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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | April 30, 2025 | County | Douglas |
| Court | East Fork Justice Court | Judge | Laurie Trotter |
| Defense Attorney | Mary Brown | Prosecutor(s) | William Murphy and Chelsea Mazza  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 8 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 3 | Number of Clients Out-of-Custody | 5 |
| Cases Continued  In Custody | 2 | Cases Continued  Out-of-Custody | 1 |
| Hearing Types | Status hearings and Motion 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?**  Mary appeared prepared for court. However, Mary had one client, a Spanish speaking client, where she needed additional time to review the discovery with the client with the assistance of an interpreter. | | | |
| **How knowledgeable was the Attorney about their cases?**  Mary appeared to be knowledgeable about her 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:**  Mary had 8 clients on calendar today:   1. First client: Status hearing. The client is in custody and present in person. A Spanish interpreter was also present to assist the client. Mary informed the court that she needed additional time to complete the review of the discovery with the client and with the assistance of the interpreter. The State did not object to the continuance. The client’s custody status was not addressed during the hearing. The Status hearing was continued to 5/14/2025 at 1:30 p.m. 2. Second Client: Status hearing. The client is in custody and not present. Mary informed the court that the client chose not to appear in court today. Mary informed the court that she will be filing a motion for a competency evaluation of her client. A new status hearing date will be scheduled. 3. Third client: Status hearing. The client is in custody and present in person. Mary informed the court that the parties had reached a resolution of all 4 cases (1 felony case and 3 misdemeanor cases). The client waived his right to a preliminary hearing on the felony charge. The client will be pleading guilty to Eluding a Police Officer, a felony offense. The misdemeanors cases are set for Status hearing on 5/28/2025. The felony Arraignment date will be set with the District Court. 4. Fourth client: Status hearing. The client is out-of-custody and present in person. Mary informed the court that the parties had reached a resolution of this case. The client will plead guilty to 2 misdemeanor counts of Disorderly Conduct. The Battery charges will be dismissed. The parties will make a joint recommendation at time of sentencing for concurrent sentences of 30 days jail, suspended for 1 year, on conditions that the client pay fines, fees, and assessments totaling $640, perform 48 hours of community service work, pay restitution in the amount of $553.75 (jointly and severally with the co-defendant), stay away from the victims and the Buckaroos bar, and violate no laws. The client pled guilty to two counts of Disorderly Conduct. Following the court canvass, the court accepted the guilty pleas. The State requested that the Sentencing hearing be set out to give the victims an opportunity to be notified of the sentencing date and to make a victim impact statement. The court set the Sentencing hearing for 5/21/2025 at 2:00 p.m. Mary informed the court that the client is the spouse of a military member that is being transferred soon and the client will be moving with her spouse. Mary asked that her client be allowed to appear at the Sentencing hearing by Zoom. The court granted that request. 5. Fifth client: Status hearing. The client is out-of-custody and present in person. Mary informed the court that the client has a sentencing date in District Court in another case. She informed the court that although the parties have not reached an agreement in this misdemeanor case, the client intends to plead guilty to the sole charge in this case, Driving While License Suspended. However, Mary requests that the sentencing hearing be set out past the date of the District Court sentencing date. The prosecutor was concerned that the guilty plea in this case could adversely affect the negotiations in the District Court case and suggested that the plea not be accepted today and that the Status hearing be continued to a date after the District Court sentencing date. Mary and the client agreed to this suggestion. The court continued the Status hearing (without taking a plea from the client) to 6/18/2025 at 2:00 p.m. 6. Sixth client: Post-Sentencing Motion hearing. The client is out-of-custody and present in person. Mary filed a motion to release her client from the Sentencing condition of supervision by the Department of Alternative Sentencing. The State did not object to the client’s release from Department of Alternative Sentencing supervision. The remaining terms of the suspended sentence remain in effect. Because the parties were stipulating to this result, the court ordered the client removed from supervision by the Department of Alternative Sentencing but stated that it was doing so without ruling on the motion. 7. Seventh client: Sentencing hearing and Status hearing. The client is-out-of-custody and present in person. The client has two cases: one is set for sentencing and the other is set for a status hearing. The Sentencing hearing was on a charge of DUI-2nd Offense and Possession of a Firearm While Under the Influence of Intoxicating Liquor. The State filed a prior DUI conviction. The court found that the prior conviction met Constitutional standards for use as an enhancement. Mary submitted a Substance Use Evaluation of the client. The court followed the parties joint sentencing recommendations.   **Remarks/Recommendations/Notes (continued from the previous page):**  The sentence for the DUI-2nd offense is:   * 100 days jail with 90 of those days suspended for 2 years on the following conditions:  1. Serve 10 days jail with credit for time served or serve 20 days house arrest; 2. obey all laws; 3. not possess or consume alcohol, controlled substances, or alcohol; 4. supervision by the Department of Alternative Sentencing; 5. search, seizure, and testing for the presence of alcohol, controlled substances, and/or marijuana; 6. follow through with any and all treatment recommendations of the Substance Use Evaluation; and, 7. comply with all other terms of the sentence.  * Pay fines, fees, and assessments totaling $1,200.00. * Complete a DUI school. * Attend a Victim Impact Panel. * Install an Interlock Device in any vehicle the client drives for 1 year. * Pay the $1,123.00 in outstanding fees to the Department of Alternative Sentencing at a rate of not less than $175 per month. If the client elects to serve the 20 days house arrest in lieu of the 10 days jail, then the client is to make arrangements with the Department of Alternative Sentencing to set that up, the fees associated with house arrest will be added to the amount already owing to the Department of Alternative Sentencing, and the client shall continue to pay $175 per month until those additional fees associated with house arrest are also paid in full.   The sentence for the Possession of a Firearm While Under the Influence of Intoxicating Liquor is:   * 30 days jail suspended for 1 year on the following conditions:  1. Pay fines, fees, and assessments totaling $640 (this fine is concurrent to the fine in the DUI sentence). 2. Attend a firearms safety class. 3. Not have any firearm on his person except when he is at or traveling to or from a firing range.  * The firearm seized from the client by law enforcement officers in this case shall be returned to the client.   In the other case, the parties reached a settlement agreement. The State amended the charge to No Valid Driver’s License and agreed to recommend a fine concurrent to the fine in the DUI case (above) and no other penalty. The client pled guilty to No Valid Driver’s License. Following the court canvass, the court accepted the guilty plea. The court followed the joint recommendation.  The sentence for No Valid Driver’s License is:   * Pay fines, fees, and assessments totaling $138. This fine is concurrent to the fine in the DUI sentence.  1. Eighth client: Status Hearing. The client is out-of-custody and present in person. Mary informed the court that the parties had reached a resolution of the case. The State filed an Amended Criminal Complaint in open court charging the client with Speeding and No Registration. The client pled guilty to both counts. Following the court canvass, the court accepted the guilty pleas. The parties jointly recommended a sentence of fines, fees, and assessments totaling $450 for the Speeding offense and $138 for the No Registration offense and that the sentences run consecutively. The court followed the joint sentencing recommendation. The client said that he could pay the $588 in full within 4 months. The court set a Review hearing for 9/12/2025 at 9:00 a.m. If the client has paid in full prior to that date, then the client will not need to appear in court at that Review hearing. If the fine has not been paid in full, then the client needs to appear to explain why the fine has not been paid. | | | |