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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | April 30, 2025 | County | Douglas |
| Court | East Fork Justice Court | Judge | Laurie Trotter |
| Defense Attorney | Matt Ence | Prosecutor(s) | William Murphy  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 | 2 | Number of Clients Out-of-Custody | 5 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 2 |
| Hearing Types | Status, Order to Show Cause, Sentencing, Sentencing, Review 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. | | | |
| **How knowledgeable was the Attorney about their cases?**  Matt 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:**  Matt had 7 client on calendar today:   1. First client: Status hearing. The client is in custody and present in person. Matt informed the court that the parties had reached an agreement. The client waived his right to a preliminary hearing and will plead guilty to count 1 in the Criminal Complaint. The parties will jointly recommend at time of sentencing that the client be sentenced to 12-30 months in the Nevada State Prison and that the sentence be suspended and the client be placed on probation. The parties are free to argue regarding the conditions of probation. The client’s custody status was not addressed during today’s hearing. The court accepted the waiver of preliminary hearing, bound the case over to district court, and set an arraignment date of 5/19/2025 at 8:30 a.m. 2. Second Client: Order to Show Cause hearing. The client is in custody and present in person. Matt informed the court that the parties had reached an agreement. The client pled guilty to count 3 (Possession of Drug Paraphernalia). The State dismissed counts 1 and 2. The client admits violating the conditions of his release on his own recognizance. The parties agreed to make a joint sentencing recommendation of 30 days jail suspended for 1 year with conditions:  * 2 days active jail (for violating the conditions of release); these 2 days of active jail can run concurrently with his separate Tahoe Justice Court sentence. * Supervision by the Department of Alternative Sentencing. * Not possess or consume drugs, alcohol, or marijuana. * Search, seizure, and testing for the presence of drugs, alcohol, and/or marijuana.   Additionally, the parties agree to recommend that the client serve 2 days jail for contempt for violating the conditions of his release. These 2 days jail to run concurrently with his Tahoe Justice Court case.  Following the court canvass, the court accepted the guilty plea and contempt admission. The court followed the joint sentencing recommendation.   1. Third client: Sentencing hearing. The client is out-of-custody and present in person. Matt presented to the court the client’s Substance Use Evaluation and proof of completion of a DUI school. The State submitted a victim impact statement from the mother of the child present in the car at the time of the underlying DUI offense. The client made a statement in allocation. The parties made a joint sentencing recommendation of:  * 62 days jail with 60 of those days suspended for 2 years on the following conditions:  1. 2 days active jail. 2. Supervision by the Department of Alternative Sentencing. 3. Not possess or consume drugs, alcohol, or marijuana. 4. Search, seizure, and testing for the presence of drugs, alcohol, and/or marijuana. 5. Obtain a Substance Use Evalution (the client has already obtained the evaluation and submitted it to the court) and follow any and all treatment recommendations. 6. Obey all laws. 7. Complete all other conditions of this sentence.  * Fines, fees, and assessments totaling $900. * DUI school (already completed and submitted to the court) * Victim Impact Panel * Install an Interlock Device in any vehicle he drives for 185 days.   The court admonished the client about the seriousness of driving under the influence and especially with children in the car.  The court followed the joint sentencing recommendation.  **Remarks/Recommendations/Notes (continued from previous page):**  [Note: the client also has a gross misdemeanor charge pending in District Court (for Child Endangerment based on the same driving event). The court reserved the power to release the client from Department of Alternative Sentencing supervision in the event that the District Court placed the client under the supervision of Parole and Probation. The defense will need to file a motion with the justice court and the State will have an opportunity to oppose the client’s release from Department of Alternative Sentencing supervision].     1. Fourth client: Status hearing. The client is out-of-custody and present in person. Matt informed the court that the client intends to retain private counsel. Matt requested a 1-month continuance to give the client time to do so. The State agrees to a continuance to give the client time to retain counsel but does not want it set out a full month. Matt explained that he will be out of the office for the next 2 weeks and he is not certain that a substitution of counsel can be completed in the few days remaining this week. The court continued the status hearing to 5/28/2025 at 2:00 p.m. 2. Fifth client: Order to Show Cause hearing. The client is out-of-custody and present in person. Matt explained to the court that the client did not appear at the last hearing date because the client believed that he did not need to appear because he turned in proof of counseling. Matt explained to the court that, according to his client, the court clerk told him he did not need to appear if he turned in the proof of counseling before the court date. He has completed all of the counseling requirement. The court did not find the client in contempt and because all conditions of the sentence are now complete, closed the case. 3. Sixth client: Sentencing hearing. The client is out-of-custody and present in person. Matt informed the court that the parties have agreed to continue the hearing for 1 month to enable the client to obtain a valid driver’s license. If the client does so, the State will amend count 2 of the Criminal Complaint from Driving on a Suspended License to No Valid Driver’s License. The client previously pled guilty to Count 1 Driving Under the Influence – First Offense. Matt informed the court that the client obtained a Substance Use Evaluation and submitted that to the court, that the client has started treatment and submitted a letter from the counselor confirming that the client has started treatment, and the client has completed the DUI school and attended a Victim Impact Panel. Sentencing on both counts is continued to 5/28/2025 at 2:00 p.m. 4. Seventh client: Status hearing. The client is-out-of-custody and present in person. Pursuant to negotiations, this case was remanded back to the Justice Court from the District Court. The State filed an Amended Criminal Complaint charging one count of Theft, a misdemeanor. The client pled guilty to the one count of Theft. Following the court canvass, the court accepted the guilty plea. The State informed the court that the victim was notified that today would be the day for sentencing. The victim did not choose to make an impact statement. The restitution was already paid in full in District Court. The parties made a joint sentencing recommendation of time served. The court followed the joint recommendation and sentenced the client to time served. The court ordered that bail is exonerated and the case closed. | | | |