



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

2014-2015 BASIC PROSECUTORS COURSE (PHASE II)

October 1st and 2nd, 2014

8:30 a.m. to 4:30 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 two-day seminar series is the second phase of an integrated three-phase course designed for new assistant prosecutors and deputy attorneys general, which culminates with an intensive four-day trial advocacy program. Among the topics addressed during this session will be arrest, search and seizure, professionalism in the practice of law, bail issues, narcotics issues, criminal code issues, gang issues and complying with the state's discovery obligations.

Who Should Attend?

This program is intended for new assistant prosecutors and Division of Criminal Justice deputies, attendance for which has already been determined by each county prosecutor's office and the Division of Criminal Justice. If you are not one of those selected to attend, please do not attempt to register.

Who Is the Faculty?

Please 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 13.1 hours of total CLE credit. Of these, 1.2 qualifies as hours of credit for ethics/professionalism and up to 11.9 qualify as hours of credit

toward certification in criminal trial law and 3.2 qualify as hours of credit towards newly admitted/criminal trial preparation.

NY CLE Credit: 12.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 10.5 substantive (\$1.50 per credit 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.

LIST OF COURSES AND PRESENTERS

DAY ONE – OCTOBER 1, 2014

8:30 a.m. to 9:00 a.m. REGISTRATION

9:00 a.m. to 1:00 p.m. ARREST, SEARCH AND SEIZURE¹

This seminar will present a “whirlwind tour” of New Jersey search and seizure law, featuring an easy-to-use analytical template that prosecutors can use to quickly determine whether a stop, frisk, arrest, or search is lawful under both the Fourth Amendment and Article 1, paragraph 7 of the New Jersey Constitution. This fast-paced and interactive presentation will cover recent developments and trends as well as long-settled principles of search and seizure law.

AAG Ron Susswein has served for a combined 32 years as a DAG/AAG in the Division of Criminal Justice and the Union County Prosecutor’s Office. During his career, AAG Susswein helped to draft many of the Attorney General directives and guidelines that are designed to channel a prosecutor’s plea bargaining discretion, including the policies concerning “Brimage,” “Graves Act,” “NERA,” and public corruption cases.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 4.2 hours of total CLE credit. Of these, 0.0 qualifies as hours of credit for ethics/professionalism and up to 4.2 qualify as ours of credit toward certification in criminal trial law.

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

PA CLE Credit: 3.5 substantive (\$6.00 mandatory registration fee required).

1:00 p.m. to 2:00 p.m. LUNCH (ON YOUR OWN)

2:00 p.m. to 3:00 p.m. PROFESSIONALISM IN THE PRACTICE OF LAW

This course is an examination of the sometimes difficult balance between zealous advocacy and professionalism. The course is designed to assist attorneys as they make daily decisions that impact not only the matters they handle as part of their legal practice but also their reputations in the legal community. The course addresses the manner in which attorney’s should deal with adversaries, members of the Judiciary, the public and other individuals who comprise the justice system.

Assistant Prosecutor Thaddeus Drummond is the supervising attorney in charge of both the Special Investigations Unit (SIU) and the Collision Analysis and Reconstruction (CAR) Unit of the Burlington County Prosecutor’s Office. He is a 1989 graduate of Saint Joseph’s University

¹ For this session, breaks will be given at presenter’s discretion.

where he earned an undergraduate degree in Accounting. In 1992, he graduated from Temple University School of Law. He has been an Assistant Burlington County Prosecutor since September, 1993, and during that time has been assigned to several units within the prosecutor's office including Motions and Appeals, Case Screening and Trial Team before assuming responsibility for the CAR Unit in 2001. As the CAR Unit Supervisor, Tad is responsible for reviewing all fatal and serious motor vehicle crashes that occur in Burlington County to determine if criminal prosecution is warranted, and overseeing the investigation and prosecution of all vehicular homicide and assault by auto cases in Burlington County. As SIU supervisor, Tad handles internal affairs matters as well as confidential investigations pertaining to official corruption, allegations of police misconduct and police involved shootings. Tad is also responsible for investigations pertaining to violations of the Open Public Meetings Act. Tad is also actively involved in the Conducted Energy Device (CED) program in Burlington County and is responsible for reviewing all CED discharges with in the County in accordance with the Attorney General's Revised CED Policy. During his career with the Burlington County Prosecutor's Office, Tad has tried many cases involving an array of charges including murder/aggravated manslaughter, vehicular homicide, vehicular assault, sexual assault, robbery and various narcotics offenses. Tad is also an instructor with the Attorney General's Advocacy Institute.

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, 1.2 qualifies as hours of credit for ethics/professionalism.

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

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

3:00 p.m. to 3:15 p.m. BREAK

3:15 p.m. to 4:30 p.m. BAIL ISSUES

This presentation will cover all topics relating to bail for criminal offenses in New Jersey. Subjects included are State v. Johnson factors, Title 2C offenses with bail restrictions, bail sources, and the conduct of bail hearings.

Russell Curley is currently with the Middlesex County Prosecutor's Office. Previously, he served as a Deputy Attorney General in the Division of Criminal Justice with the Gangs & Organized Crime Bureau where he investigated and prosecuted large scale drug trafficking and racketeering cases, and headed the Human Trafficking Unit. He was instrumental in working with members of the New Jersey Legislature to make changes to New Jersey's human trafficking laws. He has indicted and tried a wide variety of cases including: large-scale drug trafficking and racketeering cases, money laundering, weapons trafficking, drug diversion, sexual assault, bribery and corruption, and mortgage fraud. He is also considered an authority on New Jersey drug laws as well as on bail, lecturing regularly on these topics and has published a law review article on New Jersey's bail source statute. He also has considerable appellate experience having worked in the DCJ Appellate Bureau for eight years, where he argued over a dozen precedent-

setting cases before the New Jersey Supreme Court, New Jersey Superior Court, Appellate Division, and the U. S. Court of Appeals for the Third Circuit. He graduated from Brown University in 1994, and received his J.D. from Rutgers School of Law - Newark in 1997.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualifies as hours of credit for ethics/professionalism and up to 1.5 qualify as ours of credit toward certification in criminal trial law.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

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

DAY TWO – OCTOBER 2, 2014

8:30 a.m. to 9:00 a.m. REGISTRATION

9:00 a.m. to 10:00 a.m. NARCOTICS ISSUES

This presentation will cover the highlights of the drug offenses in 2C:35-1 and 2C:36-1 et seq. This presentation will also address dealing with informants. Also covered in the presentation is C.D.S. expert testimony, preparation of their reports and the relevant case law.

Assistant Prosecutor Brian Stack has been with Somerset County for 14 years and has run the SCPO OCNTF for the past 9 years. He is also a trial team leader and the legal advisor to the SCPO computer crimes unit and the SCPO SCERT Team. He served as an instructor at the SC Police Academy and the DEA school in the following areas: CDS, Expert Testimony, Computer Crimes, Stop & Frisk, Search & Seizure, and ground fighting. Before becoming an AP, he was a litigation associate with Cooper, Rose & English in Summit for a year, and he clerked for the Hon. Kenneth C. MacKenzie, P.J.Ch. in Morristown, in the equity clerkship.

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 qualifies as hours of credit for ethics/professionalism and up to 1.2 qualify as ours of credit toward certification in criminal trial law.

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

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

10:00 a.m. to 10:15 a.m. BREAK

10:15 a.m. to 12:15 p.m. CRIMINAL CODE ISSUES

This topic is quite broad and vague. With that in mind, the philosophy behind my presentation is not to teach the students the criminal code, but how to analyze cases, whether it be at the investigatory stage, the charging stage, or the trial stage. By utilizing the hypothetical cases, my goal is that the students learn to spot issues and how to deal with them. During the review, I will change certain facts to see how their analysis changes. I also will give them real life examples that I have faced in my 27 years as a prosecutor. My presentation is not a lecture, but an interactive presentation, where hopefully the students will speak as much as I do.

Assistant Prosecutor Robert Hawkes has been with the Somerset County Prosecutor's Office since June, 1998. Prior to that he served for almost 11 years with the New York County District Attorney's Office. When he left the Manhattan DA's office, he was a Deputy Bureau Chief in one of the Narcotics Unit's Trial Division. While with the Somerset County Prosecutor's Office, Bob has served as the Legal Advisor to the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force. He has taught for the Advocacy Institute for several years, including this and the Trial Advocacy Program. He also has lectured at the New Jersey State Police Academy and the Somerset County Police Academy. He currently serves as a senior trial attorney in the Litigation Unit handling a variety of different cases and is the Chief Legal Advisor to the Major Crimes Unit. He received his J.D. from Fordham University School of Law in 1987 and B.A. in Classics and Political Science from Duquesne University in 1984.

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 qualifies as hours of credit for ethics/professionalism and up to 2.0 qualify as ours of credit toward certification in criminal trial law and 2.0 qualify as hours of credit towards newly admitted/criminal trial preparation.

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

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

12:15 p.m. to 1:15 p.m. LUNCH (ON YOUR OWN)

1:15 p.m. to 2:45 p.m. GANG ISSUES

This course will introduce participants to the legal, evidentiary, and practical issues involved in the prosecution of street gang members. It will also cover some proven strategies for proactively targeting street gangs for investigation and prosecution.

Gregory Demeter has been a member of the NJSP for 19 years and a member of the Intelligence & Criminal Enterprise Section for 12 years. He is currently the Unit Head for the Office of Intelligence Management. In the Intelligence Section, he has been assigned to the Street Gang North Unit for 8 years (2002-2007 and 6/12-4/14). He is a member of the East Coast Gang

Investigator's Association and has also been assigned to the NYPD Intelligence Division for one year as a liaison, and spent three years assigned to the FBI Joint Terrorism Task Force. He is currently the coordinator for the NJSP Criminal Investigation School, which is a basic investigative school for detectives. In 2011, he graduated from the FBI's National Academy 245th Session.

DAG Andrew B. Johns is a Deputy Attorney General with the Division of Criminal Justice, Gangs & Organized Crimes Bureau. Since joining the Division in July 2011, DAG Johns has focused on prosecuting large scale criminal enterprises, particularly groups operating in southern New Jersey. This work includes the use of traditional investigation techniques and electronic surveillance. DAG Johns is also a member of the Attorney General's Shooting Response Team (SRT). The SRT is responsible for investigating and prosecuting cases involving the use of deadly force or an in-custody death. Prior to joining the Division, DAG Johns spent five years with the Cumberland County Prosecutor's Office in Bridgeton, NJ. While in Cumberland County, DAG Johns prosecuted a variety of cases as a member of the trial team. DAG Johns received his JD from Rutgers School of Law–Newark in 2005 and his BA in Political Science from Rutgers College in 2001.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 hours of total CLE credit. Of these, 0.0 qualifies as hours of credit for ethics/professionalism and up to 1.8 qualify as ours of credit toward certification in criminal trial law.

NY CLE Credit: 1.5 substantive credits (pursuant to the approved jurisdiction policy).

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

2:45 p.m. to 3:00 p.m. BREAK

3:00 p.m. to 4:00 p.m. COMPLYING WITH THE STATE'S DISCOVERY OBLIGATIONS

This presentation will provide an overview of the constitutional and Court Rule based discovery obligations on the State, at both the pre-indictment and post-indictment stages. This presentation will also include a review of the new discovery rule changes, effective January 1, 2013.

Michael McDonald is currently the First Assistant Prosecutor in Warren County. He is a graduate of Seton Hall University Law School in 1990, and began his legal career in 1990 as a law clerk for the Hon. John C. Stritehoff, Jr., who is now deceased. Immediately after his clerkship, he was hired by the Warren County Prosecutor's Office as an Assistant Prosecutor, and was assigned to the Trial Unit. After spending several years in the Trial Unit, he was reassigned to the SVU Unit, where he remained until leaving the Office in 1998. During his initial term with the Warren County Prosecutor's Office, he tried approximately 20 cases, and sat second chair on 3 homicide cases. He was the first Assistant Prosecutor in New Jersey to

successfully enter DNA evidence in a criminal trial, and was also the first Assistant Prosecutor in New Jersey to successfully enter into evidence a computer animation of a crime. He left the Prosecutor's Office in 1998, and began a career as a civil litigator, doing defense work for various insurance companies. He was approached by current Warren County Prosecutor Richard Burke in March of 2012 to become his First Assistant, and began his duties as the First Assistant Prosecutor in Warren County in April, 2012.

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 qualifies as hours of credit for ethics/professionalism and up to 1.2 qualify as ours of credit toward certification in criminal trial law and 1.2 qualify as hours of credit towards newly admitted/criminal trial preparation.

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

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