|  |  |  |  |
| --- | --- | --- | --- |
| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | February 3, 2025 | County | Elko |
| Court | Fourth Judicial District Court Dept 3 | Judge | Mason Simons |
| Defense Attorney | Diana Hillewaert | Prosecutor(s) | Jeff Slade  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 | 1 | Number of Clients  Out-of-Custody | 0 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Sentencing 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?**  Diana appeared to be prepared for her case today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Diana appeared to be knowledgeable about her case today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Diana did a good job advocating for her client during the court hearing. | | | |
| **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 / Unknown |
| 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:**  Diana had one client in court today:   1. Sentencing Hearing. The client was in-custody and present in person.   **Remarks/Recommendations/Notes (continued from reverse side):**  **PSI Corrections**:   1. Defense:  * Page 2: additional dates of birth are not from client. * Page 4: client was only incarcerated 1 time not 4 times (however, he went to prison on 4 counts but only went 1 time). * Page 8: credit time served should be 116 days.  1. State:  * Credit for time served totals 118 days. * No other corrections.   State Sentence Recommendation:   1. The State recommends a sentence of 72-180 months active prison consecutive to his other sentences. The prosecutor argued that the client has criminal history of similar offenses in Arizona and Idaho. 2. The State represented that:  * The victim is present in court. * The victim is also in the custody of the Elko County Jail – Dakota Bradshaw. * The victim does not want to make a Victim Impact Statement. * The victim’s grandmother told the prosecutor that the defendant is making things more difficult for the victim in jail.   Defense Sentence Recommendation:   1. Defense objects to prosecutor’s comments that someone told him that the client is trying to make the victim’s jail time more difficult. No evidence of this has been presented to the defense or the court. 2. Defense argues for probation with a treatment program. The underlying theft (Robbery) involved $20. There was no gun involved. 3. Diana recommends, if the court is not inclined to grant probation, then she requests a sentence of 1-5 years prison.  * Court: the defense is asking for a 1-5 year sentence but the minimum possible sentence is 2-5. * Diana agrees that 2-5 is the minimum possible sentence.   Client made a statement in allocation:   * I am a drug addict. * All my prior crimes are due to drug addiction. * I have no crimes of violence. * I was cooperative with law enforcement. * I was honest about what happened. * I understand I did something wrong and I apologize for it.   Sentence:   * $25 Administrative Assessment Fee, $3 DNA Administrative Assessment Fee. * 72-180 months Nevada State Prison (active). * Credit for time served: 118 days.   **Note:** The court made no verbal mention regarding whether this sentence shall run Concurrently or Consecutively to the other sentences the client is currently serving. | | | |