



WELCOME

Prosecutors' Center for Excellence Pop-Up
Digital Evidence Part 2: Digital Evidence at Trial
September 9, 2024

Agenda.....Page 2



PCE

Speaker and Facilitator Bios Pages 3-8

Related Materials..... Pages 9-10

CLE Credit Information.....Pages 11-13

Survey Link.....Page 14



Digital Evidence at Trial

AGENDA

September 9, 2024

12pm to 2pm EST

Welcome

Bureau Chief, White Collar and Cyber Crime Jason Kalish
Maricopa County Attorney's Office Trial Division, AZ

Frye/Daubert Issues with Digital Evidence

Assistant Prosecutor Joe Remy
Atlantic County Prosecutor's Office, NJ

Questions

Presentation of Clark Case

Assistant County Attorney Shawn Jensvold
Pinal County, AZ

Questions

Presenting Digital Evidence Using Trial Exhibits

Litigation Graphics Specialist Gary Hodges
Maricopa County Attorney's Office, AZ

Questions



PCE

Speaker Bios



Kristine Hamann
Executive Director
Prosecutors' Center for Excellence

Kristine Hamann is the Executive Director and founder of Prosecutors' Center for Excellence (PCE). PCE provides consulting, publications, national meetings, and research services for prosecutors to promote best practices, spur innovations and implement solutions. PCE conducts assessments of prosecutor offices of all sizes providing recommendations for improved practices and efficiencies. She is a technical advisor and subject matter expert on many topics including gun crime, witness intimidation, ethics, crime strategy and data collection, community outreach and implicit bias. From 2013 to 2016, Kristine Hamann was a Visiting Fellow at DOJ/ Bureau of Justice Assistance and has worked with prosecutors in over 40 states on best practices. She chairs the National and NY State Best Practices Committee for prosecutors and teaches at Georgetown Law School. She was a member of the American Bar Association (ABA) Criminal Justice Council and is on the ABA Criminal Justice Journal Editorial Board. From 2008 to 2013, Ms. Hamann was the Executive Assistant District Attorney for the Special Narcotics Prosecutor for the City of New York. From 2007 to 2008, Ms. Hamann was the New York State Inspector General. From 1998 to 2007, Ms. Hamann served as the Executive Assistant DA to DA Robert Morgenthau in the Manhattan District Attorney's Office in New York City. Prior to 1998, Ms. Hamann held several other positions in that office including Deputy Chief of the Trial Division and Director of Training. She started her career as a violent crime prosecutor. She has received various awards for her public service, including The Morgenthau Award (NYS District Attorney's Association 2020), The Ethics and Accountability Award (City and State NY, 2018), Outstanding Prosecutor of 2013 (NY State Bar Association), Prosecutor of the Year for Executive Leadership (NYS District Attorney's Association 2010), Excellence in Government Award (Albany Law School, 2008) and Public Service Award for Outstanding Public Service (NY County Bar Association, 2005).



Shawn Jensvold
Assistant County Attorney
Pinal County, AZ

Attorney for 21 years, with 19 of those years as a prosecutor. Tried over 20 murder cases and more than 30 sex crimes cases of various types--sex assault; sex conduct with a minor and molestation; sexual exploitation, etc.. Conducted training on DNA evidence at an NDAA homicide conference in 2018 and several others through APAAC. In addition to DNA evidence, presented evidence at trial on firearms examination, fingerprints, abusive head trauma and other complex medical issues, as well as digital evidence of various types, including peer-to-peer investigations of sexual exploitation, cell phone and computer forensics, call detail record location analysis, and more recently the use of Apple iCloud records in *Clark* where the defendant and victim used iPhones with only wifi access.

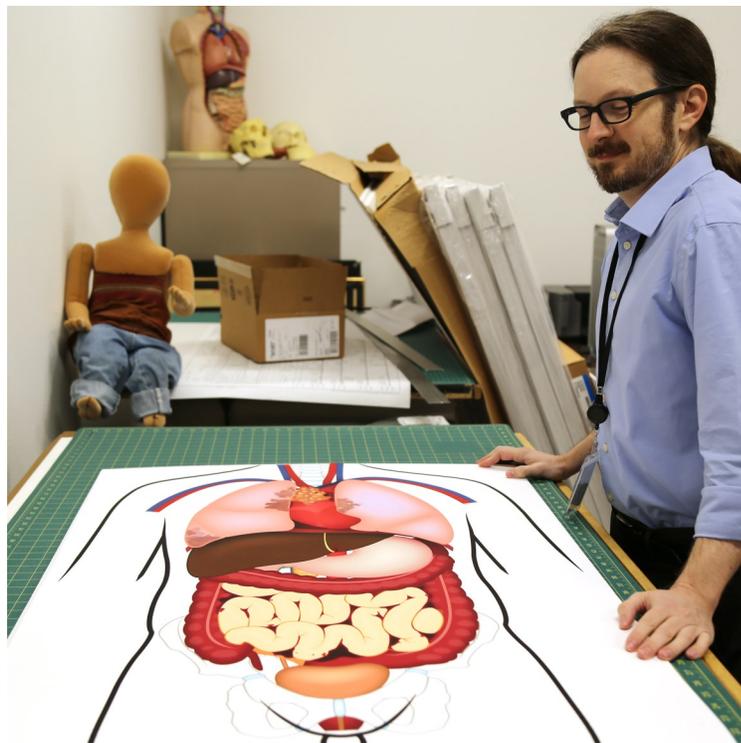


Gary Hodges
Litigation Graphics Specialist
Maricopa County Attorney's Office, AZ

GARY HODGES has spent 10 years as a Litigation Graphics Specialist at the Maricopa County Attorney's Office, assisting attorneys and expert witnesses in the visual presentation of arguments, evidence, and testimony. He has over two decades of experience in illustration and graphic design.

Gary graduated from Northern Arizona University in 1999 with a degree in anthropology, focused on forensic anthropology after an internship at the Maricopa County Office of the Medical Examiner. With his art and anatomical backgrounds, he was recruited by a Phoenix-based medical device manufacturer to design orthotics and illustrate internal training manuals. While also working as a freelance artist and writer, he earned certificates in crime scene investigation, police photography, and fingerprint collection and analysis. His last position before joining the MCAO was as a supervisor of a graphic design team at Shutterfly, Inc.

Gary is experienced in every aspect of enhancing courtroom presentations with visual aids, from exacting 3D recreations of crime scenes to detailed illustrations of injuries to simple "spit-polishing" of PowerPoints so they are as engaging and attractive as possible. In 2019 he contributed a chapter to "Forensic Anthropology and the United States Judicial System" (Eds. Laura Fulginiti, Kristen Hartnett-McCann, Alison Galloway), describing the basic principles of effective litigation graphics and sharing a case study – and provided the cover art. In 2023 he was recognized as a LEVA-certified forensic video technician.



Jason Kalish
Bureau Chief, White Collar and Cyber Crime
Maricopa County Attorney's Office Trail Division, AZ

Jason Kalish has spent his entire career as a prosecutor with the Maricopa County Attorney's Office.

Jason graduated from Indiana University of Pennsylvania in 1993 with honors, earning a degree in criminology. He then attended the University of Arizona College of Law with the specific intent of becoming a prosecutor. During law school Mr. Kalish served as an Honors Intern with the FBI and worked in various capacities at the Pima County Attorney's Office. He was sworn in as a lawyer on October 18, 1997 and as a Deputy Maricopa County Attorney two days later.

Jason has prosecuted gang members and repeat offenders in the Gang/ROP bureau. He has served as a supervisor in other bureaus, including Charging/Grand Jury, Preliminary Hearings and Juvenile Crimes. Following the supervisory stints, he returned to trial work and spent nearly ten years prosecuting homicides, first in the Family Violence Bureau and then the Homicide Bureau (later renamed the Capital Litigation Bureau). He is currently the Bureau Chief of the White Collar, Cyber Crime Bureau. Jason was named APAAC Prosecutor of the Year in 2014 for his role as lead counsel in the retrial of the Buddhist Temple murders which occurred in 1991.

Jason has always enjoyed teaching and was named the Maricopa County Attorney's Office Trainer of the Year in 2003. He was formerly the Bureau Chief of the Training Bureau and has taught nationwide on a variety of topics. He is married and enjoys reading, travelling, and spending time with his family.



Joseph Remy
Assistant Prosecutor
Atlantic County Prosecutor's Office, NJ

Assistant Prosecutor with the Atlantic County Prosecutor's Office, Mays Landing, New Jersey. Joseph is an attorney licensed in the State of New York and State of New Jersey. Joseph is a Certified Cyber Crime Examiner (3CE), a Certified Blockchain Expert (CBE), and a Certified Six Sigma Black Belt. Joseph started his legal career as a defense attorney dealing with a variety of civil and criminal matters. Following his work in private practice, Joseph joined the Manhattan District Attorney's Office where he investigated and prosecuted a variety of criminal cases ranging from assault to robbery. During this time, Joseph gained expertise in cybersecurity, digital forensics, network intrusions, and source code thefts. Joseph thereafter joined the New Jersey Office of the Attorney General where he investigated and prosecuted child exploitation offenses and cybercrimes, while also working on a number of legislative and policy matters. Joseph thereafter joined the Burlington County Prosecutor's Office where he served as the Financial, Cyber, and Insurance Fraud Section Head. He is currently assigned to the Special Victims Unit at the Atlantic County Prosecutor's Office.



Related Materials



Links to Related Materials

- [Scientific Working Group on Digital Evidence—“Best Practices for On-Scene Identification, Seizure, and Preservation of Internet of Things \(IoT\) Devices”](#)
- [Scientific Working Group on Digital Evidence—SWGDE Technical Notes on Internet of Things \(IoT\) Devices](#)
- [Scientific Working Group on Digital Evidence—Best Practices for Internet of Things \(IoT\) Seizure and Analysis](#)

REVERSE GEOLOCATION SEARCHES NOW THAT GOOGLE HAS CUT OFF LAW ENFORCEMENT

- [Scientific Working Group on Digital Evidence—Best Practices for Obtaining Google Reverse Location Data for Investigative Purposes](#)
- [Scientific Working Group on Digital Evidence—Recommendations for Cell Site Analysis](#)
- [Scientific Working Group on Digital Evidence—Position on the Use of Reverse Location Data for Investigative Purposes](#)
- [Scientific Working Group on Digital Evidence—SWGDE Comments on Forced Minimization Requirements for the Seizure of Digital Evidence](#)

CLE Credit and Survey



Instructions to Receive CLE Credit

Please Read Carefully

The Prosecutors' Center for Excellence has not requested continuing legal education accreditation for this program. Instead, we will supply you with a **Uniform Certificate of Attendance**. This certificate will include Prosecutors' Center for Excellence (PCE) as the sponsor, the title of this conference, the dates of this conference, the location of this conference as well as a calculation of the CLE Credit Hours under both a 60-minute and 50-minute hour system. We believe that these hours accurately reflect the CLE credit you should receive. However, each state has its own rules on the accrediting process which could affect this calculation.

At the end of each session, you will receive a conference evaluation. You will need to fill out the survey in order to receive the **Uniform Certificate of Attendance.**

As part of the meeting materials, PCE will supply you with this meeting's agenda, a description of the various content to be covered throughout this conference, as well as the names and biographies of the speakers.

You will need to apply for CLE credit on your own through your state's specific process. Most jurisdictions have this as an option. Some jurisdictions require members to apply and report within 30 days of the original program date. We hope that the **Uniform Certificate of Attendance** will aid you in this process.

Sign-In Sheets

To obtain CLE credit, most states require attendees to sign in at the time of the meeting. PCE will maintain a copy of the registration list as well as a record of who attended each session (present at start and end of each session) and send copies upon request.

Here are some specific sign-in rules from a variety of states. There will be no physical sign-in sheet, instead PCE will be taking time-stamped log of participants from zoom reports. If you need a copy of our records please contact PCE.

Delaware Attorneys: Delaware Attorneys and speakers seeking CLE credits must **sign in** at each individual session you attend.

Illinois Attorneys: Illinois Attorneys and speakers seeking CLE credits must **sign in** at each individual session you attend. The sign-in documentation is used to verify your total number of CLE hours.

New York Attorneys: New York Attorneys and speakers seeking CLE credits must **sign in** and **sign out** of each individual session you attend.

Pennsylvania Attorneys: Pennsylvania Attorneys must complete the Pennsylvania CLE Credit Request form to report attendance at in-person programs.

Texas Attorneys: Texas Attorneys must complete the Texas CLE Course Attendance Form to report attendance at in-person programs.



UNIFORM CERTIFICATE OF ATTENDANCE

SPONSOR: Prosecutors' Center for Excellence

ACTIVITY TITLE: PCE Pop-Up: Digital Evidence Part 2

DATE: September 9, 2024

LOCATION: Virtual Meeting

THIS PROGRAM OFFERS A TOTAL OF:

_____ Full Program: 2 hours of CLE Credit (not ethics), PENDING STATE APPROVAL. TO BE COMPLETED BY ATTORNEY

Please adhere to your state's requirements.

TO BE COMPLETED BY ATTORNEY (Please note: If you are required to report to more than one state, complete a form for each state.)

By signing below, I certify that I attended the activity described above and am entitled to claim _____ CLE credit hours of which ___ were in ethics.

ATTORNEY'S NAME *(please print)*

SIGNATURE

BAR MEMBERSHIP, REGISTRATION
OR SUPREME COURT NUMBER

DATE

STATE WHERE CREDITS ARE TO BE
REGISTERED

ACKNOWLEDGED BY:

Kristine Hamann

Kristine Hamann
Executive Director / Founder
Prosecutors' Center for Excellence
Phone: 917.885.9065

NOTE: PLEASE DO NOT RETURN THIS FORM TO PCE

Meeting Survey

The September 9, 2024 PCE Pop-Up, Digital Evidence Part 2: Digital Evidence at Trial survey will be available at the end of the meeting. If you need proof of your survey for CLE credit please email PCE at contactpce@pceinc.org.

[Survey Link](#)

Questions about Survey:

Marissa D'Amore– mdamore@pceinc.org

Kristine Hamann- Khamann@pceinc.org



Thank you for participating!