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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 | Matt Stermitz | Prosecutor(s) | William Murphy, Chelsea Mazza, and Ric Casper  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 7 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 3 | Number of Clients Out-of-Custody | 4 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 3 |
| Hearing Types | Status, Order to Show Cause, 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?**  Matt appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Matt 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, with the exception of 2 clients who failed to appear for court. Regarding those 2 clients it did not appear that Matt has been able to communicate with them recently. | | | |
| **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:**  Matt had 7 clients on calendar today:   1. First client: Status hearing. The client is in custody and present in person.   The client has 2 cases (1 in Tahoe and 1 in East Fork). The State made a settlement offer to Matt at the counsel table in court. The court granted a recess to enable Matt to discuss the settlement offer with the client. The client accepted the settlement offer. The agreement requires the client to plead guilty to one count of Possession of a Drug to Induce Euphoria, a misdemeanor, in both the East Fork Justice Court case and the Tahoe Township Justice Court case. The parties will jointly recommend a sentence in each case of 32 days jail with credit for time served (2 days), the balance suspended 1 year with conditions: not possess or consume any controlled substances, alcohol, marijuana, or inhalants; obtain a Substance Use Evaluation and follow any and all treatment recommendations; search, seizure, and testing for the presence of controlled substances, alcohol, marijuana, and/or inhalants; violate no laws; stay away from Walmart at Grant Avenue; not enter any liquor or gaming establishments in Douglas County and Lyon County. The parties agree to recommend an identical and concurrent sentence in the Tahoe case. The client’s next court date in Tahoe is on 5/6/2025 at 1:30 p.m.  The client pled guilty to Possession of a Drug to Induce Euphoria, a misdemeanor. Following court canvass, the court accepted the guilty plea.  Sentence: the court followed the joint recommendation. The court set a Review hearing on 7/11/2025 at 9:00 a.m.   1. Second client: Sentencing hearing. The client is in custody and present in person.   The charge for which the client was being sentenced was Battery That Constitutes Domestic Violence – First Offense. Pursuant to the negotiations, the parties made a joint sentencing recommendation:   * $200 fine plus fees and assessments. * 32 days jail with credit for time served; 2 days active jail and the balance suspended for one year on the conditions that:   (1) the client have no contact with the victim,  (2) obey all laws, and  (3) complete all other statutorily mandated requirements (48 hours of Community Service work and 26 weeks of Domestic Violence counseling).  The client made a statement in allocation.  [Note: the client has nearly 30 days jail credit for time served.]  The court followed the joint recommendation and imposed the following sentence:   * $200 fine plus fees and assessments (the court converted the fines, fees, and assessments to 2 days jail and gave the client credit for 2 days time served). * 32 days jail, 2 of those days active and the balance suspended for 1 year on the conditions that: (1) the client have no contact with the victim, (2) obey all laws, and (3) complete all of the other sentence requirements. * 48 hours Community Service work (the court gave the client credit for 48 additional hours of jail time already served in lieu of the community service work). * 26 weeks of Domestic Violence counseling. * The court ordered the client to reimburse the State for the extradition costs in the amount of $3,548.33.   The client requested 1 year to complete the terms of the sentence.  The State requested a review hearing in 1 month to confirm that the client has signed up for counseling and is on track to complete his sentence requirements.  Matt informed the court that the client is relocating back to Tennessee. Matt requested permission for the client to appear at the Review hearing byf Zoom.  The court set a Review hearing for 6/6/2025 at 9:00 a.m. The court granted the client permission to appear by Zoom.   1. Third client: Status hearing. The client is out-of-custody and present in person. Matt reminded the court that this case involving misdemeanor charges is trailing a case pending in District Court. The parties stipulated to continue the Status hearing until after the District Court case concludes. The court continued the hearing to 9/10/2025 at 2:00 p.m. 2. Fourth client: Status hearing. The client is-out-of-custody and present in person. The parties are still waiting on additional discovery (including body camera video). The parties stipulate to continue the hearing. The client agreed to waive his right to a preliminary hearing within 15 days and a misdemeanor trial within 60 days. The court continued the status hearing to 5/28/2025 at 2:00 p.m. 3. Fifth client: Order to Show Cause Hearing. The client is out-of-custody and not present. The client had failed to appear at the last hearing, which is why this hearing was set as an Order to Show Cause. Matt did not have an explanation as to why the client is not present. The court issued a bench warrant for the arrest of the client. The bail is set at $1,000 cash only. The extradition is limited to Nevada only. 4. Sixth client: Status hearing. The client is out-of-custody and present in person. Matt did not have an explanation for why the client was not present. The State requested an Order to Show Cause hearing. The court set an Order to Show Cause hearing for 5/28/2025 at 2:00 p.m. 5. Seventh client: Status hearing. The client is incustody and present in person. The parties have been unable to reach an agreement and requested that a preliminary hearing be scheduled. The parties estimated that 2 days would be needed for the preliminary hearing (note: Matt Stermitz is co-counsel with Max on this case). The earliest 2 consecutive days the court has available for a preliminary hearing is 8/14-15/2025. Note: the client has previously waived her right to a speedy preliminary hearing. The parties agree to the 8/14-15/2025 dates. | | | |