

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Roderick Charles Young

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

United States District Judge for the Eastern District of Virginia

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

Spottswood W. Robinson III and Robert R. Merhige, Jr.
United States Courthouse
701 East Broad Street, Suite 5212
Richmond, Virginia 23219

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

1966; Petersburg, 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.

1991 – 1994, West Virginia University College of Law; J.D., 1994

1990 – 1991, George Mason University; M.A., 1994

Summer 1990, University of Richmond; no degree

Summer 1986, Virginia Commonwealth University; no degree

1984 – 1988, George Mason University; B.A., 1989

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.

2018 – Present

William & Mary Law School
613 South Henry Street
Williamsburg, Virginia 23185
Adjunct Professor

2014 – Present

Spottswood W. Robinson III and Robert R. Merhige, Jr.
United States Courthouse
701 East Broad Street, Suite 5212
Richmond, Virginia 23219
United States Magistrate Judge

2002 – 2014

United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, Virginia 23219
Deputy Criminal Supervisor (2012 – 2014)
Assistant United States Attorney (2002 – 2012)

2001 – 2002

United States Attorney's Office for the District of Columbia
555 4th Street Northwest
Washington, D.C. 20530
Special Assistant United States Attorney

1998 – 2002

City of Richmond Commonwealth's Attorney's Office
John Marshall Courts Building
400 North 9th Street, Suite 100
Richmond, Virginia 23219
Senior Assistant Commonwealth's Attorney (2000 – 2002)
Assistant Commonwealth's Attorney (1998 – 2000)

1996 – 1998

Portsmouth Public Defender's Office
1 Guardian Court
Portsmouth, Virginia 23704
Assistant Public Defender

1994 – 1996

Judith Fox Temporary Services
7301 Forest Avenue, Suite 200
Richmond, Virginia 23226

Temporary Legal Work

1995

Law Offices of Sharon Baptiste
3702 Weyburn Road
Richmond, Virginia 23235
Legal Assistant

Summer 1993

Law Offices of Franklin D. Cleckley
101 Law School Drive
Morgantown, West Virginia 26506
Summer Associate / Research Assistant

Summer 1992

Bowles Rice, LLP
600 Quarrier Street
Charleston, West Virginia 25301
Summer Associate

1990 – 1991

George Mason University
Housing and Residential Life
4400 University Drive
Fairfax, Virginia 22030
Graduate Assistant (Supervised Undergraduate Resident Advisors)

1989 – 1990

Time Warner, Inc
1450 East Parham Road
Richmond, Virginia 23228
No longer in business in Richmond, Virginia
Assistant Supervisor

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 military. I registered for the selective service upon turning 18.

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.

Drug Enforcement Administration Special Recognition Award for Operation Crack of Dawn (2007)

Federal Bureau of Investigation Special Recognition for Outstanding Performance in Prosecuting the Brick Yard Boys (2006)

Department of Justice Director's Award for Superior Performance (2005)

Federal Bureau of Investigation Special Recognition for Excellence in Prosecuting the Third Ward Gang (2005)

Special Recognition from the National Organization for Black Law Enforcement Officers (NOBLE), Richmond Chapter (2005)

Richmond Commonwealth's Attorney's Office Special Recognition for Outstanding Performance (2000)

West Virginia University College of Law Partial Scholarship (1992, 1993)

Who's Who in American Colleges and Universities (1988)

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, Richmond Chapter, Executive Board (2015 – Present)

Old Dominion Bar Association (1995 – Present)

Richmond Bar Association (2013 – Present)

Bench Bar Conference Planning Committee (2017 – Present)

United States Magistrate Judges Association (2014 – Present)

Virginia State Bar (1996 – Present)

Board of Governors (2019 – Present)

Professionalism for Law Students (2015 – Present)

Harry L. Carrico Professionalism Course (2010 – 2014)

10. **Bar and Court Admission:**

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

Virginia, 1996

There have been no lapses in membership.

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

United States Court of Appeals for the Fourth Circuit, 2003
United States District Court for the District of Columbia, 2001
United States District Court for the Eastern District of Virginia, 2002
Portsmouth Circuit, General District, and J&DR Courts, 1996
Richmond Circuit, General District, and J&DR Courts, 1998

There have been no lapses in membership.

11. **Memberships:**

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

Omega Psi Phi Fraternity, Incorporated (1985 – Present)

- 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.

Omega Psi Phi Fraternity, Incorporated, is a fraternal organization limited to men, although there are corresponding organizations for women.

12. **Published Writings and Public Statements:**

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

None.

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

None.

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

None.

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

March 4, 2020, September 11, 2019, and September 28, 2017: Speaker, Extern Class, University of Richmond, Richmond, Virginia; Black Law Student Association, William & Mary Chapter, Williamsburg, Virginia. Notes supplied.

November 17, 2019, November 2, 2018, and November 14, 2015: Speaker, Omega Psi Phi Fraternity, Incorporated Achievement Week Program, Alpha Iota Chapter, Suffolk, Virginia; Tau Rho Chapter, Fredericksburg, Virginia; and Omicron Omega Chapter, Lawrenceville, Virginia. Notes supplied.

October 29, 2019: Speaker, Bench Bar Dinner, Virginia State Bar, Richmond, Virginia. Notes supplied.

April 10, 2019: Speaker, Pro Se Mediation Project Continuing Legal Education Class, United States District Courthouse, Richmond, Virginia. I spoke to lawyers and third year law students about the importance of settlement conferences in civil practice. I have no notes, transcript, or recording from this event. The address for the sponsor of this event is Spottswood W. Robinson III and Robert R. Merhige, Jr. United States Courthouse, 701 East Broad Street, Richmond, Virginia 23219.

December 7, 2018: Speaker, Young Lawyers Boot Camp, Virginia Association of Defense Attorneys, Richmond, Virginia. This was a question and answer session with young lawyers who had recently passed the bar about the practice of law in federal court. I have no notes, transcript, or recording from this event. The address for the Virginia Association of Defense Attorneys is 1915 Huguenot Road, Suite 301, Richmond, Virginia 23235.

November 6, 2018: Speaker, Young Lawyers Lunch, United States District Court for the Eastern District of Virginia, Richmond, Virginia. Notes supplied.

February 19, 2018: Speaker, Racial Diversity in the Law, William & Mary, Williamsburg, Virginia. Part of a question and answer panel with other African-American lawyers and judges speaking with minority law students about how to be successful in the practice of law. I have no notes, transcript, or recording from this event. The address for the William & Mary Law School is 613 South Henry Street, Williamsburg, Virginia 23185.

May 20, 2017: Speaker, Omega Psi Phi Fraternity, Incorporated, Delta Omega Chapter. I gave a mentor talk to middle school and high school boys about the importance of education and my career path. I have no notes, transcript, or recording from this event. The address of Delta Omega Chapter, Omega Psi Phi Fraternity, Incorporated is 2579 County Drive, Petersburg, Virginia 23803. Press coverage supplied.

May 2, 2016: Speaker, Law Day Luncheon, Richmond Bar Association, Richmond, Virginia. Notes supplied.

January 29, 2016, December 17, 2015, March 27, 2015, and January 27, 2015: Speaker, Virginia State Bar Professionalism Course for Law Students, University of Richmond, Richmond, Virginia; Professionalism Luncheon, Virginia State Bar, Richmond, Virginia; Annual Meeting, Virginia Trial Lawyers' Association, The Greenbrier, White Sulphur Springs, West Virginia. Notes supplied.

June 6, 2015: Speaker, Men's Day, First United Presbyterian Church, Richmond, Virginia. Notes supplied.

January 16, 2015: Speaker, Investiture Ceremony of Hon. Roderick C. Young, United States District Court, Richmond, Virginia. Notes supplied.

2015 to present (various dates): Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, various locations in the Eastern District of Virginia (predominately at the Spottswood W. Robinson III and Robert R. Merhige, Jr. United States Courthouse, 701 East Broad Street, Richmond, Virginia 23219). Upon review of my calendar, it appears that I presided over Naturalization Ceremonies on the following dates: January 21, 2015; March 18, 2015; May 20, 2015; July 15, 2015; September 16, 2015;

November 18, 2015; December 16, 2015; February 17, 2016; April 20, 2016; June 15, 2016; August 17, 2016; September 16, 2016; October 19, 2016; November 16, 2016; January 18, 2017; March 15, 2017; June 21, 2017; August 16, 2017; September 14, 2017; October 18, 2017; December 20, 2017; February 21, 2018; April 18, 2018; April 19, 2018; June 6, 2018; June 20, 2018; August 15, 2018; September 18, 2018; October 17, 2018; December 19, 2018; January 16, 2019; March 20, 2019; May 15, 2019; June 5, 2019; June 19, 2019; August 21, 2019; September 10, 2019; September 17, 2019; October 16, 2019; December 18, 2019; January 10, 2020; January 15, 2020; February 19, 2020; and February 28, 2020. I give the same general comments at each Naturalization Ceremony. Notes supplied.

April 2014: Speaker, Agent Awards Ceremony for *United States v. Jose Bran, et al.*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes supplied.

October 10, 2013: Speaker, Rule of Law Day, Godwin High School, Richmond, Virginia. I spoke with students at Godwin High School about the importance of education, respect for authority, the danger of addiction to controlled substances, and a prosecution of an MS-13 clique that had been operating in Central Virginia. I have no notes, transcript, or recording from this event. The address for Godwin High School is 2101 Pump Road, Henrico, Virginia 23238.

April 2013: Speaker, Agent Awards Ceremony for *United States v. Walter Brooks; United States v. Eric Brown*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes supplied.

April 2012: Speaker, Agent Awards Ceremony for *United States v. Warren Brown and Winston Oliver*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes and press supplied.

April 2011: Speaker, Agent Awards Ceremony for *United States v. Joseph Smith, et al.; United States v. Michael Mara*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes supplied.

April 2010: Speaker, Agent Awards Ceremony for *In re Lemuel Cartwright; United States v. Tony Gregg; United States v. Manantino Mines and Terry Jackson*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes supplied.

April 2007: Speaker, Agent Awards Ceremony for *United States v. Henry Paul Richardson*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes supplied.

April 2006: Speaker, Agent Awards Ceremony for *United States v. Arthur Lorenzo Gordon and Peter Robert Jordan*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes supplied.

April 2005: Speaker, Agent Awards Ceremony for *United States v. Kevin Batts, et al.*, United States Attorney's Office, Eastern District of Virginia, Richmond, Virginia. Notes 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.

The Administration of Justice Committee Receives Feedback from Federal Judges, The Richmond Bar Newsletter, January 2020. Copy supplied.

Administration of Justice Committee Members Visit Federal Judges and Receive Helpful Feedback, The Richmond Bar Newsletter, January 2019. Copy supplied.

Federal Judges Provide Feedback on Discovery Matters and Familiarity with Local Rules, The Richmond Bar Newsletter, January 2018. Copy supplied.

Federal Judges Provide Procedural, and Other Pointers for Practitioners, The Richmond Bar Newsletter, January 2017. Copy supplied.

Administration of Justice Committee Receives Feedback from Federal Judges, The Richmond Bar Newsletter, January 2016. 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.

United States Magistrate Judge for the Eastern District of Virginia. I was appointed on October 27, 2014.

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

Criminal cases (misdemeanors or petty offenses): 195 cases (approximately). Includes 3 bench trials and no jury trials.

Civil cases on consent (excluding Prisoner cases): 62 (approximately). Includes 1 full jury trial, 1 full bench trial, 1 jury trial that settled during jury deliberations, and 1 jury trial that settled mid-way through plaintiff's case, during a recess.

Prisoner cases (habeas and section 1983 primarily) (both on consent and for Report & Recommendation): 186 (approximately). Includes 75 Memorandum Opinions and 111 Report & Recommendations.

i. Of these, approximately what percent were:

jury trials:	40%
bench trials:	60% [total 100%]
civil proceedings:	55%
criminal proceedings:	45% [total 100%]

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

Please see Appendix 13(b).

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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Al-Azim v. Everett*, Civil Action No. 3:14CV339, 2017 WL 1097219 (E.D. Va. Mar. 3, 2017) (Report & Recommendation).

This section 1983 case was brought by several Virginia inmates who are followers of the Nation of Islam. The plaintiffs alleged that the defendants violated their right to practice plaintiffs' religion and plaintiffs' rights under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Following an evidentiary hearing, I issued a Report & Recommendation finding that the plaintiffs did not demonstrate a substantial burden on the exercise of their religion under RLUIPA or the First Amendment and that the defendants' provision of the Common Fare Diet and the Standard Menu furthers compelling state interests by the least restrictive means. Senior United States District Judge James R. Spencer issued a Memorandum Opinion that accepted and adopted the Report & Recommendation. There was no appeal.

Counsel for Plaintiffs

Pro se

Counsel for Defendants

Margaret Hoehl O'Shea
Commonwealth of Virginia
Office of the Attorney General

202 North 9th Street
Richmond, Virginia 23219
(804) 786-2071

2. *Canady v. Clarke et al.*, Civil Action No. 3:14CV420 (E.D. Va.).

This prisoner civil rights case was assigned to me after the parties consented to Magistrate Judge jurisdiction. The plaintiff alleged a violation of section 1983, due to deliberate indifference, cognizable under the Eighth Amendment's prohibition on cruel and unusual punishment. The case proceeded to a jury. The jury submitted a question indicating a potential deadlock, hence I gave an *Allen* charge. The parties reached a settlement while the jury was still deliberating.

Counsel for Plaintiff

Charles Arthur Gavin
Cawthorne Deskevich & Gavin PC
1409 Eastridge Road
Richmond, Virginia 23229
(804) 288-7999

Counsel for Defendants

Richard Carson Vorhis
Commonwealth of Virginia
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
(804) 786-4805

Laura Elizabeth Maughan
Commonwealth of Virginia
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
(804) 786-0030

3. *Marcelino v. United States*, Civil Action No. 3:14CV504, Criminal Case No. 3:12CR077, 2017 WL 4251281 (E.D. Va. Aug. 18, 2017) (Report & Recommendation).

Petitioner filed a petition pursuant to 28 U.S.C. § 2255 alleging ineffective assistance of counsel, specifically alleging that he received unreasonable advice regarding the consequences of his actions with respect to receiving a reduction in his offense level pursuant to U.S.S.G. § 3E1.1 for acceptance of responsibility. Following an evidentiary hearing, I found that defense counsel's representation of

petitioner did not fall below an objective standard of reasonableness and that petitioner was “the author of his own fate.” I also found that petitioner failed to demonstrate any prejudice from counsel’s advice and handling of the plea and sentencing. Senior United States District Judge Henry E. Hudson issued a Memorandum Opinion that accepted and adopted the Report & Recommendation. Marcelino appealed, but the appeal was later dismissed for failure to prosecute.

Counsel for Petitioner

Paul Geoffrey Gill
Office of the Federal Public Defender for the Eastern District of Virginia
701 East Broad Street, Suite 3600
Richmond, Virginia 23219
(804) 343-0800

Counsel for Respondent

Stephen Wiley Miller
United States Attorney’s Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, Virginia 23219
(804) 819-5400

4. *Howard v. Hunter*, Civil Action No. 3:15CV461 (E.D. Va.).

The plaintiff in this case filed a complaint under section 1983, alleging that his First, Second, Fourth, and/or Fourteenth Amendment rights were violated. The defendant was a police officer for the City of Hopewell, Virginia. The defendant arrested the plaintiff after the plaintiff stood on the shoulder of a highway overpass holding an AR-15 rifle over his shoulder with a pistol strapped to his waist, while holding a sign protesting against the President. Plaintiff filed a complaint, and the matter was referred to me for settlement. I held a settlement conference, and the parties were able to reach a confidential settlement that led to full dismissal of the case.

Counsel for Plaintiff

Raul Novo
Raul Novo PC
2103 Lake Avenue
Richmond, Virginia 23230
(804) 614-6920

Counsel for Defendant

Jeremy David Capps

Harman Claytor Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
(804) 747-5200

5. *McCray v. Neely*, Civil Action No. 3:16CV588, 2016 WL 11670111 (E.D. Va. Sept. 20, 2016) (Mem. Or., Mot. to Transfer Venue).

This personal injury case, which I had on a consent basis, involved a collision between two trucks at a truck stop in Harrisonburg, Virginia. The defendants filed a motion to transfer venue, which I denied. The defendants stipulated to liability, and the issue of damages proceeded to the jury. The jury awarded the plaintiff seventy-five thousand dollars in damages. The plaintiff filed a motion requesting a new trial but subsequently withdrew the motion. No appeals were filed.

Counsel for Plaintiff

Francis Paul Hajek
Wilson & Hajek LLC
555 Rosemont Drive
Charlottesville, Virginia 22903
(757) 460-7776

Counsel for Defendant

Matthew David Green
Sands Anderson PC
1111 East Main Street
Bank of America Center, Suite 2400
P. O. Box 1998
Richmond, Virginia 23218
(804) 783-7236

6. *Gele v. Steadfast Ventures, LLC*, Civil Action No. 3:17CV363 (E.D. Va.).

This case arose from an alleged breach of contract relating to the sale of real property, and the case was reassigned to me on a consent basis. Nearing trial, the parties reached an agreement, and a consent judgment was entered in favor of the plaintiff against the defendant in the amount of one-hundred thousand dollars.

Counsel for Plaintiff

Heather Marie Fields
Goodman Allen Donnelly PLLC
4501 Highwoods Parkway, Suite 210

Glen Allen, Virginia 23060
(804) 346-0600

Charles Manley Allen, Jr. (Retired)
Goodman Allen Donnelly PLLC
4501 Highwoods Parkway, Suite 210
Glen Allen, Virginia 23060
(804) 346-0600

Counsel for Defendant

Robert Jackson Allen
ThorsenAllen, LLP
5413 Patterson Avenue, Suite 201
P.O. Box 17094
Richmond, Virginia 23226
(804) 447-7234

7. *GGC Assocs., LLC v. Hamner*, Civil Action No. 3:17CV402, 2017 WL 4295198 (E.D. Va. Sept. 27, 2017) (Mem. Op., Motion to Dismiss), 2018 WL 3735580 (E.D. Va. Aug. 6, 2018) (Mem. Op., Final Judgment).

This civil fraud case was reassigned to me following the parties' consent to Magistrate Judge jurisdiction. The plaintiff alleged actual fraud and constructive fraud related to a commercial lease arrangement. The defendants filed a motion to dismiss for failure to state a claim. I denied the motion to dismiss in part and granted in part. The actual fraud claim against one defendant was dismissed, due to insufficient facts in the complaint to plausibly show intentional or knowing omissions. I presided over a bench trial on the matter. At the conclusion of evidence, defendants renewed their motions for summary judgment and directed verdict, which I denied. I issued a Memorandum Opinion following the trial, entering judgment in favor of the defendants. Neither party appealed.

Counsel for Plaintiff

Emily Munro Scott
Hirschler Fleischer PC
2100 East Cary Street
P.O. Box 500
Richmond, Virginia 23223
(804) 771-9593

Courtney Moates Paulk
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(804) 771-9515

Counsel for Defendant

John Michael Erbach
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Richmond, Virginia 23219
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Tara Ann Enix
Marks & Harrison
2618 South Crater Road
Petersburg, Virginia 23805
(804) 733-4456

Edward Everett Bagnell, Jr.
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411 East Franklin Street, Suite 600
Richmond, Virginia 23219
(804) 697-2000

8. *Minor v. Julian*, Civil Action No. 3:17CV690 (E.D. Va.)

This motor vehicle collision personal injury case was assigned to me after the parties consented to Magistrate Judge jurisdiction. The case proceeded to trial before a jury, but the parties reached a settlement during a trial recess.

Counsel for Plaintiff

James Thorsen
ThorsenAllen, LLP
5413 Patterson Avenue, Suite 201
P.O. Box 17094
Richmond, Virginia 23226
(804) 447-7234

Counsel for Defendant

Thomas Douglas Lane
GEICO Staff Counsel
301 Concourse Boulevard, Suite 330
Glen Allen, Virginia 23059
(804) 967-9445

9. *Cramer v. Arkesia*, Civil Action No. 3:18CV39, ECF No. 289 (E.D. Va.)
(Mem. Op. Sealed)

This case involved an opt-in class of dancers seeking minimum wage and overtime compensation from their former employer, a network of gentlemen's clubs in the greater Richmond area. The claims were filed under the Fair Labor Standards Act ("FLSA"). Legal questions involved whether there was an employer-employee relationship under the FLSA and whether a contractual arbitration provision was enforceable. Settlement was further complicated by a shifting opt-in class of plaintiffs. Nonetheless, a settlement was reached by the parties at the second settlement conference held in this matter. As part of the agreement, the parties consented to jurisdiction to enforce the settlement agreement, pursuant to *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375 (1994), and binding arbitration. When issues arose post-settlement regarding compliance with the settlement agreement, I held an arbitration to resolve the disagreement and enforce the settlement agreement.

Counsel for Plaintiffs

Justin Patrick Keating
Beins Axelrod PC
1717 K Street Northwest, Suite 1120
Washington, D.C. 20006
(202) 328-7222

Lloyd Robert Ambinder
Virginia & Ambinder LLP
40 Broad Street, 7th Floor
New York, New York 10004
(212) 943-9080

Counsel for Defendants

Thomas Michael Lucas
Jackson Lewis PC
500 East Main Street, Suite 800
Norfolk, Virginia 23510
(757) 648-1424

Milena Radovic
Jackson Lewis PC
500 East Main Street, Suite 800
Norfolk, Virginia 23510
(757) 648-1445

Brian K. Telfair
The Gee Law Firm PC
6029 Midlothian Turnpike
Richmond, Virginia 23225
(804) 419-6761

10. *Quarles v. City of Colonial Heights, et al.*, Civil Action No. 3:18CV593
(E.D. Va.)

I was referred this section 1983 case for a settlement conference. The plaintiff alleged excessive force by the City of Colonial Heights and a Colonial Heights police officer, stemming from the police officer striking the plaintiff with his police cruiser following a pursuit for reported shoplifting. The parties reached a mutually agreeable settlement.

Counsel for Plaintiff

Andrew Lucchetti
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Jonathan Eric Halperin
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(804) 527-0100

Counsel for Defendant

Leslie A. Winneberger
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Richmond, Virginia 23255
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- 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.

1. *Lee v. Virginia State Bd. of Elections*, Civil Action No. 3:15CV357, 2015 WL 9461505 (E.D. Va. Dec. 23, 2015).

Counsel for Plaintiff

Aria Christine Branch
Perkins Coie LLP
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(202) 628-6600

Counsel for Defendant

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San Francisco, California 94105
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Stephen Sharp Davis
Arent Fox LLP
112 South Hanley Road, Suite 200
Clayton, Missouri 63105
(314) 296-4009

2. *Harden v. Residential Credit Sols., Inc.*, Civil Action No. 3:16CV668, 2017 WL 2888763 (E.D. Va. June 12, 2017), *report and recommendation adopted*, 2017 WL 2888721 (E.D. Va. July 6, 2017).

Counsel for Plaintiff

Drew David Sarrett
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8100 Three Chopt Road, Suite 203
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(804) 303-1951

Counsel for Defendant

Daniel Michael Rathbun
Rathbun Law Firm PC
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3. *Lowe v. Wells Fargo Bank, N.A.*, Civil Action No. 3:18CV126, 2018 WL 3748418 (E.D. Va. July 9, 2018), *report and recommendation adopted*, 2018 WL 3749391 (E.D. Va. Aug. 7, 2018).

Counsel for Plaintiff

Drew David Sarrett
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(804) 303-1951

Counsel for Defendant

Terry Catherine Frank
Radiant Legal & Consulting
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Benjamin Alexander Wills
Kaufman & Canoles PC
1021 East Cary Street, Suite 1400
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PO Box 27828
Richmond, Virginia 23219

(757) 873-6300

4. *Levi v. Twentieth Century Fox Film Corp.*, Civil Action No. 3:16CV129, 2018 WL 6795837 (E.D. Va. Nov. 8, 2018).

Counsel for Plaintiff

Jonathan Monroe Petty
Phelan Petty PLC
6641 West Broad Street, Suite 406
Richmond, Virginia 23230
(804) 980-7100

Counsel for Defendant

Thomas Tullidge Cullen
(Mr. Cullen was in private practice at the time of this case)
Post Office Box 1709
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(540) 857-2250

5. *Hamilton v. Director of the VDOC*, Civil Action No. 3:14CV636, 2015 WL 9459936 (E.D. Va. Dec. 23, 2015).

Counsel for Petitioner

Pro se

Counsel for Respondent

David Michael Uberman
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6. *Gilchrist v. Doe*, Civil Action No. 3:14CV630, 2017 WL 1227934 (E.D. Va. Mar. 31, 2017), *aff'd sub nom. Gilchrist v. Lard*, 694 F. App'x 182 (E.D. Va. 2017).

Counsel for Plaintiff

Pro se

Counsel for Defendant

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202 North 9th Street
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(804) 786-5630

7. *House v. Clarke*, Civil Action No. 3:16CV238, 2017 WL 990580 (E.D. Va. Mar. 14, 2017).

Counsel for Plaintiff

Pro se

Counsel for Defendant

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202 North 9th Street
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(804) 786-6515

8. *Howell v. Moore*, Civil Action No. 3:16CV649, 2017 WL 9478511 (E.D. Va. Aug. 24, 2017), *report and recommendation adopted*, 2017 WL 4337102 (E.D. Va. Sept. 30, 2017).

Counsel for Plaintiff

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9. *United States v. Williams*, Criminal Case No. 3:17MJ84, 2017 WL 4125007 (E.D. Va. Sep. 18, 2017), *aff'd*, Criminal Case No. 3:17CR155, 2018 WL 1937346 (E.D. Va. Apr. 24, 2018), *appeal voluntarily dismissed*, No. 18-4304, 2018 WL 5819399 (4th Cir. May 22, 2018).

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Counsel for Defendant

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(804) 343-0800

10. *Prosha v. Robinson*, Civil Action No. 3:16CV163, 2018 WL 5779478 (E.D. Va. Nov. 2, 2018).

Counsel for Plaintiff

Pro se

Lauren Elizabeth Fisher White (for settlement purposes only)
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Counsel for Defendant

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

Smith v. Clarke, Civil Action No. 3:13CV856, 2014 BL 376972 (E.D. Va. Nov. 24, 2014), *report and recommendation adopted*, 2015 WL 1138126 (E.D. Va. Mar. 3, 2015), *appeal dismissed*, 610 F. App'x 298 (4th Cir. 2015), *m. to file cert. out of time denied*, Sup. Ct. No. 15M111 (Apr. 25, 2016).

Cruz v. Clarke, Civil Action No. 3:14CV22, 2014 BL 376703 (E.D. Va. Nov. 26, 2014), *report and recommendation adopted*, 2015 BL 54511 (E.D. Va. Mar. 2, 2015), *appeal dismissed*, 610 F. App'x 259 (4th Cir. 2015), *cert. denied*, 136 S. Ct. 847 (2016).

Metaphyzic El-Ectromagnetic Supreme-El v. Dir., Dep't of Corrs., Civil Action No. 3:14CV52, 2014 BL 376793 (E.D. Va. Dec. 1, 2014), *report and recommendation adopted*, 2015 WL 1138246 (E.D. Va. Mar. 3, 2015), *appeal dismissed*, 610 F. App'x 279 (4th Cir. 2015), *cert. denied*, 136 S. Ct. 878 (2016).

Hardy v. Clarke, Civil Action No. 3:14CV748, 2014 WL 11514585 (E.D. Va. Dec. 9, 2014), *report and recommendation adopted*, 2015 WL 11117160 (E.D. Va. Jan. 15, 2015), *appeal dismissed*, 607 F. App'x 336 (4th Cir. 2015). (Pet. for cert. mailed to 4th Cir. which ret'd it to Hardy to file directly with Supreme Court, but it was never filed.)

Swinson v. Dir., Dep't of Corrs., Civil Action No. 3:14CV100, 2015 BL 69055 (E.D. Va. Jan. 29, 2015), *report and recommendation adopted*, 2015 WL 1185951 (E.D. Va. Mar. 13, 2015), *appeal dismissed*, 616 F. App'x 79 (4th Cir. 2016), *cert. denied*, 136 S. Ct. 1463 (2016).

Harrell v. Commonwealth, Civil Action No. 3:15CV31, 2015 WL 11112160 (E.D. Va. Mar. 20, 2015), *report and recommendation adopted*, 2015 WL 11112161 (E.D. Va. May 8, 2015), *appeal dismissed*, 615 F. App'x 826 (4th Cir. 2015). (Pet. for cert. mailed to 4th Cir. which ret'd it to Harrell to file directly with Supreme Court, but it was never filed.)

United States v. Polhill, Criminal Case No. 3:15CR12-01, 2015 BL 105546 (E.D. Va. Mar. 24, 2015), *report and recommendation adopted*, 2015 BL 104941 (E.D. Va. Apr. 14, 2015), *aff'd*, 681 F. App'x 292 (4th Cir. 2017), *cert. denied*, 138 S. Ct. 230 (2017).

Wilson v. Clarke, Civil Action No. 3:14CV358, 2015 BL 180456 (E.D. Va. Mar. 26, 2015), *report and recommendation adopted*, 2015 BL 178720 (E.D. Va. June 5, 2015), *appeal dismissed*, 627 F. App'x 222 (4th Cir. 2015), *cert. denied*, 136 S. Ct. 2383 (2016).

Loiseau v. Beale, Civil Action No. 3:15CV191, 2015 BL 232655 (E.D. Va. May 7, 2015), *report and recommendation adopted*, 2015 BL 232297 (E.D. Va. July 17, 2015), *appeal dismissed*, 634 F. App'x 940 (4th Cir. 2016), *cert. denied*, 137 S. Ct. 171 (2016).

United States v. Harrison, Criminal Case No. 3:15CR121, 2015 BL 254813 (E.D. Va. July 16, 2015), *report and recommendation adopted*, 2015 BL 253196 (E.D. Va. Aug. 6, 2015), *aff'd*, 651 F. App'x 220 (4th Cir. 2016), *cert. denied*, 137 S. Ct. 2108 (2017).

Oden v. Wilson, Civil Action No. 3:15CV196, 2015 BL 443652 (E.D. Va. Nov. 23, 2015), *report and recommendation adopted*, 2016 WL 128155 (E.D. Va. Jan. 11, 2016), *aff'd*, 688 F. App'x 227 (4th Cir. 2017), *cert. denied*, 138 S. Ct. 554 (2017).

Belnavis v. Clarke, Civil Action No. 3:15CV399, 2016 WL 4529954 (E.D. Va. July 13, 2016), *report and recommendation adopted*, 2016 WL 4528963 (E.D. Va. Aug. 29, 2016), *appeal dismissed*, 680 F. App'x 202 (4th Cir. 2017), *cert. denied*, 138 S. Ct. 125 (2017).

Owens v. Ray, Civil Action No. 3:16CV112, 2016 WL 6871254 (E.D. Va. Nov. 21, 2016), 2017 WL 376159 (E.D. Va. Jan. 25, 2017), *appeal dismissed*, 690 F. App'x 815 (4th Cir. 2017), *cert. denied*, 138 S. Ct. 1570 (2018).

Rideout v. Clarke, Civil Action No. 3:16CV190, 2017 WL 786275 (E.D. Va. Jan. 17, 2017), *report and recommendation adopted*, 2017 WL 811492 (E.D. Va. Feb. 28, 2017), *appeal dismissed*, 697 F. App'x 180 (4th Cir. 2017), *cert. denied*, 138 S. Ct. 669 (2018).

Blair v. Virginia Dep't of Corrs., Civil Action No. 3:16CV934, 2017 WL 1950791 (E.D. Va. May 10, 2017), *appeal dismissed*, 699 F. App'x 182 (4th Cir. 2017), *cert. denied*, 139 S. Ct. 446 (2018).

Bean v. Sussex I State Prison, Civil Action No. 3:16CV803, 2017 WL 4081873 (E.D. Va. July 18, 2017), *report and recommendation adopted*, 2017 WL 4081376 (E.D. Va. Sept. 14, 2017), *appeal dismissed*, 712 F. App'x 324 (4th Cir. 2018), *cert. denied*, 139 S. Ct. 946 (2019).

Wilkins v. Virginia, Civil Action No. 3:17CV142, 2017 WL 5799228 (E.D. Va. Sept. 22, 2017), *report and recommendation adopted*, 2017 WL 5798706 (E.D. Va. Nov. 28, 2017), *appeal dismissed*, 721 F. App'x 310 (4th Cir. 2018), *cert. denied*, 139 S. Ct. 337 (2018).

McKay v. Clarke, Civil Action No. 3:16CV831, 2018 WL 1702783 (E.D. Va. Jan. 18, 2018), *report and recommendation adopted*, 2018 WL 1699427 (E.D. Va. Apr. 6, 2018), *appeal dismissed*, 735 F. App'x 127 (4th Cir. 2018), *cert. denied*, 139 S. Ct. 1333 (2019).

Lowe v. Virginia Dep't of Corrs., Civil Action No. 3:17CV292, 2018 WL 507076 (E.D. Va. Jan. 22, 2018), *appeal dismissed*, 723 F. App'x 209 (4th Cir. 2018), *cert. denied*, 139 S. Ct. 314 (2018).

- 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.

Hogge v. Wilson, Civil Action No. 3:14CV314, 2015 BL 38536 (E.D. Va. Jan. 20, 2015), *report and recommendation adopted*, 2015 WL 631358 (E.D. Va. Feb. 12, 2015), *objections overruled*, 2015 WL 5799720 (E.D. Va. Oct. 5, 2015), *rev'd and remanded*, 648 F. App'x 327 (4th Cir. 2016). In this habeas petition, the petitioner argued that the Bureau of Prisons (BOP) inaccurately calculated petitioner's good time credit (GTC). I concluded that the BOP accurately calculated petitioner's GTC, and the District Judge adopted my Report and Recommendation. On appeal, the Fourth Circuit reversed finding that the BOP's calculation method was contrary to the GTC statute, 18 U.S.C. § 3624. The case was remanded with the instruction that the District Court grant Hogge's habeas petition.

Ickes v. Warden of the Greenville Corr. Ctr., Civil Action No. 3:14CV28, 2015 WL 11116782 (E.D. Va. Jan. 29, 2015), *report and recommendation adopted*, 2015 WL 11116783 (E.D. Va. Mar. 2, 2015), *vacated and remanded sub nom. Ickes v. Warden of the Greensville Corr. Ctr.*, 611 F. App'x 142 (4th Cir. 2015). I filed a Report and Recommendation that was adopted by the District Judge,

finding that the petitioner failed to exhaust state remedies before filing the instant petition. Thereafter, the District Judge denied petitioner's certificate of appealability. On appeal, the Fourth Circuit found that the petitioner had made the requisite showing for a certificate of appealability but vacated and remanded, ordering that the petitioner's case be dismissed as moot because petitioner had been civilly committed.

Weymouth v. Cty. of Henrico, Va., Civil Action No. 3:14CV419, 2015 BL 338449 (E.D. Va. Aug. 31, 2015), *report and recommendation adopted*, 2015 WL 5999784 (E.D. Va. Oct. 14, 2015), *vacated and remanded*, 656 F. App'x 25 (4th Cir. 2016). In this Fair Labor Standards Act (FLSA) case, the plaintiff firefighters sued Henrico County regarding an overtime dispute. I filed a Report and Recommendation that was adopted by the District Judge concluding that the firefighters were exempt from overtime. While this case was pending on appeal, the Fourth Circuit clarified the applicable standard by which overtime claims are decided in a companion case and, thereafter, vacated and remanded this case.

Herring v. Clarke, Civil Action No. 3:13CV326, 2015 WL 5799375 (E.D. Va. Oct. 5, 2015), *vacated and remanded*, 641 F. App'x 294 (4th Cir. 2016). In this habeas case, I wrote a Memorandum Opinion dismissing petitioner's habeas petition. On appeal, the Fourth Circuit vacated and remanded, finding that the District Court Clerk's Office had erroneously concluded that petitioner consented to Magistrate Judge jurisdiction when he, in fact, had not. Thereafter, a District Judge authored the opinion, reaching the same conclusion that I reached originally.

United States v. Thomas, Criminal Case No. 3:15CR80, 2015 WL 5999313 (E.D. Va. Oct. 13, 2015). I issued a section 2703(d) Order allowing the Government to obtain cell-site location information ("CSLI") from Thomas's cell phone, as part of a Hobbs Act robbery investigation. After the Order was issued, the Fourth Circuit decided in *United States v. Graham*, 796 F.3d 332 (4th Cir. 2015), *adhered to in part on reh'g en banc*, 824 F.3d 421 (4th Cir. 2016), that under the Fourth Amendment, obtaining long-term CSLI requires a warrant supported by probable cause. Thomas filed a motion to suppress the CSLI. In light of the *Graham* decision, the District Judge concluded that the section 2703(d) Order was invalid. However, the District Judge found that the good faith exception applied and did not suppress the evidence.

Madison v. Dir. of Virginia Dep't of Corr., Civil Action No. 3:15CV422, 2016 WL 2726577 (E.D. Va. Apr. 15, 2016), *report and recommendation adopted*, 2016 WL 2658159 (E.D. Va. May 6, 2016), *remanded*, 670 F. App'x 72 (4th Cir. 2016). I filed a Report and Recommendation that was adopted by the District Judge denying petitioner relief on his section 2254 petition, finding that his ineffective assistance of counsel claims were without merit. The District Judge denied petitioner a certificate of appealability. On appeal, the Fourth Circuit

remanded for the limited purpose of determining the timeliness of petitioner's appeal. The case was ultimately dismissed.

United States v. Haas, Criminal Case No. 3:16CR139, 2017 WL 1712521 (E.D. Va. May 2, 2017), *appeal pending*, No. 19-4077 (4th Cir.). I issued search warrants that allowed for the search of Haas's home, work vehicle, cell phone, and laptop for evidence of possession, receipt, distribution, and production of child pornography. A forensic exam of the laptop recovered from his work vehicle revealed approximately 17,000 images of children engaged in sexually explicit conduct. Haas filed a motion to suppress the evidence found on the laptop. The District Judge concluded that the affidavit did not provide probable cause to support a finding that evidence of child pornography would be found on Haas's laptop located in his work vehicle. However, the District Judge found that the good faith exception applied and did not suppress the evidence. The defendant appealed his convictions and sentence, including issues related to the search warrant and the motion to suppress, and that appeal is pending at the Fourth Circuit.

Deutsch Bank Nat'l Tr. Co. v. Fegely, Civil Action No. 3:16CV147, 2018 WL 4524104 (E.D. Va. July 11, 2018), *report and recommendation adopted sub nom. Deutsche Bank Nat'l Tr. Co. v. Fegely*, 2018 WL 3586313 (E.D. Va. July 26, 2018), *vacated and remanded sub nom. Deutsche Bank Nat'l Tr. Co. Tr. for IndyMac INDX Mortg. Loan Tr. 2006-AR12 v. Fegely*, 767 F. App'x 582 (4th Cir. 2019). I filed a Report and Recommendation that was adopted by the District Judge concluding that plaintiff was entitled to judgment on the pleadings. The defendant appealed. The Fourth Circuit reversed, finding that the defendant's denial of the factual allegations in the complaint was sufficient to overcome plaintiff's motion for judgment on the pleadings. The case was vacated and remanded for further proceedings.

- 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.

None of my Memorandum Opinions have been reported in a federal reporter. Unless sealed, all of my opinions, as well as orders regarding non-dispositive matters, are uploaded to and available in the Eastern District of Virginia's CM/ECF (PACER) database under the docket page for the case. Most are also available on Westlaw, Lexis, and Bloomberg Law.

- 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.

Smith v. U.S. Congress, Civil Action No. 3:12CV45, 2015 WL 1011545 (E.D. Va. Mar. 6, 2015).

Lee v. Virginia State Bd. of Elections, Civil Action No. 3:15CV357, 2015 WL 9461505 (E.D. Va. Dec. 23, 2015).

Al-Azim v. Everett, Civil Action No. 3:14CV339, 2017 WL 1097219 (E.D. Va. Mar. 3, 2017), *report and recommendation adopted*, 2017 WL 1100436 (E.D. Va. Mar. 22, 2017).

Howell v. Moore, Civil Action No. 3:16CV649, 2017 WL 9478511 (E.D. Va. Aug. 24, 2017), *report and recommendation adopted*, 2017 WL 4337102 (E.D. Va. Sept. 30, 2017).

D.W. v. Chesterfield County Schools, Civil Action No. 3:17CV679, 2018 WL 3098121 (E.D. Va. June 5, 2018), *report and recommendation adopted*, 2018 WL 3097017 (E.D. Va. June 22, 2018).

McGlothian v. Fralin, Civil Action No. 3:18CV507, 2019 BL 77970 (E. D. Va. Jan. 23, 2019), *report and recommendation adopted*, 2019 BL 77502 (E.D. Va. Mar. 7, 2019).

- 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.

I have not sat by designation on any court of appeals.

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.

When I assumed the position of United States Magistrate Judge, I notified the United States Attorney's Office by letter dated November 3, 2014, that I would recuse myself from any matter in which I actively participated during my tenure in the United States Attorney's Office. *See* 28 U.S.C. § 455(b)(3) (recusal

required where the judge “served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceedings or expressed an opinion concerning the merits of the particular case in controversy”). “This [included] any matter that was approved for prosecution during my tenure as the Deputy Criminal Supervisor in Richmond (from February 17, 2012 through August 26, 2014).” As a result, all cases falling under this description were automatically assigned to the other Magistrate Judge in the Richmond Division. Because this was a systematic assignment, I cannot identify each specific case that would have been assigned to me absent my notification.

Beyond the system described above, no other recusal motions have been made in any other case I have participated in, nor have I recused myself from any other matter.

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.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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 did not serve as a law clerk to a judge.

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

I have not practiced law 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.

1994 – 1996

Judith Fox Temporary Services
7301 Forest Avenue, Suite 200
Richmond, Virginia 23226
Temporary Legal Work

1995

Law Offices of Sharon Baptiste
3702 Weyburn Road
Richmond, Virginia 23235
Legal Assistant

1996 – 1998

Portsmouth Public Defender's Office
1 Guardian Court
Portsmouth, Virginia 23704
Assistant Public Defender

1998 – 2002

City of Richmond Commonwealth's Attorney's Office
John Marshall Courts Building
400 North 9th Street, Suite 100
Richmond, Virginia 23219
Assistant Commonwealth's Attorney (1998 – 2000)
Senior Assistant Commonwealth's Attorney (2000 – 2002)

2001 – 2002

United States Attorney's Office for the District of Columbia
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Washington, D.C. 20530
Special Assistant United States Attorney

2002 – 2014

United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
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Assistant United States Attorney (2002 – 2012)
Deputy Criminal Supervisor (2012 – 2014)

2014 – Present

Spottswood W. Robinson III and Robert R. Merhige, Jr.
United States Courthouse

701 East Broad Street, Suite 5212
Richmond, Virginia 23219
United States Magistrate 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.

Prior to becoming a Magistrate Judge, I 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.

From 1994 until 1996, I performed temporary legal work. From 1996 to 1998, I worked as an Assistant Public Defender at the Portsmouth Public Defender's Office. During that time, I tried cases in the Portsmouth Circuit, General District, and J&DR Courts. As an Assistant Public Defender, I represented indigent individuals who were charged with a variety of felony and misdemeanor offenses including, murder, robbery, grand larceny, and a host of petit offenses.

From 1998 to 2002, I worked as an Assistant Commonwealth's Attorney in the City of Richmond where I tried cases in the Richmond Circuit, General District, and J&DR Courts. In that role, I prosecuted a wide variety of cases, ranging from capital murder cases to traffic offenses. While at the Commonwealth Attorney's Office, I was promoted to Senior Assistant Commonwealth's Attorney and had supervisory responsibilities for all state narcotics prosecutions in the Richmond Commonwealth's Attorney's Office. In 2001, I was detailed to the United States Attorney's Office in the District of Columbia for one year. As a Special Assistant United States Attorney (SAUSA), I practiced before the United States District Court for the District of Columbia. As a Special Assistant United States Attorney, I was assigned to the racketeering unit. The mission of that unit was to identify, prosecute, and dismantle organized criminal enterprises in and around the District of Columbia.

From 2002 to 2014, I served as an Assistant United States Attorney in the United States Attorney's Office for the Eastern District of Virginia in the Richmond Division. During my tenure in that office, I prosecuted a number of complex cases ranging from capital murder, Racketeering Influenced and Corrupt Organizations (RICO), narcotics conspiracy, and fraud. In February 2012, I was promoted to Deputy Criminal Supervisor. In that role, I supervised all narcotics and violent crime prosecutions in the

Richmond Division and oversaw a team of Assistant United States Attorneys.

On October 27, 2014, I was appointed to my current position as a United States Magistrate Judge in the Eastern District of Virginia, Richmond Division. As a United States Magistrate Judge in Richmond, approximately 70% of my docket is civil and 30% is criminal. With respect to civil matters, I handle settlement conferences, consent cases, civil bench and jury trials, manage the prisoner docket (§ 2255, § 2254, § 2241, § 1983 cases), and preside over naturalization ceremonies for new citizens. With respect to criminal matters, I preside over initial appearances, felony preliminary and detention hearings, and felony plea hearings. I review and issue search and arrest warrants, and criminal complaints. I preside over the Court's misdemeanor docket and the Court's drug court program. Finally, I also impanel new grand juries.

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

While an Assistant Public Defender, my clients were indigent individuals charged with misdemeanor and felony offenses in Portsmouth Circuit, General District, and J&DR Courts in Portsmouth, Virginia. As an Assistant Commonwealth's Attorney and as a Senior Assistant Commonwealth's Attorney, my client was the Commonwealth of Virginia. As an Assistant United States Attorney, my client was the United States of America. As a United States Magistrate Judge, I do not have clients.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I have been in court on most days throughout my legal career. When I was an Assistant Public Defender and an Assistant Commonwealth's Attorney, I was in court on a daily basis and practiced exclusively in state court. As an Assistant United States Attorney, I was in court frequently, and my practice was exclusively in federal court. As a Magistrate Judge, I am exclusively in federal court, and I take the bench most days.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 15%

2. criminal proceedings: 85%

- 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.

Before becoming a United States Magistrate Judge, I tried approximately 45 jury trials and hundreds of bench trials. For the majority of cases, I served as either sole counsel or lead counsel. I have also argued a number of appeals before the United States Court of Appeals for the Fourth Circuit.

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

- 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 United States Supreme Court.

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. Jose Bran, et al.*, Criminal Case No. 3:12CR131-01 (E.D. Va.) (Payne, J.); 2012 WL 4507903 (E.D. Va. Sep. 28, 2012); 2013 WL 1193338 (E.D. Va. Mar. 22, 2013); 950 F. Supp. 2d 863 (E.D. Va. 2013); 2013 WL 6509171 (E.D. Va. July 26, 2013); 2013 WL 6509164 (E.D. Va. July 30, 2013); 963 F. Supp. 2d 486 (E.D. Va. 2013); 2013 WL 6509167 (E.D. Va. Aug. 16, 2013); *aff'd*, 776 F.3d 276 (4th Cir. 2015) (Shedd, J.).

I served as lead counsel for the United States throughout all stages of this prosecution of several MS-13 gang members. The gang members were

investigated and prosecuted for their racketeering activity including murder and attempted murder. Eight members of the gang pled guilty prior to trial. Bran, the leader of the MS-13 clique, went to trial on Conspiracy to Commit Murder in aid of Racketeering, Murder in aid of Racketeering, and related firearms charges. At the conclusion of the jury trial, Bran was found guilty of all charges and was sentenced to a term of life imprisonment. Bran appealed his convictions and sentences to the United States Court of Appeals for the Fourth Circuit. All of Bran's convictions and sentences were affirmed on appeal.

Dates of Representation: 2013 – 2014

Presiding Judge: Hon. Robert E. Payne

Co-Counsel:

Andrew Creighton
Department of Justice
Organized Crime and Gang Section
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Counsel for Defendant:

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Airington, Stone and Rockecharlie
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(804) 774-7117

2. *Commonwealth v. Henry Paul Richardson, et al.*, Criminal Case No. CR-99-1694-1699 and CR-99-1705 (Va. Cir. Ct., Richmond City) (Nance, J.).

I served as co-counsel for the Commonwealth of Virginia throughout all stages of this prosecution. Richardson and two other individuals, all armed with AK-47

styled, semi-automatic rifles, shot a young man who was driving his two-year-old son home from a birthday party. Richardson and others were charged with Murder, Attempted Murder, Shooting into an Occupied Vehicle, and related firearms charges. At the conclusion of the jury trial, Richardson and his co-defendants were convicted of Shooting into an Occupied Vehicle but found not guilty of the Murder and Attempted Murder charges. Interviews of jurors at the conclusion of the trial revealed that the jury believed that Richardson and his co-defendants were guilty of the Murder and Attempted Murder as charged in the indictment but, as a body, they refused to convict them of the same because of the defendants' youth.

Dates of Representation: 1999

Presiding Judge: Hon. Thomas Nance (Retired)

Co-Counsel:

Carol W. Hughes III
Deceased

Counsel for Defendant:

Judge Ashley K. Tunner
(Judge Tunner was an Assistant Public Defender at the Richmond Public Defender's Office at the time of this case)
Richmond Juvenile and Domestic Relations District Court
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Maureen White
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3. *United States v. Henry Paul Richardson, et al.*, Criminal Case No. 3:06CR106 (E.D. Va.) (Hudson, J.); *aff'd*, 276 F. App'x 320 (4th Cir. 2008) (Wilkinson, Motz, Wilkins, J.J.).

I served as lead counsel for the United States throughout all stages of this prosecution and appeal. Immediately after his release in the case listed above, Richardson returned to the Gilpin Court area of Richmond and began distributing copious amounts of heroin. On February 14, 2006, Richardson and two other individuals, all armed with AK-47 styled, semi-automatic rifles, opened fire on several individuals standing at the intersection of St. Paul and Coutts Streets in Richmond. Richardson was identified as one of the shooters, arrested, and charged with Conspiracy to Distribute Controlled Substances, Use of a Firearm during a Drug Trafficking Crime Causing Death to Another, and Use of a Firearm in Furtherance of a Drug Trafficking Crime. At the conclusion of the jury trial, Richardson was found guilty of all charges and sentenced to a term of two life sentences plus 360 months imprisonment. Richardson appealed his convictions to the United States Court of Appeals for the Fourth Circuit. Richardson's convictions were affirmed on appeal.

Dates of Representation: 2006 – 2008

Presiding Judge: Hon. Henry E. Hudson

Counsel for Defendant:

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4. *United States v. Kevin Batts, et al.*, Criminal Case No. 3:03CR394 (E.D. Va.) (Spencer, J.); *aff'd*, 171 F. App'x 977 (4th Cir. 2006) (Wilkinson, Luttig, Michael, J.J.).

I served as lead counsel for the United States throughout all stages of this prosecution and appeal wherein thirty-six members of the Third Ward gang were investigated and prosecuted for their racketeering activity including murder, attempted murder, and the distribution of cocaine hydrochloride and cocaine base. Thirty-one members of the gang pled guilty prior to trial. Batts and four of his co-defendants went to trial on RICO Conspiracy and Conspiracy to Distribute Controlled Substances charges. At the conclusion of the jury trial, all defendants were found guilty of both charges and sentenced to terms of imprisonment between twenty years and life imprisonment. All of the defendants who were

found guilty by the jury appealed their convictions to the United States Court of Appeals for the Fourth Circuit. All of the convictions were affirmed, and the sentences of three of the defendants were vacated and remanded for resentencing due to *Blakely v. Washington*, 542 U.S. 296 (2004) and *United States v. Booker*, 543 U.S. 220 (2005).

Dates of Representation: 2004 – 2006

Presiding Judge: Hon. James R. Spencer (Retired)

Co-Counsel:

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Counsel for Defendants:

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Samuel P. Simpson V
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5. *United States v. Jordan, et al.*, Criminal Case No. 3:04CR58 (E.D. Va.) (Hudson, J.); 399 F. Supp. 2d 706 (E.D. Va. 2005); 357 F. Supp. 2d 889 (E.D. Va. 2005); 343 F. Supp. 2d 514 (E.D. Va. 2004); *aff'd in part & rev'd in part, United States v. Jordan*, 509 F.3d 191 (4th Cir. 2007) (Williams, C.J., Gregory, Wilson, J.J.).

In 2004, I served as co-counsel with my current colleague Judge David J. Novak until he had a scheduling conflict with *United States v. Moussaoui*. Thereafter, I became lead counsel and enlisted another attorney to serve as co-counsel. Arthur Gordon and Peter Jordan robbed a mid-level drug dealer of his drugs and United States currency. After the robbery, Gordon and Jordan bound the victim with duct tape, doused him with gasoline, and set him on fire. The victim died of his injuries after the incident. Jordan and Gordon were charged with Murder While Engaged in Drug Trafficking and related firearms charges.

At the conclusion of the jury trial, both defendants were found guilty, however the jury declined to impose the death penalty. Judge Novak argued the appeal for the United States on September 28, 2007. On December 4, 2007, the United States Court of Appeals for the Fourth Circuit issued its opinion, affirming in part and reversing in part, which resulted in one defendant's conviction being vacated due to a prior plea agreement.

Dates of Representation: 2004 – 2007

Presiding Judge: Hon. Henry E. Hudson

Co-Counsel:

Judge David J. Novak
(Judge Novak was an Assistant United States Attorney at the time of this case)
United States District Court for the Eastern District of Virginia
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Judge Claire G. Cardwell
(Judge Cardwell was in private practice at the time of this case)
General District Court, City of Richmond
John Marshall Courts Building
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6. *United States v. Stephens*, Criminal Case No. 3:06CR281 (E.D. Va.) (Hudson, J.);
aff'd, 257 F. App'x 611 (4th Cir. 2007) (Niemeyer, King, Hamilton, J.J.).

I served as lead counsel for the United States for all aspects of this prosecution. The Government's evidence showed that Stephens was a member of a gang, known as the Brick Yard Boys, that operated in the Gilpin Court area of Richmond, Virginia. Several members of the organization were indicted federally, and all pled guilty except for Lorenzo Stephens. Stephens was charged with Conspiracy to Distribute Controlled Substances. After a trial by jury, Stephens was found guilty and sentenced to a term of imprisonment of 327 months. Stephens noted an appeal, and the United States Court of Appeals for the Fourth Circuit affirmed his conviction and sentence.

Dates of Representation: 2006 – 2007

Presiding Judge: Hon. Henry E. Hudson

Counsel for Defendant:

David Lett

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7. *United States v. Oliver, et al.*, Criminal Case No. 3:11CR63 (E.D. Va.) (Spencer, J.); *aff'd*, 513 F. App'x 311 (4th Cir. 2013) (Wilkinson, Floyd, Goodwin, J.J.)

I served as lead counsel for the United States for all aspects of this prosecution. The Government's evidence showed that Warren Brown and Winston Oliver conspired to rob a convenience store in the Mr. Fuel Truckstop, located in Ruther Glen, Virginia. During the robbery attempt, Brown shot Theodore Edmund, a retired United States Marine and customer of the establishment. Brown and Oliver were charged with Conspiracy to Commit Hobbs Act Robbery, Attempted Hobbs Act Robbery, and related firearm charges. At the conclusion of the jury trial, both Brown and Oliver were convicted on all charges and both were sentenced to terms of imprisonment. Brown and Oliver filed appeals, and the United States Court of Appeals for the Fourth Circuit affirmed their convictions and sentences.

Dates of Representation: 2011 – 2013

Presiding Judge: Hon. James R. Spencer (Retired)

Co-Counsel:

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Counsel for Defendants:

Mark K. Tyndall
Deceased

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Richmond, Virginia 23219

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Mark Bodner (Appellate Counsel)
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8. *United States v. Walter Brooks*, Criminal Case No. 3:11CR310 (E.D. Va.) (Gibney, J.); *aff'd*, 523 F. App'x 992 (4th Cir. 2013) (Wilkinson, King, Agee, J.J.).

In 2011, I served as lead counsel for the United States for all aspects of this prosecution. The Government's evidence revealed that Brooks was serving a sentence at FCI Petersburg for a murder and robbery that he committed in 1979. While at FCI Petersburg, Brooks conspired with prison guards and other prisoners to distribute heroin inside the facility. Brooks was charged with *inter alia*, Conspiracy to Distribute Heroin, Providing Contraband to Inmates, and Use of a Communication Facility to Commit a Felony. At the conclusion of the jury trial, Brooks was convicted on all charges and sentenced to 240 months imprisonment. Brooks noted an appeal, and the United States Court of Appeals for the Fourth Circuit affirmed his conviction and sentence as to all counts.

Dates of Representation: 2011 – 2013

Presiding Judge: Hon. John A. Gibney

Counsel for Defendant:

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Matthew W. Greene, Esquire (Appellate Counsel)
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9. *Commonwealth v. Stephen James Hood*, Criminal Case No. CR 01-F-2201 (Va. Cir. Ct., Richmond City) (Spencer, J.); *aff'd*, 2004 WL 290687 (Va. Ct. App. Feb. 17, 2004); *aff'd*, 269 Va. 176 (2005).

In 1991, an elderly African-American woman (Eloise Cooper) was abducted from her residence, driven to the Byrd Park area of Richmond, and stabbed to death. Shortly after her murder, a man named Jeffrey Cox was arrested, tried, and found

guilty of her murder and related charges. In 1999, I was assigned the case in my role as an Assistant Commonwealth's Attorney in Richmond after evidence was gathered indicating that Cox had been wrongly convicted of the crime. I worked with the FBI, the Richmond Police Department, and the United States Attorney's Office in an effort to undo Cox's conviction and to bring the real assailants to justice. The investigation revealed that Stephen Hood and another individual were responsible for the abduction and murder of Ms. Cooper. Cox was released from incarceration, and Hood was charged with abduction and murder. After a two-day bench trial, Hood was found guilty of all charges. Hood was sentenced to a term of imprisonment. Hood noted an appeal; both the Virginia Court of Appeals and the Supreme Court of Virginia affirmed his convictions and sentence.

Dates of Representation: 1999 – 2005

Presiding Judge: Hon. Margaret P. Spencer (Retired)

Co-Counsel:

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Counsel for Defendant:

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Hunter and Everage
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(804) 780-1235

10. *Commonwealth v. Mary Evans*, Criminal Case No. CR96003307-01 (Va. Cir. Ct., Portsmouth City) (Olitsky, J).

In 1997, I served as co-counsel for the defendant on this case. The evidence adduced at trial revealed that Mary Evans was at the home that she shared with her common law husband. When her husband returned home intoxicated, an argument ensued. Her husband began to assault her, and she defended herself with a knife. Immediately after stabbing her husband, Evans called 911. Her husband was treated, but he ultimately bled to death. Evans was charged with first degree murder. At the conclusion of the jury trial, Evans was found not guilty of all charges.

Dates of Representation: 1997

Presiding Judge: Hon. Norman Olitsky (Retired)

Co-Counsel:

John H. (Jay) Underwood
Deceased

Counsel for Commonwealth:

Steven Plott
15221 Carrollton Blvd., Suite C
Carrollton, Virginia 23314
(757) 745-7711

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 a United States Magistrate Judge, I am responsible for administering the Second Chance Offender Rehabilitation Effort (SCORE). SCORE, also known as drug court, is a program for individuals who violate the terms of their supervised release, and their probation officer determines that the individual's primary problem is that individual's addiction to controlled substances. The individual is evaluated and, if accepted into the program, begins treatment by moving into a recovery house, obtaining a sponsor, attending NA/AA meetings, and engaging in moral reconnection therapy. SCORE court meets every week. During court, I follow up with the participants regarding the status of their recovery. The participants are required to complete five phases of the program in order to graduate from the program.

I have never acted or registered as a lobbyist.

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.

During the fall of 2018, I taught Trial Advocacy at the William & Mary Law School. Syllabus attached.

During the fall of 2019, I taught Criminal Procedure II at the William & Mary Law School. Syllabus attached.

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 have a Federal Thrift Savings Plan (TSP) account. I also have an account with the Virginia Retirement System (VRS). My wife has a TSP account and an account with the VRS as well.

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.

If confirmed, I would like to continue to teach either Criminal Procedure II or Trial Advocacy at the William & Mary Law School. I have no other commitments, agreements, or other plans for outside employment activities.

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.

I would recuse from all cases involving William & Mary as long as I am an adjunct professor there. I would also recuse from any cases brought by the United States Attorney's Office where I participated in the case as an Assistant United States Attorney or as a supervisory Assistant United States Attorney. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all 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 a state public defender, a state prosecutor, and a federal prosecutor, I was prohibited from engaging in pro bono work. As a federal magistrate judge, I am currently prohibited from engaging in pro bono work or representation of clients. My legal career has been dedicated to public service.

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 August 21, 2019, I submitted an application to Virginia Senators Mark Warner and Tim Kaine. On September 6, 2019, I interviewed with several members of

the local bar associations in Richmond, Virginia. On January 31, 2020, I interviewed with the Senators' Committee in Richmond, Virginia. Based on the Committee's recommendation, I was interviewed by Senators Warner and Kaine on February 11, 2020, in Washington, D.C. On March 23, 2020, I interviewed with the White House Counsel's Office and the Office of Legal Policy for the Department of Justice. Since that time, I have periodically communicated with individuals from the White House Counsel's Office and 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.