

**CITATIONS TO CASES DISCUSSED
IMPROPER PROSECUTORIAL ARGUMENT TALK
June 1 & 2, 2016—Pittsburgh, Pennsylvania**

Vouching

United States v. Severeid, No. 13-10382, 609 F. App'x 931 (9th Cir. 2015)
United States v. Smith, 814 F.3d 268 (5th Cir. 2016)
United States v. McCarr, 613 F.3d 486 (5th Cir. 2010)
United States v. Williams, 773 F.3d 98 (D.C. Cir. 2014) (Garland, CJ)

“I Think” / “I Submit”

United States v. Johnson, 587 F.3d 625 (4th Cir. 2009)
United States v. Younger, 398 F.3d 1179 (9th Cir. 2005)
United States v. Perez-Solis, 709 F.3d 453 (5th Cir. 2013)

Arguing Facts Not In Evidence

United States v. Maloney, 755 F.3d 1044 (9th Cir. 2014) (en banc)
Watch the oral argument! <<https://youtu.be/HgafGnA4Eow>>
United States v. Anderson, 755 F.3d 782 (5th Cir. 2014)
Tillman v. Cook, 215 F.3d 1116 (10th Cir. 2000)
United States v. Cheska, 202 F.3d 947 (7th Cir. 2000)

Defendant Commenting on Truthfulness of Witnesses

United States v. Alcantara-Castillo, 788 F.3d 1186 (9th Cir. 2015)
United States v. Henry, 545 F.3d 367 (6th Cir. 2008)
United States v. Schmitz, 634 F.3d 1247 (11th Cir. 2011)

Commenting on Defendant’s Rights

Doyle v. Ohio, 426 U.S. 610 (1976)
Hurd v. Terhune, 619 F.3d 1080 (9th Cir. 2010)
Griffin v. California, 380 U.S. 609 (1965)
Fox v. Mann, 71 F.3d 66 (2d Cir. 1995)
United States v. Wesley, 422 F.3d 509 (7th Cir. 2005)
United States v. Sandoval-Gonzalez, 642 F.3d 717 (9th Cir. 2011)
United States v. Perlaza, 439 F.3d 1149 (9th Cir. 2006)

“Do Your Duty” / “Send a Message”

United States v. DeSilva, 505 F.3d 711 (7th Cir. 2007)
Littlejohn v. Trammell, 704 F.3d 817 (10th Cir. 2013)
United States v. Vasquez-Larrauri, 778 F.3d 276 (1st Cir. 2015)
United States v. Sosa, 777 F.3d 1274 (11th Cir. 2015)
United States v. Henry, 545 F.3d 367 (6th Cir. 2008)
United States v. Modena, 302 F.3d 626 (6th Cir. 2002)

Insulting the Defendant

United States v. Wright, 625 F.3d 583 (9th Cir. 2010)

United States v. Boyd, 773 F.3d 637 (5th Cir. 2014)

Reese v. Secretary, Florida Dep't of Corr., 675 F.3d 1277 (11th Cir. 2012)

United States v. King, 554 F.3d 177 (1st Cir. 2009)

United States v. Olliviere, 378 F.3d 412 (4th Cir. 2004)

Appeals to Emotion

Zapata v. Vasquez, 788 F.3d 1106 (9th Cir. 2015)

Reese v. Secretary, Florida Dep't of Corr., 675 F.3d 1277 (11th Cir. 2012)

Calhoun v. United States, 133 S. Ct. 1136 (2013) (Sotomayor, J., respecting denial of certiorari)

United States v. Weatherspoon, 410 F.3d 1142 (9th Cir. 2005)

What Kind of Curative?

United States v. Smith, 814 F.3d 268 (5th Cir. 2016)

United States v. Sevilla-Acosta, 746 F.3d 900 (8th Cir. 2014)

United States v. Thomas, 377 F.3d 232 (2d Cir. 2004)

United States v. Weatherspoon, 410 F.3d 1142 (9th Cir. 2005)

United States v. Common, 818 F.3d 323 (7th Cir. 2016)

United States v. Miller, 621 F.3d 723 (8th Cir. 2010)

United States v. Harlow, 444 F.3d 1255 (10th Cir. 2006)

United States v. Edwards, 792 F.3d 355 (3d Cir. 2015)