

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Darcie Nicole McElwee (maiden/public/professional)
Darcie McElwee Leighton (legal/personal)

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

United States Attorney, District of Maine

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:
United States Attorney's Office
100 Middle Street
East Tower – 6th Floor
Portland, ME 04101

Residence:
Scarborough, ME

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

1973; Portland, ME

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 Maine School of Law, 1996 – 1998
J.D. – May 1998

Franklin Pierce Law Center, 1995 – 1996
(1L Year Completed Pre-Transfer to the University of Maine School of Law)

Bowdoin College, 1991 – 1995
A.B. Government & English – May 1995

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 2002 – Present

Assistant United States Attorney

United States Attorney's Office

100 Middle Street, East Tower – 6th Floor, Portland, ME 04101

Paid

March 2021 – Present

Member, Board of Directors

Fiddlehead Center for the Arts

226 Gorham Road, Scarborough, ME 04074

Unpaid

September 2012 – Present

Treasurer, Board of Directors

Seacoast Area Mothers of Multiples

The organization has no physical address. The website is at www.samomclub.org.

Unpaid

September 2000– September 2008

President, Board of Directors (September 2007 – September 2008)

Member, Board of Directors (September 2000 – September 2007)

Maine Women's Fund

565 Congress Street, Portland, ME 04101

Unpaid

September 2005 – May 2008

Adjunct Law Professor

University of Maine School of Law

246 Deering Avenue, Portland, ME 04102

Paid

August 1998 – September 2002

Assistant District Attorney

Prosecutorial District V

97 Hammond Street, Bangor, ME 04401

Paid

May 1997 – May 1998
Intern
Cumberland District Attorney's Office
142 Federal Street, Portland, ME 04101
Paid

May 1996 – August 1996
Intern
Smith Elliott Smith & Garmey
100 Commercial Street, Portland, ME 04101
Paid

June 1995 – August 1995
Bank Teller
First Citizens Bank
9 Dyer Street, Presque Isle, ME 04769
Paid

June 1995 – August 1995
Waitress/Carhop
Winnie's Dairy Bar
79 Parson Street, Presque Isle, ME 04769
Paid

June 1995 – August 1995
Legal Secretary
Law Office of John D. McElwee, Esq.
245 Sweden Street, Caribou, ME 04736
Paid

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.

Fellowship, American College of Trial Lawyers, 2020
Scholarship, American College of Trial Lawyers, 1998
Best Advocate Award, Northeast Regional Trial Competition, 1998

Best Brief Award, Trilateral Moot Court Competition, 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.

American College of Trial Lawyers
Maine State Committee (November 2020 – Present)

Maine Trial Lawyers Association
College of Trial Advocacy Faculty (2019 & 2011)

Cumberland Bar Association
Board President (June 2011 – June 2012)
General Committee Member (June 2004 – June 2011)

Piscataquis County Bar Association

Penobscot County Bar Association

Edward Thaxter Gignoux Inn of Court

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.

Maine, October 1998

Massachusetts, January 1999

Reason for lapse: Inactive membership (I have never practiced law in MA)

Except as noted, 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 First Circuit (April 2011)

United States District Court for the District of Maine (November 2000)

All state courts in Maine (October 1998)

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.

Fiddlehead Center for the Arts (2021 – Present)
Board Member (March 2021 – Present)

Bowdoin College “50 Years of Women” Leadership Weekend
Host Committee Member (October 2020 – Present)

Volunteer Lawyers Project (2020 – Present)
Lawyer of the Day (August 2020 – Present)

Maine School Safety Center Threat Assessment Advisory Committee
(2020 – Present)

SheJams Triathlon Training Club (2017 – Present)

Seacoast Area Mothers of Multiples (2012 – Present)
Board Treasurer (2012 – Present)

National PSN Working Group (2008)

Maine Women’s Fund (2000 – 2008)
President (September 2007 – September 2008)
Board of Directors (2000 – 2007)

American Heart Association (1998 – 2000)
Board of Directors (1998 – 2000)

Literacy Volunteers (1998 – 2000)

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 organization 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.

SheJams is an all-women's triathlon training club founded in 2010 with a goal of building a community of women of all ages and abilities to actively train together in a supportive environment in an otherwise competitive sporting industry.

To my knowledge, none of the other listed organizations 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.

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, reports, letters to the editor, editorial pieces, or 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 located the following:

David Jaffe and Darcie McElwee, *Federally Prosecuting Juvenile Gang Members*, DOJ Journal of Federal Law and Practice (November 2020).
Copy supplied.

Darcie N. McElwee, *Juvenile Prosecution, Prevention, Intervention, and Education: A Collection of Project Sentry Programs*, United States Attorneys' Bulletin (March 2010). Copied supplied.

Darcie N. McElwee, *Federal Gun Laws and Your Client*, Maine Association of Criminal Defense Lawyers Newsletter (2011). Copy supplied.

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

I have done my best to identify all 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. I have not located any responsive items.

- 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 all 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 located any responsive items.

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

I have done my best to identify any copies, transcripts, recordings, and press reports of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Unless otherwise specifically noted below, I was unable to locate copies, transcripts, recordings, press reports, outlines or notes of these events. I frequently speak without the benefit of notes. I have attached copies of the presentations which I could find. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have identified the following lectures, panel discussions, and conferences at which I made presentations on the following topics.

Biddeford Regional Technology Center
10 Maplewood Avenue, Biddeford, Maine
November 19, 2020 (virtual)
January 9, 2020

I made an informal presentation to high school students regarding the job of a prosecutor and general information about pursuing a legal career.

University of Southern Maine
93 Falmouth Street, Portland, Maine
April 14, 2020 (virtual)

I presented informally to college students during a criminal justice class regarding the general nature of human trafficking prosecutions.

Maine State Bar Association
124 State Street, Augusta, Maine

December 11, 2019

I presented a lecture entitled *Federal Firearms Consequences of State Court Matters* during a seminar which provided continuing legal education to the association's attorneys. Copied supplied.

Caribou High School

308 Sweden Street, Caribou, Maine

October 29, 2019

I participated in a school-wide event focused on career paths. Multiple times throughout the day, I presented to high school students about the legal profession and the work of a prosecutor.

Maine Department of Labor

45 Commerce Drive, Augusta, Maine

July 24, 2019

I presented to a group of state employees who regularly come into contact with individuals who may be victims of labor trafficking in order to introduce the role of the United States Attorney's Office and describe fact patterns which could potentially result in federal labor trafficking cases in Maine.

Human Trafficking Survivors Conference

Orland, Maine

June 19, 2019

I presented in a panel discussion before human trafficking survivors from Maine about my experience working as a prosecutor handling human trafficking cases.

Empowerment Practice with Victims and Survivors of Violence Class

University of Southern Maine, 34 Bedford Street, Portland, Maine

November 21, 2017

I gave a presentation entitled *Overview of the Criminal Justice System – Maine* to students studying to be social workers and/or victim advocates. Copy supplied.

New England Council on Crime and Delinquency Conference

Maine Department of Corrections

State House Station 111, Augusta, Maine

November 6, 2017

I gave a presentation entitled *Federal Firearms Laws: DV & Felons* to professionals working in the corrections community. Copy supplied.

Maine Association of Criminal Defense Lawyers

Portland, Maine

June 16, 2017

I participated in a panel discussion before criminal defense attorneys from Maine about my experience working as a federal prosecutor handling criminal cases during a panel entitled *Federal Court Practice*.

Maine Commission on Indigent Legal Services Seminar
154 State House Station, Augusta, Maine
December 2, 2016
Federal Firearms Consequences of State Court Matters

Maine State Bar Association/Women's Law Section
124 State Street, Augusta, Maine
September 20, 2016

I spoke during a panel discussion before Maine attorneys about my experience working as a federal prosecutor during a panel entitled *Family Leave in the Practice of Law*.

Operation Hot Spot Community Meeting
Longely School, 145 Birch Street, Lewiston, Maine
August 16, 2016

I served on a panel of local, state, and federal officials who spoke to citizens of the City of Lewiston with federal/state/local partners regarding a community policing initiative known as *Operation Hot Spot*.

Empowerment Practice with Victims and Survivors of Violence Class
University of Southern Maine, 34 Bedford Street, Portland, Maine
June 24, 2016

July 1, 2015
Overview of the Criminal Justice System – Maine

Operation Hot Spot Community Meeting
The Root Cellar, 89 Birch Street, Lewiston, Maine
May 6, 2015

I served on a panel of local, state, and federal officials who spoke to citizens of the City of Lewiston with federal/state/local partners regarding a community policing initiative known as *Operation Hot Spot*.

Cumberland Bar Association
Freeport, Maine
April 28, 2015

Federal DV Law Refresher: The Intersection of Federal DV Laws and State Court Matters. Copy supplied.

Maine-New Hampshire Victim Assistance Academy
Cutler Institute, University of Southern Maine
34 Bedford Street, Portland, Maine
March 10, 2015

During an annual training academy for victim/witness advocates, I participated on a panel of state and federal law enforcement, prosecution, and medical professionals during which I discussed the federal prosecutor's role in a hypothetical training scenario involving domestic violence and sexual assault.

Domestic Violence Roundtable
Muskie School of Public Service, Portland, Maine
October 14, 2014

I served as a representative of the Department of Justice on a 25-person roundtable discussion about domestic violence prevention with guest speaker Former U.S. Representative Gabrielle Giffords. Copy of related article supplied.

Cumberland Bar Association
Freeport, Maine
September 17, 2014
Federal Firearms Consequences of State Court Matters

Empowerment Practice with Victims and Survivors of Violence Class
University of Southern Maine, 34 Bedford Street, Portland, Maine
July 30, 2014
June 5, 2013
June 15, 2011
May 26, 2010
Overview of the Criminal Justice System – Maine

Operation Hot Spot Community Meeting
The Root Cellar, 89 Birch Street, Lewiston, Maine
May 8, 2014
I served on a panel of local, state, and federal officials who spoke to citizens of the City of Lewiston with federal/state/local partners regarding a community policing initiative known as *Operation Hot Spot*.

Maine-New Hampshire Victim Assistance Academy
University of Southern Maine, 34 Bedford Street, Portland, Maine
April 1, 2014
March 19, 2013
May 1, 2012
September 21-22, 2011
March 22, 2011
March 23, 2010
During an annual training academy for victim/witness advocates, I gave a presentation entitled *Overview of the Criminal Justice System – Maine*. I also participated on a panel of state and federal law enforcement, prosecution, and medical professionals during which I discussed the federal prosecutor's role in a hypothetical training scenario involving domestic violence and sexual assault.

University of New England
Biddeford, Maine
March 13, 2012
April 4, 2011
I co-presented *Federal Firearms Laws and Violent Crime -- Criminal Justice*

System Overview with an ATF agent to a Crime and Deviance class.
Copy supplied.

Maine High School Mock Trial Program
University of Southern Maine – Glickman Library
314 Forest Avenue, Portland, Maine
September 27, 2011
September 30, 2010

I presented a general orientation and feedback to high school participants and coaches regarding the fictional problem which served as the basis for the mock trial competition.

Women’s Law Association/University of Maine School of Law
246 Deering Avenue, Portland, Maine
November 19, 2010

I provided the introduction of a former colleague, Assistant District Attorney Alice Clifford, who received the *Outstanding Alumni Award*.
Article supplied.

Citizens Academy
Scarborough Police Department, 246 US-1, Scarborough, Maine
September 29, 2010
October 7, 2009

I presented a lecture entitled *The Federal Government in Maine* to attendees of a citizen academy offered at local police department. Copy supplied.

Maine State Bar Association
124 State Street, Augusta, Maine
January 22, 2010
Federal Gun Laws and Your Client: Felonies, Drug Use, Involuntary Mental Health Commitments and Domestic Violence

Maine High School Mock Trial Competition Program
University of Southern Maine - Glickman Library
314 Forest Avenue, Portland, Maine
October 6, 2009

I presented a general orientation and feedback to high school participants and coaches regarding the fictional problem which served as the basis for the mock trial competition.

Domestic Violence/Mental Health Professionals’ Conference
Augusta, Maine
September 17, 2009
Federal Firearms & Domestic Violence Law Summary

Cumberland Bar Association
Freeport, Maine
September 2, 2009
Federal Firearms & Domestic Violence Law Summary

Bolduc Pre-Release Center/Maine State Prison
516 Cushing Road, Warren, Maine
April 30, 2009
Federal Firearms & Domestic Violence Law Summary

Maine Civil Rights Team Training
Augusta, Maine
October 8, 2008
I attended training of high school students and teachers to introduce myself as the *Project Sentry* Coordinator, explain the DOJ initiative, and offer the assistance of the United States Attorney's Office on issues related to school gun violence, bullying, and teen dating violence.

Diversion & Re-Entry Summit
Maine Probation & Parole
25 Tyson Drive, Augusta, Maine
September 5, 2008
Federal Firearms & Domestic Violence Law Summary

Forensic Grand Rounds Conference
Riverview Psychiatric Center
250 Arsenal Street, Augusta, Maine
June 17, 2008
Federal Firearms & Domestic Violence Law Summary

Maine Women's Fund
565 Congress Street, Portland, Maine
May 2008
As the President of the Board of Directors, I gave remarks during the organization's annual dinner.

Maine High School Mock Trial Competition Program
University of Southern Maine - Glickman Library
314 Forest Avenue, Portland, Maine
September 28, 2007
I presented a general orientation and feedback to high school participants and coaches regarding the fictional problem which served as the basis for the mock trial competition.

Maine-New Hampshire Victim Assistance Academy
Cutler Institute, University of Southern Maine

34 Bedford Street, Portland, Maine

March 20, 2007

During an annual training academy for victim/witness advocates, I participated on a panel of state and federal law enforcement, prosecution, and medical professionals during which I discussed the federal prosecutor's role in a hypothetical training scenario involving domestic violence and sexual assault.

Citizens Academy

Portland Police Department, 99 Middle Street, Portland, Maine

March 14, 2007

The Federal Government in Maine

Bolduc Pre-Release Center/Maine State Prison

516 Cushing Road, Warren, Maine

November 2, 2006

Federal Firearms & Domestic Violence Law Summary

Charleston Pre-Release Center/Maine State Prison

1202 Dover Road, Charleston, Maine

August 4, 2006

Federal Firearms & Domestic Violence Law Summary

Sagadahoc Weed & Seed Conference

Bath, Maine

May 16, 2006

Federal Firearms & Domestic Violence Law Summary

Maine High School Mock Trial Competition Program

University of Southern Maine - Glickman Library

314 Forest Avenue, Portland, Maine

September 26, 2005

I presented a general orientation and feedback to high school participants and coaches regarding the fictional problem which served as the basis for the mock trial competition.

Maine Correctional Center

17 Mallison Falls Road, Windham, Maine

September 19, 2005

Federal Firearms & Domestic Violence Law Summary

Corrections Professionals' Conference

Waterville, Maine

May 12, 2005

Federal Firearms Laws, PSN Maine and Project Sentry

Copy supplied.

Maine Civil Rights Team Training
Limestone, Maine
May 10, 2005

I attended training of high school students and teachers to introduce myself as the *Project Sentry* Coordinator, explain (without notes) the DOJ initiative, and offer the assistance of the United States Attorney's Office on issues related to school gun violence, bullying, and teen dating violence.

Impact on Crime Program Summit
Augusta, Maine
April 19, 2005
Federal Firearms & Domestic Violence Law Summary

Kids LAW Conference
Augusta, Maine
DOJ's Project Sentry/School Gun Violence Introduction
June 22, 2004

Maine Superintendents Association Conference
South Portland, Maine
February 5, 2003
DOJ's Project Sentry/School Gun Violence Introduction

Maine Potato Blossom Festival
Fort Fairfield, Maine
July 1992
I presented a speech regarding my year of service as the Maine Potato Blossom Queen.

Maine Legislature
State House, Augusta, Maine
Fall 1991
As the spokesperson for the Maine Potato Board/industry, I gave remarks to the legislators regarding the financial needs of Maine's potato farmers.

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

I have done my best to identify all interviews given, 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 located the following:

In May and June 2021, I was interviewed by a reporter from the New York

Times, Ellen Barry, regarding a story being developed about a criminal case I prosecuted, United States v. Nelson Dion. I do not have transcripts of these interviews and no story has been published to date to my knowledge.

Two People Held Without Bail in Sex Trafficking Case, LEGAL MONITOR WORLDWIDE, January 29, 2019. Copy supplied.

Couple Detained Pending Trial for Sex-Trafficking Operation, CANADIAN PRESS, January 22, 2019. Copy supplied.

Acquitted of Murder, Ortiz Faces New Charges...Set for Release from Jail Wednesday, He Was Instead Held for Being a Felon in Possession of a Gun, PORTLAND PRESS HERALD, June 28, 2018. Copy supplied.

New York Man Faces Gun Charge After Not-Guilty Verdict in Murder Case, PORTLAND PRESS HERALD, June 27, 2018. Copy supplied.

The Intruder, DATELINE NBC, November 5, 2017. Copy supplied.

Cheating Husband Gets Life in Prison, THE UNION LEADER, July 13, 2016. Copy supplied.

Jury Finds NH Man Guilty of Trying to Kill Wife, KENNEBEC JOURNAL, February 18, 2016. Copy supplied.

The Verdict; After about three hours, jurors agree with federal prosecutors: Gregory Owens tried to kill his wife in a home invasion in Saco late in 2014, PORTLAND PRESS HERALD, February 17, 2016. Copy supplied.

Londonderry Man Indicted for Shooting Wife, Friend in Maine, THE UNION LEADER, March 13, 2015. Copy supplied.

Husband Charged in Wife's Shooting, THE UNION LEADER, January 13, 2015. Copy supplied.

Victim's Boyfriend Sentenced for Gun; Cory Girard's Drug-Dealing Also is Cited as a Cause of his Girlfriend's Unsolved Slaying in 2010 in Portland, PORTLAND PRESS HERALD, January 29, 2016. Copy supplied.

Portland Installs More Parking Pay Stations; People on the Street Give the New Machines Mixed Reviews, PORTLAND PRESS HERALD, October 21, 2013. Copy supplied.

Brunswick Man Sentenced to 7 Years and a Day for Armed Robbery of Arundel Bank, BANGOR DAILY NEWS, January 7, 2013. Copy supplied.

N.H. Man Pleads Guilty to Sub Fire; Casey James Fury, 24, Faces More than 15 Years in Federal Prison for Starting Fires and Badly Damaging the USS Miami in Kittery, PORTLAND PRESS HERALD, November 9, 2012. Copy supplied.

Navy revises repair costs for USS Miami, THE UNION LEADER, August 23, 2012. Copy supplied.

Submarine Fire Suspect Can Plead Guilty, THE DAY, August 3, 2012. Copy supplied.

Rumford Man Pleads Guilty to Federal Gun Charge, SUN JOURNAL, October 22, 2009. Copy supplied.

Caribou Celebrates Its 150th, BANGOR DAILY NEWS, September 5, 2009. Copy supplied.

Robbery-Spree Suspect Faces Federal Charges; Richard Lee Campbell Allegedly Threatened Employees During a String of Greater Portland Crimes That Occurred in February, PORTLAND PRESS HERALD, July 23, 2009. Copy supplied.

Suspect Convicted in Bomb Explosion; Jonathan Poland Faces at Least Five Years in Federal Prison for Blowing up a Vending Machine in 2004, PORTLAND PRESS HERALD, September 2, 2006. Copy supplied.

Bowdoin and the Maine Volunteer Lawyers Project, BOWDOIN MAGAZINE, Fall 2005. Copy supplied.

Kittery Man Guilty of Arson, SEACOASTONLINE.COM, July 2, 2004. Copy supplied.

All Inductees Women at Lawyer Ceremony, BANGOR DAILY NEWS, October 28, 2000. Copy supplied.

Bangor Cabbie Acquitted in Assault; Driver Defended Car in December Incident, BANGOR DAILY NEWS, March 3, 2000. Copy supplied.

Construction Firm Fined for Unsecured Explosives, BANGOR DAILY NEWS, December 10, 1999. Copy supplied.

Teen Detained in Threatening at Milford, BANGOR DAILY NEWS, May 14, 1999. 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.

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 am a member of the Democratic Party but have not held a position or played a formal role in a political campaign.

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 clerked for a judge.

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

I have not practiced alone.

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

August 1998 – September 2002
Assistant District Attorney
Prosecutorial District V
97 Hammond Street, Bangor, ME 04401

September 2002 –Present
Assistant United States Attorney
United States Attorney’s Office
100 Middle Street, East Tower – 6th Floor, Portland, ME 04101

September 2005 – May 2008
Adjunct Law Professor
University of Maine School of Law
246 Deering Avenue, Portland, ME 04102

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

In 1997, while a law student, I was temporarily admitted to the bar of the State of Maine and I served as an Assistant District Attorney Student Intern in Cumberland County in Portland and West Bath, Maine. I represented the State of Maine in the prosecution of misdemeanor crimes, including one jury trial.

In 1998, after being formally admitted to the Maine Bar, I became an Assistant District Attorney, where my work included criminal prosecution on behalf of the State of Maine as to misdemeanor and felony crimes committed in Penobscot and Piscataquis Counties. I exclusively represented the State in the prosecution of misdemeanor and felony crimes, including handling frequent jury trials.

In 2002, I became an Assistant United States Attorney and coordinator for *Project Sentry* (a former DOJ anti-school gun violence initiative) for the United States Attorney's Office in Portland, Maine. Initially, I worked in the area of prevention and intervention focused on youth. At the same time, I began handling arson and firearms prosecutions.

In 2005, I became the *Project Safe Neighborhoods (PSN)* Coordinator, and began leading a task force of stakeholders from across the State focused on reducing gun violence and illegal gun possession. During the next ten years, I specialized in federal firearms prosecutions, in particular those involving domestic violence, as well as arson prosecutions.

In 2015, I began handling violent crime more broadly, including human trafficking, interstate domestic violence, cyberstalking, and child exploitation, which I primarily work on presently. I work closely with federal law enforcement agents during criminal investigations of these crimes, and I represent the United States in all court proceedings related to those cases to which I have been assigned.

During my time as an Assistant United States Attorney, I have solely represented the United States.

- 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.

With the exception of my programmatic responsibilities described above, nearly all of my practice has been in litigation and I have appeared in court frequently throughout my career.

- i. Indicate the percentage of your practice in:

1. federal courts; 80%
2. state courts of record; 20%
3. other courts; 0%
4. administrative agencies. 0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings; 0%
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.

As sole counsel, I have tried approximately 250 cases to verdict, judgment or final decision in courts of record (the majority of which involved misdemeanor bench trials in state court; and approximately 33 of which were felony jury trials in federal court). I have tried two cases to verdict as chief counsel (having a second chair); and I tried approximately 15 cases to verdict, judgment or final decision as associate counsel while serving as a second chair to another attorney.

- i. What percentage of these trials were:

1. jury; 25%
2. non-jury. 75%

- 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:

- 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. Gregory Owens

917 F.3d 26 (1st Cir.2019)

United States District Court for the District of Maine

The Honorable Nancy Torresen

2014 - 2015

On December 18, 2014, Owens, a New Hampshire resident, traveled across state lines in an attempt to kill his wife while she was visiting friends in Maine. During the home invasion, Owens shot his wife and the male homeowner, a long-time family friend. Both victims survived. Owens was charged with interstate domestic violence and discharging a firearm during and in relation to a crime of violence. I was lead counsel for the United States and so I presented the case for complaint and indictment, drafted responses to two motions to suppress and a motion to dismiss, handled the motion to suppress litigation, and, at trial, handled the opening statement, examined half of the witnesses, delivered the closing argument and presented the sentencing recommendation. Owens was convicted by a jury following a two-week trial, and later sentenced to life in prison.

Co-counsel:

AUSA James W. Chapman (retired)
100 Middle Street, East Tower, 6th Floor
Portland, ME 04101
(207) 780-3257

Opposing Counsel:

Sarah Churchill, Esq. (now Maine District Court Judge)
Cumberland County Unified Court

142 Federal Street
Portland, ME 04101
(207) 822-4200

2. United States v. Casey Fury

2:12-cr-186-GZS (D.Me.)
United States District Court for the District of Maine
The Honorable George Z. Singal
2012 - 2013

On May 23, 2012, Fury was an employee on the Portsmouth Naval Shipyard in Kittery, Maine, who set an intentional fire aboard the *USS Miami*, a nuclear submarine undergoing a dry dock overhaul. The fire injured seven people and caused approximately \$450 million in damage. The submarine was later decommissioned as a total loss. I was lead counsel for the United States and so I presented the case for complaint and filed the information, met with Navy officials at the Pentagon and victim firefighters in anticipation of a plea agreement, prepared and negotiated the plea agreement, and made the sentencing recommendation. Fury was convicted of arson by guilty plea, and later sentenced to 17 years in prison.

Co-counsel:

AUSA James W. Chapman (retired)
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(207) 780-3257

Opposing Counsel:

David Beneman, Esq.
Federal Defender's Office
One City Center
Portland, ME 04101
(207) 553-7070

3. United States v. Timothy Ortiz

2:18-cr-107-JAW (D.Me.)
United States District Court for the District of Maine
The Honorable John A. Woodcock
2018 - 2019

On September 26, 2016, Ortiz, a convicted felon, shot and killed a man during an argument over a drug debt at a known trap house. He was tried for the murder of that man in state court in Maine and acquitted. Ortiz was then charged with possession of a firearm by a felon arising out of the

same incident. I was counsel for the United States and so I presented the case for indictment, handled the plea, and made the sentencing recommendation. Ortiz was convicted by guilty plea, and later sentenced to 7.5 years in prison.

Opposing Counsel:

Luke Rioux, Esq.
97A Exchange Street – Suite 404
Portland, ME 04101
(207) 517-9342

4. United States v. William Gaudet
933 F.3d 11 (1st Cir. 2019)
United States District Court for the District of Maine

The Honorable George Z. Singal
2016 - 2018

On two occasions during the summer of 2010, Gaudet traveled between Maine and Pennsylvania with an eight-year-old child intending to engage in sexual activity with her. On both occasions, he sexually assaulted the child. Gaudet was charged with transporting a minor interstate intending to engage in criminal sexual activity and interstate travel with the intent to engage in illicit sexual conduct. I was counsel for the United States following the initial investigation when the case was opened by another attorney in my office. I later presented the case for indictment, handled all aspects of the jury trial, and presented the sentencing recommendation. Gaudet was convicted by a jury after a four-day trial, and later sentenced to life in prison.

Co-counsel:

AUSA Julia M. Lipez
100 Middle Street, East Tower, 6th Floor
Portland, ME 04101
(207) 780-3257

Opposing Counsel:

Peter Cyr, Esq.
85 Brackett Street
Portland, ME 04102
(207) 828-5900

5. United States v. Vincent Graham

976 F.3d 59 (1st Cir.2020)

United States District Court for the District of Maine

The Honorable John A. Woodcock

2018 – 2019

Between July and December 2015, Graham recruited an adult female to engage in commercial sex acts in Biddeford, Maine using force and threats to compel the female to prostitute for his profit. Graham verbally abused and assaulted the female, threatened her with violence and exploited her heroin addiction. Graham also distributed crack cocaine to the female. In December 2015, Graham also caused the adult female, and a second woman, to travel from Maine to New Hampshire and Massachusetts for purposes of prostitution. Graham was charged with multiple counts of sex trafficking, drug distribution and individuals in interstate commerce with the intent that they engage in prostitution. I became counsel for the United States during the criminal investigation stage after the matter was opened in my office by another attorney, so I presented the case for indictment, handed all aspects of the guilty pleas, and presented the sentencing recommendation. Graham was convicted by guilty plea, and later sentenced to approximately 27 years in prison.

Co-counsel:

AUSA Julia M. Lipez

100 Middle Street, East Tower, 6th Floor

Portland, ME 04101

(207) 780-3257

Opposing Counsel:

Peter Rodway, Esq.

120 Exchange Street – 4th Floor

Portland, ME 04101

(207) 773-8449

6. United States v. George Yeaton III

2:04-cr-123-GZS (D. Me.)

United States District Court for the District of Maine

The Honorable George Z. Singal

2004 - 2005

On October 28, 2004, Yeaton, a multi-time convicted felon, engaged in a stand-off with law enforcement while holding two minor children hostage with a shotgun inside a residence in Leeds, Maine. Yeaton was charged with being a felon and Armed Career Criminal in possession of a firearm.

I was counsel for the United States and so I prepared the case for indictment, handled the plea, and made the sentencing recommendation. Yeaton was convicted by guilty plea, and later sentenced to slightly more than 33 years in prison.

Opposing Counsel:

Thomas Goodwin, Esq. (retired)
94 Hogan Road
Lewiston, Maine 04240
(207) 783-1734

7. United States v. Shawn Sayer

748 F.3d 425 (1st Cir. 2014)
United States District Court for the District of Maine
The Honorable D. Brock Hornby
2010 - 2011

From August to November 2009, Sayer used the internet to stalk his former fiancée and steal her identity. He posted explicit photos of the victim online and impersonated her in order to invite men to visit her home and work for sex. I was initially counsel for the United States during which time I assisted in the investigation, charged Sayer by complaint, and presented the case for indictment. Another attorney in my office then took over the case. Sayer was convicted by conditional guilty plea, and later sentenced to 60 months in prison.

Co-Counsel:

AUSA Craig M. Wolff
100 Middle Street, East Tower, 6th Floor
Portland, ME 04101
(207) 780-3257

Defense Counsel:

Peter Rodway, Esq.
120 Exchange Street – 4th Floor
Portland, ME 04101
(207) 773-8449

8. United States v. Gary Irving

2:13-cr-208-GZS
United States District Court for the District of Maine
The Honorable George Z. Singal
2013 - 2014

On March 27, 2013, Gary Irving, a/k/a “Gregory Irving,” was arrested in Maine on a fugitive warrant from Massachusetts for a 1979 conviction for rape and other crimes. At the time of his arrest, he had nine firearms in his residence, including two illegal short-barreled firearms. Irving had been living in Maine under a false identity for 34 years, during which time he illegally used firearms to hunt. Irving was charged with being a fugitive in possession of firearms. I was counsel for the United States and so I prepared the case for indictment, handled the plea, and made the sentencing recommendation. Irving was convicted by guilty plea, and was later sentenced to 81 months in prison.

Opposing Counsel:

J. Hilary Billings, Esq. (retired)
Federal Defender’s Office
One City Center
Portland, ME 04101
(207) 553-7070

9. United States v. Otto Appelt

2:04-cr-32-GZS (D.Me.)

United States District Court for the District of Maine

The Honorable George Z. Singal
2003 - 2004

On November 12, 2002, Otto Appelt intentionally set fire to the apartment building from which he had recently been evicted while other tenants were asleep inside. Part of the building was used as a bed and breakfast for out-of-state guests. Appelt was charged with interstate arson. I was lead counsel for the United States and so I presented the case for indictment, and handled all aspects of the jury trial with co-counsel who assisted me as a guide as it was my first arson case. Appelt was convicted by a jury following a three-day trial, and was later sentenced to 96 months in prison and approximately \$395,917 in restitution.

Co-counsel:

AUSA Jonathan R. Chapman (retired)
100 Middle Street, East Tower, 6th Floor
Portland, ME 04101
(207) 780-3257

Opposing Counsel:

Joel Vincent, Esq.
80 Exchange Street
Portland, ME 04101
(207) 761-1931

10. United States v. Benjamin Lee

790 F.3d 12 (1st Cir.2015)
United States District Court for the District of Maine
The Honorable D. Brock Hornby
2012 - 2014

From April to September 2012, Lee used the internet to threaten and harass his estranged wife and her new boyfriend. In September, he traveled from Missouri to Maine with the intent to kill them at their Maine home. Lee was charged with two counts of interstate stalking. I was counsel for the United States and so I prepared the case for indictment, handled all aspects of the jury trial, and made the sentencing recommendation. Lee was convicted by a jury following a five-day trial, and later sentenced to 9 years in prison.

Opposing Counsel:

James Clifford, Esq.
75 Pearl Street – 2nd Floor
Portland, ME 04101
(207) 985-3200

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.)

All of my legal casework has involved litigation throughout my career; however, I have also carried programmatic responsibilities involving coordination of several violence reduction initiatives developed by the Department of Justice.

From 2002 until approximately 2005, I served as the coordinator for *Project Sentry*, which was focused on preventing and addressing school gun violence.

From 2005 to the present, I have served as our District's *Project Safe Neighborhoods (PSN)* Coordinator. *PSN* began as an anti-gun violence strategy and has transformed into

a more broad violence reduction strategy. Through this work, I have coordinated the work of a large team of stakeholders from across the District, such as police chiefs, sheriffs, prosecutors, victim advocates, business leaders, and researchers.

More recently, from approximately 2018 to the present, I have also served as the coordinator of the *Project Guardian* and *DEEP* (Disruption and Early Engagement Program), two additional strategies developed by the Department of Justice to prevent violence through intervention with at-risk individuals struggling with mental health issues.

Finally, since 2016, I have served as a member of our District's ACTeam, a federal team of agents, prosecutors, analysts, and advocates focused on developing and prosecuting human and labor trafficking cases, as well as providing training to state and local partners.

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.

From time to time, I have been asked to serve as a guest lecturer at educational institutions on various topics related to my career as a prosecutor. I have described some of those lectures in response to Question 12(d) above. In addition, I regularly taught the following lectures at the following institutions:

Federal Firearms & Domestic Violence Law Summary
Maine Criminal Justice Academy
2006 - 2021

I bi-annually co-teach with an ATF agent a basic course on federal firearms and domestic violence laws.
Syllabus not available.

Advanced Trial Advocacy
University of Maine School of Law
2005 – 2008

This course involved instructing students on trial and evidence skills, as well as helping to prepare the school's trial team for regional competitions against other law schools.
Syllabus not available.

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.

18. **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.

No.

19. **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.

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

See attached Net Worth Statement.

21. **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.

My former spouse is currently a federal agent in the District of Maine who frequently engages in business with the United States Attorney's Office. I would recuse myself from any case in which he was involved.

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.

22. **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.

In addition to my work as a career prosecutor focused significantly on service to victims of domestic violence and sexual assault, from 2000 – 2008, I served on the board of the Maine Women's Fund, a non-profit organization focused on investing in, and advancing, social change for women and girls. More recently, in 2020, I began volunteering as Lawyer for the Day for the Volunteer Lawyers Project, a non-profit organization which provides legal services to indigent clients.