

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Timothy Allen Garrison

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

United States Attorney for the Western District of Missouri

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

Office of the United States Attorney
901 East St. Louis Street, Suite 500
Springfield, Missouri 65806

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

1976; Urbana, Illinois

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

University of Missouri-Columbia School of Law – Columbia, Missouri
August 2000 – May 2003
Juris Doctor, May 2003

University of Missouri-Columbia Truman School of Public Affairs – Columbia, Missouri
August 2000 – December 2002
Master of Public Administration, December 2002

Washington University School of Law – St. Louis, Missouri
August 1998 – May 1999
No degree received

Drury University (formerly Drury College) – Springfield, Missouri
August 1994 – May 1998
Bachelor of Arts in Political Science, *magna cum laude*, May 1998

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.

United States Attorney's Office for the Western District of Missouri
901 East St. Louis Street, Suite 500
Springfield, Missouri 65806

Assistant United States Attorney, June 2010 – present (absent due to mobilization with the U.S. Marine Corps from October 2013 – October 2014)
Special Assistant United States Attorney, May 2007 – June 2010

United States Marine Corps

Reserve Duty

The Joint Chiefs of Staff
The Pentagon
Arlington, Virginia
Deputy Legal Counsel, October 2016 – present

Headquarters Marine Corps, Judge Advocate Division, Military Justice Branch
The Pentagon
Arlington, Virginia
Military Justice Branch Individual Mobilization Augmentee, October 2014 – September 2016

International Security Assistance Force – Regional Command (Southwest)
Helmand Province, Afghanistan
Chief of Operational Law (mobilized), March 2014 – September 2014

Task Force Belleau Wood (mobilized)
International Security Assistance Force – Regional Command (Southwest)
Helmand Province, Afghanistan
I Marine Expeditionary Force (Forward)
Marine Corps Base Camp Pendleton, California
Command Judge Advocate, October 2013 – March 2014

4th Marine Division
New Orleans, Louisiana
Deputy Staff Judge Advocate, July 2012 – September 2013

Headquarters Marine Corps, Judge Advocate Division, Reserve Legal Support Branch

Springfield, Missouri
Regional Judge Advocate, June 2007 – July 2012

Active Duty

Headquarters and Support Battalion
Marine Corps Base Camp Pendleton, California
Trial Counsel, June 2006 – June 2007

Camp Pendleton Tax Center
Marine Corps Base Camp Pendleton, California
Officer-in-Charge, May 2005 – June 2006

Marine Corps Base Camp Pendleton, California
Legal Assistance Attorney, November 2004 – May 2005

Naval Justice School
Naval Station Newport, Rhode Island
Student Judge Advocate, August 2004 (est) – October 2004 (est)

The Basic School
Marine Corps Base Quantico, Virginia
Student, Basic Officer Course, January 2004 – June 2004 (est)

Officer Candidates School
Marine Corps Base Quantico, Virginia
Officer Candidate, October 2003 – December 2003 and June 1999 – August 1999 (est)

Second Baptist Church (unpaid)
3111 East Battlefield Road
Springfield, Missouri 65804
Deacon, 2012 – present

Pregnancy Care Center (unpaid)
1342 East Primrose Street, Suite C
Springfield, Missouri 65804
Director, August 2009 – April 2017
Treasurer, April 2010 – March 2012
Vice President, April 2012 – August 2013

Grace Classical Academy (unpaid)
2438 East Cherry Street
Springfield, Missouri 65802
Director, July 2009 – July 2011

Cravis Custom Homes
10206 Audrain Road 997
Centralia, Missouri 65240
Laborer, July 2003 – September 2003

Office of the Missouri Secretary of State
600 West Main Street
Jefferson City, Missouri 65102
Intern, General Counsel's Office, January 2003 – April 2003
Intern, Securities Division, May 2001 – August 2001

University of Missouri-Columbia, Truman School of Public Affairs
105 Middlebush Hall
Columbia, Missouri 65211
Editorial Assistant, *The American Review of Public Administration*, August 2000 – December 2002

Danie Moore for State Representative
P.O. Box 73
Fulton, Missouri 65251
Campaign Assistant, July 2002 – November 2002

Missouri Attorney General's Office
Supreme Court Building
Jefferson City, Missouri 65102
Intern, May 2002 – July 2002

Hendren Andrae, LLC (unpaid)
221 Bolivar Street, Suite 300
Jefferson City, Missouri 65102
Intern, January 2002 – May 2002

HealthSouth
10936 Manchester Road
St. Louis, Missouri 63122
Patient Account Representative, September 1999 – August 2000

Envirotech Landscaping
3916 West Hialeah
Springfield, Missouri 65803
Landscaper and mower, May 1998 – August 1998

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.

United States Marine Corps Reserve, June 2007 – Present
Lieutenant Colonel, July 2017 – Present
Major, February 2011 – July 2017
Captain (June 2007 – February 2011)

United States Marine Corps, October 2003 – June 2007
Captain, June 2005 – June 2007
First Lieutenant, October 2004 – June 2005
Second Lieutenant, December 2003 – October 2004
Officer Candidate (October 2003 – December 2003)
Honorable Discharge

United States Marine Corps
Officer Candidate, June 1999 – August 1999
Entry-Level Separation (not a formal discharge; injured prior to receiving officer commission)

I have registered with the selective service.

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

Military Awards (in order of precedence)

- Meritorious Service Medal, 2014
- Navy & Marine Corps Commendation Medal (w/ gold star in lieu of second award), 2007 & 2012
- Navy & Marine Corps Achievement Medal, 2008
- Combat Action Ribbon, 2014
- Navy Unit Commendation, 2007
- Navy Meritorious Unit Commendation, 2007
- Selected Marine Corps Reserve Medal (w/ bronze star in lieu of second award), 2010 & 2013
- National Defense Service Medal, 2003
- Afghanistan Campaign Medal, 2014
- Iraq Campaign Medal, 2007
- Global War on Terrorism Service Medal, 2004
- Sea Service Deployment Ribbon, 2014
- Armed Forces Reserve Medal w/ “M” Device, 2014
- NATO Medal – International Security Assistance Force Afghanistan, 2014
- Certificate of Appreciation, 2007
- Award for Excellence in Advocacy, The (Army) Judge Advocate General’s Legal Center and School, 2006

Civilian Professional Awards

- Springfield Business Journal “40 Under 40,” 2016
- Missouri Bar Foundation David J. Dixon Appellate Advocacy Award, 2013

Academic Scholarships and Recognition

- Certificate in Tax Law, University of Missouri-Columbia School of Law, 2003
- Member, *Missouri Environmental Law and Policy Review*
- Dean’s List
 - University of Missouri-Columbia School of Law, 2002
 - Drury University, 1996 – 1998
- Academic Scholarship, Washington University School of Law, 1998 – 1999
- Missouri “Bright Flight” Scholarship (ACT/SAT scholarship), 1994 – 1998
- Academic Scholarship, Drury University, 1994 – 1998
- Leadership Scholarship, Drury University, 1994 – 1998
- Music Scholarship, Drury University, 1994 – 1998
- Beulah Logan Highfill Endowed Scholarship, 1994 – 1998

Honorary Society Memberships

- Pi Alpha Alpha Global Honor Society for Public Affairs and Administration
- Phi Alpha Delta Law Fraternity

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.

Republican National Lawyers Association, member, August 2006 – July 2013

Federalist Society for Law and Public Policy Studies, student member, 2001 (est.) – 2003 (est.)

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.

Member, Missouri Bar, 2003 – present

There have been no lapses in membership.

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

U.S. District Court for the Western District of Missouri, 2007 – present

U.S. Court of Appeals for the Eighth Circuit, 2007 – present

Qualified and certified, pursuant to Article 27(b) of the Uniform Code of Military Justice (10 U.S.C. § 827(b)), to be detailed as trial counsel or defense counsel for a general court-martial, 2004 – present

Missouri Supreme Court, 2003 – present

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.

Golden Oaks Village Homeowners Association, August 2014 – present

Director, Pregnancy Care Center, August 2009 – April 2017

Vice President, April 2012 – August 2013

Treasurer, April 2010 – April 2012

Committeeman, Greene County Republican Central Committee, August 2010 – September 2013

Member, Greene County Pachyderms Club, 2007 (est.) – 2012 (est.)

Director, Grace Classical Academy, July 2009 – July 2011

In addition, I have made financial contributions to charitable organizations in the past. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds but did not otherwise participate in programmatic activities.

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

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

12. Published Writings and Public Statements:

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

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Comment: *What Does a Pallid Sturgeon Say When It Runs Into a Cement Wall? "Dam!" The Interminable Revision of the Missouri River Master Manual*, 10 Mo. Env'tl. L. & Pol'y Rev. 61 (2003). Copy supplied.

In 1996, while a student at Drury University (then Drury College), I wrote a letter to the editor of the Springfield News-Leader and the Drury student newspaper during the presidential election of that year. I do not have copies of the letters, which expressed general support for the success of the Dole-Kemp presidential ticket.

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

I have done my best to identify any reports, memoranda, or policy statements I prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

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

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

materials. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

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

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

February 3, 2017

Careers as a military officer and federal prosecutor
Kickapoo High School Business Class
3710 South Jefferson Avenue
Springfield, Missouri 65807
Copy not available.

September 28, 2016

Awards Banquet for Ozark (Missouri) Police Department
1530 West Jackson Street
Ozark, Missouri 65721
Copy supplied.

November 11, 2014, 2015, and 2016

Veterans' Day Address
Copy supplied.

New Covenant Academy (2016)
3304 South Cox Avenue
Springfield, Missouri 65807

Cherokee Middle School (2015)
420 East Farm Road 182
Springfield, Missouri 65810

Pleasant View Middle School (2014)
2210 East State Highway AA
Springfield, Missouri 65803

March 21, 2015
Panel discussion on national security
Tower Club
901 East St. Louis Street
Springfield, Missouri 65806
Copy not available.

May 26, 2009
High School Commencement Address
Grace Classical Academy
2438 East Cherry Street
Springfield, Missouri 65802
Copy 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.

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

March 21, 2016
Springfield (Missouri) Business Journal
Personal career highlights
Copy supplied.

13. Public Office, Political Activities and Affiliations:

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

None.

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

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Committeeman, Greene County Republican Central Committee, August 2010 – September 2013

Served as a delegate to the Missouri Republican Convention, 2012

Campaign Assistant, Danie Moore for State Representative, July 2002 – November 2002

Performed basic office duties, maintained records of supporters' contact information, coordinated mailings, conducted phone banking, and assisted with event coordination.

Volunteer, Roy Blunt for Congress, May 1996 – August 1996 (est.)

Performed basic office duties, conducted phone banking, canvassing, and yard sign placement.

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

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

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

I have never served as a judicial law clerk.

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

I have never practiced alone.

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

United States Attorney's Office for the Western District of Missouri
901 East St. Louis Street, Suite 500
Springfield, Missouri 65806

Assistant United States Attorney, June 2010 – present

Special Assistant United States Attorney, May 2007 – June 2010

United States Marine Corps

Reserve Duty

The Joint Chiefs of Staff

The Pentagon
Arlington, Virginia
Deputy Legal Counsel, October 2016 – present

Headquarters Marine Corps, Judge Advocate Division, Military
Justice Branch
The Pentagon
Arlington, Virginia
Military Justice Branch Individual Mobilization Augmentee,
October 2014 – September 2016

International Security Assistance Force – Regional Command
(Southwest)
Helmand Province, Afghanistan
Chief of Operational Law (mobilized), March 2014 – September
2014

Task Force Belleau Wood (mobilized)
International Security Assistance Force – Regional Command
(Southwest)
Helmand Province, Afghanistan
I Marine Expeditionary Force (Forward)
Marine Corps Base Camp Pendleton, California
Command Judge Advocate, October 2013 – March 2014

4th Marine Division
New Orleans, Louisiana
Deputy Staff Judge Advocate, July 2012 – September 2013

Headquarters Marine Corps, Judge Advocate Division, Reserve
Legal Support Branch
Springfield, Missouri
Regional Judge Advocate, June 2007 – July 2012

Active Duty

Headquarters and Support Battalion
Marine Corps Base Camp Pendleton, California
Trial Counsel, June 2006 – June 2007

Camp Pendleton Tax Center
Marine Corps Base Camp Pendleton, California
Officer-in-Charge, May 2005 – June 2006

Marine Corps Base Camp Pendleton, California
Legal Assistance Attorney, November 2004 – May 2005

Naval Justice School
Naval Station Newport, Rhode Island
Student Judge Advocate, August 2004 (est) – October 2004 (est)

The Basic School
Marine Corps Base Quantico, Virginia
Student, Basic Officer Course, January 2004 – June 2004 (est)

Officer Candidates School
Marine Corps Base Quantico, Virginia
Officer Candidate, October 2003 – December 2003

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

I have never served as a mediator or arbitrator.

b. Describe:

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

While serving on active duty in the United States Marine Corps, I first served as a legal assistance officer at Marine Corps Base (MCB) Camp Pendleton, in California, from approximately November 2004 through approximately May 2005. In this capacity, I provided general legal advice and services to military personnel, dependents, and retirees, primarily in the areas of family law, estate planning, contracts, and immigration law.

From approximately May 2005 to June 2006, I was the officer-in-charge of the MCB Camp Pendleton Tax Center, where I supervised enlisted military personnel who prepared tax returns for military personnel, dependents, and retirees. In addition to my supervisory responsibilities, I provided legal research and advice on non-routine tax matters.

From approximately June 2006 to May 2007, I served as trial counsel (military prosecutor) at MCB Camp Pendleton, involved in the prosecution of violations of the Uniform Code of Military Justice by U.S. military personnel in Iraq.

In May 2007, I began service as a Special Assistant United States Attorney in the office of the United States Attorney for the Western District of Missouri in Springfield, Missouri, specializing in the prosecution of interstate and international drug trafficking offenses, and

related firearms and money laundering offenses. In June 2010, I became an Assistant United States Attorney and continued to emphasize the prosecution of large scale drug trafficking offenses, but I also prosecuted tax evasion, sex offenses, murder, and other federal offenses.

After leaving active duty, I continued to serve in the U.S. Marine Corps Reserve (USMCR). From June 2007 to July 2012, I served as a Regional Judge Advocate, providing legal assistance and command services to USMCR units throughout the Midwest. From July 2012 to September 2013, I served as the Deputy Staff Judge Advocate to the 4th Marine Division in New Orleans, Louisiana, providing legal advice to the command, providing legal review of administrative separations, and conducting command investigations. From October 2013 to October 2014, I served as the Chief of Operational Law for Regional Command (Southwest), the NATO-led force conducting combat operations in Southwest Afghanistan; in this role I provided international and operational law advice to the commanding general and subordinate commanders of RC(SW) and supervised four other judge advocates. From October 2014 to September 2016, I was a reserve augment within the Military Justice Policy and Law Section, Judge Advocate Division, Headquarters Marine Corps at the Pentagon, where I conducted legal research and created training modules and practice advisories for active duty military prosecutors. From September 2016 to the present, I have served as Deputy Legal Counsel in the Office of Legal Counsel to the Chairman of the Joint Chiefs of Staff at the Pentagon. In this capacity I conduct legal review of proposed Department of Defense actions, policy changes, and represent the chairman's interests in the interagency.

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

All of my legal services have been devoted to the United States Government, either as a judge advocate in the U.S. Marine Corps or a federal prosecutor in the Office of the United States Attorney.

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

- i. Indicate the percentage of your practice in:
 - 1. federal courts; 100% of my litigation practice has been in federal courts, where I appear frequently. Most of my practice as a military attorney has been in non-litigating roles.
 - 2. state courts of record; 0%
 - 3. other courts; 0%
 - 4. administrative agencies; 0%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; Approximately 5-10% of my practice is in civil matters, but nearly all of these cases are civil post-conviction relief actions on the part of criminal defendants for claims related to their criminal cases.
 - 2. criminal proceedings. 90-95%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have represented the United States in eleven felony trials to verdict in the United States District Court for the Western District of Missouri. I was chief counsel in five of these cases, and associate counsel in six of these cases.

- i. What percentage of these trials were:
 - 1. jury; 100%
 - 2. non-jury. 0%

I have been the attorney of record for the United States in 15 cases before the United States Court of Appeals for the Eighth Circuit. Ten of these matters were decided on the briefs, and five of these matters were decided after oral argument to a panel of judges. I was sole counsel in each of these cases.

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

I have not practiced before the Supreme Court of the United States.

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

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

principal counsel for each of the other parties.

1. *United States v. Philip Delgrosso and Jeffrey Cain*
852 F.3d 821 (8th Cir. 2017)
The Honorable Lavenski R. Smith, Raymond W. Gruender, and Duane Benton
United States Court of Appeals for the Eighth Circuit
Dates of Representation: (Plaintiff-Appellee United States) April 2016 – March 2017

Co-Counsel: None

Opposing Counsel: For Defendant-Appellant Philip Delgrosso,
Joshua K. Roberts
Roberts & Easley, PC
2202 West Chesterfield Boulevard
Springfield, Missouri 65807
(417) 881-1076

For Defendant-Appellant Jeffrey Cain,
William D. Langston
Langston Law, Chartered
115 East Park Street, Suite C
Olathe, Kansas 66061
(913) 341-8530

The appellants, Philip J. Delgrosso and Jeffrey A. Cain, were each convicted at trial of conspiracy to distribute methamphetamine, conspiracy to commit money laundering, and two counts of money laundering. Delgrosso was also convicted of failing to file Internal Revenue Service Form 8300. Delgrosso raised five points on appeal, arguing the district court erred by (1) denying his motion for a new trial on the basis of newly discovered evidence, (2) denying his motion for a new trial on the basis of government misconduct, (3) instructing the jury on the issue of “willful blindness,” (4) denying application of safety valve, and (5) denying his motion for a judgment of acquittal. Cain joined Delgrosso’s first and third points on appeal, pertaining to his motion for a new trial and the willful blindness instruction.

I represented the United States in this case from its inception at the U.S. District Court and on appeal. The U.S. Court of Appeals for the Eighth Circuit, in a unanimous decision, rejected each of the Appellants’ arguments and affirmed each of the district court’s rulings at issue.

2. *United States v. Jerry D. Wright, et al.*
Western District of Missouri Case No. 13-03054
The Honorable Beth Phillips
United States District Court for the Western District of Missouri
Dates of Representation: (Plaintiff United States) March 2013 – August 2015

Co-Counsel: Randall D. Eggert
Supervisory Assistant United States Attorney
901 East St. Louis Street, Suite 500
Springfield, Missouri 65806
(417) 831-4406

Opposing Counsel: For Defendant Jerry D. Wright,
Stacie R. Bilyeu
216-B West Commercial Street
Springfield, Missouri 65803
(417) 866-4094

For Defendant Robert J. Cantrell,
Stuart P. Huffman
Whiteaker & Wilson, P.C.
1848 South Country Hill Lane
P.O. Box 3758
Springfield, Missouri 65808
(417) 882-7400

For Defendant Jesus Valdez,
John H. Kizer
1903 East Battlefield Road
Springfield, Missouri 65804
(417) 863-6400

For Defendant Cesar Ramon Avila-Hernandez,
Brian D. Risley
1441 East Primrose Street
Springfield, Missouri 65804
(417) 882-3333

For Defendant Salvador Campos,
Kristin S. Jones
Jones & Musgrave
2550 South Campbell Avenue, Suite 900
Springfield, Missouri 65807
(417) 866-0110

For Defendant Myrna Aguirre,
Celeste K. Johns
Assistant Federal Public Defender
901 East St. Louis Street, Suite 801
Springfield, Missouri 65806
(417) 873-9022

For Defendant Joseph A. Dreckmeier,
John A. Tyrrell
Replogle, Tyrrell, & Robertson
P.O. Box 15
Marshfield, Missouri 65706
(417) 859-3979

For Defendant Timothy Edward Hower,
Adam D. Woody
806 West Battlefield Road, Suite A
Springfield, Missouri 65807
(417) 720-4800

For Defendant Steven Tyrone Moad,
Steven S. Meier
Cisar Law Firm, PC
750 Bagnell Dam Boulevard, Suite A
Lake Ozark, Missouri 65049
(573) 365-2068

For Defendant Brandon E. Hinkley,
Erica Mynarich
Carver, Cantin, and Mynarich, LLC
901 East St. Louis Street, Suite 1600
Springfield, Missouri 65806
(417) 831-6363

For Defendant Perry L. Adams,
Alison Ray Hershewe
Hershewe Law Firm, PC
431 South Virginia Avenue
Joplin, Missouri 64801
(417) 782-3790

For Defendant Shannon K. Wright,
David K. Back
Worsham Law Firm
325 South Avenue
Springfield, Missouri 65806
(417) 863-9455

For Defendant Philip J. Delgrosso,
Joshua K. Roberts
Roberts & Easley, PC
2202 West Chesterfield Boulevard
Springfield, Missouri 65807

(417) 881-1076

For Defendant Jeffrey A. Cain,
Marsha D. Jackson
300 John Q. Hammons Parkway, Suite 205
Springfield, Missouri 65806
(417) 886-4477

In 2010, Task Force Officers from the U.S. Drug Enforcement Administration's office in Riverside, California, began investigating an organization that imported methamphetamine into Southern California for shipment to distribution hubs throughout the United States. Through 2013, their investigation resulted in the seizure of over 100 pounds of methamphetamine, the forfeiture of over \$1 million in drug proceeds, and the arrests of several targets. The investigation also uncovered a plan to transport large quantities of methamphetamine to the Springfield, Missouri, area. The leader of the Missouri cell, Jerry Wright, was recently released from federal prison after completing a sentence for a methamphetamine-related offense. Wright's organization transported methamphetamine from sources in California and Arizona in vehicles with hidden compartments for distribution in Southwest Missouri. To launder the organization's profits, Wright employed the operators of a small used car lot to purchase vehicles at auction with proceeds of drug sales and then place the automobiles for sale at the car lot.

I obtained indictments in 2012 and 2013 against several members of this organization and was lead counsel at trial. Ultimately, eleven conspirators accepted plea offers, and received sentences ranging from probation to imprisonment for 20 years. After a five-day trial, the jury convicted the three remaining defendants of all counts pending against them; these defendants received sentences of imprisonment of 10 to 20 years.

3. *United States v. Gerald L. Smith*

Western District of Missouri Case No. 11-03003

The Honorable Dean Whipple

United States District Court for the Western District of Missouri

557 Fed.Appx. 606 (8th Cir. 2014)

The Honorable Duane Benton, C. Arlen Beam, Bobby E. Shepherd

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) December 2010 – March 2014

Co-Counsel:

Randal D. Eggert (at trial)
Supervisory Assistant United States Attorney
901 East St. Louis Street, Suite 500
Springfield, Missouri 65806
(417) 831-4406

Opposing Counsel: For Defendant-Appellant Gerald L. Smith,
Brian D. Risley
1441 East Primrose Street
Springfield, Missouri 65804
(417) 882-3333

I represented the United States in this case from its inception, through trial at the U.S. District Court, and on appeal. A jury convicted Smith at trial of being a felon in possession of ammunition and distribution of marijuana. Because of his extensive criminal history of drug-related and violent felony convictions, Smith was sentenced as an armed career criminal to a term of imprisonment of nearly 21 years.

On appeal, Smith argued that his motions to suppress evidence were improperly denied, that his trial violated his right to confront witnesses against him, and that the district court improperly admitted audio recordings of his jail phone calls in which he attempted to persuade another person to claim ownership of the ammunition and drug-related paraphernalia. The Eighth Circuit rejected Smith's arguments and affirmed each of the district court's rulings.

4. *United States v. Richard Sneed*

742 F.3d 341 (8th Cir. 2014)

The Honorable James B. Loken, Steven M. Colloton, and Duane Benton

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) October 2012 – February 2014

Co-Counsel: None

Opposing Counsel: For Defendant-Appellant Richard Sneed,
Stuart P. Huffman
Whiteaker & Wilson, P.C.
1848 South Country Hill Lane
P.O. Box 3758
Springfield, Missouri 65808
(417) 882-7400

Sneed pleaded guilty to being a felon and unlawful drug user in possession of a firearm. Sneed had fled from police in a vehicle and later on foot, and during the pursuit, dropped a backpack containing an unloaded firearm and drug paraphernalia. The district court sustained the government's objection in the presentence investigation report to the lack of a guideline enhancement for possessing the firearm in connection with another felony offense and imposed the statutory maximum sentence. Sneed appealed the imposition of the enhancement.

I represented the United States in this case from its inception at the U.S. District Court, and wrote the Appellee's brief. The U.S. Court of Appeals for the Eighth

Circuit, in a unanimous decision, rejected each of the Appellant's arguments and affirmed each of the district court's rulings at issue.

5. *United States v. Roberto Rodriguez*

Western District of Missouri Case No. 10-05018

The Honorable Richard E. Dorr

United States District Court for the Western District of Missouri

711 F.3d 928 (8th Cir. 2013)

The Honorable William J. Riley, James B. Loken, Bobby E. Shepherd

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) May 2010 – May 2013

Co-Counsel: Randal D. Eggert (at trial)
Supervisory Assistant United States Attorney
901 East St. Louis Street, Suite 500
Springfield, Missouri 65806
(417) 831-4406

Opposing Counsel: For Defendant-Appellant Roberto Rodriguez,
Richard E. Monroe (at trial)
901 East St. Louis Street, Suite 107
Springfield, Missouri 65806
(417) 576-8853
(Last known address)

John M. Simpson (on appeal)
P.O. Box 22396
Kansas City, Missouri 64113
(816) 916-7141

I represented the United States in this case from its inception, as lead counsel at trial and on appeal. A jury convicted Rodriguez at trial of conspiracy to distribute methamphetamine, possession with intent to distribute methamphetamine, two counts of possession of a firearm by a prohibited person, and maintaining a premises for using and distributing methamphetamine. Rodriguez was sentenced to a term of imprisonment of over 24 years.

Rodriguez raised six points on appeal, arguing the district court erred by denying his motion to suppress statements, evidence obtained during a search of his automobile, and evidence obtained during a search of his residence. He also claimed the court erred in denying his motions for judgment of acquittal on the basis of insufficiency of the evidence, and that the court incorrectly calculated his offense level and criminal history points. The Eighth Circuit rejected Rodriguez's arguments and affirmed each of the district court's rulings.

6. *United States v. Efrain Orozco*

Western District of Missouri Case No. 10-03043

The Honorable Richard E. Dorr (at trial) and Greg Kays (on remand)

United States District Court for the Western District of Missouri

700 F.3d 1176 (8th Cir. 2012), 534 Fed.Appx. 572 (8th Cir. 2013)

The Honorable Michael J. Melloy, C. Arlen Beam, and Duane Benton

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) May 2012 – October 2013

Co-Counsel: None

Opposing Counsel: For Defendant-Appellant Efrain Orozco,
Stuart P. Huffman (on appeal)
Whiteaker & Wilson, P.C.
1848 South Country Hill Lane
P.O. Box 3758
Springfield, Missouri 65808
(417) 882-7400

Erica Mynarich (on remand)
Carver, Cantin, and Mynarich, LLC
901 East St. Louis Street, Suite 1600
Springfield, Missouri 65806
(417) 831-6363

Appellant Efrain Orozco was convicted at a jury trial of possession with intent to distribute cocaine and cocaine base and received a ten-year statutory mandatory minimum sentence and concurrent 97-month sentence. On appeal, Orozco argued that the stop of his tractor-trailer by the Missouri State Highway Patrol violated the Fourth Amendment, that the evidence was insufficient to convict him at trial, and that he was entitled to the benefit of the cocaine base provisions in the Fair Sentencing Act of 2010, which went into effect after Orozco committed his offense, but before he was sentenced. The U.S. Court of Appeals for the Eighth Circuit rejected the first two arguments and remanded the case to the district court to consider the third.

I represented the United States in this case at the U.S. Court of Appeals for the Eighth Circuit on appeal and before the U.S. District Court for the Western District of Missouri on remand. On remand, the district court considered Orozco's arguments for a reduced sentence but reimposed the original sentence. Orozco appealed again, but the Eighth Circuit rejected his argument and affirmed the sentence.

7. *United States v. Mario Riley*

684 F.3d 758 (8th Cir. 2012)

The Honorable James B. Loken, Steven M. Colloton, and Bobby E. Shepherd

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) February 2010 – July 2012

Co-Counsel: None

Opposing Counsel: For Defendant-Appellant Mario Riley,
Brian D. Risley
1441 East Primrose Street
Springfield, Missouri 65804
(417) 882-3333

I represented the United States at the district court level through sentencing and on appeal. Riley entered a conditional plea to possession with intent to distribute 500 grams or more of cocaine. Because of his prior conviction for a felony drug offense, Riley was sentenced to the enhanced mandatory minimum sentence of imprisonment for a term of 10 years. On appeal, Riley raised two arguments: that there was insufficient authority to stop, detain, or question him, or to search his vehicle; and that the search of his car was an unlawful search incident to arrest after *Arizona v. Gant*, 556 U.S. 332 (2009) and *Chimel v. California*, 395 U.S. 752 (1969). The Eighth Circuit rejected these arguments and affirmed the district court's rulings.

8. *United States v. Dennis Daniel Dunning*

666 F.3d 1158 (8th Cir. 2012)

The Honorable Lavenski R. Smith, Steven M. Colloton, and Raymond W. Gruender
United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) May 2009 – August 2016

Co-Counsel: None

Opposing Counsel: For Defendant-Appellant Dennis Daniel Dunning,
Stuart P. Huffman
Whiteaker & Wilson, P.C.
1848 South Country Hill Lane
P.O. Box 3758
Springfield, Missouri 65808
(417) 882-7400

I represented the United States at the district court level through sentencing, and on appeal. Dunning entered a conditional plea to being a felon in possession of a firearm. Over Dunning's objection, the district court sentenced him as an armed career criminal and imposed a sentence of imprisonment for a term of 188 months. On appeal, Dunning argued that the district court erred by denying his motion to suppress evidence found during a search of his person, property, and vehicle, as well as incriminating statements. The Eighth Circuit rejected Dunning's arguments and affirmed the district court's evidentiary rulings and his status as an armed career criminal.

9. *United States v. Marcellus J. Watson*

Western District of Missouri Case No. 10-03007

The Honorable Richard E. Dorr

United States District Court for the Western District of Missouri

650 F.3d 1084 (8th Cir. 2011)

The Honorable Kermit Edward Bye, Michael J. Melloy, Laurie Smith Camp

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) January 2011 – May 2013

Co-Counsel: The Honorable David P. Rush (at trial)
United States Magistrate Judge
222 North John Q. Hammons Parkway
Springfield, Missouri 65806
(417) 865-3761
(Formerly Assistant United States Attorney)

Opposing Counsel: For Defendant-Appellant Marcellus J. Watson,
David R. Mercer
901 East St. Louis Street, Suite 801
Springfield, Missouri 65806
(417) 873-9022

I represented the United States as co-counsel at trial and as counsel of record on appeal. Watson was convicted at a jury trial of being a felon in possession of a firearm and sentenced to imprisonment for a term of 48 months. On appeal, Watson argued that officers' testimony about their observations violated the Confrontation Clause of the Constitution, that video recordings of interviews with him were irrelevant, that records contained in his penitentiary packet were not self-authenticating documents, and that his prior conviction for possessing a firearm while committing a felony was not a crime of violence under the residual clause of the Sentencing Guidelines. The Eighth Circuit rejected Watson's arguments and affirmed the district court's rulings.

10. *United States v. Claude X, et al*

Western District of Missouri Case No. 08-03109

The Honorable Richard E. Dorr

United States District Court for the Western District of Missouri

648 F.3d 599 (8th Cir. 2011)

The Honorable Kermit Edward Bye, Michael J. Melloy, Laurie Smith Camp

United States Court of Appeals for the Eighth Circuit

Dates of Representation: (Plaintiff-Appellee United States) January 2011 – August 2011

Co-Counsel: The Honorable David P. Rush (at trial)

United States Magistrate Judge
222 North John Q. Hammons Parkway
Springfield, Missouri 65806
(417) 865-3761
(Formerly Assistant United States Attorney)

Opposing Counsel: For Defendant-Appellant Claude X,
Robert D. Lewis
435 East Walnut Street
Springfield, Missouri 65806
(417) 849-9834

Claude X was the leader of a drug trafficking organization in Springfield, Missouri, which distributed cocaine, cocaine base, heroin, marijuana, and prescription drugs. X's organization referred to itself as "the Family" and largely consisted of young women from troubled backgrounds, whom X recruited, groomed, and ultimately came to control, often marking them with "X" tattoos to claim ownership of them.

I represented the United States from the inception of this case, as lead counsel at trial, and on appeal. At trial, the jury convicted X of conspiracy to distribute numerous controlled substances, four counts of possession with intent to distribute controlled substances, two counts of distribution, two counts of distribution near a school, possession of a firearm in furtherance of a drug trafficking offense, and being a felon in possession of a firearm. X was sentenced to life in prison without parole. X appealed the denial of his motion to suppress evidence obtained during a car stop and the district court's ruling that the sale of drugs and a firearm together constituted use of a firearm during a drug trafficking crime. The Eighth Circuit rejected X's argument and affirmed the district court's ruling.

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

In or about June 2006, as a young Marine Corps captain, I was the most junior trial counsel (military prosecutor) assigned to a prosecution team specially assembled to investigate and prosecute U.S. service members involved in the death of one Iraqi civilian in the city of Hamdania, and the deaths of 24 Iraqi civilians in the city of Haditha, in Anbar Province, Iraq. In January 2007, two other members of the prosecution team and I deployed to Anbar Province, Iraq. We conducted a survey of the site of the incident in Haditha and interviewed several of the surviving witnesses. Ultimately, none of the witnesses agreed to come to the United States to testify at trial. I completed my active service obligation in June 2007 and transferred my commission to the Marine Corps

Reserve prior to the completion of these cases. Some of the service members entered into plea agreements prior to my departure, but all of the trials of remaining defendants occurred after I left active duty.

In 2013, while I was an Assistant United States Attorney in the Western District of Missouri, I mobilized and deployed with the 1st Marine Expeditionary Force (Forward), which became the command element of the NATO-led force in Southwest Afghanistan upon deployment. In this capacity, I provided international and operational law advice to the commanding general and subordinate commanders of Regional Command (Southwest) and oversaw detainee operations and the training of incoming troops in the rules of engagement. On occasion, I accompanied patrols of U.S. Marines as they moved around rural villages in Helmand Province to obtain a more accurate understanding of conditions experienced by the troops requesting fire support. During these patrols I experienced both the bombing of my vehicle by an improvised explosive device, and an unsuccessful attack by an enemy sniper. I returned to the United States in September 2014, demobilized, and returned to the United States Attorney's Office in October 2014.

In April 2016, four teenagers and one adult conspired to and did kill a Mexican national who had come to Southwest Missouri to collect a drug debt of more than \$40,000 from one of the conspirators. The conspirators lured the deceased to a residence in rural Webster County, Missouri, where they ambushed and shot him to death. I was assigned to prosecute in federal court all but the youngest of the perpetrators, who was a juvenile under federal law. The case generated a substantial amount of attention in the local news media due to the young age of the defendants and the criminal involvement of the victim. All of the defendants charged in federal court have entered guilty pleas, but none have been sentenced; the remaining defendant has charges pending in state court.

From approximately January to May 2002, while in law school, I interned for a law firm in Jefferson City, Missouri, that also conducted lobbying activities in the Missouri legislature. Out of an abundance of caution, the firm registered me as a lobbyist with the Missouri Ethics Commission. My responsibilities, however, were strictly limited to monitoring debates and votes in the House and Senate, and committee hearings; I never engaged in any lobbying activities with any elected or appointed official, staff member, or government agency.

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

None.

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

customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

None.

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

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

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

Please see my attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest, and am aware of no such conflicts. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

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

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

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

My entire legal career has been committed to service to the American public, in the areas of national security and criminal justice. In particular, my work as a prosecutor directly benefits the victims of crimes and indirectly benefits the public by reducing and deterring the victimization of others.

I have served as a member and officer of the board of directors of a non-profit organization that provides assistance, resources, education, and counseling to young individuals and families in crisis situations, and a director of a non-profit pre-kindergarten through 12th grade school. My service on these boards has been influenced by my legal training and experience, and both organizations are dedicated to making the services and benefits they provide accessible to the disadvantaged at no cost or at a reduced cost.

My wife and I are both strong advocates for domestic and international adoption, foster care, and orphan care. We are involved in the giving of our time and financial resources to local and international organizations dedicated to these concerns, as well as to direct poverty relief of the families of four specific children in developing countries.