

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Dana James Boente

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

United States Attorney for the Eastern District of Virginia

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

Office:

United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314

Residence:

Arlington, Virginia

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

1954; Carlinville, Illinois

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.

St. Louis University School of Law, August 1979 to May 1982
Juris Doctor, May 1982

St. Louis University School of Business and Administration, September 1976 to August 1977
Masters of Business Administration, August 1977

St. Louis University School of Business and Administration, September 1972 to May 1976
Bachelor of Science in Business Administration, May 1976

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.

United States Attorney's Office for the Eastern District of Virginia
2100 Jamieson Avenue, Alexandria, Virginia 22314
Acting United States Attorney, Interim United States Attorney and United States Attorney, September 2013 to present; October 2008 to September 2009
First Assistant United States Attorney, June 2007 to present
Assistant United States Attorney, January 2001 to June 2005

United States Attorney's Office for the Eastern District of Louisiana
650 Poydras Street, Suite 1600, New Orleans, Louisiana 70130
Interim United States Attorney and Court-Appointed United States Attorney,
December 2012 to September 2013

United States Department of Justice, Tax Division
950 Pennsylvania Avenue, Room 4603, Washington, DC 20530
Principal Deputy Assistant Attorney General, August 2005 to June 2007
Trial Attorney, October 1984 to January 2001

United States District Court for the Central District of Illinois
600 East Monroe Street, Springfield, Illinois 62701
Law Clerk to Chief Judge J. Waldo Ackerman, August 1982 to August 1984

United Way of Greater St. Louis
910 North 11th Street, St. Louis, Missouri 63101
Accountant, February 1979 to August 1979

Huber, Ring and Company, PC
(now Huber, Ring, Helm, and Co.)
1600 South Brentwood Boulevard, St. Louis, Missouri 63144
Accountant, August 1978 to February 1979

Peat, Marwick and Mitchell
10 South Broadway, St. Louis, Missouri 63102
Staff Accountant, August 1977 to August 1978

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 registered with the selective service in 1972. I have never served in the U.S. Military.

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.

Internal Revenue Service, Assistant Commissioner's Award, 1989
United States Department of Justice, Tax Division, Outstanding Attorney Award, 1989
Internal Revenue Service, Criminal Investigation Division, Columbus, Ohio, Outstanding Service Award, 1990
United States Department of Justice, Special Achievement Award, 1991
United States Department of Justice, Tax Division, Outstanding Attorney Award, 1991
United States Department of Justice, Tax Division, Outstanding Attorney Award, 1996
United States Department of Justice, Director's Award for Superior Performance as an Assistant United States Attorney, 2002
Federal Bureau of Investigation, Achievement Award (prosecution of James Niblock), 2003
Internal Revenue Service Criminal Investigation Chief's Award, 2007

St. Louis University Law Journal, Editor-in-Chief, 1982-1983

Eagle Scout, Boy Scouts of America, 1968

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.

None.

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.

Illinois, November 1982 (no membership lapses)
Missouri, June 1983 (no membership lapses)
Virginia, April 2014 (no membership lapses)

- 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 District Court for the Eastern District of Virginia, January 2001 (no membership lapses)

United States Court of Appeals for the Fourth Circuit, August 1991 (no membership lapses)

Supreme Court of the United States, May 1988 (no membership lapses)

Illinois, all state courts, November 1982 (no membership lapses)

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.

I am not a member any professional, business, fraternal, scholarly, civic, charitable or other organizations. The ABA currently lists me as a member. This is a free one-year membership resulting from joining the Virginia State Bar in 2014.

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

Not applicable.

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.

I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Statement before the United States Sentencing Commission, Regional Hearing on the State of Federal Sentencing, July 9, 2009 (copy attached)

- 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 served as a presenter or lecturer for the American Bar Association for 20 years. Some of these presentations are sold by the ABA for continuing legal education credit. I have presented continuing legal education programs for other organizations, including the Edward Bennett Williams Inn of Court, and the Cambridge International Symposium on International Crimes.

I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Speeches

Federal Bar Association, Northern Virginia Chapter: Introduction to the Courthouse 2008, April 25, 2008, Alexandria, Virginia (notes attached)

Rotary Club of McLean, Virginia: Presentation of the United States Attorney's Office's work, January 22, 2008, McLean, Virginia (notes attached; erroneously dated January 22, 1980)

Arlington County Bar Association: Presentation of the United States Attorney's Office's work, April 4, 2009, Arlington, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, May 12, 2009, Newport News, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, May 13, 2009, Norfolk, Virginia (notes unavailable)

Federal Bar Association, Northern Virginia Chapter: Introduction to the Courthouse 2009, April 24, 2009, Alexandria, Virginia (notes unavailable)

United States Attorney's Office: Public Service Awards, May 20, 2009, Richmond, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, May 29, 2009, Alexandria, Virginia (notes attached)

Project Safe Childhood Conference, How to Convict a Predator (Law Enforcement Training), Opening Remarks, September 14, 2009, Richmond, Virginia (notes attached)

Federal Bar Association, Northern Virginia Chapter: Introduction to the Courthouse 2010, April 30, 2010, Alexandria, Virginia (notes unavailable)

Federal Bar Association, Northern Virginia Chapter: Introduction to the Courthouse 2011, April 29, 2011, Alexandria, Virginia (notes attached)

Metropolitan Crime Commission: Presentation of United States Attorney's Office's work, February 26, 2013, New Orleans, Louisiana (notes attached)

Anti-Defamation League: Shield Awards, September 23, 2013, Washington, DC (notes unavailable)

Newport News Bar Association: Presentation of United States Attorney's Office work, November 13, 2013, Newport News, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, April 23, 2014, Newport News, Virginia (notes attached; erroneously dated April 21, 2014)

United States Attorney's Office: Public Service Awards, April 24, 2014, Norfolk, Virginia (notes attached)

Federal Bar Association, Northern Virginia Chapter: Introduction to the Courthouse 2014, April 25, 2014, Alexandria, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, May 2, 2014, Alexandria, Virginia (notes attached; erroneously dated May 1, 2014)

United States Attorney's Office: Public Service Awards, May 15, 2014, Richmond, Virginia (notes attached)

Anti-Defamation League: Shield Awards, September 17, 2014, Washington, DC (notes attached)

Old Dominion Bar Association: Presentation of the United States Attorney's Office's work and recruiting outreach, January 31, 2015, Norfolk, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, April 16, 2015, Richmond, Virginia (notes unavailable)

United States Attorney's Office: Public Service Awards, April 27, 2015, Newport News, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, April 28, 2015, Norfolk, Virginia (notes attached)

United States Attorney's Office: Public Service Awards, May 8, 2015, Alexandria, Virginia (notes attached)

Panel Discussions

American Bar Association Tax Section: Filing Returns for Clients Under Investigation, August 6, 1995, Chicago, Illinois (notes attached)

American Bar Association, Section of Taxation, Criminal Tax Fraud 2000: Ethical Problems Facing the Criminal Defense Lawyer, November 3, 2000, Washington, DC (notes attached)

American Bar Association, Section of Taxation, Criminal Tax Fraud 2001: Ethical Problems Facing the Criminal Defense Lawyer, November 2, 2001, Washington, DC (notes attached)

American Bar Association, Section of Taxation, Criminal Tax Fraud Seminar: Ethical Problems Facing the Criminal Defense Attorney, October 31, 2002, Washington, DC (notes unavailable)

American Bar Association, Section of Taxation, Criminal Tax Fraud Seminar: Money Laundering, Ethical Problems Facing the Criminal Defense Attorney, and Federal Sentencing Guidelines, October 31, 2003, Washington, DC (notes attached)

American Bar Association, Criminal Justice Section, Section of Taxation, and ABA Center for Continuing Legal Education: The PROTECT Act, Teleconference and Live Audio Webcast, December 10, 2003 (notes attached)

American Bar Association, Section of Taxation, Criminal Tax Fraud Seminar (three separate panels): Ethical Problems Facing the Criminal Defense Lawyer; The Trial of a Criminal Tax Case – Pretrial Motions to Closing Argument; and Federal Sentencing Guidelines, November 4-5, 2004, Washington, DC (notes attached)

United States Attorney’s Office: Ethics Presentation, May 12, 2005, Alexandria, Virginia (notes unavailable)

Edward Bennett Williams Inn of Court: Judge Shopping, October 20, 2005, Washington, DC (notes attached)

American Bar Association Tax Section: Trends in Corporate Tax Cases, Report from the Tax Division, Ethics, Sentencing Guidelines, February 3-4, 2006, San Diego, California (notes attached)

American Bar Association White Collar Institute: Criminal Tax Fraud, March 2-3, 2006, San Francisco, California (notes attached)

American Bar Association Criminal Tax Institute: IRS and Department of Justice Roundtable Money Laundering, Forfeiture and Restitution; Ethical Problems Facing the Criminal Defense Lawyer; Federal Sentencing Guidelines – Life After Booker, October 26-27, 2006, Washington, DC (notes attached)

American Bar Association Tax Section, Civil Criminal Penalties, October 2006, Denver, Colorado (notes attached)

American Bar Association Criminal Tax Institute: IRS and Department of Justice Roundtable, Money Laundering, Forfeiture and Restitution, December 7-8, 2006, San Francisco, California (notes attached)

American Bar Association Tax Section, Queen for a Day, Proffer Practice, January 20, 2007, Hollywood, Florida (notes attached)

American Bar Association White Collar Institute: Criminal Tax Fraud, March 1, 2007, San Diego, California (notes attached)

American Bar Association Tax Section: Employment Tax Fraud and Evasion, Civil and Criminal Penalties, and Economic Substance, May 11, 2007, Washington, DC (notes attached)

Twenty-Fifth Cambridge International Symposium on Economic Crimes: The Wealth of Nations – at Risk. The Long Arm Reach of United States Integrity Laws, September 5, 2007, Cambridge, England (notes attached)

American Bar Association Tax Section: Parallel Civil and Criminal Tax Proceedings – Proceed with Caution, January 18, 2008, Las Vegas, Nevada (notes attached)

Twenty-Sixth Cambridge International Symposium on Economic Crimes: International Money Laundering Investigations – Perils and Pitfalls for the Practitioner, September 2, 2008, Cambridge, England (notes attached)

American Bar Association Tax Section: Money Laundering, Bank Secrecy Act, and Ethical Issues, September 11-13, 2008, San Francisco, California (notes unavailable)

American Bar Association Tax Section, Walking the Lines and Not Crossing Them – Parallel Civil and Criminal Tax Proceedings, September 25, 2009, Chicago, Illinois (notes attached)

American Inns of Court, National Symposium, The Advocate: Professional Representation in the 21st Century: May 18, 2013, New Orleans, Louisiana (notes unavailable)

Maguire Woods Health Care Symposium, May 29, 2014, Richmond, Virginia (notes attached)

American Bar Association White Collar Institute: Tax Enforcement: Domestic and Offshore, March 5, 2015, New Orleans, Louisiana (notes attached)

American Bar Association Teleseminar: Tax Shelters, 2015 (exact date not recalled), Washington, DC (notes attached)

National Black Prosecutor's Association Thirty-Second Annual Conference, Head Feds: Fighting Crime in a Modern Era, July 20, 2015, Washington, DC (notes attached)

Bridging the Gap, a community outreach event about the mission and priorities of law enforcement agencies, September 15, 2015, Newport News, Virginia (notes attached)

- 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.

I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Interviewed in 1986 by a Columbus, Ohio television station concerning the conviction (June 30, 1986) and/or sentencing (August 15, 1986) of a tax shelter promoter. Video clips/transcripts unavailable.

Interviewed on May 13, 2015, for a NETFLIX show titled “Gangsters – America’s Most Evil.” The interview concerned the investigation and prosecution of an MS-13 member, Rances Amaya. Amaya was prosecuted for trafficking fourteen, fifteen, and sixteen-year-old girls. He received a fifty-year sentence. Video clips/transcripts unavailable.

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

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

Acting United States Attorney, Interim United States Attorney, and United States Attorney for the Eastern District of Virginia, September 2013 to present, and October 2008 to September 2009. I was appointed by the Honorable Eric H. Holder, Jr., and subsequently appointed by Chief Judge Rebecca Beach Smith.

Interim United States Attorney and United States Attorney for the Eastern District of Louisiana, December 2012 to September 2013. I was appointed by the Honorable Eric H. Holder, Jr., and subsequently appointed by Chief Judge Sarah S. Vance.

I have not had any unsuccessful candidacies or nominations for public 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.

None.

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

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

United States District Court for the Central District of Illinois
Law Clerk to Chief Judge J. Waldo Ackerman
August 1982 to August 1984

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

I have not practiced alone.

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

United States Attorney's Office for the Eastern District of Virginia
2100 Jamieson Avenue, Alexandria, Virginia 22314
Acting United States Attorney, Interim United States Attorney and United States Attorney, September 2013 to present; October 2008 to September 2009
First Assistant United States Attorney, June 2007 to present
Assistant United States Attorney, January 2001 to June 2005

United States Attorney's Office for the Eastern District of Louisiana
650 Poydras Street, Suite 1600, New Orleans, Louisiana 70130
Interim United States Attorney and Court-Appointed United States Attorney,
December 2012 to September 2013

United States Department of Justice, Tax Division
950 Pennsylvania Avenue, Room 4603, Washington, DC 20530
Principal Deputy Assistant Attorney General, August 2005 to June 2007
Trial Attorney, October 1984 to January 2001

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I was a law clerk for Chief District Court Judge J. Waldo Ackerman from August 1982 to August 1984. I worked on criminal and civil matters, primarily researching legal issues and drafting opinions for the judge's review.

As a trial attorney for the United States Department of Justice and an Assistant

United States Attorney for the Eastern District of Virginia from 1984 to 2005, my practice was primarily devoted to the investigation and prosecution of federal criminal offenses.

In 2005, when I became the Principal Deputy Assistant Attorney General at the Tax Division, my practice was largely devoted to the supervision of criminal investigations and prosecutions. I estimate that thirty percent of my time was spent on administrative and civil matters.

From 2007 to present, as the United States Attorney and the First Assistant United States Attorney, I have responsibility for the criminal and civil litigation conducted by the United States Attorney's Office. I estimate that I spend fifteen percent of my time on civil matters, seventy percent on criminal matters and fifteen percent on administrative matters. I spend a significant amount of the criminal portion on national security issues and cybercrime, which occupy an increasing and important portion of the practice.

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

I have represented the United States since the conclusion of my clerkship in 1984.

- 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; 100%
 - 2. state courts of record;
 - 3. other courts;
 - 4. administrative agencies

All of my time is devoted to federal litigation and the management of the United States Attorney's Office.

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; 15%
 - 2. criminal proceedings; 70%

I spend approximately fifteen percent of my time on non-litigation matters.

- 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 been counsel of record in well over one hundred cases. I have tried approximately forty cases to verdict as co-counsel or lead counsel.

i. What percentage of these trials were:

1. jury; 90-95% (estimate)
2. non-jury; 5-10% (estimate)

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.

None.

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

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

(1) **United States v. America Online, Inc.**

No. 1:04-mj-1133 (E.D. Va. Dec. 15, 2004)

Honorable Barry J. Poretz, United States Magistrate Judge, Eastern District of Virginia

Co-counsel:

Charles Connolly, 1333 New Hampshire Avenue, NW, Washington, DC 20036

Phone: 202-887-4070

Adam Reeves, United States Attorney's Office, 450 Golden Gate Avenue, San Francisco, California 94102

Phone: 415-436-7157

Defense Counsel:

Richard Cullen, 901 East Cary Street, Richmond, Virginia 23219

Phone: 804-775-1009

I represented the United States during the grand jury investigation thorough August 2005.

I represented the United States with then-Assistant United States Attorney (AUSA) Charles Connolly and Criminal Division Trial Attorney Adam Reeves. America Online, Inc. (AOL) entered a strategic partnership with PurchasePro.com. For the payment of \$50 million, PurchasePro.com expected AOL to help it sell products by referring customers and generating revenue through transactions on an AOL owned business platform. When the sales did not materialize, AOL helped PurchasePro.com meet its quarterly revenue objectives by purchasing products from PurchasePro.com that AOL did not want or need. AOL also deceived PurchasePro.com's auditors about the how the revenue was earned.

AOL entered an agreement with the United States to defer prosecution on charges of aiding and abetting securities fraud in connection with transactions between AOL and PurchasePro.com. A criminal complaint was filed charging AOL with a violation of 18 U.S.C. § 2, 15 U.S.C. §§ 78j(b) and 78FF, and 17 C.F.R. § 240.10b-5. On a motion by the parties, the court held the criminal complaint in abeyance for the twenty-four month period of the deferred prosecution agreement. In exchange for the Department of Justice's agreement to defer prosecution, AOL agreed to pay \$150 million to a compensation fund and a \$60 million in penalties. AOL also agreed to adopt internal control policies designed to deter violations of company policies and procedures and cooperate with an independent monitor. At the time of the criminal settlement, Time Warner, Inc., the parent of AOL, settled the Security and Exchange Commission charges for \$300 million.

(2) **United States v. Richard Hirschfeld**

No. CR 90-142-N (E.D. Va. Nov. 28, 1991)

Honorable J. Calvitt Clarke, Jr., United States District Judge, Eastern District of Virginia

Co-counsel:

David Barger, 1750 Tysons Boulevard, Suite 1200, McLean, Virginia 22102

Phone: 703-749-1307

Defense Counsel:

Albert J. Krieger, 2701 South Bayshore Drive, Suite 315 Miami, Florida 33133;

3635 Deering Bay Drive, No. 254, Miami, Florida 33158

Phone: 786-573-4912

I have been unable to confirm a working telephone number for Mr. Krieger. The listed number and the Deering Bay Drive address are from his website on www.lawyer-map.com. The South Bayshore Drive address was provided by an attorney practicing in Richmond, Virginia.

Stanley Sacks, 150 Boush Street, Suite 501, Norfolk, Virginia 23510

Phone: 757-623-2753

I represented the United States from the time of arraignment, December 1990, through the appeal to the United States Court of Appeals for the Fourth Circuit, which was decided in May 1992. See United States v. Hirschfeld, 964 F.2d 318 (4th Cir. 1992); and United States v. Hirschfeld, 14 F.3d 597 (4th Cir. 1994).

I was counsel of record for the United States with then-AUSA David Barger. Richard Hirschfeld was charged in a four-count indictment with conspiracy to defraud the Internal Revenue Service (IRS), conspiracy to defraud the Securities and Exchange Commission (SEC), aiding in the preparation of a fraudulent tax return, and filing a false income tax return.

Mr. Hirschfeld, a lawyer, engaged in a complex series of financial transactions, which he controlled and manipulated to create significant personal tax losses and to provide him with cash flow from the illegal underwriting of a small corporation. Mr. Hirschfeld purportedly paid a \$2.1 million judgment that turned out to be a fraudulent settlement of a sham lawsuit that formed the basis for false tax deductions. The SEC conspiracy concerned the use of a person barred from the securities business to assist taking a corporation public.

A jury convicted Mr. Hirschfeld of conspiracy to defraud the IRS (18 U.S.C. § 371), conspiracy to defraud the SEC (18 U.S.C. § 371), and aiding in the preparation of a fraudulent tax return (18 U.S.C. § 7206(1)).

(3) **United States v. James O'Connor and James Geisler**

No. 1:00-CR-285-TSE, (E.D. Va. Aug. 10, 2000)

Honorable T.S. Ellis, III, United States District Court Judge, Eastern District of Virginia

Co-counsel:

Robert Spencer, Lockheed Martin Corporation, 1 Lockheed Boulevard, Fort Worth, Texas 76108

Phone: 817-777-1784

Defense Counsel (during portions of the trial, the defendants proceeded pro se with stand-by counsel):

C. Dean Latsios, 4161 Chain Bridge Road, Fairfax, Virginia 22030 (for Mr. O'Connor)

Phone: 703-273-1131

Michael Leiberman, Post Office Box 459, Wheatland, Oklahoma 73097 (for Mr. Geisler)

Phone: 405-601-3311

I represented the United States during the grand jury investigation (2000) through the trial and post-trial forfeiture matters in December 2002. See United States v. O'Connor, 158 F. Supp. 2d 697 (E.D. Va. 2001); United States v. O'Connor, 312 F. Supp. 722 (E.D. Va. 2004).

I was counsel of record for the United States with then-AUSA Robert Spencer. The case concerned a large scale immigration fraud scheme, involving the EB-5 investment visa program and sham loan transaction through a Bahamian bank. The defendants collected \$21 million dollars. Following an eleven-day bench trial, Mr. O'Connor and Mr. Geisler were found guilty of forty-eight counts charging them jointly with (i) conspiracy to commit immigration fraud, tax fraud and wire fraud in violation of 18 U.S.C. § 371; (ii) immigration fraud in violation of 18 U.S.C. § 1546(a); (iii) conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h); and (iv) money laundering in violation of 18 U.S.C. § 1956(a)(2)(A). Mr. O'Connor was separately charged and found guilty of filing false income tax returns in violation of 26 U.S.C. § 7206(1) (two counts), and failure to file income tax returns in violation of 26 U.S.C. § 7203 (two counts). Mr. Geisler was separately charged and found guilty of filing false income tax returns in violation of 26 U.S.C. § 7206(1) (two counts), and bankruptcy fraud in violation of 18 U.S.C. § 152 (six counts). In addition to the criminal trial, the case involved complicated post-trial forfeiture and restitution issues.

(4) **United States v. James Niblock**

No. 1:02-CR-568-GBL-1 (E.D. Va. Oct. 24, 2002)

Honorable Henry E. Hudson, United States District Court, Eastern District of Virginia
Honorable Gerald Bruce Lee, United States District Court Judge, Eastern District of Virginia (Judge Lee handled numerous post-conviction matters.)

Co-counsel:

Charles F. Connolly, 1333 New Hampshire Avenue, NW, Washington, DC 20036
Phone 202-887-4070

Defense Counsel:

Frank Dunham, Federal Public Defender (deceased)

Honorable Michael Nachmanoff, Albert V. Bryan U.S. Courthouse, 401 Courthouse Square, Alexandria, Virginia 22314
Phone: 703-299-3367

Honorable Ivan Davis, Albert V. Bryan U.S. Courthouse, 401 Courthouse Square, Alexandria, Virginia 22314
Phone: 703-299-2119

I represented the United States during the grand jury investigation (approximately March 2003) through a number of the post-conviction motions and appeals. Some of the post-trial motions and appeals were handled by Assistant United States Attorney Charles Connolly and Special Assistant United States Attorneys. I continued reviewing pleadings filed by Mr. Niblock and the government's responses. See United States v. Niblock, 469 F. App'x. 272 (4th Cir. 2012); In re Niblock, 453 F. App'x. 393 (4th Cir. 2011); United States v. Niblock, 409 F. App'x. 662 (4th Cir. 2011); United States v. Niblock, 382 F. App'x. 296 (4th Cir. 2010); United States v. Niblock, 254 F. App'x. 986 (4th Cir. 2007); United States v. Niblock, 320 F. App'x. 165 (4th Cir. 2009); United States v. Niblock,

295 F. App'x. 575 (4th Cir. 2008); and United States v. Niblock, 568 F. App'x. 258 (4th Cir. 2014).

I was counsel of record for the United States with then-AUSA Charles Connolly. Mr. Niblock, a former postal inspector, engaged in a large scale fraud scheme. Mr. Niblock originated mortgage refinancing loans that were funded by lending institutions. In addition to originating the mortgage loans, Mr. Niblock owned and controlled First National Title and Escrow ("First National"), which was used for settlement and escrow services. To protect their loans, the lending institutions required that all outstanding loans be paid in full, so the lending institution would acquire a first deed of trust. Mr. Niblock, and others, created false real estate documents, including settlement statements, that did not accurately reflect the disbursement of the escrow funds. First National did not pay off the loans as represented on the settlement statements, but used the loan proceeds for other purposes, including the personal expenses of Mr. Niblock. After the borrowers signed the notes and deeds of trust and First National failed to pay off the balances of the prior deeds of trust, the borrowers were liable for two monthly mortgage payments and had two mortgages on their property. Mr. Niblock and First National received in excess of \$9 million that was not disbursed in accordance with the settlement statements. As a result of these actions, the lending institutions lost the funds transmitted to First National.

Mr. Niblock was charged with forty counts of wire fraud. After two full days of trial before a jury and before the government finished its case-in-chief, Mr. Niblock pled guilty to five counts of the wire fraud in violation of 18 U.S.C. § 1343.

(5) **United States v. Daniel Stewart, Donna Stewart, Joe Sabino**

No. CR1-96-046 (S.D. Ohio June 19, 1996)

Honorable Herman J. Weber, United States District Court Judge, Southern District of Ohio

Co-Counsel:

William E. Hunt, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202

Phone: 513-977-8200

Defense Counsel:

Richard J. Donovan, 571 High Street, Suite 22, Worthington, Ohio 43085 (for Mr. Sabino)

Phone: 614-396-6282

Jeffrey A. Dickstein, 3263 South Erie Avenue, Tulsa, Oklahoma 74135 (for Mrs. Donna Stewart)

I was not able to locate a current phone number for Mr. Dickstein.

Lowell H. Beacraft, Jr., 403 Andrew Jackson Way Northeast, Huntsville, Alabama 35801 (for Mr. Daniel Stewart)

Phone: 256-533-2535

I was counsel for the United States during a lengthy grand jury investigation, resulting in an April 1996 indictment and a June 1996 superseding indictment, through the June 1999 sentencing. See United States v. Sabino, 274 F.3d 1053 (6th Cir. 2001); United States v. Sabino, 397 F.3d 446 (6th Cir. 2002); United States v. Sabino, 110 F. App'x. 679 (6th Cir. 2004).

I was counsel of record for the United States with Assistant United States Attorney William Hunt. The indictment charged Daniel and Donna Stewart and Joe Sabino with conspiracy to defraud the United States by obstructing the functions of the IRS in violation of 18 U.S.C. § 371, and the Stewarts with an additional four counts of willfully attempting to evade income taxes in violation of 26 U.S.C. § 7201. The investigation established that the Stewarts closed all of their personal checking accounts, redeemed certificates of deposit and paid off loans. Additionally, in 1991, they dissolved their business pursuant to Ohio law. They continued to operate the business. The Stewarts created seven primary trusts and transferred all of their assets, including the business, to the trusts. The trusts paid the personal and business expenses of the Stewarts and were used to purchase various personal items for use by the Stewarts and their family. There was no evidence at trial that the IRS received any of the requisite paperwork concerning the trusts and no fiduciary income tax returns were filed on behalf of the trusts from 1992 to 1994.

During the years the trusts existed, the Stewarts asked relatives, friends, and employees of their business to serve as trustees of the trusts. The nominal trustee for each of the trusts often changed. Many of the trustees did not know the nature of a trust or could not explain their responsibilities as trustee. Some trustees indicated that Mrs. Stewart guided the daily operations of the trusts. The evidence showed that Mr. Sabino served as the trustee for several of the trusts, and his signature or signature stamp appeared on many of the documents regarding transactions undertaken by the trusts.

The prosecution employed a net worth method of proof. Following a 32-day trial, the jury returned guilty verdicts against the three defendants on all counts, except that Mr. Stewart was acquitted on the charge of willfully attempting to evade income taxes for 1994.

(6) United States v. David Thomas and Wayne Schlegel

No. CR-2-93-59 (S.D. Ohio Mar. 25, 1993)

Honorable James L. Graham, United States District Judge, Southern District of Ohio

Co-counsel:

Patricia Heffernan, United States Attorney's Office, 555 4th Street, NW, Washington, DC 20530

Phone: 202-252-6738

Defense Counsel:

David Axelrod, 41 South High Street, Suite 2400, Columbus, Ohio 43215 (for Mr. Schlegel)
Phone: 614-628-4427

Daniel Brown, United States Attorney's Office, 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215 (for Mr. Thomas)
Phone: 614-469-5715

I was counsel of record during the grand jury investigation through the March 25, 1993 indictment and the March 2, 1994 sentencing of David L. Thomas. See United States v. Thomas, 41 F.3d 1508 (6th Cir. 1994).

I was counsel of record for the United States with Tax Division Trial Attorney Patricia Heffernan. The case involved corporate diversions by Wayne Schlegel, a partner in Acock, Schlegel Architects ("ASA"). David Thomas owned and operated an accounting firm and ASA was one of the firm's principal clients. The Thomas firm prepared ASA's corporate tax returns and performed most of ASA's bookkeeping and accounting tasks. Mr. Thomas's firm also prepared individual tax returns for Mr. Schlegel. In 1985 and 1986, Mr. Schlegel remodeled his home and used corporate funds to pay for the improvements and related purchases. The checks were generally drawn directly from the corporate checking account, but Mr. Schlegel also used checks from the general account that were transferred to an account established for a townhouse project, and directed the bookkeeper to draw a check on the second account for his residential improvements.

Mr. Thomas and Mr. Schlegel were charged in a five-count indictment with conspiracy to defraud the United States by obstructing and defeating the Department of Treasury in the collection of revenue (18 U.S.C. § 371). Mr. Schlegel was charged with making and subscribing false income tax return in the years 1985 and 1986 (26 U.S.C. § 7206(1)). Mr. Thomas was charged with assisting in the preparation and presentation of false income tax returns for the years 1985 and 1986 (26 U.S.C. § 7206(2)). After a nine-day trial, the jury acquitted Mr. Thomas and Mr. Schlegel of the conspiracy charge but found each of them guilty of the false return charges.

(7) **United States v. Gregorio Collazo**

No. 90-14008-CR-Gonzalez (S.D. Fla. 1990)

Honorable Jose A. Gonzalez, United States District Judge, Southern District of Florida

Co-counsel:

Peter Kay, 52 Navesink Drive, Monmouth Beach, New Jersey 07750

I was unable to locate a working number for Mr. Kay.

Defense Counsel:

E. David Rosen

Mr. Rosen is no longer an active member of the Florida Bar. Martindale.com lists his address as 1717 North Bayshore Drive, Miami, Florida.

I was counsel for the United States during the grand jury investigation through the November 1990 superseding indictment and sentencing.

I was counsel of record for the United States with Tax Division Trial Attorney Peter Kay. The case was initially indicted in Vermont (Criminal No. 89-35-01 (D. Vt. Nov. 2, 1989)), but transferred to the Southern District of Florida on Mr. Collazo's Federal Rule of Criminal Procedure Rule 21(b) venue motion. The case involved a conspiracy to defraud the Department of Treasury, and income tax evasion. Mr. Collazo was engaged in a large scale marijuana distribution conspiracy. In a prior trial of twenty-nine defendants, he was acquitted of the narcotics charges. United States v. Blasco, 702 F.2d 1315, 1322 n. 13 (11th Cir. 1983). The government used a net worth method of proof, and presented approximately seventy-five witnesses during a five-week trial.

Mr. Collazo was convicted of conspiracy to defraud the Department of Treasury (18 U.S.C. § 371) and income tax evasion (26 U.S.C. § 7201).

(8) **United States v. David Bowman**

No. CR-2-96-004 (S.D. Ohio Jan. 11, 1996)

Honorable Susan J. Dlott, United States District Judge, Southern District of Ohio (trial judge)

Honorable James L. Graham, United States District Judge, Southern District of Ohio (sentencing judge)

Defense counsel:

Mark Lane, 4 Old Farm Road, Charlottesville, Virginia 22903. I was unable to confirm Mr. Lane's address or a current phone number.

Paul Croushore, Post Office Box 75170, Cincinnati, Ohio 45275

Phone: 513-225-6666

I represented the United States during the grand jury proceedings through the January 11, 1996 indictment and the January 8, 1998 sentencing. See United States v. Bowman, 173 F.3d 595 (6th Cir. 1999); and United States v. Bowman, 98 F.3d 1343 (Table) (6th Cir. 1996).

I was counsel of record for the United States. David Bowman failed at several attempts to settle debts that arose from bad business decisions. Financial institutions and individuals to whom Mr. Bowman owed money brought civil actions against him, seeking foreclosure on collateral and judgments on unpaid notes. Several default judgments were awarded against Mr. Bowman. Mr. Bowman instituted a scheme of harassment, instituting common lawsuits against these parties. He claimed that they had violated his individual civil rights. He identified sections from Title 18 of the United States Code that pertained to these civil rights and totaled the fines that theoretically could be assessed against those institutions and individuals. Mr. Bowman sent an IRS Form W-9, demanding the party's tax identification number, and later sent a "bill" for the fines. Fifty-nine institutions and individuals, including a number of judges and clerks of

court, received these forms. When the individuals and institutions failed to pay these “bills,” Mr. Bowman submitted bills of forgiveness, asserting that the debt had been forgiven and thus had become compensation to the financial institutions and individuals. Mr. Bowman prepared Forms 1099 and sent them to the individuals and institutions. He also filed a Form 1096 with the IRS, which summarized the information contained in the Forms 1099, and he filed copies of the Forms 1099 with the IRS. The IRS repeatedly sent notices to the individuals asking why they had not reported the income.

After an eight-day trial, Mr. Bowman was convicted of corruptly endeavoring to obstruct or impede the due administration of the Internal Revenue laws (26 U.S.C. § 7212(a)), one count of filing false documents with the IRS (26 U.S.C. § 7206(1)), and six counts of willfully failing to file income tax returns (26 U.S.C. § 7203).

(9) **United States v. Tamara J. Hunter**

No. 1:05-CR-172-TSE-1 (E.D. Va. Apr. 28, 2005)

Honorable T.S. Ellis, III, United States Court District Judge for the Eastern District of Virginia

Co-counsel:

Mark Grundvig, United States Department of Justice, Antitrust Division, Liberty Square Building, 450 5th Street, NW, Washington, DC 20001

Phone: 202-305-1878

Defense counsel:

Atchuthan Sriskandarajah, 4008 Williamsburg Court, Fairfax, Virginia 22032

Phone: 703-278-0405

I represented the United States during the grand jury investigation through the April 28, 2005 indictment and October 25, 2005 sentencing.

I was the counsel of record for the United States with Antitrust Division Special Assistant United States Attorney Mark Grundvig. The case concerned a large-scale mortgage fraud. Ms. Hunter was an employee of James Niblock and First National Title and Escrow. See United States v. Niblock, supra. Ms. Hunter acted as an escrow agent for real estate closings. As a supervisor at First National, Ms. Hunter created false insured closing letters, which falsely represented that First National had obtained title insurance. When First National could not meet its commitments under the escrow agreements, the lenders lost the funds they had transferred to First National. Because most of the transactions concerned the refinancing of residential mortgages, the home owners frequently had two mortgages on their homes (they had signed the refinancing closing documents, but First National did not pay off the original mortgage), and two mortgage payments.

The defendant was convicted after a three-day jury trial of eight counts of wire fraud (18 U.S.C. § 1343). Ms. Hunter was initially charged in a nine-count indictment, but the United States moved to dismiss one count prior to trial.

(10) **United States v. Major Junior Wright**

No. CR-1-92-43 (S.D. Ohio 1992)

Honorable S. Arthur Spiegel, United States District Judge, Southern District of Ohio

Co-counsel:

Patricia Heffernan, United States Attorney's Office, 555 4th Street, NW,
Washington, DC 20530

Phone: 202-252-6738

Defense Counsel:

Henry E. Sheldon (deceased)

I represented the United States during the grand jury investigation through the May 6, 1992 indictment and January 8, 1993 sentencing. After the reversal of a guidelines enhancement, Mr. Wright was re-sentenced on May 13, 1994. I do not recall if I was involved in the re-sentencing. See United States v. Wright, 12 F.3d 70 (6th Cir. 1994); and United States v. Wright, 56 F.3d 66 (6th Cir. 1995).

I was counsel of record for the United States with Tax Division Trial Attorney Patricia Heffernan. The case concerned a scheme to prepare false income tax returns and claim false refunds from the IRS. Mr. Wright prepared individual income tax returns, either in his own name or in the name of a recruit, which claimed a false amount of withholding and a large refund. The named taxpayers were not entitled to claim the withholding or refund. Mr. Wright attached fraudulent Forms W-2 (Wage and Tax Statements) to support the false returns and filed the returns with the IRS. During the investigation, Mr. Wright attempted to influence several witnesses.

Mr. Wright was tried before a jury on a seven-count indictment for conspiring to defraud the government with respect to claims (18 U.S.C. § 286) and for making false claims against the United States (18 U.S.C. § 287). After a six-day trial, the jury returned a verdict of guilty on all counts.

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

I have never participated in, or performed any lobbying activities.

While I have not directly litigated as United States Attorney or the First Assistant United States Attorney, I have supervised numerous significant cases in these positions. A representative sampling is below.

United States v. Credit Suisse, No. 1:14-CR-188 (E.D. Va. 2014). I participated in the supervision of the investigation of Credit Suisse, a large international financial institution. I also participated in the plea negotiations, which resulted in Credit Suisse's guilty plea to assisting United States taxpayers in the filing of false tax returns. The plea agreement, along with agreements made with federal and state partners, required Credit Suisse to pay \$2.6 billion total—\$1.8 billion to the United States Treasury, \$100 million to the Federal Reserve, and \$715 million to the New York Department of Financial Services.

United States v. Jeffrey Sterling, No. 1:10-CR-485 (E.D. Va. 2010). I participated in the supervision of the investigation and prosecution of Mr. Sterling. Mr. Sterling was charged in a ten-count indictment with unauthorized disclosure of national defense information, unlawful retention of national defense information, mail fraud, unauthorized conveyance of government property, and obstruction of justice. Mr. Sterling, an operations officer with the Central Intelligence Agency (CIA), was assigned to a classified clandestine operational program designed to undermine the Iranian nuclear weapons program. He was also the operations officer assigned to handle a human asset associated with that program. After unsuccessfully pursuing administrative and civil actions against the CIA, Mr. Sterling, in retaliation for the CIA's refusal to settle those actions on terms favorable to him, disclosed information concerning the classified operational program and the human asset to a New York Times reporter. At the request of National Security Advisor Condoleezza Rice, the New York Times refused to publish an article concerning the classified program and human asset. The reporter later included the material in a book published in 2006. After extensive pre-trial and appellate proceedings, Mr. Sterling was convicted on nine counts of the indictment.

United States v. William Jefferson, 546 F.3d 300 (4th Cir. 2008). I participated in the supervision of the investigation of former United States Congressman William Jefferson. Mr. Jefferson was convicted of solicitation of bribes, honest services fraud, money laundering, racketeering and conspiracy. The charges concerned Mr. Jefferson's involvement in multiple bribery and fraud schemes. As the Acting United States Attorney, I had primary responsibility for the supervision of the trial of the case.

United States v. Robert and Maureen McDonnell, No. 3:14-CR-12 (E.D. Va. 2014). I participated in the supervision of the investigation and prosecution of Robert McDonnell, the former governor of Virginia, and his wife, Maureen McDonnell. Mr. and Mrs. McDonnell were convicted of conspiracy to commit honest services wire fraud and conspiracy to obtain property under color of official right. Mr. McDonnell was convicted of three counts of honest services wire fraud and six counts of obtaining property under color of official right. Mrs. McDonnell was convicted on two counts of honest services wire fraud and four counts of obtaining property under color of official right.

United States v. C. Ray Nagin, No. 2:13-CR-11 (E.D. La. 2013). I supervised the indictment of New Orleans former-Mayor C. Ray Nagin. Mr. Nagin and several others participated in a conspiracy to commit bribery and honest services wire fraud. Mr.

Nagin, in his role as chief executive, devised a scheme to defraud the City of New Orleans and its citizens of his honest services through bribery and a kickback scheme, where Mr. Nagin used his public office and official capacity to provide favorable treatment, including awarding contracts, that benefitted business and financial interest of individuals providing him with bribes and kickbacks. Mr. Nagin was charged with, and convicted of, accepting numerous bribes and payoffs from consultants and contractors, a money laundering conspiracy, and filing false tax returns for the years 2005 to 2008.

United States v. Yonathan Melaku, No. 1:12-CR-027 (E.D. Va. 2012). I participated in the supervision of the investigation and prosecution of Mr. Melaku, who engaged in a series of five shootings in 2010, at the following locations: the National Museum of the Marine Corps (twice); the Pentagon; a Marine Corps recruiting sub-station in Chantilly, Virginia; and a U.S. Coast Guard recruiting office in Woodbridge, Virginia. Each shooting took place late at night or early in the morning and involved multiple 9mm rounds fired at each building. Mr. Melaku recorded one of the shooting events at the National Museum of the Marine Corps. The video showed Mr. Melaku repeatedly firing a handgun out the passenger-side window, stating “That’s my target. That’s the military building. It’s going to be attacked,” and at the conclusion of multiple shots, exclaiming “Allahu Akbar” repeatedly. At the time of his apprehension, Mr. Melaku was attempting to enter the area of Arlington National Cemetery containing graves of deceased Iraq and Afghanistan war veterans, intending to desecrate and injure the grave markers by spray-painting the markers with Arabic statements and by leaving the ammonium nitrate he was carrying at the sites of the grave markers. During a search of Mr. Melaku’s residence, FBI search teams located a typed list entitled “Timer” that included nine items that Melaku admitted are consistent with what would be required to construct the firing mechanism for an explosive device. Four of those items had been crossed through. Mr. Melaku pleaded guilty to injury to government property, use of a firearm during a crime of violence, and attempted injury to a veterans’ memorial on government property. He received a twenty-five year sentence.

United States v. Amine El-Khalifi, No. 1:12-CR-037 (E.D. Va. 2012). I participated in the supervision of the investigation and prosecution of Mr. El-Khalifi. Mr. El-Khalifi proposed to carry out a bombing attack against several targets, including a suicide bombing attack on the United States Capitol. Mr. El-Khalifi traveled to a parking garage near the Capitol. Mr. El-Khalifi took possession of a MAC-10 automatic weapon, and put on a vest containing what he believed to be a functioning bomb. He pleaded guilty and received a thirty-year prison sentence.

United States v. Farooque Ahmed, No. 1:10-CR-413 (E.D. Va. 2010). I participated in the supervision of the investigation and prosecution of Mr. Ahmed. Mr. Ahmed attempted to assist individuals whom he believed to be members of al-Qaeda in planning multiple bombings at Metrorail stations. As part of his scheme, he met with a courier he believed to be affiliated with a terrorist organization. Mr. Ahmed agreed to watch and photograph a hotel in Washington, DC, and a Metrorail station in Arlington, Virginia, to obtain information about their security and busiest periods. Mr. Ahmed also recorded video images of Metrorail stations in Arlington and provided a memory stick containing

video images of an Arlington Metrorail station to an individual he believed to be affiliated with al-Qaeda. Mr. Ahmed pleaded guilty and received a twenty-three year sentence.

United States v. Mohammed Modin Hasan, et al., No. 2:10-CR-56 (E.D. Va. 2010).

United States v. Maxamad Cali Sachid, et al., No. 2:10-CR-57 (E.D. Va. 2010).

United States v. Ahmed Muse Salad, et al., No. 2:11-CR-034 (E.D. Va. 2010).

I participated in the supervision of the investigation and prosecution of three separate attacks by Somali pirates. One of the investigations concerned an attack and murder of four United States citizens sailing a pleasure craft on the Indian Ocean. All of the cases were successfully prosecuted.

United States v. Lee Farkas, No. 1:10-CR-020 (E.D. Va. 2010). I participated in the supervision of the investigation and prosecution of Lee Bentley Farkas and six co-conspirators. Mr. Farkas, the former chairman of a private mortgage lending company, Taylor, Bean & Whitaker (TBW), was convicted for his role in a \$2.9 billion fraud scheme that contributed to the failures of Colonial Bank, one of the twenty-five largest banks in the United States in 2009, and TBW, one of the largest privately held mortgage lending companies in the United States. Mr. Farkas and his co-conspirators engaged in a scheme that misappropriated more than \$1.4 billion from Colonial Bank's Mortgage Warehouse Lending Division in Orlando, Florida, and approximately \$1.5 billion from Ocala Funding, a mortgage lending facility controlled by TBW. Mr. Farkas and his co-conspirators misappropriated this money to, among other things, cover TBW's operating expenses. The fraud scheme contributed to the failures of Colonial Bank and TBW. Mr. Farkas was sentenced to thirty years in prison and ordered to forfeit approximately \$38.5 million for his role in a more than \$2.9 billion fraud scheme that contributed to the failure of TBW and Colonial Bank.

United States v. Edward Davis, No. 4:08-CR-144 (E.D. Va. 2008). I participated in the supervision of the investigation and prosecution Edward Davis and the Dump Squad. Members of the Dump Squad, a local franchise of the Bloods, used violence to dominate sections of Newport News. Always armed, members of the Dump Squad robbed other drug dealers of their cash and drugs, warred with members of rival gangs, and controlled their territory with numerous violent crimes, including the attempted murder of non-members, who made the mistake of venturing into Dump Squad turf. Through the use of violence, the gang maintained a virtual stranglehold on three apartment projects in southeast Newport News. By May 2008, the gang was so emboldened that they shot into and then tried to burn down a police substation. In March 2009, a grand jury returned a forty-count indictment charging eleven gang members (eight additional members were charged in subsequent charging documents) with a RICO conspiracy, three different murders, maiming, robbery, arson, assaults, and numerous firearms violations. The conspiracy enumerated twenty-eight different violent crimes in connection with the enterprise. By December 2009, all eleven co-defendants had pled guilty to serious violent crimes, and received substantial sentences. The arrests of these gang members dismantled the Dump Squad. In the year that followed these arrests, the affected areas saw a forty-four percent drop in crime.

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

None.

18. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None, although as a federal employee, I participate in the Civil Service Retirement System.

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

None.

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

See my SF-278, as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest**:

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

In connection with the nomination process, I have consulted with the Office of

Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

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

In the event of a potential conflict of interest, I will consult with ethics officials in the Department of Justice.

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

I have participated in numerous bar activities, primarily continuing legal education presentations.