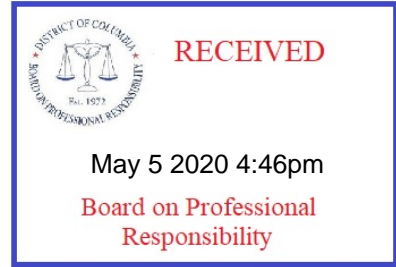


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of :
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AMANDA HAINES, ESQUIRE, :
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Respondent :
 :
 :
An Attorney Licensed to Practice Law :
in New York :

Disciplinary Docket No. 2016-D261

FERNANDO CAMPOAMOR-SANCHEZ: :
 :
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Respondent :
 :
 :
Member of the Bar of the District of :
Columbia Court of Appeals :
Bar Number: 451210 :
Date of Admission: June 3, 1996 :
 :

Disciplinary Docket No. 2016-D262

SPECIFICATION OF CHARGES

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:

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).

2. Respondent Fernando Campoamor-Sanchez 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.

COUNT I

The conduct and standards that Ms. Haines and Mr. Campoamor-Sanchez have violated, and the relevant facts, are as follows:

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

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.

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.

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

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-Sanchez to assist her in the case as second chair.

8. Ms. Haines and Mr. Campoamor-Sanchez 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.

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.

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

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.

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-Sanchez.

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-Sanchez knew or should have known that Mr. Morales's prior debriefing with law enforcement was significant to his credibility.

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

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-Sanchez and three Metropolitan Police Department detectives met with Mr. Morales. Ms. Haines was out of town.

16. On April 20, 2009, Mr. Morales testified before a grand jury in D.C. Superior Court and Mr. Campoamor-Sanchez 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-Sanchez did not explore the contradiction between that testimony and Mr. Morales's prior debriefing to law enforcement.

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

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

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

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

21. Ms. Haines and Mr. Campoamor-Sanchez initially planned that Mr. Campoamor-Sanchez 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-Sanchez as much. Ms. Haines and Mr. Campoamor-Sanchez 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.

22. Ms. Haines asked Mr. Campoamor-Sanchez 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-Sanchez 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-Sanchez intentionally failed to disclose in the letter that Mr. Morales had previously debriefed with law enforcement.

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-Sanchez made no subsequent *Brady/Giglio* disclosures about the "debriefing."

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.

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

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

27. In advance of Mr. Morales's testimony, the prosecution team prepared a packet containing substantially verbatim statements made by Mr. Morales to to 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.

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.

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-Sanchez 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.

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-Sanchez 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.

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

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-Sanchez’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-Sanchez 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.

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-Sanchez were on the post-trial team.

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

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.

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.

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.

38. Ms. Haines and Mr. Campoamor-Sanchez 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.

COUNT II

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

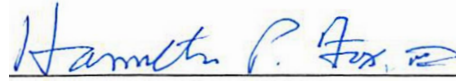
40. On two occasions, on November 8, 2010, and November 14, 2010, Ms. Haines forwarded internal USAO emails to her boyfriend, who was not a part of the USAO or the Department of Justice. The emails contained confidential and secret information related to the government's strategy for prosecuting the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

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.

Respectfully submitted,

w/permission *HRD*



Hamilton P. Fox, III
Disciplinary Counsel



Hendrik R. deBoer
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001
(202) 638-1501

VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 24th day of April 2020 in the County of Arlington, Commonwealth of Virginia.



Hendrik R. deBoer
Assistant Disciplinary Counsel

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

In the Matter of	:	
	:	
AMANDA HAINES, ESQUIRE,	:	Disciplinary Docket No. 2016-D261
	:	
Respondent	:	
	:	
An Attorney Licensed to Practice Law in New York	:	
	:	

FERNANDO CAMPOAMOR-SANCHEZ:	:	Disciplinary Docket No. 2016-D262
	:	
Respondent	:	
	:	
Member of the Bar of the District of Columbia Court of Appeals	:	
Bar Number: 451210	:	
Date of Admission: June 3, 1996	:	
	:	

PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

- A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals’ Rules Governing the Bar (D.C. Bar R.).

- B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

- C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. Procedures

(1) **Referral to Hearing Committee** -- When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** -- Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** -- The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** -- Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** -- Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy

of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

OFFICE OF DISCIPLINARY COUNSEL

BY: _____ /s/
Hamilton P. Fox, III
Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001
TELEPHONE: (202) 638-1501
FAX: (202) 638-0862