

WAYNE A. LOGAN

Steven M. Goldstein Professor of Law
Florida State University College of Law
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LEGAL ACADEMIC APPOINTMENTS

Florida State University College of Law, Tallahassee, Florida

- Steven M. Goldstein Professor of Law (2020-present)
- Gary & Sallyn Pajcic Professor of Law (2007-2020)
- Associate Dean for Academic Affairs (2008-2011)
- Faculty Advisor, FLORIDA STATE UNIVERSITY LAW REVIEW (2012-2022)
- Courses Taught: Criminal Procedure: Police Investigation; Criminal Procedure: Adjudication; Criminal Law; Sentencing Law, Policy, and Practice; Capital Punishment; Regulation and Policing of Controlled Substances
- Recipient of FSU Teaching Award (2015)

College of William and Mary, Marshall-Wythe School of Law, Williamsburg, Virginia

- Visiting Professor of Law (fall 2006)

William Mitchell College of Law, St. Paul, Minnesota

- William Mitchell Research Professor of Law (2005-2007)
- Professor of Law (2004-2005, awarded early tenure); Associate Professor of Law (2000-2004)

PUBLICATIONS

BOOKS

THE EX POST FACTO CLAUSE: ITS HISTORY AND ROLE IN A PUNITIVE SOCIETY (Oxford Univ. Press, 2022)

- Reviewed in: LAW & SOCIETY REVIEW (Vol. 57, 2023)

SENTENCING LAW, POLICY, AND PRACTICE (Foundation Press, 2022) (with Michael O’Hear) (& Supp. 2023) (including teacher’s manual)

SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION (Cambridge Univ. Press, 2021) (paper edition, 2022) (Ed., with J.J. Prescott)

FLORIDA SEARCH AND SEIZURE (LexisNexis, 2023) (containing 34 chapters, several hundred pages)

- Prior editions: 2020, 2021, 2022

COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION: LAW, POLICY, AND PRACTICE (with Margaret Love & Jenny Roberts) (Thomson Reuters, 4th ed., 2021)

- Prior edition: 3d ed., 2018

QUESTIONS AND ANSWERS, Q & A: CRIMINAL PROCEDURE I-POLICE INVESTIGATION (Carolina

Academic Press, 4th ed., 2021)

- Prior edition: 3d ed., 2016 (with Neil Cohen & Michael Benza)

QUESTIONS AND ANSWERS, Q & A: CRIMINAL PROCEDURE II-PROSECUTION AND ADJUDICATION (Carolina Academic Press, 4th ed., 2021)

- Prior edition: 3d ed. 2016 (with Neil Cohen & Michael Benza)

CRIMINAL PROCEDURE: THE POST-INVESTIGATIVE PROCESS (Carolina Academic Press, 5th ed., 2018) (with Stanley Adelman et al.) (including Teacher's Manual)

KNOWLEDGE AS POWER: CRIMINAL REGISTRATION AND COMMUNITY NOTIFICATION LAWS IN AMERICA (Stanford University Press, 2009)

- Cited by majority in *United States v. Kebodeaux*, 570 U.S. 387 (2013)
- Reviewed in: CRIMINAL LAW BULLETIN (Vol. 46, 2010); CHAMPION MAGAZINE (July 2010); PUNISHMENT & SOCIETY (Vol. 10, 2010); LAW & POLITICS (Nov. 2009); THE CHRONICLE REVIEW (Chronicle of Higher Education) (Oct. 2009)

VOLUMES 10, 10A MINNESOTA JURY INSTRUCTION GUIDE-CRIMINAL (5th ed. Thomson West, 2006) (with Stephen E. Forestell)

NORTH CAROLINA TORTS (Carolina Academic Press, 2004) (with David A. Logan)

- NORTH CAROLINA TORTS (Carolina Academic Press, 1996 & Supp. 1999)

CRIMINAL LAW (Aspen Press, 2000) (with James Acker & David Brody)

ARTICLES AND ESSAYS

The Harms of Heien: Pulling Back the Curtain on the Court's Search and Seizure Doctrine, 77 VANDERBILT LAW REVIEW __ (forthcoming 2024)

The "Alito Hypothesis" in an Era of Emboldened One-Party State Governance, 18 HARVARD LAW & POLICY REVIEW __ (forthcoming 2024)

Policing Emotions: What Social Psychology Can Teach Fourth Amendment Doctrine, 72 BUFFALO LAW REVIEW __ (forthcoming 2024)

Governmental Authority to Compel the Carrying of Stigmatizing Documents, 20 STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTIES __ (forthcoming 2024)

Should Detection Avoidance Be Criminalized? 17 CRIMINAL LAW & PHILOSOPHY (June 2023) (peer reviewed)

Crowdsourcing Crime Control, 99 TEXAS LAW REVIEW 137 (2020)

- Reprinted in abridged form in THOMAS K. CLANCY, CYBER CRIME AND DIGITAL EVIDENCE: MATERIALS AND CASES (4th ed., forthcoming 2023)

Contracting for Fourth Amendment Privacy Online, 104 MINNESOTA LAW REVIEW 101 (2019)
(with Jake Linford)

Policing Police Access to Criminal Justice Data, 104 IOWA LAW REVIEW 619 (2019)
• Reprinted in abridged form in 47 SEARCH AND SEIZURE LAW REPORT (Jan. 2020)
(Thomson/Reuters)

Fourth Amendment Localism, 93 INDIANA LAW JOURNAL 369 (2018)

Policing Criminal Justice Data, 101 MINNESOTA LAW REVIEW 541 (2016) (with Andrew Ferguson)
• Reviewed in Jotwell: <http://crim.jotwell.com/data-mistakes-and-data-justice/>

“When Mercy Seasons Justice”: Interstate Recognition of Ex-Offender Rights, 49 U.C.-DAVIS LAW REVIEW 1 (2016)
• Reprinted in abridged form in VOLUME 2, PRISONERS AND THE LAW (Ira P. Robbins, ed., 1985, Supp. 2016) (Thomson West)
• Selected by CHAMPION MAGAZINE as a featured “must read” article in its “Getting Scholarship into the Courts” Project

A House Divided: When State and Lower Federal Courts Disagree on Federal Constitutional Rights, 90 NOTRE DAME LAW REVIEW 235 (2014)

Mercenary Criminal Justice, 2014 ILLINOIS LAW REVIEW 1175 (with Ronald F. Wright)
• Reviewed in Jotwell: <http://crim.jotwell.com/making-people-pay-and-pay-and-pay/>

After the Cheering Stopped: Decriminalization and Legalism’s Limits, 24 CORNELL JOURNAL OF LAW & PUBLIC POLICY 319 (2014)

Dirty Silver Platters: The Enduring Challenge of Intergovernmental Investigative Illegality, 99 IOWA LAW REVIEW 293 (2013)

Informal Collateral Consequences, 88 WASHINGTON LAW REVIEW 1103 (2013)
• Selected by CHAMPION MAGAZINE as a featured “must read” article in its “Getting Scholarship into the Courts” Project

Constitutional Cacophony: Federal Circuit Splits and the Fourth Amendment, 65 VANDERBILT LAW REVIEW 1137 (2012)

Policing Identity, 92 BOSTON UNIVERSITY LAW REVIEW 1561 (2012)
• Selected by CHAMPION MAGAZINE as a featured “must read” article in its “Getting Scholarship into the Courts” Project

Police Mistakes of Law, 61 EMORY LAW JOURNAL 69 (2011)

Erie and Federal Criminal Courts, 63 VANDERBILT LAW REVIEW 1243 (2010)

The Adam Walsh Act and the Failed Promise of Administrative Federalism, 78 GEORGE WASHINGTON LAW REVIEW 993 (2010)

- Quoted in *Gundy v. United States*, 139 S. Ct. 2116, 2131-32 (2019) (Gorsuch, J., dissenting, joined by Roberts, C.J., and Thomas, J.)

Contingent Constitutionalism: State and Local Criminal Laws and the Applicability of Federal Constitutional Rights, 51 WILLIAM & MARY LAW REVIEW 143 (2009)

Confronting Evil: Victims' Rights in an Age of Terror, 96 GEORGETOWN LAW JOURNAL 721 (2008)

Constitutional Collectivism and Ex-Offender Residence Exclusion Laws, 92 IOWA LAW REVIEW 1 (2006)

Crime, Criminals and Competitive Crime Control, 104 MICHIGAN LAW REVIEW 1733 (2006)

The Political Economy of Application Fees for Indigent Criminal Defense, 47 WILLIAM & MARY LAW REVIEW 2045 (2006) (with Ronald F. Wright)

Creating a "Hydra in Government": Federal Recourse to State Law in Crime Fighting, 86 BOSTON UNIVERSITY LAW REVIEW 65 (2006)

Horizontal Federalism in an Age of Criminal Justice Interconnectedness, 154 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 257 (2005)

Civil and Criminal Recidivists: Extraterritoriality in Tort and Crime, 74 CINCINNATI LAW REVIEW 1609 (2005)

Democratic Despotism and Constitutional Constraint: An Empirical Analysis of Ex Post Facto Claims in State Courts, 12 WILLIAM & MARY BILL OF RIGHTS JOURNAL 439 (2004)

Criminal Law Sanctuaries, 38 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 221 (2003)

Substantive Due Process and the Involuntary Confinement of Sexually Violent Predators, 35 CONNECTICUT LAW REVIEW 319 (2003) (with Eric S. Janus)

Casting New Light on an Old Subject: Death Penalty Abolitionism for a New Millennium, 100 MICHIGAN LAW REVIEW 1336 (2002) (review essay)

Street Legal: The Court Affords Police Constitutional Carte Blanche to Arrest, 77 INDIANA LAW JOURNAL 419 (2002)

The Shadow Criminal Law of Municipal Governance, 62 OHIO STATE LAW JOURNAL 1409 (2001)

An Exception Swallows a Rule: Police Authority to Search Incident to Arrest, 19 YALE LAW & POLICY REVIEW 381 (2001)

- Reprinted in abridged form in 19 SEARCH AND SEIZURE LAW REPORT (West, Jan.-Feb.

2002) (Thomson Reuters)

Federal Habeas in the Information Age, 85 MINNESOTA LAW REVIEW 147 (2000)

Opining on Death: Witness Sentence Recommendations in Capital Trials, 41 BOSTON COLLEGE LAW REVIEW 517 (2000)

A Study in “Actuarial Justice”: Sex Offender Classification Practice and Procedure, 3 BUFFALO CRIMINAL LAW REVIEW 593 (2000)

When Balance and Fairness Collide: An Argument for Execution Impact Evidence in Capital Trials, 33 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 1 (2000)

Liberty Interests in the Preventive State: Procedural Due Process and Sex Offender Community Notification Laws, 89 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 1167 (1999)

Declaring Life at the Crossroads of Death: Victims’ Anti-Death Penalty Views and Prosecutors’ Charging Decisions, 18 CRIMINAL JUSTICE ETHICS 41 (Fall 1999) (peer reviewed)

Through the Past Darkly: A Survey of the Uses and Abuses of Victim Impact Evidence in Capital Trials, 41 ARIZONA LAW REVIEW 143 (1999)

- Reprinted in THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND SOCIETY, VOLUME I, CAPITAL PUNISHMENT (Austin Sarat ed., Ashgate Publishing, 2005) and VICTIMS: A JURIDICAL APPROACH (A. Sabitha ed., Amicus Books, 2008)

The Ex Post Facto Clause and the Jurisprudence of Punishment, 35 AMERICAN CRIMINAL LAW REVIEW 1261 (1998)

Frank Miller and the Decision to Prosecute, 69 WASHINGTON UNIVERSITY LAW QUARTERLY 159 (1991) (with Frank J. Remington)

A Proposed Check on the Charging Discretion of Wisconsin Prosecutors, 1990 WISCONSIN LAW REVIEW 1695

Felony Laws of the Fifty States and the District of Columbia, 1986 (with Lindsey Stellwagen & Patrick J. Langan) (U.S. Dept. of Justice, Bureau of Justice Statistics, Dec. 1987)

BOOK CHAPTERS AND ENTRIES

Origins and Evolution of SORN Laws, 1, in SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION (Cambridge Univ. Press, 2021) (Wayne A. Logan & J.J. Prescott eds.)

Community-based Approaches to Sex Offender Management, in WHAT WORKS WITH SEXUAL OFFENDERS: CONTEMPORARY PERSPECTIVES IN THEORY, ASSESSMENT, TREATMENT AND PREVENTION (Wiley-Blackwell, 2020) (Jean Proulx et al., eds.)

Shock Incarceration, in SAGE ENCYCLOPEDIA OF CRIMINAL PSYCHOLOGY (Robert D. Morgan, ed., 2019) (with James Falls)

Sex Offender Registration and Notification, in ACADEMY FOR JUSTICE, A REPORT ON SCHOLARSHIP AND CRIMINAL JUSTICE REFORM (Vol. 4) (Erik Luna ed., 2017)

Information and Social Control, 137 in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA (John Parry & Song Richardson eds., Cambridge Univ. Press, 2013)

Sex Offender Consequences, in COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION: LAW, POLICY AND PRACTICE (Margaret E. Love et al. eds., West Pub., 2013; revised and updated 2014 & 2016)

Victims, Survivors and the Decisions to Seek and Impose Death, in WOUNDS THAT DO NOT BIND: VICTIM-BASED PERSPECTIVES ON THE DEATH PENALTY 161 (James R. Acker & David R. Karp, eds., Carolina Academic Press) (2006); Second Edition (2009)

Duress as a Defense to Criminal Liability, ENCYCLOPEDIA OF CRIMINOLOGY (J. Miller & R. Wright eds., Routledge) (2005)

Sex Offender Registration and Community Notification: Emerging Legal and Research Issues, in SEXUALLY COERCIVE BEHAVIOR: UNDERSTANDING AND MANAGEMENT 337 (Annals of the New York Academy of Sciences) (2003)

SYMPOSIUM CONTRIBUTIONS

Toward a New Understanding of “Affirmative Disability or Restraint” in the Preventive State, 20 OHIO STATE JOURNAL OF CRIMINAL LAW 11 (2022)

Citizen Searches and the Duty to Report, 83 OHIO STATE LAW JOURNAL 939 (2022)

Sex Offender Registration in a Pandemic, 18 OHIO STATE JOURNAL OF CRIMINAL LAW 551 (2021)

Geography and Reasonable Suspicion in Auto Stops, 48 NORTHERN KENTUCKY LAW REVIEW 309 (2021)

• Reprinted in 49 SEARCH AND SEIZURE LAW REPORT (2022) (Thomson Reuters)

Gundy v. United States: Gunning for the Administrative State, 17 OHIO STATE JOURNAL OF CRIMINAL LAW 185 (2019)

Timbs v. Indiana: Toward the Regulation of Mercenary Criminal Justice, 32 FEDERAL SENTENCING REPORTER 3 (2019)

The Case for Greater Transparency in Sixth Amendment Pretrial Right to Counsel Warnings, 52 TEXAS TECH LAW REVIEW 23 (2019)

What the Feds Can Do to Rein in Local Mercenary Criminal Justice, 2019 ILLINOIS LAW REVIEW 1731

- Featured in *How Our “Two-Tiered Justice System” Exploits the Poor*, The Crime Report, Dec. 7, 2018, <https://thecrimereport.org/2018/12/07/rising-court-costs-leave-poor-at-mercy-of-a-two-tiered-justice-system-study/>

Challenging the Punitiveness of “New Generation” SORN Laws, 21 NEW CRIMINAL LAW REVIEW 426 (2018) (also served as symposium organizer and editor)

- Selected by CHAMPION MAGAZINE as a featured “must read” article in its “Getting Scholarship into the Courts” Project (March 2020)

False Messiah: The Sixth Amendment Revolution That Wasn’t, 50 TEXAS TECH LAW REVIEW 153 (2017)

Government Retention and Use of Unlawfully Secured DNA, 48 TEXAS TECH LAW REVIEW 269 (2016)

Database Infamia: Exit from the Sex Offender Registries, 2015 WISCONSIN LAW REVIEW 219

Taz: The Legal Academy’s Happy (and Erudite) Warrior, 58 HOWARD LAW JOURNAL 577 (2015) (*festschrift* in honor of the late Professor Andrew Taslitz)

Florence v. Board of Chosen Freeholders: Police Power Takes a More Intrusive Turn, 46 AKRON LAW REVIEW 413 (2013)

Prospects for the International Migration of U.S.-Style Sex Offender Registration and Community Notification Laws, 34 INTERNATIONAL JOURNAL OF LAW AND PSYCHIATRY 233 (2011)

Megan’s Laws as a Case Study in Political Stasis, 61 SYRACUSE LAW REVIEW 371 (2011)

Litigating the Ghost of Gideon in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform, 75 MISSOURI LAW REVIEW 885 (2010)

Reasonableness as a Rule: A Paean to Justice O’Connor’s Dissent in Atwater v. City of Lago Vista, 79 MISSISSIPPI LAW JOURNAL 115 (2009)

Criminal Justice Federalism and National Sex Offender Policy, 6 OHIO STATE JOURNAL OF CRIMINAL LAW 51 (2008) (also served as symposium guest editor)

Sex Offender Registration and Community Notification Policy: Past, Present, and Future, 34 NEW ENGLAND JOURNAL OF CRIMINAL AND CIVIL CONFINEMENT 3 (2008) (keynote address)

State Criminal Justice and the Challenge of Ex-Offender Mobility, 4 OHIO STATE JOURNAL OF CRIMINAL LAW 587 (2007)

Victim Impact Evidence in Federal Capital Trials, 19 FEDERAL SENTENCING REPORTER 5 (2006)

Civil Liberties in a Post-9/11 World, 40 CRIMINAL LAW BULLETIN 547 (2004)

The Importance of Purpose in Probation Decision Making, 7 BUFFALO CRIMINAL LAW REVIEW 171 (2003)

Jacob's Legacy: Sex Offender Registration and Community Notification Laws, Practice and Procedure in Minnesota, 29 WILLIAM MITCHELL LAW REVIEW 1287 (2003)

Reflections on Kalven and Zeisel's The American Jury, 39 CRIMINAL LAW BULLETIN 4 (2003)

Policing in an Intolerant Society, 35 CRIMINAL LAW BULLETIN 334 (1999)

Proportionality and Punishment: Imposing Life without Parole on Juveniles, 33 WAKE FOREST LAW REVIEW 681 (1998)

ONLINE LAW JOURNALS

The Honorable Robert R. Merhige, Jr.: A Judge Ahead of His Time, 52 UNIVERSITY OF RICHMOND LAW REVIEW ONLINE 23 (2017) (solicited essay commemorating fiftieth anniversary of Judge's appointment to the federal bench)

Cutting Cops Too Much Slack, 104 GEORGETOWN LAW JOURNAL ONLINE 87 (2015)

"Mosaic Theory" and Megan's Laws, 2011 CARDOZO LAW REVIEW DE NOVO 95

OTHER OUTLETS

Strange Bedfellows at the Supreme Court, SENTENCING LAW & POLICY BLOG, Sept. 17, 2018, available at http://sentencing.typepad.com/sentencing_law_and_policy/2018/09/scotus-preview-guest-post-strange-bedfellows-at-the-supreme-court-.html#comments.

SCOTUS Invalidates Law Criminalizing Sex Offender Access to Social Media, COLLATERAL CONSEQUENCES RESOURCE CENTER BLOG, June 20, 2017, available at <http://ccresourcecenter.org/2017/06/20/scotus-invalidates-law-criminalizing-sex-offender-access-to-social-media/#more-13112>

Piling on Criminal Fees, HUFFINGTON POST, May 20, 2015 (with Ronald F. Wright)

Populism and Punishment: Sex Offender Registration and Community Notification in the Courts, 26 CRIMINAL JUSTICE 37 (magazine of the ABA Criminal Justice Section) (spring 2011)

Federal Prosecution of State Sex Offenders, NATIONAL LAW JOURNAL, Mar. 5, 2007, at 23

U.S. Supreme Court: Testing Some Arrests, NATIONAL LAW JOURNAL, Nov. 8, 2004, at 27

SELECTED PRESENTATIONS AND PANELS

“*Terry* Frisks in a Concealed Carry World,” Ninth Judicial Circuit Public Defenders, Orlando, Florida, Aug. 1, 2023

“The ‘Punishment Question,’” University of Pittsburgh School of Law, Apr. 19, 2023

“Mosaic Theory and Florida’s Conformity Clause,” Florida Appellate Judges Conference, University of Florida College of Law, Apr. 14, 2022

“Privacy & Law in the Modern Age,” American Constitution Society Symposium, University of Pennsylvania Law School, Mar. 25, 2022 (panelist)

“Citizen Searches and the Duty to Report,” Ohio State University Moritz College of Law, Ohio State Law Journal Symposium, Feb. 25, 2022 (via Zoom)

“Toward a New Understanding of ‘Affirmative Disability or Restraint’ in the Preventive State,” Ohio State University Moritz College of Law, Ohio State Journal of Criminal Law Symposium, Feb. 11, 2022 (via Zoom)

“Recent SCOTUS Fourth Amendment Decisions,” Office of the Public Defender, Nineteenth Judicial Circuit (Fla.), Sept. 10, 2021 (via Zoom)

“*Miranda v. Arizona*: Governing Law and Its (Un?)importance Today,” Office of the Public Defender, Ninth Judicial Circuit (Fla.), Sept. 10, 2021 (via Zoom)

“Recent SCOTUS Fourth Amendment Decisions,” Office of the Public Defender, Ninth Judicial Circuit (Fla.), June 18, 2021 (via Zoom)

“Geography and Reasonable Suspicion in Auto Stops,” Solomon Chase School, Northern Kentucky University Law Review Symposium, The Future of Drug Policy: Is Decriminalization a Solution for Addiction and Policing?, Mar. 26, 2021 (via Zoom)

“Constitutional Limits on Electronic Surveillance: Their Past, Present, and Possible Future,” Office of the State Attorney, Fifteenth Judicial District (Palm Beach, Fla.), Nov. 5, 2020 (via Zoom)

“Police and Their Origins: Defunding, Demilitarizing, and Dismantling,” FSU College of Law, Oct. 4, 2020 (via Zoom; panelists Profs. Jody David Armour and Khalil Gibran Muhammad) (panel moderator)

“The Impact of Technological Advances on Fourth Amendment Jurisprudence,” Office of the State Attorney, Eleventh Judicial Circuit (Miami-Dade County, Fla.), Aug. 13, 2020 (via Zoom)

“Foundations and Frontiers of Electronic Surveillance and Digital Searches,” Office of the Public Defender, Ninth Judicial Circuit (Orlando, Fla.), July 23, 2020 (via Zoom)

“Using Technology to Advance Public Safety While Protecting Privacy,” Florida House of Representatives, Criminal Justice Subcommittee, Tallahassee, Florida, Nov. 6, 2019

“*Gundy v. United States*: Gunning for the Administrative State,” Crimfest, Brooklyn Law School, July 16, 2019

“The Case for Greater Transparency in Sixth Amendment Pretrial Right to Counsel Warnings,” Texas Tech School of Law, Lubbock, Texas, Mar. 29, 2019

“Contracting for Fourth Amendment Privacy Online,” Florida International University College of Law, Miami, Florida, Mar. 6, 2019

“What the Feds Can Do to Rein in Local Mercenary Criminal Justice,” University of Illinois College of Law, Apr. 4, 2018

“Felon Disenfranchisement Law and Policy in Florida,” Florida Constitution Revision Commission, Nov. 1, 2017

“Past, Present and (Possibly) Future Constitutional Challenges to SORN Laws,” University of Michigan School of Law, Sept. 8, 2017

“An Overview of U.S. Sex Offender Registration and Community Notification Laws,” Government Law College, Trivandrum, India, Aug. 4, 2017

“False *Massiah*: The Sixth Amendment Revolution That Wasn’t,” Assoc. of American Law Schools Criminal Justice Section Mid-Year Meeting, American Univ. College of Law, June 12, 2017

“False *Massiah*: The Sixth Amendment Revolution That Wasn’t,” Texas Tech School of Law, Lubbock, Texas, March 31, 2017

“Reforming Registries,” Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform, Arizona State University College of Law, Feb. 11, 2017

“*The Challenge of Crime in a Free Society*: Fifty Years Later,” Association of American Law Schools Annual Meeting, San Francisco, California, Jan. 5, 2017 (panel organizer and moderator)

“Fourth Amendment Localism,” Northeastern University School of Law, Boston, Massachusetts, Nov. 1, 2016

“Fourth Amendment Localism,” Roger Williams University School of Law, Bristol, Rhode Island, Oct. 31, 2016

“The Anatomy of a Wrongful Conviction,” FSU College of Law, Oct. 19, 2016 (panel moderator; part of National Innocence Project Executive Board Annual Meeting)

“What Was Once a Stream Is Now a River: Ongoing Limits to the Exclusionary Rule,” First District Court of Appeals, Tallahassee, Florida, Sept. 20, 2016

“False *Massiah*: What Forty-Five Years of Case Law Tells Us About Sixth Amendment Limits on Police Authority to Secure Confessions,” Southeastern Association of Law Schools (SEALS) Annual Meeting, Amelia Island, Florida, Aug. 6, 2016

“The Fourth Amendment and Non-Trespassory Tracking of Individuals,” Florida Conference of District Court of Appeal Judges Annual Education Program,” Ponte Verde Beach, Florida, Sept. 9, 2015

“Megan’s Laws: Emerging Legal and Policy Questions,” National Association of Criminal Defense Lawyers Meeting, Denver, Colorado, July 25, 2015

“Database Infamia: Exit from the Sex Offender Registries,” Law and Society Association Annual Meeting, Seattle, Washington, May 30, 2015

“Government Retention and Use of Unlawfully Secured DNA,” Texas Tech University School of Law, Lubbock, Texas, April 17, 2015

“Database Infamia: Exit from the Sex Offender Registries,” N.Y.U. School of Law, April 8, 2015 (via Skype)

“Against the Grain: Challenging the Constitutionality of New-Era Megan’s Laws,” Annual Meeting of the National Legal Aid and Public Defenders Association, Virginia, Nov. 12, 2014 (via teleconference)

“Database Infamia: Exit from the Sex Offender Registries,” University of Wisconsin Law School, Madison, Wisconsin, Oct. 3, 2014

“Taz: The Legal Academy’s Happy (and Erudite) Warrior,” Howard University Law School, Washington, D.C., Sept. 19, 2014

“Fourth Amendment Cases from the Supreme Court’s 2013 Term,” First District Court of Appeal, Tallahassee, Florida, Sept. 4, 2014

“A House Divided: When State and Lower Federal Courts Disagree on Federal Constitutional Rights,” Southeastern Association of Law Schools (SEALS) Annual Meeting, Amelia Island, Florida, Aug. 4, 2014

“Current and Emerging Legal and Policy Issues Concerning Sex Offender Registration and Community Notification,” Annual Meeting of West Virginia Public Defender Services, Wheeling, West Virginia, June 13, 2014

“A House Divided: When State and Lower Federal Courts Disagree on Federal Constitutional Rights,” Emory Law School, Feb. 5, 2014

“Mandatory Minimum Sentences,” National Board Meeting of the Federal Bar Association, Orlando, Florida, Jan. 24, 2014

“Sentencing in America: 1975-2025,” by Professor Michael Tonry, Robina Center for Criminal Justice, University of Minnesota Law School, November 15, 2013 (commenter)

“The Fourth Amendment and False Positives,” Association of American Law Schools Criminal Justice Section Mid-Year Meeting, San Diego, California, June 11, 2013

“Crime and Punishment,” Florida College of Advanced Judicial Studies, May 6-8, 2013 (with the Honorable Terry Lewis)

“Informal Collateral Consequences,” University of Minnesota Law School, Mar. 2, 2013

“Dirty Silver Platters,” Southwestern Law School, Oct. 19, 2012

“Constitutional Cacophony: Federal Circuit Splits and the Fourth Amendment,” University of Pittsburgh School of Law, Mar. 27, 2012

“Constitutional Cacophony: Federal Circuit Splits and the Fourth Amendment,” Vanderbilt Law School, Mar. 12, 2012

“The Racial Geography of Juvenile Sex Offender Registries,” Southern University Law Center, Feb. 23, 2012

“Policing Identity,” University of Miami School of Law, Feb. 16, 2012

“Warrantless Searches of Smartphones,” Annual Meeting of the National Conference of State Legislatures, Tampa, Florida, Dec. 1, 2011

“Megan’s Law as a Case Study in Political Stasis,” Annual Meeting of American Academy of Psychiatry and the Law, Boston, Massachusetts, Oct. 28, 2011

“Police Mistakes of Law,” Vanderbilt Criminal Justice Roundtable, Vanderbilt Law School, Dec. 10, 2010

Junior Scholars Roundtable, University of Florida School of Law, Dec. 3-4, 2010 (commentator)

“Developing Technologies and the Fourth Amendment,” ABA Criminal Justice Section, Criminal Justice Educators Colloquium, Washington, D.C., Nov. 5, 2010 (panel moderator and organizer)

“Information Empowerment as Social Control,” Florida State College of Law/American Constitution Society, Constitution in 2020: The Future of Criminal Justice Conference, Oct. 8, 2010

“Why Do We Have the Fourth Amendment?,” Southeastern Association of Law Schools (SEALS) Annual Conference, Palm Beach, Florida, Aug. 3, 2010

“Author Meets Readers: Knowledge as Power: Criminal Registration and Community Notification Laws in America,” Annual Meeting of the Law and Society Association, Chicago, Illinois, May 30, 2010

“Animal Rights, Registration Wrongs?,” University of Chicago Law School, May 11, 2010

“Fourth Amendment Developments and Issues to Come,” Florida Bar Criminal Trial and Appellate Certification Program, Orlando, Florida, Apr. 22, 2010

“The Fourth Amendment and the Values It Seeks to Serve,” Texas Tech University School of Law, Apr. 10, 2010 (panel moderator)

“Social and Political Catalysts Driving Modern-Day Registration and Community Notification Laws,” University of Houston Law Center, Apr. 7, 2010

“Litigating the Ghost of *Gideon* in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform,” University of Missouri School of Law, Feb. 26, 2010

“The Adam Walsh Act and the Failed Promise of Administrative Federalism,” ABA Section of Administrative Law & Regulatory Practice, 2009 Administrative Law Conference, Oct. 22, 2009

“Criminal Justice Federalism and National Sex Offender Policy,” Southeastern Association of Law Schools Annual Conference, Palm Beach, Florida, Aug. 3, 2009

“Great Fourth Amendment Dissents: Justice O’Connor’s Dissent in *Atwater v. City of Lago Vista*,” National Center for Justice and the Rule of Law, University of Mississippi Law School, Oxford, Mississippi, Feb. 12, 2009

“Victim Participation in the Proceedings of the International Criminal Court,” Florida State University International Center, Conference on International Criminal Tribunals, Jan. 30, 2009 (respondent)

“Sex Offender Registries: Constitutionality and Federalism,” National Conference of State Legislatures, Atlanta, Georgia, Dec. 12, 2008

“Pedagogy and Personalization: The Role of Empathy in Teaching Criminal Law,” Southeastern Association of Law Schools Annual Conference, Palm Beach, Florida, Aug. 1, 2008

“Confronting Evil: Victims’ Rights in an Age of Terror,” Stanford University Law School Criminal Justice Center, Jan. 25, 2008

“Sex Offender Policy: Past, Present, and Future,” New England College of Law, Symposium: Probation and Parole in Massachusetts,” New England Journal of Criminal and Civil Confinement, Mar. 16, 2007 (keynote speaker)

“Confronting Evil: Victims’ Rights in an Age of Terror,” College of William and Mary, Marshall-Wythe School of Law, Williamsburg, Virginia, Oct. 18, 2006

“Opining on Death: Witness Sentence Recommendations in Capital Trials,” Minnesota Advocates for Human Rights, Dorsey & Whitney, LLP, Minneapolis, Minnesota, Jan. 31, 2006

“Horizontal Federalism in an Age of Criminal Justice Interconnectedness,” Marquette University School of Law, Oct. 25, 2005

“Horizontal Federalism in an Age of Criminal Justice Interconnectedness,” University of Pennsylvania Law Review Luncheon, Oct. 7, 2005

“Civil and Criminal Recidivists: Extraterritoriality in Tort and Crime,” Hofstra University School of Law, Oct. 2004

“The Public Policy Debate on Guns: The Minnesota Personal Protection Act,” William Mitchell College of Law, featuring John Lott, Ph.D. and David Lillehaug, Esq., Nov. 19, 2003 (panel moderator)

“The Importance of Purpose in Probation Decision Making,” Criminal Law Center, State University of New York at Buffalo School of Law, “Model Penal Code: Sentencing,” Apr. 25-27, 2003

“Extended Juvenile Jurisdiction and Blended Sentencing,” William Mitchell College of Law, Feb. 26, 2003 (panelist)

“On the Home Front: Protecting Our National Security, Preserving Our Individual Liberties,” William Mitchell College of Law, Dec. 19, 2001 (panelist)

“Civil Liberties Implications of the Terrorist Attacks of September 11, 2001,” William Mitchell College of Law, Oct. 3, 2001 (panelist)

“Lessons from the Diallo Case: A Public Forum,” School of Criminal Justice, State University of New York at Albany, Feb. 28, 2000 (panelist)

“Sex Offender Community Notification Laws: Process and Procedure,” Annual Meeting of the American Society of Criminology, Toronto, Canada, Nov. 1999

“Victims with Disabilities Workshop: Hate Crime Laws,” National Research Council, National Academy Sciences, University of California at Irvine, Oct. 28-29, 1999

“Hate Crimes: Their Definition and Measurement,” School of Criminal Justice, State University of New York at Albany, Apr. 22-23, 1999 (funded by the U.S. Bureau of Justice Statistics) (panelist and conference co-organizer)

“Hate Crimes Legislation: Targeting Bias at the Expense of the Constitution?,” School of Criminal Justice, State University of New York at Albany, featuring syndicated Columnist Nat Hentoff, Apr. 22, 1999 (panel moderator)

“Zero Tolerance Policing Initiatives: Legal and Policy Perspectives,” School of Criminal Justice, State University of New York at Albany, Apr. 24, 1998 (panel moderator)

“Sexual Offenders and Sexual Assaults: Reforming New York’s Laws,” Warren M. Anderson Legislative Discussion Series, Government Law Center of Albany Law School, Mar. 11, 1998 (panel moderator)

SERVICE

EXTERNAL

American Law Institute (elected 2004):

- Member, Members Consultative Group for the Model Penal Code: Sentencing
- Member, Members Consultative Group for the Model Penal Code: Sexual Assault & Related Offenses
- Member, Members Consultative Group for Principles of the Law, Police Investigation
- Member, Members Consultative Group for the Restatement (Third) of Torts

American Bar Association, Section of Legal Education (Sabbatical Site Inspections)

- University of New Mexico, April 2024 (Role: Academician)
- Duquesne Law School, April 2022 (Role: Academician)
- University of Denver School of Law, November 2018 (Role: AALS Reporter)

Association of American Law Schools:

- Sections Committee Member (2019-2022)
- Standing Committee on Membership Review Member (2016-2019)
- Committee on Research: Awards & Recognition Subcommittee, Chair (2009-2011); Member (2009-2012)
- Criminal Justice Section: Chair (2006-2007); Chair-elect (2005-2006); Secretary (2004-2005)

External Expert Reviewer of Questions for the National Conference of Bar Examiners (2019-present)

- Multistate Performance Test
- Multistate Essay Exam

Law School Admission Council (LSAC)

- Emerging Markets and Innovation Committee (2021-present)

Member, Board of Directors, Collateral Consequences Resource Center (2018-present)

Member, Editorial Board, *Frontiers in Forensic Sciences* (2023-present)

Member, Advisory Board, “Getting Scholarship into the Courts” Task Force, National Association of Criminal Defense Attorneys (2012-2020)

Co-Reporter, Minnesota Pattern Criminal Jury Instructions (Thomson West) (2001-2007)

Member, Supreme Court of Minnesota Advisory Committee on Rules of Criminal Procedure (2002-2005)

Symposium Editor, CRIMINAL LAW BULLETIN (Thomson West) (1998-2004)

Publication Referee:

- Aspen Publishing; Cambridge University Press; Oxford University Press; University of California Press; University of Chicago Press; Criminology, Criminal Justice, Law & Society; Criminology & Public Policy; International Journal of Police Science and Management; Justice Research & Policy; Law & Social Inquiry; Law & Society Review; New Criminal Law Review; Oxford Journal of Legal Studies; Psychology, Crime & Law; Punishment & Society; Sexual Abuse: A Journal of Research and Treatment; Stanford Law Review; Wolters Kluwer Press; Yale Law Journal

Solicited Promotion and Tenure Evaluations of Law Faculty:

University of Alabama, Arizona State University, SUNY-Buffalo, UCLA, University of Kansas, University of Kentucky, University of Michigan, University of Minnesota, University of Mississippi, UNC-Chapel Hill, University of Oklahoma, University of Pittsburgh, Seton Hall University, Syracuse University, Tulane University, William Mitchell College of Law

INTERNAL

Florida State University College of Law:

- Associate Dean for Academic Affairs (2008-2011)
- University Faculty Senate Representative for College of Law (2010-2012)
- Member, University Budget Crisis Committee (appointed by University President) (2010-2012)
- Committee Chair: Faculty Appointments (2013-2014, 2018-2019, 2020-2021, 2023-present); Faculty Promotion and Tenure (2015-2016); Admissions (2012-2013); Academic Waivers (2011-2012); Student Affairs (2010-2011); Judicial Clerkship (2007-2008, 2022-2023); Ad Hoc Committee on Public Safety (2017-2018)
- Committee Member: Committee on Student Bar Success (2017-2018); Student Admissions and Recruitment (2015-2022); Faculty Appointments Committee (2007-2008, 2012-2013, 2016-2018); Student Affairs Committee (2008-2009); Faculty Promotion and Tenure (2014-2015, 2020-present); Judicial Clerkship Committee (2019-2020); Promotion and Tenure (2021-present)
- Faculty Advisor, FLORIDA STATE UNIVERSITY LAW REVIEW (2012-2022)
- Faculty Advisor, FSU Law Criminal Justice Association (2022-present)
- Teaching Faculty, FSU Oxford University Summer Law Program (summer 2013)
- Teaching Faculty, Donald J. Weidner Summer for Undergraduates Program (summer

2021, 2022, 2023)

William Mitchell College of Law:

- Committee Chair, Judicial Clerkship Committee (2005-2006); Tenure Review Committee, Lateral Candidates (2005-2006)
- Committee Member, Strategic Plan and ABA Self-Study Committee (2003-2004); Admissions Committee (2003-2004); Faculty Appointments Committee (2001-2003); Academic and Student Affairs Committee (2000-2001)

EDUCATION

University of Wisconsin at Madison, J.D., 1991

- Senior Articles Editor, WISCONSIN LAW REVIEW; Recipient of William Herbert Page Award (Faculty-Designated Award for Best Student Work Published in the WISCONSIN LAW REVIEW); Research Assistant to Professor Frank J. Remington, Mortimer Jackson Professor of Law

State University of New York at Albany (Criminology), M.A., 1986

- Rockefeller College Graduate Fellowship

Wesleyan University (Anthropology), B.A., 1983

- Graduated with University and Departmental Honors; Frank H. Cushing Award for Distinguished Achievement

PRIOR EMPLOYMENT

School of Criminal Justice, Rockefeller College of Public Affairs and Public Policy, State University of New York at Albany

- Assistant Professor (1997-2000)

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.--Greensboro and Raleigh, North Carolina

- Litigation associate (1993-1997)

Honorable Robert R. Merhige, Jr., U.S. District Judge for the Eastern District of Virginia--Richmond, Virginia

- Law Clerk (1992-1993)

Honorable Louis B. Meyer, Senior Associate Justice, N.C. Supreme Court--Raleigh, North Carolina

- Law Clerk (1991-1992)

MEDIA INTERVIEWS (selected)

ABA Journal, ABC News.com, Bloomberg BNA News, Chicago Tribune, Florida Times-Union (Jacksonville), Fox News, Miami Herald, New York Times, Newsweek, Orlando Sentinel, Palm

Beach Post, Radio Free Europe, Raleigh (N.C.) News & Observer, St. Louis Post-Dispatch, St. Petersburg Times, Tampa Bay Times, Tampa Tribune, TBS eFM Radio (Seoul, South Korea), USA Today, Wall Street Journal, Washington Times

BAR ADMISSIONS (inactive)

District of Columbia, North Carolina, Wisconsin