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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | October 2, 2024 | County | Elko |
| Court | Wells Justice Court | Judge | Kenneth Calton |
| Defense Attorney | Thomas Gunter  Deputy Public Defender | Prosecutor(s) | Phillip Carwane  Deputy City Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 8 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Hearing Types | Pretrial Conferences. | | |
| **Attorney's Preparedness** | | | |
| Did the Attorney appear for court? | | | Yes / No / N/A |
| Did the Attorney have the file? | | | Yes / No / N/A |
| Did the Attorney appear to have had a substantive, confidential meeting with  each client before court? | | | Yes / No / N/A |
| Did the Attorney appear prepared to handle their clients' cases? | | | Yes / No / N/A |
| **How prepared did the Attorney appear?**  Thomas appeared to be prepared for 7 of his 8 cases today.  The 8th case involved a client who had not returned phone calls or scheduled an appointment with his public defender. That client had failed to appear for his previous court date and failed to appear again today. Despite Thomas’ request for a continuance and Order to Show Cause, the court issued a bench warrant for the client’s arrest. | | | |
| **How knowledgeable was the Attorney about their cases?**  Thomas appeared to know his cases except that he had been unable to have a substantive meeting with one client who had not returned phone calls or scheduled a meeting with the public defender’s office and failed to appear for the court hearing. | | | |
| **The Attorney's courtroom advocacy skills were:**  Thomas did a good job advocating for his clients during the court hearings. | | | |
| **How was the Attorney/client communication?**  The attorney-client communication appeared to be good, although one client had not met with the public defender prior to today’s court hearing. | | | |
| **Case Stage-Specific Issues** | | | |
| Did the Attorney argue for pretrial release/OR, or for reasonable bail? | | | Yes / No / N/A |
| Did the Attorney counsel each client to refrain from waiving trial rights until the  attorney completed investigation of the case? | | | Yes / No / Unknown |
| Did the Attorney appear to have counseled clients to refrain from waiving any  rights at arraignment? | | | Yes / No / Unknown |
| Did the Attorney appear to adequately advise clients of the consequences of  accepting a plea or going to trial, including any collateral consequences? | | | Yes / No / N/A |
| Did the Attorney present mitigating evidence and provide argument at  sentencing? | | | Yes / No / N/A |
| Did the Attorney address the Presentence Investigation Report (PSI) and/or  Psychosexual Evaluation/Risk Assessment appropriately? | | | Yes / No / N/A |
| Did the court require defendant(s) to reimburse the entity for representation? | | | Yes / No / N/A |
| **Overall Assessments** | | | |
| Does the Attorney appear to have a sustainable workload? | | | Yes / No / N/A |
| Overall, does the Attorney appear to be providing effective representation to  their clients? | | | Yes / No / N/A |
| **Remarks/Recommendations/Notes (continue on reverse):**   * One of Thomas’s cases today resulted in deferred prosecution agreement for 12 months with the conditions that the client pay $368 in restitution and violate no laws. * Two of Thomas’ clients had their cases set for trial. Both clients waived their right to a speedy trial. One trial was scheduled for December 18, 2024, and the other was set for March 5, 2025 (at the client’s request). | | | |

Remarks/Recommendations/Notes, continued:

* One of Thomas’s cases involved a client who had not responded to phone calls, email, and letter from the public defender’s office to schedule a phone or office appointment to discuss the case. That client failed to appear at today’s hearing and failed to appear at the previous hearing. The court issued a bench warrant for the client’s arrest.
* One of Thomas’s cases involved a client who plead guilty, pursuant to negotiations, to one misdemeanor count of Cruelty to Animal. The remaining 4 counts were dismissed. The court followed the joint sentencing recommendation of 15 days jail suspended for 1 year on the condition that the client not own, possess, or be in charge of any animal beginning on 10/07/2024. The client would have until 10/07/2024 to find a new home/placement/owner for the animals still with the client.
* One of Thomas’ clients had their case continued to 11/20/2024 so that the client would have more time to consider the settlement offer that was made by the State yesterday.
* Thomas’ only in custody client was out-of-custody on the Wells Justice Court case but in custody in Idaho on an unrelated Idaho charge. The client appeared by video/Zoom. Pursuant to negotiations, the client pleaded guilty to a misdemeanor DUI first offense. The court followed the joint sentencing recommendation of statutory minimum penalties. The remaining charge was dismissed.
* Thomas’ remaining client intended to accept the settlement offer but needed to obtain a Substance Use Evaluation. The case was continued to 11/20/2024 for entry of plea and sentencing.