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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez by Zoom video |
| Date | March 5, 2025 | County | Elko |
| Court | Wells Justice Court | Judge | Kenneth Calton |
| Defense Attorney | Thomas Gunter  Deputy Public Defender | Prosecutor(s) | Phillip Carwane  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 4 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In Custody | 0 | Number of Clients  Out-of-Custody | 4 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 2 |
| Hearing Types | Pretrial 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 all his cases today. | | | |
| **The Attorney's courtroom advocacy skills were:**  Thomas’s 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 represented 4 clients during today’s court session:   1. Client 1: Pretrial conference. The client is out-of-custody and present in person. Thomas informed the court that the parties had negotiated a settlement. The client will plead guilty to Count 3 Disturbing the Peace. The parties will jointly recommend that any jail time be suspended and that the client obtain a Substance Use Evaluation within 90 days and follow any and all treatment recommendations. The parties are free to argue regarding the amount of jail time suspended and any additional conditions of the suspended sentence. Counts 1 and 2 will be dismissed.   The client pled Guilty to Count 3 Disturbing the Peace. Following the court canvass, the court accepted the guilty plea. Counts 1 and 2 are dismissed.  Sentencing:  State recommendation: 10-day jail sentence suspended for 1 year on conditions: (1) obtain Substance Use Evaluation within 90 days and follow all treatment recommendations; and, (2) “good conduct clause.”  Defense recommendation: 5-day jail sentence suspended for 1 year on same conditions recommended by the State. (Mitigation argument made by Gunter).  Client allocation: the client said that he will follow all treatment recommendations and all orders of the court.  Sentence: 10 days jail suspended 1 year on conditions of:   * Drug and Alcohol evaluation filed with the court by 6/27/2025; * Not possess or consume drugs or alcohol; and, * “Good conduct clause.”  1. Client 2: Pretrial hearing. The client is out-of-custody and appeared by Zoom video.   Thomas informed the court that the parties were able to reach a settlement agreement. The client will plead No Contest to counts 2, 3, and 4. The parties will jointly recommend the minimum penalties. Count 1 will be dismissed.  Client’s plea:   * Count 2: No valid DL – No Contest * Count 3: DUI – No Contest * Count 4: Speeding – No Contest   Following the court canvass, the court accepted the No Contest pleas.  Count 1 is dismissed.  Sentencing:  State Recommendation: Statutory minimums for the DUI and concurrent fines on Count 3 and 4.  Defense Recommendation: Same as State’s recommendation. Thomas argued in mitigation and in support of the joint recommendation.  Client Allocation: The client made a short statement taking responsibility for her conduct and asked the court to follow the joint recommendation.  Sentence:   * Count 3 (DUI): $400 + $185 ($115 AA, $7 facility fee, $3 assessment, and $60 Drug/Alcohol Analysis Fee) = $585. DUI School by 5/20/2025. VIP by 5/20/2025. 185-day Interlock Device. 48 hours jail or community service with credit for time served of 6 hours. The balance of 42 hours may be completed through community service work by 5/20/2025. * Count 2 (No Valid DL): $100 + 95 Concurrent to Count 3. * Count 4 (Speeding): $90 + 65 + 10 + 7 + 3 = $175 Concurrent to Counts 2 and 3.   Fines, fees, and assessments of $585 are taken from the cash bail. The balance of the cash bail will be returned to the person who posted the bail.  [Note: the Blood Alcohol Content was below .18 so no Substance Use Evaluation was required.  A Review Hearing was set for 5/20/2025 at 10:00 a.m.  **Remarks/Recommendations/Notes (continued from previous page):**   1. Client 3: Pretrial conference. The client is out-of-custody and present in person. The parties stipulated to continue this hearing to 4/16/2025. The court continued the hearing to 4/16/2025 at 10:00 a.m. 2. Client 4: Pretrial conference. The client is out-of-custody and not present in court. Thomas requested that an Order to Show Cause be set rather than a bench warrant. Thomas explained that he has been in contact with his client, but did not know why his client was not present today. The State also requested that an Order to Show Cause be set. The court ordered that an Order to Show Cause hearing be set for 4/16/2025 at 10:00 a.m. The client is required to appear in person and not by Zoom at this next hearing. | | | |