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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 12, 2025 | County | Lander |
| Court | Eleventh Judicial District Court | Judge | Spencer Roberts |
| Defense Attorney | Kyle Swanson | Prosecutor(s) | Michael MacDonald  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 6 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 0 | Number of Clients Out-of-Custody | 6 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 4 |
| Hearing Types | Arraignments, Bench Trials, Preliminary 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?**  Kyle appeared prepared for court, with the exception of one case. In this exception, Kyle believed, based on the client’s financial declaration filed with the court, that the client was not indigent. However, Kyle had not discussed the client’s financial situation with the client and was unaware that the client had lost his employment and was unemployed for 3 months and might now qualified as indigent. The client had been recently employed and the court determined that, even though the client had been unemployed, his new employment provided sufficient income that the client was not indigent and did not qualify for appointed counsel. | | | |
| **How knowledgeable was the Attorney about their cases?**  Kyle 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 noted above. | | | |
| **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:**  Kyle had 6 clients on today’s calendar:   1. First client: Scheduled for an Arraignment hearing. The client was out-of-custody and present in court. Kyle filed a motion to withdraw as appointed attorney because the client is not indigent. Kyle requested that the hearing be continued to enable the client to retain an attorney. Following a court canvass, the court granted the motion to withdraw and continued the Arraignment to 3/26/2025. 2. Second client: Scheduled for a Preliminary hearing. The client was out-of-custody and present in court. Kyle informed the court that the parties were stipulating to continue today’s hearing. The defense needs to obtain copies of the transcripts from a connected felony case in District Court. The hearing was continued to 4/2/2025 at 1:30 p.m. 3. Third client: Scheduled for a Preliminary hearing. The client was out-of-custody and present in court. Kyle filed a motion to withdraw as appointed attorney because the client is not indigent based on his employment income listed in his application for appointed counsel. The court asked Kyle if the client had been served a copy of the motion to withdraw. The client had not been served a copy. The court asked Kyle why the Motion to Withdraw was not filed in December when the case was first assigned to him. Kyle said that it took time to review the court documentation and financial information. The client did not know that the motion to withdraw had been filed. The client explained that he lost his job in December, 2024, following his arrest, that he had been unemployed for 3 months, and that he had only recently obtained new employment. The court canvassed the client to determine if he would qualify for appointed counsel based on his current financial status. Based on the client’s current income and financial situation, the court concluded that the client does not qualify for appointed counsel. The hearing was continued for the client to retain an attorney. The next hearing is set for 4/23/2025 at 1:30 p.m. 4. Fourth client: Scheduled for a Preliminary hearing and Bench Trial. The client was out-of-custody and not present in court. Kyle filed a motion to withdraw based on the client not being indigent. The previous Justice of the Peace had appointed indigent counsel. Judge Roberts reviewed the client’s financial declaration, confirmed the information is still current, canvassed the client further, and agreed with Kyle that the client was not indigent and did not qualify for appointed counsel. The Judge granted the motion to withdraw and continued the hearing to give the client an opportunity to retain counsel. 5. Fifth client: Scheduled for a Preliminary hearing and Bench Trial. The client was out-of-custody and present in court. Kyle informed the court that the parties had reached a resolution. The client will waive his right to a preliminary hearing to plead guilty in District Court to one count of Possession of a Controlled Substance, a category E felony. The parties would jointly recommend that the client receive a deferred sentence and participate in the drug court diversion program. The misdemeanor charge will be dismissed following the client’s entry into drug court or following the District Court Sentencing hearing whichever occurs first. District Court Arraignment date: To be set by the Court. Justice Court Review hearing date on the misdemeanor: To be set by the Court. 6. Sixth client: Scheduled for a Preliminary hearing and Bench Trial. The client was out-of-custody and present in court. Kyle informed the court that the parties had reached a resolution. The client will waive his right to a preliminary hearing to plead guilty in District Court to one count of Possession of a Controlled Substance, a category E felony. The parties would jointly recommend that the client receive a deferred sentence and diversion with substance use treatment conditions. The misdemeanor charge will be dismissed following the client’s entry of guilty plea in the District Court. The District Court Arraignment date: To be set by the Court. Justice Court Review hearing date on the misdemeanor: To be set by the Court. | | | |