



**STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

896 West Nye Lane, Suite 202 | Carson City, NV 89703-1578
Phone: (775) 687-8490 | dids.nv.gov

ONSITE VISIT REPORT

Eureka County

Visit dates: April 19-20, 2022

I. Brief Narrative.

DIDS Executive Director Marcie Ryba and Deputy Director Thomas Qualls traveled to Eureka, NV for an oversight visit, to meet with Justice of the Peace Dorothy Rowley, to tour the Justice Court facilities, and to meet with contract Public Defender Kelly Brown.

We met with **Judge Rowley** in Eureka on April 19, 2022. We discussed Eureka's unique situation and needs. We began with Eureka's plan to cover the 48-hour hearings. Because of Eureka's low overall caseload, it is not anticipated that this will be a significant burden, though there still needs to be availability. Her plan right now is for the court and the contract PD to be on-call. (So far this year, there have only been 9 new cases. She explained that most of them involve domestic violence charges, which is the primary type of cases she sees lately.) Judge Rowley intends to issue a Standing Order, similar to what Judge Chamlee proposed in Nye County, regarding standard OR releases and remote hearings. She was unsure if the requirement to cover the 48-hour hearings was in Kelly Brown's contract. She said Eureka does not currently have a contingency plan, should she or Mr. Brown be unavailable.

The Eureka contract PD has not had any conflicts since the Plan was implemented, so she could not comment on how that part of the process was working.

There is no public defender's office in Eureka. Kelly Brown, the contract PD for Eureka, has an office in Ely (approximately an hour and 10 minutes away), where he also lives. Kelly is able to meet with his clients in the court room (she and any court personnel are generally not in the courtroom until proceedings begin – or they can step out and give him privacy). Additionally, there is a Pre-trial Services Office close to the courtroom that Kelly can also use to meet with clients.

We also discussed mental health, substance abuse, and competency evaluations, as well as access to resources for all of the above. Judge Rowley explained there was definitely a lack of mental health services in Eureka and that she would welcome any kind of coordination of these resources by DIDS. Judge Rowley is on a subcommittee of the

sentencing commission to determine the needs of rural communities regarding substance abuse, including the opioid epidemic. And the Judge arranged for a substance abuse recovery expert to come to Eureka every Wednesday to facilitate a program called Overdose Data to Action Program.

Related to this, we talked with Judge Rowley about our plans for the Holistic Resource Center. She was very much in favor of such a resource and reiterated that because of Eureka's size and remote location, access to any of these resources, including competency evaluations and treatment options is scarce.

Judge Rowley also discussed the fact that approximately six domestic battery cases were set for trial. They will need to be tried at the district court, however, because her courtroom was only designed for 6 jurors.

On Wednesday, April 20, we met with Eureka Contract Public Defender **Kelly Brown**, in his office in Ely, NV. While he confirmed only 9 new cases in Eureka this year, so far, he also explained that currently, most of the felony charges get pled down to misdemeanors, but then end up with a 2-year probation tail, for which there are regular status check hearings. Accordingly, most of his current court time in Eureka is related to status hearings on older cases. He confirms that he is able to meet with clients either in the courtroom or the pretrial services office.

Also, Kelly just took over the conflict contract in Lincoln County and is pretty busy with that, including having to withdraw a number of pleas facilitated by prior counsel. (See separate Lincoln County preliminary report.)

Kelly also represents the local Ely Shoshone Tribe, as well as another local entity, and he takes some private cases. He states that due to the shortage of attorneys in the area, the local judges often contact him to request that he take on certain civil cases. Though he has done so in the past, he plans to stop that practice, as he feels he is near capacity with the rest of his work.

II. Oversight Criteria.

1. Client Communication
 - a. Though there is not a public defender's office in Eureka, Public Defender Kelly Brown is able to communicate privately with his clients in one of two spaces in the Justice Court center.
 - b. The caseload is light in Eureka, so it is not difficult for Kelly to spend adequate time with his clients.
2. First Appearances
 - a. Kelly covers first appearance, often remotely
 - b. Kelly plans to cover all 48 hour hearings, for now.

3. Preparedness / Knowledge of Case
 - a. Kelly is well-experienced, the former District Attorney of White Pine County, and appears to provide thoughtful and competent representation.
4. Investigation / Experts
 - a. Kelly reports that he does use both investigators and experts occasionally, but he did not realize he needs to record them in LegalServer, but will begin. He sought our assistance with two different experts recently.

III. Next Steps.

Follow-up a month or two after July 1 to check on how 48-hour hearings are going.

IV. Photos

1. Eureka Justice Court center
2. Justice Court Courtroom
3. Justice Court



