

March 28, 2022

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

The Honorable Charles E. Grassley
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington D.C. 20510

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington D.C. 20510

Dear Senators:

It is my honor and privilege to write this letter in support of Judge Ketanji Brown Jackson's confirmation as a Supreme Court Justice. If confirmed, Judge Jackson will bring to our highest court a keen intellect, a measured approach, careful consideration for all parties to a dispute, and a work ethic that is unmatched. As a nation, we are fortunate she is willing to serve in this capacity.

For 13 years (March 2009 – February 2022), I served as an Assistant United States Attorney for the District of Columbia (USAO-DC). During the majority of my time at USAO-DC, I was a frontline prosecutor in the Sex Offense Domestic Violence section, Cyber Crime, and the Child Exploitation and Human Trafficking sections. In 2015, I became the Human Trafficking Coordinator for USAO-DC and Co-Chair of the D.C. Human Trafficking Taskforce. I am also an adjunct professor at American University and teach a course on Domestic Violence Law and Policy.

In my role as a prosecutor, I led several investigations and trials involving child sexual exploitation materials (CSEM), and I know first-hand that the law enforcement and prosecution teams handling these cases are unmatched in their level of dedication to these victims. CSEM prosecutors in our nation's capital handle cases that originate in every jurisdiction within the United States. Our unit worked to make sure that our sentencing recommendations were consistent throughout the courthouse.

I never had the privilege of appearing before Judge Jackson. In fact, she handled a very small percentage of CSEM cases in our jurisdiction. But in our unit, she had a reputation for carefully considering the

circumstances of every case. Former and current prosecutors note that she was thoughtful and individualized in her approach to these cases.

As a jurist, consideration of these matters requires an awareness of CSEM sentencings in not only D.C., but also other jurisdictions, in order to ensure fair sentencing outcomes. Without the careful consideration of sentences across the country, one may unknowingly create sentencing disparities. Judge Jackson understood this complexity. Her sentences and opinions regarding the distribution and possession of CSEM were consistent with the sentences and opinions of similarly situated jurists across the country, especially here in DC.

Of course, our system is an adversarial one, and prosecutors do not expect judges to agree with each of our recommendations. In her tenure, Judge Jackson has issued sentences involving CSEM production that are favorable to the government, others that are favorable to the defense, but at all times consistent with those of other jurist throughout the federal judicial system. I know this because I examined several of these opinions to formulate recommendations in my own cases. Again, Judge Jackson's sentencing decisions are consistent with her peers on the D.C. District Court, as well as her fellow jurists across the country.

As a prosecutor, I spoke directly with victims of CSEM production and distribution. Victims reflected on the anxiety and depression that resulted from these crimes. How it feels to not know if someone you pass on the street or in line at the grocery store has seen an image of your most private parts and recognizes you. Judge Jackson has heard those perspectives as well, and she considers victim accounts when making her ultimate sentencing decisions.

I have watched some of the public testimony from senators painting Judge Jackson as sympathetic to child sex abusers. This analysis lacks any appreciation for the complexity of these cases or any factors that play a part in final sentencing decisions beyond the guideline recommendations.

One aspect of Judge Jackson's work that has not been highlighted during the proceedings is her careful handling of the record in these cases. Before Judge Jackson's involvement in CSEM cases, the images and videos were often referred to in batches in charging documents. Judge Jackson's attention to detail led prosecutors to utilize unique identifiers for images and videos in charging documents, thus making the record clearer. This level of carefulness and concern is a crucial characteristic that not every jurist has exhibited. It is a testament to her fairness, thoughtfulness, and superior judicial acumen.

It is my personal opinion that we would be remiss to pass on the chance to have such a brilliant jurist sit on the highest bench. Judge Jackson has my unwavering support. As someone who has extensive experience in this subject area, I respect each of her opinions as fair and well-reasoned.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kenya K. Davis', written in a cursive style.

Kenya K. Davis