

**Responses of Andre M. Davis
Nominee to the U.S. Court of Appeals for the Fourth Circuit
to the Written Questions of Senator Lindsey Graham**

- 1. In 2006, the Fourth Circuit vacated three defendants' guilty pleas of conspiracy to distribute crack cocaine and illegal use of firearms entered before you, finding improper judicial involvement in the plea negotiations.¹ The Court said, "We have not found a single case in which the extent of judicial involvement in plea negotiations equaled that in the case at hand."**

Do you believe that the Fourth Circuit's criticism was justified? If you were given the chance to adjudicate this case again, would you handle it differently? If so, how?

Response: I believe with the benefit of hindsight that my involvement in facilitating the guilty pleas in this case was inappropriate and that the Fourth Circuit was correct to say so. I should have (and would, were I ever confronted again with a similar situation) permitted the case to proceed to verdict by the jury without any involvement whatsoever on my part in discussing with counsel a possible change of plea by any defendant.

¹ United States v. Bradley, 455 F.3d 453 (4th Cir. 2006).