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May 8, 2024

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20515

The Honorable Lindsey Graham
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20515

VIA ELECTRONIC MAIL ONLY

Re: *The Nomination of the Honorable Embry J. Kidd to the U.S. Court of Appeals for the Eleventh Circuit*

Dear Chairperson Durbin and Ranking Member Graham:

I write to urge the confirmation of the Honorable Embry J. Kidd, U.S. Magistrate Judge for the Middle District of Florida, to serve as judge on the U.S. Court of Appeals for the Eleventh Circuit. I have known Judge Kidd since 2014, when we served together in the U.S. Department of Justice as Assistant U.S. Attorneys in the Middle District of Florida. In addition, I have appeared as defense counsel before Judge Kidd while he has served as a U.S. Magistrate Judge.

As an AUSA, I supervised Judge Kidd. I found Judge Kidd to always be thorough, thoughtful, and tenacious. He earned the respect of his colleagues and the law enforcement community. That translated into Judge Kidd being assigned to prosecute the high-profile case of an elected official who embezzled campaign funds. Then AUSA Kidd was considered by the Court and the Bar to be ethical, fair, and learned in the law. That reputation led to AUSA Kidd becoming Judge Kidd.

There is always a concern that a federal prosecutor who becomes a judge will not realize his or her role in the criminal justice

system has drastically changed. While that was my concern, it was not well founded with Judge Kidd. As a federal criminal defense attorney, I can attest to Judge Kidd's reputation for treating all of those who appear before him with dignity, respect, and impartiality. Judge Kidd has demonstrated time and again his dedication to the Rule of Law and the rights enshrined in the Constitution. He is always prepared for hearings and expects the same of those appearing before him. Judge Kidd knows the law but keeps an open mind during hearings to ensure he grasps the totality of the case before him. He exhibits a judicial temperament all judges should aspire to emulate. That has been the experience my clients and I have had when we appeared before Judge Kidd. I also handle civil matters and know that Judge Kidd enjoys the same reputation among those practicing federal criminal and civil litigation.

Finally, Judge Kidd and I have sons around the same age. Our sons took infant survival swim lessons from the same instructor. Accordingly, I have seen Judge Kidd not only as a legal professional, but as a father, husband, and friend. The qualities he exhibits in those roles add to the rich tapestry that has made him a fine judicial officer and that make him an ideal judge to serve on the U.S. Court of Appeals.

I am a Fellow in the American College of Trial Lawyers. I have served the federal judiciary on the Eleventh Circuit's Federal Defender Committee and the Middle District of Florida's Grievance Committee. I am board certified and a denominated expert in criminal trial law by The Florida Bar and the National Board of Trial Advocacy. In addition to serving my clients as a federal criminal defense attorney, I have served my community as a federal prosecutor in the Middle and Southern Districts of Florida, and in Washington, D.C., in the Criminal and National Security Divisions of the U.S. Department of Justice. I recommend Judge Kidd be confirmed to serve as a judge on the U.S. Court of Appeals for the Eleventh Circuit without reservation.

Sincerely,



VINCENT A. CITRO