



**NATIONAL DEFENDER INVESTIGATOR ASSOCIATION
2018 REGIONAL CONFERENCE
Fort Lauderdale, FL**



**Obstacles that Impede Criminal Defense Investigations
CONFERENCE AGENDA**

4:00 – 6:00 pm **REGISTRATION – Atlantic Foyer** **TUESDAY, Sept. 4**

7:30 – 8:45 am **REGISTRATION and Coffee Bar – Atlantic Foyer** **WEDNESDAY, Sept. 5**

8:45 – 9:00 am **Welcome and Opening Remarks**

Matthew Whalen, NDIA President

ATLANTIC A & B

9:00 – 10:30 am **KEYNOTE**

DIFFICULT & UNCOOPERATIVE WITNESSES – STRATEGIES FOR SUCCESS

Brandon Perron, CCDI, Investigative Support Specialist, Inc., Stuart, FL
Amy Perron, Chief Investigator, 19th Judicial Circuit, Fort Pierce, FL

ATLANTIC A & B

“Just talk to this witness” is a request often submitted by defense counsel to the criminal defense investigator. The unspoken and unwritten commentary that accompanies the request is that the task is simple and without complication. The “simple” is silent. Of course, the reality is that the request is more than a task and it is rarely if ever simple. Difficult and uncooperative witnesses are routinely encountered during the investigative process. The experienced investigator recognizes that the process of interviewing witnesses demands a comprehensive approach for both cooperative and uncooperative witnesses. Planning and preparation include fact review, analysis, and may also require efforts to locate the witness and secure contact information. The next phase is choosing the method of contact. Based upon the information, an approach strategy may be necessary to maximize the potential for cooperation. It may require more than a charm offensive. Interviewing the witness is just one part of the equation. The problems encountered by difficult and uncooperative witnesses will be discussed as well as strategies and tactics available to facilitate securing cooperation. The presentation will include case studies and discussion to address the issues.

10:30 – 10:40am **Networking Break, Exhibits**

10:40 – 11:50 pm **CONCURRENT SESSIONS**

THE DIFFERENCE BETWEEN CAPITAL MITIGATION AND MITIGATION FOR RE-SENTENCING JUVENILES IN LIGHT OF MILLER & GRAHAM

Heather Holmes, Ph.D., Psychologist
Fort Lauderdale, FL

ATLANTIC A

Dr. Holmes will use her expertise in the areas of mental retardation, sexual offenders, and mitigation for capital cases to examine the differences between normal capital mitigation and those of the recent court decisions that hold it to be unconstitutional for juveniles to be sentenced to life imprisonment without the possibility parole in non-homicide cases.

FORENSIC CASE REVIEW & ANALYSIS: LEAD DEVELOPMENT & TRACKING

Brandon Perron, CCDI

ATLANTIC B

An attack on the foundation of the government’s case can topple the inverted pyramid supporting the theory of prosecution. Every report, statement, photograph, and document is “evidence” and should be treated as evidence. A forensic review and analysis should be conducted to identify inconsistencies, discrepancies, errors, omissions, and unanswered leads demanding further investigation. This session will introduce the forensic approach to case review and analysis providing step by step practical strategies.

SURVEILLANCE FOOTAGE ISSUES ANYONE?

Matt Hanna, Supervisory Investigator, Public Defender Service for DC, and Eric Hirst, Chief Information Officer, Public Defender Service for DC, Mike Wells, Tech Support, Public Defender Services for DC

ATLANTIC C

Ever had to get some surveillance footage only to get back to the office and not be able to play it? Join us for a presentation of how to find the proper codecs and players. We will show you how to find and download the proper codecs. We will also cover common types of surveillance footage that you may encounter.

11:50 – 12:50 pm **Lunch Break on Your Own**

12:50 – 2:05 pm **CONCURRENT SESSIONS**

THE MORE YOU KNOW

Stacey Deville, MFS, Texas Forensic Investigative Consultants, Austin, TX

ATLANTIC A

A crime scene consultant’s overall analysis of how to properly process a crime scene, procedures, protocols and traps to watch out for.

(To be repeated at 2:15)

THE DIFFERENT APPROACH TO INTERVIEWING: P.E.A.C.E FRAMEWORK OF INTERVIEWING

Jonathan Davison, President, CEO, Forensic Interview Solutions, Raleigh Durham, NC

ATLANTIC B

A critical component of any investigation is the ability of the investigator to obtain accurate and reliable information from victims, witnesses and suspects. The interview process is an essential part of the information gathering procedure. In this workshop we will examine the evolution of investigative interviewing, the benefits of adopting the P.E.A.C.E. interviewing approach, and examine the principles of conducting investigative interviews.

VIRTUAL REALITY FOR INVESTIGATIONS?

Eric Hirst, Chief Information Officer, Public Defender Service for DC, Mike Wells, Tech Support, Public Defender Service for DC, Jon Pollock, Glade Creek Technology

ATLANTIC C

Virtual Reality is commonly used for video games. Join us to discuss the current state of virtual reality and how it can be used in your cases. This will be an immersive experience where you will be able to take a dive into a virtual reality world.

2:05 – 2:15 pm **Networking Break, Exhibits**

2:15 – 3:30 pm **CONCURRENT SESSIONS**

THE MORE YOU KNOW

Stacey Deville, MFS, Texas Forensic Investigative Consultants, Austin, TX,

ATLANTIC A

Repeat of earlier session.

A crime scene consultant’s overall analysis of how to properly process a crime scene, procedures, protocols and traps to watch out for.

INTERVIEWING

Bruni Marrero, Investigator, Paralegal Trainer
Legal Aid Society, New York, NY, and Ronald Fisher, PhD,
Department of Psychology, Florida International University,
North Miami, FL

ATLANTIC B

Presentation to include discussion on conducting file review prior to witness interviewing, preparation for witness interviewing, witness evaluation, and the key to successful witness interviews and statements.

FIREARM CLASSIFICATION AND DEFENSES TO FEDERAL AND STATE FIREARM PROSECUTIONS - I

Daniel O’Kelly, Director, International Firearm Specialist Academy, Lake Dallas, TX, ATF Special Agent - Retired

ATLANTIC C

When is a firearm not a firearm? What glaring inconsistencies can be found in firearm prosecutions? We cite and explain them based on 30 years of experience as a Federal Agent who co-wrote the lesson plans for ATF as one of their leading firearm specialists. We will illustrate how ATF operates outside their own definitions, and applies their “rulings” inconsistently, and in contradiction to each other.

3:30 – 3:40 pm **Networking Break, Exhibits**

3:40 – 4:55 pm **CONCURRENT SESSIONS**

BUILDING AND LEVERAGING WITNESS RELATIONSHIP TO WIN YOUR CASE - PART I

Billie Little, Jr., Capital Defense Attorney

NEW SESSION

San Diego, CA

ATLANTIC A

How to build relationships of trust with witnesses. An instructional session to learn the basics of witness relationships.

INTERVIEWING: STATEMENT TAKING WORKSHOP

Bruni Marrero, Investigator, Paralegal Trainer
Legal Aid Society, New York, NY

ATLANTIC B

FIREARM CLASSIFICATION AND DEFENSES TO FEDERAL AND STATE FIREARM PROSECUTIONS - II

Daniel O’Kelly, Director, International Firearm Specialist Academy, Lake Dallas, TX, ATF Special Agent - Retired

ATLANTIC C

Continuation of Session

Networking Reception 5:00 – 7:00 pm Boatyard Restaurant



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Obstacles that Impede Criminal Defense Investigations

CONFERENCE AGENDA

7:30 – 8:45 am			Coffee Bar – Atlantic Salons A&B			THURSDAY, Sept. 6		
8:45 – 9:00 am			Opening Remarks					
			Matthew Whalen, NDIA President					
			ATLANTIC A & B					
9:00 – 10:30 am			PLENARY					
			STINGRAYS, PINGS & TRIANGULATION					
			Blase Kearney, Staff Attorney					
			Public Defender Service for the District of Columbia					
			ATLANTIC A & B					
<p>This session will discuss the Fourth Amendment and expectations of privacy, and how this intersects with law enforcement surveillance tools. In particular, it will discuss cell site tracking and IMSI catchers or "Stingrays" as well as historical cell site tracking. These areas are currently the subject of a great deal of litigation on the state and federal levels, with new cases being decided every month. This presentation will review these technologies and the current state of the law, and discuss strategies to discover when the government has employed them.</p>								
10:30 – 10:45 am			Networking Break, Exhibits					
10:45 – 12:00 pm			CONCURRENT SESSIONS					
FORENSICS IN TODAY'S WORLD			QUESTIONING:			DIGESTING DISCOVERY		
Michael Dayoc, Chief of Investigations, Montgomery County Public Defender, Norristown, PA			RIGHT QUESTION, RIGHT PLACE, RIGHT TIME			Matt Hanna, Supervisory Investigator, Public Defender Service for DC, and Eric Hirst, Chief Information Officer, Public Defender Service for DC		
ATLANTIC A			ATLANTIC B			ATLANTIC C		
From the Crime Scene to the Courtroom. Forensic Science in today's world of technology, including Blood Spatter evidence and investigating Arson cases.			The object of questioning is to discover the truth about the matter under investigation, to gather information and to obtain evidence. A knowledge of questioning technique is necessary for effective interviewing. During this workshop we will examine the science behind questioning through an interactive and practical examination of conversational techniques used to initiate and facilitate dialogue. The Interviewer's approach: listening, opening up topics, encouraging the interviewee to give a truthful, accurate account, questioning, taking notes, and highlighting areas needing clarification and challenge.			The amount of discovery produced in a case can be exhaustive and time consuming. Cataloging and categorizing it for the team can seem overwhelming. Join us in this hands-on demonstration using Excel to assist in the process. Participants will be shown how to gather all of the data easily into an Excel spreadsheet with some tips on how to simplify the process with the addition of some free tools. Participants will then get the opportunity to try this out on their own.		
12:00 – 1:15 pm			Lunch Break					
1:15 – 2:30 pm			CONCURRENT SESSIONS					
CRIME SCENE FORENSICS			TESTIMONY			CELL PHONE EXTRACTION		
Michael Dayoc, Chief of Investigations, Montgomery County Public Defender, Norristown, PA			Bruni Marrero, Investigator, Paralegal Trainer, Legal Aid Society, New York, NY			Matt Hanna, Supervisory Investigator, Public Defender Service for DC, and Eric Hirst, Chief Information Officer, Public Defender Service for DC		
ATLANTIC A			ATLANTIC B			ATLANTIC C		
Continuation of Session FORENSICS IN TODAY'S WORLD, to include supervised practical application of crime scene forensics.			Foundations of courtroom testimony: Establishing credibility in the courtroom – and understanding of the factors that create effective courtroom testimony. This session will cover aspects of courtroom testimony that will include the Court/Trial Process, Courtroom rules/regulations, evidence, personal appearance and testimony.			This session will center around the basics of Cell Phone Extraction, incorporating simple-to-use (paid) software, to better prepare any cases involving a cell phone. All equipment and software is not forensic grade, so experts still may be required on your cases. The information presented is to better inform you and your attorney(s) on any cell phone questions, case facts and whether or not experts are needed in your case.		
2:30 – 2:45 pm			Networking Break, Exhibits					
2:45 – 4:00 pm			CONCURRENT SESSIONS					
BUILDING AND LEVERAGING WITNESS RELATIONSHIP TO WIN YOUR CASE - PART II			TESTIMONY WORKSHOP - PART I			DEFENSES TO FEDERAL AND STATE FIREARM PROSECUTIONS 2.0 (NFA) - PART I		
Billie Little, Jr., Capital Defense Attorney, San Diego, CA			Bruni Marrero, Investigator, Paralegal Trainer, Legal Aid Society, New York, NY			Daniel O'Kelly, Director, International Firearms Specialist Academy, Lake Dallas, TX, ATF Special Agent - Retired		
ATLANTIC A			ATLANTIC B			ATLANTIC C		
How to leverage witness relationships to win your case. This course will cover case studies and permit more interaction than Part I.			Interactive hands-on session with participants placed in groups and asked to testify in a moot court session.			We illustrate the inconsistencies and defenses concerning prosecutions for home-made firearms, and NFA firearms such as Short-barreled Rifles / Shotguns, Destructive Devices, Any Other Weapons, and Machineguns.		
4:00 – 4:15 pm			Networking Break, Exhibits					
4:15 – 5:30 pm			CONCURRENT SESSIONS					
DEATH PENALTY 101 WHY DEATH IS DIFFERENT			TESTIMONY WORKSHOP - PART II			DEFENSES TO FEDERAL AND STATE FIREARM PROSECUTIONS 2.0 (NFA) - PART II		
Nicole Hardin, Assistant Federal Public Defender, Tampa, FL			Bruni Marrero, Investigator, Paralegal Trainer, Legal Aid Society, New York, NY			Daniel O'Kelly, Director, International Firearms Specialist Academy, Lake Dallas, TX, ATF Special Agent - Retired		
ATLANTIC A			ATLANTIC B			ATLANTIC C		
Introduction to the nuts and bolts of building a capital defense, telling your client's story and working with mitigation and aggravation law trends and changes in death penalty defense.			Continuation of Session			Continuation of Session		
5:30 – 7:00 pm			NETWORKING RECEPTION – Garden Patio					