

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Damon Paul Martinez

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

United States Attorney, District of New Mexico

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.

Office:

201 3rd Street N.W. Suite 900  
Albuquerque, NM 87103

4. Birthplace: State date and place of birth.

1965, Albuquerque, NM

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.

Degree	School	Date of Degree
M.B.A.	University of New Mexico	May, 1993
J.D.	University of New Mexico	May, 1992
B.A. in Economics	University of New Mexico	May, 1989
B.A. in Political Science	University of New Mexico	May, 1989

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.

November 2001 to present  
U.S. Department of Justice  
District of New Mexico  
Assistant U.S. Attorney  
201 3<sup>rd</sup> Street N.W., Suite 900  
Albuquerque, NM 87103  
(Supervisor of Organized Crime and Gangs Section since February 2013)

November 2009 to present  
Judge Advocate  
New Mexico National Guard  
111th Maneuver Enhancement Brigade  
4001 N.W. Loop  
Rio Rancho, NM 87144

March 2012 to December 2012  
Deployed, USBATT Judge Advocate  
U.S. Army, Multinational Force & Observers 56 mission  
Sinai, Egypt

August 2012 to October 2012  
Adjunct Professor  
University of Maryland  
University College Europe  
Im Bosseldorn 30  
69126 Heidelberg, Germany

April 2008 to present  
Managing member and registered agent  
TateHunter, LLC  
36 El Dorado Road  
Corrales, NM 87048

September 2005 to November 2009  
Judge Advocate  
1st Legal Support Organization, TM 2  
U.S. Army Reserve  
Jenkins Army Reserve Center  
400 Wyoming Blvd N.E.  
Albuquerque, NM 87123-1093

August 2002 to August 2005  
Judge Advocate

5035th Garrison Support Unit  
Fort Bliss USARC #3 Bldg 1001  
Fort Bliss, Texas, 79906-5000

March 2000 to October 2001  
Special Assistant U.S. Attorney  
Las Cruces Border Branch Office  
U.S. Attorney's Office for the District of Mexico  
HIDTA position funded by the City of Las Cruces  
555 S. Telshor, Suite 300  
Las Cruces, NM 88011

January 1999 to February 2000  
Legislative Director  
Congressman Tom Udall  
U.S. House of Representatives  
Washington, DC 20515

August 1996 to December 1998  
Assistant Attorney General  
New Mexico Attorney General's Office  
408 Galisteo Street  
Villagra Building  
Santa Fe, NM 87501

November 1994 to August 1996  
January 1994 to October 1994  
September 1993 to December 1993  
Legislative Assistant  
Senator Jeff Bingaman  
U.S. Senate  
Washington, DC 20510

October 1994 to November 1994  
December 1993 to January 1994  
Campaign Staff  
Senator Jeff Bingaman's 1994 re-election campaign  
Address was on San Pedro Blvd, Albuquerque, NM

March 1993 to August 1993  
Special Assistant District Attorney  
Second New Mexico Judicial District (Bernalillo County)  
520 Lomas Blvd N.W.  
Albuquerque, NM 87102

June 1993 to July 1993

AllStarr Limousine Service

Albuquerque, NM

(Unable to determine exact address. Family business in which I did not have an active role.)

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.

November 2009 to present, Judge Advocate, N.M. National Guard, Rank of Major

March 2012 to December 2012, deployed, USBATT Judge Advocate, U.S. Army, Multinational Force & Observers 56 mission, Sinai Egypt

November 2008 to November 2009, Judge Advocate, First Legal Support Organization, U.S. Army Reserve

June 2008 to November 2008, mobilized to Washington, DC area to assist in the creation of the U.S. Army Reserve Legal Command

August 2005, to November 2008, Judge Advocate, First Legal Support Organization, U.S. Army Reserve

August 2002 to August 2005, Judge Advocate, 5035<sup>th</sup> Garrison Support Unit, Fort Bliss, Texas, U.S. Army Reserve Command

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.

Sustained Superior Performance Awards, U.S. Attorney's Office, U.S. Department of Justice (May 2007, September 2006, and May 2004)

Awarded the following medals and ribbons:

Army Commendation Medal (4th award) (September 2012, November 2008, July 2007, and August 2004)

Army Achievement Medal (August 2003)

Army Reserve Components Achievement Medal (September 2008 and August 2005)

National Defense Service Medal (November 2008)

Global War On Terrorism Service Medal (November 2008)

Army Service Ribbon (2002)

Overseas Service Ribbon (December 2012)

Multinational Force and Observers Medal (December 2012)

Armed Forces Reserve Medal with "M" Device (November 2008)  
10 Year Bronze Hourglass (August 2012)

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.

New Mexico State Bar Commissioner, Seventh District (Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, Socorro, and Torrance Counties), January 2004 to June 2005

New Mexico Hispanic Bar Association, February 2005 to July 2011, Board Member, April 2005 to July 2011

Albuquerque Bar Association, Member, 1992 and August 2009 to present

Dona Ana County Bar Association, November 2003 to June 2005

10. Bar and Court Admission:

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

New Mexico State Bar, October 1992 to present

No membership lapses.

- 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 District Court for the District of New Mexico, January 1994

United States Court of Appeals for the 10<sup>th</sup> Circuit, September 1997

No membership lapses.

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.

May 2011 to present, University of New Mexico Business School, Anderson School of Management, Anderson Alumni Council

September 2011 to present, University of New Mexico School of Law Alumni Board

September 2007 to present, H. Vearle Payne American Inn of Court, Albuquerque, NM

January 2002 to present, National Association of Assistant U.S. Attorneys

2010 to present, The Voice of the Good Shepherd organization

2009 to present, New Mexico National Guard Association

May 2001 to June 2005, Rio Grande Chapter, Rotary International, Las Cruces, NM, Board Member, Community Service position (2004-2005)

1994 to June 2001, Board Member, The University of New Mexico Alumni Association

November 2003 to June 2005, Col. Albert J. Fountain Chapter, American Inns of Court

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.

None to my knowledge.

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.

None.

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 in the preparation of, including through a review of my personal files and a search of publicly available electronic databases. Despite my searches, there may be materials I have been unable to identify, find or remember.

As a past New Mexico State Bar Commissioner, I participated in Bar Commissioner business, including Board debates and votes. Aside from discussion and input given during Board meetings, to the best of my memory, I do not remember preparing or contributing to the preparation of a specific report, memoranda or policy statement for the N.M. State Bar Commission Board.

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 a search of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have located the following:

37 Letters (involving 21 open meetings act complaints, 6 inspection of public records act complaints, and 10 advisory letters) signed as a New Mexico Assistant Attorney General. (Copies Provided.)

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.

On December 3, 2013, I spoke at the going away party for Assistant Special Agent in Charge Keith Brown from the DEA. (Copy provided.)

On July 19, 2013, I was the keynote speaker at a naturalization proceeding held in Las Cruces, New Mexico. (Copy 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 items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches there may be materials I have been unable to identify, find or remember.

During college, in response to written questions, I submitted written answers to the college newspaper concerning student government offices I was seeking. I may have also responded to questions from the college newspaper related to student government matters. I have not retained any of this material.

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.

None.

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.

December 1993 to January 1994. Kick-off campaign coordinator for Jeff Bingaman's 1994 re-election campaign for the U.S. Senate.

October 1994 to November 1994. Field activities coordinator for Jeff Bingaman's 1994 re-election campaign for the U.S. Senate.

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 have never served as a clerk to a judge.

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.

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Assistant U.S. Attorney  
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(Supervisor of Organized Crime and Gangs Section since February 2013)

November 2009 to present  
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Rio Rancho, NM 87144

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U.S. Army, Multinational Force & Observers 56 mission  
Sinai, Egypt

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Adjunct Professor  
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69126 Heidelberg, Germany

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36 El Dorado Road  
Corrales, NM 87048

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Albuquerque, NM 87123-1093

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Second New Mexico Judicial District (Bernalillo County)  
520 Lomas Blvd N.W.  
Albuquerque, NM 87102

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.

Currently, I supervise the Organized Crime and Gangs section in the U.S. Attorney's Office for the District of New Mexico. As part of my responsibilities, I review and sign off on Title III (wiretap) applications, monitor Court filings and warrant requests, and oversee the section attorneys and staff in their particular investigations/cases and ensure that such matters progress accordingly.

From January 2012 to December 2012, I served as the U.S. Battalion Judge Advocate in Sinai, Egypt. The general character of the practice was to advise the U.S. Battalion Commander and Company Commanders on legal matters, including Uniform Code of Military Justice matters. I also drafted wills and powers of attorney and provide limited legal assistance to soldiers.

From 2010 to December 2011, my practice at the U.S. Attorney's Office consisted of working on complicated (i.e. wiretap, multi-agency) narcotics cases, anti-terrorism /national security issues, and acting as the Crisis Management Coordinator.

From June 2008 to November 2008, I mobilized as a Judge Advocate and worked on a special project which resulted in the creation of the U.S. Army Reserve Legal Command.

From 2005 to June 2008, my practice at the U.S. Attorney's Office consisted of work on complicated (i.e. wiretap, multi-agency) narcotic cases.

From 2000 to 2005, my practice at the U.S. Attorney's Office focused on immigration and narcotic cases.

From 1999 to 2000, as a Congressional Legislative Director, I analyzed, drafted, and coordinated legislation.

From 1996 to 1999, as a New Mexico Assistant Attorney General, my practice consisted mainly of civil practice in the various divisions of the Office.

From 1993 to 1996, as a Congressional Legislative Assistant, I analyzed and drafted legislation.

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

As an Assistant U.S. Attorney and former Special Assistant U.S. Attorney, I advocate for the citizens of the United States. As a former Congressional Legislative Assistant and Legislative Director, I advocated for the citizens of New Mexico, the United States, and the Member of Congress I was working for at the time.

As a former Assistant Attorney General for New Mexico, I advocated for the citizens of New Mexico. As a military JAG, my clients, depending on the assignment, have been the Command and/or soldiers.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As a former New Mexico Assistant Attorney General and Special Assistant District Attorney, my practice involved some litigation and I appeared occasionally in New Mexico state courts of record. I also was an attorney of record for two matters involving the federal court, one being a petition for writ of habeas corpus and a consent decree case.

As an Assistant U.S. Attorney, my practice has involved significant litigation matters and I have appeared frequently in Federal District Court. However, as the current supervisor of the Organized Crime and Gangs Section, I now appear occasionally in Federal District Court.

i. Indicate the percentage of your practice in:

1. federal courts; 95%
2. state courts of record; 4.8%
3. other courts; N/A
4. administrative agencies: 0.2%

ii. Indicate the percentage of your practice in:

1. civil proceedings; approximately 3% (I currently supervise the Asset Recovery Unit maintained in the Organized Crime and Gangs Section)
2. criminal proceedings; approximately 97%.

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 set-

tled), indicating whether you were sole counsel, chief counsel, or associate counsel.

i. What percentage of these trials were:

1. jury.
2. non-jury.

I handled 32 Felony trials to a jury verdict; one Federal juvenile trial, and two proceedings before the N.M. Board of Dental Health Care.

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 of the United States.

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. Eduardo Hernandez-Mejia et al.,  
406 F.App'x 330 (10th Cir. 2011)  
United States v. Eduardo Hernandez-Mejia,  
No. 12-2058 (10th Cir. May 22, 2013)

Co-Counsel:                      Larry Gomez (first trial),  
   Assistant U.S. Attorney – retired  
   Sean Sullivan (second trial)  
   Assistant U.S. Attorney,  
   201 3<sup>rd</sup> St. N.W., #900  
   Albuquerque, NM 87102-3305  
   (505) 346-7274

Opposing Counsel: Edward Bustamante  
610 Gold Ave S.W., #214  
Albuquerque, NM 87102-3182  
(505) 842-9093

Judge: James O. Browning

This case involved a complicated investigation based primarily on wire-tap evidence. The case was a joint investigation conducted between the Drug Enforcement Administration and Federal Bureau of Investigation who determined that defendant Hernandez-Mejia was the main distributor of heroin in a drug trafficking operation in the Albuquerque area. After a four day trial, April 7-10, 2008, a jury convicted defendant Hernandez-Mejia of: conspiracy to distribute heroin and cocaine, distribution of cocaine, and using a telephone to facilitate a drug trafficking offense. The trial involved over 200 exhibits and 40 witnesses.

On February 2, 2011, the Tenth Circuit reversed the District Court conviction based on a violation of the Speedy Trial Act. On April 13, 2011, acting as the lead prosecutor again, defendant Hernandez-Mejia was once again indicted on the same evidence as that used in the previous case. On June 21, 2011, on the second day of trial after the jury had been sworn in, defendant Hernandez-Mejia pled guilty to the new indictment. He was sentenced on December 12, 2011, and the Tenth Circuit affirmed this conviction on May 22, 2013.

2) United States v. Najar,  
451 F.3d 710 (10<sup>th</sup> Cir. 2006)

Opposing Counsel: Dennis Candelaria  
Office of the Federal Public Defender  
506 S. Main St., #600  
Las Cruces, NM 88001-1237  
(575) 527-6930

Judge: James O. Browning

This case began when a police dispatcher received a 911 call that was then disconnected. Once law enforcement was dispatched to the residence, they observed someone in the residence who did not respond to knocks on the door. At a specific point, the individual inside the residence was ordered to open the door because the officers feared for the safety of another person inside the residence. Acting as an Assistant U.S Attorney, I argued in opposition to the motion to suppress before the District Court. The District Court Judge initially suppressed the evidence based on a Fourth Amendment violation. Upon a motion to recon-

sider the ruling, however, the District Court Judge reversed himself. On appeal, the Tenth Circuit held that the Fourth Amendment allows a police officer to enter a home without a warrant or permission to investigate a reasonable belief that a person in the home is endangered.

3) United States v. Rodrigo Gabriel Baz,  
442 F.3d 1269 (10<sup>th</sup> Cir. 2006)

Co-Counsel: Richard Williams  
Assistant U.S. Attorney  
555 S. Telshor Blvd, #300  
Las Cruces, NM 88011-8646  
(575) 522-2304

Opposing Counsel: Jess Lilley  
1020 S. Main St.  
Las Cruces, NM 88013-3388  
(575) 524-7809

Judge: Chief Judge M. Christina Armijo

On February 18, 2004, the defendant landed a rented Cessna at the Las Cruces airport. After determining that probable cause existed, law enforcement searched the plane and found approximately 476 pounds of marijuana in boxes located in the plane. Assistant U.S. Attorney Richard Williams was the primary prosecutor and I assisted him in the trial. One of the main issues at trial concerned whether the Court would allow a deliberate ignorance jury instruction to prove the defendant's knowledge of the crime. At trial, I argued the United States' position on this issue and the District Court submitted such an instruction to the jury. The Tenth Circuit affirmed the use of the deliberate ignorance jury instruction and the conviction.

4) United States v. Wingrove Edward Michael,  
No. 09-2201 (10<sup>th</sup> Cir. Feb. 4, 2011)

Opposing Counsel: Billy Blackburn  
1011 Lomas Blvd., N.W.  
Albuquerque, NM 87102-1952  
(505) 242-1600

Judge: Chief Judge M. Christina Armijo

The defendant drove his refrigerated tractor-truck into a New Mexico Port of Entry for

inspection. A false compartment was found in the front of the trailer. Additionally, over 100 kilograms of marijuana was found in three wooden crates located in the trailer. A main issue in the case was that the bulk marijuana was destroyed by the Drug Enforcement Administration despite the defendant having filed a motion to preserve the marijuana and a Court Order to respond to such motion. After a hearing on the destruction issue and a defense motion to dismiss the indictment, the Court determined that the proper remedy was to suppress any evidence that law enforcement or any other person could smell the marijuana. The defendant was convicted by a jury at trial, and the Tenth Circuit affirmed the conviction.

5) United States v. McKenzie,  
No. 13-2018, (10<sup>th</sup> Cir. Aug. 12, 2013)

Co-Counsel: Sammy Hurtado  
Assistant U.S. Attorney,  
201 3rd St., N.W., #900  
Albuquerque, NM 87102-3305  
(505) 346-7274

Opposing Counsel: Robert Cooper  
1011 Lomas Blvd., N.W.  
Albuquerque, NM 87102-1952  
(505) 842-8494

Judge: James O. Browning

Law enforcement officers encountered the defendant who was a passenger on an Amtrak train. After initially giving consent to search his compartment, the defendant then refused to allow law enforcement to search cereal boxes found in his luggage. After obtaining a search warrant based on probable cause, the cereal boxes were found to contain 7.6 pounds of cocaine. A main issue in the case was whether the defendant had a right to know the identity of and cross examine an Amtrak employee who provided information to the DEA concerning the defendant. After denying the defendant's motion to suppress, including the Amtrak employee issue, the defendant was convicted by a jury at trial. The Tenth Circuit affirmed the conviction.



- 6) United States v. Patricia Flores,  
CR. No. 04-1508 RB (D. NM April 25, 2005)

Opposing Counsel: Herman Ortiz  
1000 E. Lohman Ave.  
Las Cruces, NM 88001-3269  
(575) 541-6600

Judge: Robert C. Brack

The defendant was charged with transporting and concealing two citizens of Mexico in the trunk of her vehicle. When the defendant entered a United States Border Patrol checkpoint, the two citizens of Mexico were discovered and it was determined that they were in the United States illegally. This case went to trial twice. At the first trial, the jury could not reach a verdict. At the second trial, the defendant was convicted by the jury.

- 7) New Mexico Department of Labor v. A.C. Electric,  
125 N.M. 779, 965 P.2d 363 (N.M.App. 1998)

Co-Counsel: Albert Lama  
Office of the New Mexico Attorney General  
408 Galisteo St.  
Santa Fe, NM 87504-1508  
(505) 827-6000

Opposing Counsel: Victor A. Titus  
2021 E. 20<sup>th</sup> St.  
Farmington, NM 87401-2516  
(505) 326-6503

Judge: Byron Caton

As an Assistant Attorney General for the State of New Mexico, I argued before the District Court the dispositive motion for the case and wrote with co-counsel the appellate brief for the Court of Appeals of New Mexico. Specifically, the issue was whether an employer must pay overtime, as opposed to saving the hours for other weeks not resulting in 40 hours, when that employer requires an employee to work more than forty hours in a seven day work week. The District Court ruled for the respondent and the New Mexico Attorney General's Office consequently appealed the decision. The Honorable Christina M. Armijo, who was then on the N.M. Court of Appeals, held that when an employee is covered by New Mexico's Minimum Wage Act, overtime pay is mandatory when that employee works more than forty hours in a seven-day week with

the employer's knowledge and consent.

- 8) Jesse Churchman v. Donald Dorsey, Warden,  
Civil No. 96-1046 LH/RLP (D. NM Nov. 17, 1997)

Opposing Counsel:                      Marc Robert  
Office of the Federal Public Defender  
111 Lomas Blvd., N.W., #501  
Albuquerque, NM 87102-2373  
(505) 346-2489

Magistrate Judge:                      Richard L. Puglisi

Judge:                                      C. LeRoy Hansen

The defendant submitted a petition for writ of habeas corpus. He argued ineffective assistance of counsel. Specifically, the defendant alleged that his attorney had been ineffective because he also represented a potential witness in his case. As a New Mexico Assistant Attorney General, I wrote the Memorandum Brief in Opposition to the Petitioner's Petition for Relief. The United States District Court for the District of New Mexico denied the defendant's petition.

- 9) State of New Mexico v. Harrison,  
115 N.M. 73, 846 P. 2d 1082 (N.M.App. 1993)

Co-Counsel:                              June Stein  
District Attorney  
Bethel – 4<sup>th</sup> Judicial District  
204 Chief Eddie Hoffman Hwy.  
Bethel, AK 99559-0775  
(907) 543-2055

Opposing Counsel:                      Samuel J. Quintana  
Public Defender  
Second Judicial District  
505 Marquette, N.W., Suite 120  
Albuquerque, NM 87102  
(505) 841-5100

Judge:                                      Frank Allen (deceased)

As a law student, I prosecuted cases under the supervision of Assistant District Attorneys in the Bernalillo County District Attorney's Office. In one of these trials, I was the student prosecutor under the supervision of then Assistant District Attorney Stein in the District Court before the Honorable Frank Allen. The facts showed that the defendant had been an intoxicated passenger in a vehicle. When the vehicle stalled, the driver parked the vehicle next to a curb and placed blocks behind the tires. When law enforcement approached the vehicle, the defendant was passed out behind the steering wheel, the key was in the ignition, the ignition was turned on, the transmission was in drive, and the defendant's foot was on the brake. The sole issue at trial was whether a person discovered unconscious behind the steering wheel can be convicted of DWI. The Harrison decision, written by then Court of Appeals Judge Bruce Black, held that the defendant, who was discovered unconscious or asleep behind the steering wheel of the car, with the engine running and blocks behind the tires, was still guilty of DWI.

10) State of New Mexico v. Joseph Aragon,  
CR-95-84 (NM Fourth Judicial Circuit 1999)

Opposing Counsel: Paul Kennedy  
201 12<sup>th</sup> St., N.W.  
Albuquerque, NM 87102-1815  
(505) 842-8662

Judge: Unable to determine information.

The defendant was convicted at trial. He then subsequently moved the District Court for a new trial based on juror misconduct which was summarily denied by the District Court. The New Mexico Court of Appeals remanded the case for a hearing. As a New Mexico Assistant Attorney General, I represented the State in this hearing. The District Court heard evidence and denied the defendant's motion.

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 organization(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

One of my last assignments in the U.S. Attorney's office before being named a supervisor was to work on anti-terrorism/national security matters. This work has involved some matters that I am most proud of in my legal career.

My recent deployment to Sinai, Egypt in support of the Multinational Force & Observers mission was a life changing experience. The overall scope of the mission was to support the Peace Treaty between Egypt and Israel. As the only JAG for the U.S. Battalion, I had to deliver legal services to the Battalion Command, including five Company Commanders and over 400 infantry soldiers from New Mexico. For example, I had to brief the soldiers on the Laws of War/ Rules of Engagement, coordinate Uniform Code of Military Justice actions, and provide legal assistance to soldiers in matters such as apartment leases contracts, credit card rates, or treaty interpretation regarding marriage in Egypt.

In Udall v. Chavez, New Mexico Assistant Attorney General Fox and I analyzed data and information concerning Rio Arriba County elections. With this information, Attorney General Udall, along with the New Mexico Secretary of State, negotiated a Consent Decree with the Rio Arriba County Clerk. In the Consent Decree, the County of Rio Arriba admitted to having failed to properly follow the State Election Code and Municipal Election Code.

After joining the U.S. Army Reserve as a Judge Advocate in 2002, I began work on a project that resulted in the creation of the U.S. Army Reserve Legal Command, which now trains and readies Judge Advocates, legal administrators, and paralegals to deliver legal services to the U.S. Army across the spectrum of operations.

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 August 20, 2012 to October 10, 2012, I was an adjunct professor for the University of Maryland, University College Europe. The subject matter taught was American Government (GVPT 170) and it was a three credit hour course for seventeen students (US soldiers). The class was taught in Sinai, Egypt. (Syllabus supplied.)

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.

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).

See 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 conflicts 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 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 conflicts 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.

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, list-

ing 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.

In approximately 2010, I was asked to join a group which was forming to help support the Little Brothers of the Good Shepherd homeless shelter. The name of this group became The Voice of the Good Shepherd. In essence, The Voice of the Good Shepherd raises awareness of the homeless shelter and also money to support its operations. Additionally, the members of this group, including their families, also serve food at the shelter to those who are homeless.