



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

THE DIVISION OF CRIMINAL JUSTICE'S 2019 APPELLATE SYMPOSIUM

**August 12, 2019
10:00 a.m.-4:00 p.m.
R.J. Hughes Justice Complex
4th Floor Conference Room A
Trenton, New Jersey**

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

This symposium will address hot topics and emerging issues in New Jersey criminal law enforcement and appellate practice, including: a juvenile law update, how to get a case to the Supreme Court and what to do when it gets there, a review of the 2018-2019 Supreme Court year, upcoming New Jersey Supreme Court litigation and appellate hot topics.

Who Should Attend?

This seminar is only for Division of Criminal Justice deputy attorneys general, assistant prosecutors, detectives and investigators handling criminal matters. This program is not open to other government attorneys or law enforcement personnel beyond those identified above. Please do not attempt to register if you are not a member of one of the listed groups.

Who Is the Faculty?

Please see below.

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 5.4 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 5.0 Substantive Credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 4.5 Substantive Credits (\$7.50 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 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.

PROGRAM SCHEDULE

The Kids Are In Trouble – A Juvenile Law Update

10:00 a.m. – 11:00 a.m.

The presenters will discuss issues in the trial and appellate courts involving the new juvenile waiver law. They will cover the status of retroactivity challenges to the new provisions involving the standards for waiver and the change in the age for waiver. They will also provide an update on the motions for resentencing following the United States Supreme Court decisions in Miller v. Alabama, 567 U.S. 460 (2012) and Montgomery v. Louisiana, 136 S.Ct. 718 (2016) and the New Jersey Supreme Court decision in State v. Zuber, 227 N.J. 422 (2017).

AAG Carol M. Henderson is Chief of the Appellate Bureau of the Division of Criminal Justice. She has briefed and argued over 60 cases before the New Jersey Supreme Court in addition to litigating cases before the Appellate Division, the United States District Court, and the Third Circuit Court of Appeals. AAG Henderson is an instructor for the Attorney General's Advocacy Institute, the New Jersey Bar Association and ICLE and has published articles on appellate practice, habeas litigation, interlocutory appeals, sentencing, legal writing, and prosecutor ethics and conduct. In 2008, she was the recipient of the New Jersey County Prosecutors' Association award for "Outstanding Advocacy Over a Career." AAG Henderson is the former chairperson of the Criminal Law Section and the Appellate Practices Committee of the New Jersey State Bar Association and a past president of the Women Lawyers' Caucus of Mercer County. AAG Henderson graduated with honors from Ramapo College of New Jersey and received her law degree from Seton Hall Law School.

Christopher L.C. Kuberiet is the First Assistant Prosecutor for Middlesex County. He assists Prosecutor Andrew C. Carey in overseeing and managing the daily operations of the prosecutor's office and supervising the office's staff members. He was previously Section Chief of the Major Crimes Unit and the Deputy First Assistant Prosecutor and Section Chief of the Trial Teams Section. First Assistant Prosecutor Kuberiet has also served in the Juvenile Unit, the Sex Crimes/Child Abuse Unit, as a zone prosecutor, trial team leader, and in the Gang/Career Criminal unit. He received a Bachelor of Arts in political science from Albright College and his Juris Doctor from Rutgers University School of Law, Camden.

Break

11:00 a.m. – 11:15 a.m.

How to Get Your Case to the Supreme Court and What to Do When You Get There

11:15 a.m. – 12:15 p.m.

This course will cover the process of deciding whether to appeal a case to the Supreme Court, how to draft a successful petition for certification, and the purpose of a supplemental brief. It will also

address preparation for a Supreme Court argument and provide important tips for handling the argument before the Court.

Frank J. Ducoat is an Assistant Prosecutor and Director of the Appellate Section of the Essex County Prosecutor's Office. Prior to joining the ECPO, he was a Deputy Attorney General with the Division of Criminal Justice's Appellate Bureau. He has briefed and argued cases at all levels of New Jersey's State and federal courts, including the New Jersey Supreme Court, the Appellate Division, and the Third Circuit Court of Appeals. He is a member of the Supreme Court's Model Criminal Jury Charge Committee and routinely lectures on various criminal law topics. AP Ducoat was a law clerk to the Honorable Ariel A. Rodriguez, P.J.A.D. He is a graduate of Rutgers Law School (Camden) and William Paterson University.

DAG Frank Muroski is a Deputy Chief in the Division of Criminal Justice's Appellate Bureau, where he has served for 17 years. Before joining DCJ, DAG Muroski worked 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.

LUNCH - 12:15 – 1:15

New Jersey Supreme Court Year in Review: 2018 - 2019
1:15 p.m. – 2:15 p.m.

This program will provide a review of significant opinions from the New Jersey Supreme Court during the 2018 -2019 Court term.

DAG Sarah D. Brigham serves in the Division of Criminal Justice's Appellate Bureau. She has briefed and argued criminal cases before the Appellate Division and Supreme Court of New Jersey, in addition to litigating cases before the United States District Court. In 2017, she received an Attorney General's Award for Outstanding Contribution to a Special Project for drafting model briefs on legal issues expected to arise under the Criminal Justice Reform Act. DAG Brigham clerked for the Honorable Stuart L. Peim, J.S.C., in Union County. She graduated summa cum laude with honors from Syracuse University, and received her law degree from the University of Virginia School of Law.

DAG Sarah Hunt serves in the Division of Criminal Justice's Appellate Bureau, where she litigates criminal appeals in the Appellate Division and Supreme Court. She is a member of the Bureau's Pretrial Detention/Speedy Trial Team, and received an Attorney General's Award for Outstanding Contribution to a Special Project for her work on Criminal Justice Reform. Prior to joining the Division, DAG Hunt clerked in the Appellate Division for the Honorable Garry S.

Rothstadt, J.A.D. She received a B.A. from Bates College and a J.D. from Rutgers School of Law — Newark, where she was a Managing Notes Editor of the Rutgers Law Review, a Marsha Wenk Public Interest Law Fellow, and a Proskauer Rose Fellow.

DAG Lila Leonard serves in the Division of Criminal Justice's Appellate Bureau. She has briefed and argued criminal cases before the Appellate Division and Supreme Court of New Jersey, in addition to litigating cases before the United States District Court. DAG Leonard is also the

Division's liaison to the CODIS Unit. In 2019, she received an Attorney General's Award for Excellence in Appeals. DAG Leonard clerked for the Honorable Gwendolyn Blue, J.S.C., in Camden County. She graduated from the University of South Carolina and Rutgers School of Law-Camden, where she was a Managing Notes Editor of the Journal of Law and Public Policy.

Break

2:15 p.m. – 2:30 p.m.

Trends in Appellate Litigation

2:30 p.m. – 4:00 p.m.

Part I. Upcoming New Jersey Supreme Court Litigation – 2019-2020

This course will provide a brief overview of the most significant criminal appeals likely to be argued in the New Jersey Supreme Court during the 2019-2020 Court term.

DAG Kayla Rowe serves in the Appellate Bureau of the Division of Criminal Justice. She handles criminal matters before the Law Division, Appellate Division and Supreme Court, and provides trial assistance to her colleagues. Prior to joining the Division, she was an assistant prosecutor in the Essex County Prosecutor's Office, and briefly worked in civil litigation. DAG Rowe clerked for the Honorable Stephen B. Rubin, J.S.C., in Hunterdon County. She graduated from Washington and Lee University and the Villanova University School of Law.

Kelly Shelton is an Assistant Prosecutor with the Warren County Prosecutor's Office, where she supervises the Appellate and Mental Health Units. She has also worked in the Special Victims, Trial and Megan's Law Units. In 2018, she received the New Jersey County Prosecutors' Association Award for Outstanding Advocacy Over a Career. Prior to joining the prosecutor's office, she was a civil litigator in Philadelphia, PA. Assistant Prosecutor Shelton is also an instructor for the Attorney General's Advocacy Institute. She graduated magna cum laude from Temple University School of Law in 1994.

Part II. Appellate Hot Topics

The presenters will discuss hot topics currently pending before the Supreme Court, Appellate Division and trial courts, involving criminal justice reform, sentencing, probation, jail calls, search and seizure and emergent applications.

AAG Carol M. Henderson is Chief of the Appellate Bureau of the Division of Criminal Justice. She has briefed and argued over 60 cases before the New Jersey Supreme Court in addition to litigating cases before the Appellate Division, the United States District Court, and the Third Circuit Court of Appeals. AAG Henderson is an instructor for the Attorney General's Advocacy Institute, the New Jersey Bar Association and ICLE and has published articles on appellate practice, habeas litigation, interlocutory appeals, sentencing, legal writing, and prosecutor ethics and conduct. In 2008, she was the recipient of the New Jersey County Prosecutors' Association award for "Outstanding Advocacy Over a Career." AAG Henderson is the former chairperson of the Criminal Law Section and the Appellate Practices Committee of the New Jersey State Bar Association and a past president of the Women Lawyers' Caucus of Mercer County. AAG Henderson graduated with honors from Ramapo College of New Jersey and received her law degree from Seton Hall Law School.

DAG Jennifer Kmiecik is a Deputy Chief in the Division of Criminal Justice's Appellate Bureau. She handles criminal matters before the Law Division, Appellate Division and Supreme Court and filed a United States Supreme Court amicus brief on behalf of New Jersey and 17 other states in Birchfield v. North Dakota, a case implicating the constitutionality of DUI implied-consent laws. DAG Kmiecik is a PTC certified instructor and regularly teaches programs on the Fourth Amendment to law enforcement officers and prosecutors. She received an Attorney General's Award for Excellence in Appeals in 2016 and for Trial Assistance in 2012. DAG Kmiecik clerked in the Appellate Division for the Honorable Victor Ashrafi, J.A.D. She received a B.A. from The College of New Jersey, summa cum laude, and a J.D. from the Rutgers School of Law-Camden, magna cum laude.

DAG Frank Muroski is a Deputy Chief in the Division of Criminal Justice's Appellate Bureau, where he has served for 17 years. Before joining DCJ, DAG Muroski worked 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.