

## **CARISSA BYRNE HESSICK**

*University of North Carolina School of Law*  
Van Hecke-Wettach Hall • 160 Ridge Road, CB #3380  
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### **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

#### **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)  
Prosecution Externship, New Haven State’s Attorney Office

#### **Columbia University, B.A. in Linguistics 1999**

National Champion, American Parliamentary Debate Association  
John Jay Scholar

### **MAJOR PUBLISHED ARTICLES**

*Constraining Criminal Law*, 106 MINN. L. REV. (forthcoming 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

PUNISHMENT WITHOUT TRIAL: WHY PLEA BARGAINING IS A BAD DEAL (Abrams Press, forthcoming Oct. 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

*Prosecutors as Politicians and Bureaucrats: Lessons from an Original Dataset of Campaign Contributions*

*The Prosecutor Lobby*

*Elements, Defenses, and Due Process*

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

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

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

*The Sixth Amendment Sentencing Right and Its Remedy*, 99 N.C. L. REV. (forthcoming 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 forthcoming 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)

## 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

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

*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,” 9<sup>th</sup> 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

*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