

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John George Edward Marck

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

United States District Judge for the Southern District of Texas

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 Southern District of Texas
1000 Louisiana Street, Suite 2300
Houston, Texas 77002

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

1982; West Islip, New York

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.

2010 – 2013, St. John's University School of Law; J.D., 2013

2008 – 2010, Brooklyn College, City University of New York; B.A., 2009 (pursued graduate courses after obtaining B.A.)

2007, Tulane University; no degree received

2004 – 2005, 2007 – 2008, Suffolk County Community College; no degree received

2003, Hofstra University; no degree received

2002 – 2003, Farmingdale State College; no degree received

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.

2021 – present

United States Attorney's Office for the Southern District of Texas
1000 Louisiana Street, Suite 2300
Houston, Texas 77002
Acting United States Attorney (2026 – present)
First Assistant United States Attorney (2025 – 2026)
Associate Deputy Criminal Chief (2025)
Assistant United States Attorney (2021 – 2025)

2014 – 2021

Office of the Bronx District Attorney
198 East 161st Street
Bronx, New York 10451
Assistant District Attorney

2013

Brooklyn District Attorney's Office
350 Jay Street
Brooklyn, New York 11201
Special Assistant District Attorney

2009 – 2013

ABM Security Services
330 Seventh Avenue
New York, New York 10001
Security Guard

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 did not serve in the military. I registered for the selective service upon turning 18.

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.

United States Attorney's Award for Superior Performance by a Litigative Team (2024)

United States Attorney's Award for Superior Performance by a Litigative Team (2023)

Public Service Fellowship, St. John's University School of Law (2013)

Executive Articles Editor, *New York Litigator Law Journal* (no longer extant) (2012 – 2013)

Director of Internal Competitions, Frank S. Polestino Trial Advocacy Institute (2012 – 2013)

External Competitor, Frank S. Polestino Trial Advocacy Institute (2011 – 2013)

Golden Key National Honor Society (2009)

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.

Bar Association of the Fifth Federal Circuit (2023 – 2025)

New York State Bar Association (2015 – 2016)

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.

New York, 2015

Texas, 2025

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 Fifth Circuit, 2023

United States District Court for the Southern District of Texas, 2021

New York State Supreme Court, Second Department, 2015

Supreme Court of Texas, 2025

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.

Republican National Lawyers Association (2025 – 2026)

Federalist Society (2011 – present, with periodic lapses in membership)

President, St. John's University School of Law Student Chapter (2012 – 2013)

Christian Legal Society (2011 – present, with periodic lapses in membership)

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 the best of my knowledge, none of the organizations listed above currently 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 copies of all published material to the Committee.

As Acting United States Attorney, I edit and provide statements for press releases issued by my office. These press releases are available at the following link: [John Marck's Press Releases](#).

Case Summary, *Catalyst Old River Hydroelectric Limited Partnership v. Ingram Barge Co.*, St. John's University School of Law Admiralty Practicum, Volume 2011, Issue 1. Copy supplied.

b. Supply 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.

None.

c. Supply 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.

Comment Letter, *Re: Regulatory Notice 12-10, FINRA BrokerCheck*, Financial Industry Regulatory Authority. April 4, 2012. Copy supplied.

d. Supply 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.

None.

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 copies of the clips or transcripts of these interviews where they are available to you.

None.

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 cases, approximately what percent were:

jury trials: _____%
bench trials: _____%

ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____%

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 of 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 (4)

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 were 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:

I have not held judicial office.

- 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.

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.

Acting United States Attorney (2026), United States Attorney's Office for the Southern District of Texas. I serve as Acting United States Attorney by operation of law pursuant to the Federal Vacancies Reform Act.

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.

None.

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;

I have not clerked for a judge.

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;

2013
Brooklyn District Attorney's Office
350 Jay Street
Brooklyn, New York 11201
Special Assistant District Attorney

2014 – 2021
Office of the Bronx District Attorney
198 East 161st Street
Bronx, New York 10451
Assistant District Attorney

2021 – present
United States Attorney’s Office for the Southern District of Texas
1000 Louisiana Street, Suite 2300
Houston, Texas 77002
Acting United States Attorney (2026 – present)
First Assistant United States Attorney (2025 – 2026)
Associate Deputy Criminal Chief (2025)
Assistant United States Attorney (2021 – 2025)

- 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.

I began my legal career in 2013 as a prosecutor in New York City, serving first at the Brooklyn District Attorney’s Office as a Special Assistant District Attorney, followed by being appointed Assistant District Attorney at the Office of the Bronx District Attorney. As an Assistant District Attorney, I managed a high-volume caseload of major felonies, including murder, manslaughter, robbery, and gang assault. During this time, I conducted approximately 20 trials and oversaw more than 100 grand jury investigations. Beginning in 2021, I served as an Assistant United States Attorney in the Southern District of Texas. Initially based in the Corpus Christi and Victoria Divisions, I handled a diverse criminal docket involving illegal reentry, alien smuggling, drug trafficking, and cartel-related offenses. During this period of my career, I tried nine federal jury trials to verdict. In 2024, I moved to the National Security/Public Corruption Section, where I was promoted to Associate Deputy Criminal Chief in 2025. In that role, I supervised a team of Assistant United States Attorneys, intelligence officers, and support staff in the investigation and prosecution of complex national security, counterintelligence, and cybercrime cases. Later in 2025, I served as the First Assistant United States Attorney, overseeing the daily operations of the Criminal, Appellate, and Civil Divisions. Since March 2026, I have served as the Acting United States Attorney for the Southern District of Texas.

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

As an Assistant United States Attorney, I prosecute criminal cases on behalf of the United States. As an Assistant District Attorney, I prosecuted criminal cases on behalf of the People of the State of New York.

- 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.

As federal and state prosecutor, nearly my entire practice has been in litigation, and I have appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|------|
| 1. | federal courts: | 40% |
| 2. | state courts of record: | 60% |
| 3. | other courts: | ___% |
| 4. | administrative agencies: | ___% |

- ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 2% |
| 2. | criminal proceedings: | 98% |

- 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 29 cases to verdict. Nine of those trials were in federal court. I served as first-chair in 16 of my 29 trials.

- i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 70% |
| 2. | non-jury: | 30% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply 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 never appeared 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. Jennifer Lynn Thornton*, 25-20100 (5th Cir. 2026) (Barksdale, Douglas, Oldham, JJ.) (Representation: 2025 – 2026)

I represented the United States in an appeal defending the application of sentencing enhancements. Thornton worked as a financial coordinator for a dental office. While working for the office, she created a shell business to misappropriate insurance payments intended for her employer, deposited checks into her personal bank accounts, and manipulated company books. Approximately \$250,000 in losses were discovered and attributable to Thornton. Thornton pleaded guilty to 10 counts of wire fraud and was sentenced to a concurrent 41-month term of imprisonment for each count and ordered to pay approximately \$125,000 in restitution. Thornton appealed her sentence to the United States Court of Appeals for the Fifth Circuit. Thornton challenged the application of a sentencing enhancement for abuse of a position of trust, arguing she did not occupy such a position or possess any special skills, and alternatively, that the enhancement constituted impermissible double counting with another sophisticated-means enhancement. In a per curiam opinion, the Fifth Circuit affirmed the sentence and the application of the enhancement.

Opposing counsel:

R. Victoria García-Cross
Assistant Federal Public Defender
440 Louisiana Street, Suite 1350
Houston, TX 77002
(713) 718-4600

2. *United States v. Christopher Washington Toral*, 4:24-cr-183 (S.D. Tex.) (Judge Keith P. Ellison) (Representation: 2024 – 2025)

I served as co-counsel for the United States in the criminal prosecution against Toral for money laundering. Over a two-month period in 2023, Toral, an agent for 15 years with Immigration and Customs Enforcement, used his position to transport \$700,000 in

purported drug proceeds under the guise of official duties. As part of an undercover operation, Toral agreed to transport a black bag containing \$200,000 in cash from Dallas to Houston, Texas, in February 2023, believing the money was from illegal narcotics sales. He made the same trip later that month delivering an additional \$200,000. In March 2023, Toral flew from Newark, New Jersey, to Houston with \$300,000 in suspected cartel-related drug money, bypassing airport security and the Transportation Security Administration by exploiting his law enforcement position. Toral did all this in exchange for large cash payments. Toral pleaded guilty and was sentenced to 70 months in federal prison.

Co-counsel:

Carolyn Ferko
United States Attorney's Office
1000 Louisiana Street, Suite 2300
Houston, TX 77002
(713) 567-9000

Opposing counsel:

Michael DeGeurin
Foreman DeGeurin, et al.
300 Main Street, Third Floor
Houston, TX 77002
(713) 655-9000

3. *United States v. Andrew Rafael Martinez-Peralta*, 2:23-cr-387 (S.D. Tex.) (Judge David S. Morales) (Representation: 2023 – 2024)

I served as lead counsel and trial counsel for the United States in the criminal prosecution of Martinez-Peralta for alien smuggling. On July 5, 2023, Martinez-Peralta, a truck driver from Newark, New Jersey, drove a tractor-trailer to a U.S. Border Patrol checkpoint in South Texas. During an immigration inspection, an alert from a Border Patrol service canine led to the discovery of seven illegal aliens concealed within the sleeper cabin of the tractor. Aliens were found in a closet, in the bed compartment, and locked inside a toolbox under the bed compartment. Evidence at trial revealed that cell phones belonging to the aliens were found directly above Martinez-Peralta's head in an overhead compartment, and that he had collected them during transport to the checkpoint. At least one alien agreed to pay \$25,000 to be smuggled from Brazil to Massachusetts. At trial, Martinez-Peralta testified that he had no knowledge of the aliens' presence inside the tractor despite checking the bed compartment prior to reaching the checkpoint. The jury deliberated for approximately 45 minutes before finding him guilty. He was sentenced to 18 months imprisonment and 2 years of supervised release.

Co-counsel:

Tyler Joseph Foster
United States Attorney's Office
800 North Shoreline Boulevard, Suite 500
Corpus Christi, TX 78401
(361) 888-3111

Opposing counsel:

David Cano
David Cano Law Firm
555 North Carancahua Street, Tower II, Suite 1010
Corpus Christi, TX 78401
(361) 215-9258

4. *United States v. Anthony Dwayne Carrington*, 2:22-cr-563 (S.D. Tex.) (Judge David S. Morales) (Representation: 2022 – 2024)

I served as sole counsel for the United States in the criminal prosecution of Carrington for bank robbery and possession of a firearm during a crime of violence. In August 2022, law enforcement responded to an armed robbery at a bank in Corpus Christi, Texas. The suspect's description matched those of contemporaneous shootings at a nearby restaurant and a private residence. Bank employees reported that the suspect, Carrington, approached the teller station, pointed a firearm at the teller, and demanded all the money in the bank drawer. After receiving the cash, Carrington stuffed it in his pockets and fled. Carrington was wearing a shirt from a local restaurant. At the same time, officers responded to the other shootings. At the restaurant, witnesses identified the shooter as Carrington, an employee. The victim at the residence also identified the shooter as Carrington, a personal acquaintance. After a city-wide manhunt, Carrington was apprehended. A search of Carrington revealed cash from the bank, narcotics, and .25 caliber casings, consistent with those recovered at the shootings. Carrington also admitted to shooting the victim at the residence, going to the restaurant to shoot a coworker, and robbing the bank, all within forty-five minutes. Carrington was indicted, pleaded guilty to all counts, and was sentenced to 135 months' imprisonment.

Opposing counsel:

Kristen Langford
Assistant Federal Public Defender
500 North Shoreline Boulevard, Suite 301
Corpus Christi, TX 78401
(361) 888-3532

5. *United States v. Eric Mendiola*, 2:22-cr-227 (S.D. Tex.) (Judge Drew B. Tipton) (Representation: 2022)

I served as sole counsel for the United States in the criminal prosecution of Mendiola for

alien smuggling. In March 2022, Mendiola was apprehended driving a tractor-trailer into the Border Patrol checkpoint near Sarita, Texas. During an immigration inspection, a Border Patrol service canine alerted agents to the presence of concealed humans. Law enforcement opened the doors of the refrigerated trailer and discovered dozens of aliens hidden behind a load of produce. In total, 31 illegal aliens were being smuggled into the interior United States. Mendiola had two prior convictions for transporting illegal aliens within the United States. After pleading guilty, Mendiola was sentenced to the statutory maximum of 60 months in federal prison

Opposing counsel:

Simon Brian Purnell
Griffin Purnell, LLC
2037 Airline Road, Suite 200
Corpus Christi, TX 78412
(361) 262-1776

6. *United States v. Marvin Antonio Reyes, et al.*, 2:23-cr-522 (S.D. of Tex.) (Judge David S. Morales) (Representation: 2021 – 2024)

I served as lead counsel for the United States in the investigation, indictment, and prosecution of Reyes and co-defendants for their roles in a prolific alien trafficking organization. Reyes, an alien illegally present in the United States, managed a network of human smugglers directly linked to the illegal entry of hundreds of aliens. Reyes and co-conspirators organized the smuggling of the aliens past law enforcement officials and immigration checkpoints using privately owned airplanes and commercial tractor-trailers. The organization also created fraudulent documents to deceive charter companies into believing they were transporting U.S. citizens. Aliens were charged up to \$21,500 each to be transported by private plane, and for this fee, were guaranteed successful transport to their destination in the United States. In total, law enforcement intercepted well over 250 aliens being smuggled into the United States by the organization and tracked payments of more than \$3,000,000. Ultimately, Reyes and the other eight defendants pleaded guilty and received combined sentences of more than 350 months in federal prison. Specifically, Marvin Reyes received 108 months in prison and a money judgment of \$1 million.

Co-counsel:

Patrick J. Overman
United States Attorney's Office
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(361) 888-3111

Tyler Joseph Foster
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800 North Shoreline Boulevard, Suite 500

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Opposing counsel:

Laura Ramos
Law Office of Laura Allison Ramos
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Robert Louis Guerra
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Edith Evevon Schatelowitz

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7. *United States v. Carlos Acosta, et al.*, 2:21-cr-851 (S.D. of Tex.) (Judge David S. Morales) (Representation: 2021 – 2023)

I served as co-counsel for the United States in the investigation, indictment, and prosecution of Acosta and co-defendants for their roles in a drug trafficking organization. La Quarenta was a multi-generational street gang based in Corpus Christi, Texas. Members of the gang have been arrested for committing a wide variety of drug-related and violent crimes. Homeland Security opened an investigation into the narcotics distribution activities of the gang. The investigation revealed that members were operating a 24-hour narcotics storefront that was distributing large amounts of controlled substances. Further investigation revealed that fellow members were supplying the storefront with weekly kilogram deliveries of methamphetamine, heroin, and cocaine, which were being imported directly from Mexico. In August 2021, multiple law enforcement agencies executed simultaneous search warrants on four residences tied to the gang, including the storefront. This operation involved over 150 law enforcement officers and required two helicopters. As a result of the search, agents recovered multi-kilogram quantities of methamphetamine, cocaine, marijuana, and heroin, as well as \$100,000 cash, firearms, rounds of ammunition, a police scanner, drug ledgers, digital scales, and other drug paraphernalia. The operators of the storefront were arrested, indicted, and pleaded guilty to conspiring to possess with intent to distribute controlled substances. Three managers of the storefront received sentences of imprisonment of 300 months, 121 months, and 72 months.

Co-counsel:

Christopher Marin
(formerly with the United States Attorney's Office)
Bureau of Alcohol, Tobacco, Firearms and Explosives
10 Causeway Street, Suite 791
Boston, MA 02222
(617) 557-1200

Opposing counsel:

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Epimenio Ysassi
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Corpus Christi, TX 78401
(361) 883-9997

Stephen Christopher McMains
5337 Yorktown Boulevard, Suite 5-3
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(361) 884-4488

8. *United States v. Ronald Flirt*, 2:21-cr-235 (S.D. of Tex.) (Judge David S. Morales)
(Representation: 2021 – 2022)

I served as trial counsel for the United States in the criminal prosecution of Flirt for possession with intent to distribute a controlled substance. On November 17, 2020, while agents from the Drug Enforcement Administration were surveilling a known drug stash house in Corpus Christi, Texas, they observed Ronald Flirt stop his truck at the location. An individual exited Flirt's truck, entered the stash house, and returned to the truck. Agents conducted a traffic stop and discovered ten bags of crystal methamphetamine. — One bag was in Flirt's pocket, eight in his headphone case, and one he dropped from his hand. The drugs had a street value exceeding \$4,000. Bodycam footage showed Flirt attempting to hide a bag of meth while displaying his hands to officers. Although Flirt testified the drugs were strictly for personal use and claimed he planned to smoke an entire ounce of methamphetamine, the jury rejected this defense and convicted him on both conspiracy and possession with intent to distribute charges. He was sentenced to 92 months' imprisonment. Flirt appealed his conviction to the United States Court of Appeals for the Fifth Circuit, challenging the sufficiency of the evidence. The Fifth Circuit affirmed the conviction.

Co-counsel:

Christopher Marin
(formerly with the United States Attorney's Office)
Bureau of Alcohol, Tobacco, Firearms and Explosives
10 Causeway Street, Suite 791
Boston, MA 02222
(617) 557-1200

Opposing counsel:

Elizabeth Ann O'Connell
Assistant Federal Public Defender
500 North Shoreline Boulevard, Suite 301
Corpus Christi, TX 78401
(361) 888-3532

9. *The People of the State of New York v. Kemar James*, 1157-18 (Bronx Supreme Court, Criminal Term) (Justice Alvin Yearwood) (Representation: 2018 – 2019)

I served as lead prosecutor and trial counsel in the criminal prosecution of James for robbery and grand larceny. On December 20, 2017, James lured his former co-worker to a Bronx apartment under the pretense of attending a party. When the victim attempted to leave, James's accomplices dragged him into a bedroom and beat him, fracturing his jaw in multiple places. While co-conspirators forcefully held the victim hostage for more than four hours, James stole the victim's bank card and systematically withdrew \$1,000 from various ATMs throughout the Bronx, then returned to coerce a wire transfer, draining the account of the victim's life savings. After a two-week trial, a jury convicted James of robbery in the first degree and grand larceny. At the sentencing hearing, Justice Yearwood imposed a sentence of eleven years' imprisonment plus five years' post-release supervision. The Appellate Division, First Department, unanimously affirmed the judgment and sentence.

Co-counsel:

Melissa Fabi
(formerly with the Bronx District Attorney's Office)
Rockland County District Attorney's Office
1 South Main Street, Suite 500
New City, NY 10956
(845) 638-5001

Opposing counsel:

Jeff Henle
The Law Office of Jeff Henle, P.C.
420 Lexington Avenue, Suite 300
New York, NY 10170
(212) 209-1034

10. *The People of the State of New York v. Alexis Irizarry*, 1338-16 (Bronx Supreme Court, Criminal Term) (Justice Miriam Best) (Representation: 2016 – 2018)

I served as lead prosecutor and trial counsel in the criminal prosecution of Irizarry for aggravated assault. On April 4, 2016, Irizarry confronted one of his neighbors over money related to a drug deal. As tensions increased and the two men moved closer toward each other, Irizarry removed a sharp object from his jacket pocket. He then began

furiously stabbing the neighbor in his chest and back with the object, causing serious physical injury. After a two-week trial, a jury convicted Irizarry of assault in the second degree and criminal possession of a weapon in the fourth degree. At the sentencing hearing, Justice Best imposed a sentence of six years' imprisonment plus five years' post-release supervision. The Appellate Division, First Department, unanimously affirmed the judgment and sentence.

Co-counsel:

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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.)

United States v. Xu Zewei, et al., 4:23-cr-523 (S.D. of Tex.) (Judge Alfred Bennett)
(Representation: 2024 – 2026)

I served as co-counsel for the United States in the prosecution and extradition of Zewei for wire fraud, identity theft, and unauthorized access to protected computers. In February 2020, Xu Zewei and his co-defendant, Zhang Yu, both Chinese nationals, discussed a known computer vulnerability that allowed hackers to identify and steal account credentials. They deployed that vulnerability to exploit private computer networks owned by U.S.-based research universities, including two in Texas. Using stolen credentials, Xu and his co-conspirators accessed the university networks. During this period, Xu and others were reporting their activities to officers in the Shanghai State Security Bureau, who were supervising and directing the hacking activities. Xu was directed to target specific email accounts, including mailboxes that belonged to virologists and immunologists researching COVID-19 vaccines, treatment, and testing. Chinese government officials further directed Xu and his team to steal the contents of the researchers' mailboxes. In October 2020, Xu and his co-conspirators directed their hacking efforts toward a

U.S.-based law firm with offices in Washington, D.C., and other locations throughout the world. Xu and others conducted hundreds of searches and stole information from the mailboxes of the firm's attorneys. The searches were specific to U.S. policy makers and government agencies, and included the search terms "Chinese Sources," "HongKong," and "MSS." In March 2021, Microsoft publicly disclosed the intrusion campaign by state-sponsored hackers operating out of China, including Xu and his co-conspirators. Microsoft named this group HAFNIUM. Xu was arrested in Milan, Italy, and is currently in the process of being extradited to the United States.

As the Acting United States Attorney, I oversee all litigation, administrative, and policy functions of a 400+ person office comprised of Criminal, Civil, and Appellate Divisions.

As First Assistant United States Attorney, I served as principal deputy to the United States Attorney, ensuring office-wide alignment with Department of Justice policies and priorities.

As Associate Deputy Criminal Chief, I reviewed and approved charging decisions, search warrants, and classified legal process related to prosecuting complex national Security cases.

As an Assistant United States Attorney, I would advise and assist law enforcement agencies on ongoing investigations and potential targets.

I have never acted or registered as a lobbyist.

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 copies to the committee.

I have not taught any courses.

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 result of my federal service, I will be entitled to receive a pension under the Federal Employees Retirement System (FERS). I will also be entitled to receive retirement benefits from the New York City Employees' Retirement System (NYCERS).

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 plans, commitments, or agreements to pursue outside employment.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached 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.

Cases most likely to implicate conflict questions would be those related to my service as Acting United States Attorney for the Southern District of Texas. If confirmed, I will recuse myself from any litigation that was opened or handled by the United States Attorney's Office during my tenure there. For all other matters, I will evaluate any real or potential conflicts, or relationships that could give rise to the appearance of conflicts, on a case-by-case basis and take appropriate action, including recusal when necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances relating to real or potential conflicts of interest. In situations that present actual conflicts of interest based on my current or prior positions at the Department of Justice, I would recuse myself from any case in which I was personally involved as a prosecutor or supervisor. In situations involving potential conflicts of interest, I would disclose all relevant information to parties, allow the parties to be heard, and then rule on any recusal motion based upon the application of all relevant authorities and guidance.

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 predominantly fulfilled this responsibility through public service, having spent my entire legal career in either federal or local government representing the American people and upholding the rule of law.

I began my career as an unpaid Special Assistant District Attorney in the Brooklyn District Attorney's Office. In this pro bono capacity, I advocated for crime victims by managing a high-volume caseload of various misdemeanor charges, including assault, menacing, and theft. As an attorney for the United States, I generally have been restricted from engaging in the practice of law on behalf of any party other than the federal government. During my time in the Office of the Bronx District Attorney, my ability to engage in the outside practice of law was strictly limited.

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.

On October 24, 2025, Senators John Cornyn and Ted Cruz announced a federal judicial vacancy in the Southern District of Texas. I submitted my application for this vacancy on November 17, 2025. On December 23, 2025, I was invited to interview with the Federal Judicial Evaluation Committee, a bipartisan panel of attorneys that reviews applications and provides recommendations to Senators Cornyn and Cruz to help fill judicial vacancies. I interviewed with the Committee on January 9, 2026. Based on the Committee's recommendation, I interviewed with Senators Cruz and Cornyn on February 13, 2026, and February 26, 2026, respectively. While in Washington, D.C., I also interviewed with the White House Counsel's Office on February 12, 2026. Since then, I have remained in contact with officials from the White House Counsel's Office and the Department of Justice's Office of Legal Policy.

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.

AFFIDAVIT

I, John George Edward Marck, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

March 25, 2026
(DATE)

John Marck
(NAME)

Gwendolyn D. Braxton
(NOTARY)

