



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DIVISION OF CRIMINAL JUSTICE'S 2015 APPELLATE SYMPOSIUM

August 4, 2015

10:00 a.m. – 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 Automobile Exception, Upcoming New Jersey Supreme Court Litigation, N.J.R.E. 404(b), and Emerging Search and Seizure Issues.

Who Should Attend?

This seminar is intended for Division of Criminal Justice Deputy Attorneys General, Assistant Prosecutors, Detectives and Investigators handling criminal matters. This program is not open to any government attorneys or law enforcement personnel beyond those identified above.

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 5.1 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and up to 5.1 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: up to 5.0 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

AT OUR WIT'S END: THE AUTOMOBILE EXCEPTION IN NEW JERSEY

10:00 a.m.-11:00 a.m.

This seminar will present the current state of the “automobile exception” to the warrant requirement in New Jersey. It will examine how the automobile exception got to its current status in State v. Pena-Flores, and what has happened since Pena-Flores in State v. Shannon and State v. Witt. The seminar will address the statistical data on automobile searches in the state and the telephonic warrant pilot program. Additionally, it will address the pros and cons of the alternatives to the automobile exception that police often resort to, including use of the consent search doctrine and the vehicle frisk doctrine.

Assistant Attorney General Ronald 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, and currently serves as Counsel to the Division. He previously has served as Assistant Counsel to the Governor, and also has served as Special Assistant to several Attorneys General. AAG Susswein graduated with honors from the Georgetown University Law Center. He has served in the Division of Criminal Justice in many roles, including as the Deputy Director for Policy, and later as Deputy Director for Major Crimes. From 1992 to 1994, he was Executive Assistant Prosecutor in Union County, and served as the Chair of the New Jersey State Bar Association Criminal Law Section from 1993 to 1994. AAG Susswein has drafted a number of statutes, including the Comprehensive Drug Reform Act of 1987. In May 2015, AAG Susswein received the Attorney of the Year Award from the New Jersey Law Journal, based in part on his litigation efforts in search-and-seizure cases under the State Constitution.

Deputy Attorney General Claudia Joy Demitro currently serves in the Appellate Bureau of the Division of Criminal Justice. She graduated magna cum laude from both The College of New Jersey and the Drexel University School of Law, and was editor of the Drexel Law Review. Following law school, she clerked on the Superior Court for the Hon. Stephanie M. Wauters, J.S.C. in Ocean County, and then on the Appellate Division for the Hon. Michael A. Guadagno, J.A.D. DAG Demitro is a current trustee of the Criminal Law Section of the New Jersey State Bar Association, and a proud recipient of the Richard L. Barbour, Jr. Memorial Scholarship from the Burlington County Prosecutor’s Office.

10:00 a.m.-10:15 a.m. Break

UPCOMING NEW JERSEY SUPREME COURT LITIGATION

11:15 a.m.-12:30 p.m.

This course will be a preview and discussion of important cases that will be considered by the Court during the 2015-2016 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. DAG Ducoat received his B.A. from William Paterson University and then he clerked in the Appellate Division for the Honorable Ariel A. Rodriguez, P.J.A.D.

DAG Jenny Hsu is a Deputy Attorney General of the Appellate Bureau in the Division of Criminal Justice. She joined the Division in 2011 and has written numerous appellate briefs and appeared before the Appellate Division and the New Jersey Supreme Court. DAG Hsu is a graduate of Middlebury College and Temple University Beasley School of Law.

12:30 p.m. – 1:30 p.m. Lunch (on your own)

NJRE 404(b): A PRIMER AND REVIEW OF RECENT AND EMERGING ISSUES

1:30 p.m. – 2:30 p.m.

This class will cover the history and purpose of NJRE 404(b), as well as the seminal cases interpreting the Rule. The class will also consider recently decided Rule 404(b) issues as well as issues presently before the New Jersey Supreme Court, and novel issues from other jurisdictions.

DAG Joseph Glyn started in the Attorney General's Office, Appellate Section in April 2012. In his time in the Division of Criminal Justice, he briefed and argued the Attorney General's amicus position before the New Jersey Supreme Court in State v. Skinner, regarding the admissibility of rap lyrics under NJRE 404(b). Recently, he researched and drafted the Attorney General's amicus brief in State v. J.M. (awaiting oral argument), concerning the admissibility of evidence relating to a prior misconduct for which the defendant was tried and found not guilty. He has also briefed numerous NJRE 404(b) appeals in the Appellate Division. DAG Glyn graduated with High Honors from Rutgers School of Law – Camden, in April 2009, and then clerked for the Hon. Philip Carchman, in the New Jersey Superior Court, Appellate Division. Following his clerkship, DAG Glyn practiced insurance defense litigation for a private Philadelphia law firm.

2:30 p.m. – 2:45 p.m. Break

EMERGING SEARCH AND SEIZURE ISSUES

2:45 p.m. – 3:45 p.m.

New Jersey's search-and-seizure jurisprudence is ever-evolving. This program will include a discussion of various emerging search-and-seizure issues that the New Jersey Supreme Court will be grappling with in the upcoming term, including the scope of the protective-sweep doctrine, the applicability (or inapplicability) of Bailey v. United States to cases where a suspect is named in a search warrant, and the scope of an officer's authority to ask a passenger out of a car.

DAG Jane C. Schuster is a Deputy Attorney General in the Appellate Bureau. She received her J.D., cum laude, from Benjamin N. Cardozo School of Law, where she was an Articles Editor for the Cardozo Law Review, and was elected to the Order of the Coif. After law school, DAG Schuster completed a one-year clerkship for the Honorable Helen E. Hoens of the Supreme

Court of New Jersey. Prior to joining the Appellate Bureau, DAG Schuster worked for a number of years as a litigator in private practice.

DAG Frank Mursoki is currently Deputy Bureau Chief with the Division of Criminal Justice's Appellate Bureau and has been assigned to the Appellate Bureau for 13 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.

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