



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

USE OF EXPERT TESTIMONY IN DRUG PROSECUTIONS

March 27, 2013

10:00 a.m. to 12:00 p.m.

Richard J. Hughes Justice Complex

6th Floor Point Meeting Area – Attorney General's Library

25 Market Street

Trenton, New Jersey

Program Summary

This program will provide an overview addressing the State's use of expert testimony in drug prosecutions from State v. Odom to the Supreme Court's most recent pronouncement in State v. Sowell. Consistent with a recent Attorney General letter to all prosecutors stressing the importance of limiting the use of such testimony to areas beyond the understanding of the jury, the program will focus on the appropriate and inappropriate use of expert opinion under N.J.R.E. 702 and how to properly frame hypothetical questions in drug cases.

Who Should Attend?

This program is open to county assistant prosecutors as well as deputy and assistant attorneys general within the Division of Criminal Justice **only**. Please do not attempt to register for this program if you are not a county assistant prosecutor or deputy or assistant attorney general with the Division of Criminal Justice.

Who Is the Faculty?

DAG Philip J. Mogavero has been assigned to the Gangs and Organized Crime Bureau since 2007. From 2001, when he joined the office, until 2007 DAG Mogavero was assigned to the Office of the Insurance Fraud Prosecutor within the Attorney General's Office. Since 2011 DAG Mogavero has been a member of the New Jersey Attorney General's Shooting Response Team and is responsible for investigating police shootings and in custody death cases. Prior to joining the Attorney General's Office DAG Mogavero became a Certified Trial Attorney in 1996. From 1993 to 2001 DAG Mogavero was an Insurance Defense Attorney for several insurance companies. From 1989 to 1993 he was an Assistant Prosecutor with the Essex County

Prosecutor's Office. DAG Mogavero obtained his undergraduate degree from Northeastern University in 1984, and his law degree from The Ohio Northern University, School of Law in 1987.

Steven Yomtov is a Deputy Attorney General and Senior Counsel with the New Jersey Division of Criminal Justice. DAG Yomtov is assigned to the Appellate Bureau where he has worked since he joined the Division in April 1999. DAG Yomtov litigates appellate matters in both state and federal courts, and routinely appears in the Appellate Division and the New Jersey Supreme Court. He also provides counsel to law enforcement agencies throughout the State primarily in the area of search and seizure. DAG Yomtov began his career in 1994 as an Assistant District Attorney in the Appeals Bureau of the Bronx District Attorney's Office. He received both his Bachelor's and Master's Degrees in Political Science from Binghamton University in 1988 and 1989, respectively, and his J.D. from Pace University School of Law in 1994. Following graduate school, he served as a Governor's Fellow at the New Jersey Office of Management and Budget.

CLE Credit

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 2.0 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 2.0 substantive credits (pursuant to the approved jurisdiction policy).

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

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Non-State Employees or State Employees not Connected to the Garden State Network

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: AdvocacyInstitute@lps.state.nj.us for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. This is Step 1 of the process, which you need only do once.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.