

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

Jessica Diane Aber  
Jessica Aber Brumberg (August 2006 – June 2013)

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

United States Attorney for the Eastern District of Virginia

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 Attorney's Office for the Eastern District of Virginia  
919 East Main Street  
Suite 1900  
Richmond, VA 23219

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

1981; Walnut Creek, California.

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.

William & Mary Law School, 2004 - 2006  
J.D. - May 2006

University of Richmond School of Law, 2003 - 2004  
No degree received as I transferred to William & Mary Law School

University of Richmond, 1999 – 2003  
B.A. – May 2003

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.

January 2009 – Present

Deputy Chief, Criminal Division (December 2016 – Present)

Assistant United States Attorney (August 2016 – December 2016 and January 2009 – August 2015)

United States Attorney's Office for the Eastern District of Virginia

919 East Main Street, Suite 1900

Richmond, VA 23219

Paid

August 2015 – August 2016

Counsel to the Assistant Attorney General (Detail Position)

Department of Justice, Criminal Division

Office of the Assistant Attorney General

950 Pennsylvania Avenue, NW

Washington, DC 20530

Paid

September 2007 – December 2008

Associate Attorney

McGuireWoods LLP

Gateway Plaza, 800 East Canal Street

Richmond, VA 23219

Paid

August 2006 – August 2007

Law Clerk

The Honorable M. Hannah Lauck, United States Magistrate Judge (now District Judge)

Spottswood W. Robinson, III and Robert R. Merhige, Jr. Federal Courthouse

701 East Broad Street

Richmond, VA 23219

Paid

August 2005 – May 2006

Teaching Assistant

William & Mary School of Law Legal Skills Program

613 South Henry Street

Williamsburg, VA 23185

Paid

January 2006 – May 2006

May 2005 – August 2005

Law Student Intern

Office of the Commonwealth's Attorney for the City of Newport News

2501 Washington Avenue, 6th Floor  
Newport News, VA 23607  
Unpaid

May 2004 – August 2004  
Law Student Intern  
McDougle Law Firm  
11159 Air Park Road, Suite 1  
Ashland, VA 23005  
Unpaid

May 2004 – August 2004  
Assistant to the Director of the Restoration of Rights  
Office of the Secretary of the Commonwealth  
1111 East Broad Street, 4th Floor  
Richmond, VA 23219  
Paid

May 2003 – August 2003  
Governor's Fellow  
The Honorable Mark R. Warner, Governor of Virginia  
Office of the Governor  
State Capitol  
Richmond, VA 23219  
Paid

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.

I have not served in the U.S. military. I am not subject to selective service registration requirements.

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.

Assistant Attorney General's Award for Exceptional Service,  
United States Department of Justice, 2019

Bushrod 1L Moot Court Tournament 1st Place,  
University of Richmond School of Law, 2006

University of Richmond, B.A. conferred *magna cum laude*, 2003  
Omicron Delta Kappa, 2003

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.

Federal Bar Association, Richmond Chapter  
Board of Directors (2012–2015)

John Marshall Inn of Court

United States District Court for the Eastern District of Virginia Magistrate Selection Committee

Fourth Circuit Judicial Conference, Nominee

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.

Virginia, October 2006

There have been no lapses in membership.

- 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 (May 2007)  
United States District Court for the Eastern District of Virginia (January 2008)  
All state courts in Virginia (October 2006)

There have been no lapses in membership.

11. **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.

Impact 100 Richmond (2020 – Present)  
Change the World RVA [Richmond, Virginia] (2017 – Present)  
Junior League of Richmond (2016 – Present)  
Bellevue Neighborhood Civic Association (2009 – Present)  
    Board Member (2014 – 2017)  
Higher Achievement (2014 – 2015)

- b. 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.

The Junior League of Richmond is a non-profit organization for women committed to the mission of promoting volunteerism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers.

Otherwise, to my knowledge, none of these organizations discriminates 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.

**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 written or edited any books, articles, reports, letters to the editor, editorial pieces, or other published material.

- 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.

I have not prepared or contributed to any reports, memoranda, or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

- 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.

I have not given any testimony, official statements, or other communications related to public policy or legal interpretation.

- 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.

I have done my best to identify speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

University of Richmond  
28 Westhampton Way  
Richmond, VA 23173  
May 9, 2003

I delivered the commencement address for my undergraduate graduation. This short, approximately five-minute speech talked about the importance of honor and integrity in our future careers. I spoke from a written outline that I have been unable to locate. The University of Richmond Alumni Magazine made a short reference to the speech in its Summer 2003 edition, which I have attached.

- 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.

American Greed  
MSNBC

March 26, 2014 (and continued in reruns)

Season 8 of the MSNBC show *American Greed* highlighted a fraud case that I prosecuted in 2010. The episode, "Young Lust Goes Bust," first aired on March 26, 2014. I am unable to find a full copy or transcript of the episode, but I recall that I was interviewed about the case. Pursuant to the policy of the United States Attorney's Office, I provided only public information about the case.

13. **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.

I ran unsuccessfully to serve on the Virginia State Bar Council in 2019.

- 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 a position in a political party or played a formal role in a political campaign.

14. **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;

I clerked for the Honorable M. Hannah Lauck, then-United States Magistrate Judge for the United States District Court for the Eastern District of Virginia, from August 2006 through August 2007

- 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.

September 2007 – December 2008  
Associate Attorney  
McGuireWoods LLP  
Gateway Plaza, 800 East Canal Street  
Richmond, VA 23219

January 2009 – Present

Deputy Chief, Criminal Division (December 2016 – Present)  
Assistant United States Attorney (August 2016 – December 2016 and  
January 2009 – August 2015)  
United States Attorney’s Office for the Eastern District of Virginia  
919 East Main Street, Suite 1900  
Richmond, VA 23219

August 2015 – August 2016  
Counsel to the Assistant Attorney General (Detail Position)  
Department of Justice, Criminal Division  
Office of the Assistant Attorney General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

- 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 arbitrator.

b. Describe:

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

In 2006, my first legal position was as a law clerk to the Honorable M. Hannah Lauck, then-United States Magistrate Judge for the United States District Court for the Eastern District of Virginia. This work included reviewing civil and criminal pleadings and drafting bench memoranda in civil matters.

In 2007, I became an associate attorney at McGuireWoods LLP, where my work was entirely civil tort litigation in federal and state courts. Our clients were companies involved in public nuisance and mass tort suits regarding products liability. Most of the cases were in the discovery phase so I assisted with document review, answers to interrogatories, and preparing for depositions.

Since 2009, when I became an Assistant United States Attorney in the Eastern District of Virginia, my work has been entirely federal criminal prosecution. As Assistant United States Attorney, I prosecuted and investigated a wide range of cases, including investment fraud, securities fraud, money laundering, tax fraud, human trafficking, domestic and foreign terrorism, health care fraud, public corruption, firearms, violent crime, and child exploitation. I was responsible for all phases of prosecutions, including grand jury investigations, plea negotiations,

indictments, pre-trial motions, trials, sentencings, post-trial proceedings, and appeals. I tried 16 federal felony jury trials to verdict and argued four times before the United States Court of Appeals for the Fourth Circuit. When I became the District's Deputy Chief of the Criminal Division in 2016, my work involved the supervision and management of criminal Assistant United States Attorneys, as well as the Financial Litigation Unit. I also continue to investigate and prosecute federal criminal cases.

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

Most of my legal career has been spent as a federal criminal prosecutor, so my only client has been the United States. During my brief tenure at McGuireWoods LLP from 2007-2008, my primary client was a lead paint manufacturer involved in litigation in federal and state courts.

- 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.

Since 2009, when I became an Assistant United States Attorney in the Eastern District of Virginia, I appear in federal court frequently.

When I was an associate attorney at McGuireWoods LLP from September 2007 to December 2008, I appeared in court very rarely, and only in state court for *pro bono* landlord-tenant matters.

When I was a law clerk for the Honorable M. Hannah Lauck, then-United States Magistrate Judge, from August 2006 to August 2007, I frequently observed federal court but did not appear as an attorney.

Indicate the percentage of your practice in:

- |                            |     |
|----------------------------|-----|
| 1. federal courts:         | 96% |
| 2. state courts of record: | 4%  |
| 3. other courts:           | 0%  |
| 4. administrative agencies | 0%  |

- i. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 8%  |
| 2. criminal proceedings: | 92% |

- 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.

I have tried 16 cases to verdict in the United States District Court for the Eastern District of Virginia. I was first chair in seven trials, second chair in six trials, and third chair in three trials. I also have argued four times before the United States Court of Appeals for the Fourth Circuit.

- i. What percentage of these trials were:
  - 1. jury: 100%
  - 2. non-jury: 0%

- 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.

15. **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. Robert and Maureen McDonnell

Case No. 3:14cr12

64 F. Supp. 3d 783 (E.D. Va. 2014), *aff'd* 792 F.3d 478 (4th Cir. 2015),

*vacated and remanded* 136 S. Ct. 2355 (2016)

United States District Court for the Eastern District of Virginia

The Honorable James R. Spencer

2013-2016

I was part of the investigation and prosecution team of former Virginia Governor Robert McDonnell and his wife, Maureen McDonnell, for public corruption. In 2014, I was a member of the trial team for the six-week trial that concluded in convictions for honest services fraud and obtaining property under color of official right. I delivered the opening statement, directed 17 witnesses, and cross-examined three witnesses. I also served as the primary point of contact for

discovery, which involved more than two million documents and 220 witness interviews. I assisted with the response brief for their direct appeal to the United States Court of Appeals for the Fourth Circuit, which affirmed the decisions. The Solicitor General's Office handled the subsequent appeal to the Supreme Court, in which the case was reversed and remanded for a new trial due to an error in the jury instructions. The United States declined to retry the McDonnells.

Primary Co-Counsel:

Michael Dry  
Vinson & Elkins  
2200 Pennsylvania Avenue, NW  
Suite 500 West  
Washington, DC 20037  
(202) 639-6525  
*Former EDVA AUSA*

Ryan Faulconer  
United States Department of Justice  
Computer Crimes and Intellectual Property Section  
10th & Constitution Avenue, NW  
John C. Keeney Building, Suite 600  
Washington, DC 20530  
(202) 305-1620  
*Former EDVA AUSA*

David Harbach  
(Currently employed by Kosovo Specialist Chambers &  
Specialist Prosecutor's Office at The Hague.)  
(804) 922-9399  
*Former EDVA AUSA*

Opposing Counsel:

Henry "Hank" Asbill  
Buckley LLP  
2001 M Street, Suite 500  
Washington, DC 20036  
(202) 349-8007

William A. Burke  
Quinn Emanuel  
1300 I Street NW, Suite 900  
Washington, DC 20005  
(202) 538-8000

2. United States v. Patrick Falte and Benjamin Faulkner

Case Nos. 3:17cr49, 3:17cr45

United States District Court for the Eastern District of Virginia

The Honorable John A. Gibney

2017

I was part of the investigation and prosecution team for Patrick Falte and Benjamin Faulkner, two administrators of the “Giftbox Exchange,” a highly sophisticated Tor-network-based website dedicated to the sexual abuse of children. Mr. Falte and Mr. Faulkner were targets of a larger international investigation into the Giftbox Exchange when they traveled to the Eastern District of Virginia to engage in sexual activities with a toddler. I facilitated pre-indictment pleas to aggravated sexual abuse for their repeated travel to abuse the toddler, and at sentencing, the Court imposed life sentences for both defendants after hearing emotional victim testimony.

Primary Co-Counsel:

Elham Peirson

United States Attorney’s Office for the Central District of Illinois

201 South Vine

Urbana, IL 61801

(217) 373-5875

Lauren Britsch

United States Department of Justice

Public Integrity Section

1331 F Street, NW

Washington, DC 20005

(202) 514-2220

Opposing Counsel:

Cary Bowen

Bowen Clements & Favret, PLLC

8740 Landmark Road

Richmond, VA 23228

(804) 801-5939

Carolyn V. Grady

Office of the Federal Public Defender

701 East Broad Street, Suite 3600

Richmond, VA 23219

(804) 343-0800

3. United States v. Carter Tillery

Case No. 3:10cr223

United States District Court for the Eastern District of Virginia

The Honorable James R. Spencer

2009-2012

I was part of the investigative and prosecution team of a robber of small, family-owned dry cleaner in Petersburg, VA. The defendant pointed a sawed-off shotgun at a lone female clerk and forced her to a back room, where he ordered her at gunpoint to remove her clothing. He subsequently tied up the clerk's hands with a phone cord and forced her to kneel. He took her keys and laptop, stole the money from the register, and fled. It took law enforcement a year to determine that the robber was Carter Tillery. I tried the case to verdict before a jury and argued the direct appeal before the United States Court of Appeals for the Fourth Circuit, which affirmed Mr. Tillery's judgment. *United States v. Tillery*, 702 F.3d 170 (4th Cir. 2012).

Primary Co-Counsel:

Neil H. MacBride

Davis Polk

901 15th Street, NW

Washington, DC 20005

(202) 962-7030

*Former EDVA USA*

Opposing Counsel:

Robert Wagner

Office of the Federal Public Defender

701 East Broad Street, Suite 3600

Richmond, VA 23219

(804) 343-0800

4. United States v. Minor Vargas Calvo, Jorge Castillo, and Provident Capital Indemnity

Case No. 3:11cr14

United States District Court for the Eastern District of Virginia

The Honorable John A. Gibney

2010-2012

I was lead counsel in the investigation and prosecution of Provident Capital Indemnity ("PCI"), its majority owner, Minor Vargas Calvo, and its outside auditor, Jorge Castillo. PCI was a Costa Rican reinsurance company responsible for a \$500 million fraud scheme that affected more than 3,500 victims worldwide. Mr. Vargas Calvo was well known in Costa Rica because he owned two professional soccer teams. I coordinated with foreign law enforcement and the

Securities and Exchange Commission, which filed a parallel civil action. Mr. Castillo pleaded guilty to creating false financial statements for PCI and cooperated. PCI also pleaded guilty. In 2012, Mr. Vargas Calvo proceeded to trial by jury. He testified and I conducted the cross-examination. I also delivered the rebuttal argument, after which the defendant was convicted on all counts and sentenced to 60 years of imprisonment.

Primary Co-Counsel:

Michael Dry  
Vinson & Elkins  
2200 Pennsylvania Avenue, NW  
Suite 500 West  
Washington, DC 20037  
(202) 639-6525  
*Former EDVA AUSA*

Albert "BJ" Stieglitz, Jr.  
Fraud Section, Criminal Division  
United States Department of Justice  
1400 New York Avenue, NW  
Washington, DC 20005  
(202) 514-4313

Opposing Counsel:

Jeffrey L. Everhart  
4100 East Parham Road, Suite C  
Richmond, VA 23228  
(804) 672-0545

Patrick Hanes  
Williams Mullen  
200 South 10th Street, Suite 1600  
Richmond, VA 23219  
(804) 420-6000

John Britton Russell, Jr.  
2621 Promenade Parkway, Suite 102  
Midlothian, VA 23113  
(804) 594-0800

5. United States v. Christian Allmendinger and Adley Abdulwahab  
Case No. 3:10cr248  
United States District Court for the Eastern District of Virginia  
The Honorable Robert E. Payne

2009-2020

I was co-lead counsel in the investigation and prosecution team of Christian Allmendinger, Adley Abdulwahab, and five related defendants in a more than \$100 million securities fraud with 800 victims nationwide. During the investigation, A&O's founder, president, lawyer, wholesaler, and local salesman pleaded guilty and cooperated. They were sentenced to terms of imprisonment ranging from three years to 15 ½ years. Mr. Allmendinger and Mr. Abdulwahab proceeded to trial separately, after which both defendants were convicted. I directed witnesses and delivered the closing statements. Approximately a dozen witnesses came to testify at both sentencings, in addition to hundreds of written victim impact statements. These elderly witnesses testified about how A&O had pilfered their hard-earned life savings and retirement funds. Mr. Allmendinger was sentenced to 45 years of imprisonment and Mr. Abdulwahab was sentenced to 60 years of imprisonment.

There has been significant appellate and post-conviction litigation in this matter. I have handled most of it, arguing twice before the United States Court of Appeals for the Fourth Circuit. Their sentences are now final and remain 45 and 60 years, respectively. *United States v. Abdulwahab*, 671 F. App'x 206 (4th Cir. 2016), *United States v. Allmendinger*, 838 F. App'x 757 (4th Cir. 2020).

Primary Co-Counsel:

Michael Dry  
Vinson & Elkins  
2200 Pennsylvania Avenue, NW  
Suite 500 West  
Washington, DC 20037  
(202) 639-6525  
*Former EDVA AUSA*

Albert "BJ" Stieglitz, Jr.  
Fraud Section, Criminal Division  
United States Department of Justice  
1400 New York Avenue, NW  
Washington, DC 20005  
(202) 514-4313

Opposing Counsel:

Barry Pollack  
Robbins Russell  
2000 K Street NW, 4th Floor  
Washington, DC 20006  
(202) 775-4514

Murray Janus (deceased)

6. United States v. Heather Elizabeth Coffman

Case No. 3:15cr16

United States District Court for the Eastern District of Virginia

The Honorable John A. Gibney

2014-2015

I was part of the investigation and prosecution team of Heather Elizabeth Coffman, who used the internet to post jihadist materials, publicly proclaim her support for ISIS, and encourage others to fight for ISIS. As in many national security cases, the overlap of national security investigative tools and criminal investigative tools was a challenge. Thus, we arranged for Ms. Coffman to meet with an undercover agent who posed as someone with similar views. Among other things, Ms. Coffman told the undercover agent that she had plans to move to the Islamic State and join the fight for ISIS. She encouraged the undercover agent and offered to put her in touch with a facilitator to help with her travel to Syria to join ISIS. Law enforcement subsequently interviewed Ms. Coffman and she provided false, material information to the agents about her conversations with the undercover agent. We obtained a Criminal Complaint for Ms. Coffman's arrest the next day. Ms. Coffman later pleaded guilty pre-indictment to making a false statement involving terrorism and was sentenced to 54 months' imprisonment.

Primary Co-Counsel:

Michael R. Gill

Criminal Chief

United States Attorney's Office for the Eastern District of Virginia

919 East Main Street, Suite 1900

Richmond, VA 23219

(804) 819-5400

Opposing Counsel:

Carolyn V. Grady

Mary E. Maguire

Office of the Federal Public Defender

701 East Broad Street, Suite 3600

Richmond, VA 23219

(804) 343-0800

7. United States v. David Chityal, a/k/a David Solomon

Case No. 3:12cr44

United States District Court for the Eastern District of Virginia

The Honorable Robert E. Payne

2010-2012

In 2009, I served on the trial team of *United States v. Edward Okun*, 3:08cr132 (E.D. Va.), who was convicted at trial and sentenced to 100 years' imprisonment for a \$126 million fraud. The Court ordered Mr. Okun to pay restitution in this full amount. Mr. Okun was incarcerated with David Chityal, a/k/a David Solomon, in the Federal Bureau of Prisons. Together they schemed to obtain Mr. Okun's \$2.3 million tax refund—which was lawfully owed to Mr. Okun's Bankruptcy Estate and due to be liquidated for his fraud victims—and deposit it in an offshore account for their own use. In a convoluted scheme, Mr. Chityal and Mr. Okun obtained the services of a lawyer to facilitate the filing of a new Power of Attorney form with the IRS. After Mr. Chityal had finished serving his own fraud sentence and was deported to Canada, he remained in contact with Mr. Okun. Knowing full well that they were conspiring to cheat Mr. Okun's victims out of restitution, the two sought to obtain the tax refund to pay Mr. Okun's appellate legal fees. They also hired a second attorney, who took proceeds from the refund checks to deposit in the Turks and Caicos, where the investigative team intercepted him.

This investigation involved complex attorney-client privilege issues and foreign witnesses. In 2012, I indicted Mr. Chityal and he fled in the process of extradition from Canada to Hungary. In 2014, Mr. Chityal was arrested and although he challenged his extradition, he was brought to the United States. After litigation about the propriety of the extradition, Mr. Chityal pleaded guilty in 2015 and was sentenced to five years of imprisonment.

Primary Co-Counsel:

Tom Garnett  
Assistant United States Attorney  
United States Attorney's Office for the Eastern District of Virginia  
919 East Main Street, Suite 1900  
Richmond, VA 23219  
(804) 819-5400

Opposing Counsel:

Amy Leigh Austin  
Consumer Litigation Associates  
626 East Broad Street, Suite 300  
Richmond, VA 23219  
(804) 905-9900

Anthony F. Troy  
Eckert Seamans  
919 East Main Street, Suite 1300

Richmond, VA 23219  
(804) 788-7751

8. United States v. Shapat Nabaya

Case No. 3:17cr03  
United States District Court for the Eastern District of Virginia  
The Honorable M. Hannah Lauck  
2016-2017

I was lead counsel in the investigation and prosecution of Shapat Nabaya, a sovereign citizen who refused to pay taxes, then embarked on a crusade to torment the IRS and numerous courts with false and vexatious filings. In 2017, Mr. Nabaya proceeded to trial *pro se* and was convicted of all counts. I wrote the response brief on the direct appeal to the United States Court of Appeals for the Fourth Circuit, which was affirmed in an unpublished per curiam opinion. *United States v. Nabaya*, 765 F. App'x 895 (4th Cir. 2019).

Primary Co-Counsel:

Gabrielle Michalak  
224 Dirksen Senate Office Building  
Washington, DC 20001  
(301) 675-4086  
*Former EDVA AUSA*

9. United States v. Victor M. Dandridge. III

Case No. 3:17cr83  
United States District Court for the Eastern District of Virginia  
The Honorable Henry E. Hudson  
2017

I investigated and prosecuted Victor Dandridge, III, for committing three separate frauds. First, Mr. Dandridge defrauded his best friend's widow out of \$3.2 million that he claimed to be investing for ten years. Second, he made false representations and omissions to Blue Ridge Bank to obtain a \$300,000 line of credit. Third, he embezzled \$100,000 from his fraternity alumni association at the University of Virginia. After my presentation, Mr. Dandridge agreed to plead guilty pre-indictment and forfeit over \$3.5 million and pay restitution to his victims.

Primary Co-Counsel:

None.

Opposing Counsel:

Francis Lawrence  
St. John Bowling Lawrence & Quagliana LLP  
416 Park Street  
Charlottesville, VA 22902  
(434) 296-7138

10. United States v. Paulette Jackson

Case No. 3:19r20  
United States District Court for the Eastern District of Virginia  
The Honorable John A Gibney  
2017-2019

I was lead counsel in the investigation and prosecution of Paulette Jackson and her medical supply company, United Medical Home Oxygen & Med Supply, which bilked Medicaid out of approximately \$500,000 by falsely billing for unnecessary medical services in a years-long scheme. The investigation involved coordination with the Virginia Attorney General's Office and was complicated by incomplete and sometimes conflicting regulations and records at Virginia Medicaid. After we prepared all witnesses, finalized all of the exhibits, created summary and demonstrative exhibits, and finalized jury addresses, Ms. Jackson pleaded guilty two days before trial. She later attempted to withdraw that guilty plea. I handled that litigation and the sentencing hearing, at which the court sentenced her to four years of imprisonment.

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16. **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.)

I am the United States Attorney's Office's representative to the reentry court in the United States District Court for the Eastern District of Virginia, Richmond Division. I have held this position since the Second Chance Offender Rehabilitation Effort ("SCORE") was founded in 2009. The SCORE Team, which administers the program, also is comprised of a United States Magistrate Judge and representatives from the Federal Public Defender, United States Probation, and a Treatment Provider. The SCORE program has many requirements, including court hearings, frequent drug testing, individual and group therapy, community meeting attendance, and other projects.

Since May 2019, I have served as the Chief of the Asset Recovery Unit ("ARU"). This includes both the Asset Forfeiture Unit and the Financial Litigation Unit. The ARU handles pre- and post-conviction financial litigation, to include forfeiture for the United States and restitution for victims. When I became the Chief, we undertook a consolidation of units from both the Civil and Criminal Divisions of the United States Attorney's Office and placed them both into the new ARU in the Criminal Division. The ARU regularly seizes and forfeits money and property, including houses, cars, weapons, jewelry, and gold bars, which are typically paid first to victims and next to the United States. We also continue investigation and litigation with criminal defendants after their convictions to obtain more restitution to pay victims.

I have not performed any lobbying activities.

17. **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.

I have not taught any courses.

18. **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.

I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During 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.

None.

20. **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).

Please see my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the

Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Almost all of my career has been devoted to public service as a federal prosecutor. In this role, I have had the opportunity to work with and assist victims of crime, many of whom have been disadvantaged, as well as returning citizens on supervised release. From time to time, I have participated in community anti-crime programs and reentry efforts on nights and weekends.

I also regularly volunteer with organizations that help disadvantaged children and communities before the criminal justice system is involved. I have volunteered with Change the World RVA [Richmond, Virginia] since 2017. This is small Richmond, Virginia, organization is committed to supporting high school and college students who are experiencing homelessness and housing instability. I have been a mentor to the students and volunteer to drive them to their jobs and medical appointments. I spent a year volunteering with Higher Achievement, a program that provides mentoring and scholarship programs to low-income middle school students. During that year, I served as a weekly after school mentor and tutor to a group of middle school girls. I also have been a member of the Junior League of Richmond since 2016, which promotes and requires volunteerism related to underserved women and children at community partner sites.