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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | April 29, 2025 | County | Douglas |
| Court | Ninth Judicial District Court Dept I | Judge | Tod Young |
| Defense Attorney | Max Stovall | Prosecutor(s) | William Murphy  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 2 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 0 | Number of Clients Out-of-Custody | 2 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Arraignment and 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?**  Max appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Max 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. | | | |
| **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:**  Max had 2 clients scheduled for court this morning:   1. Client 1. Arraignment hearing. The client was out of custody and appeared in person.   Matt informed the court that he and his client received a copy of the criminal Information but had not received the Guilty Plea Agreement from the State. Nevertheless, this is a mandatory probation or diversion case and the client would like to go forward today without the Guilty Plea Agreement. Matt informed the court that his client would like to plead guilty today without an agreement from the State.  Matt also filed a Petition for Diversion with the court.  The court confirmed with the client that it was his desire to enter a guilty plea without an agreement from the State.  The client pled guilty to Possession of a Controlled Substance, a category E felony, without an agreement with the State. Following the court canvass, the court accepted the Guilty plea.  Matt explained to the court that his client would like to be placed on diversion and obtain substance use treatment in Oregon. Matt explained that the client has 3 treatment options available in Oregon. Of those three options, the client would like to attend the White City Veteran’s Affairs Medical Center program, if approved by the Court. That is the only program (of the 3 options) that the Court has not been presented any information about. Using his computer and the internet, District Judge Young looked up the program from the bench. Matt explained that the client has a dual diagnosis – both mental health and addiction issues – and this treatment program can address both.  The court stated that it is inclined to grant the diversion but needs to see a plan in writing. The court continued the hearing to 6/3/2025 at 9:00 a.m. The court granted the client permission to appear at the next hearing by Zoom video. The court further stated that in order for the court to approve this diversion program the following things need to be in place:   * the client needs to be enrolled in the treatment program, * the program needs to agree to provide monthly reports to the court (attending, random testing, results of the random tests), * the program must be at least one year – it can be inpatient or outpatient or a combination, and it should have individual counseling at least one per month (if possible with all the current cuts to the Veterans Administration).  1. Client 2: Sentencing hearing. The client was out of custody and appeared in person.   This was a sentencing for a gross misdemeanor charge of Battery on an Officer. The parties had previously waived the preparation of a Presentencing Investigation Report.  Max recommended a sentence of 180 days jail all suspended for 1 year with standard conditions of probation. Max argued in mitigation and in support of his sentencing recommendation. Max informed the court that the client had no prior criminal history. This lack of history was confirmed by the prosecutor.  The client initially waived his right of allocation but then made a statement to the court to apologize to the officer (the officer was not present) and told the court that he has not had a drink of alcohol since the date of this offense.  **Remarks/Recommendations/Notes (continued from previous page):**  The State explained to the court that the client this offense occurred shortly after the client was arrested for a misdemeanor charge of Driving Under the Influence – First Offense. The client’s Blood-Alcohol Content was .281. At the jail, the client struggled with and battered Deputy Sheriff Clifford. According to the victim, the client struck him with a closed fist in the arm. The victim was notified of today’s hearing and chose not to appear or to make a victim impact statement.  The State recommended the following sentence: $640 in fines, fees, and assessments; 180 days jail suspended for 1 year with standard terms of probation; 50 hours of community service work; sobriety; search, seizure, and testing for controlled substances, alcohol, and/or marijuana; and, violate no laws.  Sentence: $25 AA, $3 DNA assessment. 180 days jail, all suspended for 1 year. The client was placed under  the supervision of the Nevada Department of Parole and Probation with all its standard terms and conditions and the following special conditions: 100 hours of community service work to be completed within 6 months; that the client not possess or consume alcohol (none in the house), search and seizure, testing; and that the client write a letter of apology to Deputy Clifford.  The court ordered that this sentence is consecutive to his misdemeanor DUI sentence in the justice court.  The court informed the client that the client has an alcohol problem – the court told the client that he could not get to a .281 blood-alcohol level if he didn’t build up immunity to alcohol over time with alcohol use. | | | |