|  |  |  |  |
| --- | --- | --- | --- |
| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | November 25, 2024 | County | Douglas |
| Court | Ninth Judicial District Court – Dept II | Judge | Thomas Gregory |
| Defense Attorney | Matt Ence | Prosecutor(s) | Jim Sibley  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 2 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Hearing Types | Arraignment 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?**  Matt appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Matt appeared to be knowledgeable about his cases. | | | |
| **The Attorney's courtroom advocacy skills were:**  Matt did a good job advocating for his clients during the court hearing. | | | |
| **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 (continue on reverse):**   * Matt had one client set for sentencing on 2 different cases. Matt made Presentence Investigation Report corrections in one case. The other case PSI had no errors, unless the court ran the sentences concurrently. Matt made a mitigation argument recommending that the court follow the joint sentencing recommendations contained in the Guilty Plea Agreements (12-30 months active prison) and run the sentences concurrently. The State concurred/followed the joint sentencing recommendation. The court did not follow the agreement. The Court sentenced the client to 19-48 months active prison with 156 days credit for time served in the first | | | |

Remarks/Recommendations/Notes, continued:

* case. The court sentenced the client to 12-30 months active prison on the second case to run consecutively with the first sentence. Therefore, no credit for time served on case 2.
* Matt’s other client was scheduled for an Arraignment. The client pled guilty, pursuant to the Guilty Plea Agreement, to one count of Burglary of a Business, a category C felony. Sentencing was scheduled for 1/21/2025. [This client was out of custody].