

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

David Alan Bragdon

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

United States District Court for the Middle District of North Carolina

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 North Carolina
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601

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

1977; Warren, Ohio

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.

1999 – 2002, University of Virginia School of Law; J.D., 2002

1995 – 1999, Campbell University; Bachelor of Arts, B.A. (*summa cum laude*), 1999

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.

2007 – present

U.S. Attorney's Office for the Eastern District of North Carolina
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
Appellate Chief (2021 – present)

Assistant U.S. Attorney (2007 – present)

2023

Campbell University School of Law
225 Hillsborough Street
Raleigh, North Carolina 27603
Adjunct Professor

2017 – 2020

U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance, and Training
U.S. Embassy in the Philippines
1201 Roxas Boulevard
Manila, Philippines 1000
Detail as Resident Legal Advisor

2006 – 2007

Honorable Clarence Thomas
Supreme Court of the United States
1 First Street, Northeast
Washington, District of Columbia 20543
Law Clerk

2003 – 2006

Burr & Forman
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203
Associate

2002 – 2003

Honorable Stephen F. Williams
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Law Clerk

Summer 2001

Womble Carlyle Sandridge & Rice
[now Womble Bond Dickinson]
One West 4th Street
12th Floor
Winston-Salem, North Carolina 27101
Summer Associate

Summer 2001

Brooks Pierce

230 North Elm Street
Suite 2000
Greensboro, North Carolina 27401
Summer Associate

Summer 2000
Johnston Barton Proctor & Powell (dissolved in 2014)
569 Brookwood Village # 901
Birmingham, Alabama 35209
Summer Associate

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 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.

Distinguished Government Alumnus of Campbell University (2007)

Virginia Law Review (2000 – 2002)

John M. Olin Law and Economics Scholarship (2000 – 2002)

Algernon Sydney Sullivan Award (1999)

Phi Kappa Phi, Fellow of the Society (1999)

U.S. Senator/Attorney General Robert B. Morgan Distinguished Student in Pre-Law (1999)

Outstanding Senior in the Government and History Department, Campbell University (1999)

USA Today – Honorable mention for Outstanding Academic Performance (1999)

Who's Who Among Students in American Universities and Colleges (1998)

North Carolina Student Legislature, Best Speaker in the Senate (1997)

North Carolina Student Legislature, Best New Delegate (1996)

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.

North Carolina Bar Association (2022 – present)
Appellate Practice Section Council member (2022 – 2025)
Appellate Practice Section Communications co-chair (2024 – present)

I attended meetings of the Eastern District of North Carolina Local Criminal Rules Ad Hoc Committee on January 4, February 8, and February 28, 2022. I do not believe that I was formally considered a member of the group.

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.

North Carolina, 2005
Kentucky, 2004
Alabama, 2002

I voluntarily withdrew from the Kentucky Bar under SCR 3.480(1) in 2007. At the time I withdrew, I was behind on my bar dues. I had intended to withdraw before the dues deadline since I was no longer practicing in Kentucky but did not withdraw before the payment deadline. When the notice was issued for nonpayment, I called the Kentucky Bar and completed the paperwork to withdraw.

For Alabama, I converted to inactive status in 2006 after starting my Supreme Court clerkship.

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.

Supreme Court of the United States, 2007
United States Court of Appeals for the Fourth Circuit, 2008
United States Court of Appeals for the Sixth Circuit, 2004
United States Court of Appeals for the Eleventh Circuit, 2004
United States District Court for the Eastern District of North Carolina, 2007
United States District Court for the Eastern District of Kentucky, 2004
United States District Court for the Western District of Kentucky, 2004
United States District Court for the Northern District of Alabama, 2003
United States District Court for the Middle District of Alabama, 2003
United States District Court for the Southern District of Alabama, 2003

After we left Birmingham in 2006, I did not renew my membership in the Eleventh Circuit, and it has lapsed. While I may still be listed as active in the district courts for Kentucky and Alabama, I believe I would have to make my Alabama and/or Kentucky Bar status active before I could practice in them.

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.

Federalist Society (2023 – present; intermittently between 2003 and 2017)

Scouting America (2013 – present)

Tiger Cub Den Leader (2013 – 2014)

Wolf Cub Den Leader (2014 – 2015)

Bear Cub Den Leader (2015 – 2016)

Tiger Cub Den Leader (2016 – 2017)

Merit Badge Counselor (2021 – present)

Campmaster for select camping trips (2021, 2024, 2025)

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.

In the past, Boy Scouts of America (now known as Scouting America) limited youth membership to boys, although that limitation has since been removed. To the best of my knowledge, none of the other organizations listed in response to Question 11(a) 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.

NCBA Appellate Section Blog, *The Appellate CLE Will Be Held on May 2 – Register Now*, Apr. 10, 2025. I reviewed this as Communications Co-Chair before it went out. Copy supplied.

NCBA Appellate Section Blog, *The Appellate Practice Section Goes to Washington*, Mar. 24, 2025. I reviewed this as Communications Co-Chair before it went out.

NCBA Appellate Section Blog, *Appellate Insights Recap: Navigating Urgency with U.S. Supreme Court Emergency Applications Attorney Robert Meek*, Jan. 6, 2025. I reviewed this as Communications Co-Chair before it went out. Copy supplied.

NCBA Appellate Section Blog, *Congratulations to Two New NC Board Certified Specialists in Appellate Practice!*, Jan. 2, 2025. I reviewed this as Communications Co-Chair before it went out. Copy supplied.

NCBA Appellate Section Blog, *Helene's Effect on Lawyers, Clients, and Courts in Western North Carolina*, Oct. 4, 2024. I co-wrote this with another lawyer who did not want to be listed as an author. Copy supplied.

NCBA Appellate Section Blog, *A Panel of O'Connor Clerks Share Her Legacy with NCBA Members*, Sept. 13, 2024. I wrote this. Copy supplied.

Letter from 112 former clerks to Justice Clarence Thomas, Aug. 29, 2023. In my personal capacity, I signed an open letter of support for the Honorable Clarence Thomas. This letter was signed by 111 other former clerks to Justice Thomas. Copy supplied.

I was likely involved in drafting, reviewing, or editing the press releases below.

Press Release, *RGB, INC. Pleads Guilty and Is Sentenced for Gambling Violations*, United States Attorney's Office, Eastern District of North Carolina, Mar. 16, 2017. Copy supplied.

Press Release, *Former Fort Bragg Army Sergeant and Owner of California Telemarketing Company Plead Guilty to Gratuity and Bribery Charges*, United States Attorney's Office, Eastern District of North Carolina, Dec. 5, 2016. Copy supplied.

Press Release, *2016 Eastern District Election Officer Appointed*, United States Attorney's Office, Eastern District of North Carolina, Oct. 25, 2016. Copy supplied.

Press Release, *Oklahoma Man Sentenced to 30 Months Imprisonment for Conspiracy to Defraud a Cary, NC Company*, United States Attorney's Office, Eastern District of North Carolina, Oct. 14, 2016. Copy supplied.

Press Release, *John Michael Wade Pleads Guilty to Conspiracy to Defraud a Cary, NC Company*, United States Attorney's Office, Eastern District of North Carolina, Feb. 24, 2016. Copy supplied.

Press Release, *David Christopher Mayhew Sentenced to 26 Years Imprisonment*, United States Attorney's Office, Eastern District of North Carolina, Jan. 7, 2016. Copy supplied.

Press Release, *Marlin Maurice Jackson Sentenced to 3 Years Imprisonment*, United States Attorney's Office, Eastern District of North Carolina, Jan. 7, 2016. Copy supplied.

Press Release, *Wendell Woman Sentenced for Tax Fraud*, United States Attorney's Office, Eastern District of North Carolina, Nov. 4, 2015. Copy supplied.

Press Release, *Julian Marie Breslow Sentenced to 2 1/2 Years Imprisonment*, United States Attorney's Office, Eastern District of North Carolina, June 17, 2015. Copy supplied.

Press Release, *David Christopher Mayhew Convicted of Conspiracy, Mail Fraud, and Money Laundering*, United States Attorney's Office, Eastern District of North Carolina, June 12, 2015. Copy supplied.

Press Release, *Sweepstakes Software Providers Sign Agreements Stopping Their Ability to Provide Alleged Illegal Sweepstakes Software to Internet Cafes Throughout the State of North Carolina*, United States Attorney's Office, Eastern District of North Carolina, May 6, 2015. Copy supplied.

Press Release, *HSV Entertainment LLC Agrees to No Longer Supply Internet Sweepstakes at the Roanoke Rapids Theater*, United States Attorney's Office, Eastern District of North Carolina, May 6, 2015. Copy supplied.

Press Release, *Rocky Mount Tax Service Owner Sentenced for Tax Fraud*, United States Attorney's Office, Eastern District of North Carolina, Jan. 29, 2015. Copy supplied.

Press Release, *Thomas L. Kimmel Sentenced for Conspiracy, Mail Fraud, And Money Laundering*, United States Attorney's Office, Eastern District of North Carolina, Oct. 2, 2014. Copy supplied.

Press Release, *James Willis Kirk, Jr. and Glen E. Smith, Jr. Sentenced in Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Aug. 5, 2014. Copy supplied.

Press Release, *Thomas L. Kimmel Convicted of Conspiracy, Mail Fraud, and Money Laundering*, United States Attorney's Office, Eastern District of North Carolina, June 26, 2014. Copy supplied.

Press Release, *Carolyn Grant Charged with Multi-Million Dollar Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Nov. 13, 2012. Copy supplied.

Press Release, *Former Atlanta Attorney Sentenced for Million Dollar Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Apr.

4, 2012. Copy supplied.

Press Release, *Purchase Factoring Rep Sentenced in Fraud Case*, United States Attorney's Office, Eastern District of North Carolina, Jan. 18, 2012. Copy supplied.

Press Release, *Clinton Fraudster Receives Federal Sentence*, United States Attorney's Office, Eastern District of North Carolina, Jan. 11, 2012. Copy supplied.

Press Release, *Fayetteville Attorney Sentenced for Mortgage Fraud*, United States Attorney's Office, Eastern District of North Carolina, Dec. 6, 2011. Copy supplied.

Press Release, *Kinston Resident Receives Federal Sentence in Arson Case*, United States Attorney's Office, Eastern District of North Carolina, May 18, 2011. Copy supplied.

Press Release, *Ponzi Schemer Pleads Guilty*, United States Attorney's Office, Eastern District of North Carolina, May 13, 2011. Copy supplied.

Press Release, *Clinton Fraudster Convicted*, United States Attorney's Office, Eastern District of North Carolina, Apr. 21, 2011. Copy supplied.

Press Release, *Woman Sentenced for Cumberland County Real Estate Scheme*, United States Attorney's Office, Eastern District of North Carolina, Feb. 11, 2011. Copy supplied.

Press Release, *Clayton Felon Receives Federal Sentence*, United States Attorney's Office, Eastern District of North Carolina, Feb. 4, 2011. Copy supplied.

Press Release, *Tennessee Man Sentenced to 25 Years in Prison for Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Jan. 18, 2011. Copy supplied.

Press Release, *Rocky Mount Man Pleads Guilty to Machine Gun Charges*, United States Attorney's Office, Eastern District of North Carolina, Dec. 14, 2010. Copy supplied.

Press Release, *Former Carteret County Sheriff Sentenced*, United States Attorney's Office, Eastern District of North Carolina, Oct. 13, 2010. Copy supplied.

Press Release, *Financial Institutions Defrauded Through Copier Leases*, United States Attorney's Office, Eastern District of North Carolina, Oct. 6, 2010. Copy supplied.

supplied.

Press Release, *Former Carteret County Sheriff's Deputy Sentenced*, United States Attorney's Office, Eastern District of North Carolina, Sept. 24, 2010. Copy supplied.

Press Release, *Woman Pleads Guilty to Cumberland County Real Estate Scheme*, United States Attorney's Office, Eastern District of North Carolina, Sept. 14, 2010. Copy supplied.

Press Release, *Concert Promoter Sentenced for Fraud*, United States Attorney's Office, Eastern District of North Carolina, Aug. 9, 2010. Copy supplied.

Press Release, *Three Defendants Plead Guilty to Conspiracy to Defraud Bank*, United States Attorney's Office, Eastern District of North Carolina, July 6, 2010. Copy supplied.

Press Release, *Tennessee Man Convicted After Trial in \$20 Million Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, June 14, 2010. Copy supplied.

Press Release, *Former Carteret County Sheriff and Deputy Plead Guilty*, United States Attorney's Office, Eastern District of North Carolina, May 3, 2010. Copy supplied.

Press Release, *Aurora Man Receives Federal Sentence for Weapons Charge*, United States Attorney's Office, Eastern District of North Carolina, Apr. 14, 2010. Copy supplied.

Press Release, *Greenville Man Pleads Guilty to Charge for Scheme to Defraud Pitt County*, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2010. Copy supplied.

Press Release, *Mother and Daughter Receive Prison Time for Perjury*, United States Attorney's Office, Eastern District of North Carolina, Jan. 7, 2010. Copy supplied.

Press Release, *Fayetteville Man Receives Federal Sentence for Child Pornography*, United States Attorney's Office, Eastern District of North Carolina, Dec. 9, 2009. Copy supplied.

Press Release, *Greenville City Councilman Receives Federal Prison Time for Tax-Related Charges*, United States Attorney's Office, Eastern District of North Carolina, Nov. 16, 2009. Copy supplied.

Press Release, *Willow Springs Man Sentenced for Child Pornography*, United

States Attorney's Office, Eastern District of North Carolina, Oct. 15, 2009. Copy supplied.

Press Release, *Fayetteville Child Rapist Receives 40-Year Prison Sentence for Child Pornography*, United States Attorney's Office, Eastern District of North Carolina, Oct. 8, 2009. Copy supplied.

Press Release, *Wilson Man Pleads Guilty in Mortgage Fraud Case*, United States Attorney's Office, Eastern District of North Carolina, Apr. 20, 2009. Copy supplied.

Press Release, *Roseboro Woman Found Guilty to Perjury*, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2009. Copy supplied.

Press Release, *Licensed Mortgage Broker Receives Over Five Years in Prison for Bank Fraud and Identity Theft*, United States Attorney's Office, Eastern District of North Carolina, Mar. 2, 2009. Copy supplied.

Press Release, *Last Defendant Sentenced in False ID Production Organization*, United States Attorney's Office, Eastern District of North Carolina, Feb. 24, 2009. Copy supplied.

Press Release, *Fort Bragg Soldier Sentenced in Child Pornography Case*, United States Attorney's Office, Eastern District of North Carolina, Jan. 5, 2009. Copy supplied.

Press Release, *Four Oaks Man Pleads Guilty to Child Enticement Charge*, United States Attorney's Office, Eastern District of North Carolina, Nov. 10, 2008. Copy supplied.

Press Release, *Sentencing for Four More Illegal Aliens in False ID Production Organization*, United States Attorney's Office, Eastern District of North Carolina, Oct. 9, 2008. Copy supplied.

Press Release, *Printer in ID Fraud Ring Sentenced*, United States Attorney's Office, Eastern District of North Carolina, Sept. 29, 2008. Copy supplied.

Press Release, *Sentencing for Eight Illegal Aliens in False ID Production Organization*, United States Attorney's Office, Eastern District of North Carolina, Sept. 19, 2008. Copy supplied.

Press Release, [Untitled], United States Attorney's Office, Eastern District of North Carolina, Sept. 17, 2008. Copy supplied.

Press Release, *False Emergency Call Costs Newport Man over \$45,000*, United

States Attorney's Office, Eastern District of North Carolina, Sept. 16, 2008. Copy supplied.

Press Release, *Mortgage Fraud Broker Pleads to Bank Fraud and Identity Theft Charges*, United States Attorney's Office, Eastern District of North Carolina, July 10, 2008. Copy supplied.

Press Release, *Child Pornographer Sentenced to 18 Years in Prison*, United States Attorney's Office, Eastern District of North Carolina, July 2, 2008. Copy supplied.

Press Release, *Four Illegal Aliens to Pled [sic] Guilty in Document Counterfeiting Ring*, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2008. Copy supplied.

Press Release, *Roseboro Doctor Charged with Unlawful Drug Distribution and Racketeering Activity*, United States Attorney's Office, Eastern District of North Carolina, Apr. 3, 2008. Copy supplied.

In 2007 and 2018, I guest wrote four articles for my wife's blog, *Suburban Saga*:

"Letter on Vacationing in Ubud, Bali...", *Suburban Saga Goes Global*, Oct. 16, 2018. Copy supplied.

"Two convicting verses about pride," *Suburban Saga*, May 26, 2007. Copy supplied.

"Happy Sixth Anniversary Sweetheart," *Suburban Saga*, May 19, 2007. Copy supplied.

"Missing my little boy (and wife)," *Suburban Saga*, Apr. 23, 2007. Copy supplied.

As an Articles Editor for the Virginia Law Review and before that as an editorial board member, I performed typographical and stylistic edits of several law review articles in Volumes 86, 87 and 88 of the Virginia Law Review. The authors of these materials were responsible for their substantive contents. I have no record or memory of the articles I edited as an editorial board member. As an Articles Editor, my records show that I edited the following articles:

Sam Karmin, *Harmless Error and the Rights/Remedies Split*, 88 VA. L. REV. 1 (2002). Copy supplied.

Gary Lawson, *Delegation and Original Meaning*, 88 VA. L. REV. 327 (2002). Copy supplied.

Julia D. Mahoney, *Perpetual Restrictions on Land and the Problem of the Future*, 88 VA. L. REV. 739 (2002). Copy supplied.

Glynn S. Lunney, *The Death of Copyright: Digital Technology, Private Copying, and the Digital Millennium Copyright Act*, 87 VA. L. REV. 813 (2001). Copy supplied.

Zohar Goshen & Gideon Parchomovsky, *On Insider Trading, Markets, and "Negative" Property Rights in Information*, 87 VA. L. REV. 1229 (2001). Copy supplied.

Kent Greenfield, *Ultra Vires Lives! A Stakeholder Analysis of Corporate Illegality (With Notes on How Corporate Law Could Reinforce International Law Norms)*, 87 VA. L. REV. 1279 (2001). Copy supplied.

Ronald J. Allen & Brian Leiter, *Naturalized Epistemology and the Law of Evidence*, 87 VA. L. REV. 1491 (2001). Copy supplied.

Dale A. Nance, *Naturalized Epistemology and the Critique of Evidence Theory*, 87 VA. L. REV. 1551 (2001). Copy supplied.

D. H. Kaye, *The Dynamics of Daubert Methodology, Conclusions, and Fit in Statistical and Econometric Studies*, 87 VA. L. REV. 1933 (2001). Copy supplied.

Kevin A. Kordana & Terrance O'Reilly, *Daubert and Litigation-Driven Econometrics*, 87 VA. L. REV. 2019 (2001). Copy supplied.

David Bragdon's Home Page. This web blog was available from approximately 1997 through approximately 2000. Copy supplied.

"Let Your Party Be Your Guide," *The Campbell Times*, Oct. 30, 1998. Copy supplied.

"President-Elect: 'Article Inaccurate,'" *The Campbell Times*, Apr. 3, 1998. 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.

David Bragdon, 2024 Nags Head Camping Report. Copy Supplied.

David Bragdon, 2021 Merchants Millpond Report. Copy Supplied.

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.

Letter to Chairman Grassley and Ranking Member Durbin, "Nomination of Joshua Divine to the United States District Courts for the Eastern and Western District of Missouri," from former clerks to the Honorable Clarence Thomas, May 29, 2025. Copy supplied.

I had some informal communications with Philippine officials regarding Philippine criminal justice policy in my role with the Department of Justice, Office of Overseas Prosecutorial Development, Assistance, and Training (DOJ OPDAT) from 2017 to 2020. I do not have records or details of these. I believe my policy communications would have discussed revisions to the Philippine counterterrorism law or adoption of a law allowing consensual recording in police investigations.

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.

I regularly give presentations at the U.S. Attorney's Office. These are confidential.

May 2, 2025: Speaker, "Panel Discussion – The Art of Oral Argument: Practice before the Fourth Circuit," North Carolina Bar Association, Appellate Section CLE, Cary, North Carolina. Video recording supplied.

2017–2020: I gave numerous trainings in the Philippines for prosecutors, judges, and law enforcement as part of my job with DOJ Office of Overseas Development, Assistance, and Training. The topics included financial crime, trafficking in persons, counterterrorism, asset forfeiture, and digital forensics. I have no notes, transcript, or recording. These trainings occurred all over the Philippines, typically at conferences held at hotels.

2013–2014: I trained lawyers from Kosovo and Moldova on economic crimes in 2013 and 2014 respectively. I have no notes, transcript, or recording. These trainings occurred at the U.S. Attorney's Office for the Eastern District of North Carolina, 310 New Bern Avenue, Suite 800, Raleigh, North Carolina 27601.

2014 (approximately): Panelist, Securities Continuing Legal Education Panel, North Carolina Bar Association, Cary, North Carolina. I discussed how to charge different

kinds of cases and used the *Bartko* case, 5:09-CR-00321-D, as an example. I have no notes, transcript, or recording. I do not recall the address of the event, but it was hosted by the U.S. Attorney's Office for the Western District of North Carolina in Charlotte, North Carolina.

Sept. 23, 2013: Speaker, Kenelm Lecture on "The Constitution & the Pursuit of Justice: Prosecuting while Protecting the Rights of the Accused," Campbell University, Buies Creek, North Carolina. I developed and taught the two-day Kenelm seminar for Campbell University in 2013. To my knowledge, no recording or transcript was made. I remember very few details about this course, but I discussed federal criminal prosecutions and used at least one of my cases, *Daniel Buczkowski*, 5:08-CR-159 (a child pornography case), as an example. The address of the event was the Weymouth Center, 555 East Connecticut Avenue, Southern Pines, North Carolina 28388. Campbell University published an article about my lecture at <https://news.campbell.edu/articles/assistant-u-s-attorney-campbell-grad-to-present-2013-kenelm-lecture-sept-23/>.

2008 or 2009 (approximately): I was a guest teacher for one class period at a Harnett County high school civics class. I discussed my role as a prosecutor. I have no notes, transcript, or recording. I do not recall which Harnett County high school I taught the lesson at.

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.

As part of my work with DOJ OPDAT in the Philippines, around 2019, some Philippine partners and I participated in a radio-station interview in Cebu on trafficking in persons. I do not know the date or even the radio station we talked with. I said relatively little, but I believe I discussed our training efforts.

Mark F. Bernstein, "DOJ's Bragdon '02 on Changing the System in the Philippines," University of Virginia School of Law. Around 2019, the University of Virginia School of Law published a Class Note about my work in Manila based on an interview with me. Copy supplied.

Shannon Reyes, "Campbell Alum Clerks for Justice Clarence Thomas" *Campbell University Magazine*, Winter 2008. Copy supplied.

"Assistant U.S. attorney honored by Campbell University," *Campbell University News*, Oct. 23, 2007. Copy supplied.

In late 2005 or early 2006, Campbell University interviewed me and did a press release about my receiving a Supreme Court Clerkship. I have no notes, transcript, or recording, and I cannot find this interview online.

Mary Wood, "Bragdon '02 to Clerk for Justice Thomas," University of Virginia School of Law, Oct. 17, 2005. I cannot remember if this article was based on an interview. Copy supplied.

While I was a student at Campbell University, I often participated in interviews with the student newspaper, *The Campbell Times*, especially about my role in student government. I reviewed an online archive of scanned newspapers and located the following articles for which I gave an interview.

Mary Moorefield, "Agenda 2000," *The Campbell Times*, Feb. 26, 1999. Copy supplied.

Jessica Jordan, "SGA 'Points' Bring Lots of Resolutions," *The Campbell Times*, Dec. 4, 1998. Copy supplied.

Jessica Jordan, "SGA Votes Out Point System After One Year," *The Campbell Times*, Nov. 6, 1998. Copy supplied.

Jessica Jordan, "SGA Passes Budget and Assigns Task Force," *The Campbell Times*, Oct. 9, 1998. Copy supplied.

Jason Cockman, "Freshmen Elect Class Officers and Reps," *The Campbell Times*, Sept. 25, 1998. Copy supplied.

Aesha Duval, "New President Speaks Out," *The Campbell Times*, Mar. 20, 1998. Copy supplied.

Maurine Slaughter, "Second Time a Charm for Bragdon," *The Campbell Times*, Mar. 6, 1998. Copy supplied.

Christi Broadway, "Bill Sets Up Saylor Memorial Scholarship," *The Campbell Times*, Feb. 13, 1998. Copy supplied.

Maurine Slaughter, "SGA Debates 3 Resolutions in Long Meeting," *The Campbell Times*, Nov. 21, 1997. Copy supplied.

Maurine Slaughter, "SGA Pleased After Homecoming '97 Weekend," *The Campbell Times*, Oct. 10, 1997. Copy supplied.

Maurine Slaughter, "SGA Makes Plans for Homecoming," *The Campbell Times*, Sept. 26, 1997. Copy supplied.

Maurine Slaughter, "New SGA Constitution Ready for Next Step," *The Campbell Times*, Apr. 11, 1997. Copy supplied.

Maurine Slaughter, "New Point System Passed to Improve SGA Performance,"

The Campbell Times, Mar. 14, 1997. Copy supplied.

Maurine Slaughter, "Royster Elected SGA President," *The Campbell Times*, Mar. 8, 1996. 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 never 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 never served as a judge.

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.

I have never held public office. I have never been a candidate for public office.

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 joined College Republicans while enrolled at Campbell University. In that capacity, I helped with a few campaigns in Harnett County, North Carolina in the 1996 and 1998 elections. It was usually local candidates and usually a one-time service or event (*e.g.*, putting up signs, handing out stickers on election day, attending a dinner). I did not regularly work on any one political campaign, and I cannot remember the names of the candidates I helped.

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 2002 to 2003, I clerked for Judge Stephen Williams on the U.S. Court of Appeals for the D.C. Circuit.

From 2006 to 2007, I clerked for Justice Clarence Thomas on the Supreme Court of the United States.

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

I have not practiced law 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;

2007 – present

United States Attorney's Office for the Eastern District of North Carolina

150 Fayetteville Street, Suite 2100

Raleigh, North Carolina 27601

Appellate Chief (2021 – present)

Assistant U.S. Attorney (2020 – 2021)

Detail as Resident Legal Advisor to the Philippines for U.S. DOJ Office of Overseas Development, Assistance, and Training (2017 – 2020)

Assistant U.S. Attorney (2007 – 2017)

2003 – 2006

Burr & Forman

420 North 20th Street, Suite 3400

Birmingham, Alabama 35203

Associate (2003 – 2006)

Summer 2001
Womble Carlyle Sandridge & Rice
[now Womble Bond Dickinson]
One West 4th Street
12th Floor
Winston-Salem, North Carolina 27101
Summer Associate

Summer 2001
Brooks Pierce
230 North Elm Street
Suite 2000
Greensboro, North Carolina 27401
Summer Associate

Summer 2000
Johnston Barton Proctor & Powell
[now Johnston Barton Proctor & Rose LLP]
569 Brookwood Village # 901
Birmingham, Alabama 35209
Summer Associate

- 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.

At Burr and Forman (2003–2006), I litigated commercial cases, including antitrust, products liability, and contract disputes. I drafted numerous briefs, motions, responses, and pleadings. I also defended depositions and argued some hearings. My cases were in state and federal courts in Alabama, Missouri, and Kentucky. As an Assistant U.S. Attorney in the Economic Crimes Section (2007–2017), I prosecuted fraud cases. I also prosecuted gun, drug, and child pornography cases. While most of my work was in trial courts, I also handled a few appeals.

In 2020, I joined the Appellate Division of the U.S. Attorney’s Office. From 2021 to the present, I have been serving as the Appellate Chief. Our Appellate Division handles most criminal appeals for the office. Our appeals cover all kinds of crimes and a variety of legal issues from suppression to waiver to sentencing

procedure.

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

While at Burr and Forman (2003–2006), my clients included CitiFinancial, gas station owners in an antitrust suit, a car dealership, a car dealer, and an accounting firm. I specialized in commercial litigation. At the U.S. Attorney’s Office, my client is always the United States, but it includes work with a variety of different agencies, including local police and sheriff’s deputies, ATF, FBI, IRS-CI, HSI, and the U.S. Postal Inspection Service. From 2007 to 2017, I specialized in criminal prosecution. From 2020 to present, I specialize in criminal appellate litigation.

- 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.

At Burr & Forman, my practice consisted almost entirely of litigation work. As an associate, I appeared in court about every other month. At the U.S. Attorney’s Office, my practice consisted almost entirely of litigation work. From 2007 to 2017, I appeared in court frequently. While I was detailed to DOJ’s Office of Overseas Prosecutorial Development, Assistance, and Training, my practice involved developing training programs to help train Philippine prosecutors, judges, and law enforcement, exploring legislative changes, and helping mentor counterterrorism prosecutors. As the Appellate Chief for the office since 2021, my practice has consisted of handling or supervising litigation. I appear in court regularly to argue appeals.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|---|
| 1. | federal courts: | 50% (2003 – 2006)
100% (2007 – 2017; 2020 – present) |
| 2. | state courts of record: | 50% (2003 – 2006)
0% (2007 – 2017; 2020 – present) |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|--|
| 1. | Civil proceedings: | 100% (2003 – 2006)
0% (2007 – 2017; 2020 – present) |
| 2. | Criminal Proceedings: | 0% (2003 – 2006)
100% (2007 – 2017; 2020 – present) |

- 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 estimate that I handled 17 trials, nine as solo counsel, three as associate counsel, and five as chief counsel.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 88% |
| 2. | non-jury: | 12% |

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 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. Bartko*, No. 5:09-CR-00321-D (E.D.N.C.)

Bartko was an Atlanta securities lawyer who led a scheme to defraud investors and sell unregistered securities. Bartko instructed a co-conspirator to raise money, knowing that he would do so fraudulently. His coconspirator told investors they would have guaranteed returns, that their principal was insured, and other false statements. In reality, the money was put into risky investments. Bartko also violated securities laws. A jury convicted Bartko at trial. Judge James C. Dever III, Eastern District of North Carolina, presided over the trial and sentenced Bartko to 23 years' imprisonment. I joined the case as co-counsel shortly before the trial. I also negotiated the guilty plea of a co-defendant. At trial, I questioned about half the witnesses, including direct-examination of the cooperating co-defendant and cross-examination of Bartko. I also gave the closing argument. Following trial, I handled motions for a new trial and Bartko's sentencing. I was not involved in the investigative stage or in pre-trial matters such as production of discovery. The dates of my representation were from 2010 through 2012. Judge James

C. Dever III, Eastern District of North Carolina, presided over the trial and sentenced Bartko to 276 months' imprisonment and over \$885,000 in restitution. Bartko's sentence has since been commuted.

Co-counsel:

Clay C. Wheeler (Mr. Wheeler was lead counsel in this case)
4208 Six Forks Road Suite 1400
Raleigh, North Carolina 27609
919-420-1717

Counsel for Defendant:

Donald F. Samuel
Edward T.M. Garland
Garland, Samuel, & Loeb
Garland Law Building
3151 Maple Drive, N.E.
Atlanta, Georgia 30305
404-262-2225

2. *United States v. Trevor Boggs*, No. 22-4707, 2025 WL 1249364 (4th Cir. April 30, 2025)

On appeal, Boggs argued that the district court erred by finding that his criminal predicates for Armed Career Criminal status qualified as occurring on different occasions without submitting this factual issue to the jury. We agreed that under the Supreme Court's new decision, *Erlinger v. United States*, 602 U.S. 821, 835 (2024), it was error not to submit this question to a jury. But we argued that any error was harmless because the evidence was very strong that Boggs's predicates had occurred on different occasions and because Boggs would have pleaded guilty even if he had to admit that the predicates had occurred on different occasions. The Fourth Circuit heard argument at the same time as *United States v. Brown*, 136 F.4th 87 (4th Cir. 2025). It adopted our theory and applied harmless error, finding the error harmless. Fourth Circuit Judges Paul V. Niemeyer, Toby J. Heytens, and Senior Judge Henry F. Floyd decided the case. The dates of my representation were 2022 through 2025.

Co-counsel:

Jimmie I. Bellamy, Jr.
NC Department of Military and Veterans Affairs
4001 Mail Service Center
Raleigh, North Carolina 27699
919-971-2876

Counsel for Defendant:

Eric Brignac
Appellate Chief
Federal Public Defender, Eastern District of North Carolina

150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
919-856-4236

3. *United States v. Buczkowski*, No. 5:08-CR-159 (E.D.N.C.); 505 F. App'x 236 (4th Cir. Jan. 17, 2013) (unpublished).

Buczkowski downloaded child pornography while serving as a contractor in Iraq. He then brought his computer back to Fayetteville, North Carolina. He was convicted of transporting and possessing child pornography. I handled this case from the investigative stage through trial, sentencing, and appeal. At the district court level, I was lead counsel but had co-counsel for trial and sentencing. On appeal, I handled only the supplemental briefing and oral argument, not the initial brief. Judge James C. Fox, Eastern District of North Carolina, presided over the trial and initially sentenced Buczkowski to 40 years' imprisonment. Judges William Byrd Traxler, Jr., G. Steven Agee, and Albert Diaz, Fourth Circuit Court of Appeals, affirmed the conviction but remanded for resentencing, leading to a new sentence of 30 years' imprisonment. The dates of my representation were 2007 to 2013.

Co-counsel:

Jay Exum
803 Shelley Road
Raleigh, North Carolina 27609
919-637-4523

Counsel for Defendant (district court):

Joseph L. Ross, II
150 Fayetteville Street Suite 450
Raleigh, North Carolina 27601
919-856-4236

Counsel for Defendant (appeal):

Eric Brignac
Appellate Chief
Federal Public Defender, Eastern District of North Carolina
150 Fayetteville Street Suite 450
Raleigh, North Carolina 27601
919-856-4236

4. *United States v. Comstock*, No. 2:07-CR-25 (E.D.N.C.)

Comstock was illegally hunting bears in eastern North Carolina, using 50-gallon drums of peanut butter and peppermint candy as bait and violating numerous hunting rules. Evidence at trial showed that Comstock had been illegally hunting bears for years and that in one year, he was involved with killing more than 60 bears. The government

charged him with possessing a firearm as a felon under 18 U.S.C. § 922(g). I handled the case in district court from investigation through trial and sentencing. The jury convicted, and Judge James C. Fox, Eastern District of North Carolina, presided over the trial and sentenced Comstock to 6 1/2 years' imprisonment. The dates of my representation were 2007 to 2008.

Co-counsel:

None

Counsel for Defendant:

Leslie Robinson
1510 E Arlington Blvd Suite A
Greenville, North Carolina 27858
252-758-4100

5. *United States v. Fields*, No. 5:08-CR-395-FL (E.D.N.C.)

Fields was charged with possessing one or more firearms as a convicted felon. Fields possessed 34 guns and more than 8,000 rounds of ammunition in his mother's house. A jury convicted him at trial. Judge Louise W. Flanagan, Eastern District of North Carolina, sentenced him to ten years' imprisonment. I handled the case from indictment through trial, sentencing, and on appeal. The Fourth Circuit Court of Appeals, Judges Diana Gribbon Motz, Robert Bruce King, and Senior Judge Clyde H. Hamilton, affirmed. The dates of my representation were 2008 to 2011.

Co-counsel (appeal only):

Jennifer May-Parker
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
919-856-4530

Counsel for Defendant (district court):

James S. Perry
Perry, Perry & Perry
518 Plaza Boulevard
Kinston, North Carolina 28501
252-523-5107

Counsel for Defendant (appeal)

M. Gordon Widenhouse Jr.
P. O. Box 2663
Chapel Hill, North Carolina 27515
919-967-4900

6. *Carolyn Grant*, No. 5:12-CR-367 (EDNC)

Carolyn Grant was a former chairwoman of the Greater Raleigh Chamber of Commerce. She raised over \$20,000,000 from more than 60 victims as part of her real estate development company, Omega Property Group. Grant committed fraud by diverting investor funds from projects that she promised to use them for. These actions doomed many of the projects. She also repeatedly lied to victims about the use of their funds and the status of the projects. I handled the case from investigation to guilty plea to sentencing. Judge Terrence W. Boyle, Eastern District of North Carolina, presided over the case and sentenced Grant to 78 months' imprisonment and over \$13,000,000 in restitution. Grant did not appeal her sentence. The dates of my representation were 2008 to 2009.

Co-counsel

None

Counsel for Defendant:

William Woodward Webb, Jr.
118 St. Mary's Street, Second Floor
Raleigh, North Carolina 27605
919-831-8700

7. *United States v. Kimmel*, 4:13-CR-57-D (E.D.N.C.)

Kimmel was the primary fundraiser in a Ponzi scheme that targeted church members across the country. He raised around \$20,000,000 through his fraud. The scheme collapsed. Three defendants pleaded guilty and cooperated, but Kimmel went to trial. I handled the case from investigation through sentencing. I did not handle the appeal, but I handled the resentencing after Kimmel's successful appeal. Kimmel was convicted at trial and ultimately sentenced to 20 years' imprisonment and over \$16,500,000 in restitution. The dates of my representation were from 2011 through 2016. The case was handled by Judge James C. Dever III, Eastern District of North Carolina, who presided over the trial and sentenced Kimmel.

Co-counsel:

Evan Rikhye
900 South College Avenue #1
Fayetteville, Arkansas 72701
202-515-8513

Counsel for Defendant:

Harold Wood Vann
120 East Parrish Street Suite 200
Durham, North Carolina 27701
919-682-9273

8. *United States v. McCullough and Mayhew*, No. 5:13-CR-00199; 995 F.3d 171 (4th Cir. 2021).

McCullough and Mayhew had a Ponzi scheme where they promised you could double your money in 30 days through forex trading. In reality, there was little actual forex training and most of the trading resulted in losses, not gains. Mayhew and McCullough instead spent most of the money and used it to “repay” some investors, particularly for an investor’s initial investment. Mayhew went to trial. I handled the case from investigation through Mayhew’s trial and sentencing in 2016. McCullough initially fled but was later arrested and pleaded guilty in 2016. Because I moved to the Philippines in 2017, I did not handle McCullough’s sentencing. I was not involved again until I handled the Fourth Circuit oral argument of Mayhew’s § 2255 habeas petition. I did not handle the § 2255 matters in district court or the briefing on appeal. Judge James C. Fox, Eastern District of North Carolina, presided over the trial and sentenced Mayhew to over 26 years’ imprisonment and about \$2,000,000 in restitution. Mayhew’s sentence was affirmed on appeal. Judge Terrence W. Boyle sentenced McCullough to ten years’ imprisonment. On a § 2255 appeal, the Fourth Circuit (Judges Albert Diaz, Henry F. Floyd, and Pamela Harris) remanded Mayhew’s case for an evidentiary hearing. On remand, the district court found ineffective assistance of counsel and required the government to reoffer Mayhew a five-year plea deal. The dates of my representation were from approximately 2012 through 2021.

Co-counsel (handled McCullough’s sentencing):

Ethan Ontjes
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
919-856-4530

Counsel for Mayhew (district court):

Geoffrey W. Hosford
Hosford & Hosford PC
401 Chestnut Street, Suite L
Wilmington, North Carolina 28401
910-726-3199

Counsel for Mayhew (§ 2255 appeal):

John J. Korzen
Wake Forest University School of Law
Box 7206 Reynolda Station
Winston-Salem, North Carolina 27109-7206
336-758-5832

Counsel for McCullough:

Bruce A. Mason
Mason, Mason, & Smith
514 Princess Street

Wilmington, North Carolina 28401
910-782-5880

9. *United States v. Pittman*, No. 22-4463; 125 F.4th 577 (4th Cir. 2025)

On appeal from his arson conviction, Pittman argued that the district court should have granted his motion to dismiss because: (a) properly interpreted, the arson statute did not cover his conduct; and (b) if the arson statute did cover his conduct, it was beyond Congress's constitutional power. On behalf of the government, I argued that the statute covered Pittman's conduct, that his constitutional claim was reviewed for plain error because it was not raised below, and that the statute was constitutional under the Spending Clause and Necessary and Proper Clause. The Court of Appeals for the Fourth Circuit, Judges Paul V. Niemeyer, Roger L. Gregory, and Toby J. Heytens, ruled in our favor. The dates of my representation were 2022 through 2025.

Co-counsel:

John Gibbons
Smith Anderson
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601
757-325-7812

Counsel for Defendant:

Heather Rattelade
P.O. Box 1492
Pittsboro, North Carolina 27312
910-489-5569

10. *United States v. Reese*, No. 7:08-CR-34-FL (E.D.N.C.); 442 F. App'x 8 (4th Cir. Aug. 2, 2011) (unpublished).

Dr. Perry Reese was a medical doctor in Roseboro, NC. He sold Oxycontin, Percocet, and other prescriptions and pills to drug addicts in eastern North Carolina. I handled the case from investigation through trial, sentencing, and appeal. At trial, we proved that Dr. Reese was selling prescriptions and pills outside the scope of professional practice. The jury convicted of all charges, two drug counts and one RICO count. Judge Louise W. Flanagan, Eastern District of North Carolina, sentenced him to 20 years' imprisonment. The Fourth Circuit, Judges James Andrew Wynn, Albert Diaz, and Clyde H. Hamilton, affirmed. The dates of my representation were 2008 to 2011.

Co-counsel (appeal only):

Jennifer May-Parker
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
919-856-4530

Counsel for Defendant (district court):

Joseph Bart Gilbert
P.O. Box 91624
Raleigh, North Carolina 27675
919-630-0286
joebgilbert@yahoo.com

Counsel for Defendant (appeal)

Robinson & Brandt, P.S.C.
629 Main Street, Suite B
Covington, Kentucky 41011
859-581-7777

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.)

In addition to the matters above, I spent three years as a Resident Legal Advisor to the Philippines for the Office of Overseas Prosecutorial Development, Assistance, and Training (2017 to 2020). In that role, I worked to improve the Philippine criminal justice system to better combat terrorism, human trafficking, and other transnational crime. These efforts further U.S. interests by helping Philippine prosecutors, judges, and law enforcement to better handle transnational crime and terrorism, making it less likely to become a problem internationally and for the United States. In this role, I developed training programs (like CLEs) to help train Philippine prosecutors, judges, and law enforcement. I organized round tables to help come up with solutions and better cooperation on key issues. And I worked with Philippine experts and legislators to explore possible legislative changes. I also helped mentor counterterrorism prosecutors.

As Appellate Chief of the U.S. Attorney's Office (2021 to present), I have a significant advisory role in addition to my litigation role. I often train prosecutors on how to avoid potential appellate pitfalls. I help to ensure that they are updated on Fourth Circuit law, providing summaries to them of new Fourth Circuit cases. I also work with the Criminal Division to develop best practices to help resolve weaknesses and ensure that we are complying with relevant case law. Criminal prosecutors frequently seek my advice on their cases, including suppression issues, discovery issues, and sentencing issues. In addition to helping the Criminal Division, I am sometimes called on to provide advice on civil issues.

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.

In Spring 2022, I taught Legislation at Campbell University School of Law. The course focused on principles of statutory interpretation. Syllabus supplied.

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.

None.

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 do not have any 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).

See 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 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.

If confirmed, I will recuse from any cases where I have ever played a role. I do not directly own any stocks and do not anticipate ever changing that practice. But if it were to change, I would recuse from any litigation involving those businesses. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where 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.

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.

Having been an attorney for the government for most of my career, I am precluded from providing pro-bono legal services. I have mentored legal interns, and I volunteer in other ways. From 2020 to 2023, I volunteered at the Open Door Church's food pantry about once every month or two for three to four hours at a time. From 2020 to present, I serve at Open Door Church by stacking chairs Sundays after service. From 2023 to 2025, I have served at Open Door Church's children's ministry, working with kids every other Sunday for about two hours. From 2018 to 2020, I served at Kid's Ministry at Victory the Fort in Taguig, Philippines, about once a month in kids' ministry for about two hours. I have served in Boy Scouts, as a den leader, merit badge counselor, and campmaster. Going back before 2017, I have regularly been involved in church children's ministry.

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.

There is no selection committee that I am aware of to select judges to the Middle District of North Carolina. Sometime in late February or early March 2025, Senator Budd's Office reached out to me and asked if I would be interested in one of the North Carolina judicial openings. Several days later, I called back and said that I would be interested in a MDNC judicial position, and Senator Budd's office conducted a phone interview. On March 7, 2025, I emailed Senator Tillis's office and told his staff that I would be interested in being considered for a Middle District of North Carolina judicial opening. On April 3, 2025, Senator Tillis's office contacted me to set up a virtual interview with staff. On April 9, 2025, I had a virtual interview with Senator Tillis's staff. About a week following the interview, Senator Tillis's office submitted a questionnaire for me to

complete and send to his office and Senator Budd's office. On April 24, 2025, I submitted the questionnaire along with attachments. I met with both senators on June 5, 2025. On June 9, 2025, I sent an email providing follow up information to both senators' offices. On June 25, 2025, both senators' offices indicated that they had recommended me to the White House. On July 10, 2025, I received an email from White House Counsel's office asking for dates for an interview. We scheduled an interview for July 28, 2025. I interviewed then with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. On August 20, 2025, President Trump called me to notify me that he selected me for nomination to the United States District Court for the Middle District of North Carolina.

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, David A. Bragdon, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

8/13/2025
(DATE)

David A Bragdon
(NAME)

[Signature]
(NOTARY)

