

U.S. Attorney's Report to the District

Beginning My Service as U.S. Attorney

At the end of April 2016, Benjamin Wagner stepped down as the United States Attorney for the Eastern District of California after serving in the post for six and a half years. By operation of law, as the current First Assistant United States Attorney, I took over as the Acting United States Attorney starting May 1, a temporary position that I can hold for no longer than seven months. In late November, I'm hopeful that the Attorney General will appoint me as the United States Attorney for the district to serve until the next President appoints a new one.

I got my first job with the U.S. Department of Justice 26 years ago through the Attorney General's Honors Program when I was hired as a Trial Attorney by the Criminal Division in Washington, D.C. In that program I rotated through the Child Exploitation and Obscenity Section, the Public Integrity Section, the General Litigation and Legal Advice Section (since divided into its many parts), and the Misdemeanor Unit of the U.S. Attorney's Office for the District of Columbia. In those offices I prosecuted cases involving a wide range of defendants and offenses, from a perjurious Customs agent to a girlfriend batterer to a corrupt immigration consultant. I left the Department for private practice in Seattle, Washington, where I worked as a white collar criminal defense counsel and commercial litigator at the law firm of Stoel Rives LLP, but I later rejoined the Department of Justice in its Office of Professional Responsibility, enforcing professional standards of conduct for attorneys within the Department.

From the time I was in law school, I wanted one day to be an Assistant United States Attorney prosecuting federal crimes. Criminal law, with its focus on proving criminal intent and assessing levels of culpability, grabbed my interest in law school and never let go. Most former AUSAs will say that this job is the most satisfying one they've had as an attorney. As Ben used to tell every new AUSA in our office—a practice I mean to continue—being an AUSA means finding out the truth and doing the right thing based on it. I was determined to have my turn as an AUSA, and in September 2002, I was fortunate to be hired into the U.S. Attorney's Office for this district. I started as a line AUSA in the Narcotics and Violent Crime Unit, prosecuting a series of drug trafficking cases, most of which involved groups moving large amounts of methamphetamine within and through our district. In 2008, then U.S. Attorney McGregor Scott promoted me to serve as Chief of Appeals and Training, which made me responsible for overseeing our criminal appellate practice before the U.S. Court of Appeals for the Ninth Circuit and for training new criminal AUSAs in the Sacramento office. In 2011, Ben Wagner promoted me to serve as his First Assistant.

In my 14 years in this office, I have been fortunate to have had great work and to have worked with great people. I was initially trained by the district's first appellate chief, Tom Flynn, whom I later succeeded but never replaced, and whose legal brilliance was the lifeblood of our district's practice in the district court and court of appeals for years. I partnered on two of my first trials in the district with Carolyn Delaney, who is now a U.S. Magistrate Judge, and learned all about efficient and effective trial preparation. I tried a major drug trafficker on a

historical methamphetamine trafficking conspiracy with Robert (Bob) Twiss, now a Sacramento County Superior Court Judge, and opposite defense counsel Scott Tedmon, each extremely accomplished trial attorneys, and in front of since retired U.S. District Judge David Levi, an incredibly incisive jurist. Our case agent from DEA was none other than Carolyn Delaney's husband Jim Delaney, now retired, whose dogged determination and tireless work built the case that Bob and I proved in court and that led to a conviction and a sentence of life imprisonment. The number of other talented AUSAs, law enforcement agents, defense counsel, judges, and probation and pretrial officers with whom I have worked in this district is too great to count. Suffice it to say, I feel lucky to have served as an AUSA in this district for these past 14 years, and I care very deeply about the work this office does in upholding the law.

Although Ben announced his departure from our office only a short time ago, I have known for some time that he would likely leave this Spring and that I would take over command of the office. I have greatly enjoyed working as the First Assistant these past four and a half years with Ben, helping him run the office and strengthen our relationships with law enforcement agencies, the courthouse community, and our fellow U.S. Attorney's offices. During Ben's tenure, this office achieved an incredible record of success. I am committed to seeing that success continue. That is why I wasted no time in naming a new First Assistant U.S. Attorney, Phil Ferrari, and a new Executive Assistant U.S. Attorney, Michele Beckwith, to fill those positions and allow me to devote my full attention to my new job. Phil and Michele have worked in the office for years, are very smart, hard-working AUSAs, and share my values of maintaining a high level of professionalism in our practice, respecting the justice system in which we work, serving the community we represent, and always aiming to do what is right.

I expect you will not see many changes while I am United States Attorney, at least not right away. This district has been well-managed for years, and Ben only added to that legacy. However, I do not plan to be a simple placeholder until the next Presidential appointee arrives. As new challenges arise, we will face them. We will make investigative and case decisions in significant matters, and we will continue to carry out the Attorney General's priorities and adapt to changing conditions in the district. It is an honor to have the opportunity to serve the district as its United States Attorney, no matter how long that opportunity may last.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

Acting United States Attorney

Phillip A. Talbert