

MONTHLY REPORT
March 2, 2025
(Covering January and February)

I. Observations and Contacts

As predicted in the January 5, 2025 report, my murder case jury trial required the majority of my attention over the last two months. Alexis Duecker assisted as second chair during the trial with the permission of the Clark County Office of Appointed counsel.

Unfortunately, the trial lasted for a three week period which caused issues in Pahrump for her appointed public defender cases. The trial and preparation for trial also impacted the number of onsite visits I was able to accomplish

During January, 2025 I observed Nye County District Court Department 2 on January 6, 2025 and Department 1 on January 16, 2025. I was able to observe White Pine District Court via Zoom on January 13, 2025. Court Observation Reports were filed on each of these District Court calendars. There were no Onsite Visit Reports for January.

Due to trial, court observations were severely hampered in February. Only one in-person visit was made to Pahrump courts, occurring on February 10, 2025. This trip was only possible due to the Clark County Court pushing jury selection back to February 12th. The purpose was to observe and assist the new public defenders who had started on or about February 1, 2025. I was also able to meet with Chris Harrison during this visit to discuss my observations from the video record of his recent jury trial before Judge Lane. Due to time constraints and not being able to observe full proceedings, no Court Observation Reports were submitted for the February 10th court cases.

With respect to White Pine County, I was only able to observe via Zoom Ely Justice Court proceedings on February 10, 11, 21 and 28, 2025. All of these observations were concerning the multi-defendant multi murder case pending in Ely Justice Court. These hearings consisted of bail hearings for in-custody defendants and one preliminary hearing held on February 28, 2025. A Court Observation Report was filed with respect to the bail hearing on the 21st and the Preliminary Hearing on the 28th. I was able to attend White Pine District Court in person on February 3, 2025, in conjunction with my last appointed case. New State Public Defender Andrew Coates was present, but we missed speaking with each other as the Court was in session and I was observing. Court Observation Reports were filed regarding this visit.

I was able to personally observe Lincoln County District Court on January 24, 2025 and filed Court Observation Reports. During this visit I learned that Judge Fairman was retiring effective April, 2025 and that applications were pending for appointment of a new District Court Judge.

II. Assessments

Nye County

My January 5, 2025 Monthly Report was detailed as to problems plaguing Nye County Indigent Defense with suggestions on ways to address some of the issues, including the additional attorneys. I cannot report on any improvement or changes due to my absence from Nye County over the last two months. Hopefully my April report can be more specific and helpful.

On January 22, 2025 I attended the Nye County Board of County Commissioners meeting and during the public comment portion of the hearing, endorsed the need to add the contracts of three additional attorneys. It was reported that only three attorneys had applied for the three positions and there had been some general discussions that the three attorneys might not be qualified for the positions due to lack of criminal law experience. District Court Judge Wanker also spoke during the public comment and in general seemed to be advocating for more experienced attorneys to be selected or recruited. While certainly not optimal to contract with less experienced attorneys, any problems should be short-term as the attorneys gain experience. All of the existing public defenders have been positive in their approach to assisting the new attorneys learning the policies and procedures unique to Nye County and Pahrump.

During my February 10, 2025 onsite visit I was only able to observe Angela Lizada during Justice Court in-custody 48 hour hearings. Alexis Duecker was present and assisting her with any issues that came up. Since that date all that I have learned is second hand, and is centered mostly on the need for the new attorneys to be assigned more cases and reassigned a number of cases from the caseloads of the current public defenders.

Based on a number of reports and conversations I reviewed the JAVS of the jury trial of Chris Harrison in the case of State v. Jenkins. Per discussions with Peter Handy it was agreed that I would meet and discuss my opinions with Harrison concerning areas that could be improved in future jury trials. This discussion took place on February 10, 2025 and Harrison was receptive to all of my suggestions for improvement and acknowledged that he had made mistakes during the course of the proceedings. He has agreed that at the next jury trial he will have a second attorney with more experience assist him. This

issue has caused chagrin to various prosecutors, judges and other public defenders that all were quick to offer their personal opinions as to Harrison's performance during the trial. It has also been related to me that there is criticism from some of my handling or involvement with the situation. My assessment remains the same, that Harrison is providing reasonably effective assistance of counsel to his clients. I would add that those that have never defended a criminal jury trial are not in a good position to offer criticism to those that are gaining experience doing so.

Many of the problems in Nye County concerning public defenders would be resolved if there was a Coordinator in place to address issues as they might arise. This would include insuring even distribution of cases, deciding conflicts of interest, scheduling rotating responsibilities, acting as a liaison with the Court and County Administration, policing caseloads, insuring that experts are timely retained and paid and various other areas. I have been informed that such a position is being created and will be a state funded position independent of Nye County Administration, the District Court, the Justice Court, the Clerks's office and the Office of District Attorney.

Esmeralda County

The District Attorney is still indicating the intention to proceed with a capital murder case. The last report I have received indicates that the preliminary hearing is scheduled for April 9, 2025. No mitigation trips have taken place, but are being planned for this coming summer.

I will be traveling to northern Nye County and Esmeralda County this coming week and will have further updates on Esmeralda County after the trip.

Eureka County

I was unable to visit Eureka the last two months. I am hopeful to conduct an onsite visit in Eureka on March 21st.

Lincoln County

An onsite visit was conducted on January 24, 2024. Indigent defense appears to be proceeding on an even keel in Lincoln County. Both Franklin Katschke and Shain Manuele are consistent in their efforts. With regard to the pending Chapman capital trial, things seem to have stalled in a bureaucratic maze at the Federal Department of Corrections. No preliminary hearing date has been set and the client has been moved to yet another federal detention facility, necessitating new paperwork to secure his transport

to Lincoln County.

White Pine County

During my Onsite Visit on February 3, 2025 matters were moving smoothly with no issues. State Public Defender Andrew Coates was in Ely and had appointments scheduled with the Judges. I did not observe any issues during this visit, but did not have a meeting with the District Court Judges. Justice of the Peace Bishop and I spoke in Justice Court concerning the challenges created by the filing of murder charges against 20 inmates over a July, 2024 incident at Ely State Prison. As of the February 3, 2025 meeting it was still contemplated that there would be three capital cases filed. Convening a grand jury instead of preliminary hearings was on the horizon. Subsequently, the AG has declared that they would not be filing any death penalty notices. All of the cases except one are pending preliminary hearings or other procedural moves such as change of venue. One case proceeded to preliminary hearing on February 28, 2025 and the defendant was bound over on all charges to District Court.

I was not able to track the various procedural moves in the murder case due to my trial. I expect to be able to speak with some of the defenders in the next month to get a better handle on the possible global expense of this case to DIDS as none of the defendants appear able to afford to hire counsel.

Another situation came to my attention from the District Attorney's office concerning an email from Deputy State Public Defender Jim Hoffman to prosecutor April Bradshaw concerning a case wherein the defendant committed suicide. Hoffman also attached a letter he had written to the Judicial Selection Committee concerning the suitability of Bradshaw to be a District Court judge. I spoke with DA Brown and Senior DA Hilton by phone at their request with respect to the letter and contents. While expressing my opinion that the email from Hoffman was not appropriate for a number of reasons, I explained that I held no supervisory role over the State Public Defenders and that I would be passing the details to Peter Handy as DIDS supervises the State Public Defender's office. The information was relayed to DIDS and later I spoke by phone with Andrew Coates who expressed that he had dealt with the issue.

The interviews to fill Judge Fairman's position are being held on March 11, 2025 in Ely and are open to the public. Three applicants will then be selected and provided to the Governor who will select one. From my perspective the front runner is Dylan Frehner, the Lincoln County District Attorney. I have previously expressed the conflict of interest issues that may arise thereafter.

III. Suggestions

Work with Nye County to add more public defenders to bring caseload numbers into compliance, and to reassign cases from the existing attorneys to the newest three who came on board on February 1, 2025 .

Determine the most efficient way to have accurate entries into LegalServer for caseload and time from the Nye County Public Defenders.

Continue to monitor the status of capital cases in Esmeralda and Lincoln Counties.

Monitor and update on the White Pine County massive prison murder case.

IV. Schedule of Oversight Visits and Stakeholder Meetings

I will be visiting northern Nye County on March 3-5, 2025 and will include a visit to Esmeralda County

Another trip through Eureka to visit the Justice Court in Crescent Valley by the end of March, 2025.

An onsite visit to White Pine and Lincoln Counties sometime in the middle of March.

Several visits to southern Nye County to assess the new attorneys and effects on caseloads in Pahrump

Dated: March 2, 2025

David Schieck