

**Status Update from the Monitor**  
**Davis v. State, Case No. 170C002271B**  
**May 15, 2025**

Provided by:

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Provided to:

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This is a status update to the First Judicial District Court of Carson City regarding the Defendants' compliance with the terms of the *Davis v. State* Stipulated Consent Judgment (hereinafter "the Judgment") since the Monitor's previous report, dated February 19, 2025. Because there has been little change in compliance issues since that time, the parties have agreed that a full quarterly report would be redundant. What follows is a short summary of the most substantial compliance issues.

Please note that the focus on compliance issues is not meant to detract from the ongoing work that the Department of Indigent Defense ("the Department") is doing to comply with the Judgment and to indigent defense statewide, such as hosting a successful annual training conference in Reno, providing critical information during the legislative session, and continuing to work with counties and attorneys to improve the quality of representation. The Monitor's July 15, 2025 report will describe these compliance achievements in depth.

The Monitor also notes the introduction of **AB580 (2025)**, which, if passed into law, would appropriate to the Department \$3,000,000 for costs of compliance with the *Davis* Judgment, including, among other things, stipends for public defenders. This is an important step toward remedying some of the compliance failures discussed in the Monitor's previous reports. In the past, the Department has frequently faced delays and denials when it attempted to access funds that were earmarked for compliance with the Judgment.<sup>1</sup>

## **I. Lack of independence of the defense function**

Nevada's statutory scheme does not ensure the independence of the defense function for three reasons:

- A. NRS 180.010 (2) empowers the Governor, rather than the Department, to select the State Public Defender. In contrast, the ABA Ten Principles of a Public Defense Delivery System [hereinafter "the ABA Ten Principles"], referenced in the Judgment,<sup>2</sup> state that, "Public Defense Providers and their lawyers should be independent of political influence," and overseen by "a nonpartisan board or commission."<sup>3</sup> The footnote to this Principle clarifies that "Independence should extend to the selection, funding, and payment of Public Defense Providers and lawyers."<sup>4</sup>

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<sup>1</sup> A discussion of the Department's difficulties accessing funds earmarked for compliance with the Judgment in AB518 (7) (1) (2023) can be found in the Monitor's 15<sup>th</sup> Report, 12-14 (February 19, 2025); 14<sup>th</sup> Report, 3-5; 20-22 (November 18, 2024); 13<sup>th</sup> Report, 6-8 (August 19, 2024); 12<sup>th</sup> Report, *passim*, (May 17, 2024). The Monitor's Reports can be found here: <https://dids.nv.gov/litigation/Davis/>

<sup>2</sup> *Davis* Judgment, 9.

<sup>3</sup> ABA Ten Principles of a Public Defense System, Principle 1, available here: [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls-sclaid-ten-princ-pd-web.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-sclaid-ten-princ-pd-web.pdf).

<sup>4</sup> ABA Ten Principles, footnote 2.

**Best practice to ensure independence of the defense function: The Executive Director of the Department selects the State Public Defender.**

- B. NRS 180.400 (2) empowers the Governor, rather than the Board of Indigent Defense “the Board”), to select the Executive Director of the Department. Nevada’s statutory scheme stands in contrast to best practices for ensuring the independence of the defense function. The Board of Indigent Defense should select the Executive Director.<sup>5</sup> The primary purpose of the composition of the Commission or Board is to “ensur[e] the independence of the Defender Director” and “insulation from party politics.” It is this Commission or Board that selects agency leadership in indigent defense.<sup>6</sup>

**Best practice to ensure independence of the defense function: The Board selects the Executive Director of the Department.**

- C. NRS 180.400 (3) states that the Executive Director can only be removed for good cause, but either permits the Governor to unilaterally determine whether there is good cause or is subject to multiple interpretations. Principle One of the revised ABA Ten Principles of a Public Defense Delivery System (2023) reaffirms the independence of the defense function, and that the selection and removal of public defender leadership must be free from judicial and political interference and should not “be removed except upon a showing of good cause.”<sup>7</sup>

**Best practice to ensure the independence of the defense function: The Board decides whether to remove the Executive Director, and only for good cause.**

## **Recommendations**

On the above points, the Sixth Amendment Center has submitted its advice, which is attached to this Status Update.<sup>8</sup> To safeguard the independence of the defense function, the state should:

- Consider amending NRS 180.400 (2) so that (1) the Board selects the Executive Director of the Department of Indigent Defense and (2) the Board is the entity that can remove the Executive Director, and only for good cause.

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<sup>5</sup> National Legal Aid and Defender Association (NLADA)’s Guideline 2.11 for Legal Defense Systems in the United States. The NLADA Guidelines can found here: <https://www.nlada.org/defender-standards/guidelines-legal-defense-systems/black-letter>.

<sup>6</sup> NLADA Guideline 2.10.

<sup>7</sup> ABA Ten Principles, Principle 1; *see also id.* at 8, n. 8 (quoting the ABA Standards for Criminal Justice: Providing Defense Services, Standard 5-4.1 (3<sup>rd</sup> ed., 1992) (“The chief defender should be appointed for a fixed term of years and be subject to renewal. Neither the chief defender nor staff should be removed except upon a showing of good cause. Selection of the chief defender and staff by judges should be prohibited”).

<sup>8</sup> Letter from the Sixth Amendment Center, attached to this Update as Appendix A.

- Consider amending NRS 180.010 (2) so that the Executive Director of the Department of Indigent Defense selects the State Public Defender.
- Consider removing the requirement that the Executive Director and the State Public Defender must be licensed attorneys in Nevada. This restriction makes a national talent search impossible.
- Although there have been no issues concerning the Board's independence, the State should consider amending the statute so that the Board's composition complies with national standards, which require equal appointments from all three branches of government.<sup>9</sup>

## **II. Failure to comply with workload standards**

As discussed in detail in the Monitor's previous report, the State failed to comply with the workload standards by the November 2, 2024, deadline. The following shortages remain:

### **A. Nye County**

Nye County required twelve (12) attorneys and currently is short three (3) full-time attorneys. The county has approved three (3) additional contracts and will increase the yearly amount from \$175,000 to \$200,000 for all contracts. However, the county's indigent defense team remains a revolving door with two or three of the current contract attorneys planning to depart soon or to decline to extend their contracts. Moreover, Nye County still lacks a plan administrator to assist with data collection and balancing caseloads. (The Department is attempting to recruit for the position to fill the role directly instead of waiting for the County to take action on this need.) Excessive workload, high turnover, and little ability to attract qualified, experienced attorneys has led to an ongoing constitutional crisis in Nye County that the state has failed to resolve. In his April 22, 2025, Oversight Report, oversight attorney David Schieck stated:

Nye County presents the largest challenge to the Davis mandates and I do not believe the situation has improved in the last 14 months since I began observing. I dare to say that I do not think that it has improved since the Davis judgment was entered. The problems are systemic and far reaching. There is not going to be a quick fix, and despite earlier opinions I have expressed, throwing more attorneys

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<sup>9</sup> The independence of indigent defense boards and commissions is assured by drawing equally from all three branches of government. *Nevada Supreme Court Indigent Defense Commission Rural Subcommittee Report and Recommendations*, 10, In re: Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases, ADKT 411 (Nev., filed Dec. 16, 2008) ("That the State of Nevada create and totally fund an independent, statewide oversight board to oversee the delivery of indigent defense services in Nevada. The board should consist of members from all three branches of government at both the state and local level, the State Bar, and other interested persons. The board will provide a source of accountability for indigent defense services."). This accords with Guideline 2.10 of the National Legal Aid & Defender Association's Guidelines for Legal Defense Systems in the United States, adopted by the ABA in Principle 1 of its revised Ten Principles of a Public Defense Delivery System (2023).

into the mix is not going to solve the problems for a couple of reasons. First, the issues are so glaring that most experienced attorneys are not willing to enter into contracts to provide public defender services. Second, adding non-experienced attorneys did not help and may have even made the situation worse. Third, the attorneys that are under contract are providing triage level representation in most cases as opposed to zealously litigating legitimate issues of constitutional magnitude and due to caseloads are prone to burn out and walk away. Fourth, the County seems to have no interest in moving into the 21st century with on-line file access. Fifth, the contracts for public defender services includes family court cases which is not contemplated by Davis and consumes an inordinate amount of time. Sixth, there is no accurate reporting of caseload numbers of appointed cases and a [dearth] of information about the caseload for private practice cases.<sup>10</sup>

The report, attached to this Status Update, goes on to detail specific performance criteria and issues.

#### **B. Churchill County**

Churchill County is short three (3) to four (4) full-time attorneys in its Office of the Public Defender and Office of the Alternate Public Defender. It is believed that the salary set by Churchill County is insufficient to attract qualified applicants.

#### **C. Lyon County**

Lyon County requires a total of twelve (12) attorneys to comply with the workload standards. The Department has taken steps to determine the number of FTE attorneys providing indigent defense in Lyon County, but the best-case scenario is that the county has eight (8) FTE attorneys, with some additional part-time contracts for appointed counsel in specialty cases and conflicts. However, the attorneys in the law firms in question hold contracts to provide representation in other counties as well so it is highly unlikely that Lyon has eight (8) FTE attorneys, which is still four (4) attorneys short of compliance.

#### **D. Douglas County**

The Department calculated that Douglas County required 8.8 FTE attorneys to comply with the workload standards. The County contracts with five (5) attorneys as well as two (2) additional attorneys for initial appearance and specialty court hearings for an estimated 456-612 hours per year. The outstanding issue, discussed in prior reports from the Monitor, is whether five (5) attorneys can agree to do the work of eight (8) attorneys and thereby meet the workload standards without adding additional contracts.

#### **E. The Nevada State Public Defender's Office (NSPD)**

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<sup>10</sup> The April 22, 2025 Oversight Report is attached to this Status Update as Attachment B.

NSPD has significant obligations to provide representation in the *Davis* counties, yet it remains understaffed. While a new DPD was hired for White Pine County, NSPD also is obligated to provide representation in other *Davis* counties. Esmeralda, Lander, Lincoln, and White Pine counties have opted to have NSPD handle appellate representation, and Churchill, Lander, and White Pine have opted to have the NSPD handle death penalty cases. Churchill, Esmeralda, Lincoln, Lyon and White Pine—have opted to transfer parole and pardons cases to the NSPD. In addition to White Pine County, NSPD will provide first-line public defense in Humboldt County, which must be staffed with five (5) attorneys.

### **Recommendations**

- The Department has a pressing need to be able to contract with attorneys to provide workload relief in counties that are out of compliance with the workload standards. The Department needs access to the funds to do this.
- In order to meet comply with the workload standards, the state should build up the NSPD through an improved salary structure, incentivized recruitment, or other retention efforts.

## **III. Uniform data collection and reporting**

### **Private workload reporting**

The Judgment requires attorneys to report the total number of hours spent on private cases, but very few attorneys are complying with this requirement. The issue of private caseload is important in determining the overall workload of attorneys with full-time or more-than-full-time contracts to provide indigent defense.

### **Recommendation**

The Department has a form that public defense providers fill out to report the hours spent on private casework. To be in compliance with the Judgment, the Department should ensure that attorneys are submitting their private workload on a quarterly basis.

## **Next steps for the Monitor**

The Monitor awaits the decision whether the Defendant is out of compliance with the terms of the Judgment, and the next steps in this case. The Monitor's July 15, 2025, report will include:

- Any steps taken to ensure the independence of the defense function in terms of state-wide leadership of the NSPD and the Department
- Legislation and budgetary decisions relevant to compliance with terms of the Judgment.

- Compliance with the workload standards.
- The impact of excessive workloads on the quality of representation, particularly in Nye County.
- The Department's ongoing efforts of oversight and data collection and reporting, especially the reporting of attorney hours that full-time contract holding spend on private casework.

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**May 15, 2025**

**Appendix A**

**Letter from the Sixth Amendment Center**





February 18, 2025

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RE: Independence of the Public Defense System in the State of Nevada

The **Sixth Amendment Center (6AC)** is a 501 (c)(3) non-profit non-partisan organization that provides technical assistance and evaluation services to policymakers on fulfilling government's Sixth and Fourteenth Amendment obligations to ensure effective assistance of counsel to indigent defendants facing a potential loss of liberty.

In September 2018, at the request of the state legislature, 6AC published a report after evaluating public defense services in rural Nevada, [The Right to Counsel in Rural Nevada: Evaluation of Indigent Defense Services](https://6ac.org/wp-content/uploads/2024/02/6AC_NV_report_2018.pdf) (6AC Report).<sup>1</sup> 6AC has provided technical assistance to the state before, and since, publication of this report. This letter is provided for The Board of Indigent Defense Services (BIDS) at the request of M. Eve Hanan, Esq., serving as the Monitor in *Davis v. State*.

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The Sixth Amendment of the U.S. Constitution requires the public defense function be independent from political and judicial interference.<sup>2</sup> When the state infringes on the public defense function's "constitutionally protected" independence by allowing political or judicial interference into the system, the state risks a systemwide denial of the right to counsel.<sup>3</sup>

For this reason, national standards unequivocally declare that an independent state commission must oversee public defense services. National standards as old as the National Study Commission on Defense Services' (NSC) *Guidelines for Legal Defense Systems in the*

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<sup>1</sup> SIXTH AMENDMENT CENTER, THE RIGHT TO COUNSEL IN RURAL NEVADA: EVALUATION OF INDIGENT DEFENSE SERVICES (2018), [https://6ac.org/wp-content/uploads/2024/02/6AC\\_NV\\_report\\_2018.pdf](https://6ac.org/wp-content/uploads/2024/02/6AC_NV_report_2018.pdf).

<sup>2</sup> *Ferri v. Ackerman*, 444 U.S. 193 (1979); *Polk County v. Dodson*, 454 U.S. 312 (1981) (the U.S. Supreme Court explains that an appointed attorney's "ability to act independently of the Government" is an "indispensable element" to effective representation, and the state has a "constitutional obligation to respect the professional independence of the appointed attorneys with whom it engages.").

<sup>3</sup> *Strickland v. Washington*, 466 U.S. 668, 685 (1984); *United States v. Cronin*, 466 U.S. 648 (1984).

*United States* (1976) and as new as the American Bar Association's *Ten Principles of a Public Defense Delivery System* (2023) detail how the state should construct an independent state commission that is insulated from political and judicial interference.<sup>4</sup> The standards state that the state commission must be appointed from diverse authorities, so that no one branch of government can exert more control over the system than any others, and "the primary consideration in establishing the composition of the Commission should be ensuring the independence of the Defender Director."<sup>5</sup>

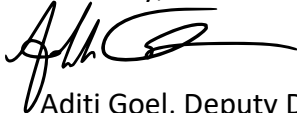
Because independence is foundational to a constitutional public defense system, 6AC Report's first recommendation was for the State of Nevada to create a permanent Board of Indigent Defense Services (BIDS) that is independent of political and judicial interference. However, the current statutes that establish BIDS, The Department of Indigent Defense Services (DIDS), and define their authorities do not comply with this independence requirement.

6AC recommends the statutes be amended in the following ways to ensure an independent public defense system:

1. The composition of BIDS should have equal appointments from all three branches of government so that no one branch has more power than the other. Diverse appointments should not have more power than any single branch of government (e.g., the current statute allows counties to represent six of the 13 members).
2. The DIDS Executive Director should be directly selected by BIDS.
3. The DIDS Executive Director should be removed only for good cause by BIDS.
4. The DIDS Executive Director should have a 4- or 6-year term of office that is renewable.
5. The State Public Defender should be hired by the DIDS Executive Director, and the statute should be clear that DIDS has oversight authority of the State Public Defender.

6AC is available to provide further technical assistance upon request. Thank you for your leadership on this issue.

Sincerely,



Aditi Goel, Deputy Director  
Sixth Amendment Center  
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<sup>4</sup> AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 1 (2023) ("Public defense providers and their lawyers should be independent of political influence and subject to judicial authority and review only in the same manner and to the same extent as retained counsel and the prosecuting agency and its lawyers. To safeguard independence and promote effective and competent representation, a nonpartisan board or commission should oversee the public defense provider."); NATIONAL STUDY COMM'N ON DEF. SERVS., GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES, guideline 2.10 (1976) (the *Guidelines* were created in consultation with the United States Department of Justice (DOJ) under a DOJ Law Enforcement Assistance Administration (LEAA) grant).

<sup>5</sup> NATIONAL STUDY COMM'N ON DEF. SERVS., GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES, guideline 2.10 (1976).

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**May 15, 2025**

**Appendix B**

**Final Monthly Oversight Report for FY 2025**  
**(David Schieck)**

## **FINAL MONTHLY REPORT FOR FISCAL YEAR 2024-2025**

**April 22, 2025**

### **I. Observations and Contacts**

I have spent a majority of my time over the last 14 months in Nye County, primarily in Pahrump but also including Beatty and Tonopah. This was required due to the caseload and staffing issues that persist in Nye County. Esmeralda, Lincoln and Eureka Counties continue to be low volume caseload and present no major issues at this time. Some concerns for these counties are described below. White Pine County seems to have settled into a workable program with the Nevada State Public Defender being augmented by Jane Eberhardy and hourly appointments as needed.

As a result of the amount of time spent on Nye County, I developed a working relationship with the contract public defenders. I have thereby, on occasion, been privy to attorney-client privileged information, and have often brain stormed ideas and theories of defense strategies with the attorneys. To my knowledge, I have not discussed or revealed any of this information in my Court Observation Reports or Onsite Visit Reports. I have been keenly aware of this issue as my reports were made available to the Board and the Monitor and posted on the DIDS webpage under documents submitted for scheduled meetings and thus converted into public records.

My reporting opinions, while my own, are often based on information that cannot be shared for public disclosure, and thus perhaps make them subject to second guessing or criticism by those not as fully aware of the underlying information that formed the basis of my reports.

During the month of April, 2025 I observed Nye County courts in person on April 9, 15 and 17. Observations in White Pine County were limited to observation via Zoom on April 14 and 21.

Additionally I attended the DIDS conference in Reno on April 2<sup>nd</sup> and 3<sup>rd</sup> and had numerous conversations with attendees that represent my assigned counties.

Finally, phone contact has been maintained with Kelly Brown (Eureka County) and Franklin Katschke (Lincoln County)

## II. Assessments

### Nye County

Nye County presents the largest challenge to the ***Davis*** mandates and I do not believe the situation has improved in the last 14 months since I began observing. I dare to say that I do not think that it has improved since the ***Davis*** judgment was entered. The problems are systemic and far reaching. There is not going to be a quick fix, and despite earlier opinions I have expressed, throwing more attorneys into the mix is not going to solve the problems for a couple of reasons. First, the issues are so glaring that most experienced attorneys are not willing to enter into contracts to provide public defender services. Second, adding non-experienced attorneys did not help and may have even made the situation worse. Third, the attorneys that are under contract are providing triage level representation in most cases as opposed to zealously litigating legitimate issues of constitutional magnitude and due to caseloads are prone to burn out and walk away. Fourth, the County seems to have no interest in moving into the 21<sup>st</sup> century with on-line file access. Fifth, the contracts for public defender services includes family court cases which is not contemplated by ***Davis*** and consumes an inordinate amount of time. Sixth, there is no accurate reporting of caseload numbers of appointed cases and a derth of information about the caseload for private practice cases.

My observations and time in Nye County was sufficient to only identify some of the problems and suggest possible solutions. In my opinion there must be a full time position funded and filled by Nye County to monitor, enforce, guide and regulate the public defender contracts. As an example, each of the public defender contracts requires the attorney to file an accounting every July concerning cases opened, closed and pending. This has never been done and each of the attorneys is in violation of their contracts. The Plan for Indigent Defense for Nye County specifically requires that there be a Court Appointed Counsel Coordinator. There is none-has never been one-making Nye County in non compliance with their ***Davis*** plan.

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. Other than adding three attorneys positions none of the other issues have been addressed. The three positions were added in February and do not seem to have had any effect on the caseloads of the existing public defenders. In the report, I discussed the issues that I noted and these conditions have not improved:

“Caseload continues to be an issue across the board in southern Nye County. Over the course of the last ten months my observations lead me to believe that the Performance Standards adopted by the ***Davis*** judgement are

routinely not being met in several areas. When I met with the attorneys in December, I brought up the need to have substantial compliance with the performance standards, and that strict compliance is not expected. Areas of concern are:

1. Having a meaningful Initial Interview within 72 hours of appointment in a confidential setting and obtaining the information described in Standard 4-4 (b) and ©;
2. Conducting Case Preparation and Investigation prior to trial or entry of plea as described in Standard 4-7 (a) and (b);
3. Filing of Pretrial Motions under Standard 4-8;
4. Entering into plea negotiations in contravention of Standard 4-9 (a) which states in relevant part “under no circumstances should defense counsel recommend to a client acceptance of a plea offer unless the investigation and study of the case has been completed, including an analysis of controlling law and evidence likely to be introduced at trial”.

The sheer volume of cases being assigned to each of the contract public defenders makes it impossible to comply with the above standards of performance. My observations convince me that the attorneys are attempting to provide the best defense possible and any shortfalls are not due to lack of effort as opposed to lack of time to devote to each client. Hopefully the new contracts will ease this caseload problem and the inherent problems caused by the number of cases.”

I was occupied in a murder trial in Clark County for February and therefore had limited time in Nye County, but filed a report covering January and February dated March 2, 2025. The problems continued as did my recommendation to help the situation.

My March 2, 2025 Monthly Report stated:

“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."

The best efforts of the DIDS staff in Carson City cannot regulate and monitor the daily activity in the Pahrump Courthouse. There has to be coordination between the public defenders, Justice Court, District Court, judiciary and prosecution and the Coordinator position would greatly increase efficiency across the board.

Another concerning issue is the length of time that cases remain open. An example is routine Justice Court plea deals that have 180 days suspended sentence with a one year stay out of trouble order. Perpetual status checks for no reason then keeps the case open longer than reasonably necessary. The Court cannot be the overseer of all defendants with onerous restrictions during the informal probation period. It seems that some cases are never closed. Cases that are in warrant or the client has disappeared before charges are filed should also be removed from the list of open cases.

It has been reported that the Tonopah jail is closing, creating more logistical issues for Tonopah cases. Beatty arrests track into Tonopah so there is a significant number of in custody cases. We can expect to see clients arrested in Beatty or Tonopah, transported to Pahrump and then released in Parhump while their property or residence is way up north with no public transportation available. I have previously documented the same issue in Eureka County.

### **Esmeralda County**

The District Attorney is still indicating the intention to proceed with a capital murder case. He may be having second counsel appointed or utilize the services of the Attorney General's office to assist with the litigation. The preliminary hearing is set for May 9, 2025. A mitigation trip was made to Michigan and plans are underway to view the evidence vault in Reno and the vehicle impound lot view. Mitigation/investigative trips are planned for Oklahoma and Sacramento in the future.

### **Eureka County**

Kelly Brown reports that there is a continued increase in case numbers, somewhat surprisingly out of Crescent Valley. He has been logging hours above his quarterly contract amount and has been receiving hourly payment for the excess hours with no issues on receiving payment. There is a need for mental health services in Crescent Valley and a social worker would be helpful in resolving some of those issues. It appears that cases may be overcharged in order to deal with minor crimes related to mental health, for instance, stealing cigarettes is being charged as felony burglary and not petty larceny

and/or trespass. Eureka still does not have jail facilities and in custody defendants are held in either White Pine County or Lander County. Per Brown, the White Pine jail has made improvement for accessibility to clients.

## **Lincoln County**

Lincoln County DA Dylan Frehner was appointed to the vacant 7<sup>th</sup> Judicial District Court position and applications are pending for a new Lincoln County DA. An interim DA has been handling current cases. As Judge Frehner will have numerous conflicts in Lincoln County it can be expected that Judge Dobrescu will be handling Lincoln County cases for some time. This will impact the prosecution in the John Chapman capital murder case. Judge Dobrescu may have a conflict on the case and, if so, a visiting or senior judge may be required. There has been no change with regard to the transport of the defendant to be present for a preliminary hearing so the case remains in a holding pattern. Contract public defenders Franklin Katschke and Shain Manuele continue to effectively handle the Lincoln County indigent cases. One case, the Amazon truck theft case, is set for trial in June, 2025 and bears watching due to the number of Lincoln County residents affected by the case.

An onsite visit was conducted on January 24, 2024. Indigent defense appears to 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**

I was able to converse with State Public Defender Coates at the DIDS Reno conference. White Pine County seems to have settled into a routine with Jane Eberhardy picking up a full caseload and hourly appointments filling any gaps. My observation of newly appointed Judge Frehner is that he has comfortably transitioned from DA to Judge and is reflective of his courtroom experience.

The multi-defendant prison murder case will not be a capital case and it has been discussed that the case will be taken to a grand jury as opposed to multiple preliminary hearings. It also appears that a number of defendants will be accepting negotiations in the case.



### **III. Suggestions**

Work with Nye County to add more public defenders to bring caseload numbers into compliance, and fill the Coordinator position deal with all of the issues discussed herein and in previous reports.

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**

This is the last report for fiscal year 2024-2025. I will be out of Nevada traveling for the next several months and if a new or extended contract for Oversight and Compliance Analyst is available look forward to being able to continue with DIDS upon my return to Nevada in late summer 2025.