

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Aileen Mercedes Cannon

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

United States District Judge for the Southern District of Florida

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

United States Attorney's Office for the Southern District of Florida  
101 South U.S. Highway 1, Suite 3046  
Fort Pierce, Florida 34950

Residence:

Vero Beach, Florida

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

1981; Cali, Colombia

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 – 2007, The University of Michigan Law School; J.D. (*magna cum laude*), 2007

1999 – 2003, Duke University; B.A., 2003

Fall 2001, University of Seville, Seville, Spain; no degree

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.

2013 – Present

United States Attorney's Office for the Southern District of Florida  
101 South U.S. Highway 1, Suite 3046  
Fort Pierce, Florida 34950  
Assistant United States Attorney

2009 – 2012

Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Associate Attorney

2008 – 2009

Honorable Steven M. Colloton  
United States Court of Appeals for the Eighth Circuit  
110 East Court Avenue  
Des Moines, Iowa 50309  
Law Clerk

2007

Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Summer Associate

2006, 2007

Squire Sanders LLP (now Squire Patton Boggs)  
200 South Biscayne Boulevard, Suite 4700  
Miami, Florida 33131  
Summer Associate

2003 – 2005

U.S. Department of Justice  
Civil Rights Division, Criminal Section  
601 D Street, N.W.  
Washington, D.C. 20579  
Paralegal Specialist

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 have not served 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.

Certificate of Appreciation recognizing achievement in *U.S. v. Gibbs*, 917 F.3d 1289 (11th Cir. 2019), United States Attorney's Office for the Southern District of Florida (2019)

Timothy Evans Award recognizing achievement in 28 U.S.C. §§ 2255(e) and 2241 litigation, United States Attorney's Office for the Southern District of Florida (2017)

"A-Team" Award for "Truly Exceptional Achievement & Merit" in post-conviction litigation following *Johnson v. U.S.*, 135 S. Ct. 2551 (2015), United States Attorney's Office for the Southern District of Florida (2017)

"A-Team" Award for "Truly Exceptional Achievement & Merit" in securing affirmance on appeal of fraud and money laundering convictions in *U.S. v. Anthony Livoti*, 756 F. App'x 841 (11th Cir. 2018), United States Attorney's Office for the Southern District of Florida (2016)

J.D. degree conferred *magna cum laude*, The University of Michigan Law School (2007)

Inducted into Order of the Coif Honor Society, The University of Michigan Law School, (2007)

Quarterfinalist, Henry Campbell Moot Court Competition, The University of Michigan Law School (2007)

*The University of Michigan Journal of Law Reform*, Articles and Associate Editor (2006 – 2007)

Dean's List distinction for five semesters, Duke University (2000 – 2003)

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.

None.

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.

California, 2008  
District of Columbia, 2009  
Florida, 2012

In 2011, I voluntarily changed my membership status in the California Bar from active to inactive status because I was not practicing law in California and did not have plans to do so. In 2019, I voluntarily resigned my membership in the D.C. Bar in good standing because I was licensed to practice law in Florida and did not have plans to practice in D.C. In the Florida Bar, I inadvertently missed the October 1, 2015, deadline for payment of annual dues while I was on maternity leave with my second child. I realized my mistake when I returned to work in January 2016 and took immediate action to rectify the oversight. I informed the Florida Bar, paid the required dues, and submitted a petition for reinstatement and waiver of late fees. The petition was approved. Other than that, there have been no lapses in membership.

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

United States Court of Appeals for the Eighth Circuit (2009)

United States Court of Appeals for the Eleventh Circuit (2013)

United States Court of Federal Claims (2011)

United States District Court for the Southern District of Florida (2013)

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.

Delta Delta Delta Fraternity (2000 – Present)

Duke University Alumni Association (2003 – Present)

The Federalist Society (2005 – Present)

The Moorings Yacht & Country Club (2019 – Present)

Order of the Coif, The University of Michigan Law School (2007 – Present)

The University of Michigan Law School Alumni Association (2008 – Present)

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

Delta Delta Delta fraternity is a panhellenic women's organization that limits its membership to women. There were no formal membership exclusions based on race, but the first African-American woman was not admitted as a member until the early 1960s. Delta Delta Delta was the first fraternity in the National Panhellenic Council to enact an official non-discrimination policy, which includes race, and as a member of Delta Delta Delta, I have never witnessed or experienced any racially discriminatory conduct of any kind.

Except as set forth above, to the best of my knowledge, none of the organizations listed in response to Question 11(a) 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.

With John Sturc, David Burns, John Chesley, *Gibson Dunn Persuades SEC to Dismiss Proceedings Against Former General Counsel of Ferris Baker Watts*, Gibson Dunn Website, Jan. 26, 2012. Copy supplied.

With Barry Goldsmith, David Debold, and Geoff Weien, *Gibson Dunn Wins Unanimous Dismissal of Fraud Charges in Auction Rate Securities Case*, Gibson Dunn Website, Nov. 8, 2011. Copy supplied.

With John Sturc, David Burns, John Chesley, *Gibson Dunn Secures Significant Dismissal in Litigated SEC Administrative Proceeding*, Gibson Dunn Website, Sept. 8, 2010. Copy supplied.

*Puede que el tomate reduzca tumores* (English translation: *Tomatoes May Help Reduce Tumors*), El Nuevo Herald, Aug. 20, 2002, at C4. Copy supplied.

*Un libro fecundo sobre la esterilidad* (English translation: *A Fertile Book about*

*Infertility*), El Nuevo Herald, Aug. 17, 2002, at C1. Copy supplied.

*'Flamenco', una explosion de energía y pasión* (English translation: *Flamenco: An Explosion of Energy and Passion*), El Nuevo Herald, Aug. 16, 2002, at C3. Copy supplied.

*Un mural en homenaje a la mujer Latina* (English translation: *A Mural in Homage of the Latin Woman*), El Nuevo Herald, Aug. 6, 2002, at C2. Copy supplied.

*Un mapa para ayudar a entender y seguir los instintos* (English translation: *A Map to Help Understand and Follow One's Instincts*), El Nuevo Herald, Aug. 6, 2002, at C3. Copy supplied.

*Yoga prenatal, una alternative saludable al parto* (English translation: *Prenatal Yoga: A Healthy Alternative for Delivery*), El Nuevo Herald, July 30, 2002, at C4. Copy supplied.

*Marina Albornoz o la pasión por el color* (English translation: *Marina Albornoz or Passion for Color*), El Nuevo Herald, July 27, 2002, at C2. Copy supplied.

*Música y arte este viernes en la Calle Ocho* (English translation: *Music and Art this Friday on Eighth Street*), El Nuevo Herald, July 26, 2002, at C3. Copy supplied.

*La herencia musical de Puerto Rico* (English translation: *The Musical Heritage of Puerto Rico*), El Nuevo Herald, July 24, 2002, at C2. Copy supplied.

*Precauciones a seguir con las comidas al aire libre* (English translation: *Precautions to Avoid Food-Borne Illness While Eating Outside*), El Nuevo Herald, July 23, 2002, at C2. Copy supplied.

*Amor por la radio desde muy joven* (English translation: *Love for the Radio Since a Young Age*), El Nuevo Herald, July 16, 2002, at C4. Copy supplied.

*Camilo Mejía logra su sueño de ser astronaut por un fin de semana* (English translation: *Camilo Mejía Achieves his Dream to Become an Astronaut for a Weekend*), El Nuevo Herald, July 9, 2002, at C3. Copy supplied.

*Interacción para aprender buen español* (English translation: *Interaction to Learn Spanish Well*), El Nuevo Herald, July 2, 2002, at C2. Copy supplied.

*De todo un poco este viernes en la Calle Ocho* (English translation: *A Little Bit of Everything this Friday on Eighth Street*), El Nuevo Herald, June 28, 2002, at C2. Copy supplied.

*Summerbridge Miami, un puente hacia el futuro* (English translation: *Summerbridge Miami: A Bridge to the Future*), El Nuevo Herald, June 25, 2002, at C3. Copy supplied.

*'The Atoms Family', una exhibición sobre la energía* (English translation: *The Atoms Family: An Exhibition About Energy*), El Nuevo Herald, June 18, 2002, at C4. Copy supplied.

*Ganadores en la competencia de 'Library Quest'* (English translation: *Winners in the Library Quest Competition*), El Nuevo Herald, June 18, 2002, at C3. Copy supplied.

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

None.

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

None.

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

None.

- 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.

Caitlin Moscatello, *Aileen & Josh: A Traditional Wedding in Coconut Grove*,

Florida, The Knot (Florida Issue), Fall/Winter 2009. Copy supplied.

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

I have not held any judicial office.

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

- i. Of these, approximately what percent were:

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

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the



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

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

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

I have not held any judicial office.

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

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

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

None.

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

None.

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

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

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

From September 2008 through September 2009, I served as a law clerk to the Honorable Steven M. Colloton on the United States Court of Appeals for the Eighth Circuit.

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.

2009 – 2012  
Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Litigation Associate

2013 – Present  
United States Attorney's Office  
Southern District of Florida  
101 South U.S. Highway 1, Suite 3046  
Fort Pierce, Florida 34950  
Assistant United States Attorney  
Major Crimes Division (2013 – 2015)  
Appellate Division (2013, 2016 – 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.

From 2008 to 2009, I served as a law clerk to the Honorable Steven M. Colloton on the United States Court of Appeals for the Eighth Circuit. I conducted legal research, drafted memoranda, and assisted in drafting judicial opinions in civil and criminal cases.

After my clerkship, I worked as a litigation associate in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP from 2009 to 2012. I practiced across a wide array of litigation-related areas, including securities regulation and enforcement, appellate litigation, government investigations, and government contracts litigation.

From 2013 to the present, I have served as an Assistant United States Attorney in the Southern District of Florida, first in the Major Crimes Division and most recently in the Appellate Division. While in Major Crimes, I prosecuted 41 defendants to conviction for a wide range of federal firearms, narcotics, fraud, and immigration offenses. I appeared regularly in federal court, and I tried four cases to verdict in jury trials. I also handled post-conviction proceedings and revocations of federal supervised release.

In my current role as an appellate attorney, I represent the United States before the U.S. Court of Appeals for the Eleventh Circuit. The majority of my work consists of defending the position of the United States in direct appeals of criminal convictions and sentences. I also defend the denial of post-conviction relief in 28 U.S.C. §§ 2255 and 2241 proceedings; advise trial prosecutors on charging, evidentiary, sentencing, and post-conviction decisions; periodically handle affirmative government appeals of adverse sentencing or post-conviction determinations; consult with division leadership on developments in Eleventh Circuit and Supreme Court law; and informally train new prosecutors in legal writing and analysis. I have authored 51 appellate briefs in the Eleventh Circuit, served as reviewing attorney on more than 100 appellate briefs and substantive motions, presented oral argument before the Eleventh Circuit on nine occasions (spanning twelve appellate cases), and drafted various motions for summary affirmance, motions to dismiss, and responses to jurisdictional questions.

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

As an Assistant United States Attorney, I represent the United States in a wide variety of primarily criminal matters, both at the district court and appellate levels. As a result, I have gained expertise in various areas of the criminal law, appellate law, and post-conviction litigation.

As a litigation associate at the law firm of Gibson, Dunn & Crutcher LLP, the majority of my work consisted of representing individuals and entities in government investigations and securities enforcement and regulatory

proceedings. In that capacity, I worked on two administrative trials—one before the U.S. Securities and Exchange Commission, and another before the Financial Industry Regulatory Authority. Both of those trials resulted in dismissal of the charges against the firm’s clients, and then I helped to secure affirmance of those dismissals in subsequent appellate proceedings. Outside of the securities field, I represented a government contractor in a cost-penalty dispute with the federal government and an investment adviser in a private securities action, among other matters.

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

My entire legal career has been spent in litigation. As an Assistant United States Attorney in the Major Crimes Division of the U.S. Attorney’s Office, I appeared in court on a near-daily basis. Since joining the Appellate Division, I have appeared before the U.S. Court of Appeals for the Eleventh Circuit nine times to present oral argument, and on occasion, I appear in federal district court on post-conviction matters following remand. In addition, as an associate attorney at Gibson, Dunn & Crutcher LLP, I worked on two administrative trials before administrative bodies, one before an administrative law judge of the U.S. Securities & Exchange Commission, and another before a panel of the Financial Industry Regulatory Authority. While serving as a Paralegal Specialist in the Civil Rights Division of the U.S. Department of Justice, I assisted federal prosecutors in two federal criminal jury trials.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

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

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

I have tried six cases to verdict, four as an Assistant United States Attorney, and two before administrative agencies as an associate at Gibson, Dunn & Crutcher LLP. Of the four cases I tried as an AUSA, I was chief counsel in two and associate counsel in two. All were federal criminal jury trials. Of the two administrative proceedings in which I participated in private practice, I served as

associate counsel working on small teams of four to five attorneys.

i. What percentage of these trials were:

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

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

None.

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. *U.S. v. Livoti*, 756 F. App'x 841 (11th Cir. 2018)

I served as appellate counsel for the United States in the defendant's appeal of his wire fraud and money laundering convictions. Following a lengthy jury trial, the defendant was convicted for his role in a large-scale Ponzi scheme that defrauded thousands of investors who purchased viatical insurance settlements from Mutual Benefits Corporation. I reviewed the voluminous trial record and authored the government's brief on appeal. I also presented oral argument before the United States Court of Appeals for the Eleventh Circuit, which resulted in affirmance of all of the defendant's convictions. For my work on this appeal, I received an "A-Team" Award for "Truly Exceptional Achievement & Merit." My representation in this case lasted from 2016 through 2018.

Court and Judges:

U.S. Court of Appeals for the Eleventh Circuit, Hon. William H. Pryor, Jr., Jane A. Restani (Senior Judge sitting by designation from United States Court of International Trade), and Jill A. Pryor (recused after oral argument)

Opposing Counsel:

Richard Klugh, Esq.  
Seitles & Litwin  
40 North West 3rd Street  
Penthouse One  
Miami, Florida 33128  
(305) 536-1191

2. *U.S. v. Sanchez*, 940 F.3d 526 (11th Cir. 2019), *cert. denied*, 205 L. Ed. 2d 364 (Nov. 25, 2019).

I served as appellate counsel for the United States in the defendant's appeal of his sentence under the Armed Career Criminal Act. The defendant's principal contention on appeal was that his prior conviction for New York second-degree murder did not qualify as a "violent felony" under the Armed Career Criminal Act. This is so, he claimed, because second-degree murder includes acts of "omission," as in the case of a parent who intentionally, and with the intent to cause death, withholds food from a child or refuses to seek medical care. I authored the government's brief on appeal and presented oral argument before the U.S. Court of Appeals for the Eleventh Circuit. The Eleventh Circuit affirmed the defendant's sentence in a published decision, concluding that intentionally withholding food or medicine with the intent to cause bodily injury or death constitutes a "use" of "physical force" under the Armed Career Criminal Act. My representation in this case lasted from 2018 through 2019.

Court and Judges:

U.S. Court of Appeals for the Eleventh Circuit, Hon. Frank M. Hull (Senior Judge), Britt C. Grant, and Robin S. Rosenbaum

Opposing Counsel:

Sara W. Kane  
Assistant Federal Public Defender  
Southern District of Florida  
150 West Flagler Street, Suite 1700  
Miami, Florida 33130  
(305) 536-6900

3. *U.S. v. Gibbs*, 917 F.3d 1289 (11th Cir. 2019)

I served as appellate counsel for the United States in the defendant's appeal of his conviction. The defendant claimed that law enforcement officers acted unreasonably under the Fourth Amendment when they seized a loaded gun from

his pocket during a traffic stop. I authored the government's brief on appeal and presented oral argument before the U.S. Court of Appeals for the Eleventh Circuit. In a published decision, the court affirmed the defendant's conviction, holding that officers had a lawful basis to detain the defendant based on an undisputed traffic violation, and that officers did not convert the lawful stop into an unlawful detention merely by drawing their weapons. For my work on this appeal, I received a Certificate of Appreciation in recognition of my "outstanding contribution to the mission of the Department of Justice and the Southern District of Florida." My representation occurred from 2018 through 2019.

Court and Judges:

U.S. Court of Appeals for the Eleventh Circuit, Hon. Stanley Marcus (Senior Judge), Joel Dubina (Senior Judge), and Richard W. Goldberg (Senior Judge sitting by designation from U.S. Court of International Trade)

Opposing Counsel:

Arun Gopal Ravindran  
Assistant Federal Public Defender  
Southern District of Florida  
150 West Flagler Street, Suite 1700  
Miami, Florida 33130  
(305) 536-6900

4. *U.S. v. Rodriguez*, No. 14 CR 20577 (S.D. Fla. 2014)

I served as lead trial counsel for the United States in a criminal prosecution of the named defendant for possessing a firearm and ammunition as a previously convicted felon. The defendant moved to suppress the loaded firearm, but the district court denied his motion after an evidentiary hearing. The court then held a contested pre-trial hearing on various issues, including the defendant's motion to preclude DNA evidence, which the district court denied. Following a jury trial, the defendant was found guilty of the sole count in the indictment, and his conviction was affirmed on appeal. My work on this case occurred in 2014 through 2015.

Court and Judge:

U.S. District Court for the Southern District of Florida, Hon. K. Michael Moore (Chief Judge)

Co-Counsel:

Breezye Telfair  
Assistant United States Attorney

Southern District of Florida  
99 North East 4th Street  
Miami, Florida 33132  
(305) 961-9001

Opposing Counsel:

Jason Grey  
The Law Offices of Grey & Mourin  
1800 South West 1st Street, Suite 206  
Miami, Florida 33135  
(305) 325-8119

5. *U.S. v. Darbouze*, No. 14 CR 20577 (S.D. Fla. 2014)

I served as associate trial counsel for the United States in a criminal prosecution of the named defendant for possession and attempted receipt of child pornography. The evidence at trial showed that the defendant shared a significant volume of child pornography on a peer-to-peer network and possessed child pornography on several electronic devices. Following a jury trial, the defendant was found guilty on all counts, and his convictions were affirmed on appeal. I participated in this case in 2014.

Court and Judge:

U.S. District Court of the Southern District of Florida, Hon. Beth Bloom

Co-Counsel:

Maurice Johnson  
Assistant United States Attorney  
Southern District of Florida  
99 North East 4th Street  
Miami, Florida 33132  
(305) 961-9001

Opposing Counsel:

Christy O'Connor  
Deputy Federal Public Defender  
Central District of California  
321 East 2nd Street  
Los Angeles, California 90012  
(213) 894-2854  
(Formerly Assistant FPD in Southern District of Florida)



Alex Arteaga-Gomez  
Grossman Roth Yaffa Cohen  
2525 Ponce de Leon, Suite 1150  
Coral Gables, Florida 33134  
(305) 442-8666  
(Formerly Assistant FPD in Southern District of Florida)

6. *U.S. v. Eason, et al.*, 953 F.3d 1184 (11th Cir. Mar. 24, 2020) (Nos. 16-15413, 16-17796, 18-12848)

I served as lead appellate counsel for the United States in these consolidated criminal sentencing appeals. The question presented was whether the offense of Hobbs Act robbery, in violation of 18 U.S.C. § 1951(b)(1), qualifies as a “crime of violence” as defined in Section 4B1.2(a) of the United States Sentencing Guidelines. I authored the government’s principal briefs on appeal and presented oral argument before the U.S. Court of Appeals for the Eleventh Circuit. In March 2020, the Court reversed the defendants’ sentences, joining three other circuits to conclude that Hobbs Act robbery includes threats to property alone and therefore does not qualify as a “crime of violence” under Section 4B1.2(a) of the Sentencing Guidelines. I worked on these cases in 2019 and 2020.

Court and Judges:

U.S. Court of Appeals for the Eleventh Circuit, Hon. Adalberto Jordan, Jill A. Pryor, and John M. Walker (Senior Judge sitting by designation from U.S. Court of Appeals for the Second Circuit)

Co-Counsel:

Laura Thomas Rivero  
Assistant United States Attorney  
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7. *U.S. v. Williams*, 650 F. App'x 977 (11th Cir. 2016), *cert. denied* (2016)

I served as appellate counsel for the United States in the defendant's appeal of the district court's denial of his motion to suppress. Following his release from prison for armed carjacking and aggravated fleeing, the defendant was placed on probation and subjected to several conditions, among them that he would submit to warrantless searches of his residence. Pursuant to that search condition, probation officers searched his residence and found evidence of stolen government property. On appeal, the defendant raised a Fourth Amendment challenge to the search, arguing that officers lacked reasonable suspicion of criminal activity. The Eleventh Circuit affirmed the denial of his motion to suppress, after which the defendant filed a petition for certiorari in the Supreme Court. I assisted the Office of the Solicitor General in its successful brief in opposition to certiorari. My participation in this appeal occurred in 2016.

Court and Judges:

U.S. Court of Appeals for the Eleventh Circuit, Hon. Gerald Bard Tjoflat (Senior Judge), Frank M. Hull (Senior Judge), and Beverly B. Martin

Opposing Counsel:

Andrew L. Adler  
Assistant Federal Public Defender  
Southern District of Florida

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8. *U.S. v. Hudson*, No. 13 CR 29832 (S.D. Fla. 2013)

I served as lead trial counsel for the United States in a criminal prosecution of the named defendant for possessing a firearm and ammunition as a previously convicted felon. The defendant, an armed career criminal, burglarized the home of a victim and stole a firearm and ammunition along with various other items. The defendant argued that he did not knowingly possess the firearm and ammunition because he took items indiscriminately from the home during the burglary. The jury found him guilty after a trial, and the Eleventh Circuit subsequently affirmed his conviction and sentence. After the direct appeal, I handled the government's successful opposition to the defendant's post-conviction motion to vacate under 28 U.S.C. § 2255 and drafted the government's response to the defendant's pending habeas petition under 28 U.S.C. §§ 2255(e) and 2241. My participation in this case began in 2013 and continues.

Court and Judge:

U.S. District Court of the Southern District of Florida, Hon. Paul C. Huck

Co-Counsel:

Rosa Rodriguez-Mera  
Resident Legal Advisor-Mexico  
U.S. Department of Justice  
Office of Overseas Prosecutorial Development Assistance and Training Attorney  
(202) 514-1323  
(Formerly AUSA in Southern District of Florida)

Opposing Counsel:

Stewart G. Abrams  
Assistant Federal Public Defender  
Southern District of Florida  
150 West Flagler Street, Suite 1700  
Miami, Florida 33130  
(305) 536-6900

9. *SEC v. Urban* (Administrative Proceeding File No. 3-13655)

As an associate at Gibson, Dunn & Crutcher LLP, I was a member of a small trial team that represented the former general counsel of a brokerage firm in an enforcement proceeding before an administrative law judge of the U.S. Securities

and Exchange Commission. The Division of Enforcement alleged that the former general counsel failed reasonably to supervise a retail broker of the firm who pled guilty to federal securities fraud. After a 13-day administrative trial in 2010, the administrative law judge issued an initial decision dismissing the administrative proceeding. I participated substantially in the pre-and-post trial briefing and also in the briefing on appeal, which resulted in the U.S. Securities and Exchange Commission dismissing the proceeding. My participation in the case began in 2009 and concluded in 2012.

Administrative Court and Judge/Commissioners:

U.S. Securities and Exchange Commission, Chief Administrative Law Judge  
Brenda Murray (retired)

U.S. Securities and Exchange Commission, Commissioners Luis A. Aguilar and  
Troy A. Paredes (former Commissioners)

Co-Counsel:

John H. Sturc  
George Washington University School of Law  
Professorial Lecturer in Law  
2000 H Street, N.W.  
Washington, D.C. 20052  
(202) 994-1010  
(Formerly Partner at Gibson, Dunn & Crutcher LLP)

David P. Burns  
U.S. Department of Justice  
Principal Deputy Assistant Attorney General  
National Security Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 514-2000  
(Formerly Partner at Gibson, Dunn & Crutcher LLP)

10. *Dep't of Enforcement v. Brinck* (Disciplinary Proceeding No.  
2008014621701)

As an associate at Gibson, Dunn & Crutcher LLP, I was a member of a small trial team that represented the former head of the fixed income desk at an investment banking firm. The Enforcement Division of the Financial Industry Regulatory Authority alleged that the respondent engaged in fraud when he authorized the purchase of auction rate securities for corporate clients. After a 10-day evidentiary hearing before a three-member disciplinary hearing panel of the Financial Industry Regulatory Authority, the panel ruled unanimously that the

Department of Enforcement failed to prove its fraud allegation, and the opinion credited the respondent's belief in the safety and liquidity of the investments. My participation in this case occurred in 2010 through 2012.

Administrative Court and Hearing Officer:

Financial Industry Regulatory Authority, Rochelle S. Hall, Administrative Hearing Officer, unable to find names of other two panelists who served on Hearing Panel

Co-Counsel:

Barry Goldsmith  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, New York 10166  
(212) 351-4000

Opposing Counsel:

Daniel D. McClain  
Gary M. Lisker  
Financial Industry Regulatory Authority  
1735 K Street, N.W.  
Washington DC, 20006  
(301) 590-6500

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.)

As an Assistant United States Attorney in the Appellate Division, I serve in a liaison role to prosecutors in the trial divisions. I provide advice on charging, suppression, evidentiary, trial, and post-conviction questions. I also periodically review trial-level pleadings and consult with prosecutors on legal issues arising on remand from the United States Court of Appeals for the Eleventh Circuit.

Beyond my liaison responsibilities, I review briefs authored by other appellate attorneys, participate in preparation sessions for oral arguments, consult with Appellate Division leadership on adverse rulings, and help train and mentor new attorneys on legal writing, sentencing practice, and suppression issues under the Fourth Amendment.

In the post-conviction context specifically, I provide ongoing advice to prosecutors on various issues arising out of the Supreme Court's decisions in *Johnson v. U.S.*, 135 S. Ct. 2551 (2015), *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018), and *U.S. v. Davis*, 139 S. Ct. 2319 (2019). I also assist prosecutors in evaluating the merits of habeas petitions brought under 28 U.S.C. § 2255(e). More recently, I have worked on matters stemming from the First Step Act of 2018.

I have not performed any lobbying activities.

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

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

I have no plans, commitments, or agreements to pursue outside employment, whether compensated or not, if I am confirmed.

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 transmitted to the Senate, I will file my mandated Financial Disclosure Report and will supply a copy to this Committee.

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

Please see the attached Net Worth Statement.

**24. Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from any litigation or proceeding in which I have ever played a role. For a period of time, I anticipate recusing in all cases brought by the United States Attorney's Office for the Southern District of Florida and all civil matters defended by the United States Attorney's Office, to the extent required by 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of a conflict, on a case-by-case basis, including taking input from the parties when needed, and determine appropriate action, including recusal where necessary.

I might also hear cases from Gibson, Dunn & Crutcher LLP and its lawyers. As a former Gibson Dunn lawyer, I would need to consider possible recusal in those cases as required by 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest.

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

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

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.

In 2004, while serving as a paralegal in the Civil Rights Division of the U.S. Department of Justice, I participated in a Department-organized educational outreach program with the Thurgood Marshall Academy in Southeast Washington D.C. I went to the school several times a month to read and tutor young children.

While in private practice, I participated in pro bono matters. For example, as an associate at Gibson, Dunn & Crutcher LLP, another associate attorney and I devoted approximately 80 hours to representing a pro bono client in a child custody and child support matter.

Following mediation, we helped secure a favorable custody and parenting arrangement that was later approved by the Superior Court of the District of Columbia. Similarly, as a summer associate at Squire Sanders LLP (now Squire Patton Boggs), I assisted a litigation partner in the pro bono representation of indigent defendants in criminal proceedings in Florida state court.

Since becoming an Assistant United States Attorney in 2013, legal pro bono opportunities have been limited, because I am prohibited from practicing law outside of my office except in very limited circumstances. In my community, however, I volunteer at my children's school throughout the year, and more recently in 2020, I began volunteering informally for a local fundraiser to support the Myocarditis Foundation.

**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 June 5, 2019, I received an email from the Office of Senator Rubio advising me that Senator Rubio wanted to consider me for a judicial vacancy in the Southern District of Florida. On June 17, 2019, I submitted an application to Senator Rubio's Judicial Advisory Commission for the Southern District of Florida. On June 24, 2019, I interviewed with Senator Rubio's Advisory Commission in Fort Pierce, Florida. On July 10, 2019, Senator Scott's General Counsel interviewed me by phone. On August 8, 2019, I interviewed in Washington, D.C. with officials from the White House Counsel's Office and the Department of Justice's Office of Legal Policy. Since then, I have been in contact with officials from the White House Counsel's Office and Office of Legal Policy. On March 6, 2020, I was informed by the White House Counsel's office that appropriate clearance processes would commence for my possible nomination.

- 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.