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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **NUTS & BOLTS OF USING OTHER CRIMES, WRONGS OR ACTS EVIDENCE PURSUANT TO N.J.R.E. 404(b)**

**December 19, 2014  
10:00 a.m. to 12:00 p.m.  
Richard J. Hughes Justice Complex  
6th Point Meeting Area-Attorney General's Library  
25 Market Street  
Trenton, New Jersey**

#### ***Program Summary***

Evidence of "other crimes" when used at trial can be very powerful and compelling and has a "unique tendency to turn a jury against the defendant". This presentation will cover Rule 404b and the standards for admissibility of "other crime" evidence that prosecutors and civil litigators must meet in order to properly use this evidence at trial.

#### ***Who Should Attend?***

This program is open to all government attorneys, space permitting.

#### ***Who Is the Faculty?***

**Assistant Prosecutor John McNamara, Jr.** is currently Senior Trial Counsel for the Office of the Morris County Prosecutor. He graduated from the University of Scranton in 1986 with a Bachelors of Arts degree, and a Masters of Arts degree, in History. He graduated from the Catholic University of America Columbus School of Law in 1989. Upon graduation from law school, he served as judicial clerk to the Hon. Donald G. Collester, Jr., J.A.D. In 1990, he was hired by Robert M. Morgenthau as an Assistant District Attorney for New York County. In 1992, he was appointed to the Homicide Bureau. He prosecuted homicide cases until he left to join the Morris County Prosecutor's Office in 1996 under Prosecutor John B. Dangler. He served in this capacity until September of 1998, when he briefly left the office for private practice. He was re-hired as an Assistant Prosecutor in February of 2000 by Prosecutor Dangler. He served as Chief of the Major Crimes Unit as the supervising attorney for approximately 12 years until being named the Supervising Assistant Prosecutor for the Professional Standards Unit, in 2014.

Assistant Prosecutor McNamara has prosecuted numerous homicide cases on behalf of the Morris County Prosecutor's Office, including capital cases before the abolition of the penalty in 2007. He also served as a Special Deputy Attorney General in the contested proceeding before the N.J. Supreme Court-appointed Special Master examining whether New Jersey should modify the standards for admissibility for eyewitness identification testimony. He is currently serving his fourth term as a member of the New Jersey Supreme Court Committee on Model Criminal Jury Charges. He is a member of the bar of the State of New Jersey, the State of New York, the Supreme Court of the United States, and the United States Court of Appeals for the Third Circuit.

**Municipal Prosecutor Jeffrey I. Rubin** graduated from Washington University (in St. Louis) Law School and is a member of both the New Jersey and Virginia bars. Jeffrey was an assistant prosecutor in Mercer County where he was chief of the economic crime unit; chief of the insurance fraud unit and chief of a trial team. Jeffrey was also an assistant prosecutor in Warren County where he was chief of the major crimes unit. Many of his major cases involved use of 404(b) evidence including the successful prosecution of a serial murderer and the successful prosecution of a serial rapist. Jeffrey has over 30 years of prosecutorial experience. Jeffrey has taught at the Mercer County Police Academy, the New Jersey Attorney General's Advocacy Institute and as an Assistant Professor at Strayer University in both New Jersey and Pennsylvania. Jeffrey is currently the Municipal Prosecutor in both East Windsor and West Windsor Townships.

**Assistant Prosecutor Paul Heinzl** is currently the Senior Litigation Counsel in the Appellate Bureau of the Monmouth County Prosecutor's Office. Mr. Heinzl was the Chief of the Division of Criminal Justice's Appellate Bureau, where he has worked since 1993. He became the Bureau's Assistant Chief in 2002, Deputy Chief in 2007, and has been the Chief since 2008. He has argued before the Appellate Division, New Jersey Supreme Court, and Third Circuit on numerous occasions on multiple issues.

### *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 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](mailto: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.