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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 24, 2025 | County | Elko |
| Court | Fourth Judicial District Court Dept 2 | Judge | Al Kacin |
| Defense Attorney | Diana Hillewaert | Prosecutor(s) | Amanda Zapata  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 | 1 | Number of Clients  Out-of-Custody | 0 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Change of Plea 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?**  Diana appeared to be prepared for her case today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Diana appeared to be knowledgeable about her case today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Diana did a good job advocating for her client during the court hearing. | | | |
| **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 / 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 (continued from reverse side):**  Diana had 1 client scheduled for court this afternoon:  **Remarks/Recommendations/Notes Continued from Previous Page:**  Change of Plea hearing. The client was in custody and present in court.  The original Information Charges:   1. Open Murder with Use of a Deadly Weapon 2. Possession of Firearm by Prohibited Person 3. Possession of Firearm by Prohibited Person 4. Possession of Firearm by Prohibited Person 5. Possession of Firearm by Prohibited Person 6. Habitual Criminal   The Amended Information Charges:   1. Murder – Second Degree, category A felony (shot the victim in the neck). Pled No Contest. 2. Possession of a Firearm by a Prohibited Person (4 different firearms), a category B felony. Pled No Contest.   Court canvass:  Satisfied with attorney, understands charges, formal reading waived, confirmed pleas were made knowingly, freely, and voluntarily, factual basis, penalty range for both offenses, client’s age, education (graduated from high school in 2019 while in prison), mental health (alcohol, controlled substances, prescription medications), prior employment in construction at $25/hour, has lived in Elko (off and on) for about 20 years. Nevada Resident since 1978. Client confirms that he signed the Guilty Plea Agreement. That he read it, understands it, and signed it. The client confirms that he had an opportunity to review it with Diana and that Diana was able to answer his questions regarding the Guilty Plea Agreement A. Confirmed that he understands the elements of the offenses, discussed possible defenses with attorneys, understands that he gives up those defenses and gives up the right to require the State to prove these charges beyond a reasonable doubt in a jury trial with an unanimous verdict requirement. The client is ok physically, although has had some pain in his right wrist, but the pain does not affect his ability to understand what he is doing regarding entry of his plea and what is happening in court today. The client is on medication for anxiety (Paxil, Tylenol for his wrist, inhaler for his asthma) but the medications do not impair his ability to understand what he is doing.  Diana explained the agreement:  In exchange for the client’s plea of No Contest to these 2 counts, the State will not pursue the other original charges and will not file any additional charges arising out of the facts currently known by the State related to the events giving rise to these charges. The State agrees to cap its sentencing recommendation on count 1 to 10-25 years and to recommend that the court run the sentence in count 2 concurrent to the sentence in count 1.  The prosecutor explained the elements of the offenses and the maximum penalty ranges for each count.  The judge explained that probation is not possible for count 1 but is possible for count 2.  [Note: there will not be an enhancement for the firearm or for habitual criminal status]  The judge explained the meaning of concurrent sentences and consecutive sentences emphasizing the difference and confirming that the client understands that the decision whether the sentences will run concurrently or consecutively is solely up to the judge.  There was a Settlement Conference that resulted in this agreement.  The court confirmed that the State had notified the victims of today’s hearing and the proposed resolution. This is a case where the client can withdraw his plea if the court decides not to follow the joint sentencing recommendation. The court explained the rights that the client is waiving in order to enter these No Contest pleas. The court confirmed that client is entering these No Contest pleas freely, voluntarily, and knowingly. The court relied on the offer of proof contained in the GPA for the factual basis. The court accepted the No Contest pleas. The State anticipates 1 hour is needed for the sentencing hearing. The State does anticipate Victim Impact Statements at Sentencing. Diana agrees with the 1 hour estimate. The Sentencing hearing is to be set by the Judicial Assistant. The Trial previously scheduled is vacated. The court ordered the preparation of a Presentence Investigation Report. | | | |