

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Dabney Langhorne Friedrich; Patricia Dabney Langhorne (maiden name)

2. **Position**: State the position for which you have been nominated.

District Judge for the United States District Court for the District of Columbia

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Sentencing Commission

One Columbus Circle, NE

Suite 2-500, South Lobby

Washington, DC 20002

Residence: Chevy Chase, Maryland

4. **Birthplace**: State year and place of birth.

1967; Pensacola, Florida

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1989 – 1992, Yale Law School; J.D., 1992

1988 – 1989, Oxford University, University College; Diploma in Legal Studies, 1989

1984 – 1988, Trinity University; B.A. (*magna cum laude*), 1988

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Affiliations (Compensated)

December 2006 – present

United States Sentencing Commission

One Columbus Circle, NE

Suite 2-500, South Lobby

Washington, DC 20002

Staff Member detailed to the Federal Bureau of Prisons (January 2017 – present)

Commissioner (December 2006 – January 2017)

September 2003 – December 2006

The White House

1600 Pennsylvania Avenue, NW

Washington, DC 20502

Associate Counsel to the President

February 2002 – August 2003

United States Senate Judiciary Committee

Dirksen Senate Office Building

Washington, DC 20510

Counsel to Senator Orrin G. Hatch

June 1998 – February 2002

Office of the United States Attorney

Eastern District of Virginia

2100 Jamieson Avenue

Alexandria, Virginia 22314

Assistant United States Attorney – Major Crimes and Fraud Sections

July 1995 – June 1998

Office of the United States Attorney

Southern District of California

880 Front Street

San Diego, California 92101

Assistant United States Attorney – Border Crimes Section (July 1995 – August 1997)

Department of Justice Campaign Financing Task Force (September 1997 – August 1998)

October 1994 – July 1995

Latham & Watkins

12670 High Bluff Drive

San Diego, California 92130

Litigation Associate

August 1992 – August 1994

The Honorable Thomas F. Hogan

United States District Judge for the District of Columbia

333 Constitution Avenue, NW
Washington, DC 20001
Law Clerk

July 1991 – August 1991

United States Department of Justice
Civil Division, Commercial Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Summer Associate

June 1991 – July 1991

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Summer Associate

June 1990 – July 1990

Shaw Pittman Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
1200 Seventeenth Street, NW
Washington, DC 20036
Summer Associate

Other Affiliations (Uncompensated)

January 2009 – April 2009

Washington Square Condominium Owners' Association
600 – 699 South Columbus Street
Alexandria, Virginia 22314
Board Member

Approximately 1996 – 1997

Yale Club of San Diego
Post Office Box 87402
San Diego, California 92138
Board Member

August 1989

Office of the State Attorney
First Judicial Circuit of Florida
190 Governmental Center
Pensacola, Florida 32501
Summer Intern

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including

dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

None. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

NCAA Post-Graduate Academic/Athletic Scholarship
Academic/Athletic All-American
Bachelor's Degree in Economics conferred *magna cum laude*
Trinity University Outstanding Economics Student Award
Blue Key Honor Society
Mortar Board Honor Society
Phi Beta Kappa
Trinity University Presidential Scholarship
Trinity Athletic Scholarship, Division I Tennis

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Lawyers' Club of Washington, DC (2014 – present)
Louis M. Welsh Inn of Court (approximately 1996 – 1997)
San Diego Bar Association (approximately 1996 – 1997)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

State Bar of California (active member), 1995
District of Columbia Bar (active member), 1995
Florida State Bar (inactive member), 1992
State Bar of Texas (inactive member), 2010

When I moved from California to Virginia and began practicing in Virginia as an Assistant U.S. Attorney, I was an active member of the District of Columbia Bar. I did not receive annual bar dues notices from the State Bar of California for 2000 and 2001, and in September 2001, I was administratively suspended from the State Bar of California. I was unaware of this until November 2002, when I contacted the State Bar of California to confirm the date of my admission. At that time, I was told that the Bar did not have a forwarding address for me and still had my California work address on file. I promptly paid the dues owed and was

reinstated in December 2002. I am currently a member in good standing. During the period of administrative suspension, I was an active member of the District of Columbia Bar and did not practice in California.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fourth Circuit, 2001

United States Court of Appeals for the Ninth Circuit, 1997

United States District Court for the Southern District of California, 1997*

United States District Court for the District of Columbia**

United States District Court for the Eastern District of Virginia*

* Admitted to practice under a waiver for federal prosecutors.

** Admitted to practice as a member of the Department of Justice Campaign Financing Task Force.

II. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Charles Armstrong School Parent Association, Belmont, California (2014 – 2017)

Common Ground Speaker's Series Representative for the Charles Armstrong School, Belmont, California (2016 – 2017)

DC Cares volunteer tutor, Washington, DC (1992 – 1994)

Inn Vision Shelter Network volunteer tutor, San Mateo, California (Spring 2015)

Parent Education Network (PEN) (2015 – 2017)

Parent Encouragement Program (PEP) (2010 – 2015)

President George W. Bush Alumni Association (approximately 2011 – present)

St. Columba's Episcopal Church, Washington, DC, Loaves and Fishes Program, volunteer (approximately 2000 – 2003)

St. John's Episcopal Church, Washington, DC; Co-Chair of the Outreach Committee (2000 – 2003)

St. Paul's Episcopal Church, Burlingame, California; Communications Committee member and volunteer (approximately 2015 – 2017)

St. Peter's Episcopal Church, Del Mar, California; Sunday school teacher (1995 – 1996)

San Diego High School mentor, San Diego, California (1995 – 1996)

Somerset Elementary Parent Teacher Association (2009 – 2014)
Volunteers in Parole mentor, San Diego, California (1996 – 1997)
Washington Square Condominium Owner's Association Board Member (January 2009 – April 2009)
Yale Club of Washington, DC (intermittently since 1998)
Yale Club of San Diego, California Board Member (approximately 1996 – 1997)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of the organizations listed above invidiously discriminate, currently or formerly, on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have not published any books or articles.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

United States Sentencing Commission Reports and Statements:

During my tenure on the U.S. Sentencing Commission, the Commission issued, on an annual basis, federal sentencing guidelines manuals, sourcebooks of federal sentencing statistics, and yearly reports. These materials are available at www.ussc.gov. Below are subject matter reports issued by the Commission during my tenure. A copy is supplied for each at Appendix 12.b.

Simple Possession of Drugs in the Federal Criminal Justice System (2016).

2016 Report to Congress: Career Offender Enhancements (2016).

Recidivism Among Federal Offenders: A Comprehensive Overview (2016).

The Use of Federal Rule of Criminal Procedure 35(B) (2016)

Federal Sentencing: The Basics (2015).

Report to the Congress: Impact of the Fair Sentencing Act of 2010 (2015).

2015 Report: Alternative Sentences in the Federal Criminal Justice System (2015).

Illegal Reentry Offenses (2015).

Life Sentences in the Federal Criminal Justice System (2015).

Recidivism Among Offenders Receiving Retroactive Sentence Reductions: The 2007 Crack Cocaine Amendment (2014).

Report to the Congress: Continuing Impact of United States v. Booker on Federal Sentencing (2012).

Report to the Congress: Federal Child Pornography Offenses (2012).

Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System (2011).

Computation of Recency Points Under Section 4A1.1(e) (2010).

Federal Sentencing Data and Analysis Issues (2010).

Federal Offenders Sentenced to Supervised Release (2010).

Demographic Differences in Federal Sentencing Practices: An Update of the Booker Report's Multivariate Analysis (2010).

Overview of Federal Criminal Cases Fiscal Year 2008 (2009).

The History of the Child Pornography Guidelines (2009).

Report on Mandatory Minimum Penalties (2009).

Introduction to the Collection of Individual Offender Data by the United States Sentencing Commission (2009).

Impact of Prior Minor Offenses on Eligibility for Safety Valve (2009).

Alternative Sentencing in the Federal Criminal Justice System (2009).

Overview of Federal Criminal Cases Fiscal Year 2007 (2008).

Changing Face of Federal Criminal Sentencing: Seventeen Years of Growth in the Federal Criminal Caseload (2008).

Report on Federal Escape Offenses in Fiscal Years 2006 and 2007 (2008).

Report to the Congress: Amendments to the Federal Sentencing Guidelines in Response to the Emergency Disaster Assistance Fraud Penalty Enhancement Act of 2007 (2008).

Report to Congress: Cocaine and Federal Sentencing Policy (2007).

It is important to note that while members of the Commission contribute to its guidelines, reports, briefs, letters, and other statements of the Commission, these materials are representative of the Commission as a whole, and not of any single Commissioner.

Other Reports and Statements:

While I served as co-chair of the volunteer community outreach committee of St. John's Episcopal Church, Lafayette Square, Washington, DC, from approximately 2000 to 2003, I occasionally contributed to the committee's monthly activities update that appeared in the church bulletin. I do not have copies of these periodic updates. The address of St. John's Episcopal Church, Lafayette Square is 1525 H Street NW, Washington, DC 20005

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Minutes of the United States Sentencing Commission's public meetings, recordings of recent public meetings and hearings, and transcripts of select public hearings can be found at <http://www.ussc.gov/policymaking/meetings-hearings>.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or

recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

As a member of the U.S. Sentencing Commission, an Associate Counsel to the President, and as an Assistant U.S. Attorney, I have given speeches and lectures, spoken on panels, and participated in training and question-and-answer sessions. I have searched my files, the Commission's files, and electronic databases to identify as many of those presentations as I am able. Where available, I have provided prepared texts, notes, outlines, and slides relating to these presentations. It is important to note that while these presentations are based on the materials provided, they may not reflect the exact words used during the presentations.

Public Statements as a Member of the U.S. Sentencing Commission:

As a member of the U.S. Sentencing Commission, I spoke at various conferences, sometimes alone, sometimes as part of a panel, on issues relating to the federal sentencing guidelines and sentencing policy. The following is a list of those speaking engagements and panels. I typically did not speak from a prepared text, but I have included as attachments all of the outlines and notes from these presentations that are in my files. I also have searched electronic databases for transcripts or other records of these events and have, as noted below, supplied those for which copies are available.

November 2, 2016: Speaker, "Leadership Forum: Dyslexia Awareness," U.S. Attorney's Office for the Western District of Ohio, Cleveland, Ohio. PowerPoint slides supplied.

September 8, 2016: Panelist, plenary Commission panel, 2016 Annual National Training Seminar on the Federal Sentencing Guidelines, Minneapolis, Minnesota. Notes and PowerPoint slides supplied.

September 3, 2016: Speaker, Tenth Circuit Bench and Bar Conference, Colorado Springs, Colorado. PowerPoint slides supplied.

June 9, 2016: Speaker, U.S. Sentencing Commission's Seminar for Federal Judges, Chicago, Illinois. PowerPoint slides supplied.

September 17, 2015: Panelist, plenary Commission panel, 2015 Annual National Training Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. Notes supplied.

September 18, 2014: Panelist, plenary Commission panel, 2014 Annual National Seminar on the Federal Sentencing Guidelines, Philadelphia, Pennsylvania. The panel discussed the Commission's recent activities. I have no notes, transcripts,

or recording. The address of the United States Sentencing Commission is One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, DC 20002.

September 18, 2014: Moderator “Sentencing Forum: Re-Entry Projects,” 2014 Annual National Seminar on the Federal Sentencing Guidelines, Philadelphia, Pennsylvania. I have no notes, transcript, or recording. The address of the United States Sentencing Commission is One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, DC 20002.

September 18, 2013: Co-moderator, break out group, United States Sentencing Commission Symposium on Economic Crime, New York, New York. Notes supplied.

August 2, 2013: Panelist, plenary Commission panel, 2013 Annual National Training Seminar on the Federal Sentencing Guidelines, Washington, DC. Notes supplied.

October 2, 2012: Panelist, plenary Commission panel, Federal Judicial Center Sentencing Institute, Memphis, Tennessee. Notes supplied.

June 14, 2012: Panelist, plenary Commission panel, 2012 Annual National Training Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. Notes supplied.

June 14, 2012: Moderator (two sessions), “Guideline Departures and Variances,” 2012 Annual National Training Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. I moderated two panels on this topic and used the same notes for both. Notes supplied.

May 21, 2012: Panelist, “Alternatives To Incarceration,” New York University School of Law Center for the Administration of Criminal Law and the Federal Bar Council, New York, New York. Notes supplied.

May 19, 2011: Panelist, plenary Commission panel, 2011 Annual National Training Seminar on the Federal Sentencing Guidelines, San Diego, California. Notes supplied.

May 19, 2011: Moderator (two sessions), “Guideline Departures and Variances,” 2011 Annual National Training Seminar on the Federal Sentencing Guidelines, San Diego, California. I moderated two panels on this topic and used the same notes for both. Notes supplied.

March 31, 2011: Q&A Session, Dow Jones Global Compliance Symposium in Washington, DC. I have included a readily available press report. I have no notes, transcript, or recording. The address for Dow Jones is News Corp, 1211 Avenue of the Americas, New York, New York 10036.

February 28, 2011: Speaker, Society of Corporate Compliance and Ethics Conference in Houston, Texas. PowerPoint Slides Supplied.

November 5, 2010: Panelist, American Bar Association Criminal Justice Section, Sentencing and Reentry Institute, Washington, DC. Notes supplied.

August 9, 2010: Panelist, "Role of Sentencing Commissions: Commissions Rise and Lead," National Association of Sentencing Commission's Annual Conference in Point Clear, Alabama. Notes supplied.

June 17, 2010: Panelist, plenary Commission panel, 2010 Annual National Training Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. The panel discussed the Commission's recent activities. I have no notes, transcripts, or recording. The address of the United States Sentencing Commission is One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, DC 20002.

May 24, 2010: Panelist, "Revisions to the U.S. Sentencing Guidelines," Compliance Week, Washington, DC. Notes supplied.

November 6, 2009: Panelist, "Report and Update from the United States Sentencing Commission," Second Annual Sentencing Advocacy, Practice and Reform Institute, the American Bar Association Criminal Justice Section, Washington, DC. Notes supplied.

November 6, 2009: Panelist, "Federal Reentry Efforts," Second Annual Sentencing Advocacy, Practice, and Reform Institute, the American Bar Association Criminal Justice Section, Washington, DC. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, NW, Suite 400, Washington, DC 20036.

June 12, 2009: Moderator, prosecutor training panel, 2009 Annual National Training Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. I have no notes, transcripts, or recording. The address of the United States Sentencing Commission is One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, DC 20002.

June 11, 2009: Panelist, plenary Commission panel, 2009 Annual National Training Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. Notes supplied.

March 3, 2009: Panelist, federal sentencing seminar, Georgetown University School of Law, Washington, DC. During this panel, I answered questions posed by the moderator and the audience about the federal sentencing system and recent

case law developments. I have no notes, transcript, or recording. The address of Georgetown University School of Law is 600 New Jersey Avenue NW, Washington, DC 20001.

October 24, 2008: Panelist, sentencing guideline updates, First Annual Sentencing Advocacy, Practice, and Reform Institute, the American Bar Association Criminal Justice Section, Washington, DC. I spoke regarding recent guideline amendments promulgated during the 2007-08 amendment cycle. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, NW, Suite 400, Washington, DC 20036.

October 24, 2008: Panelist, "Sentencing Practice and Procedure: Plea Negotiations, Charging Practices, and Charge-Based Sentencing," First Annual Sentencing Advocacy, Practice, and Reform Institute, the American Bar Association Criminal Justice Section, Washington, DC. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, NW, Suite 400, Washington, DC 20036.

July 15, 2008: Moderator, "Alternatives in the Guidelines," United States Sentencing Commission National Symposium on Alternatives to Incarceration, Washington, DC. Transcript supplied.

July 15, 2008: Moderator, "Focus on Reentry," United States Sentencing Commission National Symposium on Alternatives to Incarceration, Washington, DC. Transcript supplied.

July 14, 2008: Moderator, "Alternative Sentencing: Rehabilitative and Punitive Models and Evidence-Based Policy," United States Sentencing Commission National Symposium on Alternatives to Incarceration, Washington, DC. Transcript supplied.

July 1, 2008: Speaker, Luncheon for Supreme Court Fellows, Washington, DC. During this informal lunch, I spoke extemporaneously about my legal career. I have no notes, transcript, or recording. The address of the Supreme Court is 1 First Street, NE, Washington, DC 20543

June 25, 2008: Panelist, plenary Commission panel, Judicial Conference Sentencing Institute, Long Beach, California. Notes supplied.

May 22, 2008: Panelist, plenary Commission panel, Seventeenth Annual National Seminar on the Federal Sentencing Guidelines co-sponsored by the U.S. Sentencing Commission and the Federal Bar Association – Tampa Bay Chapter, Orlando, Florida. Notes supplied.

May 22, 2008: Moderator (two sessions), "Guidelines Departures and Variances Outside the Range under Section 3553," Seventeenth Annual National Seminar on the Federal Sentencing Guidelines co-sponsored by the U.S. Sentencing Commission and the Federal Bar Association – Tampa Bay Chapter, Orlando, Florida. During these panels, I posed questions to the panelists and made legal and statistical points about guidelines departures and post-*Booker* variances. I have no notes, transcript, or recording. The address of the United States Sentencing Commission is One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, DC 20002. The main address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201

March 28, 2008: Panelist, "No Country For Armed Men: Firearms Offenses," Hidalgo County Bar Association Federal Law Conference, South Padre, Texas. I spoke regarding sentencing guideline issues relating to firearms offenses. I have no notes, transcript, or recording. The address of the Hidalgo County Bar Association is 314 South Closner Boulevard, Edinburg, Texas 78539.

March 6, 2008: Panelist, "U.S. Sentencing Guidelines: A View From the Bench," the 22nd Annual National Institute on White Collar Crime, the American Bar Association Criminal Justice Section, Miami, Florida. During this panel I answered questions posed by the moderator and the audience about changes in federal sentencing since *United States v. Booker*. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, NW, Suite 400, Washington, DC 20036

February 12, 2008: Panelist, Department of Justice U.S. Attorneys' Conference, Washington, DC. During this panel I answered questions posed by the moderator and the audience about changes in federal sentencing since *United States v. Booker*. I have no notes, transcript, or recording. The address for the Department of Justice is 950 Pennsylvania Avenue, NW, Washington, DC 20530.

January 24, 2008: Panelist, Crack Retroactivity Conference, Administrative Office of the U.S. Courts, St. Louis, Missouri. Notes supplied.

December 5, 2007: Speaker, U.S. Attorney's Office for the Eastern District of Virginia District Conference, Richmond, Virginia. Notes supplied.

September 10, 2007: Panelist, Society of Corporate Compliance and Ethics' Sixth Annual Conference, New Orleans, Louisiana. PowerPoint Slides Supplied.

July 19, 2007: Speaker, federal sentencing guidelines training seminar for federal prosecutors, National Advocacy Center, Columbia, South Carolina. Notes supplied.

May 24, 2007: Panelist, plenary Commission panel, Sixteenth Annual National

Seminar on the Federal Sentencing Guidelines, co-sponsored by the U.S. Sentencing Commission and the Federal Bar Association – Tampa Bay Chapter, Salt Lake City, Utah. Notes supplied.

May 24, 2007: Panelist, “Sentencing Issues and the Congress,” Sixteenth Annual National Seminar on the Federal Sentencing Guidelines, co-sponsored by the U.S. Sentencing Commission and the Federal Bar Association – Tampa Bay Chapter, Salt Lake City, Utah. Notes supplied.

Training Sessions as a Member of the U.S. Sentencing Commission:

As a member of the U.S. Sentencing Commission, I frequently spoke at federal sentencing guidelines training sessions for attorneys and probation officers, as well as other interested parties. During these presentations, I typically spoke from slides prepared by Commission staff or rough notes. The following is a list of these training sessions. I have included as attachments those materials that I have retained relating to these presentations.

April 26, 2012: Federal sentencing guidelines training seminar for attorneys and probation officers, U.S. Attorney’s Office for the Northern District of Florida, Pensacola, Florida. Copy supplied.

February 1, 2010: Federal sentencing guidelines training seminar for federal prosecutors and probation officers at the U.S. Attorney’s Office for the Eastern District of Virginia, Alexandria, Virginia. Copy supplied.

October 26, 2009, Federal sentencing guidelines training seminar for federal prosecutors and probation officers at the U.S. Attorney’s Office for the Eastern District of Virginia, Alexandria, Virginia. Copy supplied.

June 1, 2009: Federal sentencing guidelines training seminar for federal prosecutors and probation officers at the U.S. Attorney’s Office for the Eastern District of Virginia, Alexandria, Virginia. Copy previously supplied for October 26, 2009 event.

February 5, 2009: Federal sentencing guidelines training seminar for federal prosecutors and probation officers at the U.S. Attorney’s Office for the Eastern District of Virginia, Alexandria, Virginia. Copy previously supplied for October 26, 2009 event.

February 2, 2009: Federal sentencing guidelines training seminar for federal prosecutors and probation officers at the U.S. Attorney’s Office for the Eastern District of Virginia, Alexandria, Virginia. Copy previously supplied for October 26, 2009 event.

December 9, 2008: Federal sentencing guidelines training session for probation officers, Washington, DC. Copy supplied.

November 17, 2008: Federal sentencing guidelines training session for Third Circuit attorneys, Philadelphia, Pennsylvania. Copy supplied.

October 6, 2008: Federal sentencing guidelines training seminar for federal prosecutors and probation officers at the U.S. Attorney's Office for the Eastern District of Virginia, Alexandria, Virginia. Copy supplied.

September 25, 2008: Federal sentencing guidelines training session for federal prosecutors at the National Advocacy Center, in Columbia, South Carolina. Copy supplied.

July 30, 2008: Federal sentencing guidelines training session for attorneys and probation officers, in Albuquerque, New Mexico. Copy supplied.

April 3, 2008: Federal sentencing guidelines training session for federal prosecutors at the National Advocacy Center, in Columbia, South Carolina. Copy supplied.

November 27, 2007: Federal sentencing guideline training session for staff attorneys for the U.S. Court of Appeals for the Eleventh Circuit, in Atlanta, Georgia. Copy supplied.

September 11, 2007: Federal sentencing guideline training session for staff federal defender and CJA panel attorneys at the U.S. District Court for the District of Columbia. Copy supplied.

I. Public Statements as an Associate Counsel to the President:

While serving as an Associate Counsel to the President, I spoke in an official capacity about judicial nominees to interested groups, typically at the White House. I do not have dates for these events. I did not have prepared texts for these informal talks, but I occasionally spoke from short written points that I did not retain. Additionally, I have included as attachments transcripts from the following two events:

April 2004: Speaker, Detroit Federalist Society, Detroit, Michigan. I spoke in the place of David Leitch, Deputy Counsel to the President, who was unable to present because of an unexpected conflict. I spoke from a text that the Deputy Counsel had prepared. Copy supplied.

November 2003: Participant, "Ask the White House," online question and answer forum. Copy supplied.

2. Public Statements as an Assistant U.S. Attorney:

As an Assistant U.S. Attorney, I spoke in an official capacity about the role of a federal prosecutor, criminal law, and criminal procedure to various organizations, student groups, and law school classes, including at the Georgetown and George Washington Schools of Law. I do not have dates for these events. In these settings, I did not have prepared texts, but occasionally used short written notes that I did not retain.

3. Other Public Statements:

March 14, 2017: Speaker, Federal Women's Program honoring women in business and labor, Federal Correctional Institute – Dublin, Dublin, California. I spoke extemporaneously without notes. The address of Federal Correctional Institute – Dublin is 5701 8th Street – Camp Parks, Dublin, California 94568.

April 2007: Speaker, Yale Law School. I spoke to admitted students concerning my experiences at the law school. I did not retain any notes from this talk. The address of Yale Law School, 127 Wall Street, New Haven, Connecticut 06511.

June 2006: "Life after Clerking," U.S. District Court for the District of Columbia. I spoke to law clerks who were being sworn into the court. I did not retain any notes from this talk. The address of the U.S. District Court for the District of Columbia is E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue NW, Washington, DC 20001

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Special Education Program at Dublin Prison Aims to Help Inmates With Dyslexia (NBC Bay Area News May 31, 2016). Video available at <http://www.nbcbayarea.com/news/local/Special-Education-Program-Aims-to-Help-Inmates-With-Dyslexia-381462421.html>.

Dan Roberts, *Sentencing Commission in Sweeping Review of Prison Terms for Drug Dealers*, The Guardian, Aug. 15, 2013. Copy supplied.

Mark Mattox, *Being There: Dabney Friedrich '88*, Trinity, Winter 2008, at 37. Copy supplied.

Troy Moon, *Catholic Grad a Witness to History*, Pensacola News Journal, Feb. 5, 2006. Copy supplied.

Sheldon Goldman, et al., *W. Bush's Judiciary: The First Term Record*, Judicature May-June 2005, at 244. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

- i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that are not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues,

together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have not held judicial office.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Associate Counsel to the President (September 2003 – December 2006).
Appointed by President George W. Bush.

Commissioner, U.S. Sentencing Commission (December 2006 – January 2017)
First term: Appointed by President George W. Bush as a recess appointment on December 12, 2006; nominated by President Bush on January 9, 2007; confirmed by the Senate on February 28, 2007.
Second term: Nominated by President Barack Obama on April 28, 2010; confirmed by the Senate on December 22, 2010.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held an office or rendered services for any political party or election committee. I have not held a position or played a role in a political campaign.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1992 to 1994, I served as a law clerk to the Honorable Thomas F. Hogan, U.S. District Judge for the District of Columbia.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

October 1994 – July 1995
Latham & Watkins
600 West Broadway
San Diego, California 92101
Litigation Associate

July 1995 – June 1998
Office of the United States Attorney
Southern District of California
880 Front Street
San Diego, California 92101
Assistant United States Attorney – Border Crimes Section (July 1995 – August 1997)
Department of Justice Campaign Financing Task Force (September 1997 – August 1998)

June 1998 – February 2002
United States Attorney's Office

Eastern District of Virginia
Assistant U.S. Attorney
2700 Jamieson Ave.
Alexandria, VA 22314

February 2002 – August 2003
United States Senate Judiciary Committee
Senate Dirksen Building
Washington, DC 20510
Counsel to Senator Orrin G. Hatch,

September 2003 – December 2006
The White House
Office of the Counsel to the President
1600 Pennsylvania Ave., NW
Washington, DC 20502
Associate Counsel

December 2006 – present
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500
Washington, DC 20002.
Commissioner (December 2006 – January 2017);
Staff member detailed to the Federal Bureau of Prisons (January 2017 – present)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or an arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I have spent a large portion of my career as a federal prosecutor. As an Assistant U.S. Attorney with the U.S. Attorneys' Offices in the Southern District of California (1995 – 1998) and the Eastern District of Virginia (1998 – 2002), and as a Trial Attorney on the Department of Justice Campaign Financing Task Force (1997 – 1998), I conducted grand jury investigations and prosecuted violent crimes (including crimes against children), financial fraud, campaign financing, narcotics, and immigration

offenses, among others, in the federal courts. I also briefed appeals in the Ninth and Fourth Circuits, and argued an appeal in the Ninth Circuit.

From 2002 to 2003, I served as a counsel to the United States Senate Judiciary Committee, assigned to Senator Orrin G. Hatch, the Ranking Member and later Chairman of the committee. As Senator Hatch's chief crime counsel, I primarily advised him on issues relating to federal criminal law.

From 2003 to 2006, I served as an Associate Counsel in the White House Counsel's Office. One of my primary responsibilities was assisting in the nomination and confirmation of federal judges. I also worked on some of the typical legal questions and issues that the Counsel's Office addresses in coordination and consultation with certain executive departments and agencies.

Since December 2006, I have served on the U.S. Sentencing Commission. From December 2006 to January 2017, I served as a Commissioner and assisted in formulating sentencing policy for the federal courts. In this capacity, I interacted on a consistent basis with representatives from all three branches of the federal government, as well as with the public at large. Since January 2017, I have served on the Commission's staff and have been assigned to a temporary, part-time detail to the Federal Bureau of Prison. In this capacity, I have been tasked with making recommendations relating to inmates who have learning disabilities.

Earlier in my legal career, following my clerkship with Judge Thomas F. Hogan, U.S. District Judge for the District of Columbia (1992 – 1994), I worked as an associate at Latham & Watkins, in San Diego, California (1994 – 1995). At Latham & Watkins, I was assigned to the litigation department and worked almost entirely on civil matters. I also worked as a summer associate for the law firms of Covington & Burling and Shaw Pittman Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman), in Washington, DC.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

For a large portion of my career, I represented the United States as a federal prosecutor. My clients during my service as an Associate Counsel to the President included the President and members of the White House staff. As counsel to the Senate Judiciary Committee, I served Senator Orrin G. Hatch. Since 2006, I have worked for the U.S. Sentencing Commission where I have served the Commission, and more recently, I have served the Federal Bureau of Prisons as well as I am temporarily assigned to the Bureau of Prisons.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Following my two-year clerkship with Judge Thomas F. Hogan of the U.S. District Court for the District of Columbia (1992 – 1994), 100% of my practice was in litigation until 2002, when I began working as a counsel to the U.S. Senate Judiciary Committee (2002 – 2003). Since then, I have served as an Associate Counsel to the President (2003 – 2006) and as a Member and as Staff to the U.S. Sentencing Commission (2006 – present).

Throughout my tenure as a federal prosecutor (1995 – 2002), I appeared frequently in federal court, typically on a weekly basis. Prior to 1995, I represented various civil clients and did not appear in court. Since 2002, I have not appeared in court.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 100% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|---------------------|
| 1. civil proceedings: | 5% (approximately) |
| 2. criminal proceedings: | 95% (approximately) |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

In my career, I have tried at least 11 cases to verdict in courts of record. In five of these trials, I was the sole counsel. In three cases, I was lead counsel, and in three, I was associate counsel.

- i. What percentage of these trials were:

- | | |
|--------------|---------------------|
| 1. jury: | 90% (approximately) |
| 2. non-jury: | 10% (approximately) |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Hill*, 01-cr-00191-CMH-1 (E.D. Va.). United States District Court for the Eastern District of Virginia, Alexandria Division. Presiding judge: Hon. Claude Hill.

In 2001 I prosecuted David Hill for conspiring with several men to rob federally insured banks in the Washington, DC metropolitan area. In two of the robberies, the defendants fired pistols. Prior to trial, two of the defendants pled guilty and cooperated with the government. Hill was convicted in a jury trial of all counts: conspiring to commit armed bank robbery; three armed bank robberies; and, three firearms counts. Hill was sentenced to over 70 years in prison. His conviction was affirmed on appeal. 78 Fed. Appx. 223 (4th Cir. 2003) (unreported); 164 Fed. Appx. 359 (4th Cir. 2006) (unreported) (dismissing appeal from dismissal of post-conviction relief). As lead counsel in the case, I questioned witnesses before the grand jury. I drafted the indictment, several responses to pretrial motions, and the proposed jury instructions. I also argued pretrial motions. At trial, I questioned expert and lay witnesses and gave the government's opening statement and closing argument. I briefed and argued the government's responses to defendant's post-trial motions and the government's position at sentencing.

Counsel for Defendant David Hill:

Chris Amolsch
604 Cameron Street
Alexandria, Virginia 22314
(703) 683-2020

Counsel for Nathan Wright

Alan H. Yamamoto
643 South Columbus Street
Alexandria, Virginia 22314
(703) 278-2072

Counsel for a charged juvenile

Declan C. Leonard
2200 Clarendon Boulevard, Suite 1201
Arlington, Virginia 22201
(703) 312 0410

Co-counsel for the United States

Steve Mellin
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3700

2. *United States v. Wrenn*, 01-mj-00197-WCS (E.D. Va.). United States District Court for the Eastern District of Virginia, Alexandria Division. Presiding judge: Hon. T.S. Ellis, III

In 2001, I served as co-counsel for the prosecution of Jennifer Wrenn, a notary public who conspired with others to assist illegal immigrants to obtain Virginia drivers' licenses and identification cards. From 1999 through early 2001, Wrenn and her co-conspirators provided illegal aliens, in return for a fee, with false Virginia residency certification and identification forms and answers to Department of Motor Vehicle driving tests. Wrenn profited by more than one million dollars as a result of this scheme. After an extensive grand jury investigation and jury trial Wrenn was convicted of all counts: conspiracy; encouraging illegal aliens to reside in the United States; document fraud; and, money laundering. As co-counsel, I questioned witnesses before the grand jury, assisted in preparing the government's witnesses and exhibits for trial, and drafted proposed jury instructions. At trial, I questioned numerous witnesses and gave the government's closing argument.

Reported decision: 170 F. Supp. 2d 604 (E.D. Va. 2001) (ruling on pretrial motion).

Defense Counsel

Harvey J. Volzer
216 South Patrick Street
Alexandria, Virginia 22314
(571) 385-1301

Co-counsel for the United States

John Morton
Capital One Financial Corporation
Corporate Headquarters
Capital One Drive
McLean, Virginia 22102,
(703) 720-1000

3. *United States v. Hinton*, 00-cr-00180-GBL (E.D. Va.). United States District Court for the Eastern District of Virginia, Alexandria Division. Presiding judge: Hon. Gerald Bruce Lee

In 2000, I prosecuted Gregory Hinton for armed bank robbery and a firearms offense. Based on Hinton's extensive criminal record, he was sentenced to life in prison. His conviction was affirmed on appeal. 27 Fed. Appx. 252 (4th Cir. 2001) (unreported), *cert. denied*, 535 U.S. 1067 (2002). As lead counsel, I drafted applications for court orders to install and maintain a global positioning system (GPS) tracking device on Hinton's vehicle. Although Hinton did not use his vehicle to commit the robbery, the GPS device enabled law enforcement agents to find him quickly, and a search of his vehicle resulted in evidence that tied Hinton to the crime. I drafted the indictment and proposed jury instructions. I briefed and argued the government's responses to pretrial motions and the government's position at sentencing. I questioned witnesses before the grand jury and at trial, including several experts. I gave the government's opening statement and rebuttal argument at trial, and I drafted the government's appellate brief.

Defense Counsel

Thomas Farquhar
601 Pennsylvania Ave NW, # 900
Washington, DC 20004
(202) 543-2250

Co-counsel for the United States

Chuck Rosenberg
Acting Administrator of the Drug Enforcement Agency
(202) 307-1000

Pamela Brewington Cashwell
North Carolina Department of Public Safety
4201 Mail Service Center
Raleigh, North Carolina 27699
(919) 733-2126

4. *United States v. Dvorak*, 99-cr-00412-AVB-1 (E.D. Va.). United States District Court for the Eastern District of Virginia, Alexandria Division. Presiding Judge: Hon. Albert V. Bryan

In 1999, I prosecuted as co-counsel Robert Dvorak for conspiring with a Drug Enforcement Administration (DEA) supervisory agent to defraud the DEA of approximately one million dollars. Dvorak, an electronics store owner provided the DEA agent with false invoices which enabled him to embezzle equipment for his own personal use. A jury convicted Dvorak of all nineteen counts charged in the indictment which included conspiracy, false statements, and wire fraud counts. His conviction was affirmed on appeal. 232 F.3d 890 (4th Cir. 2000) (unreported), *cert.*

denied, 531 U.S. 1184 (2001). As co-counsel on the case, I helped prepare witnesses and exhibits for trial. At trial, I questioned a number of witnesses and gave the government's rebuttal argument.

Defense Counsel

Alan D. Strasser
1801 K Street, Suite 411
Washington, DC 20006
(202) 775-4509

Nancy E. Nunan
1301 K Street, NW
Washington, DC 20005
(202) 414-9256

Co-counsel for the United States

Steve Learned
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3700
(last known contact information)

5. *United States v. Mosely*, 99-cr-433 (E.D. Va.). United States District Court for the Eastern District of Virginia, Alexandria Division. Presiding Judge: Hon. James C. Cacheris

In 1999, I prosecuted Vincent Mosely for conspiracy to commit bank robbery and bank robbery. Mosely's co-conspirator, Maurice Simmons, pled guilty and cooperated with the government. At trial, Simmons testified that he and Mosely agreed to steal money from an automatic teller machine (ATM); the defendants lured a repairman to the ATM, physically assaulted him, and stole several thousand dollars from the ATM. In February 2000 a jury acquitted Mosely. As co-counsel at trial, I helped prepare witnesses, gave the government's opening statement, and questioned several witnesses.

Defense Counsel

Chris Finch
4120 Leonard Drive
Fairfax, Virginia 22030
(703) 992-6565

Co-counsel for the United States

Robert Spencer
Lockheed Martin
Corporate Headquarters
801 Rockledge Drive

Bethesda, Maryland 20817
1-800-367-5690

6. *United States v. Guerra*, CR-96-01622-JNK (S.D. Cal.). United States District Court for the Southern District of California, San Diego Division. Presiding judge: Hon. Judith Kneep.

In 1997, I prosecuted two defendants, Lourdes Romero-Lopez and Cynthia Dianne Guerra, who were charged with conspiracy and possession of marijuana with intent to distribute. Ms. Romero-Lopez pled guilty the day of trial. The evidence at trial showed that Guerra drove a van containing more than 200 pounds of marijuana concealed in hidden compartments from Mexico into the United States. Ms. Guerra was convicted by a jury of all charges. Her conviction was affirmed on appeal. 141 F.3d 1181 (9th Cir. 1998) (unreported). As lead counsel, I handled pretrial motions and preparations. At trial, I questioned witnesses, cross-examined the defendant, and gave the government's closing argument. I briefed and argued the government's responses to post-trial motions and position at sentencing.

Defense Counsel for Cynthia Diane Guerra

Michael L. Crowley
600 B Street, Suite 2050
San Diego, California 92101
(619) 238-5700

Defense Counsel for Lourdes Romero-Lopez

Donald A. Nunn
13426 Community Road
Poway, California 92064
(858) 748-8612

Co-counsel for the United States

Larry Spong
U.S. Attorney's Office
880 Front Street
San Diego, California 92101
(619) 557-5610

7. *United States v. Cervantes*, 96-cr-1839-N (S.D. Cal.). United States District Court for the Southern District of California, San Diego Division. Presiding judge: Hon. Leland C. Nielson

In 1997, I prosecuted Elizabeth Cervantes for importing marijuana through the Calexico, California Port of Entry. During a border inspection, agents discovered more than 150 pounds of marijuana in the trunk of the car Cervantes was driving. Cervantes was convicted following a jury trial. At trial, Cervantes denied knowing about the marijuana and testified that she was test driving the car to buy. Cervantes'

conviction was affirmed on appeal. 139 F.3d 908 (9th Cir. 1998) (unreported). As government counsel, I handled pretrial matters, the trial, and the sentencing.

Defense Counsel

Kristin Churchill
225 Broadway, Suite 900
San Diego, California 92101
(619) 234-8467
(last known contact information)

8. *United States v. Thomas*, 96-cr-1320-B (S.D. Cal.). United States District Court for the Southern District of California, San Diego Division. Presiding judge: Hon. Rudi M. Brewster.

In 1997, I prosecuted John William Thomas for assaulting a federal agent at the De Luz checkpoint, near Fallbrook, California. At trial, a Border Patrol Agent testified that while on duty at the checkpoint, the defendant ran over the agent's foot with his truck. The agent also testified that when he asked the defendant to get out of his truck, the defendant hit the agent in the chest with the door of the truck and pushed him into an opposing lane of traffic. At trial, both the defendant and his sister, who was a passenger in the truck, testified that the defendant accidentally ran over the agent's foot and that the agent, not the defendant, was the aggressor. The trial resulted in a hung jury voting 9-3 in favor of conviction; however, the case was not retried. As government counsel, I handled pretrial preparations and the trial.

Defense Counsel

Lee Plummer
4045 Bonita Road, Suite 202
Bonita, California 91902
(619) 267-1710

9. *United States v. Padilla-Mendoza*, 95-cr-02026-RMB (S.D. Cal.). United States District Court for the Southern District of California, San Diego Division. Presiding judge: Hon. Rudi M. Brewster.

In 1996, I prosecuted Raul Padilla-Mendoza and Rafael Fierro-Bonifacio with conspiring to import marijuana, conspiring to possess marijuana with the intent to distribute, importation of marijuana, and possession of marijuana with the intent to distribute. The evidence at trial showed that the defendants entered the United States from Mexico in separate vehicles, at a place other than a port of entry. Fierro-Bonifacio drove a flatbed truck containing marijuana in a secret compartment, while Padilla-Mendoza drove a scout vehicle. Fierro-Bonifacio pled guilty and attempted to exonerate Padilla-Mendoza at trial. Following a July-August 1996 jury trial, Padilla-Mendoza was convicted of all charges. Both defendants were sentenced to five years in prison. Padilla-Mendoza's conviction was affirmed on appeal. 157 F.3d 730 (9th

Cir. 1998), *cert. denied*, 525 U.S. 1166 (1999). As government counsel, I handled pretrial motions and preparations, the plea, the trial, and the sentencings.

Defense Counsel for Raul Padilla-Mendoza

Steven E. Feldman
934 23rd Street
San Diego, California 92101
(619) 232-8649

Defense Counsel for Rafael Fierro-Bonifacio

Gary Edwards
2664 Fourth Avenue
Post Office Box 99784
San Diego, California 92037
(858) 456-4403

10. *United States v. Freeman*, 96-cr-514-H (S.D. Cal.). United States District Court for the Southern District of California, San Diego Division. Presiding judge: Hon. Marilyn L. Huff.

In May 1996 I prosecuted Samuel Gray Freeman for importing and possessing with the intent to distribute marijuana. The evidence at trial showed that the defendant attempted to enter the United States through a port of entry with marijuana hidden in his vehicle. A jury found Freeman guilty. Freeman was sentenced to thirty months imprisonment. As lead counsel, I handled pretrial motions, the trial, and the sentencing.

Defense Counsel

Stephen D. Lemish
152 West Park Avenue, Suite 150
El Cajon, California 92020
(619) 444-5525

Co-counsel for the United States

Shane Harrigan
U.S. Attorney's Office
880 Front Street
San Diego, California 92101
(619) 557-5610

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected

by the attorney-client privilege.)

As an Assistant U.S. Attorney in the Eastern District of Virginia and the Southern District of California, I prosecuted numerous crimes in federal court, including assault, bank robbery, campaign financing, crimes against children, defense procurement fraud, extortion, financial fraud, firearms, immigration, kidnapping, mail and wire fraud, murder, narcotics, theft, robbery, and racketeering offenses. I worked on all phases of the investigation and prosecution, including plea negotiations, grand jury investigations, indictments, pretrial motions, trials, sentencings, post-trial proceedings, and appeals. A few of the more significant cases on which I worked but did not try include the following:

United States v. Price, 01-cr-12-A (E.D. Va.).

In 2001, I prosecuted Demont Price, a prison inmate, for first degree murder as a result of a fatal stabbing that occurred at the Lorton, Virginia federal prison in December 1999. Price pled guilty to first degree murder and agreed to cooperate with the government. As a result of his cooperation, John Beale, a co-conspirator who supplied Price with the murder weapon, pled guilty to second degree murder. As lead counsel in the case, I drafted an internal Department of Justice capital case memorandum, the indictment, and the government's responses to several pretrial motions. I questioned dozens of witnesses before federal grand juries and argued pretrial motions. I also prepared government witnesses and exhibits for trial.

United States v. Chan, 00-cr-08-A (E.D. Va.).

I was co-counsel on behalf of the United States in the prosecution of multiple defendants who were charged with violations of the Hobbs Act and RICO, and various narcotics and firearms offenses. From 1995 through 1999, members of a criminal gang posed as FBI agents, mail carriers, and flower delivery men to commit multiple home invasion robberies, assaults, and acts of extortion in Virginia, Maryland, New York, Georgia, and Florida. After an extensive grand jury investigation, over a dozen defendants pled guilty in related cases to obstruction of justice and Hobbs Act violations. As co-counsel in the case, I questioned witnesses before federal grand juries and represented the United States at preliminary hearings, arraignments, motions hearings, pleas, and sentencings. I also assisted in drafting complaints, internal memoranda to the Department of Justice requesting authorization to include RICO charges in the indictment, search warrants, indictments, responses to pretrial motions, proposed jury instructions, plea agreements, and sentencing memoranda.

United States v. Bowen, 99-cr-150-A (E.D. Va.).

In 1999, two defendants were charged with engaging in a kickback scheme in connection with a Federal Aviation Administration contract for computer printer parts. After a lengthy grand jury investigation and pretrial hearings, both defendants pled guilty. A co-conspirator who pled guilty in a related case cooperated with the government. As lead counsel, I analyzed hundreds of documents that had been seized in five separate searches,

questioned witnesses before federal grand juries, briefed and argued several pretrial motions, organized exhibits for trial, drafted proposed jury instructions, prepared witnesses for trial, negotiated and drafted plea agreements, and drafted and argued the government's position at sentencing.

United States v. Canady, 98-cr-00438-JCC (E.D. Va.).

In 1998, I was co-counsel in prosecution of Grady Canady for aggravated sexual assault. Over a two-year period, the Canady repeatedly sexually assaulted his daughter on military bases in northern Virginia and Illinois. After Canady pled guilty, he unsuccessfully sought to withdraw his guilty plea. His ineffective assistance of counsel motion was denied, and his conviction was affirmed on appeal. 201 F.3d 437 (4th Cir. 1999) (unreported); 22 Fed. Appx. 116 (4th Cir. 2001) (unreported). As co-counsel in the case, I interviewed and prepared numerous witnesses for trial. I briefed and argued the government's sentencing position. I also drafted the government's appellate brief and response to post-conviction motions.

United States v. Hsia, Crim. 98-0057 (PLF) (D.D.C.).

In 1998, I was co-counsel in prosecution of Maria Hsia for conspiring to defraud the Federal Election Commission (FEC) and the Immigration and Naturalization Service, and for five counts of causing false statements to be made to the FEC during the 1996 federal election cycle. The indictment alleged that Hsia and her co-conspirators, which included the International Buddhist Progress Society (IBPS), operator of the Hsi Lai Temple, in Hacienda Heights, California, funneled money from IBPS to various campaign recipients by soliciting straw donors for campaign contributions. Hsia filed multiple pretrial motions. 24 F. Supp. 2d 14 (D.D.C. 1998); 24 F. Supp. 2d 63 (D.D.C. 1998). Just prior to trial, the district court dismissed the false statement counts. 24 F. Supp. 2d 33 (D.D.C. 1998). The government sought an interlocutory appeal, and the U.S. Court of Appeals for the District of Columbia Circuit reversed the trial court. 176 F.3d 517 (D.C. Cir. 1999), *cert. denied*, 528 U.S. 1136 (2000). After additional pretrial motions, 81 F. Supp. 2d 7 (D.D.C. 2000), a jury convicted Hsia of causing false statements to be made to the FEC. I was co-counsel in the case until late 1998, but I did not participate in the trial of Hsia because I left the Campaign Financing Task Force before the government's interlocutory appeal was decided. As co-counsel pretrial, I interviewed and questioned grand jury witnesses. I assisted in drafting the original indictment and the government's pretrial motions and responses. I also argued pretrial motions before the district court.

Chief Crime Counsel, Senator Orrin G. Hatch

As chief crime counsel to Senator Hatch, Ranking Member and later Chairman of the Senate Judiciary Committee, I drafted proposed legislation, amendments, and committee and floor statements. I also advised Senator Hatch with respect to crime-related hearings and legislation. The legislation on which I worked as a committee staffer included the Safe Explosives Act and the Sarbanes-Oxley Act. Senator Hatch introduced the Safe Explosives Act with Senator Kohl to eliminate a loophole that existed in federal law that

mandated permits for interstate, but not intrastate, purchases of explosives. The Sarbanes-Oxley Act included increased penalties for violations of existing fraud statutes and new obstruction of justice, document destruction, false statement, and security fraud offenses.

Associate Counsel to President George W. Bush

As an Associate Counsel to the President, I worked on a number of significant legal matters. One of my primary duties was assisting in judicial nominations and confirmations to the federal district courts, circuit courts, and the United States Supreme Court.

United State Sentencing Commission

As a member of the U.S. Sentencing Commission, I worked on a variety of policy issues relating to federal sentencing, including amendments to the 2007 – 2016 Federal Sentencing Guidelines Manuals.

I have not performed lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In the spring of 2014, I co-taught a federal sentencing seminar at the George Washington School of Law. This seminar discussed, among other things, the purposes of punishment, the federal sentencing guidelines, sentencing case law, and sentencing advocacy. Syllabus supplied.

In 1998 and 1999, as an Assistant U.S. Attorney, I taught a one-day trial practice class as a visiting instructor at the Federal Bureau of Investigation's training center at Quantico, Virginia. I do not have an outline or syllabus from this class.

In 1999 and 2000, I was a guest lecturer at the Georgetown University School of Law and the George Washington School of Law. During these law school classes, I discussed grand jury and motions practice. I do not have outlines or syllabi from any of these classes.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

As a federal employee, I contribute to the Thrift Savings Plan.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no such plans.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See the attached financial disclosure report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See the attached financial net worth statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My husband works for **Cognizant**, a publicly traded company. If confirmed, I would recuse myself from any cases involving Cognizant and, as appropriate, my husband's previous employers. I am not aware of any other potential conflicts-of-interest that would be likely to arise during my service were I to be confirmed.

In the event of a potential conflict of interest, I would consult with my colleagues and the Administrative Office of the Federal Courts. In all circumstances, I would comply with all applicable statutes, policies, and practices relative to this office.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of a potential conflict of interest, I would consult with my colleagues and the Administrative Office of the Federal Courts. I would follow the established procedures of the court to identify any potential conflict of interest.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of

professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have spent the vast majority of my legal career in public service, and I have participated in a variety of volunteer activities since graduating from law school.

While living in the Washington, DC, area, I participated in public outreach activities through St. Columba’s Episcopal Church and St. John’s Episcopal Church, where I served as Co-Chair of the Outreach Committee from 2000 to 2003. While on the Outreach Committee, I tutored inner-city public school students (1999 – 2000), and helped plan and participated in several home re-building and food initiatives (2000 – 2003). At St. Columba’s, I volunteered to serve meals through Loaves & Fishes. Also, from 1992 to 1994, I volunteered as a junior high tutor through the organization DC Cares.

While living in the San Francisco Bay area, I volunteered as a special education tutor at the Federal Corrections Institute in Dublin, CA, a low-medium security prison for female prisoners (2015 – 2017). Additionally, in the Spring of 2015, I volunteered with my daughter as a tutor at the Inn Vision Shelter Network (now called LifeMoves) in San Mateo, CA (2015). While attending St. Paul’s Episcopal Church, in Burlingame, CA, I have volunteered with St. Paul’s Home and Hope and Advent Giving Tree programs. I have also served as a volunteer on St. Paul’s Communications Committee.

While living in the San Diego area, I volunteered as a mentor for Volunteers in Parole (1996 – 1997) and the San Diego High School (1995 – 1996). As a mentor, I organized various academic and non-academic activities for several high school students.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

To my knowledge, there is not a selection commission that recommends candidates for nomination to the federal courts in the District of Columbia.

In January 2017, I was contacted by an official from the White House Counsel’s Office about my interest in serving as a federal district judge. In early March 2017, I interviewed with attorneys from the White House Counsel’s Office and

the Office of Legal Policy at the Department of Justice in Washington, DC. In early April, an official from the White House Counsel's Office contacted me to arrange an interview with Donald McGahn. On April 17, 2017, I interviewed with Mr. McGahn in Washington, DC. I have communicated regularly with the Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No one involved in the judiciary selection process discussed with me any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning my position on such case, issue, or question.