

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brenda Kay Sannes

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

United States District Court Judge for the Northern District of New York

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

Office: United States Attorney's Office for the Northern District of New York
100 South Clinton Street
P.O. Box 7198
Syracuse, New York 13261

Residence: Skaneateles, New York

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

1958; Billings, Montana

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.

1980 – 1983, University of Wisconsin Law School; J.D. (*magna cum laude*), 1983

1976 – 1980, Carleton College; B.A. (*magna cum laude*), 1980

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.

1995 – present
United States Attorney’s Office for the Northern District of New York
100 South Clinton Street
P.O. Box 7198
Syracuse, New York 13261
Syracuse Office Manager (2010 – present)
Chief, Appellate Division (2005 – present)
Assistant United States Attorney (1995 – present)

Spring 2007, Spring 2006
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14853
Adjunct Professor of Law

2003 – 2005
United States Attorney’s Office for the Central District of California
312 North Spring Street
Suite 1200
Los Angeles, California 90012
(on detail from the Northern District of New York)
Anti-Terrorism Advisory Council Coordinator (2004 – 2005)
Deputy Chief, Organized Crime and Terrorism Section (2004 – 2005)
Assistant United States Attorney (2003 – 2005)

1988 – 1995
United States Attorney’s Office for the Central District of California
312 North Spring Street
Suite 1200
Los Angeles, California 90012
Deputy Chief, Narcotics Section (January – October 1994)
High Intensity Drug Trafficking Coordinator (January – October 1994)
Assistant United States Attorney (1988 – 1995)
(Maternity leave November 1994 – March 1995)

1984 – 1988
Wyman, Bautzer, Christensen, Kuchel & Silbert
(Dissolved)
Los Angeles, California
Litigation Associate

1983 – 1984
Honorable Jerome Farris
United States Court of Appeals for the Ninth Circuit
1010 Fifth Avenue
Suite 1030
Seattle, Washington 98104
Law Clerk

June – August 1983
Wyman, Bautzer, Rothman, Kuchel & Silbert
(Dissolved)
Los Angeles, California
Summer Associate

June – August 1982
Dewey, Ballantine, Bushby, Palmer & Wood
(Dissolved)
New York, New York
Summer Associate

Summer 1981
Boardman, Suhr, Curry and Field
(now Boardman and Clark)
1 South Pinckney Street
Suite 410
Madison, Wisconsin 53703
Summer Associate

January 1981
Van Metre, Hanson
122 West Mifflin Street
Madison, Wisconsin 53703
Law Clerk

May – July 1980
Marty's Downtown
(Dissolved)
Northfield, Minnesota 55057
Waitress

Other Affiliations (uncompensated):

2005 – 2008, 1999 – 2000
Teddy Bear Child Care Center, Inc.
100 South Clinton Street

Syracuse, New York 13261
Board Member

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 was not required to register for selective service.

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

Professional:

Commendations in recognition of outstanding performance, dedicated service and/or successful prosecutions from the following agencies:

Federal Bureau of Investigation (2005)
Los Angeles Police Department (2005)
United States Postal Inspection Service (2001)
International Narcotic Enforcement Officers Association (2000)
United States Customs Service (1999)
Organized Crime Drug Enforcement Task Force (1999, 1992)
Internal Revenue Service Criminal Investigation Division (1995)
United States Attorney for the Eastern District of Oklahoma (1994)
Los Angeles Joint Drug Intelligence Group (1994)
Orange County Regional Narcotics Suppression Program (1994)
Southern California Drug Task Force (1994)
United States Customs Service (1994)
United States Department of Justice (1991)

Academic:

Order of the Coif, University of Wisconsin Law School (1983)
Articles Editor, *Wisconsin Law Review* (1982 – 1983)
American Jurisprudence Book Awards at the University of Wisconsin Law School in
Contracts I (1980), Civil Procedure (1980), Contracts II (1981) and Professional
Responsibility (1982)

Distinction in the English Department at Carleton College, 1980

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 Council

Los Angeles County Bar Association

Northern District of New York Federal Court Bar Association,
Criminal Practice Committee (2010 – present)

Women Lawyers' Association of Los Angeles

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, 1996

California, 1985

Wisconsin, 1983

My bar license in Wisconsin was briefly suspended for nonpayment of bar dues from November 1987 to January 1988. My license in Wisconsin was also suspended from 1992 through 1994 for nonpayment of bar dues. My membership was reinstated in 1994 so that I could waive into the New York bar, after which it lapsed again from 1995 through 1996 for nonpayment of dues. In 1996, I learned that I had to submit a petition in order to voluntarily resign and did so. In addition, I have been inactive in the State Bar of California during the time periods when I was not practicing in California, from 1995 through 2003 and from 2006 to the present. There have been no other 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 Second Circuit, 1996

United States Court of Appeals for the Ninth Circuit, 1989

United States District Court for the Central District of California, 1985

United States District Court for the Northern District of New York, 1995

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.

Baltimore Woods Nature Center (approximately 2000 – present)
Committee Member for the annual Environmental Chef Event
(2012 – present)

Skaneateles Hockey Boosters (2013 – 2014)
Committee Member

Teddy Bear Child Care Center, Inc. (1999 – 2000, 2005 – 2008)
Board Member

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

To the best of my knowledge, none of the organizations listed in response to Question 11a currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

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.

In my capacity as Chief of the Appellate Division, I have participated in the creation of memoranda providing guidance to Assistant United States Attorneys

for and on behalf of the United States Attorney's Office for the Northern District of New York, but these materials are privileged.

- 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.

November 7, 2013: Panel Speaker, Sentencing Update, Northern District of New York Federal Court Bar Association, Continuing Legal Education Program, Syracuse, New York. PowerPoint supplied.

May 30, 2013: Speaker, Protecting the Record: Avoiding Ineffective Assistance of Counsel Litigation, Northern District of New York Federal Court Bar Association, Continuing Legal Education Program, Albany, New York. PowerPoint supplied.

March 2005: Speaker, Myths About the USA Patriot Act, American Academy of Otolaryngology, Whistler Blackcomb, Canada. PowerPoint supplied.

In my capacity as Chief of the Appellate Division since 2005, I have provided training to Assistant United States Attorneys regarding decisions from the Supreme Court and the United States Court of Appeals for the Second Circuit. I have not provided outlines of this training because it is privileged.

- 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.

"Professors Clymer and Sannes Offer Class on Terrorism and Law," Cornell Law Forum (Fall 2006). 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.

I served as a volunteer Temporary Judge in the Los Angeles Municipal Court's Temporary Judge Program on approximately two occasions in 1993 and 1994. This program allows attorneys who have been licensed for more than ten years and are in good standing with the bar to serve as temporary judges hearing civil matters. In small claims court there are no lawyers, the rules of evidence do not apply, and all matters are heard and decided by the Temporary Judge. I do not recall the facts from any of the cases, and there are no transcripts of any of the hearings at which I presided.

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

I presided over a total of four to six cases during the two instances in which I served as a Temporary Judge.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	100%
criminal proceedings:	0%

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- 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.
- e. Provide a list of all cases in which certiorari was requested or granted.
- 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.

- 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.
 - 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.
 - 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.
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.

I considered the cases assigned to me on a case by case basis and did not find any basis for recusal. There were no requests for recusal in the matters that I handled as a Temporary Judge.

15. **Public Office, Political Activities and Affiliations:**

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

I have not held any public office, other than as a Temporary Judge, nor have I ever been an unsuccessful candidate or nominee.

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

I have never held membership or office in any political party or election committee, nor have I held a position or played a role in a political campaign.

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

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

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

The Honorable Jerome Farris
United States Court of Appeals for the Ninth Circuit
(1983 – 1984)

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

I have never practiced alone.

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

1984 – 1988
Wyman, Bautzer, Christensen, Kuchel & Silbert
(Dissolved)
Los Angeles, California
Litigation Associate

1988 – 1995
United States Attorney's Office for the Central District of California
312 North Spring Street
Suite 1200
Los Angeles, California 90012
Deputy Chief, Narcotics Section (January – October 1994)
High Intensity Drug Trafficking Coordinator (January – October 1994)
Assistant United States Attorney (1988 – 1995)
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Assistant United States Attorney (2003 – 2005)

1995 – present
United States Attorney's Office for the Northern District of New York
100 South Clinton Street
P.O. Box 7198
Syracuse, New York 13261
Syracuse Office Manager (2010 – present)
Chief, Appellate Division (2005 – present)
Assistant United States Attorney (1995 – present)

- 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.

None.

b. Describe:

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

From 1984 to 1988, I worked as an associate in a large law firm in Los Angeles. For the first three years I worked on general civil litigation in state and federal courts. I took depositions, drafted pleadings, and drafted and argued motions. I also worked on two significant civil jury trials in state court, assisting the partners who handled the trials. During my last year at the law firm I worked for a partner who had a criminal practice, primarily representing defendants charged with federal offenses.

Since 1988, I have worked as an Assistant United States Attorney for the Northern District of New York and the Central District of California representing the government in federal district court and in the Second and Ninth Circuits. From 1988 until 1994, I participated in the investigation and prosecution of a wide variety of federal crimes, including offenses involving illegal drugs, firearms, theft, mail fraud, money laundering, and bank robbery. In 1994, I was the High Intensity Drug Trafficking Coordinator for the Central District of California, with administrative and

leadership responsibilities in coordinating law enforcement drug enforcement efforts. From 1995 until 2003, I participated in the investigation and prosecution of a wide variety of federal crimes, including offenses involving illegal drugs, firearms, theft, mail fraud, money laundering, child exploitation, tax violations and immigration violations in the Northern District of New York. From January 2004 until June 2005, I was primarily involved in coordinating law enforcement and anti-terrorism efforts and supervising Assistant United States Attorneys investigating and prosecuting terrorism offenses while on detail to the Central District of California. Since September 2005, when I became the Appellate Chief in the Northern District of New York, my practice has focused on appellate work. I currently supervise all the criminal and civil appellate work in the United States Attorney's Office and also have my own appellate caseload.

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

During my first three years as an associate at a law firm in Los Angeles, I was engaged in general civil litigation representing primarily businesses. In one of the cases that went to trial we represented a business suing an insurance company for bad faith failure to pay a claim. In another jury trial, we defended a movie studio on a breach of contract claim. During my last year in the law firm, I assisted a partner in defending defendants charged with defense industry contractor fraud, mail fraud and narcotics offenses in federal court.

As an Assistant United States Attorney since 1988, I have represented the government in the investigation and prosecution of a wide variety of federal crimes.

- 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.

100% of my practice has been in litigation. From 1988 to 2003, I appeared regularly in federal district court for pretrial motions, sentencings, supervised release revocation proceedings and detention hearings. I did not appear in court from 2004 to 2005 while I was working as the Anti-Terrorism Advisory Counsel Coordinator in the United States Attorney's Office in Los Angeles. Since September 2005, I have appeared regularly in the Second Circuit Court of Appeals.

i. Indicate the percentage of your practice in:

1. federal courts: 95%
2. state courts of record: 5%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 10%
2. criminal proceedings: 90%

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.

From March 1995 until July 2003, I was the sole or lead trial counsel in five jury trials in the Northern District of New York. From 1988 to 1994, I tried eleven jury trials in the Central District of California. I was the sole or lead trial counsel in ten of the trials.

i. What percentage of these trials were:

1. jury: 100%
2. non-jury: 0%

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

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

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

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

The following matters are listed in reverse chronological order by end date of the litigation.

1. *United States v. Guzman*, 591 F.3d 83 (2d Cir. 2010).

In *Guzman*, I handled the government’s appeal from a district court’s decision that Congress exceeded its authority in enacting the registration requirement in the Sex Offender Registration and Notification Act (“SORNA”), 42 U.S.C. § 16913. I wrote the appellate brief, which was filed in February 2009, and argued the appeal in the Second Circuit Court of Appeals on September 14, 2009. On January 7, 2010, the Second Circuit (Circuit Judges Miner, Straub and Wesley) upheld Congress’s authority to enact the failure to register offense in SORNA, 18 U.S.C. § 2250(a), and the underlying registration requirement, 42 U.S.C. § 16913. Our office received several subsequent constitutional challenges to SORNA, which I also successfully defended in the Second Circuit. See *United States v. Hester*, 589 F.3d 86 (2d Cir. 2009); *United States v. Robbins*, 729 F.3d 131 (2d Cir. 2013); and *United States v. Brunner*, 726 F.3d 299 (2d Cir. 2013).

Counsel for defendants
in the SORNA appeals:

Lisa A. Peebles
Federal Public Defender
James Egan
Research and Writing Specialist
4 Clinton Square, Third Floor
Syracuse, New York 13202
(315) 701-0080
(Defendants Guzman, Robbins
and Brunner)

Molly Corbett
Research and Writing Specialist
Federal Public Defender Office
39 North Pearl St., Fifth Floor
Albany, New York 12207
(518) 436-1850
(Defendant Hester)

2. *United States v. Wilson*, 699 F.3d 235 (2d Cir. 2012).

I wrote the brief and argued the government’s affirmative appeal from a district court’s ruling suppressing evidence in *United States v. Wilson*, 754 F. Supp.2d 450 (N.D.N.Y. 2010). This case involved the legality of a vehicle stop by St. Regis Mohawk police officers shortly after the car entered the United States from Canada through an unmarked crossing on the St. Regis Mohawk Reservation. The stop occurred in an area that is the subject of a pending land dispute between the St. Regis Mohawks and the State of New

York known as “the Bombay triangle.” The district court suppressed duffle bags of marijuana found in the car, after concluding that the officers’ failure to comply with Immigration and Customs Enforcement policy and the stop outside their territorial jurisdiction violated the Fourth Amendment. I argued the appeal on February 17, 2012. On October 25, 2012, the Second Circuit (Circuit Judges Jacobs, Calabresi and Pooler) issued a decision reversing the district court’s decision, holding that the violation of an agency policy does not affect the constitutionality of a stop under the Fourth Amendment. This was an important case for the joint federal and tribal law enforcement efforts to combat smuggling through the St. Regis Mohawk reservation.

Counsel for defendant: Michael Rhodes-Devey
450 New Karner Road
P.O. Box 15072
Albany, New York 12205
(518) 452-1800

3. *United States v. Parker*, 554 F.3d 230 (2d Cir. 2009).

I wrote the brief and argued the appeal that led to the Second Circuit’s decision clarifying the buyer-seller exception to conspiracy liability. This case involved an appeal by three defendants who were convicted, following a six-day jury trial, of conspiring to possess crack cocaine with the intent to distribute. The defendants argued that the evidence was insufficient based upon the buyer-seller exception. I argued the appeal on December 8, 2008. The Second Circuit (Circuit Judges Feinberg, Leval and Cabranes) affirmed the convictions on February 3, 2009.

Counsel for defendants: Charles F. Wilson
Nevins & Nevins, LLP
102 Connecticut Boulevard
East Hartford, Connecticut 06108
(860) 289-4455
(Defendant Baker)

Vivian Shevitz,
46 Truesdale Lake Drive
South Salem, New York 10590
(914) 763-2122
(Defendant Fuller)

Catherine E. Stuckart,
156 Crary Avenue, Suite 2
Binghamton, New York 13905
(607) 798-1074
(Defendant Minott)

4. *United States v. Searle*, Case No., 00-cr-472 (FJS).

I represented the government in the investigation and prosecution of a defendant who had induced his girlfriend in Pennsylvania to sexually abuse her young children and transmit the images, via the Internet, to him in Syracuse, New York. The crime was not reported to law enforcement in Pennsylvania until almost ten months later, in October 1999, after the mother had died of a drug overdose, and the father found a videotape documenting the sexual abuse. I worked with law enforcement officers from the Federal Bureau of Investigation and the New York State Police during an investigation to obtain sufficient probable cause for search warrants at the defendant's residence in Syracuse in September 2000. I drafted the application for the search warrants that led to the discovery of the images of child pornography on his computer. The defendant pled guilty, and then filed an appeal challenging his sentence. I wrote the appellate brief and argued the appeal in the spring of 2003. The Second Circuit affirmed the sentence in *United States v. Searle*, 65 F. App'x 343 (2d Cir. 2003) (summary order).

Counsel for defendant: James F. Greenwald
Assistant Federal Public Defender
4 Clinton Square, Third Floor
Syracuse, New York 13202
(315) 701-0080

5. *United States v. Panek*, 97-cr-446 (FJS).

I worked with law enforcement officers from the Central District of New York Drug Enforcement Task Force during a two-year investigation to obtain sufficient corroboration to prosecute a group of individuals responsible for distributing over 2,000 pounds of marijuana, obtained from Arizona, in Syracuse. I drafted the charging instruments charging eight defendants with marijuana and money laundering charges. One of the defendants was a law enforcement officer who admitted that he queried a law enforcement database on behalf of the defendants to help them determine whether certain suspected individuals were working as government informants. Five of the defendants pled guilty, and three proceeded to trial. I was the lead trial counsel in a twelve-day jury trial before the Honorable Frederick J. Scullin, Jr. in the summer of 1999 that resulted in the conviction of the two lead defendants. I wrote the appellate brief and, on December 14, 2001, argued the appeal. On April 2, 2003, the Second Circuit (Circuit Judges Feinberg, Pooler, and Sotomayor) affirmed the convictions in *United States v. Henry*, 325 F.3d 93 (2d Cir. 2003). This was one of the cases cited as a basis for the 2000 commendation award I received from the International Narcotic Enforcement Officers Association, Inc.

Co-counsel: Edward R. Broton
Assistant United States Attorney
100 South Clinton Street
Syracuse, New York 13261
(315) 448-0672

Counsel for defendants: Edward Z. Menkin
555 East Genesee Street
Syracuse, New York 13202
(315) 425-1212
(Defendant E. Panek)

Mark David Blum
P.O. Box 82
Manlius, New York 13104
(315) 420-9989
(Defendant A. Panek)

Lisa A. Peebles
Federal Public Defender
4 Clinton Square, Third Floor
Syracuse, New York 13202
(315) 701-0080
(Defendant Michael Gonzalski)
(Attorney was a solo practitioner at the time of trial)

6. *United States v. Bologna*, Case No. 97-cr-311 (FJS).

I represented the government in the investigation and prosecution of a Special Agent of the United States Customs Service for making false statements to the Customs Service. I drafted the indictment charging the defendant with making false statements in connection with his outside employment, hours worked and reports of investigation. I represented the government during a two-week jury trial in early 1999 before the Honorable Frederick J. Scullin, Jr., which led to the defendant's conviction on three false statement counts. After the district court granted the defendant's motion for a judgment of acquittal on two of the counts of conviction, I wrote the appellate brief and argued the appeal, successfully defending the conviction and obtaining a reversal of the district court's grant of a judgment of acquittal. The Second Circuit's decision is reported at *United States v. Bologna*, 58 F. App'x. 865 (2d Cir. 2003) (summary order). I received a commendation letter from the Commissioner of Customs, Raymond W. Kelly, for my work on this case.

Counsel for defendant: William J. Dreyer
John B. Casey
Dreyer Boyajian LLP
75 Columbia Street
Albany, New York 12210
(518) 478-2762

7. *United States v. Comer*, 96-cr-22 (RSP).

I represented the government in the investigation and prosecution of a major crack

cocaine and cocaine organization, which obtained kilogram-quantities of cocaine in New York City for distribution in Syracuse, New York. In December 1995 and January 1996, I worked with the Central New York Drug Enforcement Task Force in drafting affidavits in support of court-authorized wiretaps for three telephones. I also drafted indictments charging twenty-six defendants with cocaine and crack cocaine offenses. I was the lead trial counsel in an eleven-week, eleven-defendant jury trial before the Honorable Rosemary S. Pooler. The trial, which began in January 1997, was the largest case that had been tried in the Northern District of New York. Nine of the defendants were convicted. I wrote the appellate brief and, on February 28, 2000, argued the appeal. The Second Circuit (Circuit Judges Winter, Leval, and Magill) affirmed the convictions in *United States v. Giles*, 210 F.3d 356 (2d Cir. 2000) (unpublished). This was one of the cases cited as a basis for the 2000 commendation award I received from the International Narcotic Enforcement Officers Association, Inc.

Co-counsel: Stephen C. Green
Assistant United States Attorney
100 South Clinton Street
Syracuse, New York 13261
(315) 448-0672

Counsel for defendants: James F. Greenwald
Assistant Federal Public Defender
4 Clinton Square, Third Floor
Syracuse, New York 13202
(315) 701-0080
(Defendant Comer)
(Attorney was a solo practitioner at the time of trial)

Paul G. Carey
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(315) 474-0077
(Defendant Giles)

Craig P. Schlanger
120 East Washington Street
Suite 925
Syracuse, New York 13202
(315) 422-1122
(Defendant Wright)

Lisa A. Peebles
Federal Public Defender
4 Clinton Square, Third Floor
Syracuse, New York 13202
(315) 701-0080

(Defendant Russo)
(Attorney was a solo practitioner at the time of trial)

James H. Medcraf
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(315) 478-3587
(Defendant Woods)

A. Sheldon Gould
447 East Washington Street
Syracuse, New York 13202
(315) 478-3186
(Defendant J. Menefield)

Thomas M. Robertson
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Syracuse, New York 13202
(315) 426-1149
(Defendant T. Menefield)

Dennis Claus
333 East Onondaga Street
Sixth Floor
Syracuse, New York 13202
(315) 729-7907
(Defendant Gregory)

Stephen Cimino
307 South Clinton Street
Syracuse, New York 13202
(315) 428-1000
(Defendant Williams)

Angelo Rinaldi
120 East Washington Street
Syracuse, New York 13202
(315) 478-5820
(Defendant Bradshaw)

Mark D. Romano
(Deceased)
(Defendant Stanley)

8. *United States v. Joseph LaPlante, Jr.*, 95-cr-238 (RSP).

I represented the government in the investigation and prosecution of a defendant who defrauded mail order companies by obtaining merchandise with checks written on a closed bank account. I drafted an indictment, which was filed in the Northern District of New York on June 29, 1995, charging the defendant with thirteen counts of mail fraud. I handled the three-day jury trial in February 1996 before the Honorable Rosemary S. Pooler, which resulted in convictions on all counts. I also wrote the appellate brief that led to the affirmance of the convictions in *United States v. LaPlante*, 108 F.3d 330 (2d Cir. 1997) (unpublished).

Counsel for defendant: James P. McGinty
233 East Washington Street
Syracuse, New York 13202
(314) 448-8400

9. *United States v. Ramos*, Case No. 92-cr-632 (HLH).

I represented the government in the investigation and prosecution of a large-scale cocaine organization that smuggled thousands of pounds of cocaine from Mexico into California in the roof of bus, using a transportation business as a front for their activities. During the investigation, I worked with law enforcement officers in drafting applications for court-authorized electronic surveillance. I coordinated the law enforcement investigation in the Central District of California with Assistant United States Attorneys and law enforcement agents in the Eastern District of Oklahoma, who investigated and prosecuted a murder in Oklahoma by members of the organization. I prepared a twenty-six count indictment, which was filed on July 22, 1992, charging seven defendants with various narcotics and money laundering offenses. Three of the defendants went to trial in the spring of 1993 before the Honorable Harry L. Hupp in Los Angeles and were convicted following a three-week jury trial. I was the lead government counsel at trial and on the appellate briefs. The Ninth Circuit Court of Appeals affirmed the convictions, with the exception of a structuring count that that was reversed because the jury was not instructed on the intent requirement established in 1994 in *Ratzlaf v. United States*. See *United States v. Ramos*, 51 F.3d 283 (9th Cir. 1995) (unpublished).

Co-counsel: Nicola T. Hanna
Gibson Dunn
3161 Michelson Drive
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(949) 451-4270

Counsel for defendants:

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225 South Lake Avenue, Suite 300
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(Defendant Mendoza)

Elsa Leyva
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Los Angeles, California 90086
(626) 308-5325
(Defendant Hernandez)

10. *United States v. Maxwell Joelson*, 90-cr-565 (DWW).

I represented the government in the prosecution of a defendant for drug offenses arising from his importation of 770 kilograms of cocaine into the United States from Guatemala. I handled a three-day jury trial in February 1991, before the Honorable David W. Williams in Los Angeles, which led to the defendant's conviction on all counts. I wrote the appellate brief and, on June 7, 1993, argued the appeal. The Ninth Circuit (Circuit Judges Fletcher, Poole, and Thompson) affirmed the convictions in *United States v. Joelson*, 7 F.3d 174 (9th Cir. 1993).

Counsel for defendant: Lupe Martinez
 1010 West Taylor Street
 San Jose, California 95126
 (408) 971-4249
 (Formerly Assistant Federal Public Defender,
 Los Angeles, California)

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 the Appellate Chief in the United States Attorney's Office, I am responsible for providing legal advice and training. I provide advice to Assistant United States Attorneys in the Northern District of New York on a broad range of legal issues. This includes advice during trial, advice regarding the likelihood of prevailing on Fourth Amendment challenges, and advice regarding litigation strategy. I also advise the United States Attorney regarding whether to appeal adverse district court decisions, including decisions

suppressing evidence or decisions granting judgments of acquittal. I participate in weekly management meetings with the United States Attorney.

I also conduct training for Assistant United States Attorneys on legal issues and current cases. In addition to various internal presentations throughout the year as cases and issues arise, I present an annual one-hour "Supreme Court Update" at the annual district-wide meeting for all Assistant United States Attorneys.

Since April 2010, I have served on the Criminal Practice Committee of the Northern District of New York Federal Court Bar Association. I have worked with defense counsel and other prosecutors to put together continuing legal education programs in criminal law. The programs include a panel discussion with judges of the Northern District of New York.

I have never performed any lobbying activities.

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

I co-taught Terrorism and the Law at Cornell University Law School in the Spring Semester of 2006 and the Spring Semester of 2007 with Steven Clymer. The class was open to law and non-law students. Syllabi provided.

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.

Upon retirement, I will receive benefits from the Federal Employees Retirement System. I do not anticipate any other deferred income or benefits.

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 have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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.

If confirmed, I would handle any matters involving actual or potential conflicts of interest in conformity with 28 U.S.C. § 455, the Code of Conduct for United States Judges and any other relevant statutes, ethical canons and rules. Specifically, I would recuse myself from any case that I worked on, supervised or on which I was consulted as an Assistant United States Attorney.

My husband, Steven Clymer, is currently the Chief of the Criminal Division in the United States Attorney's Office in the Northern District of New York. He has discussed the conflict-of-interest issue with the Office of the Deputy Attorney General of the Department of Justice and the United States Attorney for the Northern District of New York. If I am confirmed he will step down from his position as the Chief of the Criminal Division and become the Chief of the Appellate Division. He would not handle or supervise appeals in any case in which I was the district court judge.

My husband also is currently an adjunct professor at Cornell University. If confirmed, I would recuse myself from any cases in which Cornell University was a party as long as my husband worked there.

- 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 would refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges and the Advisory Opinions of the Committee on Codes of Conduct, and would disclose any pertinent information to the litigants or recuse myself from deciding a case, as appropriate. If confirmed, I would review my initial caseload immediately to determine the presence of conflicts, and thereafter review cases as assigned.

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.

During my first year in private practice I participated in providing pro bono assistance in a landlord-tenant matter that did not result in litigation.

As an Assistant United States Attorney, I am subject to the Department of Justice's policies and ethical rules restricting my ability to provide pro bono legal services to disadvantaged persons or entities. In 2005, when I was the Anti-Terrorism Advisory Council Coordinator in Los Angeles, however, I participated in community outreach with the Federal Bureau of Investigation. As an Assistant United States Attorney in Syracuse, I have worked to improve the legal system by working on the Criminal Practice Committee of the Northern District of New York Federal Court Bar Association and planning biannual continuing legal education programs for federal criminal practitioners.

I also have volunteered outside of the legal community. I was a board member for the nonprofit entity which contracts with and supports the licensed day care provider in the James M. Hanley Federal Building, the Teddy Bear Child Care Center, Inc. (TBCCC), for approximately five years, from 1999 to 2000 and from 2005 to 2008. While on the board I participated in interviewing and selecting a new day care provider for the federal building. From 2012 to the present I have been a committee member for the Baltimore Woods Nature Center, Inc. (BWNC) annual "Environmental Chef" event. This event raises funds to support BWNC educational programs, including its *Nature in the City* program which brings hands-on natural science learning to elementary urban school children.

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 November 4, 2013, I submitted my application to the screening committee for Senator Charles E. Schumer to be United States District Court Judge for the Northern District of New York. On November 26, 2013, I met with one of Senator Schumer's regional representatives in Albany, New York. On December 10, 2013, I was interviewed by the screening committee in New York, New York.

In early January 2014, one of the members of the screening committee who was not present for the interview in New York interviewed me by telephone. On January 17, 2014, I was interviewed by Senator Schumer in New York, New York. On February 5, 2014, Senator Schumer's Chief Counsel notified me by telephone that Senator Schumer was going to recommend me to the President. Since February 6, 2014, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On March 19, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On May 8, 2014, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

I, Brenda K. Sannes, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

5/8/14

(DATE)

Brenda K Sannes

(NAME)

Deanna Lieberman

(NOTARY)

DEANNA LIEBERMAN
Notary Public, State of New York
No. 01LI6105102
Qualified in WAYNE County
Commission Expires FEBRUARY 2, 2016