

## Rhys Hester, JD, PhD

### CONTACT INFORMATION

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132 Brackett Hall, Clemson University  
Clemson, SC 29634

www.rhyshester.com  
rhysh@clemson.edu

### EMPLOYMENT

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**Clemson University** 2018-Present  
Assistant Professor, Sociology, Anthropology and Criminal Justice

**Pennsylvania Commission on Sentencing** 2017-2018  
Deputy Director

**Penn State University** 2017-2018  
Associate Research Professor of Sociology and Criminology

**University of Minnesota Law School** 2014-2017  
Robina Institute of Criminal Law and Criminal Justice  
Research Fellow, Sentencing Law and Policy

**Appalachian State University** 2011-2014  
Assistant Professor, Department of Government and Justice Studies

### CONSULTANT

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**National Institute of Justice** 2020-Present  
Review & Revalidation of the PATTERN Risk Assessment Tool (5-year project)  
[Award Number GS-00F-219CA DJO-NIJ-16-G-0127 FSA1]

### EDUCATION

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**University of South Carolina, PhD** 2012  
Department of Criminology and Criminal Justice

**University of South Carolina School of Law, JD** 2004  
*Cum laude*; Order of the Wig and Robe

**Charleston Southern University** 2001  
*Cum laude*; BS, Social Sciences; BA, Humanities & Fine Arts

PUBLICATIONS

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**Hester, Rhys**, and Cathy Marcum. (Conditional Acceptance). There's Just a Meanness in this World: Causes of Crime in Springsteen's *Nebraska*. *Journal of Criminal Justice and Popular Culture*.

2021 **Hester, Rhys**. Punishing for the Past (Sometimes): Judicial Perspectives on Criminal History Enhancements. *The Prison Journal* 101(4):443-465.

Corda, Alessandro, and **Rhys Hester**. Leaving the Shining City on a Hill: A Plea for Rediscovering Comparative Criminal Justice Policy in the United States. *International Criminal Justice Review* 31(2):203-223.

**Hester, Rhys**. Uniformity and Discretion: Lessons on Reform from a Failed Sentencing Guidelines Effort. *Corrections: Policy, Practice and Research* (<https://doi.org/10.1080/23774657.2021.1938296>)

**Hester, Rhys**. How Race and Ethnicity Impact Criminal Sentencing. In M. Robinson (Ed.), *Race, Ethnicity, Crime, and Justice* (2<sup>nd</sup> ed.). Durham: Carolina Academic Press.

**Hester, Rhys**. Courts Research. In J.C. Barnes and D.R. Forde (Eds.), *The Encyclopedia of Research Methods in Criminology and Criminal Justice*. John Wiley & Sons, Inc.

2020 **Hester, Rhys**. Risk Assessment Savvy: The Imperative of Appreciating Accuracy and Outcome. *Behavioral Sciences & the Law* 38(3):246-258.

**Hester, Rhys**. Sentencing in American Jurisdictions. In Kai Ambos (Ed.), *Sentencing/Strafzumessung – Comparative Insights/Rechtsvergleichende Einblicke*.

\*Translated into German by Eric Armbricht, Verurteilung in Amerikanischen Gerichtsbarkeiten.

2019 **Hester, Rhys**. Prior Record and Recidivism Risk. *American Journal of Criminal Justice*, 44(3): 353-375. (<https://doi.org/10.1007/s12103-018-9460-8>).

\*Awarded **Springer Outstanding Article of the Year Award** (2019) for the *American Journal of Criminal Justice*.

**Hester, Rhys**. Risk Assessment at Sentencing: The Pennsylvania Experience. In Jan W. de Keijser, Julian V. Roberts, and Jesper Ryberg (Eds.), *Predictive*

*Sentencing: Normative and Empirical Perspectives*. Oxford: Bloomsbury Publishing.

**Hester, Rhys**. Sentencing Disparity and Mass Incarceration. In Vanessa Edkins and Allison Redlich (Eds.), *A System of Pleas: Social Science's Contributions to the Real Legal System*. New York: Oxford University Press.

**Hester, Rhys**, Richard S. Frase, Julia Laskorunsky, and Kelly Lyn Mitchell. Rethinking the Role of Criminal History in Sentencing. In Cassia Spohn and Pauline Brennan (Eds.), *Sentencing Practices in the 21<sup>st</sup> Century*, Taylor & Francis.

Frase, Richard S. and **Rhys Hester**. "Chapter 5: The Effects of Prior Convictions on Sentence Severity"; "Chapter 6: Adverse Impacts on Offense-Based Proportionality and Prison-Use Priorities"; "Chapter 7: Disproportionate Impact on Minority Offenders"; and "Chapter 8: Impacts of Criminal History Enhancements on Prison Bed Needs and Costs." In Richard S. Frase and Julian V. Roberts, *Paying for the Past: The Case Against Prior Record Sentence Enhancements*. New York: Oxford University Press.

- 2018 **Hester, Rhys**, Richard S. Frase, Julian V. Roberts, and Kelly Mitchell. Prior Record Enhancements at Sentencing: Exploring the Unsettled Justifications and Unsettling Consequences. [\*Crime & Justice: A Review of Research\*, 47: 209-254.](#)

**Hester, Rhys**, Julian V. Roberts, Richard S. Frase, and Kelly Mitchell. A Measure of Tolerance: Public Attitudes on Sentencing Enhancements for Old and Juvenile Prior Records. *Corrections: Policy, Practice and Research*, 3(2): 137-151.

- 2017 **Hester, Rhys**. Judicial Rotation as Centripetal Force: Sentencing in the Court Communities of South Carolina. [\*Criminology\*, 55\(1\): 205-235.](#)

**Hester, Rhys**, and Todd Hartman. Conditional Race Disparities in Criminal Sentencing: A Test of the Liberation Hypothesis from a Non-Guidelines State. [\*Journal of Quantitative Criminology\*, 33: 77-100.](#)

- 2016 **Hester, Rhys**, and Eric L. Sevigny. Court Communities in Local Context: A Multilevel Analysis of Felony Sentencing in South Carolina. *Journal of Crime and Justice*, 39(1): 55-74.

Reprinted in Jennifer H. Peck. (2017). *Race and Ethnicity in Juvenile and Criminal Justice Systems: Contemporary Issues of Offending Behavior and Judicial Responses*. New York: Routledge.

- Hester, Rhys.** Sentencing Policies and Practices in South Carolina, *Oxford Handbooks Online*, (New York: Oxford University Press).  
<http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935383.001.0001/oxfordhb-9780199935383-e-153>
- 2015 Frase, Richard S., Julian V. Roberts, **Rhys Hester**, and Kelly Mitchell. *Criminal History Enhancements Sourcebook*. Minneapolis: University of Minnesota, The Robina Institute of Criminal Law and Criminal Justice.
- Hester, Rhys.** Criminal History. In Wesley G. Jennings, George E. Higgins, Dave N. Khey, and Mildred M. Maldonado-Molina (Eds.), *The Encyclopedia of Crime and Punishment*.
- 2014 Koons-Witt, Barbara, Eric Sevigny, John D. Burrow, and **Rhys Hester**. Gender and Sentencing Outcomes in South Carolina: Examining the Interactions with Race, Age, and Offense Type. *Criminal Justice Policy Review*, 25(3): 299-324.
- 2012 Steiner, Benjamin, **Rhys Hester**, Matthew Makarios, and Lawrence Travis. Examining the Link Between Parole Officers' Bases of Power and their Exercise of Power. *The Prison Journal*, 92: 435-459.
- Hester, Rhys.** Entries for: "Arizona v. Gant"; "Chimel v. California"; and "New York v. Belton". In David Schultz (Ed.), *The Encyclopedia of American Law and Criminal Justice*.
- Hester, Rhys.** Entries for: "Three Strikes Laws" and "Gregg v. Georgia". In Wilber Miller and J. Geoffrey Golson (Eds.), *The Social History of Crime and Punishment in America*.
- 2011 Smith, Michael, and **Rhys Hester**. Arizona v. Gant and Searches of Automobiles Incident to Arrest: Analysis and Recommendations for Policy and Practice. *Policing: An International Journal of Police Strategies and Management*, 34: 265-84.
- 2010 Burrow, John D., and **Rhys Hester**. Dazed and Confused: The Judiciary's Role in Sell-ing Psychotropic Drugs to Inmates and Detainees. *New England Journal on Criminal and Civil Confinement*, 36: 3-37.

#### UNDER REVIEW

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**Hester, Rhys.** (Under Review). Reading Rights and Respecting Decisions: An Experimental Test of Consent Warnings.

## FUNDED RESEARCH ACTIVITY

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### **Principle Investigator (\$247,673) (not funded)**

*National Science Foundation*, for the project: Investigating Judge and County Variation and Ethnoracial Disparities in Sentencing Guidelines Punishment Departures. Submitted August 2020.

### **Principle Investigator (\$78,806) (not funded)**

For the project: Risk Assessment at Sentencing. Submitted June 2020.

### **Principle Investigator (\$9,732) (funded)**

From *Clemson University*, *Support for Early Exploration and Development Grant*, for the project: Developing a Typology of Judicial Attitudes Towards Punishment Departures. February 2019-January 2020.

### **Subcontract Principle Investigator (\$21,466) (funded)**

From *Oxford University*, *Wellcome Trust*, for the project: Pennsylvania OxRec Validation Project / Preventing Violent Crime and Suicide in Mental Illness. Submitted 2018.

### **Subcontract Principle Investigator (\$447,919) (not funded)**

With *The Robina Institute of Criminal and Criminal Justice* (\$3,457,000 total) for the project: Multi-State Comparative Sentencing Guidelines Research. Submitted 2018.

### **Co-Investigator (\$1,000,000) (not selected)**

*Clemson University Federal Priorities* for the project: Addressing the Opioid Crisis in SC: A Multi-Site Study of the Federal Bridge Court Program. (PI: Lori Dickes; co-PIs: Dave Barrett, Rhys Hester, Rachel Mayo). Submitted 2018.

## INVITED TALKS AND PRESENTATIONS

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Hester, Rhys. Predicting Recidivism of Prisoners in the US: A Validation of OxRec among Pennsylvania Offenders. Risk Assessment Master Class, Oxford University, Oxford, UK (May, 2021). [via Zoom.]

Hester, Rhys. Risk Assessment Savvy. Risk Assessment Roundtable. Vanderbilt Law School, Nashville, TN (April, 2020). [via Zoom.]

Hester, Rhys. Validating the OxRec Risk Assessment Instrument on a U.S. Prison Population. Risk Assessment Master Class, Oxford University, Oxford, UK (May, 2020). [Cancelled.]

*Criminal History Enhancements and Guidelines*. National Association of Sentencing Commissions, Annual Meeting, Alexandria, VA (August, 2019) (with Richard Frase, Julia Laskorunsky, and Kelly Mitchell).

*The American Approach to Sentencing and Guidelines*. Institute for Criminal Science, Comparative Sentencing Colloquium, Georg-August-Universität Göttingen, Göttingen, Germany (July, 2019).

*Community Supervision: Probation and Parole* (Panel Moderator). National Association of Sentencing Commissions, Annual Meeting, Columbus, OH (August, 2018).

*Criminal History and Recidivism Risk: A Multi-Jurisdictional Comparison*. The Robina Institute of Criminal Law and Criminal Justice, Annual Meeting, Minneapolis, MN (December, 2017).

*The Justice Center for Research and Pennsylvania Commission on Sentencing: Missions and Initiatives*. Penn State Department of Sociology and Criminology, Criminology Forum, State College, PA (October, 2017).

*Punishing for the Past: Examining the Justifications and Current Practices of Enhancing Sentences on the Basis of Offender Criminal History*. Lunch and Learn Seminar (CLE), Harrisburg, PA (September, 2017).

*Paying (Again) for the Past: Criminal History Enhancements*. The Robina Institute of Criminal Law and Criminal Justice, Annual Meeting, Minneapolis, MN (October, 2016) (with Julian V. Roberts).

*Prior Record Enhancements: Where do the Public Stand?*, National Association of Sentencing Commissions Annual Meeting, Salt Lake City, UT (August, 2016) (with Julian V. Roberts).

*Racial Disparities in the Criminal Justice System*, The Robina Institute's *In Conversation Series* (Panel Moderator), Minneapolis, MN (June, 2016).

*Criminal History Enhancements: Recommendations for Kansas*, The Kansas Sentencing Commission, Topeka, KS (November, 2015).

*Criminal History Enhancements*, The Robina Institute's Criminal History Enhancements Sourcebook Conference, Minneapolis, MN (October, 2015).

*(Re)examining Criminal History Enhancements*. National Association of Sentencing Commissions Annual Meeting, Girdwood, AK (August, 2015).

*Evolving Standards of Democracy: The Supreme Court's Role in the Death Penalty Debate*. ASU Constitution Day, Boone, NC (September, 2012).

*Appellate Law Update*. The Association of South Carolina Claimant Attorneys for Workers' Compensation, Asheville, NC (November, 2005).

#### CONFERENCE PAPERS AND PRESENTATIONS

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Hester, Rhys. Reading Rights and Respecting Decisions. Southern Criminal Justice Association, Buloxi, MS (September 2020). [via Zoom]. \*Awarded 2<sup>nd</sup> Place, for Best Lightning Talk.

Corde, Alessandro, and **Rhys Hester**. *Leaving the Shining City on a Hill: Comparative Lessons and Caveats for U.S. Criminal Justice Reform Policy*, Academy of Criminal Justice Sciences, San Antonio, TX (April, 2020—cancelled).

**Hester, Rhys**. *Breaking the Rules: Sentencing Guidelines Departures, Institutional Legitimacy, and Racial Disparities*, Southern Criminal Justice Association, Nashville, TN (September, 2019).

**Hester, Rhys**. *A Tripartite Approach to Criminal History Enhancements: First Offenders, Typical Criminals, and Persistent Threats*, American Society of Criminology, Atlanta, GA (November, 2018).

**Hester, Rhys**. *Misguided: The Unintended Consequences of Sentencing Guidelines*, Southern Criminal Justice Association, Pensacola, FL (September, 2018).

Frase, Richard S. (chair), **Rhys Hester**, Marc Mauer, Kevin R. Reitz, Julian V. Roberts, Cassia Spohn, Michael Tonry, and Jeffery T. Ulmer, *Prior Record Sentencing Enhancements and Prison Racial Disproportionalities*, Roundtable, American Society of Criminology, Philadelphia, PA (November, 2017).

**Hester, Rhys**. *Prior Record, Offender Age, and Recidivism Risk*, American Society of Criminology, Philadelphia, PA (November, 2017).

**Hester, Rhys** (chair), David P. Farrington, Richard S. Frase, Megan Kurlycheck, Michael Tonry, and Jeffery T. Ulmer, *Criminal History Enhancements and Criminal Careers*, Roundtable, American Society of Criminology, New Orleans, LA (November, 2016).

**Hester, Rhys**. *Re-examining the Inevitable Influence of Prior Record in Sentencing*, Academy of Criminal Justice Sciences, Denver, CO (April, 2016).

- Hester, Rhys.** *On the Road Again: The Effects of Judicial Rotation on Plea Bargaining Practices, Sentencing Norms, and Local Legal Culture*, American Society of Criminology, Washington, DC (November, 2015).
- Hester, Rhys**, Julian V. Roberts, and Richard S. Frase. *Aging Out of Crime and Into Prison: A Multi-State Analysis of the Impact of Criminal History Scores on Aging Offenders*, American Society of Criminology, Washington, DC (November, 2015).
- Hester, Rhys.** *Opportunistic Pleas: Judge Shopping and Assembly Line Justice in South Carolina*, Research Coordination Network on Guilty Pleas, Guilty Pleas Symposium, Albany, NY (June, 2015).
- Hester, Rhys** and Richard S. Frase. *The Impact of Offender Criminal History on Racial Disparities in Sentencing*, American Society of Criminology, San Francisco, CA (November, 2014).
- Marcum, Catherine, and **Rhys Hester.** *Investigating the Effects of the Financial Collapse on Sentencing Practices in North Carolina*, American Society of Criminology, San Francisco, CA (November, 2014).
- Hester, Rhys.** *Prosecutor Justices: Does Prosecutorial Experience Influence U.S. Supreme Court Justices' Voting Behaviors?* American Society of Criminology, Chicago, IL (November, 2012).
- Hester, Rhys.** *Sentencing Disparities and Interaction Effects in a Non-Guidelines State*, American Society of Criminology, Washington, DC: (November, 2011)
- Hester, Rhys**, Barbara Koons-Witt, Eric Sevigny, and John Burrow. *Gender and Sentencing Outcomes in South Carolina: Findings from a Non-Guidelines State*, American Society of Criminology, Washington, DC (November, 2011).
- Hester, Rhys** and Eric Sevigny. *A Cross-Classified Multilevel Model of Judge- and County-Level Effects on Sentencing in South Carolina*, American Society of Criminology, San Francisco, CA (November, 2010).
- Hester, Rhys.** *Contextual Effects on Sentencing Outcomes in a Non-Guidelines State*, Symposium on Crime and Justice: The Past and Future of Sentencing Research, Albany, NY (September, 2010).
- Sevigny, Eric, Barbara Koons-Witt, John D. Burrow, Benjamin Steiner, and **Rhys Hester.** *Sentencing in South Carolina: Judge-Level Effects*, American Society of Criminology, Philadelphia, PA (November, 2009).



Sevigny, Eric, Barbara Koons-Witt, John D. Burrow, and **Rhys Hester**. *Race and Disparity in South Carolina: A Multilevel Model of Sentencing in a Failed Guideline State*, Academy of Criminal Justice Sciences, Boston, MA (March, 2009).

#### **OTHER RESEARCH**

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Contributor, *Profiles in Probation Revocation: Examining the Legal Framework in 21 States*. (2014). The Robina Institute of Criminal Law and Criminal Justice, Probation Revocation Project Series. (Available at <http://www.robinainstitute.org/wp-content/uploads/Probation-Report-10-9.pdf>).

Research Assistant, “Developing the U.S. Drug Consequences Indices, 2000-2009,” funded by The Office of National Drug Control Policy, 2010-2011 (PI: Eric L. Sevigny). (Final report available at [http://www.whitehouse.gov/sites/default/files/developing\\_the\\_us\\_drug\\_consequences\\_indices\\_2000-2009\\_august\\_2013.pdf](http://www.whitehouse.gov/sites/default/files/developing_the_us_drug_consequences_indices_2000-2009_august_2013.pdf).)

Research Assistant, “Lexington County Methamphetamine Initiative Evaluation,” funded by Lexington County Sheriff’s Department, 2009-2010 (Co-PIs: Michael Smith & Eric L. Sevigny).

#### **COURSES TAUGHT**

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##### **Clemson University:**

|                           |                            |
|---------------------------|----------------------------|
| Criminal Law              | Justice Administration     |
| Criminal Courts           | Special Topics: Moot Court |
| Criminal Justice Capstone |                            |

##### **University of Minnesota Law School:**

Criminal Procedure

##### **Appalachian State University:**

|                      |                                  |
|----------------------|----------------------------------|
| The Judicial Process | Moot Court (honors)              |
| Criminal Procedure   | Introduction to Criminal Justice |
| Criminal Law         | The Constitution (honors)        |

##### **University of South Carolina:**

The American Criminal Justice System  
Criminal Courts

##### **Charleston Southern University:**

Introduction to Criminal Justice    Theories of Crime and Justice

|                                 |                         |
|---------------------------------|-------------------------|
| Judicial Systems and Practices  | Criminal Procedure      |
| Current Legal Issues (graduate) | Criminal Investigations |
| Constitutional Law I            | Constitutional Law II   |
| Ethics in Criminal Justice      | Research Methods        |

### HONORS AND AWARDS

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|   |              |
|---|--------------|
| Recognition for Outstanding Research Publication,<br>Assoc. Dean, College of Behavioral, Social and Health Sciences   | 2019-2020    |
| Springer Outstanding Article of the Year Award,<br><i>American Journal of Criminal Justice</i>  | 2019         |
| Outstanding Doctoral Student Award, USC   | 2011         |
| Honorable Mention, Symposium on Crime and Justice<br>Young Scholar Paper Competition for the paper "Contextual<br>Effects on Sentencing Outcomes in a Non-Guidelines State" | 2010         |
| Dera D. Parkinson Fellowship<br>(for Excellence in Graduate Study and Scholarship)  | 2009-2010    |
| Order of the Whig and Robe (top 15% of class)<br>University of South Carolina School of Law   | 2004         |
| CALI Awards (highest grade in class), USC School of Law   |              |
| Evidence  | Spring, 2003 |
| Construction Law  | Fall, 2003   |
| Family Law  | Fall, 2003   |
| Gift and Estate Tax   | Fall, 2003   |

### SERVICE

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|  |              |
|--|--------------|
| Department of Sociology, Anthropology & Criminal Justice, Clemson University |              |
| Spring Lecture Series Committee  | 2018-2019    |
| Graduate Advisory Committee  | 2021-Present |
| Southern Criminal Justice Association  |              |
| Outstanding Book Award Committee   | 2019         |
| Outstanding PhD Student Committee (chair)                                    | 2020         |
| Academic Conference Session Chair  |              |
| Academy of Criminal Justice Sciences, Denver, CO                             | 2016         |

|   |           |
|---|-----------|
| Academy of Criminal Justice Sciences, Orlando, FL   | 2015      |
| American Society of Criminology, San Francisco, CA  | 2014      |
| Coach, ASU Moot Court Team,<br>Appalachian State University                                       | 2012-2014 |
| Faculty Advisor, International Justice Mission,<br>Campus Chapter, Appalachian State University   | 2012-2014 |
| Faculty Advisor, Phi Alpha Delta (Pre-law Society),<br>Appalachian State University               | 2011-2014 |
| Department Personnel Committee,<br>Appalachian State University                                   | 2012-2013 |
| Faculty Senate, Charleston Southern University  | 2006-2008 |
| Faculty Advisor, South Carolina Student Legislature,<br>Charleston Southern University Delegation | 2007-2008 |
| Mock Trial Coach, 8 <sup>th</sup> and 9 <sup>th</sup> Graders<br>Columbia, South Carolina         | 2010      |

#### REVIEWER

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*American Journal of Criminal Justice*  
*Corrections: Policy, Practice and Research*  
*Crime and Delinquency*  
*Crime and Justice: A Review of Research*  
*Criminal Justice Policy Review*  
*Criminology*  
*Criminology & Public Policy*  
*Journal of Community Psychology*  
*Journal of Crime and Justice*  
*Journal of Investigative Psychology and Offender Profiling*  
*Journal of Quantitative Criminology*  
*Journal of Research in Crime and Delinquency*  
*Justice Quarterly*  
*Police Practice & Research: An International Journal*  
*Psychology, Public Policy, and Law*  
*Punishment & Society*  
*The American Journal of Comparative Law*

Cengage Publishing

Oxford University Press  
 Public Policy Institute of California  
 Wadsworth Publishing

#### PROFESSIONAL AFFILIATIONS

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|  |              |
|--|--------------|
| South Carolina Bar                               | 2004-Present |
| American Society of Criminology                  | 2009-Present |
| Academy of Criminal Justice Sciences             | 2009-Present |
| National Association of Sentencing Commissions   | 2014-Present |
| Southern Criminal Justice Association            | 2018-Present |
| John Belton O'Neall Inn of Court, student member | 2003-2004    |

#### OTHER PROFESSIONAL EXPERIENCE

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|   |           |
|---|-----------|
| Charleston Southern University (criminal justice faculty) | 2006-2008 |
| South Carolina Court of Appeals (staff attorney)          | 2004-2006 |
| South Carolina Senate Judiciary Committee (law clerk)     | 2004      |
| South Carolina Centers for Equal Justice (law clerk)      | 2002      |

Updated: August 2021