

Publications

Books and Book Chapters:

A Systemic Approach to Systemic Problems: Responding to Irregularities in the Criminal Justice System (with R. Wicoff), in *WRONGFUL CONVICTIONS AND 25 YEARS OF THE DNA REVOLUTION* (Cambridge University Press, 2017) (D. Medwed, ed.).

COPS IN LAB COATS: CURBING WRONGFUL CONVICTIONS THROUGH INDEPENDENT FORENSIC LABORATORIES (Carolina Academic Press, 2015). [Book reviews: Brandon L. Garrett, *The Crime Lab in the Age of the Genetic Panopticon*, 115 Mich. L. Rev. 979 (2017); Valena Elizabeth Beety, *Cops in Lab Coats and Forensics in the Courtroom*, 13 OHIO ST. J. CRIM. L. 543 (2016); Brandon L. Garrett, *The Genetic Panopticon: Even with DNA in hand, crime lab results are deeply flawed*, BOSTON REVIEW (Mar. 17, 2016)]

AMERICAN JUSTICE IN THE AGE OF INNOCENCE: UNDERSTANDING THE CAUSES OF WRONGFUL CONVICTIONS AND HOW TO PREVENT THEM (Sandra Guerra Thompson, Jennifer L. Hopgood & Hillary K. Valderrama, eds. 2011).

THE LAW OF ASSET FORFEITURE (2nd ed. 2005) (with J. Gurule and M. O’Hear) (LEXIS Law Publishing).

The Non-Discrimination Ideal of Hernandez v. Texas Confronts a “Culture” of Discrimination: The Amazing Story of Miller-El v. Texas, in "COLORED MEN and HOMBRES AQUÍ": *Hernandez v. Texas* and the Emergence of Mexican American Lawyering (Houston: Arte Publico Press, 2006) (Michael A. Olivas, ed.)

THE LAW OF ASSET FORFEITURE (1998) (with J. Gurule) (LEXIS Law Publishing).

Articles:

Building the Infrastructure for “Justice through Science”: The Texas Model, 119 W. Virginia L. Rev. 100 (2016) (with N. Casarez) (invited symposium article).

Do Prosecutors Really Matter? A Proposal to Ban One-Sided Bail Hearings, 44 Hofstra L. Rev. 1161 (2016) (invited symposium article).

Daubert Gatekeeping for Eyewitness Identifications, 65 SMU L. REV. 3 (2012).

Judicial Gatekeeping of Police-Generated Witness Testimony, 102 J. CRIM. L. & CRIMINOLOGY 329 (2012). The National Association of Criminal Defense Lawyers selected this article to feature in its “Getting Scholarship Into Court” Project, published in *The Champion* (Nov. 2013).

Eyewitness Identifications and State Courts as Guardians against Wrongful Convictions, 7 OHIO ST. J. CRIM. L. 603 (2010) (solicited).

Judicial Blindness to Eyewitness Misidentification, 93 MARQUETTE L. REV. 639 (2009) (invited symposium article).

DOJ's Attack on Federal Judicial "Leniency," The Supreme Court's Response, and The Future of Sentencing, 44 TULSA L. REV. 519 (2009) (with S. Klein) (invited symposium article).

What Price Justice? The Importance of Costs to Eyewitness Identification Reform, 41 TEXAS TECH LAW REVIEW 33 (2008) (invited symposium article).

Beyond a Reasonable Doubt?: Reconsidering Uncorroborated Eyewitness Identification Testimony, 41 U.C. DAVIS L. REV. 101 (2008). [included in the e-library of the Association in Defence of the Wrongly Convicted (AIDWYC) in Ontario, Canada, April 2016].

Immigration Law and Long-Term Residents: A Missing Chapter in American Criminal Law, 5 OHIO ST. J. CRIM. L. 645 (2008).

Latinas and Their Families in Detention: The Growing Intersection of Immigration Enforcement and Criminal Law, 14 WM. & MARY J. WOMEN & L. 1 (2008) (invited symposium article).

The Booker Project: The Future of Federal Sentencing, 43 HOUSTON LAW REVIEW 269 (2006) (invited symposium introduction).

Evading Miranda: How Seibert and Patane Failed to "Save" Miranda, 40 VALPARAISO LAW REVIEW 645 (2006) (invited symposium article).

The Non-Discrimination Ideal of Hernandez v. Texas Confronts a Culture of Discrimination: The Amazing Story of Miller-El v. Texas, 25 CHICANO-LATINO L. REV. 97 (2005) (invited symposium article).

Criminal Procedure (summary of Fifth Circuit decisions) (with E. Marrus), 35 TEX. TECH L. REV. 683 (2004) (invited annual issue).

The White Collar Police Force: "Duty to Report" Statutes in Criminal Law Theory, 11 WILLIAM AND MARY BILL OF RIGHTS JOURNAL 3 (2002) (invited symposium article).

Apprendi's Unanswered Question: Is Failure to Charge an Element in an Indictment a Jurisdictional Error?, 37 CRIMINAL LAW BULLETIN 602 (2001) (peer-reviewed journal) (solicited).

Between a Rock and A Hard Place: Invoking The Fifth Amendment in Civil Asset Forfeiture Cases, 15 GEORGIA STATE UNIVERSITY LAW REVIEW 555-600 (1999) (invited symposium article).

Family Values?: The Family As An Innocent Victim Of Civil Drug Asset Forfeiture, 81 CORNELL LAW REVIEW 343-392 (1996).

The Myth of Dual Sovereignty: Multijurisdictional Drug Law Enforcement and Double Jeopardy, 73 NORTH CAROLINA LAW REVIEW 1159-1210 (1995). Reprinted in CRIMINAL LAW REVIEW-1996 (Clark Boardman Callahan, publishers).

Reconciling Federal Asset Forfeitures And Drug Offense Sentencing, 78 MINNESOTA LAW REVIEW 805-856 (1994).

Domestic Drug Interdiction Operations: Finding the Balance, 82 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1109-1161 (1992).

Voting Rights and the Constitution: The Disenfranchisement of Non-English Speaking Citizens, 97 YALE LAW JOURNAL 1419-1437 (1988). Reprinted as a book chapter in: LATINOS IN THE UNITED STATES: HISTORY, LAW AND PERSPECTIVE, vol. 6 (Garland Publishing 1994) (Sedillo-Lopez, ed.).

Short Pieces:

Sentencing Guidelines in the US, A Primer, in 86 REFORM 45 (2005) (a journal of the Australian Law Reform Commission) (solicited).

Did the War on Drugs Die After 9/11?, 14 FEDERAL SENTENCING REPORTER 147 (2002).

Guest Editor's Observations: *Congressional Reform of Civil Forfeiture: Punishing Criminals Yet Protecting Property Owners*, 14 FEDERAL SENTENCING REPORTER 71 (2001).

Informal Dispositions, entry for ENCYCLOPEDIA OF CRIME AND JUSTICE (McMillian Reference 2000)

Book Review: Reconstructing the Truth About Justice, 8 CRIMINAL LAW FORUM 161 (1996).

The New Sentencing Entrapment and Sentencing Manipulation Defenses, 7 FEDERAL SENTENCING REPORTER 181-185 (1995).

Op Ed Pieces:

Mentally ill Texans need Medicaid Expansion, Austin Statesman, Apr. 7, 2015 (with J. Mantel).

Area Police are Ignoring Rules on Eyewitnesses, Houston Chronicle, Jan. 15, 2013.

Perry v. New Hampshire, Scotusblog, Oct. 19, 2011.

Memory Fails Us, New York Times, Sept. 1, 2011 (in “Room for Debate” feature).

Is it a New Era of Justice in Harris County?, Houston Chronicle, Aug. 5, 2010 at B9.

Fallout from Duke case clouds future rape trials: New doubts from jury selection to victim credibility, Houston Chronicle, Jun. 1, 2007.

It is Easy, and Wrong, to Blame Immigrants for Crime, Houston Chronicle, Nov. 2, 2006 at B9.

In Fastow’s Case the Punishment Fit the “Snitch,” Houston Chronicle, Oct. 3, 2006 at B11.