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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | November 8, 2024 | County | Elko |
| Court | Carlin Justice Court | Judge | Dee Primeaux |
| Defense Attorney | Nestor Marcial Martinez  Deputy Public Defender | Prosecutor(s) | Phillip Carwane  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 5 |
| 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?**  Nestor was appearing today in place of Thomas O’Gara. Thomas was scheduled to be in Elko today for a District Court matter. Nestor informed me that his case files indicated that Thomas had met with 4 of the 5 clients prior to today. Nestor had not met with the clients until today. In 4 of the 5 cases the State only recently made a settlement offer (yesterday and today). All 4 clients wanted to discuss the settlement offers with Thomas before deciding what to do. Consequently, 4 of the 5 cases were continued to enable the clients to meet with Thomas. The 5th client did not appear today. His case was also continued. | | | |
| **How knowledgeable was the Attorney about their cases?**  I was unable to determine how knowledgeable Nestor was about the 5 cases on calendar today. All 5 of the cases were assigned to Thomas O’Gara and Nestor was filling in for today’s hearings. | | | |
| **The Attorney's courtroom advocacy skills were:**  Nestor 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. | | | |
| **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 / 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 (continued from reverse side):**   * One of Nestor’s clients had been granted permission to appear by Zoom. However, the client did not appear by Zoom or in person. Nestor was able to persuade the court to continue the case to January 10, 2025, rather than issue a bench warrant or Order to Show Cause. * One of Nestor’s clients received the settlement offer from the State yesterday (plead guilty to DUI first offense and the State will recommend the statutory minimum penalties). The client intends to accept the offer, but a substance use evaluation is needed. The case was continued to enable the client to obtain the substance use evaluation prior to entry of plea and to go over the waiver of rights form with Thomas O’Gara. Nestor requested that the client be permitted to appear by Zoom at the next hearing. The court granted that request. The hearing was continued to February 14, 2025. * One of Thomas’ clients told the court that he had been trying to meet with Thomas O’Gara but had not yet been able to do so. | | | |