

UNITED STATES SENATE
COMMITTEE ON THE JUDIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brian Curtis Wimes

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

United States District Judge for the Eastern and Western Districts of Missouri

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.

Jackson County Courthouse
415 East 12th Street, Division 18
Kansas City, Missouri 64106

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

1966; Kansas City, Missouri

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate fore each the dates of attendance, whether a degree was received, and the date each degree was received.

1991 – 1994, Thurgood Marshall School of Law, Texas Southern University;
J.D., 1994

1988 – 1989, University of Kansas; Bachelor of General Studies, 1990

1986 – 1987, Longview Community College; Associate's Degree, 1987

1984 – 1986, University of Missouri – Columbia; no degree received

1984, University of Central Missouri; no degree received

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.

2007 – Present
16th Judicial Circuit Court of Jackson County, Missouri
415 East 12th Street, Division 18
Kansas City, Missouri 64106
Circuit Court Judge

2001 – 2007
16th Judicial Circuit Court of Jackson County, Missouri
415 East 12th Street, Division 50
Kansas City, Missouri 64106
Drug Court Commissioner

1995 – 2001
Jackson County Prosecutor's Office
415 East 12th Street
Kansas City, Missouri 64106
Assistant Prosecuting Attorney

1994 – 1995
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534
Attorney Advisor, Litigation Branch

1992 – 1994
Thurgood Marshall School of Law
3100 Cleburne Street
Houston, Texas 77004
Teaching Assistant

Summer 1993
Jackson County Prosecutor's Office
415 East 12th Street
Kansas City, Missouri 64106
Intern

Summer 1992
Chicago Title Insurance Company
1100 Main Street
Kansas City, Missouri 64105
Intern

Summer 1992
Larry Delano Coleman, PC
818 Grand Avenue
Kansas City, Missouri 64106
Law Clerk

1990 – 1991
Kansas City, Missouri School District
Longan Elementary School
3421 Cherry Street
Kansas City, Missouri 64109
Para-Professional

Other Affiliations (uncompensated):

2008 – Present
University of Missouri – Kansas City School of Law
Kansas City Youth Court
500 East 52nd Street
Kansas City, Missouri 64110
Board Member

1999 – Present
Penn Valley Community College
Criminal Justice Advisory Board
3201 Southwest Trafficway
Kansas City, Missouri 64111
Board Member

2002 – 2007
Hope House Domestic Violence Shelter
Location confidential due to subject matter
Board Member

2002 – 2007
Missouri Association of Drug Court Professionals
Office of State Court Administrator
2112 Industrial Drive
Jefferson City, Missouri 65109
President (2005 – 2007)
Board Member (2002 – 2005)

2002 – 2007
Mental Health Association of the Heartland
739 Minnesota Avenue
Kansas City, Kansas 66101
Board Member

2005 – 2006
Kansas City, Missouri School District
King Middle School
4201 Indiana Avenue
Kansas City, Missouri 64130
Truancy Court Judge

1996 – 1997
Union Hill Neighborhood Association
No physical address
Treasurer, Board Member

1993
Thurgood Marshall School of Law
3100 Cleburne Street
Houston, Texas 77004
Research Assistant

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

I have not served in the United States Military. I registered for the selective service upon turning 18.

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.

Selected to participate in the Advanced Science & Technology Adjudication Resource Center (ASTAR) Program (2010)

Recognized by The Call Newspaper as one of the 25 most influential African American Kansas Citians (2009)

Recognized by the Jackson County legislature for six years of distinguished service to the Jackson County Drug Court (2007)

Mental Health Community Service Award, Jackson County Mental Health Court Commission (2006)

Community Service Award, United Services Community Action Agency (2003)

Ingram Magazine's "Forty Under Forty" (2002)

One of 60 Prosecutors selected nationwide to participate in advanced DNA training at the national headquarters of the National District Attorney's Association (2001)

Meritorious Service Award, Kansas City Missouri Police Department (1999)

Service Award, Santa Fe Neighborhood Association (1998)

Rookie of the Year Award, Jackson County Prosecutor's Office (1995)

Dean's List (1993 – 1994)

Scholarship Recipient, Black Entertainment and Sports Law Association (1993)

Regional Semi-finalist, Frederick Douglas Moot Court Competition (1993)

Semi-finalist, Henry Doyle Moot Court Competition (1993)

American Jurisprudence Award, Appellate Litigation (1992)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences or which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

Jackson County Bar Association

Judge for the Kit Carson Roque Scholarship (2001 – Present)

Missouri Bar Association

National Bar Association Judicial Council

16th Judicial Circuit Court of Jackson County Committees:

Budget Committee (2011 – Present)

Rules Committee (2009 – Present)

Municipal Courts Committee (2001 – Present)

Executive Management Committee (2008 – 2010)

Communications Committee (2001 – 2008)

Selection Committee for Family Court Commissioner (2008)

Strategic Planning Committee (2008)
Ad Hoc Criminal Justice Committee (2001 – 2007)
Selection Committee for Drug Court Commissioner (2007, 2011)

Supreme Court of Missouri
Alternative Courts Rules Committee
Civic Education Committee
Drug Court Coordinating Commission

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.

Missouri, 1994

There has been no lapse in membership.

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

Missouri Supreme Court, 1994

There has been no lapse in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Cancer Society's Hope in The Heartland Gala
Co-Chair (2006)

Big Brothers Big Sisters of Greater Kansas City
Big Brother (1996 – 2000)

Greenway Fields Home Owners Association (1999 – Present)

Hope House Domestic Violence Shelter
Board Member (2002 – 2007)

Jackson County Mental Health Court
Committee Member (2001 – 2007)

Kansas City Youth Court
Board Member (2008 – Present)

King Middle School, Kansas City, Missouri School District
Truancy Court Judge (2005 – 2006)

Mental Health Association of the Heartland
Board Member (2002 – 2007)

Missouri Association of Drug Court Professionals
President (2005 – 2007)
Board Member (2002 – 2005)

National Center for Fathering WATCH D.O.G.S. (Dads of Great Students)
(2010 – Present)

Northeast Middle School Job Shadow Program, Kansas City, Missouri
School District
Participant (2001)

Penn Valley Community College, Criminal Justice Advisory Board
Board Member (1999 – Present)

Phi Beta Sigma Fraternity Incorporated (2009 – present)

St. Monica's Catholic Church
Lector (2009 – Present)
Pledge Committee Member (2000 – 2001)

St. Peter's School
Cultural Bazaar Committee (2009 – Present)
Volleyball Coach (2008 – 2009)

Union Hill Neighborhood Association
Board Member, Treasurer (1996 – 1997)

University of Missouri – Kansas City School of Law
Board Member (2008 – 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.

My neighborhood association had restrictive covenants in their rules excluding African Americans from home ownership. Those exclusions have been ruled by courts to be unenforceable and no longer exist. The covenants were removed from the by-laws by Missouri Statute in 2006.

I am a member of the Phi Beta Sigma Fraternity, an organization that I pledged in college. The fraternity is an all male organization at the chapter I pledged and at the national level.

To the best of my knowledge, none of the other organizations listed in question 11(a) currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

Short introduction in the Missouri Association of Drug Court Professionals 10th Annual Drug Court Training Conference agenda, April 2007 and 2008. Copies 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.

In 2008, I was a member of the 16th Judicial Circuit Court Strategic Planning Committee, which met regularly to work on a strategic plan for our judicial circuit. In October of 2008, the committee produced a document titled *2009-2012 Strategic Plan*. Copy supplied.

In 2004, I was interviewed by the Center for Court Innovation for a report entitled *The Future of Drug Courts*. I do not recall the specifics of the questions or my answers. While I did not write the report and my ideas are not specifically credited to me, a copy of the report is supplied.

In 2003, I was part of a focus group of Drug Court professionals that specifically addressed law enforcement's role in Drug Courts. I do not have a specific memory of all items that were discussed, but the ideas were published by the National Association of Drug Court Professionals in partnership with the United States Department of Justice, Office of Community Oriented Policing Services, in a report entitled *Drug Courts, Chiefs of Police and Sheriffs: A Broader Look at Law Enforcement*. A copy of the report is supplied.

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

None that I have been able to recall or identify.

- d. Supply four (4) copies, transcripts or recordings or 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 sought to list all speeches, talks, and presentations I have delivered based on searches of my files and of publicly available information. There may, however, be others I have been unable to remember or identify. Since becoming a prosecutor and a judge, I have made it my practice to be active in the community, giving speeches and talks, and presenting to various groups as time has permitted. Since becoming a judge my speaking engagements with groups have centered primarily on different aspects of the judiciary.

August 17, 2011 – Presented along with other judges on the topic of DWI Courts in the State of Missouri, Missouri Judicial College (2011). The presentation was to other judges in the State of Missouri and included relevant DWI laws, the purpose and structure of the DWI Court, and additional considerations including admission program parameters and limitations to a court should a DWI Court be established. PowerPoint supplied.

June 1, 2011 – Speaker at summer law school camp, University of Missouri Kansas City School of Law (UMKC). I spoke with undergraduate students from across the United States who had an interest in the legal profession. I spoke to the students about the legal profession and my background and experiences as a lawyer and a judge. I also provided time for a question and answer session. I

have no notes, transcript or recording. The address of the law school is 500 East 52nd Street, Kansas City, Missouri 64110.

May 26, 2011 – Swore in the newly appointed Jackson County Prosecutor. I spoke briefly on our professional and personal relationship as it related to her qualifications for the position. I have no notes, transcript or recording. The address of the Jackson County Courthouse is 415 East 12th Street, Kansas City, Missouri 64106.

May 20, 2011 – Presented along with other judges “Lessons from the Bench.” The presentation focused on practice tips for young lawyers including the need for civility and professionalism. Bench-Bar & Boardroom Conference, Kansas City Metropolitan Bar Association. I have no notes, transcript or recording. The address of the KCMBA is 2300 Main Street, Suite 100, Kansas City, Missouri 64108.

April 5, 2011 – Prepared students of St. Peter’s School for a mock trial competition. I have no notes, transcript or recording. The address of the school is 6400 Charlotte Street, Kansas City, Missouri 64131.

March 10, 2011 – Guest speaker at University of Missouri Kansas City, Criminal Justice & Criminology class. I spoke to the students about the criminal justice system and had a question and answer session. I have no notes, transcript or recording. The address of the university is 5215 Rockhill Road, Kansas City, Missouri 64110.

February 9, 2011 – Instructed Kauffman Foundation and Operation Breakthrough students on trial practice in preparation for a mock trial competition. I have no notes, transcript or recording. The address of the Kauffman Foundation is 4801 Rockhill Road, Kansas City, Missouri 64110.

January 29, 2011 – Presentation to Jack and Jill of America. I spoke about the trial process and the students presented a mock trial. I have no notes, transcript or recording. The Jack and Jill of America, Missouri Chapter does not have a physical address.

January 28, 2011 – Swore in a newly appointed Jackson County Circuit Court Judge. I have no notes, transcript or recording. The address of the Jackson County Courthouse is 415 East 12th Street, Kansas City, Missouri 64106.

November 19, 2010 – Judge at the 61st Annual Moot Court Competition, sponsored by the University of Missouri Kansas City Law School. I have no notes, transcript or recording. The address of the school is 500 East 52nd Street, Kansas City, Missouri 64110.

October 7, 2010 – Panelist with other recently appointed 16th Circuit judges, Missouri Organization of Defense Lawyers. We spoke generally about our own practices and procedures in our particular courtrooms. We also provided time for a question and answer session. I have no notes, transcript or recording. The address of MODL is 101 East High Street, Suite 200, P.O. Box 1072, Jefferson City, Missouri 65102.

September 15, 2010 – Speaker, Waldo-area Business Association, Kansas City, Missouri. I spoke about different aspects of the court system. I also provided time for a question and answer session. I have no notes, transcript or recording. The address of the association is 6814 Troost Avenue, Kansas City, Missouri 64131.

September 2010 – Speaker, Penn Valley Community College. I spoke to an undergraduate class about different aspects of the court system. I also provided time for a question and answer session. I have no notes, transcript or recording. The address of the college is 3201 Southwest Trafficway, Kansas City, Missouri 64111.

May 22, 2010 – Panel discussion with members of the National Bar Association, “Disappearing Act: The Decline of African Americans on the Bench.” I have no notes, transcript or recording. The address of the NBA is 1225 11th Street NW, Washington, DC 20001.

May 18, 2010 – Panel discussion with Ad Hoc Group Against Crime. I spoke to the group about the court’s role in trial. I have no notes, transcript or recording. The address of the group is 3116 Prospect Avenue, Kansas City, Missouri 64128.

May 2010 – Speaker, Cedar Creek Elementary School. I spoke to an elementary school class about different aspects of the court system. I also provided time for a question and answer session. I have no notes, transcript or recording. The address of the school is 2600 Southwest 3rd Street, Lees Summit, Missouri 64081.

April 9, 2010 – Panelist for a “Meet the New Circuit Court Judges” event, Kansas City Metropolitan Bar Association. We spoke generally about our practices and procedures in our particular courtrooms. We also provided time for a question and answer session. I have no notes, transcript or recording. The address of the KCMBA is 2300 Main Street, Suite 100, Kansas City, Missouri 64108.

February 6, 2010 – University of Missouri Kansas City School of Law, “So You Want To Be A Lawyer” Annual Law School Recruitment Day. I spoke with prospective law students about my background and my experiences as a lawyer and a judge. I also provided time for a question and answer session. I have no notes, transcript or recording. The address of the school is 500 East 52nd Street, Kansas City, Missouri 64110.

February 2010 – Panel discussion for the Missouri Bar, Young Lawyer Section annual meeting, Kansas City, Missouri. I spoke about my path to the bench along with my fellow colleagues. We provided time for a question and answer session. I have no notes, transcript or recording. The address of the Missouri Bar is 326 Monroe, P.O. Box 119, Jefferson City, Missouri 65102.

January 30, 2010 – Presentation to Jack and Jill of America. I spoke about the trial process and observed the students present a mock trial. I have no notes, transcript or recording. The Jack and Jill of America, Missouri Chapter does not have a physical address.

January 16, 2010 – Panelist at Urban Summit Conference, Kansas City, Missouri. I spoke with a group about opportunities for jobs relating to public service and those jobs which require appointment. I have no notes, transcript or recording, but press coverage is supplied. The Urban Summit does not have a physical address.

January 5, 2010 – Spoke with mock trial team from Operation Breakthrough. I spoke with the students about the trial process. I have no notes, transcript or recording. The address of Operation Breakthrough is 3039 Troost Avenue, Kansas City, Missouri 64109.

December 5, 2009 – Guest speaker at St. Augustine’s Episcopal Church. I spoke about churches and issues facing the community. Notes supplied.

December 2009 – Speaker at the Imani House substance abuse treatment center. A member of the Imani house was celebrating Kwanzaa and I spoke about one of the seven principles of Kwanzaa, “self-determination.” I have no notes, transcript or recording. The address of the center is 3950 East 51st Street, Kansas City, Missouri 64130.

October 29, 2009 – Spoke at Diversity Recruitment forum, University of Missouri Kansas City School of Law. I have no notes, transcript or recording. The address of the law school is 500 East 52nd Street, Kansas City, Missouri 64110.

October 9 – 10, 2009 – Judge for Thomas Tang National Moot Court final rounds, Asian American Bar Association of Kansas City. I sat as a judge for the oral arguments. At the conclusion of the arguments, I gave a critique of the participants’ performance. I have no notes, transcript or recording. The bar can be contacted through Seema Chawla, Bryan Cave LLP, 1 Kansas City Place, 1200 Main Street, Suite 3500, Kansas City, Missouri 64105.

October 2009 – Panelist in Civil Court forum on the litigation process, National Business Institute (NBI). Video recording supplied.

September 2009 – Spoke to litigation attorneys about discovery issues. The presentation was sponsored by Polsinelli, Shughart PC. I have no notes, transcript or recording. The address of Polsinelli, Shughart is Twelve Wyandotte Plaza, 120 West 12th Street, Kansas City, Missouri 64105.

June 27, 2009 – Panelist, judicial forum, Missouri Association of Trial Attorneys. I spoke with attorneys and members of the judiciary about a variety of subjects involving the court. I have no notes, transcript or recording. The address of MATA is 240 East High Street, Suite 300, P.O. Box 1792, Jefferson City, Missouri 65102.

June 6, 2009 – Spoke with students from the Center Alternative School about the trial process, Jackson County Courthouse. I have no notes, transcript or recording. The address of the school is 8434 Paseo, Kansas City, Missouri 64131.

May 1, 2009 – Panelist, “How Judges Are Handling the Difficult Financial Decisions Regarding Property, Debts, and Child Support in These Challenging Financial Times,” Kansas City Metropolitan Bar Association. We spoke with attorneys about how we are handling issues related to domestic cases. I have no notes, transcript or recording. The address of the KCMBA is 2300 Main Street, Suite 100, Kansas City, Missouri 64108.

April 9, 2009 – Prepared students of St. Peter’s School for a mock trial competition, Jackson County Courthouse. I have no notes, transcript or recording. The address of the school is 6400 Charlotte Street, Kansas City, Missouri 64131.

April 4, 2009 – Speaker at the Investiture of Family Court Commissioner, Family Court. I have no notes, transcript or recording. The address of the court is 625 East 26th Street, Kansas City, Missouri 64108.

March 3, 2009 – Guest speaker at the University of Missouri Kansas City Criminal Justice & Criminology class. I spoke to the students about the criminal justice system and had a question and answer session. I have no notes, transcript or recording. The address of the university is 5215 Rockhill Road, Kansas City, Missouri 64110.

February 7, 2009 – University of Missouri Kansas City School of Law, “So You Want To Be A Lawyer” Annual Law School Recruitment Day. I spoke with prospective law students about my background and my experiences as a lawyer and a judge. I also provided time for a question and answer session. I have no notes, transcript or recording. The address of the law school is 500 East 52nd Street, Kansas City, Missouri 64110.

January 13, 2009 – Judge, Missouri State High School Mock Trial Competition, Jackson County Courthouse. I have no notes, transcript or recording. The address of the courthouse is 415 East 12th Street, Kansas City, Missouri 64106.

April 2008 – As the immediate past president, I presented the Family Drug Court Commissioner with the Claire McCaskill Award from the Missouri Association of Drug Court Professionals. My comments acknowledged the Commissioner for her contributions to the Missouri Drug Courts. I have no notes, transcript or recording, but a press release covering the event is supplied. The Association does not have a physical address.

August 31, 2007 – Sworn in as Jackson County Circuit Court Judge, Jackson County Courthouse. Transcript supplied.

August 2007 (approx.) – Keynote speaker at the Kansas City Missouri Police Academy Graduation. Copy of speech supplied.

March 13, 2007 – Panel discussion sponsored by Greater Kansas City Federal Executive Board Education & Training Subcommittee, “Mid-Career and Life Planning” Seminar. I have no notes, transcript or recording. The address of the board is 1500 East Bannister Road, Suite 1176, Kansas City, Missouri 64131.

March 13, 2007 – Kansas City Metropolitan Bar Association, Young Lawyer Section, Interview and Resume Program. I spoke with students about interviewing and resume writing. Notes supplied.

August 2006 – Co-chair, American Cancer Society’s Hope in the Heartland Gala, Intercontinental Hotel. My wife and I made opening remarks and comments related to the topic. I have no notes, transcript or recording. The address of the society is 1100 Pennsylvania Avenue, Kansas City, Missouri 64105.

May 21, 2005 – Commencement speaker at Westport High School Graduation. Speech supplied.

April 23, 2005 – Welcome address for Drug Court Conference and moderator for a panel entitled “Alcohol and Drugs: Pathological Impact on the Body.” From my time (2002-2007) on the Board of the Missouri Association of Drug Court Professionals, I may have moderated other sessions but have been unable to identify the dates. I have no notes, transcript or recording. The Association does not have a physical address.

September 22, 2003 – Presentation to fifth grade students at St. Monica’s School, Kansas City, Missouri 64130. Outline supplied.

June 23, 2003 – Keynote speaker at the Third Judicial District Drug Court Graduation Ceremony, Topeka, Kansas. Notes supplied.

August 3, 2001 – Sworn in as Jackson County Drug Court Commissioner, Jackson County Courthouse. Video recording supplied.

2001 – 2007 – Speaker at bimonthly Drug Court graduation ceremonies and annual Drug Court conferences, Kansas and Missouri. I have no notes, transcripts or recordings. The graduations were sponsored by the Jackson County Courts, which are located at 415 East 12th Street, 9th Floor, Kansas City, Missouri 64106.

2001 – 2007 – Presented to various groups around Jackson County, Missouri about the Jackson County Drug Court. A PowerPoint presentation that I often used is supplied. The presentations were sponsored by the Jackson County Drug Court, located at 415 East 12th Street, 10th Floor, Kansas City, Missouri 64106.

1999 – 2006 – Regular speaker at Grandview Senior High School. Over the years I have spoken on various subjects related to the legal field. More particularly, I spoke about the criminal justice system. I have no notes, transcripts or recordings. The address of the school is 2300 High Grove Road, Grandview, Missouri 64030.

1997 – Performed seminars sponsored by the Community Backed Anti-Drug Tax (COMBAT) on landlord-tenant issues relating to drug activity on rental property. The seminars occurred throughout Jackson County, Missouri. I have no notes, transcripts or recordings. The program is overseen by the Jackson County Courts, which are located at 415 East 12th Street, 9th Floor, Kansas City, Missouri 64106.

- 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.

Over the years, I have given a number of interviews. I have searched my memory, files, and available internet databases to assemble the list of interviews below, but there may be others that I have been unable to identify or recall.

Convicted Rapist Sentenced to 18 More Years, KANSAS PUBLIC RADIO (July 3, 2008) [re-printed in multiple outlets]. Copy supplied.

Tony Rizzo, *Judge's Ban on the Use of the Word "Rape" at Trial Reflects Trend*, KANSAS CITY STAR (June 7, 2008). Copy supplied.

Joe Lambe, *Man Sentenced to 25 Years for Sexual Assault*, KANSAS CITY STAR (Jan. 12, 2008)[re-printed in multiple outlets]. Copy supplied.

Eric Adler, *Scrooge vs. the Grinch: Which One is Meaner?*, KANSAS CITY STAR (Dec. 24, 2007). Copy supplied.

Jennifer Kopp-Dameron, *Brian Wimes Appointed to 16th Judicial Circuit*, ASSOCIATION FOR WOMEN LAWYERS OF GREATER KANSAS CITY LINK (Nov. 2007). Copy supplied.

Interview with Ty Chandler, KCUR-FM PUBLIC BROADCASTING, Kansas City, Missouri (July 23, 2007), *available at* http://www.publicbroadcasting.net/kcur/news.newsmain?action=article&ARTICLE_ID=1118172.

Charles Emerick, *Newest Member of Jackson County Circuit Court Bench Connects Passion to Dream*, KANSAS CITY DAILY RECORD (July 20, 2007). Copy supplied.

Eric L. Wesson, *Commissioner Wimes Makes Circuit Judge Panel*, CALL (Kansas City) (June 22-28, 2007). Copy supplied.

Charles Emerick, *Two Candidates for Jackson County Circuit Court Reappear on Panel for Opening*, KANSAS CITY DAILY RECORD (June 13, 2007). Copy supplied.

Debbie Coleman-Topi, *StandUp Tackles OTC and Prescription Drug Abuse*, THE EXAMINER (Apr. 23, 2007). Copy supplied.

Charles Emerick, *Kansas City Courthouse Roundup*, KANSAS CITY DAILY RECORD (Apr. 16, 2007). Copy supplied.

Kendrick Blackwood, *Crack Down, Jackson County is High on Its Low Drug-Prosecution Numbers*, PITCH (June 16, 2005). Copy supplied.

Chris Becicka, *Fighting the Good Fight*, COMMUNITY CARE (July 2003). Copy supplied.

Linda Man, *Drug Court Helps Many Graduate to a Better Life*, KANSAS CITY STAR (May 4, 2002). Copy supplied.

Forty Under Forty: Brian Wimes, INGRAM'S FOR SUCCESSFUL KANSAS CITIANS (Apr. 1, 2002). Copy supplied.

Press release, *Court Appoints Brian Wimes as Jackson County Drug Court Commissioner*, 16TH JUDICIAL CIRCUIT COURT (June 15, 2001). Copy supplied.

Television interview with Kris Ketz, reporter, KMBC channel 9 television station, in Kansas City, Missouri (1999-2000) (regarding the Community Justice Unit). Video copy supplied.

Christine Vendel, *Burglary Rate Up 22% in the City. Brunt of Increase Hits Wealthy Areas*, KANSAS CITY STAR (Mar. 6, 1999). Copy supplied.

Christine Vendel, *Into the Neighborhood, Crime-Fighting Plan Adds Prosecutors and Parole Officers*, KANSAS CITY STAR (May 3, 1998). Copy supplied.

Television interview for Alvin Brooks Small Segment. I do not recall and have been unable to determine the specific date, but I believe it was between 1995 and 1998. I have not been able to obtain a copy of the recording.

Glenn E. Rice, *Jury Acquits Man, 23, in Fatal '94 Shooting, Witness Immunity is Granted to Two Under New State Law*, KANSAS CITY STAR (Dec. 19, 1997). Copy supplied.

Lynn Horsley, *Anti-Truancy Effort Sees Improvement, KC Schools' Program Leads to Small but Solid Results*, KANSAS CITY STAR (Apr. 29, 1997). Copy supplied.

Duane Retzlaff, *Black Student Union Sponsoring Pageant*, LAWRENCE JOURNAL-WORLD (Dec. 8, 1989). Copy supplied.

RaKeisha M. Brown, *Fewer Drug Offenders is Goal of Court Official*, KANSAS CITY ASSOCIATION OF BLACK JOURNALISTS JOURNAL (date unknown). 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.

In 2001, I was appointed to serve as the Drug Court Commissioner for Jackson County Missouri. I was appointed by the Judges of the 16th Judicial Circuit to a four year term. In 2005, I was re-appointed to serve another four years as Drug Court Commissioner. I served in this capacity until my appointment as a Circuit Judge. As a Commissioner, I had jurisdiction to hear misdemeanor and felony drug cases.

In July 2007, I was appointed by then-Governor Matt Blunt to serve as Circuit Court Judge for the Sixteenth Judicial Circuit, Jackson County, Missouri. I was retained as a Circuit Court Judge in the 2008 election cycle. My present term expires in 2014. The Circuit Court is Missouri's general jurisdiction trial court. I was assigned to the Family Court Division from August of 2008 to December of 2009.

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

As a Circuit Court Judge, I have presided over approximately 29 criminal trials that have gone to verdict or judgment, 25 civil trials that have gone to verdict or

judgment, and 509 domestic cases that have gone to verdict or judgment (pursuant to Missouri law, all domestic cases are tried before a judge without a jury).

As Drug Court Commissioner, I presided over approximately 450 cases that were assigned to me. Additionally, I handled approximately 600 probation cases that were assigned to me from all divisions of the 16th Judicial Circuit. Due to the nature of the Drug Court program, I conducted no bench trials or jury trials.

i. Of these, approximately what percent were:

jury trials: 59 %

bench trials: 41%

civil proceedings: 43%

criminal proceedings: 57%

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

In my capacity as a state court trial judge, I have entered hundreds of decisions in civil, criminal, and domestic matters. For each case before me, I entered a judgment or order, and those judgments and orders are not assigned a citation. Those judgments and orders are entered into the record and then distributed to the attorneys and parties. They are stored within the case file and it would be impossible to create a list of every judgment or order that I have entered. They are not published in an official reporter, such as Westlaw or Lexis.

In my capacity sitting as a Special Judge for the Missouri Court of Appeals, Western District, I did not write any opinions but I did concur with the following opinions:

In re H.A.D. v. J.L.B., 319 S.W.3d 557 (Mo. Ct. App. 2010) (per curiam).

City of Kansas City v. Shirazi, 326 S.W.3d 96 (Mo. Ct. App. 2010) (per curiam).

State v. Harding, 323 S.W.3d 810 (Mo. Ct. App. 2010).

In re Estate of Schiro v. George, 325 S.W.3d 554 (Mo. Ct. App. 2010) (per curiam).

On September 14, 2011, I sat as a Special Judge for the Missouri Supreme Court En Banc. We heard oral arguments and took those matters under advisement. The opinions of the Court will be published at a later date. The two cases heard were:

Simpson v. Simpson, SC91498 (Sept. 14, 2011).

St. Louis Association of Realtors v. City of Ferguson, SC91640 (Sept. 14, 2011).

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

1. State of Missouri v. Tillman, 0616-CR04512 (Feb. 7, 2008, *unreported*).

The victim was found dead in her home in 1987, and the case remained unsolved for over fifteen years. At the time of death, the victim lived alone. The defendant and his wife were neighbors of the victim. Investigators recovered evidence of sexual assault from the victim's body. The Kansas City crime lab tested the evidence for DNA in 2003 and 2004, and it matched in the DNA database to the defendant. The defense moved to exclude testimony of the current medical examiner regarding the autopsy report and findings of the deceased medical examiner who conducted the autopsy of the victim. I ruled that the current medical examiner could testify as to her opinion formed upon reviewing the autopsy, photographs, and other materials. The jury found the defendant guilty of second degree murder, rape, and forcible sodomy. The jury recommended three life sentences, and I sentenced the defendant to three life sentences in prison. The defendant appealed, and the conviction was affirmed. State v. Tillman, 289 S.W.3d 282 (Mo. Ct. App. 2009).

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Carie M. Allen, attorney for Defendant
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2. State of Missouri v. Jackson, 0616-CR07116-01 (Aug. 2, 2010, *unreported*).

A nine year-old boy watched his mother get shot to death, and then four years later testified in court as to what he saw. The mother's boyfriend was also killed that night. As part of his testimony, the boy described how the defendant was ordered by another conspirator to get money out of the male victim's pockets. Defendant's liability for the two deaths was submitted to the jury under the felony-murder doctrine based upon the robbery felony. The jury found the defendant guilty of two counts of second degree murder, three counts of armed criminal action, and one count of first degree assault. I sentenced the defendant to twenty-five years in prison.

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Patrick W. Peters, attorney for Defendant
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3. Allen v. Four B Corp., 0816-CV07014 (April 22, 2010, *unreported*).

This case involved a slip and fall in water at a Price Chopper grocery store. The defense did not dispute that there was water present on the floor, but argued instead that it did not have notice of the floor's condition. The jury awarded plaintiff \$75,000 for damages, and they found the plaintiff 50% at fault and the defendant 50% at fault.

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Robert J. Luder, attorney for Defendant
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4. Shamrock Hills, Inc. v. James Cape & Sons, Co., 0716-CV24773 (March 14, 2008, *unreported*).

The plaintiff sued the defendants for failure to follow erosion and sedimentation controls as specified by the contract between Cape and Sons Company and the Missouri Highway and Transportation Commission. Due to such failure, the defendants' contract obligations were not performed. The jury awarded the plaintiff \$395,250 for damages, and they found for the plaintiff on the claims for breach of contract and for inverse condemnation.

Charles E. Weedman, Jr., attorney for Plaintiff
117 South Lexington
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Harrisonville, Missouri 64701
(816) 380-3238

Larry J. Tyrl, attorney for Defendant Cape & Sons, Co.
7045 College Boulevard, Suite 800
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(913) 825-4650

James M. Slone, attorney for Defendant Missouri Highway &
Transportation Commission
600 Northeast Colbern Road
Lee's Summit, Missouri 64086
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5. Washington v. State of Missouri, 0916-CV24797 (Oct. 21, 2010, *unreported*).
Opinion supplied.

As the defendant drove by a parked car, someone fired a gun five times from the defendant's car. I denied the defense's motions to suppress the defendant's in-custody statement and to suppress the defendant's identification. The defense argued that the death resulted from harmless gunfire between friends and that the shooter was a passenger in defendant's car and was high on drugs and alcohol. The jury found that even if the defense theory was true, the defendant was an accomplice. The jury found the defendant guilty of second degree murder and armed criminal action. The jury recommended a life sentence for the murder count and five years for the armed criminal action count and I sentenced the defendant to a life sentence in prison. The defendant appealed, and the convictions were affirmed. State v. Washington, 282 S.W.3d 890 (Mo. Ct. App. 2009). Opinion supplied.

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Jackson County Prosecutor
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6. State of Missouri v. Baldwin, 0616-CR00032-01 (Nov. 29, 2007, *unreported*).

The victim was working as a prostitute when a customer attacked her with a knife, causing lacerations. DNA tests linked the defendant to evidence of sexual assault recovered from the victim's clothing. There was a jurisdictional issue that was raised in the case because the crime took place near the Missouri/ Kansas state line. The jury found the defendant guilty of forcible rape, forcible sodomy, and two counts of assault. I sentenced the defendant to a twenty-five year sentence.

The Missouri Court of Appeals reversed and vacated the Count II assault conviction on double jeopardy grounds, and affirmed my judgment in all other respects. State v. Baldwin, 290 S.W.3d 139 (Mo. Ct. App. 2009).

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Molly Hastings, attorney for Defendant
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7. State of Missouri v. Qamaan, 0716-CR06666-01 (Nov. 14, 2008, *unreported*).

The defendant was a cab driver who picked up a customer, the victim. The victim had just left a bar and was intoxicated. The defendant took the victim to a hotel and sexually assaulted her. The jury found the defendant guilty of attempted deviate sexual assault, not guilty of deviate sexual assault, and not guilty of kidnapping. The defendant appealed, and the conviction was affirmed. State v. Qamaan, 331 S.W.3d 368 (Mo. Ct. App. 2011).

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Molly Hastings, attorney for Defendant
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(816) 889-2099

8. State of Missouri v. Wainwright, 16CR97008547-02 (Aug. 21, 2009, *unreported*).

In 1997, the defendant overheard his wife talking on the phone with her former husband and then attacked her. The defendant's fifteen year-old stepdaughter picked up a knife to help her mom. The defendant killed his stepdaughter, killed his wife, and shot his ten year-old stepson. Another jury had convicted the defendant of first degree murder for killing his stepdaughter, but that conviction was overturned on appeal. In this case, the defendant did not dispute that he killed his stepdaughter, but argued instead that he should be found guilty of only second degree murder because he lacked mental capacity. The jury found the defendant guilty of first degree murder, first degree assault, and two counts of

armed criminal action. I sentenced the defendant to life in prison without parole and an additional ninety years in prison. The defendant's appeal is pending.

Michael Hunt, attorney for State
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Horton Lance, attorney for Defendant
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9. Wynn, et al. v. Kansas City, Missouri Police Dep't, 01CV201764 (April 8, 2011, *unreported*).

The plaintiffs sued the Kansas City, Missouri Police Department (defendants) in a class action lawsuit. The plaintiffs alleged the defendants violated the Missouri Criminal Activity Forfeiture Act when they transferred criminal defendants' property to federal authorities without first obtaining a transfer order from state court. My rulings throughout the litigation process focused on the decertification and exclusion of class members. Early on in the litigation I denied defense counsel's motion to decertify the class or to exclude members of the class and allowed the discovery process to move forward. I later scheduled a hearing after discovery was complete on the issue of decertification and/or exclusion of class members. Before the hearing, the parties reached a settlement agreement that I approved.

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Russell S. Jones, Jr., attorney for Defendant
120 West 12th Street
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10. State of Missouri v. Jones, 0616-CR04889-01 (Oct. 8, 2010, *unreported*).

The defendant shot and killed the victim with a shotgun, which was not disputed by the defense. Instead, the defense argued that the defendant lacked the requisite intent at the time of the shooting. The jury found the defendant guilty of first degree murder, second degree assault, and two counts of armed criminal action. I sentenced the defendant to life in prison without parole. The defendant's appeal is pending.

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Missouri Attorney General
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(573) 751-3321

John P. O'Connor, attorney for Defendant
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Kansas City, Missouri 64112
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- 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.

1. Washington v. State of Missouri, 0916-CV24797 (Oct. 21, 2010, *unreported*), *aff'd*, 282 S.W.3d 890 (Mo. Ct. App. 2009). Opinion supplied in response to 13(c).

Honorable James F. Kanatzar, attorney for State
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2. State of Missouri v. Muslet, et al., 01CV220664-02 (Sept. 12, 2008, *unreported*). Opinion supplied.

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Eugene J. Twellman, attorney for Defendant
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Kansas City, Missouri 64105
(816) 472-5244

Jay D. Haden, attorney for Defendant
415 East 12th Street, Suite 200
Kansas City, Missouri 64106
(816) 881-3150

3. Farrington v. Williams, 0716-CV27002 (Mar. 11, 2009, *unreported*). Opinion supplied.

Lyle Odo, attorney for Plaintiff
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Platte City, Missouri 64079
(816) 858-4100

Dana Tippin Cutler, attorney for Defendant
21 West Gregory Boulevard
Kansas City, Missouri 64114
(816) 471-8575

4. Lane v. State of Missouri, 0616-CV23875 (Apr. 8, 2010, *unreported*). Opinion supplied.

S. Chase Higinbotham, Jr., attorney for Plaintiff
117 Bradford Lane
Belton, Missouri 64012
(816) 322-5297

Michael Hunt, attorney for Defendant
415 East 12th Street
Kansas City, Missouri 64106
(816) 881-3555

5. G. Mand & Associates, Inc. v. Kasten, 0716-CV03024 (Dec. 9, 2009, *unreported*). Opinion supplied.

Thomas E. Thompson, attorney for Plaintiff
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Paul V. Herbers, attorney for Defendants
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6. City of Kansas City, Missouri v. Hoe Ku, et al., 0716-CV31695 (June 18, 2008, *unreported*). Opinion supplied.

Theodore T. Anderson, attorney for Plaintiff
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Rhonda E. Smiley, attorney for Defendants
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Chad A. Stewart, attorney for Defendant
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7. Wynn, et al. v. Kansas City, Missouri Police Dep't, 01CV201764 (Apr. 8, 2011, *unreported*). Opinion supplied.

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(816) 300-6250

Russell S. Jones, Jr., attorney for Defendant
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8. Johnson v. State of Missouri, 1016-CV12813 (June 14, 2011, *unreported*).
Opinion supplied.

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(816) 569-0345

Jean Peters-Baker, attorney for Defendant
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Kansas City, Missouri 64106
(816) 881-3555

Alison D. Dunning, attorney for Defendant
308 West Kansas Avenue, Suite 220
Independence, Missouri 64050
(816) 881-3888

9. Fritzie v. Phi Gamma Delta Chapter House Ass'n. et al., 1016-CV39235
(June 24, 2011, *unreported*). Opinion supplied.

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(913) 345-0100

John E. Franke, attorney for Defendant
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(816) 421-7100

10. McNeal Jr. v. State of Missouri, 1016-CV19690 (June 14, 2011, *unreported*).
Opinion supplied.

Molly Hastings, attorney for Plaintiff
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(816) 889-2099

Jean Peters-Baker, attorney for Defendant
415 East 12th Street, 11th Floor
Kansas City, Missouri 64106
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- e. Provide a list of all cases in which certiorari was requested or granted.

I am not aware of any case over which I presided in which certiorari was requested from or by the Supreme Court of the United States.

- 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.

State of Missouri v. Baldwin, 0616-CR00032-01 (Nov. 29, 2007, *unreported*).

As part of the underlying offense of rape, the defendant attacked the victim with a knife and cut her on two areas of her body. I submitted to the jury separate counts for assault. The Appeals Court ruled that I should have submitted on one count of assault because the two injuries the victim sustained were the result of one continual act. I was reversed and the Court vacated Count II and affirmed me in all other respects. 290 S.W.3d 139 (Mo. Ct. App. 2009).

- 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.

In almost four years as a Circuit Judge, I have written hundreds of orders that were not published in official reporters. These orders would be available through the Courts Administrative office. However, some of the domestic orders may be sealed.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not had significant opinions on federal or state constitutional issues.

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

I have not sat by designation on a 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 or interest or to cure any other ground for recusal.

Our court does not employ an automatic recusal system. Recusals are determined on a case by case basis taking into consideration the facts and circumstances of the case and the applicable rules.

I do not maintain a list of cases in which I have recused myself or in which recusals were requested of me. However, to the best of my knowledge, I have never been asked to recuse myself from a case. And to the best of my knowledge I have recused myself sua sponte from two cases:

Estate of Clem v. Yonke, 0816-CV38300. One of the defendants in the case is a close personal friend and I recused myself sua sponte.

State v. Hayde, 1016 - CR01943-01. The criminal defendant in this case was my daughter’s pre-school teacher. I notified the attorneys and recused myself sua sponte.

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

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

I have not held public office other than judicial office.

In 2004, I had an unsuccessful candidacy for Circuit Judge of the 16th Judicial Circuit of Missouri.

In 2006, I had an unsuccessful candidacy for Circuit Judge of the 16th Judicial Circuit of Missouri.

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

I have never held an office in a political party or been a member of an election committee. I have not held a position or played a role in a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;
- I have not served as a clerk to a judge.
- ii. Whether you practiced alone, and if so, the addresses and dates;
- I have not been in practice 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.

1994 – 1995
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534
Attorney Advisor, Litigation Branch

1995 – 2001
Jackson County Prosecutor's Office
415 East 12th Street
Kansas City, Missouri 64106
Trial Attorney, Drug Unit (1995 – 1997)
Drug Abatement Response Team Coordinator (1997)
Community Prosecutor (1997 – 1999)
Senior Trial Attorney, Drug Unit (1999 – 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 in an alternative dispute resolutions proceeding

b. Describe:

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

From 1994 to 1995, I represented the Bureau of Prisons in civil actions brought against the Bureau by inmates throughout the nation and in the District of Columbia. Commonly, these actions were brought three ways, either by way of the Federal Tort Claims Act, Section 1983 Bivens actions or Habeas Corpus actions. I filed briefs in defense of these actions and assisted in trial preparation. I handled many civil cases during this time.

From 1995 to 2001, I was a prosecutor in the Jackson County Prosecutor's Office. In addition to trying cases in the courtroom, I was actively involved in the community. I, along with two other prosecutors, created and coordinated a pilot truancy program involving six middle and senior high schools in the Kansas City, Missouri, School District. I worked closely with school officials advising on legal issues related to school truancy in an effort to actively encourage parents to be more accountable for their children's school attendance.

In March 1997, I was promoted to the position of Drug Abatement Response Team (D.A.R.T.) Coordinator where I served until October

1997. In this position, I supervised a staff of six dedicated to the closure of drug houses in the Jackson County area. In extreme cases of drug activity on properties, my office instituted civil forfeiture actions against property owners. Additionally, as D.A.R.T. Coordinator, I gave seminars to community groups and organizations on issues involving drug use, specifically the detection of drug use on properties.

In October 1997, I was promoted to the position of East Patrol Community Prosecutor where I served until January 1999. I acted as a liaison between the Prosecutor's Office and the community at large assisting in developing crime prevention initiatives. A few of the initiatives I helped to develop included the targeting and monitoring of business owners involved in criminal activities. I also developed the "red file," which focused on career criminals. I started an initiative that focused on abandoned buildings where criminal activity took place. Much of my role in this position involved coordination and cooperation with local, state, and federal agencies to develop anti-crime strategies. I maintained a trial case load during my time at East Patrol and prosecuted cases that originated out of that area. Because of my efforts, I was awarded a Meritorious Service Award by the Kansas City, Missouri, Police Department.

Finally, from January 1999 to July 2001, I served as a Senior Trial Attorney in the Drug Unit. In this capacity, I prosecuted cases involving major crimes with an emphasis on drug-related homicides. I served as a member of the Homicide Committee, which reviewed most homicides in the Prosecutor's office and made determinations on filing decisions. As part of that committee, I rotated with other prosecutors who were assigned to the Violent Crimes Unit of the Kansas City, Missouri, Police Department. I assisted them in the review and filing of violent felonies in the Kansas City area. I was also selected to serve on the Capital Crimes Committee. I, along with other senior trial attorneys, reviewed and made individual recommendations to the Prosecutor relating to death penalty cases. Additionally, I assisted in the training of newer attorneys in trial practice and commonly sat as co-counsel during their trials. Furthermore, I was the only prosecutor assigned to handle all police shootings that occurred in Kansas City, Missouri and Grandview, Missouri. In that position, I was on call and commonly responded to crime scenes. My role was to provide oversight and ensure the integrity of police investigations of other police officers related to the shooting. I also reviewed these cases, presented them to grand juries and prosecuted them when necessary.

From 2001 to the present, I have served in a judicial capacity.

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

As an attorney advisor from 1994 to 1995, I represented the Bureau of Prisons. I worked in the litigation branch and defended the Bureau against Habeas Corpus, Federal Tort Claims, and *Bivens* actions.

As a prosecutor from 1995 to 2001, I represented the State of Missouri. I was a trial attorney and prosecuted criminal cases specializing in drug possessions, robberies, murders, criminal forfeitures, and cases involving DNA evidence.

- 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.

Much of my practice was in litigation requiring frequent court appearances from 1995 to 2001.

- i. Indicate the percentage of your practice in:

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

- ii. indicate the percentage of your practice in:

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

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

I have tried 41 cases to verdict. I was chief counsel in 29 of the cases, and associate counsel in all other cases.

- i. What percentage of these trials were:

- 1. jury: 97%
- 2. non-jury: 3%

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

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

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

In the below-listed cases, I represented the State as the assistant prosecuting attorney of record. Typically, in cases where there was co-counsel, the case was divided equally with the lead counsel making the final call on trial strategy decisions.

1. State of Missouri v. Irvin, CR1994-1982, 16th Judicial Circuit Court of Jackson County, Missouri, Division 8, Honorable Lee E. Wells presiding (1994).

In the above case, the defendant was charged with robbery in the first degree, assault in the first degree, and two counts of armed criminal action. During the trial, there was an issue of whether the crimes merged so I proceeded with the robbery charge and the armed criminal action charge. The victim, a kitchen manager, arrived at work early to open the restaurant. The defendant was a cook at the same restaurant. He was not scheduled to work that day but told the victim he was filling in for another cook. Once inside the restaurant, the defendant attacked the victim and a struggle ensued. After being stabbed several times, the victim was able to reach a phone to call the police. When the police arrived, there was blood all around the restaurant, cash missing from a locked file cabinet, and the defendant's coat. The case was submitted to the jury, and the defendant was found guilty on both counts. The defendant was sentenced to two concurrent fifteen year terms in prison. On appeal, the defendant argued that the trial court erred by admitting the victim's torn and bloody clothes and that a portion of the State's closing argument was improper. The State commented in closing argument that the defense counsel acted improperly in the cross-examination of the victim. The appellate court affirmed the conviction. State v. Irvin, 944 S.W.2d 592 (Mo. Ct. App. 1997). The court held that the admission of the clothes was not highly prejudicial or misleading because it was necessary to prove the element of serious physical injury for the crime of robbery in the first degree and it did not deprive the defendant of a fair trial. The court also held that the State's closing argument was not plain error because the defense counsel did not object during the trial, it did not affect the rights of the defendant, and it did not result in a miscarriage of justice.

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Catherine Connelley, opposing counsel
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2. State of Missouri v. Alvarez, CR1995-6663, 16th Judicial Circuit Court of Jackson County, Missouri, Division 12, Honorable Edith L. Messina presiding (1995).

In the above case, the defendant was charged with assault in the first degree and armed criminal action. The case centered on identification testimony and an alibi defense. The crime occurred after an altercation at a local park between the defendant and the victim, who were members of rival gangs. After the initial altercation occurred, the defendant and other members of the gang sought out and eventually found the victim when he was driving in his car. As evidence, the victim was able to identify the defendant in his rearview mirror before the shots were fired at him from the defendant's car. The case was submitted to the jury, and the jury found the defendant guilty on both charges of assault in the first degree and armed criminal action. The defendant was sentenced to consecutive terms of ten and five years in prison. The appellate court affirmed the conviction. State v. Alvarez, 945 S.W.2d 80 (Mo. Ct. App. 1997).

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3. State of Missouri v. Brummall, CR1998-00786, 16th Judicial Circuit Court of Jackson County, Missouri, Division 11, Honorable J.D. Williamson Jr. presiding (1998).

In the above case, the defendant was charged with murder in the first degree and armed criminal action. This case was the first "cold hit" DNA case in the State of Missouri.

The victim was watching TV at home when her mother left that afternoon for work. When the mother returned, she found her daughter dead in her bedroom, having been stabbed multiple times. The investigating police officers found a trail of blood leading all over the house. An analysis of the DNA revealed that the defendant was the likely source of some of the blood at various locations in the house. The defendant was charged based upon the blood at the scene and circumstantial evidence but with little additional physical evidence from the house. Hairs recovered from the victim's body did not match the defendant's hair, and the defendant's fingerprints were not found in the house. The murder charge was submitted to the jury in the first degree and in the second degree, but the trial court refused to instruct the jury on the offenses of voluntary or involuntary manslaughter. The jury found the defendant guilty of murder in the second degree and armed criminal action. The defendant was sentenced to life in prison for the murder in the second degree count and fifty years in prison for the armed criminal action count. On appeal, the defendant argued that the trial court erred by refusing to submit instructions on the lesser-included offenses of voluntary and involuntary manslaughter and by permitting the State to introduce testimony of a witness, which the defendant claimed was inadmissible hearsay. The appellate court affirmed the conviction. State v. Brummall, 51 S.W.3d 113 (Mo. Ct. App. 2001).

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4. State of Missouri v. Charles, CR1998-06847, 16th Judicial Circuit Court of Jackson County, Missouri, Division 15, Honorable Kenneth P. Dean II presiding (1998).

In the above case, the defendant was charged with murder in the second degree and armed criminal action. The case centered on a self-defense theory. It involved multiple defendants and members of rival gangs from the same neighborhood. There had been several altercations between members of the gangs. The defendant and other members of the gang saw the victim at a location. They then gathered other members of the gang and committed a "drive by shooting" as the victim, a friend, a girlfriend and a small child were attempting to leave a home in a car. The case was tried to the bench, and the judge found the defendant guilty on all counts. The defendant was sentenced to consecutive terms of life in prison for the murder in the second degree count and ten years in prison for the armed criminal action count. The appellate court affirmed the conviction. State v. Charles, 50 S.W.3d 343 (Mo. Ct. App. 2001).

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5. State of Missouri v. Golatt, CR1996-71684, 16th Judicial Circuit Court of Jackson County, Missouri, Division 18, Honorable Jon R. Gray presiding (1996).

In the above case, the defendant was charged with murder in the first degree and armed criminal action. The whole theory of the case centered on accomplice liability. The defendant and an accomplice bought drugs from the victim. Shortly thereafter, the defendant pulled the victim down to the apartment complex's boiler room, stabbed him multiple times, and then took cash from his pockets. After witnessing these events, the accomplice fled to a friend's apartment nearby, and the defendant joined him shortly later. Before this trial began, the accomplice entered into a plea agreement with the State and agreed to cooperate fully at the defendant's trial as part of the plea agreement. At trial, the accomplice testified, and the jury found the defendant guilty on both counts. The defendant was sentenced to life in prison without the possibility of parole or probation for the murder in the first degree count and ten years in prison for the armed criminal action count. On appeal, the defendant argued that the trial court erred by allowing the State to refer to the accomplice during voir dire and by finding that the defendant was a prior offender. The appellate court affirmed the conviction but reversed the finding that the defendant was a prior offender and remanded the case for re-sentencing. State v. Golatt, 81 S.W.3d 640 (Mo. Ct. App. 2002).

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6. State of Missouri v. Garner, CR1996-0285, 16th Judicial Circuit Court of Jackson County, Missouri, Division 3, Honorable Thomas C. Clark presiding (1996).

In the above case, the defendant was charged with robbery in the first degree and armed criminal action. The defendant approached the victim as he stood next to his car, held the victim at gunpoint, and then drove off in the victim's car. The victim informed the police

of the incident, and a high speed chase ensued. After crashing the victim's vehicle into a retaining wall and a telephone poll, the defendant attempted to flee on foot but was apprehended by the police. At trial, the defendant denied robbing the victim. The defendant claimed that the victim wanted to buy a set of chrome wheels from him, but did not have the money to pay for them at the time. Instead, he gave the defendant the car as collateral until he could acquire the money. The jury found the defendant guilty of both counts. The defendant was sentenced to concurrent terms of twenty years in prison for the robbery in the first degree count and ten years in prison for the armed criminal action count. The appellate court affirmed the convictions. State v. Garner, 976 S.W.2d 57 (Mo. Ct. App. 1998).

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7. State of Missouri v. Gardner, CR1995-3862, 16th Judicial Circuit Court of Jackson County, Missouri, Division 10, Honorable Gene R. Martin presiding (1995).

In the above case, the defendant was charged with robbery in the second degree for stealing a truck from a hospital. The defendant was a patient at the Truman Medical Center. He left the hospital, forced the driver of a tractor-trailer out of his truck, and led the police on a chase through multiple counties. The defendant was charged in Jackson County with robbery in the second degree, and in the adjacent county with multiple counts of assault on a law enforcement officer for attempting to run officers off the road with the tractor-trailer. At trial, the defendant claimed that he was in a drug-induced psychosis at the time of the offense and lacked the requisite mental capacity for robbery. The jury found the defendant guilty of robbery in the second degree in Jackson County, and he was sentenced to five years in prison. To my knowledge, this case was not appealed.

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8. State of Missouri v. Avise-Rouse, CR1997-07910, 16th Judicial Circuit Court of Jackson County, Missouri, Division I, Honorable David W. Shinn presiding (1997).

In the above case, the defendant was charged with robbery in the first degree and armed criminal action. The theory of the case centered on accomplice liability. The defendant and co-defendant attempted to rob a local convenience store. During the course of the robbery, the police were called and responded to the scene. The co-defendant, who was inside and armed, ran from the store and entered a car with the defendant. They initially avoided apprehension but were later arrested. The defendant alleged that she did not know that the co-defendant was robbing the store and that she left only because she was instructed to do so. The jury found the defendant guilty of robbery in the first degree but not guilty of the armed criminal action count. The defendant was sentenced to ten years in prison. The sentence was suspended, and she was placed on probation for five years. To my knowledge, this case was not appealed.

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9. State of Missouri v. Lenley, CR1996-2060, 16th Judicial Circuit Court of Jackson County, Missouri, Division 1, Honorable David W. Shinn presiding (1996).

In the above case, the defendant was charged with first degree murder, assault in the first degree, and two counts of armed criminal action. The defendant and a co-defendant robbed a cab driver, and then shot and killed him. A second person, who was in the car with the cab driver, was shot but lived. In order to obtain a conviction, we offered a reduced sentence to the co-defendant in exchange for truthful testimony against the defendant. The evidence in the case and the testimony of the surviving witness established that the defendant was the shooter. The jury found the defendant guilty of first degree murder, first degree assault, and two counts of armed criminal action. The defendant was sentenced to life in prison without the possibility of parole or probation. The appellate court affirmed the conviction. State v. Lenley, 1998 Mo. App. LEXIS 2303 (Mo. Ct. App. Dec. 22, 1998).

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10. State of Missouri v. Allen, CR1998-05972, 16th Judicial Circuit Court of Jackson County, Missouri, Division 10, Honorable Gene R. Martin presiding (1998).

In the above case, the defendant was charged with robbery in the first degree and armed criminal action. The defense alleged that the victim initially attacked the defendant when he rebuffed his advances. The case centered on the credibility of the witnesses and the defendant. The victim was at a gay bar. Upon leaving the bar, the defendant approached him and demanded money at gunpoint. The defendant alleged that the victim propositioned him and when he refused, the victim attacked him. The defendant testified that he gained control of the victim and took his money but he never possessed a gun. The police who responded to the scene and arrested the defendant found the gun that was utilized in the robbery. The case was tried to the bench, and the judge found the defendant guilty on both counts. The defendant was sentenced to twenty years for the robbery in the first degree count and three years in prison for the armed criminal action count. The appellate court affirmed the conviction. State v. Allen, 53 S.W.3d 250 (Mo. Ct. App. 2001).

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

The time I spent in the Jackson County Prosecutor's Office from 1995 to 2001 provided me with the typical experience of a prosecutor but also afforded the opportunity for me to be involved in various significant legal activities in the community.

I along with two of my colleagues created and coordinated a truancy program administered through the Jackson County Prosecutor's Office. The program focused on

six middle and senior high schools in the Kansas City, Missouri School District. I was one of the assistant prosecutors charged with enforcing the truancy laws. I worked with local school officials advising on legal issues related to school truancy. I also worked with and encouraged parents to be more accountable for their children's school attendance.

In 1997, I was charged with the task of closing down drug houses in Jackson County. I coordinated with federal, state, and local officials in an effort to deter drug activity in and around neighborhoods. Further, in this role I helped educate community groups and organizations on issues involving drug use, specifically the detection of drug use on rental properties. I was one of the first prosecutors in the state to initiate and bring an action against a tenant for an expedited eviction utilizing a newly created statute aimed at curtailing drug use on rental properties.

From 2001 through 2007, I was the Commissioner of the Drug Court. The Drug Court is a diversion program that offers non-violent first-time drug offenders the opportunity to participate in an outpatient-based treatment program for a minimum of twelve months rather than face prosecution through more traditional routes. Drug Court takes a global approach to treating individuals by focusing on lifestyle changes, criminal thinking, social skills, and substance abuse treatment. The ultimate goal is to have a participant back in the community who is drug-free, crime-free and a productive taxpaying citizen.

As Commissioner, my role was direct, personal, and ongoing. When a person was doing well, it was commonplace for Drug Court participants to receive incentives to reinforce program compliance, by way of fee reductions on court costs, movie tickets, gift certificates, and/or less frequent court reviews. On the other hand, when a participant failed to comply, I might sanction the participant by requiring more frequent court reviews, issuing verbal reprimands, or imposing inpatient treatment, jail or termination from the program. Sanctions were intended to be therapeutic and were designed to improve the participant's chances for success. Every other month, I presided over a Drug Court graduation for those participants who had successfully completed the requirements of the program.

I presided over 400 cases assigned to Drug Court, with a caseload of 120 to 150 docketed cases per week. Additionally, I, along with others, established a mental health docket to address the needs of those participants who suffer from substance abuse and mental illness.

I have not performed lobbying activities on behalf of any client or organization

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

I have not taught any courses.

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

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

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

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

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

I would resolve any conflicts in accordance with Canon 3 of the Code of Judicial Conduct for United States Judges. I would recuse myself *sua sponte* on any

matter which presented an appearance of impropriety or any matter where my impartiality might be questioned.

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

I have spent the entirety of my career working in the public sector and I was not permitted to represent clients. However, I have had significant involvement with the community over the span of my career and have associated with groups and organizations who, as a matter of their mission, serve those individuals who are disadvantaged. Some examples are time spent serving on the Board of Directors for Hope House Domestic Violence Shelter. This is an organization dedicated to services for battered women and children affected by domestic violence. I have also served on the Board of Directors of the Mental Health Association of the Heartland. The Association is dedicated to the education, advocacy, and support of those suffering from mental illness. I have also participated in Kansas City's Big Brother/Big Sister Program since 1998. I have had the rewarding experience of mentoring, counseling, and developing an ongoing relationship with a young male.

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.

There is no selection commission in our jurisdiction to recommend candidates for nomination to the federal courts.

In the summer of 2010, I contacted Senator Claire McCaskill's office to express my interest in the position. I met with a member of Senator McCaskill's staff and provided information pertaining to my qualifications. On October 5, 2010, I interviewed with Senator McCaskill at her Kansas City, Missouri office.

On November 19, 2010, I was contacted by Senator McCaskill's office and informed that my name would be submitted to the White House in regards to a judgeship in the Western District of Missouri. Since March 3, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of

Justice. On April 12, 2011, I interviewed with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On September 22, 2011, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Brian C. Wimes, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

9/23/2011
(Date)

[Signature]
(NAME)



Sandra D. Gray
(NOTARY)