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## PROGRAM ANNOUNCEMENT

*The Advocacy Institute Is Pleased to Present*

### **2019 BASIC PROSECUTORS' COURSE: DAY 4**

**October 28, 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 4 are Evidentiary Issues, Constitutional Issues, Trial Issues and Preparation, and Basic Legal Process Overview.

#### ***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

### **EVIDENTIARY ISSUES (9:00 a.m. – 10:15 a.m.)**

This course will introduce new prosecutors to the proper techniques for introducing and authenticating various types of evidence at trial. The program will also cover relevant hearsay exceptions, confrontation-clause issues, the differences between intrinsic evidence and “other-crimes” evidence under N.J.R.E. 404(b), the scope of N.J.R.E. 608 and N.J.R.E. 609, commonly-raised objections to the introduction of evidence, and appropriate legal bases for defending against those objections.

**AAG Daniel I. Bornstein** serves as Counsel to the Director of the Division of Criminal Justice. Before taking that position, he served as Chief of the Appellate Bureau of the Division of Criminal Justice. He started working for the Division of Criminal Justice in 1995, and he handled both criminal trials and criminal appeals while being assigned to the Appellate Bureau and the Gangs & Organized Crime Bureau. 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. He also has made many presentations for the Attorney General’s Advocacy Institute. AAG Bornstein graduated magna cum laude from Colgate University and received his law degree from the University of Pennsylvania Law School. He clerked for the Honorable Martin J. Kole, J.A.D., t/a, and the Honorable Theodore A. Winard, J.S.C.

**Assistant Prosecutor John McNamara, Jr.** is the Chief Assistant Prosecutor with the Office of the Morris County Prosecutor. He served as Chief of the Major Crimes Unit as the supervising attorney for approximately 12 years until being named the Supervising Assistant Prosecutor for the Professional Standards Unit in 2014. Assistant Prosecutor McNamara has prosecuted numerous homicide cases on behalf of the Morris County Prosecutor’s Office, including capital

cases before the abolition of the penalty in 2007. He also served as a Special Deputy Attorney General in the contested proceeding before the N.J. Supreme Court-appointed Special Master examining whether New Jersey should modify the standards for admissibility for eyewitness identification testimony. Assistant Prosecutor McNamara initially joined the Morris County Prosecutor's Office in 1996 under Prosecutor John B. Dangler. He served in this capacity until September of 1998, when he briefly left the office for private practice. He was re-hired as an Assistant Prosecutor in February of 2000 by Prosecutor Dangler. Prior to working for the Morris County Prosecutor's Office, Assistant Prosecutor McNamara worked for Robert M. Morgenthau as an Assistant District Attorney for New York County. In 1992, he was appointed to the Homicide Bureau, where he prosecuted homicide cases.

Assistant Prosecutor McNamara is currently serving his fourth term as a member of the New Jersey Supreme Court Committee on Model Criminal Jury Charges. He is a member of the bar of the State of New Jersey, the State of New York, the Supreme Court of the United States, and the United States Court of Appeals for the Third Circuit. He holds a B.A. and M.A. in History from the University of Scranton. He graduated from the Catholic University of America Columbus School of Law in 1989 and served as a judicial clerk to the Hon. Donald G. Collester, Jr., J.A.D.

10:15 a.m. – 10:30 a.m.      Break

### **CONSTITUTIONAL ISSUES (10:30 a.m. – 11:30 a.m.)**

This program will cover constitutional issues relating to the Fifth and Sixth Amendments, as well as eyewitness identification proceedings pursuant to Wade, Henderson, and Rule 3:11.

**Ian Kennedy** is an Assistant Prosecutor in the Appellate Section of the Bergen County Prosecutor's Office. Prior to joining the BCPO, he was a Deputy Attorney General in the Division of Criminal Justice's Appellate Bureau and also worked for a short period in private practice. In these positions, he briefed and argued cases in the Law Division, Appellate Division, and Supreme Court of New Jersey, in addition to litigating cases before the United States District Court. AP Kennedy served as a law clerk in the Appellate Division for the Honorable Carmen Messano, P.J.A.D. He received his B.A. from Union College, magna cum laude, and his J.D. from Boston College Law School, magna cum laude.

**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 (on your own)

## **TRIAL ISSUES AND PREPARATION (12:30 p.m. – 1:45 p.m.)**

This course will provide a primer on trial preparation, including a framework for the steps necessary to get a case ready for trial. The program will also cover challenges that frequently arise during trial preparation, common objections and how to overcome them and a brief overview of some common trial issues, including motions to bar experts, late discovery, and motions for mistrial.

**Veronica Allende** is the Director of the Division of Criminal Justice. She returned to the Division as Director after a year and a half at the U.S. Attorney's Office for the District of New Jersey, where she served as an Assistant United States Attorney, investigating and prosecuting individuals for various federal crimes, including bank robbery, child exploitation, firearms offenses, airport crimes, wire and Social Security fraud, and narcotics distribution.

From 2007 to 2016, Director Allende served as a Deputy Attorney General in the Division of Criminal Justice, most recently as Deputy Bureau Chief of the Financial & Computer Crimes Bureau, where she oversaw the Computer Crimes Unit, which investigates and prosecutes child pornography, cyber predators, and other computer-related criminal activity. Prior to that assignment, Director Allende was a member of the Division of Criminal Justice's Corruption Bureau, where she successfully prosecuted defendants charged with official misconduct, theft by deception, and financial fraud. She also investigated officer-involved shootings as a member of the Attorney General's Shooting Response Team. Director Allende initially worked in the Gangs & Organized Crime Bureau of DCJ, where she supervised the investigation of and successfully prosecuted defendants involved in narcotics distribution, gun trafficking, money laundering, and violent crime. While a member of that bureau, she served for a time as an Acting Essex County Assistant Prosecutor, assigned to a trial team and the Multi-Jurisdictional Carjacking Task Force. Director Allende is a faculty member for the National Association of Attorneys General Training and Research Institute and the Attorney General's Advocacy Institute. She was a Legal Research & Writing Adjunct Professor at Seton Hall University School of Law and at the Yeshiva University, Benjamin N. Cardozo School of Law. Before her career in public service, Allende practiced land use and commercial real estate law with the law firm of Wilentz, Goldman & Spitzer. She received her law degree from Seton Hall University School of Law and holds a B.A. in Political Science with a minor in Philosophy from Mount St. Mary's University in Emmitsburg, Maryland.

**DAG Heather Hausleben** is a Deputy Attorney General with the New Jersey Division of Criminal Justice Gangs and Organized Crime Bureau. The Bureau handles cases involving racketeering, distribution of controlled dangerous substances, weapons offenses, human trafficking, and contraband smuggling into correctional facilities. Heather was a law clerk for Camden County Superior Court Judge Samuel Natal. She is a graduate of the University of South Florida and Seton Hall Law School.

**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 after law school. She received her juris doctor degree from Rutgers School of Law – Camden and her undergraduate degree, cum laude, from Villanova University.

1:45 p.m. – 2:00 p.m.

Break

### **BASIC LEGAL PROCESS OVERVIEW (2:00 p.m. – 3:15 p.m.)**

This course will provide an overview of legal process, from subpoenas through wiretaps. It will focus on the many different types of search warrants and include practical tips for writing affidavits and obtaining warrants. The program will also cover the differences between search warrants and communications data warrants, outline how to obtain telephonic search warrants and highlight important considerations to remember when executing search warrants.

**DAG Julia Glass** is the Chief of the Financial and Computer Crimes Bureau at the New Jersey Office of Attorney General – Division of Criminal Justice, where she supervises Deputy Attorneys General prosecuting child exploitation, computer crimes, cyber crimes, and financial crimes. She served as the Deputy Chief overseeing the Financial and Computer Crimes Bureau – Cyber Unit from 2016 to 2018. She became a Deputy Attorney General in 2008 and spent eight years assigned to the Gangs and Organized Crimes Bureau, where she prosecuted drug and weapons trafficking organizations and oversaw all manner of electronic surveillance and wiretap investigations. Prior to joining DCJ, Julia was an associate at Ballard Spahr, LLP in Philadelphia, and clerked for the Honorable Theodore A. McKee, United States Court of Appeals for the Third Circuit, and the Honorable Harvey Bartle III, United States District Court for the Eastern District of Pennsylvania. She is a graduate of the Temple University School of Law and the University of Colorado.

**DAG Lauren S. Yfantis** is the Bureau Chief of the Division of Criminal Justice's Gangs and Organized Crime Unit. She was formerly a Supervising Deputy Attorney General in the unit, managing a legal staff of up to 11 attorneys in the investigation and prosecution of traditional and non-traditional organized crime organizations and narcotics and weapons trafficking organizations. Prior to that position, she investigated and prosecuted large-scale racketeering and narcotics and weapons cases involving traditional organized crime groups and criminal street gang organizations. DAG Yfantis began her career in the Major Financial Crimes Bureau/Money Laundering Unit, where she investigated and prosecuted complex money laundering cases. She received her Juris Doctor from Seton Hall University School of Law and a Bachelor of Science in Criminal Justice from Jersey City State College.