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## **PROGRAM ANNOUNCEMENT**

*The Advocacy Institute Is Pleased to Present*

### **8TH ANNUAL CODIS CONFERENCE FOR PROSECUTORS**

**May 24, 2018**

**8:30 a.m. to 3:30 p.m.**

**NJ Forensic Science & Technology Center**

**1200 Negron Drive**

**Hamilton, New Jersey**

### **PLEASE READ: NOTICE REGARDING COURSE MATERIALS**

You will receive the course materials approximately forty-eight (48) hours prior to the date of the course. The materials will be contained in an email attachment.

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

DNA is the fingerprint of the 21st century, and cases utilizing DNA evidence are becoming more common each year. The 2018 CODIS Conference for Attorneys will provide an overview of the New Jersey DNA collection program and guide attendees through various legal issues that may arise along the way. An exceptional team of presenters consisting of seasoned investigators, scientists, and prosecutors will detail each aspect of the DNA collection process. Our legal team will discuss options for obtaining reference samples, pending case law, and developing a strategy from the inception of the case: guiding the law enforcement investigation, working together with the forensic scientist, anticipating common defenses, getting the forensics admitted into evidence and helping the jury understand DNA issues.

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

This program is only open to assistant prosecutors and attorneys within the Department of Law and Public Safety. Please do not attempt to register for this program if you are not an assistant prosecutor or an attorney in L&PS.

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

Please see below.

## *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 4.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 4.8 hours in criminal trial law.

**NY CLE Credit:** 4.5 Substantive Credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 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://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: [njagai@njoag.gov](mailto:njagai@njoag.gov) 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.



# 8<sup>th</sup> ANNUAL CODIS CONFERENCE FOR PROSECUTORS

Thursday, May 24, 2018

## AGENDA

- 8:30 – 9:00            **Registration**
- 9:00 – 9:05            **Introduction**  
*Andrew A. DeMuth Jr., CODIS Compliance Unit Manager*
- 9:05 – 9:10            **Welcoming Remarks from the Division of Criminal Justice**  
*Jennifer Stonerod, New Jersey Division of Criminal Justice Chief of Staff and Master of Ceremonies*
- 9:10 – 9:15            **Welcoming Remarks the Office of Forensic Sciences**  
*Joe Petersack, NJSP Office of Forensic Sciences Interim Director*
- 9:15 – 10:15          **CODIS Today – An Overview of the CODIS Program and Tracking Samples from Collection to Upload**  
*Earl Washington, New Jersey Division of Criminal Justice Detective*  
*Chris Huber, NJSP Office of Forensic Sciences DNA Database Unit Supervisor*
- 10:15 – 11:00        Break
- 11:00 – 12:00        **DNA Evidence: Identifying Potential DNA Evidence at the Crime Scene and Analysis at the Lab**  
*Chris Colaner, Freehold Borough Police Department Detective Sgt.*  
*John Reiff, Freehold Borough Police Department Detective*  
*Melissa Johns, NJSP Office of Forensic Sciences Forensic Scientist*
- 12:00 – 1:15           Lunch
- 1:15 – 2:15            **The CODIS Hit: What it Actually Means and Legal Vehicles for Obtaining a Reference Sample**  
*Ayva Sammel, NJSP Office of Forensic Sciences CODIS Administrator*  
*Michael Weatherstone, Ocean County Prosecutor's Office Supervising Assistant Prosecutor*

2:15 – 2:30

Break

2:30 – 3:30

**Prosecuting the DNA Case – CODIS at Trial**

*Robert D. Laurino, Essex County Prosecutor's Office Acting Essex  
County Prosecutor*

3:30

**Closing Remarks**

(Optional tour of lab following conference)



8<sup>th</sup> ANNUAL  
CODIS CONFERENCE  
FOR PROSECUTORS

PRESENTATION SUMMARIES  
AND FACULTY BIOGRAPHIES

**Opening Remarks**

**Joseph R. Petersack, M.S., D-ABC**  
**Interim Director, NJSP Office of Forensic Sciences**

Mr. Petersack has been employed by the New Jersey State Police Office of Forensic Sciences (OFS) since September 1979. In June of 2017, he assumed the role of the Interim Director for the OFS. He is responsible for the supervision and technical operations of the five regional forensic laboratories within the Office of Forensic Sciences, in addition to the Anthropology and Breath Testing Units. Each of the five regional laboratories is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), and Mr. Petersack is tasked with monitoring each laboratory's compliance to more than 500 ISO 17025 Standards and the ASCLD/Lab Supplemental Standards, to maintain accreditation. He has testified as an expert on 150 occasions in 18 of 21 New Jersey County Superior Courts. He has a BA degree in Chemistry from the College of New Jersey and a Master's of Science in Forensic Science from John Jay College of Criminal Justice in New York City. He is a Diplomat of the American Board of Criminalistics and is a member in good standing of the American Academy of Forensic Sciences, the Northeastern Association of Forensic Scientists and the New Jersey Association of Forensic Scientists.

**Assistant Attorney General Jennifer Stonerod** is Chief of Staff of the New Jersey Division of Criminal Justice ("the Division"). AAG Stonerod earned her undergraduate degree from Widener University in 2000 and her law degree from Widener University School of Law in 2005. AAG Stonerod served as an Assistant Prosecutor in Burlington County for six years before joining the Division. As a prosecutor, Jennifer was assigned to the Appellate, Juvenile and Domestic Violence Units, where she successfully prosecuted hundreds of cases. Jennifer also coordinated the County's Domestic Violence Working Group. Prior to serving as an Assistant Prosecutor, Jennifer was an Associate Attorney at Parker McCay and former law clerk to the Honorable Michael J. Hogan, J.S.C., in Burlington County.

At the Division, Jennifer has served as the Domestic Violence and Sexual Assault Liaison to the County Prosecutors' Offices. Jennifer served as Chair to the Division's Domestic Violence Working Group and revitalized the Division's Sexual Assault and Child Abuse Working Group. Jennifer serves on the Supreme Court Domestic Violence Working Group and served on the Supreme Court Ad Hoc Committee on Domestic Violence and New Jersey's legislatively created Task Force on Campus Sexual Assault. Jennifer has trained across the State on Domestic Violence, including training new Chiefs of Police, those tasked with Internal Affairs and is a certified Police Training Commission Instructor and teaches domestic violence to new investigators at the Division's Police Academy at Sea Girt. Jennifer is also credited with developing and coordinating the Division's Domestic Violence and Sexual Assault Symposium, an annual two-day training for law enforcement, prosecutors and victim advocates.

Jennifer previously served as a Traffic Safety Resource Prosecutor, assisted on Use of Force training and issues specific to Conducted Energy Devices, was Faculty to Division trainings, such as the Undercover Narcotics Investigative Training (U.N.I.T.) School and Top Gun. Jennifer is herself, a graduate of Top Gun Class #46. Jennifer also served on the Division's team that trained prosecutors and law enforcement throughout the State on Criminal Justice Reform and on the ODARA risk assessment tool. Jennifer serves as Chairperson for the Fingerprint Compliance Committee and Subcommittee.

As Chief of Staff, Jennifer oversees the CODIS Compliance Unit, Open Public Records Act ("OPRA") Counsel and the State Office of Victim Witness Advocacy. She also manages personnel and administrative functions. In both 2016 and 2017, Jennifer was awarded the Attorney General's Award for Outstanding Contribution to a Special Project.

**Andrew A. DeMuth Jr.** is currently the manager of the CODIS Compliance Unit within the New Jersey Division of Criminal Justice. He leads a unit responsible for overseeing the DNA collection process by more than 500 law enforcement agencies and correctional facilities throughout the state and ensuring that collections are compliant with state and federal regulations. The CODIS Unit is also responsible for administering training in all 21 counties. Prior to accepting this position, he spent 25 years with the Freehold Borough Police Department. During his career, he served as the agency training officer, firearms range master, press information officer, youth police academy director, agency intelligence officer, and managed the investigations division. He also served on the U.S. Immigration and Customs Enforcement (ICE) statewide Violent Gang Task Force as well as one year undercover with the Monmouth County Prosecutor's Office. Andrew is a graduate of the NJSACOP Command and Leadership Academy and has a Master's degree from Fairleigh Dickinson University in Administrative Science.

### **CODIS Today – An Overview of the CODIS Program and Tracking Samples from Collection to Upload**

This presentation will provide attendees with an overview of the New Jersey and national CODIS program. How does the CODIS program work? What different parts do the lab and

the CODIS Compliance Unit play in the New Jersey CODIS program? For which offenses do we collect DNA, and what are the procedures for collection? Det. Earl Washington will bring attendees up to date with everything CODIS and discuss the various modifications the New Jersey law has undergone since first enacted in 1994.

What happens after the sample has been received by the lab? Forensic Scientist Chris Huber will provide an overview of the process from the point the sample is received by the lab to the point where the DNA profile is uploaded to the National database. A veteran of multiple lab disciplines, Chris will detail how the DNA profile is created, uploaded, and stored in the database.

**Detective Earl Washington** has been with the Division of Criminal Justice since 1998 and is currently assigned to the CODIS Compliance Unit where he is responsible for assisting in the collection of DNA statewide as well as the collection of DNA owed by persons currently outside the state. He also assists in ensuring compliance with state and federal regulations as well as the administration of CODIS training statewide. In his career with the Division of Criminal Justice, Detective Washington has been assigned to Financial Crimes, the New Jersey Regional Forensics Lab, the Office of the Insurance Fraud Prosecutor, the Computer and Technology Unit and Medicaid Fraud. He has investigated Sandy Fraud and insurance fraud cases, collected, preserved, duplicated and analyzed digital forensic evidence and investigated cases of Medicaid fraud. Prior to his employment with the Division of Criminal Justice, Detective Washington was an inspector (Field Gaming Regulator) with the Casino Control Commission where he was responsible for monitoring and enforcing compliance with the Casino Control Act which governed internal controls, gaming equipment, and rules of the games. Detective Washington previously served twelve years in the United States Army and was honorably discharged at the rank of major. He has a Bachelor's degree from Youngstown State University.

**Christopher K. Huber** is currently the DNA Database Unit Supervisor for the NJSP Office of Forensic Sciences DNA Laboratory located in Hamilton, N.J. He has over 30 years' experience as a Forensic Scientist within the NJSP laboratory system. Chris has been with the DNA Laboratory for the past 19 years as an analyst, casework supervisor, and database supervisor. He has testified as an expert witness in drug analysis, biological fluid and stain analysis, and DNA analysis. Chris was awarded the OFS Forensic Science Meritorious Service Award in 2009. He has a Bachelor of Science in chemistry from Fairleigh Dickinson University. He is a member of the American Academy of Forensic Sciences, Northeastern Association of Forensic Scientists, and a Life member of the New Jersey Association of Forensic Scientists. In 2003, Chris served as President of Northeastern Association of Forensic Scientists.

## **DNA Evidence: Identifying Potential DNA Evidence at the Crime Scene and Analysis at the Lab**

Most detectives relish that moment of starting in on a new crime scene. There is so much to consider from witnesses to video in the area to items of evidentiary value, especially

items that may contain DNA. In this presentation, DSgt. Chris Colaner and Det. John Reiff will talk about how investigators approach crime scenes, what items may contain biological evidence from which DNA may be found, and the process once items containing potential DNA value are identified.

After evidence has been identified, collected, and inventoried, it must be transported to the lab for thorough examination. Forensic Scientist Melissa Johns will take attendees through this process and detail how DNA is extracted from the evidence and processed into a DNA profile that can be entered into the state and national databases. With almost 15 years' experience in forensic science, Melissa is a seasoned veteran who has testified on numerous occasions throughout the state.

**Detective Sergeant Christopher Colaner** is a twenty-four year veteran of the Freehold Borough Police Department. Chris was promoted to the rank of sergeant in 2009 and served in the patrol division before assuming command of the detective division in 2015. Chris was previously assigned to the Monmouth County Prosecutor's Office Narcotics Strike Force in 2005 and 2008 and the New Jersey State Police Gang Unit Central in 2007. He has extensive experience in narcotics, electronic surveillance, and community policing. Chris is responsible for overseeing the investigations and all activities of the Detective Division and Quality of Life Unit, a specialized team that focuses on conditions and criminal activity that plague specific neighborhoods. In addition to his primary assignments, Detective Sergeant Colaner serves as a firearms instructor and the agency public information officer.

**Detective John Reiff** began with the Freehold Borough Police Department in 2003 and has served in the investigations division since being promoted to detective in 2010. John has led or participated in hundreds of investigations ranging from property crimes to homicides. He has extensive experience processing crime scenes and working with the state lab. John also serves as the agency's evidence manager and is responsible for maintaining the security and integrity of all evidence and property as well as coordinating all submissions to the New Jersey State Police Laboratory. In addition to his assignment in the detective division, Detective Reiff also serves as the community policing officer and as a firearms instructor and previously served as the agency's D.A.R.E. officer.

**Melissa Johns** has been employed by the New Jersey State Police Office of Forensic Sciences DNA Laboratory for almost 15 years. Her current duties as a forensic scientist are primarily to supervise DNA analysts within the casework unit and to handle DNA case management on a daily basis. She earned a BS degree in Microbiology from Clemson and an MS degree in Forensic Science from the University of Alabama at Birmingham. Melissa is also certified as a Diplomate with the American Board of Criminalistics.

### **The CODIS Hit: What it Actually Means and Legal Vehicles for Obtaining a Reference Sample**

This presentation will cover what it means when the lab determines that a newly entered sample is a match to a DNA profile in the database. New Jersey CODIS Administrator Ayva

Sammel will provide an overview of the OFS CODIS Unit, explain how DNA profiles are searched and discuss the criteria for confirming matches. Attendees will also learn about topics that may be relevant to their cases including CODIS eligibility for evidence, the offender vs. reference sample, and understanding the CODIS Investigative Hit Notification Letter.

After a law enforcement agency is notified by the lab of a DNA hit, a reference sample must be taken from the suspect. Ocean County Assistant Prosecutor Michael Weatherstone will discuss exactly what that hit means and what it does not mean to the investigation. He will take attendees through the process of obtaining a reference sample and detail the advantages and disadvantages of both the investigative detention order under Rule 3:5A-1 and the search warrant. Having gone through this process many times, Mike will also outline the legal challenges that may arise and update attendees on current and pending case law.

**Ayva B. Sammel** is currently the CODIS Administrator for the NJSP Office of Forensic Sciences DNA Laboratory located in Hamilton, NJ. She has over 20 years' experience as a Forensic Scientist within the NJSP laboratory system. Ayva has been with the DNA Laboratory for the past 17 years as an analyst, supervisor, and CODIS administrator. In addition, she served as Supervisor/Technical Leader of New Jersey's Regional Mitochondrial DNA Laboratory, a partnership program with the FBI to analyze evidence for mtDNA for cases throughout the country. Ayva was awarded the OFS Forensic Science Meritorious Service Award in 2006. She has a Bachelor of Science degree in Psychobiology from Binghamton University and a Master of Science in Forensic Science degree from the University of Alabama at Birmingham. She is a member of the American Academy of Forensic Sciences, Northeastern Association of Forensic Scientists, and New Jersey Association of Forensic Scientists. In addition, Ayva is a Diplomate of the American Board of Criminalistics.

**Michael Weatherstone** is a Supervising Assistant Prosecutor with the Ocean County Prosecutor's Office. Michael has been with the Ocean County Prosecutor's Office for 17 years. During his time at the prosecutor's office, he has been assigned to the Grand Jury Unit, Juvenile Unit, Special Operations Group, Arson Unit, Vehicular Homicide Unit and the Major Crimes Homicide Unit. Michael currently serves as a trial team leader and the legal advisor to the Major Crimes Homicide Unit. During his time with the Ocean County Prosecutor's Office Michael has advised on hundreds of investigations including in excess of 100 homicide investigations. Michael has tried approximately 50 jury trials including 9 murder trials. Michael has instructed on search and seizure, use of force, and courtroom testimony to law enforcement agencies throughout Ocean County. Michael has also lectured on strict liability drug induced death investigations throughout the State of New Jersey. Michael is a certified criminal trial attorney. Michael graduated from Rutgers Newark Law School.

## Prosecuting the DNA Case – CODIS at Trial

Going to trial with a case that relies upon DNA evidence can be challenging for even the most experienced prosecutors. Acting Essex County Prosecutor Robert D. Laurino, who has completed over 100 jury trials, will provide an overview of how to handle these complex cases given his vast knowledge and experience. This presentation will focus on developing a strategy from the inception of the case: guiding the law enforcement investigation, working together with the forensic scientist, anticipating common defenses, getting the forensics admitted into evidence and helping the jury understand. After this training, you will be better equipped to handle your next DNA case.

**Robert D. Laurino** has been a member of the Essex County Prosecutors Office since 1980, where he is currently the Acting Prosecutor. He has served in every administrative position within the Office, from general trial attorney to Acting Essex County Prosecutor. Mr. Laurino has completed over 100 jury trials and handled thousands of cases involving sexual violence. He currently serves as his office's liaison to the New Jersey State Police Laboratory for the processing of forensic evidence. A Frye hearing conducted by Mr. Laurino resulted in the first published opinion in New Jersey recognizing 13 loci STR DNA testing.

Mr. Laurino has served as a faculty member for the National District Attorneys Association, the New Jersey Attorney General's Advocacy Institute, the New York Prosecutors Training Institute, and AEquitas: The Prosecutors' Resource on Violence Against Women, where he has taught trial advocacy courses on matters concerning sexual assault, ethics, and DNA evidence. He co-authored a chapter on forensic evidence titled Biological Evidence: Identification, Collection, Preservation and Use in Courtroom Testimony for the text *Medical Response to Sexual Assault, A Resource for Clinicians and Related Professionals* [Ledray, L., Burgess, A., and Giardino, A., STM Learning, Inc. (2011)], which will soon be released in its second edition. He continues to publish and to lecture nationally on sexual violence, forensic evidence, attorney ethics, and the abuse of individuals with disabilities. Mr. Laurino is also certified as an instructor by the New Jersey Police Training Commission and regularly teaches at the New Jersey Division of Criminal Justice Academy.

A cum laude graduate of Villanova University, Mr. Laurino received a master's degree from Rutgers University. Mr. Laurino graduated from Seton Hall University School of Law, where he was an editor of the law review. He is a member of the bar of New Jersey and New York, and is certified by the Supreme Court of New Jersey as a Criminal Trial Attorney.