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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | December 16, 2024 | County | Elko |
| Court | Fourth Judicial District Court Dept 2 | Judge | Al Kacin |
| Defense Attorney | Thomas O’Gara  Deputy Public Defender | Prosecutor(s) | Justin Barainca  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 4 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 2 | Number of Clients Out-of-Custody | 2 |
| Cases Continued  In Custody | 1 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Arraignment, OSC, Probation Violation, and Sentencing 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 / N/A |
| 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:**   * One of Thomas’s in custody clients was on calendar for a Probation Violation hearing. However, a new Supplemental Report from Parole and Probation was just received today (Monday, 12/16/2024) although it was filed on Friday (12/13/2024). Prior to the Supplemental Report the parties had agreed to recommend reinstatement on probation with the added condition of inpatient substance use treatment and Drug Court participation. The hearing was continued to 12/18/2024 to give the parties and opportunity to review the Supplemental Report and see if they can still reach a mutual recommendation regarding the matter. * One of Thomas’ out-of-custody clients did not appear for his Sentencing hearing on a DUI Third Offense. Thomas argued for an Order to Show Cause hearing rather than a bench warrant based on the client’s contact with the Public Defender Office, including picking up a copy of the PreSentence Investigation Report from the office and the client maintaining contact with the PD Office Social Worker. The State argued for a bench warrant. The client failed to show up at his scheduled meeting with the Parole and Probation Officer to prepare the Presentence Investigation Report. The client has also had a new arrest for another DUI offense. The Court ordered that a Bench Warrant be issued. * One of Thomas’ in custody clients pled guilty, pursuant to a Guilty Plea Agreement, to one count of Conspiracy to Commit Possession of a Controlled Substance (methamphetamine), a gross misdemeanor. The parties wanted to proceed to sentencing today with a joint recommendation of 285 days jail concurrent to the clients cases in Douglas County and Carson City with credit for time served of 285 days. The court accepted the guilty plea, waived the Presentence Investigation Report, and sentenced the client to 285 days jail with credit for 285 days served. [Note: the client also had an OSC hearing for missing the last court hearing. The court did not find the client in contempt because the client was in the Douglas County Jail at the time of the missed court hearing. * One of Thomas’ out-of-custody clients was in court for a hearing on the State’s Motion to Revoke Probation. The victim was present in court and made a statement. Thomas argued for a Dishonorable Discharge from probation. Thomas argued that financial hardship prevented the client from paying anything toward the restitution amount owed. The State argued for the probation to be revoked. The court took the matter under consideration and would make a decision in the near future. | | | |