

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Candice Chiu Wong
Candice Chiu (maiden name)

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

Commissioner, United States Sentencing Commission

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.

U.S. Attorney's Office for the District of Columbia
601 D Street, Northwest
Washington, DC 20530

4. **Birthplace:**

1982; Red Bank, New Jersey.

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.

2005 – 2008, Harvard Law School; J.D., *cum laude*; 2008

Summer 2001, National Taiwan Normal University (summer language program; no degree received)

2000 – 2004, Harvard College; A.B., *magna cum laude*; 2004.

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.

2015 – present

U.S. Attorney's Office for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
Chief, Violence Reduction and Trafficking Offenses Section (2022 – present)
Assistant U.S. Attorney (2015 – present)

2017 – 2021
U.S. Department of Justice
Criminal Division
950 Pennsylvania Avenue, Northwest
Washington, DC 20530
Acting Deputy Assistant Attorney General (2020 – 2021)
Acting Chief of Staff and Counselor (2019 – 2020)
Senior Counsel to the Assistant Attorney General (2017 – 2019)

2020 – 2021
U.S. Sentencing Commission
One Columbus Circle, Northeast, Suite 2-500
Washington, DC 20002
Ex Officio Commissioner for the Department of Justice

2013 – 2015; Summer 2006; 2004 – 2005
Bancroft PLLC
(Now acquired by Kirkland & Ellis LLP)
Associate (2013 – 2015)
Summer Associate (Summer 2006)
Manager/Executive Assistant (2004 – 2005)

Fall 2012
American Inns of Court
225 Reinekers Lane #770
Alexandria, Virginia 22314
Temple Bar Scholar

2011 – 2012
Supreme Court of the United States
One First Street, Northeast
Washington, DC
Law Clerk to the Hon. Sandra Day O'Connor and the Hon. Sonia M. Sotomayor

2009 – 2011
King & Spalding LLP
1700 Pennsylvania Avenue, Northwest, Suite 900
Washington, DC 20006
Associate

2008 – 2009

U.S. Court of Appeals for the D.C. Circuit
333 Constitution Avenue, Northwest
Washington, DC 20001
Law Clerk to the Hon. Brett M. Kavanaugh

Summer 2008

Akin Gump Strauss Hauer & Feld LLP
2001 K Street, Northwest
Washington, DC 20006
Summer Law Clerk

2006 – 2008

Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant to Prof. Jack Goldsmith

Summer 2007

Kirkland & Ellis LLP
1301 Pennsylvania Avenue, Northwest
Washington, DC 20004
Summer Associate

Summer 2007

Kirkland & Ellis LLP
601 Lexington Avenue
New York, New York 10022
Summer Associate

Summer 2006

U.S. Department of Justice
Office of the Solicitor General
950 Pennsylvania Avenue Northwest
Washington, DC 20530
Intern

2004 – 2005

Banana Republic
1100 South Hayes Street
Arlington, Virginia 22202
Part-Time Sales Assistant

2004

U.S. Department of Justice
Office of Public Affairs

950 Pennsylvania Avenue, Northwest
Washington, DC 20530
Press Assistant

Other Affiliations (Uncompensated):

2015 – 2017
Asian Pacific American Bar Association Educational Fund
P.O. Box 2209
Washington, DC 20013
Member, Board of Directors

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 U.S. military. I was not required to register for 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.

Department of Justice Special Act Awards (2021, 2020, 2019, 2018)

National Asian Pacific American Bar Association Best Under 40 Award (2020)

Attorney General's Award for Distinguished Service (2019)

Asian Pacific American Bar Association of the District of Columbia Rising Star Award (2017)

Temple Bar Scholar, American Inns of Court (2012)

Kirkland & Ellis LLP Diversity Fellowship (2007)

Asian Pacific American Bar Association Educational Fund Anheuser-Busch Norman Y. Mineta Fellowship (2006)

Asian American Lawyers' Association of Massachusetts Scholarship (2006)

Harvard Law School

Degree from Harvard Law School conferred *cum laude* (2008)

Semi-Finalist, Ames Moot Court Competition, Harvard Law School (2007)

Editor, Harvard Law Review (2006 – 2008); Supreme Court Chair (2007 – 2008)

Heyman Summer Internship Program, Harvard Law School (2006)

Editor, Harvard Journal of Law and Public Policy (2005 – 2006)

Harvard College

Degree from Harvard College conferred *magna cum laude* (2004)

Phi Beta Kappa (2004)

Harvard Foundation for Race and Intercultural Relations Award (2004)

John Harvard Scholarship (2001 – 2004)

Elizabeth Cary Agassiz Award (2001 – 2004)

Harvard College Scholarship (2000 – 2001)

Elizabeth Cary Agassiz Certificate of Merit (2000 – 2001)

USA Today College Academic All-Stars, Third Team (2004)

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

American Bar Association (2009 – 2013)

American Inns of Court, Temple Bar Scholar (2012)

Asian Pacific American Bar Association Educational Fund (AEF), Member of Board of Directors (2015 – 2017)

Department of Justice Criminal Division Diversity Committee (2020)

Department of Justice Criminal Division Women in Law Skills Co-Chair (2019 – 2020)

Edward Coke Appellate Inn of Court (2015 – present)

Federalist Society for Law and Public Policy Studies (2006 – 2009; 2018 – present)

National Asian Pacific American Bar Association (2017 – present)

Asian Pacific American Bar Association of District of Columbia (2017 – present)

Asian Pacific American Lawyers Association of New Jersey (2020 – present)

U.S. Attorney's Office for the District of Columbia Diversity Committee (2016 – present)

10. **Bar and Court Admission:**

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

Maryland, 2009

District of Columbia, 2009

New Jersey, 2019

There have been no lapses in membership. I became voluntarily inactive in the Maryland bar in 2015 when I became an Assistant U.S. Attorney in the District of Columbia.

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

Supreme Court of the United States, 2012
U.S. Court of Appeals for the D.C. Circuit, 2009
U.S. Court of Appeals for the Second Circuit, 2013
U.S. Court of Appeals for the Third Circuit, 2013
U.S. Court of Appeals for the Fourth Circuit, 2011
U.S. Court of Appeals for the Fifth Circuit, 2011 and 2018
U.S. Court of Appeals for the Sixth Circuit, 2013
U.S. Court of Appeals for the Ninth Circuit, 2013
U.S. Court of Appeals for the Tenth Circuit, 2013
U.S. Court of Appeals for the Eleventh Circuit, 2010

Memberships in the U.S. Courts of Appeals for the Second, Fifth, and Eleventh Circuits last five years. Because I was not practicing before those courts when my memberships expired, I did not immediately renew them. In 2018, I took on an appeal in the Fifth Circuit and therefore renewed my membership in that court.

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.

Volunteer Interviewer with Harvard Club of Washington, DC, Schools Committee (2015 – 2016, 2021 – 2022)

Holder of Early Childhood Youth & Family Membership, Edlavitch DCJCC (2021 – present)

Volunteer with Girls on the Run, Washington, DC (2015)

- b. 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.

Girls on the Run is a non-profit focused on building the health and skills of young girls through running, and the program serves girls. To the best of my knowledge, none of the other organizations listed above currently discriminates 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.

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.

American Inns of Court Temple Bar Scholar Report (2012). Copy supplied.

The Immunity-Conferring Power of the Office of Legal Counsel, 121 Harv. L. Rev. 2086 (2008). Copy supplied.

"Clearly Established Law" in Habeas Review, 121 Harv. L. Rev. 335 (2007). Copy supplied.

Convoluting the Confrontation Right, 30 Harv. J.L. & Pub. Pol'y 1059 (2007). Copy supplied.

"Voices of Minority Conservatives" Panel, Harvard Foundation Newsletter (Fall 2003). Copy supplied.

Actress Lauren Tom Performs at Harvard, Harvard Foundation Newsletter (Fall 2002). 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.

I note, however, that in the time I served as the Department of Justice's non-voting *ex officio* member of the U.S. Sentencing Commission, Commission staff prepared and issued the following reports:

Federal Armed Career Criminals: Prevalence, Patterns, and Pathways,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210303_ACCA-Report.pdf (Mar. 2021).

Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210125_Fentanyl-Report.pdf (Jan. 2021).

The Influence of the Guidelines on Federal Sentencing,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20201214_Guidelines-Influence-Report.pdf (Dec. 2020).

The First Step Act of 2018: One Year of Implementation,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200831_First-Step-Report.pdf (Aug. 2020).

Federal Probation and Supervised Release Violations,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200728_Violations.pdf (July 2020).

Retroactivity & Recidivism: The Drugs Minus Two Amendment,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200708_Recidivism-Drugs-Minus-Two.pdf (July 2020).

Length of Incarceration and Recidivism,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200429_Recidivism-SentLength.pdf (Apr. 2020).

Path of Federal Criminality: Mobility and Criminal History,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200414_Mobility-Report.pdf (Apr. 2020).

Fiscal Year 2019: Overview of Federal Criminal Cases,
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/FY19_Overview_Federal_Criminal_Cases.pdf (Apr. 2020).

- 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.

Letter to Hon. Chuck Grassley, Chairman, and Hon. Dianne Feinstein, Ranking Member, Committee on the Judiciary, United States Senate, Regarding Nomination of Sarah Pitlyk (Sept. 23, 2019). Copy supplied.

Letter to Hon. Chuck Grassley, Chairman, and Hon. Dianne Feinstein, Ranking

Member, Committee on the Judiciary, United States Senate, from Judge Brett Kavanaugh's Female Former Law Clerks (July 12, 2018). Copy supplied.

Letter to Hon. Chuck Grassley, Chairman, and Hon. Dianne Feinstein, Ranking Member, Committee on the Judiciary, United States Senate, from Judge Brett Kavanaugh's Former Law Clerks (July 9, 2018). 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.

Below is my best effort to create a list based on a review of my records, internet searches, and memory.

June 11, 2019: Panelist, "Updates on Global Action against Hizballah," U.S. Government- and Government of Argentina-Hosted Practitioners' Workshop on Identifying and Disrupting Hizballah's Terrorist and Illicit Activities, Buenos Aires, Argentina. Notes supplied.

June 11, 2019: Moderator, "Hizballah's Activities in South America," U.S. Government- and Government of Argentina-Hosted Practitioners' Workshop on Identifying and Disrupting Hizballah's Terrorist and Illicit Activities, Buenos Aires, Argentina. Notes supplied.

Dec. 17, 2018: Moderator, "Targeted Financial Measures Against Hezbollah: Recent Actions," U.S. Government-, Interpol-, and Europol-Hosted Law Enforcement Coordination Group on Hizballah's Evolving Modus Operandi for its Terrorist and Illicit Activities, Lyon, France. Notes supplied.

June 15, 2018: Speaker, "Briefing: Hezbollah Financing and Terrorism Team," Drug Enforcement Administration-Hosted Lebanese Hizballah Targeting Workshop, Hague, Netherlands. Notes supplied.

Oct 14, 2017: Panelist, "Lunch with Former Federal and State Appellate Court Clerks," Asian Pacific American Bar Association Educational Fund Robert E. Wone Annual Judicial Clerkship and Internship Conference, Washington, DC. The panel focused on the value and experience of serving as law clerks. I have no notes, transcript, or recording. The address of AEF is P.O. Box 2209, Washington, DC 20013.

Nov. 17, 2016: Panelist, "Charting a Career: A Conversation about Thriving in the Legal World," Harvard Law School Women's Alliance of DC, Washington, DC. I was one of five attorneys who spoke about how to build a thriving career and make career decisions. I have no notes, transcript, or recording. The address of the HLS Women's Alliance of DC is c/o Harvard Law School, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

Oct. 22, 2016: Moderator, "Federal and State Appellate Clerkships," Asian Pacific American Bar Association Educational Fund Robert E. Wone Annual Judicial Clerkship and Internship Conference, Washington, DC. Notes supplied.

Oct. 17, 2015: Moderator, "Lunch with Former U.S. Supreme Court Law Clerks," Asian Pacific American Bar Association Educational Fund Robert E. Wone Annual Judicial Clerkship and Internship Conference, Washington, DC. Notes supplied.

Oct. 11, 2014: Panelist, "Lunch with Former U.S. Supreme Court Law Clerks," Asian Pacific American Bar Association Educational Fund Robert E. Wone Annual Judicial Clerkship and Internship Conference, Washington, DC. The panel focused on the value and experience of serving as law clerks. I have no notes, transcript, or recording. The address of AEF is P.O. Box 2209, Washington, DC 20013.

Feb. 16, 2013: Panelist, "The Justice League," Intercollegiate Taiwanese American Students Association East Coast Conference, New York, New York. I was one of two former Supreme Court clerks who spoke about the value of clerking and the course of our legal careers. I have no notes, transcript, or recording. The address of the Intercollegiate Taiwanese American Students Association is P.O. Box 654, New York, New York 10163.

Oct. 13, 2012: Panelist, "Lunch with Former U.S. Supreme Court Law Clerks," Asian Pacific American Bar Association Educational Fund Robert E. Wone Annual Judicial Clerkship and Internship Conference, Washington, DC. The panel focused on the value and experience of serving as law clerks. I have no notes, transcript, or recording. The address of AEF is P.O. Box 2209, Washington, DC 20013.

Dec. 30, 2008: Chair, "Capabilities and the U.S. Constitution." American Philosophical Association Committee on Philosophy and Law, Eastern Meeting, Philadelphia, Pennsylvania. I introduced the panelists, Professors Martha Nussbaum and Frank Michelman and Judge Diane Wood, and called on audience members who had questions. The panel discussed Professor Nussbaum's Foreword to the 2007 Harvard Law Review Supreme Court Issue, for which I had been the Harvard Law Review's Supreme Court Chair. I have no notes, transcript, or recording. The address of the American Philosophical Association is 31 Amstel Avenue, Newark, Delaware 19716.

Feb. 18, 2006: Panelist, "Government, Politics, Law, Oh My!" at University of Illinois Urbana-Champaign Asian Pacific American Coalition Conference, Urbana, Illinois. I was one of several panelists discussing our career paths. I have no notes, transcript, or recording. The address of the University of Illinois Urbana-Champaign Asian Pacific American Coalition is c/o University of Illinois Urbana-Champaign, 300 Turner Student Services Building, 610 East John Street, Champaign, Illinois 61820.

Feb. 18, 2006: Panelist, "Asian Pacific American Voting" at University of Illinois Urbana-Champaign Asian Pacific American Coalition Conference, Illini Union Building, Urbana, Illinois. I was one of two panelists discussing the civic participation of the Asian American community and how Democrats and Republicans have approached outreach to Asian Pacific Americans. I have no notes, transcript, or recording. The address of the University of Illinois Urbana-Champaign Asian Pacific American Coalition is c/o University of Illinois Urbana-Champaign, 300 Turner Student Services Building, 610 East John Street, Champaign, Illinois 61820.

- 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.

The White House, *The Legal Community is Giving Rave Reviews to Judge Brett Kavanaugh's Nomination to the Supreme Court*, July 12, 2018. Copy supplied.

Elizabeth Williamson, *Judge Kavanaugh's Former Clerks: Diverse, and Deployed to Vouch for Him*, N.Y. Times, July 11, 2018. Copy supplied.

Kate Bennett, *Two Law Students Tied the Knot at DAR Constitution Hall*, Washingtonian, May 15, 2015. Copy supplied.

Alissa M. D'gama, *An Academic Politician*, Harv. Crimson, Dec. 7, 2007. Copy supplied.

Robin M. Peguero, *Panelists Discuss Challenges of Being Both Conservative and Minority*, Harv. Crimson, Dec. 12, 2003. Copy supplied.

Joseph T. Scarry, *Drumming, Dance, Delicacies Showcased in Extravaganza*, Harv. Crimson, Nov. 17, 2003. Copy supplied.

Mary Kathryn Burke, *Actress Dazzles With One Women Show*, Harv. Crimson, Nov. 18, 2002. Copy supplied.

13. 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.

Press Assistant, U.S. Department of Justice, Office of Public Affairs (2004). I was appointed by Attorney General John Ashcroft.

U.S. Department of Justice's *Ex Officio* Commissioner, U.S. Sentencing Commission (2020). I was appointed by Attorney General William Barr.

- 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.

Harvard Republican Club, Outreach Director (2003 – 2004).

14. **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 2008 to 2009, I served as a law clerk to the Honorable Brett M. Kavanaugh of the U.S. Court of Appeals for the District of Columbia Circuit.

From 2011 to 2012, I served as a law clerk to the Honorable Sandra Day O'Connor and the Honorable Sonia M. Sotomayor of the U.S. Supreme Court.

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

I have not practiced alone.

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

Summer 2008

Akin Gump Strauss Hauer & Feld LLP
2001 K Street Northwest
Washington, DC 20006
Summer Law Clerk

2009 – 2011
King & Spalding LLP
1700 Pennsylvania Avenue, Northwest, Suite 900
Washington, DC 20006
Associate

2013 – 2015
Bancroft PLLC
(Now acquired by Kirkland & Ellis LLP)
Associate (2013-2015)

2017 – 2021
U.S. Department of Justice
Criminal Division
950 Pennsylvania Avenue, Northwest
Washington, DC 20530
Acting Deputy Assistant Attorney General and Chief of Staff (2020 –
2021)
Acting Chief of Staff and Counselor (2019 – 2020)
Senior Counsel (2017 – 2019)

2020 – 2021
U.S. Sentencing Commission
One Columbus Circle Northeast, Suite 2-500
Washington, DC 20002
Ex Officio Commissioner

2015 – present
U.S. Attorney's Office for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
Chief, Violence Reduction and Trafficking Offenses Section (2022 –
present)
Assistant U.S. Attorney (2015 – present)

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

I have 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.

Since 2015, I have served as an Assistant United States Attorney in the District of Columbia, and currently serve as the Chief of the Violence Reduction and Trafficking Offenses Section of the Criminal Division. As a prosecutor, I have tried 28 criminal cases on behalf of the United States. My practice has entailed investigating and prosecuting criminal offenses including gang-related violence, narcotics conspiracies, firearms trafficking, sexual abuse involving both adult and child victims, child cruelty, and domestic violence cases. In addition, I have briefed and argued numerous post-conviction matters and criminal appeals on behalf of the United States.

From November 2017 to January 2021, I was detailed to senior leadership positions in the Criminal Division of the U.S. Department of Justice, which investigates and prosecutes the full range of federal crimes, including cybercrime, financial and health care fraud, money laundering, gang violence, corruption, and child exploitation. As the Acting Deputy Assistant Attorney General (“DAAG”) overseeing three litigating sections of the Criminal Division – the Organized Crime and Gang Section, the Human Rights and Special Prosecutions Section, and the Capital Case Section – I supervised approximately 70 prosecutors leading some of the most significant investigations and prosecutions involving racketeering, violent crime, and human rights matters in jurisdictions across the country. As the Acting Chief of Staff, I helped manage and oversee the approximately 700 prosecutors (1,000 employees), 16 Sections, and \$600 million budget of the entire Division. I counseled the Assistant Attorney General and Department leadership on Division matters and criminal law enforcement policies and initiatives, with a focus on white-collar fraud, cybercrime, appellate issues, and transnational organized crime. I also periodically handled criminal appeals on behalf of the United States.

Prior to joining government, I worked at Bancroft PLLC, a leading Supreme Court and high-stakes litigation boutique firm, from 2013 to 2015, and King & Spalding LLP, a major international law firm, from 2009 to 2011. My principal focus was appellate litigation in federal courts across the country. I drafted over 70 appellate briefs and dispositive motions in the U.S. Supreme Court, eight of the U.S. Courts of Appeals, and multiple federal district and state courts, as well as the Judicial Panel for Multidistrict Litigation.

- ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

As a Department of Justice attorney, I represent the United States and have specialized in criminal law.

In private practice, I represented a broad mix of clients in both civil and criminal litigation, principally focused on federal appeals. My clients included public and private companies, law firms, trade associations, individuals, and a Native American tribe. I represented both plaintiffs and defendants. I also dedicated significant time to *pro bono* representation of indigent defendants. My matters spanned a wide range of substantive areas, including class certification, federal energy regulation, constitutional litigation, food and drug law, and Indian law.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As an Assistant United States Attorney, 100% of my practice is in litigation and I appear in court on average on a bi-weekly basis.

In the Criminal Division, the majority of my practice was not in litigation. I appeared in court occasionally to present oral argument in connection with my handling of appeals.

In private practice, 100% of my practice was in litigation. I appeared in court occasionally to present oral argument in appeals I was handling or to accompany partners in a non-speaking role.

- i. Indicate the percentage of your practice in:

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

* This figure includes practice in the District of Columbia courts.

- ii. Indicate the percentage of your practice in:

1. civil proceedings	30%
2. criminal proceedings	70%

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

I have tried 28 cases to verdict or judgment. I was sole counsel in 22 of those trials. In the remaining six cases, I partnered with one other prosecutor; in four of those cases, I had primary responsibility for the case; and in two, I assisted another prosecutor who had primary responsibility for the case.

i. What percentage of these trials were:

1. Jury 43%
2. non-jury 57%

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 filed 30 briefs in the Supreme Court, including merits briefs, amicus briefs, and briefs at the certiorari stage.

Brief in Opposition to Certiorari, *United States v. CMS Contract Management Services* (No. 14-781). Copy supplied.

Brief in Opposition to Certiorari, *Nazarian v. PPL EnergyPlus* and *CPV Maryland v. PPL EnergyPlus* (later *Hughes v. Talen Energy Marketing* and *CPV Maryland v. Talen Energy Marketing*), 136 S. Ct. 1288 (2016) (Nos. 14-614, 14-623). Copy supplied.

Brief in Opposition to Certiorari, *CPV Power Development, Inc. v. PPL EnergyPlus* and *Fiordaliso v. PPL EnergyPlus* (Nos. 14-634, 14-694). Copy supplied.

Petition for Writ of Certiorari, *ProMedica Health System, Inc. v. Federal Trade Commission* (No. 14-762). Copy supplied.

Conditional Cross-Petition for Writ of Certiorari, *Yankton Sioux Tribe v. Daugaard* (No. 10-1058). Copy supplied.

Petition for Writ of Certiorari, *Yankton Sioux Tribe v. U.S. Army Corps of Engineers* (No. 10-1059). Copy supplied.

Brief in Opposition to Certiorari, *Daugaard v. Yankton Sioux Tribe* and *S. Missouri Recycling and Waste Management District v. Yankton Sioux Tribe* and *Hein v. Yankton Sioux Tribe* (Nos. 10-929, 10-931, 10-932). Copy supplied.

Reply Brief for Cross-Petitioners for Certiorari, *Yankton Sioux Tribe v. Daugaard* (No. 10-1058). Copy supplied.

Brief for Amicus Curiae Chamber of Commerce in Support of Certiorari, *General Electric v. Jackson* (No. 10-871). Copy supplied.

Petition for Writ of Certiorari, *PPL Montana v. Montana*, 565 U.S. 576 (2012) (No. 10-218). Copy supplied.

Reply Brief in Support of Certiorari, *PPL Montana v. Montana*, 565 U.S. 576 (2012) (No. 10-218). Copy supplied.

Supplemental Brief of Petitioner, *PPL Montana v. Montana*, 565 U.S. 576 (2012) (No. 10-218). Copy supplied.

Brief for Amicus Curiae Pharmaceutical Research and Manufacturers of America in Support of Certiorari, *Astra USA v. Santa Clara County*, 563 U.S. 110 (2011) (No. 09-1273). Copy supplied.

Brief for Amicus Curiae Pharmaceutical Research and Manufacturers of American Supporting Petitioners, *Astra USA v. Santa Clara County*, 563 U.S. 110 (2011) (No. 09-1273). Copy supplied.

Brief for Amicus Curiae Pharmaceutical Research and Manufacturers of America in Support of Certiorari, *Novartis Pharmaceuticals Corp. v. Lopes* (No. 10-460). Copy supplied.

Petition for a Writ of Certiorari, *Nibco v. Rivera* (No. 10-383). Copy supplied.

Reply Brief in Support of Certiorari, *Nibco v. Rivera* (No. 10-383). Copy supplied.

Petition for a Writ of Certiorari, *Morgan v. Plano Independent School District* (No. 09-1131). Copy supplied.

Reply Brief in Support of Certiorari, *Morgan v. Plano Independent School District* (No. 09-1131). Copy supplied.

Brief in Opposition to Certiorari, *Markell v. Office of the Commissioner of Baseball* (No. 09-914). Copy supplied.

Brief for Amici Curiae GlaxoSmithKline LLC, Merck Sharp & Dohme Corp., and Sanofi Pasteur Inc. Supporting Respondent, *Bruesewitz v. Wyeth*, 562 U.S. 223 (2011) (No. 09-152). Copy supplied.

Brief for Amicus Curiae CTIA—The Wireless Association in Support of Certiorari, *AT&T Mobility v. Concepcion*, 563 U.S. 333 (2011) (No. 09-893). Copy supplied.

Brief for Amicus Curiae CTIA—The Wireless Association Supporting Petitioner, *AT&T Mobility v. Concepcion*, 563 U.S. 333 (2011) (No. 09-893). Copy supplied.

Motion of the Coleman Appellees to Dismiss or Affirm, *Brown v. Plata*, 563 U.S. 493 (2011) (Nos. 09-1232 & 09-1233). Copy supplied.

Brief for Coleman Appellees, *Brown v. Plata*, 563 U.S. 493 (2011) (No. 09-1233). Copy supplied.

Motion for Leave to File Supplemental Brief and Supplemental Brief of Plata and Coleman Appellees, *Brown v. Plata*, 563 U.S. 493 (2011) (No. 09-1233). Copy supplied.

Petition for a Writ of Certiorari, *Bond v. United States*, 564 U.S. 211 (2011) (No. 09-1227). Copy supplied.

Reply Brief for the Petitioner in Support of Certiorari, *Bond v. United States*, 564 U.S. 211 (2011) (No. 09-1227). Copy supplied.

Brief for the Petitioner, *Bond v. United States*, 564 U.S. 211 (2011) (No. 09-1227). Copy supplied.

Reply Brief for the Petitioner, *Bond v. United States*, 564 U.S. 211 (No. 09-1227). Copy supplied.

As a summer associate or summer law clerk, I assisted law firm partners with legal research and limited drafting on certiorari-stage matters. I similarly assisted with a certiorari-stage matter in the course of Harvard Law School's Supreme Court Litigation Clinic. Finally, as an intern in the Department of Justice's Office of the Solicitor General, I conducted research and assisted with other tasks supporting attorneys who litigated in the Supreme Court.

15. **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. Flumo, Sumo, and Onyewu*, 20-cr-225 (D.D.C. 2022)

In 2022, I represented the United States in this jury trial, prosecuting three men for carrying out a string of ten armed robberies within a four-week period of gas stations, liquor stores, convenience stores, and restaurants in Washington, DC, Maryland, and Virginia. I assisted the prosecutor who had lead responsibility for the case in preparing for trial, presented many witnesses, and gave closing arguments. The jury returned guilty verdicts as to all counts. All three defendants were found guilty of Hobbs Act conspiracy, and defendants Flumo and Sumo were additionally convicted of two counts of Hobbs Act robbery and two counts of brandishing a firearm during a crime of violence. The case is pending sentencing.

U.S. District Court for the District of Columbia: Hon. Amit P. Mehta.

Co-Counsel:

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2. *Melendez v. United States*, 750 Fed. App'x 342 (5th Cir. 2018)

In 2018, I represented the United States in this appeal before the Fifth Circuit. The defendant ran a drug trafficking cell out of a “tire shop” in Laredo, Texas, and enlisted minors, including his own son and nephew, in his business operations. After a jury trial, he was convicted of 20 counts, including drug conspiracy, money laundering conspiracy, and the employment or use of minors in drug operations, and sentenced to life imprisonment plus five years. On appeal, he challenged the evidence underlying seven of the counts and the district court’s application of four sentencing enhancements. I drafted the United States’ brief defending the convictions and sentence and argued the case before the Fifth Circuit. The Fifth Circuit affirmed.

Panel of the Fifth Circuit: Hon. Edith H. Jones, Hon. Rhesa H. Barksdale, Hon. Don R. Willett.

Co-Counsel:

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Counsel for Appellant:

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3. *Buskey v. United States / Simms v. United States*, 148 A.3d 1193 (D.C. 2016)

From approximately 2015 to 2016, I represented the United States in two consolidated appeals before the D.C. Court of Appeals. The two defendants robbed two teenage sisters after following them into their apartment elevator, and separately robbed a man at knifepoint in his home nine days later. Following a jury trial, they were convicted of all counts, including armed robbery, armed kidnapping, armed burglary, carrying a dangerous weapon, and other related crimes. On appeal, they alleged that the trial court erred in its jury instructions and how it responded to jury questions posed during deliberations. I drafted the United States’ brief defending the convictions and argued the case before the D.C. Court of Appeals. The D.C. Court of Appeals affirmed in a published opinion.

Panel of the D.C. Court of Appeals: Hon. Stephen H. Glickman, Hon. Catharine F. Easterly, Hon. Inez S. Reid.

Co-Counsel:

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4. *United States v. Hudson*, 2015-CF3-15974 (D.C. Sup. Ct. 2017), No. 17-CF-1084 (D.C. 2018)

From approximately 2016 to 2018, I represented the United States in this matter, including in a jury trial in D.C. Superior Court. This case involved a brutal machete attack by the defendant on the victim, his former housemate, at a public park in Washington, DC. The victim sustained six to eight stab wounds, causing near-amputation of his hand and permanent damage. I presented this case to the grand jury in 2016. With one co-counsel, I tried the case in 2017, delivering the opening statement, examining half of the witnesses, and handling sentencing. The jury convicted the defendant of aggravated assault while armed, and was unable to reach a unanimous verdict as to malicious disfigurement while armed. The defendant was sentenced to nine years' incarceration and five years' supervised release. The D.C. Court of Appeals subsequently affirmed.

Superior Court for the District of Columbia: Hon. Danya Dayson

Panel of the District of Columbia Court of Appeals: Hon. Stephen H. Glickman, Hon. Phyllis D. Thompson, Hon. Catharine F. Easterly.

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5. *United States v. White*, 2015-DVM-2416 (D.C. Sup. Ct. 2016)

In 2016, I represented the United States in this non-jury trial in D.C. Superior Court. The victim, who was homeless, befriended the defendant at a laundromat, and the defendant invited her to stay at his home where he forced himself on her and attempted to sexually assault her before she ran away. The defendant was convicted after trial of two counts of misdemeanor sexual abuse. I handled pre-trial witness conferences, served as sole trial counsel, and handled sentencing. The defendant was sentenced initially to two concurrent sentences of six months' incarceration with two months suspended, five years' probation, and domestic violence and sex offender treatment as appropriate. The judge later amended the sentences to two concurrent sentences of six months' straight-time incarceration.

Superior Court for the District of Columbia: Hon. Truman Morrison.

Counsel for Defendant:

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6. *United States v. Jennings*, 2015-CF2-13115 (D.C. Sup. Ct. 2016)

In 2016, I represented the United States in this jury trial in D.C. Superior Court. The jury convicted the defendant of being a felon in unlawful possession of a firearm, carrying a pistol without a license, and possession of an unregistered firearm. The jury did not reach a unanimous verdict as to the defendant's unlawful possession of ammunition. I served as sole trial counsel. I also represented the United States in a hearing on the

defendant's pretrial motion to suppress, which the trial court denied, and at sentencing. The defendant was sentenced to concurrent sentences of three years' imprisonment, 14 months' imprisonment, and 12 months' imprisonment, and three years' supervised release.

Superior Court for the District of Columbia: Hon. Maribeth Raffinan.

Counsel for Defendant:

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Federal Public Defender for the District of Maryland

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7. *United States v. Int'l Bhd. of Teamsters, et al.*, No. 1:88-cv-04486 (S.D.N.Y.)

From approximately 2014 to 2015, I represented the International Brotherhood of Teamsters in pre-settlement filings and negotiations culminating in the 2015 agreement to phase out the terms of a consent decree that had governed the union's affairs since 1989. The Teamsters and the U.S. Attorney's Office for the Southern District of New York jointly sought court approval of the agreement, which the district court granted. I drafted and participated in the various filings and conferences with the prosecutors and court.

U.S. District Court for the Southern District of New York: Hon. Loretta Preska.

Co-Counsel:

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8. *In re: Urethane Antitrust Litigation*, No. 04-MD-1616-JWL (D. Kans. 2014); 768 F.3d 1245 (10th Cir. 2014)

From approximately 2013 to 2014, I represented class plaintiffs, industrial purchasers of polyurethane products, in a price-fixing case against Dow Chemical Company before the U.S. District Court for the District of Kansas and the Tenth Circuit. My firm was engaged after the case went to trial and a jury returned a verdict in plaintiffs' favor. The district court entered judgment for the plaintiffs, denying Dow's motions for decertification of the class and judgment as a matter of law. Dow appealed, challenging the class certification order and refusal to decertify, the admission of an expert's testimony, the sufficiency of evidence, and the damages award. The Tenth Circuit unanimously affirmed in a published opinion. I drafted appellees' briefs in response to several defense motions in district court and appellees' brief in the Tenth Circuit.

U.S. District Court for the District of Kansas: Hon. John W. Lungstrum.

Panel of the Tenth Circuit: Hon. Robert E. Bacharach, Hon. Carlos F. Lucero, Hon. Michael R. Murphy.

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9. *PPL Montana v. Montana*, 565 U.S. 576 (2012) (No. 10-218)

I represented PPL Montana, the owner and operator of hydroelectric facilities, in this case before the Supreme Court. The Montana Supreme Court ruled that Montana owned and could charge rent for use of certain riverbeds based on a broad construction of the rules of navigability for title under the equal-footing doctrine. The Supreme Court granted PPL Montana's petition for *certiorari*, and, after I left the firm, unanimously reversed the Montana Supreme Court on the merits. I drafted PPL Montana's petition for *certiorari*, reply brief, and supplemental brief.

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10. *Bond v. United States*, 564 U.S. 211 (2011) (No. 09-1227).

From approximately 2009 to 2011, I represented Ms. Bond, the individual defendant, in this case before the Supreme Court. Ms. Bond had attempted to poison her husband's paramour, who was not injured, with the chemical potassium dichromate. Prosecutors federally charged Ms. Bond with possessing and using a chemical weapon in violation of a statute implementing treaty obligations under the Chemical Weapons Convention. Ms. Bond sought to challenge her conviction on grounds that the statute was inconsistent with the Tenth Amendment, and the Third Circuit held that she lacked standing to bring that claim. The Supreme Court granted *certiorari*; the United States confessed error; and the Supreme Court ruled unanimously in Ms. Bond's favor on the merits. I drafted both the briefs seeking *certiorari* and merits briefs.

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Court-appointed Amicus Curiae in Support of Judgment Below:

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Counsel for Respondent:

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16. **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.)

As an Assistant U.S. Attorney, my responsibilities include interviewing witnesses, obtaining search warrants and electronic evidence, presenting cases to grand juries, reviewing indictments, working with victim advocates, and representing the United States in court at detention hearings, suppression hearings, plea hearings, trials, and sentencing.

In my position at the Criminal Division, I helped advise Division leadership and coordinate within the Department and interagency on criminal enforcement issues and initiatives. My responsibilities, for instance, included coordinating with partners at the DEA, FBI, and Treasury on behalf of Department's Hezbollah Financing and Narcoterrorism Team (HFNT) to ensure a more robust and coordinated approach among prosecutors and investigative agencies targeting Hezbollah operatives and the terrorist group's financiers and support networks. I also analyzed and worked on policy issues relating to the Federal Rules of Criminal Procedure, criminal discovery, victims' rights, and white-collar corporate compliance.

I have not performed lobbying activities or registered as a lobbyist.

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

I have not taught any courses.

18. **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.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

I have made no plans, commitments, or agreements to change my employment if confirmed to a part-time position with the U.S. Sentencing Commission.

20. **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.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from any matter involving my family members and financial interests. While employed by the U.S. Department of Justice, I would also seek the guidance of the appropriate ethics officials at the U.S. Attorney's Office and the Department of Justice, including the General Counsel's Office of the Executive Office for United States Attorneys (EOUSA), as to any limitations relating to my engagement in the work of the Commission.

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

If confirmed, I would evaluate any potential conflicts of interest on a case-by-case basis, consulting the relevant regulations, precedents, my Commission colleagues, and, while employed by the U.S. Department of Justice, the relevant Department officials, to determine appropriate action, including recusal where necessary.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I have demonstrated significant commitment to *pro bono* service. In private practice, I successfully represented the criminal defendant in *Bond v. United States*, 564 U.S. 211 (2011), to petition and ultimately prevail on the merits of the question presented before the U.S. Supreme Court. I was also appointed to author and argue appeals on behalf of indigent defendants before the U.S. Courts of Appeals for the Second and Eleventh Circuits. See *United States v. Barcelo*, No. 13-3270 (2d Cir. 2013); *United States v. Green*, 2011 WL 1659886 (11th Cir. Apr. 29, 2011). I also accepted a *pro bono* assignment from the Maryland Office of the Public Defender to represent an indigent defendant with briefing and argument before the Maryland Court of Special Appeals. See *Vanderhurst v. State*, 2013 WL 7207932 (Md. Ct of Special App. 2013).

Since 2015, I have worked in jobs with public-service responsibilities that substantially restrict outside legal work, even when performed on a *pro bono* basis.