

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Cindy Kyounga Chung

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

United States Attorney for the Western District of Pennsylvania

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

United States Attorney's Office
Western District of Pennsylvania
700 Grant Street, Suite 4000
Pittsburgh, PA 15224

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

1975; Omaha, Nebraska

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.

Columbia Law School, 1999 - 2002
J.D. - May 2002

University of California, Los Angeles, Summer 1997
No degree received

Yale University, New Haven, CT, 1993 - 1997
B.A. - May 1997

Ewha Women's University, Seoul, South Korea, Summer 1995
No degree received

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

September 2014 - Present

Assistant United States Attorney, 2014 - Present

Deputy Chief, Major Crimes Section, 2018 - 2020

Acting Deputy Chief, Violent Crimes Section, various times 2015 - 2017

United States Attorney's Office

Western District of Pennsylvania

700 Grant Street, Suite 4000

Pittsburgh, PA 15219

Paid

January 2021 - May 2021

Adjunct Professor

University of Pittsburgh, School of Law

Barco Law Building

3900 Forbes Avenue

Pittsburgh, PA 15260

Unpaid

August 2009 - August 2014

Trial Attorney

United States Department of Justice

Civil Rights Division, Criminal Section

150 M Street NE, 7th Floor

Washington, DC 20002

(formerly located at 601 D Street NW, Fifth Floor, Washington, DC 20004)

Paid

August 2003 - July 2009

Investigation Counsel, Official Corruption Unit, 2007 - 2009

Assistant District Attorney, Trial Bureau 50, 2003 - 2007

District Attorney's Office, New York County

One Hogan Place

New York, NY 10013

Paid

August 2002 - August 2003

Law Clerk

Honorable Myron Thompson

United States District Court for the Middle District of Alabama

Frank M. Johnson Jr., U.S. Courthouse Complex

One Church Street

Montgomery, AL 36104

Paid

Summer 2001
Summer Associate
Willkie, Farr and Gallagher LLP
787 Seventh Avenue
New York, NY 10019-6099
Paid

Spring 2001
Intern / Student
Honorable Sonia Sotomayor
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007
Unpaid

Fall 2000
Research Assistant
Columbia Law School
Prof. Elizabeth Schneider
435 West 116th Street
New York, NY 10027
Paid

Summer 2000
Intern
Lawyers Alliance
171 Madison Avenue, 9th Floor
New York, NY 10016
Unpaid but received fellowship from law school

August 1997 - January 1999
Fellow
Yale-China Association
Yali Middle School
428 Laodong Western Road
Yuhua District, Changsha, Hunan, 410007
Paid

Summer 1997
Assistant
Professor Nina Byers
University of California, Los Angeles
Contributions of 20th Century Women to Physics Project
To the best of my recollection, this was unpaid.

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.

Law Enforcement Agency Directors, Team Award for Outstanding Performance, 2020
Federal Executive Board (FEB), Gold Award for Outstanding Team Excellence in
Government Award, 2019

Pennsylvania Narcotic Officers' Association, Outstanding Prosecutor Award, 2019
Drug Enforcement Administration (DEA), Certificate of Appreciation for Outstanding
Contributions to DEA's Mission, 2017

Attorney General's Award for Exceptional Service, October 2012

Civil Rights Division Assistant Attorney General's Distinguished Service Award, 2011

Harlan Fiske Stone Scholar, Academic Years 2000 - 2002

Columbia Public Interest Fellow, Summer 2001

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.

Allegheny County Bar Association (ACBA)

ACBA Asian Attorneys Committee

Asian Pacific American Bar Association of Pennsylvania

Wendell Freeman Society

Asian Bar Association of New York

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.

New York, October 2002

Pennsylvania, November 2013

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.

Western District of Pennsylvania (January 2015)
All state courts in Pennsylvania (November 2013)
All state courts in New York (October 2002)

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.

N/A.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

N/A.

12. Published Writings and Public Statements:

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

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

10(2) Colum. J. Gender & Law (2000), Articles Editor, available at: <https://journals.library.columbia.edu/index.php/cjgl/issue/view/178>. As an Articles Editor, I led a team of other journal members for purposes of line editing and cite checking articles for publication.

11(1) Colum. J. Gender & Law (2001), Managing Editor, available at: <https://journals.library.columbia.edu/index.php/cjgl/issue/view/179>. As the Managing Editor, I led a team of Articles Editors to ensure that articles were properly line-edited and cite-checked for publication.

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

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive materials.

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

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive materials.

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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes and when I have spoken with the aid of notes or an outline, I have not always retained these materials. Despite my searches, there may be other talks or materials I have been unable to identify, find, or remember. I have located the following:

South Asian Bar Association of Philadelphia

Via Zoom

March 27, 2021

I participated in a panel discussion regarding hate crimes against Asian Pacific Americans. I discussed federal hate crime laws and spoke without notes and there is no transcript or recording of which I am aware.

Pittsburgh Intellectual Property Law Association

Via Zoom

February 17, 2021

An FBI agent and I discussed federal laws surrounding economic espionage and trade secret theft, commonly used criminal methods, and highlighted some cases that have been prosecuted in the Western District of Pennsylvania. Outline supplied.

Office of Pittsburgh Mayor Bill Peduto

Live-streamed via the City of Pittsburgh's Facebook Event Page and on the

Welcoming Pittsburgh Facebook Page.

May 4, 2020

I was part of panel and I discussed federal hate crime law. I was unable to locate the outline I used and there is no transcript or recording of which I am aware.

Crisis Center North

Crescent Township Municipal Building, 225 Spring Run Road, Crescent, PA

November 22, 2019

I trained local law enforcement officers on federal statutes that could be applicable in domestic violence situations. I provided attendees with a pamphlet (attached). Outline supplied.

Pennsylvanians for Modern Courts

University of Pittsburgh, School of Law, 3900 Forbes Avenue, Pittsburgh, PA

June 4, 2019

I provided an overview of federal criminal procedure to a group of journalists. Outline supplied.

Global Pittsburgh, Russian Open World Group

USAO-WDPA, 700 Grant Street, Suite 4000, Pittsburgh, PA

May 21, 2019

I presented an overview of federal civil rights law to visiting scholars and lawyers from Russia. I was unable to locate the outline I used and there is no transcript or recording of which I am aware.

Rodef Shalom Congregation

4905 5th Avenue, Pittsburgh, PA

June 3, 2018

I was part of a panel and answered questions regarding federal hate crime laws. I do not believe I spoke with the aid of notes and there is no transcript or recording of which I am aware.

Circles East Liberty

Eastminster Presbyterian Church, 250 North Highland Avenue, Pittsburgh, PA.

May 8, 2018

I presented to community members an overview of federal laws which govern the use of excessive force. I was unable to locate the outline I used and there is no transcript or recording of which I am aware.

Circles East Liberty

Eastminster Presbyterian Church, 250 North Highland Avenue, Pittsburgh, PA

April 10, 2018

I presented to community members an overview of federal hate crime laws. I was unable to locate the outline I used and there is no transcript or recording of which I am aware.

Pittsburgh Federal Executive Board Diversity and Inclusion Committee

Moorhead Federal Building, 13th Floor, Room 1310, Pittsburgh, PA

January 12, 2018

I was a panelist for this event and believe I spoke about federal hate crime law. I do not believe I spoke with the aid of notes and there is no transcript or recording of which I am aware.

Beaver County Law Enforcement Community Coalition

Hopewell Area School District Central Office, 2354 Brodhead Road, Aliquippa, PA, 15001

December 15, 2017

I provided to community members an overview of federal statutes which govern crimes committed under color of law, including the criminal use of unreasonable or excessive force. Outline supplied.

Allegheny County Bar Association (ACBA), Women in the Law Division

Allegheny County Bar Association Bench Bar Conference, Seven Springs

Mountain Resort, 777 Waterwheel Drive, Seven Springs, PA

June 16, 2017

I was part of a panel that discussed hate crimes, and I discussed federal hate crime laws. I do not believe I spoke with the aid of notes and there is no transcript or recording of which I am aware.

ACBA, Asian Attorneys Committee

400 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA

April 27, 2017

As a panel member, I addressed questions related to federal hate crime laws. I do not believe I spoke with the aid of notes and there is no transcript or recording of which I am aware.

Pittsburgh Police Citizens Academy
900 North Lincoln Avenue, Pittsburgh, PA 15233.
October 15, 2016

I presented an overview of federal civil rights and hate crime laws. I was unable to locate the outline I used and there is no transcript or recording of which I am aware.

ACBA Bench Bar Conference
Seven Springs Mountain Resort, 777 Waterwheel Drive, Seven Springs, PA
June 17, 2016

I was part of a panel that discussed federal hate crime laws. I do not believe I spoke with the aid of notes and there is no transcript or recording of which I am aware.

ACBA, Federal Criminal Court Section Subcommittee Meeting
400 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA
March 8, 2016

I presented an overview of federal hate crime laws and official misconduct. Outline supplied.

Young Women's Christian Association's Stand Against Racism Rally
Point Park University
April 24, 2015

I offered brief remarks on the importance of putting an end to racism. I do not believe I spoke with the aid of notes and there is no transcript or recording of which I am aware.

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

Following the trial in United States v. Bowen, et al., Eastern District of Louisiana, Crim. No. 10-204, I was part of an interview with National Public Radio (NPR). To the best of my recollection, my participation was extremely limited and I was not quoted or referenced in the aired/published coverage. The story can be found at the following site: [https://www.npr.org/2011/08/18/139668648/verdict-in-
katrina-shooting-buoys-police-reform](https://www.npr.org/2011/08/18/139668648/verdict-in-katrina-shooting-buoys-police-reform).

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.

I have not held any appointed positions.

- 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;

Honorable Myron H. Thompson
United States District Court Judge for the Middle District of Alabama
Law Clerk, 2002 to 2003

- 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 2003 - July 2009
Investigation Counsel, Official Corruption Unit, 2007 - 2009
Assistant District Attorney, Trial Bureau 50, 2003 - 2007
District Attorney's Office, New York County
One Hogan Place
New York, NY 10013

August 2009 - August 2014

Trial Attorney
United States Department of Justice
Civil Rights Division, Criminal Section
150 M Street NE, 7th Floor
Washington, DC 20002
(formerly located at 601 D Street NW, Fifth Floor, Washington, DC
20004)

January 2021 - May 2021
Adjunct Professor
University of Pittsburgh, School of Law
Barco Law Building
3900 Forbes Avenue
Pittsburgh, PA 15260

September 2014 - Present
Assistant United States Attorney, 2014 - Present
Deputy Chief, Major Crimes Section, 2018 - 2020
Acting Deputy Chief, Violent Crimes Section, various times 2015 - 2017
United States Attorney's Office
Western District of Pennsylvania
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
Paid

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I clerked the year following law school. Since that time, I have served as a prosecutor at the state and federal level.

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

In 2003, I became an Assistant District Attorney at the District Attorney's Office, New York County (DANY), where I served the people of New York County and prosecuted crimes of all kinds. In 2007, I moved from a general trial bureau to the official corruption section and began to work on

civil rights and public corruption. The work included all phases of a criminal case, including investigative, grand jury, motions, trial, and post-trial motions.

In 2009, I became a trial attorney for the Civil Rights Division, Criminal Section, where I served the people of the federal districts in which I prosecuted cases. I continued to work on all phases of a criminal case, litigating civil rights crimes and human trafficking crimes.

In 2014, I became an Assistant United States Attorney at the United States Attorney's Office, Western District of Pennsylvania, where I served the people of the Western District of Pennsylvania. I have continued to work on all phases of a criminal case, as well as appeals, and litigated a wide variety of crimes. At times, my work has focused on narcotics, the illegal prescription of narcotics, and health care fraud, and my work is currently focused on cybercrime and national security.

- 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.

Following my clerkship, the entirety of my career has been in litigation. I have spent that time serving as a prosecutor at the state and federal levels. I have appeared in court frequently. While I was an assistant district attorney in New York County (2003 - 2007), I appeared in the grand jury and court almost daily. As investigation counsel at DANY (2007 - 2009), I appeared in grand jury and court much less frequently. During my time as a trial attorney with the U.S. Dept. of Justice (DOJ) (2009 - 2014), I appeared in grand jury frequently and less frequently in court. As an AUSA (2014 - present) and while acting as a supervisor at the USAO-WDPA (2018 - 2020), I have appeared in grand jury and court with varying frequency (ranging from multiple times a month to multiple times a week).

- i. Indicate the percentage of your practice in:

- | | |
|----------------------------|-----|
| 1. federal courts | 67% |
| 2. state courts of record | 33% |
| 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 approximately 24 cases to verdict. I was sole counsel on 14 such cases. On the additional ten cases in which had I co-counsel, I was lead counsel on 4 cases.

i. What percentage of these trials were:

- | | |
|-------------|-----|
| 1. Jury | 92% |
| 2. non-jury | 8% |

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 argued orally before the Supreme Court.

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

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

1. United States v. Paul Michael Hoover and Marcia Ramsier Arthurs

Case No. 2:18-cr-188

United States District Court for the Western District of Pennsylvania

Honorable Mark R. Hornak

2018-2021

The defendant, Paul Michael Hoover, was a licensed physician who traveled every three months to Pittsburgh from California with his girlfriend and co-defendant Marcia Arthurs. While in Pittsburgh, the defendants operated a pill mill wherein Hoover wrote illegitimate oxycodone prescriptions in exchange for cash over the course of a weekend. The defendants would then depart Pittsburgh and return to California. The defendants also caused Medicare and Medicaid to pay for the illegitimate prescriptions and laundered their criminal proceeds. Both defendants also falsely claimed to be disabled, despite making hundreds of thousands a year, and collected benefits from the social security

administration. I served as lead counsel for the government on this matter. This entailed coordinating and directing a multi-agency investigation that involved the FBI, DEA, IRS, HHS, USPIS, and SSA, identifying criminal proceeds and property of approximately \$1.2 million, and securing restitution to Medicare, Medicaid, and the SSA of more than \$400,000. Both defendants entered a plea of guilty to conspiring to distribute oxycodone, conspiring to launder money, conspiring to commit health care fraud, and committing social security fraud and were sentenced to terms of imprisonment of 136 months and 63 months.

Co-Counsel:

Rachael Mamula (former Assistant United States Attorney)
Federal Express
1000 FedEx Drive
Moon Township, PA 15108
422-759-9563

Opposing Counsel:

Counsel for Wesley Gorman
Mr. Hoover: Reisinger Comber and Miller, LLC
300 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
412-894-1380

Counsel for Efreem Grail
Ms. Arthurs: Grail Law Firm
Koppers Building, 30th Floor
436 Seventh Avenue
Pittsburgh, PA 15219-1907
412-227-2969

2. United States v. Stephen Matakovich

Case No. 2:16-cr-73
United States District Court for the Western District of Pennsylvania
Honorable Cathy Bissoon
2016-2017

The defendant, Stephen Matakovich, was working as a security officer at Heinz Field in his capacity as an off-duty police officer with the Pittsburgh Bureau of Police. The defendant was charged for his actions in punching, pushing and repeatedly striking an arrestee, without justification. The defendant was also charged with falsifying his report to justify his conduct. I served as lead counsel for the government on this matter and directed the

investigation and trial strategy, conducted an opening statement, directed multiple witnesses, cross-examined the defendant, and argued at sentencing. The defendant was convicted after trial for the excessive force charge and acquitted on the obstruction count. The court sentenced the defendant to a term of imprisonment of 27 months. The conviction was upheld on appeal.

Co-Counsel:

Stephen Gilson (former Assistant United States Attorney)
University of Pittsburgh
Office of University Counsel
2400 Cathedral of Learning
4200 Fifth Avenue
Pittsburgh, PA 15260
412-383-0413

Opposing Counsel:

Tina Miller
Reisinger Comber and Miller, LLC
300 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
412-894-1380

Devin Misour
Reed Smith LLP
Reed Smith Centre
225 Fifth Avenue
Pittsburgh PA 15222
412-288-3131

3. United States v. Jocquinn Lamont Harris

Case No. 2:16-cr-26
United States District Court for the Western District of Pennsylvania
Honorable Reggie B. Walton
2016-2017

Jocquinn Lamont Harris sold heroin that caused a fatal overdose. Despite having knowledge that the drugs he sold caused the death of the victim, he continued to sell the same product, leading to an additional fatal overdose. In total, his dealings over approximately two weeks caused four non-fatal overdoses and two fatal overdoses. I served as sole counsel for the government on this matter and handled the prosecution from investigation to sentencing, including directing witnesses in the grand jury and negotiating a plea. The defendant pleaded guilty and was sentenced to twelve years

imprisonment.

Opposing Counsel:

Marvin Miller
2324 McNary Boulevard
Pittsburgh, PA 15235
412-247-9628

4. United States v. James Nassida et al.

Case No. 2:14-cr-241
United States District Court for the Western District of Pennsylvania
Honorable Donetta Ambrose
2016-2018

Defendant James Nassida owned and operated a mortgage broker business called Century III Home Equity (Century III), one of the largest mortgage broker businesses in the district. Defendants Robert Denne and Janna Nassida were managers at Century III and also loan officers. The defendants were charged with conspiring to commit bank fraud in obtaining mortgages by fraud. Mr. Denne pleaded guilty and was sentenced to 30 months' imprisonment. I served as a second seat for the government at trial for James and Janna Nassida and directed multiple witnesses, cross-examined Ms. Nassida, and conducted closing argument. During trial, I raised with the Court the issue that James Nassida's attorney was observed sleeping and proposed that the situation be remedied by recalling any witnesses desired by the defense for further cross examination. The defense attorney declined to re-call any witnesses. Both defendants were convicted after trial. Janna Nassida was not sentenced due to her untimely death and James Nassida successfully moved for a new trial based on the issue related to his attorney. He later pleaded guilty and was sentenced to a term of imprisonment of 78 months.

Co-Counsel:

Brendan Conway
Assistant United States Attorney
United States Attorney's Office, Western District of Pennsylvania
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
412-894-7348

Opposing Counsel:

Counsel for Stanton D. Levenson
Mr. Nassida: 6105 Spirit Street, Suite 447

Pittsburgh, PA 15206
412-552-3231

James Brink
601 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219
412-952-5944

Counsel for Thomas W. Brown
Ms. Nassida: 327 W. Main Street
Carnegie, PA 15106
412-279-0110

5. United States v. Rodney Howard

Case No. 2:15-cr-08
United States District Court for the Western District of Pennsylvania
Honorable Mark R. Hornak
2015-2016

Mr. Howard was a fugitive for a state murder case. The U.S. Marshals Fugitive Task Force located him at a residence. When he was arrested, the residence was cleared and officers observed in plain view a significant heroin packaging and distribution operation. I served as lead counsel for the government on this matter and handled the case from investigation to trial. I represented the government in the suppression hearing and directed multiple witnesses, argued the government's position, and wrote the government's brief. At trial, I opened, closed, and performed all direct and cross-examinations, excepting one witness. Mr. Howard was convicted at trial and sentenced to 240 months in prison.

Co-Counsel:

Stephen Gilson (former Assistant United States Attorney)
University of Pittsburgh
Office of University Counsel
2400 Cathedral of Learning
4200 Fifth Avenue
Pittsburgh, PA 15260
412-383-0413

Opposing Counsel:

Penn Hackney (formerly Assistant Federal Public Defender)
(retired – no public mailing address)
412-401-3445

6. United States v. Frankie Maybee, et al.

Case No. 3:11-cr-30006

United States District Court for the Western District of Arkansas

Honorable Jimmy Larry Hendren

2010-2011

This was the first Shepherd-Byrd Hate Crimes Prevention Act case prosecuted in the country. The defendants were charged with a racially-motivated attack in which they ran a vehicle containing five Hispanic men off the road, causing the car to crash into a tree and ignite. I served as co-counsel for the government on this matter and handled the investigation portion of the case on behalf of the Civil Rights Criminal section, including gathering motive evidence, participating in witness interviews, and applying for certification. The defendants were convicted after trial for multiple counts of the Shepherd-Byrd Hate Crimes Prevention Act. After trial, I rejoined the case for sentencing. The defendants were sentenced to terms of imprisonment of 48 months and 130 months. Mr. Maybee appealed and his conviction and sentence were upheld.

Co-Counsel:

Edward Chung (former Trial Attorney with the Civil Rights Division,
Criminal Section)

Center for American Progress

1333 H Street NW

Washington, DC 20005

917-887-0956

Kyra Jenner

Assistant United States Attorney

United States Attorney's Office, Eastern District of Arkansas

425 West Capitol Avenue Suite 500

Little Rock, AR 72201

501-340-2600

Opposing Counsel:

Counsel for Samuel Christian Flanagin

Mr. Maybee: Thurman & Flanagin

105A Passion Play Road

P.O. Drawer 190

Eureka Springs, AR 72632

479-253-1234

Counsel for Phillip Ashley Moon

Mr. Popejoy: P.O. Box 2217
Harrison, AR 72602
870-743-5003

7. United States v. Alfred and Gloria Edwards

Case No. 8:11-cr-316
United States District Court for the District of Maryland
Honorable Deborah K. Chasanow
2010-2013

The defendants were charged with harboring a Filipino national whom they brought to the United States under false pretenses. For approximately ten years, the victim provided low cost labor to the Edwards as a domestic servant and caretaker, and was unable to leave as the defendants retained her passport and told the victim she had to pay them \$20,000 if she were to leave. I served as lead counsel for the government on this matter and worked with the FBI in investigating the case, drafted the charging instruments in the case, worked with the Department of Labor and with witnesses to determine a restitution amount, and communicated with the victim, her family, and her attorney. The defendants pleaded guilty and were sentenced to pay approximately \$370,000 in restitution and to terms of imprisonment ranging from three months to twelve months.

Co-Counsel:

Jonathan Lenzner
United States Attorney's Office, District of Maryland
36 S. Charles Street 4th Fl.
Baltimore, MD 21201
410-209-4800

Kristi O'Malley
On detail in Kuala Lumpur, Malaysia
Unite 4210, Box 0031
DPO, AP 96535
202-425-2490

Opposing Counsel:

Counsel for Robert Bonsib
Mr. Edwards: Marcus and Bonsib
6411 Ivy Lane, Suite 116
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Counsel for Andrew Alpert

Ms. Edwards: Alpert Schreyer Poe LLC
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8. United States v. Jason Barnwell, et al.

Case. No. 11-cr-62
United States District Court, Eastern District of Arkansas
Honorable Billy Roy Wilson

This was a prosecution of four individuals for the racially-motivated firebombing of the home of an interracial couple (a fifth individual was charged with obstruction), wherein white supremacists threw Molotov cocktails into the home of the couple. I served as co-counsel for the government on this matter and worked to develop the investigation, cooperate witnesses, freeze statements in the grand jury, and indict the case. The case was handled by another DOJ attorney for a period in which multiple defendants pleaded guilty. I rejoined the case for the trial of defendant Gary Dodson. I argued the government's successful reverse Batson challenge which resulted in jurors, whom the defendant struck on the basis of race, to be added back to the jury. After the jury was properly composed, without regard to race, Mr. Dodson pleaded guilty without proceeding to trial. The defendants were sentenced to terms of imprisonment ranging from 21 months to 180 months.

Co-Counsel:

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Opposing Counsel:

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Counsel for Misty Borkowski
Mr. Barnwell: Cross, Gunter, Witherspoon & Galchus, P.C.
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Counsel for James Harry Phillips
Mr. Hammond: 111 Center Street Suite 1200
Little Rock, AR 72201-3408

9. United States v. Kenneth Bowen, et al.

Case No. 2:10-cr-204

United States District Court for the Eastern District of Louisiana
Honorable Kurt D. Engelhardt
2011-2016

The defendants in this case were police officers who shot, killed, and seriously injured unarmed civilians in the aftermath of Hurricane Katrina, and then attempted to conceal the criminal nature of their actions. I served as second seat for the government for trial and sentencing, and handled the direct examination of multiple witnesses. I also assisted the appellate attorney in this matter. The defendants were convicted after a six-week trial on all counts. The defendants were granted a new trial after appeal based on online activities of government attorneys who were not part of the trial team. The defendants subsequently pleaded guilty to some counts and were ultimately sentenced to terms of imprisonment of ranging from three to ten years.

Co-Counsel:

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Theodor Carter
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Opposing Counsel:

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Counsel for Paul Fleming
Mr. Faulcon: 2821 Kingman Street, Suite C
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Counsel for Timothy Meche
Mr. Villavaso: 700 Camp Street
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Counsel for Roger Kitchens
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(may no longer be active as was previously suspended from
legal practice)

Counsel for Stephen D. London
Mr. Kaufman: 2950 Energy Centre
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504-582-2427

10. United States v. William White

Case No. 7:08-cr-54

United States District Court for the Western District of Virginia, Roanoke
Division

Honorable James Turk
2009-2012

William A. “Bill” White, the self-proclaimed commander of the neo-Nazi group the American National Socialist Workers Party, was indicted for his conduct in targeting individuals and engaging in a pattern of threatening conduct. His actions included making late night telephone calls to the victims’ homes, during which he would identify himself as the leader of a white supremacist group; sending emails and letters to the victims in which he would make threatening statements; and posting the victims’ names,

addresses, phone numbers, and other personal information on neo-Nazi Web sites, sometimes accompanied by language advocating the murder of the targeted victim. I served as second seat for the government for trial, sentencing, and resentencing. I opened for the government and conducted multiple examinations. The defendant was convicted of three counts of threatening the victims, and one count of intimidating a witness; he was acquitted on three threats counts, and the court entered a directed verdict of not guilty on one threat conviction. The convictions were upheld on appeal and remanded for resentencing on government appeal. Mr. White was ultimately sentenced to a 33-month term of incarceration.

Co-Counsel:

John Richmond (former Trial Attorney, Civil Rights Division, Criminal Section)
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Opposing Counsel:

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

My career has been devoted to serving the public as a prosecutor at the state and federal levels. In that role, I have handled criminal cases through the entire lifecycle of each matter, from investigation to post-trial motions. I have trained, worked with, and

coordinated multiple state and local investigative agencies in furtherance of these activities. I have also been active in communicating with and educating various community groups in an effort to maintain good relationships with the people for whom we work, to ensure that our residents understand the law, and to establish a relationship so that all members of the community feel comfortable approaching federal law enforcement. Accordingly, I have represented the office in groups such as the Beaver County Law Enforcement Community Coalition, Working Together LGBTQ+ Group, Heroin Outreach Prevention and Education- Initiative, and the Pittsburgh-area Community Police Relations Group. I have also served on the USAO-WDPA's Executive Committee for which I chaired the Community Outreach Subcommittee.

My work has touched on crimes of all types such as domestic violence, drug trafficking, police-involved shootings, money launderings, hate crimes, robberies, and obstruction. In my time as a prosecutor, I have had the honor of serving on multiple cases of national importance. This includes United States v. Robert Bowers (a prosecution involving the mass shooting at the Tree of Life Synagogue) for which I was one of the responding attorneys in the direct aftermath of this incident and handled certification and pleading at the inception of the case. As the Domestic Violence Coordinator and Civil Rights Coordinator, I have developed trainings and educational materials and have represented the office in multiple community outreach events and have conducted trainings. As the Project Safe Neighborhood Coordinator, I have worked with our law enforcement and community partners to implement our district violence-reduction strategy, as well as facilitated the grant process for our partners. As a supervisor, I have strategized with my colleagues, trained new attorneys, and reviewed their work.

I have performed no lobbying activities on behalf of any client or organization.

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.

Federal Hates Crimes

Co-teaching with Adjunct Professor Stephen Gilson

University of Pittsburgh, School of Law

Spring Term 2021

This course covers federal hate crimes with a focus on the Shepherd-Byrd Hate Crimes Prevention Act (18 U.S.C. § 249). Students are provided an opportunity to examine and analyze relevant statutes and key cases with a focus on gaining a practical understanding of the elements and application of these statutes through litigation exercises (syllabus attached).

I have also provided training to various law enforcement agencies such as the Pittsburgh Bureau of Police, the Allegheny County Police Department, and the Erie Police Department, on various areas of federal law including hate crimes, crimes committed under color of law, narcotics, firearms, and violent crime.

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 to be compensated in the future for any financial or business interest.

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

None.

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

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

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

Please see attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

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

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

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

As an Assistant United States Attorney, I have engaged with the community in multiple ways, as listed above. I have volunteered with various groups in my personal capacity including for the following groups and time periods:

Allegheny County Mock Trial (2018 - Present) - This is a high school mock trial competition and I have regularly served as a volunteer judge or juror.

Tree Pittsburgh (2020 - Present) - Tree Pittsburgh is an environmental non-profit organization dedicated to enhancing community vitality by restoring and protecting the urban forest through tree planting and care, education, advocacy, and land conservation. I have tended to neighborhood trees as a volunteer.

Circles East Liberty (2016 - 2019) - Circles East Liberty (now Catapult Greater Pittsburgh) is a community group focused on reducing poverty. I volunteered as an "ally" and was partnered with a "leader," a community member who had set goals to improve her financial situation.

Hello Neighbor (2017) - Hello Neighbor is a community group committed to supporting recently resettled refugee and immigrant families. My husband and I volunteered as a support resource for a newly settled family.