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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 | Nestor Marcial  Deputy Public Defender | Prosecutor(s) | Justin Barainca  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 | 1 |
| Hearing Types | Pre-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?**  Nestor did not appear to be prepared for his case today. Nestor informed the court that he has not spoken with his client. Additionally, the State has not made a settlement offer yet. The prosecutor informed the court and Nestor that the State will be making a settlement offer soon. | | | |
| **How knowledgeable was the Attorney about their cases?**  I could not determine how knowledgeable Nestor was about his case today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Nestor’s advocacy skills were good. | | | |
| **How was the Attorney/client communication?**  The attorney-client communication had not yet occurred. | | | |
| **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 / 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:**  Nestor had 1 client on today’s calendar:  The client was scheduled for a Pre-Preliminary hearing. The client was out of custody and did not appear for the hearing. Nestor informed the court that he had not yet received a settlement offer from the State. The prosecutor informed the court and Nestor that a settlement offer would be submitted soon. Thomas also informed he has not yet spoken with his client. Nestor requested a continuance to contact his client and arrange for his client to be present at the next court hearing. The DA did not oppose the continuance. The hearing was continued to March 18, 2025, at 10:00 a.m. | | | |