

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Richard Gibson Andrews

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

United States District Judge for the District of Delaware

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.

Delaware Department of Justice  
820 North French Street  
Wilmington, Delaware 19801

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

1955; Manchester, England

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.

1978 – 1981, University of California at Berkeley Boalt Hall School of Law; J.D., 1981

1973 – 1977, Haverford College; B.A., 1977

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.

2007 – Present  
Delaware Department of Justice  
820 North French Street  
Wilmington, Delaware 19801  
State Prosecutor

1983 – 2007

United States Attorney's Office

1105 North Orange Street

Wilmington, Delaware 19899

First Assistant United States Attorney (1987 – 1993; 1999 – 2001; 2001 – 2007)

United States Attorney (1993 – 1994; 1998 – 1999; 2001)

Chief, Criminal Division (1994 – 1998)

Assistant United States Attorney (1983 – 1987)

Federal Law Clerk (1983)

1981 – 1982

Honorable Collins J. Seitz

Chief Judge

United States Court of Appeals for the Third Circuit

844 King Street

Wilmington, Delaware 19801

Law Clerk

Summer 1981

Mayer Brown & Platt

1999 K Street, N.W.

Washington, D.C. 20006

Summer Associate

Summer 1980

Wald Harkrader & Ross (no longer in existence)

Washington, D.C.

Summer Associate

Summer 1979

Professors John E. Coons, Stephen D. Sugarman and Robert Mnookin

University of California at Berkeley

School of Law, Boalt Hall

Berkeley, California 94720

Summer Research Assistant

1977 – 1978

Educational Policy Research Center for Higher Education and Society

Joseph Froomkin, Inc. (no longer in existence)

1730 K Street, N.W.

Washington, D.C. 20006

Research Assistant

1977  
Haverford College  
370 Lancaster Avenue  
Haverford, Pennsylvania 19041  
Security Dispatcher

Other Affiliations (uncompensated):

1996 – 1998  
Bellevue Manor Maintenance Corporation  
1445 Brandywine Boulevard  
Wilmington, Delaware 19809  
Director

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 as required for selective service.

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

Fellow, American College of Trial Lawyers (elected 2005)

“Director’s Award for Executive Achievement,” United States Department of Justice (2003)

“AV,” Martindale-Hubbell (2003)

One of Delaware’s “Top 175 Lawyers,” Delaware Today (2001)

Recognition of Richard G. Andrews, Senator Joseph R. Biden, Jr., 145 Cong. Record (106th Congress), S2431, March 8, 1999

California Law Review, Note and Comment Editor (1980 – 1981)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American College of Trial Lawyers (2005 – present)

Criminal Justice Statistical Review Committee, Member (2011 – present)

Delaware Attorney General's Ad Hoc Drug Law Revisions Committee, Chair (2009 – 2011)

Delaware Attorney General's representative to Delaware's Sentencing Accountability Commission (SENTAC) (2009 – present)

Delaware State Bar Association (1983 – present)  
Professional Ethics Committee (2005 – 2007)

Delaware Board of Bar Examiners (2006 – present)

Delaware Criminal Justice Council, Member (1993 – 1994, 1998 – 1999, 2001)  
Chairperson of the Victims Advisory Committee (1993 – 1994)  
Member, Citizen Capias and Warrants Committee (2007 – present)  
The Delaware Attorney General's representative to the Council (2008 – present)  
Member, Executive Committee (2008 – present)  
Member, Drug and Violent Crime Advisory Committee (2007 – present)  
Member, Legislation Committee (2010 – present)

District of Delaware

Committee to Draft Local Rules of Criminal Practice and Procedure (1993 – 1994)  
Criminal Justice Act Committee (1994 – 1995)  
Lawyer Advisory Committee (2009 – 2011)  
Model Criminal Jury Instructions Committee (1992 – 1993)

Superior Court Criminal Rules Advisory Committee, Chair (2007 – present)

Supreme Court Racial Justice Improvement Project Task Force (2010 – present)

Third Circuit Appellate Chiefs' Working Group (1999 – 2001)

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.

Delaware, 1983.

District of Columbia, 1983. At some point, probably in the 1990s, I went from an "active" member to an "inactive" member.

There have been no lapses in membership.

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

United States Court of Appeals for the Third Circuit, 1983.

United States District Court for the District of Delaware, 1984.

There have been no lapses in membership.

**11. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Bellevue Manor Maintenance Corporation  
Director (1996 – 1998)

Concord Soccer Association (1997 – 2008); “President’s Award” (2008)

River Road Swim Club (2003 – present (dues paid for annual privileges))

United States Chess Federation (1981 – present)

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

Bellevue Manor Maintenance Corporation, which was formed in about 1934 – 1935, did have a discriminatory deed restriction, but the discriminatory restriction was not renewed in 1964, 1984, and 2004, when the other deed restrictions were renewed. The documents are on file in the New Castle County Recorder of Deeds Office in Wilmington. See Deed Book Volume 74-G, p. 669 (1964), Deed Book Volume 188, p. 138 (1984), and Instrument ID 200412140135331 (2004).

To the best of my knowledge, none of the other organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race,

sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

**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.

Richard Andrews, "Lack of Resources Must Be Addressed," Delaware News Journal, September 13, 2010. Copy supplied.

Richard G. Andrews, "Criminal Justice System Under Stress," Widener Law, 2010. Copy supplied.

Richard G. Andrews, "Judge Collins J. Seitz: In Chambers with the Great, Groundbreaking Judge Seitz," 27 Del. Law. 18 (Spring 2009). Copy supplied.

Note, "*Fletcher v. Security Pacific National Bank: Unfair Bank Practices and Consumer Class Actions*," 68 Calif. L. Rev. 862 (1980). Copy supplied.

Joseph Froomkin, "Middle Income Students and the Cost of Postsecondary Education," Report prepared for the United States Department of Health, Education, and Welfare (February 1978). I provided research assistance for this report, but did not draft the text. Copy supplied.

Richard Andrews, "The Cost of Compliance with Section 504 of the Rehabilitation Act of 1973 for Institutions of Higher Education," Report prepared for the United States Department of Health, Education, and Welfare (December 1977). 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.

In 2010, as a member of the Drug Law Revisions Committee, I helped draft HB 443, which was a comprehensive revision to state drug laws, and one of several proposed amendments to the bill. HB 443 did not pass before the legislative session ended. I helped draft minor changes to HB 443, and the slightly revised bill was introduced in 2011 as HB 19. I also helped draft Senate Amendment 1 to HB 19. A copy of the final bill, which was signed into law on April 20, 2011, is supplied.

Also as a member of the Drug Law Revisions Committee, I helped draft the Commentary to Proposed Revisions to Delaware's Drug Laws (HB 443), June 9, 2010. Copy supplied.

On December 1, 2009, I submitted a report to Governor Jack Markell that was entitled, "Analysis of Current Victim Rights' Statutes and Available Services for Victims of Trafficking of Persons and Involuntary Servitude." The report was mandated by Delaware statute and written by members of the Attorney General's Office and Department of Health & Social Services. I did not play a role in writing or substantively editing the report, but a copy is supplied.

Delaware State Bar Association Committee on Professional Ethics, 2005 – 2007. As a member, I contributed to creating ethics opinions in response to individual inquiries. Copies of the three opinions issued during my tenure are supplied.

In 2001 to 2002, I participated in meetings about a research project sponsored by the Metropolitan Wilmington Urban League and initiated by U.S. Attorney Carl Schnee. The project eventually became the report, "Handgun Violence in Delaware: A Picture of the State." While I did not contribute to the writing of this report, a copy is supplied.

District of Delaware Model Criminal Jury Instructions, 1992 – 1993. I do not have a copy of the final product, which was a set of model criminal jury instructions with commentary as to why particular jury instructions were suggested. Copies of letters dated January 6, 1993, January 22, 1993, March 17, 1993, and April 14, 1993, which evidence contributions to the final product, are supplied.

I was a member of the Lawyer Advisory Committee of the U.S. District Court for the District of Delaware, which formed a subcommittee to produce the 2010 amendments to the Local Rules of Civil Practice & Procedure. Although I and the other members of the Lawyer Advisory Committee are acknowledged in that document, I did not play a role in writing or reviewing these rules.

- 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.

Delaware House Judiciary Committee, January 26, 2011 (Remarks in connection with House Bill ("HB") 19). Outline for presentation and press coverage supplied.

Delaware House Judiciary Committee, Question and Answer on HB 6 (Gang Amendment Bill), January 26, 2011. I have no notes, transcript or recording.

Delaware Senate Judiciary Committee, November 17, 2010 (Remarks in connection with HB 443). Committee Minutes summarizing discussion and press coverage supplied.

Delaware House, June 15, 2010, Question and Answers on HB 443. Audio recording supplied.

Delaware House Judiciary Committee, June 9, 2010 (Remarks in connection with HB 443). Outline for presentation and press coverage supplied.

Delaware Senate, Questions and Answers on HB 304, May 11, 2010. Audio recording supplied.

Delaware Senate Judiciary Committee, Questions and Answers on HB 304 (Sex Crimes Bill), May 4, 2010. I have no notes, transcript or recording.

Delaware Senate Judiciary Committee, Questions and Answers on HB 226 (Carrying a Concealed Deadly Weapon bill), March 17, 2010. I have no notes, transcript or recording.

Delaware Senate Judiciary Committee, Questions and Answers on HB 175 (Department of Justice fee bill), March 17, 2010. I have no notes, transcript or recording, but press coverage is supplied.

Delaware House, April 3, 2007 (Remarks in connection with HB 71). Audio recording supplied (two discs).

Delaware House Judiciary Committee, February 27, 2007 (Remarks in connection with HB 71). Outline for presentation and press coverage supplied.

Delaware House Judiciary Committee, January 23, 2007 (Remarks in connection with HB 32). I have no notes, transcript or recording, but press coverage 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.



October 7, 2010: Member of Panel on "Prosecutor's Brady/Discovery Obligations for Production of Documents," Wilmington, Delaware. This was a nearly two-hour CLE presentation at Widener Law School, moderated by Professor Bruce Green. The discussion was extemporaneous. Recording supplied.

August 31, 2009: Delaware State Police Promotion Ceremony, Dover, Delaware. I made congratulatory remarks to Delaware State Police officers. I have no notes, transcript or recording. The address of the Delaware State Police is 1441 North DuPont Highway, P.O. Box 430, Dover, Delaware 19903.

November 2008: Memorial Service, Smyrna, Delaware. I made remarks at a service for police officers who died in the line of duty. I have no notes, transcript or recording. The address of the Delaware State Police is 1441 North DuPont Highway, P.O. Box 430, Dover, Delaware 19903.

September 23, 2008: "New help for crime victims," Dover, Delaware. I made remarks about a new victim notification system. I have no notes, transcript or recording. I do not know who sponsored the event, but it took place at the Delaware State Police Museum, 1425 North DuPont Highway, P.O. Box 430, Dover, Delaware 19903.

May 16, 2008: Ninth Annual Officer Recognition Breakfast, Dover, Delaware. I made remarks about drunk driving to a group consisting mostly of police officers. Outline of remarks supplied.

April 11, 2008: "DOJ: Approach to Capital Cases," Adjudication of Capital Cases in Delaware Seminar, Wilmington, Delaware. This was a Continuing Legal Education program for lawyers. Draft of speech supplied.

January 5, 2007: Roundtable Discussion on the changes in the practice of law over the past 25 years, Delaware State Bar Association. Transcript supplied.

May 23, 2006: Anti-Counterfeiting Seminar, New Castle, Delaware. I talked to a group of law enforcement officers about federal anti-counterfeiting laws. E-mail summarizing topics supplied.

September 27, 2005: Roles in the Criminal Justice System, Academy of Lifelong Learning, Wilmington, Delaware. I participated in a panel presentation to senior citizens. Notes for remarks supplied.

November 12, 1998: Remarks, "Candlelight vigil for victims of hate crimes," Wilmington, Delaware. I have no notes, transcript or recording.

November 4, 1998: Presentation about Firearms Laws at a Domestic Violence Seminar for Police, Newark, Delaware. Outline for presentation supplied.

June 24, 1996: Lecture to Criminal Justice class at Wilmington College, Wilmington, Delaware. The subject matter was the interaction of police and prosecutors. Handwritten notes supplied.

October 25, 1995: Panel participant, "The role of the accountant in a tax fraud investigation," Wilmington, Delaware. I believe the audience was accountants, and I believe my topic was tax prosecution. I have no notes, transcript or recording. The seminar was organized by the Wilmington office of the law firm of Duane Morris & Heckscher, 1201 Market Street, Suite 1500, Wilmington, Delaware 19899.

December 13, 1993: Pre-Admission Conference Panel Presentation, Wilmington, Delaware. The subject matter was orientation on federal court practice for new admittees to bar. I most likely used the same outline supplied below for the December 11, 1992, presentation on the same topic.

March 11, 1993: "Sentencing under the Sentencing Guidelines," presentation at Blue Ribbon Panel Seminar, Wilmington, Delaware. The subject matter was effective advocacy under the Sentencing Guidelines. Handwritten notes supplied.

December 11, 1992: Pre-Admission Conference Panel Presentation, Wilmington, Delaware. The subject matter was orientation on federal court practice for new admittees to bar. Outline of presentation supplied.

January 22, 1992: Seminar on New Delaware Superior Court Criminal Rules, Dover, Delaware. I believe I spoke as part of a panel at this seminar, which was sponsored by the Criminal Law Section of the Delaware State Bar Association, and believe I would have been talking about the contrast between the Delaware rules and the Federal rules. I have no notes, transcript or recording. The address of the DSBA is 301 North Market Street, Wilmington, Delaware 19801.

November 1, 1991: Seminar on Federal Appellate Practice, Presentation on "Preserving the Record on Appeal," Wilmington, Delaware. Outline of speech supplied.

November 1, 1991: Seminar on Federal Appellate Practice, Presentation on "Dispositive Motions," Wilmington, Delaware. Outline of speech supplied.

December 7, 1990: Panel presentation on "Criminal Practice in State and Federal Courts of Delaware," Wilmington, Delaware. This was a presentation to newly-admitted lawyers. Notes for presentation supplied.

September 24, 1990: Presentation to Professor Phyllis Bookspan's Advanced Criminal Procedure Class on the topic of "practice before the grand jury," Widener Law School, Wilmington, Delaware. Notes for presentation supplied.

June 20, 1990: "Plea Bargaining under the Federal Sentencing Guidelines," Criminal Justice Act Attorneys Training Program, Wilmington, Delaware. Outline of speech supplied.

December 4, 1989: Panel presentation on "Criminal Practice in State and Federal Courts of Delaware," Wilmington, Delaware. This was a presentation to newly-admitted lawyers. Handwritten notes for presentation supplied.

November 15, 1988: Presentation on "Federal Statutes" at the Delaware State Police "Drug Interdiction Training Seminar," Dover, Delaware. I have no notes, transcript or recording. The address of the Delaware State Police is 1441 North DuPont Highway, P.O. Box 430, Dover, Delaware 19903.

October 21, 1988: "New Federal Sentencing Guidelines," a presentation at the Sentencing Guidelines Seminar, Wilmington, Delaware, sponsored by the Delaware State Bar Association. I have no notes, transcript or recording. The address of the DSBA is 301 North Market Street, Wilmington, Delaware 19801.

June 15, 1988: Presentation, Integrity Awareness Seminar for IRS employees, Wilmington, Delaware. This seminar was organized by the IRS. I believe I gave one or more sample opening statements relating to the prosecution of IRS employees. I have no notes, transcript or recording. The address of the IRS is 844 King Street, Wilmington, Delaware 19801.

May 11, 1988: Lecture on Evidence to a class at the Attorney General's Advocacy Institute, Washington, D.C. Draft transcription supplied. The handwriting on it is my unfinished attempt to edit the transcript soon after it was prepared.

September 16, 1987: Opening Remarks and Presentation on "Forfeitures" at Federal/State Seminar, Rehoboth, Delaware. The IRS organized the seminar. I have no notes, transcript or recording. The address of the IRS is 844 King Street, Wilmington, Delaware 19801.

May 5 or 6, 1987: Presentation at "Drug Investigation and Information Seminar," to about 62 police officers, somewhere in Delaware. This seminar was organized by the Delaware State Police. I have no notes, transcript or recording. The address of the Delaware State Police is 1441 North DuPont Highway, P.O. Box 430, Dover, Delaware 19903.

November 19, 1986: Presentation to IRS Regional Seminar, Harrisburg, Pennsylvania. The audience was mostly IRS agents, and the topic was prosecutive guidelines on bribery and assaults. I have no notes, transcript or recording. The address of the IRS is 844 King Street, Wilmington, Delaware 19801.

November 22, 1985: Panelist, "Court Procedures Seminar," Wilmington, Delaware, a presentation to new admittees to the Delaware Bar, sponsored by New Lawyers Committee of the Delaware State Bar Association. I have no notes, transcript or recording. The address of the DSBA is 301 North Market Street, Wilmington, Delaware 19801.

December 7, 1984: Panelist, "Court Procedures Seminar," Wilmington, Delaware, a presentation to a majority of the new admittees to the Delaware Bar, sponsored by the New Lawyers Committee of the Delaware State Bar Association. I have no notes, transcript or recording. The address of the DSBA is 301 North Market Street, Wilmington, Delaware 19801.

Since 2008, I have participated in the annual Delaware High School Mock Trial competition as a judge. I believe I also participated as a judge in 2006. I have no notes, transcripts or recordings. The address of the Delaware Law Related Education Center, Inc. is 301 North Market Street, Wilmington, Delaware 19801.

In 2008, I also participated in the annual National High School Mock Trial competition, held in Delaware, as a judge. I have no notes, transcript or recording. The Delaware Law Related Education Center, Inc. is the state representative for National High School Mock Trial, and is located at 301 North Market Street, Wilmington, Delaware 19801.

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

I have spoken to the press on a regular basis since 1983, mostly about cases I handled. Most of the contact was with print media, and I have pretty good, but not perfect, documentation of what was printed. I have virtually no documentation of interviews with radio and television. Based on my files, I have compiled the following list of interviews.

Maureen Milford, "Delaware Attorney Richard Andrews Tapped for Federal Bench," Delaware News Journal, May 12, 2011. Copy supplied.

Sean O'Sullivan, "Supporters to Try Again for Del. Drug Law Reform," Delaware News Journal, Nov. 26, 2010. Copy supplied.

Esteban Parra, "Intricacy of 'Hate' Makes Many Crimes Hard to Classify," Delaware News Journal, Aug. 24, 2010. Copy supplied.

Ginger Gibson, "Officers Cleared after Bar Fight," Delaware News Journal, Feb. 27, 2010. Copy supplied.

Sean O'Sullivan, "Dropped Cases Put Biden's Approach under Scrutiny," Delaware News Journal, Feb. 14, 2010. Copy supplied.

Julie Scharper, "Plea Deals, Legal Breaks Mark Trail of Sex Offender," Baltimore Sun, Feb. 14, 2010. Copy supplied.

Cris Barrish and Sean O'Sullivan, "Delays in DNA Testing Plague Delaware Courts," Delaware News Journal, Oct. 18, 2009. Copy supplied.

Sean O'Sullivan and Adam Taylor, "Single-Game Betting Goes On, As Always," Delaware News Journal, Sept. 13, 2009. Copy supplied.

Press release, "New Law Enhances Legal Penalties for Defendants Who Violate Pre-Trial Restrictions," Delaware Department of Justice, July 8, 2009. Copy supplied.

Esteban Parra, "Law Would Deny More Criminals Bail," Delaware News Journal, July 7, 2009. Copy supplied.

Press release, "Attorney General's Office Applauds New Tool to Encourage Witness Testimony," Delaware Department of Justice, June 18, 2009. Copy supplied.

Esteban Parra and Rachel Kipp, "No Fight Coming Over Case Dismissal," Delaware News Journal, May 29, 2009. Copy supplied.

Sean O'Sullivan, "Police Urge Those Avoiding the Law to Give Up Safely," Delaware News Journal, Apr. 6, 2009. Copy supplied.

Press release, "Office of the Attorney General to Host Community Meetings on Neighborhood Crime," Delaware Department of Justice, Apr. 1, 2009. Copy supplied.

Press release, "Andre Blake Sentenced to Life Behind Bars for 2007 Dover Homicide," Delaware Department of Justice, Mar. 26, 2009. Copy supplied.

Sean O'Sullivan, "'I Enjoyed Wearing the White Hat'," Delaware News Journal, Jan. 12, 2009. Copy supplied.

Sean O'Sullivan, "Before Slayings, Defendants Were No Strangers to Police," Delaware News Journal, Nov. 23, 2008. Copy supplied.

Press release, "Scammer Gets 4 ½ Years for Bilking a Senior," Delaware Department of Justice, Oct. 17, 2008. Copy supplied.

August 21, 2008: Press conference held by Councilman Michael A. Brown Sr. on bail for juvenile felons. Related press coverage is listed below:

“Tougher Laws Sought on Young Offenders,” Delaware News Journal, August 22, 2008. Copy supplied.

Lee Williams, “Ex-DPC Aide Admits Having Sex at Center,” Delaware News Journal, November 28, 2007. Copy supplied.

Randall Chase, “Endangering Child Classed as Nonviolent Crime in Del.,” Delaware News Journal, May 14, 2007. Copy supplied.

J.L. Miller, “Sentencing Bill to Give Judges More Freedom Faces Stiff Battle,” Delaware New Journal, Jan. 24, 2007. Copy supplied.

Staff, “Beau Biden Picks New State Prosecutor,” Delaware News Journal, Dec. 14, 2006. Copy supplied.

Drew Volturo, “Biden Fills State Prosecutor Post,” Delaware State News, Dec. 14, 2006. Copy supplied.

“Disbarred Lawyer Charged With \$76,200 Tax Evasion,” Delaware News Journal, Nov. 21, 2006. Copy supplied.

Terri Sanginiti and Lee Williams, “Police Withhold Shooting Details,” Delaware News Journal, Nov. 8, 2006. Copy supplied.

Sean O’Sullivan, “Ex-Accountant Guilty in Check Fraud,” Delaware News Journal, Oct. 19, 2006. Copy supplied.

Kate House-Layton, “Misprinted Currency Surfaces in Dover Del,” Knight-Ridder Tribune Business News, June 8, 2006. Copy supplied.

“Fraud Nets 6 Years,” The Aegis, Mar. 17, 2006. Copy supplied.

Sean O’Sullivan, “Con Man Sentenced to 6 ½ Years,” Delaware News Journal, Mar. 14, 2006. Copy supplied.

“Ex-Postal Union Official Admits Embezzling,” Delaware News Journal, Sept. 1, 2005. Copy supplied.

Sean O’Sullivan, “Pair Convicted in Home Loan Scam Sentenced to Five Years in Prison,” Delaware News Journal, Apr. 23, 2005. Copy supplied.

Staff, “Harkins Asks for Closer Prison,” Delaware News Journal, Apr. 15, 2005. Copy supplied.

Randall Chase, "Judge Recommends Prison Close to Home for Harkins," Associated Press, Apr. 14, 2005. Copy supplied.

Sean O'Sullivan and Cris Barrish, "Disgraced DRBA Chief Harkins Gets 14 Months," Delaware News Journal, Mar. 19, 2005. Copy supplied.

Randall Chase, "Federal Judge Fines Motiva \$10 Million for Fatal Tank Collapse and Explosion," Associated Press, Mar. 17, 2005. Copy supplied.

Press release, "Federal Court Sentences Motiva Enterprises to \$10 Million Criminal Fine," U.S. Department of Justice, Mar. 17, 2005. Copy supplied.

Randall Chase, "Senators Ask Federal Prosecutor for Information on Minner Cabinet Picks," Associated Press, Jan. 19, 2005. Copy supplied.

Sean O'Sullivan, "Wife Pleads Guilty in 2003 Robbery Spree," Delaware News Journal, Jan. 11, 2005. Copy supplied.

Mary Allen, "Man Pleads Guilty to Holdups," Delaware News Journal, Dec. 9, 2004. Copy supplied.

Richard Degener, "Ex-DRBA Chief's Sentencing Delayed by Guidelines Dispute," The Press of Atlantic City, Oct. 14, 2004. Copy supplied.

Mary Allen, "Restaurant Owners Face Arson Charges," Delaware News Journal, Aug. 14, 2004. Copy supplied.

Celia Cohen, "Will Harkins Get a Lucky Break?," Delaware Grapevine, Aug. 5, 2004. Copy supplied.

Jennifer Lin, "Coast Guard Remains on Board Turkish Vessel," Philadelphia Inquirer, July 24, 2004. Copy supplied.

March 22, 2004: Press Conference on United States v. Michael Harkins. Related press coverage is listed below:

"DRBA Ex-Boss Harkins Admits Ripoffs in Guilty Plea," Tollroadsnews, Mar. 23, 2004. Copy supplied.

Cris Barrish, "Former Director of DRBA Pleads Guilty to Fraud," Delaware News Journal, Mar. 23, 2004. Copy supplied.

Randall Chase, "Ex-DRBA Chief Pleads Guilty to Fraud, Tax Charges," Associated Press, Mar. 22, 2004. Copy supplied.

Press release, "Former DRBA Executive Pleads Guilty to Fraud," U.S. Department of Justice, Mar. 22, 2004. Copy supplied.

Mary Allen, "Pair Convicted in Loan Scams Agree to Turn Over \$500,000," Delaware News Journal, Oct. 9, 2003. Copy supplied.

Mary Allen, "Two Convicted in Home-Loan Fraud Conspiracy," Delaware News Journal, Oct. 8, 2003. Copy supplied.

Cris Barrish, "Veteran Prosecutor is Leaving State Post," Delaware News Journal, Aug. 12, 2003. Copy supplied.

Terri Sanginiti, "Rise in Bank Robberies Defies Trend, Logic," Delaware News Journal, July 14, 2003. Copy supplied.

June 20, 2003: Press conference on AstraZeneca's guilty plea. Related press coverage is listed below:

Melody Petersen, "AstraZeneca Pleads Guilty in Cancer Medicine Scheme," New York Times, June 21, 2003. Copy supplied.

Randall Chase, "AstraZeneca to Pay \$355 Million to Settle Zoladex Marketing Allegations," Associated Press, June 20, 2003. Copy supplied.

Bob Jamieson, "Astrazeneca Pharmaceutical Company Fraud," ABC World News Tonight with Peter Jennings, June 20, 2003. Copy supplied.

Mary Allen, "Roberts Restates Case on Timing," Delaware News Journal, May 3, 2003. Copy supplied.

Sean O'Sullivan, "Ex-National Guard Major Sentenced," Delaware News Journal, Feb. 25, 2003. Copy supplied.

Cris Barrish, "Audit Alleges Financial Abuse," Delaware News Journal, Dec. 7, 2002. Copy supplied.

Terri Sanginiti, "Sewer Tampering Case Ends in Guilty Plea," Delaware News Journal, Nov. 6, 2002. Copy supplied.

Staff, "Financial Planner Pleads Guilty," Delaware News Journal, Nov. 1, 2002. Copy supplied.

Richard A. Serrano, "A Year After," Los Angeles Times, Sept. 10, 2002. Copy supplied.



Steven Church, "Two Indicted in Illegal Real Estate Loan Scam," Delaware News Journal, July 2, 2002. Copy supplied.

Adam Taylor, "Minister Guilty of Misusing Tax Dollars," Delaware News Journal, Apr. 25, 2002. Copy supplied.

Randall Chase, "Minister Found Guilty on All Counts in Street Fund Trial," Associated Press, Apr. 24, 2002. Copy supplied.

Celia Cohen, "Disciplinary Office Hires Financial Sleuth," Delaware Law Weekly, Apr. 20, 2002. Copy supplied.

Cris Barrish, "Suspended Attorney Sentenced for Bank Fraud," Delaware News Journal, Mar. 5, 2002. Copy supplied.

Randall Chase, "Post-Attack Investigation Leads to Indictment by Federal Grand Jury," Associated Press, Jan. 25, 2002. Copy supplied.

Richard A. Serrano, "Detainee Caught in Backwash of Sept. 11," Los Angeles Times, Nov. 19, 2001. Copy supplied.

Celia Cohen, "First Day on the Job," Delaware Law Weekly, approx. Sept. 5, 2001. Copy supplied.

Celia Cohen, "Childerston Pleads Guilty to Fraud," Delaware Law Weekly, Aug. 21, 2001. Copy supplied.

Dennis Thompson, Jr., "Couple to Pay for Tax Crime," Delaware News Journal, June 8, 2001. Copy supplied.

Celia Cohen, "Andrews – Who Else? – Steps in as U.S. Attorney," Delaware Law Weekly, approx. May 6, 2001. Copy supplied.

Steven Church, "Couple Plead Guilty to Tax Evasion," Delaware News Journal, Mar. 10, 2001. Copy supplied.

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"Former Shipping Chief Indicted," Delaware News Journal, Aug. 17, 1990. Copy supplied.

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Jerry Hager, "Tag Seller Finds IRS Has His Number," Delaware News Journal, May 1990. Copy supplied.

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Tom Greer, "\$400,000 Lottery Winner Fined \$1,000," Delaware News Journal, Apr. 9, 1987. Copy supplied.

Jerry Hager, "'Crack' Charge Draws Jail," Delaware News Journal, Feb. 27, 1987. Copy supplied.

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Celia Cohen, "McBrides Cleared in Probe," Delaware News Journal, June 12, 1985. Copy supplied.

Barbara Whitaker, "Pagan Can't Rescind His Guilty Plea," Philadelphia Inquirer, approx. Mar. 15, 1985. Copy supplied.

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"How Much Mob Activity?," Delaware Today, Feb. 1985. Copy supplied.

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Tom Greer, "3 Indicted in 'Phony' Credit Pleas," Delaware News Journal, May 23, 1984. Copy supplied.

Barbara Whitaker, "Guilty Plea Entered in Aliens Case," Philadelphia Inquirer, May 4, 1984. Copy supplied.

David Holmberg, "Police Find 38 Refugees in Trailer Search on 1-95," Philadelphia Daily News, Feb. 29, 1984. Copy supplied.

"Del. Inmate Charged with Threatening to Harm Reagan," Delaware News Journal, Feb. 16, 1984. Copy supplied.

Tom Greer, "Kent Farmer is Indicted," Delaware News Journal, 1984. Copy supplied.

Cecilia Friend, "Reputed Pagans Jailed for Drugs," Delaware News Journal, June 29, 1983. Copy supplied.

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

I have not served as a judge.

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

- i. Of these, approximately what percent were:

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name

and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

I have not served as a judge.

- 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.

State Prosecutor, Delaware Department of Justice, appointed by Delaware Attorney General Joseph R. Biden, III, effective January 21, 2007. I am presently serving in this 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.

None.

**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 served as a law clerk to the Honorable Collins J. Seitz, Chief Judge, United States Court of Appeals for the Third Circuit, from September 1981 to August 1982.

- 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.

1981  
Mayer Brown & Platt  
1999 K Street, N.W.  
Washington, D.C. 20006  
Summer Associate

1983 – 2007  
United States Attorney's Office  
1105 North Orange Street  
Wilmington, Delaware 19899  
Federal Law Clerk (1983)  
Assistant United States Attorney (1983 – 1987)  
First Assistant United States Attorney (1987 – 1993; 1999 – 2001; 2001 – 2007)  
United States Attorney (1993 – 1994; 1998 – 1999; 2001)  
Chief, Criminal Division (1994 – 1998)

2007 – Present  
Delaware Department of Justice  
820 North French Street  
Wilmington, Delaware 19801  
State Prosecutor

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

I have not served as a mediator or arbitrator.

b. Describe:

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

Since 1983, I have been a trial lawyer and supervisor of trial lawyers. From 1983 to 2007, I was an Assistant U.S. Attorney. In the mid-1980s, I handled a mix of criminal and civil cases in the United States District Court for the District of Delaware. In 1987, after I was made a supervisor, I continued to spend most of my time handling my own caseload, which became predominantly a criminal caseload, but I also began to spend a portion of my time supervising other Assistant U.S. Attorneys prosecuting criminal cases. My practice continued in this manner until early 2007, when I became State Prosecutor. My primary responsibility since 2007 has been supervising and managing the approximately 185 employees of the Delaware Department of Justice's Criminal Division.

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

From 1983 to 2007, my client was the United States. From 2007 to the present, my client has been the State of Delaware. While I had a general trial practice at the beginning of my career, by the mid-1980s I specialized in federal criminal law, and continued to do so until 2007. Since 2007, I have specialized in Delaware criminal law.

- 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.

While I was an Assistant U.S. Attorney, from 1983 to 2007, my practice was close to 100% litigation, whether personally-handled or supervised. I appeared in court frequently during the entire time. While I have been State Prosecutor, from 2007 to the present, my practice has been about 20% litigation, mostly supervising others, and my court appearances have been infrequent from 2007 to the present.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 85 %
- 2. state courts of record: 15 %
- 3. other courts: 0 %
- 4. administrative agencies: 0 %

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 5%
- 2. criminal proceedings: 95 %

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

I have tried 59 cases in courts of record to a verdict. In 32 of these I was sole counsel. In 13 of the 27 cases I tried with one or more other lawyers, I was "first chair" – which I equate with being "chief counsel." In 12 of the 27 cases I tried with one or more other lawyers, I was "second chair," and in one of the 27 cases I was "third chair," both of which I equate with "associate counsel." In one of the 27 cases, I split the work evenly with another lawyer of similar experience, and I can no longer recall which of us sat "first chair."

- i. What percentage of these trials were:

- 1. jury: 93 %
- 2. non-jury: 7 %

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

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

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

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

1. *United States v. Trott*, 604 F. Supp. 1045 (D. Del.), *aff'd*, 779 F.2d 912 (3d Cir. 1985); Honorable Joseph J. Longobardi; 1983 – 1985.

I represented the United States. This was a “Continuing Criminal Enterprise” prosecution against the national vice-president of the Pagan Motorcycle Club, based on the substantial profits he was making from drug sales conducted by him and others lower in the Pagan Motorcycle Club hierarchy. I handled the case from before indictment to the affirmance on appeal. The United States had about five witnesses in the Witness Protection Program. Some time after the original indictment, another Assistant United States Attorney was also assigned to the case, and on the morning of trial, we were prepared to try the case. The Defendant pled guilty to the charge of “Continuing Criminal Enterprise” that morning, and later that day wanted to withdraw the guilty plea. We opposed the request to withdraw the guilty plea, and I conducted the hearing on the motion to withdraw the guilty plea. The District Court denied the motion, and, on appeal, I wrote the Government’s Brief. The Court of Appeals affirmed the District Court’s denial of the motion to withdraw the guilty plea.

Co-counsel: Assistant United States Attorney Edmond Falgowski, 1105 North Orange Street, Wilmington, DE 19801, 302-573-6277

Counsel for Trott: (through the morning of trial) Daniel Durkin, Esquire, 410 Brentwood Drive, Wilmington, DE 19803 (retired); (motion to withdraw guilty



plea and appeal) John M. Willard, Esquire, 224 Plymouth Road, Wilmington, DE 19803, 302-656-3825

2. *United States v. Coleman*, 805 F.2d 474 (3d Cir. 1986); United States District Court for the District of Delaware; Honorable Jane R. Roth; 1984 – 1986.

I represented the United States. This was a corruption prosecution of a recently-retired IRS Revenue Officer for theft, perjury, obstruction of justice, and conflict of interest. I worked with the IRS during the investigation, which included the use of a cooperating witness who wore a recording device, and an expert whose specialty was examining a writing that had been crossed out to determine what the writing had originally said. Near the end of the investigation, I examined the Defendant before the federal grand jury. The trial lasted about two weeks, with the jury returning a guilty verdict on most, if not all, of the counts. The Court of Appeals affirmed.

Co-counsel: none

Counsel for Coleman: Victor F. Battaglia, Sr., Esquire, Biggs & Battaglia, 921 North Orange Street, Wilmington, DE 19899, 302-655-9677

3. *United States v. Short*, Crim. Act. No. 86-10-LON (D. Del.); Honorable Murray M. Schwartz; 1984 – approx. 1986.

I represented the United States. This was a mail fraud and tax evasion prosecution. Short was a purchasing agent for a pipe company, and took kickbacks from about ten vendors. I worked closely with an FBI agent and an IRS agent to investigate the case. Many of the vendors initially lied about why they had made payments to Short, and I tried two of the vendors in separate trials for obstruction of justice and/or perjury. Short, who was the main defendant, pled guilty.

Co-counsel: none

Counsel for Short: Carl Schnee, Esquire, YMCA of Delaware, 100 West 10th Street, Wilmington, DE 19801, 302-571-6903

4. *United States v. Murillo*, 933 F.2d 195 (3d Cir. 1991); United States District Court for the District of Delaware; Honorable Jane R. Roth; 1988 – 1991.

I represented the United States. In September 1988, the Delaware State Police arrested a significant cocaine dealer, who agreed to cooperate and provided information about Murillo. The informant then fled to Canada. (Much later, I believe, I handled the extradition of the informant, who then entered a guilty plea.) There followed a four month period when I was constantly working with the Delaware State Police, DEA and the IRS to develop a case against Murillo, an investigation that was made difficult since the only witness had fled to Canada. The investigation developed probable cause to use “clone pagers” to monitor the relationships between Murillo and his associates. It

became clear that Murillo was bringing drugs to Delaware from Texas/New Mexico/Arizona. We applied for a wiretap, but the application was denied. We gathered more evidence, and again applied for a wiretap, which was granted. Murillo recognized increased police surveillance within 24 hours of the wiretap starting, but, due to the wiretap, the investigators knew that Murillo had recognized the increased surveillance. The investigators executed search warrants and seized substantial amounts of cocaine and cash. Murillo pled guilty. I requested a sentencing enhancement under the Sentencing Guidelines. I noted for the District Court that two courts of appeals had ruled against the enhancement I was seeking, but argued that they were wrong. The District Court granted the enhancement. By the time of the appeal, at least five courts of appeals had decided the issue, all but one of them against the Government's position. The only one that ruled in the Government's favor was the Fourth Circuit. The Third Circuit followed the majority, and reversed Murillo's sentencing enhancement. Shortly thereafter, the Sentencing Commission amended the guidelines to clarify that the position I had argued for was what the Sentencing Commission had intended.

Co-counsel: none

Counsel for Murillo: (on appeal) Kevin O'Connell, Esquire, Office of the Public Defender, 820 North French Street, Wilmington, DE 19801, 302-577-5144

5. *United States v. Teeven*, Criminal Action No. 91-95-MMS (D. Del.); Honorable Murray M. Schwartz; 1989 – 1992.

I represented the United States. This case was the product of a lengthy investigation. Teeven was the Chairman of a company that ran a correspondence school for truck drivers. The company generated huge profits. The investigation produced a number of cooperating witnesses. The prosecution theory was that Teeven had skimmed substantial amounts of cash from the company. The proffered defense was that Teeven reported large amounts of income on his tax returns – why would he skim a few hundred thousand dollars? Teeven's bank records showed that he never withdrew any cash from his bank accounts. Teeven had multiple lawyers, all of the highest quality. They actively litigated the case, filing motions for the return of property, motions to dismiss, and other motions. Shortly before trial, Teeven entered a guilty plea to a tax felony. The District Court imposed a prison sentence.

Co-counsel: Honorable Kent A. Jordan, United States Court of Appeals for the Third Circuit, 844 King Street, Lock Box 10, Wilmington, DE 19801, 302-573-6001

Counsel for Teeven: James Neal, Esquire, Nashville, TE (deceased)

6. *United States v. Slawik*, Criminal Action No. 92-93-SLR (D. Del.); Honorable Sue L. Robinson; approx. 1989 – 1994.

I represented the United States. Concerns about corruption in relation to rezoning in New Castle County led to an undercover FBI investigation. Assistant United States Attorney Robert J. Prettyman and I were assigned from the beginning, and worked closely with the FBI to develop cases that could be proved. When the investigation became public in February 1992, the potential cases were divided between the prosecutors. I reviewed the voluminous tapes and transcripts relating to the activities of Defendants Slawik and Roberts, and the grand jury charged them with bribery and conspiracy. The theory was that Slawik was a middle man to Roberts, whose son, who was not charged, was a New Castle County Councilman who voted on rezonings. Roberts died shortly after indictment, but Slawik went to trial. After two weeks of trial, the jury convicted Slawik of one count of bribery and one count of conspiracy.

Co-counsel: none

Counsel for Slawik: Joseph A. Hurley, Esquire, 1215 King Street, Wilmington, DE 19801, 302-658-8980

Counsel for Roberts: Edmund D. Lyons, Jr., Esquire, 1526 Gilpin Avenue, Wilmington, DE 19806, 302-777-5698

7. *United States v. Henry*, Criminal Action No. 95-17-LON (D. Del.); Honorable Joseph J. Longobardi; approx. 1991 – 1996.

I represented the United States. The Defendants ran Madison & Co., which offered investments in the “Madison Investment Club,” investments that were represented to involve “no risk.” There were other financial offerings, and after a short time in existence, Madison & Co. ran out of money, and all investments were lost. The investigation presented difficult problems in terms of trying to determine who knew what, and when. Defendant Henry was CEO. Defendant Boaman invested a significant amount of his own money in the venture. Defendant Becker came into the operation after it was up and running. There were 40 boxes of evidence seized in a search warrant, all of which I had to review. Shortly before trial, I brought in another Assistant United States Attorney to help try the case. The trial lasted five weeks, from December 1995 into January 1996. The jury eventually convicted all three defendants of the majority of charges against them.

Co-counsel: Assistant United States Attorney Patricia C. Hannigan, 1105 North Orange Street, Wilmington, DE 19801, 302-573-6277

Counsel for Henry: Kathleen Jennings, Esquire, Phillips, Goldman & Spence, P.A., 1200 North Broom Street, Wilmington, DE 19806, 302-655-4200

Counsel for Boaman: James E. Liguori, Esquire, Liguori & Morris, 46 The Green, Dover, DE 19901, 302-678-9900

Counsel for Becker: Assistant Federal Public Defender Penny F. Marshall, Esquire, current location unknown

8. *United States v. Wright*, 206 F. Supp. 2d 609 (D. Del. 2002), *aff'd*, 363 F.3d 237 (3d Cir. 2004); Honorable Roderick R. McKelvie; approx. 2001 – 2004.

I represented the United States. The Defendant was a minister, who obtained about \$150,000 in “street funds” through the office of a particular State Representative. Investigation showed that none of the money was spent on what it was supposed to be spent on, and strongly suggested that a lot of the money had been gambled away by the Defendant. After a six-day trial, the jury convicted the Defendant of various charges of fraud and money laundering. One of the issues that was heavily litigated, and which the Court of Appeals eventually sustained, was the Government’s position that the Defendant could be convicted for causing a check to move in interstate transportation when the check was drawn on a Delaware bank, deposited into a different Delaware bank, but was “cleared” through the Federal Reserve Bank of Philadelphia.

Co-counsel: April M. Byrd, Esquire, Dechert LLP, 2929 Arch Street, Philadelphia, PA 19104, 215-994-5048

Counsel for Wright: Stephen Potter, Esquire, Potter Carmine & Associates, P.A., 840 North Union Street, P.O. Box 30409, Wilmington, DE 19899, 302-658-8940

9. *United States v. Harkins*, Criminal Action No. 04-16-KAJ (D. Del.); Honorable Kent A. Jordan; 2002 – 2004.

I represented the United States. Harkins was the Executive Director of the Delaware River and Bay Authority. Concerns were raised about his use of Authority funds to pay for non-Authority business. Because the Delaware River and Bay Authority is the product of an interstate compact between Delaware and New Jersey, there were four prosecutorial authorities with an interest in the investigation – the United States Attorneys for Delaware and New Jersey, and the Attorneys General for Delaware and New Jersey. We all agreed that the District of Delaware was the best jurisdiction in which to conduct the investigation. An Assistant United States Attorney from New Jersey was cross-designated as an Assistant United States Attorney for Delaware, and the two of us in collaboration with multiple investigators conducted a lengthy grand jury investigation, sorting out the provable allegations from the unprovable allegations. Near the end of the investigation, the Defendant acknowledged wrongdoing and entered a guilty plea to two felonies.

Co-counsel: Honorable Renee M. Bumb, United States District Judge, U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101, 856-757-5020

Counsel for Harkins: Victor F. Battaglia, Sr., Esquire, Biggs & Battaglia, 921 North Orange Street, Wilmington, DE 19899, 302-655-9677

10. *United States v. Kossak*, Criminal Action No. 02-64-GMS (D. Del.); Honorable Gregory M. Sleet; approx. 2001 – 2004.

I represented the United States. The Defendants ran Infinity Mortgage. In excess of fifty people obtained fraudulent loans through Infinity, defrauding various mortgage lenders. Most of the borrowers were not sophisticated, and were themselves defrauded by Infinity. The Government's theory was that Defendant Kossak was the brains behind the operation, and that Defendant Panaro was the front man. During a two-week trial, the Government called about 60 witnesses and introduced hundreds of documents to prove various counts of fraud, and to show Kossak's less-than-obvious culpability. The jury convicted both defendants of all counts.

Co-counsel: Douglas E. McCann, Esquire, Fish & Richardson P.C., 222 Delaware Avenue, 17th Floor, P.O. Box 1114, Wilmington, DE 19899, 302-778-8437

Counsel for Kossak: Mark Greenberg, Esquire, 1429 Walnut Street, Suite 1301, Philadelphia, PA 19102, 877-297-6972

Counsel for Panaro: Raymond M. Raduski, Esquire, 1225 North King Street, Suite 301, Wilmington, DE 19801, 302-658-9388

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.)

As an Assistant United States Attorney, I was involved in a significant number of sensitive and important investigations. Many of them resulted in charges being filed, but some did not. These investigations often involved the use of the federal grand jury and/or the use of cooperating witnesses. The strategies and witnesses to be called, or the methods to be pursued by the cooperating witnesses, were usually determined by an investigative team consisting of at least one federal agent and me. In a number of these cases, the most important decision in the case was whether to file charges at all.

As a supervisor, particularly in the United States Attorney's Office, where there were usually no more than five newer prosecutors at a time, I mentored the newer prosecutors. I would discuss their cases with them, have them second-chair cases with me, second-chair cases with them, and be available when issues arose. I had an "open-door" policy with the newer lawyers. Many of these lawyers have been very successful, both in the United States Attorney's Office and in subsequent positions.

Most criminal prosecutions are resolved without a trial. Currently, in the State of Delaware Superior Court, about two percent of the cases are tried. In the United States District Court, the historical percentage was somewhat higher, but not significantly so. When I was an Assistant United States Attorney, most of my charged defendants had their cases resolved by a plea agreement. There might be some motions practice and pretrial hearings, or sentencing hearings, but there usually was not a trial. I prosecuted many cases which involved defendants committing serious felonies, such as drug selling, robbing banks, or taking significant amounts of money by fraud. Most of these cases I prosecuted from start to finish, including the appeals. I wrote the briefs in about 80 cases in the United States Court of Appeals for the Third Circuit.

My role as State Prosecutor, from 2007 to the present, has been different from what I did in the United States Attorney's Office. In the United States Attorney's Office, I was usually the direct supervisor of the other prosecutors. In the Delaware Department of Justice, there are two layers of management between the State Prosecutor and the non-supervisory Deputy Attorney General in the Criminal Division. My most significant responsibilities as State Prosecutor are to set office policy, interact on behalf of the Department of Justice with the rest of the criminal justice system, and to supervise our most sensitive prosecutions such as murder cases.

At the request of the Department of Justice's Chief Deputy Attorney General, in 2009, I convened and chaired a group, later called the (Ad Hoc) Drug Law Revisions Committee, to propose a comprehensive overhaul of Delaware's criminal drug laws. The Committee met fourteen times in 2009-2010, about two hours each, and proposed a piece of legislation (HB 443 in Delaware's 145th General Assembly; slightly modified as HB 19 in the Delaware's 146th General Assembly). While the ideas are the product of the Committee's work, I led the Committee's discussion, and I primarily drafted the proposed legislation and commentary to it.

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.

Criminal Trial Advocacy, Attorney General's Advocacy Institute, Washington, D.C. I taught one week of this course three times, once each year from 1986-1988. During the course, the students would have lectures on the various stages of a criminal trial, and would perform mock openings and closings, direct and cross-examinations, etc. My role in the first two years was primarily to critique student performance on an individual basis. My role the third year was to lead a ten-person section through the various exercises. I do not have the syllabus.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business

relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

No.

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).

Please 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).

Please see attached Statement of Net Worth.

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.

The two main conflicts would be related to my present and past employment. I would expect to recuse myself for a year from all cases in which the State of Delaware was a party. I would expect to recuse myself from any case in which the United States is a party that either was filed, or relates to something that was filed, before January 12, 2007 (the end of my employment with the United States Attorney's Office). In addition, in litigation in which the United States is a party, the date of filing is not always a good indicator of when it was in the United States Attorney's Office, since there is often a file a long time before a charge or a lawsuit is filed. I believe it would be necessary in any case involving the United States that alleges events occurring before I left the United States Attorney's Office to ensure that the United States Attorney's Office was not involved while I worked there.

My sister is an executive with Incyte, a Delaware-located corporation. I believe I would have a conflict in any case in which Incyte was a party, and would recuse myself in such a case.

My wife is on the Board of Directors of the Delaware Theatre Co., and, if the Delaware Theatre Co. were involved in a case, I would recuse myself.

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

I expect the Court has a procedure to identify conflicts based on financial holdings and family relationships, and I would participate in that. I am familiar with 28 U.S.C. § 455. I would resolve any potential conflict of interest by applying § 455 and the Code of Conduct for United States Judges.

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.

I have devoted my career to public service. As a matter of policy, however, Assistant United States Attorneys are generally precluded from engaging in traditional pro bono work. I have, nevertheless, engaged in service to the Bar as a member of the Board of Bar Examiners, which from 2006 to 2009 involved, in part, writing four bar exam questions and grading about 1,000 answers. Since 2008 I have participated annually as a judge in the Delaware High School Mock Trial competition, and in 2008 I participated as a judge in the National High School Mock Trial competition.

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.

There is no selection commission in Delaware.

Pursuant to notice on Senator Thomas R. Carper's website, I submitted a letter in May 2010 requesting consideration for an expected vacancy in the United States District Court for the District of Delaware. I met with Ed Freel of Senator



Carper's staff on June 2, 2010 for an interview. On July 9, 2010, I met with Senator Carper for an interview. I was advised by Mr. Freel in late July 2010 that Senator Carper had sent my name, and two others, to the White House for further consideration.

Since February 17, 2011, I have been in contact with pre-nomination officials at the Department of Justice. On March 16, 2011, I interviewed with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. The President submitted my nomination to the Senate on May 11, 2011.

- 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, Richard G. Andrews, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 9, 2011  
(DATE)

Richard G. Andrews  
(NAME)

Alice W. Mullins  
(NOTARY)