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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | May 29, 2025 | County | Elko |
| Court | Elko Justice Court – Department B | Judge | Bryan Drake |
| Defense Attorney | Brian Green | 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 | 0 | Number of Clients  Out-of-Custody | 1 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Preliminary 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?**  Brian appeared to be prepared for his case today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Brian appeared to be knowledgeable about his case today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Brian’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 / 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:**  Brian had 1 client scheduled for today’s court session:  Sole client today: Preliminary hearing. The client was out of custody and present in court.   1. Prior to the start of the preliminary hearing, the prosecutor informed the court that it would be proceeding on the Amended Criminal Complaint which combined the charges against the defendant and her codefendant so that there would be a single preliminary hearing to include testimony related to both codefendants’ involvement in the alleged crimes.  * Brian opposed the joinder of his client with the codefendant and argued that each defendant should have a separate preliminary hearing. * The State responded arguing that the State had the authority to make the charging decision and it chose to charge the defendants and proceed against them joined in a single proceeding. The State argued that it is the defense burden to file a motion to sever. The Amended Criminal Complaint was filed months ago and the defense never filed a motion to sever. The State also argued that the defense can file a motion to sever in the district court. * The judge initially sided with the defense but then changed his mind and allowed the State to proceed against both defendants with a single preliminary hearing.  1. Testimony: The State informed the court at the beginning of the proceeding that it would be presenting the testimony of 16 witnesses during the course of the preliminary hearing. The State did not believe that it would get through all the witnesses today but if it did, there were 2 State witnesses that were unavailable today. So, in the event the State gets through the testimony of the other 14 witnesses today, then it will make a Hill-Bustos motion to continue the preliminary hearing to another date for those remaining 2 witnesses to testify.  * The State was only able to present the testimony of 10 witnesses during the course of today’s hearing. The testimony ended a little before 5:00 p.m. The parties then worked on picking a date to conclude the preliminary hearing. * 5 of the State’s witnesses appeared in person to testify. 2 of those 5 witnesses involved the use of interpreters. One witness had the assistance of a Mandarin interpreter. The other witness had the assistance of a Punjabi interpreter. Both interpreters assisted through Zoom video. * 5 of the State’s witnesses appeared by Zoom video. * Brian’s cross-examination of the State witnesses was very limited. This may have been the result of several factors: (1) most of today’s witnesses’ testimony related primarily, if not entirely, to providing information about the conduct of the co-defendant; (2) much of Brian’s cross-examination was focused on clarifying the testimony of the State’s witness and/or confirming that the witness was not identifying or discussing Brian’s client in their testimony; (3) Brian may have been intentionally limiting his cross-examination so as not to give the State witnesses a “dry run” at this early stage and thus saving those questions for the trial; (4) Brian’s questions of one of the officers may have been with the intention to lock in the officer’s testimony regarding the search of a vehicle for use later at trial or in a pretrial motion. | | | |