

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Troy Lynne Nunley

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

United States District Judge for the Eastern 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.

Superior Court of the State of California  
County of Sacramento  
720 Ninth Street, Department 40  
Sacramento, California 95814

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

1964; San Francisco, California

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.

1987 – 1990, University of California, Hastings College of the Law; J.D., 1990  
1982 – 1986, St. Mary's College of California; B.A., 1986

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.

2002 – Present  
Superior Court of California, County of Sacramento  
720 Ninth Street, Department 40  
Sacramento, California 95814  
Judge

2006 – Present  
Lincoln Law School of Sacramento  
3140 J Street  
Sacramento, California 95816  
Law School Professor – Corporations and Business Partnerships

1999 – 2002  
California Department of Justice  
Office of the Attorney General  
1300 I Street  
Sacramento, California 95814  
Deputy Attorney General

1996 – 1999  
Sacramento County District Attorney's Office  
901 G Street  
Sacramento, California 95814  
Deputy District Attorney

1994 – 1996  
Law Office of Troy L. Nunley  
1032 East Fourteenth Street  
San Leandro, California 94577  
Sole Practitioner

Summer 1989; 1990 – 1994  
Alameda County District Attorney's Office  
1225 Fallon Street, Room 900  
Oakland, California 94612  
Deputy District Attorney (1991 – 1994)  
Law Clerk (1990 – 1991)  
Summer Law Clerk (1989)

1988 – 1989; 1989 – 1990  
San Francisco County District Attorney's Office  
850 Bryant Street, #322  
San Francisco, California 94103  
Law Clerk

1986 – 1987; 1988 – 1989  
State Bar of California  
180 Howard Street  
San Francisco, California 94105  
Law Clerk (1988 – 1989)  
Public Information Clerk (1986 – 1987)

Other Affiliations (uncompensated unless otherwise noted):

2009 – Present

St. Patrick's Succeed Academy  
5945 Franklin Boulevard  
Sacramento, California 95424  
Board of Directors

2010 – Present

Natomas Pacific Pathways Preparatory Charter School  
3700 Del Paso Road  
Sacramento, California 95834  
Board of Directors

2004 – Present

MTI College  
5221 Madison Avenue  
Sacramento, California 95841  
Advisory Board Member, Paralegal Program (compensated)

2006 – 2010

St. Francis Elementary School Parent Club  
2500 K Street  
Sacramento, California 95816  
President

2000 – 2003

Woodland Gymnastics  
1460 Tanforan Avenue  
Woodland, California 95776  
Board of Directors

1999 – 2001

St. Francis Elementary School Board  
2500 K Street  
Sacramento, California 95816  
Vice-President

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I have registered 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.

Judicial Excellence Award for Continued and Exemplary Service to the Community, California Black Lawyers Association (2010)

Judge of the Year, Sacramento Indigent Criminal Defense Panel (2009)

Difference Maker Award, Martin Luther King, Jr. Organizing Committee (2009)

Community Justice Award, Community Focused Court Planning Committee (2009)

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.

Anthony M. Kennedy American Inn of Court at McGeorge School of Law, Inactive Emeritus Member (2001 – Present)

Sacramento County Mental Health Services Act Steering Committee (2009 – 2010)

Sacramento County Superior Court

Chair, New Courthouse Committee (2008)

Chair, Psychiatric Expert Sub-Committee (2004 – 2008)

Student Outreach Committee (2011 – Present)

Security Services Committee (2011 – Present)

Criminal Courts Committee (2007 – Present)

Juvenile Delinquency Committee (2008 – 2010)

Juvenile Dependency Committee (2008 – 2010)

Subordinate Judicial Officer Committee (2007 – 2008)

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, 1991

There were no lapses in membership from the date of my admission to the date I was appointed as a judge in the State of California, in and for the County of Sacramento. Under California law, a person serving as a judge of a court of record is not considered to be a member of the State Bar while in office.

- 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, 2001  
United States District Court for the Eastern District of California, 1994  
California Supreme Court, 1991

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.

C.K. McClatchy High School Law Academy  
Advisory Committee (2011 – Present)

MTI College Paralegal Program  
Board of Directors (2004 – Present)

Natomas Pacific Pathways Preparatory Charter High School  
Board of Directors (2009 – Present)

North Natomas Little League Baseball, Manager/Coach (2008 – Present)

St. Francis Elementary School Board  
Vice-President (1999 – 2001)

St. Francis Elementary School Discernment Committee (2010 – 2011)

St. Francis Elementary School Parent Club (1997 – 2011)  
President (2006 – 2010)

St. Francis Junior Varsity Recreational Basketball Team, Coach (2000 – 2001)

St. Francis Junior Varsity Basketball Team, Coach (2001 – 2002)

St. Patrick's Succeed Academy Elementary School  
Board of Directors (2010 – Present)

Woodland Gymnastics  
Board of Directors (2000 – 2003)

- 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 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 in the practical implementation of their 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.

I have not written or edited any books, articles, reports, letters to the editor, editorial pieces or any other material published in print or on the Internet.

- 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.

*Progress Report to Parents and Parishioners*, Discernment Committee for St. Francis of Assisi Parish & Elementary School, Jan. 14, 2011. Copy supplied.

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

I have not given any such testimony, official statements or other communications.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports

about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have frequently spoken at elementary schools and high schools as well as to other community organizations. I have attempted to compile as complete a list of my remarks as possible, but there may exist remarks that I have been unable to recall or identify.

March 2, 2012: Read Across America, Dr. Seuss Day, Glenwood Elementary School, Sacramento, California. I read several books and spoke to elementary school students about the importance of reading. I have no notes, transcript, or recording. Glenwood Elementary School is located at 201 Jessie Avenue, Sacramento, California 95838.

February 25, 2012: Annual Northern California African American Young Male Conference, Sacramento, California. I gave a speech alongside several police officers, probation officers and parole officers to a large group of at-risk juveniles on topics such as juvenile justice, overcoming adversity, avoiding gangs and making positive choices. I have no notes, transcript, or recording. The sponsor of the event, 100 Black Men of Sacramento, is located at 2251 Florin Road, Suite 140, Sacramento, California 95822.

September 29, 2011: Contract for Success, Kennedy High School, Sacramento, California. I spoke to high school juniors and seniors on the importance of setting and following through on goals. I have no notes, transcript, or recording. Kennedy High School is located at 6715 Gloria Drive, Sacramento, California 95831.

May 11, 2011: Career Day, Jackman Middle School, Sacramento, California. During the school's annual career day I spoke to a number of students about the path to becoming an attorney as well as the steps they could take to become a judge. I have no notes, transcript, or recording. Jackman Middle School is located at 7925 Kentwal Drive, Sacramento, California 95823.

May 7, 2011: Civitas Academy at Rio Americano High School fundraiser, Sacramento, California. I spoke to students and parents about the role of the judiciary in society and the right to vote. I have no notes, transcript, or recording. Rio Americano High School is located at 4540 American River Drive, Sacramento, California 95864.

October 2, 2010: My Future Starts with Me Conference, Friends-CARE and the California Department of Corrections & Rehabilitation, Sacramento, California. I participated in a discussion titled "Vision, Hope and Success." During several

break-out sessions Judge William Murray and I talked to a number of children of incarcerated parents. I have no notes, transcript, or recording. Friends-CARE is located at 5890 Newman Court, Sacramento, California 95819; California Department of Corrections & Rehabilitation is located at 1515 S Street, Sacramento, California 95814.

April 23, 2010: Judicial Excellence Award for Continued and Exemplary Service to the Community, Emeryville, California. I briefly thanked the organization for bestowing the award. I have no notes, transcript, or recording. The sponsor of the event, the California Association of Black Lawyers, is located at 20 Sunnyside Avenue, Suite A, #383, Mill Valley, California 94941.

March 27, 2010: Family Life Center of Sacramento and the Sacramento County District Attorney's Office, Sacramento, California. I was the keynote speaker for an audience of local ministers, law enforcement officers, citizens and juveniles. Remarks supplied.

February 27, 2010: Annual Northern California African American Young Male Conference, Sacramento, California. I gave a speech alongside several police officers, probation officers and parole officers to a large group of at-risk juveniles on topics such as juvenile justice, overcoming adversity, avoiding gangs and making positive choices. I have no notes, transcript, or recording. The address for the organizers is: 100 Black Men of Sacramento, 2251 Florin Road, Suite 140, Sacramento, California 95822.

February 10, 2010: Sacred Heart-Cathedral Vocation Day, San Francisco, California. I was the keynote speaker for an assembly of high school students, teachers and administrators. Remarks supplied.

February 2010: Kipp San Francisco Bay Academy Charter School, San Francisco, California. I was the keynote speaker for the school's Black History Month Celebration. Remarks supplied.

January 19, 2010: Martin Luther King, Jr. Week, University of California Davis School of Law, Davis, California. I gave remarks about the role of attorneys can have in mentorship programs and the path to becoming a judge. I have no notes, transcript, or recording, but press coverage is supplied. The address of the organizer is: 400 Mrak Hall Drive, Davis, California 95616.

December 2009: Sacramento County Indigent Criminal Defense Panel Judge of the Year, Sacramento, California. I thanked the local criminal defense attorneys for the award. Remarks supplied.

June 27, 2009: John F. Kennedy High School, Operation Protect and Defend, Sacramento, California. I talked to the students about the Japanese internment during World War II and the impact of the United States Supreme Court decision

in *Korematsu v. United States*. I spoke alongside a former California state deputy attorney general whose parents were both interned during World War II. I have no notes, transcript, or recording. John F. Kennedy High School is located at 6715 Gloria Drive, Sacramento, California 95831.

June 13, 2009: Mayor Kevin Johnson's Youth Empowerment Summit, Sacramento, California. I gave a speech alongside several police officers, probation officers and attorneys. I spoke to the assembly of parents, students and community members about juvenile justice and avoiding gangs. I have no notes, transcript, or recording. The address for Mayor Kevin Johnson is 915 I Street, 5th Floor, Sacramento, California 95814.

June 9, 2009: Sacramento County Job Corps Graduation, Sacramento, California. I was the keynote speaker for graduates of the Sacramento County Job Corps. Remarks supplied.

May 29, 2009: 5th Annual Reaching Resolution Community Showcase, California State University, Sacramento. I spoke to a conference of high school students on effective methods to resolve disputes without violence. I have no notes, transcript, or recording. California State University, Sacramento is located at 6000 J Street, Sacramento, California 95819.

March 28, 2009: Youth and the Law Forum, Sacramento County Superior Court Main Jail, Sacramento, California. I spoke to a large group of at-risk juveniles on juvenile justice, overcoming adversity, avoiding gangs and making positive choices. I have no notes, transcript, or recording. The sponsor of the event, 100 Black Men of Sacramento, is located at 2251 Florin Road, Suite 140, Sacramento, California 95822.

March 20, 2009: Balboa High School of San Francisco and Mission High School of San Francisco, Law Academy, Sacramento, California. I spoke to the students about my background and the judicial branch, explaining to them how judges preside over cases and conduct their daily judicial duties. I have no notes, transcript, or recording. The sponsor of the event, the Bar Association of San Francisco, is located at 301 Battery Street, San Francisco, California 94111.

March 2, 2009: Read Across America, Dr. Seuss Day, Northridge Elementary School, Sacramento, California. I read several books and spoke to elementary school students about the importance of reading. I have no notes, transcript, or recording. Northridge Elementary School is located at 5150 Cocoa Palm Way, Fair Oaks, California 95628.

February 28, 2009: Annual Northern California African American Young Male Conference, Sacramento, California. I gave a speech alongside several police officers, probation officers and parole officers to a large group of at-risk juveniles on topics such as juvenile justice, overcoming adversity, avoiding gangs and

making positive choices. I have no notes, transcript, or recording. The sponsor of the event, 100 Black Men of Sacramento, is located at 2251 Florin Road, Suite 140, Sacramento, California 95822.

August 14, 2008: Sacramento Racial Profiling Study Commission, Oak Park Community Center, Oak Park, California. I led a neighborhood meeting about a study on racial profiling at traffic stops released by the Racial Profiling Study Commission. I have no notes, transcript, or recording, but a staff report on the event is supplied. The Sacramento Racial Profiling Study Commission is located at 915 I Street, Sacramento, California 95814.

August 2008: St. Mary's College of California Keynote Address, Moraga, California. I was the keynote speaker to prospective students. Remarks supplied.

May 15, 2008: "Highest Office: Citizen" Forum, Center for Youth Citizenship, Sacramento, California. I participated in a panel discussion on accepting responsibility. Script supplied.

March 2008: Friends-CARE Keynote Speech, Sacramento, California. I was the keynote speaker at a community gathering of police chiefs, probation chiefs, politicians, judges, appellate judges, local ministers, the Catholic bishop and various community leaders. Remarks supplied.

January 11, 2008: Sutter Middle School, Sacramento, California. I gave a speech to a class of 8th grade students on serving the community and helping the disadvantaged. I also spoke to the students on the role of courts in society and how law has historically addressed some of the greatest issues in our society. I have no notes, transcripts, or recordings. Sutter Middle School is located at 3150 I Street, Sacramento, California 95816.

October 24, 2007: Hanna Boys Center, Sonoma, California. I spoke to an assembly of young boys about personal responsibility, setting goals and succeeding despite facing adversity. I have no notes, transcript, or recording. Hanna Boys Center is located at 17000 Arnold Drive, Sonoma, California 95476.

February 9, 2007: Sacred Heart-Cathedral Vocation Day, San Francisco, California. I was the keynote speaker for an assembly of high school students, teachers and administrators. Remarks supplied.

February 7, 2007: Sutter Middle School, Sacramento, California. I gave a speech to a class of 8th grade students on serving the community and helping the disadvantaged. I also spoke to the students on the role of courts in society and how law has historically addressed some of the greatest issues in our society. I have no notes, transcripts, or recordings. Sutter Middle School is located at 3150 I Street, Sacramento, California 95816.

May 21, 2006: Commencement Address for Lincoln Law School of Sacramento, Sacramento, California. I was the keynote speaker for the graduating law school class. Remarks supplied.

January 27, 2006: Sutter Middle School, Sacramento, California. I gave a speech to a class of 8th grade students on serving the community and helping the disadvantaged. I also spoke to the students on the role of courts in society and how law has historically addressed some of the greatest issues in our society. I have no notes, transcripts, or recordings. Sutter Middle School is located at 3150 I Street, Sacramento, California 95816.

Fall 2005: Remarks to graduates of drug treatment programs, Superior Court of California, Sacramento County, Department 8. I have no notes, transcript, or recording, but press coverage is supplied. The Sacramento County Superior Court, Department 8, is located at 720 Ninth Street, Sacramento, California 95814.

February 2004: Sacred Heart-Cathedral Vocation Day, San Francisco, California. I was the keynote speaker for an assembly of high school students, teachers and administrators. Remarks supplied.

October 18, 2002: Investiture Speech, Sacramento, California. Remarks supplied.

Since becoming a judge in 2002, I have occasionally sworn in attorneys and local officials. I have also performed wedding ceremonies since becoming a judge. I have no notes, transcripts, or recordings of these events.

Since 2009, I have been a director of the Natomas Pacific Pathways Preparatory Charter School and occasionally made remarks during meetings. Minutes of the meetings I attended are supplied.

Since 1997, I have been a member of the St. Francis Elementary School Parent Club and served as President of the Club from 2006 to 2010. During these meetings, I occasionally made remarks and gave presentations. Meeting minutes that I have been able to obtain are supplied.

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

2011 Interview by Harry Henry, Sacramento County Sheriff Officer and community activist. Video recording supplied.

*Judge Troy Nunley '82 Named Judge of the Year*, Sacred Heart Cathedral Preparatory, Jan. 14, 2010. Copy supplied.

John Grennan, *Order in the Court*, Saint Mary's Magazine, Oct. 1, 2008. Copy supplied.

Hudson Sangree, *Mom Helped Steer Judge on Right Path*, Sacramento Bee, Dec. 23, 2006. Copy supplied.

Cheryl Miller, *Judicial Profile: Troy Nunley*, The Recorder, June 13, 2006. Copy supplied.

Stacy Boulware Eurie, *Deputy Attorney General Achieves Lifelong Dream of Judicial Appointment*, Sacramento Lawyer, Sept./Oct. 2002. Copy supplied.

Ramon Coronado, *Davis Names 2 to Superior Court Bench*, Sacramento Bee, Aug. 7, 2002. Copy supplied.

Diana Griego Erwin, *Struggling to Keep a Family Together*, Sacramento Bee, Nov. 12, 1998. Copy supplied.

Endorsement of Courage to be You (C2BU) on the organization's web site. 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.

Since 2002, I have been a Superior Court judge for the State of California in and for the County of Sacramento. California Governor Gray Davis appointed me in July 2002. I was re-elected to office without opposition on June 8, 2010. My current term of office expires January 2, 2017. I sit in a state trial court of general jurisdiction while handling both criminal and civil matters. However, most of the cases I handle are criminal matters.

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

I have presided over approximately 414 cases that have gone to verdict or judgment following a jury or bench trial.

- i. Of these, approximately what percent were:

jury trials:	35%
bench trials:	65%
civil proceedings:	5%
criminal proceedings:	95%

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

As a state trial court judge, I have not written any opinions. Most of my trials have involved juries, and juvenile court trials without a jury, where written opinions are not required and where all rulings are made orally on the record.

- 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).

1. *People v. Chapman, et al.*, Sacramento Superior Court Case No. 03F08560; Jury Trial (Date of Conviction: April 16, 2009)

Defendants were high school football players attending a house party. Defendant Reyes left the party with defendant Chapman after hearing a heckler profess his gang allegiance. As they left, Chapman showed Reyes a gun and told him that he intended to fire into the air to scare the heckler. As the heckler continued, both defendants got into Reyes' vehicle, made a u-turn and slowly drove back toward the house party. Chapman fired at the heckler but missed and instead fatally wounded an innocent teenager who happened to be outside talking on a cellular phone. The main issue at trial was whether Reyes was guilty of the murder as an aider and abettor. Chapman was convicted and Reyes was acquitted of murder based on an aiding and abetting theory. Chapman's conviction was subsequently overturned on appeal, but he later pled guilty to manslaughter and was sentenced to state prison.

Attorney for the People: Chris Ore, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorneys: Amy Rogers (defendant Chapman), 700 H Street, Sacramento, California 95814, (916) 874-6056; Michael Bowman (defendant Reyes), 801 J Street, Sacramento, California 95814, (916) 448-3801

2. *People v. Vlasov*, Sacramento County Superior Court Case No. 00F02479; Jury Trial (Date of Conviction: December 20, 2005)

Defendant had recently moved from Russia to the United States and met another young man at church. Together they started stealing high-end luxury cars which they sold to the Russian mafia. In the course of attempting to steal a new BMW driven by a young Korean woman, the defendant shot her in the ribs, killing her instantly. The main issue in the case was whether or not the defendant had the mental capacity to form the specific intent for the murder. The defense presented expert testimony that the defendant was easily influenced by others and that the

defendant was functioning close to the range of being mentally handicapped. The defendant was convicted of murder and sentenced to state prison.

Attorney for the People: John Pezone, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: Mark Millard, 411 34th Street, Sacramento, California 95816, (916) 446-4600

3. *People v. Spencer*, Sacramento County Superior Court Case No. 03F05385; Jury Trial (Date of Conviction: June 18, 2004)

The 60-year-old defendant and his wife cared for an 11-year-old neighbor girl while her father worked. Over time, defendant introduced her to pornography and began to sexually assault her. One day the father came home from work and found the defendant performing a sex act on his daughter. The police were notified and the defendant was arrested. During a search warrant of the defendant's residence, officers from the high tech crimes task force found over 20,000 images of child pornography on the defendant's computers. The defendant was convicted and sentenced to state prison.

Attorney for the People: Valerie Brown, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: Judy Kent, 700 H Street, Sacramento, California 95814, (916) 874-6056

4. *People v. Czub*, Sacramento County Superior Court Case No. 02F06122; Jury Trial (Date of Conviction: April 9, 2004)

The defendant was approximately 35 years old when he began molesting his best friend's 10-year-old daughter. The defendant also convinced the friend's 17-year-old daughter to become his girlfriend; he then began molesting her while engaging in intercourse with her on a number of occasions. During the trial, evidence was also presented that the defendant molested several other young girls. The main issue was the admissibility of the prior uncharged molestations. I allowed the evidence to be introduced pursuant to California Evidence Code section 1108, which allows for the introduction of uncharged sexual offenses in a trial where the defendant is charged with a sexual offense. The defendant was convicted and sentenced to state prison.

Attorney for the People: Heidi Smith, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: Bradley Holmes, 1007 Seventh Street, Suite 205, Sacramento, California 95814, (916) 448-1296

5. *People v. Kao*, Sacramento County Superior Court Case No. 04F04427; Jury Trial (Date of Conviction: August 29, 2005)

The defendant, who was born and raised in Taiwan, moved to the United States after marrying an American citizen who was a single father of a young daughter. The defendant stayed home to care for the daughter. When the young girl would become disobedient, the defendant would resort to corporal punishment. One day, the defendant beat the girl and strangled her into a persistent, vegetative state. At trial, Taiwanese cultural experts testified that the defendant was influenced by her culturally-influenced attitudes about her role as a wife and mother, a child's duty to unquestioningly obey parental authority, and defendant's mental problems which included depression and possibly post-traumatic stress syndrome. The defendant was convicted and sentenced to prison. I recently learned that the child died and the Sacramento County District Attorney's Office is now considering whether or not to charge the defendant with murder.

Attorney for the People: Valerie Brown, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: Jerry Chong, 501 S Street, Suite 2, Sacramento, California 95811, (916) 443-7398

6. *People v. Meskill*, Sacramento County Superior Court Case No. 10F05413; Jury Trial (Date of Conviction: February 18, 2011)

The defendant was accused of a home invasion robbery of an elderly husband and wife. The husband was brutally beaten while the wife watched. The victims were unable to provide any identification of the suspects, although the defendant's DNA was found on a zip tie used to tie up the husband. The defendant alleged that he was a cable installer who used the zip ties during the course of his employment. The key issue was the reliability of eyewitness identification and the possibility that the defendant's DNA was left there as a result of his employment. The jury acquitted the defendant, who was sentenced to county jail on an unrelated probation violation.

Attorney for the People: Frederick Gotha, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: Joann Virata, 700 H Street, Sacramento, California 95814, (916) 874-6056

7. *People v. Alexander*, Sacramento County Superior Court Case No. 10F05063; Jury Trial (Date of Conviction: July 29, 2011)

The defendant and the victim were a homeless couple. Following an argument, the victim exited the motor home owned by the defendant and stood outside. The defendant started the motor home and backed into the victim. The defendant exited the motor home, disengaged the victim from the rear wheel well area and got back into the vehicle. The victim was still alive and talking at the time defendant fatally ran over her a second time. At trial, the defendant claimed that he did not know the victim was behind the motor home. The defendant was convicted of murder and sentenced to life in prison. In addition to the murder, the defendant was also sentenced under California's three strikes sentencing scheme.

Attorney for the People: Caroline Park, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: James Warden, 428 J Street, Suite 350, Sacramento, California 95814, (916) 206-4315

8. *People v. Shelton*, Sacramento County Superior Court Case No. 09F07206; Jury Trial (Date of Conviction: July 11, 2011)

The defendant was a bartender who had previously permanently kicked the victim and his friends out of a local bar. One day, the victim and his friends arrived at a bar that the defendant frequented. The victim punched the defendant in the face, whereupon the defendant stabbed the victim two times. One of the stab wounds came perilously close to killing the victim. At trial, the defendant claimed he acted in self-defense, arguing that he had a right to defend himself against the victim whom the defendant knew was a former Marine trained in hand-to-hand combat. The defendant was convicted and sentenced to state prison.

Attorney for the People: Rona Filippini, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorney: Eric Handler, 700 H Street, Sacramento, California 95814, (916) 874-6056

9. *People v. Aquino, et al.*, Sacramento County Superior Court Case No. 10F07007; Jury Trial (May 13, 2011)

The defendants Aquino and Jones burglarized several residences in a local upscale community while defendant Santos-Green remained nearby in a vehicle. A neighbor called the police when she saw the defendants taking items from her neighbor's house. The police arrived and the defendants were arrested. The property from each of the residences was found inside the vehicle that was occupied by defendant Santos-Green. The main issue in the case was whether or not the eyewitness identification was reliable. Both defendant Aquino and defendant Jones were convicted and sentenced to prison while defendant Santos-Green was acquitted.

Attorney for the People: Samuel Alexander, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorneys: John Lippsmeyer (defendant Aquino), 2240 Tamarck Way, Sacramento, California 95821, (916) 924-3733; David Lynch (defendant Jones), 700 H Street, Sacramento, California 95814, (916) 874-6056; Lisa Franco (defendant Santos-Green), 901 H Street, Suite 125, Sacramento, California 95814, (916) 442-5555

10. *People v. Mayen*, Sacramento County Superior Court Case No. 10F06399; Jury Trial (Date of Conviction: March 16, 2011)

After teachers at a local elementary school heard him using inappropriate language, the defendant's grandson revealed to school officials that his grandfather had inappropriately touched him. Once the authorities were notified, the defendant was arrested. During the trial, the defendant's daughters revealed for the first time that the defendant had been molesting them for years and telling them not to tell anyone. However, up until the trial, they had never reported the prior molestations. The main issue was whether or not the prior uncharged molestations would be admitted into evidence. I allowed the evidence to be introduced pursuant to California Evidence Code section 1108 which allows for the introduction of uncharged sexual offenses in a trial where the defendant is charged with a sexual offense. The defendant was convicted and sentenced to prison.

Attorney for the People: Nancy Cochrane, Sacramento County District Attorney's Office, 901 G Street, Sacramento, California 95814, (916) 874-5701

Defense Attorneys: David Lynch, 700 H Street, Sacramento, California 95814, (916) 874-6056

- 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.

As a state trial court judge, I have not written any opinions. Most of my trials have involved juries, and juvenile court trials without a jury, where written opinions are not required and where all rulings are made orally on the record.

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

I have had no 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.

*People v. Chapman*, Sacramento County Superior Court Case No. 03F08560, *rev'd*, 2008 Cal. App. Unpub. LEXIS 5299. The conviction as to defendant Chapman was overturned on appeal based on instructional error. During the trial I instructed the jury on three theories of second degree murder. The appellate court held that I committed error in instructing the jury on second degree felony murder because the inherently dangerous felony of negligent discharge of a weapon was not independent of the murder and merged with the underlying murder for purposes of felony murder. The appellate court further held that I committed error in instructing the jury on second degree, natural and probable consequences murder. The court reasoned that this instruction applied to aiders and abettors but since defendant Chapman was the direct perpetrator, the instruction should not have been given. On April 16, 2009, during the retrial defendant Chapman pled to manslaughter and was sentenced to 42 years in state prison.

*People v. Hertzog*, Sacramento County Superior Court Case No. 05F08338, *rev'd in part*, 156 Cal. App. 4th 398 (2007). The defendant's conviction was partially reversed on appeal and remanded for resentencing. The jury found the defendant guilty of multiple misdemeanor counts of possession of child pornography. The appellate court held that the defendant could only be convicted of a single misdemeanor count of possession of child pornography since the facts established that the material was possessed simultaneously. During the resentencing hearing the defendant was again sentenced to state prison for the exact same life term that he initially received.

*People v. Paysinger*, Sacramento County Superior Court Case No. 07F09069, *aff'd as modified*, 174 Cal. App. 4th 26 (2009). The defendant's conviction was upheld on appeal but his probation conditions were slightly modified. When I placed the defendant on probation I ordered that he not own, use or possess any deadly or weapons and I also ordered that he not associate with gang members. The appellate court modified those conditions and inserted a personal knowledge requirement. Thus, the defendant could not associate with known gang members or associate with people he knew were armed with deadly or dangerous weapons. The defendant's sentence was otherwise confirmed.

- 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.

As a state trial court judge, I have not written any opinions. Most of my trials have involved juries, and juvenile court trials without a jury, where written opinions are not required and where all rulings are made orally on the record.

- 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 have not authored any significant opinions on federal or state constitutional issues.

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

I have not sat by designation on any federal court of appeal.

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.

Pursuant to California Code of Civil Procedure section 170.6, the Sacramento County Superior Court employs a system whereby the litigants are allowed to exercise one peremptory challenge against a judge assigned to a case without the need to show cause. However, judges are not informed of such a challenge and are precluded from inquiring whether or not any challenges have been lodged against him/her.

California Code of Civil Procedure section 170.3 sets forth a procedure whereby a judge may be challenged for cause. I have never been challenged for cause.

I have never recused myself sua sponte.

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

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

I have not held any public offices. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 2012, I endorsed Tami Bogert for Superior Court Judge in the County of Sacramento, Office 3.

In 2004, I endorsed Pamela Smith-Steward for Superior Court Judge in the County of Sacramento, Office 20.

I have not held office in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I never served as a clerk to a judge.

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

I practiced law alone from 1994 – 1996. The address of my practice was: The Law Offices of Troy L. Nunley, 1032 East Fourteenth Street, San Leandro, California 94577.

- 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.

1990 – 1994

Alameda County District Attorney's Office  
1225 Fallon Street, Room 900  
Oakland, California 94612  
Deputy District Attorney (1991 – 1994)  
Law Clerk (1990 – 1991)

1996 – 1999

Sacramento County District Attorney's Office  
901 G Street  
Sacramento, California 95814  
Deputy District Attorney

1999 – 2002

California Department of Justice  
Office of the Attorney General  
1300 I Street  
Sacramento, California 95814  
Deputy Attorney General

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

I have not served as a mediator or arbitrator 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 1990 to 1994, I worked as a Deputy District Attorney in Alameda County. As a prosecutor, I handled routine superior court matters such as arraignments, bail hearings, preliminary examinations, settlement conferences and probation revocation hearings. I spent the bulk of my time prosecuting misdemeanor jury trials, as well as misdemeanor and felony juvenile court bench trials.

From 1994 to 1996, I worked as a general practitioner in the areas of criminal law, workers' compensation, personal injury, federal civil rights and juvenile delinquency. In the five months prior to the closure of my office to join the Sacramento County District Attorney's Office, I primarily practiced criminal defense.

From 1996 to 1999, I worked as a Deputy District Attorney for the Sacramento County District Attorney's Office. As a prosecutor, I continued to handle routine superior court matters such as arraignments, bail hearings, preliminary examinations, settlement conferences and probation revocation hearings. However, I spent the bulk of my time prosecuting felony jury trials in superior court. I was also assigned to the Domestic Violence Unit where I specialized in prosecuting stalking cases, an emerging area of the law at the time. I was later assigned to the gangs section of the Major Crimes Unit where I prosecuted crimes committed by hard core gang members.

Between 1999 and 2002, I worked as a Deputy Attorney General for the California Attorney General's Office. As a Deputy Attorney General assigned to the Appeals, Writs and Trials section, my practice involved preparing responses to appeals filed by criminal defendants with the state appellate courts. These appeals involved felony convictions where the appellant contested issues such as jury misconduct, instructional error, insufficient evidence or prosecutorial misconduct. When necessary, I argued these appeals before the state appellate courts. I also responded to petitioner writs of habeas corpus before both the state appellate and the federal courts. These writs involved evidence that was not part of the trial which petitioner alleged would have altered the outcome had the evidence been presented at trial. I also responded to petitions filed by inmates on death row as part of the office's Complex Capital Litigation Unit.

As a Deputy Attorney General, I also served as an expert in criminal street gangs, hate crimes and domestic violence/stalking. In addition, I served as a member of the California Department of Justice's Hate Crimes Task Force. I also served as an expert in the review of search warrants.

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

Between 1990 and 1994, while at the Alameda County District Attorney's Office, my client was the People of the State of California.

From 1994 to 1996, my typical clients were criminal defendants accused of misdemeanors and felonies, people who suffered personal injuries, people alleging claims for excessive force by law enforcement, workers injured on the job and juveniles accused of serious felony offenses. My primary emphasis during my years as a sole practitioner was criminal law.

Between 1996 and 1999, while working at the Sacramento County District Attorney's Office, my client was the People of the State of California.

From 1999 to 2002, while employed by the California Attorney General's Office, in the context of direct appeals filed with the state courts of appeal, as well as writs before those courts, my client was the People of the State of California. With regard to both federal habeas and capital litigation, my typical client was either the warden of the prison where petitioner was incarcerated or the California Department of Corrections.

- 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. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 2%  |
| 2. state courts of record:  | 98% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 15% |
| 2. criminal proceedings: | 85% |

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

I have tried 50 criminal jury trials to verdict as sole counsel. I tried 98 non-jury criminal trials to verdict while working in juvenile court.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 33% |
| 2. non-jury: | 66% |

- 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. *People v. Young*, Sacramento County Superior Court Case No. 95F03250; Jury Trial (Date of Conviction: June 10, 1999)

I tried this case on behalf of the People as sole counsel. Defendant, a member of the Fruitridge Bloods criminal street gang, shot into a vehicle carrying members of the rival Crips gang. As a result a 13-year-old, who by all accounts was not a member of either gang, suffered a fatal gunshot wound to the head. Although there were no eyewitnesses to the shooting, the jury returned a verdict of guilty after hearing the testimony of the investigating officers, defendant's former friends, as well as a jailhouse informant who was willing to testify for the prosecution despite not being offered any inducements. The defendant was sentenced to life in prison. The Honorable James I. Morris (retired) presided.

Opposing Counsel: Michael J. Aye, 117 J Street, Suite 202, Sacramento, California 95814, (916) 447-1278

2. *People v. Fields*, Sacramento County Superior Court Case No. 96F07265; Jury Trial (Date of Conviction: March 5, 1999)

I tried this case on behalf of the People as sole counsel. During the course of an argument with the mother of his two young sons, the defendant killed the victim with a stab wound to her neck. Witnesses established that during the course of a camping trip, the victim and defendant became agitated with one another while engaging in several arguments. The victim was stabbed while traveling as a passenger in a vehicle driven by friends of the defendant. Before her death, the victim gave a dying declaration to an off-duty paramedic officer who stopped alongside the road to help the victim. The jury convicted the defendant of murder rather than the lesser offense of manslaughter, whereupon he was sentenced to life in prison. The Honorable James T. Ford (deceased) presided.

Opposing Counsel: Bart Wooten, 5700 Laguna Park Drive, Elk Grove, California 95758, (916) 440-6988

3. *People v. Chandler*, Sacramento County Superior Court Case No. 98F05947; Jury Trial (Date of Conviction: December 4, 1998)

I tried this case on behalf of the People as sole counsel. Defendant, while in custody after being convicted of violating a restraining order, called the subject named in the restraining order, and repeatedly threatened to kill her. Defendant had a history of physical and mental abuse of the victim. Defendant repeatedly told the victim that upon getting out of custody, he would again violate the restraining order, come to her residence and kill her. Once the defendant was free from custody he went to the victim's residence, entered without invitation and sexually assaulted the victim. The jury convicted the defendant of violating the restraining order, terrorist threats and sexual battery. The defendant was sentenced to several years in state prison. The Honorable Thomas Cecil (retired) presided.

Opposing Counsel: Carol Pulido, County Counsel's Office, 3331 Power Inn Road, No. 350, Sacramento, California 95826, (916) 875-9921

4. *People v. Riddle*, Sacramento County Superior Court Case No. 97F05720; Jury Trial (Date of Conviction: September 11, 1998)

I tried this case on behalf of the People as sole counsel. Defendant and the victim, his girlfriend who had come to visit from Mexico, went to a bar where they started drinking and arguing. Upon returning to the defendant's residence, they went to sleep only to wake up fighting and yelling in the early morning hours. As the victim attempted to leave, the defendant shot the victim in the temple. The victim died instantly. During the trial, the defendant unsuccessfully argued that the victim took the gun from his nightstand, they struggled over the weapon and it accidentally discharged, thereby striking the victim. A criminalist, called to testify as an expert for the prosecution, successfully demonstrated that defendant's version of events was inconsistent with the physical evidence. The jury rejected the defense and found the defendant guilty of murder, whereupon he was sentenced to life in prison. The Honorable Richard Park (retired) presided.

Opposing Counsel: Linda Parisi, 1101 E Street, Sacramento, California 95814, (916) 441-4888

5. *People v. Villanueva*, Sacramento County Superior Court Case No. 97F03280; Jury Trial (Date of Conviction: 1997)

I tried this case on behalf of the People as sole counsel. Defendant, a former professional boxer, punched, kicked and slapped his two teenage daughters during an argument. Their mother, defendant's wife, was in the process of separating from the defendant. Defendant subsequently pulled his wife's hair, slapped her in the face and threatened to kill her. During the trial, all the victims recanted and attempted to testify for the defendant. The defendant argued that his family was

mad at him on the night in question and exaggerated the situation to the police. The jury convicted the defendant of battery against his daughters and terrorist threats against his wife. The Honorable Rothwell Mason (visiting judge) presided.

Opposing Counsel: Laurence Walton, 901 H Street, Suite 104, Sacramento, California 95814, (916) 441-3940

6. *People v. Kirby*, Sacramento County Superior Court Case No. 97F03800; Jury Trial (Date of Conviction: September 18, 1997)

I tried this case on behalf of the People as sole counsel. Defendant punched and beat his wife before taking a knife and threatening to kill her. An elderly couple, who lived next door to the defendant and the victim, tried to intervene after seeing the defendant punching and kicking the victim in the face outside the couple's home. The defendant threatened to beat the elderly man. The victim was initially reluctant to testify, however, a victim's advocate and I were able to convince the victim to do so. The jury convicted the defendant of spousal abuse, assault with a deadly weapon and terrorist threats. The Honorable Nancy Sweet (retired) presided.

Opposing Counsel: Defendant proceeded pro per and was incarcerated in the California State Prison system.

7. *People v. Hammer*, Sacramento County Superior Court Case No. 96F03016; Jury Trial (Date of Conviction: March 20, 1997)

I tried this case on behalf of the People as sole counsel. After coming to California from Michigan, the defendant moved into an apartment near the victim, who was introduced to him by a mutual friend. The victim, a single mother with custody of two small boys, established a friendly relationship with the defendant and tried to make him feel welcome. Defendant went to the victim's apartment one night and stabbed her eighteen times before taking her VCR. The victim's children witnessed the attack. The defendant was arrested days later after he was detained by store security while trying to steal a television. The victim survived and testified against the defendant at trial. The jury convicted the defendant of attempted murder, residential robbery, use of a deadly weapon and commercial burglary. Defendant is currently serving a lengthy state prison term, including the possibility of life in prison. The Honorable W.J. Harpham (visiting judge) presided.

Opposing Counsel: Eric Ross, California Department of Social Services, MS 9-16-44, 744 P Street, Sacramento, California 95814, (916) 651-0927

8. *People v. Martinez*, Sacramento County Superior Court Case No. 96F09318; Jury Trial (Date of Conviction: March 3, 1997)

I tried this case on behalf of the People as sole counsel. Defendant had a history of beating and raping the victim, the mother of his child. However, the victim would not report the abuse. After being beaten and threatened by the defendant one day, the victim decided to leave. In an attempt to find the victim, who had been gone for several days, the defendant went to the apartment of the victim's sister. The victim had been staying there but was not at the apartment when the defendant arrived. After waiting a few moments for the victim to return, defendant went outside the apartment door, returned with a can of gasoline and set the apartment afire with the sister and her boyfriend still inside. The occupants were barely able to escape with their lives. The jury convicted the defendant of arson with an accelerant, spousal abuse and terrorist threats. The defendant was sentenced to serve a lengthy term in state prison. The Honorable Jeffrey Gunther (retired) presided.

Opposing Counsel: Diane Howard, 700 H Street, Sacramento, California 95814, (916) 874-6056

9. *People v. Mason*, Sacramento County Superior Court Case No. 96F03804; Jury Trial (Date of Conviction: December 11, 1996)

I tried this case on behalf of the People as sole counsel. Defendant, while attending a party near the victims' apartment, became loud and belligerent and began directing derogatory comments at the three female victims. Defendant began fighting with one of the women after throwing a drink in her face. Defendant left the scene of the fight, only to return a short time later armed with a sawed-off shotgun. Defendant pointed the weapon at the three women and threatened to kill them. The jury convicted the defendant of several counts each of assault with a deadly weapon and terrorist threats, in addition to convicting the defendant of being an ex-felon in possession of a weapon. The defendant was sentenced to several years in state prison. The Honorable Ronald Tochtermann (retired) presided.

Opposing Counsel: Defendant proceeded pro per and was incarcerated in the California State Prison system.

10. *People v. Carson*, Sacramento County Superior Court Case No. 96F03202; Jury Trial (Date of Conviction: September 11, 1998)

I tried this case on behalf of the People as sole counsel. Defendant sat outside in the vehicle while his female accomplice went inside Bel-Air Market and stole a wallet from an elderly woman. The victim chased the accomplice out of the store, whereupon store personnel joined the chase. In an attempt to help his female accomplice get away, the defendant drove his car directly into the group, which included the victim and several store employees. They were forced to jump out of the path of the oncoming car and one of the employees had to pull the elderly

victim to safety. Defendant jumped out of his car, went to the trunk of his car and threatened to shoot members of the group. Defendant subsequently got into a fight with several of the male employees who were able to subdue him until the police arrived. The victim died several days later from a heart attack. Although the victim's doctor said that the stress from the robbery probably caused her death, the judge disallowed this evidence, and as a result, the jury subsequently convicted the defendant of robbery and assault with a deadly weapon. Pursuant to the three strikes law, the defendant is currently in prison for life. The Honorable Michael Garcia (retired) presided.

Opposing Counsel: Richard Dudek, 901 H Street, Suite 301 Sacramento, California 95814, (916) 444-7595

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.)

I am currently an inactive emeritus member of the University of the Pacific, McGeorge School of Law Inn of Court. The McGeorge Inn membership is comprised of local state court trial judges, state court appellate justices, federal district court judges, a federal appellate court justice and local attorneys. While an active member I participated in Inn meetings where we discussed contemporary legal issues. The Inn has also discussed civility in the law and the lawyer's place in society. The Inn illustrates topical legal issues through the use of skits performed by members.

On numerous occasions I have also participated in Operation Protect & Defend (OPD), an organization comprised of judges and lawyers who volunteer one hour of their time to participate in "Dialogue on America." This program brings judges and lawyers into local high school civics and government classes to discuss the U.S. Constitution, civil rights, and the responsibility to participate in our democratic society.

I have not engaged in 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 currently teach at Lincoln Law School of Sacramento where I have been employed as a professor teaching upper-division Corporations and Business Partnerships since August, 2006. Syllabus supplied.

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.

None.

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 plan to continue teaching upper-division Corporations and Business Partnerships at Lincoln Law School of Sacramento.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I am not aware of any family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts of interest.

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

If confirmed, I will fully comply with 28 U.S.C. Sections 144 and 455a, the Judicial Code of Conduct for United States Judges, and any and all other applicable conflict rules.

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

As a public servant for the majority of my career I have made a point of helping disadvantaged youth throughout the Sacramento region. I have spoken to a large number of disadvantaged youth on topics such as juvenile justice, making the right choices, setting goals, preparing for the future, the judicial system, education and overcoming adversity.

I have served as a speaker and facilitator for the 100 Black Men Young African American Male Conference as well as their forum directed at young African American men, Know Your Rights. I have also served as an inspirational speaker for the Hanna Boys Center in Napa County.

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.

In September 2011, I completed my application for United States District Judge, Eastern District of California and submitted it to Senator Dianne Feinstein's Judicial Advisory Committee. On January 11, 2012, I interviewed with five members of the Committee. On January 12, 2012, I was notified that I was one of three persons whose names would be sent to Senator Feinstein for further consideration. On February 3, 2012, I interviewed with David S. Casey, Jr., the chair of Senator Dianne Feinstein's Judicial Advisory Committee, in San Diego. In April 2012, I learned that Senator Feinstein had recommended my name to the White House for consideration.

Since April 4, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 7, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 25, 2012, 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, Troy L. Nunley, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

June 25, 2012

(DATE)

Troy L. Nunley

(NAME)

Susan Trescott

(NOTARY)

**JURAT**

State of California

County of Sacramento

} SS.

Subscribed and sworn to (or affirmed) before me on this 25<sup>th</sup> day of June, 20 12, by

Troy L. Nunley

, proved to me on the basis of satisfactory evidence

to be the person(s) who appeared before me.



Susan Trescott

NOTARY'S SIGNATURE

Troy L. Nunley



January 3, 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire filed in connection with my nomination on June 25, 2012, to be United States District Judge for the Eastern District of California. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

**Question 13 a.:**

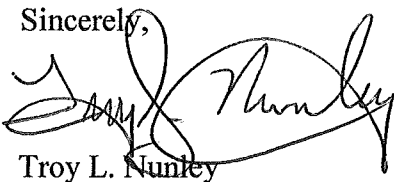
Since June 25, 2012, I have presided over an additional 15 cases which have gone to verdict or judgment.

**Question 13 f.:**

*People v. O. P.*, Sacramento County Superior Court Case No. JV130689, *rev'd*, 2012 Cal. App. LEXIS 805, July 13, 2012. The appellate court held the statute under which the minor was committed violated due process.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



Troy L. Nunley

cc: The Honorable Charles Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate Washington, DC 20510