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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 25, 2025 | County | Elko |
| Court | Elko Justice Court – Department A | Judge | Randall Soderquist |
| Defense Attorney | Thomas Gunter  Deputy Public Defender | Prosecutor(s) | Ryan McCormick  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 9 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In Custody | 0 | Number of Clients  Out-of-Custody | 9 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 3 |
| Hearing Types | Arraignment, Pretrial Conferences, and Order to Show Cause 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?**  Thomas appeared to be prepared for his cases today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Thomas appeared to be knowledgeable about his cases today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Thomas’ 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 / Unknown |
| 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:**  Thomas had 9 clients scheduled for the court sessions today:   1. Client 1: Pretrial hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a resolution. In exchange for the client’s plea of No Contest to Battery, the State agrees to not recommend any active jail time. Both sides are otherwise free to argue. The client pled No Contest to Battery. Following the court canvass, the court accepted the No Contest plea. The State argued for 15 days jail suspended for 1 year on the condition of “good conduct.” The defense argued for 5 days jail suspended for 6 months on the condition of “good conduct.” The client made a statement in allocation: he said that this was an unusual day. His wife learned earlier in the day of this incident that she has cancer. The client was in a parking lot fender bender with the victim in this matter and battered the victim. Sentence: 2 hours of active jail with credit for time served of 2 hours plus 5 days jail suspended for 1 year on the condition of “good conduct” / “obey all laws.” Cash bail is exonerated. 2. Client 2: Arraignment hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a global resolution involving 2 separate cases. The client will plead No Contest to a misdemeanor Battery count in each case (the original charges of Battery that Constitutes Domestic Violence will be amended to simple Battery). There will be a joint sentencing recommendation of 30 days jail suspended for 1 year in each case to run concurrently with conditions including anger management counseling and “good conduct.” The client pled No Contest to Battery, a misdemeanor, in each of the two cases. Following the court canvass, the court accepted the No Contest pleas. The State and defense asked the court to follow the joint sentencing recommendation. The client made a statement in allocation: he told the court that he stopped drinking, is participating in anger management counseling, and has started seeing a psychologist. Case 1 Sentence: 1 day 11 hours jail with cts of 1 day and 11 hours. Additionally, sentenced to 15 days jail suspended 1 year on conditions: good conduct, violate no laws, maintain sobriety, attend anger management classes. Case 2 Sentence: 15 days jail suspended 1 year on the same conditions as below. The two sentences shall run consecutively (even though the recommendation was for concurrent sentences). The client is ordered to report to the jail today to be booked and released on these cases. [Note: there was no mention of the victim being notified of today’s hearing, or that the victim wanted to make a victim impact statement or waived the right to make a victim impact statement.] 3. Client 3: Pretrial hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a resolution. The client will plead No Contest to one count of Trespassing with a deferred sentencing for 1 year on the condition that he stay out of the victim’s business. The client pled No Contest. Following the court canvass, the court accepted the No Contest plea. The court followed the agreement and deferred the sentencing for 1 year. The court ordered that the client shall remain out on the cash bail previously posted for the balance of the 1 year deferred sentencing. [Note: there was no mention of the victim being notified of today’s hearing, or that the victim wanted to make a victim impact statement or waived the right to make a victim impact statement.] A Review hearing is set for 3/31/2026 at 1:30 p.m. 4. Client 4: Pretrial hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a resolution. The client will plead guilty to DUI. In exchange, the State will dismiss the other charges and stand silent on sentencing. The client needs to obtain a Substance Use Evaluation prior to sentencing. Thomas requested a continuance for entry of plea and sentencing until after the client obtains the evaluation (currently the evaluation backlog in Elko is quite long). The State did not object to the continuance. Today’s hearing was continued to 5/13/2025 at 8:30 a.m.   **Remarks/Recommendations/Notes (continued from previous page):**   1. Client 5: Pretrial hearing. The client was out-of-custody and appeared in person. The client has 3 pending cases. Thomas informed the court that the parties have resolved all 3 cases. However, the State has not yet prepared the Amended Complaint in one of the cases and the client and Thomas still need to review and sign the DUI waiver of rights form. The parties stipulate to continue the hearing in all 3 cases to finalize the paperwork consistent with the resolution. Thomas informed the court that no Substance Use Evaluation is required prior to sentencing on the DUI case. The court continued all 3 cases to 5/16/2025 at 8:30 a.m. 2. Client 6: Arraignment hearing. The client was out-of-custody and appeared in person. Thomas   informed the court that the parties had reached a resolution. The client will plead No Contest to Disturbing the Peace (amended from Battery). The parties will make a joint sentencing recommendation. The state requests 2-week continuance to obtain the restitution amount for the victim’s broken glasses. Thomas and the client had no objection to the 2-week continuance. The court continued the hearing to 4/15/2025 at 8:30 a.m. for entry of plea and sentencing.   1. Client 7: Pretrial hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a resolution. The client will plead Guilty to Careless Driving (originally charged as DUI, amended to Reckless Driving, and now being amended to Careless Driving). The parties will jointly recommend a sentence of 10 days jail suspended for 1 year on conditions that the client obtain a Substance Use Evaluation and follow any/all treatment recommendations, attend a Victim Impact Panel, and maintain “good conduct.” The client pled Guilty to Careless Driving. Following the court canvass, the court accepted the guilty plea. The client waived his right of allocation.   Sentence: 5 days and 20 hours jail, with credit for time served of 20 hours, the balance of 5 days jail is suspended for 1 yr on the following conditions: (1) the client obtain a Substance Use Evaluation and follow any/all treatment recommendations, (2) attend a Victim Impact Panel, and (3) maintain “good conduct.” The state dismissed the remaining count.   1. Client 8: Pretrial and Order to Show Cause hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a resolution. The client will plead Guilty to Hit and Run, the parties agree to no active jail time, free to argue regarding the amount of suspended jail time for 1 year and free to argue regarding the conditions of the suspended sentence. The client agrees to pay restitution to the victim in the amount of $500. The client pled guilty to Hit and Run. Following the court canvass, the court accepted the guilty plea. The state requested that the sentencing hearing be set out for restitution documentation. The court set the Sentencing hearing for 4/1/2025 at 8:30 a.m.   OSC: the client failed to appear at the last court hearing. Thomas explained that the client was unaware of the court hearing because he was in an inpatient treatment program leading up to the last court date. Although he had completed the inpatient program prior to the last court hearing, he had not caught up on correspondence and was unaware of the court date. The court did not find the client in contempt.   1. Client 9: Pretrial hearing. The client was out-of-custody and appeared in person. Thomas informed the court that the parties had reached a resolution. The state will defer prosecution for 1 year on conditions of good conduct and no contact with the alleged victims. Next Hearing: 4/9/2026 at 1:30 p.m. | | | |