

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brandon Scott Long

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

United States District Judge for the Eastern District of Louisiana

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 Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130

Residence: Metairie, Louisiana

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

1976; Metairie, Louisiana

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.

2002 – 2005, Duke University School of Law; J.D., 2005

1995 – 1999, The University of Texas at Austin; B.B.A., B.A., 1999

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.

2021 – present; 2014 – 2020

United States Attorney's Office for the Eastern District of Louisiana
650 Poydras Street, Suite 1600

New Orleans, Louisiana 70130
Assistant United States Attorney (2021 – present; 2014 – 2020)
Deputy Chief, Narcotics Unit (2017 – 2018)

2020 – 2021
Federal Bureau of Investigation (detail)
935 Pennsylvania Avenue, Northwest
Washington, DC 20530
Deputy Chief of Staff (2020 – 2021)
Acting Chief of Staff (December 2020 – January 2021)

2010 – 2014
United States Attorney's Office for the District of Columbia
601 D Street, Northwest
Washington, DC 20004
Assistant United States Attorney

2005 – 2010, Summer 2004
King & Spalding LLP
1700 Pennsylvania Avenue, Northwest, Suite 900
Washington, DC 20006
Associate (2005 – 2010)
Summer Associate (Summer 2004)

Summer 2004
Jenkins & Gilchrist (now defunct)
Austin, Texas
Summer Associate

Summer 2003
Lemle & Kelleher LLP (now defunct)
New Orleans, Louisiana
Summer Associate

Summer 2003
Jones Walker LLP
201 Saint Charles Avenue
New Orleans, Louisiana 70170
Summer Associate

1999 – 2002
Arthur Andersen LLP (now defunct)
New York, New York
Senior Consultant (2001 – 2002)
Consultant (1999 – 2001)

1999
Milnes Bar
35 Hanover Street
Edinburgh EH2 2PJ, United Kingdom
Server/Bartender

Other affiliation (uncompensated)

2019 – present
Boys Hope Girls Hope of New Orleans
P.O. Box 19307
New Orleans, Louisiana 70179
Board Member

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

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

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Excellence in Law Enforcement Award, New Orleans Metropolitan Crime Commission (2021)

Exceptional Partnership and Dedicated Service to the Federal Bureau of Investigation, Office of the Director (2021)

Spartan Award, Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement, Drug Enforcement Agency, New Orleans Division (2019)

Demonstrated Excellence in Successful Prosecution of a Major Criminal Case, *United States v. Lawrence et al.*, Federal Bureau of Investigation (2019)

Duke University School of Law
Cum laude (2005)
Duke Law Journal, Staff Editor (2003 – 2005)

The University of Texas at Austin
Cum laude (1999)
Merit Scholarships (1995 – 1999)

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.

American Bar Association (2006 – 2011; 2012 – 2013)

Federal Bar Association (2017 – 2019; 2022 – present)
Criminal Law Section
New Orleans Chapter

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.

District of Columbia, 2006
Texas, 2005

There have been no lapses in membership. I have been on inactive status in Texas since 2010.

- 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.

Supreme Court of the United States, 2013
United States Court of Appeals for the Fourth Circuit, 2007
United States Court of Appeals for the Fifth Circuit, 2016
United States District Court for the Eastern District of Louisiana, 2014

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.

Boys Hope Girls Hope of New Orleans
Board of Directors (2019 – present)

Jesuit High School of New Orleans
Mock Trial Coach (2019 – 2020; 2022 – 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.

To the best of my knowledge, Boys Hope Girls Hope of New Orleans does not currently discriminate and has not formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies. Jesuit High School of New Orleans is an all-boys, Catholic school. To the best of my knowledge, Jesuit High School does not discriminate on the basis of race, religion, or national origin. As an all-boys school, there are no female students. Further, it is my understanding that, prior to 1962, Jesuit High School was open only to white students.

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.

Siemens Settling Multi-National Anti-Bribery Probe for \$1.6 Billion, King & Spalding Client Alert (Dec. 22, 2008). Copy supplied.

Protecting Employer Investment in Training: Noncompetes vs. Repayment Agreements, 54 Duke L.J. 1295 (2005). Copy supplied.

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

None.

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

None.

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

September 3, 2021: Speaker, The Role of a Prosecutor, Vestavia Hills High School Senior Leadership Class, Vestavia Hills, Alabama. The speech centered on the work of law enforcement and the role of a prosecutor. I have no notes, transcript, or recording. The address for Vestavia Hills High School is 2235 Lime Rock Road, Vestavia Hills, Alabama 35216.

May 2, 2019: Co-Presenter, Overdose Death Criminal Investigations, Jefferson Parish Coroner's Office, Harvey, Louisiana. Draft presentation supplied.

March 21, 2019: Co-Presenter, Overdose Death Investigations Seminar, United States Attorney's Office for the Eastern District of Louisiana, New Orleans, Louisiana. Draft presentation supplied.

September 21, 2018: Co-Presenter, State/Federal Collaboration on the Opioid Epidemic, sponsored by community leaders in Washington Parish, Franklinton, Louisiana. Draft presentation supplied.

September 18, 2018: Speaker, Law Enforcement Response to the Opioid Crisis, Spring Lake Neighborhood Association, New Orleans, Louisiana. Draft notes supplied.

January 26, 2017: Speaker, The U.S. Criminal Justice System, United States Attorney's Office for the Eastern District of Louisiana, New Orleans, Louisiana. I was one of four or five Assistant United States Attorneys who spoke to a group of Russian law students from Moscow State University about the U.S. criminal justice system. I have no notes, transcript, or recording. The address for the United States Attorney's Office for the Eastern District of Louisiana is 650 Poydras Street, Suite 1600, New Orleans, Louisiana 70130

November 4, 2015: Speaker, Student Pledge Against Gun Violence, Mildred S. Harris Elementary, Bridge City, Louisiana. Draft notes supplied.

October 15, 2014: Speaker, Student Pledge Against Gun Violence, Saint Christopher School, Metairie, Louisiana. Draft notes 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.

Katy Marquardt, *U. Texas Fraternity Gives to Fight AIDS*, Daily Texan (Dec. 3, 1998). 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.

To my best recollection, during either sophomore or junior year of college, I performed compensated work on two or three occasions on behalf of the Republican Party of Texas. Specifically, I made unsolicited phone calls seeking donations on behalf of the party.

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 practiced alone.

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

2005 – 2010
King & Spalding LLP
1700 Pennsylvania Avenue, Northwest, Suite 900
Washington, DC 20006
Associate (2005 – 2010)

2010 – 2014
United States Attorney's Office, District of Columbia
601 D Street, Northwest
Washington, DC 20530
Assistant United States Attorney

2020 – 2021
Federal Bureau of Investigation
935 Pennsylvania Avenue, Northwest
Washington, DC 20530

Deputy Chief of Staff (2020 – 2021)
Acting Chief of Staff (December 2020 – January 2021)

2021 – present; 2014 – 2020
United States Attorney's Office for the Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
Assistant United States Attorney (2021 – present; 2014 –2020)
Deputy Chief, Narcotics Unit (2017 – 2018)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

After completing law school in 2005, I joined King & Spalding LLP in Washington, DC, as an associate in the Special Matters and Government Investigations practice. There, I focused on the representation of global companies and individuals in matters involving federal criminal law. My work primarily consisted of conducting internal investigations and developing corporate compliance programs with particular focus on the Foreign Corrupt Practices Act (FCPA), the U.S. law that prohibits companies and individuals from paying bribes to foreign government officials. I also worked on civil matters involving U.S. securities laws. I performed hundreds of hours of pro bono work, which included civil and criminal litigation, served on the firm's hiring committee, and oversaw the summer associate program.

From 2010 to 2014, I served as an Assistant United States Attorney (AUSA) in Washington, DC. My practice involved the investigation and prosecution of criminal matters in the District of Columbia Superior Court and the District of Columbia Court of Appeals. I served as lead counsel in hundreds of cases and was involved in all aspects of criminal litigation, including the presentation of evidence to grand juries; the briefing and arguing of motions; discovery production; the negotiation of pleas; evidentiary hearings; trials; sentencing proceedings; and appeals.

From 2014 to 2020, and then from 2021 to the present, I have served as an AUSA in the Eastern District of Louisiana. In this role, I have directed the

investigation and prosecution of murder and other violent crimes, narcotics offenses, public corruption, insurance fraud, money laundering, tax offenses, social security fraud, and sex offenses. I am currently a member of the Financial Crimes Unit, where my cases primarily involve the investigation and prosecution of fraud and federal tax violations. Previously, I served as the Deputy Chief of the Narcotics Unit (2017 – 2018), where I advised other AUSAs on investigation and trial strategies, evaluated prosecution and plea decisions, and reviewed and approved wiretap warrants. I also served as the office’s Opioid Coordinator (2017 – 2020), during which time I collaborated with law enforcement partners to enhance district-wide opioid prevention and interdiction efforts.

From 2020 to 2021, I served as the Deputy Chief of Staff—and for a short time, the Acting Chief of Staff—to the Director of the Federal Bureau of Investigation (FBI) in Washington, DC. In these roles, I worked primarily on policy, public affairs, and administrative matters. Among other responsibilities, I helped to prepare many of the Director’s public statements and internal communications; advised on media appearances and congressional engagements; worked with the Department of Justice on policy matters affecting the FBI; and oversaw the functioning of the Director’s office staff.

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

As an associate at King & Spalding LLP, my typical clients were global companies and individuals. My specialization involved conducting internal investigations and creating robust corporate compliance programs.

As an AUSA in Washington, DC, and the Eastern District of Louisiana, and in my work at the FBI, my client was the United States.

- 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.

As an associate at King & Spalding LLP from 2005 to 2010, I made one in-person court appearance on a civil pro bono matter. I also helped to draft pleadings in criminal pro bono matters in Virginia state court, the United States Court of Appeals for the Fourth Circuit, and the United States Supreme Court.

As an AUSA in Washington, DC, from 2010 to 2014, I appeared frequently in the District of Columbia Superior Court to handle all aspects of criminal litigation. I also authored briefs in the District of Columbia Court of Appeals and presented two oral arguments.

As an AUSA in the Eastern District of Louisiana, from 2014 to 2020, and from 2021 to the present, I have appeared in court frequently in the United States District Court for the Eastern District of Louisiana to handle all aspects of criminal litigation. I have also co-authored briefs in the United States Court of Appeals for the Fifth Circuit.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 67% |
| 2. state courts of record: | 33% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 5% |
| 2. criminal proceedings: | 95% |

- 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.

As an AUSA in Washington, DC, I tried approximately 27 criminal cases to verdict, of which 15 were jury trials and 12 were non-jury trials. I recall being sole counsel in 26 of the trials. In one trial, I was chief counsel with another AUSA serving as co-counsel.

As an AUSA in the Eastern District of Louisiana, I have tried five cases to verdict, all of which were jury trials. In three of those cases, I was chief counsel with another AUSA serving as co-counsel. In the other two cases, I served as co-counsel with another AUSA serving as the lead.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 62% |
| 2. non-jury: | 38% |

- 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 argued before the Supreme Court of the United States. However, I co-authored a petition for writ of certiorari in *United States v. Debreus*, No. 07-10522 (2008). I am unable to locate a copy of the brief.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases

were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. *United States v. McGowan et al.*, Case No. 21-CR-110 (E.D. La.) (Vance, J.)

From 2021 to the present, I have investigated and prosecuted an insurance fraud scheme in which defendants staged car accidents with tractor-trailers at busy intersections around the city of New Orleans. To carry out their scheme, the defendants intentionally collided their cars with tractor-trailers; sued the truck drivers, trucking companies, and their insurance companies for monetary damages; lied to the police and during sworn depositions; obtained unnecessary medical treatment, driving up the costs of their alleged “loss”; and ultimately settled their cases for lucrative sums, premised on their falsehoods. This investigation has resulted in seven conspiracy indictments covering 47 defendants. One such case, *McGowan*, involved seven defendants who were charged with conspiring to commit mail fraud and mail fraud. I presented this case to the grand jury, produced discovery, negotiated plea offers, and handled sentencing hearings. To date, four of these defendants have pled guilty and been sentenced to terms of imprisonment— Mr. Allen received 37 months, Ms. McGowan and Ms. T. Brown each received 24 months, and Ms. Ridley received six months. Two defendants, Ms. L. Johnson and Ms. D. Johnson, have pled guilty and are awaiting sentencing. One defendant, Mr. J. Brown, is a fugitive.

Co-Counsel

Brian M. Klebba

Edward John Rivera

Maria Michelle Carboni

United States Attorney’s Office for the Eastern District of Louisiana

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New Orleans, LA 70130

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Opposing Counsel

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Marino & Ehle LLC

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Juan Pablo Bernal (D. Johnson)
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New Orleans, LA 70119
(504) 264-2883

Dwight Michael Doskey (Allen)
321 North Vermont Street, Suite 209
Covington, LA 70433
(504) 388-3782

Julie Christine Tizzard (T. Brown)
700 Camp Street, Suite 101
New Orleans, LA 70130
(504) 529-3774

Samuel H. Winston (Ridley)
Winston & Bergeron LLP
1700 Josephine Street
New Orleans, LA 70113
(504) 577-2500

2. *United States v. Age, Jr., et al.*, Case No. 16-CR-32 (E.D. La.) (Ashe, J.)

In 2021 and 2022, I worked on the trial team that convicted four defendants of charges relating to the 2012 murder of a federal cooperating witness. Mr. Age, Jr., had owned a home healthcare company in Baton Rouge, Louisiana. In 2011, Mr. Age, Jr., and some of his employees were charged federally with healthcare fraud. One of the employees agreed to cooperate with the government. Learning of the cooperation, Mr. Age, Jr., directed his son and his son's friend, both co-defendants in the murder case, to enlist a New Orleans-based gang member, the fourth defendant, to murder the cooperator before he could testify. The defendants were indicted on charges of conspiracy to commit murder for hire, murder for hire, and related offenses. In preparation for the trial, I drafted pretrial motions and prepared witnesses for testimony. During trial, I conducted direct and cross examinations of government and defense witnesses, including an arson expert and a government cooperator who was a former gang member and witnessed the execution of the victim. After a three-week trial, the jury found all four defendants guilty of all but one charge. All four defendants were sentenced to mandatory life imprisonment. The defendants have filed a notice of appeal.

Co-Counsel

Elizabeth A. Privitera

David Earl Haller

Theodore R. Carter, III

United States Attorney's Office for the Eastern District of Louisiana

650 Poydras Street, Suite 1600

New Orleans, LA 70130

(504) 680-3000

Opposing Trial Counsel

Richard J. Bourke (Age, Jr.)

Louisiana Capital Assistance Center

636 Baronne Street

New Orleans, LA 70113

(504) 558-9867

Steven Lemoine (Age, III)

4240 Canal Street

New Orleans, LA 70119

(504) 236-6211

Kerry P. Cuccia (Guillory)

3606 Canal Street

New Orleans, LA 70119

(504) 595-8965

Anna Lisa Friedberg (Wilson, Jr.)

3110 Canal Street

New Orleans, LA 70119

(504) 444-8557

3. *United States v. Farris et al.*, Case No. 18-CR-239 (E.D. La.) (Milazzo, J.)

Mr. M. Cantu-Cox and Mr. C. Cantu-Cox (the "Cantu-Coxes") were large-scale methamphetamine suppliers from the Houston area who were charged in 2016, alongside nine other defendants, with conspiring to distribute methamphetamine and other offenses in Case No. 16-CR-162 (E.D. La.) (Vitter, J.). I was the lead prosecutor on that case. While the case was pending, investigators developed evidence that the Cantu-Coxes were responsible for the murder of one of their drug customers, V.S., an 18-year-old man who lived in the New Orleans area. V.S. had stolen money from the Cantu-Coxes, causing the Cantu-Coxes to hatch a plan to kidnap V.S. They enlisted the help of Mr. Farris, Ms. Doucet, and Ms. Aspuria, all of whom lived in the New Orleans area. At the direction of Mr. Farris, Ms. Doucet contacted V.S. over social media and suggested they meet for a sexual encounter. This was a ruse; the purpose of the meeting was for Ms. Doucet to provide V.S. with a cocktail of drugs, rendering him incapacitated, and then deliver V.S. to the Cantu-Coxes at a New Orleans hotel. On the night of the meeting, Ms. Doucet and

Ms. Aspuria picked up V.S. and began driving around in Ms. Aspuria's car, as Ms. Doucet secretly mixed the cocktail of drugs into V.S.'s drink. When V.S. passed out, Ms. Doucet and Ms. Aspuria brought V.S. to the Cantu-Coxes, who loaded V.S.'s still body into their car and began driving back to Houston. During the drive, the Cantu-Coxes realized V.S. was dead. They waited until nightfall and placed his body in a bayou, where it washed ashore one week later. From 2017 to 2022, except during my detail to the FBI, I investigated and prosecuted the murder case. This involved interviewing potential witnesses and cooperators; analyzing phone records and forensic evidence; meeting with the victim's family; presenting the case to a grand jury; negotiating plea resolutions with the participants in the scheme; and handling sentencing hearings. For their role in V.S.'s death and for their participation in the methamphetamine conspiracy, the Cantu-Coxes each received sentences of 240 months in prison. Ms. Aspuria received a sentence of 120 months in prison. Ms. Doucet received a sentence of 88 months in prison. Mr. Farris received a sentence of 87 months in prison.

Co-Counsel

David H. Sinkman (former Assistant United States Attorney)
(646) 872-7162

Opposing Counsel

Michael Seth Fawer (M. Cantu-Cox)
Smith & Fawer, LLC
312 30th Street
New Orleans, LA 70124
(504) 483-8600

Lindsay A. Larson, III (C. Cantu-Cox)
Deceased

James Alan Williams (Farris)
706 Derbigny Street
Gretna, LA 70053
(504) 361-0636

Cynthia Marie Cimino (Doucet)
BrowneLaw LLC
3330 West Esplanade South, Suite 302
Metairie, LA 70002
(504) 648-0171

Ian Lewis Atkinson (Aspuria)
Schonekas, Evans, McGoey & McEachin, LLC
909 Poydras Street, Suite 1600
New Orleans, LA 70112
(504) 680-6050

4. *United States v. Alexander*, Case No. 16-CR-197 (E.D. La.) (Milazzo, J.)

From 2016 to 2021, except during my detail to the FBI, I was the lead attorney on the investigation and prosecution of Mr. Alexander for drug, firearm, and financial crimes. Before his arrest in 2016, Mr. Alexander packaged, marketed, and sold a product that he named “Bonita,” a combination of over-the-counter chemicals that he sold to the most prolific drug dealers in New Orleans. The drug dealers used the Bonita to “cut,” or dilute, their illegal drug products to increase their quantity and earn more profits. Mr. Alexander’s primary defense at trial was that the underlying chemicals were not controlled substances, and that he purchased them legally and merely repackaged and sold them. I worked on all aspects of the investigation, including getting judicial approval for a search warrant for Mr. Alexander’s residence, issuing grand jury subpoenas for records and testimony, and presenting the case to the grand jury. Mr. Alexander went to trial in August 2019. In preparation for the trial, I managed the production of discovery, drafted and argued pretrial motions, prepared government exhibits, and prepared witnesses for testimony. During trial, I conducted direct and cross examinations of government and defense witnesses, including the cross examination of Mr. Alexander; argued evidentiary objections and motions for judgment; and delivered the closing argument. After a week-long trial, the jury convicted Mr. Alexander on all but one count. Mr. Alexander was sentenced to a prison term of 136 months and ordered to forfeit approximately \$425,000 in proceeds from his illegal activities. Mr. Alexander has filed an appeal challenging his conviction, which is currently pending in the Fifth Circuit.

Co-Counsel

Theodore R. Carter, III

United States Attorney’s Office for the Eastern District of Louisiana

650 Poydras Street, Suite 1600

New Orleans, LA 70130

(504) 680-3165

Opposing Trial Counsel

Walter Francis Becker, Jr.

Chaffe McCall LLP

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5. *United States v. Mayfield, Markham*, Case No. 17-CR-241 (E.D. La.) (Zainey, J.)

From 2016 to 2021, except during my detail to the FBI, I served as co-counsel on the investigation and prosecution of Mr. Mayfield, a well-known jazz performer in New Orleans, and his business partner and long-time friend Mr. Markham. Both men served on the board of the New Orleans Public Library Foundation, the nonprofit organization that acts as the funding mechanism for the New Orleans public library system. Between 2011 and 2013, the men used their positions on the board to unlawfully divert more than

\$1.3 million for their own benefit, and then used the ill-gotten proceeds to fund lavish expenditures. As a member of the case team, I assisted with interviewing witnesses, presenting evidence to the grand jury, drafting the indictment, preparing pretrial motions, and negotiating a resolution with the defense. In 2020, the defendants pled guilty to conspiracy to commit mail and wire fraud. Each defendant received a prison sentence of 18 months. In addition, the defendants were ordered to forfeit a 24-carat, gold-plated trumpet they had purchased with the stolen funds.

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6. *United States v. Pendleton*, Case No. 16-CR-41 (E.D. La.) (Milazzo, J.), *aff'd*, 761 F. App'x 339 (5th Cir. 2019)

From 2015 to 2021, except during my detail to the FBI, I served as lead counsel in the criminal prosecution of Mr. Pendleton, a New Orleans businessman who laundered drug proceeds for heroin dealers in New Orleans. Mr. Pendleton was charged with multiple counts of money laundering, structuring cash transactions, conspiracy to distribute heroin, and making false statements on loan applications. Because of his significant wealth, Mr. Pendleton was able to purchase luxury cars and residential properties for drug dealers in his own name, allowing the drug dealers to use the assets while making sizable, off-the-books cash payments to Mr. Pendleton. Mr. Pendleton elected to go to trial in April 2017. In preparation for trial, I drafted pretrial motions, oversaw discovery production, prepared trial exhibits, and met with and prepared government witnesses. As the lead prosecutor, I handled the examination of witnesses, argued objections and motions for judgment, and delivered the opening and rebuttal arguments. The jury returned a verdict of guilty on money laundering and structuring counts. Mr. Pendleton was sentenced to 121 months in prison, ordered to pay a fine of \$100,000, and ordered to

forfeit more than \$700,000 in cash and assets. I later handled post-trial motions and co-authored responses to Mr. Pendleton's appeals to the Fifth Circuit Court of Appeals.

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7. *United States v. Daigle et al.*, Case No. 17-CR-193 (E.D. La.) (Morgan, J.)

From 2017 to 2019, I handled the investigation and prosecution of a methamphetamine trafficking conspiracy involving 11 defendants. The investigation began when the United States Postal Service lawfully intercepted a suspicious package containing methamphetamine that had been sent to a New Orleans-based drug dealer. From the seizure of that package, our investigation team was able to work upstream to identify multiple levels of the distributors' supply chain, leading to the arrest and indictment of drug dealers in Louisiana, Texas, and California. During the investigation and prosecution, I worked with the case agents to secure search warrants; presented the 23-count indictment, involving drug and firearm charges, to the grand jury; negotiated plea resolutions with each defendant; and handled sentencing and post-conviction proceedings. The following defendants received prison sentences—Mr. Hatch, 160 months; Mr. Higginbotham, 120 months; Mr. Polk, 120 months; Ms. Vidaure, 96 months; Mr. Daigle, 78 months; Mr. Lopez-Lopez, 60 months; Mr. Torres-Cadenas, 60 months; Mr. Giandalone, 48 months; and Mr. Clines, 42 months. Ms. Lopez and Mr. Melancon each received three years of probation.

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8. *United States v. Daniels*, Case No. 16-CR-8 (E.D. La.) (Milazzo, J.)

From 2015 to 2017, I served as lead counsel in the criminal prosecution of Mr. Daniels, a New Orleans-based cocaine dealer. In December 2015, agents from the Drug Enforcement Administration were conducting surveillance of Mr. Daniels' co-defendant, a Houston-based cocaine trafficker, when they tracked him to a hotel room in New Orleans. Upon making lawful entry into the room, agents discovered Mr. Daniels and his co-defendant in possession of crack cocaine, numerous instruments for packaging drugs and counting money, and almost \$300,000 in cash wrapped in cellophane. Mr. Daniels had been attempting to flush evidence as officers entered the room. In preparation for trial, I drafted pretrial motions, oversaw discovery production, prepared trial exhibits, and met with and prepared government witnesses—including cooperating drug dealers who agreed to testify for the government. As the lead prosecutor, I handled the examination of witnesses, argued objections and motions for judgment, and delivered the opening and rebuttal arguments. The jury returned a verdict of guilty on all counts. Mr. Daniels was initially sentenced to 240 months in prison; however, his sentence was later reduced to 120 months after the court granted his motion for a reduction.

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9. *United States v. Sharper et al.*, Case No. 14-CR-284 (E.D. La.) (Milazzo, J.)

Mr. Sharper had been a longtime professional football player who finished his career in 2010 as a member of the New Orleans Saints. In 2016, I served as co-counsel in the criminal prosecution of Mr. Sharper and his two co-defendants, Mr. Licciardi and Mr. Nunez, for conspiring to drug unsuspecting women with intent to commit rape, and other offenses. As part of their scheme, the defendants met women at nightclubs and secretly placed controlled substances in their cocktails, rendering them incapacitated. The defendants then sexually assaulted the women, who oftentimes had difficulty recalling the events the following day. Mr. Sharper was arrested and charged in multiple jurisdictions across the country for similar offenses. He negotiated a global plea deal in the United States District Court for the Eastern District of Louisiana that resolved all of

his federal and state charges. He received a sentence of 220 months in prison. Mr. Licciardi and Mr. Nunez appeared intent on going to trial. During trial preparation, I responded to pretrial evidentiary and discovery motions. I also prepared witnesses for trial, including rape victims whom the government intended to call in its case. Just before the start of the trial, Mr. Nunez pled guilty. He received a prison sentence of 120 months. Mr. Licciardi pled guilty after jury selection and was later sentenced to 204 months in prison.

Co-Counsel

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10. *United States v. Williams*, Case No. 2013-CF3-14331 (D.C. Super. Ct.) (Lee, J.)

From 2013 to 2014, I was the sole prosecutor on an armed carjacking case. The two victims were unloading their car at their home in Washington, DC, when four masked men, all carrying firearms, approached the car and demanded their cash, phones, and keys. The carjackers fled in the stolen car and the victims called the police. Officers spotted the car a short time later and gave pursuit, leading to a high-speed chase that ended when the car crashed in Prince George's County, Maryland. Three masked assailants fled the car into a wooded area along the highway. Officers pursued the assailants and apprehended two individuals, Mr. Williams and a juvenile male, a few

blocks away. The police were unable to locate the firearms used by the assailants, and no eyewitnesses could identify Mr. Williams. However, a central piece of the government's evidence was a mask, similar to the one worn by the assailants, that was dropped at the scene of the crash and contained traces of Mr. Williams's DNA. The juvenile male pled guilty, but Mr. Williams went to trial in 2014. I handled all aspects of the prosecution of this case, including the presentation to the grand jury; preparation of witnesses for trial; pretrial motions and discovery; trial; and sentencing. Mr. Williams was convicted of armed carjacking and related offenses and sentenced to 15 years in prison.

Opposing Trial Counsel

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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.)

While in private practice at King & Spalding LLP, I primarily advised U.S. companies and individuals on aspects of federal criminal law. As an example, from approximately 2007 through 2010, I represented a U.S. company in an FCPA investigation. The Department of Justice and the Securities and Exchange Commission were specifically investigating whether non-U.S. employees of the company conferred improper payments and benefits to foreign government officials in specific countries around the world. The company hired King & Spalding LLP to conduct an internal investigation and to work with U.S. authorities to resolve the inquiry. I acted as the senior-most associate handling day-to-day aspects of the investigation, including overseeing document collection and review; interviewing company witnesses; preparing presentations to U.S. authorities; and recommending remedial changes to the company's compliance programs.

As an AUSA in the Eastern District of Louisiana, in addition to my case work, I served as the office's Opioid Coordinator from 2017 to 2020. This primarily involved collaborating with federal and local law enforcement and other public officials to stem the flow of opioids through education, prevention, and prosecution. I have also participated in multiple hiring panels for AUSAs and summer interns.

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

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a

syllabus of each course, provide four (4) copies to the committee.

I have not taught courses at a college or graduate-school level. However, in 2019 and 2022 through the present, I have volunteered to serve as one of the coaches of the mock trial team at Jesuit High School in New Orleans. This involves attending up to three practices per week over approximately three months, during which I teach high school students the basics of trial advocacy. I do not use a syllabus. The students then compete in competitions locally, and, depending on the results, state-wide and nationally.

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, I will recuse myself from any matter on which I worked while at the

United States Attorney's Office for the Eastern District of Louisiana. I will also recuse myself from any matter about which I learned nonpublic information through my work in the office. I will evaluate any other real or potential conflicts, or any relationship that could give rise to the appearance of a conflict, on an individualized basis and determine appropriate action with input from parties and their counsel. I will recuse myself where necessary or appropriate.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other applicable laws, rules, practices, judicial decisions, or Judicial Conference opinions.

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.

During my five years at King & Spalding LLP, I spent hundreds of hours on pro bono matters, which included working on a civil matter on behalf of a former employee of the firm; collaborating on a petition for habeas corpus relief on behalf of a Virginia inmate; and serving as co-counsel on an appeal before the United States Court of Appeals for the Fourth Circuit, and later a petition for writ of certiorari to the Supreme Court of the United States, on behalf of a drug defendant who received a life sentence.

I have dedicated the past 13 years to serving the public as an AUSA at two United States Attorney's Offices and as the Deputy Chief of Staff and Acting Chief of Staff at the FBI. Although my ability to provide pro bono services is limited in these roles, I currently sit on the board of directors for Boys Hope Girls Hope of New Orleans, a local nonprofit that operates two group homes for children. I also serve as an assistant coach for the mock trial team at Jesuit High School.

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 December 21, 2022, I submitted my resume to the office of Senator Bill Cassidy for consideration after the announcement that the Honorable Carl J. Barbier of the Eastern District of Louisiana would be taking senior status. On January 17, 2023, I interviewed with Senator Cassidy. On March 8, 2023, I interviewed with attorneys from the White House Counsel's Office. On March 10, 2023, I interviewed with Senator John N. Kennedy. On March 17, 2023, I was contacted by the White House Counsel's Office and informed that I would be moving forward in the selection process. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice and with staff members from the offices of Senators Cassidy and Kennedy. On June 7, 2023, 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.