

JESSICA SMITH
W.R. Kenan, Jr. Distinguished Professor
School of Government, University of North Carolina at Chapel Hill
Campus Box 3330
Chapel Hill, NC 27599
(919) 966-4105
smithj@sog.unc.edu
on Twitter @ProfJessieSmith

EDUCATION

University of Pennsylvania Law School, Philadelphia, PA. J.D., May 1992

- *Magna Cum Laude*
- Member, Order of the Coif
- W. Foster Reeve, III Award
- Managing Editor, *University of Pennsylvania Law Review*, 1991 – 1992
- Associate Editor, *University of Pennsylvania Law Review*, 1990 – 1991

University of Pennsylvania, Philadelphia, PA. B.A., double major, Economics and Communications, May 1987

- *Cum Laude*

EMPLOYMENT HISTORY

School of Government, University of North Carolina at Chapel Hill, Chapel Hill, NC

Professor of Public Law & Government, July 2011 – present.

Teach, write for, and consult with officials involved in the criminal justice system, including, among others, trial and appellate judges, prosecutors, public defenders, defense lawyers, magistrates, police officers, police attorneys, legislators and legislative staff, and the media. Bill drafting and legislative review.

Associate Professor of Public Law & Government, July 2006 – June 2011. Same as above.

Assistant Professor of Public Law & Government. July 2000 – June 2006. Same as above.

Visiting Assistant Professor. Jan. 2000 – June 2000. Same as above.

Judge J. Dickson Phillips, Jr., U.S. Court of Appeals for the Fourth Circuit, Chapel Hill, NC

Law Clerk. Assisted in civil and criminal appeals. Sept. 1997 – April 1999.

Judge W. Earl Britt, U.S. District Court for the Eastern District of North Carolina, Raleigh, NC

Law Clerk. Assisted in civil and criminal trials. Oct. 1995 – Aug. 1997.

***Covington & Burling*, Washington, DC**

Associate. Litigation and dispute resolution practice areas. Trial and appellate work. *Pro bono* work included preparing *amicus* briefs in Establishment Clause cases in the United States Courts of Appeals for the Fifth and Eleventh Circuits and preparing position papers for the Council for Court Excellence on issues pertaining to judicial administration and court reform. Oct. 1992 – Oct. 1995.

Summer Associate. Researched and prepared legal memoranda. May 1991 – Aug. 1991.

***Cohen, Shapiro, Polisher, Shiekman and Cohen*, Philadelphia, PA**

Summer Associate. Researched and prepared legal memoranda. June 1990 – Aug. 1990.

***National Westminster Bank, USA*, New York City, NY**

Assistant Treasurer. Invested funds. Oversaw account administration. Met with prospects and prepared investment proposals. July 1988 – Aug. 1989.

Investment Officer Development Program. Participated in all aspects of investment management. July 1987 – June 1988.

PROFESSIONAL AWARDS & HONORS

- W.R. Kenan, Jr. Distinguished Professor (University-wide selection), April 2013.
- Albert and Gladys Hall Coates Term Professor for Teaching Excellence, UNC School of Government, 2006 – 2008.
- Nominee, Albert and Gladys Hall Coates Term Professor for Outstanding Faculty Achievement, UNC School of Government, 2004.
- Nominee, Albert and Gladys Hall Coates Term Professor for Teaching Excellence, UNC School of Government, 2004.

FIELDS OF WORK AT THE SCHOOL OF GOVERNMENT

- Substantive criminal law
- Constitutional law
- Criminal procedure
- Criminal evidence

PUBLICATIONS

Books and Book Supplements

NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME 864 pages (7th ed., UNC School of Government 2012).

This book, and the 6th ed., below, is purchased by the court system for every district court judge, superior court judge, appellate court, magistrate, prosecutor and public defender in the state. It serves as a textbook for Basic Law Enforcement Training (commonly known as BLET) in the Community College system and as core resource for police officers and

police departments. Additionally, thousands of copies are purchased by private lawyers and others involved in the criminal justice system. Starting with the 7th edition, it is available in two formats: a print version and web-based version.

CUMULATIVE SUPPLEMENT TO NORTH CAROLINA CRIMES (7th ed. 2012)
2014 Supplement, 175 pages (UNC School of Government, 2015).
2013 Supplement, 144 pages (UNC School of Government, 2014).
2012 Supplement, 65 pages (UNC School of Government, 2013).

Editor, N.C. SUPERIOR COURT JUDGES' BENCHBOOK (UNC School of Government) (dynamic updates; online: <http://benchbook.sog.unc.edu/>) (2009 – present).

NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME 710 pages (6th ed., UNC School of Government 2007).

CUMULATIVE SUPPLEMENT TO NORTH CAROLINA CRIMES (6th ed. 2007)
2010 Supplement, 145 pages (UNC School of Government, 2011).
2009 Supplement, 120 pages (UNC School of Government, 2010).
2008 Supplement, 111 pages (UNC School of Government, 2009).
2007 Supplement, 55 pages (UNC School of Government, 2008).

INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS IN NORTH CAROLINA CRIMINAL CASES, 108 pages (UNC School of Government, 2003).

CUMULATIVE SUPPLEMENT TO NORTH CAROLINA CRIMES (5th ed. 2001)
2006 Supplement, published as: ADMINISTRATION OF JUSTICE BULLETIN No. 2007/02, 62 pages (UNC School Government, Jan. 2007).

Chapters in Books and Manuals

in N.C. SUPERIOR COURT JUDGES' BENCH BOOK (UNC School of Government):

- *Pleas and Plea Negotiations in Superior Court*, 34 pages (June 2015).
- *Pretrial Release*, 31 pages (Aug. 2010; May 2015 revision).
- *Post-Conviction DNA Testing*, 6 pages (April 2015).
- *Criminal Evidence: Rule 403*, 13 pages (Mar. 2010; July 2010 update; Jan. 2013 update; Mar. 2015 revision).
- *Criminal Evidence: Relevancy*, 16 pages (2010; Mar. 2015 update).
- *Criminal Evidence: Pleas and Plea Discussions*, 6 pages (2009; Mar. 2015 update).
- *Jury Verdict*, 12 pages (Feb. 2015).
- *Jury Deadlock*, 7 pages (Jan. 2015).
- *Warrantless Stops*, 43 pages (Oct. 2014).
- *A Guide to Crawford and the Confrontation Clause*, 31 pages (Sept. 2012; Sept. 2014 update).
- *Pennsylvania v. Ritchie: Defendant's Right to Third Party Confidential Records*, 5 pages (Sept. 2014).

- *Limitations on a More Severe Sentence after a Successful Appeal or Collateral Attack*, 8 pages (April 2014) (adapted from ADMIN. OF JUSTICE BULLETIN, listed below).
- *Habeas Corpus*, 10 pages (2010; Mar. 2014 rewrite).
- *Motions for Appropriate Relief*, 39 pages (July 2010; Oct. 2012 rewrite & Dec. 2013 update).
- *Prayer for Judgment Continued*, 4 pages (2009, Oct. 2012 & Dec. 2013 updates).
- *Criminal Evidence: Hearsay*, 42 pages (Oct. 2013).
- *Criminal Evidence: Impeachment*, 10 pages (Sept. 2013).
- *Criminal Evidence: Habit*, 3 pages (June 2013).
- *Criminal Evidence: Character Evidence*, 17 pages (May 2013).
- *Rule 404(b): Evidence of Other Crimes, Wrongs, or Acts*, 18 pages (April 2013).
- *Rule 609: Impeachment by Evidence of Conviction of a Crime*, 8 pages (Feb. 2013).
- *Jury View*, 5 pages (Dec. 2012).
- *Note Taking By the Jury*, 3 pages (Nov. 2012).
- *Grand Jury: The Foreperson*, 11 pages (June 2012).
- *The Bruton Rule: Joint Trials and Codefendants' Confessions*, 4 pages (May 2012).
- *Jury Argument: Content of Opening and Closing Statements*, 14 pages (April 2012).
- *Refreshed Recollection*, 5 pages (Feb. 2012).
- *Correcting Errors Sua Sponte After Entry of Judgment*, 8 pages (Feb. 2012) (adapted from ADMIN. OF JUSTICE BULLETIN, listed below).
- *Sequestration of Witnesses*, 3 pages (Dec. 2011).
- *Motions to Dismiss for Insufficient Evidence*, 2 pages (Nov. 2011).
- *Absolute Impasse*, 3 pages (Nov. 2011).
- *Corpus Delicti*, 4 pages (Nov. 2011).
- *Jury Review of Evidence*, 3 pages (Oct. 2011).
- *Restraining the Defendant during Trial*, 3 pages (Oct. 2011).
- *The Racial Justice Act*, 10 pages (Sept. 2010) (superseded).
- *Post-Conviction: Ineffective Assistance of Counsel Claims*, 3 pages (2009; July 2010 update).
- *Trying a Non-Capital Criminal Case: An Outline for the Superior Court Judge*, 9 pages (Jan. 2010; June 2010, Sept. 2011, and Oct. 2011 updates).
- *Post-Conviction: Motions for DNA Testing and Early Disposal of Biological Evidence*, 3 pages (2009; Feb. 2010 update) (superseded).
- *Arraignment*, 4 pages (2009).
- *Criminal Trial in the Defendant's Absence*, 4 pages (2009).
- *Crawford Primer: The New Confrontation Clause Analysis*, 8 pages (2009) (superseded).
- *Counsel Issues*, 6 pages (2009) (adapted from ADMIN. OF JUSTICE BULLETIN, listed below).
- *Guilty Pleas in Superior Court*, 4 pages (2009) (superseded).

Forensic Science in U.S. Criminal Trials after Melendez-Diaz, in *THE EXPERT WITNESS, FORENSIC SCIENCE AND THE CRIMINAL JUSTICE SYSTEMS OF THE UNITED KINGDOM* (Fiona Raitt & Lucinda Hackman eds. (both, Univ. of Dundee)) (forthcoming 2015).

in N.C. LEGISLATION (UNC School of Government)

- *Criminal Law and Procedure* in N.C. LEGISLATION 2003, pp. 43-52 (UNC School of Government 2004).
- *Criminal Law and Procedure* in N.C. LEGISLATION 2002, pp. 31-40 (UNC School of Government 2003).

Monographs

Criminal Proceedings before the North Carolina Magistrate, 83 pages (UNC School of Government, 2014).

Criminal Evidence: Hearsay, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/08, 37 pages (UNC School of Government, October 2013) (reformatted reprint of Benchbook chapter).

Criminal Evidence: Character Evidence, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/06, 17 pages (UNC School of Government, June 2013) (reformatted reprint of Benchbook chapter).

Rule 404(b): Evidence of Other Crimes, Wrongs, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/04, 17 pages (UNC School of Government, April 2013) (reformatted reprint of Benchbook chapter).

Remote Testimony and Related Procedures Impacting a Criminal Defendant's Confrontation Rights, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/02, 18 pages (UNC School of Government, Feb. 2013).

Confrontation Clause Update: Williams v. Illinois and What It Means for Forensic Reports, ADMINISTRATION OF JUSTICE BULLETIN No. 2012/03, 14 pages (UNC School of Government, Sept. 2012).

Motions for Appropriate Relief, ADMINISTRATION OF JUSTICE BULLETIN No. 2010/03, 46 pages (UNC School of Government, June 2010) (reformatted reprint of Benchbook chapter).

Understanding the New Confrontation Clause Analysis: Crawford, Davis, and Melendez-Diaz, ADMINISTRATION OF JUSTICE BULLETIN No. 2010/02, 28 pages (UNC School of Government, April 2010).

Criminal Procedure for Magistrates

- ADMINISTRATION OF JUSTICE BULLETIN No. 2009/08, 86 pages (UNC School of Government, Dec. 2009).
- ADMINISTRATION OF JUSTICE BULLETIN No. 2007/06, 57 pages (UNC School of Government, Nov. 2007).
- with Robert L. Farb, ADMINISTRATION OF JUSTICE BULLETIN No. 2004/09, 29 pages (UNC School of Government, 2003) 50% contribution.
- with Robert L. Farb, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/06, 26 pages (UNC School of Government, 2003) 50% contribution.

Evidence Issues in Criminal Cases Involving Child Victims and Child Witnesses, ADMINISTRATION OF JUSTICE BULLETIN, No. 2008/07, 59 pages (UNC School of Government, 2008).

The Criminal Indictment: Fatal Defect, Fatal Variance, and Amendment, ADMINISTRATION OF JUSTICE BULLETIN

- No. 2008/03, 54 pages (UNC School of Government, 2008).
- No. 2004/03, 33 pages (UNC School of Government, 2004).

Selected Counsel Issues in North Carolina Criminal Cases, ADMINISTRATION OF JUSTICE BULLETIN No. 2007/04, 16 pages (UNC School of Government, July 2007).

Emerging Issues in Confrontation Litigation, 36 pages (UNC School of Government, Mar. 2007).

Pleas and Plea Negotiations in North Carolina Superior Court, ADMINISTRATION OF JUSTICE BULLETIN No. 2005/3, 24 pages (UNC School of Government, 2005).

Crawford v. Washington: Confrontation One Year Later, 35 pages (UNC School of Government, 2005).

Retroactivity of Judge-Made Rules, ADMINISTRATION OF JUSTICE BULLETIN No. 2004/10, 12 pages (UNC School of Government, 2004).

Motions for Appropriate Relief: Grounds that May be Asserted and Timing Rules for Asserting Them, ADMINISTRATION OF JUSTICE BULLETIN No. 2004/01, 10 pages (UNC School of Government, 2004).

2003 Legislation Affecting Criminal Law and Procedure, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/05, 12 pages (UNC School of Government, 2003).

Limitations on a Trial Judge's Authority to Impose a More Severe Sentence After a Defendant's Successful Appeal or Collateral Attack, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/03, 7 pages (UNC School of Government, 2003).

Trial Judge's Authority to Sua Sponte Correct Errors After Entry of Judgment in a Criminal Case, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/02, 9 pages (UNC School of Government 2003).

2002 Legislation Affecting Criminal Law and Procedure, ADMINISTRATION OF JUSTICE BULLETIN No. 2002/06, 14 pages (UNC School of Government, 2002).

Two Issues in MAR Procedure: Hearings and Showing Required to Succeed on a MAR, ADMINISTRATION OF JUSTICE BULLETIN No. 2001/04, 24 pages (UNC Institute of Government, 2001).

Procedural Default in State and Federal Post-Conviction Proceedings, ADMINISTRATION OF JUSTICE BULLETIN No. 2001/01, 26 pages (UNC Institute of Government, 2001).

Law Review Articles & Articles in Related Publications

Building a Better Benchbook, TRENDS IN STATE COURTS (a publication of the National Center for State Courts), 9 pages (*forthcoming* 2015), with Stefanie Panke and Dan McAvinchey, 85% contribution.

Avoiding Prognostication and Promoting Federalism: The Need for an Inter-Jurisdictional Certification Procedure in North Carolina, 77 UNIVERSITY OF NORTH CAROLINA LAW REVIEW, pages 2123-2147 (1999).

Major Reports

Report of the State Crime Lab Working Group: Administrative Solutions to Alleviate Lab Backlog, 14 pages (Oct. 2014).

Other Papers and Writing

- ***Faculty Papers***
 - The North Carolina General Assembly's Response to *Melendez-Diaz*, 4 pages (Aug. 2009).
 - *Melendez-Diaz & the Admissibility of Forensic Laboratory Reports & Chemical Analyst Affidavits in North Carolina Post-Crawford*, 8 pages (July 2008).
 - *Supplement to: Crawford v. Washington: Confrontation One Year Later*, 25 pages (Sept. 2006).
 - North Carolina Sentencing After *Blakely v. Washington* and the *Blakely* Bill, 40 pages (Sept. 2005).
 - Confrontation After *Crawford v. Washington*, 66 pages (July, 2004, Oct. 2004, & Feb. 2005 editions).
- ***Criminal Law Listserv***. Same-day or same-week annotations of all published North Carolina criminal cases and U.S. Supreme Court criminal cases impacting North Carolina, delivered by email. 4,138 subscribers.
- ***Criminal Case Compendium***. Comprehensive annotations of significant cases affecting criminal proceedings in North Carolina. Indexed and fully searchable; continually updated. Online (<http://www.sog.unc.edu/node/1171>). As of May 2015, 566 pages.
- ***Blog Posts*** (UNC School of Government's Criminal Law Blog)(on-line at <http://sogweb.sog.unc.edu/blogs/ncclaw/>)
 - Challenging a Plea, 3 pages (*forthcoming* 2015).
 - Breach of a Plea Agreement, 2 pages (*forthcoming* 2015).
 - Buyer's Remorse: Withdrawing from a Plea Agreement, 2 pages (*forthcoming* 2015).
 - Plea Bargaining: What Can & Can't Be on the Table? 2 pages (July 27, 2015).

- NC Court of Appeals Holds that DMV Records Are Non-Testimonial, 1 page (July 21, 2015).
- Is the NC Court of Appeals Lightning Up on Indictment Issues? 2 pages (July 13, 2015).
- U.S. Supreme Court Rules that Child's Statements to Teachers Are Non-Testimonial, 2 pages (July 6, 2015).
- The Doctrine of Recent Possession, 2 pages (Feb. 3, 2015).
- Sex Crimes and Penetration, 1 page (Jan. 12, 2015).
- Competency & the Residual Hearsay Exception, 2 pages (Jan. 6, 2015).
- U.S. Supreme Court to Decide Whether Child's Statements to Teacher Were Testimonial, 2 pages (Dec. 15, 2014).
- Authenticating Social Media Evidence, 2 pages (Dec. 2, 2014).
- Warrantless Stops 101—Was the Stop Supported by Reasonable Suspicion?, 2 pages (Nov. 18, 2014).
- Warrantless Stops 101—Did a Seizure Occur, 2 pages (October 13, 2014).
- Counsel's Unconsented-To Admission is Reversible Error, Except When It's Not, 2 pages (Oct. 8, 2014).
- Defendant's Right to Third-Party Confidential Records, 2 pages (Oct. 2, 2014).
- *Riley* and Retroactivity, 2 pages (July 29, 2014).
- With Cert Denials, Hope Fades for Clarification on Use of Substitute Analysts, 2 pages (June 4, 2014).
- Statutorily Mandated Sentences: An Exception to G.S. 15A-1335, 2 pages (April 21, 2014).
- 15A-1335: When is a Sentence "More Severe"?, 2 pages (April 14, 2014).
- A 2013 Rollback of State Procedural Protections for Defendants, 2 pages (April 7, 2014).
- Miller Retroactivity: Where Are We?, 2 pages (Mar. 31, 2014).
- Hearsay Exceptions: Statements Against Penal Interest, 2 pages (Mar. 24, 2014).
- Hearsay Exceptions: Former Testimony & Dying Declarations, 2 pages (Mar. 17, 2014).
- Hearsay Exceptions: What Does "Unavailability" Mean?, 2 pages (Mar. 10, 2014).
- Hearsay Exceptions: The Residual Exceptions, 2 pages (Mar. 4, 2014).
- Hearsay Exceptions: Public Records & Reports, 2 pages (Feb. 24, 2014).
- Hearsay Exceptions: Business Records, 2 pages (Feb. 19, 2014).
- Hearsay Exceptions: Recorded Recollection, 2 pages (Feb. 18, 2014).
- A Recurring Issue in Kidnapping Cases, 2 pages (Feb. 3, 2014).
- A Conversation with Justice Scalia, 2 pages (Jan. 29, 2014).
- Hearsay Exceptions: Then Existing Mental, Emotional, or Physical Condition, 2 pages (Jan. 21, 2014).
- 2013 Wrap Up: Significant SCOTUS Cases, 2 pages (Jan. 13, 2014).
- Premeditation and Deliberation, 2 pages (Dec. 18, 2013).
- Hearsay Exceptions: Present Sense Impressions & Excited Utterances, 2 pages (Nov. 18, 2013).
- Hearsay Exceptions: Admissions by Party-Opponents, 2 pages (Nov. 12, 2013).
- Character Evidence Made Simple, 2 pages (Nov. 4, 2013).
- N.C. Prostitution Changes, 4 pages (October 28, 2013).
- Impeachment with Evidence of Bias, 2 pages (October 21, 2013).

- N.C. Tightens its Laws On Disorderly Conduct at Funerals, 2 pages (October 14, 2013).
- Remember Those Timelines for Non-Capital Motions for Appropriate Relief?, 1 page (Oct. 8, 2013).
- North Carolina’s “Caylee’s Law”, 2 pages (Oct. 3, 2013).
- Forced Self-Penetration Supports a Sex Offense Conviction, 1 page (Sept. 25, 2013).
- Imposing Fees for Forensic Expert Testimony—Is it Constitutional?, 2 pages (Sept. 18, 2013).
- Impeachment by Prior Inconsistent Statement, 2 pages (Sept. 11, 2013).
- N.C. Court Takes a Restrictive View of “Significant Change in the Law” MARs, 1 page (Aug. 19, 2013).
- Involuntary Manslaughter: A Recent Case & A Quick Review, 2 pages (Aug. 12, 2013).
- The N.C. Supreme Court’s Recent Substitute Analyst Cases, 2 pages (July 10, 2013).
- Why Trafficking Really Bites, 1 page (June 11, 2013).
- Beyond Legislative Solutions to *Melendez-Diaz*, 2 pages (June 10, 2013).
- Damage to a Computer, 1 page (June 5, 2013).
- Rule 404(b): The Requirement of Temporal Proximity, 2 pages (May 21, 2013).
- Rule 404(b): The Requirement of Similarity, 2 pages (May 14, 2013).
- Rule 404(b): Proper Purpose Other Than Propensity, 3 pages (May 7, 2013).
- Rule 404(b): Did He Really Do It?, 2 pages (April 30, 2013).
- Rule 404(b): Bare Fact of Conviction Rule, 2 pages (April 17, 2013).
- N.C. Court of Appeals OKs Remote Two-Way Testimony for Ill Witnesses, 2 pages (April 10, 2013).
- Fourth Circuit Declines to Take a Restrictive View of Forfeiture by Wrongdoing, 2 pages (April 3, 2013).
- Claims that Survive an Unconditional Guilty Plea, 1 page (Mar. 27, 2013).
- Are a Child’s Statements to a Treating Psychologist Admissible Under *Hinnant*?, 2 pages (Mar. 20, 2013).
- A Silver Lining for the Defense in *Chaidez*?, 2 pages (Mar. 13, 2013).
- Jury Review of the Evidence: Say The Magic Words!, 2 pages (Mar. 6, 2013).
- U.S. Supreme Court Ruling: *Padilla* Is Not Retroactive, 1 page (Feb. 21, 2013).
- Jury View, 2 pages (Jan. 10, 2013).
- View of the Person, 1 page (Jan. 3, 2013).
- Going Armed to the Terror of the People, 2 pages (Dec. 20, 2012).
- Experts in Child Sex Cases: Reversible Error in a Recent Case, 2 pages (Dec. 10, 2012).
- California Tackles Substitute Analysts Post-*Williams*, 2 pages (Dec. 3, 2012).
- Delivery of a Controlled Substance and the “Pot Exception”, 2 pages (Nov. 26, 2012).
- Identity Theft, 2 pages (Nov. 19, 2012).
- Forfeiture of Counsel and “Gray Area” Defendants, 2 pages (Nov. 15, 2012).
- Note Taking by Jurors, 1 page (Nov. 7, 2012).
- Tight New Timelines for Motions for Appropriate Relief, 2 pages (Oct. 29, 2012).
- Discharging a Weapon into an Occupied Dwelling: If People Are on the Porch, It’s Occupied, 2 pages (Oct. 23, 2012).
- Expert Testimony: “The Child Was Sexually Abused”, 2 pages (Oct. 18, 2012).
- Jury’s Review of Evidence, 2 pages (Sept. 24, 2012).

- Waiver of Counsel: A Quick Refresher, 2 pages (Sept. 10, 2012).
- When Do The Evidence Rules Apply?, 1 page (Sept. 4, 2012).
- Explaining the Defendant's Absence at Trial, 2 pages (Aug. 27, 2012).
- Fatal Variance—Use It or Lose It, 1 page (Aug. 20, 2012).
- Alibi Defense Doesn't Mean the State Can't Amend Offense Date, 2 pages (Aug. 16, 2012).
- *Crawford's* Implications on *Bruton*, 2 pages (Aug. 7, 2012).
- The *Bruton* Rule: A Primer, 2 pages (Aug. 6, 2012).
- Notice and Demand – One More Time, 2 pages (July 25, 2012).
- Repressed Memory Evidence, 2 pages (July 16, 2012).
- Court OKs Measuring Combined Bags in Drug Cases, 2 pages (July 11, 2012).
- The New Terrorism Offense, 3 pages (July 5, 2012).
- Don't Look a Gift Horse in the Mouth, 2 pages (June 25, 2012).
- The Circumstantial Murder Case, 2 pages (June 18, 2012).
- 4th Circuit Ruling: Child's Statements to Social Worker Are Non-testimonial, 2 pages (June 13, 2012).
- Overstating Possible Punishment and the (In)voluntary Nature of the Plea—Part II, 2 pages (June 4, 2012).
- N.C. Court of Appeals Weighs in on "Testimonial" Evidence After *Bryant*, 2 pages (May 29, 2012).
- Jury Argument—Part III, 2 pages (May, 21, 2012).
- Jury Argument—Part II, 2 pages (May 14, 2012).
- Jury Argument—Part I, 2 pages (May 7, 2012).
- Child Victims & The Medical Diagnosis and Treatment Hearsay Exception, 3 pages (April 30, 2012).
- Is *Kenton* Retroactive?, 2 pages (April 23, 2012).
- A Defense Win on a Newly Discovered Evidence Claim, 2 pages (April 16, 2012).
- A Motion to Suppress a Prior Conviction Isn't a Collateral Attack, 2 pages (April 10, 2012).
- North Carolina Has Its First Forfeiture By Wrongdoing Case, 2 pages (April 2, 2012).
- Overstating Possible Punishment and the (In)voluntary Nature of the Plea, 2 pages (Mar. 27, 2012).
- Court OKs Offensive Collateral Estoppel, 2 pages (Mar. 20, 2012).
- No Relief from Fair Sentencing, 2 pages (Mar. 12, 2012).
- Court Strikes Down Internet Sweepstakes Ban, 2 pages (Mar. 8, 2012).
- "Show Me the Money": Specific Performance of a Plea Agreement, 2 pages (Mar. 5, 2012).
- N.C. Court of Appeals Rules that *Padilla* Is Not Retroactive, 2 pages (Feb. 27, 2012).
- "It's Testimonial, Stupid", 1 page (Feb. 20, 2012).
- Use of a Defendant's Pre- and Post-Arrest Silence at Trial, 2 pages (Feb. 13, 2012).
- What Does It Mean to "Enter"?, 1 page (Feb. 6, 2012).
- Defending Santa: Is It a "Breaking" to Enter Through an Open Chimney?, 1 page (Jan. 23, 2012).

- Pretrial Release – Part 4: Refusal to Provide Identification & Noncitizens, 2 pages (Jan. 19, 2012).
- What's in a Name?, 2 pages (Jan. 17, 2012).
- Pretrial Release – Part 3: Limits on When and What Conditions May Be Imposed, 2 pages (Jan. 9, 2012).
- Pretrial Release – Part 2: Who Sets Conditions? What Are The Options?, 2 pages (Jan. 3, 2012).
- Pretrial Release – Part 1: Who Gets Conditions?, 2 pages (Dec. 19, 2011).
- Unavailability under *Crawford*, 2 pages (Dec. 14, 2011).
- Corpus Delicti, 2 pages (Nov. 21, 2011).
- Absolute Impasse, 2 pages (Nov. 14, 2011).
- Court Holds that Probable Cause Hearing Provides a Prior Opportunity to Cross Examine, 2 pages (Nov. 7, 2011).
- Jessie's Top Five Indictment Errors, 2 pages (Oct. 20, 2011).
- Forfeiture of the Right to Counsel, 2 pages (Oct. 17, 2011).
- N.C. Court Holds that *Maryland v. Craig* Survives *Crawford*, 2 pages (Oct. 13, 2011).
- Cyberstalking, 2 pages (Oct. 10, 2011).
- Is *Padilla* Retroactive?, 2 pages (Oct. 4, 2011).
- You Can Hold Me Down: Restraining the Defendant during Trial, 2 pages (Sept. 28, 2011).
- Eating the Evidence, 2 pages (Sept. 21, 2011).
- On the Horizon: U.S. Supreme Court to Decide Another Substitute Analyst Case, 2 pages (Sept. 1, 2011).
- How to Take a Waiver of Counsel, 2 pages (Aug. 25, 2011).
- Maintaining a Dwelling—Part II, 2 pages (Aug. 16, 2011).
- Drug Crimes—Maintaining a Dwelling, 2 pages (Aug. 15, 2011).
- Crime against Nature, 2 pages (July 26, 2011).
- New Crimes Protecting Unborn Children, 2 pages (July 18, 2011).
- *Bullcoming* and Substitute Analysts, 2 pages (June 29, 2011).
- Sexual Assaults: One Conviction or Two?, 2 pages (May 16, 2011).
- *Michigan v. Bryant* – Part 3, 2 pages (Mar. 24, 2011).
- *Michigan v. Bryant* – Part 2, 2 pages (Mar. 23, 2011).
- *Michigan v. Bryant* – Part 1, 2 pages (Mar. 22, 2011).
- Trial in the Defendant's Absence, 2 pages (Mar. 1, 2011).
- Assaults: One Conviction or Two?, 2 pages (Feb. 16, 2011).
- Two-Way Remote Testimony: Will It Pass Muster? (Part III), 2 pages (Feb. 10, 2011).
- Two-Way Remote Testimony: Will It Pass Muster? (Part II), 2 pages (Feb. 9, 2011).
- Two-Way Remote Testimony: Will It Pass Muster? (Part I), 2 pages (Feb. 8, 2011).
- Continuing Criminal Enterprise — Non-Drug Offenses, 1 page (Jan. 26, 2011).
- Accessory After the Fact – A Recent Decision Creates Confusion, 1 page (Jan. 18, 2011).
- Aiding and Abetting, 2 pages (Jan. 5, 2011).
- Mistake of Fact: A Negating Defense, 1 page (Dec. 10, 2010).
- Strict Liability Crimes, 2 pages (Nov. 30, 2010).
- Criminal Negligence, 2 pages (Nov. 18, 2010).

- Transferred Intent, 2 pages (Nov. 17, 2010).
- Cyberbullying, 2 pages (Nov. 11, 2010).
- U.S. Supreme Court Grants Cert. in Substitute Analyst Case, 2 pages (Nov. 8, 2010).
- Constructive Possession of Drugs, 2 pages (November 1, 2010).
- The Racial Justice Act—Issues on the Horizon, 2 pages (October 25, 2010).
- Motions for Appropriate Relief and Procedural Default, 2 pages (Aug. 24, 2010).
- New Trial Ordered in Unpublished *Melendez-Diaz* Autopsy Case, 2 pages (Aug. 16, 2010).
- Statute of Limitations on Defense Motions for Appropriate Relief, 1 page (Aug. 11, 2010).
- No High Court Ruling on Whether Two-Way Video Testimony Satisfies *Crawford*, 1 page (Aug. 9, 2010).
- Court of Appeals Holds that *Harbison* Survives *Nixon*, 2 pages (July 20, 2010).
- North Carolina Supreme Court Enters Temporary Stays in Two Substitute Analyst Cases, 1 page (July 15, 2010).
- United States Supreme Court Denies Certiorari in Substitute Analyst Case, 1 page (June 15, 2010).
- *State v. Johnson* and Retroactivity of *Gant*, 1 page (June 3, 2010).
- Move to Strike My Last Post, 3 pages (May 20, 2010).
- Foundation for a Substitute Analyst’s Opinion after *Melendez-Diaz*, 2 pages (May 14, 2010).
- 404(b) Evidence and the Bare Fact of a Prior Conviction, 1 page (April 29, 2010).
- Photographs of Homicide Victims, 2 pages (April 19, 2010).
- Rule 403: *Old Chief* & Stipulations to Prior Convictions, 2 pages (Mar. 30, 2010).
- Relevancy: Weapons, 2 pages (Mar. 23, 2010).
- Relevancy: “Context,” “Circumstances,” and “Chain of Events” Evidence, 1 page (Mar. 17, 2010).
- Relevancy: Guilt of Another, 2 pages (Mar. 8, 2010).
- High Court Declines to Revisit or Modify *Melendez-Diaz*, 1 page (Jan. 26, 2010).
- North Carolina’s Notice and Demand Statute for Chemical Analyses in Drug Cases Is Constitutional, 1 page (Jan. 6, 2010).
- *State v. Mobley*: Green Light to the Use of Substitute Analysts, 2 pages (Nov. 4, 2009).
- *Galindo* & “Substitute Analysts” After *Melendez-Diaz*, 2 pages (Oct. 22, 2009).
- *State v. Locklear* and the Admissibility of Forensic Reports, 2 pages (Sept. 1, 2009).
- Retroactivity of *Melendez-Diaz* (Again), 1 page (July 27, 2009).
- Retroactivity of *Melendez-Diaz*, 2 pages (July 20, 2009).
- **Miscellaneous**
 - *State v. Lewis: There is Life After Crawford*, 1 SWORD & SHIELD 1-2 (published by N.C. Conference of District Attorneys, Dec. 2005).
 - Revisions to the following sections of the text for the Basic School for Magistrates (UNC School of Government, 2003):
 - Conducting Initial Appearance and Setting Conditions of Pretrial Release (pp. 82-103)
 - Problems in Determining the Conditions of Pretrial Release (pp. 104-107)

- Civil License Revocations and Vehicle Forfeitures (pp. 29-37)
- Selecting the Proper Criminal Process (pp. 69-78)

TEACHING

UNC School of Government School and Conferences

- ***Regularly Scheduled Teaching.***
 - ***Appellate Training: New & Emerging Issues*** (once per year for the N.C. Court of Appeals, starting in 2009)
 - ***Sessions taught:***
 - N.C. & U.S. Supreme Court Review (annually)
 - Warrantless Stops
 - Williams v. Illinois*: The Latest on Forensic Testing Post-*Crawford*
 - Melendez-Diaz* and Other *Crawford* Issues
 - Ineffective Assistance of Counsel Claims
 - Post-Conviction Procedure
 - ***Orientation for New Superior Court Judges*** (once per year since 2000)
 - ***Sessions taught:***
 - Conducting Criminal Court: Pretrial Release
 - Conducting Criminal Court: Counsel Issues
 - Conducting Criminal Court: Guilty Pleas
 - Correcting Errors in Criminal Judgments
 - Motions for Appropriate Relief
 - ***N.C. Conference of Superior Court Judges*** (twice per year since 2000)
 - ***Sessions taught:*** I have taught a wide variety of topics at judges' conferences. A sampling includes:
 - Criminal Legislative Update (annually)
 - Criminal Case Law Update (twice a year)
 - The Criminal Indictment
 - Crawford* & the Confrontation Clause (multiple sessions)
 - Blakely v. Washington* and N.C. Sentencing (multiple sessions)
 - Pleas & Plea Negotiations
 - Prior Bad Acts Evidence
 - Fourth Amendment Law
 - Sixth Amendment Right to Counsel
 - Counsel Issues
 - Double Jeopardy Issues
 - Motions for Appropriate Relief
 - Prayer for Judgment Continued
 - Character Evidence
 - Probation
 - ***Advanced Criminal Evidence*** (every five years; for superior court judges)
 - ***Sessions taught:***
 - Relevancy
 - Limits on Relevancy
 - Character Evidence
 - The Confrontation Clause
 - Hearsay Issues in Child Victim Cases

- Expert Testimony in Child Victim Cases
- Case Management
- Evidence Problems
- ***Advanced Criminal Procedure*** (every five years; for superior court judges)
 - ***Sessions taught:***
 - Double Jeopardy
 - Sixth Amendment Right to Counsel Issues
 - Criminal Procedure & Confrontation Rights
 - After the Conviction—What Next?
- ***Post-Conviction Proceedings*** (every five years; for superior court judges)
 - ***Sessions taught:***
 - Procedural Issues Pertaining to Motions for Appropriate Relief
 - Motions for Appropriate Relief Challenging Guilty Pleas
 - Motions for Appropriate Relief Asserting Ineffective Assistance of Counsel
 - Habeas Corpus
 - Post-Conviction DNA Testing
- ***Capital Law*** (every five years; for superior court judges)
 - ***Sessions taught:***
 - Counsel Issues in Capital Cases
- ***School for New Prosecutors*** (once per year)
 - ***Sessions taught:***
 - A New Prosecutor's Guide to Confrontation
- ***New Felony Defender Program*** (once per year)
 - ***Sessions taught:***
 - The Criminal Indictment
- ***New Misdemeanor Defender Program*** (once per year)
 - ***Sessions Taught:***
 - A Defender's Guide to Confrontation
- ***Basic School for Magistrates*** (two times per year since 1999)
 - ***Sessions taught:***
 - Selecting Proper Process
 - Initial Appearance and Pretrial Release
 - Search Warrants
 - Introduction to Elements of Crimes
 - Drug Crimes
 - Burglary and Related Offenses
 - Assaults
 - Sexual Assaults
 - Larceny & Robbery
 - Disorderly Conduct
 - Weapons & Resisting Crimes
 - Trespass
 - Arson
 - Drug Law
 - Homicide
 - Motor Vehicle Offenses

- Civil License Revocations & Vehicle Forfeitures
- Issues in Criminal Law & Procedure
- ***Magistrates Conferences and One-Day Schools*** (previously annually, as of 2009, once every 3 years)
 - ***Sessions taught:*** I have taught a wide variety of topics at magistrates' conferences and one-day schools. A sampling includes:
 - Criminal Law Case Update (multiple sessions)
 - Criminal Law Legislative Update (multiple sessions)
 - Trespass
 - Weapons Offenses
 - Fugitives
 - Detention Forms and Federal Check 21 Law
 - Habitual Crimes
 - Assaults
 - Issuing Search & Administrative Inspection Warrants
 - Motor Vehicle Law
 - Magistrate's Authority to Hold a Criminal Defendant
 - Release Orders and Bond Forms
 - Handling Out-of-County Process
- ***Advanced Criminal Procedure for Magistrates*** (every other year)
 - ***Sessions Taught:***
 - Initial Appearance
- ***Non-Recurring Sessions in School of Government Schools & Conferences***
 - Recommendations of the Crime Lab Working Group, Senior Resident Superior Court Judges' Meeting, Oct. 2014.
 - A Judge's Guide to Confrontation Clause Analysis, N.C. District Court Judges' Special Topics Seminar, April 2010.
 - Hearsay Issues in District Court Cases Involving Child Witnesses, N.C. District Court Judges' Special Topics Seminar, April 2010.
 - Expert Testimony in District Court Cases Involving Child Sexual Abuse, N.C. District Court Judges' Special Topics Seminar, April 2010.
 - Expert Testimony in Child Abuse Cases, Department of Social Services Attorneys' Conference, Feb. 2010.
 - Hearsay Issues in Child Abuse Cases, Department of Social Services Attorneys' Conference, Feb. 2010.
 - Non-Citizens, ICE Detainers, & Defendants Who Refuse to Identify Themselves, Senior Resident Superior Court Judges' Meeting, Oct. 2009.
 - Pretrial Release Policies, Senior Resident Superior Court Judges' Meeting, Oct. 2009.
 - *Crawford* and the Confrontation Clause: What Defenders Need to Know (program co-sponsored by the UNC School of Government and the N.C. Indigent Defense Services) May 2007.
 - *Crawford v. Washington*: Strategies for Defense Counsel (program co-sponsored by the N.C. Indigent Defense Services and the UNC School of Government) May 2006.
 - Court Systems (session of MPA course; with James Drennan), PUBA 230: Introduction to Law for Public Administration, 2 sessions: Sept. 2005 and Sept. 2004.

- Confrontation After *Crawford v. Washington*, 13th Annual Public Law for the Public's Lawyers Program (program sponsored by the UNC School of Government, The NC Department of Justice, and The Legislative Services Office of the NC General Assembly), Sept. 2004.
- Disorderly Conduct; Homicide; Arson; Drug Crimes; Disorderly Conduct, Basic Law Enforcement Training for Wildlife Officers, April 2004.
- Introduction to Criminal Law; Assaults; Sexual Assaults; Burglary; Larceny, Robbery & Kidnapping; Trespass, Basic Law Enforcement Training for Wildlife Officers, May 2003.
- Avoiding Procedural Default in State Post-Conviction Proceedings, North Carolina Public Defenders' Fall Conference, Oct. 2000.

Speaker—Outside Conferences & Meetings—International, National & Regional

- Constitutional Protections in a High-Tech World, University of Edinburgh (UK) School of Law, Constitutional Law Discussion Group, May 2015.
- Constitutional Protections in a High-Tech World, University of Dundee (UK) School of Law, Presentation for law faculty and students, April 2015.
- Assessing the Constitutionality of States' Responses to *Melendez-Diaz* (refereed abstract), 4th Annual Constitutional Law Colloquium, Loyola Univ. of Chicago School of Law, Nov. 2013.
- U.S. Supreme Court Review: New and Emerging Issues, Southern Supreme Court Judges Conference, Sept. 2011 (sponsored by the National Center for State Courts and the Southern High Court Conference).
- Emerging Issues in Confrontation Clause Litigation: A Guide for Appellate Judges (program sponsored by the N.C. and S.C. Administrative Offices of the Courts) Feb. 2007.

Speaker—Outside Conferences & Meetings—North Carolina

- Assessing Potential Responses to *Melendez-Diaz* (program sponsored by the NC Conference of District Attorneys), Aug. 2014.
- Remote Testimony and Other Related Procedural Mechanisms Implication Confrontation Rights (to N.C. Bar Ass'n Judicial Administration Committee), Feb. 2014.
- *Melendez-Diaz*: Implications for State Crime Labs, Forensic Science Advisory Board (to the N.C. Crime Lab), Jan. 2014.
- Confrontation Update, Federal Criminal Practice Seminar (sponsored by the Federal Public Defenders Office, E.D.N.C.), Nov. 2012.
- Hearsay Issues in Child Witness Cases, Cumberland County Family Court Training, Cumberland County Family Court, Aug. 2012.
- Expert Testimony in Child Abuse Cases, Cumberland County Family Court Training (sponsored by the Cumberland County Family Court), Aug. 2012.
- Notice & Demand Statutes: Tools for Avoiding *Crawford* Issues, 2012 Highway Safety Symposium (sponsored by, among others, N.C. Conference of District Attorneys and the N.C. Governor's Highway Safety Program), Mar. 2012.

- Notice & Demand Statutes: Tools for Avoiding *Crawford* Issues, N.C. Conference of District Attorneys, Oct. 2011.
- The Criminal Indictment: What Felony Prosecutors Need to Know, Transition from District to Superior Court, Aug. 2011 (sponsored by the N.C. Conference of District Attorneys).
- The Criminal Indictment (program sponsored by the N.C. District Attorneys' Conference), June 2009.
- Advanced *Crawford* (program sponsored by the N.C. District Attorneys' Conference), June 2009.
- The Child's Out Of Court Statements: Constitutional Issues, The Child Sexual Abuse Trial (program sponsored by the N.C. Conference of District Attorneys), Feb. 2009.
- The Child's Out Of Court Statements: Hearsay Issues, The Child Sexual Abuse Trial (program sponsored by the N.C. Conference of District Attorneys), Feb. 2009.
- Investigating Domestic Violence Crime Post-*Crawford*: A Primer for Law Enforcement Officers (Program sponsored by the N.C. Conference of District Attorneys), April & Feb. 2008.
- *Crawford*: A Tool for Federal Defenders (Federal Criminal Practice Seminar program sponsored by the Office of Federal Public Defender, Eastern District of North Carolina) Oct. 2007.
- *Crawford* Issues in Domestic Violence Cases: A Program for Judges and Prosecutors (program sponsored by the N.C. Conference of District Attorneys) April 2007.
- Confrontation Issues in Child Victim Prosecutions (program sponsored by the N.C. Governor's Crime Commission in association with the N.C. Conference of District Attorneys) Mar. 2007.
- Domestic Violence Prosecutions After *Crawford* and *Davis* (program sponsored by the N.C. Conference of District Attorneys) Nov. 2006.
- Confronting the *Crawford* Issue (program sponsored by the N.C. Professional Society on the Abuse of Children) Oct. 2006.
- *Crawford v. Washington*: Confronting the Confrontation Clause Objection (program sponsored by the N.C. Conference of District Attorneys) May 2006.
- *Crawford v. Washington*: Implications in Child Victim Cases (program sponsored by the Child Medical Evaluation Program, Department of Pediatrics, UNC Chapel Hill and the Halifax County Department of Social Services), Sept. 2005.
- Child Medical Examinations After *Crawford v. Washington* (program sponsored by the Committee on Child Abuse & Neglect of the North Carolina Pediatric Society), July 2005.
- Criminal Law Update: Recent Cases & New Legislation, N.C. Conference of District Court Judges, Oct. 2004.

Online & Distance Learning Modules/Webinars

- *Crawford* and the Confrontation Clause Illuminated, Live Webinar to National Audience, Dec. 12, 2013.
- Code of Judicial Conduct, Canons 1-3, with Paul Ross, Executive Director, NC Judicial Standards Commission, 2013

- Code of Judicial Conduct, Canons 4-7, with Paul Ross, Executive Director, NC Judicial Standards Commission, 2013.
- Judicial Ethics, with Paul Ross, Executive Director, NC Judicial Standards Commission, 2011.
- SOG Web Resources for Superior Court Judges, Feb. 2010.
- Correcting Errors after Entry of Judgment in a Criminal Case, Feb. 2009.
- Research Assistant Tutorial, with Bonni Baird, 2009.
- Ineffective Assistance of Counsel Claims, 2009.
- Confronting the Confrontation Issue: *Crawford* Update, Nov. 2006.
- N.C. Sentencing After *Blakely* and the *Blakely* Bill, Oct. 2005.
- Pleas & Plea Negotiations, July 2005.
- *Blakely* Retroactivity & *Crawford* Update, Nov. 2004.
- Jury Argument, 404(b) Evidence, Probation, and Prayer for Judgment Continued, Nov. 2004.
- Confrontation After *Crawford v. Washington*, June 2004.
- Habitual Felon Law, Correcting Errors, and Resentencing, June 2003.
- Motions for Appropriate Relief, Jan. 2003.
- Developments in Fourth Amendment Law, Oct. 2002.
- Jurors, Evidence Issues in Child Sex Cases, & Recent Sixth Amendment Cases, July 2002.
- Probation, Waiver & Forfeiture of Counsel, Jury Argument & Double Jeopardy, Feb. 2002.

Non-Legal Teaching

- Train the Trainers: A Course for Citizens' Police Academy Faculty, Feb. 2013.
- Resources for Superior Court Judges, N.C. Conference of Superior Court Judges, Oct. 2010, Oct. 2009 & at the annual Orientation for New Superior Court Judges.
- Designing Effective Teaching Sessions; Using PowerPoint and TurningPoint; Creating a Lesson Plan, N.C. Judicial College Faculty Development Seminar, Mar. 2008.
- The Effective Use of PowerPoint, Faculty Presentation, UNC School of Government, May 2005.

Curriculum & New Course Development

- For the N.C. Judicial College, developed a rotating 5-year curriculum for North Carolina superior court judges. In addition to the Judicial College courses that I developed, listed immediately below, curriculum includes the following courses developed and administered by others: New Chief Judges & Senior Residents School, Sentencing Seminar, Judicial Authority, Capital Law, Civil Procedure, Sentencing Law, Judicial District Executive Program, Senior Residents School, Arrest, Search & Investigation, and Advanced Civil Topics.
- Orientation for New Superior Court Judges. N.C. Judicial College Course, 5-day, annual program since 2003. Coverage includes: conducting criminal court, civil procedure,

evidence, pro se litigation, contempt, computer training, fairness in the court system, ethics, jurisdiction, interpreter issues, and more.

- New and Emerging Legal Issues. N.C. Judicial College 1-day, annual course for judges on the North Carolina Court of Appeals, since 2009. Coverage varies but has included, among other things: Supreme Court review, consumer lending issues, land use law, racial issues in criminal cases, family law, post-conviction procedure, forensic testing, juvenile law, and voting law.
- Advanced Criminal Procedure. N.C. Judicial College 5-day course for superior court judges, offered every 5 years, since 2014. Coverage includes: discovery, motions to suppress, double jeopardy, procedural issues in impaired driving cases, counsel issues, trying the notorious case, compassion fatigue, neuroscience, jury selection, sex offenders, and more.
- Advanced Criminal Evidence. N.C. Judicial College 4-day course for superior court judges, offered at least every 5 years, since 2008. Coverage includes: relevancy, limits on relevancy, witnesses and impeachment, character and habit, hearsay, Rule 404(b) evidence, confrontation clause issues, privileges, rape shield, and more.
- Post-Conviction Proceedings. N.C. Judicial College 1-day course for superior court judges, offered at least every 5 years. Coverage includes: motions for appropriate relief, ineffective assistance of counsel, sentencing errors, habeas corpus, expunction, and more.
- U.S. Supreme Court Seminar, 2-day course for superior court judges (one time offering Jan. 2014). Coverage included: Oral argument at the U.S. Supreme Court, meeting with Justice Scalia, and seminars at the National Center for State Courts.
- Fourth Amendment. N.C. Judicial College 1-day course for superior and district court judges (one-time offering, Nov. 2010). Coverage included: warrantless searches, vehicle stops, searches of prisoners, and checkpoints and chemical analysis.
- N.C. Judicial College Faculty Development Seminar. 1-day course to develop N.C. Judicial College judge-faculty (one time offering, Mar. 2008). Coverage included: learning objectives, developing a lesson plan, tools for engaged learning, effective use of visual aids, and more.
- Managing the Capital Case in North Carolina. Led North Carolina's participation in a project co-sponsored with the National Judicial College to develop and implement a 2½-day course for trial judges in capital litigation (one time offering, Mar./April 2006). Coverage included: pretrial issues, jury issues, case management, guilt phase issues, penalty phase issues, aggravating circumstances, mitigating circumstances, ethics, and more.

Conference and School Administration

In addition to administering all of the new courses listed immediately above, I also administer the following programs:

- North Carolina Conference of Superior Court Judges, 3-day course, ongoing since 2001, to date have planned and implemented 21 judges' conferences, covering civil and criminal topics, evidence, ethics, court administration and updates, leadership, and more.

ADVISING AND RELATED ACTIVITIES

Daily Consulting. Respond to daily telephone and email inquiries from trial and appellate judges, state and federal prosecutors, lawmakers and their staff, defense attorneys, public defenders, magistrates, police officers, police attorneys, the media, and others. 2000 – present.

N.C. Conference of Superior Court Judges: Continuing Judicial Education Committee. Work with the Committee to plan and implement continuing judicial education programs. 2001 – present.

N.C. Conference of Superior Court Judges: Web Page Development and Maintenance. Web page for North Carolina superior court judges serves as a virtual library of conference and school materials. Contains handouts and PowerPoint presentations from conferences and schools, as well as the on-line judges' bench book and distance learning modules (www.judges.unc.edu) 2002 – present.

N.C. Superior Court Judges' Mentoring Program. With Michael Crowell. Developed and implement this program. 2011 – present.

N.C. General Assembly. Consult with legislators and staff as needed. In person and by telephone and email. 2002 – present.

N.C. Administrative Office of the Courts. Provide advice on proposed legislation. Review and comment on proposed form changes. Provide consultation services to AOC legal staff. 2002 – present.

Crime Lab Working Group. Formed this working group of superior court and district court judges, prosecutors, and representatives from Indigent Defense Services and the state Crime Lab to develop administrative solutions to reduce backlog at the Lab. Serve as Reporter for the Group. 2013 – 2015.

Legislative appearances:

- N.C. Justice & Public Safety Joint Legislative Oversight Committee, Nov. 13, 2014.
- N.C. Courts Commission, Dec. 5, 2014.

Media coverage:

- WUNC Hear & Now, Radio Interview, Nov. 18, 2014.
- News & Observer, Judges chip away at NC crime lab backlog, Nov. 28, 2014.

N.C. State Crime Lab

Consult with the Crime Lab about implementation of a new law allowing for remote testimony by laboratory analysts. Nov. 2014 – Dec. 2014.

Council of Chief Judges of the State Courts of Appeals. Work with the Council's Education Committee to evaluate the need for a comprehensive judicial education plan for Chief Judges of the nation's appellate courts. Feb. 2013 – May 2013.

N.C. Conference of District Attorneys. Advised on possible legislative responses to changes in the law. Review and comment on proposed legislation. 2010 – 2013.

District Attorney's Office. For a N.C. district attorney, reviewed and commented on proposed legislation for remote testimony by chemical analysts. 2012.

Crime Laboratory, N.C. State Bureau of Investigation. Consulted regarding proposed legislation allowing remote testimony by lab analysts. Jan. 2011.

District Attorney's Office. Consulted with a N.C. district attorney regarding policies and procedures for the local Child Advocacy Center. Specifically focused on policies and procedures for interviews and medical examinations of child victims in light of confrontation clause issues. Jan. 2011.

Legislative Reporting Service. Summarize bills, amendments, and committee substitutes considered by the N.C. General Assembly for the School of Government's Daily Bulletin publication. 2000 – 2010.

Bail Re-Engineering Project. Consulted with N.C. district court judges regarding county pretrial release issues. Oct. – Dec. 2009.

District Attorney's Office. Consulted with a N.C. district attorney regarding responding to *Melendez-Diaz* in impaired driving cases. Aug. 2009.

N.C. State Bureau of Investigation. Consulted regarding policy and procedure changes in light of *Melendez-Diaz*. July 2009.

Capital Case Consulting. Consulted with a N.C. superior court judge on evidence and substantive law issues that arose in a lengthy capital murder trial. Jan. 2009 – Feb. 2009

N.C. Conference of Superior Court Judges' Legislative Committee. Prepared a paper evaluating the confrontation clause implications of proposed legislation for North Carolina that would adopt a version of the Uniform Child Witness Testimony by Alternative Methods Act. Dec. 2008.

Governor-Elect Perdue Transition Report: Crime Control & Public Safety and Juvenile Justice and Delinquency Prevention. Attended transition meetings scheduled by the N.C. Governor-Elect, facilitated small group discussions among participants, and prepared the transition report for these two departments.

Capital Case Consulting. Consulted with a N.C. superior court judge on procedural issues that arose during a lengthy capital case. Jan. 2008 – Feb. 2008.

Capital Case Consulting. Consulted with a N.C. superior court judge on a variety of evidentiary and procedural issues that arose during a 13-week trial of a capital case. Sept. 2007 – Nov. 2007.

Advice in Special Prosecution. Provided legal advice to a N.C. special prosecutor in a case involving prosecutors' alleged withholding of evidence in a criminal case. July 2006 – Dec. 2006.

N.C. Conference of Superior Court Judges: Curriculum Subcommittee. Worked with the subcommittee to develop a comprehensive multi-year curriculum for continuing judicial education for superior court judges. Nov. 2004 – Oct. 2005.

N.C. Child Forensic Evaluation Program—Mental Health. Evaluated the impact of the United States Supreme Court's decision in *Crawford v. Washington* on the Program's work. Consultation included a review of the Program's guidelines and procedures. Also provided guidance on evidence rules governing court testimony of program staff. May 2004 – June 2004.

Capital Post-Conviction Proceedings. Worked closely with a N.C. superior court judge on the post-conviction claims of a death row inmate. Claims included Eighth Amendment, Equal Protection and Due Process issues. Nov. 2004 – Mar. 2005.

N.C. Conference of Superior Court Judges: Bench Book Committee. Worked with the Committee to plan revisions to the Superior Court Judges' Benchbook. 2004.

Post-Conviction DNA Proceedings. Worked with a N.C. superior court judge on a proceeding under a new statute allowing convicted criminal defendants to obtain DNA testing and dismissal of criminal charges under certain circumstances. Consulted on legal and non-legal issues and advised judge in connection with a court hearing. 2003.

PROFESSIONAL MEMBERSHIPS

- Permanent Member, U.S. Judicial Conference for the Fourth Circuit Court of Appeals (2013 – present).
- American Bar Association (2013 – present).
 - Criminal Justice Section (2013 – present).
 - Judicial Division (2014 – present).
 - Government and Public Sector Lawyers Division (2014 – present).
- North Carolina State Bar (1998 – present).
- New York State Bar (1993 – 1995 (resigned)).
- Connecticut State Bar (1992 – 1999 (retired)).
- District of Columbia Bar (1993 – 1998 (resigned)).

SERVICE TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

- Committee on Appointments, Promotion and Tenure (July 2013 – Present).
- Financial Exigency and Program Change Committee (July 2013 – Present).
- Faculty Grievance Committee (2003 – 2006).

SERVICE TO THE SCHOOL OF GOVERNMENT

- Appointment, Tenure, Promotion Policy Revision Committee (April 2015 – present).
- Capital Campaign Committee (Sept. 2013 – present).
- Chair, Faculty Advisory Committee, Meredith Smith (April 2013 – present).
- Peer review of colleagues' publications (to date 25+ papers, books and book chapters) (2000 – present).
- Dean's Advisory Committee (Jan. 2012 – 2014).
- Teaching Mentor for faculty member Jeff Welty (Jan. 2008 – 2013).
- Faculty Advisory Committee for Jeff Welty (Jan. 2008 – 2013).
- Diversity Committee (2013).
- Faculty Advising Log Pilot Project (2013).
- Faculty Advisory Committee for Kara Millonzi (Mar. 2006 – 2013).
- Teaching Mentor for faculty member Kara Millonzi (Mar. 2006 – 2013).
- Dean's Advisory Committee Subcommittee on Course Evaluation (May 2012 – Feb. 2013).
- Legal Research Assistant Subcommittee (June 2012 – Oct. 2012).
- N.C. Crimes Electronic Edition Implementation Team (April 2012 – Aug. 2012).
- Public Policy Implementation Committee (PPIC) (December 2009 – 2011).
- Legislative Reporting Service Subcommittee of the PPIC (Feb. 2010 – Aug. 2010).
- Edited *2009 Legislation of Interest to Court Officials*, 32 pages (October 2009).
- Staff Excellence Award Selection Committee (Feb. 2009)
- Teaching Development Committee (2007-2008).
- Publications Content Committee (Oct. 2007 – 2008).
- Committee for selection of N.C. Judicial College Judicial Educator (2007 – 2008).
- Committee for the selection of a Courts Group Program Manager (Nov. 2007).
- Committee for the selection of the N.C. Judicial College Administrative Assistant (Jan. 2007 – June 2007).
- Recruiting Subcommittee for faculty position in Criminal Law & Procedure (April 2007 – Sept. 2007).
- Information Technology Committee (Mar. 2006 – Oct. 2007).
- Recruiting Committee (2001 – 2007).
- Recruiting Subcommittee for faculty position in Law of Judicial Administration (2006).
- Recruiting Subcommittee for faculty position in Sentencing & Corrections (2006).
- Appointment, Tenure & Promotions Policy Revision Committee (Jan. 2005 – 2006).
- Defender Educator Selection Committee (Nov. 2005 – Dec. 2005).
- Recruiting Subcommittee for faculty position in the Law of Local Government Finance (Sept. 2005 – 2006).
- Recruiting Subcommittee for faculty position in Civil Procedure.
- Recruiting Subcommittee for faculty position in Tax Law.
- Dean's Technology Vision and Planning Group (May 2005).
- Subcommittee for Selection of Courts' Group Program Coordinator (Mar. 2005).
- Chair, Deil S. Wright Capstone Paper Award Committee (Mar. 2005).
- Deil S. Wright Capstone Paper Award Committee (April, 2004).
- School of Government Faculty Secretary (Nov. 2002 – April 2003)

- Staff Excellence Award Committee (2002)

SERVICE TO THE PROFESSION

- Staffing for the Advisory Committee on Permissible Political Conduct for Judges and Judicial Candidates (2004 – 2005) (Committee established by the Chief Justice of the N.C. Supreme Court).
- Judicial Branch Education Study Committee, participant (2000 – 2002) (Committee established by the Chief Justice of the N.C. Supreme Court and the Director of the Administrative Office of the Courts to review the judicial branch education system and make recommendations for improvement).
- Coordinated or facilitated bench-bar sessions at the following N.C. Bar Association Annual Meetings: June 2011, June 2010, June 2007, June 2005
- Taught the following sessions at UNC Law School's Festival of Legal Learning, a CLE open to all lawyers:
 - Expert Testimony in Child Victim Cases, Feb., 2008.
 - Motions for Appropriate Relief, Feb., 2003.
 - Criminal Law Update: 2001 Case Roundup, Feb., 2002.

COMMUNITY SERVICE

- Presentation: *Terry Stops & Frisks and Racism in Policing*, East Chapel Hill High School (Honors African American History Seminar), Sept. 2014.
- Chapel Hill Community Policing Advisory Committee (CPAC), July 2011 – June 2014.
 - Vice-Chair, CPAC, 2013 – 2014.
 - Deputy Vice-Chair, CPAC, 2011 – 2013.
 - Chair, Citizen's Police Academy Subcommittee, July 2011 – July 2012.
- Assessment Team, Chapel Hill Police Department selection process for hiring of a new Assistant Police Chief, Nov. 2013 and Aug. 2013 (separate assessments).