

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

John Henry Durham

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

United States Attorney, 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: U.S. Attorney's Office
District of Connecticut
157 Church Street, 25th Floor
New Haven, CT 06510

Residence: Groton, CT 06340

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

1950; Boston, MA

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.

University of Connecticut School of Law, West Hartford, CT, August 1972 – May 1975
Juris Doctorate, May 1975

Colgate University, Hamilton, NY, September 1968 – May 1972
A.B., May 1972

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.

September 1989 – Present
United States Attorney's Office

District of Connecticut
New Haven, CT 06510
Counsel to the U.S. Attorney, 2005 – present
Deputy U.S. Attorney, 1996 – 2005
Acting U.S. Attorney, 1997 – 1998
Chief of the Criminal Division, 1989 – 1996

Approx. September 1997 – December 2007
University of New Haven
300 Boston Post Road
West Haven, CT 06516
Adjunct Faculty member

December 1982 – September 1989
United States Department of Justice/Boston Strike Force on Organized Crime (New Haven Field Office)
142 Orange Street, Third Floor
New Haven, CT 06510
Trial Attorney

November 1978 – December 1982
State's Attorney's Office
Judicial District of New Haven
Career Criminal Unit
235 Church Street
New Haven, CT 06510
Supervisory Assistant State's Attorney

September 1977 - November 1978
Office of the Chief State's Attorney
State of Connecticut
300 Corporate Place
Rocky Hill, CT 06067
Deputy Assistant State's Attorney

August 1975 – August 1977
Volunteer in Service to America (VISTA) (now known as AmeriCorps)
Crow Indian Reservation
Crow Agency Montana
Lawyer (paid)

June 1973 – June 1975
Connecticut Planning Commission on Criminal Justice
75 Elm Street
Hartford, CT
Legal Intern (paid)

June 1972 – September 1972
Groton Long Point, CT Police Department
3 Atlantic Avenue
Groton Long Point, CT
Patrol Officer

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 U.S. military. I have registered with 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.

2012 – Attorney General’s Award for Distinguished Service
2010 – UCONN Connecticut Law Review Award
2006 – J. Michael Bradford Memorial Award
2004 – Attorney General’s Award for Exceptional Service
2004 – UCONN Law School Alumni Distinguished Service Award
2003 – Director’s Award for Superior Performance by AUSA
1997 – Director’s Award for Assistance to EOUSA
1995 – Attorney General's Award for Distinguished Service
1995 – Arnold Markle Award, University of New Haven Forensic Science Program
1992 – Director's Award for Superior Performance by AUSA

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

None.

10. **Bar and Court Admission:**

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

State of Connecticut, admitted 1975

No membership lapses.

- 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.

U.S. Supreme Court (2003)
U.S. Court of Appeals for the First Circuit (2000)
U.S. Court of Appeals for the Second Circuit (1984)
U.S. Court of Appeals for the Ninth Circuit (1975)
U.S. District Court for the District of Connecticut (1978)
U.S. District Court for the District of Montana (1975)
State Courts of Connecticut (1975)

No membership lapses.

11. **Memberships:**

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

None.

- b. Indicate whether any of these organizations listed in response to 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.

N/A.

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.

I have not written or published any books, articles, reports or letters to the editor.

- 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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. I have located no

responsive documents.

- 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.

I have done my best to identify any testimony, official statements, or communications related to, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. In this regard, I have located no responsive documents.

- 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.

I have done my best to identify any speeches or talks, including a thorough review of my personal files and searches of publicly available electronic databases. I have located no responsive documents.

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

I have done my best to identify any interviews, including a thorough review of my personal files and searches of publicly available electronic databases. I have located no responsive documents.

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

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

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.

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

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

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

I have not served as a law clerk.

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.

September 1989 – Present
United States Attorney's Office
District of Connecticut
New Haven, CT 06510
Counsel to the U.S. Attorney, 2005 – present
Deputy U.S. Attorney, 1996 – 2005
Acting U.S. Attorney, 1997 – 1998
Chief of the Criminal Division, 1987 – 1996

September 1997 – December 2007
University of New Haven
300 Boston Post Road
West Haven, CT 06516
Adjunct Faculty member

December 1982 – September 1989
United States Department of Justice/Boston Strike Force on Organized
Crime (New Haven Field Office)
142 Orange Street, Third Floor
New Haven, CT 06510
Trial Attorney

November 1978 – December 1982

State's Attorney's Office
Judicial District of New Haven
Career Criminal Unit
235 Church Street
New Haven, CT 06510
Supervisory Assistant State's Attorney

September 1977 – November 1978
Office of the Chief State's Attorney
State of Connecticut
300 Corporate Place
Rocky Hill, CT 06067
Deputy Assistant State's Attorney

August 1975 – August 1977
Volunteer in Service to America (VISTA) (now known as AmeriCorps)
Crow Indian Reservation
Crow Agency Montana
Lawyer (paid)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

From 1975 to 1977, while employed as an attorney with the Volunteers in Service to America (VISTA), I provided legal services to the Crow Indian Tribe and its members. The legal advice focused primarily on land use and natural resource issues.

From 1977 to 1978, I worked as a Deputy Assistant State's Attorney with the Chief State's Attorney's Office. My principle focus was on writing appellate briefs and arguing appeals before Connecticut's appellate courts. In addition, I tried misdemeanor and felony cases for the State of Connecticut throughout the state.

From 1978 to 1982, as the Supervisory Assistant State's Attorney in the Career Criminal Unit of the State's Attorney's Office for the Judicial District of New Haven, I prosecuted and supervised the prosecution of major violent crime matters involving repeat felony offenders. In particular, my prosecutive activities focused on violent felons who had previously committed two or more crimes involving murder, sexual

assault, robberies and/or residential burglaries/home invasions.

From 1982 to 1987, as a trial attorney with the Boston Strike Force on Organized Crime, my principle focus was on the investigation, prosecution, and related appeals of organized crime cases. Those matters included mainly racketeering indictments involving labor racketeering, murder, extortion, and illegal gambling operations, involving members and associates of, among others, the Genovese, Gambino and Patriarca crime families.

Since 1987, during my employment in the United States Attorney's Office for the District of Connecticut, my primary focus has been on the investigation and prosecution, as well as supervision, of a wide variety of criminal matters involving public corruption, complex white collar crimes, racketeering activities, gang violence, and similar criminal conduct.

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

From 1975 to 1977, while employed as a VISTA attorney, my clients included principally the Crow Indian Tribe and individual members of the tribe. The focus of my legal activities was the protection of the natural resources belonging to the tribe as a whole and those possessed by individual tribal members.

From 1977 to 1978, in my position as a Deputy Assistant State's Attorney with the Chief State's Attorney's Office, I principally focused on writing appellate briefs and arguing appeals before Connecticut's appellate courts. In addition, I tried misdemeanor and felony cases for the State of Connecticut throughout the state.

From 1978 to 1982, in my capacity as the Supervisory Assistant State's Attorney in the Career Criminal Unit of the State's Attorney's Office for the Judicial District of New Haven, my client was the State of Connecticut. As indicated, my legal activities focused on individuals who had multiple prior violent felony convictions and who had committed murders, sexual assaults, robberies and/or residential burglaries/home invasions.

From 1982 to 1989, as a trial attorney with the Boston Strike Force on Organized Crime, my principle client agencies were the Federal Bureau of Investigation and Connecticut's Statewide Organized Crime Task Force.

Since 1989, my clients while employed in the U.S. Attorney's Office for the District of Connecticut have included all federal investigative agencies. I have worked closely with the FBI, DEA, IRS-CID, Customs Service, and virtually every other federal investigative group.

- 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.
- i. Indicate the percentage of your practice in:
 1. federal courts; 100% (1982 – present); 0% (1975 – 1982)
 2. state courts of record; 0% (1982 – present); 100% (1975 – 1982)
 3. other courts; 0%
 4. administrative agencies; 0%
 - ii. Indicate the percentage of your practice in:
 1. civil proceedings; 2% (1982 – present); 0% (1975 – 1982)
 2. criminal proceedings. 98% (1982 – present); 100% (1975 – 1982)
- 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 been trying cases in the federal and state courts in Connecticut and in the District of Massachusetts since 1977. It would be difficult to provide an accurate number of cases tried to verdict, but it is safe to say that the number would exceed 60 such cases.

As a state prosecutor, I was sole counsel in all but one case. As a federal prosecutor, I have been chief or lead counsel in approximately 90% of the cases tried to verdict, and associate counsel in approximately 10% of those cases.

- i. What percentage of these trials were:
 1. jury;

99%
 2. non-jury.

1%

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.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of

the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. United States v. Robert Rivernider, et al
Criminal No. 3:10CR222 (RNC)
The Honorable Robert N. Chatigny
The United States District Court for the District of Connecticut
Dates of Representation: November 4, 2010 – present

Co-Counsel

Christopher Schmeisser, AUSA
U.S. Attorney's Office, District of Connecticut
157 Church Street
New Haven, CT 06510

Defense Counsel

James W. Bergenn and Michael G. Chase (for Defendant Rivernider)
One Constitution Plaza
Hartford, CT, 06103
860 251-5639 (Bergenn)
860-251-5194 (Chase)

Jodi Lynn Zils Gagne (for Defendant Ponte)
P.O. Box 4023
Bristol, CT 06010
860-582-4495

Charles Willson (for Defendant Ponte)
10 Columbus Boulevard
Hartford, CT 06106
860-493-6260

Michael Dolan (for Defendant Seneca)
1337 Dixwell Avenue
Hamden, CT 06514
203-230-1678

Francis O'Reilly (for Defendant Seneca)
167 Old Post Road
Southport, CT 06490
203-319-0707

The defendants Robert Rivernider, along with Robert Ponte and Rivernider's sister, Loretta Seneca, were involved in a Ponzi scheme and related mortgage fraud scheme which resulted in investors and financial institutions losing in excess of \$25 million. I served as lead counsel in the prosecution of the defendants in a multi-count indictment charging them with various counts of wire and bank fraud. After weeks of trial, all three individuals elected to plead guilty to all charges returned against them by the Grand Jury. They were each sentenced to significant periods of incarceration (Rivernider – 144 months incarceration; Ponte – 90 months incarceration; Seneca – 27 months incarceration) for their fraudulent conduct.

2. United States v. John G. Rowland

Criminal No. 3:04CR367 (PCD)

The Honorable Peter C. Dorsey (deceased)

United States District Court for the District of Connecticut

Dates of Representation: December 23, 2004 – March 18, 2005

Co-Counsel

Nora R. Dannehy, AUSA

Eric Glover, AUSA

U.S. Attorney's Office

157 Church Street

New Haven, CT 06510

Defense Counsel

William F. Dow III

350 Orange Street

New Haven, CT 06503

203-772-3100

John Rowland served as the Governor of the State of Connecticut and was indicted for theft of government services. I served as the Acting U.S. Attorney in the matter as the case was investigated and ultimately charged. I supervised the negotiations of the resolution of the case, which led to Rowland's guilty plea and subsequent term of imprisonment of one year and one day.

3. United States v. John J. Connolly, et al

Criminal No. 99-10428-JLT

The Honorable Joseph L. Tauro

United States District Court, District of Massachusetts

Dates of Representation: December 22, 1999 – September 16, 2002

Co-Counsel

Leonard C. Boyle, AUSA

William J. Nardini, AUSA

U.S. Attorney's Office

157 Church Street

New Haven, CT 06510

Cynthia M. Shepard
U.S. Department of Justice
Justice Task Force
18 Tremont Street, #300
Boston, MA 02109

Opposing Counsel

R. Robert Popeo (Defendant Connolly)
One Financial Center, 42nd Floor
Boston, MA 02111
617-542-6000

Tracy Miner (Defendant Connolly)
200 State Street
Boston, MA 02109
617-263-2600

I was appointed by Attorney General Janet Reno to head what became known as the Justice Task Force. The Task Force was charged with investigating the alleged corrupt relationship between law enforcement officers in Boston, Massachusetts with James “Whitey” Bulger, Stephen “The Rifleman” Flemmi and other members of the Irish mob known as the Winter Hill Gang. The investigation resulted in the indictment and conviction of former FBI Supervisory Special Agent John Connolly on Racketeering and Obstruction of Justice charges and the indictment and conviction of former Massachusetts State Police Lt. Richard Schneiderhan on Obstruction of Justice charges. Connolly was sentenced to a period of 10 years imprisonment on September 16, 2002. Richard Schneiderhan was sentenced to a period of 18 months incarceration on July 8, 2003.

4. United States v. Richard Schneiderhan
Criminal No. 00-CR-10412 REK
The Honorable Robert E. Keeton
United States District Court, District of Massachusetts
Dates of Representation: November 15, 2000 – July 8, 2003

Co-Counsel

William J. Nardini, AUSA
U.S. Attorney’s Office
157 Church Street
New Haven, CT 06510

Defense Counsel

James Duggan
50 Congress Street
Boston, MA 02109

617-523-7222

As noted above, I was appointed by Attorney General Janet Reno to head what became known as the Justice Task Force. The Task Force was charged with investigating the alleged corrupt relationship between law enforcement officers in Boston, Massachusetts with James “Whitey” Bulger, Stephen “The Rifleman” Flemmi and other members of the Irish mob known as the Winter Hill Gang. The prosecution and conviction at trial of former Massachusetts State Police Lt. Richard Schneiderhan related to Schneider’s leaking of confidential law enforcement information to Stephen Flemmi, Whitey Bulger and others.

5. United States v. Jorge Rivera, et al
Criminal No. 3:94CR223 (AWT)
The Honorable Peter C. Dorsey (deceased)
United States District Court, District of Connecticut
Dates of Representation: October 27, 1994 – August 1, 1997

Co-Counsel

Peter D. Markle, AUSA
Anthony E. Kaplan, AUSA
U.S. Attorney’s Office
157 Church Street
New Haven, CT 06510

Defense Counsel

M. Donald Cardwell (deceased)(J. Rivera); John Walkley (J. Rivera)
61 Cherry Street
Milford, CT 06460
203-235-2605

Elton Williams (J. Rivera)
290 Pratt Street
Meriden, CT 06450
203-235-2605

William T. Koch (Mendez)
151 Brush Hill Road
Old Lyme, CT
860-434-3060

Diane Polan (deceased) (Moreno)
746 Chapel Street
New Haven, CT 06510
203-865-5000

Bruce Koffsky (L. Banks)
1150 Bedford Street
Stamford, CT 06905

203-327-1500

Michael Peck (L. Banks)
41 North Main Street, Suite 204
West Hartford, CT 06107
860-563-5500

Kellie Garner (A. Rivera)
389 Orange Street
New Haven, CT 06507
203-777-6426

Robert Sullivan, Jr. (A. Rivera)
190 Main Street
Westport, CT 06880
203-227-1404

Salvatore Petrella (A. Rivera)
558 Main Street
Cromwell, CT 06416
860-632-8300

Joseph Moniz (Nazario)
100 Allyn Street
Hartford, CT 06103
860-634-1685

Stanley Atwood (Nazario)
65 Jesup Road
Westport, CT 06881
203-227-9585

I served as lead counsel in the investigation and prosecution of more than twenty individuals who were members and associates of a racketeering enterprise known as the Los Solidos. The indictment charged a total of 8 murders, including the murder of an 8-year old child, Marcelina Delgado, drug trafficking activities, weapons offenses, and associated criminal activities. Overall, 48 defendants were charged with crimes, and 42 pleaded guilty. Each of the individuals charged with murder was convicted at trial and sentenced to life imprisonment. Those not charged with murder, but with large scale narcotics activities, were convicted and sentenced to lengthy terms of imprisonment.

6. U.S. v. William Dodge
Criminal No. 3:94CR18 (TFGD)
The Honorable T.F. Gilroy Daly (deceased)
United States District Court, District of Connecticut
Dates of Representation: February 1, 1994 – August 4, 1994

Co-counsel

None

Defense Counsel:

Gary Weinberger, former-Federal Defender
10 Columbus Boulevard
Hartford, CT 06106
860-493-6260

In 1994, members and associates of the Ku Klux Klan in Connecticut engaged in activities constituting violations of the federal firearms statutes. I was lead counsel in the ATF investigation that resulted in the indictment of several KKK members on federal firearms and explosives charges. I also served as lead counsel in the prosecution of KKK member William Dodge for offenses involving the illegal possession of firearms, silencers and explosives. Dodge was convicted after a full jury trial on the charged federal offenses and was sentenced to a period of 63 months incarceration.

7. United States v. Nicholas Bianco, et al
Criminal No. 2:90CR18 (AHN)
The Honorable Alan H. Nevas (retired)
United States District Court, District of Connecticut
Dates of Representation: December 7, 1990 – August 8, 1991

Co-Counsel

Robert J. Devlin, former-AUSA
Peter S. Jongbloed, AUSA
U.S. Attorney's Office
157 Church Street
New Haven, CT 06510

Defense Counsel

William Dimitri, Jr. (deceased) (Bianco)

Richard Cramer (Petrillo)
21 Oak Street
Hartford, CT 06106
860-560-7704

Vincent Bongiorno (F. Pugliano)
1414 Main Street
Springfield, MA 01103
413-732-0222

F. Mac Buckley (no longer practicing law) (Gaetano Milano)

John Cicilline (Guglielmetti)
385 Atwells Avenue
Providence, RI 02909
401-454-5600

Anthony Cardinale (L. Pugliano)
655 Summer Street, #1
Boston, MA 02210
617-345-5400

Michael Fitzpatrick (Colantoni)
Park City Plaza
10 Middle St., 11th Floor
Bridgeport, CT 06604
203-334-4653

I served as lead counsel in the investigation and prosecution of members of the hierarchy of the New England Family of La Cosa Nostra (LCN). In particular, in 1990 the U.S. Attorney's Offices in Connecticut and Boston indicted the entire hierarchy of the New England LCN. Nicholas Bianco (the actual boss of the family at the time of trial), Matthew Guglielmetti (a capo in the family), and numerous others were charged with and convicted of RICO activities in the District of Connecticut. Those racketeering activities included the gangland style murder of then-Underboss of the family, Billy Grasso, extortion, illegal gambling activities and associated offenses. The multi-month trial resulted in the conviction of all defendants and the lengthy incarceration of each person convicted. (Bianco was sentenced to 137 months incarceration; Petrillo was sentenced to 78 months incarceration; Frank Pugliano was sentenced to 151 months incarceration; Milano was sentenced to 396 months incarceration; Guglielmetti was sentenced to 57 months incarceration; Louis Pugliano was sentenced to life imprisonment; and Colantoni was sentenced to 151 months incarceration.)

8. United States v. John Palazzolo, et al.
N-85-58 (WWE)
The Honorable Warren W. Eginton
United States District Court, District of Connecticut
Dates of Representation: December 3, 1985 – August 6, 1986

Co-counsel
None

Defense Counsel
Stanley A. Teitler (Palazzolo)
299 Broadway
New York, NY 10007

212-233-8031

W. Paul Flynn (deceased) (R. Vitale)

Thomas Dennis (retired) (Gazzara)

Jacob D. Zeldes (deceased) (Truncalli)

Pasquale Young (F. Vitale)
132 Temple Street
New Haven, CT 06510
203-772-3740

Ernest F. Teitell (Lungarelli)
184 Atlantic Street
Stamford, CT
203-325-4491

I served as sole counsel in the prosecution of John Palazzolo, Joseph Gazzara, John Truncalli, and others in connection with their theft of a cashier's check from a New York financial institution and their attempt to steal \$8,350,000 from that institution. The case involved members of the Bonanno family of the LCN stealing the cashier's check, filling in the check in the amount of \$8,350,000 and then attempting to process the stolen check through a stock clearinghouse. An individual in the stock clearinghouse, who was recruited for this purpose, ended up providing information to the FBI about the planned theft. The ensuing investigation resulted in the indictment and prosecution of Bonanno capo John Palazzolo and other members of the Bonanno LCN for federal financial offenses. Following a lengthy trial, each of the individuals was convicted and sentenced to federal prison (Ralph Vitale was sentenced to 6 years' incarceration; Gazzara was sentenced to 5 years' incarceration; Truncalli was sentenced to 2 years' incarceration; Lungarelli was sentenced to 2 years' incarceration; Palazzolo was sentenced to 3 years' incarceration.)

9. United States v. Anthony Rossetti, et al
Criminal No. N-86-30 (PCD)
The Honorable Peter C. Dorsey (deceased)
United States District Court, District of Connecticut
Dates of Representation: June 27, 1986 – July 24, 1987

Co-counsel
None

Defense Counsel
J. Daniel Sagarin (Rossetti)
147 North Broad Street
Milford, CT 06460
203-877-6071

Ira Grudberg (retired) (Pisano)
32 Elm Street, Suite 1-R
New Haven, CT 06510
203-772-3100

I served as co-counsel in the investigation and prosecution of multiple officials and members of the International Brotherhood of Teamsters for offenses involving embezzlement of monies from the pension and health and welfare benefit funds. Ultimately, Secretary Treasurer Vincent “Chickie” Pisano elected to proceed to trial on the embezzlement charges. Following a lengthy jury trial, he was convicted on all counts and sentenced to a period of 18 months’ incarceration.

10. United States v. John “Buster” Ardito and Vincent Pollina
Criminal Number N-84-47 (TFGD)
The Honorable T.F. Gilroy Daly (deceased)
United States District Court, District of Connecticut
Dates of Representation: August 30, 1984 - July 11, 1985

Co-Counsel

John Vorhees, Former AUSA, District of Rhode Island
GreenbergTraurig
1200 17th Street, Suite 2400
Denver, CO 80202
393-685-7465

Defense Counsel

Peter J. Peluso (Ardito)
202 E. 116th Street
New York, NY
212-876-7792

John R. Gulash, Jr. (Pollina)
265 Golden Hill Street
Bridgeport, CT
203-870-9944

United States v. Francis Curcio and Gus Curcio

Criminal No. N-82-4 (TFGD) & (TEC)
The Honorable T.F. Gilroy Daly (deceased)
United States District Court, District of Connecticut
Dates of Representation: January 13, 1982 – January 23, 1984

Co-Counsel

William A. Keefer (former trial attorney, Boston Strike Force on Organized Crime) (no longer in Government service)

Defense Counsel
Jacob D. Zeldes (deceased) (F. Curcio)

Andrew B. Bowman (G. Curcio)
1804 Post Road East
Westport, CT 06880
203-259-0599

Genovese LCN member Gus Curcio and his brother, Genovese LCN associate Frannie Curcio, were indicted by a federal Grand Jury on a variety of extortion charges. I served as co-counsel in the prosecution of those charges. During the course of trial, Gus Curcio had an in-court medical “episode” which was purported to be a heart attack. The incident necessitated the interruption of the trial. When the court ordered Curcio back to court so the trial could proceed, his brother, Frannie, had a mysterious midnight car accident in which he purportedly injured his back, which prevented him from coming to court. The district court eventually ordered the second brother to return to the courtroom so the trial could continue. As the trial finally resumed, Genovese LCN consiglieri John “Buster” Ardito was captured on a room bug providing medication to Genovese LCN capo Vincent Pollina for delivery to the Curcios. The medication was designed to cause one or both brothers to have another major medical incident in the courtroom, which would result in a mistrial in the extortion case. Investigators, however, intervened and the extortion trial proceeded to conclusion with both Curcios being convicted on all counts.

Thereafter, I served as co-counsel in the prosecution of Ardito and Pollina on Attempted Obstruction of Justice charges. Both the Genovese consiglieri and capo went to trial and both were convicted and sentenced to 5 years’ incarceration for the attempted objection of justice in the Curcio matter.

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

In addition to litigation matters referred to in Question 15 above, I also have been involved in various special investigations for Attorney Generals of the United States. One such investigation (which is reflected in the prosecutions of John Connolly and Richard Schneiderhan described in Question 15) related to allegations of corruption in the Boston Field Office of the FBI. A second special investigation was undertaken pursuant to the directives of Attorney Generals Mukasey and Holder relating to certain activities of CIA personnel.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution

at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

CJ 101 Introduction to Criminal Justice
University of New Haven
300 Boston Post Road
West Haven, CT 06516
1997 – 2007

I was an instructor for Criminal Justice and Evidence courses at the University of New Haven for approximately 10 years.

This course was an introduction to the court judicial system for students interested in pursuing law enforcement careers. The course focused on the nature and causes of crime, how crime is measured, the component parts of the system and the roles played by the various players in that system. Sample syllabus supplied.

CJ 218 Evidence
University of New Haven
300 Boston Post Road
West Haven, CT 06516
2005 – 2007

This introductory course on evidence focused on the evolution of the rules of evidence, the constitutional principles affecting the admissibility of evidence, and the use and admissibility of various types of evidence (physical, testimonial, and etcetera). Copy not available.

I also have been an instructor at Connecticut Bar Association seminars focusing on the introduction and use of evidence at trial. I have also participated in teaching activities at Yale Law School (Sentencing Workshop and Yale Law School Prosecution Clinic.)

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

In my capacity as an Assistant United States Attorney, I participate in the Thrift Savings Program and have a Thrift Savings account.

19. **Outside Commitments During 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.

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

See my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

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

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

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

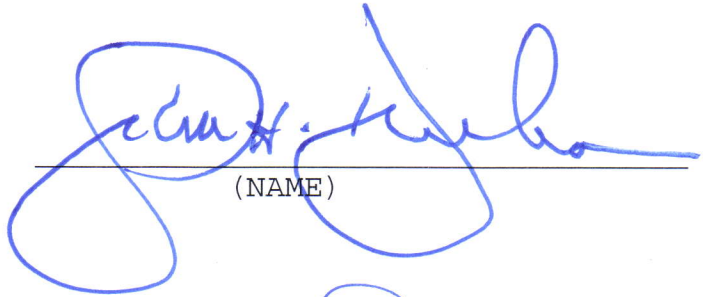
I have been a public service lawyer for approximately 42 years, first as a Volunteer in Service to American (VISTA) and subsequently in positions as a state and then federal prosecutor. While all of that work was not done "pro bono," my monthly pay as a VISTA volunteer and annual salaries as a prosecutor have been substantially less than the

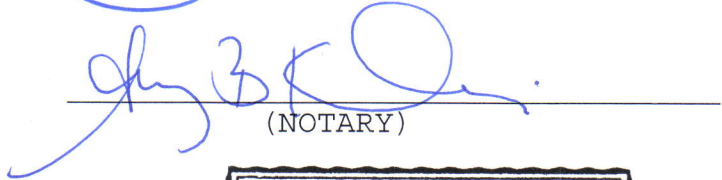
salaries I might have been paid in the private sector during those years. Further, in order to avoid any actual or potential conflicts of interest, I intentionally have limited my volunteer work that serves disadvantaged persons to church-related charitable works and donations.

AFFIDAVIT

I, JOHN H. DURHAM, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

November 6, 2017
(DATE)


(NAME)


(NOTARY)

Amy B Konarski
Notary Public-Connecticut
My Commission Expires
May 31, 2018