



MDAA Matters

Keeping Prosecutors Informed

January 2012



Did You Know?

NDAA created the National Center for Prosecution of Animal Abuse. This Center is a partnership with several agencies and offers training and webinars for prosecutors.

[Learn more and access webinars here](#)

Quick Links

[MDAA Website](#)

**Massachusetts
District Attorneys**

Resources for Prosecutors

MDAA's new website now features various resources for prosecutors. On the left-hand side of our website you can find the links to the Massachusetts Guide to Evidence, the National District Attorneys Association, and NYPTI's Prosecutors' Encyclopedia. You can also access case summaries, legal updates, our training manuals and webinars on MDAA's website at <http://mass.gov/mdaa>.

Upcoming Trainings, Conferences, and Webinars

Appellate Year in Review

January 19, 2012, 5:30 - 7:30pm

Social Law Library in Boston, MA

During this two-hour program, SJC Justice Margot Botsford will review the criminal cases starting at Pre-Trial and progressing to Trial, Post-Trial and Post-Conviction and Sentencing. Appeals Court Justice Gabrielle Wolohojian will survey the most significant civil decisions.

Registration fee for ADAs is \$60.

[Link here to learn more and to register](#)

2012 National Cyber Crime Conference

April 30 - May 2, 2012

Four Points Sheraton in Norwood MA

The Massachusetts Office of the Attorney General, in collaboration with the National District Attorneys Association, National White Collar Crime Center, and Massachusetts Computer Forensic Advanced Technology Education program, invite the law enforcement community to join them for three days of training in digital forensics and cyber crime. Hear some of the most well-recognized prosecutors, investigators, and digital forensic experts from across the country discuss the latest and most important legal and technical topics in the

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field.

[Link here for the Prosecutor Track Agenda](#)

[Link here for more information and to register](#)

OUI Trial Advocacy

March 14, 2012

Four Points Sheraton in Leominster, MA.

This training will provide prosecutors with the skills necessary to successfully try a breath test case. Seasoned faculty will cover topics including Introducing a Breath Test Result, Cross Examining the Defense Expert Witness, and Proving Prior Offenses. This training is designed to give both new and seasoned prosecutors the tools to navigate through the very complex challenges that arise in an operating under the influence case.

[Register here](#)

Live Webinars:

Introducing a Breath Test Result

Tuesday, January 10, 2012, 1:15 - 1:45pm

[Learn more and register here](#)

Forfeiture by Wrongdoing

Thursday, January 12, 2012, 1:20-1:50 pm

[Learn more and register here](#)

Distracted Driving

Tuesday, January 17, 2012, 1:15 - 2:00pm

[Learn more and register here](#)

First Complaint

Thursday, January 26, 2012 1:20-1:50 pm

[Learn more and register here](#)

Administering the Breath Test - 501 CMR 2.00 et seq.

Monday, January 30, 2012, 1:15 - 1:45pm

[Learn more and register here](#)

Previously Recorded Webinars:

The MDAA's previously recorded webinars are available for the prosecutor community to view at its convenience. Details about these webinars and links to the recordings can be found on MDAA's website or by [clicking here](#).

From Beacon Hill

On November 21, 2011 Governor Patrick signed "An Act Relative to the Commercial Exploitation of People," also known as the "Human

Trafficking Law."* This comprehensive legislation addresses the exploitation of children and adults for purposes of sexual servitude, forced labor and organ trafficking. It creates a host of new offenses and increases penalties for existing crimes. It expands reporting obligations, mandates inter-agency cooperation to provide services to victims and establishes a Victims of Human Trafficking Fund to help fund those services. It also authorizes the forfeiture of offender assets and civil actions by victims.

The MDAA's legal update focusing on the provisions that involve investigations and prosecutions can be found at <http://www.mass.gov/mdaa/docs/legalupdates/humantraffickinglegalupdate.pdf>.

* Effective in 90 days. Note that the emergency preamble found on the Legislature's link to Chapter 178 of the Acts of 2011 does not pertain to An Act Relative to the Commercial Exploitation of People.

From the Courts

On December 13th, the Supreme Judicial Court decided to extend the impoundment of inquest transcripts and reports for a period of ten calendar days after the filing of the required notice or certificate by a district attorney under G.L. c. 38, § 10. [*The Globe Newspaper, Inc. - slip opinion*](#)

On December 29th, the Appeals Court held that even if "the evidence suggested that the defendant refused to have a recording made, this does not vitiate the need for the *DiGiambattista* instruction." The Court reiterated the instruction is mandatory when no recording is made of an interrogation. [*Commonwealth v. Tavares - slip opinion*](#)