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NOMINATION OF ODESSA F. VINCENT

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON THE

NOMINATION OF ODESSA F. VINCENT TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2001

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NOMINATION OF ODESSA F. VINCENT TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA SUPERIOR COURT

TUESDAY, NOVEMBER 6, 2001

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:48 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Richard J. Durbin, presiding.

Present: Senator Durbin.

Senator DURBIN. The Committee on Governmental Affairs will come to order. Good afternoon and welcome. Today, the Senate Committee on Governmental Affairs holds a hearing to consider the nomination of Odessa F. Vincent to be an associate judge in the District of Columbia Superior Court.

On May 24, President Bush nominated Odessa F. Vincent to fill a vacancy created by the retirement of Judge Evelyn Queen. Ms. Vincent is currently the chief of the narcotics section of the U.S. Attorneys Office for the District of Columbia. She has been a supervisory Assistant U.S. Attorney since 1995. Her prior experience includes work as a trial attorney on the National Church Arson Task Force, and attorney advisor to the Drug Enforcement Administration. She is a 1984 graduate of Howard University School of Law.

I am certain this is a very special day for you, Ms. Vincent, as you contemplate this next step in your legal career. Do you have any family members or colleagues or friends which you would like to introduce at this point?

Ms. VINCENT. Yes, Senator, I do. I do have colleagues and friends that are here with me. Patricia Smoot, Ann Rosenfield, Betty Goldman, and Steve and Carol Wilkinson.

Senator DURBIN. I thank them for joining us, too, and showing encouragement for this important day in your life.

At this point I would also like to welcome my friend, Congresswoman Eleanor Holmes Norton of the District of Columbia who is here to offer a few words of introduction on behalf of Ms. Vincent. Congresswoman Norton, please proceed.

TESTIMONY OF HON. ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. Thank you very much, Mr. Chairman. We have pressed you into service for yet another D.C. matter and I appreciate your work on this nomination. I am very pleased to introduce

to you, Odessa Vincent. Ms. Vincent is essentially a career U.S. Attorney, a career trial attorney, which is perhaps the best preparation for becoming a trial judge in our D.C. Superior Court. Very well prepared to become a member of the court.

Ms. Vincent has spent most of her career as an Assistant U.S. Attorney, rising to be chief of the narcotics section of the office of the U.S. Attorney here in the District of Columbia. Her specialty in drug matters was such that she was detailed for a couple of years to the Drug Enforcement Administration office, rising there to be chief of the criminal law section. Concurrent with her duties in the Justice Department at the Drug Enforcement Administration she served as a trial attorney with the National Church Arson Task Force which was specially created to deal with the arsons of churches and religious properties.

We are not only proud of Ms. Vincent's distinguished career and excellent preparation for the bench, we are especially proud that she is a graduate of our own State university, the University of the District of Columbia, and of Howard University in 1984. I am very pleased to recommend her to you, Mr. Chairman.

Senator DURBIN. Thank you very much, Congresswoman Norton.

It is the custom and the tradition in this Committee for us to swear in our witnesses, Ms. Vincent. If you would be kind enough to rise and raise your right hand? Do you swear that the testimony you are about to give is the whole truth, and nothing but the truth, so help you, God?

Ms. VINCENT. I do.

Senator DURBIN. Thank you. Let the record reflect that the witness answered in the affirmative. If you have any opening remarks, I invite you to make them at this point in time.

TESTIMONY OF ODESSA F. VINCENT[1] TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. VINCENT. Thank you. Just briefly, I would like to say that I am honored to be here testifying today. I would like to thank the President for nominating me to be an associate judge of the Superior Court. I would like to thank you, Senator, for having this hearing, and the Committee for moving this matter forward. I can only say that for me this is just a very great honor and I hope, if it should pass, that I can serve well for the citizens of the District.

Senator DURBIN. Thank you. You have been recommended not only by the President, which is high praise, but also by the District's judicial nominating committee, and gone through the customary investigation. Since your nomination was received in the Senate you have completed a thorough biographical questionnaire, which may have been one of the most daunting assignments since your law exam that we all considered many years ago. The Committee staff has conducted background checks and interviewed you, and I have reviewed your responses to the questionnaire.

I am going to ask you three standard questions that are part of this process. First, is there anything that you are aware of in your

[1] Biographical and financial information appears in the Appendix on page 5.

background that might present a conflict of interest with the duties of the office to which you have been nominated?

Ms. VINCENT. No.

Senator DURBIN. Second, do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Ms. VINCENT. No.

Senator DURBIN. Third, do you know of any reason, personal or otherwise, that would in any way prevent you from serving the full term for the office to which you have been nominated?

Ms. VINCENT. No.

Senator DURBIN. I once observed at an earlier hearing when we were filling a vacancy in the District of Columbia that this is a long term that you are being appointed to, and of course, since we only have 6-year terms, we are very envious here on Capitol Hill. But I also recall many years ago when I was in private practice that there were certain judges who were a joy to appear before and some who were not. I felt that there was a difference in temperament in some judges rather than others. I wonder if you could comment on what you consider to be the temperament of a judge that we should look for in making this appointment?

Ms. VINCENT. Senator, I think you want to look for a judge who is always well prepared, who is familiar with the cases that will come before him or her, and that is, as much as a judge can be, familiar with the parties and the litigants. I think it helps a judge to move his or her calendar forward more expeditiously if they are completely in sync with what is going on in their courtroom. An intelligent, well-prepared judge, I think, is the best kind of judge that you could appoint.

Senator DURBIN. Now I would like to address the issue of humility, because many who ascend to the bench think they are ascending even higher in life. I wonder if you would comment on that aspect of judicial temperament.

Ms. VINCENT. Senator, all I can say to you is that I am completely humbled by this experience. The judges that I have known, a number of judges that sit on the Superior Court I have known before they got to the Superior Court bench and I can only say that they take their responsibility, as would I, very seriously and realize that how they are perceived by the public and by the litigants that come before them is very, very important. They, like I, initially were very humbled and remain very humbled by the experience.

Senator DURBIN. That is a good response. Some of my colleagues on the Committee who are voting at this moment may have written questions that they may submit at some later point, but I do not have any further questions. I want to thank you for your responses. They were appropriate and encouraging. I thank your friends and colleagues for joining you today for this hearing.

The next step in the process will be the prompt consideration of your nomination at a full Committee markup in the very near future. With that, this hearing is adjourned.

Ms. VINCENT. Thank you.

Senator DURBIN. Thank you.

[Whereupon, at 2:55 p.m., the Committee was adjourned.]

APPENDIX

QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON GOVERNMENTAL AFFAIRS, UNITED STATES SENATE

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. Full name (include any former names used).

   Odessa Florence Vincent.

2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).

   I am a United States citizen.

3. Current office address and telephone number.

   Office of the United States Attorney
   for the District of Columbia
   Narcotics Section
   555 4th Street, N.W., Room 4804
   Washington, D.C. 20001
   Telephone: (202) 514-7059

4. Date and place of birth.

   Born May 1, 1956, Monmouth Memorial Hospital, Long Branch,
   New Jersey.

5. Marital status (if married, include maiden name of wife, or husband name). List spouse's occupation, employer's name and business address(es).

   I am not married.

6. Names and ages of children. List occupation and employer's name if appropriate.

   I do not have any children.

7. Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and dates each degree was received. Please list dating back from most recent to earliest.

   LAW SCHOOL: August 1981 through June 1984: Howard University School of Law, Washington, D.C., J.D., June 1984.

COLLEGE: May 1976 through June 1981: University of the District of Columbia, Washington, D.C., B.A., Political Science, June 1981.

August 1974 through June 1975: Howard University, Washington, D.C. - no degree received.

8. Employment record. List all jobs held since college, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest.

Organization	Address	Position	Dates
Office of the U.S. Attorney for the District of Columbia	555 4th St., N.W. Washington, D.C.	Supv. AUSA	1998-present
Drug Enforcement Administration	700 Army Navy Dr. Alexandria, VA	Attorney-Advisor	1995-1998
Dept. of Justice National Church Arson Task Force (This position was a temporary detail from DEA to the Dept. of Justice)	409 7th St., N.W. Washington, D.C.	Trial Attorney	1996-1997
Office of the U.S. Attorney for the District of Columbia	555 4th St., N.W. Washington, D.C.	AUSA	1987-1995
Northern Virginia Community College (Summers)	3001 N. Beauregard St. Alexandria, VA	Lecturer	1991-1993
Dept. of Housing and Urban Development	451 7th St., N.W. Washington, D.C.	Trial Attorney	1984-1987
Dept. of Commerce	1921 Jefferson Davis Hwy. Arlington, VA	Clerk	1984-1984
Howard University	2400 Van Ness St., N.W. Washington, D.C.	Law Clerk	1981-1984
Defense Mapping Agency	6101 MacArthur Blvd., N.W. Washington, D.C.	Clerk	1981-1983

9. 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.

I was the recipient of United States Department of Justice Special Achievement Awards in 1989, 1991, 1993, 1994, and 2000.

10. Business relationships. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.

I am not now, nor have I been connected with any corporation, company, firm, or other business enterprise, partnership, nonprofit organization, and educational or other institution, as an officer, owner, director, trustee, partner, attorney, advisor, or consultant.

11. Military service. Indicate whether you have served in the U.S. military and, if so, list dates of service, branch of service, rank or rate, serial number, and type of discharge received.

I have not served in any branch of the military.

12. Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.

United States District Court for the District of Columbia

District of Columbia Bar

Greater Washington Area Chapter, Women Lawyers Division, National Bar Association

Delta Theta Phi Law Fraternity

Washington Bar Association

13. Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 12. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.

Fraternal Order of Police, DC Lodge #1.

A.M.E. Zion Church of Red Bank, New Jersey.

Neither organization has formerly or currently discriminates on the basis of race, sex, or religion.

14. Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.

I am admitted to practice in the District of Columbia Court of Appeals, May 1985, United States District Court for the District of Columbia, 1989, and the United States Court of Appeals for the District of Columbia Circuit, May 1987.

15. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.

I have not published any books or articles.

16. Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.

I have not delivered any formal speeches during the last five years.

17. Legal career.

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

(1) Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;

(2) Whether you practiced alone; and if so, the addresses and dates;

(3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.

a.

(1) I have not had a judicial clerkship.

(2) My professional experience has been confined to the practice of law as a federal government attorney. I have never practiced as a sole practitioner, nor have I been associated with a law firm.

(3) October 1984 through May 1987: United States Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. Trial Attorney - Honors Program.

May 1987 through May 1995: Office of the United States Attorney for the District of Columbia, 555 4th Street, N.W., Washington, D.C. Assistant United States Attorney for the District of Columbia.

July 1991 through August 1993 (Summer Sessions): Northern Virginia Community College, Alexandria Campus, Social Sciences and Public Services Division, Bisdorf Building, Room 273, 3001 N. Beauregard Street, Alexandria, Virginia 22311. Lecturer - Introduction to Criminal Law, and Criminal Law.

May 1995 through December 1998: Drug Enforcement Administration, Office of Chief Counsel, Domestic Criminal Law Section, Washington, D.C. Attorney-Advisor and Associate Chief Counsel.

August 1996 through August 1997: (detail from DEA) Department of Justice, Criminal Division, Civil Rights Section, National Church Arson Task Force, Washington, D.C. Trial Attorney.

December 1998 through the Present: Office of the United States Attorney for the District of Columbia, 555 4th Street, N.W., Washington, D.C. Supervisory Assistant U.S. Attorney.

b. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

October 1984 through May 1987: Trial Attorney - Honors Program, United States Department of Housing and Urban Development.

In October 1984, I was selected for the Honors Program at the Department of Housing and Urban Development. Initially, I served as a trial attorney in the Litigation Division of the Office of the General Counsel. In that capacity, I represented the Department of Housing and Urban Development in all phases of civil litigation including depositions, interrogatories and motions practice in the United States District Courts in cases involving Title VII, fair housing statutes and common law torts issues. In 1986, I transferred to the Inspector General and Administrative Proceedings Division. My responsibilities included the investigation and administrative prosecution of independent contractors who participated in federal housing programs for allegations of fraud.

May 1987 through May 1995: Assistant United States Attorney for the District of Columbia, Office of the United States Attorney for the District of Columbia.

I was appointed an Assistant United States Attorney for the District of Columbia in May 1987. Initially, I served in the Appellate Section. In that capacity, I drafted appellate briefs and argued criminal appeals before the District of Columbia Court of Appeals and the United States Court of Appeals for the District of Columbia Circuit.

In March 1988, I was transferred to the Misdemeanor Trial Section. As a misdemeanor assistant, I was responsible for the management of a caseload of approximately 150 criminal cases. I represented the United States in criminal misdemeanor jury and non-jury trials. During my service as a misdemeanor assistant, I appeared principally before the Honorable Richard S. Salzman, Associate Judge, Superior Court of the District of Columbia.

In February 1989, I was transferred to the Felony Trial Section. There, I handled a caseload of approximately 140 criminal cases involving felony violations of the District of Columbia narcotics laws. In addition to representing the United States at motions hearings and sentencing proceedings, my practice also involved the trial of numerous felony narcotics cases before the Honorable Arthur L. Burnett, Jr., Associate Judge, and other Associate Judges of the Superior Court of the District of Columbia.

Thereafter, in June 1989, I was transferred to the Grand Jury Section of the Office. My responsibilities entailed the investigation of serious felonies including second degree murder, assault with a dangerous weapon and first degree theft. My duties also included the presentation of evidence to the grand jury and representation of the United States before judges and commissioners of the Superior Court of the District of Columbia in presentment proceedings and preliminary hearings.

Nine months later, I was transferred to the Narcotics Trial Section of the Criminal Division. During the six months that I served in the Narcotics Trial Section, I tried approximately 12 criminal cases before judges of the United States District Court of the District of Columbia. These trials occasionally entailed the prosecution of multiple defendants over a period of several weeks. Additionally, I presented evidence at motions hearings and allocuted on behalf of the United States at sentencing proceedings. My practice also involved resolution of issues arising under the Federal Sentencing Guidelines.

In December 1990, I was transferred to the Felony Trial Section as a senior assistant. During that period, I handled a caseload of approximately 50 cases principally involving crimes of violence. I also tried several significant matters, including a second degree murder case, an armed robbery case, and a kidnaping case that entailed a charge of assault with a dangerous weapon.

Approximately fifteen months thereafter, I was transferred to the Organized Crime Drug Enforcement Task Force of the Narcotics Section of the Criminal Division as a senior assistant. In that capacity, I prosecuted complex criminal cases involving narcotics trafficking conspiracies in the United States District Court for the District of Columbia and coordinated investigations conducted by the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Metropolitan Police Department.

During the same period, I successfully prosecuted two significant criminal cases against a drug trafficking organization that involved violations of RICO, narcotics conspiracy and numerous crimes of violence including first degree murder.

In June 1993, I was assigned to the Sex Offense Section, Superior Court Division. I was responsible for the investigation, indictment and trial of sex offenses and child abuse crimes. A special component of that prosecutorial assignment included work with child victims who experienced psychological trauma as a result of physical and sexual abuse.

In May 1995, I joined the Drug Enforcement Administration, Office of Chief Counsel, as an attorney-Advisor. My duties included providing advice and assistance to the Administrator of DEA, United States Attorneys Offices, and other elements of the executive branch on criminal issues and policy relating to the enforcement of laws related to drug offenses. Additionally, my duties included responding to Congressional inquires on issues of law enforcement policy relating to drug offenses; assisting in the development of policies and procedures implemented by DEA; review of requests for sensitive and difficult electronic surveillance orders; all proposals to utilize sensitive investigative techniques; providing legal support to field personnel; and the training of field personnel on criminal law and criminal procedure issues at the FBI/DEA National Academy in Quantico, Virginia.

From August 1996 through 1997, I served as a trial attorney detailed from the DEA, Office of Chief Counsel, to the Civil Rights Section, National Church Arson Task Force (NCATF). As an NCATF attorney, my duties included all aspects of the investigation and prosecution in federal courts of persons charged with the arson of religious property. I was responsible for establishing lines of responsibility and coordinating with United States Attorney's Offices; meeting and conferring with officials from other components of the Department of Justice, other agencies (including state and local agencies) and interested private organizations. Additionally, in the absence of the Director of the NCATF, I served as the Acting Director of the NCATF.

In October 1997, I was promoted to Associate Chief Counsel, Chief, Domestic Criminal Law Section, DEA, Office of Chief Counsel. As an Associate Chief Counsel I was responsible for the management of administrative and operational functions of the Criminal Law Section. Duties included the establishment of clear and concise performance goals for the Criminal Law Section, ensuring the effective use of personnel and physical resources, and the direct supervision of five attorneys and support staff; as well as, providing advice and guidance to the Chief Counsel, and other key DEA officials on matters of legal significance which affect the policies and procedures of DEA.

In 1998, I returned to the Office of the United States Attorney for the District of Columbia as a supervisory Assistant U.S. Attorney. Initially as Deputy Chief of the Narcotics Section, and presently as Chief of the Section. As Chief of the Narcotics Section, I am responsible for all administrative and operational functions of the Section. Duties include the supervision of two deputy chiefs, one unit chief, line AUSAs, and support staff; as well as, providing advice and guidance to the Chief of the Criminal Division, the United States Attorney and executive staff.

c. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

I have practiced law exclusively as a government attorney.

d. Describe the general nature of your litigation experience, including:

(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.

(2) What percentage of these appearances was in:

(a) Federal courts (including Federal courts in D.C.);
(b) State courts of record (excluding D.C. courts);
(c) D.C. courts (Superior Court and D.C. Court of Appeals only);
(d) other courts and administrative bodies.

(3) What percentage of your litigation has been:

(a) civil;
(b) criminal.

(4) What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.

(5) What percentage of these trials was to

(a) a jury;
(b) the court (include cases decided on motion but tabulate them separately).

(1) From 1984 through 1987, I was employed by the Department of Housing of Urban Development as an attorney-advisor. In that capacity, I appeared as sole counsel before various United States District Courts throughout the United States. In 1987, I joined the United States Attorney's Office for the District of Columbia as an Assistant U.S. Attorney. As a result, I appeared frequently in court during the period from 1987 through 1995.

In 1995 I joined the Drug Enforcement Administration, Office of Chief Counsel, as an attorney-adviser, and was later elevated to the position of Associate Chief Counsel. Neither position required that I appear in court.

During the period 1996 through 1997 I served on a detail in the Department of Justice, Criminal Division, Civil Rights Section, on the National Church Arson Task Force. The position required that I represent the United States in United States District Courts throughout the United States.

In 1998 I returned to the United States Attorney's Office in a supervisory capacity. Initially, I served as the Deputy Chief of the Narcotics Section. Beginning in 1999, and presently I serve as the Chief of the Narcotics Section. As a supervisor I am not required to appear in court.

(2) Sixty percent of my court appearances were before the Superior Court of the District of Columbia and the District of Columbia Court of Appeals, the remaining forty percent of court appearances were before United States District Courts in the District of Columbia, Eastern District of North Carolina, and Nevada.

(3) My litigation experience has involved 30 % civil and 70 % criminal matters.

(4) Throughout my career I have tried approximately 185 cases to verdict. I acted as sole counsel in all except approximately 10 instances.

(5) (a) Approximately 80 percent of the cases I tried to verdict were jury trials.

(b) Approximately 20 percent of the cases I tried to verdict were non-jury trials.

18. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and 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 court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.

During the course of my career, I have participated in the litigation of civil cases, and the investigation and prosecution of over a thousand criminal cases. I respectfully submit the following case summaries in response to this question.

1. The case of *Hinkel v. United States*, 544 A.2d 283 (D.C. 1988)(Hon. James A. Belson, John A. Terry, and George R. Gallagher), was one of the first cases I handled in the Appellate Section of the United States Attorney's Office. It represented a matter I argued before the District of Columbia Court of Appeals wherein the court specifically accepted a legal authority relied upon in the government's brief. *Hinkel* was a drug case, wherein the defendant had been arrested after being observed selling heroin to an undercover police officer. The testimony of the undercover police officer was repeatedly tested under cross-examination by defense counsel and several inconsistencies were exposed. In an attempt to rehabilitate the officer, the prosecutor sought to elicit from the officer testimony that his recollection of the incident was vivid. In doing so, the officer testified that he remembered the defendant because he had previously arrested him. This response became an issue addressed by the District of Columbia Court of Appeals. In responding to the issue in the government's brief, I relied upon a 20-year-old, U.S. District Court for the District of Columbia, case which had similar facts (*Carter v. United States*, 278 F.2d 640 (1960)). In the reported decision the Court of Appeals acknowledged the correctness of that decision, stating "[w]ith respect to the officer's testimony in the instant case, clearly 'it was unfortunate that such a statement was made... [citation omitted] In our view, however, the government's reliance on Carter is rightly placed.'"

Appellate counsel was Thomas K. Clancy, (formerly) 601 Indiana Avenue, N.W., Suite 605, Washington, D.C. 20004.

2. *Everett E. Bernard and Heron L. Redmon v. United States*, 575 A.2d 1191 (D.C. 1990)(hereinafter *Bernard*), represented my first experience conducting a multi-defendant prosecution. The matter was tried before the Honorable Richard S. Salzman, Superior Court of the District of Columbia. In *Bernard*, a team of Metropolitan Police officers were conducting narcotics investigations in the 7300 block of Georgia Avenue, N.W., Washington, D.C. One officer was positioned in an upper floor of a building, observing the street activities below. He saw Mr. Bernard repeatedly conversing with persons and handing them small plastic objects in exchange for money. When it seemed that Mr. Bernard ran out of the objects, he was seen to go to a doorway of a nearby building, and remove similar objects from a brown bag secreted on a ledge above the door. As the officer watched, he also saw Mr. Redmon go to the bag and remove items from it. Mr. Redmon was then observed to place the items in his pocket and exchange them for currency from a number of individuals. Subsequently, the officers arrested Merrs. Bernard and Redmon, recovered $390 and $212 from defendants. Bernard and Redmon respectively. The officers also recovered a brown paper bag from the ledge of a nearby doorway, which contained twenty ziplock bags of marijuana and six clear bags of cocaine. Both defendants were found guilty and sentenced to periods of incarceration. This case was significant for me because it required that I research issues of dominion and control as they related to possession of controlled substances and present the results of my research in a manner that would be well received by both the court and the jury.

Additionally, this case taught me to maintain my composure and rely upon my training and (then limited) experience when faced with sudden adversity. The reported decision does not mention that during the testimony of the officer making the observations, he was asked to identify Mr. Redmon by describing his clothing and where he was seated in the courtroom. The officer then began to describe Mr. Redmon's attorney. Midway through the description, the officer realized his mistake and attempted to correct his testimony. At the time, that incident was devastating to me. I was a young prosecutor, with limited experience and had no idea how I would rehabilitate the officer. However, I maintained my composure, and had the officer explain that he was somewhat disoriented because he had worked the night-shift the previous night and had been sleeping in the witness waiting room immediately prior to entering the courtroom to testify. Following that incident, I gained some measure of confidence that good preparation and professionalism would enable me to manage difficult, unexpected situations. I have relied upon this lesson countless times throughout my career.

Counsel in the *Bernard* case were: John Chamble, 6411 Ivy Lane #710, Greenbelt MD 20770, (301) 344-0600 and Peter Meyers, 2000 G Street NW #200, Washington, D.C. 20052, (202) 994-5793.

3. The case of *United States v. Orthnell D. Williams*, reported at 730 F.Supp. 455 (D.D.C. 1990), marked one of my first instances working on a multi-jurisdictional case. The reported decision discusses the Honorable Stanley Sporkin's rational for denying the defendant's motion to suppress 275.11 grams of cocaine base (crack) found in his luggage following the execution of a search warrant.

A Park Police Officer had received information about a homicide including a composite drawing of a suspect. The composite drawing included a description of the wanted suspect. On the same day that the Park Police Officer received the information, he and another officer were monitoring buses arriving from New York City at the D.C. Trailways/Greyhound bus station as part of a drug interdiction program. The officers saw the defendant and noted that he strongly resembled the suspect in the composite drawing. They approached the defendant, identified themselves as police officers and explained to the defendant that he resembled the composite drawing. The defendant was questioned and asked for identification. Failing to satisfactorily present identification, the officers asked the defendant for his wallet. When the officers looked in the wallet, they found marijuana. The defendant was arrested. Following his arrest, he was asked if he had any luggage on the bus, to which he replied negatively. During the booking process the officers explained that the arrest for possession of marijuana was a misdemeanor and that there was a possibility that the case may not be prosecuted. The defendant then informed the police officers that he had lied about not having any luggage. He described the luggage and asked the officers for their assistance in retrieving the bags. The officers contacted the Virginia State Police, who in turn contacted the Richmond City Police. A detective from the Richmond City Police retrieved the bag and obtained a search warrant to open it. When the bag was opened it was found to contain 275.11 grams of cocaine base.

This case was significant because it was one of the first occasions where I presented the efforts of multiple law enforcement agencies in a prosecution. The case afforded me the opportunity to learn and understand how law enforcement agencies work together to combat crime.

Counsel for Orthnell Williams was W. Gary Kohlman, 805 15th Street, N.W., Washington, D.C. 20005, (202) 842-2600.

4. The cases of *United States v. Kevin Williams-Davis, et al.*, ("Williams-Davis") 91-0559, reported at 90 F.3d 490 (D.C. 1996), represented the first time the United States Attorney's Office for the District of Columbia had attempted to apply the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 et seq., to a neighborhood street gang. The case was also significant because the criminal activity spanned a nine-year period and involved a connection with a Columbian narcotics distributor.

The case involved a 115-count indictment that charged 24 defendants with operating a Racketeer Influenced Corrupt Organization and Conspiracy to Distribute Narcotics, and also charged four defendants with operating a Continuing Criminal Enterprise. The indictment further alleged that the "R Street Organization" distributed more than $50 million dollars worth of cocaine, crack, heroin, phencyclidine ("PCP") and marijuana from 1983 to 1991 in the McKinley Technical High School neighborhood of Northeast Washington, D.C. In addition, as part of the RICO enterprise, the indictment charged various members of the organization with more than 50 counts of drug distribution, 3 counts of first degree murder, and 13 counts of attempted murder. The indictment also sought the forfeiture of two houses, 14 automobiles, and $50 million in drug proceeds.

The trial judge was the Honorable George H. Revercomb in the United States District Court for the District of Columbia. Judge Revercomb initially severed the case into four trials. Ultimately, only two trials were conducted. I served as co-counsel with two other Assistant United States Attorneys during each trial.

The first trial, commenced on February 19, 1992, and included the presentation of over one hundred and twenty witnesses. The trial extended over a five month period, concluding in July 1992. The jury acquitted all defendants of the RICO violations, but otherwise convicted each of the five defendants of drug conspiracy and convicted some defendants of money laundering, second-degree murder, multiple narcotics trafficking violations. All but one of the defendants was sentenced to imprisonment for life.

Prior to trial, I presented witnesses to the grand jury and argued procedural and substantive motions. At trial, I was responsible for the preparation and presentation of numerous witnesses who offered evidence of various offenses including homicide, multiple narcotics-trafficking offenses and money laundering. In addition, I delivered the government's rebuttal argument.

Counsel for the defendants in the *Williams-Davis, et al.* case were: William J. Garber, 717 D Street, N.W., #490, Washington, D.C. 20004, (202) 638-4667; Leonard E. Birdsong, 1400 16th Street, N.W., Washington, D.C. 20036, (202)939-3350; Kenneth Michael Robinson, 717 D Street, N.W., Washington, D.C. 20004, (202) 347-6100; Gregory English, Jacovitz, English & Smith, 526 King Street, Suite 209, Alexandria, VA 22314, (703) 548-8911; and Daniel Ellenbogen, 717 D Street, N.W., Washington, D.C. 20004, (202) 628-1230.

5. The companion case to *United States v. Kevin Williams-Davis, et al.*, is captioned *United States v. Andre Williams, et al.* , reported at 138 F.3d 421 (D.C. 1998). In this second trial five defendants were prosecuted. This trial spanned four months and included the presentation of much of the same evidence presented during the first trial of the R Street Crew.

The *Williams-Davis* case provided me with an opportunity to investigate and prosecute a complex criminal matter involving the interplay of federal statutes and local laws. In addition, the case afforded me a unique opportunity to enforce the provisions of RICO against a District of Columbia narcotics-trafficking organization.

Counsel for the defendants in *United States v. Andre Williams, et.al.* were: James T. Maloney, Esq., 4201 Connecticut Avenue, N.W., Suite 404, Washington, D.C. 20004, (202) 966-5515; Honorable Robert E. Morin, Associate Judge, Superior Court of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001, (202) 879-1010; Dennis Hart, Esq., 717 D Street, N.W., Washington, D.C. 20004, (202) 546-7770; Frederick D. Jones, III, Esq., 901 6th Street, N.W., Apt. 409, Washington, D.C. 20024, (202) 484-8172; Bernard Grimm, Esq., 717 D Street, N.W., Washington, D.C. 20004, (202) 371-0300; and Paul E. Kay, Esq., 1010 Vermont Avenue, N.W., #716, Washington, D.C. 20005, (202) 737-2238.

19. Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).

During my tenure with the Drug Enforcement Administration, I frequently lectured Agents on various subjects involving criminal law and procedure. Those lectures were generally given at the Federal Bureau of Investigation National Academy in Quantico, Virginia. Additionally, I recently lectured at the Department of Justice, National Advocacy Center, in Columbia, South Carolina, on the application of the Federal Sentencing Guidelines in narcotics cases.

20. Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.

    a. List all court decisions you have made which were reversed or otherwise criticized on appeal.

    I have not held judicial office.

21. Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).

    In September 1994, I applied for a position as a Hearing Commissioner, in the Office of Hearing Commissioner, Superior Court of the District of Columbia. Although I was selected as a finalist for the position following my September 1994, application, I was not selected to fill the position.

    In July 2000, the Judicial Nomination Commission recommended me, as one of three persons, to fill a judicial vacancy on the Superior Court of the District of Columbia.

22. Political activities and affiliations.

    a. List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.

    I have not held or sought public office as a candidate or applicant.

    b. List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.

    I have not held a membership or office in or rendered services to any political party or election committee during the last ten (10) years.

    c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last ten (10) years.

    I have not made any political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last ten (10) years.

23. Have you ever been investigated, arrested, charged, held or convicted (include pleas of nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, regulation, or ordinance other than for a minor traffic offense?

I have never been investigated, arrested, charged, held or convicted by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, regulation, or ordinance other than for a minor traffic offense.

24. Have you or any business of which you are or were a officer ever been a party or otherwise involved as a party in any other legal or administrative proceedings. If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a coconspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.

No.

25. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.

I have never been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group.

II. POTENTIAL CONFLICTS OF INTEREST

1. Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?

   I will sever all connections with my present employer if I am appointed. I am not presently associated with any business firms, associations or organizations.

2. Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.

   None.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.

   I am not aware of any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.

4. Describe any business relation, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest.

   None.

5. Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy.

   None.

6. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.

   I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service as a judge.

7. Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.

   In the event of any potential conflict of interest, I would follow the Code of Judicial Conduct, explain the nature of the potential conflict to the parties appearing before me to determine if there existed any objection to my continuing to preside over the matter. In the event parties did not agree to my continued participation in the case, or where my interest was substantial, or in the event I did not feel that I could maintain my impartiality, I would recuse myself.

8. If confirmed, do you expect to serve out your full term?

   Yes.

III. FINANCIAL DATA

The Answers to the Financial portion of the Questionnaire are available for inspection in SD-340.

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 11-1501(b), as amended.

1. Are you a citizen of the United States?

   I am a citizen of the United States.

2. Are you a member of the bar of the District of Columbia?

   I am a member of the bar of the District of Columbia.

3. Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.

   Yes, I have been an active member of the bar of the District of Columbia Bar for at least five (5) years. I became a member of the District of Columbia Bar on May 17, 1985.

4. If the answer to Question 3 is "no" --

   a. Are you a professor of law in a law school in the District of Columbia?

   b. Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?

   c. Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?

   d. Upon what grounds is that eligibility based?

5. Are you a bona fide resident of the District of Columbia?

   Yes, I am bona fide resident of the District of Columbia.

6. Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.

1993 - 2000	1316 Underwood Street, N.W. Washington, D.C. 20011
2000- present	----------

7. Have you maintained an actual place of abode in such area for at least five (5) years?

   Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?

   No.

9. Have you been a member of either of these Commissions within the last 12 months?

   No.

10. Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination Commission questionnaire.

    Please see the attached copies of my District of Columbia Judicial Nomination Commission questionnaire.

AFFIDAVIT

Odessa F. Vincent, being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

Odessa F. Vincent

SUBSCRIBED and SWORN TO before me this 25th day of June 2001.

Notary Public