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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez via Zoom |
| Date | December 13, 2024 | County | Elko |
| Court | Carlin Justice Court | Judge | Dee Primeaux |
| Defense Attorney | Thomas O’Gara  Deputy Public Defender | Prosecutor(s) | Phillip Carwane  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 6 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 0 | Number of Clients Out-of-Custody | 6 (6 clients with 8 cases) |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 4 |
| Hearing Types | Arraignment, Status, and Pretrial hearings | | |
| **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 court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Thomas appeared to be knowledgeable about his cases. | | | |
| **The Attorney's courtroom advocacy skills were:**  Good. | | | |
| **How was the Attorney/client communication?**  The attorney-client communication appeared to be good. | | | |
| **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 / Unknown |
| 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:**   * One of Thomas’ clients did not appear in court today. The client bailed out of jail yesterday shortly before midnight. The jail mistakenly gave him paperwork with a court date of 12/19/2024. The court continued today’s hearing to 12/19/2024. * Thomas had not received a settlement offer from the State for one of his clients. The court took a recess for the DDA and Thomas to speak and see if a settlement might be reached. After the recess, Thomas client pled No Contest, pursuant to negotiations, to Count 2 (No Valid Driver’s License) with a joint sentencing recommendation. Count 1 was dismissed. The court followed the joint recommendation and sentenced the client to pay fines, fees, and assessments totaling $195. * One of Thomas’ clients agreed to accept the settlement offer from the State to plead guilty to DUI first offense with a joint sentencing recommendation of the statutory minimum penalties. However, because a substance use evaluation is needed prior to sentencing, the Court continued the hearing to 2/14/2025 for entry of plea and sentencing. * One of Thomas’ clients had 2 cases on calendar today for pretrial hearings. The parties have not been able to reach a resolution of either case. 1 of the cases will be set for a misdemeanor trial. In the other case, a Domestic Violence case, the State informed the court that it may be filing an Amended Criminal Complaint charging a felony offense instead of a misdemeanor. The court continued both cases to 3/14/2025 for a continued pretrial hearings. Thomas informed the court that if the 2nd case remains a misdemeanor, the defense will be filing a written demand for a jury trial. * One of Thomas’ clients pled guilty, pursuant to settlement negotiations, to one count of Speeding in a School Zone. The other count was dismissed. The court followed the joint sentencing recommendation of a fines, fees, and assessments totaling $640. * One of Thomas clients had 2 cases on calendar for a determination of competency. The expert concluded that the client was not competent and was not likely to be brought back to competency. The State requested a second evaluation with another psychologist because the client was charged 2 days ago with another case this time with a felony offense. The court ordered both cases set for 3/14/2025 to enable the District Court to order 2 competency evaluations on another case. | | | |