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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez by Zoom Video |
| Date | February 11, 2025 | County | Humboldt |
| Court | Sixth Judicial District Court Dept I | Judge | Michael Montero |
| Defense Attorney | Leah Wigren | Prosecutor(s) | Stephen Girardot  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 1 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 1 | Number of Clients Out-of-Custody | 0 |
| Cases Continued  In Custody | 1 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Arraignment | | |
| **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?**  Leah appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Leah appeared to be knowledgeable about her case, except that Leah informed the court that she did not know off the top of her head what the maximum possible penalty was for the charge to which the client was considering pleading guilty. | | | |
| **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 / 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:**  Leah’s client was on calendar for a “Continued Arraignment” hearing. The original Arraignment date was 9/10/2024. However, the client failed to appear at that hearing. The client is now in custody after being arrested on the District Court bench warrant.  Prior to going any further, Judge Montero informed the parties that in the past the client had participated in the Family Court with Judge Montero presiding. Judge Montero expressed that he did not believe his knowledge from the Family Court involvement with the client created any conflict or requirement to recuse himself, but he was informing the parties so that they would both we aware of that history. If either side wanted a change of Judge, Judge Montero would recuse himself from further proceedings in this matter. After having time to discuss it, Leah informed the court that neither she nor her client objected to Judge Montero continuing as the Judge presiding over this case. The State also informed the court that it had no objection to Judge Montero remaining on the case.  Arraignment: The client entered a Not Guilty plea to the lone charge of Possession of a Stolen Motor Vehicle, a category C felony.  Leah asked the Court to consider addressing the client’s custody status before the client made a decision regarding whether to waive or exercise her right to a speedy trial. The court responded by informing Leah that if there is an agreement on custody status between the parties, then the court would consider it today. But if there is no agreement, then he will require Leah to file a written motion to request a modification of the bail and the State will be given an opportunity to file a written objection. The parties confirmed that there is no agreement regarding custody status.  Leah informed the court that her client was considering pleading guilty to the charge. The client asked the court if she pled guilty today, would she be able to get out of jail today? Leah requested a recess to enable her to speak with her client and the prosecutor before concluding today’s hearing. The court granted that request.  When the case was recalled, Leah informed the court that her client now wants to plead guilty to the charge without a Guilty Plea Agreement. When asked, Leah informed the court that she did not know off the top of her head what the maximum sentence was for this offense. Leah expressed that this was not normally how she operates. Both Leah and the client appeared uncomfortable with proceeding with the guilty plea. Ultimately, the court expressed that it was not comfortable accepting a guilty plea in this manner. The court stated that it was willing to continue the case to next week or earlier when the parties are ready to proceed with a guilty plea or with setting the matter for trial. The court stated that if the client is going to plead guilty, the court is requiring that there be a written Guilty Plea Agreement filed with the court.  The case was continued with a date to be selected by counsel and the judicial assistant.  The client remains in custody with the previously set bail. | | | |