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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | February 27, 2025 | County | Elko |
| Court | Elko Justice Court – Department B | Judge | Bryan Drake |
| Defense Attorney | Brian Green | Prosecutor(s) | Phillip Carwane  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 1 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In Custody | 0 | Number of Clients  Out-of-Custody | 1 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Evidentiary Hearing on Allegations of Violation of Conditions of Release | | |
| **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?**  Brian appeared to be prepared for his case today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Brian appeared to be knowledgeable about his case today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Brian’s 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 / 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:**  Brian had 1 client on today’s calendar. The client was out-of-custody and appeared in person. The hearing was an evidentiary hearing on allegations that the client had violated the conditions of his Own Recognizance release. The allegations were that the client had missed 3 tests for alcohol/controlled substances with Pretrial Services and that the client had 4 separate positive tests for controlled substances (Fentanyl, opiates, and methamphetamines). The State called one witness from Pretrial Services. Brian called the client as a witness. The client confirmed that he understood he had a Constitutional right not to testify and that he was waiving that right for this hearing. The client testified that he has a prescription for Adderall which will test positive for amphetamine and that the client has been attending 12 step meetings. Brian introduced a copy of the client’s pharmacy record and 12 step log into evidence without objection from the State. The client admitted missing tests with Pretrial Services due to illness and weather. Brian argued for the court to find no violation of the conditions of release. The State submitted the matter to the Court’s discretion.  Court Finding and Order: the State only presented presumptive test results. The State did not present actual lab results or anything else that would confirm the presumptive positive drug tests. Court did not revoke the client’s O.R. release. The judge warned the client that if there are any further positive test results for any illegal drug, the court is likely to revoke his O.R. release. | | | |