



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

2016 BASIC PROSECUTOR'S COURSE

September 19, 2016

9:15 a.m. to 3:15 p.m.

**NJ Forensic Science & Technology Center
1200 Negron Drive
Hamilton, New Jersey**

September 20, 2016

9:15 a.m. to 3:45 p.m.

**Richard J. Hughes Justice Complex
6th Floor Point Meeting Area – Attorney General's Library
25 Market Street
Trenton, New Jersey**

PLEASE READ: NOTICE REGARDING COURSE MATERIALS

All materials for New Jersey Attorney General's Advocacy Institute continuing legal education courses are now available electronically through the Advocacy Institute website: www.njadvocacyinstitute.com. Materials will be posted to the website approximately one week before the course date.

The institute will no longer provide paper copies of course materials. This policy is effective immediately and is within the guidelines of the New Jersey Board of Continuing Legal Education and the Pennsylvania Continuing Legal Education Board. Please follow the procedure below to obtain course materials:

- Click on the Course Information tab.
- Select Course Materials from the drop-down menu.
- Click on the course that you are registered for. Courses are listed alphabetically by title.
- Most courses will have two files; a file containing class materials that you should bring to the session and a file with reference materials such as statutes, regulations and cases.
- Print the documents in the class materials file and bring them with you to the session.
- You have the option of printing the documents in the reference materials file or downloading them to a computer or mobile device.

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. Amongst other topics addressed during this session will be: arrest, search and seizure, state discovery issues and juvenile justice issues. *Please see the attached schedule for more detail.*

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.** Please do not attempt to register for this course if you have not been instructed to do so.

Who Is the Faculty?

Please see the attached schedule.

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 10.2 hours of total CLE credit. Of these, 1.2 qualify as hours of credit for ethics/professionalism, 10.2 qualify as hours of credit toward certification in criminal trial law and 5.4 qualify as hours of credit towards newly admitted/criminal trial preparation.

NY CLE Credit: 10.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 8.5 substantive credits (\$13.50 mandatory fee)

How Do I Register

State Employees

Most State employees are able to register for this course by going to <http://reg2.dcj.lps.state.nj.us/lpcreg/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://reg2.dcj.lps.state.nj.us/lpcreg/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://reg2.dcj.lps.state.nj.us/lpcreg/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 - SEPTEMBER 19, 2016

ARREST, SEARCH AND SEIZURE (10:00 a.m. to 12:00 p.m.)

This seminar will present a “whirlwind tour” of New Jersey search-and-seizure law, starting with the fundamental basics for prosecutors to analyze and litigate a stop, frisk, arrest, or search under both the Fourth Amendment and Article 1, paragraph 7 of the New Jersey Constitution. This interactive presentation will also provide guidance on the presentation of suppression motions, recent developments and trends in the law, and a practical exercise to apply the concepts learned.

Claudia Joy Demitro currently serves as a Deputy Attorney General in the Appellate Bureau of the Division of Criminal Justice, where she argues before the Appellate Division and the Supreme Court, and participates in a number of criminal justice policy projects for the Division. She graduated magna cum laude from both The College of New Jersey and the Drexel University School of Law, and was an 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. She is a PTC certified instructor, often teaches on the Fourth Amendment to officers and prosecutors, and is an adjunct professor at The College of New Jersey.

Jennifer Kmiecik has been a Deputy Attorney General in the Appellate Bureau since September 2011. She regularly handles criminal matters before the Law Division, Appellate Division and Supreme Court. She also recently filed an amicus brief on behalf of New Jersey and 17 other states in Birchfield v. North Dakota in the United States Supreme Court, a case implicating the constitutionality of DUI implied-consent laws. She received her B.A. from The College of New Jersey, summa cum laude, and her law degree from the Rutgers School of Law – Camden, magna cum laude. 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 Appeals in 2016 and for her trial assistance in State v. Abdur-Raheem, a murder case, in 2012. She is a PTC certified instructor and often teaches on the Fourth Amendment to officers and prosecutors.

LUNCH - 12:00 p.m. to 1:00 p.m.

NARCOTICS ISSUES – (1:00 p.m. – 2:00 p.m.)

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

Assistant Prosecutor Brian Stack has been with Somerset County for 15 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. AP Stack 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 assistant prosecutor, 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.

PROFESSIONALISM IN THE PRACTICE OF LAW – (2:15 p.m. – 3:15 p.m.)

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 presenter will also address the manner in which attorneys 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 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, he 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, he 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.

TUESDAY - SEPTEMBER 20, 2016

GRAND JURY ISSUES - (9:45 a.m. to 10:45 a.m.)

An in-depth review of Grand Jury practice is covered in this presentation. Subjects discussed include: the function of the grand jury, preliminary matters, the Brooke Murphy process, presentation of testimony, tactical considerations and when to present exculpatory evidence pursuant to the Supreme Court holding in State v. Hogan. The presenter will also discuss how to charge the grand jury properly.

Robert Van Gilst is an Assistant Prosecutor with the Burlington County Prosecutor's Office. Bob graduated with honors from the College of New Jersey with a B.S. degree in criminal justice. Upon graduation Bob worked for the Burlington County Prosecutor's Office as a prosecutor's agent while attending Widener School of Law as part of the night program. Upon receiving his J.D. degree with honors in 1994, Bob began a judicial clerkship with the Honorable Cornelius P. Sullivan, J.S.C., ret. In September of 1995, Bob began his tenure as an Assistant Prosecutor in Burlington County. While with that office, Bob has worked in the appellate unit, grand jury unit, trial team, and as supervisor of the family (domestic violence/juvenile unit) from 2000 until his most recent assignment, in March of 2016, as supervisor of the major crimes unit. As a prosecutor Bob has been awarded the Crime Victim Service Award in April of 2015, and the Outstanding Career Advocacy Award in November of 2015.

EXPERT WITNESSES - (11:00 a.m. – 12:15 p.m.)

All aspects of the use of expert witnesses at trial are discussed in this presentation. Subjects covered include: relevant Evidence Rules and case law; circumstances under which the trial lawyer will need an expert; how to select an expert; preparation of expert reports; discovery considerations; out of court expert testimony preparation, proper procedures for qualifying the expert at trial, and how to properly conduct direct and cross examination of expert witnesses.

AAG Anthony Zarrillo is the Coordinator of Skills Programs for the Attorney General's Advocacy Institute. He is responsible for all aspects of AGAI skills courses, including logistics, content, materials, faculty recruitment and training, course presentation and attorney skills development and mentoring. Prior to his current position he was an AAG with the Division of Gaming Enforcement where he served as Chief of Litigation. Before joining the Division of Gaming Enforcement he was the Executive Director of the New Jersey Office of Counter-Terrorism. Prior to Counter-Terrorism, AAG Zarrillo served as Deputy Director of the Division of Criminal Justice in charge of investigations where he oversaw approximately 75 DAsG and 200+ investigators. Prior to returning to the Department of Law and Public Safety in 2000, he ran a law firm in Cherry Hill where he specialized in criminal defense work and tried a number of civil cases. He also served as Deputy Chief of the homicide unit in the Camden County Prosecutors Office where he worked for five years. AAG Zarrillo has tried approximately 200 jury trials in New Jersey and in federal courts in New Jersey, Pennsylvania, New York City and Wilmington, Delaware. Most of these were criminal cases either as a prosecutor or defense attorney. His trial experience includes trying approximately 20 homicides as a prosecutor and as lead prosecutor in a 57 defendant criminal anti-trust conspiracy trial. He has tried several dozen administrative cases as well. AAG Zarrillo taught Trial Advocacy at Rutgers Camden Law School for ten years. He is also a grader for the New Jersey Bar Exam and has been since 1993.

LUNCH – (12:15 p.m. to 1:15 p.m.)

COMPLYING WITH THE STATE'S DISCOVERY OBLIGATIONS
(1:15 p.m. to 2:30 p.m.)

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. It will also include a review of the new discovery rule changes, effective January 1, 2013.

Christopher S. Romanyshyn is an Assistant Attorney General and Deputy Director with the New Jersey Division of Criminal Justice. AAG Romanyshyn joined the Division in January 1999 and has served as a Deputy Attorney General in the Labor Prosecutions Bureau (1 year) and the Gangs & Organized Crime Bureau (13 years), where he also served as Deputy Chief and Chief of that unit. SDAG Romanyshyn currently supervises the Gangs & Organized Crime Bureau which investigates and prosecutes traditional and non-traditional organized criminal groups engaged in a variety of inter-related criminal activities, including racketeering, narcotics trafficking and weapons offenses and the Specialized Crimes Bureau, which includes the Atlantic City Task Force, MVC and Labor Prosecutions Units, and Cargo Theft. AAG Romanyshyn also serves as the Attorney General's Electronic Surveillance counsel and has extensive experience in electronic surveillance matters.

Prior to joining the Division, Mr. Romanyshyn practiced civil litigation with the law firm of Keenan, Powers & Andrews, P.C. in New York City and Morristown, New Jersey, from 1995 through 1998, specializing in insurance defense litigation. Mr. Romanyshyn holds a B.A. degree in History with a second major in Political Science from Fairfield University, Fairfield, Connecticut, and a Juris Doctor from Seton Hall University School of Law. He is admitted to the bar in New Jersey, New York and the District of Columbia.

JUVENILE JUSTICE ISSUES - (2:45 p.m. to 3:45 p.m.)

Subject matter to be presented includes: the history of the Juvenile Justice system in New Jersey, the New Jersey Code of Juvenile Justice, options for dispositions of juvenile offenders, juvenile offenders and the Prevention of Domestic Violence Act. The course will also cover waiver hearings, detention hearings, custodial issues, warrants and sharing of juvenile offender information with schools. Discussion of relevant judicial precedents as well as important statutes will be included.

Christopher L.C. Kuberiet is the First Assistant Prosecutor for Middlesex County. In this capacity he assists Prosecutor Andrew C. Carey in overseeing and managing the daily operations of the prosecutor's office as well as supervises the 206 staff members. He began his career with the Middlesex County Prosecutor's office in 1990 with the Juvenile Unit and has worked in the sex crimes/child abuse unit, as a zone prosecutor, trial team leader, and in the gang/career criminal unit. In 2011 he became the Deputy First Assistant Prosecutor and section chief of the trial teams section and in 2012 section chief of the major crimes unit. He received a Bachelor of Arts in political science from Albright College and his Juris Doctorate from Rutgers University School of Law, Camden.