

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Sarah Morgan Davenport
Sarah Beth Morgan
Sarah Beth Hostetler

2. **Position**: State the position for which you have been nominated.

United States District Judge for the District of New Mexico

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the District of New Mexico
Las Cruces Branch Office
200 North Church Street
Las Cruces, New Mexico 88001

4. **Birthplace**: State year and place of birth.

1976; Hobbs, New Mexico

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2003 – 2006, University of New Mexico School of Law; J.D., 2006

1994 – 1998, New Mexico State University; B.Mus., 1998

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – present

United States Attorney's Office for the District of New Mexico

Las Cruces Branch Office
200 North Church Street
Las Cruces, New Mexico 88001
Supervisory Assistant United States Attorney (2022 – present)
Assistant United States Attorney (2009 – 2022)

2010 – 2014
Morning Star United Methodist Church
2941 Morning Star Drive
Las Cruces, New Mexico 88011
Interim Co-Youth Director (May – December 2014)
Youth Sponsor (2010 – 2014, uncompensated)

2008 – 2009
Town of Mesilla
Detailee to United States Attorney's Office for the District of New Mexico
Las Cruces Branch Office
200 North Church Street
Las Cruces, New Mexico 88001
Special Assistant United States Attorney

2005 – 2008
Labat Anderson
Detailee to United States Attorney's Office for the District of New Mexico
201 3rd Street Northwest, Suite 900
Albuquerque, New Mexico 87102
Organized Crime Drug Enforcement Task Force (OCDETF) Unit Law Clerk (2006 –
2008)
Paralegal (2005 – 2006)

2005
Second Judicial District Attorney's Office for Bernalillo County
520 Lomas Boulevard Northwest
Albuquerque, New Mexico 87102
Law Student Attorney

2004 – 2005
Atkinson & Thal (now Atkinson, Baker & Rodriguez)
201 Third Street Northwest, Suite 1850
Albuquerque, New Mexico 87102
Student Law Clerk

2004
University of New Mexico School of Law
1117 Stanford Drive Northeast
Albuquerque, New Mexico 87131

Legal Writing Tutor

2004

United States Attorney's Office for the District of New Mexico
201 3rd Street Northwest, Suite 900
Albuquerque, New Mexico 87102
Volunteer Legal Intern (June 2004 – August 2004)
Volunteer Legal Extern (August 2004 – December 2004)

2001 – 2003

Magic Music Studio
5440 Southwest 190th Avenue
Aloha, Oregon 97078
Music Teacher

2000 – 2002

Court Appointed Special Advocate (CASA) for Children Washington County
230 Northeast Second Avenue, Suite 1
Hillsboro, Oregon 97124
Court Appointed Special Advocate

2000 – 2001

Key and Jacobs Financial (now Independent Financial Group, LLC)
9900 Southwest Wilshire Street, Suite 150
Portland, Oregon 97225
Administrative Assistant

1995 – 1999

New Mexico State University Choirs
1075 North Horseshoe Street
Las Cruces, New Mexico 88003
Director of Ticket Sales (1998 – 1999)
Student Employee (1995 – 1998)

Other Affiliations (Uncompensated)

Choral Association of Southern New Mexico
213 North Armijo, Suite 2
Las Cruces, NM, 88005
Singer and Board Member (2008 – 2016)

Girl Scouts of the Desert Southwest
9700 Girl Scout Way
El Paso, TX 79924
Lifetime Member (2012 – present)
Board Member (2012 – 2014)

Mesilla Valley Court Appointed Special Advocates
2640 El Paseo Road,
Las Cruces, NM 88001
Board of Directors (2023 – present)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Drug Enforcement Administration Certificate of Appreciation for outstanding contributions in the field of drug law enforcement (2017)

United States Marshals Service Certificate of Recognition for outstanding efforts in the location and apprehension of one of the United States Marshals' 15 Most Wanted Fugitives (2012)

New Mexico State University
Cum laude (1998)
Crimson Scholar Graduate (1998)
Crimson Scholar (1994 – 1998)
Presidential Scholarship (1994 – 1998)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Southern New Mexico Bar Association (2024 – present)

State Bar of New Mexico (2006 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New Mexico, 2006

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Tenth Circuit, 2008
United States District Court for the District of New Mexico, 2008

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Morning Star United Methodist Church
Member (2009 – present)

National Association of Assistant United States Attorneys (2011 – present)

New Mexico Annual Conference of the United Methodist Church
Border Ministries and Conference Board of Church and Society (2024 – present, Member-Elect)

USA Swimming - Las Cruces Aquatic Team
Stroke and Turn Official (2023 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Girl Scouts of the Dessert Southwest is part of the national organization of Girl Scouts, a public service organization that limits membership to girls; however, adult membership is not restricted by gender. To the best of my knowledge, none of the listed organizations currently discriminates or formerly discriminated based on race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify the public speeches or talks that I have delivered. To compile the list, I consulted my own records and internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify, as I may have spoken briefly at events for which I did not retain any record.

November 9, 2023: Speaker, 2023 Drug Enforcement Administration Regional Family Summit for Families from New Mexico and West Texas who have lost a loved one due to an illicit substance, El Paso, Texas. I spoke about my personal experience prosecuting a case involving opioid overdose victims and participated

in a question-and-answer session with participating family members. Draft remarks and presentation supplied. Press coverage supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

United States Attorney's Office for the District of New Mexico, International Women's Day, Instagram (March 8, 2024). Copy supplied.

Morning Star Church Las Cruces, Parables October 22, 2023, YouTube Channel (October 22, 2023). Video available at <https://www.youtube.com/live/7VnjM1kZNRQ>.

Morning Star Church Las Cruces, *Faith of a mustard seed*, (February 13, 2022). Copy supplied.

Morning Star Church Las Cruces, John 1:1-18 January 3, 2021, Facebook (January 3, 2021). Video available at <https://www.facebook.com/MorningStarLasCruces/videos/224246129239104>.

- 13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these cases, approximately what percent were:
 - jury trials: _____%
 - bench trials: _____% [total 100%]
 - ii. Of these cases, approximately what percent were:
 - civil proceedings: _____%
 - criminal proceedings: _____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the

name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2006 – 2008

United States Attorney's Office for the District of New Mexico

Albuquerque Office

201 3rd Street Northwest, Suite 900

Albuquerque, New Mexico 87102

Organized Crime Drug Enforcement Task Force (OCDETF) Law Clerk

2008 – present

United States Attorney's Office for the District of New Mexico

Las Cruces Branch Office

200 North Church Street

Las Cruces, New Mexico 88001

Special Assistant United States Attorney, hiring structured as a detail from the Town of Mesilla to the United States Attorney's Office (2008 – 2009)

Assistant United States Attorney (2009 – 2022)

Supervisory Assistant United States Attorney (2022 – present)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

The entirety of my legal career has been with the United States Attorney's Office in the District of New Mexico. In 2006, after graduating from law school, I clerked for Assistant United States Attorneys (AUSAs) in the Organized Crime Drug Enforcement Task Force (OCDETF) unit in the Albuquerque office. In 2008, I was hired as a contract High Intensity Drug Trafficking Area (HIDTA) Special Assistant United States Attorney (SAUSA) in the Las Cruces Branch Office. My hiring was structured as a detail from the Town of Mesilla to the United States Attorney's Office. I primarily prosecuted drug trafficking, immigration, and firearms offenses.

In 2009, I was hired by the District of New Mexico as a full time AUSA. My practice focused on complex drug trafficking and money laundering investigations, including numerous OCDETF and Title III wiretap investigations. However, I represented the United States in all types of criminal cases. I handled all aspects of my criminal cases from investigation to charging decisions, discovery, motions practice, plea negotiations, trials, sentencing litigation, and a few appeals.

In 2022, I was promoted to Supervisory AUSA in the Las Cruces Branch Office and have served in this capacity since. I am one of two criminal section supervisors and supervise nine AUSAs on average. The AUSAs I supervise prosecute a wide range of federal criminal offenses including immigration, firearms, drug trafficking, white collar, and violent crime

cases. Their work includes both cases charged by complaint and long-term complex investigations that are typically initiated by indictment. In addition to overseeing casework, I am responsible for administrative personnel matters for the AUSAs in my section. I serve on the Las Cruces Branch Office's hiring committee for AUSAs and partner with other management personnel to conduct regular internal training. From time to time, I interface with law enforcement partners, the Court, and defense counsel on a variety of issues that arise in the general federal criminal practice.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have exclusively represented the United States. From 2008 to 2022, I specialized in drug trafficking and money laundering prosecutions, both cases and complex, long-term investigations.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Beginning in 2008 when I became a SAUSA, at least 75 percent of my practice has involved litigation, with the remainder focused on investigatory work. On average, I have appeared in court 2 to 3 times each week for the entirety of my career.

- i. Indicate the percentage of your practice in:

1. federal courts:	100%
2. state courts of record:	0%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	0.3%
2. criminal proceedings:	99.7%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As an attorney, I have tried four felony cases and one misdemeanor case to verdict. I also tried one felony case that resulted in a hung jury and was not retried. I served as sole counsel in the misdemeanor trial, associate counsel in one felony trial, and lead counsel in the remaining four trials.

- i. What percentage of these trials were:
 - 1. jury: 83%
 - 2. non-jury: 17%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States v. Briseno-Lopez, et al.*, 2:17-CR-01032 (Brack, J.)

From 2016 to 2022, I represented the United States as co-lead counsel in this 44-count case charging 23 defendants with various drug trafficking, money laundering, and firearms offenses. The indictment resulted from a year-long investigation, including court authorized wiretap interceptions of various telephones for approximately six months. The entire investigation revealed a total of approximately 64 kilograms of methamphetamine, approximately 17 kilograms of cocaine, and approximately 30 kilograms of heroin being distributed in New Mexico between the areas of Doña Ana County, Bernalillo County, Valencia County, Otero County, and elsewhere within the United States. Twenty of the 23 defendants were arrested in April 2017, and all pled with negotiated plea agreements resulting in sentences ranging from probation to 200 months imprisonment. Three defendants remain fugitives. As co-lead counsel, I shared responsibility for compiling evidence, recommending charging decisions, making detention arguments, plea negotiations, and responding to sentencing motions. I have handled numerous post-sentencing motions.

Co-Counsel:
Selesia Winston

United States Attorney's Office
200 North Church Street
Las Cruces, NM 88001
(575) 522-2304

Opposing Counsel:
Monnica Lynn Barreras
Law Office of Monnica L. Barreras, LLC
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Albuquerque, NM 87125
(505) 242-3919

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Benjamin Law Firm
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El Paso, TX 79901
(915) 412-5858

Jason Bowles
Bowles Law Firm
4811 Hardware Drive, Northeast
Building D, Suite 5
Albuquerque, NM 87109
(505) 217-2680

Edward O. Bustamante
610 Gold Avenue, Southwest, Suite 200
Albuquerque, NM 87102
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Rosanne Camunez
833 North Alameda Boulevard
Las Cruces, NM 88005
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200 West Las Cruces Avenue, Suite B
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Roswell, NM 88201
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Law Offices of Eduardo N. Lerma Sr.
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Jess R. Lilley (deceased)

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Louis E Lopez Attorney at Law
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Law Office of Orlando Mondragon
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Mesilla Park, NM 88047
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Las Cruces, NM 88013
(575) 644-6419

Andre Courtney Poissant
Federal Public Defender
506 South Main Street, Suite 400
Las Cruces, NM 88001
(575) 527-6930

Carlos Miguel Quinonez
Quinonez and Salayandia Law Firm PLLC
11890 Vista del Sol Drive, Suite A-115
El Paso, TX 79936
(915) 533-0009

Mary Stillinger
Stillinger & Godinez, PLLC
401 Boston Avenue
El Paso, TX 79902
(915) 775-0705

The Honorable Margaret I. Strickland (former CJA Panel attorney)
United States District Court
100 North Church Street, Suite 570
Las Cruces, New Mexico 88001
(575) 528-1680

Ryan J. Villa
The Law Office of Ryan J. Villa
5501 Eagle Rock Avenue, Northeast, Suite C2
Albuquerque, NM 87113
(505) 639-5709

2. *United States v. \$426,590 in United States Currency*, 2:21-CV-00071 (Vidmar, Sweazea, JJ.)

From 2021 to 2022, I represented the United States in this civil forfeiture proceeding as assistant counsel. In the proceeding, a claimant challenged the United States Border Patrol's seizure of \$426,590 found in a tire in the bed of a rental truck during an inspection at a border checkpoint. After the completion of discovery, including eight depositions, and extensive negotiations, we reached a settlement. Ultimately, opposing counsel and I negotiated a settlement prior to mediation that resulted in the claimant forfeiting his rights to a total of \$276,590, and the government returned \$150,000. As associate counsel, I drafted interrogatories, responded to interrogatories, and helped manage discovery.

Co-Counsel:

Stephen R. Kotz
United States Attorney's Office
201 Third Street Northwest, #900
Albuquerque, NM 87102
(505) 346-7274

Opposing Counsel:

Charles J. McElhinney
McElhinney Law Firm LLC
1140 E. Idaho Avenue
Las Cruces, NM 88001
(575) 288-1989

3. *United States v. Lester*, 2:19-CR-2811 (Johnson, J.)

From 2019 to 2020, I represented the United States as sole counsel in this case charging a single count of assault causing substantial bodily injury to a partner. I was responsible for all aspects of this case, including discovery, witness consultation, plea negotiations, and sentencing litigation. The charges arose when Lester assaulted his intimate partner on the Mescalero Apache Indian Reservation in the presence of one of their children. The defendant was not an enrolled member of the Mescalero Tribe. Lester pleaded guilty, and the court sentenced Lester to 18 months imprisonment.

Opposing Counsel:

Daniel Noah Rubin
Federal Public Defender
506 South Main Street, Suite 400
Las Cruces, NM 88001
(575) 527-6930

4. *United States v. Vazquez*, 5:19-CR-00361 (McDade, J.)

From 2018 to 2019, I represented the United States as sole counsel in this criminal prosecution. On August 10, 2018, Vazquez sold 55.66 net grams of pure methamphetamine to an undercover agent in Roswell, New Mexico. Vazquez had an extensive criminal history and admitted to using and selling methamphetamine in the community. I was responsible for all aspects of this case, including discovery, plea negotiations, and sentencing litigation. Through counsel, Vazquez negotiated a resolution to plead guilty to a single count of distribution of 50 grams and more of methamphetamine (pure), which resulted in a sentence of 140 months imprisonment.

Opposing Counsel:

Brock M. Benjamin
Benjamin Law Firm
609 Myrtle Avenue, Suite B
El Paso, TX 79901
915-412-5858

5. *United States v. Romero*, 2:13-CR-02723 (Brack, J.)

From 2013 to 2019, I represented the United States in this 10-count drug trafficking and firearms case charging three defendants. I was lead counsel and handled all stages of the case from investigation to sentencing. This case resulted from an investigation of a group of drug traffickers believed to be members or affiliates with the Barrio Azteca gang operating in southern New Mexico. The defendants sold cocaine and firearms to cooperating sources. All three defendants resolved their charges through negotiated guilty pleas and received sentences ranging from 3 years and 1 month to 11 years and 11 months in prison. After these arrests and convictions, the FBI relayed to me that they received phone calls from neighbors who thanked the agents for making their neighborhood safe again.

Co-Counsel:

Shaheen P. Torgoley (formerly with the U.S. Attorney's Office)
Ryan Rapp Pacheco & Kelley, PLC
3200 North Central Avenue, Suite 2250
Phoenix, AZ 85012
602-280-1000

Opposing Counsel:

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Almanza Abrams, P.A.
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Law Office of Mario Carreon
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Jess R. Lilley (deceased)

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Cesar Pierce-Varela
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(575) 523-2224

Bernadette Sedillo (retired, formerly with the Federal Public Defender)

The Honorable Margaret I. Strickland (former CJA Panel attorney)
United States District Court
100 North Church Street, Suite 570
Las Cruces, New Mexico 88001
(575) 528-1680

6. *United States v. Leyva*, 2:17-CR-00769 (Parker, Gonzales, JJ.)

From 2016 to 2018, I represented the United States in this case as sole counsel. On August 29, 2016, Leyva led federal and local law enforcement on a harrowing car chase through the neighborhood streets near downtown Las Cruces after he failed to yield to an attempted traffic stop. During the high-speed chase, at different times, the defendant crashed into law enforcement vehicles and drove directly towards one federal task force officer who was trying to escape the area on foot after the defendant crashed into his vehicle and disabled it. Leyva pleaded guilty to two counts of assaulting federal officers using a deadly weapon through a negotiated plea agreement and was subsequently sentenced to 82 months imprisonment. As sole counsel, I handled all aspects of the case through sentencing.

Opposing Counsel:

Jane Greek
P.O. Box 15191
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7. *United States v. Vasquez, et al.*, 2:13-CR-03367 (Brack, J.), *United States v. Marquez*, 898 F.3d 1036 (10th Cir. 2018) (Tymkovich, Moritz, and Eid, Circuit JJ.), 139 S. Ct.

654 (2018) (*cert. denied*).

From 2013 to 2018, I represented the United States in this 43-count drug trafficking and money laundering case brought against 18 defendants. This case involved a methamphetamine trafficking organization operating between Arizona and New Mexico. I joined the prosecution team as the wiretap investigation was concluding in the role of associate counsel and have participated in all aspects of the case since that time. Initially, 17 of the 18 charged defendants were arrested and resolved their charges through negotiated guilty pleas with sentences ranging from five days to five years. The final defendant (Marquez) remained a fugitive for approximately 12 months. By the time he was arrested, I had transitioned to lead counsel. Marquez proceeded to a three-day jury trial, at the conclusion of which he was convicted of six of the seven charges against him. Thereafter, the District Court sentenced him to 121 months of imprisonment. As lead counsel for the trial, I filed and responded to pre-trial and post-trial motions, conducted voir dire, conducted direct examination for half of the trial witnesses, including expert testimony, argued jury instructions, and presented closing arguments.

Following the trial conviction, from 2016 to 2018, I represented the United States for Marquez's appeal on the issues of sufficiency of the evidence, the District Court's witness examination, and the admission of particular aspects of two federal agents' testimony. I briefed the response and argued the case to the Tenth Circuit. In the United States Attorney's Office, appeals are typically transferred to the Appellate Division and trial counsel are not regularly expected to handle their own appeals. However, AUSAs have the option to request permission to keep the appeal if the Appellate Chief approves proceeding in that fashion, which is what occurred in this case. I did not have co-counsel on the appeal. The conviction was affirmed.

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8. *United States v. Arballo-Talamantes, et al.*, 2:12-CR-00310 (Brack, J.)

From 2011 to 2014, I represented the United States as lead counsel in this case. The defendants were charged in a two-count indictment charging both with conspiracy to possess with intent to distribute one kilogram and more of heroin, following the investigation of a complicated set of facts tied to a traffic stop and heroin seizure from other co-conspirators. The lead defendant, Arballo-Talamantes, remains a fugitive in Mexico. His co-defendant, Jesus Talamantes-Coronado, was arrested and exercised his right to trial. Following a two-day trial, Talamantes-Coronado was convicted of conspiracy and subsequently sentenced to 10 years in prison. I was not involved in the appeal of his conviction.

Co-Counsel

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9. *United States v. Jones, et al.*, 2:10-CR-01445 (Brack, Downes, JJ.)

From 2010 to 2011, I represented the United States as lead counsel in this case, which arose from a traffic stop and the seizure of 70.31 grams of pure methamphetamine. Two defendants were arrested and charged with conspiracy and possession with intent to distribute methamphetamine. Jones resolved his charge through a guilty plea with a negotiated plea agreement and was sentenced to 46 months in prison. The second defendant, Lankford, exercised his right to trial and was acquitted by the jury after a three-day trial.

Co-Counsel:

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Opposing Counsel:

Howard L. Anderson (retired)

10. *United States v. Armendariz*, 2:95-CR-00353 (Black, J.)

On January 30, 2008, just a few weeks after I started as a SAUSA in Las Cruces, Carlos Armendariz was arrested. He had been a fugitive for 13 years on a two-count indictment charging him and four other defendants with conspiracy and possession with intent to distribute five kilograms and more of cocaine. The other four defendants were arrested in 1995 and had long since resolved their cases. I served as associate counsel at trial, participated in all witness preparation, and was assigned two witnesses to question on direct examination. The case went to a two-day jury trial in May 2008. The defendant was convicted of both counts and sentenced to 324 months in prison. I was not involved in the appeal or other post-disposition litigation.

Co-Counsel:

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Opposing Counsel

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Within my office, the most significant legal activity I pursue, other than active litigation, is management and training. As a Supervisory AUSA, I participate in the hiring of all new AUSAs in the Las Cruces Branch Office, as well as senior support staff. Additionally, I often meet with judges and leaders in the criminal defense bar to share new U.S. Attorney's Office procedures or policies that might affect aspects of plea negotiations or court proceedings.

As a supervisor, I participate in a robust training program for new AUSAs that is led by our Senior Litigation Counsel. The areas I focus on in training include court procedures, case handling, and effective court presentation. I accompany new attorneys when they make their first appearances in federal court and provide ongoing support. I review draft written work for other attorneys. In addition to training for new attorneys, I participate in ongoing formal and informal training for all AUSAs within the office.

I am routinely at the forefront of new technological procedures in federal criminal

practice in Las Cruces. In 2022, within the USAO, I agreed to help develop, refine, and train others on new electronic court procedures, and served as an ambassador for new electronic case management software and procedures that were implemented.

From 2018 to 2022, I served as the Strike Force Coordinator for the Las Cruces Satellite office of the El Paso OCDETF Strike Force, which primarily focuses on organizations that are responsible for coordinating the importation, transportation, and distribution within the United States of a variety of illegal drugs, and the return of drug proceeds to cartel leaders in Mexico. I regularly consulted with agents on all aspects of investigations leading up to charging decisions and provided guidance and training on a variety of relevant topics.

From 2020 to 2021, I assisted with coordinating and tracking all COVID-19 related litigation in the District of New Mexico and served as the Las Cruces point of contact in this endeavor. I regularly conferred with AUSAs in Las Cruces regarding litigation positions in response to health issues and information.

I have not performed any lobbying activities or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report/See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will strictly adhere to the Code of Conduct for United States Judges, the New Mexico Rules of Professional Conduct, and all other applicable rules and ethical canons governing recusal.

I will recuse myself from any cases on which I have worked as an Assistant United States Attorney or oversaw as a Supervisory Assistant United States Attorney. I will evaluate any other real or potential conflict, as well as any relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action with the advice of parties through their counsel, including by recusing where necessary or appropriate.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, the Published advisory opinions issued by the Committee on Codes of Conduct, and any relevant judicial decisions and opinions that address what constitutes a conflict or the appearance of a conflict. When appropriate, I will seek the advice of the parties, their counsel, and other judges.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have dedicated my entire career to public service by working for the federal government. As a federal prosecutor, I am unable to take on direct pro bono

representations. I have sought to serve the community in other ways, especially through efforts to support children and youth. For example, from 2010 to 2014, I served as volunteer youth sponsor at Morning Star United Methodist Church, which involved meeting multiple times each week with youth, grades six to 12, to study and discuss matters of life, faith, and spiritual development. I served as a member of the Board of Directors for the Girl Scouts of the Desert Southwest from 2012 to 2014, supporting the mission of local troops' efforts to serve girls of all ages in our community. Since 2023, I have served on the Board of Directors for Mesilla Valley Court Appointed Special Advocates (CASA), which strives to provide well-trained volunteer advocates for children in foster care.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On July 13, 2024, I submitted an initial application to Senator Martin Heinrich regarding a position on the United States District Court for the District of New Mexico. On July 15, 2024, Senator Heinrich's office contacted me and provided a secondary application form which I completed and submitted to the Senator's office on July 18, 2024. On July 29, 2024, I interviewed with Senator Heinrich's Chief of Staff and Chief Counsel, as well as Chief of Staff and Chief Counsel for Senator Ben Ray Lujan. On August 1, 2024, I interviewed with attorneys from the White House Counsel's Office. Since August 5, 2024, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 28, 2024, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.