

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John Michael Gallagher

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

United States District Judge for the Eastern District of Pennsylvania

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.

U.S. Attorney's Office
504 W. Hamilton Street, Suite #3701
Allentown, Pennsylvania 18101

Residence: Emmaus, Pennsylvania

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

1966; Queens, 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.

1990 – 1994, New York Law School; J.D., 1994

1985 – 1989, Long Island University; B.S., 1989

1984 – 1985, State University of New York at Stonybrook; no degree

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.

2014 – present
United States Attorney's Office
Eastern District of Pennsylvania
504 West Hamilton Street, Suite 3701
Allentown, Pennsylvania 18101
Chief of Allentown Branch Office

2004 – present
United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
Assistant United States Attorney

2003 – 2004
Miami Police Department
Police Headquarters
400 NW 2nd Avenue
Miami, Florida 33128
Assistant Chief of Police, Administration Division

2001 – 2003
United States Attorney's Office
District of New Mexico
201 3rd Street NW, Suite #900
Albuquerque, New Mexico 87102
Assistant United States Attorney and Civil Rights Coordinator

2000 – 2001
United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue NW
Washington, D.C. 20530
White House Fellow, Counsel to Attorney General

1998 – 2000
Philadelphia Police Department
Police Headquarters
750 Race Street
Philadelphia, Pennsylvania 19106
Special Counsel to Police Commissioner

1997 – 1998
Monroe County District Attorney's Office
Monroe County Courthouse
610 Monroe Street

Stroudsburg, Pennsylvania 18360
Assistant District Attorney

1996 – 1997
New York City Police Department
Police Headquarters
One Police Plaza
New York, New York 10007
Assistant Special Prosecutor

1994 – 1996
Bronx County District Attorney's Office
198 East 161st Street
Bronx, New York 10451
Assistant District Attorney

1989 – 1994
New York City Police Department
28th Precinct - Harlem New York
2271-89 Frederick Douglass Boulevard
New York, New York 10027
Police Officer, Community Patrol Officer/Plainclothes Anti-Crime Officer

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 did not serve in the military. I registered for the selective service upon my 18th birthday.

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.

As a New York City Police Officer (1989 – 1994), I received department awards, commendations and recognition at various times for “exceptional police service,” and “meritorious police service.”

White House Fellow (2000 – 2001). Presidentially appointed commission in America’s most prestigious program for leadership and public service. Selected to serve as Counsel to Attorneys General Janet Reno and John Ashcroft.

At the U.S. Department of Justice, I have received the following honors and awards:

Certificate of Appreciation, United States Attorney/Eastern District of Pennsylvania,

Service as Special Advisor to Police Commissioner (2000)

Award of Recognition, United States Attorney General Janet Reno, *Service as White House Fellow (2000)*

Award of Recognition, United States Attorney General John Ashcroft, *Service as White House Fellow (2001)*

Award of Recognition, ATF Philadelphia, *Project Safe Neighborhood (2005)*

Award of Recognition, FBI Philadelphia Squad 2, *United States v. Robert Merritt (2006)*

Administrator's Award for Excellence, DEA Administrator, *Operation White Market (2008)*

Top Street Gang/Narcotics Investigation, Northeast Region, FBI, *Operation Easton Sweep (2010)*

Certificate of Recognition, FBI Director, Investigation and prosecution of the *Bethlehem Sun Tribe of the Almighty Latin Kings Queens Nation (2011)*

Outstanding Prosecutor Award, Pennsylvania Narcotics Officers Association, Investigation and prosecution of the *Bethlehem Sun Tribe of the Almighty Latin Kings Queens Nation (2011)*

Commendation, Emmaus Police Department, *United States v. Trammel Bledsoe, et al. (2012)*

Certificate of Recognition, FBI Director, *United States v. Dale Mentzer et al. (2014)*

Associate Attorney General Award for Distinguished Service, *United States v. Kaboni Savage et al. (2014)*

Award of Recognition, FBI Director, *United States v. Kaboni Savage et al. (2014)*

Outstanding Prosecutor Award, Philadelphia/Camden High Intensity Drug Trafficking Areas, *United States v. Kaboni Savage et al. (2014)*

Director's Award for Superior Performance, Executive Office of U.S. Attorneys, *United States v. Kaboni Savage et al. (2015)*

National Prosecutorial Award, Federal Law Enforcement Association, *United States v. Kaboni Savage et al. (2015)*

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.

None.

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 State, 1995
Commonwealth of Pennsylvania, 1997

There have been no lapses in membership.

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

United States District Court, District of New Mexico, 2001
United States District Court, Eastern District of Pennsylvania, 2004

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.

Police Executive Research Forum, Washington, D.C. (2003 – present)

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

I do not now, nor have I ever, held membership in any organization that invidiously discriminates 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.

“Men From Queens Made Hockey Safer,” *The Queens Chronicle*, May 25, 2017. Copy supplied.

With Valmore James, *Black Ice: The Val James Story* (2015). 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.

Police Executive Research Forum, member of advisory panel, *Handling Large, Preplanned Events: Recommendations from Preparations for the 2016 National Political Conventions*, 2018. Copy supplied.

Police Executive Research Forum, member of advisory panel, *The Unprecedented Opioid Epidemic: Police, Sheriffs, and Health Agencies Must Step Up Their Responsibilities*,” 2017. Copy supplied.

Police Executive Research Forum, member of advisory panel, *Re-Engineering Training on Police Use of Force*, 2015. Copy supplied.

Office of Community Oriented Policing Services (U.S. Department of Justice) and Police Executive Research Forum, member of advisory panel, *Labor and Management: Collaborating to Address Key Challenges in Policing*, 2015. Copy supplied.

Police Executive Research Forum, member of advisory panel, *Managing Major Events: Best Practices from the Field*, 2011. Copy supplied.

City of Cambridge, member of advisory panel, *Missed Opportunities, Shared Responsibilities: Final Report of the Cambridge Review Committee*, 2010. Copy supplied.

Police Executive Research Forum, member of advisory panel, *Police Management of Mass Demonstrations*, 2006. Copy supplied.

Police Executive Research Forum, member of advisory panel, *Understanding Race Data from Vehicle Stops*, 2005. Copy supplied.

Police Executive Research Forum, member of advisory panel, *Exploring the Challenges of Police Use of Force*, 2005. Copy supplied.

Police Executive Research Forum, member of advisory panel, *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*, 2004. 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.

January 2018: Panelist, "Sanctuary Cities and Their Impact on Community Safety," University of Pennsylvania Law School, American Inn of the Court. I have no notes, transcript or recording. The facilitator was Antonio Pozos, Esquire, One Logan Square, Suite 2000, Philadelphia, Pennsylvania 19103.

March 2018: Panelist: "Sanctuary Cities and Their Impact on Community Safety," Temple University, Osher Learning Institute, March 2018. I have no notes, transcript or recording. The facilitator was Professor Lynn A. Marks, Osher Lifelong Learning Institute, Temple University Center City, 1515 Market Street, Suite 400, Philadelphia, Pennsylvania 19102.

- 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.

Bethlehem Biofuel Entrepreneur Convicted in Renewable Energy Fraud Trial, Morning Call, May 01, 2019. Copy supplied.

Texas Man Pleads Guilty to Impersonating Celebrities to Get Martin Guitars,

Morning Call, Jan 17, 2019. Copy supplied.

Allentown Car Explosion: "A Miracle" No One Else Got Hurt, Federal Official Says, Morning Call, October 05, 2018. Copy supplied. Video available at <https://www.youtube.com/watch?v=6WbxUVMiytE>.

Kaboni Savage: The Philly Menace, Gangsters on Reelz television documentary series, April 2018. Copy supplied.

\$2.47 Million Lehigh University Frat Scam Means Jail for 78-Year-Old, Lehigh Valley Live, February 22, 2017. Copy supplied.

Biofuel Company Owners Charged in \$50 Million Scam, Morning Call, December 23, 2015. Copy supplied.

John Gallagher '94 Collaborates on the Autobiography of Valmore James, a Pioneering Hockey Player, New York Law School Magazine, November 2015. Copy supplied.

Black Ice is Tale of NHL Pioneer Val James, Philadelphia Inquirer, March 27, 2015. Copy supplied.

Week in the Valley: Newsmaker Q&A, Morning Call, March 8, 2015. Copy supplied.

Longtime Federal Judge Arnold Rapoport Dies, Morning Call, November 30, 2014. Copy supplied.

Final Note Played in Bogus Guitar Case, Morning Call, April 11, 2014. Copy supplied.

Feds: Members of Texas Rock Band Financed Tour Through Counterfeiting Scheme, Houston Chronicle, April 11, 2014. Copy supplied.

Federal Jury Convicts Robber, Express-Times, December 4, 2010. Copy supplied.

Pipe Bombs Get Man 42 Months in Prison, Morning Call, July 13, 2010. Copy supplied.

Prosecutors Say Lower Macungie Drug Raid Also Turned Up Bombs, Morning Call, January 6, 2010. Copy supplied.

Allentown Man Butts In on Judge at Sentencing: 'Get On With It,' Trammel Bledsoe says Before Being Sentenced to 41 Years, Morning Call, October 2, 2009. Copy supplied.

Allentown Lawyer on Gates Arrest Review Panel, Morning Call, October 1, 2009. Copy supplied.

Drug Kingpin Pleads Guilty, Express-Times, March 27, 2009. Copy supplied.

Hero Worship of Criminal Kind, Express-Times, February 28, 2009. Copy supplied.

Three Admit Roles as Dealers for Cocaine Ring: Multi-State Crack Operation was Run Out of Easton House, Express-Times, December 5, 2008. Copy supplied.

Drug Busts Making a Dent in Easton, Express-Times, November 2, 2008. Copy supplied.

15 Years in Jail for Drug Dealer: Bushkill Township Man Sold Pot, Meth from His Home, Express-Times, September 3, 2008. Copy supplied.

Easton Man Headed to Prison for 36 Years, Express-Times, April 8, 2008. Copy supplied.

Cocaine Dealer Gets 36 Years, Lehigh Valley Live, April 7, 2008. Copy supplied.

Easton Cocaine Gang Smashed: Officials Believe They'll Get Information from Suspects to Help Solve Triple Homicide, Morning Call, March 14, 2008. Copy supplied.

Dozens Indicted as Cops Target \$1 Million Cocaine Ring, Express-Times, March 14, 2008. Copy supplied.

Feds: Defendants Played Name Game, Morning Call, January 26, 2008. Copy supplied.

New York Man Gets 13 Years for Gun Offenses, Reading Eagle, September 27, 2007. Copy supplied.

Man Guilty of Selling Meth: John Riccio of Wind Gap Ran Distribution Operation, Express-Times, June 13, 2007. Copy supplied.

Easton Man Sentenced to 41 Years in Federal Prison, Morning Call, January 6, 2007. Copy supplied.

Busted: Nine Arrested in Takedown of "Valley's Largest Cocaine Ring," Morning Call, December 8, 2006. Copy supplied.

Drug Kingpin Sentenced to 25 Years, Morning Call, June 27, 2006. Copy supplied.

Allentown Area to Get Third Federal Prosecutor, Morning Call, March 21, 2005. Copy supplied.

Man Guilty of Drug, Gun Rap, Chester County Daily Local News, July 17, 2004. Copy supplied.

U.S. Evaluation of Police Flaws Gets Mixed Reaction in Miami, Miami Herald, March 15, 2003. Copy supplied.

Activists' Claims of Police Abuse Thin on Proof, Philadelphia Inquirer, August 20, 2000. Copy supplied.

Volunteer Medics Sue City; Say Police Stopped Them Illegally, Philadelphia Daily News, August 15, 2000. Copy supplied.

Amtrak Officer's Victim was Mentally Ill, Family says Robert Brown was Slain as he Wielded a Chair at 30th St. Station, Taunting Police. The Shooting has led to a Call for Better Training, Philadelphia Inquirer, July 20, 2000. Copy supplied.

Officials: Confiscate Illegal Cars Police, Judges Want Unregistered, Uninsured Vehicles and Unlicensed Drivers off the Roads, Philadelphia Daily News, April 27, 2000. Copy supplied.

Fewer Homeless on Center City Streets with the Much-Debated Sidewalk-Behavior Law Came More Money for Support Services, Philadelphia Inquirer, February 11, 2000. Copy supplied.

Towed to the Cleaner Some Owners Get Shafted by System, Philadelphia Daily News, December 21, 1999. Copy supplied.

Character Typed: A Look at The Police Department's New Anti-Profiling Video, Philadelphia Weekly, September 15, 1999. Copy supplied.

Anti-Drug Drive in Leading the Fight, Top Cop Rides in Style, Philadelphia Daily News, August 31, 1999. Copy supplied.

2,350 Set for New Police Test, Philadelphia Daily News, August 12, 1999. Copy supplied.

Two Irish Cops Form Special Bond Here, Philadelphia Daily News, July 30, 1999. Copy supplied.

Positive Numbers Seen on Homeless Early Results of the Sidewalk-Behavior Law are Favorable, Supporters and Former Opponents Say, Philadelphia Inquirer, June 22, 1999. Copy supplied.

City, ACLU Settle Suit Over Homeless, the Civil-Liberties Group will Monitor how Phila. Police Deal with People Living on the Street, Philadelphia Inquirer, June 3, 1999. Copy supplied.

Phila.'s Contentious Law on Homeless Takes Effect the Sidewalk-Behavior Bill Offers More Services. It Also Lets Police Ticket Those Not Moving Along, Philadelphia Inquirer, January 18, 1999. Copy supplied.

Rapist Sentenced under Megan's Law: Man Who Assaulted Boy Deemed Monroe's First "Sexual Predator," Pocono Record, March 14, 1998. Copy supplied.

Cocaine Ringleader Cops Plea, Gets Jail, Pocono Record, March 13, 1998. Copy supplied.

Resort Worker Guilty of Rape, Pocono Record, March 12, 1998. Copy supplied.

Student Guilty of Indecent Assault, Pocono Record, November 25, 1997. Copy supplied.

Jury Convicts Man of Pistol-Whipping Woman, Pocono Record, September 9, 1997. Copy supplied.

Jury Quickly Convicts Man of Molesting Boy, 9, Pocono Record, July 3, 1997. Copy supplied.

On The Beat / John Gallagher, Newsday, January 12, 1994. Copy supplied.

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

I have not previously held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]
civil proceedings: _____%

criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant

or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not previously been a candidate for, nor a holder of, public office.

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

I have not held office in any political party or election committee, nor have I held a position or played a role in a political campaign.

16. Legal Career: Answer each part separately.

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

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

I have not served as a clerk to a judge.

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

I have not practiced alone.

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

of your affiliation with each.

1994 – 1996
Bronx County District Attorney's Office
198 E. 161st Street
Bronx, New York 10451
Assistant District Attorney

1996 – 1997
New York City Police Department
Special Prosecutor's Office
Police Headquarters
One Police Plaza
New York, New York 10007
Assistant Special Prosecutor

1997 – 1998
Monroe County District Attorney's Office
Monroe County Courthouse
610 Monroe Street
Stroudsburg, Pennsylvania 18360
Assistant District Attorney

1998 – 2000
Philadelphia Police Department
Police Headquarters
750 Race Street
Philadelphia, Pennsylvania 19106
Special Counsel to Police Commissioner

2000 – 2001
United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue NW
Washington, D.C. 20530
White House Fellow/Counsel to Attorney General

2001 – 2003
United States Department of Justice
United States Attorney's Office
District of New Mexico
201 3rd Street NW, Suite #900
Albuquerque, New Mexico 87102
Assistant United States Attorney/Civil Rights Coordinator

2004 – present

United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
Assistant United States Attorney

2014 – present
United States Attorney's Office
Eastern District of Pennsylvania
504 West Hamilton Street, Suite 3701
Allentown, Pennsylvania 18101
Chief of Allentown Branch Office

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I have been in public service throughout my entire career. Since 2004, I have served as a federal prosecutor in the U.S. Attorney's Office in the Eastern District of Pennsylvania, assuming the additional duties as chief of the Allentown Branch Office in 2014. I have previously worked as a local prosecutor, as an assistant district attorney, in Bronx County, New York and Monroe County, Pennsylvania. I was also a prosecutor of police misconduct cases prosecuted before an administrative trial forum in the New York City Police Department. I have also held advisory roles in the Philadelphia and Miami police departments wherein I used my legal experience in the development of policies and training intended to make the departments more effective in fighting crime and more professional in their interactions with the communities being served.

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

I have been a courtroom prosecutor for approximately 20 of the 25 years that I have been a licensed attorney. The remaining time has been as counsel focused on the development on policies intended to reduce crime, and improve relations between police officers and the communities they serve.

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: 75%
2. state courts of record: 25%
3. other courts: ___%
4. administrative agencies: ___%

ii. Indicate the percentage of your practice in:

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

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

I have tried an estimated 60 to 70 cases to verdict or final decision. I was sole counsel in approximately 90% of these cases, and co-counsel in the rest.

i. What percentage of these trials were:

1. jury: 80%
2. non-jury: 20%

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.

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. *United States v. David Dunham, et al.* (Smarter Fuel); U.S. District Court, Eastern District of Pennsylvania, Docket No. 15-CR-602, 2019

My co-counsel and I successfully prosecuted a four-week green energy fraud trial pertaining to the defendant's schemes to defraud tens of millions of dollars from government programs that provided monetary subsidies for the production of "green" fuels as an alternative to petroleum-based products. After the guilty plea of his business partner and co-conspirator, the jury convicted the defendant of 54 counts of conspiracy to defraud the United States, obstruction of the Internal Revenue Service, obstruction of the United States Department of Agriculture, wire fraud and filing false tax returns.

Judge:

Hon. Jeffrey L. Schmehl, Judge, U.S. District Court

Co-counsel:

Adam Cullman
Trial Attorney, U.S. Department of Justice
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Crimes Section
P.O. Box 7611
Washington, DC 20044
202-532-5970

Defense counsel:

Mark Cedrone, Esq.
123 S. Broad Street, Suite 810
Philadelphia, Pennsylvania 19109
215-925-2500

Caroline Goldner Cinqunto, Esq.
1518 Walnut Street, Suite 807
Philadelphia, Pennsylvania 19102
267-565-7412

2. *United States v. Kaboni Savage, et al.*; U.S. District Court, Eastern District of Pennsylvania, Docket No. 07-CR-550, 2013

My co-counsel and I successfully prosecuted an eight-month capital case trial, charging murder and racketeering against Kaboni Savage and members of his

violent, North Philadelphia drug enterprise. Savage and his associates were convicted of 12 murders, including the arson murder of two women and four children who were burned to death to avenge the testimony of a former associate of the enterprise. As a result, Savage has been held accountable for more murders than any person in the history of Pennsylvania and he became the first federal defendant to be sentenced to death in the 200 year history of the Eastern District of Pennsylvania.

Judge:

Hon. R. Barclay Surrick, Judge, U.S. District Court

Co-counsel:

David Troyer
Assistant U.S. Attorney
United States Attorney's Office, Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
215-861-8475

Steven Mellin
Assistant U.S. Attorney
1000 Louisiana Street, #2300
Houston, Texas 77002
713-567-9390

Defense counsel for Kaboni Savage:

William Purpura, Esq.
8 E. Mulberry Street
Baltimore, Maryland 21202
410-727-8550

Christopher Hoey, Esq.
50 Darby Road
Paoli, Pennsylvania 19301
484-320-7388

3. *United States v. Rickie Durham*, U.S. District Court, Eastern District of Pennsylvania, Docket No. 09-CR-405, 2010

My co-counsel and I successfully prosecuted this police corruption trial of a Philadelphia police detective who tipped-off notorious drug kingpin, Alton Coles, a/k/a Ace Capone, that law enforcement was minutes away from executing search warrants on Coles' residence and his drug business. The betrayal of his oath by

this law enforcement officer greatly enhanced the dangers to his partners in executing the warrants, and resulted in the destruction of evidence. Durham was convicted and sentenced to federal prison.

Judge:

Hon. Timothy J. Savage, Judge, U.S. District Court

Co-counsel:

Michael Bresnick, Esq. (former Assistant U.S. Attorney)
600 Massachusetts Avenue NW
Washington, DC 20001
202-344-4583

Defense counsel:

Fortunato Perri, Esq.
1845 Walnut Street, 19th floor
Philadelphia, Pennsylvania 19103
215-981-0999

4. *United States v. Robert Merritt*, U.S. District Court, Eastern District of Pennsylvania, Docket No. 05-CR-035, 2006

I successfully prosecuted the gun possession trial of this defendant who was deemed an Armed Career Criminal under federal law as a result of his extensive criminal background. The case was notable as the defendant was then a suspect in the arson murder of the family of a cooperating witness in a federal drug case (see Kaboni Savage case above). The federal prosecution of this gun case removed this dangerous defendant from the streets until the arson case could be more fully investigated and charged.

Judge:

Hon. William H. Yohn, Jr., Judge, U.S. District Court (retired)

Defense Counsel:

Harry Seay, Esquire (deceased).

5. *United States v. Eduardo Jimenez, et al.* (“Operation White Market”), U.S. District Court, Eastern District of Pennsylvania, Docket No. 06-CR-701, 2008

I successfully prosecuted the “Mafia El-Don” drug organization, which was identified by the DEA to be the primary supplier of cocaine to Allentown and

other cities in the Lehigh Valley area. We successfully charged and prosecuted ten defendants, seizing 44 kilograms of cocaine and \$1.3 million in cash. Only one defendant went to trial (Jeffrey Riggins), at which he was convicted. All remaining defendants pled guilty and received substantial sentences.

Judge:

Hon. Thomas M. Golden, Judge, U.S. District Court (deceased)

Hon. Juan R. Sanchez, Judge, U.S. District Court (trial judge)

Defense counsel at trial:

William McAlroy, Esq.
101 E. Moreland Avenue
Hatboro, Pennsylvania 19040
215-773-0543

6. *United States v. Sean Rogers, et al.* (“Operation Easton Sweep”), U.S. District Court, Eastern District of Pennsylvania, Docket No. 08-CR-41, 2009

I successfully prosecuted the individual then identified by the FBI as the primary supplier of cocaine to the City of Easton. After developing a solid case on the primary target, we then targeted two dozen street dealers identified by local officials as chronic lawbreakers. Several of the street-level distributors were convicted at trial. All remaining defendants pled guilty and received substantial sentences. Easton city officials credited the success of the prosecution with reducing to nearly zero the number of firearm related crimes in the subsequent year.

Judge:

Hon. Harvey Bartle III, Judge, U.S. District Court (Trial One)

Hon. James Knoll Gardner, Judge, U.S. District Court (deceased) (Trial Two)

Defense counsel at Trial One:

James Polyak, Esq. (defendant Mario Rivera)
645 Penn Street, #500
Reading, Pennsylvania 19601
610-376-5250

Marc Fisher, Esq. (defendant Julian Joseph)
2610 Walbert Avenue
Allentown, Pennsylvania 18104

610-437-4896

Benjamin Cooper, Esq. (defendant Oliver Simms)
123 South Broad Street, Suite 810
Philadelphia, Pennsylvania 19109
215-606-9633

Defense counsel at Trial Two:

John A. DiSantis, Esq. (defendant Kaseen Dobson)
115 West Miner Street
West Chester, Pennsylvania 19382
610-436-1266

William Cannon, Esq. (defendant Dorian Rawlinson)
Attorney Cannon has retired and relocated to Florida.

7. *United States v. Theodore Tinsley*, U.S. District Court, Eastern District of Pennsylvania, Docket No. 04-CR-4245, 2005; also appeal at *United States v. Tinsley*, 172 F. App'x 431 (3d Cir. 2006)

I successfully prosecuted the drug and gun possession trial of this defendant who violently fought his arresting officer for control of a machine pistol in the streets of Coatesville. I also successfully wrote and argued the appeal before the United States Court of Appeals for the Third Circuit, which affirmed on all issues, including my argument that the district court did not violate the defendant's right to "counsel of choice" when granting the government's motion to disqualify counsel as a possible fact witness in the trial.

Judges:

Hon. Petrese B. Tucker, Judge, U.S. District Court (Trial)

Hon. Franklin Van Antwerpen, United States Circuit Judge for the Third Circuit,
Hon. Theodore A. McKee, United States Circuit Judge for the Third Circuit, Hon.
Eugene E. Siler, Jr., United States Circuit Judge for the Sixth Circuit, sitting by
designation (appellate argument)

Defense Counsel:

David Kozlow, Assistant Federal Defender (deceased)

8. *City of New York Police Department v. Michael Walsh*, Office of the Deputy Commissioner of Trials, Case No. 71331/96, 1997

I successfully prosecuted this New York City Police Department narcotics

supervisor in an administrative bench trial charging him with protecting and transporting large sums of cash for the owner of the Limelight, a New York City nightclub notorious for open drug distribution and usage. The Respondent was convicted and his employment with the police department was terminated.

Judge:

Hon. Rae Downes Koshetz, Administrative Law Judge

Defense Counsel:

Philip Karasyk
233 Broadway, Suite 2340
The Woolworth Building
New York, New York 10279
212-233-3800

9. *Commonwealth of Pennsylvania v. Charles Carter*, Monroe County (PA) Court of Common Pleas, Docket No. CP-45-CR-030-1997, 1998

I successfully prosecuted the kidnapping and rape trial of this defendant who sought to minimize and discredit his victim based on her history as a prostitute and drug addict. The victim courageously and credibly faced her attacker in court. The defendant was a repeat sexual offender, a fact not shared with the jury.

Judge:

Hon. Ronald E. Vican, Monroe County (PA) Court of Common Pleas

Defense counsel:

Michael Muth, Esq.
98 Day Street
East Stroudsburg, Pennsylvania 18301
570-420-3496

10. *Commonwealth of Pennsylvania v. Christopher Anderson*, Monroe County (PA) Court of Common Pleas, Docket No. CP-365-JV-1997, 1998

I successfully prosecuted the rape trial of this defendant for the sexual assault of a student at Stroudsburg High School, on school property, during the school day. At the time of the assault, the defendant was a member of the senior class, and the victim was a freshman.

Judge:

Hon. Jerome P. Cheslock, Monroe County (PA) Court of Common Pleas

Defense counsel:

Bobby Hoof, Esq.
1420 Walnut Street
Philadelphia, Pennsylvania 19102
215-893-9770

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

I have handled a large number of additional legal matters that have not proceeded to trial yet have involved varying degrees of litigation. As a criminal prosecutor, I have litigated countless hearings on challenged criminal matters. In addition to my trial work, there are many hundreds of other cases in which I have indicted criminals before the grand jury, litigated probable cause before a magistrate, argued suppression and other evidentiary matters before a trial court, or otherwise advocated in a courtroom for justice on behalf of the victims of crime.

While on the personal staffs of two United States Attorneys, I participated in policy development projects for priority issues including police integrity, racial profiling, and federal gun prosecutions.

As an advisor to the police chief in Philadelphia and Miami, my responsibilities requiring legal analysis included the development of new policies and training intended to increase the effectiveness and professionalism of the departments, and improve relationships between police and the communities being served. This included the development of a formal prohibition of racial profiling in Philadelphia, believed to be the first such policy in major city policing, and new use of force policies and training in Miami, which reduced to zero the number police-involved shootings during my tenure and beyond.

I have never acted or registered as a lobbyist.

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 was an adjunct professor in the Criminal Justice program at DeSales University in Allentown for approximately six semesters between 2007 and 2014. I taught Ethics in

Criminal Justice (CJ 503), and the Criminal Justice Senior Seminar (CJ 453). Syllabi supplied.

I was an adjunct professor at Montgomery Community College in Blue Bell for approximately four semesters from 2005 through 2007. I taught Criminal Law (CJS 105), and Law of Evidence (CJS 115). Syllabi supplied.

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

None.

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

None.

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

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

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

Please see attached financial 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 aware of no matters involving family members or other persons, parties, categories of litigation, of financial arrangements that are likely to present a potential conflict-of-interest.

As a supervisory Assistant U.S. Attorney, I am personally handling numerous active investigations and prosecutions. As a judge, I would recuse myself from any matter for which I was either the assigned prosecutor or for which I supervised the case.

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

In actual conflict of interest situations based on my current position as an Assistant U.S. Attorney, I would recuse myself from any and all criminal cases and investigations in which I participated or supervised. In other potential conflict of interest situations, I would disclose all relevant information to all parties, invite the parties to be heard, and then rule on recusal based upon the application of all pertinent judicial guidelines. In reviewing actual or potential guidelines, I would be guided by 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States judges, and any other laws, rules, and practices governing such circumstances.

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 my entire career has been in public service, the Department of Justice places limits on certain traditional areas of pro bono work. For instance, department attorneys may not participate in any criminal matters outside of work. Moreover, we are required to avoid pro bono or other volunteer service that creates or appears to create a conflict of interest with our work. However, I have always strived to participate in less formal activities that further my interest in service to others. For instance, from 1991 through 2001, I was a volunteer coach in the Ice Hockey in Harlem program in New York City, a program that introduces underprivileged children to a new sport, emphasizing classroom academic tutoring with the incentive of on-ice participation. Moreover, I regularly participate in review committees focused on improving how we police in our free society. I participate each year in "Law Day," a mock trial program for local high schools, administered by the U.S. District Court, and held at the federal courthouse in Reading, Pennsylvania. I have frequently accepted invitations from the Allentown police department to play "midnight basketball" with police and youths from the local community.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so,

please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On September 26, 2018, I submitted my name to the Offices of Senator Toomey and Senator Casey for consideration for a vacancy on the U.S. District Court for the Eastern District of Pennsylvania. On February 13, 2019, I interviewed with the Senators' judicial nomination advisory panel in Philadelphia, Pennsylvania. On May 6, 2019, I interviewed with Senator Toomey in Allentown, Pennsylvania. On May 23, 2019, I interviewed with Senator Casey in Washington, D.C. On June 10, 2019, I interviewed with the White House Counsel's Office, and the Office of Legal Policy, of the Department of Justice, in Washington, D.C. Thereafter, I have communicated with officials of the White House Counsel's Office and the Office of Legal Policy.

- 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.