

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Thomas Tullidge Cullen

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

United States Attorney for the Western District of Virginia

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

Woods Rogers PLC  
10 South Jefferson Street  
14<sup>th</sup> Floor  
Roanoke, VA 24011

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

1977; Richmond, VA

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

William and Mary School of Law, August 2001 – May 2004, J.D. (*Order of the Coif*),  
May 2004

Furman University, September 1996 – June 2000, B.A. (*cum laude*), June 2000

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.

COMPENSATED EMPLOYMENT

Woods Rogers PLC

10 South Jefferson Street  
14<sup>th</sup> Floor  
Roanoke, VA 24011  
Principal/Partner  
July 2013 – present

U.S. Attorney's Office for the Western District of Virginia  
310 First Street, SW  
Suite 900  
Roanoke, VA 24011  
Assistant U.S. Attorney, Deputy Criminal Chief  
July 2010 – July 2013

U.S. Attorney's Office for the Western District of North Carolina  
227 West Trade Street, Suite 1650  
Charlotte, NC 28202  
Assistant U.S. Attorney, Criminal Division  
September 2006 – July 2010

U.S. Court of Appeals for the Fourth Circuit  
Honorable Roger L. Gregory, Circuit Judge  
1100 East Main Street  
Richmond, VA 23219  
Term Law Clerk  
August 2005 – July 2006

U.S. District Court for the Eastern District of Virginia  
Honorable Robert E. Payne, U.S. District Judge  
Spottswood W. Robinson and Robert Merhige, Jr., Federal Courthouse  
701 East Broad Street  
Richmond, VA 23219  
Term Law Clerk  
August 2004 – August 2005

Hunton and Williams LLP  
951 East Byrd Street  
Richmond, VA 23219  
Summer Associate  
May 2003 – July 2003

Nelson Mullins Riley & Scarborough LLP  
151 Meeting Street  
Charleston, SC 29401  
Summer Associate  
June 2002 – August 2002

Haynesworth Sinkler Boyd, P.A.  
134 Meeting Street  
Charleston, SC 29401  
Summer Associate  
May 2002 – June 2002

Fork Union Military Academy  
4744 James Madison Highway  
Fork Union, VA 23055  
English teacher and coach  
August 2000 – June 2001

UNCOMPENSATED EMPLOYMENT

Council on Virginia's Future  
1001 East Broad Street, Room 430  
Richmond, VA 23219  
Council Member  
July 2016 – September 2017

City of Roanoke (Virginia) Department of Economic Development  
Economic Development Authority Board  
117 Church Avenue, SW  
Roanoke, VA 24011  
Board Member (Appointed by City Council)  
October 2014 – September 2017

U.S. District Court for the Eastern District of Virginia  
Honorable F. Bradford Stillman  
United States Magistrate Judge (Ret.)  
600 Granby Street  
Norfolk, VA 23510  
Summer Intern  
July 2003 – August 2003

Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
Student Intern  
January 2003 – May 2003

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 the 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.

Listed in *Best Lawyers in America* (2017)

Virginia Business Magazine's Legal Elite, Criminal Law (2014 – 2017)

Special commendations and recognitions for contributions as a federal prosecutor, including from the FBI (2010), DEA (2010), DHS/ICE (2010), U.S. Secret Service (2013), U.S. Probation Office (2010), and the Iredell County Sheriff's Office (2010)

*Order of the Coif*, William and Mary Law School (first year GPA in top 5% of class; graduated in top 10% of class), 2004

Gambrell Professionalism Award, William and Mary Law School, 2004.

Legal Skills Scholar Award for high achievement in legal research, writing, professional responsibility, and lawyering skills, William and Mary Law School, 2004.

CALI Excellence Book Awards for highest grades in Criminal Law and Election Law, William and Mary Law School, 2002 and 2003.

All-Academic Southern Conference member of Furman Men's Varsity Track and Field Team (1996 – 2000); elected team captain for 1998 – 1999 seasons.

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.

Virginia State Bar

Member (2004 – present)

Judicial Candidate Evaluation Committee (2014 – 2017)

District of Columbia Bar

Active Member (2007 – 2012)

Inactive Member (2012 – present)

Virginia Bar Association

Member (2004 – present)

Judicial Conference of the Fourth Circuit

Permanent Member (2016 – present)

Roanoke Bar Association  
Member (2010 – present)

National Association of Criminal Defense Lawyers  
Member (2013 – 2016)

10. **Bar and Court Admission:**

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

Virginia State Bar, Admitted October 2004, Active

District of Columbia Bar, Admitted 2007, voluntarily inactive since 2012 because I primarily practice in Virginia.

Except as noted above, there have been no lapses in membership.

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

United States Court of Appeals for the Fourth Circuit, Admitted 2005, Active

United States District Court for the Western District of Virginia, Admitted 2010, Active

United States District Court for the Eastern District of Virginia, Admitted 2004, Active

There have been no lapses in membership.

11. **Memberships:**

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

Ted Dalton American Inn of Court (2012 – 2016)

Republican National Lawyers Association (2004 – 2007, 2016 – present)

The Federalist Society, Student Division Member ((est.) 2002 – 2004)

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

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

**12. Published Writings and Public Statements:**

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

I have done my best to identify all items called for in this question, including by conducting a search of multiple electronic databases. Despite my efforts, there may be other materials that I have been unable to locate or remember. I have located the following:

Op-Ed, The Furman Paladin, “NOW’s Hypocrisy Towards Clinton (in Lewinsky sexual-harassment scandal),” Fall 1998. Copy supplied.

Op-Ed, The Furman Paladin, “Give the Greek System a Chance,” Fall 1998. Copy supplied.

Op-Ed, The Furman Paladin, “Finding Reassurance at Thanksgiving,” Fall 1998. Copy supplied.

Op-Ed, The Furman Paladin, “Clinton Leading Nation into Moral Decay (in Lewinsky sexual-harassment scandal),” Fall 1998. Copy supplied.

Op-Ed, The Furman Paladin, “Avoidable Conflict vs. Justifiable Actions,” Fall 1998. Copy supplied.

Op-Ed, The Furman Paladin, Tribute to Cal Ripken, Jr., Fall 1998. 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 prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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 a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive materials. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.**

CLE panelist, *Civil and Criminal Healthcare Fraud and Abuse Investigations*, Virginia Bar Association's 13<sup>th</sup> Annual Virginia Health Care Practitioners' Roundtable, Troutman Sanders LLP, Richmond, VA (October 2017). Copy of written materials supplied.

Showcase CLE panelist, *Official Acts and Honest Services in the Wake of United States v. McDonnell*, Virginia State Bar's 2016 Annual Meeting, Virginia Beach, VA (June 2016). Copy of written materials supplied.

CLE panelist, *Understanding the Federal Sentencing Guidelines*, Federal Bar Association for the Western District of Virginia, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201 (November 2014). Copy of written materials supplied.

Speaker, *Roanoke Police Department's Drug Market Intervention Call-In*, Hurt

Park Elementary School, 1525 Salem Avenue, Roanoke, VA 24016. The purpose of the meeting was to warn the participants, who had been “called-in” after selling controlled substances to undercover police officers in Roanoke, VA, of the potential federal consequences of their actions. I represented the U.S. Attorney’s Office. (Winter 2012 (est.)). Copy not available.

Panelist, “*Exploring Careers in Law*,” Furman University, 3300 Pointsett Highway, Greenville, SC, 29613. (2009 (est.)). I spoke about my experiences as a federal prosecutor in Charlotte, NC. Copy not available.

- 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 items called for in this question, including by conducting a search of multiple electronic databases. Despite my efforts, there may be other materials that I have been unable to locate or remember. I have identified the following:

Martinsville Bulletin, “Did DGIF Officers Follow Procedure in Hall Case?” January 21, 2018. Copy supplied.

Martinsville Bulletin, “Judge Hands Down Verdict in Hall Case,” October 31, 2017. Copy supplied.

CBS-7 WDBJ, “Martinsville Man Charged in Deadly Boating Crash on Smith Mountain Lake,” November 1, 2016. Copy supplied.

Virginia Business Magazine, “Legal Elite-Criminal Law Profile/Q&A,” December 1, 2015. Copy supplied.

Washington Post, “Defending One of Rural Virginia's Last Bits of Blue,” September 21, 2015. Copy supplied.

Bristol News Courier, “Former BVU Vice Presidents Plead Guilty in Fraud Scheme,” March 26, 2015. Copy supplied.

Washington Post, “Puckett Inquiry Yields No Charges,” December 13, 2014. Copy supplied.

Virginian-Pilot, “Prosecutor: No Criminal Charges in Resignation of Virginia Senator,” December 13, 2014. Copy supplied.

Washington Post, “U.S. Attorney Steps Down,” November 26, 2014. Copy supplied.



Washington Post, "McAuliffe Had Medicaid Trick up His Sleeve Till Puckett Left," November 23, 2014. Copy supplied.

Daily Press, "Puckett and Kilgore Hire Attorneys," June 21, 2014. Copy supplied.

Daily Progress, "Puckett Retains Lawyer, Asserts Innocence," June 20, 2014. Copy supplied.

Richmond Times Dispatch, "U.S. Probes Resignation of VA State Senator," June 19, 2014. Copy supplied.

Roanoke Times, "Alleghany Supervisor Gets 10 Days for Assault," January 23, 2014. Copy supplied.

Interviewed as legal analyst on the Rachel Maddow Show, December 19, 2013 (<http://www.msnbc.com/rachel-maddow-show/watch/feds-agree-to-delay-charges-against-mcdonnell-97209411691> and transcript supplied).

Charlotte Observer, "Sallie Saxon: Sin to Salvation," April 3, 2011. Copy supplied.

**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.**

October 2014 – September 2017: Economic Development Authority for the City of Roanoke; Board Member; appointed by the Roanoke City Council.

July 2016 – September 2017: Council on Virginia's Future; appointed by former Speaker of the House of Delegates William J. Howell.

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

I have never been a candidate for any elective public office, nor rendered service to any political party or election committee. In 2015, I endorsed Senator Marco

Rubio during the Republican presidential primaries and appeared on a list of Virginia supporters released by his campaign.

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

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

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

I served as a clerk to the Honorable Roger L. Gregory, Circuit Judge, United States Court of Appeals for the Fourth Circuit, from 2005-2006

I also served as a law clerk to the Honorable Robert E. Payne, United States District Judge, Western District of Virginia, from 2004-2005.

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

I have never 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.**

U.S. District Court for the Eastern District of Virginia  
Honorable Robert E. Payne, U.S. District Judge  
Spottswood W. Robinson and Robert Merhige, Jr., Federal Courthouse  
701 East Broad Street  
Richmond, VA 23219  
Term Law Clerk  
August 2004 – August 2005

U.S. Court of Appeals for the Fourth Circuit  
Honorable Roger L. Gregory, Circuit Judge  
1100 E. Main Street  
Richmond, VA 23219  
Term Law Clerk  
August 2005 – July 2006

U.S. Attorney's Office for the Western District of North Carolina  
227 West Trade Street, Suite 1650  
Charlotte, NC 28202  
Assistant U.S. Attorney, Criminal Division  
September 2006 – July 2010

U.S. Attorney's Office for the Western District of Virginia  
310 First Street, SW  
Suite 900  
Roanoke, VA 24011  
Assistant U.S. Attorney, Deputy Criminal Chief  
July 2010 – July 2013

Woods Rogers PLC  
10 South Jefferson Street  
14<sup>th</sup> Floor  
Roanoke, VA 24011  
Principal/Partner  
July 2013 – present

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

I have never 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.**

From 2004 – 2006, I served as a judicial law clerk, researching and drafting memoranda and opinions.

From 2006 – 2010, I served as an Assistant U.S. Attorney in Charlotte, NC. I spent the first six months of my tenure there as an appellate AUSA, before transitioning to a position as a criminal trial prosecutor. As a line AUSA, I investigated and prosecuted over 100 cases involving illegal firearm use and possession, drug crimes, and violent offenses. I also worked as an OCDETF attorney, conducting large-scale drug and gang investigations, including numerous wiretap cases.

From 2010 – 2013, I served as the Deputy Criminal Chief and an Assistant U.S. Attorney in Roanoke, VA. I supervised Assistant U.S. Attorneys and Special Assistant U.S. Attorneys in the performance of their duties, served as a senior advisor to the U.S. Attorney, and prosecuted white-collar, gang, drug, and civil rights cases.

Since 2013, I have worked as a partner at Woods Rogers PLC in Roanoke. As the lead attorney in our white-collar/government investigations practice group, I represent individuals and organizations in federal and state criminal investigations and compliance matters and conduct internal

investigations.

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

As a federal prosecutor in Virginia and North Carolina, I represented the United States Department of Justice, specializing in the prosecution of firearms offenses, drug conspiracies, violent crimes, and white-collar/fraud offenses.

As a white-collar defense attorney, I have represented individuals and organizations in matters involving alleged Medicare and Medicaid fraud, tax offenses, bank fraud, embezzlement, mail and wire fraud, smuggling and illegal importation, public corruption, money laundering, obstruction of justice, and unlawful distribution of controlled substances. I have also represented college students in state criminal investigations and Title IX proceedings. In addition, I regularly conduct internal investigations for corporate clients and advise organizations on various compliance issues.

**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: 85%
2. state courts of record: 15%
3. other courts: 0%
4. administrative agencies: 0%

As a federal prosecutor in North Carolina and Virginia, I appeared in United States District and Magistrate Court almost on a daily basis (and sometimes multiple times per day). As a defense attorney, I appear in court less frequently, averaging one or two appearances per month.

**ii. Indicate the percentage of your practice in:**

1. civil proceedings: 10%
2. criminal proceedings: 90%

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

I have tried 15 criminal jury trials in U.S. District court. In approximately 12 cases I was lead counsel, and in 3 cases I was co-counsel. I have also tried

approximately 50 criminal cases to bench in federal magistrate and various state courts. In addition, as a prosecutor and defense attorney, I have litigated hundreds of contested and evidentiary hearings in federal and state court.

**i. What percentage of these trials were:**

- |              |      |
|--------------|------|
| 1. jury;     | ~23% |
| 2. non-jury. | ~67% |

**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 never practiced before the Supreme Court.

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

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

**1. *United States v. Jean-Claude Bridges***

Docket Number: 4:13CR260002 (W.D. Va.)

Presiding Judge: Honorable Jackson L. Kiser (Senior U.S. District Judge)

Court: U.S. District Court for the Western District of Virginia

Term of Representation: August 2012 – May 2013

Opposing Counsel: Randy V. Cargill  
Assistant Federal Defender  
210 First Street, SW  
Roanoke, VA 24011  
(540) 777-0880

On May 20, 2012, Bridges, who was a juvenile, intentionally set fire to the New Holy Deliverance Outreach Ministry, a church with a predominantly African-American congregation in Henry County, Virginia. The church was completely destroyed by the fire. At the conclusion of the investigation, I obtained approval from the Civil

Rights Division, U.S. Department of Justice, to file civil rights charges. I then successfully petitioned the court to transfer Bridges from juvenile-delinquency status to face civil rights charges as an adult. Bridges ultimately pleaded guilty and was sentenced to a term of 24 months imprisonment.

2. *United States v. Michael Leamson*

Docket Number: 6:12CR00034  
Presiding Judge: Honorable Norman K. Moon (Senior U.S. District Judge)  
Court: U.S. District Court for the Western District of Virginia  
Term: June 2012 – December 2012

Co-Counsel: Dan Bubar  
Assistant U.S. Attorney  
Eastern District of North Carolina  
310 New Bern Avenue  
Federal Building, Suite 800  
Raleigh, NC 27601  
(919) 856-4530

Opposing Counsel: Allegra M.C. Black  
Assistant Federal Defender  
210 First Street, SW  
Roanoke, VA 24011  
(540) 777-0880

I served as co-counsel for the United States in the investigation and prosecution, based on an SEC referral, of a Roanoke-based financial advisor who defrauded numerous elderly investors out of nearly \$1 million through a fraudulent promissory note/"Ponzi" scheme. The investigation which I and my co-counsel conducted with agents of the U.S. Secret Service and the IRS involved extensive field work, including identifying and interviewing investors who had purchased fraudulent promissory notes from the defendant. The defendant ultimately pleaded guilty to mail fraud and wire fraud and was sentenced to 40 months imprisonment.

3. *United States v. Gonzales-Flores*

Docket Number: No. 11-4926  
Presiding Judges: Honorable J. Harvie Wilkinson, III, Roger L. Gregory, and  
Diana Gribbon Motz (U.S. Circuit Judges)  
Court: U.S. Court of Appeals for the Fourth Circuit  
Term: October 2012

Opposing Counsel: Christine Lee  
Assistant Federal Defender  
210 First Street, SW  
Roanoke, VA 24011  
(540) 777-0880

I presented oral argument to the Fourth Circuit on behalf of the United States following the defendant's trial conviction on multiple drug and firearm charges. The specific issue presented on appeal was whether Rule 43 of the Federal Rules of Criminal Procedure requires that a defendant be present at a pretrial hearing where the district court considers discovery issues. The defendant appealed his conviction on the grounds that the district court had violated Rule 43 by conducting a pretrial discovery hearing from which he was absent. The Court affirmed the conviction court in a published opinion (701 F.3d 112), holding that Rule 43 does not require a defendant's presence at pre-trial discovery hearings.

4. *United States v. George Fitzgerald, et al.*

Docket Number: No. 7:10CR80  
Presiding Judge: Honorable Glen E. Conrad (U.S. District Judge)  
Court: U.S. District Court for the Western District of Virginia  
Term: November 2010 – July 2011

Co-Counsel: Charlene Day  
Assistant U.S. Attorney  
U.S. Attorney's Office for the Western District of VA  
310 First Street, SW, Room 900  
Roanoke, VA 24011  
(540) 857-2250

Opposing Counsel: Honorable Onzlee Ware (Juvenile and Domestic Relations  
District Judge)  
315 W. Church Avenue, SW  
Roanoke, VA 24005  
(540) 853-2389

I served as co-counsel in this Racketeering prosecution of Mr. Fitzgerald, the leader of a violent Roanoke gang known as the "Southwest Goonz," and several Goonz associates, who committed numerous home invasion-robberies of drug dealers and other violent offenses. During these armed robberies, Fitzgerald and his accomplices severely beat numerous victims with, among other things, pistols, tire irons, and baseball bats. Fitzgerald pleaded guilty to a RICO charge and was sentenced to over 20 years' imprisonment.

5. *United States v. Royce Mitchell*

Docket Number: 3:09CR186  
Presiding Judge: Honorable Robert J. Conrad, Jr. (U.S. District Judge)  
Court: U.S. District Court for the Western District of North  
Carolina  
Term: August – November 2012

Co-Counsel: Kimlani Ford

Assistant U.S. Attorney  
U.S. Attorney's Office for the Western District of North  
Carolina  
227 W. Trade Street, Suite 1650  
Charlotte, NC 28202  
(704) 344-6629

Opposing Counsel: Claire J. Rauscher  
Womble Carlyle Sandridge and Rice  
301 South College Street, Suite 3500  
Charlotte, NC 28202  
(704) 331-4900

I served as co-counsel in the Supervised Release prosecution of Mitchell, who was a prime suspect in the shooting death of his pregnant 15-year-old foster daughter. Although Mitchell was never charged by state prosecutors with Wright's murder, we petitioned the court to revoke his federal supervised release on the basis that he had committed a sexual assault on Wright prior to her murder. This supervised-release prosecution involved a number of significant challenges, including proving the underlying criminal conduct without the testimony of the deceased victim, and the attendant Confrontation Clause issues. After a two-day bench trial, the court convicted Mitchell of the violation and sentenced him to 30 months imprisonment.

6. *United States v. William R. Wooten*

Docket Number: 3:09CR0013  
Presiding Judge: Honorable Robert J. Conrad, Jr. (U.S. District Judge)  
Court: U.S. District Court for the Western District of North  
Carolina  
Term: December 2008 – August 2009

Co-Counsel: Mark A. Jones (former Assistant U.S. Attorney)  
Bell Davis Pitt  
100 N. Cherry Street, Suite 600  
Winston-Salem, NC 27101  
(336) 714-4122

Opposing Counsel: Cecilia Oseguera  
Assistant Federal Defender  
Federal Defenders of NC  
129 W. Trade Street, Suite 300  
Charlotte, NC 28202  
(704) 374-0720

I served as co-counsel in the prosecution of Mr. Wooten, who committed an armed bank robbery of a Bank of America branch in Gastonia, North Carolina, in 2008. Wooten, who had previously been convicted in federal court for the armed robbery of



six banks in 1990 (including of the same Gastonia bank) and who had served 16 years in federal prison, committed the robbery while brandishing a sawed-off 12-gauge shotgun. After an extensive manhunt, Wooten was arrested in Colorado. The defendant was transported back to the Western District of Virginia and convicted of bank robbery and the use of a firearm during a bank robbery after a two-day jury trial, and he was sentenced to over 50 years imprisonment.

7. *United States v. Peter James Smith*

Docket Number: 3:08CR0074  
Presiding Judge: Honorable Robert J. Conrad, Jr. (U.S. District Judge)  
Court: U.S. District Court for the Western District of North Carolina  
Term: April 2008 – April 2009  
  
Co-Counsel: Mark T. Odulio (former Assistant U.S. Attorney)  
Wells Fargo Corporate Risk  
301 S. Tryon Street, 8<sup>th</sup> Floor  
Charlotte, NC 28282  
(704) 374-6278  
  
Opposing Counsel: Noel P. Tin  
301 East Park Avenue  
Charlotte, NC 28203  
(704) 338-1220

I served as co-counsel in the prosecution of Smith, who, shortly after his release from federal prison, committed two armed kidnapping and carjackings—specifically, of a Charlotte-Mecklenburg school teacher, who was held in a motel room at gunpoint for approximately 24 hours, and an elderly retiree traveling to Florida. A jury convicted the defendant at trial, and the Court sentenced him to 59 years imprisonment.

8. *United States v. Yonel Astello-Posada and Ruben Sanchez-Guzman*

Docket Number: 5:08CR0010  
Presiding Judge: Honorable Richard Voorhees (U.S. District Judge)  
Court: U.S. District Court for the Western District of North Carolina  
Term: July 2007 – March 2009  
  
Co-Counsel: Kelli Ferry  
Assistant U.S. Attorney  
U.S. Attorney's Office for the Western District of North Carolina  
227 W. Trade Street, Suite 1650  
Charlotte, NC 28202  
(704) 344-6629

Opposing Counsel: Marcos Roberts  
728 Central Avenue  
Charlotte, NC 28204  
(704) 335-7272

Daniel Baker McIntyre, III  
200 E. Woodlawn Road, Bld. #1, Suite 118  
Charlotte, NC 28217  
(704) 522-8001

I served as co-counsel in the investigation and prosecution of large methamphetamine trafficking organization based in Wilkesboro, NC. This drug-trafficking organization was, at that time, responsible for a substantial portion of the methamphetamine trafficking in the north-central region of North Carolina. The investigation, which was conducted along with ICE, the State Bureau of Investigation, and multiple local police departments, yielded numerous federal convictions, as well as the seizure of narcotics and drug proceeds. Posada and Guzman, two of the lead defendants, and who were affiliated with NC-based members of a Mexican drug cartel, were convicted of drug conspiracy at trial and each sentenced to lengthy terms of imprisonment.

9. *United States v. Sallie Saxon*

Docket Number: 3:07CR258  
Presiding Judge: Honorable Frank D. Whitney (U.S. District Judge)  
Court: U.S. District Court for the Western District of North Carolina  
Term: August 2007 – July 2008

Co-Counsel: Keith Cave (former Assistant U.S. Attorney)  
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I served as co-counsel in the Title 3 wiretap investigation and prosecution of Saxon's internet-based prostitution service, "Hushhush.com," which, at that time, was one of the largest in the United States. Working with agents from the FBI, IRS, and the Charlotte-Mecklenburg Police Department, I prepared and filed the "T3" wiretap applications and monitoring reports in U.S. District Court; conducted grand-jury proceedings and investigative interviews; and represented the United States in

subsequent court proceedings. The case successfully concluded with the guilty pleas of Saxon and several of her associates for, among other things, money laundering and tax offenses.

*10. United States v. Britt Alzonía McCullum*

Docket Number: 3:07CR128  
Presiding Judge: Honorable Frank D. Whitney (U.S. District Judge)  
Court: U.S. District Court for the Western District of North Carolina  
Term: June 2007 – October 2009

Co-Counsel: Mark T. Odulio (former Assistant U.S. Attorney)  
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Opposing Counsel: Norman Butler  
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I served as co-counsel in the prosecution of McCullum, a violent career offender and drug dealer, who was apprehended by a Charlotte-Mecklenburg police officer after a foot pursuit and physical confrontation. McCullum pleaded not guilty and, through counsel, vigorously contested the government's case. After multiple days of pre-trial hearings and trial, a jury convicted the defendant of narcotics and firearms offenses.

**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.)**

From 2006 – 2010, I served as an Assistant U.S. Attorney in Charlotte, NC. I spent the first six months of my tenure there as an appellate AUSA, before transitioning to a position as a line trial prosecutor in the criminal division. As a line AUSA, I initially served as a Project Safe Neighborhood (PSN) prosecutor, focusing on firearms-related offenses committed in the Charlotte metropolitan area. I later worked as an OCDETF attorney, conducting large-scale drug and gang investigations, including numerous wiretap cases with DEA. Among other cases, I successfully prosecuted, after a wiretap investigation, of a large internet-based prostitution service ("hushhush.com"), and numerous wiretap investigations involving Charlotte-based associates of the Mexican

Gulf Cartel.

From 2010 – 2013, I served as the Deputy Criminal Chief and an Assistant U.S. Attorney in Roanoke, VA, and focused on the investigation and prosecution of white-collar, gang, drug, and civil rights cases.

Since 2013, I have worked as a partner at Woods Rogers PLC in Roanoke. As the lead attorney in our white-collar/government investigations practice group, I represent individuals and organizations in federal and state criminal investigations and compliance matters and conduct internal investigations. As a white-collar defense attorney, I have successfully resolved several criminal investigations without any charges being filed against my clients, including federal investigations of a member of the Virginia legislature (see attached media accounts), a large health-care organization, and a federal contractor. I have also successfully advocated for lenient sentences in federal cases involving an attorney convicted of concealing the misappropriation of client funds by his legal assistant, a Roanoke-area businessman convicted of running an online gambling ring, and the executive of a Chinese nutritional supplements company charged in a 54-count indictment with wire fraud, smuggling, and the unlawful distribution of prohormones and nutritional supplements.

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.

While a student at William and Mary Law School, I was selected based, in part, on my academic performance during my first year, to serve as a teaching assistant for Torts and Constitutional Law. As a teaching assistant during my second and third years of law school, I conducted weekly review lectures and individual counseling sessions for first-year students. I was not able to locate any notes or materials that I used as a teaching assistant.

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.

None.

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.

No.

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).

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

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

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

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

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.

As a federal prosecutor, my career was devoted to public service, including working with and assisting victims of crime. Since entering private practice in 2013, I have assisted in

pro bono matters involving a local ballet and an elderly couple who had a dispute with their financial advisor. I have also served as a court-appointed attorney, representing indigent defendants in multiple state General District and Circuit Courts and the United States District Court for the Western District of Virginia.