

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Jerome White

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

United States District Judge for the Eastern District of Michigan

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: United States Attorney's Office for the Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226

Residence: Huntington Woods, Michigan

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

1985; Royal Oak, Michigan

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.

2007 – 2010; Chicago-Kent College of Law; J.D., 2010

2003 – 2007; University of Michigan; B.A., 2007

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.

2018 – present

United States Attorney's Office for the Eastern District of Michigan
211 West Fort Street, Suite 2001

Detroit, Michigan 48226
Digital Asset Coordinator (2022 – present)
Lead Attorney – Detroit Dark Web Taskforce (2018 – present)
Organized Crime and Drug Enforcement Task Force (2018 – present)
Assistant United States Attorney (2018 – present)

2014 – 2018
United States Attorney's Office for the Western District of Texas
El Paso Division
700 East San Antonio Avenue, Suite 200
El Paso, Texas 79912
Organized Crime and Drug Enforcement Task Force (2015 – 2018)
Assistant United States Attorney (2014 – 2018)

2010 – 2014
Ralph E. Meczyk and Associates
111 West Washington, Suite 1025
Chicago, Illinois 60602
Associate Attorney

Winter 2010
Center for Conflict Resolution
11 East Adams Street, Suite 500
Chicago, Illinois 60603
Certified Mediator

Summer 2009
Will County Public Defender
58 East Clinton Street, Suite 210
Joliet, Illinois 60432
Supreme Court Rule 711 Licensed Student

Summer 2008
Department of Homeland Security
Chicago Office of Chief Counsel
525 West Van Buren Street, Suite 701
Chicago, Illinois, 60607
Intern

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 timely registered for the selective service.

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

Prosecutor of the Year - Homeland Security Investigations Detroit (2023)

Counsel of the Inspectors General Award for Excellence (2020)

Federal Bureau of Investigation Recognition for Outstanding Work (2018)

Federal Attorney of the Year – El Paso Bar Association (2017)

Certified Volunteer Mediator, Center for Conflict Resolution (2010)

Chicago-Kent College of Law Merit Based Scholarship (2007)

University of Michigan – Lloyd Scholars for Writing and the Arts (2003)

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 Bar Association

Chicago Bar Association

10. **Bar and Court Admission:**

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

Illinois, 2010
Michigan, 2022

I moved my Illinois bar license to retired status in 2022, as I had moved back to Michigan 5 years prior, was a member of the Michigan bar, and had no intention of returning to Illinois. There have been no other 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 Fifth Circuit (2015)
United States District Court for the Central District of Illinois, 2013
United States District Court for the Northern District of Illinois, 2010

United States District Court for the Eastern District of Michigan, 2018
United States District Court for the Western District of Michigan, 2012
United States District Court for the Western District of Texas, 2013

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.

Huntington Woods Friends of the Library (2018 – present)

University of Michigan Alumni Association – Life Member (2003 – present)

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

To the best of my knowledge, none of the organizations listed above currently discriminate or formally 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.

None.

- 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.

April 4, 2023: Panelist, Careers at the Department of Justice, University of Detroit Mercy Law School, American Constitution Society, Detroit, Michigan. I spoke about what the Department looks for when considering applicants, what career paths seem common for attorneys to arrive at the Department, and the types of cases and careers available to an AUSA. I have no notes, transcript, or recording. The address for the University of Detroit Mercy Law School is 651 East Jefferson Avenue, Detroit, Michigan 48226. The address for the American Constitution Society is 601 13th Street, Northwest, Suite 610, Washington, DC 20005.

May 13, 2017: Award recipient, El Paso Bar Association, El Paso, Texas. I highlighted the amount of people it takes to bring federal cases to court and thanked those people for their efforts, as well as thanking my family. I have no notes, transcript, or recording. The address of the El Paso Bar Association is 500 East San Antonio Avenue, Room 1204, El Paso, Texas 79901.

- 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.

None.

- 13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed,

and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these cases, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
 - ii. Of these cases, approximately what percent were:

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 of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

None.

- 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 have not served as a clerk to a judge.

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

I have not practiced alone.

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

2010 – 2014
Ralph E. Meczyk and Associates
111 West Washington, Suite 1025
Chicago, Illinois 60602
Associate Attorney

2014 – 2018
United States Attorney's Office for the Western District of Texas
El Paso Division
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El Paso, Texas 79912
Organized Crime and Drug Enforcement Task Force (2015 – 2018)
Assistant United States Attorney (2014 – 2018)

2018 – present
United States Attorney's Office for the Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226
Digital Asset Coordinator (2022 – present)
Lead Attorney – Detroit Dark Web Taskforce (2018 – present)
Organized Crime and Drug Enforcement Task Force (2018 – present)
Assistant United States Attorney (2018 – present)
Critical Incident Response Team (2023 – present)

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.

In law school I became certified in mediation and did pro bono mediation through the Cook County (IL) court system. The mediations were court

ordered and minor, generally dealing with small claims.

b. Describe:

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

My legal career has consisted of experience as both a prosecutor and as a defense attorney. I have worked in both the private and public sector. I began practicing in 2010 as an associate for two attorneys, Ralph E. Meczyk and Darryl A. Goldberg. Our practice was entirely litigation focused, and primarily in federal courts. Both Mr. Meczyk and Mr. Goldberg took both retained and appointed cases, in areas of law including financial crimes, health care fraud, bank/mortgage fraud, firearms offenses, drug trafficking offenses, and organized crime. There, I appeared regularly in federal and state court, managed discovery in complex investigations, drafted and filed motions at various stages of pre-trial litigation, co-counseled trials, and drafted appellate briefs.

In 2014, I joined the Department of Justice as an Assistant United States Attorney in the Western District of Texas. I started in a general crimes unit, where I was responsible for cases involving firearms, fraud, immigration, drug offenses, and appeals. This included cases linked to Project Safe Childhood and Project Safe Neighborhood. Within approximately one year, I moved to the Organized Crime and Drug Enforcement Task Force. There, in El Paso, a considerable amount of our efforts were focused on combatting organized cartel crime, and the importation of significant quantities of drugs. Throughout my time there, I conducted multiple complex investigations, litigated the full complement of federal criminal motion practice from bail/detention through trial and appeal, and conducted multiple jury trials.

In 2018, I returned to Michigan as an Assistant United States Attorney for the Eastern District of Michigan. I continued in my role on the Organized Crime and Drug Enforcement Task Force until 2022, when I transferred to the White Collar Crime Unit. Throughout my time here, I have maintained a focus on cybercrime, particularly prosecutions involving the dark web. As the lead attorney on the Detroit Dark Web Task Force, we have investigated and prosecuted cases ranging from wire fraud and aggravated identity theft to drug trafficking and money laundering. As the digital asset coordinator for the office, we routinely work with agents to recover money from victims of fraud that has been converted to cryptocurrency, and trace illicit proceeds of other violations of criminal law like drug trafficking. I continue to conduct multiple investigations, litigate the full complement of federal criminal motion practice from bail/detention through trial and appeal, and have conducted a number of

jury trials.

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

As a defense attorney, my clients varied over time, and I typically worked on federal criminal cases.

As an Assistant United States Attorney, my client is the United States of America. In this role I have specialized in complex organized crime investigations and dark web/cybercrime cases.

- 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.

In my career as an Assistant United States Attorney and as an associate in a law firm, 100 percent of my practice has been in litigation. I was regularly in both state and federal courts as a law firm associate, and regularly in federal courts as an Assistant United States Attorney.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 90%
- 2. state courts of record: 10%
- 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 approximately 15 cases to verdict or final decision. As an associate in criminal defense practice, I tried at least five cases as associate counsel. As an Assistant United States Attorney, I have tried approximately 10 cases: six as lead counsel, and four as associate counsel.

- i. What percentage of these trials were:

- 1. jury: 90%
- 2. non-jury: 10%

- e. Describe your practice, if any, before the Supreme Court of the United States.

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

I have not practiced before the United States Supreme Court.

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. Milligan Jr. et al.*, 2:20-cr-20134 (E.D. Mich.) (Goldsmith, J.)

From 2019 to present, I have represented the United States as lead counsel in the multi-national, multi-jurisdictional, and multi-agency investigation and prosecution of Mr. Milligan Jr. and his co-conspirators. The Organized Crime and Drug Enforcement Task Force investigation was conducted by the United States Postal Inspection Service, the Office of the Inspector General, and the Drug Enforcement Administration.

The investigation discovered a conspiracy to import opiates and amphetamines into the United States from destination countries like Colombia, and have the controlled substances reshipped from the southwest border to destinations including Michigan, North Dakota, North Carolina, and Ohio. The investigation involved the use of electronic surveillance and Title III wiretaps, which I personally supervised. The investigation resulted in the seizure of several pounds of heroin and methamphetamine, as well as the arrest of Milligan and his co-conspirators. The defendants were charged with conspiracy to possess with the intent to distribute methamphetamine and heroin, as well as substantive counts of possession with the intent to distribute heroin.

The matter was extensively litigated before the Honorable Mark A. Goldsmith, United States District Judge for the Eastern District of Michigan. I responded to a variety of motions to suppress, including motions to suppress Title III wiretaps and motions to suppress evidence obtained by foreign governments through judicially authorized means.

The lead defendant elected to proceed to trial. At trial, I coordinated witness preparation and drafted the government's motions in limine. Additionally, I drafted jury questions

and conducted voir dire. I presented the direct examination testimony of multiple law enforcement witnesses, the government's cooperating witness, and multiple expert witnesses. Finally, I gave the closing argument on behalf of the government.

The lead defendant was found guilty on all counts and is awaiting sentencing. He is facing a 15-year mandatory minimum sentence. The co-conspirators who pled guilty received sentences ranging from admission to the Restart (Eastern District of Michigan Diversion Program) program to 36 months in custody.

Co-Counsel

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United States Attorney's Office
Drug Task Force
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Detroit, MI 48226
(313) 26-9774

Opposing Counsel

James W Amberg (Milligan)
Amberg and Amberg
32121 Woodward Avenue, Suite PH
Suite 305
Royal Oak, MI 48073
(248) 681-6255

Benton C. Martin (Milligan)
Federal Defender Office
613 Abbott Street
Detroit, MI 48226
(313) 967-5832

Sanford Schulman (Carr)
500 Griswold Street
Suite 2340
Detroit, MI 48226
(313) 963-4740

Lisa L. Dwyer (Carr)
Law Office of Lisa Dwyer, P.C.
32121 Woodward Avenue, PH
Royal Oak, MI 48073
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Matthew S. Kolodziejcki (Blair)

200 East Big Beaver Road
Troy, MI 48083
(313) 736-5060

2. *United States v. Singh*, 2:21-cr-20683 (E.D. Mich.) (Murphy, J.).

Since September 2018, I have represented the United States as lead counsel in an investigation involving the smuggling of bulk quantities of cocaine and methamphetamine between the United States and Canada. The investigation is part of the Organized Crime and Drug Enforcement Task Force and involves agents from the Department of Homeland Security. To date, this investigation has resulted in the seizure of more than 1,000 pounds of cocaine and methamphetamine.

In September 2021, a defendant was arrested attempting to drive approximately 50 kilograms of cocaine across the Ambassador Bridge between the United States and Canada. I led the investigation into the defendant, which included reviewing and obtaining search warrants, and coordinating between multiple agencies, which revealed multiple smuggling trips involving hundreds of pounds of cocaine. The defendant was charged with possession with the intent to distribute five kilograms or more of cocaine.

I also served as lead counsel at the trial, which took place before the Honorable Stephen J. Murphy III. I drafted and prepared voir dire questions, jury instructions, and conducted jury selection for the government. At trial, I presented the direct examination of multiple law enforcement witnesses, as well as law enforcement expert testimony. I also gave the closing argument, while my co-counsel did rebuttal. The jury returned a guilty verdict. The defendant was sentenced to 120 months in custody.

Co-Counsel

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Opposing Counsel

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3. *United States v. Zamora*, 2:20-cr-20318 (E.D. Mich.) (Murphy, J.)

From July 2020 to present, I have represented the United States in the investigation and prosecution of Mr. Zamora, a high-ranking cartel member who oversaw the importation of hundreds of kilograms of cocaine into the Eastern District of Michigan, and elsewhere. The investigation was undertaken jointly by the Drug Enforcement Administration and Federal Bureau of Investigation, as part of the Organized Crime and Drug Enforcement Task Force.

I managed the investigation, which resulted in the interdiction of approximately 20 kilograms of cocaine concealed within semi-trucks and personal vehicles, based in part of the use of Title III wiretaps, electronic surveillance, GPS tracking, pole cameras, toll data, and information provided by cooperators and informants.

I also served as lead counsel for the trial that took place before the Honorable Stephen J. Murphy, III, in the Eastern District of Michigan. As part of the trial, I drafted and filed motions in limine and a trial brief on behalf of the government, drafted proposed voir dire questions, gave the opening statement, presented direct examinations of multiple law enforcement witnesses, examined multiple government cooperating witnesses, and presented expert testimony. At the conclusion of the trial, the jury found the defendant guilty, and he is awaiting sentencing. He is facing a 15-year mandatory minimum sentence.

Co-Counsel

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Opposing Counsel

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4. *United States v. Roldan et al.*, 2:17-cr-20531 (E.D. Mich.) (Friedman, J.), *aff'd sub nom. United States v. Hill*, 851 F. App'x 600 (6th Cir. 2021); *habeas petition denied* 2:21-cv-11672 (E.D. Mich.) (Friedman, J.), *habeas petition denied*, 2:23-cv-10078 (E.D. Mich.) (Friedman, J.).

Between 2018 and 2023, I served as co-counsel on an investigation conducted principally by the Drug Enforcement Administration as part of an Organized Crime and Drug Enforcement Task Force. The case involved the investigation, arrest, and charging of five defendants who conspired to import over 10 kilograms of fentanyl, heroin and cocaine

into the Eastern District of Michigan and used firearms in furtherance of their drug trafficking conspiracy. The investigation involved the use of multiple investigative tools, to include phone and location data, as well as the use of a Title III wiretap.

The lead defendant and three others pleaded guilty to the conspiracy charge and received sentences ranging from 60 to 150 months imprisonment.

The fifth defendant (Hill) elected to proceed to trial. The government presented a fourth superseding indictment to the grand jury, which returned an indictment for Hill's involvement in a drug conspiracy, as well as being a felon in possession of a firearm and ammunition. Hill was convicted at the conclusion of a bench trial before the Honorable Bernard A. Friedman. At trial, I gave the opening statement, presented the direct examination of multiple law enforcement witnesses, and gave the opening portion of the closing argument. The court sentenced Hill to 120 months of imprisonment, followed by 60 months of supervised release. The conviction was appealed and the Sixth Circuit affirmed. While I served as co-counsel on appeal, the appellate brief was principally drafted by my colleague. After the conviction and denial of his appeal, Hill sought relief via 28 U.S.C. § 2255. I drafted the government's response, and the court denied Hill's motion.

Co-Counsel

Rajesh Prasad
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Detroit, MI 48226
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Opposing Counsel

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5. *United States v. Toney et al.*, 2:17-cr-20184 (E.D. Mich.) (Levy, J.)

Since May 2019, I (along with two other AUSAs) have represented the United States in a multi-defendant racketeering prosecution which included offenses involving RICO conspiracy, murder in aid of racketeering, drug trafficking, kidnapping, possession of firearms and the use of firearms in furtherance of drug trafficking. The multi-defendant, multi-state RICO conspiracy stretched from Michigan to West Virginia, where drugs were dispensed and money was returned to Michigan, which in turn was used to support acts of violence in the community. The case was investigated by agents from the Bureau of Alcohol, Tobacco, and Firearms, with the help of state and local partners.

Toney pleaded guilty and was sentenced to 90 months of incarceration, followed by 36 months of supervised release. Tavnorn, Eubanks, and Bowens elected to proceed to trial. The multi-defendant trial lasted approximately six weeks and was tried before the Honorable Judith E. Levy. Prior to trial I drafted and responded to some of the pretrial motions in limine filed by defendants. At trial, I gave the opening statement, and presented the direct examination testimony of multiple law enforcement witnesses. Additionally, I directed the testimony of expert witnesses, to include forensic chemists and DNA experts. After approximately six weeks of trial, the defendants pleaded guilty to the RICO conspiracy in exchange for the dismissal of lesser charges. I drafted the sentencing memorandum for one of the defendants, and argued at his sentencing hearing. Each of the defendants received sentences of 168 months of incarceration, followed by 36 months of supervised release. After trial and judgment, some of the defendants filed motions for compassionate release. I drafted and filed an opposition brief and the court ruled in favor of the government.

Co-Counsel

Jerome Gorgon
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United States Attorney's Office
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(313) 226-9676

Opposing Counsel

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Todd Russell Perkins (Toney)
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(313) 964-1702

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(313) 963-4740

Henry M. Scharg (Chattam)
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David S. Steingold (Pearson)
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Victor Mansour (Eubanks)
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32121 Woodward Avenue
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Royal Oak, MI 48073
(248) 579-9800

James W Amberg (Bowens)
Amberg and Amberg
32121 Woodward Avenue, Suite PH
Royal Oak, MI 48073
United States
(248) 681-6255

6. *United States v. Caro-Moya et al.*, 3:15-CR-1187-DB (W.D. Tex.) (Briones, J.)

Between October 2015 and September 2016, I represented the United States in a case involving an investigation and prosecution into a cross-border smuggling operation that would provide individuals illegal transportation to and from the United States/Mexico border in exchange for service as a drug courier. The investigation was conducted by the Drug Enforcement Administration and United States Border Patrol. Individuals would carry large quantities of drugs through remote areas of the border where they would be met by individuals to receive the drugs and smuggle the individuals into the country. In this instance, five individuals were encountered by United States border patrol, all in possession of drugs, and some in the country illegally. They were charged with conspiracies to possess with the intent to distribute controlled substances and import controlled substances, in addition to substantive possession and importation counts.

I joined the prosecution team as co-counsel for the later stages of the investigation and trial, which took place before the Honorable David Briones. At trial, I gave the opening statement, conducted direct examinations of government witnesses, and gave the opening portion of the closing argument. The trial also involved navigating *Bruton* issues of defendant/co-conspirator statements implicating other co-conspirators at trial. The two defendants who elected to proceed to trial were convicted of all counts and sentenced to 15 to 18 months of imprisonment followed by a period of non-reporting supervised release.

Three of the five co-conspirators resolved their cases with negotiated guilty pleas. Two of the individuals who pleaded guilty received sentences of six months of imprisonment, with two years of non-reporting supervised release. The third individual received a sentence of 12 months of imprisonment and two years of non-reporting supervised release.

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7. *United States v. Escarcega*, Case No. 4:15-cr-635-BDG (W.D. Tex.) (Junell J.), *aff'd*, 685 F. App'x 354 (5th Cir. 2017).

From August to November 2015, I, along with a colleague, conducted a jury trial in Pecos, Texas. The Department of Homeland Security learned that members of transnational organized crime groups had been crossing the Rio Grande in remote parts of Texas with significant quantities of drugs in large trucks, at places not designated as ports of entry. I developed and continued the investigation in anticipation of trial, which included witness interviews, a crime scene review, and trial preparation.

At the jury trial before the Honorable Robert A. Junell, I gave the opening statement and examined other government witnesses. Ultimately, evidence from the defendant's phone linked his conduct to the large-scale drug importation scheme, and he was convicted. The defendant received a 60-month prison sentence, followed by five years of supervised release. The conviction was appealed. The only issue on appeal was the border search conducted on the defendant's phone. The Court of Appeals affirmed the conviction and found that the stop and search at issue were constitutional.

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8. *United States v. Aguilar*, Case No. 3:16-cr-00692-DB-4 (W.D. Tex.) (Briones, J.)

Between 2015 and 2016, an investigation conducted by the Federal Bureau of Investigation and the Drug Enforcement Administration revealed a scheme to transport

methamphetamine from Juarez, Mexico into the United States. Throughout the investigation, investigators used undercover controlled purchases, cooperating sources, and various other investigative tools to determine the three individuals responsible for the methamphetamine trafficking. Flores, Herrera, and Aguilar were all charged in a multi-count indictment with drug conspiracy and related substantive possession offenses.

Two defendants elected to plead guilty (Flores and Herrera) and were sentenced to 50 months and 51 months in custody, respectively. In November 2016, Aguilar proceeded to trial on a four-count indictment charging conspiracy to possess with intent to distribute methamphetamine, and other substantive possession offenses.

I joined the prosecution team as co-counsel for the later stages of the investigation and trial, which took place before the Honorable David Briones. At trial, I gave the opening statement, conducted direct examinations of government witnesses, and gave the opening portion of the closing argument. Aguilar was convicted by the jury on all counts, and was sentenced to 60 months in custody.

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9. *United States v. Thomas*, Case No. 3:15-cr-01188-FM (W.D. Tex.) (Montalvo, J.)

From 2015 to 2016, I represented the United States in the investigation and prosecution of Ms. Thomas for assaulting a border patrol agent at an immigration checkpoint in west Texas. The defendant was the driver of a vehicle who was ordered for a secondary inspection and instead fled, striking an officer with her car. Thomas was charged with assault of a federal officer.

I conducted the investigation with the Federal Bureau of Investigation, drafted the initial complaint, presented the case to grand jury, which returned an indictment, and ultimately, tried the case to verdict. I drafted all pre-trial filings, to include proposed voir dire, jury instructions, and motions in limine.

The case proceeded to trial before the Honorable Frank Montalvo. At trial, I gave the opening statement, conducted direct examinations of law enforcement witnesses, and cross-examined the defendant after she elected to testify. The jury returned a guilty verdict on one count and was deadlocked on a second. I negotiated a plea agreement on the unresolved count, and appeared at the sentencing, where the defendant received a sentence of 30 days of imprisonment and one year of supervised release.

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10. *Commonwealth v. Farmer*, 12-cr-74, Russell County Circuit Court, Commonwealth of Kentucky (Minyard, Jr., J.); *Com. v. Farmer*, 423, S.W.3d 690 (Ky. 2014).

Between 2012 and 2014, I represented Mr. Farmer, an individual wrongfully charged by the Commonwealth of Kentucky with murder. Farmer was on his own property when a neighbor approached him with a weapon (a stick) and assaulted him. Farmer went into his home, retrieved a firearm his lawfully owned, and fired a shot to defend himself on his own property. Kentucky law extends immunity involving self defense to arrest and detention, so I was one of the attorneys who litigated the immunity issue at the trial court, appellate court, and ultimately, at the Supreme Court of Kentucky. I was one of two attorneys who participated in the drafting of the briefs at every stage of the litigation. The oral argument was given by lead counsel. Ultimately, the Kentucky Supreme Court held that appellate courts did not have jurisdiction to review interlocutory orders (such as an appeal of a denial of a pre-trial self defense claim) and returned the case to the trial court.

Subsequent to the Supreme Court litigation, I entered government service. When the case returned to the trial court, the commonwealth reduced the charges to second-degree manslaughter, a charge to which Mr. Farmer pleaded guilty. Mr. Farmer received a probated sentence and was released after serving approximately 3 months in custody.

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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.)

In private practice, I would frequently work on non-litigation matters; generally, this would involve the representation of individuals who were subjects and/or targets of federal grand jury investigations. It often also involved individuals who were witnesses in some other proceeding.

As an Assistant United States Attorney, I have given trainings on various aspects of federal criminal prosecution, to both agents and attorneys, to include trainings on search warrants and the proper use of electronic surveillance tools. During my time with the Organized Crime and Drug Enforcement Task Force, I presented updates on significant cases and prosecution strategies with other U.S. Attorney's Offices. Finally, as the digital asset coordinator for the U.S. Attorney's Office, I have worked to trace, seize, and ultimately forfeit money, in the form of digital assets such as cryptocurrency, and return it to victims of fraud.

I have not performed any lobbying activities, nor have I registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

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

None.

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

None.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

Cases involving my time as an Assistant United States Attorney would likely create a conflict. These could be cases where I was consulted on an investigatory issue, participated in an indictment review, or served as part of the prosecution team. I would recuse myself from cases involving any defendant I had personally participated in the investigation and/or prosecution of.

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

If confirmed, I would adhere to the Code of Conduct for United States Judges. I would also fully comply with 28 U.S.C. § 455 by disqualifying myself in specific circumstances commanded by the statute, but additionally, any case where my impartiality might be reasonably questioned. If I determine that recusal is necessary, I would return the case to the Clerk's Office for reassignment.

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.

In my career as a defense attorney as an associate, our firm was committed to representing clients pro bono. Often, individuals would come to the office, and ultimately, would be unable to pay. The decision to take cases pro bono would often be made based on the meritorious nature of the claim. One such example, was *Commonwealth v. Farmer*, a criminal case in Kentucky, where I assisted in drafting appellate and state supreme court briefs on a novel issue of law.

After entering government service, my ability to provide pro bono legal services became somewhat limited; however, I mentor and work with law students through our Inn of Court program.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On July 3, 2023, I submitted an application to Senator Debbie Stabenow's office for an opening on the United States District Court for the Eastern District of Michigan. On September 6, 2023, I interviewed with the Eastern District of Michigan Judicial Advisory Committee. On October 10, 2023, I received an email communication from the White House Counsel's Office and interviewed with attorneys from that office shortly thereafter. Since November 17, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 8, 2024, I received a phone call from Senator Stabenow, updating me on the status of the process. On January 10, 2024, the President announced his intent to nominate me.

- 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.