

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Omar Antonio Williams

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

United States District Judge for the District of Connecticut

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.

Office: Hartford Superior Court
 101 Lafayette Street
 Hartford, Connecticut 06106

Residence: West Hartford, Connecticut

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

1977; Rochester, New York

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.

1999 – 2002, University of Connecticut School of Law; J.D., 2002
1995 – 1998, University of Connecticut; B.A. (*cum laude*), 1998
1994 – 1995, Carnegie Mellon University (no degree received)

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2016 – present
Hartford Superior Court
101 Lafayette Street

Hartford, Connecticut 06106
Presiding Judge of Criminal Matters (2017 – present)
Judge of the Superior Court (2016 – present)

2014 – 2016
New London Superior Court
112 Broad Street
New London, Connecticut 06320
Judge of the Superior Court

2003 – 2014
Office of the Public Defender
121 Elm Street
New Haven, Connecticut 06510
Attorney (Assistant Public Defender)

Fall 2003
Office of the Public Defender
17 Belden Avenue
Norwalk, Connecticut 06850
Per Diem Attorney

Summer 2003
Law Office of Kevin C. Ferry
77 Lexington Street
New Britain, Connecticut 06052
Temporary Attorney

2002 – 2003
On the Border Mexican Grill & Cantina
West Main Street
Avon, Connecticut 06001
Server / Bartender

2001 – 2002
Criminal Trial Clinic
University of Connecticut School of Law
55 Elizabeth Street
Hartford, Connecticut 06105
Certified Legal Intern

Summer 2001
Office of the Public Defender
20 Franklin Square
New Britain, Connecticut 06051
Certified Legal Intern

Funded by a federal grant arranged by the Office of the Chief Public Defender, I was paid to provide legal representation to indigent criminal defendants under the close supervision of attorneys within this public defender office.

Summer 2000
Travelers
One Tower Square
Hartford, Connecticut 06183
Legal Intern (Law Department)

1998 – 1999
Brink's, Incorporated
1 Thorndal Circle
Darien, Connecticut 06820
Temporary Employee (Human Resources Information Systems)
This position was by way of referral from:
Hedi Johnson Temporaries
972 Post Road
Darien, Connecticut 06820

Other Affiliations (uncompensated):

2011 – 2012
St. Thomas's Episcopal Church
830 Whitney Avenue
New Haven, Connecticut 06511
Vestry Member (parish council)

2011 – 2012
St. Thomas's Day School
830 Whitney Avenue
New Haven, Connecticut 06511
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 military. I registered with the selective service upon turning 18.

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.

University of Connecticut School of Law

Connecticut Public Interest Law Journal, Editor-in-Chief (2001 – 2002)
Travelers Scholarship (2000)

University of Connecticut

Political Science Excellence Award (1998)

Phi Sigma Pi National Honor Fraternity (1998)

Pi Sigma Alpha National Political Science Honor Society (1998)

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.

Connecticut Bar Association

Professionalism Committee

Co-Chair (2019 – present)

Connecticut Judges Association (2014 – present)

Treasurer (2018 – 2019)

Board Member (2016 – 2019)

Education Committee (2017-20) (determines curriculum for training of judges)

Governor Ned Lamont – Lieutenant Governor Susan Bysiewicz Transition Team

Criminal Justice Committee (2018)

Judicial-Media Committee (2018 – present)

Jury Selection Task Force, Connecticut Judicial Branch

Co-Chair (2020)

Lawyers Collaborative for Diversity

Edward Archer Randolph Diversity Award Committee (2016 – 2017)

Co-Chair, Edward Archer Randolph Diversity Award Committee (2016)

New England Regional Judicial Opioid Initiative (2021 – present)

Pre-Bench Orientation (2018; 2021) (training of new judges)

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.

Connecticut, 2003.

There has been no lapse 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.

None.

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.

St. Thomas's Day School, New Haven, Board of Directors (2011 – 2012)

St. Thomas's Episcopal Church, Vestry (parish council) (2011 – 2012)

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

To my knowledge, none of the above organizations or groups currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or through 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.

When Change of Venue Means Change in Verdict: A Critical Analysis of Venue, and its Impact upon the Diallo Trial, 2 CONN. PUB. INT. L.J. 65 (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.

Report of the Jury Selection Task Force to Chief Justice Richard A. Robinson, Dec. 31, 2020. Copy supplied. I co-chaired this task force, but its members, themselves, initiated the recommendations provided in the report.

Lawyers' Principles of Professionalism, as revised by the Professionalism Committee of the Connecticut Bar Association, approved by the Connecticut Bar Association House of Delegates on Oct. 19, 2020. Copy supplied.

Annual Report of Sections and Committees, Connecticut Bar Association, 2019 – 2020 Bar Year. Copy supplied.

I served as a member of the Bail Reform Working Group of the Criminal Justice Committee of the Governor Ned Lamont – Lieutenant Governor Susan Bysiewicz Transition Team. The Working Group produced a memo regarding the state of the law and the impact certain recommendations might have on the courts and on the Judicial Branch.

- 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.

Testimony of Judge Omar A. Williams and retired Chief Justice Chase T. Rogers, Co-Chairs of the Jury Selection Task Force, Joint Committee on Judiciary Public Hearing in support of H.B. 6548, An Act Concerning the Recommendations of the Jury Selection Task Force, Mar. 15, 2021. Copy supplied.

Comments to the Jury Selection Task Force upon its first meeting, July 14, 2020. Copy supplied.

Special Proceedings in Criminal Court, June 21, 2017. Copy supplied. I was asked to co-present this course at the Connecticut Judges' Institute, an annual training program for new and experienced judges. Notes supplied.

Testimony, Confirmation hearing before the Judiciary Committee of the Connecticut legislature on my reappointment for the position of Superior Court Judge, Jan. 16, 2015. Transcript supplied.

Testimony, Confirmation hearing before the Judiciary Committee of the

Connecticut legislature on my nomination for the position of Superior Court Judge, Nov. 13, 2014. Transcript 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.

June 15, 2021: Speaker, "LCD Summer Pipeline Program," Lawyers Collaborative for Diversity, online program via Zoom. The program provided student interns with basic information about how the court functions and the roles of various personnel; it also had a question-and-answer element. I have no notes, transcript, or recording. The address for the Lawyers Collaborative for Diversity is City Place I, 185 Asylum Street, Hartford, Connecticut 06103.

April 21, 2021: Moderator, "Constance Baker Motley Speaker Series: Eradicating Racial Bias in Jury Selection & Jury Deliberation in CT," Connecticut Bar Association / Connecticut Bar Foundation (co-sponsored event), remote seminar via Zoom. Notes supplied.

January 23, 2021: Oath of Office Administrator, Pembroke Emanuelson (Attorney, State of New Jersey), administered at New Haven, Connecticut. Notes supplied.

October 21, 2020: Speaker, "*State v. Holmes* and the Jury Selection Task Force," Judicial Branch Virtual Internship, remote address via Microsoft Teams. Notes supplied.

October 7, 2020: Panelist, "Virtual Courts: What You Need to Know," Connecticut Bar Association / Hartford County Bar Association (co-sponsored), Webinar live streamed via YouTube. Notes and press coverage supplied.

June 9, 2020: Speaker, "LCD Summer Pipeline Program," Lawyers Collaborative for Diversity, online program via Zoom. The program provided student interns with court access to learn basic information about how the court functions and the roles of various personnel; it also had a question-and-answer element. I have no notes, transcript, or recording. The address for the Lawyers Collaborative for Diversity is City Place I, 185 Asylum Street, Hartford, Connecticut 06103.

May 17, 2020: Oath of Office Administrator, Attorney Jamie Woodside (Commissioner of the Superior Court), West Hartford, Connecticut. Notes and

press coverage supplied.

March 2, 2020: Speaker, "Read Across America," Parkville Community School, Hartford, Connecticut. For this event, I read books to fifth grade students and participated in a question-and-answer about becoming and serving as a judge. I have no notes, transcript, or recording. The address for Parkville Community School is 47 New Park Avenue, Hartford, Connecticut 06106.

December 6, 2019: Welcome Speaker, "Professionalism Boot Camp," Connecticut Bar Association, New Britain, Connecticut. Notes supplied.

November 13, 2019: Panelist, "Annual Judges of Color Reception," Lawyers Collaborative for Diversity, Hartford, Connecticut (co-sponsored by Wiggin and Dana, LLP, and by the George W. Crawford Black Bar Association). Panelists spoke about diversity and advancement within the legal community. I have no notes, transcript, or recording. The address for the Lawyers Collaborative for Diversity is City Place I, 185 Asylum Street, Hartford, Connecticut 06103.

June 26, 2019: Facilitator, "*The Scottsboro Boys* Post-Performance Talkback with the Cast," Playhouse on Park, West Hartford, Connecticut. Notes supplied.

May 22, 2019: Speaker, Student Site Visit, Hartford Public High School, Hartford, Connecticut. The students visited court (Hartford Superior Court, 101 Lafayette Street, Hartford) to learn about the roles and the background of various court personnel, and to observe court action. I have no notes, transcript, or recording. The address for Hartford Public High School is 55 Forest Street, Hartford, Connecticut 06105.

May 21, 2019: Oath of Office Administrator, Attorney Josalyn Ayuso (Commissioner of the Superior Court), Hartford, Connecticut. I have no notes, transcript, or recording. The address for Hartford Superior Court is 101 Lafayette Street, Hartford, Connecticut 06106.

April 2, 2019: Panelist, "Observations From the Bench: Tell Me What I Really Need to Know to Make My Decision," Hartford County Bar Association, Hartford, Connecticut. The discussion was on the type of information lawyers should provide to judges in court, and it included a question-and-answer session. I have no notes, transcript, or recording. The address for the Hartford County Bar Association is 100 Pearl Street, 4th Floor, Hartford, Connecticut 06105.

January 2, 2019: Oath of Office Administrator, Attorney Stacy Schleif (Commissioner of the Superior Court), Hartford, Connecticut. I have no notes, transcript, or recording. The address of Hartford Superior Court is 101 Lafayette Street, Hartford, Connecticut 06106.

June 29, 2018: Speaker, "LCD Summer Pipeline Program," Lawyers

Collaborative for Diversity, Hartford, Connecticut. This portion of the summer pipeline program took student interns to court to learn basic information about how it functions and the roles of personnel; it also had a question-and-answer elements. I have no notes, transcript, or recording. The address for the Lawyers Collaborative for Diversity is City Place I, 185 Asylum Street, Hartford, Connecticut 06103.

March 20, 2018: Guest Speaker, Victim Law and Service Administration, University of New Haven, New Haven, Connecticut. The topic of this class was victim participation in the criminal court process. I have no notes, transcript, or recording. The address for the University of New Haven is 300 Boston Post Road, West Haven, Connecticut 06516.

March 5, 2018: Speaker, University of Connecticut School of Journalism Site Visit, Hartford Superior Court, Hartford, Connecticut. I believe the talk was on basic court concepts and procedures, as well as media access to court proceedings, and involved court observation. I have no notes, transcript, or recording. The address for the University of Connecticut Department of Journalism is 365 Fairfield Way, U-1229, Storrs, Connecticut 06269.

November 3, 2017: Oath of Office Administrator, Attorney Reginald Dwayne Betts (Commissioner of the Superior Court), New Haven, Connecticut. At the age of 16, Attorney Betts, an honor student, committed an armed carjacking. After time in jail, he graduated from Prince George's Community College, the University of Maryland, and Yale Law School. I have no notes, transcript, or recording, but press coverage supplied. I administered the oath at the New Haven Judicial District, 235 Church Street, New Haven, Connecticut 06510.

October 11, 2017: Speaker, "Best Practices Round Table Forum," Hartford County Bar Association, Hartford, Connecticut. The conversation was broken down into small groups for targeted discussion between judges and lawyers about best practices within a certain legal discipline. I have no notes, transcript, or recording. The address for the Hartford County Bar Association is 100 Pearl Street, 4th Floor, Hartford, Connecticut 06105.

June 19, 2017: Speaker, "Northwest Catholic High School Summer Job Shadow," Hartford Superior Court, Hartford, Connecticut. Topics included the role of various court personnel, how to become a judge, and basic court information. I have no notes, transcript, or recording. The address for Northwest Catholic High School is 29 Wampanoag Drive, West Hartford, Connecticut 06117.

May 5, 2017: Speaker, "Connecticut Community College Black and Latino Male Coalition Leadership Conference," Manchester Community College, Manchester, Connecticut. I was asked to informally speak to this group of male, minority, students who were attending different local community colleges. My comments were delivered during a lunch break within their leadership seminar; I believe that

I spoke about becoming a judge, and about pursuing academic success. I have no notes, transcript, or recording. The address for Manchester Community College is 60 Bidwell Street, Manchester, Connecticut 06040.

March 30, 2017: Speaker, Arraignments / Bond Arguments, Connecticut Criminal Defense Lawyers Association, delivered at Christopher Martin's Restaurant, 860 State Street, New Haven, Connecticut. Notes supplied.

December 15, 2016: Speaker, Chief Probation Officer Charles T. Donnelly Retirement, Office of Adult Probation, New London, Connecticut. Notes supplied.

May 25, 2016: Presenter, 2016 Edwin Archer Randolph Diversity Award (Attorney Mark Roellig, Recipient), Lawyers Collaborative for Diversity, East Hartford, Connecticut. Notes supplied.

March 28, 2016: Host, Bennie Dover Jackson Middle School Mock Trial and Discussion (Law Advisory Workshop), New London Superior Court, New London, Connecticut. I served as a mock trial judge and discussed courtroom personnel and procedures with the students. I have no notes, transcript, or recording, but press coverage supplied. The address for Bennie Dover Jackson Middle School is 36 Waller Street, New London, Connecticut 06320.

March 8, 2016: Guest Lecturer, Pre-Trial Litigation (Attorney Robyn Sondak, Adjunct Professor), University of Connecticut School of Law, Hartford, Connecticut. The topic was what to expect in court. I have no notes, transcript, or recording. The address for the University of Connecticut School of Law is 55 Elizabeth Street, Hartford, Connecticut 06105.

- 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.

Michael Bowler, *Jury Selection Task Force Pt. 2*, CONN. JUD. BRANCH: CALENDAR CALL PODCAST (May 3, 2021), <https://www.jud.ct.gov/Podcast/Posts/Post.aspx?Id=55>.

Michael Bowler, *Jury Selection Task Force Pt. 1*, CONN. JUD. BRANCH: CALENDAR CALL PODCAST (May 3, 2021), <https://www.jud.ct.gov/Podcast/Posts/Post.aspx?Id=54>.

David Owens, *Days away from his 100th birthday, Avon's Morton Katz is thriving as a public defender in Hartford criminal court*, HARTFORD COURANT, May 2, 2019. Copy supplied.

Erik Ofgang, *At Age 99, Attorney Morton Katz Is Not Nearly Done Fighting for His Clients*, CONN. MAGAZINE, Feb. 20, 2019. Copy supplied.

Pat Eaton-Robb (Associated Press), *Lawyer, 99, will retire 'when they carry me out of here'*, N. Y. POST; Sept. 30, 2018. 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 served as a Judge of the Superior Court for the State of Connecticut since my November 13, 2014, appointment. Our state's governor nominates judges from a list of applicants deemed fit for nomination by a Judicial Selection Committee; appointment follows approval by our state's Judiciary Committee and legislature. When I was appointed by our governor, the full legislature was not in session, so after serving as a judge, I again appeared before the Judiciary Committee, was approved for reappointment, and was confirmed by the full legislature on January 16, 2015.

The Superior Court is a trial court of general jurisdiction, so judicial assignments can encompass criminal, civil, juvenile, family, and/or housing court matters. While assigned to the New London court, I handled criminal and housing matters. Since then, I have been assigned to preside over criminal matters in Hartford.

Within the Criminal Division, Connecticut courts are divided into Judicial District (JD) courts and Geographical Area (GA) courts. The JD courts handle the most serious cases, as determined through a case-by-case screening process performed by its presiding judge (only murder cases automatically are transferred to the JD). All other cases remain at the GA. I have been assigned to the Criminal Division of the Hartford GA court since 2016. In 2017, our state's Chief Court Administrator assigned me to be the presiding judge of criminal matters at the Hartford GA. Traditionally, these assignments used to be switched every year or two, but I have remained the presiding judge of criminal matters at the Hartford GA since that 2017 assignment.

In my current role as the presiding judge of criminal matters, one of my main responsibilities is to determine which cases should be scheduled for trial, and in which order they should be tried. Accordingly, the presiding judge handles the cases that otherwise were not resolved through pretrial negotiations between the parties; the court conducts judicial pretrial negotiations with the parties where the judge assesses the case. At a judicial pretrial conference, the prosecutor decides which charges they will pursue, and the judge has the authority to determine an appropriate sentence that would be imposed if the defendant accepts the conviction(s) sought by the prosecution. And while JD courts handle the most serious offenses such as murder, a busy jurisdiction such as Hartford tends to keep matters at the GA that in other jurisdictions more likely would be transferred to its JD court. In that regard, I have worked toward the resolution of a wide range of criminal cases. Also, I have been assigned certain JD matters, such as probable cause hearings for murder cases (so as not to preclude a JD trial judge from presiding

over their jury trials), JD violation of probation hearings (which are tried to the court with a preponderance of the evidence standard of proof), and, by appointment of our Chief Court Administrator, I have served on three-judge panels for murder trials in which the defendant has raised a lack of capacity defense due to mental disease or defect.

In addition to my responsibilities as presiding judge of criminal GA matters, I also have served on the Sentence Review Division since 2017, as appointed by the Chief Justice of the Supreme Court of Connecticut. Criminal defendants from throughout the state who have been sentenced to at least three years in jail can apply for review by the Division, which determines whether the sentence under review is inappropriate or disproportionate. The review division has the discretion to reduce the sentence, to affirm the sentence and leave it untouched, or to increase the sentence (up to the maximum term of imprisonment to which the defendant could have been sentenced by the sentencing judge).

Since 2017, I also have served on the Wiretap Panel, as appointed by the Chief Justice of Connecticut's Supreme Court. This three-judge panel reviews applications requesting the interception of wire communications. The panelists and their work remain confidential, but for the review and reporting requirements established by Section 54-41a *et seq.* of the General Statutes of Connecticut.

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

I have presided over three criminal trials to verdict. One was a bench trial. The other two were murder trials where, because the defendants raised a defense of lack of capacity due to mental disease or defect, I served on three-judge panels.

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

jury trials:	0%
bench trials:	100%

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

civil proceedings:	0%
criminal proceedings:	100%

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

A database search uncovered the following (unreported) opinions:

State v. R.K., K10K-CR08-296700; K10K-CR08-299412; K10K-CR08-299425, 2016 WL 353327 (Jan. 4, 2016).

Fed. Nat'l Mortg. Ass'n v. A.T., K10K-CV15-31389,

2015 WL 9684544 (Dec. 10, 2015).

J.L. v. A.M., K10K-CV15-31638, 2015 WL 9310615 (Nov. 24, 2015).

Additionally, I have written decisions on behalf of the Sentence Review Division:

State v. M.F., TTD-CR15-108036, 2020 WL 9256369 (Oct. 27, 2020).

State v. M.Y., T19R-CR11-99206, 2019 WL 8440615 (Nov. 26, 2019).

State v. J.B., NNH-CR14-150831, 2019 WL 8324423 (Nov. 26, 2019).

State v. D.M., docket numbers KNL-CR12-120162 and KNL-CR12-119509, 2019 WL 4060117 (June 25, 2019).

State v. L.M., HHB-CR14-274352, 2019 WL 3219351 (Mar. 26, 2019).

State v. L.C., H15N-CR16-285617, 2019 WL 3219507 (Mar. 26, 2019).

State v. J.W., UWY-CR16-439538, 2019 WL 2245961 (Feb. 26, 2019).

State v. C.M., UWY-CR07-36203; UWY-CR08-368369; UWY-CR04-204587; and UWY-CR04-204586, 2019 WL 2440209 (Jan. 22, 2019).

State v. M.B., KNL-CR13-123144, 2019 WL 2437922 (Jan. 22, 2019).

State v. R.C., HHB-CR13-270260, 2018 WL 7132458 (Oct. 23, 2018).

State v. J.F., UWY-CR06-347236, 2018 WL 6261856 (Sept. 25, 2018).

State v. S.F., HHD-CR15-679461; H14H-CR13-245400, 2018 WL 6242297 (Sept. 25, 2018).

State v. M.B., HHD-CR14-672012, 2018 WL 6445535 (Sept. 25, 2018).

State v. A.O., UWY-CR08-234198, 2018 WL 6261856 (June 26, 2018).

State v. J.H., T19R-CR16-109563; T19R-CR16-109627, 2018 WL 4781634 (June 26, 2018).

State v. J.S., FBT-CR14-279715, 2018 WL 1936424 (Mar. 27, 2018).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a

copy of the opinion or judgment (if not reported).

1. *State v. Danielson*, H14H-CR20-739054 (granted motion on September 10, 2020). Copy supplied.

Counsel for a surety (bondsperson) filed a motion that asked the court to order the arrest of the principal (a criminal defendant for whom the surety had posted bond) with an immediate commitment to jail. The related criminal case alleged that the principal (criminal defendant) assaulted his elderly mother. While the principal was out on the bond posted by the movant (surety), the mother (who was the complainant in the criminal matter) informed the surety that the principal asked her to get his passport because “he planned to abscond and flee to Italy.” The surety argued that it had “substantial reason to believe that its principal . . . intend[ed] to abscond,” and that Mr. Danielson should be returned to jail.

Relevant Connecticut law defers to the judgment of the surety in ensuring that a principal will appear in court. Having found that the surety complied with all legal prerequisites, I cited § 54-65 of the General Statutes and *State v. Nugent*, 199 Conn. 537 (1986), in granting the motion. I ordered the clerks to schedule a bond hearing immediately upon the principal’s return to jail, so that the court could assess the principal’s pretrial liberty (rather than having only the surety determine whether the accused would return to court).

Counsel for the Movant / Surety

Robert T. Fontaine
Ruane Attorneys at Law, LLC
1290 Silas Deane Highway, Suite 3F
Wethersfield, CT 06109
(860) 263-0394

Counsel for the State

Carl R. Ajello, III
Supervisory Assistant State’s Attorney
101 Lafayette Street
Hartford, Connecticut 061016
(860) 566-5996

Counsel for the Defense

Sean Crowshaw
Assistant Public Defender
101 Lafayette Street
Hartford, Connecticut 06106
(860) 566-5090

2. *State v. Grier*, H14H-MV17-508734 (written ruling issued April 30, 2018).
Copy supplied.

The movant was a criminal defendant charged with operating a motor vehicle under the influence of alcohol or drugs who challenged under equal protection grounds a statute that precluded him (as a holder of a commercial driver's license) from utilizing a diversionary program that otherwise could have afforded him an opportunity to avoid a career-ending conviction. Finding that the defendant had not asserted any fundamental right and that he was not a member of a protected class, I applied the rational basis standard and concluded that the challenged statute was rationally related to the legitimate governmental goal of public safety, and therefore denied the motion. While the federal constitutional claim was addressed, I deemed abandoned a state constitutional claim that failed to separately allege any state protections beyond those in the federal constitution. Finally, I rejected the defendant's claim that the statute in question violated his presumption of innocence, because he still retained the right to a trial in which the state would bear the burden of proof beyond a reasonable doubt.

Counsel for the State

Carl R. Ajello, III
Supervisory Assistant State's Attorney
101 Lafayette Street
Hartford, Connecticut 061016
(860) 566-5996

Counsel for the Defense

Laura E. Bryll
Assistant Public Defender
101 Lafayette Street
Hartford, Connecticut 06106
(860) 566-4284

3. *State v. B.B.*, H14H-CR17-139403-T (granted accelerated rehabilitation, March 12, 2018).

The defendant was a white college student accused of defiling her African-American roommate's belongings. The state fully investigated whether there was evidence to charge a crime based on racial bigotry or bias, and determined that there was not. The accused applied for a diversionary program as to her charges of breach of peace and criminal mischief. Following input from each party and from the complainant, I granted the defendant's application for the program, which afforded her the opportunity to learn from her actions without permanent criminal consequence.

Counsel for the State

Gail P. Hardy
(Former State's Attorney for the Hartford Judicial District)
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067
(860) 258-5918

Co-Counsel for the State

Carl R. Ajello, III
Supervisory Assistant State's Attorney
101 Lafayette Street
Hartford, CT 061016
(860) 566-5996

Counsel for the Defense

Thomas Stevens
Law Office of Thomas E. Stevens
995 Notch Road
P.O. Box 882
Cheshire, CT 06410
(203) 598-9502

Counsel for the Complainant

Derek Sells
The Cochran Firm – New York
55 Broadway, 23rd Floor
New York, NY 10006
(212) 553-9215

4. *State v. I.L.*, HHD-CR17-694081-T.

Pursuant to § 54-45 (b) of the General Statutes of Connecticut, I was designated by the Chief Court Administrator to sit on a three-judge panel for this murder trial in which the defendant raised a defense of lack of capacity due to mental disease or defect, pursuant to § 53a-13 of the General Statutes of Connecticut. The accused, a teenager with schizophrenia, fatally stabbed his great-uncle because he thought the relative was poisoning his family. The court acquitted the defendant by reason of lack of capacity and ordered him committed to the psychiatric security review board.

Counsel for the State

Christopher Pelosi (now Judge of the Superior Court, State of Connecticut)
50 Field Street
Torrington, CT 06790
(860) 626-2190

Counsel for the Defense

William D. O'Connor, III
Office of the Public Defender
Connecticut Valley Hospital, Shew Hall
P.O. Box 351, Middletown, CT 06457
(860) 262-5910

Co-Counsel for the Defense

Tejas Bhatt (now Judge of the Superior Court, State of Connecticut)
Rockville Superior Court
20 Park Street
Rockville, CT 06066
(860) 870-3256

5. *State v. Sanchez*, H14H-CR16-687935 (revised ruling, November 15, 2017).
Copy supplied.

The defendant was accused of stealing a bronze plaque from Colt Park in Hartford and then selling it for less than \$50 to a scrapyard that cut it into several pieces. At sentencing, I issued a ruling ordering the defendant to pay \$5,000 in restitution, based on: an estimate within the arrest warrant that it would cost the city \$5,000 to replace the plaque, a representation six months later from a City of Hartford architect that the replacement cost would be \$5,000, a restitution study by the Office of Adult Probation that estimated the City of Hartford's out-of-pocket loss to be \$5,000, and the state's request for a \$5,000 restitution order. Upon my order of full restitution for replacement of the broken plaque, the defendant requested that the seized pieces be returned to him.

In this case, the clerks confirmed that there was no claim by the City of Hartford for return of the pieces of the plaque that had been seized for one year. Because of this, and because full restitution for replacement was ordered, I granted the request to release the pieces of the plaque to the defendant.

Six weeks after the imposed sentence, however, the state made an oral request that the parts of the plaque be ordered returned to the City. Well after the case's resolution, the state received new information from the City of Hartford that it would cost \$5,000 for them to melt down and to re-cast the plaque, using a mold.

I scheduled a hearing on the issue, considered the new information, allowed the parties to be heard, and (without defense objection) modified my order by detailed, written articulation, ordering that the broken plaque be returned to its rightful municipal owner.

Counsel for the State

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Counsel for the Defense

Laura E. Bryll
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101 Lafayette Street
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6. *State v. Gore*, HHD-CR17-690346-T (probable cause hearing for murder; written ruling issued August 31, 2017). Copy supplied.

In Connecticut, people charged with offenses punishable by death or by imprisonment for life have the right to a hearing in which a judge must determine whether there is probable cause to believe that the offense was committed and that the accused committed it. I presided over Mr. Gore's probable cause hearing for the charge of murder.

Evidence at the hearing showed that the victim was killed by a single gunshot to his upper torso. The shooting took place in broad daylight and the entire crime was captured on high-quality surveillance video. Video showed Mr. Gore arriving in a distinct automobile (attributable only to him) near the scene of the shooting shortly before it took place. It clearly showed Mr. Gore wearing a distinct hat and a pair of sneakers attributable to him through a social media photograph he had made public. Mr. Gore was on video approaching the decedent, shooting him, and chasing him while the victim tried to flee. It also showed the defendant leaving the scene in the same motor vehicle in which he had arrived, and there was fingerprint evidence tying him to the car. The court was able to determine that the published video displayed the defendant. Moreover, a witness known to the defendant identified Mr. Gore and his vehicle in speaking with law enforcement officials. Finally, a live round of ammunition recovered from Mr. Gore's vehicle was similar to a shell casing recovered from the scene of the killing.

On the basis of that overwhelming physical and circumstantial evidence presented by the state, I found probable cause to believe that a murder was committed, and to believe that it was committed by Mr. Gore.

Counsel for the State

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Counsel for the Defense

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7. *State v. L.W.*, HHD-CR16-257296-T (verdict after court trial, July 10, 2017).
Copy supplied.

The accused in this bench trial was one of two passengers in a motor vehicle when the other passenger robbed the driver. The driver resisted, the other passenger fatally shot him, and the defendant fled. L.W. was tried for robbery in the first degree and for conspiracy to commit the same, but evidence supported his claim of duress. Accordingly, I issued a written verdict of acquittal. The codefendant's jury convicted the shooter of murder, robbery in the first degree, and felony murder, but acquitted as to conspiracy. *State v. Gaston*, 201 Conn. App. 276, 279 (2020).

Counsel for the State

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Counsel for the Defense

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8. *State v. Stevenson*, 179 Conn. App. 908 (2018) (affirming sentence).

Mr. Stevenson appeared before me at a 2016 violation of probation hearing in which he was alleged to have violated for the third time a probation stemming from a 1996 felony conviction for having sexual contact with a minor. The third violation was based upon a refusal to comply with sex offender conditions of probation. Determining that the probationer presented too great a risk to society's children by failing to comply with such critical conditions, I imposed the maximum sentence of three years and nine months in jail. On appeal, the defendant argued that I had abused my discretion in finding that he was not amenable to probation and in imposing the maximum sentence. The sentence was affirmed in a summary *per curiam* order by the Appellate Court.

Counsel for the State

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9. *State v. A.N.*, KNL-CR15-127408-T.

Pursuant to § 54-45 (b) of the General Statutes of Connecticut, I was designated by the Chief Court Administrator to sit on a three-judge panel for this murder trial in which the defendant raised a defense of lack of capacity due to mental disease or defect, pursuant to § 53a-13 of the General Statutes of Connecticut. The accused, who was mentally ill, killed an acquaintance of his father by fatally stabbing the victim in the throat with a bayonet. The defendant then surrendered to police and provided several writings detailing delusional claims of abuse, and made claims that he had been attacked by a wolf and that he previously had killed himself. The court acquitted the defendant due to his lack of capacity and ordered him committed to the psychiatric security review board.

Counsel for the State

David J. Smith

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Counsel for the Defense

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Co-Counsel for the Defense

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10. *State v. Megos*, K21N-CR12-118643-T; K21N-CR12-118644-T; K21N-CR12-118645-T; K21N-CR12-118646-T; K21N-CR12-118647-T; K21N-CR12-119064-T, *aff'd*, 176 Conn. App. 133 (2017).

Mr. Megos had been on probation imposed by a previous judge by way of a negotiated plea agreement involving six larceny convictions. Among his underlying crimes was taking a \$1,600 deposit from a woman with disabilities who used a wheelchair, under the guise that he would let her rent an apartment. The apartment never was made available to her, and the deposit was not returned. Another conviction stemmed from a \$4,550 deposit toward a home purchase; the home was sold to another, and the deposit was not returned. Within months of starting his probation, Mr. Megos pretended to be his business partner and took \$2,925 from a mother with disabilities who was looking for a new home after her own was lost to a fire. After months of lies about why the woman and her family could not move into the residence, it was determined that the home had been condemned the entire time. Following a contested violation of probation hearing, I found Mr. Megos in violation of probation, revoked the probation, opened the prior judgment, and imposed a new sentence of five years in jail.

The defendant argued that I erred in finding him in violation of probation, that I abused my discretion in admitting evidence of his prior crimes, and that I abused my discretion by revoking his probation and imposing the five-year jail sentence. The Appellate Court disagreed on all counts, and my judgment was affirmed.

Counsel for the State

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Counsel for the Defense

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

1. *State v. Gray*, K10K-CR18-341394 (Nov. 24, 2020). Copy supplied.

Counsel for the State

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Counsel for the Defense

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2. *State v. Danielson*, H14H-CR20-739054 (Sept. 10, 2020). Copy previously supplied in response to Q13c.

Counsel for the Movant / Surety

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Counsel for the State

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3. *State v. Hickey*, LLI-CR07-123938 (May 28, 2019). Copy supplied.

Counsel for the State

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4. *State v. Grier*, H14H-MV17-508734 (Apr. 30, 2018). Copy previously supplied in response to Q13c.

Counsel for the State

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Counsel for the Defense

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5. *State v. Sanchez*, H14H-CR16-687935 (Nov. 15, 2017). Copy previously supplied in response to Q13c.

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Counsel for the Defense

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6. *State v. Gore*, HHD-CR17-690346-T (Aug. 31, 2017). Copy previously supplied in response to Q13c.

Counsel for the State

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7. *State v. L.W.*, HHD-CR16-257296-T (July 10, 2017). Copy previously

supplied in response to Q13c.

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Counsel for the Defense

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8. *State v. Robles*, HHD-CR17-689306-T (Apr. 20, 2017). Copy supplied.

Counsel for the State

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Counsel for the Defense

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9. *State v. Morell*, K10K-CR15-330195 (July 18, 2016). Copy supplied.

Counsel for the State

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Counsel for the Defense

Anthony Basilica
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10. *State v. Kaczmarczyk*, K10K-CR08-296700; K10K-CR08-299412; K10K-CR08-299425, 2016 WL 353327 (Conn. Super. Ct. Jan. 4, 2016).

Counsel for the State

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Counsel for the Defense

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

My database search indicates that certiorari has not been requested or granted in any of my cases.

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

State v. L.C., H14H-CR19-733038 (AC 192888).

This was an appeal to Connecticut's Appellate Court from an oral bond ruling. The case was presented to me for a judicial pretrial on October 25, 2019, because the parties believed that they were unable to come to a resolution of the case short of trial. In a judicial pretrial conference, the prosecution decides which charges it will pursue, and the court decides, after hearing from the parties, what the corresponding sentence would be if the accused were to accept the conviction(s) sought by the prosecutor. The defendant faced six counts of failure to comply with the sex offender registration requirement stemming from his prior conviction

for a sexually violent offense, which carried a maximum sentence of up to 30 years in jail if convicted. I determined that the defendant last had been compliant with the registry in 2007, more than ten years earlier. The state noted that the defendant also had an extensive criminal record. The case progressed to a judicial pretrial with me when the defendant rejected a prosecutor's offer of probation, requiring him to comply with the registry. Considering the defendant's clear refusal to comply with the registry for a number of years, the fact that he had not registered as a sex offender in over a decade, and his rejection of the probation offer that showed he had no intention of complying with the lifetime registration requirement, I extended an offer of five years in jail (out of his 30-year possible maximum) if the defendant wished to plead guilty to the charges pursued by the state but without accepting a term of probation.

Connecticut's Practice Book provides judges the discretion to modify or revoke at any time a defendant's terms and conditions of release (including bail). I allowed the parties to be heard on bond and on the conditions of release. At the time, the defendant was at liberty after posting a \$10,000 surety bond, and he had not petitioned the court (either pro se or through counsel) to be relieved of his lifetime registration requirement.

After the hearing, I increased the defendant's bond by \$250,000 and added a condition of release that he comply with the registration requirement. At defense counsel's request, the case was continued to November 22, 2019. The defendant appealed the bond increase, and late in the afternoon of November 20, the Appellate Court ordered me to "conduct a hearing for reconsideration of the bond" with a focus on whether it was greater than necessary to assure the defendant's appearance in court. At that hearing, the state noted that the defendant in fact had eight prior failure to appear convictions. Defense counsel conceded that the defendant still was not compliant with the registry since his August arrest for six felonies. Nevertheless, consistent with the Appellate Court's instruction, I vacated the \$250,000 bond increase, which released the defendant on the \$10,000 surety bond that previously had been posted, but I warned him of the legislature's valid interest in alerting the public to sexually violent recidivism. On November 27, 2019, I canvassed the defendant on his risk of jail if convicted after trial, and on his rejection of my offer. I scheduled his case for trial before another judge, to begin in January 2020, but the state decided to drop the case.

State v. M. B.-R., H14H-CR17-692219 (AC 174229).

This was an oral bond ruling that was appealed to Connecticut's Appellate Court. The defendant was accused of molesting a child in the restroom of a senior center. He was charged with Sexual Assault in the Third Degree and Risk of Injury to a Minor, both felonies. He had a lengthy record of state and federal convictions for crimes of violence. The arraignment judge set a bond and ordered review of the defendant's competency to stand trial. I preside over such competency hearings as the presiding judge of criminal matters. At a contested competency hearing

before me, evaluators recommended that the defendant be found not competent and not restorable to competency; they did not believe the defendant qualified for civil commitment, and made absolutely no recommendations as to any further supervision, treatment, or counseling of the defendant. I presided over a lengthy hearing during which I asked questions of witnesses and weighed the arguments of the parties. I found, over objection from the state, that the defendant was not competent, and ordered (against the recommendation of the evaluators) further efforts at restoration to competency. I also ordered an increase in the defendant's bond for public safety, as the defendant was out on bond and frequenting the same senior center where the allegations arose. I found the defendant's liberty interest to be outweighed by the stated public safety interests. The increase in bond was appealed, review was granted, and the Appellate Court granted the relief sought (directing me to reinstate the bond that initially had been posted).

- 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.

Almost all of my oral and written decisions have been unpublished, as is true for many trial-level (Superior Court) rulings in state court in Connecticut. Written decisions are filed with the Clerk. On occasion (as when a ruling is appealed), the clerk or the court itself might order a transcript of a hearing that the judge can sign as the decision in the absence of a written opinion. Those decisions (and other decisions, particularly those that are lengthy or that were subject to a lengthy contested hearing) often are submitted by the clerk to be made available online, even though such decisions remain unpublished.

- 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.

State v. Grier, H14H-MV17-508734 (Apr. 30, 2018). Copy previously supplied in response to Q13c.

State v. Morell, K10K-CR15-330195 (July 18, 2016). Copy previously supplied in response to Q13d.

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

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have

come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

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

As the presiding judge of criminal matters, one of my main responsibilities is conducting judicial pretrial discussions with the parties. While the prosecution decides the charges to be pursued, the court determines the sentence that would accompany any offer at resolution short of trial. Accordingly, criminal defendants occasionally file complaints or request the court's recusal, particularly when they disapprove of a conveyed offer. Generally, when a criminal defendant requests my recusal, I note the request in open court and I allow the parties to be heard so that I can assess the ethical and legal validity of the raised claim. I immediately identify any circumstances that could present even the appearance of impropriety or of a conflict of interest in presiding over the case, and I consider our ethical canons and rules of practice that govern recusal. However, I can recall one instance in which I referred to another judge the assessment of any potential need for recusal, particularly because it involved a self-represented defendant whose competency to stand trial and psychiatric health had been questioned.

In *State v. S.Q.*, H14H-CR17-692104; CR15-187257-T; CR16-189413-T; CR17-192823-T; CR17-192824-T; CR17-192839-T; CR17-692105; CR18-140683-T; CR18-140684-T, my recusal was requested by a self-represented criminal defendant who had about 20 pending cases, and whose competency to stand trial was under review. Upon arraignment before a different judge, the defendant had been recommended for an emergency commitment evaluation at a local hospital, due to the imminent threat she potentially presented to herself or to others. The defendant declined counsel and was being assessed for forced medication at the jail. The parties stipulated to defendant's competency, and on or about October 25, 2017, she filed a complaint against me in which she requested my recusal, primarily in objection to my order that she obtain a mental health evaluation and that she comply with any related recommendations of the evaluators. Because the defendant was pro se and was dealing with psychiatric concerns, I noted the complaint on the record and ordered the clerks to schedule a hearing before another judge to assess her recusal request. The court that reviewed the recusal issue (Schuman, J.) conducted a full hearing and issued a written ruling finding

that I did not need to recuse myself. I also saw no reason to recuse myself, and so I denied the request for recusal.

In another instance, I recused myself when, during a judicial pretrial, I learned that I likely knew at least one victim in a series of burglaries involving thefts from, and of, motor vehicles. Given the date and location of the burglaries, I informed the parties that something was stolen from my wife's vehicle in the area and timeframe of the thefts, but that she did not pursue criminal investigation of the matter (she simply informed the police). While I believed that I would have been able to preside over the matter without bias, I decided it was proper to recuse myself, and the parties agreed. I ordered transfer of the matters to another court, but allowed the parties to select the receiving court without my input. I do not recall the defendant's name.

There have been times when a defendant is someone I represented several years before while I was a public defender. If this is recognized at judicial pretrial, I inform the parties, allow them to decide whether to request my recusal, and then I make a record in open court of my prior representation of the defendant. I do not believe either party ever has sought my recusal in such instance. When this is realized on the record in court, I have asked the parties to approach at sidebar, have informed them, and have allowed them the opportunity to consider outside the presence of the court whether they seek my recusal. On the record, I note my prior representation and ask the parties whether either seeks my recusal. I do not believe anyone ever has sought my recusal in such an instance.

There also was a domestic violence case before me at one point wherein I had to issue a protective order upon disposition of the matter. In so doing, I recognized that the minor child of the protected party was a girl whom I had coached in soccer. The names and addresses of domestic violence victims are redacted from police reports, and often are not raised in pretrial discussions, and in this particular case, the child had a last name that was different than the defendant's, so I was unaware until that moment that I had coached the child. Upon recognizing the name, I asked the parties to approach the bench, noted the issue at sidebar, and allowed the lawyers to speak with the defendant, the victim's advocate, and the victim to determine whether anyone wished me to recuse myself. On the record, I noted the potential appearance of a conflict but that my connection was not discovered until issuance of the protective order, and asked whether either party wished to be heard on the issue, or whether they sought recusal. I recall that neither party sought my recusal, and that we proceeded in accordance with the agreement to resolve the case.

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.

Other than judicial service, my only other public employment was as a public defender from 2003 until 2014, when I became a judge. The Public Defender Commission in Connecticut appoints employees of the Connecticut Division of Public Defender Services. I have never held political office.

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

In October of 2008, I took a few days off from work to volunteer for the Presidential and Vice-Presidential campaign of Barack Obama and Joseph Biden. Three friends and I drove to Warren, Ohio for door-to-door canvassing on a volunteer basis. We were not compensated.

In 2013, my father ran for Board of Education in my hometown of Norwalk, Connecticut. I canvassed for him and handed out literature on two days in October of 2013. I was not compensated.

In 2018, I served on the Criminal Justice Committee of the transition team for Connecticut's then-Governor-elect Ned Lamont and then-Lieutenant Governor-elect Susan Bysiewicz. I did not receive compensation, and, as a judge, I did not offer any policy recommendations. My role was to provide input as to the state of the law, and as to the potential impact upon the judiciary and upon those who appear in court of certain policies, if pursued by the administration. The Honorable Patrick L. Carroll, III, Chief Court Administrator for the State of Connecticut, also served on this Committee.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a law clerk to a judge.
 - ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law 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 2003
Law Office of Kevin C. Ferry
77 Lexington Street
New Britain, Connecticut 06052
Temporary Attorney

2003
Office of the Public Defender
17 Belden Avenue
Norwalk, Connecticut 06850
Per Diem Attorney

2003 – 2014
Office of the Public Defender
121 Elm Street
New Haven, Connecticut 06510
Attorney (Assistant Public Defender)

- 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.

Aside from writing a civil appellate brief for Attorney Ferry, my legal career before becoming a judge was as a public defender, providing legal defense for indigent criminal defendants in trial-level state court from 2003 to 2014. I represented clients from arraignment upon initial presentment to the court after arrest, all the way through final disposition by plea or after trial.

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

My career as a public defender was in the general defense of criminal matters, ranging from drug offenses to theft, from robbery to assault, and from burglary to domestic violence crimes. I also was assigned cases on a

specialized docket for serious domestic violence offenders, where defendants either had a lengthy history of domestic violence arrests, or allegations that involved more serious injuries or offenses.

- 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 a public defender, my work entirely was in litigation, though well over ninety-nine percent of criminal cases in New Haven Superior Court at that time resolved short of trial. I was in court on a daily basis throughout that employment.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 0% |
| 2. state courts of record: | 100% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

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

I can recall trying five cases to verdict; I was sole counsel in three of the jury trials and chief counsel in a fourth jury trial, and I served as associate counsel in a murder trial to the court. I also have served as sole counsel in violation of probation hearings; those matters are tried to the court as a matter of law.

- i. What percentage of these trials were:

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

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

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

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of

the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *State v. Ames*, 179 Conn. App. 486 (Conn. App. Ct. 2017), *cert. denied*, 327 Conn. 908 (Conn. 2017); New Haven Superior Court.

Ms. Ames was tried to a three-judge court in 2013 for Murder, Felony Murder, and Attempt to Commit Robbery in the First Degree in a fatal stabbing of a bartender. With co-counsel, I assisted in pretrial negotiations, drafting and arguing motions, and presenting claims of self-defense and of extreme emotional disturbance. After a bench trial, the court (Hon. Jon C. Blue, Presiding; Hon. Thomas V. O'Keefe, Jr.; and Hon. Maureen M. Keegan) convicted the defendant of murder, but acquitted her of felony murder and of attempted robbery.

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2. *State v. D.B.*, N23N-CR12-124902. New Haven Superior Court, The Honorable Raheem L. Mullins (2012).

My client was accused of being a youthful offender for allegedly participating with others in attacking and beating the victim. The victim allegedly identified his attackers simply as a group of black males. The police said the victim pointed out a group of young men who were on a porch as having been involved, but the victim said that the police canvassed the area, detained a number of young men, and took the victim to their location for identification. As we prepared for trial, I asked my colleague to draft a motion to suppress the defendant's identification as unnecessarily suggestive. My investigator took statements from and subpoenaed several neighborhood witnesses who (though reluctant) were prepared to testify at trial that the defendant was not involved in the assault but had arrived at its scene after the crime had concluded. The day before the trial was to occur, the victim arrived at my office, unannounced, in response to a subpoena by the state. He noted that he had not spoken with any member of the prosecutor's office but wanted to explain that he misidentified my client as one of his assailants. The prosecutor also had subpoenaed witnesses to testify at the trial, and spoke with the victim to make sure that his statement was accurate and not the product of undue influence. Once satisfied, the state declined prosecution and we made a record of the circumstances. I moved to dismiss the case and the motion was granted by Judge Raheem L. Mullins, now a Justice of the Supreme Court of Connecticut.

Co-Counsel for the Defense

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3. *State v. Berrios*, N23N-CR07-69875; CR10-110691; CR11-122118; CR11-122119. New Haven Superior Court, The Honorable Karen Nash Sequino (2012).

I represented Mr. Berrios in criminal matters for which judicial pretrial negotiations were held on January 20, 2012. The state sought an admission to the charge of Violation of Probation and guilty pleas to several felony charges. The judge offered a total effective

sentence of ten years in jail suspended after the service of five years, followed by five years of probation in exchange for the pleas and the admission, and the defendant accepted the offer on the same day. Pleas were entered on the record and the matters were continued for sentencing to March 23, 2012. However, on March 19, Hartford's Office of the Victim Advocate (OVA) filed a motion through which its attorneys asked the court to allow the victim to be heard and to reconsider the agreed-upon sentence. On the scheduled sentencing date of March 23, the court allowed the victim to be heard, and OVA made its objection to imposition of the agreed-upon sentence, while counsel for the parties asked the court to honor its agreement. Thereafter, the court allowed the defendant to withdraw his pleas and continued the matters for further discussion.

The state and the defense separately filed briefs in support of their joint request that the court honor the negotiated agreement; I believe the state moved for specific performance, and on behalf of the defendant, I argued, citing applicable law, that the agreement should be honored because the law favors plea agreements (and parties rely upon them), because the offer remained reasonable, and because of the limited role victims are given as non-parties to criminal proceedings. Upon consideration of the filed motions, and after a hearing on the record, the judge honored the original plea agreement.

Counsel for the State

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4. *State v. E.W.*, NNH-CR10-111305-T. New Haven Superior Court, The Honorable Brian T. Fischer (2011).

My client was charged with Assault in the Third Degree, Unlawful Restraint in the Second Degree, and Criminal Trespass in the First Degree in a domestic violence case.

The state alleged that he struck the complainant in the head with a full can of beer, that he pushed her, and that he trespassed on her property, but I was able to secure his acquittal by focusing on the elements of the crimes, highlighting inconsistencies in trial testimony, and by publishing to the jury a recording of the complainant's non-emergency police call.

Additionally, before closing arguments, the trial judge had a charging conference in which the lawyers could suggest wording that the judge would use while instructing the jurors as to pertinent law to be considered during deliberations. I noted in my proposed instructions that the court's instruction on unlawful restraint appeared to merge the mens rea of specific intent with the actus reus of restraint, and so I asked the court to split the instruction into three elements: the restraint of another, the specific intent to restrain, and the lack of consent for such restraint. I argued that the court's instruction might confuse jurors, particularly because they would be instructed on Assault in the Third Degree, the instruction of which clearly separated intent from physical conduct. In denying my request, the court noted that its instructions strictly adhered to the model jury instructions provided by our Judicial Branch. After the acquittal, I pursued a change in the model jury instructions for the benefit of the public. I contacted two members of the Criminal Jury Instructions Committee – judges before whom I had practiced – with my concerns, and my suggestion subsequently was presented and was adopted. Ten years later, this revised instruction remains the model instruction for jury trials.

Counsel for the State

I believe the trial prosecutor was:
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Co-Counsel for the Defense

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5. *State v. Oliphant*, 115 Conn. App. 542 (Conn. App. Ct. 2009). New Haven Superior Court, The Honorable Elpedio N. Vitale (2007).

Mr. Oliphant was on a felony probation for which he was exposed to eight years in jail (his underlying sentence was 15 years in jail, suspended after serving seven years). One basis of the alleged probation violation was a domestic violence incident in which Mr.

Oliphant was accused of punching the complainant in the eye; she was referred by police to the hospital for treatment of the injury. Days later, when uniformed officers went to serve an arrest warrant upon the accused, he allowed them to affix the handcuffs to one wrist, but then he used the unsecured handcuff to strike one officer in the head. From there, the probationer was alleged to have engaged in a lengthy stretch of noncompliance that involved punching officers, threatening them with a tree branch, and removing from his chest Taser probes used by the officers to try to subdue him. Eventually, four officers took Mr. Oliphant into custody, and this misconduct served as an additional basis for the probation violation.

I represented Mr. Oliphant until, during the hearing, he asked to represent himself. At the conclusion of the hearing, the Honorable Edpedio N. Vitale found Mr. Oliphant in violation of probation and imposed a jail sentence of six and one-half years.

Counsel for the State

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6. *State v. R.W.*, N23N-CR09-90532. New Haven Superior Court, The Honorable William Holden (2009).

My client, who was on parole at the time, was charged with Escape in the First Degree, a felony. At trial, I was able to exclude hearsay testimony from the defendant's mother that she had telephoned his parole officer to inquire whether he was in custody as she had not seen him in several weeks. I successfully objected to the state calling a rebuttal witness, and also prevented the state from being permitted to reopen its case in chief. I objected to the state's closing argument (upon completion, and outside the presence of the jury), noting that it cited testimony not in evidence, and I prepared a curative instruction that the trial court read to the jury. After the trial, the jurors explained that they had taken a secret ballot at the close of evidence, and that they would have (at that point) voted unanimously to convict my client. My closing argument focused on the text of the law, contending that the defendant's conduct, as alleged, did not fit the traditional definition of an "escape," and argued that parole officers had not done enough to prove the state's case. The jury acquitted my client.

Counsel for the State

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7. *State v. DeMaio*, 107 Conn. App. 462 (Conn. App. Ct. 2008), *cert. denied*, 287 Conn. 923 (Conn. 2008). New Haven Superior Court, The Honorable Bruce L. Levin (2006). The Honorable Bruce L. Levin presided over this suppression hearing and jury trial. I did not represent the defendant on appeal.

My client, Mr. DeMaio, was arrested after Mr. DeMartino told East Haven, Connecticut police officers upon his arrest that my client had sold him drugs on previous occasions. Two weeks later, Officer Cari saw the defendant riding his bicycle at night and called for officers in an unmarked police vehicle to surveil him. Officers Mulhern and Kelly followed Mr. DeMaio into New Haven and parked their car facing him, with an unobstructed view of the accused. Officer Mulhern testified about the defendant's pre-arrest actions, including what Officer Mulhern believed to be a hand-to-hand drug transaction. I recall that, at the suppression hearing, Officer Kelly testified that he saw absolutely none of the interactions reported by Officer Mulhern, despite sitting beside him in an unmarked police vehicle that was parked with an unobstructed view of the defendant, upon whom they were conducting surveillance. However, I believe Officer Kelly reported that the defendant rode off in an erratic manner on his bicycle. The defendant was stopped by police, was searched, and was found in possession of cocaine.

I moved to suppress the stop and the search of Mr. DeMaio, but the court found reasonable and articulable suspicion for the defendant's seizure. After a jury trial, the defendant was found guilty of possessing narcotics and of doing so within 1,500 feet of a school. He was sentenced to five years in jail, followed by two years of special parole.

Counsel for the State

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8. *State v. C.M.*, N23N-CR06-60826. New Haven Superior Court, I believe the trial judge was The Honorable Elpedio N. Vitale (2007).

My client and the complainant were in a dispute following the sale of a bread truck and its delivery route. My client was charged with assaulting the complainant, rendering him unconscious. To the best of my recollection, I successfully moved for judgment of acquittal as to a breach of peace charge. Though my client was the only person in the dispute to have thrown a punch, I argued that my client anticipated an imminent assault, causing him to act in self-defense in order to prevent being assaulted.

Counsel for the State

I believe the trial prosecutor was:

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9. *State v. Riggsbee*, 112 Conn. App. 787 (Conn. App. Ct. 2009). New Haven Superior Court, The Honorable Maureen M. Keegan (2007). The Honorable Maureen M. Keegan presided over this bench trial and violation of probation hearing. I did not represent the defendant on appeal.

The defendant wished to contest two cases alleging domestic violence and another two alleging violations of probation. One of the criminal cases alleged an assault and the other involved his presence at the victim's home in violation of a protective order. The probation violations were based upon those two arrests. I successfully moved for joinder because the defendant wished to try the cases to the court.

At trial, I argued that the state was unable to meet its burden of proof as to the elements of the charged crimes, and at sentencing, I argued that the defendant was at the victim's residence in violation of the protective order because she had invited him to Thanksgiving dinner. The defendant was convicted at trial and the court's judgments were affirmed on appeal.

Counsel for the State

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10. *State v. Gonzalez*, 278 Conn. 341 (Conn. 2006). New Haven Superior Court, The Honorable Richard M. Marano.

During a police investigation into suspected narcotics dealing, they conducted a "field interview" of a suspected drug dealer. When the suspect's cellular phone rang, a detective answered it without permission, and Mr. Gonzalez was calling to schedule the delivery of additional drugs. When the police arrested Mr. Gonzalez, I was appointed to represent him. I negotiated an offer from the state, but Mr. Gonzalez wished to contest the police conduct, so I filed and argued on his behalf a motion to suppress the interception of the telephonic communication from Mr. Gonzalez. The motion was denied after a contested hearing, and Mr. Gonzalez entered a plea of nolo contendere conditioned upon his right to appeal the denial of his motion. Though the public defender's office had an appellate unit, this case was assigned to remain with me for appeal, which I briefed and argued. The Supreme Court of Connecticut affirmed the denial of the motion to suppress.

Counsel for the State

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Outside of the courtroom, I have served on the judiciary's Education Committee (developing the curriculum for the training of new and experienced judges) from 2017 to 2020, trained new judges upon their appointment to the bench, served since 2018 on the Judicial-Media Committee (to foster and improve the relationship and concerns of the media and the judiciary), and was selected by the Chief Justice of the Supreme Court of Connecticut to serve as a co-chair of the Jury Selection Task Force that aimed to eliminate racial and ethnic bias from our jury trials. I have served since early 2021 on the New England Regional Judicial Opioid Initiative, in which representatives from Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont share information in an effort to effectively address substance abuse and addiction.

In 2018, I served, along with the Chief Court Administrator for our state, in a non-policy role on the Criminal Justice Committee for our then-incoming Governor and Lieutenant Governor.

While I never personally performed lobbying activities, there was a period of time when I served as Treasurer of the Connecticut Judges Association, and, in that role, filed financial reports with Connecticut's Office of State Ethics regarding the organization's lobbying expenditures. The organization retained lobbyists primarily to advocate for fair judicial compensation.

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.

No.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I do not anticipate many conflicts of interest due to my work as a judge or as a public defender, other than through defendants I might have represented in criminal court who face federal prosecution. My wife is Managing Director and Counsel in the management liability claim department at Travelers, but the majority of the cases her team handles are litigated outside of Connecticut. I would identify and assess any potential conflict that might arise, and would recuse myself where required by 28 U.S.C. § 455 (b) (5), by Canon 3 of the Code of Conduct for United States Judges, or by any other ethical or legal rule or principle.

- 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 continue to conduct myself in a manner that avoids conflicts of interest, but where they (or their potential appearance) arise, I will adhere to the mandates of 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other applicable rule or ethical canon. Presently, I inform the parties to any case where even the appearance of a conflict exists, allowing them to raise any request for recusal, and, if confirmed, I would continue to do so.

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.

While my career has been dedicated to public service through indigent defense and through work as a judge, and while that work has prevented outside legal practice, I have given back to the community by speaking at and by hosting students from several schools. Additionally, I participated in the Truancy Prevention Program in Hartford, aiming to prevent middle school students from discontinuing their education. I also speak with interns from the Lawyers Collaborative for Diversity and from within the Judicial Branch internship program.

As a public defender, I ran our internship program for undergraduate and law students, and as a judge I have assisted in the training of new judges. I also moot law students from Quinnipiac University and from the University of Connecticut in their annual preparation for the Hispanic National Bar Association moot court competition.

Finally, I engage in work-related activities intended to improve the judicial system or the practice of law, such as by co-chairing the Professionalism Committee of the Connecticut Bar Association, and by serving as co-chair of the Jury Selection Task Force, which worked toward eliminating racial and ethnic bias in jury trials.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On March 9, 2021, I submitted to United States Senators Richard Blumenthal and

Christopher Murphy my application for nomination. On March 10, 2021, I was notified by Senator Blumenthal's staff that my materials would be forwarded to the Advisory Committee. On April 6, 2021, I interviewed with Senator Blumenthal and Senator Murphy. On April 16, 2021, I was notified by staff for Senator Blumenthal that my name was being submitted to the White House. On April 18, 2021, I was contacted by the White House Counsel's Office, and interviewed with attorneys from that office on April 19, 2021. Since April 21, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 15, 2021, my nomination was submitted to the Senate.

- 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.