

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Christopher Robert Kavanaugh

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

United States Attorney for the Western District of Virginia

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.

United States Attorney's Office for the Western District of Virginia
United States Federal Courthouse
255 W. Main Street
Suite 30
Charlottesville, Virginia 22902

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

1980; Gastonia, North Carolina

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 Virginia School of Law, 2003-2006
J.D. – May 2006

Georgia Tech, 1998 – 2002
Bachelor of Science in Industrial and Systems Engineering - August 2002

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 2014 – Present

Counsel to the U.S. Attorney, September 2020 - Present
Senior Litigation Counsel, September 2020 - Present
Assistant United States Attorney, September 2014 – September 2020
U.S. Attorney's Office for the Western District of Virginia
255 W. Main Street
Suite 30
Charlottesville, Virginia 22902
Paid

September 2012 – Present
Adjunct Professor
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Paid

September 2007 – September 2014
Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia
555 Fourth Street NW
Washington, DC 20530
Paid

August 2006 – August 2007
Law Clerk to the Honorable U.S. District Judge James C. Cacheris
United States District Court for the Eastern District of Virginia
401 Courthouse Square
Alexandria, Virginia 22314
Paid

July 2005 – August 2005
Intern, Appellate Section
U.S. Attorney's Office for the District of Columbia
555 Fourth Street NW
Washington, D.C. 20530
Unpaid

June 2005 – July 2005
Summer Associate
Latham and Watkins, LLP
555 11th Street NW
Washington, DC 20004
Paid

June 2004 – August 2004
Summer Associate

Hunton & Williams, LLP (now Hunton, Andrews, & Kurth)
951 E. Byrd Street
Richmond, Virginia 23219

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 for selective service.

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

Shaping Justice Award for Extraordinary Achievement, 2020
University of Virginia School of Law

SHIELD Award, Anti-Defamation League, 2020

John Perry Alderman Award for Superior Service, 2019
United States Attorney's Office for the Western District of Virginia

John Perry Alderman Award for Superior Service, 2017
United States Attorney's Office for the Western District of Virginia

Attorney General's Award for Distinguished Service, 2016
United States Department of Justice

SHIELD Award, Anti-Defamation League, 2015

Service Award, Federal Bureau of Investigation, 2015

Trial Advocacy Award, Virginia Trial Lawyers, 2006

Ritter Scholar, University of Virginia School of Law, 2005

Best Oralist, University of Virginia School of Law, 2005

Raven Honor Society, University of Virginia, 2005

Dean's Scholar, University of Virginia School of Law, 2003-2006

President's Scholar, Georgia Tech, 1998

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.

Virginia State Bar
Charlottesville Albemarle Bar Association

10. **Bar and Court Admission:**

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

Virginia, October 2006

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fourth Circuit (November 2006)
United States Court of Appeals for the District of Columbia Circuit (October 2008)
United States District Court for Eastern District of Virginia (December 2007)

There have been no lapses in membership.

11. **Memberships:**

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

Wertland Commons Condominiums (February 2020 – Present)

Board of Directors (February 2020– Present)

Holy Comforter Catholic Church, Member (2018 - Present)

St. Thomas Catholic Church, Member (2015 - Present)

The Raven Society – University of Virginia, Member (2006 - Present)

Hessian Hills Condominiums (November 2019 – October 2020)

Board of Directors (November 2019 – October 2020)

Law Alumni Council, University of Virginia School of Law (2016 - 2019)

Fry's Spring Beach Club (2018 - 2019)

South Korean International Symposium on National Security (December 2016)

- 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 my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have not identified any such material.

- 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 through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have not identified any such material.

- 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 other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have not identified any such material.

- 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 transcripts or recordings of any speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. When I speak in public, it is frequently without notes. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have identified the following:

University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia
October 26, 2020

National Security Law Group
Copy not available.

During this presentation to current University of Virginia law students interested in national security issues, I shared my experiences relating to the prosecutions I led on behalf of my Office in the aftermath of the Unite the Right riots of August 2017.

University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia
March 23, 2020

Law and Public Service, Guest Lecturer
Copy not available.

I was a guest lecturer to the University of Virginia Law School's Law and Public Service class, during which I shared some of my experiences as a federal prosecutor, including those relating to the prosecutions I led on behalf of my Office in the aftermath of the Unite the Right riots of August 2017.

University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia
February 7, 2020

Law and Public Service Conference – “Shaping Justice by Engaging Communities”
Copy not available.

At this conference, I was awarded the Shaping Justice Award for Extraordinary

Achievement in Public Service by the University of Virginia School of Law. When presented the award, I was asked to give remarks to the conference, during which I shared some of my experiences regarding completed prosecutions I had recently led on behalf of my Office in the aftermath of the Unite the Right riots of August 2017.

University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia
February 5, 2019
Law and Public Service, Guest Lecturer
Copy not available.

I was a guest lecturer to the University of Virginia Law School's Law and Public Service class, during which I shared some of my experiences as a federal prosecutor, including those relating to the prosecutions I led on behalf of my Office in the aftermath of the Unite the Right riots of August 2017.

Korean Institute of Criminology
114 Taebong-no, Seocho-gu
Seoul, Republic of Korea
December 7, 2016
Korean Institute of Criminology International Forum 2016
Challenges and Opportunities in Criminal Justice for Combatting Terrorism
Copy not available.

At this conference, I presented on the importance of extraterritorial prosecutions for crimes committed by United States citizens abroad, and the legal and logistical issues presented by such prosecutions.

Since October 2014, when I moved to Charlottesville, Virginia, I have frequently agreed to serve on panels or question-and-answer sessions with students at the University of Virginia School of Law. These panels are often oriented towards providing career advice to law students who aspire to become public servants, and in particular, federal prosecutors and criminal defense lawyers. When I have participated in such panels, the remarks were not recorded, I spoke without notes, and there was no press coverage or transcript of the remarks of which I am aware.

- 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.

Fatal Attraction: Raging Revenge (TV One Television Broadcast, March 3, 2014) (a true crime, documentary television series episode focusing on a homicide I prosecuted). Copy supplied.

Christopher Kavanaugh '06 Discusses Work as Federal Prosecutor, UNIVERSITY

OF VIRGINIA SCHOOL OF LAW, June 15, 2011. Copy supplied.

In 2001, in my role as Student Body President of Georgia Tech, I appeared as a guest on the Fox television show “The O’Reilly Factor” to address ways that Georgia Tech student body was seeking to mitigate alcohol abuse on college campuses. I have not been able to identify the specific date or a copy of that appearance.

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.

I have not run for public office.

- 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.

I have never been a candidate of a political party for any elective public office, nor rendered service to any political party or election committee.

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 served as a law clerk to the Honorable James C. Cacheris, United States District Judge for the Eastern District of Virginia in Alexandria, Virginia, from 2006 – 2007.

- 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 2007 – September 2014
Assistant United States Attorney
U.S. Attorney’s Office for the District of Columbia
555 Fourth Street NW
Washington, DC 20530

September 2012 – Present
Adjunct Professor
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903

September 2014 – Present
U.S. Attorney’s Office for the Western District of Virginia
255 W. Main Street
Charlottesville, Virginia 22902
Counsel to the U.S. Attorney, September 2020 - Present
Senior Litigation Counsel, September 2020 - Present
Assistant United States Attorney, September 2014 – September 2020

- 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 2006 to 2007, I served as a judicial law clerk to a federal district judge, researching and drafting memoranda and opinions.

From 2007 to 2014, I served as an Assistant United States Attorney for the United States Attorney’s Office for the District of Columbia. During the first part of that term (from 2007 to 2011), I served in the Misdemeanor, Appellate, Felony Major Crimes, and Homicide Sections, all of which practice in the Superior Court for the District of Columbia. In these sections, I worked closely with patrol officers, investigators, and detectives with the Metropolitan Police Department to investigate, charge, and try crimes that occurred in Washington, D.C.

From 2011 to 2014, I worked as an Assistant United States Attorney on the “federal” side of the United States Attorney’s Office for the District of

Columbia in the Fraud and Public Corruption Section and the National Security Section. During this time, I investigated and prosecuted white-collar crimes and national security offenses in United States District Court for the District of Columbia.

From 2014 to present, I have served as an Assistant United States Attorney for the Western District of Virginia, primarily focused on the investigation and prosecution of civil rights violations, hate crimes, and domestic terrorism that occur within the District. I am also the chief national security prosecutor in the District. In that role, I serve as the primary point of contact for federal law enforcement agencies in the District that are investigating potential domestic or international terrorism, as well as the primary point of contact for the National Security Division at the Department of Justice. I also prosecute white collar offenses, violent crime, and other matters as necessary to meet the mission of our Office.

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

After a one-year clerkship from 2006-2007, I have served as an Assistant United States Attorney for the last 14 years, and accordingly, my only client in my career has been the United States of America.

- 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%
- 2. state courts of record;
- 3. other courts;
- 4. administrative agencies

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings;
- 2. criminal proceedings. 100%

- 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.

To the best of my recollection, I have tried approximately 45 criminal cases to verdict. Of those, I was sole counsel in approximately 33 cases, chief counsel in approximately 3 cases, and associate counsel in approximately 9 cases.

i. What percentage of these trials were:

1. jury; 67%
2. non-jury. 33%

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.

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

1. United States v. James Alex Fields, Jr.,

Case No. 3:18-cr-00011-MFU

United States District Court for the Western District of Virginia

The Honorable Michael F. Urbanski

2017-2018

The “Unite-the-Right” riots of Charlottesville, Virginia on August 12, 2017 culminated in a mass-casualty event when an avowed white supremacist, James Fields, intentionally drove his car into a crowd of racially diverse peaceful protestors, killing 32-year-old Heather Heyer and severely injuring dozens more.

Immediately after the attack, I was appointed to lead a comprehensive, nine-month federal civil rights investigation into the events of that day, identifying and interviewing victims, and unearthing the defendant’s motive for the attack. In June 2018, we indicted Fields with 30 federal civil rights violations, including 29 violations of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act. In March 2019, Fields pleaded guilty to these 29 hate crimes, and on June 28, 2019, at the conclusion of a day-long sentencing hearing during which we presented extensive sworn testimony from our investigation and 23 victim impact

statements, the United States requested and the Court sentenced the defendant to 29 life sentences, one for each victim.

In addition to leading the investigation and authoring the indictment, I led plea negotiations with defense counsel and authored the plea agreement. I appeared as the representative of the United States at the defendant's plea hearing. In advance of sentencing, I was the chief author of the 50-page sentencing memorandum detailing the background of the case and the evidence from the investigation. At the sentencing, I presented the live, sworn testimony detailing the events before, during, and after the attack, as well as the victim impact statements of 23 victims.

Co-Counsel:

The Honorable Thomas T. Cullen (Former United States Attorney)
United States District Judge
210 Franklin Road Southwest
Suite 200
Roanoke, Virginia 24011
(540) 857-5122

Risa Berkower, Trial Attorney
Civil Rights Division
United States Department of Justice
United States Attorney's Office
555 Fourth Street NW
Washington, DC 20530
(203) 589-4807

Opposing Counsel:

Lisa M. Lorish (Principal)
Frederick T. Heblich
Federal Public Defender's Office
Western District of Virginia - Charlottesville
401 E Market Street, Suite 106
Charlottesville, Virginia 22902
(434) 220-3380

2. United States v. Benjamin Drake Daley, et al.,

Case No. 3:18-cr-0025
United States District Court for the Western District of Virginia
The Honorable Norman K. Moon
2017-2019

Benjamin Daley and his codefendants were members of a militant white-supremacist group based in Southern California known as the "Rise Above

Movement” or “RAM.” RAM represented itself as a combat-ready, militant group of white nationalists. RAM and its members expressed through social-media platforms and other means their anti-Semitic, racist, and white-supremacist views and promoted violence against those they perceived to be political enemies.

In the spring of 2017, Daley and his co-defendants attended various political rallies throughout California, where they attacked and committed acts of violence against counter-protestors. In August 2017, Daley and his co-defendants traveled from California to Charlottesville to attend the “Unite the Right” rally. On August 11, 2017, they participated in the torch-lit march on the grounds of the University of Virginia, shouting racial epithets and anti-Semitic phrases. This march culminated near the statue of Thomas Jefferson, where the marchers surrounded a smaller group of UVA students and counter-protestors. Violence soon erupted, with some individuals, including Daley and his co-defendants, committing acts of violence against the counter-protestors. The following day, Daley and his codefendants, while making their way to a downtown park, attacked a group of counter-protestors on Second Street, including an African American man, two women, and several members of a church. Later in the day, Daley and his co-defendants engaged in other riotous conduct at various locations in downtown Charlottesville.

I led the federal investigation into the Rise Above Movement and its members, in which we marshaled evidence from California and Charlottesville to support the theory that the defendants had violated the rarely used federal Anti-Riot Act, 18 U.S.C. § 2101. This law, which was passed in 1968 in the wake of Vietnam War protests, had not been used by federal prosecutors in years, and to my knowledge never against members of a white-supremacist organization. In October 2018, after a lengthy investigation, we indicted Daley and his codefendants for substantive violations of § 2101 in Charlottesville and for a far-reaching conspiracy to violate § 2101 that started in California and ended in Charlottesville.

After we successfully defended the constitutionality of the statute before the district court, I negotiated the guilty pleas of all defendants. I authored the plea agreements and the sentencing memoranda for all defendants. On July 19, 2018, at the sentencing hearing, I presented hours of live testimony and argument in support of our theory that these defendants committed hate-crimes because of their motivation and hatred of African Americans, women, and Jewish people. The district court sentenced Daley and his two-co-defendants to terms of incarceration between 27 and 37 months.

Co-Counsel:

The Honorable Thomas T. Cullen (Former United States Attorney)
United States District Judge
210 Franklin Road Southwest
Suite 200

Roanoke, Virginia 24011
(540) 857-5122

Opposing Counsel:

Lisa M. Lorish (Principal)
Federal Public Defender's Office
Western District of Virginia - Charlottesville
401 East Market Street, Suite 106
Charlottesville, Virginia 22902
434-220-3380

3. United States v. Paul Slough, et al.,
United States v. Nicholas Slatten,
Case No. 1:08-cr-00360 - RCL
Case No. 1:14-cr-000107 - RCL
United States District Court for the District of Columbia
The Honorable Royce C. Lamberth
2012-2014

On September 16, 2007, a Blackwater team known as "Raven 23" entered Nisur Square in Baghdad, Iraq, a traffic circle located just outside of the Green Zone. Shortly after stopping in the traffic circle, certain members of Raven 23 opened fire on civilian vehicles and unarmed pedestrians, using a sniper rifle, machine guns, and rocket-propelled grenades, and killed 14 Iraqi civilians, including women and children. At least 18 others were injured.

After seven years of litigation, including a dismissal and a successful government appeal reinstating the case, a new trial team was assembled to investigate the case. I was one of three AUSAs on that new trial team. In October 2013, we obtained new indictments against the defendants charging one defendant with first-degree murder and three defendants with 14 counts of manslaughter and 18 counts of attempted manslaughter. In the Spring 2014, I traveled to Baghdad, Iraq to meet with and prepare civilian Iraqi witnesses for their testimony in a United States court. In preparation for trial, I authored and argued numerous pretrial motions relating to the presentation of evidence and legal issues of venue.

The trial lasted over four months from jury selection to verdict. The presentation of evidence to the jury occurred over 11 weeks. Every day, I was one of three AUSAs presenting witness testimony and evidence to the jury, and argument to the Court. I presented the testimony of more than 25 witnesses, including Iraqi civilians, uniformed members of the United States military, and FBI experts on explosives and destructive devices. In the end, the jury returned guilty verdicts on almost every charge. The four defendants were sentenced to terms of incarceration of 12 years, 14 years, 15 years, and life without possibility of

release, respectively. On December 22, 2021, the four defendants received an executive pardon.

Co-Counsel:

T. Patrick Martin (Former AUSA)
National Insurance Crime Bureau
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United States Attorney's Office
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Anthony Asuncion
Chief, Policy, Legislation, and Regulations Division
U.S. Department of Commerce
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Opposing Counsel:

Michael Jeremy Baratz
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1330 Connecticut Avenue, NW
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Thomas Gerard Connolly
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1919 M Street, NW
8th Floor
Washington, DC 20036
(202) 730-1339

4. United States v. Daniel McMahon,

3:19-cr-00014-NKM

United States District Court for the Western District of Virginia
The Honorable Norman K. Moon
2019-2020

In January 2019, a local African American activist from Charlottesville named Don Gathers announced his candidacy for the Democratic nomination for the Charlottesville City Council. In the aftermath of the Unite-the-Right rally, however, the city of Charlottesville still garnered the attention of white supremacists throughout the United States. After Mr. Gathers' announcement, a white supremacist in Florida named Daniel McMahon waged an online campaign of racially motivated intimidation and threats of force and violence to intimidate Gathers and to force him to drop out of the race. The campaign worked. After learning of the threats, Gathers dropped out of the race, and the defendant declared victory to his thousands of followers.

I led the multi-jurisdictional investigation into Daniel McMahon's threat campaign, joined by the Department of Justice's Civil Rights Division and the United States Attorney's Office for the Middle District of Florida. This

investigation culminated in an indictment in the Western District of Virginia, charging the defendant with hate crimes, interfering with an election through force and violence, and cyberstalking. The defendant elected to plead guilty to a hate crime – specifically racially motivated interference with an election, in violation of 18 U.S.C. § 245 – and cyberstalking in violation of 18 U.S.C. § 2261A.

In addition to leading the investigation, I was the principal author of the indictment and negotiated the plea agreement. I also was the principal author of the sentencing memorandum and presented the victim impact statement and the closing argument of the government at sentencing. The Court imposed a 41-month term of incarceration.

Co-Counsel

Risa Berkower, Trial Attorney
Civil Rights Division
United States Department of Justice
United States Attorney's Office
555 Fourth Street NW
Washington, DC 20530
(203) 589-4807

Daniel George
Assistant U.S. Attorney
United States Attorney's Office, Middle District of Florida
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6028

Opposing Counsel:

Jessica Fay Phillips
Royer, Caramanis & McDonough, PLC
200-C Garrett Street
Charlottesville, Virginia 22902
(434) 260-8767

5. United States v. Daniel Mathis, et al.
Case No: 3:14CR00016 (W.D. Va.)
Appeal Reported at: 923 F.3d 242 (4th Cir. 2019).
United States District Court for the Western District of Virginia
The Honorable Glen E. Conrad (Trial)
United States Court of Appeals for the Fourth Circuit
Hon. Barbara Keenan, Hon. Albert Diaz, Hon. Allyson K. Duncan (Appeal)
2014-2016 (Trial)

2016-2018 (Appeal)

In the early morning hours of January 31, 2014, Captain Kevin Quick of the Waynesboro Police Department went missing. A joint, multi-jurisdictional manhunt soon revealed, that Quick had been carjacked, kidnapped, and executed by members of the violent criminal enterprise known as the Double Nine Goon Syndikate, (“DNGS”) associated with the United Blood Nation. The DNGS had committed a series of unsolved armed robberies, kidnappings, assaults, and home invasions that had terrorized innocent civilians of Central Virginia in late 2013 and early 2014. Ten members of the DNGS were charged in a RICO conspiracy, and four subsequently pleaded guilty.

In October 2014, the grand jury returned of a 33-count indictment for Witness-Tampering Murder, RICO Conspiracy, Hobbs Act Robbery, and firearms offenses. The venue for this six codefendant trial was changed from Charlottesville to Roanoke due to publicity and safety concerns. As a member of the trial team, I authored numerous pre-trial pleadings and argued them before the Court. During the month-long trial, I conducted the direct examination of over 20 witnesses, including the lead cooperating witness who provided the most devastating evidence against the defendants. I also presented the government’s 90-minute closing argument and rebuttal argument, after which the jury returned guilty verdicts on every charge. The four defendants who were charged with Captain Quick’s murder received life sentences, and two of the defendants who led the organization and had obstructed justice received terms of incarceration greater than 10 years.

The defendants jointly appealed, raising over ten legal issues with the trial and seeking to overturn the jury’s verdicts. I authored the 114-page brief responding to all arguments, and I presented oral argument of the case before the Fourth Circuit on January 24, 2018. On July 31, 2019, the Fourth Circuit affirmed all the convictions in a published opinion, except one I had conceded due to a recent change in the law surrounding 18 U.S.C. § 924(c)’s definition of a crime of violence.

Co-Counsel:

Ronald M. Huber
Assistant United States Attorney
Office of the United States Attorney
255 West Main Street
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Rusty McGuire
Commonwealth Attorney
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6. United States v. Justin Stallings

Case No. 6:17-cr-0008-NKM
United States District Court for the Western District of Virginia
The Honorable Norman K. Moon
2017-2019

I investigated, indicted, and tried a spree of violent armed robberies committed by Justin Lee Stallings at stores and businesses throughout Danville and Lynchburg communities. From December 2016 to February 2017, Stallings committed seven commercial robberies of Dollar Generals, a KFC, and small gas stations and convenience stores. Stallings would often wear the same clothing in each robbery, including a facemask to hide his identity, and he always used a firearm to threaten the lives of store employees if they refused to cooperate.

By piecing together the overlapping consistencies in the time, place, and manner of each robbery, the whereabouts of his cell phone, the recovery of stolen property and the facemask in his home, and the cooperation of his sister, we indicted Stallings for committing seven Hobbs Act Robberies in the greater Danville and Lynchburg areas. My co-counsel and I tried the case to a jury in the federal courthouse in the Lynchburg Division. I presented the opening statement, and over the course of several days, my co-counsel and I presented the testimony of 15 civilian witnesses, law enforcement officials, experts, and a cooperating witness who recanted her cooperation before the jury. The jury convicted the defendant of all charges, and he was sentenced to over 50 years' imprisonment.

Co-Counsel:

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Opposing Counsel:

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7. United States v. Frank Amnott, et al.

Case No. 5:19CR00017-EKD

United States District Court for the Western District of Virginia

The Honorable Elizabeth K. Dillon

2018-2021

On the evening of July 29, 2018, Frank Amnott and three of his co-defendants attempted an armed home invasion at a Mennonite family's home in the rural community of Dayton, Virginia. The intruders bound the father by the wrists and held him at gunpoint, but the mother had escaped to a nearby cornfield and called law enforcement. Law enforcement quickly responded and foiled the plot, arresting Amnott on the scene. Amnott's co-conspirators fled the scene, and soon thereafter, the United States. A joint local and federal investigation quickly revealed that Amnott and his co-conspirators had been surveilling homes in the area with a plan to kidnap five children from two separate homes and to murder their respective parents to eliminate witnesses. Amnott's co-conspirators have since been arrested, detained, and are pending extradition in Scotland.

I led the federal investigation of the case and brought charges by criminal complaint against all four defendants. I negotiated the plea and secured the cooperation of Frank Amnott, who pleaded guilty on December 11, 2019, to Conspiracy to Kill Witnesses and Conspiracy to Kidnap Minor Children. I also secured the provisional arrest warrant to authorize the co-conspirators' arrest abroad, and I authored pleadings in support of extradition before the Courts in Scotland, where the matter is ongoing.

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8. United States v. Brian Gaither, et al.

Case No. 2011 CF1 1426

Superior Court for the District of Columbia

The Honorable William Jackson
The Honorable Russell F. Canan
2009-2012

Latisha Frazier was a poor, 17-year-old, single mother in Southeast, Washington, D.C. In August 2009, Frazier disappeared. She had last been seen getting off the bus after work to go to a friend's house.

In January 2010, a witness came forward to report that Frazier's associates had suspected her of stealing money and had lured her to an apartment under the false pretense of socializing. These six associates – between 16 and 22 years of age – then kidnapped, strangled, and murdered her. To cover up their crime, the defendants attempted to dismember Frazier, and they disposed of her body in a dumpster. Her body was never recovered.

I led the investigation and prosecution of the six codefendants, five of whom pleaded guilty and one who proceeded to trial. I negotiated and authored sentencing memoranda for the five defendants who pleaded guilty, some of whom testified at trial against the remaining defendant. My co-counsel and I authored and filed pretrial sentencing memoranda and presented live testimony of civilians, cooperating witnesses, and experts during a week-long trial. On April 30, 2013, the jury convicted the remaining defendant, and the Court sentenced him to 52 years' imprisonment. This case represented one of a small handful of successful so-called "no-body" prosecutions in Washington, D.C.

Co-Counsel:

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*I have not been able to identify a phone number.

9. United States v. Beam Bros. Trucking, et al

Case No. 5:17-cr-007-MFU
United States District Court for the Western District of Virginia
The Honorable Michael F. Urbanski
2014-2017

I served as co-counsel in the investigation and prosecution of Beam Bros. Trucking Company, a Mt. Crawford-based trucking company that specialized in hauling mail for the United States Postal Service. After a lengthy investigation, a grand jury returned a 126-count Indictment against Beam Bros. Trucking, its holding company, and its owners and officers for conspiracy to commit wire fraud and to make false statements in violation of highway safety regulations. As the case was proceeding to trial, I negotiated the plea agreement between the United States and the six defendants, to including the restitution, fines, and forfeiture. Beam Bros. Trucking and its Holding Company pled guilty to felony conspiracy charges, admitting they had encouraged and caused drivers to violate highway safety regulations and falsify certifications in compliance, and conspired to commit wire fraud by systematically failing to pay their drivers for every hour worked. The four officers pled guilty to a misdemeanor conspiracy to violate highway safety regulations. As part of the plea agreement, the company forfeited \$ 2,000,000, paid \$ 922,000 in restitution to drivers, and agreed to \$ 500,000 in fines.

Co-Counsel:

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Opposing Counsel:

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10. United States v. Gilbert Arenas,
Case No.: 2010 CF2 904
Superior Court for the District of Columbia
The Honorable Robert E. Morin
2009-2010

I investigated and brought charges against Gilbert Arenas and Javaris Crittenton, two professional basketball players for the Washington Wizards who engaged in an armed locker-room confrontation. Arenas was charged with and pleaded guilty to a felony gun possession charge on January 15, 2010. I negotiated the plea agreement and authored the government's sentencing memorandum, and I presented the government's allocution at sentencing. On March 26, 2010, the

Court sentenced Arenas to one month in a halfway house, followed by one year of probation.

I also negotiated and authored the plea agreement and sentencing memorandum for Javaris Crittenton, and I presented the government's allocution at sentencing. Crittenton was sentenced to probation.

Opposing Counsel:

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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.)

1. National Security/Anti-Terrorism Advisory Council Coordinator

From 2018 to the present, I have served as the chief national security prosecutor for the Western District of Virginia. In this role, I investigate and assess national security threats of potential terrorism and counter-intelligence issues facing the District. Some of these matters may be investigated and closed within 24-48 hours, either due to a lack of evidence or an assessment that a threat is not credible. Other matters may require substantial resources, investigation, and consideration for charges, only to end in a decision not to prosecute and to close the matter. The thorough investigation of these matters, regardless of whether charges are brought, serves a critical function to any Office's successful national security practice.

Moreover, because this role requires my detailed attention to threats that occur throughout the entire District, it has allowed me the opportunity to forge relationships and practice in courthouses well beyond the Charlottesville Division where my Office resides. For example, I have presented to University leadership throughout the District (in Winchester, Blacksburg, and Charlottesville) about the threat of foreign influence in federally sponsored research, which is widespread among world-class research universities like those in the Western District of Virginia. I also have had the chance to prosecute a false statements case involving terrorism in Abingdon, Virginia.

I also am the principal point of contact for the Department of Justice's National Security Division. This role includes apprising "Main Justice" of any national security or terrorism issues occurring in our District, especially if they are rapidly unfolding.

2. Counsel to the United States Attorney

In September 2020, I was appointed to serve as Counsel to the United States Attorney. The new Acting United States Attorney, who had served as First Assistant U.S. Attorney, needed another person to serve in senior management to provide guidance and support for management-related issues of the Office. This experience has given me valuable insight into the role and activities of the United States Attorney.

3. President Obama's Clemency Initiative

During President Obama's administration, I reviewed and recommended to the United States Pardon Attorney numerous petitions for clemency of nonviolent drug offenders who had received substantial sentences under prior Department of Justice policy. Each clemency request required a thorough examination of the record, including the individual's personal and criminal history, presentence reports, equitable factors weighing in favor or against clemency, the law and DOJ policy at the time of the sentence, and a new calculation as to what sentence that individual would face under current law and DOJ policy. For example, I recommended clemency be granted to a non-violent drug offender who had received a 240-month sentence for possessing with intent to distribute five or more grams of cocaine base as recovered from a traffic stop. The recommendation was accepted, and President Obama granted clemency and commuted his sentence to 151 months. In another example, I recommended that a non-violent drug offender who was part of a 36-person drug conspiracy have her 240-month sentence reduced. This recommendation was also accepted, and President Obama granted clemency and commuted her sentence to 120 months, conditioned upon enrollment in residential drug treatment.

4. South Korean International Symposium on National Security

In December 2016, I represented the United States Department of Justice at the South Korean International Symposium on National Security in Seoul, South Korea. The conference was hosted by the Korean Institute of Criminology and was dedicated to the international collaboration on the prevention and prosecution of national security

offenses. Drawing on my experience from the Blackwater prosecution, I presented to academics, United Nations' delegates, and prosecutors from throughout the world on the importance of extraterritorial prosecutions for crimes committed by United States citizens abroad, and the legal and logistical issues presented by such prosecutions.

5. Crisis Management Coordinator

From 2017 to the present, I have served as the chief point of contact for crisis management and rapid response in the event of a large-scale criminal episode or mass-casualty event (often referred to as a "critical incident"). Since taking over the role, I have revamped the Office's critical incident response plan, which has been disseminated as a model to other Districts throughout the United States. In this role, in the event of a potential critical incident, I would discuss with senior management whether to enact the Critical Incident Response Plan and would lead our Office's efforts to respond. Moreover, once a year, the Critical Incident Response Team meets to review and modify the plan as necessary. These changes have resulted in the Western District of Virginia being viewed as a standard for critical incident response. As a result, we are routinely asked to present to other Offices how to react to such an episode.

6. Senior Litigation Counsel

In September 2020, I was appointed to serve as Senior Litigation Counsel. This position is part of the senior management of the Office. Among other things, this role involves educating other federal prosecutors in the Office about new changes in the law and serving as counsel and mentor to federal prosecutors who have recently joined the Office. Most recently, I conducted a training on intermediate and advance grand jury techniques for other prosecutors in my Office.

7. District Elections Officer

In January 2020, the United States Attorney appointed me as the District Election Officer for the Western District of Virginia to address our Office's role in federal election-related crimes and investigations. In this role, we formed a team of prosecutors that was spread geographically throughout the District, and I coordinated with the FBI, local law enforcement, and election officials. In the Western District of Virginia, this year's primary concern was voter suppression or intimidation at the polls by armed groups or individuals. In the end, no claims of intimidation, coercion, or fraud were lodged with our Office.

8. National Security Cyber Specialist

In 2018, the United States Attorney appointed me to serve as the National Security Cyber Specialist. In this role, I serve as part of a nationwide network of federal prosecutors who have been trained to investigate cyber-attacks and cyber-based threats, and I am the designated point of contact to respond to any such attacks or threats within the Western District of Virginia.

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.

For the past nine years, I have taught as an Adjunct Professor at the University of Virginia School of Law. I currently teach two full semester courses, and a copy of the syllabus for each course is attached.

Federal Criminal Pre-Trial and Practice, University of Virginia School of Law,
Fall Semester, 2018 – Present

Trial Advocacy, University of Virginia School of Law,
Spring Semester, 2011 – Present

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.

I have no arrangements in the future to be compensated for any financial or business interest.

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).

Please 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, 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. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

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.

My entire career has been devoted to public service as a career federal prosecutor. In this role, I have had the opportunity to work with and assist victims of crime, many of whom have been disadvantaged.