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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | April 28, 2025 | County | Douglas |
| Court | Ninth Judicial District Court Dept II | Judge | Thomas Gregory |
| Defense Attorney | Mary Brown | Prosecutor(s) | Ric Casper and William Murphy  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 | 2 | Number of Clients Out-of-Custody | 1 |
| 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?**  Mary appeared prepared for court except that she had just recently received some records to present for the court’s consideration at the sentencing hearing. | | | |
| **How knowledgeable was the Attorney about their cases?**  Mary appeared to be knowledgeable about her case. | | | |
| **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:**  Mary had 3 clients scheduled for court this morning:   1. Client 1. Sentencing hearing. The client was in custody and present in court.   Presentence Investigation Report Corrections: The State had no corrections. Mary had no corrections.  Sentencing recommendations:  Mary provided a Substance Use Evaluation and letter from New Frontier on behalf of her client. Mary argued for probation with no specific length of underlying sentences. Mary pointed out that the underlying offenses occurred 2 years ago in 2023, that the client has been working on his sobriety, that the client’s girlfriend is participating in the Drug Court in Washoe County. Defense pointed out that the client’s girlfriend, son, and mother are all present in court in support of client. Mary also submitted a letter written by the client for the court’s consideration.  The court confirmed receipt of the Substance Use Evaluation, the letter from New Frontier counseling program, and the letter from the client. All were admitted as exhibits without objection.  The client made a statement in allocation: written letter and verbal statement. The client stated that he understands the seriousness of the situation and asks for one opportunity at probation.  The State recommends, pursuant to GPA, probation. The State recommends the following underlying sentences:   * Count 1 Possession of a Controlled Substance (Fentanyl): 28-72 months in the Nevada State Prison, suspended, that the client be under the supervision of the Department of Parole and Probation with all standard terms of probation, and the following special conditions:  1. Follow all of the treatment recommendations contained in the Substance Use Evaluation. 2. Enter and successfully complete the Drug Court program.  * Count 2 Possession of a Controlled Substance: (Methamphetamine): 19-48 months in the Nevada State Prison, suspended, that the client be under the supervision of the Department of Parole and Probation with all standard terms of probation, and the same special conditions as listed above. That this sentence run consecutive to Count 1. * Count 3 Failure to Appear: 12-30 months in the Nevada State Prison, suspended, that the client be under the supervision of the Department of Parole and Probation with all standard terms of probation, and the same special conditions as listed above. That this sentence run concurrent to counts 1 and 2.   Mary confirmed for the court that client is willing to complete the inpatient treatment program recommended in the Substance Use Evaluation and to participate in the Drug Court program.  Sentence:  The court followed the State’s recommendation and the terms of probation recommended in the Presentence Investigation Report: $25 administrative assessment fee, $60 chemical analysis fee, $3 DNA administrative assessment fee.  Count I: (C felony) 28-72 months in the Nevada State Prison with credit for time served of 102 days. The balance of the sentence is suspended and the client is placed on probation for a period not to exceed 18 months under the supervision of Parole and Probation with all the standard terms of probation and the following special conditions: no drugs/alcohol/marijuana, search and seizure, testing, obey all laws, report to Parole and Probation within 24 hours of release from custody, enter and successfully complete New Frontier inpatient treatment program, enter and successfully complete the Western Regional Drug Court program, maintain full-time employment (submit proof to Parole and Probation of at least 3 employment applications per week until the client obtains full-time employment), fees and assessments are to be paid from cash bail, the balance of the cash bail is exonerated and will be returned to the person who posted it.  Count 2: (E felony) 19-48 consecutive to count 1, suspended.  Count 3: (D felony) 12-30 concurrent to counts 1 and 2, suspended.  Note: Client is also being held in custody by the Washoe Tribal Court. The client believes that the Tribal hold will be released now that he has been sentenced by this court.  Additional order: the client will remain in custody of the Douglas County Jail following the Tribal hold being released until the client can be released to a bed date at New Frontier.  **Remarks/Recommendations/Notes (continued from previous page):**  The court does not want the client to remain in custody for long but does not want the client released from custody without an immediate New Frontier bed date. If it looks like the Washoe Tribal Court is not going to release its hold or that the wait for a bed date at the New Frontier will be a long time, then Mary is to put this matter back on calendar for review.   1. Client 2. Arraignment hearing. The client was out of custody and present in court. The client pled guilty, pursuant to a Guilty Plea Agreement, to two counts: (1) Carrying a Concealed Weapon, a category C felony, and (2) Possession of a Controlled Substance, a category E felony. During the canvass, the client said that the controlled substance was cocaine and not methamphetamine. The State moved to amend the Information by interlineation to reflect Cocaine rather than Methamphetamine (they are both Schedule 1 controlled substances). The client appeared extremely nervous which the court commented on and tried to get the client to be less nervous. However, the client remained very nervous. Based on the error in the Information about the controlled substance and the client’s nervousness, the defense requested a 2-week continuance of the Arraignment. The State had no objection. The court continued the hearing to 5/12/2025 at 8:30 a.m.   Upon inquiry from the Court, Mary requested one change to the conditions of release: that the client be released from supervision by the Department of Alternative Sentencing. The State opposed the release from supervision. The court ordered bail remain as previously ordered by the Justice Court and added two conditions of release: (1) the client test today with the Department of Alternative Sentencing and (2) attend all future court hearings, including the continued Arraignment hearing on 5/12/2025 at 8:30 a.m.   1. Client 3. Arraignment hearing. The client was in custody and present in court. Mary informed the court that she was only recently assigned to this case. Mary also informed the court that the client is ready to go forward with the Guilty Plea Agreement. The client pled guilty to two counts: (1) Burglary of a Business, a category C felony, and (2) Theft, a category C felony. Following the Court canvass, the court accepted the guilty pleas.   The State clarified that the defendant was given use and derivative use immunity for his statements to law enforcement which resulted in the return of all the stolen property and that no restitution will be due. The State said that the client’s cooperation with the recovery of the stolen property is the reason he received the settlement offer detailed in the Guilty Plea Agreement.  The court ordered the preparation of a Presentence Investigation Report.  Upon inquiry of the court regarding custody status, Mary informed that court that as part of the negotiations, the client will remain in custody until sentencing. The State concurred with that agreement. The court ordered that the client be held without bail pending the sentencing hearing based on the agreement of the parties. The court further ordered that the client shall cooperate with Parole and Probation in the preparation of the Presentence Investigation Report. The Sentencing hearing is scheduled for 6/23/2025 at 8:30 a.m. | | | |