

**UNITED STATES DISTRICT COURT**

District of New Mexico  
100 N. Church Street  
Las Cruces, New Mexico 88001



Chambers of  
**ROBERT BRACK**  
Senior United States District Court Judge

(575) 528-1450

September 9, 2024

The Honorable Dick Durbin,  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Lindsey Graham,  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Re: Nomination of Sarah M. Davenport to the United States District Court for the District of New Mexico

Dear Chairman Durbin and Ranking Member Graham,

I write to you in full support of the nomination and confirmation of Sarah M. Davenport to the District Court for the District of New Mexico.

I have served as a United States District Judge in the District of New Mexico, in Las Cruces, since July 2003 when President Bush appointed me. In July 2018, I assumed senior status. During my tenure as a federal District Judge, I have presided over approximately 20,000 criminal cases. All of these criminal cases have been prosecuted by the United States Attorney's Office for the District of New Mexico, where Ms. Davenport has served as a Supervisory Assistant United States Attorney (AUSA) since July 2022, after more than 14 years as a line prosecutor. The AUSAs in the District of New Mexico are some of the most well-respected attorneys in the state. Collectively, they are known to be professional, knowledgeable, and committed to pursuing justice

in each case. Ms. Davenport's promotion to the role of supervisor in the U.S. Attorney's Office reflects her dedication and adherence to these values.

Ms. Davenport began appearing before me when she joined the U.S. Attorney's Office in January 2008 and has appeared before me extensively in the years since, arguing her own cases as well as regularly covering cases for other AUSAs. In my experience, when Ms. Davenport arrives in court, she is familiar with the facts, the law, and opposing counsels' positions. Ms. Davenport anticipates issues and questions that may arise during her hearings and comes prepared with solutions and suggestions for the court to consider. I have observed her during contentious hearings as well as trials and she exhibits grace and poise under pressure. She is not easily offended. She is patient and slow to anger. If she makes a mistake, Ms. Davenport is quick to admit where she was wrong. She is likewise gracious with opposing counsel and exhibits a positive, can-do attitude. She is respectful to the court, court staff, opposing counsel, and defendants. These are all attributes which have earned Ms. Davenport an excellent reputation within our legal community and will make her an asset to the District Court should she be confirmed.

Ms. Davenport's areas of practice have ranged from single-defendant illegal re-entry cases to complex, multi-defendant drug trafficking and money laundering conspiracies. In my courtroom, she has tried two criminal jury trials to verdict, argued countless motions, and represented the United States in thousands of sentencing hearings. She makes well-reasoned and well-supported arguments, and in doing so she exhibits humility, fidelity to the law, and candor to the court. In her sentencing arguments, Ms. Davenport is cognizant of all the sentencing goals of 18 U.S.C. § 3553. She approaches each case individually, mindful of how her arguments fit within the balance the court must reach between a sentence that is long enough, but not too long, taking all the proper factors into consideration.

In Las Cruces, the criminal docket is heavy. Each of the active District Judges holds multiple sentencing dockets each week, wherein dozens of defendants may be sentenced. A steady pace must be maintained to protect the rights of defendants in our district and to see to the swift administration of justice for all. District Judges simultaneously handle a varied civil docket and must attend to the rights of civil litigants in the expedient resolution of their cases, as well. Ms. Davenport's diligence, strong work ethic, and commitment to excellence, as well as her expertise and extensive experience in criminal matters, assure that she will be able to effectively manage her criminal work, undaunted by the volume, and commit significant energy to gaining mastery in civil matters. This ability to keep up with the fast-paced volume of criminal work while remaining attentive to the civil docket is vital for District Judges in our court. Based on my observations of her work, it is my opinion that Ms. Davenport is highly qualified for this role.

Outside the courtroom, I have had the opportunity to speak with Ms. Davenport many times over the past 16 years. I have observed her character and temperament. She is steady in her demeanor and refrains from offensive conduct or derogatory comments about others. I know her to be a person of faith, who is dedicated to her family and her community. She is committed to treating everyone with fairness and kindness. I am certain that if confirmed, she will be a fair and impartial judge, giving every litigant before her a full opportunity to be heard.

Ms. Davenport has been a zealous advocate for the United States and a dedicated servant to the interests of justice. I am confident in her ability to easily transition to the role of neutral arbiter. If confirmed, she will be an excellent addition to our bench. It is my opinion that Ms. Davenport is ideally qualified to become the next District Judge for the District of New Mexico. I recommend that the Committee consider her nomination and that the Senate vote to confirm her.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Brack". The signature is written in a cursive style with a large, sweeping initial "R".

Robert C. Brack,  
Senior United States District Judge

cc: Senator Martin Heinrich