

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Louis Vinson Franklin, Sr.

Following the birth of my son on November 15, 1986, I added "Sr." to my name.

I was told that my middle name was "Vincent." My birth certificate spells my middle name as "Vinson." I have not used or been known by any other names.

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

United States Attorney, Middle District of Alabama

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.

131 Clayton Street
Montgomery, AL 36104

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

Montgomery, AL; 1958

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.

Howard University School of Law, Washington, DC
August 1984 – May 1987
Juris Doctor, May 1987

Auburn University at Montgomery, Montgomery, AL
October 1980 – June 1983
Master of Science, June 1983

University of Alabama, Tuscaloosa, AL
August 1978 – May 1981
Bachelor of Arts, May 1981

Chattahoochee Valley Community College, Phenix City, AL
August 1976 – May 1978
Associate of Arts, May 1978

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.

United States Attorney's Office
Middle District of Alabama
131 Clayton Street
Montgomery, AL 36104
Criminal Chief, September 2001 - May 2011; July 2011 - August 2011; February 2012 - Present
Deputy Criminal Chief, August 2011 - February 2012
Interim United States Attorney, May 2011 - July 2011
Lead AUSA/Organized Crime Drug Enforcement Task Force, December 1991 - April 1996; August 1998 - September 2001
Assistant United States Attorney, February 1990 - December 1991

The Franklin Group, LLC
349 Citation Drive
Montgomery, AL 36109
Owner and Sole Proprietor
October 2011 - Present

Sirote and Permutt, P.C.
Colonial Financial Center
1 Commerce Street, Suite 305
Montgomery, AL 36104
Associate
April 1996 - March 1998

Legal Services Corporation of Alabama
Selma Regional Office
1114 Church Street
Selma, AL 36702
Staff Attorney
June 1987 - February 1990

Alabama Department of Youth Services
Juvenile Work Release/Group Home Program

Vacca Campus Alabama
8950 Roebuck Boulevard
Birmingham, AL 35206
Assistant Director, December 1983 - August 1984
Child Care Worker, October 1981 - December 1983

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 am not subject to selective service registration requirements.

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.

United States Attorney Award from U.S. Attorney George Beck, 2013

Chattahoochee Valley Community College, Distinguished Alumni Award, 2010

Certificate of Commendation from FBI Director Robert S. Mueller, III, 2007

Director's Award for Superior Performance in a Managerial or Supervisory Role,
Executive Office for U.S. Attorneys, U.S. Department of Justice, 2003

Chattahoochee Valley Community College, Alabama College System's Alumni Hall of Honor, 1991

Howard University School of Law's American Jurisprudence Award: Corporations, 1987

Howard University School of Law's American Jurisprudence Award: Business Organizations, 1986

Auburn University at Montgomery, Member, Alpha Phi Sigma, Alpha Delta Chapter, National Criminal Justice Honor Society, 1981 - 1983

Chattahoochee Valley Community College, Athletic/Wrestling Scholarship, 1976 - 1978

Chattahoochee Valley Community College, Wrestling Team, Southeastern Regional Champion, 1978

Chattahoochee Valley Community College Wrestling Team, Most Outstanding Wrestler Award/Southeastern Regional Tournament, 1978

Chattahoochee Valley Community College Wrestling Team, Team Captain/Most Valuable Player, 1977, 1978

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.

Alabama State Bar, 1988 - Present

National Association of Assistant U.S. Attorneys, 2004 - Present

Criminal Chiefs Working Group, Executive Office for U.S. Attorney, U.S. Department of Justice, 2007 - 2011

Court Advisory Committee, United States District Court, Middle District of Alabama, 1996 – 1998; 2004 - 2008

American Inns of Court, Hugh Maddox Chapter, 1993 - 2008

Alabama Defense Lawyers Association, 1996 - 1998

Capital City Bar Association, 1990 - 1993

American Bar Association, 1988 - 1989

National Bar Association, 1988 - 1989

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.

Alabama State Bar
May 1988 - Present
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.

Eleventh Circuit Court of Appeals
February 1990 - Present
No membership lapses

Middle District of Alabama
July 1990 - Present
No membership lapses

Southern District of Alabama
August 1989 - Present
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.

County Downs Homeowners Association, Montgomery, AL
November 2000 – Present

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- 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.

To the best of my knowledge, the County Downs Homeowners Association does not and has not discriminated against anyone on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

None

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

None

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

None

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

I have not engaged in any public speaking related to political issues. I have spoken numerous times at law schools, colleges/universities, high schools, and elementary schools. I have spoken many times at orientation programs for new law clerks and federal probation officers in the Middle District of Alabama. There was never any written text. I have reviewed my calendars and other records available to me. Based on that review, I compiled the below list of speeches and other public appearances. Despite my searches, there may be other materials I have been unable to identify, find, or remember. The list below is comprehensive to the best of my recollection and available records.

November 2016

Community Relations – the role of a prosecutor

Valiant Cross Academy

Montgomery, AL

Copy not available

January 2010

Instructor, Criminal Chiefs Conference – pros and cons of task forces

OLE, National Advocacy Center

Columbia, SC.

Copy not available

October 2009

New Law Clerk Orientation – the role of a prosecutor

United States District Court

Montgomery, AL

Copy not available

December 2008

Panelist – the role of a prosecutor in sentencing

Federal Defenders Office

Montgomery, AL

Copy not available

October 2008

Community Relations – the role of a prosecutor/practicing law in general

Jones Law School

Montgomery, AL

Copy not available

February 2008

Community Relations – the dangers and consequences of using drugs

Fews Alternative School

Montgomery, AL

Copy not available

May 2007

Community Relations – the role of a prosecutor/practicing law in general

Auburn University at Montgomery

Montgomery, AL

Copy not available

December 2006

Community Relations – the role of a prosecutor/preparing for law school

Brew Tech Magnet High School

Montgomery, AL

Copy not available

November 2006

Community Relations – the dangers and consequences of using drugs

Montgomery County, AL public school students

Copy not available

September 2006

New Law Clerk Orientation – the role of a prosecutor

United States District Court

Montgomery, AL
Copy not available

September 2006
Community Relations – the role of a prosecutor/practicing law in general
University of Alabama Law School
Tuscaloosa, AL
Copy not available

September 2005
New Law Clerk Orientation – the role of a prosecutor
United States District Court
Montgomery, AL
Copy not available

April 2005
Community Relations – the role of a prosecutor/practicing law in general
Jones Law School
Montgomery, AL
Copy not available

May 2004
Training on drafting affidavits for search warrants in federal court
Montgomery, AL Police Academy
Copy not available

April 2004
Community Relations – the role of a prosecutor/practicing law in general
Huntingdon College
Montgomery, AL
Copy not available

November 2003
Community Relations – the role of a prosecutor/practicing law in general
Auburn University at Montgomery
Montgomery, AL
Copy not available

September 2003
Community Relations – the role of a prosecutor/practicing law in general
Jones Law School
Montgomery, AL
Copy not available

May 2002
Community Relations – the role of a prosecutor/practicing law in general

Jones Law School
Montgomery, AL
Copy not available

February 2002
Community Relations – the role of a prosecutor/practicing law in general
Auburn University at Montgomery
Montgomery, AL
Copy not available

February 2002
Community Relations – the role of a prosecutor/practicing law in general
Alabama State University
Montgomery, AL
Minority Pre-Law Conference, Young Lawyers Section
Alabama Bar and Alabama Lawyers Association
Copy not available

May 2002
Community Relations – the dangers and consequences of using drugs
Montgomery County, AL public school students
Copy not available

December 1998
Community Relations – the dangers and consequences of using drugs
Montgomery County, AL public school students
Copy not available

October 1998
Community Relations – the dangers and consequences of using drugs
Montgomery County, AL public school students
Copy not available

April 1996
Instructor, Basic Trial Advocacy
Office of Legal Education, United States Department of Justice
Washington, DC
Copy not available

November 1992
Community Relations – the dangers and consequences of using drugs
Montgomery County, AL public school students
Copy not available

- 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.

June 2006

Local media regarding the jury's verdict in the Siegelman/Scrushy case.

Copy not available

October 2005

Press conference to announce the indictment against Don Siegelman, Richard Scrushy, Paul Hamrick, and Mack Roberts.

Copy not available

October 2003

Montgomery Advertiser after receiving the Directors Award, EOUSA.

Copy supplied

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 judicial 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.

United States Attorney's Office
Middle District of Alabama
131 Clayton Street
Montgomery, AL 36104
Criminal Chief, September 2001 - May 2011; July 2011 - August 2011;
February 2012 -Present
Deputy Criminal Chief, August 2011 - February 2012
Interim United States Attorney, May 2011 - July 2011
Lead AUSA/Organized Crime Drug Enforcement Task Force, December
1991 - April 1996; August 1998 - September 2001
Assistant United States Attorney, February 1990 - December 1991

Sirote and Permutt, P.C.
Colonial Financial Center
1 Commerce Street, Suite 305
Montgomery, AL 36104
Associate
April 1996 - March 1998

Legal Services Corporation of Alabama
Selma Regional Office
1114 Church Street
Selma, AL 36702
Staff Attorney
June 1987 - February 1990

- 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.

I began my employment with the U.S. Attorney's Office (USAO) in February 1990 as an Assistant U.S. Attorney (AUSA) prosecuting general crimes. In December 1991, I was designated the Lead Organized Crime Drug Enforcement Task Force (OCDETF) AUSA, prosecuting major drug trafficking organizations. I continued in this position until April 1996 when I resigned to enter private practice. I returned to the USAO in March 1998, and in August 1998, I was again designated the Lead OCDETF AUSA. I was appointed as the Criminal Chief on September 23, 2001, and served in that position until July 6, 2011, when I was appointed as the Interim U.S. Attorney. After the appointment of a new U.S. Attorney on July 6, 2011, I returned to the Criminal Chief position. I continued as the Criminal Chief until August 4, 2011, when I was named as the Deputy Criminal Chief. I served as the Deputy Criminal Chief until February 12, 2012, when I was again named as the Criminal Chief. As the Criminal Chief, I manage the day-to-day operations of the Criminal Division and its personnel. I supervise 16 AUSAs, 1 Victim-Witness Coordinator, 3 paralegals, and 4 legal assistants. I am responsible for a varied number of tasks to include, but not limited to, approving the opening and closing of all matters presented for prosecution, approving all plea agreements and/or declinations, as well as evaluating all AUSAs and paralegals under my supervision.

In 2003 I was appointed as the Acting U.S. Attorney in a high profile, public corruption case. In 2007 I was appointed Acting U.S. Attorney in a complex embezzlement case. Both of these cases proceeded to trial and resulted in guilty verdicts. I supervised and participated in the prosecution of both.

I joined the law firm of Sirote and Permutt in April 1996. While there, I defended public and private organizations in state and federal civil litigation. I was responsible for deposing litigants and experts, discovery, pretrial pleadings, and other litigation tasks. For example, in 1997, I successfully defended a malicious prosecution claim against a convenience store owner through summary judgment in favor of my client. I appeared in court an average of once a month.

While employed by Legal Services, I represented indigent clients in all aspects of civil litigation, including but not limited to, divorce, bankruptcy, social security claims, and unemployment compensation. I appeared in court an average of once every 2 months.

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

While employed by the U.S. Attorney's Office, my only client has been the United States. Other than my time as a supervisor, I was the lead

attorney for the Organized Crime Drug Enforcement Task Force.

While in private practice, my typical clients were business organizations, such as insurance companies and restaurants.

While employed by Legal Services, my typical clients were indigent individuals with domestic relations, employment, and debt issues.

- 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.

Absent my time as a Staff Attorney at the Legal Services Corporation of Alabama, approximately 100% of my remaining 27 years practicing law has been spent in litigation, to include the approximately 2 years as an associate at Sirote and Permutt.

- i. Indicate the percentage of your practice in:

1. federal courts – 85%
2. state courts of record - 5%
3. other courts – 5%
4. administrative agencies – 5%

- ii. Indicate the percentage of your practice in:

1. civil proceedings – 3%
2. criminal proceedings – 97%

- 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.

Approximately 100

- i. What percentage of these trials were:

1. Jury: 99%
2. non-jury: 1%

- 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.

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:

1. *U.S. v. Siegelman, et al*, 467 F.Supp.2d 1253 (MD Ala. 2006); 561 F.3d 1215 (11th Cir. 2009); 640 F.3d 1159 (11th Cir. 2011)
The Honorable Mark E. Fuller, Former U.S. District Judge
Date of Representation: May 2005 – June 2015

Co-counsel:	Stephen P. Feaga Retired Assistant U.S. Attorney 401 Adams Avenue, Suite 280 Montgomery, AL 36104 (334) 324-5043
Co-counsel:	J.B. Perrine Former Assistant U.S. Attorney 2122 Whitney Oaks Drive Ocean Springs, MS 39564 (334) 676-0050
Co-counsel:	Richard Pilger Public Integrity Section, DOJ 10 th & Constitution Avenue, NW Washington, DC 20530 (202) 514-1412
Co-counsel:	Jennie Garrett 11 S. Union Street Montgomery AL 36130 (334) 353-8607
Co-counsel:	Joseph Fitzpatrick P.O. Box 242008 Montgomery, AL 36124 (334) 201-6726
Opposing Counsel:	Vincent Kilborn, III Don Siegelman P.O. Box 66710 Mobile, AL 36660 (251) 479-9010

Opposing Counsel: David A. McDonald
Don Siegelman
P.O. Box 832
Mobile, AL 36601
(251) 434-0045

Opposing Counsel: Susan James
Don Siegelman
600 S. McDonough Street
Montgomery, AL 36104
(334) 269-3330

Opposing Counsel: Redding Pitt
Don Siegelman
Deceased

Opposing Counsel: Arthur W. Leach
Richard Scrushy
5780 Windward Parkway, Suite 225
Alpharetta, GA 30005
(404) 786-6443

Opposing Counsel: Fred Gray, Sr.
Richard Scrushy
P.O. Box 830239
Tuskegee, AL 36083
(334) 727-4830

Opposing Counsel: Terry L. Butts
Richard Scrushy
279 East First Street
Luverne, AL 36049
(334) 429-0236

The investigation of Siegelman began while he was Governor of the State of Alabama. It focused on his conduct while Governor and Lt. Governor and expanded to include his Chief of Staff Paul Hamrick and his Transportation Director Mack Roberts. Nick Bailey, Siegelman's close associate and confidential assistant, and Lanny Young, Siegelman's long-time business associate, entered into plea agreements and testified for the government. The investigation lasted five years. This case generated more media attention than any other case in my 25 years with the USAO, during the investigation, trial, and post-trial.

Following a lengthy trial, a jury found Siegelman and Richard Scrushy (former CEO of Healthsouth) guilty of multiple counts of federal funds bribery and honest

services mail fraud and one count of conspiracy to commit honest services mail fraud. These charges were based on an arrangement wherein Siegelman appointed Scrushy to the Certificate of Need Board, a state board that determined the number of healthcare facilities in Alabama, in exchange for Scrushy's \$500,000 donation to the Alabama Education Lottery Foundation, a foundation Siegelman established to raise money for a ballot initiative that would fund universal education in Alabama through creation of a state lottery. Although Siegelman eventually reported Scrushy's donation, Nick Bailey helped Siegelman conceal the donation for approximately two years.

The jury also found Siegelman guilty of obstruction of justice based on a series of sham transactions carried out after the investigation into Siegelman had commenced, wherein Siegelman, Lanny Young, and Bailey attempted to conceal a \$9,200 payment that Young had made to Siegelman.

During the appellate phase of this case, the 11th Circuit reversed four of Siegelman's fraud convictions and two of Scrushy's fraud convictions. On remand, the District Court reduced the original sentences imposed on Siegelman and Scrushy. Their convictions for the conduct described above remains intact.

2. *U.S. v. John W. Goff*, Cr. No. 2:07cr322-MHT
The Honorable Myron H. Thompson, Senior U.S. District Judge
Date of Representation: December 2007 – January 2010

Co-counsel: J.B. Perrine
Former Assistant U.S. Attorney
2122 Whitney Oaks Drive
Ocean Springs, MS 39564
(334) 676-0050

Co-counsel: Stephen P. Feaga
Retired Assistant U.S. Attorney
401 Adams Avenue, Suite 280
Montgomery, AL 36104
(334) 324-5043

Opposing Counsel: Donald R. Jones
Deceased

Opposing Counsel: Jeremy S. Walker
522 Washington Avenue
Montgomery, AL 36104
(334) 262-3808

Opposing Counsel: Milton C. Davis
P.O. Box 830509

Tuskegee, AL 36083
(334) 727-6500

John W. Goff was the sole owner of the Goff Group, Inc., which was engaged in the business of selling workers compensation insurance. The Goff Group marketed and sold workers compensation insurance through a network of several hundred independent insurance agents, and the policies were issued by XL Specialty and Greenwich insurance companies. Under the terms of their agreement, independent insurance agents would represent a business that needed workers compensation insurance, contact Goff, get a premium quote, and pass it on to the company. Once the company paid the agreed upon premium, Goff would have XL Specialty or Greenwich issue the policy for the company. Then Goff was supposed to forward the premium to XL Specialty or Greenwich, minus Goff's commission and a 5% charge that represented compensation that should have been returned to the independent insurance agent.

At some point, Goff stopped forwarding the premiums and sending the 5% due to the independent agents. After a 10-day jury trial, Goff was convicted on charges of embezzlement of insurance funds, mail fraud, and making a false statement to an insurance regulatory agency. The latter presented an issue of first impression, which the District Court resolved in favor of the government. The conviction was affirmed by the 11th Circuit Court of Appeals, 400 Fed. App's 507 (11th Cir. 2010).

3. *U.S. v. Henry Lee Gordon, Jr.*, Cr. No. 03-287-N
The Honorable W. Harold Albritton, III, Senior U.S. District Judge
Date of Representation: March 2002 - July 2009

Co-counsel: Stephen P. Feaga
Retired Assistant U.S. Attorney
401 Adams Avenue, Suite 280
Montgomery, AL 36104
(334) 324-5043

Opposing Counsel: Jay Lewis
529 S. Perry Street, #18
Montgomery, AL 36104
(334) 263-7733

Henry Lee Gordon, Jr., was the Police Chief of Mosses, Alabama, a small rural town. Mr. Gordon was investigated by the Bureau of Alcohol, Tobacco and Firearms (ATF) after local law enforcement received complaints that the Chief was addicted to crack cocaine and was supporting his habit by extorting local drug dealers.

After interviewing a few local drug dealers, ATF used a confidential informant

(CI) to make consensual telephone calls to the Chief. The CI requested a meeting with the Chief and the CI gave the Chief crack cocaine in exchange for information about a local investigation. The Chief was on duty when this meeting occurred, and he had his service-issued firearm in his holster. The meeting was audio and video recorded.

The Chief was indicted for violating the Hobbs Act, using and carrying a firearm in furtherance of a crime of violence, and possession of a controlled substance for personal use. In addition to the controlled encounter between the CI and the defendant, the government presented testimony of several local drug dealers who were victims of the Chief's criminal conduct. The jury returned guilty verdicts on six of the seven counts in the indictment.

4. *U.S. v. John Thomas Riley, Jr., et al*, Cr. No. 99-137-N
The Honorable Myron H. Thompson, Senior U.S. District Judge
Date of Representation: August 1999 – July 2003

Co-counsel: Terry F. Moorer
Former Assistant U.S. Attorney
(Currently U.S. Magistrate Judge, Middle District of Alabama)
1 Church Street
Montgomery, AL 36104
(334) 954-3740

Opposing Counsel: Barry E. Teague
John Riley
Deceased

Opposing Counsel: Artur Davis
Roderick Blanding
1301 K Street, NW
Washington, DC 22202
(202) 408-6400

Opposing Counsel: Russell Duraski
Nancy Washington
621 S. Hull Street
Montgomery, AL 36104
(334) 262-8725

Opposing Counsel: Christine Freeman
Clarence Clay
817 S. Court Street
Montgomery, AL 36104
(334) 834-2099

Opposing Counsel: Susan James
Shirley Moncrief
600 S. McDonough Street
Montgomery, AL 36104
(334) 269-3330

Opposing Counsel: Raymond Johnson
Sonja Brown
640 S. McDonough Street
Montgomery, AL 36104
(334) 265-8731

John Thomas Riley, Jr., was prosecuted during the mid-1980s for possession of crack cocaine with intent to distribute. The traffic stop which led to his conviction was premised on an informant's tip to the Narcotics Section of the Montgomery Police Department (MPD). While serving his sentence with the Bureau of Prisons, Riley met Fred Scott and Louis Calvin Cook. They agreed that when released, they would combine their efforts to obtain and sell drugs in their respective hometowns of Montgomery, Alabama; Birmingham, Alabama; and New Orleans, Louisiana. Meanwhile, corruption within the MPD's Narcotics Section surfaced and Riley's conviction was set aside following a successful habeas petition.

When Riley was released, he returned to Montgomery, and followed through on the drug conspiracy that he, Scott, and Cook talked about while in prison. Riley was introduced to Scott's drug sources in Texas and started receiving marijuana that he and his network of local co-conspirators distributed in Montgomery. By this time, Riley came to the attention of the U.S. Customs Service (USCS) because he was receiving hundreds of pounds of marijuana that was smuggled into the United States from Mexico. USCS, working with the Montgomery High Intensity Drug Area Task Force (HIDTA), obtained authorization to intercept Riley's telephone conversations. The U.S. Attorney's Office (USAO) coordinated with law enforcement and USAOs in other districts to successfully investigate and prosecute Riley, Scott, Cook, and others.

During the jury selection phase of this prosecution, the defense challenged the Middle District of Alabama District Court's jury selection procedures. The District Court deferred ruling on this issue until after trial. The litigation related to the jury selection process consumed approximately one year. The Court ruled in favor of the defendant and set some of the convictions aside. The government successfully retried those defendants and the Clerk's Office instituted new procedures to comply with the Jury Selection Service Act.

5. *U.S. v. Steve Vera, et al*, Cr. No. 92-163-N
The Honorable Robert E. Varner, U.S. District Judge (Deceased)

Date of Representation: May 1992 – April 1996

Opposing Counsel: Robert C. Black, Jr.
Steven Vera
163 W. Main Street
Dothan, AL 36301
(334) 462-2195

Opposing Counsel: Craig Dillard
Lester Reeves
P.O. Box 240909
Montgomery, AL 36124
(334) 262-1850

Opposing Counsel: S. Alec Spoon
William Majors
Deceased

Opposing Counsel: T. Dudley Perry, Jr.
Paul Tolliver
P.O. Box 66
Mt. Meigs, AL 36057
(334) 215-3803

Opposing Counsel: Robert M. Beno
James Hawkins
540 S. Perry Street
Montgomery, AL 36104
(334) 269-9281

Opposing Counsel: Habib Yazdi
Javier Valez
501 Church Street
Mobile, AL 36602
(251) 438-7800

Opposing Counsel: Mark A. Cavanaugh
Frank Woodley
4252 Carmichael Road
Montgomery, AL 36106
(334) 272-8444

Opposing Counsel: Robert L Turner
Rigoberto Valez
625 Chatsworth Drive
Montgomery, AL 36109

(334) 318-2843

Opposing Counsel: Ronald Russell
Tomas Alanis
P.O. Box 4689
Montgomery, AL 36103
(334) 834-3750

Steve Vera was stopped at the Atlanta airport wearing a full trench coat on a hot day in May 1992. Law enforcement seized a kilo of cocaine that was strapped to Vera's body. Vera agreed to cooperate by completing the delivery of the cocaine to Montgomery and placed consensually monitored telephone calls to the co-conspirators who paid him to pick up and deliver the cocaine.

After Vera's proactive cooperation was complete, the U.S. Attorney's Office (USAO) had enough evidence to seek a speaking indictment against multiple defendants for conspiracy to distribute and possession with intent to distribute cocaine hydrochloride. Those charged included the individuals who organized the importation of cocaine from Mexico into the United States; the individuals responsible for managing the stash house in Texas; the mule (Steve Vera) who transported the cocaine from Texas to Montgomery; and the local dealers who were responsible for ordering the cocaine and selling it to street level dealers who converted the cocaine to "crack." All defendants either pled guilty or were convicted by a jury. Steve Vera entered a plea of guilty and was sentenced to serve his time at a Bureau of Prisons facility that offered low-level drug defendants the opportunity to participate in a boot camp, which he successfully completed. Although not a significant case in terms of the quantity of narcotics seized, it is a testament to how to dismantle a drug trafficking organization through good teamwork between law enforcement agencies and USAOs.

6. *U.S. v. Edna Oliver, et al*, Cr. No. 91-73-N
The Honorable W. Harold Albritton, Senior U.S. District Judge
Date of Representation: January 1991-April 1996

Co-counsel: Former Assistant U.S. Attorney Terry F. Moorner
(Currently U.S. Magistrate Judge, Middle District of
Alabama)
1 Church Street
Montgomery, AL 36104
(334) 954-3740

Opposing Counsel: Margaret McNeill
Edna Oliver
P.O. Box 320001
Montgomery, AL 36132
(334) 242-9690

Opposing Counsel: Robert Alton
Johnny Oliver
1409 Coliseum Boulevard
Montgomery, AL 36110
(334) 242-6350

Opposing Counsel: Robert Powers
Anthony Oliver
Deceased

Opposing Counsel: Jennifer Lunt
Eddie Palmer
350 S. Center Street
Reno, NV
(775) 337-4800

This case was brought to the office by the Drug Enforcement Administration (DEA) following the brutal death of an 86-year old woman. A state investigation revealed that the victim allowed Eddie McCastle into her home and once inside, he demanded money. She refused. He beat her to death with her walking cane, stole approximately \$100, and went to a local crack house where he spent the money on crack cocaine.

The crack house was owned and operated by the lead defendant, Edna Oliver, who was employed by the local Sheriff's Office and worked at the local courthouse. The state authorities believed they could not successfully prosecute the defendant in their jurisdiction. The U.S. Attorney's Office (USAO) accepted the case and during the investigation, interviewed Eddie McCastle, the man who killed the victim. He was serving a life sentence in the Alabama Department of Corrections. The government needed McCastle's testimony to prove its case. I convinced him to be a witness for the government. Armed with his testimony and another reluctant witness, the government successfully prosecuted this case.

7. *U.S. v. Christopher Lynn Johnson*, Cr. No. 95-123-E
The Honorable Myron H. Thompson, Senior U.S. District Judge
Date of Representation: May 1995 - November 1995

Co-counsel: David L. Allred
Retired Assistant U.S. Attorney
4099 Waterview Drive
Edgewater, MD 21037
(301) 802-3550

Opposing Counsel: Ronald W. Wise
2000 Interstate Park Drive, Suite 105

Montgomery, AL 36109
(334) 260-0003

This is a civil rights case that grew out of a highly publicized racial controversy related to interracial dating at Randolph County High School in Wedowee, Alabama. For background purposes, the principal of the high school allegedly stated that he would cancel the prom before he would allow interracial couples to attend. At the conclusion of a year-long FBI investigation, Christopher Lynn Johnson, a 25-year old African American, was charged with burning down the school. Johnson's father was the most outspoken critic of the principal, and the founder of a group that called themselves the "Black Panther Militia." Johnson and his father were the only named members in this group. Johnson was charged with malicious destruction of a building owned by the school system, which received federal funds, and possession of a firearm, i.e., a bomb, which he used to burn down the high school. Evidence against Johnson included the testimony of his wife who described the destructive device that she saw in their home the night before the fire, and Johnson's best friend, who told the jury that Johnson admitted to him that he burned down the school. This evidence was contradicted by the public separation of Johnson and his wife and the failure to capture Johnson's admission on tape despite several attempts by Johnson's best friend. The jury returned a verdict of not guilty.

8. *U.S. v. Akbar Salemi*, 26 F.3d 1084 (11th Cir. 1994)
The Honorable Robert E. Varner. U.S. District Judge (Deceased)
Date of Representation: December 26, 1990 – August 1994

Opposing Counsel: Paul R. Cooper
312 Scott Street
Montgomery, AL 36104
(334) 262-4887

On December 26, 1990, Sheena Holloway left her six-month old daughter with her houseguest, Patricia Shaw. Later that evening when Holloway returned, Shaw and the baby were gone. The FBI investigation led to Shaw's husband, Akbar Salemi, a resident of Miami, Florida. When the FBI interviewed Salemi, he lied and said he did not know Shaw's whereabouts, but promised to notify the agent immediately if Shaw contacted him. Promptly after being interviewed, Salemi fled to Kissimmee, Florida, with Shaw and the baby.

On January 8, 1991, law enforcement officers arrested Shaw who then led them to a motel where they arrested Salemi with the baby. During the post arrest interview, Salemi admitted that he lied to the FBI agent to protect Shaw. One day after this trial began on July 23, 1991, the District Court granted Salemi's motion for a mistrial because both the prosecution and defense expert witness agreed that Salemi's mental condition had deteriorated to such a point that he was no longer competent to stand trial. On June 23, 1992, at a subsequent trial, the jury rejected

Salemi's insanity defense, finding him guilty of kidnapping.

After reviewing the Presentence Report, the District Court decreased Salemi's offense level to 15, producing a sentence range of 18–24 months. The government objected to the Court's findings that no obstruction of justice occurred and that the baby was not a vulnerable victim. The government also objected to the District Court's downward departure based on Salemi's diminished capacity and attempted avoidance of a perceived greater harm. The government appealed Salemi's sentence. The 11th Circuit Court of Appeals agreed with the government on all issues and remanded the case for re-sentencing consistent with its opinion.

9. *U.S. v. Donald Grantham*, Cr. No. 93-114-E.
The Honorable Robert E. Varner, U.S. District Judge (Deceased)
Date of Representation: June 1992 - June 1994

Co-counsel: John T. Harmon
Retired Assistant U.S. Attorney
P.O. Box 98
Pine Apple, AL 36768
(334) 419-2842

Opposing Counsel: David Byrne, Jr.
600 Dexter Avenue, Suite NB-05
Montgomery, AL 36130
(334) 242-7120

Opposing Counsel: Scott Talkington
P.O. Box 241742
Montgomery, AL 36124
(334) 260-9071

Donald Grantham was charged with conspiracy to distribute and possession with intent to distribute cocaine, distribution and possession of cocaine and use of a firearm in furtherance of a drug trafficking crime. Grantham was a former police officer who had been recognized as "Officer of the Year." Grantham lived in a rural area of East Alabama, and came to the attention of law enforcement because he was selling cocaine at his residence. The house sat on approximately 27 acres, which made it difficult for law enforcement to investigate the defendant. Defendant also had several firearms throughout the residence. Law enforcement developed a confidential informant who assisted them in two controlled buys of cocaine from the defendant.

This was the first bifurcated trial held in the Middle District of Alabama where the government successfully convicted a defendant and then asked that jury to forfeit his interest in the land. The government argued that Grantham used the

land to facilitate his drug trafficking crime. The jury agreed.

10. *U.S. v. Gayle, et al*, 967 F.2d 483 (11th Cir. 1992)

The Honorable Joel F. Dubina, U. S. District Judge (Currently Senior Status, 11th Circuit Court of Appeals)

Date of Representation: February 1990 - July 1992

Co-counsel: Charles R. Niven
Retired Assistant U.S. Attorney
26520 S. Holly Street
Loxley, AL 36551
(251) 964-6174

Opposing Counsel: L. Scott Johnson
Derrick Cornelius Gayle
4252 Carmichael Road
Montgomery, AL 36106
(334) 356-5200

Opposing Counsel: Thomas M. Goggans
Claude Bertram Hester
2030 2nd Street
Montgomery, AL 36106
(334) 834-2511

Two sisters were driving home from college when they noticed that another car, occupied by Hester and Gayle, was following them very closely. At some point, Hester's car bumped the sisters' car and the sisters pulled off the road. Hester drove the car to the front of the sisters' car, preventing them from any attempt to pull back onto the road. The sisters got out of their car and demanded to know what was happening. Hester represented himself to be an FBI agent, while Gayle, Hester's accomplice, remained in the car and pretended to use a cell phone (actually a cordless phone). One of the sisters ran to a nearby business where their brother worked and returned with the brother and his supervisor. Hester and Gayle persisted in their impersonation as FBI agents and at some point told the sisters that they (defendants) would have to take the sisters "downtown." Although asked to do so, Hester and Gayle did not produce any identification. However, there was a tag on the front of Hester's car that had "FBI" in big letters and in much smaller letters "female body inspectors." The sisters testified that they saw the larger letters, but did not see the smaller letters.

Hester and Gayle were convicted of impersonating federal officers. They appealed to the 11th Circuit Court of Appeals and the conviction was reversed, 936 F.2d 1234 (11th Cir. 1991). The government obtained rehearing en banc, and the Court en banc affirmed, holding that: (1) although "intent to defraud" is an element of impersonation of a federal officer, such intent need not be alleged

specifically in the indictment; (2) indictment charging impersonation of a federal officer is sufficient if it contains general allegations of impersonating and acting as a federal officer, and it need not allege additional acts beyond general act of impersonation; and (3) indictment in instant case, which stated that defendants willfully presented to be officers of the FBI, and “acted as such in that they held themselves out to be FBI agents,” satisfied the “act of such” requirement of the statute.

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.)

I began serving as the chief of my USAO’s criminal division twelve days after the terrorist attacks of September 11, 2011. Needless to say, those were turbulent days for my office, the Department, and the country. During those first years as criminal chief, I assisted in the development of a Joint Terrorism Task Force. That task force immediately worked to ensure that other terrorist attacks did not occur. Thereafter, I helped to implement my office’s Project Safe Neighborhoods program. Through that program—like similar programs across the country—my office collaborated with federal, state, and local law enforcement agencies to prosecute convicted felons who possessed firearms. By pulling violent criminals off the streets, this initiative made my district a safer place. In 2005, I oversaw the organization of a similar task force in my district—the Project Safe Childhood Task Force. That group targeted those who would seek to do harm to especially vulnerable members of our society—children. We investigated and prosecuted criminals who sexually exploit children.

I played integral roles in the successful work of each of these initiatives. I worked with fellow members of my office’s management team to identify, select, and hire skilled attorneys to serve as AUSAs to work on these projects. Upon hiring these individuals, I mentored them and supervised their work. I attended task force meetings and court hearings. I evaluated the AUSA’s work and the progress of the initiatives. I kept my door open and served as a sounding board for the AUSAs. In doing so, I helped to ensure the programs’ successes.

Additionally, in January 2013, Jimmy Lee Dykes boarded a school bus in Dale County, Alabama, killed the bus driver, and abducted a five-year old student from the school bus. Dykes took the child and held him hostage in an underground bunker that Dykes had created. This hostage crisis lasted approximately seven days. On the seventh day, FBI agents stormed the bunker, killed Dykes, and rescued the five-year old child. Throughout this ordeal, I coordinated our office’s response to FBI and ATF’s legal needs.

I have never been involved in any lobbying activities.

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

None

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

None

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

My son and I will continue to manage the Franklin Group, LLC. I do not take a salary. This is a rental property business.

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 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.

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.

Although I do not handle any Pro Bono cases, I consider the work I do at the U.S. Attorney's Office as serving the disadvantaged, both directly and indirectly. I supervise a team of AUSAs who represent and assist victims, at no charge, in obtaining justice through restitution, as well as closure in an often-dark time in their lives. Through my office, I participate in efforts to prevent crime through deterrence and recommendations toward punishment, thereby serving not just the disadvantaged, but also all the members of the community. Additionally, the U.S. Attorney's Office educates members of the community through media outreach, e.g., press releases, press conferences, and posting information on our official web site.

Finally, I and my staff educate the public through public outreach, such as speaking at local community events, schools, churches, and training events.