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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | December 17, 2024 | County | Elko |
| Court | Elko Justice Court Dept B | Judge | Bryan Drake |
| Defense Attorney | Brea Revier  Deputy Public Defender | Prosecutor(s) | Daniel Roche  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 | 4 | Number of Clients Out-of-Custody | 0 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | 48-hour Bail Hearings and an Arraignment | | |
| **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?**  Brea appeared to be prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Brea appeared to be knowledgeable about her 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 / 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 Brea’s clients was arrested for Grand Larceny of a Motor Vehicle, Eluding a Police Officer, and Obstructing a Police Officer. The State argued for monetary bail based on the facts of the case (the client stole an ambulance and eluded police in the ambulance) and that the client has no ties to the community (the client lives in Indiana). Brea argued that the State failed to meet its burden for monetary bail. Brea argued for an Own Recognizance release and argued, in the alternative, for a substantially reduced bail (the bail is currently set at $200,000). Brea argued mitigating factors such as the client is bipolar and had stopped taking his medications in June 2024. The client’s mother is willing to come from Indiana to Elko to assist her son. The court found that the State had met its burden for a monetary bail. The court did reduce the bail to $20,000. * One of Brea’s clients was arrested on a contempt warrant from a 2023 case based on not appearing at a Review hearing and not submitting proof of completion of the terms of the DUI sentence. The client had a 30 day suspended jail sentence for the DUI. Brea argued for the client not to be found in contempt and not to have the 30 day suspended jail sentence imposed. Brea requested that the client be given a new deadline to complete the terms of his sentence. The client wants to go to Utah to live with and assist his 90 year old mother. The court ordered that the client serve 15 days jail and then close the case. * One of Brea’s clients was arraigned on 2 separate Criminal Complaints. The Elko Public Defenders Office was assigned to both cases.  1. One of the Criminal Complaints charges the client with Battery Domestic Violence by Strangulation, a category C felony, 2 misdemeanor counts of Battery Domestic Violence, Open and Gross Lewdness, a gross misdemeanor, and Indecent Exposure, a gross misdemeanor. This case was set for a preliminary hearing on 12/27/2024. Bail is set at $50,000. 2. The other Criminal Complaint charges the client with 2 misdemeanors (Assault and Disturbing the Peace). This Criminal Complaint did not allege a date of offense (pointed out by Brea). The State moved to fill int the date by interlineation. This was granted and a date of offense was added to the Criminal Complaint. This case will be set for Trial by “calendaring”.  * One of Brea’s clients was arrested on a Bench Warrant after failing to appear on the first case. The client had previously been arraigned on that Criminal Complaint and granted a release on his Own Recognizance in November 2023. The client then failed to appear at his next hearing and a bench warrant was issued. While the bench warrant was active, the client is accused of committing more crimes for which a Warrant of Arrest was obtained. The client was arraigned on the charges contained in the New Criminal Complaint for which the Warrant of Arrest was issued. Those new charges were: Using a Minor in the Production of Pornography, a category B felony; and 3 counts of Statutory Sexual Seduction, gross misdemeanors. The State argued that the monetary bail amounts remain ($265,000): the client was on the run for over 1 year and committed new crimes, much more serious crimes, while on the run. Brea argued that the State had not met its burden of proof. Brea argued that the client (18 years old at the time of the offenses – 19 years old now) has a juvenile brain and emphasis should be on rehabilitation not punishment. Alternative, Brea argued that the bail should be substantially reduced. The court found that the State had met its burden of proof for monetary bail. The court reduced the bail amount to $100,000. The client did not waive his right to a speedy preliminary hearing. The new case was to be set for a preliminary hearing through the court’s “calendaring.” The court did not make a finding of contempt. | | | |