

JONATHAN WITMER-RICH

Cleveland-Marshall College of Law, Cleveland State University
2121 Euclid Avenue, LB 138, Cleveland, Ohio 44115
(216) 687-2535 · j.witmerrich@csuohio.edu

FACULTY POSITIONS

Cleveland-Marshall College of Law, Cleveland State University

Associate Professor of Law 2014-present

Assistant Professor of Law 2009-2014

Courses: Criminal Law, Criminal Procedure I, Criminal Procedure II, Legal Responses to Terrorism

Awards:

- 2010 Ohio Faculty Innovator Award from Chancellor of the Ohio Board of Regents
- 2015 Cleveland-Marshall Alumni Association Stapleton Award

Case Western Reserve University School of Law

Adjunct Professor of Law 2008

EDUCATION

University of Michigan Law School, J.D., *magna cum laude*, December 2000

- Maurice Weigle Scholarship Award
- Certificates of Merit in Criminal Law, Contracts, Labor Law, Legal Ethics
- Order of the Coif
- *Michigan Law Review*, Associate Editor, 1999-2000; Contributing Editor, 2000-2001

Goshen College, B.A., December 1997

LEGAL EXPERIENCE

Research & Writing Attorney, Federal Public Defender, N.D. Ohio, 2006-2009

Associate, Jones Day (Cleveland) 2003-2006

Judicial Clerk

- Hon. Joseph R. Goodwin, U.S. District Court for the S.D. West Virginia, 2002-2003
- Hon. M. Blane Michael, U.S. Court of Appeals for the Fourth Circuit, 2001-2002

ARTICLES & WORKS IN PROGRESS

The Fatal Flaw of the “Sneak and Peek” Statute and How to Fix It, 65 CASE WESTERN RESERVE LAW REVIEW 121 (2014)

The Rapid Rise of “Sneak and Peek” Searches, and the Fourth Amendment “Rule Requiring Notice,” 41 PEPPERDINE LAW REVIEW 509 (2014)

It’s Good to be Autonomous: Prospective Consent, Retrospective Consent, and the Foundation of Consent in the Criminal Law, 5 CRIMINAL LAW & PHILOSOPHY 377 (2011) (peer-reviewed)

Interrogation and the Roberts Court, 63 FLORIDA LAW REVIEW 1189 (2011)

Corporate Complicity Claims: Why There Is No “Innocent Decision-Maker” Exception To Imputing An Officer’s Wrongdoing To A Bankrupt Corporation, 74 TENNESSEE LAW REVIEW 47 (2007) (with Mark Herrmann)

-Cited with approval, *In re CBI Holding Co.*, 529 F.3d 432, 447 n.5 (2d Cir. 2008).

The Provocation Doctrine: Blameworthy Reasons to be Angry (work in progress)
(offering a solution to the puzzle, in the provocation doctrine, of whether the law should examine the “reasonableness” of the provocation from the perspective of an objective reasonable person, or from the perspective of someone who shares the defendant’s specific cultural or religious beliefs)

Consenting to Sex: Communication, Confusion, and Consent Defaults (work in progress)
(responding to recurring claims by various theorists that the liberal concept of “consent” is an inadequate, inappropriate, or incomplete mechanism for regulating sexual interactions)

PRESENTATIONS

Cleveland’s Consent Decree: The Path Forward, Cleveland-Marshall College of Law, April 8, 2015 (moderator)

Criminal Justice Forum: *Ferguson, Staten Island and Cleveland: A Legal Discussion about the Use of Lethal Force by Law Enforcement Officers*, Cleveland-Marshall College of Law, January 26, 2015 (panelist)

The Fatal Flaws in the ‘Sneak and Peek’ Statute, and How to Fix It, CrimFest 2014, Rutgers School of Law—Newark, July 22, 2014

Criminal Justice Forum: *The Rapid Rise of ‘Sneak and Peek’ Searches, and the Fourth Amendment ‘Rule Requiring Notice’*, Cleveland-Marshall College of Law, March 20, 2014

JFK's Assassination and the Law: 50 Years Later, (presenter on Lee Harvey Oswald's Interrogation), Cleveland-Marshall College of Law, December 6, 2013

The Fatal Flaw in the 'Sneak and Peek' Statute, and How to Fix It, Central States Law Schools Association Annual Conference, University of Arkansas School of Law, Fayetteville, Arkansas, October 5, 2013

New Ideas for Practical Use by Practitioners, Federal Criminal Practice Seminar, Cleveland, Ohio, August 16, 2013 (with Professors Richard D. Friedman and Eve Brensike Primus)

The Provocation Doctrine and Tolerable Reasons to be Angry, Law & Society Association Annual Meeting, May 31, 2013

The Provocation Doctrine and Tolerable Reasons to be Angry, DePaul University College of Law, Junior Faculty Exchange Presentation, January 31, 2013

Covert, Delayed Notice Searching: A Constitutional and Policy Failure—and a Solution, ABA Criminal Justice Section and the AALS Section on Criminal Justice's Joint Legal Educators Colloquium: Round Table Workshop, October 25, 2013

The Provocation Doctrine and Tolerable Reasons to be Angry, Central States Law Schools Association Annual Conference, Cleveland-Marshall College of Law, October 19, 2012

Delayed-Notice Search Warrants: A Constitutional Assessment, Duquesne University School of Law, Junior Faculty Exchange Presentation, February 22, 2012

Criminal Justice Forum II, Constitution Day: *Mapp v. Ohio and The Exclusionary Rule*, Cleveland-Marshall College of Law, September 20, 2011

The Problem of Prosecuting Acquaintance Rape: How the Criminal Justice System Responds to Harms in Private Relationships, Ohio Legal Scholarship Workshop, Cleveland-Marshall College of Law, June 23, 2011 (presenter and organizer)

Interrogation and the Roberts Court, Law & Society Association Annual Meeting, San Francisco, June 2, 2011

Interrogation and the Roberts Court, Ohio Legal Scholarship Workshop, Capital University Law School, February 5, 2011

BLSA Forum on the Lucasville Prison Riots, featuring Niki Schwartz and Staughton Lynd, Cleveland-Marshall College of Law, November 10, 2010 (moderator)

Fundamentals of Criminal Law and Procedure in the N.D. Ohio, Cleveland Metropolitan Bar Association Federal Court Training Seminar, December 2, 2010, and December 6, 2011

University of Toledo School of Law Symposium: *The Military Commissions Act of 2009: Back to the Future or the Fix for a Flawed System?*, February 19, 2010 (moderator)

Presenter: *Dissecting Rita v. United States: What It Means and What It Might Mean*, July 27, 2007, Carl B. Stokes United States Courthouse, Cleveland, Ohio.

SERVICE

External

Counsel to the Criminal Rules Subcommittee, Commission on the Rules of Practice and Procedure in Ohio Courts, 2010-present

Law School

Bar Passage Committee
Judicial Clerkship Committee
Criminal Justice Forum Speaker Committee
Faculty Affairs Committee
Curriculum Committee (chair, 2011-2013)
Strategic Priorities Committee (elected)
Strategic Plan Task Force
Teaching Committee

University

Faculty Senate representative, 2012-2014 (elected)
Faculty Senate Steering Committee, 2012-2013 (elected)

MEMBERSHIPS

American Bar Association
Law & Society Association

Ohio Bar, 2001-present

Court Admissions

United States Court of Appeals for the Fourth Circuit
United States Court of Appeals for the Sixth Circuit
United States District Court for the Northern District of Ohio