



Thursday Seminar

CIVIL PROCEEDINGS IN A CRIMINAL COURT RESTORATION TO SANITY – PENAL CODE §1026.2

What are some of the fundamental differences between a standard Criminal Jury Trial and a Quasi-Criminal/Civil Jury Trial for PC §1026.2? DDA Sunita Popal will discuss the restoration of sanity standard, which includes: the burden shift to the petitioner/defendant; the standard of proof; appropriate jury instructions; jury standard for verdict; useful case law for expert testimony or hearsay; and EV §352, as it relates to the underlying facts and a PC §1026.2 jury trial.

Dr. Nicole Paglione, Clinical Director with Gateways Conditional Release Program (CONREP), will speak about their basis for a restoration opinion in PC §1026.2 reports to the court, CONREP structure, and best practices for DDAs handling these matters.

Sunita Popal, DDA joined the office in 2016. Her past assignments include the San Fernando Branch Office, Glendale and West Covina Area Offices, and Pomona Juvenile Office. She currently works at the Van Nuys Branch Office as a VIP DDA.

NOT GUILTY BY REASON OF INSANTIY (NGI) – A (VERY) BRIEF OVERVIEW

DIC Matt Byrne will provide a summary of the NGI process. This will include what happens in the criminal court before the maximum period of confinement is reached (progress reports and PC §1026.2 trials) and what happens at the Hollywood Mental Health Courthouse aka “Department 95” after the max has been completed (PC §1026.5 petitions). He will also address the Defendant’s rights, which must be personally waived, including a *Lomboy* advisement that the defendant could be kept in the state hospital or other treatment for the rest of his/her life, if found to still be dangerous.

Matthew Byrne, DDA joined the Office in 1990 and has been assigned to the Psychiatric Section for twelve years, the last 2 ½ years as the Deputy-in-Charge. Matt’s past assignments include the West Covina, Bellflower, Malibu, Santa Clarita, and Whittier Area Offices; Pomona, Sylmar, and Long Beach Juvenile Offices, the Compton, Van Nuys, and San Fernando Branch Offices, and the Hardcore Gang Division (SAGE).

Date/Time: Thursday, August 19, 2021 (1:30 p.m. – 3:30 p.m.)

Zoom Registration Link: https://us02web.zoom.us/webinar/register/WN_0IO_BXyrQZahZRlygwEPTw

You must register in advance by clicking on the link above. To receive MCLE live/participatory credit, you must attend the training by using the “Click here to join” link you receive in your registration email.

Attorneys and Paralegals must sign in on Zoom with their full name and D.A. email address to document attendance for MCLE. The MCLE Certificate will be sent, via email, **after** the seminar. Please submit your completed MCLE certificate, within 30 days, to the Training Division at ncarpenter@da.lacounty.gov.

This seminar is open to prosecutors, paralegals, and peace officers only. Retired prosecutors and peace officers may attend. Individuals who represent criminal defendants or represent plaintiffs suing law enforcement may not attend. Former District Attorney law clerks may not attend.

MCLE: 2 Hours MCLE (General)
(Must sign-in and complete Certificate of Attendance for credit)

Cost: FREE

This seminar has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 2 hours. The Los Angeles County District Attorney’s Office certifies that this seminar conforms to the standards for approved educational activities prescribed by the rules and regulations of the State Bar of California governing MCLE. **Please note, there is no compensatory overtime for attending this seminar.**