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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **2015 BASIC PROSECUTOR'S COURSE**

**October 5 & 6, 2015**

**9:00 a.m. to 5:00 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 two-day seminar series is part of an integrated curriculum 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, gang issues, bail issues, plea negotiations, constitutional issues, preparation of witnesses and trial evidence and objections. *Please see attached schedule for further details.*

#### ***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?***

See attached.

#### ***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 up to 13.2 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 13.2 qualify as hours of credit toward certification in criminal trial law and up to 6.0 qualify as hours of credit towards newly admitted/criminal trial preparation.

**NY CLE Credit:** up to 13.0 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 10.0 substantive credits (\$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](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.

## LIST OF COURSES AND PRESENTERS

### MONDAY, OCTOBER 5, 2015

#### **ARREST, SEARCH AND SEIZURE (9:00 a.m. to 1:00 p.m.)**

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).

#### **GANG ISSUES (2:00 p.m. to 3:30 p.m.)**

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).

### **BAIL ISSUES (3:45 p.m. to 5:00 p.m.)**

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).

**TUESDAY, OCTOBER 6, 2015**

**PLEA NEGOTIATIONS (9:00 a.m. to 10:15 a.m.)**

Legal obligations of prosecutors in plea negotiations are covered in this lecture. Subjects addressed include: initial considerations at the start of plea discussions; relevant RPCs; dealing with unrepresented individuals, considerations with cooperating witnesses; and the importance of candor with the tribunal and adversaries.

**Assistant Prosecutor Mark Westfall** is the supervising attorney of Trial Unit of the Burlington County Prosecutor's Office. He is a graduate of Seton Hall University and Widener University School of Law. He has been employed as an Assistant Burlington County Prosecutor since May of 1996 and has served in the Appellate Unit, Grand Jury Unit and Trial Unit. In 2002, Mark assumed supervisory responsibility for the Trial Unit and has served in that capacity to date. Mark has tried cases involving an array of charges, including murder, aggravated manslaughter, carjacking, kidnapping, sexual assault, armed robbery and various narcotics offenses.

**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 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, up to 1.5 qualify as hours of credit toward certification in criminal trial law, and up to 1.5 qualify as hours of credit towards newly admitted/criminal trial preparation.

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

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

**CONSTITUTIONAL ISSUES (10:30 a.m. to 11:45 a.m.)**

Topics to be covered in this lecture include constitutional issues relating to Wade/ID proceedings and a general overview of state and federal law relating to Miranda violations and proper interrogation procedures.

**Kristen M. Harberg** is an Assistant Prosecutor in the Major Crimes Unit at the Camden County Prosecutor's Office. In 1997, she received her Juris Doctor with Honors from Rutgers University School of Law - Camden, and then clerked for the Honorable Angelo J. DiCamillo for one year. Ms. Harberg began her career as a Deputy Attorney General with the New Jersey Division of Criminal Justice, and was assigned to the Appellate Bureau from 1998 to 2005. During that time, she wrote approximately 70 appellate briefs, and she argued seven cases before the Supreme Court of New Jersey -- including one death penalty case -- and one case before the United States Court of Appeals for the Third Circuit. In 2005, Ms. Harberg moved to the Office

of the Insurance Fraud Prosecutor, and in 2007, to the Gangs and Organized Crime Bureau. From 2007 through 2010, she was embedded in the Camden County Prosecutor's Office for "Operation CeaseFire," and prosecuted gang-related shootings within the City of Camden. She was also assigned to the Governor's Anti-Crime Partnership Task Force in the City of Camden from 2007 to 2009. Upon return to the Gangs and Organized Crime Bureau in 2010, Ms. Harberg prosecuted drug, gun, racketeering, conspiracy, and wiretap cases. In 2013, Ms. Harberg was promoted to Deputy Chief of the Gangs and Organized Crime Bureau, and she supervised nine Deputy Attorneys General in the Cherry Hill and Trenton offices. Ms. Harberg received the 2013 Attorney General's Award for Excellence in Law Enforcement – Trial Victory, for a three-month murder trial that she conducted in Camden County. In 2014, Ms. Harberg became an Assistant Prosecutor at the Camden County Prosecutor's Office, Major Crimes Unit. She prosecutes homicide, shooting, robbery, carjacking, kidnapping, arson, assault, bias intimidation, and fraud cases. She is one of the three primary legal advisors for the police departments in Camden County's thirty-seven municipalities, and is responsible for providing them with legal advice on investigatory strategies, approving Search Warrants and Communications Data Warrants, and making charging decisions.

**Victoria Shilton** graduated from Temple Law School in 1993. She began her career with the Camden County Prosecutor's Office in March of 1994. During her tenure as an assistant prosecutor, she has completed rotations in Motions, Juvenile, Grand Jury, and Trial Team, and has tried over one hundred felony jury trials. She was one of two Camden County Assistant Prosecutors selected to supervise investigations conducted by the Governor's Anti-Crime Partnership Task Force in the city of Camden from 2007 to 2009. Currently, she is the Section of the Major Crimes Unit, consisting of three prosecutors, two arson investigators and six detectives. In addition, Ms. Shilton is one of three primary legal advisors for the police departments in Camden County's thirty-seven municipalities. She regularly lectures at the Camden County Police Academy and has been a guest lecturer at the Attorney General's Institute of Advocacy program for new prosecutors. Additionally, she has been an invited faculty member for several week long Introductory Trial Advocacy courses at the joint Federal and State National Advocacy Center at the National College of District of Attorneys in Columbia, South Carolina. In January of 2011 she was honored to present a guest lecture on the Art of Direct Examination to the Honorable Anne E. Thompson, American Inn of Court. In 2009, Ms. Shilton was awarded a Prosecutor's Service Award for her work supervising a five month long wiretap investigation which culminated in the arrest of twenty-three individuals, seizure of over one-hundred thousand dollars in cash and effectively dismantled one of the major large scale narcotics trafficking organizations in Camden City. In October of 2010, the Camden County Fire Marshall honored her with the "Edward Garrity" award for services in the investigation and prosecution of arson cases in Camden County.

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

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

### **PREPARATION OF WITNESSES (1:00 p.m. to 2:00 p.m.)**

Preparation of trial witnesses from the initial and subsequent interviews, to review of direct and cross examination as well questions to be asked of witnesses to support the introduction of evidence will be addressed in this presentation.

**Howard D. Zuckerman** recently retired from his position as Deputy Chief Assistant Prosecutor over the Trials Unit in Essex County. Howard completed over 200 jury trials while assigned to various units, including, Homicide, Major Crimes, Child Abuse and Adult Trial. While in the Adult Trial Section he supervised over fifty assistant prosecutors.

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

### **TRIAL EVIDENCE AND OBJECTIONS (2:15 p.m. to 3:30 p.m.)**

Proper techniques for the introduction of all types of evidence introduced at trial including: real evidence, demonstrative evidence, as well as the proper use of charts, graphs, compilations and computer-generated models and graphics. Also covered in this presentation are the most commonly raised objections at trial and the legal bases for those objections based on the NJ Rules of Evidence.

**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.

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