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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | December 18, 2024 | County | Elko |
| Court | Wells Justice Court | Judge | Kenneth Calton |
| Defense Attorney | Thomas Gunter  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 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 2 |
| Hearing Types | Pretrials, Sentencing Hearing, and Trial | | |
| **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 / 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:**   * Prior to the start of Court Thomas informed me that he had forgotten to bring the hard files but that he had all the file information for each client on his computer which he did bring with him to court. * One of Thomas’ cases entered a No Contest plea pursuant to negotiations to Disorderly Conduct with a joint recommendation that the sentencing be deferred for 1 year on the condition that the client attend and complete 26 weeks of domestic violence counseling. The Criminal Complaint was amended by interlineation. The court followed the joint recommendation but added a condition to the deferred sentencing that the client violate no laws (“good conduct clause”). * One of Thomas’ clients was not present for the hearing today because the client is in the hospital. The court continued the hearing. * One of Thomas’ clients pled No Contest pursuant to negotiations to 2 misdemeanor counts of Vehicular Manslaughter. Both sides were free to argue for any lawful sentence. The remaining charges were dismissed. [Note: the court took a brief recess because of technical difficulties with the interpreter (a Mayan language) who was assisting by Zoom.] Thomas argued for a suspended jail sentence, fine, community service hours, and a no driving a motor vehicle condition. Thomas made a good argument pointing out that the victims were a son-in-law of the client and the other victim was a close family friend; that the victim fell asleep which resulted in the crash; that the victims were not wearing seatbelts and were ejected from the vehicle; that they were traveling from California to Utah to sell their fruit (a family business); that the client also suffered injuries in the accident but was not ejected because he was seat belted; that the client suffers from this tragedy every day and will continue to suffer. The State argued for the maximum sentence of 180 days jail on each count to be served as soon as possible but to run concurrently to each other. The court sentenced the client to 60 days jail on each count to be served immediately but to run concurrently. * One of Thomas’ clients pled No Contest pursuant to negotiations to Disturbing the Peace. The remaining count was dismissed. The joint sentencing recommendation was for fines, fees, and assessments totaling $195. The Court followed the joint sentencing recommendation and then gave the client credit for the 16 hours in jail that the client served against the $195 leaving a balance of $0 owed. * One of Thomas’ clients received a new settlement offer from the State. Thomas requested a continuance so that the client would have more time to consider the offer. The client requested that the hearing be continued to 3/19/2025. The court continued the hearing to 3/19/2025. * One of Thomas’ clients had a trial today on the charges of Battery and Disturbing the Peace. The State called 4 witnesses. The defense called no witnesses. The client chose to exercise his right to remain silent. Thomas did a good job cross-examining the witnesses and in his closing argument. The court found the client guilty of Battery. The Court found that the State failed to prove beyond a reasonable doubt the count of Disturbing the Peace. Sentencing occurred immediately after the trial. The State argued for 50 days jail, with 30 of those days suspended for 1 year on the condition that he violate no laws. Thomas argued for a sentence of 15 days jail all suspended for 1 year on the condition that the client violate no laws. The client made a statement in allocution pointing out that he has already suffered consequences for this event (evicted from the apartment complex where this event took place; prohibited from returning to the property which makes visitation with between his daughter and her grandmother (who lives on the property) very difficult). The client asked that he serve the jail time after January 4 (his daughter’s birthday). The court sentence the client to 30 days jail suspended for 1 year on the condition that he violate no laws and fined the client $500 plus assessment fees for a total of $640 due within 30 days. The sentencing ended at 6:25 p.m. | | | |