

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Krissa Marie Lanham

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

United States District Judge for the District of Arizona

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

United States Attorney's Office for the District of Arizona  
40 North Central Avenue, Suite 1800  
Phoenix, Arizona 85004

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

1980; Bangkok, Thailand

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.

2004 – 2007, Yale Law School; J.D., 2007

1998 – 2002, Yale University; B.A. (*summa cum laude*), 2002

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.

2009 – present

United States Attorney's Office for the District of Arizona  
Two Renaissance Square  
40 North Central Avenue, Suite 1800  
Phoenix, Arizona 85004

Appellate Division Chief (2020 – present)  
Deputy Appellate Chief (2015 – 2020)  
Human Trafficking Coordinator (2012 – 2015)  
Medical Marijuana Coordinator (2010 – 2015)  
Assistant United States Attorney (2009 – present)

2008 – 2009

United States Court of Appeals for the Ninth Circuit  
Sandra Day O'Connor United States Courthouse  
401 West Washington Street  
Phoenix, Arizona 85003  
Law Clerk to the Honorable Barry G. Silverman

2007 – 2008

United States District Court for the District of Connecticut  
Abraham A. Ribicoff United States Courthouse  
450 Main Street  
Hartford, Connecticut 06103  
Law Clerk to the Honorable Robert N. Chatigny

2007 –

United States Attorney's Office for the District of Connecticut  
157 Church Street  
New Haven, Connecticut 06510  
Legal Intern

2006 – 2007

Allard K. Lowenstein International Human Rights Clinic  
Yale Law School  
127 Wall Street  
New Haven, Connecticut 06511  
Student Director

2006 – 2007

Yale University  
246 Church Street  
New Haven, Connecticut 06510  
Teaching Assistant to Molly K. (Beutz) Land, Lecturer

2006 – 2007

Office of the State's Attorney, Judicial District of New Haven  
235 Church Street  
New Haven, Connecticut 06510  
Legal Intern

Summer 2006; Summer 2005

International Criminal Court, Office of the Prosecutor  
Oude Waalsdorperweg 10  
2597 AK Den Haag, Netherlands  
Law Clerk, Prosecution Division, Darfur Team (Summer 2006)  
Law Clerk, Legal Advisory Section (Summer 2005)

2005 – 2006  
Orville H. Schell, Jr., Center for International Human Rights  
Yale Law School  
127 Wall Street  
New Haven, Connecticut 06511  
Student Director

2005 – 2006  
Yale Law School  
127 Wall Street  
New Haven, Connecticut 06511  
Teaching Assistant to Owen M. Fiss, Sterling Professor Emeritus of Law

2004 – 2005  
Davenport College  
Yale University  
271 Park Street  
New Haven, Connecticut 06511  
Graduate Resident Affiliate

2002 – 2004  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Litigation Legal Assistant

Other Affiliations (uncompensated)

2016 – present  
Federal Bar Association, Phoenix Chapter  
2325 East Camelback Road, Suite 300  
Phoenix, Arizona 85016  
Board Member (2022 – present)  
Member (2016 – present)

Additionally, from 2020 to 2021, and again since 2023, I have served as Grade Level Coordinator for my children's school.

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 was not required to register 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.

United States Attorney's Office for the District of Arizona, Special Commendation for Dedication to Victims' Rights (2023)

United States Attorney's Office for the District of Arizona, Distinguished Service Award (2022)

Executive Office for United States Attorneys, Director's Award for Superior Performance as an AUSA – Appellate (2021)

Department of Justice – Civil Division, Special Commendation for Outstanding Service in the Civil Division of the Department of Justice (2020)

United States Attorney's Office for the District of Arizona, Special Commendation Award (2020)

Yale Law School

Ambrose Gherini Prize for the best paper in the field of International Law (2007)

Khosla Memorial Fund for Human Dignity Prize (2007)

Yale Journal of International Law

Editor (2004 – 2005)

Comments Editor (2005 – 2006)

Senior Comments Editor (2006 – 2007)

Yale College

Emerson Tuttle Prize for Distinguished Scholarship (2002)

Williams Prize in East Asian Studies (2002)

Graduated *summa cum laude* (2002)

Distinction in the major of History (2002)

Distinction in the major of Psychology (2002)

Phi Beta Kappa (2000)

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.

Federal Bar Association (2016 – present)

Board Member (2022 – present)

Ninth Circuit Appellate Lawyer Representative (2018 – present)

Ninth Circuit Public Information and Community Outreach Committee (2023 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Arizona, 2019  
New York, 2008

There have been no lapses 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.

United States Court of Appeals for the Ninth Circuit, 2010  
United States District Court for the District of Arizona, 2009  
United States District Court for the Northern District of Illinois, 2009  
United States District Court for the Southern District of Indiana, 2020

There have been no lapses in membership.

11. **Memberships:**

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

Arizona Women Lawyers Association (2017 – 2021, 2024 – present)

Association of Yale Alumni (2002 – present)

CourtWorks, Volunteer (2012, 2018, 2019)

Department of Justice Appellate Chiefs Working Group, Ninth Circuit Representative (2021 – present)

Phoenix Human Trafficking Executive Council, United States Attorney's Office Representative (2011 – 2015)

Ninth Circuit Civics Contest

Volunteer (2016 – present)

Judging Panel Chair (2016, 2018 – 2020, 2022 – 2023)

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

To the best of my knowledge, none of the listed organizations currently discriminates or formerly discriminated based on 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.

With Eric M. Fraser, *Remote Appellate Oral Arguments*, Arizona Attorney (Mar. 2021). Copy supplied.

*Elusive Abominations: Standards of Appellate Review in the ad hoc International Criminal Tribunals*, Yale Law School Student Prize Papers Collection (Apr. 20, 2007). Copy supplied.

*A Paradox of Prediction: The ICC's Effect on US Humanitarian Policy in the Sudan*, 2:1 *Eyes on the ICC* 83 (2005). Copy supplied.

In 1998 or 1999, while a freshman in Yale College, I wrote a review of Thai restaurants in New Haven for the Yale Daily News. I do not recall the title of the article, do not have a copy of it, and have not been able to locate it online.

- 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.

With Manav Bhatnagar & Bidish Sarma, Allard K. Lowenstein International Human Rights Clinic, *The Myth of Normalcy: Impunity and the Judiciary in Kashmir* (Apr. 2009). Copy Supplied.

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

Presentation to Arizona Governor's Human Trafficking Council on two recent prosecutions, Apr. 15, 2015. I have no transcript or recording.

Presentation to City of Phoenix Human Trafficking Task Force on human trafficking presentations at the U.S. Attorney's Office, February 17, 2015. Outline supplied.

Brief of the Allard K. Lowenstein International Human Rights Clinic as Amicus Curiae, *Sesana, Seithobogwa, et al. v. Attorney General*, MISCA No. 52-2002 (Bots. June 29, 2006). Copy supplied.

Brief of the Allard K. Lowenstein International Human Rights Clinic at Yale Law School as Amicus Curiae, *In the Matter of Sanchez Villalobos et al. (Costa Rica)*, Petition 12.361, Inter-Am. Comm'n H.R., Admissibility Report No. 25/04 (Inter-Am. Comm'n H.R. Sept. 2005). Copy supplied.

- 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.

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly-available information.

February 13, 2024: Question-and-answer session regarding argument in *United States v. Martis*, United States Court of Appeals for the Ninth Circuit, United States District Court for the District of Arizona, and University of Arizona Law School, Tucson, Arizona. The question-and-answer session addressed how the



lawyers prepared for argument. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Ninth Circuit is 95 Seventh Street, San Francisco, California 94103; the address for the United States District Court for the District of Arizona is 401 West Washington Street, Suite 130, SPC 1, Phoenix, Arizona 85003; and the address for the University of Arizona Law School is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

May 19, 2023: Panelist, Ninth Circuit Criminal Law Update, United States District Court for the District of Arizona Conference, Phoenix, Arizona. Outline supplied.

May 16, 2023: Panelist, Managing Appeals in USAOs, National Advocacy Center, Department of Justice Office of Legal Education, Columbia, South Carolina. The panel was on ways to effectively manage appeals within U.S. Attorney's Offices. I have no notes, transcript, or recording. The address for the Department of Justice Office of Legal Education is 1620 Pendleton Street, South Carolina 29201.

January 5, 2023: Speaker, Remarks in Support of Cassie Bray Woo, Arizona Commission on Appellate Court Appointments, Phoenix, Arizona. Notes supplied.

August 26, 2022: Panelist, Implementation Challenges of the First Step Act, United States District Court for the District of Arizona Conference, Flagstaff, Arizona. Outline supplied.

September 27, 2021: Presenter, Federal Search and Seizure Law – Criminal Jurisdiction in Indian Country Seminar, Department of Justice Office of Legal Education, presented virtually from Phoenix, Arizona. Outline supplied.

February 12, 2021: Panelist, Laguna Beach Unified School District, presented virtually to Laguna Beach, California. Notes supplied.

November 23, 2020: Panelist, Effective Oral Advocacy, State Bar of Arizona, Phoenix, Arizona. Outline supplied.

June 19, 2020: Panelist, Appellate Oral Arguments by Remote Video, State Bar of Arizona Appellate Practice Section, Phoenix, Arizona. Outline supplied.

July 24, 2018: Panelist, Tell Us What You Really Think: Circuit Judges and Practitioners Explore Ways to Enhance Appellate Advocacy and the Decision-Making Process, Ninth Circuit Judicial Conference, Anaheim, California. Outline supplied.

March 9, 2018: Panelist, Supreme Court Update, United States District Court for the District of Arizona Conference, Phoenix, Arizona. Notes supplied.



July 18, 2017: Remarks in Support of Cassie Bray Woo, Arizona Commission on Appellate Court Appointments, Phoenix, Arizona. Notes supplied.

March 10, 2017: Panelist, *Johnson*, its Progeny, and Crimes of Violence Today, United States District Court for the District of Arizona Conference, Tucson, Arizona. Outline supplied.

May 21, 2014: Panelist, Human Trafficking Prevention, Community College National Center for Community Engagement Annual International Conference, Scottsdale, Arizona. The panel was on efforts to combat human trafficking from various perspectives, including the U.S. Attorney's Office. I have no notes, transcript, or recording. The address for the Community College National Center for Community Engagement was 145 North Centennial Way, Suite 204, Mesa, Arizona 85201.

September 26, 2013: Human Trafficking, Four Corners Indian Country Conference, Scottsdale, Arizona. Outline supplied.

June 11, 2013: Presenter, An Introduction to Human Trafficking, Arizona State University Center for Law and Global Affairs, Tempe, Arizona. Outline supplied.

September 14, 2012: Presenter, Arizona Court Reporters Association 2012 Annual Convention, Tucson, Arizona. The presentation was on human trafficking. I have no notes, transcript, or recording. The address for the Arizona Court Reporters Association is 570 South Val Vista Drive, Suite A3-062, Gilbert, Arizona 85296.

July 31, 2012: Presenter, An Introduction to Human Trafficking, Yuma Sector Border Patrol, Yuma, Arizona. The presentation was on human trafficking crimes and federal efforts to combat them in Arizona. I have no notes, transcript, or recording. The address for the Yuma Sector Border Patrol is 4035 South Avenue A, Yuma, Arizona, 85365.

May 7, 2012: Presenter, Introduction to Human Trafficking, Pima County Superior Court Juvenile Probation Officers, Tucson, Arizona. Outline supplied.

March 12, 2011: Presenter, Combating Human Trafficking – How Coordinating International, Federal, and State Law Can Prevent and Punish Exploitation While Protecting Victims, Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona. The presentation was on federal-state cooperation in human trafficking cases. I have no notes, transcript, or recording. The address for the Arizona State University Sandra Day O'Connor College of Law Center for Law and Global Affairs is 111 East Taylor Street, Phoenix, Arizona 85004.

September 22, 2010: Presenter, Human Trafficking: Look Beneath the Surface,

FBI Citizens Academy, Tempe, Arizona. Outline supplied.

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

William Cracraft, *Remote Argument Survey Highlights Positives and Negatives of Streaming During Pandemic*, Ninth Circuit Court of Appeals Public Information Office (Nov. 23, 2020). Copy supplied.

Jim Walsh, *Chandler cigarette smuggler's scheme up in smoke*, East Valley Tribune (June 24, 2019). Copy supplied.

*Frosh counselors lack a life?*, Yale Daily News (Apr. 19, 2002). Copy supplied.

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

I have not held judicial office.

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

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

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_% [total 100%]

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

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that

were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

None.

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

None.

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

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

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

From 2007 to 2008, I served as a law clerk to the Honorable Robert N. Chatigny of the United States District Court for the District of Connecticut.

From 2008 to 2009, I served as a law clerk to the Honorable Barry G. Silverman of the United States Court of Appeals for the Ninth Circuit.

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

I have not practiced law 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;

2009 – present

United States Attorney's Office for the District of Arizona  
40 North Central Avenue, Suite 1800  
Phoenix, Arizona 85004

Appellate Division Chief (2020 – present)

Deputy Appellate Chief (2015 – 2020)

Human Trafficking Coordinator (2012 – 2015)  
Medical Marijuana Coordinator (2010 – 2015)  
Assistant United States Attorney (2009 – present)

- 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 served as a collateral-duty mediator for the Department of Justice Mediator Corps since 2022. In that capacity, I mediate Equal Employment Opportunity pre-complaints filed by aggrieved employees against Department of Justice agencies. The pre-complaints I have mediated involve confidential employment disputes of individual employees, so I cannot provide a description.

b. Describe:

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

In September 2009, following my clerkships, I joined the U.S. Attorney's Office for the District of Arizona as an Assistant U.S. Attorney. In that role, I have represented the United States in the district court in more than 500 federal prosecutions, including for immigration offenses, drug trafficking, firearms, human trafficking, health care fraud, and violent crimes on Indian reservations. I have also represented the United States and its agencies in more than 50 civil cases, including habeas, constitutional torts, water rights disputes, and employment discrimination.

Between 2009 and 2011, I served as a line prosecutor in the Southwest Border Section of the Criminal Division, handling hearings and trials in immigration and drug-smuggling cases. From 2011 to 2015, as a line prosecutor in the Organized Crime and Drug Enforcement Task Force Section, I supervised complex federal drug-trafficking investigations and prosecutions, seeking Title III wiretap orders, conducting trials, and arguing in the Ninth Circuit. During approximately the same time, I was the office's human trafficking coordinator. In that capacity, I led investigations and prosecutions of sex- and labor-trafficking crimes and coordinated with law enforcement partners on the Phoenix Human Trafficking Executive Council.

Beginning in February 2015, I served as the Deputy Appellate Chief, supervising appeals from district court proceedings in Phoenix, Flagstaff, and Yuma. In February 2020, I became the Appellate Division Chief. In that role, I supervise my office's appellate litigation in both civil and criminal cases by editing briefs, preparing attorneys for oral argument, and

providing guidance when difficult legal issues arise in the district court. When a Supreme Court decision or federal legislation demands new analysis to be applied consistently across many cases, I coordinate the office's response, collaborate with federal public defenders, and consult with Assistant U.S. Attorneys on individual cases. In addition to supervising hundreds of appeals, I have personally handled approximately 45 appellate cases in which I wrote briefs or dispositive motions and/or argued in the Ninth Circuit (including two en banc arguments). I have also continued to appear regularly in the district court to handle hearings and trials stemming from habeas cases, my narcotics and human trafficking matters, and proceedings implicating recent or ongoing Ninth Circuit litigation.

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

As an Assistant U.S. Attorney, my client has always been the United States (and, in civil cases, its agencies and employees).

- 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.

Since joining the U.S. Attorney's Office in 2009, 100 percent of my practice has been in litigation. While assigned to the Southwest Border Section from 2009 to 2011, I appeared in court daily. From 2011 to 2015, while serving in the Organized Crime and Drug Enforcement Task Force Section and as the human trafficking coordinator, I appeared in court approximately weekly. As an appellate supervisor since 2015, I argue in the Ninth Circuit approximately three times per year and usually appear in the district court once or twice per month.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	20%
2. criminal proceedings:	80%

- 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 nine federal criminal cases to verdict, judgment, or final decision. In five of those trials, I was lead or co-lead counsel. I was associate counsel in three trials and sole counsel in one trial.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 67% |
| 2. non-jury: | 33% |

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.

Although I have not filed briefs or argued in the Supreme Court as counsel of record, I have assisted the Office of the Solicitor General with Supreme Court filings in two cases.

Brief of the United States in opposition, *Mitchell v. United States*, 141 S. Ct. 216 (U.S. Aug. 20, 2020) (No. 20-5398). Copy supplied.

Petition for a Writ of Certiorari, *United States v. Briones*, 141 S. Ct. 2589 (U.S. Dec. 6, 2019) (No. 19-720), 2019 WL 6716014.

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.

1. *United States v. Alahmedalabdaloklah*, No. 2:12-cr-1263-ROS-1 (D. Ariz.); *aff'd*, 76 F.4th 1183 (9th Cir. 2023)

Mr. Alahmedalabdaloklah, a Syrian national, conspired to target American soldiers in Iraq between 2005 and 2010 by designing and creating remote detonator switches for improvised explosive devices. He was extradited from Turkey to face charges in the District of Arizona. In 2018, after a seven-week trial, a federal jury convicted him of four counts, including conspiracy to use a weapon of mass destruction and conspiracy to



maliciously damage or destroy U.S. government property by means of an explosive. The district judge sentenced him to life in prison plus 360 months. Mr. AlahmedalabdloklaH appealed and the Ninth Circuit affirmed, except for two counts that the government agreed should be vacated due to legal changes after sentencing.

Although I did not appear in the district court, I advised the trial team, attended proceedings, and edited written pleadings before, during, and after the trial. I drafted the government's responses to motions to dismiss, to strike, and regarding certain jury instructions. I appeared in the Ninth Circuit shortly after the appeal was filed in 2018 and have represented the United States as co-counsel since then. In that role, I have drafted pleadings filed in the district court to perfect the appellate record, edited all Ninth Circuit filings, corresponded with opposing counsel, and mooted argument.

Dates of representation: 2017 – present

Judges

Hon. Roslyn O. Silver, United States District Judge  
Hon. Neil V. Wake, United States District Judge  
Hon. Morgan Christen, United States Circuit Judge  
Hon. Richard R. Clifton, United States Circuit Judge  
Hon. Susan P. Graber, United States Circuit Judge

Co-counsel

Jeffrey Michael Smith  
United States Department of Justice  
950 Pennsylvania Avenue, Northwest  
Washington, DC 20530  
(202) 532-0220

David A Pimsner  
Bill C. Solomon  
United States Attorney's Office for the District of Arizona  
40 North Central Avenue, Suite 1800  
Phoenix, AZ 85004  
(602) 514-7500

Counsel for Mr. AlahmedalabdloklaH

Molly Alana Karlin  
Federal Public Defender's Office – District of Arizona  
850 West Adams Street, Suite 201  
Phoenix, AZ 85007  
(602) 382-2700

Michael Tanaka  
Law Office of Michael Tanaka  
12400 Wilshire Boulevard, Suite 400

Los Angeles, CA 90025  
(323) 825-9746

2. *United States v. Bunnell*, No. 2:14-cr-119-DGC (D. Ariz.), *aff'd*, 697 F. App'x 574 (9th Cir. 2017)

In 2012, agents of the Federal Bureau of Investigation (FBI) in Phoenix learned that individuals in the United States were trying to purchase human slaves through a Malaysian website. The agents' investigation ultimately led the FBI to establish an undercover web platform offering women for sale as slaves at an auction. Four defendants traveled to Phoenix to purchase slaves. Mr. Bunnell, who lived in California and had a prior conviction for false imprisonment and an arrest for rape, stole a car to travel to Phoenix. He brought with him handcuffs, zip-ties, ropes, and a bulb applicator containing the date-rape drug scopolamine (which he purchased from China). Mr. Bunnell was indicted for attempted sex trafficking by force, fraud, and coercion. He chose to represent himself, filing numerous pretrial motions, and ultimately pleaded guilty to conspiracy to commit sex trafficking. The district court imposed a sentence of 108 months' imprisonment. The Ninth Circuit affirmed Mr. Bunnell's conviction and sentence, remanding only for the district court to correct the language in certain conditions of supervised release. The district court has subsequently denied motions for compassionate release and early termination of supervision.

I supervised the investigation in this case, including by approving the use of undercover agents and obtaining court approval to use tracking mechanisms on the FBI's web platform. I then represented the United States as lead counsel in the four cases that arose from the slave-trading platform and auction.

In Mr. Bunnell's case, I responded to numerous pretrial motions to dismiss and suppress, drafted a motion to quash improper subpoenas, and wrote the government's pre-trial notices. I also ensured Mr. Bunnell had access to electronic evidence in custody as a pro se litigant, negotiated a plea agreement, and advocated for a just sentence through numerous contested sentencing pleadings. After successfully defending the conviction on appeal, I have continued to litigate frequent post-sentencing issues in the district court, including by drafting responses opposing compassionate release and early termination of supervision, and representing the government during supervised release revocations in 2021 and 2023.

Dates of Representation: 2014 – 2017, 2019 – 2021, 2023 – present

#### Judges

Hon. David G. Campbell, United States District Judge  
Hon. Mark W. Bennett, United States Circuit Judge (then sitting by designation)  
Hon. Michelle T. Friedland, United States District Judge  
Hon. Alex Kozinski, former United States Circuit Judge

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3. *United States v. McReynolds et al.*, Nos. 3:11-cr-8133-GMS (D. Ariz.); 2:18-cr-1170-GMS (D. Ariz.), *aff'd*, 2021 WL 5492984 (9th Cir. Nov. 23, 2021); 3:20-cv-370-GMS-CDB (D. Ariz.)

Mrs. McReynolds, her son, and other family members committed marriage fraud to bring Vietnamese victims to work in their Flagstaff bridal shop for little or no pay. A grand jury charged four McReynolds family members with forced labor, marriage fraud conspiracy, and promotional money laundering, alleging that Mrs. McReynolds caused the victims to work at the store for up to 11 hours per day, seven days a week, by limiting their movements and isolating them from the Flagstaff community. The defendants pleaded guilty pursuant to plea agreements, with Mrs. McReynolds admitting to conspiring to commit visa fraud and violating the Fair Labor Standards Act. Under the plea agreement, the government obtained \$156,000 in restitution for the victims, using the bridal shop building as security should Mrs. McReynolds fail to pay as agreed.

In 2018, Mr. McReynolds illegally possessed a firearm while he was still on supervised release in the marriage fraud case. The government obtained a separate grand jury indictment and ultimately secured a conviction following a jury trial. Mr. McReynolds appealed and the Ninth Circuit affirmed his conviction. He subsequently violated supervised release by committing a burglary that was prosecuted in Arizona state court.

Beginning in 2011, I worked with agents to conduct an international investigation of Mrs. McReynolds's crimes. I presented the forced labor case to the grand jury and engaged the United States Marshals Service Complex Assets Unit to act as a receiver for the bridal store during the prosecution to ensure that assets were preserved for restitution. I negotiated the plea agreements and presented agent testimony at a contested sentencing hearing.

When Mr. McReynolds committed his felon-in-possession crime, I secured the grand jury indictment, handled a suppression hearing, and tried the case in 2019 as lead counsel for the United States. I handled multiple witness examinations and gave closing arguments. I then authored the government's brief defending the conviction on appeal. In 2024, I

represented the government in Mr. McReynolds's supervised release revocation proceedings, which resulted in an above-guidelines terminal disposition.

Dates of representation: 2011 – 2014, 2016, 2018 – 2021, 2024

Judges

Hon. G. Murray Snow, United States District Judge  
Hon. Daniel A. Bress, United States Circuit Judge  
Hon. Consuelo M. Callahan, United States Circuit Judge  
Hon. Richard R. Clifton, United States Circuit Judge

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4. *United States v. Briones*, No. 2:96-cr-464-DLR-4 (D. Ariz.), *aff'd*, 35 F.4th 1150 (9th Cir. 2021); *United States v. Briones*, 1 F.4th 1204 (9th Cir. 2021); *United States v. Briones*, 929 F.3d 1057 (9th Cir. 2019) (en banc), *cert. granted and vacated*, 141 S. Ct. 2589 (2021); *United States v. Briones*, 915 F.3d 591 (9th Cir. 2019); *United States v. Briones*, 890 F.3d 811 (9th Cir. 2018)

Three weeks before his eighteenth birthday, Mr. Briones, a founder and leader of the East Side Crips Rolling 30's gang, participated in the 1996 murder of a Subway restaurant clerk on the Salt River Indian Reservation. Mr. Briones continued committing gang-related crimes after he turned 18, including by providing Molotov cocktails to other gang members, assaulting those he believed to be cooperating with authorities, and planning to kill a tribal judge, federal prosecutors, and Salt River Police Department investigators. He was charged with first-degree felony murder, arson, and witness-tampering in federal court and transferred to adult status for prosecution. He was convicted after a jury trial and sentenced to life imprisonment, a mandatory sentence for first-degree murder.

After the Supreme Court held mandatory life sentences to be unconstitutional for juvenile defendants, the government agreed that Mr. Briones should be resentenced. In 2016, the district judge again imposed a life sentence (as a matter of discretion). Mr. Briones appealed. A divided panel of the Ninth Circuit affirmed and Mr. Briones sought rehearing en banc. The Ninth Circuit granted rehearing, vacated, and remanded for resentencing. On the government's petition, the Supreme Court granted certiorari, vacated the en banc majority's decision, and remanded to the Ninth Circuit. The original three-judge panel then unanimously affirmed the life sentence.

In December 2022, Mr. Briones filed a motion for compassionate release in the district court, which the government opposed. The judge held oral argument and granted compassionate release in May 2023.

I appeared in the Ninth Circuit as lead counsel in 2018 after Mr. Briones filed his petition for rehearing en banc. I responded to the petition, argued the case en banc, and assisted

the Office of the Solicitor General in drafting our petition for certiorari when the en banc panel reversed. When the Supreme Court granted certiorari and remanded, I drafted additional pleadings and delivered another argument before the three-judge panel.

At the same time, I appeared as lead counsel in the district court to handle any resentencing proceedings and post-appeal litigation. I drafted the opposition to Mr. Briones's motion for compassionate release, gathered prison records, filed supplemental notices and a victim impact statement, and represented the government at oral argument. After the district court granted compassionate release, I filed a successful motion to modify Mr. Briones's conditions of supervision to protect victims of Mr. Briones's conduct and allow our local probation office to monitor his progress as he reintegrates into our community.

Dates of representation: 2018 – 2023

Judges

Hon. Douglas L. Rayes, United States District Judge  
Hon. Mark J. Bennett, United States Circuit Judge  
Hon. Marsha S. Berzon, United States Circuit Judge  
Hon. Morgan Christen, United States Circuit Judge  
Hon. David A. Ezra, United States District Judge (sitting by designation)  
Hon. Susan P. Graber, United States Circuit Judge  
Hon. Sandra S. Ikuta, United States Circuit Judge  
Hon. M. Margaret McKeown, United States Circuit Judge  
Hon. Ryan D. Nelson, United States Circuit Judge  
Hon. Jacqueline H. Nguyen, United States Circuit Judge  
Hon. Diarmuid F. O'Scannlain, United States Circuit Judge  
Hon. Johnnie B. Rawlinson, United States Circuit Judge  
Hon. Milan D. Smith, Jr., United States Circuit Judge  
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5. *United States v. Williams et al.*, No. 4:18-cr-1695-JAS-EJM (D. Ariz.), *rev'd*, *United States v. Williams*, 68 F.4th 564 (9th Cir. 2023)

Mr. Williams and 18 co-defendants are charged in a 40-count indictment with various violent crimes in aid of racketeering, alleged to have been committed as part of their involvement with the Western Hills Bloods gang. In April 2022, Mr. Williams and several other co-defendants filed a sealed motion alleging professional misconduct due to one defense attorney's potential conflict of interest. They sought discovery and a sealed evidentiary hearing to investigate interactions between the defense attorney and an Assistant U.S. Attorney on the trial team. At a status conference in May 2022, a magistrate judge disqualified the U.S. Attorney's Office for the District of Arizona from litigating the pending defense motions and ordered the government to obtain out-of-district counsel to represent the United States. The district court denied reconsideration. The government took an interlocutory appeal under the collateral order doctrine and obtained a stay of the district court's order pending appeal. The Ninth Circuit reversed in May 2023, holding that the district court's "sweeping" disqualification order violated the separation of powers.

I edited the government's motion for reconsideration before the district court. When the district judge denied reconsideration, I obtained approval from the Solicitor General to seek a stay, mandamus, and appeal from the Ninth Circuit. I then represented the government as sole counsel throughout the appeal. After the Ninth Circuit reversed and allowed Arizona Assistant U.S. Attorneys to represent the government in walled-off proceedings, I have supervised the ongoing firewall litigation in the district court, which has included a multi-day evidentiary hearing and responses to several contested motions.



Dates of representation: 2022 – 2023

Judges

Eric J. Markovich, United States Magistrate Judge  
James A. Soto, United States District Judge  
Patrick J. Bumatay, United States Circuit Judge  
Kim McLane Wardlaw, United States Circuit Judge  
Jack Zouhary, United States District Judge (sitting by designation)

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6. *United States v. Begay*, No. 3:13-cr-8073-DJH-1 (D. Ariz.), *aff'd in part*, 33 F.4th 1081 (9th Cir.) (en banc), *cert. denied*, 143 S. Ct. 340 (2022); *United States v. Begay*, 934 F.3d 1033 (9th Cir. 2019), *vacated on reh'g en banc*, 15 F.4th 1254 (9th Cir. 2021).

A federal jury convicted Mr. Begay of second-degree murder and discharging a firearm during a crime of violence after he shot the victim in the head at close range on the Navajo Nation Reservation. Mr. Begay's firearm conviction under 18 U.S.C. § 924(c) required a 10-year mandatory-minimum consecutive sentence because he discharged a firearm during a crime of violence. On direct appeal, a majority of a three-judge panel of the Ninth Circuit held that second-degree murder was not a "crime of violence"

supporting a conviction under 18 U.S.C. § 924(c). After the appeal was stayed pending the outcome of several Supreme Court cases, the government requested rehearing en banc. The Ninth Circuit granted rehearing en banc and held that second-degree murder is a crime of violence. The Fourth, Sixth, Eighth, Tenth, and Eleventh Circuits have subsequently relied on *Begay*'s reasoning to issue similar decisions.

After the three-judge panel issued its opinion, I obtained permission from the Solicitor General to seek rehearing en banc. I wrote the successful petition and argued the case en banc before eleven judges. I have subsequently advised other Department of Justice attorneys on litigating crime-of-violence issues around the country and appeared in the district court in *Begay* to assist in litigating an ancillary restitution issue on remand.

Dates of representation: 2021 – 2023

Judges

Hon. Diane J. Humetewa, United States District Judge  
Hon. Neil V. Wake, United States District Judge  
Hon. Mark J. Bennett, United States Circuit Judge  
Hon. Morgan Christen, United States Circuit Judge  
Hon. Richard R. Clifton, United States Circuit Judge  
Hon. Sandra S. Ikuta, United States Circuit Judge  
Hon. Eric D. Miller, United States Circuit Judge  
Hon. Mary H. Murguia, Chief United States Circuit Judge  
Hon. M. Margaret McKeown, United States Circuit Judge  
Hon. Dorothy W. Nelson, United States Circuit Judge  
Hon. Johnnie B. Rawlinson, United States Circuit Judge  
Hon. Milan D. Smith, Jr., United States Circuit Judge  
Hon. N. Randy Smith, United States Circuit Judge  
Hon. Lawrence VanDyke, United States Circuit Judge  
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7. *United States v. Orona*, No. 2:11-cr-856-SRB (D. Ariz.); No. 16-cv-2160-SRB (D.

Ariz.), *aff'd*, 923 F.3d 1197, *reh'g en banc granted*, 942 F.3d 1159 (9th Cir. 2019); *United States v. Orona*, 987 F.3d 892 (9th Cir. 2021)

In 2012, following a jury trial, Mr. Orona was convicted of possessing ammunition as a convicted felon. Because he had prior Arizona convictions for burglary, attempted aggravated assault, and aggravated assault, he was sentenced under the Armed Career Criminal Act's (ACCA's) mandatory-minimum provisions to 15 years' imprisonment.

After the Supreme Court held that ACCA's residual clause was void for vagueness in *Johnson v. United States*, 576 U.S. 591 (2015), Mr. Orona filed a habeas motion under 28 U.S.C. § 2255. The district court granted relief, holding that Mr. Orona's Arizona aggravated assault convictions – in which, on different occasions, he fractured his ex-wife's wrist, and ignited pipe bombs near his mother and ex-wife – were no longer violent felonies under ACCA. The government appealed. Although the Ninth Circuit initially affirmed in a published opinion, it then granted rehearing en banc and later stayed the case pending *Borden v. United States*, 593 U.S. 420 (2021). While the appeal was pending en banc, Mr. Orona was alleged to have committed a supervised release violation and separate district court proceedings restarted in the original criminal case. He passed away in 2021 and all pending matters were dismissed.

I became aware of Mr. Orona's case in my role coordinating the U.S. Attorney's Office's response to more than 100 district court cases filed after *Johnson*. Recognizing that Arizona aggravated assault priors would allow the government to cleanly test the scope of *Johnson's* holding, an issue percolating in several circuits at the time, I drafted the government's district court response to the habeas petition to preserve our potential arguments. After the district court granted habeas relief, I then litigated the appeal as counsel for the government, obtaining the Solicitor General's permission to challenge the ruling, writing the opening and reply briefs, conducting oral argument, and preparing the successful petition for rehearing en banc. When the probation office alleged the supervised release violation in 2019, I then represented the government as sole counsel in the district court throughout multiple proceedings in 2019 and 2020, including an evidentiary hearing under *Sell v. United States*, 539 U.S. 166 (2003).

Dates of involvement and representation: 2018 – 2021

#### Judges

Hon. Deborah M. Fine, United States Magistrate Judge  
Hon. Susan R. Bolton, United States District Judge  
Hon. Michael Daly Hawkins, United States Circuit Judge  
Hon. Andrew D. Hurwitz, United States Circuit Judge  
Hon. Milan D. Smith, Jr., United States Circuit Judge

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8. *United States v. Castro-Ponce*, Nos. 2:12-cr-1363-SRB (D. Ariz.), *aff'd in part, rev'd in part*, 770 F.3d 819 (9th Cir. 2014), and *aff'd following remand*, 637 F. App'x 428 (9th Cir. 2016); 2:17-cv-1014-SRB (D. Ariz.)

Following a wiretap investigation, Mr. Castro-Ponce, his wife, and oldest son were charged with trafficking more than 10 pounds of 99 percent pure methamphetamine from Mexico into and within the United States. He drove bulk quantities of methamphetamine from Arizona to California on multiple occasions, taking his family (including his nine-year-old son) with him to make the trips seem innocent. A federal jury convicted Mr. Castro-Ponce on three counts. He received sentencing enhancements for being a leader/organizer of drug activity, obstructing justice by perjuring himself at trial, and using minors in drug-trafficking activity. On appeal, the Ninth Circuit affirmed Mr. Castro-Ponce's convictions but remanded for resentencing to enable the district court to make additional findings supporting the obstruction enhancement. The district court reduced Mr. Castro-Ponce's 240-month sentence to 216 months' imprisonment, which the Ninth Circuit affirmed, and later denied his counseled habeas petition.

I supervised the wiretap investigation, obtaining Title III interception authority from the district court and ensuring that agents followed all applicable law. I then presented the indictment, conducted pretrial hearings, and tried the case as lead counsel. On appeal, I wrote the government's brief and presented oral argument. I then handled resentencing, making a record to support reimposition of the original sentencing enhancements, and responded to Mr. Castro-Ponce's habeas petition.

Dates of Representation: 2012 – 2018

Judges

Hon. Susan R. Bolton, United States District Judge  
Hon. Marsha S. Berzon, United States Circuit Judge  
Hon. Ronald M. Gould, United States Circuit Judge  
Hon. Stephen Reinhardt, United States Circuit Judge

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9. *United States v. Shorty*, No. 3:10-cr-8100-GMS (D. Ariz.), *rev'd*, 741 F.3d 961 (9th Cir. 2013), *and aff'd following remand*, 628 F. App'x 524 (9th Cir. 2016)

Mr. Shorty was charged with aiding and abetting making false statements to acquire firearms and possessing firearms as a convicted felon. After the government filed a motion in limine to preclude Mr. Shorty from challenging his status as a prohibited possessor, he orally waived his right to a jury trial and was convicted after a bench trial. On appeal, the Ninth Circuit reversed, holding the jury trial waiver to be invalid because it was not executed in writing and Mr. Shorty's low I.Q. and learning disability created a significant possibility that it was not "knowing and voluntary." On remand, after filing a motion to suppress, Mr. Shorty again waived a jury trial (this time in writing). He was convicted following a second bench trial and the Ninth Circuit affirmed.

I appeared on behalf of the United States as co-counsel before the first bench trial. I drafted and filed pre-trial motions, presented opening statements and witness testimony (including a cooperating witness), edited our appellate briefing, and mooted oral argument. After the case was remanded, I represented the government again at the second bench trial and edited our Ninth Circuit pleadings.

Dates of Representation: 2010 – 2016

#### Judges

Hon. G. Murray Snow, United States District Judge  
Hon. M. Margaret McKeown, United States Circuit Judge  
Hon. John T. Noonan, United States Circuit Judge  
Hon. Barrington D. Parker, Jr., United States Circuit Judge (sitting by designation)  
Hon. Johnnie B. Rawlinson, United States Circuit Judge  
Hon. Stephen Reinhardt, United States Circuit Judge

Hon. Paul J. Watford, United States Circuit Judge

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10. *United States v. Williams et al.*, Nos. 2:09-cr-679-SRB (D. Ariz.), *aff'd sub nom. United States v. Bowen*, 472 F. App'x 747 (9th Cir. 2012); 12-cv-1656-SRB, 13-cv-1825-SRB, 16-cv-1846-SRB, 19-cv-5835-SRB (D. Ariz.); *United States v. Taylor*, No. 2:10-cr-101-SRB (D. Ariz.), *aff'd*, 467 F. App'x 670 (9th Cir. 2012)

Mr. Williams, Ms. Bowen, and Mr. Bowen were co-conspirators in a drug-trafficking organization that shipped thousands of pounds of marijuana from Arizona to east-coast cities using the U.S. Postal Service, FedEx, and the United Parcel Service. The organization paid delivery drivers (including Mr. Taylor) to provide "safe" addresses along their routes to which to ship marijuana. Recognizing characteristics specific to the organization's packages, the drivers delivered them to co-conspirators, who then laundered the drug proceeds. In the *Williams* indictment, four members of the drug-trafficking organization were charged with marijuana trafficking, money laundering, and obstruction of justice based on their attempt to hide a gun and marijuana before investigators could find them. Mr. Taylor was also charged with drug trafficking in a separate indictment.

Several members of the drug trafficking organization pleaded guilty, but Mr. Bowen proceeded to a jury trial. He was found guilty as charged and sentenced to 156 months' imprisonment. The Ninth Circuit affirmed on direct appeal.

Mr. Taylor was tried separately and also convicted of conspiring to possess marijuana with the intent to distribute. He was sentenced to 60 months' imprisonment. The Ninth

Circuit affirmed his conviction and sentence.

I tried Mr. Bowen as co-lead counsel, examining multiple witnesses and delivering closing arguments. I drafted pretrial motions and notices, and assisted in writing sentencing advocacy pleadings. I wrote the brief in Mr. Bowen's Ninth Circuit appeal and handled all aspects of Ms. Bowen's pro se habeas proceedings in the district court.

I also represented the government at Mr. Taylor's separate trial as co-lead counsel. I examined witnesses, cross-examined Mr. Taylor, and delivered closing arguments. On appeal, I wrote the government's brief. Oral argument was scheduled but the case was submitted on the briefs.

Dates of Representation: 2010 – 2013

Judges

Hon. Susan R. Bolton, United States District Judge  
Hon. Pat Carr, United States District Judge (sitting by designation)  
Hon. Richard R. Clifton, United States Circuit Judge  
Hon. Susan Graber, United States Circuit Judge  
Hon. Mary M. Schroeder, United States Circuit Judge  
Hon. Sidney R. Thomas, United States Circuit Judge

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

In addition to the trials listed above and others, I have represented the United States in more than 500 criminal cases and 50 civil cases that resolved short of trial. Having supervised drug- and human-trafficking investigations for six years, I have also made decisions not to charge where the evidence or legal standards did not support a reasonable likelihood of conviction, or where justice would be better served by a resolution other than prosecution.

As a supervisor in my office for nine years, I have spent a significant amount of time advising others in addition to litigating my own cases. I lead a team of seven attorneys and five legal support staff dedicated to appeals, but I provide guidance to other lawyers throughout the office as they face difficult issues in civil and criminal cases. I also advise the Solicitor General whether to seek further review in Arizona cases, which entails analyzing rulings and records against precedent to determine whether reversal is likely. This advisory work includes evaluating adverse district court rulings on motions to suppress and dismiss in criminal cases, and in civil matters arising under the Administrative Procedure Act, Federal Tort Claims Act, and *Bivens*.

My non-litigation legal work also involves coordination both within and outside of the District of Arizona. When a Supreme Court decision or federal legislation demands new analysis to be applied consistently across many cases in the district court – for example, the resource-intensive crime-of-violence litigation arising out of *Johnson v. United States*, 576 U.S. 591 (2015) (declaring unconstitutional certain enhanced sentences under the Armed Career Criminal Act), the First Step Act’s expanded authorization for compassionate release, and the Sentencing Commission’s recent promulgation of retroactive guidelines amendments – I manage my office’s response, develop sample pleadings, coordinate with federal public defenders, and consult with Assistant U.S. Attorneys on individual cases. As the Ninth Circuit representative to the Department of Justice’s Appellate Chiefs Working Group, I also review policy, litigating positions, and proposed legislation for potential effects on U.S. Attorney’s Offices throughout the

country.

I have not engaged in any lobbying activities.

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

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

If confirmed, pursuant to 28 U.S.C. § 455(b)(3), I would recuse myself from cases in which the United States Attorney's Office appears as a party and in which I participated as counsel, an adviser, or a material witness concerning the proceeding or "expressed an opinion concerning the merits of the particular case." I would also strictly follow the Code of Conduct for United States Judges, the policies of the district court, and all other applicable rules regarding conflicts of interest.

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

If confirmed, I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, guidelines, and cases governing such circumstances. As appropriate, I also intend to seek guidance from other judges and ethics officials designated by the court or judicial organizations.

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.

All of my post-clerkship career has been in government service. My ability to do pro bono legal work on behalf of individual clients has therefore been restricted.

Nonetheless, I have tried to serve the disadvantaged in other ways. While managing my office's response to retroactive Supreme Court cases and legislation, I have collaborated with the Federal Public Defender's Office to draft general orders for the district court. District of Arizona General Orders 16-20, 20-28, and 23-20 each provide for the appointment of counsel to screen cases and assist defendants in litigating meritorious claims. I volunteer regularly for the American Bar Association's Free Legal Answers service, providing general advice to Arizonans facing legal problems but who cannot afford a lawyer. I am also a member of the Pro Bono Subcommittee of the Phoenix Chapter of the Federal Bar Association, which is developing a program connecting lawyers to pro bono opportunities throughout the state.

I have also volunteered since 2012 for organizations and projects that expose others, including disadvantaged communities, to the work of federal courts. In 2012, 2018, and 2019, I volunteered for CourtWorks, a program that brings high school students into district court courtrooms for mock trials. Since 2016, I have been a volunteer judge (and frequently a judging panel chair) for the Ninth Circuit Civics Contest, an essay contest for high school students covering Supreme Court cases and other civics-related topics. Since 2023, I have also been a lawyer representative to the Ninth Circuit's Public Information and Community Outreach Committee, which develops essay prompts for the

Civics Contest and conducts other outreach activities.

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 October 10, 2023, I sent letters of interest to the offices of Senators Mark Kelly and Kyrsten Sinema. On October 25, 2023, I formally applied through the application portal the senators established. I interviewed with Senator Sinema's judicial selection committee on November 16, 2023, and with Senator Kelly's judicial selection committee on November 17, 2023. On January 12, 2024, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On February 21, 2024, the President announced his intent to nominate me.

- 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.