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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | October 9, 2024 | County | Elko |
| Court | West Wendover Municipal Court | Judge | Kenneth Quirk |
| Defense Attorney | Nestor Marcial Martinez  Deputy Public Defender | Prosecutor(s) | Michael Hanley  Deputy City Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 3 |
| 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 appeared to be prepared for 2 of his 3 cases today.  The 3rd case involved a client who had not returned phone calls or scheduled an appointment with his public defender. That case was continued to enable the client to meet with his public defender, discuss the case, and be prepared for the next pretrial conference. | | | |
| **How knowledgeable was the Attorney about their cases?**  Nestor appeared to know his cases except that he had been unable to have a substantive meeting with one client who had not returned phone calls or scheduled a meeting with the public defender’s office. That client’s case was continued to enable that attorney-client meeting. | | | |
| **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, although one client had not met with the public defender prior to today’s court hearing. | | | |
| **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):**   * Two of Nestor’s cases today resulted in deferred sentencing agreements: one for 6 months and one for 12 months. Both cases will result in a dismissal of charges at the end of their deferment periods provided the clients do not have any new criminal violations (one of the clients also has to stay away from the victim retail store’s premises for 12 months). These appeared to be pretty favorable resolutions for both clients. | | | |

Remarks/Recommendations/Notes, continued:

* One of Nestor’s cases involved a client who had not responded phone calls from the public defender’s office to schedule a phone or office appointment to discuss the case. That client’s case was continued to enable the attorney-client meeting and preparation to occur.
* One of Nestor’s cases involved a Spanish interpreter who appeared by Zoom. The Spanish speaking client appear-ed at times to be confused or to have difficulty understanding the Judge’s canvass regarding the guilty plea and deferred sentencing agreement. Ultimately, it appeared that the client understood, entered the guilty plea, and received the deferred sentencing. In discussing the situation with Nestor after court, Nestor explained that he had discussed everything with his client in Spanish thoroughly prior to court. Nestor surmised that the difficulty during court was due in part to the client’s nervousness (just being in court), his client’s poor hearing, and the interpreter being on a television screen rather than in person next to the client.