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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | February 3, 2025 | County | Elko |
| Court | Fourth Judicial District Court Dept 3 | Judge | Mason Simons |
| Defense Attorney | Matt Pennell  Public Defender | Prosecutor(s) | Jeff Slade  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 2 (2 clients, 3 cases) |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In Custody | 2 | Number of Clients  Out-of-Custody | 0 |
| Cases Continued  In Custody | 2 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Sentencing and Probation Violation 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 to be prepared for his cases today. Although one of the cases needed to be continued because the substance use evaluation had not been completed by the evaluator. Another case was continued to give the client more time to consider his options. | | | |
| **How knowledgeable was the Attorney about their cases?**  Matt appeared to be knowledgeable about his cases today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Matt did a good job advocating for his clients 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 / 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):**  Matt had three clients in court today:  **Remarks/Recommendations/Notes Continued from Previous Page:**   1. The first client was scheduled for a Sentencing Hearing on one count of DUI with Two or More Prior Convictions. This client was in custody and present in court. Matt requested a one-week continuance because the defense was still waiting on the written Substance Use Evaluation and the client intends to apply for the DUI Diversion program.   The State had no objection to the continuance. The State also informed the court and defense that it had received the restitution amount being requested by the victim.  The court continued the sentencing hearing to February 10, 2025, at 3:00 p.m.  The client’s custody status was not addressed.   1. The second client (first case being heard today) was scheduled for a sentencing hearing on one count of Battery, a misdemeanor (this charge was reduced pursuant to negotiations). The client was in custody and present in court. The client previously entered a No Contest plea to the misdemeanor Battery.   No PSI was ordered because it was a misdemeanor offense.  The underlying event began over a dispute resulting from a Video game the client and victim were playing together at a public place. The victim was punched in the face. The injuries required Careflight to Salt Lake City for special surgery. Victims of Crime paid the victim: $20,000. The victim’s medical bills exceeded $90,000.   * **State Sentencing Recommendation**: 180 days active jail with credit for time served and restitution to the Victims of Crime in the amount of $20,000. * **Defense Sentencing Recommendation**: Less than 180 days.   Matt informed the court that the victim had a reputation for causing fights. The week before this event, the victim punched someone else in the head.  In this event, prior to the physical altercation, the victim blocked the exit preventing the client from leaving. There was a good potential self-defense in this case had it proceeded to trial.  The client plans to seek substance use treatment upon his release from custody.   * **Defendant Allocation Statement**: I am not a criminal. I am a drug addict. I want to change. I want to get help. Please do not sentence me to jail.   Sentence:  180 days jail with credit for time served of 2 days.  Restitution in the amount of $20,000 to the Victims of Crime. The client shall sign a written civil confession of judgment for that $20,000.   1. The second client (second case being heard today) was scheduled for a Technical Probation Violation Hearing. The client was in custody and present in court.   Matt requested a continuance in light of:   * this hearing was short set; * the client was just sentenced to jail time a few minutes ago and needs time to evaluate his options in light of that sentence; * the defense needs more time to prepare.   The State had no objection to the continuance.  The Court continued the hearing to February 24, 2025, at 3:00 p.m.  Because this is a Technical Violation allegation, the court may only hold the client for 15 days. So, the court ordered that the client will be released on this case at the 15-day mark. However, the client will remain in custody serving the 180 day jail sentence in the other case. | | | |