Protecting Clients’ Rights in the Pursuit of Justice
2017 NDIA National Seminar

Tuesday, April 25, 2017

7:30 - 8:45 am  Registration & Coffee Bar

8:45 – 9:15 am  Welcoming & Opening Remarks  Marvin Jeffcoat and Mayor of Ft. Lauderdale
• Introduction of Melissa Kupferger Scholarship Recipients

9:15 - 10:15 am  Keynote: Freeing an Innocent Man: Mistaken Identification  
Mark Murnan, CLI, CFE, President, Chief Investigator, Complete Legal Investigations, Inc., Ft. Lauderdale, FL, Wendy Murnan, LPI, CF, FRP, Vice President, Complete Legal Investigations, Inc., Ft. Lauderdale, 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, he had no motive to lie, and who 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:

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

Pre-registration required – maximum 25- people for full session (contact Beverly Davidson to register at nationaldefender@gmail.com)

Requirement: If registering up 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 usable 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.

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. I explore the scientific research to examine which – some, but not all – investigator inferences are supported.

Session III: What’s Left Behind when You Surf the Intern
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 OS 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 & Victim Centered
Protecting Clients’ Rights in the Pursuit of Justice

2017 NDIA National Seminar

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. In the military, there are no defense investigators. 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 the 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 command and the Military Investigation Organizations. As an example, in the Marine Corps, the Marine 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're made from principle instead of need – hence, “Confirmation Biased and Victim Centered Investigations” too often go unchallenged.

Session V: Federal Criminal Defense Topic
Rory McMahon, CFE

Course Description:

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

1:15 – 2:30 pm CONCURRENT SESSIONS:

Session I: Blood Spatter Analysis and Crime Scene Reconstruction Part I
Brad Perron, LPI, CCDFI, CSFI, Academic Director, CDTC, Investigator, Investigative Support, Inc., Stuart, FL.

Course Description: The participant will get an introduction to Blood Spatter Analysis, starting with the physical properties of blood and then onto specific patterns that can be identified at the crime scene. Actual patterns will be created and compared. Also, the participant will learn, hands-on, presumptive blood detection techniques.

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

Pre-registration required – maximum 25 people for full session (contact Beverly Davidson to register at nationaldefender@gmail.com)

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Session III: Cell Tower Tracking – (Cell Tower Junk Science)

Course Description: Investigators frequently use cellphone Call Detail Records to place a suspect near a crime scene. For years 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, but even with enormous limitations, learn how you can fight the technology and find a way to make the jury see the limits of cell tower tracking.

Session IV: Social Media: Undiscovered and Exculpatory Evidence
Karhrman Ziegenbein, CEO, Co-Founder, Toonari Corporation, St. Petersburg, FL.; Amanda Hubbard, Cuyahoga County Public Defender, Fairview Park, OH.; Dallas Peterson, Toonari,
Protecting Clients' Rights in the Pursuit of Justice

2017 NDIA National Seminar

Clearwater, FL.
[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 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 & Judges, showing how to include this authenticated Social Media Evidence to further your case. This session will further provide information about Social Media opportunities that are hidden in Desktops and Mobiles 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:

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Session II: 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 bloodstream, the possible type of weapon used as well as possible mechanisms that could have been produced on a surface.

Session III: 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 rampant in sexual offenders – case examples offered for discussion.
Session IV: Mining the Battlefield: Veteran & 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 review and analysis using the methodology of ‘Frame by Frame Analysis’. Participants will learn the various internet search engines, social media sites, and various 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 V: Team Approach to Investigations

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 – 5:15 pm Plenary: Death Penalty Panel Discussion
Hon. Rick Libman, PhD, Moderator, Elisa Quesada, Esq., LCSW, Heather Holmes, PsyD., & Jon Lyon, Legal Investigator

Course Description: This panel of experts, practitioners and investigators will examine wrongful conviction cases and identify 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.

Wednesday, April 26, 2017

7:30 - 8:00 am Coffee Bar
8:45 – 9:15 am Opening Remarks: TBA Speaker
Eric Cohen, Esq., Federal Public Defender, Miami, FL
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 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: TBA
TBA

Course Description:

Session III: Technology: Digital Bits and Bytes (2 day training session)
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2017 NDIA National Seminar

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Session IV: Detection & Etiology of Substance Abuse: How to Use it as a Mitigator
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 illness will be discussed.

11:45 – 1:15 pm
Networking; Lunch On Your Own

1:15 – 2:30 pm

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Session II: TBA

Course Description:

Session III: Conducting Fraud Investigations
Rory McMahon, CLI, CFE, McMahon & Associates, Fort Lauderdale, FL

Course Description:

Session IV: Mitigation Topic
Elisa Quesada, Esq., LCSW

Course Description:
Protecting Clients’ Rights in the Pursuit of Justice
2017 NDIA National Seminar

1:15 – 3:30 pm  2 hour session
Session V:  Social Media Discovery & Open Source Intelligence Techniques
Kahrman Ziegenbein, CEO, Co-Founder, Toonari, Pinellas Park, FL; Rebecca J. Leitman, BL Investigations, LLC, Loma, CO; 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 finding to make 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:  Re-Sentencing Juveniles Convicted of Homicide OR How the Death Penalty Really Works
Steve Harper, Esq., The Florida Center for Capital Representation, Visiting Clinical Assistant Professor, Florida International University

Course Description:  Who dispenses the justice, who gets put to death, and what we can do about it.

Session II:  Decoding the Data: Making Sense of Cell Site and GPS Data with Google Earth
Eric Hirst, Chief Information Officer, Public Defender Service, DC; Matt Hanna, Supervisory Investigator, Public Defender Service, DC, 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 III:  Effective Representation in Death Penalty Cases
The Honorable Rick Libman, PhD, Justice, Ontario Court of Justice, Toronto, Ontario, Canada

Course Description:

Session IV:  The Judicial System within Our Military – No Independent Defense Bar
Carolyn Martin, C. Martin, Co., Navarre, FL

Course Description:  The Military justice system’s actors within 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 attorney’s advocating for their clients that are facing federal convictions and extensive prison time.

4:00 – 4:15 pm  Networking Break
4:15 – 5:15 pm  Plenary:  Representing Juveniles in Adult Court
Sonya Rudenstine, Esq., Sonya Rudenstine, Attorney at Law, Gainesville, FL; Steve Harper, Capital Litigation Unit, Miami Dade Public Defender, Miami, FL

Course Description:

5:15 – 5:45 pm  Business Meeting
6:00 – 8:00 pm  President’s Reception
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<tr>
<th>Time</th>
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<tr>
<td>8:00 - 8:45 am</td>
<td><strong>Welcome and Announcements:</strong> Marvin Jeffcoat, Karen Jackson</td>
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| 8:45 – 10:15 am| **Plenary:** Title TBA  
Juan Martinez, Miami, FL

**Course Description:**

| 10:15 – 10:30 am| Networking Break                                                       |
| 10:30 – 11:45 am| **CONCURRENT SESSIONS:**  
**Session I:** Cultural Issues in Criminal Defense  
Sonya Rudenstine, Esq., Sonya Rudenstine, Attorney at Law, Gainesville, FL

**Course Description:** Appellate and post-conviction review of cases involving cultural defenses, clients with limited English, and immigration concerns – procedural hoops that apply following a conviction and sentence – defense lawyers must take extra care in making sure that foreign nationals and/or limited English speaking clients have a meaningful understanding of the appellate review process and the possible consequences of waiving such review.  

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 ruled juvenile life without parole sentences unconstitutional for crimes excluding murder. After these cases there needed to be a training course developed to not only understand what led to these incarcerations, but also to present an understanding of 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

Session III: Stingray’s, Pings & Triangulation – Oh My  
Nicole Hardin, Assistant Federal Public Defender, Office of the Federal Public Defender, Ocala, FL

**Course Description:**

| 11:45 – 1:15 pm| Networking: Lunch On Your Own                                               |
| 1:15 – 2:30 pm| **CONCURRENT SESSIONS:**  
**Session I:** The Juvenile Client and Juvenile Defense Standards  
TBA Marshall

**Course Description:** Preserving fairness in juvenile court -

| 1:45 – 3:30 pm| **Session II:** Social Media: Undiscovered and Exculpatory Evidence  
Kahrman Ziegenbein, CEO, Co-Founder, Toonari, Becki Leitman, Investigator, BL  
Investigations, Loma, CO., 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. 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 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 exhibit real-life examples working with Law Enforcement, Prosecutors & Judges, showing how to include this authenticated Social Media Evidence to further your case. This session will further provide information about Social Media opportunities that are hidden in Desktops and Mobile Devices and provide new exculpatory evidence highly favorable to the
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2017 NDIA National Seminar

defendant in your particular criminal case. Examples will be shown utilizing Law Enforcement specifics to gather more evidence that is helpful for your client.

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:

Session V: TBA
TBA Martinez

Course Description:

2:30 – 2:45 pm Networking Break

2:45 – 4:00 pm Plenary: Capital Pre-Trial Proffers: The Fine Line Between Guilt, Innocence & Mental Health
Terry Lenamon, Esq., Criminal Defense Attorney, Lenamon Law, Miami, FL.

Course Description: As a member of the Casey Anthony defense team (which the media dubbed "the Casey Anthony Dream Team), Terry Lenamon persuaded the State of Florida not to seek the death penalty by a mitigation package that stressed the mental health aspects of maternal filicide. The complex and often fine line between guilt, innocence and mental health.

4:00 – 4:15 pm Closing Remarks & Adjournment