

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Nicholas Whitney Chase

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

United States Attorney, District of North Dakota, United States Department of Justice

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.

North Dakota East Central Judicial District Court
Cass County Courthouse
211 9th St. S.
Fargo, ND 58103

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

1968; Bismarck, North Dakota

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.

University of North Dakota School of Law, 1992-1995
J.D. - May 1995

Minot State University, 1986-1991
B.A. – May 1991

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.

June 2022–Present
District Judge

North Dakota East Central Judicial District Court
Cass County Courthouse
211 9th St. S.
Fargo, ND 58103

July 2002–June 2022

Acting United States Attorney, February 2021 – June 2022
First Assistant United States Attorney, May 2019 – February 2021
Assistant United States Attorney, July 2002 – May 2019
United States Attorney's Office
District of North Dakota
655 1st Avenue North; Suite 250
Fargo, ND 58102

January 1999–June 2002

Associate Attorney
Leonard Street and Deinard (since merged with Stinson LLP)
50 South Sixth Street; Suite 2600
Minneapolis, MN 55402

August 1998–January 1999

Associate Attorney
Gunhus, Grinnell, Klinger, Swenson & Guy (since merged with Vogel Law Firm)
218 Northern Pacific Avenue North
Fargo, ND 58102

August 1997–August 1998

Law Clerk to the Honorable Myron H. Bright, Senior Circuit Judge
United States Court of Appeals for the Eighth Circuit
655 1st Avenue North; Suite 330
Fargo, ND 58102

August 1995–August 1997

Law Clerk to the Honorable Karen K. Klein, Magistrate Judge
United States District Court, District of North Dakota
655 1st Avenue North; Suite 440
Fargo, ND 58102

May 1994–August 1994

Summer Associate
Pringle & Herigstad Law Firm
2525 Elk Drive
Minot, ND 58701
Paid

November 1991–February 1992

English Teacher
Elite Language Institute
238 hsin-Roung Rd
Chai-yi City, Taiwan
Paid* (*only food stipend, furnished apartment, and airfare to Taiwan)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I have registered for selective service.

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

U.S. Attorney General's Award for Distinguished Service,
United States Department of Justice, 2019

Director's Award, United States Department of Justice, 2016

Award for Excellence for one of the top agricultural fraud cases of the year (United States of America v. Aaron Johnson and Derek Johnson), U.S. Department of Agriculture, 2015

Director's Award, United States Department of Justice, 2007

Order of the Coif, University of North Dakota School of Law, 1995

Order of Barristers, University of North Dakota School of Law, 1995

Best Student-Written Law Review Comment,
University of North Dakota School of Law, 1995

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.

N/A

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 Dakota Bar (1995). No lapse in membership.

Minnesota Bar (1998). Placed in voluntary suspension in 2002 when I moved to North Dakota and no longer practiced law in Minnesota.

- 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.

Federal District Court for the District of North Dakota, admitted November 1998

Federal District Court for the District of Minnesota, admitted December 1999
(lapsed with Minnesota Bar 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.

Fargo Theatre Board of Directors (2004-2011)
President (2010)

Dorothy Day House Board of Directors (1998-1999)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

70 N.D. L. Rev. 207 (1994) – *Civil Rights-Employment Discrimination: Modifying Federal Standards To Reflect Principles Of State Law: The North Dakota Supreme Court's Examination Of The Hicks Rationale Prompts The Court To Customize Its Own Standard To Review State-Based Employment Discrimination Claims*, Schweigert v. Provident Life Ins. Co., 503 N.W.2d 225 (N.D. 1993). Case Comment cited to twice by the North Dakota Supreme Court in: Thompson v. City of Watford City, 568 N.W.2d 736 (N.D. 1997) and Schuhmacher v. North Dakota Hospital Assoc., 528 N.W.2d 374 (N.D. 1995). Copy supplied.

83 Minn. L. Review 239 (1998) – Significant case review of written opinions of Judge Myron H. Bright, United States Circuit Judge for the Court of Appeals for the Eighth Circuit. Copy supplied.

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

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive items.

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

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive items.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

May 2015

Fargo, North Dakota

Spoke at Naturalization Ceremony at the federal courthouse, presided by United States Magistrate Judge Karen Klein on the topic of respect for the rule of law.

I spoke without notes and there was no press coverage or transcript of which I am aware.

September 2022

Fargo, North Dakota

Spoke at my investiture at the Cass County Courthouse, thanking numerous people for helping me in my career. I did not retain a copy of this speech and there is no transcript of which I am aware. The ceremony was covered by the Forum newspaper. Copy of press coverage provided.

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

I have done my best to identify all interviews given, including a thorough review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other material that I have been unable to identify, find, or remember. I have located the following:

Federal Judge Dispensing Justice at 84, THE FORUM, September 14, 2003. Copy provided.

In addition, during my tenure as Acting United States Attorney for the District of North Dakota, I issued a number of press releases which can be found here:

https://www.justice.gov/usao-nd/pr?search_api_fulltext=Nicholas+Chase&start_date=&end_date=&sort_by=file_date

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or

appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held elected office (other than judicial office). I was an unsuccessful candidate for the Dakota House of Representatives in District 40-50 (Minot, ND) in 1988.

- 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.

1988 Unsuccessful Candidate for North Dakota House of Representatives. I lost at the local convention to obtain the Republican nomination.

1988, 1990, 1992, 2010 Delegate at the North Dakota State Convention

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

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

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

August 1995–August 1997

Law Clerk to the Honorable Karen K. Klein, Magistrate Judge
United States District Court, District of North Dakota
655 1st Avenue North; Suite 440
Fargo, ND 58102

August 1997–August 1998

Law Clerk to the Honorable Myron H. Bright, Senior Circuit Judge
United States Court of Appeals for the Eighth Circuit
655 1st Avenue North; Suite 330
Fargo, ND 58102

- 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.

August 1998–January 1999
Associate Attorney
Gunhus, Grinnell, Klinger, Swenson & Guy (since merged with Vogel
Law Firm)
218 Northern Pacific Avenue North
Fargo, ND 58102

January 1999–June 2002
Associate Attorney
Leonard Street and Deinard (since merged with Stinson LLP)
50 South Sixth Street; Suite 2600
Minneapolis, MN 55402

July 2002–June 2022
Acting United States Attorney, February 2021 – June 2022
First Assistant United States Attorney, May 2019 – February 2021
Assistant United States Attorney, July 2002 – May 2019
United States Attorney’s Office,
District of North Dakota
655 1st Avenue North; Suite 250
Fargo, ND 58102

- 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.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I was appointed by the Governor of North Dakota Douglas Burgum to serve as district judge in the Northeast Central Judicial District. It is a court of general jurisdiction in June 2022. I was elected to the position in November 2024.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In 1998, I became an associate attorney at Gunhus, Grinnell, Klinger, Swenson & Guy, a small law firm in Fargo/Moorhead, where I provided research, writing, and other types of support for partners. We represented the State of North Dakota in Workers Compensation cases, local hospitals, and personal injury plaintiffs.

In 1999, I took a job at a larger Minneapolis law firm, Leonard, Street and Deinard, where I was a litigation associate in the Public Law Group. Our group represented Canadian Pacific Rail and Soo Line Railroads in federal court, state court, and administrative proceedings. Our department also performed environmental representations to clients facing EPA enforcement. I handled all forms of litigation functions, including discovery, depositions, and briefs. I sat second chair on an arbitration concerning a building contract. Also, for Canadian Pacific Railways, I handled many union disputes, one of which I successfully appealed to the Eighth Circuit Court of Appeals.

In 2002, I moved back to Fargo, North Dakota, to accept a position as an Assistant United States Attorney for the District of North Dakota. Over the next twenty years, I handled hundreds of criminal cases and served many roles within the office, including Appellate Chief, White Collar Fraud Chief, Immigration Coordinator, Asset Recovery Chief, First Assistant United States Attorney, and Acting United States Attorney. During this time, I only represented the United States of America in criminal and civil actions.

In 2022, I left the United States Attorney's Office to accept an appointment by then Governor Douglas Burgum to the state court judgeship vacancy in the Northeast Central Judicial District. In the past three years, I have served in this general jurisdiction position, conducting civil and criminal jury trials, executing search warrants, and ruling on hundreds of motions and requests in cases assigned to me.

- 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.
 - i. Indicate the percentage of your practice in:
 - 1. federal courts: 90%
 - 2. state courts of record: 8%
 - 3. other courts: 0%
 - 4. administrative agencies: 2%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 15%

2. criminal proceedings: 85%

For the first ten years of my career, almost all of my work involved litigation and I was in court approximately one time per month. For the past twenty-three years, almost all of my work has involved litigation and appeared multiple times in court each week.

- 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 tried approximately 13 jury trials to verdict as an attorney. On 11 of those cases, I was sole counsel or chief counsel. On the other two, I was associate counsel. As a judge, I have conducted at least seven jury trials to verdict and two bench trials to verdict.

- i. What percentage of these trials were:

1. Jury: 95%
2. non-jury: 5%

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

I have not filed any document with or argued orally before the Supreme Court.

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

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

1. United States of America v. Shan Wei Yu
Trial Court: District of North Dakota, Docket CR-05-cr-27-02
Trial Court Judge: U.S. District Judge Ralph E. Erickson

Appeal: Court of Appeals for the Eighth Circuit, 484 F.3d 979 (8th Cir. 2007)
Appellate Judges: Circuit Judges Diana Murphy, Roger Wollman, and John R. Gibson
Representation: 2004-2006

Co-counsel (second chair):
Norman Anderson
Retired

Opposing Trial Counsel:
Robert Ackre (deceased)

Opposing Appeal Counsel:
Scott McGregor
703 Main Street, Second Floor
Rapid City, SD 57701
(605) 343-5110

I was the lead counsel on this prosecution of a transporter and trafficker of illegal aliens. The workers were paid much less than what was promised and their pay was in part eating from restaurant buffet tables every day. After a jury found the Defendant guilty, the District Court sentenced him to 108 months, finding that the Defendant had recruited noncitizens of the United States in Texas and placed those persons as “employees” in Chinese restaurants throughout the United States, transporting over 1000 persons illegally in the country. At the time this was the largest number of reported transporting or trafficking case in the history of immigration prosecutions. The sentence was affirmed by the Eighth Circuit Court of Appeals.

2. United States of America v. Sanjay Williams

Trial Court: District of North Dakota, Docket 04-12-cr-175-16
Trial Court Judge: U.S. District Judge Daniel Hovland
Appeal: Court of Appeals for the Eighth Circuit, 2015 WL 13187301
Appellate Judges: Circuit Judges Roger Wollman, Morris Arnold, Raymond Gruender
Representation: 2013-2015

Co-counsel:
Claire Hochhalter (lead counsel)
Former Assistant U.S. Attorney (now United States Magistrate Judge)
220 East Rosser Avenue, Suite 426
Bismarck, ND 58502-0670
(701) 530-2325

James Thomas
Assistant US. Attorney

U.S. Attorney's Office
District of Idaho
220 East Rosser Avenue
Bismarck, ND 58501
(701) 530-2420

Lorinda Laryea
Acting Chief, Fraud Section, United States Department of Justice
1400 New York Ave NW
Washington, DC 20005
(202) 514-2000

Opposing Trial Counsel:
Charles Stock
P.O. Box 612
Hillsboro, ND 58045
(218) 790-1802

Opposing Appeal Counsel: Pro se (the Defendant represented himself)

I was co-counsel on this prosecution of a Jamaican provider of “leads” lists to “Jamaican lottery” scammers. This case was the first of its kind in bringing “Jamaican lottery” list providers to justice in the United States. “Jamaican lottery” is a term associated with a criminal industry located in Jamaica in which persons in Jamaica contact victims in the United States and defraud those victims by falsely telling them they are lottery winners and then getting payments for transactions fees and taxes from the fraud victims. We had several witnesses from Jamaican law enforcement testify in this case. After a jury found him guilty, the District Court sentenced the Defendant to 240 months, finding millions of dollars scammed from victims. The sentence was affirmed by the Eighth Circuit Court of Appeals.

3. United States of America v. Kevin D Wanner
Trial Court: District of North Dakota, Docket 04-17-cr-170
Trial Court Judge: U.S. District Judge Daniel Hovland
Representation: 2015-2018

Co-counsel: I was sole counsel.

Opposing Trial Counsel:
Jeffrey Weikum
2000 Schafer St., Suite C
Bismarck, ND 58501
(701) 581-1347

I was the sole prosecutor of a financial advisor who defrauded his clients with a

“Ponzi Scheme,” taking in over \$5 million from victims and keeping over \$3 million for himself. Several of the victims lost all of their savings and suffered major medical issues because of this victimization. The Defendant pled guilty to the scheme but argued for no jail time at sentencing. Following a multi-day sentencing, the District Court sentenced the Defendant to 135 months. As part of our enforcement action, we recovered all of the victims’ initial investment in the scheme (though not enough for the interest on those lost investments).

4. United States of America v. Aaron Johnson and Derek Johnson

Trial Court: District of North Dakota, Docket 03-14-cr-3

Trial Court Judge: U.S. District Judge Ralph E. Erickson

Appeal: Court of Appeals for the Eighth Circuit, 821 F.3d 1031 (8th Cir. 2016)

Appellate Judges: Circuit Judges Diana Murphy, C. Arlen Beam, Raymond Gruender

Representation: 2012-2016

Co-counsel (second chair):

Claire Hochhalter

Former Assistant U.S. Attorney (now U.S. Magistrate Judge)

220 East Rosser Avenue, Suite 426

Bismarck, ND 58502-0670

(701) 530-2325

Opposing Trial Counsel:

Richard Henderson, retired

Benjamin Thomas

500 2nd Ave North, Suite 400

Fargo, ND 58107

(701) 235-5515

Opposing Appeal Counsel:

Scott McGregor

703 Main Street, Second Floor

Rapid City, SD 57701

(605) 343-5110

I was the lead counsel on this prosecution of two farmers who had defrauded the federal crop insurance program. The Defendant farmers intentionally damaged their own crops while in storage to make crop insurance claims. Evidence at trial showed that the Defendants had conducted their farm fraud for many years for so much loss that they effectively lowered the production guarantees for other farmers when they legitimately had crop loss and could not receive adequate compensation because of the Defendants. The trial involved over 100,000 pages of discovery and five expert witnesses. After the jury found them guilty, the District Court sentenced them to 48 months and 18 months, respectively. The

sentence was affirmed by the Eighth Circuit Court of Appeals.

5. United States of America v. Kevin Olson

Trial Court: District of North Dakota, Docket 03-17-cr-26

Trial Court Judge: U.S. District Brian Miller

Representation: 2017-2018

I was the lead counsel on this prosecution of a person who threatened to kill United States Senator Heidi Heitkamp through the internet. When confronted, the Defendant had a large cache of firearms and ammunition and had a long-standing preoccupation with Senator Heitkamp leading up to the threat, primarily driven by that the Defendant was previously married to a relative of Senator Heitkamp. After the jury found him guilty, the District Court sentenced him to 12 months' imprisonment.

Co-counsel:

Janice Morley(retired)

Former Assistant U.S. Attorney

Opposing Trial Counsel:

Johnathan Judd (now a state court judge)

121 West Junius Avenue, Suite 310

Fergus Falls, MN 56537

(218) 560-7045

6. United States of America v. Michael Adeyemo

Trial Court: District of North Dakota, Docket 03-15-cr-90

Trial Court Judge: U.S. District Linda R. Reade

Appeal: Court of Appeals for the Eighth Circuit, 2020 WL (8th Cir. 2020)

Appellate Judges: Lavenski Smith, Michael Melloy, and Bobby Shepard

Representation: 2007-2020

Co-counsel: I was sole counsel.

Opposing Trial and Appeal Counsel:

Ronald Hettich

112 University Dr. N, Suite 323

Fargo, ND 58102

(701) 356-6471

I prosecuted this individual twice, first in 2008 under a false name and identity with which he gained entry and status in Canada. The first prosecution was for the largest credit card fraud case ever experienced by US Bank, Discover Card, and Wells Fargo. Though he plead guilty, he disputed all of the sentence enhancements. Following a multi-day sentencing hearing, the District Court sentenced the Defendant to 214 months imprisonment. That sentence would have

been longer, but the Defendant was able to avoid some of the criminal responsibility with the use of his false identity. Several years later, we discovered the true identity of the Defendant and we charged him with obstruction of justice. After a jury found him guilty, the District Court sentenced him to 10 additional years to run consecutive to the prior sentence.

7. United States of America v. Billy Joe Herman

Trial Court: District of North Dakota, Docket 03-18-cr-103

Trial Court Judge: U.S. District Judge Peter Welte

Appeal: Court of Appeals for the Eighth Circuit, 842 Fed.Appx. 6 (2025)

Appellate Judges: Circuit Judges Steven Colloton, L. Steven Granz, and David Stras

Representation: 2019-2021

Co-counsel:

Lori Conroy

Assistant United States Attorney

655 1st Avenue North, Suite 250

Fargo, ND 58102

(701) 330-0682

Opposing Trial and Appeal Counsel:

Christopher Lancaster

111 Lomas Blvd, Suite 501

Albuquerque, NM 87102

(701) 866-3722

I was the lead counsel on this prosecution of a person who brutally murdered a victim on the Spirit Lake Indian Reservation. The Defendant plead guilty to second degree murder but then disputed the United States' request for an upward departure and an upward variance to a life sentence from the Guideline range of 292 to 365 months. Following a multi-day sentencing hearing, concerning the particular cruelty of the murder method and the Defendant's criminal history, the District Judge Sentenced the Defendant to life imprisonment. The Sentence was upheld on appeal

8. United States of America v. Pedro Dyck

Trial Court: District of North Dakota, Docket 02-2002-cr-45

Trial Court Judge: U.S. District Judge Rodney Webb (deceased)

Appeal: Court of Appeals for the Eighth Circuit, 334 F.3d 736 (8th Cir. 2003)

Appellate Judges: Circuit Judges Roger Wollman, David Hansen, Kermit Bye

Representation: 2002-2003

Co-counsel:

Lynn Jordheim (retired)

Opposing Trial and Appeal Counsel:
DeWayne Johnson
221 S. Fourth St.
Grand Forks, ND 58201
(701) 775-0082

I was lead counsel on a prosecution for attempted reentry of a previously deported alien, under 8 United States Code, section 1326. Following a four-day trial, the jury convicted the Defendant. At sentencing, the district judge ruled that that multiple bases justified downward departures from more than 30 months' imprisonment down to 7 months' imprisonment and ordered that the Defendant be removed immediately as to not allow the United States time for appeal. After obtaining a stay from the Eighth Circuit Court of Appeals, I appealed the case, obtaining a reversal of the district court sentencing because the bases for downward departure and other sentencing reductions were not supported by law.

9. United States of America v. Puebla-Zamora

Trial Court: District of North Dakota, Docket 01-2018-CR-00173

Trial Court Judge: U.S. District Judge Peter Welte

Appeal: Court of Appeals for the Eighth Circuit, 996 F.3d 535 (8th Cir. 2021)

Appellate Judges: Circuit Judges Duane Benton, James Loken, and Jane Kelly

Representation: 2021

Co-counsel (first chair):

Megan Healy

Assistant United States Attorney

655 First Avenue North, Suite 250

Fargo, ND 58102

(701) 297-7400

Opposing Trial and Appeal Counsel:

Erik Escarraman

P.O. Box 10854

Fargo, ND 58106-0854

I was co-counsel on a prosecution for reentry following deportation under Title 8, United States Code, section 1326. The Defendant was encountered and arrested by local police while they were investigation a theft. After a three-day trial, the jury convicted the Defendant.

10. United States of America v. Peter James Smith

Trial Court: District of North Dakota, Docket 02-08-34

Trial Court Judge: U.S. District Judge Ralph E. Erickson

Appeal: Court of Appeals for the Eighth Circuit, 591 F.3d 974 (8th Cir. 2010)

Appellate Judges: Circuit Judges William Riley, Levenski Smith, Raymond Gruender

Representation: 2008-2010

Co-counsel (first chair):

Jennifer Puhl

Acting United States Attorney

655 1st Avenue North, Suite 250

Fargo, ND 58102

(701) 566-3430

Opposing Trial and Appeal Counsel:

Christopher Lancaster

111 Lomas Blvd, Suite 501

Albuquerque, NM 87102

(701) 866-3722

We prosecuted the Defendant for two counts of Aggravated Sexual Abuse of a Minor. The child victim was sexually abused by the Defendant, who lived in the home and was one of the adults in charge of taking care of the child victim. One major point of the trial was the Defendant had an expert witness attack the forensic interview of the child victim, arguing that it was suggestive. After a jury found him guilty, the District Court sentenced the Defendant to 360 months. The sentence was affirmed by the Eighth Circuit Court of Appeals.

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

While at the USAO in North Dakota, I was lead counsel on the investigation involving the theft of the “Ruby Slippers” (from the Wizard of Oz). The USAO in North Dakota handled the investigation because the USAO in Minnesota had an officewide recusal. The “Ruby Slippers” were stolen in 2005 from the Judy Garland Museum in Grand Rapids, Minnesota. The investigation resulted in the recovery of the “Ruby Slippers” and solved the decades long mystery as to who was responsible.

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

From 2006 to 2008, my wife (Anne Hoefgen) and I taught a class during Spring Semester for undergraduate paralegal students on Criminal Law at Minnesota State University of at Moorhead, Minnesota. We presented all the Rules of Criminal

Procedure and how they applied in everyday criminal law practice. Despite our searches, we could not find a syllabus for our class.

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

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

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

None.

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

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

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.
- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I

am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of any ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

During my time at Leonard, Street and Deinard, I performed over 100 hours of pro bono work each year in family law through the law firm's pro bono project. I represented clients in dissolution and child custody issues. After that, my work at the U.S. Attorney's Office and as a state court district judge created conflict concerns in performing legal work outside of those offices.

AFFIDAVIT

I, Nicholas Whitney Chase, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

June 23, 2025
(DATE)

Nicholas Whitney Chase
(NAME)

[Signature]
(NOTARY)

On this day, June 23rd, Nicholas Whitney Chase personally
appeared before me, Jacob Luse.

State: ND County: Cass

