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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 24, 2025 | County | Elko |
| Court | Fourth Judicial District Court Dept 1 | Judge | Kriston Hill |
| Defense Attorney | Thomas O’Gara  Deputy Public Defender | Prosecutor(s) | Walter Fick  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 | 1 | Number of Clients  Out-of-Custody | 0 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Sentencing 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 did a good job advocating for his client 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:**  Thomas had 1 client on this afternoon’s court calendar:  **Remarks/Recommendations/Notes Continued from Previous Page:**  Sentencing hearing. The client was in custody and present in court. The client previously entered No Contest pleas to Possession of Stolen Property, Possession of a Firearm by a Prohibited Person, and Habitual Criminal.  Presentence Investigation Report Corrections:  The court corrected the sentencing date and a case number on page 6 of the PSI in the criminal history section. Thomas and the client had no corrections. Thomas pointed out that they had corrected the client’s education status at the last hearing.  The State made corrections to the client’s criminal history by adding two convictions from 1999.  The Judge asked the State whether the convictions from 1999 and 1995 are too stale to consider.  No further evidence or exhibits were presented during the Sentencing hearing. Prior to the Sentencing hearing, Thomas had filed letters of support for the client.  The Judge reminded the parties that she previously represented the client. The State, defendant, and Thomas previously waived any conflict. The court gave all 3 another opportunity to request recusal. All 3 again waived any potential conflict of interest.  Argument and Recommendations:  The State: The State asked the court to impose an active prison sentence. The prosecutor highlighted the fact that at least 10 of the client’s prior convictions involved violence. The client was eligible for the “big bitch” (habitual criminal statue) but through the negotiations, the parties reduced it to the small bitch.” The State argued that deterrence (both general and specific), retribution, and protection of the community, all support an active prison sentence.  Defense argument: Thomas asked the court to grant his client a suspended sentence with probation. Thomas argued using details from the mitigation statements and the letters of support for his client filed with the court. Thomas emphasized that the client has an underlying substance abuse issue that he has suffered from nearly his entire life. The client is 50 years old and has never been given a chance at a treatment program. Thomas pointed out that the client is currently accepted into an inpatient treatment program at the New Frontier. Thomas reminded the court that the client is currently on parole on another charge with 180 months sentence from 2015. Therefore, even without the habitual criminal status, the client has a significant amount of prison time over his head. Thomas argued that we do not know whether the client’s parole will be revoked, and that the client has all the incentives to make this probation different from the other cases and sentences he has had in the past.  Defendant Statement: apologized for his conduct and said that he has changed and can continue to change for the better. The client asked the court for one more chance to prove he has changed and can continue to progress in a positive way if given probation.  The Court confirmed with the parties that the Habitual Criminal Status would impose a penalty in place of a sentence for the underlying offense and that the court has the power to impose the habitual criminal sentence concurrent with the client’s other sentences. The court noted that the client has a parole violation pending in Carson City and that it was not currently known what consequence the parole board will impose.  The Judge stated that this is one of the hardest decisions she has ever made (in part because of her prior representation of the client). She knows that people are often better than their records and better than their worst conduct. However, the client has such a long criminal history and has had a lifetime of trauma. But the trauma the client has suffered does not allow or excuse the client from inflicting trauma on other people.  Sentence: The client is sentenced as a Habitual Criminal to 150 months NSP concurrent to any other sentences he is serving. | | | |