

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

James Edward Simmons Jr.

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

United States District Judge for the Southern District of California

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

San Diego Superior Court
P.O. Box 122724
San Diego, California 92112

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

1979; Inglewood, 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.

2001 – 2004, Golden Gate University School of Law; J.D., 2004

July 1999, University of the West Indies at Barbados; no degree received (summer program)

1997 – 2001, University of California at Berkeley; B.A., 2001

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.

2017 – present
San Diego Superior Court

P.O. Box 122724
San Diego, California 92112
San Diego Superior Court Judge

2006 – 2017
San Diego District Attorney's Office
Hall of Justice
330 West Broadway
San Diego, California 92101
Deputy District Attorney

2005
San Diego City Attorney's Office
1200 3rd Avenue, Suite 700
San Diego, California 92101
Deputy City Attorney

2004 – 2005
Exclusively Legal
402 West Broadway, Suite 2500
San Diego, California 92101
Contract Attorney

Fall 2004
Macy's
2559 El Camino Real
Carlsbad, California 92008
Retail Clerk

Fall 2004
San Diego Public Defender's Office
450 B Street # 900
San Diego, California 92101
Law Clerk (unpaid)

2002 – 2004
Golden Gate University of Law
536 Mission Street
San Francisco, California 94105
Teacher's Assistant, Legal Research & Writing

Spring 2004
Patton Wolan Carlise LLP
1999 Harrison Street, Suite 1350
Oakland, California 94612
Law Clerk

2003 – 2004
Murphy Pearson Bradley & Feeney
88 Kearny Street, 10th Floor
San Francisco, California 94108
Law Clerk

Summer 2003
Alameda County District Attorney's Office
1225 Fallon Street, Suite 900
Oakland, California 94612
Certified Law Clerk

Summer 2002
California Appellate Project
101 Second Street, Suite 600
San Francisco, California 94105
Law Clerk

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

I did not serve in the military. I timely registered for the 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.

San Diego Deputy District Attorney Association, San Diego County Prosecutor of the Year (2016)

Earl B. Gilliam Bar Association, President's Award (2011)

San Diego District Attorney Superior Court Division, Top Trial Attorney (2008)

Earl B. Gilliam Bar Association, Distinguished Service Award (2006)

Golden Gate University School of Law

International Academy of Trial Lawyers Award for Outstanding Student in the Field of Litigation (2004)

The Philip Burton Endowed Law Scholarship (2003 – 2004)

Moot Court Board, Member (2003 – 2004)

San Francisco Trial Lawyer's Association Trial Advocacy Competition Winner (2003)

Dean's List (2003 – 2004)

Witkin Award for Academic Excellence in Legal Writing & Research (2002)
Appellate Advocacy Competition Semifinalist (2002)

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.

California District Attorney Association (2006 – 2017)

California Judges Association (2017 – present)

California Young Lawyers Association of State Bar, Board of Directors (2007 – 2009)

Earl B. Gilliam Bar Association

Member (2005 – present)

Board of Directors (2005 – 2008)

Scholarship Committee Chair (2006 – 2013)

Judicial Council of the California Black Lawyer's Association (2018 – Present)

Lawyer's Club of San Diego (2013 – Present)

San Diegans Against Crime

Member (2006 – 2017)

Board of Directors (2011 – 2012)

San Diego County Bar Association (2005 – 2017)

San Diego Deputy District Attorney Association

Member (2006 – 2017)

Board of Directors (2007 – 2009)

San Diego Superior Court

Criminal Courts Committee (2020 – present)

Executive Committee (2021 – present)

Technology Committee (2019 – present)

The Honorable Fiorenzo V. Lopardo Inn of Court (2021 – present)

The Honorable William B. Enright Inn of Court (2010 – 2012)

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, 2004

There have been no lapses in membership. I have been an inactive member (judicial status) since my appointment to the bench in 2017.

- 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.

Because I am a Superior Court Judge, I am not currently admitted to practice in any court. Before being sworn in as a judge, however, I was admitted to practice in all state courts in California.

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.

Parent Teacher Association of Bernardo Heights (2020 – present)

Parent Teacher Association of Painted Rock (2014 – present)

Rancho Bernardo Little League, Board of Directors (2017 – 2019)

Sigma Pi Phi Fraternity (2018 – present)

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

Sigma Pi Phi Fraternity is an international fraternity dedicated to community service, mentorship and providing scholarships to underrepresented communities. Sigma Pi Phi Fraternity limits its membership to men.

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

practical implementation of membership policies.

12. Published Writings and Public Statements:

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

North County Bar Association Volunteer Members: Judge James Simmons, North County Lawyer (Mar. 2022). Copy supplied.

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

None.

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

None.

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

I have searched my files and electronic databases in an effort to identify all events responsive to this question. I have located the events listed below, but it is possible that there are a few events that I have no record of and thus was not able to identify.

June 16, 2022: Speaker, "State of the Court Address," North County Bar Association, Vista, California. I discussed the status of the North County Courts in my role as the Supervising Judge of the branch, including updates on our

courthouse maintenance project, the services that were available at the time of the speech, and future operational plans for the courthouse. I have no notes, transcript, or recording. The address for North County Bar Association is P.O. Box 2381, Vista, California 92085.

May 21, 2021: Speaker, "Words of Wisdom," New Deputy Training, San Diego District Attorney, San Diego, California. Recording supplied.

December 8, 2020: Panelist, Color of Justice Mentor Jet Program, National Association of Women Judges, San Diego, California. I discussed the challenges I have faced in my life and my career path. I have no notes, transcript, or recording. The address for National Association of Women Judges is P.O. Box 3363, Warrenton, Virginia 20188.

November 2, 2020: Panelist, Advocating for Change: A Conversation with Black Criminal Lawyers & Judges, Black Law Student Association at Golden Gate University School of Law, San Francisco, California, Virtual Presentation. I spoke about my background and experience leading to my appointment as a Superior Court Judge. I have no notes, transcript, or recording, but press coverage is supplied. The address for Golden Gate University School of Law is 536 Mission Street, San Francisco, California 94105.

October 16, 2020: Speaker, Career Day at Palomar College, Palomar College, San Marcos, California; Virtual Presentation. Recording supplied.

August 31, 2020: Guest Lecturer, Adjudicatory Criminal Procedure Class at Thomas Jefferson School of Law, San Diego, California. I spoke about criminal procedure, my career path to the bench, and my duties as a Superior Court Judge. I have no notes, transcript, or recording. The address for Thomas Jefferson School of Law is 701 B Street # 110, San Diego, California 92101.

May 24, 2019: Speaker, San Diego City Attorney, San Diego, California. I spoke about my background and career path to appointment on the San Diego Superior Court. I have no notes, transcript, or recording. The address for the San Diego City Attorney's Office is 1200 Third Avenue, Suite 1620, San Diego, California 92101.

April 20, 2018: Panelist, North County Color of Justice Mentor Jet Program, National Association of Women Judges, San Diego, California. I spoke about the obstacles I have overcome in my journey to pursue a career in law. I have no notes, transcript, or recording, but press coverage is supplied. The address for National Association of Women Judges is P.O. Box 3363, Warrenton, Virginia 20188.

Since 2017, I have greeted jurors to the San Diego Superior Court in the North County Branch at Vista, California. I have done this numerous times and am

unable to identify specific dates. During these presentations, I gave brief remarks thanking jurors for their service and explaining court procedures. I have no notes, transcripts, or recordings. The address for the North County Branch of the San Diego Superior Court is 325 South Melrose Drive, Vista, California 92081.

2008 and 2009 (specific dates unknown): Presenter: Neighborhood Law School, Earl B. Gilliam Bar Association, San Diego, California. I gave two presentations, one in 2008 and one in 2009. The presentations were about criminal procedure and a discussion of Fourth, Fifth and Sixth Amendment rights. I have no notes, transcripts, or recordings. The address for the Earl B. Gilliam Bar Association is P.O. Box 124527, San Diego, California 92112.

From 2006 to 2018, over a 10-week program, I spoke monthly at Johnson Elementary School through Project LEAD. LEAD means Legal Enrichment and Decision Making, where we focused on fifth grade students at a socioeconomically disadvantaged school. While at the District Attorney's Office, I was the director of the program and as part of the program my volunteers and I presented various lessons over 10 weeks, a tour of the Juvenile detention facility and a mock trial at the courthouse where the students played the roles of all the parties in the case. We presented lessons on budgeting, peer pressure, making good decisions, avoid joining gangs, and encouraging them to succeed academically. I have no notes, transcripts, or recordings. The address for Johnson Elementary School is 1355 Kelton Road, San Diego, California 92114.

Since 2004, I have given various talks at local middle and high schools about my upbringing and the challenges I have faced in my career. I have spoken at many schools in San Diego County, but I am unable to identify the specific dates. I have no notes, transcripts, or recordings.

- 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.

Ellen Ireland, *Like an Old Hand*, Daily Journal (Oct. 25, 2018). Copy supplied.

Katherine J. Bies et al., *Diversity in Prosecutors' Offices: Views from the Front Line*, The Stanford Criminal Justice Center (Mar. 16, 2016). Copy Supplied.

Fred Dickey, *Prosecutor's Mission to Fight Gangs is Personal*, San Diego Union Tribune, Column (June 22, 2015). Copy supplied.

Tony Perry and Maura Dolan, *San Diego gang member's case focus of Supreme Court privacy ruling*, Los Angeles Times (Jun. 25, 2014). Copy supplied.

KUSI, *Supreme Court ruling requires warrant for cellphone search* (June 2014).

Copy supplied.

June 25, 2014, I was interviewed during a live radio broadcast discussing *Riley v. California*, 573 U.S. 373 (2014), and the legal impact of the Supreme Court decision. I do not recall the broadcast company and do not have any transcript or recording of the interview.

CBS8.com (San Diego City News Service), *Two to stand trial for killing of bystander in Gaslamp* (Oct. 3, 2011). Copy supplied.

San Diego City News Service, *Two Men Charged in Gaslamp Shooting* (Aug. 31, 2010). Copy supplied.

San Diego City News Service, *Alexander Antunez Pled Guilty to Voluntary Manslaughter* (June 9, 2010). Copy supplied.

Cindy Horswell, *Mother seeks some answers in son's death* (Apr. 16, 2009). Copy supplied.

San Diego Union Tribune, *Public Safety Court Watch* (Apr. 11, 2009). Copy supplied.

Associated Press State & Local Wire, *Navy man charged in video game death of sailor* (Apr. 11, 2009). Copy supplied.

San Diego Union Tribune, *Man Pleads Not Guilty In Shooting Death Of Fellow Sailor* (Apr. 10, 2009). Copy supplied.

Eric Page, *DA: Sailor Waited Over Hour to Call 911*, NBC San Diego (Apr. 10, 2009). Copy supplied.

NBC San Diego, *DA: Missing Skateboard At Heart of Hillcrest Murder* (Aug. 14, 2008). Copy supplied.

Sara Wilkins, *Web-based program helps city fight graffiti*, North County Times (Sept. 14, 2007). Copy supplied.

San Diego City News Service, *Del Mar Sushi Stabbing* (Jan. 10, 2007). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed as a San Diego Superior Court Judge on November 3, 2017, by Governor Jerry Brown. In April 2022, I became the Supervising Judge of the North County branch.

As Supervising Judge, I preside over the criminal master calendar and handle case assignments to other judges, conduct arraignments, take guilty pleas, preside over evidentiary hearings, conduct settlement conferences, sentencing hearings and probation revocation hearings.

Prior to becoming the Supervising Judge, I was assigned to the felony settlement department in the North County branch for two years from 2020 to 2022. In that assignment, I conducted settlement conferences for felonies and handled thousands of cases, many of which resulted in guilty pleas where I conducted sentencing proceedings.

From November 2017, when I was first appointed to the San Diego Superior Court, to 2020, I was assigned to an arraignment department in the North County branch. I presided over misdemeanor and felony arraignments. I took thousands of guilty pleas on misdemeanor cases while in this department. I also presided over the branch's military diversion calendar for military veterans who suffered mental health related trauma as a result of their military service and committed misdemeanor offenses related to that trauma.

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

I have had thousands of cases reach final judgment either by plea, dismissal of actions, or trial. While I have not presided over any jury trials since becoming a Superior Court Judge, I have presided over twelve bench trials. Eight of those cases were traffic trials that I tried during my first month as a Superior Court Judge and two of those cases were small claims trials that I also tried during my first month as a Superior Court Judge, the remaining two were criminal trials.

- i. Of these cases, approximately what percent were:

| | |
|---------------|------|
| jury trials: | 0% |
| bench trials: | 100% |

- ii. Of these cases, approximately what percent were:

| | |
|-----------------------|-----|
| civil proceedings: | 17% |
| criminal proceedings: | 83% |

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

I have written no opinions. As a Superior Court judge assigned to criminal cases at the pretrial level, I make findings of probable cause and take the entry of pleas in criminal cases. My decisions are typically issued orally and recorded by the courtroom clerk as minute orders or in a court reporter's stenographic notes. The case files are stored in the San Diego County Superior Court case management

system or in paper files.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People v. Martin* (SCN400388) (S.D. Cty. Super. Ct. 2022)

Ms. Martin was a drug rehab counselor and sold counterfeit pills that were laced with fentanyl to several individuals. She was charged with multiple counts of selling a controlled substance and with homicide for the death of a Navy sailor. Ms. Martin lied to many of the individuals she was selling the counterfeit pills to and claimed the pills were oxycodone and did not contain fentanyl. The victim received counterfeit pills from a friend who bought them from Ms. Martin, ingested them, overdosed, and died. Ms. Martin pled guilty to multiple counts of selling/furnishing a controlled substance and voluntary manslaughter. The parties stipulated that Ms. Martin would be sentenced to state prison in the range of 16 to 20 years 8 months. After hearing from the parties, the decedent's family, and other victims, I sentenced Ms. Martin to 19 years 4 months in state prison.

Counsel for People

Jorge Del Portillo
San Diego District Attorney
325 South Melrose Drive, Suite 5000
Vista, CA 92081
(619) 498-5650

Counsel for Defendant

Alejandro Morales
San Diego Alternate Public Defender Office
495 La Tortuga Drive, Suite 120
Vista, CA 92081
(760) 940-6450

2. *People v. Williams* (SCN414364) (S.D. Cty. Super. Ct. 2022)

Ms. Williams was charged with second degree murder and gross vehicular manslaughter when she drove while under the influence of drugs and struck a family of four, killing them all. While driving her vehicle, Ms. Williams was using difluoroethane or DFE, a gas used in aerosol products, and had marijuana and methamphetamine in her blood. The family of four, including a grandmother, her partner, and two children, ages 10 and 11, were out on their nightly walk when Ms. Williams drove onto the sidewalk, striking all four of them before colliding into a tree. Ms. Williams pled guilty to multiple counts of second-

degree murder and one count of gross vehicular manslaughter. The parties stipulated that Ms. Williams would receive a prison sentence of 25 years to life. I imposed the parties' stipulated sentence of 25 years to life in state prison.

Counsel for People

Laurie Hauf
San Diego District Attorney
330 West Broadway, Suite 900
San Diego, CA 92101
(619) 531-4040

Counsel for Defendant

Ricky Crawford
San Diego Public Defender
495 La Tortuga Drive, Suite 100
Vista, CA 92081
(760) 945-4026

3. *People v. Pascual* (SCN420431) (S.D. Cty. Super. Ct. 2022)

Mr. Pascual was charged with driving under the influence of alcohol and gross vehicular manslaughter. Mr. Pascual was driving his truck when he struck a pedestrian from behind and fled the scene afterwards. The victim was walking on the side of the road with her husband when she was struck by Mr. Pascual, and she died because of her injuries. Minutes before the collision, Mr. Pascual was seen on a convenience store video buying alcohol, while appearing to be visibly intoxicated. Mr. Pascual pled guilty to gross vehicular manslaughter and I imposed the parties' stipulated sentence of 11 years in state prison.

Counsel for People

David Uyar
San Diego District Attorney
325 South Melrose, Suite 5000
Vista, CA 92081
(760) 806-4065

Counsel for Defendant

Daniel Greene
Law Offices of Kerry L. Armstrong, APLC
750 B Street, Suite 2820
San Diego, CA 92101
(619) 234-2300

4. *People v. Sullivan* (SCN428754) (S.D. Cty. Super. Ct. 2022)

Mr. Sullivan was charged with stalking his former girlfriend, who had obtained a restraining order in early 2021. After the victim obtained the restraining order, Mr. Sullivan continued to harass and contact her in violation of the restraining order. Mr. Sullivan pled guilty to stalking and the parties stipulated that he would receive formal probation as his sentence. As part of his probation, he was ordered to complete an intensive drug and alcohol treatment program, attend domestic violence classes for a year, wear a GPS monitoring bracelet, and have no contact with the victim.

Counsel for People

Christopher Campbell
San Diego District Attorney
325 S. Melrose Drive, Suite 5000
Vista, CA 92081
(619) 753-5508

Counsel for Defendant

Vikas Bajaj
Law Office of Vikas Bajaj, APC
2150 1st Avenue, Apartment 200
San Diego, CA 92101
(619) 525-7005

5. *People v. Owens* (SCN421675) (S.D. Cty. Super. Ct. 2022)

Mr. Owens was charged with breaking into a home and confronting the female victim while she was in the middle of changing her clothes to enter the shower. Mr. Owens looked at the victim and told her to “Shhhh.” The victim then ran into her closet and locked herself inside, throwing her body against the door. She was able to call police who came to the home to assist her. Mr. Owens was later arrested and pled guilty to residential burglary, admitting that someone was in the home at the time of the burglary and admitted that he had committed a prior residential burglary. Following Mr. Owens’s guilty plea, I imposed the parties’ stipulated sentence of 18 years.

Counsel for People

James Koerber
San Diego District Attorney
P.O. Box 121011
San Diego, CA 92112
(619) 531-4243

Counsel for Defendant

Joshua Bourne
Law Office of Joshua Bourne
185 West F Street, Suite 100

San Diego, CA 92101
(619) 238-8242

6. *People v. Earnest* (SCN415055) (S.D. Cty. Super. Ct. 2021)

Mr. Earnest was charged with stalking a 17-year-old girl after seeing photos of her on social media. He never met her in person, but would call her, contact her on different social media platforms and contact her parents and friends through social media whenever she would block him from her accounts. This continued for several years even after the young lady became an adult and obtained a restraining order. Mr. Earnest pled guilty to several counts of stalking and violating a restraining order. The parties stipulated that Mr. Earnest would receive a suspended sentence, attend and complete mental health treatment and have regular review hearings with the court to ensure that he was complying with his treatment plan. I sentenced Mr. Earnest consistent with the stipulated agreement.

Counsel for People
Patricia Lavermicocca
San Diego District Attorney
325 South Melrose Drive, Suite 5000
San Diego, CA 92081
(760) 806-4084

Counsel for Defendant
James Dicks
JD Law
400 South Melrose Drive, Suite 109
Vista, CA 92081
(760) 630-2000

7. *People v. Lissona* (SCN415991) (S.D. Cty. Super. Ct. 2021)

Mr. Lissona was driving on a residential street, speeding, when he struck a 17-year-old girl who died because of her injuries. The victim was talking to friends in front of her house when Mr. Lissona struck her. After striking the victim, Mr. Lissona drove away from the scene, never offering any aid or assistance. Mr. Lissona was not contacted until several days later. Mr. Lissona later admitted that he was driving to obtain more drugs when he hit and killed the victim. Mr. Lissona pled guilty before me to the sole count of hit and run causing death, which under California law carries a maximum sentence of four years in state prison. After hearing from all parties, including the victim's family, I imposed the maximum sentence of four-years in state prison.

Counsel for People
Kimberly Coulter

San Diego District Attorney
325 South Melrose Drive, Suite 5000
Vista, CA 92081
(619) 441-4588

Counsel for Defendant

Brandon Naidu
Law Office of Brandon S. Naidu
2820 Camino Del Rio South, Suite 110
San Diego, CA 92108
(619) 363-4811

8. *People v. Tennery* (SCN425359) (S.D. Cty. Super. Ct. 2021)

Ms. Tennery drove her car after having several drinks at a bar, striking, and killing a bicyclist. She did not stop at the scene to render any assistance. Ms. Tennery turned herself into law enforcement a week after the incident and admitted her guilt. She was charged with one felony count of hit and run causing death and one misdemeanor count of vehicular manslaughter. Ms. Tennery pled guilty before me to both counts and, after hearing from both parties, I sentenced her to two years in state prison.

Counsel for People

Matthew Hardy
San Diego District Attorney
330 West Broadway Avenue
San Diego, CA 92101
(619) 531-4255

Counsel for Defendant

Alvaro Gonzalez
San Diego Public Defender
495 La Tortuga Drive, Suite 100
Vista, CA 92081
(760) 945-4072

9. *People v. Gonzalez* (SCN416003/SCN422190) (S.D. Cty. Super. Ct. 2020, 2021)

Mr. Gonzalez had a ghost gun and was showing it to friends while they were all smoking marijuana together. Mr. Gonzalez then let a 16-year-old hold the gun, who took it into a different room. While holding the gun and smoking marijuana, the 16-year-old shot and killed the 18-year-old victim. After the shooting, Mr. Gonzalez hid the gun before law enforcement arrived. The parties negotiated the case and entered in a plea agreement where Mr. Gonzalez pled guilty before me to charges of accessory after the fact and child endangerment. The parties both

agreed that Mr. Gonzalez would receive probation. While on probation and being supervised in the community, Mr. Gonzalez, during an argument with his girlfriend, assaulted a priest who intervened. Mr. Gonzalez was under the influence of alcohol at the time. Mr. Gonzalez entered a guilty plea to assault with force likely to inflict great bodily injury before me and I ultimately sentenced him to five years and eight months in state prison.

Counsel for People

Keith Watanabe
San Diego District Attorney
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Vista, CA 92081
(760) 806-4089

Counsel for Defendant

Charles Millioen
San Diego Alternate Public Defender
495 La Tortuga Drive, Suite 120
Vista, CA 92081
(760) 940-6406

10. *People v. Johnson* (SCN404012) (S.D. Cty. Super. Ct. 2020)

Mr. Johnson was driving under the influence, reaching speeds over 100 miles per hour on the freeway, and struck and killed a motorcyclist. He pled guilty before me to charges of gross vehicular manslaughter, driving under the influence of alcohol and with a blood alcohol level exceeding the legal limit to drive in California, along with admissions that he personally caused great bodily injury to the victim. I presided over the sentencing hearing, heard arguments from both parties and the decedent's family, and sentenced Mr. Johnson to six years in state prison.

Counsel for People

David Uyar
San Diego District Attorney
325 South Melrose Drive, Suite 5000
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(760) 806-4065

Counsel for Defendant

Gregory Garrison
Law Office of Gregory Garrison
402 West Broadway, Suite 400
San Diego, CA 92101
(619) 615-4216

- 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.

I have issued no written opinions.

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

None.

- 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.

None.

- 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.

I have issued no written opinions.

- 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.

None.

- 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 never sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you

recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

California law (Code of Civil Procedure Section 170.6) allows each party up to one peremptory challenge of a judge by filing an affidavit of prejudice without any specification of grounds for the alleged prejudice. The sitting judge reviews for timeliness and other procedural requirements but a timely, procedurally correct peremptory challenge under this section must be automatically granted. No party has ever requested my recusal on a case.

Aside from peremptory challenges, California Code of Civil Procedure Section 170.1 states that a judge must recuse himself or herself for among several different reasons, if the judge believes his or her recusal would further the interests of justice. Using this basis, since I've been a judge, I have recused myself from three cases and in each case, I recused myself sua sponte.

In each of the cases, I recused myself because I had been the prosecuting attorney for each of the Defendants' previous convictions. I immediately disclosed to the parties that I previously prosecuted the Defendants and recused myself from the new cases.

For each of those recusals, I initially examined the case and the attorneys to determine whether a conflict of interest or appearance of conflict existed such that I would be required to recuse or disclose the conflict pursuant to the California Code of Civil Procedure, the Code of Judicial Ethics, and other guidance on judicial ethics.

15. Public Office, Political Activities and Affiliations:

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

None.

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

responsibilities.

None.

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

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

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

I have never served as a clerk to a judge.

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

I have never practiced alone.

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

Fall 2004
San Diego Public Defender's Office
450 B Street # 900
San Diego, California 92101
Law Clerk

December 2004 – January 2005
Exclusively Legal
402 West Broadway, Suite 2500
San Diego, California 92101
Contract Attorney

2005
San Diego City Attorney's Office
1200 3rd Avenue, Suite 700
San Diego, California 92101
Deputy City Attorney

2006 – 2017
San Diego District Attorney's Office
Hall of Justice
330 West Broadway
San Diego, California 92101
Deputy District Attorney

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

I have never served as a mediator or arbitrator.

b. Describe:

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

In 2005, I worked as a Deputy City Attorney, prosecuting misdemeanor cases in the City of San Diego. In my year at the City Attorney's Office, I tried 19 jury trials, many of them driving under the influence cases.

From 2006 to 2017, I was a trial attorney at the San Diego District Attorney's Office. Of that time, I spent more than eight years prosecuting cases in the gang prosecution unit. I represented the People and tried over 30 jury trials and over 10 court trials, including several homicides, violent gang shootings, assaults, robberies, and sexual assault cases.

Since 2017, I have been a judicial officer presiding over several different criminal assignments.

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

As a government attorney my entire legal career before becoming a judicial officer, I have always represented the People of the State of California. I have never had an individual client.

- 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: 0%
- 2. state courts of record: 100%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 0%
- 2. criminal proceedings: 100%

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

I tried 59 jury trials and approximately 10 bench trials to verdict during my career. Of those cases, I was sole counsel in all but one. In that one case, I was lead counsel.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 86% |
| 2. non-jury: | 14% |

- 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 never 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:

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

- People v. Ware et al.*, SCD255884 in San Diego Superior Court, (Valentine, J.) 52 Cal. App. 5th 919 (2020)

Starting in 2012, I began investigating numerous shootings and assaults committed by members of a particular gang. In 2014, along with law enforcement, we were able to identify several individuals who were responsible for these shootings, and three defendants were charged with conspiracy to commit murder and a criminal gang conspiracy, and several individuals were charged with attempted murder, assault with a firearm, and unlawful possession of a firearm. The criminal gang conspiracy charge had not been used in the state before we charged it in this case. Because of that, there were several legal issues litigated by the parties throughout the prosecution of this case. There

were hundreds of thousands of reports and more than four hundred media discs containing interviews, photos, evidence, etc.

The trial began in March 2016, two years after the defendants were arrested and charged. The defendants were alleged to be members of a violent subset of a street gang whose members promoted and encouraged the killing of rival gang members. Members of the subset killed rival gang members as well. There was a total of eighteen shootings committed by members of this group. The trial lasted nearly ten weeks as more than 140 witnesses were called to testify. The jury found all three defendants guilty of conspiracy to commit murder, the criminal gang conspiracy charge, and of all the individual shootings that they were alleged to have committed.

I argued pre-trial motions, conducted witness examinations for over 70 witnesses, cross-examined several defense witnesses, presented the closing argument in the case and argued at the sentencing hearing. Defendant Ware was sentenced to 27 years plus 40 years to life. Defendant Simpson was sentenced to 36 years plus 25 years to life. Defendant Hoskins was sentenced to 25 years to life.

On appeal, the criminal gang conspiracy charge for Simpson and Hoskins was overturned because the court held that a conviction for the specific crime committed by a member of the Defendant's gang was not proven. At trial, we had argued, and the judge agreed, that we did not need to submit proof of a conviction for a specific crime, but that the jury had to make a finding that a specific crime was committed by a member of Defendant's gang. The case was remanded for resentencing and all remaining charges were upheld. In December 2020, the California Supreme Court granted Hoskins' petition for review as to whether there was sufficient evidence to support his conviction for conspiracy to commit murder. Oral argument was held on September 6, 2022.

Opposing Counsel

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Co-Counsel

Christopher Lawson
San Diego District Attorney
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San Diego, CA 92101
(619) 441-4854

Dates of representation: Approximately 2014 – 2016

2. *People v. Owens*, SCD240446 in San Diego Superior Court (Deddeh, J.)

In this case, one of the victims and a different male got into an argument over a cell phone. All the individuals involved were gang members. One of the victims sold a cell phone to another individual. The phone stopped working a few days after the sale. The buyer of the phone became very upset, and he and the seller of the phone got into an argument that escalated into a fight and then to murder – all during a three-day span. The night before the murder, the buyer of the phone shot at the victim and the victim had his gun stolen from his car by Mr. Owens. The day of the murder, the victim and his friend, who was Mr. Owens' cousin, went to Mr. Owens' apartment to meet the buyer of the phone. While at the apartment Mr. Owens and his cousin got into an argument and then Mr. Owens went into his apartment, retrieved the gun he stole from the victim the day before and opened fire on both victims. A second male also shot an automatic firearm at the victims, flushing them out from behind a car where they were hiding. Mr. Owens then chased the victims down and executed both, shooting them in the back of the head as they tried to run away. Both victims had very violent reputations for assaults and none of the witnesses were cooperative. Defendant was convicted of two counts of first-degree murder and sentenced to life in prison. I was sole counsel and handled all aspects of the case, including preliminary hearing, pretrial motions, the jury trial and sentencing.

Opposing Counsel

Gloria Collins
Law Offices of Gloria Collins
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Ramona, CA 92065
(619) 252-9611

Dates of representation: Approximately 2014 – 2015

3. *People v. Guillory*, SCD243864 in San Diego Superior Court (D. Gill, J.)

In this case Mr. Guillory and his girlfriend were at a liquor store where the victim flirted with Mr. Guillory's girlfriend. The girlfriend became upset and told Mr. Guillory. Mr. Guillory and the victim got into an argument, and then went outside where Mr. Guillory shot the victim once in the leg and walked away.

While investigating this shooting, officers located and arrested Mr. Guillory in public, as he left his house and attempted to drive away. Officers eventually obtained a search warrant to search Mr. Guillory's house for the clothing worn during the shooting and the gun used. Officers found the clothing worn during the shooting, indicia of narcotic sales, and five firearms including a rifle with a scope and a tripod. Further, officers located a safe in Mr. Guillory's bedroom and after obtaining a warrant to search the safe, located an additional firearm, \$28,000 in cash, hundreds of tablets/pills of controlled substances, nearly 10 grams of methamphetamine, and nearly 4 pounds of rock cocaine. Mr. Guillory was charged mayhem, assault with a firearm, unlawful possession of a firearm by a convicted felon and multiple counts of drug sales. The case proceeded to a jury trial and Mr. Guillory was convicted of all counts. Mr. Guillory was sentenced to 53 years 4 months to life in state prison.

I was sole counsel and handled all aspects of the case, including preliminary hearing, arguing against the motion to dismiss, and jury trial, including opening statement, direct examination of more than 10 witnesses, cross-examination of two witnesses, and closing argument.

Opposing Counsel

Frederick McClelland
Law Offices of Frederick McClelland
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San Diego, CA 92128
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Dates of representation: Approximately 2013 – 2014

4. *People v. Roberson et al.*, SCD225297 in San Diego Superior Court (Rogers, J.)

In this case, two groups of rival gang members got into an argument in the street at 1:00 in the morning as several clubs and bars were closing in the Gaslamp District of downtown San Diego. The argument turned into a physical fight. Since all the local clubs and bars were closing and it was Memorial Day weekend, there were hundreds of people on the street at the time. During the fight, one of the gang members pulled out a gun and began firing at the rival group. He shot three people: a rival gang member several times in the chest and torso; an innocent bystander once in the back as he was walking away; and an innocent young woman, who was out celebrating her twenty-first birthday, in the head, killing her instantly. I worked on the case with homicide detectives for months and initially I charged one person with murder. After continuing the investigation using a wiretap, I was able to charge one additional person based on the evidence. Detectives and I continued to investigate and conducted another wiretap investigation, and we presented the case to a grand jury. The grand jury returned indictments of four additional people. After a lengthy period, the case eventually went to trial. One of the four defendants pled guilty before trial began. The trial lasted ten weeks and more than 100 witnesses testified. I was sole counsel and handled all aspects of the case, including grand jury proceedings, preliminary hearing, pretrial motions, and all phases of the jury trial, including sentencing after trial. I conducted direct examination of

more than 90 witnesses, cross examination of more than 10 witnesses and closing argument. Ultimately, the jury convicted all three defendants of first-degree murder. Defendant Roberson was sentenced to 189 years to life plus 20 years. Defendant Craig was sentenced to 75 years to life plus 11 years. Defendant Scott was sentenced to 35 years to life.

In 2014, in an unrelated case, *People v. Chiu*, 59 Cal. 4th 155 (2014), the California Supreme Court ruled that an accomplice could not be convicted of first-degree murder under a natural and probable consequences theory, thus invalidating the theory of liability under which I proceeded under in this case. Based on that change, in 2016, the Appellate Court reduced the sentence for everyone to second degree murder and remanded the case to the trial court for resentencing. Defendant Roberson was resentenced to 159 years to life plus 15 years. Defendant Craig was resentenced to 65 years to life plus 11 years and eight months. Defendant Scott was resentenced to 15 years to life.

Opposing Counsel

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Timothy Chandler
Law Offices of Timothy Chandler
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San Diego, CA 92101
(619) 645-5245

Dates of representation: Approximately 2011 – 2013

5. *People v. Sanchez et al.*, SCD242421 in San Diego Superior Court (Hanoian, J.)

Both defendants were charged with two counts of attempted murder. They were members of a street gang and went into a rival gang's territory, where they saw a gathering of several people who were attending a memorial for an individual who had been killed the day before. The two defendants then fired 15 rounds at the group of bystanders at the memorial, striking the victim once. The victim of this shooting was the son of the man killed the day before. Both defendants ultimately pled guilty before trial. I was sole counsel and handled all aspects of the case, including preliminary hearing and

ultimately sentencing after the entry of guilty pleas. Both defendants were sentenced to 31 years in state prison.

Opposing Counsel

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Brooke Lafrance
Alternate Public Defender
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(619) 446-2900

Dates of representation: 2012

6. *People v. Riley*, SCD226240 in San Diego Superior Court (Halgren, J.), *Riley v. California*, 573 US 373 (2014)

This was an attempted murder case where Mr. Riley and two fellow gang members were accused of attempted murder for shooting at a rival gang member in a residential neighborhood. Officers searched Mr. Riley's cell phone incident to arrest and located several photos of him and his co-defendants displaying gang signs. They were able to use software to unlock the cell phone, locating photos of a maroon-colored car used in the shooting. There were also videos of the co-defendants. That search was challenged pretrial and a motion to suppress was denied by the San Diego Superior Court, based on California Supreme Court precedent. Mr. Riley was convicted at trial and later challenged the search of the cell phone incident to arrest. After trial, Mr. Riley appealed to the California Appellate Court and his appeal was denied. The California Supreme Court declined to hear the case and Mr. Riley then appealed to the United States Supreme Court, which granted certiorari and overruled the California Appellate Court in *Riley v. California*, 573 U.S. 373 (2014). After the Supreme Court's ruling, the case was remanded back to the California Appellate Court and, after additional briefing, Mr. Riley's conviction was upheld by the appellate court as the photos from the phone had a de minimis impact in the case compared to the totality of the evidence and was therefore harmless error. I was sole counsel and handled all aspects of the jury trial and sentencing hearing. I did not handle any aspects of the appeal. Mr. Riley was sentenced to 15 years to life in prison.

Opposing Counsel

Edward Kinsey
Law Offices of Edward Kinsey
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La Jolla, CA 92037

(619) 851-2144

Dates of representation: 2010 – 2011

7. *People v. Dickens*, SCD214245 in San Diego Superior Court (Danielson, J.)

In this case, the defendant and several friends were having a party at a local beach. While at the party they all drank substantial amounts of alcohol. After the party was over, defendant and five of his friends got into defendant's truck to leave. The victim got into the bed of the defendant's truck, while the other four occupants got inside of the cab. While driving away from the beach, defendant started swerving his truck several times to scare the victim who was lying in the bed of the truck. While driving very fast, defendant attempted to swerve his truck one final time and lost control of the truck and slammed into a tree. The victim in the bed of the truck suffered severe head trauma and died instantly. The other four passengers were all severely injured, suffering a broken back, a fractured femur, and facial lacerations. The defendant pled guilty to gross vehicular manslaughter and driving under the influence causing injury to another prior to trial and was sentenced to eight years in state prison. I was sole counsel and handled all aspects of the case, including preliminary hearing, arguing against a motion to dismiss, and ultimately the entry of a guilty plea and sentencing.

Opposing Counsel

Nicholas Depento
Law Office of Nicholas Depento
501 West Broadway, Suite A-410
San Diego, CA 92101
(619) 236-1151

Dates of representation: 2009

8. *People v. Echols*, SCD220048 in San Diego Superior Court (Danielsen, J.)

Mr. Echols and the victim were friends and both members of the United States Navy. They were at Mr. Echols's apartment playing video games and smoking marijuana. Mr. Echols had several guns, similar to the guns used in the video game, and brought them out to show the victim. Mr. Echols started playing with the guns and shot the victim in the chest while the victim was seated in a chair. Mr. Echols waited approximately 1 hour before calling 911 for assistance. The victim died before paramedics arrived. Mr. Echols pled guilty to voluntary manslaughter before trial and at his sentencing hearing, I argued for prison, but the Court granted his request for probation. I handled all aspects of the case, including arraignment, the entry of the guilty plea and sentencing.

Opposing Counsel

Charles Goldberg
CLG Defense Group
3328 Crown Point Drive

San Diego, CA 92109
(619) 297-1111

Dates of representation: Approximately 2009

9. *People v. McCullough*, SCD213537 in San Diego Superior Court (Shamoon, J.)

The victim and defendant had both attended a party in downtown San Diego. They were waiting outside for a taxi and the victim was in line ahead of the defendant. Defendant attempted to push his way in, and the victim told him that the next cab was his. Defendant laughed at the victim and when the next cab pulled up, defendant pushed the victim out of the way and then sucker punched him, knocking him to the ground where the victim struck his head on the curb, suffering massive head trauma, including swelling and bleeding on his brain. The victim was placed in a medically induced coma for several days. The victim had both marijuana and cocaine in his system. He also had a high blood alcohol content and, minutes before he was punched, he was seen trying to punch someone else. Defendant was convicted of assault and was found to have personally inflicted great bodily injury on the victim. He was sentenced to probation and a suspended sentence. I was sole counsel and handled all aspects of the jury trial, including opening statement, direct examination of witnesses, cross-examination of witnesses, closing arguments, and sentencing.

Opposing Counsel

David Baker
Rudolph Baker & Associates
419 19th Street
San Diego, CA 92102
(619) 235-0010

Dates of representation: Approximately 2009

10. *People v. Hardman*, SCN233447 in San Diego Superior Court (A. Katz, J.)

In this case, the victim suffered from developmental disabilities and was lured over to a house in Escondido by a female at the request of Mr. Hardman. Inside the house's garage the victim was attacked by Mr. Hardman and two other individuals. Mr. Hardman was two weeks shy of his 18th birthday at the time. Mr. Hardman had the victim lured over to the house, because the victim told the owner of the home that Mr. Hardman and others were using drugs at the house. Mr. Hardman hit the victim in the face several times and struck him with a golf club, knocking the victim to the ground. While on the ground, Mr. Hardman and one of his companions removed all the victim's property from his person, including his watch, necklace, wallet, cell phone and car keys. They then got the victim's car and while holding the victim at knife point, tied up his hands and feet with zip ties, covered his face with a beanie and gagged his mouth. Mr. Hardman and his companions then forced the victim into the trunk of the victim's car and drove him to an isolated area near a lake, tied the victim to a tree and left him there late at night. The victim was able

to free himself and walked around several hours until he found a house where he was able to call 9-1-1. The victim suffered facial fractures and head injuries. Mr. Hardman pled guilty assaulting the victim and was sentenced to five years in state prison.

I was sole counsel and handled all aspects of the case including a fitness hearing in juvenile court where the Court ultimately found that Mr. Hardman was not fit to remain in juvenile court and remanded the case to the Superior Court. I also conducted the preliminary hearing and ultimately the entry of a guilty plea and sentencing hearing.

Opposing Counsel

Brooke Lafrance
Alternate Public Defender
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(619) 446-2900

Dates of representation: Approximately 2007

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

As a Deputy District Attorney, in addition to trials, I have been involved in numerous law enforcement investigations, many of which required wiretaps, the use of confidential informants and grand jury proceedings. Many of these investigations led to criminal prosecution in numerous cases.

Further, while a Deputy District Attorney, I conducted numerous in-house trainings on the law of accomplice liability and the admissibility of social media evidence. I was a member of the hiring committee for law clerks and new attorneys. I was also a mentor to several newer attorneys and gave trainings to new attorneys as part of their initial training in the office.

I have not performed any lobbying activities or registered as a lobbyist.

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

None.

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.

None.

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.

My wife is a lawyer at the San Diego City Attorney's Office's Civil Advisory Unit. In order to avoid any appearances of conflicts of interest, I would recuse myself from all cases involving the San Diego City Attorney's Office. I would inform the Clerk of the Court of this potential conflict and instruct the Clerk that these cases should not be assigned to me. If, however, a case was assigned, I would orally inform the parties of the conflict and recuse myself.

- 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 as a District Judge, I would handle any matters involving actual or

potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

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.

While at the San Diego City Attorney's Office and the San Diego District Attorney's Office, I was not permitted to provide any pro bono legal representation to outside organizations or individuals. Instead, I served the community through programs like Project LEAD, where we worked with fifth grade students in socioeconomically disadvantaged communities and taught them lessons on various topics, including budgeting, avoiding gangs, and planning for college.

I have spoken to at-risk youth at several middle and high schools about my background and the challenges I have overcome to encourage them make good decisions and pursue higher education.

Further, from 2007 to 2009, while a board member of the California Young Lawyer's Association, I helped lead a project in San Diego to encourage new and young lawyers to become involved with advocacy for foster youth. This program was funded by a grant from the California State Bar Foundation. After obtaining the grant, I helped to organize training sessions in conjunction with the San Diego Volunteer Lawyer's Program to recruit and train young lawyers to provide advocacy services and assistance to foster children transitioning out of the foster care system.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On January 30, 2021, I submitted my application for the U.S. District Court for the Southern District of California to Senator Feinstein's Judicial Advisory Committee. On February 19, 2021, I applied to the Office of Senator Padilla. On March 15, 2021, I was interviewed by Senator Feinstein's local advisory committee. On May 12, 2021, I met with the chair of Senator Padilla's judicial

evaluation commission. On August 24, 2021, I was interviewed by Senator Padilla's local evaluation commission. On November 16, 2021, I was interviewed by the statewide chair of Senator Feinstein's advisory committee. On January 28, 2022, I was interviewed by the statewide chair of Senator Padilla's commission. On February 18, 2022, I was interviewed by counsel for Senator Padilla. On March 3, 2022, I was interviewed by Senator Padilla. On March 11, 2022, I interviewed with attorneys from the White House Counsel's Office. Since March 13, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 14, 2022, my nomination was submitted 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.