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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | May 28, 2025 | County | Elko |
| Court | Elko Justice Court – Department B | Judge | Bryan Drake |
| Defense Attorney | Thomas O’Gara  Deputy Public Defender | Prosecutor(s) | Justin Barainca  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 | 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?**  Thomas appeared to be prepared for his case today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Thomas appeared to be knowledgeable about his case today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Thomas’ 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 / N/A |
| 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:**  Thomas had 1 client scheduled for today’s court session:   1. First client: **Pretrial hearing**. The client was in custody and appeared by Zoom video from the Elko County jail. Thomas also appeared by Zoom video from the jail. The client had 2 pending cases.  * Thomas explained to the court that the parties had reached a resolution involving both cases. In exchange for the client’s No Contest pleas to Obstructing a Public Officer in one case and Possession of Drug Paraphernalia in the other case, the State agrees not to argue for or request any additional active jail time. The parties are otherwise free to argue. The State will dismiss the remaining charges. * The client pled No Contest to Obstructing a Public Officer and Possession of Drug Paraphernalia, both misdemeanors. * Following the court canvass, the court accepted the No Contest pleas. * The State dismissed the remaining counts. * The client has credit for time served totaling 23 days. * The State recommended a sentence of 180 days on each count, to run consecutively, and to be suspended (i.e., 180 + 180 – 23 = 337 days suspended). * Thomas argued that because the client is facing probation violation allegations in District Court and is likely to be revoked and sent to prison, this court should sentence the client to time served on both counts or, in the alternative, to a very small amount of jail time suspended. * Thomas also reminded the court that the client has a 3rd case that is pending in the Justice Court. In that case the client is on a deferred sentencing. Thomas asked that this case be set for a Review hearing. * The client waived his right of allocation. * The court sentenced the client on the Obstructing a Public Officer charge to 180 days jail, with 23 days credit for time served. The balance of the jail time is to be suspended for 1 year on the conditions of “good conduct” and sobriety. * The court sentenced the client on the Possession of Drug Paraphernalia charge to and identical sentence (180 days jail, with 23 days credit for time served. The balance of the jail time is to be suspended for 1 year on the conditions of “good conduct” and sobriety.) * The court ordered that the 2 sentences run concurrently to each other. * The court did not mention whether these sentences will run concurrently or consecutively to the felony case pending probation revocation in District Court. | | | |