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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez by Zoom Video |
| Date | February 4, 2025 | County | Elko |
| Court | Elko Justice Court – Department A | Judge | Randall Soderquist |
| Defense Attorney | Brea Revier  Deputy Public Defender | Prosecutor(s) | Ryan McCormick  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 | 0 | Number of Clients  Out-of-Custody | 2 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 1 |
| Hearing Types | Pretrial Conferences | | |
| **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?**  Brea appeared to be prepared for her cases today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Brea appeared to be knowledgeable about her cases today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Brea’s 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 / 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:**  Brea had 2 clients on today’s calendar:   1. Client 1: Brea informed the court that her client intends to accept the settlement offer in this case. The client is participating in the Drug Court program in separate case. Brea is requesting a one-week continuance to enable her to review the waiver of rights from with the client. Change of plea and sentencing could occur next week. The State did not oppose the continuance. The court continued the hearing to February 14, 2025, at 8:30 a.m. in Department B. 2. Client 2: This client had 2 cases set for pretrial conferences today. The parties reached a resolution involving both cases. In one case the client pled No Contest to two counts: (1) Violation of TPO and (2) Disturbing the Peace. In the other case, the client pled No Contest to one count of Disturbing the Peace. Amended Criminal Complaints were filed in each case consistent with the resolution. Additional amendments were made in open court by interlineation. In exchange for the client’s No Contest pleas to these 3 counts, the State will not pursue the stalking offense or any other charges arising out of facts now known to the State; the State will not seek active jail time; both sides are free to argue regarding the amount of suspended jail time and conditions of the suspended sentences. Following the court canvass, the court accepted the No Contest pleas.   Both victims were present in court. They provided written Victim Impact Statements which were read by the Court.  State sentencing argument and recommendation:   * Defendant has been pervasive and abusive in his treatment of Ms. Peterson and Mr. Hubbard in violation of the multiple protective orders. * Natasha Peterson has children in common (a son and daughter) with the defendant. * Mr. Hubbard is the new significant other of Ms. Peterson).   Recommends 100 days jail (suspended for 2 years) on each count consecutive (total of 300 days) with conditions, including a no contact order.  Defense sentencing recommendation and argument:   * Explained some of the reasons that client was upset (victim had violated her verbal agreement not to introduce the child too soon to anyone that they are dating). Client truly believed that victim Hubbard was doing inappropriate things to his daughter. * Explained Judge Simons after hearing all of this in the child custody case, ordered 50-50 joint custody of the children.   Recommends this Court:   * Leave the child custody issues to the District Court. * Order, as a condition of the suspended sentence, that the client abide by the orders of the District Court. * Requests a suspended fine rather than suspended jail time.   Client waives right of allocation.  Court:  On its own motion, the court continued the Sentencing on both cases to 2/21/2025 to occur after the District Court’s evidentiary hearing on a Motion to Modify Custody.  The court left the O.R. release in place pending sentencing. The only communication between the defendant and victims is to be through the “Parenting App.” | | | |