

**Nomination of Jeffrey Uhlman Beaverstock to the
United States District Judge for the Southern District of Alabama
Questions for the Record
Submitted January 12, 2018**

QUESTIONS FROM SENATOR HARRIS

1. District court judges have great discretion when it comes to sentencing defendants. It is important that we understand your views on sentencing, with the appreciation that each case would be evaluated on its specific facts and circumstances.

a. What is the process you would follow before you sentenced a defendant?

RESPONSE: If fortunate enough to be confirmed, I would faithfully follow the sentencing procedure established by Congress, including as set forth in 18 U.S.C. § 3553 and relevant opinions of the Supreme Court and the Eleventh Circuit Court of Appeals interpreting that law.

b. As a new judge, how do you plan to determine what constitutes a fair and proportional sentence?

RESPONSE: Over the last seven months I have observed many sentencing hearings in the Southern District of Alabama in an effort to learn as much as I could about how the judges of the Southern District follow the sentencing procedure established by the Congress and the relevant opinions of the Supreme Court and the Eleventh Circuit Court of Appeals interpreting that law. If fortunate enough to be confirmed, I will continue to learn from my fellow judges and would faithfully follow the law in all respects.

c. When is it appropriate to depart from the Sentencing Guidelines?

RESPONSE: If fortunate enough to be confirmed, I would faithfully follow the sentencing procedure established by the Congress, including as set forth in 18 U.S.C. § 3553 and relevant opinions of the Supreme Court and the Eleventh Circuit Court of Appeals, all of which dictate when it may be appropriate for a district court to depart from the Sentencing Guidelines.

d. Judge Danny Reeves of the Eastern District of Kentucky – who also serves on the U.S. Sentencing Commission – has stated that he believes mandatory minimum sentences are more likely to deter certain types of crime than discretionary or indeterminate sentencing.¹

i. Do you agree with Judge Reeves?

¹ <https://www.judiciary.senate.gov/imo/media/doc/Reeves%20Responses%20to%20QFRs1.pdf>

RESPONSE: Respectfully, I cannot comment on Judge Reeves' statement as I am unfamiliar with it and it is unclear what types of crime Judge Reeves is referencing. If I am fortunate enough to be confirmed, I will faithfully follow the law established by Congress and interpreted by the Supreme Court and the Eleventh Circuit Court of Appeals.

ii. Do you believe that mandatory minimum sentences have provided for a more equitable criminal justice system?

RESPONSE: The job of a district judge is to follow the law as established by Congress and interpreted by the Supreme Court and the relevant Circuit Court of Appeals. If I am fortunate enough to be confirmed, I will faithfully follow the law established by Congress and interpreted by the Supreme Court and the Eleventh Circuit Court of Appeals.

iii. Please identify instances where you thought a mandatory minimum sentence was unjustly applied to a defendant.

RESPONSE: My personal beliefs would not impact my commitment to following the law established by Congress and interpreted by the Supreme Court and the relevant Circuit Court of Appeals. If fortunate enough to be confirmed, I will faithfully follow the law as established by Congress and interpreted by the Supreme Court and the Eleventh Circuit Court of Appeals.

iv. Former-Judge John Gleeson has previously criticized mandatory minimums in various opinions he has authored, and has taken proactive efforts to remedy unjust sentences that result from mandatory minimums.² If confirmed, and you are required to impose an unjust and disproportionate sentence, would you commit to taking proactive efforts to address the injustice, including:

1. Describing the injustice in your opinions?

RESPONSE: As a district court judge, personal views should not be a factor in following the law established by Congress and interpreted by the Supreme Court and the relevant Circuit Court of Appeals. If I am fortunate enough to be confirmed, I will faithfully follow the law established by Congress and interpreted by the Supreme Court and the Eleventh Circuit Court of Appeals.

2. Reaching out to the U.S. Attorney and other federal prosecutors to discuss their charging policies?

² See, e.g., "Citing Fairness, U.S. Judge Acts to Undo a Sentence He Was Forced to Impose," NY Times, July 28, 2014, <https://www.nytimes.com/2014/07/29/nyregion/brooklyn-judge-acts-to-undo-long-sentence-for-francois-holloway-he-had-to-impose.html>

RESPONSE: Please see response to question 1(d)(iv)(1) above.

3. Reaching out to the U.S. Attorney and other federal prosecutors to discuss considerations of clemency?

RESPONSE: Please see response to question 1(d)(iv)(1) above.

e. 28 U.S.C. Section 994(j) directs that alternatives to incarceration are “generally appropriate for first offenders not convicted of a violent or otherwise serious offense.” If confirmed as a judge, would you commit to taking into account alternatives to incarceration?

RESPONSE: Yes, if I am fortunate enough to be confirmed, I will faithfully follow 28 U.S.C. § 994(j) as well as all other law binding upon the United States District Court for the Southern District of Alabama.

2. Judges are one of the cornerstones of our justice system. If confirmed, you will be in a position to deciding whether individuals receive fairness, justice, and due process.

a. Does a judge have a role in ensuring that our justice system is a fair and just one?

RESPONSE: Yes.

b. Do you believe that there are racial disparities in our criminal justice system? If so, please provide specific examples. If not, please explain why not.

RESPONSE: Respectfully, as a nominee for the district court, I believe it would be inappropriate for me to comment on issues that could potentially come before the court. If I am fortunate enough to be confirmed, I will faithfully follow the law established by Congress and interpreted by the Supreme Court and the Eleventh Circuit Court of Appeals.

3. If confirmed as a federal judge, you will be in a position to hire staff and law clerks.

a. Do you believe that it is important to have a diverse staff and law clerks?

RESPONSE: Yes.

b. Would you commit to executing a plan to ensure that qualified minorities and women are given serious consideration for positions of power and/or supervisory positions?

RESPONSE: If I am fortunate enough to be confirmed, I will ensure that all qualified applicants, including minorities and women, receive serious

consideration for positions I have a role in selecting.