

# The PROSECUTOR



## RECENT CASES

### United States Supreme Court

#### Petitioner May Seek Federal Injunctive Relief Under §1983 After His Postconviction Request for DNA Was Denied

Petitioner Skinner was sentenced to death for murdering his girlfriend and her sons in Texas. Over six years later, Texas enacted Article 64, which allows prisoners to gain postconviction DNA testing in limited circumstances. Using Article 64, Petitioner moved in state

court for DNA testing of untested biological evidence twice, but both motions were denied.

Petitioner then filed the instant federal action for injunctive relief under §1983, claiming his Fourteenth Amendment right to due process was violated by Texas' refusal to provide for the DNA testing. The Magistrate Judge recommended dismissal of the complaint, stating that the postconviction request for DNA evidence was cognizable only under a habeas corpus claim, not §1983. The District Court dismissed the suit, and the Fifth Circuit affirmed.

On further appeal, the Supreme Court found that Skinner's complaint was not a state-court issue, but one of federal-court subject-matter since Skinner was not seeking to review the state-court decision but rather the statute governing the decision. The Court further held that Skinner may

pursue his claim under §1983 because success in his suit for DNA might not "necessarily imply" the invalidity of his conviction, as required by *Wilkinson v. Dotson*, 544 U.S. 74. The DNA tests might not be exculpatory, and could be inconclusive or even incriminating. *Skinner v. Switzer*, 562 U. S. \_\_\_\_ (2011).



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By: Jim Ingle, Deputy Compact Administrator

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## **A Motion to Reduce a Sentence Is an Application for “Collateral Review” that Triggers AEDPA’s Tolling Provision**

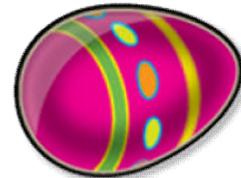
Respondent Kholi was convicted in Rhode Island on ten counts of first-degree sexual assault in May of 1996. Respondent filed two relevant state motions along with his direct appeal. His motion to reduce his sentence under Rhode Island Superior Court Rule of Criminal Procedure 35 and his postconviction relief motion were both denied.

Respondent then filed a federal habeas claim over eleven years after his conviction.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) requires a federal habeas petition to be filed within one year of final judgment, but applications for state postconviction motions and other forms of collateral review tolls that period. Respondent’s postconviction relief motions tolled the period for over nine years, but his Rule 35 motion must have also triggered the tolling provision for his habeas

petition to be timely. The District Court dismissed the petition as untimely, and the First Circuit reversed.

The Supreme Court held that a Rule 35 motion to reduce a sentence is an application for “collateral review” that triggers AEDPA’s tolling provision. Collateral review is not limited to legal challenges, and does not exclude motions for discretionary



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### **United States Supreme Court (p. 1)**

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### **Other Circuits / States (p. 9)**

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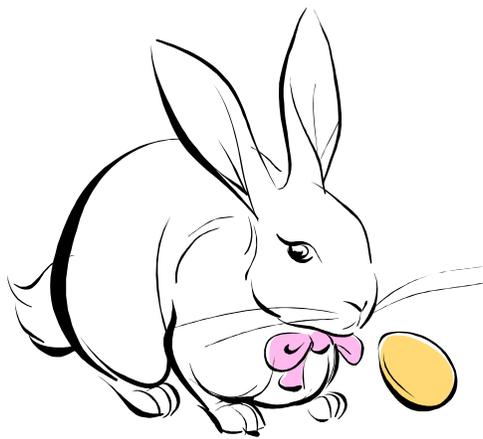
sentence reduction. Nor does collateral review depend on whether a motion is part of the same criminal case. *Wall v. Kholi*, 562 U. S. \_\_\_\_ (2011).

## **Trial Court's Batson Decision Should Be Given Deference**

Respondent Jackson was convicted of many sexual offenses originating from his attack on a 72 year old woman. Respondent raised a *Batson* claim, asserting the prosecutor exercised peremptory challenges to exclude two of three black prospective jurors on the basis of their race (*Batson v. Kentucky*, 476 U.S. 79). The trial court denied Respondent's motion, accepting the prosecutor's race-neutral explanations. The prosecutor had explained that the first juror might harbor animosity towards police officers because he claimed that he had been pulled over frequently because he is black, and that the second juror was struck because of her educational background as a social worker.

The defendant eventually sought federal habeas relief under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), which states that habeas relief is only granted if the state court's decision was "based on an unreasonable determination of the facts," 28 U.S.S. §2254(d)(2). After the Ninth Circuit held that the prosecutor had treated black jurors differently, the Supreme Court reversed, giving deference to the

trial court, whose opinion "must be sustained unless it is clearly erroneous" (*Snyder v. Louisiana*, 552 U.S. 472, 477). The Court also reasoned that because the AEDPA "demands that state-court decisions be given the benefit of the doubt" (*Renico v. Lett*, 559 U.S. \_\_\_\_, \_\_\_\_), the Ninth Circuit had no basis to reverse. *Felkner v. Jackson*, 562 U. S. \_\_\_\_ (2011).



## **DA's Office May Not Be Held Liable for Failure to Train its Prosecutors Based on a Single Brady Violation**

During Thompson's trial for attempted armed robbery, the Orleans Parish District Attorney's Office violated *Brady v. Maryland*, 373 U. S. 83, by failing to disclose a crime lab report that showed Thompson's blood did not match blood found at the scene. Because of his robbery conviction, Thompson elected not to testify at his later murder trial and was convicted. A month before his scheduled execution, the lab report

was discovered and both of Thomas's convictions were vacated. He was ultimately found not guilty in a retrial on the murder charge. He then filed suit against the district attorney's office under 42 U. S. C. §1983, alleging that the *Brady* violation was caused by the office's deliberate indifference to an obvious need to train prosecutors to avoid such constitutional violations.

On appeal, the Supreme Court held that a district attorney's office may not be held liable under §1983 for failure to train its prosecutors based on a single *Brady* violation. As required by §1983, Thompson failed to prove a pattern of similar violations that would "establish that the 'policy of inaction' [was] the functional equivalent of a decision by the city itself to violate the Constitution." *Connick v. Thompson*, 563 U. S. \_\_\_\_ (2011).

## **Utah Supreme Court**

### **Defendants with Class A Misdemeanor Charges Have Right to Preliminary Hearing**

The Utah Supreme Court held that Article I, section 13 of the Utah Constitution grants defendants the right to a preliminary hearing for indictable offenses, including Class A misdemeanors. Article I, section 13 specifies the procedure for prosecuting "[o]ffenses heretofore

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# PROSECUTOR PROFILE

## Brody Keisel Sanpete County Attorney

Brody Keisel is a family man. He met his wife Amber fifteen years ago at a smoky, dusty, "deer hunter's brawl" that Snow College sponsored. He will be forever in debt to the "deer hunter's brawl" for providing his chance meeting with his wife, who is everything he could ask for—she fits him perfectly and is responsible for much of who he is today.

Brody has 2 girls and 2 boys aging from 12 years to 19 months, and a cocker spaniel named Cooper. While Brody does enjoy fishing, hunting, and playing baseball, his favorite thing to do is simply spend time with his kids; even when that involves waiting in front of stores at the mall until his wife or daughter chooses between outfits that they just can't decide which is the best.



Brady lives in Manti, where he grew up as a child, and has been a Sanpete County attorney for almost 8 years. After graduating from the University of Nebraska's law school, Brody wanted to return to Manti but was unsure if there would be any job prospects there. When he was still six months from graduating, he learned that Ross Blackham, who was the Sanpete County Attorney for 28 years, was looking to hire a deputy. He met with Ross. Ross then agreed to consider him if he had not filled the position by the time Brody sat for the bar exam. The stars aligned for Brody and he has subsequently served as Ross's deputy since 2003. Brody considers Ross as his friend and mentor. Professionally, and even personally, Ross taught Brody by his example, experience, and wisdom, impacting Brody's life in ways that he can never repay.

Brody believes that there are unique challenges that come from prosecuting in a small, rural area. For example, sometime the people you prosecute sit on the pew next to you at church (on a similar note, one time the jury found it funny when he kept referring to them as "brothers and sisters"). Also, from day one of working as a prosecutor, Brody was thrust into felony prosecution before the district court. In fact, his most memorable career moment was having a "guilty" verdict returned from the jury after his first felony prosecution - a first degree rape.

One of Brody's most significant life events happened when he was critically injured after being hit by a four-wheel drive truck traveling at nearly 55 miles-per-hour. The auto-pedestrian accident left him in Utah Valley Regional Medical Center for three months. During that time, he spent three weeks in a comatose state, his kidney's failed, he fractured multiple bones and developed Acute Respirator Distress Syndrome. At the low point in ICU, he was connected to 27 individual IV pumps. The medical team eventually brought his family together to explain that they did not expect him to be alive the next morning. Obviously, he lived. At admission to UVRMC, Brody weighed around 180 lbs, upon discharge he was down to 118. Through his ordeal, he became completely convinced that no matter how bad you may think you have it.....there is *always someone who has it worse.*

Brody offers these words of prosecutorial advise: "To me it was difficult to get past my pride and do what is right, even when it means you lose the case. Maintain credibility and integrity regardless of the consequence. Finally, seek to show empathy and be able to communicate with others as a 'regular, ordinary person' to whom others can relate." Though Brody wishes to be seen as an ordinary man, he seems to have an extraordinary will to survive and be there for his family, no matter the occasion.



BORN - Mt. Pleasant, UT

FIRST JOB - Lawn and Yard Care

FAVORITE SPORTS TEAM - Yankees

FAVORITE BAND - grew up listening to Van Halen

FAVORITE BOOK - *Where the Red Fern Grows*

FAVORITE T.V. SERIES - The Office

FAVORITE MOVIE - almost anything with Will Ferrell

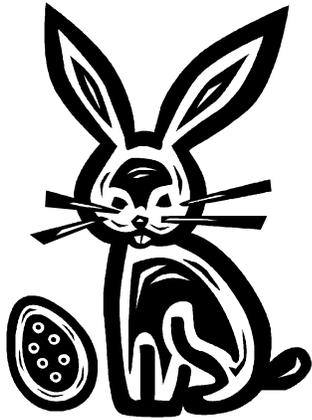
FAVORITE FOOD - Steak and Lobster

FAVORITE TREAT - Twix

FAVORITE QUOTE OR WORDS OF WISDOM: "Your actions speak so loudly, I can't hear what you say."



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required to be prosecuted by indictment.” Utah Const. art. I, § 13. The Court interpreted “heretofore” as referring to Utah territorial law at the time of the Constitution’s passage. While the Fifth Amendment right to prosecution by indictment applied only to felonies, Utah territorial law extended this right to misdemeanors punishable by more than six months in the city or county jail. *See* Utah Comp. Laws §§ 3023, 4783 (1888). *Utah v. Hernandez*, 2011 UT 16.

### **Warrant-Granting Magistrate Violated Rule 40(i)(1) by Not Retaining Copy**

Sosa was arrested based on evidence obtained by officers pursuant to a search warrant.

However, the magistrate who issued the warrant improperly did so because after signing the warrant, he returned the only copies of the original warrant and associated documents to the warrant seeking police officer and told him to file the documents with the clerk’s office. Sosa argued that this was a violation of Rule 40(i)(1) of

the Utah Rules of Criminal Procedure, which requires a magistrate, “[a]t the time of issuance” of a search warrant, to “retain and seal a copy of the search warrant, the application and all affidavits or other recorded testimony on which the warrant is based.” However, the trial court held that the magistrate complied with the retention requirements of Rule 40(i)(1) because the officer was “acting as [the magistrate’s] agent.”

On appeal, the Utah Supreme Court disagreed with the trial court’s officer-as-agent rationale and instead agreed with Sosa that the warrant-granting magistrate violated Rule 40(i)(1). However, the Court held that such a violation was harmless. *State v. Sosa*, 2011 UT 12. Also see *Utah v. Dominguez*, 2011 UT 11.

### **Timing Provision of Reimbursement Statute Only Applies to Civil Claims**

Olsen was found not guilty of misusing public funds while mayor of Eagle Mountain City. Olsen then submitted to Eagle Mountain a request for reimbursement of \$119,834.90 in attorney fees and costs. Eagle Mountain moved to dismiss Olsen’s complaint, arguing that Olsen failed to submit a timely request that Eagle Mountain defend him at trial as required, according to Eagle Mountain, by Utah Code section 63G-7-902. The district court denied the motion.

On interlocutory appeal, the

Utah Supreme Court held that the “manner” required for a request for reimbursement of fees and costs under the Reimbursement Statute is simply a “written request to the governmental entity” as set forth in Section 902 and that the timing provision of Section 902 applies only to requests to defend against a civil



claim and does not extend to requests for reimbursement of fees and costs incurred in a criminal action. For such requests (like Olsen’s), the time limit for filing is provided elsewhere, in the three-year statute of limitations in Utah Code section 78B-2-305(4) (Supp. 2010), and therefore the Court affirmed the district court’s denial of the City’s motion to dismiss. *Olsen v. Eagle Mountain City*, 2011 UT 10.

## **Tenth Circuit Court of Appeals**

### **Waiver of Privilege in Plea Negotiations May Extend to Prosecution’s Case-in-Chief**

At Mitchell’s conspiracy trial, the government introduced evidence of

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# **John R Justice**

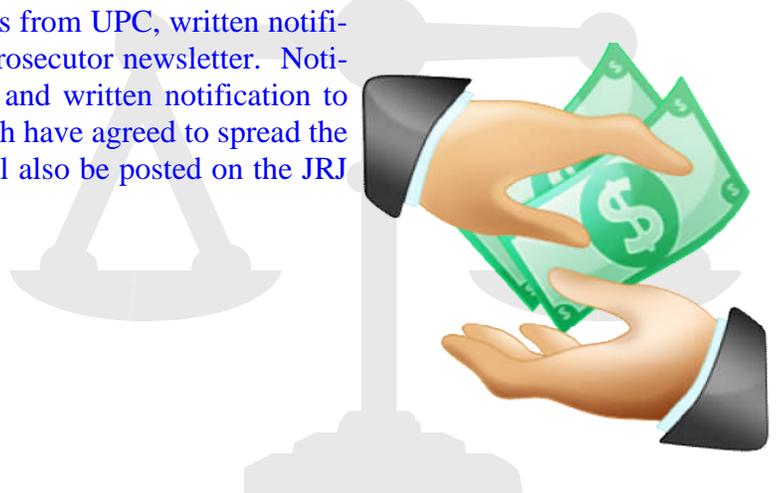
## **Student Loan Repayment Assistance Program for Prosecutor and Public Defenders**

The kick off of the Utah John R Justice (JRJ) Student Loan Repayment Program for Prosecutors and Public Defenders is rapidly approaching. The Utah information packet and the Utah JRJ assistance application form have been finalized. As soon as the JRJ website has been prepared and tested, the information packet and application form will be distributed to public defenders and prosecutors throughout Utah. Absent any technical problems in the development of the website, that distribution will likely take place by the third week in April.

By way of reminder, here is some information about JRJ that was previously distributed:

- Only \$100,000 will be available for Utah during the current federal fiscal year. Up to 15% of that amount may be used to cover administrative expenses.
- The act mandates that JRJ funds be divided 50/50 between prosecutors and public defenders, regardless of the relative number of eligible persons in each category.
- To be eligible for JRJ assistance a person must be either:
  - a full time prosecutor who works for state government, for a local governmental entity, or for a tribal government;
  - a full time public defender who is employed by the state, by a local governmental entity, or by a non-profit agency which contracts to supply public defender services for the state or for a local governmental entity; or
  - a full time public defender who works for a federal defender's office.
- Priority must be given to applicants who are "least able to pay" their student loan obligation.
- The act requires that a procedure be used to assure relatively equal geographic distribution of JRJ assistance awards throughout the state.
- The Utah JRJ committee has determined that, at least during this federal fiscal year, no individual award of JRJ funds will exceed \$4,000. Individual award amounts will be based upon a formula that takes income and number of dependants into consideration. Longevity in JRJ eligible employment may also be considered.
- In order to receive a JRJ award, an applicant will be required to sign a written commitment to continue in eligible JRJ employment for at least three years from the date of the first award. Those who receive awards during the first year of the program will, if still eligible, receive priority for subsequent year awards. Any subsequent year awards are, of course, dependant upon continued congressional funding of the program.

Notification to prosecutors will be via e-mails from UPC, written notification to employers, and information in The Utah Prosecutor newsletter. Notification to public defenders will be through e-mail and written notification to Utah JRJ eligible public defender offices, all of which have agreed to spread the word internally to their employees. Information will also be posted on the JRJ website, once it is established.



## Train the Trainers Course

On March 15-18, Utah Prosecution Council sponsored a Train the Trainers (TtT) Course. TtT was developed in the late 80s in a joint effort by the National Highway Traffic Administration and the National Association of Prosecutor Coordinators. At the time, the training of prosecutors in trial advocacy skills was rather hit and miss. The aim of the effort was, and remains today, to put already experienced prosecutors through a week long course, during which they are taught in adult learning principles and receive training in presentation and in critiquing methods, thereby improving their skills as trainers and trial advocacy instructors. Because of the expense of the course, UPC is able to offer the TtT course only every five to six years.

Thanks to the faculty and hard working participants, the 2011 TtT course was a real success. The faculty members were:

Steve Garside, Assistant Layton City Attorney, lead faculty member;  
John Huber, Assistant United States Attorney;  
Donna Kelly, Deputy Utah County Attorney;  
Steve Major, Deputy Davis County Attorney;  
Scott Reed, Chief, Criminal Justice Division, Attorney General's Office;  
Mark Thomas, Uintah County Attorney;  
Padma Veeru-Collings, Chief Salt Lake City Prosecutor;  
Colin Winchester, Executive Director, Utah Judicial Conduct Commission.



33 experienced prosecutors, including seven from Alaska, Arizona and Idaho, attended and completed the course. Any one of them will tell you it was a rigorous week, but worth the effort. Above is a class photo taken at the end of the program. A couple of course participants were not able to stay for the photo.

The UPC staff extends its appreciation to the faculty and to the hard working course participants.



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his withdrawn guilty plea in its case-in-chief, including statements from his plea agreement. Ordinarily, a defendant's withdrawn guilty plea or his statements during plea discussions are inadmissible under Federal Rule of Evidence 410. But in this case, Mitchell executed a plea agreement that waived his right to Rule 410's protections.

The Supreme Court in *U.S. v. Mezzanatto*, 513 U.S. 196 (1995), had previously sanctioned the use of Rule 410 evidence for impeachment or during the government's rebuttal case. The Ninth Circuit decided that the reasoning of *Mezzanatto* should be extended to allow the government to use Rule 410 evidence in its case-in-chief. The court reasoned that doing so would not undermine voluntary plea negotiations or compromise the fact-finding process at trial. *United States v. Mitchell*, 2011 U.S. App. LEXIS



2113 (10th Cir. Utah Feb. 3, 2011).

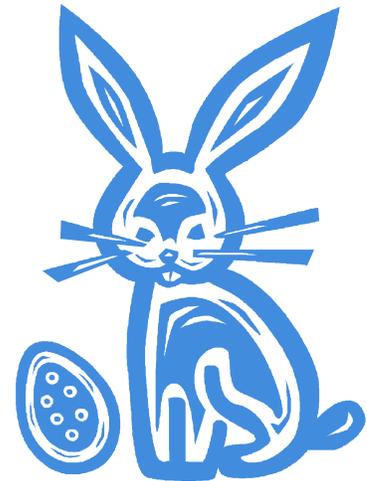
## **Plain-Error Review Is Not Available For Suppression Argument Not Raised Below**

After pleading guilty to several child pornography and firearms charges, one of Burke's arguments on appeal was that the district court erred in denying his motion to suppress evidence seized at his home. Burke did not make such an argument during trial. Fed. R. Crim. P. 52(b) provides that "a plain error that affects substantial rights may be considered even though it was not brought to the court's attention." However, Rule 12 states that a suppression motion "must be raised before trial." It also provides that a party "waives" any "defense, objection, or request [including a suppression motion] not raised by the deadline the court sets," although "for good cause, the court may grant relief from the waiver."

The Ninth Circuit held that Rule 12, and not Rule 52, applies to pretrial suppression motions and a suppression argument raised for the first time on appeal is waived absent a showing of good cause for why it was not raised before the trial court. *United States v. Burke*, 2011 U.S. App. LEXIS 2082 (10th Cir. Kan. Feb. 2, 2011).

## **Lower Court Erroneously Limited Insanity Evidence**

At trial for robbery, the defendant pursued a defense of insanity, claiming that he had first



encountered mental problems several years earlier during combat operations in Iraq. The defendant proffered the testimony of three witnesses who would describe his mental stability both before and after his combat experiences. The trial judge, however, limited their testimony to the days immediately surrounding the robberies.

The Tenth Circuit held that the trial court abused its discretion by so limiting the testimony because the evidence was not stale having been only three years old and part of a continuous pattern that developed from the beginning of his psychiatric treatment up to the time of the robberies. *United States v. Goodman*, 2011 U.S. App. LEXIS 1760 (10th Cir. Okla. Jan. 28, 2011).

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## Other Circuits/ States

### 'Interstate Commerce' Element Satisfied if Pornographic Images Were Made in Different State

Lynn appealed his convictions of receipt or distribution of child pornography in violation of § 2252 (a)(2) and possession of child pornography in violation of § 2252 (a)(4)(B) after obtaining pornographic material through a peer to peer online site. Lynn's principal argument was that his convictions should be reversed because they were not supported by sufficient evidence that the visual depictions had been transported in interstate commerce, an element of the offenses.

The Ninth Circuit held that although Lynn may have



downloaded the child pornography from a peer that also lived in California, the government still met its burden on the interstate commerce element because a rational trier of fact could reasonably conclude that the downloaded material had previously moved in interstate commerce, since the two videos in Lynn's possession were first

produced in states other than California. *United States v. Lynn*, 2011 U.S. App. LEXIS 5135 (9th Cir. Cal. Feb. 23, 2011).

### Completion of GED Program Impedes Capital Prisoner's Retardation Claim

A prisoner claimed that his mental retardation made him ineligible for capital punishment. The Florida Supreme Court decided that when determining whether a capital defendant is ineligible for the death penalty due to mental retardation, courts should focus on the defendant's abilities rather than his disabilities. Under this approach, the court concluded that the prisoner's ability to earn a General Educational Development diploma was strong evidence against his qualifying as mentally retarded. *Dufour v. State*, 2011 Fla. LEXIS 289 (Fla. Feb. 3, 2011).

## The Utah Prosecution Council

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Visit the UPC online at

[www.upc.utah.gov](http://www.upc.utah.gov)



# *The State of Utah and Interstate Compacts for Adult Offenders*

By: Jim Ingle, Deputy Compact Administrator

Have you ever wondered what laws are in place when dealing with an offender who wishes to reside in another state after prosecution? The Interstate Compact for Adult Offender Supervision governs the transfer of supervision for probationers and parolees between states. Offenders who wish to reside in another state while under formal or informal supervision must apply through the compact. Utah is tied into this compact through state code 77-28c Utah Code Annotated, and the compact is managed through Adult Probation & Parole at the State of Utah. Some basic rules of the compact are:

**WHO** has to compact – offenders who relocate to another state for 45 consecutive days in any 12 month period:

All convicted felons are required to transfer their supervision to another state through the compact, even if placed on bench or private probation.

Misdemeanor offenders are required to transfer their supervision to another state through the compact **if** sentence includes one year or more of supervision, **and** the offense is one of the following:

- An offense in which a person has incurred direct or threatened physical or psychological harm;*
- An offense that involves the use or possession of a firearm;*
- A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;*
- A sexual offense that requires the offender to register as a sex offender in the sending state*

**Who** does **NOT** have to compact:

Felony or applicable misdemeanor cases do not trigger the compact if the **ONLY** condition of supervision is fines or restitution (i.e., if there are no conditions which require monitoring)

Applicable misdemeanor cases sentenced to less than one year of supervision also do not trigger the compact.

*Continued on page 11*

# *The State of Utah and Interstate Compacts for Adult Offenders*

*(continued)*

## How does this affect courts, private providers and supervising agencies:

The Interstate Compact Commission, through federal and state law, has the authority and ability to levy fines for failure to abide by compact rules.

The Commission is made up of one voting representative each from all 50 states and 3 participating U.S. Territories. It is this Commission which establishes the compact rules by which all states have agreed to abide. Utah's Commissioner is the Director of Adult Probation & Parole.

## NOTES:

The Interstate Compact for Adult Offender Supervision is governed by both Federal and State law.

Title 4 U.S.C. 112

Utah Code Annotated **77-28C-103 Article V**

**\*\*If your agency would like training regarding the compact, please contact the Utah Interstate Compact Office at 801-495-7700.**

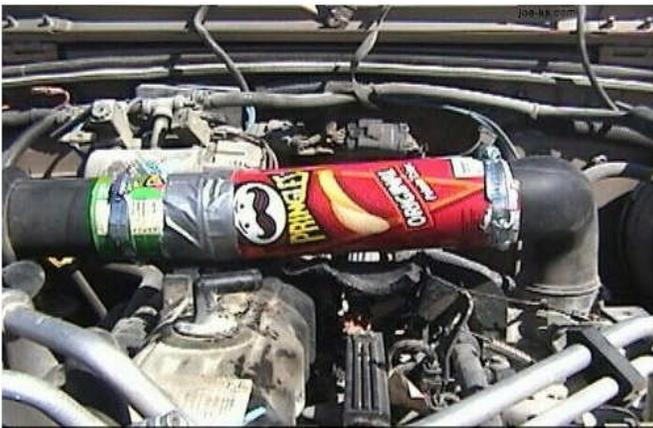
Or for more information regarding the compact and its applicability in Utah, please visit [www.interstatecompact.org](http://www.interstatecompact.org)





# On the Lighter Side

**SPRINGTIME HAS ARRIVED. WHICH MEANS IT'S TIME TO MEND OUR CARS AFTER WINTER'S BRUTAL TOLL. HERE ARE SOME LOVELY IDEAS FOR FIXING UP YOUR CAR...**



## UTAH PROSECUTION COUNCIL AND OTHER LOCAL CLE TRAININGS

April 12-13	<a href="#"><u>24TH ANNUAL CRIME VICTIMS CONFERENCE</u></a> <i>Sponsored by Utah Council on Victims of Crime. For more info: Call (801) 238-2370; E-mail: <a href="mailto:judyblack@utah.gov">judyblack@utah.gov</a>; or click <a href="http://www.crimevictim.utah.gov">www.crimevictim.utah.gov</a></i>	Radisson Hotel Salt Lake City, UT
April 28-29	<a href="#"><u>SPRING CONFERENCE</u></a> <i>Case law and 2011 legislative update, ethics, civility and more.</i>	South Towne Expo Sandy, UT
May	<a href="#"><u>REGIONAL LEGISLATIVE UPDATE SESSIONS</u></a> <i>24 legislative update sessions for cops and prosecutors</i>	24 locations in all areas of the state
May 17-19	<a href="#"><u>ANNUAL CJC / DOMESTIC VIOLENCE CONFERENCE</u></a> <i>Workers against all types of interpersonal violence get to mingle and learn</i>	Zermatt Resort Midway, UT
June 23-24	<a href="#"><u>UTAH PROSECUTORIAL ASSISTANTS ASSOCIATION CONFERENCE</u></a> <i>Substantive training for non-legal staff in prosecution offices</i>	Riverwood Conf. Cntr. Logan, UT
August 4-5	<a href="#"><u>UTAH MUNICIPAL PROSECUTORS ASSOCIATION SUMMER CONF.</u></a> <i>The annual opportunity for municipal prosecutors to gather for mutual training</i>	La Quinta Inn Moab, UT
August 15-19	<a href="#"><u>BASIC PROSECUTOR COURSE</u></a> <i>Substantive and trial advocacy training for new and newly hired prosecutors</i>	University Inn Logan, UT
September 14-16	<a href="#"><u>FALL PROSECUTOR TRAINING CONFERENCE</u></a> <i>The annual training and interaction event for all the state's prosecutors</i>	Yarrow Hotel Park City, UT
October 19-21	<a href="#"><u>GOVERNMENT CIVIL PRACTICE CONFERENCE</u></a> <i>Training and interaction for civil side public attorneys</i>	Zion Park Inn Springdale, UT
November 17-18	<a href="#"><u>COUNTY/DISTRICT ATTORNEYS EXECUTIVE SEMINAR</u></a> <i>Elected and appointed county/district attorneys meet in conjunction with UAC</i>	Dixie Center St. George, UT
Nov. 30 - Dec. 2	<a href="#"><u>ADVANCED TRIAL SKILLS TRAINING</u></a> <i>Substantive and trial advocacy training for experienced prosecutors</i>	Location pending
November 17-18	<a href="#"><u>COUNTY/DISTRICT ATTORNEYS EXECUTIVE SEMINAR</u></a> <i>Elected and appointed county/district attorneys meet in conjunction with UAC</i>	Dixie Center St. George, UT

## NATIONAL ADVOCACY CENTER (NAC)

A description of and application form for NAC courses can be accessed by clicking on the course title.

*Effective February 1, 2010, The National District Attorneys Association will provide the following for NAC courses: course training materials; lodging [which includes breakfast, lunch and two refreshment breaks]; and airfare up to \$550. Evening dinner and any other incidentals are NOT covered.*

See the table

TRIAL ADVOCACY I

[Summary](#)

[Register](#)

NAC

*A practical, "hands-on" training course for trial prosecutors*

Columbia, SC

Course Date	Registration Deadline
May 2-6	not yet posted
June 13-17	not yet posted
July 25-29	not yet posted
September 25-30	not yet posted

May 16-20

PROSECUTOR BOOTCAMP

[Summary](#)

[Register](#)

NAC

August 15-19

*An introduction to prosecution*

*Registration deadlines not yet posted*

Columbia, SC

July 18-21

COURTROOM TECHNOLOGY

[Summary](#)

NAC

*Upper Level PowerPoint; Sanction II; Audio/Video Editing (Audacity, Windows Movie Maker); 2-D and 3-D Crime Scenes (SmartDraw, Sketchup); Design Tactics*

Columbia, SC

*Registration deadline not yet posted*

August 1-4

CROSS EXAMINATION

[Summary](#)

NAC

*A complete review of cross examination theory and practice*

Columbia, SC

*Registration deadline not yet posted*

September 19-23

[FALL CONFERENCE](#)

Summary & registration not posted

Columbia, SC

April 4-8

EQUAL JUSTICE FOR CHILDREN

San Diego, CA

May 2-6

INVESTIGATION AND PROSECUTION OF CHILD FATALITIES AND PHYSICAL ABUSE

Indianapolis, IN

June 20-24

UNSAFE HAVENS I

Portland, OR

July 15-20

NDAА SUMMER COMMITTEE & BOARD MEETINGS & CONFERENCE

Sun Valley, ID

Training continued on page 15

**NATIONAL DISTRICT ATTORNEYS ASSOCIATION COURSES\*  
AND OTHER NATIONAL CLE CONFERENCES**

April 3-7	PROSECUTING HOMICIDE CASES	<a href="#">Summary</a>	<a href="#">Register</a>	San Francisco, CA	
April 4-8	EQUAL JUSTICE FOR CHILDREN	<a href="#">Summary</a>	<a href="#">Register</a>	San Diego, CA	
April 10-14	EXPERIENCED PROSECUTOR COURSE	<a href="#">Summary</a>	<a href="#">Register</a>	Orlando, FL	
May 2-6	INVESTIGATION AND PROSECUTION OF CHILD FATALITIES AND PHYSICAL ABUSE	<a href="#">Agenda</a>	<a href="#">Summary</a>	<a href="#">Register</a>	Indianapolis, IN
June 5-14	CAREER PROSECUTOR COURSE	<a href="#">Summary</a>	<a href="#">Register</a>	Charleston, SC	
June 20-24	UNSAFE HAVENS I			Portland, OR	
July 11-13	SafetyNet (In conjunction with AOL)			Dulles, VA	
July 15-20	NDAА SUMMER COMMITTEE & BOARD MEETINGS & CONFS.			Sun Valley, ID	
August 22-26	UNSAFE HAVENS II			Location Pending	
August - Sept	DEMYSTIFYING SMART DEVICES			Location Pending	

\* For a course description, click on the “[Summary](#)” link after the course title. If an agenda has been posted there will also be an “[Agenda](#)” link. Registration for all NDAA courses is now on-line. To register for a course, click on the “[Register](#)” link. If there are no “[Summary](#)” or “[Register](#)” links, that information has not yet been posted on the NDAA website.

