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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | April 22, 2025 | County | Lander |
| Court | Eleventh Judicial District Court | Judge | Jim Shirley |
| Defense Attorney | Kyle Swanson  Lander County Public Defender | Prosecutor(s) | Michael MacDonald  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 3 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 0 | Number of Clients Out-of-Custody | 0 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 1 |
| Hearing Types | Arraignment and Sentencing 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?**  Kyle appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Kyle appeared to be knowledgeable about his cases. | | | |
| **The Attorney's courtroom 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 / N/A |
| 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:**  Kyle had 3 adult clients on today’s court calendar:   1. First Client: Arraignment hearing. The client is out of custody and present in person.   The client pled Guilty, pursuant to a Guilty Plea Agreement filed in open court today, to Attempted Possession of a Firearm by a Prohibited Person, a category C felony. As part of the agreement, the State agrees to recommend 12-36 months NSP suspended with probation.  Following the court canvass, the court accepted the Guilty plea.  The court ordered the preparation of a Presentence Investigation Report.  Sentencing was set for June 17, 2025, at 1:30 p.m.   1. Second Client: Sentencing hearing. The client is out of custody and not present.   Court issued a bench warrant for the client failing to appear today and for failing to test or check in with Pretrial Services as previously ordered. The warrant is for 11 Western States. I did not hear a bail amount.   1. Third Client: Arraignment hearing. The client is out of custody and present in person.   At the start of the hearing, a representative from Pretrial Services informed the court and parties that the client tested positive today for a controlled substance. The representative also reminded the court that the client tested positive for controlled substance at the last hearing on 4/8/2025.  Kyle argued for his client to remain out of custody. Kyle informed the court that the client has been attempting to get into an inpatient treatment program. She has been offered a placement tonight at the Vitality Center. Kyle requested that client be ordered to check into the Vitality Center program tonight.  The State argued that the inpatient treatment wait until the arraignment has been completed. The Arraignment cannot be completed today because she is positive for a controlled substance. State requests that the client be placed in custody and that the arraignment be continued for 2 weeks. If after the arraignment she still wants to go to treatment, then the State has no objection to a residential treatment program following entry of plea. The State wants this case to be moving forward.  In a rebuttal to the State, Kyle recommended that the court pursue treatment over punishment for the client’s addiction and that she be allowed to enter the treatment program today.  The court order that:   * the client turn herself in to the Vitality Center and successfully complete the residential treatment program. * The Arraignment is continued to the first Law and Motion day following her completion of treatment. * If the client does not check herself into the Vitality Center’s residential treatment program or leaves the program without completing it or is discharged unsuccessfully from the program, then a warrant will be issued for her arrest. | | | |