

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Frank Paul Geraci, Jr.

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

United States District Judge for the Western District of New York

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.

Monroe County Court
Room 545 – Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614

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

1951; Rochester, New York

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.

1974 – 1977, University of Dayton Law School; J.D., 1977
1969 – 1973, University of Dayton; B.A., 1973

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.

1999 – Present
Monroe County Court
New York State Unified Court System
Room 545 – Hall of Justice
99 Exchange Boulevard

Rochester, New York 14614
Monroe County Court Judge (1999 – Present)
Acting Supreme Court Justice (2005 – Present)

1992 – 1998
Rochester City Court
New York State Unified Court System
Room 6 – Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
Rochester City Court Judge

1988 – 1992
United States Arbitration and Mediation of Upstate New York
235 Park Avenue
Rochester, New York 14606
Co-Owner

1987 – 1992
Law Firm of Geraci and Feldman
235 Park Avenue
Rochester, New York 14606
Partner

1987 – 1992
City of Rochester
42 South Avenue
Rochester, New York 14604
Parking Violations Hearing Examiner

1985 – 1990
St. John Fisher College
3690 East Avenue
Rochester, New York 14618
Adjunct Professor

1983 – 1987
United States Attorney's Office
Western District of New York
100 State Street
Rochester, New York 14614
Assistant United States Attorney

1978 – 1983
Monroe County District Attorney's Office
47 South Fitzhugh Street

Rochester, New York 14614
Special Assistant District Attorney

1977 – 1978
Monroe County Democratic Committee
1150 University Avenue
Rochester, New York 14604
Executive Assistant to Chair Laurence Kirwan

1975 – 1977
Legal Aid of Western Ohio (formerly Greene County Legal Aid)
333 West First Street, Suite 500A
Dayton, Ohio 45402
Law Student Intern

Summers 1975, 1976
City of Rochester Bureau of Employee Relations
30 Church Street
Rochester, New York 14614
Summer Personnel Coordinator

1973 – 1974
Rochester City Court
New York State Unified Court System
Room 6 – Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
Deputy Clerk

Other Affiliations (uncompensated):

2007 – 2012
Monroe County Bar Foundation
1 West Main Street, 10th Floor
Rochester, New York 14614
Director

2004 – 2011
Eastside Little League
P.O. Box 10834
Rochester, New York 14610
President (2005 – 2011)
Vice-President (2004 – 2005)

2003 – 2009
University of Dayton National Alumni Association

300 College Park Drive
Dayton, Ohio 45469
President (2006 – 2009)
President-Elect (2003 – 2006)
Board of Directors, Member (2003 – 2009)

2006 – 2009
University of Dayton
300 College Park Drive
Dayton, Ohio 45469
Trustee

2001 – 2003
Monroe County Bar Association
1 West Main Street, 10th Floor
Rochester, New York 14614
Trustee

1993 – 2000
Our Lady of Mercy High School
1437 Blossom Road
Rochester, New York 14610
Chair, Board of Governors (1996 – 1998)
Member, Board of Governors (1993 – 2000)

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 United States Military. I have registered for selective service.

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

McQuaid Jesuit Knight's Roundtable Award, McQuaid Jesuit High School (2010)

Cumminelli Youth Service Award, Center for Youth (2009)

Champion for Peace Award, Center for Dispute Settlement (2008)

The Nathaniel Award, The Daily Record (2006)

Distinguished Alumni Award, University of Dayton Alumni Association (2005)

Distinguished Jurist Award, Center for Dispute Settlement (1998)

John Peter Medaille Award, Diocese of Rochester (1997)

University of Dayton Law School Scholarship (1974 – 1977)

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.

American Judges Association

Monroe County Bar Association

Monroe County Bar Foundation

Director (2009 – 2012)

Membership Committee (2009)

Memorial Committee (2004 – 2012)

Law Day Committee (2004 – 2009)

Nominating Committee (2003 – 2005)

Board of Trustees (2001 – 2003)

Jury Diversification Project (1996)

Justice Committee, Chair (1994)

Courts Committee and Bench & Bar Committee (1993)

Alternative Dispute Resolution Committee (1989)

Young Lawyers Section (1979)

New York State Association of City Court Judges

New York State District Attorney's Association

Youth Courts Initiative Advisory Committee for a Youth Court Recommended Practices Manual (2010)

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 York, 1978

There has been no lapse 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 Second Circuit, 1984
United States District Court for the Western District of New York, 1981

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.

Boy Scouts of America

Law Explorers Program, Mock Trial Judge (1992 – Present)

Catholic Youth Organization

Assistant Coach, 5th and 6th Grade Girls' Basketball (1991 – 1994)

Assistant Coach, High School Girls' Basketball (1995 – 1996)

Center for Dispute Settlement

Long Range Planning & Advisory Committee (1995)

Small Claims & Mediation Program (1993 – 1995)

City Court of Rochester Internship Program (1995 – 1998)

County of Monroe Graduated Restrictions Advisory Board (1994 – 1996)

County of Monroe Open Appointments Board (1989 – 1991)

Eastside Little League

President (2005 – 2011)

Vice-President (2004 – 2005)

Assistant Coach (1994 – 2011)

Kids Voting USA (2009)

Local Exploratory Committee Chair

Law Enforcement Coordinating Committee, Chair (1983)

Monroe County Catholic Schools

St. John's/Blessed Sacrament School Board (1984 – 1987)

Northeast Cluster Planning Board (1985 – 1988)

Northeast Quadrant Planning Board (1985 – 1990)

Southeast Quadrant Planning Board (1990 – 1993)
Chair, Southeast Quadrant Governing Board (1991 – 1993)
Interim Catholic School Board of Monroe County (1992 – 1993)
Bishop’s Stewardship Council, Diocese of Rochester (1993 – 1995)
Diocese of Rochester Catholic School Board of Monroe County (1993 – 1995)

Monroe County Court Case Management Committee (2002 – 2003)

Monroe County District Attorney’s Office, Interview Committee (1979)

Monroe County Health Association (1979)

Monroe County Jury Board (2010 – Present)

Monroe County Sheriff’s Office Senior Citizen’s Academy (2002 – Present)

Monroe County Traffic Safety Board (1978)

National Center for Missing & Exploited Children – New York Branch Board Member (2004 – 2005)

National Council on Alcoholism (1979)

9/11 Commemoration Committee (2002 – Present)

Our Lady of Mercy High School, Board of Governors (1993 – 2000)
Chair (1996 – 1998)

Rochester Challenge Against Violence (Summer 1994)

Rochester/Monroe County Domestic Violence Consortium (1993)

Rochester Police Department, Clinton Section Liaison (1979)

Rochester Safety Council, Drinking Driver Task Force (1978)

Rochester Teen Court (1997 – Present)
Founding Committee (1997)
Presiding Judge (1997 – Present)
Chair, Advisory Board (1997 – Present)

Russian-American Rule of Law Consortium (2004 – Present)

7th Judicial District Committee to Promote Trust and Confidence in the Legal System, Co-Chair (1999 – 2000)
 Subcommittee on Youth Violence, Chair (1998 – 2000)
 Subcommittee on Teen Court, Chair (1998)
 Civic Center Plaza Renovation Subcommittee, Chair (2000)

Task Force Against Violence (1994 – 1996)

United States District Court for the Western District of New York, Merit Selection Committee for United States Magistrate Judges (2002)

University of Dayton

 Board of Trustees, Member (2006 – 2009)
 National Alumni Association, President (2006 – 2009)
 National Alumni Association, President-Elect (2003 – 2006)
 National Alumni Association, Board of Directors, Member (2003 – 2009)
 Rochester Alumni Chapter President (1994 – 2003)
 Rochester Alumni Chapter Member (1994 – Present)

Volunteer Legal Service Project (1990 – 1992)

- 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 the best of my knowledge, none of the organizations listed currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

Frank P. Geraci, Jr., Letter to Hall of Justice and Public Safety Building Employees, Seventh Judicial District Newsletter, Jan. 11, 2011. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *A Gentleman on the Mound*, DEMOCRAT AND CHRONICLE, June 5, 2010. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *City, District Recognize Value of Teen Court*, DEMOCRAT AND CHRONICLE, Feb. 16, 2009, at A9. Copy supplied.

Frank P. Geraci, Jr., Biography for the New York State Judicial Candidate Voter Guide, 2008. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *Ask the Expert*, DEMOCRAT AND CHRONICLE, June 10, 2007. Copy supplied.

Frank P. Geraci, Jr., *Speaking Out, Race for Rochester School Board and State Supreme Court Justice*, DEMOCRAT AND CHRONICLE, Oct. 18, 2004. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *Collaborate to Quell Juvenile Violence*, DEMOCRAT AND CHRONICLE, June 11, 2000, at 25A. Copy supplied.

Frank P. Geraci, Jr., “*Dayton Lawyer*” – *Title of Distinction*, 25 U. DAYTON L. REV. vii, xiv (2000). Copy supplied.

Frank P. Geraci, Jr., *Refreshing Day in City Court*, BRIEFLY (Seventh Judicial District Newsletter), July 31, 1998. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *This Beats New Jail Cells*, DEMOCRAT AND CHRONICLE, Sept. 17, 1991, at 19A. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *Act Now to Save Catholic Schools*, TIMES-UNION, Feb. 19, 1990. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *NO: Secrecy Aids Unbiased Decisions*, DEMOCRAT AND CHRONICLE, June 27, 1988. Copy supplied.

Frank P. Geraci, Jr., Letter to the Editor, *Violent Crime*, DEMOCRAT AND CHRONICLE, 1984. Copy supplied.

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

Recommended Practices for Youth Courts, Center for Court Innovation, Mar. 2010. Copy supplied.

Signatory to the fair campaign pledge circulated by the Fair Election Practices Committee of the Interfaith Alliance of Rochester and the League of Women Voters/Rochester Metro Area, 2008. I have been unable to obtain a copy of the pledge, but press coverage is supplied.

Monroe County Court Case Management Advisory Committee Report, Mar. 2003. Copy supplied.

- 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.

None.

- 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.

The list that follows represents my best efforts to identify speeches and remarks that I have given. There may be, however, other speeches or remarks that I am unable to recall or identify.

I have been involved in four political races, all for judicial office (1991 for Rochester City Court Judge; 1998 for Monroe County Court Judge; 2004 for New York State Supreme Court; 2008 for re-election to Monroe County Court). During those campaigns I made hundreds of appearances before community groups and political organizations. I have no notes, transcripts, or recordings from these appearances with the exception of two television commercial spots in 1998 as part of my campaign to be elected to the Monroe County Court bench, and two television commercial spots in 2004 as part of my campaign to be elected to the New York State Supreme Court bench (DVD supplied). As a judicial candidate my remarks were limited to my professional qualifications and providing information about the operations of the courts.

December 7, 2011: Presided over the Second Chance Call-in with the Rochester Police Department, United States Department of Justice, and the Monroe County Department of Probation – Community Services, Rochester, New York. I have no notes, transcript, or recording. The Rochester Police Department is located at 185 Exchange Boulevard, Rochester, New York 14614.

November 4, 2011: Gave a tribute to John Francis Redmond, Esq. during a Monroe County Bar Association memorial service, Rochester, New York. Remarks supplied.

October 27, 2011: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

May 12, 2011: Presided over the Second Chance Cease Fire Call-in with the Rochester Police Department, United States Department of Justice, and the Monroe County Department of Probation – Community Services, Rochester, New York. Remarks supplied.

November 5, 2010: Gave a tribute to Reuben K. Davis, Justice Supreme Court, during a Monroe County Bar Association memorial service, Rochester, New York. Remarks supplied.

October 18, 2010: Acceptance remarks at the McQuaid Jesuit High School Roundtable Awards Ceremony, Rochester, New York. Remarks supplied.

September 14, 2010: Spoke on "Restorative Justice" to the congregation of Baptist Temple. I have no notes, transcript, or recording. The Baptist Temple is located at 1101 Clover Street, Rochester, New York 14610.

July 17-24, 2010: Hosted the Russian Delegation, Open World Program, Rochester, New York. Generally, I spoke about the New York State Court System, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

May 8, 2010: Gave presentation entitled, "Maximizing the Efficiency of the Prosecution Function," Abu Dhabi, UAE. Handout and PowerPoint slides supplied.

April 15, 2010: Presented on the Monroe County Criminal Court during a judges' panel held by the Young Lawyers Section of the Monroe County Bar Association. I have no notes, transcript, or recording. The Monroe County Bar Association is located at Telesca Center for Justice, One West Main Street, 10th Floor, Rochester, New York 14614.

April 8, 2010: Gave presentation entitled, "Exploring and Expanding Referral Services," at the New York State Youth Court Conference held by the New York State Bar Association, Albany, New York. Outline supplied.

November 6, 2009: Gave a tribute to Roderick MacKearnin Cunningham, Esq. during a Monroe County Bar Association memorial service, Rochester, New York. Remarks supplied.

October 20, 2009: Spoke to Professor Brian Schiffrin's class at the Rochester Institute of Technology (RIT) on criminal law. I have no notes, transcript, or recording. RIT is located at 27 Lomb Memorial Drive, Rochester, New York 14623.

September 15, 2009: Gave remarks at the graduation ceremony of the Monroe County Sheriff's Office Court Security Bureau, Class Number 11, Rochester, New York. Remarks supplied.

July 25-August 1, 2009: Hosted and spoke to the Russian Delegation, Open World Program, Rochester, New York. Generally, I spoke about the New York State Court System, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

April 16, 2009: Judged public speaking competition at McQuaid Jesuit High School. I have no notes, transcript, or recording. McQuaid Jesuit High School is located at 1800 South Clinton Road, Rochester, New York 14618.

March 27, 2009: Spoke at the Monroe County Bar Association's Law Over Lunch program on "Bail and Sentencing," Rochester, New York. PowerPoint slides supplied.

March 21, 2009: Conducted a mock trial for the Law Explorers of the Boy Scouts of America, Otetiana Council. I have no notes, transcript, or recording. Boy Scouts of America, Otetiana Council is located at 474 East Avenue, Rochester, New York 14607.

November 7, 2008: Remarks during a Monroe County Bar Association memorial service. I have no notes, transcript, or recording. The Monroe County Bar Association is located at Telesca Center for Justice, One West Main Street, 10th Floor, Rochester, New York 14614.

May 28-29, 2008: Spoke at the Russian-American Rule of Law Consortium Seminar, Novgorod, Russia. PowerPoint slides of my presentation on "Jury Trials and Related Issues" and a set summarizing the events of the seminar are supplied.

May 1, 2008: Spoke at Law Day luncheon of the Monroe County Bar Association regarding the presentation of the Humanitarian Award to Elaine Gallina-Spaull, Rochester, New York. Remarks and press coverage supplied.

May 1, 2008: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

April 19, 2008: Participated in the U.S. Marshals Service's Operation Safe Surrender at the Bethel Christian Fellowship. I have no notes, transcript, or recording. The U.S. Marshals Service is located at United States Courthouse, 100 State Street, Rochester, New York 14614.

April 5, 2008: Spoke to the Russian Delegation at the Open World Program, Rochester, New York. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

March 29, 2008: Hosted the Russian Delegation at the Open World Program, Rochester, New York. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

February 11, 2008: Spoke at the Center for Dispute Settlement's Champion for Peace Award Ceremony, Rochester, New York. Remarks and press coverage supplied.

November 1, 2007: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

June 8, 2007: Remarks given at Citirama at the University of Dayton, Dayton, Ohio. Remarks supplied.

May 22, 2007: Conducted a mock trial with students at School #4 of the Rochester City School District. I have no notes, transcript, or recording. School #4 is located at 198 Dr. Samuel McCree Way, Rochester, New York 14611.

April 17, 2007: Presentation on Jury Selection, Dialogue on Freedom at McQuaid Jesuit High School, Rochester, New York. Outline supplied.

March 24, 2007: Conducted a mock trial for the Law Explorers of the Boy Scouts of America, Otetiana Council. I have no notes, transcript, or recording. The Boy Scouts of America, Otetiana Council is located at 474 East Avenue, Rochester, New York 14607.

March 8, 2007: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

January 4, 2007: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

October 13, 2006: Presented on "Negotiations, Plea Bargaining and Civility" to members of Monroe County Bar Association, Rochester, New York. PowerPoint slides supplied.

September 28, 2006: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

September 28, 2006: Gave presentation regarding the court system to students at Olympia High School. I have no notes, transcript, or recording. Olympia High School is located at 1139 Maiden Lane, Rochester, New York 14615.

September 11, 2006: Remembrance Ceremony of September 11, 2001, Rochester, New York. Remarks supplied.

July 29-August 5, 2006: Hosted the Russian Delegation, Open World Program, Rochester, New York. Generally, I spoke about the New York State court system, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

May 25, 2006: Gave presentation on "Judicial Ethics" in Novgorod, Russia, sponsored by the Russian American Rule of Law Consortium. PowerPoint slides supplied.

March 9, 2006: Conducted a mock trial with students at Corpus Christi School, Rochester, New York (now closed). I have no notes, transcript, or recording. Corpus Christi School was located at 546 Oxford Street, Rochester, New York 14607.

October 13, 2005: Spoke to judges from Ukraine, Open World Program, Rochester, New York. Generally, I spoke about the New York State court system, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

October 6, 2005: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

September 29, 2005: Spoke to judges from Kosovo, Open World Program, Rochester, New York. Generally, I spoke about the New York State court system, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

July 30-August 6, 2005: Hosted the Russian Delegation, Open World Program, Rochester, New York. Generally, I spoke about the New York State court system, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

May 12-13, 2005: Gave presentation on Teen and Drug Court in Novgorod, Russia, sponsored by the Russian American Rule of Law Consortium. Remarks and PowerPoint slides supplied.

April 27, 2005: Speakers Series – Monroe County Bar Association. I have no notes, transcript, or recording, but press coverage is supplied. The Monroe County Bar Association is located at One West Main Street, Rochester, New York 14614.

April 27, 2005: Conducted a mock trial with the Law Explorers, Boy Scouts of America, Otetiana Council. I have no notes, transcript, or recording. The Boy

Scouts of America, Otetiana Council is located at 474 East Avenue, Rochester, New York 14607.

April 25, 2005: Spoke to students at McQuaid Jesuit High School regarding Dialogue on Freedom: "The American Jury – We the People in Action," Rochester, New York. Remarks supplied.

March 19, 2005: Conducted a mock trial with the Law Explorers, Boy Scouts of America, Otetiana Council. I have no notes, transcript, or recording. The Boy Scouts of America, Otetiana Council is located at 474 East Avenue, Rochester, New York 14607.

January 13, 2005: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy Clergy on aspects of Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

November 22, 2004: Spoke with students at School #4 of the Rochester City School District regarding Dialogue on Freedom. I have no notes, transcript, or recording. School #4 is located at 198 Dr. Samuel McCree Way, Rochester, New York 14611.

November 19, 2004: Gave remarks about Gerald J. Album during the Monroe County Bar Association memorial service. I have no notes, transcript, or recording, but press coverage is supplied. The Monroe County Bar Association is located at Telesca Center for Justice, One West Main Street, 10th Floor, Rochester, New York 14614.

September 4-11, 2004: Gave presentation entitled "Ethics" at a Russian-American Rule of Law Consortium Seminar, Novgorod, Russia. I have no notes, transcript, or recording. The Russian American Rule of Law Consortium is located at Harborside Professional Building, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

July 6, 2004: Gave presentation to members at the Monroe County Bar Association on Drug Court, Teen Court & Mental Health Court. I have no notes, transcript, or recording. The Monroe County Bar Association is located at One West Main Street, 10th Floor, Rochester, New York 14614.

May 5, 2004: Gave opening remarks during Law Day Awards ceremony sponsored by the Monroe County Bar Association. I have no notes, transcript, or recording, but press coverage is supplied. The Monroe County Bar Association is located at Telesca Center for Justice, One West Main Street, 10th Floor, Rochester, New York 14614.

March 19, 2004: Spoke on the general aspects of the legal system, Open World Program, Rochester, New York. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

March 14, 2004: Hosted a delegation from Russia, Open World Program, Rochester, New York. Generally, I spoke about New York State Court System, criminal courts and jury trial procedures. I have no notes, transcript, or recording. The event was sponsored by the Open World Leadership Center, 101 Independence Avenue, SE, John Adams Building, Room 144, Washington, DC 20540, and the Russian American Rule of Law Consortium, 85 Prim Road, Suite 202, Colchester, Vermont 05446.

October 23, 2003: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

October 17, 2003: Spoke regarding Dialogue on Freedom at Nazareth Academy Rochester, New York. Remarks supplied.

September 25, 2003: Spoke at the Johanna Perrin Middle School regarding the judicial branch of government, Fairport, New York. Remarks supplied.

September 11, 2003: Spoke at the Commemoration of September 11, 2001 Ceremony on the Monroe County Civic Center Plaza, Rochester, New York. Remarks supplied.

July 1, 2003: Gave remarks at the Rochester Teen Court Volunteer Recognition Ceremony, Rochester, New York. Remarks supplied.

May 18, 2003: Conducted a mock trial with the students of Corpus Christi School (now closed). I have no notes, transcript, or recording. Corpus Christi School was located at 546 Oxford Street, Rochester, New York 14607.

May 2, 2003: Spoke to students at McQuaid Jesuit High School regarding Dialogue on Freedom. Outline and remarks supplied.

March 21, 2003: Spoke at a ceremony honoring Monroe County Court officers, Rochester, New York. Remarks and press coverage supplied.

October 3, 2002: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or

recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

June 27, 2002: Spoke to members of the Monroe County Bar Association at the University of Rochester regarding "The Ten Most Common Errors" of appeals to County Court as the Intermediate Appellate Court. Handout supplied.

June 1, 2002: Spoke on the aspects of Monroe County Court to the congregation of Aenon Baptist Church. I have no notes, transcript, or recording. Aenon Baptist Church is located at 175 Genesee Street, Rochester, New York 14611.

May 14, 2002: Spoke at Irondequoit Council Chamber of Commerce's Annual Student Recognition Awards Luncheon, Rochester, New York. Remarks supplied.

March 22, 2002: Spoke to the Monroe County Paralegals Association regarding procedures in Monroe County Court, Rochester, New York. I have no notes, transcript, or recording. The event was sponsored by the Paralegal Association of Rochester, P.O. Box 20106, Rochester, New York 14602.

March 16, 2002: Presided over a mock trial with the Law Explorers, Boy Scouts of America, Otetiana Council. I have no notes, transcript, or recording. Boy Scouts of America, Otetiana Council is located at 474 East Avenue, Rochester, New York 14607.

December 13, 2001: Spoke to the Monroe County Sheriff's Office Senior Citizens' Police Academy regarding Monroe County Court. I have no notes, transcript, or recording. The Monroe County Sheriff's Office is located at Civic Center Plaza, 130 South Plymouth Avenue, Rochester, New York 14614.

May 16, 2001: Spoke to retired FBI agents regarding the Court System at Oak Hill Country Club, Rochester, New York. Outline supplied.

April 27, 2001: Gave presentation on "Community Policing – Partnerships for Safer Neighborhoods," Osaka, Japan. The event was sponsored by the National Police Academy. Written materials supplied.

April 26, 2001: Gave presentation on "Real People, Consequences, Choices & Hopes," Tokyo, Japan. The event was sponsored by the National Police Academy. Written materials supplied.

March 29, 2001: Conducted a mock trial with 6th graders at St. John the Evangelist School (now closed). I have no notes, transcript, or recording. St. John the Evangelist School was located at 545 Humboldt Street, Rochester, New York 14610.

February 8, 2001: Spoke at the naturalization ceremony held at the Monroe County Office Building, Rochester, New York. Remarks supplied.

January 17, 2001: Spoke at mock trial competition with Pittsford-Mendon Law Explorers, Boy Scouts of America, Otetiana Council. I have no notes, transcript, or recording. The address of Pittsford Mendon High School is 472 Mendon Road, Pittsford, New York 14534.

December 6, 2000: Spoke to McQuaid Jesuit High School students on the court system. I have no notes, transcript, or recording. The address of McQuaid Jesuit High School is 1800 South Clinton Avenue, Rochester, New York 14618.

May 2, 2000: Conducted a mock trial with 6th graders at Corpus Christi School (now closed). I have no notes, transcript, or recording. Corpus Christi School was located at 546 Oxford Street, Rochester, New York 14607.

April 26, 2000: Spoke to Benjamin Franklin High School students visiting the Hall of Justice regarding the New York State Court System, Rochester, New York. I have no notes, transcript, or recording. Benjamin Franklin High School is located at 950 Norton Street, Rochester, New York 14621.

April 2000: Gave presentation entitled, "The Changing Faces of Criminal Justice" at the Youth/Teen Court Conference in Albany, New York. Outline supplied.

March 28, 2000: Spoke to a group of German exchange students visiting the Hall of Justice on general aspects of County Court and the New York State Court System. I have no notes, transcript, or recording. The address of the Hall of Justice is 99 Exchange Boulevard, Rochester, New York 14614.

March 23, 2000: Gave presentation entitled "Presumed Competent" to members of the Monroe County Bar Association, Rochester, New York. Remarks supplied.

March 18, 2000: Conducted a mock trial with 6th graders at St. John the Evangelist School (now closed). I have no notes, transcript, or recording. St. John the Evangelist School was located at 545 Humboldt Street, Rochester, New York 14610.

March 29, 1999: Spoke to the Committee to Promote Public Trust and Confidence in the Legal System on Teen Court, Rochester, New York. Remarks and PowerPoint slides supplied.

October 18, 1998: Gave remarks to the congregation of the Grace Baptist Church, Brockport, New York. Remarks supplied.

September 15, 1998: Spoke to members of the Penfield Rotary Club regarding the Rochester Drug Treatment Court, Penfield, New York. Remarks supplied.

May 28, 1998: Gave acceptance speech in receipt of the Center for Dispute Settlement Distinguished Jurist Award, Rochester, New York. Remarks supplied.

February 27, 1998: Conducted a mock trial with 6th graders at Corpus Christi School (now closed). I have no notes, transcript, or recording. Corpus Christi School was located at 546 Oxford Street, Rochester, New York 14607.

November 1, 1997: Spoke at district meeting of United Methodist Church Women regarding Rochester Teen Court. I have no notes, transcript, or recording. United Methodist Church is located at 31 East Street, Honeoye Falls, New York 14472.

June 9, 1997: Spoke at the official opening of the Teen Court of the City of Rochester, Rochester, New York. Remarks supplied.

December 18, 1995: Gave remarks at the Swearing-In Ceremony of Jonathan Feldman as a United States Magistrate Judge for the Western District of New York, Rochester, New York. Remarks supplied.

September 12, 1995: Spoke to students at the Siena Catholic Academy as part of the blessing and building dedication, Rochester, New York. Remarks supplied.

January 20, 1995: Gave presentation entitled "Constitutional Rights and Obligations and Jury Duty" to a Cub Scout Troop at St. John the Evangelist School. I have no notes, transcript, or recording. St. John the Evangelist School was located at 545 Humboldt Street, Rochester, New York 14610.

December 17, 1993: Gave remarks to students at Brighton High School regarding general judicial duties. I have no notes, transcript, or recording. The address of Brighton High School is 1150 Winton Road South, Rochester, New York 14618.

December 27, 1991: Gave remarks upon taking the oath of office for Judge of the City Court of Rochester, Rochester, New York. Remarks supplied.

February 3, 1986: Guest lecture at St. John Fisher College to students of Professor Joseph Valentino on the subject of federal criminal law, Rochester, New York. I have no notes, transcript, or recording. The address of St. John Fisher College is 3690 East Avenue, Rochester, New York 14618.

October 4-11, 1985: Assisted in teaching a class on "Civil Trial Advocacy" at the United States Attorney General's Advocacy Institute in Washington, D.C. I have no notes, transcript, or recording. The United States Attorney General's Advocacy Institute is located at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

May 2, 1985: Gave remarks to students of Professor Paul Brule on the subject of White Collar Crime at the Rochester Institute of Technology (RIT). I have no notes, transcript, or recording. The address of RIT is 27 Lomb Memorial Drive, Rochester, New York 14623.

April 2-5, 1985: Assisted in teaching a class on "Civil Trial Advocacy" at the United States Attorney General's Advocacy Institute in Washington, D.C. I have no notes, transcript, or recording. The United States Attorney General's Advocacy Institute is located at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

April 28, 1983: Spoke at Career Day – Rochester Institute of Technology (RIT) for Professor Paul Brule's class, Rochester, New York. I have no notes, transcript, or recording. The address of RIT is 27 Lomb Memorial Drive, Rochester, New York 14623.

November 16, 1979: Gave remarks to members of the Board of Chemical Dependency at the Park Ridge Hospital (now Unity Health). I have no notes, transcript, or recording. The address of Unity Health is 1555 Long Pond Road, Rochester, New York 14626.

October 11, 1979: Spoke at Drinking Driver Workshop to community members at the Asbury Church. I have no notes, transcript, or recording. The address of Asbury Church is 1050 East Avenue, Rochester, New York 14607.

September 11, 1979: Spoke at meeting with members of Rochester Against Intoxicated Driving (RAID) at the Winton Road Library. I have no notes, transcript, or recording. The address of RAID is 244 South Plymouth Avenue, Rochester, New York 14608.

August 1, 1979: Spoke at meeting with members of RAID at the Jewish Community Center. I have no notes, transcript, or recording. The address of RAID is 244 South Plymouth Avenue, Rochester, New York 14608.

July 9, 1979: Spoke at meeting with members of RAID at the Jewish Community Center. I have no notes, transcript, or recording. The address of RAID is 244 South Plymouth Avenue, Rochester, New York 14608.

June 19, 1979: Spoke at meeting with community members regarding DWI at the Winton Road Library. I have no notes, transcript, or recording. The address of the Winton Road Library is 611 Winton Road North, Rochester, New York 14609.

PERIODIC PRESENTATIONS

1992 – present: I have conducted dozens of tours of the Rochester City Court and Monroe County Court. I have no notes, transcripts, or recordings. Rochester City

Court and Monroe County Court are located at Hall of Justice, 99 Exchange Boulevard, Rochester, New York 14614.

2010 – 2012: Restorative Justice Model for Rochester Teen Court, Rochester, New York. I have given this presentation several times to volunteer mediators for the Rochester Teen Court. Outline supplied.

2008 – 2009: “Chambers Chats.” I spoke several times with attorneys who are members of the Greater Rochester Association of Women Attorneys in an informal setting over lunch in chambers. The topics involved the jurisdiction of the court and the role of a judge. I have no notes, transcript, or recordings. The Greater Rochester Association of Women Attorneys is located at 279 Castlebar Road, Rochester, New York 14610.

1998 – 2006: “Bench Trials: An Insider’s View on How to Try a Case to the Court.” I gave this presentation several times to new attorneys at the Monroe County Bar Association, Rochester, New York. Handout supplied.

2000s: Tips for Court Security Officers in the Monroe County Sheriff’s Office, Court Bureau. I have given this presentation several times to classes of newly hired Court Deputies. Outline 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 four (4) copies of the clips or transcripts of these interviews where they are available to you.

Denise M. Champagne, *Geraci’s Nod for Federal Judgeship Moves Forward*, THE DAILY RECORD, May 16, 2012. Copy supplied.

Hon. Frank Geraci Nominated to Serve as Federal Judge, WHAM News, May 14, 2012. Video available at <http://www.13wham.com/news/local/story/frank-geraci-judge/5RU-eVQUp0K7vHI1fpsqBnQ.cspX>.

Brian Tumulty, *Monroe County Court Judge Frank Geraci Jr. Nominated for Federal Judgeship*, DEMOCRAT AND CHRONICLE, May 14, 2012. Copy supplied.

Denise M. Champagne, *Schumer Gives Monroe County Court Judge Frank P. Geraci Jr. Nod for Federal Bench*, THE DAILY RECORD, Feb. 9, 2012, at 1. Copy supplied.

Judge Geraci Recommended for Federal Judgeship, WHAM News, Feb. 9, 2012. Video available at <http://www.13wham.com/news/local/story/Judge-Geraci-Nominated-For-Federal-Bench/btPmaZGH4UK0JF-rKH4OOA.cspX>.

Gary Craig, *Schumer Pushing for Geraci*, DEMOCRAT AND CHRONICLE, Feb. 9, 2012. Copy supplied.

Claire Moody, Guest Essayist, *Teen Court Opens Pilot Program at East High*, DEMOCRAT AND CHRONICLE, Jan. 7, 2012. Copy supplied.

Nancy Fishman, *Youth Court as an Option for Criminal Court Diversion*, 83-JAN N.Y. ST. B.J. 38 (2011). Copy supplied.

Denise M. Champagne, *Monroe County Court Judge Patricia D. Marks to Step Down after 25 Years*, THE DAILY RECORD, Dec. 15, 2010. Copy supplied.

Brigid Leavy, *New York State Judges' Mandatory Retirement Age under Scrutiny*, THE DAILY RECORD, Apr. 16, 2010, at 1. Copy supplied.

Nicholas Fedyk, *Peer Court Sets Teens Back on Track*, DEMOCRAT AND CHRONICLE, Mar. 21, 2009, at 19A. Copy supplied.

Elizabeth Stull, *Election 2008: The Local Judicial Candidates, Frank P. Geraci, Jr., Monroe County Court*, THE DAILY RECORD, October 28, 2008, at 1. Copy supplied.

Dan Goldman, *Monroe County Judge Geraci Has No Opposition in Reelection Bid*, MESSENGER POST, Oct. 17, 2008. Copy supplied.

Alan Morrell, *Clark Calls for Sensitivity*, DEMOCRAT AND CHRONICLE, Oct. 4, 2008, at B1. Copy supplied.

John Boccacino, *City Baseball Makes Slow Strides*, DEMOCRAT AND CHRONICLE, July 6, 2008, at D8. Copy supplied.

Claudia Vargas, *Court Deputy Wins Accolades*, DEMOCRAT AND CHRONICLE, June 11, 2008, at B3. Copy supplied.

Sara Stout Ashcraft, *Commentary: An Intro to Rochester's Teen Court*, THE DAILY RECORD, Jan. 24, 2008. Copy supplied.

Press Release, Connie O. Walker, *Monroe County Court Judge Frank P. Geraci, Jr. Announces Candidacy for Monroe County Court Judge*, Jan. 15, 2008. Copy supplied.

Press Release, Katie Biggie, *Kids Voting Program*, Oct. 1, 2007 (quotes reprinted in multiple outlets). Copy supplied.

News conference about Citirama at the University of Dayton, June 8, 2007. Available press coverage of the conference is listed below:

'*A Constantly Magical Place*', DAYTON DAILY NEWS SUPPLEMENT, July 29, 2007, at 7. Copy supplied.

Michael Zeigler, *Jurists Hope New Calendar Saves Time*, DEMOCRAT AND CHRONICLE, Mar. 28, 2005, at 1B. Copy supplied.

Michael Zeigler, *Tough Stance On Plea Deals Clogging Courts*, DEMOCRAT AND CHRONICLE, Feb. 5, 2005, at A1. Copy supplied.

Lynn Wesley, *State Supreme Court Race*, YNN, Nov. 3, 2004. Copy supplied.

Radio spot to seek support of voters to serve as a justice of the Supreme Court in the Seventh Judicial District, WXXI Radio's Candidate Free Airtime Show, Oct. 31, 2004. Transcript supplied.

Gary Craig, *Decision 2004*, DEMOCRAT AND CHRONICLE, Oct. 9, 2004, at 3B. Copy supplied.

Press Release, Jill Vigdor-Feldman, *Monroe County Court Judge Frank P. Geraci, Jr. Announces Candidacy for New York State Supreme Court*, Mar. 30, 2004. Copy supplied.

Jim Memmott, *McQuaid, Then and Now*, DEMOCRAT AND CHRONICLE, Mar. 14, 2004, at 1A. Copy supplied.

Joseph Spector, *Democrats, GOP Shift Focus to Local Races*, DEMOCRAT AND CHRONICLE, Mar. 7, 2004, at 1B. Copy supplied.

Joseph Spector, *Local Elections Shape Up Early On*, DEMOCRAT AND CHRONICLE, Feb. 8, 2004. Copy supplied.

Alan Morrell, *City Teen Court Program Honors Peer Volunteers*, DEMOCRAT AND CHRONICLE, July 2, 2003, at B2. Copy supplied.

Carol Ritter, *Charlotte's Angels Keep the Spirit of Giving Alive*, DEMOCRAT AND CHRONICLE, Dec. 20, 2002, at B3. Copy supplied.

Jeffrey Blackwell, *Verdict Sparks Courtroom Fight*, DEMOCRAT AND CHRONICLE, Sept. 19, 2002, at 1B. Copy supplied.

Jim Memmott, *Remembering 9/11 One Year Later*, DEMOCRAT AND CHRONICLE, Sept. 12, 2002, at 1A. Copy supplied.

Gary Craig, *Troubling Questions in Child's Death*, DEMOCRAT AND CHRONICLE, June 3, 2001, at 1A. Copy supplied.

James Goodman, *Geraci Takes County Bench*, DEMOCRAT AND CHRONICLE, Nov. 4, 1998, at A13. Copy supplied.

Press Release, Connie O. Walker, *Rochester City Court Judge Announces Candidacy for Monroe County Court Judge*, Mar. 2, 1998. Copy supplied.

Peers and Punishment, TIMES-UNION, Jan. 9, 1997, at 6A. Copy supplied.

Michael Zeigler, *Owner of Illegal Gun Pays for Anti-Violence Billboard*, DEMOCRAT AND CHRONICLE, Apr. 1994, at B1. Copy supplied.

Greg Livadas, *Castro and Geraci Win 10-Year City Court Seats*, TIMES-UNION, Nov. 6, 1991, at B2. Copy supplied.

John Riley, *Indictment Puts On the Pressure*, DEMOCRAT AND CHRONICLE, Dec. 7, 1990, at A1. Copy supplied.

Patricia Braus, *M.D. Still Practiced as Probes Dragged On*, TIMES-UNION, Nov. 23, 1987, at A5. Copy supplied.

Todd Lighty, *Thomas Seeks Second Race after King Declared Winner*, DEMOCRAT AND CHRONICLE, Sept. 1987, at B1. Copy supplied. I have been unable to obtain a copy of the second page.

Warren White, *Dr. Stern Guilty*, TIMES-UNION, July 15, 1987, at B1. Copy supplied.

John O'Brien, *Doctor Accused of Illegally Dispensing Codeine*, DEMOCRAT AND CHRONICLE, June 26, 1987, B1. Copy supplied.

Warren White, *Physician Accused of Faking Prescriptions Faces State Prison*, TIMES-UNION, June 27, 1987, at B1. Copy supplied.

Rochester, ARKANSAS DEMOCRAT-GAZETTE, Jan. 7, 1987. Copy supplied.

Warren White, *'Majority' of Bank Robberies Linked to Drugs*, TIMES-UNION, 1987. Copy supplied.

In Rochester, TIMES-UNION, Dec. 19, 1986, at B14. Copy supplied.

Self-Styled Mercenary Sentenced to 25 Years in Prison, ASSOCIATED PRESS, Nov. 19, 1986 (reprinted in multiple outlets). Copy supplied.

John O'Brien, *Dickerson is Sentenced to 25 Years*, DEMOCRAT AND CHRONICLE, Nov. 1986, at B1. Copy supplied.

'Paladin' Gets 25 Years for Escape Plot, publication unknown, Nov. 1986. Copy supplied.

John O'Brien, *City Man Accused in Murder Plot*, DEMOCRAT AND CHRONICLE, Aug. 13, 1986, at B1. Copy supplied.

Dolores Orman, *Rochesterian Indicted in Spokane Murder Plot*, TIMES-UNION, Aug. 13, 1986, at B2. Copy supplied.

Associated Press, *Alleged Jailbreak Conspirators Could Face Long Prison Terms*, TIMES-UNION, July 27, 1986, at C4. Copy supplied.

Grand Jury Indicts 4 in Prison-Break Scheme, TIMES-UNION, July 25, 1986, at 6B. Copy supplied.

Todd Lighty, *Figure in Breakout Plot Schemer or Dreamer?*, DEMOCRAT AND CHRONICLE, July 17, 1986, at B1. Copy supplied.

Kate Phillips, *Grand Jury Here to Decide Charges for Four Linked to Escape Plot*, TIMES-UNION, July 17, 1986, at 1B. Copy supplied.

Kate Phillips and Laura Buterbaugh, *Have Gun, Will Travel*, TIMES-UNION, July 16, 1986, at A1. Copy supplied.

John O'Brien, *Man Admits Being Hired to Kill*, DEMOCRAT AND CHRONICLE, July 16, 1986, at A1. Copy supplied.

Untitled, UNITED PRESS INTERNATIONAL, July 16, 1986. Copy supplied.

Kate Phillips, *Defendant Was Informant, Defense Says*, TIMES-UNION, Apr. 16, 1986, at B1. Copy supplied.

Kate Phillips, *Man Says He, Not Twin, Robbed Grocery Store*, TIMES-UNION, May 2, 1985, at 2B. Copy supplied.

Dolores Orman, *Celebrated Con Artist Pleads Guilty in Bank Loan Scheme*, TIMES-UNION, Jan. 9, 1985. Copy supplied.

Former Postal Worker Admits Theft, TIMES-UNION, Jan. 8, 1985. Copy supplied.

Man Gets Probation for Stealing Savings Bonds, TIMES-UNION, Dec. 5, 1984. Copy supplied.

2 Guilty in Cocaine Conspiracy, TIMES-UNION, Oct. 1984. Copy supplied.

Twin's Defense Loses Out, TIMES-UNION, Late Apr. 1984. Copy supplied.

Laurie Bennett, *Defendant's Twin Switches Clothes to Challenge Idents*, TIMES-UNION, Apr. 14, 1982, at 1B. Copy supplied.

Dede Murphy, *Smith Guilty of Manslaughter, Assault*, DEMOCRAT AND CHRONICLE, Apr. 1982. Copy supplied.

Guilty of Homicide, DWI in Fatal Crash, publication unknown, Dec. 15, 1981. Copy supplied.

Dede Murphy, *Chili Driver, 'Impaired,' Found Guilty in Death*, DEMOCRAT AND CHRONICLE, Dec. 15, 1981. Copy supplied.

Sentenced to Prison, TIMES-UNION, Oct. 2, 1981. Copy supplied.

Dolores Orman, *Teen Admits He Fired Fatal Shot*, TIMES-UNION, Aug. 19, 1981. 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.

From 1992 until 1998, I sat as a Rochester City Court Judge. I was elected to a 10-year term in November, 1991. Rochester City Court is a trial court of limited jurisdiction. It has jurisdiction over civil and criminal matters as defined in the Uniform City Court Act and the Criminal Procedure Law. City Court arraigns felonies and handles misdemeanor and lesser offenses, as well as civil lawsuits involving claims of up to \$15,000. Additionally, there is a small claims part for the informal disposition of matters involving claims of up to \$5,000 and housing parts to handle landlord-tenant matters and housing violations.

Since 1999, I have been a Monroe County Court Judge. I was first elected to a 10-year term in November 1998, and subsequently re-elected in 2008. In approximately 2005, I was appointed as an Acting Supreme Court Justice by the Administrative Judge of New York's Seventh Judicial District, and I continue to serve in that capacity. Monroe County Court is a trial court of superior jurisdiction that handles criminal prosecutions of felonies and misdemeanors committed within the county. County Court also has limited jurisdiction over civil lawsuits, generally involving claims up to \$25,000. New York Supreme Courts are trial courts of superior jurisdiction and primarily handle civil matters beyond the monetary limits of the lower courts' jurisdiction. That court also handles divorces, separations, annulment proceedings and criminal prosecutions of felonies.

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

In Monroe County Court, I have presided over 261 criminal trials to verdict and approximately 2500 other criminal cases to judgment. I have also presided over 555 civil proceedings that have gone to judgment.

As a Rochester City Court Judge I presided over approximately 20,000 criminal and 20,000 civil cases to judgment. I presided over 200 criminal trials to verdict and 54 civil bench trials in Rochester City Court.

i. Of these, approximately what percent were:

jury trials:	80%
bench trials:	20%
civil proceedings:	40%
criminal proceedings:	60%

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

In my capacity as a state and local court trial judge, I authored hundreds of slip opinions. These are stored within the court case files and it would be impossible to create a list of every opinion that I authored. The opinions that are published in an official reporter, or available on Westlaw or Lexis, are listed below.

People v. Harris, 870 N.Y.S.2d 859 (Co. Ct. 2008).

People v. Kelley, No. 99-0385, 2005 WL 1553572 (N.Y. Co. Ct. June 20, 2005).

People v. Cooper, No. 2005-0024, 2005 WL 851077 (N.Y. Co. Ct. Mar. 31, 2005).

People v. Alexander, No 2004-0651, 2005 WL 1021505 (N.Y. Co. Ct. Mar. 31, 2005).

People v. Sterling, 787 N.Y.S.2d 846 (Co. Ct. 2004).

People v. Hopkins, 800 N.Y.S.2d 353 (Co. Ct. 2004).

People v. Reynolds, 713 N.Y.S.2d 813 (Co. Ct. 2000).

People v. Griffin, 695 N.Y.S.2d 868 (Co. Ct. 1999).

People v. Williams, 685 N.Y.S.2d 878 (Co. Ct. 1999).

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People v. Garcia*, Indictment No. 2009–0150 (N.Y. Co. Ct.). Opinion supplied.

The defendant was charged with two counts of murder in the second degree in Monroe County after shooting a work colleague (a nurse) who he felt was responsible for his termination and an innocent bystander who stopped to aid the first victim. The defendant then proceeded to drive to Ontario County where he murdered a second colleague and her husband, acts witnessed by the young children of the victims. The defendant was convicted after a jury trial. The case was complicated by extensive pre-trial publicity, conflict of counsel, the fact that the defendant was recently convicted of the murders in Ontario County and the admission of extensive scientific and technical evidence including cell phone records which traced the defendant's location for each of the four murders. The defendant was sentenced to life in prison.

Prosecution: Hon. Douglas A. Randall
Special Assistant District Attorney (former)
Monroe County Court Judge
Room 545 – Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
(585) 428-1935

Defense Attorney: Joseph S. Damelio
125 State Street, Suite 200
Rochester, New York 14614
(585) 442-7360

2. *People v. Griffin*, Indictment No. 2002–0361 (N.Y. Co. Ct.). Opinion supplied.

The defendant was identified through a DNA database as being involved in three unsolved rapes. The sexual assaults involved a four year old, a 14 year old and a 67 year old as victims. The defendant was convicted after a jury trial which involved extensive DNA evidence. He was sentenced to 165 years of incarceration.

Prosecution: Lawrence Bernstein
Monroe County Special Assistant District Attorney
(former)
47 South Fitzhugh Street
Suite 832, Ebenezer Watts Building
Rochester, New York 14614
(585) 753-4780

Defense Attorney: James D. Stevenson
Monroe County Assistant Public Defender (former)
Law Clerk
Appellate Division, Fourth Department
50 East Avenue
Rochester, New York 14604
(585) 530-3100

3. *People v. Hopkins*, 800 N.Y.S.2d 353 (Co. Ct. 2004).

The defendant was charged with a vehicular manslaughter involving the death of a 21-year-old woman. The evidence indicated that the defendant was under the influence of alcohol and was driving in excess of 100 miles per hour when involved in a head-on collision with the victim. Expert testimony involving the “black box” contained within the motor vehicle was critical to the conviction in this matter. This case was the first to utilize black box evidence in Monroe County. The defendant was convicted of Manslaughter in the Second Degree and sentenced to five to 15 years in prison.

Prosecution: Richard C. Roxin
Assistant District Attorney (former)
Law Office of Richard C. Roxin
76 Hulburt Avenue
Fairport, New York 14450
(585) 943-5677

Defense Attorney: Paul J. Vacca, Jr.
One East Main Street, Suite 1000
Rochester, New York 14614
(585) 325-3336

4. *People v. Gonzalez*, Indictment No. 2000–0053 (N.Y. Co. Ct.).

The defendant was charged with Murder in the Second Degree under alternative theories of intentional murder and depraved indifference murder. The defendant had provided a statement to police indicating that he had blanked out and fired shots randomly in a barber shop. He was acquitted of the intentional murder and convicted of depraved indifference murder. The Appellate Division, Fourth Department affirmed, but modified the judgment by reversing the depraved indifference murder conviction. 755 N.Y.S.2d 146. The New York State Court of Appeals affirmed, finding that under the facts, intentional murder was the only appropriate verdict. 775 N.Y.S.2d 224. This case led to a string of subsequent decisions by the Court of Appeals clarifying the appropriate use of the depraved indifference murder statute.

Prosecution: Lawrence Bernstein
Monroe County Special Assistant District Attorney
(former)
47 South Fitzhugh Street
Suite 832, Ebenezer Watts Building
Rochester, New York 14614
(585) 753-4780

Defense Attorney: Matthew J. Clark
Monroe County Public Defender's Office
10 North Fitzhugh Street
Rochester, New York 14614
(585) 753-4019

5. *People v. Herring*, Indictment No. 2007-0340 (N.Y. Co. Ct.).

The defendant was charged with Attempted Aggravated Murder of a Police Officer, Attempted Aggravated Assault, Criminal Possession of a Weapon in the Second Degree and Criminal Possession of a Weapon in the Third Degree. He was convicted of all charges after a jury trial. This case involved the defendant charged and convicted of firing three shots directly at a sergeant of the Rochester Police Department and coming within inches of striking him. The entire shooting was captured on a nearby video camera. This was the first conviction in Monroe County for Attempted Aggravated Murder of a Police Officer, Section 125.26 of the Penal Law of the State of New York, a statute enacted in 2005. The defendant was sentenced to 40 years to life imprisonment.

Prosecution: Paul D. Irving, Esq.
Assistant District Attorney (former)
50 West Main Street
Rochester, New York 16414
(585) 753-1446

Defense Attorney: Maroun G. Ajaka, Esq.
144 Exchange Boulevard, Suite 103
Rochester, New York 14614
(585) 232-1420

6. *People v. Peters*, Indictment No. 2006-0235A (N.Y. Co. Ct.). Opinion supplied.

The case involved the attempted robbery and murder of a local minister as he was backing out of his driveway. Because the defendants all gave incriminating statements implicating each other, separate trials were conducted. Each of the three defendants was convicted after a jury trial.

Prosecution: Michael C. Green
Monroe County District Attorney (former)
47 South Fitzhugh Street
Suite 832, Ebenezer Watts Building
Rochester, New York 14614
(585) 753-4780

Peters Defense Attorney: James E. Brown
45 East Main Street
Liberty Plaza – Second Floor
Rochester, New York 14614
(585) 423-0246

Owens Defense Attorney: Dianne C. Russell
Monroe County Assistant Public Defender (former)
818 Times Square Boulevard
Rochester, New York 14614
(585) 330-6106

Rouse Defense Attorney: Daniel Mastrella
16 West Main Street, Suite 100
Rochester, New York 14614
(585) 232-8810

7. *People v. Linnan*, Indictment No. 2001–0616 (N.Y. Co. Ct.). Opinion supplied.

This case involved the brutal murder of a woman by her drug addicted boyfriend. After an argument, he beat her to death with an ax. He then proceeded to sell items from the home to purchase drugs. In the meanwhile, he left her decaying body in the bed where the murder occurred. The victim's daughter discovered the body three days after the murder. The defendant was convicted after a jury trial. The conviction was reversed based upon the determination by the Appellate Division, Fourth Department that the court erred by not allowing a challenge for cause to a juror who indicated that she would have difficulty viewing photos of the crime scene. The defendant was convicted upon a re-trial and sentenced to 25 years to life.

Prosecution: Jennifer A. Whitman
Monroe County Assistant District Attorney (former)
Law Clerk to Hon. Melchor E. Castro
Rochester City Court
Room 6 – Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
(585) 428-1758

Defense Attorney: Jeffrey A. Jacobs (deceased)
Monroe County Public Defender's Office
10 North Fitzhugh Street
Rochester, New York 14614
(585) 753-4019

8. *People v. Arena*, Indictment No. 2008–0696 (N.Y. Co. Ct.).

This case involved the murder of a pedestrian and the assault of three other individuals who were injured when the defendant drove her car into a crowd of people in a parking lot outside a bar. The defendant was convicted after a bench trial of manslaughter in the second degree. Although she had no prior criminal history, the defendant was sentenced to the maximum of five to 15 years of incarceration based upon the magnitude of the harm inflicted.

Prosecution: Sandra Doorley
Monroe County District Attorney (former First Assistant)
47 South Fitzhugh Street
Suite 832, Ebenezer Watts Building
Rochester, New York 14614
(585) 753-4334

Defense Attorney: Joseph S. Damelio
125 State Street, Suite 200
Rochester, New York 14614
(585) 442-7360

9. *People v. Owes*, Indictment No. 2000–0161 (N.Y. Co. Ct.). Opinion supplied.

The defendant was charged with murder in the first degree. This was a potential death penalty case. A mitigation investigation conducted by the defense demonstrated that the defendant was sexually, physically and psychologically abused severely as a child. Although this involved the brutal murder and near decapitation of an innocent woman, the prosecution elected not to pursue the death penalty. The court sentenced the defendant to life without the possibility of parole.

Prosecution: Gregory J. Huether
Monroe County Special Assistant District Attorney
(former)
Chief Counsel, Attorney Grievance Committee
New York State Supreme Court
Appellate Division, Fourth Department
50 East Avenue

Rochester, New York 14604
(585) 530-3180

Defense Attorneys: David A. Murante
8 Exchange Street
700 Wilder Building
Rochester, New York 14614
(585) 546-1770

Lawrence L. Kasperek
144 Exchange Boulevard, Suite 108
Rochester, New York
(585) 423-8290

10. *People v. Smith*, Indictment No. 2009–0870 (N.Y. Co. Ct.).

This case involved charges of official misconduct against the defendant who was the Deputy County Executive. This case was the culmination of a large scale investigation of widespread fraud conducted by a group of contract workers for the County of Monroe. This was a politically explosive case involving allegations against some of the county's highest officials. The defendant was acquitted after a jury trial.

Prosecution: William T. Gargan
Monroe County Assistant District Attorney
47 South Fitzhugh Street
Suite 832, Ebenezer Watts Building
Rochester, New York 14614
(585) 753-4656

Defense Attorney: Joseph S. Damelio
125 State Street, Suite 200
Rochester, New York 14614
(585) 442-7360

- 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.

1. *People v. Kelley*, No. 99-0385, 2005 WL 1553572 (N.Y. Co. Ct. June 20, 2005).

Prosecution: Mary W. Randall
Monroe County Assistant District Attorney
47 South Fitzhugh Street

Rochester, New York 14614
(585) 753-4597

Defense Attorney: Roger Brazill
Monroe County First Assistant Public Defender
10 North Fitzhugh Street
Rochester, New York 14614
(585) 753-4642

2. *People v. Cooper*, No. 2005-0024, 2005 WL 851077 (N.Y. Co. Ct. Mar. 31, 2005).

Prosecution: Perry Duckles
Monroe County Assistant District Attorney
47 South Fitzhugh Street
Rochester, New York 14614
(585) 753-4653

Defense Attorney: Karen Bailey Turner
Monroe County Assistant Public Defender (former)
Brown & Hutchinson
925 Crossroads Building
Two State Street
Rochester, New York 14614
(585) 286-1499

3. *People v. Alexander*, No 2004-0651, 2005 WL 1021505 (N.Y. Co. Ct. Mar. 31, 2005).

Prosecution: Thomas J. Brillbeck
Monroe County Assistant District Attorney (former)
7th Judicial District Supreme Court
Room 545 – Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
(585) 428-3157

Defense Attorney: Roger G. Alexander, Pro Se

4. *People v. Hopkins*, 800 N.Y.S.2d 353 (Co. Ct. 2004).

Prosecution: Richard C. Roxin
Monroe County Assistant District Attorney (former)
Law Office of Richard C. Roxin
76 Hulburt Avenue

Fairport, New York 14450
(585) 943-5677

Defense Attorney: Paul J. Vacca, Jr.
One East Main Street, Suite 1000
Rochester, New York 14614
(585) 325-3336

5. *People v. Reynolds*, 713 N.Y.S.2d 341 (Co. Ct. 2000).

Prosecution: Hon. Stephen Lindley
Monroe County Assistant District Attorney (former)
New York State Supreme Court
Appellate Division, Fourth Department
50 East Avenue
Rochester, New York 14604
(585) 530-3227

Defense Attorney: Thomas A. Corletta
16 West Main Street, Suite 240
Rochester, New York 14614
(585) 546-5072

6. *People v. Griffin*, 695 N.Y.S.2d 868 (Co. Ct. 1999).

Prosecution: Mary W. Randall
Monroe County Assistant District Attorney
47 South Fitzhugh Street
Rochester, New York 14614
(585) 753-4597

Defense Attorney: James D. Stevenson
Monroe County Assistant Public Defender (former)
Law Clerk
Appellate Division, Fourth Department
50 East Avenue
Rochester, New York 14604
(585) 530-3100

7. *People v. Williams*, 685 N.Y.S.2d 878 (Co. Ct. 1999).

Prosecution: Stephen Sercu
Sercu & Sercu LLP
Monroe County Assistant District Attorney (former)
31 North Main Street

Pittsford, New York 14534
(585) 385-2510

Defense Attorney: Timothy M. Lexvold
Monroe County Assistant Public Defender (former)
Room 320, Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
(585) 753-2895

8. *People v. LaValla*, Indictment No. 1998-0462 (N.Y. Co. Ct. July 15, 1999). Opinion supplied.

Prosecution: Kenneth C. Hyland
Monroe County Assistant District Attorney (former)
Law Office of Kenneth C. Hyland
31 North Main Street
Pittsford, New York 14534
(585) 200-3016

Defense Attorney: Culver K. Barr
16 East Main Street, Suite 265
Rochester, New York 14614
(585) 964-8566

9. *People v. Owes*, Indictment No. 2000-0161 (N.Y. Co. Ct. July 11, 2000). Opinion supplied in response to 13(c).

Prosecution: Gregory J. Huether
Monroe County Assistant District Attorney (former)
Chief Counsel, Attorney Grievance Committee
New York State Supreme Court
Appellate Division, Fourth Department
50 East Avenue
Rochester, New York 14604
(585) 530-3180

Defense Attorney: David A. Murante
8 Exchange Street
700 Wilder Building
Rochester, New York 14614
(585) 546-1770

Lawrence L. Kasperek
144 Exchange Boulevard, Suite 108

Rochester, New York
(585) 423-8290

10. *People v. Cain*, Indictment No. 2001-0410 (N.Y. Co. Ct. Mar. 25, 2002). Opinion supplied.

Prosecution: Kenneth C. Hyland
Monroe County Assistant District Attorney (former)
Law Office of Kenneth C. Hyland
31 North Main Street
Pittsford, New York 14534
(585) 200-3016

Defense Attorney: John R. Parrinello
36 West Main Street, Suite 400
Rochester, New York 14614
(585) 454-2321

e. Provide a list of all cases in which certiorari was requested or granted.

None.

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.

People v. Webb, 935 N.Y.S.2d 423 (App. Div. 2011), *amended on rearg.*, 937 N.Y.S.2d 911 (App. Div. 2012).

Appellate Division, Fourth Department reversed the defendant's conviction on the ground that he was deprived of the effective assistance of counsel.

People v. Gregory, Ind. No. 90-W0382, Slip Op. (N.Y. Co. Ct. Feb. 13, 2008), *rev'd*, 897 N.Y.S.2d 665 (App. Div. 2010). Opinion supplied.

Appellate Division, Fourth Department ruled that the defendant's sex offender classification was time-barred since he was not notified of his requirement to register until 11 years after his conviction.

People v. Groth, 896 N.Y.S.2d 547 (App. Div. 2010).

Appellate Division, Fourth Department found that the verdict convicting the defendant of reckless assault of a child was against the weight of the evidence.

People v. White, 894 N.Y.S.2d 707 (App. Div. 2010).

Appellate Division, Fourth Department reversed the defendant's conviction by plea of Murder in the Second Degree as Depraved Indifference Murder, finding that the factual allocution established an intentional assault, but not recklessness.

People v. Manges, 889 N.Y.S.2d 341 (App. Div. 2009).

Appellate Division, Fourth Department ruled that the court erred by allowing the People to admit printout of electronic data that did not qualify as a business record.

People v. Thomas, 867 N.Y.S.2d 595 (App. Div. 2008).

Appellate Division, Fourth Department ruled that the court erred by denying the defendant's request to charge Assault in the Third Degree as a lesser included offense.

People v. Davis, 859 N.Y.S.2d 804 (App. Div. 2008).

Appellate Division, Fourth Department reversed the defendant's conviction for failure of the People to comply with discovery demands in a timely fashion and the court's denial of requests for adjournment to review the materials disclosed by the People.

People v. Ball, 871 N.Y.S.2d 532 (App. Div. 2008).

Appellate Division, Fourth Department affirmed in part and reversed in part finding that the indictment and proof did not support conviction for criminal possession of weapon in second degree.

People v. Trisvan, 860 N.Y.S.2d 377 (App. Div. 2008).

Appellate Division, Fourth Department reversed and vacated the defendant's guilty plea holding that the plea had not been knowingly, voluntarily and intelligently entered. The reviewing court also found that the defendant should not have been ordered to pay restitution without first affording him opportunity to withdraw his guilty plea because restitution had not been part of plea agreement.

People v. Bolling, 853 N.Y.S.2d 803 (App. Div. 2008).

Appellate Division, Fourth Department vacated the defendant's sentence because it reduced the conviction of Murder in the Second Degree to manslaughter in the second degree, finding that the evidence was insufficient to support a murder conviction.

People v. Ortiz, Ind. Nos. 2006-0790A & B, Slip Op. (N.Y. Co. Ct. Apr. 3, 2007), *rev'd*, 851 N.Y.S.2d 784 (App. Div. 2008). Opinion supplied.

Appellate Division, Fourth Department ruled that the court erred by dismissing the indictment alleging a hate crime, finding that there was sufficient evidence to warrant the charge of Assault in Third Degree as a hate crime.

People v. Rivera, 845 N.Y.S.2d 636 (App. Div. 2007).

Appellate Division, Fourth Department reversed a jury verdict of criminal possession of a controlled substance in the third degree and criminally using drug paraphernalia in the second degree after a finding of ineffective assistance of counsel.

People v. Pierre, 829 N.Y.S.2d 386 (App. Div. 2007).

Appellate Division, Fourth Department affirmed in part and reversed in part, holding that one of defendant's second degree murder convictions was properly considered a lesser included offense in the conviction for first degree murder.

Wynters v. Poole, 464 F. Supp. 2d 167 (W.D.N.Y. 2006).

United States District Court for the Western District of New York granted defendant's petition for habeas corpus relief on the basis of ineffective assistance of counsel after his conviction had been affirmed by all New York State appellate courts.

People v. Linnan, 817 N.Y.S.2d 549 (App. Div. 2006).

Appellate Division, Fourth Department ruled that the court erred by failing to allow the defendant's challenge for cause of a prospective juror who did not provide an unequivocal assurance that she could be fair and impartial.

People v. McClain, Ind. No. 2003-0032, Slip Op. (N.Y. Co. Ct. May 5, 2003), *rev'd*, 821 N.Y.S.2d 729 (App. Div. 2006) and 821 N.Y.S.2d 522 (App. Div. 2006).

Appellate Division, Fourth Department ruled that the court erred by denying a motion to suppress and holding that the defendant was not under arrest at the time he was stopped by police based upon the fact that the police did not have probable cause to arrest him at that point.

People v. Kennedy, Ind. No. 2003-7211, Slip Op. (N.Y. Co. Ct. Jan. 26, 2004), *rev'd*, 821 N.Y.S.2d 522 (App. Div. 2006).

Appellate Division, Fourth Department held that the defendant who had a prior conviction by a military court martial for indecent assault was not required to register as a sex offender with the Navy and therefore was not required to register as a level two sex offender under the Sex Offender Registration Act.

People v. Farchione, Ind. No. 2004-0734, Slip Op. (N.Y. Co. Ct. June 6, 2005), *rev'd*, 821 N.Y.S.2d 522 (App. Div. 2006). Opinion supplied.

Appellate Division, Fourth Department ruled that the People failed to comply with the notice requirements of the Corrections Law seeking an upward departure of a sex offender registration.

People v. Bridgeland, 796 N.Y.S.2d 768 (App. Div. 2005).

Appellate Division, Fourth Department ruled that the court erred by not allowing the defendant to question the witness about previous allegedly false allegations of sexual abuse made by the complainant.

People v. Clark, 776 N.Y.S.2d 656 (App. Div. 2004).

Appellate Division, Fourth Department affirmed in part and reversed in part finding that the indictment and proof did not support conviction for criminal possession of weapon in second degree. The Appellate Division also concluded that the 15-year sentence imposed was unduly harsh and severe, and reduced the sentence to seven years incarceration.

People v. Burns, 757 N.Y.S.2d 199 (App. Div. 2003).

Appellate Division, Fourth Department ruled that the court erred by failing to charge the jury that the defendant's specific acts in violation of the order of protection must be those articulated in the Bill of Particulars filed by the People.

People v. Gonzalez, 755 N.Y.S.2d 146 (App. Div. 2003).

Appellate Division, Fourth Department reversed the defendant's conviction for Murder in the Second Degree as Depraved Indifference Murder, ruling that the defendant's statement that he was "blanking out" negated the reckless element of being aware of the risk being disregarded.

People v. Moyer, 738 N.Y.S.2d 810 (App. Div. 2002).

Appellate Division, Fourth Department ruled that the previous judge erred in denying the defendant's motion to suppress; resulted in the reversal of the verdict rendered by a jury trial over which I presided.

People v. Reynolds, 713 N.Y.S.2d 341 (Co. Ct. 2000), *rev'd sub nom. People v. Robinson*, 97 N.Y.2d 341 (2001).

New York State Court of Appeals held that a police officer who had probable cause to believe a driver has committed a traffic infraction does not violate the New York State Constitution when the officer, whose primary motivation is to conduct another investigation, stops the vehicle, thereby adopting the standard articulated by the United States Supreme Court in *Whren v. United States*, 517 U.S. 806 (1996).

People v. Grady, Ind. Nos. 99-0038A & B, Slip Op. (N.Y. Co. Ct. July 26, 1999), *rev'd*, 708 N.Y.S.2d 765 (App. Div. 2000). Opinion supplied.

Appellate Division, Fourth Department ruled that suppression of evidence was error in that there was credible evidence for approaching defendants to request information and probable cause to arrest the defendants.

Lortz v. Lortz, Slip Op. (N.Y. Co. Ct. Sept. 13, 2003), *rev'd*, 616 N.Y.S.2d 876 (N.Y. Co. Ct. 1994). Opinion supplied.

Monroe County Court ruled on appeal that City Court lacked authority to transfer case out of the Small Claims Part and into the regular part of that court without notice to and consent of the parties.

- 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.

Since 1992 when I first began serving as a judge, I have issued thousands of decisions which are part of the stenographic record of those proceedings or are slip opinions contained in case files maintained by or filed with the Rochester City Court or the Monroe County Clerk's Office. Over 90 percent of my decisions issued are unpublished.

- 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.

People v. LaValla. Opinion supplied in response to 13(d).

People v. Reynolds, 713 N.Y.S.2d 813 (Co. Ct. 2000), *rev'd sub nom. People v. Robinson*, 97 N.Y.2d 341 (2001).

People v. Owes. Opinion supplied in response to 13(c).

People v. Cain. Opinion supplied in response to 13(d).

- 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.

None.

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:

- 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.

The Seventh Judicial District – New York State does not employ an automatic recusal policy.

If I am assigned a case in which I recognize one of the parties from some prior contact, personal or professional, I immediately inform all parties on the record. I outline my knowledge of the individual and give the parties an opportunity to make further inquiry. If the contact has been relatively casual and the parties raise no objection, I rule that recusal is unnecessary. If either party raises a concern, I make further inquiry as to the basis for that concern. Based upon the relative ease in transferring the matter to another judge within our jurisdiction, if there is any concern, I will notify the administrative judge and request a transfer of the case. The same procedure is employed if I have any knowledge of the case prior to it being assigned to me.

When an issue of recusal is raised, the court has an obligation to make sufficient inquiry to assure that no reasonable person with knowledge of the applicable facts would conclude that the judge's impartiality might be questioned. The court has a primary responsibility to preserve the integrity of the court and foster confidence in the court's jurisdiction.

In the case of the *People v. Evans*, Ind. No. 2011-0170 (involving felony charges of Operation of a Motor Vehicle While Intoxicated and a violation of probation), I recused myself after the case was randomly assigned to me. Mr. Evans is my auto mechanic and a family friend. His case was re-assigned by the administrative judge.

In the case of *People v. Farchione*, Ind. No. 2001-0734, my sex offender classification determination was reversed by the Appellate Division Fourth Department which also granted the defendant's application to have the matter assigned to a different judge on remand, although not finding any fault by the court justifying the recusal. On remand, the court's original determination was re-affirmed.

As a United States District Judge, I would follow all court rules and ethical rules in determining whether to recuse myself. Any potential conflicts would be disclosed to counsel so that they could file any appropriate motions. I would strictly follow the Code of Conduct for United States Judges.

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I was appointed to the position of Deputy Clerk of the City of Rochester and served in that capacity between July 1973 and August 1974. I was appointed by the City Court judges.

In 2004, I ran unsuccessfully for a seat on the New York State Supreme Court, Seventh Judicial District.

- 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.

Between July 1977 and January 1978, I served as Executive Assistant to Monroe County Democratic Party Chair Laurence Kirwan. I was responsible for coordinating many elections held in 1977, in particular the Monroe County legislative races.

In 1987, I worked on the campaign to elect Thomas Frey as Monroe County Executive. I helped distribute literature and participated in phone banks.

In 1988, I worked on the Monroe County Democratic Committee's Judicial Screening Committee and the Petition Committee.

In 1988, I also worked on the Campaign to Elect Joan Kohout to Family Court. I primarily was involved in the distribution of literature.

In 1990, I worked with the Committee to Elect Joseph Morelle to the New York State Assembly. Again, I was primarily involved in the distribution of literature. Also in 1990, I worked on the campaign of Susan John for New York State Assembly. I was involved in literature drops and in a phone bank.

On Election Day 1990, I served as an attorney advisor for the Monroe County Democratic Committee.

In February 1991, I worked on the campaign of Nan Johnson for Monroe County Executive. I participated in literature distribution.

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 never served as a law clerk.

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

I never practiced law alone.

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

1978 – 1983

Monroe County District Attorney's Office
47 South Fitzhugh Street
Rochester, New York 14614
Special Assistant District Attorney

1983 – 1987

United States Attorney's Office
Western District of New York
100 State Street
Rochester, New York 14614
Assistant United States Attorney

1987 – 1992

Law Firm of Geraci and Feldman
235 Park Avenue
Rochester, New York 14606
Partner

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 presided over a number of mediation proceedings while serving as co-owner of United States Arbitration and Mediation of Upstate New York between 1988 and 1992. The disputes involved contracts and business issues. I have no records existing to further describe these matters.

b. Describe:

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

Between 1978 and 1983, I served as a Special Assistant District Attorney in the Monroe County District Attorney's Office. In 1978, I worked as an assistant in the Rochester City Court handling a variety of violations, misdemeanors and felonies. I prosecuted felony matters prior to grand jury presentation and violation and misdemeanors from arraignment to disposition, including jury and bench trials. In 1979, I was appointed Chief of the DWI Bureau, where I was responsible for the prosecution of felony DWI cases as well as vehicular assaults and homicides. I also supervised all assistants handling DWI cases. I handled vehicular homicides, including investigating the accident scene, presenting the matter to the Monroe County Grand Jury, and handling motions, hearings, trials and post-trial motions and sentences. My next assignment was as a member of the Career Criminal Bureau. This bureau handled violent felony offenders who had extensive histories. This bureau was composed of the most experienced trial attorneys. We handled rapes, robberies, homicides and burglary matters. I was involved in the arraignments, bail applications, grand jury presentations, indictments, motions, trials, post-trial motions and sentences for these matters. In 1983, I was appointed Chief of the Special Investigations Bureau. During this service, I assisted law enforcement investigators in the prosecution of cases involving drugs, gambling, prostitution and organized crime. I also presented appropriate matters to the Monroe County Grand Jury and prosecuted any resulting indictments through trial and sentencing.

In July 1983, I was appointed as an Assistant United States Attorney for the Western District of New York. At the time, there were four attorneys in the Rochester Office. We were responsible for civil and criminal cases. As counsel for the United States, we represented the government in the United States District Court, the United States Bankruptcy Court and the Second Circuit Court of Appeals. I worked with a variety of federal agents from the DEA, FBI, IRS, Customs and the United States Postal Service. As an Assistant United States Attorney, I also served as defense counsel when the United States was a defendant. I handled a variety of civil cases, including Social Security matters and personal injury litigation. In 1986, I was assigned to the Organized Drug Task Force. During this assignment I handled complex drug conspiracy cases while working with the DEA, FBI and IRS. I also handled a very complicated prison escape case involving multiple defendants and several different state jurisdictions.

As an Assistant United States Attorney, I also argued two cases before the United States Court of Appeals for the Second Circuit. One involved a speedy trial issue and the other involved the disclosure of a confidential informant.

Between 1987 and 1992, Geraci and Feldman was a general litigation firm. We handled civil and criminal cases, real estate, collections, and disciplinary proceedings. As counsel, we were responsible for the cases from the initial filing through trial and sentence.

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

As a Special Assistant District Attorney, I represented the People of the State of New York. I was responsible for the investigation and prosecution of violations, misdemeanors and felony offenses.

During my tenure as an Assistant United States Attorney, I represented the United States in civil and criminal cases. I represented the United States as a plaintiff and as a defendant in civil matters in the United States District Court and the United States Bankruptcy Court and the Second Circuit Court of Appeals.

As a partner in Geraci and Feldman, I represented individuals in a variety of civil and criminal cases. Our clients included individuals charged with violations, misdemeanors and felonies in both state and local courts. We handled both retained and assigned cases. Our firm represented defendants on appeal to the Appellate Division Fourth Department. We also represented professionals, including doctors, nurses and law enforcement officers charged with disciplinary violations. Our clients in our civil practice included individuals, corporations and small businesses, both as plaintiffs and defendants. We represented the Mercantile Adjustment Bureau and Strong Memorial Hospital as part of our collections practices. We also represented individuals and real estate agents involved in the purchase and sale of real estate. As a partner in the firm of Geraci and Feldman, civil and criminal trial practice was our specialty. We often handled matters referred from other law firms.

- 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.

Throughout my career as a practicing lawyer, I frequently appeared in court. The large bulk of our private practice at Geraci and Feldman involved litigation in civil and criminal matters. As a Special Assistant District Attorney, I spent virtually all of my time in the courtroom conducting litigation. While serving as

an Assistant United States Attorney, I represented the United States in the United States District Court, the United States Bankruptcy Court and the Second Circuit Court of Appeals, and I appeared in court as necessary.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 30% |
| 2. state courts of record: | 65% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 40% |
| 2. criminal proceedings: | 60% |

- 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.

As an Assistant District Attorney assigned to the Rochester City Court between 1978 and 1979, I handled hundreds of misdemeanor and violation cases to verdict. I estimate that I handled 200 bench trials and 20 jury trials. As a Special Assistant District Attorney assigned to the DWI Bureau, Career Criminal Bureau and Special Investigations Bureau, I handled approximately 35 felony cases to jury verdicts and approximately 28 non-jury trials. In all cases I served as sole counsel with the exception of one case in which I served as co-counsel.

While serving as an Assistant United States Attorney for the Western District of New York, I tried five criminal jury trials and one bench trial to verdict, and one civil trial to verdict. I was sole counsel in all cases.

As a partner in Geraci and Feldman, I tried 12 jury trials and 10 bench trials to verdict. I also tried three matters before an administrative law judge involving disciplinary proceedings. I served as sole counsel for all of these proceedings.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 60% |
| 2. non-jury: | 40% |

- 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 United States 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. *People v. Kates*, Indictment No. 1979-0273 (Monroe County Court, 1980), Hon. Andrew Celli (deceased).

Kates was tried before a Monroe County Court jury and convicted of Criminally Negligent Homicide. As Chief of the DWI Bureau, I responded to the accident scene, directed officers to take blood from the defendant at the hospital and handled all matters related to this case including discovery, presentation to the grand jury, discovery motions, hearings, trial, sentencing and post-trial motions. I was sole counsel. The conviction was later upheld by New York State Court of Appeals; *People v. Kates*, 53 N.Y.2d 591 (1981).

Defense Attorney: Charles Crimi (deceased)

2. *People v. Dekdebrun*, Indictment No. 1979-0709 (New York State Supreme Court, 1980), Hon. Elizabeth W. Pine (retired).

Dekdebrun was convicted of Criminal Negligence Homicide after evidence presented to the jury showed that he had been intoxicated and under the influence of marijuana while operating a motor vehicle in excess of 90 miles per hour on a city street. He lost control, struck a tree and killed four of his five passengers who were boys aged 14 to 17 years old. As Chief of the DWI Bureau, I responded to the accident scene and guided police investigators on this matter. I also employed the services of an auto accident reconstruction expert. I was involved in the defendant's arraignment, bail application, discovery motions, hearings, trial, sentencing and post-verdict motions. This was a jury trial. I was sole counsel.

Defense Attorney: James V. Phillipone
31 East Main Street, Suite 4000
Rochester, New York 14614
(585) 325-7455

3. *People v. Delano*, Indictment No. 1981-0101 (New York State Supreme Court, 1981), Hon. Eugene Bergin (deceased).

Defendant beat and raped a 21-year-old woman. He assaulted her sexually and physically and dumped her body alongside a railroad track, believing she was dead. She survived the attack, crawled to a farm house and called police. The defendant had four prior arrests for rape. He was convicted after trial and sentenced to the maximum sentence of 12½ to 25 years imprisonment.

This case was a jury trial handled in the Monroe County Court. Shortly after the commission of the crime, I had contact with the victim, presented the case to the grand jury and handled all proceedings, including a bail application, discovery motions, hearing, trial, sentencing and post-trial motions. I was sole counsel.

Defense Attorney: George Nier (deceased)

4. *People v. Frey*, Indictment No. 1980-0502 (New York State Supreme Court, 1980), Hon. Frederick G. Reed (deceased).

The defendant was charged with burglary in the third degree and convicted after a jury trial. Subsequent to the trial, the presiding judge ordered that the People file persistent felony offender papers on the defendant. He had a long history of burglary convictions. After a full hearing, the defendant was sentenced to life imprisonment. This was only the second time in the history of Monroe County that a defendant was deemed a persistent felony offender.

This case was handled in Supreme Court. The defendant was classified as a career criminal based upon his extensive criminal record and, therefore, I selected his case for prosecution by the career criminal bureau established in the Monroe County District Attorney's Office. I was involved in the defendant's arraignment, bail application, presentation of the case to the grand jury, motions, discovery, hearings, trial, sentencing and post-trial motions. I was sole counsel.

Defense Attorney: Frederick Emery
Assistant United States Attorney for the District of Maine
P.O. Box 9717
Portland, Maine 04104
(207) 780-3257

5. *Hendrickson v. United States*, Civil No. 82-621T (United States District Court, Western District of New York, 1982), Hon. Michael A. Telesca.

The plaintiff in this action sued the United States Marine Corp and a Marine recruiter for injuries he suffered while acting as a good Samaritan along a county road, helping an accident victim. He was struck by the Marine recruiter's vehicle which drove into a bank of headlights that blinded him. Additionally, the Marine had been drinking alcohol prior

to the accident. There were complex issues of liability, negligence and scope of employment. After several days of testimony, the case was settled with what I believe was the first structured settlement ever approved for the Western District of New York.

This was a matter handled as a bench trial in the United States District Court. As the sole Assistant United States Attorney assigned to the matter, I was responsible for responding to the complaint, drafting memoranda, arguing legal issues, writing briefs and, ultimately, negotiating the settlement.

Plaintiff counsel: Paul K. Lange
28 East Main Street, Suite 1100
Rochester, New York 14614
(585) 325-5150, ext. 223

6. *People v. Schultz*, Indictment No. 1990-0445A (New York State Supreme Court, 1990), Hon. Eugene W. Bergin (deceased).

Defendant, along with 12 other defendants, was charged by the New York State Attorney General's Office with price fixing based upon a tent sale coordinated by all local area Chrysler dealers. This was a complex case involving 13 defendants. The case lasted several weeks, resulting in the acquittal of all defendants.

This case was tried in Supreme Court. Initially, I was contacted by one potential defendant, and when it became clear that 12 additional parties would be charged, other counsel were retained due to potential conflicts. I represented Mr. Schultz from the beginning of the investigation by the New York State Attorney General's Office through the jury trial. I was sole counsel for Mr. Schultz handling all matters, including bail application, discovery issues, motions, hearings and jury trial.

Prosecution: Susan Beth Farmer
Pennsylvania State University
Dickinson School of Law
329 Katz Building
University Park, Pennsylvania 16802
(814) 863-4616

7. *United States v. Stagnito*, CR No. 84-1137 (United States District Court, Western District of New York, 1984), Hon. Michael A. Telesca.

Defendant was convicted of a conspiracy to distribute controlled substances. An issue of disclosure of a confidential informant arose at pre-trial and at trial. The government opposed the disclosure. The issue was argued on appeal to the United States Court of Appeals for the Second Circuit, which upheld the government's position.

This was a jury trial in the United States District Court for the Western District of New York. I handled the matter from arrest to jury trial, including the arraignment, discovery,

motions, hearings, jury trial and post-trial motions. I was also responsible for handling the appeal, writing the brief for the government and arguing the appeal before the United States Court of Appeals for the Second Circuit. I was sole counsel.

Defense Attorney: Lawrence Andolina
Trevett, Cristo, Salzer & Andolina, P.C.
2 State Street, Suite 1000
Rochester, New York 14614
(585) 454-2181

8. *United States v. Tunnessen*, CR No. 84-1419 (United States District Court, Western District of New York, 1984), Hon. Michael A. Telesca.

Defendant was convicted of conspiracy to distribute controlled substances. This case involved a large distribution of cocaine from Pennsylvania to western New York. The conviction was reversed after the United States Court of Appeals for the Second Circuit ruled that the defendant's speedy trial rights were violated. *United States v. Tunnessen*, 763 F.2d 74 (2d Cir.1985). Prior to the re-trial, the defendant pled guilty.

This was a jury trial conducted in the United States District Court for the Western District of New York. I handled the matter from the initial investigation, grand jury presentation, arraignment, motions, discovery, hearings, jury trial, sentencing and post-trial motions. I also was responsible for the appeal filed in the United States Court of Appeals for the Second Circuit. I prepared the brief on behalf of the government and argued the appeal before the Second Circuit. I was sole counsel for this case.

Defense Attorneys: Glenn E. Pezzulo
36 West Main Street, Suite 500
Rochester, New York 14614
(585) 546-7830

John P. Moses
120 South Franklin Street
Wilkes-Barre, Pennsylvania 18701
(570) 970-8030

9. *United States v. Stern*, CR Nos. 86-194T and 87-106T (United States District Court, Western District of New York, 1986 and 1987), Hon. Michael A. Telesca.

The defendant was a local doctor originally charged with Medicaid fraud. During the investigation he sent death threats to witnesses who had worked for him as nurses. Additionally, it was discovered that the doctor was misusing narcotics. He pled guilty and surrendered his license to practice medicine as a condition of the disposition.

This was a matter handled in the United States District Court for the Western District of New York. As the Assistant United States Attorney assigned to the matter, I handled

various cases against Dr. Stern, including the initial case involving Medicaid fraud and later charges of possession of controlled substances and intimidation of witnesses. I handled these matters from the initial stages of the investigation through disposition, including bail application, discovery, motions, hearings, plea and sentencing. I was sole counsel for this case.

Defense Attorney: Charles Crimi (deceased)

10. *United States v. Dickerson*, CR No. 82-621T (United States District Court, Western District of New York, 1986), Hon. Michael A. Telesca.

The defendant, Dickerson, was charged on a conspiracy to execute a prison escape from Lewisburg Federal Correctional Facility. The case involved the delivery of machine guns from California, the rental of a helicopter from Tennessee and the delivery of \$250,000 in cash from Philadelphia. The case, coordinated from Rochester, New York, involved the execution of simultaneous search warrants in California, Tennessee, Florida, Pennsylvania and New York. Local, state and federal agents from the FBI, DEA and U.S. Marshals Service were involved in the prosecution of this case. The defendant and all the co-conspirators pled guilty. An organized crime figure was the subject of the escape.

This matter was handled in the United States District Court for the Western District of New York. I was the sole Assistant United States Attorney assigned. I handled the matter as part of my responsibilities as the head of the Organized Drug Task Force. Initially, it was thought to be a narcotics operation, however, it was later discovered to be a conspiracy to allow the escape of an organized crime figure from a federal prison. I handled all the coordination of the investigation which involved the DEA, FBI, Postal Service, U.S. Marshals Service, Tennessee State Police and local law enforcement in California, Pennsylvania, Florida, Kentucky, Arkansas and New York. I was responsible for drafting wire tap applications and multiple search warrants. I helped coordinate the simultaneous arrest of the defendants in California, Arkansas, Tennessee, Pennsylvania and New York. I presented the case to a grand jury and handled the arraignment of all defendants. I negotiated the ultimate disposition for all defendants.

Defense Attorney: James V. Phillipone
31 East Main Street, Suite 4000
Rochester, New York 14614
(585) 325-7455

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.)

Over the past eight years, I have been involved with the Russian-American Rule of Law Consortium traveling primarily to Novgorod, Russia to conduct legal seminars and exchange thoughts and ideas with Russian judges and attorneys. Yearly, we also host a group of judges and attorneys visiting from Russia.

In 2000, New York State Chief Judge Judith S. Kaye appointed me as Co-Chair of the Seventh Judicial District's Committee to Promote Trust and Confidence in the Legal System. Teen Court and Access to Justice were two major initiatives of this committee.

As a Monroe County Court Judge, I was part of a Case Management Committee exploring more effective measures to handle the criminal calendar and best utilize resources.

In 1997, I helped establish the Rochester Teen Court, a diversion program for first-time, non-violent offenders. This program includes teens serving as counsel, jurors, court staff and security. I have presided over the Teen Court sessions, usually one time per month. I also serve as the Chair of the Teen Court Advisory Committee.

Between 1994 and 1996, I worked on the County of Monroe's Graduated Restriction Advisory Committee. This group explored alternatives to incarceration, establishing a schedule of graduated alternative release programs. A Day Reporting Center was established and a Home Confinement Program was also developed.

As the DWI Bureau Chief, I worked with the Monroe County Pre-Trial Service Corporation to establish the DWI Diversion Program, which involved having repeat DWI felony offenders surrender their driver's license while undergoing treatment for substance abuse. This program was established in 1980 and continues to operate today.

I served as a liaison to the Rochester Police Department's Clinton Section in 1979. As an Assistant United States Attorney while serving as Chief of the Organized Drug Task Force in 1986 and 1987, I served as chair of the Law Enforcement Coordinating Committee. This committee brought local, state and federal law enforcement agencies together to discuss common issues.

I have never served as a lobbyist for any group or lobbied on behalf of any organization or issues.

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 four (4) copies to the committee.

I taught as an adjunct professor at St. John Fisher College (1985 – 1990), a course entitled "The Legal Environment of Business." The subject matter of the course involved teaching the legal system primarily to business students. It involved a general discussion of the Constitution, contract law, property law, bankruptcy law, criminal law and the

structure of the federal, state and local courts. I no longer have the syllabus for this course.

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.

Aside from any pension from the New York State Retirement System, I have no anticipated receipts from deferred income arrangements for future benefits from any business relationships.

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

I have no intentions of pursuing outside employment during any potential service as a United States District Judge, if I am confirmed.

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). Following is my income for 2011:

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I am not aware of any potential conflicts of interest if I am confirmed as a United States District Judge for the Western District of New York. I would address any potential conflict of interest by first disclosing all relevant information to counsel and the parties, receiving their input and ruling on the issue following the Code of

Conduct for United States Judges and all applicable statutes, rules and ethical guidelines.

My son, Michael Frank Geraci, was admitted to the New York State Bar on February 23, 2012. He is an associate with the Law Firm of Trevett Cristo Salzer & Andolina P.C. I believe that under the Code of Conduct for United States Judges, it would not be proper for me to handle any cases handled by him as counsel. Additionally, pursuant to Canon 3c(1)(d)(ii), it would be my responsibility to disclose his association with a law firm in which he is employed and determine if the court's impartiality might reasonably be questioned.

My daughter Kimberley Brock is a Worldwide Marketing Manager for Eastman Kodak Company. If Eastman Kodak were a party to an action in District Court, I would disclose this information to counsel to explore any possible conflict.

My wife Karla Peterson Geraci is retired from the City of Rochester as a Senior Personnel Analyst. She currently serves as a Senior Personnel Analyst On-call and works part-time for the City of Rochester. Again, if the City of Rochester were a party in District Court, I would disclose this fact to counsel to determine if any conflict in fact exists.

My daughter Pamela Geraci Tellier is a teacher with the Rochester City School District. If the district were a party to litigation in the District Court, I would disclose this fact to counsel to explore any possible conflict.

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

To resolve any potential conflict of interest, I would first disclose all relevant information to counsel and the parties, receive their input and rule on that issue – understanding that even the appearance of impropriety can undermine trust in the legal system. I would follow all the rules of the Code of Conduct for United States Judges and follow all applicable statutes, rules and ethical guidelines.

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.

While in private practice as a partner in the firm of Geraci and Feldman (1987 – 1991), I participated in the Volunteer Legal Services Project and handled matters referred for no fees. Additionally, I served as a volunteer with the VLSP organization in the raising of funds to support this program. That program is now coordinated in an effort entitled "Campaign for Justice," which conducts an annual appeal. I volunteered for hundreds of hours over this four-year period.

Throughout my legal career I have volunteered in the community, coaching for both girls and boys basketball in the Catholic Youth Organization (CYO) and baseball for Eastside Little League. Over the past 20 years I have volunteered thousands of hours on these activities.

I helped found and continue to volunteer after court hours in the Rochester Teen Court. Since 1997, I have presided over dozens of Teen Court sessions and chaired the Advisory Committee.

While a law student at the University of Dayton School of Law, I worked as a volunteer student intern with the Greene County Legal Aid Society in Xenia, Ohio. I did this service for two academic years.

I volunteered as a Monroe County Court Judge to establish a new case management system for County and Supreme Courts. I also served as co-chair of the Seventh Judicial District's Committee to Promote Trust and Confidence in the Legal System.

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.

I contacted Senator Charles Schumer's office to express interest in the judgeship in the Western District of New York. I submitted a completed questionnaire to Senator Schumer's Screening Committee in early January 2012. On January 26, 2012, I was interviewed by Senator Schumer's Screening Committee in New York City. On February 3, 2012, I was interviewed by Senator Schumer. On February 8, 2012, I was notified that Senator Schumer would forward my name as a candidate for nomination. Since February 14, 2012, I have been in contact with the Office of Legal Policy at the United States Department of Justice. On March 12, 2012, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On May 14, 2012, the President submitted my nomination to the Senate.

- 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.

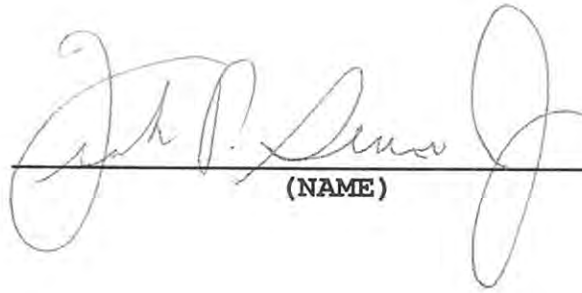
No.

AFFIDAVIT

I, Frank Paul Geraci, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 15, 2012

(DATE)



(NAME)

*sworn to before
me this 15th day
of May, 2012*



(NOTARY)

PAUL M. RIORDAN
Notary Public, State of New York
Monroe County
Commission Expires May 26, 2015