

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Charles Green

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

United States District Judge for the Western District of New York

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

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



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

1961; Rochester, New York

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

1983 – 1986, Western New England College, School of Law; J.D., 1986

1979 – 1983, LeMoyne College; B.S., 1983

1982, State University of New York at Albany; No degree received

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.

1987 – Present

Monroe County District Attorney's Office
47 South Fitzhugh Street
Rochester, New York 14614
District Attorney (2004 – Present)
First Assistant District Attorney (2001 – 2003)
Assistant District Attorney (1987 – 2001)

2008 – 2010

Rochester Institute of Technology
One Lomb Memorial Drive
Rochester, New York 14623
Adjunct Professor – Criminal Justice Department

1985 – 1987

Morris and Morris, Attorneys
James E. Morris, Esq.
120 Corporate Woods
Rochester, New York 14623
Associate Attorney (1987)
Law Clerk (1985 – 1986)

1985 – 1986

Cooledge and Lauro, Attorneys
80 Maple Street
Springfield, Massachusetts 01160
Law Clerk

Summer 1984

O'Connell Electric Company
830 Phillips Road
Victor, New York 14564
Laborer

Summer 1983

Self-employed
Painter

Other Affiliations (Uncompensated)

2009 – Present

Rise Up Rochester
244 South Plymouth Avenue
Rochester, New York 14608
Board Member

2008 – Present
Huther Doyle Memorial Institute (Chemical Dependency Treatment)
360 East Avenue
Rochester, New York 14604
Board Member

2007 – Present
New York Prosecutors Training Institute
107 Columbia Street
Albany, New York 12210
Board Member

2006 – Present
Boys and Girls Club of Rochester
500 Genesee Street
Rochester, New York 14611
Board Member

2004 – Present
National Center for Missing and Exploited Children – NY Branch
275 Lake Avenue
Rochester, New York 14608
Board Member

2008 – 2010
American Cancer Society, Eastern Division, Lakes Region
1400 Winton Road North
Rochester, New York 14609
Board Member

1997 – 2009
Family and Friends of Murdered Children
No current address (merged with Rise Up Rochester)
Board Member

1999 – 2002
The Daily Record (Legal Newspaper)
16 West Main Street
Rochester, New York 14609
Advisory Board

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 U.S. Military. I registered for the selective service upon turning 18.

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

- 2009 Prosecutor of the Year, Executive Award – New York Prosecutors Training Institute
 - 2008 Youth Crime Watch of America – Casey Award as the National Public Official of the Year
 - 2008 Fight Crime Invest in Children “Champion for New York’s Children” Award – presented at the New York State District Attorneys Association Annual meeting
 - 2007 Carl S. Hallauer Award – Rochester Police Department Rosewood Club for “extraordinary contributions to the criminal justice system and the youth of our community”
 - 2007 Chairman’s Award from the Boys and Girls Club of Rochester
 - 2007 RIT Department of Criminal Justice Senior Class Award for Contributions to Justice
 - 2005 Toastmasters International Communication and Leadership Award
 - 2004 Greece Democratic Committee – Person of the Year
 - 2003 Certificate of Recognition – Monroe County/City of Rochester Coalition for Crime Victims
 - 2003 Certificate of Recognition – Monroe County Public Safety Crime Laboratory
 - 2000 Audrey Smith Award for advancing the cause of victims, their families and friends
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.

Monroe County Bar Association

Criminal Justice Section – Chairman (1996 – 1997)

Judiciary Committee (1998 – 2000); Non-voting member (2004 – Present)

District Attorneys Association of the State of New York (2000 – Present)

Member, Executive Committee (2004 – Present)

Vice President (2007 – present)

President-elect (2010)

Association of Government Attorneys in Capital Litigation (1997 – 2001)

Regional Vice President (1998 – 2000)

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, 1987

There has been no lapse in membership.

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

New York state courts, 1987

Supreme Court of the United States, 2004

There has been no lapse 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.

American Cancer Society, Eastern Division, Lakes Region

Board Member (2008 – 2010)

Ancient Order of Hibernians, Monroe County, New York (2004 – 2005)

Boys and Girls Club of Rochester

Board Member (2006 – Present)

Family and Friends of Murdered Children

Board Member (1997 – 2009)

Fight Crime: Invest in Kids New York (2004 – Present)

Greater Rochester YMCA (1987 – Present)

Huther Doyle Memorial Institute (Chemical Dependency Treatment)

Board Member (2008 – Present)

Monroe County Crime Lab Advisory Team (2004 – 2005)

National Center for Missing and Exploited Children – NY Branch

Board Member (2004 – Present)

National College of District Attorneys, instructor (1999, 2001)

New York Prosecutors Training Institute

Board Member (2007 – Present)

New York State Commission on Sentencing Reform (2007 – 2009)

New York State Juvenile Justice Task Force (2008 – 2009)
Rise Up Rochester
Board Member (2009 – Present)
Rochester City Court Judge Selection Committee (2006)
Rochester Police Department's Community Volunteer Response Team,
Liaison (2000 – 2002)
Rochester Rotary (2004 – present)
The Daily Record (Legal Newspaper)
Advisory Board (1999 – 2002)
Wind Industry Ethics Advisory Task Force (2009 – 2010)

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

To the best of my knowledge none of the above organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin, with the exception of the Ancient Order of the Hibernians, who limit their membership to "men 16 years and older who are practicing Roman Catholics of Irish birth or descent and who are citizens of United States of America or who have declared their intentions to become citizens of the United States of America." With respect to the Hibernians, I have been told their records show I paid dues for two years (2004 and 2005). I was unaware of the group's membership restrictions at the time. To the best of my recollection, I attended only one meeting and thereafter ended my membership by not paying dues. I did not take any action to change their policies or practices.

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.

This list represents the published material I have identified through searches of my memory, my files, local newspaper archives, and internet databases. I have tried my best to list all of them here, although there may be some that I have not been able to recall or identify.

Introduction to *Winning Trial Strategies in the Empire State*, New York Prosecutors Training Institute, July 2009. Copy supplied.

Cooperation Fuels Operation IMPACT Success, Rochester Democrat and Chronicle Guest Essay, Jan. 3, 2009. Copy supplied.

My Partnership with the Boys and Girls Club: Using Forfeiture Money to Benefit Kids, Empire State Prosecutor, Vol. 6, No. 1, at 5, published by the New York State Prosecutors Training Institute, Fall 2008. Copy supplied.

DA's Office Bears Big Load, Too, Rochester Democrat and Chronicle Guest Essay, Mar. 31, 2008. Copy supplied.

Project Exile, 13WHAM.com (ABC News), Apr. 30, 2008. Copy supplied.

Witnesses Get Protection, Rochester Democrat and Chronicle Guest Essay, Jan. 13, 2008. Copy supplied.

Vying for Top Spots in Government, Law; Candidate Questions for District Attorney, Rochester Democrat and Chronicle, Oct. 28, 2007. Copy supplied.

Responses to Questions published in First Bible Baptist Church Candidates Night Book, Oct. 28, 2007. Copy supplied.

Open Door Wider to DNA Use to Track Criminals, Cut Crime, Rochester Democrat and Chronicle Guest Essay, May 29, 2007. Copy supplied.

Protect Children from Grips of Repeat Sex Offenders on Loose, Rochester Democrat and Chronicle Guest Essay, Dec. 17, 2006. Copy supplied.

All Should Do Their Part to Fight Violence in Rochester, Rochester Democrat and Chronicle Guest Essay, July 18, 2006. Copy supplied.

Is Curfew Remedy for Teen Crime?, Rochester Democrat and Chronicle Guest Essay, May 28, 2006. Copy supplied.

Untie Criminal Justice System's Hands in Use of DNA Evidence, Rochester Democrat and Chronicle Guest Essay, Jan. 13, 2006. Copy supplied.

Fight Crime: Redefine 'Early Education', Empire State Prosecutor, published by the New York State Prosecutors Training Institute, Fall 2005. Copy supplied.

Gun Felons are Swept from Street Block to Cellblock, Rochester Democrat and Chronicle Guest Essay, July 19, 2005. Copy supplied.

Response to questions regarding racism, Editorial Page of the Rochester Democrat and Chronicle, Jan. 14, 2005. Copy supplied.

Drug Law Reform Misses Mark: All-Purpose Anti-Drug Strategy, Rochester Democrat and Chronicle Guest Essay, Dec. 19, 2004. Copy supplied.

Cheers Sped District Attorney in N.Y.C. Marathon, Rochester Democrat and Chronicle Guest Essay, Nov. 24, 2004. Copy supplied.

Our Safety: Community Effort to Cut Crime, July 15, 2004, Rochester Democrat and Chronicle Guest Essay. Copy supplied.

Our Safety: Community Crime-Fighting, Rochester Democrat and Chronicle Guest Essay, Mar. 8, 2004. Copy supplied.

Fighting for Rochester's Future: Campaign 2003 Race for District Attorney, Rochester Democrat and Chronicle Guest Essay, Oct. 13, 2003. Copy supplied.

Responses to Questions published in First Bible Baptist Church Candidates Night Book, Oct. 2003. Copy supplied.

Safety and Security, Rochester Democrat and Chronicle Guest Essay, Apr. 11, 2003. Copy supplied.

Responses to Questions published in the Daily Record Newspaper for the 2003 District Attorney Campaign. Copy supplied.

Responses to Questions from the Rochester Democrat and Chronicle for the 2003 District Attorney Campaign. Copy supplied.

Monroe County DA's Office Handles Huge Caseload, Rochester Daily Record, May 1, 2002. Copy supplied.

Help Local Crime Victims by Serving on Juries and Joining Crime Watches, Rochester Democrat and Chronicle Guest Essay, Apr. 23, 2002. Copy supplied.

Anguish Persists after Case is Closed, Rochester Democrat and Chronicle Guest Essay, Apr. 11, 2000. Copy supplied.

Monroe County District Attorney's Office 2007 Annual Report. Copy supplied.

Monroe County District Attorney's Office 2006 Annual Report. Copy supplied.

Monroe County District Attorney's Office 2005 Annual Report. Copy supplied.

Monroe County District Attorney's Office 2004 Annual Report. 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.

This list represents the reports, memorandum or policy statements I have identified through searches of my memory, my files, and internet databases. I have tried my best to list all of them here, although there may be some that I have not been able to recall or identify.

I was appointed to and served as a member of the New York State Task Force on Transforming Juvenile Justice created by Governor Paterson. As a member of the Task Force, I contributed to the Final Report (Charting a New Course, A Blueprint for Transforming Juvenile Justice in New York State, December 2009) of the Task Force. A copy of the report is supplied.

I was appointed to and served as a member of the New York State Commission on Sentencing Reform created by Governor Spitzer. As a member of the Commission, I contributed to the Preliminary Report (A Preliminary Proposal for Reform, October 15, 2007) and Final Report (The Future of Sentencing in New York State: Recommendations for Reform, January 30, 2009) issued by the New York State Commission on Sentencing Reform. Copies of the reports are supplied.

From May 10-12, 2004, I attended a New York State Summit on Elder Abuse and was part of the Prosecution and Law Enforcement Work Group, which generated recommendations for a Final Report issued in January 2005 by the summit sponsor, Lifespan of Greater Rochester, Inc. A copy of the report is 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.

This list represents the testimony, official statements or other communications I have identified through searches of my memory, my files, and internet databases. I have tried my best to list all of them here, although there may be some that I have not been able to recall or identify.

On October 25, 2005, I testified before the New York State Commission of Investigation at a hearing about gang activity. I have no notes, transcript or recording. Press coverage of my remarks is supplied.

On September 20, 2005, I testified before the New York State Commission of Investigation at a hearing regarding DNA evidence. A copy of the materials from which I testified is supplied.

On April 7, 2005, I testified in Rochester, New York, before a New York State Assembly Republican Task Force on Urban Crime. A copy of the materials from which I testified is supplied.

On January 25, 2005, I testified at a hearing held in Albany, New York, by the New York State Assembly Standing Committees on Codes, Judiciary and Corrections regarding the death penalty. A copy of the materials from which I testified is 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.

Over the last twenty-three years I have given hundreds if not thousands of talks that would appear to fit within the above question. In addition to continuing legal education lectures, the overwhelming majority of these talks were to community groups regarding the Monroe County District Attorney's Office. I have given many of the talks without prepared notes. I do on occasion use notes or PowerPoint presentations. Some of the notes and presentations have not been saved, but where they are available I have supplied copies. While I have searched my records, memory and internet databases for speaking engagements it is possible that I have given other talks I have been unable to recall or identify.

New York Prosecutors Training Institute CLE Programs – Lecturer/Presenter
Below is a list of events that I have been able to identify and recall. I have supplied materials where available. The address of NYPTI is 107 Columbia Street, Albany, New York 12210.

- July 29, 2010: Distributing Seized Assets, Project Step Up. PowerPoint supplied.
- January 29, 2010: Prosecutors Working With Communities, Best Practices Panel Presentation at District Attorneys Association of the State of New York Annual Winter Meeting. I have no notes, transcript or recording.
- August 5-7, 2002: Survey of Capital Punishment, "Mechanics of Capital Jury Selection." Outline supplied.
- April 2002: Introduction to DNA Evidence, "Effective Cross-Examination of a DNA Expert." Outline supplied.
- February 2002: Terrorism and Emerging Legal Issues in Murder Prosecutions, "Handling a Death Penalty Case." Outline supplied.

- August 2001: Capital Prosecution Survey Course, “A View from the Box.” I have no notes, transcript or recording.
- August 1999: Capital Prosecutions Demonstrations and Discussions, lecture and demonstration entitled, “Arguing for Death.” Outline supplied.
- January 1998: Panelist, Statewide Conference on Capital Prosecution, Emerging Legal Issues. I have no notes, transcript or recording.

Monroe County District Attorney’s Office CLE Presentations

- April 10, 2010: Opening Statements. Outline supplied.
- November 14, 2009: The Art of Cross Examination. PowerPoint supplied.
- April 8, 2006: Lawyering Skills, Preparing and Presenting Your Case. Outline supplied.
- February 2006: Sufficiency of Felony Accusatory Instruments. Outline supplied.
- November 13, 2004: Ceasefire and Related Violence Reduction Efforts. Outline supplied.
- March 27, 2004: Preparing for a Hearing. I have no notes, transcript or recording.
- March 23, 2002: Charging Decisions. Outline supplied.
- November 3, 2001: Probable Cause, Concerns, Issues and Related Cases. Outline supplied.
- March 31, 2001: Presentation of DNA Testimony and Related Legal Issues. Outline supplied.

Other CLE Presentations

- October 19, 2007: Panelist, “School Violence: Practical and Legal Consideration,” Monroe County Bar Association. Written materials and video supplied.
- November 28, 2005: Panelist, Post-Sentence Civil Commitments for Sex Offenders, Greater Rochester Association for Women Attorneys, Hall of Justice in Rochester, New York. I have no notes, transcript or recording. GRAWA and press coverage of the event is supplied. The address of GRAWA is 279 Castlebar Road, Rochester, New York 14610.
- November 18, 2004: Panelist, “Stalking: Preventing a Workplace Disaster,” Monroe County Bar Association and Greater Rochester Association for Women Attorneys. I have no notes, transcript or recording. GRAWA and press coverage is supplied.

Speeches, Panel Discussions, and other Public Appearances

- July 28, 2010: Panelist, Communities and Justice Partnerships & Challenges for the 21st Century, New York County District Attorney’s

- Office and John Jay College of Criminal Justice, served on two panels entitled, “New Perspectives on Prosecution” and “Community Prosecution.” Notes for “New Perspectives” panel supplied. I have no notes, transcript or recording for the “Community Prosecution” panel.
- July 15, 2010: Rise Up Rochester, ceremony to honor Audrey Smith. Press coverage supplied. The address of the organization is 244 South Plymouth Avenue, Rochester, New York 14604.
 - July 14, 2010: ACT Rochester Panel Discussion on Youth Violence. I have no notes, transcript or recording. The address of ACT Rochester is 500 East Avenue, Rochester, New York 14607.
 - June 10, 2010: Boys and Girls Club of Rochester Accelerated Reader Program Awards Ceremony, spoke on importance of reading. I have no notes, transcript or recording. The address of the Club is 500 Genesee Street, Rochester, New York 14611.
 - June 9, 2010: Panelist, 22nd Annual Preventative Coalition Conference, Stop the Violence and Rebuild our Community, Monroe County Preventive Service Coalition and Nazareth College Department of Social Work. I have no notes, transcript or recording. The address of the Coalition is Monroe County Department of Human Services, 691 St. Paul Street, Rochester, New York 14605.
 - May 20, 2010: Speaker at roast for local radio personalities Bob Lonsberry and Brother Wease, Burgundy Basin Inn, Rochester, New York. I have no notes, transcript or recording.
 - May 4, 2010: Monroe County Sheriff’s Department Promotional Ceremony, Monroe Community College, spoke on importance of integrity and cooperation between agencies. I have no notes, transcript or recording. The address of the Sheriff’s Department is Public Safety Building, 130 South Plymouth Avenue, Rochester, New York 14614.
 - April 15, 2010: Monroe County Sheriff’s Office Senior Citizens Academy, Hall of Justice, Rochester, New York, spoke on DA’s Office. I have no notes, transcript or recording. The address of the Sheriff’s Department is Public Safety Building, 130 South Plymouth Avenue, Rochester, New York 14614.
 - April 8, 2010: IMPACT/Ceasefire call in, Hall of Justice, Rochester, New York, spoke to at risk youth regarding consequences of their behavior. I have no notes, transcript or recording. Operation IMPACT/Ceasefire is an initiative of the New York State Division of Criminal Justice Services whose address is 4 Tower Place, Albany, New York 12203.
 - April 6, 2010: East Ridge High School, Irondequoit, NY, Participation in Government class, spoke regarding the role of the DA. I have no notes, transcript or recording. The address of the school is 2350 East Ridge Road, Rochester, New York 14622.
 - March 31, 2010: Panelist, “Parents Who Host Lose the Most,” Drug Free Action Alliance, spoke on potential criminal consequences for serving or allowing minors to consume alcohol, Irondequoit Town Hall. I have no notes, transcript or recording.

- March 31, 2010: McQuaid Jesuit High School, Brighton, New York, spoke on the role of the DA. I have no notes, transcript or recording. The address of the school is 1800 Clinton Avenue South, Rochester, New York 14620.
- March 30, 2010: Pittsford Alliance for Substance-Free Youth, Town Hall Meeting, Pittsford Sutherland High School, spoke on consequences relating to consumption of alcohol by minors. I have no notes, transcript or recording. The Alliance does not have a physical address.
- March 25, 2010: Panelist, Rochester Neighborhood 14621 public meeting, discussed local crime and safety issues. I have no notes, transcript or recording. The address for the Community Association for the neighborhood is 1171 North Clinton Avenue, Rochester, New York 14621.
- March 24, 2010: Panelist, HEART Coalition, "Numbers Speak the Truth, Real Stories About Youth," spoke of importance of positive role models for youth and examples of positive youth behavior, St. Mary's Church, Rochester, New York. I have no notes, transcript or recording. The address of the Coalition is 400 Dewey Avenue, Rochester, New York 14613.
- March 19, 2010: Panelist, Greater Rochester Association for Women Attorneys, discussion of Rochester author Amy Bach's book, *Ordinary Injustice: How America Holds Court*. I have no notes, transcript or recording. The address of GRAWA is 279 Castlebar Road, Rochester, New York 14610.
- March 10, 2010: Pediatric Grand Rounds and Community Forum, University of Rochester Medical Center, spoke on the importance of quality after school programs for children. I have no notes, transcript or recording. The address of the medical center is 601 Elmwood Avenue, Rochester, New York 14642.
- March 9, 2010: Rochester Rotary Club, Lunch Speaker with Mary Whittier, spoke on Child Abuse and the Bivona Child Advocacy Center. I have no notes, transcript or recording. The address of the Rotary Club is 180 Linden Oaks, Suite 200, Rochester, New York 14625.
- March 8, 2010: Irondequoit High School Personal Law Class, Irondequoit, NY, spoke on role of the DA and constitutional rights. I have no notes, transcript or recording. The address of the high school is 260 Cooper Road, Rochester, New York 14617.
- March 8, 2010: Monroe Community College, Criminal Justice Club, Damon Campus, spoke on the role of the DA and my career. I have no notes, transcript or recording. The address of the College is 1000 East Henrietta Road, Rochester, New York 14623.
- March 6, 2010: Keynote speaker, Webster Police Benevolent Association Community, Citizens, Police Awards Dinner, spoke on the importance of law enforcement and community relations. I have no notes, transcript or recording. The address of the Webster Police Department is 1000 Ridge Road, Webster, New York 14580.

- January 15, 2010: Western New York Crime Victims Coalition, Criminal Justice Training Center, spoke on legal updates regarding victims' issues. I have no notes, transcript or recording. The address of the Coalition is 222 West Main Street, Batavia, New York 14020.
- January 14, 2010: Rochester Teachers Association, "A Conversation with People in Charge," spoke on crime trends and crime involving the school district. I have no notes, transcript or recording. The address of the RTA is 30 North Union Street, Suite 301, Rochester, New York 14607.
- January 11, 2010: Rochester City School District Youth and Justice Program, Monroe County Probation Department, spoke on crime trends and positive opportunities for youth. I have no notes, transcript or recording. The address of the Program is 107 North Clinton Avenue, Rochester, New York 14604.
- January 6, 2010: Pittsford Rotary, Addressing Crime in Rochester. PowerPoint supplied.
- December 1, 2009: Rush Henrietta Rotary Club, Crime in Rochester and the DA's Office. I have no notes, transcript or recording. The address of the club is P.O. Box 22838, Rochester, New York 14692.
- November 17, 2009: Law Enforcement Agency Award Ceremony, Mothers Against Drunk Driving, acceptance remarks on behalf of the District Attorney's Office. I have no notes, transcript or recording. The address of MADD is 2125 Buffalo Road, #115, Rochester, New York 14624.
- October 27, 2009: Community Forum, National Center for Missing and Exploited Children and the NY Attorney General's Office, opening Remarks on keeping children safe. I have no notes, transcript or recording. The address of the NCMEC is Charles B. Wang International Children's Building, 699 Prince Street, Alexandria, Virginia 22314.
- October 15, 2009: Monroe County Sheriff's Office Senior Citizens Academy, Hall of Justice, Rochester, New York, spoke on DA's Office. I have no notes, transcript or recording. The address of the Sheriff's Department is Public Safety Building, 130 South Plymouth Avenue, Rochester, New York 14614.
- October 13, 2009: groundbreaking ceremony for new Monroe County Public Safety Laboratory. I have no notes, transcript or recording. The address of the Laboratory is 150 South Plymouth Avenue, Room 500, Rochester, New York 14614.
- September 29, 2009: Project Exile 11th Annual Report to the Community, remarks regarding the DA's office role in and update regarding Project Exile, Rochester, New York. I have no notes, transcript or recording, but press coverage on the event is supplied. Project Exile is an initiative run through the U.S. Attorney's Office whose address is 620 Federal Building, 100 State Street, Rochester New York 14614.
- September 17, 2009: Monroe County Sheriff's Office Awards Lunch, spoke on cooperation between offices. I have no notes, transcript or

recording. The address of the Sheriff's Department is Public Safety Building, 130 South Plymouth Avenue, Rochester, New York 14614.

- September 9, 2009: IMPACT/Ceasefire call-in, Hall of Justice, Rochester, New York, spoke to at risk youth regarding consequences of their behavior. I have no notes, transcript or recording. Operation IMPACT/Ceasefire is an initiative of the New York State Division of Criminal Justice Services whose address is 4 Tower Place, Albany, New York 12203.
- September 8, 2009: Rochester Rotary guest speaker, Riverside Convention Center. Notes supplied.
- August 7, 2009: University of Rochester Medical Center, "Advocacy in Action," spoke to new doctors regarding crime and children's issues. I have no notes, transcript or recording. The address of the medical center is 601 Elmwood Avenue, Rochester, New York 14642.
- July 21, 2009: Jewish Community Center, Men in Transition group, Current events in the DA's Office. I have no notes, transcript or recording. The address of the center is 1200 Edgewood Avenue, Rochester, New York 14618.
- June 19, 2009: Greater Rochester After School Alliance and City of Rochester Legislative Breakfast, spoke on relationship between crime and issues effecting children and on particularly effective after school programs. I have no notes, transcript or recording. GRASA is an initiative of the Rochester Area Community Foundation whose address is 500 East Avenue, Rochester, New York 14607.
- June 11, 2009: Monroe County Probation Officers Association Meeting, keynote speaker, spoke on legislative changes including drug law reform, and the importance of interagency cooperation. I have no notes, transcript or recording. The address of the MCPOA is 33 North Fitzhugh Street, Rochester, New York 14614.
- June 3, 2009: Hilton Middle School career day, spoke on DA's office and my career. I have no notes, transcript or recording. The address of the school is 100 School Lane, Hilton, New York 14468.
- May 28, 2009: Rochester City School District, School of the Arts, SADD day, spoke on drunk driving and the effects on students. I have no notes, transcript or recording. The address of the district is 131 West Broad Street, Rochester, New York 14614.
- April 29, 2009: Genesee County Law Day Dinner, Genesee County Bar Association, spoke on the Law Day theme. I have no notes, transcript or recording. The address of the Bar Association is c/o Durin Rogers, President (Assistant County Attorney – Department of Social Services), 5130 East Main Street Road, Batavia, New York 14020.
- April 8, 2009: Irondequoit Citizens Police Academy, spoke on the DA's office. I believe I spoke each year since 2004, but I do not know the dates of those talks. I have no notes, transcript or recording. The address of the Irondequoit Police Department is 1300 Titus Avenue, Rochester, New York 14617.

- March 31, 2009: Rochester City School District, Monroe High School Law and Government Classes, spoke on DA's office, the court system, the Constitution, and careers. I have no notes, transcript or recording. The address of the district is 131 West Broad Street, Rochester, New York 14614.
- March 27, 2009: Monroe County Bar Association, Law over Lunch, spoke on media and the criminal justice system. I have no notes, transcript or recording. The address of MCBA is One West Main Street, 10th Floor, Rochester, New York 14614.
- March 26, 2009: McQuaid Jesuit High School, Brighton, NY, spoke on the role of the DA. I have no notes, transcript or recording. The address of the school is 1800 Clinton Avenue South, Rochester, New York 14620.
- March 18, 2009: Press conference, Fight Crime: Invest in Kids New York, remarks on the need for increased early childhood education funding. I have no notes, transcript or recording. The address of Fight Crime is 3 Columbia Place, Floor 2, Albany, New York 12207.
- March 6, 2009: Finger Lakes Consortium of Alcohol and Substance Abuse Services Annual Spring Legislative Breakfast, keynote speaker, spoke on drug law reform and drug treatment through the criminal justice system. I have no notes, transcript or recording. The Consortium does not have a physical address.
- February 27, 2009: Rochester/Monroe County Domestic Violence Consortium 10th Annual Legislative Breakfast, Introduction. I have no notes, transcript or recording. The address of the Consortium is 244 South Plymouth Avenue, Rochester, New York 14608.
- January 9, 2010: Gates Supervisor Ralph Esposito retirement party. I have no notes, transcript or recording.
- November 18, 2008: Irondequoit community forum on the state's Community Partnership Initiative, Irondequoit High School. I spoke with then-Attorney General Cuomo about cooperation between my office and the Attorney General's office. I have no notes, transcript or recording. The address of the high school is 260 Cooper Road, Rochester, New York 14617.
- October 23, 2008: community meeting, HEART Coalition, report on anti-drug efforts. I have no notes, transcript or recording. The address of the Coalition is 400 Dewey Avenue, Rochester, New York 14613.
- September 18, 2008: United States Attorney's Office for the Western District of New York Gang Conference, closing remarks. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 138 Delaware Avenue, Buffalo, New York 14202.
- September 3, 2008: news conference with Fight Crime: Invest in Kids New York to announce report on the effect of graduation rates on crime. I have no notes, transcript or recording. The address of Fight Crime is 3 Columbia Place, Floor 2, Albany, New York 12207.
- April 8, 2008: SUNY Brockport Criminal Justice Class, Addressing Crime in Rochester. PowerPoint supplied.

- April 2, 2008: Panelist, "Parents Who Host Lose the Most" Irondequoit Committee, Drug Free Action Alliance, discussion about underage drinking and parents who host drinking parties for minors. I have no notes, transcript or recording.
- March 18, 2008: Rochester Public Library, "Books Sandwiched-In," book review talk on *The Nine: Inside the Secret World of the Supreme Court*, by Jeffrey Toobin. I have no notes, transcript or recording. The address of the Rochester Public Library is 115 South Avenue, Rochester, New York 14604.
- February 15, 2008: Northwest AARP Monthly Meeting, remarks on work of and challenges facing the District Attorney's office. I have no notes, transcript or recording. Press coverage supplied.
- December 31, 2007: Speech at my swearing-in as District Attorney, Rochester, New York. I have no notes, transcript or recording but press coverage is supplied. The address of the District Attorney's Office is 47 South Fitzhugh Street, Rochester, New York 14614.
- October 31, 2007: District Attorney candidate radio debate on 1180 WHAM. Press coverage and video story available at <http://fingerlakes.ynn.com/content/354963/monroe-da-debate-gets-nasty/>. The address of 1180 WHAM is 1700 HSBC Plaza, 100 Chestnut Street, Rochester, New York 14604.
- October 30, 2007: Irondequoit Town Hall vigil for victims of domestic violence. Video clip and press coverage available at <http://www.mppnow.com/towns/irondequoit/x481172438>. The address of the Town Hall is 1280 Titus Avenue, Rochester, New York 14617.
- October 28, 2007: Candidates Night, First Bible Baptist Church, Greece, New York. Notes supplied and questions I answered for the Candidates Night Book were supplied in response to 12(a).
- October 23, 2007: Meet the Candidates Night, Community Place, St. Mark's & St. John's Episcopal Church, Rochester, New York. I have no notes, transcript or recording.
- October 9, 2007: Downtown Rochester Rotary District Attorney Candidates Debate. Copies of my opening and closing statements are supplied and press coverage of my debate remarks is also supplied.
- October 3, 2007: campaign spot on public television. Script supplied.
- September 28, 2007: 9th Anniversary of Project Exile event, Holiday Inn, Gate, New York. I spoke on the MCDA's role in Project Exile and the cooperation between agencies. I have no notes, transcript or recording. Press coverage supplied. Project Exile is an initiative run through the U.S. Attorney's Office whose address is 620 Federal Building, 100 State Street, Rochester New York 14614.
- August 16, 2007: Fight Crime: Invest in Kids New York event at Caring & Sharing Child Care Center, remarks about the importance of pre-kindergarten education as crime preventative. I have no notes, transcript or recording. Press release supplied. The address of Fight Crime is 3 Columbia Place, Floor 2, Albany, New York 12207.

- July 31, 2007: Address to Executive Committee of the Rochester Business Alliance. PowerPoint supplied
- May 24, 2007: Commencement speaker, Bryant & Stratton College graduation ceremony. I have no notes, transcript or recording. The address of the college is 150 Bellwood Drive, Rochester, New York 14606.
- May 17, 2007: Monroe County Democratic Committee Nominating Convention. Notes supplied.
- November 2, 2006: Keynote speaker, League of Women Voters luncheon, Hyatt Regency, Rochester, New York. I have no notes, transcript or recording. The address of the League of Women Voters is 45 Exchange Boulevard, Suite 508, Rochester, New York 14614.
- October 25, 2006: East Rochester community forum, remarks on community and crime prevention. I have no notes, transcript or recording. Press coverage supplied.
- June 28, 2006: Youth Voice, One Vision Council meeting, public Q&A session on a proposed youth curfew in Rochester. I have no notes, transcript or recording. The address of the Council is 400 Dewey Avenue, Rochester New York, 14613.
- June 24, 2006: Commencement address to Edison Tech School of Engineering and Manufacturing. Notes supplied.
- May 3, 2006: Panelist, "Parents Who Host, Lose the Most," Drug Free Action Alliance, discussion of serving alcohol to minors. I have no notes, transcript or recording.
- May 2006: National Council on Alcoholism and Drug Dependence annual luncheon, discussed NCADD's work with Rochester and Monroe County. I have no notes, transcript or recording.
- March 29, 2006: Speech to Henrietta Chamber of Commerce. Notes supplied.
- March 15, 2006: Panelist, Bryant & Stratton, careers in criminal justice. I have no notes, transcript or recording. The address of the college is 150 Bellwood Drive, Rochester, New York 14606.
- March 7, 2006: judge, Sydney Rubin Mock Trial, Rochester, New York. I have no notes, transcript or recording.
- 2006: Monroe Community College Anti Violence Forum. Notes supplied
- December 14, 2005: Probation Conference, New York, New York. Notes supplied
- December 13, 2005: Rochester Rotary guest speaker, Oak Hill Country Club. I have no notes, transcript or recording. The address of the organization is 100 Meridian Centre Boulevard, #304, Rochester, New York 14618.
- September 28, 2005: Speaker at Hamlin Town Hall, police protection and crime issues. I have no notes, transcript or recording. This event was sponsored by the Town of Hamlin Democratic Committee, which is affiliated with the Monroe County Democratic Committee. The address of

the MCDC is 1150 University Avenue, Building 5, Rochester, New York 14607.

- May 30, 2005: Keynote speech, Pittsford Memorial Day Parade, Pittsford, New York. I have no notes, transcript or recording.
- April 27, 2005: Speakers forum, Monroe County Bar Center for Education, discussed effects of changes to D.A. Office's plea bargaining policy. I have no notes, transcript or recording. The bar association's address is 1 West Main Street, 10th Floor, Rochester, New York 14614.
- February 15, 2006: guest speaker, Southeast Monroe Chapter 3307 AARP meeting. I spoke generally about the District Attorney's Office and on elder abuse. I have no notes, transcript or recording.
- January 18, 2005: Monroe County Bar Association's Lawyers for Learning program, School 29 Elementary, remarks to students on how to "stay out of the justice system," Rochester, New York. I have no notes, transcript or recording. The bar association's address is 1 West Main Street, 10th Floor, Rochester, New York 14614.
- 2005: Anti-Violence talk. I do not recall the exact date, location or sponsor. Notes supplied.
- October 7, 2004: Domestic Violence Conference, "Linking Systems, Saving Lives," Rochester/Monroe County Domestic Violence Consortium. I have no notes, transcript or recording. Press coverage supplied. The organization's address is 244 South Plymouth Avenue, Rochester, New York 14608.
- July 7, 2004: "Anatomy of a Trial" at "Revitalizing Law-Related and Civic Education" training program for New York teachers, Monroe County Bar Association. I have no notes, transcript or recording. Press coverage supplied. The bar association's address is 1 West Main Street, 10th Floor, Rochester, New York 14614.
- April 26, 2004: Monroe Community College seminar, discussed violence in Rochester area. I have no notes, transcript or recording. The address of the College is 1000 East Henrietta Road, Rochester, New York 14623.
- March 20, 2004: Workshop leader, North East Area Development, Inc. Faith-Based Conference, workings of the court system. I have no notes, transcript or recording.
- February 17, 2004: Rochester Rotary Speech. Notes supplied
- February 6, 2004: Rochester Drug Treatment Court Graduation Speech. Notes supplied.
- December 30, 2003: Speech at my swearing in as District Attorney, Rochester, New York. Notes supplied.
- October 23, 2003: District Attorney candidate debate, Voice of the Voter, aired on WXXI and WORK. I have no notes, transcript or recording. Press coverage supplied. Voice of the Voter is a partnership of Rochester-area media and does not have a physical address.
- October 8, 2003: Candidate debate, Rnews (now YNN). Notes for opening statement and press coverage supplied.

- October 1, 2003: Meet the Candidates luncheon, Greater Rochester Association for Women Attorneys, remarks on qualifications to be District Attorney. Notes and press coverage supplied.
- October 2003: Campaign spot on public television. Script supplied.
- October 2003: Candidates Night, First Bible Baptist Church, Greece, New York. Questions I answered for the Candidates Night Book were supplied in response to 12(a).
- September 24, 2003: Panelist, discussion of upcoming elections and issues facing the community, Strong Auditorium, Rochester, New York. I have no notes, transcript or recording, and I do not recall who sponsored the panel.
- September 14, 2003: Candidate forum, Temple B'rith Kodesh, remarks on crime in Monroe County. I have no notes, transcript or recording. Press coverage supplied.
- August 9, 2003: Speaker at community meeting on Jefferson Avenue, discussed community involvement and unity. I have no notes, transcript or recording. Press coverage supplied.
- May 22, 2003: Jay Orchard Street Area Neighborhood Association forum, support for the group's anti-crime initiatives. I have no notes, transcript or recording. Press coverage supplied.
- January 12, 2003: Speech at seminar on merits and morality of capital punishment, Sponsored by State University at Brockport's criminal justice department and Temple B'rith Kodesh. I have no notes, transcript or recording. Press coverage supplied. The address of the school is 350 New Campus Drive, Brockport, New York 14420.
- 2003: Campaign "stump speech," given on multiple occasions. Outline supplied.
- 2003: Speaker for Monroe County Democratic Party's Kennedy Council.
- November 1, 2002: Ceremony to honor Nancy Scibetta and Ellyn Colquhoun for roles as DNA technicians and expert witnesses. I have no notes, transcript or recording. Press coverage supplied.
- June 29, 2002: service in memory of victims of urban violence, Tyshaun Lamar Cauldwell Foundation. I have no notes, transcript or recording. Press coverage supplied.
- 2000 – 2002: Presenter on multiple occasions, "Trends at the DA's Office." Outline supplied.
- Mid-1990s: Speaker before International Association of Bomb Technicians and Investigators.

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.

Over the last twenty-three years I have given well over a thousand interviews to various media outlets. While I have searched my records, newspaper archives,

my memory and internet databases for these interviews, it is possible that I have given others I have been unable to recall or identify. I am supplying articles and transcripts where I have been able to locate them. In addition, I am supplying copies of all audio and video recordings that are available to me, but there may be additional recordings that I have not been able to obtain. To the extent I am able to obtain any additional recordings, I will supply them to the Committee.

Gary Craig, "Obama Names DA Green to Federal Bench," *Rochester Democrat and Chronicle*, Jan. 27, 2011. Copy supplied.

Michael Zeigler, "Elian Receives 71 1/3 Years to Life for Shooting 2 Cops," *Rochester Democrat and Chronicle*, Jan. 7, 2011. Copy supplied.

Michael Zeigler, "Elian Found Guilty of Shooting Cops," *Rochester Democrat and Chronicle*, Dec. 15, 2010. Copy supplied.

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Jon Hand, Gary Craig, David Andreatta and Michael Zeigler, "FBI Inquiry Scrutinizes Rochester Officer, Minister," *Rochester Democrat and Chronicle*, Nov. 19, 2010. Copy supplied.

Denise M. Champagne, "Monroe County Seat Still Up for Grabs?," *Rochester Daily Record*, Nov. 17, 2010. Copy supplied.

Michael Zeigler, "Man's Sentence Revised," *Rochester Democrat and Chronicle*, Nov. 13, 2010. Copy supplied.

Denise M. Champagne, "For Monroe County Court Judge Keenan, It's All About the People," *Rochester Daily Record*, Nov. 10, 2010. Copy supplied.

Denise M. Champagne, "New York's Persistent Felony Offender Sentencing Law is Constitutional, Rules 2nd Circuit," *Rochester Daily Record*, Oct. 20, 2010. Copy supplied.

"Monroe County Contractor Arrested for Failure to Pay Worker Health and Retirement Benefits," *Targeted News Service*, Sept. 9, 2010. Copy supplied.

Michael Zeigler, "Judges, DA Differ on DWI Direction, Discretion," *Rochester Democrat and Chronicle*, Aug. 15, 2010. Copy supplied.

Michael Zeigler, "Chad Rahn Facing Charges," *Rochester Democrat and Chronicle*, July 17, 2010. Copy supplied.

Denise M. Champagne, "Suspended Irondequoit, N.Y., Police Officer Indicted for Illegally Accessing Government Computer," *Rochester Daily Record*, July 16, 2010. Copy supplied.

Jon Hand, "Violence Support Group's Retiring Founder Honored," *Rochester Democrat and Chronicle*, July 16, 2010. Copy supplied.

Michael Zeigler, "Chad Rahn, Son of Former Greece Police Chief, Charged with Felony," *Rochester Democrat and Chronicle*, July 16, 2010. Copy supplied.

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Gary Craig, "Green Off to Federal Bench?," *Rochester Democrat and Chronicle*, July 14, 2010. Copy supplied.

Denise M. Champagne, "U.S. Sen. Charles E. Schumer to Recommend Monroe County District Attorney Michael C. Green for Judgeship," *Rochester Daily Record*, July 13, 2010. Copy supplied.

Denise M. Champagne, "Make Friends, Influence People: Lawyers and Social Networking," *Rochester Daily Record*, July 7, 2010. Copy supplied.

Gary Craig and Meaghan M. McDermott, "Teamwork Key in Finding Greece Murder Suspects," *Rochester Democrat and Chronicle*, June 26, 2010. Copy supplied.

Denise M. Champagne, "Federal, New York State Courts at Odds Over Persistent Felons," *Rochester Daily Record*, June 25, 2010. Copy supplied.

Gary Craig, "Suspect in Greece Killings Charged with Murder," *Rochester Democrat and Chronicle*, June 25, 2010. Copy supplied.

Ben Dobbin, "Man Charged in NY Triple Slaying," *Associated Press State and Local Wire*, June 25, 2010. Copy supplied.

John Fulmer, "The Fiction Behind DNA: Proposed New York State Legislation Finds Defenders Fighting False Perceptions," *Rochester Daily Record*, June 7, 2010. Copy supplied.

"Governor Paterson Introduces Legislation to Enhance Gun Laws," *States News Service*, June 2, 2010. Copy supplied.

"Sen. Schumer Legislation to Help Develop Technology to Keep Drinkers Out of Cars, Off Roads," *US Fed News*, June 2, 2010. Copy supplied.

Jon Campbell, "Crime Shifts from NYC to Rest of State; DA Credits IMPACT Program for Drop in Broome Rate," *Binghamton Press and Sun Bulletin*, June 1, 2010. Copy supplied.

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Brett Davidsen, "Former Monroe County Worker Indicted in Alleged Money Stealing Scheme," *News 10 WHEC*, May 5, 2010. Copy supplied.

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Gary Craig, "Sterling Savors Freedom at Last," *Rochester Democrat and Chronicle*, Apr. 29, 2010. Copy supplied.

Brett Davidsen, "Rochester Man Freed 18 Years After Wrongful Murder Conviction," *News 10 WHEC*, Apr. 28, 2010. Copy supplied.

Gary Craig, "NY Man Cleared of Murder Charge after 18 Years in Prison," *Gannett News Service*, Apr. 28, 2010. Copy supplied.

Gary Craig, "'Sterling's Case Jumps Out at You' in 1988 Murder Case," *Rochester Democrat and Chronicle*, Apr. 27, 2010. Copy supplied.

Kevin Fuller, "Robutrad Spotlight Turns Toward Matichyn," *Messenger Post*, Apr. 23, 2010. Copy supplied.

Jon Hand, "Green Joins Call for Feds Not to Cut Anti-Drug Funds," *Rochester Democrat and Chronicle*, Apr. 22, 2010. Copy supplied.

Joel Stashenko, "D.A.s Urge Revision of N.Y. Felony Statute after Circuit Cites Flaws," *New York Law Journal*, Apr. 8, 2010. Copy supplied.

Gary Craig, "Smith Trial Leaves Many Questions Unanswered in Robutrad Scandal," *Rochester Democrat and Chronicle*, Apr. 3, 2010. Copy supplied.

"Officials Announce Juvenile Re-Entry Initiative in Rochester," *States News Service*, Apr. 1, 2010. Copy supplied.

Jon Hand and Victoria E. Freile, "2 Linked to Raiders Face Drug Charges," *Rochester Democrat and Chronicle*, Mar. 31, 2010. Copy supplied.

Rikki Cason, "Three Accused in Drug Sting," *The Journal Register*, Mar. 31, 2010. Copy supplied.

Jill Terreri, "Brick Incident Here Linked to Ala. Blogger," *Rochester Democrat and Chronicle*, Mar. 23, 2010. Copy supplied.

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Josh Kraushaar, "Deja Vu All Over Again in N.Y.?", *Politico.com*, Mar. 9, 2010. Copy supplied.

"D.A. Mike Green Not Running for Congress," *ABC News 13*, Mar. 8, 2010. Copy supplied.

"The Children's Agenda Asks Mike Green, Monroe County District Attorney," *The Children's Agenda Newsletter*, Spring 2010. Copy supplied.

Victoria E. Freile, "Chief Moore: Agencies' Cooperation Key to Cutting Down on Crime," *Rochester Democrat and Chronicle*, Feb. 19, 2010. Copy supplied.

Mike Hedeem, "Police Cooperation Nets Nine Arrests," *YNN News*, Feb. 19, 2010. Copy supplied.

Gary Craig, "Fighting Spirit Finally Set Free," *Rochester Democrat and Chronicle*, Feb. 5, 2010. Copy supplied.

Gary Craig, "Innocence Project: DNA Exonerates Man in '76 Rape Conviction," *Rochester Democrat and Chronicle*, Feb. 4, 2010. Copy supplied.

Jessica Spies, "DA's Greece Police Investigation Wraps Up," *Messenger Post*, Jan. 28, 2010. Copy supplied.

Gary Craig, "Robutrad Scandal Details Emerge," *Rochester Democrat and Chronicle*, Jan. 23, 2010. Copy supplied.

Jessica Spies, "DA: No Criminal Conduct in Greece Police-Shooting Case," *Greece Post*, Jan. 14, 2010. Copy supplied.

Gary Craig, "Standoff Defendant Had Mental Issues, Lawyer Says," *Rochester Democrat and Chronicle*, Jan. 12, 2010. Copy supplied.

Elizabeth Stull, "Rochester-Area Practitioners Weigh in on the Most Important Decisions of the Past 10 Years," *Rochester Daily Record*, Jan. 5, 2010. Copy supplied.

Gary Craig, "N.Y.: Lab Tests Botched," *Rochester Democrat and Chronicle*, Dec. 29, 2009. Copy supplied.

Gary Craig, "Monroe County Crime Lab Errors Examined in State Report," *Rochester Democrat and Chronicle*, Dec. 28, 2009. Copy supplied.

Bennett J. Loudon, "Separate Trials Likely in Police Shootings," *Rochester Democrat and Chronicle*, Dec. 24, 2009. Copy supplied.

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Meaghan M. McDermott, "Police Choices Limited," *Rochester Democrat and Chronicle*, Dec. 22, 2009. Copy supplied.

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"Attorney General Cuomo Announces 21 Indicted in Connection with Bronx-to-Upstate Cocaine Pipeline," *States News Service*, Dec. 3, 2009. Copy supplied.

Marcia Morphy, "Transforming Crime Analysis," *Research at RIT*, Fall/Winter 2009. Copy supplied.

"Arm In Arm With Anti-Crime Leaders, Gillibrand and McCarthy Announce Federal Measure to Crackdown on Illegal Guns," *Sen. Kirsten E. Gillibrand (D-NY) News Release via Congressional Documents and Publications*, Nov. 24, 2009. Copy supplied.

Gary Craig, "Prosecutors Not Liable for Holding Tests," *Rochester Democrat and Chronicle*, Nov. 21, 2009. Copy supplied.

Gary Craig, "Monroe County Court Holds Trial without Defendant, Lawyer," *Rochester Democrat and Chronicle*, Nov. 19, 2009. Copy supplied.

Robert Barlow, "Penfield Councilman Fights to Clear His Name," *Penfield Post*, Nov. 17, 2009. Copy supplied.

Cara Matthews, "State Seeks to Close Early-Release Loophole for Violent Felons," *Westchester Journal News*, Nov. 9, 2009. Copy supplied.

Cara Matthews, "Glitch Gives Some Felons Chance of Parole," *Rochester Democrat and Chronicle*, Nov. 7, 2009. Copy supplied.

"On Anniversary of Jenna Grieshabers Murder, Governor Paterson Calls On Legislature to Close Loophole," *States News Service*, Nov. 6, 2009. Copy supplied.

Gary Craig, "Judge Halts Indictment against Ex-Greece Cop," *Rochester Democrat and Chronicle*, Nov. 3, 2009. Copy supplied.

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Gary Craig and Stephanie Veale, "Judge Dismisses Robutrad Charge," *Rochester Democrat and Chronicle*, Oct. 20, 2009. Copy supplied.

Elizabeth Stull, "Rivera Receives Maximum in Shooting of Rochester Police Officer Anthony DiPonzio," *Rochester Daily Record*, Oct. 19, 2009. Copy supplied.

Gary Craig, "Felony Charge Dismissed against GOP Official in Robutrad Case," *Rochester Democrat and Chronicle*, Oct. 19, 2009. Copy supplied.

"Fighting Child Abuse and Exploitation" Radio Interview, *1370 Connection on WXXI*, October 19, 2009. Audio recording supplied.

Claudia Vargas, "Rivera Runs Out of Second Chances," *Rochester Democrat and Chronicle*, Oct. 17, 2009. Copy supplied.

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Jill Terreri, "Crime Lab Will Improve Analysis," *Rochester Democrat and Chronicle*, Oct. 14, 2009. Copy supplied.

Claudia Vargas, "Diponzio Shooting Highlights Rise in Teens with Illegal Firearms," *Rochester Democrat and Chronicle*, Oct. 11, 2009. Copy supplied.

Cara Matthews, "Judges Get Leeway in Drug Cases: Can Choose Treatment Over Prison," *The Ithaca Journal*, Oct. 9, 2009. Copy supplied.

Elizabeth Stull, "Former Monroe County Deputy Chief Executive James P. Smith Indicted," *Rochester Daily Record*, Oct. 8, 2009. Copy supplied.

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Dan Goldman, "Former Monroe County Deputy Executive Indicted in Robutrad Scandal," *Messenger Post*, Oct. 7, 2009. Copy supplied.

Gary Craig, "Chief Rahn Accused of Thwarting Police Work," *Rochester Democrat and Chronicle*, Oct. 7, 2009. Copy supplied.

Gary Craig, "11 New Counts against Rahn in Court," *Rochester Democrat and Chronicle*, Oct. 7, 2009. Copy supplied.

Gary Craig, "Former Deputy County Executive Charged with Official Misconduct," *Rochester Democrat and Chronicle*, Oct. 7, 2009. Copy supplied.

Elizabeth Stull, "Monroe County District Attorney Green: Work is Never Done," *Rochester Daily Record*, Oct. 5, 2009. Copy supplied.

Michael Zeigler, "Courtroom Sketches to Computer Screens," *Rochester Democrat and Chronicle*, Oct. 4, 2009. Copy supplied.

Tyler Schey, "Students Benefit from Jesuit Tradition," *The Dolphin [LeMoyne College publication]*, Oct. 1, 2009. Copy supplied.

David Andreatta, "Rivera Found Guilty," *Rochester Democrat and Chronicle*, Sept. 5, 2009. Copy supplied.

Claudia Vargas, "Rivera Set to Take Stand at Trial," *Rochester Democrat and Chronicle*, Sept. 3, 2009. Copy supplied.

Jessica Spies, "Wounded Officer DiPonzio Takes the Stand," *Daily Messenger*, Aug. 31, 2009. Copy supplied.

Claudia Vargas, "'Diverse' Panel of Jurors Seated in Rivera's Trial," *Rochester Democrat and Chronicle*, Aug. 28, 2009. Copy supplied.

Claudia Vargas, "Arson Arrests Up in Rochester this Year," *Rochester Democrat and Chronicle*, Aug. 28, 2009. Copy supplied.

Michael Zeigler and Claudia Vargas, "7 Women, 5 Men Seated as Jurors in Rivera's Trial," *Rochester Democrat and Chronicle*, Aug. 27, 2009. Copy supplied.

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Gary Craig, "Ball Was to be Key Witness in Scott's Trial," *Rochester Democrat and Chronicle*, Aug. 25, 2009. Copy supplied.

Meaghan M. McDermott and Gary Craig, "Ex-Greece Cop Tied to Fatal Crash Report," *Rochester Democrat and Chronicle*, Aug. 25, 2009. Copy supplied.

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The Ten O'Clock News on WUHF-FOX, Feb. 22, 2007. Transcript supplied.

News conference coverage on YNN News, Feb. 22, 2007. Video available at
<http://fingerlakes.ynn.com/content/346403/proposals-target-online-predators/>.

News 10 at Six on WHEC-NBC, Feb. 20, 2007. Transcript supplied (while not directly quoted, I was interviewed for the piece).

NewsSource 13 at 5pm on WHAM-ABC, Feb. 20, 2007. Transcript supplied.

News 8 Now at 6pm on WROC-CBS, Feb. 15, 2007. Transcript supplied.

YNN News, Feb. 13, 2007. Video available at <http://fingerlakes.ynn.com/content/346141/-beast-who-must-be-caged--sentenced/>.

Newssource 13 at 6pm on WHAM-ABC, Jan. 30, 2007. Transcript supplied (while not directly quoted, I was interviewed for the piece).

YNN News, Jan. 26, 2007. Video available at <http://fingerlakes.ynn.com/content/345622/school-sentry-faces-new-accusations/>.

News 10 Live at Five on WHEC-NBC, Jan. 10, 2007. Transcript supplied (while not directly quoted, I was interviewed for the piece).

Wake Up Rochester on WROC-CBS, Nov. 22, 2006. Transcript supplied.

YNN News, Nov. 21, 2006. Video available at <http://fingerlakes.ynn.com/content/343858/gun-law-contains-loophole/>.

News 8 at 11pm on WROC-CBS, Nov. 16, 2006. Transcript supplied (while not directly quoted, I was interviewed for the piece).

Newssource 13 at 5pm on WHAM-ABC, Nov. 15, 2006. Transcript supplied.

News 8 Now at 6pm on WROC-CBS, Nov. 15, 2006. Transcript supplied.

Wake Up Rochester on WROC-CBS, Nov. 10, 2006. Transcript supplied.

News 10 at Six on WHEC-NBC, Nov. 1, 2006. Transcript supplied.

News 8 Now at 5pm on WROC-CBS, Oct. 18, 2006. Transcript supplied (while not directly quoted, I was interviewed for the piece).

News 10 Today on WHEC-NBC, Sept. 28, 2006. Transcript supplied (while not directly quoted, I was interviewed for the piece).

News 10 Live at Five on WHEC-NBC, Sept. 14, 2006. Transcript supplied (while not directly quoted, I was interviewed for the piece).

Wake Up Rochester on WROC-CBS, Sept. 13, 2006. Transcript supplied.

News 8 at 11pm on WROC-CBS, Sept. 12, 2006. Transcript supplied.

Wake Up Rochester on WROC-CBS, Aug. 16, 2006. Transcript supplied (while not directly quoted, I was interviewed for the piece).

Newssource 13 at 6pm on WHAM-ABC, July 17, 2006. Transcript supplied.

Interviewed for a segment of *Cold Case Files* called "Innocence Stolen," A&E, aired July 8, 2006. I have been unable to obtain a copy of this recording.

The Ten O'Clock News on WUHF-FOX, June 21, 2006. Transcript supplied.

News 8 Now at 6pm on WROC-CBS, June 21, 2006. Transcript supplied.

Newsource 13 at 11 on WHAM-ABC, May 7, 2006. Transcript supplied.

The Ten O'Clock News on WUHF-FOX, May 5, 2006. Transcript supplied.

YNN News, Apr. 10, 2006. Video available at
<http://fingerlakes.ynn.com/content/336717/minister-murder-suspects-in-court/>.

News 8 at 11pm on WROC-CBS, Mar. 15, 2006. Transcript supplied.

News 10 at Six on WHEC-NBC, Mar. 3, 2006. Transcript supplied.

News 10 at Six on WHEC-NBC, Feb. 15, 2006. Transcript supplied.

News 8 Now at 5pm on WROC-CBS, Jan. 5, 2006. Transcript supplied.

News 10 at Eleven on WHEC-NBC, Dec. 21, 2005. Transcript supplied.

News 10 at Six on WHEC-NBC, Dec. 20, 2005. Transcript supplied.

News 10 at Six on WHEC-NBC, Dec. 10, 2005. Transcript supplied.

News 8 Now at Noon on WROC-CBS, Nov. 17, 2005. Transcript supplied.

News 8 Now at 6pm on WROC-CBS, Nov. 16, 2005. Transcript supplied.

News 10 Live at Five on WHEC-NBC, Nov. 16, 2005. Transcript 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 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:
- 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.

Monroe County District Attorney. This is an elected position with a four year term. I served from January 1, 2004 through the end of 2007, and am currently serving my second term, which started January 1, 2008 and will conclude at the end of 2011.

I have never had an unsuccessful candidacy for elective office. I submitted an application for the position of Magistrate in the United States District Court, Western District of New York in or about 1995, but was not selected for the position.

- 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 was a campaign volunteer for New York State Assemblyman Gary Proud in his reelection campaign in 1982. My primary duty was collecting petition signatures.

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.

1986 – 1987

Morris and Morris, Attorneys

James E. Morris, Esq.

120 Corporate Woods

Rochester, New York 14623

Associate Attorney (1987)

Law Clerk (1986)

1987 – Present

Monroe County District Attorney's Office

47 South Fitzhugh Street

Rochester, New York 14614

District Attorney (2004 – Present)

First Assistant District Attorney (2001 – 2003)

Assistant District Attorney (1987 – 2001)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

After graduating from law school in 1986, I worked for Morris and Morris, first as a law clerk and then as an associate attorney. I worked for attorney James E. Morris, Esq., who maintained a general practice, and my work focused on real estate closings and plaintiffs' personal injury work.

Since March 1987, I have worked in the Monroe County District Attorney's Office prosecuting criminal cases. I prosecuted misdemeanor and violation cases in local criminal courts from 1987 to 1989. From 1989 to 1991, I served as a trial attorney in the felony DWI, County Court, and Major Felony Bureaus prosecuting and trying felony cases. In 1992, I served as Chief of the DWI Bureau. In this role, I supervised attorneys prosecuting felony DWI cases and also personally prosecuted DWI-related

assault and homicide cases. From 1993 to 2000, I was the Deputy Chief of the Major Felony Bureau and the Capital Crimes Prosecutor. I assisted with the supervision of the attorneys in the Major Felony Bureau and personally prosecuted capital, homicide, and high-profile violent felony cases. From 2001 to 2003, I served as First Assistant District Attorney. I supervised the homicide prosecutions and, with the District Attorney, handled the administration of the office, which was comprised of approximately 79 attorneys and a total staff of approximately 135. I also personally prosecuted homicide and other high-profile violent felony cases. Since 2004, I have served as District Attorney of Monroe County. In addition to my duties running the office and managing our relationships with other organizations and the public, I continue to personally prosecute and try homicide and other high-profile violent felony cases.

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

For the last 23 years, my "client" has been the People of the State of New York. I have specialized in homicide and violent felony prosecutions.

- 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 have tried approximately 110 felony trials in Monroe County Court and New York State Supreme Court over the last 21 years, including approximately 40 homicide cases. I have personally prosecuted thousands of cases during that time period. I have appeared in court frequently and on a very regular basis for arraignments, motion arguments, hearings, trials and sentencing proceedings. For the first five years of my career in the District Attorney's Office, my practice was exclusively litigation. As my career has progressed, I have taken on administrative responsibilities in addition to my litigation. I have continued to personally prosecute and try cases throughout my career, including the prosecution of twelve defendants in nine trials as District Attorney.

- 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: less than 1%
 - 2. criminal proceedings: more than 99%

- 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 approximately 108 felony cases to verdict in Monroe County Court or New York State Supreme Court. I have been sole counsel in 101 of these cases, lead counsel in six, and co-counsel in one. In addition, I have tried hundreds of cases to verdict in local criminal courts, including Rochester City Court.

- 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 never 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. People v. Mateo (Monroe County Court, Indictment #914, 1996)

Mateo was charged with first degree murder, attempted first degree murder, kidnapping and other crimes in relation to three separate but related incidents. He was charged with a second count of first degree murder for the commission of four murders in a similar fashion. The first degree murder charges were under a recently enacted capital murder statute. The trial judge dismissed one first degree murder charge on the grounds that the murders were not sufficiently similar. That decision was affirmed by the Appellate Division and the Court of Appeals (People v. Mateo, 249 AD2d 894 [4th Dept 1998]; *affirmed* 93 NY2d 327 [1999]). The trial court also declared a provision of the statute

dealing with pleas unconstitutional. The Appellate Division granted a declaratory injunction in favor of the District Attorney (Relin v. Connell, 251 AD2d 1041 [4th Dept, 1998]), the Court of Appeals reversed and affirmed the trial court's ruling (Hynes v. Tomei, 92 NY2d 613 [1998]), and the United States Supreme Court denied certiorari (Hynes v. Tomei, 527 U.S. 1015 [1999]).

The District Attorney sought the death penalty and the defendant was tried and convicted of first degree murder and other crimes. The defendant was sentenced to death. The convictions were affirmed on appeal, but the death sentence was set aside due to a ruling that a portion of the state statute was unconstitutional. The defendant was sentenced to life without parole (People v. Mateo, 2 NY3d 383 [2004]). The additional three murders were tried and the defendant was convicted of the murders. The convictions were affirmed, (People v. Mateo, 11 AD3d 984 [4th Dept, 2004], *leave denied* 3 NY3d 758).

I was the lead prosecutor, and co-counsel were Hon. Richard Keenan, retired Monroe County Court Judge (c/o Clerk Monroe County Court, 545 Hall of Justice, Rochester, New York, 14614, (585) 428-2020), Wendy Lehmann (retired, c/o Monroe County District Attorney's Office, 47 South Fitzhugh Street, Rochester, New York, 14614, (585) 753-4334), and Hon. Joanne Winslow (New York State Supreme Court Justice, 545 Hall of Justice, Rochester, New York, 14614, (585) 428-1892).

The defendant was represented by William Easton of the Capital Defender Office (16 West Main Street, Suite 243, Rochester, New York, 14614, (585) 423-8290).

Former Monroe County Court Judge John Connell (deceased) was the judge for all pre-trial and trial matters.

2. People v. Szlekovics (Monroe County Court, Indictment #915, 1996)

Szlekovics, who was Mateo's wife, was indicted for first degree murder, kidnapping and related charges pertaining to three separate but related incidents. Szlekovics was tried before a jury, and convicted of second degree murder, kidnapping and other charges. She was sentenced to 25 years to life on the murder charge and consecutive sentences on the kidnapping and related charges. The conviction was affirmed on appeal (People v. Szlekovics, 19 AD3d 1036 [4th Dept, 2005]; *leave denied* 5 NY3d 810).

I was lead counsel and Kenneth Hyland, Esq. (31 North Main Street, Pittsford, New York, 14534, (585)-385-2510) and Wendy Lehmann (retired, c/o Monroe County District Attorney's Office, 47 South Fitzhugh Street, Rochester, New York, 14614, (585) 753-4334) were co-counsel.

Szlekovics was represented by Peter Pullano, Esq. (One East Main Street, Suite 711, Rochester, New York, 14614, (585) 546-1090).

Former Monroe County Court Judge John Connell (deceased) was the judge for all pre-trial and trial matters.

3. People v. Laster – (Monroe County Court, Indictment #466, 2000 and Indictment #622, 2005)

Laster, referred to as the “school girl rapist,” raped three young women on their way to school in 1995 and a fourth in 1997. I was assigned to work with a police task force investigating the rapes in 1995. DNA testing linked all four rapes to a single perpetrator. In 2000, to prevent the statute of limitations from running, the three 1995 rapes were presented to a Grand Jury and a “John Doe” indictment was filed, charging the individual with the DNA profile from the rapes, whose name was at the time unknown, with the rapes. This was the first time this strategy had been used in Monroe County, and one of the first times it had been used in the state. In 2005, a national CODIS hit linked our DNA profile from the John Doe case to a rape arrest from Alabama. A Grand Jury returned a separate indictment on the 1997 rape. The indictments were consolidated for trial and the defendant was convicted of all charges. His convictions were affirmed on appeal (People v Laster, 78 AD3d 1479 [4th Dept. 2010], [appeal No. 1]; People v Laster, 78 AD3d 1481 [4th Dept. 2010], [appeal No. 2]).

I was lead and sole counsel for the District Attorney’s Office throughout this litigation.

Laster was represented by Jill Paperno and Erik Teifke of the Monroe County Public Defender’s Office (10 North Fitzhugh Street, Rochester, New York, 14614, (585) 753-4240 (Paperno) and (585) 753-4903 (Teifke)).

Retired Monroe County Court Judge Patricia Marks handled the pretrial and trial litigation on this case.

4. People v. Owens (New York State Supreme Court, Monroe County, Indictment #414 and #547, 1999)

John Owens, a five-time felon, was charged with two counts of murder in the first degree and additional crimes for two rape-murders, and two counts of rape in the first degree and additional crimes for two additional rapes. The District Attorney sought the death penalty, and the two first degree murders and one of the rapes were tried before a jury. The defendant was convicted of all three charges after a trial that spanned nine months. The jury deadlocked on whether to sentence the defendant to death or life without parole on one count, and on the other count, they decided on a sentence of life without parole. The defendant was sentenced to life without parole, 25 years to life on the second (deadlocked) murder, and 25 years on the rape. This conviction was affirmed on appeal (People v. Owens, 51 AD3d 1369 [4th Dept 2008]; *leave denied* 11 NY3d 740). At a separate trial, the defendant was convicted of the remaining rape and sentenced to an additional 25 years. This conviction was affirmed on appeal (People v Owens, 50 AD3d 1579 [4th Dept 2008]; *leave denied* 10 NY3d 938).

I was lead counsel for all of the Owens litigation. In the capital trial, co-counsel was David Foster, Esq. (Appellate Division, 4th Dept., 50 East Avenue, Rochester, New York, 14604, (585) 530-3100).

Owens was represented by Michael Murray, Esq. (now deceased), Peter Pullano, Esq., (One East Main Street, Suite 711, Rochester, New York, 14614, (585) 546-1090) and William Easton of the Capital Defender Office (16 West Main Street, Suite 243, Rochester, New York, 14614, (585) 423-8290).

New York State Supreme Court Justice David Egan presided at the capital trial. New York State Supreme Court Justice Elma Bellini presided at the rape trial.

5. People v. Rouse, et al. – (Monroe County Court, Indictment #235, 2006)

Defendants were arrested in April of 2006 and charged with the attempted robbery and murder of a young minister in Rochester. In three separate jury trials, all defendants were convicted of murder. Two were convicted of murder in the second degree (People v Rouse, 74 AD3d 1817 [4th Dept, 2010]; *leave denied* 15 NY2d 895). The third, who fired the fatal shot, was convicted of murder in the first degree and sentenced to life without parole. His conviction was affirmed but the sentence was modified to 25 years to life (People v Owens, 78 AD3d 1509 [4th Dept, 2010]).

I was lead and sole trial counsel during this case.

Rouse was represented by Daniel Mastrella (19 West Main Street, Suite, 600, Rochester, New York, 14614, (585) 232-8810).

Peters was represented by James E. Brown (45 East Main Street, 2nd Floor, Rochester, New York, 14614, (585) 423-0246).

Owens was represented by Diane Russell, at the time with the Monroe County Public Defender's Office (16 West Main Street, Suite 243, Rochester, New York, 14614, (585) 546-7070).

Monroe County Court Judge Frank Geraci presided over the pre-trial and trial litigation of all cases.

6. People v. Anderson, et al. (Monroe County Court, Indictment #1050, 2007)

The three defendants were charged with killing a store owner during a robbery. Defendant Anderson was also charged with an armed robbery of another store. Defendant Lewis was charged with an unrelated armed street robbery. Anderson was tried and convicted by a jury of murder and both robberies and sentenced to 50 years to life. Defendant Woods was tried by a jury and convicted of robbery and murder and sentenced to 25 years to life. Lewis pled guilty to murder as his trial was scheduled to

begin and was sentenced to 25 years to life.

I was lead counsel for this case. Co-counsel was Assistant District Attorney Perry Duckles (47 South Fitzhugh Street, Rochester, New York, 14614, (585) 753-4653).

Anderson was represented by James Vacca (One East Main Street, Rochester, New York, 14614, (585) 423-0110).

Woods was represented by Mark Funk (144 Exchange Boulevard, Rochester, New York, 14614, (585) 325-4080).

Lewis was represented by Michael Schmitt (36 West Main Street, Suite 500, Rochester, New York, 14614, (585) 232-1770).

Monroe County Court Judge Frank Geraci presided over the pre-trial and trial litigation of all cases.

7. People v. Berger (New York State Supreme Court, Monroe County, Indictment #359, 1985)

Prior to my involvement with this case, defendant Berger was convicted of two murders and insurance fraud for murdering two people in separate incidents in furtherance of an insurance fraud scheme he was running. One of the murder convictions was reversed on appeal (People v. Berger, 188 AD2d 1073 [1992]), and I was assigned to handle the re-trial. Evidence from the original trial had been destroyed. After a five-week trial, the defendant was convicted of murder, with proof consisting largely of testimony from Berger's associates and circumstantial proof. He was sentenced to 25 years to life, consecutive to a life sentence he was serving. The conviction was affirmed on appeal (People v. Berger, 234 AD2d 980 [4th Dept 1996]; *leave denied* 89 NY2d 983).

I was lead and only counsel for the District Attorney from the time the case was reversed on appeal through the defendant's conviction and sentencing.

The defendant was represented by Robert Simels (Simels was convicted in Federal District Court, Southern District of New York, and I believe he is currently in federal prison).

New York State Supreme Court Justice Donald Wisner, who is now retired from his position on the Appellate Division, Fourth Department, presided over the above trial.

8. People v. Remelt (New York State Supreme Court, Monroe County, Indictment #367, 1994)

Remelt was charged with two counts of murder for shooting his parents multiple times with a shotgun as they lay in bed. He had a history of psychiatric issues. He was ruled incompetent to stand trial for a period of time, but was ultimately found to be competent.

The psychiatric defense was the only serious defense raised. After a lengthy trial that included extensive cross examination of several defense experts and the presentation of our experts, the defendant was convicted by a jury of two counts of murder. The convictions were affirmed on appeal (the sentence was modified) (People v. Remelt, 269AD2d 815 [4th Dept, 2000]; *leave denied* 95 NY2d 870).

I was co-counsel handling all psychiatric issues. Retired Judge Richard Keenan (c/o Clerk Monroe County Court, 545 Hall of Justice, Rochester, New York, 14614, (585) 428-2020) was the lead prosecutor.

The defendant was represented by Thomas Kidera, Monroe County Public Defender's Office (Ontario County Public Defender, 20 Ontario Street, Canandaigua, New York, 14424, (585) 396-4645).

New York State Supreme Court Justice Donald Mark, now retired, presided over the pretrial and trial matters.

9. People v. Warney (New York State Supreme Court, Monroe County, Indictment #88, 1996) and People v. Johnson (New York State Supreme Court, Monroe County, Indictment #644, 2006)

Warney was convicted of murder in the second degree in 1997, in large part based on a written confession. I was not involved in this prosecution. In December of 2004, after a motion by Warney to compel DNA testing was denied, I directed my office to reopen the case. Evidence was submitted for DNA testing, and in February of 2006, we were notified of results. In March of 2006, we were notified of a CODIS hit preliminarily matching a DNA profile from the crime scene to Johnson, an inmate in the New York State Department of Corrections. Johnson was interviewed several times, had two attorneys appointed to represent him, provided a DNA sample to confirm the CODIS results, and ultimately in early May admitted he committed the murder in question. The day Johnson confessed, the laboratory confirmed the CODIS DNA match. The information regarding the confession and the DNA match were provided to the defense, and I joined in a motion to set aside Warney's conviction and dismiss the indictment against him. New York State Supreme Court Justice Thomas Van Strydonck granted the motion on May 16, 2006 (Index #1996/001393). Johnson pled guilty to murder and received a sentence of 15 years to life.

I made the decision to reopen the case, supervised the investigation and prosecutions, and made court appearances in connection with the vacation of the plea and dismissal of the indictment. Co-counsel for my office were Wendy Lehmann (1802 Jackson Road, Penfield, New York, 14526, (585) 388-8695), and Larry Bernstein, now retired (he can be contacted through my assistant Karen Farsace at (585) 753-4334).

Warney was represented by Peter Neufeld (100 Fifth Avenue, New York, New York, 10011, (212) 965-9081) and Donald Thompson (16 West Main Street, Suite 243, Rochester, New York, 14614, (585) 423-0060).

Johnson was represented by Scott Young (150 Allens Creek Road, Rochester, New York, 14618, (585) 442-0540).

The Justice who heard and granted the motion to set aside the conviction and dismiss the indictment was NYS Supreme Court Justice Thomas Van Strydonck. The Justice who presided over the Johnson indictment was NYS Supreme Court Justice John Ark.

10. People v. Nicholson (Monroe County Court, Indictment #952, 1990)

In 1990, Nicholson was charged with murder in the second degree in connection with the shooting death of Richard Smith. Nicholson was tried by a jury and convicted in large part on the testimony of one eyewitness, in spite of the fact that the murder happened in the middle of a crowd of over twenty people. He received a sentence of 25 years to life, and the conviction was ultimately affirmed after a remand and hearing regarding a post-conviction motion. *People v. Nicholson*, 222 AD2d 1055 [4th Dept 1995]; *affirmed after remand* 238 AD2d 937 [4th Dept 1997]; *leave denied* 90 NY2d 908; *motion for writ of error coram nobis denied*, 263 AD2d 972 [4th Dept 1999]. The victim's mother went on to found a homicide survivors support organization called Families and Friends of Murdered Children and Victims of Violence. I have worked with her on this organization since its inception.

I served as lead and sole trial counsel.

The defendant was represented by Louis Pilato (to the best of my knowledge he is no longer in New York State and I do not have a current address or phone number for him)

Monroe County Court Judge Charles Maloy, now retired, was the judge.

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.)

New York State Commission on Sentencing Reform

From 2007 to 2009, I served on the New York State Commission on Sentencing Reform. The commission met for almost two years and in the course of this time I reviewed and researched New York's current and historical sentencing structure, listened to testimony from a wide variety of individuals, reviewed data, visited correctional institutions and debated changes to the sentencing structure with Commission Chair Denise O'Donnell and the other members of the Commission. I was the only prosecutor of the 11 commission members, and as such tried to represent not only my concerns and views, but

also to the extent possible, those of New York prosecutors. The Commission issued a preliminary report (A Preliminary Proposal for Reform, October 15, 2007) and a final report (The Future of Sentencing in New York State: Recommendations for Reform, January 30, 2009), which were supplied above in response to question 12(b).

New York State Task Force on Transforming Juvenile Justice

In September of 2008, I was appointed to the newly created New York State Task Force on Transforming Juvenile Justice by Governor David Paterson. The Task Force reviewed data, conducted interviews with stakeholders, and consulted national and local juvenile justice experts. The group also visited programs and facilities across New York and in other states. The process resulted in the Task Force issuing 19 recommendations that provided a framework for an effective juvenile justice system grounded in the best available research and literature. These recommendation are contained in our final report (Charting a New Course, A Blueprint for Transforming Juvenile Justice in New York State, December 2009), which were supplied above in response to question 12(b).

I have never served 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.

Rochester Institute of Technology – Fall Quarters, 2008, 2009, 2010.
Major Issues in Criminal Prosecution. Syllabi attached.

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.

Pension from the New York State Retirement System for service with the Monroe County District Attorney's Office.

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

I have no such plans, commitments or agreements.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

On occasion my office begins the prosecution of cases that are then adopted for federal prosecution by the United States Attorney's Office or my office's prosecutions occur simultaneously in federal court. If I am confirmed, there may be cases pending in federal court that are based on state charges being prosecuted by my office while I was District Attorney. To address potential conflicts of interest in these cases or any others where issues arise, I would follow the Code of Conduct for United States Judges and all other applicable statutes, rules, policies, procedures and case authority.

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

If confirmed as a United States District Judge, I would resolve all issues relating to potential conflicts of interest by referring to and following the Code of Conduct for United States Judges and all other applicable statutes, rules, policies, procedures and case authority on this topic.

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.

Most recently, I have served the disadvantaged through my work with the Boys and Girls Club of Rochester. My connection to the club started in 2004 when I joined with the Club to found Project Step Up. Step Up is a recreational and educational program for at-risk teens, run at night during the summer months and funded with federal drug forfeiture money from my office. Project Step Up has run every year since 2004, and I have been personally involved in administering and monitoring the program and helping mentor

participants. I have attended numerous sessions of the program every year, spent time mentoring individual participants at the club and outside the club, and have attended graduations and other functions celebrating the success of our members. I am now a member of the Board of Directors of the Club and spend approximately 10 hours per month working on Club related issues in that capacity. On average I would estimate that I visit Club sites or attend club functions between 25 and 50 times per year.

Prior to my work with the Boys and Girls Club, I spent many years as a tutor at School 29 in Rochester through the Lawyers for Learning program. School 29 is in one of the most challenged areas of the City. I tutored first through fourth graders once a week for one hour during the school year.

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.

In January 2009, I contacted Senator Charles E. Schumer's Rochester office to express my interest in the vacancy and to inquire about the process for consideration. I was advised to contact Mark O'Donoghue, Esq., who I was told was the head of Senator Schumer's screening committee for judicial positions. I sent Mr. O'Donoghue an e-mail with a resume attached, expressing my interest and requesting information on the process. I received a response from his assistant with an attached questionnaire to complete. On February 18, 2009, I submitted a confidential questionnaire to the screening committee for Senator Schumer. On May 14, 2009, I interviewed with the screening committee at the offices of Mr. O'Donoghue's law firm in New York City. I was not informed of the results of this process. On May 10, 2010, I met with Senator Schumer in Rochester where he interviewed me regarding my application. On July 13, 2010, Senator Schumer called to inform me that he was forwarding my name to the White House for the vacancy in the Western District of New York.

Since July 27, 2010, I have been in contact with pre-nomination officials at the U.S. Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C., on November 30, 2010. On January 26, 2011, the President submitted my nomination to the Senate.

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


No.

AFFIDAVIT

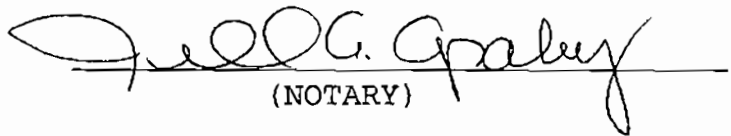
I, Michael C. Green, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

January 24, 2011

(DATE)



(NAME)



(NOTARY)

Jill A. Graby
Notary Public, State of New York
Qualified in County of Monroe
Commission Expires November 3, 2013