

CARISSA BYRNE HESSICK

University of North Carolina School of Law
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919-962-4129 • chessick@email.unc.edu

ACADEMIC APPOINTMENTS

University of North Carolina School of Law

Anne Shea Ransdell and William Garland “Buck” Ransdell, Jr. Distinguished Professor of Law, 2016-present

Director, Prosecutors and Politics Project, 2018-present

Associate Dean for Faculty Development, 2018-2020

The Australian National University

Fulbright Distinguished Chair in Arts, Humanities and Social Sciences, January-May 2024

University of Utah, S.J. Quinney College of Law

Professor of Law, 2013-2016

Associate Dean for Faculty Research & Development, 2015-2016

Arizona State University, Sandra Day O’Connor College of Law

Professor of Law (with tenure), 2011-2013

Associate Professor, 2007-2011

2009 Outstanding Teacher Award (chosen by a vote of graduating students)

Harvard Law School

Climenko Fellow and Lecturer on Law, 2005-2007

EDUCATION

Yale Law School, J.D. 2002

Yale Law Journal, Editor

Potter Stewart Prize, Morris Tyler Moot Court of Appeals (best written and oral argument)

Columbia University, B.A. in Linguistics 1999

National Champion, American Parliamentary Debate Association

John Jay Scholar

MAJOR PUBLISHED ARTICLES

Donating to the District Attorney, 56 U.C. DAVIS L. REV. 1769 (2023) (with M. Morse and N. Pinnell)

The Prosecutor Lobby, 79 WASH. & LEE L. REV. 143 (2023) (with R. Wright and J. Pishko)

Understanding Uncontested Prosecutor Elections, 60 AM. CRIM. L. REV. 31 (2023) (with S. Treul and A. Love)

Constraining Criminal Law, 106 MINN. L. REV. 2299 (2022) (with F.A. Hessick)

Nondelegation and Criminal Law, 107 VA. L. REV. 281 (2021) (with F.A. Hessick)

Picking Prosecutors, 105 IOWA L. REV. 1537 (2020) (with M. Morse)

The Myth of Common Law Crimes, 105 VA. L. REV. 965 (2019)

Criminal Clear Statement Rules, 97 WASH. U. L. REV. 351 (2019) (with J.E. Kennedy)

Sixth Amendment Sentencing After Hurst, 66 UCLA L. REV. 448 (2019) (with W.W. Berry)

Civilizing Criminal Settlements, 97 B.U. L. REV. 1607 (2017) (with F.A. Hessick and R.M. Gold)

Towards a Theory of Mitigation, 96 B.U. L. REV. 161 (2016) (with D.A. Berman)

Vagueness Principles, 48 ARIZ. ST. L.J. 1137 (2016)

Procedural Rights at Sentencing, 90 NOTRE DAME L. REV. 187 (2014) (with F.A. Hessick)

The Limits of Child Pornography, 89 IND. L.J. 1437 (2014)

The Non-Redelegation Doctrine, 55 WM. & MARY L. REV. 163 (2013) (with F.A. Hessick)

Double Jeopardy as a Limit on Punishment, 97 CORNELL L. REV. 45 (2011) (with F.A. Hessick)

Recognizing Constitutional Rights at Sentencing, 99 CAL. L. REV. 47 (2011) (with F.A. Hessick)

Disentangling Child Pornography from Child Sex Abuse, 88 WASH. U. L. REV. 853 (2011)

Ineffective Assistance at Sentencing, 50 B.C. L. REV. 1069 (2009)

Why Are Only Bad Acts Good Sentencing Factors?, 88 B.U. L. REV. 1109 (2008)

Appellate Review of Sentencing Decisions, 60 ALA. L. REV. 1 (2008) (with F.A. Hessick)

Violence Between Lovers, Strangers, and Friends, 85 WASH. U. L. REV. 343 (2007)

Motive's Role in Criminal Punishment, 80 S. CAL. L. REV. 89 (2006)

BOOKS

PUBLIC CORRUPTION (Carolina Academic Press 2022) (textbook) (with J. Kravis)

PUNISHMENT WITHOUT TRIAL: WHY PLEA BARGAINING IS A BAD DEAL (Abrams Press 2021)

REFINING CHILD PORNOGRAPHY LAW: CRIME, LANGUAGE, AND SOCIAL CONSEQUENCES (University of Michigan Press 2016) (edited volume)

STRANGE NEIGHBORS: THE ROLE OF STATES IN IMMIGRATION POLICY (NYU Press 2014) (edited volume) (with G.J. Chin)

WORKS IN PROGRESS

The Nuances of Nonenforcement

Facts, Policy, and Discretion

Campaign Finance and Criminal Justice Elections

Elements, Defenses, and Due Process

CRIMINAL SENTENCING IN COMMON LAW COUNTRIES: DISCRETION AND CONSTRAINT
IN EIGHT JURISDICTIONS (under contract with Cambridge University Press)

BOOK CHAPTERS, SYMPOSIUM CONTRIBUTIONS, BOOK REVIEWS, AND OTHER SHORTER PUBLICATIONS

Prosecutorial Discretion and Sentencing, in OXFORD HANDBOOK OF SENTENCING (R.D. King & M.T. Light, eds., Oxford University Press forthcoming 2024)

The (Local) Prosecutor, 2023 WISC. L. REV. 1669 (with R. Su) (invited symposium)

Democracy in the Criminal Justice System: An Assessment, 107 MARQ. L. REV. 241 (2023)
(invited lecture)

Pitfalls of Progressive Prosecution, 50 FORDHAM URB. L.J. 973 (2023)

Legality, Legal Standards, and the Legacy of Marvin Frankel, 35 FED. SENT. REP. 249
(2023)

Plea Bargains: Efficient or Unjust?, 107 JUDICATURE NO. 1 (2023) (with J. Bellin, E. Fogel,
A. Hendricks, E. Blondel, and J. Flynn)

Introduction to Symposium on Pleas, 20 OHIO ST. J. CRIM. L. 209 (2023)

The Real Problem with Plea Bargaining, 101 TEXAS L. REV. ONLINE 123 (2023) (invited
commentary)

Judges and Mass Incarceration, 31 WM. & MARY BILL OF RIGHTS J. 461 (2022) (invited
symposium)

Special Interests in Prosecutor Elections, 19 OHIO ST. J. CRIM. L. 39 (2021) (with N.
Pinnell) (invited symposium)

Electoral Change and Progressive Prosecutors, 19 OHIO ST. J. CRIM. L. 125 (2021) (with
R.F. Wright and J.L. Yates) (invited symposium)

*Separation of Powers Versus Checks and Balances in the Criminal Justice System: A
Response to Professor Epps*, VANDERBILT LAW REVIEW EN BANC 159 (2021) (invited
commentary)

The Sixth Amendment Sentencing Right and Its Remedy, 99 N.C. L. REV. 1195 (2021)
(symposium)

Prosecutors and Voters, in OXFORD HANDBOOK ON PROSECUTORS AND PROSECUTION
(R.F. Wright, K.L. Levine, and R.M. Gold, eds., Oxford University Press 2021)

Local Prosecutor Elections: Results of a National Study, 32 FED. SENT. REP. 202 (2020)
(invited symposium) (peer reviewed)

Revisiting the Prejudice Standard for Ineffective Assistance of Counsel Claims, THE
ARKANSAS LAWYER, Fall 2018, at 46

The Expansion of Child Pornography Law, 21 NEW CRIM. L. REV. 321 (2018) (invited
symposium)

Towards a Series of Academic Norms for #Lawprof Twitter, 101 MARQUETTE L. REV. 903
(2018)

Corpus Linguistics and the Criminal Law, 2017 BYU L. REV. 1503 (invited response essay
to Stefan Th. Gries & Brian G. Slocum, *Ordinary Meaning and Corpus Linguistics*, 2017
BYU L. REV 1417)

New Reasons to Doubt the Constitutionality of Arizona's Sentencing System, ARIZ.
ATTORNEY, Dec. 2017, at 22.

DNA Exonerations and the Elusive Promise of Criminal Justice Reform, 15 OHIO ST. J. OF
CRIM. L. 271 (2017) (reviewing WRONGFUL CONVICTIONS AND THE DNA REVOLUTION:
TWENTY-FIVE YEARS OF FREEING THE INNOCENT (Cambridge University Press, Daniel
S. Medwed, ed. 2017))

Finality and the Capital/Non-Capital Punishment Divide, in FINAL JUDGMENTS: THE
DEATH PENALTY IN AMERICAN LAW AND CULTURE (A. Sarat, ed.) (Cambridge
University Press 2017)

A Few Thoughts on United States v. Cardena and the Vagueness of §924(c)(3)(B)(ii),
CASETEXT (Nov. 29, 2016), available at <https://casetext.com/posts/a-few-thoughts-on-united-states-v-cardena-and-the-vagueness-of-924c3bii>

Betterman v. Montana and the Underenforcement of Constitutional Rights at Sentencing, 14
OHIO ST. J. OF CRIM. L. 323 (2016) (invited symposium)

Child Pornography Sentencing in the Sixth Circuit, 41 U. DAYTON L. REV. 381 (2016)
(invited symposium)

Assessing the Impact of Johnson v. United States on the Void-for-Vagueness Doctrine,
CASETEXT (Oct. 24, 2016), available at <https://casetext.com/posts/assessing-the-impact-of-johnson-v-united-states-on-the-void-for-vagueness-doctrine>

Introduction, in REFINING CHILD PORNOGRAPHY LAW: CRIME, LANGUAGE, AND SOCIAL
CONSEQUENCES (University of Michigan Press 2016)

Setting Definitional Limits for the Child Pornography Exception, in REFINING CHILD PORNOGRAPHY LAW: CRIME, LANGUAGE, AND SOCIAL CONSEQUENCES (University of Michigan Press 2016)

Questioning the Modern Criminal Justice Focus on Child Pornography Possession, in REFINING CHILD PORNOGRAPHY LAW: CRIME, LANGUAGE, AND SOCIAL CONSEQUENCES (University of Michigan Press 2016)

Johnson v. United States and the Future of the Void-for-Vagueness Doctrine, 10 NYU J. L. & LIBERTY 152 (2016) (invited symposium)

Booker in the Circuits: Backlash or Balancing Act, 6 HLRe 23 (2015)

A Critical View of the Sentencing Commission's Recent Recommendations to "Strengthen the Guidelines System," 51 HOUSTON L. REV. 1335 (2014) (invited symposium)

Introduction, in STRANGE NEIGHBORS: THE ROLE OF STATES IN IMMIGRATION POLICY (NYU Press 2014) (with G.J. Chin)

Juveniles, Sex Offenses, and the Scope of Substantive Law, 46 TEXAS TECH L. REV. 5 (2013) (with J.M. Stinson) (invited symposium)

Proving Prejudice for Ineffective Assistance Claims After Frye, 25 FED. SENT. REP. 147 (2012) (invited symposium) (peer reviewed)

Arizona Senate Bill 1070: Politics Through Immigration Law, in ARIZONA FIRESTORM: GLOBAL IMMIGRATION REALITIES, NATIONAL MEDIA, AND PROVINCIAL POLITICS (Rowman & Littlefield 2012) (with G.J. Chin and M.L. Miller)

Post-Booker Leniency in Child Pornography Sentencing, 24 FED. SENT. REP. 87 (2011) (invited symposium) (peer reviewed)

Arizona's S.B. 1070: Separating Fact From Fiction, 1 L.J. SOC. JUST. 43 (2011) (invited symposium)

Mandatory Minimums and Popular Punitiveness, 2011 CARDOZO L. REV. DE NOVO 23 (invited response essay to Eric Luna & Paul Cassell, *Mandatory Minimalism*, 32 CARDOZO L. REV. 1 (2010))

A Legal Labyrinth: Issues Raised by Arizona Senate Bill 1070, 25 GEO. IMM. L.J. 47 (2010) (with G.J. Chin, T.M. Massaro, and M.L. Miller)

Race and Gender as Explicit Sentencing Factors, 14 J. GENDER RACE & JUST. 127 (2010) (invited symposium)

Federal Sentencing Changes Since the "Change" Election, 23 FED. SENT. REP. 143 (2010) (with F.A. Hessick) (invited symposium) (peer reviewed)

Five Years of Appellate Problems After Booker, 22 FED. SENT. REP. 85 (2009) (with F.A. Hessick) (peer reviewed)

Appellate Review of Sentencing Policy Decisions After Kimbrough, 93 MARQ. L. REV. 717 (2009) (invited symposium)

Is an Act Reasonableness Inquiry Necessary?, in CRIMINAL LAW CONVERSATIONS (Paul Robinson, Stephen Garvey & Kimberly Ferzan, eds. Oxford University Press 2009)

(commenting on Cynthia Lee, *Reasonable Provocation and Self-Defense: Recognizing the Distinction Between Act Reasonableness and Emotion Reasonableness*)

An Interdisciplinary Introduction to Punishment, 11 NEW CRIM. L. REV. 498 (2008)
(reviewing JOSE FALCON Y TELLA & FERNANDO FALCON Y TELLA, PUNISHMENT AND CULTURE: A RIGHT TO PUNISH? (Peter Muckley trans., Martinus Nijoff 2006))

Rita, Claiborne, and the Courts of Appeals' Attachment to the Sentencing Guidelines, 19 FED. SENT. REP. 171 (2007) (with F.A. Hessick) (peer reviewed)

Prioritizing Policy Before Practice After Booker, 18 FED. SENT. REP. 167 (2006) (peer reviewed)

RESEARCH FUNDING

Vital Projects, Inc.

Funding of \$62,000 to continue and expand study of prosecutor elections and campaign contributions and to place the data on an interactive website (2023)

Funding of \$75,000 to continue and expand study of prosecutor campaign contributions (2020)

Funding of \$90,000 to create database of prosecutor campaign contributions (2018)

Charles Koch Foundation

Funding of \$55,000 to conduct national study of overcriminalization (2023)

Funding of \$55,000 to conduct national study of prosecutor lobbying in the states (2019)

University of North Carolina, Office of Research Development

Funding of \$16,000 to pilot study of prosecutor media coverage (2021)

Drug Enforcement and Policy Center, Ohio State University

Funding of \$6,000 to conduct pilot study of marijuana enforcement policies and platforms for prosecutors running in 2022 elections (2022)

OTHER WORK EXPERIENCE

Hon. A. Raymond Randolph, U.S. Court of Appeals for the D.C. Circuit

Law Clerk, 2004-2005

Hon. Barbara S. Jones, U.S. District Court for the Southern District of New York

Law Clerk, 2003-2004

Wachtell, Lipton, Rosen & Katz New York, NY

Litigation Associate, 2002-2003

SELECT MEDIA APPEARANCES

Lauren Camera, “Republican Lawmakers in Georgia Move to Curb District Attorney Powers Ahead of Potential Trump Indictment,” U.S. NEWS & WORLD REPORT (March 7, 2023)

Kashmir Hill, “A Dad Took Photos of His Naked Toddler for the Doctor. Google Flagged Him as a Criminal.,” NEW YORK TIMES (Aug. 21, 2022)

David A. Graham, *Local Prosecutors Can’t Protect Abortion Rights*, THE ATLANTIC (July 14, 2022)

Essay, *A Federal Appeals Court Just Devastated the Power of Judges to Reject Bad Plea Deals*, SLATE (April 29, 2022)

John Fritze, Kevin McCoy & Nick Penzenstadler, *Supreme Court pick Ketanji Brown Jackson may face fireworks at hearing*, USA TODAY (March 20, 2022)

Margaret Coker & Hannah Knowles, *Travis McMichael withdraws plea admitting guilt to federal hate crime charges in murder of Ahmaud Arbery*, WASHINGTON POST (Feb. 4, 2022)

Richard Fausset & Shaila Dewan, *How a Plea Deal in the Arbery Hate Crime Case Unraveled*, NEW YORK TIMES (Feb. 2, 2022)

Essay, *The Constitutional Right We Have Bargained Away*, THE ATLANTIC (Dec. 24, 2021)

Radley Balko, *The trials of Kyle Rittenhouse and Ahmaud Arbery’s killers embody a big problem with the justice system*, WASHINGTON POST (Nov. 29, 2021)

Alex Burness, *At Colorado’s Capitol, prosecutors no longer rule the roost*, DENVER POST (June 20, 2021)

Essay, *If You Want to Reform the Police, Get Prosecutors on Your Side*, SLATE (Oct. 13, 2020) (with G. Supak)

Fredreka Schouten, *Activists move from ‘protests to the polls’ in a push to shape a slew of local races on Election Day*, CNN.COM (Oct. 31, 2020)

Essay, *Amy Coney Barrett Says Judges Shouldn’t Make Policy. That’s Nonsense.*, SLATE (Oct. 13, 2020)

Mark Berman, *Breonna Taylor’s case shines spotlight on grand juries, which usually operate out of public eye*, WASHINGTON POST (Oct. 2, 2020),

Essay, *Bill Barr’s Argument for a Political Justice Department Is Very Convenient for Bill Barr*, SLATE (Sept. 17, 2020)

Op-ed, *Give Nebraskans a choice in county attorney elections*, OMAHA WORLD-HERALD (May 16, 2020) (with Cayla Rodney)

Essay, *What the Judge Overseeing Michael Flynn's Case Can Do Now*, SLATE (May 15, 2020)

Essay, *Is the Coronavirus Really a Biological Weapon?*, SLATE (Apr. 10, 2020)

Essay, *The Supreme Court Let States Kill the Insanity Defense but Pretended it Didn't*, SLATE (March 24, 2020)

Kimberly Strawbridge Robinson & Jordan S. Rubin, *Insanity Defense Claims Curbed by High Court in Murder Case*, BLOOMBERG LAW (March 23, 2020)

Samantha Michaels, *The Real Reason People Want to Oust Prosecutor Kim Foxx Has Nothing to Do With Jussie Smollett*, MOTHER JONES (March 13, 2020)

Essay, *Bribery Is Right There in the Constitution*, THE ATLANTIC, BATTLE FOR THE CONSTITUTION (Nov. 21, 2019)

John Fritze, *Was it a bribe? Democrats trade 'quid pro quo' for 'bribery' in Trump impeachment messaging*, USA TODAY (Nov. 19, 2019)

Marissa Hoechstetter, *Carissa Byrne Hessick Wants to Hold Prosecutors Accountable*, MS. MAGAZINE (July 18, 2019)

Essay, *Elizabeth Warren's Proposal to Imprison More Corporate Executives Is a Bad Idea*, SLATE (Apr. 4, 2019) (with B. Levin)

Essay, *The National Police Association Police Association is Throwing a Fit Over Prosecutorial Discretion*, SLATE (Jan. 4, 2019) (with F.A. Hessick)

Radley Balko, *Boston's first black woman prosecutors has yet to take office, but she's already facing an ethics complaint*, WASHINGTON POST (Dec. 28, 2018)

Op-ed, *NC campaign finances need scrutiny*, RALEIGH NEWS & OBSERVER (Dec. 26, 2018) (with J. Cofer)

Mark Joseph Stern, *Why Michael Cohen Won't Get Anywhere Near 65 Years in Prison*, SLATE (Aug. 22, 2018)

Op-ed, *Voters in Pa. don't know enough about candidates running to become prosecutors*, PHILADELPHIA INQUIRER (April 11, 2018) (with R. Geissler)

Op-ed, *California voters deserve to know who is bankrolling our district attorneys*, LOS ANGELES TIMES (March 29, 2018) (with A. Rossi)

Kate Karstens, *Show us the money: UNC's Prosecutors and Politics Project tracks attorneys' finances*, THE DAILY TARHEEL (Feb. 28, 2018)

Karen Sloan, *For Law Profs, Beware the Perils of Twitter*, NATIONAL LAW JOURNAL (January 16, 2018)

Radley Balko, *How a fired prosecutor became the most powerful law enforcement official in Louisiana*, WASHINGTON POST (November 2, 2017)

David J. Lynch, *How much trouble is Donald Trump Jr in?*, THE FINANCIAL TIMES (July 11, 2017)

Jessica DaSilva, *Child Porn Gets Longer Sentences than Rape, Molestation*, BLOOMBERG BNA CRIMINAL LAW REPORTER (July 27, 2016)

Op-ed, *Law Enforcement Alone Shouldn't Decide When to Use a Pornography Website to Snare Predators*, NEW YORK TIMES ROOM FOR DEBATE (January 27, 2016)

Lindsay Whitehurst, *Teen murder case poses question of justice for juveniles*, ASSOCIATED PRESS (March 28, 2015)

Alia Beard Rau, *Ariz. to defend its tough immigration law at Supreme Court*, USA TODAY (April 21, 2012)

Kristina Shevory, *Why Veterans Should Get Their Own Courts*, THE ATLANTIC (December 2011)

Op-ed, *Returning Vets Need Jobs, Help with Courts*, ARIZONA REPUBLIC (Nov. 9, 2011) (with M. Karin)

Erica Goode, *Michigan Town Split on Child Pornography Charges*, N.Y. TIMES (March 8, 2011)

Op-ed, *Ariz. Sentencing Laws Should Be Reformed*, ARIZONA REPUBLIC (Dec. 20, 2010)

Miriam Jordan, *Obama Administration Argues Against Arizona Law*, THE WALL STREET JOURNAL (July 23, 2010)

Tim Gaynor, *No Ruling in Hearing Over Arizona Immigration Law*, REUTERS (July 22, 2010)

Christopher Shea, *Is sexting constitutional?*, BOSTON GLOBE (May 2, 2010)

Amir Efrati, *Judges Consider New Factor at Sentencing: Military Service*, THE WALL STREET JOURNAL (December 31, 2009)

PRESENTATIONS AND SPEAKING ENGAGEMENTS

Speaker, “Criminal Sentencing in Australia,” Public Lecture, The Research School of Social Sciences, The Australian National University, Canberra, Australia (May 21, 2024)

Presenter, “Criminal Sentencing in Common Law Countries,” Faculty Workshop, University of Auckland School of Law, Auckland, New Zealand (May 6, 2024)

Presenter, “The Nuances of Nonenforcement,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (October 20, 2023)

Presenter, “The Scale of Imprisonment in the Twenty-First Century,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (October 20, 2023)

Panelist, “The (Local) Prosecutor,” The Gordon Gamm Comparative Law and Justice Symposium, Tulane Law School, New Orleans, LA (March 31, 2023)

Presenter, “The Pitfalls of Progressive Prosecution,” The Future of Prosecution Workshop, Fordham Law School, New York, NY (March 3, 2023)

Speaker, “Democracy in the Criminal Justice System: An Assessment,” The Barrock Lecture, Marquette University Law School, Milwaukee, WI (November 15, 2022)

Panelist, “Prosecutors and Politics: A Conversation about—and with—District Attorneys,” Marquette University Law School, Milwaukee, WI (November 15, 2022)

Speaker, “Challenges with Plea Bargaining,” Charles L. Ihlenfeld Lecture, West Virginia University College of Law, Morgantown, WV (November 4, 2022)

Presenter, “The (Local) Prosecutor,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (October 21, 2022)

Speaker, “In Conversation with Dan Canon and Carissa Byrne Hessick,” Southern Festival of Books, Nashville, TN (October 15, 2022)

Presenter, “Campaign Finance and Criminal Justice Elections,” CrimFest!, Carodozo Law School, New York, NY (July 18, 2022)

Panelist, “National Experts on Prosecution,” The Prosecution Symposium, UNLV Boyd School of Law, Las Vegas, NV (April 8, 2022)

Speaker, “Punishment Without Trial: Why Plea Bargaining is a Bad Deal,” UNLV Boyd School of Law, Las Vegas, NV (April 7, 2022)

Panelist, “Punishment Without Trial: Why Plea Bargaining is a Bad Deal,” Ohio State University Moritz School of Law, Columbus, OH (March 23, 2022)

Presenter, “The Prosecutor Lobby,” Faculty Workshop, Northwestern University Pritzker School of Law, Chicago, IL (March 14, 2022)

Presenter, “Donating to the District Attorney,” Faculty Workshop, Notre Dame Law School, South Bend, IN (September 7, 2021)

Panelist, “Does American Criminal Justice Need Reform?,” Townhall, National Constitution Center (March 10, 2021)

Presenter, “Special Interests in Prosecutor Elections,” Symposium, Prosecutorial Elections: The New Frontline in Criminal Justice Reform, Ohio State Criminal Law Journal (February 19, 2021)

Presenter, “Funding Prosecutor Campaigns,” Faculty Workshop, Chicago-Kent College of Law, Chicago, IL (February 11, 2020)

Presenter, “Funding Prosecutor Campaigns,” Faculty Workshop, William & Mary School of Law, Williamsburg, VA (December 5, 2019)

Presenter, “Funding Prosecutor Campaigns,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (October 19, 2019)

Presenter, “Funding Prosecutor Campaigns,” CrimFest!, Brooklyn Law School, Brooklyn NY (July 15, 2019)

Presenter, “Funding Prosecutor Campaigns,” Criminal Justice Ethics Schmooze, Cardozo Law School, New York NY (June 3, 2019)

Speaker, “Courts and Legislators as Agents of Change,” Plea Bargaining: Reforming An (Un)Necessary Evil?, The NYU Center on the Administration of Criminal Law 11th Annual Conference, New York, NY (April 8, 2019)

Panelist, “Delegations and Criminal Law,” Congress and the Administrative State: Delegation, Nondelegation, and Un-Delegation, The C. Boyden Gray Center for the Study of the Administrative State, Arlington, VA (Feb. 22, 2019)

Panelist, “Corpus Linguistics: The Search for Objective Interpretation,” Association of American Law Schools Annual Meeting, San Diego, CA (January 5, 2019)

Panelist, “Animal Rights and Civil Rights – A Bridge Between Anti-Oppression Movements,” Association of American Law Schools Annual Meeting, New Orleans, LA (January 4, 2019)

Panelist, “The Pros and Cons of Plea Bargaining,” Federalist Society National Convention, Mayflower Hotel, Washington, DC (November 15, 2018)

Presenter, “Picking Prosecutors,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (October 26, 2018)

Presenter, “Criminal Clear Statement Rules,” CrimFest!, Carodozo Law School, New York, NY (July 16, 2018)

Presenter, “Picking Prosecutors,” Criminal Justice Ethics Schmooze, Brooklyn Law School, Brooklyn NY (June 11, 2018)

Panelist, “Crimes of Violence and the Void-for-Vagueness Doctrine,” Fifth Circuit Judicial Conference, Austin, TX (May 24, 2018)

Speaker, “On Scholarship and Public Engagement,” The Future of Legal Scholarship, Loyola University Chicago School of Law, Chicago, IL (April 6, 2018)

Presenter, “Criminal Clear Statement Rules,” Southwest Criminal Law Workshop, Santa Clara School of Law, Santa Clara, CA (March 31, 2018)

Speaker, “The Myth of Common Law Crimes,” Faculty Workshop, University of Arizona James E. Rogers College of Law, Tucson, AZ (February 1, 2018)

Panelist, “Why Intellectual Diversity Matters (and What Is To Be Done),” Association of American Law Schools Annual Meeting, San Diego, CA (January 4, 2018)

Discussant and Moderator, Ethics of Legal Scholarship, Marquette University Law School, Milwaukee, WI (September 15-16, 2017)

Speaker, “Implications of *United States v. Beckles* and *United States v. Johnson*,” National Conference for Pro Se Law Clerks, Federal Judicial Center, Charleston, SC (September 6, 2017)

Speaker, “From Common Law Crimes to Codification,” Faculty Workshop, University of North Carolina School of Law, Chapel Hill, NC (August 31, 2017)

Discussant, “Administrative Law & Criminal Justice,” Southeastern Association of Law Schools Annual Meeting, Boca Raton, FL (August 3, 2017)

Presenter, “From Common Law Crimes to Codification,” Association of American Law Schools Midyear Meeting, American University Washington College of Law, Washington, DC (June 14, 2017)

Presenter, “Prosecutors, Politics, and Elections,” Criminal Justice Ethics Schmooze, New York Law School, New York, NY (June 9, 2017)

Presenter, “In Defense of Common Law Crimes,” Neighborhood Criminal Justice Roundtable, University of Virginia School of Law, Charlottesville, VA (May 8, 2017)

Commentor, “Ordinary Meaning and Corpus Linguistics,” Law & Corpus Linguistics Conference, BYU Law School, Provo, UT (February 3, 2017)

Panelist, “Disparities in Sentencing,” Edward Bennett Williams Inn of Court, Washington, DC (January 12, 2017)

Presenter, “Surrendering Sixth Amendment Principles,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (November 12, 2016)

Speaker, “Civilizing Criminal Settlements,” Faculty Workshop, Brooklyn Law School, Brooklyn, NY (November 3, 2016)

Speaker, “Update on *Johnson v. United States*,” 2016 Fall Seminar for Judicial Law Clerks, U.S. District Court for the Northern District of Texas (October 12, 2016)

Speaker, “Navigating the Fallout from *Johnson v. United States*,” Federal Judicial Center Court Web (August 24, 2016)

Discussant, “Looking Forward: Criminal Law’s Role,” Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL (August 4, 2016)

Discussant, “*Booker* After 10 Years – Making Sense of the Shift to Advisory Guidelines,” Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL (August 3, 2016)

Presenter, “Surrendering Sixth Amendment Principles,” CrimFest 2016, Benjamin N. Cardozo School of Law, New York, NY (July 12, 2016)

Panelist, “The New World of Legal Academia: Planning for the Future,” Workshop for New Teachers, Association of American Law Schools, Washington, DC (June 10, 2016)

Discussant, “Impact of *United States v. Johnson*,” National Conference for Appellate Staff Attorneys, Austin, TX (May 11, 2016)

Speaker, “*Finality and the Capital/Non-Capital Punishment Divide*,” Final Judgments: The Death Penalty and American Law, University of Alabama School of Law, Tuscaloosa, AL (April 8, 2016)

Presenter, “Taking Vagueness Concerns Seriously,” Southwest Criminal Law Workshop, University of Utah S.J. Quinney College of Law, Salt Lake City, UT (September 26, 2015)

Discussant, Roundtable Discussion on Teaching and Studying Vice, Southeastern Association of Law Schools Annual Meeting, Boca Raton, FL (August 2, 2015)

Presenter, “Discretion and Double Standards: The Void for Vagueness Doctrine and the Presumption of Regularity,” CrimFest 2015, Benjamin N. Cardozo School of Law, New York, NY (July 21, 2015)

Panelist, “The New World of Legal Academia: Planning for the Future,” Workshop for New Teachers, Association of American Law Schools, Washington, DC (June 4, 2015)

Speaker, “*Johnson v. United States* and the Evolving Void for Vagueness Doctrine,” 9th Annual Criminal Law Seminar, Utah Chapter of the Federal Bar Association, Salt Lake City, UT (May 15, 2015)

Speaker, “Exercising Discretion in Child Pornography Possession Cases,” The Honorable James J. Gilvary Symposium on Law, Religion, and Social Justice, University of Dayton School of Law, Dayton, OH (March 20, 2015)

Speaker, “Sentencing’s Crucial Role in the Criminal Justice System,” Scholar-in-Residence Address, University of Dayton School of Law, Dayton, OH (March 19, 2015)

Presenter, “*Strange Neighbors: The Role of States in Immigration Policy*,” Yale Law Library Book Talk, Yale Law School, New Haven, CT (February 24, 2015)

Presenter, “Towards a Theory of Mitigation,” The New York City Criminal Law Theory Colloquium, New York University Law School, New York, NY (February 23, 2015)

Presenter, “Towards a Theory of Mitigation,” Southwest Criminal Law Workshop, San Diego Law School, San Diego, CA (September 20, 2014)

Discussant, Roundtable Discussion on Mercy, Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL (August 4, 2014)

Presenter, “Towards a Theory of Mitigation,” CrimFest 2014, Rutgers School of Law, Rutgers, NJ (July 21, 2014)

Speaker, “Procedural Rights at Sentencing,” Faculty Workshop, UNC School of Law, Chapel Hill, NC (March 20, 2014)

Presenter, “Procedural Rights at Sentencing,” Criminal Justice Colloquium Roundtable, SMU Dedman School of Law, Dallas, TX (January 23, 2014)

Featured Speaker, Federal Sentencing at a Crossroads, University of Houston Law Center, Houston, TX (November 15, 2013)

Speaker, “Enforcing Procedural Rights at Sentencing,” Law and Society Association, Boston, MA (May 30, 2013)

Speaker, “Substantive Law and the Case Against Treating Juveniles Like Adults,” Juveniles and the Criminal Law Symposium, Texas Tech School of Law, Lubbock, TX (April 5, 2013)

Speaker, “Procedural Rights at Sentencing,” Faculty Workshop, Washington University School of Law, St. Louis, MO (March 19, 2013)

Speaker, “Setting New Professional Standards in Non-Capital Cases,” Just/Justice: Valuing Fairness and Efficiency in the Criminal Justice System Symposium, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (March 1, 2013)

Presenter, “The Limits of Child Pornography,” Southwest Criminal Law Workshop, University of Nevada Las Vegas, William S. Boyd School of Law, Las Vegas, NV (September 7, 2012)

Speaker, “Child Pornography 2.0,” Law and Society Association, Honolulu, HI (June 6, 2012)

Speaker, “Double Jeopardy as a Limit on Punishment,” Faculty Workshop, University of Texas School of Law, Austin, TX (October 20, 2011)

Presenter, “Incorporating Sentencing,” Southwest Criminal Law Workshop, University of California, Irvine School of Law, Irvine, CA (September 17, 2011)

Speaker, “Double Jeopardy as a Limit on Punishment,” Faculty Workshop, University of Iowa College of Law, Iowa City, IA (September 16, 2011)

Speaker, “Double Jeopardy as a Limit on Punishment,” Faculty Workshop, Emory University School of Law, Atlanta, GA (September 7, 2011)

Speaker, “Recognizing Constitutional Rights at Sentencing,” Faculty Workshop, Chapman University School of Law, Orange, CA (April 18, 2011)

Presenter, “Child Pornography 2.0,” Southwest Junior Law Professors Workshop, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (March 14, 2011)

Speaker, “Recognizing Constitutional Rights at Sentencing,” Faculty Workshop, Willamette University College of Law, Salem, OR (February 7, 2011)

Moderator, “Immigration and the Role of States,” 13th Annual Federalist Society Faculty Conference, San Francisco, CA (January 7, 2011)

Presenter, “Double Jeopardy as a Limit on Punishment,” Prawfsfest Faculty Workshop, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (December 6, 2010)

Speaker, “Double Jeopardy as a Limit on Punishment,” Faculty Workshop, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (October 25, 2010)

Speaker, “Arizona Senate Bill 1070: An Overview,” The Role of the States in Immigration Policy and Enforcement, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (October 8, 2010)

Presenter, “Double Jeopardy as a Limit on Punishment,” Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney College of Law, Salt Lake City, UT (September 24, 2010)

Speaker, “Recognizing Constitutional Rights at Sentencing,” Faculty Workshop, Florida State College of Law, Tallahassee, FL (September 7, 2010)

Presenter, “Arizona Senate Bill 1070: A Preliminary Report,” Southwest Criminal Law Conference, Denver University School of Law, Denver, CO (August 28, 2010)

Panelist, “Beyond the Job Talk: Maneuvering Presentation Formats,” Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL (July 31, 2010)

Panelist, “White Collar Sentencing,” Federal Bar Council 2010 Winter Bench & Bar Conference, Kailua-Kona, HI (February 24, 2010)

Presenter, “The Underenforcement of Constitutional Norms at Sentencing,” Prawfsfest Faculty Workshop, Southwestern Law School, Los Angeles, CA (December 3, 2009)

Presenter, “The Underenforcement of Constitutional Norms at Sentencing,” Southwest Criminal Law Workshop, University of Arizona James E. Rogers College of Law, Tucson, AZ (October 3, 2009)

Presenter, “Punishing Kiddie Porn,” Rocky Mountain Junior Scholars Forum, BYU Law School, Provo, UT (September 25, 2009)

Speaker, “Race and Gender as Explicit Sentencing Factors,” Symposium, University of Iowa College of Law, Iowa City, IA (September 11, 2009)

Presenter, “Punishing Kiddie Porn,” Junior Crim Prof Conference, George Washington Law School, Washington, DC (July 20, 2009)

Speaker, “Appellate Review of Sentencing Policy Decisions After *Kimbrough*,” Marquette University Law School, Criminal Appeals Conference, Milwaukee, WI (June 16, 2009)

Speaker, “Punishing Kiddie Porn,” Law and Society Association, Denver, CO (May 29, 2009)

Speaker, “Ineffective Assistance of Counsel in Discretionary Sentencing Systems,” Law and Society Association, Denver, CO (May 28, 2009)

Presenter, “Punishing Kiddie Porn,” Prawfsfest Faculty Workshop, Florida State College of Law, Tallahassee, FL (April 30, 2009)

Moderator, “Post-conviction Review: Procedures, Experiences, and Lessons,” Forensic Science for the 21st Century: The National Academy of Sciences Report and Beyond, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (April 4, 2009)

Speaker, “Considering Prior Good and Bad Acts at Sentencing,” Law and Society Association, Montreal, Canada (June 1, 2008)

Speaker, “Considering Prior Good and Bad Acts at Sentencing,” Faculty Workshop, Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ (February 7, 2008)

Presenter, “Considering Prior Good and Bad Acts at Sentencing,” Prawfsfest Faculty Workshop, Loyola Law School, Los Angeles, CA (December 6, 2007)

Speaker, “Violence Between Lovers, Strangers, and Friends,” Criminal Justice, and Security Program Lunch Speaker Series, University of Arizona James E. Rogers College of Law, Tucson, AZ (November 14, 2007)

Speaker, “Considering Prior Good and Bad Acts at Sentencing,” Faculty Workshop, Widener Law School, Harrisburg, PA (November 5, 2007)

Speaker, “Violence Between Lovers, Strangers, and Friends,” Law and Society Association, Berlin, Germany (July 28, 2007)

Moderator, “Networking: Building a New Girls Network,” Harvard Women’s Law Association Alumnae Conference, Cambridge, MA (February 16, 2007)

SELECT LEGAL REPRESENTATION

Troy Mansfield v. Williamson County, Texas (No. 22-186, U.S. Supreme Court, September 2022)

Co-author of Brief of *Amici Curiae* Law Professors in Support of Petition for Certiorari

Mario D. Thompson v. State of Arkansas (No. 16-1414, U.S. Supreme Court, May 2017)

Co-Author of Petition for a Writ of Certiorari

Gregory T. Perry v. United States (No. 15-3494, Seventh Circuit Court of Appeals, May 2017)

Counsel of Record and author of Brief for Law Professors as *Amicus Curiae* in Support of Petitioner-Appellant

State v. Holle (No. 15-0348, Arizona Supreme Court, September 2016)

Author of Brief for Law Professors as *Amici Curiae* in Support of Respondent's Motion for Reconsideration

Travis Beckles v. United States (No. 15-8544, U.S. Supreme Court, August 2016)

Counsel of Record and co-author of Brief for Scholars of Criminal Law, Federal Courts, and Sentencing as *Amici Curiae* in Support of Petitioner

United States v. Calvin Matchett (No. 14-10396, Eleventh Circuit Court of Appeals, October 2015)

Author of Brief for Law Professors as *Amicus Curiae* in Support of Defendant-Appellant's Petition for Rehearing En Banc

John J. Rigas and Timothy J. Rigas v. United States (No. 09-1456, U.S. Supreme Court, July 2010)

Counsel of Record and Co-Author of Brief for Law Professors and National Association of Criminal Defense Lawyers as *Amici Curiae* in Support of Petition for Certiorari

United States v. Gino Gonzaga Rodriguez (No. 06-1646, U.S. Supreme Court, December 2007)

Co-Author of Brief for *Amici Curiae* Professors of Criminal Law in Support of Respondent

Celestine Faulks v. United States (No. 06-999, U.S. Supreme Court, January 2007)

Co-Author of Petition for a Writ of Certiorari

SELECT PROFESSIONAL ACTIVITIES

American Bar Association

Reporter, Criminal Justice Section Sentencing Standards Task Force, February 2018-present

PrawfsBlawg Legal Blog

Permanent Blogger, May 2017-present

Association of American Law Schools

Chair, Criminal Justice Section, 2018-2019

Executive Committee Member, Criminal Justice Section, 2014-2020
Executive Committee Member, Section on Scholarship, 2017-present
Member of Committee to Review Scholarly Papers, 2014-2015, 2021-2022

National Association of Criminal Defense Lawyers, Getting Scholarship into Courts Project

Member of Academic Advisory Board, 2012-2018

Salt Lake Legal Defender Association

Board of Trustees, 2015-2016

United States Attorney's Office, District of Arizona, Law Enforcement Coordinating Committee (LECC) Reentry Initiative

Member of Executive Workgroup, 2011-2013

Member of Policy & Strategy Subcommittee, 2011-2013

Arizona State Legislature, Federal Sex Offender Registration Notification Act Study Committee

Appointed by Governor Jan Brewer as University Researcher with expertise in the area of sex offender research, 2009-2013

BAR ADMISSIONS

United States Supreme Court, 2010
Seventh Circuit, U.S. Court of Appeals, 2017
Southern District of New York, 2003
New York State, 2003