

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Madeline Cox Arleo
:
:
v. : Crim. No.
:
: CERTIFICATION OF SPECIAL AGENT
: IN SUPPORT OF THE GOVERNMENT'S
: REQUEST FOR DETENTION
PAUL BERGRIN, et al. :

Michael Smith, of full age, hereby certifies under penalties of perjury as follows:

1. I am a Special Agent of the Drug Enforcement Administration and I have been assigned to assist in the investigation of the above referenced defendant.
2. The indictment charges defendant PAUL BERGRIN (BERGRIN) with various offenses, including Racketeering and Racketeering Conspiracy (18 U.S.C. §§ 1962), Wire Fraud and Wire Fraud Conspiracy (18 U.S.C. §§ 1343 and 1349), Murdering a Federal Witness and Conspiracy to Murder a Federal Witness (18 U.S.C. § 1512), and Travel Act violations and Conspiracy to Commit Travel Act violations (18 U.S.C. § 1952). Preliminarily, the Government has calculated his sentencing exposure to include a maximum penalty of death and a mandatory minimum penalty of life imprisonment.
3. As set forth in the indictment, BERGRIN has used his law firm to carry out a pattern of criminal activities. BERGRIN is an attorney who is admitted to practice law in the states of New Jersey, New York and elsewhere during the time period of at least 2002 through the present. From at least in or about 2002 through the present, BERGRIN, and others have operated a criminal enterprise (hereafter, "The Bergrin Law Enterprise"). The Bergrin Law

Enterprise has used BERGRIN's law practice to engage in a pattern of racketeering activity, including, murder, witness tampering, travel in aid of racketeering, wire fraud, money laundering and drug trafficking. BERGRIN has marketed his law practice to drug trafficking organizations, street gangs, and other criminal organizations. BERGRIN provides a variety of illegal services to his criminal clients.

4. As further set forth in the indictment, BERGRIN used his position as criminal defense attorney to manipulate and disrupt lawful court proceedings on behalf of his clients, by among other things:

a. counseling and otherwise causing witnesses to offer perjured testimony in favor of his clients in court proceedings;

b. counseling and otherwise causing witnesses to flee so that they would not be available to testify in court proceedings against his clients; and

c. assisting clients in identifying, locating and murdering witnesses against them in criminal proceedings.

In accomplishing these acts, BERGRIN and his associates, including THOMAS MORAN (MORAN), often used their positions as lawyers to facilitate the witness tampering activities.

For example, they have used discovery given to them by prosecutors to determine the identity of the witnesses they later pay off or intimidate. Similarly, they have used their status as lawyers to have private "counsel" visits with their detained clients and discuss their future criminal acts.

5. As further set forth in the indictment, BERGRIN also uses his law firm to launder and assist in the laundering of criminal proceeds for his clients, his associates and himself. In

some instances BERGRIN has used his law practice to set up corporations or other legal entities for the purpose of facilitating criminal activities including wire fraud and money laundering.

6. As further set forth in the indictment, BERGRIN also has used his position as attorney to commit and assist in the commission of wire fraud by, among other things, signing or otherwise approving documents that he knew to contain false information and obtaining the proceeds of the fraudulent activity.

7. As further set forth in the indictment, in order to render these illegal services, BERGRIN enlisted the assistance of his associates in the Bergrin Law Enterprise, including YOLANDA JAUREGUI, a/k/a “Yolanda Bracero,”(JAUREGUI), MORAN and SUNDIATA KOONTZ (KOONTZ). JAUREGUI participated in, among other things, wire fraud. MORAN participated in, among other things, witness tampering and travel in aid of racketeering. KOONTZ participated in, among other things, wire fraud.

8. As further set forth in the indictment, the enterprise also uses various business entities to conduct illegal activities. The Bergrin Law Enterprise used the law firm of P.B. & V., which was located in Newark, New Jersey. BERGRIN was a 50% owner of P.B. & V. In February 2004, BERGRIN formed a second legal entity, Law Office of Paul W. Bergrin, which is currently located at 50 Park Place, 10th Floor, Newark, New Jersey. BERGRIN is the sole owner of Law Office of Paul W. Bergrin. The Bergrin Law Enterprise used the Law Office of Paul W. Bergrin to conduct illegal activity. The enterprise also used Premium Realty Investments Inc., a corporation jointly owned by BERGRIN and JAUREGUI, to conduct its illegal activities.

DANGER TO THE COMMUNITY

9. The evidence in this case establishes that BERGRIN poses a danger to the community in that there is a serious risk that, among other things, he will obstruct justice and attempt to obstruct justice, intimidate, threaten, injure and possibly kill, and attempt to intimidate, threaten, injure and possibly kill witnesses and jurors. Evidence from numerous witnesses corroborated by, among other things, recorded conversations with BERGRIN, demonstrates that BERGRIN regularly engaged in witness tampering, including acts of bribery, intimidation and murder in the course of representing clients accused of crimes.

A. The Murder of a Federal Informant

10. For example, BERGRIN was directly involved in the successful plot to murder a federal informant. On or about November 25, 2003, William Baskerville was arrested by federal complaint for distributing crack cocaine to a person who was cooperating with the Federal law enforcement agents (the “informant”). Baskerville discerned the identity of the informant based upon the factual allegations contained in the complaint. BERGRIN was the defense counsel representing William Baskerville on these federal narcotics distribution charges. In his capacity as legal counsel for William Baskerville, BERGRIN met with William Baskerville in jail. During a jail visit, William Baskerville told BERGRIN the name of the informant (hereinafter referred to as KDM or “Kemo”).

11. Thereafter, in a telephone conversation and a face to face meeting, BERGRIN passed the identity of the informant on to William Baskerville’s drug associates and told them that if they didn’t kill “Kemo,” William Baskerville would spend the rest of his life in jail. After

BERGRIN discussed how Baskerville's drug associates were going to pay BERGRIN's legal fee for his representation of William Baskerville, BERGRIN said that if there was no "Kemo" to testify against William Baskerville, there would be no case against William Baskerville.

BERGRIN said that if "Kemo" was dead, that William Baskerville would definitely get out of jail. When BERGRIN left the meeting, he said "remember what I said, no Kemo, no case."

Thereafter, Baskerville's drug associates attempted to locate and kill KDM to prevent him from testifying against William Baskerville, and on or about March 2, 2004, they in fact located KDM. On that same day, in the middle of the afternoon, near the corner 19th Street and South Orange Avenue in Newark, New Jersey, one of Baskerville's drug associates, A.Y., shot KDM three times in the back of the head and killed him.

B. The Plot to Kill Witnesses Against Vicente Esteves

12. On or about May 29, 2008, the Monmouth County Prosecutor's Office charged Vincent Esteves and other members of his organization with violations of New Jersey State controlled substance laws (the "Monmouth County Case"). BERGRIN represented Vicente Esteves in the Monmouth County Case. Prior to July 10, 2008, Vicente Esteves contacted a confidential informant (CI-1) in connection with the Monmouth County Case. Thereafter, BERGRIN contacted CI-1 and, in substance and in part, told CI-1 in a series of recorded conversations that BERGRIN was acting on behalf of Vicente Esteves, that Vicente Esteves was concerned about persons he and BERGRIN believed were witnesses cooperating with the prosecution in the Monmouth County Case, and that Vicente Esteves and BERGRIN wanted CI-1 to locate and kill these witnesses.

13. From in or around July 2008 to in or around December 2008, BERGRIN engaged

in an number of recording meetings and conversations with CI-1 for the purpose of either interfering with or murdering one or more of the witnesses against Esteves in the Monmouth County Case. During those meetings, BERGRIN, among other things, identified the witnesses against Vicente Esteves, including a man they referred to as named "Junior the Panamanian." As set forth in the indictment, BERGRIN even arranged to covertly and illegally get a cellphone to his client, Vincent Esteves, while he was confined in the Monmouth County Jail, so that Esteves could communicate with CI-1 regarding the plot to kill the witnesses.

14. In one of those meetings, which took place on or about December 8, 2008, CI-1 met with BERGRIN, JAUREGUI and MORAN. CI-1 first met with MORAN, who drove CI-1 to the location where CI-1 and MORAN met with BERGRIN and JAUREGUI. During CI-1's initial meeting with MORAN, in a recorded conversation, CI-1 and MORAN discussed killing Junior the Panamanian. CI-1 told MORAN that he wanted to see a friend of MORAN named "Tito" that night to get "the guns." MORAN asked CI-1 if Tito told CI-1 that Tito could get guns for CI-1. CI-1 responded that Tito told CI-1 that he could get CI-1 rocket launchers, guns, and bullet proof vests. MORAN replied, "Alright so whatever you want me to do. Whatta ya want me to do, get Tito to meet us tonight?" CI-1 said yes and MORAN replied, "No problem man." CI-1 told MORAN he would pay "whatever they want for that (the gun)" because he had to "take care of the Panamanian dude." CI-1 told MORAN that CI-1 had located "where he (Junior the Panamanian) was at." CI-1 also told MORAN that Junior the Panamanian was living with his girlfriend who was a stripper. CI-1 asked MORAN if he was "on board or what?" MORAN replied, "whatever it takes brother. Let me just reach out to Tito right now." (Emphasis added). MORAN then said that he did not know how safe Tito was, that he trusted Tito, but that

he did not know if Tito was being watched (by law enforcement). MORAN continued that he did not want to put CI-1 in the middle of something if "god forbid something is being watched and you get wrapped up in something." CI-1 asked MORAN if MORAN thought Tito was being watched and MORAN replied that he did not think Tito was being watched. CI-1 told MORAN that CI-1's focus was "to get rid of the ratties (Junior the Panamanian and his girlfriend)." CI-1 told MORAN that he needed to get with Tito and that CI-1 would "buy whatever" (guns) Tito had. MORAN then made a telephone call and left a message, "Tito, what's up my brother, it's seven o'clock Monday night. Listen Bro when you get a chance, give me a call. Wanna meet up with ya tonight. It's important so call me back." Later in the conversation, MORAN asked CI-1 "is what you have to do with these other two, the guy and the girl (killing Junior the Panamanian and his girlfriend) dependant on (getting a gun from) Tito?" CI-1 replied, "Yeah I gotta get that (gun) from him (Tito)." MORAN told CI-1 that Vinny (Esteves) had a guy who could get CI-1 something (guns). MORAN offered to call Vinny's guy the following day. MORAN said, "if that's what you're looking for we could probably get it through this guy who Paul (BERGRIN) is very close with. If that's what you're looking for, just that"(emphasis added). MORAN explained that Paul (BERGRIN) was "close to the guy, Vinny's friend" because Paul "represented him." MORAN said he thought that route would "be easier" and "you most likely won't have to pay anything for it (the gun)." MORAN continued, "but we'll see what Tito, Tito has to say as well." Later in the conversation, MORAN told CI-1 that they could meet Tito later that night. CI-1 asked MORAN if it would be easier to go though Vinny's friend. MORAN told CI-1 "let's ask Paul about it." A short time later, MORAN told CI-1 that he had sent a text message to Tito informing Tito that MORAN and CI-1 were together.

15. Later that same day, MORAN and CI-1 met with BERGRIN and JAUREGUI. In a recorded conversation, BERGRIN and CI-1 discussed killing Junior the Panamanian. CI-1 told BERGRIN that CI-1 had located Junior the Panamanian. CI-1 told BERGRIN that CI-1 had “everything lined up,” that he had spoken to co-defendant MORAN, and that MORAN told CI-1 to speak to BERGRIN. CI-1 asked BERGRIN, “is it going to help our case or hurt it?” BERGRIN replied, “It’s going to help it. I got it all figured out.” BERGRIN told CI-1, “put on a ski mask and make it look like a robbery and take all the money in the house.” CI-1 said, “but listen to me.” BERGRIN interrupted, “No, but we can make it look like a robbery. It cannot under any circumstances look like a hit” (emphasis added). CI-1 said, “I was saying f - - k his money, I got money.” BERGRIN replied, “No, I’m not worried about the money, but make it look like a home invasion robbery. We have to hit him when the girlfriend is at work. (Emphasis added). We don’t want her on the [inaudible].” When CI-1 asked why, BERGRIN said, “She’s nothing in the case. Double the, double the pressure, you understand.” CI-1 asked, “Double the what?” BERGRIN said, “With her it makes double the pressure. Leave her alone.” CI-1 said, “I got it Paul.”

C. Other Evidence of Witness Tampering, Including Murder Plots

16. In addition to the examples set forth above, the investigation has revealed other evidence of BERGRIN using the Bergrin Law Enterprise to tamper with witnesses, proposing deadly bodily harm, and otherwise obstructing official court proceedings. Eyewitnesses have informed law enforcement that BERGRIN has advised, counseled, solicited, and demanded his clients kill witnesses against them in criminal cases so that BERGRIN could win the case. In addition to the two examples set forth above, related to KDM and Junior the Panamanian,

eyewitnesses have informed law enforcement of at least three other instances in which BERGRIN so urged his clients to kill witnesses against them in criminal cases so that BERGRIN could win the cases. In each of these instances BERGRIN was working through the Enterprise as charged in the indictment.

17. Another informant (CI-4) also told law enforcement that CI-4 was present when BERGRIN told one of BERGRIN's clients to kill a person that BERGRIN and that client believed was cooperating with law enforcement in a criminal case against that client. CI-4 has also been present on other occasions when BERGRIN spoke about having witnesses killed for other clients whom BERGRIN represented on criminal cases. When discussing potential trial witnesses, BERGRIN often said the phrase "no witness, no case."

18. In addition to the murders and other plots to kill witnesses set forth above, there are additional examples of cases in which clients represented by BERGRIN thwarted or attempted to thwart criminal prosecution after witnesses against them were murdered. For example:

a. In State v. Alquan Loyal, BERGRIN represented Alquan Loyal on murder charges in Essex County Superior Court. A witness to the murder, D.B., provided police with a statement implicating Loyal in the murder. Prior to trial, D.B. was murdered execution style in broad daylight. Other witnesses to the crime refused to cooperate after D.B. was murdered. The prosecutor was forced to dismiss the murder case against Alquan Loyal.

b. In State v. Malik Howard, a.k.a. James Dawson, BERGRIN represented Howard on murder charges in Essex County. Howard had been charged with the murder of C.J., and the aggravated assault of another male victim. S.L, C.J.'s girlfriend, identified Howard as

the shooter. The male victim, who was shot in the foot as Howard was shooting at C.J., also identified Howard as the shooter. Howard originally absconded, but later surrendered himself to BERGRIN two days after S.L. was murdered. At the trial, BERGRIN claimed that since S.L. was dead, there were no witnesses to the murder.

c. In State v. Tyleek Baker, et al, BERGRIN represented Tyleek Baker on murder charges in Ocean County Superior Court. James Russell and Jamal Scott were charged along with Tyleek Baker in that case. Days before testimony was to commence in that case, persons entered a residence where the main witness against Tyleek Baker was staying and murdered another resident of that house, A.V., who was the mother of the main witness's girlfriend. BERGRIN's investigator, G.B, had been at A.V.'s house the day before in attempt to interview the witness. G.B.'s business card was found at the house. Tyleek Baker's co-defendants James Russell and Jamal Scott were subsequently charged with the Oct. 14, 2008 murder of A.V.

19. In addition to murdering and plotting to kill witnesses, BERGRIN also engaged in other witness tampering activities. Eyewitnesses have informed law enforcement that on numerous separate occasions BERGRIN counseled persons who were government witnesses (or persons whom BERGRIN intended to call as defense witnesses) to provide testimony at trial falsely exculpating BERGRIN's clients. In some of these instances, the witnesses were threatened with harm to get them to change their testimony. In other instances, the witnesses were given payments in exchange for changing their testimony. On one occasion, in a series of recorded conversations, BERGRIN solicited another person to bribe a witness not to testify in a criminal case. In each of these instances, BERGRIN was working through the Bergrin Law

Enterprise as charged in the indictment.

20. For example, according to A.Y., BERGRIN also suborned perjury in a criminal trial involving Rakeem Baskerville. A.Y. stated that Rakeem Baskerville was charged in Essex County Court with possession of a firearm. A.Y. stated that although Rakeem Baskerville had in fact possessed the firearm, BERGRIN devised a plan to get Rakeem Baskerville acquitted at trial by putting on false testimony that Rakeem Baskerville was not in possession of the firearm. A.Y. brought a number of persons to BERGRIN's office who were to claim they were witnesses to the crime. BERGRIN coached those persons to lie and falsely exculpate Rakeem Baskerville. The witnesses were paid in BERGRIN's office in exchange for their agreement to provide false trial testimony. A trial transcript shows that the witnesses testified that Rakeem Baskerville was not in possession of a firearm.

21. Similarly, on or about December 8, 2008, in a recorded conversation involving BERGRIN, MORAN, JAUREGUI, and CI-1, BERGRIN asked CI-1 if CI-1 could use CI-1's connections with the Latin Kings street gang to make sure a Latin King named J.B. did not testify against a client of BERGRIN in a robbery case that was scheduled to begin in the relative near future. J.B. was a co-defendant of one of BERGRIN's clients, Ramone Jaragui in a robbery case then pending in Essex County Superior Court. Initially, J.B. agreed to cooperate with the prosecution and testify at trial against Ramone Jaragui. On or about January 7, 2008, BERGRIN told the Assistant Prosecutor that J.B. was not going to testify against Ramone Jaragui at trial, which was scheduled for January 13, 2009. On or about January 12, 2009, the Assistant Prosecutor received a hand written affidavit from BERGRIN. The hand written affidavit, which exculpated Ramone Jaragui, was purportedly sworn to and signed by J.B. on December 30,

2008. MORAN was the person before whom the affidavit was sworn. MORAN was not J.B.'s lawyer. On or about January 13, 2009, in a court proceeding in Essex County Superior Court, BERGRIN stated that MORAN had met with J.B. and taken the sworn statement from J.B.

22. In addition to the examples set forth above, there are many other instances in which clients represented by BERGRIN thwarted criminal prosecution after witnesses against them recanted their initial statements to law enforcement implicating BERGRIN's clients or otherwise obstructed justice. For example:

a. In State v. Norberto Velez, BERGRIN represented Velez on murder charges in Essex County Superior Court. Velez stabbed his wife 27 times in front of their eight year old daughter. BERGRIN coached Velez's daughter to lie on the witness stand. The daughter lied in court and Velez was acquitted. The daughter later came forward to admit in open court that BERGRIN coached her to lie on the stand.

b. In State v. Al Tarik Gumbs, BERGRIN represented Gumbs on murder charges in Essex County Superior Court. Gumbs killed a man in front of a witness. The witness originally provided a statement to the police implicating Gumbs in the murder. The witness later changed his/her statement after he/she was told repeatedly by Gumbs girlfriend, S.C., to go see BERGRIN. BERGRIN's investigator, R.E.K, met with the witness and took a new statement from the witness in which he/she recanted his/ her former statement. The witness later admitted to lying because he/she had been threatened by S.C. into meeting with BERGRIN and changing his/her statement.

c. In State v. Lucas Nimely, BERGRIN represented Nimely on murder charges in Essex County Superior Court. A witness initially provided law enforcement with a

statement implicating Nimely in the murder. Another person gave the witness BERGRIN's business card and told the witness to call BERGRIN. The witness, who was facing unrelated criminal charges, was told that if he/she changed his/her testimony regarding the murder, then BERGRIN would handle the witness's ongoing criminal case for free.

d. In State v. Raheem Clark, a.k.a. Tyheed Mitchell, BERGRIN represented Clark on murder charges in Essex County Superior Court. Two witnesses originally provided statements to law enforcement identifying Clark as the shooter in the murder. At trial, however, the two witnesses who had previously identified Clark recanted on the stand.

e. In State v. James Cortopassi, BERGRIN represented Cortopassi in connection with criminal charges in Superior Court in Monmouth County. Records show that BERGRIN got Cortopassi's criminal charge expunged for his "cooperation" in Newark gun/drug arrests. In support of the expungement, BERGRIN submitted a Newark Police report, which he falsely claimed detailed the cooperation of Cortopassi, to the prosecutor and the court in Monmouth County. In fact, the Police report detailed the cooperation of a person other than Cortopassi.

23. Finally, an eyewitness has told law enforcement that based upon conversations with BERGRIN, the eyewitness learned that BERGRIN has bribed jurors in an effort to win cases.

D. Evidence of Drug Trafficking

24. As set forth in the indictment, the Enterprise also engage in drug trafficking. According to CI-4, BERGRIN assumed control of a drug trafficking operation after one of his clients was convicted of federal drug trafficking violations. In addition, BERGRIN told another

eyewitness that he could provide the eyewitness with kilograms of cocaine. Similarly, BERGRIN discussed brokering a 50 to 100 kilogram cocaine deal in front of a third eyewitness.

25. In recorded conversations with CI-1, BERGRIN solicited CI-1 to assist Vicente Esteves in his drug trafficking operation. Moreover, in a recorded conversation with CI-1 on December 9, 2008, BERGRIN told CI-1 that BERGRIN had a supplier who could provide CI-1 with kilogram quantities of cocaine to sell.

RISK OF FLIGHT

26. BERGRIN poses a significant risk of flight in this case. He has significant assets that he can use to flee, much of it earned from illegal activity. BERGRIN also has a history of hiding assets from the public record and has significant contacts in other countries, including the Dominican Republic, Japan and Costa Rica. In addition, based upon information provided by CI-4, BERGRIN has multiple false passports that he could use to flee undetected to another country. Finally, as established in the paragraphs above, BERGRIN has no respect for the rule of law or the sanctity of court proceedings. In short, there is nothing to hold him in this country if he is released on bail.

27. BERGRIN's identified assets include:

1. A house at 62 Amagansett Drive, Morganville, New Jersey
2. A condominium at 45 Ocean Avenue, Monmouth Beach, New Jersey
3. A Multi-unit commercial/residential building at 710 Summer Avenue, Newark, New Jersey
4. Assets related to the Law Office of Paul W. Bergrin
5. A 2007 Bentley luxury Automobile

28. Although BERGRIN has substantial identifiable assets, such as those listed above, there is evidence indicating that he has significantly larger assets that have not been identified because they are either overseas or hidden by BERGRIN. The investigation has revealed that BERGRIN often advised his clients on methods of hiding the illegal proceeds they earned. There is evidence that BERGRIN has hidden significant assets, which are also at his disposal to assist him in fleeing.

29. There is also evidence that BERGRIN has significant assets hidden in bank accounts overseas. For example, BERGRIN has told CI-4 that he controls bank accounts in Japan and the Dominican Republic containing substantial sums of money. Bergrin also told CI-4 that he owns a business in the Dominican Republic. Records from a search warrant corroborate CI-4. For example, records indicate that BERGRIN was the president of a business called "Baccarate Promotions Ltd." incorporated in the Dominican Republic. Records show that BERGRIN sent a check drawn on a Premium Realty Investment bank account to an individual in the Dominican Republic to pay for the incorporation fees for Baccarate Promotions Ltd. in the Dominican Republic. Records also indicate that Baccarate Promotions Ltd. entered into a Joint Venture with a Japanese based company, K.P., Inc. to manage a gambling operation. Records further indicate that BERGRIN on behalf of Baccarate Promotions Ltd. entered into an agreement with a company, C.C. to provide C.C. with gambling machines. A letter from BERGRIN also shows that BERGRIN told representatives of K.P. that they needed \$1,000,000 dollars to secure a casino license in the Dominican Republic. BERGRIN told K.P. that Baccarate Promotions Ltd. was prepared to contribute \$500,000 at that time. Similarly, in a conversation, with another confidential informant (CI-6) BERGRIN told CI-6 that he and a

partner were building a \$30,000,000 casino in Costa Rica. BERGRIN told CI-6 that he was going to set up a shell corporation in the Dominican Republic so he could avoid paying taxes. BERGRIN also told CI-6 that he had baccarat gambling machines that were generating \$1,000,000 of income per month. Accordingly, it is clear that BERGRIN has enormous assets overseas that he could use to flee if released on bail.

30. Similarly, it is clear that BERGRIN has earned sizable income domestically that he has hidden from the government. For example, in addition to the proceeds he earned from the wire fraud charged in the indictment, there are funds from real estate transactions, and funds from businesses he controls that he has hidden from the Internal Revenue Service and the public records.

31. For example, on or about November 28, 2005, BERGRIN received a check from Gary Bootes in the amount of \$135,800. A note on the check indicated that it was for the closing of 82 Hazelwood located in Bloomfield, New Jersey, which was a property owned by Bootes that he sold on November 28, 2005. BERGRIN deposited that check into his personal bank account. Once again, although BERGRIN received the proceeds of that transaction, there are no records indicating BERGRIN had any ownership interest or other participation in that real estate transaction. Similarly, on or about June 24, 2004, Abdul Jenkins sold a property located at 41 Osborne Terrace, Newark, New Jersey to Adrienne Congleton. Proceeds from that sale in the form of a \$53,657.64 check from the closing attorney's trust account was issued to Abdul Jenkins on June 24, 2004. That check was endorsed over to BERGRIN's wife, Barbara Bergrin, and deposited into BERGRIN and his wife's personal bank account. There are no public records indicating BERGRIN or his wife had any ownership interest or other participation in that real

estate transaction.

32. There is also ample evidence that BERGRIN has hidden other income and assets from the Internal Revenue Service (IRS). For example, in addition to the real estate transactions described above, which were not reported to the IRS, BERGRIN also received a check for \$125,664 on or about June 13, 2005 in connection with the sale of a property located at 167 Scheerer Avenue, Newark, New Jersey. The proceeds from that sale were not reported to the IRS.

33. In addition to his significant business contacts overseas, travel records show BERGRIN has traveled to Costa Rica. Finally, based upon conversations with and observations of BERGRIN, CI-4 has learned that BERGRIN possesses 5 fraudulent passports that contain his picture and list him under a different name. Accordingly, even if the Court were to ask him to surrender his legitimate passport, BERGRIN would have the means to flee overseas where he could use his significant business contacts and assets to evade justice and remain forever beyond the reach of the Court.

34. Given BERGRIN's extensive history of involvement in bribing witnesses, intimidating witnesses and killing witnesses, it is almost certain that he will attempt to bribe, intimidate or kill the witnesses against him in this case. Moreover, given his sizable assets – including those overseas – his significant contacts overseas and evidence that he possesses multiple passports in false names, there is an overwhelming risk that BERGRIN will flee if he is

released on bail.

Michael Smith
Special Agent
Drug Enforcement Administration

Dated: May 20, 2009