

LANCASTER COUNTY CLERK

County-City Building | 555 South 10th Street | Lincoln, NE 68508-2803

402-441-7484 | Fax 402-441-8728

DAN NOLTE
Clerk

August 20, 2019

Robert Hays
Public Defenders Office

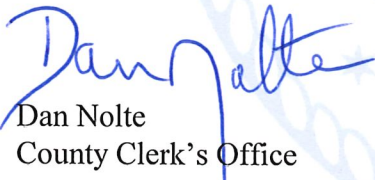
RE: Claim(s) to be reviewed by the Lancaster County Board of Commissioners

The Lancaster County Board of Commissioners will be reviewing the following claim(s) on Thursday, August 22, 2019, during the County Board Staff Meeting in Room 113, on the first floor of the County-City Building:

A. Voucher 655666 on batch 245489 to Robert Hays, dated August 15, 2019 in the total amount of \$718.89. The County Board has requested a review of all claims that do not follow County Resolution R-19-0012. This claim includes baggage fees, parking and transportation that was not charged to a P-Card.

Any additional documentation to support your claim may be submitted to the County Clerk's Office or if you wish to appear and/or provide additional clarification regarding this claim(s) on August 22 2019, please contact Kerry Eagan, Chief Administrative Officer, so he can schedule a specific time.

Sincerely,



Dan Nolte
County Clerk's Office

email: Kerry Eagan, County Board Office
Jen Holloway, County Attorney's Office
Ann Ames, County Board Office
Joe Nigro, Public Defender

..... Document	G/L Date	Due Date	Co	Address#	Supplier Name	Amounts		
Ty Number	Item	Inv Date	G/L Class	P.O.#					Ty
	Invoice Number				JE - Remark			Gross	LT PC
Account Number	Account Description								

Batch Number	245489	Type	V	Date	8/15/2019	User ID	JPDMLR	Transaction Originator	JPDMLR
00011	8/15/2019	9/14/2019	00011	7953		A			T

PV **655666** 001 8/15/2019
NEW YORK

Hays, Robert
 9700 Mortensen Drive

Lincoln NE 68526-6018

6250.64710	Meals	NY sem	402.00	AA
6250.64725	Mileage	to/from Omaha airport	73.89	AA
6250.64720	Fares	baggage	30.00	AA
6250.64720	Fares	airport shuttle	21.00	AA
6250.64720	Fares	metrocard	34.00	AA
6250.64720	Fares	baggage	30.00	AA
6250.64730	Parking & Tolls	airport parking	128.00	AA
Totals for Document PV 655666 00011			718.89	AA

The undersigned hereby certifies that the above material and/or service has been received and/or performed and funds have been appropriated for said purpose.

By Joe Nijss

LAW OFFICES OF THE
LANCASTER COUNTY PUBLIC DEFENDER

COURTHOUSE PLAZA
633 SOUTH 9TH STREET
LINCOLN, NE 68508
(402) 441-7631
FAX (402) 441-6062
FELONY DIVISION FAX (402) 441-6095

August 16, 2019

I reviewed and approved the following claims for expenses by Robert Hays, knowing questions would be raised about why the P Card was not used. Robert did not use the P-Card to pay for shuttle rides to and from the airport because his wife was traveling with him, and he didn't want the County to be charged for her shuttle rides. Robert did not use the P-Card to pay for the parking garage fee because he and his wife stayed in New York beyond the conference, and he didn't want the county to pay for the extra days at the garage. I considered not approving Robert's claim for baggage fees. He should have used the P-Card. I ultimately concluded that this is a legitimate claim, and Robert's mistake in not using the P-Card should not prevent him from being reimbursed for a legitimate claim. If you have any questions, please let me know.

Sincerely,



Joe Nigro
Public Defender

JN/mrw

Lancaster County Claim for Travel Expenditures

Last Name, First Name, MI <i>Hays, Robert G.</i>	Organization <i>Public Defender</i>	Phone Number <i>(402) 441-7631</i>
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Departed	Date <i>5/31/19</i>	Time <i>3pm</i>	Return	Date <i>6/9/19</i>	Time <i>11:30pm</i>
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Location Traveled To (City and State): *New York City, NY*

Meals Claimed									
Date	Breakfast	Lunch	Supper	Amount	Date	Breakfast	Lunch	Supper	Amount
<i>6/2</i>		<i>\$20</i>	<i>\$31</i>	<i>\$51</i>	<i>6/1</i>			<i>\$31</i>	<i>\$31</i>
<i>6/3</i>		<i>\$20</i>	<i>\$31</i>	<i>\$51</i>					
<i>6/4</i>		<i>\$20</i>	<i>\$31</i>	<i>\$51</i>					
<i>6/5</i>		<i>\$20</i>	<i>\$31</i>	<i>\$51</i>					
<i>6/6</i>		<i>\$20</i>	<i>\$31</i>	<i>\$51</i>					
<i>6/7</i>		<i>\$20</i>	<i>\$31</i>	<i>\$51</i>					
<i>6/8</i>	<i>\$14</i>	<i>\$20</i>	<i>\$31</i>	<i>\$65</i>					

Circle the meals to be paid and write in the amount to be reimbursed.

Reimbursement for meals is not to exceed:

- most localities \$52.00 (\$11 breakfast, \$16 lunch, \$25 supper)
- high-cost localities \$65.00 (\$14 breakfast, \$20 lunch, \$31 supper)

Total for meals \$ *402.00*

TRAVEL BY PRIVATE AUTO (OWNER/OPERATOR): YES NO

IF YES, NUMBER OF MILES CLAIMED: *127.4* @ \$5.80

*+0.1 from
= Omaha
airport* \$ *73.89*

DID YOU RECEIVE A TRAVEL ADVANCE: YES NO

IF YES, PAYMENT VOUCHER NUMBER _____ AMOUNT \$ _____ DATE: _____

Date	Reimbursable Expenditures (Excluding Meals) Description	Amt Claimed	Allowed
<i>5/31</i>	<i>Airline baggage fee</i>	<i>\$30</i>	
<i>5/31</i>	<i>Airport shuttle (\$42/2)</i>	<i>\$21</i>	
<i>6/1</i>	<i>Metro card</i>	<i>\$34</i>	
<i>6/9</i>	<i>Airport shuttle (\$44/2)</i>	<i>\$22</i>	
<i>6/9</i>	<i>Airline baggage fee</i>	<i>\$30</i>	
<i>6/9</i>	<i>Eppler Airfield parking (\$16 x 8)</i>	<i>\$128</i>	

*didn't use P-card
so County wouldn't
be charged for
wife's expenses.*

*didn't use P-card
so County wouldn't
be charged for
extra days on
vacation.*

*See attached
letter for
explanation.*

Receipts are required for: lodging (detailed), auto rental, airline tickets, out of pocket expenses for County owned vehicle.

I hereby claim any amount due me. The statements and attachments are true and complete.	Signature of Claimant <i>Robert G. Hays</i>	Date <i>8-15-19</i>
I certify that I have reviewed and approve this claim.	Signature of Department Head or Designee <i>Joe Nigro</i>	Date <i>8/15/19</i>



Confirmation:
PP6QWD

Baggage Receipt

Issue Date: May 30, 2019

Traveler	Baggage Document	Ticket Number
HAYS/ROBERTG	01615111390132	01673596809485

FLIGHT INFORMATION

Day, Date	Flight	Departure City/Time	Arrival City/Time	Aircraft
Fri,31MAY19	UA3752	OMAHA (OMA) 6:00 PM	NEWARK-LIBERTY INTL (EWR) 10:01 PM	ERJ 175

FEE INFORMATION

Description	Quantity	Fees	Method of Payment
First Bag Fee	1	\$30.00	Visa XXXXXXXXXXXXX9710
TOTAL FEES: USD \$30.00			Cardholder Name ROBERT HAYS

Excess Baggage Terms and Conditions

- All excess baggage is subject to space availability.
- Receipt for payment must be presented at bag check.

For up to the minute flight information, go to mobile.united.com.



PASSENGER COPY

Feed in
First

Ground Transportation
Information Counter

Newark Airport
Terminal C

Reservation No. : 1004

Passenger:	Mr. ANU
No. Adults:	2
No. Children:	0
No. Infants:	0
Pick-Up Time:	1: 57 PM
Fare:	\$ 42.00 - 1/2 = \$ 21.00
Payment:	Cash
Luggage:	2
Pets:	No

Destination:	Manhattan
State:	NY
Stop:	NYLO Hotel
Address:	2178 Broadway 77th St
Service Type:	Shared

Add Agent:	P. Jordine
Update Agent:	
Date & Time:	05/31/2019 01: 22 PM
Status:	Open

Transportation is being provided by:
 SuperShuttle Manhatta
 4502 Ditmars Blvd.
 Congestion Fee May Ap
 Astoria, NY 11105
 (212) 209-7000

- * The Reservations Agent will call your reservati number and name when your driver arrives.
- * Pick-Up Time is approximate.
- * Please pay your driver - No money transactions conducted at this counter.
- * Gratuities (Tips) for drivers are at the Passer discretion.

PLEASE KEEP THIS RECORD. The information contain on it will be of assistance should questions or problems occur.



MVM RECEIPT

MTA NYC TRANSIT
N509-23 ST
NEW YORK CITY NY

MVM #: 0806(N509 0701)

Sat 01 June 19 14:07

Trans: Sale OK
Payment Mode: Credit
Amount: \$ 33.00
Card Value: \$ 0.00
New Card Fee: \$ 1.00
Total Paid: \$ 34.00

VISA

Card #:

*****9710
Auth#: 014525
Ref #: 054478260430

Serial #:2995731463
Type: 025
7-DAY UNLIMITED

Questions?
Call (212) METROCARD



CONCIERGE
VOUCHERS
POWERED BY TWIN AMERICA

Service provided by Go Airlink NYC - (212) 812-9000.

Reservation Details: Reservation Made On 06/09/2019 07:52 AM

Customer Name: Robert Hays
 Reservation Number: (3100046434)
 Confirmation #: CV3210937

Service type: SHARE RIDE VAN
 Flight date/time: 2019-06-09 20:00:00
 Location: Hotel Heri NYC
 Pick-up time: 2019-06-09 15:40:00
 Destination: Newark Airport
 Estimated drop-off time: 2019-06-09 17:40:00
 Adults: 2
 Children: 0
 Number of bags: 2



Do not fill this portion below until asked to do so by your voucher ticket agent.
 Tickets signed for by:
 Please print name:
 Source:

Please bring a photo ID.

Print | Export CSV | Export Excel

1 Item(s)

Pages: 1

Show 20 Per Page

Order Date	No	Items purchased	Adult Qty	Child Qty	Payment Method	Total	Commission	Actions
Jun 09, 2019 7:52:17 AM	3100046434	SHARE RIDE VAN	2	0	Manually Enter Credit Card	\$32.00	\$12.00	View Details
			2 Adult Qty	0 Child Qty		\$32.00 Total	\$12.00 Commission	

= 44/2 = 22.00



Baggage Receipt

Issue Date: 09 JUN 2019 EWR ATO

Baggage Document
0161512981549

Description
First Bag Fee

Qty	Fees
1	\$30.00

Ticket Number
0167359680948

Confirmation:
PP6QWD

Total Baggage Fees: USD \$30.00

Excess Baggage Terms and Conditions:

- All excess baggage is subject to space availability.
- Receipt for payment must be presented at bag check.
- For refunds or adjustments, see a United representative.

A STAR ALLIANCE MEMBER

Method of Payment
MasterCard XXXXXXXXXXXX6556

Cardholder Name
ROBERTG HAYS

Carrier	Routing
UA	EWR - OMA

AGENT REFERENCE: GG ESC BAG

Omaha Eppley Airfield
4803 Abbott Dr
Omaha, 68110

EX 55 06/09/19 22:07
Receipt 018638

Short-term parking tkt
Daily - No. 087846
05/31/19 14:31
06/09/19 22:07
Period 9d7h37'

\$160.00

Total \$160.00

Payment Received
CARD *****6556
AUTHORIZATION 04057Z
PURCHASE USD160.00
APPROVED

Sub Total \$160.00

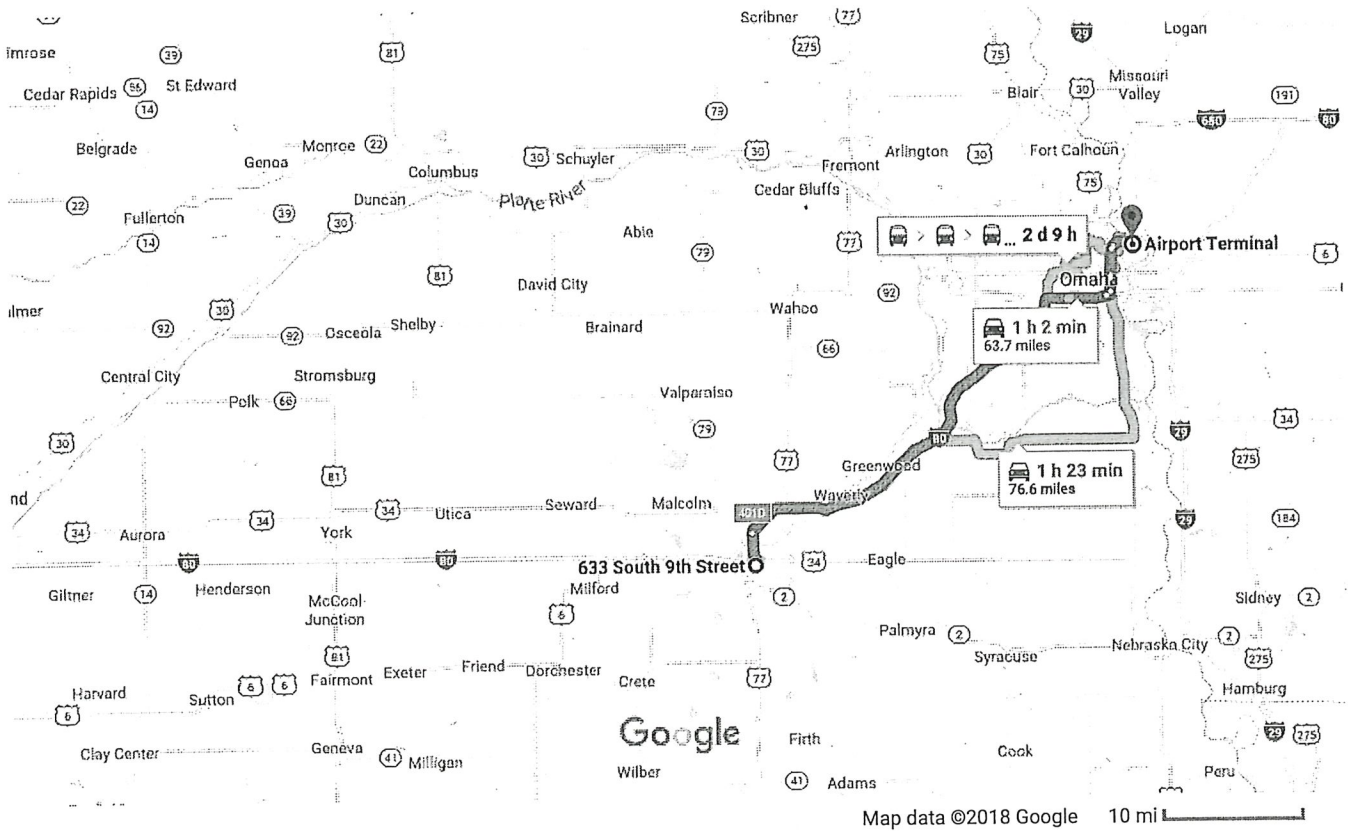
528

Google Maps

633 S 9th St, Lincoln, NE 68508 to Eppley Airport Terminal, Omaha, NE

Drive 63.7 miles, 1 h 2 min

127.4 miles



via I-80 E
Fastest route, the usual traffic
1 h 2 min
63.7 miles

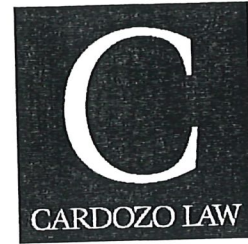
via I-80 E and NE-66 E
1 h 23 min
76.6 miles

8:27 PM–5:35 AM (Monday) 2 d 9 h

55

 Megabus
 8
 16

NACDL and Cardozo Law's
National Forensic College (NFC)
Cardozo Law School, 55 5th Avenue, New York, NY
June 2-7, 2019



The NACDL-Cardozo Law National Forensic College is presented in collaboration with the Administrative Office of the U.S. Courts, Defender Services Office Training Division.

Program Agenda (as of 5/29/2019)

Sunday, June 2, 2019 – Introduction and Overview of Forensic Issues

- 9:30 am *Breakfast*
- 10:00 - 10:30 am **Introduction to the College, the Mission, and Each Other**
Who are we and who are you; how did you answer the surveys; and the goals for the first day and the overall college.
Presenters: Vanessa Antoun and Barry Scheck
- 10:30 - 11:30 am **Genetic Genealogy, Motions and Searches**
This session will provide an overview of law enforcement's use of recreational and genealogical DNA databases in criminal cases, identify some of the privacy and ethical implications of those searches, and outline motions strategies for litigants implicated by such searches.
Presenters: Erin Murphy and Barry Scheck
- 11:30 - 11:45 am *Break*
- 11:45 - 12:45 pm **Understanding and Defending the PCAST Report**
This session will provide an overview of the PCAST report, the criticisms of same and responses to that criticism by a leading scholar on the scientific method and scientific evidence and a Senior Advisor for the PCAST report on forensic science.
Presenter: David Faigman
- 12:45 - 1:00 pm **Problem**
Participants will be given a problem and asked to collaborate with three other students to create a five-minute video of an argument to make to a fact finder for submission.
- 1:00 - 2:00 pm *Lunch*

- 2:00 – 3:00 pm **Scientific Method and Measurement Uncertainty**
This session will explore the question, “What is Foundational Validity?” Groups of four will participate in idealized validation studies by flipping coins, playing with cards, and measuring with a ruler. Along the way, we will learn about measurement uncertainty, interpretations, opinions, conclusions, errors, mistakes, and misconduct. Participants will have a better idea of how to mount a challenge to forensic evidence using the 2009 NAS/NRC Report and the 2016 PCAST Report after attending this session.
Presenter: Jeff Salyards
- 3:00 – 3:15 pm *Break*
- 3:15 – 4:15 pm **Statistical Issues in Forensic Science**
This session will be a deeper dive with a co-director of the NIST-funded Center for Statistics and Applications in Forensic Evidence (CSAFE) into the statistical issues inherent in efforts to measure the strength of forensic evidence and the strengths and weaknesses of the various quantitative and qualitative approaches that can be used.
Presenter: Hal Stern
- 4:15 – 5:00 pm **Police Misconduct Databases: Collecting Big Blue Brady Data**
This session will discuss how to utilize technology to collect, organize and build police misconduct databases within defender offices based on various sources of misconduct information. The presenters will cover strategies for accessing police personnel files in different jurisdictions and leveraging this information, in courtrooms and in media, to expose systematic police misconduct and improve community accountability.
Presenters: Cynthia Conti-Cook and Barry Scheck
- 5:00 pm *Adjourn for the day*

Monday, June 3, 2019 – Pattern Evidence

- 8:30 am *Breakfast*
- 9:00 - 10:00 am **Expressing Conclusions: Language of Testimony and Reports and the ULTRs**
Evaluating the Department of Justice’s Uniform Language for Testimony and Reports for forensic disciplines, including their relevance in challenging admissibility and limiting testimony.
Presenter: Simon Cole
- 10:00 – 10:15 am *Break*
- 10:15 – 11:15 am **Analyzing Black Box Studies of Human Firearm Examiners**
Numerous black box studies have been conducted to estimate the false positive error rate associated with human firearm examiners comparing bullets/cartridge cases. These studies tend to report false positive error rates on the order of 0-1%. This presentation will provide a deep dive into the study methodology that produced these error rates as well as a comprehensive treatment of how these error rates were calculated.
Presenter: Nick Scurich

- 11:15 – 12:00 pm **When Anyone Can Pass: Contemporary Insights Concerning the Lack of Rigor in Fingerprint Proficiency Testing and a Hands-On Exercise**
Forensic examiners from pattern matching fields like fingerprint and firearms examination too often place great weight on the results of proficiency tests administered by Collaborative Testing Services: using them to prop up the foundational validity of their disciplines, as well as to buttress their personal reputations and those of their laboratories. But these tests have come under fire for their failure to challenge examiners with casework style samples. Are proficiency tests too easy? Should an examiner's performance even be admissible as proof of their expertise? This session will provide attendees with a basic "how to" for conducting fingerprint examinations and allow them to judge for themselves (by working on a real sample from a past CTS test) whether contemporary forensic proficiency testing is worth its salt.
Presenters: Joseph Cavise and Richard Gutierrez
- 12:00 - 1:15 pm *Lunch*
- 1:15 - 2:30 pm **Latent Print Reliability: Behind the Curtain**
Latent print evidence is often thought to be established and unassailable while latent print experts carry an aura of infallibility. We will discuss the startling level of variability between and within examiners at every decision-point in the comparison process. This variability may or may not lead to errors, but it is important to understand potential sources of variability that can be examined. We will explore variability through the lens of sufficiency – a concept that encapsulates how much information an examiner needs to reach a conclusion, a decision that is often predicated on the quality of the image. We will view samples of latent print impressions from all along the quality range encountered in casework and discuss some hallmarks of "good" or "bad" impressions – those which are likely reliable versus those that warrant closer examination and questioning. Finally, we will discuss what documentation done by a "good" expert should look like, how to distinguish a "transparent expert" from a "dogma expert", and what phrases used by experts should have you on high alert.
Attendees of this lecture will come away with a better understanding of how quality impacts sufficiency determinations for latent print examiners, how these determinations can be variable, and how they could potentially lead to errors. Attendees will also be armed with an idea of how to spot case notes, reports, or testimony that may warrant a closer look.
Presenter: Heidi Eldridge
- 2:30 – 2:45 pm *Break*
- 2:45 - 4:15 pm **Getting Beyond NAS & PCAST: As-Applied Challenges to Forensic Pattern Matching**
Even well-intentioned and informed defense attorneys often fail to advance the strongest challenges possible to firearms and fingerprint examination results because they only attack the disciplines as a whole. But a fruitful universe of more case-specific strategies await attorneys ready and willing to engage with forensic samples themselves as well as to dive deeper into the "scientific" literature underlying these fields. Using their experiences challenging incompetent fingerprint examiners and problematic firearms evidence in Chicago, Richard and Joey will walk attendees through the pretrial admissibility challenges possible when lawyers fully explore how a particular forensic method was applied in their case.
Presenters: Joseph Cavise and Richard Gutierrez

4:15 - 5:00 pm

Confronting the Expert at Trial

Because the vast majority of judges in the United States have failed, and continue to fail, in their role as gatekeepers of questionable scientific evidence, defense attorneys must be prepared to see their hard fought pretrial admissibility challenges fail. When that happens, it is time to gear up to attack the government's witness at trial, and this session aims to provide lawyers with the tools to do so by reviewing helpful resources and staging sample cross-examinations.

Presenters: Joseph Cavise and Richard Gutierrez

5:00 pm

National Forensics College Reception

Join us in the Cardozo School of Law lobby for an informal gathering open to all attendees and faculty members.

7:00 pm

Adjourn for the day

Tuesday, June 4, 2019 – DNA (Basic and Advanced)

8:30 am

Breakfast

9:00 - 10:00 am

Mixture Studies and the Path Forward (All)

Studies have been conducted on how different laboratory analysts analyze DNA mixtures. The results of the studies demonstrate variability between labs and lab analysts in their interpretation of mixtures. This session will provide a summary of these and future studies and a discussion of efforts being made by the forensic community to standardize mixture interpretation.

Presenter: John Butler

10:00 – 11:00 am

Investigation of a DNA Case with a Focus on Contamination and Transfer (Basic Track)

This session will explore the investigation of your case with a focus on issues relevant to contamination and transfer including evidence collection, innocent explanations for transfer and effectively interviewing witnesses to the support such a defense.

Presenters: Terri Rosenblatt and Jenny Cheung

How to Evaluate Probabilistic Genotyping Validation and Lessons Learned (Advanced Track)

Validation is one important component of demonstrating validity. This session will provide an overview of how Probabilistic Genotyping programs have been validated, the issues with the validation and what we have learned about the programs from review of the validation.

Presenter: Nathan Adams

11:00 – 11:15 am

Break

- 11:15 – 12:15 pm **Pre-trial Preparation and Litigation in the DNA Case (Basic Track)**
This session will focus on the preparation and strategic use of motions to exclude and limit DNA evidence and the effective use of experts in a DNA case.
Presenter: Jessica Goldthwaite
- Review of a PGS Case File (Advanced Track)**
Laboratories are increasingly turning to probabilistic genotyping programs to deconvolute mixtures and calculate associated likelihood ratios. This session will guide you through a PGS case file identifying issues of importance to the defense.
Presenter: Kate Philpott
- 12:15 - 1:15 pm *Lunch*
- 1:15 – 3:00 pm **Reviewing a DNA Casefile and Basics of Probabilistic Genotyping (Basic Track)**
This session will take you through a DNA case file identifying documents that are important to a thorough case review and practicing issue-spotting. The basics of probabilistic genotyping will also be introduced.
Presenter: Kate Philpott
- 1:15 – 2:00 pm **Statistical Variation Depending on Assumptions (Advanced Track)**
When a statistic is generated associated with analyses by probabilistic genotyping programs, assumptions are made regarding a number of different variables. This session will explain how the statistic varies with changes in these assumptions.
Presenter: Desmond Lun
- 2:00 – 3:00 pm **Litigating Admissibility and Source Code (Advanced Track)**
It is always important to consider challenging the admissibility of results generated by a probabilistic genotyping programs and litigating access to the software source code. This session will focus on arguments supporting exclusion of the PGS results and access to the source code.
Presenters: Jennifer Friedman and Elizabeth Vasquez
- 3:00 – 3:15 pm *Break*
- 3:15 – 4:15 pm **How to Build a Cross (All)**
Cross-examination of a DNA analyst can be challenging; preparation is key. This session will provide insights into how to build a successful cross-examination for a variety of DNA defenses.
Presenters: Allison Lewis and Terri Rosenblatt
- 4:15 – 5:15 pm **Cross-Examining TrueAllele (All)**
TrueAllele is one of two ubiquitous DNA probabilistic genotyping programs. Civil litigator Josh Dubin will share with us lessons learned from his deposition of Dr. Mark Perlin, creator of the TrueAllele software.
Presenter: Josh Dubin
- 5:15 pm *Adjourn for the day*

Wednesday, June 5, 2019 Morning – Eyewitness Identification

- 8:30 am *Breakfast*
- 9:00 - 10:00 am **The Science of Eyewitness Identification and Perception**
Dr. Laura Smalarz, a psychologist who studies eyewitness memory, will give an overview of the relevant research.
Presenter: Laura Smalarz
- 10:00 - 10:45 am **Admissibility Challenges**
Alexis Agathocleous will discuss how the social science can be used to make creative admissibility challenges to eyewitness identification evidence, including through direct challenges to/modifications of the traditional Manson-based balancing test and through the use of evidentiary rules.
Presenter: Alexis Agathocleous
- 10:45 - 11:00 am *Break*
- 11:00 - 11:45 am **Challenging In-Court Identifications and Show-ups**
Radha Natarajan will identify powerful science-based arguments for challenging in-court identifications and showups and will provide an overview of recent case law in support of these arguments.
Presenter: Radha Natarajan
- 11:45 – 12:30 pm **Preparing Your Expert and Anticipating the Cross of the Expert**
Ilona Coleman will address how to decide when to use an expert, how to identify your expert, how to prepare your expert for testimony and how to anticipate and prepare your expert for cross-examination.
Presenter: Ilona Coleman
- 12:30 – 1:30 pm *Lunch*

Wednesday, June 5, 2019 Afternoon – Crime Scene Evidence

- 1:30 - 2:30 pm **An Overview of Blood Spatter / Bloodstain Pattern Evidence**
What blood stain evidence consists of, what prosecution experts commonly testify about and the limitations of this evidence from a forensic scientist's perspective as well as how it can be used for the benefit of the defense, with a focus on the Michael Peterson (Staircase) case.
Presenter: Tim Palmbach
- 2:30 - 3:45 pm **Blood Spatter Evidence: Challenging Admissibility**
This session will cover the history of bloodstain pattern evidence -- how it developed and moved through the courts and how to exclude or limit the evidence.
Presenters: Leora Smith & Rick Kammnen
- 3:45 – 4:00 pm *Break*

4:00 - 5:00 pm **Cross-Examining Prosecution Blood Pattern "Experts"**
How to debunk the prosecution's blood stain expert through cross examination and show the jury that the witness' claims are nothing more than junk science.
Presenter: Rick Kammen

5:00 pm *Adjourn for the day*

Thursday, June 6, 2019 Morning – Shaken Baby Syndrome (SBS) / Abusive Head Trauma (AHT)

8:30 am *Breakfast*

9:00 - 10:15 am **A History Of SBS/AHT and Understanding Medical Literature**
During this presentation, we will discuss the history of SBS/AHT in medical literature and the courts, with special attention given to changes in the medical and scientific literature since 1971 and the application of that literature to judicial opinions.
Presenter: Keith Findley and Katherine Judson

10:15 - 10:30 am *Break*

10:30-12:00 pm **Using Medical Literature in Litigation: Motions and Trial Practice**
During this portion of the presentation, we will discuss how to present complicated medical literature and testimony to lay and judicial audiences, including how to address false claims in cross-examination and how to present direct expert examination in a manner that is clear to the fact finder.
Presenter: Keith Findley and Katherine Judson

12:00 - 1:15 pm *Lunch*

Thursday, June 5, 2019 Afternoon – Sexual & Physical Abuse

1:15 - 2:30 pm **SANE Nurse Medical Evidence or Lack Thereof**
Cari Caruso is a nationwide expert witness and consultant for defense attorneys and prosecutors in sexual assault and interpersonal violence. The presentation is about the Forensic Sexual Assault Medical Legal Exam process and its components, findings, and interpretation.
Presenter: Cari Caruso

2:30 – 2:45 pm *Break*

2:45 - 3:45 pm

Taint Hearings in Child Sexual Assault Interviews

In sexual assault cases, most jurors believe that children tell the truth most of the time and few judges understand and appreciate the undue and pervasive influence of interviewers and family members who question and interrogate the child. In addition, neither courts nor jurors fully appreciate the frailty of the child's memory and the subtle (and sometimes not so subtle) overly suggestive techniques implored by those who interact with the child. This session will talk about the history of child forensic interviewing; development of protocols; the purpose of the child forensic interview; the scientific method; use of an expert; and the impact of suggestibility and whether a complainant's memory has been so compromised that it is no longer reliable as required by FRE 602.

Presenter: Jacqueline Bashkoff

3:45 - 4:00 pm

Break

4:00 - 5:00 pm

#onlinesexoffenders: The Zeros and Ones of Psychosexual Evaluations

This presentation will discuss how computer forensic data informs psychosexual evaluations and the determination of risk and recidivism among online sex offenders. This workshop will introduce participants to the Child Abuse Material Inventory, a tool used to organize critical forensic information in cybersex offense cases. The presentation will emphasize how this data can be used in mitigation during sentencing hearings. Additionally, this workshop will discuss how forensic data intertwines with psychological concepts in cybersex offense cases.

Presenter: Elizabeth Griffin

5:00 pm

Adjourn for the day

Friday, June 7, 2019 – Digital Evidence

8:00 am

Breakfast [NOTE: Earlier Start Time for Friday]

8:30 - 9:30 am

A Digital Primer: Defense Strategies for Navigating the Digital World

This session will provide an overview of the challenges facing criminal defense attorneys with digital forensics. From terabyte hard drives, encryption, the cloud, and social media, we will discuss the frequent forms of digital data being utilized in criminal cases (both content and metadata). We will discuss what tools you can use to view, search, and analyze digital information, and considerations for when and if you get outside assistance.

Presenters: Sean Broderick and John Ellis

9:30 - 10:15 am

Historical Cell Site and GPS: Live Demonstration and Discussion

We are all carrying around miniature tracking devices in today's modern world. Both the prosecution and the defense are regularly using location data in criminal cases. Understanding how to obtain the correct information from a cell phone provider, and then use that information to create maps showing the approximate location of a cell phone during activity is what Cell Site Analysis is all about. After this session, attendees will better understand the capabilities and limits of what can and cannot be affirmatively stated with historical cell site information.

Presenters: John Ellis and Jerry Grant

10:15 - 10:30 am *Break*

10:30 - 11:15 am **Facial Recognition and the Perpetual Line-up**

Across the country, state and local police departments are building their own face recognition systems, many more advanced than even the FBI's. Estimates are that one in two Americans adults are now in a law enforcement face recognition database. At the same time, major police departments are exploring real-time face recognition on live surveillance camera video. This session will update attendees on status of facial recognition systems, how law enforcement is using it in its investigations, the accuracy of these systems, and how they may be less accurate for African Americans. We will discuss challenges and defense strategies to consider as you encounter these face recognition systems in your cases.

Presenters: Alice Fontier and Clare Garvie

11:15 - 12:15 pm **Digital Devices - Search and Seizure Law and Strategic Litigation Challenges in Digital Evidence**

Digital search and seizure law is in flux after the landmark *U.S. v. Carpenter* and *Riley v. California* decisions. This session will discuss the status of the Fourth Amendment case law in federal and state courts, and big picture strategic litigation challenges to consider when addressing digital technology that might be present in your case.

Presenters: Frank Draper, Colin Fieman, Alice Fontier, and Kyana Givens

12:15 - 1:15 pm *Lunch*

1:15 - 2:00 pm **Hands-on Mobile Forensics Data Review**

Cellebrite is one of the leading forensic tools used by law enforcement to capture data from a cell phone. This session will teach you the basics of how to review and analyze mobile device evidence that has been processed by the government or by an independent forensic examiner. Using a popular free tool (Cellebrite Reader) we will show you how to search, tag and generate reports in a hypothetical case. By doing this hands-on training, attendees will better understand the forensic process that law enforcement uses on phones, know how to request the information in your case, and understand what can be done with this type of data.

NOTE: For attendees who wish to participate in the hands-on activities, they will need their own laptop computer running Windows, or a Mac laptop running a virtual copy of Windows (since the proprietary software is designed to work on Windows only). Mock case materials for this session will be loaded on attendee's individual laptops at the college. Attendees will still be able to follow along with the session even if they do not have a Windows laptop.

Presenters: Sean Broderick, John Ellis, and Jerry Grant

2:00 - 2:15 pm *Break*

2:15 - 3:15 pm **Mobile Forensics: Live Demonstration and Discussion**

A smart phone is a computer with location tracking attached to our hand. Internet history, text messages, call detail and maps are just some of the information that can be used to present a timeline and/or profile of the user. Hidden location information that is stored even if the phone is not being used can be retrieved. But how do you extract that information in a forensically sound way? You will see a live demonstration of a cell phone extraction and learn more about what you should be looking for in your case.

Presenter: Jerry Grant

3:15 - 3:30 pm

Break

3:30 - 4:30 pm

Digital Evidence in Practice: Motions, Strategy, and Cross-Examination of Experts

You have heard how the government is using digital information to build its case against your client, ranging from computer searches, cell phone records, tracking devices and other surveillance techniques. This session will summarize key lessons from the day and provide practical suggestions for addressing digital evidence in federal and state cases, litigating pretrial motions, cross-examining experts, and strategic considerations you must consider to best represent your client.

Presenters: Frank Draper, John Ellis, Colin Fieman, Alice Fontier, and Kyana Givens

4:30 - 4:45 pm

Closing Remarks

Presenter: Barry Scheck

4:45 pm

2019 NFC College Adjourns

The NACDL/Cardozo Law National Forensic College is presented in collaboration with the Administrative Office of the U.S. Courts, Defender Services Office Training Division.

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The Benjamin N. Cardozo School of Law
The Administrative Office of the U.S. Courts, Defender Services Office
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