

ERIC R. CARPENTER

Florida International University College of Law
11200 SW 8th St., RDB 2037, Miami, FL 33199
ercarpen@fiu.edu, <http://law.fiu.edu/>
(305) 348-4560

Teaching Experience

Florida International University College of Law, Miami, FL
Associate Professor of Law, 2016 – present
Assistant Professor of Law, 2013 – 2016
Affiliated Faculty, Center for Women's and Gender Studies
Affiliated Faculty, University Graduate School
Subjects: Criminal Law, Evidence, Military Justice, Sexual Violence against Women

The Judge Advocate General's School, Charlottesville, VA
Chair and Professor, Criminal Law Department, 2011 – 2013
Associate Professor, Criminal Law Department, 2010 – 2011
Subjects: Criminal Law, Criminal Procedure, Professional Responsibility, Evidence,
Military Justice, Trial Advocacy, Capital Litigation
ABA NCSCJ Judicial Education Award, 2014

Education

University of California, Los Angeles, J.D., 2001

The Judge Advocate General's School, U.S. Army, LL.M., 2005
Awarded in Military Law with a Criminal Law Specialty
Commandant's List
The Judge Paul W. Brosman Award for Outstanding Achievement in the
Study of Criminal Law

Command and General Staff College, U.S. Army, MMAS, 2010

University of California, Berkeley, B.A., 1993
Major: Economics; Minor: Rhetoric
With distinction (*cum laude*)

Articles and Book Chapters

An Integrated Approach to Defending Those with Mental Health Conditions, in FORENSIC PSYCHOLOGY IN MILITARY COURTS-MARTIAL (Christopher Stein & Jeffrey Younggren, eds., 2019)

The Bergdahl Block: How the Military Blocks Access to Preliminary Hearings and What We Can Do About It, 26 WM. & MARY BILL RTS J. 789 (2018)

An Empirical Look at Commander Bias in Sexual Assault Cases, 22 BERKELEY J. CRIM. L. 101 (2017) (peer-refereed)

- Featured in Michael Heise, *Bringing Data to UCMJ Reform*, EMPIRICAL LEGAL STUDIES (Oct. 20, 2016, 4:18 PM), http://www.elsblog.org/the_empirical_legal_studi/2016/10/bringing-data-to-ucmj-reform.html

Patriarchy, Not Hierarchy: Rethinking the Effect of Cultural Attitudes in Acquaintance Rape Cases, 68 HASTINGS L.J. 225 (2017)

- Reprinted in WOMEN AND THE LAW (Tracy Thomas ed., 2017)

Evidence of the Military's Sexual Assault Blind Spot, 4 VA. J. CRIM. L. 154 (2016)

The Military's Sexual Assault Blind Spot, 21 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 383 (2015)

Seizures Without Searches: Defining Property Seizures and Developing a Property Seizure Model, 41 GONZ. L. REV. 167 (2007)

- Reprinted in 34 SEARCH & SEIZURE L. REP. 9 (Oct. 2007)
- Cited by WAYNE R. LAFAVE, SEARCH AND SEIZURE §9.8(e) n.158 (5th ed. 2012)
- Cited by THOMAS K. CLANCY, THE FOURTH AMENDMENT 257 n.246 (2d ed. 2014)

Shorter Works

The Beginning of the End of Florida's Death Penalty?, FLA. DEFENDER, Winter 2016, at 12.

Rethinking Voir Dire, ARMY LAW., Feb. 2012, at 5

- Cited by JEFFREY T. FREDERICK, MASTERING VOIR DIRE AND JURY SELECTION 174 n.3, 307 n.38 (2018)

An Overview of the Capital Jury Project for Military Practitioners: Aggravation, Mitigation, and Admission Defenses, ARMY LAW., July 2011, at 16

An Overview of the Capital Jury Project for Military Practitioners: Jury Dynamics, Juror Confusion, and Juror Responsibility, ARMY LAW., May 2011, at 6

- Cited by United States v. Akbar, 74 M.J. 364, 385 n.11 (C.A.A.F. 2015)
- Cited by JEFFREY T. FREDERICK, MASTERING VOIR DIRE AND JURY SELECTION 308 nn.45, 47 (2018)

Simplifying Discovery and Production: Using Easy Frameworks to Evaluate the 2009 Term of Cases, ARMY LAW., Jan. 2011, at 31

Book Review, ARMY LAW., June 2005, at 48

Handbooks

PRACTICING MILITARY JUSTICE, CRIMINAL LAW DEP'T, THE JUDGE ADVOCATE GEN.'S LEGAL CTR & SCH., U.S. ARMY (editor, 2011 – 2013; contributing author, 2010 – 2013)

OPERATIONAL LAW HANDBOOK, INT'L & OPERATIONAL LAW DEP'T, THE JUDGE ADVOCATE GEN.'S LEGAL CTR & SCH., U.S. ARMY (contributing author, 2011 – 2013)

COMMANDER'S LEGAL HANDBOOK, THE JUDGE ADVOCATE GEN.'S LEGAL CTR & SCH., U.S. ARMY (2013) (contributing author)

Media Appearances

- Mike Simpson & Charles Feldman, *InDepth*, KNX NEWS RADIO, June 21, 2019
- Corey Dickstein, *Pardons for War Crimes Could Harm Commanders' Influence, Former Military Lawyers Warn*, STARS & STRIPES, May 22, 2019
- Joshua Eaton, *Pentagon Mised Obama Administration on Gun Background Check Problem, Document Shows*, THINKPROGRESS, Oct. 11, 2018
- Dianna Cahn, *Senators Urge Pentagon to Rethink Sending Military Lawyers to be Immigration Prosecutors*, STARS & STRIPES, June 22, 2018
- Corey Dickstein, *Missing Fort Bragg Soldier Found, Has Returned to His Unit*, STARS & STRIPES, Apr. 3, 2018
- Joshua Eaton, *One Military Reporting Error Means Tens of Thousands Could Buy Guns Illegally*, THINKPROGRESS, Mar. 30, 2018
- Rebecca Kheel, *Texas Shooting Puts Scrutiny on Military's Criminal Reporting System*, THE HILL, Nov. 12, 2017
- W.J. Hennigan, *The Air Force Error That Let the Texas Church Shooter Buy a Gun Is Just One of 'Thousands'*, TIME MAGAZINE, Nov. 8, 2017
- Zusha Elinson, et al., *Texas Gunman Had a Violent Past, but It Didn't Prevent Him From Buying Guns*, THE WALL STREET JOURNAL, Nov. 6, 2017
- Nancy Youssef, et al., *U.S. Military Failed to Send Texas Gunman's Conviction Record to FBI*, THE WALL STREET JOURNAL, Nov. 6, 2017
- Jonathan Drew, *AP Explains: Bergdahl Judge Weighed Complex Leniency Factors*, ASSOCIATED PRESS, Nov. 4, 2017
- Bergdahl Coverage*, CBS RADIO, Nov. 3, 2017
- Corey Dickstein, *Deserter Bergdahl Gets No Jail Time; Dishonorably Discharged*, STARS & STRIPES, Nov. 3, 2017
- Joey Flechas, *Sexual Harassment Claims Threaten to Derail His Candidacy. But He Won't Back Down*, MIAMI HERALD, Nov. 2, 2017
- Corey Dickstein, *Prosecutors Recommend 14 Years in Prison for Bergdahl; Judge Could Decide Sentence Friday*, STARS & STRIPES, Nov. 2, 2017
- Jonathan Drew, *Trump Comments Concern Judge, Loom Large Over Bergdahl Sentencing*, ASSOCIATED PRESS, Oct. 24, 2017
- Bowe Bergdahl Facing Life in Prison*, THE TODAY SHOW, Oct. 23, 2017
- Bergdahl Coverage*, CBS Radio, Oct. 23, 2017

Jonathan Drew, *Dramatic Sentencing Hearing Expected in Bergdahl Case*, ASSOCIATED PRESS, Oct. 22, 2017

Bergdahl Coverage, CBS RADIO, Oct. 17, 2017

Jonathan Drew, *Bergdahl Guilty Pleas Leave Room for Drama at Sentencing*, ASSOCIATED PRESS, Oct. 17, 2017

Corey Dickstein, *A Guilty Plea by Bergdahl on Monday Could Set Up a Unique Military Pre-sentencing Trial*, STARS & STRIPES, Oct. 13, 2017

Corey Dickstein, *Bergdahl Enters Guilty Plea to Desertion, Misbehavior Charges Without a Plea Deal*, STARS & STRIPES, Oct. 16, 2017

Jonathan Drew, *Army Schedules Hearing to Consider Bowe Bergdahl Plea*, ASSOCIATED PRESS, Oct. 12, 2017

Jonathan Drew, *Searchers' Wounds Will Be Considered at Bergdahl Sentencing*, ASSOCIATED PRESS, June 30, 2017

Jonathan Drew, *Navy SEAL Testifies About Wound During Bowe Bergdahl Search*, ASSOCIATED PRESS, June 21, 2017

Jonathan Drew, *Bergahl Lawyers Rip Gov't Case, Dispute Most Serious Charge*, ASSOCIATED PRESS, June 21, 2017

Corey Dickstein, *FBI Joins Army, Air Force and Coast Guard in Investigation into Nude-Photo Scandal*, STARS & STRIPES, Mar. 17, 2017

Jonathan Drew, *Prosecutors: Bergdahl to Get Fair Trial Despite Trump Jabs*, ASSOCIATED PRESS, Feb. 6, 2017

Jonathan Drew, *Bergdahl Case Presents Early Legal Test of Trump Rhetoric*, ASSOCIATED PRESS, Jan. 21, 2017

Corey Dickstein, *A Pardon for Bowe Bergdahl? Unlikely, Experts Says*, STARS & STRIPES, Dec. 13, 2016

Eric Tucker & Jonathan Drew, *Bergdahl Seeks Pardon from Obama to Avert Desertion Trial*, ASSOCIATED PRESS, Dec. 3, 2016

Jonathan Drew, *Prosecutors Cite 2 Soldiers' Injuries in Bergdahl Arguments*, ASSOCIATED PRESS, Sept. 7, 2016

Jonathan Drew, *Top General Scheduled to Testify at Bergdahl Hearing*, ASSOCIATED PRESS, Aug. 24, 2016

Corey Dickstein, *Prosecution: Bergdahl Charges Can't be Dropped over McCain Comments*, STARS & STRIPES, Aug. 23, 2016

Corey Dickstein, *Bergdahl Trial Schedule in Question as Accused Deserter Returns to Court*, STARS & STRIPES, Aug. 18, 2016

Jonathan Drew, *Bergdahl Lawyers: McCain Comments Violate Due Process Rights*, ASSOCIATED PRESS, Aug. 2, 2016

Corey Dickstein, *Bergdahl Lawyers Ask Judge to Remove Soldier's Case from Docket*, STARS & STRIPES, July 29, 2016

Emery P. Dalesio, *Bergdahl to be Court-Martialed under New Commander-in-Chief*, ASSOCIATED PRESS, May 17, 2016

Corey Dickstein, *Bergdahl to Return to Court Tuesday after Long Pause in Case*, STARS & STRIPES, May 13, 2016

Jonathan Drew, *New Details Hint at Role of Psychology in Bergdahl Defense*, ASSOCIATED PRESS, Mar. 17, 2016

Corey Dickstein, *Experts: Bergdahl Defense Pushing to Change Public Perception*, STARS & STRIPES, Mar. 17, 2016

Jonathan Drew, *Bergdahl Lawyers: Trump Attacks Damage Chances of Fair Trial*, ASSOCIATED PRESS, Mar. 11, 2016

Juan A. Lozano, *Hearing Set to Debate Sgt. Bowe Bergdahl Desertion Charges*, ASSOCIATED PRESS, Sept. 16, 2015

Presentations

Presenter, *Identifying Life and Death Prone Jurors in Capital Voir Dire*, Arizona Public Defender Association's 17th Annual Statewide Conference, June 17, 2019

Presenter, *Law Enforcement Bias in Military Sexual Assault Cases*, University of Arkansas School of Law, Apr. 2, 2019

Presenter, *The Morgan Method of Voir Dire*, Florida Public Defender Association, Jan. 7-8, 2018

Panel Member, *What Civilians Can Learn from the Military Experience with Sexual Assault*, ABA Criminal Justice Section Fall Institute, Nov. 2, 2018

Presenter, *The Cognitive and Social Psychology Behind the Morgan Method of Voir Dire*, Office of the Public Defender, 9th Judicial Circuit, Aug. 7, 2018

Moderator, *Capital Punishment: Good Idea or Bad Idea?*, Southeastern Association of Law Schools Annual Conference, Aug. 5, 2018

Presenter, *Identifying Life and Death Prone Jurors in Capital Voir Dire*, Arizona Public Defender Association's 16th Annual Statewide Conference, June 18, 2018

Presenter, *The Cognitive and Social Psychology Behind the Colorado Method of Voir Dire*, Office of the Federal Public Defender, District of Arizona, Dec. 13, 2017

Presenter, *A New Day in Florida for Capital Litigation*, Office of the Public Defender, 9th Judicial Circuit, Jul. 25, 2017

Presenter, *A New Day in Florida for Capital Litigation*, National Defender Investigator Association National Conference, Apr. 26, 2017

Presenter, *An Empirical Look at Law Enforcement Bias in Military Sexual Assault Cases*, Indiana University McKinney School of Law, Apr. 6, 2017

Panel Member, *Continuing the Trauma of Victims of Military Sexual Assault*, 2017 Association of American Law Schools Annual Meeting, Jan. 5, 2017

Presenter, *Commanders and Sexual Assault Case Attrition in the U.S. Army*, 2016 Law and Society Association Annual Meeting, July 3, 2016

Presenter, *Commanders and Sexual Assault Case Attrition in the U.S. Army*, Texas Tech University School of Law, Oct. 21, 2015

Panel Member, *Policing Police and Soldiers*, Southeastern Association of Law Schools Annual Conference, July 27, 2015

Presenter, *Patriarchy, Not Hierarchy: Rethinking the Effect of Cultural Attitudes in Acquaintance Rape Cases*, Southeastern Association of Law Schools Annual Conference July 30, 2015

Presenter, *Evidence of the Military's Sexual Assault Blind Spot*, Albany Law School Emerging Scholars Workshop, Feb. 7, 2015

Presenter, *Comparing How the Military and General Public Assess Sexual Assault*, Michigan State University Junior Faculty Workshop, Sept. 26, 2014

Presenter, *Measuring the Military Population's Gender Bias and Predicting Its Effects*, FIU Center for Women's and Gender Studies Faculty Research Series, Mar. 27, 2014

Presenter, *Measuring the Military Population's Gender Bias and Predicting Its Effects*, 11th Circuit Legal Scholarship Forum, Stetson Law School, Nov. 2, 2013

Presenter, *Measuring the Military Population's Gender Bias and Predicting Its Effects*, FIU Power, Women, and Relationships Psychology Lab, Oct. 31, 2013

Panel Member, *Legal, Cultural, and Structural Violence Against Women*, Dannette's Voice Panel on Violence Against Women, FIU Law's Women's Law Society, Oct. 29, 2013

Presenter, *Capital Litigation in the Military*, National Legal Aid and Defender Association's Life in the Balance, 2008, 2009, 2010

Other

Guest blogger, PRAWFSBLAWG, Dec. 2015 – Apr. 2016 (providing running commentary on *Serial* Season 2 podcast)

Guest blogger, PRAWFSBLAWG, Mar. 2015, Nov. 2015

Invited post, *Report on Military Commission Hearings in the al-Nashiri Case*, CAAFLOG (Nov. 16, 2014), <http://www.caaflog.com/2014/11/16/report-on-military-commission-hearings-in-the-al-nashiri-case-held-november-5-6-2014/>

Invited post, *Culture, Cognition & Consent in the U.S. Military*, CULTURAL COGNITION BLOG (Sept. 26, 2014), <http://www.culturalcognition.net/carpenter-military-cultural-co>

Invited post, *What Just Happened at the Naval Academy*, PRAWFSBLAWG (Sept. 20, 2013), <http://prawfsblawg.blogs.com/prawfsblawg/2013/09/what-just-happened-at-the-naval-academy.html>

Founder, editor and contributor (2011 – 2013), 31(B)LOG, <http://tjaglcs-adc.blogspot.com/>

Faculty, National College of Capital Voir Dire, 2011 – present

Professional Memberships

American Law Institute, elected 2013

American Bar Association, Criminal Justice Section and Military Justice Committee

National Institute of Military Justice, elected 2014

Bar Memberships

United States Supreme Court, 2004

Court of Appeals for the Armed Forces, 2007

Army Court of Criminal Appeals, 2007

Air Force Court of Criminal Appeals, 2017

District of Columbia, 2003

State of California, 2001

Professional Experience

Senior Defense Counsel and Capital Defense Counsel, Fort Bragg, NC, 2005 – 2009

Prosecutor, Fort Drum, NY, 2003 – 2004

Operational and International Law Attorney, Fort Drum, NY, 2002 – 2003, and Afghanistan, 2003
(awarded Bronze Star for service)

Legal Aid Attorney, Fort Drum, NY, 2002

Aviation Platoon Leader and Executive Officer, Fort Carson, CO, 1994 – 1998