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**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**

**In the Matter of**

**AMANDA HAINES, ESQ.**

**Respondent,**

**An Attorney Licensed to Practice  
Law in New York**

**Disciplinary Docket No. 2016-D261**

**FERNANDO CAMPOAMOR-SÁNCHEZ, ESQ.**

**Respondent,**

**Member of the Bar of the District of  
Columbia Court of Appeals  
Bar No.: 451210**

**Disciplinary Docket No. 2016-D262**

**RESPONDENT FERNANDO CAMPOAMOR-SÁNCHEZ'S ANSWER  
TO DISCIPLINARY COUNSEL'S SPECIFICATION OF CHARGES**

Respondent Fernando Campoamor-Sánchez ("Mr. Campoamor-Sánchez") by and through his undersigned attorneys, responds as follows to the allegations in the Specification of Charges filed by the District of Columbia Office of Disciplinary Counsel.

**PRELIMINARY STATEMENT**

The following matters are incorporated into responses to each paragraph of the Complaint:

A. Mr. Campoamor-Sánchez responds only on behalf of himself. Where allegations are made against "Respondents" collectively, however described, the responses of Mr. Campoamor-Sánchez apply only to Mr. Campoamor-Sánchez.

B. The Complaint contains purported references to documents and third-party statements that have often been excerpted, paraphrased, characterized, and otherwise taken out of

context. These documents and third-party statements should be considered in context and in unmodified form, and Mr. Campoamor-Sánchez respectfully refers the Disciplinary Board (“the Board” or “Board”) to the respective materials for their complete contents.

C. Except as otherwise expressly stated herein, Mr. Campoamor-Sánchez denies each allegation in the Specification of Charges, including any allegations in the preamble, unnumbered paragraphs, or subparagraphs, and specifically denies that he violated any rule of professional responsibility.

D. Mr. Campoamor-Sánchez reserves the right to seek to amend and supplement his Answer as may be appropriate or necessary.

**ANSWERING THE PREAMBLE**

*The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).*

*Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:*

**ANSWER:** Mr. Campoamor-Sánchez admits that the Board has instituted these proceedings as described in the Preamble to the Specification of Charges, and that the Board has jurisdiction over him for purposes of this proceeding, but denies that he engaged in any conduct in violation of the standards governing the practice of law in the District of Columbia.

1. *Respondent Amanda Haines is an attorney admitted by the New York State Court of Appeals in 1991 to practice law in New York State. At all relevant times, she was an Assistant United States Attorney for the District of Columbia and practiced in the local courts of the District of Columbia pursuant to D.C.C.A. Rule 49(c)(1).*

**ANSWER:** Mr. Campoamor-Sánchez states that the allegations of Paragraph 1 are not directed to him, such that no response is required. To the extent that a response is required, Mr. Campoamor-Sánchez admits that from 2008 to 2010 he worked with Ms. Haines while both were employed as attorneys in the United States Attorney’s Office for the District of Columbia (USAO-DC). Mr. Campoamor-Sánchez is otherwise without sufficient knowledge to admit or deny the allegations of Paragraph 1.

2. *Respondent Fernando Campoamor-Sánchez is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on June 3, 1996 and assigned Bar number 451210. At all relevant times, he was an Assistant United States Attorney for the District of Columbia.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of the first sentence of Paragraph 2 and further admits that he served as an Assistant United States Attorney for the District of Columbia from 2004 to 2019. He is now a trial attorney with the U.S. Securities and Exchange Commission.

**ANSWERING COUNT I**

*The conduct and standards that Ms. Haines and Mr. Campoamor-Sánchez have violated, and the relevant facts, are as follows:*<sup>1</sup>

3. *In May 2001, Chandra Levy was murdered while jogging in Rock Creek Park. Her body was discovered a year later.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 3.

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<sup>1</sup> Mr. Campoamor- Sánchez denies the allegation that he violated any rule of professional conduct or standards in the unnumbered preamble statement preceding Paragraph 3.

4. *Ms. Levy's disappearance and death received national media attention because the investigation revealed that she had been romantically involved with Gary Condit, a married congressman from California, at the time she disappeared.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 4.

5. *A suspect in the murder was Ingmar Guandique, who in February 2002 had pled guilty to assaulting two women in Rock Creek Park around the time that Ms. Levy was killed and was serving a ten-year sentence in federal prison. Mr. Guandique denied involvement with the murder and passed a polygraph test, leading law enforcement to focus their attention elsewhere.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations in the first sentence. With respect to the second sentence, Mr. Campoamor-Sánchez admits that Mr. Guandique denied involvement with the murder, but denies that Mr. Guandique “passed” a polygraph test, because the test was improperly administered, thereby putting the result in question. Mr. Campoamor-Sánchez further denies any implication that Mr. Guandique was innocent or that a polygraph test is reliable evidence of guilt or innocence.

6. *The initial investigation into Ms. Levy's murder did not lead to any arrests or indictments.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 6.

7. *In 2008, Ms. Haines, an experienced AUSA specializing in cold cases, was assigned to handle the investigation of Ms. Levy's murder. She asked Mr. Campoamor-Sánchez to assist her in the case as second chair.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 7, except that he is without sufficient knowledge to admit or deny exactly when Ms. Haines began working on

the Levy case. Mr. Campoamor-Sánchez further states that he began working on the Levy case in or about September 2008.

8. *Ms. Haines and Mr. Campoamor-Sánchez focused their investigation on Mr. Guandique. Several inmates with whom Mr. Guandique had been incarcerated over the years had reported that Mr. Guandique had confessed to the murder of Ms. Levy.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 8, except to state that Ms. Haines, as lead prosecutor on the case, had already focused the investigation on Mr. Guandique by the time Mr. Campoamor-Sánchez joined the team.

9. *One of those inmates was Armando Morales. Mr. Morales was a founding member of the Fresno Bulldogs, a street gang based in Fresno, California. In 1997, Mr. Morales pled guilty to federal drug-related felonies and was sentenced to 21 years in prison. After pleading guilty in California, Mr. Morales had made numerous attempts to cooperate with law enforcement in exchange for benefits, including offering to testify that certain gang members had committed murder.*

**ANSWER:** Mr. Campoamor-Sánchez denies that Mr. Morales was among the several inmates who reported that Mr. Guandique had confessed to the murder of Ms. Levy prior to the time Mr. Campoamor-Sánchez joined the team. Mr. Morales did not come to the attention of the prosecution until March 2009. Mr. Campoamor-Sánchez admits the other allegations of Paragraph 9 based on his current knowledge, but denies any implication that he knew, either before or during Mr. Guandique's trial, that Mr. Morales "had made numerous attempts to cooperate with law enforcement in exchange for benefits, including offering to testify that certain gang members had committed murder." Mr. Campoamor-Sánchez states that it was not until 2012 that he learned of such attempts by Mr. Morales. Mr. Campoamor-Sánchez further states that at the time

Ms. Haines and he learned – on or about March 24, 2009 – of Mr. Guandique’s confession to Mr. Morales, they already had identified other confession witnesses, caused an arrest warrant for Mr. Guandique to be issued, and were working with the grand jury to indict Mr. Guandique.

10. *In 2006, Mr. Morales and Mr. Guandique were housed together at Big Sandy Penitentiary in Kentucky.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 10.

11. *Sometime later, Mr. Morales was transferred to the Coleman Federal Corrections Institution in Florida. In 2008, Mr. Morales joined Coleman’s “skills programs” and was mentored by another inmate, Miguel Zaldivar. In February 2009, after seeing on the news that Mr. Guandique was the prime suspect in the Levy murder, Mr. Morales told Mr. Zaldivar that Mr. Guandique had confessed to the murder of Ms. Levy to him.*

**ANSWER:** Mr. Campoamor-Sánchez admits the first sentence of Paragraph 11. Mr. Campoamor-Sánchez further admits that Mr. Morales told Mr. Zaldivar that Mr. Guandique had confessed to the murder of Ms. Levy. Mr. Campoamor-Sánchez denies that Mr. Morales provided this information to Mr. Zaldivar after seeing news that Mr. Guandique was the prime suspect in the Levy murder. To the contrary, a letter from Mr. Zaldivar to the government, *see* Paragraph 12 below, states that Mr. Morales told Mr. Zaldivar in January 2009 that he knew who killed Chandra Levy, before the news report in February 2009 that Mr. Guandique was the prime suspect. In addition, Mr. Morales confirmed in his testimony to the grand jury that he first told Mr. Zaldivar about Mr. Guandique and Ms. Levy before Mr. Morales saw the television news report.

12. *On February 23, 2009, Mr. Zaldivar sent a letter to the Department of Justice attorney who had previously prosecuted him. The first page of the Zaldivar letter described Mr. Morales and his background:*

*I met Morales about ten months ago when he transferred in from FCC Coleman USP2 to participate in FCC Coleman-Medium's Skills Program. Morales is a 49- year-old Mexican-American from Fresno, California. He is one of the founders of the Fresno Bulldogs -- a notorious gang closely associated with the Mexican Mafia (see enclosed docs.). However, Morales is also a drop-out; he debriefed to law enforcement about his gang involvement and is no longer considered an active member.*

*The second and third pages of the Zaldivar letter contained a block quote from Mr. Morales describing Mr. Guandique's confession. The DOJ attorney passed on the letter to Ms. Haines and Mr. Campoamor-Sánchez.*

**ANSWER:** Mr. Campoamor-Sánchez admits that Mr. Zaldivar sent a three-page letter to a Department of Justice (DOJ) attorney in February 2009, but states that the letter should be considered in its entirety and respectfully refers the Board to the letter for its full and complete contents. Mr. Campoamor-Sánchez further states that the first page of the letter recounts the circumstances under which Mr. Morales told Mr. Zaldivar about Mr. Guandique's confession in addition to describing Mr. Morales and his background. Mr. Campoamor-Sánchez also states that he and Ms. Haines received the letter on or about March 24, 2009.

13. *In criminal cases with a cooperating witness, the witness' history of cooperation is routinely made an issue by the defense during cross-examination. Upon reading the Zaldivar letter, Ms. Haines and Mr. Campoamor-Sánchez knew or should have known that Mr. Morales's prior debriefing with law enforcement was significant to his credibility.*

**ANSWER:** Mr. Campoamor-Sánchez denies that Mr. Morales was "a cooperating witness," as that term is used within the USAO-DC, because he did not ask for any benefits in

exchange for his testimony. Mr. Campoamor-Sánchez is without sufficient knowledge to admit or deny the allegations in the first sentence of Paragraph 13 as to what criminal defense lawyers “routinely” do. Mr. Campoamor-Sánchez denies the allegations in the second sentence of Paragraph 13.

14. *In March 2009, Mr. Guandique was arrested for the murder of Ms. Levy.*

**ANSWER:** Mr. Campoamor-Sánchez denies the allegations of Paragraph 14.

Mr. Guandique was arrested in April 2009.

15. *On April 16, 2009, Mr. Morales was transferred to a local correctional facility so that he could testify before the grand jury in Washington, DC, that had already been impaneled to hear evidence and determine whether to indict Mr. Guandique. The next day, Mr. Campoamor-Sánchez and three Metropolitan Police Department detectives met with Mr. Morales. Ms. Haines was out of town.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 15.

16. *On April 20, 2009, Mr. Morales testified before a grand jury in D.C. Superior Court and Mr. Campoamor-Sánchez conducted the examination. Mr. Morales testified that he did not come forward with the information about Mr. Guandique’s 2006 confession until 2009 because the skills program had “chang[ed his] value system” and had caused him to “try[] to become a better man, a better person.” With respect to coming forward against Mr. Guandique, Mr. Morales testified that he had “never done that before” and “never done nothing like that.” Mr. Campoamor-Sánchez did not explore the contradiction between that testimony and Mr. Morales’s prior debriefing to law enforcement.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations in the first three sentences of Paragraph 16, except that he states that Mr. Morales’ grand jury testimony should be considered in



its entirety and respectfully refers the Board to the transcript of this testimony for its full and complete contents. With respect to the fourth sentence, Mr. Campoamor-Sánchez denies that there was a “contradiction” between Mr. Morales’ statement in the grand jury that he had never informed on anyone and the statement in the Zaldivar letter that Mr. Morales had debriefed to law enforcement on his own gang involvement.

17. *Mr. Campoamor-Sánchez introduced the Zaldivar letter as a grand jury exhibit. Ms. Haines and Mr. Campoamor-Sánchez did not explore the statement in the Zaldivar letter that Mr. Morales had previously “debriefed to law enforcement about his gang involvement . . . .”*

**ANSWER:** Mr. Campoamor-Sánchez admits that he introduced the entire, three-page letter written by Mr. Zaldivar as an exhibit before the grand jury, including the page containing the statement quoted in Paragraph 12. Mr. Campoamor-Sánchez admits that he did not question Mr. Morales about the statement in the Zaldivar letter quoted in Paragraph 17 during Mr. Morales’ grand jury testimony but denies the implication that there was any reason or need to “explore” the quoted statement. Mr. Campoamor-Sánchez further states that Mr. Morales’ grand jury testimony should be considered in its entirety and respectfully refers the Board to the transcript of this testimony for its full and complete contents. With respect to the allegation in Paragraph 17 concerning Ms. Haines, Mr. Campoamor-Sánchez is without sufficient knowledge to admit or deny what Ms. Haines discussed or explored with Mr. Morales.

18. *On May 19, 2009, the grand jury returned an indictment charging Mr. Guandique with kidnapping, attempted sexual assault, and murder.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 18.

19. *Mr. Guandique was represented by Santha Sonenberg and Maria Hawilo of the Public Defender Service for the District of Columbia.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 19.

20. *Ms. Sonenberg and Ms. Hawilo made broad requests to the government for exculpatory evidence, including impeachment evidence pertaining to the government's witnesses.*

**ANSWER:** Mr. Campoamor-Sánchez admits that defense counsel made a large number of discovery requests, but he cannot admit or deny the rest of the allegations in Paragraph 20 because he does not have access to all of those discovery requests. Mr. Campoamor-Sánchez respectfully directs the Board to the transcripts of pre-trial hearings conducted on July 16, 2010 and August 20, 2010, wherein the presiding Judge heard argument and made rulings regarding the scope and timing of disclosure of evidence.

21. *Ms. Haines and Mr. Campoamor-Sánchez initially planned that Mr. Campoamor-Sánchez would be responsible for examining Mr. Morales at trial because he had questioned him in the grand jury and had already met with him. However, by the week of September 13, 2010, Ms. Haines had decided that she would present Mr. Morales's testimony at trial and informed Mr. Campoamor-Sánchez as much. Ms. Haines and Mr. Campoamor-Sánchez viewed Mr. Morales as one of their most important witnesses for the upcoming trial, and ultimately, he was the only inmate they called to testify about Mr. Guandique's confession or confessions to the murder.*

**ANSWER:** Mr. Campoamor-Sánchez denies the allegations of the first and second sentences of Paragraph 21 and states that Ms. Haines informed him that he would not be responsible for Mr. Morales' trial testimony in mid-to-late August 2010, around the time of the initial witness assignments. Except for a brief period in mid-September, when Ms. Haines considered a potential change to witness allocations, Mr. Campoamor-Sánchez understood that Ms. Haines would present Mr. Morales' testimony at trial. Mr. Campoamor-Sánchez admits that

he regarded Mr. Morales as an important witness and that Mr. Morales was the only inmate called to testify regarding Mr. Guandique's confession, but denies any implication in the third sentence of Paragraph 21 that Mr. Campoamor-Sánchez had decision-making authority regarding witnesses to be called at trial. There were additional confession witnesses on the government's witness list whom Mr. Campoamor-Sánchez advocated calling, but the government did not call.

22. *Ms. Haines asked Mr. Campoamor-Sánchez to draft a letter to the defense disclosing impeachment evidence, as required by Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972), for the government witnesses, including Mr. Morales, who were to testify that Mr. Guandique had confessed to Ms. Levy's murder. Mr. Campoamor-Sánchez prepared a first draft of the letter and Ms. Haines revised it before sending the letter to defense counsel on September 22, 2010. Ms. Haines and Mr. Campoamor-Sánchez intentionally failed to disclose in the letter that Mr. Morales had previously debriefed with law enforcement.*

**ANSWER:** Mr. Campoamor-Sánchez admits that, at the request of Ms. Haines, he began to prepare a letter to defense counsel disclosing impeachment evidence, as directed by the Court, but denies that he ever prepared a complete draft of that letter. Rather, at Ms. Haines' request, he sent a partial, working draft to Ms. Haines at which time she took over drafting responsibilities. Mr. Campoamor-Sánchez otherwise denies the allegations of Paragraph 22, including any implication that he had decision-making authority or role regarding the content of the final disclosure letter. Ms. Haines substantially revised Mr. Campoamor-Sánchez's partial draft of the disclosure letter, she did not discuss with Mr. Campoamor-Sánchez what would be included in the letter, she did not send her final version of the letter to Mr. Campoamor-Sánchez for his review prior to sending the letter to the defense, and she removed Mr. Campoamor-Sánchez's name from the signature block of the letter that was sent to the defense. The final version of the letter truthfully

states that Mr. Morales did not receive any benefit for his testimony and also disclosed the benefits that other confession witnesses received or requested. Mr. Campoamor-Sánchez denies the allegation as to him in the last sentence of Paragraph 22 and lacks sufficient knowledge to admit or deny that allegation as to Ms. Haines.

23. *On October 5, 2010, Ms. Haines met Mr. Morales and began to prepare him to testify. At that meeting, Ms. Haines asked Mr. Morales about his previous debriefing with law enforcement. He explained that in 1998, while incarcerated in federal prison in Atlanta, he had debriefed with a California gang unit. Ms. Haines knew or should have known that Mr. Morales's prior debriefing to law enforcement undercut his claim that the reason he did not come forward with the information about Mr. Guandique earlier because he still had a thug mentality, rather than for other personal reasons. Nonetheless, Ms. Haines and Mr. Campoamor-Sánchez made no subsequent Brady/Giglio disclosures about the "debriefing."*

**ANSWER:** Mr. Campoamor-Sánchez admits that Ms. Haines met with Mr. Morales on October 5, 2010. Although Ms. Haines had decided that she would take responsibility for Mr. Morales, Mr. Campoamor-Sánchez believes that he attended the meeting described in the first sentence of Paragraph 23 for the purpose of introducing Ms. Haines to Mr. Morales. Ms. Haines, however, conducted the questioning of Mr. Morales at that meeting, and Mr. Campoamor-Sánchez does not have a clear recollection of what was said nor did he take any notes during this meeting. Mr. Campoamor-Sánchez denies the allegation that Mr. Morales' prior debriefing with law enforcement about his gang involvement (which appears on page one of Mr. Zaldivar's letter) "undercut" or otherwise impeached Mr. Morales' testimony as to why he had not come forward with information earlier. Mr. Campoamor-Sánchez also denies that the prosecution team did not disclose Mr. Morales' debriefing with law enforcement about his gang involvement, because he

believes that page one of the Zaldivar letter was disclosed to the defense. Mr. Campoamor-Sánchez lacks sufficient knowledge to admit or deny the allegations in Paragraph 23 concerning Ms. Haines.

24. *Had Respondents disclosed Mr. Morales's prior debriefing to the defense, the defense would have known to investigate Mr. Morales's history of cooperation with law enforcement.*

**ANSWER:** Mr. Campoamor-Sánchez lacks sufficient knowledge to admit or deny what defense counsel might have done, and he denies the implications in Paragraph 24 that defense counsel did not receive the relevant portion of the letter sent by Mr. Zaldivar.

25. *On October 7, 2010, AUSA Chris Kavanaugh was assigned to assist Ms. Haines and Mr. Campoamor-Sánchez at the upcoming trial.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 25.

26. *On October 18, 2010, jury selection commenced in the Guandique trial.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 26.

27. *In advance of Mr. Morales's testimony, the prosecution team prepared a packet containing substantially verbatim statements made by Mr. Morales to to [sic] the defense as required by the Jencks Act, 18 U.S.C. §3500. The packet contained the transcript of Mr. Morales's grand jury testimony and the second and third pages of the Zaldivar letter containing Mr. Morales's statement, but not the first page containing Mr. Zaldivar's comments about Mr. Morales. On November 2, 2010, Mr. Kavanaugh hand-delivered the Jencks packet to Ms. Hawilo.*

**ANSWER:** Mr. Campoamor-Sánchez denies that he participated in the preparation of the packet of Jencks material for Mr. Morales and therefore lacks firsthand knowledge of what was

included in the packet. However, on information and belief, including the statement of Mr. Kavanaugh to DOJ's Office of Professional Responsibility (OPR), Mr. Campoamor-Sánchez believes that the *Jencks* packet included page one of the Zaldivar letter, and that if page one was omitted from the packet, it was provided to the defense during the trial. Furthermore, pages two and three of the Zaldivar letter were sequentially numbered (2, 3), and it is inconceivable that Mr. Guandique's experienced and assertive counsel would not have not have pressed the government and the Court, before or during the trial, on the record, for disclosure of page one if they had only pages numbered 2 and 3. In addition, during Mr. Morales' grand jury testimony, Mr. Campoamor-Sánchez directed Mr. Morales' attention to information from page one of the Zaldivar letter that does not appear on pages two or three. There is no dispute that the transcript of the grand jury testimony was furnished to defense counsel. Accordingly, the reference to information that does not appear on pages two or three would have alerted defense counsel to the existence of page one, if in fact they did not have it.

28. *Even if the Zaldivar letter had been produced as Jencks material, the disclosure would not have been made at a time when use by the defense was reasonably feasible.*

**ANSWER:** Mr. Campoamor-Sánchez denies the allegations of Paragraph 28.

29. *On November 4, 2010, Ms. Haines presented Mr. Morales's testimony. Mr. Morales testified that he did not come forward with Mr. Guandique's confession in 2006 because he "still had a thug mentality" and he "still subscribed to them false philosophies of you don't tell." He testified that he came forward in 2009 because he "no longer subscribe[d] to those prison philosophies." He testified that he brought the information to Mr. Zaldivar because he "didn't know how to [come forward to law enforcement]." Even after Mr. Morales testified, neither Ms. Haines nor Mr. Campoamor-Sánchez disclosed to the defense that Mr. Morales had*

*previously debriefed to law enforcement, leaving the defense unable to effectively cross-examine Mr. Morales about that issue.*

**ANSWER:** Mr. Campoamor-Sánchez admits that Ms. Haines presented Mr. Morales' testimony in D.C. Superior Court on November 4, 2010, but states that the testimony should be considered in its entirety and respectfully refers the Board to the transcript of this testimony for its full and complete contents. Mr. Campoamor-Sánchez denies the allegations of Paragraph 29 insofar as those allegations imply (i) that he knew, before or during the trial of Mr. Guandique, that Mr. Morales had cooperated with law enforcement by incriminating other individuals in exchange for benefits, (ii) that defense counsel had not received page one of the letter sent by Mr. Zaldivar, and (iii) that Mr. Morales' debriefing with law enforcement about Mr. Morales' own gang involvement required disclosure.

30. *On November 16, 2010, the parties made closing arguments. The defense argued that Mr. Morales concocted Mr. Guandique's purported confession after seeing that he was a suspect on the news and told law enforcement in hopes of receiving a benefit. On rebuttal, Mr. Campoamor-Sánchez argued:*

*And you get to decide, from what you saw with your own two eyes, whether you believe [Mr. Morales] or not, whether in fact he was telling you the truth, whether in fact, and contrary to all the cynicism and all the accusations that are lobbied against him, that he has had a redemption, that he has decided that he needs to be a dropout from the gang, that if he's going to change his life and if his family is going to accept him, he's actually going to start making different decisions about his life and about what he needs to do and about being a real man. You get to decide that.*

*Without the evidence that he had debriefed to law enforcement years before the alleged "redemption," the defense was unable to effectively challenge the prosecution's argument about Mr. Morales's motive for coming forward with damaging testimony about Mr. Guandique.*

**ANSWER:** Mr. Campoamor-Sánchez admits that he gave the closing rebuttal argument on November 16, 2010, but states that his statement should be considered in its entirety, and he respectfully refers the Board to the transcript of this statement for its full and complete contents. Mr. Campoamor-Sánchez denies the allegations of the final sentence in Paragraph 30, and further denies the implication that defense counsel did not receive page one of the Zaldivar letter, which stated that Mr. Morales had debriefed to law enforcement about his gang involvement.

31. *On November 22, 2010, Mr. Guandique was convicted of all charges. He was sentenced to 60 years in prison.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 31.

32. *In January 2012, on behalf of the Fresno Police Department (“FPD”), the United States Attorney’s Office for the Eastern District of California contacted Ms. Haines and Mr. Campoamor-Sánchez’s office, seeking information about the whereabouts of Mr. Morales because the FPD wanted to interview him about unsolved murders from the 1990s. The FPD sent to Ms. Haines and Mr. Campoamor-Sánchez a transcript of an interview the Fresno County Sheriff’s Office had conducted with Mr. Morales in 1998, in which Morales had provided information about two murders, identified the murderers by name, discussed his own direct involvement in one of the murders, and offered to testify.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 32, and further states that he and Ms. Haines immediately informed their supervisors when they learned this new information about Mr. Morales’ cooperation with law enforcement in the 1990s.

33. *In light of these revelations, the USAO assembled an independent post-trial team to conduct an investigation into Mr. Morales’s past and determine what needed to be disclosed to the defense. The post-trial team learned that Mr. Morales had attempted to cooperate with law*



*enforcement in 1996 as part of his plea deal. Neither Ms. Haines nor Mr. Campoamor-Sánchez were on the post-trial team.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 33. Mr. Campoamor-Sánchez further states that although he was not a member of the post-trial team, he cooperated fully with that team and provided voluminous documentation and information to that team.

34. *By letter dated November 21, 2012, after the USAO decided disclosure to the defense was necessary, Mr. Campoamor-Sánchez disclosed to defense counsel the details of Mr. Morales's previous attempts to cooperate with law enforcement.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 34.

35. *Defense counsel moved to dismiss the indictment, for a new trial, and for sanctions arguing, among other things, that the government had violated its obligations under Brady and Giglio. Over the next two and a half years, the court held more than twenty hearings on the issue and the government produced thousands of pages of discovery.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 35 except that he denies any implication that he had violated his obligations under *Brady* and *Giglio*.

36. *On May 22, 2015, the government withdrew its opposition to the defense's motion for a new trial. On June 5, 2015, the court granted Mr. Guandique a new trial.*

**ANSWER:** Mr. Campoamor-Sánchez admits the allegations of Paragraph 36 and further states that until July 2016, the new trial team intended to call Mr. Morales as a witness at the new trial.

37. *On July 28, 2016, after media reports further calling into question Mr. Morales's credibility, the USAO moved to dismiss the charges against Mr. Guandique. The same day, the court granted the motion. In May 2017, Mr. Guandique was deported to El Salvador.*

**ANSWER:** Mr. Campoamor-Sánchez admits that the government moved to dismiss the charges against Mr. Guandique on July 28, 2016, and that the Court granted that motion, but lacks sufficient knowledge to admit or deny the allegation that this decision was based on media reports. On information and belief, Mr. Campoamor-Sánchez states that the decision to dismiss the indictment was made by the USAO-DC after the new trial team listened to tape recordings of conversations between Mr. Morales and a friend in 2016, after Mr. Morales had been released from prison. Mr. Campoamor-Sánchez further states, on information and belief, that those tape recorded conversations undermined Mr. Morales' credibility for reasons unrelated to his cooperation with law enforcement in the 1990s or his testimony concerning Mr. Guandique's confession.

38. *Ms. Haines and Mr. Campoamor-Sánchez violated the following District of Columbia Rules of Professional Conduct:*

- a. *Rule 3.8(e), by intentionally failing to disclose to the defense, upon request and at a time when use by the defense is reasonably feasible, evidence or information that the prosecutors knew or reasonably should have known tended to negate the guilt of the accused;*
- b. *Rule 8.4(d), engaging in conduct that seriously interferes with the administration of justice.*

**ANSWER:** Mr. Campoamor-Sánchez denies the allegations of Paragraph 38 and specifically denies that he engaged in any conduct in violation of the District of Columbia Rules of Professional Conduct.

## ANSWERING COUNT II

39. *As Mr. Guandique's trial approached, tensions developed between Ms. Haines and Mr. Campoamor-Sánchez about their respective responsibilities at trial. Between October 31, 2010 and November 14, 2010, Ms. Haines and Mr. Campoamor-Sánchez exchanged contentious emails about these issues.*

**ANSWER:** Mr. Campoamor-Sánchez states that the allegations of Count II are not directed at him, and therefore no response is required. To the extent a response is required, Mr. Campoamor-Sánchez admits that his working relationship with Ms. Haines deteriorated during the pre-trial period, beginning at least in early September 2010, and throughout the trial. Mr. Campoamor-Sánchez further admits that he and Ms. Haines exchanged several emails in which he expressed his frustration at being excluded from the decision-making process regarding trial-strategy, witness preparations, and assignments of witnesses for examination at trial.

40. *On two occasions, on November 8, 2010, and November 14, 2010, Ms. Haines forwarded internal USAO emails to her boyfriend, who was not a part of the USAO or the Department of Justice. The emails contained confidential and secret information related to the government's strategy for prosecuting the Guandique case.*

**ANSWER:** Mr. Campoamor-Sánchez states that the allegations of Count II are not directed at him, and therefore no response is required. To the extent that a response is required, Mr. Campoamor-Sánchez is without sufficient knowledge to admit or deny the allegations of Paragraph 40.

41. *Ms. Haines violated the following District of Columbia Rules of Professional Conduct:*

- a. *Rule 1.6, in that Ms. Haines knowingly revealed a confidence or secret of her client, the USAO.*

**ANSWER:** Mr. Campoamor-Sánchez states that the allegations of Count II are not directed at him, and therefore no response is required. To the extent that a response is required, Mr. Campoamor-Sánchez is without sufficient knowledge to admit or deny the allegations of Paragraph 41.

June 26, 2020

Respectfully Submitted,

*/s/ Mark H. Lynch*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of June, 2020, I caused a copy of the foregoing to be sent via electronic mail to:

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*/s/ Mark H. Lynch*

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Mark H. Lynch