

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Joseph Patrick Kelly

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

United States Attorney for the District of Nebraska

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 Lancaster County Attorney
575 S. 10th Street
Lincoln, NE 68508

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

1956; Lexington, Nebraska

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 Nebraska College of Law, J.D. 1981 (attended August 1978 – May 1981)
University of Nebraska-Lincoln, B.A. 1978 (attended August 1974 – May 1978)

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.

COMPENSATED EMPLOYMENT

October 1990 – present
Lancaster County (NE) Attorney's Office
575 S. 10th Street
Lincoln, NE 68508

January 2011 – present, County Attorney (elected in 2010 and 2014)
2000 – 2011, Chief Deputy County Attorney
1990 – 2000, Deputy County Attorney

2015 – 2016
Adjunct Professor
University of Nebraska-Lincoln
Criminal Justice Department
109 Canfield, Administration
Lincoln, NE 68588

January 1987 – September 1990
Associate
Berniger, Berg and Diver, LLC
121 S. Tejon Street, #900
Colorado Springs, CO 80903

December 1981 – December 1986
Deputy County Attorney
Lancaster County Attorney's Office
575 S. 10th Street
Lincoln, NE 68508

September 1981 – December 1981 (est.)
Researcher
State of Nebraska
1526 K Street
Lincoln, NE 68508

February 1981 – July 1981 (est.)
Student Law Clerk
Lancaster County Attorney
575 S. 10th Street
Lincoln, NE 68508

September 1979 – January 1981 (est.)
Intern
Office of Governor Charles Thone
1526 K Street
Lincoln, NE 68508

May 1979 – September 1979
United States Army
Basic Training and Advanced Individual Training
481 Gold Vault Road
Ft. Knox, Kentucky 40121

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.

March 1979 (est.) – May 1985
Nebraska Army National Guard
PFC Armor
1st Lt. Army Judge Advocate General Corps
Honorably discharged in May 1985

I was not required to register for 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.

2010	Nebraska Law Enforcement Coordinating Committee Award
2002 – 2003	President, Nebraska County Attorney's Association
1977	Phi Beta Kappa

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.

1981 – present	Nebraska State Bar Association
2014 – present	Nebraska Supreme Court Committee on Problem Solving Courts
2017 – present	Federalist Society
2015 – 2017	Justice Reinvestment Coordinating Committee (NE)
2006 – 2012 (est.)	Nebraska State Bar Association House of Delegates
2006 – 2011 (est.)	Nebraska State Bar Association Legislative Committee member
2000 – 2004 (est.)	Inns of Court [Robert Van Pelt Inn]
1986 – 1989 (est.)	Colorado Springs Bar Association

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.

Nebraska, Admitted 1981. Active. No lapses in membership.

Colorado, Admitted 1987. 1987 – 1990. I voluntarily withdrew in 1990 because I would no longer be practicing in Colorado.

- b. List all courts in which you have been admitted to practice, including dates of

admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for Nebraska, Admitted 1981. No lapses in membership.

Nebraska State courts, Admitted 1981. No lapses in membership.

Colorado State courts, Admitted 1987 – 1990. Voluntarily withdrew in 1990 because I would no longer be practicing in Colorado.

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.

2011 – present	Child Advocacy Center of Southeast Nebraska
2010 – present	Lincoln Independent Business Association
2010 – present	Lincoln (NE) Chamber of Commerce
2008 – 2012 (est.)	Cornhusker Council, Boy Scouts of America
2006 – 2014 (est.)	Knolls Country Club
1990 – present	Lincoln (NE) YMCA
1990 – present	Nebraska County Attorneys Association
1990 – present	National District Attorneys Association
1990 – 1995 (est.) and 1981 – 1985 (est.)	Sigma Phi Epsilon Alumni Corporation (Nebraska Alpha)
1990 – 1994 (est.)	Make-A-Wish Foundation (Lincoln, NE)
1987 – 1989 (est.)	Pikes Peak Council, Boy Scouts of America

In addition, I have made financial contributions to charitable organizations over the years. 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 and did not otherwise participate in programmatic activities.

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

To 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:

Room for Improvement in Case. Lincoln Journal Star, March 16, 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.

I have done my best to identify any reports, memoranda or policy statements I prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases and do not have anything to submit.

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

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and 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 testimony.

Testimony before the Nebraska Legislature Judiciary Committee in my capacity

as the Lancaster County Attorney:

February 24, 2016 - Bill to open grand jury proceedings to the public. Copy supplied.

January 28, 2016 - Bill to prohibit drug 'look alike' substances. Copy supplied.

February 20, 2015 - Bill to change certain criminal penalties. Copy supplied.

February 11, 2015 - Bill to eliminate mandatory minimum sentences. Copy supplied.

February 6, 2014 - Bill to change probation and parole. Copy supplied.

March 13, 2013 - Bill to change the penalties for first degree murder. Copy supplied.

February 22, 2013 - Bill to eliminate certain aggravating circumstances. Copy supplied.

March 4, 2011 - Bill to change the penalty for first degree murder. Copy supplied.

January 27, 2011 - Bill to eliminate the statute of limitations for certain crimes. Copy supplied.

Testimony before the Nebraska Legislature Judiciary Committee in my capacity as the Chief Deputy Lancaster County Attorney:

March 26, 2009 - Bill changing certain elements of murder. Copy supplied.

February 6, 2009 - Bill to change the number of juvenile court judges. Copy supplied.

January 29, 2009 - Bill to change the method of capital punishment. Copy supplied.

February 1, 2008 - Bill to amend capital sentencing procedures. Copy supplied.

October 26, 2007 - Bill to amend juvenile court procedures. Copy supplied.

March 30, 2007 - Bill to amend capital punishment sentences. Copy supplied.

February 16, 2005 - Bill concerning drug offenses. Copy supplied.

January 26, 2005 - Bill to change elements of burglary. Copy supplied.

February 25, 2004 - Bill to amend DNA Testing Act. Copy supplied.

January 29, 2003 - Bill to change elements of burglary. Copy supplied.

January 29, 2003 - Bill to amend the existing hate crimes statutes. Copy supplied.

November 12, 2002 - Special session to amend death penalty statutes. Copy supplied.

January 30, 2002 - Bill to amend post-conviction appeal procedures. Copy supplied.

January 25, 2001 - Bill concerning 404 evidence. Copy supplied.

January 18, 2001 - Bill to change mental health petition procedures. Copy supplied.

- 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 speak without notes or from handwritten notes and very basic power point slides. I did not retain the majority of the handwritten notes 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:

May 13, 2014
Lincoln-Lancaster County Building
575 S. 10th Street
Lincoln, NE 68508
Copy supplied.

June 26, 2014
The Executive Club
US Bank Building
Lincoln, NE
PowerPoint outline supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

As the Lancaster County Attorney, I talk to print and electronic media reporters frequently although most conversations are very short, two minutes or less, and for the purpose of giving updates on current criminal or civil matters involving the Lancaster County Attorney's Office. My remarks are restricted to the nature of the charges filed in a case.

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 materials that I have been unable to identify. I have identified the following:

February 18, 2017
Lincoln Journal Star
Officials: Lincoln not a Sanctuary City of Lincoln, NE
Copy supplied.

January 19, 2016
Lincoln Journal Star
Grand Jury Clears Lincoln Police Officers Involved in Fatal Altercation
Copy supplied.

March 25, 2014
Lincoln Journal Star
Lancaster County Attorney to Look at Racial Disparity in Legal System
Copy supplied.

September 10, 2013
Lincoln Journal Star
Kelly: Good-Time Law Needs to be Re-evaluated
Copy supplied.

July 29, 2010
Lincoln Journal Star
Lancaster County Attorney's Office Files Charge Against DNA Profile
Copy supplied.

October 13, 2010
Lincoln Journal Star
Voter's Guide: Joe Kelly, Lancaster County Attorney
Copy supplied.

August 29, 2009
Lincoln Journal Star
Joe Kelly Launches Lancaster County Attorney Campaign
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.

Elected:

In November 2010, I was elected as the Lancaster County (NE) Attorney for a four year term. In November 2014, I was elected as the Lancaster County Attorney for a second term.

Unsuccessful Election:

In 1994, I ran unsuccessfully for a seat as a board member for the Lower Platte South, National Resources District.

Appointed by the Governor of Nebraska:

Nebraska Community Corrections Council:

August 2003 – 2009 by Governor Mike Johanns

August 2009 – 2012 by Governor Dave Heineman

Nebraska County Attorney Standards Advisory Council:

January 2004 – 2008 by Governor Mike Johanns

January 2008 – 2012 by Governor Dave Heineman

Nebraska Crime Commission:

January 2011 – December 2011 by Governor Dave Heineman

January 2012 – December 2017 by Governor Dave Heineman

Nebraska Crime Victims Reparations Committee:

January 2012 – 2016 by Governor Dave Heineman

January 2016 – 2020 by Governor Pete Ricketts

- 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 never held an office, position or official role in a political campaign. Since my election as County Attorney in 2010, I have attended a one-hour lunch each month for elected Republican county officials. I generally attend the annual Republican County Convention. I have never been a delegate to a state or national convention.

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 not served as a judicial law clerk.

- 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.

October 1990 – present

Lancaster County (NE) Attorney's Office

575 S. 10th Street

Lincoln, NE 68508

2011 – present, County Attorney (elected in 2010 and 2014)

2000 – 2011, Chief Deputy County Attorney

1990 – 2000, Deputy County Attorney

2015 – 2016

Adjunct Professor

University of Nebraska-Lincoln

Criminal Justice Department

109 Canfield, Administration

Lincoln, NE 68588

January 1987 – September 1990

Associate

Berniger, Berg and Diver, LLC

121 S. Tejon Street, #900

Colorado Springs, CO 80903

December 1981 – December 1986
Deputy County Attorney
Lancaster County Attorney's Office
575 S. 10th Street
Lincoln, NE 68508

September 1981 – December 1981 (est.)
Researcher
State of Nebraska
1526 K Street
Lincoln, NE 68508

- 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.

From 1987 to 1990, my work at the private law firm in Colorado Springs involved the litigation that came to the firm from bank and commercial real estate developers. Most of my work was in the nature of pre-trial discovery and depositions.

I have been a prosecutor for most of my career. My early years in the County Attorney's Office included the child support/paternity establishment, checks/forgery and DUI/traffic dockets. Most of the early trials were in Lancaster County Court.

From 1990 to 2000, I was assigned to white collar crimes and then to the General Criminal docket covering all types of felonies ranging from burglaries and auto thefts to child abuse causing death and homicides.

From 2000 to 2010, as the chief deputy, I continued to try felony cases and devoted substantial time to management and personnel issues. I also handled most of the post-conviction/habeas matters for the office.

From 2011 to the present, I manage a 34-attorney office and try occasional cases.

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

I have represented crime victims and their families for most of my career.

- 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; | 0% |
| 2. state courts of record; | 100% |
| 3. other courts; | 0% |
| 4. administrative agencies | 0% |
- ii. Indicate the percentage of your practice in:
- | | |
|--------------------------|-------------------------------------|
| 1. civil proceedings; | 0% (1991–present); 100% (1987–1990) |
| 2. criminal proceedings. | 100% (1991–present); 0% (1987–1990) |
- 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 would estimate that I have tried over 200 criminal cases to a jury verdict. There have been several different court and office record keeping systems used during my career making it difficult to obtain a comprehensive list. I would estimate that I have been the lead counsel in at least half of the cases tried.

I have tried a similar number of bench trials, mostly in the lower courts and mostly short, one or two day trials.

- i. What percentage of these trials were:
- | | |
|-------------|-----|
| 1. Jury | 90% |
| 2. non-jury | 10% |
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never practiced before the Supreme Court of the United States.

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

case. Also state as to each case:

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

1. State of Nebraska v. Anthony Wells

Case No. CR16-323

District Court of Lancaster County, Nebraska

Honorable Darla S. Ideus

(2016-2017)

Anthony Wells was convicted of Murder in the First Degree by a jury on January 13, 2017. After an argument with some residents in an apartment complex, Wells drove away, returning later and firing at least 12 rounds into the crowd at close range, killing the victim. Wells was on federal probation when he killed the victim. At the time of this murder, Wells had supplied another handgun to a man in Omaha, NE who used it to kill five people in two days. As one of the two prosecutors on this case, I made the opening statement and conducted direct examination and cross examination on roughly half of the witnesses. Wells was sentenced to life in prison.

Co-Counsel:

Janice Lipovsky

Deputy County Attorney

575 S. 10th Street

Lincoln, NE 68508

(402) 441-7343

Principal Counsel for Defendant:

Kelly Breen

Nebraska Commission on Public Advocacy

140 N. 8th Street, Suite 270

Lincoln, NE

(402) 471-7774

2. State of Nebraska v. Mohamed Abdulkadir

Case No. CR11-997

District Court of Lancaster County, Nebraska

Honorable Steven D. Burns

Affirmed on appeal by the Nebraska Supreme Court

286 Neb. 417 (2013)

(2011-2012)

Mohamed Abdulkadir was convicted of Murder in the Second Degree by a jury on July 13, 2012. Abdulkadir stabbed and killed a fellow inmate in the Nebraska State Penitentiary during a fight. At the time of this murder, Abdulkadir was serving a sentence for a gang-related murder committed in Grand Island, NE. He was known to be a gang leader in that area. I was one of the two prosecutors conducting the jury examination and the direct and cross examination of about one-half of the witnesses. Abdulkadir was sentenced to life in prison.

Co-Counsel:
Jeff Mathers
Deputy County Attorney
575 S. 10th Street
Lincoln, NE 68508
(402) 441-7334

Principal Counsel for the Defendant:
Kelly Breen
Nebraska Commission on Public Advocacy
140 N. 8th Street, Suite 270
Lincoln, NE 68508
(402) 471-7774

3. **State of Nebraska v. Eric Lewis**
Case No. CR07-827
District Court of Lancaster County, Nebraska
Honorable Paul D. Merritt, Jr.
Affirmed on appeal by the Nebraska Supreme Court
280 Neb. 246 (2010)
(2007-2009)

Eric Lewis was convicted of Murder in the Second Degree by a jury on January 12, 2009. Lewis assaulted and killed a 70 year-old psychiatrist at a state mental hospital. Lewis was at that mental health facility pursuant to a court order to restore him to competency on an unrelated felony charge. Lewis had an extensive criminal history of violent, assaultive behavior and had served at least three prison terms prior to this murder. I was one of the two prosecutors in this case and participated in the direct and cross examination of many of the witnesses. Lewis was sentenced to life in prison.

Co-Counsel:
Andrew Jacobsen
District Court Judge
575 S. 10th Street
Lincoln, NE 68508
(402) 441-7065

Counsel for the Defendant:
Stuart Mills
320 Main Street
Pender, NE 68047
(402) 385-3004

4. **State of Nebraska v. Todd Baker**
Case No. CR05-581
District Court of Lancaster County, NE
Honorable John A. Colborn
(2005-2007)

Todd Baker was convicted of Murder in the First degree by a jury in 2006. Baker abducted, tortured and killed the teenaged female victim and discarded her body in a remote area. A former girlfriend of the defendant led investigators to the body several years later. I was one of the two prosecutors conducting the voir dire and the direct and cross examination of about one-half of the state's and defendant's witnesses. Baker was sentenced to life in prison.

Co-Counsel:
Jeff Mathers
Deputy County Attorney
575 S. 10th Street
Lincoln, NE 68508
(402) 441-7334

Principal Counsel for the Defendant:
Kristi Egger-Brown
Deputy Public Defender
633 S. 9th Street
Lincoln, NE 68508
(402) 441-7631

5. **State of Nebraska v. Vinson H. Champ**
Case No. 695-754
District Court of Lancaster County, Nebraska
Honorable Paul D. Merritt, Jr.
Affirmed on appeal by the Nebraska Court of Appeals
10 Neb. App. 416 (2001)
(1999-2000)

Vinson Champ was convicted of First Degree Sexual Assault by a jury on April 11, 2000. Champ was a professional comedian often performing on college campuses in the United States and on cruise lines internationally. He approached this victim by stealth and raped her in the basement of a college building. This was the first case in this jurisdiction where the court allowed the introduction of Restriction Fragment

Length Polymorphism DNA testing. I was the lead prosecutor and conducted the opening statement, closing argument and the examination of most of the witnesses. Champ was sentenced to 30-40 years in prison.

Co-Counsel:

Lory A. Pasold
Deputy County Attorney in Seward County, NE
529 Seward Street, #105
Seward, NE 68434
(402) 643-2795

Principal Counsel for the Defendant:

Shawn Elliott
Deputy Public Defender
633 S. 9th Street
Lincoln, NE 68508
(402) 441-7321

6. **State of Nebraska v. Dwayne Greer**

Case No. 691-242

District Court of Lancaster County, NE

Honorable Bernard J. McGinn

Affirmed in part, remanded for re-sentencing by the Nebraska Supreme Court
257 Neb. 208 (1999)
(1999)

Dwayne Greer was convicted by a jury of First Degree Sexual Assault, False Imprisonment and several ancillary charges on April 9, 1997. Greer broke into a home occupied by several college students where he assaulted and raped the victim. I was one of the prosecutors conducting roughly one-half of the witness examinations. Greer was sentenced to a prison term of 43 to 100 years. Greer appealed his conviction to the Nebraska Court of Appeals. *State v. Greer*, 7 Neb. App. 770 (1998). The Nebraska Court of Appeals vacated the finding of guilt on three counts of the original nine-count complaint. The Nebraska Supreme Court reversed the Court of Appeals and the trial court was affirmed on all of the original sentences.

Co-Counsel:

Jodi Nelson
575 S. 10th Street
Lincoln, NE 68508
(402) 441-7302

Principal Counsel for the Defendant:

John Stevens Berry
2650 N. 48th Street
Lincoln, NE 68504

(402) 466-8444

7. State of Nebraska v. Harold Wilson

Case No. 688-005

District Court of Lancaster County, Nebraska

Honorable Bernard J. McGinn

Affirmed by the Nebraska Court of Appeals

5 Neb. App. 125 (1996)

(1994-1995)

Harold Wilson was convicted of Attempted Murder and ancillary charges by a jury on October 3, 1995. After telling his girlfriend that he always wondered what it would feel like to kill someone, the defendant entered a sandwich shop, assaulted an employee and cut her throat several times with a breadknife. He fled with some money and was caught a day later. I was one of the two prosecutors conducting the opening statement, closing argument and the examination of roughly one-half of the witnesses. Wilson was sentenced to a prison term of 41-70 years.

Co-Counsel:

Jeff Mathers

Deputy County Attorney

575 S. 10th Street

Lincoln, NE 68508

(402) 441-7334

Principal Counsel for the Defendant:

Kristi Egger-Brown

Deputy Public Defender

633 S. 9th Street

Lincoln, NE 68508

(402) 441-7631

8. State of Nebraska v. Clifford Privat

Case No. 686-154

District Court of Lancaster County, Nebraska

Honorable Donald E. Endacott

Affirmed on appeal by the Nebraska Supreme Court

251 Neb. 233 (1996)

(1996)

Clifford Privat was convicted of Murder in the First Degree by a jury on February 9, 1995. Privat and another male met the victim at a bar and then went with the victim to his apartment. Privat strangled the victim, stabbed him, robbed him and left him where he died. The victim was openly gay and the killers specifically targeted him in this hate crime. I was one of the two prosecutors conducting the examination of about one-half of the witnesses. Privat was sentenced to life in prison.

Co-Counsel:
Thomas Jaudzemis
1693 Cedar Lakes Road
Cedar Bluffs, NE 68015
(402) 628-5855

Principal Defense Counsel:
Robert Hays
Deputy Public Defender
633 S. 9th Street
Lincoln, NE 68508
(402) 441-7631

9. State of Nebraska v. Jerry L. Schlondorf

Case No. 689-035
District Court of Lancaster County, Nebraska
Honorable Bernard J. McGinn
Affirmed by the Nebraska Court of Appeals
1997 Neb. App. LEXIS 137
(1995)

Jerry Schlondorf was found guilty of attempted Murder in the Second Degree and several other weapons and assault charges by a jury on December 11, 1995. Schlondorf fired a gun at a moving University of Nebraska police cruiser. A short chase ended when the defendant stopped his car, exited and began firing at the police. One officer was very seriously wounded. This shooting occurred during daylight hours when many university students were in this area. I was one of the two prosecutors and conducted the examination of about one-half of the witnesses. Schlondorf was sentenced to 20-56 years in prison.

Co-Counsel:
John Colborn
575 S. 10th Street
Lincoln, NE 68508
(402) 441-7303

Principal Counsel for the Defendant:
Sean Brennan
140 N. 8th, Suite 340
Lincoln, NE 68508
(402) 441-4848

10. State of Nebraska v. JaRon Dean

Case No. 684-127
District Court for Lancaster County, Nebraska

Honorable Earl Witthoff
Affirmed by the Nebraska Supreme Court
246 Neb. 869 (1994)
(1992-1993)

JaRon Dean was convicted of Murder in the Second Degree and Use of a Firearm to Commit a Felony on August 13, 1993 following a bench trial. Dean and several accomplices surrounded and fired several guns into a mobile home at night killing a cousin of the intended victim. Dean and his accomplices fired at least 20 rounds into the home from several different directions. The evidence at trial included a substantial number of exhibits including spent casings, live rounds, bullet holes, directional rods and damage to the home and several surrounding homes that were occupied at the time. I was one of the two prosecutors in this trial and the trial of two other co-defendants, conducting the examination of about one-half of the witnesses. Dean was sentenced to life in prison.

Co-Counsel:
Laurie Yardley
575 S. 10th Street
Lincoln, NE 68508
(402) 441-8741

Principal Counsel for the Defendant:
Sean Brennan
140 N. 8th, Suite 340
Lincoln, NE 68508
(402) 441-4848

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.)

From 2000 to the present, I have been involved in the management of the Lancaster County (NE) Attorney's Office which includes 34 attorneys and a 38 person clerical/administrative staff. I was the Chief Deputy from 2000 to 2010, and I have been the elected County Attorney since 2010.

I am involved in the hiring and disciplinary decisions for the entire staff. Along with our senior staff members, I determine job assignments and daily case load assignments. I am involved in budget planning. Several times each year I present a proposed budget to the county board for their approval. The budget for this office is about \$7 million per year.

I occasionally still try major felony crimes. I tried a Murder in the First Degree case that resulted in a guilty verdict in January 2017, and I was co-counsel for another case in which the defendant pled guilty to Murder in the Second Degree in May 2017.

I have daily discussions about charging decisions for cases and the review of cases with our staff attorneys. I appear in press conferences after cases have been filed and at other times to publicly explain why no charges have been filed in a matter.

By statute, the county attorney serves as the county coroner in Nebraska. The county attorney, with the assistance of a forensic pathologist, is assigned to determine the cause of death for all “unattended deaths” occurring in the county. This involves frequent telephone calls and discussions with law enforcement, pathologists, family members and mortuaries about autopsies, investigations and organ retrieval. I order about 150 autopsies per year in that capacity.

In 2003, I was appointed by the Governor to an entity, no longer in existence, called the Nebraska Community Corrections Council. The primary duty of that statewide group of law enforcement, corrections, judicial, mental health and criminal defense experts was to search for alternatives to prison for non-violent offenders who were repeat offenders in our prisons. Prison population reductions with safe alternatives that reduced recidivism have been the goal of that group and many others that I have worked with since 2003. Most recently that has been through the Justice Reinvestment Coordinating Committee.

In 2017, the Lancaster County Veterans Treatment Court started operations. That is a specialty court, sanctioned by the Nebraska Supreme Court, operating similar to an adult drug court. I was one of the proponents and early supporters of this court tailored to returning veterans suffering from combat zone related post-traumatic stress or traumatic brain injury who for the first time are in our criminal justice system. I began a Veteran’s Pretrial Diversion program in our office several years ago with a similar emphasis and goal of helping these vets with the adjustments to civilian life.

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.

In the fall of 2015 and 2016, I taught an undergraduate course at the University of Nebraska-Lincoln. This was a three-hour credit, degree-required, course taught to juniors and seniors in the Criminal Justice Department. The course title is Criminal Procedure 351. The focus is on 4th, 5th and 6th Amendment law. There were about 35-38 students in each class. Syllabus supplied.

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

None.

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

None.

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

See 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).

See attached net worth statement.

22. **Potential Conflicts of Interest:**

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential 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.

I was a volunteer with the Make-A-Wish Foundation in Lincoln, Nebraska from 1990 to approximately 1994. I have been a board member of two different Boy Scout councils since 1987 in Lincoln, Nebraska and Colorado Springs, Colorado.

Most of my legal career has been devoted to public service, and much of my work benefits disadvantaged persons. The majority of crime victims live in the parts of the county with the highest poverty levels.

AFFIDAVIT

I, Joseph Patrick Kelly, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

November 17, 2017
(DATE)

Joseph Patrick Kelly
(NAME)



Jessica M. Seymore
(NOTARY)