

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michelle Montgomery Pettit
Michelle Elise Montgomery

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

United States District Court Judge for the Southern District of California

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
Southern District of California
880 Front Street, Room 6293
San Diego, California 92101

Residence: Coronado, California

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

1972; Fredericksburg, Virginia

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.

2015, United States Army Judge Advocate General's School; Military Judge
Certification, April 2015

2001, Naval Justice School; Basic Lawyer Course, Judge Advocate General Certification,
October 2001

1999 – 2001, Vanderbilt University Law School; J.D., 1995

1998 – 1999, University of Memphis Law School; no degree

1990 – 1994, United States Naval Academy; B.S., 1994

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.

2017 – Present

United States Navy Reserve
Navy-Marine Corps Trial Judiciary
1250 10th Street S.E., Suite 1300
Washington Navy Yard, District of Columbia 20374
Commanding Officer and Chief Trial Judge

2007 – Present

United States Department of Justice
880 Front Street, Room 6293
San Diego, California 92101
Assistant United States Attorney

2015 – 2017

United States Navy Reserve
Navy-Marine Corps Court of Criminal Appeals
1254 Charles Morris Street S.E., Suite 320
Washington Navy Yard, District of Columbia 20374
Appellate Judge

2013 – 2015

United States Navy Reserve
Naval Justice School
360 Easton Street
Newport, Rhode Island 02840
Executive Officer and National Training Officer

2011 – 2013

United States Navy Reserve
Region Legal Service Office Southwest
3395 Sturtevant Street, Suite 9
San Diego, California 92136
Executive Officer

2010 – 2011

United States Navy Reserve
Navy-Marine Corps Appellate Defense
1254 Charles Morris Street S.E., Suite B01
Washington Navy Yard, District of Columbia 20374
Appellate Defense Counsel

2007 – 2010

United States Navy Reserve
Region Legal Service Office Southwest
3395 Sturtevant Street, Suite 9
San Diego, California 92136
Senior Trial Counsel

2004 – 2007

United States Navy
Region Legal Service Office Southwest
3395 Sturtevant Street, Suite 9
San Diego, California 92136
Senior Trial Counsel (2006 – 2007)
Command Services Department Head (2005 – 2006)
Trial Counsel (2004)

2001 – 2004

United States Navy
Navy Personnel Command
5720 Integrity Drive, Pers-00J
Millington, Tennessee 38055
Assistant Legal Counsel

2001

United States Navy
Naval Justice School
360 Easton Street
Newport, Rhode Island 02840
Student, Navy Lieutenant

2000

The Honorable Robert L. Echols
United States District Court for the Middle District of Tennessee
801 Broadway
Nashville, Tennessee 37203
Summer Law Clerk (uncompensated)

2000

Bass, Berry, & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201
Summer Associate (uncompensated)

1999 – 2001

United States Navy
Reserve Officers' Training Corps Unit, Vanderbilt University

1114 19th Avenue South, Suite 200
Nashville, Tennessee 37212
Student, Navy Lieutenant

1998 – 1999
United States Navy
University of Memphis NROTC Unit
3795 Desoto Avenue, Number 120
Memphis, Tennessee 38152
Student, Navy Lieutenant

1998
United States Navy
Bureau of Naval Personnel
1075 Integrity Drive
Millington, Tennessee 38055
Move Coordinator

1996 – 1998
United States Navy
USS John Young (DD 973)
Combat Information Center Officer

1995 – 1996
United States Navy
USS Curtis Wilbur (DDG 54)
Fleet Post Office, Armed Forces Pacific 96683
Fire Control Officer (1996)
Damage Control Assistant (1995)
Assistant Main Propulsion Assistant (1995)

June – December 1994
United States Navy
Surface Warfare Officer School
446 Cushing Road
Newport, Rhode Island 02841
Student

Other Affiliations (uncompensated)

2016 – Present
Federal Bar Association, San Diego Chapter
Post Office Box 124825
San Diego, California 92112
President (2019)
President-Elect (2018)
Secretary (2016 – 2017)

2015 – Present
William B. Enright Inn of Court
8825 Twin Trails Drive
San Diego, California 92129
Executive Board Member (2015 – Present)
Treasurer (2018 – Present)

2006 – Present
JP Ronin, Inc.
861 Balboa Avenue
Coronado, California 92118
Secretary and Treasurer

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.

2007 – Present, United States Navy, Captain, Reserve Commission

1994 – 2007, United States Navy, Lieutenant Commander, Honorable Discharge

I was not required to register for the selective service.

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

Federal Bar Association, Elaine R. “Boots” Fisher Award (2018)

United States Attorney’s Award for Superior Performance as Crisis Management Coordinator (2017)

United States Attorney’s Award for Superior Performance for Investigation and Prosecution of Murdered Border Patrol Agent (2014)

Department of Homeland Security Partner Award (2010)

Degree from the Naval Justice School conferred with Honors (2001)

Order of the Coif, Vanderbilt University Law School (2001)

Philip C. Jessup International Moot Court Competition, Best Brief (2001)

Phi Delta Phi International Legal Honor Society (1999 – 2001)

Best Brief and Best Oral Advocate Awards for Legal Methods II (Spring 1999)

McKinnelly Scholarship (1998)

Navy Law Education Program Selectee (1998)

Surface Force Pacific Junior Officer of the Quarter (1996)

Graduated with Distinction, United States Naval Academy (1994)

United States Naval Academy Superintendent's List (1991 – 1994)

United States Naval Academy Commandant's List (1990 – 1991)

United States Naval Academy Women's Cross-Country Captain (1993)

Varsity Scholar Athlete, Cross-Country, Indoor Track, Outdoor Track (1991 – 1994)

Military Awards (listed in order of precedence):

Surface Warfare Officer Qualification (1996)

Basic Parachutist Qualification (1992)

Meritorious Service Medal (2007, 2016)

Navy and Marine Corps Commendation Medal (1998, 2004, 2010, 2011, 2013)

Navy and Marine Corps Achievement Medal (1996, 1996, 2005, 2006)

Meritorious Unit Commendation (2005)

National Defense Service Medal (1991, 2002)

Southwest Asia Service Medal (1995, 1997)

Global War on Terrorism Service Medal (2005)

Sea Service Deployment Ribbon (1995, 1997)

Rifle Marksmanship Medal (1990)

Sharpshooter Pistol Marksmanship Medal (1990)

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.

Federal Bar Association, San Diego Chapter (2013 – Present)

President (2019)

President-Elect (2018)

Secretary (2016 – 2017)

Lawyer Representative Committee, Southern District of California (2013 – 2016)

Subcommittee Chair (2013 – 2015)

District Dinner Chair (2016)

Lawyer Representative Selection Panel, Southern District of California (2019)

Chair (2019)

Lawyers Club of San Diego (2010 – Present)

Leadership Development Committee (2016 – Present)

Work-Life Balance Committee (2011 – 2018)

National Association of Women Judges (2018 – Present)

Ninth Circuit Civics Essay and Video Contest Committee (2014 – Present)

Essay Judge (2015, 2017, 2018)

Video Judge (2016)

Ninth Circuit Conference Executive Committee (2016 – 2019)

Leadership in the Law Panel and Criminal Breakout Organizer (2018 – Present)

Rule of Law Panel and Criminal Breakout Organizer (2017 – 2018)

Artificial Intelligence Panel Organizer (2016 – 2017)

Passing the Gavel Committee (2018 – 2019)

San Diego County Bar Association (2007 – Present)

Southern District of California 50th Anniversary Committee, Subcommittee Chair (2016)

William B. Enright Inn of Court (2007 – Present)

Treasurer (2018 – Present)

Master (2017 – Present)

Membership Committee (2017 – Present)

Executive Board Member (2015 – Present)

Joint Inn of Court Dinner Committee (2017 – 2018)

Team Leader (2015 – 2018)

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.

Tennessee, 2001

California, 2007

I surrendered my membership in the Tennessee Bar in 2008 because I no longer practiced in that state. Other than that, 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 Ninth Circuit, 2008
United States District Court for the Southern District of California, 2007
United States Navy-Marine Corps Court of Criminal Appeals, 2011
Supreme Court of California, 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.

AWANA Truth and Training Leader (2009 – 2012)

Coronado High School Parent Teacher Organization (2013 – Present)

Coronado High School Site Working Group (2015)

Coronado Middle School Parent Teacher Organization (2009 – 2017)

Coronado Schools Foundation (2007 – Present)

District Community Outreach Program, Volunteer (2010 – Present)

District Facility Security Committee, United States Attorney's Office
Representative (2013 – Present)

Federalist Society (2017 – Present)

National Charity League, Seaside Chapter (2015 – Present)
Father Joe's Village Philanthropy Liaison (2017 – Present)
Grade Level Advisor (2016 – 2017)

Project LEAD, Instructor at Freese Elementary School (2017)

San Diego Foundation (2009 – Present)

Veterans Vanguard Council, University of San Diego School of Law (2015 – Present)

Village Elementary Kindergarten Class Volunteer Coordinator (2004 – 2005)

Village Elementary School Parent Teacher Organization (2004 – 2014)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Secrets to Devastating Cross Examinations, Federal Bar Association, San Diego Chapter Newsletter, June 27, 2016. Copy supplied.

Take Your Child to Work Day; Dogs and the Law Luncheon on April 23, Lawyers Club News, Apr. 2015. Copy supplied.

with A. E. Garcia, *In the Nick of Time*, Fathom Afloat Safety Review, Sept. – Oct. 1995. 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.

None.

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

None.

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

From 2007 through present, as an Assistant United States Attorney for the Southern District of California, I have trained law enforcement on coordination issues in an extemporaneous manner or using notes which I did not keep. During that time, I have also given talks on internet safety and substance abuse to high school and middle school students. As the San Diego Chapter President of the Federal Bar Association, I have made the opening welcome remarks before the majority of our legal education events in 2019, but I have not created or maintained any notes related to those comments, except where included below.

I have listed below speaking and training events which I specifically recall or for which I have located records.

October 10, 2019: Presenter, State of the District Luncheon, Federal Bar Association, San Diego Chapter, San Diego, California. Presentation outline supplied.

September 19, 2019: Presenter, Warrants and Subpoenas Roundtable, Trial Judge Training, Navy-Marine Corps Trial Judiciary, Coronado, California. I and other presenters reviewed previously filed subpoenas and warrants and answered questions. I have no notes, transcript, or recording. The address of the Navy-Marine Corps Trial Judiciary is 1250 10th Street, S.E., Suite 1300, Washington Navy Yard, District of Columbia 20374.

September 10, 2019: Moderator, Magistrate Judge Panel: Settlement and Discovery Practices, Judith N. Keep Federal Civil Practice Seminar, San Diego, California. Presentation outline supplied.

August 16, 2019: Speaker, Celebration of Life for Karla Davis, San Diego, California. Presentation outline supplied.

July 23, 2019: Moderator, Criminal Breakout: First Step Act, Ninth Circuit Conference, Spokane, Washington. Presentation outline supplied.

July 23, 2019: Program Coordinator and Presenter, Leadership in the Law: Judges and Attorneys Taking the Lead, Ninth Circuit Conference, Spokane, Washington. Presentation outline and video supplied.

June 25, 2019: Presenter, U.S. Border Patrol Managers' Training, El Centro, California. PowerPoint presentation supplied.

June 4, 2019: Speaker, Remarks for New Attorney Swearing-in Ceremony, Federal Bar Association, San Diego Chapter, San Diego, California. Remarks supplied.

June 3, 2019: Program Coordinator and Moderator, Leadership in the Law: Effective Leadership at All Levels, Federal Bar Association, San Diego Chapter, San Diego, California. Program outline and script supplied.

February 5, 2019: Presenter, MJA 2016: Pre-Referral Authority of MJ, Joint Military Judge Training, Tampa, Florida. PowerPoint presentation supplied.

October 23, 2018: Presenter, A Conversation about Substance Abuse, Helix Charter High School, La Mesa, California. PowerPoint presentation supplied.

September 18, 2018: Presenter, Warrant Execution, Trial Judge Training, Navy-Marine Corps Trial Judiciary, Washington, District of Columbia. PowerPoint presentation supplied.

July 26, 2018: Program Coordinator and Moderator, The Rule of Law in the Pacific Fleet, Ninth Circuit Conference, Anaheim, California. Presentation outline and video supplied.

July 24, 2018: Program Coordinator, Criminal Breakout: Upward Trends in Fentanyl Criminal Cases and the Use of Cryptocurrency on the Dark Web, Ninth Circuit Conference, Anaheim, California. Presentation outline supplied.

May 15, 2018: Guest Lecturer, Espionage Investigation Training, Federal Bureau of Investigation, San Diego, California. I and other presenters discussed the legal aspects of undercover operations in espionage investigations and answered questions. I have no notes, transcript, or recording. The address of the Federal Bureau of Investigation is 935 Pennsylvania Avenue, N.W., Washington, District of Columbia 20535.

April 19, 2018: Program Coordinator and Presenter, What Do Jurors Really Think?, William B. Enright Inn of Court, San Diego, California. PowerPoint presentation and outline supplied.

October 28, 2017: Guest Lecturer, Interaction between the First Amendment and National Security and First Amendment rights in the military, Alliant

International University Law School. I discussed the tension between national security investigations and freedom of speech, addressed the right of freedom of speech in a military environment, and answered questions. I have no notes, transcript, or recording. The address of Alliant International University is 10455 Pomerado Road, San Diego, California 92131.

July 19, 2017: Program Coordinator and Presenter, Artificial Intelligence Today – Tomorrow's Legal Challenges of Machine Learning, Ninth Circuit Conference, San Francisco, California. Presentation outline and video supplied.

April 17, 2017: Guest Lecturer, Introduction to the American Criminal Justice System: Difference Between the Military and the Civilian Justice Systems, San Diego Education Center, Saint Leo University, San Diego, California. I discussed the differences between prosecutions in federal court and in courts-martial and answered questions. I have no notes, transcript, or recording. The address of Saint Leo University is 33701 State Road 52, Saint Leo, Florida 33574.

November 17, 2016: Program Coordinator and Moderator, ESI Admissibility: Trial and Arbitration, William B. Enright Inn of Court, San Diego, California. PowerPoint presentation and outline supplied.

November 8, 2016: Presenter, Military Justice and Administrative Processing, Senior Officer Course, Naval Justice School, Detachment San Diego. I discussed the various disciplinary options for commanders from administrative separation to courts-martial. I have no notes, transcript, or recording. The address of Naval Justice School, Detachment San Diego, is 3975 Norman Scott Road, Building 3290, Fifth Deck, San Diego, California 92136.

June 10, 2016: Speaker, Commencement for Saint Leo University, San Diego, California. Remarks supplied.

April 14, 2016: Panelist, National Security, Counter Terrorism, and the Article III Courts, Alliant International University Law School. I and other presenters discussed national security investigations and the role of the courts in those investigations. I have no notes, transcript, or recording. The address of Alliant International University is 10455 Pomerado Road, San Diego, California 92131.

March 30, 2016: Panelist, International Security Issues Panel, University of San Diego School of Law, San Diego, California. I and other presenters discussed the complex issues involved in international security cases and answered questions. I have no notes, transcript, or recording. The address of the University of San Diego School of Law is 5998 Alcalá Park, San Diego, California 92110.

March 10, 2016: Program Coordinator, Challenging Expert Testimony, William B. Enright Inn of Court, San Diego, California. Presentation outline supplied.

February 24, 2016: Guest Lecturer, Counter Terrorism and the Law: National Security Investigations and the Intersection with Immigration Law, San Diego Education Center, Saint Leo University, San Diego, California. I and other presenters discussed the common immigration issues raised in federal prosecutions, addressed the nature of national security investigations, and answered questions. I have no notes, transcript, or recording. The address of Saint Leo University is 33701 State Road 52, Saint Leo, Florida 33574.

October 20, 2015: Presenter, Enlisted Administrative Separations, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

October 20, 2015: Presenter, Officer Misconduct, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

October 19, 2015: Presenter, Reserve Jurisdiction and Recall Procedures, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

October 19, 2015: Presenter, Search and Seizure, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

June 16, 2015: Presenter, Officer Misconduct, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

June 16, 2015: Presenter, Enlisted Administrative Separations, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

June 15, 2015: Presenter, Reserve Jurisdiction and Recall Procedures, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

June 15, 2015: Presenter, Search and Seizure, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

April 25, 2015: Presenter, Military Justice Update, Military Law Training Symposium East, Joint Expeditionary Base Little Creek-Fort Story, Little Creek, Virginia. PowerPoint presentation supplied.

March 11, 2015: Presenter, National and District Statistics, Annual District Conference, District Court for the Southern District of California, Temecula, California. PowerPoint presentation supplied.

November 20, 2014: Presenter, Fulfillment/Balance in the Legal Profession, William B. Enright Inn of Court, San Diego, California. Presentation outline supplied.

October 7, 2014: Presenter, Board of Inquiry, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

October 7, 2014: Presenter, Enlisted Administrative Separations, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

October 6, 2014: Presenter, Reserve Jurisdiction and Recall Procedures, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

October 6, 2014: Presenter, Search and Seizure, Judge Advocate Career Training, Naval Justice School, Newport, Rhode Island. PowerPoint presentation supplied.

May 3, 2014: Presenter, Article 32, Military Law Training Symposium West, Naval Base Point Loma, San Diego, California. PowerPoint presentation supplied.

May 3, 2014: Presenter, Military Justice Update, Military Law Training Symposium West, Naval Base Point Loma, San Diego, California. PowerPoint presentation supplied.

April 24, 2014: Program Coordinator, Current Technology Panel, Annual District Conference, District Court for the Southern District of California, San Diego, California. Presentation outline supplied.

April 17, 2014: Presenter, The Right of Privacy in a World with Little Privacy, William B. Enright Inn of Court, San Diego, California. Presentation outline supplied.

April 5, 2014: Presenter, Article 32, Military Law Training Symposium East, Joint Expeditionary Base Little Creek-Fort Story, Little Creek, Virginia. PowerPoint presentation supplied.

April 5, 2014: Presenter, Military Justice Update, Military Law Training Symposium East, Joint Expeditionary Base Little Creek-Fort Story, Little Creek, Virginia. PowerPoint presentation supplied.

April 4, 2014: Presenter, Understanding and Managing Your Records, Military Law Training Symposium East, Joint Expeditionary Base Little Creek-Fort Story, Little Creek, Virginia. PowerPoint presentation supplied.

March 5, 2011: Presenter, Peacekeeping Operations, Defense Institute of

International Legal Studies, Tirana, Albania. I taught peacekeeping operations to senior Albanian military officials. I have no notes, transcript, or recording. The address of the Defense Institute of International Legal Studies is 441 Elliot Avenue, Newport, Rhode Island 02841.

February 25, 2010: Presenter, Border Patrol Agent Training, Customs and Border Protection, United States Department of Homeland Security, San Diego, California. Presentation outline supplied.

September 9, 2009: Presenter, Constitution Day, Museum School, San Diego, California. PowerPoint presentation supplied.

- 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.

Dave Summers, *Military Contractors Accused of Fake Bomb Threats*, NBC7 News, Dec. 15, 2016. Video supplied.

Eileen Mead, *Getting married the military way*, Free Lance-Star, Feb. 2, 1995. Copy supplied.

Lou Davis, *Women breaking new ground*, WMAR Newschannel 2, Spring 1994. Video supplied.

Jim Okerblom, *Ready for combat, and for crewwomen*, San Diego Union-Tribune, Apr. 7, 1994. Copy supplied.

John Hanrahan, *Investigators are Still Stunned*, Fox 5 DC News, Dec. 3, 1993. Video supplied.

Lou Davis, *Naval academy football star involved in bizarre murder-suicide*, WMAR Newschannel 2, Dec. 3, 1993. Video supplied.

Bob Strickland, *Navy Murders*, WUSA-9, Dec. 3, 1993. Video supplied.

Maura McMurty, *Cross Country Standout Michelle Montgomery*, Naval Academy Football game program, Oct. 16, 1993. Copy supplied.

Gary Rhodes, *Montgomery is proving her point*, Free Lance-Star, Oct. 23, 1992. Copy supplied.

Bryan O'Leary, *For opponents, beating Navy is an uphill battle*, Trident, Oct. 16, 1992. Copy supplied.

Gary Rhodes, *Keeping on the run*, Free Lance-Star, June 29, 1991. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

On December 1, 2015, I began serving as a Navy Reserve Appellate Judge after being appointed by a selection board. As a member of the Navy-Marine Corps Court of Criminal Appeals, I reviewed Navy and Marine-Corps court-martial records as a member of a three-judge panel.

On December 1, 2017, I became the Chief Navy Reserve Trial Judge and the Commanding Officer of the Navy Reserve Trial Judiciary after being appointed by a selection board. Reserve judges are assigned to courts-martial of active duty Navy and Marine Corps personnel when an active duty judge is not available.

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

Navy Reserve Appellate Judge – Reviewed 33 lower court guilty pleas and sentencings.

Navy Reserve Trial Judge – Presided over one contested bench trial with sentencing and three guilty pleas with sentencings.

- i. Of these, approximately what percent were:

jury trials:	0 %
bench trials:	100 % [total 100%]
civil proceedings:	0 %
criminal proceedings:	100 % [total 100%]

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

None.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

Under the military justice system, criminal cases, including guilty pleas, are automatically appealed to the service appellate court if the sentence includes a punitive discharge or confinement of at least six months. As a Navy Reserve Appellate Judge, I reviewed the automatic appeals from 32 guilty pleas that did

not involve any significant claims of errors. Those cases were summarily affirmed without oral argument.

1. *United States v. Wiley*, 2017 WL 3430250 (N-M. Ct. Crim. App. Aug. 10, 2017).

This matter was a contested General Court-Martial where the appellant was convicted of attempted sexual assault of a child, attempted sexual abuse of a child, attempted receipt of child pornography, indecent exposure, communicating indecent language, and solicitation. On appeal, the Appellate Defense Counsel submitted nine assignments of error. I reviewed the record without oral argument as a member of a three-judge panel, and we found merit in two of the assigned errors. We found that the conviction for indecent exposure was factually and legally insufficient due to the appellant's exposure through electronic media, and we found one of the charges failed to state an offense. We affirmed the remaining findings and the sentence. I provided edits and input for the opinion, but I was not the author. Oral argument was not held, and I had no contact with either counsel.

Counsel for the Petitioner:

James S. Trieschmann, Jr.
Law Office of James S. Trieschmann
1629 K Street NW, Suite 300
Washington, District of Columbia 20006
(202) 765-4598

Counsel for the Government:

Commander Jeremy R. Brooks
Defense Intelligence Agency
200 MacDill Boulevard
Washington, District of Columbia 20301
(703) 735-6048

2. *United States v. Casuso* (no case number)

This matter was a General Court-Martial involving 15 charges and 99 specifications related to production and distribution of child pornography, sexual abuse of a child, solicitation, extortion, and conspiracy to rape a child. From April through September 2019, I presided over all motion hearings, and the defendant's two-day guilty plea and sentencing. I awarded a sentence of 25 years of confinement, a dishonorable discharge, a reduction to pay grade E-1, and forfeiture of all pay and allowances.

Counsel for the Government:

Major Matthew Harris
Senior Trial Counsel
Headquarters Battalion

Legal Services and Support Team, Trial Services Office
Post Office Box 788102
Twentynine Palms, California 92278
(760) 830-6361

Counsel for Defendant:

Grover H. Baxley
4445 Corporation Lane
Virginia Beach, Virginia 23462
(757) 965-9431

3. *United States v. Mathews* (no case number)

This matter was a Special Court-Martial where the defendant pled guilty to violating a Navy regulation that prohibits distributing and broadcasting private, explicit photographs. The defendant admitted to downloading and distributing to friends explicit photographs of a female Air Force Staff Sergeant. On August 30, 2018, I sentenced the defendant to 60 days' confinement and a reduction to pay grade E-3.

Counsel for Government:

Lieutenant Diana Zamani
Region Legal Service Office Mid-Atlantic
9620 Maryland Avenue, Suite 201
Norfolk, Virginia 23511
(757) 341-4470

Counsel for Defendant:

Lieutenant Chelsea King
Victim's Legal Counsel Office
318 Saufley Street, Building 318
Coronado, California 92118
(619) 545-9239

4. *United States v. Wilkinson* (no case number)

This matter was a General Court-Martial where the defendant pled guilty to larceny related to the housing allowance he wrongfully received over a 10-year period due to a fraudulent marriage. On August 29, 2018, I sentenced the defendant to confinement for 60 days, a reduction to pay grade E-4, and a fine of \$4,000.

Counsel for the Government:

Lieutenant Diana Zamani
Region Legal Service Office Mid-Atlantic
9620 Maryland Avenue, Suite 201

Norfolk, Virginia 23511
(757) 341-4470

Counsel for Defendant:

Lieutenant Catherine Gilmore
Defense Service Office North
2540 Paul Jones Street, Building 2, Suite 100
Great Lakes, Illinois 60088
(847) 688-4753

5. *United States v. Cook* (no case number)

This matter was a contested Special Court-Martial where the defendant was charged with pointing an unloaded firearm at a fellow sailor and pulling the trigger when the victim did not know the firearm was unloaded. The bench trial was held from August 20 to 21, 2018. I found the defendant guilty and reduced him to pay grade E-3.

Counsel for the Government:

Lieutenant Michaela Reardon
Region Legal Service Office Mid-Atlantic
9620 Maryland Avenue, Suite 201
Norfolk, Virginia 23511
(757) 341-4470

Counsel for Defendant:

Michael Hanzel
The Hanzel Law Firm
3003 Dunes West Boulevard, Suite 10
Mount Pleasant, South Carolina 29466
(843) 202-4714

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

United States v. Cook (no case number)
Special Findings – Unpublished. Copy supplied.

Counsel for the Government:

Lieutenant Michaela Reardon
Region Legal Service Office Mid-Atlantic
9620 Maryland Avenue, Suite 201
Norfolk, Virginia 23511
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Counsel for Defendant:

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The Hanzel Law Firm
3003 Dunes West Boulevard, Suite 10
Mount Pleasant, South Carolina 29466
(843) 202-4714

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

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I provided a written opinion in only one case based on the request by the Defense Counsel for Special Findings in *United States v. Cook*, which represents less than 3% of the cases I have handled as a Trial and Appellate Judge. The Special Findings are maintained in the official *Cook* case file. Opinion supplied.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Rule 6.5 of the Uniform Rules of Practice for the United States Navy-Marine Corps Trial Judiciary states:

“No Reserve military judge (part-time judge) who serves as a civilian prosecutor may be detailed to preside over a court-martial where the convening authority or the situs of the trial is located in the state or federal district where the reserve officer serves as a prosecutor, unless the offense is a uniquely military offense over which there is no comparable federal or state jurisdiction. No reserve judge may preside over cases where the prosecutor’s office has an interest, regardless of where the court-martial is held.”

Therefore, as a Navy Reserve Trial Judge I have not been assigned to preside over any courts-martial in the Southern District of California or where the U.S. Attorney’s Office for the Southern District of California had an interest. I have never been requested by a litigant or party to recuse myself from a case. I have affirmatively recused myself from the investigation and the related cases involving ship support contractor Glenn Defense Marine Asia at both the U.S. Attorney’s Office in the Southern District of California and the Navy Trial Judiciary; I wanted to avoid any possible appearance of a conflict if a Reserve Judge whom I supervise was assigned to a related courts-martial. I have not been assigned to any case as a Navy Reserve Judge that involves an actual conflict.

15. Public Office, Political Activities and Affiliations:

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

I have not held any public offices. Also, I have never been a candidate for an elective 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 not held any membership or offices or rendered any services to any political party or election committee. I have never held a position or played a role in a political campaign.

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

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

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

I have never clerked for a judge after I graduated from law school.

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

I have never 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.

2001 – 2004
United States Navy
Navy Personnel Command
5720 Integrity Drive, Pers-06
Millington, Tennessee 38055
Assistant Legal Counsel

2004 – 2007
United States Navy
Region Legal Service Office Southwest
3395 Sturtevant Street, Suite 9
San Diego, California 92136
Senior Trial Counsel (2006 – 2007)
Command Services Department Head (2005 – 2006)
Trial Counsel (2004)

2007 – Present
United States Department of Justice

880 Front Street
San Diego, California 92101
Assistant United States Attorney

2007 – 2010
United States Navy Reserve
Region Legal Service Office Southwest
3395 Sturtevant Street, Suite 9
San Diego, California 92136
Senior Trial Counsel

2010 – 2011
United States Navy Reserve
Navy-Marine Corps Appellate Defense
1254 Charles Morris Street S.E., Suite B01
Washington Navy Yard, District of Columbia 20374
Appellate Defense Counsel

2011 – 2013
United States Navy Reserve
Region Legal Service Office Southwest
3395 Sturtevant Street, Suite 9
San Diego, California 92136
Executive Officer

2013 – 2015
United States Navy Reserve
Naval Justice School
360 Easton Street
Newport, Rhode Island 02840
Executive Officer and National Training Officer

2015 – 2017
United States Navy Reserve
Navy-Marine Corps Court of Criminal Appeals
1254 Charles Morris Street S.E., Suite 320
Washington Navy Yard, District of Columbia 20374
Appellate Judge

2017 – Present
United States Navy Reserve
Navy-Marine Corps Trial Judiciary
1250 10th Street S.E., Suite 1300
Washington Navy Yard, District of Columbia 20374
Commanding Officer and Chief Trial Judge

- 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 never 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.

After graduating from law school and completing the Basic Lawyer Course at the Naval Justice School in 2001, I began my legal career at the personnel headquarters of the Navy from 2001 to 2004. I advised Navy Admirals and other senior military officials on administrative law issues and Navy-wide personnel matters. As the legal counsel for the Navy Correctional Programs, I provided legal advice on all confinement issues related to the 16 Navy confinement and detention facilities. I represented the Government in administrative employment termination hearings and coordinated all military justice matters related to courts-martial and non-judicial punishment. In February 2004, I transferred to Region Legal Service Office Southwest and became a trial counsel, prosecuting sailors for violations of the Uniform Code of Military Justice, including crimes of drug trafficking, rape, assault, and child exploitation. In 2005, I was selected to be the Command Services Department Head, responsible for the legal advice on military justice matters, administrative employment terminations, and governmental ethics provided to 550 ashore and afloat commands in the Southwest Region. In 2006, I became the Senior Trial Counsel, where I supervised 15 trial attorneys, paralegals, and court reporters, and oversaw all investigations and courts-martial in the Southwest Region, while handling my own cases. From 2007 until the present, as an Assistant United States Attorney in the Southern District of California, I have prosecuted drug trafficking cases, immigration violations, crimes against children, national security offenses, cybercrimes, theft of government property, sexual assaults, and murder. In April 2019, I became the Deputy Chief of Intake, where I currently supervise and train 14 attorneys who are responsible for the initial processing of all reactive cases, all court appearances through the arraignment and entry of pleas, and the sentencings in alien smuggling and drug importation cases with early resolution agreements. From 2007 until the present, in my reserve military capacity, I have held various positions: Senior Trial Counsel, Appellate Defense attorney, Executive Officer, National Training Officer, Reserve Appellate Judge, and now the Reserve Chief Trial Judge and Commanding Officer of the Navy Reserve Trial Judiciary.

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

As an active duty Judge Advocate, when I served as an Assistant Legal Counsel, Trial Counsel, and Command Services Attorney, my client was the United States and the commanders who sought my legal advice. As a reserve Judge Advocate, when I served as a Legal Assistance Attorney, my clients were service members and their dependents, and when I served as an Appellate Defense Counsel, my clients were the convicted sailors. As an Assistant United States Attorney, I represent the United States of America, its departments, and agencies in criminal litigation.

- 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.

From October 2001 until February 2004, when I was the Assistant Legal Counsel for Navy Personnel Command, I did not appear in court, but I assisted civil and criminal attorneys handling litigation matters involving Navy Personnel Command and navy personnel. When I was a Trial Counsel in 2004, 100% of practice involved litigation and frequent court appearances. In 2005, I provided legal advice to commanders related to litigation matters, but I rarely appeared in court as the Command Services Department Head. Since 2006, my practice has been 100% litigation, and I have been in court on a very frequent basis.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100 %
 - 2. state courts of record: 0 %
 - 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.

I have tried 25 cases to verdict. I was the sole counsel in 12 cases, the chief counsel in six cases, a co-counsel in three cases, and the associate counsel on four cases.

- i. What percentage of these trials were:
 - 1. jury: 80 %
 - 2. non-jury: 20 %

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- 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. Chacon-Morales et al.*, 10CR1793-L (3 Defendants), *United States v. Castro-Alvarez*, 09CR4203-L, *United States v. Gonzales-Arenazas*, 10CR3487-L

I handled this case as an Assistant United States Attorney and served as co-counsel (equal partners) throughout the investigation. On July 23, 2009, Border Patrol Agent Rosas was shot and killed 100 yards from the United States/Mexican International Border by a group of five Mexican citizens, who fled back to Mexico after stealing his night vision goggles. Defendant Castro-Alvarez was caught in Mexico and self-surrendered to the United States as a juvenile. Defendants Gonzales-Arenazas, Dorantes-Ramiez, and Rodriguez-Perez were successfully extradited from Mexico two years later. These four defendants pled guilty, and the fifth defendant remains at large. Castro-Alvarez was tried as an adult, and he was sentenced to 480 months' incarceration. Gonzales-Arenazas was sentenced to 40 months of incarceration, Dorantes-Ramiez was sentenced to 55 years of incarceration, and Rodriguez-Perez was sentenced to 56 years of incarceration. They all received five years of supervised release. In 2010, our team won the Department of Homeland Security Partner Award for this case.

Date of involvement: 2009 – Present

Presiding Judge: Hon. M. James Lorenz

Co-Counsel:

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(619) 546-6692

Peter Ko
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Opposing Counsel:

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For Defendant Ramirez-Dorantes

L. Marcel Stewart
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For Defendant Rodriguez-Perez

Ezekiel E. Cortez
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550 West C Street, Suite 790
San Diego, California 92101
(619) 237-0309
For Defendant Castro-Alvarez

Barbara M. Donovan
Donovan and Donovan
105 West F Street, Suite 400
San Diego, California 92101
(619) 696-8989
For Defendant Gonzales-Arenazas

2. *United States v. Orellana*, 698 F. App'x 915 (9th Cir. 2017)

I handled this case as an Assistant United States Attorney and served as co-counsel at trial. Defendant was charged with raping an intoxicated victim who was sleeping in an apartment onboard Camp Pendleton Marine Corps Base. The trial was complicated with additional litigation related to an out-of-court outburst from the victim directly after her testimony, which could be heard in the courtroom by the jurors. The defendant was convicted and sentenced to 60 months' incarceration and 10 years of supervised release. The Ninth Circuit affirmed the conviction and the sentence.

Dates of involvement: 2015 – 2016

Presiding Judge: Hon. Larry Alan Burns

Co-Counsel:

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67 Virginia Dare Drive
Camp Lejeune, North Carolina 28547
(910) 451-9516

Opposing Counsel:

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Federal Defenders of San Diego, Inc.
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San Diego, California 92101
(619) 234-8467

Caitlin Howard
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101
(619) 234-8467

3. *United States v. Serrano*, 582 F. App'x 729 (9th Cir. 2014)

I solely handled this case at trial as an Assistant United States Attorney. An undercover operation by the Drug Enforcement Agency led to the discovery of Defendant Serrano's distribution of ecstasy. The investigation involved a confidential source who supplied the drugs, which resulted in extensive litigation regarding entrapment issues. Defendant Serrano was convicted by the jury in 2011 and was sentenced to 92 months of incarceration followed by five years of supervised release. The Ninth Circuit affirmed his conviction and sentence.

Dates of involvement: 2010 – 2014

Presiding Judge: Hon. Michael M. Anello

Opposing Counsel:

Timothy Garrison
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101
(619) 234-8467

4. *United States v. Reyes-Roman*, 12CR1010-CAB

I solely handled this case as an Assistant United States Attorney. This investigation began with the correlation of eight reactive cases with 16 total defendants, where large quantities of marijuana were seized at the border hidden in RVs or trucks. I began correlating all large volume marijuana cases where the occupants of the vehicles stated they were returning to the San Bernardino area after partying in Mexico and attending ATV races. After an extensive investigation using cooperating defendants, legal process, and surveillance, law enforcement identified Defendant Reyes-Roman as the coordinator of the smuggling operation. Over 2,500 kilograms of marijuana was seized in this investigation, and all defendants pled guilty. The defendant was sentenced to 120 months of incarceration and five years of supervised release.

Dates of involvement: 2010 – 2014

Presiding Judge: Hon. Dana M. Sabraw

Opposing Counsel:

Ezekiel E. Cortez
Law Office of Ezekiel E. Cortez
550 West C Street, Suite 790
San Diego, California 92101
(619) 237-0309

5. *United States v. Parkent*, 10CR5105-DMS

I solely handled this case as an Assistant United States Attorney. The defendant met the victim when she was 13 years old through a website called IMVU, which involved creating an avatar and communicating with other avatars through online chats and games. After the defendant sent her a pornographic photograph of himself, he requested pornographic photos of her in return. Knowing that the victim had just turned 14 years old, he flew from Maryland to San Diego to have sexual relations with her. He was convicted by the jury and sentenced to 120 months of incarceration followed by seven years of supervised release.

Dates of involvement: 2010 – 2011

Presiding Judge: Hon. Dana M. Sabraw

Opposing Counsel:

Daniel W. Cohen
Law Offices of Cohen & Cohen
9001 Grossmont Boulevard, Suite 716
La Mesa, California 91941
(619) 697-0333

6. *United States v. Padilla-Vasquez et al.*, 07CR2531-W (two defendants),
United States v. Juvenile Male, 398 F. App'x 270 (9th Cir. 2010)

I handled this case as an Assistant United States Attorney and served as the associate counsel at trial. While a Border Patrol agent was patrolling, he noticed a vehicle that appeared to be heavy-laden traveling in the opposite direction. He turned his patrol vehicle around to get a better look at the passing vehicle, and he then came upon a roll-over, single car crash where he found multiple injuries and two individuals deceased, including the driver. It was determined that the vehicle was carrying eight illegal aliens and two foot guides in addition to the driver and the front seat passenger. Defendant Padilla-Vasquez was the front seat passenger and assistant to the driver, and Defendants Ramirez-Ayala and the juvenile male were the footguides. All defendants pled guilty. The juvenile male was immediately scheduled for a bench trial, and the Court found him to be a juvenile delinquent in 2007. Padilla-Vasquez was sentenced to 41 months of incarceration, and Ramirez-Ayala was sentenced to 51 months of incarceration; both were given three years of supervised release.

Dates of involvement: 2007 – 2009

Presiding Judge: Hon. Thomas J. Whelan

Co-Counsel:

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Southern District of California
880 Front Street, Suite 6293
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(619) 546-6734

Opposing Counsel:

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For Defendant Juvenile Male

Knut S. Johnson
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San Diego, California 92101
(619) 232-7080
For Defendant Padilla-Vasquez

Ellis Johnston
Clarke, Johnston, Thorp, & Rice, APPC
1010 Second Avenue, Suite 1800
San Diego, California 92101
(619) 756-7632
For Defendant Ramirez-Ayala

7. *United States v. Martinez et al.*, 13CR3560-WQH (three defendants),
United States v. Alvarez-Duenas, 13CR1903-WQH, *United States v. Mejia-*
Campas, 14CR1921-MMA

I handled this case as an Assistant United States Attorney and served as the lead counsel at trial. The investigation involved the smuggling of illegal aliens into the United States through the use of jet skis and panga boats. With the assistance of a court-ordered wiretap, five defendants were arrested and charged in three different indictments, including the leaders of the smuggling operations, Defendants Arceo-Sevilla and Martinez. Arceo-Sevilla launched the jet skis and boats in Mexico, and Martinez coordinated the pick-up and transportation of the illegal aliens in the United States. All defendants pled guilty with the exception of Defendant Martinez, who was convicted at trial. Their sentences ranged from 12 months and a day to five years of incarceration, and all defendants were awarded three years of supervised release.

Dates of involvement: 2012 – 2015

Presiding Judges: Hon. William Q. Hayes, Hon. Michael M. Anello

Associate Counsel:
Michelle Wasserman
United States Attorney's Office
Southern District of California
880 Front Street, Suite 6293
San Diego, California 92101
(619) 546-8431

Opposing Counsel:

Martha M. Hall
Law Offices of Martha M. Hall
964 Fifth Avenue, Suite 214
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For Defendant Martinez

Victor N. Pippins
Law Offices of Victor Pippins
225 Broadway, Suite 2100
San Diego, California 92101
(619) 239-9457
For Defendant Arceo-Sevilla

Kris J. Kraus
Law Office of Kris J. Kraus
Post Office Box 124855
San Diego, California 92112
(619) 709-3338
For Defendant Mesa-Villegas

Frank A. Balistreri
Law Office of Frank A. Balistreri
185 West F Street, Suite 100
San Diego, California 92101
(619) 881-7487
For Defendant Alvarez-Duenas

Elizabeth Nguyen Behnke
Behnke Law Corporation
402 West Broadway, Suite 400
San Diego, California 92101
(619) 964-4252
For Defendant Mejia-Campas

8. *United States v. Ventura-Pena*, 09CR2505-MMA

I solely handled this investigation as an Assistant United States Attorney. This was an Organized Crime Drug Enforcement Task Force investigation into a drug trafficking organization that was importing over 500 kilograms of methamphetamine and over 100 kilograms of cocaine and delivering it to locations in San Diego, Los Angeles, Las Vegas, and Phoenix. Agents discovered that multiple drug seizures at the border belonged to the drug trafficking organization, and after significant development of the case through debriefs of these related defendants, phone toll record analysis, and surveillance, it was

discovered that the defendant coordinated the drug smuggling efforts in the United States and recruited his friends as drivers. Once the defendant was arrested and prosecuted, all smuggling operations from this drug trafficking organization ceased. He pled guilty and received a sentence of 51 months of incarceration, followed by five years of supervised release.

Dates of involvement: 2007 – 2012

Presiding Judge: Hon. Michael M. Anello

Opposing Counsel:

Thomas S. Sims
Law Offices of Thomas S. Sims
Post Office Box 421133
San Diego, California 92142
(619) 295-0509

9. *United States v. Carter*, 12CR4191-BTM

I solely handled this investigation as an Assistant United States Attorney. The case began as a national security investigation based on the defendant's expressed radical ideology against the interests of the United States. The defendant voluntarily threw away his laptop computer in a community dumpster. When law enforcement retrieved and reviewed his computer, they discovered significant amounts of child pornography and explicit self-made videos, including a video of him following two school-age females while taunting them with sexual innuendoes. The Defendant pled guilty to child pornography charges, and he was sentenced to 168 months of incarceration followed by 10 years of supervised release.

Dates of involvement: 2012 – 2014

Presiding Judge: Hon. Barry Ted Moskowitz

Opposing Counsel:

Oliver P. Cleary
Law Office of Oliver P. Cleary
468 North Camden Drive, Suite 200
Beverly Hills, California 90210
(424) 324-8874

10. *United States v. Vescuso*, 2019 WL 3526394 (S.D. Cal. Aug. 2, 2019)

I handled this trial as an Assistant United States Attorney and served as co-counsel. The defendant was responsible for the operations and clean-up at the shooting range on Camp Pendleton Marine Corps Base. He was supposed to take

all the expended brass shell casings to the base recycling facility where the proceeds from selling the brass is returned to the Welfare and Morale funds that support the Marines. Instead, he sold the brass to a recycling company for his own profit. The jury found him guilty of theft of government property and conspiracy to sell and dispose of more than \$500,000 of brass shell casings. He was sentenced to 33 months of incarceration followed by three years of supervised release. The Ninth Circuit affirmed the conviction, but reversed the imposition of a forfeiture judgment for the entire loss suffered by the government and remanded the case for a determination on the money actually acquired as a result of the crime.

Dates of involvement: 2015 – 2016

President Judge: Hon. Thomas Whelan

Co-Counsel:

Janet Cabral
United States Attorney's Office
Southern District of California
880 Front Street, Suite 6293
San Diego, California 92101
(619) 546-8715

Opposing Counsel:

Todd Burns
Burns and Cohan Attorneys at Law
1350 Columbia Street, Suite 600
San Diego, California 92101
(619) 236-0244

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

As an Assistant United States Attorney, all of my significant legal activities have revolved around the prosecution of hundreds of criminal cases. In the great majority of the cases I have prosecuted, they have proceeded from the investigatory stage, to a prosecutorial charging decision, to litigating potential plea trial issues, to trial or a plea hearing, and finally, to the sentencing phase. Throughout all of these stages, I have consulted with and directed the activities of an entire team of agents and investigators, and ultimately, I assumed all responsibilities for litigating any and all issues that arose during any stage of the investigation or prosecution. While a large percentage of federal

criminal cases are resolved with the entry of a guilty plea rather than a trial, the litigation aspects of any federal criminal prosecution begin at the outset of a case with arguments for bond or detention and continue until all motions are argued. As the Deputy Chief of Intake, I currently supervise 14 Assistant United States Attorneys who handle all new reactive criminal cases at the earliest stages of federal criminal prosecution. I spend significant time in training and observing the attorneys who handle the initial appearances, detention hearings, preliminary hearings, arraignments, and guilty pleas. Additionally, I oversee the implementation and execution of the Alternatives to Prison Solution Diversion Program for the Southern District of California. At the time of the initial presentation of alien smuggling cases, I determined whether the case is accepted into the Diversion Program, and directly coordinate with Pretrial Services, the designated defense counsel, and the courts on the operations, policies, and procedures of the program. I have always viewed all stages of any investigation or prosecution as significant, regardless of whether such investigation or prosecution proceeds to a contentious trial or a prosecution declination.

I have never performed any lobbying activities.

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

None.

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

I am vested in the Federal Employees Retirement System and the Military Retirement System with payments starting at age 60.

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

Other than my continuing military service, I have no plans, commitments, or agreements to pursue outside employment if confirmed.

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

required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

As an Assistant United States Attorney in the Southern District of California, I currently represent the United States of America in numerous criminal cases at the beginning stages of the case, and I am assigned several proactive cases in various stages of prosecution. If I were to be confirmed, I would recuse myself in those criminal cases and investigations in which I was involved if such case or investigation comes before the court.

My husband is the Chief Executive Officer of Crestone Group, LLC. If his company becomes involved in litigation in federal court, I would recuse myself from that case. I know of no other family member or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interest.

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

In actual conflict of interest situations based upon my current position as an Assistant United States Attorney, I would recuse myself from any and all criminal cases and investigations I participated in as an Assistant United States Attorney. In other potential conflict of interest situations, I would disclose to all parties all relevant information, allow the parties to be heard, and then rule on recusal based upon the application of judicial guidelines to the specific potential conflict of interest scenario. In reviewing all actual or potential conflicts, I would refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities,

listing specific instances and the amount of time devoted to each.

As an Assistant United States Attorney, I am prohibited from engaging in the practice of law on behalf of any entity other than the federal government. While serving as the Executive Officer of the Navy Reserve Unit supporting the Regional Legal Service Office Southwest, I did oversee and participate in providing free legal advice and support to deploying service members and their families. As a result of being prohibited from engaging in pro bono work, I have immersed myself in volunteer work in my community. During the Spring of 2017, I volunteered to be a Project LEAD instructor, where I taught eight weekly lessons to fifth grade students at an Elementary School located in a high crime area. I presented lessons on various topics such as substance abuse, staying in school, and resisting peer pressure. In 2015, I joined the Seaside Chapter of the National Charity League with my daughter, where we volunteer together in various non-profit organizations in the San Diego area, including Father Joe's Village (feeding the homeless), Feeding San Diego, Challenged Athlete's Foundation, and Miracle Babies. We spend at least 25 hours a year volunteering together for the National Charity League, and from April 2018 through March 2019, we accumulated over 100 hours of community service. Since 2017, I have been the Father Joe's Village Liaison, which entails coordinating the monthly volunteer opportunities to serve meals and organize special events for the families at Father Joe's Village. My daughter and I serve dinner to the homeless approximately eight times a year at Father Joe's Village. Additionally, I volunteer for the District Court's outreach program at least once a quarter to engage students in civics education. I am one of the original members of the District Court's Civics Essay and Video Competition; each year I assist with promoting the competition at local high schools, and I volunteer as a judge for the competition. For many years, I have also volunteered at my children's elementary, middle, and high schools for various events and programs. Outside of the classroom, I have volunteered with my children through their high school Interact Club, including their support of an orphanage in Mexico.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On October 3, 2017, I spoke with an official from the Office of Legal Policy at the Department of Justice to learn about the nomination process for District Court Judgeships. That official forwarded my resume to the White House Counsel's Office, and on the morning of October 6, 2017, I received a call from the White

House Counsel's Office requesting that I attend an interview that afternoon. That same day I interviewed with officials from the White House Counsel's Office and the Office of Legal Policy.

On January 18, 2018, the statewide chair of Senator Dianne Feinstein's Judicial Advisory Committee announced that the Committee was seeking candidates for the position of Judge, United States District Court, and requested that interested candidates apply by March 1, 2018. I submitted an application to Senator Feinstein's Judicial Advisory Committee on February 28, 2018. On June 13, 2018, I was interviewed by Senator Feinstein's Judicial Advisory Committee for the Southern District of California. On June 15, 2018, I submitted an identical application to Senator Kamala Harris' Judicial Selection Commission. I was interviewed by Senator Harris' Judicial Selection Commission on September 7, 2018. On January 30, 2019, I submitted an updated application to Senator Feinstein's Judicial Advisory Committee and to Senator Harris' Judicial Selection Commission. On May 6, 2019, I interviewed with Senator Feinstein's statewide Judicial Advisory Committee Chair.

On or about July 1, 2019, I was contacted by an official from the White House Counsel's Office to request additional information related to my District Court Judge application, which I provided. On or about July 18, 2019, I was called by the local chair of Senator Harris' Judicial Selection Commission to request the same additional information, which I provided.

I was contacted on September 13, 2019 by an official from the White House Counsel's Office, stating that a background check of me would begin promptly. On September 18, 2019, that same official notified me that President Trump intended to nominate me to the District Court of the Southern District of California, and the President announced his intent to nominate me on September 20, 2019. On November 21, 2019, the President submitted my nomination to the Senate.

Throughout this process I have been in contact with the attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.