



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

2019 BASIC PROSECUTORS' COURSE: DAY 3

October 21, 2019

9:00 a.m. to 3:15 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 3 are Bail Reform, Discovery, Prosecuting an Appeal, and Drug Court.

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 5.7 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, 5.7 qualify as hours of credit toward certification in criminal trial law and 5.7 qualify as hours of credit towards newly admitted lawyers' requirements/criminal trial preparation.

NY CLE Credit: 5.5 Substantive Credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 4.5 Substantive Credits (\$7.50 mandatory registration fee required).

LIST OF COURSES AND PRESENTERS

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

BAIL REFORM ISSUES (9:00 a.m. – 10:00 a.m.)

This course will provide an analysis of Attorney General Directive 2016-6, Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform Pursuant to P.L. 2014, c. 31. Topics to be covered will include:

- LiveScan fingerprinting.
- Pre-charging case screening.
- The PSA and decision making framework for complaints (warrant vs. summons).
- Affidavits of Probable Cause and Preliminary Law Enforcement Incident Reports.
- The prosecutor's role at first appearances.
- The decision-making framework for pretrial detention applications.
- Motions to revoke release.
- Prosecutorial responses to violations of pretrial release conditions.
- Prioritization of reports and testing in detention cases.
- Web-based reporting.
- Escalating Plea Policy.
- Litigating pretrial detention appeals.

DAG Katie Morris serves in the Gangs and Organized Crimes Bureau of the Division of Criminal Justice, where she prosecutes large-scale narcotics and weapons trafficking cases. Prior to joining the New Jersey Office of the Attorney General, she was an associate in the litigation department of White and Williams LLP in Cherry Hill, NJ. DAG Morris clerked for the Honorable John T. Kelley, J.S.C. in New Jersey Superior Court in Camden. She received her J.D. from Rutgers School of Law – Camden and her undergraduate degree, cum laude, from Villanova University.

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.

DAG Danielle Scarduzio serves in the Specialized Crimes Bureau of the New Jersey Division of Criminal Justice, where she has prosecuted cases involving racketeering, financial facilitation, cargo theft, identity fraud, carjacking, computer crimes, labor crimes, and environmental crimes. Prior to joining the Division, she was an Assistant District Attorney with the Ulster County District Attorney's Office in New York. She received her B.A. from Rutgers University and her J.D. from Rutgers School of Law – Camden.

10:00 a.m. – 10:15 a.m. Break

DISCOVERY ISSUES (10:15 a.m. – 11:30 a.m.)

The course will offer an overview of the court rule based discovery obligations, Brady/Giglio issues in discovery and admissibility vs discoverability of Brady/Giglio materials.

AAG Daniel I. Bornstein is Counsel to the Director of the Division of Criminal Justice. He previously served as Chief of the Division's Appellate Bureau. AAG Bornstein has handled criminal trials and criminal appeals in both the Appellate and Gangs & Organized Crime Bureaus. While in the Gangs & Organized Crime Bureau, AAG Bornstein successfully prosecuted and tried cases involving homicide, racketeering, and weapons and narcotics offenses, including several multi-defendant wiretap cases. While in the Appellate Bureau, AAG Bornstein regularly handled appeals before the New Jersey Supreme Court and Appellate Division. He also handled habeas petitions before the United States District Court and Third Circuit Court of Appeals. AAG Bornstein regularly provides trial and appellate assistance to assistant prosecutors and DASG across the State. AAG Bornstein clerked for the Honorable Martin J. Kole, J.A.D., t/a, and the Honorable Theodore A. Winard, J.S.C. He graduated magna cum laude from Colgate University and received his J.D. from the University of Pennsylvania Law School.

AAG Annmarie Taggart is Counsel to the Director of the Division of Criminal Justice, where she serves as the Chairperson of the Attorney General's Human Trafficking Taskforce. The Taskforce raises awareness of human trafficking, trains and assists law enforcement in best practices to disrupt human trafficking, coordinates statewide efforts to identify and provide services to human trafficking victims, and increases the successful interdiction and prosecution of individuals engaging in human trafficking. Prior to serving in this position, AAG Taggart was a Supervising Deputy Attorney General and Deputy Bureau Chief in the Gangs & Organized Crime Bureau in DCJ, where she prosecuted and supervised the prosecution of traditional and non-traditional organized criminal groups engaged in a variety of inter-related criminal activities, including human trafficking, racketeering, narcotics trafficking and weapons offenses. She is a graduate of Utica College of Syracuse University and holds a J.D from Albany Law School.

DAG Sara M. Quigley is Special Assistant to the Director of the Division of Criminal Justice in the Department of Law and Public Safety. She is the Division's Legislative Liaison and serves on various committees and working groups. Prior to becoming Special Assistant, DAG Quigley

served in the DCJ Appellate Bureau, where she argued before the Appellate Division and the Supreme Court and provided trial assistance to Deputy Attorneys General in the Division's trial bureaus. She also worked for the State Legislature in the Assembly Majority Office. DAG Quigley clerked for the Honorable Michele M. Fox, J.S.C., Superior Court, Criminal Division, in Camden County. She holds a B.A. in Business and Finance and Government and Law from Lafayette College and a J.D. from Rutgers School of Law – Camden.

11:30 a.m. -12:30 p.m. Lunch

HOW TO PROSECUTE AN APPEAL 12:30 p.m. – 1:30 p.m.

This presentation will cover a range of topics that all prosecuting attorneys should master to ensure the best possible result on appeal. The program will cover the decision whether to appeal, documents required to perfect appeals, requests for stays, motions for reconsideration and petitions for certification, jurisdiction, leave to appeal and remands.

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. She 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 J.D. 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.

1:30 p.m. -1:45 p.m. Break

DRUG COURT: WHAT EVERY PROSECUTOR SHOULD KNOW (1:45 p.m.- 3:15 p.m.)

New Jersey has established a Drug Court Program to divert non-violent criminal offenders from incarceration into therapeutic treatment. The Drug Court Program relies upon collaboration between the criminal justice system and the treatment community. The judiciary, probation departments, treatment providers, prosecutors and criminal defense attorneys work together in a non-adversarial capacity to give clinically diagnosed substance abusers a chance to treat their disease rather than undergo incarceration.

This presentation will cover the history and structure of drug court and examine the role of the drug court prosecutor. It will detail the practical and legal elements a prosecutor must consider when evaluating drug court applicants, the timeline of an application through sentencing, and the prosecutor's post-sentencing role, from defendants' placement on drug court probation through their successful or unsuccessful termination from the program.

Gregory Audino is an assistant prosecutor and the Deputy Section Chief of the Grand Jury Unit in the Camden County Prosecutor's Office. AP Audino is the office's Drug Court prosecutor. He oversees the largest Drug Court Program in New Jersey, screening and prosecuting thousands of Drug Court cases, including several that were litigated in the New Jersey Supreme Court. AP Audino has also served in the CCPO's Juvenile, Trial Team and Grand Jury Units. AP Audino earned a B.A. in Criminal Justice and History from Seton Hall University and a J.D. from Rutgers-Camden School of Law.

Jasmine Ostrow is the Drug Court Assistant Prosecutor in the Cumberland County Prosecutor's Office. She is responsible for all Drug Court cases and Expungements, as well as some detention hearings. AP Ostrow has also worked in the Grand Jury Unit, which now includes Drug Court. Prior to joining the CCPO, she clerked for the Cumberland County Drug Court Judge. AP Ostrow received a Bachelor's Degree in Medieval Scottish History from the University of Guelph and a J.D. from the Roger Williams University School of Law.

Saurabh Singal is an assistant prosecutor in the Grand Jury/Screening Unit of the Burlington County Prosecutor's Office. His primary assignment is Drug Court, but he also represents the office in pre-indictment conferences and supervises the office's intern program. Prior to joining the BCPO, AP Singal worked at South Jersey Legal Services, where he represented low-income individuals in final restraining order hearings and defended individuals in debt collection and

eviction proceedings. AP Singal served as a law clerk for the Honorable Christopher J. Garrenger, J.S.C. He holds a B.A. in Criminal Justice from Temple University and a J.D. from Widener University- Delaware.

Naya A. Tsang is an assistant prosecutor in the Trial Unit of the Warren County Prosecutor's Office. She also reviews all Drug Court Applications for legal eligibility, argues all Drug Court Appeals and reviews Drug Court Expungements. Since joining the WCPO, AP Tsang has tried cases involving theft, assault, controlled dangerous substances, weapons offenses and violation of restraining orders. AP Tsang was previously an Assistant District Attorney for Kings County, New York where she tried larceny, narcotics, and sex crimes cases. AP Tsang has also worked as a

Claims Analyst for AIG, ACE and the Crum & Forster insurance companies. She holds a dual degree in Political Science and History from Amherst College and a J.D. from the University of North Carolina School of Law.