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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez by Zoom Video |
| Date | February 11, 2025 | County | Humboldt |
| Court | Sixth Judicial District Court Dept I | Judge | Michael Montero |
| Defense Attorney | Marc Picker | Prosecutor(s) | Anthony Gordon, Deputy DA  Stephen Girardot, Deputy DA |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 2 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 2 | Number of Clients Out-of-Custody | 0 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Arraignment | | |
| **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?**  Marc appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Marc 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 / 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:**  Marc had two clients on the calendar today:   1. Marc’s first client was scheduled for an Arraignment. The Guilty Plea Agreement was filed this morning.   The client is charged with one count of Burglary of a Structure, a category D felony. In response to a question from the court, the client said that he reviewed the Information and the GPA with Marc yesterday. The client pled guilty to the charge. Probation is possible.  Following the court canvass, the court accepted the guilty plea.  The prosecutor told the court that the victim was notified that today may be the Sentencing hearing and that the victim said that he would be here. The victim, however, is not present. The court trailed the sentencing pending the DA’s office reaching out to victim to see if victim is enroute to court.  When the court hearing resumed, the prosecutor informed the court that the victim was contacted by telephone and explained that he wanted to be at the hearing but he was called in to work.  The prosecutor requested a continuance to get a Victim Impact Statement (and restitution amount, if any).  Marc objected to continuing the Sentencing. Marc argued that the parties had agreed to have sentencing today following the entry of plea, they had agreed to use a recently prepared Presentence Investigation report from another case, the victim had been notified that sentencing could occur today, and then the victim chose to go to work rather than attend the court hearing without even bothering to call the DA office to let them know he was not coming to court.  Judge Montero put on the record that the DA Office’s representations are sufficient to go forward with sentencing today and to use the recent PSI from another case that the parties previously agreed to use today.  No evidence from either side was presented for the sentencing hearing.  The prosecutor, Parole and Probation, Marc, and the client all agree to the client having 93 days credit for time served (11/21/2024 through today).  Picker argument: Client is serving two concurrent 24-60 months on one case, 19-48 months consecutive in another case, this case should have been negotiated with the other 2. The State delayed charging this case for nearly 2 years. Defense argued that a just sentence is 12-30 months concurrent to existing sentences. This offense occurred prior to either of the other 2 offenses for which he has already been sentenced.  State argument: This case is a separate crime from the other 2 offenses for which the client has been convicted. It involve an additional victim. Consecutive time is warranted. The prosecutor then recommended a sentence of 12 months active prison to run concurrently. The prosecutor did not mention a maximum sentence amount only the 12 month minimum.  Defendant allocation: The client told the court that he had been in custody for 1 year now. A lot of time to think about what he has done. He feels sorry for what he did to the victim. If the victim were here today, he would tell him that he is sorry. The client said that he is done with his criminal life. He will serve whatever time the court feels appropriate but he hopes it will be a concurrent sentence. He said that he knows he deserves whatever the court decides.  Sentence: $25 AA, $3 DNA Assessment, 19-48 months NSP. Since both sides recommended a concurrent sentence, the court will follow that recommendation and make this sentence concurrent to the other cases. Credit for Time Served is 93 days.  After the hearing ended, and off the record, the prosecutor asked his colleagues if he had recommended “concurrent.” They confirmed that he did. He said he meant to recommend “consecutive.”   1. Marc’s second client had a review hearing regarding whether he should remain in the Specialty Court program.   The client was picked up on a bench warrant from the Justice Court but also has Specialty Court hold. Today’s hearing is to determine whether the client wants to continue in the Specialty Court program. This is a diversion case transferred from Lander County – 11th Judicial District Court.  In response to the court’s question, the client said that he would really like to continue in the Specialty Court program. The court noted that client never made it to a single Specialty Court hearing. (Transferred into Specialty Court in December 2024).  Even though the client never made it to the Specialty Court, he did start counseling. The recommendation is for inpatient treatment to start the program. The client is willing to go to the inpatient program in order to remain in the Specialty Court program.  **Remarks/Recommendations/Notes (continued from previous page):**  The court indicated that it is inclined to give the client another chance to participate in the inpatient treatment program. Marc asked the court to do so. The State had no objection.  The court stated that it will give the client another opportunity to remain in the Specialty Court program. The court ordered that the client remain in custody until the inpatient bed is available. If it turns out that a bed date is not available within two weeks, the court is willing to have another review hearing to address the client’s custody status. | | | |