

## 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) (2d ed. Forthcoming 2019). [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* (2<sup>nd</sup> Edition) (Lexis Law Publishing).

*The Non-Discrimination Ideal of Hernandez v. Texas*  
*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:

*Liberty, Safety, and Misdemeanor Bail* (forthcoming 2023) (with B. Garrett, D. Carmichael & S. Kang).

*The Causal Effect of Pretrial Detention: Evidence from Large-Scale Misdemeanor Bail Reform* (submitted for peer-review publication, forthcoming 2023) (with S. Kang & B. Garrett).

*Debiasing Criminal Justice* (with N. Casarez) 31 WILLIAM AND MARY BILL OF RIGHTS JOURNAL \_\_\_\_ (2022).

*Solving Daubert* *Forensic Sciences through Blind Testing*, 57 HOUS. L. REV. 101 (2019) (with N. Casarez) (symposium article).

*Three Transformative Ideals for Building a Better Crime Lab*, 34 GEORGIA ST. L. REV. 1007 (2018) (with N. Casarez) (invited symposium article).

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  
d p f m I *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).

*of Sentencing*, 44 TULSA L. REV. 519 (2009) (with S. Klein) (invited symposium article) (cited by the United States Supreme Court in the majority opinion in *Freeman v. United States*, 564 U.S. 522 (2011)).

*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 Michigan v. 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).

*William and Mary Bill of Rights Journal* 3 (2002) (invited symposium article).

*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.).

### **Works in Progress**

*Justice Ginsburg as Criminal Justice Decider*, forthcoming (forthcoming 2024).