes, Your Honor.  
 14:47 6 THE COURT: Okay. You ready? We'll need Mr. Young.  
 14:47 7 All right. It doesn't appear that we need to address  
 14:47 8 this -- we could wait to further discuss this legal issue  
 14:47 9 until after 4 o'clock, correct?  
 14:47 10 MR. ASKIN: I believe that's absolutely true, Your  
 14:48 11 Honor.  
 14:48 12 THE COURT: All right. Based on our research in  
 14:48 13 chambers, it appears the most relevant cases are the *Dotson*  
 14:48 14 opinion, the *Lang* opinion from the 2nd Circuit, as well as the  
 14:48 15 *Basey* case from the 9th Circuit, I'm -- my staff is  
 14:48 16 endeavoring to determine whether any of those three cases have  
 14:48 17 been cited.  
 14:48 18 THE DEPUTY CLERK: All rise.  
 14:48 19 THE COURT: Wait one minute. With approval or  
 14:48 20 disapproval by the Third Circuit and I'll let you know what  
 14:48 21 I'm able to find.  
 14:48 22 MR. ASKIN: Thank you, Your Honor.  
 14:48 23 THE COURT: Otherwise, ready to proceed?  
 14:48 24 MR. MADDEN: Yes, Your Honor.  
 14:48 25 THE COURT: All right.

United States District Court

Camden, NJ

14:50 1 Q. That's the Government Exhibit number.  
 14:50 2 (GOVERNMENT EXHIBIT J-KY-7 WAS MARKED FOR IDENTIFICATION.)  
 14:50 3 BY MR. ASKIN:  
 14:50 4 Q. And it's a letter from the U.S. Attorney for the District  
 14:50 5 of New Jersey.  
 14:50 6 What's the date of the letter at the top?  
 14:50 7 A. June 19, 2014.  
 14:50 8 Q. And look to the left. Who is the letter addressed to?  
 14:50 9 A. Peter Levin.  
 14:50 10 Q. And it says, via hand delivery, correct?  
 14:50 11 A. Yes.  
 14:50 12 Q. Okay. And it says, regarding Kareem Young, correct?  
 14:50 13 That's you?  
 14:50 14 A. Yes.  
 14:50 15 Q. Okay. And this is the letter, if you look at the second  
 14:50 16 page for a minute, it's signed Patrick C. Askin, by myself,  
 14:50 17 correct?  
 14:50 18 A. Yes.  
 14:50 19 Q. And look down there on the second page of the letter, who  
 14:50 20 else is on the letter?  
 14:50 21 A. My lawyer, Peter Levin.  
 14:50 22 Q. Uh-huh.  
 14:50 23 A. Oh, myself.  
 14:50 24 Q. Right. And what date did you and Mr. Levin sign the  
 14:50 25 letter, if you can read that?

United States District Court

Camden, NJ

000507a

14:50 1 A. 6-19.  
 14:51 2 Q. Right.  
 14:51 3 A. 2014.  
 14:51 4 Q. The same day the letter was presented to you, it's dated  
 14:51 5 at the top, June 19th, 2014, correct?  
 14:51 6 A. Yes.  
 14:51 7 Q. Okay. And did your lawyer generally go over the terms of  
 14:51 8 a proffer agreement with you, the terms of this letter? Did  
 14:51 9 you read it over with your lawyer privately before you signed  
 14:51 10 it?  
 14:51 11 A. Yes.  
 14:51 12 Q. Okay. And was it explained to you -- let me back up.  
 14:51 13 In a proffer, as you went into your first proffer, did  
 14:51 14 you understand that Special Agent Kopp and I were going to ask  
 14:51 15 you some questions about your own criminal activity?  
 14:51 16 A. Yes.  
 14:51 17 Q. You knew that, right?  
 14:51 18 A. Yes.  
 14:51 19 Q. Did you understand that we were going to ask you about  
 14:51 20 the criminal activity of others that you knew about?  
 14:51 21 A. Yes.  
 14:51 22 Q. Did you understand that you were supposed to answer those  
 14:51 23 questions truthfully?  
 14:51 24 A. Yes.  
 14:51 25 Q. Okay. What was your understanding about whether or not

United States District Court  
 Camden, NJ

14:53 1 information provided to your client, or on your client's  
 14:53 2 behalf in a prosecution for false statements, perjury or  
 14:53 3 obstruction of justice, premised on statements or actions  
 14:53 4 during or subsequent to the interview.  
 14:53 5 Did you understand that?  
 14:53 6 A. Yes.  
 14:53 7 Q. And did you understand that when you signed the  
 14:53 8 agreement?  
 14:53 9 A. Yes.  
 14:53 10 Q. Paragraph 3 deals with derivative use of the statements.  
 14:53 11 Was that explained to you?  
 14:53 12 A. Yes.  
 14:53 13 Q. Do you remember now what we told you about derivative use  
 14:53 14 and what that term means? If you don't, just say you don't.  
 14:53 15 A. No, I don't.  
 14:53 16 Q. Okay. If you don't understand something, please,  
 14:53 17 whatever the truthful answer is, if you don't understand it,  
 14:53 18 you don't understand it.  
 14:53 19 I'm going to ask you the question this way. I usually  
 14:54 20 give an example of derivative use in these proffers.  
 14:54 21 Do you remember me telling you that your statement, if  
 14:54 22 you tell me that you were involved in, let's say  
 14:54 23 hypothetically, just as an example, you were involved in some  
 14:54 24 act of violence where someone really got hurt, do you remember  
 14:54 25 me telling you that under the terms of the proffer agreement,

United States District Court  
 Camden, NJ

3794

14:51 1 we could take those statements and turn around and use them  
 14:52 2 directly against you in terms of, for example, like your drug  
 14:52 3 quantity and things like that, to enhance your sentence? Were  
 14:52 4 we going to be allowed to do that under the terms of the  
 14:52 5 agreement as far as you understood?  
 14:52 6 A. No.  
 14:52 7 Q. In other words, the statements were somewhat protected,  
 14:52 8 right?  
 14:52 9 A. Yes.  
 14:52 10 Q. Okay. You were giving those statements to us as part of  
 14:52 11 your cooperation and we agreed not to use the statements  
 14:52 12 directly against you in that way to increase your sentence; is  
 14:52 13 that right?  
 14:52 14 A. Yes.  
 14:52 15 Q. Now, if I look at Paragraph 2 -- by the way, this is  
 14:52 16 June 19th, 2014, so this paragraph -- June 19th, you already  
 14:52 17 pled guilty as of April of 2014, correct?  
 14:52 18 A. Yes.  
 14:52 19 Q. So this paragraph, what we could do and not do with the  
 14:52 20 statements at trial was kind of a moot point, in other words,  
 14:53 21 it didn't really matter because there was going to be no trial  
 14:53 22 because you had already pled guilty. Is that fair to say?  
 14:53 23 A. Yes.  
 14:53 24 Q. Okay. But look at Paragraph 2. Do you see this,  
 14:53 25 government may make -- make use of any statement made or

United States District Court  
 Camden, NJ

3796

14:54 1 our agreement would be -- under the terms of the proffer  
 14:54 2 agreement, that we couldn't use that statement directly  
 14:54 3 against you, but that derivative use meant you could tell  
 14:54 4 Special Agent Kopp and Atlantic City detectives, hey,  
 14:54 5 Mr. Young told us, X and Y, that he was involved in this  
 14:54 6 incident, go investigate that and come up with some evidence.  
 14:54 7 A. Yes.  
 14:54 8 Q. That's derivative use, right?  
 14:54 9 A. Yes.  
 14:54 10 Q. Did I explain it to you with that kind of an example? Do  
 14:54 11 you remember that?  
 14:54 12 A. Yes.  
 14:54 13 Q. Okay. Do you now remember what we were talking about  
 14:54 14 when the letter talked about derivative use?  
 14:55 15 A. Yes.  
 14:55 16 Q. And did I explain that to you in the presence of your  
 14:55 17 lawyer during -- or prior to the first proffer and prior to  
 14:55 18 you signing this letter?  
 14:55 19 A. Yes.  
 14:55 20 Q. Do you understand to this day that your statements to us  
 14:55 21 in those proffers are subject -- while we can't use those  
 14:55 22 statements against you, are subject to that derivative use  
 14:55 23 exception. Do you understand that?  
 14:55 24 A. Yes.  
 14:55 25 Q. And that was explained to you prior to you signing the

United States District Court  
 Camden, NJ

0005089

14:55 1 agreement?

14:55 2 A. Yes.

14:55 3 Q. This Paragraph 7, I believe is what I was referring to earlier. The government agreed -- look at Paragraph 7, no statements made by your client, that's you, the client, during the interview should be used directly to determine the applicable sentencing guideline range except as set forth in the final sentence of this paragraph, which the final sentence of the paragraph, if you read down is, the government may disclose to the probation officer and the Court any statements made and information provided, and may use such statements and information to determine where within a given guideline range your client should be sentenced, and to oppose any downward departure or downward adjustment. Do you see that?

14:56 15 A. Yes.

14:56 16 Q. Did I give you examples -- do you recall me giving you examples of that, too, of how that would work?

14:56 18 A. Yes.

14:56 19 Q. Okay. In other words, I explained to you, like, if you come into the proffer and tell us that, yeah, Askin, I know that we had -- you had evidence that I was moving, you know, bricks, 50-packet bricks, but I was also moving -- I'm giving a crazy hypothetical. I was also moving truckloads of cocaine, you understand that we couldn't use those statements under this paragraph directly against you. Do you understand

United States District Court  
Camden, NJ

14:56 1 that? To say to the Judge, oh, he should be held responsible for all that cocaine. Do you understand that?

14:56 3 A. Yes.

14:56 4 Q. But do you understand that we could disclose those statements to the probation officer -- and probation office, the probation officer and the Court in order for the Court to determine whether or not they should be used as to where to sentence you in terms of the guideline range, and also could be used by the government to oppose any downward departure or adjustment. Do you understand that?

14:57 11 A. Yes.

14:57 12 Q. Do you remember those discussions?

14:57 13 A. Yes.

14:57 14 Q. And was that explained to you, Paragraph 7, before you entered into this proffer agreement?

14:57 16 A. Yes.

14:57 17 Q. Now, do you remember when the government started interviewing you in these proffers with respect to the date you signed the proffer letter? Was it around that time or was it sometime after that? Do you remember?

14:57 21 A. No, I don't remember.

14:57 22 Q. Okay. Do you remember approximately when you started being interviewed with respect to -- was it around the summer of 2014?

14:57 25 A. Yes.

United States District Court  
Camden, NJ

14:57 1 Q. Okay. And was there more than one proffer session?

14:58 2 A. Yes.

14:58 3 Q. And were you interviewed by Special Agent Kopp and myself several different times?

14:58 5 A. Yes.

14:58 6 Q. At some point, were you asked to testify before a federal grand jury?

14:58 8 A. Yes.

14:58 9 Q. And did you, in fact, testify about your own criminal conduct and the criminal conduct of others under oath before a federal grand jury?

14:58 12 A. Yes.

14:58 13 Q. And that was done as part of your cooperation agreement?

14:58 14 A. Yes.

14:58 15 Q. Okay. Now, did you begin to cooperate with the government to the best of your recollection by providing information in these interviews during the summer of 2014?

14:58 18 A. Yes.

14:58 19 Q. And you had agreed to cooperate at that point, correct?

14:58 20 A. Yes.

14:58 21 Q. And do you recall the date that you testified before the federal grand jury? Do you recall the actual date?

14:59 23 A. No.

14:59 24 MR. ASKIN: Your honor, with the permission of

14:59 25 counsel and the Court, I would like to approach the witness.

United States District Court  
Camden, NJ

14:59 1 MR. MADDEN: We will stipulate to the date.

14:59 2 MR. ASKIN: Okay. Your Honor, that's probably easier. They're going to stipulate that the date of the grand jury testimony was Wednesday, September the 10th of 2014.

14:59 5 With that stipulation, I don't need to ask the witness. We can just assume that fact. Okay?

14:59 7 THE COURT: Okay.

14:59 8 BY MR. ASKIN:

14:59 9 Q. Mr. Young, do you remember, now that there's been a stipulation, you don't need to remember the date, but do you recall that at approximately in September of 2014, the exact date was September 10th of 2014, do you recall me calling you before a federal grand jury?

14:59 14 A. Yes.

14:59 15 Q. And you testifying under oath before a federal grand jury?

14:59 17 A. Yes.

14:59 18 Q. And did you answer my questions under oath about your own criminal activity and the criminal activity of others?

14:59 20 A. Yes.

14:59 21 Q. Okay. At that point, do you remember whether or not you had -- even though you had agreed to cooperate, whether or not you had actually been presented with and signed a formal cooperation agreement?

15:00 25 A. No, I haven't. No, I haven't.

United States District Court  
Camden, NJ

000509

15:00 1 Q. You didn't or you don't remember?  
 15:00 2 A. I don't remember.  
 15:00 3 Q. Okay.  
 15:00 4 MR. ASKIN: May I approach the witness, Your Honor?  
 15:00 5 THE COURT: Yes.  
 15:00 6 (GOVERNMENT EXHIBIT J-KY-9 WAS MARKED FOR IDENTIFICATION.)  
 15:00 7 BY MR. ASKIN:  
 15:00 8 Q. I'm showing you a document that's been marked for the record, Government's Exhibit J-KY-9, and can you take a look at that?  
 15:00 11 And what is it entitled right here?  
 15:00 12 A. Cooperation Agreement.  
 15:00 13 Q. Okay. And what is the date at the top?  
 15:00 14 A. December 5th, 2014.  
 15:00 15 Q. And is it addressed on our letterhead, the heading at the top, United States Attorney for the District of New Jersey?  
 15:01 17 A. Yes.  
 15:01 18 Q. And is it addressed in a letter format to Peter Levin,  
 15:01 19 your lawyer?  
 15:01 20 A. Yes.  
 15:01 21 Q. Okay. Could I have it back for a sec?  
 15:01 22 It's four pages, correct?  
 15:01 23 A. Yes.  
 15:01 24 Q. Okay. And is this the agreement, the cooperation  
 15:01 25 agreement that you signed?

United States District Court

Camden, NJ

15:01 1 A. Yes.  
 15:01 2 Q. Okay.  
 15:01 3 MR. ASKIN: Your Honor, by the agreement of counsel,  
 15:01 4 I'm going to display it, it's not in evidence, but we're going  
 15:01 5 to display it for the purposes of going over it.  
 15:01 6 THE COURT: All right.  
 15:01 7 (The exhibit was published to the jury.)  
 15:01 8 BY MR. ASKIN:  
 15:01 9 Q. This is a document referring to -- on our letterhead,  
 15:01 10 December the 5th of 2014, correct, addressed to Mr. Levin  
 15:01 11 entitled, regarding cooperation agreement with Kareem Young,  
 15:01 12 correct?  
 15:01 13 A. Yes.  
 15:01 14 Q. Dear Mr. Levin, and then it sets forth the paragraphs  
 15:01 15 that are the agreement, is that right?  
 15:01 16 A. Yes.  
 15:01 17 Q. Okay. It's marked at the bottom, Government's Exhibit  
 15:02 18 J-KY-9.  
 15:02 19 Okay. And do you see in the first paragraph, it says  
 15:02 20 that it sets forth the understanding between you, Kareem  
 15:02 21 Young, and the U.S. Attorney's Office of the District of New  
 15:02 22 Jersey, concerning cooperation with this office, meaning the  
 15:02 23 U.S. Attorney?  
 15:02 24 A. Yes.  
 15:02 25 Q. Read the next sentence to yourself.

United States District Court

Camden, NJ

15:02 1 Okay. Do you see what it says there, that the  
 15:02 2 agreement supplements a plea agreement dated December 23rd,  
 15:02 3 2013?  
 15:02 4 A. Yes.  
 15:02 5 Q. You understand what it -- do you understand what the  
 15:02 6 word, "supplements" means there?  
 15:02 7 A. No.  
 15:02 8 Q. Okay. I understand you don't understand what that word  
 15:03 9 means, but at the time, was it explained to you by either  
 15:03 10 Mr. Levin, myself or both of us, that -- well, let me back up  
 15:03 11 a second. I'm sorry.  
 15:03 12 This is December of 2014, correct?  
 15:03 13 A. Yes.  
 15:03 14 Q. By your testimony, you've already met with the government  
 15:03 15 in several proffer sessions, correct?  
 15:03 16 A. Yes.  
 15:03 17 Q. Do you remember a discussion where we talked about --  
 15:03 18 that there was an oversight and you hadn't actually signed a  
 15:03 19 cooperation agreement? Do you remember that discussion?  
 15:03 20 A. Yes.  
 15:03 21 Q. Do you remember your lawyer being somewhere at the time,  
 15:03 22 we wanted you to sign it?  
 15:03 23 A. He was on vacation.  
 15:03 24 Q. Right. When he came back from vacation, is that when you  
 15:03 25 were presented with the agreement?

United States District Court

Camden, NJ

15:03 1 A. Yes.  
 15:03 2 Q. And at the time you were presented with the agreement, if  
 15:03 3 I understand your testimony, you had already -- you had  
 15:03 4 already had been proffering with us in these interviews,  
 15:03 5 correct?  
 15:03 6 A. Yes.  
 15:03 7 Q. For several months, right?  
 15:03 8 A. Yes.  
 15:03 9 Q. And according to the stipulation, you already testified  
 15:03 10 before a federal grand jury before this was even signed, is  
 15:03 11 that right?  
 15:03 12 A. Yes.  
 15:03 13 Q. Okay. Nevertheless, December 5th, 2014, when your lawyer  
 15:03 14 got back from vacation, was this agreement presented to you?  
 15:04 15 A. Yes.  
 15:04 16 Q. Okay. And did -- we're just going to turn to the  
 15:04 17 signature page now for a minute. For the record, the  
 15:04 18 signature page is Page 4, and did you sign the agreement at  
 15:04 19 the end after you read it?  
 15:04 20 A. Yes.  
 15:04 21 Q. Mr. Levin signed it the same day, correct?  
 15:04 22 A. Yes.  
 15:04 23 Q. And if I understand the date, it looks like 12-10, --  
 15:04 24 December the 10th of 2014?  
 15:04 25 A. Yes.

0005109  
3

United States District Court

Camden, NJ

15:04 1 Q. Okay. The date on the front of the document is  
 15:04 2 December the 5th of 2014, correct?  
 15:04 3 A. Yes.  
 15:04 4 Q. Did Mr. Levin explain the terms of this agreement to you  
 15:04 5 before you signed it?  
 15:04 6 A. Yes.  
 15:04 7 Q. Did I also explain the terms of the agreement to you, at  
 15:04 8 least in part, before you signed the agreement?  
 15:04 9 A. Yes.  
 15:04 10 Q. Let's go to the first page. I want to go over this  
 15:05 11 agreement with you carefully.  
 15:05 12 We're going to go back to this word, "supplements" the  
 15:05 13 plea agreement. At the time of this cooperation agreement,  
 15:05 14 you had already signed a plea agreement, correct?  
 15:05 15 A. Yes.  
 15:05 16 Q. Okay. What was your understanding of what this  
 15:05 17 cooperation agreement did to the plea agreement? In other  
 15:05 18 words -- do you understand my question?  
 15:05 19 A. No.  
 15:05 20 Q. Okay. Probably wasn't very good. I'll ask it a  
 15:05 21 different way.  
 15:05 22 The -- you had a plea agreement in place, correct?  
 15:05 23 A. Yes.  
 15:05 24 Q. You had gone before -- you had a plea agreement, a  
 15:05 25 written plea agreement and you went before a Court, Judge

United States District Court

Camden, NJ

15:05 1 Irenas, and you entered a guilty plea, correct?  
 15:05 2 A. Yes.  
 15:05 3 Q. When you signed this cooperation agreement, did you  
 15:05 4 understand that you were still bound by the terms of the plea  
 15:05 5 agreement? In other words, the plea agreement was still in  
 15:05 6 effect at the time you signed this cooperation agreement,  
 15:06 7 correct?  
 15:06 8 A. Yes.  
 15:06 9 Q. And you knew that, right?  
 15:06 10 A. Yes.  
 15:06 11 Q. So this -- did you understand this to be a second  
 15:06 12 agreement that you were signing?  
 15:06 13 A. Yes.  
 15:06 14 Q. Did you understand that this agreement, the cooperation  
 15:06 15 agreement and the plea agreement were basically your two  
 15:06 16 agreements with the Federal Government, correct?  
 15:06 17 A. Yes.  
 15:06 18 Q. With the U.S. Attorney, correct?  
 15:06 19 A. Yes.  
 15:06 20 Q. The one other thing you signed was this, that I'm aware  
 15:06 21 of, is this proffer letter, right?  
 15:06 22 A. Yes.  
 15:06 23 Q. Okay. But did you understand that these were the two  
 15:06 24 agreements together that would determine some of your rights  
 15:06 25 and some of what would happen to you in terms of the federal

United States District Court

Camden, NJ

15:06 1 process, your plea agreement and the cooperation agreement in  
 15:06 2 terms of your federal sentencing?  
 15:06 3 A. Yes.  
 15:06 4 Q. And did you understand them both to be important  
 15:06 5 agreements that would be read together?  
 15:06 6 A. Yes.  
 15:06 7 Q. Okay. Okay. You see up here, it says confidential, not  
 15:07 8 to be filed with the clerk's office. Do you see that?  
 15:07 9 A. Yes.  
 15:07 10 Q. Your plea agreement -- plea agreements are filed in this  
 15:07 11 district on the electronic filing. Did you -- was there a  
 15:07 12 discussion where you were told and assured that this would not  
 15:07 13 be filed on the public docket?  
 15:07 14 A. Yes.  
 15:07 15 Q. Okay. So that you knew that this would be kept private.  
 15:07 16 In other words, the Court could be given a copy of it,  
 15:07 17 probation could be given a copy of it, your lawyer had a copy  
 15:07 18 of it, but did you know that we were not going to make this a  
 15:07 19 public document?  
 15:07 20 A. Yes.  
 15:07 21 Q. I mean, other than you testifying in open court today,  
 15:07 22 right?  
 15:07 23 A. Yes.  
 15:07 24 Q. Okay. Okay. The third paragraph here says, the  
 15:07 25 agreement is further -- is contingent upon or based upon you

United States District Court

Camden, NJ

15:07 1 entering a guilty plea. At the time of this, I think the  
 15:07 2 record's already clear, December 2014, you had already entered  
 15:07 3 a guilty plea, correct?  
 15:07 4 A. Yes.  
 15:07 5 Q. Okay. Look at the scope of cooperation. You see that  
 15:08 6 down there? Read this paragraph to yourself, the last  
 15:08 7 paragraph on Page 1.  
 15:08 8 A. I read it.  
 15:08 9 Q. Okay. This document says that you will fully cooperate  
 15:08 10 with this office, being the U.S. Attorney's Office, correct?  
 15:08 11 A. Yes.  
 15:08 12 Q. In terms of investigations that you have knowledge of  
 15:08 13 that we ask you about?  
 15:08 14 A. Yes.  
 15:08 15 Q. And questions about criminal activity that you know of  
 15:08 16 and that we ask you about, correct?  
 15:08 17 A. Right.  
 15:08 18 Q. And it says that you'll truthfully disclose all  
 15:08 19 information to the U.S. Attorney and other government agencies  
 15:08 20 and you shall not commit or attempt to commit any additional  
 15:08 21 crimes.  
 15:08 22 Did you understand that to be your obligation under  
 15:08 23 this agreement, like what you had to do under this agreement?  
 15:08 24 A. Yes.  
 15:09 25 Q. Look at the next sentence, it says Kareem Young also

United States District Court

Camden, NJ

000511a

15:09 1 agrees to be available at all reasonable times requested by  
 15:09 2 representatives of the government and shall truthfully testify  
 15:09 3 in all proceedings, including the grand jury, and on to  
 15:09 4 Page 2, and trial proceedings, as to any subject about which  
 15:09 5 it -- it says "she," it really should say he there -- about  
 15:09 6 which you're questioned, correct?  
 15:09 7 A. Yes.  
 15:09 8 Q. My mistake.  
 15:09 9 Further, Kareem Young agrees to provide this office  
 15:09 10 documents or materials related to matters about which this  
 15:09 11 office inquires. Do you understand that?  
 15:09 12 A. Yes.  
 15:09 13 Q. Okay. And then it goes into full cooperation and what it  
 15:09 14 means that we could ask you to do investigative techniques  
 15:09 15 like making recordings against people and stuff like that,  
 15:09 16 correct?  
 15:09 17 A. Yes.  
 15:09 18 Q. Now, were you ever released from custody during your  
 15:09 19 cooperation?  
 15:10 20 A. No.  
 15:10 21 Q. Okay. So by definition -- well, I shouldn't say "by  
 15:10 22 definition." Were you ever asked to make recordings or  
 15:10 23 conduct any kind of undercover operations or assist us with  
 15:10 24 anything like that?  
 15:10 25 A. No.

United States District Court

Camden, NJ

15:11 1 Q. You also took an oath or affirmed when you went before  
 15:11 2 the federal grand jury in September of 2014, correct?  
 15:11 3 A. Yes.  
 15:11 4 Q. And you understood, even though you hadn't formally  
 15:11 5 signed the agreement, did you understand that you had to  
 15:11 6 testify truthfully before that federal grand jury?  
 15:11 7 A. Yes.  
 15:11 8 Q. In order to get the benefit of your cooperation  
 15:11 9 agreement?  
 15:11 10 A. Yes.  
 15:11 11 Q. Have you testified truthfully in the past at the grand  
 15:11 12 jury and in other court proceedings?  
 15:11 13 A. Yes.  
 15:11 14 Q. Okay. Now, are you cooperating with the government in  
 15:11 15 the hopes of getting a lower sentence?  
 15:11 16 A. Yes.  
 15:11 17 Q. If you fully cooperate with the government under the  
 15:11 18 terms of this agreement, is the government obligated to do  
 15:11 19 certain things?  
 15:11 20 A. Yes.  
 15:11 21 Q. Okay. Did the government tell you that if you cooperated  
 15:11 22 with the government, that we would -- fully cooperated with  
 15:12 23 the government, in our determination, in other words, in our  
 15:12 24 judgment, that we would file a motion with Judge Irenas under  
 15:12 25 section -- Guideline Section 5K1.1?

United States District Court

Camden, NJ

15:10 1 Q. The government just asks you to provide information in  
 15:10 2 these proffer sessions, correct?  
 15:10 3 A. Yes.  
 15:10 4 Q. And to testify before a grand jury, correct?  
 15:10 5 A. Yes.  
 15:10 6 Q. And be available to testify in any trial or hearing  
 15:10 7 proceedings that we needed you to testify in under oath,  
 15:10 8 correct?  
 15:10 9 A. Yes.  
 15:10 10 Q. And have you agreed to do that?  
 15:10 11 A. Yes.  
 15:10 12 Q. Okay. And is that your understanding of what you're  
 15:10 13 required to do today? In other words, that this agreement  
 15:10 14 requires you to testify truthfully today?  
 15:10 15 A. Yes.  
 15:10 16 Q. Do you understand that?  
 15:10 17 A. Yes.  
 15:10 18 Q. The oath that you took, or the affirmation, you affirmed  
 15:10 19 also requires you to testify truthfully today. You understand  
 15:10 20 that?  
 15:10 21 A. Yes.  
 15:10 22 Q. So really, you're under two obligations to testify  
 15:10 23 truthfully. The oath that you took and also this cooperation  
 15:10 24 agreement. Do you understand that?  
 15:10 25 A. Yes.

United States District Court

Camden, NJ

15:12 1 A. Yes.  
 15:12 2 Q. A lot of times, guys refer to it as a 5K motion, right?  
 15:12 3 A. Yes.  
 15:12 4 Q. Are you familiar with that term, 5K motion?  
 15:12 5 A. Yes.  
 15:12 6 Q. Was that a term that was sometimes discussed in the  
 15:12 7 Federal Detention Center?  
 15:12 8 A. Yes.  
 15:12 9 Q. Okay. And are you hoping that the government is going to  
 15:12 10 file one of these 5K motions on your behalf, which is a motion  
 15:12 11 for downward departure, which would give Judge Irenas  
 15:12 12 potentially a reason to give you a lower sentence?  
 15:12 13 A. Yes.  
 15:12 14 Q. And that's what you're hoping that we'll do if you fully  
 15:12 15 cooperate, correct?  
 15:12 16 A. Yes.  
 15:12 17 Q. Did I discuss with you, which is also mentioned in the  
 15:12 18 agreement, section --  
 15:12 19 MR. ASKIN: If you could zoom in on this,  
 15:12 20 Mr. Darragh, this paragraph.  
 15:12 21 BY MR. ASKIN:  
 15:12 22 Q. Did I explain to you that 5K motions, 5K1.1 motions allow  
 15:13 23 the Court to depart from the advisory guidelines, gives the  
 15:13 24 Court a reason if the Court deems it appropriate, based on  
 15:13 25 your cooperation?

United States District Court

Camden, NJ

0005129

15:13 1 A. Yes.  
 15:13 2 Q. Who determines, once we file a motion for downward  
 15:13 3 departure under 5K1.1, because we feel you've fully and  
 15:13 4 truthfully cooperated, who ultimately decides, though, whether  
 15:13 5 or not that motion is granted?  
 15:13 6 A. Judge Irenas.  
 15:13 7 Q. Right. And who decides ultimately what sentence you get?  
 15:13 8 A. Judge Irenas.  
 15:13 9 Q. Does the government get to determine what sentence you  
 15:13 10 get?  
 15:13 11 A. No.  
 15:13 12 Q. Does the government get to make a recommendation about  
 15:13 13 sentence?  
 15:13 14 A. Yes.  
 15:13 15 Q. But ultimately, Judge Irenas will decide what sentence  
 15:13 16 you get, correct?  
 15:13 17 A. Yes.  
 15:13 18 Q. And you knew that when you agreed to cooperate with us?  
 15:13 19 A. Yes.  
 15:13 20 Q. Now, you have -- did you ever hear of the term "safety  
 15:13 21 valve"?"  
 15:13 22 A. Yes.  
 15:13 23 Q. Okay. Do you know when you have a criminal record like  
 15:13 24 yours and when guns are involved in the offense, safety valve  
 15:13 25 is not available, right?

United States District Court

Camden, NJ

15:15 1 guideline range, which is advisory, and what is my mandatory  
 15:15 2 minimum, right?  
 15:15 3 A. Yes.  
 15:15 4 Q. Mandatory minimums, did you understand them to be what  
 15:15 5 they say they are? In other words, that's a mandatory  
 15:15 6 sentence except for certain rare exceptions, right?  
 15:15 7 A. Yes.  
 15:15 8 Q. You're not eligible for safety valve, which you've  
 15:15 9 already said you know you're not eligible for safety valve.  
 15:15 10 Was it explained to you by myself in the presence of Mr. Levin  
 15:15 11 that the only other way out from under that mandatory minimum  
 15:15 12 sentence is Section 3553(e) for cooperation?  
 15:15 13 A. Yes.  
 15:15 14 Q. You knew that?  
 15:15 15 A. Yes.  
 15:15 16 Q. Okay. Now, look what the agreement says about 3553(e).  
 15:15 17 I want you to start at -- where it says No. 2.  
 15:15 18 First, you start, if you fully cooperate, fully comply  
 15:16 19 with the terms of this, provide substantial assistance in the  
 15:16 20 investigation or prosecution of one or more persons, then this  
 15:16 21 office will, one, move the sentencing judge pursuant to 5K1.1  
 15:16 22 to depart from the guideline range, right? Do you see that?  
 15:16 23 A. Yes.  
 15:16 24 Q. That's what we've agreed to do. But it says, and, two,  
 15:16 25 may move the sentencing judge pursuant to Section 3553(e) to

United States District Court

Camden, NJ

15:14 1 A. Yes.  
 15:14 2 Q. Okay. The -- do you know this term that's used in the  
 15:14 3 middle of this paragraph, the motion under 18 U.S. Code  
 15:14 4 Section 3553(e). Did I discuss that with you?  
 15:14 5 A. Yes.  
 15:14 6 Q. Do you remember what 3553(e) means right there, without  
 15:14 7 me telling you about it? If you remember?  
 15:14 8 A. I believe that's the motion to go under my guidelines.  
 15:14 9 Q. Okay. No, the motion to go under your guidelines is  
 15:14 10 5K1.1, right? We just discussed that. Remember I told you  
 15:14 11 that to get out from under the mandatory minimum, we had to  
 15:14 12 file a second motion if we decide to do so?  
 15:14 13 A. Yeah, that's what I meant to say.  
 15:14 14 Q. Okay. So as a federal drug defendant, did your lawyer  
 15:14 15 and myself explain to you that you have really two things to  
 15:14 16 worry about in a federal drug case, right?  
 15:14 17 A. Yes.  
 15:14 18 Q. Potentially, depending on the quantities and the type.  
 15:14 19 You've got the sentencing guidelines, which are advisory,  
 15:14 20 right?  
 15:14 21 A. Yes.  
 15:14 22 Q. And what else do you have to worry about?  
 15:14 23 A. A mandatory minimum.  
 15:15 24 Q. Right. So those -- you understand that those are the two  
 15:15 25 things to worry about, in other words, what is my sentencing  
 15:15 26 guideline range, which is advisory, and what is my mandatory  
 15:15 27 minimum, right?  
 15:15 28 A. Yes.  
 15:15 29 Q. Mandatory minimums, did you understand them to be what  
 15:15 30 they say they are? In other words, that's a mandatory  
 15:15 31 sentence except for certain rare exceptions, right?  
 15:15 32 A. Yes.  
 15:15 33 Q. You knew that?  
 15:15 34 A. Yes.  
 15:15 35 Q. Okay. Now, look what the agreement says about 3553(e).  
 15:15 36 I want you to start at -- where it says No. 2.  
 15:15 37 First, you start, if you fully cooperate, fully comply  
 15:16 38 with the terms of this, provide substantial assistance in the  
 15:16 39 investigation or prosecution of one or more persons, then this  
 15:16 40 office will, one, move the sentencing judge pursuant to 5K1.1  
 15:16 41 to depart from the guideline range, right? Do you see that?  
 15:16 42 A. Yes.  
 15:16 43 Q. That's what we've agreed to do. But it says, and, two,  
 15:16 44 may move the sentencing judge pursuant to Section 3553(e) to

United States District Court

Camden, NJ

000513a

15:17 1 A. Yes.  
 15:17 2 Q. That would -- you would be excluded from that, right?  
 15:17 3 A. Yes.  
 15:17 4 Q. Okay. And then the other way is cooperation and the  
 15:17 5 filing of a motion under Section 3553(e) for Title 18, right?  
 15:17 6 A. Yes.  
 15:17 7 Q. Did I discuss this with you?  
 15:17 8 A. Yes.  
 15:17 9 Q. Even if you fully and truthfully cooperate, under the  
 15:17 10 terms of this agreement, where it says we may file it, are we  
 15:17 11 bound, do we have to file -- our office, a motion to get under  
 15:18 12 that mandatory minimum?  
 15:18 13 A. No.  
 15:18 14 Q. Okay. In other words, we could decide not to, correct?  
 15:18 15 A. Yes.  
 15:18 16 Q. Even if you fully and truthfully cooperate with us, we  
 15:18 17 would decide it's not appropriate, we're not doing it. Do you  
 15:18 18 understand that?  
 15:18 19 A. Yes.  
 15:18 20 Q. Do you understand that we can make that decision based on  
 15:18 21 factors beyond your cooperation? In other words, we could  
 15:18 22 decide under the sentencing factors, we think you should get  
 15:18 23 more than five years, we're not filing. Do you understand  
 15:18 24 that?  
 15:18 25 A. Yes.

United States District Court

Camden, NJ

15:18 1 Q. Was it also explained to you that based on your  
 15:18 2 cooperation and what's in the presentence report and other  
 15:18 3 factors that are relevant to sentencing, that our office could  
 15:18 4 decide that we are going to file that motion and allow the  
 15:18 5 judge to sentence you below five years if the judge wants to.  
 15:18 6 Do you understand that?  
 15:18 7 A. Yes.  
 15:18 8 Q. At this point, as you sit here, have you been told  
 15:18 9 whether or not we're going to file that motion when we get to  
 15:18 10 the sentencing date?  
 15:18 11 A. No.  
 15:18 12 Q. Okay. Even if you fully cooperate, was it explained to  
 15:18 13 you that you may not have that motion filed and you may have  
 15:18 14 to get at least five years?  
 15:18 15 A. Yes.  
 15:18 16 Q. And that's your understanding?  
 15:19 17 A. Yes.  
 15:19 18 Q. And did you agree to cooperate even knowing those terms?  
 15:19 19 A. Yes.  
 15:19 20 Q. Okay. What does the document, these -- the cooperation  
 15:19 21 agreement required you to do with respect to trial testimony,  
 15:19 22 grand jury testimony, in terms of truthfulness. What does it  
 15:19 23 require you to do?  
 15:19 24 A. Testify truthfully.  
 15:19 25 Q. Right. Mostly truthfully, half the time truthfully, or

United States District Court

Camden, NJ

15:19 1 what?  
 15:19 2 A. All the way truthfully.  
 15:19 3 Q. Did I explain to you on a number of occasions what the  
 15:19 4 consequences would be of not testifying truthfully in any  
 15:19 5 respect?  
 15:19 6 A. Yes.  
 15:19 7 Q. What would be the consequences?  
 15:19 8 A. Be charged with perjury.  
 15:19 9 Q. Right. You might be charged with perjury. What would  
 15:20 10 happen with respect to our -- whether or not we would honor  
 15:20 11 this agreement if you testify untruthfully?  
 15:20 12 A. My cooperation would get ripped up.  
 15:20 13 Q. Right. And then we would be able to tell the Court that  
 15:20 14 you didn't cooperate, you were untruthful, correct?  
 15:20 15 A. Yes.  
 15:20 16 Q. And then in that sense, do you believe you would get a  
 15:20 17 lower sentence based on your attempt to cooperate with us?  
 15:20 18 A. No.  
 15:20 19 Q. Okay. Would you -- is it -- in your mind, would you wind  
 15:20 20 up facing your full sentence?  
 15:20 21 A. Yes.  
 15:20 22 Q. Is that what you want to happen here?  
 15:20 23 A. No.  
 15:20 24 Q. Do you understand that any benefit you can get,  
 15:20 25 potentially out of these agreements, requires you to testify

United States District Court

Camden, NJ

15:20 1 truthfully?  
 15:20 2 A. Yes.  
 15:20 3 Q. Now, in terms of who determines whether or not you're  
 15:20 4 truthful, in terms of filing -- listen to my question very  
 15:20 5 carefully.  
 15:20 6 In terms of who determines whether or not you've been  
 15:20 7 truthful and fully forthcoming, in terms of filing the motion,  
 15:20 8 who makes that first determination of whether or not you're  
 15:21 9 truthful?  
 15:21 10 A. Judge Irenas.  
 15:21 11 Q. No. Listen to the question.  
 15:21 12 Ultimately, Judge Irenas is going to make a  
 15:21 13 determination about whether or not you earned the cooperation  
 15:21 14 agreement, right?  
 15:21 15 A. Yes.  
 15:21 16 Q. And that was discussed with you, right?  
 15:21 17 A. Yes.  
 15:21 18 Q. If we filed a motion saying you've been fully  
 15:21 19 cooperative, does Judge Irenas have to grant the motion if he  
 15:21 20 doesn't agree with us?  
 15:21 21 A. No.  
 15:21 22 Q. In other words, he could decide that we're wrong and not  
 15:21 23 grant the motion, is that right?  
 15:21 24 A. Yes.  
 15:21 25 Q. But if we filed the motion, do you hope he's going to

United States District Court

Camden, NJ

000514a

15:21 1 listen to us and grant the motion?

15:21 2 A. Yes.

15:21 3 Q. Okay. Who decides first, though, whether you've been  
15:21 4 fully cooperative?

15:21 5 A. Your office.

15:21 6 Q. Right. Who decides first whether to file any of these  
15:21 7 motions?

15:21 8 A. Your office.

15:21 9 Q. Right. Do you understand that part of that decision,  
15:21 10 whether to file these motions, is whether or not we believe  
15:21 11 you've been truthful with us?

15:21 12 A. Can you say that again.

15:21 13 Q. Do you understand that our decision to file those motions  
15:22 14 is based in large part as to whether or not you've testified  
15:22 15 truthfully? In other words, we're requiring you to testify  
15:22 16 truthfully or we're not filing the motion. Do you understand  
15:22 17 that?

15:22 18 A. Yes.

15:22 19 Q. Did I explain to you whether it matters -- if you say  
15:22 20 something untruthful, whether it matters whether you were  
15:22 21 trying to help us or hurt us, in terms of the prosecution  
15:22 22 team?

15:22 23 A. Yes.

15:22 24 Q. Does it matter?

15:22 25 A. No.

United States District Court

Camden, NJ

15:23 1 A. Yes.

15:23 2 Q. Okay. And the agreement -- on the bottom of Page 2 and  
15:23 3 the top of Page 3, and I don't want to draw this out or  
15:23 4 belabor it any more, but the agreement talks about the fact  
15:23 5 that if you're not truthful and fully forthcoming, we're not  
15:23 6 obligated to file these motions, which is just what I just  
15:23 7 covered with you, right?

15:23 8 A. Yes.

15:23 9 Q. Okay. Does it also talk about the fact that you could be  
15:24 10 subject to additional penalties and charged with different  
15:24 11 offenses, including perjury and obstruction of justice. Do  
15:24 12 you understand that?

15:24 13 A. Yes.

15:24 14 Q. In other words, if you're not truthful with us, not only  
15:24 15 does our office don't have to file these -- doesn't have to  
15:24 16 file these motions to lower your sentence with Judge Irenas,  
15:24 17 you're potentially facing perjury and obstruction of justice  
15:24 18 charges if you're untruthful. Do you understand that?

15:24 19 A. Yes.

15:24 20 Q. Did you understand that before you took the stand today?

15:24 21 A. Yes.

15:24 22 Q. Okay. Now, Mr. Young, you've gone -- we've gone through  
15:25 23 some of your criminal record, not in every detail, but in some  
15:25 24 detail, of some of the things you've been involved with.

15:25 25 I'm going to go through some other stuff. Have there

United States District Court

Camden, NJ

3822

15:22 1 Q. Right. In other words, if you think we would want you to  
15:22 2 say something because you think it might help our case, but  
15:22 3 the answer is false, would that matter to us, in terms of  
15:22 4 ripping up these agreements?

15:22 5 A. No.

15:22 6 Q. Right. In other words, doesn't matter if you're trying  
15:22 7 to help us, hurt us or somewhere in between, if you testify  
15:22 8 falsely as to anything, in our view, are we going to file  
15:22 9 those motions on your behalf?

15:22 10 A. No.

15:22 11 Q. Knowing that, are you testifying truthfully today?

15:23 12 A. Yes.

15:23 13 Q. Are you prepared to continue to testify truthfully?

15:23 14 A. Yes.

15:23 15 Q. Did you testify truthfully before the grand jury under  
15:23 16 oath?

15:23 17 A. Yes.

15:23 18 Q. Okay. You want to go home earlier, right?

15:23 19 A. Yes.

15:23 20 Q. You don't want to do any more time than you have to.

15:23 21 A. No.

15:23 22 Q. What do you need to do to go home earlier in terms of  
15:23 23 truthfulness?

15:23 24 A. Tell the truth.

15:23 25 Q. Is that why you're doing this?

United States District Court

Camden, NJ

15:25 1 been times before you were placed under oath when you were out  
15:25 2 on the street and even after you were in custody, when you  
15:25 3 haven't always been truthful? I'm not talking about under  
15:25 4 oath, but other times when you weren't under oath, have there  
15:25 5 been times where you haven't been truthful?

15:25 6 A. Yes.

15:25 7 Q. Several, right?

15:25 8 A. Yes.

15:25 9 Q. Okay. Let me go through some of that with you.  
15:25 10 When you were in Florida in April of 2013, did you tell  
15:25 11 us that you were stopped by a police officer down there while  
15:25 12 you were traveling in a vehicle?

15:25 13 A. Yes. Yes.

15:25 14 Q. Okay. And when you were stopped by that police officer,  
15:25 15 if you recall, did you give the police officer your real name?

15:25 16 A. No.

15:25 17 Q. And you lied to the police officer, right?

15:26 18 A. Yes.

15:26 19 Q. You told him a fake name or somebody else's name?

15:26 20 A. Yes.

15:26 21 Q. Why did you do that?

15:26 22 A. Cause I know I had warrants in New Jersey.

15:26 23 Q. Right. So it was in your interest because you didn't  
15:26 24 want to be arrested, you knew you had a warrant in New Jersey,  
15:26 25 so you lied to the police officer?

United States District Court

Camden, NJ

000515a

56 of 65 sheets

15:26 1 A. Yes.  
 15:26 2 Q. And you're admitting that you did that, right?  
 15:26 3 A. Yes.  
 15:26 4 Q. Did you tell us about that in your -- one of your proffer  
 15:26 5 meetings with us?  
 15:26 6 A. Yes.  
 15:26 7 Q. At some point, do you recall that we went over your  
 15:26 8 presentence report with you a little bit, in preparation for  
 15:26 9 testimony and went over with you some of the things that were  
 15:26 10 in your presentence report?  
 15:26 11 A. Yes.  
 15:26 12 Q. Did the presentence investigator talk to you about your  
 15:26 13 drug use?  
 15:26 14 A. Yes.  
 15:26 15 Q. And this -- when I say "presentence investigator," this  
 15:26 16 is a U.S. probation officer, correct?  
 15:26 17 A. Yes.  
 15:26 18 Q. As far as you knew, right?  
 15:27 19 A. Yes.  
 15:27 20 Q. He met with you, where, at the FDC?  
 15:27 21 A. Yes.  
 15:27 22 Q. Was your lawyer present, if you remember?  
 15:27 23 A. Yes.  
 15:27 24 Q. Okay. And did you tell the probation officer, who was  
 15:27 25 preparing your presentence report, that you used certain drugs

United States District Court

Camden, NJ

15:27 1 in terms of, like, marijuana. Did you tell him you used  
 15:27 2 marijuana?  
 15:27 3 A. Yes.  
 15:27 4 Q. And you used marijuana a lot when you were on the street,  
 15:27 5 right?  
 15:27 6 A. Yes.  
 15:27 7 Q. I mean, not once in awhile. A lot, right?  
 15:27 8 A. Yes.  
 15:27 9 Q. Over a period of how many years? Since you were --  
 15:27 10 A. Since I was about --  
 15:27 11 Q. Since you were a teenager?  
 15:27 12 A. Yes.  
 15:27 13 Q. Several years, right?  
 15:27 14 A. Yes.  
 15:27 15 Q. Up until the time of your arrest, you were smoking pot?  
 15:27 16 A. Yes.  
 15:27 17 Q. So when you told him that you were a marijuana user, was  
 15:27 18 that true?  
 15:27 19 A. Yes.  
 15:27 20 Q. Did you use -- for the last couple of years before you  
 15:27 21 were arrested in April of 2013, did you also use the drug  
 15:27 22 Percocet?  
 15:27 23 A. Yes.  
 15:27 24 Q. Now, Percocet is a prescription drug. You're aware of  
 15:27 25 that, correct?

United States District Court

Camden, NJ

15:27 1 A. Yes.  
 15:27 2 Q. Okay. Some people get a prescription from their doctor  
 15:28 3 and they take it, it's a painkiller. When you were using it  
 15:28 4 for a period of time, were you using it under prescription or  
 15:28 5 buying it on the street?  
 15:28 6 A. Buying it on the street.  
 15:28 7 Q. You were using it illegally, correct, right?  
 15:28 8 A. Yes.  
 15:28 9 Q. Okay. And did you take Percocet regularly, buying it  
 15:28 10 illegally on the street for a period of time?  
 15:28 11 A. Yes.  
 15:28 12 Q. Okay. Knowing it was illegal, correct?  
 15:28 13 A. Yes.  
 15:28 14 Q. And how often were you using those Percocets in the last,  
 15:28 15 like, year or two before your arrest?  
 15:28 16 A. Like a year and a half, maybe two.  
 15:28 17 Q. Did you use them every day or roughly every day?  
 15:28 18 A. Mostly every day.  
 15:28 19 Q. Okay. Now, did you tell the probation officer -- as far  
 15:28 20 as you remember, did you tell the probation officer about  
 15:28 21 that?  
 15:28 22 A. Yes.  
 15:28 23 Q. Okay. And so when you told the probation officer that  
 15:28 24 you were using Percocet when you were on the street, that was  
 15:28 25 true, right?

United States District Court

Camden, NJ

15:28 1 A. Yes.  
 15:28 2 Q. Now, was there also something in the PSR, the -- I'm  
 15:29 3 sorry, the presentence report, that indicated, and I quote,  
 15:29 4 "the defendant stated that he used or inhaled heroin on two  
 15:29 5 occasions in 2011 and 2012."  
 15:29 6 Did you make -- is that accurate, that -- is it  
 15:29 7 accurate that you told the probation officer that? Did you  
 15:29 8 tell the probation officer that?  
 15:29 9 A. Yes.  
 15:29 10 Q. In one of these meetings before you were going to  
 15:29 11 testify, after I read that, did I question you about that?  
 15:29 12 A. Yes.  
 15:29 13 Q. And what did you tell me about that statement to the  
 15:29 14 probation officer?  
 15:29 15 A. That I lied.  
 15:29 16 Q. So you admitted it, when I asked you about it, that you  
 15:29 17 had lied to the probation officer?  
 15:29 18 A. Yes.  
 15:29 19 Q. And did you lie to the probation officer because you  
 15:29 20 wanted some benefit of that, potentially in terms of BOP  
 15:29 21 programs?  
 15:29 22 A. Yes.  
 15:29 23 Q. Okay. Did you admit that?  
 15:29 24 A. Yes.  
 15:29 25 Q. That that was the reason?

United States District Court

Camden, NJ

0005164

15:29 1 A. Yes.  
 15:29 2 Q. And did you think that that BOP program -- it was a drug  
 15:30 3 program, right?  
 15:30 4 A. Yes.  
 15:30 5 Q. Did you want to get in a federal drug program?  
 15:30 6 A. Yes.  
 15:30 7 Q. What did you think completion of that federal drug  
 15:30 8 program could do for you in terms of your actual amount of  
 15:30 9 time that you had to serve?  
 15:30 10 A. **Cut my time in half.**  
 15:30 11 Q. Right. In half?  
 15:30 12 A. **Well, yeah.**  
 15:30 13 Q. That was what you thought?  
 15:30 14 A. Yeah.  
 15:30 15 Q. Okay. All right. Well, whether that's accurate or not,  
 15:30 16 you thought it would reduce --  
 15:30 17 MR. MARKOWITZ: Objection, Your Honor.  
 15:30 18 THE COURT: What --  
 15:30 19 MR. MADDEN: He's testifying.  
 15:30 20 MR. ASKIN: Okay.  
 15:30 21 BY MR. ASKIN:  
 15:30 22 Q. It's -- you thought there would be some benefit that that  
 15:30 23 could -- if you completed that federal drug program, if you  
 15:30 24 were admitted to it and completed it, that it would reduce  
 15:30 25 your time?

United States District Court  
 Camden, NJ

15:31 1 warrants were issued for your arrest after you were in custody  
 15:31 2 in April of 2013?  
 15:31 3 A. Yes.  
 15:31 4 Q. Okay. But those were issued because -- well, those  
 15:31 5 weren't intentional failures to appear on your part, right?  
 15:31 6 MR. MADDEN: Objection.  
 15:31 7 MR. ASKIN: Well, I mean, come on.  
 15:31 8 THE COURT: I'm sorry?  
 15:31 9 MR. MADDEN: I'm sorry, Judge. He's leading and he's  
 15:31 10 testifying.  
 15:31 11 BY MR. ASKIN:  
 15:31 12 Q. After April the 3rd of 2013, Mr. Young, after April of  
 15:31 13 2013, after April 3rd, 2013, where were you?  
 15:31 14 A. **I was in federal custody.**  
 15:32 15 Q. And have you been in federal custody between April 3rd of  
 15:32 16 2013 and today?  
 15:32 17 A. Yes.  
 15:32 18 Q. All right. In the first couple proffers with the  
 15:32 19 Government in June and July of 2014, you were asked a series  
 15:32 20 of questions about certain individuals in Atlantic City who  
 15:32 21 were believed to be involved in selling drugs, correct?  
 15:32 22 A. Yes.  
 15:32 23 Q. And who were charged and were in federal custody?  
 15:32 24 A. Yes.  
 15:32 25 Q. Okay. Were these individuals in some respects that you

United States District Court  
 Camden, NJ

3830

15:30 1 A. Yes.  
 15:30 2 Q. And you wanted to get in the federal drug program?  
 15:30 3 A. Yes.  
 15:30 4 Q. So you told the probation officer about your true drug  
 15:30 5 use, marijuana and Percocet, right?  
 15:30 6 A. Yes.  
 15:30 7 Q. But you also added in that you used heroin, correct?  
 15:30 8 A. Yes.  
 15:30 9 Q. Had you ever used heroin?  
 15:30 10 A. No.  
 15:30 11 Q. Had you been selling heroin for a period of years?  
 15:31 12 A. Yes.  
 15:31 13 Q. And you never used it?  
 15:31 14 A. No.  
 15:31 15 Q. So when you told the probation officer that you used it  
 15:31 16 two times so that you could maybe enhance your ability to get  
 15:31 17 in that federal drug program, that was not truthful.  
 15:31 18 A. Right.  
 15:28 19 Q. Did you fail to appear in court on several occasions when  
 15:31 20 you knew that you were supposed to appear in court?  
 15:31 21 A. Yes.  
 15:31 22 Q. And that led to bench warrants being issued for your  
 15:31 23 arrest?  
 15:31 24 A. Yes.  
 15:31 25 Q. Now, some bench warrants, did you know that some bench

United States District Court  
 Camden, NJ

15:32 1 had been friends with for years?  
 15:32 2 A. Yes.  
 15:32 3 Q. Okay. In those first couple of proffers, did you  
 15:32 4 truthfully disclose everything you knew about those  
 15:32 5 individuals to the Government in those first couple proffers?  
 15:32 6 A. No.  
 15:32 7 MR. MADDEN: Objection, leading.  
 15:32 8 THE COURT: Overruled.  
 15:33 9 BY MR. ASKIN:  
 15:33 10 Q. The first couple proffers, did you truthfully disclose  
 15:33 11 all the evidence, all the information you had about those  
 15:33 12 individuals and their drug activity?  
 15:33 13 A. No.  
 15:33 14 Q. Why not?  
 15:33 15 A. **Because I wasn't really trying to hurt them.**  
 15:33 16 Q. And were these guys you knew for a short period of time  
 15:33 17 or guys you had known a large period of your life?  
 15:33 18 A. **A large period of my life.**  
 15:33 19 Q. Did you consider yourself, before you started cooperating  
 15:33 20 against them, friends with some of those guys?  
 15:33 21 A. Yes.  
 15:33 22 Q. Was that a difficult decision to make? Was that a  
 15:33 23 difficult thing to do, to testify against guys you had been  
 15:33 24 buddies with for a long time?  
 15:33 25 A. Yes.

United States District Court  
 Camden, NJ

000517a

<p>15:33 1 Q. Ultimately, though, were you questioned further about 15:33 2 some of these individuals that you weren't completely truthful 15:33 3 and forthcoming about in the first couple proffers? 15:33 4 A. Yes. 15:33 5 Q. And did you, in your mind, did you eventually admit the 15:34 6 true scope of what they were involved in and what they were 15:34 7 doing and who they were doing it with? 15:34 8 A. Yes. 15:34 9 Q. Okay. And what made you decide to do that? 15:34 10 A. I wanted to be truthful. 15:34 11 Q. You what? 15:34 12 A. I said I wanted to be truthful. 15:34 13 Q. Now, before you pled guilty in April of 2014 -- first of 15:34 14 all, were there a number of other individuals that you knew 15:34 15 from Atlantic City that were part of this in custody over at 15:34 16 the Federal Detention Center? 15:34 17 A. Yes. 15:34 18 Q. Okay. And did you have discussions with some of those 15:34 19 individuals about the case against you guys and what some of 15:35 20 the evidence would be and who some of the people that might 15:35 21 testify might be? 15:35 22 A. Yes. 15:35 23 Q. Were there discussions about confidential informants? 15:35 24 A. Yes. 15:35 25 Q. Were there discussions about who might cooperate?</p>	<p>3833</p> <p>15:37 1 agreement and was pressured by Mykal Derry not to enter the 15:37 2 plea agreement and ripped up the plea agreement in front of 15:37 3 him. Later Spence did enter that plea, but there were 15:37 4 discussions about not pleading guilty and that Mykal Derry 15:37 5 wanted everyone to go to trial, which was, in the Government's 15:37 6 view, obstructionist. 15:37 7 Number two, though, more importantly, there were 15:37 8 discussions about who the informants were, discussions about 15:37 9 concerns that Ramir Bethea, who wasn't actually an informant, 15:37 10 was an informant, and there were discussions about who was 15:37 11 cooperating with the Government and trying to prevent people 15:37 12 from cooperating. 15:37 13 Then Mr. Mykal Derry made the statement to this witness 15:37 14 that, well, whoever cooperates against me is going to have to 15:37 15 take the stand at some point and testify at trial, and at some 15:37 16 point they got to come back to Atlantic City, and Griff, he 15:38 17 mentions the nickname Griff, G-R-I-F-F, Grouch, G-R-O-U-C-H, 15:38 18 and Zay-moo, which I don't know how to spell, but I would say 15:38 19 phonetically Z-A-Y hyphen M-O-O. I have no idea how to spell 15:38 20 that. That these guys were going to be getting out of custody 15:38 21 and they would be home and they would have to deal with them. 15:38 22 When Mr. Young was asked at least on a follow-up 15:38 23 question by the Government in these proffer sessions, he 15:38 24 described that Griff, Grouch and Zay-moo were former drug 15:38 25 associates, drug dealers associated with Mykal Derry,</p>
---	---

United States District Court

Camden, NJ

United States District Court

Camden, NJ

3834

3836

<p>15:35 1 A. Yes. 15:35 2 Q. Who did you have those discussions with? 15:35 3 A. Everybody except for Malik Derry and Lamar Macon. 15:35 4 Q. Okay. Well, you said everybody except for Malik Derry 15:35 5 and Lamar Macon; is that right? 15:35 6 A. Yes. 15:35 7 Q. So, who were some of the people that you had the 15:35 8 discussion with, if you remember? 15:35 9 A. Mykal Derry, Baby Boy, Poppi-what-you-need, Erk, Saeed 15:35 10 Zaffa, Laquay Spence. 15:35 11 Q. What were you guys talking about? 15:35 12 MR. MADDEN: Objection, hearsay. 15:35 13 MR. ASKIN: It is not hearsay. These are 15:35 14 co-conspirator statements. 15:35 15 MR. MADDEN: Well -- 15:35 16 THE COURT: Let me see you at sidebar. 15:36 17 (Sidebar.) 15:36 18 MR. ASKIN: Your Honor, in the first trial, I don't 15:36 19 remember if he testified to this in the grand jury or not, but 15:36 20 in the first trial, he testified, and he's been consistent in 15:36 21 his statements, that Mykal Derry engaged in a pattern of 15:36 22 essentially trying to get -- make sure the guys didn't, not 15:36 23 only didn't cooperate with the Government, that they didn't 15:36 24 even plead guilty. He cites to a point where Laquay Spence, 15:37 25 another co-defendant of the 34 defendants, had signed a plea</p>
---

United States District Court

Camden, NJ

United States District Court

Camden, NJ

000518a

15:39 1 speakers, but second of all, second of all, depending on the  
 15:39 2 statements, they certainly may be entirely too prejudicial.  
 15:40 3 And the last point I just want to make is in my  
 15:40 4 opinion, having read the transcripts from the first trial,  
 15:40 5 there was a lot of inadmissible evidence that was never  
 15:40 6 objected to, and, therefore, was let in, but that's not our  
 15:40 7 standard here. Just because they came in and no one objected  
 15:40 8 to it doesn't mean it comes in this time.

15:40 9 MR. ASKIN: I'm not suggesting that if something  
 15:40 10 wasn't objected to, that it necessarily comes in. That's not  
 15:40 11 my point, but number one, it was largely the statement of  
 15:40 12 Mykal Derry that we're trying to get to.

15:40 13 MR. MADDEN: That's different.

15:40 14 MR. ASKIN: And also there was a statement I believe  
 15:40 15 by Kamal Allen to the extent that he wanted to figure out if  
 15:40 16 Bethea or one of these guys was cooperating, but those guys  
 15:40 17 are both co-conspirators and Mykal Derry's statement is an  
 15:40 18 admission. In one respect, I was trying to not to lead him to  
 15:40 19 who made -- you know, darned if you do, darned if you don't.

15:40 20 THE COURT: I think here Mr. Madden is correct in his  
 15:40 21 general survey of the law, although I'm uncertain of the  
 15:40 22 status of the Third Circuit law on post conspiracy obstructive  
 15:40 23 conduct and whether that's in furtherance, because there's  
 15:40 24 certainly a large body of law that says such conduct, after  
 15:41 25 the termination of the conspiracy is -- or after the arrest is

United States District Court

Camden, NJ

15:41 1 not part of the conspiracy. I need to see a Third Circuit  
 15:41 2 case to see how broad it is here in this circuit. So, I don't  
 15:41 3 know if you can cite me one soon.  
 15:41 4 But the notion that some of the statements made to him  
 15:41 5 by a defendant is an admission would make those statements  
 15:41 6 admissible on those grounds alone. So, I think you have, here  
 15:41 7 you're going to -- I'm going to note Mr. Madden's objection, I  
 15:41 8 think it has some merit. I think he's going to have to  
 15:41 9 forgive a little bit of leading here so that you can establish  
 15:41 10 a foundation for individual statements before they come in so  
 15:41 11 that if it is going to be an admission, then lay the  
 15:41 12 foundation of who is saying it and that he has personal  
 15:41 13 knowledge of the statement.

15:41 14 If it's post-arrest cover-up conduct, then I'm going to  
 15:41 15 have to see some case law to support that, because I haven't  
 15:42 16 looked at this issue in terms of the Third Circuit for a  
 15:42 17 while. You said it was clearly the law, but my immediate  
 15:42 18 reaction is there's a large body of law that says post-arrest  
 15:42 19 attempts at conspiracy were not in furtherance of the  
 15:42 20 conspiracy.

15:42 21 MR. ASKIN: Okay. I thought the law was -- I'm  
 15:42 22 sorry, Mr. Madden.

15:42 23 MR. MADDEN: Go ahead.

15:42 24 MR. ASKIN: I thought the law was that if efforts to  
 15:42 25 cover up the conspiracy, which I would take this as an effort

United States District Court

Camden, NJ

15:42 1 to cover up the conspiracy by trying to make sure that guys  
 15:42 2 are silenced, that they don't go to the Government to proffer,  
 15:42 3 they don't cooperate.

15:42 4 THE COURT: The problem with that argument is that  
 15:42 5 until there's an abandonment, affirmative abandonment, then  
 15:42 6 they remain in the same conspiracy as long as they continue to  
 15:42 7 cover up and then the conspiracy never ends, and that's the  
 15:42 8 problem with that law. Some of it is statute of limitations  
 15:42 9 law that said continuing cover-up conduct doesn't extend the  
 15:42 10 conspiracy for purposes of the statute of limitations. So,  
 15:42 11 you need to -- as I sit here now, I don't accept the broad  
 15:43 12 proposition that any conduct in an effort to cover up or  
 15:43 13 obstruct necessarily continues the conspiracy. You've got to  
 15:43 14 show me a Third Circuit law that says that before I'll allow  
 15:43 15 you to make that as a sole basis for admission of the  
 15:43 16 statement.

15:43 17 MR. ASKIN: Okay. But if I understand the Court  
 15:43 18 correctly, are you saying that with respect to, and I'm just  
 15:43 19 trying to understand the Court's ruling, not argue with you,  
 15:43 20 are you saying that with respect to specifically Mykal Derry's  
 15:43 21 statements --

15:43 22 THE COURT: That doesn't have to have a conspiracy  
 15:43 23 foundation.

15:43 24 MR. ASKIN: Right, because it is an admission. So, I  
 15:43 25 will at this point just steer him to the -- I'm going to lead

United States District Court

Camden, NJ

15:43 1 him to the Mykal Derry stuff, stay away from the other stuff  
 15:43 2 until we get a look at the Third Circuit case law.

15:43 3 THE COURT: All right. Anything else?

15:43 4 MR. MARKOWITZ: No.

15:43 5 MR. ASKIN: That's fine.

15:43 6 (End of sidebar.)

15:43 7 THE COURT: The record should reflect that a juror  
 15:43 8 took the sidebar, with the permission of the Court, as an  
 15:43 9 opportunity to leave the courtroom, and has been present  
 15:43 10 during all of the testimony.

15:44 11 MR. ASKIN: Yes, your Honor.

15:44 12 THE COURT: Mr. Askin, with the understanding reached  
 15:44 13 at sidebar, you may proceed.

15:44 14 MR. ASKIN: Thank you, your Honor.

15:44 15 BY MR. ASKIN:

15:44 16 Q. Mr. Young, before the sidebar break, we were talking  
 15:44 17 about the fact that you were in custody at the Federal  
 15:44 18 Detention Center for a period of time after your arrest,  
 15:44 19 correct?

15:44 20 A. Yes.

15:44 21 Q. And were you in custody with other individuals that had  
 15:44 22 been charged, with several other individuals that have been  
 15:44 23 charged in this case as part of this federal indictment?

15:44 24 A. Yes.

15:44 25 Q. Okay. Was one of those individuals Mykal Derry?

United States District Court

Camden, NJ

000519a

15:44 1 A. Yes.  
 15:44 2 Q. Okay. With respect to the topic of cooperation, do you  
 15:44 3 recall any statements that Mykal Derry made to you with  
 15:44 4 respect to guys cooperating in the case?  
 15:44 5 A. Yes.  
 15:44 6 Q. Okay. And what did he say to you with respect to guys  
 15:45 7 cooperating against him?  
 15:45 8 MR. MADDEN: Objection to the relevance, for the  
 15:45 9 record.  
 15:45 10 THE COURT: Overruled.  
 15:45 11 BY MR. ASKIN:  
 15:45 12 Q. What did Mykal Derry say with respect to guys cooperating  
 15:45 13 against him?  
 15:45 14 A. He said if anybody cooperate against him, they'll take  
 15:45 15 the stand, that they going to have to go home eventually, and  
 15:45 16 he said his friends that supposed to be coming home from  
 15:45 17 prison, which he's referring to Griff, Grouch, and Zay-moo,  
 15:45 18 and them, was going to do something to us.  
 15:45 19 Q. Okay. Now, did he mention the names Griff, Grouch, and  
 15:45 20 Zay-moo?  
 15:45 21 A. Yes.  
 15:45 22 Q. When he mentioned -- are these nicknames for guys?  
 15:45 23 A. Yes.  
 15:45 24 Q. Okay. They weren't, you know -- that wasn't their name  
 15:45 25 when they were born, Griff, Grouch, or Zay-moo?

United States District Court

Camden, NJ

15:46 1 A. Selling drugs, carrying guns.  
 15:46 2 Q. And did they have a particular reputation with respect to  
 15:46 3 carrying guns?  
 15:46 4 MR. MADDEN: Objection, hearsay and -- well, hearsay.  
 15:46 5 MR. ASKIN: It's for the effect on the hearer, in  
 15:46 6 other words, what he perceived the statement to mean.  
 15:46 7 MR. MADDEN: That's not reputation.  
 15:46 8 THE COURT: Yes, rephrase the question. I'll  
 15:46 9 overrule the objection if you rephrase.  
 15:46 10 BY MR. ASKIN:  
 15:46 11 Q. Okay. When Mykal Derry said to you that anyone who  
 15:46 12 testifies against him is going to have to go home eventually  
 15:47 13 to Atlantic City, correct?  
 15:47 14 A. Yes.  
 15:47 15 Q. And then that Griff, Grouch, and Zay-moo were going to be  
 15:47 16 home and they would do something, right? Do you remember that  
 15:47 17 statement?  
 15:47 18 A. Yes.  
 15:47 19 Q. That's what he said to you when you were in FDC, correct?  
 15:47 20 A. Correct.  
 15:47 21 Q. Okay. When Mykal Derry said that to you, did you have an  
 15:47 22 understanding of what he was trying to tell you?  
 15:47 23 A. Yeah, one of us going -- whoever cooperate on him, when  
 15:47 24 we go home, we was either going to be murdered or shot.  
 15:47 25 Q. That's what you understood him to mean?

United States District Court

Camden, NJ

15:45 1 A. No.  
 15:45 2 Q. Okay. When he said Griff, Grouch, and Zay-moo, these are  
 15:45 3 three different individuals, correct?  
 15:45 4 A. Yes.  
 15:45 5 Q. Did you know those individuals from Atlantic City at one  
 15:45 6 point?  
 15:45 7 A. Yes.  
 15:45 8 Q. Were they your age or older?  
 15:45 9 A. Older.  
 15:46 10 Q. Were they closer to Mykal Derry's age?  
 15:46 11 A. Yes.  
 15:46 12 Q. Okay. And did you know them, prior to your being in  
 15:46 13 custody at the Federal Detention Center -- prior to them being  
 15:46 14 in custody, did you know them to be involved in criminal  
 15:46 15 activity in Atlantic --  
 15:46 16 MR. MADDEN: Objection leading.  
 15:46 17 MR. ASKIN: I'm just asking if he knew that they were  
 15:46 18 involved in criminal --  
 15:46 19 THE COURT: I'll overrule the objection.  
 15:46 20 BY MR. ASKIN:  
 15:46 21 Q. Did you know Griff, Grouch, and Zay-moo to be involved in  
 15:46 22 criminal activity when they were on the streets in Atlantic  
 15:46 23 City?  
 15:46 24 A. Yes.  
 15:46 25 Q. What were they doing?

United States District Court

Camden, NJ

15:47 1 A. Yes.  
 15:47 2 Q. And is part of that that you understood who Griff,  
 15:47 3 Grouch, and Zay-moo were?  
 15:47 4 A. Yes.  
 15:47 5 Q. Were other guys present when Mr. Mykal Derry made those  
 15:47 6 statements to you?  
 15:47 7 A. Yes.  
 15:47 8 Q. Who else was there?  
 15:47 9 A. Laquay Spence, Dominique Venable, and --  
 15:47 10 Q. If you recall.  
 15:47 11 A. Myself and, I believe, Erk.  
 15:47 12 Q. Erk, do you know his real name?  
 15:48 13 A. Kasan Hayes.  
 15:48 14 Q. Okay. We'll get to that later.  
 15:48 15 Were you concerned about cooperating with us after that  
 15:48 16 was said to you?  
 15:48 17 A. Yes.  
 15:48 18 Q. At some point, after you began meeting with us -- well,  
 15:48 19 strike that. Let me back up.  
 15:48 20 Were you still -- were you still at the Federal  
 15:48 21 Detention Center when you began meeting with myself and  
 15:48 22 Special Agent Kopp in these proffer sessions?  
 15:48 23 A. I believe -- I believe I was.  
 15:48 24 Q. So, you were at the Federal Detention Center, and for the  
 15:48 25 proffer sessions, would you stay in the Federal Detention

United States District Court

Camden, NJ

0005289

<p style="text-align: right;">3845</p> <p>15:49 1 Center, or did you come over to this building or one of these 15:49 2 buildings here at the federal courthouse to be interviewed? 15:49 3 <b>A. Came to this building.</b> 15:49 4 Q. Okay. When you came out of the building, generally, 15:49 5 would you be over here sometimes for a period of a few hours? 15:49 6 <b>A. Yes.</b> 15:49 7 Q. Okay. And did we do this several times? 15:49 8 <b>A. Yes.</b> 15:49 9 Q. Generally, from being a defendant at the Federal 15:49 10 Detention Center, when you went out for several meetings that 15:49 11 lasted several hours and would come back, does that -- did 15:49 12 that, in your mind, raise any red flags with other inmates? 15:49 13 <b>A. Yes.</b> 15:49 14 Q. Okay. Would people ask you about it or be concerned 15:49 15 about it at times? 15:49 16 <b>A. Yes.</b> 15:49 17 Q. Okay. Did any individuals in this case -- without going 15:49 18 into the details, did any individuals in this case, other than 15:49 19 your statements about Mykal Derry, did any individuals in this 15:49 20 case that were involved in the case, arrested in the case, try 15:50 21 to inquire with you whether you were cooperating? 15:50 22 MR. MADDEN: Objection, leading, assumes the answer 15:50 23 in the question. 15:50 24 MR. ASKIN: Yes or no. 15:50 25 THE COURT: Overruled.</p> <p style="text-align: center;"><i>United States District Court</i> Camden, NJ</p>	<p style="text-align: right;">3847</p> <p>15:51 1 some point reported that back to me? 15:51 2 <b>A. Yes.</b> 15:51 3 Q. After your lawyer reported that back to me, without 15:51 4 saying where you went, what happened to you? 15:51 5 <b>A. I was removed.</b> 15:51 6 Q. Removed from the FDC? 15:51 7 <b>A. Yes.</b> 15:51 8 Q. Did you get to go home? 15:51 9 <b>A. No.</b> 15:51 10 Q. Okay. Did you -- were you sent to a different 15:51 11 institution by the marshals? 15:51 12 <b>A. Yes.</b> 15:51 13 Q. And you remained in federal custody at a different 15:51 14 institution, right? 15:51 15 <b>A. Yes.</b> 15:51 16 Q. After that, did your lawyer come down and meet with you 15:51 17 at that other institution? 15:51 18 <b>A. Yes.</b> 15:51 19 Q. Did you tell him at that point what your intentions were? 15:51 20 <b>A. Yes.</b> 15:51 21 Q. And what did you tell him? 15:51 22 <b>A. I told him that I wanted to cooperate.</b> 15:51 23 Q. So, after you were removed from the Federal Detention 15:51 24 Center, you felt comfortable cooperating again? 15:52 25 <b>A. Yes.</b></p> <p style="text-align: center;"><i>United States District Court</i> Camden, NJ</p>
<p style="text-align: right;">3846</p> <p>15:50 1 BY MR. ASKIN: 15:50 2 Q. Do you understand my question? Do you remember the 15:50 3 question? 15:50 4 <b>A. Can you say it again?</b> 15:50 5 Q. Sure. While you were at the Federal Detention Center -- 15:50 6 other than the statements you already told us about with Mykal 15:50 7 Derry, you don't have to repeat those, did anyone attempt 15:50 8 to -- any of the other defendants charged in this case attempt 15:50 9 to find out whether you were cooperating? 15:50 10 <b>A. Yes.</b> 15:50 11 Q. Did they ask you about it? 15:50 12 <b>A. Yes.</b> 15:50 13 Q. As a result of that, at some point did you tell your 15:50 14 lawyer something about whether or not you wanted to continue 15:50 15 to meet with us? 15:50 16 <b>A. Yes.</b> 15:50 17 Q. What did you tell him? 15:50 18 <b>A. I didn't want to meet with them no more.</b> 15:51 19 Q. Meet with who anymore? 15:51 20 <b>A. The Government.</b> 15:51 21 Q. So, you told your lawyer that? 15:51 22 <b>A. Yes.</b> 15:51 23 Q. And what did you tell him you wanted to do? 15:51 24 <b>A. I just wanted to get sentenced.</b> 15:51 25 Q. Okay. Were you aware of the fact that your lawyer at</p> <p style="text-align: center;"><i>United States District Court</i> Camden, NJ</p>	<p style="text-align: right;">3848</p> <p>15:52 1 Q. You were removed from the company of Mykal Derry and some 15:52 2 of the others in this case, correct? 15:52 3 <b>A. Yes.</b> 15:52 4 Q. And that's when you felt comfortable? 15:52 5 <b>A. Yes.</b> 15:52 6 Q. In 2010 and the earlier part of -- the first half of 15:52 7 2011, do you recall where you were, whether you were in 15:52 8 custody or whether you were on the street? 2010 and the early 15:52 9 part of 2011? 15:52 10 <b>A. I was on the street most time. But I was in and out 15:52 11 though.</b> 15:52 12 Q. Okay. Did you serve a sentence at around that time in 15:53 13 either county custody or state custody? 15:53 14 <b>A. Yes.</b> 15:53 15 Q. Okay. And where were you serving that sentence? 15:53 16 <b>A. In JMSF.</b> 15:53 17 Q. Okay. Which stands for what again? 15:53 18 <b>A. Juvenile medium security.</b> 15:53 19 Q. Okay. September 2009 through August of -- mid August of 15:53 20 2010, were you in custody at that time, if you recall? 15:53 21 <b>A. Yes.</b> 15:53 22 Q. Okay. And that was in New Jersey Department of 15:53 23 Corrections custody, correct? 15:53 24 <b>A. Yes.</b> 15:53 25 Q. And after you did that time in August of 2010, were you</p> <p style="text-align: center;"><i>United States District Court</i> Camden, NJ</p> <p style="text-align: right;">000521a</p>

15:54 1 released or did you go into additional custody for parole  
 15:54 2 violations?  
 15:54 3 **A. I was released and then I went back.**  
 15:54 4 Q. Okay. And you went back -- you were released in August  
 15:54 5 of 2010? If you recall.  
 15:54 6 A. **No, I was actually released September 2010.**  
 15:54 7 Q. Okay. So, you were released in September of 2010, as you  
 15:54 8 recall. And as you recall, when did you -- if you recall,  
 15:54 9 when did you have to go back into custody for the parole  
 15:54 10 violation? Was it --  
 15:54 11 A. **I believe like a month later.**  
 15:54 12 Q. Okay. And did you remain in custody for several months  
 15:54 13 from the fall of 2010 to the spring or summer of 2011 for  
 15:54 14 those parole violations?  
 15:54 15 A. **Yes.**  
 15:54 16 Q. Okay. So, is it fair to say that, with the exception of  
 15:54 17 a couple of months, you were in custody from the end of  
 15:54 18 September of 2009 until sometime in July of 2011?  
 15:55 19 A. **Yes.**  
 15:55 20 Q. When you came home in July of 2011 after doing that time,  
 15:55 21 where did you live?  
 15:55 22 A. **With my mother.**  
 15:55 23 Q. And was she still living in Stanley Holmes?  
 15:55 24 A. **Yes.**  
 15:55 25 Q. In the second village?

United States District Court  
 Camden, NJ

15:55 1 A. **Yes.**  
 15:55 2 Q. And when you got home, if you recall, were you still on  
 15:55 3 state parole, or had you maxed out of your sentence?  
 15:55 4 A. **I was on post-incarceration, a post-incarceration.**  
 15:55 5 Q. Okay. Is that a form of supervision where you have a  
 15:55 6 probation or parole officer?  
 15:55 7 A. **Yes.**  
 15:55 8 Q. Okay. And you came home under those terms, under some  
 15:55 9 kind of supervision by a probation or parole officer, in July  
 15:55 10 of 2011, correct?  
 15:55 11 A. **Yes.**  
 15:55 12 Q. You moved back into your mother's house in the second  
 15:55 13 village of Stanley Holmes, right?  
 15:55 14 A. **Yes.**  
 15:55 15 Q. Did you go about getting a job and straightening your  
 15:55 16 life out?  
 15:55 17 A. **No.**  
 15:55 18 Q. Okay. What did you go back to, if anything?  
 15:56 19 A. **Selling drugs.**  
 15:56 20 Q. And where were you selling drugs when you came home in  
 15:56 21 July of 2011 or thereabouts?  
 15:56 22 A. **From Atlantic Avenue to Stanley Holmes.**  
 15:56 23 Q. And what drugs were you selling when you came home on  
 15:56 24 supervision in the summer of 2011?  
 15:56 25 A. **Crack and heroin.**

United States District Court  
 Camden, NJ

15:56 1 Q. And part of that was in Stanley Holmes Village?  
 15:56 2 A. **Yes.**  
 15:56 3 MR. ASKIN: Your Honor, I'm wondering if this might  
 15:56 4 be -- I know it's a few minutes early, but I'm wondering if  
 15:56 5 this might be a good place to break.  
 15:56 6 THE COURT: All right. Very good. All right.  
 15:56 7 Ladies and gentlemen of the jury, we finished the testimony  
 15:56 8 for today, and we will resume tomorrow with a full day of  
 15:56 9 testimony, and as I indicated, I'll give you some information  
 15:56 10 tomorrow after consulting with counsel about our schedule for  
 15:56 11 next week.  
 15:56 12 Please don't discuss the case among yourselves. Please  
 15:56 13 don't discuss it with anyone else. Don't do any independent  
 15:57 14 research. You have not heard all the evidence in the case.  
 15:57 15 Please keep an open mind.  
 15:57 16 We wish you a good evening, and we'll see you back here  
 15:57 17 tomorrow morning.  
 15:57 18 Ms. Novoa.  
 15:57 19 THE DEPUTY COURT CLERK: All rise.  
 15:57 20 (Whereupon the jury exited the courtroom.)  
 15:57 21 THE COURT: All right. Thank you. Please be seated.  
 15:57 22 Mr. Young, please follow the directions of the marshal.  
 15:57 23 All right. So, I can go and see now. Is there any --  
 15:57 24 does the United States Attorney have anymore research or cases  
 15:57 25 to cite on this issue of the application of 805 to

United States District Court  
 Camden, NJ

15:57 1 801(d)(2)(E)?  
 15:58 2 MR. ASKIN: Not yet, your Honor. We were -- I was  
 15:58 3 talking to Mr. Danilewitz. We were trying to get the  
 15:58 4 documents that the Court gave us to Mr. Gross, who we had a  
 15:58 5 conversation with at the break. And we asked Mr. Gross --  
 15:58 6 we're going to consult with Mr. Gross this evening. We're  
 15:58 7 going to look into it, ask Mr. Gross to help us with that, and  
 15:58 8 I think we can report back to the Court, but we haven't had an  
 15:58 9 opportunity to do so yet.  
 15:58 10 THE COURT: Any additional thoughts or cases from the  
 15:58 11 defense on this issue?  
 15:58 12 MR. MARKOWITZ: Not yet, your Honor. I'll try to  
 15:58 13 cull something for the Court if there are some.  
 15:58 14 THE COURT: Very good, Mr. Markowitz.  
 15:58 15 Mr. Madden, anything additional on that?  
 15:58 16 MR. MADDEN: No, your Honor.  
 15:58 17 THE COURT: Anything else either of you wish me to  
 15:58 18 address at this time?  
 15:58 19 MR. MADDEN: No, your Honor.  
 15:58 20 MR. MARKOWITZ: No, your Honor.  
 15:58 21 THE COURT: Mr. Askin?  
 15:58 22 MR. ASKIN: Your Honor, just, with respect, I think  
 15:58 23 the Court cited a Second Circuit case, a Ninth Circuit case,  
 15:58 24 and a Fifth Circuit case.  
 15:58 25 THE COURT: Yes. Do you want the cite?

United States District Court  
 Camden, NJ

000522a

15:58 1 MR. ASKIN: That would be great.  
 15:58 2 THE COURT: I think it was in the handout, but let me  
 15:58 3 give you the cites.  
 15:59 4 The statement from -- this is from, it's actually  
 15:59 5 Graham, which is part of the Federal Practice and Procedure  
 15:59 6 series, which I refer generically to as Wright and Miller, but  
 15:59 7 it's actually Michael Graham who edits the -- a professor of  
 15:59 8 law at the University of Miami who edits the evidence section  
 15:59 9 of that volume, of that treatise. He says, similarly -- he's  
 15:59 10 talking about multiple layer hearsay under 805.  
 15:59 11 He says, similarly, if either the original statement or  
 15:59 12 the statement within which the second level statement appears  
 15:59 13 is admissible as not hearsay as defined by 801(d), the  
 15:59 14 remaining -- the second level statement appears is admissible  
 16:00 15 as non-hearsay as defined by Rule 801(d), provided that the  
 16:00 16 remaining statement is so defined or qualifies as a hearsay  
 16:00 17 exception, then the two statements are admissible.  
 16:00 18 Now, here you're not really seeking -- you know, to be  
 16:00 19 fair, I'm making certain assumptions here, and that is, in the  
 16:00 20 absence of evidence that Saeed Zaffa viewed the incident in  
 16:00 21 question, that his knowledge is derived from someone saying  
 16:00 22 something to him. So, I'm assuming that there's another layer  
 16:00 23 of hearsay there, absent any evidence to the contrary. You're  
 16:00 24 not really offering both statements as much as you're merely  
 16:00 25 offering Saeed Zaffa's, but I think it is appropriate to note

United States District Court

Camden, NJ

16:00 1 that there's reason to believe that his statement is based on  
 16:00 2 something someone told him.  
 16:00 3 MR. ASKIN: Right.  
 16:01 4 THE COURT: So, I think that this treatise is  
 16:01 5 consistent with the other one I cited, which says even though  
 16:01 6 801(d) -- or 805 talks about exceptions in analyzing  
 16:01 7 multilevel hearsay, that it's been interpreted to mean both  
 16:01 8 exceptions and exclusions, so that the mere fact that  
 16:01 9 something qualifies as an 801(d) exclusion, here a (d)(2)(E)  
 16:01 10 co-conspirator statement exclusion, does not mean that it's  
 16:01 11 admissible if it could be fairly said to contain another layer  
 16:01 12 of hearsay within.  
 16:01 13 And the cases cited are *U.S. v. Dotson* from the Fifth  
 16:01 14 Circuit, 821 F.2d 1034, and the quote is, "That is, the mere  
 16:01 15 fact that one level of a multilevel statement qualifies as  
 16:02 16 non-hearsay does not excuse the other levels from Rule 805's  
 16:02 17 mandate that each level satisfy an exception to the hearsay  
 16:02 18 rule for the statement to be admissible." And actually it --  
 16:02 19 that really answers the question. The mere fact that one of  
 16:02 20 them is non-hearsay doesn't mean that you shouldn't analyze it  
 16:02 21 under 805.  
 16:02 22 *U.S. v. Lang*, Second Circuit, 1978, 589 F.2d 92, and  
 16:02 23 the jump cite is 92, note 2, and this really addresses  
 16:02 24 expressly the issue I opined on out loud, and that is the  
 16:02 25 literal language of 805 which talks about exceptions. It

United States District Court

Camden, NJ

16:02 1 says, quote, "It might well be argued that Rule 805 literally  
 16:03 2 does not apply here at all since a statement by a  
 16:03 3 co-conspirator of a party during the course and in the  
 16:03 4 furtherance of the conspiracy is classified by Rule 801(d) as  
 16:03 5 a statement which is not hearsay. The statement is admissible  
 16:03 6 not as an exception to the hearsay rule, but rather as an  
 16:03 7 admission by an agent of the party against whom it is to be  
 16:03 8 used." And then there's an ellipse, and then it says,  
 16:03 9 "However, whatever logic supports 805 would seemingly apply to  
 16:03 10 the vicarious admission sought to be introduced here."  
 16:03 11 So, they are applying 805 to require not only that the  
 16:03 12 application of 801(d) to the first level of hearsay, but some  
 16:03 13 separate exemption or exclusion or exception to the underlying  
 16:03 14 statement referred to here as a vicarious admission.  
 16:03 15 Now, there does appear to be contrary authority from  
 16:03 16 the Ninth Circuit, *U.S. versus Basey*, 613 F.2d 198, the jump  
 16:04 17 cite being 201.  
 16:04 18 MR. MARKOWITZ: What was that last one, 631 F.2d,  
 16:04 19 your Honor?  
 16:04 20 THE COURT: 198, 201-202, note 1. It says, "No  
 16:04 21 double hearsay problem arises, therefore, as admissions and  
 16:04 22 adopted admissions are not hearsay under Federal Rule of  
 16:04 23 Evidence 801(d)(2)." That suggests that once you satisfy the  
 16:04 24 requirements of -- any one of the requirements of 801(d), then  
 16:04 25 you don't need to address the double hearsay problem.

United States District Court

Camden, NJ

16:04 1 And what we are endeavoring to do is to see whether  
 16:04 2 *Dotson, Lang*, or *Basey* have ever been cited in the Third  
 16:04 3 Circuit either with approval or otherwise. You can argue  
 16:04 4 either way. You could say that if the drafters intended 805  
 16:04 5 to encompass both exceptions and exclusions, they could have  
 16:05 6 simply said that. On the other hand, you can also argue that  
 16:05 7 801(d), in defining non-hearsay, could say that the  
 16:05 8 provisions -- a statement deemed admissible under 801(d) is  
 16:05 9 not subject to the rule in 805, and it doesn't say that  
 16:05 10 either.  
 16:05 11 So, it's clearly something that needs to be clarified  
 16:05 12 in the rules. So, after this trial and in our spare time,  
 16:05 13 we'll write a joint letter to the Supreme Court.  
 16:05 14 MR. ASKIN: I don't know if I'll do that, your Honor,  
 16:05 15 to be honest.  
 16:05 16 THE COURT: But in any event -- and it's interesting  
 16:05 17 because -- it's funny, in the *Dotson* case -- I said, you know,  
 16:05 18 this issue is not likely to come up very often, and sure  
 16:05 19 enough, although they actually reach the issue, they also go  
 16:05 20 on to say, "On this record, however, we can only consider the  
 16:05 21 erroneously admitted evidence as whispers in a hailstorm. The  
 16:05 22 evidence indicating guilt is so strong we can have no  
 16:05 23 reasonable doubt that the report viewed in conjunction with  
 16:06 24 the other evidence from the search of the car did not  
 16:06 25 contribute to the verdict."

United States District Court

Camden, NJ

000523a  
001500

16:06 1 So, the potential for harmless error, I suppose, is  
 16:06 2 there, but I think the wiser course is to follow what I  
 16:06 3 discern to be the weight of the law on this issue. And my  
 16:06 4 thought is, my general thought is that the structure of the  
 16:06 5 rules, of the case law, is sensitive to the issue of  
 16:06 6 multilayered hearsay.

16:06 7 So, you know, I was going to go back and look through  
 16:06 8 these transcripts. I don't know what communications were had  
 16:06 9 between Saeed Zaffa and the other members of the conspiracy  
 16:06 10 after the incident at Red Klotz. If there's something in  
 16:06 11 there that suggests Saeed Zaffa learned this from someone with  
 16:06 12 personal knowledge or from another co-conspirator, then it may  
 16:06 13 very well be that there's evidence in the record to support  
 16:06 14 some evidentiary finding on that other layer of hearsay.

16:07 15 But that's for the Government to do. You'll have to  
 16:07 16 demonstrate to me either the Third Circuit would excuse that  
 16:07 17 layer or that there's some evidence in the record to suggest  
 16:07 18 an evidentiary support for that other layer. Otherwise, my  
 16:07 19 present view is to exclude it.

16:07 20 MR. ASKIN: I understand, your Honor. That's a fair  
 16:07 21 view. So, I think we'll take a look at it tonight, and if we  
 16:07 22 think that we have something that might persuade the Court,  
 16:07 23 then we'll come to you. And if we don't, I think we may take  
 16:07 24 the position, after looking at it again, to just concede the  
 16:07 25 issue, but we just want to take a look at it tonight.

*United States District Court*

*Camden, NJ*

16:07 1 THE COURT: Sure. I understand. All right. I  
 16:07 2 invite any additional argument or thoughts or case citation  
 16:07 3 tomorrow, and at some point I'll have to rule on it before --  
 16:07 4 if the Government continues to wish that testimony to be  
 16:07 5 elicited from Mr. Young.

16:07 6 MR. ASKIN: Yes, your Honor.

16:07 7 THE COURT: Anything else I should address?

16:07 8 MR. ASKIN: No, your Honor.

16:07 9 MR. MADDEN: No, your Honor.

16:07 10 MR. MARKOWITZ: No, your Honor.

16:07 11 THE COURT: All right. Have a good evening.

16:07 12 (Proceedings concluded at 4:07 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

000524a

*United States District Court*  
*Camden, NJ*

