

Protecting Clients' Rights in the Pursuit of Justice

2017 NDIA National Seminar

Tuesday, April 25, 2017

7:30 - 8:45 am Registration & Coffee Bar **SPONSORED BY TRACERS**

8:45 – 9:00 am **Welcoming & Opening Remarks** - **Marvin Jeffcoat, President**
Introduction of Melissa Kupferberg Scholarship Recipients, Board of Directors & Sponsors

9:00 - 10:15 am **Keynote: Freeing an Innocent Man: Mistaken Identification**
•**Mark Murnan, CLI, CFE**, President, Chief Investigator, Complete Legal Investigations, Inc., West Palm Beach, FL
•**Wendy Murnan, LPI, CP, FRP**, Vice President, Complete Legal Investigations, Inc., West Palm Beach, FL

Course Description: “The Wrong Julio Gomez”

The client was charged with First Degree Murder in the brutal homicide of a drug informant. The defendant, an undocumented worker, was misidentified by a cooperating witness. Gomez and others were accused of nearly decapitating Maciel Videla and leaving him to die. Gomez, 25 years old, spent more than five months in prison wrongly accused of the crime. Prosecutors dropped the first-degree murder charge against him, acknowledging police arrested the wrong Julio Gomez.

The jaw-dropping admission came after Gomez’s defense team, veteran criminal defense attorney Fred Susaneck and investigators Mark and Wendy Murnan, swept the corners of his life as a roving agricultural worker picking produce. They amassed pay stubs, records, and affidavits demonstrating Gomez had consistently worked in other counties and had never worked in Palm Beach County where the crime occurred. Follow the timeline to see why Mr. Gomez was never interviewed by the police, had no motive to lie, and was seen by many as an illegal immigrant accused, jailed, and forgotten.

10:15 – 10:30 am Networking Break

10:30 – 11:45 am **CONCURRENT SESSIONS:**

Group A Session 1

Session I: Technology: Digital Bits and Bytes (2-day training session)

- Eric Hirst**, Chief Information Officer, Public Defender Service, Washington, DC
- Matt Hanna**, Supervisory Investigator, Public Defender Service, Washington, DC
- Geoffrey Ross**, Senior Investigator, Public Defender Service, Washington, DC

Pre-registration required – maximum 30 people for full session (contact Beverly Davidson to register at nationaldefender@gmail.com). **Requirement:** If registering in Group A or B, you must go to the assigned Group dates/times (i.e., if you are in Group A, your sessions are Tues. 10:30 – 11:45 am and Weds. 10:30 – 11:45 am) See Thurs. 10:30 am session for recommended additional training by Geoff Ross on “Applied Surveillance Footage.”

Course Description: Ever needed some advanced techniques for investigations? In this HANDS-ON class, we will be taking you through a series of tools designed to assist you with advanced skills to help your attorneys. This class will show you how to convert audio and video for formats to be used in PowerPoint presentations, create clips of the audio and/or video formats, and advanced skills for importing and using PowerPoint presentations. With the exception of PowerPoint, all of the tools used in this class are freely available on the internet.

The faculty will have two (2) groups, A & B. Group A (Session 1) Tuesday, 10:30 – 11:45 am; Group B (Session 1) Tuesday, 1:15-2:30 pm; Group A & B (Session 2, a joint session with all attendees) Tuesday, 2:45 – 4:00 pm; Group A (Session 3, continuation of Session 1 & Joint Session, with all attendees) Wednesday, 10:30 – 11:45 am; Group B (Session 3, continuation of Session 1 and Joint Session 2) Wednesday, 1:15 – 2:30 pm; Geoff Ross Surveillance Session 10:30 – 11:45 am Thursday (separate, but everyone is encouraged in both groups to attend). **NOTE:** This is a repeat of the Hands-On Technology session presented in Newport Beach at the Regional Conference, Sept. 2016.



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Session II: Interpreting Inconsistent Witness Testimony

•**Ronald Fisher, PhD**, Professor, Florida International University, North Miami, FL

Course Description: Witnesses sometimes change the details of their reports when interviewed repeatedly. Investigators often interpret such inconsistencies as signs of deception or weak memory. This session will explore the scientific research to examine which investigator inferences are supported.

Session III: What's Left Behind When You Surf the Internet

•**Jon Lyon**, Legal Investigator, Internet Sleuth.net, Chicago, IL

Course Description: Each time you visit a website you leave behind a digital footprint with information about yourself. This footprint, which can be created through your online actions, activities, and communications, holds information as to where you are accessing the internet, right down to the city, service provider, and the operating system you are using. This information is available to anyone. Learn how to protect your information, guard your privacy, and minimize your exposure. Tips to stay on guard and off the grid.

Session IV: Military Defense – Battling Confirmation Biased and Victim Centered Investigations

•**Carolyn Martin**, C. Martin, Co., Navarre, FL

Course Description: The military courts are federal courts but the litigation and investigation processes are very different. There are no defense investigators in the military. Conducting an effective defense investigation without the services of a trained and experienced investigator is nearly impossible for the military defense attorneys. The funding and control over litigation resources is held by the Convening Authority (commanding officer) for both the defense and the government. The prosecutors represent the convening authorities and the Military Investigation Organizations (NCIS, CID, OSI, and CGI) are at their disposal to provide effective litigation support to the prosecution. While the military investigation agencies are nominally “independent,” a relationship has traditionally been formed between the commanders and the Military Investigation Organizations. As an example, Marine Corps prosecutors have NCIS, CID, command investigators, and complex trial team investigators. The Marine Corps Defense Services Organization has none of those resources. There are currently no procedures to remedy this flaw in the military system. When defense attorneys make these arguments, they are made from principle instead of need – hence, “Confirmation Biased and Victim Centered Investigations” too often go unchallenged.

Session V: Conducting Criminal Defense Investigations from Onset of the Investigation to the Trial and Everything In-Between

•**Rory McMahon, CLI, CFE, CCDI**, Certified Legal Investigator, Certified Fraud Examiner, Certified Criminal Defense Investigator, President, R.J. McMahon & Associates, Inc.

Course Description: Presented by the author of the “Practical Handbook for Professional Investigators”, this presentation will cover how to conduct criminal defense investigations for both federal and state courts. Speaker will also discuss working federal cases as a court appointed investigator, which will include discussing several cases that he’s worked on over the course of his 26-year career.

11:45 – 1:15 pm Networking: Lunch on Your Own

1:15 – 2:30 pm **CONCURRENT SESSIONS:**



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Session I: Blood Spatter Analysis and Crime Scene Reconstruction Part I

•**Brad Perron, LPI, CCDI, CFSI**, Academic Director, CDITC, Investigator, Investigative Support, Inc., Stuart, FL

Course Description: Recognizing and analyzing bloodstain patterns can yield useful investigative information. The role of the Bloodstain Pattern Analyst in a criminal investigation is to assist in the reconstruction of the events of an alleged incident that may have created the stains and stain patterns present at a crime scene, on items of physical evidence from that scene and on items of clothing that were present at the crime scene. In some cases' it may be necessary to conduct a bloodstain pattern interpretation using photos. The standards and protocols utilized in taking the photographs will determine their value. Individual bloodstains and bloodstain patterns may be useful only if they can provide information descriptive of the events that could have produced them. Bloodstain pattern analysis and the subsequent evaluations are conducted to determine what actions or sequence of actions could have created the bloodstains and/or patterns observed. We will discuss bloodstained clothing and how it can be used to determine when the blood was deposited, documentation of blood sources which includes the sizes of the individual stains composing the pattern and the shapes relative to one another and how to utilize them for the purposes of determining how a stain or pattern may have been produced, and crime scene reconstruction and the relative position of individuals at the time of the bloodshed, the possible type of weapon used as well as possible mechanisms that could have been produced on a surface.

Group B Session 1

Session II: Technology: Digital Bits and Bytes (2-day training session)

- Eric Hirst**, Chief Information Officer, Public Defender Service, Washington, DC
- Matt Hanna**, Supervisory Investigator, Public Defender Service, Washington, DC
- Geoffrey Ross**, Senior Investigator, Public Defender Service, Washington, DC

Pre-registration required – maximum 30 people for full session (contact Beverly Davidson to register at nationaldefender@gmail.com). **Requirement:** If registering in Group A or B, you must go to the assigned Group dates/times (i.e., if you are in Group A, your sessions are Tues. 10:30 – 11:45 am and Weds. 10:30 – 11:45 am). See Thurs. 10:30 am session for recommended additional training by Geoff Ross on "Applied Surveillance Footage."

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The faculty will have two (2) groups, A & B. Group A (Session 1) Tuesday, 10:30 – 11:45 am; Group B (Session 1) Tuesday, 1:15-2:30 pm; Group A & B (Session 2, a joint session with all attendees) Tuesday, 2:45 – 4:00 pm; Group A (Session 3, continuation of Session 1 & Joint Session, with all attendees) Wednesday, 10:30 – 11:45 am; Group B (Session 3, continuation of Session 1 and Joint Session 2) Wednesday, 1:15 – 2:30 pm; Geoff Ross Surveillance Session 10:30 – 11:45 am Thursday (separate, but everyone is encouraged in both groups to attend). **NOTE:** This is a repeat of the Hands-On Technology session presented in Newport Beach at the Regional Conference, Sept. 2016.

Session III: Cell Tower Tracking – Cell Tower Junk Science

•**Nicole Hardin**, Assistant Federal Public Defender, Federal Public Defender, Tampa, FL

Course Description: Investigators frequently use cell phone Call Detail Records to place a suspect near a crime scene. For year's prosecutors' have convinced jurors that Call Detail Information from a cell tower assigned to the call can reliably specify a person's location at the time of the call. But, in reality, it takes at least three different locations to locate or track a caller and determine the latitude and longitude of the call. Learn why the tower evidence is not always a smoking gun and is not always enough to convict your client. Even with enormous limitations, learn how you can fight the technology and make the jury see the limits of cell tower tracking.



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1:15 – 3:30 pm
**2 hour+
session**

Session IV: Social Media: Undiscovered and Exculpatory Evidence

•**Karhrman Ziegenbein**, CEO, Founder, Toonari, Inc., St. Petersburg, FL
•**Amanda Hubbard**, Cuyahoga County Public Defender, Fairview Park, OH

Repeated on
April 27

Course Description: This session focuses on exculpatory evidence and the details involved with its collection and preservation through social media channels. It addresses the legal process of Search Warrants and Subpoenas for Facebook and Facebook Messenger, and the methods used to access Social Media records and authenticate the data. Amanda Hubbard, Dallas Peterson, and Karhrman Ziegenbein explain relevant data from Facebook (Desktop vs Mobile) and how it is kept and can be requested for use as exculpatory evidence. They will exhibit real-life examples working with Law Enforcement, Prosecutors and Judges, showing how to include this authenticated Social Media Evidence to further your case. This session will also provide information about Social Media opportunities that are hidden in Desktops and Mobile Devices and provide new exculpatory evidence highly favorable to the defendant in your particular criminal case. Examples will be shown utilizing Law Enforcement specifics to gather more evidence that is helpful for your client.

2:30 – 2:45 pm Networking Break

2:45 – 4:00 pm

CONCURRENT SESSIONS:

Session I: Mining the Battlefield: Veteran and Military Investigations

•**Kevin McClain**, Investigator, Kevin W. McClain Investigations, Ltd., Centralia, IL

Course Description: Many of our veterans are coming back with Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI). They served for our freedom, now it is time to serve for theirs! The dynamic PowerPoint presentation will help the attendees understand and develop the mindset it takes to identify factual and mitigation issues in these complex cases. The attendees will actively participate in two case scenarios and learn how to conduct investigative case reviews and analyses using the methodology of 'Frame by Frame Analysis.' Participants will learn the various internet search engines, social media sites, and ways to think outside the box as they learn how to develop the rest of the story. This program was developed with the assistance of an 8-year U.S. Marine Corp veteran who worked in the JAG office and understands the records needed, as well as the acquisition process. There will be a Q & A session at the end of the program and the speaker highly encourages audience participation. (90 minute session)

Session II: Technology: Digital Bits and Bytes (2-day training session)

•**Eric Hirst**, Chief Information Officer, Public Defender Service, Washington, DC
•**Matt Hanna**, Supervisory Investigator, Public Defender Service, Washington, DC
•**Geoffrey Ross**, Senior Investigator, Public Defender Service, Washington, DC

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**Groups
A&B
Session 2**

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Session III: Blood Spatter Analysis Part and Crime Scene Reconstruction Part II

•**Brad Perron**, LPI, CCDI, CFSI, Academic Director, CDITC, Investigator, Investigative Support Specialist, Inc., Stuart, FL

Course Description: Recognizing and analyzing bloodstain patterns can yield useful investigative information. The role of the Bloodstain Pattern Analyst in a criminal investigation is to assist in the reconstruction of the events of an alleged incident that may have created the stains and stain patterns present at a crime scene, on items of physical evidence from that scene and on items of clothing that were present at the crime scene. In some cases' it may be necessary to conduct a bloodstain pattern interpretation using photos. The standards and protocols utilized in taking the photographs will determine their value. Individual bloodstains and bloodstain patterns may be useful only if they can provide information descriptive of the events that could have produced them. Bloodstain pattern analysis and the subsequent evaluations are conducted to determine what actions or sequence of actions could have created the bloodstains and/or patterns observed. We will discuss bloodstained clothing and how it can be used to determine when the blood was deposited, documentation of blood sources which includes the sizes of the individual stains composing the pattern and the shapes relative to one another and how to utilize them for the purposes of determining how a stain or pattern may have been produced, and crime scene reconstruction and the relative position of individuals at the time of the bloodshed, the possible type of weapon used as well as possible mechanisms that could have been produced on a surface.

Session IV: Sexual Offenders and Mental Health Deficiency

•**Heather Holmes, PsyD**, Forensic Psychologist, Psychological Consultants, Miami, FL

Course Description: Examination of the role of low cognitive ability in sexual offending and which mental illnesses are more represented in sexual offenders. Case examples will be offered for discussion.

Session V: Team Approach to Investigations

•**Mark Murnan, CLI, CFE**, President, Chief Investigator, Complete Legal Investigations, Inc., West Palm Beach, FL

•**Wendy Murnan, LPI, CP, FRP**, Vice President, Complete Legal Investigations, Inc., West Palm Beach, FL

Course Description: Complex investigations conducted with time restraints often require a team approach. This presentation will provide information on case analysis and preparation, developing priorities, identifying appropriate team members, assigning specific tasks, supervising work flow, producing and preparing presentations.

4:00 – 4:15 pm Networking Break

4:15 – 5:30 pm **Plenary: Death Penalty Panel Discussion**

•**Hon. Rick Libman, PhD, Moderator, Elisa Quesada, Esq., LCSW**, Florida Center for Capital Representation, FIU College of Law, Miami, FL, **Heather Holmes, PsyD.**, Forensic Psychologist, Psychological Consultants, Miami, FL, **Jon Lyon**, Legal Investigator, Internet Sleuth.net, Chicago, IL, **Edward Ungvarsky, Esq.**, Capital Defender for Northern Virginia, Arlington, VA, **Gary Griffin, Investigator**, Mississippi Office of Capital Post-Conviction Counsel, Jackson, MS

Course Description: This panel of experts, practitioners and investigators will examine wrongful conviction; the death penalty, and identify the complex issues and patterns that are often involved. Investigative techniques and evidence gathering will be discussed, as well as evidentiary issues and the standard of effective assistance on legal service providers. Participating as part of the panel will be Gary Griffin, who served five years on Mississippi's death row before his death sentence was overturned. He was released after 23 years in 2009, and is now an investigator working on post-conviction death penalty appeals in Jackson, Mississippi.



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7:30 - 8:00 am Coffee Bar **SPONSORED BY TRACERS**

8:45 – 9:00 am **Opening Remarks: Marvin Jeffcoat, President of NDIA**

9:00 – 10:15 am **Plenary: Building and Developing a Successful Capital Defense Team**
•Edward Ungvarsky, Esq., Capital Defender for Northern Virginia, Arlington, VA

Course Description: The ABA Guidelines for Capital Representation provide that every capital defense team should have as its core members at least two attorneys, at least one mitigation specialist, and at least one fact investigator. This session will discuss how to put together an effective capital defense team in which the abilities and skills of all team members are used to effectively and zealously represent someone facing the possibility of a death sentence.

10:15 – 10:30 am Networking Break

10:30 – 11:45 am **CONCURRENT SESSIONS:**

Session I: The Impact of Hurst I and II on Capital Voir Dire in Florida

•Eric Carpenter, Esq., Associate Professor, Florida International University, College of Law, Miami, FL

Course Description: In the last year, Florida's capital punishment scheme has been upended. The U.S. Supreme Court recently held in Hurst I that a jury, not a judge, must find the facts that make a person death-eligible, and the Florida Supreme Court recently held in Hurst II that the jury must return a unanimous death verdict before death can be imposed. Capital defense teams must recognize that these rulings open the door to the use of a powerful method of capital voir dire called the Colorado method. If used properly, this method can greatly increase the client's chances of getting a life penalty. This session discusses these two holdings and will provide an overview of the method.

Session II: Selecting and Working with Expert Witnesses

•Donna Murray, MA, LPI, Mitigation Specialist, Capital Mitigation Consultants, Cape Coral, FL

Course Description: In defense litigation, expert witness testimony is a necessary and critical part of the litigation strategy. Because expert witness testimony can be such an important factor, there can be much at stake for litigators in the process of finding and selecting an expert. Clients have also recognized the importance of choosing the expert witness best suited for the case, and the selection process has increasingly become a joint endeavor between outside litigators and their in-house counterparts.



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Group A Session 3

Session III: Technology: Digital Bits and Bytes (2-day training session)

- Eric Hirst**, Chief Information Officer, Public Defender Service, Washington, DC
- Matt Hanna**, Supervisory Investigator, Public Defender Service, Washington, DC
- Geoffrey Ross**, Senior Investigator, Public Defender Service, Washington, DC

Pre-registration required – maximum 30 people for full session (contact Beverly Davidson to register at nationaldefender@gmail.com). **Requirement:** If registering in Group A or B, you must go to the assigned Group dates/times (i.e., if you are in Group A, your sessions are Tues. 10:30 – 11:45 am and Weds. 10:30 – 11:45 am) See Thurs. 10:30 am session for recommended additional training by Geoff Ross on “Applied Surveillance Footage.”

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Session IV: Detection and Etiology of Substance Abuse: How to Use it as a Mitigator & Investigator

- Heather Holmes, PsyD.**, Forensic Psychologist, Psychology Consultants, Miami, FL

Course Description: Attendees will learn how a client’s medical and mental health history as well as family history can help detect the presence of substance abuse. Clinical examples of cases from both federal and state courts in which substance abuse can be explained as a result of an illness will be discussed.

11:45 – 1:15 pm Networking: Lunch on Your Own

1:15 – 2:30 pm **CONCURRENT SESSIONS:**

Group B Session 3

Session I: Technology: Digital Bits and Bytes (2-day training session)

- Eric Hirst**, Chief Information Officer, Public Defender Service, Washington, DC
- Matt Hanna**, Supervisory Investigator, Public Defender Service, Washington, DC
- Geoffrey Ross**, Senior Investigator, Public Defender Service, Washington, DC

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Session II: “Cell Phone Forensic & Digital Data Recovery”

- Anthony Pullano, LPI, CCDI, CCFE, CHFI, CDFI, CCFI**, Chief Examiner, Cyber Stalking at Legal Aid Society of Palm Beach County Anti-Stalking Collaborative and Task Force, Palm Beach, FL

Course Description: The truth about cellular technology, and cellular data recovery. What information can be recovered, and what challenges we face as technology changes.



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Session III: Conducting Internal Fraud Investigations

•**Rory McMahon, CLI, CFE**, McMahon & Associates, Fort Lauderdale, FL

Course Description: Overview of internal fraud investigations; conducting internal investigations and a case study of a bribery kickback scheme (how to detect and investigate kickback schemes and why they are among the toughest for forensic specialists to detect and investigate) will be discussed. The speaker will also break down the various categories with explanations and examples including references to current federal legislation; and inside details, tools, techniques and background necessary to succeed in fraud investigations.

Session IV: Representing Foreign Nationals and How to Deal with Cultural Components of Mitigation

•**Elisa Quesada, Esq., LCSW**, Florida Center for Capital Representation, Miami, FL, FIU College of Law

•**Hannah Gorman, Esq.**, Florida Center for Capital Representation, Miami, FL

Course Description: There are a significant number of foreign nationals who find themselves facing criminal charges in the United States. This session provides an overview of the unique challenges that foreign nationals and their defense teams face with focus on how to overcome these challenges. The session explores the essentials of carrying out mitigation in a culturally competent manner and highlights how best to utilize resources to ensure a compelling mitigation narrative for any defense theory. Participants will also learn creative ways to utilize experts within this context in order to advance, develop, and make sense of mitigation themes specific to cultural issues and components.

1:15 – 3:30 pm
2-hour session

Session V: Social Media Discovery and Open Source Intelligence Techniques

•**Karhrman Ziegenbein**, CEO, Founder, Toonari, Inc., Pinellas Park, FL

•**Amanda Hubbard**, Cuyahoga County Public Defender, Fairview Park, OH

Course Description: Aimed at defense investigators and attorneys, this intensive, interactive social media investigations course will show you how to effectively use the internet as an open source investigation and research tool. We will introduce several methods for advanced search techniques used in web-based and social media investigations. These techniques will show you how to locate individuals, discover exculpatory evidence, gather background information, identify relationships between individuals, recover messages, surveil an individual's activities, and preserve the findings to make them admissible for court. This seminar is highly interactive and will include multiple instructors who will demonstrate the techniques and provide the time and support for you to attempt them as well after the class.

2:30 – 2:45 pm

Networking Break

2:45 – 4:00 pm

CONCURRENT SESSIONS:

Session I: Decoding the Data: Making Sense of Cell Site and GPS Data with Google Earth

•**Eric Hirst**, Chief Information Officer, Public Defender Service, Washington, DC

•**Matt Hanna**, Supervisory Investigator, Public Defender Service, Washington, DC

•**Geoffrey Ross**, Senior Investigator, Public Defender Service, DC, Washington, DC

Pre-registration required (nationaldefender@gmail.com, Beverly Davidson 920-395-2330)

Course Description: This workshop session will cover using Google Earth to plot and analyze cell site data and GPS location data. GPS plotting techniques and Google Earth tools will be demonstrated. Work stations will be provided for a workshop environment where participants can also practice using Google Earth to plot cell site locations and GPS data.

Session II: Effective Representation in Death Penalty Cases

•**The Honorable Rick Libman, PhD**, Justice, Ontario Court of Justice, Toronto, Ontario, Canada



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Session III: The Judicial System within Our Military – No Independent Defense Bar

•**Carolyn Martin**, C. Martin, Co., Navarre, FL

Course Description: Members of the Military justice system are assigned to a billet that may stretch from being in the defense, to prosecution, to Military judge and many billets in-between within a very short period of time. This creates inexperienced defense attorneys advocating for their clients who are facing federal convictions and extensive prison time.

Session IV: TRACERS

Course Description: Tracers Information Specialists is one of the nation's leading providers of identification and verification data for debt collectors, law enforcement, financial institutions, licensed investigators, and other qualified businesses. Tracers' products are designed to assist clients/customers in managing risk through fraud detection and prevention, risk evaluation, identity verification, pre-screening and due diligence. www.tracers.com

4:00 – 4:15 pm

Networking Break

4:15 – 5:30 pm

Plenary: Juveniel Resentencing Under US Supreme Court Miller and Graham Decision

•**Jennifer Marshall, Esq.**, Assistant Public Defender, Office of the Public Defender, 15th Judicial Circuit, Palm Beach County, FL

Course Description: investigation into a child's life prior to the commission of his offense is critical to a successful *Miller/Graham* resentencing, and involves not just record collection but also developing a comprehensive family and social history. The court is required to consider 1) chronological age and its hallmark features, including immaturity, 2) family and home environment, 3) the circumstances of the offense, including susceptibility to familial and peer pressures, 4) incompetencies associated with youth, including inability to deal with police officers, prosecutors, or defense counsel, 5) reduced culpability due to age and capacity for change, and 5) other relevant elements of a child's life history identified during the mitigation investigation. A case study of a recent juvenile resentencing will be presented to illustrate how investigators can successfully collect all the evidence to establish the above (and other) factors.

5:30 – 5:45 pm

Business Meeting

6:00 – 8:00 pm

President's Reception Presidential Sponsor, IDI/COGINT

Please join us in honoring **Mr. Gary Kula**, Public Defender, City of Phoenix Public Defender, and Treasurer, Arizona Public Defender Association, Phoenix, Arizona, for his continued support and dedication to the National Defender Investigator Association over the past 10 years, and as we celebrate the presentation of the 2017 NDIA Investigator of the Year and Paralegal of the Year awards.

Thursday, April 27, 2017

8:45 – 9:00 am

Coffee Bar **SPONSORED BY TRACERS**

Marvin Jeffcoat, President, Karen Jackson, Conference Chair



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9:00 – 10:15 am

Plenary: Adolescent Brain Development and Sentencing

•**Dr. Julie Harper**, Clinical & Forensic Psychologist, Northwest Florida Psychological Services, PA, Mary Esther, FL

Psychologists and criminal defense attorneys have long argued that adolescent brains are different from the brains of a child or an adult. Advances in brain science and technology are helping us to better understand how the brain of an adolescent functions – that their brains continue to develop and mature until their 20s, making their brains structurally and chemically different from that of an adult. They experience heightened emotions, greater peer-pressure, and often make riskier choices. The brain of adolescent may be too immature to understand the lifetime consequences that could result from a single, wrong, decision. Should the way we respond to a juvenile who has committed a serious crime, differ from how we respond when that same crime is committed by an adult?

10:15 – 10:30 am

Networking Break

10:30 – 11:45 am

CONCURRENT SESSIONS:

Session I: Cultural Issues in Criminal Defense

•**Rudy Acree**, Deputy Director, Public Defender Service, Washington, DC

Course Description: Exploring the issues of cultural defense and how culture plays an important role in the development of criminal behavior. How do cultural differences shape the way individuals perceive different cultures and cultural practices? How the defense team can defend clients that are strongly influenced by their cultural upbringing and background – and how the cultural issues surrounding a criminal charge can have an impact on whether or not criminal intent was formed.

Session II: Investigating Juvenile Life Without - After Miller

•**Kevin McClain**, Kevin W. McClain Investigations, Ltd., Centralia, IL

Course Description: The landmark Supreme Court case *Miller v Alabama*, a United States Supreme Court case in which the Court held that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders went beyond the *Graham v Florida* (2010) case which had ruled juvenile life without parole sentences unconstitutional for crimes excluding murder. After these case's there needed to be a training course developed to not only understand what led to these incarcerations, but also a methodology to re-investigating these types of claims that have now been brought forward throughout the country. This dynamic PowerPoint presentation will walk the audience through the juvenile system of justice that led to this decision being made and how to re-examine the claims and the method to conducting investigations.

Session III: Stingrays, Pings & Triangulation – “Oh My”

•**Nicole Hardin**, Assistant Federal Public Defender, Office of the Federal Public Defender, Ocala, FL

Session IV: Applied Surveillance Footage: Things to Know and How to Deal with Surveillance Footage in the Field

•**Geoff Ross**, Senior Investigator, Public Defender Service, Washington, DC

Course Description: This training session covers the basics of surveillance footage systems, camera types, and the process of obtaining copies of surveillance footage. The presentation will also cover surveillance camera technology, surveillance system interface, footage file types, and best practices when dealing with surveillance footage. The training is intended to assist a field investigator in obtaining surveillance and view it themselves as part of a criminal defense investigation.

Participants in the Technology training sessions are encouraged to attend this course.

11:45 – 1:15 pm

Networking: Lunch on Your Own



Protecting Clients' Rights in the Pursuit of Justice

2017 NDIA National Seminar

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Thursday, April 27,
2017 Sessions

1:15 – 2:30 pm

CONCURRENT SESSIONS:

Session I: Fundamentals of Effective Mitigation Investigation

•**Donna Murray**, MA, LPI, Mitigation Specialist, Capital Mitigation Consultants, Cape Coral, FL

Course Description: The Mitigation Specialist bears the primary responsibility for providing trial lawyers with information, professional analysis, expert testimony and evidence to present to a judge or jury in considering the disposition of a significant criminal case. The Mitigation Specialist also provides assistance for both capital and non-capital trial-level cases as well as assistance on non-capital cases throughout their appeal process. Learn why mitigation investigations and report evidence are key parts of any good defense strategy; how to assist attorneys in locating evidence that will mitigate or lessen the punishment imposed on clients found guilty at trial and the different ranges of evidence that can be presented (from the client would function well on probation, to reasons why death would not be appropriate for a client). Also, learn how to provide the proper supportive research and documented history of the defendant for your defender and preparation and presentation of mitigation evidence in the penalty phase of a Capital case.

1:15 – 3:30 pm
2 hour+ session
[Repeat of
April 25 session]

Session II: Social Media: Undiscovered and Exculpatory Evidence

•**Kahrman Ziegenbein**, CEO, Co-Founder, Toonari

•**Amanda Hubbard**, Cuyahoga County Public Defender, Fairview Park, OH

Course Description: This session on exculpatory evidence and the details involved with its collection and preservation through social media channels addresses the legal process of search warrants and subpoenas for Facebook and Facebook Messenger, and the methods used to access social media records and authenticate the data. Amanda Hubbard, and Kahrman Ziegenbein explain relevant data from Facebook (Desktop vs Mobile) and how it is kept and can be requested for use as exculpatory evidence. They will provide real-life examples working with law enforcement, prosecutors and judges, showing how to include this authenticated social media evidence to further your case. This session will also provide information about social media opportunities that are hidden in desktops and mobile devices and provide new exculpatory evidence highly favorable to the defendant in criminal cases.

Session III: A to Z Internet Searching for the Defense Team: No Search Engine will be Harmed During this Lecture

•**Jon Lyon**, Legal Investigator, Internet Sleuth.net, Chicago, IL

Course Description: This session will cover web sites and software you probably never knew existed or could access, that can provide necessary information needed for your investigation, right at your fingertips.

Session IV: Lessons from Miscarriage of Justice Cases

•**The Hon. Rick Libman, PhD**, Justice, Ontario Court of Justice, Toronto, Ontario, Canada

Course Description: Many individuals oppose the death penalty due to the possibility of a miscarriage of justice – being prosecuted for a crime they did not commit. We will discuss some of the cases involving miscarriages of justice, many of which often don't come to light until long after the innocent person has been jailed.



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Session V: Investigating DNA and Forensic Science: Techniques for Defense Investigators
Justin Boggs, Senior Investigator, Public Defender Service, DC, Washington, DC

Course Description: The focus of this session will be on the use of genetic material in criminal investigations and how DNA collecting and analysis gives attorneys and investigators a powerful tool for exonerating the innocent. ***Evidence/Location/Source:*** We will walk the participants through the different and necessary steps of obtaining, and gathering the physical evidence and samples from crime-scene evidence and the suspect (protecting the crime scene, contamination, transportation, and storage) to extracting DNA, analysis procedures, and the possible results. The more you know about how to use DNA, the more powerful a tool it becomes.

2:30 – 2:45 pm

Networking Break

2:45 – 4:00 pm

Plenary:

•**Christopher Whitney, Esq.**, Law Offices of Christopher Whitney, PA, Fort Myers, FL

4:00 – 4:15 pm

Closing Remarks and Adjournment

This conference is CLE Credit approved by the Florida Bar

CLE Credits

- **General:** **22.0**
- **Bias Elimination** **1.5**
- **Mental Illness** **.05**
- **Substance Abuse** **1.5**
- **Technology** **7.0**

Certification Credits

- **Criminal Appellate Law** **22.0**
- **Criminal Trial Law** **22.0**
- **Juvenile Law** **3.0**

