



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DIVISION OF CRIMINAL JUSTICE'S 2014 APPELLATE SYMPOSIUM

August 14, 2014

10:00 a.m. to 4:15 p.m.

NJ Forensic Science & Technology Center

1200 Negron Drive

Hamilton, New Jersey

Program Summary

This day-long symposium will address hot topics and emerging issues in criminal law enforcement in New Jersey, including the Standing and Reasonable Expectation of Privacy Under the Fourth Amendment, Sentencing Updates, Upcoming Supreme Court Litigation, Hot Topics in Criminal Appeals and a "Q & A" session.

Who Should Attend?

This seminar is intended for deputy attorneys general, assistant prosecutors, detectives and investigators handling criminal matters. Other attorneys within the Department of Law and Public Safety may, however, find the topics being addressed of interest. This program is **not** open to any government attorneys or law enforcement personnel beyond those identified above.

Who Is the Faculty?

See attached.

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 up to 4.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and up to 4.8 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: up to 4.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: up to 4.0 substantive credits (\$6.00 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. Once your portal account is created you are prompted to enter your authorization code. This is Step 1 of the process, which you need only do once.

If you have already been issued an authorization code in the past you do not need to request another one. You can log into your account on the Garden State Network at <http://www.state.nj.us> and under the heading NJ L&PS Applications you will see the Attorney General's Advocacy Institute's Registration System. Click on that and log into your account on our system.

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.

LIST OF COURSES AND PRESENTERS

STANDING AND REASONABLE EXPECTATION OF PRIVACY UNDER THE FOURTH AMENDMENT (10:00 a.m. to 11:00 a.m.)

This presentation will focus on the interplay between the procedural question of whether a defendant has standing to litigate a motion to suppress evidence and the substantive question of whether that defendant has a reasonable expectation of privacy in the places searched or the items seized. This presentation will also discuss recent Supreme Court cases, including *State v. Hinton* and *State v. Brown*.

Emily Anderson has been a Deputy Attorney General in the Appellate Bureau since August 2011. Previously, she served in the Appellate Bureau as a Volunteer Associate. She received her B.A. from University of Pennsylvania and her law degree from Rutgers School of Law - Newark. Following law school, she clerked in the Appellate Division for the Honorable Carmen H. Alvarez, J.A.D. She was nominated for an Attorney General Award for Excellence in 2013 for her trial assistance in *State v. Anna Taliaferro*, an official-misconduct case.

Jennifer Kmiecik has been a Deputy Attorney General in the Appellate Bureau since September 2011. She received her B.A. from The College of New Jersey and her law degree from the Rutgers School of Law - Camden. Following law school, she clerked in the Appellate Division for the Honorable Victor Ashrafi, J.A.D. She received an Attorney General Award for Excellence in 2012 for her trial assistance in *State v. Abdur-Raheem*, a murder case.

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

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

SENTENCING UPDATE (11:15 a.m. to 12:15 p.m.)

This presentation will provide an update of sentencing law and a discussion of current issues. Topics include jail credits, sentencing for driving while suspended under *N.J.S.A. 2C:40-26*, sentencing for DWI, Graves Act escape valve sentencing, and extended terms.

AAG Carol Henderson, is Deputy Chief of the Appellate Bureau in the Division of Criminal Justice and has extensive experience litigating cases 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.

Kelly Shelton is an assistant prosecutor with the Warren County Prosecutor's Office. She is a 1994 graduate of Temple Law School. Prior to joining the Warren County Prosecutor's Office in 1998, Assistant Prosecutor Shelton worked in private practice in Philadelphia. Assistant Prosecutor Shelton has worked in various units in the office including Megan's Law, Trial, and Special Victims. Currently, she is responsible for the Appellate and Mental Health Units.

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LUNCH (12:15 p.m. to 1:30 p.m.)

UPCOMING NEW JERSEY SUPREME COURT LITIGATION (1:30 p.m. to 2:30 p.m.)

This program will feature a broad discussion of the significant criminal appeals that are expected to be argued before the New Jersey Supreme Court during the upcoming 2014-2015 term.

Frank J. Ducoat has been an Assistant Prosecutor in the Appellate Section of the Essex County Prosecutor's Office since September 2013, and has been Director of that unit since April 2014. Prior to that, he served five years as a Deputy Attorney General in the Division of Criminal Justice's Appellate Bureau. He received his B.A. from William Paterson University and his law degree from Rutgers School of Law – Camden. Following law school, he clerked in the Appellate Division for the Honorable Ariel A. Rodriguez, P.J.A.D.

SDAG/AAP Sara Liebman is the Supervisor of the Appellate Unit in the Union County Prosecutor's Office. She has been an assistant prosecutor in Union County since 1995, and Supervisor of the Appellate Unit since 2007. She previously served as Deputy Supervisor of the Appellate Unit and has litigated cases before the Appellate Division, the New Jersey Supreme Court, the United States District Court and the Third Circuit. She teaches seminars on numerous criminal law topics and also serves as the Municipal Prosecutors' Liaison to the Attorney General's Office.

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HOT TOPICS IN CRIMINAL APPEALS (2:45 p.m. to 3:45 p.m.)

This presentation will focus on a variety of emerging issues in the area of criminal appeals. This presentation will discuss new caselaw pertaining to *Crawford v. Washington* and the right of confrontation. It will also discuss new cases pertaining to the interplay between other-crimes evidence under *N.J.R.E.* 404(b) and "intrinsic evidence" under *State v. Rose*. Finally, this presentation will discuss various issues involving electronic filing, PCR appeals, and other topics.

Karen Carroll is a Court Services Supervisor 2 with the Appellate Division Clerk's office. She earned her degree from the College of New Jersey in Criminal Justice. She has worked for the Court for 28 years progressing from case management to supervision to Program Leader for NJeDATA which is the Appellate Division's electronic filing system. She is also the Program Coordinator for the Appellate Division Pro Bono Program.

AAG Carol Henderson, is Deputy Chief of the Appellate Bureau in the Division of Criminal Justice and has extensive experience litigating cases 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.

DAG Frank Muroski is currently Deputy Bureau Chief with the Division of Criminal Justice's Appellate Bureau and has been assigned to the Appellate Bureau for 12 years. Before joining the Division of Criminal Justice, DAG Muroski worked for 6 years as an Assistant Prosecutor in Union County. DAG Muroski was a law clerk for two criminal trial judges in Union County. He graduated from Rutgers-Camden Law School in 1994.

AAG Mike Williams has been with the Division of Criminal Justice since 1988. He handles appeals in all New Jersey state and federal courts, and is a former Deputy Chief of the Appellate Bureau. He is now Counsel to the Director.

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QUESTION AND ANSWER SESSION (3:45 p.m. to 4:15 p.m.)