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## PROGRAM ANNOUNCEMENT

*The Advocacy Institute Is Pleased to Present*

### **2018 BASIC PROSECUTOR'S COURSE: PHASE I, DAY 2**

**September 18, 2018**

**9:00 a.m. – 3:15 p.m.**

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

### **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 four-day seminar series is part of an integrated curriculum designed for new assistant prosecutors and deputy attorneys general which culminates with an intensive five-day trial advocacy program. Topics to be addressed include Jury Selection, Motion Practice, Juvenile Justice Issues and Plea Negotiations. *Please see the attached schedule for a list of lectures and presenters.*

#### *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. Please do not attempt to register for this course if you have not been instructed to do so.

### ***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 4.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, 4.8 qualify as hours of credit toward certification in criminal trial law and up to 4.8 qualify as hours of credit towards newly admitted/criminal trial preparation.

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

**PA CLE Credit:** 4.0 Substantive credits (\$6.00 mandatory fee required)

### **LIST OF COURSES AND PRESENTERS**

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

9:30 a.m. – 9:45 a.m.            Remarks by Attorney General Gurbir Grewal

### **JURY SELECTION ISSUES (9:45 a.m. – 10:45 a.m.)**

Selecting a jury is of the utmost importance. This presentation will offer practical guidance on how to effectively choose a jury, as well as examine ethical problems and considerations in jury selection. Among the topics addressed are the impact of social media in jury selection, crafting questions with a purpose, the importance of organization, and the use of challenges.

**Assistant Prosecutor John McNamara, Jr.** is a Supervising 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.

10:45 a.m. – 11:00 a.m.      Break

#### **MOTION PRACTICE ISSUES (11:00 a.m. – 12:00 p.m.)**

This course will cover an array of issues relating to pretrial motion practice in criminal matters. Subjects will include: common pretrial motions; motions *in limine*; the conduct of a pretrial hearing on motions filed before trial, how to make offers of proof as well as commonly made mistakes in pretrial hearings and relevant legal precedents relating to motion practice and important Court and Evidence Rules.

**Kelly A. Testa** is the Section Chief of the Camden County Prosecutor's Office Trial Team Unit, where she oversees 20 Assistant Prosecutors and nine Detectives. The Trial Team Unit handles the majority of criminal matters resulting from indictments in Camden County. In 2015, the Trial Team resolved over 3,000 cases by plea agreement or trial. In addition to overseeing the work of Assistant Prosecutors in her unit, Kelly carries an independent caseload. In 2014, she oversaw a wiretap investigation which is getting ready to go to trial this year and resulted in the arrest of 40 defendants, including a police officer. Over her career, she has tried many types of cases including homicides, sexual assaults, child abuse, child pornography, narcotics, aggravated assaults, and weapons offenses. Since joining the Camden County Prosecutor's Office in 2001, Kelly has served in the Homicide, Shoot Team, Narcotics, Major Crimes, Domestic Violence, Motions, Juvenile, and Trial Team Units. She is also a legal advisor to police departments in Camden County. Kelly received a Bachelor's Degree in English and History from Rutgers College, Rutgers University in New Brunswick and her Juris Doctor from Rutgers University School of Law – Camden.

12:00 p.m. – 1:00 p.m.      Lunch (on your own)

### **JUVENILE JUSTICE ISSUES (1:00 p.m. – 2:00 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.

2:00 p.m. – 2:15 p.m.      Break

### **PLEA NEGOTIATION ISSUES (2:15 p. m. – 3:15 p.m.)**

This lecture will address the legal obligations of prosecutors in plea negotiations. Subjects include: initial considerations at the start of plea discussions; relevant RPCs; dealing with unrepresented individuals; considerations with cooperating witnesses; and the importance of candor with the tribunal and adversaries.

**Salvatore E. Rozzi** is a Chief Trial Attorney in the Hudson County Prosecutor's Office. In this capacity, he is responsible for all trial-related matters in criminal prosecutions. Additionally, Assistant Prosecutor Rozzi supervises seven trial teams, the juvenile unit and the appellate unit. His previous assignments include the Homicide, Appellate, Juvenile, Trial Team and Special

Investigations Units. He received his B.A. from Fordham University and his J.D. from Fordham University School of Law.