

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

Colin Michael McDonald

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

Assistant Attorney General for the National Fraud Enforcement Division

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

Office: U.S. Department of Justice, 950 Pennsylvania Avenue, NW  
Washington, DC 20530

Residence: Santee, California, and Annandale, Virginia

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

1988; San Diego, California

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.

2010 – 2012, California Western School of Law; J.D. (*magna cum laude*), 2012

2006 – 2009, San Diego Christian College, B.A. (*summa cum laude*), 2009

2008, Grossmont College; no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2025 – present

U.S. Department of Justice, Office of the Deputy Attorney General

950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Associate Deputy Attorney General (April 2025 – present)  
Senior Counsel to the Deputy Attorney General (January 2025 – April 2025)  
(On detail from the U.S. Attorney’s Office for the Southern District of California)

2014 – present  
U.S. Attorney’s Office for the Southern District of California  
880 Front Street, Room 6293  
San Diego, California 92101  
Deputy Chief – Border Enforcement Section (2019 – 2021)  
Assistant United States Attorney (2014 – present)

2014 – 2017  
San Diego Christian College  
280 Riverview Pkwy  
Santee, California 92071  
Adjunct Professor

2012 – 2014  
Honorable Michael M. Anello  
United States District Judge for the Southern District of California  
221 W. Broadway, Suite 3130  
San Diego, California 92101  
Law Clerk

2010 – 2011  
California Western School of Law  
225 Cedar St  
San Diego, California 92101  
Honors Instructor

Other Affiliations (uncompensated):

2023 – 2025  
San Diego Christian Suzuki Strings  
6090 Santo Road  
San Diego, CA 92124  
Volunteer youth orchestra instructor  
(uncompensated)

2013 – 2018  
Real Life Ministries  
PO Box 88  
Bonita, California 91913  
Board of Directors

(uncompensated)

Spring 2012

Honorable Nita L. Stormes

United States Magistrate Judge for the Southern District of California

333 W. Broadway, Suite 1210

San Diego, California 92101

Judicial Extern

(uncompensated)

Fall 2011

U.S. Attorney's Office for the Southern District of California

880 Front Street, Room 6293

San Diego, California 92101

Law Clerk, Civil Division

(uncompensated)

Summer 2011

California Attorney General's Office

600 W Broadway Unit 1800

San Diego, California 92101

Law Clerk

(uncompensated)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon 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.

Director's Award, Superior Performance by Litigative Team, Executive Office of United States Attorney's Offices (2021)

California Western School of Law

12 Academic Achievement Awards (highest course grade) (2010 – 2012)

Distinguished Advocate Award (2010)

Academic Excellence Award (2012)

Faculty Award (2012)

San Diego Christian College

Valedictorian (2010)

Heritage Award (2010)

President's Award (2009)

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

None.

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

California, 2012

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 Ninth Circuit, 2015

United States District Court for the Southern District of California, 2014

United States District Court for the District of Hawaii, 2016

United States District Court for the Northern District of California, 2022

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.

None.

b. Indicate whether any of these organizations listed in response to 11(a) 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.

Not applicable.

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.

To the best of my recollection:

In approximately 2014, I wrote an article for the Federal Bar Association in San Diego recapping an event hosted by United States District Judge Anthony J. Battaglia. I was unable to locate any copies, whether print or online.

As Associate Writer for the *California Western Law Review* and Executive Notes and Comments editor of the *California Western International Law Journal*, I helped edit several articles published in Volumes 41 and 42 of the *Law Journal*. The authors of those articles were responsible for their substantive contents.

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.

None.

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

None.

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

To the best of my recollection:

December 4, 2025: Speaker, Inter-Governmental Summit: Building on Historic Policy

Achievements with State Legislative Leaders. I gave brief remarks regarding public safety laws and priorities at an inter-governmental summit with state legislators. The event was held at the Executive Eisenhower Office Building in Washington, DC. I have no notes, transcript, or recording.

March 6, 2017: Speaker, Meeting for the California Western School of Law chapter of the Christian Legal Society. I gave brief remarks about my work as an attorney. I have no notes, transcript, or recording. The address of California Western School of Law is 225 Cedar Street, San Diego, CA 92101.

November 17, 2016: Speaker, Santee-Lakeside Rotary Club meeting. I spoke about the work of the U.S. Attorney's Office in the Southern District of California. I have no notes, transcript, or recording. The address for the Santee-Lakeside Rotary Club is PO Box 711408, Santee, CA 92072.

February 21, 2013: Panelist, Judicial Externship and Clerkship Seminar at California Western School of Law. I spoke generally about my legal background and experience as a judicial law clerk. I have no notes, transcript, or recording. The address of California Western School of Law is 225 Cedar Street, San Diego, CA 92101.

May 8, 2010: Speaker, San Diego Christian College graduation. Speech supplied.

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

To the best of my recollection:

WEB OF LIES: *Catfished*, Investigation Discovery (April 6, 2016). Recording of episode available on streaming services online, including at <https://www.youtube.com/watch?v=vEEmZJCng4Q>.

*Federal Judicial Clerkships: Emphasis on Theory and Practice Prepares Graduates*, Res Ipsa Online, California Western School of Law (Fall 2012). Article supplied.

I also recall being interviewed in approximately 2008 by a representative of the United Food and Commercial Workers Union in San Diego, of which my father was a member, regarding a college scholarship I had been awarded. I was unable to locate any copies, whether print or online, of the resulting article.

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I have not held judicial office.

13. **Public Office, Political Activities and Affiliations:**

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

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

None.

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

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

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

From 2012 to 2014, I served as a law clerk to the Honorable Michael M. Anello, District Judge of the United States District Court for the Southern District of California.

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

I have not practiced law 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;

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Washington, DC 20530

Associate Deputy Attorney General (April 2025 – present)

Senior Counsel to the Deputy Attorney General (January 2025 – April 2025)

(On detail from the U.S. Attorney's Office for the Southern District of California)

2014 – present  
U.S. Attorney’s Office for the Southern District of California  
880 Front Street, Room 6293  
San Diego, California 92101  
Assistant United States Attorney  
(Currently detailed from this position)

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

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

- v. whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have never held any judicial office.

- b. Describe:

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

Since 2014, I have represented the United States as an Assistant U.S. Attorney in the Southern District of California. I have served in multiple roles at the U.S. Attorney’s Office. Between 2015 and 2017, I served as an Appellate AUSA representing the United States in criminal matters before the Ninth Circuit Court of Appeals. To date, I have submitted approximately fifty briefs and presented thirteen oral arguments before the Ninth Circuit. In 2017, I transferred to a trial unit, where I investigated and prosecuted a wide range of offenses, including civil rights violations, narcotics trafficking, and alien smuggling. In early 2019, I moved to a frauds position within the U.S. Attorney’s Office, responsible for investigating money laundering, unlawful financial transactions, and tax crimes. Beginning in late 2019, I was selected to serve as a Supervisory AUSA in the U.S. Attorney’s Office’s largest trial division, where I served until late 2021. Simultaneous to my duties in the Southern District of California, between 2016 and 2024, I served as a Special Attorney for the United States in a series of public corruption cases in the District of Hawaii. Starting in May 2022, while continuing to carry criminal matters, I served as a Civil AUSA, defending cases brought against the United States and representing the United States in affirmative civil enforcement matters.

I am currently serving on detail from the Southern District of California to the Office of the Deputy Attorney General in Washington, DC. I commenced my detail in January 2025, first as Senior Counsel to the Deputy Attorney General and now as an Associate Deputy Attorney General. In my role, among other duties, I provide oversight and assistance to components within the Department of Justice, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Marshals Service, and the Bureau of Alcohol, Firearms, Tobacco and Explosives.

My client throughout my career has been the United States.

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

During my tenure at the Department of Justice, my client has been the United States. I have specialized in criminal law, both at the trial court and appellate court, with several years of defensive and affirmative civil experience as well.

- 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.

As an AUSA, apart from investigative activity, 100% of my practice was litigation. Between November 2014 and March 2015, I was in court nearly every day. Between approximately March 2015 and July 2017, while mostly handling an appellate docket, I appeared less frequently, but still regularly, in court. Starting in July 2017 through approximately 2019, I estimate that I appeared in court four times a week. Once I became a supervisor (2019 – 2021), I appeared in court less frequently, mostly for trials and significant hearings. As a Civil AUSA, I appeared in court less frequently, although I continued to handle select criminal matters (including a trial as recently as December 2024).

Since January 2025, while serving as Associate Deputy Attorney General and Senior Counsel to the Deputy Attorney General, my role has been focused on the management of the Department of Justice and I have not appeared in court.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 99%
  - 2. state courts of record: 1%
  - 3. other courts: 0%
  - 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 10%

2. criminal proceedings: 90%

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

I have tried nine criminal cases to verdict (seven jury trials and two bench trials). I was sole counsel in two trials, chief counsel in three trials, and associate counsel in four trials.

i. What percentage of these trials were:

1. jury: 78%  
2. non-jury: 22%

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.

None.

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

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

1. *United States v. Zavala-Garcia*, 647 F. App'x 792 (9th Cir. 2016)

The defendant in this case smuggled over 7 kilograms of methamphetamine, over 5 kilograms of fentanyl, and nearly a kilogram of cocaine into the United States from Mexico. The case proceeded to a three-day trial, with the jury returning guilty verdicts. The defendant appealed his conviction and sentence, raising a series of legal and evidentiary errors. I represented the United States on appeal and responded to defendant's arguments in a 55-page answering brief. The Ninth Circuit affirmed (Ninth Circuit Judges Barry G. Silverman and Susan P. Graber, and David A. Ezra, District Judge for the Western District of Texas, sitting by designation).

Opposing Appellate Counsel:

Harini P. Raghupathi  
[former Federal Defender]  
Robbins Geller Rudman & Dowd, LLP  
655 W Broadway, Suite 1900  
San Diego, CA 92101  
619-231-1058

2. *United States v. Kealoha, et al.*, CR No. 18-00068-JMS (D. Haw. 2017 – 2021)

This case involved charges of bank fraud, aggravated identity theft, and obstruction of justice. The defendants were the former Chief of Police of the Honolulu Police Department and his wife, a former supervisory prosecutor at the Department of the Prosecuting Attorney for the City and County of Honolulu. Over a six-year period, the defendants spent more than \$590,000 derived from stolen proceeds from a reverse mortgage placed on their grandmother's home, stolen funds held in trust for two minor children, and loan proceeds obtained through bank fraud schemes. After significant pretrial litigation, the defendants pleaded guilty to multiple felony counts. I represented the United States in various roles throughout the investigation and litigation, including as the lead motions attorney. The Honorable J. Michael Seabright presided over this matter.

Co-counsel:

Michael Wheat  
Assistant U.S. Attorney  
411 W 4th St #8000  
Santa Ana, CA 92701  
213-940-2198

Joseph Orabona  
Assistant U.S. Attorney  
880 Front Street, Room 6293  
San Diego, CA 92101-8807  
619-546-7951

Janaki Chopra  
Assistant U.S. Attorney  
880 Front Street, Room 6293  
San Diego, CA 92101  
619-546-8817

Opposing Counsel:

Gary Gurmail Singh  
Topa Financial Center

Bishop Street Tower  
700 Bishop Street, Ste 2000  
Honolulu, HI 96813  
808-529-0626

Cynthia A. Kagiwada  
PO Box 368  
Kaneohe, HI 96744  
808-230-4430

Rustam Barbee  
Law Office of Rustam A. Barbee  
1188 Bishop St Ste 2606  
Honolulu, HI 96813  
808-524-4406

3. *United States v. Kealoha, et al.*, CR No. 17-582-JMS (D. Haw. 2017 – 2021)

This case involved allegations that personnel within the Honolulu Police Department, including the Chief of Police, falsely accused a Honolulu resident of a felony offense to prevent him from revealing fraud committed by the Chief of Police and his spouse (a supervisory prosecutor for the Department of the Prosecuting Attorney for the City and County of Honolulu). The trial defendants were charged with offenses including conspiracy, obstruction, and making false statements to a federal officer. The case involved an expansive grand jury investigation, extensive pretrial litigation, and a six-week trial. I represented the United States in various roles throughout the investigation and litigation, including as the lead motions attorney and trial counsel. At trial, the jury returned guilty verdicts for four of five trial defendants. The Honorable J. Michael Seabright presided over this case and trial.

Co-counsel:

Michael Wheat  
Assistant U.S. Attorney  
411 W 4<sup>th</sup> St #8000  
Santa Ana, CA 92701  
213-940-2198

Joseph Orabona  
Assistant U.S. Attorney  
880 Front Street Suite 6293  
San Diego, CA 92101  
619-546-7951

Janaki Chopra  
Assistant U.S. Attorney

880 Front Street, Suite 6293  
San Diego, CA 92101  
619-546-8817

Opposing Counsel:

Cynthia A. Kagiwada  
PO Box 368  
Kaneohe, HI 96744  
808-230-4430

Rustam Barbee  
Law Office of Rustam A. Barbee  
1188 Bishop Street, Suite 2606  
Honolulu, HI 96813  
808-524-4406

Birney B. Bervar  
Bervar & Jones  
1100 Alakea Street, 20<sup>th</sup> Floor  
Honolulu, HI 96813  
808-550-4990

Randall K. Hironaka  
Miyoshi & Hironaka LLLC  
345 Queen Street, Suite 600  
Honolulu, HI 96813  
808-389-7263

Lars R. Isaacson  
Law Office of Lars Robert Isaacson  
1100 Alakea Street, 20<sup>th</sup> Floor  
Honolulu, HI 96813  
808-497-3811

4. *United States v. Necochea-Varela*, 702 F. App'x 564, 566 (9th Cir. 2017)

The defendant in this matter was convicted at trial of alien smuggling offenses. The defendant appealed his conviction, claiming prosecutorial misconduct and evidentiary errors at trial. I represented the United States on appeal. I drafted a 60-page answering brief and presented oral argument to the Ninth Circuit. The Ninth Circuit affirmed the conviction (Ninth Circuit Judges Harry Pregerson and Kim McLane Wardlaw, and Edward M. Chen, United States District Judge for the Northern District of California, sitting by designation).

Opposing Counsel:

Knut S. Johnson  
Singleton Schreiber, LLP  
591 Camino de la Reina, Suite 1025  
San Diego, CA 92108  
619-535-2929

5. *United States v. Meza-Gonzalez*, 17-CR-2552-GPC (S.D. Cal. 2017 – 2019)

The defendant in this matter guided a group of aliens into the United States from Mexico, in the heat of summer, through rugged, mountainous terrain. Tragically, one group member fell ill and died. The defendant was charged with alien smuggling resulting in death. After significant investigation and pretrial litigation, including multiple material witness depositions and an evidentiary hearing, the defendant pleaded guilty. I was co-lead counsel for the United States throughout the investigation and prosecution. The Honorable Gonzalo P. Curiel presided over this matter.

Co-counsel:

Francis Anthony DiGiacco  
[former Assistant U.S. Attorney]  
Harlan Hillier DiGiacco LLP  
701 Island Ave, Ste 200  
San Diego, CA 92101  
619-330-5120

Opposing Counsel:

James Michael Chavez  
[former Federal Defender]  
Law Office of James M. Chavez  
501 W Broadway, Ste 240  
San Diego, CA 92101  
619-894-6464

6. *United States v. Puana, et al.*, CR No. 19-0015-JMS (D. Haw. 2019 – 2022)

The lead defendant in this matter was an anesthesiologist and pain doctor. The co-defendant was a former supervisory prosecutor for the Department of the Prosecuting Attorney for the City and County of Honolulu. After a lengthy investigation, the federal grand jury indicted the lead defendant on various charges, including conspiracy to distribute and dispense oxycodone and fentanyl, health care fraud, and being an addict in possession of a firearm. The grand jury indicted the co-defendant as part of the drug distribution conspiracy and for misprision of a felony for using her position as a prosecutor to actively shield the lead defendant from law enforcement scrutiny. Through

a combination of pretrial guilty pleas and jury verdicts, both defendants were convicted of felony offenses and sentenced to significant terms of imprisonment. I represented the United States in various roles throughout the investigation and litigation, including as the lead motions attorney through trial. The Honorable J. Michael Seabright presided over this matter.

Co-counsel:

Michael Wheat  
Assistant U.S. Attorney  
411 W 4th St #8000  
Santa Ana, CA 92701  
213-940-2198

Joseph Orabona  
Assistant U.S. Attorney  
880 Front Street, Suite 6293  
San Diego, CA 92101-8807  
619-546-7951

Janaki Chopra  
Assistant U.S. Attorney  
880 Front Street, Suite 6293  
San Diego, CA 92101  
619-546-8817

Opposing Counsel:

F. Clinton Broden  
Broden & Mickelsen  
2600 State Street  
Dallas, TX 75204  
214-720-9552

Franklyn Mickelsen  
Broden & Mickelsen  
2600 State Street  
Dallas, TX 75204  
214-720-9552

Gary Gurmail Singh  
Topa Financial Center  
Bishop Street Tower  
700 Bishop Street, Ste 2000  
Honolulu, HI 96813  
808-529-0626

Cynthia A. Kagiwada  
PO Box 368  
Kaneohe, HI 96744  
808-230-4430

7. *United States v. Duran*, 15-cr-02818-H (S.D. Cal. 2018)

The defendant, a federal law enforcement agent at the time of the offense, falsely accused a lawful permanent resident of serious criminal activity and involvement in a transnational criminal organization to fabricate a federal investigation into the lawful permanent resident. The motive was that the lawful permanent resident was pursuing child sexual abuse charges against the defendant's brother-in-law. After lengthy proceedings, the defendant pleaded guilty to deprivation of rights under 18 U.S.C. 242 and was sentenced to serve a term of imprisonment in tandem with a separate sentence imposed in a related case (15-cr-02817-H). I was reassigned the case after the initial indictment, led further investigative efforts culminating in a superseding indictment, and prosecuted the matter through plea and sentencing. The Honorable Marilyn L. Huff presided over this matter.

Co-counsel:

David Leshner  
[former Assistant U.S. Attorney]  
United States Magistrate Judge  
Southern District of California  
221 West Broadway  
San Diego, CA 92101  
619-837-6526

Jennifer McCollough  
[former Assistant U.S. Attorney]  
U.S. District Court  
333 West Broadway, Suite 420  
San Diego, CA 92101  
619-557-2993

Opposing Counsel:

Michelle Betancourt  
Federal Defenders of San Diego  
225 Broadway, Suite 900  
San Diego, CA 92101-5008  
619-234-8467

8. *United States v. Cabrera*, 20-cr-00435-LAB (S.D. Cal. 2020 – 2021)

In this case, the defendant, a citizen of El Salvador, was apprehended attempting to re-enter the United States from Mexico. The defendant had been deported from the United States four prior times and had amassed a substantial criminal record inside the United States, including a conviction for breaking and entering, multiple convictions for assault with a deadly weapon, and multiple other arrests for assault with a deadly weapon, battery, grand larceny, and possession of a controlled substance. After significant pretrial litigation, the case proceeded to trial. The jury returned a guilty verdict. I was the lead prosecutor for the United States throughout the litigation and trial. The Honorable Larry A. Burns presided over this matter.

Co-counsel:

Amanda Muskat  
[former Assistant U.S. Attorney]  
175 Lawrence Street  
New Haven, CT 06511  
858-705-7078

Opposing Counsel:

Benjamin P. Davis  
Federal Defenders of San Diego, Inc.  
225 Broadway, Suite 900  
San Diego, CA 92101  
619-234-8467

Salil Dudani  
[former Federal Defender]  
9861 Irvine Center Drive  
Irvine, CA 92618-4307  
949-278-5977

9. *United States v. Ruiz*, 21-cr-02911-GPC (2021 – 2022)

The defendant was charged with forcibly assaulting a federal agent resulting in bodily injury. I supervised the matter from the outset and served as co-counsel for the United States at trial. The trial ended with a guilty verdict and a lengthy custodial sentence. The Honorable Gonzalo P. Curiel presided over this jury trial.

Co-counsel:

Paul Eric Benjamin  
Assistant U.S. Attorney  
880 Front Street, Room 6293

San Diego, CA 92101  
619-546-7579

Opposing Counsel:

Scott Pactor  
Law Offices of Scott Pactor  
934 23rd St  
San Diego, CA 92102  
619-260-2636

10. *United States v. Mitsunaga, et al.*, CR No. 22-00048-TMB (2022 – 2024)

In this matter, the federal grand jury for the District of Hawaii indicted six defendants for participating in a *quid pro quo* conspiracy to commit honest services fraud and federal program bribery, whereby conspirators would supply campaign contributions to the elected prosecutor of Honolulu in exchange for a malicious prosecution of a Honolulu resident. I represented the United States in various roles throughout the investigation and litigation, including drafting and filing approximately 40 substantive briefs over the course of the case. Following a lengthy trial, the defendants were acquitted. The Honorable J. Michael Seabright presided over the matter until January 2024; the Honorable Timothy M. Burgess presided over the matter thereafter.

Co-counsel:

Michael Wheat  
Assistant U.S. Attorney  
411 W 4th St #8000  
Santa Ana, CA 92701  
213-940-2198

Joseph Orabona  
Assistant U.S. Attorney  
880 Front Street, Room 6293  
San Diego, CA 92101  
619-546-7951

Janaki Chopra  
Assistant U.S. Attorney  
880 Front Street, Room 6293  
San Diego, CA 92101  
619-546-8817

Andrew Chiang  
Assistant U.S. Attorney  
800 Front Street, Room 6293

San Diego, CA 92101  
619-909-9129

Opposing Counsel:

Birney B. Bervar  
Bervar & Jones  
1100 Alakea Street, 20th Floor  
Honolulu, HI 96813  
550-4990

Nina Marino  
Kaplan Marino  
1546 N. Fairfax Avenue  
Los Angeles, CA 90046  
310-557-0007

Doris Lum  
Law Office of Doris Lum, LLLC  
1001 Bishop Street, Suite 710  
Honolulu, HI 96813  
808-762-7644

Andrew M. Kennedy  
Schlueter, Kwiat & Kennedy LLLP  
75-167 Kalani Street Suite 201  
Kailua-Kona, HI 96740  
808-987-7275

Thomas M. Otake  
Alapa & Otake LLLC  
707 Richards St  
Honolulu, HI 96813  
808-528-5003

Mark Mermelstein  
Holmes Athey Cowan & Mermelstein LLP  
811 Wilshire Blvd, Ste 1460  
Los Angeles, CA 90017  
213-516-8055

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

in this question, please omit any information protected by the attorney-client privilege.)

Beyond trial-court litigation, I have represented the United States before the Ninth Circuit Court of Appeals in numerous matters. This includes eleven criminal oral arguments and two civil oral arguments. My appellate caseload has resulted in several published decisions, including *United States v. Rosales-Aguilar*, 818 F.3d 965 (9th Cir. 2016), *United States v. Hernandez-Quintana*, 874 F.3d 1123 (9th Cir. 2017), and *Marquez v. C. Rodriguez*, 81 F.4th 1027 (9th Cir. 2023).

At the U.S. Attorney's Office, I served as the district's Civil Enforcement Opioid Coordinator, seeking to mitigate the effects of the opioid crisis plaguing the country. Prior to being appointed to that role, I was a member of a civil enforcement team that negotiated a pre-litigation \$20M settlement with a prescription drug benefit provider for improperly filling dangerous combinations of prescription drugs, including highly addictive and powerful opioids.

In my role in the Office of the Deputy Attorney General, I provide oversight and assistance to components within the Department of Justice. I have focused on management of the operations of those components as well as development of DOJ initiatives.

I have not engaged in any lobbying activities.

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

Communication and the Law, San Diego Christian College. I taught this course approximately three times between 2014 and 2017. The course provided an overview of the federal and state laws regarding mass communication in the United States. I have supplied the syllabus for the Spring 2014 iteration of the course; I could not locate later versions, but I believe they were substantially similar to the Spring 2014 version.

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

None.

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

No.

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

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

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

I have no known financial arrangements or other factors that present conflicts of interest. In the event of a potential conflict, I would seek guidance from Department ethics officials and take any necessary steps to cure any potential conflict.

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

In the event of a potential conflict, I would seek guidance from Department ethics officials and take any necessary steps to cure any potential conflict.

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

I have been a federal clerk or attorney for the United States for my entire career. Accordingly, my pro bono opportunities have been limited. I have volunteered to serve as a judge for multiple eighth grade mock trial competitions and for law school moot court competitions. Additionally, while not related to law, I have volunteered as a youth music teacher and youth basketball coach for multiple years.

AFFIDAVIT

I, Colin M. McDonald, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

1/28/2026  
(DATE)

Colin McDonald  
(NAME)

[Signature]  
(NOTARY)

District of Columbia

Signed and sworn to (or affirmed) before me

on 1/28/26 by Colin M. McDonald  
Date Name(s) of Individual(s) making Statement

[Signature]  
Signature of Notarial Officer

Title of Office

My commission expires: 9/30/2026

