



*The Advocacy Institute, in Conjunction with the County Prosecutors' Association of New Jersey,
Is Pleased to Announce*

PROGRAM ANNOUNCEMENT

2011 PROSECUTORS COLLEGE

September 24, 2011

9:00 a.m. to 4:00 p.m.

Trump Taj Mahal

Atlantic City, New Jersey

Program Summary

This program will include various presentations throughout the day. The topics and presenters are listed on the following pages. These programs will cover a variety of substantive and ethics topics.

Who Should Attend?

This program is intended for assistant prosecutors and Division of Criminal Justice attorneys.

Who Is the Faculty?

See Attached.

How Do I Register?

Registration for this program is through the County Prosecutors Association of New Jersey. Please do not attempt to register for this program through the Attorney General's Advocacy Institute.

CLE Credit

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for **up to 6.8** hours of total CLE credit. Of these **up to 4.8**, qualify as hours of credit for ethics/professionalism, and **up to 6.8** qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: **Up to 6.6** substantive credits and **up to 4.8** ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: **Up to 5.0** substantive credits and **up to 4.0** ethics credits (\$1.50 per credit mandatory registration fee required).

2011 PROSECUTORS COLLEGE - CLE COURSE OFFERINGS

(Courses listed alphabetically)

APPELLATE ISSUES FOR THE TRIAL ATTORNEY

This presentation will focus on how trial attorneys can identify and preserve issues that the appellate attorneys will be arguing on appeal. This presentation will focus on identifying the issues, building the record and laying out the necessary arguments during the case in chief. **10:40 a.m. to 11:40 a.m. and 1:25 p.m. to 2:25 p.m.**

DAG Paul Heinzl has been with the Appellate Bureau at the Division of Criminal Justice for over 18 years and has been the Appellate Bureau Chief for almost 4 years. He has appeared in all levels of state courts including over 20 arguments in the New Jersey Supreme Court concerning a broad range of issues. DAG Heinzl has also appeared in federal district court and the 3rd Circuit Court of Appeals. He received his JD in 1989 from Rutgers School of Law - Newark.

AAG Carol Henderson, an Assistant Attorney General in the Division of Criminal Justice's Appellate Bureau, has extensive appellate experience litigating before the New Jersey Supreme Court, the Appellate Division, the United States District Court and the Third Circuit Court of Appeals. She has lectured and written articles on appellate practice, habeas litigation, sentencing, legal writing and prosecutor misconduct.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required).

CYBERSECURITY

As technology advances and changes, so do the criminals. This presentation will identify the types of crimes perpetrated with computers and technology, and will address ideas on investigating and combating those crimes under the current laws in New Jersey. **10:40 a.m. to 11:40 a.m.**

Professor David W. Opderbeck is a Professor of Law and Director of the Gibbons Institute of Law, Science & Technology and the Cybersecurity Law Program at Seton Hall University Law School. His scholarship and teaching focus on the legal, policy and ethical issues surrounding access to technology and information. As Director of Seton Hall's Cybersecurity Law Program, he has developed new courses and organized a national conference on cybersecurity law and policy. Professor Opderbeck is also Of Counsel to Mosses & Solomon, a Manhattan law firm, in the firms Intellectual Property and Technology Law practice groups. He is a graduate of Seton Hall (J.D. '91) and New York University (LL.M. '99) law schools.

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NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required).

ELECTRONIC SURVEILLANCE AND CDWs

This presentation is an overview of the law as it currently applies to Electronic surveillance and CDWs in New Jersey. This presentation will discuss the law, both statutory and caselaw, as well as the procedures in place in New Jersey under the Administrative Office of the Courts and the New Jersey Attorney General's Office. **10:40 a.m. to 11:40 a.m.**

SDAG Mark Eliades is a Supervising Deputy Attorney General presently serving as Bureau Chief of Gangs & Organized Crime within the Division of Criminal Justice. He also serves as the Attorney General's Counsel on Wiretapping & Electronic Surveillance issues and is the liaison with the Administrative Office of the Courts on those issues as well. SDAG Eliades is a 1989 graduate of Trenton State College and a 1992 graduate of Seton Hall University School of Law. Mr. Eliades also received his MBA with honors in Accounting from Montclair State University and holds the Certified Fraud Examiner designation. SDAG Eliades has been a member of the Adjunct Faculty of the National White Collar Crime Center since 1999, instructing on Financial Records Examination and Analysis. SDAG Eliades served a judicial clerkship for the Honorable Burrell Ives Humphreys, Assignment Judge of the New Jersey Superior Court, Essex County, and then began his career with the Attorney General's Office.

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PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required).

IMMIGRATION AND THE IMPACT ON CRIMINAL CASES

Representatives of Immigration and Customs Enforcement will present a general overview of immigration law and the impact that it may have on criminal proceedings. This presentation will provide both an overview of federal immigration law and removal and enforcement proceedings.
12:15 p.m. to 1:15 p.m. and 1:25 p.m. to 2:25 p.m.

David Cheng, Senior Attorney with the ICE Office of the Chief Counsel in Newark, New Jersey, joined the legacy INS Newark Office in 2002 as an Assistant Chief Counsel. He was promoted to Senior Attorney in 2007. In addition to his duties representing the agency in immigration court proceedings and securing orders of removal against criminal and non-criminal aliens, he provides legal advise to attorneys, operation components and other government agencies. Mr. Cheng oversees the motion team for OCC-New. He is a member of OCC-New's Human Rights Law Division, providing legal advise, litigation and removal of persecutors and human rights abusers from the United States. He is also a member of the legal training program for OCC-New, providing continuing legal education for attorneys and other operational units. He authors a monthly legal update on current developments in the Board of Immigration Appeals and federal litigations. Prior to joining legacy INS in 2002, Mr. Cheng was a part-time administrative law judge with the New York City Department of Finance. He was also in private practice, with a portfolio including real estate transactions, commercial transactions and litigation, criminal law, family law and immigration matters. He received his J.D. from St. John's University, School of Law in 1997 where he graduated on the dean's list and earned his B.A. from the State University of New York at Albany in Political Science.

AFOD Kenneth Genalo was appointed as the Assistant Field Office Director of the Marlton Sub-Office in Marlton, New Jersey on August 14, 2011. Mr. Genalo maintains oversight of this office which covers the southern nine counties of the State of New Jersey and is responsible for all activities in these counties including the Fugitive Operations Program, Criminal Alien Program, Non-Detained case management and Detention Operations. Prior to his current position, Mr. Genalo served as a Supervisor for the Newark Field Office since March 2007, responsible for the Fugitive Operations Program and Criminal Alien Program located in the northern twelve countries of the State of New Jersey. He has served in various positions within INS and ICE. He has over 19 years of law enforcement experience with legacy INS and ICE/ERO. Mr. Genalo holds a Bachelor of Business Administration from Pace University.

FOD John Tsoukaris served as the acting Director of the Newark Field Office from July 2010 through June 2011, and was officially appointed as the Field Office Director on June 27, 2011. Mr. Tsoukaris maintains oversight of ERO programs throughout the State of New Jersey and is responsible for all activities of the field office including the Fugitive Operations Program, Criminal Alien Program, Removal Management, Non-Detained case management and Detention Operations. Prior to his current position, Mr. Tsoukaris served as the Deputy Field Office Director for the New York Field Office since April 2008 and was responsible for law enforcement activities, case management, and detention operations in the 5 boroughs of New York City, Long Island and 7 upstate counties. Mr. Tsoukaris has served in various management positions within INS and ICE. He has over 18 years experience with legacy INS and ICE DRO. Mr. Tsoukaris holds a Bachelor of Science Degree in Electrical Engineering from Polytechnic University and a certificate in

Management Development from Cornell University, School of Industrial and Labor Relations.

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NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required).

INTERNAL AFFAIRS INVESTIGATIONS

This presentation will give an overview of the law as it currently applies to Internal Affairs Investigations in New Jersey. This presentation will focus on the law, both statutory and case law, as well as the procedures in place in New Jersey under the Court Rules and the policies and procedures recently promulgated by the NJ Attorney Generals Office. **12:15 p.m. to 1:15 p.m. and 2:35 p.m. to 3:35 p.m.**

SDAG Thomas Fiskén is a Senior Deputy Attorney General and the Deputy Chief of the Prosecutors Supervision and Coordination Bureau in the Division of Criminal Justice. The Prosecutors Supervision and Coordination Bureau administers the Attorney General's statutory mandate to exercise general supervisory authority over each of the twenty-one county prosecutors' offices and their respective local police departments. DAG Fiskén worked as a staff attorney with the Family Division Unit of the Administrative Office of the Courts from 1987 to 1994. In 1994 he became a Deputy Attorney General with the Division of Criminal Justice. He participated in planning for the reforms of New Jersey's juvenile justice system that led to the creation of the Juvenile Justice Commission in 1995. He is the author of a reference manual for police officers entitled *New Jersey Law Enforcement Officer's Reference Manual: Handling Juvenile Offenders or Juveniles Involved in a Family Crisis*. He edited and produced the 2001 edition of the *New Jersey County Prosecutor's Manual*. He has also prepared law enforcement guidelines or directives on many topics, including evidence retention, station house adjustments of juvenile delinquency offenses, the exercise of prosecutorial discretion in juvenile waiver cases; the prosecution of shoplifting offenses; the sharing of computer systems between police and municipal governments and the use of juveniles as informants. In 2004 he was appointed by the Governor to serve on New Jersey's Juvenile Justice and Delinquency Prevention State Advisory Group. He is currently a member of the New Jersey Supreme Court's Family Practice Committee, and is Co-Chair of the Attorney General's Law Enforcement and Education Working Group. He has trained police officers, judges and others on juvenile delinquency issues and is a certified instructor for the Police Training Commission. He also served on the Attorney General's Internal Affairs Policy Group, which drafted the 2011 Revision of the Attorney General's Internal Affairs Guidelines.

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of credit for ethics/professionalism, and 1.2 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required)._____

LAX ATTORNEY ETHICS: LESSONS LEARNED FROM THE DUKE LACROSSE RAPE CASE

This ethics presentation will use the highly publicized 2006 Duke Lacrosse Rape Case as a backdrop to explore *RPC* 3.3, Candor Toward the Tribunal; *RPC* 3.4, Fairness to Opposing Party and Counsel; 3.8, Special Responsibilities of a Prosecutor; and *RPC* 8.4 Misconduct. Although the presentation will use the Duke Lacrosse Case as a teaching tool, it is appropriate for both criminal and civil attorneys. **1:25 p.m. to 3:35 p.m.**

DAG Lori Linskey serves as a Senior Counsel within the NJ Division of Criminal Justice. In this capacity, DAG Linskey provides legal analysis on such issues as the Code of Ethics for County Prosecutors, eyewitness ID procedures, and firearms regulations. She received her J.D. from Case Western University in 1988.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.4 hours of total CLE credit. Of these, 2.4 qualify as hours of credit for ethics/professionalism, and 2.4 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 2.5 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 2.0 ethics credits (\$3.00 mandatory registration fee required)._____

LEGAL ETHICS AND SOCIAL MEDIA: DON'T LOL . . . THIS IS SERIOUS STUFF

This 2-hour course explores ethical issues that the social media explosion is causing in the courtroom, from jurors obtaining information on their smart phones to lawyers "friending" judges that they appear before in court. This training uses real world examples to explain the social media impact and to make attorneys aware of *RPC* issues created by this technology. **10:40 a.m. to 11:40 a.m./12:15 p.m. to 1:15 p.m.**

DAG Lori Linskey serves as a Senior Counsel within the NJ Division of Criminal Justice. In this capacity, DAG Linskey provides legal analysis on such issues as the Code of Ethics for County Prosecutors, eyewitness ID procedures, and firearms regulations. She received her J.D. from Case Western University in 1988.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.4 hours of total CLE credit. Of these, 2.4 qualify as hours of credit for ethics/professionalism, and 2.4 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 2.5 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 2.0 ethics credits (\$3.00 mandatory registration fee required).

MANDATORY SENTENCING IN NEW JERSEY

New Jersey's Sentencing Structure is controlled by statute, case law and AG Directives. This presentation is intended to review the impact of AG Directives on the mandatory sentencing laws of New Jersey including NERA, Graves Act, *Brimage*, Extended Term Sentences for Repeat Drug Offenders and Official Misconduct. **10:40 a.m. to 11:40 a.m. and 1:25 p.m. to 2:25 p.m.**

AAG Ron Susswein is an Assistant Attorney General in the Division of Criminal Justice. He served in the Governor's Office as Assistant Counsel to Governor Jon S. Corzine, and also served as Special Assistant to Attorneys General Stuart Rabner and Anne Milgram. Mr. Susswein graduated with honors from the Georgetown University Law Center. He was appointed a Deputy Attorney General and later promoted to Assistant Attorney General in the New Jersey Division of Criminal Justice, where he has served as the Deputy Director for Policy, and later as Deputy Director for Major Crimes, supervising the Division's Organized Crime and Racketeering Bureau, Major Narcotics Bureau, Appellate Bureau, Casino Prosecution Section, Office of Bias Crimes and Community Relations, and Computer Analysis and Technology Unit (cyber crimes). From 1992 to 1994, Mr. Susswein was Executive Assistant Prosecutor in Union County, and served as the Chair of the New Jersey State Bar Association Criminal Law Section from 1993 - 1994. Mr. Susswein currently serves as Special Assistant to the Director of the Division of Criminal Justice.

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NY CLE Credit: 1.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required).

MENTAL HEALTH ISSUES AND CRIMINAL CASES

Defendants with mental health issues present unique issues in criminal cases. The issues include how to proceed with a case, how to resolve a case, how to protect society and how to properly supervise the defendant. This presentation will provide prosecutors with ideas and strategies to identify and deal with the issues. **12:15 p.m. to 1:15 p.m. and 2:35 p.m. to 3:35 p.m.**

Maureen O'Brien, Esq. is a partner in O'Brien & Kolano, LLC, a consulting firm focused on training and education in the areas of Megan's Law, mental health, law enforcement, criminal law and the diversionary aspects of the criminal justice system. The firm also offers consultation services to attorneys representing clients with mental health issues in both the criminal and civil arenas. She is a former Assistant Prosecutor, recently retired after serving 28 years with the Union County Prosecutor's Office. She was the Supervisor of the Special Offender Unit dealing exclusively with defendants with mental health issues. Ms. O'Brien was instrumental in establishing the first Superior Court jail diversion program and pilot mental health court-based program in New Jersey. She has lectured throughout the state and nationally to both mental health and law enforcement professionals on all aspects of mental health issues within the criminal justice system.

Jessica S. Oppenheim, Esq. began her legal career with the Administrative Office of the Courts as staff attorney to the Civil Appeals Settlement Program (CASP). In 1985, she began a twenty-year career as a Deputy Attorney General in the Division of Criminal Justice serving in a variety of capacities culminating with her serving as Bureau Chief of the Prosecutors Supervision and Coordination Bureau. In that capacity, in addition to overseeing the 21 County Prosecutors Offices and over 500 municipal prosecutors and police departments, she was instrumental in the implementation of federal grants for law enforcement training in the various areas. Ms. Oppenheim also was counsel to the State Office of Victim-Witness Advocacy and the State Medical Examiner's Office, and represented the Attorney General on several advisory bodies. Ms. Oppenheim oversaw the drafting of the Attorney General's Megan's Law Guidelines for Law Enforcement and the SANE/SART Protocols for the investigation of sexual assault cases, as well as various Attorney General Directives. In 2007, Ms. Oppenheim went to the Middlesex County Prosecutor's Office to run the Domestic Violence and Megan's Law Units. Ms. Oppenheim has provided extensive training over the years to law enforcement and the community, as well as state, county and local agencies and community organizations, which activities she continues. She is a certified Police Training Commission instructor, and is an adjunct professor in the criminal justice studies department of Fairleigh Dickinson University. In 2010, Ms. Oppenheim retired from government service and joined the Arc of NJ as Director of the Developmentally Disabled Offenders Program in June 2010. In that capacity she provides support and assistance to criminal offenders who have developmental and intellectual disabilities, seeking alternatives to incarceration. In addition to her work with Arc of NJ, Ms. Oppenheim is a member of the Association for the Treatment of Sexual Abusers, the NJ State Bar Association, developmental disabilities rights section, the Middlesex County Bar Association, and is on the Board of Women Aware, the Middlesex County service provider for survivors of family violence.

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PA CLE Credit: 1.0 substantive credit (\$1.50 mandatory registration fee required).

NO WARRANT NEEDED: EXCEPTIONS TO THE WARRANT REQUIREMENT IN NEW JERSEY

The law as it applies to warrantless searches is an ever changing landscape. Just when you think you know what the law is, the Court changes it. This presentation is intended to address the exceptions to the warrant requirement as the law currently stands in New Jersey. **9:00 a.m. to 10:30 a.m.**

Robert Ramsey, Esq. is a Senior Instructor for Garden State CLE, a provider of attorney CLE instruction accredited by Supreme Courts of New Jersey and Pennsylvania. He received his B.A. degree from Rider University in 1975 and his JD degree from Seton Hall University in 1979. He was admitted to the New Jersey Bar in 1980. He received an MBA degree from Rider University in 1998. Attorney Ramsey is the author of many books and treatises including: New Jersey Motor Vehicle Code Annotated, New Jersey Drunk Driving Law, New Jersey Municipal Court Practice Manual, New Jersey Arrest, Search & Seizure Annual Review, New Jersey Insurance Law Annotated, New Jersey Attorney Discipline, New Jersey Judicial Discipline, New Jersey Motor Vehicle Law, and New Jersey Trial Evidence. Additionally, Attorney Ramsey is fluent in both Spanish & French.

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PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

OPENING AND CLOSING ARGUMENTS

This presentation is an overview of the mechanics and law as it currently applies to Opening and Closing Arguments in New Jersey. The presentation will discuss the important role of Openings and Closings in a trial, the mechanics of presenting your arguments and the law concerning what arguments you can make. **12:15 p.m. to 1:15 p.m. and 2:35 p.m. to 3:35 p.m.**

Peter C. Harvey, is a Partner with Patterson Belknap Webb & Tyler LLP. Peter Harvey is a past Attorney General of the State of New Jersey and a former federal prosecutor. As such, Mr. Harvey has been a central player in government investigations and consumer fraud matters. Prior to his

return to government service, Mr. Harvey litigated and tried cases involving various business disputes. During his tenure as Attorney General, Mr. Harvey negotiated the two largest securities settlement payments in New Jersey history concerning market timing cases; acted as one of the lead Attorneys General in several multi state securities fraud settlements; and restructured the Office of Insurance Fraud Prosecutor. As Attorney General, Mr. Harvey oversaw an office of 9,600 employees in 10 separate divisions and a budget of approximately \$1 billion. He had principal responsibility for coordinating homeland security strategy for both law enforcement and the private sector in New Jersey in his role as chair of the cabinet-level New Jersey Domestic Security Preparedness Task Force. Before becoming Attorney General in February 2003, Mr. Harvey served as First Assistant General and the Director of the Division of Criminal Justice. Mr. Harvey was an Assistant U.S. Attorney for the District of New Jersey, and was in private practice prior to joining the Attorney General's Office. Upon graduation from Law School, he served as a law clerk to the Honorable Dickinson R. Debevoise, United States District Judge for the District of New Jersey. Mr. Harvey received his J.D. degree in 1982 from Columbia Law School and his B.A. degree in 1979 from Morgan State University.

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SEARCH WARRANTS

This presentation is an overview of the law as it currently applies to Search Warrants in New Jersey. This presentation discusses the law, both statutory and caselaw, as well as the procedures in place in New Jersey under the Court Rules and the policies and procedures advocated by the New Jersey Attorney Generals Office. **1:25 p.m. to 2:25 p.m.**

SDAG Mark Eliades is a Supervising Deputy Attorney General presently serving as Bureau Chief of Gangs & Organized Crime within the Division of Criminal Justice. He also serves as the Attorney General's Counsel on Wiretapping & Electronic Surveillance issues and is the liaison with the Administrative Office of the Courts on those issues as well. SDAG Eliades is a 1989 graduate of Trenton State College and a 1992 graduate of Seton Hall University School of Law. Mr. Eliades also received his MBA with honors in Accounting from Montclair State University and holds the Certified Fraud Examiner designation. SDAG Eliades has been a member of the Adjunct Faculty of the National White Collar Crime Center since 1999, instructing on Financial Records Examination and Analysis. SDAG Eliades served a judicial clerkship for the Honorable Burrell Ives Humphreys, Assignment Judge of the New Jersey Superior Court, Essex County, and then began his career with the Attorney General's Office.

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VICTIM'S RIGHTS

With the increase in crime and the decrease in personnel, something often gets lost in the system. Often times, the thing that gets lost is the victim. New Jersey has been on the forefront of Victim's Rights for many years. This presentation will focus on enforcing victim's rights and preventing them from getting lost in the system. **2:35 p.m. to 3:35 p.m.**

Richard Pompelio, Esq., is with the firm DiFrancesco, Bateman, Coley- Yospin, Kunzman, Davis & Lehrer, P.C. He has been a practicing lawyer in the State of New Jersey for over 35 years. He graduated *summa cum laude* from the University of Kentucky College of Law in 1972 where he was named to the Order of the Coif and served as editor of the Kentucky Law Journal. In 1989, Richard's 17 year old son, Tony was murdered and he and his family soon discovered the harsh reality of the criminal justice system for crime victims. This resulted in Richard establishing the New Jersey Crime Victim's Law Center; the first pro bono law clinic in the United States devoted to protecting and advocating the civil rights of crime victims in the criminal justice system. The Victim's Law Center has served over 10,000 victims of violent crime and is now in its 19th year of providing no cost legal assistance to victims. Richard was at the beginning of the grassroots crime victims' rights movement in New Jersey and he has dedicated the last two decades to serving victims and training and educating the legal profession and the public on the subject of victim's rights. He has also served as Chairman of the New Jersey Victims of Crime Compensation Board, and he has been involved in the development of much of the victims' rights legislation in New Jersey, including the Victim's Rights Constitutional Amendment in 1991. The New Jersey Crime Victims' Law Center is dedicated to the life and memory of Tony Pompelio.

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