



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

2016 BASIC PROSECUTOR'S COURSE

October 17, 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**

October 18, 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. Topics addressed during this session will include: constitutional issues, witness preparation, gang issues and plea negotiations. *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, **whose names have been submitted for attendance 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 10.8 hours of total CLE credit. Of these, 1.2 qualify as hours of credit for ethics/professionalism, 10.8 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 9.5 substantive credits and 1.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 8.0 substantive credits and 1.0 ethics 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, OCTOBER 17, 2016

CONSTITUTIONAL ISSUES (10:00 a.m. to 11:15 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 New Jersey Supreme Court -- 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 Chief 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

Advocacy Institute 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.

WITNESS PREPARATION (11:30 a.m. to 12:30 p.m.)

This presentation will address trial witness preparation from the initial and subsequent interviews, review of direct and cross examination and questions to ask witnesses to support the introduction of evidence.

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.

LUNCH - 12:30 p.m. to 1:30 p.m.

TRIAL ETHICS (1:30 p.m. to 2:30 p.m.)

This presentation will cover the Rules of Professional Conduct pertaining to prosecutors' and defense counsel's trial conduct. The pertinent RPCs and case law will also be discussed.

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.

PERSUASIVE MOTION PRACTICE (2:45 p.m. to 3:45 p.m.)

This course will cover an array of issues relating to pretrial motion practice in criminal matters. Subjects will include: common pretrial motions; motions *in limine*; the conduct of a pretrial hearing on motions filed before trial, how to make offers of proof as well as commonly made mistakes in pretrial hearings and relevant legal precedents relating to motion practice and important Court and Evidence Rules.

Kelly A. Testa has been an Assistant Prosecutor since 2001 when she joined the Camden County Prosecutor's Office. She has served in the Homicide, Shoot Team, Narcotics, Major Crimes, Domestic Violence, Motions, Juvenile, and Trial Team Units. In 2014, she was promoted to Section Chief of the Trial Team where she currently oversees 20 Assistant Prosecutors, 9 Detectives and 3 clericals. The Trial Team is responsible for handling the majority of criminal matters resulting from indictments in the County of Camden. In 2015, the Trial Team resolved over 3,000 cases by way of plea agreements or trials. In addition to overseeing the caseloads of Assistant Prosecutors in her unit, Kelly continues to handle her own cases. In 2014, she oversaw a wiretap investigation which is getting ready to go to trial this year and resulted in the arrest of 40 defendants, including a police officer. Over her career, she has tried many types of cases including homicides, sexual assaults, child abuse, child pornography, narcotics, aggravated assaults, and weapons offenses. She is also a legal advisor to the police departments in Camden County. In 1991, Kelly received a Bachelor's Degree in English and History from Rutgers College, Rutgers University in New Brunswick and her Juris Doctor in 1994 from Rutgers University School of Law – Camden.

TUESDAY, OCTOBER 18, 2016

GANG ISSUES (9:45 a.m. to 11:15 a.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 pro-actively targeting street gangs for investigation and prosecution.

Andrew B. Johns is Deputy Bureau Chief of the Division of Criminal Justice's Specialized Crimes Bureau. SDAG Johns joined the Division in 2011. His first assignment was to the Gangs & Organized Crimes Bureau, where he prosecuted large scale criminal enterprises. This work included the extensive use electronic surveillance. In 2014, SDAG Johns received the Attorney General's Award for Excellence in Law Enforcement for his work on *Operation Billboard*, a racketeering case with 36 defendants who were members and associates of a Camden based drug distribution enterprise. SDAG Johns was promoted to Deputy Bureau Chief of Specialized Crimes in 2014, where he supervises line DAsG prosecuting diverse cases all over the state. SDAG Johns is also the Division's liaison to the NJ Office of Homeland Security and Preparedness, advising investigators on legal issues and prosecuting cases that arise from that

office. SDAG Johns is also a member of the Attorney General's Shooting Response Team. Prior to joining the Division, SDAG Johns was an Assistant Prosecutor with the Cumberland County Prosecutor's Office in Bridgeton, NJ. SDAG Johns received his JD from Rutgers School of Law-Newark and his BA in Political Science from Rutgers College.

LUNCH – 11:15 a.m. to 12:15 a.m.

CRIMINAL CODE ISSUES (12:15 p.m. to 2:15 p.m.)

This topic is quite broad and can often be vague. With that in mind, the philosophy behind this interactive seminar is not to teach students the criminal code, but rather how to analyze cases, whether at the investigatory stage, the charging stage, or the trial stage. By utilizing hypothetical cases, the goal is that students will learn both how to spot issues and the proper method for dealing with them. The presenter will change certain facts to see how the students' analysis changes. He will also provide the students with real life examples that he has faced in his 28 years as a prosecutor.

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 Divisions. While with the Somerset County Prosecutor's Office, AP Hawkes 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 course and the Trial Advocacy Program. AP Hawkes 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.

PLEA NEGOTIATIONS (2:30 p.m. to 3:45 p.m.)

This lecture will address the legal obligations of prosecutors in plea negotiations. Subjects 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.

Salvatore E. Rozzi is a Chief Trial Attorney in the Hudson County Prosecutor's Office. In this capacity, he is responsible for all trial-related matters in criminal prosecutions. Additionally, Assistant Prosecutor Rozzi supervises seven trial teams, the juvenile unit and the appellate unit. His previous assignments include the Homicide, Appellate, Juvenile, Trial Team and Special Investigations Units. He received his B.A. from Fordham University and his J.D. from Fordham University School of Law.