

# BENJAMIN J. (B.J.) PRIESTER

bpriester@fcsl.edu

## ACADEMIC APPOINTMENTS

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Florida Coastal School of Law Jacksonville, FL

Professor of Law, 2010-present  
Associate Dean of Faculty Development, 2010-2013  
Associate Professor, 2008-10

Honors: FCSL Faculty Vision Award 2010-11 (voted by graduating class)

Courses Taught: Criminal Law, Criminal Procedure, Advanced Criminal Procedure, White Collar Crime, Federal Criminal Law, Civil Procedure  
California Law Survey (DE; all subjects), National Law Survey (DE and live; Criminal Law & Procedure), Uniform Law Survey (DE; Criminal Law & Procedure), Florida Law Survey (DE and live; Criminal Law)  
AAMPLE Program: Introduction to the Fourth Amendment (DE and live)  
LL.M. in U.S. Law Program: Criminal Law & Procedure (DE), Criminal Law (DE)

Committee Service:

Curriculum & Accreditation (committee chair) (2018-19)  
Academic Standards (2017-18)  
LL.M., M.A., & Distance Education Programs (committee chair) (2016-17)  
Retention Promotion & Tenure (2015-16)  
AAMPLE Best Practices Team (consortium-wide) (2013-16)  
Faculty Development (*ex officio*) (2010-13)  
Best Practices in Teaching (committee chair) (2009-10)  
Faculty Member, Honor Court Review (2008-10)  
Bar Prep (subcommittee chair) (2008-09)

Other Service:

Lead Professor (consortium-wide): AAMPLE Fourth Amendment (2013-16)  
Distance Education certification (2013)  
Emotional Intelligence (EQ) Facilitator (2011-13)

Florida State University College of Law Tallahassee, FL

Assistant Professor, 2002-2008

Courses Taught: Criminal Law, Criminal Procedure: Police, Criminal Procedure: Adjudication, Federal Criminal Law, White Collar Crime, Antiterrorism Seminar, Constitutional Law II

Committee Service: Admissions (2005-08, 2003-04); Student Affairs (2004-05); Graduate Policy (2003-04) (university committee); Faculty Enrichment (2003-04); Curriculum (2002-03)

## PUBLICATIONS

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*A Warrant Requirement Resurgence? The Fourth Amendment in the Roberts Court*, 93 ST. JOHN'S L. REV. \_\_\_\_ (forthcoming 2019).

*From Jones To Jones: Fifteen Years of Incoherence in the Constitutional Law of Sentencing Factfinding*, 47 UNIV. TOLEDO L. REV. 413 (2016).

INTRODUCTION TO THE FOURTH AMENDMENT: AAMPLE (Aspen Custom Publishing 2014).

*Five Questions and Three Answers after United States v. Jones (2012), the Fourth Amendment "GPS Case"*, 65 OKLA. L. REV. 491 (2013).

*Apprendi Land Becomes Bizarro World: "Policy Nullification" and Other Surreal Doctrines in the New Constitutional Law of Sentencing*, 51 SANTA CLARA L. REV. 1 (2011).

*Terrorist Detention: Directions for Reform*, 45 U. RICH. L. REV. 1201 (2009) (symposium).

*Who Is A "Terrorist"? Drawing the Line Between Criminal Defendants and Military Enemies*, 2008 UTAH L. REV. 1255 (2008).

*The Canine Metaphor and the Future of Sentencing Reform: Dogs, Tails, and the Constitutional Law of Wagging*, 60 S.M.U. L. REV. 209 (2007).

*Return of the Great Writ: Judicial Review of the Detention of Alleged Terrorists as Enemy Combatants*, 37 RUTGERS L.J. 39 (2005).

*Structuring Sentencing: Apprendi, the Offense of Conviction, and the Limited Role of Constitutional Law*, 79 INDIANA L.J. 863 (2004).

*Constitutional Formalism and the Meaning of Apprendi v. New Jersey*, 38 AM. CRIM. L. REV. 281 (2001).

*Convenient Shorthand: The Supreme Court and the Language of State Sovereignty*, 71 U. COLO. L. REV. 645 (2000) (with H. Jefferson Powell).

*The Independent Counsel Statute: A Legal History*, 62 LAW & CONTEMP. PROBS. 5, 8-37 (Winter 1999) (with Paul G. Rozelle & Mirah A. Horowitz).

Note, *Sentenced for a "Crime" the Government Did Not Prove: Jones v. United States and the Constitutional Limitations on Factfinding by Sentencing Factors Rather Than Elements of the Offense*, 61 LAW & CONTEMP. PROBS. 249 (Autumn 1998).

## RECENT PRESENTATIONS

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Workshop on Criminal Law: “Discussion Group: *Booker* After 10 Years – Making Sense of the Shift to Advisory Guidelines” (invited discussant), Southeastern Association of Law Schools annual conference (Aug. 3, 2016).

“All Lives Matter: Race, Gender & Our Professional Responsibilities” (invited faculty panelist; event organized and moderated by Dr. Tammy Hodo, Director of Diversity, Equity & Inclusion), Florida Coastal School of Law (Mar. 24, 2016).

“The Legacy of Justice Antonin Scalia” (faculty panelist), Florida Coastal School of Law (Feb. 18, 2016).

## EDUCATION

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Duke University School of Law Durham, NC  
J.D. *summa cum laude*, December 1998  
Order of the Coif  
*Law & Contemporary Problems*, Editor-in-Chief

Harvard University Cambridge, MA  
A.B. in Government *cum laude*, June 1996

## PROFESSIONAL EXPERIENCE

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Ropes & Gray Washington, DC  
2001-2002  
Associate, Litigation Department.

Honorable Susan H. Black, Circuit Judge Jacksonville, FL  
United States Court of Appeals for the Eleventh Circuit  
1999-2000  
Law clerk.

## STATE BAR ADMISSIONS

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Connecticut (1999)  
District of Columbia (2001)