OFFICE OF THE PUBLIC DEFENDER (OPD) NJ CONTINUING LEGAL EDUCATION PROGRAM
Lauren Petty, OPD Director of Training

Mitigating Factor 15: The Law, Advocacy and Mitigation and Ethical Considerations

via Zoom webinar
2.7 NJ DEIB Ethics CLE credits; 2 PA Ethics CLE credits

Thursday, December 10, 2026
10:00 am-12:15 pm

AGENDA

Presenters:

Alicia Hubbard, Deputy Public Defender, Parole Revocation and Resentencing Unit
Prescott Loveland, Assistant Public Defender
Joseph J. Russo, Assistant Public Defender

Topics:

- ✓ Legislative history of mitigating factor 15
- ✓ Understanding "contributing factor" requirement
- ✓ Ethics of working with other OPD practice areas to uncover mitigating evidence
- ✓ Experts to consult
- ✓ Resentencing- Remedy to request in resentencing
- ✓ Implicit bias in sentencing
- ✓ Understanding your client's mitigation story and working with mitigation specialist

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PRESENTERS

Deputy Public Defender Alicia J. Hubbard earned her Bachelor's degree from Bennett College for Women and her *Juris Doctorate* from Howard University School of Law. Following her service as Special Assistant to the Dean of the Law School and a clerkship in the Criminal Part of the Superior Court of New Jersey, she joined the NJOPD, where she gained experience in both trial regions and the statewide Appellate Section. In response to the landmark decision in *Miller v. Alabama* and its more expansive New Jersey corollary, *State v. Zuber*, Ms. Hubbard co-authored a practice guide for trial attorneys handling youth resentencing matters. She subsequently authored the NJ OPD amicus curiae brief in State v. Comer, a case that established resentencing rights for children sentenced as adults to very lengthy sentences. Ms. Hubbard assists in coordinating NJOPD's statewide youthful offender resentencing initiatives. As Deputy in the Parole Revocation and Resentencing Unit (PRRU), she works to protect the rights of individuals facing reincarceration, frequently for technical parole violations. The PRRU also provides representation to individuals who are eligible for resentencing under Mitigating Factor 15. Ms. Hubbard's practice is guided by the words of legal giant Charles Hamilton Houston: "A lawyer's either a social engineer or a parasite on society." She strives to be the former.

Assistant Public Defender Prescott Loveland supervises and supports several criminal trial regions in addition to some of OPD's holistic, collaborative defense units. Prescott joined NJOPD in 2024 after about nine years with the Public Defender Service for the District of Columbia (PDS). At PDS, Prescott represented adults and youth in D.C. Superior Court and was a supervisor of the PDS Trial Division. Prescott was also a member of the PDS Hiring Committee and the Forensic Practice Group, and he was involved in cross division strategic planning. Prescott's trial and litigation experience includes complex forensic and mental health issues and defending children prosecuted as adults. Prescott teaches and trains on trial advocacy, sentencing mitigation, team defense, leadership, client-centered representation, and trauma-informed practice.

Prescott is trained in both law and social work. He has a JD and MSW from Fordham University. In 2015, he was named Fordham Law's Public Service Valedictorian, and he received the law school's top award for trial advocacy. At Fordham, Prescott co-founded the Fordham Law Defenders, he was a Stein Scholar for Public Interest Law, and he served as Editor-in-Chief of the Brendan Moore Trial Advocacy Program. Before becoming a public defender, Prescott worked as a defense investigator, as co-facilitator of an empowerment program for unhoused New Yorkers, and as a strategy consultant for nonprofit organizations.

Prescott was born and raised in New Jersey, and he is a proud father of twins.

Assistant Public Defender Joseph J. Russo formerly served as the First Assistant Public Defender, Deputy Public Defender of the NJOPD state-wide Appellate Section, and Deputy Public Defender of the Hudson Trial Region. He worked for many years in the Warren Trial Region, which included serving as the Acting Deputy Public Defender. Joe is the only public defender in NJOPD history to serve as a managing attorney of the Appellate Section and Criminal Trial Regions. As a result of Joe's advocacy and leadership role in reforming the parole system, and his representation of juveniles sentenced to life in prison, in 2023, he was appointed to be the Director of the Parole Revocation and Resentencing Unit.

Joe has argued important cases before the Supreme Court and Appellate Division. He argued *State v. Comer* on behalf of *amicus curiae* NJOPD in which the Supreme Court held that juveniles sentenced to a mandatory thirty years in prison for murder are entitled to look-back hearings. Joe successfully argued *State v. Thomas* before the Appellate Division which extended the holding of Comer. He argued the most significant parole case in New Jersey history, *Acoli v. N.J.S.P.B.,* on behalf of *amicus curiae* NJOPD. Joe argued *State v. Andujar*, a historical case in which the Supreme Court called for a Judicial Conference on Jury Selection. In *State v. S.S.*, Joe successfully argued a seminal invocation case before the Supreme Court, where the Court changed the standard of review in video-taped confession cases.

In *State v. J.L.G.,* Joe litigated the first *Frye* Hearing in history involving the Child Sexual Abuse Accommodation Syndrome (CSAAS), where a unanimous Supreme Court upheld the trial court finding that CSAAS is not scientifically reliable. Joe successfully argued the first case before the Appellate Division, *State v. R.G.,* which outlined standards for forcibly medicating incompetent defendants to restore competency. And in *State in the Interest of Z.S.,* he argued the first major case interpreting the 2016 juvenile waiver statute.

In 2025, Joe received a Lifetime Achievement Award from the New Jersey Law Journal. In 2017 he was named the Criminal Lawyer of the Year by the Hudson County Bar Association. Joe serves on the Board of Trustees for the Association of Criminal Defense Lawyers of New Jersey, was a long-standing member of the Supreme Court Model Criminal Jury Charge Committee and now serves on the Supreme Court Criminal Practice Committee. Joe clerked for the Honorable Rufus King III in the District of Columbia Superior Court. He is a graduate of Antioch School of Law and Montclair State University.