

**K P C**  **KENTUCKY PROSECUTORS**  
**2 0 2 3** **CONFERENCE**

*Sponsored by the*

Office of the Attorney General  
Daniel Cameron

*And*

Prosecutors Advisory Council

**August 23<sup>rd</sup> – 25<sup>th</sup>, 2023**

Marriott Griffin Gate  
Lexington, KY



**Welcome**

The Attorney General, the Prosecutors Advisory Council and the  
Prosecutors Advisory Council Staff welcome you to the  
2023 Kentucky Prosecutors Conference  
at the Marriott Griffin Gate



## Prosecutors Advisory Council

Chairman  
Attorney General Daniel Cameron



### *Commonwealth's Attorneys*

Rob Sanders

Jackie Steele

Carrie Ovey-Wiggins

Courtney Baxter

Brian Wright

### *County Attorneys*

Martin Hatfield

Jenny Oldham

Stacy Tapke

Joe Ross

John Estill

### *Citizen Members*

Lisa Foley  
Margaret Daniel

### **2023 KENTUCKY PROSECUTORS CONFERENCE PROGRAM COMMITTEE**

Susan Blake, Unified Prosecutorial System Training Coordinator  
Amy Burke, Deputy Attorney General  
Robert Stokes, Executive Director, Office of the Prosecutors Advisory Council  
Chad Coleman, Unified Prosecutorial System, IT Director  
Gina Carey, Unified Prosecutorial System Program Coordinator/Budget Advisor  
Tom Lockridge, Violent Crime Resource Prosecutor

### **2023 KENTUCKY PROSECUTORS CONFERENCE SUPPORT STAFF**

Samantha Bracco, Office of the Prosecutors Advisory Council  
Michael Carr, Office of the Prosecutors Advisory Council  
Julie Cox, Office of the Prosecutors Advisory Council  
Sheila Kratzer, Office of the Prosecutors Advisory Council  
Penny Quatman, Office of the Prosecutors Advisory Council  
Lindsay James, Prosecutors Advisory Council  
Alyssa Logan, Unified Prosecutorial System  
Justin Perry, Unified Prosecutorial System  
Robin Watkins, Unified Prosecutorial System

## Schedule at a Glance

### Wednesday ~ General Session (Grand Ballroom) Overflow room with live stream (Terrace Ballroom)

- 9:00 AM Preconference Session: The Osage Murders, the FBI and Prosecutorial Ethics **(ETHICS)**
- 10:15 AM Preconference Session: Breaking Barriers ~ Female Prosecutors - Challenges and Successes
- 11:15 AM *Lunch on your own*
- 12:30 PM **Welcome and Opening Remarks**
- 1:00 PM **Justice, Justice Shall You Pursue\***
- 2:15 PM *Break*
- 2:30 PM **STEM School Mass Shooting: Villains, Heroes and Lessons Learned**
- 4:00 PM **KY Supreme Court Update**
- 5:00 PM *Adjourn*
- 5:30 PM Reception (Paddock Pavilion)

### Thursday ~ Track 1 (Salon A, B, C)

- 8:30 AM **Criminal Appellate Update**
- 9:30 AM **Understanding Strangulation and Using Medical Testimony to Identify the Dominant Aggressor\***
- 10:45 AM *Break*
- 11:00 AM **What Prosecutors Need to Know About Internet Crimes Against Children\***
- 12:00 PM *Lunch on your own*
- 1:30 PM **Ethical Duties and Discovery Obligations for Prosecutors **(ETHICS)****
- 3:00 PM *Break*
- 3:15 PM **Motions in Limine ~ Winning Your Case**
- 4:15 PM **Computer Forensic Evidence in KY**
- 5:15 PM *Adjourn*

### Thursday ~ Track 2 (Salon D, E)

- 8:30 AM **Current Challenges in Capital Cases**
- 9:30 AM **Testimonial Hearsay (almost) 20 Years Post-Crawford**
- 10:45 AM *Break*
- 11:00 AM **Jury Selection in Challenging Cases\***
- 12:00 PM *Lunch on your own*

## Schedule at a Glance

### Thursday ~ Track 2 (Salon D, E) continued

- 1:30 PM Search and Seizure in the Digital Age: What Information is Big Tech Keeping & How to Lawfully Access It
- 3:00 PM *Break*
- 3:15 PM Prosecuting Abusive Head Trauma in Children: Understanding Defenses and Preparing to Respond\*
- 4:15 PM Legislative Update for Commonwealth's Attorneys
- 5:15 PM *Adjourn*
- 5:30 PM *Commonwealth's Attorney's Association Meeting*

### Thursday ~ Track 3 (Salon F, G, H)

- 8:30 AM Drug Categorization: Signs and Symptoms
- 9:30 AM Forensic Toxicology in DUI Cases: Bringing Out the Nerd in You
- 10:45 AM *Break*
- 11:00 AM TSRP Current Issues and Challenges
- 12:00 PM *Lunch on your own*
- 1:30 PM Guardianship, Casey's Law, Tim's Law
- 3:00 PM *Break*
- 3:15 PM Combatting Elder Financial Exploitation\*
- 4:15 PM County Attorney Legislative Update
- 5:15 PM *Adjourn*
- 5:30 PM County Attorneys Association Meeting

### Friday ~ General Session (Grand Ballroom)

- 8:00 AM Ethics 101 (ETHICS)
- 9:15 AM *Break*
- 9:30 AM U.S. Supreme Court Update
- 10:45 AM *Break*
- 11:00 AM Buffalo Strong: The Role of the Prosecutor After a Racially Motivated Mass Shooting
- 12:30 PM *Adjourn conference*

\*KRS Mandatory training topic for prosecutors ~ if you haven't had training on these topics recently you may want to attend (see KRS 15.718, KRS 15.775)

**Wednesday, August 23, 2023**  
**General Sessions**  
**(Grand Ballroom)**  
**(Overflow with live stream – Terrace Ballroom)**

**Preconference Session: The Osage Murders, the FBI and  
Prosecutorial Ethics**

1.25 CLE

9:00 AM to 10:15 AM

[Lou Anna Red Corn, Michael Malone](#)

“The arc of the moral universe is long, but it bends towards justice.” The words of Dr. Martin Luther King, Jr. succinctly describes the journey of the Osage people of Oklahoma. In the early 20th century, many, perhaps hundreds, of Osage Indians were murdered for their money. Relying upon the story, as told by American journalist and best-selling author David Grann in his book *Killers of the Flower Moon*, Red Corn (Osage) and Malone, will discuss the facts of the murder investigations by the fledgling FBI and the subsequent state and federal prosecutions, comparing early 20th century rules of legal ethics to current Kentucky Supreme Court Rules of Professional Responsibility. The story of the Osage murders has also been made into a movie by Martin Scorsese, starring Leonardo DiCaprio, Robert De Niro and Lily Gladstone. You won't want to miss this chance to be “in the know” about the moral and legal ethics you see played out on the big screen with the movie's release in October 2023.

**Preconference Session: Breaking Barriers~ Female Prosecutors  
- Challenges and Successes**

1.0 CLE

10:15 AM to 11:15 AM

[Lou Anna Red Corn, Kimberly Baird, Kathy Senter, Courtney Baxter, Stacy Tapke, Jenny Oldham, Kimberly Overton Spahos](#)

This preconference session includes a discussion among a panel of seasoned women prosecutors who will address issues and challenges and what has worked well for them. Pressing issues and work life balance will be covered.

*Lunch on your own*

11:15 PM to 12:30 PM

**Welcome and Opening Remarks / Awards for Outstanding Commonwealth's  
and County Attorneys**

12:30 PM to 1:00 PM

[Attorney General Daniel Cameron](#)

**Justice, Justice Shall You Pursue**

1.25 CLE

1:00 PM - 2:15 PM

[Rabbi Avremi Zippel](#)

Rabbi Zippel is a survivor of childhood sexual abuse and an outspoken advocate for children and legislative reform. He shares his story of abuse at the hands of his family's babysitter and how he struggled for years to come to terms with the trauma that it caused. He also discusses his experience through the legal system as he sought justice from his abuser. Rabbi Zippel will speak about fear, shame, religion and the challenge of navigating the emotional fallout that accompanies the journey that sexual abuse survivors go through. He has written about his experiences and has books available for purchase at KPC.

*Break*

2:15 PM - 2:30 PM

**STEM School Mass Shooting: Villains, Heroes and Lessons Learned**

1.5 CLE

2:30 PM – 4:00 PM

[George Brauchler](#)

Former elected prosecutor from Colorado, George Brauchler who tried the Aurora theater shooting case returns to KPC to discuss the challenges and strategies of trying a school mass shooting case. Col. Brauchler is an often-requested speaker at KPC and in demand nationally. He will detail the challenges of a mass shooting case and lessons learned from the experience.

**KY Supreme Court Update**

1.0 CLE

4:00 PM – 5:00 PM

[Deputy Chief Justice Debra Hembree Lambert](#)

Justice Lambert will provide a review of recently decided KY Supreme Court cases. Join us for this session to make sure you are up to date!

*Adjourn*

5:00 PM

*Reception (Paddock Pavilion)*

5:30 PM

**Thursday, August 24, 2023**  
**Track 1**  
**(Salon A, B, C)**

**Criminal Appellate Update**  
8:30 AM - 9:30 AM

1.0 CLE

[Todd Ferguson](#)

In this session Criminal Appellate Attorney Todd Ferguson will review some of the recurring issues causing reversal on appeal.

**Understanding Strangulation and Using Medical Testimony to Identify the Dominant Aggressor**  
9:30 AM - 10:45 AM

1.25 CLE

[Kathy Phillips, Jill Brummet](#)

Strangulation is one of the most lethal forms of domestic violence. Unconsciousness may occur within seconds and death within minutes, often with no visible injuries to the victim. This Session will train on Kentucky law, understanding the dynamics and lethality of Strangulation assault, and the use of medical evidence and testimony to explain the physiology and injuries of Strangulation including how to prove which party is the dominant aggressor and which is the true victim.

*Break*  
10:45AM-11:00AM

**What Prosecutors Need to Know About Internet Crimes Against Children**  
11:00AM-12:00 PM

1.0 CLE

[Emily Arnzen](#)

This session will be a basic overview of different types of electronic crimes against children (including CyberTipline Reports, hash matching, and peer2peer cases). Emily will also present an overview of best practices for using electronic/digital evidence and common issues that arise with electronic evidence that contains contraband.

*Lunch on your own*  
12:00 PM - 1:30 PM

**Ethical Duties and Discovery Obligations for Prosecutors**

1.5 CLE

1:30 PM - 3:00 PM

[Hydee Hawkins, Megan Kinsolving](#)

A prosecutor's duty to provide discovery in a timely manner is fundamental to a defendant's right to a fair trial. The failure to fully comply with discovery obligations can jeopardize our cases and careers. This presentation will provide a basic overview of a prosecutor's statutory, Brady and Giglio discovery obligations, including ethical considerations and applicable rules of professional responsibility. The presentation will include some best discovery practices and lessons learned from a case involving human trafficking, drug trafficking, and firearm offenses that began in state court and proceeded to trial in federal court. The case presented significant discovery challenges including, the handling of voluminous electronic evidence, ethical allegations against the lead investigator, confidential informants and other witnesses with significant credibility issues and discovery violation allegations associated with the delayed disclosure of video surveillance footage. The presentation will also include a discussion about special discovery considerations and strategies for handling voluminous electronic evidence.

*Break*

3:00 PM - 3:15 PM

**Motions in Limine ~ Winning your case**

1.0 CLE

3:15 PM - 4:15 PM

[Kathy Phillips, Steve Gold](#)

Pre-trial motions allow you to control the evidence and arguments the jury will hear. Not only do they control the information to be introduced at trial, these pleadings also educate the Court and the defense on the nature and strength of your case. This will help you win before the trial begins.

**Computer Forensic Evidence in KY**

1.0 CLE

4:15 PM - 5:15 PM

[Detective Eric Long](#)

This session will explain the capabilities of data extraction for mobile devices, GPS location information and the use of automated tools and ensuring reliability.

*Adjourn*

5:15 PM



**Thursday, August 24, 2023**  
**Track 2**  
**(Salon D, E)**

**Current Challenges in Capital Cases**

1.0 CLE

8:30 AM - 9:30 AM

Ronnie Bowling, Tom Lockridge

In this session Ronnie Bowling, Commonwealth's Attorney from the 34th circuit will discuss what to expect during current capital litigation cases. From motion practice to trial advocacy, he will outline his recent experiences in handling capital murder cases and make recommendations for best practices. Tom Lockridge will moderate the session.

**Testimonial Hearsay (almost) 20 Years Post-Crawford**

1.25 CLE

9:30 AM - 10:45 AM

Judge Scott Rowland

Judge Rowland returns to KPC to provide an update on the hearsay rule in the wake of Crawford vs. Washington and subsequent cases.

*Break*

10:45 AM - 11:00 AM

**Jury Selection in Challenging Cases**

1.0 CLE

11:00 AM - 12:00 PM

Courtney Curtis

Courtney Curtis is a frequent and well-regarded speaker at KPC. During this session she will discuss jury selection strategies in challenging cases including child abuse, sexual assault, and domestic violence.

*Lunch on Your Own*

12:00 PM - 1:30 PM

**Search and Seizure in the Digital Age: What Information is Big Tech Keeping & How to Lawfully Access It** 1.5 CLE  
1:30 PM - 3:00 PM

[Justin Fitzsimmons](#)

Justin Fitzsimmons will discuss the challenges of accessing digital information for criminal cases and strategies for getting what we need to make the case.

*Break*  
3:00 PM - 3:15 PM

**Prosecuting Abusive Head Trauma in Children: Understanding Defenses and Preparing to Respond** 1.5 CLE  
3:15 PM - 4:15 PM

[Louis Kelly, Leanne Beck](#)

In this session Louis Kelly, Commonwealth's Attorney and Asst. Leanne Beck from the 54th circuit will provide insight into common defenses in head trauma cases and strategies for preparation of the prosecution.

**Legislative Update for Commonwealth's Attorneys** 1.0 CLE  
4:15 PM - 5:15 PM

[Rob Sanders, Harry Rothgerber](#)

Commonwealth's Attorney Rob Sanders and Harry Rothgerber will review the most recent legislative session and the bills that passed affecting prosecutors and criminal cases. This is a great session to get updated on the current law!

*Adjourn*  
5:15 PM

**Commonwealth's Attorneys Association Meeting**  
5:30 PM

**Thursday, August 24, 2023**  
**Track 3**  
**(Salon F, G, H)**

**Drug Categorization: Signs and Symptoms**

1.0 CLE

8:30 AM - 9:30 AM

[Stuart Wiser](#)

KSP Trooper, Drug Recognition Expert and certified SFSTs, ARIDE, and DRE Instructor, Stuart Wiser, will discuss the 7 Drug Categories used by the DRE program, the associated signs and symptoms related to each category, and how this information is used by a DRE to determine impairment.

**Forensic Toxicology in DUI Cases: Bringing Out the Nerd in You**

1.25 CLE

9:30 AM - 10:45 AM

[Amy Miles](#)

You have received the toxicology report back from your laboratory for your DUI case. Listed on the report are drugs that you know are not the active parent, but you observed impairment. Now what? What did the subject ingest? What drugs are there as a result of the body's metabolism? Your lab is always a great resource, yet there is some preliminary information you can learn to help navigate the report before you must write an email or make a call to the lab. This presentation will discuss the differences between active drugs, their metabolites as well as various precursors and derivatives so that one can better understand and handle drug DUI cases using several examples of specific cases.

*Break*

10:45 AM - 11:00 AM

**TSRP Current Cases and Challenges**

1.0 CLE

11:00 AM - 12:00 PM

[Jenny True Reed](#)

Impaired driving laws are constantly changing. Kentucky's Traffic Safety Resource Prosecutor, Jenny True Reed, will cover case law, changes to legislation, and other issues related to impaired driving prosecution during this presentation.

*Lunch on Your Own*

12:00 PM – 1:30 PM

## **Guardianship, Casey's Law and Tim's Law**

1.5 CLE

1:30 PM – 3:00 PM

Jessica Wayne, Dr. David Sussman, Claudia Smith

We know that County attorneys wear many hats. In this session the speakers will review the County Attorney's obligations and best practices for handling Guardianship, Casey's law and Tim's law.

### *Break*

3:00 PM – 3:15 PM

## **Combatting Elder Financial Exploitation**

1.0 CLE

3:15 PM – 4:15 PM

Kathryn Dieruf

This session will discuss the Department of Justice's efforts to combat elder financial exploitation; trends in scams, including how to identify them, and crime statistics; some cases prosecuted in our area and around the country in this field; and what to do about scams

## **County Attorney Legislative Update**

1.0 CLE

4:15 PM – 5:15 PM

Marc Robbins, Stacy Tapke, Martin Hatfield, Jenny Oldham

County Attorney Council members and Marc Robbins will review the most recent legislative session and the bills that passed affecting county attorneys. This is a great session to get updated on the current law!

### *Adjourn*

5:15 PM

## **County Attorneys Association Meeting**

5:30 PM

**Friday, August 25, 2023**  
**General Sessions**  
**(Grand Ballroom)**  
**(Overflow with live stream – Terrace Ballroom)**

**Ethics 101**

1.25 CLE

8:00 AM – 9:15 AM

*Judge Chris Cohron*

This session will provide an overview of the basics of prosecutorial ethics. What every prosecutor should know! A good reminder.

*Break*

9:15 AM -9:30 AM

**US Supreme Court Update**

1.25 CLE

9:30 AM – 10:45 AM

*Judge Scott Rowland*

Come join us for the annual review of US Supreme Court decisions by conference favorite Scott Rowland. Supreme Court cases handed down in 2023 will be covered. Informative!

*Break*

10:45 AM - 11:00 AM

## Buffalo Strong: The Role of the Prosecutor After a Racially Motivated Mass Shooting

1.5 CLE

11:00 AM – 12:30 PM

### [NDAA President John Flynn](#)

On May 14, 2022, an 18-year-old man, motivated by hate and white supremacist ideology, drove across New York State to commit a planned attack to kill African American citizens in the City of Buffalo. The gunman, armed with a modified assault weapon and protected by tactical gear, livestreamed his attack as he repeatedly shot innocent people at Tops Friendly Markets on a Saturday afternoon. Ten victims were killed and three people were injured in the mass shooting. A community suffered from the trauma of the violence and the temporary closure of the grocery store, which had become a crime scene.

So many issues arise when a case like this happens in your community. From investigation to crisis communications, evidence collection, pre-trial publicity, media, injured survivors and deceased's family members needs—John Flynn will cover it all.

### *Adjourn Conference*

12:30 PM



# *Acknowledgments*

## *SPECIAL THANKS TO:*

The Kentucky Bar Association  
The Commonwealth's Attorneys Association  
The County Attorneys Association



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