

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Mark Anthony Hannan Young

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

United States District Judge for the Central District of California

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.

Los Angeles County Superior Court
11701 South La Cienega Boulevard
Los Angeles, California 90045

Residence: Santa Monica, California

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

1969; Melbourne, Australia

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.

1992 – 1995, University of Southern California Gould School of Law; J.D., 1995
1987 – 1991, University of California at Los Angeles; B.A., 1991

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.

2008 – Present
Los Angeles County Superior Court
11701 South La Cienega Boulevard
Los Angeles, California 90045

Judge of the Superior Court

1998 – 2008

United States Attorney's Office for the Central District of California
312 North Spring Street, 12th Floor
Los Angeles, California 90012

Executive Assistant United States Attorney (2007 – 2008)

Deputy Chief, Organized Crime Drug Task Force (2005 – 2007)

Assistant United States Attorney, Organized Crime Drug Task Force (2000 – 2005)

Assistant United States Attorney, General Crimes Section (1998 – 2000)

1988 – 2001

Los Angeles County Fire Department
2300 Ocean Front Walk
Venice, California 90291
Recurrent Ocean Lifeguard

Summer 1994; 1995 – 1998

White & Case LLP

655 West Fifth Street, Suite 1900

Los Angeles, California 90071

Associate (1995 – 1998)

Summer Associate (Summer 1994)

Summer 1993

Los Angeles County District Attorney's Office
Major Crimes Division
210 West Temple Street, 12th Floor
Los Angeles, California 90012
Summer Law Clerk

1991

Congressman Thomas Campbell
Rayburn House Office Building
Washington, District of Columbia 20515
Legislative Intern

Other Affiliations (uncompensated):

2014 – 2015

Alpha Aquatics

507 Abrammar Avenue

Pacific Palisades, California 90272

Board of Directors

2012 – 2015

Professional Lifeguard Foundation
743 Almar Avenue
Pacific Palisades, California 90272
Board of Directors

2006 – 2008

Santa Monica Airport Commission
Santa Monica Airport
3223 Donald Douglas Loop South, Suite Three
Santa Monica, California 90405
Chair (2007 – 2008)
Vice Chair (2006 – 2007)

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 have not served in the military. In September 1987, I registered 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.

Mexican American Bar Association of Los Angeles Recognition Award (2009)
Attorney General's Distinguished Service Award (2008)
Los Angeles Daily Journal's "20 to Watch Under 40" Award (2007)
Drug Enforcement Administration ("DEA") Service Award (2005 and 2007)
California Narcotics Officers' Association, "Prosecutor of the Year" Award (2006)
Southern California Drug Task Force Service Award (2005)
Federal Law Enforcement Officers' Association Service Award (2005)
International Narcotics Officers' Association Commendation (2005)
City of Los Angeles Commendation (2005)
United States Attorney's Office Outstanding Achievement Award (2004)
Federal Bureau of Investigation Service Award (2000 and 2002)
USC National Moot Court Team (1995)
USC Hale Moot Court Honors Program (1994 – 1995)

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.

State Bar of California
Los Angeles County 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.

California, 1995

In November 2001, I learned that I had been temporarily suspended from the State Bar of California for failure to pay my 2001 bar dues. This was inadvertent, as I had faxed a change of address form to the State Bar when I first joined the U.S. Attorney's Office, but that change of address was not updated. I did not realize that my former law firm had been forwarding my bar dues to me or, in 2001, that it apparently had stopped doing so. Upon receiving notification, I immediately paid my outstanding bar dues to the State Bar and corrected my address information. There has been no other lapse in membership, but under the California Constitution, a person serving as a judge of a court of record is not considered a member of the State Bar while in office. See California Constitution, Article 6, Section 9.

- 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 Appeal for the Ninth Circuit, 1995

United States District Court for the Central District of California, 1995

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.

Alpha Aquatics Board of Directors (2014 – 2015)

Catholic Big Brothers (1988 – 1992)

Los Angeles County Lifeguard Association (1988 – 2000)

Los Angeles Superior Court's Outreach Committee (2012 – 2015)

Professional Lifeguard Foundation (1997 – 1999, 2012 – 2015)

Board of Directors (2012 – 2015)

Santa Monica Airport Commission (2003 – 2008)

Chair (2007 – 2008)

Vice-Chair (2006 – 2007)
Southern California Aquatics Masters Swim Team (1988 – present)
United States Lifeguard Association (1988 – 2000)

- 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.

I am not, and have never been, a member of a club, organization or association that by policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin.

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.

From 2003 until 2008, I was a member of the Santa Monica Airport Commission. The Commission publicly met on a monthly basis to discuss issues pertaining to the operation and use of the airport. As Chair of the Commission from 2007 to 2008, I ran these public meetings. Some of the topics that I recall being raised at these meetings include: leasing issues and requests at the airport; pollution and noise issues at the airport, including proposals to limit the types of aircraft allowed to use the airport; routine airport maintenance; the planning and creation of the Museum of Flying at the airport; issues related to a nearby community college campus; and airport security. All available audio recordings from these meetings are available at http://santamonica.granicus.com/viewpublisher.php?view_id=6. Meeting minutes from two meetings in which there are no available audio recordings are supplied.

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

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.

November 2011; 2012; 2013; 2014: Judge, Mock Trial Program, Constitutional Rights Foundation, Los Angeles, California. I presided over mock trial proceedings. After the proceedings, I would comment on the mock trial performances and discuss some of the issues raised in the mock trials. I have no notes, transcript, or recordings. The address of the Constitutional Rights Foundation is 601 South Kingsley Drive, Los Angeles, California 90005.

September 2011; 2012; 2013; 2014: Moderator, Dialogues of Freedom, Los Angeles County Bar Association, Los Angeles, California. As a participant, I would visit a local area high school and moderate a class discussion involving constitutional issues. Copies of the 2011 and 2014 hypotheticals are supplied. I do not have the hypotheticals from 2012 or 2013. The address of the Los Angeles County Bar Association is 1055 West Seventh Street, #2700, Los Angeles, California 90017.

March 2013: Speaker, The Role of Courts and the Constitution, Crossroads School for Arts and Sciences, Santa Monica, California. The speech was on the role of courts and the Constitution in our society. I have no notes, transcript or recording. The address of the Crossroads School for Arts and Sciences is 1721 21st Street, Santa Monica, California 90404.

October 17, 2012: Speaker, Constitutional Speedy Trial Rights, Los Angeles County Superior Court, Los Angeles, California. PowerPoint supplied.

March 5, 2008: Speaker, Federal Gang Investigations, Summit on Transnational Gangs, Los Angeles International Chiefs of Police, Universal City, California. PowerPoint 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.

Pat Alston, *Judicial Spotlight*, Los Angeles Daily Journal, August 14, 2009. Copy supplied.

Scott Glover, *Corruption Unit Closure Still at Issue*, Los Angeles Times, July 30, 2008. Copy supplied.

Daily News Service, *Member of Gang Gets Life in Prison*, Los Angeles Daily News, January 29, 2008. Copy supplied (reprinted in multiple outlets).

Gary Walker, *Airport Commission Endorses Bill on Air Pollution 3-2*, The Argonaut Newspaper, May 3, 2007. Copy supplied.

Kevin Herrera, *FAA Puts City Hall on Standby*, Santa Monica Daily Press, March 29, 2007. Copy supplied.

Jennifer English, *Gang Enforcer Sentenced to 40 Years*, City News Service, February 6, 2007. Copy supplied (reprinted in multiple outlets).

Drew Combs, *20 to Watch Under 40*, Los Angeles Daily Journal, January 31, 2007. Copy supplied.

Joe Mozinga, *Nine in Street Gang Guilty*, Los Angeles Times, October 27, 2006. Copy supplied (reprinted in multiple outlets).

Jennifer English, *Nine Convicted in Vineland Boyz Racketeering, Drug Case*, City News Service, October 26, 2006. Copy supplied.

Tammy Koehler, *Two Men Face Sentencing for Narcotics Distribution*, Ventura County Star, April 21, 2006. Copy supplied.

Jason Kandel, *Prison in Guns-for-Drugs Case*, Los Angeles Daily News, November 11, 2005. Copy supplied.

Daily News Service, *Schaffer Gets OK to Post Bail After Drug, Gun Indictment*, Los Angeles Daily News, July 30, 2005. Copy supplied.

Jennifer English, *City News Service*, City News Service, February 10, 2005. Copy supplied.

City News Service, *Crips Cocaine*, City News Service, February 24, 2003. Copy supplied.

City News Service, *Bounty Hunters*, City News Service, August 14, 2000. Copy supplied.

Jason Kosareff, *Armed Man Arrested at Queen Mary*, Long Beach Daily Press, August 11, 2000. Copy supplied.

City News Service, *Bounty Hunters Convicted*, Long Beach Press-Telegram, March 23, 2000. Copy supplied (reprinted in multiple outlets).

City News Service, *Drug Trafficker Free on \$50,000 Bail*, Los Angeles Daily News, April 17, 1999. 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.

On November 14, 2008, then-Governor Arnold Schwarzenegger appointed me to the Los Angeles County Superior Court. As a Superior Court judge, I am empowered to preside over all disputes filed in the County of Los Angeles. I was assigned to preside over primarily criminal cases. I hear criminal matters filed by the Los Angeles District Attorney's Office from filing through trial. In approximately June 2010, I was reelected without opposition. My term expires on January 2, 2017.

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

I have presided over approximately 90 – 100 cases that have gone to judgment.

- i. Of these, approximately what percent were:

jury trials:	95%
bench trials:	5%
civil proceedings:	2%
criminal proceedings:	98%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

As a state trial judge, my opinions have all been unreported decisions that are disseminated only to the parties involved in the case and lodged as part of the court record. There are no citations to my opinions.

- 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).

1. People v. Caracter, LASC Case No. SA 089227 (2015)

Defendant was charged with first degree burglary, with eight prior strike convictions. Defendant had climbed a balcony of a local hotel and begun to enter the victim's hotel room. The victim woke up as the defendant was entering the room, and the defendant fled the scene. Originally, defendant represented himself without counsel. Immediately after jury selection, however, the defendant staged an alleged injury at the jail, which was caught on videotape, and then refused to participate in the proceedings. After an evidentiary hearing, I revoked his ability to represent himself, and appointed stand-by counsel to complete the trial. Defendant made several further attempts to disrupt the trial and force a mistrial, which caused his counsel to request all proceedings be suspended for a mental evaluation. I denied these requests, and the jury returned a guilty verdict to a lesser included offense of attempted first degree burglary. Defendant was sentenced to life imprisonment with a minimum parole eligibility period of 45 years based upon his numerous prior strike convictions.

Counsel for the People:

Courtney Zifken

Los Angeles County District Attorney's Office

11701 South La Cienega Boulevard

Suite 601

Los Angeles, CA 90045

(310) 727-6500

Counsel for the defendant:

Larry Williams

Solo Practitioner

3818 Crenshaw Boulevard

Suite 439

Los Angeles, CA 90008

(323) 732-6096

2. People v. Carcamo, LASC Case No. 4CA14205 (2014)

Defendant was charged with assault on a police officer and two counts of resisting arrest. At trial, defendant was convicted of both counts of resisting arrest, and the jury was unable to reach a verdict as to the assault charge. Defendant was sentenced to probation, community labor, and anger management classes.

Counsel for the People:

Bradley Pregerson

Los Angeles City Attorney's Office
210 North Main Street
Fifth Floor
Los Angeles, CA 90017
(213) 978-7924

Counsel for the defendant:
Jason Najarian
Los Angeles County Public Defender's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-2811

3. People v. Garcia, LASC Case No. 4WA01046 (2015)

Defendant was a UPS driver who was charged with stealing mail from his UPS truck. Following the theft of several hundred thousand dollars, UPS conducted an internal investigation of defendant and others. Defendant was observed taking a parcel and placing it into his truck. The parcel, which contained an expensive watch, was seized from defendant's delivery truck. Defendant was convicted of this theft at trial and sentenced to probation and county jail.

Counsel for the People:
Romtin Parvaresh
Deputy City Attorney
11701 South La Cienega Boulevard
Suite 430
Los Angeles, CA 90045
(310) 202-3800

Counsel for the defendant:
Steven Seiden
Solo Practitioner
13658 Hawthorne Boulevard
Suite 100C
Hawthorne, CA 90250
(310) 644-5003

4. People v. George, LASC Case No. BA 427812 (2014)

Defendant was convicted at trial of pandering. Defendant flagged down an undercover officer and then attempted to procure a prostitute for the officer. Defendant then attempted to have the officer travel to a nearby apartment to meet the prostitute. Due to safety concerns, the officer did not travel with the defendant. With numerous prior felony convictions,

the defendant was sentenced to three years in state prison.

Counsel for the People:
Bradley Allred
Los Angeles County District Attorney's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-3788

Counsel for the defendant:
Donna Gomez
Los Angeles County Public Defender's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-2811

5. People v. Hernandez, LASC Case No. 4CA16748 (2014)

Defendant was charged with, among other things, taking a vehicle without the owner's consent. After determining that defendant was driving a stolen vehicle, officers attempted to stop defendant and the car's occupants. Defendant suddenly stopped the car, and the occupants fled the scene. Defendant claimed that he had no knowledge that the car had been stolen even though he possessed a shaved key that had been used to start the car. Defendant was convicted at trial and sentenced to probation and community labor.

Counsel for the People:
Andre Quintero
Los Angeles City Attorney's Office
210 North Main Street
Fifth Floor
Los Angeles, CA 90017
(213) 978-7924

Counsel for the defendant:
Benny Bakshandeh
Alternate Public Defender's Office
320 West Temple Street
Suite G35
Los Angeles, CA 90012
(213) 974-6626

6. People v. Morejon, LASC Case No. BA 416121 (2014)

Defendant was charged with forgery and practicing medicine without a

license. Defendant, who was not a licensed doctor, was alleged to have operated a medical marijuana clinic in which he would conduct patient evaluations and write medical marijuana recommendations. Several undercover medical board investigators went into the clinic and received medical marijuana recommendations after briefly visiting with defendant and without being evaluated by any doctor. Defendant was convicted of practicing medicine without a license and was found not guilty of forgery. I imposed a split sentence of 16 months' imprisonment, in which he served eight months in prison, and the remaining eight months under mandatory supervision.

Counsel for the People:

Keith Koyano
Los Angeles County District Attorney's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-3788

Counsel for the defendant:

Matthew D. Kohn
Solo Practitioner
844 25th Street
Santa Monica, CA 90403
(310) 828-6116

7. People v. Peppin, LASC Case No. SA 089036 (2015)

Defendant was charged with felony domestic violence with the special allegation that he caused a great bodily injury to the victim. Following an argument, defendant repeatedly slammed his then-girlfriend's head against the wooden floor, causing a brain hemorrhage. The victim was taken to the hospital and spent several days in the intensive care unit. Defendant was convicted of the charged domestic violence and the jury found true the special allegation that defendant had inflicted great bodily injury upon the victim. Defendant's sentencing is scheduled for July 27, 2015.

Counsel for the People:

Karen Montoya
Los Angeles County District Attorney's Office
11701 South La Cienega Boulevard
Suite 601
Los Angeles, CA 90045
(310) 727-6500

Counsel for the defendant:

Tami Warren

Los Angeles County Public Defender's Office
11701 South La Cienega Boulevard
Suite 530
Los Angeles, CA 90045
(310) 727-6233

8. People v. Peters, et al. LASC Case No. SA 1809 (2015)

Four defendants, all alleged Venice Shoreline Crips members, were charged with the murder of two individuals, including a seven-year-old boy who was accidentally killed during an attempted drive-by shooting, along with several attempted murders. I presided over a three-week preliminary hearing in the matter, which had charged all four defendants with death eligible offenses. I found probable cause to believe the defendants had committed the charged crimes, and that the special circumstance allegations had been proved. The defendants are now awaiting trial in this matter.

Counsel for the People:
Kristin Trutanich
Eugene Hanrahan
Los Angeles County District Attorney's Office
11701 South La Cienega Boulevard
Suite 601
Los Angeles, CA 90045
(310) 727-6500

Counsel for defendants:
Andrew Stein (counsel for defendant Peters)
Solo Practitioner
9944 Flower Street
Bellflower, CA 90706
(562) 866-9762

James Brewer (counsel for defendant T. Fandel)
Solo Practitioner
333 Washington Boulevard
Suite 449
Marina Del Rey, CA 90292
(310) 488-9455

Geoffrey Pope (counsel for defendant W. Fandel)
Solo Practitioner
1375 Elma Court
Ontario, CA 91764
(909) 983-3917

Robert Shwartz (counsel for defendant Jamar)
Shwartz & Naderi
9100 Wilshire Boulevard
Suite 333E
Los Angeles, CA 90212
(310) 246-9550

9. People v. Reyes, LASC Case No. BA 424946 (2014)

Defendant was charged with robbery of a local liquor store. Defendant was alleged to have threatened the store employee with a broken bottle. After threatening the employee, the defendant fled the store with stolen beer. At trial, defendant claimed he was defending himself from the store owner. The jury was unable to reach a verdict on the robbery charge and defendant later pled to a lesser theft-related offense.

Counsel for the People:
Robert Song
Los Angeles County District Attorney's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-3788

Counsel for the defendant:
Lowynn Y. Young
Los Angeles County Public Defender's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-2811

10. People v. Zammarripa, LASC Case No. BA 419468 (2014)

Defendant was charged with kidnapping for the purpose of committing a robbery with the special allegation of using a firearm. Defendant had kidnapped an elderly woman in an effort to collect money allegedly owed by the victim's deceased husband. Defendant was convicted of the kidnapping charge, and the jury was unable to reach a verdict as to the special allegation that a gun was used during the course of the crime. Defendant had a previous strike conviction and numerous other prior serious felony convictions, and he was subsequently sentenced to life imprisonment with a 17-year minimum parole eligibility.

Counsel for the People:
Damare Theriot
Los Angeles County District Attorney's Office

210 West Temple Street
Los Angeles, CA 90012
(213) 974-3788

Counsel for the defendant:
John Myers
Los Angeles County Public Defender's Office
210 West Temple Street
Los Angeles, CA 90012
(213) 974-2811

- 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.

As a Los Angeles County Superior Court Judge, I rarely issue an opinion. I do not have a record of the cases in which an opinion has been issued. On the rare occasions that an opinion has been issued, they are stored directly in the case file maintained by the court, and I have no way of knowing which case files might have a written opinion.

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- 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.

County of Los Angeles v. Financial Casualty and Surety, Inc., 216 Cal. App. 4th 1192 (2013). Following forfeiture of bail, the surety filed a motion to vacate forfeiture and exonerate the bond on the ground that defendant had been deported and therefore, he was unable to appear in court. I had held that the surety had unclean hands in its dealings with defendant due to two prior bonds issued on defendant's behalf that were later forfeited after defendant failed to appear in court because he had been deported. The Court of Appeal held that I had erred and applied the wrong legal standard and therefore, the surety was entitled to exoneration of its bond.

Other than this case, to my knowledge, I do not know of any instances in which I have been reversed by either the Court of Appeal or the California Supreme Court.

- 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.

As a Los Angeles County Superior Court Judge, I rarely issue an opinion. On the rare occasions that an opinion has been issued, they are stored directly in the case file maintained by the court.

- 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.

None.

- 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.

None.

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

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

I have never recused myself due to an asserted conflict of interest or sua sponte. If the issue does arise, I would assess the matter on a case-by-case basis and avoid even the appearance of a conflict of interest.

California Code of Civil Procedure section 170.6, however, provides that any party may issue a peremptory challenge against a judge for any reason. The time within which to bring a challenge to a judge is limited. To my knowledge, I have

received such a challenge approximately 12 times, 11 times by the Public Defender's Office, and once by the People. I do not have a list of these cases. A judge is not always notified when a challenge is filed, so there may be additional times such a motion had been filed.

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.

In 2003, I was appointed to the Santa Monica Airport Commission by the Santa Monica City Council and served until 2008.

- 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 did not serve 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.

1995 – 1998
White & Case LLP
655 West Fifth Street, Suite 1900
Los Angeles, California 90071

Associate

1998 – 2008

United States Attorney's Office for the Central District of California
312 North Spring Street, 12th Floor
Los Angeles, California 90012

Assistant United States Attorney, General Crimes Section (1998 – 2000)

Assistant United States Attorney, Organized Crime Drug Task Force
(2000 – 2005)

Deputy Chief, Organized Crime Drug Task Force (2005 – 2007)

Executive Assistant United States Attorney (2007 – 2008)

- 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 alternate dispute resolution proceedings.

b. Describe:

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

After graduation from law school, I practiced civil litigation at White & Case, LLP from 1995 until May 1998. At White & Case, I litigated commercial disputes in both state and federal courts. I researched and drafted numerous complex civil motions, including summary judgment motions in a complex, billion-dollar contractual dispute, prepared for and took depositions and argued civil law and motion matters.

In May 1998, I left White & Case to join the United States Attorney's Office in the Central District of California. Beginning in October 2000, I was assigned to the Organized Crime Drug Enforcement Task Force (OCDETF), where I was responsible for leading the investigation and prosecution of international drug trafficking organizations operating in the United States. During the same time, I also supervised the investigations and prosecutions of criminal street gangs in the Los Angeles area. In general, these were large, complex cases that involved numerous defendants. In fact, several of these matters were designated as "complex cases" by the District Court for the Central District of California. During my time in the United States Attorney's Office, I tried approximately 22 cases to verdict. In addition, I briefed and argued numerous appellate matters before the Ninth Circuit Court of Appeals. In 2005, I was promoted to Deputy Chief of the OCDETF section, which added supervisory responsibilities to my litigation duties.

In 2007, I was named the Executive Assistant United States Attorney for the Central District of California. In that position, I was responsible for assisting the United States Attorney with the day-to-day management and operation of the office. My responsibilities included directly supervising the administrative division of the office, supervising and managing the office's budget, and assisting the United States Attorney with the management of the criminal and civil divisions. At the same time, I continued to maintain an active criminal case load, including supervising criminal investigations of uncharged targets and prosecuting several large scale racketeering and drug trafficking cases.

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

At White & Case, I generally represented large businesses and specialized in all aspects of business litigation. As an Assistant United States Attorney, the United States was my client. I specialized in large scale drug and gang racketeering and money laundering 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.

From 1995 to 1998, I appeared in court infrequently. From 1998 to 2008, I appeared in court on almost a daily basis.

- 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: | 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 26 cases to verdict during my legal career. I was sole counsel in approximately 18 cases, and lead counsel in the other eight cases.

- i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | 0% |

- 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. Yepiz, et al., CR 05-578(B)-JFW (2005 – 2008), U.S. District Court, Central District of California, Honorable John F. Walter. Published: United States v. H. Yepiz, 685 F.3d 840 (2011). Unpublished: United States v. Haro, 2009 WL 513255; United States v. Rodriguez, 2008 WL 5160188; United States v. Casillas, 2008 WL 5341849; United States v. Rangel, 2008 WL 2074351; and United States v. Medina, 2008 WL 5160189.

Forty-nine members and associates of the Vineland Boys Gang (“VBS”) were indicted in a 178-page, 78-count racketeering, drug trafficking, murder, firearms, and money laundering indictment. The indictment alleged racketeering activities of the VBS dating back to 1994 and included several murders, including the murder of a 16-year-old female witness following her testimony against the VBS in a state court preliminary hearing, and the murder of a former leader of the VBS. The take-down of these 49 VBS defendants involved the execution of over 43 federal search warrants and involved more than 1,300 federal, state and local law enforcement personnel from nine different agencies. This was the largest federal and local law enforcement action in Southern California’s history.

In preparing the case for trial, I helped compile over 190,000 pages of discovery that documented the VBS' crimes, and interviewed hundreds of witnesses, which created a historical overview of the VBS' criminal activities, and enabled us to present numerous previously uncharged criminal acts as racketeering acts in the indictment. Prior to the main trial of nine defendants, we responded to over 70 defense motions, and prepared over 140 government witnesses and 650 exhibits for trial.

In total, there were four trials resulting from this case, including an almost three-month trial of nine defendants that resulted in convictions of all defendants. Two of the trial defendants were sentenced to life imprisonment and the other defendants received sentences ranging from 15 to 40 years. While there are two fugitives remaining, 47 of the 49 defendants were either convicted at trial or pled guilty prior to trial. The district court imposed mandatory life sentences on seven defendants. In 2008, I was awarded the Attorney General's Distinguished Service Award based upon my work in this case.

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This is not a complete list of counsel in this matter.

2. United States v. Mitchell, CR 01-961(A)-DT (2001 – 2004), U.S. District Court, Central District of California, Honorable Dickran Tevrizian. Unpublished: United States v. Brown, 2006 WL 378209; United States v. Jamar, 2005 WL 1793420; United States v. Alexander, 2006 WL 2987030; and United States v. Green, 2004 WL 1105930.

This was a 22-defendant case that charged members and associates of the Venice Shoreline Crips with drug trafficking and money laundering crimes related to their nationwide cocaine and cocaine base drug distribution activities. The investigation used numerous wiretaps to identify the leaders of the Venice Shoreline Crips and their drug trafficking activities. In addition to leading to indictments in Los Angeles, the investigation led to numerous indictments in Georgia, Illinois, and Maryland. There were several jury trials, including the trial of four defendants in July and August 2002, and two additional trials of defendants in November 2002 and February 2004. All but one of the defendants were convicted of drug trafficking charges. One of the lead defendants was sentenced to life imprisonment, and several defendants received sentences between 10 and 25 years' imprisonment.

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This is not a complete list of counsel in this matter.

3. United States v. Woodland, et al., CR 05-668(B)-MMM (2005 – 2007), U.S. District Court, Central District of California, Honorable Margaret M. Morrow. Unpublished: United States v. Deaguero, 2007 WL 4117434; United States v. Munoz, 2010 WL 4877829.

This case involved a large drug organization that was supplying the Vineland Boys and other street gangs with vast quantities of cocaine and methamphetamine. This organization had been identified through wiretaps of the Vineland Boys and included several of their main sources of supply. The takedown of these defendants involved over 20 federal search warrants and approximately 600 federal, state, and local officers. The 25 defendants were charged with drug trafficking, money laundering and firearm offenses. One of the defendants, a banker, was charged and ultimately convicted at trial of laundering and structuring the deposits of this organization. This defendant was sentenced to 21 months' imprisonment. Several of the defendants received prison sentences of between 10 and 15 years.

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This is not a complete list of counsel in this matter.

3. United States v. Rodriguez, et al., CR 04-262(C)-NM (2004 – 2007), U.S. District Court, Central District of California, Honorable Nora M. Manella and Honorable Earl Carter (District Court Arizona). Unpublished: United States v. Lopez, 2011 WL 1426741; United States v. Mejia and Rodriguez, 2008 WL 3891212; and United States v. Coronel, 2006 WL 2669044.

This was a 17-defendant case that targeted members of a large Mexican drug cartel with the importation and distribution of over 800 kilograms of cocaine and 60 kilograms of methamphetamine. This organization was trafficking narcotics from California to Canada. Two defendants, Mejia and Lopez, proceeded to trial. Both defendants were convicted of possessing with intent to distribute 19 kilograms of cocaine that they had received from the lead defendant, Rodriguez, along with possessing a firearm in furtherance of a drug trafficking crime. Defendant Mejia was sentenced to 211 months' imprisonment, and defendant Lopez was sentenced to 180 months. Defendant Rodriguez was sentenced to 240 months' imprisonment, and several other defendants were sentenced to at least 10 years' imprisonment.

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This is not a complete list of counsel in this matter.

4. United States v. A. Rios, et al., CR 03-1144(B)-DT (2003 – 2005), U.S. District Court, Central District of California, Honorable Dickran Tevrizian. Unpublished: United States v. V. Rios, 2006 WL 2065002; United States v. Carvajal, 2006 WL 2074304; and United States v. Prieta-Quezada, 2007 WL 120570.

This was a 14-defendant case that charged a Mexican drug trafficking organization with the nation-wide distribution of large quantities of cocaine. Defendants were convicted following trial. The lead defendant, A. Rios, was sentenced to 262 months' imprisonment. Several of the other defendants received sentences of between 120 and 240 months. In addition, three of the lower-level members of the organization received sentences of between 36 and 46 months.

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5. United States v. Martinez, et al., CR 03-488-DT (2003 – 2005), U.S. District Court, Central District of California, Honorable Dickran Tevrizian. Unpublished: United States v. Cardiel, 2006 WL 1876938.

This was a multi-defendant case that charged several members of a Mexican drug cartel with the attempted distribution of 200 kilograms of cocaine. The lead defendant was convicted following a jury trial of conspiracy to distribute cocaine.

Counsel for defendants:

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6. United States v. Dominguez, et al., CR 01-91(A)-TJH (2001 – 2003), U.S. District Court, Central District of California, Honorable Terry J. Hatter. Published: United States v. Lillard, 354 F.3d 850 (9th Cir. 2003). Unpublished: United States v. Pena-Meza, 2004 WL 1202031; and United States v. Dominguez, 2004 WL 3562457 and 2008 WL 2906520.

This was a multi-defendant case that targeted one of the largest cocaine transportation organizations that had ever operated in the United States. During the course of the investigation, law enforcement seized over 1,200 kilograms of cocaine. The investigation involved the use of numerous wiretaps and resulted in tractor trailers loaded with cocaine and other drugs being seized throughout the country. All defendants were convicted of drug trafficking charges. The lead defendant, Mr. Dominguez, was initially sentenced to 272 months in federal prison. On appeal, his case was remanded to determine whether the district court should have imposed a four-level leadership enhancement based upon the record of the case. The district court again imposed the four-level enhancement, and was subsequently reversed on appeal for a second time. At Dominguez' third sentencing, no leadership role enhancement was imposed by the court and he was sentenced to 20 years imprisonment. Defendant Lillard proceeded to trial. Defendant Lillard was one of the truck drivers who was transporting hundreds of kilograms of cocaine secreted in his truck. He was convicted at trial and sentenced to 168 months' imprisonment.

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7. United States v. Hyun, et al., CR 99-1231-ER (1999), U.S. District Court, Central District of California, Honorable Edward Rafeedie (deceased).

This case charged two bounty hunters with impersonating federal agents in order to search other people's residences. The defendants used their bounty hunter badges, guns and other law enforcement gear to convince another individual that they were Federal Bureau of Investigation Special Agents with a search warrant. After her apartment and car were searched, the victim became suspicious of the defendants and contacted the FBI. Both defendants proceeded to trial and were subsequently convicted.

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8. United States v. Rivera, CR 05-155-GPS (2005 – 2006), U.S. District Court, Central District of California, Honorable George P. Schiavelli. Unpublished: United States v. Rivera, 2007 WL 2051544.

This was a methamphetamine trafficking case that resulted in the conviction following trial of an individual identified as being responsible for multiple murders in the early 1990s. Following trial, the defendant was sentenced to life imprisonment.

Counsel for defendant:

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9. United States v. Blajos, CR 99-886-ABC (1999 – 2000), U.S. District Court, Central District of California, Honorable Audrey B. Collins. Published: United States v. Blajos, 292 F.3d 1068 (9th Cir. 2002).

This was a case involving the violent armed robbery of a federally insured automatic teller machine located at a local casino. Following a jury trial, defendant was convicted of all charges, which included conspiracy to commit armed bank robbery, armed bank robbery, and the use of a firearm during a crime of violence. On appeal, the Ninth Circuit affirmed the convictions holding that the specific funds stolen did not have to be insured by the Federal Deposit Insurance Company, only that the bank that owned the ATM must be insured by the FDIC. To the best of my recollection, defendant was sentenced to 30 years' imprisonment.

Counsel for defendant:

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10. United States v. Freeman, CR 03-72-DT (2003 – 2005), U.S. District Court, Central District of California, Honorable Dickran Tevrizian. Published: United States v. Freeman, 488 F.3d 1217 (2007).

This case targeted another Venice Shoreline Crips member who had been identified as one of the larger distributors of cocaine base in the Venice Beach area of Los Angeles. Following a jury trial, defendant was convicted of conspiracy to distribute large amounts of cocaine base. He was subsequently sentenced to 20 years in prison. In a published opinion, the Ninth Circuit addressed the issue of whether an expert witness on coded drug jargon could also testify as a lay witness in the same case. Under the circumstances of this case, the Ninth Circuit upheld the conviction and sentence.

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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.)

The most significant legal activities that I have pursued have involved investigating and dismantling the leadership structure of two Los Angeles-based street gangs. In my experience as a prosecutor, these type of cases had an immediate and positive impact on our local communities.

The first street gang, the Venice Shoreline Crips, largely held the Oakwood area of Venice Beach hostage for many years as rival gang members engaged in drug trafficking and numerous shootings. In early 2000, I supervised a joint investigation by the Drug Enforcement Administration and the Los Angeles Police Department that targeted the leaders of this organization. The investigation resulted in the successful federal prosecution of over 27 members and associates of the Venice Shoreline Crips. The gang was identified as distributing large quantities of cocaine throughout the country, including Illinois, Maryland and North Carolina.

The second street gang was the Vineland Boys ("VBS"). In November 2005, two VBS gang members shot and killed a Burbank Police Department officer, and critically wounded his partner. Shortly after the killing, Burbank turned to the federal government for assistance in investigating and dismantling this gang that had taken over part of Burbank and the City of Los Angeles. I led a team of Task Force Officers with the DEA

in a 14-month investigation of the VBS. I obtained 41 federal wiretaps of the leaders and drug suppliers of the VBS during a twelve month period. The wiretaps and corresponding investigation resulted in the seizures of 107 kilograms of cocaine, 109 pounds of methamphetamine, 410 pounds of marijuana, 64 weapons, over 8,000 rounds of ammunition, and over \$1.1 million in assets. More importantly, the wiretaps revealed the leadership and organizational structure of the VBS and identified the leaders who were controlling the drug trade of the VBS. As the investigation revealed, it was these leaders who were controlling the drug trafficking activities of the two VBS members who were selling crystal methamphetamine when they murdered the Burbank police officer and the same individuals who whisked the surviving VBS gunman to safety in Mexico following the murder.

The investigation also revealed that the VBS was responsible for trafficking hundreds of kilograms of cocaine and hundreds of pounds of methamphetamine per month to dealers in North Carolina, Maryland, Arizona, Georgia, Washington, Hawaii, Georgia, Indiana, and the US-Mexican border area. In addition to drug and money seizures, investigators used the wiretaps to prevent planned crimes, including murders, and seized a sophisticated array of weapons, including a fully automatic and silenced machine gun. The 14-month investigation of the VBS led to the indictment of 99 defendants on federal charges, including racketeering charges against its leaders. At the time, using the RICO statute was a new approach to dismantling street gangs in Southern California. Subsequently, the DEA conceived its "Street Light Initiative," which focuses on the devastating effects of street gangs and their drug trafficking activities on our communities, as a result of the VBS investigation and the prosecution strategies developed in that case.

I have not participated in any lobbying activities.

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.

The only future benefits I expect to receive are my retirement account with the Los Angeles Superior Court and my Federal Thrift Savings Plan.

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).

See attached Financial Disclosure Report.

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

See attached 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.

I do not foresee any potential conflicts of interest based upon financial holdings. To the extent former colleagues, with whom I have maintained a close personal relationship, appear before me in federal court, I would recuse myself from the matter.

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

If any matter arose that posed an actual or potential conflict of interest, I would strictly apply the Code of Conduct for United States Judges, as well as any other canons or statutory provisions.

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.

Throughout my adult life, I have sought out opportunities to serve others. While still an undergraduate, I was a Big Brother to a young boy through the Catholic Big Brothers program. Upon graduating from law school, I assisted in founding the Professional

Lifeguard Foundation, which provides need- and merit-based scholarships to college students (who are Los Angeles County Ocean Lifeguards), and subsequently joined its board of directors. I continue to provide assistance in selecting award recipients and running the organization.

From 2003 until 2008, I was a member, Vice Chair, and then Chair of the Santa Monica Airport Commission. This volunteer board held monthly public hearings, and helped make recommendations to the City of Santa Monica regarding the operation of the municipal airport. In addition, for several summers, I traveled to Point Magu Naval Base and spoke to at-risk youth regarding the criminal justice system and the perils of drug use.

As a judge, I have participated yearly in the Constitutional Rights Foundation Mock Trial program. I also have taught trial advocacy and moot court skills to students at a local, inner city high school in preparation for the mock trial competition. In addition, I have participated in Los Angeles County Bar Association's Dialogues of Freedom at local public high schools. I have traveled to numerous schools and facilitated discussions in which students are challenged to examine and discuss their perspectives on American civic values and traditions.

I have also been an active member of the Los Angeles Superior Court's Outreach Committee, which enables high school students to interact with judges and lawyers during a lunchtime event. I am also involved in Street Poets, which is a non-profit community-based organization that uses poetry and the creative process as a means of individual and community transformation.

26. Selection Process:

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

In March 2011, I submitted my application to Senator Barbara Boxer's bipartisan Judicial Advisory Committee for the Central District of California. In June 2012, I met with the Committee in Century City, California. Senator Boxer recommended another candidate at that time, but my application remained pending for consideration for future vacancies. Since May 8, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 19, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On July 16,