

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Todd Wallace Robinson

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

United States District Judge for the Southern District of California

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

United States Attorney's Office
Southern District of California
880 Front Street, #6293
San Diego, California 92101

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

1967; Jacksonville, Florida

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.

1990 – 1993, Georgetown University Law Center; J.D. (*cum laude*), 1993

1985 – 1989, University of California, Berkeley; 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.

2005 – present
United States Attorney's Office
Southern District of California
880 Front Street, #6293

San Diego, California 92101
Senior Litigation Counsel (2008 – present)
Deputy Chief, General Crimes Section (2007)
Assistant United States Attorney (2005 – 2006)

2004
Central Intelligence Agency
1000 Colonial Farm Rd, McLean, Virginia 22101
Operations Officer

1997 – 2003
United States Attorney's Office
Southern District of California
880 Front Street, #6293
San Diego, California 92101
Assistant United States Attorney

1993 – 1997
United States Department of Justice
Narcotic and Dangerous Drug Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney

Summer 1992
Bronson, Bronson & McKinnon
505 Montgomery Street
San Francisco, California 94111
Summer Associate

Summer 1991
Severson & Werson
One Embarcadero Center, Suite 2600
San Francisco, California 94111
Summer Associate

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 did not serve in the military. I registered for selective service upon turning eighteen.

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.

Men's World Record Holder, 21-Mile Catalina Channel Swim (2009 – 2018)

Director's Award for Superior Performance by a Litigation Team, Executive Office of United States Attorneys (2017)

Exceptional Service Award, National Association of Former United States Attorneys (2015)

Finalist, Most Significant Case of the Year, Organized Crime Drug Enforcement Task Force (2014)

Director's Award for Superior Performance as an Assistant United States Attorney, Executive Office of United States Attorneys (2011)

Commendation Letter from Chief Paul A. Beeson, United States Customs and Border Protection, for the successful prosecution in *U.S. v. Jesus Navarro-Montes*, 09CR0577-MMA (2011)

Commendation Letter from FBI Director Robert S. Mueller, III for the successful prosecution in *U.S. v. Jesus Navarro-Montes*, 09CR0577-MMA (2011)

Commendation Letter from FBI Director Robert S. Mueller, III for the successful prosecution in *U.S. v. Raul Leon, et al.*, 06CR1243-DMS (2008)

Director's Award for Superior Performance as an Assistant United States Attorney, Executive Office of United States Attorneys (2007)

Superior Performance Award, United States Department of Justice (2006)

Special Act Award, United States Department of Justice (2005)

Commendation Letter from DEA Administrator Karen P. Tandy (2003)

National Case of the Year Award, Organized Crime Drug Enforcement Task Force (2003)

Commendation Letter from FBI Director Robert S. Mueller, III for the investigation leading to charges in *U.S. v. Syed Shah, et al.*, 02CR2912-L (2003)

Commendation Letter from FBI Director Robert S. Mueller, III for the investigation leading to charges in *U.S. v. Timothy Patrick, et al.*, 02CR1714-L (2003)

San Francisco Police Department Chief's Commendation for the successful prosecution in *U.S. v. Charles Michael, et al.*, CR 96-00070-SI (1998)

Executive Office of United States Attorneys Director's Award for Superior Performance as an Assistant United States Attorney (1997)

Commendation from Assistant Attorney General Jo Ann Harris for the successful murder prosecution in *U.S. v. James Smith, et al.*, CR 94-141-A (1994)

Commendation Letter from FBI Director Robert S. Mueller, III for the successful murder prosecution in *U.S. v. James Smith, et al.*, CR 94-141-A (1994)

Law degree conferred *cum laude* (1993)

Vincent G. Panati Memorial Award for highest cumulative GPA in criminal law courses, Georgetown University Law Center (1993)

Outstanding Student Achievement Award, Georgetown University Law Center Criminal Justice Clinic (1993)

Associate Editor, Journal of Law and Policy in International Business (1992 – 1993)

Captain, U.C. Berkeley Varsity Swimming Team (1988 – 1989)

N.C.A.A. Division I All-American, Swimming (1989)

United States Olympic Trials Participant, Swimming (1988)

William F. Cordes Memorial Scholarship for academic achievement, U.C. Berkeley (1985)

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.

National Association of Assistant U.S. Attorneys (2005 – present)
District Representative (2015 – present)

Death Penalty Review Committee, United States Attorney's Office for the Southern District of California (2005 – present)

Hiring Committee, United States Attorney's Office for the Southern District of California (2005 – present)

Federal Bar Association (2017 – present)

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.

California (1998)
Illinois (1993)

I was an active member of the Illinois bar from 1993 to 1997. I transferred my membership in the Illinois bar to inactive status in 1998 when I became a member of the California bar. There has been no lapses in my California bar membership.

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

United States Court of Appeals for the Ninth Circuit (1995)
United States District Court for the Central District of California (2019)
United States District Court for the District of Hawaii (2017)
United States District Court for the Eastern District of Louisiana (2017)
United States District Court for the District of Arizona (2010)
United States District Court for the Southern District of California (1995)

I was admitted to the United States District Court for the Eastern District of Louisiana to handle a recusal matter in 2017. After that matter was resolved in 2018, I did not renew my application to practice in that district. There have been no other 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.

Federalist Society for Law and Public Policy (2017 – present)

Immaculata Parish, Sunday School and Children's Liturgy Instructor (2016 – present)

Volunteer, Challenged Athletes Foundation (2009 – present)

Swimming Coach, Special Olympics of Southern California (2005 – 2008)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization

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

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

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

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

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.

October 2019: Lecturer, "Handling Difficult Witnesses in the Grand Jury," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

September 2019: Instructor, "Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. This was a week-long course designed to improve the trial skills of new DOJ prosecutors. I ran a mock courtroom and gave students feedback on their trial skills. I have no notes, transcript, or recording.

July 2019: Lecturer, "Handling Difficult Witnesses in the Grand Jury," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation identical to the October 2019 entry listed above.

March 2019: Instructor, "Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. This was a week-long course designed to improve the trial skills of new DOJ prosecutors. I ran a mock courtroom and gave students feedback on their trial skills. I have no notes, transcript, or recording.

November 2018: Lecturer, "The Federal Rules of Evidence, An Overview," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

October 2018: Lecturer / Instructor, "Giving an Effective Opening / Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied for the lecture I gave on opening statements, which was part of a week-long course designed to improve the trial skills of new DOJ prosecutors. In addition to giving the lecture on opening statements, I ran a mock courtroom and gave students feedback on their trial skills. I have no additional notes, transcript, or recording.

August 2018: Lecturer, "Handling Difficult Witnesses in the Grand Jury," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

June 2018: Lecturer, "Using Electronic Evidence at Trial," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

December 2017: Lecturer / Instructor, "The Federal Rules of Evidence / Basic Criminal Trial Advocacy," United States Department of Justice National

Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied for the lecture I gave on the Federal Rules of Evidence, which was part of a week-long course designed to improve the trial skills of new DOJ prosecutors. In addition to giving the lecture on the Federal Rules of Evidence, I ran a mock courtroom and gave students feedback on their trial skills. I have no additional notes, transcript, or recording.

October 23, 2017: Lecturer, "The Death Penalty in Federal Prosecutions," University of San Diego, 5998 Alcalá Park, San Diego, California 92110. PowerPoint presentation supplied.

October 2017: Lecturer / Instructor, "The Federal Rules of Evidence / Giving an Effective Closing / Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentations supplied for the lectures I gave on the Federal Rules of Evidence and giving an effective closing, which were part of a week-long course designed to improve the trial skills of new DOJ prosecutors. In addition to giving the above-noted lectures, I ran a mock courtroom and gave students feedback on their trial skills. I have no additional notes, transcript, or recording.

October 2016: Lecturer / Instructor, "The Federal Rules of Evidence / Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied for the lecture I gave on the Federal Rules of Evidence, which was part of a week-long course designed to improve the trial skills of new DOJ prosecutors. In addition to giving the lecture on the Federal Rules of Evidence, I ran a mock courtroom and gave students feedback on their trial skills. I have no additional notes, transcript, or recording.

August 2016: Lecturer, "Using RICO to Effectively Prosecute Gang Crime," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

June 2016: Lecturer, "How to Cross Examine a Defendant," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

June 2016: Lecturer, "Using Electronic Evidence at Trial," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation identical to the June 2018 lecture at the National Advocacy Center listed above.

April 2016: Lecturer, "Introduction to Evidence for Criminal Litigators / Handling Difficult Witnesses," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201.

PowerPoint presentations supplied.

October 2015: Instructor, "Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. During this week-long course designed to improve the trial skills of new DOJ prosecutors I ran a mock courtroom and gave students feedback on their trial skills. I have no notes, transcript, or recording.

April 13, 2015: Lecturer, "Federal Drug Crimes," University of San Diego Law School, 5998 Alcalá Park, San Diego, California 92110. PowerPoint presentation supplied.

March 2015: Instructor, "Advanced Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. During this week-long course designed to improve the trial skills of experienced DOJ prosecutors I ran a mock courtroom and gave students feedback on their trial skills. I have no notes, transcript, or recording.

December 2014: Lecturer, "Using Electronic Evidence at Trial," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

September 2014: Instructor, "Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. During this week-long course designed to improve the trial skills of new DOJ prosecutors I ran a mock courtroom and gave students feedback on their trial skills. I have no notes, transcript, or recording.

December 2013: Instructor, "Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. During this week-long course designed to improve the trial skills of new DOJ prosecutors I ran a mock courtroom and gave students feedback on their trial skills. I have no additional notes, transcript, or recording.

September 2013: Instructor, "Basic Criminal Trial Advocacy," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. During this week-long course designed to improve the trial skills of new DOJ prosecutors I ran a mock courtroom and gave students feedback on their trial skills. I have no additional notes, transcript, or recording.

July 2012: Lecturer, "Managing A Roving Wiretap / Electronic Surveillance Suppression Issues," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint

presentations supplied.

December 2011: Lecturer, "Roving Wiretaps / Litigating Wiretap Suppression Issues," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentations supplied.

July 2011: Lecturer, "Roving Wiretaps / Litigating Wiretap Suppression Issues," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentations supplied.

February 2011: Lecturer, "Litigating Wiretap Suppression Issues / Federal Wiretap Practice," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

January 2011: Lecturer, "Using RICO and Other Federal Statutes to Combat Violent Crime," FBI National Violent Crime Squad Supervisor's Conference, San Diego, California. PowerPoint presentation supplied.

December 2010: Lecturer, "Roving Wiretaps / Litigating Wiretap Suppression Issues," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

February 2010: Lecturer, "Federal Wiretap Practice," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. This lecture covered the requirements and considerations for federal prosecutors to obtain court authorization to conduct wiretaps. I have no notes, transcript, or recording.

August 2009: Lecturer, "Southwest Border Firearms Trafficking," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. This lecture covered the investigation and prosecution of firearms offenses along the Southwest Border. I have no notes, transcript, or recording.

February 2009: Lecturer, "Roving Wiretaps," United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

November 2008: Lecturer, "Using Sophisticated Investigative Techniques to Combat Gang Violence," United States Border Patrol National Gang Conference, Yuma, Arizona. PowerPoint presentation supplied.

May 2008: Lecturer, "Using Federal Racketeering Statutes to Combat Gang-

Related Crime,” FBI Violent Gang Safe Streets Task Force Conference, Dallas, Texas. PowerPoint presentation supplied.

January 2008: Lecturer, “Roving Wiretaps,” United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

February 2007: Lecturer, “Prosecuting Complex Criminal Cases,” United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

June 2005: Lecturer, “Prosecuting Complex Criminal Cases,” United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

December 2002: Lecturer, “Investigating and Trying Complex Criminal Cases,” United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

October 2002: Lecturer, “Handling Complex Narcotics Investigations,” DEA Academy, Quantico, Virginia. I gave a presentation at the DEA Academy about handling complex narcotics investigations. The PowerPoint presentation shown to them is law enforcement sensitive.

August 2002: Lecturer, “Prosecuting Complex Criminal Cases,” United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

April 2002: Lecturer, “International Narcotics Investigations,” United States Department of Justice National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina 29201. PowerPoint presentation supplied.

January 1998: Lecturer, “Federal Wiretapping Procedures in Multi-District Investigations,” United States Department of Justice Narcotics Enforcement Seminar, Tucson, Arizona. This lecture covered the procedures for handling a multi-district wiretap investigation. I have no notes, transcript, or recording.

October 1997: Lecturer, “Overview of Federal Wiretapping Statutes,” United States Department of Justice National Wiretap Training Seminar, Albuquerque, New Mexico. This lecture covered the requirements and considerations for federal prosecutors to obtain court authorization to conduct wiretaps. I have no notes, transcript, or recording.

- 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.

Peter Rowe, *In an Increasingly Digital World, the FBI Makes a Point to Keep Pace*, San Diego Union-Tribune (August 20, 2018). Copy supplied.

Curt Prendergast, *Suspect in border agent's killing pleads not guilty; trial set for September*, Arizona Daily Star (August 2, 2018). Copy supplied.

Kristina Davis, *Arrests Hit Gang Named in Escondido Shooting – Drug, Gun Charges Filed vs. 16 Affiliated with the Diablos*, San Diego Union-Tribune (May 4, 2017). Copy supplied.

More Than 140 Gang Members Face Federal Charges in Massive Crackdown, NBC San Diego (May 3, 2017). Video available at <https://www.nbcsandiego.com/news/local/More-Than-140-Gang-Members-Face-Federal-Charges-in-Massive-Crackdown-421235253.html>.

Kristina Davis, *RICO Law Not Just For Mobsters*, San Diego Union-Tribune (January 13, 2014). Copy supplied.

Tim Steller, *Prosecutors Take Novel Approach in Terry Case*, Arizona Daily Star (July 12, 2012). Copy supplied.

Extradited drug cartel suspect pleads not guilty, Associated Press State Wire: California (May 24, 2012). Copy supplied.

Ex-Mexican Official Pleads Guilty to Aiding Cartel, Daily Breeze (May 17, 2012). Copy supplied.

William Booth and Nick Miroff, *At the Border, a Perilous Spillover*, Washington Post (October 9, 2010). Copy supplied.

Low-key Baja Liaison Embroiled in Big Case – Quiñónez is Accused of Aiding Drug Gang, San Diego Union-Tribune (August 3, 2010). Copy supplied.

Rough Water Swim Lives Up to its Name, La Jolla Light (September 17, 2009). Copy supplied.

Todd Robinson Talks About Record-Breaking Swim Across Catalina Channel, The Morning Swim Show with Peter Busch (August 28, 2009). The magazine's provided link at <https://www.swimmingworldmagazine.com/news/todd-robinson-talks-about-record-breaking-swim-across-catalina-channel-on-the-morning-swim-show-august-28-2009/> does not appear to function. The address of Swimming World Magazine is 2744 East Glenrosa, Phoenix, Arizona 85016.

Swimmer Aims for Long-Distance Trifecta, San Diego Union-Tribune (September 11, 2009). Copy supplied.

Anthony Gentile, *La Jolla Fastest Man to Swim Catalina Channel*, sdnews.com (September 5, 2009). Copy supplied.

Dave Schwab, *La Jolla Lowers Mark for Channel Swim*, La Jolla Light (September 3, 2009). Copy supplied.

Anthony Gentile, *La Jolla Fastest Man to Swim Catalina Channel*, La Jolla Village News (September 3, 2009). Copy supplied.

Greg Moran, *Links Emerge Among Figures Accused in Scam – 83-Page Indictment Lays out Loan Scheme*, San Diego Union-Tribune (April 18, 2009). Copy supplied.

Zach Fox, *Prosecutors Say Local Gang Ran \$100 Million Mortgage Fraud*, North County Times (April 7, 2009). Copy supplied

Greg Moran, *Court Ruling Authorizes Warrantless Web Snooping*, San Diego Union-Tribune (July 10, 2007). Copy supplied.

Kristina Davis, *Feds Call Escondido House a Drug Hub; 9 Indicted*, San Diego Union-Tribune (June 17, 2006). Copy supplied.

Onell R. Soto, *36 Indicted in Mexican Mafia Crackdown*, San Diego Union-Tribune (June 17, 2006). Copy supplied.

Jo Moreland, *Escondido Ecstasy Lab Saga Ends*, North County Times (May 28, 2005). Copy supplied. Reprinted in multiple outlets.

Marisa Taylor, *Supplier in Drug Lab Ring Sentenced to 8 Years*, San Diego Union-Tribune (September 30, 2003). Copy supplied.

Lourdes Medrano Leslie, *St. Paul Man says arrest was a setup – In a letter from prison, Ilyas Ali suggest he was entrapped in terror-related accusation*, Star Tribune at 1B (January 8, 2003). Copy supplied.

Marisa Taylor, *Suspect Denied Bail in Drug-Lab Case*, San Diego Union-Tribune (March 8, 2002). Copy supplied.

Jo Moreland, *Another Suspect Arrested in Ecstasy Drug Case*, North County Times (October 26, 2001). Copy supplied.

Ben Fox, *Document Links Southern California Ecstasy Ring to Kosovo Drugs*, Associated Press (October 25, 2001). Copy supplied.

Ecstasy Probe Nets Fugitive, North County Times (October 24, 2001). Copy

supplied.

Marisa Taylor and Jeff McDonald, *Ecstasy Lab's Link to Cartel is Probed*, San Diego Union-Tribune (October 20, 2001). Copy supplied.

Kenneth Ma, *Authorities Seize Ecstasy-producing Chemicals*, North County Times (October 20, 2001). Copy supplied.

Marisa Taylor, *Authorities Raid Suspected Ecstasy Lab, Escondido Operation Said to Make Millions of Tablets*, San Diego Union-Tribune (October 19, 2001). Copy supplied.

Ben Fox, *Agents Raid Alleged Ecstasy Drug Lab Hidden in Office North of San Diego*, Associated Press (October 19, 2001). Copy supplied (reported in multiple outlets).

Jo Moreland, *Agents Find Rare Big U.S. Ecstasy Lab in Escondido*, San Diego Union-Tribune (October 19, 2001). Copy supplied.

Tony Perry, *24 Charged as Alleged Drug Lab is Raided*, Los Angeles Times (October 19, 2001). Copy supplied.

Ben Fox, *Agents Raid Ecstasy Drug Lab at Escondido Office*, Associated Press (October 18, 2001). Copy supplied.

Marisa Taylor, *Suspected Drug Cartel Lieutenant Arraigned*, San Diego Union-Tribune (June 27, 2001). Copy supplied.

Arrest & Trial: Tunnel Case. I do not know the specific date this episode aired in 2001. Video supplied.

Don Norcross, *Champ's All Wet – 12 Hours a Week*, San Diego Union-Tribune (September 12, 1998). Copy supplied.

Don Norcross, *His Rough Water Swim is Smoother This Time – '96 Runner-up Avoids Another Slip-up to Win*, San Diego Union-Tribune (September 8, 1997). Copy supplied.

Dana Calvo, *U.S. Convicts Man in Mexican Drug Smuggling Operation*, Daily News of Los Angeles (October 11, 1996). 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 have not served as a judge.

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

i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- 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:

I have not served as a judge.

- 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.

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 have never served as clerk to a judge.

- 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.

1993 – 1997

United States Department of Justice
Narcotic and Dangerous Drug Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney

1997 – 2003

United States Attorney's Office
Southern District of California
880 Front Street, #6293
San Diego, California 92101
Assistant United States Attorney

2004

I was employed by the federal government in a capacity unrelated to the practice of law.

2005 – present

United States Attorney's Office
Southern District of California
880 Front Street, #6293
San Diego, California 92101
Senior Litigation Counsel (2008 – present)
Deputy Chief, General Crimes Section (2007)
Assistant United States Attorney (2005 – 2006)

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

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

- b. Describe:

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

From 1993 through 1997 I was a Trial Attorney with the Narcotic and Dangerous Drug Section at the Department of Justice in Washington, D.C. During that timeframe I did not have a caseload in a single jurisdiction; rather, I travelled to various districts to handle discrete criminal investigations and prosecutions. For example, I handled a murder prosecution in the EDVA, litigated the propriety of law office searches in the SDFL, conducted court-authorized wiretaps in Puerto Rico and investigated and prosecuted a group of individuals manufacturing methcathinone in Marquette, Michigan.

From 1997 to 2004, and from 2005 to 2008, I had a full caseload while working at the United States Attorney's office in San Diego. I handled a large number of reactive border-related drug cases, many of which went to trial, as well as multiple long-term investigations. The majority of my long-term investigations concerned violent gang-related crimes and significant international drug smuggling organizations.

Since becoming a Senior Litigation Counsel in 2008, I have handled some of the most significant cases prosecuted in the Southern District of California. I have also been entrusted with investigating and prosecuting high-profile recusal cases in federal courts outside my District. I have prosecuted murderers: most recently, the individuals responsible for killing U.S. Border Patrol Agent Brian Terry, a tragic victim of the "Fast and Furious" operation. I have prosecuted terrorists: after 9/11, I investigated, charged and convicted three men who were trying to exchange tons of hashish for Stinger missiles Al-Qaeda sought to use in shooting down U.S. military planes in Afghanistan. I have prosecuted gangs: most recently, I obtained convictions and life sentences for four individuals on federal racketeering charges for murder, prostitution and drug trafficking. I have prosecuted drug cartels involved in cross-border violence: in 2010, I handled the "Operation Luz Verde" investigation, which utilized court-authorized wiretaps on over thirty-five telephones and resulted in the prevention of several murders in San Diego and the successful prosecution of thirty-nine defendants on federal racketeering charges. And I have prosecuted large-scale fraud offenses: in 2009, I filed federal racketeering charges against twenty-four individuals involved in the fraudulent purchase, financing and subsequent loan defaults for hundreds of homes in San Diego, a pattern of activity which significantly contributed to the housing market crash in 2008. As a Senior Litigation Counsel I also serve as a mentor and trial partner to newly hired AUSAs assigned to handle reactive border-related cases.

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

The only client I have represented is the United States.

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

I have spent my entire twenty-six year career as a federal prosecutor litigating criminal cases and have consistently appeared in court on a frequent basis. I have spent hundreds (if not thousands) of hours in federal court trying cases, arguing motions and recommending appropriate sentences for convicted defendants.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: %
 - 3. other courts: %
 - 4. administrative agencies: %
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: %
 - 2. criminal proceedings: 100%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately forty felony cases to verdict during my career as a federal prosecutor. Many of those cases were multi-defendant, multi-week trials. I was sole counsel on approximately thirty cases, lead counsel on five cases, and associate counsel on five cases. All of the trials were criminal. Three of the trials involved juvenile defendants and were therefore bench trials; the remainder of the cases were jury trials.

In addition, shortly after I was hired as a Trial Attorney with the Narcotic and Dangerous Drug Section at the Department of Justice in 1993, I did an eight-month rotation as a Special Assistant United States Attorney (SAUSA) in the Eastern District of Virginia. As a SAUSA, I spent the majority of my time in federal magistrate court handling "assimilated crimes" prosecutions – state offenses prosecuted in federal court because the offenses occurred on federal property. The bulk of those prosecutions were for speeding, drunk driving, simple assault and public indecency. I tried over fifty misdemeanor assimilated crimes cases during my rotation as a SAUSA; all of those trials were bench trials in magistrate court.

During my third year of law school at Georgetown University, I participated in a criminal justice clinical program where I made regular court appearances as a representative of the State's Attorney Office in Annapolis, Maryland. I conducted six jury trials, including an attempted murder trial. I also handled approximately twenty misdemeanor DUI and simple assault bench trials. The Maryland statute which allowed me to try cases as a law student required that a licensed Assistant State's Attorney be present in court during my appearances; however, I conducted all of the above-noted trials without assistance.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 45% |
| 2. non-jury: | 55% |

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

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

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

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

1. *United States v. Fady Esho, et al.*, 18CR3424-LAB (S.D. Cal.), C.A. No. 19-50258 (9th Cir.); *United States v. Fernando Alatorre*, 18CR4214-LAB (S.D. Cal.); *United States v. Sammy Harold Baugues*, 18CR4215-LAB (S.D. Cal.); *United States v. Jesus Ramirez, et al.*, 18CR4217-LAB (S.D. Cal.); *United States v. Jesus Ramirez, et al.*, 18CR4218-LAB (S.D. Cal.); *United States v. Robert Welsh*, 18CR4219-LAB (S.D. Cal.)

As a result of a long-term wiretap investigation of street gang members in San Diego, a total of twenty-one defendants were charged in six related cases with crimes ranging from the importation and distribution multiple pound quantities of

methamphetamine to firearms and Hobbs Act robbery offenses. In addition to the seizure of narcotics worth thousands of dollars, the investigation resulted in the seizure of several hundred thousand rounds of ammunition and over 230 firearms, many of which were stolen, had obliterated serial numbers and had been modified to function as fully automatic machineguns.

Disposition: Nineteen of the defendants entered guilty pleas prior to trial. The remaining two defendants were convicted after trial. Defendant Jose Hernandez was convicted of being a felon in possession of a firearm, attempted Hobbs Act robbery and possession of a firearm in furtherance of a crime of violence. He was sentenced to 30 years for those offenses. Defendant Jesus Ramirez was convicted of participating in a conspiracy to distribute methamphetamine and was sentenced to a 20 years in prison by Chief Judge Larry Burns.

Role: Lead counsel for the United States

Date of Representation: September 2018 to present

Trial Dates: May 21, 2019 (defendant Jose Hernandez in case 18CR3424-LAB)
June 11, 2019 to June 12, 2019 (defendant Jesus Ramirez in case 18CR4217-LAB)

Judge

Hon. Larry Burns, Chief United States District Judge, Southern District of California

Co-Counsel

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2. *United States v. Manuel Osorio-Arellanes, et al.*, CR 11-0150-TUC-DCB
(D. Ariz.)

The defendants in this case were members of a “rip crew” – armed bandits who illegally entered the United States to rob drug traffickers of their contraband. While on patrol in a remote area south of Tucson, Arizona, looking for drug smugglers to rob, the rip crew encountered members of the elite BORTAC unit of the Border Patrol. Rather than surrender and be taken into custody, the rip crew members fired at the agents, striking and killing United States Border Patrol Agent Brian Terry. In addition to the senseless murder of a federal agent, the case garnered extensive national media coverage when it was revealed that two of the firearms left by the fleeing defendants were traced back to the ATF investigation titled “Fast and Furious.” The first trial involved two defendants extradited from Mexico in 2014 – Jesus Lionel Sanchez-Meza and Ivan Soto-Barraza. The second trial involved defendant Heraclio Osorio-Arellanes, who was extradited from Mexico in 2018.

Disposition: Of the seven defendants charged in the case, three entered guilty pleas, two were tried and convicted by a jury during the first trial, an additional defendant was tried and convicted by a jury during the second trial, and a final defendant is in Mexican custody pending extradition to the United States.

Role: Lead counsel for the United States

Date of Representation: December 2010 – present

Trial Dates: September 22, 2015 to October 1, 2015 (first trial)
February 5, 2019 to February 12, 2019 (second trial)

Judges

Hon. David C. Bury, Senior United States District Judge, District of Arizona

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3. *United States v. Hollins, et al.*, 14CR1288-DMS (S.D. Cal.)

This was a six week trial against four leaders of the West Coast Crips gang. Over

a sixteen month period, the defendants terrorized the Logan Heights and surrounding neighborhoods in San Diego, committing six murders, dealing drugs, robbing people and prostituting multiple women, including a minor. One of the six murders involved the assassination of a government witness the day before he was to testify against several West Coast Crips gang members at a preliminary hearing in California Superior Court. The Government called over ninety civilian, law enforcement and expert witnesses during trial.

Disposition: The jury convicted all four defendants, who each received sentences of life in prison.

Role: Lead trial counsel for the United States

Date of Representation: April 2014 to June 2019

Trial dates: February 8, 2016 to March 11, 2016

Judges

Hon. Dana Sabraw, United States District Judge for the Southern District of California

Co-Counsel

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4. *United States v. Armando Villareal-Heredia, et al.*, 10CR3044-WQH
(S.D. Cal.)

In 2009, San Diego experienced an alarming increase in cross-border violence. This investigation targeted the Fernando Sanchez-Arellano organization (FSO), which was responsible for not only smuggling large quantities of narcotics into the United States, but which also routinely engaged in acts of murder, kidnapping and extortion. I devised and implemented an investigative plan which utilized virtually every investigative technique available to law enforcement, including traditional and roving wiretaps on forty-five different telephones over an eight-month time period. As a result, this case has become a nationally-recognized model for using federal resources to address drug cartel violence. The litigation of the case lasted several years and involved many substantive and novel issues of first impression in federal court, such as the propriety of conducting homicide-related witness depositions in Mexico and the legality of the California state wiretapping statute and procedures. The case generated international and national media attention, including a front page story in the Washington Post, and on January 23, 2010, Senator Feinstein's office issued a press release recognizing the importance and success of the case.

Disposition: The investigation led to the arrest and successful prosecution of thirty-nine defendants for their participation in a wide-ranging RICO conspiracy. Among the defendants was the Director of International Liaison for the Baja Attorney General's Office. The defendants received sentences ranging from thirty years to two years.

Role: Lead counsel for the United States

Date of Representation: July 23, 2010 to August 2019

Judges

Hon. William Hayes, United States District Judge for the Southern District of California

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5. *United States v. Jesus Albino Navarro-Montes, et al.*, 09CR0577-MMA
(S.D. Cal.)

Defendant Jesus Navarro-Montes was a marijuana smuggler who used his drug-laden Hummer to run over and kill United States Border Patrol Agent Luis Aguilar. The murder occurred in an area near the border between California, Arizona and Mexico known for its recreational off-roading. Immediately before his death, Agent Aguilar had laid down a spike strip device across the path of the oncoming Hummer in an effort to deflate its tires and stop the Hummer. Rather than drive over the spike strip and risk being apprehended, defendant Navarro-Montes chose to run over and kill agent Aguilar. Although he successfully avoided arrest and crossed the border into Mexico on the day of the murder, defendant Navarro-Montes was the subject of an intense law enforcement manhunt involving both U.S. and Mexican officers. He was ultimately arrested in Mexico and was thereafter extradited to the United States to stand trial in the SDCA.

Disposition: The jury convicted defendant Navarro-Montes of murder and drug-related offenses. Judge Anello sentenced Navarro-Montes to life in prison. The other two defendants, who were members of the same drug smuggling ring but had no role in the murder, pleaded guilty prior to trial.

Role: Lead trial counsel for the United States

Date of Representation: June 2008 to July 2013

Trial Dates: March 29, 2011 to April 12, 2011

Judges

Hon. Michael Anello, United States District Judge, Southern District of California

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6. *United States v. Juvenal Vega-Soto, et al.*, 06CR1242-DMS (S.D. Cal.);
United States v. Armenta, et al., 373 Fed.Appx. 685 (9th Cir. 2010); *United States v. Reyes*, 677 Fed.Appx. 405 (9th Cir. 2007)

This case resulted from the wiretap-based investigation into a multi-pound methamphetamine importation and distribution network being run by Juvenal Vega-Soto, a Mexican Mafia gang member living and working in Tijuana, Mexico. Vega-Soto was successfully extradited from Mexico to stand trial, despite the Mexican government's concern that he faced a potential life sentence upon conviction. Among the many issues I litigated was the propriety of conducting court-authorized wiretaps on telephones being used exclusively in Mexico by Mexican citizens, but intercepted over equipment located in the Southern District of California, an issue of first-impression which was resolved in the Government's favor.

Disposition: Twelve defendants entered guilty pleas prior to trial. The remaining three defendants were convicted following a jury trial. Although the fifteen defendants received a wide range of sentences in this case, lead defendant Juvenal Vega-Soto was sentenced to life in prison.

Role: Lead counsel for the United States

Dates of Representation: June 2006 to June 2019

Trial Dates: March 24, 2008 to April 4, 2008

Judges

Hon. Dana Sabraw, United States District Judge for the Southern District of California

Hon. Pamela Rymer, United States Court of Appeals Judge for the Ninth Circuit

Hon. Kim Wardlaw, United States Court of Appeals Judge for the Ninth Circuit

Hon. Matthew Kennelly, United States District Judge (vising judge from Northern District of Illinois sitting by designation)
Hon. Susan Graber, United States Court of Appeals Judge for the Ninth Circuit
Hon. Johnnie Rawlinson, United States Court of Appeals Judge for the Ninth Circuit
Hon. Carlos Bea, United States Court of Appeals Judge for the Ninth Circuit
Hon. Richard Clifton, United States Court of Appeals Judge for the Ninth Circuit
Hon. Jacqueline Nguyen, United States Court of Appeals Judge for the Ninth Circuit
Hon. Alfred Goodwin, United States Court of Appeals Judge for the Ninth Circuit
Hon. Joseph Farris, United States Court of Appeals Judge for the Ninth Circuit
Hon. Ferdinand Fernandez, United States Court of Appeals Judge for the Ninth Circuit

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7. *United States v. Raul Leon, et al.*, 06CR1243-DMS (S.D. Cal.) and *United States v. Martinez*, 657 F.3d 811 (9th Cir. 2011)

In 2005, the Southern District of California was besieged by violent crime attributed to street gang members under the control of the Mexican Mafia. Following an eight-month investigation which involved a host of investigative techniques, including wiretaps on thirty-seven telephones, I obtained an indictment and arrest warrants for nineteen violent gang members on RICO conspiracy charges. During the twelve week trial, I proved the defendants involvement in the commission of thirty-four racketeering acts, including murder, conspiracy to commit murder and attempted murder, as well as multiple instances of importation and distribution of methamphetamine. This case was the first time federal racketeering charges had been utilized in the Southern District to address gang violence. I called over fifty civilian, law enforcement and expert witnesses during the lengthy and vigorously contested trial. On appeal, I drafted the brief and handled the oral argument in front of the 9th Circuit.

Disposition: Twelve defendants entered guilty pleas prior to trial. A jury

convicted all seven trial defendants of participating in the charged RICO conspiracy. Judge Sabraw imposed life sentences as to each of the seven defendants. Two additional defendants who pleaded guilty before trial also received life sentences.

Role: Lead counsel for the United States

Dates of Representation: June 2006 to June 2019

Trial Dates: October 15, 2007 to January 4, 2008

Judges

Hon. Dana Sabraw, United States District Judge for the Southern District of California

Hon. John Noonan Jr., United States Court of Appeals Judge for the Ninth Circuit

Hon. Kim Wardlaw, United States Court of Appeals Judge for the Ninth Circuit

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8. *United States v. Syed Shah, et al.*, 02CR2912-L (S.D. Cal.)

In the aftermath of September 11, 2001, the FBI learned that three individuals from Pakistan were seeking to purchase Stinger missiles to shoot down U.S. military planes flying sorties over Afghanistan. The agents and I developed and implemented a creative investigative strategy that established venue in the Southern District of California, included a plan to exchange missiles for drugs with an undercover agent on the high seas, and culminated in the arrest of the three defendants in Hong Kong in 2002. The defendants were extradited to the United States, where I successfully prosecuted them on charges of drug trafficking and providing material support to Al-Qaeda, a terrorist organization. President George W. Bush asked for and received regular updates on the progress of this case from the U.S. Attorney and other DOJ officials.

Disposition: All three defendants entered guilty pleas to the charges in the indictment and received sentences ranging from two hundred and twenty-five months in prison to fifty-seven months in prison.

Role: Lead counsel for the United States

Dates of Representation: October 30, 2002 to September 19, 2016

Judges

Hon. M. James Lorenz, United States District Judge for the Southern District of California

Hon. William Canby, United States Court of Appeals Judge for the Ninth Circuit

Hon. A. Wallace Tashima, United States Court of Appeals Judge for the Ninth Circuit

Hon. Johnnie Rawlinson, United States Court of Appeals Judge for the Ninth Circuit

Hon. Diarmuid O'Scannlain, United States Court of Appeals Judge for the Ninth Circuit

Hon. Ronald Gould, United States Court of Appeals Judge for the Ninth Circuit

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9. *United States v. Dennis Alba, et al.*, 01CR3177-W (S.D. Cal.); *United States v. Forrester*, 512 F.3d 500 (9th Cir. 2008) and *United States v. Forrester*, 616 F.3d 929 (9th Cir. 2010)

In 2000, the manufacture, distribution and use of ecstasy were identified as primary public safety issues in San Diego. This investigation targeted a group of individuals who had met in prison while serving federal sentences for drug trafficking convictions. In response to the unusual sophistication of the defendants, I developed and implemented an investigative strategy which included multiple court-authorized interceptions to/from a computer IP address (the first ever in the country) and the use of a surreptitious keystroke capture

device to defeat the targets' use of encryption software (the first ever in the country). The investigation led to the seizure of the largest ecstasy lab ever found in the United States and the successful prosecution of eighteen defendants.

Disposition: Sixteen of the charged defendants entered guilty pleas prior to trial. A jury convicted the two trial defendants (defendants Alba and Forrester) of all charges in the indictment. Defendant Alba's conviction and sentence were affirmed on appeal. Defendant Forrester's conviction was reversed because at the hearing where he elected to represent himself at trial, the judge over-stated the maximum sentence Forrester faced upon conviction. On remand, defendant Forrester elected to plead guilty instead of retrying his case. The Ninth Circuit affirmed the use of a sealed addendum in cases where the safety of a witness would have been imperiled by disclosure and where the witnesses' identity was not material to the defense.

Role: Sole counsel for the United States

Dates of Representation: October 2001 to August 2013

Trial Dates: July 8, 2003 to July 18, 2003

Judges

Hon. Thomas Whelan, United States District Judge for the Southern District of California

Hon. Raymond Fisher, United States Court of Appeals Judge for the Ninth Circuit

Hon. Richard Clifton, United States Court of Appeals Judge for the Ninth Circuit

Hon. Cynthia Hall, United States Court of Appeals Judge for the Ninth Circuit

Hon. Thomas Nelson, United States Court of Appeals Judge for the Ninth Circuit

Hon. Milan Smith, Jr., United States Court of Appeals Judge for the Ninth Circuit

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10. *United States v. Joaquin Guzman-Loera, et al.*, 95CR0973-JM (S.D. Cal.);
United States v. Gonzalez, et al., 134 F.3d 380 (9th Cir. 1998)

This case stemmed from the discovery of a cross-border drug smuggling tunnel between Tijuana and San Diego in 1994. During the investigation, I traveled around the country overseeing court-authorized wiretaps in San Diego, Los Angeles, Chicago, New York and San Antonio. The electronic surveillance in Los Angeles involved the country's first-ever wiretap on a fax machine. Over seven tons of cocaine were seized during the course of the investigation. Following his indictment in this case, I prepared and submitted several requests to the Mexican Government for the extradition of lead defendant Joaquin Guzman-Loera, aka Chapo Guzman. In 2016, a Mexican judge granted my request and ordered that Guzman-Loera be extradited to the United States to face the charges in the Southern District of California. However, while he was in-flight to the United States, the Mexican Government elected to waive the "rule of specialty" (a treaty agreement requiring that a person extradited to the U.S. from Mexico stand trial on only the charges for which he was extradited), such that Guzman-Loera was brought directly to the Eastern District of New York to face charges in that jurisdiction. Guzman-Loera is widely regarded as the most prolific and violent drug trafficker to ever be prosecuted in the United States.

Disposition: Nine defendants entered guilty pleas to the drug smuggling conspiracy charge in the indictment. Defendant Enrique Avalos-Barriga elected to take his case to trial and was convicted of drug conspiracy charges and being the supervisor of a continuing criminal enterprise. Judge Nielsen sentenced Avalos-Barriga to life in prison. Guzman-Loera was convicted by another prosecutor after trial in the Eastern District of New York.

Role: Associate counsel for the United States

Dates of Representation: June 1995 to March 2017

Trial Dates: October 1, 1996 to October 10, 1996

Judges

Hon. Leland Nielsen, United States District Judge for the Southern District of California (deceased)
Hon. Barry Ted Moskowitz, United States District Judge for the Southern District of California
Hon. Jeffrey Miller, United States District Judge for the Southern District of California
Hon. Donald Lay, United States Circuit Judge (visiting judge from the Eighth Circuit, sitting by designation)
Hon. Alfred Goodwin, United States Court of Appeals Judge for the Ninth Circuit
Hon. Mary Schroeder, United States Court of Appeals Judge for the Ninth Circuit

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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.)

Since 2005, I have been a member of the United States Attorney's Death Penalty Review Committee, which is tasked with analyzing case-specific facts in light of statutorily enumerated mitigating and aggravating factors, in order to recommend seeking or not seeking the death penalty to the United States Attorney. Since 2015, I have served as the District Representative for the Southern District of California to the National Association of Assistant United States Attorneys, a professional association which seeks to advance the interests of Assistant United States Attorneys. Since 2005, I have served the United States Attorney's Hiring Committee and am responsible for interviewing and recommending AUSA candidates to the United States Attorney.

I have never been 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.

I have not taught any courses other than the lectures listed above in response to Question 12d.

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.

As a federal employee, I have contributed to a Thrift Savings Plan.

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.

I do not have any plans, commitments or agreements to pursue outside employment 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).

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in

detail (add schedules as called for).

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 myself from any matters handled by my wife, Alana Robinson, who is an AUSA in the Southern District of California. This would include any case directly assigned to my wife or any other matter over which she had supervisory authority. I would strictly adhere to the guidance given by the Committee on Codes of Conduct in Advisory Opinion 38, "Disqualification When Relative is an Assistant United States Attorney." I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and consult with the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the relevant rules, practices, procedures, and personnel of the District Court, the Ninth Circuit, the Administrative Office of the United States Courts, and the Judicial Conference.

I do not have any financial arrangements that would present potential conflicts-of-interest.

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

I will resolve any potential conflict of interest by following the Code of Conduct for United States Judges, 28 U.S.C. § 455, 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.

I have been a volunteer instructor with Project LEAD (Legal Enrichment and Decision-making), a law-related education program for fifth graders in underserved communities since its inception in the Southern District of California. The goal of Project LEAD is to teach children that decisions made today will have lasting consequences throughout their lives. Special emphasis is placed on the dangers of drug and alcohol abuse and gang membership; students are also taught conflict resolution and an overview of the legal system. The time commitment stemming from my participation in Project LEAD is approximately two hours a week when school is in session and classes are being held.

Since 2014, I have given presentations to various high school groups in concert with the United States District Court's community outreach program designed to enhance the students' knowledge and understanding of the federal courts. I have given approximately eight such presentations for a total of more than 15 hours.

I have served as an attorney scorer for the San Diego County High School Mock Trial championship round on three occasions, most recently in February 2019. In addition to scoring the students' performance during the championship round I also provided the participants with oral feedback following the competition. I estimate that I have spent a total of 20 hours preparing for and working with the Mock Trial program.

From 2005 to 2008, I was a volunteer coach for the La Mesa Dolphins Special Olympics Swim Team, a program comprised of approximately thirty athletes ranging in age from teenagers to adults in their forties. I coached an hour-long practice two nights a week and spent approximately six weekends a year coaching the athletes at local and regional swimming competitions.

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 January 5, 2017, I sent a letter to Congressman Darrell Issa expressing my interest in being considered for a judicial position in San Diego. On January 5, 2018, I interviewed with Congressman Darrell Issa in San Diego. On February 26, 2018, I submitted an application to David S. Casey Jr., the statewide chair of Senator Feinstein's Judicial Advisory Committee. On March 3, 2018, I submitted an application to Senator Harris in Washington, D.C. On March 30, 2018, I received an email from Senator Harris's staff asking me to provide a copy of my application to Darren Robbins, a member of Senator Harris's Judicial Selection Commission. I provided a copy of my application to Mr. Robbins on March 30, 2018.

On June 13, 2018, I interviewed with Senator Feinstein's Judicial Advisory Committee in San Diego. On June 28, 2018, I interviewed with Senator Harris's Judicial Selection Commission in San Diego. On March 6 and March 8, 2019, I interviewed with members of the White House Counsel's Office and the Department of Justice. On August 6, 2019, I interviewed with David S. Casey Jr., the statewide chair of Senator Feinstein's Judicial Advisory Committee.

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

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

No.