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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 5, 2025 | County | Douglas |
| Court | East Fork Justice Court | Judge | Laurie Trotter |
| Defense Attorney | Matt Ence | Prosecutor(s) | Aaron Thomas  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 | 5 |
| Hearing Types | Status, Order to Show Cause, Alternative Sentencing Violation 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. However, Matt was covering cases for Brian Filter and there was one Brian Filter case that Matt did not know was on calendar today. | | | |
| **How knowledgeable was the Attorney about their cases?**  Matt appeared to be knowledgeable about his cases, except for one of the cases for Brian Filter. | | | |
| **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:**  Matt had 9 clients on today’s calendar:   1. First client: Status hearing. Client is out-of-custody and present in person. The client successfully completed an inpatient treatment program at the Community Counseling Center and is now in CCC’s transitional living program. Matt requested that the client’s probation be modified to end on 11/6/2025 instead of 12/11/2026 which would give the client credit for his jail time and inpatient treatment time. The State did not object to the modification. The court granted the modification. 2. Second client:Order to Show Cause hearing. Client is out of custody and did not appear in court.Matt explained to the court that he spoke with his client late this morning. The client has completed his sentence requirements of DUI School, Victim Impact Panel, and community service work. The client said that he did not receive the OSC notice from the court and did not know about today’s hearing. He is at work and cannot make it to court this afternoon. Matt requested a 1 week continuance. The State did not oppose a 1 week continuance. The OSC hearing was continued to 3/11/2025. 3. Third client:Matt requested a continuance because he has not received all of the discovery from the State yet. Matt also informed the court that he had not received the settlement offer from the State event though he was told one was coming. Deputy DA Remick said that she sent an offer back in December. The client waived his right to a speedy trial. The status hearing was continued to 3/26/2025. 4. Fourth client:Status hearing. **The client is out-of-custody and appeared by Zoom. Matt informed the court that t**heState has not yet sent the discovery or a settlement offer to the defense.   The Department of Alternative Sentencing reported that the client has not been testing at Sober 24 as ordered by the court.  The client said that he does not have the money to pay Sober 24 for testing.  The State argued that the client’s release from custody was a privilege and it required his submitting to random testing for drugs/alcohol/marijuana. The client can choose to test or to return to jail custody. The State pointed out that Sober 24 charges $13 per test and the client is not required to test every day.  The court told the client that he needs to test. Whether he tests with the Douglas County Department of Alternative Sentencing or Sober 24 is up to the client but he must begin testing immediately.  The hearing was recessed for Matt to speak with his client regarding the testing issue.  Following the recess: Matt informed the court that his client would test with the Douglas Department of Alternative Sentencing.  The court ordered the client to test at one of those 2 places by 5:00 p.m. tomorrow. If the client chooses to test with Sober 24, the client needs to inform the Department of Alternative Sentencing ahead of time for the Department of Alternative Sentencing to coordinate with Sober 24 to arrange the test. Otherwise, the client must test at the Douglas Department of Alternative Sentencing.  The court informed the parties that the client, on his own and not through his attorney, submitted a Motion to Dismiss to the court. The court told the parties that as long as the client has counsel, the court will not accept motions filed by the client rather than by his attorney. Motions from the client need to go through his attorney. The unfiled copy of the Motion to Dismiss was handed to Matt Ence by the court clerk.  The parties stipulated to continue the Status hearing for 2 weeks.  The Client then verbally requested that a new attorney be assigned in place of Matt Ence.  The court responded that it is not inclined to assign new counsel and denied the oral Motion for New Appointed Attorney.  The court continued the Status hearing to 3/26/2025.   1. Fifth client:Status hearing. The client is out-of-custody and present in person. Matt informed the court that the parties had reached a resolution of the case. The client pled guilty to DUI-1st offense with a joint sentencing recommendation. The remaining count will be dismissed at sentencing if the client has a valid driver’s license by that time. The Sentencing on the DUI needs to be continued for the client to obtain a Substance Use Evaluation and obtain a valid driver’s license. Following the court canvass, the court accepted the guilty plea. The Sentencing hearing was set for 4/9/2025 at 2:00 p.m. 2. Sixth client:Status hearing. The client is out-of-custody and present in person. Matt informed the court that the defense has not yet received all of the discovery. Additionally, the defense is still waiting on a settlement offer from the State that will potentially resolve both cases against the client. The parties stipulated to continue the Status hearing 2 weeks.   Matt requested that the client’s conditions of release be modified by removing the Global Positioning System ankle bracelet requirement. Matt informed the court that the Tahoe Justice Court issued an Extended Protective Order last week, and the Client will continue to stay away from the alleged victim. DAS Officer Roberts reports, in response to the Judge’s inquiry, that the client has been compliant on conditions of her supervision.  The State opposed removal of the GPS device condition especially without giving the victim an opportunity to be notified and have input regarding the release of this bail condition.  The court continued the Status hearing for one week (to 3/12/2025). At that time the court will decide whether to remove the GPS bail condition.   1. Seventh client:Status hearing. The client is out-of-custody and present in person. Matt informed the court that the parties had reached a resolution of the case. The client will plead guilty to a misdemeanor DUI and waive his right to a preliminary hearing on the charge of Child Abuse, Neglect or Endangerment as a gross misdemeanor (rather than on the felony originally charged). The State then filed in open court an Amended Criminal Complaint alleging the gross misdemeanor rather than the felony Child Abuse charge. The client pled guilty to the misdemeanor DUI. Following the court canvass, the court accepted the guilty plea. The client will need to obtain a Substance Use Evaluation prior to sentencing. The Sentencing hearing is set for 4/16/2025 at 2:00 p.m. Client is ordered to obtain a Substance Use Evaluation prior to the Sentencing hearing.   The court then canvassed the client on his waiver of preliminary hearing. Following the court canvass, the court accepted the waiver and bound the case over to District Court. The Arraignment in District Court is set for 3/25/2025 at 9:00 a.m.   1. Eighth client:Status hearing. The client is out-of-custody and present in person. Matt informed the court that the parties had reached a resolution of the case. The client will waive her right to a preliminary hearing and will plead guilty in District Court to one count of Principal to Burglary of a Business. The parties have agreed that If the client pays full restitution prior to the sentencing hearing in District Court, the case will be remanded back to the Justice Court for a misdemeanor resolution with a joint sentencing recommendation of time served. Following the court canvass, the court accepted the waiver of preliminary hearing and bound over the case to District Court. The Arraignment is scheduled for 3/24/2025 at 8:30 a.m. 2. Ninth client:Alternative Sentencing Violation hearing. The client was out-of-custody and not present in person or by video for the court hearing.Matt filled in for attorney Brian Filter on this case. Matt informed the court that he was not aware of this case being on calendar today and did not believe that Brian was aware of this case being on calendar. Matt requested that the hearing be continued for 1 week to enable Brian Filter to be present. The State informed the court that it has not received a copy of the Alternative Sentencing Violation report. The court printed a copy of the ASV report for both the State and Defense. The Court continued the ASV hearing one week to 3/12/2025 at 2:00 p.m. | | | |