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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | February 5, 2025 | County | Douglas |
| Court | East Fork Justice Court | Judge | Laurie Trotter |
| Defense Attorney | Brian Filter | Prosecutor(s) | William Murphy  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 11 (14 cases) |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 3 | Number of Clients Out-of-Custody | 8 |
| Cases Continued  In Custody | 2 | Cases Continued  Out-of-Custody | 4 |
| Hearing Types | Status hearings, Alternative Sentencing Violations, Post-Sentencing Review hearing | | |
| **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?**  Filter appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Filter 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 / 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 / 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:**  Filter had 11 clients on calendar today:   1. Brian’s first client was in custody. He had a Status hearing scheduled for today. He had a mandarin interpreter appearing by telephone to translate for the client. The defense requested a continuance to give the client more time to explore the possibility of retaining private counsel. The co-defendant is currently set for 2/26/2025. Brian requested that his client’s case be set for that same date.   Brian asked the court to lower the client’s bail (it is currently set at $45,000 cash only). The State opposed the request based largely on the claim that the client has an I.C.E. hold. Brian informed the court that his client does not have an I.C.E. hold. The court indicated that it wanted to set a bond amount and set the bail at $45,000 cash or $450,000 bond. Brian pointed out that the bondsman charges a 15% fee on every bond. So, a $450,000 bond would require the client to pay the bondsman ($60,000 – not to mention the collateral for the $450,000). The court set the bail at $45,000 cash or $450,000 bondable.   1. Brian’s second client was in custody. He was on calendar today for a Status hearing. The parties were not able to reach a resolution. The case was set for a Preliminary Hearing on 2/28/2025 at 10:00 a.m. There was no discussion regarding bail / custody status. 2. Brian’s third client was in custody. He had a status hearing today. There is a potential that the State will be filing additional charges. The parties requested a continuance to determine whether additional charges will be filed or whether the parties can reach a settlement agreement. The court continued the case to 2/19/2025 at 1:30 p.m. There was no discussion regarding bail / custody status. 3. Brian’s fourth client was out-of-custody. He was on calendar for a hearing on alleged violation of the terms of his suspended sentence. The client admitting both violations (missing a test with the Department of Alternative Sentencing on 11/27/2024 and testing positive for alcohol on 1/13/2025).   The State recommended that the court impose 30 days of the 150 day suspended jail sentence and resuspend the 120 day balance.  The defense argues that 30 days jail is too severe a penalty and asked the court for leniency.  The court ordered:   * 10 days of the 150-day jail sentence are imposed; * The 140-day balance is resuspended. * The court authorized the client to serve the 10 days on 5 consecutive weekends at the client’s expense beginning on 3/7/2025. The jail charges $25 per day when the jail sentence is served intermittently. * The cash bail is exonerated. * A Review hearing is scheduled for 4/11/2025 at 9:00 a.m. to confirm that the client has served the 5 consecutive weekends in jail.  1. Brian’s fifth client is out-of-custody scheduled for a Status hearing on 4 separate cases. The client appeared by telephone. He is currently in the New Frontier inpatient treatment program. The hearing was continued to 3/12/2025 at 2:00 p.m. 2. Brian’s sixth client was out-of-custody for a post-sentencing review hearing and disposition on a previously admitted violation of the terms of the suspended sentence. The client has successfully completed an inpatient treatment program. The State recommended reinstatement on probation. The defense concurred with that recommendation. The court reinstated the client on probation and set new deadlines to complete the DUI school and Victim Impact Panel and pay the fines, fees, and assessments. A Review hearing is scheduled for 4/18/2025 at 9:00 a.m. 3. Brian’s seventh client was set for a Sentencing hearing on a DUI-2nd offense. Brian submitted a completed Substance Use Evaluation for the client. The State submitted a prior conviction. The court found the prior conviction to meet constitutional standards and admitted the prior conviction for use for enhancement purposes.   The client waived his right of allocation.  The victim was notified of today’s hearing and elected not to make a Victim Impact Statement.  The parties made a joint sentencing recommendation pursuant to the settlement agreement. The only portion to be argued was regarding whether the 10 day active jail sentence can be served on electronically monitored house arrest or must be served in jail. The defense argued for house arrest. The State argued for active jail.  Sentence:   * The court followed the joint sentencing recommendation: 180 days jail with 10 days active and 170 days suspended for 2 years; $1,200 in fines, fees, and assessments; DUI school; Victim Impact Panel; Interlock device for 1 year; sobriety conditions; Department of Alternative Sentencing supervision; violate no laws. * The court allowed the client to serve the 10 days active through house arrest. * A Review hearing was set for 5/16/2025 at 9:00 a.m.  1. Brian’s eighth client was out-of-custody on calendar for a Status hearing and for a violation of his conditions of release. The State made a settlement offer this morning. The defense requested a continuance to consider the offer. The client admitted the bail violation (tested positive for cannabanis). The State requested that the client be admonished that he cannot use marijuana absent a court modification of the bail conditions. The court admonished the client that he cannot use marijuana. The court continued the Status hearing to 2/26/2025. 2. Brian’s ninth client was out-of-custody on calendar for a Status hearing. Brian informed the court that his client plans on accepting the settlement offer but wants more time to consider it. The hearing was continued to 2/26/2025 at 2:00 p.m. 3. Brian’s tenth client had a status hearing. The parties reached a settlement. The client pled guilty to two counts: Reckless Driving and No Registration. The parties made a joint sentencing recommendation of 48 hours of community service for the Reckless Driving and $138 in fines, fees, and assessments for the No Registration.   The client exercised his right of allocation and explained to the court that he sold the vehicle.  Sentence: 48 hours of community service for the Reckless Driving; $138 in fines, fees, and assessments for the No Registration.  The client will pay the $138 today. The community service can be completed in 2 months.  The court set a Review hearing for 4/11/2025 at 9:00 a.m.   1. Brian’s eleventh client was out-of-custody and appeared by Zoom. The State has not made a settlement offer yet. The client has an active bench warrant in this case based upon a violation report from the Department of Alternative Sentencing. Brian asked for the bench warrant be recalled. The State opposed that request. The court recalled the warrant, continued the hearing to next week (2/12/2025) at 2:00 p.m., ordered the client to appear at the hearing in person. The violation allegation (in the DAS report) will be addressed at next week’s hearing. | | | |