

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Angela Marie Martinez
Angie Martinez

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 District Court
District of Arizona
Evo A. DeConcini U.S. Courthouse
405 West Congress Street, Suite 6660
Tucson, Arizona 85701

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

1972; Tucson, Arizona

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.

1997 – 2000, University of Arizona James E. Rogers College of Law, J.D., 2000

1991 – 1995, University of Arizona; B.A., (*cum laude*), 1995

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.

2023 – present
United States District Court

District of Arizona
Evo A. DeConcini U.S. Courthouse
405 West Congress Street, Suite 6660
Tucson, Arizona 85701
United States Magistrate Judge

2015 – 2023; 2005 – 2009
United States Attorney's Office
405 West Congress Street, Suite 4800
Tucson, Arizona 85701
Senior Litigation Counsel (2022 – 2023)
Assistant United States Attorney (2005 – 2009; 2015 – 2023)

2013 – 2015
Honorable Jennifer G. Zipps, United States District Judge
United States District Court
District of Arizona
Evo A. DeConcini U.S. Courthouse
405 West Congress Street, Suite 5190
Tucson, Arizona 85701
Judicial Law Clerk

2012 – 2013
Farhang & Medcoff, P.L.L.C.
100 South Church Avenue, Suite 100
Tucson, Arizona 85701
Associate

2008 – 2009
University of Arizona
James E. Rogers College of Law
1201 East Speedway Boulevard
Tucson, Arizona 85721
Adjunct Professor

2002 – 2004
Lewis and Roca, L.L.P.
201 East Washington Street, Suite 1200
Phoenix, Arizona 85004; and
One South Church Avenue, Suite 2000
Tucson, Arizona 85701
Associate

2000 – 2002
Honorable John M. Roll, United States District Judge (Deceased)
United States District Court

District of Arizona
Evo A. DeConcini U.S. Courthouse
405 West Congress Street
Tucson, Arizona 85701
Judicial Law Clerk

1995 – 1997
La Paloma Family Services
870 West Miracle Mile
Tucson, Arizona 85705
Team Leader

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.

Special Act Award, United States Attorney's Office (2022, 2022, 2018, 2009)

Recognition Award, U.S. Department of Homeland Security (2009)

University of Arizona College of Law
Dean's List (Fall 1999, Spring 1998, Fall 1997)
Honorable Mention, Oral Argument, Moot Court Competition (1998)
Outstanding Appellate Brief, Moot Court Competition (1998)
Ares Teaching Fellowship (1998 – 1999)
Financial Merit Scholarship (1997 – 1998)

University of Arizona
Graduated *Cum Laude* (1995)

Hispanic Student Merit Scholarship, Davis Monthan Air Force Base Community (1991)

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.

Arizona Minority Bar Association (2004 – present)

Arizona Women Lawyers Association (AWLA), Steering Committee Member (2014 –

2015)

Arizona Young Lawyers Association (2000 – 2002)

Federal Bar Association, William D. Browning Tucson Chapter

Federal Magistrate Judges Association (2023 – present)

Lawyer Representative to the Ninth Circuit Judicial Conference for the District of Arizona (2018 – 2022)

Morris K. Udall American Inn of Court (2022 – 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, 2000

My bar status has been “inactive” on three different occasions: from October 2013 to August 2014 during a clerkship, from June 2009 to July 2012 when I lived abroad, and from January 2001 to October 2002 during a clerkship. There have been no other 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, 2005
United States District Court for the District of Arizona, 2002

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.

None.

- 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.

Not applicable.

12. Published Writings and Public Statements:

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

Is FMLA 'fertile' ground for maternity leave claims? 11 No. 4 Ariz. Emp. L. Letter (Sept. 2004). Copy supplied.

Bus Driver Fired for Being Victim of Domestic Violence Loses Suit, 11 No. 2 Ariz. Emp. L. Letter 4 (July 2004). Copy supplied.

Car Dealers Couldn't 'Dodge' Claims of Discrimination, 11 No. 1 Ariz. Emp. L. Letter 4 (June 2004). Copy supplied.

America West Lands Big Win, 10 No. 11 Ariz. Emp. L. Letter 1 (Apr. 2004). Copy supplied.

Lawyers in Trouble – Maricopa County Attorney's Office Sued for Harassment, 10 No. 10 Ariz. Emp. L. Letter 3 (Mar. 2004). Copy supplied.

AutoZone's Training Brakes Employee's Sexual Harassment Claim, 10 No. 8 Ariz. Emp. L. Letter 1 (Jan. 2004). Copy supplied.

Yippee-Kai-Yay? Jury Helps Cowboy Rope in \$300,000+ in Wrongful Discharge Case, 10 No. 6 Ariz. Emp. L. Letter 1 (Nov. 2003). Copy supplied.

Space Suits, Mascots, and FLSA: Employees Must Be Paid for Suit-Up Time, 10 No. 4 Ariz. Emp. L. Letter 6 (Sept. 2003). Copy supplied.

Court Finds in Favor of Dean and College District, 10 No. 4 Ariz. Emp. L. Letter 1 (Sept. 2003). Copy supplied.

You Should Have Known That FMLA Protects Employee Catching Some Z's on

the Job!, 10 No. 2 Ariz. Emp. L. Letter 4 (July 2003). Copy supplied.

Trials Aren't Always Where the Action Is, 9 No. 12 Ariz. Emp. L. Letter 4 (May 2003). Copy supplied.

School Official 'Hits Her Mark' in ADA Trial, 9 No. 11 Ariz. Emp. L. Letter 1 (Apr. 2003). Copy supplied.

Independence, empowerment, and higher quality of life for disabled employees, 9 No. 2 Ariz. Emp. L. Letter (Mar. 2003). Copy supplied.

Highway Department Pays the Toll for Sex Discrimination, 9 No. 9 Ariz. Emp. L. Letter 3 (Feb. 2003). Copy supplied.

Red Flags Not Always Bad Things, 9 No. 8 Ariz. Emp. L. Letter 1 (Jan. 2003). Copy supplied.

Public Employers Prevail in Two Recent Trials, 9 No. 7 Ariz. Emp. L. Letter 1 (Dec. 2002). Copy supplied.

Phoenix Park Ranger's Race Bias Case Flushed, 9 No. 6 Ariz. Emp. L. Letter 3 (Nov. 2002). Copy supplied.

I also may have published the following article in my role as an associate at Lewis and Roca; however, I have been unable to locate a copy of the article:

You Could Call It 'Social Insecurity', 9 No. 8 Ariz. Emp. L. Letter 2 (Jan. 2003). Unable to obtain copy.

Additionally, in approximately 2004, I believe I authored a labor and employment law article in *The Federal Lawyer*. Despite my best efforts, I have not been able to locate a copy of the article, and the publisher also was unable to locate a copy. I recall that the article provided an update on the current state of employment law.

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

None.

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

behalf to public bodies or public officials.

None.

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

I have searched my files and electronic databases to identify all events responsive to this question, but there may be other events I have not been able to recall or identify.

December 1, 2023: Speaker, Naturalization Ceremony, United States District Court for the District of Arizona, Tucson, Arizona. Speech supplied.

November 3, 2023: Speaker, Investiture, United States District Court for the District of Arizona, Tucson, Arizona. I gave remarks at my investiture as a United States Magistrate Judge, thanking my family, close friends, and associates for their support and guidance throughout my life and career. I have no notes, transcript, or recording. The address for the United States District Court for the District of Arizona is 405 West Congress Street, Tucson, Arizona 85701.

September 15, 2023: Speaker, Naturalization Ceremony, United States District Court for the District of Arizona, Tucson, Arizona. I used the same speech that was provided for the December 1, 2023, ceremony.

September 13, 2023: Panelist, "Networking," University of Arizona James E. Rogers College of Law, Latino Student Association, and affinity student associations, Tucson, Arizona. I spoke to law students about the importance of establishing career-long mentorship relationships and seeking meaningful contribution within the legal community. I have no notes, transcript, or recording. The address of the University of Arizona James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

June 23, 2023: Speaker, Naturalization Ceremony, United States District Court for the District of Arizona, Tucson, Arizona. I used the same speech that was provided for the December 1, 2023, ceremony.

August 26, 2022: Panelist, "Alternatives to Traditional Prosecution," District of Arizona Annual Conference, Flagstaff, Arizona. I spoke on behalf of the United

States Attorney's Office for the District of Arizona regarding its role in the Incarceration and Conviction Alternatives Network Program. I have no notes, transcript, or recording. The address for the United States District Court for the District of Arizona is 405 West Congress Street, Tucson, Arizona 85701.

March 4, 2022: Moot Court Judge, Arizona High School Regional Mock Trial competition sponsored by the Arizona Foundation for Legal Services and Education. I served as a moot court judge for this event. I have no notes, transcript, or recording. The address for the Arizona Foundation for Legal Services is 4201 North 24 Street, Suite 210, Phoenix, Arizona 85016.

June 2022 (specific date unknown): Co-speaker, Summer Judicial Extern Program, United States District Court for the District of Arizona, Tucson, Arizona. I spoke to summer judicial externs about my career experience and work as an Assistant United States Attorney. I have no notes, recording, or transcript. The address for the United States District Court for the District of Arizona is 405 West Congress Street, Tucson, Arizona 85701.

June 25, 2021: Co-speaker, Summer Judicial Extern Program, United States District Court for the District of Arizona, Tucson, Arizona. I spoke to summer judicial externs about my career experience and work as an Assistant United States Attorney. I have no notes, recording, or transcript. The address for the United States District Court for the District of Arizona is 405 West Congress Street, Tucson, Arizona 85701.

March 4, 2021: Moot Court Judge, Arizona High School Regional Mock Trial competition sponsored by the Arizona Foundation for Legal Services and Education. I served as a moot court judge for this event. I have no notes, transcript, or recording. The address for the Arizona Foundation for Legal Services is 4201 North 24 Street, Suite 210, Phoenix, Arizona 85016.

2018 (specific date unknown): Civics Panelist, We the People hosted at Challenger Middle School in Tucson, Arizona by the Arizona Bar Foundation. I participated in a panel on American constitutional democracy and civics. I have no notes, transcript, or recording. The address for the Arizona Bar Foundation is 4201 North 24th Street, Phoenix, Arizona 85016.

March 4, 2017: Moot Court Judge, Arizona High School Regional Mock Trial competition sponsored by the Arizona Foundation for Legal Services and Education. I served as a moot court judge for this event. I have no notes, transcript, or recording. The address for the Arizona Foundation for Legal Services is 4201 North 24 Street, Suite 210, Phoenix, Arizona 85016.

February 20, 2016: Moot Court Judge, Arizona High School Regional Mock Trial competition sponsored by the Arizona Foundation for Legal Services and Education. I served as a judge for this event. I have no notes, transcript, or

recording. The address for the Arizona Foundation for Legal Services is 4201 North 24 Street, Suite 210, Phoenix, Arizona 85016.

March 31, 2015: Moot Court Judge, Samuel M. Fegtly 2L Moot Court Competition, University of Arizona James E. Rogers College of Law. I served as a moot court judge for this event. I have no notes, transcript, or recording. The address of the University of Arizona James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

March 2014 (specific date unknown): Moot Court Judge, Samuel M. Fegtly 2L Moot Court Competition, University of Arizona James E. Rogers College of Law. I served as a moot court judge for this event. I have no notes, transcript, or recording. The address of the University of Arizona James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

1999 (specific date unknown): Moot Court Judge, Santa Clara Elementary School. I served as a moot court judge for this event. I have no notes, transcript or recording. The address of Santa Clara Elementary School is 6910 South Santa Clara Avenue, Tucson, Arizona 85706.

- 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.

None.

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.

On March 30, 2023, I was appointed by the district judges of the District of Arizona to serve as a United States Magistrate Judge. The jurisdiction of the United States District Court extends to all criminal and civil cases in which federal subject matter or diversity jurisdiction exists. In civil cases, the district judge presides and refers pre-trial proceedings to the magistrate judge. Magistrate judges are authorized to rule by final order on all non-dispositive matters. Upon the parties' consent, a magistrate judge may preside over all dispositive matters in a case including presiding over a jury trial and entering final judgment. Magistrate judges also handle settlement conferences in civil cases.

In criminal cases, magistrate judges do not preside over jury trials or sentence individuals charged with felony offenses. However, magistrate judges may preside over certain misdemeanor trials and sentencing hearings and are authorized to handle all other aspects of a criminal case, such as search warrants, criminal complaints, initial appearances and

arraignments, bond revocation and detention hearings, motions to suppress evidence, jury selection, guilty pleas, and supervised release violations.

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

I have not presided over any trials. I have presided over approximately 13 civil cases that have gone to judgment and approximately 374 misdemeanor criminal cases that have resulted in sentencing and judgment.

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

jury trials:	0%
bench trials:	0% [total 100%]

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

civil proceedings:	3%
criminal proceedings:	97% [total 100%]

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

See attached list of citations.

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

1. *Morgan v. United States*, No. 4:22-CV-00125-RCC (AMM)

Mr. Morgan, an inmate in the custody of the Federal Bureau of Prisons, sued the United States under the Federal Tort Claims Act for negligence in connection with medical care received while in custody. Mr. Morgan alleged that he received inadequate medical care related to post-operative treatment for back surgery. I conducted a judicial settlement conference on October 3, 2023, during which the parties reached a settlement. The parties then stipulated to dismissal.

Counsel for Plaintiff:

Jeremy Killpack
Hallinan & Killpack Law Firm
5240 East Pima Street
Tucson, AZ 85712
(520) 320-5240

Counsel for Defendant:

Michael Louis Linton
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7487

2. *Forsyth v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00203-AMM, 2023 U.S. Dist. LEXIS 165356 (D. Ariz. Sept. 15, 2023).

Ms. Forsyth sought review of an administrative law judge's denial of her claim for supplemental security income. The parties consented to my jurisdiction for all district court proceedings. I affirmed the administrative law judge's analysis of most of the medical opinion evidence but found that the administrative law judge did not adequately analyze the consistency and persuasiveness of one of the medical source opinions. Based on these findings, I remanded for further proceedings before the Social Security Administration. Judgment was entered in favor of Ms. Forsyth, and my decision was not appealed.

Counsel for Plaintiff:

Kathryn Dicus
Dicus Disability L.L.C.
10645 North Tatum Boulevard, Suite 329
Phoenix, AZ 85028
(602) 616-4396

Counsel for Defendant:

Michonne Louise Omo
Social Security Administration
6401 Security Boulevard
1520 Annex
Baltimore, MD 21235
(510) 970-4845

3. *Porter v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00259-AMM. Opinion supplied.

Ms. Porter sought review of an administrative law judge's denial of her claim for disability insurance benefits. The parties consented to my jurisdiction for all district court proceedings. I found that the administrative law judge failed to provide clear, convincing, and specific reasons for discounting Ms. Porter's testimony regarding her ankle pain and injuries, back pain, and hand numbness. Based on these findings, I remanded for further proceedings before the Social Security Administration. Judgment was entered in favor of Ms. Porter, and my decision was not appealed.

Counsel for Plaintiff:

Dee-Dee Samet
Dee-Dee Samet P.C.
717 North Sixth Avenue
Tucson, AZ 85705
(520) 624-8595

Counsel for Defendant:

Christopher Vieira
Social Security Administration
6401 Security Boulevard, Office 7
Baltimore, MD 21235
(510) 970-4808

4. *Soto v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00162-AMM, 2023 U.S. Dist. LEXIS 162792 (D. Ariz. Sept. 12, 2023).

Ms. Soto sought review of an administrative law judge's denial of her claim for disability insurance benefits and supplemental security income. The parties consented to my jurisdiction for all district court proceedings. I affirmed the administrative law judge's analysis of Ms. Soto's symptom testimony but found that the administrative law judge did not sufficiently articulate her reasoning with respect to the consistency and supportability of the medical opinion evidence. Based on these findings, I remanded for further proceedings before the Social Security Administration. Judgment was entered in favor of Ms. Soto, and my decision was not appealed.

Counsel for Plaintiff:

Audrey Corinne Miller
Hallinan & Killpack Law Firm
5240 East Pima Street
Tucson, AZ 85712
(520) 320-5240

Counsel for Defendant:

Michonne Louise Omo
Social Security Administration
6401 Security Boulevard
1520 Annex
Baltimore, MD 21235
(510) 970-4845

5. *Anderson v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00273-AMM, 2023 U.S. Dist. LEXIS 161330 (D. Ariz. Sept. 11, 2023).

Ms. Anderson sought review of an administrative law judge's denial of her claim for supplemental security income. The parties consented to my jurisdiction for all district court proceedings. I found that the administrative law judge did not adequately address Ms. Anderson's limitations in concentrating, persisting, or maintaining pace and did not adequately explain the restrictions on Ms. Anderson's ability to interact with others. Based on these findings, I remanded for further proceedings before the Social Security Administration. Judgment was entered in favor of Ms. Anderson, and my decision was not appealed.

Counsel for Plaintiff:

Nicole Julie Franco
Nicole J. Franco Law Offices
P.O. Box 12093
Phoenix, AZ 85267
(480) 945-0144

Counsel for Defendant:

Edmund Jack Darcher
Sohayl Vafai
Social Security Administration
6401 Security Boulevard, Office 7
Baltimore, MD 21235
(206) 615-2662

6. *Dobbs v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00384-RCC (AMM), R. & R. adopted, 2023 U.S. Dist. LEXIS 152713 (D. Ariz. Aug. 28, 2023). Opinion supplied.

Mr. Dobbs sought review of an administrative law judge's denial of his claims for disability insurance benefits and supplemental security income. The matter was referred to me for a report and recommendation. I recommended affirming the administrative law judge's analysis of the medical opinion evidence and of Mr. Dobbs' symptom testimony. Plaintiff objected to the report and recommendation. The district judge overruled the objection and adopted my report and recommendation in full. Judgment was entered in favor of the Commissioner of Social Security, and the judgment was not appealed.

Counsel for Plaintiff:

Audrey Corinne Miller
Hallinan & Killpack Law Firm
5240 East Pima Street
Tucson, AZ 85712
(520) 320-5240

Counsel for Defendant:

David Priddy

Social Security Administration
6401 Security Boulevard, Office 7
Baltimore, MD 21235
(510) 970-4801

7. *United States v. Sealed*, No. 4:23-CR-00862-JAS (AMM)

The juvenile defendant in this case was charged with transportation of illegal aliens. The defendant moved to determine his competency to stand trial due to mental health concerns. I granted the motion and ordered the defendant to be evaluated by a clinical psychologist. The psychologist stated that the defendant needed urgent psychiatric care and was incompetent to stand trial but likely restorable to competency. I held a competency hearing on August 17, 2023. That same day, the United States moved to dismiss the information, and the district judge granted dismissal.

Counsel for United States:

Arturo A. Aguilar
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7435

Counsel for Defendant:

Jay V. Sagar
Federal Public Defenders Office
407 West Congress Street, Suite 501
Tucson, AZ 85701
(520) 879-7500

Matei Tarail
Federal Public Defenders Office
407 West Congress Street, Suite 501
Tucson, AZ 85701
(520) 879-7500

8. *United States v. Salazar-Apodaca*, No. 4:22-CR-01087-RM (AMM), 2023 WL 5207330 (D. Ariz. July 26, 2023), *R. & R. adopted*, 2023 WL 5206140 (D. Ariz. Aug. 14, 2023).

Ms. Salazar-Apodaca was charged with importation, possession with intent to distribute, and conspiracy to possess with intent to distribute and import fentanyl and methamphetamine. United States Border Patrol officers arrested and questioned Ms. Salazar-Apodaca at the DeConcini Port of Entry in Nogales, Arizona after finding methamphetamine and fentanyl in her vehicle. Ms. Salazar-Apodaca filed a motion to suppress her post-arrest statements and argued that the interview occurred in violation

of *Miranda v. Arizona*, 384 U.S. 436 (1966). I held an evidentiary hearing on the matter. I then issued a report and recommendation recommending that the motion be granted with respect to two statements, and otherwise denied. No objections were filed, and the district judge adopted the report and recommendation in full. Ms. Salazar-Apodaca subsequently pled guilty to conspiracy to import fentanyl and methamphetamine and is awaiting sentencing.

Counsel for United States:

Ryan DeJoe
Sarah Jane Precup
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7300

Counsel for Defendant:

Francisco Leon
Law Office of Francisco Leon
8987 East Tanque Verde, Suite 309
Tucson, AZ 85749
(520) 465-3000

9. *Martinez v. Gutierrez*, No. 4:22-CV-00505-RM (AMM), 2023 WL 6466490 (D. Ariz. July 14, 2023), *R. & R. adopted*, 2023 WL 6464850 (D. Ariz. Oct. 4, 2023).

The petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The petitioner claimed that his time credits earned pursuant to the First Step Act should have been applied toward prerelease custody or supervised release and that the Bureau of Prisons policy excluding inmates at medium or high risk of recidivism from applying time credits was illegal. The petition was referred to me for a report and recommendation. In my analysis of the merits of the petitioner's claims, I determined that the petition should be dismissed because legal authority did not support the petitioner's arguments. No objections were filed, and the district judge adopted my report and recommendation in full and dismissed the petition.

Petitioner proceeded pro se.

Counsel for Respondent:

Denise Ann Faulk
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7300

10. *Gallenardo v. Gutierrez*, No. 4:22-CV-00357-SHR (AMM), 2023 WL 5004139 (D. Ariz. June 14, 2023), *R. & R. adopted*, 2023 WL 5000622 (D. Ariz. Aug. 4, 2023).

The petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. The petitioner alleged that the sentencing judge improperly used petitioner's prior sex offenses to enhance his sentence. The petitioner argued that the § 2241 petition should qualify for the savings clause provision of 28 U.S.C. § 2255, under which a petitioner may challenge the legality of his sentence under § 2241 if the § 2255 remedy is inadequate or ineffective. The petition was referred to me for a report and recommendation. I determined that the petition did not qualify for the § 2255 savings clause provision because the petitioner had an unobstructed procedural shot at presenting his claims. Therefore, the court lacked jurisdiction over the petition. I recommended that the district judge dismiss the petition. No objections were filed, and the district judge adopted my report and recommendation in full and dismissed the petition.

Petitioner proceeded pro se.

Counsel for Respondent:

Denise Ann Faulk
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7300

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Whitehead v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00486-JCH (AMM), *R. & R. adopted*, 2024 U.S. Dist. LEXIS 27177 (D. Ariz. Feb. 16, 2024). Opinion supplied.

Counsel for Plaintiff:

Audrey Corinne Miller
Hallinan & Killpack Law Firm
5240 East Pima Street
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(520) 320-5240

Counsel for Defendant:

Katherine Bennett Watson
Social Security Administration

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(206) 615-2139

2. *Forsyth v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00203-AMM, 2023 U.S. Dist. LEXIS 165356 (D. Ariz. Sept. 15, 2023).

Counsel for Plaintiff:

Kathryn Dicus
Dicus Disability L.L.C.
10645 North Tatum Boulevard, Suite 329
Phoenix, AZ 85028
(602) 616-4396

Counsel for Defendant:

Michonne Louise Omo
Social Security Administration
6401 Security Boulevard
1520 Annex
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(510) 970-4845

3. *Porter v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00259-AMM. Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

Dee-Dee Samet
Dee-Dee Samet P.C.
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(520) 624-8595

Counsel for Defendant:

Christopher Vieira
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4. *Soto v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00162-AMM, 2023 U.S. Dist. LEXIS 162792 (D. Ariz. Sept. 12, 2023).

Counsel for Plaintiff:

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(520) 320-5240

Counsel for Defendant:
Michonne Louise Omo
Social Security Administration
6401 Security Boulevard
1520 Annex
Baltimore, MD 21235
(510) 970-4845

5. *Anderson v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00273-AMM, 2023 U.S. Dist. LEXIS 161330 (D. Ariz. Sept. 11, 2023).

Counsel for Plaintiff:
Nicole Julie Franco
Nicole J. Franco Law Offices
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Phoenix, AZ 85267
(480) 945-0144

Counsel for Defendant:
Edmund Jack Darcher
Sohayl Vafai
Social Security Administration
6401 Security Boulevard, Office 7
Baltimore, MD 21235
(206) 615-2662

6. *Loreto v. Arizona Board of Regents*, No. 4:22-CV-00269-JAS (AMM), 2023 WL 6636696 (D. Ariz. Sept. 8, 2023), *R. & R. adopted*, 2023 WL 6306577 (D. Ariz. Sept. 28, 2023).

Counsel for Plaintiff:
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Steven R. Simon
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Mesa, AZ 85202
(480) 772-6504

Counsel for Defendant:

Neil Todd McKay
Office of the Attorney General – Phoenix
2005 North Central Avenue
Phoenix, AZ 85004
(602) 542-7653

7. *Dobbs v. Comm'r of Soc. Sec. Admin.*, No. 4:22-CV-00384-RCC (AMM), *R. & R. adopted*, 2023 U.S. Dist. LEXIS 152713 (D. Ariz. Aug. 28, 2023). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:
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Hallinan & Killpack Law Firm
5240 East Pima Street
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(520) 320-5240

Counsel for Defendant:
David Priddy
Social Security Administration
6401 Security Boulevard, Office 7
Baltimore, MD 21235
(510) 970-4801

8. *United States v. Salazar-Apodaca*, No. 4:22-CR-01087-RM (AMM), 2023 WL 5207330 (D. Ariz. July 26, 2023), *R. & R. adopted*, 2023 WL 5206140 (D. Ariz. Aug. 14, 2023).

Counsel for United States:
Ryan DeJoe
Sarah Jane Precup
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7300

Counsel for Defendant:
Francisco Leon
Law Office of Francisco Leon
8987 East Tanque Verde, Suite 309
Tucson, AZ 85749
(520) 465-3000

9. *Martinez v. Gutierrez*, No. 4:22-CV-00505-RM (AMM), 2023 WL 6466490 (D. Ariz. July 14, 2023), *R. & R. adopted*, 2023 WL 6464850 (D. Ariz. Oct. 4, 2023).

Petitioner proceeded pro se.

Counsel for Respondent:

Denise Ann Faulk
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7300

10. *Gallenardo v. Gutierrez*, No. 4:22-CV-00357-SHR (AMM), 2023 WL 5004139 (D. Ariz. June 14, 2023), *R. & R. adopted*, 2023 WL 5000622 (D. Ariz. Aug. 4, 2023).

Petitioner proceeded pro se.

Counsel for Respondent:

Denise Ann Faulk
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7300

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

Based on a review of legal databases and my records, certiorari has not been requested or granted in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None of my opinions or recommendations have been reversed by a reviewing court or been affirmed with significant criticism of my substantive or procedural rulings.

- 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.

None of my approximately 13 decisions containing substantive legal analysis have been published, though several are available on Westlaw and Lexis Nexis. To the extent that I have issued decisions that are not reported in a legal database such as Westlaw, those decisions are maintained in the Court's CM/ECF system under the

case number assigned to the matter. Those decisions are available to the public, except for a small number of sealed matters.

- 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 were not officially reported, provide copies of the opinions.

United States v. Salazar-Apodaca, No. 4:22-CR-01087-RM (AMM), 2023 WL 5207330 (D. Ariz. July 26, 2023), *R. & R. adopted*, 2023 WL 5206140 (D. Ariz. Aug. 14, 2023).

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

I have not sat by designation on any federal court of appeals.

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

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

To assess the necessity or propriety of recusal, I follow the requirements of 28 U.S.C. § 455 and the Code of Conduct for United States Judges. I keep, and regularly update, a recusal list in a screening program that automatically generates a report daily to identify possible conflicts in assigned cases. I compare the results of these reports to my assigned cases to determine whether a conflict exists. I screen both my criminal and civil cases on an ongoing basis to ensure my impartiality pursuant to 28 U.S.C. § 455(a). I also maintain a list of my known financial interests pursuant to 28 U.S.C. § 455(c) and use this as a basis for conflict screening in civil cases.

I have not been asked to recuse myself by any party or lawyer. All my recusals have been sua sponte. I have recused myself when necessary to avoid even the appearance of impropriety. I have recused myself from one civil case in which my law clerk had personal knowledge of disputed material facts and another civil case in which I had a financial interest in one of the named defendants. I have also recused myself from any criminal matter in which I was involved as an Assistant United States Attorney.

Since becoming a magistrate judge, I have recused myself sua sponte from two civil cases:

I recused in *Wilson v. United States*, No. 4:22-CV-334-JAS (JR), due to my law clerk's personal knowledge of disputed material facts in the proceeding.

I recused in *Martinez v. Metropolitan Life Insurance Company et al.*, No. 4:24-CV-00022-JGZ, because of my financial interest in one of the named defendants.

I also recuse myself from any case I worked on while an Assistant United States Attorney, or involving any defendant whom I prosecuted while an Assistant United States Attorney. Since becoming a magistrate judge, I have recused from the following criminal cases due to my involvement in the case, or a related matter, during my prior work at the United States Attorney's Office:

United States v. Acuna, et al., No. 4:16-CR-01255-JAS (BGM)

United States v. Valisto, No. 4:18-CR-01843-JCH (MSA)

United States v. Gutierrez-Mijarez, No. 4:19-CR-02709-CKJ (JR)

United States v. Caplett, No. 4:19-CR-02938-SHR (MAA)

United States v. Harmon, No. 4:20-CR-00883-JAS (MSA)

United States v. Ochoa-Vasquez, et al., No. 4:21-CR-01042-JCH (JR)

United States v. Canizales, No. 4:21-CR-01916-JAS (BGM)

United States v. Bustillo-Rodriguez, No. 4:22-CR-01330-RCC (MSA)

United States v. Martinez, No. 4:22-CR-01652-RCC (EJM)

United States v. Medina-Armenta, No. 4:22-CR-02722-SHR (JR)

United States v. Borboa-Avina, No. 4:22-CR-02743-JGZ (LCK)

United States v. Hernandez, No. 4:22-CR-02775-JGZ (BGM)

United States v. Caughlan, No. 4:23-CR-00111-SHR (LCK)

United States v. Molina, No. 4:23-CR-00148-JGZ (JR)

United States v. Gutierrez-Minjarez, No. 4:23-CR-00299-CKJ (JR)

United States v. Johnson, No. 4:24-MJ-02803 moved to 4:24-CR-00291-SHR (EJM)

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 2000 to 2002, I served as a law clerk to the Honorable John M. Roll of the United States District Court for the District of Arizona.

From 2013 to 2015, I served as a law clerk to the Honorable Jennifer G. Zipp of the United States District Court for the District of Arizona.

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

I have never practiced alone.

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

of your affiliation with each;

2002 – 2004

Lewis and Roca, L.L.P.
201 East Washington Street, Suite 1200
Phoenix, Arizona 85004; and
One South Church Avenue, Suite 2000
Tucson, Arizona 85701
Associate Attorney

2005 – 2009; 2015 – 2023

United States Attorney's Office
405 West Congress Street, Suite 4800
Tucson, Arizona 85701
Assistant United States Attorney (2005 – 2009; 2015 – 2023)
Senior Litigation Counsel (2022 – 2023)

2012 – 2013

Farhang & Medcoff, P.L.L.C.
100 South Church Avenue, Suite 100
Tucson, Arizona 85701
Associate Attorney

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

I never served as a mediator or arbitrator in alternative dispute resolution proceedings while practicing law.

b. Describe:

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

From 2000 to 2002, I served as a judicial law clerk to the Honorable John M. Roll at the United States District Court for the District of Arizona. As a law clerk, I prepared research memoranda and drafted court orders while managing a large civil docket.

After clerking, I took a position as an associate attorney at Lewis and Roca, L.L.P., where I was an employment law and commercial litigator responsible for case management, motion practice, taking and defending depositions, and conducting discovery. I also participated in mediations and settlement conferences and conducted risk analysis assessments on behalf of clients.

In 2005, I joined the United States Attorney's Office for the District of Arizona. As an Assistant United States Attorney, I represented the United States in white-collar criminal prosecutions, alien and drug smuggling offenses, hostage taking and international kidnapping cases, violent crimes, firearm offenses, illegal immigration offenses, and juvenile delinquency offenses. I prosecuted multi-defendant complex cases involving large-scale, transnational criminal organizations. I represented the United States in hundreds of proceedings, including criminal and civil jury trials, pre-trial hearings, sentencing hearings, and appeals.

In 2009, I relocated to Brussels, Belgium due to my husband's employment. Upon returning to the United States in 2012, I began working at Farhang & Medcoff, P.L.L.C. as an employment law and commercial litigator. Shortly thereafter, in 2013, I began serving as a judicial law clerk to the Honorable Jennifer G. Zippis at the United States District Court for the District of Arizona, where I handled a wide array of civil and criminal matters.

Upon completing my second judicial clerkship, I re-joined the United States Attorney's Office as an Assistant United States Attorney, where I represented the United States in federal criminal jury trials, pre-trial hearings, and sentencing hearings. I managed a substantial felony criminal caseload involving alien and drug smuggling, firearms offenses, violent crimes, illegal immigration, and juvenile delinquency. In early 2022, I was promoted to Senior Litigation Counsel, where I trained Assistant United States Attorneys on litigation and trial strategy, provided consultation on complex litigation matters, and developed a formal mentorship program for the U.S. Attorney's Office for the District of Arizona.

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

For most of my career, my client was the United States. While in private practice, I defended companies, school boards, and local municipalities in employment discrimination matters.

- 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.

My practice consisted almost exclusively of litigation, apart from my service as a judicial law clerk. I practiced in both state and federal court as an employment and commercial litigator, occasionally appearing in court. While serving as an Assistant United States Attorney, I appeared in federal court almost daily while prosecuting federal criminal cases. My court appearances decreased in frequency

when I took on a more advisory role as Senior Litigation Counsel.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 99% |
| 2. state courts of record: | <1% |
| 3. other courts: | 0% |
| 4. administrative agencies: | <1% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 30% |
| 2. criminal proceedings: | 70% |

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

I tried approximately nine felony cases in federal court. Of the nine trials, I was lead and/or supervisory counsel in four and co-counsel in two. I tried three felony trials alone.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 99% |
| 2. non-jury: | 1% |

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 did not practice before the United States Supreme Court.

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. Lee*, No. 4:19-CR-02946-JAS (LAB) (D. Ariz.)

In 2022, I represented the United States as lead prosecutor in a trial prosecuting a pro se defendant charged with smuggling goods from the United States and impeding and threatening a federal officer. After a four-day jury trial, my co-counsel and I obtained a guilty verdict on all counts. The jury found the defendant guilty of unlawfully smuggling six fully loaded firearms, 17 fully loaded magazines, and a total of 1,962 rounds of various caliber ammunition from the United States to the Republic of Mexico. The jury further found the defendant guilty of threatening and impeding five federal officers at the Lukeville, Arizona Port of Entry in a one-hour armed standoff, during which the defendant threatened to kill the officers while his hand was on a loaded and cocked semi-automatic 9mm handgun. The evidence further established that the defendant had a fully loaded AR-15 assault rifle within arm's reach during the standoff. The trial involved the testimony of five law enforcement victims. Mr. Lee was sentenced to 33 months in custody.

As lead counsel, I served the lead role in drafting many of the pre- and post-trial motions and argued on behalf of the United States at multiple pre-trial motion hearings. I participated in and/or directly prepared all law enforcement victims for their trial testimony, presented the opening statement, and conducted the direct- and cross-examination of witnesses, including the cross-examination of the defendant. I also authored the sentencing memorandum but did not argue at the sentencing hearing because the court sua sponte reset the hearing for a time when I was in trial on another matter.

Judges:

Honorable James A. Soto, United States District Judge

Honorable Leslie A. Bowman, United States Magistrate Judge (Retired)

Co-Counsel:

Serra M. Tsethlikai

United States Attorney's Office

District of Arizona

405 West Congress Street, Suite 4800

Tucson, AZ 85701

(520) 620-7358

Defense Advisory Counsel:

TS Hartzell

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Tucson, AZ 85701

(520) 792-8181

2. *United States v. M.H.*, No. 4:20-CR-00350-RM (LAB) (D. Ariz.); *United States v. D.M.*, No. 4:20-CR-00351-RM (BGM) (D. Ariz.)

In 2020, I represented the United States as lead prosecutor in two related cases involving two juvenile delinquents charged with the felony offense of transportation of illegal aliens resulting in serious bodily injury and death. While transporting three undocumented non-citizens near the Arizona-Mexico border, the juveniles fled from law enforcement, causing a crash. Two non-citizens died on scene and the other sustained significant injuries. The case involved interviews of civilian, state, and federal witnesses as well as accident scene analysis. Both juveniles pled guilty to the offense and were adjudicated juvenile delinquents. M.H., the driver of the rollover vehicle, was sentenced to 30 months custody and 6 months juvenile delinquent supervision to follow, which was the maximum permitted under statute. D.M., the front seat passenger of the rollover vehicle, was sentenced to 14 months custody and 3 years juvenile delinquent supervision.

As lead counsel, I handled most aspects of the cases, including investigation, including accident reconstruction analysis and the handling of sensitive victim medical records, motion practice, and plea negotiations. I handled the sentencing for the lead juvenile offender, M.H., and my co-counsel handled sentencing for D.M. Following adjudication, I also worked with the Mexican Consulate to contact the victims' families and assisted a non-party insurance company in its efforts to compensate the victims' families for their wrongful deaths.

Judges:

Honorable Rosemary Marquez, United States District Judge
Honorable Leslie A. Bowman, United States Magistrate Judge (Retired)

Co-Counsel:

Rui Wang
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District of Arizona
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Opposing Counsel:

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(520) 882-8823

Lou M. Spivack P.C. (Counsel for D.M.)
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Tucson, AZ 85711
(520) 325-4667

Material Witness Counsel:

Saul M Huerta
100 North Stone Avenue, Suite 601
Tucson, AZ 85701
(520) 603-7674

3. *United States v. Rodriguez et al.*, No. 4:17-CR-01108-JAS (LAB) (D. Ariz.)

From 2017 to 2020, I represented the United States as lead prosecutor on the investigation and prosecution of three criminal defendants charged with conspiracy for attempted export of firearms and ammunition. United States Customs and Border Protection officers at the Mariposa Port of Entry in Nogales, Arizona caught the two 18-year-old co-defendants attempting to smuggle weapons, magazines, and ammunition into Mexico, hidden in a dog food bag. Further investigation revealed that the 18-year-old defendants had been recruited by co-defendant Ms. Luna, who used her juvenile daughter to actively recruit young people to commit the offense. Prosecution of this matter required time-sensitive coordination with officers manning the Mariposa and DeConcini Ports of Entry.

All three defendants pled guilty to the indictment charging them with conspiracy to export firearms and munitions and attempted exportation of munitions. Mr. Rodriguez was sentenced to 24 months in custody. Ms. Luna was sentenced to 51 months in custody. Mr. Sorkin-Marshall was sentenced to three years of probation. In April 2019, Ms. Luna filed a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (See No. 19-CV-00230-JAS). Ms. Luna also filed a request for early release pursuant to the First Step Act in July 2020. Ms. Luna's petitions were denied by the district court.

As lead counsel, I handled most aspects of the case, including time-sensitive investigation, motion practice, and plea negotiations. I also handled the sentencings for Ms. Luna and Mr. Rodriguez. My co-counsel handled the sentencing for Mr. Sorkin-Marshall. I successfully defended Ms. Luna's habeas corpus and First Step Act petitions on behalf of the United States.

Judges:

Honorable James A. Soto, United States District Judge
Honorable Leslie A. Bowman, United States Magistrate Judge (Retired)

Co-Counsel

Frances Marie Kreamer Hope
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, AZ 85701
(520) 620-7355

Opposing Counsel:

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101 East Pennington Street, Suite 201
Tucson, AZ 85701
(520) 628-4100

James Daniel Smith (Counsel for Mr. Sorkin-Marshall)
Federal Public Defender's Office
407 West Congress Street
Tucson, AZ 85701
(520) 879-7500

Dan H. Cooper (Counsel for Ms. Luna)
Law Office of Dan Cooper
177 North Church Avenue, Suite 601
Tucson, AZ 85701
(520) 367-5442

4. *United States v. Plesinger et al.*, No. 4:14-CR-01362-JAS (LAB) (D. Ariz.)

From 2015 through 2017, I represented the United States as co-counsel in this designated-complex, four-defendant case involving charges of export of arms and munitions, engaging in the business without a license (firearms), and money laundering, with the unlawful export occurring from Arizona to Hong Kong. The Hong Kong Customs and Excise Department arrested receiver Mr. Wong, who admitted to purchasing the weapons online from Topgun-Airguns in Phoenix, Arizona, where Mr. Plesinger was the marketing and sales advisor. A subsequent search of Mr. Plesinger and his partner Ms. Cvetkovic's home found weapons, including five rifles, five pistols, and 65 silencers, and over \$60,000 in U.S. currency.

During the conspiracy, Mr. Plesinger and Mr. Smith were the primary purchasers of numerous firearms, firearms parts, pistol magazines and munitions for unlawful sale and export to Hong Kong. Mr. Plesinger shipped approximately 49 parcels containing the contraband, and he pled guilty to all three charges. He was sentenced to 87 months in custody. Mr. Smith, who shipped approximately 17 parcels containing firearms and/or ammunition to Hong Kong, and recruited Mr. Richmond to manufacture silencers for export, pled guilty to all three charges. Mr. Smith was sentenced to 102 months in custody. Mr. Smith received a higher sentence due to recruiting Mr. Richmond and for failing to appear at trial in this case, for which he was convicted of bail jumping in 4:16-CR-1938-JAS (LAB) (D. Ariz.). Mr. Smith's request for early release pursuant to the First Step Act was denied initially and on reconsideration. Ms. Cvetkovic, Mr. Plesinger's business and personal partner, falsified custom forms and mailed at least 25 packages containing firearms, firearm parts, pistol magazines, and ammunition for Mr. Plesinger. She was sentenced to ten months in custody. Mr. Richmond, who manufactured silencers for shipment to Hong Kong at the request of Mr. Smith, pled guilty to conspiracy to export munitions and was sentenced to three years of probation.

As co-counsel, I helped prepare the matter for trial, including responding to complex pre-trial motions in limine. In particular, I successfully defended a defense motion in limine to preclude the admission and authentication of critical e-mail evidence for trial. I also assisted in substantial discovery review, including the review of over 1,700 e-mails and numerous financial accounts, negotiated plea agreements, drafted sentencing memoranda, and argued Ms. Cvetkovic's sentencing hearing.

Judges:

Honorable James A. Soto, United States District Judge
Honorable Leslie A. Bowman, United States Magistrate Judge (Retired)

Co-Counsel:

Serra M. Tsethlikai (Lead Counsel)
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
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(520) 620-7358

Opposing Counsel:

Jeffrey G. Buchella (Deceased) (Counsel for Mr. Plesinger)

Mark D. Lammers (Counsel for Mr. Plesinger)
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(520) 792-4800

Louis M. Spivack (Counsel for Ms. Cvetkovic)
Lou Spivack P.C.
5447 East Fifth Street, Suite 205
Tucson, AZ 85711
(520) 325-4667

Brick P. Storts, III (Counsel for Mr. Smith)
Barton & Storts
271 North Stone Avenue
Tucson, AZ 85701-1526
(520) 882-2802

Joseph Peter St. Louis (Counsel for Mr. Richmond)
Nesci & St. Louis
216 North Main Avenue
Tucson, AZ 85701
(520) 622-1222

5. *Rodriguez v. U.S. Department of Homeland Security et al.*, No. 4:05-CV-00546-CKJ (D. Ariz.)

In 2008, I defended the United States as co-counsel in a seven-day civil jury trial on Mr. Rodriguez's asserted national origin discrimination and hostile work environment claims after being terminated from the United States Border Patrol. The jury returned a defense verdict on both claims. In addition to assisting with pre-trial settlement negotiations, I also worked on pre-trial motions, assisted in jury selection and voir dire, handled the opening statement, and conducted the examination of multiple government witnesses at trial.

Judge:

Honorable Cindy K. Jorgenson, Senior United States District Judge

Co-Counsel:

Honorable Richard E. Gordon, Pima County Superior Court Judge (Lead Counsel)
110 West Congress Street
Tucson, AZ 85701
(520) 724-9889

Opposing Counsel:

Mary Judge Ryan
Ryan Turchik P.C.
300 North Main Street, Suite 106
Tucson, AZ 85701

6. *United States v. Parra-Ruiz*, No. 4:07-CR-01980-JCH (JR) (D. Ariz.)

In late 2007, I represented the United States as lead prosecutor in the prosecution of Mr. Parra-Ruiz for attempted smuggling goods from the United States contrary to law and transportation of stolen goods. Mr. Parra-Ruiz attempted to export a stolen industrial Whisperwatt generator, a stolen Kubota tractor, and a Pace gooseneck 40-foot trailer containing an estimated \$3,000,000 worth of stolen wedding gowns. The wedding gowns had been stolen from Making Memories, a breast-cancer charity that grants the wishes of terminally ill women by raising money through the sale of donated wedding gowns. As lead prosecutor, I handled all aspects of the case, including the investigation, motion practice, and plea negotiations. I also was the only prosecutor assigned to try this case, and I prepared all aspects of the case for trial, including working closely with the Making Memories charity victims. Mr. Parra-Ruiz pled guilty on the eve of trial. He absconded prior to sentencing and remains a fugitive.

Judges:

Honorable Cindy K. Jorgenson, Senior United States District Judge
Honorable John C. Hinderaker, United States District Judge
Honorable Jacqueline M. Rateau, United States Magistrate Judge

Opposing Counsel:

Jose A. Montano
Arentz Law Group
2020 North Central Avenue, Suite 1010
Phoenix, AZ 85004
(602) 266-9600

7. *United States v. Martinez et al.*, No. 4:07-CR-01120-JGZ (BGM) (D. Ariz.)

From 2007 to 2009, I represented the United States as lead prosecutor in the investigation and designated complex prosecution of an Alien Smuggling Organization (ASO) operating in southern Arizona. Law enforcement discovered approximately 41 undocumented non-citizens at a residential property and seized ledgers, cellphones, hand held radios, firearms, and more than \$12,000 in U.S. currency. The ASO used this property, as well as others, to smuggle between 500 and 1,000 undocumented non-citizens into the United States monthly. The ASO directed its drivers to not stop for law enforcement, thereby creating multiple dangerous failure-to-yield incidents. One such incident resulted in the death of an undocumented non-citizen. The prosecution resulted in the convictions of 14 of the 15 defendants after one defendant absconded to Mexico. Two defendants pled guilty to misprision of a felony, and the remainder pled guilty to conspiracy to transport and harbor illegal aliens for profit. The defendants received sentences ranging from time served with supervised release, to 37 months in custody followed by three years of supervised release. The prosecution further resulted in the seizure and forfeiture of nearly \$200,000 from eight bank accounts as well as multiple vehicles.

As lead counsel, I handled most aspects of the case, including extensive investigation involving grand jury subpoenas for bank records, tracker warrants, poll cameras, multiple telephonic and property search warrants, debriefing or “free talks” of co-conspirators, and grand jury indictment. I also handled most of the motion practice and plea negotiations, including the management of the material witnesses held in the case. I personally handled all but one of the sentencing hearings in this matter.

Judges:

Honorable John M. Roll, United States District Judge (Deceased)
Honorable Jennifer G. Zipps, United States District Judge
Honorable Bruce G. Macdonald, United States Magistrate Judge

Co-Counsel:

While I handled this matter through the investigation, indictment, plea stages, and sentencing, other prosecutors were re-assigned the case when I left the United States Attorney’s Office due to my relocation to Brussels, Belgium. Fellow prosecutor, Ms. Tsethlikai, handled one remaining change of plea and sentencing hearing.

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8. *United States v. Q.M.*, No. 4:07-CR-01780-DCB (JR) (D. Ariz.), *aff'd sub nom. United States v. Juvenile Female*, No. 08-10215 (9th Cir. Feb. 26, 2009)

From 2007 to 2009, I represented the United States as lead prosecutor in this case, where a juvenile was charged with felony assault with a dangerous weapon with intent to do bodily harm. Q.M., a gang member, stabbed another juvenile, S.C., on the Tohono O'odham Indian Nation. S.C. sustained stab wounds to her chest and abdomen area. As lead prosecutor, I worked closely with the victim and other eyewitnesses to prepare the case for trial. After a three-day trial involving nine witnesses, including the victim and medical testimony, the court adjudicated Q.M. a juvenile delinquent and sentenced her

to two years in custody. Q.M. filed a notice of appeal challenging her sentence, which was affirmed by the Ninth Circuit.

As lead prosecutor, I handled all aspects of the case, including the investigation, motion practice, and plea negotiations. I also was the only prosecutor assigned to try this case, and I prepared all aspects of the case for trial, including working with the victim and other civilian, medical, and government witnesses.

Judges:

Honorable David C. Bury, United States District Judge
Honorable Jacqueline M. Rateau, United States Magistrate Judge

Opposing Counsel:

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9. *United States v. Martinez-Molina et al.*, No. 4:06-cr-00925-RCC (JCG) (D. Ariz.)

In 2006, I represented the United States as lead prosecutor in a two-defendant hostage taking and conspiracy to harbor illegal aliens for profit case involving an undocumented non-citizen held against her will for two weeks near Sunizona, Arizona. The defendants kept the victim under knife threat, demanded her family pay a fee for her release, and threatened to kill her if they did not. The victim's location was so remote, I traveled to the scene with law enforcement via a Cessna. Both defendants pled guilty to conspiracy to harbor illegal aliens for profit. Mr. D. Martinez-Molina was sentenced to 42 months in custody. Mr. H. Martinez-Molina was sentenced to 10 years in custody. In 2007, shortly after sentencing, Mr. D. Martinez-Molina filed a motion to vacate sentence pursuant to 28 U.S.C. § 2255, which was denied.

As lead prosecutor, I handled all aspects of the case, including the investigation, motion practice, and plea negotiations. I worked directly with the victim in this case, and I argued at Mr. D. Martinez-Molina and Mr. H. Martinez-Molinas' separate sentencing hearings.

Judges:

Honorable Frank R. Zapata, Senior United States District Judge
Honorable Raner C. Collins, Senior United States District Judge
Honorable Jennifer G. Zipps, United States District Judge (Former U.S. Magistrate Judge)

Opposing Counsel:

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Material Witness Counsel:

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10. *United States v. Torres, et al.*, No. 05-CR-00672-JGZ (JR) (D. Ariz.), *aff'd*, Nos. 07-10167 and 07-10234 (9th Cir. Jan. 9th, 2009); *United States v. Sweet*, No. 07-10172 (9th Cir. Jan. 9th, 2009)

Beginning in January 2005, I represented the United States as co-counsel in a four-defendant case charging multiple counts of conspiracy to rob a motor vehicle, commerce by robbery (“Hobbs Act robbery”) and brandishing a firearm during a crime of violence. The prosecution proceeded against three of the four defendants because one has never been identified. Between January and March 2005, the defendants robbed three department stores in Tucson, Arizona while brandishing a .45- caliber handgun. The defendants also stole a vehicle by threatening its owner at gunpoint.

In March 2007, the Honorable John M. Roll sentenced Mr. Torres to 168 months in custody on the robbery charges and 120 months in custody on the brandishing charge, to run consecutively. Mr. Torres’ motion to correct sentence was denied. Mr. Torres appealed his conviction; the appeal was dismissed in January 2009.

Mr. Sweet was sentenced to 168 months in custody on the robbery charges and 120 months in custody on the brandishing charge, to run consecutively. Mr. Sweet’s motion to correct sentence was denied. Mr. Sweet appealed his conviction; the appeal was dismissed in January 2009.

Ms. Leatherwood was sentenced to 12 months in custody on the robbery charges and 18 months in custody on the brandishing charge, to run consecutively.

In June 2016, Mr. Torres and Mr. Sweet each filed a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (*See* No. 16-CV-00406-JGZ and No. 16-CV-00424-SHR). I represented the United States on both habeas petitions, which were denied by the district court. In April 2017, Mr. Torres filed a habeas appeal, which was denied by the Ninth Circuit in January 2021, in CA No. 17-15820. In December 2022, Mr. Sweet

filed a motion for relief from final judgment, which I also successfully defended on behalf of the United States.

As co-counsel on this matter, I assisted in drafting pre-trial motions and conducting plea negotiations. I also assisted in trial preparations; however, the three defendants pled guilty. I handled post-judgment motions for relief spanning nearly 15 years.

Judges:

Honorable John M. Roll, United States District Judge (Deceased)
Honorable Jennifer G. Zipps, United States District Judge
Honorable Jacqueline M. Rateau, United States Magistrate Judge
Honorable Scott H. Rash, United States District Judge (Habeas Petition for Mr. Sweet)

Opposing Counsel:

Jeffrey David Bartolino (Deceased) (Counsel for Mr. Torres)

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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.)

I have spent most of my career representing the United States as an Assistant United States Attorney for the District of Arizona prosecuting crimes occurring at or near the

Arizona-Mexico border. In that role, I worked closely with federal law enforcement agents on several criminal investigations that did not progress to litigation, including investigations of alien smuggling and drug trafficking activities. In 2005, for example, I investigated a California car rental company that was knowingly renting vehicles to alien smugglers operating in southern Arizona. The U.S. Attorney's Office successfully prosecuted both the owner of the company and his southern Arizona counterpart.

In 2008 and 2009, I prosecuted a rash of "baby smuggling" cases occurring at Ports of Entry on the Arizona-Mexico border. Because the babies and children were smuggled by adults other than their biological family and were delivered to non-relatives in the United States, they were vulnerable to exploitation. Our concentrated efforts resulted in a noted reduction in these types of smuggling cases.

In addition to my involvement in border-related prosecutions, I served as the initial lead prosecutor in investigations involving millions of dollars in mortgage fraud and the theft of millions of dollars in Supplemental Security Income and other federal benefits from recipients in southern Arizona. I also represented the United States in several significant appellate matters, including in 2017 when I successfully defended a complex habeas corpus appeal wherein the petitioner sought relief from his conviction and life sentence for premeditated murder. *See Tillery v. Shartle*, 778 F. App'x 426 (9th Cir. 2019).

Upon transitioning to my Senior Litigation Counsel (SLC) role for the United States Attorney's Office in the District of Arizona, a significant portion of my legal activities involved the training and development of fellow Assistant United States Attorneys (AUSAs). In this leadership role, I was responsible for identifying and creating on-going training and skill development programs for AUSAs districtwide. I also advised on complex litigation matters and trial strategy.

During this time, I co-led the U.S. Attorney's Office in Tucson's extensive Trial Advocacy course to ensure that AUSAs on-boarded during the COVID-19 Pandemic received critical federal trial practice and prosecution training. In addition, at the request of the United States Attorney for the District of Arizona, I developed a districtwide mentorship program for on-boarding AUSAs to ensure that attorneys representing the United States in the District of Arizona do so with the utmost skill and judgment. Further, as a member of the hiring committee, I assisted in recruiting and hiring new AUSAs.

As SLC, I worked to expand the Office's role in the Incarceration and Conviction Alternatives Network ("ICAN") Program, a post-plea diversion program for non-violent, low-level offenders in the District of Arizona. On behalf of the Office, I conducted eligibility screening and case management, prepared for and participated in bi-weekly ICAN hearings, and advised on program policies. I advocated for the inclusion of military service veterans in the program due to the presence of the Davis-Monthan Air Force Base and Fort Huachuca Army Garrisons in the District of Arizona. The United States Attorney adopted my proposal.

As a magistrate judge, I am committed to mentoring young people in the Tucson, Arizona community. As part of that commitment, I actively mentor law students from the University of Arizona James E. Rogers College of Law. My mentorship contributions thus far have included speaking to law students about professional development and having law students observe my settlement conferences.

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.

Spring 2009, Fall 2008: I taught legal writing and oral argument to first-year law students at the University of Arizona James E. Rogers College of Law. The course covered the fundamentals of legal writing and oral advocacy. I am unable to obtain a copy of the syllabus.

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 and I file my Financial Disclosure Report, I 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 would handle any matters involving actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and other relevant ethical canons or rules, as I do in my current role as a United States magistrate judge. I would recuse myself from any matter in which I participated during my government service as an attorney or as an advisor. I also would recuse myself from any matter where I served as an attorney or as an advisor while in private practice. I would likewise continue to recuse myself if my personal financial interests created a need for recusal, for example, if one of the corporations in which I own stock is a party in the case. Lastly, I would recuse from any matter in which a close family friend who is an attorney appears as counsel.

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

As a magistrate judge, I determine whether it is appropriate and necessary to recuse myself in accordance with federal law, 28 U.S.C. § 455, the Code of Conduct for United States Judges, and other relevant ethical canons, rules, and advisory opinions. I keep, and regularly update, a recusal list in a screening program that automatically generates a daily report to identify possible conflicts in assigned cases. I compare the results of these reports to my docket to determine whether a conflict exists. I screen my civil cases on an ongoing basis to ensure my impartiality pursuant to 28 U.S.C. § 455(a). I also maintain a list of my known financial interests pursuant to 28 U.S.C. § 455(c) and use this as a basis for conflict screening in civil cases. I recuse myself from any case I worked on while an Assistant United States Attorney, or involving any defendant whom I prosecuted while an Assistant United States Attorney. I screen my criminal cases on an ongoing basis to ensure my impartiality pursuant to 28 U.S.C. § 455(a).

If confirmed, I would follow these same procedures as a district judge.

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.

As a United States Magistrate Judge and former Assistant United States Attorney, I am and was unable to take on direct pro bono representations. However, I have remained involved in my community through sustained and significant volunteer efforts. While my

time commitment for this volunteer work has varied, as my family and work have dictated, I have served as a volunteer appellate moot and mock trial judge at the University of Arizona James E. Rogers College of Law on several occasions, participated annually as a mock trial judge for the Arizona High School Regional Mock Trial competitions, and volunteered at the We the People program at a local middle school. As a young attorney, I volunteered at local elementary and middle school civics and mock trial events. As a magistrate judge, I currently dedicate time to mentoring law students, with a particular focus on first-generation college graduates.

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.

In response to Senators Kyrsten Sinema and Mark Kelly's website announcement, I submitted my application for consideration to serve as a District Judge for the District of Arizona on October 25, 2023. On November 16, 2023, I interviewed with both Senator Sinema's and Senator Kelly's judicial advisory committees. On January 16, 2024, an official from the White House Counsel's Office contacted me to determine whether I was interested in speaking further about potential nomination to the United States District Court for the District of Arizona. I interviewed with attorneys from that office the next day. On January 23, 2024, an attorney for the White House Counsel's Office informed me that I was under further consideration for possible nomination. Since January 23, 2024, 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.