

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Barbara Bailey Jongbloed
Barbara Ann Bailey

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

United States District Judge for the District of Connecticut

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: Superior Court, 70 Huntington Street, New London, Connecticut 06320

Residence: Madison, Connecticut

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

1959, Washington, D.C.

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.

1981 – 1984, New York University School of Law; J.D., 1984

1977 – 1981, Lawrence University, Appleton, WI; B.A. (*cum laude*), 1981

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.

2000 – present
State of Connecticut Judicial Department
New London Judicial District
70 Huntington Street

New London, Connecticut 06320
Judge of the Superior Court

1987 – 2000

United States Attorney's Office for the District of Connecticut
157 Church Street, 25th Floor
New Haven, Connecticut 06510
Assistant United States Attorney
Criminal Chief (1998 – 2000)
Deputy Criminal Chief (1994 – 1998)

1986 – 1987

Day Berry & Howard (now Day Pitney LLP)
One Stamford Plaza, 7th Floor
263 Tresser Boulevard
Stamford, Connecticut 06901
Associate

1984 – 1986

The Honorable T.F. Gilroy Daly, Chief United States District Judge
District of Connecticut
915 Lafayette Boulevard
Bridgeport, Connecticut 06604
Law Clerk

1984

Whitman & Ransom (now Whitman Breed Abbott and Morgan LLC)
200 Park Avenue
New York, New York 10166
Part-time Paralegal

1983

Whitman & Ransom (now Whitman Breed Abbott and Morgan LLC)
500 West Putnam Avenue, 2nd Floor
Greenwich, Connecticut 06830
Summer Associate

1982

New York University School of Law
The People's Coffee Shop
40 Washington Square South
New York, New York 10012
Part-Time Cashier

1982

New York University School of Law

Financial Aid Office
40 Washington Square South
New York, New York 10012
Part-Time Clerical Assistant

1982
Law Office of Henry R. Simon, Esq.
919 Third Avenue
New York, New York 10022
Summer Clerk/Legal Assistant

1981
Page Jewelers
Spring Hill Mall
1072 Spring Hill Road
West Dundee, Illinois 60118
Retail Sales Clerk

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 was not required to register 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.

1996 Maria Miller Stewart Award
Connecticut Women's Education and Legal Fund

Commendation by Assistant Commissioner, Internal Revenue Service
Department of the Treasury, based on prosecution of Stewart J. Leonard Sr. case
November 1993

Commendation by Acting Chief, Criminal Investigation Division
Internal Revenue Service, May 1990

Regional Inspector's Integrity Award,
Internal Revenue Service, August 1989

Commendation by Director, Office of International Affairs
Criminal Division, Department of Justice, April 1989

Inspector General's Integrity Award

Inspector General, Department of Health & Human Services 1989

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.

Connecticut Bar Association, Criminal Justice Section

Federal Bar Association, Fairfield County Chapter (1989 – 1991)
President (1990 – 1991)
Vice-President (1989 – 1990)

Connecticut Judges Association (2000 – 2018)
Nominating Committee (2011 – 2018)
Board of Directors (2005 – 2008)

Federal Bar Council (1993)

Federal Grievance Committee, Member (1997 – 2000)

Raymond E. Baldwin Inn of Court (1989 – approximately 1997)

State of Connecticut Judicial Branch, Superior Court (2003 – Present)
Criminal Jury Instructions Committee (October 2018 – present)
Education Committee (Term: September 2017 – June 2020)
Code of Evidence Oversight Committee (October 2014 – present)
Chair, Subcommittee on revisions to Articles IV, V and VI (2014 – present)
Judicial Media Committee (2008 – present)
Co-Chair Survey Subcommittee (2007 – 2008)
Judges Advisory Committee on E-Filing (2003 – approximately 2015)
Court Security Committee (2008 – approximately 2010)
Subcommittee on Security Manual Revision (2009 – 2010)

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.

Connecticut, 1984
New York, 1985

There has been no lapse in membership, however I believe NY is considered inactive since I became a judge in 2000.

- 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 District Court for the District of Connecticut, 1984
United States Court of Appeals for the Second Circuit, 1987

I believe the Second Circuit Bar is considered inactive since I became a judge in 2000.

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.

Trinity Church on-the-Green, New Haven, Connecticut
Sunday School Teacher (approximately 1995 – 2001)
Altar Guild (approximately 2015 – present)
Vestry (term: 2018 – 2021)

Madison Swim & Racket Club, Madison, Connecticut (approximately 1996 – 2010)

Madison Historical Society, Madison, Connecticut (approximately 1995 – present)

Madison Land Trust, Madison, Connecticut (approximately 1995 – present)

Charlotte L. Evarts Memorial Archives, Madison, Connecticut (approximately 1995 – 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 my knowledge, none of these organizations currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either

through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Conn. Criminal Procedure, (2019 ed.), Schuman, Chapter 11, Jury Right, Selection and Misconduct (Chapter author). Copy supplied.

Timing of Loss in Secured Loan Cases, S. Manning & B. Jongbloed, Federal Sentencing Reporter, Vol. 10., No. 3 (Nov./Dec. 1997). Copy supplied.

The Continuing Importance of Prosecuting Financial Fraud, C. Droney & B. Jongbloed, CT Law Trib., Banking Supplement (Dec. 11, 1995) at 27. Copy supplied.

The Indefinite Detention of Excludable Aliens: Palma v. Verdeyen, 16 N.Y.U. J. Int'l L. & Pol. 119 (1983). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

The Code of Evidence Oversight Committee on which I currently serve submitted a report to the Connecticut Supreme Court May 25, 2017 recommending proposed revisions to the Connecticut Code of Evidence. Copy supplied. This committee met 16 times since I was appointed to the committee in 2014. Dates and minutes of those meetings are supplied.

I also serve on the Judicial Media Committee and was a co-chair of the Survey Subcommittee which submitted a report and recommendations to the Committee on July 14, 2008. Copy supplied. The Subcommittee met 10 times between May 15, 2007 and July 9, 2008. Dates and minutes of the meetings 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.

Judiciary Committee of the State of Connecticut Legislature, Confirmation Hearing, February 8, 2016. Transcript supplied.

Judiciary Committee of the State of Connecticut Legislature, Confirmation Hearing, February 11, 2008. Transcript supplied.

Judiciary Committee of the State of Connecticut Legislature, Confirmation Hearing, February 25, 2000. Transcript supplied.

Testimony before a Committee of the State of Connecticut Legislature, (December 2, 1997) I believe the general topic may have been investigative subpoena power, and I do not recall which committee heard this testimony. I do not have notes and a transcript is not available in the archives since it occurred before 2000. The address of the State of Connecticut Legislature is 210 Capitol Avenue, Hartford, Connecticut 06106.

- 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.

June, 6, 2014: Panelist, International Association of Financial Crimes Investigators (IAFCI), Connecticut Chapter annual conference, Middletown, Connecticut. Notes supplied.

May 18, 2006: Madison Rotary Club Meeting, Madison Beach Hotel, 94 West Wharf Road, Madison, Connecticut 06443. Outline supplied.

May 1, 2002: Law Day Celebration, Speech delivered at the Superior Court, Judicial District of Middlesex, One Court Street, Middletown, Connecticut. Remarks supplied.

October, 2000: Ceremonial Swearing-In for New Attorneys. Speech delivered at the Connecticut Superior Court, Judicial District of New London, 70 Huntington Street, New London, Connecticut. Remarks supplied.

April 14, 1999: Fairfield County Medical Association, Annual Meeting. Stamford, Connecticut. The general topic was health care fraud prosecutions and enforcement. I have no notes, transcript or recording of the meeting. The address for the Fairfield County Medical Association is 917 Bridgeport Avenue, Shelton, Connecticut 06484.

September 15, 1998: Roundtable Discussion, Connecticut Chapter of the Association of Certified Fraud Examiners, Second Annual Fraud Symposium. The topic was a discussion of federal and state fraud cases. I have no notes, transcript or recording. The current director of the Association of Certified Fraud Examiners, Connecticut Chapter, is Bryan Cassidy whose address is 200 Executive Boulevard, Southington, Connecticut 06489. Press report supplied.

September 17, 1997: Connecticut Chapter of the Association of Certified Fraud Examiners, Radisson Inn, Cromwell, Connecticut. The general topic was white collar fraud prosecutions, including tax fraud. I have no notes, transcript or recording. The current director of the Association of Certified Fraud Examiners, Connecticut Chapter, is Bryan Cassidy whose address is 200 Executive Boulevard, Southington, Connecticut 06489.

June 7, 1996: Fraud Conference. Connecticut Society of Certified Public Accountants (CTCPA). The general topic was white collar fraud prosecutions, including tax fraud. I have no notes, transcript or recording. The address for the CTCPA is 716 Brook Street, #100, Rocky Hill, Connecticut 06067.

January 18, 1996. Blue Goose Society Meeting. Ramada Inn, Meriden, CT. (Honorable Order of the Blue Goose International, Hartford Pond.) The general topic was white collar fraud, particularly insurance fraud. I have no notes, transcript or recording. The Blue Goose Society can be reached through Daniel S. Rich, GSOF/PMLG, Travelers Claim University, 99 Lamberton Road, Windsor, Connecticut 06095.

I have also been a guest speaker at Yale Law School in connection with the Law School's prosecutorial externship program in October, 2011, 2012, 2013 and 2015. I was also a guest speaker at a Yale Law School class in February 2003. These were all informal classroom settings where law students have the opportunity to hear the perspective of trial judges and other guests. I spoke at these engagements in New Haven, Connecticut. I have no notes, transcript, or recording related to these talks. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

I have also been a guest speaker at Quinnipiac University for a women's studies undergraduate course in approximately 2007 and 2008. I have no notes, recordings or transcripts of these courses. The address of Quinnipiac University is 275 Mt. Carmel Avenue, Hamden, Connecticut 06518.

I spoke as part of Quinnipiac University School of Law courses in 1998 where the topic was health care fraud and in 1999 where I believe the topic was legal ethics. I have no notes, transcript, or recording related to these talks. The address of Quinnipiac University School of Law is now 370 Bassett Road, North Haven, Connecticut 06473.

I was a faculty member for the Connecticut Trial Advocacy Institute, Co-sponsored by National Institute of Trial Advocacy (NITA) in the years 1994, 1996, 1998. I have no notes, records or transcripts of these programs. The address for NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301.

I have regularly spoken at an annual Law Day program in the Madison Public Schools, which provides middle school children an opportunity to hear from law enforcement and others about their careers. I have no notes, records or transcripts of these programs. The address for the Madison Public Schools is 10 Campus Drive, Madison, Connecticut 06443.

- 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.

As a federal prosecutor, I sometimes participated in press conferences when prosecutions or initiatives were announced. Those press conferences would have occurred approximately twenty years ago or more, and I did not keep records of them and have been unable to locate copies of them.

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.

From March 2, 2000 through the present, I have served as a Judge of the Superior Court for the State of Connecticut. I was appointed by Governor John Rowland. The Superior Court is a trial court of general jurisdiction which includes jurisdiction over all matters returnable to the Superior Court including civil, criminal, family, housing and juvenile matters.

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

I have presided over approximately 105 cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	65%
bench trials:	35% [total 100%]
civil proceedings:	35%
criminal proceedings:	65% [total 100%]

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

dissents.

Please see attached list.

- 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. *State v. Dante A. Hughes*; KNL-CR16-335957. (Trial and sentencing, 2018).

This criminal prosecution arose following an incident at Ryan's Pub in Groton, Connecticut in December 2016. The defendant was involved in a violent domestic dispute with his girlfriend in the parking lot of the pub when several individuals intervened attempting to aid Hughes' girlfriend. Defendant Hughes initially began to walk away but turned around, pulled out a firearm and fatally shot 24 year-old Joseph Gingerella. Defendant Hughes was ultimately arrested two days later attempting to cross the border into Canada. The defendant was found guilty after trial by the jury on the charge of manslaughter in the first degree with a firearm and by the court of criminal possession of a firearm. He was sentenced October 17, 2018 to a total effective sentence of 50 years, execution suspended after 45 years to serve, 7 years of which are mandatory minimum, and 5 years' probation with conditions. An appeal is pending.

Counsel for the State:

Paul J. Narducci
Senior Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

Christa L. Baker
Assistant State's Attorney
One Courthouse Square
Norwich, Connecticut 06360
860-889-5284

Counsel for Defendant:

Walter D. Hussey, Esq.
39 Russ Street, 3rd Floor
Hartford, Connecticut 06106

860-247-1331

2. *State v. Miguel Vega*, KNL-CR11-313738; 181 Conn. App. 456, *cert. denied*, 330 Conn. 928 (2018).

This case was a retrial after a previous trial had resulted in a mistrial when the jury could not reach a verdict. The charges of murder, attempted murder and home invasion stemmed from an incident that began with a bar fight in New London, Connecticut. Later that night, the defendant and another burst into a small crowded apartment and fired numerous shots, killing Rahmel Perry. Another individual was shot in the street trying to flee, but received medical attention and survived. The jury returned guilty verdicts in January 2016 and the defendant was sentenced on March 15, 2016 to a total effective sentence of 75 years to serve. The matter was affirmed on appeal by the Connecticut Appellate Court and the Connecticut Supreme Court denied certification to appeal. *State v. Vega*, 181 Conn. App. 456, *cert. denied*, 330 Conn. 928 (2018).

Counsel for the State:

Michael L. Regan
State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Counsel for Defendant:

Robert F. Kappes, Esq.
Silvester & Kappes
118 Oak Street
Hartford, Connecticut 06106
860-278-2650

John E. Franckling, Esq.
41 New London Turnpike
Glastonbury, Connecticut 06033
860-633-8461
(Attorney Franckling represented Vega in the first trial)

3. *State v. Dequan McKethan*; KNL-CR12-120-162; 184 Conn. App. 187, *cert. denied*, 330 Conn. 931 (2018)

This criminal prosecution arose after the body of the victim, Darius Bishop, 28, was found on September 25, 2012 near a dugout at a ball field in the Charles Long Sports Complex in Bozrah, Connecticut. Bishop had been shot, execution style, in the head. McKethan was convicted after a jury trial of murder,

possession of narcotics and carrying a pistol without a permit. The evidence at trial included cell phone locator information which placed both the victim and the defendant at the relatively remote location the night of the shooting. McKethan was sentenced December 21, 2015 to a total effective sentence of 56 years to serve. The matter was affirmed on appeal. 184 Conn. App. 187, *cert. denied*, 330 Conn. 931 (2018).

Counsel for the State:

Lawrence J. Tytla
Formerly: Supervisory Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

David J. Smith
Senior Assistant State's Attorney
112 Broad Street
New London, Connecticut 06360
860-443-8444

Counsel for Defendant:

John T. Walkley, Esq.
Public Defender's Office
146 White Street
Danbury, Connecticut 06810
203-207-8650

4. *State v. Evan Holmes*, KNLCR11-0315555A; KNLCR11-0315555T (2013); 176 Conn. App. 156 (2017), *cert. granted*, 327 Conn. 984 (2017).

In this criminal prosecution, defendant Evan Holmes was convicted after a jury trial on charges of felony murder, home invasion, conspiracy to commit home invasion, and criminal possession of a firearm. The evidence established that the defendant, who had recently been released from incarceration as a result of another shooting, broke into a multi-family home in New London at approximately 4:00 am and killed Jorge Rosa by firing numerous shots at him while he was sleeping in bed. Holmes had been involved in an altercation earlier in the evening with Rosa's roommate. Holmes was sentenced on December 3, 2013 to a total effective sentence of 70 years to serve. The case was affirmed on appeal in *State v. E. Holmes*, 176 Conn. App. 156 (2017), *cert. granted*, S.C. No. PSC-17-0233 (Dec. 14, 2017). This matter has been argued before the Connecticut Supreme Court and is awaiting decision. A Motion to Correct Illegal

Sentence was filed March 1, 2017. The denial of the motion was appealed and affirmed in *State v. Holmes*, 182 Conn. App. 288 (2018).

Counsel for the State:

Paul J. Narducci
Senior Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

Sarah W. Bowman
Assistant State's Attorney
112 Broad Street
New London, Connecticut 06320
860-443-8444

Counsel for Defendant:

William T. Koch, Jr., Esq.
44 Lyme Street
Old Lyme, Connecticut 06371
860-434-3060

5. *State v. Darnell Moore*, KNL-CR10-0112785T169; Conn. App. 470 (2016), *cert. granted*, 324 Conn. 915 (2016).

This criminal case arose from a street shooting in Norwich, Connecticut in 2010. An incident occurred earlier in the day when defendant Moore was asked to leave the Lake Street neighborhood as a result of an altercation. The defendant later returned to the neighborhood with a gun and fatally shot Namdi Smart in the head. Following pretrial hearings, a jury convicted the defendant of murder. He was sentenced to 53 years to serve on March 5, 2013. The pretrial matters included a challenge to the array made during jury selection that challenged whether the procedures employed guaranteed that the jury venire was made up of a fair cross section of the community. The Connecticut Appellate Court affirmed the case, 69 Conn. App. 470 (2016), and the Connecticut Supreme Court granted certification to appeal, 324 Conn. 915 (2016). The matter was argued in January, 2019. A decision is pending.

Counsel for the State:

David J. Smith
Senior Assistant State's Attorney

112 Broad Street
New London, Connecticut 06320
860-443-8444

Counsel for Defendant:

Norman A. Pattis, Esq.
Pattis and Smith Law Firm
383 Orange Street
New Haven, Connecticut 06511
203-393-3017

6. *State v. Mozzelle Brown*; KNLCR13-123144 (2014) and *State v. Chad Schaffer*, KNLCR10-0111346T (2012).

These are criminal prosecutions of two individuals who were charged with murder and conspiracy to commit murder in connection with the brutal beating death of Dr. Eugene Mallove, a 56-year-old noted nuclear physicist, which occurred in Norwich, Connecticut in 2004. In this “cold case” murder investigation, charges were ultimately brought against these two defendants when an individual came forward with information. Investigators learned that the beating death occurred during a confrontation between the defendants and Dr. Mallove following Mallove’s eviction of defendant Schaffer’s parents who had been tenants of Mallove’s parents’ home. The defendants were tried separately. Defendant Brown was convicted after a jury trial in 2014 of murder and conspiracy to commit murder and was sentenced on January 6, 2015 to 58 years to serve. He initially appealed his conviction, but the appeal was withdrawn. Defendant Chad Schaffer, after two weeks of testimony on the murder charges, entered guilty pleas before another judge to charges of manslaughter in the first degree and robbery in the third degree and was sentenced to 25 years suspended after 16 years to serve, and five years’ probation.

Counsel for the State:

Paul J. Narducci
Senior Assistant State’s Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

Thomas M. DeLillo
Senior Assistant State’s Attorney
One Courthouse Square
Norwich, Connecticut 06360

860-889-5284

Counsel for Defendant Brown:

Richard Marquette, Esq.
Goldblatt Marquette & Rashba, P.C.
60 Washington Avenue, Suite 302
Hamden, Connecticut 06518
203-687-4050

Counsel for Defendant Schaffer:

Bruce McIntyer, Esq.
Hellum & McIntyer, LLC
103 Broad Street, Second Floor
New London, Connecticut 06320
860-447-0447

7. *State v. Michael A. Edwards*, K21N-CR10-113114-S; 314 Conn. 465 (2014).

In this case, a criminal defendant who was serving a 50-year sentence for murder, was charged with assaulting a state department of corrections officer. Defendant Edwards was convicted after a jury trial and was sentenced on October 25, 2011 to nine years to serve, mandatory consecutive time. On appeal, the defendant claimed that the prosecutor improperly exercised a peremptory challenge based on an answer to an optional question about race on the confidential juror questionnaire on which she had written "human." The Connecticut Supreme Court reviewed and clarified the law on peremptory challenges pursuant to *Batson v. Kentucky*, 476 U.S. 79 (1986), and affirmed the conviction upholding the trial court's determination that the prosecution properly exercised a peremptory challenge under the circumstances presented. The court declined to exercise its supervisory authority to disallow peremptory challenges based on answers to the question about race on the confidential juror questionnaire. 314 Conn. 465 (2014).

Counsel for the State:

Thomas M. DeLillo
Senior Assistant State's Attorney
One Courthouse Square
Norwich, Connecticut 06360
860-889-5284

Counsel for Defendant:

William T. Koch, Jr., Esq.

44 Lyme Street
Old Lyme, Connecticut 06371
860-434-3060

8. *State v. George M. Leniart*, KNL-CR08-0296666T; 166 Conn. App. 142 (2016), *cert. granted*, 323 Conn. 918 (2016).

This criminal case stemmed from the disappearance of 15 year-old April Pennington who was reported missing from her parents' home in Montville, Connecticut in 1996. Despite investigative efforts, Pennington's body was never found. As a result of information that ultimately came to the attention of law enforcement, in 2010, the State charged George Leniart with three capital felony counts and one count of murder alleging Pennington was kidnapped, sexually assaulted and murdered. The defendant was convicted after a jury trial which presented numerous complex issues. The defendant was sentenced on June 22, 2010 to a mandatory term of life imprisonment without parole. The conviction was reversed by the Connecticut Appellate Court, 166 Conn. App. 142 (2016). On September 6, 2019, the Connecticut Supreme Court issued a decision reversing the Connecticut Appellate Court and remanded to the Connecticut Appellate Court for further proceedings.

Counsel for the State:

John Gravelic Pannone (now retired)
Formerly: Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

Stephen M. Carney
Senior Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06360
860-443-2835

Counsel for Defendant:

Norman A. Pattis, Esq.
Pattis and Smith Law Firm
383 Orange Street
New Haven, Connecticut 06511
203-393-3017

9. *State v. Russell Kirby*, KNL-CR02-0266357T; 137 Conn. App. 29 (2012), *cert.*

denied, 307 Conn. 908 (2012).

This case involved a re-trial in 2010 after a previous conviction was reversed (*State v. Kirby*, 280 Conn. 361 (2006)). Defendant Kirby's charges stemmed from a kidnapping of a local school teacher, Leslie Buck, who was found dead in her home two days after she escaped from her kidnapper. The defendant was convicted after a jury trial of kidnapping in the second degree and assault in the third degree. The defendant was sentenced to a total effective sentence of 21 years to serve. The convictions were affirmed with the Connecticut Appellate Court finding that the defendant failed to demonstrate that the language of the kidnapping statute was unconstitutionally vague as applied to him. The Connecticut Supreme Court denied certification to appeal. *State v. Kirby*, 137 Conn. App. 29 (2012), *cert. denied*, 307 Conn. 908 (2012).

Counsel for the State:

Lawrence J. Tytla
Formerly: Supervisory Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

Paul J. Narducci
Senior Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06360
860-443-2835

Counsel for Defendant:

William T. Koch, Jr., Esq.
44 Lyme Street
Old Lyme, Connecticut 06371
860-434-306

10. *In re Rachel J.*, 97 Conn. App. 748, 905 A.2d 1271 (2006).

This case involved the filing of a petition for termination of parental rights. A significant issue was whether a 10 year-old child had sustained "serious bodily injury" when her mother assaulted her one morning when she refused to get out of bed for school. The respondent pulled her daughter out of bed by the hair and threw her to the floor, breaking her arm. She then failed to obtain medical treatment for the broken arm, kept her daughter home from school and hid her in a closet during a home visit by a DCF worker. Based on these and other facts

during a long history with DCF, the parental rights were terminated and the decision was affirmed on appeal.

Counsel for the State:

Paula D. Sullivan, Assistant Attorney General
Susan T. Pearlman, Assistant Attorney General
Office of the Attorney General
55 Elm Street
Hartford, Connecticut 06106
860-808-5400

Counsel for the Respondent:

George J. Duhaime, Esq.
P.O. Box 220
Lebanon, Connecticut 06249
860-608-7494

Raymond Rigat, Esq.
The Rigat Law Firm
23 East Main Street
Clinton, Connecticut 06413
860-664-5951

Counsel for the Minor Child:

Raymond F. Parlato
(retired)

- 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.

1. *State v. Dante A. Hughes*: KNL-CR16-335957. 2018 WL 6016724 (Oct. 25, 2018)

Counsel for the State:

Paul J. Narducci
Senior Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

Christa L. Baker
Assistant State's Attorney
One Courthouse Square
Norwich, Connecticut 06360
860-889-5284

Counsel for Defendant:

Walter D. Hussey, Esq.
39 Russ Street, 3rd Floor
Hartford, Connecticut 06106
860-247-1331

2. *State v. Dequan McKethan*, KNL-CR12-120162. Ruling on Motion to Suppress (July 20, 2015) Unpublished Opinion. Copy supplied.

Counsel for the State:

Lawrence J. Tytla
Formerly: Supervisory Assistant State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Co-counsel for the State:

David J. Smith
Senior Assistant State's Attorney
112 Broad Street
New London, Connecticut 06360
860-443-8444

Counsel for Defendant:

John T. Walkley, Esq.
Public Defender's Office
146 White Street
Danbury, Connecticut 06810
203-207-8650

3. *State v. Jean Jacques*, KNL-CR15-128007T. 2016 WL 3536513 (June 6, 2016)

Counsel for the State:

David J. Smith
Senior Assistant State's Attorney
112 Broad Street
New London, Connecticut 06320
860-443-8444

Counsel for Defendant:

Sebastian O. DeSantis, Esq.
345 State Street
New London, Connecticut 06320
203-439-0407

4. *State v. Darnell Moore*, KNL-CR10-0112785T169. 2012 WL 6785194 (Dec. 10, 2012)

Counsel for the State:

David J. Smith
Senior Assistant State's Attorney
112 Broad Street
New London, Connecticut 06320
860-443-8444

Counsel for Defendant:

Norman A. Pattis, Esq.
Pattis and Smith Law Firm
383 Orange Street
New Haven, Connecticut 06511
203-393-3017

5. *State v. Chihan Eric Chyung*, 325 Conn. 236 (2017). Memorandum of Decision, Defendant's Motion for Judgment of Acquittal & New Trial. July 2014. Unpublished opinion. Copy supplied.

Counsel for the State:

David J. Smith
Senior Assistant State's Attorney
112 Broad Street
New London, Connecticut 06320
860-443-8444

Counsel for Defendant:

Brian Woolf, Esq.
Woolf Law Firm LLC
50 Founders Plaza
East Hartford, Connecticut 06108
860-290-8690

6. *State v. Mark Crouch*, KNL-CR13-0322398. Memorandum of Decision on Defendant's Motion to Suppress. Nov. 20, 2015. Unpublished opinion. Copy supplied.

Counsel for the State:

Theresa A. Ferryman
Senior Assistant States Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Counsel for the Defendant:

Jeremiah F. Donovan, Esq.
Donovan & Donovan
123 Elm Street, Unit 400
Old Saybrook, Connecticut 06475
860-388-3750

7. *State v. Miguel Vega*, KNL-CR11-03-19903-T. Feb. 5, 2015. Memorandum of Decision on Defendant's Motion to Suppress. Unpublished opinion. Copy supplied.

Counsel for the State:

Michael L. Regan
State's Attorney
70 Huntington Street
New London, Connecticut 06320
860-443-2835

Counsel for Defendant:

Robert F. Kappes, Esq.
Silvester & Kappes
118 Oak Street
Hartford, Connecticut 06106
860-278-2650

John E. Franckling, Esq.
41 New London Turnpike
Glastonbury, Connecticut 06033
860-633-8461
(Attorney Franckling represented Vega in the first trial)

8. *In re: Rachel J. and Naomi C.*, W10-CP04-014454-A, W10-CP04-014455-A.
2005 WL 1868860 (June 3, 2005)

Counsel for the State:

Paula D. Sullivan, Assistant Attorney General
Susan T. Pearlman, Assistant Attorney General
Office of the Attorney General
55 Elm Street
Hartford, Connecticut 06106
860-808-5400

Counsel for the Respondent:

George J. Duhaime, Esq.
P.O. Box 220
Lebanon, Connecticut 06249
860-608-7494

Raymond Rigat, Esq.
The Rigat Law Firm
23 East Main Street
Clinton, Connecticut 06413
860-664-5951

Counsel for the Minor Child:

Raymond F. Parlato
(retired)

9. *In re: Evan N. & Rasean J.*, K09-CP02-008544-A; K09-CP02-008545-A. 2005
WL 3047413 (Sept. 27, 2005)

Counsel for the State:

Carrie Taylor, Esq.
Former Assistant Attorney General
6 Shweky Court
Wallingford, Connecticut 06492
203-889-8695

Counsel for Respondent Mother:

Brian Staines, Esq.
Lee N. Johnson Law Offices
350 Silas Dean Hwy #301
Wethersfield, Connecticut 06109
860-563-7510

Counsel for Respondent Father:

Ellin Grenger, Esq.
Grenger Law Offices
49 Whitehall Avenue
Mystic, Connecticut 06355
860-536-0701

Counsel for the Minor Children:

Valerie Alexander, Esq.
P.O. Box 1065
Waterford, Connecticut 06385

Counsel for the Mashantucket Pequot Tribal Nation:

Laura Seder, Esq. (deceased)

10. *Lutz v. Planning & Zoning Commission of the Town of Haddam, et al.* 2008 WL 1971526 (April 25, 2008).

Counsel for the Plaintiffs

Dzialo Pickett & Allen, P.C.
15 Elm Street
Old Saybrook, Connecticut 06475
860-398-9386

Counsel for the Defendant

Luby Olson, P.C.
405 Broad Street
P.O. Box 2695
Meriden, Connecticut 06450
203-639-3560

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

I have had no 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.

I have been reversed two times as set forth below.

State v. Jean Jacques, 332 Conn. 271 (2019). In this case, involving the stabbing death of 25 year-old Casey Chadwick, the jury convicted the defendant of murder. I denied a motion to suppress evidence (the victim's cell phone and other evidence) finding that the defendant did not have a reasonable expectation of privacy in a Norwich, Connecticut apartment because the lease had expired while he was incarcerated on other charges. I found that because the term of the lease had expired, and the defendant had not made any efforts, despite evidence he could have done so, to secure the apartment and had made no efforts to retrieve his belongings or even to contact the landlord, his actions did not demonstrate an expectation of privacy. The Connecticut Supreme Court disagreed and found that the defendant did have an expectation of privacy in the apartment because, among other things, even though his lease term ended, the grace period for payment of rent had not expired before the officers entered the apartment. The matter was reversed and remanded for a new trial.

State v. Chihan Eric Chyung, 325 Conn. 236 (2017). This was a matter in which the defendant was charged with fatally shooting his wife of three weeks in the head during a domestic argument at their apartment in Norwich, Connecticut. At trial, the jury returned verdicts of guilty on both intentional murder and reckless manslaughter charges. I found that the verdicts were not inconsistent because the manslaughter offense was a lesser included offense of the murder charge. The Connecticut Supreme Court disagreed and found the verdicts legally inconsistent even though manslaughter was a lesser included offense of murder, because of the conflicting elements of intent. The Court upheld my determination to permit evidence of prior misconduct. The matter was reversed and remanded for a new trial. The defendant subsequently entered a guilty plea to the murder charge before another judge.

- 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.

Most of my decisions are unpublished. Many decisions are entered on the record, either during trial or in pre-trial hearings and noted in the court file. Decisions requiring lengthy factual findings or more involved legal analysis are generally

issued as Memoranda of Decision. Those decisions are then filed with the Clerk of the Court. Occasionally, more extensive findings of fact and legal analysis are read into the record and a transcript ordered. The transcript of the ruling is then reviewed and signed and that becomes the court's written decision. Although not officially published, many decisions or memoranda are available through online reporting services and given unofficial citations.

- 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.

State v. Jean Jacques, KNL-CR15-128007T; 2016 WL 3536513 (June 6, 2016), *rev'd*, 332 Conn. 271 (2019).

State v. Miguel Vega, Docket No. KNL-CR11-03-19903-T. Feb. 5, 2015. Memorandum of Decision on Defendant's Motion to Suppress. The conviction was affirmed 181 Conn. App. 456, *cert. denied*, 330 Conn. 928 (2018). Unpublished opinion. Copy supplied.

State v. Darnell Moore, Memorandum of Decision on Objection to Composition of Jury Venire Panels. 2012 WL 6785194 (December 10, 2012), *aff'd*, 169 Conn. App. 470 (2016), *cert. granted*, 324 Conn. 915 (2016).

State v. Dante Smith, Ruling on Motion to Suppress Statements. (December 2011); *aff'd*, 149 Conn. App. 149 (2014), *aff'd*, 321 Conn. 278 (2016). Unpublished opinion. Copy supplied.

- 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.

I have never sat by designation on a federal court of appeals.

- 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 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.

On one occasion, while I was assigned to the Child Protection Session of the Superior Court, a motion to recuse was filed in a termination of parental rights case. The motion was filed by counsel for the respondent mother in March 2002. The motion claimed that counsel had taken an appeal from a decision of mine in another case he believed was going to be reversed. He argued that if he succeeded in obtaining a reversal, I would be prejudiced against his client in the pending matter. I evaluated the matter pursuant to the Code of Judicial Conduct and Practice Book Section 1-22. The motion was denied. I determined that an appeal filed in another matter did not constitute a valid basis 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 was a law clerk to the Honorable T.F. Gilroy Daly, Chief United States District Judge for the District of Connecticut in Bridgeport, Connecticut. I clerked from August 1984 through September 1986.

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

I have not practiced alone.

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

1986 – 1987

Day, Berry & Howard (now Day Pitney LLC)
One Stamford Plaza, 7th Floor
263 Tresser Boulevard
Stamford, Connecticut 06901
Associate

1987 – 2000

United States Attorney's Office for the District of Connecticut
157 Church Street, 25th Floor
New Haven, Connecticut 06510
Assistant United States Attorney

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

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

b. Describe:

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

While in private practice from 1986 to 1987, I was involved in principally commercial civil litigation and contract disputes, among other things, most of which were matters in Connecticut Superior Court.

In 1987, I joined the United States Attorney's Office for the District of Connecticut. As a federal prosecutor, my practice was entirely focused on the investigation and prosecution of criminal matters, with the exception of one civil matter that proceeded to trial. I also held several supervisory positions while at the United States Attorney's Office. From 1990 to 1992, I was the Appeals Supervisor, responsible for reviewing all briefs filed with the United States Court of Appeals for the Second Circuit. From 1994 to 1998, I was the Deputy Chief of the Criminal Division, with supervisory responsibility over the white collar crime program including

financial institution fraud, health care fraud and tax fraud, among others. In 1998, I became Chief of the Criminal Division with general oversight of all activities of Criminal Division prosecutors. In that capacity I reviewed criminal indictments, plea agreements, and press releases, among other things.

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

While in private practice, the cases I worked on mostly involved commercial or corporate clients, and also included small businesses and individuals.

At the United States Attorney's Office, on behalf of the United States, I worked with numerous federal agencies, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Secret Service, the Internal Revenue Service, Criminal Investigation Division, the Defense Criminal Investigative Service (Department of Defense), the United States Postal Inspection Service, the Immigration and Naturalization Service, and others.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

While in practice, my career was in litigation. During the short period of time I was in private practice (1986 – 1987) I did not appear in court often, handling short calendar matters in Superior Court approximately once a month. While in the United States Attorney's Office (1987 – 2000), I appeared in court often, daily during trials, and at other times an estimated once weekly for initial presentments, motion hearings, guilty pleas and sentencings. I also appeared regularly before the grand jury.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 95 %
- 2. state courts of record: 5 %
- 3. other courts: 0 %
- 4. administrative agencies: 0 %

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 05 %
- 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.

My recollection is that I have tried at least 14 cases to verdict, judgment or final decision. I was sole counsel in one, chief counsel in four, and associate counsel in nine.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 95 % |
| 2. non-jury: | 5 % |

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:

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

1. *United States v. Stewart J. Leonard, Sr., et al.* No.3:93-cr-00159 (PCD) (Dorsey, J.); 37 F.3d 32 (2d Cir. 1994); 67 F.3d 460 (2d Cir. 1995).

Along with co-counsel, I was responsible for the tax prosecution of Stewart J. Leonard, Sr. and three other members of top management at Stew Leonard's Dairy in Norwalk, Connecticut. Stew Leonard, his two brothers-in-law, Frank and Steve Guthman, and a lifelong store employee, Barry Bellardinelli, were prosecuted for engaging in a scheme in which they skimmed approximately \$17 million from the gross receipts of the Dairy. Specifically, following a two-year investigation, the defendants pleaded guilty to a 10-year conspiracy to defraud the IRS. The case was especially notable in that the defendants employed a computer program to systematically alter the computerized books and records of the business to account for the skim. The evidence in the case established that the cash was routinely smuggled outside the country to the Caribbean Island of St. Martin where Stew Leonard maintained an estate. Leonard was sentenced to 52 months'

incarceration to be followed by 3 years supervised release with conditions. The resolution of this matter included Leonard's agreement to pay the IRS \$15 million in taxes, penalties and interest. The first listed citation above involved direct appeals by Stew Leonard and Frank Guthman from the sentences imposed by Peter C. Dorsey, Chief, United States District Judge. The Court of Appeals for the Second Circuit affirmed Guthman's sentence of 41 months' incarceration, but remanded Stew Leonard's case for resentencing. On appeal, Leonard had challenged Chief Judge Dorsey's \$850,000 fine which constituted a substantial upward departure from the applicable range under the federal sentencing guidelines. Upon resentencing, Chief Judge Dorsey reimposed a sentence of 52 months' incarceration and reduced the fine to \$650,000. Leonard then appealed the resentencing because, although reduced, the fine was still an upward departure from the guideline range. The Court of Appeals affirmed finding that the sentencing court properly departed upward from the fine range. The reported decisions of the Court of Appeals for the Second Circuit are listed above.

Co-counsel:

Hon. Kari A. Dooley
United States District Judge
915 Lafayette Boulevard, Suite 266
Bridgeport, Connecticut 06604
203-579-5522

Defense Counsel (for defendant Leonard):

Cono Namorato, Esq.
Caplin & Drysdale
One Thomas Circle NW Suite #1100
Washington, D.C. 20005
202-862-5090

Kurt F. Zimmermann, Esq. (deceased)
Nathan M. Silverstein, Esq.
Silverstein & Osach, PC, of counsel
234 Church Street
New Haven, Connecticut 06510
203-865-0121

Defense Counsel (for defendant Guthman):

Jacob D. Zeldes, Esq. (deceased)
Adele Patterson, Esq. (formerly at Zeldes, Needle & Cooper)
Senior Assistant Public Defender
Office of the Chief Public Defender
Legal Services Unit
330 Main Street, 2d Floor

Hartford, Connecticut 06106
860-566-1345

2. *United States v. David Kast*, No. 3:99-CR-132 (RNC) (D. Conn. 1999) (Chatigny, J.)

This was a prosecution, for which I was responsible, of the president of a payroll processing business operating under the name Payroll Express. Kast was prosecuted for engaging in a scheme whereby he failed to properly report and pay over payroll taxes on behalf of at least 36 of his clients, totaling over \$11 million. As a payroll processing business, Kast had access to his clients' bank accounts for the purpose of issuing paychecks to employees and for paying employers' tax obligations. To conceal the diversion of client's funds, Kast prepared two sets of tax returns, providing the accurate set to his clients and sending the other set, which showed lower amounts of taxes due (and in some instances no tax due) to the IRS. In this manner, Kast diverted almost \$11 million from his clients. To avoid detection, he filed many of his client's tax returns under his company's address so that any deficiency notices or correspondence from the IRS would be directed to Kast and not to his clients. The case presented significant challenges in view of the large number of victims who were devastated by Kast's conduct, including numerous charitable organizations and small businesses. Kast pleaded guilty to willful failure to collect, account for and pay over taxes and filing a false tax return and was sentenced to serve 12 months and a day imprisonment and ordered to pay over \$11 million in restitution.

Defense Counsel:

Harold James Pickerstein
91 Lockwood Road
Fairfield, Connecticut 06825
203-374-8300

3. *United State v. Michael G. Morgan*, No. 3:93-CR-00212 (PCD) (D. Conn. 1996) (Daly, J.) (sentencing before Dorsey, J.)

This case involved the trial of Michael G. Morgan, former President, CEO and Chairman of the Board of Directors of Charter Federal Savings & Loan Association, a failed savings and loan association previously operating in Stamford, Connecticut. Morgan was charged with four counts of misapplication of bank funds and two counts of bank fraud in connection with three complex real estate transactions entered into by a wholly-owned subsidiary of Charter Federal. I was co-counsel for the March 1996 trial which included the testimony of accomplice witnesses who pleaded guilty and agreed to testify against the defendant. The jury returned guilty verdicts and the defendant was sentenced to 33 months' imprisonment. The convictions were affirmed in 113 F.3d 1230 (2d Cir. 1997).

Lead Counsel:

Hon. Kari A. Dooley

United States District Judge
915 Lafayette Boulevard, Suite 266
Bridgeport, Connecticut 06604
203-579-5522

Defense Counsel:

Hubert J. Santos, Esq.
Law Office of Hubert J. Santos
51 Russ Street
Hartford, Connecticut 06106
860-249-6548

4. *United States v. Michael A. Peck*, No 2:91CR00048 (AHN) (D. Conn. 1991) (tax evasion) and *United States v. Michael A. Peck*, No 2:92CR00036 (AHN) (D. Conn.) (currency structuring) (Nevas, J.)

Hartford attorney Michael A. Peck was prosecuted in two cases, a tax evasion case and a currency structuring case. In the course of a suppression hearing on the tax evasion charges, the first listed case, the defendant claimed that the statements he made to investigating agents should be suppressed. He claimed that he was misled as to the "criminal" nature of the investigation and that certain other statements and documents were taken in violation of the marital communication privilege. Following a hearing at which the defendant testified, the court denied the motion to suppress finding the defendant's testimony incredible. I was responsible for the suppression hearing, along with Attorney Gaillard, who handled the first trial on the tax evasion charges.

While Peck was under indictment for tax evasion, he was arrested and charged with currency structuring. That case proceeded to trial in January 1994 on which I was lead counsel, and the defendant was convicted. The jury at this trial rejected Peck's testimony that he was structuring his currency transactions, including multiple deposits of \$7,500 in cash at three different bank branches in one day, coincident to his other errands. Indeed, the United States Court of Appeals for the Second Circuit, in ruling on a subsequent habeas petition, found that Peck's testimony "oscillated between the implausible and the preposterous." 73 F.3d 1220, 1228 (2d Cir. 1995).

Co-Counsel (and Counsel on Tax Evasion Trial):

Andrew P. Gaillard, Esq.
Assistant General Counsel
Pfizer, Inc.
235 E. 42nd Street
New York, New York 10017
212-733-1162

Defense Counsel:

Jeremiah F. Donovan, Esq.
Donovan & Donovan
123 Elm Street, Unit 400
Old Saybrook, Connecticut 06475
860-388-3750

5. United States v. Greenwich Acupuncture Center, Jianhua Tsoi, Yvonne Chan, Andres Antonio, Amelia Antonio and Doina Buzea, No. 5:91CR00040 (WWE) (D. Conn. 1991) (Eginton, J.).

This matter involved the lengthy investigation and prosecution of the Greenwich Acupuncture Center, its owners, Jianhua Tsoi and Yvonne Chan, and three physician employees on various charges including mail fraud, false claims against the government and tax violations. Co-counsel and I were responsible for this prosecution which was one of the U.S. Attorney's Office's first health care fraud cases. The charges stemmed from a scheme to defraud Medicare as well as private insurance companies by submitting claims which represented that services were performed by licensed physicians when in fact the services were performed by acupuncturists who were not licensed physicians. The conduct also included billing acupuncture as "physical therapy" when insurance companies, including Medicare, did not cover acupuncture. This case resulted in guilty pleas by all six defendants with defendant Tsoi receiving a sentence of ten months' incarceration followed by supervised release, as well as a \$30,000 fine, and the other defendants receiving probation and fines.

Co-counsel:

Stephen V. Manning, Esq.
Spears Manning & Martini LLC
242 Trumbull Street
Hartford, Connecticut 06103
860-275-0178

Defense Counsel for Tsoi, Chan and GAC:

Jack Hoffinger, Esq.
The Hoffinger Firm
150 East 58th Street 16th Floor
New York, New York 10155
212-421-4000

Defense Counsel for Buzea:

Andrew Bowman, Esq.
1804 Post Road East
Westport, Connecticut 06880

203-259-0599

Defense Counsel for Andres Antonio:

Richard T. Meehan, Jr., Esq.
MeehanLaw, LLC
76 Lyon Terrace
Bridgeport, Connecticut 06604
203-916-1743

Defense Counsel for Amelita Antonio:

Frederick Paoletti, Esq.
Paoletti & Gusmano
3301 Main Street
Bridgeport, Connecticut 06606
203-371-1000

6. *United States v. Valerie Finn and Richard Marzullo*, No. B-86-51 (PCD) (D. Conn. 1986) (Dorsey, J.).

This case involved the prosecution of two individuals for engaging in a wire fraud scheme in which they defrauded Finn's Stamford employer of approximately \$2 million in 1984. The case was notable because the defendants fled immediately after committing the crime and remained fugitives for approximately eight years. They used \$650,000 of the proceeds of the fraud to purchase and fully outfit a yacht on which they lived for a time and later abandoned in Bahia Mar, Florida when they learned that the FBI was close to apprehending them. When they were ultimately arrested, investigators learned that they had engaged in additional fraudulent conduct in many states while fugitives. In 1993, Judge Dorsey sentenced Finn to four years' incarceration on the wire fraud charge in Connecticut, while Marzullo received a seven year sentence. Defendant Marzullo filed a motion seeking a reduction of sentence and appealed from the denial of that motion. The matter was fully briefed in the United States Court of Appeals for the Second Circuit, and waiting for an assigned date for oral argument, when defendant Marzullo escaped from federal custody.

Defense Counsel:

Richard A. Reeve, Esq.
350 Orange Street, Suite 101
New Haven, Connecticut 06511
203-787-9026

7. *United States v. Antonios Koskerides*, No. B-88-16 (TFGD) (D. Conn. 1988) (Daly, J.); 877 F.2d 1129 (2d Cir. 1989).

This case involved the prosecution of Anotonios Koskerides, the owner of three "Penny's" diners in Norwalk, Connecticut who was charged with three counts of federal income tax evasion. I was responsible for all aspects of the trial and appeal. This jury trial was especially complex in that it involved the use of the net worth plus expenditures method of proving tax evasion. The defendant received a total effective sentence of 18 months' incarceration and five years' probation. The convictions were affirmed by the United States Court of Appeals for the Second Circuit. 877 F.2d 1129 (2d Cir. 1989).

Co-counsel:

Hon. Holly B. Fitzsimmons
United States Magistrate Judge
915 Lafayette Boulevard
Bridgeport, Connecticut 06604
203-579-5640

Defense Counsel:

Kurt F. Zimmermann, Esq. (deceased)
Robert Davidson, Esq. (deceased)

8. *United States v. George S. Sitka*, 666 F. Supp. 19 (D. Conn. 1987), *aff'd* 845 F.2d 43 (2d Cir.), *cert. denied*, 488 U.S. 827 (1988) (Blumenfeld, J.)

I was co-counsel on this case at the trial level which resolved by a conditional guilty plea at the start of jury selection. This tax protestor appealed from his conviction in the U.S. District Court on the ground that the Sixteenth Amendment to the U.S. Constitution was never properly ratified. I handled the appeal in which the Court of Appeals for the Second Circuit affirmed the trial court's denial of the motion to dismiss the indictment finding that the issue of the procedures employed in the ratification of the constitutional amendment was a nonjusticiable political question.

Lead Counsel:

Elliot R. Warren, Esq.
830 Post Road East, Suite 214
Westport, Connecticut 06880
203-429-4121

Defense Counsel:

Lowell H. Becraft, Esq.
403C Andrew Jackson Way NE
Huntsville, Alabama 35801
256-533-2535

9. *United States v. American Discount Stores, Inc., Mark Shalam and Boudy Shalam*, No. 3:92 CR00079 (EBB) (D. Conn. 1992)(Burns, J.); *United States v. Brands Stores, Inc., Joseph A. Peloso, Jr. and Edward Herr*, No. B-89-62 (TFGD) (D. Conn. 1989) (Daly, J.).

These related cases arose out of a lengthy investigation into the "low end" retail garment industry. The two cases resulted in six guilty pleas to charges of tax evasion and conspiracy to defraud the Internal Revenue Service. The defendants admitted to participating in conspiracies to defraud by conducting business in cash, failing to maintain appropriate books and records and providing false information to their accountants. The sentences imposed included substantial fines and probation.

Co-Counsel:

Hon. Linda K. Lager, Superior Court Judge
Superior Court, Complex Litigation Docket
400 Grand Street
Waterbury, Connecticut 06702
860-236-8200

Counsel for ADS, & Mark & Boudy Shalam:

Ira B. Grudberg, Esq.
Ira B. Grudberg LLC
114 Laurel Crest
Madison, Connecticut 06443
203-562-1844

Counsel for Brands Stores, Peloso and Herr:

Richard J. Percy, Esq.
Siegel, O'Connor, Schiff, Zangari & Kainen
370 Asylum Street
Hartford, Connecticut 06103
860-727-8900

10. *In re: Rade Medic*, Misc No. N-88-56 (JAC) (D. Conn. 1988)(Cabranes, J.)

In this matter, the Government of Italy made a formal request, through diplomatic channels, for Medic's extradition to Italy where he had been charged with narcotics trafficking. Associates of Medic had been arrested in Italy where narcotics were seized along with a car which had been fitted with false compartments for transporting narcotics. Following a hearing, Medic was extradited to Italy. Records, including name of counsel, are no longer available.

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.)

From approximately 1995 to 1998, co-counsel and I oversaw a sophisticated undercover operation, Operation Overdraw, which was a multi-state, multi-agency, (including the FBI and the IRS), undercover operation into fraud and kickbacks in the health care industry. Operation Overdraw revealed extensive health care and tax fraud extending into four federal districts and led to numerous convictions of durable medical equipment providers, laboratory owners and doctors. I was the Health Care Fraud Coordinator for the U.S. Attorney's Office during this time and worked with colleagues from the Civil Division as well as federal and state investigative and prosecutorial authorities to implement the United States Attorney General's priority of investigating and prosecuting health care fraud.

Co-Counsel:

Joseph C. Hutchison, Esq.
MeadWestvaco Corp.
501 S. 5th Street
Richmond, Virginia 23219
804-349-6600

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.

I taught the following five courses for Connecticut Judges at the Annual Connecticut Judges' Institute, a two-day annual educational program for Connecticut Judges:

From Beginning to End: Jury Selection to Jury Misconduct. Connecticut Judges Institute, 2019. University of Connecticut School of Law, Hartford, Connecticut. This course, taught with two other judges, focused on jury selection, including peremptory challenges pursuant to *Batson v. Kentucky*, and challenges to the array, the proper scope of voir dire during jury selection, and jury misconduct in its many forms. I do not have any syllabuses for this course.

E-Challenges: Computer-Related Evidentiary Issues. Connecticut Judges' Institute, 2015. University of New Haven, West Haven, Connecticut. This course, taught with one other judge, focused on the changing landscape presented by electronic records and the application of the Code of Evidence to such records. I do not have any syllabuses for this course.

Tax Law Issues for the Family Court Judge. Connecticut Judges' Institute, 2011. University of New Haven, West Haven, Connecticut. This course, taught with one other judge, addressed specifics of tax laws as applied in family court cases and included a discussion of how to recognize fraudulent conduct and what to do about it. I do not have any syllabuses for this course.

AMCs and GALs: The Voice of the Child. Connecticut Judicial Fall Divisional Program for Juvenile and Family Court Judges, 2006. Central Connecticut State University, New Britain, Connecticut. This course, taught with another judge, concerned the representation of children in juvenile and family courts and involved a discussion of the role and obligations of attorneys for minor children and guardians ad litem. I do not have any syllabuses for this course.

Critical Issues in Jury Selection and Jury Deliberations. Connecticut Judges' Institute, 2004. Quinnipiac University School of Law, Hamden, Connecticut. This course, taught with another judge, focused on peremptory challenges pursuant to *Batson v. Kentucky*, challenges to the jury array, and general jury selection issues in connection with Connecticut's individual voir dire system of jury selection. I do not have any syllabuses for this course.

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.

I have no anticipated income or benefits from uncompleted contracts, prior professional services, clients or business interests.

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

No.

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

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

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

Please see attached financial 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.

I would not sit on any case I worked on or over which I had supervisory authority while I was in the United State's Attorney's Office from 1987 to 2000. My husband, Peter S. Jongbloed, currently serves as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Connecticut and I also would not sit on any case he worked on or over which he had supervisory authority. He also serves as an advisor to the Board of Directors of the Irwin C. Bauer Charitable Trust, Madison, Connecticut, a non-profit trust which acts on grant requests from various local charitable organizations. He is also a member of the Home Board of Trinity Church on the Green, New Haven, Connecticut. If I am appointed as a U.S. District Court Judge for the District of Connecticut, my husband and I will take all necessary steps to avoid any conflicts. I also would continue to evaluate any new matter assigned to me to ensure that there is no conflict as a result of any financial interests.

- 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 will carefully review any real or potential conflicts by reference to 28 U.S.C. 455, Canon 3 of the Code of Conduct of United States Judges, and any other laws, rules, and practices governing such circumstances.

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.

With the exception of a brief period of private practice from 1986 to 1987, my entire legal career has been in public service. The obligations and limitations imposed commensurate with those positions has not permitted other legal pro bono work. I am, however, an active member of Trinity Church on the Green in New Haven through which I have devoted many years of service to the greater New Haven community.

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 August 2018, I submitted an application to U.S. Senators Richard Blumenthal and Chris Murphy for review and consideration by their advisory panel. I was interviewed by the advisory panel on September 8, 2018. I was then recommended for an interview with Senators Blumenthal and Murphy which interview took place in Washington D.C. on March 4, 2019. On April 9, 2019, I was contacted by White House Counsel's Office and informed that my name had been forwarded for consideration. On April 16, 2019, I had an interview with attorneys from the White House Counsel's Office and the Office of Legal Policy of the Department of Justice in Washington, D.C. I received a telephone call from the White House Counsel's Office on August 2, 2019 and have since been in contact with officials from White House Counsel's Office and the Office of Legal Policy. On August 28, 2019, the President announced his intent to nominate me to be a United States District Judge for the District of Connecticut.

- 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.