

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JERON GASKIN,

Petitioner,

v.

UNITED STATE OF AMERICA,

Respondent.

On Petition for A Writ of Certiorari
To the United States Court of Appeals
For the Sixth Circuit

**PETITIONER'S APPENDIX
IN SUPPORT OF
PETITION FOR A WRIT OF CERTIORARI**

**PART TWO
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff(s)

v.

Case No. 2:11-cr-20178-PJD-RSW
Hon. Patrick J. Duggan

JERON GASKIN, et al.,

Defendant(s)

STATE OF MICHIGAN)
 ss
COUNTY OF OAKLAND)

AFFIDAVIT OF THOMAS RANDOLPH, III

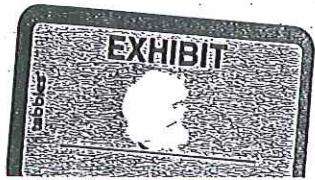
Being duly sworn, above the age of 18, Thomas Randolph, III, the above-captioned Affiant, being duly sworn deposes and says as follows, as true and correct, pursuant to his personal, firsthand knowledge:

(1) Affiant avers that after the acceptance of JERON LEE RAMONE GASKIN's case (between 2011-2013), we had conversations pertaining to the amount of possible prison time that he may possibly serve if convicted.

(2) During the course of my representation, the government proposed several rule 11 agreements. I discussed various sentencing options with Mr. Gaskin. I explained that if the judge decided to sentence him above the range spelled out in the agreement, he could withdraw from the agreement. I explained to him that if he decided to go to trial, the probation department would conduct an investigation and recommend a sentence based upon the United States Sentencing Guidelines. That recommendation would be based upon various factors including - number of counts upon which he is convicted, his criminal history, the quantity of drugs attributed to him and other aggravating factors.

APPENDIX I

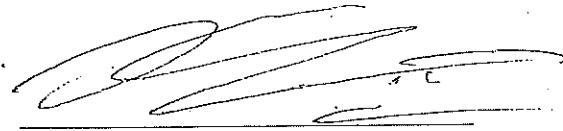
64a



(3) I also explained to Mr. Gaskin that the sentencing judge had a tremendous amount of discretion in determining the sentence if he is convicted after a trial and that discretion included interpreting the guidelines to Mr. Gaskin's benefit or detriment, sentencing Mr. Gaskin below the guideline range considering mitigating factors such as Mr. Gaskin's young age in relation to other defendants, or contrarily, exceeding the guideline range.

FURTHER AFFIANT SAYETH NOT

Dated: December 10, 2013



Thomas Randolph, III

Subscribed and sworn to before me this 10th
day of December, 2013

Thomas R. Davis,
Notary Public, County of Oakland, State of Michigan
My commission expires 1/12/2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff-Respondent,

Criminal No. 2:11-CR-20178-1
Civil Case No. 2:16-cv-11138

Hon. Stephen J. Murphy, III

v.

Jeron Gaskin,

Defendant-Petitioner.

AFFIDAVIT OF THOMAS H. RANDOLPH, III

State of Michigan)

ss

County of Wayne)

1. I cannot recall telling Mr. Gaskin that his maximum sentence for all of his charges was 20 years
2. I cannot recall telling Mr. Gaskin that the charges against him would result in concurrent, rather than consecutive, sentencing if he were to be found guilty on multiple charges.
3. Mr. Gaskin was, at a minimum, allowed to read the Rule 11 Plea Agreement dated July 23, 2012 that set his sentencing range between 180-240 months for pleading guilty to count 1 of the second superseding indictment, which charges conspiracy to possess with intent to distribute controlled substances – 21 USC sec. 846. I cannot recall if I provided him a copy of the Rule 11 Plea Agreement.
4. As trial became imminent, and it was suspected that Gaskin's former girlfriend, Pinkie Lewis, would testify against him, I implored him to accept the plea agreement if still available, as his chances for acquittal or mistrial were minuscule to non-existent with her testimony and the other evidence amassed against him.

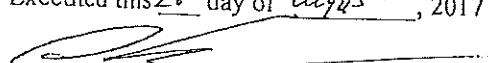
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5. During discussions with Mr. Gaskin to persuade him to accept the Rule 11 agreement, I told him that 15-20 years is better than a life sentence, Mr. Gaskin again refused, intimating that (paraphrasing) 20 years is like a life sentence to him.
6. I used my best efforts to stall the AUSA as long as possible to give Mr. Gaskin an opportunity to reflect on my recommendation for him to accept the Rule 11, to no avail.
7. I do not recall ever instructing Mr. Gaskin to reject the Rule 11 Plea Agreement.
8. I have had several conversations with Sonya Gaskin but I have no specific memory of making the statements she attributes to me in her affidavit.
9. Although I may have met her, I have no memory of ever meeting Gaskin's purported sister, Josan Gaskin, or making the statements she attributes to me in her affidavit.

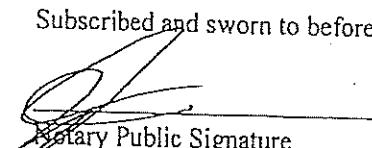
Further Affiant Sayeth Not.

I declare that, to the best of my knowledge, information and belief, the information herein is true, correct and complete.

Executed this 28 day of August, 2017


Thomas H. Randolph, III

Subscribed and sworn to before me this 21 Day of August, 2017


Notary Public Signature

Notary Public, County of Wayne, State of Michigan
My commission expires 5-27-2019, Acting in the County of

JUANITA R. COE
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES May 27 2019
ACTING IN COUNTY OF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/ Criminal Case No. 11-20178
Respondent, Civil case No. 16-11138

-V-

JERON GASKIN,

Defendant/
Petitioner.

EVIDENTIARY HEARING

BEFORE THE HONORABLE STEPHEN J. MURPHY III
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
March 6, 2018

APPEARANCES:

FOR THE PLAINTIFF: MARK CHASTEE
MARGARET SMITH
U.S. Attorney's Office
211 W. Fort Street, Suite 2000
Detroit, MI 48226

FOR THE DEFENDANT: Elizabeth L. Jacobs
615 Griswold, Suite 1125
Detroit, MI 48226

To Obtain a Certified Transcript Contact:

Christin E. Russell

FCRR, RMR, CRR, CSR - (248) 420-2720

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1 April 7th, 2011, at an arraignment on the indictment?

2 A. I --

3 Q. If I offered you --

4 A. -- have no independent recollection, but if you tell me
5 that's when I was in court, I am sure that's accurate.

6 Q. Okay. I'm going to show you -- if I showed you the
7 Defendant's Acknowledgment of Indictment, would that refresh
8 your recollection?

9 A. Yes.

10 Q. And do you see your name there?

11 A. I sure do.

12 Q. And at the time that he was arraigned, he was charged with
13 two counts; is that correct?

14 A. On the first indictment, yes.

15 Q. And the statutory maximum is listed on this acknowledgment
16 of indictment?

17 A. Yes; it is.

18 Q. And what is the statutory maximum?

19 A. Twenty years.

20 Q. And that's on both counts?

21 A. And a million dollar fine, or both.

22 Q. That's on both counts; is that correct?

23 A. Correct.

24 Q. And you discussed this with Mr. Gaskin?

25 A. Yes.

1 Q. You discussed the indictment with Mr. Gaskin?

2 A. Of course.

3 Q. And you also represented him on the first superseding
4 indictment?

5 A. Yes.

6 Q. Okay. I'm going to show you defense -- Petitioner's Exhibit

7 C. And is that your signature?

8 A. It is.

9 Q. And that's the acknowledgment of the indictment?

10 A. Yes.

11 Q. And incidentally, you gave copies of these two documents to
12 Mr. Gaskin; is that right?

13 A. I think that's standard procedure. I don't have independent
14 recollection.

15 Q. And how many counts was he charged with in this indictment?

16 A. Three.

17 Q. And what is the maximum, the statutory maximum listed for
18 each of the three counts?

19 A. Count 1 is up to five years and/or a \$250,000 fine. Count 2
20 is up to 20 years, and/or a million dollar fine. And Count 3
21 is up to 20 years, and/or a million dollar fine.

22 Q. And both of these documents, neither of them talk about
23 concurrent sentencing or consecutive sentencing; is that
24 correct?

25 A. The documents themselves do not address that issue.

1 Q. And do you have any recall of ever talking to Mr. Gaskin
2 about consecutive sentencing?

3 A. I don't have an independent recall of 2011.

4 Q. Did there come a time when you and Mr. Gaskin came to a
5 parting of the ways?

6 A. Yes.

7 Q. Would you call that mutual?

8 A. Yes.

9 Q. Yeah. You weren't getting along with him and he wasn't
10 getting along with you; is that fair to say?

11 A. As I recall, I think he lost trust in me.

12 MS. JACOBS: No further questions.

13 THE COURT: Okay. Thank you.

14 Mr. Chasteen?

15 MR. CHASTEEEN: May I approach the witness with a copy
16 of the Government's Exhibit?

17 THE COURT: Yes. Continuing permission to approach the
18 witness is yours. Go right ahead.

19 MR. CHASTEEEN: Thank you, your Honor.

20 CROSS-EXAMINATION

21 BY MR. CHASTEEEN:

22 Q. Ms. Stout, I'm handing you a copy of the Government's
23 Exhibits.

24 Now, how long have you been practicing criminal law?

25 A. Thirty-two years.

1 Count 1, up to five years in prison, a \$250,000 fine,
2 or both.

3 On Count 2, up to 20 years in prison, a million dollar
4 fine -- a one million dollar fine or both.

5 And Count 3, up to 20 years in prison, a million dollar
6 fine, or both.

7 And I just want to make sure, Mr. Gaskin, have you had
8 an opportunity to review the First Superseding Indictment and
9 the charges against you?"

10 Q. And then you speak, correct?

11 A. Yes.

12 Q. And you said?

13 A. "I handed him a copy and explained it to him, your Honor.

14 And then I'll go meet with him in lockup to further explain it
15 to him."

16 Q. Does that indicate to you that you had talked with him about
17 it already, and that you would then go later and talk with him
18 more about this new superseding indictment?

19 A. That's correct.

20 Q. And do you have any reason to believe that you did not do
21 what you told the Court you would do, that you would then go
22 talk with him more about it?

23 A. I have no independent recollection. I certainly wouldn't
24 mislead the Court --

25 Q. Okay.

1 A. -- intentionally.

2 Q. So does this suggest to you that you talked to Mr. Gaskin
3 about the indictment?

4 A. Yes.

5 Q. Superseding indictment?

6 A. I'm pretty sure I saw him.

7 Q. Including the maximum penalties and sentencing exposure?

8 A. I think after this, I got the Rule 11 plea offer, so I would
9 have explained to him the worst scenario and the reason why the
10 offer we received was a good offer.

11 Q. Okay. Well, let's talk about, so you represented Mr. Gaskin
12 through two indictments, the original and the first superseding
13 indictment?

14 A. Correct.

15 Q. Is that correct?

16 A. Yes.

17 Q. And then you've referred now to a couple times about a plea
18 offer?

19 A. That's correct.

20 Q. What -- did Mr. Gaskin receive a plea offer from the
21 Government?

22 A. Yes. I believe it was Jeanine Jones was the U.S. Attorney
23 -- or assistant U.S. Attorney at the time, and gave me the
24 proposed Rule 11 for 87 to 108 months.

25 Q. And did you convey that plea offer to Mr. Gaskin?

1 A. Yes.

2 Q. And what, when you talked to Mr. Gaskin, did you explain to
3 him the value or what your view of the value of the plea offer
4 was versus what his potential penalties or maximum exposure
5 could be?

6 A. Yes.

7 Q. Would that include the possibility of stacked or consecutive
8 sentences if he were convicted on all counts?

9 A. My normal practice, I would have explained the worst-case
10 scenario compared to this offer. And I think I also explained
11 that I, I didn't have a lot of hope in winning -- having a
12 defense for trial.

13 Q. So your view, was it advisable for Mr. Gaskin to accept the
14 plea offer?

15 A. Yes.

16 Q. Did you tell him that?

17 A. Yes.

18 Q. Did you tell him why?

19 A. Yes.

20 Q. What did you tell him?

21 A. I have no specific recollection.

22 Q. But you recall thinking it was a good offer?

23 A. Oh, yes.

24 Q. And that he did not have good prospects if he went to trial?

25 A. Yes.

1 A. I don't believe, no.

2 Q. So when my client left the courtroom that day, all he knew
3 there was a 20-year max under the statute of those three
4 counts? I guess one is a five-year max, right?

5 A. I can't testify to what your client thought. I can only
6 testify to what I remember or what my standard practice is.

7 Q. Your relationship with Mr. Gaskin started to break down
8 before this May 11th indictment; is that correct?

9 A. I have no recollection when it started to break down. I
10 think it might have started to break down from near the very
11 beginning.

12 Q. Do you have any letters with you in which you indicate to
13 him that there's a possibility of consecutive sentencing?

14 A. I did pull my file out of storage. I do not know if it's
15 complete. I used WordPerfect then, so I don't even have the
16 ability to look it up on my -- on a computer. I don't have
17 much correspondence in here, and I don't have anything that
18 sets forth the full parameters.

19 I do have some correspondence that I sent him that Rule
20 11 in May, and that it anticipates 87 to 108 months. At that
21 time, I said to him the only way out from under such a high
22 range is to be acquitted at trial or to cooperate with the
23 Government.

24 MS. JACOBS: Thank you. No further questions.

25 THE COURT: Okay. Thank you.

1 THE WITNESS: We were retained.

2 THE COURT: Okay. So they paid some money up front?

3 THE WITNESS: Yes.

4 THE COURT: All right. Go ahead, Ms. Jacobs, if you
5 have further questions.

6 REDIRECT EXAMINATION

7 BY MS. JACOBS:

8 Q. The U.S. Attorney talked about your -- you had no obligation
9 to Mr. Gaskin when you talked to him because you weren't his
10 attorney; is that correct?

11 A. Correct.

12 Q. Okay. Would you have lied to him about the possibility of
13 what kind of sentence he would receive?

14 A. Of course not.

15 Q. You would do your best to advise him as a professional
16 attorney, correct?

17 A. Yes.

18 Q. Regardless of whether you were obligated --

19 A. Yes.

20 Q. -- to represent him or you had a professional duty to
21 represent him?

22 A. Yes.

23 Q. And is it your understanding that in state court, concurrent
24 sentencing is the presumption?

25 A. Yes.

1 Q. And in federal court, that's not necessarily true, is it?

2 A. That's true.

3 Q. Thank you.

4 Do you remember at what point you and Mr. Randolph
5 stopped talking about -- stopped exchanging ideas about the
6 case?

7 A. Well, at the time in which we received Judge Duggan's ruling
8 on the suppression motion, we understood that, at least I
9 understood that we had a very difficult course to take if we
10 decided to go to trial.

11 I discussed with Ms. Lewis her situation. She had been
12 offered 60 months. She had a child who was in preschool. She
13 didn't have anyone to care for the child if she was imprisoned.
14 We discussed whether or not she should take a plea offer. And
15 she and I both agreed that that would be the course that we
16 would take.

17 At that point, I notified -- at the point in which we
18 had a *Kastigar* agreement, I notified Mr. Randolph that Ms.
19 Lewis was entered into a plea agreement and I would break off
20 contact with him regarding the case.

21 Q. And that's also because Pinkie Lewis was going to testify
22 against him?

23 A. That is correct.

24 Q. That's right.

25 A. Mh-hm.

1 (Witness is sworn.)

2 THE COURT: Go ahead and have a seat. Try and relax in
3 the box as much as possible. Speak toward the mic. Don't get
4 too close to it.

5 Ms. Jacobs, you have the floor.

6 MS. JACOBS: Thank you, Judge.

7 THOMAS RANDOLPH III

8 called as a witness at 10:12 A.M., testified as follows:

9 DIRECT EXAMINATION

10 BY MS. JACOBS:

11 Q. Would you please state your name for the Court, sir.

12 A. Thomas Randolph, III.

13 Q. And you are an attorney?

14 A. Yes.

15 Q. When were you admitted to practice?

16 A. I believe it was '97.

17 Q. And prior to this case, how many federal criminal cases had
18 you represented attorneys, strike that, represented defendants
19 on?

20 A. Prior to this case, I don't recall.

21 Q. Would it refresh your recollection if I showed you a
22 printout called "Select a Case" from the U.S. District Court
23 case search?

24 A. I assume it would.

25 MS. JACOBS: Judge, I haven't offered this to the Court

1 but I think maybe I should at least give it a name.

2 THE COURT: That's all right. I can look at it later.

3 But I assume this is a printout on the federal criminal cases
4 Mr., Mr. Randolph handled on our docket from the CM/ECF system,
5 correct?

6 MS. JACOBS: That's correct, Judge.

7 THE COURT: Okay. Yeah, that's fine. Go right ahead.

8 MS. JACOBS: So I kind of marked it tentatively P,
9 Defense Exhibit proposed P.

10 THE COURT: Go right ahead.

11 BY MS. JACOBS:

12 Q. Does that refresh your recollection as to how many criminal
13 cases you participated in, federal criminal cases before you
14 represented Mr. Gaskin?

15 A. It helps somewhat, yes.

16 Q. Okay. And would it be fair to say that before Mr. Gaskin,
17 you represented two people in federal court, two cases?

18 A. Criminal cases, assuming this is an accurate representation
19 of cases where I was the attorney then yes, that would be
20 accurate.

21 Q. Okay.

22 A. And I have no reason to doubt that.

23 Q. And you have a website, do you not?

24 A. Yes.

25 MS. JACOBS: I'm sorry, Judge. I'm just trying to find

1 what I marked this -- is it I? Thank you.

2 We all agree it's "I"?

3 MR. CHASTEEN: It's "I."

4 BY MS. JACOBS:

5 Q. I'm showing you what's been marked as Defense proposed
6 Exhibit I. And is that the website for Randolph Law Group?

7 A. Yes, part of it.

8 Q. And does that show what your specialties are?

9 In the, the yellow, I have a yellow highlighted, you
10 click on that and it pulls down on the first page?

11 A. It lists some things that I do, yes.

12 Q. Okay. And it would be fair to say that on the front page,
13 it lists as your areas of specialty, slip and fall, car, bus,
14 truck crash, police brutality and divorce?

15 A. Yes.

16 Q. Is that correct?

17 A. Yes.

18 Q. And other areas of practice, in small print, you also have
19 pictures showing slip and fall injury, police brutality and
20 divorce; is that right?

21 A. That's what it says.

22 Q. In small print, it says you also do criminal defense and
23 security disability?

24 A. Social Security disability.

25 Q. Social Security disability.

1 A. That's listed there as well.

2 Q. Okay. So primarily you do not hold yourself out as a
3 criminal defense attorney; is that correct?

4 A. That's accurate.

5 Q. And is it your understanding that in state court -- you've
6 tried many cases in state court; is that right?

7 A. I wouldn't characterize it as many.

8 Q. You've had more than you've had in federal court?

9 A. I believe so.

10 Q. And I'm not just talking about trials now. I'm talking
11 about guilty pleas, too.

12 A. You're talking about criminal cases?

13 Q. In state court.

14 A. And so what's your question?

15 Q. You've had more experience in state court than in federal
16 court, would that be fair to say, in terms of criminal law?

17 A. Yes.

18 Q. And isn't it true that there's a presumption of concurrency
19 in sentencing in state court?

20 A. I haven't practiced criminal law since I think Mr. Gaskin's
21 case may have been the last case, and I didn't have very many
22 of them then. So I don't know what the presumption is in state
23 court.

24 Q. So certainly Mr. Gaskin was the last federal defendant that
25 you ever represented up to this point?

1 A. I'm not entirely certain, but I believe so.

2 Q. Okay. I can show you "Select a Case" again. And if that
3 will help refresh your recollection if you represented any
4 other defendant, criminal defendant?

5 A. I see a case here *United States of America vs. Brown*. I
6 don't recall what that was about. So again --

7 Q. Would it refresh your recollection if I told you -- that has
8 a "cv" in the middle of the --

9 A. Yes.

10 Q. So it's a civil case. Would it refresh your recollection if
11 I mentioned consent judgment and IRS?

12 A. I don't recall the specific case.

13 Q. It's a civil case because it's got the "cv," right?

14 A. Well, if you say so. I don't really know off the top of my
15 head what that means.

16 Q. Okay. And you are not a panel attorney, is that correct, in
17 federal court?

18 A. What's a panel attorney?

19 Q. A panel attorney is someone who has been admitted to take
20 assigned cases in federal court.

21 A. That's correct.

22 Q. In criminal.

23 A. That's correct.

24 Q. And can you tell me before Mr. Gaskin's case, had you ever
25 attended a seminar on federal sentencing practice?

1 with her?

2 A. I do not.

3 Q. Do you ever remember telling her that you advised her son to
4 reject the plea of guilty and go to trial?

5 A. I do not.

6 Q. On December -- strike that.

7 On December 17th, 2012, after the trial, you went to
8 court on a motion to withdraw; is that correct?

9 A. I don't specifically recall that.

10 Q. Okay. During this whole time period, my client, our client,
11 Mr. Gaskin picked up a second case, witness tampering. Does
12 that sound familiar to you?

13 A. I vaguely recall that.

14 Q. Okay. And he wanted you to withdraw from that case; is that
15 correct?

16 A. Just let me state, I don't have an independent recollection
17 of that. I, I did read a transcript that had -- that did
18 refresh my recollection as to that hearing.

19 Q. Okay.

20 A. Yeah.

21 Q. And at that hearing, the U.S. Attorney, Mr. Chasteen, stood
22 up and said that there was more to go on in the case that you
23 were on because Mr. Gaskin was facing 60 years?

24 A. Yeah. I recall reading that in the transcript.

25 Q. And when Mr. Chasteen stood up and made that comment, were

1 you surprised about the 60 years?

2 A. Not particularly.

3 Q. Had you ever sent my client a letter informing him that he
4 was facing 60 years in prison?

5 A. I don't recall sending him any letters, so the answer is no.

6 Q. So you also would have never sent him a letter in which you
7 said there was a possibility of 720 months?

8 A. I don't recall sending him a letter that said that.

9 Q. Okay. And do you remember Mr. Gaskin standing up and being
10 surprised and shocked that he was facing 60 years? Do you
11 remember that from the hearing?

12 A. Vaguely I do.

13 Q. Okay. And the Court asked you to comment on Mr. Gaskin's
14 comment, and what was your comment?

15 A. I don't recall exactly what my comment was.

16 Q. Would it refresh your recollection if I showed you page 3 --
17 page 9 of the transcript?

18 A. Sure.

19 Q. For December 17th, 2012.

20 MS. JACOBS: And that's Defense Exhibit N, Judge.

21 THE WITNESS: All right. I believe the previous
22 question was to ask me to read what I said. Would you like me
23 to read it or no?

24 BY MS. JACOBS:

25 Q. Well, read it to yourself.

1 A. Okay.

2 (Brief pause.)

3 Okay.

4 Q. Does that refresh your recollection as to what your comment
5 was in response to Mr. Gaskin's surprised he could get 60
6 years? Does that refresh your recollection?

7 A. It refreshes my recollection as to what I said.

8 Q. And what did you say?

9 A. I said I don't -- I believe I don't think any comment on
10 that is necessary.

11 Q. Okay.

12 A. All right. I said, "I don't think any comment is necessary
13 on that issue, your Honor."

14 Q. After you left the Court that day, did Mr. Gaskin confront
15 you about the 60 years that he was facing?

16 A. I don't recall.

17 Q. Did Mr. Gaskin -- eventually Mr. Gaskin got sentenced; is
18 that correct?

19 A. He did.

20 Q. And he got essentially a 30-year sentence, right?

21 A. Correct.

22 Q. If I said it was two 20-year sentences and 10 years on top
23 of that, does that sound familiar to you?

24 A. I know he got 30 years. That's what I know.

25 Q. Okay. And after he was sentenced, before he was sentenced

1 and the 60 years was talked about, did Mr. Gaskin ask you what
2 was going on and what was happening?

3 A. I don't recall him specifically saying that.

4 Q. He was so concerned in court that he stood up in front of
5 the Court and said I don't understand, and he never confronted
6 you about what, that he was facing 60 years after that comment?

7 A. I said I don't recall that.

8 Q. Okay. After he was sentenced, Mr. Gaskin tried to contact
9 you a number of times; is that correct?

10 A. I don't know what he tried to do. He, he contacted me.

11 Q. Okay. He called you from prison?

12 A. I believe my office received some calls.

13 Q. And did you talk to him?

14 A. I may have talked to him once, perhaps twice.

15 Q. And didn't he ask you if you were going to help him because
16 he got 30 years and he didn't expect to get 30 years?

17 A. He may have. I don't recall specifically.

18 Q. Do you remember signing an affidavit on December 10th, 2013?

19 A. No.

20 Q. If I showed you Affidavit of Thomas Randolph, III, Exhibit
21 G, Would That Refresh Your Recollection as to the affidavit?

22 A. All right. I read it.

23 Q. First of all, is that your signature?

24 A. It appears to be.

25 Q. Okay. And did you write this affidavit up or did someone --

1 or did you compose this affidavit or did somebody else compose
2 it?

3 A. I don't recall. Until seeing it right now, I had forgotten
4 about that affidavit.

5 Q. And in this affidavit, you talk about how you advised your
6 client, Mr. Gaskin, about sentencing; is that correct?

7 A. I believe so.

8 Q. Did you tell him about the guidelines?

9 A. I'm sorry. Are you asking me what the affidavit says?

10 Q. In this affidavit, you talk about what you told your
11 sentence -- what would happen if he got convicted in terms of
12 the sentencing guidelines and in terms of sentence.

13 A. I don't understand your question.

14 Q. Okay. Do you remember swearing to this:

15 "During the course of my representation, the Government
16 proposed several Rule 11s. I discussed the various sentencing
17 options with Mr. Gaskin. I explained that the judge decided to
18 sentence him above the range spelled out in the agreement, he
19 could withdraw from the agreement."

20 Do you remember telling him that?

21 A. (No verbal response.)

22 Q. You would have advised him about a Rule 11, right?

23 A. Yeah. I'm just trying to answer your question accurately.
24 I, I just read that in the affidavit, and that seems to be an
25 accurate representation of what occurred during my

1 representation.

2 Q. Okay. And you explained to him if you decided to go to
3 trial, the Probation Department would conduct an investigation,
4 and recommend a sentence based upon the U.S. Sentencing
5 Guidelines?

6 A. Right.

7 Q. Okay. And the recommendation would be based on various
8 factors, including the number of counts upon which he is
9 convicted, his criminal history, the quantity of drugs
10 attributed to him and other aggravating factors; you told him
11 all that, right?

12 A. Sounds accurate.

13 Q. And you also said -- you also explained to him that the
14 sentencing judge had a tremendous amount of discretion in
15 determining the sentence if he was convicted after a trial?

16 A. Absolutely.

17 Q. And that his discretion included interpreting the guidelines
18 to Mr. Gaskin's benefit or detriment, correct?

19 A. That's right.

20 Q. Could sentence Mr. Gaskin below the guideline range,
21 considering mitigating factors such as Mr. Gaskin's young age
22 in relation to the other defendants, or contrarily exceeding
23 the guideline range; is that correct?

24 A. That's what the affidavit says, and to the best of my
25 recollection, that's what I told Mr. Gaskin.

1 Q. Okay. So in this affidavit, you never mentioned that you
2 talked to him about consecutive and concurrent sentencing?

3 A. I didn't see that in there.

4 MS. JACOBS: If I can just have a moment, Judge? I
5 apologize.

6 THE COURT: That's no problem.

7 You have Exhibit F, David, G, is that what you were
8 looking at?

9 MS. JACOBS: Yes, Judge, G.

10 THE COURT: And you didn't remember executing that back
11 in 2013, right, Mr. Randolph?

12 THE WITNESS: Until she showed it to me, I had
13 forgotten that I had.

14 THE COURT: All right. Very good. Go ahead, Ms.
15 Jacobs.

16 MS. JACOBS: Thank you.

17 BY MS. JACOBS:

18 Q. And Sonja Gaskin, too, tried to contact you?

19 A. I don't recall.

20 Q. You don't recall her trying to contact you, sending you an
21 affidavit to sign?

22 A. Are you talking about post trial?

23 Q. Yes.

24 A. I don't recall that.

25 Q. Okay. You sent, you sent Mr. Gaskin two letters in the jail

1 about the Rule 11; is that correct?

2 A. I don't remember.

3 Q. Okay. I'm going to show you what's been marked as Defense
4 Exhibit L and M. And Defense Exhibit L is August -- dated
5 August 23rd, 2012 and -- I'm sorry. Petitioner -- Petitioner's
6 Exhibit M is dated August 31st, 2012. And I'm going to ask you
7 just to review those.

8 A. Okay.

9 Q. Those are essentially the exact same letters, right?

10 A. The substance of the letters appear to be the same.

11 Q. Okay. And these letters indicate what the plea offer is to
12 Mr. Gaskin; is that correct?

13 A. It appears to.

14 Q. And you would have wanted him to take this plea offer,
15 correct?

16 A. I believe that was my recommendation.

17 Q. In fact, you thought that this case, especially after Pinkie
18 Lewis agreed to testify against him, it was a loser; is that
19 fair to say?

20 A. I thought it was in his best interest to accept the plea.

21 Q. Okay. And you would have done everything you could to get
22 him to accept the plea, correct?

23 A. I made my best effort.

24 Q. Okay. And anywhere in either of these two letters that talk
25 about the 17.5 year offer, do you mention that if he goes to

1 trial and gets convicted, he's facing 60 years?

2 A. That's not in the letter.

3 Q. Thank you.

4 MS. JACOBS: No further questions, Judge.

5 THE COURT: Okay. Thank you very much.

6 Ms. Smith?

7 MS. SMITH: Thank you, your Honor.

8 I have a number of exhibits I'd like to work with, so
9 for the sake of efficiency, I'm going to ask to admit Exhibits
10 1 through 10.

11 MS. JACOBS: Judge --

12 THE COURT: Letter to Randolph from the U.S. Attorney;
13 e-mail to Randolph from the U.S. Attorney; e-mail from Mr.
14 Chasteen to Randolph; and e-mail from Randolph to Chasteen
15 asking for plea agreement.

16 Five is a letter to Randolph from Chasteen with the
17 plea agreement.

18 Six is an e-mail, Chasteen to Randolph about the plea
19 agreement.

20 And seven is a letter from Randolph to -- well, let's
21 stop at six.

22 Do you have any of these -- any objection or any
23 problem with these correspondences from Randolph to Chasteen
24 and back, Ms. Jacobs?

25 MS. JACOBS: Yeah, Judge. I'll go all the way to 9. I

1 case.

2 Q. And when you went to see him to discuss the case, were any
3 of his family members there?

4 A. I never -- I can't recall talking to Mr. Gaskin in the
5 presence of any of his family members.

6 Q. Okay. There is an exhibit book in front of you. I want to
7 go through some of these exhibits. You can go ahead and take
8 it.

9 Through the course of your representation of Mr.
10 Gaskin, do you recall receiving some offers for plea
11 agreements?

12 A. Yes.

13 Q. All right. Let's look at Exhibit 1. It's dated February
14 17th, 2012. This is a letter addressed to you. Do you
15 recognize that letter?

16 It's three pages in length, and then there's a set of
17 worksheets attached to the letter. Do you recognize that?

18 A. I don't have a specific recollection of seeing the document.
19 It was six years ago, but you know, as addressed to me, that's
20 my address. I have no reason to doubt this was a letter that
21 was sent to me at that time.

22 Q. And were you receiving communications from the U.S.
23 Attorney's Office from Detroit during this time period?

24 A. Yes.

25 Q. Okay. In the middle of this letter, it appears there's some

1 discovery being provided. And then it's the fourth paragraph
2 where it begins, "also enclosed"?

3 A. Yes.

4 Q. Can you read that sentence?

5 A. "Also enclosed is a preliminary set of sentencing guideline
6 -- guidelines worksheets."

7 Q. Okay. And these guideline worksheets are attached to this
8 letter, correct? Or at least it indicates in this letter that
9 they are attached, or enclosed in the letter, correct?

10 A. Correct.

11 Q. Okay. So if you go through these guidelines, what I'm
12 specifically interested in is page 8 of 11. At the top, you'll
13 see it says page ID 4073. Let me know when you get there.

14 A. Okay. I see it.

15 Q. All right. Do you see paragraph 6 where it has the
16 guideline range?

17 A. Yes.

18 Q. What does that guideline range say?

19 A. 324 to 405 months.

20 Q. Okay. So in other words, this, this set of worksheets
21 calculates a guideline range for your client of 324 to 405
22 months; is that right?

23 A. That's what this document reads.

24 Q. And that's higher than 20 years; do you agree with that?

25 A. Yes.

1 Q. When you received letters like this from the U.S. Attorney's
2 Office, did you show them to your client?

3 A. It would have been my, my custom, policy and practice to
4 provide a copy of the document to my client.

5 Q. Okay. Let's look at Government Exhibit 2. It's dated March
6 27th, 2012 and it's addressed to you. Do you recognize that?

7 A. I don't have a specific recollection of receiving this.

8 Q. Do you recall receiving e-mails from the U.S. Attorney's
9 Office during this time frame about Mr. Gaskin?

10 A. I frequently received e-mails.

11 Q. All right. And in the -- can you just read the first two
12 sentences?

13 A. "Mr. Randolph, in response to your request for a plea offer,
14 I am attaching a set of revised sentencing guidelines
15 worksheets. This guidelines range, 235 to 293 months, is
16 significantly lower than the 324 to 405 range sent to you on
17 February 17th."

18 Q. Okay. And again, there's another set of guidelines attached
19 here. I'm going to direct you to page ID 4082.

20 And under paragraph 6, can you just read what the
21 guideline range is there?

22 A. 235 to 293 months.

23 Q. Okay. And so as you testified earlier, would this be
24 another example of what would be in your practice to either
25 make a copy and send to your client or bring to your client and

1 discuss?

2 A. Correct.

3 Q. Let's look at Government's Exhibit 3. This is another set
4 of e-mails. I'm specifically interested in the second page,
5 which is page ID 4087.

6 Do you see -- it kind of cuts off because it started on
7 the previous page, so I apologize. Maybe I should go back.

8 It begins on February 17th, 2012 on the previous page
9 at the bottom. Do you see that?

10 A. Yes.

11 Q. Can you just read those sentences into the record, please?

12 A. How far do you want me to go?

13 Q. Just to the end of where we talk about the guideline range.

14 A. Okay. "On February 17th, 2012, I sent you a set of
15 sentencing guidelines calculations that reflected what the
16 Government expects to be able to establish at a contested
17 sentencing hearing if Mr. Gaskin is convicted of Count 1, a
18 range of 324 to 405 months. In March '12, prior to the
19 suppression hearing in April, I sent you a set of guidelines
20 worksheets reflecting a lower range, 235 to 293 months that Ms.
21 Brunson and I were willing to recommend if Mr. Gaskin were to
22 plead guilty."

23 Q. Okay. Do you, do you independently recall receiving those
24 guidelines worksheets that I referred to both here and the ones
25 we just looked at?

1 A. I do not.

2 Q. But it is your practice that you would have discussed this
3 with your client?

4 A. Absolutely.

5 Q. Okay. Let's look at, let's look at Government's Exhibit 5.

6 Do you see this is a letter dated July 23rd, 2012?

7 A. Yes.

8 Q. And does this again appear to be a proposed Rule 11 plea
9 agreement attached to this letter?

10 A. Yes.

11 Q. And this letter is addressed to you?

12 A. Yes.

13 Q. All right. Let's look at page ID 4104, which is again where
14 the guideline range appears.

15 A. Okay.

16 Q. All right. Can you read what the guideline range is in this
17 Rule 11 plea agreement?

18 A. 235 to 293 months.

19 Q. And in Paragraph 7 below, it indicates there's a statutory
20 restriction. What is the statutory restriction here? What
21 does it read in the box?

22 A. 240 months.

23 Q. Okay. So in other words, is it fair to say that this
24 particular set of guideline worksheets is for a count of
25 conviction that has a statutory maximum of 240 months?

1 A. I don't know.

2 Q. Okay. All right. Would you have shown this to your client
3 in your normal course of business?

4 A. Yes.

5 Q. Okay. Let's look at Exhibit 9.

6 Are you at Exhibit 9?

7 A. Yes.

8 Q. This is an e-mail that is sent from you to the AUSA on the
9 case. And can you just read the first 1, 2, 3 sentences,
10 please?

11 A. "I have been unable to convince him in a plea. We are
12 preparing for trial. Your offers were presented to my client
13 in good faith and are appreciated by my office."

14 Q. Okay. So you use the term "offers" plural? That's right,
15 right? I mean, that reads "offers"?

16 A. Yes.

17 Q. Okay. Does that indicate or refresh your recollection that
18 you did, in fact, present him more than one offer from the
19 United States?

20 A. Yes.

21 Q. Okay. Your first sentence that says, "I have been unable to
22 convince him in a plea."

23 Do you recall your conversations with Mr. Gaskin
24 regarding whether or not he should plead or go to trial?

25 A. Yeah. I recall one specific conversation but there were

1 multiple conversations.

2 Q. Okay. What specific conversation do you recall?

3 A. I recall a conversation where I told Mr. Gaskin that a
4 sentence of 20 years is better than life.

5 Q. And what did you mean when you said that?

6 A. Meaning that if he, if he was found guilty and allowed the
7 judge to sentence him, that he possibly could spend the rest of
8 his life in prison, whether that -- that didn't necessarily
9 mean that the sentence would be life, but it would be a lot of
10 years.

11 Q. And did you -- sorry. Go ahead.

12 A. And so, so --

13 Q. So did you encourage him to take the Government's offer of
14 the plea?

15 A. I did. I mean, the offer was 17.5 years, it was
16 approximately 20 years, and so that's what I -- that was the
17 argument, the rationale that I used to try to convince him.

18 Q. And so when you discussed with him the argument about life
19 versus 20 years, did you explain to him that his sentencing
20 exposure, if he went to trial and lost, would be more than 20
21 years or could be more than 20 years?

22 A. Yes.

23 Q. Okay. I'm going to ask you to look at Government's Exhibit
24 10.

25 By the way, Mr. Randolph, at any time did your client

1 indicate to you that his prior attorneys had told him something
2 different than what you were telling him, in terms of his
3 sentencing exposure?

4 A. I don't recall him saying that.

5 Q. Okay. Let's look at Exhibit 10. Is this your affidavit?

6 A. Yes.

7 Q. All right. It is dated on the second page. Let's go to the
8 second page. This is dated the 28th of August, 2017?

9 A. Correct.

10 Q. Okay. So paragraph 5 in this affidavit, can you read that
11 into the record?

12 A. "During discussions with Mr. Gaskin to persuade him accept
13 the Rule 11 agreement, I told him that 15 to 20 years is better
14 than a life sentence. Mr. Gaskin again refused and intimating
15 that, paraphrasing, 20 years is like a life sentence."

16 Q. Okay. I'm going to ask you now to look at defense Exhibit

17 G. Do you have that in front of you?

18 A. No.

19 MS. SMITH: Okay. Your Honor, may I approach the
20 witness?

21 THE COURT: Yes. You all have continuing permission to
22 approach the witness.

23 Go right ahead.

24 MS. SMITH: Thank you.

25 THE COURT: Yes.

1 Chapman had?

2 A. I don't recall that.

3 Q. That doesn't refresh your recollection about how you got
4 money?

5 A. I don't recall that.

6 Q. Okay. Do you have copies of any letters in which you told
7 -- in which you transmitted those Rule 11s to Mr. Gaskin?

8 A. Are you asking me did I send him a letter?

9 Q. You would send him a letter of transmittal, wouldn't you?

10 A. I don't know if I mailed those to him or gave them to him
11 directly. I saw him frequently. That was my preferred method,
12 was to hand him documents in person.

13 Q. Okay. So you have no letter today in which it says here is
14 the Rule 11, this is what you're looking at, correct?

15 A. I didn't bring any documents with me. Whether those -- such
16 a letter is in my file in my office, I don't know.

17 Q. You didn't bother to look?

18 A. You didn't ask me to bring any documents with me.

19 Q. Do you have any letters in which you sent, which you told
20 Mr. Gaskin about concurrent and consecutive sentencing? Do you
21 remember writing him a letter about that?

22 A. I do not recall writing a letter like that.

23 Q. And I'm going to show you the document, the affidavit,
24 Government's Exhibit 10 that you signed on the 28th day of
25 August, 2017. Do you have that in front of you?

1 A. Yes, I do.

2 Q. And again, that's your signature?

3 A. Correct.

4 Q. And who composed this affidavit?

5 A. I did.

6 Q. And why did you -- who asked you to compose it?

7 A. I think it was Mr. Chasteen.

8 Q. Okay. And did he tell you what to write in it?

9 A. No.

10 MS. JACOBS: If I, Judge, can just have just one
11 moment --

12 THE COURT: Sure. Take your time.

13 MS. JACOBS: -- to make sure Mr. Gaskin has all the
14 questions he wants asked?

15 (Brief pause.)

16 BY MS. JACOBS:

17 Q. In your affidavit, do you remember stating that you cannot
18 recall if you provided Mr. Gaskin with a copy of the Rule 11
19 plea agreement?

20 A. (No verbal response.)

21 Q. Do you want to look at Exhibit 10 in the Government's book
22 and averment No. 4? I'm sorry, averment No. 3, the last
23 sentence.

24 A. Yes.

25 Q. Okay. And that says, "I cannot recall if I provided a copy

1 of the Rule 11 agreement"?

2 A. That's what it says.

3 Q. That's true today, you cannot recall whether you provided
4 him with a copy?

5 A. Upon being presented with the documents from the United
6 States Attorney's Office of the various Rule 11 plea
7 agreements, I do remember that those documents were provided to
8 him.

9 Q. Okay. So what was stated in the averment was wrong?

10 A. Well, at the time I wrote this affidavit it was right, I
11 couldn't recall.

12 Q. Okay. And is your memory of what occurred better in 2017
13 than it was in 2013 when you wrote that first affidavit?

14 A. I don't know.

15 Q. Do you think maybe your memory was better in 2013, it was
16 closer to the time of events?

17 A. It depends on what you're talking about. I don't know.

18 MS. JACOBS: No further questions.

19 THE COURT: Okay. Thank you.

20 Ms. Smith, do you want to resume and ask any other
21 questions?

22 MS. SMITH: Just, just briefly, your Honor.

23 THE COURT: All right.

24 RECROSS-EXAMINATION

25 BY MS. SMITH:

1

2

CERTIFICATE OF REPORTER

3

4

5

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11

12

Dated this 6th day of March, 2018.

13

14

s/ Christin E. Russell

15

Christin E. Russell

16

RMR, CRR, FCRR, CSR

Federal Official Court Reporter.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-20178

Hon. Stephen J. Murphy, III

D-1 JERON GASKIN,

Defendant.

CONTINUATION OF EVIDENTIARY HEARING

BEFORE THE HONORABLE STEPHEN J. MURPHY, III

United States District Judge

Theodore Levin United States Courthouse

231 West Lafayette Boulevard

Detroit, Michigan 48226

Monday, April 23, 2018

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Official Court Reporter

(313) 23

APPENDIX L

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1 have a seat in the chair. Speak toward the microphone and it
2 will pick you up; you don't have to get too close to it. And
3 then your counsel, Ms. Jacobs, is going to question you.

4 Go right ahead, Ms. Jacobs.

5 MS. JACOBS: Thank you, Judge.

6 DIRECT EXAMINATION

7 BY MS. JACOBS:

8 Q. Will you please state your name for the record?

9 A. Jeron Gaskin.

10 Q. And you are the petitioner in this case?

11 A. Yes.

12 Q. And you were a defendant in the criminal case, is that
13 correct?

14 A. Yes.

15 Q. Okay. Mr. Gaskin, how old are you today?

16 A. Twenty-seven.

17 Q. How far did you go in school?

18 A. Ninth grade.

19 Q. Okay. And did you finish the ninth grade?

20 A. No.

21 Q. Okay. Did you -- what was your age of arrest at this
22 case?

23 A. Nineteen.

24 Q. Prior to being arrested on this case, had you been
25 arrested for state crimes?

1 A. Yes.

2 Q. And in your arrest for -- in those state crimes, had you
3 ever been charged with more than one count in your case?

4 A. No.

5 Q. Had anybody -- and how were those cases resolved, did
6 you -- you pled guilty in them?

7 A. Yes, ma'am.

8 Q. Okay. And when you pled guilty, did any attorney ever
9 talk to you about cooperating against anybody else in order to
10 get a lighter sentence?

11 A. In my previous cases?

12 Q. In your state cases.

13 A. No.

14 Q. So before your arrest in this case your only familiarity
15 with criminal proceedings was in state court, would that be
16 fair to say?

17 A. To an extent, yes.

18 Q. Okay. You were in juvenile court too, right?

19 A. Huh? Yes.

20 Q. Okay. Okay. You were arraigned on this case on a
21 complaint, is that correct, not an indictment, your first --
22 the first time you were in court?

23 A. Yes.

24 Q. And there was only one count, is that correct?

25 A. Yes.

1 Q. Okay. You were then -- and there came a time when Kim
2 Stout represented you?

3 A. Yes.

4 Q. And you know her, you saw her testify last year, is that
5 right, or last -- last time?

6 A. Yes.

7 Q. Okay. And there came a time that you -- and in that
8 complaint you were only charged with one count, is that right?

9 A. Yes.

10 Q. And do you remember what the maximum penalty was in that?

11 A. Twenty years.

12 Q. Okay. Did there come a time that you were then arraigned
13 on an indictment? And I'm going to direct your attention to
14 April 7th, 2011. Do you remember being arraigned on an
15 indictment?

16 A. I remember being arraigned but I don't remember the date
17 or --

18 Q. Well, we're all going to agree that it was April 7th,
19 2011. Thank you.

20 A. Okay.

21 Q. And do you remember how many counts you were charged with
22 in that indictment?

23 A. No.

24 Q. Okay. Would it refresh your recollection if you opened
25 your exhibit book, which is the spiralled exhibit book, and

1 looked at Exhibit A?

2 A. Okay. Yes.

3 Q. Okay. How many counts were you charged with?

4 A. Two.

5 Q. And what was the maximum that you could receive on each of
6 those counts?

7 A. Twenty years.

8 Q. And do you remember the judge telling you that -- that you
9 were charged with 20-year felonies?

10 A. I don't remember, but --

11 Q. Would it refresh your recollection if you looked at
12 Exhibit B in that book, and if you turn to page 5, would that
13 refresh your recollection as to what the maximum penalty was?

14 A. Yes.

15 Q. Okay. And what was the maximum penalty you could receive
16 on either of those counts?

17 A. Twenty years.

18 Q. So when you left court that day, how much time did you
19 think you were facing?

20 A. Twenty years.

21 Q. Okay. Were you then arraigned on a First Superseding
22 Indictment?

23 A. Yes.

24 Q. And if I said that it was May 5th, 2011, you wouldn't
25 argue with me about that?

1 A. No.

2 Q. Okay. And do you remember what you were charged with in
3 that indictment?

4 A. No.

5 Q. Would it refresh your recollection if you looked at
6 Exhibit C?

7 A. Yes.

8 Q. And how many counts were you charged with in that
9 indictment?

10 A. Three.

11 Q. And what was the maximum on Count 1?

12 A. Five years.

13 Q. What was the maximum on Count 2?

14 A. Twenty years.

15 Q. What was the maximum on Count 3?

16 A. Twenty years.

17 Q. And then you -- when the judge talked to you, did she tell
18 you during the arraignment how much time you were facing?

19 A. I don't remember.

20 Q. Okay. Would it refresh your recollection if you looked at
21 Exhibit D, page 4?

22 (Brief pause)

23 And I guess I should ask now does that refresh your
24 recollection?

25 A. Yes.

1 Q. Okay. And how many years could you receive on Count 1?

2 A. Five years.

3 Q. How many years on Count 2?

4 A. Twenty years.

5 Q. How many years on Count 3?

6 A. Twenty years.

7 Q. So when you left that court, when you left court that day,

8 what was your understanding of how much time you could receive?

9 A. When I left court?

10 Q. When you left court that -- that day, how much time did

11 you think you were facing?

12 A. Twenty years.

13 Q. Okay. You were then arraigned on the Second Superseding

14 Indictment on January 17th, 2012. Does that sound familiar to

15 you?

16 A. Yes, I remember getting superseded the second time.

17 Q. Okay. And that was the indictment upon which you went to

18 trial, is that correct?

19 A. Yes.

20 Q. And you signed an Acknowledgement of the Superseding

21 Indictment, is that correct?

22 A. Yes.

23 Q. And that indictment alleged how many counts against you?

24 A. Three.

25 Q. Okay. And do you remember what the maximum penalty was on

1 each of those counts?

2 A. No.

3 Q. Okay. Would it refresh your recollection if you looked at
4 Exhibit E? And I should say that's the -- Mr. Gaskin, you're
5 looking at the Acknowledgement of the Second Superseding
6 Indictment, is that correct?

7 A. Yes.

8 Q. And how many years were you facing on Count 1?

9 A. Twenty years.

10 Q. How many on Count 2?

11 A. Twenty years.

12 Q. How many on Count 3?

13 A. Twenty years.

14 Q. And incidentally, that's your signature there, isn't it?

15 A. Yes.

16 Q. And you sound -- signed the other two Acknowledgements of
17 Indictments, that was your signature on those, is that correct?

18 A. Yes.

19 Q. Okay. And when the judge spoke to you that day, he -- did
20 he advise you on how much time you were facing?

21 A. I can't remember.

22 Q. Would it refresh your recollection if you looked at
23 Exhibit F?

24 A. Ms. Jacobs, excuse me. When I was looking at this, I seen
25 it but I didn't -- I didn't really still understand what I was

1 looking at, and I asked the attorney but I didn't -- I didn't
2 understand this though honestly, I didn't --

3 Q. Okay.

4 A. I'm just letting you know though I -- I was looking at
5 this at the time and I -- I didn't understand. I mean --

6 Q. Are you talking about the Superseding Indictment, are you
7 talking about the Acknowledgement of the Superseding
8 Indictment?

9 A. Yes.

10 Q. And what is it that you didn't understand?

11 A. I didn't understand none of it. I was just going with
12 the -- going with the flow basically til I figured out what
13 exactly what was going on, but I didn't --

14 Q. At the age of 19 were you able to read and write the
15 English language?

16 A. The basics, yes.

17 Q. Okay. When you say the basics, what is it that you would
18 have trouble with?

19 A. Like when I first came in, when I first came to jail, like
20 here if I told somebody like I hear something, I still spell it
21 H-E-R-E instead of H-E-A-R, like.

22 Q. Okay.

23 A. I knew the basics but --

24 Q. So --

25 A. -- I didn't understand like the exact meaning of things.

1 Q. Okay. And Mr. Gaskin, can you write in cursive
2 handwriting?

3 A. Now I can, yes.

4 Q. When you were 19, could you write in cursive handwriting?

5 A. Yes.

6 Q. And between the ages of 19 and how old are you today?

7 A. Twenty-seven.

8 Q. Okay. Do you think that you've gotten smarter?

9 A. Yes, I know I have.

10 Q. Okay. Do you understand things better?

11 A. Yes.

12 Q. Can you read things more easily?

13 A. Yes.

14 Q. Okay. So let's go back to -- let's go back to Exhibit F.

15 A. Okay.

16 Q. Which, again, is the judge talking to you so you didn't
17 have to read this.

18 A. Okay.

19 Q. Okay. And if you turn to page -- make sure I'm doing this
20 right -- if you turn to the bottom of page 3 and the top of
21 page 4, does that refresh your recollection as to how much time
22 you were facing on each count?

23 A. Yes.

24 Q. And how much time was that?

25 A. Twenty years.

1 Q. So when you left court that day, what's the most you
2 thought you could receive if you went to trial, what's the most
3 time you thought you could receive in prison if you went to
4 trial on all three counts?

5 A. Twenty years.

6 Q. And that was the same thing that happened under those --
7 the other two indictments, is that correct?

8 A. Yes.

9 Q. Okay. Did -- did there come a time when you and Kim Stout
10 came to a parting of the ways?

11 A. Yes.

12 Q. Okay. And can you tell us what was that about?

13 A. At the time I had a seven-year plea and I wanted it lower.
14 I thought I didn't want to do the seven years, I wanted to get
15 it lower. And I was going to accept the plea, but she told me
16 only how I can get it down, if I cooperated with them and gave
17 them information, and I really didn't have no information to
18 give, so...

19 Q. Well, did she say you would also have to testify against
20 your co-defendants?

21 A. Yes, ma'am.

22 Q. And was that something that had ever been asked of you in
23 state court?

24 A. No.

25 Q. Was that the first time you ever heard about people

1 Q. Has anybody ever showed you this sentencing table?

2 A. No.

3 Q. Do you have any idea what it is?

4 A. Now I do, yes.

5 Q. Okay. When you say "now I do," when is it that you found
6 out about the sentencing table?

7 A. Towards the -- after -- probably after my trial.

8 Q. Okay. Before you were sentenced?

9 A. Before -- I can't say exact.

10 Q. Okay. Did you see it in the jail or in the prison?

11 A. In the jail, yes.

12 Q. Okay. Did another inmate show it to you?

13 A. Yes.

14 Q. So there came a time when Mr. Randolph told you that there
15 was a Plea Agreement, is that right?

16 A. Yes.

17 Q. And can you tell me what -- what did he tell you about the
18 plea offer?

19 A. He told me that they was willing to offer me 17 and a half
20 years.

21 Q. Incidentally, did he tell you -- I know he didn't talk
22 about a point system but maybe you might have remembered this
23 in your head. Did he ever mention that you get three points
24 off of your sentencing score if you testified against someone
25 else or if you told on someone else, do you ever remember

1 hearing that?

2 A. No.

3 Q. Okay. You know, you did a pretty good job with this
4 petition. You got yourself a hearing which is really rare in
5 federal court. Did you write this petition?

6 A. No, I didn't.

7 Q. Who wrote it?

8 A. One of the -- one of the guys I was at the jail with, at
9 the prison I was with.

10 Q. And did you also have someone write affidavits for you?

11 A. Yes, ma'am.

12 Q. And how -- how would that person know what to write?

13 A. I would basically -- he worked in the law library and he
14 would -- we had a law library at the prison I'm at and you
15 would go there and you explain your case to him and he will
16 basically take notes on what you saying and he'll word it and
17 put your motion together for you after you let him know the
18 facts of your case.

19 Q. And then you would receive a copy of the motion?

20 A. Yeah, you can ask for one, yes.

21 Q. I mean --

22 A. That's the smart thing to do, yes.

23 Q. Somehow you got a copy of the motion and the petition and
24 the brief, is that right?

25 A. Right.

1 A. I was -- I remember the 20 years, so I was -- I asked him
2 like what's the most they can give me, and that's when he had
3 told me like they can give you 20 and...

4 Q. Okay. And did you ever tell him that 20 years was like
5 doing life and you wouldn't take it?

6 A. No, I never said that.

7 Q. Okay. Did you weigh the possibility of 17 and a half
8 years versus 20?

9 A. Did I weigh it?

10 Q. Yeah.

11 A. Yeah, I weighed it.

12 Q. Okay. And did Mr. Randolph make a recommendation about
13 whether you should take the plea or not?

14 A. Yes, he did.

15 Q. And what was that recommendation?

16 A. He told me, he said, you know, "You can get a couple more
17 years, we might as well just go ahead."

18 Q. Okay.

19 A. Go to trial.

20 Q. So he encouraged you to go to trial and reject the plea?

21 A. Right.

22 Q. Okay. And again, when you went to trial on three counts,
23 what was the maximum you thought you could receive?

24 A. Twenty years.

25 Q. Had Mr. Randolph up to that point ever told you anything

1 about the fact that you could receive consecutive sentencing?

2 A. No.

3 Q. And when I use consecutive sentencing, that phrase, you
4 know that means stacked time, right?

5 A. Yes, now I do.

6 Q. Okay. And that's one case stacked upon another, right?

7 A. Yes.

8 Q. So you were facing actually 60 years?

9 A. Yes.

10 Q. If you thought, if you knew that there was a possibility
11 that you could get 60 years after a -- after a jury trial
12 conviction, would you have taken the 17-and-a-half-year plea?

13 A. Yes, I would have.

14 Q. Okay. So based on what Mr. Randolph told you, you chose
15 to go to trial, right?

16 A. Yes.

17 Q. He never -- he never -- strike that. Okay.

18 You were convicted on November 14th, 2012. Does that
19 sound familiar to you?

20 A. Yes.

21 Q. During that time you picked up a witness tampering case?

22 A. Yes.

23 Q. Okay. At this point had you decided that you did not want
24 Mr. Randolph to be your attorney on that case?

25 A. Yes.

1 A. Oh.

2 Q. -- where you're looking, so tell us what you --

3 A. It start -- it start -- it started at the desk. I'm like,
4 "What's going on? You ain't -- you ain't -- what -- you need
5 to -- you need to say something because they talking about
6 60 years and that ain't what you told me. You need to say
7 something." He like -- he basically telling me like, "Chill,
8 chill, I got it," you know what I'm saying. He say, "I'm f'in
9 to come down there and talk to you."

10 Q. Okay. So did the conversation then continue that day?

11 A. Yes, it did.

12 Q. And where did that part of the conversation occur?

13 A. Came downstairs and seen me in the holding.

14 Q. Okay. And can you tell us what was said on that day in --
15 in the holding -- in the holding cell?

16 A. I say -- I basically was like what's -- what -- it --
17 it -- it -- it really started -- reason why I asking him
18 anyway, because it already wasn't sounding right. That's how
19 the conversation even came up. I said, "Why is they still
20 offering me 17 and a half when the most I can get is 20?" So
21 that's how it even came about me asking him, like, "What is
22 the -- what can I get?" and he said, "They can't give you over
23 20." Well, when we got downstairs I'm like, "What's -- what's
24 up, what's going on?" He like, "No, no, I'm a fix it, just --
25 just -- just hold fast, don't get to panicking, I got it. The

1 judge is -- they never do nothing like that, they not going to
2 run your time like that, I never seen that happened," and he
3 was just fast talking me honestly.

4 Q. Okay. And at that point when he said he'd never seen that
5 happen, he didn't bother to tell you that he'd only been
6 involved in two federal cases, did he?

7 A. No, he didn't tell me that.

8 Q. And he didn't tell you that they -- those two ended in
9 guilty pleas, did he?

10 A. No, he didn't tell me that.

11 Q. When you said that you thought about 17 and a half and you
12 could only get 20, was that going through your head at the time
13 of this hearing, the motion to withdraw, or was that something
14 that had -- you were thinking about --

15 A. No, when he came at me with the plea. When he told me to
16 plead 17, that's what made me even ask, like, I said, "17?" I
17 say, "What -- what the most I can get?", you know, because I'm
18 keep seeing the 20. He like, "The most you can get is 20.
19 That's why we -- we might as well take the gamble and go to
20 trial."

21 Q. Okay. So just so that we can put this in some kind of
22 context, this conversation occurred before trial started?

23 A. Yes.

24 Q. Would it be fair to say it occurred either in August or
25 September when you were in court at one point?

1 A. Huh?

2 Q. Were you in court at one point when they were talking
3 about a guilty plea?

4 A. I can't remember then.

5 Q. Okay.

6 MS. JACOBS: Would the prosecution stipulate to the
7 date of September 17th, 2012 as the date -- September 19th as
8 the date people were in court?

9 MR. CHASTEEN: For what appearance? There were a lot
10 of appearances so I'm not sure what you're referring to.

11 MS. JACOBS: This would be the -- the -- the date of
12 the rejection of the guilty plea before the trial starts in
13 November.

14 MR. CHASTEEN: I can't stipulate to that.

15 MS. JACOBS: Okay.

16 MR. CHASTEEN: I don't -- I don't recall the date
17 myself, so --

18 MS. JACOBS: Okay.

19 MR. CHASTEEN: -- without something.

20 MS. JACOBS: Okay.

21 MR. CHASTEEN: If you want to show me something that
22 shows that was when the date was --

23 MS. JACOBS: No, I --

24 MR. CHASTEEN: -- we'll look at it.

25 MS. JACOBS: -- if you can't stipulate, you can't

1 stipulate. That's okay.

2 BY MS. JACOBS:

3 Q. But this conversation took place before trial certainly?

4 A. Yes.

5 Q. Okay. So the upshot --

6 A. More than one time.

7 Q. Okay. The upshot --

8 THE COURT: Can I -- is it -- are you talking about
9 the final pretrial conference in this case?

10 MS. JACOBS: Yes.

11 THE COURT: Do we have a transcript on that or...

12 MS. JACOBS: Let me just look at my exhibit book,
13 Judge.

14 THE COURT: Okay.

15 (Brief pause)

16 MS. JACOBS: No. Maybe it's in the government's
17 initial transcript. Judge, I'm sorry, I don't -- I did not
18 include it.

19 THE COURT: Okay.

20 MS. JACOBS: And I'm not sure that -- I know that
21 Mrs. Gaskin had testified about this pretrial date at the
22 previous hearing.

23 THE COURT: Yes.

24 MS. JACOBS: And I think we established a date at
25 that point.

1 THE COURT: Okay. That's fine. Go right ahead.

2 MS. JACOBS: And I'm also not -- I also don't know
3 whether the rejection of the plea was on the record or not,
4 Judge.

5 THE COURT: Okay.

6 BY MS. JACOBS:

7 Q. Okay. So you allowed Mr. Randolph to stay on to do the
8 sentence?

9 A. Yes, because at that time he -- I took it that he was a
10 little concerned. He -- he seened [sic] that we was in the --
11 we was in the mess, he got me in a mess, and he like, "No,
12 don't take me off that. Let me try to fix this. I'm more
13 familiar with the facts." I'm like, "All right. I'm a keep
14 you on that case, just take you off the other case."

15 Q. And there came a day on June 4th, 2014 -- I'm sorry, 2013
16 that you were sentenced, is that right?

17 A. Yes.

18 Q. And tell us what sentence you got.

19 A. Thirty years.

20 Q. And how did you get the 30? If you only -- if you could
21 only get 20, how did you get 30?

22 A. I got 30.

23 Q. Okay. So one of -- one count you got 20 years, right?

24 A. Right.

25 Q. Another count you got 20 years?

1 A. I believe, yes.

2 Q. And those ran together, right?

3 A. Right.

4 Q. And on the third count you got ten years?

5 A. Right.

6 Q. And that was stacked on top of those other two?

7 A. Yes.

8 Q. Correct?

9 And when you left court that day, what did you say to
10 Mr. Randolph?

11 A. I'm like, "What's going on?" And he like, "Don't worry
12 about it, I'm a fix it." I'm like, "How you -- how you going
13 to fix it?" and he was telling me how he was going to fix it.
14 He was going to write me out a affidavit and just don't panic,
15 he -- he going to take care of it.

16 Q. And did there come a time -- let's see what the date of
17 this is on. So you certainly wanted to appeal your conviction,
18 is that correct?

19 A. Yes.

20 Q. And there came a time that Mr. Randolph sent you something
21 on August 22nd, 2013 -- strike that. No, August 22nd, 2013 he
22 sent a letter to you that -- that contained something called a
23 Motion For Pauper Status?

24 A. Yes.

25 Q. And in that motion did he put down what he thought the

1 issues were?

2 A. Yes.

3 Q. Your appellate issues.

4 And what was the one that caught your eye?

5 A. The ineffective assistance of counsel.

6 MS. JACOBS: And I guess I'm going to -- should offer
7 this into evidence, and, Judge, I will mark this T.

8 THE COURT: Okay.

9 MS. JACOBS: And I will make sure that the Court gets
10 a copy of it.

11 THE COURT: Grateful to the -- to you for that.

12 MS. JACOBS: Does the Court want to see it now?

13 THE COURT: What is it exactly just for
14 identification? I don't have to look at it.

15 MS. JACOBS: It's called a Motion For Pauper Status
16 and it's a form that you fill out and it goes to the U.S. Court
17 of Appeals for the Sixth Circuit.

18 THE COURT: Okay.

19 MS. JACOBS: And it says, "The issues which I wish to
20 raise on appeal are," and it says, "I need an appellate
21 attorney because I can't afford one. I wish to appeal all
22 aspects of my conviction and sentence including ineffective
23 assistance of counsel, 14th Amendment and other issues."

24 THE COURT: Okay.

25 BY MS. JACOBS:

1 Q. And this was what Mr. Randolph sent you?

2 THE COURT: Right. What's the date on that?

3 MS. JACOBS: The date on the enclosure letter, which
4 now is entered as T, August 22nd, 2013.

5 THE COURT: Okay. T --

6 MR. CHASTEEN: Can I see that again?

7 MS. JACOBS: Absolutely.

8 (Brief pause)

9 MR. CHASTEEN: Thank you.

10 THE COURT: Okay. T is without objection from Mr.
11 Chasteen, correct, Mr. Chasteen?

12 MR. CHASTEEN: Other than the observation that,
13 again, this is something that purportedly came from Mr.
14 Randolph that we haven't had an opportunity to question him
15 about because it's being introduced today.

16 THE COURT: Okay. With that concern expressed, for
17 purposes of this hearing I will accept and receive
18 Plaintiff's -- excuse -- yeah, Petitioner's Exhibit T, which is
19 the Notice of Appeal from the judgment in the criminal case
20 where Mr. Gaskin got 30 years.

21 Go right ahead.

22 BY MS. JACOBS:

23 Q. When you saw this affidavit, what did you think? Strike
24 that.

25 When you saw this motion with the phrase including

1 "ineffective assistance of counsel" on it, what did you think?

2 A. I thought he was doing what he told me he was going to do.
3 He was trying to fix the situation 'cuz he put the ineffective
4 assistance of counsel where he explained to me on prior
5 conversations.

6 Q. He had talked to you before about ineffective assistance
7 of counsel?

8 A. Yes.

9 Q. And was that in regard to any particular issue?

10 A. Yes, about him telling me that I couldn't get over the
11 20 years.

12 Q. Okay. And as time went on, did you continue to ask Mr.
13 Randolph for an affidavit?

14 A. Yes. I started sending him letters and I start calling
15 him and calling Mr. Chapman.

16 Q. Okay. And do you remember what days you called?

17 A. No, I do not remember.

18 Q. Do you remember how often you called?

19 A. I called him, I called -- called both of them a few times.
20 I called a good amount of times.

21 MS. JACOBS: Judge, I can have my client identify
22 each of the dates that I have highlighted under O or we can
23 just go from there unless if the Court wants me to, I will.

24 THE COURT: These are on Exhibit O?

25 MS. JACOBS: O, and they should all be yellow

1 highlighted.

2 THE COURT: These are the telephone calls that Mr.
3 Gaskin made from prison, federal prison, to Mr. Randolph,
4 correct?

5 MS. JACOBS: And Mr. Chapman.

6 THE COURT: Okay.

7 MS. JACOBS: Okay.

8 THE COURT: Yeah, you handle it however you want to.
9 I have O in front of me and that's been received. Go right
10 ahead.

11 MS. JACOBS: Okay. I think I'm just going to leave
12 it that way.

13 THE COURT: Okay.

14 BY MS. JACOBS:

15 Q. So there were a number of times that you tried to call
16 both -- both men?

17 A. Yes.

18 Q. And were you ever able to talk to either one of them?

19 A. Yes, I was.

20 Q. And were you able to talk to Mr. Randolph?

21 A. Yes, I was.

22 Q. Did he say he would send you an affidavit?

23 A. Yes, I -- yes.

24 Q. Did there come a time that you tried to get recordings of
25 these telephone calls?

1 A. Yes, I did. I asked the court if -- I even filed a motion
2 to the court asking them can they get the phone conversation
3 because if they had the phone conversations, I don't think this
4 hearing would be held right now because he told me exactly
5 about the claim and exactly what he was going to do to fix this
6 claim.

7 Q. Okay. What did he tell you?

8 A. He told me -- first I'm like, you know, I'm panicking a
9 little bit because he not answering my calls, so I'm like,
10 "What's going on?" When I finally get in touch with him, I'm
11 like, "What's going on? You -- you told me you was going to
12 fix this situation you created." And he like, "I got you. I'm
13 a send you the affidavit." No, he like, "Exactly what you all
14 need?" And I told him, you know, "I need the affidavit." He
15 said, "I'm a send the affidavit putting all the details in
16 there on what happened and we going to get this cleared up."

17 Q. Okay. And you did receive one affidavit from him, is that
18 correct?

19 A. Yes.

20 Q. But that didn't answer your concerns, did it?

21 A. No. He kind of switched it up a little bit.

22 Q. I just want to -- I think it's Exhibit G which is that
23 particular exhibit.

24 Did you also write him -- strike that. What happened
25 with the -- with the telephone recordings, did you ever receive

1 copies of those recordings?

2 A. No. They told me they couldn't get the phone recordings.

3 Q. And who told you that?

4 A. When I got down here, I finally realized.

5 Q. You found what?

6 A. When I got down here, when I got down here and I was
7 hoping they had the phone recordings.

8 Q. And did you --

9 A. You told me.

10 Q. Okay. Did you get a -- didn't you get a letter?

11 A. No, I don't remember the letter.

12 Q. Okay. Did you also send letters to Mr. Randolph?

13 A. Yes, I did.

14 Q. And these letters were also letters requesting help?

15 A. Help? I wouldn't use help, but yes.

16 Q. I mean when you -- I say help, didn't you want him to help
17 you to try and change the sentence?

18 A. I wanted him to admit to what he did, what he -- what he
19 told me.

20 Q. Okay.

21 A. Yes, I wanted him to fix the situation.

22 Q. So do you remember writing him a letter on October 4th,
23 2016?

24 A. I don't remember the letter but I remember I wrote him
25 quite a few letters.

1 Q. Okay. And you would agree that there was a letter that
2 went out on -- and incidentally, did you write -- would you
3 look at J, Affidavit J -- I'm sorry, Exhibit J in our exhibit
4 book?

5 A. Yes.

6 Q. Is that your handwriting?

7 A. Yes.

8 Q. Okay. And would you look at Exhibit K? And is that
9 another letter to Mr. Randolph?

10 A. Yes.

11 Q. And that's dated October 26th, 2015?

12 A. Yes.

13 Q. Is that also your handwriting?

14 A. Yes.

15 Q. Okay. Are there some letters that you wrote that did
16 not -- that were not in your handwriting?

17 A. Yes.

18 Q. Let's go to April -- Exhibit S, April 3rd, 2015. It's
19 another letter to Mr. Randolph?

20 A. Yes.

21 Q. Is that in your handwriting?

22 A. Yes.

23 Q. And again, is that a letter asking for an affidavit?

24 A. Yes.

25 Q. June 5th, the next page, 2015, is that another letter from

1 you to Mr. Gaskin?

2 A. You said very next page?

3 Q. The page after.

4 A. Yes.

5 Q. Okay. And is that in your handwriting?

6 A. Yes.

7 Q. We already did October 26th.

8 Okay. I want you to turn to one dated December 13th,
9 2015. That's in S, still in S.

10 A. Yes.

11 Q. And is that in your handwriting?

12 A. No, it's not.

13 Q. Who -- who wrote that for you?

14 A. The same jailhouse lawyer, if that's what you want to call
15 him, he wrote it.

16 Q. And is there some reason why you had him write that one?

17 A. Basically after I told him about the situation, that's
18 what he -- that's what he wanted to do. I was telling him
19 like, "He going to write an affidavit for me." He was like,
20 "He told you he was going to write an affidavit?" And he like,
21 "Well, I'm a shoot him these words and try to see if he going
22 do it."

23 Q. Okay. So he wrote something that was a little more
24 lawyerlike than you would have written, correct?

25 A. Yes.

1 Q. She.

2 A. Whoever --

3 Q. Kim Stout, correct?

4 A. They was there.

5 Q. All right. And the judge says to you as to Count 1 the

6 penalty is 20 years and as the same penalty for Count 2, right?

7 Look at page -- Exhibit B if you'd like, page 5.

8 A. That's what the judge said.

9 Q. Okay. So that's one count and two counts, right?

10 A. Right.

11 Q. More than one count, is that right?

12 A. Right.

13 Q. That's what the judge said to you?

14 A. Right.

15 Q. Okay. And then the judge said to you not that they are

16 necessarily concurrent penalties but it is the same maximum

17 penalty under the statute, right?

18 A. I didn't -- I didn't understand it.

19 Q. Well, are those the words that the judge said to you at

20 the arraignment on April 7th, 2011?

21 A. If it's down here, he said it.

22 Q. That's what she said, right?

23 A. That's what he said, yes.

24 Q. And your lawyer was standing there right next to you when

25 all of this was happening?

1 MS. JACOBS: Let me just get to where Mr. Gaskin was
2 talking.

3 BY MS. JACOBS:

4 Q. Will you -- it's still page 20. Will you look at page 20
5 down at the bottom and go to the top of page 21?

6 A. Okay.

7 Q. And does that refresh your recollection as to whether --
8 as to what you told the judge about whether you knew about
9 consecutive sentencing?

10 A. Yes.

11 Q. And what did you tell the judge?

12 A. "First, I would like to let you know I was never aware
13 going through this trial that I even had -- that they can even
14 go over 20-year maximum. I never signed nothing saying
15 anything about no concurrency, consecutive sentence. I was
16 never told, I never signed nothing. If I was aware of that, I
17 wouldn't have a problem with whatever they was trying to give
18 me today."

19 Q. Okay. And when you made the determination to go to trial,
20 when you rejected the last plea offer of 17 and a half years,
21 whose advice were you following?

22 A. My attorney's at the time.

23 Q. And at that point did it have anything to do with your
24 co-defendants, trying to help out your co-defendants?

25 A. No, it didn't.

1 Q. So you went to trial based on your attorney's advice,
2 correct?

3 A. Yes.

4 Q. Okay.

5 MS. JACOBS: Let me just make sure, Judge. I don't
6 think I have a lot that I wanted to ask him.

7 BY MS. JACOBS:

8 Q. When you -- and turn now to page 2 in -- in the spiral
9 book, although both are -- are they both spiralled? The spiral
10 book right there.

11 MR. CHASTEEN: Which page? I'm sorry.

12 MS. JACOBS: J.

13 BY MS. JACOBS:

14 Q. And we're looking at the letter dated October 4th, 2016.

15 Do you have it, Mr. Gaskin?

16 A. Yes.

17 Q. Okay. And you talk about consecutive sentencing then?

18 A. Yes.

19 Q. Is that right?

20 A. Yes.

21 Q. Okay. This was written in 2016, is that correct?

22 A. Yes.

23 Q. Three years, four years after you were convicted, correct?

24 Did you know about consecutive sentencing like that when you
25 went to -- when you were in front of those magistrates?

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

2 I, Linda M. Cavanagh, Official Court Reporter of the
3 United States District Court, Eastern District of Michigan,
4 appointed pursuant to the provisions of Title 28, United States
5 Code, Section 753, do hereby certify that the foregoing pages 1
6 through 107 comprise a full, true and correct transcript of the
7 proceedings held in the matter of United States of America vs.
8 Jeron Gaskin, Case No. 11-20178, on Monday, April 23, 2018.

s/Linda M. Cavanagh
Linda M. Cavanagh, RDR, RMR, CRR, CRC
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

16 Date: May 9, 2018
Detroit, Michigan