

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

David Clay Wilkerson Fowlkes

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

United States District Judge for the Western District of Arkansas

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: United States Attorney's Office
 Western District of Arkansas
 414 Parker Avenue
 Fort Smith, Arkansas 72901

Residence: Farmington, Arkansas

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

1978; Harrison, Arkansas

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.

2000 – 2003, University of Arkansas School of Law; J.D., 2003

1996 – 2000, Arkansas State University; B.A., 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.

2007 – present
United States Attorney's Office

Western District of Arkansas
414 Parker Avenue
Fort Smith, Arkansas 72901
United States Attorney (2020 – 2025)
First Assistant United States Attorney (2016 – 2020)
Criminal Chief (2015 – 2016)
Deputy Criminal Chief (2014 – 2015)
Assistant United States Attorney (2007 – 2014)

2003 – 2007
Benton County Prosecuting Attorney's Office
102 Northeast A Street
Bentonville, Arkansas 72712
Division Chief (2005 – 2007)
Deputy Prosecuting Attorney (2003 – 2005)

2002
Davis, Wright, Clark, Butt & Carithers Law Firm
75 North East Avenue, Suite 402
Fayetteville, Arkansas 72701
Summer Law Clerk

2001
Womack, Landis, Phelps, McNeil, and McDaniel Law Firm
3000 Browns Lane
Jonesboro, Arkansas 72401
Summer Law Clerk

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 registered for the selective service upon turning 18.

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

Hope Coalition Excellence in Law Enforcement Award (2024)

Executive Office of the United States Attorney Director's Award for Outstanding Performance by an Assistant United States Attorney in the Criminal Division (Recognized for Operation Great Scott and Pantera Negra OCDETF) (2014)

Executive Office of the United States Attorney Director's Award for Outstanding Litigation Team (Recognized for *U.S. v. Bernie Hoffman, aka Tony Alamo*) (2011)

Certificate of Recognition from the Drug Enforcement Administration for Outstanding Efforts in Drug Trafficking Prosecutions (2011)

Certificate of Appreciation from the Department of Homeland Security (2011)

Certificate of Recognition from the Federal Bureau of Investigation for Outstanding Efforts in Criminal Prosecution (2010)

Letter of Recognition from the Deputy Attorney General for Outstanding Efforts in Litigation (2009)

Arkansas Bar Foundation Barrett Scholarship Award (2002)

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.

Benton County Bar Association, Member (~2003 – 2007)

Christian Legal Society, Member (2000 – 2003)
Arkansas Student Chapter, President (2002 – 2003)

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.

Arkansas, 2003

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 Eighth Circuit, 2008
United States District Court for the Western District of Arkansas, 2003

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.

First Baptist Church, Fayetteville, Arkansas

Deacon (2005 – present)

Member (2002 – present)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, the organization listed above does not currently discriminate nor did they formerly discriminate on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

In my capacity as United States Attorney or First Assistant, I issued or published on the internet over three hundred press releases. Copies of those releases can be found on the United States Attorney's Office website at: https://www.justice.gov/usao-wdar/pr?search_api_fulltext=%22david+clay+fowlkes%22&start_date=&end_date=&sort_by=field_date. I issued press releases on behalf of the office from January of 2020 to October of 2025.

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

None.

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

Some news reports have attributed my assistance as a part of proposed legislation to increase the penalties for DWI homicide cases in which a child is involved as a passenger. To the best I can recall, I may have answered some informal questions posed to the Benton County Prosecuting Attorney's Office by elected state representatives regarding some DWI homicide cases I prosecuted as a Deputy Prosecuting Attorney. These questions were likely related to the penalties available under Arkansas law at that time for defendants convicted of DWI homicide charges, negligent homicide charges, or manslaughter charges.

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

August 7, 2025: Speaker, "4th Annual Overdose Response Conference," Hot Springs Police Department, Hot Springs, Arkansas. I gave a brief welcome and introduction to the event. The event was held at an event center located at 2705 Central Avenue, Hot Springs, AR 71901. Remarks supplied.

May 9, 2025: Speaker, "Commencement Address, CJI School of Law Enforcement Supervision Graduation," Arkansas Criminal Justice Institute, Little Rock, Arkansas. Remarks supplied.

February 27, 2025: Speaker, "Press Conference on Immigration Enforcement Operation in Arkansas," United States Attorney's Office, Eastern District of Arkansas, Little Rock, Arkansas. Remarks supplied.

May 15, 2024: Speaker, "National Domestic Communication Assistance Center Training," Arkansas State Police, Springdale, Arkansas. I gave a brief lecture on the importance of electronic devices' location information to solving crimes and effectively prosecuting cases. I have no notes, transcript, or recording. The address of the Arkansas State Police is 1120 W Monroe Ave, Lowell, AR 72745.

April 18, 2024: Speaker, "Human Trafficking Symposium," University of Arkansas, Fort Smith, Arkansas. I gave a brief statement on the importance of investigating and prosecuting human trafficking cases in Western Arkansas. I have no notes, transcript, or recording. The address of the University of Arkansas Fort Smith is 5210 Grand Ave, Fort Smith, AR 72904.

February 22, 2024: Speaker, "Meth Awareness Conference," Northwest Arkansas Community College, Bentonville, Arkansas. I gave a brief statement on the importance

of investigating and prosecuting drug trafficking cases in Western Arkansas. I have no notes, transcript, or recording. The address of the Northwest Arkansas Community College is 1 College Dr, Bentonville, AR 72712.

November 9, 2023: Speaker, "DEA TFO Appreciation Luncheon," Drug Enforcement Administration, Conway, Arkansas. Notes supplied.

November 1, 2023: Speaker, "Press Conference on Bolling and Ferrer Case Sentencing," United States Attorney's Office, Western District of Arkansas, Hot Springs, Arkansas. Remarks supplied.

September 29, 2023: Speaker, "Roundtable Community Discussion with Marshall Islands Community," The White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, Springdale, Arkansas. Notes supplied.

September 27, 2023: Speaker, "Arkansas Police Chief's Association Meeting," Arkansas Police Chief's Association, Hot Springs, Arkansas. Presentation supplied.

September 15, 2023: Speaker, "Press Conference on *United States v. Ethan Driskell* Sentencing Hearing," United States Attorney's Office, Western District of Arkansas, Fayetteville, Arkansas. Remarks supplied.

September 13, 2023: Speaker, "Law Enforcement Summit," The Jones Center, Springdale, Arkansas. Presentation supplied.

July 20, 2023: Speaker, "Commencement Address, Arkansas Law Enforcement Training Academy (ALETA) Graduation," Arkansas Law Enforcement Training Academy, Western District of Arkansas, Springdale, Arkansas. Remarks supplied.

April 4, 2023: Speaker, "WDAR PSN Awards Presentation," United States Attorney's Office, Western District of Arkansas, Bentonville, Arkansas. Notes supplied.

January 9, 2023: Speaker, "Arkansas Sheriff's Association Meeting," Arkansas Sheriff's Association, Little Rock, Arkansas. Presentation supplied.

November 10, 2022: Speaker, "FBI Citizen's Academy Graduation Ceremony," FBI Citizen's Academy, Fort Smith, Arkansas. Presentation supplied.

May 26, 2022: Speaker, "Press Conference on COVID-19 Fraud Cases and *United States v. Heritage* Sentencing Hearing," United States Attorney's Office, Western District of Arkansas, Fayetteville, Arkansas. Remarks supplied.

December 1, 2020: Speaker, "Press Conference on *United States v. Petersen* Sentencing Hearing," United States Attorney's Office, Western District of Arkansas, Fayetteville, Arkansas. Remarks supplied.

November 2020 (approximate date): Speaker, "United States Attorney General's Award for Courage in Law Enforcement," United States Department of Justice, Fayetteville, Arkansas. Notes supplied.

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

Ron Wood, *Northwest Arkansas Authorities Say New State Laws Give Them More Tools to Fight Human Trafficking*, Arkansas Democrat-Gazette: Web Edition, June 15, 2025. Copy supplied.

Ron Wood, *Feds Announce Arrests in Child Abuse Sting with Two Arrested in Western District of Arkansas*, Arkansas Democrat-Gazette: Web Edition, May 7, 2025. Copy supplied.

Ron Wood, *No Frame-Up, Photos by Criminals*, Arkansas Democrat-Gazette, June 23, 2024. Copy supplied.

Steven Mross, *Accomplice in '22 Kidnapping Pleads, gets 10 more Years*, The Sentinel-Record: Hot Springs, Arkansas, May 20, 2024. Copy supplied.

Monica Brich, *Human Trafficking Lucrative, Experts tell Police at Fort Smith Event*, NWA Online, April 21, 2024. Copy supplied.

Interview with Reporters during the Human Trafficking Symposium hosted by the University of Arkansas, Fort Smith, Arkansas, April 18, 2024. A summary of the event is available at <https://uafs.edu/news/2024/human-trafficking-symposium.php>.

Danger! Danger!, Northwest Arkansas Democrat-Gazette, December 22, 2023. Copy supplied.

Tracy Neal, *Fentanyl Addiction and Trends in Northwest Arkansas*, The Arkansas Democrat Gazette Podcast, December 15, 2023. A full audio recording is available at: <https://www.nwaonline.com/news/2023/dec/15/listen-know-the-news-fentanyl-addiction-and-trends-in-northwest-arkansas/>

Interview with Reporters after the sentencing hearing held in *United States v. Bolling and Ferrer*, Hot Springs, Arkansas, November 3, 2023. A video recording is available at <https://www.hotsr.com/news/2023/nov/03/watch-us-attorney-kidnapping-horrific-crime/>.

Lance Brownfield, *US Attorney: Kidnapping "Horrific Crime,"* The Sentinel-Record, November 3, 2023. Copy supplied.

Steven M. Ross, *Accomplice in Kidnapping of Teen Girl, 17, is Sentenced*, Arkansas Democrat-Gazette: Web Edition, November 3, 2023. Copy supplied.

Ron Wood, *Drug Dealer Sentenced to 38 Years*, Arkansas Democrat-Gazette: Web Edition, September 16, 2023. Copy supplied.

Tracy M. Neal, *Office of Ex-State Official Searched*, Arkansas Democrat-Gazette, May 25, 2023. Copy supplied.

Dale Ellis, *Mail Thefts Lead to Federal Crackdown*, Arkansas Democrat-Gazette, March 6, 2023. Copy supplied.

Interview with Reporters regarding interstate kidnappings, Fayetteville, Arkansas, November 2, 2022. A summary of the interview is available at <https://www.nwahomepage.com/news/u-s-attorney-explains-complexity-of-charges-jurisdictions-in-deadly-arkansas-missouri-kidnapping-case/>.

Jaime Adame and Bill Bowden, *Fired UA Professor Sentenced for FBI Lie*, Arkansas Democrat-Gazette, June 17, 2022. Copy supplied.

Interview with Reporters on COVID-19 Fraud Cases (after *United States v. Heritage* sentencing hearing in Hot Springs), Fayetteville, Arkansas, May 26, 2022. A video recording is available at <https://www.fox16.com/crime/hot-springs-man-guilty-of-scamming-33-states/>

Zoe Papadakis, *Josh Duggar Sentenced to Over 12 Years in Prison for Child Pornography*, Newsmax.com, May 26, 2022. Copy supplied.

Interview with Reporters after the sentencing hearing held in *United States v. Josh Duggar*, Fayetteville, Arkansas, May 25, 2022. A video recording is available at <https://youtu.be/ft77gIY2B80?si=1CPAsS5G6sdfW2Of>.

NWA Editorial: Sheriff's Sentencing an Example of what it takes to Preserve the Badge, NWAOnline, March 22, 2022. Copy supplied.

Tom Sissom, *Officials say Awareness, Education are Keys*, Arkansas Democrat-Gazette: Web Edition, January 28, 2022. Copy supplied.

Natasha Anderson and Adriana Diaz, *"This couldn't have been intentional, Amy Duggar backs cousin Jana over child endangerment charge,"* Daily Mail Online, December 12, 2021. Copy supplied.

Interview with Reporters after the guilty verdict in the *United States v. Josh Duggar* jury trial, Fayetteville, Arkansas, December 9, 2021. A video recording is available at <https://youtu.be/vNI6Fx5IE?si=M2w8OOwi3HG3krHX>.

Ron Wood, *Dentist Guilty in Bribery of Ex-Senator*, Arkansas Democrat-Gazette: Web Edition, September 14, 2021. Copy supplied.

Doug Thompson, *Veterans Care System Pathologist Sentenced*, Arkansas Democrat-Gazette: Web Edition, January 23, 2021. Copy supplied.

NWA Editorial: *To the Rescue*, NWAOnline, December 7, 2020. Copy supplied.

Doug Thompson, *Arizona Adoption Lawyer Pleads Guilty*, Arkansas Democrat-Gazette: Web Edition, June 24, 2020. Copy supplied.

Robin Mero, *Failures and Successes*, Morning News of Northwest Arkansas, September 22, 2007. Copy supplied.

Tracy M. Neal, *McLemore Enjoys Serving Community as Deputy*, Benton County Daily Record March 6, 2006. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ %

ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ %

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a

significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

- a. List chronologically any public offices you have held, other than judicial offices,

including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

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.

None.

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2003 – 2007
Benton County Prosecuting Attorney's Office
102 NE A St.
Bentonville, AR 72712
Division Chief (2005 – 2007)
Deputy Prosecuting Attorney (2003 – 2005)

2007 – present
United States Attorney's Office
Western District of Arkansas
414 Parker Avenue
Fort Smith, AR 72901
United States Attorney (2020 – 2025)
First Assistant United States Attorney (2016 – 2020)

Criminal Chief (2015 – 2016)
Deputy Criminal Chief (2014 – 2015)
Assistant United States Attorney (2007 – 2014)

- 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 in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From the fall of 2003 to December of 2007, I served as a Deputy Prosecuting Attorney in Benton County. I handled a wide variety of cases as a Deputy Prosecuting Attorney, including misdemeanor DWI cases all the way up to murder cases. I tried several jury trials during this four-year period and appeared in Court frequently (usually at least three days per week).

In December of 2007, I began work as an Assistant United States Attorney in Fort Smith, Arkansas, in the Western District of Arkansas. I began my federal prosecution career by serving as the coordinator for the Project Safe Neighborhood (PSN) program in Western Arkansas. In this position, I prosecuted numerous illegal firearm possession cases, violent criminal cases, cases involving the use and possession of firearms in furtherance of drug trafficking crimes, and child exploitation cases. In 2011, I was awarded the EOUSA Director's Award for Superior Performance by a Litigative Team for my work in the *United States v. Tony Alamo* investigation and jury trial. Later in 2011, I became the lead task force attorney for the Organized Crime Drug Enforcement Task Forces (OCDETF) program in Western Arkansas. From 2011 to 2014, I prosecuted numerous cases involving multi-jurisdictional large scale drug trafficking organizations. I routinely reviewed and prepared wiretap applications and I indicted and prosecuted entire drug trafficking organizations, some of which included more than 40 total defendants convicted and sentenced to federal prison. It was during this time that I was awarded the EOUSA Director's Award for Outstanding Performance by a Criminal AUSA.

I am currently serving as the United States Attorney for Western Arkansas. I served as the Acting United States Attorney under the Vacancy Reform Act beginning on January 20, 2020. I was appointed by the Court to serve as the United States Attorney on November 17, 2021.

Prior to serving as the United States Attorney, I served as the First Assistant United States Attorney and supervised the Civil and Criminal Divisions in Western Arkansas. Prior to that, I was the Criminal Chief and Deputy Criminal Chief in Western Arkansas. During my time leading the office, we have made tremendous strides towards our ultimate goal of making Western Arkansas a safer and better place. As the United States Attorney, I began a response team for drug poisoning deaths that incorporated federal and state agents specifically trained to investigate death cases and the distribution of fentanyl. This team has worked very hard to make sure that every drug poisoning death in Western Arkansas is properly investigated and the drug dealers held accountable. Additionally, under my leadership our office has prosecuted over three times the national average number of child abuse and exploitation cases. During my time as the United States Attorney, my courtroom appearances decreased due to my focus on meeting with law enforcement officers to learn about criminal trends in Western Arkansas and spending time developing strategies to make our communities safer. I have also spent time developing and updating policies to include a new criminal division manual, a new discovery policy, and new intake processes.

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

As an Assistant United States Attorney, I prosecute criminal cases on behalf of the United States.

- 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.

The entirety of my practice has been in litigation. As a Deputy Prosecuting Attorney in Benton County, I appeared in state court frequently for hearings, oral arguments, and jury trials. As an Assistant United States Attorney, I have similarly appeared in federal court frequently for hearings, oral arguments, and jury trials. From December 2007 to April of 2013, I appeared in court at least twice a week for hearings, oral arguments, and jury trials. After being named deputy criminal chief, criminal chief, first assistant, and United States Attorney, my court appearances decreased as a result of other leadership and supervisory duties. Since then, I have appeared in court much less frequently, approximately once a month.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 80% |
| 2. | state courts of record: | 20% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 5% |
| 2. | criminal proceedings: | 95% |

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 22 cases to verdict. 19 of those cases were jury trials and I have tried 3 cases to a verdict in bench trials. These were all criminal cases. I served as chief counsel on fifteen of these cases, and associate counsel on seven of these cases.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 85% |
| 2. | non-jury: | 15% |

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

I have not practiced before the Supreme Court.

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

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *State of Arkansas v. Ramon Sanchez*, Benton County Case Number 04CR-04-1166 (Benton County, Arkansas, 2005) (J. David Clinger) (Representation: 2004 – 2005).

This case involved the hit-and-run killing of a man in Rogers, Arkansas. The investigation conducted by the Benton County Sheriff's Office revealed that an illegal alien who unlawfully entered and remained in the United States drove a truck while intoxicated and ran over a competitive bicyclist training for an upcoming competition. The incident occurred during the early morning hours, and the driver fled the scene without stopping. The driver eventually fled back to Mexico (the driver was later extradited back to Benton County, Arkansas, where he received the maximum sentence for negligent homicide in a separate case). The investigation further showed that another individual, Ramon Sanchez, fraudulently used his own lawful resident status to purchase the truck and insurance for the truck used in the hit-and-run, thereby allowing the driver of the vehicle to own and drive a truck that he would otherwise be prohibited from operating as an illegal alien. As chief counsel on this case, I prepared all the investigative documents and the charging documents. I also served as the lead attorney for the trial team during the Ramon Sanchez jury trial. I charged Sanchez with Filing a False Police Report and Insurance Fraud stemming from his actions surrounding the DWI fatality accident that occurred in western Benton County. The jury returned a verdict of guilty on both counts and recommended a maximum sentence of five years in the Arkansas Department of Correction. Judge David Clinger sentenced Mr. Sanchez accordingly. The Department of Homeland Security deported Ramon Sanchez after he served his sentence in the Arkansas Department of Corrections.

Co-Counsel:

Stephanie Morris
Child Advocacy Studies Program Coordinator (formerly a Deputy Prosecuting Attorney)
Northwest Arkansas Community College
One College Drive
Bentonville, AR 72712
(479) 986-4000

Defense Counsel:

Mauricio Herrera
Herrera Law Group
1821 S 8th St
Rogers, AR 72756
(479) 770-5292

2. *State of Arkansas v. Christopher White*, Benton County Case Number 04CR-03-1001 (Benton County, Arkansas 2004 – 2005) (J. David Clinger) (Representation: 2004 – 2005)

The defendant in this case was charged with raping his two biological daughters. I prepared and tried this case before a jury in Benton County, Arkansas, in 2005. During this trial, I presented the two victims of this horrible abuse as well as expert witnesses and fact witnesses for the jury's consideration. The jury convicted White of all the

counts charged in the information and recommended a sentence of 420 months in the Arkansas Department of Correction. Judge David Clinger sentenced the defendant in accordance with the jury's recommendation.

Co-Counsel:

Rachel Dockery
Missouri State University
Legal Affairs and Compliance
901 S. National Ave.
Springfield, MO 65897
417-836-8507

Defense Counsel:

Lisa Parks
Arkansas Department of Human Services
4201 N. Shiloh Dr. Suite 110
Fayetteville, AR 72703-2084
479-521-1270

3. *State of Arkansas v. Darra Barritt*, Benton County Case Number 04CR-05-477 (Benton County, Arkansas 2004 – 2005) (J. Tom Keith) (Representation: 2004 – 2005)

The defendant in this case was charged with one count of Battery in the First Degree for shaking her two-month-old child, causing severe and permanent injuries. I was the chief counsel for this case, and I tried this case before a jury in Benton County, Arkansas. The case centered around the severe injuries to the child and how they were caused. I presented expert witnesses from the Arkansas Children's Hospital and cross-examined an expert witness provided by the defense. The jury convicted Mrs. Barritt and recommended a sentence of fifteen years in the Arkansas Department of Correction. Judge Tom Keith sentenced the defendant to twelve years in the Arkansas Department of Correction. As the chief counsel in this case, I handled every aspect of the investigation, prosecution, and trial.

Opposing Counsel:

Brian Burke
General Counsel
Northwest Arkansas Regional Airport Authority
809 SW A Street, Suite 101
Bentonville, AR 72712
(479) 876-8618

4. *United States v. Hoffman a/k/a Tony Alamo*, No. 4:08-CR-40020, Western District of Arkansas, Texarkana Division (2008 – 2009) (J. Harry Barnes) (Representation: 2008 – 2009).

Tony Alamo, aka Bernie Hoffman, was the leader of a group in Southwest Arkansas and elsewhere that operated several compounds and businesses in Arkansas. Alamo used threats of violence and intimidation to ensure the compliance of his followers. He also used his position to exploit girls as young as 9 years old. Tony Alamo was charged with 10 counts of transporting minors in interstate commerce for illicit sexual purposes. I served as associate counsel on this trial team. The trial lasted approximately two weeks. I was responsible for preparing and arguing before the court all pretrial motions. I also presented the opening statement for the United States and cross-examined several key defense witnesses. The jury convicted Alamo on all 10 counts and Judge Barnes sentenced him to life in prison. In 2011, I was recognized with the EOUSA's Director's Award for Superior Performance by an AUSA as a part of a Litigative Team for my work on this case.

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5. *United States v. Torrance Bunch, et al.*, No. 2:10-CR-20024, Western District of Arkansas, Fort Smith Division (2010) (J. Robert Dawson) (Representation: 2010 – Present).

This case involved a drug trafficking organization operating in Fort Smith, Arkansas. Two of the leaders of the organization, Torrance Bunch and Fernando Sanchez-Garcia, were involved in the distribution of large quantities of methamphetamine in the Fort Smith, Arkansas, area. During Torrance Bunch's jury trial, one of the cooperating co-conspirators, who was also charged in this case, testified to the jury that Torrance Bunch and Fernando Sanchez-Garcia operated a drug trafficking group that was the only organization that was capable of supplying large quantities of high-quality methamphetamine to drug dealers in Fort Smith, Arkansas. Torrance Bunch was sentenced to life in prison under the habitual offender provision in the federal drug trafficking statutes.

The investigation did not stop with Bunch and Garcia's arrest. The investigative team continued to work on this case until Bunch's source of supply for methamphetamine (Orlando Lira-Ibarra) was located, arrested, and prosecuted in the Western District of Arkansas. In all, we were able to prosecute a total of 27 individuals for their involvement in drug trafficking in Western Arkansas. As the chief counsel for this case, I was responsible for preparing all of the investigative documents, including search warrants and other applications for surveillance techniques. I was also responsible for preparing all the indictments, pretrial motions, sentencing arguments, and appeal briefs. I represented the United States at every court hearing and was lead counsel for the trial team during the Torrance Bunch and Fernando Sanchez-Garcia jury trial. The Court sentenced Bunch to life in prison and Sanchez-Garcia to 324 months in prison.

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6. *United States v. Jose Machado, et al. (Operation Pantera Negra)*, No. 5:12-CR-50008, Western District of Arkansas, Fayetteville Division (2011 – 2012) (J. Jimm Hendren) (Representation: 2010 – Present).

This case targeted a drug trafficking organization operating in Springdale, Arkansas. The investigation began with an individual named Wilver Rosales and eventually uncovered a

large organization that was affiliated with the La Familia drug cartel in Mexico. The organization used members in Texas and Mexico to smuggle methamphetamine into the United States and eventually into Western Arkansas. As the sole counsel for this case, I was responsible for preparing all the search warrants, applications for surveillance techniques, indictments, and sentencing memorandums. I also represented the United States in every court proceeding, including contested sentencing hearings and one jury trial. My work on this case resulted in over 30 convictions for drug trafficking, several indictments against known cartel members, the seizure of hundreds of pounds of methamphetamine, and the seizure of numerous firearms, including several automatic weapons. This organization utilized numerous stash houses in Arkansas and Texas. As an example of the organization's distribution of large quantities of methamphetamine, in one stash house located in Dallas, Texas, the DEA seized over 100 pounds of methamphetamine and a machine gun.

Co-Counsel:

None

Opposing Counsel:

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7. *United States v. Arturo Vaca-Raya, et al. (Operation West End Gambler)*, No. 13-CR-50002, Western District of Arkansas, Fayetteville Division (2012 – 2013) (J. Jimm Hendren) (Representation: 2012 – Present)

This investigation began in October of 2012 when the DEA received information about an organization that was involved in distributing large quantities of methamphetamine in Northwest Arkansas. Arturo Vaca-Raya, who resided in Springdale, was identified as the leader of this organization. As a result of the investigation, law enforcement agencies were able to identify 12 associates of Vaca-Raya who were also involved in the distribution of methamphetamine. Through the investigation, law enforcement agencies learned that Vaca-Raya was involved in smuggling large quantities of methamphetamine into Northwest Arkansas and distributing the methamphetamine to other drug dealers in Arkansas and Oklahoma. On December 2, 2012, the DEA learned that Vaca-Raya was expecting a large shipment of methamphetamine and placed his residence under surveillance. During the surveillance, the agents observed a co-conspirator from Texas named Maria Molina bring Vaca-Raya what appeared to be a large quantity of methamphetamine. Vaca-Raya was arrested later that day. The next day, on December 3, 2012, the DEA executed a search warrant on his residence. During the search, the agents recovered approximately 6.9 kilograms of methamphetamine, digital scales, a

firearm, and ammunition. Vaca-Raya eventually entered a plea of guilty to the indictment and the Court imposed a sentence of 40 years in prison based on the large quantities of methamphetamine his organization distributed and Vaca-Raya's lengthy criminal history including violence and firearm convictions. I was the sole counsel in this case. I prepared all of the Title III Applications for Wire and Electronic Interceptions, I submitted the case to the Grand Jury for indictment, prepared all plea agreements, and made all of the arguments to the Court during contested sentencing hearings. Vaca-Raya had been one of the most prolific methamphetamine distributors in Northwest Arkansas for many years prior to this case. In addition to seizing a large amount of methamphetamine, we were also able to forfeit several hundred thousand dollars in cash and property that Vaca-Raya used to facilitate his distribution of methamphetamine.

Co-Counsel:

None

Opposing Counsel:

David Dunagin (deceased)

8. *United States v. Miguel Paramo, et al. (Operation Great Scott)*, No. 2:12-CR-20043, Western District of Arkansas, Fort Smith Division (2012 – 2013) (J. P.K. Holmes) (Representation: 2012 – Present)

This case targeted a drug trafficking organization operating in Waldron, Arkansas. The organization took advantage of the reduced law enforcement presence in small, rural communities like Waldron to organize the smuggling and distribution of methamphetamine to larger communities, such as Fort Smith and Fayetteville. The organization also used minors to transport and distribute methamphetamine as another way of concealing their drug trafficking operations. Various law enforcement techniques resulted in the identification of numerous members of the organization and the location of stash houses in both Arkansas and Texas. Over forty controlled purchases of methamphetamine were conducted with members of the organization, as well as several controlled purchases of marijuana. As a result of the investigation, 19 individuals were arrested. In addition, 28 firearms, 12 pounds of methamphetamine, \$49,800, over 100 pounds of marijuana, and 2 bullet-proof vests were seized from members of the organization. As the chief counsel for this case, I was responsible for the preparation of all of the investigative documents, including numerous search warrants and other applications for surveillance. I was also responsible for preparing the indictment for all 19 of the members charged in the case. I represented the United States in every court proceeding and successfully won convictions on all 19 of the defendants in this case. In 2014, I was recognized with the EOUSA's Director's Award for Superior Performance by a Criminal AUSA for this case and other drug trafficking investigations and cases I worked on.

Co-Counsel:

None

Opposing Counsel:

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9. *United States v. Gerardo Gamboa, et al. (Operation Shawcrank Redemption)*, No. 2:13-CR-20037, Western District of Arkansas, Fort Smith Division (2013) (J. P.K. Holmes) (Representation: 2013 – Present)

This case targeted a significant drug trafficking operation within the Fort Smith Division of the Western District of Arkansas. Gerardo Gamboa was directly communicating with a member of the Drug Trafficking Organization (DTO) in Mexico and coordinating substantial shipments of methamphetamine destined for Fort Smith, Arkansas. Following a two-year investigation, we successfully indicted and convicted 41 members of the DTO, including the individual operating in Mexico. This case held immense significance as it marked the largest DTO prosecuted in the Fort Smith Division in several years. As the chief counsel for this case, I was solely responsible for all aspects of the investigation and prosecution of every member of this organization. My duties included preparing all investigative documents, Search Warrants, indictments, plea agreements, motions, and sentencing arguments. I represented the United States in every court proceeding, successfully presenting arguments before the Court in each case.

Co-Counsel:

None

Opposing Counsel:

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10. *United States v. Paul Petersen*, No. 5:19-CR-50079, Western District of Arkansas, Fayetteville Division (2020) (J. Timothy L. Brooks) (Representation: 2015 – Present).

This case stands as the first human trafficking case involving a group of individuals who specifically targeted the Marshallese people. Also notably, it was the first such case to be prosecuted within the United States under the theory advanced by the indictment I prepared and defended in the District Court and on Appeal to the Eighth Circuit Court of Appeals. The case involved a group of defendants, including Paul Petersen, a licensed attorney who practiced law in Arizona, Utah, and Arkansas. Beginning in 2014, Petersen devised a fraudulent scheme to defraud and obtain money and property from unsuspecting adoptive parents and others. He paid pregnant Marshallese women substantial amounts of United States currency, compelling them to travel to the Western District of Arkansas and subsequently place their infants for adoption in the same district. Petersen procured airline tickets for them and orchestrated their concealment of their true travel intentions from the authorities in the Republic of the Marshall Islands and the United States. In furtherance of this scheme, Petersen manipulated adoption case files, presenting documents that contained materially false and fraudulent statements. He subsequently filed these court documents in the Circuit Clerk's Offices of Washington and Polk counties and further distributed case documents via the United States mail to government offices in Little Rock, Arkansas. Petersen concealed his involvement in the payments and conducted wire transactions to transfer over one million dollars into a bank account. He eventually pleaded guilty to the indictment. I requested that the Court impose a sentence of 10 years in prison, considering the severe criminal conduct in this case. The Court, after a contested sentencing hearing, determined that a sentence of 74 months in prison was appropriate. As chief counsel in this case, I handled every aspect of the investigation and the prosecution. I developed the legal theory that enabled me to prosecute Petersen and his co-conspirators. I also traveled to Marshall Islands and spent a week there interviewing witnesses, gathering evidence, and preparing the case for presentation to the Grand Jury.

Co-Counsel:

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18. **Legal Activities:** Describe the most significant legal activities you have pursued,

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

I have served in several management roles, including Criminal Chief and First Assistant United States Attorney. In these roles, I have helped develop procedures for discovery, indictments, grand jury, and other matters. I have also had the privilege of mentoring several new AUSAs over the years, including sitting as second chair on jury trials, accompanying them to grand jury presentations, and helping them navigate their new roles as federal prosecutors. Finally, I have also served as the United States Attorney under the Vacancy Reform Act, and later as appointed by our court. While serving in this role, I have been able to meet with police chiefs, sheriffs, local and state prosecutors, and many others involved in law enforcement in Western Arkansas. This has given me a unique perspective of the criminal issues facing our communities in Western Arkansas. I have also been able to guide our office to several important milestones, including leading our office to prosecute child exploitation cases at over three times the national average. I have also been able to lead our office to achieve significant progress in reducing drug poisoning deaths caused by the distribution of fentanyl. I began a program we refer to as our Overdose Response Team, made up of officers and agents from various agencies who take the lead in our district in investigating and prosecuting drug poisoning cases.

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

I have not taught any courses.

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

None.

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

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees,

dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I do not have any financial arrangements that may present potential conflicts of interest. If confirmed, I would recuse myself from all cases in which I played a role in investigating or prosecuting the case. I would recuse myself from any criminal cases handled at the U.S. Attorney's Office while I worked there. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interests.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have provided legal services to families finalizing adoptions of children. This occurred on two occasions. I applied for permission from DOJ to conduct these final adoptions and appear in court with these families. These families were both far along in the adoption process and I helped finalize some paperwork and schedule final adoption proceedings. I

provided these services free-of-charge on a pro-bono basis, which I hope greatly helped these families who had already expended significant sums of money during the entirety of the adoption process.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On Friday, November 22, 2024, I interviewed with Senator John Boozman in Rogers, Arkansas. On August 15, 2025, Senator Tom Cotton requested that I answer a questionnaire and submit supporting paperwork. On September 15, 2025, I interviewed with the White House Counsel's Office at the Eisenhower Executive Office building. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

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

10-21-2025
(DATE)

David Clay Fowlkes
(NAME)

Heather Edmonson
(NOTARY)

