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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 | Thomas Gunter  Deputy Public Defender | Prosecutor(s) | Ryan McCormick, DDA  Justin Barainca, DDA  Hanley, Deputy City Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 6 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In Custody | 1 | Number of Clients  Out-of-Custody | 5 |
| Cases Continued  In Custody | 1 | Cases Continued  Out-of-Custody | 4 |
| 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?**  Thomas appeared to be prepared for his cases today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Thomas appeared to be knowledgeable about his cases 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 / 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 6 clients on today’s calendar:   1. Client 1: Pretrial Conference. Out-of-custody. Appeared by Zoom. The client intends to accept the settlement offer which requires that the client obtain a substance use evaluation. Thomas requested a one month continuance to enable his client to obtain the substance use evaluation. The State does not oppose continuance. Hearing is continued to 4/4/2025 at 8:30 a.m. 2. Client 2: Pretrial Conference. In custody. Appeared in person. Client has a bed date available at New Frontier inpatient substance use treatment program. Thomas requested a continuance and that his client be released on his own recognizance to enable him to participate in the residential treatment program. The State did not oppose the continuance or the O.R. release with the condition that the client enter the New Frontier program within 24 hours. The court granted the O.R. release with conditions, including that the client enter the New Frontier program within 24 hours. The court continued the hearing to April 15, 2025 at 10:00 a.m. 3. Client 3: Pretrial Conference on 2 cases. Client has 2 other cases that are not on the calendar today. The client is out-of-custody appearing in court in person. Thomas requested a continuance. The defense just received a settlement offer from the State on the 2 cases. Thomas needs time to discuss the offers with the client and for the client to consider them. The State did not oppose the continuance.  * One case on calendar is a post-sentencing case. The client has a 30-day suspended jail sentence with conditions of pay restitution and “good conduct.” However, no restitution amount was ever put on the record or in the judgment. The prosecutor informed the court that the DA office never received the actual restitution amount from the victim. So, the State was willing to eliminate the restitution condition. The court eliminated the restitution condition and continued the case to March 5, 2025, at 2:00 p.m. * Second case on calendar is a pretrial conference. The hearing was continued to March 5, 2025, at 2:00 p.m. * Third case, not on calendar today, the client has a bench warrant for failing to participate in random drug/alcohol testing as a condition of her own recognizance release. Thomas explained that the client was unemployed and unable to pay for her phone which caused difficulty for her to communicate with Thomas and with Pretrial Services for testing. Thomas explained that the client has recently been hired by Jaret Canyon mine. Thomas asked that the bench warrant be quashed and the case be set for the same date as the two cases described above. Thomas also asked that the 2 times per week random testing requirement of the O.R. release be removed. The State had no objection. The court quashed the bench warrant, eliminated the 2-times per week testing requirement, and added a condition that she maintain employment with Jaret Canyon Mine. The court set the next hearing for March 5, 2025, at 2:00 p.m. * Fourth case, not on calendar today, the client asked for an extension to pay the $75 civil penalty to March 5, 2025. The court granted the extension to March 5, 2025, at 2:00 p.m.  1. Client 4: Pretrial Conference on 2 cases. Out-of-custody. Appeared by Zoom. The client intends to accept the settlement offer in both cases which requires that the client obtain a substance use evaluation. Thomas requested a one-month continuance to enable his client to obtain the substance use evaluation. The State does not oppose continuance. Hearing is continued to 4/4/2025 at 8:30 a.m. 2. Client 5: Pretrial Conference. Out-of-custody. Not present. The client called Thomas approximately 20 minutes before court and explained that he has not been able to return to Elko from Reno. Thomas informed the court that the client intends to accept the settlement offer. Thomas requested a continuance for his client to appear in person or to allow a plea by mail. The Deputy City Attorney did not oppose the continuance. Hearing is continued to 2/18/2025 at 8:30 a.m. 3. Client 6: Pretrial Conference. Out-of-custody. Appeared in person. The client accepted the settlement offer. The client pled No Contest to Hit and Run Unattended Property. The joint sentencing recommendation was for $250 fines plus fees and assessments. Following the court canvass, the court accepted the No Contest plea. The court followed the joint sentencing recommendation: $250 fine pluse $105 in fees and assessments for a total of $355. The client is ordered to pay $100 per month beginning on 3/5/2025 and then on the 5th of each months until paid in full. | | | |