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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 5, 2025 | County | Douglas |
| Court | East Fork Justice Court | Judge | Laurie Trotter |
| Defense Attorney | Matt Stermitz | Prosecutor(s) | Chelsea Mazza  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 7 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 4 | Number of Clients Out-of-Custody | 3 |
| Cases Continued  In Custody | 3 | Cases Continued  Out-of-Custody | 2 |
| Hearing Types | Arraignment, Status, Sentencing, Review, and Contempt 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 with the exception of one case with an out-of-custody client. In that case, Matt expressed to the court that he did not know if today’s sentencing hearing was for the DUI charge or something else. The court responded that the sentencing was for the DUI case. The case was then continued because the client had not received a copy of the Substance Use Evaluation from the evaluator yet. | | | |
| **How knowledgeable was the Attorney about their cases?**  Matt appeared to be knowledgeable about his cases with the exception noted above. | | | |
| **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:**  Matt had seven clients on today’s court calendar:   1. First client: Status hearing. The client was in custody and present in court. The client has been sentenced to prison in a District Court case. The client will be transported to the Nevada Department of Corrections in the near future to serve an 8-20 year prison sentence. The client still owes restitution in this case. The court set a review hearing for 4/18/2025 regarding the restitution. 2. Second client: Review hearing. The client was in custody and present in court. Matt filed a motion for the release of his client from the jail to an inpatient treatment program. Matt informed the court that the client had a bed date available on 3/10/2025. The State has not responded to the motion but has until Monday to do so. The court continued today’s hearing for 1 week to give the State time to file an opposition. The next hearing is scheduled for 3/12/2025 at 1:30 p.m. 3. Third client: Arraignment hearing. The client was in custody and present in court. Bail was previously set for $10,000 bondable. Matt filed a Motion for Release on O.R. on March 3, 2025, based on client’s health situation (Cancer and stroke – requiring on going chemotherapy and other medical treatments).   The client was also arraigned (first appearance) on the felony charge. He was advised by the court of charges against him, and his rights. The client signed the court’s admonishment of rights form for felony offenses.  Matt informed the court that the client is willing to waive his right to a speedy preliminary hearing if he is released from custody but is not willing to waive that right if he is going to remain in custody. The State oppose the motion for release on O.R. The State argued that there is no change in circumstances to justify reconsidering the prior bail determination. Max pointed out there have been changes in circumstances: first, the California warrant/hold has been released; second, medical documentation confirming that client is in ongoing chemotherapy treatments for cancer has now been furnished to the court and the State.  The court stated that it would release the client on his Own Recognizance to obtain his chemotherapy and other medical treatments. The court then asked the State if there were any conditions of release it would like to see imposed. The State requested Department of Alternative Sentencing supervision, including weekly telephone check-ins (the client’s residence is in Concord, CA) and urine samples for drug testing at every court hearing. The court ordered the client released on O.R. with conditions including GPS monitor, DAS supervision, sobriety, search, seizure, and testing for alcohol, controlled substances, and marijuana, minimum of weekly check-ins with the Department of Alternative Sentencing, and no contact with co-defendant.  The client waived his right to a speedy preliminary hearing.  The Status Hearing was continued to 3/19/2025 at 9:00 a.m.   1. Fourth client: Contempt hearing. The client was in custody and present in court. The client has a 180-day suspended sentence. One of the requirements was that the client obtain a mental health evaluation. The client failed to appear at the last hearing (a review hearing on 2/26/2025) at which time he was to submit the mental health evaluation to the court. The court issued a bench warrant based on the client’s Failure to Appear at the last hearing. Client is now in custody on that bench warrant. Matt informed the court that the client has not yet obtained a mental health evaluation. The State requested that the client remain in custody until he obtains a mental health evaluation. Matt requested that the client be released from custody, obtain the mental health evaluation, and provide it to court at the next hearing. The court ordered that the client remain in custody and that a mental health evaluation be completed while the client is in the jail. A review hearing was set for next week: 3/12/2025 at 1:30 p.m. 2. Fifth client: Arraignment hearing. The client was out-of-custody and present in court. The parties are still waiting for the blood test results. The State made a settlement offer. However, the defense needs time needed to consider the offer once the toxicology results are received.   The Arraignment hearing was continued to 4/9/2025 at 2:00 p.m.   1. Sixth client: Sentencing hearing. The client was out-of-custody and present in court. Matt did not know if the sentencing was for the DUI or for something else. (???). The court informed Matt that the Sentencing hearing was for the DUI charge and for Destruction of Property. Matt informed the court that the client had not yet received the written Substance Use Evaluation. The client met with the counselor for the evaluation this morning. According to the client, the evaluator said that the written evaluation will be ready later today. The evaluation is needed prior to the sentencing. Matt requested a continuance to receive the written evaluation. The Court continued the Sentencing hearing to 3/19/2025. 2. Seventh client: Status hearing. The client was out-of-custody and present in court. Matt informed the court that the parties had reached a resolution. The client will plead guilty to Petit Larceny. The parties will jointly recommend a sentence of: $640 in fines, fees, and assessments; and, restitution to Walmart in the amount of $245.91. The client signed the court’s written misdemeanor waiver of rights form, informed the court that he had discussed it with Matt prior to signing it, that he understands and waives his rights. The client pled guilty to Petit Larceny. Following the court canvass, the court accepted the guilty plea.   Sentencing: the State and Matt made the above joint recommendation. The client made a statement of allocation: it is the first time he has ever being in trouble with the law in his life. He is sorry and apologizes. Sentence: (1) Fines, fees, and assessments totaling $640.00; (2) Restitution to Walmart in the amount of $245.91. The court further ordered that the restitution shall be paid from the cash bail posted with the court. The remainder of the cash bail will be applied to the fines, fees, and assessments, leaving a balance due to the court of $385.91. A review hearing for the balance of fine payment will be set for a date in May, 2025. | | | |