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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 | Nestor Marcial Martinez  Deputy Public Defender | Prosecutor(s) | Phillip Carwane & Amanda Zapata  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 2 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In Custody | 1 | Number of Clients  Out-of-Custody | 1 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Arraignment and Pretrial 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?**  Nestor appeared to be prepared for one of his two cases today. The other client failed to contact the Public Defender’s Office, and the Public Defender’s Office was unable to reach the client. | | | |
| **How knowledgeable was the Attorney about their cases?**  Nestor appeared to be knowledgeable about his cases today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Nestor did a good job advocating for one of his client during the court hearing. Nestor was unable to provide much advocacy for his absent client. | | | |
| **How was the Attorney/client communication?**  The attorney-client communication appeared to be good with one of the two clients. There has been no recent communication with the absent client. | | | |
| **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 (continued from reverse side):**  Nestor had 2 clients scheduled for court this afternoon:  **Remarks/Recommendations/Notes Continued from Previous Page:**   1. Pretrial Hearing. The client was out of custody and failed to appear in court. Nestor informed the court that he and his office have been unable to reach the client and the client has not contacted the Public Defender’s Office. This is a felony DUI case set for Jury Trial to begin tomorrow. This was a “mandatory appearance” hearing for the client. The State requested a Bench Warrant. Nestor submitted the issue to the court without argument. The court issued a Bench Warrant in the amount of $15,000 cash only. The court ordered that tomorrow’s trial date is vacated. 2. Arraignment. The client is in custody and present in court. The client is charged with one count of Possession of Stolen Motor Vehicle, a category C felony. Judge Kacin informed the parties on the record that his former law clerk (she left his office for other employment a few days ago) informed Judge Kacin that the alleged victims in this case are members of her immediate family (parents and sibling). Judge indicated that he can be fair and impartial but put it on the record for the parties to know about that fact. Either party may request that the Judge recuse himself from these proceedings. A recess was taken for Nestor to discuss the potential conflict with his client. Following the recess, the defense and the State waive any potential conflict of interest and do not request that the Judge recuse himself. The judge reiterated that he believes that he can and will be fair and impartial. The parties can raise the issue again if appropriate. During the court canvass, the client confirmed that he is satisfied with the services of his attorney, understands the charge, and pleads Not Guilty. The client invoked his right to a speedy trial. Both parties would like to participate in a Settlement Conference. The Jury Trial and Settlement Conference dates will be scheduled through Judicial Assistant. The court ordered, without argument, that bail would remain at $5,000. | | | |