



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

2019 BASIC PROSECUTORS' COURSE: DAY 2

October 7, 2019

9:00 a.m. to 4:00 p.m.*

**Richard J. Hughes Justice Complex
Fourth Floor Conference Center Room A
25 Market Street
Trenton, New Jersey 08625**

***Registration will be from 8:30 a.m. to 9:00 a.m.**

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

The Basic Prosecutors' Course is an integrated curriculum designed for new assistant prosecutors and Division of Criminal Justice deputy attorneys general. The course includes four days of seminars and a skills-based trial advocacy program. Topics covered on day 2 are Arrest, Search and Seizure, Grand Jury Issues, Juvenile Justice Issues, and Trial Ethics and Professionalism.

Who Should Attend?

This program is for new assistant prosecutors and Division of Criminal Justice deputies who have been selected to attend by each county prosecutor's office and the Division of Criminal Justice.

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 6.2 hours of total CLE credit. Of these, 1.2 qualify as hours of credit for ethics/professionalism, 6.2 qualify as hours of credit toward certification in criminal trial law and 6.2 qualify as hours of credit towards newly admitted lawyers' requirements/criminal trial preparation.

NY CLE Credit: 5.0 substantive credits and 1.0 ethics credit (pursuant to the approved jurisdiction policy).

PA CLE Credit: 4.0 substantive credits and 1.0 ethics credit (\$7.50 mandatory registration fee required).

LIST OF COURSES AND PRESENTERS

8:30 a.m. – 9:00 a.m. Student Registration

ARREST, SEARCH AND SEIZURE (9:00 a.m. – 11:00 a.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.

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.

11:00 a.m. – 11:15 a.m. Break

GRAND JURY ISSUES (11:15 a.m. – 12:15 p.m.)

This presentation covers an in-depth review of Grand Jury practice. 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.

Myrna Perez-Drace is the Director of the Pre-Indictment Unit at the Essex County Prosecutor's Office. She is responsible for all aspects of the Unit in conjunction with Criminal Justice Reform (CJR). These units include the Screening Unit, which screens all incoming indictable complaints within the County of Essex and the Criminal Judicial Processing Court (CJP), where all defendants detained under CJR within the County of Essex are produced for their First Appearance within 48 hours of their arrest. In addition, CJP also arraigns all walk-in indictable complaints (all defendants released on summonses); Remand Court, where indictable matters are remanded to a municipal level; the Detention Unit, which handles all detention motions filed by the Prosecutor's office in conjunction with Bail Reform, and speedy trial provisions and lastly, the Grand Jury Unit. Prior to her current position, she was the supervisor of this unit for approximately one year. Before being promoted to Supervising AP, Director Perez-Drace was assigned to the Grand Jury Unit for approximately seven years where she presented hundreds of cases; including attempted murders, car-jackings, robberies, aggravated assaults, financial crimes and, narcotic offenses. She also presented specialty matters involving target presentations and superseding indictments. Before her assignment to the Grand Jury Unit, Director Perez-Drace spent approximately five years in the Adult Trial Team Unit, where she managed a case load numbering over 100 cases from the initial complaint stage through plea negotiations, motion practice, trials, sentencing proceedings and post-conviction relief matters.

12:15 p.m. – 1:15 p.m. Lunch (On your own)

JUVENILE JUSTICE ISSUES (1:15 p.m. – 2:45 p.m.)

This program will include 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 cover waiver hearings, detention hearings, custodial issues, warrants and sharing of juvenile offender information with schools. Relevant judicial precedents and related statutes will also be discussed.

Timothy K. Chatten is an Assistant Prosecutor in Camden County, where he is the Section Chief of the Juvenile Unit. Mr. Chatten manages a staff of attorneys, detectives and support personnel, oversees investigations, provides legal advice to law enforcement and supervises the prosecution of all juvenile cases. Mr. Chatten oversaw the transition to risk based detention protocol, creating and implementing procedures to dramatically expedite juvenile case processing. He also serves as an on-call police legal advisor and authorizes search warrants in criminal matters. He previously worked in the Trial Team Unit, managing cases from post-indictment through trial. Before joining

the Camden County Prosecutor's Office, Mr. Chatten worked in the Trial Team, Domestic Violence and Juvenile Units of the Atlantic County Prosecutor's Office. Mr. Chatten is a frequent lecturer and instructor for professional organizations, colleges, universities, police academies, and continuing legal education programs. He was a law clerk to the Honorable Michael Brooke Fisher, Cumberland County, Chancery Division. Mr. Chatten holds a Bachelor of Arts from Stockton State College, where he graduated as Valedictorian, and a J.D. from Rutgers School of Law, Camden.

2:45 p.m. – 3:00 p.m. Break

TRIAL ETHICS AND PROFESSIONALISM (3:00 p.m. – 4:00 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.

SDAG Robert Czepiel, Jr. is the Chief of the Prosecutors Supervision & Training Bureau of the New Jersey Division of Criminal Justice. He supervises and updates training for law enforcement officers and prosecutors and creates the curriculum for numerous courses offered by the Division of Criminal Justice and the Police Training Commission. Mr. Czepiel lectures and teaches on a multitude of criminal justice related topics and supervises other training handled by the bureau. In 2016, he supervised the creation of curriculum for required in-service police training that was mandated by Attorney General Porrino through the CLEAR Institute. He worked in DCJ's Official Corruption Bureau prior to his current assignment and is a member of the New Jersey Supreme Court Committee on Jury Selection.

Mr. Czepiel has been an adjunct professor of law at Widener University School of Law in Delaware and is a volunteer instructor with Widener's Intensive Trial Advocacy Program. He is also an adjunct professor at Burlington County College. Mr. Czepiel is an instructor for the New Jersey Attorney General's Advocacy Institute and the National Attorneys General Training and Research Institute. He has been NITA certified for several years. Mr. Czepiel has also served as a professor/coach for several trial teams that have participated in national competitions. SDAG Czepiel graduated from Widener Law School in Harrisburg.