

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kai Niambi Scott

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

United States District Judge for the Eastern District of Pennsylvania

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.

Justice Juanita Kidd Stout Center for Criminal Justice
1301 Filbert Street, Suite 1213
Philadelphia, Pennsylvania 19107

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

1970; Philadelphia, Pennsylvania

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.

1992 – 1995, West Virginia University College of Law; J.D., 1995

1987 – 1991, Hampton University; B.A., 1991

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.

2016 – present
Administrative Office of Pennsylvania Courts
601 Commonwealth Avenue, #1500
Harrisburg, Pennsylvania 17120
Judge, Court of Common Pleas Criminal Trial Division

2004 – 2015

Federal Community Defender Office for the Eastern District of Pennsylvania
601 Walnut Street, Suite 540 West
Philadelphia, Pennsylvania 19106
Chief, Trial Unit (2010 – 2015)
Assistant Federal Defender (2004 – 2010)

1998 – 2004

Defender Association of Philadelphia
1441 Sansom Street
Philadelphia, Pennsylvania 19107
Assistant Defender

1996 – 1998

Pennsylvania Department of Labor and Industry, Bureau of Workers' Compensation
441 North 3rd Street
Philadelphia, Pennsylvania 19123
Law Clerk to Honorable Donald Poorman

1991 – 1992

City of Philadelphia
Juvenile Justice Service Center (formerly Youth Study Center)
91 North 48th Street
Philadelphia, Pennsylvania 19139
Youth Counselor

Summer 1991

Enterprise Car Rental
436 Baltimore Pike
Springfield, Pennsylvania 19064
Management Trainee

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.

W.E.B DuBois Scholar, West Virginia University College of Law (1992 – 1995)

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.

Barristers' Association of Philadelphia, Advisory Committee (2021 – present)

Clifford Scott Green Chapter, National Bar Association Judicial Council
Secretary (2018 – 2020)
Assistant Secretary (2016 – 2018)
Co-chair of the Racine/Matthews Mentor Program

First Judicial District, Alternative Felony Disposition program, a court based diversion program for first time offenders charged with possession of a firearm.
One of two supervising judges (2021-present)

First Judicial District, Education Committee
Co-chair Education Committee (2018-present)

First Judicial District, MENTOR program, a court based re-entry program
Supervising Judge (2016 – 2018)

National Association of Criminal Defense Lawyers

Philadelphia Bar Association

Philadelphia Chapter National Bar Association, Women Lawyer Division

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.

Pennsylvania, 1996

There have been no lapses in membership.

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

United States District Court for the Eastern District of Pennsylvania, 2004

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.

American Inn of Courts

University of Pennsylvania (2012 – 2013)

First Judicial District Criminal Section (2016 – 2017)

Big Brothers, Big Sisters of Philadelphia (2017 – 2019)

Delta Sigma Theta Sorority, Incorporated (2007 – present)

Delta GEMS (Growing and Empowering Myself Successfully), Chair (2007 – 2009)

National Association for the Advancement of Colored People (2014 – present)

Philadelphia Chapter—National Hampton University Alumni Association (1991 – present)

Philadelphia Christian Basketball League (2004 – 2006)

Temple L.E.A.P (Law Education and Participation), mock trial coach for high school students (1999 – 2002)

- 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.

Delta Sigma Theta Sorority, Incorporated is a service organization whose membership is restricted to women. It does have peer relationships with fraternities whose membership is open to men. To the best of my knowledge, none of the other organizations listed above discriminates on the basis of race, sex, religion, or national origin.

12. **Published Writings and Public Statements:**

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

Campaign literature, May 2015 primary election for Judge, Court of Common Pleas. 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.

On March 19, 2019, I testified before the Pennsylvania House Judiciary Committee on various issues related to the criminal justice system. Video available at <https://youtu.be/vyCzUfivUi8>.

In spring 2015, as a candidate for the Philadelphia Court of Common Pleas, I completed candidate questionnaires for Philadelphia ward groups, public interest groups, organized labor and trade associations. After searching my files and the Internet, I have listed below all of the candidate questionnaires that I have been able to identify. There may, however, be others that I have been unable to recall, identify or locate.

Candidate Questionnaire for AFSCME District Council 47. Copy supplied.

Candidate Questionnaire African-Caribbean Latin America PAC. Copy supplied.

Eighth Ward Democratic Committee Questionnaire. Copy supplied.

Candidate Questionnaire Liberty City Lesbian, Gay, Bisexual and Transgender Democratic Club. Copy supplied.

Candidate Questionnaire Progressive Philly Rising. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions,

conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 1, 2021: Panel Moderator, “Lost in Translation,” Philadelphia Bar Association Bench-Bar Conference, Philadelphia, Pennsylvania. The panel discussed the problem of judges and juries understanding witnesses, litigants, and defendants in court proceedings when there are language and cultural barriers. I have no notes, transcript, or recording. The address for the Philadelphia Bar Association is: 1101 Market Street Philadelphia, Pennsylvania 19107.

January 15, 2021: Presenter, Trial Advocacy Training, “Juries Research and Teaching,” Beasley School of Law at Temple University, Philadelphia, Pennsylvania. In this panel I served as a facilitator for legal educators and law students and lectured on the topic of voir dire and jury selection in state court in Pennsylvania. I have no notes, transcript, or recording. The address for the Beasley School of Law at Temple University is 1719 North Broad Street, Philadelphia, Pennsylvania 19122.

September 14, 2020: Panelist: “The COVID-19 Pandemic and the Current Landscape of Government,” Professional Development Panel, National Bar Association, Women Lawyers Division, Professional Development Committee, Philadelphia, Pennsylvania. The panel related to the impact of the COVID-19 pandemic on various aspects of criminal and civil court proceedings and corporate in-house litigation. I have no notes, transcript, or recording. The address for the National Bar Association, Women Lawyers Division is 1816 12th Street, Northwest, Washington, DC 20009.

July 16, 2020: Panelist, “One Day Law School for Journalists, Judges, and Counsel: The Tension between a Fair Trial and an Informed Public,” Pennsylvanians for Modern Courts, Philadelphia, Pennsylvania. The panel topic was the significant impact of the COVID-19 pandemic on journalists’ access to court records, the state of modern courtroom technology, and what, if any, mistakes judges observe that journalists make when covering cases for various media outlets. I have no notes, transcripts, or recording. The address for Pennsylvanians for Modern Courts is Two Penn Center, 1500 J.F.K. Boulevard, Suite 1140, Philadelphia, Pennsylvania 19102.

February 6 – February 8, 2020: Presenter and facilitator, Villanova Sentencing Workshop at Villanova University Charles Widger School of Law, Villanova, Pennsylvania. I participated in several panels and discussions at this three-day workshop designed to teach law students the fundamentals of the Pennsylvania

state court sentencing scheme. I have no notes, transcript, or recording. The address for the Villanova University Charles Widger School of Law is 299 North Spring Mill Road, Villanova, Pennsylvania 19085

June 2016 (specific date unknown): Commencement Speaker: Fels High School Commencement, Fels High School, Philadelphia, Pennsylvania. Speech supplied.

March 2016 (specific date unknown): Speaker: The Importance of Voting and Becoming Engaged in the Political Process, Kipp Dubois High School, Philadelphia, Pennsylvania. Video available at <https://www.youtube.com/watch?v=DtqKMEhW0lg>.

September 2014 (specific date unknown): Faculty Member and Small Group Facilitator for the Sentencing Advocacy Workshop, Philadelphia, Pennsylvania, Defender Services Office Training Division. At this training workshop I lectured on strengthening written advocacy through sentencing memoranda, and preparation and presentation of mitigation at federal sentencing hearings. I have no notes, transcript, or recording. The address for the Defender Services Office Training Division is One Columbus Circle, Northeast, Suite 4-200, Washington, DC 20544.

April 2014 (specific date unknown): Faculty Member and Small Group Facilitator for the Trial Skills Academy, San Diego, California, Defender Services Office Training Division. I served as a faculty member for this week-long training and continuing legal education program for federal criminal defense practitioners, focusing on case theory development, investigative avenues to develop a trial defense, winning defense strategies, and developing substantial mitigation in preparation for sentencing. I have no notes, transcript, or recording. The address for the Defender Services Office Training Division is One Columbus Circle, Northeast, Suite 4-200, Washington, DC 20544.

January 23, 2014, and December 11, 2014: CLE presenter, New CJA Panel Attorney Orientation Program, Federal Community Defender Office for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania. I spoke about the differences in state court practice versus federal court practice, the importance of written motions, trial development, and the unique sentencing guidelines and sentencing practices in the United States District Court. I have no notes, transcript, or recording. The address for the Federal Community Defender Office is 601 Walnut Street, Suite 540 West, Philadelphia, Pennsylvania 19106.

June 2013 (specific date unknown): Continuing Legal Education Lecturer, "How to Litigate Hobbs Act Cases," Federal Public Defender Office, Middle District of Florida, Tampa, Florida. I discussed various ways to defend against federal Hobbs Act robbery and Hobbs Act extortion cases. I have no notes, transcript, or recording. The address for the Federal Public Defender Office in the Middle District of Florida is 400 North Tampa Street, #2700, Tampa, Florida 33602.

May 2013 (specific date unknown): CLE presenter, "Public Interest/Indigent Defense, Diversity and Inclusion: What Works?," Pennsylvania Bar Association, Minority Bar Committee, Philadelphia, Pennsylvania. As a member of the panel, I addressed members of the Pennsylvania Bar Association about the challenges faced by those working in public interest law and those who represent indigent individuals in civil and criminal proceedings. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

May 2012: Panelist, "Mass Incarceration and Overcrowding in the Federal Bureau of Prisons, What Are the Solutions?," Department of Justice, Office of the Inspector General, Washington, DC. I spoke about the need for more pre-trial diversion programs for non-violent offenders, addressing mental health concerns, substance abuse and childhood trauma, the specialized needs of female inmates, and the need for additional educational and vocational programming which could serve as resources for inmates when released into the community. I have no notes, transcript, or recording. The address of the Office of the Inspector General is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

- 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.

Natasha Brown, *Candid Conversations With 6 Philadelphia Judges and Friends Who All Attended Same HBCU*, WCAU CBS-10, Apr. 8, 2021. Video available at <https://philadelphia.cbslocal.com/2021/05/21/six-philadelphia-judges-hampton-university-hbcu-connection>.

Cassie Owens, *Philly Judges discuss language access following study of court reporters*, Philadelphia Inquirer, June 5, 2019. Copy supplied.

Kai Scott Is Seeking Diversity On Bench, The Public Record, Apr. 30, 2015. Copy supplied.

Rainy Papademetriou-Kai Scott and-Jodi Lobel, Philly Judges Blog Post, Apr. 26, 2015. Copy supplied.

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

In November 2015, I was elected as a Judge of the Court of Common for the First Judicial District (Philadelphia). The Philadelphia Court of Common Pleas is a court of general jurisdiction that includes: a Trial Division that includes felony criminal and civil

matters involving amounts over \$12,000; a Family Court division that includes juvenile delinquent, dependency and domestic relations matters (custody and support); and the Orphans' Court division which includes guardian and estate matters. During my entire tenure as a Common Pleas Court judge, I have served in the Criminal Trial Division. I preside over jury and bench trials for major felony cases, which include all serious criminal offenses except homicides.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? 600

1. Of these cases, approximately what percent were:

jury trials:	20%
bench trials:	80%

2. Of these cases, approximately what percent were:

civil proceedings:	0%
criminal proceedings:	100%

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

Commonwealth v. Rosario, 2017 Phila. Ct. Com. Pl. LEXIS 447 (Pa. C.P. Dec. 19, 2017)

Commonwealth v. Thomas, 2016 Phila. Ct. Com. Pl. LEXIS 646 (Pa. C.P. Sept. 20, 2016)

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. *Commonwealth v. Bane*, No. CP-51-CR-0080-2022

The Defendant, Mr. Bane, was on federal probation for possession of a small amount of marijuana in a park. In the instant matter, he was charged with aggravated assault, carrying a firearm, stalking simple assault, and recklessly endangering another person. These charges arose out of an incident where the Defendant allegedly brandished a gun and threatened the complainant, the girlfriend of an individual who allegedly owed the defendant money. This confrontation was alleged to have taken place at a fast food restaurant that contained multiple video surveillance cameras. After this first confrontation, the Defendant is alleged to have next gone to this same complainant's home and

again threatened her and fired shots at her. During the course of filing discovery requests, the defense had specifically requested videotape surveillance recordings from the fast food restaurant, along with other items of evidentiary value. The assigned district attorney was told by the assigned detective that no video had been recovered and that it did not exist. This information was then relayed to both me and defense counsel at a prior listing of the case when the defense again asked for this video evidence.

The defense also asserted that they would be pursuing an alibi defense at trial because there was cell phone evidence that showed that the Defendant was in a different county at the time that the second incident at the complainant's home was alleged to have taken place. Despite this assertion, the Commonwealth announced its intention to move forward with the prosecution of the Defendant. On the date that the trial was listed I learned from defense counsel that he had been alerted by a federal prosecutor that there was a video tape of the alleged first incident, exonerating the Defendant of the firearm charges. This video had been supplied to the federal prosecutor by the assigned detective. After I learned of this information, I concluded that the withholding of this exculpatory evidence violated *Brady* and, applying controlling case law, I therefore dismissed the case with prejudice.

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(215) 686-8000

Defense Counsel:
McMonagle, Perri, McHugh, Mischak, and Davis
William Davis, Esquire
1845 Walnut Street, 19th Floor
Philadelphia, PA 19108
(215) 981-0999

2. *Commonwealth v. Anderson*, Nos. CP-51-CR-5303-2019, CP-51-CR-5305-2019

The Defendant, Mr. Anderson was charged with two counts of attempted murder, two counts of aggravated assault, two counts of simple assault, two counts of recklessly endangering another person, possessing an instrument of crime, criminal conspiracy, and violations of the uniform firearm act. These charges arose out of an incident in which the Commonwealth alleged that two rival neighborhood gangs were in conflict with one another. After the shooting death of one of his friends, the Defendant and three unnamed co-conspirators allegedly acted in retaliation. On the date of the incident, they followed the car of an

opposing gang member, surrounded that car, and then all four men shot multiple times into the vehicle. The shooting into the vehicle was captured on video by residential and commercial security cameras. The video also showed the driver of the vehicle backing up and attempting to speed away from the ambush of gunfire. Eventually, the car flipped over on its roof because of its speed while fleeing. Next, the video showed a woman crawling out of the roof of the car and pulling out a toddler from the car. The woman, holding the toddler, then ran away from the car.

The Defendant was identified as a suspect in this crime when he was involved in a separate car accident a short distance from the first scene. He gave multiple statements to the police, eventually incriminating himself. The Defendant indicated that he had ambushed the vehicle thinking that it was occupied by a male member of the rival gang that he believed had been responsible for the death of his friend. The defense litigated a motion to suppress the statement, which I denied. After a bench trial, I found the Defendant guilty of all charges. He was sentenced to an aggregate term of nine to eighteen years incarceration, followed by four years of probation.

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Philadelphia District Attorney's Office
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(215) 686-8000

Defense Counsel:
Daniel O'Riordan
1515 Market Street, Suite 1200
Philadelphia, PA 19102

3. *Commonwealth v. Hoilett*, No. CP-51-CR-0006171-2017

The Defendant, Mr. Hoilett, was charged with aggravated assault, criminal conspiracy, violations of the uniform firearm act, and possessing an instrument of crime. The Commonwealth alleged that the Defendant, along with a co-conspirator, followed the complainant out of a neighborhood corner grocery store, and attempted to rob him. When the complainant did not immediately comply with giving the Defendant money and other items, the Defendant shot the complainant in the leg. After video evidence was recovered from the store, along with the debit card that the Defendant had used for a purchase at the store, the Defendant was identified as the assailant. Police tracked him down at a nearby home. After the execution of a search warrant at the home, a gun and the distinctive items of clothing that the Defendant had on during the time of the robbery were recovered. After a jury trial, the Defendant was found guilty of all

charges. I sentenced him to six to twelve years of incarceration followed by a period of probation.

Assistant District Attorney:

Varghese Kurian, Esquire (formerly with Philadelphia District Attorney's Office)
Office of State Inspector General
555 Walnut Street, 8th Floor
Harrisburg, PA 17101
(717) 772-4935

Defense Counsel:

Benjamin Cooper, Esquire
Montgomery County Public Defender's Office
2 East Airy Street
Norristown, PA 19401
(484) 844-9455

4. *Commonwealth v. Payton*, No. CP-51-CR-0001864-2018, (Pa. C.P. August 4, 2021), *appeal filed*

The Defendant, Mr. Payton, was charged with aggravated assault, violations of the uniform firearm act, possessing an instrument of crime, and terroristic threats. The Commonwealth alleged that the Defendant shot the complainant because the complainant, who was a tenant living with the Defendant's ex-girlfriend, was involved in a verbal dispute with both the Defendant and his ex-girlfriend and refused to vacate the property immediately upon being asked to do so. Initially, the complainant indicated that he was not aware of the identity of the person who shot him. However, days later he recalled that he had a video of the initial verbal dispute, which showed the Defendant, and he also recalled that there was a picture of the Defendant with the complainant's landlord that was on display in the home that the complainant had been living in. As a result of this evidence, the Defendant was ultimately identified and arrested. After a jury trial, the Defendant was convicted of all charges. I sentenced the Defendant to 13.5 to 27 years of incarceration.

Assistant District Attorney:

Ashley Martin, Esquire (formerly with Philadelphia District Attorney's Office)
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(215) 861-8200

Defense Counsel:

Tobias Brown, Esquire
1 South Broad Street, 17th Floor
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(215) 709-1111

5. *Commonwealth v. Turner*, Nos. CP-51-CR-0011521-2016, CP-51-CR-0011524-2016, CP-51-CR-0011525-2016, CP-51-CR-0007963-2017, CP-51-CR-0007964-2017

The Defendant, Ms. Turner, was charged with multiple counts of intimidation of a witness/victim, retaliation against a witness/victim, criminal trespass, theft, receiving stolen property, terroristic threats, and harassment. These charges arose out of series of incidents that occurred over a nine-month period during which, the Commonwealth alleged, the Defendant harassed, terrorized, intimidated and trespassed onto the property of her next-door neighbors. The motive for these acts, as alleged by the Commonwealth, was that the Defendant became aware that her neighbors, a married couple, were members of the LGBTQ community.

The Commonwealth sought to prove at trial that this knowledge of her neighbor's sexual identity led to an almost constant campaign of harassment by screaming and playing loud music at all hours of the day and night through the shared walls of the two residences; climbing onto their property, including their backyard and deck, and stealing items; placing nails and other harmful materials in the area where their dog often played; and threatening them with harm and retaliation once she became aware that they had reported her actions to law enforcement.

After a bench trial, I found Ms. Turner guilty of almost all the charges alleged. I sentenced her to a period of 11.5 to 23 months incarceration and was ordered to be paroled at 18 months. This period of incarceration was to be followed by three years of probation. I also ordered her to undergo a mental health evaluation, to comply with mental health treatment, and to undergo drug and alcohol treatment as a condition of her parole and probation.

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Defense Counsel:
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6. *Commonwealth v. Cooper*, Nos. CP-51-CR-0000727-2016 and CP-51-CR-0005211-2016

The Defendant, Mr. Cooper, was charged in two separate matters that occurred over a matter of days. These cases were consolidated for trial. In each of these cases, Mr. Cooper was charged with robbery, aggravated assault, causing serious bodily injury, violations of the uniform firearm act, and possessing an instrument of crime.

In both matters the alleged robberies were captured on video. In the first, Mr. Cooper was alleged to have attempted to rob at gunpoint an individual who was ordering food in a Chinese takeout restaurant. When approached by the Defendant, the individual attempted to escape and was shot by the Defendant. In the second matter, Mr. Cooper was alleged to have pointed a gun and attempted to rob three friends who were standing on the platform of the Broad Street Subway line in Philadelphia. Two complainants were able to escape, and a third complainant was chased and shot at by the Defendant when he also attempted to escape and run up to the street level. A police patrol car was travelling down Broad Street at the time of this incident and saw Mr. Cooper chasing the victim, the firing of the shot, and the muzzle flash from the gun.

The Defendant was ultimately apprehended by police after a brief chase and identified by the victims as the person who attempted to rob them. The Defendant was later identified by all of the victims in these two matters and by the distinctive clothing he was seen wearing on the videos capturing these incidents. Finally, forensic evidence including gunshot residue and DNA was recovered from clothing associated with the Defendant. The Defendant was convicted of all charges after a bench trial and sentenced to an aggregate of 16 to 40 years in prison plus five years of probation.

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Defense Counsel:
Jason Kadish, Esquire
1500 John F. Kennedy Boulevard, Suite 1723b
Philadelphia, PA 19102
(215) 231-9844

7. *Commonwealth v. Bass*, CP-51-CR-0007114-2016

The Defendant, Mr. Bass was charged with retaliation against a witness, intimidation of a witness, terroristic threats, and criminal use of a communication facility. A cooperating witness had given a statement to police implicating both

himself and the Defendant's brother in an unsolved robbery case. As a result of this statement, the Defendant's brother was arrested and held in custody.

The cooperating witness testified against the Defendant's brother at a preliminary hearing and agreed to testify, if necessary, at trial. Just days before his brother's scheduled trial, the Defendant posted a threatening rap video with very explicit references to his brother, the cooperator, and the entire situation. The rap song's lyrics spoke entirely of the desire, intent, and means to kill the witness. Though the defense argued that the video and song were hyperbolic and protected by the first amendment, I convicted the Defendant after a bench trial on all three charges. I sentenced the Defendant to two to four years incarceration, followed by three years of probation.

Assistant District Attorney:
Courtney Malloy, Esquire (formerly with Philadelphia District Attorney's Office)
Mullen Coughlin
426 West Lancaster Avenue
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(267) 930-6738

Defense Counsel:
Todd Fiore, Esquire
834 Chestnut Street, Suite 206
Philadelphia, PA 19107
(215) 704-8748

8. *Commonwealth v. Torres*, Nos. CP-51-CR-0011024-2015 and CP-51-CR-0011025-2015

The Defendant, Mr. Torres, was charged with aggravated assault, causing serious bodily injury, criminal conspiracy, violations of the uniform firearm act, and possessing an instrument of crime. The Commonwealth alleged that Mr. Torres acted in revenge shortly after an assault against one of his relatives, going to the location of the assault, and firing a shotgun at individuals who he believed to be involved in the prior assault. One person was actually shot and suffered serious bodily injury. That victim never appeared in court nor testified. However, other witnesses did come forward to police, identified the Defendant as the shooter, and testified at trial. Further, video, recovered from a corner grocery store near the shooting, showed the Defendant with a shotgun in his hands while within two feet of a young woman holding an infant child in her arms.

After a jury trial, the Defendant was convicted of all charges alleged and received an aggregate sentence of 6.5 to 15 years incarceration, plus four years of probation.

Assistant District Attorney:

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Defense Counsel:
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9. *Commonwealth v. Crawley*, Nos. CP 51-CR-0011367-2016 and CP 51-CR-0011368-2016

The Defendant, Mr. Crawley, was charged with multiple counts of aggravated assault, simple assault, recklessly endangering another person, possessing an instrument of crime, and violations of the uniform firearms act. These charges arose out of an incident where, the Commonwealth alleged, the Defendant got into an argument with multiple individuals in a neighborhood bar. Eventually, the argument turned into threats and a fist fight. The Commonwealth alleged that the fight turned deadly when the Defendant and another bar patron, the complainant, began to shoot at each other in a parking lot near the bar. The complainant was licensed to carry a handgun. During this exchange of gunfire the Defendant's best friend was killed by the complainant's gunfire.

After a bench trial, I acquitted the Defendant of the most serious felony charge, aggravated assault, because the evidence was insufficient to prove beyond a reasonable doubt that the Defendant had fired shots at all or that it was the Defendant who fired the shots that placed others in fear of serious bodily injury. However, I convicted him of the gun charges and some of the lesser misdemeanor charges and sentenced him to a period of incarceration followed by probation on those convictions.

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Defense Counsel:
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10. *Commonwealth v. Nelson*, No. CP-51-CR-0008034-2015

The Defendant, Mr. Nelson, was charged with attempted murder, aggravated assault, possessing an instrument of crime, and recklessly endangering another person. The Commonwealth alleged that the Defendant, in a fit of jealous rage, fired two shots at the new boyfriend of his ex-girlfriend on the grounds of a neighborhood playground, which was full of people including teens playing basketball. The fired shot missed its intended target, instead hitting a teenage boy who was playing basketball and nearly bled to death on the basketball court.

This case was tried twice. I was the presiding judge over both jury trials. The Defense asserted in both trials that the Defendant acted reasonably and in self-defense. After the first trial, the case resulted in a hung jury and a mistrial. The Commonwealth opted to retry the case and a jury acquitted the Defendant of all charges after a second trial.

First Trial:

Assistant District Attorneys:

Rachel Collins-Clarke, Esquire (formerly with Philadelphia District Attorney's Office)

Cozen O'Connor

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Philadelphia, PA 19106

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Defense Counsel:

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Philadelphia District Attorney's Office

3 South Penn Square

Philadelphia, PA 19107

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Second Trial:

Assistant District Attorney:

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

1. *Commonwealth v. Blanding*, No. CP-51-CR-0001786-2017 (Pa. C.P. May 31, 2019). Opinion supplied.

Assistant District Attorney:
Elizabeth Fisher, Esquire
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Defense Counsel:
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Montgomery County Public Defender's Office
2 East Airy Street
Norristown, PA 19401
(484) 844-9455

2. *Commonwealth v. Cooper*, No. CP-51-CR-0000727-2016 (Pa. C.P. Oct. 26, 2020). Opinion supplied.

Assistant District Attorney:
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(215) 686-8000

Defense Counsel:
Jason Kadish, Esquire
1500 John F. Kennedy Boulevard, Suite 1723b
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(215) 231-9844

3. *Commonwealth v. Holbrook*, No. CP-51-CR-0001429-2018 (Pa. C.P. Sept. 26, 2019). Opinion supplied.

Assistant District Attorney:

Lindsey Harteis, Esquire (formerly with Philadelphia District Attorney's Office)
United States Attorney's Office for the District of New Jersey
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Camden, NJ 08101
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Defense Counsel:

Melissa Thomas, Esquire
100 South Broad Street, Suite 715
Philadelphia, PA 19110
(215) 278-2388

4. *Commonwealth v. Jackson*, No. CP-51-CR-0006678-2017 (Pa. C.P. Nov. 2, 2018). Opinion supplied.

Assistant District Attorney:

Ashley Toczylowski, Esquire
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Defense Counsel:

Jessica Bass, Esquire
Defender Association of Philadelphia
1441 Sansom Street
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(215) 568-3190

5. *Commonwealth v. Keyes*, Nos. CP-51-CR-0006439-2017 and CP-51-CR-0006440-2017 (Pa. C.P. May 18, 2020). Opinion supplied.

Assistant District Attorney:

Vilma Cubias, Esquire
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Philadelphia, PA 19107
(215) 686-8000

Defense Counsel:

William Weiss, Esquire (formerly with Defender Association of Philadelphia)
Montgomery County Public Defender's Office
Montgomery County Courthouse
2 East Airy Street
Norristown, PA 19401
(610) 278-3295

6. *Commonwealth v. Oliver*, No. CP-51-CR-0002906-2019 (Pa. C.P. Dec. 2, 2019). Opinion supplied.

Assistant District Attorney:
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Camden, NJ 08101
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Defense Counsel:
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(267) 214-3844

7. *Commonwealth v. Miller*, No. CP-51-CR-0008078-2014, CP-51-CR-0008079-2104 (Pa. C.P. Aug. 23, 2017), *aff'd*, No. 499 EDA 2017 (Pa. Super. Ct. Sept. 13, 2018). Opinion supplied.

Assistant District Attorney:
Meghan Goddard, Esquire
Divisional Deputy City Solicitor
Philadelphia Law Department
1515 Arch Street, Suite #15
(215) 683-5131

Defense Counsel:
Stephanie Fennell, Esquire
Defender Association of Philadelphia
1441 Sansom Street
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(215) 568-3190

8. *Commonwealth v. Torres*, No. CP-51-CR-0011925-2015 (Pa. C.P. Mar. 12, 2018). Opinion supplied.

Assistant District Attorney:

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Defense Counsel:
Todd Fiore, Esquire
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9. *Commonwealth v. Winig*, No. CP-51-CR-0004159-2018 (Pa. C.O. Mar. 12, 2019). Opinion supplied.

Assistant District Attorney:
Carly Nixon, Esquire (formerly with Philadelphia District Attorney's Office)
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(215) 299-2845

Defense Counsel:
Ronald Greenblatt, Esquire
Weir Greenblatt Pierce LLP
1339 Chestnut Street
Philadelphia, PA 19107
(215) 913-3821

10. *Commonwealth v. Wright*, No. CP-51-CR-0004499-2017 (Pa. C.P. Jan. 22, 2019). Opinion supplied.

Assistant District Attorney:
Whitney Golden, Esquire (formerly with Philadelphia District Attorney's Office)
Deputy Attorney General
Pennsylvania Office of the Attorney General
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Defense Counsel:
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(215) 636-0160

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

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

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

Commonwealth v. Howard, No. CP-51-CR-0006018-2019 (Pa. C.P. July 7, 2021), *rev'd in part*, 1649 EDA 2020 (Pa. Super. Ct. 2022). Opinion supplied. The Defendant, Mr. Howard, was charged with violations of the uniform firearm act, simple assault, possessing an instrument of crime, recklessly endangering another person, and terroristic threats. These charges arose out of an incident where the Defendant was alleged to have assaulted his girlfriend after an argument at their home. During the course of the argument, police were called to the home. They were able to hear screaming at their arrival and when the complainant saw the police she screamed that the Defendant had a gun. The officer also observed bruising and blood on the complainant. Ultimately, a gun was recovered in an upstairs closet. Subsequently, the complainant disclosed that the Defendant had punched her in the mouth and threatened her life. The complainant failed to appear on a number of occasions for a preliminary hearing in Municipal Court for this matter, which necessitated the Commonwealth attempting to meet their prima facie burden with just the testimony of the officers as to what the complainant told them. After the preliminary hearing, the Defendant was bound over for trial in the Court of Common Pleas. The defense filed a motion to quash the charges in Common Pleas Court, arguing that the Defendant had been bound over for trial based entirely on hearsay testimony. At a hearing on the motion to quash, the Commonwealth supplemented the preliminary hearing record with additional testimony from the officers, body camera footage of the incident, and their observations of some bruising on the complainant. I quashed the charges because the Commonwealth had not been able to meet its burden to prove the prima facie case necessary to proceed to trial. The Commonwealth sought an interlocutory appeal on the issue of whether I had erred by quashing the charges after it had presented the additional testimony. The Superior Court of Pennsylvania reversed my ruling to with respect to the gun, simple assault, possessing an instrument of crime, and terroristic threats charges, reasoning that the complainant's initial disclosures to police fell within the excited utterance exception to the hearsay rule. Further, the additional testimony of the officer's observations of bruising and blood on the complainant, and the evidence related to what was seen on the officer's body camera was sufficient to meet the Commonwealth's prima facie burden. The matter was remanded for trial, which has not yet been scheduled.

Commonwealth v. Pringle-Patters, No. CP-51-CR-0000993-2019 (Pa. C.P. Feb. 27, 2020), *rev'd in part* 3586 EDA 2019 (Pa. Super. Ct. 2020). Opinion supplied. The defendant in this matter was stopped for a routine traffic violation and the police observed a gun in the vehicle. The defendant was arrested for two felony charges and one misdemeanor charge related to violations of the uniform firearm act. He was also given a traffic citation for summary traffic offenses. After being found guilty in absentia in Traffic Court, the defendant filed a pretrial motion to dismiss his more serious felony gun offenses pursuant to Pennsylvania's compulsory joinder rule, 18 Pa.C.S. section 110. I denied the Defendant's motion to dismiss, finding that the Municipal Court and Traffic Court lacked jurisdiction to hear matters related to the most serious felony gun charges, thus the motion should be denied. The Superior Court affirmed in part, as to the felony gun charges, and reversed in part, holding that the Municipal Court did have jurisdiction of one misdemeanor gun offense that had been charged, and therefore that count should have been dismissed.

Commonwealth v. Myers, No. CP-51-CR-0009678-2016 (Pa. C.P. Oct. 29, 2019), *rev'd in part*, 2801 EDA 2019 (Pa. Super Ct. 2020). Opinion supplied. The Defendant, Mr. Myers, was convicted of robbery, theft, and simple assault after a jury trial. He was sentenced to five to ten years of incarceration on the robbery charge and a consecutive period of three years of probation on the theft charge. The Defendant appealed to the Superior Court of Pennsylvania on a number of issues including the legality of the sentence on the theft charge. The Defense argued that the conviction on the theft charge should have merged with the robbery conviction for purposes of sentencing. I conceded this fact in my written opinion and requested that the Superior Court affirm all other issues and vacate the sentence on the theft charge, and the Superior Court did so. After remand the theft sentence was merged into the five to ten year sentence on the robbery count.

Commonwealth v. McDowell, No. CP-51-CR-0002302-2017 (Pa. C.P. July 23, 2019), *rev'd in part*, 1122 EDA 2019 (Pa. Super. Ct. 2019). Opinion supplied. The Defendant, Mr. McDowell, was convicted of rape, sexual assault, and indecent assault after jury trial in which the Commonwealth alleged that he raped the complainant while she was at the home that the Defendant shared with her boyfriend. In relevant part, the Defendant was sentenced to 10 to 20 years incarceration on the rape charge and a consecutive period of two years, six months to five years incarceration on the sexual assault charge. The Defendant appealed to the Superior Court of Pennsylvania on a number of issues including the legality of the consecutive sentence imposed on the sexual assault charge. While the Superior Court affirmed me on all other issues, it held that the sexual assault charge should have merged with the rape charge for purposes of sentencing, and thus the sentence on this single count was illegal. The sentence was vacated, and the case remanded for resentencing proceedings. After remand, the sentence on the sexual assault charge was merged with the 10- to 20-year sentence given on the charge of rape.

Commonwealth v. Santiago, No. CP-51-CR-0000903-2015 (Pa. C.P. July 18, 2016), *rev'd in part*, 160 A.3d 814 (Pa. Super. Ct. 2017), *aff'd*, 209 A.3d 912 (Pa. 2019). Decision supplied. The Defendant, Mr. Santiago, was charged with aggravated assault, fleeing or attempting to elude police, simple assault and recklessly endangering another person. The Commonwealth alleged that police stopped the Defendant during a lawful traffic stop, and during that interaction the Defendant exhibited nervous behavior. After the officer attempted to reach into the car to turn off the car's ignition, the Defendant allegedly fled in the car, and ran over the officer's foot with the car. The officer was never able to ascertain the identity of the driver during this traffic stop. A short time later, a phone was recovered on the street near where the traffic stop had occurred. Subsequently, the phone was opened without a warrant. The phone contained a photo of an individual who was later identified as the Defendant, Mr. Santiago. The photo was also shown to the officer from the traffic stop who identified the Defendant as the driver he had interacted with during the stop.

Prior to trial in this matter, the Defense moved to suppress the out-of-court and in-court identification of the defendant based on the warrantless search of his cell phone. After a hearing, I granted the motion, finding that the out-of-court identification would be fruit of the warrantless search of the cell phone that had been recovered, and any in-court identification would be tainted by the prior out-of-court identification that was obtained by the search of the phone. The Commonwealth filed an interlocutory appeal of this matter to the Superior Court of Pennsylvania. The Superior Court affirmed in part, as to the out-of-court identification, and reversed in part, as to any in-court identification. The Superior Court reasoned that the police officer's brief interaction with the Defendant during the traffic stop prior to the time that the Defendant was alleged to have pulled off and run over the officer's foot would give the officer sufficient time to possibly make an in-court identification, and therefore it would be independent of any taint related to the photo retrieved from the cell phone without a warrant. The case was remanded for further proceedings consistent with the Superior Court's ruling. The Defense in this matter then sought and was granted an allowance of appeal to the Pennsylvania Supreme Court, which affirmed the Superior Court. After a bench trial the Defendant was then found guilty of all charges. Opinion supplied.

Commonwealth v. Kearney, No. CP-51-CR-0005031-2017 (Pa. C.P. Jan. 9, 2019), *rev'd*, 225 A.3d 912 (Pa. Super. Ct. 2019). Opinion supplied. The Defendant, Mr. Kearney, was charged with violations of the uniform firearm act, aggravated assault, and felony criminal mischief (graded as a felony of the third degree). After a bench trial I acquitted the Defendant of the aggravated assault and gun charges but found him guilty of misdemeanor criminal mischief (graded as a misdemeanor of the third degree) for breaking the windshield of the victim's car. This was based on the Defendant's own testimony that he threw a rock and brick at the victim's car. The Defense appealed the conviction on the misdemeanor criminal mischief charge, claiming that there was insufficient evidence on the

record as to the value of the damaged windshield and therefore, the criminal mischief should have been graded as a summary offense rather than a misdemeanor. In my written opinion I conceded that I should not have *sua sponte* determined the value to be \$500 or less, the amount which would support a misdemeanor conviction for criminal mischief. With no evidence of valuation of damage, the criminal mischief should have been graded as a summary offense. The judgment of conviction for the misdemeanor charge of criminal mischief was then vacated by the Superior Court of Pennsylvania and remanded for further proceedings on this single issue. The Defendant was then convicted of criminal mischief as a summary offense.

Commonwealth v. Hubbard, No. CP-51-CR-0008206-2016 (Pa. C.P. Jan. 12, 2018), *rev'd*, 2592 EDA 2017 (Pa. Super. Ct. 2019). Opinion supplied. The Commonwealth sought an appeal of my Order granting a motion to dismiss charges related to violations of the uniform firearm act based on a violation of Pennsylvania's compulsory joinder statute, 18 Pa.C.S. Section 110. In this matter the defendant, Mr. Hubbard, was stopped for a routine traffic violation when he failed to stop at a stop sign. During the traffic stop a gun was recovered. The defendant was later charged with offenses related to a violation of the uniform firearm act. He was also given a traffic citation for the motor vehicle violation. Prior to the trial on his criminal offenses related to the gun, the defendant was found guilty of the traffic offenses in Philadelphia's Traffic Court. This fact allowed for the Defense to argue that any further criminal litigation related to these facts which arose from the same incident would be a violation of the statute related to compulsory joinder, 18 Pa. C.S., section 110. Thus, I granted the motion to dismiss the charges.

On appeal the Commonwealth argued that it was error to dismiss the felony and misdemeanor uniform firearm act charges on the grounds that the defendant had been convicted of a summary offense. The Superior Court of Pennsylvania held that the unique structuring of the Philadelphia court system, which includes Municipal Court, Traffic Court and Common Pleas Court allows for traffic violations to be litigated and disposed of in the unique venue of Traffic Court while other more serious charges stemming from the same incident should be disposed of in Municipal Court or Common Pleas Court. The matter was reversed and remanded for further proceedings. After remand, the case was scheduled for trial. After multiple court listings when the Commonwealth was not ready to proceed, the Commonwealth withdrew all charges in this matter.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I have written 60 opinions, 99 percent of which are unpublished. In the Pennsylvania Court of Common Pleas, judges only author opinions in cases when an appeal is filed. After completion of the opinion, it is filed with the Appeals

Unit of the Office of the Clerk of the Court of Common Pleas of the First Judicial District of Pennsylvania and maintained in the Courts Document Management System (CDMS).

- 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.

As a state court judge with a docket comprised entirely of felony criminal matters, I routinely render decisions and orders related to due process, search and seizure, and right to counsel issues derived from the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and similar provisions of the Pennsylvania Constitution. However, I have not written any significant opinions on such issues.

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

I have not sat by designation on 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.

The Philadelphia Court of Common Pleas does not have an "automatic" recusal system. In assessing whether a recusal is necessary, I have recused myself on matters where I have a former attorney-client relationship with a Defendant or witness, matters in which I have a close friendship with an attorney who represents one of the parties, matters in which a friend or family member is a witness against a party, and matters where I have

heard pre-trial motions in limine or bail motions that could potentially be prejudicial to a Defendant during a bench trial. .

I do not maintain a record of matters in which I have recused myself. My best recollection is as follows:

Commonwealth v. Vincent, No. CP-51-CR-0010191-2016. I recused myself *sua sponte* because I had formerly represented Mr. Vincent while at the Federal Community Defender Office for the Eastern District of Pennsylvania.

Commonwealth v. Smith, CP-51-CR-0002322-2019. I recused myself *sua sponte* because Mr. Smith's counsel litigated an extensive motion to reduce bail for the Defendant. During the course of this motion, I became aware of facts related to Mr. Smith's prior criminal record and other uncharged conduct. While Mr. Smith had previously indicated that he wished to exercise his right to a jury trial, during the course of the bail motion he changed his mind and indicated that he wished to have a bench trial. Thus, I recused myself from presiding over any bench trial as I believed that the information that I learned during the bail hearing could potentially prejudice any decision that I made about the Defendant's guilt.

Commonwealth v. Empson, Nos. CP-51-CR-0010509-2015, CP-51-CR-0010510-2015, CP-51-CR-0010518-2015. I recused myself *sua sponte* in this matter during a pretrial motions hearing. The parties litigated a motion to suppress physical evidence recovered during the course of a search of a home pursuant to a search warrant. While viewing the search warrants related to the home, I noted that the named owner of the home had the same name as a former client that I had represented years earlier. This name was not a common name, but also not so unique that others would be unlikely to have it. I brought this fact up to the attorneys in the matter. Both attorneys indicated that this individual would not be a witness and neither party requested a recusal. However, later in the hearing I did recognize the events that the Defendant testified about as relating to my former client and I realized that the woman was, in fact, the same individual I had previously represented. As a result, I recused myself from this matter and sealed the transcript of the hearing related to the motion to suppress his statement so that another judge who did not have the same knowledge that I had could fairly preside over the matter.

Commonwealth v. Best, Nos. CP-51-CR-0001520-2018, CP-51-0003718-2018. The Defendant in this matter was charged with three separate incidents of rape and other related charges. The cases were not consolidated for the purpose of having one trial on all three matters. However, all three of the cases were on my docket. After a bench trial on the first case, I found the Defendant guilty of all charges alleged against him. I recused myself *sua sponte* on the other two trials to avoid any appearance of impropriety or any actual prejudice against the Defendant in the subsequent trials based on my finding of guilt in the first case.

To my knowledge, no party or attorney has ever requested that I recuse myself other than set as set forth above.

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

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

I have not held any public office other than judicial office.

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

I have held no memberships or offices in any political party, nor have I played a role in any political campaign other than my 2015 campaign for judicial office.

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 1996 to 1998 I worked for the Pennsylvania Bureau of Workers' Compensation as a law clerk to the Honorable Donald Poorman.

- 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;

1998 – 2004
Defender Association of Philadelphia
1441 Sansom Street
Philadelphia, Pennsylvania 19107
Assistant Defender

2004 – 2015
Federal Community Defender Office for the Eastern District of
Pennsylvania
601 Walnut Street, Suite 540 West
Philadelphia, Pennsylvania 19106
Chief, Trial Unit (2010 – 2015)
Assistant Federal Defender (2004 – 2010)

- 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.

I spent almost my entire career as a criminal defense attorney representing indigent defendants. I practiced for almost seven years, from 1998 through 2004, as an Assistant Defender in state court in Philadelphia County. I handled preliminary hearings, municipal court trials, juvenile adjudication hearings, felony waiver trials and major felony jury and non-jury trials.

In 2004, I became an Assistant Federal Defender with the Federal Community Defender Office for the Eastern District of Pennsylvania. As a Federal Defender, I represented criminal defendants charged with federal crimes in the United States District Court for the Eastern District of Pennsylvania. The representation of my clients spanned the life of the criminal case from an individual's initial appearance before a federal magistrate judge, to pre-trial motions, a trial or plea, post-trial motions, sentencing memoranda, and sentencing hearings. Further, a significant portion of my practice dealt with witnesses or defendants who were cooperating with the Government.

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

I spent almost the entirety of my legal career specializing in criminal defense, representing individuals who were deemed indigent, and who did not have the financial means to retain counsel for serious criminal offenses charged in both state and federal courts.

- 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.

During my legal career as an Assistant Defender at the Defender Association of Philadelphia and as an Assistant Federal Defender at the Federal Community Defender Office in Philadelphia, I estimate that I appeared in court an average of three to four times a week. In 2010, when I assumed my position as Chief of the Trial Unit at the Federal Community Defender Office in Philadelphia, I did not carry as heavy a caseload, and therefore my appearances in court decreased to approximately one to two times per week.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 60% |
| 2. state courts of record: | 40% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

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

I would approximate that I have tried to verdict more than two hundred cases in courts of record. These matters include bench trials for misdemeanor and serious felony offenses, jury trials in the Court of Common Pleas in Philadelphia, and jury trials in the United States District Court for the Eastern District of Pennsylvania. In all of these matters, with the exception of nine or ten cases, I have been the sole counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 20% |
| 2. non-jury: | 80% |

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

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

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally

handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party 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. Robinson*, criminal number 13-232 (Trial Date: 9/15/2014)

With co-counsel, I represented Mr. Robinson, who was charged with two counts of Hobbs Act robbery of a commercial business and two counts of using a firearm in connection with a crime of violence. If convicted, he faced to a mandatory minimum of 32 years in prison.

Mr. Robinson was alleged to have robbed two commercial establishments, a Subway sandwich shop and a linen and curtain store. These robberies happened within a very short time of each other. The Defendant was identified as the alleged perpetrator of the first robbery, the very next day, by one of the victims when she saw him walking down the street in the exact same clothing he had been wearing at the time he robbed her establishment. This clothing included a very distinctive and unusual sweatshirt. Mr. Robinson was arrested with that clothing, and it was presented as evidence at the trial. Mr. Robinson was also clearly identifiable on video from both stores that recorded the robberies. However, no gun was recovered.

Mr. Robinson's defense was, in part, that since no gun was ever recovered in this case, the jury should acquit on the counts related to carrying a firearm in relation to a crime of violence. The victim-witnesses conceded in their testimony they had limited knowledge of guns, such as identifying a real gun as opposed to a fake gun. The federal statute required that the firearm, alleged to have been used in connection with a crime of violence, be an actual weapon, not a toy or simulated weapon. Mr. Robinson was ultimately convicted of both counts of robbery, but only one count of using a gun in connection with these robberies.

United States District Court for the Eastern District of Pennsylvania, Judge Schiller

Co-counsel:
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Assistant United States Attorney:
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(215) 861-8200

2. *United States v. Nelson*, Magistrate No. 11-842 (June 2011)

I represented Mr. Nelson solely on this matter. Mr. Nelson was charged by criminal complaint with interference with a flight. This charge arose out of the conduct displayed by the Defendant, a 21-year-old college student, when he began to erratically on a transatlantic flight from Germany to the United States. While on the flight, the Defendant began to sweat profusely, made sexually suggestive comments to a flight attendant, and told others on the plane that he was going to “raise hell” and “we are all going to die, there is a bomb in my bag”. As a result of this conduct, others on the plane had to assist in restraining and handcuffing the Defendant until the plane landed in Philadelphia. After the flight landed, the Defendant was taken to the University of Pennsylvania Hospital.

The Defendant was assessed by a psychiatrist to determine if he was competent to assist counsel. He was determined to be competent. Next, the Defendant underwent a series of evaluations. Then after I litigated motions to allow the Defendant to be released to bail conditions which would allow him to travel back to his home state, his family, and treatment in his home state of Minnesota, the Defendant underwent a series of evaluations there. Ultimately, it was determined that the Defendant had suffered an initial psychotic break while on the long transatlantic flight. Also, it was determined that this break was likely the onset of schizophrenia or bipolar disorder. After this series of evaluations, the Defendant’s eventual diagnosis, and proof of continued treatment over a period of time, the Government ultimately dismissed the indictment against the Defendant.

United States Magistrate Court for the Eastern District of Pennsylvania, Judge Restrepo
(now sitting on the United States Third Circuit Court of Appeals)

Assistant United States Attorney:
Marianne Cox, Esquire
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8200

3. *United States v. K.H.*, Criminal Number 08-17101, 09-179-01 (date of judgement-April 5, 2010)

The Defendant, K.H., was charged in two separate criminal indictments. The first indictment charged attempted possession with intent to distribute between 50 and 150 kilos of cocaine, which provided for a mandatory five-year sentence of incarceration upon conviction. The second indictment charged Hobbs Act robbery, and aiding and abetting the same.

In the second matter, the Government alleged that K.H. conspired with a Philadelphia police officer to rob a known drug dealer who supplied K.H. with illegal narcotics. K.H. opted to cooperate with the Government, and to provide information about the commission of these acts. Further, he testified in open court about his own actions and those of his co-conspirator, the Philadelphia police officer. As a result of his substantial cooperation, K.H. was sentenced to a period of ten years incarceration. His co-conspirator received a sentence of 30 years incarceration.

United States District Court for the Eastern District of Pennsylvania, Judge Rufe

Assistant United States Attorney:
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McKesson Corporation
11 Arrowwood Drive
Sicklerville, NJ 08081
(215) 287-9527

4. *United States v. Vincent*, criminal number 09-119 (Trial Date: August 2009)

With co-counsel, I represented Mr. Vincent, who was charged with Hobbs Act robbery of a commercial business and using a gun in the commission of a crime of violence. If convicted of the crime of using a gun in relation to a crime of violence, he would have been exposed to a mandatory seven years in prison. If convicted of both charges, he faced a federal sentencing guideline range of 30 years to life in prison because his prior record made him a "career offender" pursuant to the United States Sentencing Guidelines.

The Defendant argued at trial that the one complainant who identified Mr. Vincent at trial was mistaken as to his identification of Mr. Vincent. He had never made a previous identification at a lineup or by a photo array. Furthermore, his identification at trial was made ten months after the actual robbery had taken place. Thus, the Defendant argued that the jury should find it unreliable. Also, neither of the complainants had described the person who robbed their facility as having a bald head or a large, prominent mole on his face, two distinct characteristics of the defendant's appearance. Finally, we argued that the lack of the Defendant's fingerprints in the abandoned van, the fact that no money was recovered from him, and the fact that an actual gun was not recovered should lead the jurors to have a reasonable doubt as to Mr. Vincent's guilt. He was acquitted of all charges.

United States District Court for the Eastern District of Pennsylvania, Judge Savage

Co-counsel:

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Assistant United States Attorney:

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5. *United States v. Dupree*, criminal number 08-280 (Motion to Suppress Hearing:
February 2, 2009)

I was sole counsel for Mr. Dupree, who was charged in a single count indictment with being a convicted felon in possession of a firearm. The facts were basic. Police officers received a 911 report of gunshots fired by as a black male, approximately 5'8" tall, wearing blue jeans and a black, hooded sweatshirt, and fleeing on foot. Several minutes later, the officers were in the area when they observed Mr. Dupree riding on a bicycle. They alleged that he fit the general description of the shooter. The officers pulled over their vehicle, blocking Mr. Dupree's path, and then grabbed him by his arm and proceeded to attempt to speak with him. Mr. Dupree pulled away, fled for several blocks, and eventually the officers observed him drop a gun to the ground.

Prior to trial, the Defendant moved to suppress the handgun that was recovered by police because the officers had no specific articulable facts to form a reasonable suspicion that Mr. Dupree had committed or was committing a crime. The motion to suppress the gun was granted. The Government appealed the ruling of the District Court, 617 F.3d 724 (3d Cir. 2010), citing two new grounds for appeal other than the initial issue at the motion to suppress. Other attorneys from the Federal Defender appellate unit represented Mr. Dupree in the Court of Appeals. The Third Circuit Court of Appeals affirmed the trial court ruling, and the Government eventually withdrew the charges against Mr. Dupree.

United States District Court for the Eastern District of Pennsylvania, Judge Rufe

Assistant United States Attorney:

Jose Arteaga, Esquire
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8200

6. *United States v. Graves*, Criminal Number 06-95-1

With co-counsel, I represented the Defendant, Mr. Graves, from 2006 to 2008. He was charged with bank robbery and possession of a firearm by a convicted felon. The Government alleged that the Defendant conspired with his girlfriend (as the getaway driver) to rob a bank at gunpoint. The Government presented evidence including: video which appeared to show the Defendant's red SUV in the bank parking lot minutes prior to the robbery; identifications by tellers at the bank who had physical interaction with the perpetrator; the Defendant's excessive spending of money in close proximity after the date of the robbery; and forensic evidence which included DNA and the specific shoes that allegedly made a shoe print that was recovered from the bank counter when the perpetrator jumped on the counter to obtain the money from the bank.

The Defendant challenged the accuracy of the identification of the witnesses in the case, arguing that they were mistaken in their identification because they neglected to note the distinctive severe acne scarring that the Defendant had on his face. He also presented an expert in DNA retrieval and comparison, who gave a reasonable explanation as to why the Defendant's DNA could be present at the location it was recovered. Finally, the Defendant challenged the reliability of the shoe print and argued that it was indicative of nothing.

After one trial, the jury hung and a mistrial was declared. After a second trial, Mr. Graves was convicted of bank robbery, but acquitted of the use of a gun during the commission of the robbery. The Defendant was sentenced to a period of 180 months of incarceration.

United States District Court for the Eastern District of Pennsylvania, Judge Dubois

Co-counsel:

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(215) 686-8000

Assistant United States Attorney:

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Philadelphia, PA 19106
(215) 861-8200

7. *United States v. MRA* (plea under seal)

From 2005 to 2006, I represented the Defendant, MRA, who was charged with possession with intent to distribute in excess of one kilogram of heroin and importation of more than one kilogram of heroin after she was alleged to have acted as a drug mule smuggling in heroin from another country to Philadelphia. Almost immediately, the Defendant began to cooperate with the Government to give information and potentially testify against the individual who induced her, by threatening her life and the lives of

family members, to smuggle drugs into the United States. Defendant was facing a mandatory ten-year sentence of incarceration for these drug offenses.

Though the Defendant was eager to assist in the arrest of her unindicted co-conspirator, he remained at large in his home country and out of the reach of federal law enforcement in the United States. MRA's family continued to receive threats during the time that she was incarcerated pre-trial. Ultimately, a sentencing mitigation workup revealed that the Defendant had been horribly abused sexually, physically, and emotionally since childhood, and her own children were at risk of the same while she was incarcerated. These facts, coupled with the Defendant's willingness to assist the Government, even if unsuccessful, convinced the Government to agree to a 30-month sentence for the Defendant, rather than the ten-year mandatory sentence that she initially faced.

United States District Court for the Eastern District of Pennsylvania, Judge Kauffman

Assistant United States Attorney:
Terri Marinari, Esquire
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8200

8. *Commonwealth v. Perry*, No. CP-51-CR-0702961-2003 (Trial Date: November 2003)

In this matter, I represented Mr. Perry, who had been accused of robbing at gun point two individuals who owned and operated a neighborhood grocery store. The gunman was alleged to have come into the store, threatened the two complainants with a handgun, and then forcing the register open taking over \$200 in proceeds, along with several cartons of cigarettes. Mr. Perry was followed and tracked to a home in the neighborhood. Eventually, the police came to that home and found Mr. Perry and several other Black males. A search was conducted in the home. Proceeds of the incident, and the clothing alleged to have been worn by Mr. Perry during the time of the robbery were recovered. Additionally, there was a videotape of the robbery and Mr. Perry confessed to the crime after being denied counsel.

The Defendant moved to suppress his confession as a result of the police interrogating him despite the fact that he had been appointed counsel and was denied the right to consult with him. After the confession was deemed inadmissible, the matter proceeded to trial, and Mr. Perry was found not guilty of all charges.

Philadelphia Court of Common Pleas, Judge Chiovero

Assistant District Attorney:
Joel Rosen, Esquire (formerly with Philadelphia District Attorney's Office)
Cohen, Placitella, and Roth
Two Commerce Square, Suite 2900
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(215) 567-6019

9. *Commonwealth v. Driver*, Information #02-10-0208 (Trial Date: March 2003)

The Defendant, Mr. Driver, was charged with attempted murder, aggravated assault, and possessing an instrument of crime. The Commonwealth alleged that Mr. Driver shot the victim six times at close range, rendering him wheelchair bound. After the shooting, a post-incident identification was made by three individuals who identified him exclusively by his articles of clothing – a distinctive hat, shirt, and pants. After cross-examination of these witnesses at trial, the Defendant argued that they were mistaken in their identification. Further, the Defendant argued it could not be clearly established what he was actually wearing at the time of the incident.

The only actual identification witness was a 16-year-old juvenile who was originally arrested as a co-defendant in the matter. The Defendant argued that this witness had motive to lie about his identification of the Defendant as the shooter, as he was afraid that he would be labeled the shooter and have to spend a significant time in jail. After a jury trial, Mr. Driver was acquitted of all charges.

Philadelphia Court of Common Pleas, Judge Anthony DeFino

Assistant District Attorney:

John Han, Esquire (formerly with Philadelphia District Attorney's Office)
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Plymouth Meeting, PA 19462
(609) 300-7704

10. *Commonwealth v. Rodriguez*, No. CP-51-CR-0506051-2002 (Trial Date: 03/2003)

The Defendant, Mr. Rodriguez, was charged with multiple counts of aggravated assault, burglary, criminal conspiracy, criminal trespass, and violations of the uniform firearm act. The Defendant, along with a co-conspirator, was alleged to have committed a home invasion of his neighbor's home at gunpoint. After entering the home, he allegedly assaulted and tied up several people in the home, and then stole money and other valuables.

The defense in this matter was mistaken identification. The face of the perpetrator was covered in part by a hooded sweatshirt. Further, the co-defendant was wearing a mask. The Defendant's theory was that the witnesses assumed it was the Defendant simply because he knew that there was money and other valuables in the home.

Ultimately, this case was tried three times before a jury. The first two trials ended in a hung jury and a mistrial. The third ended in an acquittal on all charges for Mr. Rodriguez.

Philadelphia Court of Common Pleas, Judge Anthony DeFino

Assistant District Attorney:
Lisa Caulfield, Esquire
Philadelphia District Attorney's Office
3 South Penn Square
Philadelphia, PA 19107
(215) 686-8000

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.)

During my time as an attorney I was involved in many legal activities including service in the legal ministry at Enon Tabernacle Baptist Church, where I, along with other attorneys advised the church and church members on legal matters. I participated in many expungement clinics and clinics to assist individuals in the community with obtaining knowledge about the importance of wills and other end of life decisions. I participated in panels at church which educated members of the community on their rights as it related to criminal matters. In my supervisory capacity at the Federal Community Defender Office, I helped attorneys prepare for motions hearings and trials, assisted attorneys in helping to negotiate favorable plea agreements, provided oversight of investigations related to cases, at times tried cases with less experienced attorneys, and managed my own reduced caseload. I also mentored younger and/or more inexperienced attorneys at both the Defender Association of Philadelphia and the Federal Community Defender Office in the Eastern District of Pennsylvania. Finally, I taught CLEs to my colleagues, as well as federal defenders and court appointed defense counsel across the country.

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 served as an adjunct professor during the fall semesters 2016, 2018, 2019, 2020, and 2021 for Advanced Trial Advocacy teaching third year law students at the Beasley School of Law at Temple University. During the fall 2017 semester, I was an adjunct professor for the Integrated Trial Advocacy program for second year law students. Both of these classes give law students the building blocks for litigating pre-trial motions, bail arguments, preparing opening and closing arguments, the mechanics of direct and cross examination, the use of the rules of evidence, jury selection and voir dire, and sentencing arguments. Syllabi supplied.

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.

I do not currently have plans, commitments, or agreements to pursue outside employment with or without compensation during my service with the court.

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.

The primary conflicts of interest I anticipate are those that I have already experienced as a Common Pleas Court Judge. I will continue to follow the practice I established when I first took the bench, following consultation with my Chief Judge and review of the judicial ethical canons. I will continue to recuse myself from all matters involving my former Federal Defender clients, although I expect that this issue will rarely arise. I would 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 Advisory Opinions of the Committee on Codes of Conduct.

- b. Explain how you will resolve any potential conflict of interest, including the

procedure you will follow in determining these areas of concern.

If confirmed, I would 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 Advisory Opinions of the Committee on Codes of Conduct, and I would disclose any pertinent information to the litigants or recuse myself from deciding a case as appropriate.

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

I spent almost my entire career as an attorney working with disadvantaged and indigent clients as a public defender. As an attorney, I continued to stay connected to my community by committing to various ministries at my church including the scholarship ministry, legal ministry, and educational support ministry. I devoted time to the empowerment of young girls through various programs benefiting teenage girls through the Delta G.E.M.S. program (Growing and Empowering Myself Successfully), a group designed to promote self-awareness and self-esteem among teenage girls. I have spoken at and volunteered with numerous sports organizations involving my nieces, nephews, and daughter. While I am unable to provide pro bono representation to disadvantaged persons since joining the bench, I continue to help others. I am currently the co-chair of the Clifford Scott Green Chapter National Judicial Council/Barristers' newly developed Mentor Program. The National Judicial Council is the arm of the National Bar Association which provides mentorship, collegiality, and support for jurists of color. The Clifford Scott Green chapter is the chapter based in Philadelphia. I also have served numerous times as a presiding judge for high school students and law students for various mock trial competitions. I have worked with the Philadelphia Community Youth Court in supporting their efforts to reduce conflict in high school through peer mediation. I have helped international law students from China gain a better understanding of the mechanics of the American jurisprudence system as a guest speaker for an international law class. Finally, as a part of the American Bar Association's Rule of Law Initiative, I spent a week with judges from Tunisia, while they visited Philadelphia, introducing them to various stakeholders in the criminal justice system, attending meetings with these stakeholders, and having them observe both bench and jury trials.

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 February 8, 2021 I submitted to the offices of Senator Robert Casey and Senator Patrick Toomey a Questionnaire for consideration to fill a vacancy on the United States District Court for the Eastern District of Pennsylvania. I was thereafter contacted by Senator Casey's staff to arrange an interview with a selection committee. That interview took place on May 18, 2021. Thereafter, I interviewed with members of Senator Casey's staff on June 23, 2021. I then interviewed with Senator Casey on July 22, 2021. I then interviewed with members of Senator Toomey's staff on August 17, 2021. Subsequently, I interviewed with Senator Toomey on August 31, 2021. I interviewed with attorneys from the White House Counsel's Office on February 15, 2022. Since February 16, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 12, 2022, 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.