20-1713-cr

United States Court of Appeals

for the

Second Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

– v. –

COLINFORD MATTIS, UROOJ RAHMAN,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MOTION FOR LEAVE TO FILE BRIEF FOR FORMER FEDERAL PROSECUTORS *AMICUS CURIAE* IN SUPPORT OF APPELLEES

EDWARD Y. KIM
KRIEGER KIM & LEWIN LLP
500 Fifth Avenue, 34th Floor
New York, New York 10110
(212) 390-9550

BRIAN A. JACOBS
MORVILLO ABRAMOWITZ
GRAND IASON & ANELLO PC
565 Fifth Avenue
New York, New York 10017
(212) 856-9600

Attorneys for Amicus Curiae

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 20-1713 Caption [use short title] United States of America v. Mattis

Motion for: Leave to file a brief as amicus curiae

Set forth below precise, complete statement of relief sought:

A group of 56 former federal prosecutors seek leave to file a brief as amicus curiae arguing that the government's position miscontrues the bail laws

MOVING PARTY: Amicus Curiae **OPPOSING PARTY:** N/A

☐ Plaintiff ☐ Defendant

☐ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Brian A. Jacobs **OPPOSING ATTORNEY:** N/A

[name of attorney, with firm, address, phone number and e-mail]

Morvillo Abramowitz Grand Iason & Anello P.C.

565 Fifth Avenue, New York, NY 10017

212-856-9600, bjacobs@maglaw.com

Court- Judge/ Agency appealed from: U.S. District Court for the Eastern District of New York (Hon. Margo K. Brodie, U.S.D.J.)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☑ Yes ☐ No (explain):

Opposing counsel's position on motion:
☑ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☑ No ☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUCTIONS PENDING APPEAL:

Has this request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought in this court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested? ☐ Yes ☑ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☑ No If yes, enter date:

Signature of Moving Attorney:

/s/ Brian A. Jacobs **Date:** June 16, 2020 Service by: ☑ CM/ECF ☐ Other [Attach proof of service]

A group of 56 former federal prosecutors identified in the Appendix to the accompanying brief respectfully requests leave to file a brief as *amicus curiae*.

Amici are all former federal prosecutors, and collectively have decades of experience as federal prosecutors, including litigating bail issues. *Amici* have an interest in the appropriate development and content of the law regarding bail, and their extensive experiences litigating bail issues enable them to comment helpfully on the government's position in this case.

In particular, in its brief on appeal, the government appears to take the novel legal position that any facts that existed *prior to* a defendant's alleged criminal conduct (and failed to prevent it)—such as strong family and community ties, stable employment, a stable address, and a lack of criminal history—are insufficient to assure the safety of the community and thus cannot support a bail order. This argument, offered without any reasoning that would limit its application to this particular case, amounts to a *per se* rule that runs contrary both to the law and to our collective decades of experience as federal prosecutors and should be rejected.

Amici wish to submit this brief, notwithstanding their lack of any personal interest in the outcome of the prosecution, because they believe the government's apparent position contradicts settled law and would, if adopted, risk altering lower courts' assessments of routine bail applications.

Neither the United States nor appellees Colinford Mattis and Urooj Rahman oppose this motion.

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

By: /s/ Brian A. Jacobs
Brian A. Jacobs
565 Fifth Avenue
New York, New York 10017
Tel.: (212) 856-9600
bjacobs@maglaw.com

KRIEGER KIM & LEWIN LLP

By: /s/ Edward Y. Kim
Edward Y. Kim
500 Fifth Avenue, 34th Floor
New York, New York 10110
Tel.: (212) 390-9550
Edward.Kim@KKLllp.com

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g)(1), the undersigned hereby certifies that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(a).

1. Exclusive of the exempted portions of the motion, as provided in Fed. R. App. P. 32(f), the motion contains 243 words.

2. The motion has been prepared in proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font. As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated: New York, New York
June 16, 2020

By: /s/ Brian A. Jacobs
Brian A. Jacobs

PROPOSED BRIEF

20-1713-cr

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UNITED STATES OF AMERICA,

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EDWARD Y. KIM
KRIEGER KIM & LEWIN LLP
500 Fifth Avenue, 34th Floor
New York, New York 10110
(212) 390-9550

BRIAN A. JACOBS
MORVILLO ABRAMOWITZ
GRAND IASON & ANELLO PC
565 Fifth Avenue
New York, New York 10017
(212) 856-9600

Attorneys for Amicus Curiae

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INTEREST OF *AMICUS CURIAE*

This brief is submitted on behalf of the 56 former federal prosecutors identified in the Appendix.[1] We submit this brief in support of appellees.

Amici are all former federal prosecutors, and collectively have decades of experience as federal prosecutors, including litigating bail issues. *Amici* have an interest in the appropriate development and content of the law regarding bail, and their extensive experiences litigating bail issues enable them to comment helpfully on the government's position in this case. In particular, in its brief on appeal, the government appears to take the novel legal position that any facts that existed *prior to* a defendant's alleged criminal conduct (and failed to prevent it)—such as strong family and community ties, stable employment, a stable address, and a lack of criminal history—are insufficient to assure the safety of the community and thus cannot support a bail order. This argument, offered without any reasoning that would limit its application to this particular case, amounts to a *per se* rule that runs contrary both to the law and to our collective decades of experience as federal prosecutors and should be rejected.

[1] The parties to this appeal consent to the filing of this brief. No counsel for a party authored this brief in whole or in part. No person or entity other than the *amicus curiae* and their counsel made a monetary contribution to the preparation and submission of this brief. The views of the *amici* expressed in this brief do not necessarily reflect the views of the firms, companies, or institutions with which they are or have been affiliated.

SUMMARY OF ARGUMENT

In considering whether the government has shown by "clear and convincing evidence" that "no condition or combination of conditions will reasonably assure the safety of any other person and the community," 18 U.S.C. § 3142(f), courts are required to consider a defendant's "history and characteristics," including "the person's character, . . . family ties, employment, financial resources, length of residence in the community, community ties, past conduct, . . . [and] criminal history," 18 U.S.C. § 3142(g)(3)(A).

In the present case, the government appears to take the novel position that the District Court committed clear error by relying on factors that predated the alleged offense conduct to find that there was, in fact, a combination of bail conditions that would "reasonably assure . . . the safety of the community." 18 U.S.C. § 3142(e)(3). As articulated in the government's preliminary statement in its brief on appeal, the government's view is that the defendants "*cannot* rebut the statutory presumption [of detention], *because* the critical facts they have proffered in support of their request for bail *existed prior to* the commission of [the alleged] crimes and did not deter defendants." (Gov. Br. 2 (emphases added)).[2] The

[2] "Gov. Br." refers to the government's brief on appeal; "GA" refers to the government's appendix; and "OA" refers to the audio recording of the oral argument before this Court in this case on June 5, 2020, which is available at https://www.ca2.uscourts.gov/oral_arguments.html.

government identifies no case, however, and *amici* are not aware of any, that supports this novel proposition.

If adopted by this Court, the government's argument would, in effect, amount to a *per se* rule denying bail to any defendant in a case raising a question of dangerousness where the factors supporting bail existed prior to the alleged offense. Moreover, the argument would render a nullity many factors set forth in the Bail Reform Act, because those factors—including family and community ties, employment, length of residence in the community, and criminal history (or lack thereof)—almost always exist prior to the charged offense. Such a *per se* rule is inconsistent with both the law and the collective experience of *amici* and should be rejected by this Court.

ARGUMENT

I. The Bail Reform Act Permits and Requires Consideration of the Defendants' History and Characteristics Prior to the Alleged Offense

A. Background

In approving a bail package for the defendants in this case, the Honorable Margo K. Brodie, United States District Court for the Eastern District of New York, relied on a series of factors, all of which existed prior to the alleged offense conduct. (GA 85–86). In particular, Judge Brodie cited the defendants' lack of "criminal history"; "the fact that they were both employed"; "the fact that they both live[d] at the same address" for many years; the fact that both defendants

lived with and were "responsible for" family members; and the fact that they were supported by sureties. (*Id.*).

The central argument in the government's brief on appeal appears to be that Judge Brodie's reliance on these factors to grant bail was clear error because "the critical facts [the defendants] have proffered in support of their request for bail existed prior to the commission of their crimes and did not deter defendants" and, accordingly, in the government's view, these pre-offense factors necessarily "cannot rebut the statutory presumption" of detention. (Gov. Br. 2).

After setting forth this argument in its preliminary statement, the government returns to it in various forms repeatedly throughout its brief. In the summary of its argument, the government contends that "the defendants' assertion that their relationships with family and friends will provide moral suasion against further criminal conduct cannot 'reasonably assure' the safety of the community . . . because such moral suasion existed prior to the defendants' attack and did not deter them." (*Id.* at 12). In the discussion section, the government acknowledges that "[t]he defendants' lack of a prior criminal record, and their apparently strong relationships with family and friends, are certainly relevant to the analysis," but then proceeds to argue that these factors are insufficient for no reason other than that "these facts existed before the attack and did not serve to dissuade the defendants." (*Id.* at 19).

Similarly, a few pages later, with respect to the defendants' "significant responsibilities for their respective families," the government again argues that "the defendants had those very same responsibilities at the time they engaged in the crime with which they have been charged, yet made the calculated decision to risk personal and professional consequences through the conduct that led to their arrests." (*Id.* at 21–22). The government makes the same claim regarding the defendants' sureties, explaining that the "multiple sureties who co-signed each bond" do not "create a strong enough incentive to comply with the conditions of release" because "[t]he defendants apparently had strong relationships with family and friends before their attack, and the potential negative consequences on those relationships did not deter them." (*Id.*).

In oral argument before this Court on the government's motion to stay Judge Brodie's bail order, the government confirmed its position. In particular, the government concisely explained its view, at the outset of the argument, that "the District Court looked at . . . a series of factors like the history and characteristics of the defendant, their employment, the fact that they have family responsibilities and individuals that they care for. . . . And those are all conditions that existed *before* the defendant[s] constructed firebombs or threw one or incited others to do so. So *those conditions which existed before the crime can't rebut the presumption here*." (OA 1:58–2:30).

Taken together, the government is effectively advocating in these passages that any factors that "existed prior to the commission of [the alleged] crimes"—which therefore must have failed to prevent those alleged crimes— "cannot" support bail in a case involving dangerousness, as the government identifies no deficiency in the pre-offense factors other than that they are pre-offense. (Gov. Br. 2). This proposition, however, is inconsistent with the applicable statute, the case law, and the collective decades of experience of *amici* litigating bail issues.

B. Applicable Law

The Eight Amendment provides that "[e]xcessive bail shall not be required." U.S. CONST. amend. VIII. In federal cases, bail is governed by the Bail Reform Act of 1984, 18 U.S.C. §§ 3141–3156. The Bail Reform Act of 1984 "codifies the longstanding norm in our justice system that bail is the rule, and that few cases are to be exceptions." *United States v. Speed Joyeros, S.A.*, 204 F. Supp. 2d 412, 434 (E.D.N.Y. 2002); *see United States v. Berrios-Berrios*, 791 F.2d 246, 250 (2d Cir. 1986) (noting that Bail Reform Act "codified not only the federal case law recognizing the courts' inherent authority to preserve their jurisdiction by denying bail in extreme cases" but also norm "favoring pretrial release for the majority of Federal defendants" (internal citations and quotation marks omitted)).

A defendant may be detained under the Bail Reform Act if the court finds that release would endanger "the safety of any other person and the community."

18 U.S.C. § 3142(e). Dangerousness must "be supported by clear and convincing evidence." 18 U.S.C. § 3142(f); *see United States v. Chimurenga*, 760 F.2d 400, 405 (2d Cir. 1985) ("To find danger to the community under this standard of proof requires that the evidence support such a conclusion with a high degree of certainty.").

In some cases, including the present case, a presumption of detention is applicable pursuant to 18 U.S.C. § 3142(e)(3), under which provision "a defendant bears a limited burden of production—not a burden of persuasion—to rebut that presumption by coming forward with evidence that he does not pose a danger to the community." *United States v. Mercedes*, 254 F.3d 433, 436 (2d Cir. 2001). To determine whether the presumption of dangerousness is rebutted, district courts must consider, among other things, "the history and characteristics of the defendant, including family ties, employment, community ties, [and] past conduct." *Id.* (citing 18 U.S.C. § 3142(g)).

C. Discussion

This Court should reject the government's argument that factors existing prior to an alleged offense—such as strong family and community ties, stable employment, stable addresses, and lack of criminal history—are inherently

insufficient to defeat the presumption and support bail in a case involving dangerousness.[3]

Although the government purports to focus its arguments on the specific record in this case (*see, e.g.*, Gov. Br. 2, 20), it merely points out that each of the factors articulated by the defense predated the charged conduct. The logic of the government's repeated assertion that a factor existing before the alleged offense cannot assure the safety of the community is without limiting principle. After all, at a bail proceeding, any factors that existed prior to the alleged crime must, inherently, have failed to deter its commission. The government makes no argument and offers no explanation to the contrary. Thus, the government's position amounts, in effect, to a *per se* rule that bail must be denied to any defendant in a case raising a concern of dangerousness where the factors that would support bail existed prior to the alleged offense.

Such a *per se* rule is inconsistent with the Bail Reform Act, the case law, and the collective experience of *amici*. It would also shift from courts to prosecutors

[3] The government may assert that it is not seeking a *per se* rule, but rather is merely arguing that the nature and circumstances of the alleged offense and the strength of the evidence outweigh the defendants' history and characteristics in this case. The government's argument on appeal, however, is much broader than that, as the government asserts, with no qualification, that the reason why "the defendants *cannot* rebut the statutory presumption" is "*because* the critical facts they have proffered in support of their request for bail existed prior to the commission of [the alleged] crimes and did not deter defendants." (Gov Br. 2 (emphasis added)).

the ability to release defendants on bail, as the government would remain able to consent when release suits its purposes (such as in cases involving cooperating witnesses), but would be able to invoke the *per se* rule to bar release in other cases.

As this Court has noted, the Bail Reform Act requires district courts to consider, in determining whether the presumption has been rebutted, "the history and characteristics of the defendant, including family ties, employment, community ties, [and] past conduct." *Mercedes*, 254 F.3d at 436 (citing 18 U.S.C. § 3142(g)). These factors all encompass aspects of a defendant's life that predate the alleged offense conduct. For this Court to endorse the government's position that "defendants *cannot* rebut the statutory presumption" with facts that "existed prior to the commission of [the alleged] crimes" (Gov. Br. 2 (emphasis added)) would undermine the Bail Reform Act's dictate that district courts must assess these factors.

In support of its position, the government cites this Court's decision in *Mercedes*. (Gov. Br. 22 n.5). The government claims that "*Mercedes* makes clear that defendants' mere proffer of moral suasion or familial ties is insufficient to adequately protect the safety of the community." (*Id.*). But *Mercedes* expressly declined to adopt a *per se* rule. Rather, in response to the government's request for a "broader" ruling, the panel in *Mercedes* found that they "*need not* address the broader question of whether these showings can ever rebut the presumption of

dangerousness," because those factors did not outweigh the presumption *in that particular case*. *Mercedes*, 254 F. 3d at 436 (emphasis added).

Presently, and throughout the collective decades of *amici*'s experience litigating bail issues, district courts follow the Bail Reform Act's requirement that they consider the listed factors, including factors that existed prior to the alleged offense conduct. For example, in *United States v. Paulino*, 335 F. Supp. 3d 600 (S.D.N.Y. 2018) (Carter, *J.*), the district court granted bail, noting among other things that the safety of the community would be assured because the defendant, in order to commit another offense, would have to "be willing to circumvent the watchful eyes of his family members, who are also proposed sureties." *Id.* at 616. Albeit not a presumption case, the district court expressly noted that "the Government may suggest that [the defendant]'s family members were *previously inadequate to deter him from criminal conduct*"—the argument the government makes in the instant case—but rejected this argument because "the circumstances have now drastically changed" and "such an argument would be applicable to *any* criminal defendant" who was similarly situated. *Id.* at 617 n.4 (emphasis added).

Other courts have regularly considered factors that predate alleged offense conduct in connection with their assessments of dangerousness. *See, e.g.*, *United States v. Chimurenga*, 760 F.2d 400, 402, 405 (2d Cir. 1985) (affirming district court order releasing on bail defendant charged with conspiracy to commit armed

robbery where "[d]efendant has no criminal record," "had been working on a doctorate," and "had a strong sense of family"); *United States v. Eppolito*, No. 05-CR-192 (JBW), 2005 WL 1607192, at *1 (E.D.N.Y. July 11, 2005) (ordering defendants charged with murder- and drug-related offenses released on bail, despite the fact that "[t]he offenses charged . . . could hardly be more serious," where evidence presented as to defendants' "history and characteristics" including "family ties," "employment," and "length of residence in the communities" "all . . . favor[ed] the defendants").

Courts consider these pre-offense factors no less routinely in cases involving the rebuttable presumption. *See, e.g.*, *United States v. Dominguez*, 783 F.2d 702, 707 (7th Cir. 1986) ("This evidence of economic and social stability, coupled with the absence of any relevant criminal record, at least suggests that defendants would be less likely to continue to engage in criminal activity while on pretrial release."); *United States v. Sanders*, No. 19-CR-00125(RJA)(JJM)(001), 2019 WL 4941967, at *2–4 (W.D.N.Y. Oct. 8, 2019) ("[n]otwithstanding the presumption in favor of detention," ordering defendant charged with narcotics-related offenses released on bail in light of "strong ties to the community," "positive relationship with most of his family members," employment history, and responsibility for "four young children" that would "strongly mitigate[] against him . . . violating the conditions of his release"); *United States v. Enix*, 209 F. Supp. 3d 557, 574–75 (W.D.N.Y.

2016) (ordering defendant charged with RICO conspiracy and firearm offenses released on bail where factors including "stable employment," "past conduct" and lack of criminal history "rebutted presumptions of flight and danger"); *United States v. Valdez*, 426 F. Supp. 2d 180, 183–84 (S.D.N.Y. 2006) (ordering defendant charged with armed robbery and firearm offenses released on bail given defendant's employment history, "lack of a criminal record, and the existence of ties to the community"); *United States v. Hammond*, 204 F. Supp. 2d 1157, 1164 (E.D. Wis. 2002) (Adelman, *J.*) (evidence of the defendant's family, employment, and "substantial ties to the state," including that he was "respected by neighbors and business associates," rebutted the presumption of dangerousness); *United States v. Bernal*, 183 F. Supp. 2d 439, 440–41 (D.P.R. 2001) (overturning magistrate judge's detention order, where defendant was a lawyer and former prosecutor, because despite dangerousness concerns, "[d]efendant's close relationship with the witnesses who are willing to provide bail for him should create a strong incentive for him to comply with the conditions of release" and "defendant is not likely to place his close friends and relatives in the precarious position of having their valued properties forfeited"); *United States v. Sierra*, No. 99 CR. 962 (SWK), 1999 WL 1206703, at *2–3 (S.D.N.Y. Dec. 16, 1999) (determining that, despite presumption, defendant should be released on bail where he "has no criminal record whatsoever" and "[w]ith respect to his ties to the

community, . . . does have relatives and friends . . . that are willing to secure his release and exercise moral suasion"); *cf. United States v. Deutsch*, No. 18-CR-00502 (FB), 2018 WL 6573321, at *2 (E.D.N.Y. Dec. 13, 2018) ("Embracing the government's argument in this case would amount to setting a *de facto* rule that anyone charged with similar conduct must be held in pretrial detention. That would be at odds with the government's statutory burden to prove by clear and convincing evidence that the defendant poses a danger to the community. The Court holds that the government did not meet that burden here.").[4]

Contrary to the government's position, based on the Bail Reform Act, the case law, and the collective experience of *amici*, factors such as family and community ties, employment status, a stable residence, and a lack of criminal history can, in appropriate cases (including presumption cases) and as part of a bail

[4] In addition to advocating for the *per se* rule described above, the government's brief likewise takes the position that home detention with electronic monitoring cannot "physically prevent the defendants from conducting another attack, or encouraging others to do so," and thus should be deemed insufficient to assure community safety. (Gov. Br. 20–21). If accepted, the government's argument would appear to mean that home detention with electronic monitoring can never reasonably assure the safety of the community because such monitoring can never "physically prevent" a defendant from committing another crime. That position likewise runs contrary to the case law and the experience of *amici*, in which home detention with electronic monitoring can, as part of a bail package in appropriate cases, help to reasonably ensure the safety of the community. *See, e.g.*, *Paulino*, 335 F. Supp. 3d at 618.

package, help to reasonably assure the safety of the community, even though such factors almost always predate the alleged offense conduct.

CONCLUSION

For the foregoing reasons, the *amicus curiae* urges this Court to reject the *per se* rule advocated by the government.

Dated: New York, New York
June 16, 2020

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

By: /s/ Brian A. Jacobs
Brian A. Jacobs
565 Fifth Ave
New York, New York 10017
Tel.: (212) 856-9600
bjacobs@maglaw.com

KRIEGER KIM & LEWIN LLP

By: /s/ Edward Y. Kim
Edward Y. Kim
500 Fifth Avenue, 34th Floor
New York, New York 10110
Tel.: (212) 390-9550
Edward.Kim@KKLllp.com

Counsel for *Amicus Curiae*

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rules of Appellate Procedure 32(a)(7)(B) and 29(a)(5) because this brief contains 3,220 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this brief has been prepared in a proportionately spaced typeface using Microsoft Word in 14-point Times New Roman font.

Dated: New York, New York
June 16, 2020

By: /s/ Brian A. Jacobs
Brian A. Jacobs
Counsel for *Amicus Curiae*

APPENDIX

Appendix of *Amici Curiae*

Elkan Abramowitz served as Chief of the Criminal Division of the United States Attorney's Office for the Southern District of New York from 1976 to 1977. Prior to that, he was Special Counsel to the Select Committee on Crimes for the United States House of Representatives in 1970 and was an Assistant United States Attorney for the Southern District of New York from 1966 to 1970.

Marion Bachrach served as an Assistant United States Attorney for the Eastern District of New York from 1980 to 1986, where she was Chief of the General Crimes Unit from 1985 to 1986.

Lisa Baroni served as an Assistant United States Attorney for the Southern District of New York from 2000 to 2013.

Andrew Bauer served as an Assistant United States Attorney for the Southern District of New York from 2010 to 2016.

Reed Brodsky served as an Assistant United States Attorney for the Southern District of New York from 2004 to 2013.

Bennett Capers served as an Assistant United States Attorney for the Southern District of New York from 1995 to 2004.

Christine H. Chung served as an Assistant United States Attorney for the Southern District of New York from 1991 to 2003, where she was Chief of the Appeals Unit from 2001 to 2003.

Charles Clayman served as an Assistant United States Attorney for the Eastern District of New York from 1973 to 1977.

Joel Cohen served as a Special Attorney and then Assistant Attorney in Charge of the United States Department of Justice Organized Crime and Racketeering Section for the Eastern District of New York from 1977 to 1983.

Alexis Collins served as an Assistant United States Attorney for the Eastern District of New York from 2009 to 2011. From 2003 to 2010, she served as a trial attorney in the Counterterrorism Section of the Department of Justice. From 2012 to 2014, she served as counsel to the Assistant Attorney General for National Security. From 2014 to 2015, she was a Deputy Chief of the Counterterrorism Section in the National Security Division.

Una Dean served as an Assistant United States Attorney for the Eastern District of New York from 2010 to 2017.

Mylan L. Denerstein served as an Assistant United States Attorney for the Southern District of New York from 1996 to 2003, where she was Deputy Chief of the Criminal Division from 2002 to 2003.

Jess Fardella served as an Assistant United States Attorney for the Southern District of New York from 1983 to 1992, where he was Chief of the Special Narcotics Unit 1991 to 1992.

Michael Ferrara served as an Assistant United States Attorney for the Southern District of New York from 2010 to 2020, where he was Co-Chief of the Terrorism & International Narcotics Unit from 2018 to 2019, Co-Chief of the Complex Frauds & Cybercrime Unit from 2017 to 2018, and Deputy Chief of the Appeals Unit from 2016 to 2017. From 2005 to 2009 he was a trial attorney for the Public Integrity Section of the Criminal Division of the United States Department of Justice.

Amy Orange Finzi served as an Assistant United States Attorney for the Southern District of New York from 2002 to 2008.

Andrew J. Frisch served as an Assistant United States Attorney for the Eastern District of New York from 1995 to 2006.

Marc Greenwald served as an Assistant United States Attorney for the Southern District of New York from 1997 to 2001. Prior to that, he served as Policy Advisor for the United States Department of the Treasury, Enforcement, from 1995 to 1996.

Samidh Guha served as an Assistant United States Attorney for the Southern District of New York from 2003 to 2007.

Amanda Hector served as an Assistant United States Attorney for the Eastern District of New York from 2009 to 2017.

Mitra Hormozi served as an Assistant United States Attorney for the Eastern District of New York from 2001 to 2008, where she was Chief of the Organized Crime and Racketeering Section.

Victor L. Hou served as an Assistant United States Attorney for the Southern District of New York from 2001 to 2007.

Linda Imes served as an Assistant United States Attorney for the Southern District of New York from 1985 to 1988, where she was Deputy Chief of the Appeals Unit in 1988.

Dani R. James served as an Assistant United States Attorney for the Southern District of New York from 1999 to 2003.

Ilene Jaroslaw served as an Assistant United States Attorney for the Eastern District of New York from 1991 to 2013, where she was Chief of the General Crimes Section and Senior Litigation Counsel.

Amanda Kramer served as an Assistant United States Attorney for the Southern District of New York from 2008 to 2019, where she was Senior Litigation Counsel from 2015 to 2019.

Paul Krieger served as an Assistant United States Attorney for the Southern District of New York from 2008 to 2017, where he was Chief of the Complex Frauds and Cybercrime Unit from 2015 to 2017 and Chief of the Narcotics Unit from 2014 to 2015.

Darren LaVerne served as an Assistant United States Attorney for the Eastern District of New York from 2010 to 2016.

Nick Lewin served as an Assistant United States Attorney for the Southern District of New York from 2007 to 2017, where he was Deputy Chief of the Criminal Division in 2017. From 2012 to 2013, he served as Special Counsel to FBI Directors Robert S. Mueller III and James B. Comey.

Michael Martinez served as Executive Assistant United States Attorney for the District of New Jersey from 2010 to 2013. Prior to that, he was an Assistant United States Attorney for the District of New Jersey from 2000 to 2008.

David B. Massey served as an Assistant United States Attorney for the Southern District of New York from 2004 to 2013.

Glen McGorty served as an Assistant United States Attorney for the Southern District of New York from 2002 to 2012, where he was Deputy Chief of the Narcotics Unit from 2008 to 2010, Acting Chief of the Violent Crimes Unit from 2009 to 2010, Acting Deputy Chief of the Criminal Division in 2010, and Senior Trial Counsel of the Public Corruption Unit from 2010 to 2012. From 1998 to 2002, he was a trial attorney for the Fraud Section of the Criminal Division of the United States Department of Justice.

Julian Moore served as an Assistant United States Attorney for the Southern District of New York from 2006 to 2013.

Kelly A. Moore served as an Assistant United States Attorney for the Eastern District of New York from 1994 to 2006.

Parvin Moyne served as an Assistant United States Attorney for the Southern District of New York from 2006 to 2015.

Rahul Mukhi served as an Assistant United States Attorney for the Southern District of New York from 2010 to 2016.

Lynn A. Neils served as an Assistant United States Attorney for the Southern District of New York from 1994 to 2000 and from 2004 to 2007, where she was Chief of the Major Crimes / Complex Fraud Unit from 2004 to 2007. She also served as an Assistant United States Attorney for the District of New Jersey from 2001 to 2003.

Jessica Ortiz served as an Assistant United States Attorney for the Southern District of New York from 2008 to 2014, where she was Chief of the Narcotics Unit from 2015 to 2016.

Sarah E. Paul served as an Assistant United States Attorney for the Southern District of New York from 2010 to 2019.

Danya Perry served as an Assistant United States Attorney for the Southern District of New York from 2002 to 2013, where she was Deputy Chief of the Criminal Division from 2011 to 2013.

Ryan Poscablo served as an Assistant United States Attorney for the Southern District of New York from 2009 to 2015.

Robert M. Radick served as an Assistant United States Attorney for the Eastern District of New York from 2003 to 2009, where he was Chief of Health Care Fraud Prosecutions and Deputy Chief of Public Integrity from 2008 to 2009.

Lauren J. Resnick served as an Assistant United States Attorney for the Eastern District of New York from 1993 to 2003.

Lee S. Richards III served as an Assistant United States Attorney for the Southern District of New York from 1977 to 1983.

Benjamin Rosenberg served as an Assistant United States Attorney for the Southern District of New York from 1990 to 1994.

Paul Schoeman served as Chief Assistant United States Attorney for the Eastern District of New York from 2007 to 2009, and as an Assistant United States Attorney in that Office from 1998 to 2003.

John Siffert served as an Assistant United States Attorney for the Southern District of New York from 1974 to 1979.

Michael Sommer served as an Assistant United States Attorney for the Southern District of New York from 1990 to 1997.

David Spears served as an Assistant United States Attorney for the Southern District of New York from 1983 to 1988.

Jonathan Streeter served as an Assistant United States Attorney for the Southern District of New York from 2000 to 2012, where he was Deputy Chief of the Criminal Division from 2011 to 2012.

Erika Thomas served as an Assistant United States Attorney for the Southern District of New York from 1999 to 2003.

Michael Tremonte served as an Assistant United States Attorney for the Eastern District of New York from 2008 to 2011.

Jeffrey A. Udell served as an Assistant United States Attorney for the Southern District of New York from 1999 to 2005.

Niketh Velamoor served as an Assistant United States Attorney for the Southern District of New York from 2009 to 2018.

Jim Walden served as an Assistant United States Attorney for the Eastern District of New York from 1993 to 2002, where he was Deputy Chief of the Narcotics Unit from 1996 to 1998, Deputy Chief of the Organized Crime and Racketeering Unit from 1998 to 2000, and Chief of the Computer Crimes and Intellectual Property Section from 2000 to 2002.

Justin Weddle served as an Assistant United States Attorney for the Southern District of New York from 1999 to 2014, where he was Deputy Chief of the Appeals Unit from 2011 to 2014.

Milton L. Williams served as an Assistant United States Attorney for the Southern District of New York from 1990 to 1994.